

Dan Davis, Chair
Alex Nemer II, Vice-Chair
Greg Lindsey, Commissioner
Kristy Wages, Commissioner
Adam Armstrong, Commissioner
Jennifer Thomason, Commissioner
Grizelda Castillo, Commissioner

Susan Davis, Planning Tech



**NOTICE OF MEETING
PLANNING AND ZONING
COMMISSION
June 6, 2024
1:30 p.m.
City Council Chambers
504 N. Queen Street
Palestine, Texas**

Zoom Link:

<https://us02web.zoom.us/j/82910018716?pwd=3E4TiqE0sbPaeHrxr5RwFCH9RG2.1>

Meeting ID: 829 1001 8716
Passcode: 886388

One tap mobile
+13462487799,,82910018716#,,, *886388# US

Note: when you are joining a Zoom meeting by phone, you can use your phone's dial pad to enter the commands *6 for toggling mute/unmute and *9 to "raise your hand." [Learn more here.](#)

Follow us live at: facebook.com/palestinety/

A. CALL TO ORDER

B. PROPOSED CHANGES OF AGENDA ITEMS

C. PUBLIC COMMENTS

Any citizen wishing to speak during public comments regarding an item on or off the agenda may do so during this section of the agenda. All comments must be no more than five minutes in length. Any comments regarding items, not on the posted agenda may not be discussed or responded to by the Commissioners. Members of the public may join via Zoom or in person.

D. CONFLICT OF INTEREST DISCLOSURES

E. APPROVAL OF MINUTES

1. Consider approval of minutes from the May 2, 2024, meeting.

F. PUBLIC HEARINGS / DISCUSSION AND ACTION ITEMS

1. Public hearing and discussion to consider a Specific Use Permit for Manufacturing, Processing, Packaging-Light, and associated Retail Sales located at 512 N. John Street, Original Block 101, Lot 11, 12, 13, 14, 15, 16B, and 18.
2. Public hearing and discussion to consider rezoning the area starting at the corner of West Oak extending east on Pillar, then south towards M. L. Cary, then east on M. L. Cary to West Reagan, then south on West Reagan to Loop 256, then west on Loop 256 to West Oak, then north on West Oak to Pillar (excluding property in the Retail Commercial (RC) zoning district) from Industrial (I) to Mixed Residential (MR).

3. Discussion and possible action regarding manufactured homes within the city limits.

G. **ADJOURNMENT**

I certify that the above Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, in compliance with Chapter 551 of the Texas Government Code on **Monday, June 3, 2024, at 1:25 p.m.**



April Jackson, City Secretary

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) PERSONS IN NEED OF SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHALL, CONTACT THE CITY SECRETARY'S OFFICE VIA EMAIL AT citysecretary@palestine-tx.org or 903-731-8414.



Agenda Date: 06/06/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Approval of Minutes for the May 2, 2024 Meeting
Date Submitted: 06/03/2024

SUMMARY:

Consider approval of the Minutes from the May 2, 2024, meeting.

RECOMMENDED ACTION:

Staff recommends approval of the Minutes.

CITY MANAGER APPROVAL:

Attachments

Minutes

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The Planning and Zoning Commission of the City of Palestine convened in a Regular Meeting on Thursday, May 2, 2024, at 1:30 p.m., in the Council Chambers at City Hall, 504 N. Queen Street, Palestine, Texas, with the following people present: Chairman Dan Davis; Commissioners Alex Nemer, Kristy Wages, and Jennifer Thomason.

Staff present: Planning Tech Susan Davis, City Manager Teresa Herrera, and City Manager's Administrative Assistant Casey DeBord.

Commissioners Grizelda Castillo, Greg Lindsey, and Adam Armstrong were absent.

CALL TO ORDER

With a quorum present, Chairman Davis called the meeting to order at 1:31 p.m.

PROPOSED CHANGES OF AGENDA ITEMS

None.

PUBLIC COMMENTS

No public comments were made.

CONFLICT OF INTEREST DISCLOSURES

There were none.

APPROVAL OF MINUTES

Commissioner Nemer made a motion, seconded by Commissioner Thomason to approve minutes from March 7, 2024, meeting with the corrected approval date. Upon vote, the motion carried unanimously 4-0.

PUBLIC HEARINGS/ DISCUSSION AND ACTION ITEMS

1. Discussion regarding Sheridan Terrace, Pinewood I, and Pinewood II.

Planning Tech Susan Davis provided a summary concerning the Legal Non-conforming status of the single-family residential neighborhoods located in the Industrial Zoning District. Commissioners discussed a proposed boundary for consideration of rezoning from Industrial to Mixed Residential for consideration during the June 6, 2024, meeting.

2. Discussion and possible action regarding the final plat for the Overlook Apartments Addition for approval of a 60' R.O.W. dedication of Overlook Way.

Planning Tech Susan Davis presented a summary of the prior approval of the plat for the Overlook Apartments and the approval required for roadway dedication. Chairman Davis opened the public hearing at 2:13 p.m. City Manager Teresa Herrera confirmed that the City is not opposed to the roadway dedication. Chairman Davis closed the public hearing at 2:13 p.m.

Commissioner Nemer made a motion, seconded by Commissioner Thomason, to approve the item as presented. Upon vote, motion carried 4-0.

3. Public hearing and discussion to consider a Specific Use Permit for placement of a manufactured home at 911 N. Esplanade, Jacob Snively Survey, A-63, Block 862-1, Tract 19, 20, 21.

Planning Tech Susan Davis presented a summary including the owner's voluntary demolition of the substandard structure located on the property and request for placement of a manufactured home. Ten notices were sent to owners within a 200-ft. radius, one was returned in favor, and none were opposed. Chairman Davis opened the public hearing at 2:18 p.m. No one spoke in favor or opposition. Chairman Davis closed the

public hearing at 2:19 p.m. Commissioner Nemer made a motion, seconded by Commissioner Thomason, to approve the application for Specific Use Permit. Upon vote, the motion failed 0-4.

4. Public hearing and discussion to consider amending Chapter 39, Section 39.5.3, Use Definitions to add a definition for Short-Term Rental.

Planning Tech Susan Davis presented the proposed Short-Term Rental definition. Chairman Davis opened the public hearing at 2:28 p.m. No one spoke in favor or opposition. Chairman Davis closed the public hearing at 2:28 p.m. Commissioner Nemer made a motion, seconded by Commissioner Wages, to approve the item as presented. Upon vote, motion carried 4-0.

5. Public hearing and discussion to consider amending Chapter 39, Section 39.2.2-13, Land Use Chart to remove the Airbnb Rental Unit category and add a Short-Term Rental category.

