

CANTON PLANNING & ZONING COMMISSION

**9:00 A.M., THURSDAY, AUGUST 6, 1998
CITY HALL, 290 E. TYLER STREET
CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers with Chairman Lynn Etheridge presiding. Commission members Clifford Caviness, Jimmy Burroughs and Tommy Eubank were present. Commission member Lucia Deen was absent.

Discussion and action were as follows:

CALL MEETING TO ORDER - Chairman Lynn Etheridge called the meeting to order and announced that a quorum was present.

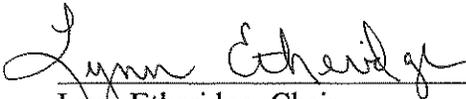
ELECTION OF CHAIRMAN - Jimmy Burroughs moved that Lynn Etheridge be elected Chairman of the Commission. Tommy Eubank seconded the motion, and all were in favor.

APPROVAL OF MINUTES OF NOVEMBER 25, 1997 MEETING - Clifford Caviness moved that the Minutes of the November 25, 1997, Commission meeting be approved. Tommy Eubank seconded, and all were in favor.

DISCUSS AND CONSIDER REQUEST TO CHANGE THE ZONING OF 4.39 ACRES AT HIGHWAY 64 WEST AND OLD KAUFMAN ROAD FROM B1 TO B2 - Following review of the request and discussion concerning the current use of the property, Tommy Eubank moved that the zoning be changed as requested. Clifford Caviness seconded, and all were in favor.

ADJOURN - There being no further business to come before the Commission, Chairman Lynn Etheridge adjourned the meeting.

Approved this 25th day of August, 1998.



Lynn Etheridge, Chair

CANTON PLANNING & ZONING COMMISSION

9:00 A.M., TUESDAY, AUGUST 25, 1998

CITY HALL, 290 E. TYLER STREET

CANTON, TEXAS

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers with Chairman Lynn Etheridge presiding. Commission members Clifford Caviness, Jimmy Burroughs and Tommy Eubank were present. Commission member Lucia Deen was absent.

Discussion and action were as follows:

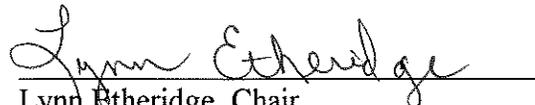
CALL MEETING TO ORDER - Chairman Lynn Etheridge called the meeting to order and announced that a quorum was present.

APPROVAL OF MINUTES OF AUGUST 6, 1998 MEETING - The reading and approval of the August 6, 1998 meeting were waived.

PRESUBMISSION CONFERENCE REGARDING CANTON INDUSTRIAL PARK PLAT PURSUANT TO CITY ORDINANCE 94-04 (SUBDIVISION REGULATIONS) - Bob Alexander, Executive Director of the Canton Economic Development Corporation, presented a plat of the proposed Canton Industrial Park. The Commission reviewed the proposed layout of the streets and utilities and had no objections.

ADJOURN - There being no further business to come before the Commission, Tommy Eubank moved that the meeting be adjourned. Clifford Caviness seconded, and all were in favor.

Approved this 3rd day of November, 1998.


Lynn Etheridge, Chair

CANTON PLANNING & ZONING COMMISSION

9:00 A.M., TUESDAY, NOVEMBER 3, 1998

CITY HALL, 290 E. TYLER STREET

CANTON, TEXAS

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers with Chairman Lynn Etheridge presiding. Commission members Clifford Caviness, Jimmy Burroughs, Lucia Deen, and Tommy Eubank were present.

Discussion and action were as follows:

CALL MEETING TO ORDER - Chairman Lynn Etheridge called the meeting to order and announced that a quorum was present.

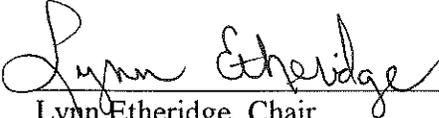
APPROVAL OF MINUTES OF AUGUST 6 AND AUGUST 25, 1998 MEETINGS - Tommy Eubank moved that the Minutes of the August 6 and 25, 1998 meetings of the Commission be approved as presented. Clifford Caviness seconded, and all were in favor.

DISCUSS AND CONSIDER REQUEST TO CHANGE THE ZONING OF 8.42 ACRES AND ADJACENT TRACT ORIGINALLY CONTAINING 20 ACRES ON CHERRY CREEK OWNED BY GEORGE AND MARY PITTS FROM RA AND R-2 TO MF-1 AND R-2 - The Commission reviewed the application and the responses received from the adjoining property owners as well as objections from other property owners in the area. The Commission then heard comments from numerous members of the audience who were in attendance. The owners of the subject property, George and Mary Pitts, were also in attendance and answered questions from the Board and the audience. Tommy Eubank moved the zoning change be approved as requested. Jimmy Burroughs seconded the motion, and all were in favor.

