

**Special Session**

**September 05, 2017**

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

**Chair Steve Barksdale**

**Paul Ingram**

**Kari Wilmeth**

**Brady Autry**

**Aaron Smith**

**Barbara Holly, AICP Director Development Services**

**Candy Martinez, Executive Assistant**

**Sheila Garrett, Development Services Coordinator**

**Others present: Kerry Assa, Mayor Monte Montgomery, Jim Kerlin, Blake Daniels, David R. Hunt Sr., Betty Foster, Donna Meredith, Charles Tidmore, Chris Curran, Greg Mitchell, Marcy Warren, Steve Grant, Anne Perryman.**

**Members not present:**

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

**The meeting was called to order by Chair Steve Barksdale.**

**CONSIDER APPROVING THE MINUTES OF THE JULY 18, 2017 REGULAR SESSION.**

**A motion was made by Member Autry to approve the minutes, Member Ingram seconded the motion. Chair Barksdale stated that he would abstain from voting because he was not in attendance at the 7/18th meeting. Member Autry voted aye, Member Wilmeth voted aye, Member Ingram voted aye, Member Smith voted aye, Chair Barksdale abstained from the vote.**

**PUBLIC HEARING CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR RETAIL, RESTAURANT (WITH DRIVE THROUGH), AND OFFICE DEVELOPMENT AT 1006, 1010, AND 1012 E. TYLER STREETS (LOTS 4, 81, 8B, AND 10, BLOCK 119 AND 23) Z-06-17-001).**

**Chair Barksdale opened the public hearing reminding everyone to limit their speaking time to no more than five minutes. Chair Barksdale asked Barbara Holly, Director of Development Services to speak first. Ms. Holly described the three-lot subdivision on East Tyler which is to have five restaurants four of which are standalones with three drive throughs and five retail spaces. Ms. Holly commended Mr. Kerry Assa for much of the changes that were requested such as a larger front yard setback of 40 feet. 60 foot rear setbacks, moving the dumpsters to the middle away from the residential area. Ms. Holly stated thus there were two different site plans submitted and that the staff recommendation was for site plan one over site plan two because it was thirty percent overparked. Ms. Holly stated that of the 30 notices that were sent**

out there was only one that was in favor and sixteen that came back in opposition, which made it a 24.26 percentage in opposition which regardless of the planning commission's vote it would still take a supermajority of the city council to approve the site plan. Chair Barksdale asked the public if they understood Ms. Holly's statement he went on to explain that four out of five council members would be needed to approve the site plan. Ms. Holly then stated that she would answer any questions. Member Smith asked Ms. Holly why she considered Site Plan two overparked. Ms. Holly explained that look at the number parking spaces that code requires versus what is provided. The definition of providing more than the minimum required, a lot of the places will go to maximum parking but there would be a lot of pavement that would be put out.

Chair Barksdale thanked Ms. Holly for her presentation and then opened the public hearing by asking Mr. Assa to speak first. Mr. Assa thanked Ms. Holly and the Board for allowing him to speak tonight. Mr. Assa stated that the quality of the tenants they are looking for do have heavy parking requirements and that was the reason for the upfront parking in Site Plan two. Mr. Assa that as far as the wall goes in that is going to be a detention pond where all drainage would go and make it a feature of the center and have something nice to look at and that they would prefer not to put a wall there as it would be an extra cost. However, Mr. Assa stated that they would want to be considerate of their residential neighbors and while he could not guarantee a wall they would consider incorporating a type of border in that area. Member Smith asked if they were going to put any type of fencing there. Mr. Assa stated they were thinking of putting metal fencing in the area but it would be visually appealing rather than an eyesore. Mr. Assa stated that they were trying to create a town center concept. Chair Barksdale stated the citizens want to have some type of fencing to keep traffic from going into the center from Crestway. A member from the public asked for clarification of where this would be located. Mr. Assa stated it would be in the back. Several members from the public expressed concern over foot and vehicle traffic from Crestway stating they did not wish for any of either. Mr. Assa reiterated that they are doing everything to make it visually appealing and to reduce traffic and make it safe for the community. Ms. Holly stated that there would be a wall to prevent vehicular traffic, however members from the public reiterated that they did not want any foot traffic on Crestway. Chair Barksdale explained that because the area is not directly residential Triton is not required to have a wall but they working diligently to accommodate their residential neighbors. Mr. Assa stated that people will not have easy access to walk in from Crestway. Chair Barksdale then asked if there are any other questions from the public. Mr. Steve Grant then asked what would prevent Triton from putting in and maintaining an eight foot or six-foot hedge there. Mr. Assa stated that the recommendation will be put in to consideration when the final plans are being drawn. Mr. Assa stated once again that they want to make it visually appealing. Mr. Grant asked again if a plant or greenery can be put in to make it visually appealing from Crestway and to block foot traffic. Mr. Assa reiterated that they want it to be visually appealing and accommodate the residential while keeping it economically sound. Mr. Grant asked if the final design would come through this commission for final approval. Mr. Assa and Chair Barksdale both responded no. Mr. Assa stated the general site plan layout is what gets approved. However, Mr. Assa gave his work that they take into consideration implementing the recommended hedges along Crestway and will think of the residents when drawing up the final design. Mr. Kerlin came up to speak and requested that barricade of reasonable height be put in the area of

