

MINUTES

CITY OF GAINESVILLE
PLANNING AND ZONING COMMISSION MEETING

2:00 p.m.

November 18, 1987

Members Present: Van Knight, Luann Shortnacy, Chris Kaden, and Russell Duncan.

Members Absent: Don Hawkins, Jim Purcell, and Allen Fleitman.

Staff Present: Pat Payne, Bill Gaither, Gilbert Villa, Tim Reiger (Councilman) and Mayor Charles Woolfolk.

Visitors Present: List attached.

The meeting was called to order by Chairman Van Knight, Jr. at approximately 2:10 p.m.

The second item on the agenda was approval of the Minutes from the October 28, 1987 meeting. Russell Duncan made a motion to approve the minutes as presented with Chris Kaden seconding the motion. Motion carried by the following votes: Ayes: Van Knight, Luann Shortnacy, Chris Kaden, Russell Duncan. Nays: None. Absences: Allen Fleitman, Don Hawkins and Jim Purcell.

The third item on the agenda was consideration and recommendation of a request from the Family Life Center Church for a Specific Use Permit to place a mobile home on their property at 905 Cloud Street, zoned I-1, for a permanent dwelling. Mr. Knight asked if anyone would like to speak in favor of the request for the placement of the mobile home.

Reverend Albert Garrett spoke, stating that after the opening of the new street on the West side of the property, being Lawrence Street, and the paving of Cloud Street, more traffic and exposure to the area has been experienced, with some vandalism and breakins occurring. Reverend Garrett further stated that he felt that if a mobile home could be placed on their property for a permanent dwelling, it might help to counteract such problems. The pastor of the church would live in the mobile home and would serve also as a caretaker and protector, as suggested by their Board of Directors. Reverend Garrett further explained that the original mobile home, of two that are presently located on

the property, was placed there by the former owner of the property around 1972. The second mobile home was given to the church and was not permitted and placed there approximately two to four years ago.

Mr. Duncan asked Reverend Garrett about the house that is located between the church building and the front mobile home. Mr. Garrett explained that the house is used as a "friendship house" and is owned by the church now, but was built and financed by a woman who made an agreement with the church that she can live in the house until the time when she either goes to a nursing home or is deceased, and then the property and the home will belong to the church totally.

Mr. Knight asked Mr. Gaither if he had any comments to make and Mr. Gaither stated that after review of the request, the staff found that there was no permit for either of the mobile homes that are presently on the property. Therefore they would need to be permitted. Further, after review of the Mobile Home Ordinance, it was found that mobile homes are allowed in Industrial Zoned Districts, but not as fixed dwellings. Therefore, the present mobile homes would be allowed since they are not fixed dwellings, but the mobile home at issue would not because the request is for it to be utilized as a fixed dwelling, unless another application is made for a zoning change to a district which would allow mobile homes as fixed dwellings by Specific Use Permit.

Mr. Knight then asked if anyone would care to speak in opposition to the request. Mr. Jerry Henderson, Director of the Gainesville Housing Authority and representing the Pecan Creek Retirement Village spoke. He referred to the letter which was sent to the Planning and Zoning Commission stating their stance on the Specific Use Permit for the added mobile home. He indicated that the Housing Authority was opposed to the request due to the adjoining neighborhoods to the south being Single Family and he felt that the precedent should not be carried further, as a trend as been started by the mobile homes already in place. He also stated that he did not feel that that was the best utilization of the property in question.

Mr. Gaither went on to reiterate that the mobile homes are not allowed according to the Mobile Home Ordinance. He suggested that Reverend Garret could apply for Specific Use Permits on the mobile homes which are presently in place on the property. He also pointed out another option. He stated that Mr. Garrett could possibly consider asking for a rezone of the area to a zone which would allow a mobile home with a Specific Use Permit. He advised that Commercial would probably be the better intended zoning for that area, if he chose that route, and even then his request may or may not be looked upon favorably according to the intended usage.

Mr. Garrett explained further that the mobile home on the front of the property has been permanently located there since the early 1970's. That would make it a non-conforming use due to the Mobile Home Ordinance being passed in 1981, according to Mr. Gaither.

Mr. Knight asked if anyone else would care to present further discussion. He asked Mr. Gaither since the Specific Use Permit was not allowed to begin with, would it be permissible to let Mr. Garrett withdraw his request, which would allow him to apply for a rezoning request if he desired. Mr. Garrett indicated he would like to withdraw his request, thus allowing him to pursue other avenues if he desired. He indicated also he had "no problem" with the decision of the Board.

