



PLANNING AND ZONING COMMISSION REGULAR AGENDA

Tuesday, November 1, 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, November 1, 2022, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas.

PLANNING AND 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

Chairperson
Schooler

Public Hearings

2. Public Hearing - Concerning Amendment of Big Spring Zoning Ordinance to permit pole signs of up to 65' on properties adjoining I-20 and on properties adjoining FM 700 from I-20 to the east side of the intersection of Goliad St. in Big Spring, Howard County, Texas
3. Public Hearing - Concerning Amendments to the Big Spring City Zoning Ordinance to permit Transitional Housing in the City of Big Spring under certain conditions

Consent Items

4. Nominate and elect the Chair and Co-chair positions
5. Approval of Planning and Zoning Commission Meeting Minutes for the regular meeting held on October 10, 2022

New Business

6. Discussion and possible action - Concerning an Amendment to the Big Spring Zoning Ordinance to permit pole signs of up to 65' on properties adjoining Interstate 20 and on properties adjoining FM 700 from Interstate 20 to the East side of intersection of Goliad St in Big Spring, Howard County, Texas
7. Discussion and possible action - Concerning Amendments to the Big Spring City Zoning Ordinance to permit Transitional Housing in the City of Big Spring under certain conditions

Commissioners Input

Adjourn

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 Planning and Zoning and Posted on Friday, October 28, 2022 at _____ 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.

Angela Brown, Public Works Coordinator

PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT ANGELA BROWN AT 264-2501 or abrown@mybigspring.com. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 72 HOURS IN ADVANCE OF THE MEETING TIME.



Staff Report

To: The Honorable Mayor and City Council

From: The City Manager

Date: November 1, 2022

Subject: Nominate and elect the Chair and Co-chair
positions

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

None

REPORT PREPARED BY:

Name1, Title

E-mail address

Phone #

APPROVED BY:

Department Head (optional)

Todd Darden, City Manager



Staff Report

To: The Honorable Mayor and City Council

From: The City Manager

Date: November 1, 2022

Subject: Approval of Planning and Zoning Commission
Meeting Minutes for the regular meeting held on October
10, 2022

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

P&Z 10-10-2022 Minutes

REPORT PREPARED BY:

Name1, Title

E-mail address

Phone #

APPROVED BY:

Department Head (optional)

Todd Darden, City Manager



PLANNING & ZONING COMMISSION MINUTES

Monday, October 10, 2022

The Planning and Zoning Commission for the City of Big Spring held a regular session on Monday, October 10, 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 Kelley Harris
Member Dale Avant
Member TJ Stewart

Open Session

1. Call to Order

Schooler

Chairperson Schooler called the Planning & Zoning Commission regular session to order at 5:31 p.m. on Monday, October 10, 2022.

Announcements

2. Announcements

Chairperson Schooler stated that in the next meeting we will need to nominate chair and co-chair. He also, stated he will not accept a nomination for either position.

Public Hearings

3. Public Hearing **CANCELLED**- Regarding a Zone Change (Z22-02) request from Single Family Dwelling District (SF-2) to Heavy Industrial District (HI) located at Lot 1 Block 1 Mid Tex Cornell Corrections Prison located at 1801 West Interstate 20, approximately 11.06 Acres, Property ID 6787

This hearing was cancelled before the meeting was held.

4. Public Hearing – Regarding a Zone Change (Z22-03) request from Single Family Dwelling District (SF-2) to Planned Development for Housing (PD) located at the intersection of Fordham Ave and Marquette Ave. on a 4.58-acre tract out of Section 45, Block 32, T-1-N T&P, RR Co Survey, Property ID 90379

There were no public comments.

Consent Items

5. Approval of the Planning & Zoning Commission minutes of the regular session on September 06, 2022

Chairperson Schooler entertained a motion to accept the minutes with the following changes:

Chairperson Schooler announced that his ~~position on the board will expire at the end of the month.~~ He will be stepping down as Chairperson.

