

Call meeting to order on October 29, 2019 at 5:30 PM:

Roll Call: Mary Benton Charles Jennings Andy Paton Cody Richardson Dr. Scott Rogers
Dotty Smith Chris Tackett

Staff present at roll call was Public Information Officer Andrew Lawson and Principal Planner Josh White.
Also present were Rod Donaldson and Curt Freeland for Habitat for Humanity.

1. Declaration:

Richardson stated he owned property across the street from the variance request but stated that would not affect his ability to come to a fair decision. (Note: The bylaws enacted during this meeting would now prevent his participation)

2. Public Comments:

No members from the public brought any comments for items not on the agenda.

3. Consent Agenda:

Meeting Minutes, **April 9, 2019 meeting.**

Paton made a motion to approve the April 9, 2019 meeting minutes as written. Rogers seconded the motion. Voice vote carried the motion.

4. Recess the Planning Commission and Convene the Board of Zoning Appeals

Paton made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. The motion was seconded by Tackett. Voice vote carried the motion. Rogers turned the meeting over to Benton. Benton opened the meeting of the Board of Zoning Appeals.

5. Consider a request for a variance to side yard setback for an addition at 120 S "B" Street.

Motion: To approve (or disapprove) a variance to allow a 2' side yard setback for an addition at 120 S B Street.

White did a brief presentation reminded the Board on the status of this case. He also reminded them that they had previously approved the enlargement of the accessory building at the previous meeting. Rogers asked if there were any changes. Donaldson stated his proposal was unchanged but had visited with the church. Rogers asked if a formal opinion from Jennings (who was absent). Smith joined the meeting and joined the discussion. She said she had spoken with Jennings and he still had some concerns about the drainage. There was a concern that the sandstone foundation of the church could be damaged by excessive run-off. Paton stated he also had the same concern. He asked if there was a way to mitigate the drainage. White replied the best method would be to ensure water was directed away from the church building. Further discussion was held and consensus was that all water would be piped to the alley. Smith was concerned granting this variance would set a precedent as there would not be proper separation. White concurred that this was closer than the building code typically allowed but that the building official indicated he could work with what the board decided. Richardson asked if the church basement had flooded with the spring floods. This was unknown without Jennings being present. Tackett asked Donaldson to confirm if the church had a similar piped drain. Donaldson replied it did. Donaldson indicated that he had no issue with having the drainage pipe and that this would actually be an improvement from current conditions. Smith asked about the overhang. Donaldson stated it was about a foot. Smith stated that in reality the setback was actually only 1 foot. Tackett asked about the north. Donaldson indicated the house to the north was very close to the property line. The whole neighborhood had been developed with small side yards. Smith asked for clarification about the project. Donaldson replied it was to reconfigure the current bedrooms and make them larger and more usable. Smith stated she understood the desire to this project but still had concerns about setting a precedent. Rogers would have liked to hear directly from Jennings but felt tabling this item again served little purpose. Paton made a motion to approve a variance to allow a 2' side yard setback for an addition at 120 S B

Street. He further clarified that this would be with the condition that proper guttering is installed and the drainage be directed to the rear of the property. Tackett seconded the motion. Smith asked if Donaldson planned a fence. Donaldson indicated he had no plans for a fence but if he did it would only be the backyard. Smith asked if consideration for a bedroom at the rear had been made. Donaldson replied that it wouldn't be feasible due to the design of the house. Vote was taken by roll call.

Yes: Benton, Paton, Richardson, Smith, Tackett **No:** Rogers, Smith

The motion was declared passed on a 4-2 vote.

6. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

Tackett made a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. The motion was seconded by Paton. Voice vote carried the motion. The Board of Zoning Appeals stood adjourned. Rogers reconvened the Planning Commission.

7. Hold a public hearing to consider a request for a rezone from a P: Public Use District to an R-2: Medium Density Residential District at 501 S 6th Street

Rogers opened the public hearing. White stated the Land Bank Board of Trustees deeded a portion of this property to Habitat for Humanity. White felt the entire property should be rezoned as it was the intention of the Land Bank Board of Trustees to have the entire property developed as residential. White presented the staff report with the recommendation that the rezone request be approved. Rogers had spoken with a concerned resident but it was more just a misunderstanding about the process. Rogers asked Freeland if he had anything to add. He had no further comment. The neighbors seemed generally supportive. Rogers made a motion to recommend the City Commission approve/disapprove the request for a rezone from a P: Public Use District to an R-2: Medium Density Residential District at 501 S 6th Street. Benton seconded the motion. The vote was taken by roll call.

Yes: Benton, Paton, Richardson, Rogers, Smith, Tackett **No:** None

The motion was declared passed. White stated he planned to take this before the City Commission on November 19.

8. Discussion and possible adoption of bylaws

White said the previous City Attorney had inquired about bylaws. He worked with her on developing this set. Smith indicated in the past there were some bylaws in the past but it had been a while ago. White went over the highlights of the bylaws. He indicated some provisions that would normally appear in the bylaws are present in Article 25 of the Zoning Regulations as well as a general provisions ordinance for boards found in Municipal Code. He stated that part of the reason he wanted to bring this up now is that we have several vacancies coming up and having bylaws in place will help with the transition. He encouraged Commissioners to help recruit new members. Lawson briefly spoke about what vacancies would be coming up. Smith, Tackett and Jennings would all have terms coming up in April. He indicated he did have 2 applicants already but was looking for more to submit to the incoming mayor in January. Lawson also mentioned that we are going to be launching into a comprehensive plan update next year so applicants should be aware of this. Rogers asked if commissioners were comfortable with the bylaws as written. Smith made a motion to adopt the bylaws as presented. Benton seconded the motion. Voice vote carried the motion.

9. Other Items:

White pointed out that we had the fence regulations work session had been held and the public hearing had been canceled. Significant public outcry had caused staff reconsider its position. The topic will likely not be brought up again unless specifically requested by the City Commission.

10. Adjournment:

Paton made a motion to adjourn the meeting. Smith seconded the motion. Voice vote carried the motion. Meeting adjourned.