

Planning and Zoning Commission Meeting Minutes of October 24, 2017:

17-250Z Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Zone Approximately 3,821 Acres of Land to "AG" - Agricultural District, Generally Located in Areas Described as Being: Along and extending to the north and the south from the east-west section of FM 1461 from FM 2478 to East of CR 166 and extending to the north, south and east from and about Geren Trail; at and Around Stover Creek and the north-south section of CR 161 between US Highway 380 (University Drive) and CR 123 and extending along and from a portion of CR 124; at and Around the North side of US Highway 380 (University Drive) between Ridge Road and Lake Forest Drive; at and Around the Northeast Quadrant of Lake Forest Drive and Wilmeth Road Extending to the Western Boundary of Erwin Park and Extending as far North as CR 1006; at and Around the Northwest Quadrant of Hardin Boulevard and Wilmeth Road Extending to the North and West; at and Around CR 164 South and East of Erwin Park and at and Around CR 201 Extending to the Eastern Boundary of Erwin Park and Extending North to CR 1006; and Extending to the South from the Southern Boundary of the McKinney Municipal Utility District No. 1 of Collin County (Trinity Falls M.U.D.) and FM 543 and Along and Around Both the North-South Section and the East-West Section of CR 202 in a Southerly Direction to the City's Current Northern Corporate Boundary Extending in an Easterly Direction from CR 201 and CR 1200 and Extending to the East and West Along and Around Both Sides of Trinity Falls Parkway

Mr. Aaron Bloxham, Planner II for the City of McKinney, explained the proposed zoning request. He stated that Staff received an e-mail and letter in opposition to the zoning request was received after the agenda had been posted and that he placed a copy of those letters, a map of the locations where zoning signs had posted for this zoning

request, and the section of the Zoning Ordinance regarding the posting of zoning signs on the table for each Commission Member prior to the meeting. Mr. Bloxham stated that the City of McKinney is proposing to zone approximately 3,821 acres of land to “AG” – Agricultural District in association with a proposed annexation case (17-249A). He stated that the subject properties were generally located in the northwest sector of McKinney’s ETJ. Mr. Bloxham stated that, per City ordinances, properties that are annexed into the City’s corporate limits are required to be zoned. He stated that in order for the zoning request to be considered concurrently with the annexation request, a recommendation was needed by the Planning and Zoning Commission at this time. Mr. Bloxham stated that the intent of the proposed zoning was to match the existing uses on the properties. He stated that Staff recommends approval of the proposed zoning request. Mr. Bloxham stated that the recommendation of the Planning and Zoning Commission will be forwarded to City Council at the November 7th meeting for their consideration. He stated that there had been a lot of discussion regarding the proposed annexation; however, this request is only regarding the zoning of the properties. He offered to answer questions.

Commission Member McCall asked if the proposed properties were currently zoned. Mr. Bloxham stated that no properties in the Extraterritorial Jurisdiction (ETJ) are zoned.

Alternate Commission Member McReynolds asked why these parcels were being considered for annexations and why now. Mr. Bloxham stated that there were a number of Capital Improvement Projects (CIP) currently underway by the city that deal with extending roadways, sewer, and facilities being planned for that area. He stated that it relates to those areas having access to these types of infrastructure and facilities. Mr.

Bloxham stated that the City was trying to get ahead of it to protect the land uses and areas to be developed in conformance with the City's Comprehensive Plan over the long term.

Alternate Commission Member McReynolds asked if the properties need to be annexed prior to being zoned. Mr. Bloxham said yes, the properties would be annexed prior to be zoned.

Commission Member Kuykendall asked if this was traditionally how it was handled. Mr. Bloxham stated yes, and reiterated that the properties would not be zoned prior to being annexed. He stated that the annexation case would be presented to City Council prior to the zoning case.

Commission Member Kuykendall wanted to clarify that the Planning and Zoning Commission was considering a zoning case on property that is currently not part of the city limits. Mr. Bloxham stated that was correct.

