

Planning and Zoning Commission
Minutes August 6, 2012

STATE OF TEXAS §
COUNTY OF TARRANT §
TOWN OF PANTEGO §

The Planning and Zoning Commission of the Town of Pantego, Texas, met at 7:00 p.m. in the Council Chambers, 1614 South Bowen Road, Pantego, on the 6th day of August 2012 with the following members present:

Stephen Smith
William Nolen
Jason Bergin
Bill Holland
John Kushma
Stephen Smith

Chairman
Vice Chairman
Commissioners

constituting a quorum. Staff present was:

Chad Joyce
Katy Sutton

Community Development Director
P & Z Secretary

(The following items were considered in accordance with the official agenda posted on the 2nd day of August 2012.)

REGULAR SESSION 7:00 P.M.

CALL TO ORDER AND GENERAL COMMENTS

Chairman Smith called the regular session to order at 7:00 p.m.

INVOCATION

Chad Joyce, Community Development Director, gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Approval of July 2, 2012 Planning and Zoning Minutes.

Vice Chairman William Nolen moved to approve the July 2, 2012 Planning and Zoning Minutes as amended. Commissioner Bergin seconded the motion and the vote was unanimous. Chairman Smith declared the motion passed.

PUBLIC HEARINGS

2. PUBLIC HEARING AND CONSIDER A RECOMMENDATION ON ZONING CASE Z-170, A PROPOSED SPECIAL USE PERMIT AS REQUESTED BY PAUL STAMPP, OF VISION OPEN BIBLE CHURCH, FOR THE USE OF 2401 WEST PIONEER PARKWAY, SUITE 135, LOT 1R OF THE PECAN PARK SHOPPING CENTER, PANTEGO, TARRANT COUNTY TEXAS, AS A CHURCH. THE PROPERTY IS GENERALLY LOCATED IN THE PECAN PARK SHOPPING CENTER ON THE NORTH SIDE OF WEST PIONEER PARKWAY BETWEEN S BOWEN ROAD AND DULUTH DRIVE.

Chairman Smith introduced the item and opened the public hearing.

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There being no one to speak, Chairman Smith closed the public hearing.

The Commission discussed the future of Vision Open Bible Church. Chad Joyce recommended a limited time frame for this church due to the changing nature of the location. He also stated there have been no issues with the church. The Commission also spoke about how the church is located in a future revitalization area included in the Comprehensive Plan.

Commissioner Kushma moved to approve Z-170 for a two year term limit. Commissioner Bergin seconded the motion and the vote was unanimous. Chairman Smith declared the motion approved.

3. **PUBLIC HEARING AND CONSIDER A RECOMMENDATION ON ZONING CASE Z-171, A PROPOSED SPECIAL USE PERMIT AS REQUESTED BY CHRIST APOSTOLIC CHURCH, FOR THE USE OF 3610 W PIONEER PARKWAY, SUITE A & B, LOT 9R OF THE LANES INDUSTRIAL PARK ADDITION, PANTEGO, TARRANT COUNTY TEXAS, AS A CHURCH. THE PROPERTY IS GENERALLY LOCATED ON W PIONEER PKWY BETWEEN SMITH BARRY RD AND TIERCE BLVD.**

Chairman Smith introduced the item and opened the public hearing.

There being no one to speak, Chairman Smith closed the public hearing.

The Commissioners discussed how the church is located in light industrial. It does not affect nearby businesses because they are usually empty.

Commissioner Bergin made a motion to approve Z-171 for a two year term limit. Commissioner Adair seconded the motion and the vote was unanimous. Chairman Smith declared the motion passed.

4. **PUBLIC HEARING AND CONSIDER A RECOMMENDATION ON ZONING CASE Z-172, A PROPOSED SPECIAL USE PERMIT AS REQUESTED BY ANN FARRELL, TO ESTABLISH A SNOW CONE CONCESSION STAND AT 2304 WEST PARK ROW DRIVE, TRACTS 1A3, 1A3A, 1A3B, 1A5, 1A5B AND 1A5C OF THE WILLIAM J BARRY SURVEY, PANTEGO, TARRANT COUNTY, TEXAS. THE PROPERTY IS GENERALLY LOCATED IN THE LAKEWOOD SHOPPING CENTER ON THE SOUTH SIDE OF WEST PARK ROW DRIVE BETWEEN S BOWEN RD AND MILBY ROAD.**

Chairman Smith introduced the item, opened the public hearing, and recognized the following individual(s):

Ann Farrell, 2304 W Park Row #7, spoke in favor of Z-172. Ms. Farrell is a part owner of Lakewood Shopping Center, which is the proposed location for the snow cone concession stand. She is requesting to establish a snow cone stand as soon as possible so it will be ready for PantegoFest. The snow cone stand will be kept at the shopping center. There is a possibility of a future green space to be built nearby stemming from the Park Row Revitalization Project. Considering this, Ms. Farrell believes the snow cone stand will be successful. There will be no issues with parking or traffic, as the concession stand will be walk-up only.

