

MINUTES OF CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF
LUFKIN, TEXAS, HELD ON THE
11th DAY OF DECEMBER, 2001 AT 11:30 A. M.

On the 11th day of December 2001 the City Council of the City of Lufkin, Texas, convened in a Called Meeting in the Council Chambers of City Hall with the following members thereof, to wit:

Louis A. Bronaugh	Mayor
Dennis Robertson	Mayor pro tem
Don Boyd	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Bob Bowman	Councilmember, Ward No. 4
Jack Gorden, Jr.	Councilmember, Ward No. 5
C. G. Maclin	City Manager
Atha Stokes Martin	City Secretary
Bob Flournoy	City Attorney
Keith Wright	City Engineer
Stephen Abraham	Director of Planning

Being present, and

R. L. Kuykendall	Councilmember, Ward No. 1
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Being absent when the following business was transacted.

1. City Manager C. G. Maclin opened meeting with prayer.

2. ORDINANCE – APPROVED – FIRST READING – ANNEXATION – FM HIGHWAY 324 – SADDLE CREEK DRIVE

Mayor Bronaugh stated that the first item for consideration was First Reading of an Ordinance to consider annexation of approximately 147.3 acres of land located on the west side of FM Highway 324 and extending south along the highway right-of-way to the south right-of-way line of Saddle Creek Drive approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793.

City Manager Maclin stated that included in the Council packet is the backup information and documentation for this item. Mr. Maclin stated that there have been multiple Public Hearings on this request. Mr. Maclin stated that this first item is the First Reading of the actual annexation and the other items following are to consider the recommendation from Planning & Zoning Commission as far as the recommended zoning for these proposed annexations.

In response to question by Councilmember Robertson as to whether there has been any further conversation with Mr. Carnes, Mr. Abraham stated, "No".

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that Ordinance for annexation of approximately 147.3 acres of land located on the west side of FM 324 and extending south along the highway right-of-way to the south right-of-way line of Saddle Creek Drive approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

3. ORDINANCE – APPROVED – FIRST READING – ANNEXATION – U S 59 – DANIEL McCALL DRIVE – CARRIAGE DRIVE – THE SETTLEMENT

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to consider annexation of approximately 528.4 acres of land located south of the existing city limit and lying between U. S. 59 and Daniel McCall Drive and extending approximately 1,700 feet south of the intersection of Carriage Drive and U. S. 59 and

land fronting the east right-of-way line of U. S. 59 and extending south of the existing city limit approximately 5,000 feet.

City Manager Maclin stated that he failed to mention on the previous item that the recommendation from the Planning Department was for that annexed area to be placed in Ward 5. Mr. Maclin stated that this particular tract is recommended by the Planning Department that Option 1 be annexed and it be placed in Ward 4.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance for the annexation of approximately 528.4 acres of land located south of the existing city limit and lying between U. S. 59 and Daniel McCall Drive and extending approximately 1,700 feet south of the intersection of Carriage Drive and U. S. 59 and land fronting the east right-of-way line of U. S. 59 and extending south of the existing city limit approximately 5,000 feet be approved on First Reading as presented. A unanimous affirmative vote was recorded.

4. ORDINANCE – APPROVED – FIRST READING – ZONING CLASSIFICATION – FM HIGHWAY 324 – SADDLE CREEK DRIVE

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to consider appropriate zoning classification for approximately 147.3 acres of land being considered for annexation and located on the west side of FM Highway 324 and extending south along the highway right-of-way to the south right-of-way line of Saddle Creek Drive then west approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793.

City Manager Maclin stated that included in the Council packet is a recommendation from the Planning & Zoning Commission by unanimous vote to approve the zoning as submitted. Mr. Maclin stated that on the second page after the opening memo there is a colored chart showing Residential Large, Local Business, Commercial and Special Use, Veterinarian Hospital, which is Dr. Ashburn's Southwood veterinarian clinic. Mr. Maclin stated that this is the recommendation to Council from the Planning & Zoning Commission for the zoning of this proposed annexation.

In response to question by Councilmember Robertson, Mr. Abraham stated that the people who are brought into the annexation with the Neighborhood Retail designation as an existing use are not required to put in a sight bearing fence until they develop the property. City Manager Maclin stated that they are what is referred to as "grandfathered" and are able to maintain what they are doing now even though it may be in conflict with the new Zoning Ordinance.

In response to question by Councilmember Robertson, Mr. Abraham stated that in the Local Business zoning district where it abuts a residential area they would be required to put in a fence, but in the Commercial district they are not required to put in a fence. Mr. Abraham stated that they would have to put up a sight bearing fence on the little bit of property that abuts the residential but would not have to put up a sight bearing fence between the Local Business and the Commercial.

