

PLANNING AND ZONING COMMISSION MEETING MARCH 10, 2010 6:30 P.M.
AT THE COMMUNITY CENTER PUBLIC HEARINGS McARTHUR
CONDITIONAL USE PERMIT; CHICKENS LOTS SIZE

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, Mike Taylor,
and Clerk Robyn Keyes.

ABSENT: Lance Ellis

VISITORS: Terry McNamara, Kathy McNamara, Dennis McArthur, Linda McArthur,
Stephanie Rockwood, Rod Rockwood, Linda Hobbs, Joe Probert, Marsha Probert

PZ Chairman Beazer welcomed everyone and led the Pledge of Allegiance.

Clerk Keyes said Lance Ellis recused himself for the entire meeting to avoid conflict of
interest with the public hearings scheduled.

Clerk Keyes said she had found several definitions of Boarding House and all definitions
said a place where rooms and meals were offered.

PZ member Taylor said he learned at the Planning and Zoning Workshop that even if
neighbors and neighborhoods were alright with certain situations, the City needed to look
at what was best for the community as a whole.

Minutes. The minutes were reviewed. PZ member Garren made a motion to approve the
minutes. PZ member Hobbs seconded the motion. All were in favor. Motion carried.
Minutes approved.

Ordinance review. The commission members discussed the need to review The Code
Book and recommend any changes to the Council. The members agreed to review Title 1
and discuss any changes at the next meeting.

Public Hearing. A public hearing was held for Dennis and Linda McArthur. The
McArthur's were asking for a conditional use permit to rent the basement of their home.
After holding the hearing and reviewing the request, the Commission recommended to
the Council to deny the McArthur's request for a conditional use permit. See appendix A
for hearing minutes.

Public Hearing. A public hearing was held to decrease the minimum lot size allowed for
chickens from ½ acre to 1/3 acre. After holding the hearing, the Commission
recommended to the Council to approve the minimum lot size decrease. See appendix B
for hearing minutes.

PZ member Garren made a motion to adjourn. PZ member Taylor seconded the motion.
Adjourned 7:40 p.m.

APPENDIX A
PUBLIC HEARING 7:00 P.M. McARTHUR CONDITIONAL USE PERMIT

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, Mike Taylor, and Clerk Robyn Keyes.

ABSENT: Lance Ellis.

VISITORS: Terry McNamara, Kathy McNamara, Dennis McArthur, Linda McArthur, Stephanie Rockwood, Rod Rockwood, Linda Hobbs.

Planning and Zoning Chairman Beazer welcomed everyone, and went over the procedure for the public hearing. Chairman Beazer then asked the McArthur's if they had anything further to add from the last hearing.

Mr. McArthur said he wanted to clarify some rumors; Mr. McArthur said he originally applied for a duplex, and was denied so he went on to build his home with an apartment in the basement for his daughter and her family to live in. When his daughter moved out he then decided to open his home up for other people. Mr. McArthur said all of his neighbors were in support of them renting their basement to other people.

Chairman Beazer asked if anyone in favor of the permit would like to speak.

Stephanie Rockwood said she was the McArthur's tenant and that she was grateful for the opportunity to live in the McArthur's home and pay less rent. She said the McArthur's have brought in good people to the community.

Chairman Beazer asked if anyone that was neutral would like to speak, no one did.

Chairman Beazer asked if anyone that was against the request would like to speak.

Terry McNamara said he wanted to reiterate that Mr. McArthur was trying to justify what he was doing by renting his home illegally. Mr. McNamara said that only 2 conditional use permits had been allowed by the City for rentals, and those were because of hardships involved. Mr. McNamara said the City would be going against what had been set in place.

Mr. McArthur said precedence was not being set, the City can issue permits on an individual basis.

The public portion of the hearing was closed and the discussion was opened to the Commission.

PZ member Garren said he had spent a lot of time thinking about this hearing and looking into other permits that had been issued. PZ member Garren agreed the other permits were

issued because of a hardship, and the McArthur's situation was not a hardship. PZ member Garren said he did believe precedence would be set because other people would want to do the same thing as the McArthur's. PZ member Garren said he was against granting the McArthur's a conditional use permit.

PZ member Hobbs said that under the current ordinance, what the McArthur's were doing was not allowed, and until the ordinance was changed he was against granting a conditional use permit to the McArthur's.

Chairman Beazer agreed that precedence would be set and was against granting the permit.

PZ member Taylor said that even though there were special economic circumstances, the McArthur's did not show a hardship, and was against allowing the McArthur's to have a rental in their home.

PZ member Taylor made a motion to recommend to the City Council to not grant the McArthur's request for a conditional use permit to operate a rental in their home.

PZ member Garren seconded the motion.

All were in favor. Motion carried. Request denied.

Public hearing closed 7:18 p.m.

APPENDIX B
PUBLIC HEARING 7:30 P.M. DECREASING THE LOT SIZE FOR CHICKENS

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, Mike Taylor, and Clerk Robyn Keyes.

ABSENT: Lance Ellis.

VISITORS: Joe Probert, Marsha Probert.

Planning and Zoning Chairman Beazer welcomed everyone, and went over the procedure for the public hearing. Chairman Beazer said since the Probert's were the only people in the audience he asked if they would like to say why they were present.

The Probert's said they lived at 5411 Free Ave. they have 1/3 of an acre and they would like to have chickens.

The Commission members agreed that the original recommendation to the council was for 1/3 of an acre and would like to see the minimum lot sized changed to be more inclusive of the majority of the City's residents.

Clerk Keyes said since the ordinance was approved there had been three requests for hearings, two because of lot size.

PZ member Garren made a motion to recommend to the City Council the minimum lot size for chickens is decreased from 1/2 acre to 1/3 acre, or greater to include more landowners and reduce the amount of conditional use permit requests.

PZ member Hobbs seconded the motion.

All were in favor. Motion carried.