Planning Tech Susan Davis presented a summary of Short-Term Rental use category in place of the Airbnb company name and the difference in the Bed and Breakfast use category. Chairman Davis opened the public hearing at 2:31 p.m. No one spoke in favor or opposition. Chairman Davis closed the public hearing at 2:31 p.m. Commissioner Thomason made a motion, seconded by Commissioner Nemer, to approve the item as presented. Upon vote, motion carried 4-0.

6. Public hearing and discussion to consider amending Chapter 39, Section 39.2.2-13, Land Use Chart to allow Body Art Studio/Branding, Piercing and Tattoo Facility in the Industrial Zoning District.

Planning Tech Susan Davis presented a summary of the current zoning districts allowing Body Art Studio/Branding, Piercing and Tattoo Facility. Chairman Davis opened the public hearing at 2:42 p.m. No one spoke in favor or opposition. Chairman Davis closed the public hearing at 2:43 p.m. Commissioner Nemer made a motion, seconded by Commissioner Thomason, to approve the item as presented. Upon vote, motion carried 4-0.

7. Public hearing and discussion to consider amending Chapter 39, Section 39.4.3-2(6) to reference the Appendix B Fee Schedule in place of the stated Specific Use Permit fee.

Planning Tech Susan Davis presented information concerning City Council's approval of an updated Appendix Fee B Fee Schedule and the need to remove the previous fee listed in Section 39.4.3-2(6). Chairman Davis opened the public hearing at 2:50 p.m. No one spoke in favor or opposition. Chairman Davis closed the public hearing at 2:50 p.m. Commissioner Nemer made a motion, seconded by Commissioner Thomason, to approve the item as presented. Upon vote, motion carried 4-0.

ADJOURN

With no other business to come before the Commission, Commissioner Nemer made a motion, seconded by Commissioner Wages, to adjourn the meeting at 2:55 p.m. Motion carried 4-0.

PASSED AND APPROVED THIS 6th DAY OF JUNE 2024.

Dan Davis, Chairman

ATTEST:

Susan Davis, Planning Tech



Agenda Date: 06/06/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Specific Use Permit for 512 N John
Date Submitted: 06/03/2024

SUMMARY:

Public Hearing and consideration of a request for a Specific Use Permit for Manufacturing, Processing, Packaging-Light, and associated Retail Sales located at 512 N. John Street, Original Block 101, Lot 11, 12, 13, 14, 15, 16B, and 18. The applicant, Thorough Food Company LLC, has purchased the Eilenberger Bakery with the intent to produce food products sold at their retail locations throughout Texas. On May 7, 2024, twenty-three notices were mailed to property owners within 200-feet of the location of the specific use permit request. Five (22%) have been returned in favor of the request. None (0%) have been returned in opposition. Eighteen (78%) owners did not respond.

RECOMMENDED ACTION:

For public hearing, discussion and consideration.

CITY MANAGER APPROVAL:

Attachments

Application
Staff Report



SPECIFIC USE PERMIT APPLICATION

APPLICANT INFORMATION

Applicant Name: Ryan Goebel (Thorough Food Company LLC)
Address: 512 N John St.
City: Palestine State: TX Zip: 75801
Phone Number: 512-779-6303 Email: ryan@thoroughbreadatx.com Fax: _____

PROPERTY DESCRIPTION

Address (if available): 512 N John St. Palestine, TX 75801
Subdivision: _____ Lot: _____ Block: 101
Anderson County Appraisal District Block Map # _____ Tract #: _____
Existing Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ No
Proposed Deed Restrictions: ☐ Yes (Attach a copy with the application) ☒ No

PRESENT USE OF PROPERTY

Describe how the property is currently being used: Food manufacturing, retail, and distribution. Four brands: Eilenberger's (bakery/fruit cakes), Mary of Puddin' Hill (bakery, pies/candy), Aloha Island Coffee, and Cherokee Popcorn ^{co-packer}

PROPOSED USE OF PROPERTY

Describe the proposed use of the property (be specific): Food manufacturing, retail, and distribution. This location will produce the food products our business sells to our retail locations around Texas. Products will include baked goods, smoked meats, condiments/sauces, pickles/preserves, and other food items. We will operate a retail bakery, coffee shop, and sandwich shop, sourced by the production happening in the rest of the building.

Attach additional sheets if necessary including any surveys or drawings that will show the proposed improvements on the property.

EXHIBIT "A"

FIELD NOTE DESCRIPTION

1.283 ACRES

ALL that certain tract of land in Anderson County, Texas, in the JACOB SNIVELY SURVEY, Abstract 63, being a portion of Block 101 of Original Palestine and a portion of the Hallum Block as depicted in Volume 39, Page 263 of the Anderson County Official Public Records (O.P.R.) and being a portion of that same tract called 1.392 acres in deed from Compass Bank to Ellenberger's Bakery, Inc. dated September 28, 2001, recorded in Volume 1693, Page 1 O.P.R. and being more particularly described as follows:

BEGINNING at a 3/8" Iron rod found in the West line of North Magnolia Street at the Southeast corner of Tract Two conveyed to Steve M. Spencer by deed recorded in Volume 960, Page 86 O.P.R.

THENCE; S 09° 45' 10" E, with the West line of North Magnolia Street 175.63 feet to an "X" found in concrete and in the North line of a 12 foot wide alley;

THENCE; S 83° 08' 39" W, with the North line of the 12 foot wide alley 134.36 feet to an "X" found in a concrete loading dock.

THENCE; S 00° 00' 00" E, with the West end of the alley and the West line of a tract conveyed to the Palestine Community Theatre, Inc. by deed recorded in Volume 1309, Page 443 O.P.R. a distance of 187.82 feet to a concrete nail found at the Southwest corner of the old Texas Theater Building and the Southwest corner of said Palestine Community Theatre, Inc. tract in the North line of West Crawford Street.

THENCE; N 89° 36' 02" W, with the North line of West Crawford Street 49.74 feet to an "X" found in concrete at the Southeast corner of a tract called 69 feet by 110 feet conveyed to Jerry M. Batton, et ux by deed recorded in Volume 1328, Page 253 O.P.R.

THENCE; N 00° 00' 00" E, with the East line of the Hatton Tract 107.36 feet to the Northeast corner of the Hatton Tract.

THENCE; S 90° 00' 00" W, with the North line of the Hatton Tract 69.26 feet to the Southwest corner of a brick building in the East line of North John Street.

THENCE; N 00° 00' 00" E, with the East line of North John Street, being along the West face of the brick building and its Northerly projection 247.48 feet to a 1/2" iron rod found. A 2-1/2" galvanized fence post cut-off flush with the ground bears N 90° 00' 00" E, 0.26 feet and a 1/2" iron rod found marking the Northwest corner of the 1.392 acre tract bears N 07° 23' 38" W, 50.79 feet for reference.

THENCE; N 89° 52' 19" E, 90.99 feet to a 1/2" Iron rod set.

