

Zoning Changes and You

On some quiet day you may drive by a piece of property next door or near to you and see a red and white sign that says "Zoning Change Proposed!!". Or, you will get a letter that starts "Dear Property Owner....A public hearing will be.....". Your first thought will be "OH NO!" Sit down, take a breath and read this article. It explains the process and what you can do.

Notification:

The City of Garland by law has to notify all property owners with-in 200 feet of the property being rezoned. The City of Garland doubles that and notifies people with-in 400 feet of the property by mail. They also advertise it in the newspaper and then post the Plan Commission Agenda at City Hall and on the city's web site the Friday before the meeting. A sign is placed on the property for most types of zoning cases, but not for platting and some variances.

Notices are sent to designated Neighborhood and Home Owner Association representative. Find out who gets them in your neighborhood. At the same time the agendas are posted a new cases memo is posted which gives you the opportunity to see what cases will heard at the subsequent meeting. (Usually 2 weeks later)

One note; if you are a renter you will not be notified, your landlord will be the one receiving the letter. Also, if your tax bills go to a different address you may not find out about the hearings on time.

The letters are sent out 10 days prior to the public hearing and are written according to the law. There is usually a one or two sentence description of what is being proposed and a map on the back. About half way down the page is the most important information, the name and phone number of the City Planner that is working on the application. The letter is brief so the you can quickly decide whether you want more detailed information.

Another important feature of the letter is the reply form. It is just one of the ways your opinion and comments can be voiced. All replies are given to the Commission and Council for their review and many times are the basis for questions to the applicant or other speakers.

The applicant is under no obligation to contact the neighbors or meet with them. On larger projects or those that may effect the neighbors many applicants will contact the neighbors or the Home Owners' Association. Do not count on someone coming to you, read your mail and stay informed.

Get Information:

The best way to find out what is proposed is to contact the City Planner mentioned in the letter or call the phone number on the sign.(972-205-2445) They can explain what is being proposed. It may not be a zoning change, it could be a variance, a plat, a renewal of a Special Use Permit or a combination of Zoning related items. All of these terms can be confusing but the Planner can explain them. (I hope to write future articles that go into more detail on these and other zoning items.) If, after talking to the planner, you feel you need more information you can visit the Garland Planning Department and review the submittal drawing and papers. Often the proposals or plats are innocuous and will not effect you

Another source of information may be your HOA. The president or delegated person may be able to tell you what is happening. The City of Garland Planning Department is researching the possibility to put information about the applications on the City of Garland's website.

A good way to learn more about the zoning process is to watch the Plan Commission and Council meetings on Garland's public access station. The meetings are televised live and rerun many times. Another great source is the Planning Department's web site. www.garlandplanning.org From there you can access the zoning ordinances, agendas, development guide, schedules, forms and other information regarding the process and current activities.

Garland's Public Hearing Process:

Most Zoning cases involve two public hearings. Plats and replats involve technical issues and are heard only by the Plan Commission. At those hearings the Commission does not review the zoning, site layout or other issues. They can only review the technical aspects of the plat.

Other zoning issues have the two meetings. The first hearing is at the Plan Commission Meeting. The Commissioners receive a full and comprehensive staff report along with applicable drawings for each case four days before the meeting. Each Commissioner then has time to review each case, visit the site if necessary and ask staff for additional information. Just before the meeting the City Planners will review each case and answer any questions the Commissioners may have. This Pre-Meeting is open to the public but no public input is allowed.

At the meeting the applicant will present his or her case and explain what they propose. Those in favor or opposition are also given time to present their issues to the Plan Commission. This is a very important stage of the process. The Commissioners **DO** listen and ask questions. A logical, coherent presentation by either side can sway the thinking and vote of the Commissioners.

Other than plats, variances and development standards the Plan Commission is **NOT** the final decision maker. If a variance is denied by the Commission that applicant can appeal to the Council. The Commission in all other cases only makes recommendations to the City Council. It is the Commission's job to review and vet all issues in each case. The Council often will rely on the Commission's deliberations but they are not bound by the Commission's vote.

The second public hearing is with the City Council. This hearing is usually about one month after the Plan Commission hearing and the same people surrounding the site are notified again. The City Council will receive the same information as the Plan Commission plus the minutes of the Commission's meeting and any additional/updated information gathered between the two meetings. They will also review the information and go through much the same process as the Plan Commission.

Again, the public hearing process is very important and can be the determining factor in the outcome of a case.

At the Hearings

People often come to the hearings only to find out more about what is happening and the issues involved. Others come to voice support or concerns. Some tips for those coming to speak: Be prepared! You may have as little as three minutes to get your points across. Write down a couple of

the key items you want to cover and try not to repeat previous points made by other speakers. Try to present facts more than emotion. Also be prepared to elaborate your points as individual Commissioners and Councilpersons may ask questions to learn more about your position. Don't be nervous, they appreciate your participation and respect you and your opinions. (Although nervousness is why I suggest writing down your key points.)

You and others may want to get together and select a spokesman for the group. The chairperson often will allow more time to a spokesman.

I would be remiss if I did not remind you to fill out a yellow card and turn it in so you can be recognized. Also, be sworn in if you plan on speaking or think you may speak.

Conclusion:

Zoning and property rights are very complicated and emotional issues. Change is often hard for we humans to accept and applicants typically have expended large sums of money to make it to the hearing process. All sides have property rights and concerns about property they own. Through being informed about the application and good communication between the Applicant, City Planners, Neighbors, Plan Commission and City Council most cases will end benefiting the City and be acceptable to all parties,

The Plan Commission and City Council often have tough choices to make for the City and neighborhoods. They take seriously their oath to make decisions for the betterment of Garland. Your help and participation is your right and some say obligation.

Scott Roberts

Scott Roberts is a Registered Architect and Plan Commissioner for District 1. If you have any questions, comments or topics for future articles concerning Planning and Zoning e-mail him at commish-1@hotmail.com Please note that he will not be able to respond to questions about zoning cases that will be going to the Commission.