

Minutes

THE TUTTLE PLANNING COMMISSION MEMBERS MET IN A PUBLIC MEETING ON **September 4, 2019, 2019** AT 6:30 P.M. AT THE TUTTLE CITY HALL LOCATED AT 221 W. MAIN STREET.

MEMBERS PRESENT: RICHARD ROLISON, BRAD TRAXLER, AIMEE DAUPHIN, DAVID PARKER AND FRED YAEGER

MEMBERS ABSENT: NONE

STAFF PRESENT: TIM YOUNG, WENDY MARBLE, KAYLEY GORDON, AND SEAN FAIRBAIRN, AND MATT MEARS

OTHERS PRESENT: DEBRA JONES, JOE WINDLE, DEBRA LAYTON, TODD LITTLETON, KIP SMITH, BETTY SMITH, PEGGY OBERFIELD, DON OBERFIELD, MICHAEL MCKEE, MARY HARPER, GARY HARPER, ANITA HOPPIS, TAYLOR OTLEY, THOMAS SHAW, RON WITT, SHANE LEWELLEN, JOE SMITH, LYNDA SMITH, BRYCE DESPAIN, STEVE HICKMAN, ASHLEY HICKMAN, RANDY HADLOCK, CHRISTOPHER HOPPIS, ASHLEY HOPPIS, GINA FRANKS, SHELLEY CULLINS, BILLIE BIDDY, JEANNEAN BIDDY, RAY CLARK, JON BURKHART, MICHELL M., JERRY HORN, MICHAEL B., BECKY STULSATZ, BEVERLY LEMBECK, MARK MATHES, ROGINA MATHES, THOMAS WATKINS, JIMMIE WRIGHT, COLTON PRINCE, CLAYTON L. AND OTHERS WHO DID NOT SIGN IN.

CALL TO ORDER Rolison opened the meeting at 6:30 p.m.

ROLL CALL Marble called the roll and declared a quorum present

ORDER OF BUSINESS

1. APPROVAL of minutes from August 5, 2019 meeting
Motion was made by Traxler, seconded by Parker to approve minutes from August 5, 2019 meeting.
Motion carried as follows:
Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison
Nay: None
2. PUBLIC HEARING, DISCUSSION and related CONSIDERATION of **PC Petition 2019-22**, regarding amending the Tuttle Zoning Code updating the façade regulations for residential buildings.

Young explained to the crowd what Item 2 is about,

Public Hearing was opened at 6:32pm and closed at 6:33pm
Traxler expressed his opinion that if you have 10 acres and zoned agricultural shouldn't have that restriction.
Yaeger agreed.
Young added Traxler's opinion to the proposal.
Rolison asked if someone came in with something that is not copper, or another proposal is there any way for staff to make decisions on that?
Young said depends on the design.
McLeroy stated it may be part of roofing and not façade.

Motion was made by Yeager, seconded by Traxler to approve PC 2019-22 to amend the Tuttle Zoning Code updating the façade regulations for residential buildings.

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

3. PUBLIC HEARING, DISCUSSION and related CONSIDERATION of **PC Petition 2019-29**, request of Ashley and Christopher Hoppis, for Specific Use Permit at 5810 E. SH-37 for a single-family residence in a commercial district.

Christopher and Ashley spoke saying they are wanting to live in the house on Tanley Dr. for security reasons.

Young said they are required to apply for a SUP

Rolison asked if they would need an occupancy license

Young said no, because the house is already there just vacant.

Dauphin asked if they have any plans to grow?

Christopher and Ashley both said No.

Rolison Opened Public Hearing at 6:53pm

Dauphin asked if there are any complaints regarding this?

Young stated one issue regarding Health Department.

Taylor Otley - Is in agreeance to having them live there for security reasons.

Shelly K. - Should be able to live in the house that way if something happened, they are close by.

Public Hearing Closed at 6:55pm

Motion was made by Traxler, seconded by Yaeger to approve PC 2019-29 request of Ashley & Christopher Hoppis for a Specific Use Permit at 5810 E. SH-37 for a single-family residence in a commercial district.

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

4. PUBLIC HEARING, DISCUSSION and related CONSIDERATION and related CONSIDERATION of **PC Petition 2019-25**, request of Shadow Valley Development, LLC for approval to amend and expand an already approved Planned Development (PD-006) in the area bounded by N. Mustang Rd/SH-4, E. Tyler Dr., N. Sara Rd. and E. SH-37, including rezoning of existing A-1 parcels within Planned Development to R-1

Young stated that the applicant asked if they could meet with the residents Tuesday September 10th at 7pm located at Heritage Baptist Church.

Resident from the crowd stated he doesn't feel like it's right that they should have to continue to come back and leave work early just to have the developer not show up.

Traxler stated that a lot of people are here for this agenda item so he understands but cannot proceed without the developer present.

Young said they submitted an application that is ready for approval and we are trying to make it better for everyone.

After residents mentioned not receiving letters who should have received the public hearing letter, he looked and they did not. Voting to deny the application due to not notifying the Commercial properties. Young said he will notify the public that it was denied due to not following State Law.

