
PLANNING & ZONING COMMISSION
October 5, 2009
Minutes

Members Present: Bruce Bixby
 Gary Glenn
 Tim McClarty
 Clint Rosenbaum

Members Absent: Ovelia Campos
 Fred Famble
 David Todd

Staff Present: Jon James, Director of Planning and Development Services
 Dan Santee, City Attorney
 Ed McRoy, Assistant Director of Planning and Development Services
 Ben Bryner, Planning Services Manager
 Matt Jones, Planner I
 Zack Rainbow, Planner I
 JoAnn Sczech, Executive Secretary, Recording

Others Present: Bill E. Cox
 Lawrence Brannon
 Dale Jones
 George Bouquet
 Whitney Root
 Newt Newberry
 James Stone
 A.L. Calloway
 Patty Bowdoin
 John Cain
 Tom Choate
 Don Whitehead
 Julie Hagin
 Susan Chapman
 Susan Lambert
 Dave Boyll
 Linnie Ray
 Nanci Liles
 Hester Woods
 Audry Perry
 Kristina Jones
 Carrie Blaschke
 Cindy Haley
 Bill Minter
 Desa Lee-Laird
 M. Adcock

Item One: Call to Order

Mr. Tim McClarty called the meeting to order at 1:30 p.m. and declared a quorum present.

Item Two: Invocation

Mr. McClarty gave the Invocation.

Mr. McClarty read the opening statement for the Planning and Zoning Commission

Item Three: Approval of Minutes

Approval of the minutes of the September 8, 2009, Planning and Zoning Commission meeting.

Mr. Glenn moved to approve the minutes of the September 8, 2009, meeting. Mr. Bixby seconded the motion and the motion carried unanimously.

Item Four: Plat

- a. MRP-2909
Public hearing to consider a plat of Lots 123 & 124, Villages of Abilene, A Re-plat of lots 23 & 24 of Block B, Villages of Abilene Addition, City of Abilene, Taylor County, Texas.
- b. MRP-3009
Public hearing to consider a plat of Lot 101, Our House Subdivision, .472 Acres out of Lot No. 2, Block 207, Original Town of Abilene, City of Abilene, Taylor County, Texas.
- c. MRP-3109
Public hearing to consider a plat of Lots 116-119, A Replat of Lots 2 and 3, Block A, Wildlife Trails Addition, To the City of Abilene, Taylor County, Texas.
- d. MRP-3209
Public hearing to consider a plat of Lots 119 and 120, Block O, Replat of Lots 19 and 20, Block O, The Fairways Addition, To the City of Abilene, Taylor County, Texas.
- e. MRP-3409
Public hearing to consider a plat of Lot 1, Block A, Atlas Industrial Addition, Continuation 2, To the City of Abilene, Taylor County, Texas.

Mr. Zack Rainbow presented information regarding the plat listed on the agenda. Mr. Rainbow stated that the following plats are incomplete and staff requests that these plats be tabled until the Commission's next meeting: MRP-2909, MRP-3109 and MRP-3409. Staff is recommending approval of plats MRP-3009 and MRP-3209 as they meet the Subdivision Regulation requirements.

Mr. McClarty opened the public hearing and asked if anyone wished to speak regarding the plats being presented for approval.

Mr. Don Whitehead asked why MRP-2909 was being tabled.

Mr. Rainbow stated that the final plat has not been received by the staff for final review to ensure that all corrections have been made on the plat.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to table MRP-2909, MRP-3109, and MRP-3409 until the November 2, 2009, meeting. Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Glenn, McClarty and Rosenbaum) to none (0) opposed.

Mr. Rosenbaum moved to approve MRP-3009 and MRP-3209. Mr. Bixby seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Glenn, McClarty and Rosenbaum) to (0) opposed.

Item Five: Rezoning Request

a. Z-2009-14

Public hearing and possible vote to recommend approval or denial to the City Council request from Lawrence Brannon to rezone property from O (Office) to LC (Limited Commercial) zoning, located at 501 N. Willis St.

Mr. Matt Jones presented the staff report for this case. The subject parcel is approximately .33 acres and is currently zoned O (Office). The parcel currently has a non-operational ATM machine on the property. The adjacent properties have O to the south and west, LC (Limited Commercial) to the north, and RS-6 (Single-Family Residential) to the east. The area was annexed in 1955 and had Office Zoning applied to the property in 1976.

