

Minutes of the meeting of the
Planning and Zoning Commission (P&ZC)
City of Belton
333 Water Street
Tuesday, July 21, 2015

The Planning and Zoning Commission met at 5:30 P.M. in the Wright Room at the Harris Community Center. The following members were present: Rae Schmuck, John Holmes, Mat Naegele, Jason Morgan, and Brett Baggerly. The following Staff members were present: City Manager, Sam Listi, Director of Planning, Erin Smith, ACM/Chief of Police, Gene Ellis, and Planning Clerk, Laura Livingston. Absent were Commission members: Ben Pamplin, Eloise Lundgren, and Frank Minosky. Joel Berryman arrived at 5:58 P.M.

Pledge of Allegiance – Rae Schmuck led all present.

Invocation – Jason Morgan gave the Invocation.

1. Call To Order.

Chair Holmes called the meeting to order at 5:32 P.M..

2. Consider minutes from the previous Planning and Zoning meeting.

Ms. Schmuck made a motion to approve the minutes. Mr. Baggerly seconded the motion and the minutes were approved unanimously with 5 ayes, 0 nays.

3. Z-15-17 Hold a public hearing and consider a zoning change from Single Family-2 to Two Family for a proposed duplex at 919 North Wall Street, located on the east side of North Wall Street, north of East 9th Avenue, and south of the railroad.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing on item Z-15-17 and asked if anyone would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Naegele made a motion to approve the zoning change to City Council as proposed. Ms. Schmuck seconded the motion and it was approved unanimously with 5 ayes, 0 nays.

4. Z-15-18 Hold a public hearing and consider a zoning change from Agricultural and Single Family-1 to Commercial Highway Zoning District for an indoor firearms facility at 3360 West Highway 190, a 2.738 acre tract of land, located on the north side of U.S. Highway 190, between Boxer Road and South Wheat Road.

Ms. Newcomer presented the staff report.

Chair Holmes opened the public hearing on item Z-15-18 and asked if anyone would like to speak on this zoning request change.

Justin Fuller, Clark and Fuller, 215 North Main Street, stated he is a representative for James McLean and is asking for the Commission's support on this zoning change request to Commercial Highway.

There is a proposed indoor gun range for this property, but right now they are requesting a zone change and not necessarily approval for the indoor gun range. If the zoning request is approved, the indoor gun range will have to meet all the state, federal and local requirements for a gun range. McLean bought 60 acres to develop a residential subdivision and two means of egress are required for the subdivision. The egress on Wheat Road is ideal for the subdivision. The second means of egress is connected into Pointer Drive and then into Boxer Road. No one was thrilled by that idea of adding more traffic to Boxer Road. After the preliminary plat was approved, Mr. McLean began looking at an option for another means of egress into the subdivision. Mr. McLean was able to purchase the front property and they have met with TXDOT about constructing a road for connection into the subdivision. Both TXDOT and Mr. McLean agree with the proposed location of the road. This is the only location the road can be placed. If the road is moved farther to the east, it will be too close to the Highway 190 exit ramp. If the road is moved farther to the west, it restricts development of the property to the west because TXDOT won't allow additional entrances for that property. TXDOT will not allow the road to be moved farther west or east; therefore, the road must be built right between the two properties. This property was bought to provide an access road to Highway 190 and it will provide a much better means of egress than the proposed egress onto Boxer Road. The applicant would like to build an indoor gun range on this site. The indoor gun range will be a very nice facility and will meet all requirements and regulations. In order to fit the range building on this site, they require land extending into the subdivision, which will just be the depth of the lots, about 120'. There will be two access drives on the new road, so traffic will come and go on the new road. They are looking to put a fire lane between this building and the property to the west so there is adequate fire protection for both sites. Mr. Fuller stated he thinks this will be a great addition to the City of Belton and he will be happy to answer any questions.

Sabrina Gallagher, 1215 North Wall Street, stated she is here to state her opposition to the request. When she thinks about what it is she would like to see in a Belton neighborhood, a gun range where children are going to play and walk is not the location, even though it will be indoors and will meet the requirements. She inquired about the standards for facilities that work with people who build gun ranges, and the requirements are not that strict. That information is alarming to her, not to mention the school is close by and children will be walking to and from school in this area. She does not think with the amount of land in Belton that this is the optimal place to put this type of use.

