



AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
TUESDAY, SEPTEMBER 29, 2020
6:00 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Zoning Board of Adjustment** meeting of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

COVID-19 PRECAUTIONS

The operation of a municipality is an Essential Service. The Texas Governor's Order, with the guidance of DSHS Commissioner Dr. Hellerstedt, allows all persons in Texas to obtain essential services, but directs the public to do so by minimizing in-person contact with people who are not in the same household and direct the implementation of social distancing, good hygiene, environmental cleanliness and sanitation. Therefore, the following social distancing rules apply to the public attending this meeting:

- 1) Any member of the public attending the meeting shall maintain a six-foot distance from others (except for those you live in the same household). City Staff and City Officials shall practice social distancing to the extent able without interfering in the ability to carry out the essential governmental functions to be conducted at this meeting.
- 2) To enter City Hall to attend this meeting all persons must wear a face covering (i.e. a cloth mask that effectively covers the mouth and nose with more than one layer of fabric) or equivalent device.
- 3) Attendance in the Council Chamber will be limited to allow for the public in attendance to practice social distancing. Seating may be assigned.
- 4) Coughs and sneezes must be covered with a cloth or tissue, which should then be properly disposed of or washed, and shall not be exposed to others.
- 5) Public courtesies such as handshakes or other greetings shall be respectfully avoided.
- 6) Any member of the public approaching city representatives, whether they be city staff or elected or appointed officials must maintain six-foot social distancing.

Any person who fails to comply with the COVID-19 Precautions may be removed from the meeting.

EXPANDED OPPORTUNITY FOR PUBLIC COMMENT OR PUBLIC TESTIMONY:

The City shall continue to allow expanded opportunities for members of the public who do not attend to participate in Public Comment and Public Testimony. Such participation will be allowed when recognized upon the Board Chair's announcement.

ANYONE WHO DOES NOT ATTEND BUT DESIRES TO COMMENT ON A MATTER NOT ON THE AGENDA OR TESTIFY ON A MATTER ON THE AGENDA AT THIS MEETING MUST SEND THEIR COMMENT IN WRITING USING THE FORM AT www.cowtx.org/ZBAcomments NO LATER THAN ONE (1) HOUR PRIOR TO THE MEETING.

All written comments must comply with applicable decorum rules for comments made during a public meeting of the **Zoning Board of Adjustment** to be read into the record. Up to three minutes shall be allotted for each written or oral comment to be read/spoken into the record of the meeting. All timely written comments will be read into the record of the meeting at the appropriate time during the meeting. While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

CALL TO ORDER

ROLL CALL

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

APPROVAL OF MINUTES

1. Approval of Minutes from the September 26, 2019 Regular Meeting of the Zoning Board of Adjustment

NEW BUSINESS

1. Discussion and action on selection of Zoning Board of Adjustment Officers-Chairman, Vice-Chairman and Secretary.

ADJOURNMENT

Meeting Notices and Reservation of Rights

The Zoning Board of Adjustment may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

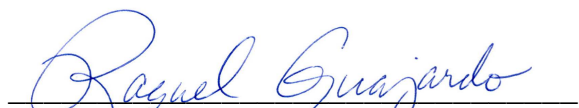
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 281-1991 FOR FURTHER INFORMATION.

I, Raquel Guajardo, Deputy City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, September 25, 2020, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.