Currently the property is zoned O and has been used as such until the existing ATM facility discontinued service. The properties surrounding this property to the north, west, and south are all commercial activities with some retail, service, and office type uses. The property adjacent to the north of the subject property is zoned LC. The area transitions from higher intensity commercial uses to the west towards single family residential to the east of the subject property.

The Future land Use Map and the Comprehensive Plan designates this general area as low-density residential and commercial. The requested LC zoning would be considered compatible with this plan. Given the amount of commercial and office activity in the area and that the property is close proximity to the intersection of two collector roads, LC would be an appropriate zoning. The requested LC zoning is also considered to be compatible with single family residential, and given the screening and buffering requirements of the City of Abilene, this zoning request seems to be compatible with all surrounding uses.

Property owners within 200 feet of the rezoning request were notified. Three (3) comment forms were received in favor of the request and one (1) were received in opposition.

Planning staff recommends approve of the rezoning request

Mr. McClarty opened the public hearing.

Mr. Jerry Mash, Panian and Mash-Coldwell Bankers, stated that he is representing the seller and the potential buyer for this parcel of land. The purchaser proposes to locate an ice vending unit on the property. Mr. Mash provided pictures of a ice vending unit very similar to the one being proposed to be located on this property. Mr. Mash stated that the proposed unit will be two to three times larger than the ATM currently located on this lot.

Mr. McClarty closed the public hearing.

Mr. Bixby moved to approve Z-2009-14. Mr. Glenn seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Glenn, McClarty and Rosenbaum) to none (0) opposed.

b. Z-2009-15

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Donald A. Callaway to rezone property from AO/COR (Agricultural Open Space with Corridor Overlay) to LC/COR (Limited Commercial with Corridor Overlay) zoning, located at 4801 Buffalo Gap Road.

Mr. Matt Jones presented the staff report for this item. The request is to rezone property from AO to LC. The subject parcel totals approximately 2 acres and is currently zoned AO (Agricultural Open Space). The parcel has been developed with a single family home and is used as such. The surrounding properties are zoned for single family residential to the east and west, O (Office) to the north, and AO to the south. The area was annexed in 1959 and was designated as AO zoning after it had been annexed.

Currently the property is zoned AO and has been developed as a single family use. The properties to the east, south, and west across Buffalo Gap Road have been developed as single family residences. The property adjacent to the north has recently been developed as an eye care office.

The Future land Use Map and the Comprehensive Plan designates this general area as low-density residential. The Buffalo Gap Road Corridor Study (BGRCS), adopted in June of 1994, encourages low density residential or office zoning along the Buffalo Gap Road frontage at mid-block locations, minimizing commercial uses adjacent to residential uses. The BGRCS goes on to say that commercial activity should only be encouraged at major intersections along Buffalo Gap Road. For these reasons the requested LC zoning would not be considered compatible with this plan.

Property owners within 200 feet of the rezoning request were notified. One (1) comment form was returned in favor of the request and two (2) were returned in opposition.

Planning staff recommends denial of the request.

Mr. McClarty opened the public hearing.

Mr. Newt Newberry, representing the property owner, stated that they were very aware of the requirements in regard to the Buffalo Gap Rod Corridor Study and the fact that it is preferred to not have a commercial project abutting a residential area. The property on the east from the Loop to Rebecca Lane is commercial – on the west side, it is partially commercial and partially residential. From Rebecca Lane to Chimney Rock Road the commercial area is extended to the south along a natural thoroughfare which will accept commercial uses. Mr. Newberry stated that he did not feel it unreasonable to request Limited Commercial zoning in this area for location of a restaurant. The proposed restaurant will have a Santa Fe

style façade, set back 150 feet from the property line and trees will be installed along the sides and across the front. The parking area will be constructed of concrete.

Mr. James Stone stated that he is opposed to this request for the following reasons:

- Nature of the business

- Increase in traffic

- Drainage

- Noise

- Light pollution

Mr. McClarty addressed Mr. Stone's concern regarding drainage: If the property is developed, a drainage study is required and the water that falls on this site must be retained in a retention pond. Therefore, drainage would not be impacted by this development.

Mr. Jones stated that lighting would be addressed in the Site Plan process and all lighting must be shielded from the residential neighborhoods. Regarding the fencing and landscaping requirements, this is determined by a "points system."

Mr. John Cain stated that his property is outside the notification area; however, he believes a drainage problem will still exist. Mr. Cain stated that he is also concerned with odors from the restaurant, rodents and odors from the dumpsters.

