



“A GREAT PLACE TO LIVE”

**MINUTES
PLANNING AND ZONING COMMISSION
WEDNESDAY, AUGUST 18, 2021
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:30 P.M.**

CALL TO ORDER

Vice-Chairperson Cristy McCauley called the meeting to order at 6:41 p.m.

ROLL CALL

Vacant	Place 1, Member
Quincy Adams	Place 2, Member
Vacant	Place 3, Member
Laura Nedderman	Place 4, Member
Cristy McCauley	Place 5, Vice-Chairperson
Karen Isbell	Place 6, Secretary – Absent with Notice
Sharon Gehle	Place 7, Member

And

Randy Richards	Building Official
Paul Hackleman	Director of Public Works
Jeannette Garcia	Planning and Zoning Coordinator
Mark Taylor	City Council Liaison
Arthur Miner	Mayor

PUBLIC COMMENT

Vice-Chairperson McCauley called for Public Comment. Request to Speak forms were not received and there were no participants present to speak.

PUBLIC TESTIMONY

Vice-Chairperson McCauley called for Public Comment. Request to Speak forms were not received and there were no participants present to speak.

APPROVAL OF MINUTES

1. Consider action to approve the meeting minutes of the July 21, 2021, Regular Meeting of the Planning and Zoning Commission

Member Gehle made a motion to approve the minutes of the Planning and Zoning regular meeting of July 21, 2021. Member Nedderman seconded the motion. Vice-Chairperson McCauley called for discussion.

With there being no discussion, Vice-Chairperson McCauley called for a vote, with members present voting as follows:

AYES: Adams, Nedderman, McCauley, Gehle
NAYS: None
ABSENT: Isbell
ABSTAIN: None

The motion carried 4-0-1-0.

PUBLIC HEARING/ACTION ITEMS

1. Consider a preliminary report and hold a public hearing to receive comments for or against that report concerning text amendments to the City's Zoning Ordinance allowing for the location of packaged liquor stores in General Business and Commercial zoning districts pursuant to a specific use permit, providing spacing requirements between such stores, and providing spacing requirements between such stores and other land uses; consider action on a final report regarding same to City Council.

Chairperson McCauley inquired if any items were to be read into record. With there being none, she then opened the public hearing at 6:49 p.m.

Building Official Randy Richards was introduced. He reminded the Commission of Texas Local Government Code 211.007(b) which requires the Planning & Zoning Commission make a preliminary report prior to approving changes to the City's Zoning Ordinance. As such, the document has been prepared as such. Second, he advised the (W.E.D.C.) Watauga Economic Development Corporation has received inquiries from various companies regarding the desire to operate retail liquor stores within Watauga. Petition pages were issued, and the completed petition pages were filed with the City Secretary's Office within the required 60-day timeframe. The petition which has been verified by the City Secretary's Office and was placed on the August 9, 2021, Council agenda for action and was confirmed to be legal. Mr. Richards advised staff is proposing an amendment to create a category for businesses that devote more than 50% of their retail floor area to the sale of alcohol and alcohol related products.

Staff has proposed zoning changes to create the use category and establish locations in which the use is permitted. The preliminary report with additionally proposed amendments is included and attached within the preliminary report are the red-lined ordinances and a Table of Use Chart were also shared for review, along with staff recommendation of the specific zoning district "GB" General Business and "C" Commercial, to place the proposed business type. He also advised the text amendments are supported by and consistent with the Comprehensive Plan.

Mr. Richards then turned the floor over to the commission for questions.

Chairperson McCauley recognized Member Gehle who questioned the revision of the minimum floor area being altered from 4,000 square feet to 3,000 square feet along both corridors being due to discussions with interested parties. Mr. Richards advised that a proposed applicant looking at properties throughout town was experiencing difficulties in their search.

