

5. Public hearing, discussion, and possible action on a Rezoning for Lot 2, Block A and Lots 1 & 2, Block B of the Haney-Highway 6 Subdivision consisting of 5.69 acres generally located near the Northeast corner of Texas Avenue at Deacon to amend the current PDD Planned Development District to include Vehicle Rental as a permitted use. (04-248)

Staff Planner Reeves presented the staff report and stated that a PDD zoning was requested on this property to allow the construction of mini-storage development that is now in its second phase. Staff recommended the approval of the original PDD because the purpose was to restore an agreement between the owners of the subject property and the adjacent Mile Drive neighborhood. The resulting PDD has a combination of uses from the original agreement and uses in the current C-3 zoning district in the UDO.

The property owners now see a need to provide truck rental on their property. This use was permitted in the original agreement between the landowners and the Mile Drive residents. Staff feels that it should be permitted on a limited basis and is therefore recommending that it be permitted as accessory to the principle use on the property.

Commissioner Davis asked for clarification to “limited use”. Ms. Reeves stated that if the Commission approved the use, the landowner would have to turn in a concept plan that would go before the Design Review Board. The Board can then limit the size, the trucks, how it is going to be screened and where the vehicles are going to be located on the site.

Commissioner Davis asked as an accessory use, what percent of the business is going to be vehicle rental. Ms. Reeves replied that if the Commission approves it as an accessory use, the Design Review Board could limit the size or area. Ms. Reeves asked for legal clarification.

Ms. Nemcik replied that the size of the accessory use is in relation to the site and primary use. Therefore, you could not have an accessory use where the building was larger than the primary use. Ms. Nemcik offered for clarification that if the primary use goes away, so does the accessory use.

Commissioner Hooton asked if the Design Review Board had the authority to limit the number of vehicles. Ms. Nemcik replied that she did not have the rules and procedures for the Design Review Board and could not answer that question.

The topic of accessory use consumed much of the time allowed for discussion.

Commissioner Reynolds asked for clarification to the original agreement between the Mile Drive residents and the landowners. Ms. Reeves stated that in the adoption of the UDO, truck rental use was dropped out of C-3.

Discussion ensued concerning the greenbelt reserve.

Chairman Shafer asked when this was renegotiated, was a buffer a part of that approval. Ms. Reeves replied yes.

Chairman Hill opened the public hearing.

The following residence spoke in opposition to the rezoning:

- Daryl Davis, 115 Mile Drive
- Jim Morris, 102 Mile Drive
- Matt Willis, 104 Mile Drive
- David Borsak, 108 Mile Drive

Ruthie Gray, 3122 Texas Avenue, spoke with concerns about the proposed changes to the highway and to the environment.

Chairman Shafer closed the public hearing.

Discussions continued concerning the zoning and use of the property.

**Commissioner Davis made the motion to deny the rezoning.
Commissioner Reynolds seconded the motion.**

Commissioner Davis stated that he does understand the intent of the applicant to provide a service for the people using the storage units; he just does not see any way of controlling it. Commissioner Davis ended by saying that a vehicle rental place fits into a much more intense zoning requirement.

Chairman Shafer stated he is not willing to approve the rezoning.

Chairman Shafer called the question. The Commission voted (5-0) for denial.

FOR: Davis, Reynolds, Hooton, Fedora, & Chairman Shafer

AGAINST: None

ABSENT: White & Nichols