1st by Member Avant 2nd by Member Stewart

Vote was 4 Ayes 0 Nays

New Business

6. Discussion & Possible Action- Regarding a Zone Change (Z22-03) request from Single Family Dwelling District (SF-2) to Planned Development for Housing (PD) located at the intersection of Fordham Ave and Marquette Ave. on a 4.58-acre tract out of Section 45, Block 32, T-1-N T&P, RR Co Survey, Property ID 90379

A motion to approve was made by Member Harris

2nd by Member Avant

Vote was 4 Ayes 0 Nays

7. Discussion & Possible Action – Regarding a Preliminary Plat Application submitted by SilverLeaf Communities. Kentwood Addition Unit #5, a replat of Blocks 18 and 19 of Kentwood Addition (Unit #2), a 6.61-acre tract out of an original 74.382-acre tract out of Section 9, Block 32, T-1-S T&P, RR. Co. Survey, Howard County, Texas

Chairperson Schooler entertained a motion to approve

1st Member Stewart

2nd Member Harris

Vote was 4 Ayes 0 Nays

Commission Input

8. Input

9.. ~~Adjourn~~ **Adjourn**

Schooler

**Chairperson Schooler made a motion to adjourn.
1st by Member Stewart 2nd by Member Avant
Vote was 4 Ayes 0 Nays**

Chairperson Kevan Schooler

Date



Staff Report

To: The Honorable Mayor and City Council

From: The City Manager

Date: November 1, 2022

Subject: Discussion and possible action - Concerning an Amendment to the Big Spring Zoning Ordinance to permit pole signs of up to 65' on properties adjoining Interstate 20 and on properties adjoining FM 700 from Interstate 20 to the East side of intersection of Goliad St in Big Spring, Howard County, Texas

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Staff Letter - Sign code amendment - 11.22 (1), Sign Code amendment ordinance Draft (1)

REPORT PREPARED BY:

Name1, Title

E-mail address

Phone #

APPROVED BY:

Department Head (optional)

Todd Darden, City Manager



Meeting Date: November 1, 2022

To: Planning and Zoning Commission

From: Shane Bowles, Public Works Director

Subject: Draft Amendment to the city's sign regulations.

Location: N/A – Draft Code Amendment Only

Staff has been contacted by a business interested in locating in the city. The business would like to construct a sign taller than the city sign regulations currently allows. Currently, the maximum height for a pole sign (Type C) is 30'. Staff is recommending that the sign height listed in Article 9.- Sign Regulations, SECTIONS 9-5. - *Signs Requiring a Permit*, and SECTION 9-8. – *Electronic Message Centers* be amended to a allowed a maximum sign height of 65' on a portion of FM 700 and all of I-20. Language from the city's regulations along with proposed amendments is contained below:

SECTION 9-5. - Signs Requiring Permits.

Upon application to the Inspection Department, permits may be granted for erection and alteration of signs as a matter of right in each district according to the standards set forth for each zoning district and subject to the additional regulations for the types of signs set forth below:

(c)

Type C Sign. These are the signs commonly referred to as pole signs and free-standing signs and include signs supported by a building and extending towards a street, but excluding other types enumerated specifically in other paragraphs, such as Type D and Type E signs.

(1) Such signs, where allowed, shall be located no closer to any street than fifteen (15) feet behind the property line;

(2) At least ten (10) feet from any adjacent common private property line;

(3) Such signs shall be at least eight (8) feet and no more than thirty (30) feet above ground, except for a sign located on property with frontage on I-20 or FM 700 from I-20 to the East side of the intersection of Goliad Street which may be permitted which may be permitted a maximum height of sixty-five (65) feet, and except as may otherwise be permitted in SECTION 9-8;

- (4) Such signs shall be subject to size limitations for the applicable zoning district; **except as may otherwise be permitted in SECTION 9-8;**
- (5) Shall only identify the business conducted on the premises, the name of the building or tenant;
- (6) Only one such sign shall be allowed for each street frontage; and
- (7) No sign shall be allowed on a lot within forty (40) feet of any other existing Type C sign on such lot;
- (8) The use of an Electronic Message Center (EMC) as a Type C sign shall comply with Section 9-8 of this chapter.

SECTION 9-8. - Electronic Message Centers.

