

CITY OF GAINESVILLE

PLANNING AND ZONING COMMISSION MINUTES
REGULAR MEETING

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2:00 p.m.

September 13, 1989

Members Present: Van Knight, Allen Fleitman, Chris Kaden, Russell Duncan, and John Schmitz.

Members Absent: Don Hawkins and Luann Shortnacy.

Staff Present: Gene Cravens, Pat Payne, Don Blanton, and Gilbert Villa

Visitors Present: List attached.

The meeting was called to order by Chairman Van Knight at 2:05 p.m.

The **second item on the agenda** was consideration and approval of the minutes from the regular meeting of August 9, 1989, and special meeting of August 23, 1989. A motion was made by Russell Duncan and seconded by Allen Fleitman to accept both sets of minutes as presented. Motion carried by the following votes: Ayes: Knight, Duncan, Kaden, Schmitz and Fleitman. Nays: None. Absent: Hawkins and Shortnacy.

The **third item on the agenda** was consideration and recommendation on a request, tabled at the Planning and Zoning Commission meeting of August 9, 1989, by Mr. J. W. Selders and Jerry Barnes for a Specific Use Permit to allow a mobile home in a Commercial zoned area located at 405 N. Chestnut Street and occupied by the Fletcher family. Mr. Knight explained that at the last meeting a request was made for the City Attorney to research the matter and give an opinion on the status of the mobile home, which has already been in place for approximately four to five months. Mr. Cravens said, after talking with Ms. Williams, the opinion is that as long as the City is documented in averring its stand from the standpoint of liability in the situation, and the fact that the permittees have been warned that there are certain liability factors, such as the danger of fire, then the City will be covered if a disaster should occur with the structure and/or the structures abutting the mobile home.

Mr. Cravens continued by saying he and the Fire Marshal continue to have a problem with the danger of fire in the mobile home, since there is approximately one foot of space between the mobile home and the building on the north and approximately 6 feet of space between the mobile home and the building on the south. The mobile home is fourteen feet wide.

Mrs. Fletcher intervened at that point stating she had talked with the Fire Marshal and asked him to come to the site, wherein, she said he told her "...he though it would be okay".

Mr. Cravens said he felt that another problem was the question of set back requirements for the mobile home as a fixed dwelling in a Commercial zoned area. Discussion followed.

Mr. Knight asked if anyone would care to comment on the request. Mrs. Fletcher spoke again asking for someone to tell her "...what is going on..". Mr. Cravens explained the set back requirements to her, because the mobile home is a residence. Mrs. Fletcher said she felt her residence would qualify as a commercial building since she ran their business from her home.

Some discussion ensued as to the issue going before the Board of Adjustment and Appeals.

Mr. Fleitman asked, again, what was the City Attorney's stance on the issue, and Mr. Cravens explained the liability statement of the City as being conferred to the property owners and to the renters of the mobile home [as previously stated herein]. Mr. Fleitman said he felt Mr. Selders and Mr. Barnes should be enjoined as being notified jointly with the Fletchers of the liability if such Specific Use Permit were granted.

Mr. Fleitman then made a motion to **recommend approval** of the Specific Use Permit for a two year period for a mobile home located at 405 N. Chestnut Street, with the stipulation that the liability factor be on record and also be strictly emphasized both to the residents of the mobile home and the property owners. Motion carried by the following votes: Ayes: Kaden, Knight, Schmitz and Fleitman. Nays: Duncan. Absent: Shortnacy and Hawkins.

The **fourth item on the agenda** was a request by Billy Reed for a site-plan review of a new, proposed service station located at California and Culberson Streets. The Planning and Zoning Commission members discussed set backs, structure location, location of tanks, location of pumps, lot size, adjoining businesses, etc. Mr. Cravens said a request for a variance to the set back restrictions would have to be implemented for the location of the pumps and canopy due to the nature and size of the lot, as presented on the proposed site plan.

Mr. Cravens said property owners will be notified for the Planning and Zoning Commission meeting of October 11, 1989, for their input into the site plan; this will be prior to the Board of Adjustment and Appeals meeting of October 19, 1989, for variance request to the set back requirements for the pumps and/or canopy.