EXHIBIT "A"

THENCE; N 09° 12' 45" E, 4.59 feet to a 1/2" iron rod found marking the Southwest corner of said Stephen M. Spencer tract and an all corner of the 1.392 acre tract.

THENCE; N 82° 35' 26" E, with the South line of the Spencer Tract, being along a chain link fence and its Westerly projection 132.02 feet to the PLACE OF BEGINNING containing 1.283 acres.

Bearings are based on the East line of North John Street as described by the 1.392 acre tract in Volume 1693, Page 1 O.P.R. Called N 00° 00' 00" E.



PLANNING AND ZONING COMMISSION
AGENDA DATE: June 6, 2024
ITEM XZ-24-4 / STAFF REPORT

| | |
|---------------------|---|
| REQUEST: | A specific use permit for Manufacturing, Processing, Packaging-Light, and Associated Retail Sales located at 512 N. John Street |
| APPLICANT: | Thorough Food Company LLC |
| EXHIBITS: | Zoning Map, Area Map |
| PREPARED BY: | Susan Davis, Planning Tech |

PROPERTY INFORMATION

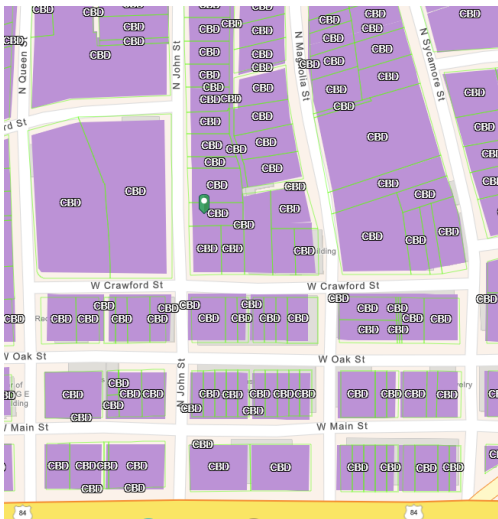
| | |
|------------------|---|
| LOCATION: | 512 N. John Street |
| ZONING: | CBD, Central Business District |
| OVERLAY ZONES: | Downtown Historic District, Main Street District |
| LAND USE: | Commercial – Food Manufacturing, Retail, and Distribution |
| ADJACENT ZONING: | CBD, Central Business District |
| ACREAGE: | 1.283 acres |
| SUBDIVISION: | Original Palestine |

SUMMARY OF REQUEST

The applicant, Thorough Food Company LLC, applied for a specific use permit to allow Manufacturing, Processing, Packaging-Light, and Associated Retail Sales located at 512 N. John Street for food manufacturing, retail, and distribution. The proposed business location is the former Eilenberger Bakery which included a store front, bakery, and manufacturing and distribution of coffee, popcorn, and other products. Thorough Food Company LLC will produce food products sold at their other locations in Texas, including baked goods, smoked meats, condiments/sauces, pickles, preserves, and other food items. The store front will contain a retail bakery, coffee shop, and sandwich shop sourced by the production happening in the rest of the building.

PROPERTY ZONING AND LAND USE

The property where the food manufacturing, retail, and distribution is proposed to be located is zoned Central Business District. Adjacent zoning districts include Central Business District to the south, east, and west.



PUBLIC NOTICE

On May 7, 2024, twenty-three notices were mailed to property owners within 200-feet of the location of the specific use permit request. Five (22%) have been returned in favor of the request. None (0%) have been returned in opposition. Eighteen (78%) owners did not respond.

ZONING AND DEVELOPMENT REQUIREMENTS

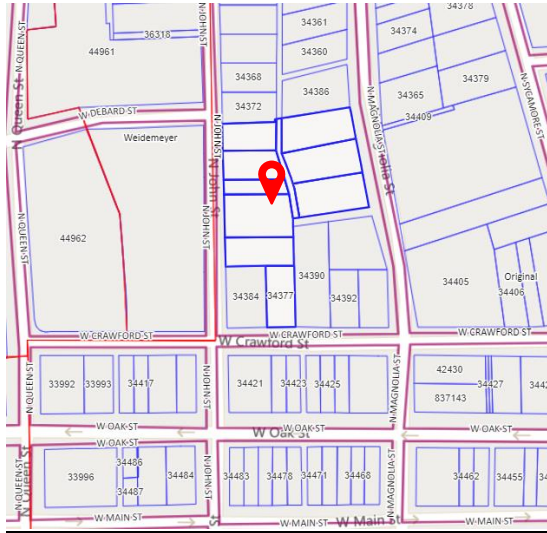
Chapter 39, Article II, Section 39.2.2-13, Land Use Chart indicates that a Specific Use Permit is required for "Manufacturing, Processing, and Packaging-Light, and Associated Retail Sales".

Chapter 39, Article II, Section 39.4.3-2 (3) Specific Use Permit, Standards for Approval states as follows:

- (3) *Standards for approval.* The planning and zoning commission and the city council shall consider the following when reviewing an application for a specific use permit (SUP) on a property:
 - (a) Conformance with applicable regulations and standards established by this zoning ordinance;
 - (b) Compatibility with the comprehensive plan;
 - (c) Compatibility with existing or permitted uses on neighboring properties in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation capacity; unless the neighboring properties are nonconforming and/or not in compliance with the comprehensive plan and approval of the specific use permit (SUP) will bring the requested property in compliance with this chapter and the city's comprehensive plan;
 - (d) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use, including without limitation:
 - i. Location, lighting and type of signs, and the relation of signs to adjacent properties;
 - ii. Noise producing elements;
 - iii. Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;
 - iv. Safety from fire hazard, and measures for fire control; and

- v. Protection of adjacent property from drainage, floods, erosion or other water damage.
- (e) Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.

SPECIFIC USE PERMIT LOCATION MAP



STAFF COMMENTS

Thorough Food Company LLC operates retail locations throughout Texas. The company has purchased the building located at 512 N. John Street which formerly contained Eilenberger Bakery which had grown throughout the years to include other products in addition to the bakery items. The building contains parking and a loading area at the rear of the property. Thorough Food Company LLC is investing funds necessary to bring the building up to code including the installation of grease traps which are required by city ordinance.

COUNCIL REVIEW

The item will be placed on Council's agenda for consideration on June 10, 2024.



Agenda Date: 06/06/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Request to Rezone Industrial to Mixed Residential
Date Submitted: 06/03/2024

SUMMARY:

Public hearing, discussion, and consideration of a request to rezone Sheridan Terrace, Pinewood I, Pinewood II, Miller Street, and Pillar Street from Industrial to Mixed Residential. The proposed rezoning area is populated with Single-Family Residential structures and is adjacent to the railroad tracks on the east. On May 10, 2023, seventy-seven notices were mailed to property owners within 200-feet of the location of the zoning change application. As of the date of this report, two comments (2.6%) have been returned in favor. One comment (1.3%) was returned in opposition for Tracts 14272 and 10754. To-date, seventy-four (96.1%) property owners have not responded.