Jason Armstrong 1105 Magnolia Road, stated he owns a home-based gunsmith business. This area is in need of an indoor gun range and this is the perfect place for one. The location may be adjacent to a residence, but it will be an indoor gun range. The applicant has done his homework and the indoor gun range is not going to be a safety issue. Bullets will not come out of that range. The walls will be lined with rubber and backed up with steel plate; nothing is going to get out of there, much less sound. There aren't any indoor ranges nearby. The gun ranges that are nearby have very few lanes and are always backed up. This will be a good opportunity for Belton to have something like this. Pflugerville, south Austin and north Waco have indoor ranges. People will come to the range and he knows the applicant will make it safe. He is asking the Commission to approve the zoning change request.

James McLean, 2600 Green Giant Drive, Harker Heights, stated he will be the owner of the proposed indoor gun range. The distance from the school (Chisholm Trail Elementary) is not an issue. The recently passed indoor gun range downtown is closer to a school than this one. There are no laws or ordinances with distance requirements for a FFLA business from any school grounds. The ATF manual states that if you are an FFLA business, you are not required by any law to be a certain distance from a school. He believes they are far enough away (from Chisholm Trail Elementary) that there will not be any issues. He has done his research and he is a professional shooter. He shoots all over the U.S. and holds several national titles. He knows people that shoot and have been to all these shooting ranges. This range is the safest it will be. He will be using Action Target out of Utah and this is going to be a multi-million dollar facility. This is the type of business you want coming into Belton. He owns the land across the street and plans to bring more business to Belton. Mr. Elliott, who sent in a letter of approval, is going to build a convenience store on his property. Mr. McLean stated he has not seen or been told of any ordinances that state commercial development cannot be extended into any kind of residential area. There is only a requirement to construct a barrier if he borders the side or back of a residential property. There is no magic line that he is crossing; he is going from his property to his property. If it affects anybody, it affects his housing subdivision that he is developing. Nothing will be built in the subdivision before the range is built. He is moving forward now due to other ranges that have come forward. They say that he installed the sign (about his gun range coming soon) too quickly, so that is why he is here today with this zoning change request. He will answer any questions the Commission may have. Mr. McLean stated they are the owners and developers. They own where the indoor range will be and the entire subdivision and the property next door. They purchased the property next door so they could construct the proposed road.

Margaret Johnson, 3115 Ross Road, stated she has not met the proposed owner, but she saw his sign and is excited about the gun range. She has lived in Belton for 23 years after growing up in Los Angeles, attending West Point, and joining the army. She learned to shoot when she was 12 years old. Her parents were adamant that their three girls learn to shoot. They could not shoot in the Los Angeles area and, if you know anything about gun laws, it is very difficult to find a place to shoot in that area. They went 100 miles out into the Mojave Desert to learn to shoot. That is not realistic here; there isn't a desert nearby where one can learn to shoot. Indoor gun ranges have been built and developed specifically for this purpose. She would like to rebuff the concern about fear; you should not fear a weapon. You don't fear a shovel or baseball bat, so you should not fear a gun. It is a potentially dangerous weapon, but people should grow up knowing that a gun is a tool to be respected and learned how to use. As a mother of a son, she would like him to learn to shoot. Right now she has to travel to Temple, China Springs or Weber's range out of town. This range would bring business into town, people will spend their money here locally, and the City will receive tax revenue from people coming here to shoot. They will travel from Fort Hood to shoot at a nice range like this. She intends to use his range when it is finished and is excited about it because she will no longer have to leave town to go practice and take her son to practice.

Jared Bryan, 11783 Bonnie Lane, stated on behalf of Carothers Executive Homes, they have been in discussion with the developer about buying lots since the beginning of this subdivision preliminary plat. Mr. McLean and his family have been nothing but first class in everything they have done. He doesn't think this shooting range will have an impact at all to the future use of those lots for

residential development. They think it is a benefit with the change in egress to Highway 190, as opposed to through the other subdivision (Twin Lakes). The entrance off Highway 190 is better for traffic flow and better for future residences. The item before the Commission today is the zoning change, not necessarily the shooting range. We know that is what his end result is, but he has more hoops to jump through. He does think the zoning is correct for the Highway 190 properties to be Commercial Highway development and urged the Commission to support that.

Chair Holmes asked if anyone else would like to speak on this zoning request change. Hearing none, the public hearing was closed.

