

**MINUTES  
CITY OF GAINESVILLE  
PLANNING AND ZONING COMMISSION**

**2:00 p.m.  
Tuesday, July 19, 1994**

**Members Present:** Robyn Byars, Bill Williams, Marge Clement, and Joyce Rigler

**Members Absent:** Roy Brewer, Jan Russell, Debra Beavers

**Staff Present:** Mike Land and Sue Samples

**Visitors Present:** Shirley Lusk - League of Women Voters  
Leon Haney, 523 N. Grand, representing Mrs. Ted Roach of 1512 N. Commerce,  
Syble Burris, Fort Worth, representing Mrs. Ted Roach of 1512 N. Commerce  
Richard Robinson, 1516 N. Weaver St.  
Jim Klement, 2010 Brentwood

The first item of business was calling the public hearing to order at 2:14 p.m.

The second item of business was consideration and action on the minutes of the meeting of July 5, 1994. Marge Clement stated a correction should be made to the third item of business being that Jan Russell made the second to approve May 17, 1994 minutes due to the fact that Ms. Clement was not at the May 17 meeting. With noted correct, a motion was made by Marge Clement and seconded by Robyn Byars to approve the minutes as presented. Motion carried by the following votes: Ayes: Byars, Williams, Clement and Rigler. Nays: None Absent: Russell, Beavers and Brewer. Abstentions: None.

The third item of business was consideration and recommendation on rezoning application from Jim Klement for Lot 5, Block 30, Geo. Sparks Addition, 1620 Weaver Street and Lot 6-A, Block 30, Geo. Sparks Addition, 1523 N. Commerce, from Single Family Three (SF-3) to Commercial (C).

Mr. Williams asked if there were further comments, discussion or additions from the Board; there were none. Mr. Williams then asked if there were comments from visitors present. Discussion as follows:

- Mr. Robinson stated that he was totally against the rezoning of this property.
- Mr. Williams explained that the Planning and Zoning Commission only makes recommendations and that City Council makes the final decision on rezoning.

- Mr. Land explained that the Council would receive a copy of the minutes and that the Board recommendation would be included. He further stated to all present that the next Council meeting for consideration of this request would be August 2, 1994 and that it was held at 7:30 in the evening.
- Ms. Burris stated she was representing Mrs. Ted Roach of 1512 Commerce, and that the noise is causing Ms. Roach to loose sleep. She asked if there was an ordinance about the noise in a residential neighborhood.
- Mr. Land explained that currently no ordinance existed and that the City Council makes those decisions and that recently there was an ordinance allowing establishments to close by 2:00 a.m.
- Mr. Haney, representing Mrs. Roach, stated that Mrs. Roach has called the Police because the patrons gather on the parking lot and continue with loud music from their vehicles.
- Mr. Williams reminded everyone that they are a recommending Board and have nothing to do with what the proposed rezoning property is going to be used for. He further stated that whatever the rezoned property is used for must go through due process and citizens are given an opportunity to get with their respective Council person.
- Mr. Robinson stated that the property has not been approved yet and should not be used until such approval.
- Mr. Land responded that a fence permit was pulled for the club causing them to lose parking spaces to put in a volleyball court. He continued to explain that the proper procedure should have been not to issue the fence permit until the parking issue was resolved. In this case, once the permit was issued and the fence erected, Mr. Clement was informed of the error and made aware of the legal process but that Mr. Robinson's point is valid. If the rezoning is denied then the area could no longer be used for parking and other arrangements be made.
- Mr. Klement stated that Mr. Vance gave him an exemption to use the property for parking until resolution of the rezoning.
- Ms. Lusk asked if the property in question could be zoned Neighborhood Services.
- Mr. Land responded with the fact that Commercial zoning along this area is at a depth of 450 feet south of Hwy. 82 and if this rezoning is approved, it would only bring Commercial zoning in this area to a depth of approximately 300'.
- Mr. Haney asked what could be done about the boom boxes blaring late at night and the noise being disruptive and disorderly.
- Police Officer Greg Martin stated that a call could be made to P.D. but that as long as it is before 2:00 a.m., businesses could not be cited for noise. He further stated that there was not an ordinance for businesses, only for residences as far as disorderly conduct.
- Mr. Haney then stated that the club should not have been allowed to be placed in a residential area to begin with
- Mr. Land stated that the club is an allowable use because it complied to Commercial zoning regulations. Further, it is possible to write an ordinance or amendment to an existing ordinance that may help citizen concerns.

- Ms. Rigler reminded all present that this Commission cannot do anything about the noise factor and that they were present for the zoning issue only.
- Ms. Clement made a motion to approve and recommend the rezoning from Single Family Three (SF-3) to Commercial on the above mentioned property. Second was made by Mr. Byars. Ayes: Williams, Byars, Rigler, Clement. Nays: None. Absent: Russell, Brewer, Beavers. Abstentions: None.

Mr. Williams asked if there was further business to discuss; there was none.

Mr. Byars made a motion to adjourn the meeting with a second from Ms. Rigler. Ayes: Williams, Byars, Clement, Rigler. Nays: None. Absent: Russell, Beavers, Brewer. Abstentions: None.

The public hearing adjourned at 2:53 p.m.