

Regular Session

August 5, 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
Chris Tinsley

Audrey Sloan, Director of Development Services

Others present: Robert Gross, Aaron Smith, Ben Mata, Erick Garcia, Sytonia Freeman 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 JULY 1, 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 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)

Chairperson Carroll opened the public hearing. Sloan stated that the applicant is proposing to re-plat the property into two separate lots. A zoning change from Single-Family – 10 (SF-10) to Single-Family – 7 (SF-7) was recently approved for the property. The two proposed lots do meet the minimum performance requirements for SF-7 zoning and the re-plat is compliant with the City's zoning and subdivision ordinances. Letters of notification were sent to the twelve surrounding property owners within two hundred feet. No responses were returned. Erick Garcia, 805 Maryland Drive, spoke in opposition of the request. Ben Mata, 803 Maryland Dr, spoke in opposition of the request and expressed concerns with traffic and the lack of police presence in the area. Keith Knighton of Century 21 spoke in favor of the request and explained the proposed siting of the homes on the lots. Chairperson 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)

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

PUBLIC HEARING CONCERNING A REQUEST FROM AMY AND BRANDON SMITH FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A COMMUNICATION TOWER FOR LOTS 23A AND 23B OF BLOCK 1 AND LOTS 11-14 AND 14A OF BLOCK 3 OF THE R. A. CLARK SURVEY A-171, ALSO KNOWN AS 852 EAST CORSICANA STREET.

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 applicant is requesting to install a 105' tall communication tower on the property. This type of use requires a specific use permit in Retail zoning districts according to the zoning ordinance. It also requires a minimum setback of one time the radius of the collapse zone. An engineer with Saber Industries has provided a letter citing the collapse zone of the tower to be 50' by 50'. Letters of notification were sent to the nine surrounding property owners within two hundred feet. No responses were returned. There was much discussion regarding the collapse zone and the distance from the tower to the property lines and adjacent structures. The Commission instructed Sloan to obtain the following information from the engineer prior to the next Council meeting: an explanation on how the tower is designed to fail and the insurance coverage for the tower. Carroll closed the public hearing.

DISCUSS/CONSIDER A REQUEST FROM AMY AND BRANDON SMITH FOR APPROVAL OF A SPECIFIC USE PERMIT FOR A COMMUNICATION TOWER FOR LOTS 23A AND 23B OF BLOCK 1 AND LOTS 11-14 AND 14A OF BLOCK 3 OF THE R. A. CLARK SURVEY A-171, ALSO KNOWN AS 852 EAST CORSICANA STREET.

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

PUBLIC HEARING CONCERNING PROPOSED AMENDMENTS TO SECTIONS 14.5, 17.5(F), 18.5(F) AND 32.2 OF THE ZONING ORDINANCE TO REQUIRE A SPECIFIC USE PERMIT FOR THE USE OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES WITHIN AGRICULTURE, SINGLE-FAMILY – 7 AND SINGLE-FAMILY – 5 ZONING DISTRICTS.

Chairperson Carroll opened the public hearing. Sloan stated that the proposal is to require Specific Use Permit (SUP) approval for this use on Single-Family – 7 and Single-Family – 5 zoning districts, as well as Agriculture zoning districts. The SUP would require notification via mail to the surrounding property owners. It also allows for each application to be considered on a case by case basis and allows for stipulations to be placed on the application such as required screening or additional parking spaces. Carroll closed the public hearing.

DISCUSS/CONSIDER PROPOSED AMENDMENTS TO SECTIONS 14.5, 17.5(F), 18.5(F) AND 32.2 OF THE ZONING ORDINANCE TO REQUIRE A SPECIFIC USE PERMIT FOR THE USE OF MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES WITHIN AGRICULTURE, SINGLE-FAMILY – 7 AND SINGLE-FAMILY – 5 ZONING DISTRICTS.

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

PUBLIC HEARING CONCERNING A PROPOSED AMENDMENT TO SECTION 32.9 OF THE ZONING ORDINANCE TO REMOVE THE SPECIFIC USE PERMIT REQUIREMENT FOR CHECK CASHING SERVICES AND LOAN AGENCIES WITHIN OFFICE AND RETAIL ZONING DISTRICTS.

Chairperson Carroll opened the public hearing. Sloan stated that under the current ordinance, check cashing services and loan agency uses within Office and Retail zoning districts require Specific Use Permit (SUP) approval. The same use is allowed by right in Central Business District, Commercial and Industrial zoning districts. The proposal is to remove the SUP requirement in Office and Retail zoning districts, so that the use would be allowed by right in all commercial-type zoning districts. Chairperson Carroll closed the public hearing.

DISCUSS/CONSIDER A PROPOSED AMENDMENT TO SECTION 32.9 OF THE ZONING ORDINANCE TO REMOVE THE SPECIFIC USE PERMIT REQUIREMENT FOR CHECK CASHING SERVICES AND LOAN AGENCIES WITHIN OFFICE AND RETAIL ZONING DISTRICTS.

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

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED ON THIS THE 7th DAY OF OCTOBER, 2019.

Chairman

ATTEST: _____
Sheila Garrett, Development Coordinator