

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF JULY 9, 2020**

APPROVED

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Planning and Zoning Commission of the City of Bedford, Texas, met in Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. via videoconference, Bedford, Texas on the 9th day of July, 2020 with the following members present:

Chairman: Todd Carlson

Vice Chairperson: Michael Davis

Members: Keith Quigley
 Lisa McMillan
 Tom Stroope
 Bryan Henderson
 Dixie Cawthorne
 Linda Moye (present for Work Session only)

Constituting a quorum.

Staff present included:

Bill Syblon Development Director
Kristtina Starnes Planning & Zoning Assistant

(The following items were considered in accordance with the official agenda posted by July 2, 2020)

CALL TO ORDER

Chairman Carlson called the Work Session to order at 6:06 p.m.

WORK SESSION

The Commission and Staff reviewed and discussed items on the regular agenda.

Chairman Carlson adjourned the Work Session at 6:58 p.m.

REGULAR SESSION

The Planning and Zoning Commission convened via videoconference at 6:58 p.m. and the Regular Session began.

CALL TO ORDER

Chairman Carlson called the meeting to order at 7:08 p.m.

INVOCATION

Vice Chairman Davis gave the invocation.

PLEDGE OF ALLEGIANCE

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The Pledge of Allegiance was given.

APPROVAL OF MINUTES

- 1. Consider approval of the following Planning and Zoning Commission meeting minutes: June 18, 2020 regular meeting.**

Motion: Commissioner Quigley made a motion to approve the meeting minutes of the June 18, 2020 regular meeting.

Commissioner Stroope seconded the motion and the vote was as follows:

Ayes:	Commissioners Quigley, McMillan, Stroope, Henderson, Vice Chairman Davis and Chairman Carlson
Nays:	None
Abstention:	Commissioner Cawthorne

Motion approved 6-0-1. Chairman Carlson declared the June 18, 2020 meeting minutes approved.

PUBLIC HEARINGS

- 2. Zoning Case PZ-ZC-2020-50006, public hearing and consider a request to rezone Tract 3A03, Abstract 1080, Matson, James M Survey, and Lot 1, Block 1, Sexton Addition, located at 2513, 2517 & 2521 Pipeline Road, Bedford, Texas from R-9,000 Single-Family Residential Detached (R9) to Medium-Density Residential – Single-Family Detached (MD-3), allowing Jim Dewey, Jr. to construct a 22-lot subdivision. The property is generally located north of Pipeline Road and west of Hospital Parkway. (PZ-ZC-2020-50006)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-ZC-2020-50006.

This is a Zoning Change application to develop a 22-lot subdivision, which 21 lots are residential and one lot being an open space area. The average lot area is 5,305 square feet, with the minimum lot being 4,200 square feet. This development will not be gated. The applicant is asking for a PUD with modified MD-3 base standards, mainly for the lot width being reduced to 40 feet instead of the required 45 feet, and adding a masonry wall along Hospital Parkway and Pipeline Road.

Commissioner Cawthorne said that this property is currently zoned R-9 which requires a lot width of 70 feet and the applicant is asking for 45 feet. Some of the homes are 38 feet wide and the lots are 40 feet wide, so are the houses going to be 2 ½ feet apart?

Jayashree Narayana said they are required to have a minimum 10 feet between each home per the Fire Code.

Commissioner Cawthorne asked if they are going to do that based on what house is being built on which lot in order to meet the 10-foot variance.

Jayashree Narayana said that they will be required to have 10 feet between each home, so they can do a zero lot line, or have the required five-foot minimum side yard. Not all lots are exactly the same size, so the wider homes will have to be built on a wider lot.

Commissioner McMillan asked about the setback of the garage. All of the houses show a 15 foot building line, but the garages show to be 20 feet. Her concern was parking overlapping the side walk, and asked if a vehicle is 20 feet long will it fit in a 20-foot long driveway.

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Jayashree Narayana said that is correct.

Commissioner Henderson said that the on-street parking allows for two cars per house, but it looks like it will be difficult without parking in front of the driveway.

