

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, JANUARY 6, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Lucia Deen, Elisa Heard and Kelton Drewery were present. Clifford Caviness was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** –Chairman Lynn Etheridge called the meeting to order at 9:46 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF DECEMBER 17, 2002 MEETING** – Lucia Deen moved that the Minutes of the Commission's December 17, 2002 meeting be approved. Elisa Heard seconded, and all voted in favor.

**DISCUSS AND CONSIDER CHANGING REGULAR MEETING DAY AND TIME** – Lucia Deen moved to change the regular meeting day and time to Mondays at 9:30 a.m. as needed. Elisa Heard seconded, and all voted in favor.

**DISCUSS AND CONSIDER APPROVAL OF SITE PLAN FOR QUICKWAY FOODS ON HIGHWAY 19 AT INTERSTATE 20** – Architect and contractor Mike Twitchell reviewed plans to remove the existing structure and replace it with a larger building to house a Shell gas station, convenience store and Subway sandwich shop. Building Inspector Rick Malone approved the plans, confirming they met all requirements for parking spaces and setbacks, they would have city water and sewer services, and the dumpster would be fenced and gated. Mr. Twitchell reported that work on the contracts would begin immediately, they would apply for building permits, bid out the job, and start construction in five to six weeks. Elisa Heard moved to approve the submitted site plan as shown. Lucia Deen seconded, and all voted in favor.

**SCHEDULE COMPREHENSIVE ZONING PLAN WORKSHOP** – The Commission discussed the elements of a comprehensive zoning plan and beautification guidelines for the main corridors leading into Canton. They also discussed the need to coordinate with the Park Planning Committee and several other City departments. Rick Malone said he would provide the Commission with examples of other guidelines and a current map of the City prior to the next meeting. A preliminary workshop was scheduled for Monday, January 27, 2003 at 9:30 a.m.

**ADJOURN** – There being no further business to come before the Planning and Zoning Commission, the meeting was adjourned by chairman Lynn Etheridge at 10:11 a.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Lynn Etheridge, Chairman

ATTEST:

\_\_\_\_\_  
Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, JANUARY 27, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Elisa Heard and Kelton Drewery were present. Clifford Caviness was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** –Chairman Lynn Etheridge called the meeting to order and announced that a quorum was present.

**APPROVAL OF MINUTES OF JANUARY 6, 2003 MEETING** – Tabled for future consideration.

**WORKSHOP FOR COMMISSION INPUT AND PLANNING PERTAINING TO COMPREHENSIVE ZONING PLAN AND SPECIAL BUILDING RESTRICTIONS ALONG MAJOR CORRIDORS INTO THE CITY** – Julie Jackson informed the Commission that Dunkin, Sefko & Associates was the most highly recommended planning consultants among other cities polled. She related her recent conversation with Dan Sefko, who advised that a basic land-use and thoroughfare plan would cost approximately \$30,000, with additional plans added at incremental costs, e.g. park plan, annexation plan, housing plan, public facilities plan and water and sewer plan. Rick Malone added that some cities also commission a future use plan. The Commission reviewed samples of land use plans. It was verified that a land use plan is a master design which would still allow the Commission to modify or make allowances as needed in the future. Elisa Heard specifically recommended looping the Cherry Creek area with the schools on Hwy. 243.

The Commission then discussed restrictions to be placed on the properties along the major corridors leading into Canton, which were identified as Hwy. 64, Hwy. 243, Hwy. 19, Hwy. 198, FM 859 and I-20. The consensus of the Commission was to require the following minimum standards for all structures on properties on the main corridors zoned RPO, B-1 or B-2: 100% of the front exterior wall construction or that of any side facing a street, and 25% of any side exterior wall not facing a street, must be masonry or an approved material similar to that required by Plano; all dumpsters must be placed at the back of the property and must be screened in a manner similar to that required by Plano; and all commercial structures with rear entrances must provide rear screening. The Commission also requested the same restrictions apply to a special district with the defined boundaries including properties abutting Buffalo on the west side, Groves on the south side, Hwy. 19 on the east side and Hwy. 64 on the north side.

The Commission decided to prepare building restrictions for the Council's consideration prior to preparing a recommendation on the separate issue of a green ordinance. The Commission preferred Palestine's requirements regarding green space.

A special meeting was called for 9:30 a.m., Monday, February 17, to consider a zoning change and proposed building restrictions, and to hear a 10:00 presentation by Dan Sefko.