Raquel Guajardo, Deputy City Secretary





AGENDA MEMORANDUM

DATE: September 18, 2020

TO: Zoning Board of Adjustment Members

FROM: Randy Richards, CFM, Building Official
Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Approval of Minutes from the September 26, 2019 Regular Meeting of the Zoning Board of Adjustment

BACKGROUND/INFORMATION:

This item contains Meeting Minutes Draft for Zoning Board of Adjustment review and approval.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Zoning Board of Adjustment review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. September 26, 2019 DRAFT

REVIEWED BY:

Randy Richards, CFM, Building Official
Paul Hackleman, P.E., CFM, Director of Public Works
Shawn Fannan, Fire Chief

Approved as to form for inclusion on Agenda

Approved - 9/21/2020
Approved - 9/24/2020
Final Approval - 9/24/2020



“A GREAT PLACE TO LIVE”

**MINUTES
ZONING BOARD OF ADJUSTMENT
THURSDAY, SEPTEMBER 26, 2019
CITY HALL-COUNCIL CHAMBER, 7105 WHITLEY ROAD
REGULAR MEETING
6:30 P.M.**

CALL TO ORDER:

City Attorney George Hyde called the meeting to order at 6:30 p.m. as the Chairperson James Kite and Vice Chairperson Pete Beierschmitt were neither present. With no quorum of the regular members, the alternate members were called up in the order they were selected to serve at the dias in their alternate capacity in order to have a full board. At 6:32 p.m., City Attorney George Hyde called the meeting to order with a full board in place. With there being no Chairperson or Vice-Chairperson present, the sitting board identified and designated an officer from the sitting members to serve as presiding officer for the meeting. Member Charlie Mann nominated Mel Eperthener, as Senior member to preside as Chairperson. Member David Villafuerte seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

Chairperson Mel Eperthener led with roll call as follows:

MEMBERS PRESENT:

David Villafuerte, Place 1
Mel Eperthener, Place 4
Charlie Mann, Place 5
Mary Stormer, Alternate, Place 1
Lisa Sieja, Alternate, Place 3
Jan Hill, Alternate, Place 4 – present and available

And

George Hyde, City Attorney
Randy Richards, Building Official
Paul Hackleman, Director of Public Works
Jeannette Garcia, Planning and Zoning Coordinator

With

James Kite, Chairperson, Place 2, absent without notice
Pete Beierschmitt, Vice-Chairperson, Place 3, absent with notice
Damon Solko, Alternate, Place 2, absent with notice

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

APPROVAL OF MINUTES:

1. Approval of Minutes from the July 17, 2019 Regular Meeting of the Zoning Board of Adjustment.

Member Charlie Mann made a motion to approve the minutes of July 17, 2019 as presented. Member David Villafuerte seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

NEW BUSINESS

1. Discussion and action on selection of Zoning Board of Adjustment Officers

- a. Chairperson
Alternate Member, Lissa Sieja nominated Charlie Mann as Chairperson and he accepted the nomination. Mel Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

- b. Vice-Chairperson
David Villafuerte volunteered to serve as Vice-Chairperson, Mel

Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

c. Secretary

Mel Eperthener volunteered to serve as Secretary. Charlie Mann seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann, Stormer, Sieja
NAYS: None
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

Members of the public were invited to express public testimony. With none requesting to speak, the meeting will continue. Also, with officers in place and a Chairperson in place, Chairperson Charlie Mann will now take the gavel and continue the meeting.

2. Discussion and action on Zoning Board of Adjustment Case No. 1901: Request for Special Exception to Watauga City Code of Ordinances, Chapter 115-Zoning, Article V, Section 115116, Paragraph (e) stating the maximum height for an antenna facility permitted without a special exception in any CF, GU, LB, GB, C, or I district shall be 65 feet. The applicant is seeking special exception for height to increase from 65 feet to 100 feet and for use of a Lattice or Decorative type cellular antenna tower. The property is located at 6600 Starnes Road, Block A of the Foster Village Addition (Foster Village Park). The property owner is City of Watauga. The applicant is CLQ, LLC Tower Consultants dba Wild West Towers Corporation.

Public Works Director Paul Hackleman opened with reminder that the required Public Hearing took place Thursday, July 17, 2019. The reason for this meeting is in regards to the height of the antenna facility being allowed with a special exception to increase from 65 feet to 100 feet. Mr. Hackleman then introduced Peter Kavanaugh of Zone Systems, applicant on behalf of Wild West Towers, who reintroduced the special exception request for benefit of the newly appointed members to the Zoning Board of Adjustment. Following brief introductions, public testimony was then opened.

