

Legistar No. 980873

CITY OF GAINESVILLE
Office of the City Attorney

Memorandum
334-5011/Fax 334-2229
Box No. 46

TO: Mayor and City Commission

DATE: March 8, 1999

FROM: Marion J. Radson, City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-99-27, Petition No. 224LUC-98PB

An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property consisting of approximately 44.6 acres (MOL) from "Agriculture" to "Industrial"; located in the vicinity of the 7600 block east of U.S. 441 and west of S.R. 121; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) approve the petition, and (2) adopt the proposed ordinance.

STAFF REPORT

This is a request to change the land use on 44.6 acres (MOL) of vacant land from AGR (agriculture) to IND (industrial). The subject property is located on the west side in the 7600 block of State Road 121, also known as Northwest 22nd Street. To the north of the site is timberland with AGR zoning and land use. West of the property are railroad tracks and right-of-way, U.S. Highway 441, and vacant land that currently has County zoning (A-1, an agricultural district) while City zoning is pending. South of the subject property is an industrial area, and single-family residential property is to the east.

This change is requested by the applicants in order to allow development of a transportation terminal for the distribution of construction aggregates by rail. Construction aggregates include materials such as sand, river gravels, and limestone to be used in concrete, asphalt, roofing, underground utilities and other products. This use is not allowed in the AGR district. Although there is vacant industrial land available in the city, most of it is located in developed industrial parks and the lots are not large enough nor do they have rail access that the petitioners require for their intended use.

The Plan Board reviewed the petition and expressed concerns about access to the site from SR-121 and noise.

Planning Division staff recommended that the Plan Board approve Petition 224LUC-98 PB, except for the eastern 400 feet of the property

Public notice was published in the Gainesville Sun on December 1, 1998. Letters were mailed to surrounding property owners on December 2, 1998. Planning staff recommended that the Plan Board approve the petition except for the eastern 400 feet of property. The Plan Board held a public hearing December 17, 1998. The Plan Board recommended that the City Commission approve the petition, except for the eastern 400 feet. Plan Board vote 3-1

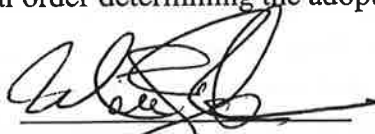
CITY ATTORNEY'S MEMORANDUM

The proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Marion J. Radson
City Attorney

MJR/afm

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ORDINANCE NO. _____
0-99-27

5 An ordinance amending the City of Gainesville 1991-2001
6 Comprehensive Plan, Future Land Use Map; by changing the
7 land use category of certain property consisting of
8 approximately 44.6 acres (MOL) from "Agriculture" to
9 "Industrial"; located in the vicinity of the 7600 block east of U.S.
10 441 and west of S.R. 121; providing a severability clause;
11 providing a repealing clause; and providing an effective date.
12

13 **WHEREAS**, publication of notice of a public hearing was given
14 that the Future Land Use Map be amended by changing the land use
15 category of certain property from "Agriculture" to "Industrial";
16 and

17 **WHEREAS**, notice was given and publication made as required
18 by law and a Public Hearing was held by the City Plan Board on
19 December 17, 1998; and

20 **WHEREAS**, notice was given and publication made of a Public
21 Hearing which was held by the City Commission; and

22 **WHEREAS**, pursuant to law, an advertisement no less than two
23 columns wide by 10 inches long was placed in a newspaper of
24 general circulation notifying the public of this proposed
25 ordinance and of the public hearing to be held in the City
26 Commission Meeting Room, First Floor, City Hall, in the City of
27 Gainesville at least seven (7) days after the day the first
28 advertisement was published; and

29 **WHEREAS**, pursuant to law, after the public hearing at the

1 transmittal stage, the City of Gainesville transmitted copies of
2 this proposed change to the State Land Planning Agency; and

3 **WHEREAS**, a second advertisement no less than two columns
4 wide by 10 inches long was placed in the aforesaid newspaper
5 notifying the public of the second public hearing to be held at
6 the adoption stage at least five (5) days after the day the
7 second advertisement was published; and

8 **WHEREAS**, the two (2) Public Hearings were held pursuant to
9 the published notices described above at which hearings the
10 parties in interest and all others had an opportunity to be and
11 were, in fact, heard; and

12 **WHEREAS**, prior to adoption of this ordinance, the City
13 Commission has considered the comments, recommendations, and
14 objections, if any, of the State Land Planning Agency.

