

Regular Session

October 17, 2017

The Planning Commission of the City of Athens, Texas met in Regular Session on Tuesday, October 17, 2017, 5:30 p.m. in the Development Services Center, 622 S. Prairieville St., Athens, Texas with the following members present, to wit:

Steve Barksdale, Chair

Aaron Smith

Paul Ingram

Brady Autry

Barbara Holly, AICP, Managing Director Development Services

Candy Martinez, Development Services Technician

Others Present: Mayor Monte Montgomery, Scott Lay, Bob Murray, Robert Murray, Anne Perryman, Mr. Cole, Tom Page and Dr. Pugh.

Members not present: Kari Wilmeth

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

Chair Barksdale called the meeting to order and reminded everyone of the three-minute time limit.

CONSIDER APPROVING THE MINUTES OF THE SEPTEMBER 19, 2017 REGULAR SESSION

A motion was made by Member Ingram to approve the minutes, seconded by Member Smith. The approval was unanimously.

PUBLIC HEARING CONCERNING A REQUEST FROM HOME TOWN BOYS FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR A DRIVE THROUGH FOR A PROPOSED DAIRY QUEEN QUICK SERVE RESTAURANT AT 910 E. TYLER STREET (Z-05-17-001)

Barbara Holly, Managing Director of Development Services, stated this is the 3rd time Hometown Boys has come before the Commission. Ms. Holly commended the developer on working with the staff and the neighbors on meeting all the requirements. Ms. Holly stated that staff recommended that they clad the six-foot cinder block wall with the same material as the building. Ms. Holly additionally stated that the sidewalk that goes across 910 E. Tyler Street be continued. Ms. Holly stated there were some questions brought up regarding fencing and being consistent. Ms. Holly stated that code does not require buffering between commercial uses. Ms. Holly stated that there was a 2.59% response in favor of the request and 51% response opposed to the request which will require a supermajority of the Council to approve. Ms. Holly stated that in light of a recent City Council resignation, three of the four currently seated would be the supermajority. Ms. Holly stated that because there is commercial property backing into non-commercial property, the code required a 6 to 8-foot masonry wall to separate the two districts. Ms. Holly stated again that developer did an excellent job of working with the neighbors and the staff to meet all the requirements in creating the proposed site plan.

Chair Barksdale invited members from the audience to speak. Member Smith asked a question about drainage; Ms. Holly stated that she has not seen any plans on drainage yet. Member Ingram asked what happens if a property that is for sale stays as residential after the sale. Ms. Holly stated that could be a "miss".

Ms. Anne Perryman came up to the podium to speak and pointed out where her house is and stated the dumpster would be closer to her house and asked that it be moved away from her house. Ms. Perryman also asked if the masonry wall that backs onto the property be moved further out away from the property line. Additionally she asked about the trees and greenery as well as about the monument signs and the electronic signs. Ms. Perryman also expressed concern regarding the placement of the menu board and the noise level of the speakers. Mr. Barksdale reminded Ms. Perryman that her time is up.

Mr. Tom Page came to the podium to speak about his two lots that back up to the Dairy Queen site. He stated that he is opposed to the plan. He stated that he had a concern over the cinder block wall and desired an 8-foot wooden fence instead.

Dr. Dan Pugh came to the podium to speak about his concern over eliminating the fence between the properties. He stated that even if his property becomes a commercial property after the construction, there will be no way to have a fence built after the fact.

Ms. Perryman asked a question from the audience regarding the signs again at which point Chair Barksdale invited the representative from the Home Town Boys Scott Lay to come up to the podium to speak.

Mr. Lay addressed the public and their concerns regarding the proposed monument sign and that it will be on all the time. At which point Ms. Perryman asked if there is a way that the sign could be dimmed at 10 pm. Mr. Lay stated that they want to be a good neighbor and there was a way that the sign can be controlled. Mr. Tom Page expressed concerns over the volume of the order speaker and asked if the volume can be kept lower. Mr. Lay stated that there are standard settings for the speaker and they cannot be kept lower than the standards. Ms. Perryman then asked if the speaker could have a cone of silence installed over it as seen in other drive throughs. Additionally, Ms. Perryman expressed concerns for a lighting plan. Mr. Lay stated that they are going keep the lighting within the requirements of the ordinance. A citizen from the audience asked if the developer would be open to doing a tax-free land exchange to move into the city owned property when the city staff moves into the Cain Center. Mr. Lay stated that would be a valid question but unfortunately that would not be approved by American Dairy Queen. Ms. Perryman asked if there was a plan to have a drainage retention pond. Mr. Lay stated they have been working with TXDot on this. Mr. Barksdale then stated they appreciate the extensive amount of time that they have given to work with their neighbors and that the valid points made will need further discussion. Member Smith asked Mr. Lay what would be the hours of operation. Mr. Lay stated they would be standard operating hours.

DISCUSS/CONSIDER A REQUEST FROM HOME TOWN BOYS FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR A DRIVE THROUGH FOR A PROPOSED DAIRY QUEEN QUICK SERVE RESTAURANT AT 910 E. TYLER STREET (Z-05-17-001)

Chair Barksdale asked to make the motion to approve be made on a point by point basis.

1. Side fence. Member Autry stated that they should have a fence if the property is currently residential. Chair Barksdale mentioned the cost of the various types of fences and asked if they want to be consistent with what was done with Triton. Member Smith stated it does not have to be a brick fence, it could be a wood fence. Chair Barksdale asked if Mr. Lay understands their position on the fence. Chair Barksdale asked for a motion to have a 6 foot masonry fence on the east that can taper down at the front. Member Autry made a motion for approval of this point and it was seconded by Member Smith, approval was unanimous. Chair Barksdale told Barbara to present both options to the City Council.