DISCUSS AND CONSIDER REQUEST TO CHANGE THE ZONING OF 31.41 ACRE TRACT ON FM 859 OWNED BY CANTON ECONOMIC DEVELOPMENT CORPORATION FROM RA TO GI-1 - Tommy Eubank notified the Commission that, as an adjoining property owner, he would abstain from discussion and voting on this request. Jimmy Burroughs moved that the zoning change be approved as requested. Lucia Deen seconded, and all were in favor.

ADJOURN - There being no further business to come before the Commission, Clifford Caviness moved that the meeting be adjourned. Jimmy Burroughs seconded, and all were in favor.

Approved this 8th day of December, 1998.



Lynn Etheridge, Chair

CANTON PLANNING & ZONING COMMISSION

9:00 A.M., TUESDAY, DECEMBER 8, 1998
CITY HALL, 290 E. TYLER STREET
CANTON, TEXAS

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers with Chairman Lynn Etheridge presiding. Commission members Clifford Caviness, Lucia Deen, and Tommy Eubank were present. Jimmy Boroughs was absent.

Discussion and action were as follows:

CALL MEETING TO ORDER - Chairman Lynn Etheridge called the meeting to order and announced that a quorum was present.

APPROVAL OF MINUTES OF NOVEMBER 3, 1998 MEETING - Lucia Deen moved that the Minutes of the November 3, 1998 meeting of the Commission be approved as presented. Clifford Caviness seconded, and all were in favor.

DISCUSS AND CONSIDER REQUEST TO CHANGE THE ZONING OF 8.42 ACRES AND ADJACENT TRACT ORIGINALLY CONTAINING 20 ACRES ON CHERRY CREEK OWNED BY GEORGE AND MARY PITTS FROM RA AND R-2 TO R-4 - The Commission reviewed the application, and Building Inspector read the permitted uses for R-4 zoning. Tommy Eubank stated that this request appeared to be even more objectionable to area property owners than the request considered in November.

George Pitts stated that the area property owners had previously objected to his request based on the increase in traffic. He explained that the roadway was still 100 feet wide from when it was a county road. The road as constructed is 60 feet wide which classifies it as a "collector street" pursuant to the City's subdivision regulations.

Christi Broyles (971 S. Cherry Creek) said that property values were also a concern. She voiced concerns that, if the property was developed as R-4, no one would want to buy her property due to theft, traffic, and the necessity of locking cars at night.

Tommy Eubank said he thought that all parties wanted to see their property at its best value. He said that area residents did not want increased traffic but they really did not want the apartments they assumed would be constructing during the Pitts' former request. Mr. Eubank said that it was his understanding that Mr. Pitts did not plan to put in apartments at that time.

George Pitts agreed that there were nice houses in the area and that he had no intention of putting in apartments. Mr. Pitts stated that he would like to be able to move his property and that he could sell more lots more quickly due to the lot size in an R-4 zoning. Mary Pitts said that they were now looking at development of the property purely from a financial standpoint. Mrs. Pitts said that they have previously developed two areas of nice houses with deed restrictions and had planned to do the same with their prior zoning request for duplex and townhouse zoning.

Peggy Clack (921 S. Cherry Creek) said that she felt area houses would be de-valued by putting mobile homes in the subject area. She said that the roadway would not support the additional traffic.

Cindy Malouf (970 Cherry Creek) said that her home is in adjacent to the subject property and is only two years old. She asked if any of the objecting parties were aware of the type of housing that could be developed on the property with its present R-2 zoning. When several members of the audience commented that it would be comparable homes to those in the area, Mrs. Malouf cautioned that that was not necessarily the case. She explained that R-2 zoning providing for minimum setbacks only and did not include items usually covered by deed restrictions. She cited the possibility of 900 square foot frame houses with no garages and no driveways.

Mr. Pitts stated that he has included deed restrictions on property he has developed in the past.

Faye Brackett told the Commission that she had purchased a mobile home that deteriorated rapidly. She stated that there was no comparison between a mobile home and a house.

Melton Kyser stated that he had never seen a developer develop a mobile home park that did not turn into a shantytown.

Tammy Westmoreland (2101 Lisa Circle) expressed her concern that the Pitts had filed this request only to be vindictive after their previous request was denied.

Tommy Eubank said that it appeared that most of those present would probably have been happy with the Pitts' previous zoning request. Mr. Eubank asked Mr. Pitts what kind of time schedule he was facing. Mr. Pitts stated that, if his R-4 request was not approved, he would proceed with constructing small homes for sale or rent. Mr. Pitts said he was only asking the Commission to follow the zoning ordinance.

Mr. Clack said that during discussion of the Pitts' previous zoning change request area property owners asked for a plan. He cited his concern that the value of his home would go down.