There being no one else to speak, Chairman Smith closed the public hearing.

The Commission discussed stipulations for the snow cone stand, including it can't be switched out, selling in a particular spot or general location, and have an approved site plan. Also, the Commission requested the snow cone stand be moved to a storage location if idle for more than fourteen days.

Commissioner Holland made a motion to approve Z-172 for a two year term including specifications as supplied. Vice Chairman Nolen seconded the motion and the vote was unanimous.

NEW BUSINESS

5. **CONSIDER A RECOMMENDATION ON A PROPOSED ORDINANCE AMENDING TOWN CODE CHAPTER 14 ZONING, DIVISION 2, SECTION 14.052 DEFINITIONS BY ADDING NEW DEFINITIONS FOR "SMOKING ESTABLISHMENT" AND "SMOKING PRODUCT" AND AMENDING DIVISION 8, TABLE 14.02.451 "USE REGULATIONS" PERTAINING TO SMOKING ESTABLISHMENTS" AND BY AMENDING SECTION 14.02.456 "PERMITTED USES IN A C-4 COMMERCIAL DISTRICT".**

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Community Developer Director, Chad Joyce, informed the Commission about the new definitions for smoking establishment and smoking product. He stated that smoking establishments will be limited to C-4 and LI. Initial discussion took place due to an increase in criminal activity and health concerns at the three establishments. Business owners affected by this have also noted problems with parking and damaged property.

The Commission discussed food sales as a requirement for smoking in a business. The idea of a Special Use Permit was introduced instead of the proposed ordinance. It was stated that by focusing on the geographical location the proposed ordinance may not address the needs of the Town.

Commissioner Bergin recommended to Town Council to approve the proposed ordinance amending Chapter 14 Zoning, Division 2, Section 14.052 as submitted. Commissioner Holland seconded the motion and the vote was as follows:

Ayes: Bergin, Holland, Kushma
Nays: Adair, Nolen, Smith
Abstentions:

Chairman Smith declared the motion failed due to a tie vote.

6. CONSIDER A RECOMMENDATION ON A PROPOSED ORDINANCE AMENDING TOWN CODE CHAPTER 14 ZONING, DIVISION 5, SECTION 14.02.263 ACCESSORY BUILDING REGULATIONS BY AMENDING LISTED STRUCTURES, PLACEMENT AND HEIGHT REQUIREMENTS.

Chad Joyce explained to the Commission that the current code has been contested by citizens who want to put in car ports and accessory buildings. The current code is ten feet off the side lot, ten feet off the rear lot and ten feet off the house. Mr. Chad Joyce is recommending changing the code to five feet off the side and rear lot. This would be more accepted by citizens. The proposed ordinance states that accessory buildings cannot have its own utilities – it must come from the house. He stated that the current code is so restrictive that it causes citizens to circumvent the law and not obtain permits for accessory buildings.

The Commission discussed excluding accessory buildings that are less than eight feet tall and less than thirty-six square feet.

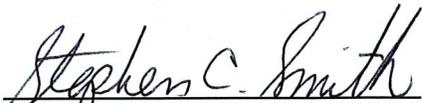
Chairman Smith recognized Ann Hirth, 1703 Silver Leaf Drive, a resident who is affected by the current code. Ms. Hirth is trying to put an accessory building in the back yard. She stated she is happy to do five feet, but ten feet is too restrictive.

Commissioner Bergin recommended to Town Council to approve the proposed ordinance amending Chapter 14 Zoning, Division 5, Section 14.02.263 excluding any accessory building less than eight feet in height and thirty-six square feet. Commissioner Adair seconded the motion and the vote was unanimous.

Chairman Smith declared the motion passed.

ADJOURNMENT

Chairman Smith declared the meeting adjourned at 8:31 p.m.


Stephen Smith, Chairman

ATTEST:


Katy Sutton, Planning & Zoning Secretary