Mr. George Bouquet stated that his main concern is increased traffic.

Mr. McClarty closed the public hearing.

Mr. McClarty reopened the public hearing.

Mr. McClarty explained to Mr. Newberry that four (4) favorable votes are required to approve this rezoning request. Since there are only four (4) members present at this meeting, the proponent was given the opportunity to table this item.

Mr. Newberry asked the date of the Commission's next meeting.

Mr. McClarty stated that the Commission will meet on November 2, 2009.

Mr. Newberry requested that the item be tabled.

Mr. McClarty closed the public hearing.

Mr. Glenn moved to table Z-2009-15 until November 2, 2009. Mr. Bixby seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Glenn, McClarty and Rosenbaum) to none (0) opposed.

Item Six: Land Development Code

- a. Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to adopt the Land Development Code.

Mr. McClarty stated that this item will be tabled; however, everyone present will have an opportunity to speak at this meeting.

Mr. James stated that there are some issues that are still outstanding and staff will be presenting these issues today. Since only four (4) Commissioners are present, Mr. James stated that he could present the information today and the Commission could address these issues and give direction to staff or the information could be presented today and a recommendation could be provided at a time when all Commissioners are present. The three questions are as follows:

⇒ Section 1.2.6.4 on Page 1-32 of the Land Development Code – Issuance of a “Stop Work” order. Currently, the only appeal on a decision made by the Building Official is through the Board of Building Standards. This is generally a 30-day process.

- The Consultant has recommended a separate appeal process whereby the Building Official’s decision may be appealed to the City Manager or the City Manager’s designee. This provides for a five (5) business day period for a determination.
- The Land Development Review Committee recommended that this be reduced to a 24-hour period.
- Staff understands the concern regarding the “five business days” and are sympathetic to reducing this somewhat, but the 24-hour turnaround provides too little time.

Mr. James stated that most stop work orders do not stop all work on a site – it is generally very specific, e.g. electrical, plumbing, etc.

- ⇒ The Code, as drafted, allows a revocation of a permit. The question is, “Should the City be able to revoke an approved permit if it was initially approved based on a mistake by the City, not the applicant.”

The draft ordinance gives the authority to revoke such a permit to the Board of Commission that is the appeals board in whatever situation this occurs.

- The Committee discussed this issue but did not make a formal recommendation. The general sense was if the City approves a permit through no mistake of the applicant, the permit should be honored
- City staff has concerns because there are ordinances that define what can or cannot be done and the fact that a staff member issued a permit in error should not give the individual receiving the permit “free reign” to do that for which the permit was issued.
- The Consultant’s recommendation is that the revocation couldn’t be done solely by City staff – the decision would need to be made by a board or commission to allow an applicant an opportunity to plead their case to a board, commission, or City Council.

- ⇒ Under the new ordinance, a Planned Development District would require a concept plan. This can be waived in certain instances. The question is, “If the concept plan shows building locations, how much variation can be done by a developer to those building locations without having to go back through the entire process to amend the PDD.”

- The current draft of the ordinance states: Any changes to the building – shifting the building more than 10 feet or a 10% change in size – would require a PDD amendment.
- The Committee discussed eliminating the 10 foot shifting requirement and increasing the percentage of change allowable to 50%.
- Staff proposes is somewhat different:
 1. Acknowledging that buildings are not required to be shown on the concept plans – this should be clarified in the ordinance. The ordinance does not specifically state that building locations do not have to be indicated – this could be clarified by stating that only building envelopes must be illustrated.

Mr. Bixby stated that he did not see the need to discuss individual building sizes – all that is needed is the building envelope.

Mr. James stated that the only other issue to be discussed at this meeting is the issue of short-term rentals. Mr. James stated in researching regulations of other cities, the following three options are available for regulating these units:

1. Consider them as single family residence
2. Create a new land use designation – “short-term rental” which carries additional requirements or conditions
3. Discretionary approval – either Special Exception through Board of Adjustment or a Conditional Use Permit through the Planning and Zoning Commission and City Council.

Some of the concerns that have been raised throughout this process include:

- Noise
- Parties and events
- Parking
- At a frequency or on a scale more frequent than that of a “normal” single family home
- Trash
- Negative impact to property values
- Security and safety concerns
- Effect on neighborhood character

Some of the questions to be considered in regulating this type of entity are:

1. Is this type of use significantly different from any other single family home?
2. What are the potential negative impacts, if determined that they are negative impacts, that should be addressed through regulation?
3. Is this an issue of some of these units being OK but too many not being OK?

