

Regular Session

March 4, 2019

The Planning and Zoning Commission of the City of Athens, Texas met in Regular Session on Monday, March 4, 2019, 5:30 p.m. in the Council Chamber of the City Hall Annex, 501 North Pinkerton Street, Athens, Texas with the following members present, to wit:

Mark Carroll
Scott Fullingim
Kyle Tidmore
Chris Tinsley

Audrey Sloan, Director of Development Services
Elizabeth Borstad, City Manager

Others present: Monte Montgomery, Al Bachor, Marisa George, Sue Braman, Samuel Smith, Jessica Jones and other interested citizens.

constituting a quorum at which time the following proceedings were enacted, to wit:

The meeting was called to order by Chairperson Carroll.

CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 11, 2019 SPECIAL SESSION.

This item was postponed for consideration on the following Planning & Zoning Commission meeting.

PUBLIC HEARING CONCERNING A REQUEST FROM MARISA GEORGE FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 7 OF BLOCK 12 OF THE T. PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE.

Chairperson Carroll opened the public hearing. Sloan stated that the zoning change from Single-Family Residential – 10 to Multi-Family – 2 is being requested by the applicant to develop the property for duplex use. The property is a vacant lot located at the southeast corner of Maryland Drive and East Clinton Avenue. There was previously a single-family home on the property that was demolished due to substandard conditions. The lot does meet the minimum lot requirements for MF-2 zoning.

Al Bachor, owner of 800 Maryland Drive, spoke in protest of the zoning change. He stated that he did not want to have a duplex across from his home and that he was not in favor of having additional rental properties nearby. Samuel Smith, representing his mother who owns 732 Maryland Drive, also spoke in protest of the request. He expressed concerns with having additional rental properties in the neighborhood. Jessica Jones, owner of 735 Maryland Drive, also spoke in protest of the request and echoed the same concerns as the previous two speakers. The applicant, Marisa George, spoke about the request and stated that she and her husband plan to build up to two upscale duplex units on the property in the Craftsman style. Sloan confirmed that the property was large enough to be subdivided into two lots which would allow for one duplex unit to be constructed on each lot. The Commission discussed the request at length and expressed concern with the addition of duplex units to a single-family neighborhood. Chairperson Carroll made a motion to deny the zoning change request. Member Fullingim seconded the motion and it passed unanimously. Chairperson Carroll closed the public hearing.

DISCUSS/CONSIDER A REQUEST FROM MARISA GEORGE FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO TWO-FAMILY RESIDENTIAL (MF-2) FOR LOT 7 OF BLOCK 12 OF THE T. PARMER SURVEY A-782, ALSO KNOWN AS 801 MARYLAND DRIVE.

The Commission discussed the request at length and expressed concern with the addition of duplex units to a single-family neighborhood. Chairperson Carroll made a motion to deny the zoning change request. Member Fullingim seconded the motion and it passed unanimously.

PUBLIC HEARING CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDING REGULATIONS: 14.2(A)(2) – (6), 14.3(A)(3), 14.4(B)(3), 14.5(D), 15.3(A)(2), 15.4(B)(3), 15.5(D), 16.3(A)(2), 16.4(B)(3), 16.5(D), 17.3(A)(2), 17.4(B)(3), 17.5(D), 18.3(A)(2), 18.4(B)(3), 18.5(D), 19.3(A)(2), 19.4(B)(3), 19.5(F), 19A.5(F)(2), 19A.5(I), 20.3(A)(2), 20.4(C)(3), 20.5(E), 21.3(A)(2), 21.4(B)(3), 21.5(E), 22.3(A)(2), 23.3(A)(2), 24.3(A)(4) & (5), 25.3(A)(2), 26.3(A)(2), 27.3(C)(2), 28.3(A)(2), 29.3(2) & (3), 35, AND A-3 DEFINITIONS: ACCESSORY BUILDING (RESIDENTIAL) & ACCESSORY BUILDING (BUSINESS OR INDUSTRY). THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO ELIMINATE REDUNDANCIES AND CORRECT ERRORS IN THE EXISTING ACCESSORY BUILDING REGULATIONS AND TO COMPILE ALL SUCH REGULATIONS INTO SECTION 35 OF THE ZONING ORDINANCE.

