

PLANNING AND ZONING

MINUTES:

January 3, 2017

In Attendance

Councilman Yusuf Hakeem, Committee Chair, called the meeting to order at 3:11 p.m. in the Council Assembly Room. A quorum was present, including Council Chairman Moses Freeman, Vice Chair Jerry Mitchell and Council members Chris Anderson, Carol Berz, Russell Gilbert, Larry Grohn, Chip Henderson and Ken Smith. Also present were Wade Hinton, City Attorney, and Nicole Gwyn, CMC, Clerk.

Others in Attendance

Regional Planning: John Bridger, Executive Director; City Attorney's Office: Phil Noblett, Deputy City Attorney

Approval of Minutes

On motion of Councilman Anderson and seconded by Councilman Henderson, the minutes of the last meeting (December 6, 2016) were approved as published.

Ordinances (First Reading) – Agenda Item 6A

Mr. Bridger briefed the Council on this item and noted that this item had been deferred by the Council so that Staff could look at alternative language about side building setbacks in Section D will work in existing neighborhoods (subdivisions). He discussed the original language and the changes in the alternate version of the ordinance. Councilman Hakeem confirmed that the alternate version was available to the public online and that there were no concerns voiced by other entities on these modifications. He also responded to an example by Councilman Gilbert about new structures bordering established parcels.

A discussion ensued about public notification for this item since it had been deferred. Mr. Bridger and Mr. Hinton confirmed that the current version has not been noticed in the newspaper since deferral. Attorney Noblett advised that this item does not have changes substantive enough to send the matter back to the Planning Commission. Discussion continued on Chairman Freeman moved to have a public hearing 15 days out at the 6:00 p.m. meeting. He was seconded by Councilman Gilbert.

Resolutions – Agenda Item 7C

Mr. Bridger briefed the Council on this item and noted that it is under Chapter 5 of City Code, not the Zoning Ordinance, meaning that the process and procedure requirements are different. He noted that Regional Planning reviews the site elements of the case and ensure that there is no violation of City Code regarding distance to schools, etc. Mr. Bridger confirmed that Councilman Gilbert ensured that the wording of the caption would be changed before tonight's Council meeting. Upon no questions or comments, the issue was closed.

Resolutions – Agenda Item 7D

Mr. Bridger briefed the Council on this item. Councilman Anderson noted that he has heard no opposition on this item. Upon no further comments, the issue was closed.

**Next Week's Agenda:
January 10, 2017**

Ordinances (First Reading) – Agenda Item 6A

Mr. Bridger briefed the Council on this item to extend the Form-Based Code to include three (3) parcels currently outside of the zone. He noted that Staff recommended the ERA-3 zone; the Applicant agreed and requested to leave a portion of the property in the front corner as UGC zone. Councilman Henderson confirmed that this was the case brought to the Hill City Neighborhood Association meeting a while back. However, Mr. Bridger confirmed that the ERA-3 zone was not discussed at that meeting. Upon no further questions or comments, the issue was closed.

Ordinances (First Reading) – Agenda Item 6B & 6C

Mr. Bridger briefed the Council on these items. He noted that there were topographical concerns, so Staff recommended approval with conditions. Planning Committee differed regarding the condition of the curb cut/access. Upon no questions, the issue was closed.

Ordinances (First Reading) – Agenda Item 6C

Mr. Bridger briefed the Council on this item to rezone two existing homes for use as short-term vacation rentals. Councilman Hakeem confirmed that all stakeholders were in agreement on this matter. Upon no questions, the issue was closed.

Ordinances (First Reading) – Agenda Item 6D

Mr. Bridger briefed the Council on this item and noted that this case had come up before. He recalled that the Applicant requested to defer due to a medical emergency that kept them from attending the Planning Commission hearing. He estimated that three (3) people showed up in Opposition at the Planning Commission. Councilman Smith requested that Mr. Bridger confirm if the Applicant had asked to defer this item or withdraw it. Mr. Bridger agreed to confirm for the Council. Upon no further questions or comments, the issue was closed.

Ordinances (First Reading) – Agenda Item 6E

Mr. Bridger briefed the Council on this item and noted that Opposition was present at the Planning Commission, stating concerns about the added traffic on Cassandra Smith Road. Councilman Smith informed the Council that the main issue is the townhouse (PUD) that will be built. He noted that a resolution was coming up for discussion later in today's meeting and reserved the rest of his questions for discussion on the resolution.

Ordinances (First Reading) – Agenda Item 6F

Mr. Bridger briefed the Council on this item and informed the Council of Staff's recommendation to deny so as not to set a precedence from a policy perspective to C-2 on that part of Gunbarrel Road. He said that if this site is approved, others would apply for C-2 in this area. Upon no questions, the issue was closed.

Ordinances (First Reading) – Agenda Item 6G

Mr. Bridger briefed the Council on this item, requesting to rezone for use as a fitness center. A discussion ensued, with Councilwoman Berz questioning if the C-2 could be approved with conditions limiting the use as a gym or office, and if someone can later request to a variance before the Board of Zoning Appeals to remove the use conditions. Mr. Bridger explained that changing the use in a condition would require going to before the Planning Commission, not the Board of Zoning Appeals. Upon no further questions, the issue was closed.

Ordinances (First Reading) – Agenda Item 6(H)

Mr. Bridger briefed the Council on this item. Mr. Bridger and Councilman Anderson explained that this rezoning request came originally when the City was converting to Form-Based Code and that a conflict arose between nearby residents in the area. Councilman Anderson stated that a lawsuit resulted. However, Councilman Anderson noted, all parties came together to discuss their concerns and find common ground on what uses would be acceptable. Upon no further comments, the issue was closed.

Ordinances (First Reading) – Agenda Item 6(I) & 6J

Mr. Bridger briefed the Council on both of these items and noted that the Applicant is the same for both. For Agenda Item 6(I), he noted that Staff recommended approval with conditions, and the Planning Commission agreed with Staff's recommendation, but added one other condition. Councilman Hakeem informed the Council that the Applicant had not communicated with the Community about this rezoning. He also noted that he has not received a response from the developer either. Chairman Freeman stated that he would look into this.

For Agenda Item 6(J), Mr. Bridger noted that the Planning commission recommended to approve with conditions.

Upon no further comments, the issues were closed.

Ordinances (First Reading) – Agenda Item 6(K)

Mr. Bridger briefed the Council on this item and noted that this was an amendment to Form-Based Code. ERA zone, minimum lot frontages were reduced to 30- and 40-feet to be consistent with the rest of Form-Based Code. Upon no questions or comments, the issue was closed.

Resolutions – Agenda Item 7C

Mr. Bridger briefed the Council on this item and noted that this was the PUD associated with the rezoning case in Agenda Item 6E. He explained Staff's recommendation to approve with conditions, dropping the lots to 47, and noted that the Planning Commission recommended keeping the property at 50 lots. Councilman Smith confirmed that the main issue is the frontage on Cassandra Smith Road. He discussed the road put in place that will go through a drainage area posing a problem for the church next door.

Reminder: Form-Based Code Update – Jan. 17, 2017

Mr. Bridger reminded everyone that the Form-Based Code update would take place on January 17 during Planning and Zoning Committee. He also made comments about infill development and signs of progress for the city.

Adjournment

There being no further business, Councilman Hakeem adjourned the meeting at 4:52 p.m.