

Special Session

June 7, 2017

The Planning Commission of the City of Athens, Texas met in Special Session on Tuesday, June 7, 2017, 5:30 p.m. in the Development Service Center, 622 S. Prairieville St., Athens, Texas with the following members present, to-wit:

Steve Barksdale  
Paul Ingram  
Kari Wilmeth  
Brady Autry  
Aaron Smith

Barbara Holly, Director Development Services

Others present: Don Foster, Ann Perryman, Dan Pugh, Charles Cole, Lynda Echols Cole, Ken Jones, Ashley Malone, Lacey Lowery, Wayne Weeks, Jane Nettune, and Thomas Page

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

The meeting was called to order by Chair Barksdale:

**CONSIDER APPROVING THE MINUTES OF THE MARCH 21, 2017 REGULAR SESSION.**

A motion was made by Member Autry, seconded by Member Wilmeth to approve the March 21, 2017 Regular Session. The motion passed as follows: Member Autry, yay; Member Wilmeth, yay; Member Ingram, yay; and Member Smith, abstaining.

**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).**

Chair Barksdale opened the public hearing asking Barbara Holly, Director of Development Services to speak first. Ms. Holly explained the site plan and Specific Use Permit for the Dairy Queen and presented the following recommended changes: reduce the proposed 68 parking spaces by 20; remove the attendant drive aisle; 6 ft. masonry wall at the southern end be changed to an 8 ft. masonry wall and moved forward to the edge of the parking lot; and extending the wall to the North and South and adding landscaping. Ms. Holly stated other recommendations include removing light poles at the southern and eastern perimeter and to train the remaining downwards; change the sign's height to seven ft. to meet the current code; dumpster should be moved to the midpoint of the property so as to be at the furthest distance of adjacent properties. Ms. Holly stated the city will need to find out the level of noise from the speakers to determine that the requirements of the code are met. Mrs. Holly informed the Commission that of the notices that were sent out, five came back in opposition which is 35% against, which will require a supermajority or four out of five city council members to approve the site plan. Mrs. Holly stated that staff recommends approval of the site plan if Home Town Boys make recommended changes.

Ms. Holly introduced Ashley Malone, Dairy Queen representative for questions.

Mr. Barksdale opened the hearing to the public and asked speakers to give their names, address and to restrict their time to eight minutes maximum.

Jane Nettune, Lake Athens, expressed concern over loss of the stateliness of East Tyler Street which she considered the gateway to Athens, she asked the commission to please consider the long-term impact of the construction decisions that are made. Ms. Nettune also asked that the current setbacks be maintained, that architecturally significant landscape designs be put in place and appropriate signage be utilized. Standards should be set high to keep Athens beautiful.

Donald Foster, 1002 East Tyler Street, stated that he was there on behalf of Mr. Duchrest, 1009 Crestway Drive. Mr. Foster thanked the Commission and Ms. Holly for looking into the site plan. Mr. Foster spoke of the history of his home and the history of East Tyler Street. Mr. Foster stated that when he purchased the home he did not take into consideration any zoning changes. Mr. Foster further stated that through his attorney he requested information on the zoning change from 2002, he displayed an email print out stating that there are no records responsive to his request. Mr. Foster stated there were no records of notices sent regarding the zoning change in 2002. Mr. Foster expressed his concern over the lowering of his property value in regards to the proposed Dairy Queen Site plan. Mr. Foster asked the Commission to please consider the impact their decision will have on his property.

Ann Perryman, 921 East Corsicana Street, expressed concerns that there were too many things wrong with the site, especially all of the variances requested. Ms. Perryman brought up the zoning change of 2002 and also stated that she was not notified of the zoning change. Ms. Perryman expressed concerns over the proposed lighting, excess parking, and the signage for Dairy Queen, stating that it does not follow the seven foot monument sign code. Ms. Perryman expressed concern over the proposed chill and grill building concept design of the Dairy Queen. Ms. Perryman stated that she emailed an acoustic plan for Dairy Queen to the planning email for the city. Finally Ms. Perryman asked the Commission to vote no to the proposed Dairy Queen site plan.

Dr. Dan Pugh, 906 East Tyler, expressed concern over the Dairy Queen site plan, stating he hopes it doesn't go through but he understands if it does. Dr. Pugh asked that the Commission take his concerns into consideration.

Ken Jones, 908 East Tyler, expressed his concern over road access in regards to 18 wheelers and trash trucks. Mr. Jones asked if any studies were done on the impact this will have on traffic in the area.

Charles Cole asked Ashley Malone why this location was chosen, which Ms. Malone stated that she represents the design group for the Dairy Queen, and she can relay the information she received here to the property owners, but she does not know why this location was chosen. Mr. Cole also asked if a traffic study has been done, which Ms. Malone replied that a traffic study is done before any property is purchased. Mr. Cole expressed concern over traffic issues.

Charles Cole asked if there was a tax base change along with the zoning change. Mr. Weeks further asked if deeds for properties that were purchased in the last 5 years stated anything about the zoning change. Chair Barksdale stated no, with Mr. Cole stating there should have been. Mr. Weeks asked if the drainage has been addressed.

Chair Barksdale referenced all the issues with the proposed site plan and the recommended changes. Chair Barksdale asked Ms. Malone what was going to happen to the current structure on the property. Ms. Malone stated they have contacted a lot of people about relocation and prices have come back higher than initially indicated. Ms. Malone stated that the owners are considering both options of either moving or demolishing the structure. Chair Barksdale asked Ms. Malone if the owner would consider selling the property. Ms. Malone stated she can't answer for the owner but knowing him he would always be willing consider a deal.

Lacey Lowery, 612 Valdo Vista, asked a question about the water retention and asked if this will create mosquitos. Chair Barksdale stated the water retention question would be a question for the design engineer.

Jane Nettune asked if the zoning change of 2002 is official or legal without the owners being notified. She further asked if there are no grounds stopping the process. Thomas Page asked if there is a statute of limitations to the zoning change of 2002. Mayor Montgomery stated that he will find out if there's a statute of limitations.

Chair Barksdale stated that the open session would now close.

Chair Barksdale asked the commission what should occur. Member Autry made a motion, seconded by Member Wilmeth to table the decision, the motion carried unanimously.

Chair Barksdale thanked Ashley Malone and everyone for attending the meeting and the meeting was adjourn.

PASSED AND APPROVED ON THIS THE 20<sup>TH</sup> DAY OF JUNE, 2017.

---

Steve Barksdale, Chairman

ATTEST:

---

Sheila Garrett, Development Coordinator