

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

The Planning and Zoning Commission convened in a Regular Meeting on Thursday, June 1, 2017 at 1:30 p.m. in the City Council Chambers at 504 N. Queen Street, Palestine, Texas.

**CALL TO ORDER – REGULAR MEETING**

Chairman Dan Davis called the meeting to order at 1:35 pm. with the following members present: Commissioners Edwina Miller, Bill Fraser, Richard Farris, Jr., Alex Nemer II, Mary Cox and Bob Snow  
City Staff members present: Jeffrey Lyons, Director of Development Services, Kelly Hughes, Fire Marshal

**APPROVAL OF THE MINUTES**

Commissioner Farris made a motion to approve the minutes of the May 4, 2017 meeting as presented, seconded by Commissioner Miller. Upon vote, the motion carried unanimously.

**PUBLIC HEARINGS / ITEMS FOR CONSIDERATION**

- 1. Consider a specific use permit to allow 16 multi-family living units at 1319 Moody Street being Lot 2, Block 1 of the Farris Addition, zoned C-4, Highway Commercial and generally located approximately 160-feet on the inside of N. Loop 256 on the north side of Moody Street.**

Rick Farris, Jr. recused himself from the discussion due to a conflict of interest. Chairman Davis opened the public hearing for those speaking in favor of the request. Rick Farris, Jr. spoke in favor of the request as the applicant. Mr. Farris stated that he would like to construct 16 single story multi-family units at this location. No one spoke in opposition to the request. The public hearing was closed.

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

- 2. Consider amendments to Appendix A, Zoning, by adding a definition, providing special provisions and designating zoning districts for transitional housing shelters. Applicable codes: Appendix A, Zoning, Section 3.3 Uses Definitions, Section 15 Special Provisions and Section 4.6 Zoning Use Graphs.**

Chairman Davis opened the public hearing for those speaking in favor or opposition to the request. No speakers were present, the public hearing was closed. Director Jeffrey Lyons provided a staff report on the item and stated that there was interest in constructing a transitional housing development, however, the zoning ordinance did not address this type of use.

Commissioner Fraser made a motion to amend Appendix A Zoning by including a definition for transitional housing as follows:

Transitional housing: detached houses and self-contained units with shared facilities, intended to offer a supportive living environment, and opportunities for social and skills development, for a period of three months to maximum two years. The motion was seconded by Commissioner Farris. Upon vote, the motion carried unanimously.

Commissioner Snow stated that he was concerned about the criteria for obtaining a specific use permit for transitional housing as provided by Staff. Directed Jeffrey Lyons stated that the language could be clarified. Commissioner Miller stated that she was concerned about patients with mental health issues being admitted

in a transitional housing complex. Commissioner Cox stated that the city should not determine the qualification process for determining which individuals would be accepted in a transitional housing complex. Commissioner Farris stated that he did not feel that transitional housing should be allowed in single family zoning districts and made a motion to add transitional housing to Section 4.6 Zoning Use Graphs and allow that use by approval of a specific use permit in all multi-family zones and all commercial zones. The motion was seconded by Commissioner Miller. Upon vote, the motion carried unanimously.

Director Lyons continued the staff report and recommended that the following regulations be added to Section 15.91 of Appendix A, Zoning in addition to the specific use permit requirements for transitional housing:

Such facilities shall be limited to only housing (not less than three months or more than two years) for homeless and shall not involve treatment and/or rehabilitation for alcohol, drugs or other substance abuse.

Dimensional requirements.

1. Maximum density – 26 units/acre
2. Minimum lot area – 10,000 sq. ft.
3. Minimum lot width – 100 ft.
4. Minimum living area – 500 sq. ft.

Minimum yard setback – all buildings and structures excluding fences shall be setback a minimum distance of 25 ft. from any residential district boundary. All other setbacks shall comply with the requirements of the district in which the use is located or as required in the Specific Use Permit ordinance.

Additional requirements. The site shall be oriented on/towards a major collector street.

Buffering and Screening. The site shall be screened from adjacent properties and rights-of-ways except for entrance/exit from the site by a minimum 6 feet solid fence, masonry wall, or evergreen hedge.

Commissioner Cox stated that she did not agree with adding the requirement of buffering and screening to a transitional housing complex. Upon conclusion of the discussion, Commissioner Cox made a motion to accept the staff recommendation shown above with the exception of removing the buffering and screening requirements and adding that the site shall comply to all landscaping requirements per Chapter 40, Development.

The votes were cast as follows:

Ayes: Nemer, Farris, Davis, Cox, Snow, Fraser

Nays: None

Abstained: Miller

The motion carried.

**3. Consider amendments to Appendix A, Zoning, by adding a definition, providing special provisions and designating zoning districts for propane sales, storage and distribution. Applicable codes: Appendix A, Zoning, Section 3.3 Uses Definitions, Section 15 Special Provisions and Section 4.6 Zoning Use Graphs.**

Chairman Davis opened the public hearing for those wishing to speak in favor or opposition to the request. No speakers were present, the public hearing was closed. Director Jeffrey Lyons provided a staff report on the item and stated that the request was initiated on behalf of Nelson Propane who is currently looking at an additional location within the city limits to offer propane filling services and propane delivery truck storage. Mr. Lyons stated that the zoning ordinance did not address propane retail sales and propane distribution. Fire Marshall Kelly Hughes also discussed the item from the standpoint of fire and safety regulations and recommended that the Commission accept the staff recommendation.

Commissioner Farris made a motion to amend Section 3.2 Use Definitions in Appendix A, Zoning to include the following definitions for propane sales (retail) and propane sales and distribution:

Propane Sales (retail) - The retail sale of gaseous substances that are commonly used for household purposes such as propane and butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

Propane Sales and Distribution - The retail sale of gaseous substances that are commonly used for household purposes such as propane and butane including the storage, sale, transportation and distribution of propane and onsite cylinder-filling.

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

The Commission discussed which zoning districts would permit propane sales and distribution including the staff recommendation. Commissioner Farris made a motion to amend Section 4.6 Zoning Graph Uses in Appendix A, Zoning to include the use of propane sales and distribution as follows:

Sec. 4.6 to add Propane Sales and Distribution in the following districts:

Propane Sales (retail): C-3, C-4, I-1, I-2 allowed by right.

Propane Sales (retail) and Distribution: C-4, I-1, I-2 by specific use permit.

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

The Commission discussed additional requirements for propane sales and distribution including setbacks from adjacent residential structures. Upon conclusion of the discussion, Commissioner Farris made a motion to amend Section 15.19 of Appendix A, Zoning to include additional regulations as part of the specific use permit process for propane sales and distribution:

Sec. 15.19 to add Propane Sales and Distribution. In addition to the requirements applicable within the districts where such uses are permitted, or those required through a Specific Use Permit, the applicant shall provide a fire safety analysis and collateral damage report prepared by a Licensed Engineer. The motion was seconded by Commissioner Nemer. Upon vote, the motion carried unanimously.

#### **COMMISSION COMMENTS AND FUTURE AGENDA ITEMS**

Staff updated the Commission on the status of the zoning ordinance update.

#### **ADIJOURN**

With no further business, the meeting was adjourned at 2:45 p.m.

  
Dan Davis, Chairman

ATTEST:

  
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Jeffrey Lyons, Development Services Director