

MINUTES
PLANNING AND ZONING COMMISSION
REGULAR SESSION
AUGUST 15, 2011

The Planning and Zoning Commission of the City of Granbury convened in regular session on Monday, August 15, 2011 at Granbury City Hall, 116 W. Bridge St. Notice of said meeting giving date, place and subject thereof having been posted as prescribed by Article 6252-17 V.A.T.C.S., with the following members present:

Reda Kay	*	Vice-Chairman
Eddie Hewitt	*	Member
Steve Ellis	*	Member
Steve Gerhardt	*	Member
Gary Couch	*	Member

Also present were:

Casey Oliver	*	Planner
Angela M ^c Cafferty	*	Recording Secretary

A. CALL TO ORDER OF REGULAR MEETING

Vice-Chairman Kay called the Planning and Zoning Commission meeting to order at 6:00 p.m.

B. APPROVAL OF MINUTES – June 20, 2011, July 18, 2011

Mr. Ellis made a motion to table the minutes of June 20, 2011 and July 18, 2011. Mr. Hewitt seconded the motion and the vote was unanimous to table. **MOTION CARRIED TO TABLE.**

C. PUBLIC HEARINGS

PL-2011-21, Request of StoneWater Church for a Vacating Plat of Lot 1, Block 1 of the StoneWater Church Addition. The property is addressed at 3701 Acton Hwy.

Vice-Chairman Kay opened the Public Hearing.

Mr. Casey Oliver addressed the Commission. He stated the subject property was platted as Lot 1, Block 1 of the StoneWater Church Addition in December of 2009. The vacation of the plat will return the property to survey and will require the property to be platted for any future development of the site. The applicant, StoneWater Church has availed that they do not intend to proceed with developing

the 24.5 acres located on Acton Highway. Originally, the Church was pursuing the construction of new worship facilities at the site and therefore proceeded through the platting process. A Final Plat was approved by City Council in December of 2009 along with a Public Improvement Agreement for the installation of an AMUD water main. As the site is no longer planned for development, the Church is requesting to abandon or vacate the Final Plat and associated Public Improvements Agreement. No additional improvements would be made to the property at this time. Written consent has been obtained from AMUD to terminate the existing Public Improvements Agreement as AMUD was a third party signature on the original contract. The Public Improvements Agreement included the extension of an AMUD water main to provide domestic and fire service to the site to support the proposed church facilities.

Mr. Oliver stated staff recommends approval of the Vacating Plat as presented. If approved by the Planning & Zoning Commission and City Council, any existing inspection fees or surety related to the development of the site will be returned to StoneWater Church. In addition, the existing Final Plat at the Hood County Clerk's Office will be documented as being vacated for future reference.

Vice-Chairman Kay closed the Public Hearing.

Mr. Ellis made a motion to approve the request as presented. Mr. Hewitt seconded the motion and the vote was unanimous to approve. **MOTION CARRIED TO APPROVE.**

SUP-2011-13, Request of HEB Grocery for a Specific Use Permit to allow for Outdoor Display. The property is located within the new Luton Ranch Addition and is addressed as 3804 E. Hwy. 377.

Vice-Chairman Kay opened the Public Hearing.

Mr. Casey Oliver addressed the Commission. He stated the subject property was platted as Lot 1, Block 2 of the Luton Ranch Addition in August of 2010. The property was zoned Light Commercial in June of 2010 to accommodate the construction of HEB. A Specific Use Permit is required for outdoor display within a Light Commercial zoning district. HEB is requesting approval to display products for sale along the front of the store. Products would include ice, propane tanks, bicycles, produce, benches, plants, Red Box, umbrellas, seasonal items, grills, etc. A majority of the items would remain outside at all times while produce or perishable items would be brought into the store each evening. In addition, a portion of the storefront has been constructed with a display area that is capable of being enclosed with screening gates.

Mr. Oliver stated staff recommends approval of the Specific Use Permit request to allow for the outdoor display of products offered for sale at the designated locations along the storefront as presented with the following conditions:

1. The placement of merchandise, equipment and goods will be located in a manner as to not block or impede pedestrian or emergency ingress and egress to the store or necessary equipment.

Vice-Chairman Kay closed the Public Hearing.

Mr. Hewitt made a motion to approve the Specific Use Permit per staff recommendations. Mr. Couch seconded the motion and the vote was unanimous to approve. **MOTION CARRIED TO APPROVE.**

Z-2011- 12, Request of property owners of the Stonegate on Lake Granbury subdivision to rezone all lots within the subdivision from Patio Home 'PH' to a Planned Development with a base district of Townhome 'PD/TH'. The property was inadvertently zoned as PH by the City in 2001. The property has been developed as a townhome subdivision. The property is described as Lots 1R2-8R2, 25R1-54R1 and 61R1, Block 2 of the Avalon Addition, Phase One. The property is currently addressed along North and West Avalon Ct.

Vice-Chairman Kay opened the Public Hearing.

Mr. Casey Oliver addressed the Commission. He stated the property was originally zoned from Agricultural to Townhome in October of 1998 by Don Murphy. Mr. Murphy, in conjunction with the applicant Mr. Hope, began construction of the townhomes. In 2001, the City adopted the 2001 Zoning Ordinance and Comprehensive Zoning Map. The zoning map inadvertently delineated the property as Patio Home instead of Townhome. Again, the subdivision had already been approved for Townhomes and was under construction. Since that time, the City has been issuing building permits based on the original development plan, not the current Patio Home zoning district regulations. Therefore, the City is attempting to alleviate the previous map error and create a Planned Development to allow for the further development of the vacant lots consistent with the original filed plats and development plans. The property was originally platted as 40 townhome lots in March of 1999. In June of 1999, an Amending Plat was filed to modify utility easements and delineate the floodplain. In August of 2007, an Amending Plat was filed for Lots 1R2-8R2 to remove 2 lots. The final Amending Plat was approved in October of 2007 correcting the block numbering. On all recorded plats, the delineated building setbacks are consistent with the proposed Planned Development. The proposed Planned Development zoning district would establish building setbacks consistent with the original plat filed in March of 1999 and the subsequent plats filed in June 1999, August 2007 and October 2007. All structures built since 1999 have been constructed in conformance with the filed plats. 32 of the 38 lots have been developed with single family townhome units. 2 additional units

are under construction leaving 4 vacant lots. Private streets have been constructed through the development, along with City water and sewer mains. A common area with a pavilion and pool is maintained by the HOA.

Vice-Chairman Kay closed the Public Hearing.

Mr. Couch made a motion to approve the request as presented. Mr. Hewitt seconded the motion and the vote was unanimous to approve. **MOTION CARRIED TO APPROVE.**

D. EXECUTIVE SESSION

1. **§ 551.071. Consultation with Attorney.** The Planning and Zoning Commission may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Planning and Zoning Commission seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551.

E. ADJOURNMENT

With there being no further business, Vice-Chairman Kay adjourned the hearing at 6:14 p.m.

Chairman

Recording Secretary