



MEETING MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING, SEPTEMBER 4, 2014

The Planning and Zoning Commission of the City of Palestine, Texas convened in a regular meeting on Thursday, September 4, 2014 at 1:32 p.m. in the City Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas.

Planning and Zoning Commissioners present:
Chairman Dan Davis and Ron Stutes, City Attorney
Commissioners: Mary Cox, Richard Farris, Jr., Edwina Miller, Bob Snow.

Planning and Zoning Commissioners absent:
Commissioners: Dennis Knox & Neel Warren.

City Staff members present: Jeffrey Lyons, Development Services Director and Alene Leveston, Administrative Assistant.

CALL TO ORDER

Chairman Davis called the meeting to order at 1:32 p.m. A quorum was present.

APPROVAL OF MINUTES

Commissioner Miller made a motion to approve the minutes of the August 7, 2014 regular meeting as submitted. The motion was seconded by Commissioner Snow. Upon vote, the motion carried unanimously.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

Case XZ-14-07/Zoning Change

Conduct a public hearing and consider a zoning change from C-2, Local Retail Commercial, to C-3, General Commercial located on a 1.1 acre tract of land identified by the Anderson County Appraisal District Tax Maps as Tract 6, Block 849, Samuel G. Wells Survey. The property is generally located directly south of the intersection of U.S. Highway 155 North and Gardner Drive, on the east side of U.S. Highway 155 North.
Mattern Tire and Auto/Applicant

Chairman Davis opened the public hearing. David Mattern, property owner, spoke in favor of the request and advised the Commission that he does have a buyer for the property. Dr. J.T. Roberts spoke in favor of the zoning change and stated that he intended to purchase and construct a gasoline service station pending on approval of the zoning change. No one spoke in opposition. The public hearing was closed.

Development Services Director, Jeffrey Lyons presented a staff recommendation of approval of the zoning change request. After discussion of this item Commissioner Farris made a motion to approve the zoning change as submitted, seconded by Commissioner Miller. Upon vote, the motion carried unanimously.

Case XZ-14-08/Specific Use Permit

Conduct a public hearing, discuss and consider a specific use permit to allow two single (2) single family attached dwelling units in the building addressed to 114 W. Main Street/113 W. Spring Street being a single-story building and zoned CBD, Central Business District. Shuffler Properties Ltd./Applicant

Chairman Davis opened the public hearing. Sloan Shuffler, the applicant and property owner, spoke in favor of the request and stated that she would like to convert the single story building into two single family attached residences. No one spoke in opposition. Commissioner Farris recused himself from voting. The public hearing was closed.

After discussion of this item Commissioner Snow made a motion to approve the specific use permit, seconded by Commissioner Miller. The motion carried unanimously.

Case Z-14-06/Ordinance Amendment

Conduct a public hearing and consider amendments to the regulation of sexually oriented businesses as found in the Palestine Code of Ordinances, Chapter 26, Businesses, Article VII. City of Palestine/Applicant

Chairman Davis explained to the persons in attendance that this item only dealt with amending the existing ordinance regulating sexually oriented businesses and that Item Z-14-06 concerned the location restrictions.

City Attorney, Ron Stutes explained to the Commission and citizens present that sexually oriented businesses were protected to an extent by the First Amendment and that based on a ruling by the United States Supreme Court, cities must allow a reasonable amount of area within the corporate limits that allowed these types of uses to legally operate. Development Services Director Jeffrey Lyons updated the Commission on previous Council action regarding the proposed amendments and noted that the

moratorium would soon expire. Lt. James Muniz addressed the crowd and discussed the need to update the sexually oriented business ordinance so that the city could effectively regulate a business of this type should one be located in the city limits. Chairman Davis opened the public hearing. No one spoke in favor of the proposed amendments. The following persons spoke in opposition of the amendments: Andrew Douglas, Michael & Norma Mullican, Jacob Richardson, Anita Hamm, Rev. Roy Duncan, Edward Boyd, Angela Jenkins, Phil Ayres, Gina Crist, Tera Yaunk, Roger Clayton Jesse Ricks, Pastor Buddy Leach, Larry Walding, Ann Wilborn and Doug Leifeste.

All citizens who spoke in opposition were generally concerned with the proposed location of the overlay district and several requested that the city ban any business of this type from locating anywhere within the city limits of Palestine.

The Commission discussed the proposed amendments and answered general concerns from the citizens who were present. Commissioner Miller stated that the city should charge a substantial application fee, a yearly operating fee, and a fee for each person employed with a sexually oriented business, all of which are non-refundable. Commissioner Farris stated that the Commission should recommend the ordinance amendments and advise the City Council to make a determination as to where a sexually oriented business could legally operate.

After discussion, Commissioner Cox made a motion to recommend the amendments to the current ordinance with the following changes:

1. Include an annual fee of \$1,400.00 which is non-refundable.
2. Include an annual fee of \$150.00 for each person employed with a sexually oriented business which is non-refundable,
3. Limit the maximum size of a sign on the building where a sexually oriented business operates to 32 square feet.
4. Add the following language to Section 26-273. Additional Regulations for Adult Motels as follows:

A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he or she rents or sub-rents a sleeping room to a person and within ten hours from the time the room is rented, he or she rents or sub-rents the same sleeping room again. (For purposes of subsection (a) of this section, the terms "rent" and "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

The motion was seconded by Commissioner Miller. Upon vote, the motion carried unanimously.

Z-14-06A/Sexually Oriented Business Overlay Zone

Conduct a public hearing, discuss and consider designating a sexually oriented business overlay zone within Section 26-267 Location of Sexually Oriented Businesses, Chapter 26, Businesses, Article VII of the Palestine Code of Ordinances. The proposed overlay zone is generally located on both sides of W. Reagan Street and the Union Pacific Railroad line and those properties located on both sides of Industrial Blvd from the intersection of Industrial Blvd. and W. Reagan Street going south along Industrial Blvd. to the Palestine city limits line.

Chairman Davis opened the public hearing. No one spoke in favor of the proposed amendments. The following persons spoke in opposition to the overlay zone: George Stanley, Edward Boyd, Jacob Richardson, Michael D. Mullican, Norma Mullican, Andrew Douglas, Anita Hamm, Angela Jenkins, Phil Ayres, Gina Crist, Tera Yaunk, Roager Clayton, Jesse Ricks, pastor Buddy Leach, Larry Walding, Ann Wilborn and Doug Leifeste.

Discussion was held. Commissioner Farris made a motion to forward this item to the City Council for their review and final determination as to where sexually oriented businesses can legally operate within the city limits, seconded by Commissioner Miller. Upon vote, the motion carried unanimously.

OTHER ITEMS

Staff updated the Commission on recent Council action regarding zoning changes.

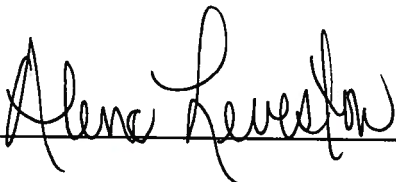
ADJOURN

With no other business to come before the Commission, the meeting was adjourned at 5:15 p.m.



Dan Davis, Chairman

ATTEST:



Alene Leveston, Development Services Administrative Assistant