

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.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville

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