The fourth item of business on the agenda was the consideration and recommendation of the request of Don and Brenda Mobley to obtain water service to their property located outside the City limits on North Interstate 35. Mr. Gaither spoke, stating that the Mobley's residence is located near where the State has layed a water line which extends to the new tourist Bureau. He said that research on the water line project indicated that one of the intents of the City Council was to be able to serve, as much as possible, existing residents along that water line. There was a joint agreement between the City and the Highway Department to put in an over-sized water line to allow the permissible use of existing residents to tie on to that line. He also said that the main intention of the City Council was to allow the over-size line for the future growth of industries and economic development north of the City. Mr. Gaither further reiterated on the expenses the Mobley's would incur to allow them to tie on to the water line. That cost would amount to \$1809.87, which includes their share of the cost of installing a fire hydrant also, which Mrs. Mobley had requested. The tap fee for water only would entail a \$240.00 cost, excluding the expense of running the line to the residence.

Mr. Gaither explained that he could understand the concern with Mr. Duncan, representing the North Texas Economic Development Foundation, on a letter he had previously written to the Planning and Zoning Commission when Mrs. Mobley first made her request for the water service. But Mr. Gaither also explained, again, that the original intent of the City Council was to allow established residents along that line to be able to tie on if they wanted to stand the costs and expense which also includes a monthly fee of one and a half times the local rates for water. He also stated that approval of the Mobley's request is contingent on not running into any problems with the Highway Department.

After no further discussion, a motion was made by Chris Kaden and seconded by Luann Shortnacy to recommend approval to the City Council to allow Don and Brenda Mobley to be able to tie on to City water outside the City limits and they pay the costs estimated by the City, agreed to future annexation at City's instigation, and pay one and half times local rate for water. Mr. Knight asked if there was further discussion. Mr. Duncan reiterated that he was opposed to the request. He said he does not feel that the water line was put in to service people outside the City limits and that the North Texas Economic Development Foundation helped to finance the water and sewer lines to encourage growth north of the City, not service all the "little places" that are presently there. Motion carried by the following votes: Ayes: Chris Kaden, Luann Shortnacy and Van Knight. Nays: Russell Duncan. Absences: Jim Purcell, Allen Fleitman and Don Hawkins.

Mr. Knight then reviewed a copy of a letter from Mr. Gaither written to Brad Kane stating the Planning and Zoning Commission's approval of his Specific Use Permit for a mobile home on his business property at 2216 Refinery Road was incorrectly approved due to it being specified for a fixed dwelling and that usage not being allowed in any Industrial Zoned District. Mr. Gaither suggested that the request be amended to read for City Council approval that the mobile home would be used for security purposes only.

The fourth item listed on the agenda was a brief report of a Planning and Zoning short course held in Dallas on November 17, 1987, which Van Knight, Russell Duncan, Don Hawkins, Luann Shortnacy, Pat Payne and Gilbert Villa attended.

Draft copies of the new Subdivision Regulations and Ordinance were handed out to the Commission members for their review and consideration. Mr. Duncan pointed out that an item mentioned at the short course was that if the Planning and Zoning Commission has the final approval of a zoning plat, the Commission is designated as a public official. Mr. Gaither suggested that the Commission be provided with a copy of the Conflict of Interest Law Provision.

Mr. Gaither gave a report of the City Council meeting the previous evening. He stated that the Central Baptist Church request for rezoning to Commercial was approved on one reading. The Specific Use Permit for the mobile home was denied (6-1 vote). Action was tabled by the Council on the Hickman Estates Preliminary Plat (Extraterritorial Jurisdiction). No one representing the Hickman Estates was present for the Council meeting.

Mr. Gaither gave a brief report of what is being reviewed for consideration and submission to the developers on the

Wheeler Creek South (II) Preliminary Plat. Mr. Gaither indicated that the Council also is submitting a list of projects to the Highway Department for consideration of the traffic flow at the Rosedale, Broadway and California junctions in order to alleviate problems that may arise due to the development of the proposed subdivision.

Mr. Knight recognized Mayor Woolfolk and Councilman Reiger at that time and asked if either had any comments. Mayor Woolfolk asked the Commission if they were working on any constructions standards for streets, utilities, etc. in addition to the proposed Subdivision Regulations and Ordinance. Mr. Gaither indicated that that project has been considered and researched but has not been completed. Mayor Woolfolk went on to express his gratitude to the Planning and Zoning Commission from the City Council for their hard work and time which they have spent on the various projects.

After no further business the meeting was adjourned by Mr. Knight at approximately 3:00 p.m.