

## PLANNING AND ZONING COMMISSION

### NOTICE OF MEETING

Notice is hereby given that the Planning and Zoning Commission will meet at 4:00 p.m. on July 25, 2018 at City Hall, 301 16<sup>th</sup> Street, in the Commission Chambers, Second Floor. Agenda items will be as follows:

- (1) Call to Order.
- (2) Approval of Minutes from the May 14, 2018 meeting.
- (3) Discuss Comprehensive Plan with Representatives from Freese and Nichols, Inc.
- (4) Discussion on Ordinance No. 1083, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Amending Table 1-1, Summary Use Chart to Add Shelter as an Allowed Use in RC-1, RC-2, I-1, I-2, and PD Zoning Districts; Amending Section A.02 Terms to Add Shelter.
- (5) Discussion on Ordinance No. 1084, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 155, Subdivisions, by Adding Section 155.09 Abandonment of Public Right-of-Way.
- (6) Adjourn.

I certify that the above Notice of Meeting was posted on the bulletin board of the Civic Complex of the City of Canyon, Texas on the 20<sup>th</sup> Day of July, 2018.

*Gretchen Mercer*

City Clerk

City of Canyon

Planning and Zoning Commission Meeting  
Minutes – May 14, 2018

The Planning and Zoning Commission of the City of Canyon met in regular session at 4:00 pm in the City Commission Chambers of the Civic Complex. Chairman Bill Craddock presided over the meeting with the following Commissioners in attendance: Larry Ramaekers, Bobbie Jo Krutsch, Jon Davis, Charles Munger, Kevin Luetkahans, Laurie Sharp, and Leesa Wood Calvi. Commissioner John Pletcher was unable to attend.

Also present were the following City Staff: Assistant City Manager Chris Sharp, Assistant City Manager for Special Projects Jon Behrens, and Director of Planning and Development Danny Cornelius. City Commissioners Paul Lyons and Cody Jones were in attendance.

Item 1: Call to Order.

Chairman Craddock called the meeting to order at 4:00 pm.

Item 2: Approval of Minutes from the April 9, 2018 Meeting.

Commissioner Krutsch moved, duly seconded by Commissioner Sharp, to approve the minutes from the April 9, 2018 meeting. The motion passed unanimously.

Item 3: Conduct a Public Hearing and Consider and Take Appropriate Action on Rezoning 1 Hunsley Hills Blvd to RC-2 (Commercial District) from RC-1 (Retail District).

Jonathan Lair submitted a request to rezone 1 Hunsley Hills Blvd from RC-1 (Retail District) to RC-2 (Commercial District). The proposed use is a Massage Therapy Spa. A Massage Therapy Spa is not allowed in the RC-1 District. It would be allowed by a Specific Use Permit in the RC-2 District. Letters were sent to twelve property owners within 200 feet of the property. Six responses were received in opposition to the request.

Chairman Craddock opened the public hearing at 4:02 pm. There being no comment, Chairman Craddock closed the public hearing.

After discussion, Commissioner Krutsch moved, duly seconded by Commissioner Munger, to recommend approval of the zoning. The motion passed unanimously.

Item 4: Conduct a Public Hearing and Consider and Take Appropriate Action on a Specific Use Permit Request to Operate a Massage Therapy Establishment at 1 Hunsley Hills Blvd, Suite 1.

Nicole Ash submitted a Specific Use Permit request to operate a Massage Therapy establishment at 1 Hunsley Hills Blvd, Suite 1. The Summary Use Chart of the Zoning Ordinance allows Massage Therapy establishments in the RC-2 Zoning District by Specific Use Permit only. Letters were sent to twelve property owners within 200 feet. Five responses were received with one supporting and four opposing the request.

Chairman Craddock opened the public hearing at 4:10 pm. Nicole Ash discussed her plan with the Commission. She currently operates a business in Amarillo and 90% of her clients are in Canyon.

After discussion, Commissioner Krutsch moved, duly seconded by Commissioner Luetkahans, to recommend approval of the Specific Use Permit. The motion passed unanimously.

Item 5: Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1082, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Adding Section 5.15 Recreational Vehicles.

The Commission considered an ordinance to amend the Zoning Code to state that Recreational Vehicles may only be used for human habitation if located within a travel trailer park operating in accordance with the Zoning Code and Chapter 154 (Mobile and Modular Homes; Vacation Trailer Parks)

Chairman Craddock opened the public hearing at 4:16 pm. There being no comment, Chairman Craddock closed the public hearing.

After discussion, Commissioner Davis moved, duly seconded by Commissioner Calvi, to recommend approval of Ordinance No. 1082. The motion passed unanimously.

