



MEETING MINUTES

Planning and Zoning Commission

Tuesday, January 13, 2015

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

Chair:	Bill Williams
Commissioners Present:	Lynn Monden, William Koontz, and Emanuel Albarado
Commissioner Absent:	Nathan Dempsey, Teresa McElreath
Staff Present:	Linda Ames and Julie Smith
Visitors Present:	Mike Todd, Lisa Dritschler, Lennie Sewell, Lilton L. Lawson, Phil Adams, Jane Fulton, Terry Shepard, David Fulton, Jason Botcher

Item 1 - Declaration of Quorum

With a quorum present, Chair Williams called the meeting to order at 4:00 pm.

Item 2 - Approval of Minutes for December 9, 2014

Chair Williams moved to approve the minutes from the December 9, 2014, meeting as presented by staff; Commissioner Monden seconded the motion. All present voted AYE. Motion carried unanimously.

Adjourned regular-scheduled meeting and opened the public hearing at 4:05.

Item 3 – Open Public Hearing

To hear comments related to proposed requests to change the zoning for their [Cason, Fulton, Jarvis, and Tater Properties] contiguous parcels from SF-2 (Single Family Two District) to C-3 (Outdoor Commercial District) and I (Industrial District) and making a recommendation to City Council.

Chair Williams read the item into the record and invited any interested party to offer comments about the proposed amendments.

Resident Lennie Sewell presented her concerns as follows [and submitted same in writing to staff]:

“Regarding the Re-zoning request and the flood path, this area has been designated as, “The Flood Path” by FEMA and /or City of Gainesville. Do the same rules and laws apply to business as to residences, such as 537 & North Schopmeyer? Both residences were required to have their lowest floor elevated above flood level. Does this apply to business?

Further, there are solid walls around Tater Properties, storage area boarded by Railroad Ave, East Scott & North Denison Streets, & DEF Recycling along East Scott Street, which serve as blockage

top flood waters. Will area residents be allowed to "Wall in" properties to serve as protection from the added commercial traffic which will escalate using our neighborhood streets?

Already large trucks and trailers filled with metal trash present a threat to our children playing in our neighborhood; torn up our streets and block traffic repeatedly, most especially Scott Street West of the Pecan Creek Bridge, blocking area residents from exit/entrance to N. Schopmeyer Street. Further, traffic utilizing DEF Recycling will park on the wrong side of the street, going the wrong direction. Traffic has to go around said trucks, and there is no way to determine whether traffic is coming across the Pecan Creek Bridge until traffic is "going around" parked trucks.

What plans will be implemented to protect children playing, walking and riding bikes in our neighborhood?

The new Boys and Girls Club under construction on Denton just 2 blocks west of the railroad track will add foot, bike & motor traffic to Scott & Broadway streets, as well as through our neighborhood.

- What plans will be implemented to protect children walking and riding bikes to and from our neighborhood & on Scott & Broadway streets east and west once the added traffic of all kinds will be added? If this proposed zoning change is approved, who will protect our children?
- Why are commercial scales installed in the easement of Scott Street, right up to the street when any area resident who places any type structure in the easement are penalized or fined by the City of Gainesville? Added flood water deterrent is the concrete block enclosures/walls between Railroad Avenue & Railroad. From Belcher to belonging to concrete company, causing water to raise higher and blocking crossing of railroad Avenue during a flood.
- With the removal of the Y-Bridge by the City of Gainesville, area residents have much less options to leave residences when flood waters rise suddenly."

David Fulton, owner of DEF Recycling, offered his support of the request. In 2008, it was rezoned from Industrial to Single Family despite the fact that both recycling facilities have been at these locations for many years. He expressed his request that the Commission rezone it back to accommodate the existing use. He also pointed out that, with respect to the safety concerns related to truck traffic on Scott Street, Scott Street is a City-designated truck route. This is one reason why this street is so busy. He also explained that he was only asking for a General Commercial (C-3) zoning (and not Industrial zoning) on the south portion of his property - the south side of the Mill that faces Broadway Street and is currently an open lot. He would like to use it for open retail space and for storing items.

Phil Adams, previous owner, acknowledged that he had missed the public notice in 2008 pertaining to the zoning change. Had he seen it, he would have attended the public hearing and opposed rezoning this area given its existing use. He emphasized that David Fulton's business has been a benefit to the community and that Mr. Fulton was an excellent community partner. He expressed his support for the request to change the zoning in this area.

Closed the public hearing and re-opened the regular-scheduled meeting at 4:20.

