

MINUTES

CITY OF GAINESVILLE PLANNING AND ZONING COMMISSION MEETING

MARCH 11, 1987

Members Present: Van Knight, Jr, Russell Duncan, Allen
Fleitman, Mrs. Luann Shortnacy, Don
Hawkins, and Jim Purcell

Member Absent: Peter Hyde

Staff Members Present: Barry LeBaron, Pat Payne, Robert
Walterscheid, and Bill Gaither.

Visitors Present: List Attached

The meeting was called to order by Chairman Van Knight, Jr.
at approximately 2:00 P.M.

The **second item of business** listed on the Agenda was approval of the Minutes from the February 11, 1987 meeting. Mr. Jim Purcell made a motion to approve the Minutes as presented with Mrs. Luann Shortnacy seconding the motion. Motion carried unanimously.

The **third item of business** listed on the Agenda was the Public Hearing on a request from Mr. A. R. McClinton to rezone Lots 1, 2, 3 and 4, Block 5, O'Neal Addition and Lot 16, Block 1, McCain Addition, and also being 1001 Lawrence Street, from Single Family Three to Light Industrial. Mr. Knight asked if there was anyone present to speak in favor of the request. Mr. McClinton spoke first stating that he wanted to withdraw his request for rezoning. He said that someone told him that Light Industrial is not allowed in a residential neighborhood. Mr. Knight explained that a request for rezoning is proper through the Planning and Zoning Commission and then referred to the City Council, but Light Industrial cannot go into residential without the zone change. Mr. McClinton agreed to go ahead with the Public Hearing, even though he cannot come back for one year for the same zoning request. Mr. Knight ask Mr. McClinton to explain the type of business he runs on his property. Mr. McClinton said his main business is welding. Mr. Knight asked if there was anyone else to speak in favor for the request and Mr. Kenneth Hill spoke in favor and also presented a petition of ten people who live in the area who are in agreement for Mr. McClinton to continue to run his business. Mr. Pete Shauf, owner of Petroflex, spoke next explaining the quality of work that Mr. McClinton does in his business and he said he feels Mr. McClinton is an asset

to the community. Mr. Knight then asked is there was anyone who would like to speak against the request. Mr. W. G. Norwood spoke and presented a petition of the area property owners who are against the business remaining in their neighborhood. He explained that Mr. McClinton has been operating his business since 1968 out of a small shop in the rear of his property, but the business has gradually grown immensely through the years until it has affected the neighborhood with unsightly equipment, blocked streets, strong odors and vapors, and a general glut of unsightly shapes and forms, which, he feels, are a detriment to the quality of the neighborhood. He also explained that the noise from the welding shop and equipment, such as a back-hoe, are constantly upsetting to the neighborhood. He explained further that the neighborhood has "put up with it" for several years, due to the fact they felt there was nothing they could do about it until a few weeks ago. Mr. Mac Dooley spoke next against the request. He stated that he is also a welder and there is no way for a welder to prevent contamination of the area he is working in. He stated that the sediment from the welding contaminates the air and settles on all the windows and outside surfaces in the homes. He said he is for the man (Mr. McClinton) making a living, but not at the expense of the neighbors. Mrs. Dooley spoke next in opposition. She said the runoff and contamination from the drums he stores on his property is killing grass and trees. She presented several poloroid pictures of the area and the debris which covers it from Mr. McClinton's business. Mr. McClinton spoke again, saying he had been attempting to clean up the area. Mr. Don Hawkins asked Mr. McClinton about the operation of his business and Mr. McClinton explained that until 1982 the metal storage building in the rear of his property was only used for a hobby shop and some mionor welding. He then began to expand the business when he was laid off from the oil field business, thus expanding his business to the present configuration and setup as it is now. Mr. Norwood spoke again and said that a few weeks ago a sump truck, which cleaned out the car washes, had dumped refuse into the alley. Mr. Hawkins spoke again stating that Mr. McClinton's business is contrary to the zoning concepts of the City. He presented a motion to recommend denial to the City Council on April 21, 1987, on the request for rezoning, with Jim Purcell seconding the motion. Motion carried unanimously.

