

PLANNING AND ZONING COMMISSION  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
REGULAR MEETING, AUGUST 14, 2007

The Planning and Zoning Commission/Zoning Board of Adjustments and Appeals met for a regular meeting August 14, 2007, at 10:00 a.m.

Commission members present were:

David Spindle, Chairman  
David Shock, Vice-Chairman  
Sherry Christie, Regular member  
Ron Corcoran, Regular member  
Jason Riley, Alternate member

Staff members present were:

Faye Brockett, Planning and Zoning Director  
Gracie Loyd, Secretary

Others present were:

Jason Armstrong  
Bill Atkinson  
Juanita Atkinson  
Gary Banks  
Shirley A .Brown  
Pamela Flaming  
Ronnie Fralicks  
Peter Kavanagh  
Marilyn Livingston  
Gerald Locke  
Charles F. Myers  
Robert S. Smith  
Mike Weger

MINUTES

On a motion made by Sherry Christie, seconded by Ron Corcoran, the minutes of the July 10, 2007, regular meeting were unanimously approved.

CASE Q-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings (a) Front Yard setback (b) Side Yard setback submitted by Juanita Atkinson, for property out of the Miller's 2<sup>nd</sup> Addition, N.55' of Lot 9 & 5' of the N.55' of Lot 10, 412 S. Perry.

Faye Brockett explained that the applicant would like to construct a metal carport 12' from the front property line and on the side property line. A variance is requested for 13' as a 25' front yard setback is required. A variance is requested in the side yard area as a 5' setback is required. Applicant is requesting a 5' variance in the side yard area.

All adjacent property owners have been notified.

Staff recommends approval subject to neighborhood comment.

There were 4 property owners notified with no approvals no disapprovals

Slides were presented

Bill Atkinson was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by David Shock, seconded by Ron Corcoran, the request was unanimously approved.

CASE P-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings- (a) Front Yard, submitted by Herbert Smith, for property out of the Resurvey of Boulevard Heights, Lot 17 and W. ½ of Lot 18, Block 1, 1221 W. Texas.

Faye Brockett stated that the applicant would like to construct a metal carport, 12' x 20', in the front yard area. A variance is requested for the front setback line as 25' is required. Applicant is requesting a 20' variance. The side yard is 7.5' from the property line and is in compliance with the ordinance.

All adjacent property owners have been notified.

Staff recommended approval subject to neighborhood comment.

There were 6 property owners notified with 3 approvals and no disapprovals.

Slides were presented.

Herbert Smith was present to speak in favor of this request.

Gerald Lock (1227 W. Texas) was present to speak in favor of this request. He recommended approval. He said anything Mr. Smith does is top notch.

On a motion made by Sherry Christie, seconded by David Shock, the request was unanimously approved.

CASE #13-2007

The Commission was asked to review a request for a change of zoning from Commercial to Commercial with a Specific Use Permit for truck and trailer parking, submitted by Marion & Marsha Ingram, owners, for property out of the Original Town Plat, S.75' of Lot 9 and N.75' of Lot 9, Block 17, 500 & 508 N. Houston.

Faye Brockett stated that the applicants would like to zone the property to sell to a buyer who would like to be able to store his trailer/ truck on site when he is home from truck driving. The structure located on the site is proposed at a later date to be used as a possible tire sales office.

Water and sewer are available.

The surrounding zoning consists of Commercial. The Land Use Plan recommends Community Retail.

Staff recommended approval of the Specific Use Permit for truck and trailer parking.

There were 18 property owners notified with 1 approval and no disapprovals.

Slides were presented.

Shirley Brown, buyer, was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Sherry Christie, seconded by David Shock, the request was unanimously approved.

CASE #17-2007

The Commission was asked to review a request for a change of zoning from Single Family District Two to Single Family District Two with a Specific Use Permit for a Telecommunications Tower, submitted by New Beginning Fellowship Church, owner and Zone Systems, Inc., Peter Kavanagh, lessee, for property out of the Munson & Puriton Addition, Lot 14, Block 5, 1201 W. Shepherd.

