

Dan Davis, Chairman
Edwina Miller
Bob Snow
Bill Fraser



Richard Farris, Jr.
Mary Cox
Alex Nemer, II

NOTICE OF MEETING
PLANNING AND ZONING COMMISSION AGENDA
Thursday, July 7, 2016 @ 1:30 PM
City Council Chambers
504 N. Queen Street, Palestine, Texas

CALL TO ORDER

MINUTES

1. Consider the minutes of the June 2, 2016 regular meeting.

PUBLIC HEARINGS--ZONING ITEMS

1. Consider a zoning change request from R-2, Single Family Detached, Medium Density District to C-2, Local Retail Commercial located at 321 W. Palestine Avenue being Lot 4, Block 33 of the Green's North Hills Addition and generally located approximately 70-feet north of the intersections of W. Palestine Avenue and Tennessee Avenue on the east side of Tennessee Avenue.

COMMISSION COMMENTS AND FUTURE AGENDA ITEMS

The Commission may discuss and receive input from staff concerning the status of current and proposed development projects, zoning and development code items, and other relevant information.

ADJOURN

NOTE: Pursuant to Section 551.071 of the Texas Local Government Code, the Planning and Zoning Commission reserves the right to adjourn into a closed meeting at any time regarding any item on the agenda for which it is legally permissible.

The City of Palestine City Council Chambers is accessible in accordance with the Americans with Disabilities Act. Reasonable accommodations will be provided for persons attending this meeting. Requests for accommodations or interpretive services must be made 48 hours prior to the meetings. Please contact the City Secretary at (903) 731-8414 for further information.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside bulletin board at the main entrance to City Hall, 504 North Queen Street, Palestine, Texas, on the following date and time:

Friday, July 1, 2016 at 10:50 am

Jeffrey Lyons,
Development Services Director



**MEETING MINUTES
PLANNING AND ZONING COMMISSION
June 2, 2016**

The Planning and Zoning Commission convened in a regular meeting on June 2, 2016 at 1:35 pm in the City Hall Council Chambers at 504 N. Queen Street, Palestine Texas.

Members Present: Dan Davis, Chairman, Mary Cox, Bob Snow, Bill Fraser, Richard Farris, Jr., and Alex Nemer II

Staff Present: Jeffrey Lyons, Director of Development Service

CALL TO ORDER

Chairman Davis called the meeting to order at 1:35 p.m.

APPROVAL OF THE MINUTES

Commissioner Fraser made a motion to approve the minutes of the May 13, 2016 special meeting as submitted, seconded by Commissioner Cox. Upon vote, the motion carried unanimously.

REGULAR AGENDA

Zoning Agenda Item #1. Conduct a public hearing, discuss and consider a request for a specific use permit for a mobile home at 1408 Salt Works Road (Lots 32 and 35, Block 1 of the Lincoln Heights LDH Addition). This property is generally located 500-feet east of the intersections of W. Palestine Avenue and Salt Works Road, on the north side of Salt Works Road. Case XZ-16-01. Applicant Kathleen Caston.

Chairman Davis opened the public hearing for those wishing to speak for or against the request. Applicant Kathleen Caston spoke in favor and discussed her request for the specific use permit. She stated that she would like to place a mobile home at this location where a residence had previously been located that was destroyed by fire. No one spoke in opposition. With no further speakers, the public hearing was closed.

The Commission discussed the request. Staff provided details of the request including the public notice feedback, status of utilities, and conditions of the surrounding housing stock. Upon the conclusion of the discussion, Commissioner Snow made a motion to approve the request, seconded by Commissioner Cox. Upon vote, the motion carried unanimously.

Plats Agenda Item # 1. Consider a replat of Lot 8-E of the McFarlane Estates, Revised unit 3 and 0.447 acre tract of land recorded in Volume 2461, Page 644 of the Anderson County Deed Records creating Lot 1, Block 1, Owen's Palestine Addition being 1.037 acres zoned C-3, general commercial. The properties are generally located at the southwest corner of the intersections of Old Elkhart Road and S. Loop 256.

