

Draft Minutes for the December 4, 2018 Planning Commission Regular Meeting

PZ-18-035 Recommendation to City Council regarding the proposed rezoning of approximately 2.53 acres consisting of Lot 1A, Block 1, Oak Grove Estates Subdivision Unit 2
(Applicant: Steve Hall; Case Manager: M. Simmont)

Commissioner Gibson recused himself at 6:33 p.m.

Mr. Simmont presented the Staff report and stated Staff acknowledges the property as it is configured is better suited for non-residential development but believes C-1A may be more appropriate due to the characteristics of the subject property and the proximity of the residential subdivision. He explained C-1A zoning better meets Strategies/Actions of the Comprehensive Plan whereas C-1B is more appropriate at intersections of two arterials or higher.

Mr. Simmont indicated the percentage in objection exceeded 20%, therefore a super-majority was required for approval at City Council.

Chair Edwards stated the item was not a public hearing, but that the public hearing would be opened for a representative to speak on behalf of the adjacent property owners. He explained the item had been held as a public hearing at the October 3, 2018 regular meeting, therefore he requested the information provided be updates to the issues presented at the previous public hearing.

Vice Chair Reaves and Commissioner Meyer expressed agreement.

Chair Edwards opened the public hearing and invited the applicant to speak.

Steve Hall, 1407 Addison Road, stated he was the applicant. He provided the reasoning for the proposed zone change and explained he had agreed to deed restrictions regarding the permitted uses on the property. He described potential uses for the property and stated he had received information showing water availability. He stated he had corresponded with the Fire Department to verify there was adequate water pressure for fire hydrants.

Vice Chair Reaves expressed concern that official verification had not been received regarding water availability. He expressed disappointment that the applicant had not met with the adjacent property owners, as suggested by the Commission at the October meeting. He suggested the C-O zoning district may be better suited for the subject property.

Commissioner Meyer requested clarification regarding the proposed use of the property.

Mr. Hall stated he was unsure, citing the development was contingent on the water availability.

Discussion followed regarding potential uses.

Commissioner Meyer expressed support for the C-O or C-1A districts instead of the requested C-1B district. He inquired about the deed restrictions.

Mr. Simmont clarified that the deed restrictions could not be evaluated with the proposed zone change consideration.

Discussion followed regarding the interactions with the adjacent property owners.

Mr. Hall stated he had no objections to Staff's recommendation of C-1A.

Commissioner Meyer asked if Mr. Hall had objections to the C-O zoning.

Chair Edwards provided Mr. Hall a copy of the C-O zoning ordinance and suggested Mr. Hall review the ordinance with Staff while the Commission proceeded with the public hearing.

Thor Thornhill, 410 N. Seguin Avenue, stated he was the representative for the southern property that had withdrawn their previously requested zone change. He provided the history of the subject property and described his correspondence with adjacent property owners. He provided a recommendation that the subject area should be amended in the Future Land Use Plan to residential to preserve the established neighborhood.

Discussion followed regarding an update on the southern property.

Joyce Hellstern, 323 Spring Hollow, stated she was representing the newly formed homeowners' association for the subdivision. She stated the homeowners' association was interested in purchasing the lot and have formed a non-profit and were raising funds to purchase. She provided an update regarding her correspondence with Mr. Hall and stated her belief that Mr. Hall had not been interested in continued correspondence. She stated the best use for the subject property was residential. She explained that the water company had not provided final verification regarding water availability. She expressed the homeowners' associations concerns regarding the development of the vacant lot to a non-residential use, and stated they were in opposition to the request for a zone change.

Chair Edwards left the dais at 7:02 p.m.

Vice Chair Reaves served as Acting Chair in the absence of the Chair.

Vice Chair Reaves invited the applicant back to speak.

Mr. Hall stated he did not oppose the zone change to C-O. He described the correspondence with the homeowners' association.

Commissioner Meyer inquired if utilities were required at the time of platting.

Mr. Simmont clarified it was required at the time of permitting.

Discussion followed.

Commissioner Meyer inquired if Staff recommended C-O instead of the previously recommended C-1A.

Discussion followed regarding time to review C-O for Staff recommendation prior to the City Council meeting.

Commissioner Sonier stated the property may have a septic system, not public wastewater.

Discussion followed regarding utilities.

Commissioner Sonier inquired if the subject property was located in the Fire Department's service area.

Mr. Looney responded Staff would need to verify, but that the Fire Department responds to calls outside the service area.

Vice Chair Reaves clarified the options for consideration.

Discussion followed.

Motion by Commissioner Meyer, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of approximately 2.53 acres consisting of Lot 1A, Block 1, Oak Grove Estates Subdivision Unit 2 from "R-1" Single-Family District to "C-O" Commercial Office District. Motion carried, with Vice Chair Reaves and Commissioner Sonier in opposition and Commissioner Gibson abstaining (4-2-1).

Commissioner Gibson returned to the dais at 7:10 p.m.