RECOMMENDED ACTION:

Public hearing, discussion, and consideration.

CITY MANAGER APPROVAL:

Attachments

Staff Report
Zoning Map
Old Zoning Map
Legal Descriptions



PLANNING AND ZONING COMMISSION
AGENDA DATE: June 6, 2024
ITEM PZ-24-04 / STAFF REPORT

REQUEST: Rezone Industrial to Mixed Residential

APPLICANT: Staff on behalf of the City of Palestine

EXHIBITS: Zoning Maps

PREPARED BY: Susan Davis, Planning Tech

PROPERTY INFORMATION

LOCATION: See attached map

ZONING: Industrial (I)

OVERLAY ZONES: None

LAND USE: Single-family Residential and Vacant Properties

ADJACENT ZONING: Retail Commercial (RC), Mixed Residential (MR), Highway Commercial (HC) and Industrial (I)

ACREAGE: Multiple Tracts

SUBDIVISION: Sheridan Terrace, Pinewood I, Pinewood II, Miller Street, and Pillar Street

SUMMARY OF REQUEST

The request for zoning change was prompted by a recent request to rebuild a single-family structure in the Sheridan Terrace subdivision which is currently zoned Industrial. Due to the current Industrial zoning the residences located in Sheridan Terrace, Pinewood I, Pinewood II, Miller Street, and Pillar Street are considered Legal Non-Conforming. This area was previously zoned R-3 prior to the adoption of the current zoning map.

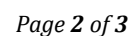
PROPERTY ZONING AND LAND USE

Adjacent zoning districts include Retail Commercial (RC) to the west, Highway Commercial (HC) and Mixed Residential (MR) to the east, and Industrial (I) to the north and south.

PUBLIC NOTICE

On May 10, 2023, seventy-seven notices were mailed to property owners within 200-feet of the location of the zoning change application. As of the date of this report, two comments (2.6%) have been returned in favor. One comment (1.3%) was returned in opposition for Tracts 14272 and 10754. To-date seventy-four (96.1%) property owners have not responded.

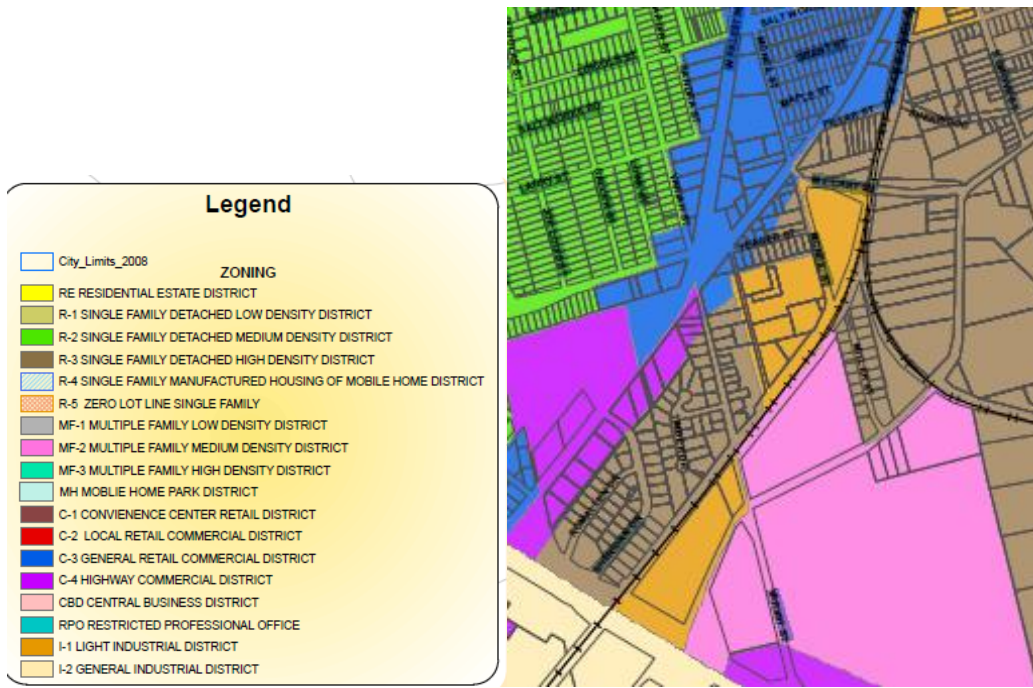
The official zoning map adopted and declared to be a part of the zoning ordinance on September 14, 2020, by the City Council of the City of Palestine, Texas (Ordinance No. O-20-20) shows that the area identified above is in the Industrial zoning district.



STAFF COMMENTS AND RECOMMENDATION

The proposed rezoning area is populated with single-family residences adjacent to the railroad tracks on the east and commercial properties fronting West Oak on the west. Staff recommends consideration of approval of rezoning.

