



PLANNING & ZONING COMMISSION AGENDA

Tuesday, June 21, 2022

Notice is hereby given that the Planning and Zoning Commission of the City of Big Spring, Texas will meet in Regular Session on Tuesday, June 21, 2022, at 5:30 pm in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

PLANNING & ZONING COMMISSION MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

1. Call to Order

Schooler

Public Comment

Public Comment – Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

2. **Public Comment-** Open to public comments

Public Hearings, Announcements and Presentations

Public Hearings- The Commission will take Input on Items Requiring Public a Hearing Prior to Any Action.

- | | | | |
|----|--|--|----------|
| 3. | PUBLIC HEARING- Regarding the Zone Change from S-2 to Heavy Industrial (HI) for the Property at LT 1 BK 1 MID TEX CORNELL CORRECTIONS PRISON LOCATED @ 1801 WEST I-20 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES. | | Schooler |
|----|--|--|----------|

Consent Items

- | | | | |
|----|---|-----|----------|
| 4. | Approval of Planning & Zoning Commission Meeting Minutes of the Regular Meeting May 03, 2022 | 4-6 | Schooler |
|----|---|-----|----------|

New Business

- | | | | |
|----|---|-----|-------------------|
| 5. | Discussion- Concerning a possible addition to the Zoning Ordinance authorizing homeless shelters and similar public services within the city limits. | 7-9 | Bowles/
Walker |
|----|---|-----|-------------------|

- | | | | |
|----|--|-------|-------------------|
| 6. | Discussion and Consideration- Regarding the Zone Change from S-2 to Heavy Industrial (HI) for the Property at LT 1 BK 1 MID TEX CORNELL CORRECTIONS PRISON LOCATED @ 1801 WEST I-20 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES. | 10-13 | Bowles/
Walker |
|----|--|-------|-------------------|

Commission Input

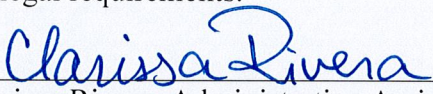
- | | | | |
|----|-------|--|-----|
| 7. | Input | | All |
|----|-------|--|-----|

Adjourn

- | | | | |
|----|----------------|--|----------|
| 8. | Adjourn | | Schooler |
|----|----------------|--|----------|

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building located outside 310 Nolan Street. Given by order of the City Council and Posted on Friday, June 17, 2022 at 5:30 a.m./ p.m. in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



Clarissa Rivera, Administrative Assistant

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT CLARISSA RIVERA AT 264-2319 or crivera@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.

Agenda Removal Notice - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

June ____, 2022 at _____ a.m./p.m.

By: _____



PLANNING & ZONING COMMITTEE MINUTES

Tuesday, May 03, 2022

The Planning & Zoning Committee of the City of Big Spring, Texas met in Regular Session on Tuesday, May 03, 2022, at 5:30 pm in the City Council Chambers located at 307 East 4th Street, Big Spring, Texas.

Attendees included:

Chairperson Kevan Schooler
Member Tammy Depauw
Member Dale Avant
Member TJ Stewart

Attendees included by telecommunications:

Member Aubrey Weaver Jr.

Open Session

1. Call to Order

Chairperson Schooler called the Planning & Zoning Commission meeting to order at 5:30 pm on Tuesday, May 03, 2022

Public Comment

2. Public Comment- **There were no public comments.**

Public Hearings, Announcements and Presentations

3. **PUBLIC HEARING-** Regarding the Addition of “Medical Clinic” as a Permitted Use in the Retail (R), Light Commercial (LC), Heavy Commercial (HC), Central Area (CA), Light Industrial (LI), and Heavy Industrial (HI) Districts

Motion to open Public Hearing made by Chairperson Schooler
1st by Member Avant
2nd by Member Stewart
Vote was 5 ayes

Motion to close Public Hearing made by Chairperson Schooler
1st by Member Stewart
2nd by Member Depauw
Vote was 5 ayes

4. PUBLIC HEARING -Regarding the Zone Change from Agriculture (A) to Heavy Commercial for the Property at SC 46 BK 32 1N 311.7X417.4 058 BLK/TRACT 32 1N 3 ACRES (3910 S. Service Road) and the Addition of “Medical Clinic” as a Permitted Use in the Retail (R), Light Commercial (LC), Heavy Commercial (HC), Central Area (CA), Light Industrial (LI), and Heavy Industrial (HI) Districts.