The fourth item of business on the agenda was recommendation on a proposed zone change for Lots 13 and the North 1/2 of 14, 15 and the South 1/2 of 14, 16, 17, 18, 19 and 20, Block 2, Gladney and Leach Addition, from General Retail to Office, for reasons of establishing medically related office facilities, due to the proximity of the Gainesville Memorial Hospital, a nursing home and a medical plaza facility to the East. Mr. Knight asked Mr. LeBaron if he had any comments

in regard to the plan for rezoning the area. He stated that he had contacted the owners of the lot in the area which had recently been zoned General Retail and informed him that it was in his best interest if his property was rezoned to Office, since the side yard issues, setbacks, etc., have been corrected to better utilize the property. The owner told Mr. LeBaron he felt it would be advantageous and to his best interest. Mr. Knight ask if anyone in the audience would like to make a statement concerning the plan for rezoning. Louise Deen asked what consequences the rezoning would have on her taxes, and Mr. Knight stated that it should have no affect on the taxes since her property was taxed according to its value. She also asked if she would be forced to sell her property at a later date. He assured her no one could force her to sell her property. Mr. Duncan spoke next, stating that he felt that the Board had debated and discussed the issue enough to be confident of the general effects the rezoning plan would have on the area and also on the City. He made a motion with a second by Mr. Allen Fleitman to recommend approval to the City Council to rezone the area for Office classification. Motion carried unanimously.

The fifth item of business listed on the Agenda was a Public Hearing and recommendation on a plan to rezone 87.9 acres in the W. C. Winters Survey, A-1086, which is also the Sam Enderby property located West of the Floral Drive, i.e. Gainesville West Addition, area. Mr. Knight asked Mr. LeBaron if he had any comments to make on the rezoning plan. He explained that it was originally a part of the West Highway 82 Zoning Plan which had previously been submitted and approved by the Planning and Zoning Commission and also the City Council. The 87.9 acre tract had intentionally been left out due to both bodys needing to further consider the overall zoning so as to benefit all the surrounding property owners in the area. Mr. Knight opened up discussion by asking if anyone would like to speak in favor or in opposition to the proposed rezoning plan. Mr. Oscar Powell spoke first asking if there is a plan to disperse the runoff water in the area. Mr. Fleitman and Mr. Hawkins explained that the Planning and Zoning Commission was not, at that time, looking at a site or development plan for that area. Mr. Knight explained the proposed 2F designated zoning, which adjoins Mr. Powell's property. Mr. Emmitt Sicking spoke next voicing his opposition to any Multi-Family development at the North end of the proposed area to be rezoned. He said it would present further traffic problems and cause congestion on Floral Drive. He asked if there was a development plan for apartments to be built in that area, but Mr. Knight assured him there is not at this time. The Board assured the audience that any plans for Multi-Family development would have to be presented to the Building Inspector and have to be presented to the Planning and Zoning Board, for approval of any traffic flow, water

