

**PLANNING AND ZONING COMMISSION MEETING  
JUNE 25, 2014**

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF THE CITY OF OVERTON, TEXAS THAT WAS HELD ON **JUNE 25, 2014** AT 6:00 PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

**PRESENT:**

Kim Cox  
Skipper Honeycutt  
Robert Raney

**ABSENT:**

Karen Casey

Also in attendance were C. R. Evans Jr., Mayor ,Charles Cunningham, City Manager, Rachél Gafford, City Secretary and Sharon Adams, Administrative Assistant representing staff, Joe Jones, representing Kilgore News Herald, Thomas Gipson and Pastor Michael Carmen Matlock representing the applicants, Lawrence Davis, J. M. Jones, Jean Beth & Jim Hamblen, Gail Gipson, Heath & Deana Knox, , Kay Spencer, Miguel A. Villalobos, Mike and Brenda Ammons, Barbara Sensing, Shera and Ron Duncan, Stephen Knox and Claude Knox.

The meeting was called to order by Rachel Gafford, City Secretary at 6:05 P.M.

The invocation was given by Mayor C. R. Evans Jr.

The Pledge of Allegiance was led by Commissioner Cox.

**ITEM 1.** Letter of Resignation from C. R. Evans, Jr. was accepted by the Commission

**ITEM 2.** Letter of Resignation from Tina Wood was accepted by the Commission

**ITEM 3.** Mayor C. R. Evans, Jr. administered and witnessed the Statement of Appointed Official and the Oath Of Office of the following Planning And Zoning Commissioners:  
Kim Cox, Robert Raney, Dudley Hickman and Skipper Honeycutt

**ITEM 4.** Commissioner Honeycutt nominated Commissioner Raney to serve as Chairperson, the nomination was seconded by Commissioner Cox nomination carried 4 – 0.

*(Please note: at the time this nomination took place Commissioner Raney was not the chairperson and his vote counted toward this nomination; however, City Secretary never called for a vote for the chairperson).*

**ITEM 5.** Chairperson Raney nominated Commissioner Honeycutt to serve as Vice-Chairperson, the nomination was seconded by Commissioner Cox nomination carried 3 – 0.

*(Please note: at the time this nomination took place Commissioner Raney was not the chairperson and his vote counted toward this nomination; however, City Secretary never called for a vote for the vice-chairperson).*

- ITEM 6.** City Secretary Gafford presented and explained Ordinance Number 2014-06-019A adopted by the City Council on June 19, 2014 to re-establish the Planning and Zoning Commission which was not included in the Code of Ordinance revision adopted in 2002.

No action required

- ITEM 7.** City Secretary Gafford presented and explained the New Expiration Terms for the appointed commissioners.

No action required

- ITEM 8.** Consider and take appropriate action regarding approval of the following items:

- a. March 13, 2014 Commission Meeting Minutes

Commissioner Cox moved to approve the March 13, 2014 Planning and Zoning Commission Meeting Minutes as written with no corrections. Commissioner Hickman seconded the motion, motion carried 3-0.

#### **PUBLIC HEARING ITEMS**

- ITEM 9.** **TV2014-03** Commission to hear and make a recommendation to City Council regarding Temporary Variance Application 2014-03—Thomas Gipson's request, on behalf of Pastor Mike Matlock and Bible Baptist Church, for a Temporary Variance to the City of Overton zoning Ordinance Sections 6 and 8, District Regulations. Specifically, the applicant is seeking a variance to establish a manufactured housing lot in a Single Family (SF) Zoning District. The subject property is an approximate 7.720 acre tract of land being legally described as All of Block 7, Warren Addition, City of Overton, and Rusk County, Texas and is more commonly referred to as 901 East Henderson Street, Overton, Texas.

***Commissioner Hickman recused himself from the meeting.***

City Secretary Gafford presented staff report to the Commissioners. Gafford called the Commissioners attention to the email correspondence from both Blake Thompson, Legal Counsel for the City of Overton, and Scott Houston, Legal Counsel from Texas Municipal League (Attachments 2 and 3) concerning the legality of moving forward with a Temporary Variance for the above referenced case and that staff was advised that neither the Planning and Zoning Commission nor City Council currently have the authority to legally grant a request for a Temporary Variance to allow for a manufactured home in a Single Family Residential Zoning (SF) District (based on the existing ordinance in place for the City of Overton). Blake Thompson, Legal Counsel for the City of Overton, recommended that application number TV2014-03 be tabled until a date after when the Zoning Ordinance could be revised and properly adopted by the City.