Applicant Eugene Middleton with Middleton and Associates, LLC. discussed the plat approval request with the Commission. He stated that the owner of the property being platted is proposing to create a buildable lot and extend the sewer service onsite to provide the necessary infrastructure for future development. Chairman Davis asked about the relocation of the existing power lines and underground fiber optics. Mr. Middleton stated that the owner was in the process of relocating those services. Commissioner Fraser asked about the storm drainage improvements and how the developer intended on containing the water runoff when the site is developed. Mr. Middleton discussed the drainage plans including the installation of a new catch basin on the property that would direct the water in a natural creek offsite. Commissioner Fraser also questioned whether or not one catch basin would handle all of the onsite drainage. Mr. Middleton stated that one catch basin would be



**MEETING MINUTES
PLANNING AND ZONING COMMISSION
June 2, 2016**

adequate. Staff also discussed the details of the plat approval request including the property owner's future development plans at this location. Staff recommended approval of the replat subject to the following conditions:

1. The developer's construction and the City's acceptance of the required public sewer line extension; or
2. The developer providing the city with assurance based off of the Engineer's cost estimate, that guarantees construction of the required improvements subject to approval by the City Attorney.
3. Any other additions as may be required by the utility companies.

Upon conclusion of discussion, Commissioner Fraser recommended to approve the replat subject to the conditions as recommended by Staff, seconded by Commissioner Nemer. Upon vote, the motion carried unanimously.

OTHER ITEMS FOR CONSIDERATION AND DISCUSSION

Requests for Qualifications-Zoning Ordinance Update (continued from May 13, 2016). Review and consider qualifications for professional planning services for a comprehensive update to the Palestine zoning ordinance.

The Commission continued discussion and review of the three consultants who submitted a proposal for the zoning ordinance update. Commissioner Snow had concerns about SJR Planning Consultant's previous experience working with other cities' zoning ordinances. Commissioner Cox requested samples of previous work relating to zoning ordinance updates from SJR Planning Consultants. Staff discussed the proposals with the Commission and based on previous work experience recommended to approve SJR Planning Consultants, Inc. At the conclusion of the discussion, Commissioner Nemer made a motion to award the contract to SJR Planning Consultants, seconded by Commissioner Fraser. Upon vote, the motion carried 5 to 1 with Commissioner Snow voting nay.

Updates on current zoning and development matters.

Staff updated the Commission on current and proposed development projects.

ADJOURN

With no further business, the meeting was adjourned at 2:14 pm.

Dan Davis, Chairman

Attest:
Jeffrey Lyons
Development Services Director



ZONING CHANGE APPLICATION

PROPERTY DESCRIPTION (LOCATION OF ZONING CHANGE REQUEST)

Address (if available): 321 W Palestine Ave, Palestine, Tx, 75801
Subdivision Name, Lot, Block):
ACAD Block and Tract #:
Deed Restrictions: Yes (Attach a copy with the application) No
Current Zoning: R-2 Proposed Zoning: C-2 local Commercial
Current Use of Property: C - STORE
Proposed Use of Property: Retail outlet with c-store

PROPERTY OWNER INFORMATION

Owner Name: M. MOHIUDDIN
Address: 1378 FM 2419
City: Palestine State: TX Zip: 75801
Phone: 903-388-6253 Email: IQBAL 410@hotmail.com

Check one of the following:

- As the owner of the property, I will represent the application; or
I designate to act as my agent to submit this application.

I acknowledge that all of the information provided in the application is true and correct to the best of my knowledge. Furthermore, I am the legal owner of the property described in the application or, alternatively, that I am authorized to represent all of the owners of the property described in this application.