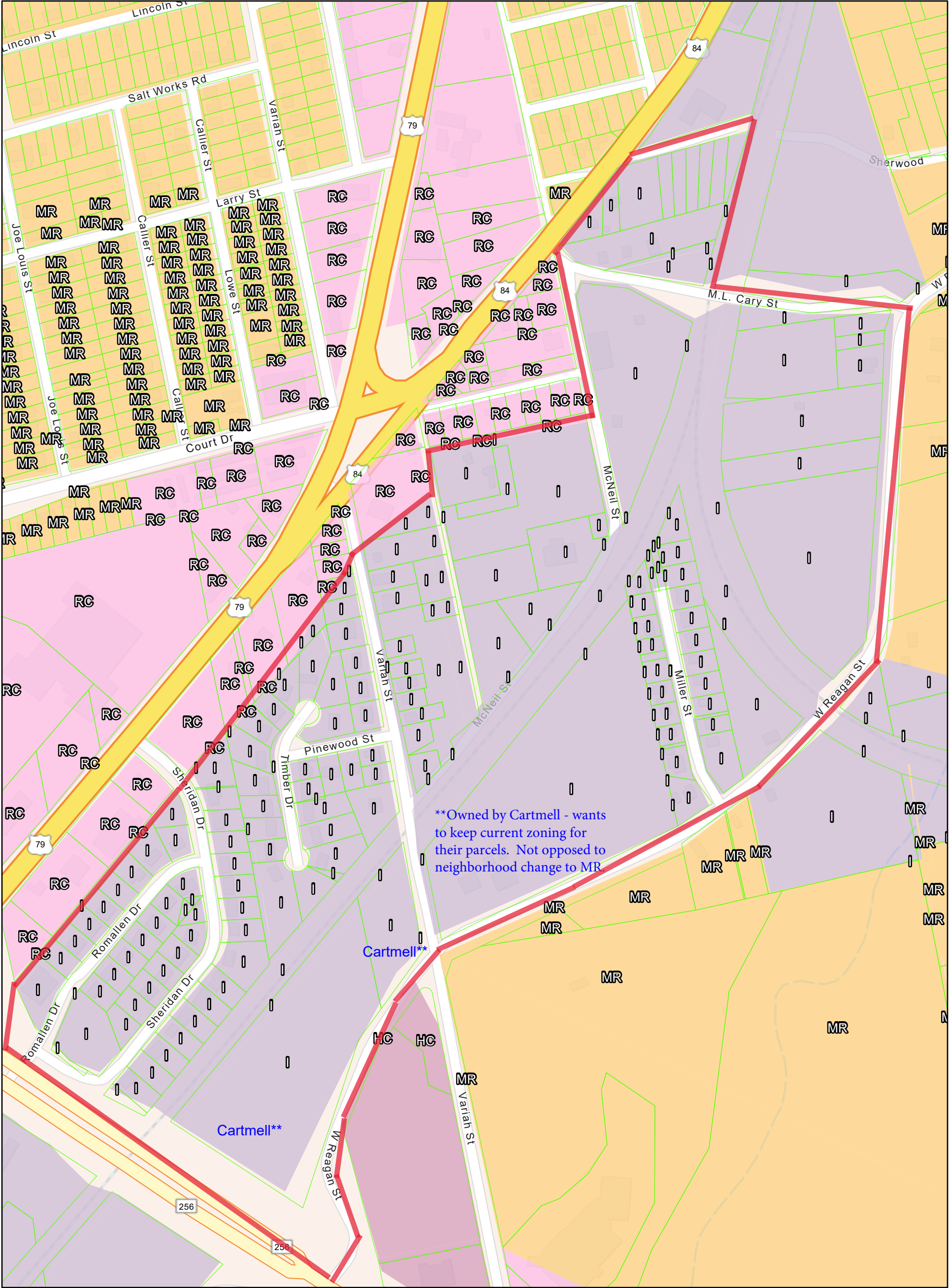
The previous Zoning Map (shown below) reflects that the property was in the R-3 Single-Family Detached High Density District, I-1 Light Industrial District, and the MF-2 Multiple Family Medium Density District.



COUNCIL REVIEW

Depending upon the determination of the Planning and Zoning Commission, the item will be placed on Council's agenda for consideration on June 24, 2024.