In response to question by Councilmember Robertson in regard to the Storage facility, Mr. Abraham stated that his reading of their letter is that they are opposing the annexation and not the zoning.

In response to question by Councilmember Gorden, Mr. Abraham stated that Mr. Carnes has 10 acres and his property will be a legal non-conforming use meaning that he could keep what he has now but would not be allowed to expand. Mr. Abraham stated that he could not put any additional RV's on the property in which to habitat in and could not add any additional manufactured dwellings. Mr. Abraham stated that in order to add any additional dwellings he would have to go through the platting process and have adequate access to a street.

Motion was made by Councilmember Don Boyd and seconded by Councilmember Lynn Torres that First Reading of an Ordinance to consider appropriate zoning classification for approximately 147.3 acres of land being considered for annexation and located on the west side of FM Highway 324 and extending south along the highway right-of-way

to the south right-of-way line of Saddled Creek Drive then west approximately 495 feet to a creek then north to the existing city limit line established by Ordinance No. 1793 be approved on First Reading as presented. A unanimous affirmative vote was recorded.

5. ORDINANCE – APPROVED – FIRST READING – ZONING CLASSIFICATION –
U S 59 – DANIEL McCALL DRIVE – CARRIAGE DRIVE – THE SETTLEMENT

Mayor Bronaugh stated that the next item for consideration was First Reading of an Ordinance to consider appropriate zoning classification for approximately 528.4 acres of land being considered for annexation and located south of the existing city limit and lying between U. S. 59 and Daniel McCall Drive and extending approximately 1,700 feet south of the intersection of Carriage Drive and U. S. 59 and land fronting the east right-of-way line of U. S. 59 and extending south of the existing city limit approximately 5,000.

City Manager Maclin stated that included in the Council packet are some comments in the memorandum from the Planning Department that talk about building setbacks and pavement setbacks and limiting construction materials of exterior walls and requiring site approval for non-residential buildings within 500 ft. of US 59. Mr. Maclin stated that this item comes to Council with a unanimous recommendation from the Planning & Zoning Commission to approve the proposed Planned Unit Development district as submitted. Mr. Maclin stated that on page 2 is a colored map showing the different types of zones within the Planned Unit Development.

Mr. Abraham stated basically they created a Planned Unit Development that provided a little flexibility for long range planning but in essence reflected current zoning district classifications. Mr. Abraham stated Zone A (yellow) has the same uses and standards as Residential Large zoning district. Zone B (purple) is Duplex and there are two duplex units on that property at this time. Zone C (blue) is the same zoning uses and regulations as the RPO. Zone D (green) is an exact replica of the Local Business zoning classification. Zones E and F (red and gold) are exactly the same uses as Local Business zoning classification with the addition of a hotel. Mr. Abraham stated that hotels requires a Commercial zoning district, but it is his opinion that this is a perfectly suitable location for hotels. Mr. Abraham stated that looking at the long range plans there is potential for a convention center and retail activities. Mr. Abraham stated that they wanted to make "hotels" an allowed use. Mr. Abraham stated that because this is a premier corridor, clearly identified in the Comprehensive Plan as a potential candidate for overlay districts they have used this opportunity with the Planned Unit Development to up the standards in this vital area (the red and gold). Mr. Abraham stated that Mr. Maclin mentioned it would require masonry or glass facades for non-residential buildings that are within 500 ft. of US 59. Mr. Abraham stated that the Planning Department has increased building setbacks from US 59 and have employed a pavement setback from US 59, which they have also done in the RPO. Mr. Abraham stated that Zone G is exactly the same as Commercial. Mr. Abraham stated that the PUD allows the flexibility that we will need as we encounter unique opportunities down the road. Mr. Abraham stated that someone asked if they could put in a nice miniature golf course. Mr. Abraham stated that the City does not allow those type of uses in the Local Business District – it requires a Commercial zoning. Mr. Abraham stated that when you have a Commercial zoning you have outdoor storage, contractor storage, etc. Mr. Abraham stated that the PUD would allow a miniature golf course through a sub-zone without affecting all the other districts throughout the City. Mr. Abraham stated that is why the PUD provides a great deal of flexibility and best represents the intent of the Comprehensive Plan.

Mr. Robertson asked if after the new Comprehensive Plan is in place and a new Zoning Ordinance is prepared, would we be looking at the ABC zones or revert back to the Residential Large, Medium, etc. Mr. Abraham stated that he did not have an answer but the City could go with the new base zoning districts that compliment the Comprehensive Plan, or if we think this provides the level of protection and flexibility we need we can keep it as a PUD. Mr. Robertson stated that he would like for us to do one or the other.

City Manager Maclin stated that when Mr. Sefko comes back we would be able to address some of these issues to give the uniformity that Mr. Robertson is looking for.