Mr. Morgan stated if it is the desire to recommend approval of this zoning change, including these residential lots, to Commercial Highway with your intent on putting a first class shooting range on it, you could build an amusement park on it instead. Zoning is what he considers. He does not care how close it is to a school, he considers the appropriateness of a Commercial Highway use next to a residential neighborhood that has already been preliminary platted. There is no real location for the required screening other than a fence or vegetation right on the curbside of the street going into the neighborhood. My question to Ms. Smith is if this is built, and it is a great facility, will the final plat for the residential subdivision have to change in regard to street routing and the location of lots? Will anything need to change from the preliminary plat as you see it now if the zoning is approved for Commercial Highway? Ms. Smith stated change will not be required because the area has been zoned single family. They will be able to build as shown on the preliminary plat.

Chair Holmes stated some of the items allowed in the Commercial Highway district are: auto parts store, nursing home, pet store, commercial amusement, motel, car lot, and a restaurant would be allowed on the corner inside a residential subdivision. Ms. Smith stated indoor/outdoor commercial amusement is allowed in the Commercial Highway Zoning District, excluding drag strips, auto, motorcycle, or go-cart racing.

Chair Holmes stated this plan changes the look of a residential neighborhood. Ms. Smith stated that is one the reasons for staff's recommendation for disapproval. We don't see any problems with Commercial Highway zoning along Highway 190; but extending a Commercial Highway use into a proposed single family neighborhood is the issue.

Chair Holmes asked if this proposal includes 3 or 4 lots in the single family neighborhood? Mr. Fuller answered, it is about 4 lots.

Mr. Berryman asked if the City would have any issues with zoning change if it did not include the 4 residential lots. Ms. Smith answered no, the property is along Highway 190 and it is natural for a Commercial Highway uses to be there.

Mr. Berryman stated, so there is a staff concern because they want to use more of their own land to build a business, and they own all the property. Just because the zoning boundary is not a straight alignment parallel to Highway 190, staff has an issue with them dipping into their land to make this building longer because there is an existing plat. Ms. Smith stated the preliminary plat has been

approved. Ownership changes, zoning will not unless it comes before the Commission again. She looks at the land use compatibility, not ownership.

Chair Holmes asked if the building can fit without utilizing those lots. Mr. McLean answered, no sir. He is proposing one of the longest indoor shooting ranges in Texas. In order for him to construct the 110 yard indoor gun range, he needs to use more of his property to construct this building. Without utilizing those lots, he cannot build what the indoor gun range.

Mr. Naegele thinks the land use is great, but obviously it is backing up to a subdivision. Does the city have a way to measure decibels and what does 85 decibels sound like? ACM/Chief Ellis stated his department does have a way to measure decibels. A good example is the outdoor concerts at Schoepf's are around 80 decibels if you are on the property line. Standing by the Taco Bell it is around 70-80 decibels. That is a live band concert, distance from the stage to the Taco Bell, so it is fairly loud. The other indoor gun range downtown has sound requirements for 70 decibels at one foot away from the building.

Chair Holmes stated this will be the third indoor shooting range, in addition to the City's approved shooting range. Ms. Smith stated staff has received three zoning changes for indoor gun ranges in the last three months.

Mr. Berryman stated on the proposed plat, it shows a nice straight line, but what has been done in the past in other areas of the City are not always a straight line, properties vary and there are different depths along the highway. I'm looking at a proposed project by a developer to bring a nice commercial development into the City, and they are going to construct a road with access to the frontage road as well, according to the map in the packet, is that correct? Ms. Smith stated she has not been presented with a preliminary plat that shows that road alignment; that map was provided by the applicant.

Mr. Berryman stated it makes sense in his mind that they are willing to give up four residential lots in order to build a large commercial facility. He does not see why the City would not be in favor of that, as long as there are not safety concerns or noise issues when they are built correctly. He does not see an issue with letting them extend their property onto more of their own property to build a very large and expensive facility within the City limits and then let them prosper here. Ms. Smith stated ownership changes; we look at the land use and what the proposed land use is. She looks at zoning and compatibility. The other gun ranges have not been adjacent to single family. This proposed zoning is encroaching into what will be a single family subdivision and along a single family street. They do have flexibility with building construction. They stated that they need additional building length for the rifle range that will be over 100 yards in length, so they could change the building to be parallel to Highway 190 with a driveway entrance to eliminate the need to encroach into this single family subdivision. With that change, they will be behind the residential subdivision, as opposed to inside the residential subdivision. We are not opposed to Commercial Highway uses; we are merely opposed to encroaching Commercial Highway uses inside the residential subdivision.