Some of the options of ordinance of other cities include:

1. Limit to certain zoning districts
2. Limit the concentration – only so many per block or within a certain distance
3. Require discretionary special permit through Board of Adjustment or P & Z and Council
4. Require tracking mechanisms – i.e., registration through the City, renewal permits
5. Maximum occupancy or maximum number of vehicles

As the Commission discusses this issue, staff is seeking information as to the negative impacts (if any) from this type of use and how would these should be addressed from a regulatory standpoint.

Mr. James asked the Commission if they would like a special meeting on this issue in two weeks or discuss this issue at the Commission's regular meeting on November 2, 2009.

The consensus of the Commission was to hold a special meeting on the Land Development Code on October 19, 2009, at 5:30 p.m.

Mr. James stated that if this issue is tabled to the October 19th date, this will eliminate a newspaper notification.

Mr. Bixby moved to remove this item from the table. Mr. Glenn seconded the motion and the motion carried unanimously.

Mr. McClarty opened the public hearing.

Mr. Tom Choate, representing Mr. & Mrs. Terry Browder, stated that this is the sixth time he has appeared before a City department, board, or the City Council regarding the issue of Mr. Browder's use of his properties. Mr. Choate stated that every time this issue has been discussed, it has been decided that Mr. Browder's use of his properties is legal, is appropriate and within the code, as interpreted. Mr. Choate stated that upon viewing the Planning and Zoning Commission meeting of September 21, 2009, he heard many comments which led him to believe that the Planning and Zoning Commission was of a mind that this use was a detriment, and a bad thing or damage to the neighborhood. Mr. Choate stated that the truth of the matter is that there is no damage to the neighborhood, there have been no security of safety risks to the neighborhood, there has been absolutely no devaluation of property in the neighborhood and there have been no additional business ventures in this neighborhood then if someone was to rent a house. Mr. Choate stated that to hold Mr. Browder to a higher standard because of the length of rental is unfair. Mr. Choate stated that City staff provided an interpretative letter in October of 2007 which has been upheld across the board as to how these units are categorized and rules for operation. Mr. Choate stated that there is no reason for further regulations of these units. Mr. Choate recommended caution with further regulating of these units because this will not only impact this neighborhood but will have an effect citywide.

Ms. Carrie Blaschke, a member of the Town West Neighborhood, stated that this neighborhood is currently in a decline and asked that the Commission look at the entire City in order to restore declining neighborhoods.

Ms. Diane Keeble, President of the Board of Trustees of the Abilene Preservation League, stated that she currently lives in a historic home in a historic neighborhood. Ms. Keeble stated that Mr. Browder has demonstrated that he wants the neighborhood to look good, to grow and to be a special neighborhood. Ms. Keeble stated that she approves of these units for the following reasons:

1. Property is restored and given new life.
2. Investment in the property brings money into the neighborhood and into the City.
3. These units bring diversity and openness within the community.

Mr. Bixby asked Ms. Keeble if she thought short-term rentals should be allowed in all residential areas.

Ms. Keeble responded affirmatively.

Ms. Christina Jones echoed Mr. McClarty's comment that decisions made by this Commission will not only affect Abilene today but also 20 years from now. Ms. Jones stated that she recently viewed the properties owned by Mr. Browder. The properties are clean and definitely serve an economic basis for the City by hosting people who might not otherwise be coming to our community. Ms. Jones asked the Commissioners as they look at these rules and regulations, if even needed, to take into consideration that we do not want to drive more people outside the City – we need to improve what we have.

Ms. Julie Hagin, President of McClure Realtors, President of Francis McClure, Inc., and the broker for McClure Management Company, stated that McClure Management Company represents approximately 150 different property owners in the City of Abilene. Ms. Hagin stated that although they try to obtain a one (1) year lease, it is imperative that short-term alternatives be available when needed for scheduled maintenance, renovation, and when people move into the city when the timing for closing and occupancy of a property do not coincide.

Ms. Cindy Haley stated that she has spoken on two (2) instances to City Boards and/or Commissions regarding this issue. Ms. Haley stated that she is in favor of this use and she agrees with the comments made by Mr. Choate and Ms. Simms (as stated in a letter). Ms. Haley stated that she appreciates individuals who purchase properties in the area and renovate these structures. Ms. Haley stated that she would love for this neighborhood to become the "Little Fredericksburg" of Abilene, Texas.