Mr. Knight asked if anyone else wanted to comment on the proposed site plan for the service station; there was none.

The **fifth item on the agenda** was consideration and recommendation on a request by the Gainesville Country Club, aka, North Lake, for water service outside the city limits of the City of Gainesville. Mr.

Knight asked who would like to speak for of the request. Allen Fleitman, President of North Lake Association, said he would. He said their request resulted from a problem with the original water well on the property which has quit working. Since city water is available in the immediate area and there is a water well near by on F.M. 1202, they felt it would not be harmful to the City's water supply nor would it hamper water pressure to other water users. They are proposing to run their own water line and will absorb all cost of the line. There are four cabins, for temporary usage, and a caretaker that lives on the property. He stated they are asking for a 5/8" water tap and will utilize a 1 1/4" line.

Mr. Fleitman stated all other utilities have been taken care of, i.e., location of gas lines, telephone lines, etc. Mr. Fleitman further stated that the water line will follow the gravel road from the water tap on F.M. 1202 down to the usage area, and no pipes will be exposed to freezing weather or cattle. The old water well will be tapped off, according to State law.

Mr. Cravens said he didn't see any problem with the request in that there is an ample supply of water to that area without jeopardizing water availability to residences in the vicinity.

After no further discussion, a motion was made by John Schmitz and seconded by Chris Kaden for **approval of the request for out-of-city water usage** for the Gainesville Country Club, aka, North Lake Association, at 1 1/2 times resident rates. Motion carried by the following vote: Ayes: Knight, Kaden, and Schmitz. Nays: None. Absent: Shortnacy and Hawkins. Abstention: Duncan and Fleitman.

The **sixth item on the agenda** was consideration and recommendation on an amendment to the I-35 Development Standards Ordinance, changing the maximum sign height restriction from 22 feet to 35 feet.

Mr. Cravens explained that the Board of Adjustment and Appeals had recommended that this matter be reviewed by P & Z due to the number of requests for sign height variances in the Corridor. He said it seemed that the maximum sign height requirements should be in conformity with the requirements of the entire City as stated in the newly adopted Sign Code.

Allen Fleitman said he agreed with the need for adjusting the height requirements in the Corridor due to the topography of the land in approaching Gainesville from both the south and the north.

After no further discussion, a motion was made by Russell Duncan and seconded by Allen Fleitman to **recommend approval for an amendment to the I-35 Development Standards Ordinance**, amending the maximum sign height from 22 feet to 35 feet. Motion carried by the following votes: Ayes: Schmitz, Duncan, Knight, Fleitman and Kaden. Nays: None. Absent: Hawkins and Shortnacy.

The **seventh item on the agenda** was consideration and recommendation on an amendment to the Sign Code, providing for deletion of (1) sign amortization; (2) providing for registration of all portable signs in

place prior to adoption of the ordinance on August 1, 1989.

Mr. Cravens stated that when the new ordinance was adopted, it stated that all portable signs had a year to be phased out. However, Nancy Williams, City Attorney, pointed out that according to a recent Court case in Houston, the courts struck down a law such as this one and ordered the City to pay the property owners for the signs; so rather than have to compensate sign owners, it would be wiser for the Ordinance to be amended to allow nonconforming existing signs to remain in place until removed, destroyed, etc., rather than facing litigation. Portable signs, however, after August 1, 1989, are prohibited. Mr. Cravens said he and Mr. Villa have had notices mailed to all owners of portable signs informing them the signs have to be registered in the office of the Building Inspector.

After no further discussion, a motion was made by Chris Kaden and seconded by John Schmitz to **recommend approval of an amendment to the Sign Code** as previously stated. Motion carried by the following votes: Ayes: Schmitz, Duncan, Knight, Fleitman and Kaden. Nays: None. Absent: Hawkins and Shortnacy.

The **eighth item on the agenda** was discussion of the training series on Planning and Zoning at the Regional Training Center in Arlington.

Mr. Cravens explained that the series is updated and asked that any Planning and Zoning Commission member that is interested should contact his office to sign up for any of the courses.

After no further business the meeting was adjourned at 3:02 p.m.