Commission Member Kuykendall asked if City Council could alter the properties being annexed into the city. Mr. Bloxham said yes. He stated that only the properties that are annexed would be zoned to "AG" – Agricultural District. Ms. Jennifer Arnold, Planning Manager for the City of McKinney, stated that City Council could determine to annex less acreage than what is proposed. She stated that the proposed zoning would still be "AG" – Agricultural District regardless of if the area annexed was reduced in size. Ms. Arnold stated that if City Council decided to zone to another classification, then a new zoning case would be required.

Alternate Commission Member McReynolds asked if the Planning and Zoning Commission's recommendation on this zoning case could influence the City Council

regarding the annexation case. Ms. Arnold said no, the recommendation on the zoning request would not influence City Council's decision on whether or annex or not annex. She stated that zoning is required for any property within the city limits.

Commission Member Kuykendall asked if a zoning case typically comes to the Planning and Zoning Commission prior to the annexation of a property or if this was a special case. Ms. Arnold stated that this is how the City typically handles annexations, whether it is voluntary or involuntary. She stated that Staff tries to lineup the Planning and Zoning Commission recommendation regarding the zoning to allow for the annexation and zoning requests to go before City Council at the same meeting. Ms. Arnold reiterated that this was not an abnormal process.

Commission Member Cobbel stated that the Planning and Zoning Commission does not typically hear annexation cases. Ms. Arnold stated that was correct.

Vice-Chairman Mantzey stated that City Council will decide whether or not to annex the properties and whether or not to accept the Planning and Zoning Commission's recommendation to zone the properties. Ms. Arnold stated that was correct.

Commission Member McCall asked if this case could be tabled. Ms. Arnold stated that the Planning and Zoning Commission could take whatever action they feel is necessary; however, Staff does not recommend tabling the proposed zoning case.

Commission Member Cobbel asked if the property owners being considered for annexation had been offered development agreements. Mr. Bloxham said yes, in association with the annexation case. He stated that the property owners who have an agricultural (AG) exemption on their properties were offered an agreement. Mr. Bloxham

stated that City Council offered a three year tax reimbursement agreement to the property owners that did not have an agricultural (AG) exemption.

Commission Member Cobbel asked for the percentage of property owners that had signed the agreements. Mr. Bloxham stated that to date the number of executed agreements is not high. He stated that Staff had been talking with quite a bit of property owners in association with the development agreements.

Commission Member Cobbel asked if certain City services would be provided to property owners once they were annexed into the city limits. She also asked about the timeframe for the City to provide those services. Mr. Bloxham stated that is more related to the annexation case. He stated that we are only talking about zoning case before you tonight.

Commission Member Kuykendall stated that there was a meeting scheduled tomorrow regarding the annexation case. She expressed concerns about talking about something that City Council had not decided on yet and gave an example of putting the cart before the horse.

Commission Member Cobbel wanted to clarify that "AG" – Agricultural District was the only zoning district being proposed on these properties, which is a continuation of the current uses on the properties. Mr. Bloxham stated that was correct.

Commission Member Kuykendall stated that was with the assumption that they will be involuntarily annexed into the city limits. Mr. Bloxham said yes.

Commission Member Cobbel stated that City Council will make the final determination on the annexation and zoning cases. Mr. Bloxham stated that was correct.

Chairman Cox asked if there was language in the ordinance that allows certain leeway to the way that zoning signs could be posted on the property. Chairman Cox stated that the Commission has received several letters referring to the zoning signs not being posted appropriately. Mr. Bloxham stated that there is language in the ordinance that gives the Director of Planning discretion to see what is proposed meets the intent of the noticing requirements.