Mr. Bixby asked Ms. Haley if she thought some requirements or ordinances should be in place to ensure that such homes continue to be in good repair, clean, safe and an asset to the character of the neighborhood.

Ms. Haley stated that she would hope that anyone who purchases a home for this type of purpose would keep the house and property in good condition. Ms. Haley stated that in answer to Mr. Bixby's questions, there should be some regulations to ensure the home or homes are kept in good condition. This type of short-term rental should be allowed.

Mr. Bixby stated that he would not want to see other projects go in a direction where they are not of benefit to the city.

Ms. Linnie Ray encouraged the Commission members to tour these structures and form their own opinion regarding these short-term rentals. Ms. Ray stated that she would be very proud to have such a structure next door to her.

Mr. McClarty stated the following (not verbatim):

This is not the Terry Browder zoning ordinance. It is obvious that everyone here thinks this is a great thing that he is doing. But, this zoning ordinance is not about him – the Commission is trying to look at a short-term rentals across the City and make a decision as to whether or not these need some type of rules and regulations. Mr. McClarty asked those wishing to speak address the needs of the City not one individual or neighborhood.

Mr. Bill Cox stated that this is not a Bed and Breakfast – it is a rental. Mr. Cox stated that none of the issues mentioned earlier in the meeting regarding noise, trash, etc., have been a problem in this neighborhood.

Mr. Bixby asked Mr. Cox if as a city and a community there should be no regulations for this type of use or is this something that requires the Commission's attention to set parameters for how these type of properties are utilized.

Mr. Cox responded that it is his desire for the Commission to address issues regarding all property in Abilene. Mr. Cox stated that there should be no difference between short-term and long term rentals. There are regulations in place that, if enforced, would improve neighborhoods and the City as a whole.

Ms. Patty Bowdoin stated that she has lived in her neighborhood for over 40 years and they have seen the neighborhood improve and decline. Ms. Bowdoin stated that these are things that happen to all neighborhoods and they are very happy when anyone in the neighborhood wants to improve a property. Ms. Bowdoin stated that the answer to Mr. Bixby's questions as to what type of regulations should be placed on these properties; they should have the same regulations as placed on any homeowner.

Mr. Tom Choate stated that there is a regulation in place that addresses this issue. An interpretation was made by the Director of Planning that allows for enforcement:

- ⇒ The use of this type of facility is limited to residential single family occupancy of no more than three (3) unrelated individuals and may not be rented to multiple families
- ⇒ The entire house must be rented as a single unit. Individual rooms or separate parts of the house may not be rented separately
- ⇒ The house may not be leased out for events, parties and other such gatherings. Reasonable private use for parties and events consistent with typical use of a single family home would be allowed but such use on a regular basis and/or rental of the unit specifically for such a use would not be allowed within an RS zoning district

Mr. Bixby stated that there are more regulations than those mentioned by Mr. Choate and his question to those addressing the Commission is: Are they happy with the current regulations or do they think additional protection is required.

The following individuals stated that additional restrictions are not required:

Ms. Julie Hagin
Ms. Cindy Haley

Ms. Audrey Perry stated that she owns rental property next door to her residence. In the rental contract that she utilizes, she stipulates the maintenance of the yard and other regulations. Ms. Perry stated that she is in favor of the regulation of all rental property – not just short-term rentals.

Ms. Nanci Liles, Executive Director of the Abilene Convention and Visitor's Bureau, stated that the Bureau utilizes the Sayles Ranch a great deal for photographers, journalists, etc. Ms. Liles stated that it is a very unique, special place for Abilene. Ms. Liles stated that she is in favor of short-term rentals.

Ms. Diane Keeble stated that the National Trust for Historic Preservation has requested to come to Abilene in October of 2010. Ms. Keeble stated that the Trust wants to come to Abilene because they recognize the good work of the Preservation League. One request of the Trust is for individuals attending this Conference to stay in a historic house or some type of historic property.

Ms. Desa Lee-Laird stated that she is opposed to this short-term rental and that this is not a personal vendetta. Ms. Laird stated that her interest is in her neighborhood and in keeping it a residential neighborhood. Ms. Larid stated that the City Council and the Planning and Zoning Commission have requested proof from Ms. Larid that this is a business and she has provided this information. Ms. Laird stated that this is a historic neighborhood and does not want this neighborhood to become a "Little Fredericksburg." Ms. Laird stated that noise, parking and trash problems are created by these short-term rental units.