15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
16 **CITY OF GAINESVILLE, FLORIDA:**

17 **Section 1.** The Future Land Use Map of the City of Gainesville
18 1991-2001 Comprehensive Plan is amended by changing the land use
19 category of the following described property from "Agriculture" to
20 "Industrial":

21
22 See legal description attached hereto as Exhibit
23 "A", and made a part hereof as if set forth in
24 full.

25
26 **Section 2.** The City Manager is authorized and directed to make
27 the necessary changes in maps and other data in the City of

1 Gainesville 1991-2001 Comprehensive Plan, or element, or portion
2 thereof in order to comply with this ordinance.

3 **Section 3.** If any section, sentence, clause or phrase of this
4 ordinance is held to be invalid or unconstitutional by any court
5 of competent jurisdiction, then said holding shall in no way
6 affect the validity of the remaining portions of this ordinance.

7 **Section 4.** All ordinances, or parts of ordinances, in conflict
8 herewith are to the extent of such conflict hereby repealed.

9 **Section 5.** This ordinance shall become effective immediately
10 upon passage on second reading; however, the amendment to the City
11 of Gainesville 1991-2001 Comprehensive Plan shall become effective
12 thirty one (31) days after adoption of this Ordinance on second
13 reading unless a petition is filed with the Division of
14 Administrative Hearings pursuant to § 163.3187(3), F.S. In this
15 event this Ordinance shall not become effective until the state
16 land planning agency issues a final order determining the adopted
17 amendment to be in compliance in accordance with S. 163.3187, or
18 until the Administration Commission issues a final order
19 determining the adopted amendment to be in compliance in

1 accordance with S. 163.3187, F.S.

2 **PASSED AND ADOPTED** this _____ day of _____,

3 1999.

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MAYOR

7 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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13 _____
KURT LANNON,
14 CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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16 This ordinance passed on first reading this _____ day of
17 _____, 1999.

18

19 This ordinance passed on second reading this _____ day of
20 _____, 1999.

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23 MJR/afm

Legal Description
Gary Yelvington

February 2, 1999

Description: (by surveyor)

A parcel of land 550 feet wide lying in the South ½ of Section 12, Township 9 South, Range 19 East, and Section 7, Township 9 South, Range 20 East, all in Alachua County, Florida; being more particularly described as follows:

Commence at the Southeast corner of said Section 12, and run North 00°08'23"East, along the East line of said Section, 1980.81 feet to a concrete monument marked "RLS 940" at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 12 and the Point-of-Beginning; thence North 89°29'59"West 3223.58 feet to an iron rod marked "PLS 3524" at the Northwest corner of O.R.B. 1129, page 116 of the public records of Alachua County, Florida, said point being on the Easterly right-of-way line of a 50 foot wide City of Gainesville Right-of-way, (said point lying and being 150 feet perpendicular to the centerline of the Atlantic Coast Line Railroad tracks); thence North 45°26'51"West, along said Easterly right-of-way line and parallel to said centerline of tracks, 791.01 feet; thence South 89°29'59"East 3788.62 feet to the said West line of Section 7; thence South 89°59'33"East 30.35 feet; thence South 01°11'17"West, 550.13 feet to the North line of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 7; thence North 89°59'33"West, along said North line, 20.28 feet to the Point-of-Beginning.

Containing 44.59 Acres more or less.

CITY
-----OF-----
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 6

TO: City Plan Board

DATE: December 17, 1998

FROM: Planning Division Staff

SUBJECT: **Petition 224LUC-98 PB, Conrad Yelvington Distributors/Eng, Denman & Assoc., Inc., agents for Nekoosa Packaging Corporation. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from AGR (agriculture) to IND (industrial) on 43.7 acres. Located in the 7600 block of SR 121.**

Recommendation

Planning Division staff recommends approval of Petition 224LUC-98 PB, except for the eastern 400 feet of the property.

