#### **PLANNING & ZONING COMMISSION** September 2nd, 2014 Minutes

Members Present:	Fred Famble Bruce Bixby Robert Calk Joy Ellinger Tim McClarty Clint Rosenbaum	
Members Absent:	Gary Glenn	
Staff Present:	Jon James, Director of Planning and Development Services Dan Santee, City Attorney Ben Bryner, Planning Services Manager Zack Rainbow, Planner II Stephanie Goodrich, Planner I Historic Preservation Officer Donna Boarts, Secretary II (recording)	
Others Present:	Phillip Jergins Diane/Randy Duncan Paul Phillips Mary Ann Rivera Yvonne Batts Barbara Payle Don Hardin Mike Denny Wes Gomer Kim Snyder Don Shivers Erik Johnson Megan Santee	Zelma/Cullen Hunt Carmen Price Nancy Lesto Rupert Rangel Judy Favor BJ Prichard Peter Kent Susanna Cates Nolan/Sharon Kelley Bob/Patricia Reid Luke Back Kris Kowatch

### Item One: Call to Order

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

Item Two: Invocation

Mr. McClarty gave the Invocation.

<u>Item Three: Approval of Minutes:</u> Chairman Famble stated the July 7<sup>th</sup>, 2014 minutes were approved with a correction made to TC-2014-05 by Mr. Calk who voted in opposition not abstained. Mr. McClarty moved

Page 1 of 13 September 2nd, 2014 Planning and Zoning Commission to approve the minutes with the correction listed. Mr. Calk seconded the motion and the motion was approved unanimously.

#### Item Four: Plats

Mr. Rainbow presented the staff report for these cases. Staff recommended approval of all plats.

#### **FP-2814**

Grocery Retail Addition, Section 1, Being 20.836 Acres out of the SE/4 of Section 62, Blind Asylum Lands, Abstract No. 679, Abilene, Taylor County, Texas.

#### **MRP-4914**

Lot 101, Smith's Subdivision, Being a Subdivision of 1.157 Acres of Land Situated in Section 89 of the Herman Ward Survey, Abstract No. 427 in the City of Abilene, Taylor County, Texas; Being a Replat of all of Lots 1-4, the North 15.5 Feet of Lot 5, a 7.5 Foot Wide Strip of Land Located Between Said Lots 4 and 5, and an 8 Foot Wide Strip Located East of said Lots 1-4, of Smith's Subdivision.

#### FP-5014

Mockingbird Hill Addition, 40.881 Acres of Land out of a 120 Acre Tract out of the SE/4 of Section 14, Lunatic Asylum Land, Abstract No. 677, Taylor County, Texas.

#### **MRP-5814**

Lots 4 & 5, Replat of Block 18, Section 2, Abilene Plaza Addition, City of Abilene, Taylor County, Texas.

#### MRP-5914

A Plat of Lot 204, Block 14, North Park Addition, Abilene, Taylor County, Texas.

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

Mr. McClarty moved to approve FP-2814, MRP-4914, FP-5014, MRP-5814, MRP-5914. Mrs. Ellinger seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none in opposition. (Mr. Bixby abstained on FP-2814 and MRP-4914; Mr. Calk abstained on MRP-5814).

#### Item Five: Zoning

#### a. Z-2014-22 <u>TABLED FROM 8/4/2014</u>

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Nick Coates to rezone property from AO (Agricultural Open Space) & RS-6 (Single-Family Residential) to PD (Planned Development) zoning, located at 2668 Garfield Ave and the approximately 12.04 acres to the north.

Page 2 of 13 September 2nd, 2014 Planning and Zoning Commission Mr. McClarty made a motion to *REMOVE ITEM Z-2014-22* from the table. Mr. Rosenbaum seconded the motion. The motion carried unanimously.

Mr. Bryner presented the staff report for this case. Currently the property is zoned AO & RS-6 and is undeveloped. The property to the north is zoned PD and undeveloped. Interstate 20 is also located a short distance north of the subject property. The properties to the south are largely developed with single-family homes. The property to the east is developed as a large apartment complex. Originally, the owner asked for the PD zoning with underlying MF zoning to develop the land as an apartment complex. As part of the PD zoning, the applicant proposed that the current RS-6 area would remain undeveloped with exception of access to the north 12 acres. The applicant has amended his request to have underlying MF zoning on the northern 5 acres with the remaining 9 acres to have underlying RS-6 zoning. This property requested to be rezoned to MF zoning in June of last year with the intent of developing as a nursing facility. The request was recommended for denial due to a failed motion of approval with a 2-3 vote. The request was not appealed to City Council therefore considered as denied.

