

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

MEMBERS' PRESENT:

Phil Roether, Chairman
Ken Brawley
Kevin Farley
Janet Gott
Randy Hensarling
Lee Olmstead
Jason Sofey

MEMBERS' ABSENT:

Ryan Johnson

OTHERS' PRESENT:

Mike Shahan, Airport Director
Bart Lawrence, Commission, Pct. #4
Jay Goode
Scott Shadden, City of Sherman

Michael Hutchins, Herald Democrat
Wm. B. (Ben) Munson, Esquire
Glenn Goode

I.

Call to Order.

Mr. Roether called the meeting to order at 12:05 p.m.

II.

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

Mr. Roether asked if the Board had the opportunity to review the minutes of the previous meeting. Mr. Olmstead made the motion to approve the minutes. Ms. Gott 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 and by the City of Denison.

Paragraph 1 – Inserted “is used in the interest of the public and” in the first sentence and the name of the chapter in the Code in the last sentence.

Paragraph 2. Section 3 Airport – inserted “owned by Grayson County and” into the definition.

Section 4. Airport Director – added the definition.

Section 5. Airport Elevation – added the definition. Mr. Shahan stated that the official elevation for the Airport is 749 and that is the highest point on Runway 17L.

Section 6. Airport Hazard – added “or use of land”.

Section 7. Airport Hazard Area – added “as defined by the Act or Regulation.

Section 8. Airport Zoning Regulation – added “defined or described by”.

Section 9. Avigation Easement – added the definition.

Section 10. Centerline – TxDOT suggested that “extending outward to the North and/or South end of Zone A.

Section 11. Compatible Land Use - added “as indicated on attached Exhibit A. (See Exhibit A Zoning Boundaries.) Mr. Shahan stated that TxDOT had stated that you could use either the definition as written or “Means a use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft, as indicated on attached Exhibit A”. Mr. Munson stated that both definitions were legally sufficient. Ms. Gott suggested that the definition in the ordinance be used. It was agreed that TxDOT’s definition be removed.

Section 12. Controlled Compatible Land Use – added the definition. Mr. Shahan stated that this is the actual land that could be zoned if necessary. Mr. Roether stated that it was good to have in the ordinance should there be a need to expand the zone.

Section 13. DNL (Day Night Average Sound Level) – Mr. Shahan stated that TxDOT stated that was not referenced in the ordinance and should be removed.

Section 14. Existing Land Use – inserted “and exists before the date of these adopted regulations”. Mr. Shahan stated that this pertained to any existing land uses being grandfathered should the ordinance be adopted.

Section 16. – added “created by Resolution or Order” and cleaned up the membership of the Board.

Section 17. Nonconforming Use – Changed the first sentence to read “Any structure, object of natural growth, or use of land which exist before the date of these adopted regulations and is inconsistent with the provisions set forth in these policies. Added “See Section 6: Nonconforming Uses. Regulations not Retroactive”.

Section 19. Ordinance Coordinator – inserted definition.

Section 21. Political Subdivision – added “as defined by the Act”

Paragraph 3 – Administration of Ordinance – Mr. Shahan advised the Board that this section was inserted by the City of Denison. He further stated that this defined who would administer the ordinance.

Section 3.1 Responsible Jurisdiction – Mr. Shahan stated that this defines who will administer the ordinance for each jurisdiction.

Section 3.2 Ordinance Coordinator – Mr. Roether stated that this was a coordinator role and not an enforcement role. Mr. Sofey asked if it would be each jurisdictions responsibility to notify the County should they receive a request for a variance. Mr. Shahan stated that he thought that it was the

City of Denison's thought that everything would come through the Airport Director to be distributed to the correct entity. After much discussion, Mr. Shahan stated that TxDOT stated that applications could be received either by the city or the Airport Director.

After a lengthy discussion of the administration of the ordinance, it was agreed that 3.1 was approved as written, 3.2 was approved as written, and 3.3 was to be changed to state that applications, appeals, or other documents should be filed with either the Airport Director or the appropriate governing body.