Mr. Pitts said that the zoning ordinance does not require a specific plan for a zoning change.

Lucia Deen said that the Board is charged with the responsibility of considering what is best for the City of Canton long term.

Jennie Kyser (704 Cherry Creek) suggested that the parties had come to an impasse. She acknowledged that the Pitts have invested money in their property. She suggested that a plan be presented and then the parties do what is best for everyone involved.

Lynn Etheridge stated that, while she was in favor of the Pitts prior request for MF zoning, she was not in favor of R-4 zoning. Mr. Pitts requested that the Minutes of the meeting reflect that there were objections to the types of people who live in mobile homes. Lynn Etheridge said that

she did not feel that was the opinion being stated. She said she did not feel R-4 zoning was conducive to the area. Mr. Pitts stated that he felt he would be damaged financially if his request was not granted.

Mr. Pitts told the Commission that he had developed another tract with deed restrictions less than one-half mile from this property. He stated that he had told people he would be doing the same for this tract.

Cindy Malouf said that it seemed property owners only looked at the worst case scenario when the Pitts made their last request. She said she had spoken with some of the residents who signed earlier petitions against the Pitts' request, and they had only been told that plans were underway for a 500-unit apartment complex. She said that the Pitts' original request was the best because they had already proven that they would take pride in their development. She told the members of the audience that signing a petition was a very big responsibility, and they should have contacted the Pitts or obtained additional information before signing.

Margaret Johnson (2001 Lisa Circle) said that the 500 unit apartment complex was used as an estimate. She then accused Mr. Pitts of being so angry he was just trying to retaliate to the opposition.

Bob Alexander, Executive Director of the Canton Economic Development Corporation, told the Commission that the CEDC owns 80 acres near the subject property with plans to develop a residential subdivision. He said that it appeared that Mr. Pitts' proposal was probably in the realm of good zoning since he is providing a buffer zone that allows a transition. He also said that the City of Canton needs a broad range of housing.

Tommy Eubank noted that the Commission approved the Pitts' original request for MF, and he still thought that was good for the City. He said that it was his understanding that the Pitts could not file that request again for one year. Therefore, he felt that in all fairness to the Pitts the Commission should grant the current request. He said those opposed the zoning change would still have a recourse to the Council.

Lucia Deen stated that she had approved the MF request because she thought it was a good one; however, she had reservations about the present request. She said she believed in the rights of the property owner and the need to produce income from the property. She stated that she would prefer to see development more like the surrounding residential area. She expressed concerns about the lack of access to a major thoroughfare and the aesthetics to existing property owners.

Lynn Etheridge expressed her agreement that the original zoning change request was best for the City of Canton and the surrounding area.

George Pitts said that he had spoken with a representative from a manufactured housing company who would be willing to address the Commission.

Clifford Caviness noted that any concerns about the quality of the streets in the area should be directed to the City instead of the Planning & Zoning Commission.

Tommy Eubank moved that the Pitts' request to change the zoning of the subject property be granted. The motion died for lack of a second.

City Secretary Rhita Koches advised Mr. Pitts that he would not be prohibited from filing his original zoning request for one year since both Planning & Zoning and the City Council did not deny the request. The previous request was granted by the Commission. Mr. Pitts said that, if the Council denied the request before, he did not see any reason in making the same request again thirty days later. He stated that he wanted to proceed with the request before the Commission.

Jearl Cunningham advised the Commission that he lives near the Canton city limits. He suggested that the Commission's approval of the pending request and passage of the matter on to the City Council would be a disservice to the City. He stated that he thought it would be wrong to zone the property R-4 in that it would be a disservice to other property owners.

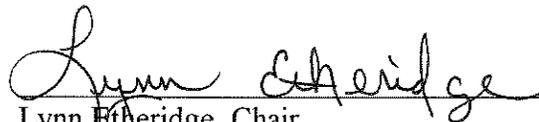
Lynn Etheridge moved that the pending request be denied. Lucia Deen seconded the motion. Lynn Etheridge, Lucia Deen, and Clifford Caviness voted in favor. Tommy Eubank voted against the motion. The motion carried.

DISCUSS AND CONSIDER SITE PLAN FOR BURNS ACE HARDWARE, CANTON AUTO AND RADIO SHACK FACILITY ON HIGHWAY 243 AT HIGHWAY 198 SOUTH – Mr. Jerry Burns appeared before the Commission and presented a plat of the proposed construction. The Commission and Building Inspector Rick Malone reviewed the placement of the improvements, parking, utility access, and traffic impact with Mr. Burns.

Lucia Deen moved that the site plan be approved. Clifford Caviness seconded the motion, and all were in favor.

ADJOURN - There being no further business to come before the Commission, Clifford Caviness moved that the meeting be adjourned. Lucia Deen seconded, and all were in favor.

Approved this 13th day of April 1999.


Lynn Etheridge, Chair