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 development of an apartment complex. The area to the south consists of single-family homes. The primary access for this property currently is through the neighborhood on Campus Court. There is a large apartment complex adjacent to the east, but access is from N. Judge Ely Blvd and the I-20 frontage road. The requested zoning would be compatible with the adjacent apartment use but could negatively impact the adjacent single-family residential uses to the south.

#### **Proposed PD Language:**

PERMITTED USES: The property shall be subject to the requirements of the RS-6 (Single-Family Residential) zoning district with the following modification:

- 1) ADDITIONAL PERMITTED USE: An Independent Living Facility of 140 rooms and 12 staff members shall be permitted on the approximately 5.0 acres north of the property currently addressed as 2668 Garfield Avenue.
- 2) DEVELOPMENT REGULATIONS:
  - a) If developed as an Independent Living Facility, the MF (Multi-Family Residential) district standards shall apply.
  - b) Landscaping/Buffer: The area along Garfield Ave, currently the property being 2668 Garfield Ave, shall remain undeveloped and serve as an open space and buffer area to the adjacent single-family properties. No improvements shall be allowed in this area except for 1 driveway access to the  $\pm 12.04$  acres to the north.
  - c) No physical connection shall be allowed between the northern 5.0 acres and the remaining ±9.5 acres with the exception of 1 emergency access point. Barriers shall be provided in the form of berms, landscaping, walls, or similar.

Property owners within the 200 feet of the zoning request were notified. Zero (0) comment forms were received in favor and eleven (11) in opposition.

Page 3 of 13 September 2nd, 2014 Planning and Zoning Commission

#### PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the amended PD zoning.

Chairman Famble opened the public hearing.

Mr. BJ Pritchard (agent) inquired if they were any questions?

Mrs. Carmen Price (property owner) stated that the neighborhood requests are to have closure of Campus Court with no connectivity.

Chairman Famble closed the public hearing.

Mr. Jon James advised if there was a concern, the PD could be reworded stating no "street connection" to the access road.

Chairman Famble opened the public hearing.

Mr. Phillip Jergins (property owner) spoke in favor of the additional wording of no access into the neighborhood.

Chairman Famble closed the public hearing.

Mr. Bixby made a motion to approve Z-2014-22 amending the wording on the PD stating no street connection. Mr. Rosenbaum seconded the motion and the motion carried by a vote of six (6) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble,) and none in opposition.

#### b. Z-2014-34

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Southwest Housing Providers, LLC, agent EHT, to rezone property from AO (Agricultural Open Space) and PD (Planned Development) to GC (General Commercial) zoning, being 27.15 acres located on the south side of the 600-700 block of E. Stamford St.

Ben Bryner presented the staff report for this case. Currently the property is zoned AO & PD and is undeveloped. The purpose of the zoning is to allow for a mix of commercial uses on the property. The surrounding area is developed generally with single-family residential uses to the south and proposed multi-family residential zoning to the east. The existing PD zoning allows for apartments. The applicant is requesting a change to the GC zoning which would allow for commercial uses.

The Future Land Use section of the Comprehensive Plan designates this general area as 'low density residential'. The requested zoning is deemed incompatible with the Future Land Use Map and the adjacent residential uses in the area. The frontage along I-20 would be more suitable for retail development with the remainder of the property transitioning to residential

Page 4 of 13 September 2nd, 2014 Planning and Zoning Commission uses. The applicant has indicated a possibility of developing a travel trailer park on the rear portion of the site. Maintaining the AO zoning on the rear would provide an option of requesting a Conditional Use Permit for said use in the future.

Property owners within a 200-foot radius were notified of the request. Zero (0) comment forms were received in favor and two (2) in opposition of the request.

#### PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR (General Retail) zoning along the front  $\pm 300$  feet and rezoning to AO on the remainder of the property.

Chairman Famble opened the public hearing.

Mr. David Todd (representing, Southwest Housing Providers) spoke in favor of this re-zoning.

Chairman Famble closed the public hearing.