**ADJOURN** – There being no further business to come before the Planning and Zoning Commission, Kelton Drewery moved to adjourn at 11:33 a.m. Elisa Heard seconded, and all voted in favor.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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Lynn Etheridge, Chairman

ATTEST:

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Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, FEBRUARY 17, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness and Elisa Heard were present. Kelton Drewery was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** –Chairman Lynn Etheridge called the meeting to order at 9:30 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF JANUARY 6, 2003 AND JANUARY 27, 2003 MEETINGS** – Elisa Heard moved that the Minutes of the Commission's January 6, and 27, 2003 Meetings be approved. Lynn Etheridge seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE FOR 1110 SOUTH TRADE DAYS BLVD. IN THE CITY OF CANTON, TEXAS, OWNED BY JAMES H. ASHE, FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO LOCAL BUSINESS DISTRICT (B-1)** – Julie Jackson reported that nine neighbors had been notified of the request, with three returned in opposition. Roger Verot, son-in-law to Mr. Ashe, said he planned to offer investment services and his wife planned to sell clothing to teachers from the residence. He said he had talked to the state about putting in a circle drive. Rick Malone informed Mr. Verot that retail businesses require one parking space for every 200 square feet of building space and the circle drive would not count. He said the house is probably 1200-1400 square feet, requiring seven parking spaces plus a handicap parking space. Mr. Verot said the lot widens in the front and there is an extra lot on the north side that could be used for parking. He stated that only two to three cars would visit the shop per week after school hours. Mr. Verot also expressed an interest in placing clothes outside during First Monday Trade Days. Rick Malone described a home occupation and parking requirements for Restricted Professional Office zoning (RPO). Mr. Verot indicated he really needed B-1 zoning to make it functional. Rick Malone stated this property would be the furthest property south on Hwy. 19 to be zoned B-1. Elisa Heard stated the size of the lot would limit its future use, then moved to approve the request from James Ashe to change from R-1 to B-1 zoning at 1110 South Trade Days Blvd. Clifford Caviness seconded, and all voted in favor.

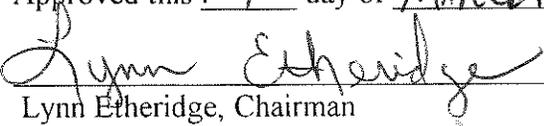
**DISCUSS AND CONSIDER SPECIAL BUILDING RESTRICTIONS ALONG MAJOR CORRIDORS INTO THE CITY** – The Commission was presented a draft of building restrictions along the major corridors into the City of Canton. The draft defined the corridors and restrictions on exteriors, dumpster placement, screening and fencing. Lynn Etheridge recommended the requirement for masonry to wrap-around on the sides be increased from 25% to 35%. The Commission decided to continue the matter for discussion at the next meeting.

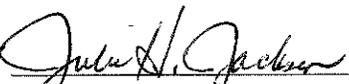
**PRESENTATION BY DAN SEFKO, DUNKIN, SEFKO & ASSOCIATES, REGARDING DEVELOPMENT OF A COMPREHENSIVE ZONING PLAN** – Dan Sefko presented an overview of the process for developing a comprehensive plan which helps a City realize the common values that are vital to individual and collective well-being and to enhance the health, safety and welfare of the community. He noted a comprehensive plan articulates a set of interrelated goals and objectives, establishes policies and procedures, and formulates programs for achieving the goals and objectives. He pointed out that part of the challenge was to gain a consensus which could be achieved through the active participation of elected officials, City staff, citizens and property owners on a steering committee, whose objective it would be to develop the plan. He described some of the benefits of a

plan as the matching of utilities to actual needs, the coordination of land use intensities with circulation plans, the saving of money, the potential to raise bond ratings, and the provision of a rationale for future decisions. The basic scope of services would include analyzing Canton today and its land-use patterns, establishing goals and objectives through a steering committee, developing a future land-use plan and thoroughfare plan, holding town hall meetings to gauge public reaction, gaining Planning & Zoning approval, then holding a public hearing and seeking Council approval. He said they would also provide a review of the current zoning ordinance. He felt the process would take six months to a year, and would require 6-8 meetings. He recommended the steering committee be comprised of 10-12 people— 1-2 councilmembers, 2 members from the Planning & Zoning Commission, a representative from the Economic Development Corporation, 1 from the parks board, 1 person representing big business, 1 from a smaller business, and 3-4 homeowners. Mr. Sefko provided examples of other plans designed by his firm. Mayor Hilliard discussed the City's need to update its five-year plan, the need for greater control of growth, his desire for future commercial growth to be toward I-20 rather than to the south, and the need for a local full-service hospital. Mr. Sefko indicated that a larger menu of zoning designations with tighter permitted uses would help the City design the future land use in particular areas. At the end of his presentation, Mr. Sefko thanked the City and indicated he would be happy to present a proposal for services if the City so desired.

