



# Lavon Planning & Zoning Commission Meeting & Public Hearing Meeting Minutes

P. O. Box 340 – 120 School Rd.

Lavon, TX 75166

Ph. 972-843-4220 Fax 972-843-0397

**February 28, 2012**

## **I. MEETING CALLED TO ORDER AT 7:00 P.M. BY CHAIRMAN SMITH**

Members Present:	Seat One	Ernest Cody
	Seat Two	David Barnhart
	Chairman	Trey Smith
	Seat Four	Bill Bonney
	Seat Five	David Rosenquist

Members Absent: None

Staff Present:	City Secretary	Linda Ardis
	City Manager	Mike Jones

Council Present: Council Member Nabors P & Z Liaison

## **II. CHAIRMAN SMITH TO LEAD THE COMMISSION AND VISITORS IN THE PLEDGE OF ALLEGIANCE**

Chairman Smith led the P&Z Commission in the Pledge of Allegiance.

## **III. INVOCATION**

Chairman Smith led the Invocation.

## **IV. ITEMS OF INTEREST/P&Z COMMISSIONS COMMUNICATIONS**

**Members of Planning & Zoning Commission have the opportunity to notify others of community events, functions and other activities. There will also be an opportunity to briefly comment on P&Z Commission business, City operations, projects and other items coming before the Planning & Zoning Commission.**

City Council Liaison Deborah Nabors told the P & Z Commissioners that on May 24, 2012, the annual awards for the Lavon Area Chamber of Commerce will be held at Grand Heritage.

## **V. CONSENT AGENDA**

A. Planning & Zoning Commission to Consider and Act on approval of the Consent Agenda:



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1. January 24, 2012 Planning & Zoning Meeting Minutes\*

**Motion:** Commissioner Rosenquist, "I make a motion to table until the next agenda."

**Second:** Commissioner Barnhart

**In Favor:** Commissioner Cody, Commissioner Barnhart, Chairman Smith, Commissioner Bonney and Commissioner Rosenquist

**Opposed:** None

**Motion:** Passed

## VI. PUBLIC RECOGNITION

None

## VII. CITIZENS' COMMENTS

Citizens, who wish to address the Planning & Zoning Commission, may discuss matters not on the agenda and who have not previously expressed to the Commission or City Hall a desire to discuss such matters. The only response from the Commission can be to request these items to be placed on a future agenda for action.

None

## VIII. PUBLIC HEARING

- A. Public Hearing to receive Public Comment on a Request for a Change in Zoning from Retail to Retail 2 at 400 N. State Hwy 78, S M Rainer Survey, Block 1, Tract 58, 2.245 Acres in Lavon, Texas. (Smith)

Chairman Smith told the Commissioners and the Public that this Public Hearing was being held for the sole purpose of requesting a zoning change from R "1" to R "2." The Public Hearing was not to discuss the sale of beer and wine or the sale of beer and wine through a drive-through.

1. Chairman Smith to open Public Hearing  
Chairman Smith opened the Public Hearing at 7:05 p.m.

City Manager Jones and Commissioner David Barnhart explained what R "2" added to R "1."



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- Whatever is allowed in R “1” automatically is allowed in R “2”
- Gasoline Service Station with bays for repair work
- Car Care Center
- Restaurant with drive-in service
- Motorcycle Sales indoor only
- Quick Service Food Shop
- Car Wash
- Building Material Sales

2. Chairman Smith to open floor to Public Comment

Chairman Smith opened the floor to Public Comment at 7:09 pm.

Applicant Madhusudan Raju Konduru spoke first. Then the following citizens spoke: Marcie Rivett, Tracey Wolf, David Adcock, Terry Kinser, Melissa Crabtree and Sandy McElwain. Signed letters were given to City Secretary Ardis from Derek Coleman, T.E. and Kathryn Nelson, Russell and Lana Carter, Mr. and Mrs. William Prince, and Michael Gulino.

3. Chairman Smith to close floor to Public Comment

Chairman Smith closed the floor to Public Comment at 7:57 p.m.

4. Chairman Smith to close Public Hearing

Chairman Smith closed the Public Hearing at 7:57 p.m.

Chairman Smith told the Commissioners and audience that in the interest of the citizens who came just for the Public Hearing, he would like to move Consideration and Action Item X-“A” out of order.

### **X. ITEMS FOR CONSIDERATION AND ACTION**

- A. Public Hearing to receive Public Comment on a Request for a Change in Zoning from Retail to Retail 2 at 400 N. State Hwy 78, S M Rainer Survey, Block 1, Tract 58, 2.245 Acres in Lavon, Texas. (Smith)



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Chairman Smith reminded the Commissioners that they had heard and discussed safety issues. They also discussed that Hwy 78 is not controlled by the City but is a State Highway. As such, the City does not regulate speed limits, the adding of traffic signals or the adding of cross walks. They can only petition the State on a regular basis to have the State consider changes.

Commissioner Barnhart stated that both R “1” and R “2” are neighborhood supported. Although R “2” states that it is suitable around residential areas, most R “2” zonings are more commonly found at major intersections. This represented a concern for him.

