

Town of Odessa

MINUTES OF PUBLIC HEARING - REZONING TUESDAY, JULY 5, 2005 6:00 PM OLD ACADEMY BUILDING

Those present at 6:00 PM:

Acting Mayor Kathy Harvey
Council Member Jacqueline Fox
Council Member Karlyn Grant

8 Community Members (Mr. Manista present, Mrs. Foley not present)

Council heard community discussion on the request made by residents Manista and Foley to have their properties rezoned from residential to commercial. The following is a summary of the discussion between Town Officials and residents, including those making the request.

- I. Acting Mayor Kathy Harvey began the hearing by summarizing the requests and actions taken to date. According to the Town's Zoning Ordinance, the requests had to be presented to the Planning Commission. At the time the requests were reviewed by Planning, there were three parties involved; Harvey clarified that this hearing would be in regards to the requests made by Manista and Foley (formerly Reed) only, as Fahey failed to respond to the Town in time.

Harvey read the request regarding the Manista property, attached hereto as Attachment A.

Harvey read the request regarding the Reed property, attached hereto as Attachment B.

The Planning Commission recommended rezoning the properties from residential to commercial with a vote of three (3) to two (2): Pollard, Coleman, and Butler in favor; Tulloch and Allen opposed. The recommendation was forwarded to Council where it has since laid idle.

- II. Harvey then invited the public to comment on the requests. The order of conversation has been altered to allow for clear reading, but a complete audio copy of the proceedings is available at the Town Office. *Arguments in favor are printed in italics.*

- A. *The properties surrounding those in question are all zoned commercial and include two daycares, a gas station, and a used car lot. The Manista and Foley properties should be contiguous with their neighbors. (Anthony Manista, property owner)*

The Manista property is not surrounded by commercial properties, but rather bordered on two sides as the Fahey and Foley properties are currently zoned residential. (Kathy Harvey, Acting Mayor)

- B. The Town needs to consider its future. There is currently little control over what types of businesses are allowed in Town. Approving the rezoning could open up the area for large businesses. (Karlyn Grant, Council Member)

The property across the street, which is zoned commercial but is used as a residence, lay vacant for some time before purchase, and has since not had big businesses "banging down the door" to buy it. (Jacqui Fox, neighbor and Council Member)

Traffic challenges will dissuade big business from moving to that area.
(audience)

- C. If all three properties are rezoned, there is a further risk that they could be combined and support very large businesses. (audience)

Mr. Manista does not own the neighboring properties and asks that a ruling be made on HIS request. (Manista)

- D. The current Comprehensive Plan is consistent with the map, rezoning is not. (Harvey)

The proposed Zoning Ordinance is not on the table at this time. The Planning Commission and Council have to fix the Zoning Ordinance first, then rezone properties. In the past, the Town has consistently denied requests that contradict the Zoning Ordinance. (Harvey)

In the past, rezoning has occurred without changing the Comprehensive Plan.
(Jerry Unruh, resident)

Under the Comprehensive Plan of 1969, properties were indeed rezoned without a Comprehensive Plan, but since the laws changed in 2000, the State requires that a Comprehensive Plan be in place before rezoning. (Jim Grant, Treasurer) Precedents prior to 2001 have no bearing on today's hearing since the laws have since changed the state requirements. (Harvey)

- III. As arguments drew to a close, Mr. Manista expressed his frustration that some of those seated at the table had changed their opinion on the subject since election time. Mr. Unruh wished to go on record in support of rezoning. The requests will come to a motion and a vote at the regular meeting of Mayor and Council.