

**CITY OF GAINESVILLE
PLANNING AND ZONING COMMISSION**

**Regular Meeting
2:00 p.m.
Wednesday, April 21, 1993**

Members Present: Don Hawkins, Marge Clement, David Hutcherson,
Jim Goldsworthy, and Chris Kaden (2:16 p.m.)

Members Absent: Roy Brewer

Staff Present: Mike Land and Pat Payne

Visitors Present: List

The public hearing was called to order at 2:08 p.m. by Chairman Don Hawkins.

Newly appointed board member, Jim Goldsworthy, was sworn in by Chairman Don Hawkins.

The second item on the agenda was consideration and action on the minutes of January 13, 1993. A motion was made by Marge Clement and seconded by Jim Goldsworthy to approve the minutes as presented. Motion carried by the following votes: Ayes: Clement, Hawkins, Hutcherson, Goldsworthy. Nays: None. Absent: Kaden and Brewer. Abstentions: None.

The third item on the agenda was consideration and recommendation on a proposed ordinance setting out regulations and criteria for the establishment of Bed and Breakfast businesses within the City of Gainesville. Mr. Hawkins began by saying that there is one that will open soon and there is talk of others that may be opened in the future.

Mr. Hawkins asked Mike Land, Community Development Director, if he wanted to explain the ordinance and the reason for its origins. Mr. Land began by explaining that the ordinance had been generated by staff to help regulate the bed and breakfast establishments that are obviously going to be set up in the City of Gainesville. He cited several cities which had contributed to the creation of the ordinance. The definition for Bed and Breakfast establishments was written into the Zoning Ordinance, amended, March, 1992. Mr. Land then went through the submitted proposed ordinance for clarification both to the Board and to the general audience in attendance.

Mr. Hawkins said he would like to go over various areas of the ordinance, with the first being the proposed parking regulations, and especially if a bed and breakfast were set up in a historical neighborhood. Chris Kaden asked about side yards for parking. Mr. Land emphasized that under the proposed Specific Use Permit to allow bed and breakfast businesses in residential neighborhoods, the Board would set out stipulations under a Specific Use Permit for each individual case, which might or might not allow parking in

rear yards, side yards, or other areas where parking would be feasible and good for the area and the business. Mr. Land explained that flexibility would be built into the ordinance so that when the intent of the ordinance is adhered to the Specific Use Permit can be granted upon those terms, still upon a case by case basis. Screening of parking areas was discussed also. Chris Kaden suggested that in addition to the proposed dense hedges or wood fencing, low fencing with shrubbery might also suffice.

Preparation and/or the serving of food on premises was a topic of discussion for bed and breakfast establishments. The Board also considered the length of time guests could remain at a bed and breakfast business for a single stay. Another topic of discussion was the outside alteration of any structure, whether it be in a residential zone or any other zoning district. Mr. Hawkins said he felt that due to bed and breakfasts businesses usually being established in older and sometime more historical type buildings, he felt that no exterior alterations should be allowed. Next was discussion of signage and allowable maximum sizes, depending upon where the structure is located.

Mr. Hawkins said the draft ordinance did not have a time frame set into the Specific Use Permit. It was pointed out that any Specific Use Permit would be granted with a time period built into it, as recommended and adopted by the City Council, with a two-year period being the most common time limit, but usually the standard.

Mr. Hawkins asked if anyone on the Board had further comments; there were none. Margaret Hays asked about the parking stipulations for each guest room plus parking for the owner/resident. Mr. Land pointed out that when the request is made for a Specific Use Permit for a bed and breakfast business, then all things are considered, including the parking area. Ms. Hays also asked about the minimum of two guest rooms and maximum of six. Marge Clement asked about the number of rooms for safety reasons, and Mike Land told her that the Fire Marshal and Building Official, after making an inspection of the premises and working with the property owner or person making the request, could make a determination based on the load of the house or structure as to how many people could occupy the building. If the owner wanted to add on to the structure for another guest room, they would have to come back to the Planning and Zoning Commission with a request to [amend] reapply their original request for a Specific Use Permit.

