

PLANNING AND ZONING COMMITTEE

City of Clinton

June 28, 2016

6:30 p.m.

Municipal Courtroom

COMMITTEE MEMBERS PRESENT: Bettye King, Gerald Ellis, Rosemary Horne, Christine Whitton, Benjie Barham, and Lisa Shoemaker (late)

CITY OFFICIALS: Roy Edwards, Community Development; Mark Jones, Communications

GUESTS: Guy Smith, Ronnie Morton, David Stevens, Chris Hoffman

MINUTES RECORDED BY: Kelly Hall, Community Development

The meeting was called to order by Bettye King at 6:30 p.m.

CONSIDERATION & APPROVAL OF MINUTES: The minutes of the meeting held May 24, 2016 were presented for review. Rosemary Horne made the motion to approve the minutes as presented and was seconded by Gerald Ellis. The vote was unanimous in favor and the motion to approve the May 24, 2016 minutes carried.

NEW CONSIDERATIONS:

Site Plan – 1207 Neal Street – Sam & Marilyn Minter

Mr. & Mrs. Minter have requested approval of their site plan for a sign to be erected at their restaurant on Neal Street. Per Mr. Edwards the sign meets all of the requirements of our sign ordinance and will be located five feet from the Right-of-Way. Benjie Barham made the motion, seconded by Rosemary Horne, to recommend approval of the site plan for the sign for Pearl's Restaurant. The vote was unanimous in favor and the motion carried.

Conditional Use/Dimensional Variance – 2832 Norrell Road – Gulfsouth Towers Capital Partners

Guy Smith of Gulfsouth Towers Capital Partners was present to address any questions related to his company's request for Dimensional Variances and a Conditional Use in order to construct a communications tower on the west side of Norrell Road. A fifty foot variance is needed for the tower because it will exceed the allowable height. Additionally, a variance of one hundred fifty-six feet is needed with regards to the required distance from a residence. Also due to its size it will require a three hundred sixty-two foot variance on the west, a three hundred eighty foot variance on the east, a two hundred foot variance on the north and a three hundred foot variance on the south side. Mr. Edwards stated the county had been notified of the project as a courtesy. Mr. Ellis noted that Norrell Road is not in the best of conditions and asked if any improvements were scheduled for the road. Mr. Edwards stated he was unaware if Norrell Road is on the list for road improvements. Robert Thornton, 702 Meadow Hill Drive, asked if this was a cell tower

for the new Continental Tire plant. It is a communication tower and will serve members of the county as well as the tire plant. Rosemary Horne made the motion to approve the dimensional variance request as well as the conditional use request. The motion was seconded by Gerald Ellis and the vote was unanimous in favor.

Text Amendment – Zoning Ordinance as it Relates to Keeping of Animals

Mr. Edwards presented two proposed changes to the City of Clinton's Zoning Ordinance related to the keeping of animals. The amendment would delete Section 801 (D) and Section 1001 (D).

Robert Thornton, 702 Meadow Hill Drive, asked if this was being amended because of the two people who complained about chickens being kept in a Clinton residential neighborhood. Mr. Edwards stated that this amendment is simply a housekeeping change to clean up unclear language in the ordinance.

(At this time, Bettye King had to leave the meeting and turned the proceedings over to Benjie Barham.)

Beth Kipp, 706 Cabernet, stated she believed this amendment was being made as a result of the complaints that were called in to the City about the chickens being kept as pets.

Trina Armstrong asked if the City would also take steps to be rid of the wild ducks and geese that use the lakes and ponds in Clinton. Mr. Edwards noted that the ordinance does not specifically target fowl and wild fowl would be handled by the Department of Wildlife and Fisheries if they became a problem.

DeAnna Dillard, 110 Keith Lane, stated she had printed out from the City's website an ordinance that permitted chickens. It was noted that she had printed from the animal control ordinance, not the zoning ordinance, and Mr. Edwards noted that the zoning ordinance would dictate where animals are allowed to be kept in Clinton, superseding the animal control ordinance.

Wes McCleese, 570 Clinton Tinnin Road, also noted that the animal control ordinance he read allowed two chickens or other fowl. Mr. Edwards stated it was never the intent to allow fowl of any kind in residential districts.

Mr. Barham asked if making these amendments would change the animal control ordinance; Mr. Edwards said it would not. The animal control ordinance will be up for discussion and amendment at the Mayor & Board of Aldermen meeting on July 5, 2016.

Gerald Ellis moved to recommend acceptance of the text amendments as presented; the motion died for lack of a second.