Motion was made by Yaeger, seconded by Traxler to deny PC 2019-25 request of Shadow Valley Development, LLC for approval to amend and expand an already approved Planned Development (PD-006) in the area bounded by N. Mustang Rd/SH-4, E. Tyler Dr., N. Sara Rd. and E. SH-37, including rezoning of existing A-1 parcels within Planned Development to R-1

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

5. PUBLIC HEARING, DISCUSSION and related CONSIDERATION of **PC 2019-32** request of Mark Mathes, for approval of a Planned Development (Ethan Estates) to be in the 7000 Block of Ethan Lane.

Mathes said he wants to develop the front acreage of his property.

Charles Allen the Engineer over the development said the property is 20 acres.

Dividing it in half. It will have 10 Lots, 30,500 sq. ft. Mathes will live in his current home on the property while building. 1800 sq. feet minimum houses and possibly having a gated community.

Traxler stated that having a gated community means no maintenance from the City on the streets.

Parker said no sewer is available are you requiring an aerobics system?

Mathes said yes it will have aerobic system.

Rolison said 30K is minimum for R1A. What are you trying to gain with the PUD overlay? Does any of that require a PUD?

Young said City Engineer will have to go over all the deviations.

Dauphin said 10 homeowners will be in charge of maintaining the road.

Mathes stated 11 counting himself.

Dauphin asked if there will be multiple builders building the 10 homes.

Mathes said he will be the only builder.

Rolison mentioned that school buses will not go in the addition and instead will stop at the gate on Morgan Rd.

Mathes said maybe if he gives them a code or remote, they will come inside the addition?

Rolison expressed his opinion that he may consider building something for the kids to be under in case of rain etc.

Traxler asked if Section 9.4 will make it the same as the ordinance we are trying to pass tonight regarding facades.

Young said this is trumping the ordinance.

Allen said it won't be a substantial change for them and they will change it.

Parker asked questions regarding drainage.

Allen stated water flows East to West and drains to Morgan Rd. and some roadside ditching along Morgan Rd will have to happen.

Rolison asked City Engineer Sear Fairbairn to speak on this.

Fairbairn Stated it gives the Planning Commission the ability to require the typical 24ft concrete section for public street. The other thing, in the ordinance on the gated street there are additional requirements, accessing the front of the gate or being able to turn around at the front of the gate. Also, Cul-de-sac some requirements that need to be considered.

Dauphin asked if there are any issues with drainage?

Fairbairn said the flow is from East to West. The house is going to be a ridge line, some will have to go to the North and the South. May need a detention pond.

Rolison stated he doesn't want a single property owner having to maintain the detention pond.

Dauphin asked if there's any issues from the other property owners near the addition.

Fairbairn said no there shouldn't be any issues, the drainage area is pretty small for this development.

Rolison said on private streets in the future could this become a public street?

Young answered with City Council could have the ultimate decision making on how it could become a City Street.

Public Hearing Opened at 7:17pm

Debra – stated that she has a lot to say about the drainage, lives on Country Lane Their property drains on my property. Already bad, don't want it to get worse. I moved to the country to live in the country. Is this going to have a fence around it? I have horses, and this becomes a liability when kids are involved. Drainage needs to be looked at closely. Morgan Road gets repaired and shortly after it's cracked again, due to water and traffic.

Arlene lives at 705 Country Dr.

All the houses around currently have animals, so if kids will be popping fireworks etc. that will cause issues. Mentioned drainage will be the biggest fight.

Randy Hadlock lives East of where they are trying to build. Asked do they plan to keep building on the back 10 acres?

I have horses and livestock, there is drainage issues currently.

Public Hearing Closed at 7:29pm

Dauphin asked is there a reason why you're trying to get a variance on the roads?

Allen stated because there are existing trees we would like to keep.

Parker asked what about fencing, being that there is livestock?

Mathes said there is fencing it is barbed wire currently. Not going to let anyone put any fences in the front yard. If stockade is chosen it can't be taller than 6ft.

It will all be in the HOA - No more than 2 of one animal.

Rolison said If you are going to allow fencing you must tell us specifics. Chain link, Stockade, can they stain it? Etc.

Mathes said we might just allow Chain Link only; I haven't decided yet.

Rolison explained for the PUD it is important to have what you will/won't allow.

McLeroy mentioned the Street Ordinance explaining how he met with some of the main developers around Tuttle and all were okay with the Ordinance but just no allowances of variances for asphalt. Hollowbrook asked for Asphalt streets, but Ordinance states must put in 24 ft wide Concrete Street.

Mathes said his will be concrete anyway.

McLeroy stated doesn't say that here in packet, it says asphalt.

Mathes said currently is asphalt, which is my drive.

McLeroy said he doesn't have any issues with the PUD, as long as they meet our current ordinance.

Mathes said if I do a standard street, then I don't need a gate. But if I don't have a gate the City will be responsible for the street?

Allen said may go with standard street and not gated.

Traxler asked why don't they just conform to City Standards then?

