



A regular monthly meeting of the Town of New Hope Planning and Zoning Commission was held on Thursday, **August 25, 2016** at 7:30 p.m. in the New Hope Town Hall, 121 Rockcrest Rd., in accordance with the following:

A G E N D A:

Item 1: Call to order and Roll call.

Meeting was called to order at 7:35pm.

In attendance:

Luke Martincevic- Commissioner

Joe Dudas – Commissioner

Paul Freug – Commissioner

Not in attendance:

Ryan Cottam – Commissioner

Rita Petty – Town Secretary

John Rapier – Town Attorney

Public Comments.

A person may address the Commission on items not on the printed agenda. Comments are limited to three (3) minutes per speaker with 45 minutes' total time for all speakers. The Commission may not comment or deliberate regarding such statements or comment during this period. Any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting.

Commission recognized Christy Reynolds:

Christy Reynolds brought up the issue of speeding on 1827. There seems to be consensus that this is a public hazard. She has approached the County Sheriff and the DOT. The sheriff indicated that they are aware of the problem, but seem unable to address it because patrols are ineffective. The DOT responded, the responder's name is known, but no title accompanied the email. It indicated that there is little that can be done. It seems that as the areas are zoned GB (General Business), that the area is not recognized by the DOT as being primarily residential. Several incidents were discussed which seemed to be the result of speeding. It was suggested that the council should request that a gatsometer or some other tracking device be placed on 1827 so that the magnitude of the problem may be measured and recorded.

Commission Recognized Dr Tim Scott of the Heritage Independent Baptist Church of McKinney, representing his interest in the signage requirements/permit for 105 E New Hope Road as a place of religious assembly.

Dr Scott has been in touch with Jim Breedlove and does not seem to need any documentation relating to maximum occupancy. As the Signage Ordinance is currently unavailable from the New Hope Town website, he has been referred to the Town Council meeting on August 30, 2016.



Item 2: Consent items

Minutes of previous meeting

Minutes were accepted.

Item 3: Consider and take appropriate action regarding the vacant role of Vice-Chairman for the P&Z

While it is not a requirement to have a vice-chair, it is not inappropriate in case the chair cannot be present for a meeting. Paul Freuh was nominated.

While it is not necessary for the Council to appoint this role, the Commission seeks their approval.

Item 4: Discuss and take appropriate action regarding filling the seat of the 5th commission member.

Luke Martincevic nominated Christy Reynolds for the 5th seat on the Commission. Paul Freuh and Joe Dudas agreed. **The Council is requested to appoint Christy Reynolds to the Commission.**

Item 5: Consider and take appropriate action regarding rezoning request for 611 Trail.

Stanley Howell was present and made his case that he already had a buyer for 611 Trail but is currently unable to sell or himself build on the property as it is 3 acres in a 4-acre zoning.

Action for John Rapier. Please advise as to relevant process and/or prepare necessary documentation to facilitate issuing of this variance.

Luke Martincevic shall keep Mr Howell advised. Mr Martincevic will copy Mr Howell on these minutes, as well as Mr Howell's representative, Michael Reed on the minutes from this meeting. Mr Reed/Mr Howell may then pursue the formalities with John Rapier (Town Attorney)

Item 6: Consider and take appropriate action regarding recommendations from Joe Dudas regarding code violations. (Actions for Steve Taylor)

Joe Dudas recommended that priority be given to violations/code non-conformance to absentee land owners and safety violations. These were selected as it is perceived that the absentee owners are unlikely to address any violations or non-conformance as they are not present in the town. Safety related issues, by their nature must also take priority.

Action for Steven Taylor: Review and revisit items identified in his report that meet these criteria.

Steven Taylor to revisit each property in question to validate that each code violation still exists (has not already been addressed), identify which code/article in the New Hope ordinances applies by adding this as another column to his spreadsheet and begin appropriate proceedings, starting with a letter to each owner. Steven Taylor must clearly identify each violation with the appropriate reference to the town code/ordinance, and must track any actions taken within the same spreadsheet.

A report back on progress is requested for the next Commission meeting.

Item 7: Consider and take appropriate action regarding Commission Charter from Paul Freuh.



Paul presented a draft of a charter. All members of the Commission present acknowledged the Charter and approved. **This is requested to be on the agenda for the Town Council for the September Council Meeting for review and comment.**

Item 8: Consider and take appropriate action regarding recommendations from Luke Martincevic concerning current and future zoning.

Mr Martincevic made a presentation indicating as to why the existing ordinance 2005-11 is inadequate and how, under provisions within the ordinance, we are afforded an opportunity to revise the ordinance.

It was recommended to Mr Martincevic that he review the ordinance and present suggestions as to how to amend it. These suggestions are to be made by the next Commission Meeting in the form of a separate document framed as an “easy to use”, reader friendly guide. This will then be reviewed by the Commission. If that draft is to the liking of the Commission, it will then be sent to the Town Council for Review and Comment. When both Commission and Council have a draft copy to their liking, a public meeting will be called for a reading of the document, and to solicit input from the town residents.

Only once due process is followed, will the ordinance itself be “red-lined” with sanctioned changes.

John Rapier to advise as to if this process is acceptable, and if not, advise as to amendments to the suggested process.

Presentation is attached to these minutes as an Appendix.

Item 9: Items for future discussion

The Agenda for the next meeting will include:

- Review of the Zoning Proposal Document from Mr Martincevic
- Follow-Up with Steve Taylor as to progress on code violations/Non Conformance
- Representation regarding the issue of placing 4 residences on 7 acres at 511 New Hope Road

Review of the Commission charter is held over until the Commissions’ October meeting, as the Council is only expected to review it during their September meeting.