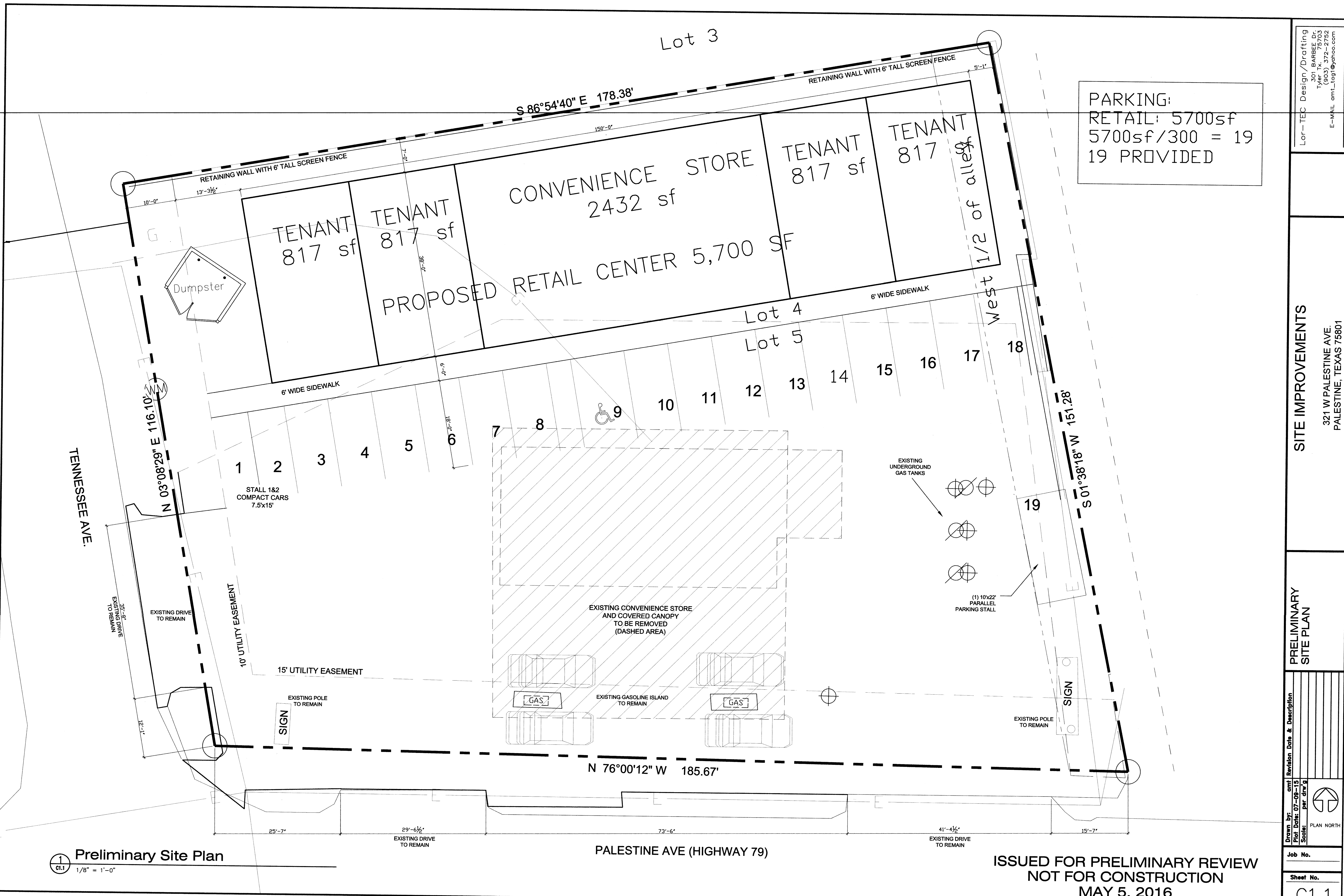
Owner's or Authorized Representative's Signature : M. Mohiuddin

State of Texas
County of Anderson

On this 1st day of June, 2016, before me, the undersigned notary public, personally appeared M. Mohiuddin, known to me to be the person whose name (s) is /are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.