Christine Whitton moved to accept the text amendments with the recommendation that the zoning ordinances be revisited and a more comprehensive ordinance that allows other pets besides dogs and cats be developed. The motion was seconded by Rosemary Horne and the vote was as follows: Ayes – Christine Whitton, Rosemary Horne. Nays – Gerald Ellis.

Text Amendments – Railroad Setbacks

Mr. Edwards noted that this is another amendment designed to clean up the language in the zoning ordinances. By removing this language from the zoning ordinance will prevent us from having to repeatedly grant dimensional variances every time a residence is built near the railroad tracks. Rosemary Horne made the motion, seconded by Gerald Ellis, to recommend deletion of section 401.07 of the zoning ordinance. The vote was unanimous in favor and the motion carried.

Dimensional Variance and Certificate of Appropriateness – 307 E. College Street

(At this time Christine Whitton recused herself from the meeting to avoid a conflict of interest.) Ronnie Morton is requesting Dimensional Variances and a Certificate of Appropriateness so he can relocate his law practice to the home at 307 E. College Street in the historic Olde Towne Clinton District. The expansion of the parking lot and ADA changes to the rear of the home will require a Certificate of Appropriateness. The dimensional variances requested are a twenty foot variance on the front lot width (100' vs 80'), a variance of four and a half feet on the west side where the portico is located, and a fifteen foot variance for the driveway width. He is also requesting approval of a sign to go in the front yard, five feet from the R.O.W. Mr. Morton feels that the property is an approved/existing nonconforming property and should be grandfathered in and not subject to requirements for dimensional variances. He presented several examples of properties in Olde Towne Clinton where this same type of situation was approved. There would be a change of use from residential to light commercial, which is an approved use in this district. Mr. Morton noted he is doing the same thing as Runnels Insurance, two properties away from this one. Mrs. Horne noted that Runnels Insurance only came to Planning & Zoning for approval of his sign, not for his business relocation. Mr. Edwards noted this is being addressed separately by the City.

Rosemary Horne asked where his office is currently located; his current law office is on Fairmont Street where he is renting office space.

(Lisa Shoemaker joined the meeting at this time.)

David Stevens, a local realtor, addressed the committee and gave examples of several properties in OTC that were residential, became light commercial, and reverted to residential with no loss in property value. Mr. Barham asked about the vacancy rate of properties in OTC. Mr. Stevens stated it was very low and if a property is vacant for a long period of time it is usually because it is in poor condition. He stated that properties in OTC are very desirable and when they do become available, they are on the market for a much shorter time period before they are purchased.

Lisa Shoemaker questioned the material for the parking area and how it would affect water runoff and future use; Mr. Hoffman said that the use of crushed limestone would permit more water to be absorbed than concrete or asphalt and, if needed, drains could be installed.

Mike Morgan, 101 E. Main Street, addressed the meeting. He was alderman when the zoning ordinances were amended in 2011. The intent was to create a special mixed residential and light commercial area where amenities and businesses could be enjoyed within walking distance of residents. A city planning firm was retained and made recommendations for the development of this area as residential first, with limited commercial properties.

The meeting was then opened for public comment.

Bill Quisenberry, 305 E. Main Street, presented a letter to the committee (attached) opposing the granting of dimensional variances for making this property a law office.

Brian Hudson, 303 E. College Street, also presented a letter to the committee as well as petitions from citizens opposing this commercial use of a residential property (also attached).

Eric McDonald, 2014 Williamson Road, mentioned the potential for liability if residential activities damaged vehicles parked at the law office.

Beverly Oliver, 501 Oakwood Street, asked why Mr. Morton wants to move his practice just one block north of his present location; he is currently renting space. This will give him the opportunity to own the property for his law office.

Jackie Ashley is a 90+ lady who lives in the home on the other side of 307 E. College Street. She is dependent upon her neighbors who look out for her and offer her assistance whenever it is needed as she is determined to live independently in her long term home. She and her neighbors expressed concern about the ability of the area to maintain its close community feel if more commercial businesses are approved.

Brian Hudson spoke again and noted that his objections are not against Mr. Morton personally, but against a commercial business being approved when another buyer is ready who will use the property for their residence.

Mary Jane Hyer, 308 E. College Street, and Ed Ratliff, 202 Hillcrest Drive, also spoke in opposition to the change of use on this property.

Gerald Ellis made the motion to disapprove the dimensional variance and certificate of need requests and was seconded by Lisa Shoemaker. The vote was unanimous in favor and the motion carried.

The next meeting of this committee will be July 26, 2016 at 6:30 p.m.

There being no further business Rosemary Horne made the motion to adjourn and was seconded by Lisa Shoemaker. The vote was unanimous in favor and the meeting adjourned at 8:15 p.m.