Motion to open Public Hearing made by Chairperson Schooler
1st by Member Depauw
2nd by Member Stewart
Vote was 5 ayes

Motion to close Public Hearing made by Chairperson Schooler
1st by Member Avant
2nd by Member Depauw
Vote was 5 ayes

Consent Items

4. Approval of the Planning & Zoning Meeting Minutes of the Regular meeting of March 15, 2022

Motion to approve as written made by Chairperson Schooler
1st Member Avant
2nd by Member Depauw
Vote was 5 ayes

Tabled

5. **Discussion and Consideration** Regarding the Addition of “Medical Clinic” as a Permitted Use in the Retail (R), Light Commercial (LC), Heavy Commercial (HC), Central Area (CA), Light Industrial (LI), and Heavy Industrial (HI) Districts.

Motion to remove item from Table was made by Chairperson Schooler

All members joined in the discussion about the proposed definition of “Medical Clinic”

**Motion to approve was made by Chairperson Schooler
1st by Member Avant
2nd by Member Depauw
Vote was 5 ayes**

New Business

6. **Discussion and Consideration** of Approval for a Zone Change from Agriculture (A) to Heavy Commercial for the Property at SC 46 BK 32 1N 311.7X417.4 058 BLK/TRACT 32 1N 3 ACRES (3910 S. Service Road)

Mr. Bowles, City of Big Spring Public Works director presented to the Commission the reasoning behind this zone change. Discussion about this property and conducted between all members. No nearby property owners petitioned this change.

**Motion to approve was made by Chairperson Schooler
1st by Member Weaver
2nd by Member Avant
Vote was 5 ayes**

Commission Input

7. **Input- Member Weaver would like to receive an update regarding the signage for zone changes from Planner Walker as discussed in previous meetings. Mr. Bowles will be putting in a request for funding for zone change signage in the next years Budget.**

8. **Adjourn
Member Schooler made a motion to adjourn,
1st by Member Avant
2nd by Member Stewart
Vote was 5 ayes**



Memo

Meeting Date: June 21, 2022

To: Planning & Zoning Commission

From: Shane Bowles, Public Works Director

Subject: Discuss potential amendment to the City's zoning regulations

Location: N/A - code amendments only

Contact: Shane Bowles, Public Works Director, 432-264-2501

Analysis

Following a public inquiry, City staff began to research “homeless shelters” and similar public service uses to gain a better understanding of how this use is administered in other Texas cities and in other states. The city zoning code does not list homeless shelter as a permitted use. Therefore, staff has taken this opportunity to bring forward a discussion under the New and Unlisted Uses section of the code; the process is described clearly in the regulations. It is the staff's intent to lead a discussion with the P&Z on this topic during a regularly scheduled meeting. Below are some potential discussion items.

Ideas for discussion on the topic of “homeless shelter” into City Zoning Code

Discussion and possible action by P&Z:

Currently, there are no provisions in the city's zoning regulations that allow a homeless shelter. A person has petitioned the city to consider adding this use into the zoning code.

The city's zoning code contains the following language:

SECTION 3-4. - Classification of New and Unlisted Uses.

It is recognized that new types of land use will develop, and forms of land use not anticipated may seek to locate in the City of Big Spring. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted land use shall be made as follows:

(a) The Building Official shall refer the question concerning any new or unlisted land use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of the facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

(b) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or zoning districts within which such use shall be permitted.

(c) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined based upon its findings.

Below are some suggestions that are found in other city codes.

Definitions:

"Homeless shelter" means a lodging facility that provides lodging with or without meals, or lodging and meals, on a temporary basis to more than five persons, who are homeless, and are not related by blood, marriage, or adoption to the head of the household or the owner or operator of the facility; whether or not the facility is operated for profit or charges for the services it offers.

"Transitional housing" means a facility owned by a public housing authority, nonprofit organization or other public interest group, that provides housing to persons on a temporary basis for a duration not to exceed twenty-four (24) months in conjunction with job training, self sufficiency training, life skills training, human services counseling, or other similar services. Transitional housing is not a transient accommodation. Transitional housing does not include group homes.

"Emergency housing" facility means a facility operated to provide temporary housing within a permanent enclosed building for individuals who are otherwise homeless and have no immediate housing options available to them.

Considerations:

1. A homeless shelter shall not be permitted within one thousand (1,000) feet of another homeless shelter.
2. A homeless shelter shall not be permitted within one thousand (1,000) feet of a school or daycare.
3. Measurements of distance under this section are taken radially. "Radial" measurement means a measurement taken along the shortest distance between the nearest point of the property line of the homeless shelter and the nearest point of the building associated with such uses as listed in item 2.
4. SUP only - not SUP with term; nowhere by right. Application can only be made for property in the HC, LI, and HI Districts
5. Specific Use permits issued for a homeless shelter shall expire without any further action by the city council when: the use for which the permit was issued changes to another use; the facility ceases to operate for one hundred eighty days or more; or the occupancy changes.
 - An application shall include an operational plan of the homeless shelter. The operational plan shall provide a description of the intended use and sufficient details to adequately describe the intended operations of the center.
 - The operational plan may include the following:
 - i. An organizational tree including an estimated total number of professional staff and volunteers that will work at the shelter;
 - ii. The estimated number of beds to be provided;
 - iii. The estimated average population per month;
 - iv. A description of the services to be provided, such as job placement, drug and alcohol treatment, and other rehabilitative or training services;
 - v. A description of the population expected to be served, for example women, women and children, single men, families, etc.;
 - vi. Expected length of stay per person;
 - vii. Parking 1 space/40 beds, plus 1 space for each employee (based on maximum number of employees working at one time)
 - viii. *State license.* Applicable state license or certification shall be provided prior to the issuance of an operations permit by the City Building Official.