Explanation

This petition is related to zoning petition 225ZON-98 PB. The subject property is located on the west side in the 7600 block of State Road 121, also known as N.W. 22nd Street. The vacant 43.7-acre parcel is zoned AGR (agriculture district) with AGR (agriculture) land use. To the north of the site is timberland with AGR zoning and land use. West of the property are railroad tracks and right-of-way, U.S. Highway 441, and vacant land that currently has County zoning (A-1, an agricultural district) while City zoning is pending. South of the subject property is an industrial area, and single-family residential property is to the east. (See attached map)

The request of this petition is to change the land use from AGR to IND (industrial). This change is requested by the applicants in order to allow development of a transportation terminal for the distribution of construction aggregates by rail. Construction aggregates include materials such as sand, river gravels, and limestone to be used in concrete, asphalt, roofing, underground utilities and other products. This use is not allowed in the AGR district. Although there is vacant industrial land available in the city, most of it is located in developed industrial parks and the lots are not large enough nor do they have rail access that the petitioner's require for their intended use.

In reviewing this petition, the potential impact of the proposed use on adopted level of service standards must be evaluated. According to the petitioner's application, 150 to 300 new average daily trips will be generated by the use that is proposed for the site.

The roadway segments of U.S. 441 from N.W. 23rd Street to the Gainesville Metropolitan Area boundary and of SR 121 from U.S. 441 to N.W. 77th Avenue are currently at LOS "B" and have adequate capacity to handle the estimated trips. Water is available for the subject site but sewer service will require extension of an existing sewer line in the area. The property is not located within any environmental overlay district. This site is not within the Gainesville Regional Transit System main bus service area, but is served by the demand-responsive service administered by Coordinated Transportation Systems (CTS). This application meets mass transit concurrency requirements and all other applicable concurrency requirements, including those for recreation and solid waste.

The location of the subject property is adjacent to existing IND designated land to the south. Most of this land to the south is developed, with uses including an asphalt plant, general contractor's construction office, trucking freight company, a waste management firm, and two large transmitter towers. As previously stated, a railroad track and right-of-way is immediately west of the subject property and timberland is to the north. The main concern regarding this petition is the potential effect of industrial uses on existing residential use east of the subject property. On the east side of SR 121 are two existing planned developments: Buck Bay, a manufactured housing project; and Hidden Lake, a single-family residential subdivision.

The general character of the properties in the area is mixed. The pattern of industrial uses in the area has long been established, and precedes the early 1980's development of Buck Bay and Hidden Lake. IND designated land is on the west side of SR 121 across from Hidden Lake, from N.W. 73rd Place to the southern property line of the subject property. The industrial land use category designates areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and ancillary uses. The southern property line of the subject property is approximately 3,216 feet long. With the exception of the eastern 400 feet which borders a vacant parcel, the remainder of the southern property line borders developed industrial properties. This proposal is a continuation of a long-term pattern.

However, residential areas are particularly sensitive to nuisances that can be generated by industrial uses. The potential for noise, heavy truck traffic, fumes, and blowing dust are specific concerns in this location near two residential areas. It is therefore recommended that the land on the west side of SR 121 remain as AGR land use to help protect the residential areas. The petition is approvable for all of the land as described in the legal description attached to the petitioner's application except for the eastern 400 feet, which is recommended to remain AGR.

According to the Land Development Code, among the objectives of the I-1 and I-2 zoning districts, (which are both allowed under the IND land use category), are the accommodation of enterprises that require access to transportation services by providing locations in close proximity to necessary transportation facilities such as

major thoroughfares, railroads or air terminals. The objectives also encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development. Based on the location of the property, the character of adjacent land uses and zoning districts, and existing development in the area, the proposed land use is appropriate for all but the eastern 400 feet of this property.

This petition is consistent with the goals, objectives and policies of the Future Land Use Element, and will provide an appropriate site for industrial development in the area. The petition is consistent with the Comprehensive Plan, and staff recommends approval of Petition 224LUC-98 PB, minus the eastern 400 feet of the property as described in the legal description.

Applicant Information

Nekoosa Packaging Corporation,
owner, Conrad Yelvington
Distributors/Eng, Denman &
Assoc., Inc., agents

Request

Amend the Land Use Map to
change designation from AGR
to IND

Land Use Plan Classification

AGR

Existing Zoning

AGR

Required Proposed Zoning

I-2

Purpose of Request

To establish land use and
subsequent zoning to allow for
the future development of an
industrial use

Location

On the west side of SR 121, in
the 7600 block

Size

43.7 acres

Surrounding Land Uses

North - agricultural (timberland)

East - single-family
residential

West - railroad and highway
right-of-way, agriculture
(pending city zoning of
property)

South - general industrial

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	AGR	AGR
East	PD	RL
West	A-1	PUD
South	I-2, I-1	IND

Recent Zoning History

Prior to city annexation of this area in 1992, this property was zoned AGR (agriculture) with an agricultural land use.