Commissioner Cody also stated that he was concerned that after the R “1” zoning is changed to R “2”, the owner could put in something totally different from what he originally proposed.

**Motion:** Commissioner Barnhart, “ I move to deny the application for R “2” and keep it at R “1” which is the most restrictive. It does not fit within R “2” from my perspective.”

**Second:** Commissioner Cody

**In Favor:** Commissioner Cody, Commissioner Barnhart, Commissioner Bonney and Commissioner Rosenquist

**Opposed:** Chairman Smith

**Motion:** Passed with 4 In Favor and 1 Opposed

### IX. ITEMS FOR DISCUSSION

- A. P & Z to Discuss the Amendment of Comprehensive Zoning to allow “Hobby Retreats.” (CC Liaison Nabors)

Deborah Nabors, City Council Liaison to the P & Z, told the Commissioners and audience that recently a request for a Hobby Retreat had been received in Lavon. The City Council requested the P & Z to refine their look at specifics regarding Hobby Retreats and where they fit in the City’s zoning. Council Member Nabors went on to say that the City has no definition of what a



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Hobby Retreat is, and as such, has no parameters as to where in the City it can fit.

City Manager Jones said that the long term problem is that the Zoning Ordinance needs to be refined. It was approved in 1997, and many things have changed over the years that need to be addressed. The City needs clear definitions with restrictions for zoning purposes. The ordinance will need to be amended by the P & Z and Public Hearings held before it can be sent back to the City Council for action.

The Commissioners agreed that definitions for not only for Hobby Retreats, but also Boarding Houses, Bed and Breakfasts, Hotels and Resorts need to be determined. City Manager Jones suggested assigning one to two people to gather information from other cities and bring their fact finding back to the P & Z for discussion.

### **X. ITEMS FOR CONSIDERATION AND ACTION (cont.)**

#### **B. Planning & Zoning Commission to Consider and Act on Refining the Definition of "Home Based Businesses." (CC Liaison Nabors)**

City Council Liaison Nabors told the Commissioners there needed to be a clear definition of Home Based Businesses. Regulations and parameters have to be set for these types of businesses. Does the City want to require registration of Home Based Businesses? What Home Based Businesses can be or cannot be allowed in Lavon? All these definitions and specifications have to be addressed before any recommendations for change can be made.

City Manager Jones also told the Commissioners that he wanted a Matrix specifically showing the uses contained in each zoning. If an item for zoning was not listed, then a Special Use Permit would be required.

Commissioner Chairman Smith stated that he did not feel that reviewing and designing a Matrix System for modifying the Zoning Ordinance was the responsibility of the P & Z Commission. He said that the P & Z's number one



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task is the Comprehensive Plan. The P & Z is too close to finally getting all the elements approved by the City Council to take their focus off of that plan.

Council Member Nabors asked as a Commission do they want to pursue this or not? “Yes” or “no” is all that is required at this time.

Commissioner Barnhart stated that it is not a matter of it not being a good idea, but rather when would they be able to free up some of the Commissioners to start doing the fact finding. Where does it fit in with the Commissioners priorities?

No action was taken on this item.

B. Planning & Zoning Commission to Consider and Act on Draft Elements to be sent to the City Council for approval and recommendations. (Smith)

Commissioner Chairman Smith said that Commissioner Barnhart had been able to access the server to make sure the PDF files were correct.

Commissioner Barnhart stated that the following PDF versions were ready to be sent to the City Council:

- Land Use & Urban Design--Version .1
- Utilities--Version 0.4
- Public Safety--Version 0.3
- Housing--Version 0.4
- Education--Version 0.3
- Neighborhood & Planning--Version 0.3

Chairman Smith asked if anyone wanted to make a motion to extend the meeting to complete the item.

**Motion:** Commissioner Barnhart, “ I move to extend the meeting until 9:00 to complete Item X—“C” and “D.”

**Second:** Commissioner Bonney



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**In Favor:** Commissioner Cody, Commissioner Barnhart, Chairman Smith, Commissioner Bonney and Commissioner Rosenquist

**Motion:** Passed

The elements that have not been completed are the:

- EDC Element
- Circulation Element
- Parks, Trails and Open Space Element

**Motion:** Commissioner Barnhart, “I move we send the completed PDF versions to the City Council to review at their next available meeting.”

**Second:** Commissioner Bonney

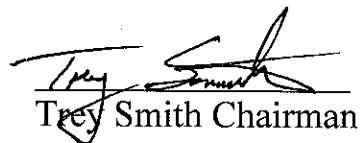
**In Favor:** Commissioner Cody, Commissioner Barnhart, Chairman Smith, Commissioner Bonney and Commissioner Rosenquist

**Motion:** Passed

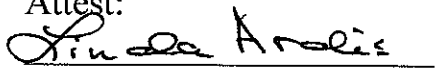
### XI. CHAIRMAN SMITH TO ADJOURN PLANNING & ZONING COMMISSION MEETING

Chairman Smith adjourned the Planning & Zoning Meeting at 9:03 p.m.

Duly passed and approved on this 24<sup>th</sup> day of April, 2012.

  
Trey Smith Chairman

Attest:

  
Linda Ardis, City Secretary