# Mr. Bixby made the motion to approve Z-2014-34. Mrs. Ellinger seconded the motion with a vote of six (6) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, Famble) and none in opposition.

#### c. Z-2014-37

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Hendrick Home for Children, agent EHT, to rezone property from AO (Agricultural Open Space) to PD (Planned Development) zoning, located at 2758 Jeanette St.

Mr. Bryner presented the staff report for this case. Currently the property is zoned AO and is developed with the Hendrick Home for Children campus. The children's home is proposing to expand their services with construction of an additional facility. The current zoning does not permit the expansion and thus requires a change of zoning to accommodate their desires. The surrounding area is developed generally with residential uses to the north and south, industrial uses to the east, and retail uses to the west. The applicant is requesting a change to the AO zoning to allow for the existing use and current & future expansions of their services.

The Future Land Use section of the Comprehensive Plan designates this general area for commercial/light industrial development. The requested zoning would be to specifically allow for the services provided by the children's home. The requested PD zoning will allow for continuation of the existing use and future expansion of services. The request is deemed compatible with the Future Land Use Map and the adjacent uses in the area.

### This Planned Development shall be subject to the requirements of the MF (Multi-Family Residential) zoning district, except as modified below:

Page 5 of 13 September 2nd, 2014 Planning and Zoning Commission

- 1. **ADDITIONAL PERMITTED USES:** The 'animal lot' use, to include the stabling and keep of horses and other equestrian uses, shall be permitted.
- 2. **INSTALLATION OF SIDEWALKS:** Sidewalks shall be installed according to the proposed Sidewalk Schedule attached as exhibit 'B'. The order of construction of segments may be swapped, but one identified segment of sidewalk shall be constructed in each designated year.
- 3. **LANDSCAPING:** The minimum area required for calculating interior landscaping shall be based on the area between the minimum required building setback and the adjacent street right-of-way. All other landscaping standards shall apply to the site.

Property owners within the 200' of the zoning request were notified. Five (5) comment forms were received in favor and zero (0) in opposition of the request.

#### PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Mr. James stated that back in 2009, they completed a development that would have prompted sidewalks, and entered into a deferral agreement with the City, that stated that they would supply a schedule indicating when sidewalks were to be constructed around the site.

Chairman Famble opened the public hearing.

Mrs. Maryann Rivera (property owner) inquired about the sidewalk on the northern most area. Mr. Bryner stated being that it is required.

Chairman Famble closed the public hearing.

Mr. James stated that the PD would allow them to swap out the order of these segments. A segment must be completed once every five (5) years, with completion of all sidewalks within 20 years. Regarding South 24<sup>th</sup> Street the motion can indicate whether or not a sidewalk is required.

Mr. Bixby stated that it should be excluded.

Mr. Calk made the motion to approve Z-2014-37 with a sidewalk addition along 24<sup>th</sup> Street, to be scheduled at the same time the north portion of the site is developed along Sayles Blvd. Mr. Rosenbaum seconded the motion and the motion <u>FAILED</u> by a vote of three (3) in favor (Calk, Rosenbaum, & Famble) and one (1) in opposition (Mr. Bixby), with two abstentions (Ellinger, McClarty).

Mr. Bixby made the motion to approve **Z-2014-37** without a sidewalk on the north piece of the property.

Mr. Rosenbaum inquired if the corner area was to be developed; it would trigger a site plan and require sidewalks.

Page 6 of 13 September 2nd, 2014 Planning and Zoning Commission Mr. James stated if it was a neighborhood street within a neighborhood that does not have sidewalks, then it would be exempt our ordinance. In this case: Sayles Blvd, Amarillo Street, Meander Street all have north and south running sidewalks within that neighborhood.

Mr. Bixby made a motion to approve no requirement for the north sidewalk along South 24<sup>th</sup> Street. Mr. Rosenbaum seconded the motion and the motion was approved by a vote of four votes (4) in favor (Bixby, Calk, Rosenbaum, Famble) and none in opposition, with two abstentions (Ellinger, McClarty).

#### Moved up #6 : Thoroughfare Closure:

a. TC-2014-06

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Heavenly Rest Episcopal Church, agent EHT, to abandon Meander St from S. 6th St to S. 7th St & the adjacent east-west alley.