Ms. Schmuck stated she would not want to live in the first house adjoining the gun range. She does not object to the gun range, she just would not want to live next door to one.

Mr. Naegele stated he thinks it would be different if the houses were already built and there were a different owner/developer of the subdivision than the store owner as well. Ms. Smith stated we don't know what development will come first.

Mr. Morgan stated if a preliminary plat was not already approved, it would be a different story, but because there is an approved preliminary plat for a residential neighborhood and this is encroaching upon it which is why we are concerned with this zoning change request. Mr. Morgan stated he is not opposed to gun ranges or the use of gun ranges, he looks forward to using a long distance gun range, should you try to construct one there in the future. This specific request to encroach on these four lots in the residential neighborhood is why he is going to recommend they disapprove this recommendation to City Council.

Mr. Morgan made a motion to disapprove the zoning change request to City Council. Ms. Schmuck seconded the motion. The motion failed with a tie vote of 3 ayes, 3 nays. Commission members: Mr. Holmes, Ms. Schmuck and Mr. Morgan voting aye. Commission members: Mr. Berryman, Mr. Naegele, and Mr. Baggerly voting nay.

5. Z-15-19 Hold a public hearing and consider a zoning change from Agricultural to Commercial-2 for a used car lot at 4451 West Highway 190, a 5.992 acre tract of land, located on the south side of U.S. Highway 190, west of FM 1670, and east of Dogridge Road.

Ms. Smith presented the staff report.

Chair Holmes opened the public hearing on item Z-15-19 and asked if anyone would like to speak on this zoning request change.

Victor Turley, Turley and Associates, 301 North 3rd Street, Temple, stated he took the liberty of making copies of the City's Design Standards for the Commission. This property is in Type Area 2, which encompasses various blocks of land along the Highway 190. The existing and projected growth of this area is primarily Commercial Highway frontage uses. We want to talk about zoning only today. Mr. Snyder came to them and said he wanted to build a used car lot and asked if they could draw a plan. He told Mr. Snyder there is a process that has to be followed and the first step is zoning. The applicant is asking for a use that is an ancillary use for the 50 acre piece of property. He has auto sales inside the yard now. He gets some vehicles in that are in good enough condition for resale. They applicant has a nice business in this area. He wants to move that use to the front of his property along Highway 190. Auto sales is a permitted use in Type Area 2. We do not see an incompatibility issue between what the applicant is asking for and what the Design Standards reflect. The only difference they see in C-1 is the requirement for a Specific Use Permit. Everything they have spoken of so far will require a building permit. To obtain a building permit, you have to do exactly what we are talking about. We have to plat it, complete a site plan, and meet all applicable ordinance requirements in the City of Belton. From their position, they feel like Commercial-2 zoning is compatible. Mr. Snyder drove down the frontage road (Highway 190) and as he went by properties,

he wrote down the type of business at that location and estimated what the actual zoning of that business would be if it wasn't zoned Agricultural. It is our position that C-2 is not incompatible at all. Mr. Snyder is here to answer any questions.

Travis Snyder, 16444 Round Hall Road, Holland, stated they have owned the auto salvage business in Belton since 2006 and the entire property is 56 acres in size. They have other auto salvage yards throughout the state of Texas. They are the largest professional recycler in the state of Texas and have been in the auto salvage business since 1987. It is a family-owned business and this is an additional use of what they are already doing. At this particular location, they buy about 700 vehicles a month. They bring in the vehicles to recycle the proper way. They have the correct licenses and several customers they help out by selling parts. A very small percentage of the cars that come in are not ready to be dismantled, they still have some life left in them. They have an on-site rebuilding shop that they utilize to repair the vehicles to prepare them for resale. They have been doing that for several years since they opened this business and it has grown into a business where they fix approximately 35 cars a month now for resale. We have been selling out of this location, but we need a better retail location to sell nice used cars. These cars range from \$2,000 to \$20,000; it's not just a bunch of junk vehicles. They are really close to receiving their financing licensing as well. He wants to build a nice facility. It's not going to be something that is cobbled together, it will be paved, lighted and will comply with the design standards and landscaping requirements. He needs a better spot to sell vehicles. When you are trying to sell a \$20,000 vehicle out of a salvage yard, there is a stigma that goes along with that. They own the property all the way up to the highway. He was not anticipating the push back he has received. The C-2 zoning seems like it matches the rest of the properties around this area very well. The list he put together this morning includes every business located on the Highway 190 service road to IH-35, back around to George Wilson, and then back around to his driveway. He did not write the names of the businesses because he didn't know if that would be appropriate. Then he looked at the permitted uses under Commercial-1, Commercial-2, and Light Industrial and that is what he used to label what each business should be zoned based on the current use. The property next door, containing the HOP, was once Aspen Air and is zoned Light Industrial. There are multiple businesses around there that are construction-related businesses with outside storage or automotive-related businesses, such as repair and paint and body shops. There are no restaurants or hotels within three miles of this business. It is not a C-1 District in his opinion and he asks for the Commission's support for the C-2 zoning.

