



PUBLIC HEARING – ZONING CHANGE

May 2nd, 2013 @ 5:30 P. M. at the Oran White Civic Center

MINUTES

The City of Tool, City Council Public Hearing was called to order at 5:30 pm. Present was Council Member Williams, Phillips, Sonka, Wright and Reeder. Quorum was established with Mayor Pro-Tem Phillips presiding.

ITEM 1: Open public hearing for citizen testimony on proposed change request at 1603 Smith Road from an “RA” (Agricultural District) to a MH1 (Manufactured Home Residential) by property owner Amber Garvin. Mayor Pro-Tem Phillips asked if Ms. Garvin was present and was advised that she was not. He then asked if there was anyone else present wishing to give testimony on this proposed change. Mr. Donny Daniel of 1410 S. Tool Drive stood to give his testimony in opposition of the zoning change stating that the property in question sits behind his property and is not opposed to the property owners but is opposed to the mobile home from an economic value stand point. He added that there is nothing to gain from the zoning change and that the Council has a fiduciary responsibility to look out for the health safety and welfare of the Citizens as well as the six parcels of land that will be affected by this change. He pointed out that there are other areas within the City and the County that would be better suited for manufactured homes. Mayor Pro-Tem Phillips said that the City Secretary has been working on this zoning change for several weeks attempting to collect as much data as possible and has discovered that there is a portion of Ms. Garvin’s property approximately .328 acres (14,000 sq. ft.) that is in the County. At this time Ms. Garvin showed up at the meeting (6:06 pm). Mayor Pro-Tem Phillips asked Ms. Garvin to stand and give her testimony. Ms. Garvin indicated that she would like for her property to be rezoned so that she can tear the existing home down and put her mobile home in its place. An unknown male from the Audience commented that if Council did not approve this that they would move her mobile home on the back corner lot that is in the county, paint the older existing home purple and rent it out. Mayor Pro-Tem Phillips asked if there was anyone else wishing to give testimony and if not he would like to hear from the Council. Mr. Daniels requested to add to his previous testimony that he had visited with the City Secretary prior to this hearing and talked about the possibility of a specific use permit that would prevent the homeowners from moving in multiple mobile homes. He indicated that he doesn’t have a problem with one mobile home being there but is concerned about multiple mobile homes being moved in on the three acres. Unknown female from the audience added that all Amber wanted to do was to move her one mobile home in to make a home for her and her daughter. Mayor Pro-Tem asked for further discussion from Council stating that he was opposed to the re-zoning request. Council Member Williams stated in light of the response forms from the surrounding neighbors that the request to re-zone should be denied. Council Member Sonka confirmed that he was suggesting that the City leave the property zoned “RA” Agricultural District. Audience members questioned Council as to why they were in opposition of the change. Council Member Wright reiterated that the City has received multiple response forms from adjoining neighbors asking that the City deny the request. Mayor Pro-Tem Phillips said that even if they deny the request there is still room on the portion of the property located in the county for her to place her home there. Audience members agreed and asked what the difference was; it will be going in one way or another. Council Member Sonka added that the Planning and Zoning did not allow for them to make these changes. Ms. Garvin asked why she was instructed to go through this process if the Council was never allowed to make changes. Council Member Sonka reiterated what the P&Z stated. Building Inspector Mike Grant clarified that legally a variance couldn’t be granted in this instance and for the benefit of one person. Mayor Pro-Tem and Building Inspector said that there were several unknown factors at the beginning of this process and that the City has had to educate itself on the procedures and obtain legal opinions since this is not something the City deals with on a daily basis. Unknown male from audience stated that Ms. Garvin is offering to tear that old house down but if not she will not be in any hurry to do so and then asked Council if they would rather have the old house sit there or have it torn down? Mayor Pro-Tem Phillips informed this subject that decision was completely up to them and had no bearing on City Business. Council Member Sonka informed Ms. Garvin that there are areas in Tool where Mobile Homes are allowed and she could move to one of those areas and leave her horses on the property zoned as “RA”. Amber Garvin said that she wants to be with her animals. Mr. Daniels stated again that he was not opposed to the placement of one mobile home provided a Specific Use Permit could be issued limiting the number of mobile homes allowed in any given area to one. Ms. Garvin questioned Council as to why at the last meeting (Cancelled due to lack of quorum) they were going to approve it but now they are opposed. City Secretary stated that Ms. Garvin’s initial request was for a variance of P&Z



restricting the age of a mobile home. Council Member Williams added that zoning research had not been completed at that time and that no plat of the property had been provided to Council in order for zoning to be determined.

Motion to close the hearing was made by Council Member Sonka, second by Council Member Williams. Motion carried 5-0 at 5:55 pm.

Passed and approved this 16th day of May, 2013

ATTEST:

A.J. Phillips, Mayor Pro-Tem

Seal

Makenzie Blaser, City Secretary