#### **REQUEST ANALYSIS:**

Mr. Ben Bryner presented the staff report for this case. The abandonment of this section of Meander St would not create a block that is larger than the maximum block allowed, or 1,200 feet. With the closure of Meander St, traffic will still be able to maneuver various other streets in the vicinity. An alley currently connects into this section of Meander St. Only 1 home would be affected by the street closure and can be resolved with a roll-out trash can. However, continued service in that alley is recommended by the Solid Waste Services department and they opposed the alley closure. The alley also provides rear access to the home. An access easement is needed to allow for continued use of the alley. Additionally, water and sewer lines exist along the alley right-of-way. A utility easement is needed to allow for maintenance of these utilities.

#### **RECOMMENDATIONS:**

**Plat Review Committee:** The Plat Review Committee recommends approval of the requested closure with the following conditions:

- 1) The proponent is to be responsible for the cost of adjustment or retirement of the existing public street lights along the abandoned right-of-way.
- 2) Provide an access easement along Meander St and the alley to connect to either S. 6<sup>th</sup> St or S. 7<sup>th</sup> St.
- 3) Provide appropriate drainage easements and utility easements.
- 4) Re-plat the adjacent property so that no currently platted lots are left without street frontage.

**Staff Recommendation:** Approval per the Plat Review Committee. The request would not create a block that would be larger than permitted and the abandonment of Meander St would allow for expansion of the church.

Page 7 of 13 September 2nd, 2014 Planning and Zoning Commission Property owners within the 200' of the zoning request were notified. Zero (0) comment forms were received in favor and eleven (11) in opposition of the request.

Chairman Famble opened the public hearing.

Mr. David Todd (agent) spoke about the abandoning the alley to the East. He stated that since they do not own the property, they have no intention to re-plat. He suggested possibly keeping the alley in place and providing an access easement through the parking lot or through the middle of Meander Street. Mr. Bryner stated they included the entire ROW (right of way), including the alley, in case there was a need or desire to abandon it as well.

Chairman Famble closed the public hearing.

Mr. Rosenbaum asked for clarity on the decision on the abandoning Meander Street up to 1883 south  $6^{th}$ .

Chairman Famble opened the public hearing.

Mr. David Todd suggested the alley remains open to ensure an access easement through the middle of Meander Street to South 7th.

Mr. Rosenbaum inquired if Mr. Todd is alluding to abandoning Meander Street and not the alley?

Mr. Bixby stated that this could cause a possible radius issue going back to the north.

Mr. Luke Back (Rector for the church) spoke in favor of this request.

Mr. Mike Denny (agent) spoke in favor of beautifying the neighborhood, adding buffering areas up against the houses.

Mr. Greg Reed (spoke for property owner Mr. Reed) spoke in favor of the changes that are requested.

Mr. Don Shivers (property owner) inquired if changes would affect neighboring properties?

Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve TC-2014-06 to close *Meander Street ONLY*. Mr. Bixby seconded the motion and the motion was approved by a vote of six votes (6) in favor (McClarty, Rosenbaum, Bixby, Calk, Ellinger, & Famble) and none in opposition.

#### d. Z-2014-38

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Donald Hardin, to rezone property from GC (General

Page 8 of 13 September 2nd, 2014 Planning and Zoning Commission Commercial) & RS-6 (Single-Family Residential) to GR (General Retail) zoning, located at 2526 S. 14th St & 1357, 1365, & 1373 Portland Ave.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned GC & RS-6 and is developed with a commercial use and 3 residential homes. The purpose of the zoning is to allow for retail uses on the property. The surrounding area is developed generally with single-family residential uses to the north and retail uses to the east & west along S. 14<sup>th</sup> St. McMurry University exists nearby to the southeast. The applicant is requesting a change to the GR zoning which would allow for retail uses similar to those already existing along S. 14<sup>th</sup> St.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial' and is near a 'Local Community Center' node. The S. 14<sup>th</sup> Street thoroughfare is also classified as an 'enhancement corridor'. The requested zoning is deemed compatible with the Future Land Use Map along the S. 14<sup>th</sup> St frontage. The area to the north consists of single-family residential uses. The frontage along S. 14<sup>th</sup> St would be more suitable for retail development with the northernmost property transitioning to residential uses. Maintaining the RS-6 zoning on the northernmost property would provide the transition to single-family residential uses to the north.

Property owners within the 200' of the zoning request were notified. Six (6) comment forms were received in favor and one (1) in opposition of the request.

