

Special Meeting
City Council
May 5, 1993

The special meeting was called to order by Mayor Charles B. Black, Jr. at 7:30 P. M. Those present were Councilwoman Lib Nichols, Mayor Pro-Tem Archie Small, Councilmen Bob Jessen, Jim Hope, and J. C. Little, as well as Director of Public Works Eddie Nichols, Zoning Administrator Gary Roberts, City Manager Phil Ponder, and City Attorney Kemp Michael. Councilwoman Harris was working.

The invocation was led by Mayor Pro-Tem Archie Small.

The first matter was consideration of a request for rezoning from R-8 to O-I/CU concerning a 2.6 acre tract at the corner of West Catawba Avenue and Scott Street. Mayor Black said that Mr. Yatko could not be there that evening but asked that the matter be approved. Zoning Administrator Roberts stated that there has been a substantial change in the application in that now they are asking for conditional use, and the Planning Commission has heard the matter and has approved the application with a condition that the driveway entrance be on Scott Street, that a 30-foot buffer strip be used as shown on the site plan submitted, and has recommended that a public hearing be held. The City Manager and Mr. Roberts stated they have no further recommendations. Councilman Hope stated that in finding that the revised application of Mr. Thomas Springs III constitutes a substantial change from the original application, he **MOVED** that a public hearing be set for 7:00 P.M. on May 26, 1993, to consider rezoning a 2.6 acre tract on the corner of Scott Street and West Catawba Avenue from R-8 to O-I/CU. This motion was seconded by Councilman Jessen and carried with five ayes.

The second matter for consideration was a request for rezoning from R-12 to B-3 of a tract at 1000 Old Hickory Grove Road. The Planning Commission has heard the matter and recommends that a public hearing be held, and has also set certain conditions for approval. Mayor Black stated that Mrs. Harris was working that evening, but asked him to make the statement for her that she is not in favor of a B-3 rezoning for that property and would not vote in favor of it because it is too broad, but that she would support the original request for B-2/CU. The City Attorney had been asked to review this matter at the request of the Council and Planning Commission and had submitted a memo prior to this meeting to the Council. Mayor Black asked Mr. Ferrell if he still wants to apply for B-3 or would he like to change his request to B-2/CU; Mr. Ferrell said he does not care and does not know the difference, that all he wants is to open a family style restaurant and gift shop. City Attorney Michael was asked to comment. He stated that if Mr. Ferrell requests the Council to reconsider his original request, it may legally choose to do so based upon a substantial change, and a public hearing would need to be held on the re-consideration. He noted for the record that the new Land Use Plan has been finished and the public hearing for that new

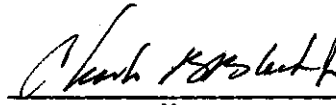
Plan has now been held, and the Planning Commission has now adopted it. The area Mr. Ferrell's property falls in is designated in the new Land Use Plan for business purposes, which would constitute a substantial change, if the Council wishes to re-consider the request. Councilman Hope asked what zone is across the street; it is B-3. He asked what is on the other corner; it is B-3. Councilman Hope asked if Mr. Ferrell would be able to come back next year and apply for B-3/CU if he outgrows the 2,000 square foot limit under the B-2/CU; he may. Councilman Hope **MOVED** that upon a finding that the new Land Use Plan constitutes a substantial change in the land use pattern of the area in which Mr. Ferrell's tract lies, the original petition of Rev. Ferrell be reconsidered, and a public hearing be set for May 26, 1993, at 7:00 P.M. to consider rezoning a 2.8 acre tract at 1000 Old Hickory Grove Road from R-12 to B-2/CU. This motion was seconded by Councilman Small and carried with four ayes and one nay (Nichols).

Mayor Black announced that the County public hearing for approval of the City's two mile ETJ was set for the next Thursday at 7:00 P.M., and he urged everyone to be there in support of it.

There being no other matters on the agenda, the meeting was adjourned upon **MOTION** by Councilman Jessen, seconded by Councilman Hope, with all in favor.



City Clerk



Mayor
