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**PLANNING & ZONING COMMISSION**  
**October 15th, 2012**  
**Minutes**

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Members Present:           Tim McClarty  
                                  David Todd  
                                  Gary Glenn  
                                  Bruce Bixby  
                                  Clint Rosenbaum  
                                  Pam Yungblut  
                                  Fred Famble

Members Absent:           None

Staff Present:             Jon James, Director of Planning and Development Services  
                                  Dan Santee, City Attorney  
                                  Ben Bryner, Planning Services Manager  
                                  Bradley Stone, Planner II  
                                  Stephanie Goodrich, Planner I Historic Preservation Officer  
                                  Debra Hill, Secretary II (recording)

Others Present:            Joe Martin  
                                  Kathy Brooks  
                                  Norman Whitworth  
                                  Jean Whitworth  
                                  Terrance Parish  
                                  Bruce Kritler  
                                  Steve Savage  
                                  David McMeekan  
                                  Brad Bardin  
                                  Robert Kern  
                                  John Decker

**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: Zoning**

a. Z-2012-26

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Joe & Sandra Martin to rezone property from AO (Agricultural Open Space) to MH (Manufactured/ Mobile Home) zoning, located at 461 Jolly Rogers Road.

Mr. Ben Bryner presented the staff report for this case. The subject property equals approximately 5.00 acres and is currently zoned AO (Agricultural Open Space). The property is currently undeveloped. The adjacent properties have AO zoning to the north, south, east & west. The property was annexed into the city in 1959 and was zoned AO sometime after.

Currently the property is zoned AO and is undeveloped. The surrounding properties have been developed with single-family and manufactured/mobile homes. Other properties in the area are zoned MH (Manufactured/ Mobile Home). There is a large MH subdivision to the northwest of the subject property. The applicant is requesting the MH zoning to allow for a manufactured home to be placed on the property.

The Future Land Use section of the Comprehensive Plan designates this general area as low density residential. The applicant is requesting the zone change to allow for a manufactured home to be placed on the property. Other properties in the area are zoned MH or have a manufacture home. The requested zoning would be compatible with the surrounding residential uses as well as the Comprehensive Plan.

Property owners within 200 feet of the zoning request were notified. Two (2) Comment forms were received in favor and two (2) in opposition of the request. Staff is recommending approval as requested.

Mr. Bixby asked clarification regarding one of the response letters. Mr. Bryner stated the letter in question is the applicants relative and is speaking in favor of the request. Mr. Bixby questioned the ownership of the property in this request. Mr. Bryner stated the property has gone through the plat process to create a five acre lot. He added that two of the five acres have been deeded to the applicant, to place a manufactured home. Mr. Bryner stated when this was done the applicant was informed he could not place a manufactured home in this zoning but a modular home would be permitted which would meet the building code requirements. The applicant had purchased a manufactured home which has lead to this request.

Mr. McClarty questioned that if the zoning of the entire five acres is rezoned to MH, would it be possible to place more than one mobile home on that lot. Mr. Bryner stated that it is possible, the applicant would have to provide a plat for the addition and could possibly incur additional services.

Mr. James questioned if this could be used also as a mobile home park.

Mr. Bryner stated that yes it could with a site plan approval and other specific requirements. He added that he has spoken with the applicant and the applicant is comfortable with zoning a specific area for the manufactured home and the remaining acreage to continue as AO.

Mr. McClarty opened the public hearing.

Mr. Gary Clevenger spoke in opposition of rezoning to MH. Mr. Clevenger stated he was not against the applicants locating a manufactured home on the property. He expressed concerns if the entire five acres were to be rezoned MH, the possibility of, in the future, a developer could redevelop this area as a mobile home park. He added that if the applicant could have the option of specifying a determined amount of land for the MH zoning, he would be in favor of that rezoning.

Mr. Terrance Parish (General Contractor for the applicants) spoke in favor of this request. Mr. Parish stated the applicants would be in favor of the conditional rezoning that was previously suggested.

Mrs. Jean Whitworth (3701 Caldwell Rd) questioned the location of any roads that would be implemented to the property for this request. Mrs. Whitworth stated she would not be opposed the request as long as any improvements to the property would not incur more drainage problems.

Mr. Brad Barton (1121 Walnut) spoke in favor of the request with the recommendation that the zoning be decreased to no more than one acre.

Mr. McClarty closed the public hearing.

Mr. McClarty questioned if the request could be reduced to only the minimum requirements. Mr. Bryner stated that it has been done in the past. Mr. Bixby asked the minimum requirements. Mr. Bryner stated the minimum is 50 X 100 for MH zoning.

Mr. Glenn questioned the location of the proposed home.

Mr. Todd questioned the location of the septic system.

Mr. McClarty reopened the public hearing and asked the applicant to come forward.

Mr. Joe Martin (applicant) described the location of the proposed home and the location of the entrance to the property.

Mr. Barton stated he would be in favor of the reduced zoning for this request.

Mr. McClarty closed the public hearing.

**Mrs. Yungblut moved to approve Z-2012-26 with the recommendation to reduce the zoning to .95 acre only. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Yungblut, Glenn, Rosenbaum, Famble, Bixby, Todd and McClarty) and none (0) opposed.**

**Item Four: Ordinance Amendment:**

Public hearing and possible vote to recommend approval or denial to the City Council on a proposal to amend the Land Development Code with regard to Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges.

Mr. Bryner presented the staff report for the case. The Land Development Code (LDC) was adopted by City Council on April 22, 2010 as recommended by the Planning & Zoning Commission. After more than 2 years of administering the LDC, several changes have been identified that are problematic and require discussion from the Planning & Zoning Commission. Staff has prepared a draft of the proposed changes and is attached.

The changes include:

- Changes to interior side setbacks for GC, HC & LI districts to reduce setbacks to zero as in our prior zoning ordinance
- Parking and storage regulations for RV's which were inadvertently left out of the new LDC
- Clarification of setback requirements for accessory buildings
- Height exception for carports & patio covers with pitched roofs to be taller than 12 feet
- Amendment to fence heights adjacent to streets in commercial & Multi-Family zoning districts to allow for taller fences

The sections proposed for amendment are Table 2.4 Site Layout and Building Requirements for Nonresidential Zoning Districts, Section 2.4.2.1 Land Use Matrix, Section 2.4.3 Requirements Applicable to Specific Land Uses, Section 2.4.4 Accessory Uses & Structures, and Section 4.2.4.1 Fences, Walls and Hedges.

Staff recommends **approval** of the proposed amendments to Table 2.4 and Sections 2.4.2.1, 2.4.3, 2.4.4, and 4.2.4.1 of the Land Development Code.

Mr. McClarty opened the public hearing. No one came forward and the public hearing was closed.

**Mr. Glenn moved to approve the Ordinance Amendment to the Land Development Code in regards to Table 2.4 and Sections 2.4.2.1, 2.4.3, 2.4.4, and 4.2.4.1. Mr. Famble seconded the motion and the motion carried by a vote of seven (7) in favor (Yungblut, Glenn, Rosenbaum, Famble, Bixby, Todd and McClarty) and none (0) opposed.**

**Item Five: Directors Report**

Discussion of possible items for future consideration.

Mr. Jon James stated the Mayor has directed the Commissioners to consider the Sign Ordinance that was originally proposed. Mr. James stated that the Mayor has asked the Commissioners to vote on the proposed Sign Ordinance at their November meeting and forward their decision onto the City Council.

**Item Six: Adjourn**

The Planning and Zoning Commission meeting was adjourned at approximately 2:25 P.M.

Approved: \_\_\_\_\_, Chairman