In addition to all permit requirements and other regulations contained in this Chapter, the following regulations shall be applicable to all Electronic Message Center, EMC, signs.

Use of an electronic message center (EMC) sign.

(a) *Operational Limitations.*

- (1) The display of a static message or image and the use of scroll/travel to display a message or image shall be permitted.
- (2) The use of any other type of sign transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text graphics appear to move or change in size, shall be prohibited except in accordance with the following:

- (a) Each message or image must be displayed for a minimum of three seconds; and
- (b) The change of message or image must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign face.

(b) *Size Limitations.* In all cases, the use of an electronic message center (EMC) shall count toward the total area of signs allowed on a property.

(1) In the A—MF Districts, a sign permit may be issued for property by a conforming, non-residential use in accordance with the following:

- a. An EMC shall not exceed twenty-four (24) square feet in area.
- b. The EMC may be a single-face or back-to-back sign. The use of a double-faced EMC (side-by-side or stacked) is prohibited.
- c. The maximum height of a freestanding EMC shall be fifteen (15) feet.
- d. For an EMC mounted on a pole, a clearance of not less than seven (7) feet from the bottom of the EMC shall be required.

(2) In the O, Office, and less restrictive zoning districts, excluding PD zones:

a. The area of an EMC shall be limited to fifteen percent (15%) of the total area of signs permitted for the property or forty-two (42) square feet, whichever is less.

b. The maximum height of a freestanding EMC shall be twenty (20) feet.

c. For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(3) For a property which (a) has street frontage on Business 20 or US Hwy 87 and FM 700, and is located in the R, Retail or less restrictive districts, the following shall apply:

a. The area of an EMC shall be limited to twenty percent (20%) of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

b. The maximum height of a freestanding EMC shall be thirty (30) feet.

c. For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(4) For property which has street frontage on Interstate Highway 20 or FM 700 from I-20 to the East side of the intersection of Goliad Street which may be permitted and is located in R, Retail and less restrictive zoning district, the following shall apply:

a. The area of an EMC shall be limited to twenty percent (20%) of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

b. The maximum height of a freestanding EMC shall be ~~forty (40)~~ sixty five (65) feet.

c. For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY BIG SPRING, TEXAS AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 9 “SIGN REGULATIONS”, SECTION 9-5 “SIGNS REQUIRING PERMITS” BY ADDING A NEW EXEPTIONS AS LISTED AND SECTION 9-8 “ELECTRONIC MESSAGE CENTERS,” SUBSECTIONS 3 AND 4 BY PERMITTING ELECTRONIC MESSAGE CENTER (EMC) SIGNS ON FM 700 AND ON I-20 TO HAVE A MAXIMUM HEIGHT OF SIXTY-FIVE (65) FEET ON PROPERTY ZONED “R”, RETAIL OR LESS RESTRICTIVE ; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas state law allows municipalities to adopt zoning ordinances, Chapter 211, Texas Local Government Code; and

WHEREAS, the City of Big Spring is a Texas home rule municipal corporation; and

WHEREAS, the governing body of the City of Big Spring is the City Council of Big Spring under the Charter of the City of Big Spring, Article IV, Section 1a; and

WHEREAS, the City of Big Spring has adopted zoning regulations in its Zoning Ordinance; and

WHEREAS, the wide topography of property adjoining I-20 and E FM 700 from I-20 to the east side intersection of Goliad would allow for the placement of signs in excess of 30 feet if an increased setback is met while not affecting more densely developed areas, the airport, or the view from Big Spring State Park; and

WHEREAS, the Planning and Zoning Commission held a public hearing on November 1, 2022 to discuss potential amendments to the city’s sign regulations concerning maximum sign height allowed on certain roadways; and

WHEREAS, the Planning and Zoning Commission submitted its final report to the City Council following its recommendation on November 1, 2022;

WHEREAS, the Planning and Zoning Commission recommends the following amendments to the City of Big Spring Zoning Ordinance;

WHEREAS, City Council held a public hearing November 8, 2022;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The Big Spring Zoning Ordinance, Article 9 entitled “Sign Regulations,” Section

9-5 entitled “Signs Requiring Permits” and Section 9-8 entitled “Electronic Message Centers” are hereby amended by adding new exceptions in both Sections as follows:

Zoning Ordinance

Article 9. Sign Regulations

Section 9-5. Signs Requiring Permits.

