

**Planning Commission Minutes**  
**May 23, 2022 at 6 PM**

1. **ROLL CALL** –Meeting was called to order by Vice Chairman Gerry Harris. A quorum was present.

**PRESENT**

Gerry Harris, Vice Chair  
Chad Ball  
Judy Horne  
Keith Macedo  
Howard Carter  
Bobby Wilson

**ABSENT**

Robert Mann, Chair  
Jay Moore

**City Employees Present:** Melissa McCarville, City Business Manager; Rick Bramall, City Building Inspector; Chris Brackett, City Engineer; Fire Chief, Bill Hellard

2. **Approval of Minutes:** April 25, 2022, meeting minutes were approved as written.

3. **Comments from Citizens:**

Attorney David Dixon- 13098 Little Elm Road represented Phyllis Young. They expressed concerns about the large amount of water, debris, and erosion that is occurring on her property since the development of Goose Creek began. The water damage has progressively gotten worse and no one is helping resolve the issue. There is a dam that was built which is approximately 25’ long and about 8’ high with very large culverts that channel a large amount of water onto her property. Mr. Dixon showed numerous pictures of the flooding and stated that pictures do not lie. He said he and Mrs. Young are requesting some action to solve this problem.

**Public Hearings:**

**4A. Conditional Use for Fireworks City; property located at 233 E. Main owned by Freedom Fireworks, LLC as presented by Freedom Fireworks:**

Cheslee Mahan was present to discuss the request. Opening comments were that they meet all the criteria set forth in the ordinance. They have provided a site plan and proof of supplemental insurance. They will have over 20 parking spots.

**Public Comment:** None.

Vice Chairman Gerry Harris called for question to approve the Conditional Use for 233 E. Main and upon roll call vote motion passed unanimously.

**4B. Variance of building setbacks for property located at 420 W. Tyler Rd. owned and presented by Andy Slay:**

Andy Slay, 420 W. Tyler Road, explained that he did not know to go through proper procedure for building permit and learning of location requirements before he started building a storage building behind his home on Tyler Road. Melissa McCarville read her recommendation memo as follows:

“Current zoning for this property is PUD. The request is to reduce the rear set back. The rear set back in this PUD is 20 feet, the property owner is requesting a 14 ½ foot variance to 5 ½ feet.

This building set back infraction was discovered while our building official was inspecting an adjacent property. Our ordinance allows for storage buildings up to 200 square feet to be placed without a permit and they can be in the set backs. This home owner saw other storage buildings go in and made the assumption that he wasn't doing anything different than others he saw in the neighborhood. He was not aware of the size limitation or the fact that the size of the building he was putting up was not allowed in the set back. The building official made the home owner aware of the infraction and instruction to apply for a variance. The home owner is aware that if the variance is denied that will have to move the building.

This is a large variance; however the current location of the building does not poise [sic] a particular issue for the home owner or adjacent property owners. To our knowledge no one has complained about the location of the building. The building official recommends approval of the variance.”

Gerry Harris noted that the storage building is being constructed on the 20' back utility easement. There is a gas line that runs behind the fence. Another issue is the fact that the city ordinance allows a 200 square foot storage building, but this building is much larger at 12x24 feet or 288 square feet. She said there have been two similar situations like this and both were denied. Chad Ball asked if there was a hardship which caused this particular placement and the answer was “no.”

Vice-Chairman Harris called for the question and upon roll call, the motion to allow a variance of building set back for 420 W. Tyler failed 4-1. The home owner will be required to move the building out of the set back.

**4C. Variance for lot widths for the property located on the west end of Wilson St. property owned by DRP Holdings, LLC as presented by Jorgensen & Associates:**

Charles Zardin was present to discuss the request. They are asking for a variance for 3 lots that are on a cul-de-sac in their Summerfield Subdivision Phase 2. The three lots are pie-shaped and the width at the street are smaller than the required 75 feet. The widths are: 57.61', 54.42', and 67.85'. However the widths at the setback line are 80.93', 77.28', and 93.02' which would meet the 75 foot requirement. Chris Brackett stated that he had always interpreted the ordinance 75 foot requirement for the setback line, not the width at the street. Therefore, other subdivisions with cul de sac design have been allowed to have smaller front lot width at the street. If this variance is approved, there will still be ample room for 12 foot driveways; the lots themselves are wide enough for homes to be built. Redbird Subdivision is an example of a subdivision with smaller width at the street. This variance would meet Fire Code requirements.

Having no further discussion, Gerry Harris called the question to approve the Variance for smaller lot widths at streetside. Upon roll call, the motion was approved unanimously.

During next work session the commissioners will review this ordinance that applied to this variance.

**Adjournment:** Having no further business, the on-line/in-person Planning Commission meeting was adjourned at 6:30 PM.

  
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Judy Horne - Secretary

  
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Gerry Harris – Vice Chair