The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

Goal 2:

The land use element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses activity centers to provide goods and services to city residents; protects viable, stable neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The land use element shall promote statewide goals for compact development and efficient use of infrastructure.

Objective 2.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 2.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

Industrial

The industrial land use category identifies those areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and other ancillary uses. Land Development Regulations shall determine the appropriate scale of uses and consider the externalities of such uses. Intensity of use shall not exceed a maximum lot coverage of 80%.

Objective 2.2

By June 1992, the City shall implement regulations that will protect low intensity uses from the negative impacts of high intensity uses and provide for the healthy coexistence and integration of various land uses.

Policy 2.2.1

The City shall adopt Land Development Regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of activity centers and other high intensity uses by separating intense uses from low intensity uses by transitional uses and performance measures. Performance measures shall address the buffering of adjacent uses both by landscape and site design. Regulation of site design shall address orientation; arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and existing tree canopy.

Policy 2.2.4

Prior to a final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

Impact on Affordable Housing

This petition will have no impact on the provision of affordable housing.

Respectfully submitted,

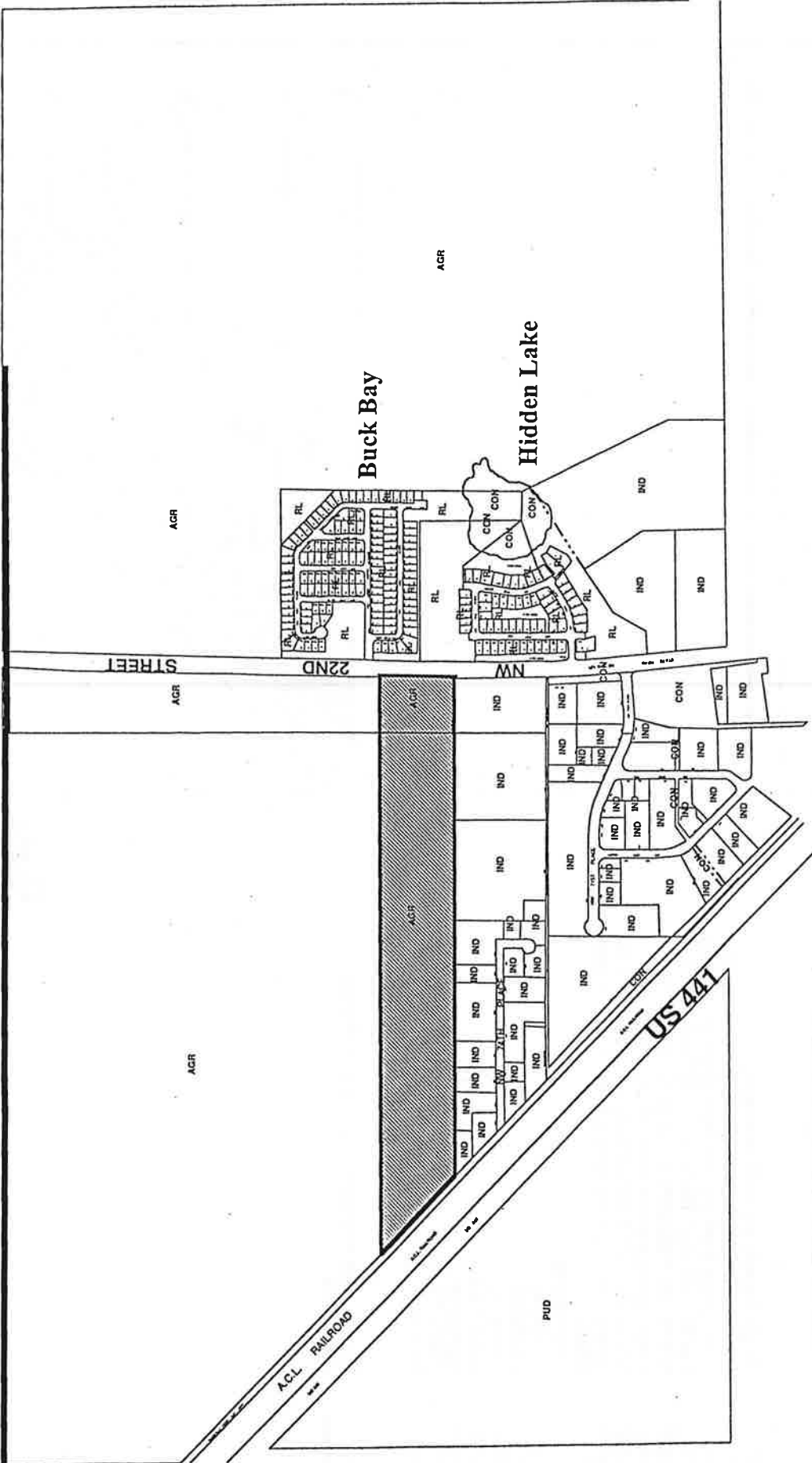


Ralph Hilliard
Planning Manager

RH:JS

Petition No. 224LUC-98PB

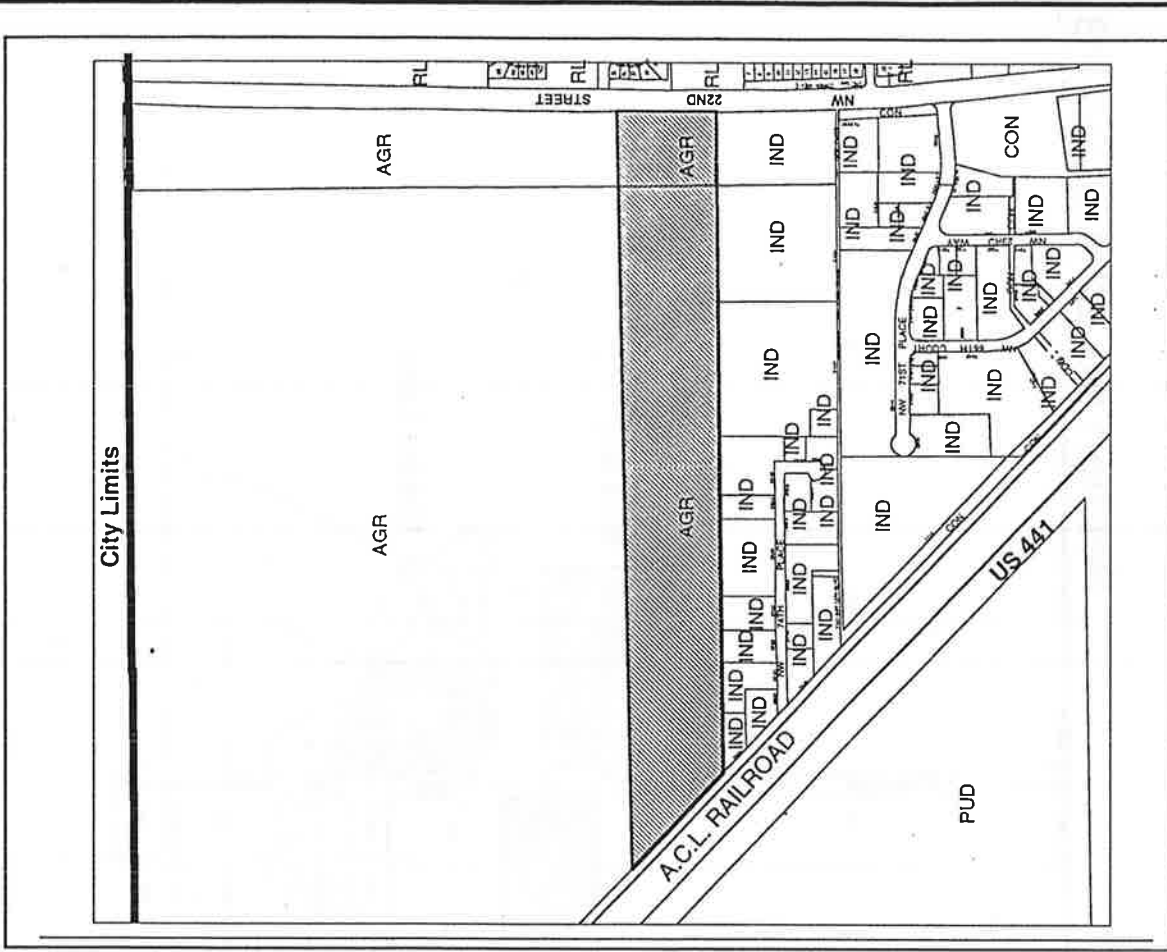
Land Use



Land Use Designations

- SF Single Family (up to 8 units/acre)
- RL Residential Low Density (up to 12 units/acre)
- RM Residential Medium Density (10-30 units/acre)
- RH Residential High Density (21-100 units/acre)