...

(c) *Type C Sign*. These are the signs commonly referred to as pole signs and free-standing signs and include signs supported by a building and extending towards a street....

- (1) Such signs, where allowed, shall be located no closer to any street than fifteen (15) feet behind the property line, except that if the pole sign exceeds thirty (30) feet in height as provided in subsection (c)(3) below, the setback shall be thirty (30) feet behind the property line;
- (2) At least ten (10) feet from any adjacent common private property line;
- (3) Such signs shall be at least eight (8) feet and no more than thirty (30) feet above ground, except for a sign located on a property with frontage on Interstate Highway 20 or FM 700 from Interstate Highway 20 to the east side of the intersection of Goliad Street which may be permitted a maximum height of sixty-five (65) feet above ground, and except as may otherwise be permitted in Section 9-8;
- (4) Such signs shall be subject to size limitations for the applicable zoning district, except as may otherwise be permitted in SECTION 9-8;

...

Section 9-8. Electronic Message Centers

(b) ...

(3) For a property which has street frontage on Business Interstate Highway 20, Business US Highway 87, or FM 700 from Business Interstate Highway 20 to the west side of the intersection of Goliad Street, and is located in the R, Retail or less restrictive districts, the following shall apply:

~~For a property which (a) has street frontage on Business 20, US Hwy 87 and FM 700, and is located in the R, Retail or less restrictive districts, the following shall apply:~~

- a. The area of an EMC shall be limited to twenty percent (20%) of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.
- b. The maximum height of a freestanding EMC shall be thirty (30) feet.
- c. For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(4) For a property which has street frontage on Interstate Highway 20, or FM 700 from Interstate Highway 20 to the east side of the intersection of Goliad Street, and is located in R, Retail and less restrictive zoning district, the following will apply:

~~For property which has street frontage on Interstate Highway 20 and is located in R, Retail and less restrictive zoning district, the following will apply:~~

- a. The area of an EMC shall be limited to twenty percent (20%) of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.
- b. The maximum height of a freestanding EMC shall be ~~forty (40)~~ sixty-five (65) feet.
- c. For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 2. If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 5. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **November, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **9th** day of **November, 2022** with all members of the Council voting “aye” for the passage of same.

Robert H. Moore, III, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary



Staff Report

To: The Honorable Mayor and City Council

From: The City Manager

Date: November 1, 2022

**Subject: Discussion and possible action - Concerning
Amendments to the Big Spring City Zoning Ordinance to
permit Transitional Housing in the City of Big Spring
under certain conditions**

RECOMMENDATION:

BACKGROUND:

FISCAL IMPACT:

ATTACHMENTS:

Staff Letter - Transitional Housing - November 1, 2022 P&Z, Transitional Housing ordinance final

REPORT PREPARED BY:

Name1, Title

E-mail address

Phone #

APPROVED BY:

Department Head (optional)

Todd Darden, City Manager



Memo

Meeting Date: November 1, 2022

To: Planning and Zoning Commission
From: Shane Bowles, Public Works Director

Subject: Request to consider amending the zoning code to permit "Transitional Housing under certain conditions.

Location: N/A

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

Analysis:

The Planning and Zoning Commission held two workshops to discuss the potential of amending the city's zoning regulations to permit a new use called "Transitional Housing" and adding a definition and conditions that would be applicable to any applicant seeking approval of a Specific Use Permit for this use. Staff has attached a draft ordinance for review and comment by the P&Z prior to any action by the city council. At this time, there are no specific properties to be considered – this is a potential code amendment only.

