

**Meeting called to order on June 13, 2017 at 5:30 PM:**

**Roll Call:** Mary Benton [x ] Albert Brown [x ] Gordon Fry [x ] Charles Jennings [x ] Mike Munson [ ] Andy Paton [ ]  
Dr. Scott Rogers [x ] Chris Tackett [x ] Brian Wells [x ]

Staff present at the time of roll call: Public Information Officer Andrew Lawson and Principal Planner Josh White. City Clerk Lesley Shook swore in Chris Tackett immediately preceding the meeting.

**1. Declaration:**

At this time I would like to ask the Planning Commission members to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.

Mary Benton and Chris Tackett stated that they are both members of the Northside Baptist Church for which a public hearing is scheduled for this agenda. However, neither are members of the Church's governing body.

**2. Public Comments:**

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three minutes. Any presentation is for information purposes only. No action will be taken.

No members of the public spoke about items not on the agenda.

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**3. Consent Agenda:**

Meeting Minutes, **March 14, 2017 meeting.**

A motion was made by Benton and seconded by Jennings to approve the March 14, 2017 meeting minutes as written. Voice vote carried the motion.

**Old Business:**

**4. Conditional use permit for 2302 Edgemont Dr.**

Rogers stated that a public hearing for a conditional use permit originally scheduled in April was canceled due to lack of quorum; the applicant later withdrew the application. White had nothing further to add.

**New Business:**

**5. Recess the Planning Commission and Convene the Board of Zoning Appeals**

Fry made a motion to recess the Planning Commission and convene the Board of Zoning Appeals. Brown seconded the motion. Voice vote carried the motion. Brian Wells left the meeting.

**6. Hold a public hearing to consider a request for a variance to allow encroachments on the side and rear yards in an R-2, Medium Density Residential District at 500 N 5<sup>th</sup> Street.**

**Motion:** To approve (or disapprove) a variance to allow an 8.8' front yard setback and a 5'10" rear yard setback at 500 N 5th Street.

Benton took over as chair of the Board of Zoning Appeals. Rogers made a motion to open the public hearing. The motion was seconded by Tackett. Voice vote carried the motion. White presented the staff report including the findings. The proposal of a building addition would encroach upon the required setbacks. He further explained how setbacks are determined for corner lots. Staff recommends approval of the variance primarily due to the fact that the existing house already encroaches on the setbacks approximately the same amount. Also, the applicant will not be able to expand and would have to relocate to another property that they own north of the City. He pointed out that churches are an allowed use in a residential area pursuant to the federal RLUIPA law. No public opposition was expressed to staff prior to the public hearing. Brown asked where the dumpster pad would be located. White stated it would be at the northeast corner. Brown asked about the privacy fence extension and the paving on the alley. White indicated this would be discussed as part of the site plan review. He stated that the alley was required to be paved if it

was used as access. Benton asked if anyone had anything to add. Pastor Ryan Whitley of Northside Baptist Church showed the board a mockup of the project. Jennings felt that the encroachments would not be a traffic hazard. Brown asked about parking across the street and Whitley indicated that would continue to be parking. A resident of 423 N 5<sup>th</sup> Street asked clarification questions. He wanted to know why he received a notice. White and the Board clarified that notices are sent out to everyone within 200 feet who may wish to come ask questions or express concerns about the project. Rogers made motion to close the public hearing and Jennings seconded the motion. Voice vote carried the motion. Rogers made the motion to approve a variance to allow an 8.8' front yard setback and a 5'10" rear yard setback at 500 N 5th Street. The motion was seconded by Jennings. Vote was taken by roll call.

**Roll Call:** Benton [Y] Brown [Y] Fry [Y] Jennings [Y] Munson [ ] Paton [ ] Rogers [Y] Tackett [Y] Wells [ ]  
Benton declared the motion passed 6-0.

### **7. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission**

Benton made a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. Rogers seconded the motion. Voice vote carried the motion.

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### **8. Other Items:** There is no further business to go before the Planning Commission

Rogers took over as chair. He asked staff if there were any further items and staff indicated there was not. Brown asked about the Veterans Lake residential project. Lawson indicated they did not receive the tax credits but would be pursuing the next round. Brown also asked about the water meter of the softball field. White said he would look into this further. He also said Brown could also contact the Public Works Director for more information. Jennings asked about the storage facility on Skyline Rd for which a rezone was previously granted. White indicated he had heard nothing further about the project and it appeared to be a dead project. The rezone however would not be revoked.

### **9. Adjournment:**

Fry made a motion to adjourn and Jennings seconded the motion. Voice vote carried the motion. Meeting adjourned at 5:57pm.