MINUTES
OF THE
KEENE PLANNING AND ZONING
Wednesday, February 13, 2019

Present: Chairman Karl Konrad, Royce Spalding, and Phillip Jackson
Absent: Melba Bower and Billie Hopps

1. The invocation and Pledge of Allegiance was led by Karl Konrad.

2. Public Comments.

No Comments.


Phillip Jackson made a motion to approve the minutes dated September 24, 2018. Seconded by Royce Spalding. The motion carried unanimously, 3-0-0.

4. PUBLIC HEARING: Consideration and possible action to amend the text §157.457 Repairs/Normal Maintenance on Non-Conforming Uses Permitted. The current text reads: Repairs not to exceed 75% of the total appraised value of the building as determined by the last valuation role by the County Appraisal District and normal maintenance may be made to a non-conforming building. Change to be considered: Repairs not to exceed 100%.

Chairman Konrad opened the public hearing at 6:05 pm.

Phillip Jackson asked staff for more information as to why this request is coming forward.

Don Martin stated that three weeks ago, the appraiser for 222 Fireside Village Drive contacted staff regarding zoning and the applied non-conforming use. The current structure doesn’t meet the current zoning requirements of Single Family 3. The appraiser went to the lending company and the realtor with the information for the sale of the property. The lending company denied the loan due to the current ordinance. The current ordinance states that if anything happens to the structure, it can only be rebuilt up to 75% due to its non-conforming status without a waiver or variance from Council. Staff’s recommendation to the applicant was for them to apply for a variance or waiver which can take up to six weeks due to the notifications that have to go out and the public notice for both Planning and Zoning and Council. The applicant did not want to go through all of that and called upper management and Council for additional solutions. It was recommended to change the text in the ordinance to 100%.
Phillip Jackson asked for clarification as to why the structure is non-conforming.

Karl Konrad added that the structures on Fireside Village are at least thirty years old.

Phillip Jackson stated that 80% of the structures in Keene are non-conforming based on the information given.

Don Martin stated that the property in question was built in 1983. The current zoning of the property was rezoned in 2009. The structures were built before the zoning change. In 2009 the zoning of Single Family 3 was given to this area for future construction. For the structure to conform to the zoning, a zoning change would need to be made to Garden/Patio Zoning. Staff believes that by changing the text could influence the rest of the city. The lending company is wanting some assurance that if something happens to the structure, it can be re-built 100% back since they are lending money for 100%.

Robert Cooper stated that the applicant should apply for a variance instead of changing the text which was written for a reason.

Chairman Konrad closed the public hearing at 6:20 pm.

5. Discuss and make a recommendation regarding an amendment to the text §157.457 Repairs/Normal Maintenance on Non-Conforming Uses Permitted.

Phillip Jackson made a motion to recommend an amendment to the text §157.457 Repairs/Normal Maintenance on Non-Conforming Uses Permitted stating that repairs not to exceed 100%. Seconded by Royce Spalding. The motion carried unanimously, 3-0-0.


Don Martin updated the Commission on the Palladium project. Currently the project is on target and is currently waiting to hear back whether they made the cut for the funding. Staff is waiting on conceptual drawings for the development.

7. Staff Reports.

Don Martin updated Council on the emergency sewer repair on Oakwood. Shady Oak should be complete by February 20th. Mayor Heinrich and Councilman Belz has been volunteering to help with potholes along with Public Works. The City has a maintenance contract with Westhill Construction to repair CR 805 and Hillcrest.

8. Commission requests for future items on the agenda.

No requests.
9. Adjournment. The Commission adjourned at 6:37 PM.

X Karl Konrad
Karl Konrad
Chairman

ATTEST:

X Holly Owens
Holly Owens
City Secretary, T.R.M.C.