Jayashree Narayana said they have to be parked on the property but the applicant can clarify. The garages are two-car, and the PUD specifies that the garages cannot be used for storage or additional living space.

Jim Dewey, petitioner, 2500 Texas Drive, Irving, Texas.

Mr. Dewey is with JDJR Engineers. This development is a single-family detached development, modeled after Britney Chase subdivision across from this property on Hospital Parkway. The only difference is Britney Chase is a gated community, and this one will not be.

Mr. Dewey said in regards to the lot width, all of the normal lots have a lot width of 45 feet. The only lots that have a width of 40 feet are the pie-shaped lots in the culdesacs, and those are the largest lots. Because the lot width is measured at the building line, the lots that are 40 feet will actually have the largest homes built further back from the building line. There are no lots that are 40 feet wide through the entire lot width. The lot width variance was requested for the largest lots.

Mr. Dewey said the reason why the garages may extend to the 15-foot building line, but doesn't have to. Some of the garages must be set back 20 feet to allow two cars in the garage and an additional two cars in the driveway before having any interference with the sidewalk. There are restrictions that prohibit garages converted into living spaces, and the garages to be used for vehicles only.

Mr. Dewey addressed four comments/concerns that were submitted from the citizens:

The first citizen comment that was addressed was from David Chase, 904 Warwick Street, Bedford, Texas. There is a street right-of-way that is an open space between this development and Warwick. The open space is 50 feet wide and heavily wooded between these lots and Warwick. Mr. Chase's concerns were regarding the zoning and his property values will decrease because it will be adjacent to the PUD. Mr. Dewey explained what a PUD is. Mr. Chase was also concerned that there will be townhouses and condos built. Mr. Dewey said there will only be single-family detached homes in this development. With a 50-foot buffer that is heavily wooded, this development should not have any effect on his appraised value. Another concern was regarding increased traffic on Warwick. This development should not have any impact on the traffic because the only entrance is on Hospital Parkway.

The second citizen comment that was addressed was from Jim French, 2516 New Haven Court, Bedford, Texas. Mr. French had a concern about traffic. This development is only 21 lots, so if there is a traffic impact, it will be minimal. Another concern was multiple home floors that will back up to the custom homes. His property does not abut properties of this development, so any homes will not have an impact on his property. There will only be two-story single-family detached homes in this development. There was also a concern about drainage. A preliminary drainage plan was submitted and reviewed by Halff & Associates and approved. This development is proposed to have an underground storm drain system that will intercept all of the water flow from this development and move it to the system along Pipeline Road. The development of this property will improve the drainage in this area.

The third one was from Marty Spencer, 2504 New Haven Court, Bedford, Texas. This is the only property on New Haven Court that may be impacted because it abuts to Lot 4. Their concern is that they just erected a new wooden fence and what would happen with it. Mr. Dewey said all of their lots are required to have fences around them, and would work with them at the time of

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construction. He said that they can work with them on the fence height and can increase it to eight feet if requested. They also had concerns about drainage, which was already addressed in the previous response to comment.

The fourth one was from Caryn Moore, 816 Warwick Street, Bedford, Texas. Ms. Moore will speak during the public hearing via telephone call. One of the questions she asked on the comment form was regarding the construction time. Mr. Dewey said probably six to nine months away after the zoning request is approved and the platting process is complete. Ms. Moore also asked about privacy concerns. Mr. Dewey said there is the 50-foot buffer that is heavily wooded, and doesn't think there will be any impact on her property.

Mr. Dewey said the minimum square footage required of the homes are very low. Of the plans that have been submitted, their smallest house is about 1,600 square feet, the average is 1,250 square feet, and largest are over 2,000 square feet. He addressed the concern about privacy and two-story homes. Two-story homes are preferred because it makes the house larger, they are worth more, and it makes for a nicer development.

Chairman Carlson asked if the three properties on the north end that abut New Haven Court are all two-story, would an eight-foot fence satisfy the privacy concerns.

Mr. Dewey said if they are limited to one-story homes only, the houses will sit further back and closer to the property lines of the abutting properties on New Haven Court. Two-story homes allow for larger yards and provide more distance between homes on abutting properties. He is willing to construct eight-foot fences if that is requested.