Gerri L Starkes
Notary Public



PARKING:
 RETAIL: 5700sf
 5700sf/300 = 19
 19 PROVIDED

Lor-TEC Design/Drafting
 301 BARBERS PT.
 TOMBALL, TX 75170
 (903) 372-2752
 E-MAIL: amt_tec@yahoo.com

SITE IMPROVEMENTS
 321 W PALESTINE AVE.
 PALESTINE, TEXAS 75601

PRELIMINARY
 SITE PLAN

Drawn by:	amt	Revision	Date	Description
Plot Date:	07-08-15			
Scale:	per drawing			

Job No.
 Sheet No.
 C1.1

1 Preliminary Site Plan
 1/8" = 1'-0"

ISSUED FOR PRELIMINARY REVIEW
 NOT FOR CONSTRUCTION
 MAY 5, 2016



Application XZ-16-02
321 W. Palestine Avenue
Zoning Change Location Map





PLANNING AND ZONING COMMISSION

July 7, 2016 Regular Meeting
Agenda Item XZ-16-02 / Staff Report

Case No.	XZ-16-02
Hearing Date:	July 7, 2016 @ 1:30 pm
Request:	Zoning change at 321 W. Palestine Avenue being Lot 4, Block 33 of the Green's North Hills Addition from R-2, Single Family Detached, Medium Density District to C-2, Local Retail Commercial.
Applicant:	M. Mohiuddin
Exhibits:	<ol style="list-style-type: none">1. Zoning change application.2. Site plan showing the demolition of the existing convenience store and the proposed location of the new convenience store with retail spaces.3. Public notice and subject property location map.
Prepared By:	Jeffrey Lyons, Development Services Director

Request

The owner of property located at 321 W. Palestine Avenue is proposing to demolish the existing convenience store and reconstruct a new 5,700 square foot convenience store including four retail spaces. The construction of the new convenience store will require the use of the lot behind the existing store which is currently zoned R-2, Single Family Detached, Medium Density District. In order to use this lot zoned single family for commercial uses, the owner is requesting a zoning change from R-2, to C-2, local retail commercial. The property where the convenience store is currently located is zoned C-2.

Property Information, Zoning, and Setback Restrictions

The property consists of two lots and a portion of an abandoned alley within the Green's Subdivision. Lot 5, zoned commercial, is the location of the existing convenience store being closest to W. Palestine Avenue. Lot 4, zoned residential, is located directly behind Lot 5, both of which are owned by the applicant. On May 24, 2016, the applicant applied for and received approval of a variance from the Zoning Board of Adjustment and Appeals to allow the new convenience store to encroach into the rear yard setbacks on the residential zoned property. Staff recommended that the applicant seek approval of the variance prior to requesting the zoning change. This would provide assurance that if the zoning change were approved, the new convenience store could legally encroach into the rear yard setbacks. Upon approval of the zoning change, the owner will consolidate both properties which will provide the necessary room (including the rear setback encroachment) to construct the new store.



PLANNING AND ZONING COMMISSION

July 7, 2016 Regular Meeting
Agenda Item XZ-16-02 / Staff Report

Public Notification

On June 24, 2016, 16 notices were mailed to property owners within 200-feet of the property requesting the variances. None have been returned in favor or opposition.

Staff Analysis and Recommendation

The lot behind the existing convenience store zoned single family is not of sufficient size to construct a residence and a portion of it is already being used as rear access for the store. Even though the residential lot is technically a separate property, both lots are being used for commercial purposes to a certain degree. Approval of the zoning change would essentially extend the C-2 zone to encompass both properties which would not be considered spot zoning.

Based on the current use of the properties and the owner's plans to reconstruct the store and maximize the use of the land, Staff recommends approval of the zoning change request at 321 W. Palestine Avenue (Lot 4, Block 33 of the Green's North Hills Addition) from R-2, Single Family Detached, Medium Density District to C-2, Local Retail Commercial.