

**NORTH TEXAS REGIONAL AIRPORT  
JOINT AIRPORT ZONING BOARD  
JUNE 9, 2014**

**MEMBERS' PRESENT:**

Phil Roether, Chairman  
Ken Brawley  
Kevin Farley  
Randy Hensarling  
Ryan Johnson  
Jason Sofey  
Todd Thompson

**MEMBERS' ABSENT:**

Janet Gott  
Lee Olmstead

**OTHERS' PRESENT:**

Michael Hutchins, Herald Democrat  
Bart Lawrence, Commission, Pct. #4  
Scott Shadden, City of Sherman

Jim Copeland  
Wm. B. (Ben) Munson, Esquire  
Alex Moser

**I.**

**Call to Order.**

Mr. Roether called the meeting to order at 12:00 p.m. Mr. Roether stated that the Board was at a point where they had been through the entire document, although there are a few issues that need to be completed before this could go to a public hearing. He stated that depending on how things went at this meeting, the Board would have another regular meeting on June 25. He stated that if everything went well, the Board may be in a position to make a recommendation to take its position to a public hearing which could be scheduled in July.

**II.**

**Approval of the minutes of the April 30, 2014, Joint Airport Zoning Board Meeting.**

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

**III.**

**Workshop to review Airport Zoning Committee recommendations for the Airport Zoning Ordinance.**

Mr. Roether asked Mr. Hensarling to update the Board on the progress of the sub-committee. Mr. Hensarling stated that the committee was made up of himself, Mr. Sofey, Mr. Thompson, and Mr. Brawley. He stated that Mr. Pete Hudgins and Mr. Jim Copeland were the land owners that were on the committee. He stated that the committee had come up with a revised map. He stated that the committee tried to look at this differently so that it would have a minimal impact on landowners. He stated that Zone A had been divided into two zones, which would be Zone A1 and Zone A2. He stated that Zone A1 had a maximum 1 dwelling unit per 5 acres and a maximum of 100 persons per acre for residential intensity. He stated that some prohibited uses had been removed, which included restaurants, office, retail, etc. He stated that some prohibited uses had been left in because it was felt that they were a real safety concern. Mr. Hensarling stated that Zone A2 restrictions were lightened up. He stated that 1 dwelling unit for 2.5 acres and 250 persons per acre and with no limit to the open land requirement. He stated that the



prohibited uses were reviewed and changed to what Zone B had been originally. Mr. Hensarling stated that Zone B was left intact with the only requirement being a fair disclosure statement signed at the time that the property changes hands. He stated that the lines for Zone A1 and A2 were drawn using the existing avigation easements because it was felt that those landowners were already aware of the height restrictions. He stated that the lines were shortened some from the avigation easements in order to follow existing roads or property lines.

Mr. Roether asked if the size of Zone A was reduced to what is in the current avigation easement. Mr. Hensarling stated that was correct with the exception of them being shortened somewhat on the north and south ends. He did state that the existing avigation easement would remain in place. Mr. Hensarling stated that Zone B had grown some due to Zone A being decreased. Mr. Johnson asked what the fair disclosure statement was and Mr. Hensarling stated that it was a statement that stated that you were aware that you were either building or buying property near an airport. Mr. Johnson asked if the disclosure statement in the packet was what they were talking about and Mr. Hensarling stated that was correct.

Mr. Roether stated that it was his understanding that the current avigation easement has been filed in the County Clerk's office on all the properties within the boundaries. He asked if rather than relying on people's memories when property is finally sold if there was a way to do the same with this notice. Mr. Munson stated that it could be done. He stated that should the Board determine an appropriate disclosure statement for each of the three zones, a surveyor could develop metes and bounds for that particular disclosure area. He stated that the Board could pass a resolution that it be recorded with the County Clerk.