Commissioner Quigley asked what plan is in place to preserve the large trees that are around the residence that is currently there.

Mr. Dewey said those that are removed will be replaced with more trees. They will preserve as many trees as they can.

Chairman Carlson opened the public hearing at 7:37 p.m.

Caryn Moore, 816 Warwick Street, Bedford, Texas (via phone call)

Ms. Moore said one of her concerns is regarding the trees and wildlife that exists on the properties. The trees are good for the environment, wildlife, scenery, and reduce pollution. Her other concern, which had already been discussed, was the fencing. She said that cedar fences aren't good and asked that the fencing material be looked at closer. She was also concerned about the construction time and what hours will it be occurring during the day. Late into the evening will be disruptive. She would like the green belt to remain. She is concerned about a two-story house overlooking a property with a swimming pool.

Mr. Dewey said the buffer between Ms. Moore's property and the development is the densest with many trees of which will not be removed. There is too much vegetation for the properties on Warwick Street to be effected. There will be approximately 90 feet between the back of her residence and the back of the new house that will be behind her on the other side of the buffer.

Chairman Carlson closed the public hearing at 7:44 p.m.

Commissioner McMillan said she thinks the developer has done an excellent job making this development fit in with the surrounding area. The drainage easement is an improvement. She

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suggests that any of the two-story homes that abuts a property with a house should be required to have an 8 foot fence on the northern edge and western edge of the development.

Commissioner Henderson said that he thinks the vegetation on the west side takes care of any privacy concerns.

Chairman Carlson asked Staff about the requirements for the fences.

Jayashree Narayana said six-foot fence is required.

Commissioner McMillan asked if it's been stated how many of the trees will be taken down in the buffer on the west side.

Jayashree Narayana said the developer is required to adhere to the tree preservation ordinance when they apply for a building permit for each lot. This will be required to be platted, which gives the Commission another opportunity to look at it and ask the applicant to make a good faith effort to save as many of those trees as they can.

Mr. Dewey said several of the trees aren't on the property, and the developer can accommodate raising the height of the fence to eight feet.

Commissioner Henderson said a 35 foot setback is standard for two-story homes.

Commissioner McMillan said that she withdraws her request for 8 foot fence along the west side of the development, but should require one on Lot 4.

Mr. Dewey said he agrees to the eight-foot fence on the north side.

Motion: Commissioner McMillan made a motion to approve zoning case PZ-ZC-2020-50006, stipulating that an eight-foot fence to be erected along the north side of Lot 4.

Commissioner Quigley seconded the motion and the vote was as follows:

Ayes: Commissioners Quigley, McMillan, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended to approve zoning case PZ-ZC-2020-50006.

- 3. Zoning Case PZ-SUP-2020-50025, public hearing and consider a request to rezone Lot 1-R1 and 2, Block 1, Harwood Hills Village Addition, located at 3152 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Children's Day Care Centers (H/SUP), specific to 3.2.C(3)d, allowing for LaiLisha Hodge to operate a child care center. The property is generally located south of Harwood Road and east of Martin Drive. (PZ-SUP-2020-50025)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-SUP-2020-50025.

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This is an application for a specific use permit for a daycare center that will be located at the end-cap on the west end of the shopping center, next to a storage facility. There is a grass area behind the building that the applicant has requested to use for a playground area. It must meet all requirements set by the State, including fencing and security. It must be a minimum of 50 feet from the residential area. The fenced in area will be to the north of some existing water meters.

Vice Chairman Davis asked what the State regulations are for children to go from the building to the play area. If the play area is the only part that is fenced off, there is open space between the building and play area. He asked if a partition or barrier is required by the State.

Jayashree Narayana said she is not aware of the State laws and regulations, but the applicant can answer that question.

LiaLisha Hodge, petitioner, 3152 Harwood Road, Bedford, Texas.

Ms. Hodge said she has spoken with her State Licensing Rep and no issues were addressed regarding the open space between the building and the play area. The only requirement was to have a four-foot fence around the playground.

Commissioner Henderson asked if the four-foot fence will go completely around the green area.

