

**NORTH TEXAS REGIONAL AIRPORT
JOINT AIRPORT ZONING BOARD
FEBRUARY 28, 2014**

MEMBERS' PRESENT:

Phil Roether, Chairman
Kevin Farley
Janet Gott
Randy Hensarling
Ryan Johnson
Lee Olmstead
Jason Sofey

MEMBERS' ABSENT:

Denise Smith

OTHERS' PRESENT:

Mike Shahan, Airport Director
Bart Lawrence, Commission, Pct. #4
Ken Brawley, Denison City Councilman
Glenn Goode
Scott Shadden, City of Sherman
Marilyn Morrow

Michael Hutchins, Herald Democrat
Wm. B. (Ben) Munson, Esquire
Jay Goode
Jerry W. Day, Perrin AFB Museum
Pete Hudgins, Hudgins Ranch
Kimberly Hudgins

I.

Call to Order.

Mr. Roether called the meeting to order at 12:04 p.m.

II.

Approval of the minutes of the January 28, 2014, Joint Airport Zoning Board Meeting.

Mr. Roether asked if the Board had the opportunity to review the minutes of the previous meeting. Ms. Gott made the motion to approve the minutes. Mr. Olmstead seconded the motion. All members voted aye.

III.

Workshop to review Airport Zoning commission recommendations for the Airport Zoning Ordinance.

Mr. Roether stated that he wanted to go through the document and review changes that were made after the last meeting. Mr. Dave Fitz with Coffman Associates was on the phone to assist with questions.

Paragraph 2. Section 12. Joint Airport Zoning Board – Mr. Roether advised that this was questioned at the last meeting and it's compliance with 241. He stated that it had been changed to reflect that the Board had nine members, with eight being appointed by affected jurisdictions and the ninth member was appointed by the Board and served as the Chair.

Paragraph 2. Section 14. Obstruction – Mr. Roether stated that the document states that height is regulated by federal law. He stated that this has to do with Federal Regulations, Title 14, Part 77, Safe, Efficient Use and Preservation of Navigable Airspace. It was stated that all FAA regulations are federal regulations and should be left as written.

Paragraph 4.0 – Table A and Exhibit A – Mr. Roether stated that there were questions about what constituted public and quasi-public services. Mr. Fitz stated that public facilities include schools and things of that nature that attracted large numbers of people in a small space and libraries because of the noise sensitivity. He stated that the concern with having these facilities near the airport is that there could be more devastation if there is an incident involving an aircraft. Mr. Roether asked if there should be a definition of public and quasi-public services in the document. Mr. Fitz stated that could be added to the definitions. Mr. Johnson stated that the example given is too broad and needs to be narrowed down to what is not wanted. Mr. Fitz asked if these needed to be added to Table A. Mr. Roether stated that it could be added to Table A or a definition could be given to public and quasi-public services in the document.

Mr. Roether stated the next was clarification of recreational uses and if city parks allowed. He stated that there could be large concentrations of people for a short period of time and would that be allowed? Mr. Fitz stated that the intent is more for permanent structures such as a band shelter. He stated that a small pocket park with a playground and a small parking lot would not be an issue, but that a large park with a large attraction such as a water park or something where you would see hundreds of people gathered, is something that would you would want to avoid. Mr. Roether asked how you would control the uses of the park once the park is built. Mr. Olmstead stated that could be controlled through a special use permit and it would go through the approval process for each municipality. Mr. Johnson stated that the prohibited recreational uses need to be defined so that planning and zoning knows what can be approved. Mr. Sofey stated that as written recreational uses are prohibited and it needs to be modified, eliminated, or spelled out. Mr. Fitz asked if it would be best to revise it using the limiting factor of concentration of people and not have the recreational uses in the prohibited list. After further discussion, it was agreed to remove recreational uses and public and quasi-public uses from the table and cover this under the density use criteria.

Mr. Roether stated that the next topic was the avigation easement and who pays the property owner for the easement. Mr. Fitz stated that the language in the ordinance is that the easement is being recorded with the Office of the County Clerk of Grayson County and these are conditional easements for the issuance of the permit and therefore because a permit is being issued there is no monetary compensation to the landowner. Mr. Johnson stated that if the easement was a condition of the permit that needed to be discussed with the permit section of the permit process. After some discussion of the avigation easements, it was agreed to add the following to Paragraph 6.0: Within Zone A, the avigation easement would be required as a condition of the approval of the permit.

Mr. Roether stated that clarification of height in each zone was the next topic. Mr. Fitz stated that this was established by the FAA under Title 14 CFR Part 77.

Mr. Roether stated that the next topic was clarification of the waterways that cause bird hazards. Mr. Fitz stated that in most cases moving water does not necessarily attract birds. He stated that the issue is not always the water but the issue is when the birds decide to move. He stated that the hazard is created with water that attracts them and then they move across the airport to feed. After further discussion, it was agreed that a footnote should be added that states that flood control or detention ponds are permissible for flood control.

Paragraph 7.0 Enforcement – Discussion on this was postponed to a later meeting.

Paragraph 8.0 Appeals – Discussion on this was postponed to a later meeting.

Paragraph 11. Penalties – Discussion on this was postponed to a later meeting.

Mr. Roether stated that the next question was about the ordinance being a taking of property. Mr. Fitz stated that the Airport Zoning Act does not authorize the taking of property. He stated that the intent is not to restrict all uses of the land. He stated that the only times the ordinance becomes restricting is when a property owner penetrates into the airspace or when land use development is such an intensity that people on ground are not safe if something should happen with an aircraft.

Mr. Roether stated that the next question was about temporary permits for temporary structures. Mr. Fitz stated that this ordinance deals with permanent structures and permanent issues. Mr. Shahan stated that FAA Form 7460-1, Airspace Study, form must be submitted to the FAA when there is a structure being erected within five miles of the Airport. He stated that the Airport must be contacted when a structure is being erected. It was agreed that nothing to be put in the ordinance about temporary structures.

Mr. Shahan discussed the easements for the Airport. Mr. Roether stated that he wanted to table all discussion on the easements due to time limitations.

Mr. Roether opened the floor up for comments from the public. Mr. Hudgins addressed the Board about the zoning ordinance and the need for communication with the public.

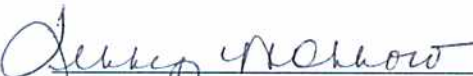
Mr. Goode expressed his opposition to the ordinance.

IV.
Adjourn.

The meeting was adjourned at 1:32pm.



Phil Roether, Chairman



Terry Morrow, Administrative Asst.