

Regular Session

June 20, 2017

The Planning Commission of the City of Athens, Texas met in Regular Session on Tuesday, June 20, 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: Mayor Monte Montgomery, Councilman Tres Winn, City Manager Phillip Rodriguez, Kerry Assa, Jim Kerlin, Chip Perryman, Tina Elkins, Don Foster, Betty Foster, and Marcy Darren.

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 JUNE 7, 2017 SPECIAL SESSION.**

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

**PUBLIC HEARING CONCERNING A REQUEST FROM TRITON ATHENS I, LLC FOR SITE PLAN APPROVAL AND A SPECIFIC USE PERMIT FOR A 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 asking Barbara Holly, Director of Development Services to speak first. Ms. Holly briefly recapped the matter of a mapping error from 15 years ago contributing to the current issues of the rezoning of East Tyler Street. Ms. Holly stated that the city is talking to an outside attorney about what should be done. Ms. Holly stated that it is the recommendation of the staff to table the request from Triton Athens I, LLC for Site Plan approval. Ms. Holly stated that the City will need time to verify the rezoning from 15 years ago; upon verification, the city staff will re-mail the notifications within 200 feet of the requested site plan. Ms. Holly stated that with the current mailing in preparation for this meeting, fourteen percent of the responses came back in opposition of the proposed site plan, which was not the necessary 20% for supermajority.

Chair Barksdale asked Mayor Montgomery what he found in his research of the history.

Mayor Montgomery stated that his research was not related to the current property for this current site plan but to the property concerning the proposed Dairy Queen Site plan.

Chair Barksdale asks where the area is that the rezoning applies. Ms. Holly responds that it is the area east of Coleman on the south side of East Tyler Street up to the First State Bank.

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

Mr. Kerry Assa, Real Estate manager and Developer with Triton Karns approached the podium to introduce himself, stating that Mr. Karns, owner of Triton Karns, wants to do everything he can to be a good neighbor. Mr. Assa stated that their company is open to suggestions and advice from the public. Mr. Assa also stated that he will be handing out his business cards with his cellphone to everyone at the end of the meeting.

Jim Kerlin, 1015 Crestway, recapped his history of how he came to Athens. Mr. Kerlin expressed his concerns that Crestway will become a back way in and out of the retail area. Mr. Kerlin asked that a barrier be put in place to prevent pedestrian traffic along with unwanted light and noise. Mr. Kerlin asked that a four page document which was supplied to the Development Services office and to Mr. Assa be taken into consideration.

Chair Barksdale asked if the document was received in which Ms. Holly stated that it was but is still under review. Mr. Assa confirmed that his company had received the documents directly from Mr. Kerlin.

Mr. Kerlin continued expressing his concerns and cited various examples of other cities where the planned development was either successful or not. Mr. Kerlin stated that rather than developing the East Tyler Street area, the southern and western areas of Athens should be developed.

Chip Perryman, 100 East Corsicana Street, stated that he is in favor of commercial development but with reservations. Mr. Perryman asked if there are going to be guidelines placed on the current planned development. Mr. Perryman cited various examples of other cities where their planned development was successful in keeping the quaint and charming aspects of the towns. Mr. Perryman asked that a planning and zoning process requiring the developer to respect the neighbors be adopted. Mr. Perryman stated that he wants to see Athens become an inviting place for commercial businesses but remain quaint and charming.

Tina Elkins, 1011 Crestway Drive, stated she is pro-growth however she referenced Houston's zero zoning and how buildings were put up everywhere. Mrs. Elkins stated she moved to Athens because she wanted the hometown feeling. Her concern with the site plan is in regards to four things; increased traffic, privacy, lighting and noise pollution. Mrs. Elkins further stated that she had seen where a mail man was hit on Crestway with the current traffic.

Don Foster, 1002 East Tyler, thanked all the prior speakers. Mr. Foster stated that he hated seeing the homes on East Tyler being torn down. He then produces a copy of the pink postcard that was mailed out 15 years ago to notify residents of the rezoning, reading what was written on the card aloud to everyone and

stated it does not say anything about East Tyler Street or how it will be planned. Mr. Foster asked the committee to please consider other areas for planned development.

