

Regular Session

July 1, 2019

The Planning and Zoning Commission of the City of Athens, Texas met in Regular Session on Monday, June 3, 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  
Brandon Smith  
Kyle Tidmore

Audrey Sloan, Director of Development Services

Others present: Elizabeth Borstad, Monte Montgomery, Aaron Smith, Ed McCain, Ben Mata, Al Bachor, Deborah & David Deas, Agida & Kenneth Henderson, Keith Knighton, Brandt Dozier, Amy Smith 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 JUNE 3, 2019 REGULAR SESSION.**

Member Fullingim made a motion to approve the minutes. The motion was seconded by Member Tidmore and passed unanimously.

**PUBLIC HEARING CONCERNING A REQUEST FROM MATTHEW BERRY FOR APPROVAL OF A ZONING CHANGE FROM SINGLE-FAMILY – 10 (SF-10) TO SINGLE-FAMILY – 7 (SF-7) 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 applicant is requesting zoning change in order to divide the property into two lots for single-family development. The lot does not meet the minimum size requirements to be subdivided into two separate lots under Single-Family – 10 (SF-10) zoning. However, it would meet the minimum size requirements for two individual lots under Single-Family – 7 (SF-7) zoning. Sloan also stated that SF-7 zoning could potentially allow for the use of manufactured homes. Letters of notification were sent to the nine surrounding property owners within two hundred feet. Three protests and zero approvals were returned. Ben Mata, 803 Maryland Dr, spoke against the request. Keith Knighton of Century 21 spoke in favor of the request. Samuel Smith, 732 Maryland Dr, spoke against the request. Chairperson Carroll closed the public hearing.

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

Member Smith made a motion to deny the request. The motion was seconded by Member Tidmore and was approved unanimously.

**PUBLIC HEARING CONCERNING A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A REPLAT OF TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD.**

Chairperson Carroll opened the public hearing. Sloan stated that the property is a vacant parcel located on Ranch Road north of Flat Creek Road. The parcel is split in two tracts by a small right of way under separate ownership. A zoning change from Agriculture to Single-Family – 15 (SF-15) zoning was approved for the property earlier this year. Letters of notification were sent to the six surrounding property owners within 200 hundred feet. No responses were returned. The replat is compliant with the City's subdivision and zoning ordinances. Chairperson Carroll closed the public hearing.

**DISCUSS/CONSIDER A REQUEST FROM JAMES AND MARY ANN MCCLUNG FOR APPROVAL OF A REPLAT OF TRACT 14 OF THE JOHN ROYAL SURVEY, ABSTRACT 648, ALSO KNOWN AS 3101 RANCH ROAD.**

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

**PUBLIC HEARING CONCERNING A REQUEST FROM SCOTT COULTAS FOR APPROVAL OF A REPLAT OF LOTS 5B AND 5D OF THE THOMAS PARMER LEAGUE, ABSTRACT 782, CREATING LOT 5-R, ALSO KNOWN AS 1010 WEST CORSICANA STREET.**

Chairperson Carroll opened the public hearing. Sloan stated that the property is being platted for commercial use and is the site of HVAC Manufacturing, Inc on West Corsicana Street. The replat is combing two existing parcels into one lot. Letters of notification to surrounding property owners were not required since the property does not have a residential zoning designation. The replat is compliant with the City's subdivision and zoning ordinances. Carroll closed the public hearing.

**DISCUSS/CONSIDER A REQUEST FROM MATTHEW BERRY FOR APPROVAL OF THE REPLAT OF LOT 7 OF BLOCK 12 OF THE PARK HIGHLANDS ADDITION, ABSTRACT 782 OF THE T. PARMER SURVEY CREATING LOTS 7A AND 7B. (801 MARYLAND DRIVE)**

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

**PUBLIC HEARING CONCERNING PROPOSED AMENDMENTS TO THE FOLLOWING SECTION 32.4 AND SECTION 37.6 OF THE ZONING ORDINANCE REGARDING COMMUNICATION ANTENNA AND SUPPORT STRUCTURE REGULATIONS. THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO REQUIRE A SPECIFIC USE PERMIT FOR COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES LOCATED IN RETAIL AND COMMERCIAL ZONING DISTRICTS AND TO REQUIRE A MINIMUM SETBACK GREATER THAN OR EQUAL TO THE HEIGHT OF THE TOWER FROM ANY PROPERTY LINE AND/OR RESIDENTIAL STRUCTURE.**

Chairperson Carroll opened the public hearing. Member Smith declared a conflict of interest and recused himself from voting on the item.

Sloan stated that The Council has been asked to consider modifying certain regulations in the Zoning Ordinance regarding communication antenna and support structure regulations. The current minimum setback regulations for commercial antenna support structures in nonresidential zoning districts are equal to twice the height of the support structure. The proposed amendment would reduce the minimum setback to one time the height of the tower.

Council member, Ed McCain, spoke in favor of the request. David Deas asked how the amendment would affect non-conforming towers. Sloan responded that legal non-conforming towers would retain their legal non-conforming status. Brandt Dozier of Jacobs Engineering spoke in favor of the request. Mayor Monte Montgomery spoke in favor of the request. City Manager, Elizabeth Borstad, informed that the setback could be reduced to one time the radius of the collapse zone as designed by a registered engineer in the State of Texas. Chairperson Carroll closed the public hearing.

**DISCUSS/CONSIDER PROPOSED AMENDMENTS TO THE FOLLOWING SECTION 32.4 AND SECTION 37.6 OF THE ZONING ORDINANCE REGARDING COMMUNICATION ANTENNA AND SUPPORT STRUCTURE REGULATIONS. THE PURPOSE OF THE PROPOSED AMENDMENTS IS TO REQUIRE A SPECIFIC USE PERMIT FOR COMMUNICATION ANTENNAE AND SUPPORT STRUCTURES LOCATED IN RETAIL AND COMMERCIAL ZONING DISTRICTS AND TO REQUIRE A MINIMUM SETBACK GREATER THAN OR EQUAL TO THE HEIGHT OF THE TOWER FROM ANY PROPERTY LINE AND/OR RESIDENTIAL STRUCTURE.**

A motion was made by Member Fullingim and seconded by Member Tidmore to approve the request with the minimum setback of one time the radius of the collapse zone as designed by a registered engineer in the State of Texas. The motion passed unanimously, with Member Smith abstaining.

**ADJOURN**

The meeting was adjourned.

**PASSED AND APPROVED ON THIS THE 5<sup>th</sup> DAY OF AUGUST, 2019.**

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Chairman

ATTEST: \_\_\_\_\_  
Sheila Garrett, Development Coordinator