

CITY OF GAINESVILLE

PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING

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2:00 p.m.

Wednesday, July 11, 1990

Members Present: Don Hawkins, Luann Shortnacy, Chris Kaden, Allen Fleitman and Vincent Rippy.

Members Absent: John Schmitz and Van Knight.

Staff Present: Lyle Dresher, David Hall, and Pat Payne.

Visitors Present: List.

The meeting was called to order by Acting Chairman Chris Kaden at 2:05 p.m.

The **second item of business on the agenda** was consideration and approval of the minutes from the regular meeting of June 20, 1990. A motion was made by Chris Kaden and seconded by Luann Shortnacy to accept the minutes as presented. Motion carried by the following votes: Ayes: Rippy, Kaden, Shortnacy, and Hawkins. Nays: None. Absent: Fleitman, Schmitz and Knight.

The **third item on the agenda** was consideration and recommendation of a proposed ordinance regulating the development of subdivisions within the City. Mr. Hawkins asked Mr. Dresher, City Manager, to comment in Mr. Cravens' absence.

Mr. Dresher explained that the document, as presented to the Planning and Zoning Commission on this date and after comments and/or amended changes, will be ready for submission to the City Council for their action. Mr. Hawkins asked if any citizen wanted to comment on the proposed ordinance; there was none. He asked if anyone on the Board wanted to comment. Mr. Kaden said he noticed all the "housekeeping changes" recommended at the June P & Z meeting had been corrected and it appeared to him the ordinance was in order.

Mr. Dresher said he had some comments for possible changes, with one being a recommendation on street widths. Another change was 'type' of "hard surface, dust-free streets" and defining what "hard surface" should be. Another change was to define the role of the Building Inspector and Director of Public Works. Another point of concern Mr. Dresher addressed was drainage and document submission of compliance for subdivisions by engineers. He also pointed out the advantages of city participation in development of drainage channels with the developer when the developer is only responsible for channeling a normal flow of storm water, not what has been directed previously on

the property he is developing. Mr. Hawkins said he felt the City will ultimately have to provide "...some things that are above and beyond because the cost of development...it's a two-way street...and the City will get a return off of that." Mr. Dresher suggested that a phrase be interjected into the ordinance that suggests additional costs required for certain situations may be contributed by the City. Mr. Barnhart suggested this be discretionary with the Council. Mr. Hawkins said the same type of situation might also apply to the up-size of sewer lines and/or water lines under peculiar circumstances. Shirley Lusk asked if all drainage had to be planned by a licensed and registered engineer; Mr. Dresher replied that it does.

Mr. Rippy asked about easements, as referenced in the proposed ordinance, particularly rear lot easements. He asked if all easements had to be situated on the rear lot line. Mr. Barnhart explained that the phrase, as stated in the ordinance, means "if" easements are located on the rear lot line; therefore easements can be placed wherever they are the most accessible and/or practical. Also overhead vs. underground power/telephone/cable lines were discussed.

Mr. Hawkins asked for a motion for recommendation of the proposed Subdivision Regulations. After no further discussion, a motion was made Luann Shortnacy and seconded by Chris Kaden to **recommend approval of the regulations, as amended, to the City Council for their consideration and approval.** Motion carried by the following votes: Ayes: Rippy, Shortnacy, Kaden, Hawkins and Fleitman. Nays: None. Absent: Knight and Schmitz. Abstentions: None.

The **fourth item on the agenda** was consideration and recommendation on a proposed ordinance regulating sexually oriented businesses within the City. Mr. Hawkins asked Mr. Dresher to comment; Mr. Dresher explained the proposed ordinance will repeal an ordinance which was passed in November, 1988 and will basically amend the definitions section, with an adult video store [addressing off-site viewing of rented videos] and adult book store being two main definitions to be clarified. Mr. Dresher turned the discussion over to the City Attorney, Mr. Barnhart. He explained that in order to preserve the video rental business and off-premise viewing in the privacy of the home, the ordinance had to be amended to address this issue. Another definition to be modified [clarified] was the term "sexual activity". Mr. Barnhart emphasized that one particular portion of the present ordinance that was not changed was any reference to the 1000 foot limitation, however being unconstitutional, according to Mr. Barnhart.

Mr. Hawkins asked if anyone present wanted to make any comment on the proposed amended ordinance; there was none. Board member Rippy said that the term "nudity" was not clear, to him, in the context of the ordinance, and also what constitutes "semi-nude". The Board further discussed the term at that point. Mr. Barnhart stressed that nudity, as defined and used in the ordinance(s), cannot be stopped - only regulated; the ordinance only requires individuals to get a license. Obscenity laws have to take care of the rest of it.

After no further discussion, a motion was made by Allen Fleitman and seconded by Vincent Rippy to **recommend approval of the Sexually**

Oriented Business Ordinance by Resolution No. 1-7-90 [as attached hereto] to the City Council. Motion carried by the following votes: Ayes: Rippy, Shortnacy, Kaden, Hawkins and Fleitman. Nays: None. Absent: Knight and Schmitz. Abstentions: None.

The **fifth item on the agenda** was review of the Airport Industrial Park Preliminary Design Plan. Mr. Dresher presented a map depicting the area around the airport [fronting on Highway 82 and F.M. 1202]. He said that the one main purpose of developing the plan is that the City is quickly running out of industrial sites for development; hence this is a good opportunity to use the City-owned property adjacent to the Airport. He pointed out the permissible overlay zoning district(s) of Aviation Use (AU) and the flight path (clear) zones which have to be clear of any development. The development should be aesthetically pleasing and it will be developed in phases. Natural drainage characteristics, lakes, ponds, green spaces, and nature areas will all be considered in the overall development. Criteria will be established for the types of buildings; utilities will have to be in the front of all lots; all utilities will be underground. The main thought is to enhance the Airport, and proper setbacks from the runways, with guidance from the FAA, will be adhered to. All lots are approximately five acres each. A provision [in the Subdivision Regulations] will be established outlining development if one industry wants to develop across lot lines. A total number of lots of 345 is proposed for the entire development and set aside for expansion and growth. An advantage of the development will be close access of the lots fronting on Highway 82 to the East/West Runway. Mr. Fleitman asked if there will be a stipulation in the deeds for this immediate access; Mr. Dresher said as of yet there have been no lease provisions as of yet, but, yes, there will have to be those type of allowances for instant access to the runway, such as for businesses which are aircraft related. Mr. Dresher said there will be two main entrances to the development with proper landscaping.

After no further business the meeting was adjourned at 3:07 p.m.