Faye Brockett explained that the applicant would like to locate a telecommunications tower on the site. The tower will be 75' in height. It will be located at the rear portion of the lot. The center of the tower is shown to be 88.6' from the existing building. A fenced area is shown 30' x 40' to hold the equipment shelter 11'8" x 26'.

There is an existing residential structure on the lot next door. Ord. Sect. 26-292 (b) (2) Article VII prohibits telecommunication towers within 120' of a residential structure. A variance is requested for the tower.

A site plan has been submitted. Also, a computer generated picture of the site and pole have been submitted. The Land Use Plan recommends residential.

Staff recommends disapproval based on the telecommunications ordinance requirement of being too close to a residential structure.

There were 11 property owners notified with no approvals and 2 disapproval.

Slides were presented.

Peter Kavanagh was present to speak in favor of this request.

Bill Atkinson (1131 W. Morgan) member of New Beginning Fellowship was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Ron Corcoran, seconded by Sherry Christie, the request was unanimously denied.

ITEM #11

The Commission is asked to review a request for a Replat of Waterloo Estates, submitted by Gary Banks for property out of the M.K. T. Addition, being part of Lots 1-5 & 12 and Lots 13-16, Block 35 and all of Block 34 and adjacent streets and alleys, containing 5.639 acres, Waterloo Lake Drive.

Faye Brockett stated that the applicant would like to replat a portion of the M.K. T. Addition into 14 residential lots.

A preliminary plat has been submitted which shows water and sewer lines. A proposed 6 inch water line is shown on the north side of Waterloo Place. The water line is looped with a connection shown on the northeast side of Lot 3. Taps are to be installed. A 15' drainage and utility easement is shown on Lots 3 & 4.

An 18 inch water main is existing between Lots 4 and 5 and is in a 15' drainage and utility easement. The water continues thru the cul-de-sac and is looped with an existing 6" water line on Lot 9 of Ambassador Court Addition. A 20' drainage and utility easement is shown between Lots 7 & 8. The sewer is shown to be a proposed 6" line running in front of Lot 13 on the south side of Waterloo Place to a manhole in the cul-de-sac and then southeast on Lot 9 and

Lot 8 and south to an existing manhole in Hull Street. A 15' drainage and utility easement is shown on Lots 8 & 9 for the sewer line. A sewer line on the east side of Waterloo Lake Drive will serve Lots 1 & 14.

A power pole and telephone pad will be removed from Lot 2. A 10' utility and drainage easement is located across the front of each lot. A 25' building line is shown on each lot and the side of Lots 1 & 14. This plat will abandon all dedicated streets and alleys inside the boundaries of the property. A 50' right-of-way and cul-de-sac will be dedicated to the City. The developer will construct a 31' street curb & gutter asphalt or concrete.

Deed restrictions have been submitted and will be recorded by the developer. They include a minimum of 3,000 sq. ft. with 1,800 sq. ft. for the ground floor of a two story residence. The developer or homeowners association will review the design and site plan prior to construction. The structure must meet all City Ordinances.

Lots 5, 7 & 8 will require a variance for the frontage of a lot. The required frontage is 60'. Lot 7 is 50.26' and Lot 8 is 49.93'. A variance of 9.74' and 10.07' is requested. A 15' utility and drainage easement is shown on the east side of Lot 7 & 8. A 15' drainage and utility easement is shown on the south side of the addition.

The scale of the plats is 1"=50'. A variance is requested for the plat as 1"=100' is required.

All property owners in the M.K.T. Addition were notified.

Engineering plans for water, sewer and streets will need to be submitted.

Staff recommends approval with variance for the lot width and scale and subject to the developer furnishing financial guarantees for water, sewer and street construction and engineering plans.

Faye Brockett stated that only the south ½ of Day Street is being abandoned. She said if the adjacent property owner wanted to abandon the remainder of the right-of-way, then they would need to petition the City Council for that to be done.