Ms. Hodge said it will go all the way around the green area but not up to the parking lot.

Commissioner Cawthorne said she is concerned about the kids walking to and from the playground when there are cars parked by the playground and the traffic behind the building.

Ms. Hodge said the parking behind the building is for employees. The employees of the business next to hers are the ones who park next to the playground. That business does not open until 4:00 p.m., and 12:00 p.m. two days a week. Ms. Hodge said there will be rubber bumpers in front of the parking spaces so the cars will not be able to pull all the way up to the play area.

Commissioner Cawthorne asked if the road between the storage facility and the building runs back and behind the building.

Commissioner Quigley said there is not a road there and a car would not be able to go between the building and the storage building.

Commissioner McMillan asked if a car would be able to drive on the raised concrete pad between the back door and the grass area.

Ms. Hodge said a car cannot drive in that space.

Commissioner McMillan asked if only 2/3 of the grass area will be fenced in.

Ms. Hodge said yes.

Jayashree Narayana said there is a dumpster pad between the play area and the storage building.

Commissioner Cawthorne asked if the dumpster will be relocated.

Jayashree Narayana said no since the dumpster is on the other side of the grass area, and there is a wall barrier.

Commissioner Cawthorne asked how the dumpster is accessed.

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Jayashree Narayana said it is accessed from the road behind the storage unit.

Chairman Carlson said the garbage truck will only be there a couple of times a week and could possibly be worked around with the kids being out in the play area.

Vice Chairman Davis asked Ms. Hodge if she knows what time the garbage truck comes.

Ms. Hodge said she doesn't know. She said she is there from 7:00 a.m. until about 4:00 p.m. and the garbage truck doesn't go by there when she is there. But she doesn't know the exact time.

Commissioner Cawthorne asked if there is any way to have the dumpster moved because there is a large part of the parking lot that is empty.

Commissioner McMillan asked Ms. Hodge if that is her dumpster or one that is used by the other tenants of the shopping center.

Ms. Hodge said that is a shared dumpster.

Jayashree Narayana said that is something the property owner has to maintain and relocating it will be a challenge to accommodate one tenant.

Chairman Carlson said that is residential on the west side of the parking lot and it can't be moved closer.

Chairman Carlson opened the public hearing at 8:04 p.m.

Chairman Carlson closed the public hearing at 8:04 p.m.

Motion: Vice Chairman Davis made a motion to approve zoning case PZ-SUP-2020-50025.

Commissioner Cawthorne seconded the motion and the vote was as follows:

Ayes: Commissioners Quigley, McMillan, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson recommended to approve zoning case PZ-SUP-2020-50025.

- 4. Zoning Case PZ-SUP-2020-50030, public hearing and consider a request to rezone Lot 1A, Block 1, The Oaks (Bedford) Addition, located at 1809 Airport Freeway, Bedford, Texas from (H) Heavy Commercial to (H/SUP) Heavy Commercial/Specific Use Permit/Indoor Amusement Center, specific to 3.2.C(13)g of the City of Bedford Zoning Ordinance, allowing for Dreng, LLC to operate an indoor amusement center. The property is generally located north of Airport Freeway and west of Parkwood Drive. (PZ-SUP-2020-50030)**

Zoning Case PZ-SUP-2020-50030 has been postponed to date-specific.

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- 5. Zoning Case PZ-SUP-2020-50034, public hearing and consider a request to rezone Lot 1D1, Block 1, The Shops At Central Park Addition, located at 2250 Airport Freeway, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Outside Seating Establishment (H/SUP), specific to 3.2.C(6)m, allowing for Bedford Ice House to modify their outside seating area. The property is generally located south of Airport Freeway and east of Central Drive. (PZ-SUP-2020-50034)**

Jayashree Narayana, Planning Consultant, presented Zoning Case PZ-RP-2020-50033.

This Specific Use Permit request from Bedford Ice House is to modify their outdoor seating area by adding a mural wall outside of the seating area along the parking lot and drive way. The mural is proposed to be placed on top of the retaining wall where the current landscaping is.

