

PLANNING & ZONING BOARD MEETING MINUTES  
December 12, 2016

**Planning and Zoning Board Members:**

Regina Dunay, Chairperson (Quorum)  
Chris Rader, Board Member  
Marion Rayburn, Board Member  
Ben Pierce, Board Member  
Keith Farmer, Board Member

**Staff:**

Drew Smith, City Attorney  
Ray Bagshaw, Mayor  
Chief Francisco, Police Chief  
Sandy Repp, Administrative Assistant

**CALL TO ORDER**

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:46 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with all members present.

**APPROVAL OF MINUTES**

- September 12, 2016

*Board Member Marion Rayburn made the Motion to approve the September 12, 2016 minutes as presented; seconded by Board Member Ben Pierce. The motion was unanimously approved (5/0).*

**SELECTION OF CO-CHAIR**

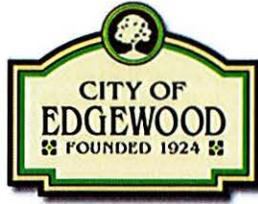
*Board Member Marion Rayburn made the Motion to select Board Member Chris Rader as the Co-Chair; seconded by Board Member Ben Pierce. The motion was unanimously approved (5/0).*

Board Member Rader is the new Planning and Zoning Co-Chair.

**NEW BUSINESS**

- Ordinance No 2016-10 (Special Exception Automotive Repair)

Chairwoman Dunay introduced the Ordinance and requested that Attorney Drew Smith give a summary of the history of action on the Ordinance.



Per Attorney Smith, P&Z made a recommendation for approval of an ordinance to prohibit automotive uses in the C-2 and C-3 zoning districts, which went to City Council but Council preferred to make it a Special Exception for those uses that currently exist to have the possibility of applying for a Special Exception and be a lawfully conforming use as opposed to a lawfully nonconforming use. Attorney Smith explained that current uses would be allowed to remain but they would be lawfully nonconforming and Council has some discomfort of making all these uses nonconforming without some possibility of becoming lawfully conforming if they wanted to improve the properties in C-2 and C-3. P&Z also considered the Special Exception Application and those criteria to determine whether or not automotive use qualifies for the Special Exception.

In response to Chairwoman Dunay, Attorney Smith responded that uses that are here now would be lawfully nonconforming on the day that the ordinance passed, if it passed. From that point those that currently exist that come before the City and ask for a Special Exception and be lawfully conforming uses. Per Attorney Smith, P&Z recommended that all uses be legally nonconforming uses. Council considered that and recommended a different direction.

Further discussion ensued between Board Members regarding lawfully nonconforming uses versus lawfully conforming uses under a prohibition of an automotive use or supporting the Special Exception.

The Board asked about possible complaints and Chief Francisco discussed complaints regarding some of the automotive properties.

The Edgewood corridor was compared to other developed areas such as College Park and how automotive garage uses limit Edgewood from developing according to the vision of the City.

Board Member Rader and Chairwoman Dunay also discussed the City's comprehensive plan versus writing code for or basing decisions on a vocal minority. Board Member Rader stated that the goal is to phase out the automotive uses versus changing how the use looks.

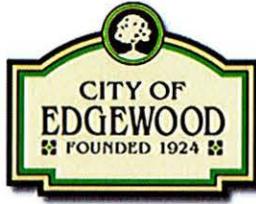
Board Member Rader expressed that he would like to table their consideration of this so that P&Z can consider this as part of moratorium for uses in the January meeting.

Board Member Ben Pierce was concerned that Board Member Pierce disagreed as additional time could result in more automotive uses to come into the City in the interim.

In response to Chairwoman Dunay's question about what would change with Council in January as far as approval, Attorney Smith stated that there might be the same opposition to the outright prohibition but that some council is on the fence between property rights and the City's vision.

Board Member Pierce stated his concern and that he would rather not risk the moratorium.

The discussion continued and Mayor Bagshaw gave the Board some input regarding their decision making as well as information from other cities and the retail mix in Edgewood.



Chairwoman Dunay asked for a motion.

***Board member Rader moved that the Planning and Zoning Board table Ordinance 2016-10 so that the item can be considered in conjunction with the broader discussion of uses allowed in the area; Seconded by Chairwoman Rayburn; Board member Pierce opposed. Motion passed (4/1).***

Board Member Pierce said that he does not agree as additional time could result in more automotive uses to come into the City in the interim.

**Justification for motion:**

P&Z agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. P&Z discussions revolved around the notion that while landscaping and other site improvements may improve the look of a property, automotive uses are one that the City's vision would suggest should be phased out and not allowed to remain indefinitely. The Planning & Zoning Board recommends that the ordinance be tabled so the it can be considered as part of a bigger discussion on all uses within the Orange Avenue corridor and possible future legislative actions that will address the types of uses that are allowed in the C-2 and C-3 zoning districts. The Planning & Zoning Board discussed the correlation to this matter and the workshop discussion related to a moratorium on certain uses pending resolution of the corridor planning study recommendation being developed at this time. P&Z also requested that they be allowed to consider a draft moratorium ordinance drafted and available for discussion at their January meeting to be immediately considered by the City Council at their January meeting. The vote by the members was split 4 to 1 on this motion, but it should be noted that the dissenting vote wanted to ensure that additional automotive uses were not authorized prior to the implementation of a moratorium.

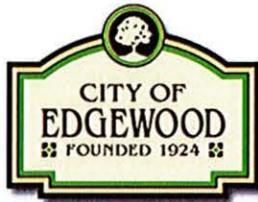
Attorney Smith suggested that there be a second motion that should Council move forward on this that P&Z's recommendation be to prohibit Special Exceptions for properties that do not already have an automotive use. Mr. Smith said that he will add that back in the Ordinance between the P&Z meeting and Council.

**Board Member Rader moved that if Council decides to approve the Ordinance that the Ordinance prohibit Special Exceptions on properties that do not already have an existing automotive use. Seconded by Chairwoman Dunay; the motion unanimously passed (5/0).**

**Justification for motion:**

As provided in the justification for Motion 1, the Planning and Zoning Board agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. Thus, if Council moves forward contrary to P&Z's recommended approach, it is highly recommended that any Special Exception apply only to existing automotive uses.

**These motions will be presented to City Council on Tuesday, December 20, 2016.**

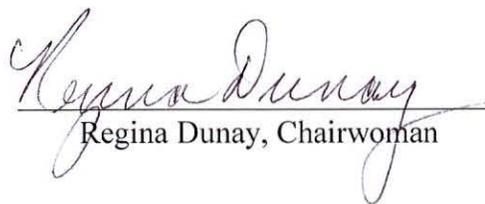


**COMMENTS/ANNOUNCEMENTS**

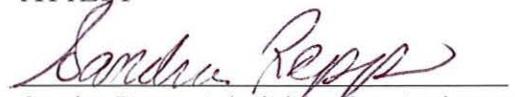
Chairwoman Dunay asked Administrative Assistant, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be January 9, 2017 and February 13, 2017 if there is business.

**ADJOURNMENT:**

*With no further business or discussion, Board Member Farmer made the Motion to adjourn the Planning and Zoning Board meeting; seconded by Board Member Rader; motion unanimously approved (5/0). The meeting adjourned at 8:19 p.m.*

  
Regina Dunay, Chairwoman

ATTEST

  
Sandra Repp, Administrative Assistant