Palestine Zoning Map



5/28/2024, 12:10:06 PM

Anderson County Parcels

Zoning Boundaries

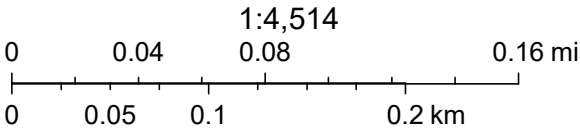
HC

I

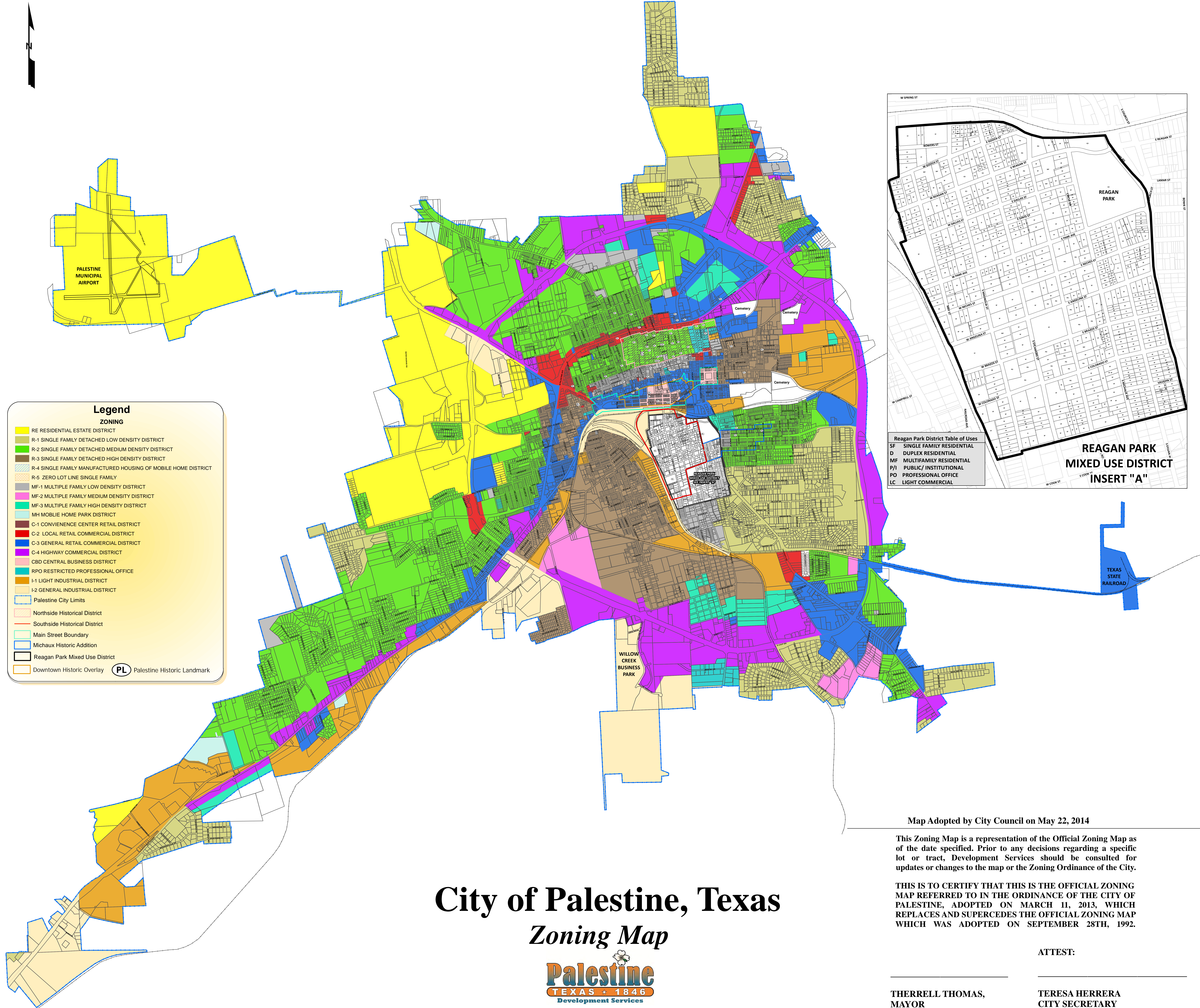
MR

RC

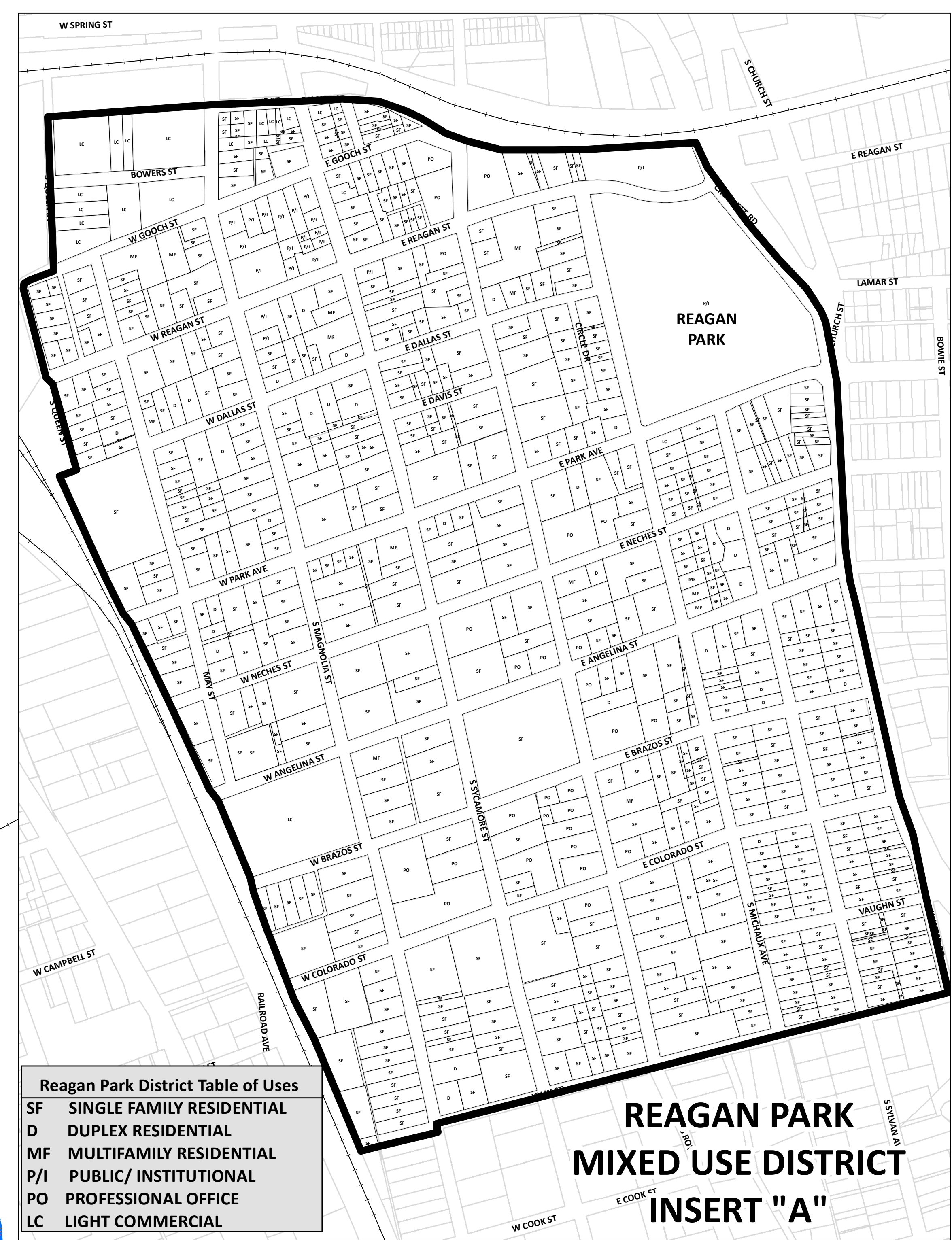
City Boundary



Esri Community Maps Contributors, Baylor University, DETCOG, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



- Legend**
ZONING
- RE RESIDENTIAL ESTATE DISTRICT
 - R-1 SINGLE FAMILY DETACHED LOW DENSITY DISTRICT
 - R-2 SINGLE FAMILY DETACHED MEDIUM DENSITY DISTRICT
 - R-3 SINGLE FAMILY DETACHED HIGH DENSITY DISTRICT
 - R-4 SINGLE FAMILY MANUFACTURED HOUSING OF MOBILE HOME DISTRICT
 - R-5 ZERO LOT LINE SINGLE FAMILY
 - MF-1 MULTIPLE FAMILY LOW DENSITY DISTRICT
 - MF-2 MULTIPLE FAMILY MEDIUM DENSITY DISTRICT
 - MF-3 MULTIPLE FAMILY HIGH DENSITY DISTRICT
 - MH MOBILE HOME PARK DISTRICT
 - C-1 CONVENIENCE CENTER RETAIL DISTRICT
 - C-2 LOCAL RETAIL COMMERCIAL DISTRICT
 - C-3 GENERAL RETAIL COMMERCIAL DISTRICT
 - C-4 HIGHWAY COMMERCIAL DISTRICT
 - CBD CENTRAL BUSINESS DISTRICT
 - RPO RESTRICTED PROFESSIONAL OFFICE
 - I-1 LIGHT INDUSTRIAL DISTRICT
 - I-2 GENERAL INDUSTRIAL DISTRICT
 - Palatine City Limits
 - Northside Historical District
 - Southside Historical District
 - Main Street Boundary
 - Michaux Historic Addition
 - Reagan Park Mixed Use District
 - Downtown Historic Overlay
 - PL Palatine Historic Landmark



Map Adopted by City Council on May 22, 2014

This Zoning Map is a representation of the Official Zoning Map as of the date specified. Prior to any decisions regarding a specific lot or tract, Development Services should be consulted for updates or changes to the map or the Zoning Ordinance of the City.

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN THE ORDINANCE OF THE CITY OF PALESTINE, ADOPTED ON MARCH 11, 2013, WHICH REPLACES AND SUPERCEDES THE OFFICIAL ZONING MAP WHICH WAS ADOPTED ON SEPTEMBER 28TH, 1992.

ATTEST:

THERRELL THOMAS,
MAYOR

TERESA HERRERA
CITY SECRETARY

City of Palestine, Texas

Zoning Map



LEGAL DESCRIPTIONS

TRACT ONE – SHERIDAN TERRACE

All those certain lots, tracts, or parcels of land being Lots 1R, 2R, 32A, 32B, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 48, 47, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71A, 71B, 72, 73, 74, 75, 76, 77, 80, 81, 82, 83, 84, 85, and 86, of the Revised Plat No. 1 of Sheridan Terrace Addition to the City of Palestine, Texas, as shown in Map Envelope #100B of the Map Envelope Records in the Office of the County Clerk of Anderson County, Texas.