Tiffany DeAmicis
Angela Stone
Ryan Kennell
Neal Cooper
Jan Hill
John Redding

7404 Meadowbrook Dr
6624 Greenacres Dr
6625 Greendale Dr
6921 Cheatham
6444 Westridge
8217 Lara Ln

The Public Testimony was closed and a brief recess was called at 7:15 p.m. Chairperson Charlie Mann reconvened the Zoning Board of Adjustment meeting at 7:26 p.m. City Attorney George Hyde provided legal direction specifically for discussions and the newly appointed members. He also reminded the board that Federal law Section 42 US Code 332 (c) (7) (B) (iv), states "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental or health effects of radio frequency emissions." He then asked the applicant to come forward and state compliance with the Commissions regulations of such emissions. The applicant's response was yes. The City Attorney proceeded and reminded the Board of three (3) steps being needed for completion of the project requested. First, the approval of the Zoning Board of Adjustment allowing the height increase, followed by the Public Hearing of Texas Parks and Wildlife Chapter 26 and lastly, approval by the proprietary ownership being the City Council of the City of Watauga. The proposed lease would be modeled after previous lease agreements. Mr. Hackleman addressed building standards, which he stated are normally checked every five (5) years after completion of construction. Again, applicant, Peter Kavanaugh took the podium and answered questions regarding the proposed antenna facility to include that the request being made is not to allow more carriers, but for more quality coverage. Gary Brundage, Wild West Towers, discussed the proposed 50'x50' area to be screened and include lush landscape. No lighting will be included. Mr. Brundage addressed safety and lighting concerns and the City Attorney request if the concerns could be addressed in the License Agreement. Mr. Brundage agreed the concerns will be allowed in the agreement. 911 calls and dropped calls were also discussed. A map was also displayed showing the low coverage areas.

With no further discussions, Chairperson Charlie Mann called for the question. Vice-Chairperson David Villafuerte made motion to allow an increase of the height from 65 feet to 100 feet for an antenna facility. Secretary Mel Eperthener seconded the motion, which passed as follows:

AYES: Villafuerte, Eperthener, Mann
NAYS: Stormer, Sieja
ABSENT: Kite, Beierschmitt, Solko
ABSTAIN: None

ADJOURNMENT:

With no further business to discuss, Chairperson Charlie Mann adjourned the meeting at 8:04 p.m.

APPROVED: this the _____ day of _____ 202_.

SIGNED: this the _____ day of _____ 202_.

APPROVED:

Charlie Mann, Chairperson

ATTEST:

Mel Eperthener, Secretary



AGENDA MEMORANDUM

DATE: September 18, 2020

TO: Zoning Board of Adjustment Members

FROM: Randy Richards, CFM, Building Official
Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Discussion and action on selection of Zoning Board of Adjustment Officers-Chairman, Vice-Chairman and Secretary.

BACKGROUND/INFORMATION:

Article II.-Administration and Enforcement Section 115-34-Board of Adjustment (a) (5) Annual meeting; adoption of rules, installation of members; duties of officers. The board shall hold an organizational meeting in September of each year and shall elect a chairman, vice-chairman and a secretary from among its members before proceeding to any other matter of business. Chairperson shall preside at all meetings and is a voting member of the board. Vice-chairperson shall assist the chairperson and act in the chair's absence. Secretary is responsible for accuracy of the minutes and shall sign approved minutes.

FINANCIAL IMPLICATIONS:

NA

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend selection of officers.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

Randy Richards, CFM, Building Official
Paul Hackleman, P.E., CFM, Director of Public Works
Shawn Fannan, Fire Chief
Approved as to form for inclusion on Agenda

Approved - 9/21/2020
Approved - 9/24/2020
Final Approval - 9/24/2020