

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

**PZ-18-037 Public hearing and recommendation to City Council regarding the proposed rezoning of Lots 8A and 8B, Block 15, Rivercrest Heights 5E, and Lots 9 and 10, Block 15, Rivercrest Heights 6, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street, from “R-1” and “R-2A” Residential Districts to “C-O” Commercial Office District.**

(Applicant: Hulon “Ted” Higginbotham, et al; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval.

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

Commissioner Laskowski inquired about the required masonry wall buffer between residential and non-residential properties.

Mr. Simmont explained.

Commissioner Meyer requested clarification if a short term rental use was considered residential.

Mr. Simmont confirmed that short term rental is a residential use.

Vice Chair Reaves inquired if a Special Use Permit would be required for short term rentals.

Mr. Simmont confirmed a Special Use Permit would be required before a Short Term Rental Permit could be issued.

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

Beverly Bannister, 1269 E. Common Street, stated she was one of the applicants. She provided her history with the property and stated the property was zoned as commercial when she purchased. She stated there has been no noise complaints on the properties and that they did not intend to negatively impact the neighborhood.

Piper Olveda, 1267 E. Common Street, stated she was one of the applicants. She described the hazards that the high traffic on E. Common Street creates for her growing family. She stated the properties would be better suited as commercial uses due to the proximity to Loop 337 and existing nearby commercial uses.

Daniel Olveda, 1267 E. Common Street, stated he was one of the applicants. He stated they did not intend to remove existing structures and build commercial. He described existing drainage issues with the properties and explained their proposals to improve drainage.

Ted Higginbotham, 1273 E. Common Street, stated he was one of the applicants. He provided his history with his property and stated he intended to utilize a professional office space on the property.

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

Brian Johnson, 612 Ridgecrest, represented as property number 4 on the notice of public hearing, wished to speak in opposition. He expressed concerns regarding the uses permitted by right in the C-O district, and the potential for increased drainage issues at the time impervious cover is constructed on the vacant lot. He stated he was concerned about the increased occupancies of the adjacent properties due to the proximity to the existing residential properties. He stated there were deed restrictions on the properties prohibiting commercial uses.

JR Johnson, 712 Woodcrest Circle, represented as property number 15 on the notice of public hearing, wished to speak in opposition. He provided his history of his property. He expressed concerns regarding property value, drainage, impervious cover being built on the vacant lot, the uses permitted by right in the C-O district and the

increased traffic. He stated he was opposed to short term rentals. He stated other neighbors were in opposition, but due to various reasons were unable to attend the meeting.

Cathy Harwell, 604 Ridgecrest, represented as property number 6 on the notice of public hearing, wished to speak in opposition. She provided her history of her property. She stated they would not have purchased their property if they knew it would change from residential to commercial. She expressed concerns regarding safety and the impact of future development.

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to close the public hearing. Motion carried (7-0-0).

Commissioner Sonier inquired when the zoning changed from commercial to residential.

Mr. Simmont said he did not know the exact date at that time.

Discussion followed.

Commissioner Gibson inquired about the deed restrictions.

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

Commissioner Meyer requested clarification regarding drainage requirements.

Mrs. Reynolds clarified.

Discussion followed regarding drainage requirements at the time of permitting.

Commissioner Meyer clarified that the short term rental use was not being considered with the proposed zone change and would be considered at the time of a Special Use Permit application.

Commissioner Gibson inquired to the reasoning for the previous rezoning from commercial to residential.

Mr. Simmont said he was unaware of the reasoning at that time.

Motion by Commissioner Meyer, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of Lots 8A and 8B, Block 15, Rivercrest Heights 5E, and Lots 9 and 10, Block 15, Rivercrest Heights 6, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street, from "R-1" and "R-2A" Residential Districts to "C-O" Commercial Office District, with Staff recommendations. Motion carried, with Vice Chair Reaves, Commissioner Mathis and Commissioner Sonier in opposition. (4-3-0).