

**Draft Minutes for the November 7, 2017 Planning Commission Regular Meeting**

**PZ-17-042 Public hearing and recommendation to City Council regarding the proposed rezoning of Lots 1 and 2, Gruene Sunday Haus Addition addressed at 1170 Old FM 306 and 1950 Hunter Road, from “R-3” Multifamily District and “C-1” Local Business District to “C-4A” Resort Commercial District.**

(Applicant: Cecil Eager; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval.

Vice Chair Edwards asked if anyone wished to speak in favor.

Cecil Eager, 791 Edgewater Terrace, stated he was the owner of the property. He stated he wished to continue developing the remaining portion of the land, and believed the requested zoning would be appropriate.

Vice Chair Edwards asked if anyone wished to speak in opposition.

John Cranford, 1285 Old FM 306, stated he wished to speak in opposition. He stated the current development of the property was quiet and serene in nature, but expressed concerns regarding the non-residential uses allowed by “C-4A”.

Kimberly Frenden, 1289 Old FM 306, stated she wish to speak in opposition. She provided a history of the development in the area. She expressed concerns regarding property values. She expressed concerns regarding the non-residential uses allowed by “C-4A”.

Motion by Commissioner Hoyt, seconded by Commissioner Tubb, to close the public hearing. The motion carried (5-0-0).

Discussion followed regarding the new uses that would be permitted as a “C-4A” Resort Commercial District.

Vice Chair Edwards noted that short term rentals would be allowed by right in the “C-4A”, therefore the existing cottages would become a conforming use.

Discussion followed regarding a special use permit, rather than a rezoning on the subject property.

Discussion followed regarding the existing commercial uses in the surrounding area.

Commissioner Bearden inquired to the intent of the rezoning request.

Mr. Eager stated the zoning was not consistent across the two lots, and he wished to develop the remaining land. He stated he did not intend to develop any of the undesirable uses stated by those in opposition, he explained that his intent was to develop more overnight rentals.

Discussion followed regarding special use permits.

Commissioner Bearden inquired if Mr. Eager would consider only rezoning the lot that has both the “R-3” and “C-1” zoning, closest to FM 306.

Discussion followed regarding the concerns of the future non-residential uses if Mr. Eager sold the property.

Vice Chair Edwards inquired if multiple uses could be granted with a special use permit.

Mrs. Snell answered.

Discussion followed regarding the special use permit process.

Commissioner Bearden suggested only rezoning the lot closed to FM 306.

Discussion followed.

Commissioner Hoyt suggested replatting the lot closest to FM 306 and applying the "C-4A" zoning to that replatted lot.

Discussion followed regarding transitional zoning and applicability of a special use permit.

Mr. Eager suggested Gruene Sunday Haus Lot 2 remain zoned "R-3", and rezone Gruene Sunday Haus Lot 1 to be rezoned to "C-4A".

Motion by Commissioner Hoyt, seconded by Commissioner Nolte, to re-open the public hearing. The motion carried (5-0-0).

Vice Chair Edwards reiterated the proposal from Mr. Eager, stating the land use buffer for the homes on Old FM 306 could be the lot remaining "R-3".

Discussion followed.

John Cranford, 1285 Old FM 306, stated he wished to speak in opposition again. He expressed concerns regarding the non-residential uses allowed by "C-4A". He stated he was concerned regarding access to the Lot 1.

Commissioner Hoyt inquired if there was access to the property off Hunter Road.

Mr. Cranford stated there was.

Discussion followed regarding ingress and egress of the subject property.

Mr. Cranford stated the applicant should get a special use permit rather than a rezoning.

Kimberly Frenden, 1289 Old FM 306, stated she wish to speak in opposition again. She expressed a concern regarding the potential of an RV park being developed on the subject property.

Discussion followed.

Motion by Commissioner Bearden, seconded by Commissioner Tubb, to close the public hearing. The motion carried (5-0-0).

Commissioner Bearden stated his support of utilizing a special use permit.

Discussion followed regarding rezoning only Lot 1.

Motion by Commissioner Nolte, seconded by Commissioner Tubb, to recommend approval to City Council regarding the proposed rezoning of Lot 1, Gruene Sunday Haus Addition addressed at 1950 Hunter Road, from "R-3" Multifamily District and "C-1" Local Business District to "C-4A" Resort Commercial District, with Staff recommendations. Motion carried, with Commissioners Bearden and Hoyt in opposition (3-2-0).

Chair Elrod returned at 7:58 p.m.