Chairman Cox asked if based upon the language in the ordinance if City was in compliance with the requirements of the ordinance. Mr. Bloxham said yes. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that Section 146-164 of the Zoning Ordinance outlines the posting requirements, size of the signs, location of the signs, distance between the signs, and when the signs should be posted prior to the public meeting. He stated that that section also gives the Director of Planning the authority to determine if the notice posted on the subject property met the intent of the ordinance requirements. Mr. Lockley stated that the signs that were posted for this zoning case did meet that section of the ordinance. He stated that this was not the first time that the City had used that provision to notice very large tracts of land, due to the number of signs and cost associated with them. Mr. Lockley stated that the City would continue to do so as larger properties were rezoned or annexed in the future.

Commission Member Cobbel asked if the map that was distributed earlier shows where the zoning signs were posted. Mr. Lockley said yes.

Commission Member Smith asked if Staff could point to where the property owners who wrote in complaints about the locations of the posted zoning signs were located. Mr.

Bloxham stated that they were located in areas 17-C and 17-K on the map and they pointed them out on the map displayed on the overhead projector at the meeting.

Commission Member Cobbel asked for clarification on the three year tax reimbursement. Mr. Bloxham stated that the property owners would pay the tax upfront and then they get reimbursed within the three year period.

Commission Member Smith asked for clarification of the posting of the zoning signs for this large area. Mr. Lockley stated that the Zoning Ordinance gives discretion to the Director of Planning to make the determination, in instances where there is very large tract of land that are being zoned, that instead of the notices being placed every 200', they could be spaced accordingly to the size of the property or area. He gave examples where the signs could be spaced every 500' or 1,000' apart.

Chairman Cox opened the public hearing and called for comments.

The following people turning in speaker cards in opposition to the zoning request; however, did not wish to speak.

- Mr. Don Bourland, 7729 County Road 202, McKinney, TX
- Ms. Lynn Cooper, 4692 County Road 164, McKinney, TX
- Ms. Brenda Bourland, 7720 County Road 202, McKinney, TX
- Mr. Billy Barbo, 4496 County Road 1006, McKinney, TX
- Mr. Joe Covington, 7532 County Road 202, McKinney, TX
- Ms. Shannon Blake, 800 County Road 1200, McKinney, TX

The following people spoke in opposition to the zoning request.

Ms. Beth Douglas, 15206 King of Spain, Dallas TX, stated that she was speaking on behalf of Mr. Charles Patmore who lives at 5000 County Road 164, McKinney, TX.

She stated that this zoning case should be tabled. Ms. Douglas stated that she read on the City's website that all zoning changes require zoning notification signs to be placed on the property within the specified timeframe per the Zoning Ordinance. She stated that failure to post the notification signs on the property by the close of business by the Tuesday prior to the Planning and Zoning Commission public hearing on that case shall result in the postponement of consideration if the applicant has not attempted to replace damaged or missing signs upon notification by Staff. Ms. Douglas stated that it later goes on to say that incomplete submittals could not be accepted. She stated that if a developer is required to properly notify the area being rezoned, then the City should also be held by the same standards. She stated that every property is required to have a notification sign placed on the property. Ms. Douglas stated that the signs were required to be 200' apart. She stated that property owners within 200' of the subject property have to be noticed at least 10 days prior to the meeting. Ms. Douglas stated that to her knowledge some properties do not meet this requirement. She requested that the proposed zoning case be tabled until proper notification has been placed on the properties. Ms. Douglas stated that the citizens of McKinney and the property owners being zoned deserve to be properly notified. She stated that properties in the county cannot be zoned by a city. Ms. Douglas stated that during the September 12, 2017 Planning and Zoning Commission meeting the Director of Planning recommended tabling an item due to proper notices had not been placed on the subject property. She stated that Planning and Zoning Commission unanimously agreed. Ms. Douglas stated that they expect the City to be held to the same standard.

Mr. Charles Patmore, 5000 County Road 164, McKinney, TX, stated that he believed that the property owners had been improperly notified of the zoning change. He stated that it was very confusing to him why the zoning was being discussed at the Planning and Zoning Commission meeting when the property has yet to be annexed into the city limits. Mr. Patmore stated that the City seems to be scrambling to correct a mistake made during their haste to annex the properties. He stated that it was his understanding that the City could not zone properties that were outside of their city limits.