Mr. Hawkins emphasized that the proposed ordinance is to try and regulate the placement of bed and breakfast establishments, as well as how they are operated. The ordinance itself, once in place, will eliminate a lot of property from being considered or even qualifying for that type of land use because of restrictions within the ordinance. He said that just because there is an ordinance, it doesn't mean that any house in Gainesville can be turned into a bed and breakfast-that is not the intent of the ordinance. If the requirements of the ordinance cannot be met, then the house or structure cannot be turned into that type of business, unless a variance can be obtained.

Mr. Don Little of 308 East Pecan Street asked if Mr. Hawkins was "explaining it or..talking for it". Mr. Hawkins asked what he was referring to; Mr. Little said it was the bed and breakfast. Mr. Hawkins explained that the purpose of the present discussion was to explain and establish an ordinance to regulate bed and breakfast businesses as they come into the City. David Hutcherson also explained that this meeting is the first time that this item has been discussed.

Mr. Hawkins asked if anyone in the audience had comments or suggestions on the bed and breakfast ordinance. Betty Buttolph, 505 S. Denton Street, said she feels that the proposed ordinance is slanted toward historical properties, when these types of businesses can also be in other parts of the city. She touched on different aspects of the ordinance and emphasized that the "historical section" of the city should not be concentrated on for those businesses. Mr. Hawkins explained that is not the intent of the ordinance-it's only to control what may occur. Ms. Buttolph was also concerned about a "zoning change" to accommodate bed and breakfast businesses and Chris Kaden explained that those ventures will not be done with a zoning change, but rather with a Specific Use Permit, which is issued for a specific amount of time and re-reviewed at the end of the specific time for compliance and then either recommended for approval for another specific time period or denied.

Bob Davis suggested that carriage houses, servants' quarters, or such other buildings behind residences might be considered for an extension of the bed and breakfast use.

William Turner, 311 Church Street, said he was asking for the protection of the unique qualities of their neighborhood in the Church, Denton, Pecan, Lindsay, Dixon, and Commerce Streets area. Mr. Hawkins told him that is what the public hearing is for.

Jack Garrett said he feels that a high fence should be mandatory for screening of vehicles at a bed and breakfast business. He said he put up a high fence when he remodeled his apartments on Pecan Street because he felt that would add to the attraction of the surrounding neighborhood, and several cars parked at the back of the building would detract.

After no further discussion on the bed and breakfast ordinance, a motion was made by Chris Kaden and seconded by Marge Clement to table the ordinance and continue discussion until the next P & Z meeting. Motion carried by the following votes: Ayes: Clement, Hawkins, Hutcherson, Goldsworthy, and Kaden. Nays: None. Absent: Brewer. Abstentions: None.

The fourth item on the agenda was consideration and recommendation on a request by William G. Dye to rezone 319 S. Denton Street, also being Lts. 4, 5, & 6, Block 6, Lindsay Addition, from Two Family (2F) to Office (O).

Mr. Hawkins asked if anyone was present to represent Mr. Dye, who lives in another state and could not attend. Cathy Clay spoke saying she wants to buy the property from Mr. Dye and put in a bed and breakfast business at that location. She said she has heard all the concerns from the prior item of business and is very much aware and concerned about the impact such a business would have on the historic district, as it is. She explained that, as it was explained to her, because there is no bed and breakfast ordinance in place at the present time, Mr. Dye chose to request the Office Zoning because it allows rooming and boarding houses in that zoning district as an allowed land use. She said she is leery of a Specific Use Permit, if the bed and breakfast ordinance is passed, because a time limit will be imposed upon the Permit.

