

Mary Cox, Commissioner
Edwina Miller, Commissioner
Rick Farris, Jr. Commissioner



Bob Snow, Commissioner
Bill Fraser, Commissioner

Dan Davis, Chairman

NOTICE OF REGULAR MEETING
PLANNING AND ZONING COMMISSION AGENDA

Thursday, April 5, 2018 at 1:30 p.m.
City Council Chambers
504 N. Queen Street
Palestine, Texas

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.

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. CONFLICT OF INTEREST DISCLOSURES

D. APPROVAL OF MINUTES

- 1) February 1, 2018 regular meeting.

E. PUBLIC HEARINGS / ITEMS FOR CONSIDERATION

- 1) Conduct a public hearing and consider a variance to the minimum lot size to allow property located at the northeast corner of W. Kolstad Street and Esplanade Street to be subdivided into four lots measuring 30-foot wide by 66-feet deep where the minimum lot size requirements are 75-feet wide by 100-feet deep. The property is designated as Lot 1, Block G of Debard's Addition.

F. COMMISSION COMMENTS AND FUTURE AGENDA ITEMS

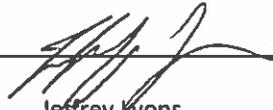
The Commission may discuss and receive input from staff concerning the status of current and proposed development projects, zoning and development code items, and other relevant information.

G. ADJOURN

CERTIFICATION

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

Monday, April 2nd, 2018 at 10:30 a.m.



Jeffrey Lyons,
Development Services Director

In compliance with the Americans with Disabilities Act, the City of Palestine will provide for reasonable accommodations for persons attending City Council meetings. Requests for accommodations or interpretive services must be made 48 hours prior to the meetings. Please contact the City Secretary's office for further information at 903-731-8414.

Minutes of the Planning and Zoning Commission Regular Meeting February 1, 2018

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The Planning and Zoning Commission convened in a Regular Meeting on Thursday, February 1, 2018 at 1:30 P.M. in City Council Chambers at 504 N. Queen Street, Palestine, Texas.

CALL TO ORDER – REGULAR MEETING

Chairman Dan Davis called meeting to order at 1:30 P.M.

Roll Call by Chairman Davis with the following present:
Commissioners Bill Fraser, Rick Farris, Jr, Dr. Mary Cox, and Bob Snow.

Others present: Jeffrey Lyons, Director of Development Services, Judith Cantrell, Public Works

CONFLICT OF INTERESTS DISCLOSURES

None.

APPROVAL OF THE MINUTES

Commissioner Fraser made a motion to approve the minutes of the December 7, 2017 meeting as presented, seconded by Commissioner Farris. Upon vote, the motion carried unanimously.

PUBLIC HEARINGS/ITEMS FOR CONSIDERATION

1. Conduct a public hearing and consider a specific use permit for a mobile home at 1423 Mizell Street which is generally located at the northwest corner of Clay Street and Mizell Street. Case XZ-18-01, Applicant James and Catherine Ryan.

Chairman Davis opened the public hearing for those speaking in favor of request. Mr. and Mrs. Ryan present to discuss placement of mobile home on property located at 1423 Mizell Street.

Development Services Director, Jeffrey Lyons provided report and recommended approval of the request. At the conclusion of the discussion, Commissioner Snow made a motion to approve the request, seconded by Commissioner Fraser. Upon vote, the motion carried unanimously.

2. Conduct a public hearing and consider a request to amend Appendix A, Zoning, by allowing indoor gun ranges on properties zoned C-3, General Retail District. Applicable codes: Appendix A, Zoning, Section 4.6 Zoning Use Graphs. Case ZA-18-01, Applicant John B. Wilbanks.

Chairman Davis opened the public hearing for those speaking in favor of request. Mr. Wilbanks, Co-Owner of Palestine Tire Center, presented to Commission. Mr. Wilbanks recently purchased Don's Produce and Superior Recovery buildings. He would like to convert the buildings to an indoor gun range, bringing in gun and ammos sales and repair, increasing tax revenues.