- MUR Mixed Use Residential (up to 75 units/acre)
- MUL Mixed Use Low Intensity (10-30 units/acre)
- MUM Mixed Use Medium Intensity (14-30 units/acre)
- MUH Mixed Use High Intensity (up to 150 units/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

----- Division line between two land use districts
 _____ City Limits



LAND USE

Name	Petition Request	Map(s)	Petition Number
Conrad Yelvington Distributors/ Eng, Denman and Associates, Inc.	From AGR to IND	3046	224 LUC-98PB
		3047	
		3048	



No Scale

6. **Petition 224LUC-98 PB** Conrad Yelvington Distributors/Eng, Denman & Assoc., Inc., agents for Nekoosa Packaging Corporation. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from AGR (agriculture) to IND (industrial) on 43.7 acres. Located in the 7600 block of SR 121.

Mr. Ralph Hilliard was recognized. Mr. Hilliard indicated that Petitions 224LUC-98 PB and 225ZON-98 PB would be discussed together.

Mr. Jason Simmons was recognized. Mr. Simmons presented maps of the subject property and described it and the surrounding uses in detail. He indicated that staff's main concern with the petition was the impact of a potential industrial use on the residential areas to the east. He pointed out those two residential subdivisions on the map. Mr. Simmons explained that a transportation terminal for the distribution of construction aggregates by rail was proposed as a use on the site. He described the materials to be stored on the site and their uses. He discussed staff's concerns about noise, dust, and increased truck traffic. He pointed out wetland areas on the parcel that would have to be identified on the site plan. Mr. Simmons indicated that a hydrology study would be required to determine areas of the 100-year flood plain. He presented slides of the site and the surrounding area. Mr. Simmons stated that staff recommended approval of the petitions with the exception of an area 400 feet west from Highway 121 which should remain agriculture in land use and zoning to buffer the residential areas to the east. He noted that the 400 foot section of agricultural zoning would prevent future truck access to Highway 121. He offered to answer any questions from the board.