Chairperson McCauley inquired if any other members had any questions. She then recognized Council Liaison Mark Taylor who reminded the commission and public that this is solely the laying of the groundwork in preparation if the November 2, 2021, election passes. The city can begin in moving forward and if the proposition fails the city can take steps to remove the text amendment from the table of uses. Member Gehle asked to have noted in the record the need to have the text amendment in place in preparation of the upcoming local election. She then asked if staff would verify the number of responses in which support and protest this item. Staff advised 329 notices were mailed, 24 combined notices were returned and stamped received – Return to sender-6, Protest-13 and Support-5. Chairperson McCauley asked the Building Official Randy Richards how many signed the petition to conduct a local election for the sale of packaged liquor. Mr. Richards acknowledged he did not know the exact number but approximated 2300-2600 people signed the petition. Mayor Miner advised that the number of signatures received was irrelevant due to the petitioners suspending collection of signatures once the necessary number of signatures were received to go on an election ballot. This being the case, he stated the number was an inaccurate total of the public in support of the item. Chairperson McCauley acknowledged.

The Public Hearing was closed at 6:59 p.m. and the regular meeting was reconvened at 7:00 p.m. She then asked the pleasure of the Commission.

Member Adams made a motion to consider approval of the preliminary report to be sent as a final report to the City Council. Member Gehle seconded the motion. Vice-Chairperson McCauley called for discussion and hearing none, called for a vote. Members present voting as follows:

AYES:	Adams, Nedderman, McCauley, Gehle
NAYS:	None
ABSENT:	Isbell
ABSTAIN:	None

The motion carried 4-0-1-0.

2. Consider a preliminary report and hold a public hearing to receive comments for or against that report concerning a request for a zoning change from (LB) Local Business to (C) Commercial, at 6700 Denton Highway, being Block 23R of the Greenfield Village Addition. The subject property is located north of Chapman Road and east of Denton Highway. Applicant, Ali Behzadpour, Managing Member of InvMax LLC; consider action on a final report regarding same to City Council.

Vice-Chairperson McCauley opened the Public Hearing at 7:04 p.m. asked if there were any items to be read into record. There being no comments to be read into record, staff was asked to introduce the case at 6700 Denton Hwy, Greenfield Village Addition. Mr. Richards advised the applicant is requesting for the zoning change to be more business friendly and allow for more uses. The zoning change is consistent with the surrounding districts allowing for commercial development and meets the future land use plan. The Planning and Zoning recommendation will go before the City Council at their meeting in September. He advised the applicant, Mr. Ali Behzadpour, Managing Member of InvMax LLC is available for questions.

Chairperson McCauley recognized Member Gehle who acknowledged the recent purchase of the property and asked of tenant inquiries made. Mr. Behzadpour introduced Ben Gehrke, leasing agent, who shared of the difficulties his prospective tenants are facing as small business owners. He also noted that the owner of the property is also a small business owner seeking to attract the same brand of long-term tenants, stabilizing the rents, presenting well and inviting to other prospective tenants. Mr. Richards also shared that if the zoning is conducive to the comprehensive plan, we should follow. He stated that uses allowed in the Commercial district are not of concern due to buffer zone, whether landscape or fencing, conditions are in place which must be followed. Mr. Richards reminded the commission of the applicant's intentions to ease the allowing for new tenant applications, limiting the red tape.

The Public Hearing was closed at 7:22 p.m.

Member Adams made motion to approve the item as presented. Member Nedderman seconded the motion. Vice-Chairperson McCauley called for discussion and hearing none, called for a vote. Members present voting as follows:

AYES:	Adams, Nedderman, McCauley
NAYS:	Gehle
ABSENT:	Isbell
ABSTAIN:	None

The motion carried 3-1-1-0.

ITEMS FOR FUTURE AGENDAS

Vice-chairperson McCauley made request to revisit at a later date, moving Planning and Zoning Commission meetings back to Tuesday evenings.

ADJOURNMENT

With there being no further items to discuss, Vice-Chairperson McCauley adjourned the meeting at 7:25 p.m.

APPROVED: this the 15 day of September, 2021.

SIGNED: this the 15 day of September, 2021.

APPROVED: Karen Isbell /s/

~~Cristy McCauley~~, Interim Chairperson *KAREN ISBELL*

ATTEST: L. Nedderman /s/

~~Karen Isbell~~, Secretary

Laura Nedderman

NOTE: Original Audio Recording of this meeting is preserved and maintained by the City Secretary's Office.