counter traffic because of the concern of headlights hitting the residents home at night. Mr. Assa stated they are planning to put some hedges there but he could not guarantee what type of barrier exactly until the final design is drawn out. Chair Barksdale asked if anyone else had any questions. Mr. Grant asked if there be low lighting. Ms. Holly stated that the code requires no more than .25 foot candles at the property line. Chair Barksdale moved onto Agenda item number three the discuss and consider portion he thanked all the member of the public for their participation.

**DISCUSS/CONSIDER A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR RETAIL, RESTAURANT (WITH DRIVE THROUGH), AND OFFICE DEVELOPMENT AT 1006, 1010, AND 1012 E TYLER STREETS (LOTS 4, 81, 8B, AND 10, BLOCK 119 AND 23) (Z-06-17-001).**

Chair Barksdale then asked the board members to consider a motion on either site plan one or site plan two. Member Ingram made a motion to approve site plan two. Member Wilmeth seconded the motion. Site plan two was approved unanimously. Chair Barksdale then asked Ms. Holly what will happen from this point onward. Ms. Holly stated it will go to the city council for its agenda on September 25<sup>th</sup> for a first reading as an ordinance there will be no vote at that time but it will give an indication of what the council members opinions are, and it will then roll to the first meeting in October for approval, it will be on the consent agenda and there will be no discussion at that point and approved at the meeting. Chair Barksdale moved onto Agenda Item number four.

**PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PLANNED DEVELOPMENT DISTRICT STANDARDS TO REDUCE THE MINIMUM SIZE FROM THREE ACRES TO ONE ACRES (Z-06-17-002)**

Chair Barksdale asked Ms. Holly to give her presentation. Ms. Holly stated that this was a request from Mr. Tidmore when he was doing a development on Bryson, he was trying to save mature trees he would have to do gerrymandering to draw lot lines in the end he had to go to the ZBA and get special dispensation because he could not meet all the setbacks in order to save the trees. Mr. Tidmore asked her why is there a three-acre minimum when doing a development. In looking at it there really is no good answer it doesn't affect E. Tyler in any sense. East Tyler has been rezoned for years. What it would do if someone comes in and they have an acre development and they need to make some creative changes that they have that opportunity through the zoning process to come in before the PZC and tell you what it is they want to do just as Mr. Assa did, but can be done on an acre property instead of three acres property. Ms. Holly stated that the staff recommendation would be to reduce the size from three acres to one acre. This way if there are other areas in town they can take advantage of that opportunity. It would still require planning commission and city council action so it would go through a public process of notification. Chair Barksdale invited members from the public to come up and speak. Mr. Charles Tidmore came up to speak. He stated that this request does not affect him since his project is complete however the process in getting it to completion was daunting due to the three-acre minimum requirement, and hence why he put through this request to have it changed in anticipation of future planned development in Athens. Mr. Tidmore stated that in look forward if you want development to occur on a quality basis in coordination with the city the minimum requirement should be reduced to one acre. Chair Barksdale thanked Mr.