Sloan discussed that the purpose of the proposed amendments is to eliminate redundancies and correct errors in the existing accessory building regulations and to compile all such regulations into Section 35 of the Zoning Ordinance. The amendment to Section 14.2(A) is proposed to remove redundant information from the code. All uses governed by the zoning ordinance, including those outlined above, are listed in the Use Regulations charts found in Section 32. The amendment to Sections 14.3(A), 15.3(A), 16.3(A), 17.3(A), 18.3(A), 19.3(A), 20.3(A), 21.3(A), 22.3(A), 23.3(A), 25.3(A), 26.3(A), 27.3(C), 28.3(A), and 29.3(A) is proposed to remove accessory building regulations from the Zoning Districts portion of the code (Sections 13-31A) and relocate these regulations to Section 35 known as “Accessory Building and Use Regulations”. The purpose is to locate all accessory building regulations to one section within the code. These particular regulations pertaining to accessory buildings in Agriculture Districts have been moved to Section 35.1(A)(2)(a). The amendments to Sections 14.4(B), 15.4(B), 16.4(B), 17.4(B), 18.4(B), 19.4(B), 20.4(C) and 21.4(B) are proposed to remove the overly strict rear setback requirement of 25 feet for accessory buildings. This conflicts with typical setback requirements of three feet used previously in the code. In addition, the amendment removes the separation requirement from this Zoning District section of the code, as it will be found in Section 35. See Section 35.1(A)(3)(c) for rear setback requirements and Section 35.1(A)(5) for separation requirements. The amendments to Sections 14.5(D), 15.5(D), 16.5(D), 17.5(D), 18.5(D), 19.5(F), 20.5(E), and 21.5(E) are proposed to clarify this specific regulation applies to attached garages and carports, rather than detached. An attached garage or carport is considered to be a part of the main structure and therefore would have different setback requirement than a detached structure. The amendment to Section 19A.5(F) is proposed to remove this regulation regarding setbacks from the Zoning District section of the code, as the regulation will be located in Section 35. See Section 35.1(A)(3). The amendment to Section 19A.5(I)(1) is proposed to remove an unnecessary regulation in the code. The amendment to Section 19A.5(I)(2) is proposed to remove the architectural requirements for accessory buildings in the Cottage Housing District from the Zoning District section of the code to Section 35. See Section 35.1(A)(6). The amendment to 24.3(A)(4) is proposed to remove this regulation regarding setbacks from the Zoning District section of the code, as the regulation will be located in Section 35. See Section 35.1(A)(3). The amendment to 24.3(A)(5) is proposed to remove this regulation in its entirety from the code. This regulation conflicts with the separation requirement of a minimum of

10 feet from a residential accessory building and the main building found in Section 35.1(A)(5). The amendment to 24.3(E) is proposed to remove accessory building regulations regarding height from the Zoning Districts portion of the code and relocate these regulations to Section 35 known as “Accessory Building and Use Regulations”. See Section 35.1(A)(2). This amendment repeals Section 35 – Accessory Building and Use Regulations in its entirety and replaces it with new text. The new text includes the accessory building regulations removed from the Zoning District sections of the code in amendments outlined above. It also includes regulations that were omitted in error during a previous code amendment ordinance. Section 35 consists of two sections: Accessory Buildings and Accessory Dwelling Units. No changes to the Accessory Dwelling Unit section are proposed under this amendment. This amendment to the A-3 Definitions is proposed to remove discrepancies and redundancies in the existing definitions, so they do not conflict with the regulations outlined in Section 35.

DISCUSS/CONSIDER PROPOSED AMENDMENTS TO THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE REGARDING ACCESSORY BUILDING REGULATIONS: 14.2(A)(2) – (6), 14.3(A)(3), 14.4(B)(3), 14.5(D), 15.3(A)(2), 15.4(B)(3), 15.5(D), 16.3(A)(2), 16.4(B)(3), 16.5(D), 17.3(A)(2), 17.4(B)(3), 17.5(D), 18.3(A)(2), 18.4(B)(3), 18.5(D), 19.3(A)(2), 19.4(B)(3), 19.5(F), 19A.5(F)(2), 19A.5(I), 20.3(A)(2), 20.4(C)(3), 20.5(E), 21.3(A)(2), 21.4(B)(3), 21.5(E), 22.3(A)(2), 23.3(A)(2), 24.3(A)(4) & (5), 25.3(A)(2), 26.3(A)(2), 27.3(C)(2), 28.3(A)(2), 29.3(2) & (3), 35, AND A-3 DEFINITIONS: ACCESSORY BUILDING (RESIDENTIAL) & ACCESSORY BUILDING (BUSINESS OR INDUSTRY). THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO ELIMINATE REDUNDANCIES AND CORRECT ERRORS IN THE EXISTING ACCESSORY BUILDING REGULATIONS AND TO COMPILE ALL SUCH REGULATIONS INTO SECTION 35 OF THE ZONING ORDINANCE.

A motion was made by Member Tidmore and seconded by Member Wilmeth to approve the request. The motion passed unanimously.

NEW BUSINESS

Member Tinsley commented that the Comprehensive Master Plan which was created in 1999 is now outdated. He requested that staff and the Planning and Zoning Commission should consider researching and making recommendations on the following:

- Creating a historical preservation district
- Closing of roadways
- Updating the Comprehensive Master Plan

DEVELOPMENT ACTIVITIES REPORT

Audrey Sloan updated the Commission on current projects.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED ON THIS THE 1st DAY OF APRIL 2019.

Chairman

ATTEST: _____
Sheila Garrett, Development Coordinator