Mr. McGill asked if the 400 feet of agricultural zoning would prevent truck access onto Highway 121.

Mr. Hilliard explained that any road across the agricultural zoning would have to be a public road constructed by the City. He indicated that a private driveway, accessing a use not permitted in the agricultural district, would not be allowed.

Vice-Chair Guy asked how staff determined that the agricultural zoning and land use buffer should be 400 feet.

Mr. Simmons pointed out a section line on the map.

Vice-Chair Guy asked if staff used any method to determine the number of feet for noise attenuation.

Mr. Hilliard indicated that staff did not. He explained that, if the petitioner believed the recommended 400 feet was too large an area, they would be required to provide a noise study indicating a specific distance. He noted that many noise problems came about because the noises were intermittent and difficult to control under the noise ordinance. Mr. Hilliard explained that staff's recommendation of 400 feet was to try to protect the residential areas along Highway 121. He discussed the mechanisms involved when a noise complaint was filed.

Mr. Ralph Eng, agent for the petitioner, was recognized. Mr. Eng asked if the hearing was a quasi-judicial hearing.

Mr. Hilliard explained that a quasi-judicial hearing was heard before the City Commission.

Mr. Eng explained that the petitioner was concerned with the proposed agricultural zoning on 400 feet of the site. He stated that the petitioner did have an alternative proposal.

Mr. Gary Yelvington, petitioner, was recognized. Mr. Yelvington indicated that his company was primarily a transportation company. He explained that they did not produce any of the materials they transported. He discussed, in detail, the layout and operation of the proposed transportation terminal. He presented a site plan and pointed out that most of the activity would take place on the extreme western part of the property. Mr. Yelvington pointed out a nearby asphalt plant and noted that his company would be able to supply materials for that plant without moving trucks onto the nearby highways. He offered to answer any questions from the board.