Development Services Director, Jeffrey Lyons provided report and discussed previous changes to the zoning ordinance that provided regulations and specific use permit approval for gun ranges on properties zoned industrial.

At the conclusion of the discussion, Commissioner Farris recommended to approve the zoning text amendment to allow gun ranges by approval of a specific use permit in the C-3, General Commercial zones, seconded by Commissioner Fraser. Upon vote, the motion carried. Commissioner Snow abstaining from the vote due to lack of information on the requested amendment.

COMMISSION COMMENTS AND FUTURE AGENDA ITEMS

Comment on proposed zoning ordinance from work session. Jeffrey Lyons advised consultant will be present next week to discuss further changes with Staff. The Zoning Ordinance Steering Committee will begin reviewing the ordinance in mid-February. Jeffrey Lyons to provide Commission with packet once changes made and will distribute at next Commission meeting. He will also send by email before that meeting.

Mid-month meeting scheduled for February 16, 2018 at 1:30 PM. to consider a zoning change application.

Jeffrey Lyons advised Commission of several projects in the works, including apartment complex project. Discussion on tear-down of Memorial Hospital. Michael Hornes, City Manager, addressed Commission on status of tear-down. He believes the entire tear-down could be completed by the end of the fiscal year. Discussion on tear down of basement and development of land into the historic district. Discussion on park or landfill alternative; officials would like to see the area developed residential in the same style as the historic district.

Commissioner Fraser advised that one vacancy remains on the Commission. Short discussion on potential applicants.

Future discussion on zero lot line developments.

ADJOURN

With no further business, the meeting was adjourned at 2:23 PM.

Dan Davis, Chairman

ATTEST:

Jeffrey Lyons, Development Services Director



**SUBDIVISION/DEVELOPMENT PLAT
VARIANCE APPLICATION**

PROPERTY DESCRIPTION (LOCATION WHERE VARIANCE IS BEING REQUESTED)

Address (if available):		725 Kolstad St.					
General Location:							
Subdivision Name:		Debard's Addition					
Lot	1	Block	G	Acreage	.1818	Zoning	R-2, Single Family Detached, Medium Density Residential
Deed Restrictions:		Yes (Attach a copy with the application)				No	
Current Use of Property:		Vacant					
Proposed Use of Property:		Subdivide property and construct three single family residences					

PROPERTY OWNER INFORMATION

Owner Name:	Howard K. Moseley		
Address:	4202 Woodlake LN Missouri City TX. 77459		
Phone:	713.557.3134	Email:	HowardMosley@ads-hou.net

SECTION(S) OF CODE BEING VARIED FROM

Chapter 40 Development, Section 40-137, Table 40-3; Lot Standards for Urban Residential 2, r

DESCRIPTION OF VARIANCE AND JUSTIFICATION

PLEASE SEE ATTACHED DOCUMENT FOR VARIANCE REQUEST!!

THANKS!