Jason Armstrong stated that the developer was taking a portion of previously undeveloped M.K. T. Addition and abandoning streets & alleys and replating a new street, easements and lots.

On a motion made by David Shock, seconded by Jason. Riley, the replat was unanimously approved with the aforementioned conditions and variances.

#### CASE #14-2007

The Commission was asked to review a request for a change of zoning from Commercial to Commercial with a Specific Use Permit for Wine & Beer Retailer's Permit for On-Premise Consumption, submitted by Asian Grill, Young Chen, lessee and Crossroads Retail Center, Ron Gilbreath, owner, for property out of the Crossroads Retail Center, Lot 3, Block 1, Suite 121, 3515 W. F.M. 120.

Faye Brockett explained that the applicant is requesting a Specific Use Permit for on-premise sale and consumption of beer and wine in conjunction with the restaurant. Water and sewer are available.

Surrounding zoning consists of Agriculture Single Family District Three with a Specific Use Permit for manufactured home and Commercial. The Land Use Plan recommends Community Retail.

Staff recommends approval of the Specific Use Permit.

There were 4 property owners notified with 1 approval and no disapprovals.

Slides were shown

Faye Brockett stated that the applicant was unable to attend due to his wife having a baby.

No one was present to speak in opposition to this request.

On a motion made by Sherry Christie, seconded by David Shock, the request was unanimously approved.

CASE #15-2007

The Commission was asked to review a request for a change of zoning from Commercial to Commercial with a Specific Use Permit for a Beer Retail Dealer's Off-Premise License and Package Store Permit, submitted by SIRA Investments, for property out of the Ben Moffit Survey, A-803, containing 0.43 acres, 528 E. Hwy. 69.

Faye Brockett explained that the applicant would like to locate a liquor store in the building he is using for a convenience store. The reason being that the convenience store does not have enough space for display and storage and the liquor stock would adapt better to a smaller space.

Applicant is requesting a change in the convenience store permit for beer and wine to sell liquor, beer and wine at this site. He is basically switching the location of the use of the buildings.

Water and sewer are available.

The surrounding zoning is Commercial, Two Family and Single Family District Two and Single Family District Three. The Land Use Plan recommends Local Retail.

Staff recommends approval of the Specific Use Permit.

There were 5 property owners notified with no approvals and no disapprovals.

Slides were presented.

Pam Flaming was present to speak in opposition to this request.

On a motion made by Ron Corcoran, seconded by Sherry Christie, the request was unanimously approved with the condition that a legal description of the property be provided.

CASE #16-2007

The Commission was asked to review a request for a change of zoning from Commercial with a Specific Use Permit for Beer Retail Dealer's off-premise license and Package Store Permit to Commercial with a Specific Use Permit for Beer Retail Dealer's Off-Premise License and Wine Only Package Store Permit, submitted by SIRA Investments for property out of the Ben Moffit Survey, A-803, containing 1.55 acres, 526 E. Hwy. 69.

Faye Brockett stated that the applicant would like to locate a convenience store in the building he is using for a liquor store. The reason being that the liquor store will give them more room to store and display their products for sale. Applicant is requesting a change in the type of permit that is allowed to sell beer and wine only in the liquor store building. He is basically switching locations of the use of the buildings.

Water and sewer are available.

The existing zoning is Commercial. The Land Use Plan recommends Local Retail.

Staff recommends approval of this request.

Bibi Banghar was present to speak on behalf of both these requests.

On a motion made by Ron Corcoran, seconded by Sherry Christie, the request was unanimously approved with the condition that a legal description of the property is provided.

Being no further business, on a motion made by David Shock, seconded by Sherry Christie, the August 14, 2007, regular meeting of the Planning and Zoning Commission/Zoning Board of Adjustments was unanimously adjourned at 11:05 a.m.

Respectfully submitted,

Faye Brocket  
Planning and Zoning Director