Debra Beaver, representing Bill and Vicki Dye, spoke next, saying that the Dyes had asked her to speak in behalf of their request because she is the realtor for their property. She said they have emphasized that they have no intention of destroying any property in their neighborhood because of any rezoning, only to have their property marketable and Ms. Clay has made an offer on the contingency that she can use the property as a bed and breakfast business. Ms. Beaver referenced a letter that Mr. and Mrs. Dye wrote to the Planning and Zoning Commission stating their stance and purpose for the rezoning request. Mr. Land read that letter to the audience.

Mr. Hawkins asked Ms. Clay if she planned to live in the house, should she purchase it; she replied she will. He then asked her how many rooms would be designated as bedrooms; she replied, three [meaning three guest rooms]. Ms. Clay also said one of the attractions for the property for bed and breakfast was the off-street parking in the rear, off of Modrall Street.

Betty Ball, 329 South Denton, said she did not want to see the property turned into a "boarding house".

Betty Buttolph read a letter written to the City Manager, presented and signed by the residents of the historic South Gainesville area, stating they want to keep their area unique and free of encroachment of anything that would alter the integrity of the neighborhood and its residents. She also stated that the property had been on the market for some time and Mr. Dye had turned down several offers on the site-it is a marketable property for residential use.

Ken Kaiser, 311 South Denton Street, said he would be proud to have Ms. Clay as a neighbor, but he is opposed to the use she wants to use the property for if she purchases it. He also does not want an office in the house.

Mr. Turner said an office would be better than a bed and breakfast because the tenants would be gone at night. He also said there are plenty of historical buildings other than this one that could be used for a bed and breakfast.

Mr. Hawkins emphasized that this time was for pros to the rezoning request and he asked if there were other to speak for it; there were none. He then continued with the opposing views. He emphasized that this is not spot zoning (as was indicated by Betty Butolph) since it abuts an existing Office zoned area and would be an extension of that zoning district.

Bob Davis asked what [land uses] the Office (O) zoning would consist of. Mike Land read off legal land uses for that zoning district from the Zoning Ordinance.

William Turner said if he were the lady (Ms. Clay), he would just forget about this house and look somewhere else after having heard all the opposition from the audience.

Mrs. Little said she wanted the neighborhood to stay the same and she does not want the Dye house changed.

Chris Kaden asked if Jack Garrett's apartment building had been a good neighbor; all agreed he had been a good neighbor with his apartment building. He also asked if Mr. Stark who has an attorney's office on Dixon Street in a residential neighborhood has also been a good neighbor; everyone agreed he had. They also agreed that both places had upgraded their respective neighborhoods.

Marie Turbeville Cotten, 610 S. Denton Street, said that her property had been in the Turbeville family for over 100 years. She said she had heard many complaints about the current bed and breakfast going in on Dixon Street, next to Dick Stark's office.

Chris Kaden asked Mrs. Cotten if she had (apartments) tenants on her property; she replied she does. Mr. Kaden answered a lady in the audience when she asked him what he thought the highest and best use for the neighborhood was; he replied, residential, because that's what it's always been. He continued by saying that a bed and breakfast could be an acceptable use, but maybe not necessarily in this case.

Mr. Hawkins restated that the issue in this case is not a bed and breakfast; the issue is for a zoning change from 2F to O. The Board will have to make a decision and recommendation on those qualifications. Margaret Hays said she felt that the proposed zoning would be considered encroachment. At that time Mr. Hawkins closed the public hearing. Mr. Hawkins commented that if the property were to be rezoned to Office, the land uses that are allowed in that zoning designation bothered him. However, if the property could be designated under a Specific Use Permit to go in as a bed and breakfast with certain criteria and restrictions, then the use would cease if the property changed hands. Mr. Kaden said he agreed.

After no further discussion, a motion was made by Chris Kaden and seconded by David Hutcherson to recommend denial of the rezoning request from Two Family to Office at 310 S. Denton Street. Motion

carried by the following votes: Ayes: Hawkins, Kaden, Clement, Hutcherson, Goldsworthy. Nays: None. Absent: Brewer. Abstentions. None.

