

MINUTES OF THE MEETING OF THE PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 19TH DAY OF MAY, 2016 AT 5:30 PM.

Members present: Woods; Barry; Johnston; Durda; Cummings; Hilton
Members absent: Anderson
City staff present: Kulhavy; Ridley; Moss

1. CALL TO ORDER

a. *This meeting was called to order by Chairman Johnston. [5:33PM]*

2. PLEDGE OF ALLEGIANCE

- a. U.S. Flag
- b. Texas Flag

3. INVOCATION

Commissioner Barry led the invocation

- 4. PUBLIC HEARING** to take testimony concerning a Conditional Use Permit application for a RV & Boat Storage facility to be constructed on the south side, in the 2300 Block, of Veterans Memorial Parkway within the City Limits of Huntsville, Texas.

Aron Kulhavy presented the process for the Commission review and consideration of the Conditional Use Permit as this is the first one to actually come before the Commission since the adoption of the Development Code Update in August of 2015. He also presented the particulars of this Conditional Use Permit per the Staff Discussion Form, making note of the fact that the City acquired the 100' wide buffer strip that currently exists between the subject property and the north line of the Elkins Lake subdivision from the applicant in the year 2000. Per the deed for the 100' buffer strip, the Grantor received a 50' wide strip across the parcel for "*ingress, egress and utilities for future public street extension of Oak Hills Drive*". The applicant has the legal right, per the deed, to have access to the subject property from Oak Hills Drive and across the City owned 100' wide buffer parcel.

Chairman Johnston opened the public hearing. [5:43 PM]

The applicant, **Byron Sandel**, presented his case for the Conditional Use Permit for the construction of a RV and Boat Storage facility. He stated that he intends to build the facility in phases and upon further investigation into the development of the site, it is not feasible to have a main access to the facility from Oak Hills Drive due to the expense of a computer individual tenant code keyed entry gate and the dirt work that would be required. He is considering a back gate that would be used as back-up access for the facility in the event the main gate for access from Veterans Memorial Parkway is inoperable. He does not intend to construct through public street access from Veterans Memorial Parkway to Oak Hills Drive. He is considering a sewer dump station for tenants since there is an existing sanitary sewer main located on the subject property. The facility will be fenced with water and electric service for the facility. The storage facility buildings will be closed with metal walls painted green. The existing 100' wide City owned buffer is quite dense and difficult to walk through. Sandel feels that the proposed RV and Boat Storage facility will be a nice, convenient development for the residents of Elkins Lake.

There were not any speakers in favor of the proposed development.

The following Elkins Lake residents spoke in opposition to the development:

Lee Murrah, residing at 607 West Lane, does not feel that this type of development is appropriate along/adjacent to Veterans Memorial Parkway, further stating that there is not a need for another public entrance to the Elkins Lake subdivision and that this development will decrease the property values in the Elkins Lake subdivision.

Richard Belovsky, residing at 214 Evergreen Drive, does not feel that the existing 100' wide buffer is sufficient to screen the development from view and questioned the possible removal/clearing within the buffer strip for the installation of infrastructure for the proposed development. He also expressed lighting, noise, and drainage concerns which may occur with as a result of the proposed development.

Steve Covington, residing at 213 Evergreen Drive, expressed his concern for the type of development occurring along/adjacent to Veterans Memorial Parkway, pointing out the total clearing of the property on which a storage facility is currently being constructed near the City of Huntsville Fire Station. He feels that development along Veterans Memorial Parkway should be controlled in order to keep the parkway attractive.

Larry Hoover, residing at 363 Broadmoor Drive, expressed his concern for the precedent that will be set for development along Veterans Memorial Parkway, noting that the visibility of the proposed facility is an issue. He is on board with his neighbors in recommending denial of the project, however if approved he provided four (4) conditions which he outlined per a handout which was given to the Commissioners. The four conditions are:

- Buildings painted in earth tone green (Elkins Lake Green).
- Directed lighting (not broadcast).
- Entrance gate on Oak Hills at the north side of green belt.
- Establishment of a view blocking hedge row to supplement the green belt – (with 8 characteristics for the plant material given).

Randy Garner, residing at 374 Oak Hills Drive, stated that he has concern for the impact of the proposed development on the community as well as a selfish interest as he does reside on Oak Hills Drive and feels that the development will have a devastating impact on him and his family's quality of life, his property value, and his peace of mind. He feels that his home/property will be the most negatively impacted because it is the only home on Oak Hills Drive which has garage and driveway access from Oak Hills Drive. His property will lack the benefit of the 100' buffer strip due to the close proximity of the 50' access strip to his property and the proposed commercial driveway to the subject property within the 50' access strip. He pointed out the negative impact that the private commercial driveway from the local neighborhood street will have on his property and the neighborhood. Other negative impacts of the proposed development will be the noise, lighting, and the possible increase of flooding in the area. Garner also pointed out that since the proposed development does not meet all of the criteria for the approval of the Conditional Use Permit per the Development Code, the proposed development should not be approved. If the development is approved, there should be conditions placed on the development to restrict access from Oak Hills Drive, require 15' height fencing, buildings painted in non-obtrusive color, planting of hedge, and restriction on any commercial signage being placed at an access from Oak Hills Drive.

Frank O'Donnell, residing at 223 Evergreen Drive, stated that he has three (3) issues with the proposed development; visibility, sound, and lighting. If the development can be seen or heard from his property, and if there is spill-over lighting from the development, his property value will decline.