TRACT TWO – PINWOOD I

All those certain lots, tracts, or parcels of land being Lots 1, 2, 3, 4, and 5, Pinewood Subdivision, Section 1, in the Joseph Jordan Survey, A-33, in the Palestine, Anderson County, Texas, according to the map or plat thereof of record in Map Envelope 166-B of the Map Records of Anderson County, Texas, to which map or plat and the record thereof reference is made for all purposes.

TRACT THREE - PINWOOD II

All those certain lots, tracts, or parcels of land being Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, Section 2 of Pinewood Subdivision, in the Joseph Jordan Survey, A-33, in Palestine, Anderson County, Texas, according to the map or plat thereof of record in Map Envelope 168-D of the Map Records of Anderson County, Texas, to which map or plat and the record thereof reference is made for all purposes.

TRACT FOUR - MILLER

Miller, C, Lot 1, 2, 3, 4, 5, 6, 7, 8, 9A, 9B, 10B, 10R, 14A, 14B, 15A, 15B, 16, 17, 18, 19A, 19B, 20, 21, 22, and Tract A, and B

TRACT FIVE – JOHN ARTHUR SURVEY, BLOCK 1215

All those certain lots, tracts, or parcels of land being a part of the John Arthur Survey, A-4, Block 1215, Tracts 19, 19A, 20, 20A, 21, 22, 24, 25, 26, 30, 31, 27, 28, 29, 32, 33, 34, 35, 36, 37, and 3

TRACT FIVE – JOHN ARTHUR SURVEY, BLOCK 1216

All those certain lots, tracts, or parcels of land being a part of the Joseph Jordan Survey, A-33, Block 1216, Tracts 9, 10, 11, 12, and 15

TRACT SIX – JOHN ARTHUR SURVEY, BLOCK 864

All those certain lots, tracts, or parcels of land being a part of the John Arthur Survey, A-4, Block 864, Tracts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14B, 28A, 28B, 28X, 29, 30, 31, 32, 33, 34, and 35

EXCLUDE CARTMELL ADDITION (PER OWNER REQUEST)

Cartmell Addition Lot 3, 4



Agenda Date: 06/06/2024
To: Planning and Zoning Commission
From: Susan Davis, Planning Technician
Agenda Item: Discussion concerning Manufactured Homes within the City Limits
Date Submitted: 06/03/2024

SUMMARY:

Discussion concerning Chapter 39, Zoning Code, Article II, Section 39.2.2-13, Land Use Chart regarding Manufactured Homes which are currently allowed by right in the Manufactured Home Park District and the Manufactured Home Overlay District; and by Specific Use Permit in the Residential Estate, Mixed Residential, and Industrial Zoning Districts. The Specific Use Permit Process, including the conditions, are stated in Chapter 39, Zoning Code, Article IV, Section 39.4.3-2.

RECOMMENDED ACTION:

Discussion concerning manufactured homes within the city limits.

CITY MANAGER APPROVAL:

Attachments

Ordinances

Manufactured Home Overlay

Sec. 39.2.2-12. Manufactured home overlay district (MHO).

- (1) *Purpose.* The MHO - Manufactured home overlay district is intended to offer affordable housing option and flexibility in appropriate areas of the city.
 - (2) *Allowed uses.* In addition to the uses allowed in the base district, MHO will allow a manufactured home by right subject to additional regulations as described in section 39.2.4-32, manufactured and mobile homes.
 - (3) *Accessory uses.* All accessory use regulations of the base district shall be allowed.
 - (4) *Other requirements.* Article III, divisions 1—7 of this ordinance [chapter] shall apply.
- (Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021)

Sec. 39.2.2-6. Manufactured housing and mobile home park (MHP).

- (1) *Purpose.* The MHP - Manufactured home park district is intended to provide for a quality manufactured home park subdivision development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision on the lot, while adding to the rural, open space character to the city.
- (2) *Allowed uses.* Buildings or land shall not be used, and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance [chapter]. Land and/or buildings in this district may be used as shown in section 39.2.2-13 as denoted by the following abbreviations:
 - (a) *Permitted use (P).* Land and/or buildings in this district may be used by right, subject to all other applicable provisions of this ordinance [chapter].
 - (b) *Specific use (S).* Land and/or buildings are subject to article II, division 4, and will be reviewed and permitted in accordance with article IV, division 3, section 39.4.3-2 of this ordinance [chapter].
 - (c) *Not permitted.* Blank cells indicate that a use is not permitted within the zoning district.
- (3) *Accessory uses.* Accessory use of land shall not exceed five percent of the total land area.
 - (a) Accessory use shall be determined based on the definition of accessory use in article V.
 - (b) Accessory structures shall also be subject to the requirements of section 39.2.4-2.
 - (c) An accessory structure which has a horizontal area exceeding 25 square feet and is attached to a manufactured home or located within ten feet of its window and has an opaque top or roof that is higher than the nearest window, shall, for purposes of all separation requirements, be considered part of the manufactured home.
- (4) *Other requirements.*
 - (a) Parking and loading: See article III, division 3.
 - (b) Landscaping and tree preservation: See article III, division 4.
 - (c) Screening and fencing: See article III, division 5.
 - (d) Signs: Temporary signage for seasonal sale of products will be allowed in accordance with article III, division 6.
 - (e) Outdoor storage: Is not allowed in this district.
 - (f) Principle dwelling and/or accessory use in manufactured home park district may use shipping/cargo containers or tiny house, subject to requirements in article II, division 4.
 - (g) All standards applying to general subdivision developments with regard to all utilities public and private streets, sidewalks (per chapter 40, subdivision ordinance of the Code of Ordinances and article III, division I, of this ordinance [chapter]) and fire per City of Palestine's adopted Fire Code shall apply to the design and development of a manufactured home park.
 - (h) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park, and those found in section 39.2.2-13 land use chart.
 - (i) Manufactured homes shall be anchored in accordance with standards promulgated by the state department of licensing and regulation.
 - (j) All manufactured homes shall be underpinned.

(5) *Spatial requirements.*

| Requirements | Lot | Principal Building | Accessory Building |
|---|------------------------|--------------------|--------------------|
| Manufactured Home Park/Development | | | |
| Min. area | 3 acre | 1,000 sq. ft. | - |
| Max. density | 10/acre (50 DU/5 acre) | | |
| Min. width | 40 ft. | - | - |
| Min. depth | 100 ft. | - | - |
| Min. front yard setback | - | 10 ft. | 25 ft. |
| Min. side yard setback | - | 6 ft. | 6 ft. |
| Min. side street yard setback | - | 10 ft. | 10 ft. |
| Min. rear yard setback | - | 10 ft. | 10 ft. |
| Min. setback from other permanent structures | - | 20 ft. | 20 ft. |
| Mobile Home | | | |
| Min. area | 4,000 sq. ft. | - | - |
| Min. width | 40 ft. | - | - |
| Min. depth | 100 ft. | - | - |
| Min. front yard setback | - | 10 ft. | 25 ft. |
| Min. side yard setback | - | 6 ft. | 6 ft. |
| Min. side street yard setback | - | 10 ft. | 10 ft. |
| Min. rear yard setback | - | 10 ft. | 10 ft. |
| Min. setback from other permanent structures | - | 20 ft. | 20 ft. |
| Min. setback from common parking area or other common areas | - | 5 ft. | 5 ft. |
| Max. height | - | 20 ft. | 25 ft. |

(Ord. No. O-20-20, § 2(Exh. A), 9-14-2020; Ord. No. O-18-21, § 4(Att. A), 1-25-2021)

Sec. 39.4.3-2. Specific use permit (SUP) process.