Tidmore and asked if there were any questions. Member Smith stated that he thought it was good for residential but his concern would be regarding commercial and retail like the Triton project. Ms. Holly stated that the place where the request came up was on West Corsicana with a Wingstop because they needed to put outdoor seating and because the lot was not three acres they could not even come in to request a plan development. Member Smith expressed his concern with reducing the required minimum because of the situation on East Tyler street. Ms. Holly stated that they could start out the change and apply it only to residential and not commercial first then revisit it after a year and decide if they want to extend it to commercial. Chair Barksdale then asked if there were any other questions. Member Smith asked Mr. Grant for his thoughts on the proposed request. Mr. Grant stated that it would be good for residential development primarily. Mr. Tidmore explained that with the current requirements it made the entire process eighteen months long. Mr. Tidmore stated that going down to an acre will be a better environment for businesses. Member Ingram then asked if the setback would be changed. Ms. Holly stated it would not change the setbacks it would merely allow for a one acre lot to come before a public forum to request professional development. Chair Barksdale moved on to agenda item number five the discuss and consider portion.

**DISCUSS/CONSIDER A REQUEST FROM THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PLANNED DEVELOPMENT DISTRICT STANDARDS TO REDUCE THE MINIMUM SIZE FROM THREE ACRES TO ONE ACRES (Z-06-17-002).**

Chair Barksdale asked for a motion to vote on agenda item number four. Member Smith made a motion to approve the change and Member Ingram seconded the motion. All votes unanimous in favor of the change.

Chair Barksdale moved to agenda item number six.

**PUBLIC HEARING CONCERNING A REQUEST FROM REGENCY MOBILE HOME PARK FOR A SPECIFIC USE PERMIT TO ALLOW FOR RV'S AT THE MOBILE HOME PARK (Z-07-17-001- SUP).**

Chair Barksdale asked Ms. Holly to give her presentation on agenda item six. Ms. Holly explained that when the park was instituted in the sixties RV's were allowed use by right. In 2001 that changed, it gives them a legal status of non-conforming and are grandfathered so when an RV leaves it cannot come back on site. Therefore, there business plan would be to have a certain number of RV's on that site. What this would do is allow them under the 2001 zoning ordinance to bring in up the 20 RV's in and out into that facility and they could do that all-day long. So, it would restore what their business plan was in the sixties. Ms. Holly stated that the new owners have done a good job of taking care of the code enforcement violations. Ms. Holly stated that of the 20 notices sent out there were not any returned in favor and only six in opposition, making it a 10.72 percentage in opposition which does not trigger supermajority. Ms. Holly stated that staff recommends that the board votes in favor of the 20 RV's and recommend it to the council. Chair Barksdale invited the new owners to come up and speak. Mr. David Hunt introduced himself and his wife to the public and board members he stated that everyone has been a pleasure to work with and that the goal has been to try to maintain cashflow. Mr. Hunt stated that as the transition

is made to permanent mobile homes of which they have five new mobile homes on order and will be delivered to the park. As soon as they are occupied they will order five more and continue on that basis to transition all the RV's out and have newer mobile homes to improve the community. Mr. Hunt stated however that they need to maintain the cashflow to make improvements. Mr. Hunt further stated that nearly all the violations have been addressed and fixed. There were no more loose dogs or junked vehicles and all but two of the individual fences have been taken down. Mr. Hunt stated they've discussed taking one of the lots and turning it into a playground for the children of the community along with other improvements they to do. Mr. Hunt stated that the shortest lease allowed will be six months to discourage transient tenants. Chair Barksdale thanked Mr. Hunt for his investment in the community. Chair Barksdale then moved onto to the discuss and consider portion for agenda item number six.

**DISCUSS/CONSIDER A REQUEST FROM REGENCY MOBILE HOME PARK FOR A SPECIFIC USE PERMIT TO ALLOW FOR RV'S AT THE MOBILE HOME PARK (Z-07-17-001- SUP).**

Chair Barksdale asked for a motion to vote on agenda item number seven. Member Wilmeth made motion to approve the request from Regency Mobile Home Park for a Specific Use Permit to allow for RV's at the mobile home park. Member Ingram seconded the motion. the vote was unanimous in favor of the request.