Commissioner McMillan asked if the landscaping was required when the outdoor seating was added.

Jayashree Narayana said she isn't aware of what was required in terms of landscaping, but the TABC laws have requirements for walls and access but not any other regulations.

Bill Syblon, Development Director, said that he doesn't recall if that was a requirement when Duke's operated at that site. Every business after Duke's was there has always had outside patio seating.

Commissioner McMillan said if the landscaping was a requirement of a previous SUP approval, it may create a problem.

Commissioner Quigley said even if the landscaping was required in the SUP when the original business was there, he's not sure how that would apply with this SUP.

Commissioner Cawthorne said she doesn't understand the benefit of the mural. It doesn't block the parking lot any more than what's already there, and there is no COVID benefit from it. It just looks like a piece of art work that breaks up the nice landscaping that has more drive-up appeal. She doesn't understand the aesthetics.

Chairman Carlson said he doesn't understand the height and if it is a COVID-related design.

Commissioner McMillan said this isn't a change to the seating area, it's essentially a sign that's being put out. She asked why this case is being heard by the P&Z Commission.

Chairman Carlson said they are modifying the SUP to allow for the mural, but asked if there are any considerations pertaining to private property and someone having a problem with the mural.

Commissioner Quigley said he's heard the term COVID and asked if the applicant has said that word in their presentation, or is it something the commissioners have added to it during discussions.

Commissioner Cawthorne voiced concerns over what the other tenants in the shopping center would think about it, and if it would be considered art.

Commissioner Henderson said that the sign ordinance defines a mural as a sign and regulated by the Building & Standards Commission. He thinks this case is an attempt to get around the sign ordinance.

Chairman Carlson asked Staff why this case is being presented to the P&Z Commission.

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Bill Syblon, Development Director, stated that when the City receives unique requests such as this, multiple discussions about it take place on the staff level. He discussed this case with the liaison of the Building & Standards Commission and it was decided to take this request as an amendment to their SUP. Staff does not have the authority to approve this type of request.

Chairman Carlson said the P&Z Commission has had more involvement with requests from businesses to change their corporate colors on their building, not something like this case. This is a request to amend a SUP, but what is the precedent set for businesses in that same shopping center that do not have a SUP.

Nick Griffith, petitioner, 4336 West Bend Lane, Fort Worth, Texas.

Mr. Griffith said Bedford Ice House replaced their patio furniture with new furniture and replaced some of the patio deck just before COVID hit. Brent, the owner of Bedford Ice House, decided that he wants to add the mural also. There have been no COVID discussions that relate to the placement or design of the mural.

Mr. Griffith said that they would not have a problem with removing the text that is on the mural. There is currently corrugated metal there, which was one of the driving factors to the idea of a mural. The landlord would have the final say of whether or not they will allow it, but he doesn't recall seeing anything about it in their lease.

Chairman Carlson said that it's not a COVID-19 barrier, and asked if it's just a structure that the applicant wants to put up and if the commissioners are being asked to approve the design.

Bill Syblon said the commissioners are being asked to approve the exhibit presented to them.

Commissioner Quigley asked if the P&Z Commission can recommend this case to go before the Building & Standards Commission.

Vice Chairman Davis said it is stated that murals are not allowed in another ordinance.

Chairman Carlson said it will fit in with the other businesses surrounding Ice House, but is not sure if the P&Z Commission is the correct path to go through.

Mr. Griffith said this is from a business owner, and they want business to go up. They know who their customers are and what they like. They don't want to offend people or drive their customers away, they are extremely customer focused.

Chairman Carlson opened the public hearing at 6:44 p.m.

Chairman Carlson closed the public hearing at 6:45 p.m.

Commissioner Henderson brought up concerns about approving something that is someone else's purview and how that sets a precedence for other cases.

Commissioner McMillan said she likes the mural, but it is not compatible with the design and flow of the shopping center. It isn't adding anything, it's taking away the existing foliage, and it's not consistent on both sides.

Vice Chairman Davis asked what will happen with the foliage that is there now.

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Mr. Griffith said the mural will be on the front side of the corrugated metal. The landscaping would be removed.