- (1) *Applicability.* When allowed in section 39.2.2-13 land use chart, a person may petition the city council to approve a special use permit for such use on a property that they have a proprietary interest in accordance with the requirements and procedures set forth in this section.
- (2) *Procedure.* Any property owner wishing to use their property for a land use that is allowed by special use permit may make an application to the city manager or his/her designee in the following manner:
 - (a) All requests for a special use permit shall be submitted together with required fees to the city manager or his/her designee which shall cause public notices to be sent as required per section 39.4.2-7 and subsection 39.4.2-8(6)(a) by law and the application placed on the planning and zoning commission agenda for a public hearing.
 - (b) A recommendation from the planning and zoning commission shall cause public notices to be sent as required per section 39.4.2-7 and subsection 39.4.2-8(6)(a) by law and the application placed on the city council agenda for a public hearing.
 - (c) Before taking any action on a specific use permit (SUP) application, the city council shall receive and review the planning and zoning commission recommendation and final report. All requests for specific use permit (SUP) shall include an application fee for processing the request and hearings before the city planning and zoning commission and the city council. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:
 - i. Accurate legal description of the subject property which is either a lot and block number to a plat of record in the Anderson County deed records or a metes and bounds description which will close and properly identify the property;
 - ii. Location and street address of subject property;
 - iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by the attorney's opinion of title by any attorney licensed to practice law in the State of Texas;
 - iv. Current zoning classification;
 - v. Current status of development of subject property including general statement of its development and description of all existing improvements;
 - vi. Applicant's reasons for desiring specific use permit (SUP);
 - vii. Existing deed restrictions, proposed deed restrictions;
 - viii. Current status of planning and proposed development and time required for proposed development;
 - ix. A site plan as described in subsection 39.4.3-4(2)(d);
 - x. Surveyor's map or plat of the proposed property if deemed necessary by the city manager or his/her designee; and
 - xi. Each application must be signed by the owner(s), or owner(s) agent, giving applicant's mailing address and his proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the

owner(s) or agent(s) of the owner(s) of the subject property and therefore authorized to make such application.

- (d) The application fee will entitle applicant to have his/her application processed to allow a specific use for a single, contiguous parcel of property. When in the opinion of the city manager or his/her designee, the property requesting the specific use permit (SUP) is so large that the expenses of the city will exceed the application fee, the city manager or his/her designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for a specific use permit (SUP).
- (3) *Standards for approval.* The planning and zoning commission and the city council shall consider the following when reviewing an application for a specific use permit (SUP) on a property:
 - (a) Conformance with applicable regulations and standards established by this zoning ordinance;
 - (b) Compatibility with the comprehensive plan;
 - (c) Compatibility with existing or permitted uses on neighboring properties in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation capacity; unless the neighboring properties are nonconforming and/or not in compliance with the comprehensive plan and approval of the specific use permit (SUP) will bring the requested property in compliance with this chapter and the city's comprehensive plan;
 - (d) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use, including without limitation:
 - i. Location, lighting and type of signs, and the relation of signs to adjacent properties;
 - ii. Noise producing elements;
 - iii. Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;
 - iv. Safety from fire hazard, and measures for fire control; and
 - v. Protection of adjacent property from drainage, floods, erosion or other water damage.
 - (e) Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.
- (4) *Effect of denial.* "Denial with prejudice" of the specific use permit (SUP) request by the city council will require a two-year wait period before a similar request on that property can be reconsidered by the city. A simple "denial" of the specific use permit (SUP) request by the city council will require a six-month wait period before a similar request on that property can be reconsidered by the city.
- (5) *Validity.* Approval of a specific use request is not owner specific but stays with the property, until such time that the entire process is repeated to amend/repeal the specific use permit (SUP) from the property. A specific use permit (SUP) shall automatically expire in the following cases:
 - (a) Time period specified in the specific use permit (SUP) ordinance has expired;
 - (b) There is a change in use on the property;
 - (c) The use is relocated; or
 - (d) The use ceases for a period of six consecutive months.

(6) *Procedures for the manufactured home specific use permit.*

- (a) Complete and submit a specific use permit application. A site plan, a floor plan, and pictures of the proposed home must be submitted. A permit fee of \$125.00 is paid at the time of submittal.
- (b) The building permits office will send out notifications by certified mail to each taxpayer as ownership appears on the last approved tax roll, located within a 200-foot radius of the proposed property at least ten days prior to the next regularly scheduled planning and zoning commission meeting. The notifications will request a reply of "in favor" or "opposed" from the property owners regarding the placement of the manufactured home.
- (c) Planning and zoning commission and the city council person from that said council district will review the submittal documents and the property owners' reply letters. An approval will be given if at least 50 percent of the reply letters received from each taxpayer as ownership appears on the last approved tax roll, and have an "in favor" reply; along with an approval from a majority of the commission with the council person's approval. At this time, the approval is final, and a building permit is issued by the building official.
- (d) A city council approval is required for the specific use permit when it is not approved by the planning and zoning commission. A public notice is published in the local newspaper at least 15 days prior to the next regularly scheduled city council meeting. The city council may or may not overturn the decision made by the planning and zoning commission.
- (e) Manufactured homes proposed within the manufactured home overlay district do not require the specific use permit.
- (f) The placement of the manufactured home requires the following conditions:
 - i. The front of the mobile home shall face the street. For purposes of this section, the front of the mobile home will always be on one of the longest sides of the mobile home and shall be the side of the home which is more attractive and designed by the manufacturer with the more attractive "front door".
 - ii. The lot shall provide all-weather off-street parking spaces for two vehicles.
 - iii. Only double-wide mobile homes shall be considered for a specific use permit.
 - iv. No mobile home manufactured over five years from the date of filing for the specific use permit shall be allowed.
 - v. Non-combustible and solid underpinning shall be installed prior to a certificate of occupancy being issued.

(Ord. No. O-20-20 , § 2(Exh. A), 9-14-2020; Ord. No. O-18-21 , § 4(Att. A), 1-25-2021)

