

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF SPECIAL CALLED MEETING
JULY 2, 2013**

CALL TO ORDER Chairman @ 9:00 a.m.

Members Present: Chairman Dean Dadisman, Vice Chairman Doyle Johnson and Board Members Jane Fleming, Connie Rucker and John Snyder

Members Absent: Board Members Dexter Stanley and George Hokayem

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate, Fire Chief Jerome Yarbrough and Fire Marshal Chad Payne

Others Present: Council Member Myrtle Figueras

NEW BUSINESS

A. Annexation Requests

- 1) Request from the **City of Gainesville** to annex and to establish zoning for 115 unincorporated island parcels and right-of-way comprising a total of 197.07± acres currently located within the jurisdiction of Hall County. A copy of the unincorporated island properties and maps are available for viewing in the office of the Community Development Department located at 311 Henry Ward Way or on the City of Gainesville website at www.gainesville.org.

Staff Presentation: Community Development Director Rusty Ligon gave the following staff presentation:

This is the same request as was heard in December of 2012. The City of Gainesville is proposing to annex 115 unincorporated islands that exist along the City's gateway corridors. These islands total **197.07±** acres including property and associated right-of-way. The proposed zoning designations assigned will match as closely to the Hall County designations as possible.

There are four conditions of zoning recommended as follows:

Conditions

1. **The effective date of the ordinance shall be August 1, 2013, in order for the City to provide an orderly transition and provision of services.**
2. **All nonconforming uses as defined by the City of Gainesville Unified Development Code, §9-11-3-1, Definitions, shall be governed by the applicable provisions of said Code. See §9-11-3-1 through §9-11-3-9.**
3. **The unincorporated island properties listed within Section II of this ordinance shall be exempt from Gainesville Public Utilities sewer tap and administration fees for a period of 1 year from the effective date of this ordinance.**

- 4. The unincorporated island properties listed within Section II of this ordinance shall be exempt from an Occupancy Permit fee for a period of 1 year from the effective date of this ordinance for any legal existing use.**

FAVOR: None

OPPOSED:

John Jones, 2121 Browns Bridge Road, stated that he is one of the owners of Office Pros and they are opposed to the annexation, noting they don't want anything tangible, they just want to be left alone. He stated that they are a small, struggling business and the tax increase from being annexed into the City of Gainesville would be about 17.5% of their corporate income. They cannot afford the tax increase or more importantly, a second layer of regulations by having to comply with City and County laws. He stated that he was more afraid of extra inspections to his 50 year old building more than anything else. He doesn't understand why the island annexations are not taking in problematic properties, noting it appears that the City is targeting only the properties that contain taxpaying businesses with inventories which they can tax. He wondered if these island annexations were not the salvation for the City to make up the difference in the tax equity the City and County are fighting over. Mr. Jones stated that if it is a matter of beautification, then why not annex the problem properties and do something with them. He stated that his neighbors wanted to be in the City, but he did not, noting they knew they were in the County when they bought the property and they want to remain in the County. He commented on the irony of the Declaration of Independence being signed 237 years ago and how this island annexation is taxation without representation. Since he lives in the County, he can't vote for or against any City Council Members. He stated there is no justification for taking property away from an owner, taxing it, and giving them another layer of regulations. He asked the Board to use common sense and do the right thing and vote against this annexation. In conclusion, he stated that if this annexation is approved, let us consolidate services between the City and County and save money for the taxpayers.

Ken Neidenbach, 1500 Browns Bridge Road, stated that he owns The Pet Shop in the Big Lots shopping center and has spoken in opposition before. He stated that he plans to ask the City Council what concessions were given to Dick's Sporting Goods and Lakeshore Mall for them to come into Gainesville. He stated that he spoke with a City employee who said it was too expensive to live in this County. He stated that a Council Member commented that it would cost Mr. Neidenbach about \$75 a year in additional taxes. However, Mr. Neidenbach stated it will cost him \$1,275 to \$1,500 because he has to pay the landlord's taxes. He stated that he lives in the City and his tax assessment increased by 32%. However, the sidewalks are crumbling on Prior Street and the City doesn't have money to repair them. He stated that we don't need to be annexed into the City, noting he is physically, mentally and now financially burdened by the forced annexation.

Mike Holland, 2110 Hilton Drive, stated that he owns Holland Wrecker Service in the County and fully agreed with Mr. Jones' comments. He asked why make someone do what they don't want to do. He stated that it should be the will of the people.

Planning and Appeals Board Comments: Board Member Snyder commented on the focus areas, the Comprehensive Plan and the growth Gainesville and Hall County has seen and will continue to see over the next 30 years. He stated that this is why planning is such an important part of the community, so we can be prepared for the growth in the future.

There was a motion to recommend approval of the request to annex and establish zoning on 115 unincorporated island parcels and right-of-way as presented with the following conditions:

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Motion made by Board Member Snyder

Motion seconded by Board Member Fleming

Vote – 4 favor, 1 opposed (Johnson), 2 absent (Stanley, Hokayem)

ADJOURNMENT

There was a motion to adjourn the meeting at 9:24 AM.

Motion made by Board Member Rucker

Motion seconded by Vice-Chairman Johnson

Vote – 5 favor, 2 absent (Stanley, Hokayem)

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary