

The Planning and Zoning Commission of the City of Columbus, Texas met in regular session Tuesday, February 8, 2011 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring Street, Columbus, Texas, with the following present:

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| Chairperson | - | Annie Mae Hargrove |
| Member | - | Chris Arthur |
| Member | - | Judy Barrett |
| Member | - | Henry Potter |
| Member | - | Mary Ellen Prause |
| City Manager | - | Donald Warschak |
| City Secretary | - | Cathy Ezell |

And the following absent:

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| Vice Chairperson | - | Tracy Lilie |
| Member | - | Robin Garcia |

1. Call to order.

Chairperson Hargrove called the meeting to order at 6:32 p.m.

2. Approval of minutes July 13, 2010 meeting.

Mr. Potter made a motion to approve the minutes of the July 13, 2010 meeting. Ms. Prause seconded the motion.

The vote was as follows:

Ayes: Arthur, Barrett, Potter, Prause, and Hargrove

The motion passed.

3. Public hearing to request a change in zoning at 823 Milam Street, Block 41 LT S-9,10 from District R, Single-Family or Two-Family Residential to District B, Business or Commercial as requested by Mary Wagner.

Mary E. Wagner stated that we need to work within the law to find whatever is agreeable with the neighborhood and the City by working together. She stated that she went to the neighbors to solicit questions and concerns, and she stated that she received mostly positive feed back. She stated that she wanted to create a self-sufficient closed system. She stated that this system starts with 823 Milam Street, and continues with the rent that she would receive from her husband's CPA firm that would be reinvested into the property. She stated that she could rent the property to a family but the revenue would be used mostly for repairs. She stated that she felt the closed system would better protect the history of the home. She stated that by changing the zoning it would help her but may not be the best for the community and she was asking for a variance or a temporary variance for the time that she owned the property. She stated that the current ordinance did not allow for the temporary change of zoning. She stated that her

logic is based on four premises; the structure would fair better when occupied; historic properties come with special conditions; it is important for property owners to look at what they own and; they need to know what resources they have. She stated that because these things are true that there needs to be an exception. She stated that she found an example in Sealy of property that shows this situation works. She stated that just by looking at the property in Sealy that you could not tell whether the property was commercial or residential. She stated that is how she wanted her property to be to protect the integrity of the neighborhood. She stated that she saw the proposed zoning change as a win, win situation and that she did not see renting the property being a winning situation. She stated that 823 Milam Street is termed "the gateway to the historic district" and because of this people feel that the property should stay zoned residential but she did not understand. She stated that the laws could possibly be changed to grant a temporary variance for the first time. She stated that historic properties need protection and she was offering the City a way to preserve the property.

Todd Barfield stated that he was representing the Church of Christ. He stated that his concern with rezoning the property to commercial is what would happen when the property sold. He stated that zoning was put in place to protect property and that he would object to a zoning change.

J.B. Cox stated that he also represents the Church of Christ. He stated that Ms. Wagner was doing a good job restoring the property. He stated that Columbus is a historical town and he did not feel it is appropriate to comingle property in the historic district. He stated that the neighborhood is cultured and serene. He stated that he did not think this needed to be done in this neighborhood.

Phil Cox stated that he lives at 809 Milam Street. He stated that the external appearance of the property had improved a lot since new ownership. He stated that the main issue was maintenance and to improve the integrity of historical area and that anything that would diminish from that would not be good. He stated that he did not have a problem with the ordinance allowing for a CPA firm but not for an undesirable business. He stated that if the zoning change could be for this property owner but not conveyed if the property sold he would be okay with a zoning change. Otherwise he would object to the zoning change.

Shirley Barfield stated that she is also speaking for the Church of Christ. She stated that she knew any property owned by the Wagners would be well taken care of. She stated that her concern was not with the CPA firm but what would happen when the property was sold. She stated that she would like to have it revert back to residential if sold. She stated if that could be done she would not be opposed to the zoning change. However, if it could not be done, she would be opposed to the zoning change.

Shalor Townsend stated that he can understand the concept presented and that he agrees with Ms. Wagner's concept. He stated that his only concern was what would happen if the property was sold. He stated that there is already commercial property in the neighborhood and he did not see any negatives to the

improvements. He stated that we do not know what will happen in the future and that needed to be considered.

Laura Ann Rau stated that she has mixed emotions about this rezoning issue. She stated that she was concerned with what would happen when the property was sold. She also stated that if the rezoning was granted that it would open the door for people in the area to ask for more variances. She stated that zoning should be kept the way it is now.

E. B. Flint stated that she was concerned with what to do with the house. She stated that she believed that there is not enough parking. She also stated that if this exception is granted it will lead to other exceptions. She asked how the Commission could not grant one exception and then grant another.

Brenda Howard Davis stated that she had no problem with John Wagner having his firm in the house. She stated that there should be a way to grant temporary variance to where the zoning change does not go with the sale of the property.

Chuck Rankin stated that he was asked by people in the neighborhood to say a few words. He stated that the Commission needed to consider that once changes are made they are permanent. He stated that the Wagners will do a wonderful job taking care of the property but what happens in the future. He stated that the major issue is the availability of housing. He stated that the availability of housing is not increasing. He stated that CCIDC is looking at how things are being done in the City and that changes now may not be appropriate. He stated that the City is making efforts to protect residential property and that he would not recommend a zoning change being made to this property.

Ms. Wagner stated that the Code of Ordinances states that for the Planning & Zoning Commission each parcel of property is unique. She also stated that it says that no action will set precedence and each case will be determined on its own merit. She stated that there are enough parking spaces for six proper parking spaces. She stated that she would love a temporary variance to where the property would revert back to residential if the property was sold but she does not know how to have that done.

4. Consideration and action to prepare a recommendation and report for City Council regarding a change in zoning at 823 Milam Street, Block 41 LT S-9, 10 from District R, Single-Family or Two-Family Residential to District B, Business or Commercial as requested by Mary Wagner.

Chris Arthur stated that he was part of the team that worked to create the original zoning ordinance and knew there were items that would need to be changed. He stated that some of those areas were the home office and the historic district. He stated that he was surprised that issue had not come up before. He stated that he was more than willing to recommend to Council the review of this ordinance to see what other small towns have done about the home office. He stated that he was concerned about parking.

Mary Ellen Prause stated that the commission needed to revisit this and that she did not feel comfortable voting either way.

Judy Barrett stated that this issued needed to be checked into deeper.

Henry Potter stated that more information needed to be provided on the home office and would like to table this item. He stated that he was not prepared to make this big of a decision here tonight.

City Manager Donald Warschak stated that the Commission had heard from Ms. Wagner and the citizens but it appears that the Commission needs more time to make a decision.

Chris Arthur made a motion to table the zoning change at 823 Milam Street, Block 41 LT S-9, 10 from District R, Single-Family or Two-Family Residential to District B, Business or Commercial and for the Commission to recommend to City Council that changes to the ordinance be looked at for home offices. Henry Potter seconded the motion.

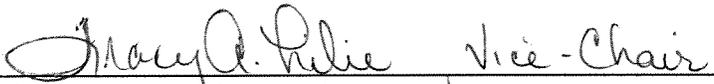
The vote was as follows:

Ayes: Arthur, Barrett, Potter, Prause, and Hargrove

The motion passed.

5. Adjournment.

With no further business the meeting was adjourned at 8:00 p.m.



Chairperson, Annie Mae Hargrove

ATTEST:



Linda Lakich, City Secretary