Chair Holmes asked if anyone else would like to speak on this zoning change request. Hearing none, the public hearing was closed.

Mr. Morgan stated we understand you would like have used car sales on the site and used car sales are permitted under C-2 and it would also be appropriate under Commercial-1 with an SUP. The Commercial-1 with an SUP gets you where you need to go. What is your opposition with going that route? Mr. Snyder stated the opposition of going that route is from a business owner standpoint, you need to have to have a backup plan. If he zones the property Commercial-1, builds a nice used car lot there and it does not work for some reason, then he is stuck to only a used car lot being on that property from now on. If he has a C-2 zoning, then there are other possibilities such as construction equipment that could be sold on that property, rental property and other uses he could lease that

property out for. He is only planning on using half of the property. The property between the driveway and the HOP will still be undeveloped at that point and it would restrict the use of that property as well.

Mr. Morgan asked Ms. Smith to explain further for the Commission and the audience that if a Commercial-1 zoning with an SUP for used auto sales is approved, it is not always going to be a used auto sales. Ms. Smith stated it will allow for all uses permitted in the Commercial-1 Zoning District and in addition, it will allow for used auto sales as well as all uses permitted in the Retail, Neighborhood Service, and Commercial Highway Zoning Districts. Mr. Morgan stated he just wanted to make sure the applicant and the rest of us understand that just because there is an SUP, that doesn't mean the only use permitted on the property is used auto sales.

Chair Holmes asked Ms. Smith to address the land use table that was presented which states auto sales is permitted in Type Area 2. Ms. Smith stated unfortunately the Design Standards don't differentiate between used and new auto sales like the Zoning Ordinance does. She looked at all of the uses permitted in the Commercial-1 and the Commercial-2 Zoning District. Even though used auto sales is the proposed use, that doesn't mean that is the only use permitted on this property. She looked at all of the permitted Commercial-1 and Commercial-2 uses to determine if they are compatible within Type Area 2, and a majority of the Commercial-2 uses are not permitted within that type area. There is more detail in the staff report.

Chair Holmes stated Commercial-2 allows for new and used auto sales. Ms. Smith stated Commercial-1 permits new auto sales by right, but requires an SUP for used auto sales.

Chair Holmes stated he also understands the desire to have continuity in terms of zoning. He is not sure why we are pursuing the Specific Use Permit in the Commercial-1 Zoning District. Ms. Smith stated used auto sales are a compatible land use along Highway 190. In Type Area 2, a majority of the Commercial-2 uses are not permitted, but a majority of the Commercial-1 uses are permitted. That is why she feels the Specific Use Permit to allow for used auto sales is a reasonable recommendation. An SUP also provides the Commission with the opportunity to review a site plan to see how this property develops in conjunction with the adjacent properties.

Mr. Berryman asked if this zoning change request is approved for C-2 zoning, is there a requirement for a site plan approval? Ms. Smith stated a site plan for P&ZC and City Council will not be required with C-2 zoning, only with the building permit.

Mr. Holmes asked if a site plan review could be requested. Ms. Smith stated that could be requested in the motion if approved today. Unless disapproved by City Council, then it would have to go through the zoning change process again.

Mr. Berryman stated the property to the west is the HOP and it is zoned Light Industrial. Ms. Smith stated that is correct.

Mr. Berryman asked about the building and zoning to the east. Ms. Smith stated that is the church and it is zoned Agricultural. She made a list of the zoned properties in this area and it looks like the majority of the properties that are zoned in this area along Highway 190 are Commercial-1. There are very few zoned Light Industrial: the HOP and a vacant lot.