Jo Maroney, residing at 372 Oak Hills Drive, expressed her opinion that property values will decline; the quiet, serenity, and peace of the neighborhood will be diminished; and lighting from the development will be a nuisance. She also stated that the proposed development will negatively affect the existing wildlife in the area.

Richard Eiles, residing at 217 Evergreen Drive, stated that quality of life is subjective. He wishes to live his remaining years with quality of life.

Cindy Eiles, residing at 217 Evergreen Drive, read the written protest which was submitted to City Staff and the Commission prior to the public hearing. The protest has the signatures of eighteen (18) Elkins Lake residents, sixteen (16) of whom live within three hundred (300) feet of the subject property. She also stated that she has resided at 217 Evergreen Drive for thirty (30) years; she loves the beauty, nature, and neighbors. She does not want to see the Conditional Use Permit approved for the proposed development.

Gene Simmons, residing at 1710 Wickersham, expressed his opinion that granting of the Conditional Use Permit with access from Oak Hills Drive will set a bad precedent for development. He is also concerned about maintenance of a possible through street to Veterans Memorial Parkway which would have to be maintained by City of Huntsville at tax payers' expense.

Byron Sandel, the applicant, spoke in rebuttal stating that he does not intend to build a through street for public access from Veterans Memorial Parkway by extending Oak Hills Drive. He is going to do something with the subject property, and feels like the proposed RV and Boat Storage facility was the least invasive development for the property in regards to the Elkins Lake subdivision. It is not his intent to harm anyone's property value or quality of life.

Chairman Johnston closed the Public Hearing. [6:31 PM]

5. **CONSIDER** the Conditional Use Permit application for a RV & Boat Storage facility to be constructed on the south side, in the 2300 Block, of Veterans Memorial Parkway within the City Limits of Huntsville, Texas.

The **Commissioners** discussed the pros and cons of the proposed development with the main topic being the 50' wide strip of land for access to the subject property across the City owned 100' wide buffer strip. **Commissioner Cummings** pointed out that the width of the street pavement of Oak Hills Drive is not sufficient enough to be appropriate for RV and boat access to the subject property. Possible conditions for the development were discussed. **Commissioner Barry** pointed out that the difference in the effect on the property values for the lots located adjacent to the existing storage facility located within the Elkins Lake subdivision and the lots near this proposed storage facility. The houses near the existing Elkins Lake storage area were built with that storage facility already in place. The proposed storage facility is being developed after the homes in Elkins Lake subdivision have been in place. Before a list of conditions for the development was formulated, **Commissioner Woods** asked for a vote to see which way the commission was leaning on the issue.

- i. *Commissioner Hilton made a motion to recommend denial of the Conditional Use Permit. Second was by Commissioner Barry. The vote to recommend denial of the Conditional Use Permit was unanimous.*

Aron Kulhavy announced that the Conditional Use Permit, with the Planning Commission's recommendation to deny, will be on the June 7, 2016 City Council agenda. Anyone who wishes for a notification letter should contact the City Planning Office.

6. **CONSIDER** initiating amendments to the development district map of the City of Huntsville per Section 12.302 of the Development Code.

Aron Kulhavy informed the Commission that the maps included in the meeting packet were revised per the direction staff received at the Planning Commission Workshop meeting held on April 21, 2016. Per the Development Code, Development District Map Amendments can only be initiated by the City Council, the Planning Commission, or the Owner of the property that is the subject of the proposed map amendment. This agenda item is for the Planning Commission to officially initiate the process for Development District Map Amendments for the three (3) areas as recommended by the Commission.

Chairman Johnston announced that he will be abstaining from the vote due to conflict of interest as he is an owner of some of the property to be considered for Development District Map Amendment.

- i. *Commissioner Woods made a motion to initiate the amendments to the Development District Map of the City of Huntsville. Second was by Commissioner Hilton. The vote was unanimous with Chairman Johnston abstaining.*

7. **CONSIDER** the minutes of the April 7, 2016 joint workshop with City Council.

Commissioner Barry moved to accept the minutes of the April 7, 2016 joint workshop with City Council as presented. Second was by Commissioner Cummings. The vote was unanimous.

8. **CONSIDER** the minutes of the April 7, 2016 Planning Commission Meeting.

Commissioner Woods moved to accept the minutes of the April 7, 2016 Planning Commission meeting as presented. Second was by Commissioner Barry. The vote was unanimous.

9. **CONSIDER** the minutes of the April 21, 2016 Planning Commission Workshop Meetin.

Commissioner Barry moved to accept the minutes of the April 21, 2016 Planning Commission Workshop meeting as presented. Second was by Commissioner Hilton. The vote was unanimous.

10. PUBLIC COMMENTS

Charles Smither, Jr. addressed the commission regarding the procedure for the updating the printed copies of the Development Code update to reflect the recent adopted ordinance revising the Code language regarding the placement of new manufactured homes and the development of new mobile/manufactured home parks/subdivisions. He also commented on the enforcement of the Development Code particularly regarding signs with dynamic displays.

11. ITEMS OF COMMUNITY INTEREST

- i. Bearkat Baseball team will be playing this weekend, vying for Conference Championship.
- ii. Main Street Farmer's Market every Saturday morning in Downtown Huntsville.
- iii. There will be car show at the Walker County Fair Grounds Memorial Weekend.

12. ADJOURNMENT

Commissioner Woods moved to adjourn. Second was by Commissioner Durda. The vote was unanimous. [7:23 PM]