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: _____

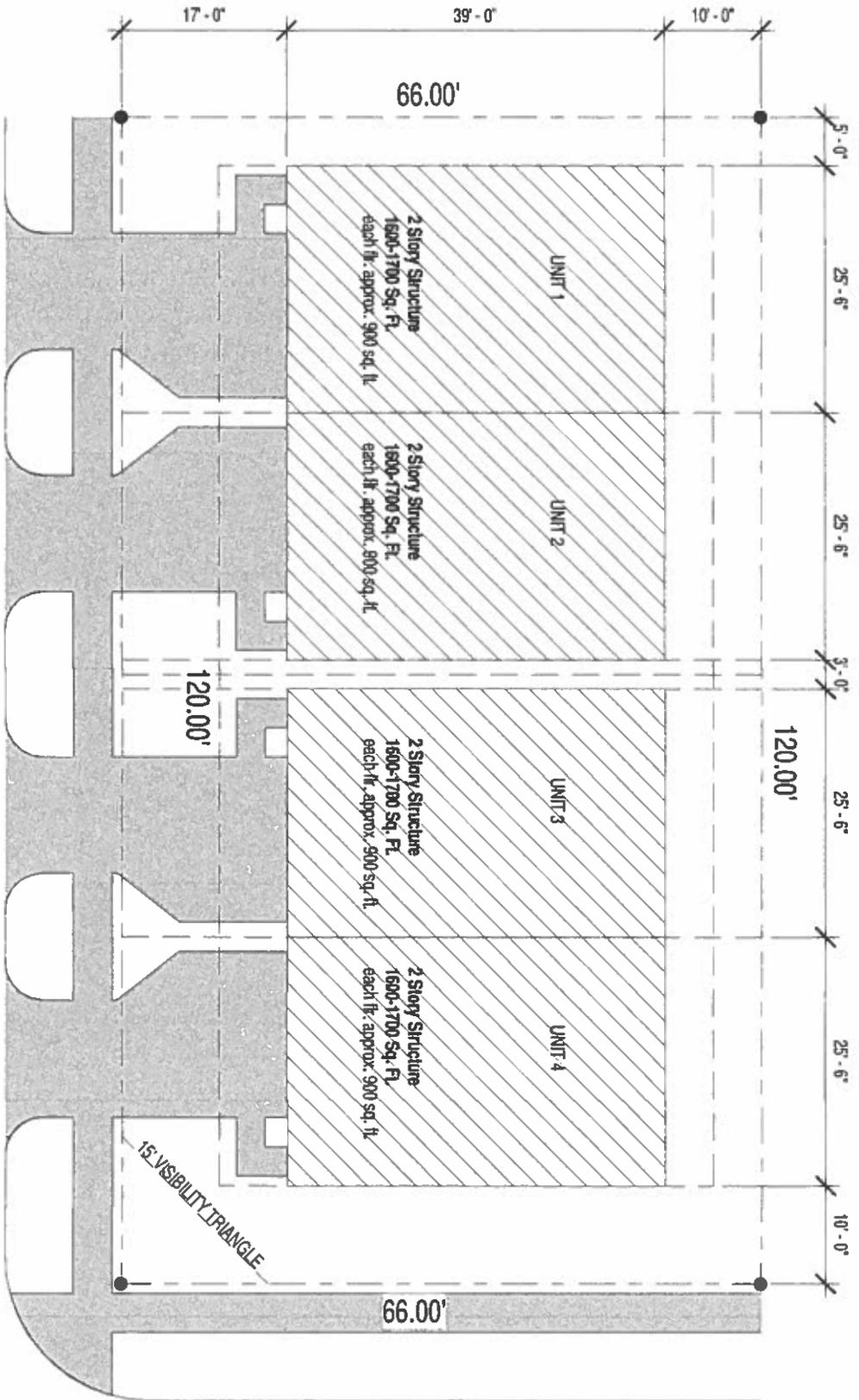


SUBDIVISION/DEVELOPMENT PLAT VARIANCE APPLICATION

CRITERIA FOR SUBDIVISION VARIANCES

The City Council may authorize in specific cases a variance from the platting and subdivision development requirements of this chapter where it finds in writing, after a public hearing, that the variance“:

1. Is not contrary to the public interest,
2. That, due to special conditions a literal enforcement of these provisions would result in unnecessary hardship, and
3. In granting the variance, the spirit of this chapter will be observed and substantial justice will be done.



KOLSTAD STREET
50' R.O.W.

ESPLANADE STREET
50' R.O.W.

jmack Architects

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Houston, Texas 77056
713.524.9524

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Variance Request

The Moseley Foundation is a community development organization, in development and IT Infrastructure. We are asking for permission to build new energy efficient living for your residents. Which will provide the following: **VA and Residential living, Wi-Fi Internet, cable TV, Phone and Surveillance Camera System.**

We would like to build new one and two story multi-residential living for the **Veteran Administration and residential living with *ADA Compliance***. Each One or two-story unit would provide 2 bedrooms, 2 baths, 1 Family room, 1 Breakfast area, and 1 Kitchen area, on each floor approximately 900sqft and second floor 900sqft a total of 1700-1800sqft.