Mr. McGill asked if any material would be processed on the site.

Mr. Yelvington indicated that the material was sized at the quarry and would only be stored and delivered from the site. He stated that no crushing or sizing would be done. He described the operation of the delivery pit and conveyor belts.

Dr. Fried asked about the construction of other facilities on the site.

Mr. Yelvington explained that there would be the concrete dumping pit and 6,000 feet of railroad track.

Dr. Fried asked if anything would be constructed on the eastern third of the site.

Mr. Yelvington indicated that, while the operation did not require the entire 43 acres, that was the only way the property could be purchased. He pointed out that the length of the property gave a buffer to the residential side. He reiterated that the operation would take place on the western side of the property to have access to 441.

Vice-Chair Guy noted that the delivery track on the site plan ended just before the 400 foot buffer line requested by staff.

Mr. Yelvington agreed. He pointed out the track along the northern side of the property.

There was discussion of the delivery of materials to the nearby asphalt plant and the impact on Highway 121.

Mr. Yelvington stated that no material would be stored on the eastern 400 feet of property that staff requested as a buffer.

Mr. Roger Wasson, acoustic expert representing the petitioner, was recognized. Mr. Wasson discussed the City's noise ordinance and how it would apply to the proposed facility. He explained that the unloading of

the rail cars would be the noisiest part of the operation. He discussed noise abatement measures and how they could be applied on the site. Mr. Wasson offered to answer any questions from the board.

There was discussion of the topography and vegetation on the eastern part of the site.

Mr. Wasson indicated that vegetation did very little to reduce sound. He explained that it would be much more effective to build a berm or a wall for sound attenuation.

Mr. Eng stated that the petitioner believed the 400 feet of agricultural zoning proposed by staff was excessive. He pointed out that buffering would be discussed in the site plan design which would be reviewed by staff and would go before the Development Review Board. Mr. Eng pointed out that the purpose of the proposed 400 feet of separate land use and zoning buffering was to eliminate access to Highway 121 from the site. He requested that the buffer zone to be left as agricultural zoning and land use be 100 feet instead of 400 feet.

Dr. Fried noted that both Mr. Yelvington and Mr. Eng had stated that nothing would be developed in the 400 foot area. He asked why there was an objection to the 400 feet if no development was to take place.

Mr. Eng explained that most of the activity would take place on the opposite end of the property but there was a possibility that the 400 foot buffer area could be used in the future. He reiterated that activity would never access Highway 121.

Mr. Hilliard pointed out that Conrad Yelvington Distributors could move out of town and the City would be left with a piece of I-2 property that could possibly be developed for all of the other uses allowed in the I-2 district. He discussed the heavy industry that could possibly locate on the site. He stated that staff believed the 400 feet of agricultural zoning would provide the residential neighborhoods with the best possible protection.

There was discussion of the noise ordinance and how it would apply to the project.

Dr. Fried asked about the issue of dust.

Mr. Yelvington explained that the material was mined under water and kept wet because the purchasers wanted it that way. He explained that the primary problem with dust was in the road traffic areas which were also sprinkled.

Vice-Chair Guy opened the floor to public comment.

Mr. John Kish was recognized. Mr. Kish asked questions about the purchase of the property, number of trucks to be used, how long the line of industrial use had been in place and the days and hours of operation, stormwater drainage, and if the petitioner would handle any products other than the one discussed. He also questioned the petitioner's ability to agree with the owners of the asphalt plant to have a cross access agreement and then have access to Highway 121.

Mr. Eng stated that a complete evaluation of the stormwater system had not been completed.

Mr. Yelvington answered Mr. Kish's questions in detail. He noted that the company operated very few trucks but owned over 700 railroad cars. He explained that the rock was delivered by outside haulers or customer pick-up.

Mr. Hilliard explained that the property was annexed in 1993 and the line of industrial zoning was in place at the time. He agreed that the proposed rezoning would be an extension of that line to the north.

There was discussion of the types of materials delivered to the site and the proposed days and hours of operation.

Mr. Hilliard agreed that a cross access agreement with the southern adjoining property owners would allow the petitioner access to Highway 121.

Mr. Yelvington noted that his company had borrowed money to build the facility and the I-2 zoning would have a greater monetary value for those purposes.

Regarding the question about using a Planned Development rather than a zoning change, Mr. Eng explained that it would be very difficult to have a PD on the type of operation proposed since there were no structures involved.