DISCUSS AND CONSIDER ANY ACTION PURSUANT TO PRESENTATION BY DAN SEFKO – None.

ADJOURN – There being no further business to come before the Planning and Zoning Commission, the meeting was adjourned by chairman Lynn Etheridge at 11:23 a.m.

Approved this 17 day of MARCH, 2003.  
  
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Lynn Etheridge, Chairman

ATTEST:  
  
\_\_\_\_\_  
Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, MARCH 10, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission scheduled for the above-named date and time in the City Hall Council Chambers was canceled for lack of a quorum. It was rescheduled to March 17, 2003.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Lynn Etheridge, Chairman

ATTEST:

\_\_\_\_\_  
Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, MARCH 17, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness, Elisa Heard and Charles Huddle were present. Kelton Drewery was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** –Chairman Lynn Etheridge called the meeting to order at 9:33 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF FEBRUARY 17, 2003 MEETING** – Elisa Heard moved that the Minutes of the Commission's February 17, 2003 Meeting be approved. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE AT 681 WEST DALLAS IN THE CITY OF CANTON, TEXAS, OWNED BY BILLY JACK AND LUCIA DEEN FROM AGRICULTURAL DISTRICT (RA) TO GENERAL BUSINESS DISTRICT (B-2)** – Rick Malone reported receiving no responses from the four neighboring property owners notified. Lucia Deen said Elliott & Waldron Abstract was the prospective buyer, and the property was currently located between two businesses. Elisa Heard moved to recommend the Council approve Billy Jack and Lucia Deen's request for a zoning change at 681 West Dallas from RA to B-2. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE AT 1023 SOUTH TRADE DAYS BLVD. IN THE CITY OF CANTON, TEXAS, OWNED BY SANDRA BULLARD FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL OFFICE (RPO)** – Rick Malone stated thirteen notices were sent to neighboring property owners and one was returned in favor of the change. When asked why she didn't want B-1, Sandy Bullard stated the intended use was for an office business and B-1 was not needed. Elisa Heard moved to recommend the Council approve Sandra Bullard's request to rezone the property located at 1023 S. Trade Days Blvd. from R-1 to RPO. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER SPECIAL BUILDING RESTRICTIONS ALONG MAJOR CORRIDORS INTO THE CITY** – Clifford Caviness moved to recommend the following building restrictions be imposed along major corridors in the City of Canton:

**MINIMUM EXTERIOR STANDARDS FOR STRUCTURES INSIDE THE CITY LIMITS OF THE CITY OF CANTON FOR SH 19, SH 64, SH 198, SH 243, FM 859, AND IH 20; AND FOR SPECIAL DISTRICT**

**SECTION 1.** The Minimum Exterior Standards specified herein shall apply within the entire corridors described below:

(A) SH 19.

The corridor boundary shall be defined by all properties adjacent the state right-of-way of SH 19 between the northern and southern Canton city limits.

(B) SH 64.

The corridor boundary shall be defined by all properties adjacent the state right-of-way of SH 64 between the western and eastern Canton city limits.

(C) SH 198

The corridor boundary shall be defined by all properties adjacent the state right-of-way of SH 198 between the northern and southern Canton city limits.

(D) SH 243

The corridor boundary shall be defined by all properties adjacent the state right-of-way of SH 243 between the western and eastern Canton city limits.

(E) FM 859

The corridor boundary shall be defined by all properties adjacent to the state right-of-way of FM 859 between the northern and southern Canton city limits.

(F) IH 20

The corridor boundary shall be defined by all properties adjacent to the state right-of-way of I-20 between the western and eastern Canton city limits.

(G) SPECIAL DISTRICT A

Special District A shall be defined by all properties adjacent to the right-of-way on either side of the streets within the confines of the boundary streets, including boundary streets. Boundaries shall be defined as Groves Street on the north side, Buffalo Street on the west side, Terrell Street on the south side, and North Trade Days Blvd. on the east side.

SECTION 2. The standards defined in this ordinance apply only in the following zoning districts.

(A) Multiple Family Residential (MF-1)

(B) Restricted Professional Office (RPO)

(C) Local Business District (B-1)

(D) General Business District (B-2)

SECTION 3. The exterior wall standards for construction shall be in accordance with the following standards.