Applicant Thomas Gipson addressed the Commission requesting that Commission proceed with the variance request stating that the City has been hearing and granting these types of variance requests in the past and that neither the citizens of Overton, Pastor Matlock nor the members of

the Bible Baptist Church should be penalized for the City not having the correct ordinances in place to legally grant these variances. The pastor and the church would experience a great hardship by not being allowed to move the Matlock's manufactured home from its current location in Chandler, Texas to Overton which would be both closer to the Pastor's day job as well as his church which would enable him to be more accessible to the church members and offer a Wednesday evening service in addition to the current Sunday service.

Heath Knox, 502 Warren Street, stated that he was in support of the presentation given by Brother Gipson.

Ron Duncan, 104 Goforth Street, stated that the City of Overton has been allowing mobile homes to be moved into the City since the 1960's and did not see why the City would have a problem with this type of variance request now.

Jean Beth Hamblen, 712 E Henderson, stated that she was neutral to the request; however, it is important that the City does adopt ordinances and correct the issues so that the City could address the issues in Overton where residents are not keeping their property neat and orderly. Mrs. Hamblen stated that Overton used to be (when she grew up here and prior to moving away for many years of her adult/married life) a very beautiful, clean and nice community. However, after having moved back home she has been very disappointed that the City has become a place where people no longer take pride in keeping the town clean, or taking care of their property or residences. "I am too old and too tired to continue picking up other people's trash and tired of looking at run down and dangerous structures and would like the City to adopt some ordinances that would prevent the further decay of the City's overall appearance.", she said.

**Acting Chairperson Raney stated that he read the attorney's legal opinion; and although he did agree that the City does need to revise the City Ordinances to allow for the proper method for allowing for such types of variance request; he did not agree that the City should table the variance request until the City Ordinances could be revised. He stated that there is no reason for the City not to proceed with the current method of granting Temporary Variances for citizens to move their manufactured homes into the City. Chairperson Raney further stated that he would entertain a motion to recommend approval of the variance request to City Council.**

**Vice-Chairperson Honeycutt stated that he agreed with Chairperson Raney and made a motion to recommend approval of Temporary Variance Application 2014-03—Bible Baptist Church, for a Temporary Variance to establish Thomas Gipson's request, on behalf of Pastor Mike Matlock and Bible a manufactured housing lot in a Single Family (SF) Zoning District.**

**Acting Chairperson Raney asked the Commission if he could have a second to the motion on the floor.**

**No response was made by the Commission.**

**Acting Chairperson Raney stated that the motion not having been seconded, that the item would have to be tabled.**

***Commissioner Hickman returned to the meeting.***

**ITEM 10.** City Secretary Gafford presented the proposed 2014 Planning and Zoning Commission Meeting Calendar to the Commission requesting that the Commission meet on the first Tuesday of every month.

**Commissioner Cox made a motion to accept the proposed 2014 Meeting Calendar. Commissioner Hickman seconded the motion, the motion carried 3-0.**

**ITEM 11.** City Secretary Gafford presented staff memorandum concerning Open Government Training and instructions to the Commissioners, requesting that each Commissioner complete both the Public Information Act and Open Meetings Act training online within the next thirty (30) days and return the completion certificates to the City Secretary's office.

No action required

**ITEM 12.** City Secretary Gafford explained the "Affidavit of Conflict of Interest" form and when the Commissioners are required to complete form and submit it to the City Secretary prior to the meeting starting.

No action required

**ITEM 13.** City Secretary Gafford presented the Commissioners with a copy of the current City Of Overton's Zoning Ordinance, Subdivision Ordinance, and a copy of Texas Local Government Code Chapter 211 Municipal Zoning Authority.

No action required

**ITEM 14.** City Secretary Gafford presented the Commissioners with an example Zoning Ordinance from another General Law A cities to review for ideas toward revising the City of Overton's current Zoning Ordinance.

No action required

**ITEM 15. ADJOURNMENT**

**Acting Chairperson Raney made a motion to adjourn the meeting at 7:05 P. M. Commissioner Cox seconded the motion, motion carried 3-0.**

Minutes submitted and approved as corrected this 30<sup>th</sup> day of June, 2014.

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Robert Raney, Acting Chairperson

Attested by:

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Rachél Gafford, City Secretary

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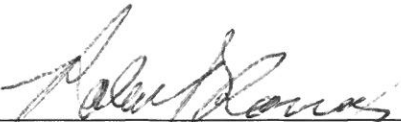
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Robert Raney, Acting Chairperson

Attested by:

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Rachél Gafford, City Secretary