Mr. Herman Matson, resident near the site, was recognized. Mr. Matson indicated that he had worked with railroad cars hauling the types of material proposed on the site. He explained that when all of the material in a car did not empty properly by gravity, a machine called a "car shaker" was used. He indicated that the shaking of the cars was extremely noisy. He noted that the car switching was also very noisy. Mr. Matson cited concerns about the increase of traffic on Highway 121 and devaluation of residential property near the site.

Mr. Tom Spain, owner of Buck Bay, was recognized. Mr. Spain noted that when the property was purchased it was in the County and he was assured, in writing, that the northern line of the industrial area would remain in place. He explained that he had made a substantial investment in the residential community based upon the fact that the industrial zoning line would go no further north. He stated that, while he was not opposed to the development, he was concerned about noise of trains and connection to Highway 121 through other industrial property. Mr. Spain suggested that a Planned Development, while difficult, would allow more control of hours of operation, noise and traffic.

Ms. Darcy Truluck, resident of Hidden Lake, was recognized. Ms. Truluck suggested that zoning lines should be kept as they are. She cited concerns about noise and the concentration of truck traffic in one area.

Ms. Mary Lou Brownnett, resident of Hidden Lake, was recognized. Ms. Brownnett asked questions about the proximity of residential areas to other operations.

Ms. Pat Riddle, resident of Hidden Lake, was recognized. Ms. Riddle cited concerns about noise and the difficulty of control. She pointed out that, once the property was rezoned, other types of businesses could also go in.

Ms. Cindy Watts, resident of Hidden Lake, was recognized. Ms. Watts explained that the main concerns of residents of the area was noise after dark and weekends. She suggested that, if the petitioner had no plans for use of the 400 foot strip to the east, it should be left as agricultural zoning.

Mr. Keith Petty, resident of Buck Bay, was recognized. Mr. Petty cited concern about additional traffic on Highway 121 and noise.

Ms. Gayln Edwards, resident of Hidden Lake, was recognized. Ms. Edwards asked if there was any odor associated with the operation. She also asked if there was sound barrier walls at any of the other plants owned by the petitioner.

Mr. Yelvington addressed the questions of the residents of the area. He suggested that there were better methods of dealing with noise that 400 feet of space. He indicated that noise problems would be addressed by the sound attenuation expert.

Vice-Chair Guy closed the public portion of the hearing.

Mr. Eng stated that any propose connection between the site and the industrial sites to the south would have to come to the City for site plan review.

Dr. Fried asked where the water from the wetting of the product would go.

Mr. Yelvington explained that the water would trickle down through the material and go into the ground as rain would. He indicated that it was not a great amount.

Mr. Eng stated that any stormwater runoff had to be contained on the property.

Mr. McGill suggested that, if new residential units were constructed near the site, it would also create traffic. He indicated that he believed that the 400 feet of buffer was important and a reasonable compromise. He stated that it would help limit access to Highway 121.

There was discussion of the proposed 400 feet of agricultural zoning.

Mr. Eng reiterated his request that the 400 feet be reduced to 100 feet.

Mr. Hilliard pointed out that the plan would go before the Development Review Board for further action. He pointed out that, if the property were zoned industrial out to Highway 121, there would be no way the Development Review Board could deny access to that roadway. He indicated that he did not believe the development review process would help the concerns stated at the meeting.

Dr. Fried indicated that he had concerns about moving the line of industrial zoning further north.

Vice-Chair Guy called for a motion on the petitions.

Mr. Carter made the motion to approve the petitions with staff's recommendation of 400 feet of agricultural land use and zoning.

Mr. McGill seconded the motion.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 224LUC-98 PB as recommended by staff.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: Guy, McGill, Carter Nays: Fried

7. **Petition 225ZON-98 PB** Conrad Yelvington Distributors/Eng, Denman & Assoc., Inc., agents for Nekoosa Packaging Corporation. Rezone property from AGR (agriculture district) to I-2 (general industrial district) on 43.7 acres. Located in the 7600 block of SR 121. Part of tax parcel no. 7814 and part of tax parcel no. 6013.

Petition 225ZON-98 PB was discussed with Petition 224LUC-98 PB.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 225 ZON-98 PB as recommended by staff.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: Guy, McGill, Carter Nays: Fried