Don Hawkins suggested to Betty Buttolph that she talk with Mike Land concerning the establishment of a historic district, which would protect some historic structures. However, he pointed out to her that when that designation is put on an area, then the property owner loses some of his flexibility to do with his property what he wants to.

NOTE: A short break was taken at this time (3:46 p.m.). Reconvened at 3:53 p.m.

The fifth item of business was consideration and review of minimum landscaping and parking requirements of the Zoning Ordinance of the City of Gainesville.

Mike Land presented pictures of the new Factory Shops mall on North I-35 and presented the landscape plans for that project. He referred to "...the intent of the Ordinance [ref: I-35 Development Standards Ordinance]", and according to what the Prime Group has done with their landscaping, the exact requirements of the ordinance have not been fully adhered to for landscaping the parking lots and islands; however, the percentage of landscaping for the whole site has been exceeded because of the outlying landscaping.

Mr. Land also pointed out that a monument sign has been proposed for the northwest corner of the site at the F.M. 1202 entrance. He stated that could be a visibility problem with egress and ingress--the key consideration is safety. If the Prime Group chooses to have a different sign, they may have to go before the Board of Zoning Appeals for a variance. The Prime Group is aware this item may be an area of concern. Carl Dunlap, Chief of Police is also aware of the concern. He also pointed out that the Texas Department of Transportation is going to put in a temporary turning lane at that site until a better solution can be found for vehicular traffic at that entrance.

With the landscaping issue being presented, Mr. Land said he recommended approval of the Prime Groups's plan, because the intent of the Ordinance has been met and they will do a very good job. Mr. Hawkins agreed. Chris Kaden said the only thing he was concerned about was the large area of parking lot with no landscaping.

After no further discussion, a motion was made by Marge Clement and seconded by David Hutcherson to approve the landscaping plan for the Gainesville Factory Shops, as presented by the Prime Group. Motion carried by the following votes: Ayes: Hawkins, Clement, Hutcherson, Kaden, Goldsworthy. Nays: None. Absent: Brewer. Abstentions: None.

The sixth item of business was consideration and review of the

minimum landscaping and parking requirements of the Zoning Ordinance of the City of Gainesville. Mr. Land said the ordinance does not have specific stall dimensions for parking requirements and all staff can do when doing a site plan review is to recommend specific sizes. Mike Land said the standard size in the market place is a 9' X 18' space. The width is the problem and other towns of like population have gone with a 10' wide minimum space requirement. He said he wants to do an ordinance to amend the Zoning Ordinance to help alleviate the problem. Chris Kaden said that a 9 feet wide space is the barest minimum and he thinks 10 feet is better.

Mr. Land said he also recommends that any new parking lot in the City be required to have a certain percentage of green space of landscaping and he prefers 10 per cent. He said this will have an impact on the storm water utilities and will help water retention.

Don Hawkins said the Central Area is a different issue. Mr. Land said the present downtown area cannot be altered and will have to be treated differently, but the outlying areas of the downtown district can be addressed for landscaping. He said that the "downtown" area will have to be distinguished because there is no place for parking/landscaping areas-a separation of districts. He suggested also that the areas where buildings have been torn down and new buildings are being built may have to be redeveloped under new standards instead of the old standards, which were street to street buildings with no parking areas.

The seventh item of business was discussion of the signage regulations in the I-35 Development Standards Ordinance adopted some three years prior. Mr. Land said since the adoption of the ordinance, approximately 20 requests for variances have been submitted for sign height, area, or location, with most variances being requested on height and area; only 6 have been denied. The point is, he continued, does the ordinance need to be amended to be more flexible with its signage in the I-35 Corridor.

This item of business was tabled for further discussion at a future time.

After no further discussion, the meeting was adjourned at 4:20 p.m.