Mr. Chris Cooper, 4692 County Road 164, McKinney, TX, stated that he concurred with Ms. Douglas's comments. He stated that if a developer was required to properly notify the area being rezoned, then the City should also be held to the same standard. Mr. Cooper stated that every property was required to have a notification sign placed on the property. He stated that the signs were required to be 200' apart. Mr. Cooper stated that property owners within 200' of the subject property have to be notified at least 10 days prior to the meeting for that case. He stated that he had one sign at the edge of his property by a tree line. Mr. Cooper stated that there was over 600' of frontage on his property, so he felt there were some missing signs on his property. He stated that the signs were not visible from public right-of-way. Mr. Cooper stated that the signs on his property were approximately 50' from the edge of the road. He requested that the proposed zoning request be tabled until the property notification signs be placed on his property. Mr. Cooper stated that the citizens of McKinney deserve to be properly notified as well as the property owners being zoned. He stated that property in the county could not be zoned by a City. Mr. Cooper stated that he expects the City to be held to the same standard.

Mr. Bernd Fitzau, 6551 County Road 161, McKinney, TX, stated that the proposed zoning request was for the 3,821 acres being considered for annexation. He stated that he did not have a notification sign on his property. Mr. Fitzau stated that he did not think that his neighbor had a notification sign on their property either. He stated that on County Road 164 and County Road 201 there were stretches where there were no notification signs posted. Mr. Fitzau stated that he read on-line that tracts of land with frontage right-of-way greater than 250' that an additional sign should be posted so that no sign is greater than 200' apart. He stated that he did not find any leeway for the Director of Planning to change that requirement. Mr. Fitzau stated that he thought the only leeway the Director of Planning had was to change the verbiage on the signs.

Ms. Beverly Covington, 9532 County Road 202, McKinney, TX, stated that she and her family have lived on this property for 46 years. She stated that they have an agricultural (AG) exemption as well as a homestead exemption on the property. Ms. Covington stated that she opposed the forced annexation of their five acres that is coming before City Council in November. She stated that their property only qualifies to be taken into the city limits as part of the isolated section in the extraterritorial jurisdiction (ETJ). Ms. Covington stated that she understands the difference between the agricultural use exemption on their property from the County and the "AG" – Agricultural District zoning by the City. She stated that the Commissions service is appreciated. She stated that she felt the zoning request should be scheduled after the annexation ordinance was approved, since you cannot legally zone property outside of the city limits. Ms. Covington stated that they had been told that the annexation would not occur until the November 15th City Council meeting, not on November 7th as they were originally notified. She

requested that the Commission make a motion that this zoning request not be scheduled until the November 15th City Council meeting allowing Staff additional time to make sure that all legalities and procedures for public notices, notifications to surrounding property owners, correct descriptions of the properties with metes and bounds, county road descriptions on both sides of the road, and legal zoning signs were placed on the properties. Ms. Covington stated that no sign was posted on the property that has a frontage of 466.7'. She stated that she was proud of the attitude and words spoken by the property owners in the extraterritorial jurisdiction (ETJ). Ms. Covington stated that they speak passionately on this item, since the annexation threatens the lifestyle that they have chosen. She stated that it would mean the loss of control in the way they live their lives. Ms. Covington requested more time to allow them to work with Staff and the City Council to resolve this issue. She stated that she did not object to the suggested zoning for the property. Ms. Covington stated that she was opposed to the forced and rushed annexation of their property before SB6 takes effect on December 1, 2017.