Item 6: Conduct a Public Hearing and Consider and Take Appropriate Action on Ordinance No. 1083, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Amending Table 1-1, Summary Use Chart to Add Shelter as an Allowed Use in RC-1, RC-2, I-1, I-2, and PD Zoning Districts; Amending Section A.02 Terms to Add Shelter.

The Commission considered an ordinance to add the use "Shelter" to Table 1-1, Summary Use Chart of the Zoning Code. The ordinance would also add the definition of Shelter to Terms. Shelters would be allowed in the RC-1, RC-2, I-1, I-2, and PD Districts. Shelter would be defined as "an organization providing temporary (3 days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons".

Chairman Craddock opened the public hearing at 4:22 pm. Teena Hall, Homeless Coordinator for the Veterans Administration, addressed the Commission. She commended the City for being proactive and predicted some of the homeless population in Amarillo may migrate to Canyon. Chairman Craddock closed the public hearing at 4:30 pm.

The Commission discussed the definition of Shelter. The ordinance defines Shelters as providing temporary boarding for 3 days or less. There were concerns regarding the ability of a Shelter to operate under those restrictions. The issue was tabled and staff was directed to study the issue further.

Item 7: Conduct a Public Hearing and Consider and Take Appropriate Action Ordinance No 1084, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 155, Subdivisions, by Adding Section 155.09 Abandonment of Public Right-of-Way.

The Commission considered an ordinance, similar to a City of Amarillo's, regarding abandonment of public right-of-way. Occasionally a land owner will request that a street or alley right-of-way be abandoned and deeded to the adjacent property owner(s). The process typically happens in cases where the street or alley has been dedicated by plat but has never been constructed or used.

In the past, the owner(s) would submit a letter requesting the abandonment. City staff would contact the various utility providers to determine if they have any objection or would need easements once the right-of-way was abandoned. The request would be presented to the City

Commission and, if approved, a quit-claim deed would be prepared by the City Attorney and filed with the Randall County Clerk's office. This would take place without any consideration by the Planning and Zoning Commission and without any application fees or compensation to the City by the property owners.

The Ordinance No. 1084 would require the applicant to submit an application, an application fee, and an appraisal of fair market value prepared by a Texas licensed real estate appraiser prepared within the past 3 months.

Chairman Craddock opened the public hearing at 4:50 pm. There being no comment, Chairman Craddock closed the public hearing.

After discussion, Commissioner Munger moved, duly seconded by Commissioner Luetkahans to recommend approval of Ordinance No. 1084, with a correction to a typographical error on the application fee. The fee will be \$250. The motion passed unanimously.

Item 8: Adjourn.

Chairman Craddock adjourned the meeting at 4:53 pm.

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Bill Craddock, Chairman  
Planning and Zoning Commission

ATTEST:

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Gretchen Mercer, City Clerk

## AGENDA

To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Planning and Development  
Date: July 2, 2018  
Re: Discuss Comprehensive Plan with Representatives from Freese and Nichols, LLC.

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The City contracted with Freese and Nichols, LLC. to update the Comprehensive Plan, which was last updated in 1996. During the past year, Freese and Nichols has worked with staff, led by Jon Behrens, and the Comprehensive Plan Advisory Committee (CPAC) to develop the 2018 Comprehensive Plan. Though it's not a regulatory document, the plan acts as a guide, providing goals, strategies and actions for community development. For example, we'll consult the Future Land Use Plan portion of the document as we discuss zoning changes.

Representatives of Freese and Nichols will be here to present the plan. As directed by the Planning and Zoning Commission, staff will schedule a public hearing to consider making a formal recommendation to the City Commission.

## AGENDA

To: Planning and Zoning Commission

From: Danny Cornelius, Director of Planning and Development

Date: July 2, 2018

Re: Discussion on Ordinance No. 1083, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 156, Zoning Code, by Amending Table 1-1, Summary Use Chart to Add Shelter as an Allowed Use in RC-1, RC-2, I-1, I-2, and PD Zoning Districts; Amending Section A.02 Terms to Add Shelter.

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We discussed this at our last meeting. The Summary Use Chart of the Zoning Ordinance does not list Shelter as an allowed use. This ordinance would add the use and definition.

“Shelter” would be defined as an organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons. This ordinance would add the use and definition to our zoning ordinance. Shelters would be allowed in the RC-1 (Retail), RC-2 (Commercial), I-1 (Light Industrial), I-2 (Heavy Industrial), and Planned Development Districts.