Any other information the applicant believes could be helpful to explain the operation and compatibility of the proposed shelter with the proposed location.

6/15/22



Meeting: June 21, 2022

To: Planning and Zoning Commission

From: Clarissa Rivera, Planning Administrative Assistant

Subject: Zone Change for Property at SC 46 BK 32 1N 311.7X417.4 058 BLK/TRACT 32 1N 3 ACRES (3910 S. Service Road)

Contact: Shane Bowles, Public Works Director, 432-264-2500

Analysis:

Staff recommends a zone change from S-2 to Heavy Industrial (HI) for the Property at LT 1 BK 1 MID TEX CORNELL CORRECTIONS PRISON LOCATED @ 1801 WEST I-20 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES.

The property is currently abandoned and requires the zone change to allow future economic development along Interstate 20. By making the zone change this property will be cohesive with the surrounding area. No property owners within the required 200 feet buffer contested this change.



Zone Change Application

General Information

- Prior to the submittal of an application, the applicant is encouraged to schedule a pre-application meeting with City Staff.
- This application will not be scheduled for hearing until reviewed by the Director of Public Works or designee.

Request Type

Straight Zoning

Planned Development

PD Amendment

Specific Use Permit-SUP

Applicant Information

Property Owner

Authorized Representative

Project Manager

Authorized Representatives/Project Managers must provide a notarized affidavit required including signature of legal owner(s)

Name: **Shane Bowles**

Phone Number: **432-264-2500**

Mailing Address: **310 Nolan St, Big Spring, TX 79720**

Email Address: **sbowles@mybigspring.com**

Project Information

Name of Project (if applicable): **Economic Development Project**

Subject Property Address and/or Location (Use attachment, if necessary): **1801 W 120
Big Spring, TX 79720**

Legal Description (Use attachment, if necessary): **LT 1 BK 1 MID TEX CORNELL CORRECTIONS PRISON LOCATED @
1801 WEST I-20 025 026 027 028.01 BLK/TRACT 1 11.06 ACRES**

Current Zoning: **S-2**

Requested Zoning: **Heavy Industrial (HI)**

Comprehensive Plan Designation:

Existing Use of Property: **Prison**

Proposed Use of Property: **Heavy Industrial Uses**

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Signature:

Date: 6/1/22

OFFICE USE ONLY

Case Number:

Date of Application:

Date Fee Received (\$400.00):
Fee \$325.00 - SUP:

Affidavit attached?: Yes No N/A

P&Z Meeting Date:

City Council 1st Reading Date:

City Council 2nd Reading Date:



Zone Change Application

Important Information Regarding Zone Change Requests

1. An application for a zone change on a property may only be made by the owner of that property and/or an authorized representative of the property owner. An authorized representative shall present a notarized affidavit from the property owner. If the subject property is owned by the City of Big Spring, the Director of Public works or designee may apply for the zone change on behalf of the City.
2. No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity not allowed by present zoning cannot occur before City Council's final approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
3. Approved zone changes are applied to the specified property, not the property owner.
4. The Planning & Zoning Commission makes recommendations to City Council. If the Planning & Zoning Commission recommends approval of a zone change request, the case must still go before City Council for final action
5. If a zone change request is granted by City Council, and the property meets the requirements of the City's Subdivision Ordinance, permits for building, construction, and/or utility connection may be obtained by the City's Permits Department.
6. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between residential and non-residential zoning districts. These requirements are outline in the City of Big Spring's Zoning Ordinance. It is the applicant's benefit to ensure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
7. The Planning Department will notify, in writing, owners of property within 200 feet of the subject property of the zone change request.
8. If a proposed zone change has been recommended for disapproval by the Planning & Zoning Commission, or if a protest against such proposed change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the land area contained in the 200 foot notification boundary, then such amendment shall not become effective except by a 3/4ths vote of the City Council.
9. The applicant or an authorized representative should attend public hearings pertaining to the request and be prepared to present the case and answer any relevant questions from the Planning & Zoning Commission or City Council members.

1801 East I-20 Property 200 FT Buffer