Ms. Tamlynn Clyde, 6919 County Road 123, McKinney, TX, stated that she received notice that the City of McKinney intends to annex her property. She stated that she understands that the property anticipated to be annexed has to receive a zoning designation and that there were laws and procedures regarding zoning and rezoning of properties. Ms. Clyde stated that according to the City of McKinney's Code of Ordinances Section 146-164 zoning change signs must be posted on the affected property no later than seven days before a Planning and Zoning Commission meeting for the case. She stated that as of today no zoning signs had been posted on her property. Ms. Clyde requested that the proposed zoning request be tabled due to failure to post signs at least

seven days prior to this public hearing. She stated that she sent an e-mail pointing out these facts to some of the Commission Members. Ms. Clyde stated that she appreciated receiving a response from Mr. Lockley today acknowledging the sign ordinance and pointing out that the Director of Planning has the authority to determine if the notice posting on the subject property met the intent of the requirements contained in the ordinance. She stated that he explained that in cases with several widely spaced, large tracts of land are being zoned or rezoned it was not uncommon for the City of McKinney's Director of Planning to approve signs posted sporadically through a zoning area rather than on each individual property. Ms. Clyde stated that large tracts of land was highly subjective and relative. She stated that her property has approximately 400' of frontage on a public right-of-way. Ms. Clyde stated that according to the City's ordinances it should have two signs posted on it instead on none. She stated that she disagreed that the City could post a zoning sign on her neighbor's property and assume that sign applies to her property. Ms. Clyde gave an example that nobody would see a for sale sign on a property and assume that the property next door was also for sale. She asked the Commission Members to consider the precedent that could be setting for developers and others that have an interest in rezoning. Ms. Clyde asked what the point was in having signage laws if the City was not obliged to follow them. She stated that according to the City of McKinney Comprehensive Plan for Future Land Use most of this area was designated as suburban mix, including some commercial uses. Ms. Clyde requested that the proposed zoning request be tabled. Chairman Cox stated that Staff distributed Ms. Clyde's e-mail to the Commission prior to the meeting.

Mr. Jason Blake, 800 County Road 1200, McKinney, TX, stated that there were numerous properties that did not have zoning signs on their properties and he mentioned several of them, including his property. He stated that the nearest sign to his property was more than 200' away. Mr. Blake gave examples of where signs had been posted and the distance between them. He requested that the proposed zoning request be tabled until the property notification signs have been placed on all properties. Mr. Blake stated that the citizens of McKinney deserve to be properly notified and well as the property owners who are being rezoned.

Mr. Rhett Preston, 5702 Four Seasons Lane, McKinney, TX, stated that the proposed annexation covers a wide amount of area and other school districts. He stated that there are 14 houses in his neighborhood and none of them have zoning signs on them. Mr. Preston stated that their neighborhood fronts Farmer Market 1461 and there were no notices in front of their entire neighborhood. He stated that the City claims that they can do the annexation since the law allows them to do it up to 99 houses. Mr. Preston stated that if the Commission tabled an item at a meeting last month due to improper notification signs, then he feels that the proposed rezoning request should also be tabled. He asked if every property was required to have a zoning sign posted on it. Mr. Preston asked if the property owners have to be notified. He stated that he was not notified of this meeting.

Ms. Dalana Squires, 6762 County Road 202, McKinney, TX, stated that she did not have a sign in front of her property, nor did her neighbor. She requested that the proposed zoning be tabled. Ms. Squires stated that she was opposed to the forced annexation. She stated that they were not ready to sign away their rights.

Chairman Cox stated that the letter distributed to the Commission Members prior to the meeting was from Katherine Lynn and Christopher B. Cooper. He stated that they requested that the proposed zoning case be tabled due to public notification signs not being properly posted on their property.

On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0.

Commission Members Cobbel and Kuykendall asked about the noticing for the proposed rezoning request. Commission Member Cobbel asked if any notices were returned in the mail undeliverable. Ms. Arnold stated that she was not sure if any notices were returned in the mail. She stated that per City ordinance the City was not required to notify the property owners of a zoning change, since typically a property owner that was requesting a zoning change already knows about it. Ms. Arnold stated that Staff notified the property owners affected by the zoning and the property owners within 200' of these properties for this case. Ms. Arnold stated that the postcards were mailed on Friday, October 13th.