There was some concern about the 3 day limit for an occupant to stay at the Shelter before it would become a violation. We have visited with City of Amarillo staff. We'll share what we discussed at the meeting.

**ORDINANCE NO. 1083**

**Shelters**

**AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE OF THE CITY OF CANYON CODE OF ORDINANCES, BY AMENDING TABLE 1-1, SUMMARY USE CHART TO ADD SHELTER AS AN ALLOWED USE IN RC-1, RC-2, I-1, I-2, AND PD ZONING DISTRICTS; AMENDING SECTION A.02 TERMS TO ADD SHELTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS; the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon; and,

WHEREAS; the Planning and Zoning Commission of the City of Canyon, recommended certain amendments to City of Canyon Code of Ordinances, Chapter 156, Zoning Code; and,

WHEREAS; the City Commission finds that the proposed amendments to Chapter 156 as recommended by the Planning and Zoning Commission would be in the best interest of the City;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS;

**SECTION 1:**

Table 1-1, Summary Use Chart, is amended by adding Shelter under Educational, Institutional, and Public Uses and listing it as an Allowed Permitted Use in Zoning Districts RC-1, RC-2, I-1, I-2, and PD.

**SECTION 2:**

Section A.02, Terms, is amended by adding the following:

*Shelter.* An organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons.

**SECTION 3:**

Severability. If any provision, section, subsection, clause, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision continued herein shall become inoperative or fail by any reasons of the unconstitutionality of any other portion or provision.

**SECTION 4:**

Repealer. All ordinances, parts of ordinances, resolutions, and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

**SECTION 5:**

Effective Date. This ordinance shall become effective immediately.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas on the \_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Clerk

## AGENDA

To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Planning and Development  
Date: July 2, 2018  
Re: Discussion on Ordinance No. 1084, an Ordinance Amending the Code of Ordinances of the City of Canyon, Chapter 155, Subdivisions, by Adding Section 155.09 Abandonment of Public Right-of-Way.

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We discussed this at our last meeting. This ordinance would adopt procedures for abandoning any public right-of-way in the City, including streets, alleys, or easements. Occasionally a land owner will request that a street or alley right-of-way be abandoned and deeded to the adjacent land owners. This typically happens in cases where the street or alley has been dedicated by plat but has never been constructed or used.

In the past, the owner(s) would submit a letter requesting the abandonment. City staff would contact the various utility providers to determine if they have any objection or would need any easements once the right-of-way is abandoned. The request would be presented to the City Commission and, if approved, a quit-claim deed would be prepared by the City Attorney and filed with the Randall County Clerk's office. All this would take place without any consideration by the Planning and Zoning Commission and without any application fees or compensation to the City from the property owners.

The City Commission had concerns about the appraisal requirement and it's cost to the applicant. Raising the application fee was also discussed. They have asked the Planning and Zoning Commission to reconsider these items.

The attached revisions are based on suggestions from the city attorney.

**ORDINANCE NO. 1084**

**Abandonment of Public Right-of-Way**

**AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 155, SUBDIVISIONS, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 155.09 ABANDONMENT OF PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS; the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon; and,

WHEREAS; the Planning and Zoning Commission of the City of Canyon, recommended certain amendments to City of Canyon Code of Ordinances, Chapter 155, Subdivisions; and,

WHEREAS; the City Commission finds that the proposed amendments to Chapter 155 as recommended by the Planning and Zoning Commission would be in the best interest of the City;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS;

**SECTION 1:**

That **CHAPTER 155, SUBDIVISIONS, GENERAL PROVISIONS, Section 155.09, Abandonment of public right-of-way**, is hereby adopted as follows:

In addition to the requirements set for in V.T.C.A, Local Government Code, Chapter 272, the following shall control the consideration of requests for abandonment of Public Rights-of-Way that are abandoned by separate legal instrument.

The applicant shall submit the following in connection with any request to abandon a public right-of-way:

1. An application on a form promulgated by the planning department;
2. The legal description of the property to be abandoned;
3. An appraisal showing an opinion of market value of the real property prepared by a real estate appraiser licensed in Texas and dated not more than 90 days prior to submission of the application; and,
4. An application fee of \$500.

**SECTION 2:**

Severability. If any provision, section, subsection, clause, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision continued herein shall become inoperative or fail by any reasons of the unconstitutionality of any other portion or provision.

**SECTION 3:**

Repealer. All ordinances, parts of ordinances, resolutions, and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

**SECTION 4:**

Effective Date. This ordinance shall become effective immediately.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Gary Hinders, Mayor

ATTEST:

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Gretchen Mercer, City Clerk