Chair Holmes asked what property is zoned Commercial-2 in that area. Ms. Smith stated Azbell Electronics off of FM 2410 and Highway 190 located farther west of this development.

Mr. Baggerly stated that the C-1 zoning with a Specific Use Permit for used auto sales would ensure that the future land use remains consistent with the C-1 District. Ms. Smith stated that is correct.

Mr. Berryman stated if he is hearing the applicant correctly, they do not want to rezone the property to C-1 with Specific Use Permit, they want C-2 zoning. Ms. Smith stated that is correct.

Chair Holmes asked if they are prohibited from putting a car lot there now. Ms. Smith stated the property is zoned Agricultural and they are requesting to rezone the property to Commercial-2 to allow for used auto sales. The current Agricultural zoning does not allow for used auto sales.

Mr. Morgan asked Mr. Snyder for the clarification he requested, are you still planning to move forward with the C-2, understanding that the C-1 with the Specific Use Permit does not restrict that property use to only allow used car sales in the future. Mr. Snyder stated yes, he does want the C-2 zoning. Like he said before, the reason for the C-2 zoning request is because the C-1 zoning restricts other uses. If he changes the zoning to C-1, none of the uses in the C-2 District are permitted. C-2 allows all of the permitted uses in the C-1 District, as well as the permitted uses in the C-2 District. Some examples of what C-1 would not allow are commercial amusement indoor or outdoor, equipment sales new or used, and heavy equipment rental. These are other uses he could construct on this lot such as warehousing and distribution, lumber yard, manufactured or mobile homes sales, nursery, open or outside storage, portable building sales, tool rental, tractor sales, truck or trailer rental or sales, wholesale building materials. All of these uses could potentially be built on this lot, but he is planning to build a used car lot and if that doesn't work or make any money, he will need a back-up plan for the property. Those uses would not be allowed under C-1 zoning, so C-2 is what he wants to move forward. It's an insurance policy more or less.

Mr. Morgan asked if he understands that he can come back and get it rezoned to C-2 in the future. Mr. Snyder stated he does not see that happening, but if it is rezoned to C-1, he believes that it is a possibility.

Mr. Morgan stated everyone always wants the highest, least restrictive zoning possible to allow anything they want on their land, but if it is not appropriate for the surrounding area, you can understand and appreciate the position the Commission is in. We are trying to keep like uses around like uses. We are concerned allowing someone to zone a piece of property to a higher intensity zoning district, in the middle of other pieces of property that are still zoned Agricultural, because they were recently annexed and have not gone through the zoning change since that is inconsistent.

Mr. Snyder stated that is why he made the list of existing businesses around him, to prove there are C-2 type businesses in this area. If a majority of those businesses were zoned, the zoning would either be Light Industrial or C-2. He does not see any hotels or restaurants being constructed in the future on the front of his property. He does not think C-1 is an appropriate zoning for his property.

Chair Holmes stated one the City's biggest concerns with C-2 are outside displays and storage. Ms. Smith stated several properties on Mr. Snyder's list are not currently zoned, so if they do change in the future, then we will have the opportunity to look at that zoning to determine if it is compatible for this area.

Mr. Berryman made a motion to approve the zoning change as requested. The motion died for lack of a second motion.

Mr. Morgan made a motion to deny the zoning change to City Council. Mr. Naegele seconded the motion and it was approved with 5 ayes, 1 nay with Mr. Berryman voting in opposition.

Consider the following requests:

- a) **Z-15-20 Hold a public hearing and consider a zoning change from Agricultural, Multiple Family, Planned Development, and University Campus to University Campus-1 Zoning District, generally located north of Nolan Creek, east of Loop 121, south of Crusader Way, and along and west of North Main Street.**
- b) **Z-15-21 Hold a public hearing and consider a zoning change from Agricultural to University Campus-2 Zoning District, generally located on the northeast corner of Loop 121 and West Martin Luther King Jr. Avenue, south of Crusader Way, and west of University Drive.**
- c) **Z-15-22 Hold a public hearing and consider repealing Section 19, University Campus District, of the Zoning Ordinance.**

Ms. Smith presented the staff reports.

Chair Holmes opened the public hearing on items Z-15-20, Z-15-21, & Z-15-22, and asked if anyone would like to speak on these zoning request changes.