Commission Member Kuykendall asked for clarification on the posting of the zoning signs on properties. Mr. Lockley stated that there were two sections of the Zoning Ordinance being cited for the posting of the zoning signs. He stated that Section 146-164 2c1 states that the Director of Planning has the authority to determine if the notice posted on the subject property met the intent of the requirements contained therein. Mr. Lockley stated that it is not unusual for the Director of Planning to use discretion when considering the posting of zoning signs for projects that extend across an extremely large

area. He stated that this discretion has been used in the past on voluntary and involuntary requests. He stated that in order to meet the requirements of the Zoning Ordinance, any company posting and maintaining the signs must submit an affidavit that they posted the requested signs by the timeframe required. Mr. Lockley stated that Staff did verify that the requested signs had been posted at the locations determined by Staff. He stated that the map that was distributed prior to the meeting shows where each sign was posted. Mr. Lockley stated that Staff did receive confirmation that the signs were posted within the seven day period. He stated that Staff had gone out twice to verify that the signs were posted and had taken photographs of them to ensure that the signs were still up. Ms. Arnold stated that no zoning signs were required on private streets by any applicant. She stated that the signs were only required on public streets.

Alternate Commission Member McReynolds stated that he was not in favor of annexation in general. Alternate Commission Member McReynolds stated that he did not think that the City had to annex the properties to do whatever infrastructure changes that they need to make to it. He stated that was not what was being considered at this meeting. Alternate Commission Member McReynolds stated that given that City Council had not even voted on annexing the properties, he did not see it necessary for the Planning and Zoning Commission to make a recommendation on the proposed zoning request just in case they do vote to annex the properties. He felt that City Council should annex the properties first and then have the zoning request come before the Planning and Zoning Commission for a recommendation. Alternate Commission Member McReynolds suggested that City Council hammer out all of the details of the annexation first. He stated that he understood that this was the normal way to do it; however, he just

heard of a dozen people that were not thrilled with the normal way of doing it. Alternate Commission Member McReynolds stated that he would be in favor of tabling the proposed zoning request until after City Council makes a decision on the annexation of the properties. Ms. Arnold stated that it was not just a standard practice for Staff to run these item concurrently, it was also a requirement in the City's ordinance. She stated that Chapter 146 of the Zoning Ordinance does state that all property in the process of being annexed into the city limits shall be concurrently considered for a permanent zoning classification. Ms. Arnold stated that concurrent consideration was one of the reasons that Staff came before the Planning and Zoning Commission for that recommendation in advance of the properties actually being considered for annexation into the city.

Commission Member Kuykendall stated that she had a jurisdictional issue with the process. She stated that she felt she was being asked something that was out of her jurisdiction, since it was not currently in McKinney's city limits. Commission Member Kuykendall stated that she understood that City Council would be deciding one way or the other. She stated that there were still annexation meetings happening, so there was a lot of things that could happen between now and when it is ultimately decided upon by City Council. Commission Member Kuykendall stated that City Council would be looking at the Planning and Zoning Commission's recommendation on this zoning request. Ms. Arnold stated that the only changes that would be made on the final determination of annexation would be the area and not necessarily the proposed zoning district. Commission Member Kuykendall stated that she understood that it was unlikely that the Commission would want to make a different decision. She stated that there was a slight possibility. Commission Member Kuykendall stated that she has concerns. She stated

that the Commission was being asked to make decisions outside of their jurisdiction. Commission Member Kuykendall stated that things could still change and the Commission would not be able to make a new recommendation based upon those changes. Mr. Lockley read Section 146-37 A of the Zoning Ordinance. He stated that all property in the process of annexation into the City shall be concurrently considered for a permanent zoning classification. Planning and Zoning Commission shall be advised by City Staff regarding the proposed annexation and may at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract of land to be annexed and make a recommendation to the City Council, so that the City Council may act on the matter of annexation and permanent zoning at the same time. Mr. Lockley stated that the Commission would be acting consistently, by the Commission taking action, with the annexation process that is currently underway. He stated that he did not want the Commission to feel that they were stepping out of bounds or acting in a manner that is contrary to the Zoning Ordinance or the direction of City Council.