#### PLANNING STAFF RECOMMENDATION:

Staff recommends approval of GR (General Retail) zoning for all but the northernmost property (1357 Portland Ave).

Chairman Famble opened the public hearing.

Mr. Cullen Hunt (property owner) spoke in opposition of this zoning change and traffic concerns.

Mrs. Judy Favor (property owner) spoke in opposition of having an entrance off Portland Ave.

Mr. James stated that a PD would need to be done to prevent a driveway. We can note the opposition, but to be considered formal opposition we would need something in writing. Those at this meeting can submit it in writing before the next City Council meeting.

Mr. Randy Duncan (property adjacent to the request) spoke about traffic and parking issues in the neighborhood.

Mr. Don Hardin (owner of property in question) stated that he owns the three (3) properties. At this point, has no plans on developing the property at this time.

Mr. Santee stated that the property on 14<sup>th</sup> street is already zoned GC. The Commission has the ability to rezone the 2 back properties to GR.

Page 9 of 13 September 2nd, 2014 Planning and Zoning Commission Chairman Famble closed the public hearing.

Mr. Bixby made the motion to approve Z-2014-38 and zone the two (2) back (northern) properties GR and the keep the front (southern) property GC. Mr. McClarty seconded the motion with a vote of six (6) in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, & Famble) and none in opposition.

e. Z-2014-39

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Paul Johnson & Associates, agent Paul Johnson, to amend PD-41 (Planned Development) zoning regarding self-storage & signage, located at 425 & 465 N. Judge Ely Blvd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned PD-41 and is developed with a large retail building that was the previous site of a Wal-Mart shopping center. The building has been vacant for several years. The purpose of the amendment to the zoning is to allow for self-storage warehousing within the building and to also allow for residential homes on the property. The surrounding area is developed generally with commercial uses to the south, single-family residential uses to the east, and apartments to the north & west. The applicant is requesting an amendment to the PD zoning which would allow for self-storage uses similar to other locations already existing in the City of Abilene. Additionally, the amendment will allow for additional signage at N. Judge Ely Blvd to advertise for the proposed use.

The Future Land Use section of the Comprehensive Plan designates this general area as 'commercial'. The proposed self-storage warehousing will be conducted indoors with minimal impact on the adjacent properties. The requested zoning is deemed compatible with the Future Land Use Map and the adjacent commercial and multi-family residential uses in the area.

Property owners within the 200' of the zoning request were notified. One (1) comment form was received in favor and zero (0) in opposition of the request.

#### PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the proposed PD amendments.

Chairman Famble opened the public hearing.

Mr. D.C. McCleary (property owner) asked for clarity regarding the two properties. Not opposed, but has concerns about the storm water runoff.

Mr. McClarty stated that before the development begins, storm water would need to be mitigated through a site plan to create water detention facilities. The City would also need to approve an engineering analysis before a building is constructed.

Page 10 of 13 September 2nd, 2014 Planning and Zoning Commission Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2014-39. Mr. Famble seconded the motion and the motion was approved by a vote of six votes (6) in favor (McClarty, Rosenbaum, Bixby, Calk, Ellinger, & Famble) and none in opposition.

f. Z-2014-40

Public hearing and possible vote to recommend approval or denial to the City Council on a request from Warren Harkins, agent Jeanne Shaw, to rezone property from PD (Planned Development) to HC (Heavy Commercial) zoning, located at 3701 & 3725 W. Lake Rd.

Mr. Ben Bryner presented the staff report for this case. Currently the property is zoned PD and is developed with multiple buildings that were previously used for oilfield services that existed on the property prior to annexation. The purpose of the zoning change request is to allow for outdoor display and rental of equipment and machinery on the property. The current zoning is restrictive and does not permit for this use. Specifically, a PD district was created to limit the uses on the property to be compatible with the adjacent residential uses. Any other uses would be required to conform to the GC (General Commercial) zoning regulations. The surrounding area is developed generally with manufactured homes to the north and east. The applicant is requesting a change to the HC zoning which would allow for the propose use.

The Future Land Use section of the Comprehensive Plan designates this general area for low density residential development. The requested zoning would be to specifically allow for outdoor display and rental of equipment and machinery not allowed in the existing PD zoning. The area has developed with manufactured homes to the north and east. The requested HC zoning in this location is deemed incompatible with the Future Land Use Map and the adjacent uses in the area.