Attachments: Draft Ordinance

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY BIG SPRING, TEXAS AMENDING THE BIG SPRING ZONING ORDINANCE, ARTICLE 2 “DEFINITIONS,” SECTION 2-1 “DEFINITION OF WORDS AND TERMS” BY ADDING A NEW DEFINITION “TRANSITIONAL HOUSING” AND AMENDING ARTICLE 7 “SPECIAL APPLICATIONS,” SECTION 7-2 “SPECIFIC USE PERMITS,” SUBSECTION b(72) TO ADD TRANSITIONAL HOUSING TO THOSE USES REQUIRING A SPECIFIC USE PERMIT IN CERTAIN ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission held discussions on June 21, 2022 and again on September 16, 2022 to discuss potential amendments to the city’s zoning regulations concerning transitional housing; and

WHEREAS, the Planning and Zoning Commission submitted its final report to the City Council on November 1, 2022;

WHEREAS, the Planning and Zoning Commission recommends the following amendments to the City of Big Spring Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The Big Spring Zoning Ordinance, Article 2 entitled “Definitions,” Article 2-1 entitled “Definition of Words and Terms,” is hereby amended by adding a new definition “Transitional Housing” to read in its entirety as follows:

ARTICLE 2. – DEFINITIONS

SECTION 2.1 – Definition of words and terms.

TRANSITIONAL HOUSING means a housing shelter that provides supervised lodging at no charge for indigent individuals and/or families with no regular home or residential address, on a non-profit basis for an extended period not to exceed 18 months in any five year period, on condition of that any person receiving lodging accepts as seen fit by supervisor of the transitional housing or the supervisor’s agent all of the following: social services, job training, self-sufficiency training, life skills training, educational programs, physical fitness programs, substance abuse treatment, health care including but not limited to mental health treatment, and/or counseling programs, and other conditions decided by the supervisor such as testing for illegal drugs. Transitional housing does not include group homes.

SECTION 2. The Big Spring Zoning Ordinance, Article 7 entitled “Special Applications,” Article 7-2 entitled “Specific Use Permits,” Subsection B(72) is hereby amended to read in its entirety as follows:

ARTICLE 7. – SPECIAL APPLICATIONS

SECTION 7-2. Specific Use Permits.

(b) Specific use permits without term may be issued for the following types of uses and subject to, but not limited to, the specified restrictions, in the following districts:

72. Transitional Housing in the following zones: LC, HC, LI, and HI districts and are subject to the standards and restrictions listed herein.

An application for a Transitional Housing permit shall include a written operational plan. The operational plan shall provide a description of the use and sufficient details to adequately describe the operations of the Transitional Housing use. The operational plan shall include the following:

1. An organizational tree including an estimated total number of professional staff and volunteers that will work at the facility;
2. The number of beds to be provided;
3. The average population per month;
4. A description of the services to be provided, such as job placement, counselling, and other training services;
5. A description of the population expected to be served, for example women, women and children, single men, families, etc.;
6. Typical length of stay per person; and
7. Any other information the applicant believes could be helpful to explain the operation and compatibility of the proposed transitional housing facility with the proposed location.

Transitional housing shall not be permitted within one thousand (1,000) feet of another transitional housing facility.

Transitional housing shall not be permitted within one thousand (1,000) feet of a school or daycare, or public park. Measurements of distance under this section are taken radially along the shortest distance between the nearest point of the transitional housing building and the nearest point of the school, daycare, or public park.

Transitional housing shall not allow any person as a tenant or resident in any capacity if

previously convicted of a sex-oriented crime or child molestation.

Outdoor leisure activities at transitional housing shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week.

The transitional home may be considered a public nuisance if any of the following occurs: (1) More than two (2) police disturbance calls are recorded within a thirty-day period involving residents housed at any single transitional facility; (2) A code violation that is not brought into compliance within thirty (30) days of receiving notice; or (3) More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the Chief of Police determines that any of these three (3) provisions occur, he or she shall request that the city attorney take court action to abate the nuisance where appropriate under law.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby ordered and directed to cause the descriptive caption as well as the penalties for violation of this ordinance to be published as required by law.

SECTION 6. This ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **8th** day of **November, 2022** with all members of the Council voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **9th** day of **November, 2022** with all members of the Council voting “aye” for the passage of same.

Robert Moore, Mayor

ATTEST:

Tami L. Davis, Assistant City Secretary