ITEM 4 – ZONING REQUEST CHANGE

To consider Jess Cason's, Jeremiah Jarvis's, DEF Recycling, LLC's, and Tater Properties' (Fulton Supply and Recycling, Inc.) requests to change the zoning for their contiguous parcels from SF-2 (Single Family Two District) to C-3 (Outdoor Commercial District) and I (Industrial District) and making a recommendation to City Council. The parcels are addressed as follows: Tater Properties - 525 East Broadway (C-3, PID 21794), 616 East Scott and storage bordered by Railroad Avenue, East Scott, and North Denison (I, PID 6954, 15759); Jess Cason – 508 and 512 Denison Street (I, PIDs 500, 503); Jeremiah Jarvis – 709 East Scott (I, PID 17530, 23382); DEF Recycling, LLC – 700 East Scott (I, PIDs 14907, 6914, 6915), 314 Denison (I, PID 5822), and 701 East Broadway (C-3, PID 56187). Case Numbers ZDC 2263694 (Jarvis), ZDC 2039975 (Cason), ZDC 1069803 (Tater Properties), and ZDC 4126238 (DEF Recycling, LLC).

Chair Williams requested staff present their report.

Community Services Director Julie Smith referred to her staff report. There are four property owners involved in this particular request. They all have either Industrial or Commercial uses on their property with the exception of Jeremiah Jarvis who is adjacent to a Commercial property to the west and Single Family to the east. She confirmed Mr. Fulton's assertion: in 2008, the applicants' properties were rezoned to Single-Family 2 over what was an existing industrial use. Thus, these properties are currently grandfathered as non-conforming legal uses. Unless the use is discontinued for six months, the existing industrial uses may continue regardless of the current zoning. However, because the use is non-conforming, it may not be expanded. That's a challenge for the business owners/applicants in this case.

To address some of the issues brought up during the public comment period:

- In the terms of floodplain: these properties are located largely in the floodplain – some parts in the floodway - and must comply with all of those rules independent from zoning. Nothing may be built in the floodway. However, our City floodplain ordinance does permit storage in floodplain such as Mr. Fulton described. If the Commission and Council approved the zoning request for C-3 (Outdoor Commercial), storage would be permitted in the floodplain. In terms of adding structures, floodplain permitting procedures would apply (certificate of elevation, engineer's certification, etc.).

Because of the floodplain difficulties, if the current uses went away, the Commission may want to consider what potentially could replace these uses in this area. Though not impossible, it would be difficult to build a new home or business on these properties.

- In terms of zoning, the challenge these properties face because of their location is apparent. To the south, the parcels are up against General Commercial (C-2) along Broadway. You have Single Family directly to the north and sandwiched in between an Industrial zone to the north and running along the railroad tracks and the commercial and historic district to the south. In other words, there are many competing zoning districts – and uses - in a very small geographic area.

- With respect to the recycling businesses in particular, these two uses rely on close proximity to rail. If the Commission were to consider relocating these companies, rail would be a significant consideration.
- For truck traffic concerns, I suspect that Gainesville made this a truck route to accommodate the businesses the best way they could given the constraints of the rail line and bridge crossings. Yes, there is a new Boys and Girls Club going in two blocks from this area. During the development of that project, the City did change the north-south streets around the project to one-way streets to accommodate a safer drop-off traffic pattern. However, this may not address the concerns related to children biking and walking to the facility.

Commissioner Albarado inquired why, in 2008, the city did not consider/foresee this challenge? CSD Smith suggested that perhaps the City Council was trying to consider the proximity to the historic district and wanted to provide a bigger buffer between this pedestrian area and the Industrial district to the north. Keeping in mind that zoning often considers a fifty-year horizon, the City's vision in 2008 may be well served by the current (2008) zoning.

Chair Williams explained that in 2008 the Planning and Zoning Commission commissioned a study to determine and recommend what zoning districts would best suit what areas of the City. Chair Williams recalled this area was not a desirable single family residential area, not now or in the future. Currently along Broadway and Scott Street, homes are being torn down. You can't go back and build there because of the flood plain.

Chair Williams and Commissioner Monden both stated that the concerns brought forward during the public hearing, especially related to floodplain issues and safety concerns for children traveling to the Boys and Girls Club, were valid and merit addressing as permits impacting this area came forward. Chair Williams acknowledged that the issue was difficult with good arguments presented by all parties. However, when taking into consideration the good of the community as a whole, the historic use by these long-term Gainesville businesses, and the difficulty of redeveloping this area, Chair Williams expressed his support for the request.

Commissioner Koontz moved to make a recommendation to City Council that they approve the request for the applicants to rezone; Commissioner Monden seconded the motion. All present voted AYE. Motion carried unanimously.