**PUBLIC HEARING CONCERNING A REQUEST FROM THE CITY OF ATHENS, TEXAS TO AMEND ARTICLE III, CHAPTER 10 OF THE CODE OF ORDINANCES TO PROVIDE TIME LIMITS FOR TRASH RECEPTACLES TO BE AT THE CURB (Z-08-17-001).**

Chair Barksdale moved to agenda item number eight and invited Ms. Holly to give her presentation. Ms. Holly stated that the request came from Chief McQueary and people he knows who were complaining about the trash receptacles being left out too long. After researching what other peer cities are doing the staff recommendation is to allow put out the receptacle the prior day before trash pick-up and then be put away the next business day. For example, if trash is to be put out on Friday then the receptacle would have to put away by Monday. Chair Barksdale asked if anyone had any questions. Member Wilmeth asked what if you leave for a week starting the day before the trash pick and you gone five or six days. Ms. Holly stated that she was told you must have friends who will take care of this while you are away. Chair Barksdale asked what the penalty or fine would be, would there be a warning system. Ms. Holly stated initially it would be on a complaint bases then individuals would receive a letter to get it corrected. Ms. Perryman asked for clarification on the wording will it specify the garage? Ms. Holly stated if any language needs to be added it can be done.

**DISCUSS/CONSIDER A REQUEST FROM THE CITY OF ATHENS, TEXAS TO AMEND ARTICLE III, CHAPTER 10 OF THE CODE OF ORDINANCES TO PROVIDE TIME LIMITS FOR TRASH RECEPTACLES TO BE AT THE CURB (Z-08-17-001).**

Chair Barksdale asked for a motion to approve the request. Member Smith made a motion approve the request. Member Autry seconded the motion. The vote was unanimous in favor of the request.

**CONSIDER RECOMMENDING APPROVAL FOR AMENDING REPLAT FOR LOT 18R, STONEBRIDGE SUBDIVISION (P-08-17-001).**

Chair Barksdale moved onto Agenda item number ten. Ms. Holly stated that no action is needed since it went past the thirty-day timeline at which point she stated expects that it is recommended for approval by the planning commission and it has gone on to the city council. Ms. Holly stated that she just wanted to give the Planning Commission an idea of where it is which is down south of the loop west of nineteen. Chair Barksdale asked if this was not in the city limits. Ms. Holly stated it was in the Extraterritorial Jurisdiction. Chair Barksdale asked if virtually all that was done was to combine the two lots. Since the time limit did not happen for whatever reason and was already approved by the city council therefore no action was needed by the Planning Commission.

**CONSIDER RECOMMENDING APPROVAL FOR AN AMENDING REPLAT FOR LOTS 4, 5, & 6, BLOCK 5 OF PARK HIGHLANDS SUBDIVISION TOGETHER WITH A .186 ACRE TRACT OF UNPLATTED LAND (P-09-17-001).**

Chair Barksdale moved onto Agenda item number 11. Ms. Holly stated this happened because of a survey miss. The area in question doesn't belong to anyone and the request would be to add it into the original plat. Staff recommendation is for approval of the replat.

Chair Barksdale asked for a motion to approve the request. Member Ingram made a motion to approve the request and it was seconded by Member Autry. The vote was unanimous in favor of the request for the replat.

**MANAGING DIRECTOR'S REPORT ON DEVELOPMENT ACTIVITY.**

Chair Barksdale asked Ms. Holly to present on the monthly report of development activity. Ms. Holly stated this is a report given to the City Council and it gives an idea of how many permits are issued as well as the number of activity that is going on in the city. The Athens Independent School District is broken out and not added into the taxable value. Ms. Holly stated that starting in October the report will be done by fiscal year. Chair Barksdale recognized the new code enforcement officer Mr. William Strange and asked Ms. Holly to thank him for all the hard work he is doing.

**ADJOURN**

Chair Barksdale thanked everyone for attending and asked for a motion to adjourn the meeting. Member Autry made a motion to adjourn the meeting and Member Wilmeth seconded the motion, the motion to adjourn was voted on unanimously.

**PASSED AND APPROVED AND ON THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 2017**

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Steve Barksdale, Chairman

ATTEST:

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Candy Martinez, Executive Assistant