

Draft Minutes for the September 7, 2022 Planning Commission Regular Meeting

E) PZ22-0324 Public hearing and recommendation to City Council regarding a proposed rezoning of approximately 0.9642 acres from “R-2” Single and Two-Family District to “C-1A” Neighborhood Commercial District, in the City Block 5054 Subdivision, Lot 7-8-9-10-11-12, addressed at 257 E. South Street. (Owner/Applicant: Matthew E. Hoyt; Case Manager: Laure Middleton)

Mrs. Middleton presented, and recommended approval as stated in the staff report.

Chair Edwards asked if there were any questions for staff.

Chair Edwards stated that he was seeing this C-O show up more frequently and wanted to know if there was a reason.

Mrs. Middleton explained that it is a mixed-use district of professional offices and residential use.

Mrs. Snell further clarified that this has been under-utilized and it is a great low intensity multiuse zone.

Chair Edwards invited the applicant to speak.

Matthew Hoyt, 444 W Edgewater Terrace, stated that he wanted to thank the Commissioners for their time. Mr. Hoyt elaborated on the request, addressed previous uses, and explained that this request was a step to codify continued uses. He clarified that he did not want to see the building torn down. He further discussed the surrounding areas not being zoned R-2 and that he wants people to enjoy this property. Mr. Hoyt stated that the C-1A zoning seemed most appropriate but was okay with the C-O with a Special Use Permit to protect non-conforming uses. He discussed the disrepair of the building; the list of zoning uses and that he thinks that C-1A is a better use than C-O. Mr. Hoyt stated that he had spoken with the neighbors within 300-feet and was here to answer questions.

Chair Edwards asked if there were any questions for applicant.

Vice-Chair Reaves stated he was glad to hear that Mr. Hoyt was not wanting to tear down the building and asked if he was amenable to C-O.

Mr. Hoyt stated that he was not aware that it would have to be C-O and would be if a Special Use Permit would protect the existing non-conforming uses.

Discussion followed regarding the difference in the zoning designations and special use permits.

Chair Edwards asked what the staff recommendation was.

Mrs. Middleton stated that the staff recommendation was C-O.

Chair Edwards asked if the request was for C-1A.

Mrs. Snell confirmed and explained that staff was recommending an alternative based on the application because they were not in favor of all the uses in C-1A.

Discussion followed regarding non-conforming uses.

Commissioner Anderson-Vie asked to see a list of uses.

Mr. Hoyt placed the list on the document viewer.

Commissioner Miedema requested the document be enlarged so everyone could see.

Commissioner Sonier asked if the request could be approved tonight with the Special Use Permit.

Mrs. Snell responded no because it had not been included in the public notice but they could recommend the C-O designation.

Chair Edwards opened the public hearing and asked if anyone wished to speak.

Emily O'Leary, 274 E. South St, stated she is the owner of property #19 and is listed as objecting but has questions about the non-conforming uses what is grandfathered and the timeline.

Mrs. Middleton explained the previous uses and further clarified that if there is a gap of more than a year the use is no longer grandfathered.

Chad Hunter, 325 E. South St, stated that he had a concern that the road construction may have caused neighbors to miss receiving the public notice. Mr. Hunter voiced his concern about the traffic and the fact that the owner is using the property as a parking lot and did not account for this in the application. He discussed the TIA worksheet and his belief that it's incorrect and that Mr. Hoyt is currently using the property for nonconforming uses. Mr. Hunter stated that he recommends the application be resubmitted to include the parking lot usage as part of TIA and that he would prefer to keep the zoning as R-2. He explained that he felt Mr. Hoyt could potentially put in a pawn shop in the neighborhood and further stated that he has reached out to the State of Texas Historical Commission.

Jim O'Leary, 274 E. South St, stated that he was the owner of property #19 on the map and that he had spoken with Mr. Hoyt and does not doubt his sincerity. He stated that the change to C1-A is not congruent with the current neighborhood and that the property is currently being used as a commercial parking lot. Mr. O'Leary was not sure if paid parking is allowed but that the parking, the loud music, and the intoxicated folk on the property is a nuisance and that he wants an entirely new hearing for the C-O that includes the parking in the TIA.

Andrew Morales, 313 E. South St, identified himself as the property owner of #17 map. Mr. Morales spoke in opposition stating that he has lived next to Eagles Hall all his life and has seen the growth in the town. He stated that he didn't recommend something else and wants the current request withdrawn and resubmitted as C-O. He explained that he also has concerns about the traffic and drunk tourists and asked the Commissioners to put themselves in their shoes as that area is their home. He discussed the rumors for a high-rise plan.

Chair Edwards closed the public hearing.

Chair Edwards asked if there were further discussion or a motion.

Chair Edwards stated that it has been Eagles Hall for years and has been used for a long time as tube parking as well as a bar. He further stated that there was a vacant lot nearby and below that is a commercial zone. Chair Edwards discussed the uses of zoning districts and how to handle this request. He asked if the C-O could be approved with a Special Use Permit or could they put conditions on the C-1A.

Discussion regarding the acceptable and grandfathered uses for the zones and public notice requirements.

Commissioner Sonier stated this was complicated and asking the applicant to postpone is not appropriate and suggested that a call for a vote be made.

Commissioner Miedema asked about the tube business parking if the zone change were to be approved.

Mr. Hoyt discussed the active times of the year for his customers and stated that he also parked his tube shuttle vehicles there as well clarifying that it most likely would be different than whatever business moved into the building.

Commissioner Tubb asked about the grandfathered uses.

Mrs. Snell clarified that the Eagle Hall non-conforming uses would not be allowed once expired but the parking could continue since it is still being used for that currently.

Commissioner Tubb stated that if a motion was made, and they would need to vote on C-1A and the applicant could come return with a Special Use Permit.

Motion by Commissioner Sonier to approve C-1A, seconded by Commissioner Chafin, to recommend to City Council regarding a proposed rezoning of approximately 0.9642 acres from "R-2" Single and Two-Family District to "C-1A" Neighborhood Commercial District, in the City Block 5054 Subdivision, Lot 7-8-9-10-11-12, addressed at 257 E. South Street. Motion carried (7-2-0) with Commissioner Tubb and Commissioner Allen in opposition.

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