Commission Member Kuykendall stated that since it says “may” and not “shall”, she feels that the Commission has an option as to when they can consider and make a recommendation on the zoning for the property. She asked if City Council decides to move forward with the annexation if there was a grace period for the property to be zoned at a later date. Ms. Arnold stated that her interruption was no. She stated that if the Commission made a decision to table the proposed rezoning request at this meeting then it would need to come back before the Commission for a recommendation prior to going to City Council. Ms. Arnold stated that City Council could approve the annexation and not be able to act upon the zoning that is related to it. Mr. Lockley stated that if City

Council chooses to not to act upon the annexation at their meeting then the zoning request would also not be acted upon.

Alternate Commission Member McReynolds stated that there was an opportunity for this item to come back before the Commission prior to the City Council meeting. He stated that he would be more comfortable with the properties being annexed prior to making a recommendation for the associated zoning.

Commission Member McCall stated that the Commission could also recommend denial of the proposed zoning request. He stated that the City Council would then vote on the request as they see fit. Commission Member McCall stated that the City was growing in that direction. He stated that he did not like the forced, rushed annexation. Commission Member McCall questioned who really wanted zoning signs in their front yard. He stated that the property owners have heard about the proposed zoning request coming to this meeting, since they are present at the meeting. Commission Member McCall stated that he cannot vote for this request. Ms. Arnold stated that whatever recommendation that comes for the Commission it would be forwarded to City Council.

Alternate Commission Member McReynolds stated that everyone is for growth. He stated that the Commission meets about every two weeks. Alternate Commission Member asked why the request could not be tabled indefinitely until after City Council decides exactly what is being annexed into the city. Ms. Arnold stated that City Council would not be able to act upon the zoning at the same time as they consider the annexation request.

Commission Member Smith stated that she had followed the annexation proceedings, so she had not heard anything new at this meeting. She stated that she

understood the resident's concerns over minimalist postings, but that there were some discretion allowed there. Commission Member Smith stated that she was not aware of the discretion allowed there either. She stated that she understands about the rushed annexation. Commission Member Smith stated that she had served on other governing bodies and this was not her first exposure to annexation. She stated that she was generally not favorable to a forced annexation. Commission Member Smith stated that she was not in favor of the proposed zoning request. She stated that the Commission was not zoning anything at this meeting that they were just offering up a recommendation.

Chairman Cox stated that he agreed with the recommendation by Staff. He stated that the notification was within the City's rights. Chairman Cox stated that a zoning case before the Commission and while there were other issues related to this. He reiterated that the question before the Commission was the zoning of the properties. Chairman Cox stated that he appreciated the public comments.

On a motion by Alternate Commission Member McReynolds, seconded by Commission Member Kuykendall, the Commission voted to table the item indefinitely, with a vote of 3-4-0. The motion failed. Chairman Cox, Vice-Chairman Mantzey, Commission Member Cobbel, and Commission Member McCall voted against the motion.

On a motion by Vice-Chairman Mantzey, seconded by Chairman Cox, the Commission voted to recommend approval of the proposed zoning request as recommended by Staff, with a vote of 3-4-0. The motion failed. Commission Members Kuykendall, Smith, McCall, and McReynolds – Alternate voted against the motion.

On a motion by Commission Member McCall, seconded by Commission Member Smith, the Commission voted to recommend denial of the proposed zoning request, with

a vote of 4-3-0. The motion passed. Chairman Cox, Vice-Chairman Mantzey, and Commission Member Cobbel voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 7, 2017; however, Staff would be requesting that the item be tabled to the November 15, 2017 City Council meeting.