Mr. McClarty closed the public hearing.

Mr. McClarty stated that today's meeting has been consumed by this one issue, as it was on September 21st. The agenda item for today's meeting listed discussion of the Land Development Code of which this is one minute part. Should the issue of short-term rentals be discussed as a separate item?

Mr. James stated that this is at the Commission's discretion. If the Commission wishes to discuss only this issue, it can be made a separate agenda item and discussed.

Mr. Bixby stated that this item should be discussed separately from the Land Development Code. Mr. Bixby stated that he would be in favor of the "Sayles Ranch" to be taken out of the discussion and this issue of short-term rentals be discussed as a citywide issue.

Mr. McClarty stated that the next meeting of the Planning and Zoning Commission is tentatively scheduled for October 19th, and requested that this issue not be placed on the agenda and only the Land Development Code be discussed.

Mr. Bixby recommended forwarding the Land Development Code to the City Council without the inclusion of this issue – hold this as a separate issue.

Mr. McClarty stated that it is clear to him that this is an issue that requires discussion and a decision by this Commission. It appears at this time that a decision will not be possible without this particular neighborhood being the focus point – which is not good – this should be addressed citywide.

Mr. Glenn stated that this issue has been discussed for six years and it is time to deal with it – it will not go away until the Commission deals with this issue.

Mr. Bixby stated that Mr. McClarty's recommendation is not to deal with this issue - but not letting this one issue delay the process of forwarding the Land Development Code to the City Council.

Mr. Glenn requested a copy of the letter of the Director of Planning's interpretation regarding this issue and then deal with this issue.

Mr. Rosenbaum stated that he is prepared to make a motion on this issue today; however, only four Commission members are present at this meeting and the full Commission should vote on this issue. Mr. Rosenbaum stated that there are many, many important issues for the Commission to discuss rather than only this one issue.

Mr. Glenn stated that if this issue is to be separated from the Land Development Code discussion, then a special meeting should be held to address only this issue. Mr. Glenn stated that this issue needs to be addressed and the Commission will not be popular with one side or the other no matter what decision is made.

Mr. Bixby stated that in the past, the Commission appointed a citizen committee to discuss important issues and provide a recommendation to the Commission.

Mr. McClarty stated that he felt this would be a good solution for this issue. City staff could appoint a committee made up of equal numbers of both sides of this issue, plus one or two members of the Planning and Zoning Commission. This Committee could hear both sides of the situation and provide the Commission with a recommendation.

Mr. McClarty recommended that the Commission hear Mr. Rosenbaum's motion regarding this issue at the October 19th meeting and if the motion passes it will put this issue to rest. If the motion does not pass, the Commission will discuss the option of a citizen review committee to address this one issue.

Mr. Santee stated that he did not believe that appointing a committee will accomplish the Commission's intent – to address the citywide issue. Mr. Santee stated that if staff did not believe that this issue had already been resolved, it would have been included in the Land Development Code. This issue was not included in the Land Development Code because this matter was closed – staff had made an interpretation, City administration was comfortable with that interpretation – and we moved forward without that in the Code.

Mr. James asked the Commission if this issue should be included on the agenda for October 19th as a separate agenda item.

Mr. McClarty stated that this should be a separate agenda item that will be discussed by the Commission.

Mr. Choate asked if it is appropriate for the public to have an interpretation of the recommendation made by this Commission.

Mr. McClarty stated that a public hearing tentatively to be held on October 19th at 5:30 p.m. to address this one issue.

Mr. Rosenbaum requested that this item address short-term rentals or guest cottages - not the "Browder" issue.

Mr. Glenn moved to table the Land Development Code to October 19th as follows:

Short-term rentals be established as a separate agenda item to be discussed prior to the Land Development Code issue

(Two agenda items – Short-Term Rentals and Land Development Code)

City to provide a formal recommendation as to how City staff believes this should be addressed.

Mr. Rosenbaum seconded the motion and the motion carried by a vote of four (4) in favor (Bixby, Glenn, McClarty and Rosenbaum) to none (0) opposed.

Item Seven: Director's Report

Recent City Council decisions regarding items recommended by the Planning and Zoning Commission.

Mr. James stated that only one item was considered by the City Council – building setbacks.

The Council unanimously approved the recommendation of the Planning and Zoning.

Item Eight: Adjourn

There being no further business, the Planning and Zoning Commission meeting was adjourned at 3:55 p.m.

Approved: _____, Chairman