The subject parcel totals approximately 1.96 acres and is currently zoned PD. The parcel is developed with multiple buildings that were previously used for oilfield services that existed on the property prior to annexation. The adjacent properties are zoned NR (Neighborhood Retail) to the north, MH (Manufactured Home/Mobile Home) to the east, MD (Medium Density) to the south, AO (Agricultural Open Space) to the west.

Property owners within the 200' of the zoning request were notified. Zero (0) comment forms were received in favor and one (1) in opposition of the request.

#### PLANNING STAFF RECOMMENDATION:

Staff recommends denial.

Chairman Famble opened the public hearing.

Page 11 of 13 September 2nd, 2014 Planning and Zoning Commission Mr. Eric Johnson (spoke on behalf of the property owner) Mr. Johnson stated the property owner is in favor of the HC zoning change that is needed due to "heavy equipment sales, rental, repair & display".

Mr. McClarty inquired if it was possible to modify the PD instead of zoning HC? Mr. Santee stated an amendment could be done.

Mr. Marcus Gann (Briggs Equipment) spoke in favor of this zoning. Mr. Gann stated that Briggs Equipment is a heavy equipment company with repair services being done at the customer jobsites.

Mr. Paul Phillips (Branch Manager /Briggs Equipment) spoke in favor of the company's move to Abilene.

Mr. David Casiter (Safety/Facility Dir. Briggs Equipment) spoke in favor of this zoning.

Chairman Famble closed the public hearing.

Mr. McClarty stated that a modification to the PD would be helpful to allow this equipment company to make their move to Abilene.

Mr. Bixby inquired if this is the right location for outdoor equipment display.

Mrs. Ellinger spoke about the noise in a residential area from the equipment being serviced on the property.

## Mr. McClarty made a motion to modify the existing PD zoning to allow this business on that site. Mr. Famble seconded the motion.

Mr. James stated the vote would need to be more specific such as placing additional conditions, adding screening requirements within the neighborhood, limiting hours of operation, limiting noise within a residential area, etc.

#### Mr. McClarty withdrew his motion.

Chairman Famble opened the public hearing.

Mr. Marcus Gann (Briggs Equipment) spoke on day to day operations. Stated hours of operation are 7:30 a.m. -5:00 p.m. The majority of their equipment is electric powered with very little gas or diesel powered equipment.

Mr. McClarty inquired whether the company would object to having some buffering for the residences to the east and require them to put a fence or landscaping to buffer the noise.

Page 12 of 13 September 2nd, 2014 Planning and Zoning Commission Mr. Marcus Gann (Briggs Equipment) said that they would not be opposed and that they are willing to store the diesel equipment away from residences.

Mr. Bixby inquired about the lighting requirements next door to residences.

Mr. Jon James stated the City is in the process of an ordinance amendment at this time. At this time, unless a site plan is triggered, if they are using existing lighting they do not have to be in compliance with the lighting standards. That is also unless a PDD specifically requires that. Basic requirements for lights are that they be shielded and directed downward with no spillover effects unto the neighboring properties. Site plan does not trigger signage, existing signage can be used; new signs would have to be in compliance.

Chairman Famble closed the public hearing.

Mr. McClarty made a motion to approve Z-2014-40 with the following modifications to the PD: to allow heavy equipment rental, sales, & repair with outside display; operating hours not to exceed 7:00 A.M -7:00 P.M.(except for emergencies); no spillover lighting onto residential properties; require a buffer on the east side of 15 ft. to keep heavy equipment away from the existing fence and adjacent homes; require a 7ft. fence to provide an additional buffer for homes. Mr. Bixby seconded the motion and the motion was approved by a vote of six votes (6) in favor (McClarty, Rosenbaum, Bixby,Calk, Ellinger, & Famble) and none in opposition.

#### Item Seven: Directors Report:

All was approved by City Council as staff and the Commission recommended. The one difference was on the Campus Court *Thoroughfare Closure*, where Council voted to keep the southern part of Campus Court open to allow connectivity into the proposed single-family development, but with a closure in the middle to prevent connectivity through to the Interstate.

#### Item Eight: Meeting Adjourned:

Planning and Zoning Commission meeting was adjourned at approximately 3:55 p.m.

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

Page 13 of 13 September 2nd, 2014 Planning and Zoning Commission