Our new infrastructure will provide great living, for veteran's and residential individual's. developing a positive environment for the Historical Sub-division. Our reason for building the residential structure size is because we can offer more great living to the community with the property size that we own. Currently zoned for 75x100 lot size. However, we are asking for 66x120 lot size for multi-resident. This will bring more living and increase property tax for the City of Palestine that will help keep the community clean and new value to the area.

I have had meetings with Gregory, of Economic Development and Jeffery Lyons, the Development Services Director who acknowledge that Palestine has a desire need for new economic development in providing residential for the entire city. **Simply, our variance change request is to provide more Economic Developing options, stronger economy for the citizens and the city, IT communications technology, surveillance security, energy efficient living units for the citizens of Palestine and the surrounding area.**

Thank you!

Howard K. Moseley

E-Mail: HowardMosley@ads-hou.net
Telephone: 281-317-6884 Fax: 281-408-4849



PLANNING AND ZONING COMMISSION
AGENDA DATE: APRIL 5, 2018
ITEM V-18-01 / STAFF REPORT

REQUEST: A variance to the minimum lot size to allow property located at the northeast corner of W. Kolstad Street and Esplanade Street to be subdivided into four lots measuring 30-foot wide by 66-feet deep where the minimum lot size requirements are 75-feet wide by 100-feet deep.

APPLICANT: Howard K. Moseley

EXHIBITS: Letter explaining variance request and site plan showing proposed subdivision of subject property.

PREPARED BY: Jeffrey Lyons, Development Services Director

PROPERTY INFORMATION

LOCATION: 725 W. Kolstad St. Northeast corner of Esplanade and Kolstad Street.

LEGAL DESCRIPTION: Lot 1, Block G, Debard's Addition

ZONING: R-2, Single family detached, medium density district

OVERLAY ZONES: None

LAND USE: Unimproved

ADJACENT ZONING: Single family detached

ADJACENT LAND USE: Single family residential and vacant land

ACREAGE: .1818

SUMMARY OF REQUEST

The property owner of 725 W. Kolstad Street is requesting to subdivide the property into four separate lots, each of which will measure 30-feet wide and 66-feet deep. The minimum lot size for properties zoned R-2 are 75-feet wide by 100-feet deep. If the variance is approved, the applicant proposes to construct four two-story single family detached homes. Each home will have a driveway access to Esplanade Street with front entry garages (see attached letter from the applicant discussing the project).

PROPERTY ZONING AND UTILITY/ STREET ACCESS

Currently, the property at 725 Kolstad Street is undeveloped and zoned R-2, single family detached, medium density district. The R-2 zoning district permits one detached single-family residence per subdivision lot. This location is part of the Debard's subdivision with surrounding land uses consisting of detached single-family dwellings and some vacant lots. Lot sizes in the area are on average 60-feet wide by 120-feet deep.

Public utilities and street access are available from either Esplanade Street or Kolstad Street. According to the site plan, the four residential structures will have street access from Esplanade Street

SUBDIVISION REGLATIONS

Chapter 40 Development provides the Planning Commission and City Council the authority to allow a variance to the minimum lot size requirements for all zoning districts. In addition, all residential replats must be approved by the Planning Commission and City Council.

COMPREHENSIVE LAND USE PLAN AND MAP

The Comprehensive land use plan and map designates this property as Core Neighborhood which supports and encourages a mixture of single family, duplex, patio, and town homes.

SUBDIVISION VARIANCE LOCATION MAP



PUBLIC NOTICE

On March 22, 2018, 27 notices were mailed to property owners within 200-feet of the location of the variance request. Three have been returned in favor of the request and none have been returned in opposition.

STAFF COMMENTS AND RECOMMENDATION

The proposed new lot sizes are substantially smaller than the minimum requirements for the R-2 zoning districts. However, if the structures do not block traffic visibility and provide ample room for off-street parking, the development should not adversely impact the surrounding properties. Any encroachments into the required building setbacks will have to be approved by the Zoning Board of Adjustment and Appeals.

Staff recommends that the Commission discuss the proposed subdivision variance with the applicant and determine if the reduction of the required lot sizes are appropriate for this location.

COUNCIL REVIEW

If the Planning Commission takes action on the variance request, the item will be considered by the City Council on April 23, 2018.