drainage, etc. Mr. Frank Morris, a representative of the Cooke County Fair Association, spoke, stating that the concern of his organization was the Tract Three area of the proposed zoning plan, which is designated as Multi-Family. He said they feel that due to the handling of quite a lot of livestock on their property, it would cause an odor problem, and he didn't know if the Fair Board and a high density of apartment dwellers would be compatible neighbors. He also expressed his concern for the Fair Association property because of the density of the population in that proposed Multi-Family area causing vandalism problems and he suggested a buffer zone between the Fair Association's property on the West and what could ultimately be Multi-Family on the East. Mr. Thurman Reid spoke next also expressing his concern over the proposed Multi-Family zoning at the North end of Floral Drive. Mr. Bill Etter was next to speak. He said after the Planning and Zoning Commission meeting, at which time he presented a petition against any Multi-Family zoning, he felt that everything was taken care of. Mr. Knight explained to Mr. Etter that the previous two meetings on the proposed rezoning plan were preliminary hearings. Mr. Knight told him that the City is trying to provide adequate planning for the City while trying to control Multi-Family development by spacing it throughout the City. He also presented discussion as to the traffic flow in the area by stating that any proposed development plan would have to also present a traffic flow chart before any development could be permitted in that or any other area of the City. Mr. Henry Schroeder, Superintendent of Lindsay Public Schools, spoke stating that they did not want any Multi-Family development in their school district to cause overcrowding in their schools. Don Hawkins further explained that even though the whole area was zoned in Multi-Family, Single Family, Two-Family, Light Industrial, etc., it would not inhibit any developer developing the entire area in only Single Family, due to the way the Zoning Ordinance is written. Mrs. Marynel Patterson spoke next, expressing her concern about the distance to the West of Floral Drive, which is directly behind her residence, before the 2F proposed zoning would begin. It was explained to her that a row of Single Family was proposed to back up to Floral Drive, and the 2F designated zoning would be across the street from that area. After further discussion ensued among the Planning and Zoning Commission members, and after making some minor adjustments in the proposed zoning plan in Tracts 1, 2 and 3 and approving Tracts 4 and 5, a motion was made by Don Hawkins and seconded by Luann Shortnacy to submit the proposed West Highway 82 Zoning Plan to the City Council as amended for approval at its meeting on April 21, 1987. Voting for the proposed plan were Don Hawkins, Van Knight, Luann Shortnacy, and Allen Fleitman. Abstaining due to business conflicts were Jim Purcell and Russell Duncan.

The **sixth item of business** on the Agenda was the Public Hearing on establishing definitions and explanations of Automobile Services Stations, Automobile Body Shops and Automobile Repair Shops by amending Section 8-600, to the Zoning Ordinance of the City of Gainesville. Mr. Knight asked Mr. LeBaron if he had any comments and Mr. LeBaron presented discussion concerning the reasons for expounding on the issue of the three automobile related businesses and the need for concise definitions to be inserted into the Zoning Ordinance. He explained that there is a proposed ordinance endorsing an amendment to certain provisions of the Zoning Ordinance to establish definitions for the three particular automobile related businesses. He said that one reason for establishing the definitions is because after vehicles are "used up", by striping parts off of them, businesses tend to abandon them, causing a public nuisance and being an eyesore. He further explained that since there are some vehicles located in the City that may take some time to come into compliance with the Ordinance, Section Three will read "60 days". After some discussion, the Board members agreed that 60 days were possibly not enough time and could cause an enforcement problem. Mr. LeBaron explained that the proposed ordinance is not a "junk car ordinance", because the City already has a Junk Car Ordinance in effect. Mr. Purcell made a motion that the Ordinance be endorsed by the Planning and Zoning Commission and be amended to read "90 days", rather than the 60 day limit in Section Three. A second was made to the motion by Allen Fleitman. Motion carried unanimously to present the Ordinance to the City Council for approval.

The **seventh item of business** on the Agenda was discussion of the proposed revision of lot coverage provisions in the Zoning Ordinance of the City of Gainesville. Mr. LeBaron spoke first asking Mr. Tommy Robinson and Mr. David Hutcherson to present their situation which prompted the review of the Lot Coverage Section of the Zoning Ordinance. Mr. Robinson stated that he was interested in buying the vacant lot on the corner of California and Morris Street to construct a hardware store, but it is zoned General Retail, which only provides for 35% of lot coverage. Mr. Knight indicated that quite a few of the lots in the City which are zoned General Retail have been covered by more area than the 35% allowed, which had never been a problem because the stipulations of the Zoning Ordinance had previously not been properly adhered to when permits were issued. Mr. Robinson said he had to stop planning for construction of his building due to the fact his proposed building was not allowed in that zoning area because the plans for it covered more than 35% of the lot. Discussion ensued as to the parking requirements in relation to lot coverage and the building use which would cover them. Mr. LeBaron explained that this has not been a problem because there has not been that much development in recent years to reflect this type