Commissioner Stroope said he thinks the landscaping is better for the retail center all together.

Chairman Carlson suggested that they table this case so City staff and City attorney can discuss it and how it should be processed. It will give the applicant a chance to come back with a more benign design. There are the City's rules and regulations that need to be clarified before moving forward.

Commissioner Henderson asked if the commission can refer the applicant to another board or commission in the City, or do they need to deny it first.

Commissioner Cawthorne said they should vote it down based on the current sign ordinance.

Commissioner Quigley said this case isn't something they have purview over.

Mr. Griffith said there is a lot of vacancy in that shopping center and they have a great relationship with the landlord. They are trying to make the shopping center look livelier because right now it is looking down. If the commission tables the case, it will give them time to look at modifying the design as well as give City staff time to speak with the City attorney to obtain direction of how to proceed.

Motion: Chairman Carlson made a motion to table zoning case PZ-SUP-2020-50034 to open-date.

Commissioner Quigley seconded the motion and the vote was as follows:

Ayes: Commissioners Quigley, McMillan, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson tabled zoning case PZ-SUP-2020-50034 to open-date.

- 6. Plat Case PZ-RP-2020-50035, consideration of a replat for Medcore Bedford, on behalf of Dr. Tu Le. The property is zoned Light Commercial (L), and the legal description is Lot 1, Block 1, Parkview Addition, being replatted to Lot 1-R, Block 1, Parkview Addition. The property is located at 1400 Hospital Parkway, Bedford, Texas, generally located south of Hospital Parkway and east of Parkview Lane. (PZ-RP-2020-50035)**

Jayashree Narayana, Planning Consultant, presented Plat Case PZ-RP-2020-50035.

The request for this replat is for the alignment of the fire lanes. There is an existing fire lane to the north of where the building will be, and will be extended around to the south of the building.

The applicant is also requesting relief from the driveway spacing requirement. At the time this property was first platted, there was a driveway on the southeast corner. Before the driveway spacing requirement was in place, the adjoining property to the east was developed into a multi-family development and has a driveway on the southwest corner of that property. The two driveways are too close even though this property was platted before the property to the east.

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Commissioner Cawthorne asked if the City of Bedford has a development review committee where police and fire look at these plans, and if they are okay with the turn-in changes. She said those who drive the emergency vehicles should be okay with this.

Jayashree Narayana said this has been reviewed by the development review committee.

Vice Chairman Davis said if there is already a driveway access there, they can leave it where it is and modify the other part of it.

Jayashree Narayana said by bringing this for a replat for the fire lane forces the property to be out of compliance. They are asking for relief from the driveway spacing requirement because they will lose their grandfathering.

Clay Cristy, 1903 Central Drive, Bedford, Texas.

Mr. Cristy is with Claymore Engineering. The fire lane had to be slightly adjusted to accommodate the new site plan, and the driveways had to be redone to meet current standards and to allow fire trucks to be able to turn into the property.

Chairman Carlson asked if the two driveways being 60 feet apart instead of the required 120 feet will cause any conflict or safety issues.

Mr. Cristy said the traffic on this street is low volume, so there shouldn't be any issues.

Motion: Commissioner Henderson made a motion to approve plat case PZ-RP-2020-50035, granting relief from drive approach distance requirement.

Commissioner McMillan seconded the motion and the vote was as follows:

Ayes: Commissioners McMillan, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: Commissioner Quigley (not available to vote due to technical difficulties)

Motion approved 6-0-1. Chairman Carlson approved plat case PZ-RP-2020-50035.

ADJOURNMENT

Motion: Commissioner Stroope made a motion to adjourn.

All commissioners in favor.

Ayes: Commissioners Quigley, McMillan, Stroope, Henderson, Cawthorne, Vice Chairman Davis and Chairman Carlson

Nays: None

Abstention: None

Motion approved 7-0-0. Chairman Carlson adjourned the Planning and Zoning Commission meeting at 8:56 p.m.

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**Todd Carlson, Chairman
Planning and Zoning Commission**

ATTEST:

**Kristtina Starnes
Planning & Zoning Assistant**