Young said City needs to have some type of assurance that the back 10 acres won't develop. That way they don't have a half mile long street. And also, so it will always be 10 acres unless they Amend it.

Rolison said amend the street section and the facade

Traxler asked if they're going to add the 1800 ft minimum to the packet?

Mathes stated yes

Rolison said to add what is allowed and what is not allowed, don't forget the building permit at the time of permit we will comply with the ordinance.

Rolison asked Young If we open this up to a public street the detention will still be HOA

Young stated we require all detention to be HOA.

Rolison asked are you going to require all single story, or 2 story?

Mathes answered if we do, it'll be just a bonus room above garage.

Rolison told him Include that in your PUD.

Mathes stated also DEQ approved Aerobic System.

Rolison asked Young what's the lot percent coverage on this.

Young - 25%

Young said I think it should be tabled for a month, that way an engineer can go over the drainage.

Rolison mentioned how it will give developer some time to make the changes.

Motion was made by Traxler, seconded by Yaeger to Table PC Petition 2019-32 for approval of Planned Development (Ethan Estates) to be in the 7000 Block of Ethan Lane.

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

6. **DISCUSSION and related CONSIDERATION of PC Petition 2019-30 request of Mary and Gary Harper, for approval of a Final Plat for Castle Rock Addition, replatting parts of Block 10 or the Park Addition and Parks-Smith Addition**

Young said originally, they were looking at getting lot split on South 2 Lots. Engineer looked at amending the plat, the house in the 3rd lot to the North caused it to shift the lots. The 4th lot on the North side, the shop is on a separate lot by itself. We do not allow for secondary structures to be on a lot without a primary structure. Everyone in this situation has been wonderful to work with. Shop building is also in the right of way, not sure how that was ever approved.

Motion was made by Yaeger, seconded by Traxler to approve of PC Petition 2019-30 request of a Final Plat for Castle Rock Addition, replatting parts of Block 10 or the Park Addition and Parks-Smith Addition

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

7. **DISCUSSION and related CONSIDERATION of PC Petition 2019-27** request of Joseph and Christy Windle for a lot split in the 900 Block of E. Tyler Dr.

Joseph Windle present said he wants to sell West side of property because he does not need it.

Dauphin asked if he has any potential buyers yet?

Joseph stated no not yet.

Young said everything meets the requirements of Code.

Motion was made by Yaeger, seconded by Traxler to approve of PC Petition 2019-27 request of Joseph and Christy Windle for a lot split in the 900 Block of E. Tyler Dr.

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

8. **PUBLIC HEARING, DISCUSSION and related CONSIDERATION of PC Petition 2019-33 regarding amending the Tuttle Zoning Code updating the industrial and/or transportation land use regulations.**

Public Hearing Opened at 7:59pm

Young explained that the Streeters are now leasing U-Haul trucks on site. Our Ordinance does not authorize that, wanted to have discussion should this be allowed since it's on C5 sites.

Dauphin asked if there have been any complaints?

Young stated no there has not.

Rolison asked are they on a paved concrete surface, or gravel?

Young answered gravel, thinking that if we allow it, making it have to be paved.

Rolison said C5 is typically for unapproved sites which we have a lot of. It will become a problem.

McLeroy asked how is this any different than what Country Equipment does? They have Tractors, Dozers, and Trailers.

Rolison asked what are they zoned?

McLeroy stated I personally don't see an issue with it. I think it should be allowed. I think it's a flaw in our code.

Rolison asked when did we pass the Industrial Ordinance?

Young answered we amended the code back in Christmas time.

McLeroy said maybe limiting it to Class B vehicles only.

Young said if you open the door for this property, you're opening it up for others in C5. No variances allowed in C5 at all. Motion to approve the zoning code. Permitted by right in C5 Zoned.

Public Hearing Closed at 8:09pm

Motion was made by Yaeger, seconded by Dauphin to approve of PC Petition 2019-33 regarding amending the Tuttle Zoning Code updating the industrial and/or transportation land use regulations.

Motion carried as follows:

Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison

Nay: None

9. DISCUSSION and related CONSIDERATION of **PC 2019-34** regarding recommendation to the City Council to adjust building permit fees.

**Young stated building permit fees have not been adjusted since 1991.
We will begin studying to see what the prices should be.
Also wanting to add minimum fee of \$250.00 for Residential building permits.**

Motion was made by Yaeger, seconded by Traxler to Table of PC Petition 2019-34 regarding recommendation to the City Council to adjust building permit fees.

**Motion carried as follows:
Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison
Nay: None**

ANNOUNCEMENTS

1. Next meeting Monday, October 7, 2019 at 6:30 pm

NEW BUSINESS

Rolison stated he was out doing research on PUD's said a lot of the questions come up, regarding what should be in there. Stated he is going to try and get some stuff together to hand out, to give feedback on what we should or should not do.

ADJOURNMENT

**Motion was made Rolison, seconded by Dauphin to adjourn the meeting at 8:15 p.m.
Motion carried as follows:
Aye: Traxler, Dauphin, Parker, Yaeger, and Rolison
Nay: None**

Attest:

City Clerk

Chairman