The next meeting will be scheduled at the New Hope Town Hall on September 22 at 7:30p.m. Luke Martincevic will advise the representatives for 511 New Hope Rd (Srinivas Chaluvadi). Furthermore, meetings after September will be moved one week earlier, to provide time between the Commission and Council meetings. Calendar for the balance of 2016 will be set at the next meeting.

Item 10: Adjournment

Meeting was adjourned at 9:05pm



Appendix:

Presentation regarding revision of the Planning and Zoning ordinance 2005-11

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Current State:

- Planning and Zoning ordinance (2005 – 11) has not been revised since September 2005.
- Single Family Dwellings are permissible in a GB zone – General Business zoning (Table A)
- A *Customary Home Occupation* is not permitted in a GB zone (Table A)
- Industry or Commerce of any type except for *Customary Home Occupation*, is not permitted in residential areas,
- Therefore, the wording and execution of the ordinance appears to be inconsistent with the intent of the ordinance, as it would permit industry/commerce, and residential use, as long as the industry or commerce is NOT a Customary Home Occupation. But, a Customary Home Occupation would be permitted in a SF-2, SF-4 or even an MHD zone.
- We have numerous dwellings already in GB zones, and these are of adequate number to be considered a “district” in the terms of the ordinance section 1.07

(29) District. A section of the town for which the regulations of this ordinance, such as the area, height, use, etc. of the land and buildings, are uniform.

However, many of these are properties are too small to fall into the existing SF-2 (Single Family 2 acre) criteria Section 6.01, but are permitted under the premises limitations of the GB zoning.

The "SF-2" Single Family Residential District is intended to provide for single-family residential uses on lots or tracts of 2 acres or greater.

Similarly, we have dwellings on properties that are smaller than 2 acres, in areas designated as SF-2, and these are also numerous enough to be considered as a separate issue.

GB – General Business zoning is in place but:

- (1) Appears to randomly be used for business purposes – much is utilized as dwellings
- (2) Is not specific enough to provide for planning for controlled development, especially in the light of (1).

The current zone definition, and actual utilization, permits the arbitrary use of land as:

Automobile Repair Shops or
Carpentry, painting, plumbing, welding, or tinsmithing shops



There currently exists, situations where dwellings are located in the same zone (and sharing space with) a wide range of permitted industries, but prohibits any form of “cottage industry” from within the dwellings themselves, or within the adjacent GB lots.

Conversely, no industry or commerce is permitted in SF-2 or SF-4 zones except for Customary Home Occupations.

New Hope has a MHD zone, which is unutilized, and there are no provisions in the ordinance for any alternative use barring residential or agricultural, should this remain the case.

Customary Home Occupations are defined as:

(42) Home occupation. A business, occupation, or profession conducted within a residential dwelling unit by a resident thereof, and which shall have the following characteristics.

- (a) the activity shall employ only members of the immediate family of the resident of the dwelling unit; and
- (b) there shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment,

Furthermore, the term *Customary Home Occupations* is vague and out of date, as the ordinance was drafted 11 years ago, in 2005. Technology, and therefore home occupations enabled by technology, have evolved since the drafting of the ordinance in 2005.

The definition of Customary Home Occupations may be unnecessarily limiting, in confining the employment to members of the immediate family, without justification as to why this is limitation is imposed, and also without consideration to more valid concerns such as parking or public safety. Understandably, no credence is provided for conducting of businesses through remoting technology (i.e. email, conference and video calls).

It is therefore possible, if not probable, that home occupations are being pursued currently, without benefit of regulation or considerations to safety, congestion, parking and other factors.

Authority to Recommend Changes to the Ordinance:

Authority to modify the ordinance is provided within the ordinance itself:

Section 3.01. Declaration of Policy.

(A) The town council declares the enactment of this ordinance governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in this ordinance or in the boundaries of the zoning districts except:

- (1) to correct a manifest error in this ordinance or the zoning district map;
- (2) to recognize substantially changed or changing conditions in a particular locality;**
- (3) to recognize substantial changes in technology, living style, or manner of doing business;**
- and
- (4) to provide for orderly development consistent with the Comprehensive Land Use Plan.**



Recommendations / Suggested plan of action: *

- Propose redefinitions of the zoning codes and present these for consideration to the Commission.
- If accepted, present same to Council for consideration / acceptance.
- Revise 2005-11 as is deemed appropriate
- Revise and update the Comprehensive Land Use Plan (map) consistent with existing actual land use, as well as granting cognizance to planned/intended land use.
- Update any premises that are out of compliance with supporting variances or special use permits, as is appropriate.

* Noted that appropriate process will be required for each step / phase.

Table A

Permitted Uses:	SF-2	SF-4	MHD	GB	MU
Accessory building or use	✓	✓	✓	✓	✓
Agricultural use ¹	✓	✓	✓	✓	✓
Art gallery or museum				✓	✓
Automobile repair garage				✓	
Automobile service station (gas station)				✓	
Bakery and confectionery works				✓	
Bank, saving and loan, or credit union				✓	
Barber shops and beauty salons				✓	
Book, card, and stationery stores				✓	
Bus terminals				✓	✓
Car wash				✓	
Carpentry, painting, plumbing, welding, or tin-smithing shops (no outside display or storage)				✓	
Child care center in place of residence	(S)	(S)			
Church or rectory	(S)	(S)		✓	
Clothing and shoe stores				✓	
Colleges, universities or other institutions of higher learning	(S)	(S)		✓	
Commercial amusement, indoors				✓	
Commercial amusement, outdoors				✓	
Customary home occupation ²	✓	✓	✓		



TOWN OF
NEW HOPE
COLLIN COUNTY, TEXAS

Commercial quarters					
Sewage treatment plant or pumping station, public					✓
Single-family dwellings	✓	✓	✓	✓	