Mr. Copeland stated that he felt this was more reasonable than the original proposal. He stated that as he talked to landowners they were most concerned about the dwelling units per acre in Zone A2. He asked the committee to review this so that it might be removed. Mr. Hensarling stated that the committee had not met since the last meeting and therefore it was still in the document. Mr. Copeland stated that the prohibited uses seemed reasonable and the reduction of the open land requirement was reduced. Mr. Copeland stated that he did not understand the safety factor in the residential restriction more than 1 nautical mile from the Airport. Mr. Hensarling stated that the removal of the dwelling unit requirement had not been discussed but he stated that he understood that on approach the aircraft is lined up well before that one nautical mile and is coming in directly over those properties in Zone A2. Mr. Hensarling stated that they had reviewed some other airport's ordinance and this seemed to fall in line with those. After some discussion, it was agreed that this would be left in place.

Mr. Sofey stated that there had been some discussion on the 30% open land requirement and a definition for it. Mr. Roether stated that the reasoning behind the 30% requirement was to give the pilot room to land in the case of an emergency and do minimal damage. He further stated that the 30% was for the entire area, and not per parcel of land. After some discussion, it was agreed that a definition of open land should be included in Table A. Mr. Copeland suggested that the definition could be "land not occupying a building" and could be included as a footnote.

After all discussion, Mr. Hensarling made the motion to replace the existing map and Table A with the map and Table A proposed by the Zoning Sub-Committee once a definition of open land is inserted. Mr. Johnson seconded the motion. All members voted aye.

Mr. Roether stated that Mr. Johnson was going to review the appeal process. Mr. Johnson stated that he had reviewed Midway Airport and liked the way that they had it structured. He stated that any aggrieved person or taxpayer that is affected by a decision, and also any municipality, could bring an action through judicial process in order to enforce the ordinance or force compliance with the ordinance. He stated that the Board needed to decide if the appeal process included just the aggrieved land owner or



included the municipality that is trying to enforce the ordinance. Mr. Roether asked if Mr. Johnson if he could make a recommendation for this section for the June 25 meeting. He stated that he could but he wanted some guidance from the Board. Mr. Sofey stated that he thought the landowner should have the right to maximize the appeal opportunities without going through the judicial system. Mr. Johnson stated that he would prepare something for a two-tiered system like Midway Airport and the Board could discuss it at the next meeting. Mr. Copeland stated that some of the landowners wanted the governing elected officials of the municipality or county to make the decision on the permit request and/or appeal before going to judicial review. He stated that this would allow an elected official, versus an appointed official, to make the decision. Mr. Johnson asked Mr. Copeland if he would agree that the permit request go through P&Z and appeals be heard by the City Council and Mr. Copeland stated that would be fine. Mr. Sofey asked Mr. Copeland if he wanted the appeal for property in the county to go before Commissioners Court instead of the RMA and Mr. Copeland stated that was correct. Mr. Sofey stated that he felt that the verbiage relating to property in the county was what needed to be addressed. Mr. Roether asked Mr. Johnson to validate the rules is 241 about the JAZB being able to hear appeals.

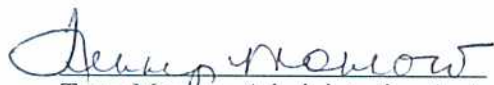
**IV.**  
**Public Comments.**

Commissioner Lawrence asked Mr. Roether to repeat the schedule of events for the Board. Mr. Roether stated that there would be a property owner meeting on June 28, 2014. He stated that the Board would meet again on June 25, 2014. He stated that he hoped that they Board would be in a position to make a recommendation to take what has been accepted to a public hearing in July. He stated that they might be in a position to incorporate what has been developed at the July meeting, which is the last Wednesday in July. He stated that he hoped to be able to enact the ordinance in either July or August.

**V.**  
**Adjourn.**

Mr. Sofey made the motion to adjourn the meeting and Mr. Brawley seconded the motion. All members voted aye. The meeting was adjourned at 12:55pm.

  
Phil Roether, Chairman

  
Terry Morrow, Administrative Asst.