Adjourned from regular-scheduled meeting and opened the Public Hearing at 4:25.

ITEM 5 - OPEN HEARING

To hear comments to consider the Final Plat for Phase One (residential, single family lots) of Black Hill Farm with a variance for access for the first phase and making a recommendation to City Council.

Chair Williams read the item into the record and invited any interested party to offer comments:

Michael Todd, owner of the Black Hill Farm property and applicant for a variance for the final plat phase one of the subdivision, provided an update on the project. Phase One includes all those lots that front on the existing infrastructure: the roads, sewer and water that were installed on the property prior to my purchasing it. We've adjusted the lot lines to meet the zoning requirements.

Chair Williams asked Mr. Todd about his plans for moving forward. Mr. Todd explained he is only waiting for the final submission of franchise utilities to be in place; the finances are completed and construction plans have been submitted.

Commissioner Williams inquired about when phase two and phase three might be brought forth. Mr. Todd explained that once the lots in phase one are moving forward (construction of houses underway), he intends to bring whichever phase can best meet the market demand at that time. However, he won't be moving forward on additional detached single family until he works through this inventory. The other phases that may be brought to the table more quickly are nearer the front and would give the necessary secondary access point for the residents in that section. There is a 12-acre piece near the front that may be conducive to a zero lot-line product. Since it was not in the original approved zoning, we would have to come back in for a zoning amendment to put this in place. His goal would be to bring the next phase in later this year.

Adjourned the public hearing and re-opened the regular-scheduled meeting at 4:32.

ITEM 6 – FINAL PLAT WITH VARIANCE

To consider the Final Plat for Phase One (43 residential, single family lots) of Black Hill Farm with a variance for access for the first phase and making a recommendation to City Council. Black Hill Farm is a 154 Acre Planned Development located generally east of Blacks Hill Drive and consisting of mixed uses including agriculture, residential, and commercial. Submitted by Michael Todd. Case Number SPF-8238431.

Chair Williams read the item into the record and requested staff present their report.

CSD Smith referred to her staff report. Smith apologized for any confusion on the submissions to the Board of Commissioners since a later submittal for lot lay-out came in after packets were distributed. The changes are noted in detail at the bottom of the staff report. Specifically, there was a discovery that some of the lots were going to be too small for the building pads. The wider lots were decreased, to be able to increase the smaller lots. This is why the lines changed. The engineer caught one lot that was slightly less than 75 feet wide. (The lots must be 75 feet wide per City ordinance.)

Smith also pointed out an exception to the 75-foot wide lot requirement that occurs on streets with radii – curves with pie-shaped lots. The standard planning practice permits the building line to set the width. All of these lots that are pie-shaped have building lines that are at least 75 feet wide. She explained that the Commission could, if it preferred, treat this as a variance. On the street turning to the south, Greenfield Drive has a radius containing these pie-shaped lots. You will notice that the front of some of the lots are smaller than 75 feet. What you will also notice is a building line that is also sometimes deeper than what is required by zoning. The City

Manager and I both agree this is standard practice in other cities, and we do not recommend treating this as a variance.

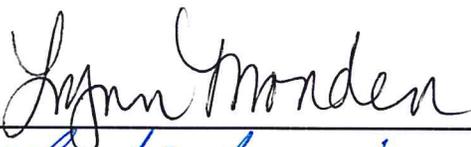
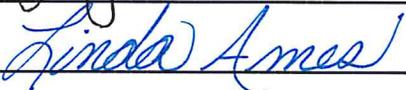
Also worth noting is the temporary cul-de-sac at the end of the southernmost road. This matches the preliminary plat that you approved. The street eventually will go straight through and loop back up towards the east side of the development.

Fire Marshall, Jason Botcher, is here and supports the fact we have 43 lots served by one point of ingress/egress though our Fire Code requires two if there are more than 30 lots. FM Botcher drove the longest truck the Fire Department owns around the cul-de-sac to ensure that it will make the turn. Because this developer inherited this infrastructure, and until the next phase comes in, the Fire Marshal supports the variance. A second point must be developed before the next phase can begin.

Commissioner Koontz moved to approve the final plat for phase one pending City Council approval of the variance and recommendation to the City Council they approve the variance; Commissioner Monden seconded the motion. All present voted AYE. Motion carried unanimously.

ITEM 7 - ADJOURN REGULAR MEETING

Commissioner Koontz moved to adjourn the regular meeting; Commissioner Albarado seconded the motion. All present voted AYE. Motion carried unanimously. The meeting adjourned at 4:46 pm.

Signature of Chairman:  Date: 2-10-15
Signature of Secretary:  Date: 2-10-15