of issue. He said that basically what the Zoning Ordinance says is that either a lot is 35% covered or 100% covered with buildings, with no defined option between. He felt that there should be a staggered or stair-step approach to building coverages in the transitional zones such as Office, Neighborhood Service and General Retail Districts. He further elaborated that 62% might be a probable percentage for Office designated zoning. There was further discussion among the Board members regarding parking requirements in designated zones. Mr. LeBaron explained that Mr. Robinson's case does not warrant an appeal before the Board of Adjustments and Appeals for a variance, due to the fact that in order to grant a variance for this type of case, his case does not meet the requirements as set out in the Zoning Ordinance which states that a variance can be granted only if the lot cannot be developed due to the shape and slope without modification. He explained to Mr. Robinson that, in essence, the Board of Adjustments would, in a case such as this one, be changing the zoning, which is not their purpose. He further explained that granting a variance is a judgment decision which the City would have to be able to defend if it were taken to Court. Mr. Hawkins pointed out that the Zoning Ordinance said "...a variance is necessary to permit the applicant the same rights in the use of his property that is presently enjoyed by other properties in the vicinity and zone." He said he felt a change is imminent in the Zoning Ordinance for lot coverage percentages in certain designated zones. After no further discussion the Board members agreed to have a special meeting of the Planning and Zoning Commission to be held on March 25, 1987, at 2:00 p.m., in order to meet the City Council deadline of April 21, 1987 for legal notifications in order to determine a recommendation to the City Council for a change in the Zoning Ordinance for certain designated lot coverages.

The **eighth item of business** on the Agenda was discussion of the Sign Ordinance for the City of Gainesville. Mr LeBaron explained that a recent billboard constructed on California Street had drawn several comments and questions as to the validity of billboards in the City. He said he researched the Sign Ordinance and discovered that billboards are, in fact, allowed in the Central Business District. He further explained that the permit issued for that particular sign was issued some 2 1/2 years ago, which would be another issue to debate. The recent wind storm in Gainesville prompted another look at the Sign Ordinance and the feasibility of the issuance of three more billboard permits issued only a week earlier. He indicated that those permits needed to be suspended temporarily until the Sign Ordinance could be examined. Pictures of recently blown down or damaged signs and/or billboards in the City were passed around to the Board members for observation. Mr. LeBaron then asked the Planning and Zoning Commission members to

pass a resolution requesting the City Council to impose a moratorium of six months on issuing billboard permits on California Street and Grand Avenue until the Sign Ordinance can be researched and/or revised to insure the safety and welfare of the citizens of Gainesville. Mr. LeBaron indicated that there could possibly be a problem with the company to whom the recently issued permits were made. A motion was made by Mr. Allen Fleitman and seconded by Mr. Jim Purcell to pass a resolution requesting the City Council to pass a moratorium on the sign permits for six months. Mr. LeBaron said the resolution would be ready by the next morning, March 12, 1987, in order for Mr. Knight to sign it in order for it to be put in the City Council agenda packet for their meeting of March 17, 1987. Motion carried unanimously.

Mr. LeBaron presented the **last item of business** concerning the recently held meetings of the Electrical Review Board and the results of their decision on the newly revised proposed Electrical Ordinance. He indicated that the permit process will also be revised for a smoother issuance of permits for electrical work done in the City. The fee process will also be modified according to the type of electrical work to be done. He further explained the reciprocal agreement process with neighboring cities in our area, of which agreements will be done by an amendment to the Electrical Ordinance. Mr. Fleitman asked if a procedure had been devised for the Electrical Test, but Mr. LeBaron said that particular issue is still being studied.

After no further items of business the meeting was adjourned by Mr. Knight at approximately 4:20 p.m.