There was then discussion of Exhibit B. Mr. Roether stated that he felt that individuals would contact the governing body for any permits and that the Airport Director needed to be notified of any request. Mr. Shadden stated that when a permit is requested in the City of Sherman, the property owner is given a list of items that need to be checked off. He continued that the Airport would be added to the list of any property in its city limits and that the property owner would be required to contact the Airport Director to verify that the proposed construction complies with this ordinance. Mr. Shadden stated that the application would then be considered by the Zoning Department. Mr. Olmstead asked about the process should a variance be requested. Mr. Shahan stated that the variance would be sent to the City Council (or to the proper department within the city) or the RMA Board. Mr. Shahan stated that if the variance is denied, it would then be appealed for judicial review. It was agreed that approved that the flow chart would be done with the City of Denison's recommendation. After further discussion of this topic, Mr. Hensarling suggested that 3.2 last sentence be amended to read as follows "It is not intended by this ordinance that the Airport Director be given any authority to make final determinations or enforce this ordinance."

Paragraph 5.0 Compatibility Criteria – Mr. Shahan stated that it was suggested that the last sentence in the first paragraph be deleted.

He stated that the second paragraph had safety zone replaced with Airport Hazard Areas.

Mr. Shahan stated that the second sentence in Zone A had large, agricultural replaced with non-residential parcels. Mr. Hensarling suggested the sentence be rewritten to read "Residential uses are prohibited unless the dwelling unit per acre criteria is met in Table A: Compatibility Criteria Matrix". This change was approved.

Paragraph 6.0 Nonconforming Uses, Regulations Not Retroactive – Mr. Shahan stated that TxDOT had some comments on this section. After discussion, it was approved that the section would be left as written.

Exhibit A – Mr. Shahan stated that this had been cleaned up per the request of the Board at the previous meeting.

Table A – Zone A – Added shopping centers, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants. Removed public and quasi public services. Removed recreational uses, athletic fields, playgrounds, and riding stables. Added waterways that created a bird hazard, does not include flood control or detention ponds. Mr. Shahan stated that TxDOT asked how the 45dB residences would be determined. He stated that TxDOT suggested that all new construction needed to have a FAA airspace review. Mr. Roether asked who initiated the review and Mr. Shahan stated that he could do that or that the developer could. He stated that it speeds up the process if it comes from the airport.

Table A – Zone B – Mr. Shahan stated that TxDOT stated that dumps and landfills are prohibited within 5 miles from the airport. Mr. Shahan stated that it was suggested that the 100' tall be changed to 50'.

Table A – Notes - #1 added public or private roads

#3 added entire zone A or B.

#4 TxDOT states that “explicitly prohibited” is not defined

Mr. Roether suggested that TxDOT be in attendance at the next meeting to discuss some of their comments in the document. Mr. Olmstead made the motion to table the discussion on Exhibit Table A until TxDOT can be in attendance to explain their comments. Mr. Hensarling seconded the motion. All members voted aye.

Paragraph 7.0 Permits – Mr. Shahan stated that these changes go along with the City of Denison and what was reviewed earlier. He went through each of the changes in the document.

Section 7.1 – inserted “Within Zone A, an avigation easement is required as a condition of the approval of the permit”.

Section 7.3 – changed 80 percent to 60 percent. Ms. Gott stated that this was the City of Denison’s change. It was agreed to change to 60 percent.

Paragraph 8.0 Appeals – Mr. Shahan went through the changes in this paragraph.

Section 8.2 – TxDOT added “A No Hazard Determination letter from the FAA must accompany the appeal before it can be considered by the responsible jurisdiction.” Mr. Shahan stated that this referred to the airspace study. After some discussion, Ms. Gott stated that TxDOT should be asked the reason that this was inserted in the document. Ms. Gott made the motion to table this until TxDOT can be consulted. Mr. Sofey seconded the motion. All members voted aye.


IV. Public Comments.

Mr. Goode expressed his opposition to this ordinance.

V. Adjourn.

The meeting was adjourned at 1:33pm.


Phil Roether, Chairman


Terry Morrow, Administrative Asst.