Betty Foster, 1017 Crestway Drive, stated that the city's logo states that it is about Hamburgers, Heritage and Texas. Mrs. Foster asked what Athens is doing to their heritage.

Marcy Warren, 1013 Crestway Drive, stated she lives directly behind the proposed site plan and is concerned over the following; littering, financial loss on property, safety and privacy. Ms. Warren stated there are other locations in Athens that are in need of development.

Chair Barksdale recognized City Councilman Tres Winn and City Manager Phillip Rodriguez and thanked them for attending. Chair Barksdale asked the committee to discuss and consider the request to table the requested site plan. Member Ingram made a motion, seconded by Member Autry to table the proposed site plan. The motion carried unanimously.

**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 ACRE (Z-06-17-002).**

Chair Barksdale asked Ms. Holly to speak regarding the text change request to reduce the minimum size from three acres to one acre.

Ms. Holly stated that the City had a request from Charles Tidmore when he was working on a development that was one acre that had multiple mature trees. In order to get the development through, he had to seek variances and gerrymander his lot lines to make it work because the current planned development minimum size is three acres. He could have used that flexibility to do what is environmentally sensitive. The reason the staff is recommending this is because the planned development provides an additional layer of protection for adjoining property owners. A minimum set of standards are established in whatever base zoning designation is; and it is not ever a means to lower standards but to enhance standards. An audience member asked where Mr. Tidmore's development is situated in which another audience member answered it's located by the old hospital.

**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 ACRE (Z-06-17-002).**

Member Smith asked how would this requested text change affect someone on East Tyler Street if they are a one acre property.

Ms. Holly responded that the planned development on East Tyler Street was as by extents and goes from the downtown square through Crestway and is irrespective of the size of the individual lots. The sum total of land is over three acres. Ms. Holly stated that an individual lot on East Tyler can come in with a quarter of an acre and be ok. Ms. Holly stated that currently an area must have an aggregate three acres but there have been others with less than three acres and referenced a hotel that was allowed this because it gave better design parameters.

Member Smith stated that he would like to do more research on the matter and make an informed decision. Member Smith made a motion, seconded by Member Autry to table this item until further research is done. The motion passed unanimously.

**PUBLIC HEARING CONCERNING A REQUEST FOR THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PARKING REQUIREMENTS FOR RETAIL ESTABLISHMENTS FROM ONE PARKING SPACE FOR EVERY 200 SQUARE FEET OF GROSS FLOOR AREA TO ONE PARKING SPACE FOR EVERY 300 SQUARE FEET OF GROSS FLOOR ARE (Z-06-17-003)**

Chair Barksdale asked Barbara Holly, Director of Development Services, to speak to this request.

Ms. Holly stated that the request originated from a Dollar General Store that wants to come in on South 19th. Ms. Holly further explained that the current guideline require one parking space for every 200 square feet of floor area in the building, but the national standard, derived by the Institute of Transportation Engineers (individuals who count the number of cars coming and going from each type of facility) is between one parking space for every 280 square feet to one parking space for every 350 square feet. The staff recommendation is to change the text to require one parking space for every 300 square feet for retail usage and one parking space for every 200 square feet for personal services such as salons.

**DISCUSS/CONSIDER A REQUEST FOR THE CITY OF ATHENS, TEXAS FOR A TEXT CHANGE FOR THE PARKING REQUIREMENTS FOR RETAIL ESTABLISHMENTS FROM ONE PARKING SPACE FOR EVERY 200 SQUARE FEET OF GROSS FLOOR AREA TO ONE PARKING SPACE FOR EVERY 300 SQUARE FEET OF GROSS FLOOR ARE (Z-06-17-003)**

Member Smith made a motion, seconded by Member Wilmeth to approve the text change. The motion carried unanimously.

**ADJOURN**

Chair Barksdale thanked everyone who attended as well as spoke at the meeting. Member Autry made a motion, seconded by Member Ingram to adjourn the meeting. The motion carried unanimously.

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**PASSED AND APPROVED ON THIS THE 18<sup>th</sup> DAY OF JULY, 2017.**

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Steve Barksdale, Chairman

ATTEST:

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Candy Martinez, Executive Secretary