Edd Martin, UMHB, 900 College Street, stated these zoning change requests have been in the works for about 1 ½ years between the University and City staff, to try and resolve the issue of having to come before the Commission every time they are ready to develop a site, requiring a Planned Development District zoning. If you have been on the Commission for a few years now, you will remember that we (UMHB) requested Planned Development zonings for the nursing building, visual arts building, the stadium, and student union building. Every time we turned around, we were requested a PD zoning and we kept on getting pinched every time we did that. We felt like the solution was to try and revise the UCD based on comments received from the P&ZC and City Council. They have worked tirelessly with City staff to try and accomplish this. We believe this gives

the University a mechanism to expand as it continues to grow. A majority of the Commission members are familiar with the University and know how it has had an impact on the community over the years, from 1,050 students in 1985 to 4,000 students this fall. He is in favor of this zoning change and would be happy to answer any questions.

Linda Pehl, 2208 University Drive West, stated the map does not show additional property the university owns. How are those properties classified? Are you proposing to repeal Section 19 (University Campus District) and adopt UCD-1 and UCD-2? The reason she is asking is because her property is between UCD II and the property that is located farther west.

Elisha Moore Bundy, 521 North Burnett Street, stated she is here to represent her father, Johnny Jones, who lives at 521 North Burnett Street. His property ID number is 57035, and the buffer line goes through his property. She did receive the City letter stating this zoning change will not affect his property, but she would like clarification regarding the buffer line. Ms. Smith stated the property is not affected by this zoning change. He received the letter because the property is within the 200' notification area. The boundary line is shown on the maps to help indicate who the property owner notification letters were sent to. His property will remain the current zoning.

Chair Holmes asked if anyone else would like to speak on this zoning change request. Hearing none, the public hearing was closed.

Mr. Morgan asked if there any properties currently zoned UCD that will result in the property not being zoned if the UCD is repealed? Ms. Smith answered no, all properties shown in blue on the map that are currently zoned UCD are proposed for rezoning to UCD-1.

Mr. Morgan stated there are other properties owned by UMHB that will remain the current zoning and are not being considered for UCD-1 or UCD-2. The University may own other properties throughout the City zoned Commercial Highway, C-1, C-2, for example that will maintain that zoning until there is a request to rezone the properties UCD-1 or UCD-2. Is that a fair statement? Ms. Smith stated that is a fair statement and this is a great map because it shows the ownership differences. The purple is UMHB-owned property and the blue is non UMHB-owned. From this map, you can see that some of the UMHB-owned properties are outside the proposed UCD-1 and UCD-2 boundaries. We wanted to make sure the UCD-1 and UCD-2 boundaries are congruent. Also, we are not requesting to rezone any non UMHB-owned properties not currently zoned University Campus District.

Chair Holmes asked why there is no maximum height requirement. Ms. Smith answered that was one of the main reasons triggering several Planned Development zoning change requests on the UMHB campus, such as with the nursing center and football stadium. Maximum lot coverage and setbacks are another main reason for the Planned Development zoning change requests. As you know, development is slightly different on a university campus. Typically, there is no onsite parking provided like a private business, so there is a need to maximize lot coverage and typically parking is at another location.

Chair Holmes asked for clarification of Section 19.2A regarding the University's lease of University-owned facilities to religious, non-profit organizations, third party vendors, restaurants, support retail and professional services uses. Does that mean they have to be a non-profit or religious-based business? Ms. Smith stated those uses are not required to be religious or non-profit organizations.

Mr. Morgan asked when these zoning districts were created by the City Council. Ms. Smith stated they were approved by Council in November 2014.

Mr. Morgan made a motion to approve item Z-15-20 zoning change to City Council as proposed. Mr. Baggerly seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

Mr. Berryman made a motion to approve item Z-15-21 zoning change to City Council as proposed. Mr. Morgan seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

Mr. Schmuck made a motion to approve item Z-15-22 repealing Section 19, University Campus as proposed. Mr. Baggerly seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

7. P-15-19 Consider a final plat for FMBG Residential subdivision, a 1.015 acre tract, located on the east side of Connell Street, generally south of West Avenue O and west of Interstate Highway 35.

Ms. Smith presented the staff report.

Mr. Baggerly made a motion to recommend the final plat to City Council as recommended by the City and with the exception to the perimeter street improvement requirements. Mr. Morgan seconded the motion and it was approved unanimously with 6 ayes, 0 nays.

With no further business, the meeting was adjourned at 7:05 P.M.

Chair, Planning and Zoning Commission