2. Back fence. Mr. Page stated from the audience that he does not want to see the fence from his second story. There was back and forth discussion about the placement of the fence. Ultimately, the decision was made to bring in the fence to the 100-foot setback mark and make an egress and ingress for landscaping. There was a question from a citizen of the audience about the trees in regard to the fence. Ultimately the decision was made to go out to the property and inspect where the trees are located and place the fence where it will save the trees. Member Smith asked about consistency with the back wall in relation to saving the trees. Chair Barksdale asked for input from Mayor Montgomery regarding the concern with saving the trees. Mayor Montgomery addressed the public with his input regarding the fence and whether it is feasible to save the trees. Mayor Montgomery stated that as a developer you do everything you can to save them but they still end up dying. It's a challenge in trying to save the trees, Mayor Montgomery stated. Chair Barksdale asked in lieu of this input, what will their decision be. Several citizens expressed concerns over the placement of the fence and saving the trees. Chair Barksdale said that they would need to come up with what's the best for the city. Ms. Holly supplied that they could go out with the inspector and see if they could establish a line that would get the fence off the property line and still allow neighbor sensitivity. Ultimately the decision was made to have an 8-foot wood fence on the backside on the property and to use the wood fence to try to save the trees. More landscaping will be done to protect neighbors from sound, light and traffic. Chair Barksdale asked for a motion to approve this second point. A motion was made by Member Smith, seconded by Member Ingram. Approval was unanimous.

3. Signs. Ms. Holly said the plans did not include the building signs. Mr. Lay stated that there would be only three lit signs. Ms. Holly stated that per the ordinance there would only be one sign allowed. Chair Barksdale asked for a motion to approve the third point. Member Smith made a motion to approve only one elevation sign, seconded by Member Ingram. Approval was unanimous.

Chair Barksdale asked Member Ingram about a conciliatory agreement for Triton and Hometown Boys to waive the permit fees. The recommendation was to leave that decision up to the council.

PUBLIC HEARING CONCERNING A REQUEST FROM WOODLAND SPRINGS DEVELOPMENT FOR A 3.3 ACRES ZONE CHANGE FROM INDUSTRIAL- SUP (I-SUP) TO SINGLE FAMILY-5 (SF-5) TO ALLOW FOR A FUTURE SINGLE FAMILY SUBDIVISION ON WOFFORD STREET IN THE R.A. CLARK SURVEY (Z-09-17-003)

Ms. Holly stated that when a cell tower was installed on part of the property, the entire 20 acres was rezoned to Industrial. The request is to change this area outside of the tower to Single Family Residential. There were no responses received either in opposition or in favor of the change. The staff recommendation is approval of the zoning change.

Chair Barksdale opened up the public hearing. Mayor Montgomery stated that he did not receive a notice by mail and asked about concerns over drainage in the area. Ms. Holly stated that they are choosing the high elevation area closer to the street, and that they are actually looking at developing a park and making it a donation to the city. Mayor Montgomery stated he liked the idea as long as the drainage issue is addressed.

Chair Barksdale invited Mr. Bob Murray to address the audience. Mr. Murray stated that they do realize that there are drainage issues and addressed it by leaving a 50-foot space away from the flood plain. Mr. Murray stated the houses will be affordable housing in the \$130- \$145 range. Chair Barksdale thanked both Mr. Murray and his son for their investment in the community. Chair Barksdale asked if there is a waterline and sewer line already there. Ms. Holly stated that there have been no engineering plans made yet, but they have met with the utility staff.

DISCUSS/CONSIDER A REQUEST FROM WOODLAND SPRINGS DEVELOPMENT FOR A 3.3 ACRES ZONE CHANGE FROM INDUSTRIAL-SUP (I-SUP) TO SINGLE FAMILY-5 (SF-5) TO ALLOW FOR A FUTURE SINGLE-FAMILY SUBDIVISION ON WOFFORD STREET IN THE R.A. CLARK SURVEY (Z-09-17-003)

Chair Barksdale asked for a motion to approve the request. Member Autry made a motion to approve the request, seconded by Member Smith. The approval was unanimous.

PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS TO CONSIDER AN ORDINANCE APPROVING A DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES; AND APPROVING A POLE ATTACHMENT AGREEMENT REGULATING THE INSTALLATION OF NETWORK NODES ON CITY SERVICE POLES AND UTILITY POLES; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2017.

Ms. Holly stated that staff is here under duress because this request is being mandated by new legislation. The ordinance before the Commission is a way to protect the city and provide some type of regulation. Member Ingram asked what is the worst-case scenario. Ms. Holly stated that there would

be no regulation. Member Ingram asked if the ordinance could be repealed if the law is changed. Ms. Holly stated that it could be repealed if that were to occur.

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Chair Barksdale asked for a motion to approve the request. Member Ingram made a motion approve the request, seconded by Member Autry. The approval was unanimous.

MANAGING DIRECTOR'S REPORT ON DEVELOPMENT ACTIVITY.

Ms. Holly presented monthly activity report stating that Code Enforcement is moving towards issuing more citations and that currently there have been 829 citations issued for the year. Additionally, Ms. Holly stated that there have been 209 Building permits issued for the year.

ADJOURN

Chair Barksdale asked for a motion to adjourn the meeting. Member Smith made a motion to adjourn, seconded by Member Autry. The approval was unanimous.

PASSED AND APPROVED ON THIS THE 4TH DAY OF DECEMBER 2017

ATTEST:

Candance Martinez,
Development Services Technician

Steve Barksdale, Chairman