Mr. Maclin stated that in the meantime this is an excellent approach that Mr. Abraham came up with to protect what, in his opinion, will be the prime retail development area of south Lufkin. Mr. Maclin stated that as soon as the area around the super Walmart and the proposed Albertson's is developed and South Loop Crossing is developed there will be no other major retail area frontage on US 59 South. Mr. Maclin stated that this would become the prime area for a Dillard's or a Foley's, and by using the PUD approach we are able to protect that until such time as we have a more definitive Ordinance for zoning of the area. Mr. Maclin stated that we are able to provide the protection we need to insure that this meets the new Comprehensive Plan's update as an entrance way into the City. Mr. Maclin stated that this is an extremely creative way providing the types of controls that insure that we get the best utilization of that property. Mr. Maclin stated that having a Foley's would bring in 50 times more sales tax than a commercial storage building.

Mr. Robertson stated that under the RPO he would like to see us strengthen the Landscape Ordinance to require more trees. Mr. Abraham stated that that would all be addressed with the new Zoning Ordinance.

Mr. Gorden stated that basically he is in agreement conceptually with what Mr. Abraham is doing, but his two concerns are in the future how the City might address someone's questions about putting in a nice miniature golf course and how those requests will actually be handled. Mr. Abraham stated that a request for a miniature golf course would simply be an amendment to the PUD district, and he would take it to the Planning & Zoning Commission and the City Council. Mr. Gorden stated that his second point is from the standpoint of it being the premier entrance into the City and that being the next available property, on the one hand he is glad to see us trying to address that, but in general it's worked fairly well and if that is the highest and best use of that property, we are sort of toying with the system.

Mr. Abraham stated that the majority of property owners on US 59 understand the concept that if we do not require a high level of development next to them, it ruins the value of their property.

Councilmember Robertson asked if the areas that are within the City limits already as a zone change if the owners of those properties have no objection to changing from Commercial to essentially a Neighborhood Retail. Mr. Abraham stated that he would not say that they have no objections, they are very aware of what was to be recommended. Mr. Abraham stated that he spoke with them on a Saturday morning and explained to them that he thought the best use of the property on FM 819 was to be more service and retail oriented and to get away from the outdoor storage of oil drilling equipment and lumber yard. Mr. Abraham stated that they are very well aware of his recommendation to make it Local Business. Mr. Abraham stated that there is a mixture of uses out there with some of the property (the Church) being zoning for apartments and he is recommending that that be Local Business. Mr. Abraham stated that there is one lot that is zoned Residential Large, Temporary Office, and has been that way for over 10 years. Mr. Abraham stated that the contractor's storage yard and the oil drilling equipment yard would be allowed to continue as long as they do not cease operation for more than six months.

Motion was made by Councilmember Dennis Robertson and seconded by Councilmember Don Boyd that Ordinance to consider appropriate zoning classification for approximately 528.4 acres of land being considered for annexation and located south of the existing city limit and lying between U. S. 59 and Daniel McCall Drive and extending approximately 1,700 feet south of the intersection of Carriage Drive and U. S. 59 and land fronting the east right-of-way line of U. S. 59 and extending south of the existing city limit approximately 5,000 feet be approved on First Reading as presented. A unanimous affirmative vote was recorded.

6. ORDINANCE – APPROVED – SECOND READING – ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

Mayor Bronaugh stated that the next item for consideration was Second Reading of an Ordinance adopting the International Residential Code.

City Manager Maclin stated that one of the reasons this item is on the Agenda today is so that we can be in compliance with State law by January 1.

Motion was made by Councilmember Bob Bowman and seconded by Councilmember Jack Gorden, Jr. that Ordinance adopting the International Residential Code be approved on First Reading as presented. A unanimous affirmative vote was recorded.

7. EXECUTIVE SESSION

Mayor Bronaugh recessed Regular Session at 12:57 p.m. to enter into Executive Session. Regular Session reconvened at 1:05 p.m. and Mayor Bronaugh stated that personnel issues were discussed and no decisions were made.

8. CALENDAR NOTATIONS FROM MAYOR, COUNCILMEMBER, AND CITY MANAGER

City Manager Maclin stated that this afternoon between 5 and 7 p.m. there would be a Lufkin/Nacogdoches Leaders Reception at the Red Barn.

City Manager Maclin stated that this Friday at 10:00 at Crown Colony DETDA would host Dave Fulton to speak on air transportation.

City Manager Maclin stated that the next Council meeting is next Tuesday at 5:00 p. m.

City Manager Maclin stated that the next DETCOG meeting would be in Jasper on December 20th.

9. There being no further business for consideration, meeting adjourned at 1:07 p.m.


Louis Bronaugh
Mayor

ATTEST:


Atha Stokes Martin - City Secretary