(A) 100% of the exposed wall on the front of any structure or any side facing a main or secondary street shall be constructed of masonry and or a approved material.

(B) A 35% wrap-around from the front to sides not facing a street shall be constructed of masonry and or a approved material.

SECTION 4. Masonry shall be defined as the dominant non-structural exterior façade material consisting of the following:

(A) Primary masonry means brick, stone or tile, hand laid by unit, or veneer simulations of these materials having the appearance of hand laid units.

(B) Secondary masonry means Exterior Insulation and Finish Systems of natural aggregates and synthetic binders having a minimum applied 3/4 inch thickness, exposed aggregate, glass block and decorative concrete masonry units other than flat, gray block.

(C) Cementitious lap siding shall be acceptable masonry construction alternatives.

(D) Wood siding must be in board form minimum 3/4 inch thickness no ply wood or wood pannels.

SECTION 5. Refuse Storage Container Screening Requirements

Refuse Storage Containers shall be enclosed on three sides with six-foot walls constructed of the same materials and finishes as the building front facade. All openings shall have a minimum width of eight feet and the gate's minimum height shall be six feet. Gate may also be constructed of wood or other materials customarily used in gate construction. Wire fences are prohibited for gates.

SECTION 6. Mechanical Screening Requirements

(A) Ground-mounted equipment

All ground-mounted equipment including, but not limited to, pad-mounted transformers, telephone switch boxes, gas meters, shall be reasonably screened from the view of public right-of-ways and the view from adjacent properties.

(i) All required screening shall meet clearances as required by the affected utility companies.

(ii) Acceptable means of screening are trees or evergreen-type shrubbery, masonry walls as masonry is defined in this ordinance, earthen berms in conjunction with landscaping.

(iii) Screening heights shall be in proportion to the equipment it is designed to screen. A maximum height of a screen shall be ten feet. If a mechanical unit is taller than the maximum permitted height of the screening, screening shall be set back from the screen five feet plus two foot for each foot it exceeds the height of the screen.

(iv) Screening for mechanical units shall apply to new building construction only.

(B) Roof-mounted equipment

All roof-mounted equipment including, but not limited to, fans, vents, and cooling towers shall be screened so as not to be visible to the immediate ground level and the ground level of adjacent properties. In addition, roof-mounted equipment shall be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.

(i) Overall screening height shall be the height of the highest element of roof-mounted equipment.

- (ii) The outside of the screening device shall be painted or otherwise finished so as to be similar in color to the color of the roof surface or to the color of the building façade or trim, whichever color is more effective in minimizing the visibility of the equipment and screen from ground level.
- (iii) Roof color shall be compatible with building color.
- (iv) To the greatest extent possible, roof-mounted equipment shall be placed in a linear configuration except for normal plumbing vents or flutes.

**SECTION 7. Screening Walls or Visual Barriers**

In the event that an MF-1, RPO, B-1, or B-2 district sides or backs upon an R-1, R-2, or R-3 zoned district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected along the entire property line separating these districts, except where visibility triangles or easements are required. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The owner of such property shall be responsible for and shall build the required wall or fence along the entire property line dividing his property from the residential district. In cases where the Planning & Zoning Commission finds this requirement to be impractical for immediate construction, it may grant a temporary or permanent waiver of the required screening wall or fence until such time as the screening wall or fence may be deemed necessary by the City Council. In cases where the Planning & Zoning Commission finds this requirement to be better met by an irrigated evergreen living screen, the same may be substituted for the screening wall.

**SECTION 8. General Fence and Wall Regulations**

There shall be no front-yard fencing in any zoning district except as follows:

- (A) For public and parochial schools, private and primary schools, and day care centers, fences and berms may be a combined maximum height of 60 inches above grade, provided that the fence material is wrought iron or chain link.
- (B) For all uses with the General Industrial District (GI-1), a wall or fence not more than eight (8) feet in height may be erected in the front yard setback.
- (C) In residentially zoned districts (R-1, R-2, R-3), where a corner lot has two front yards, the second front yard may be fenced in the same manner as any other side yard adjacent to a street. The fence shall not be erected further than the front corner of the house.
- (D) Wire fences are prohibited in the front yard setbacks in all districts other than General Industrial (GI-1), except when the fence is used to enclose pastures, cropland, and other areas used for agricultural activities.

**SECTION 9. General Provisions**

This ordinance shall include all future annexations along the state corridors.

Elisa Heard seconded the motion, which passed with Lynn Etheridge, Elisa Heard and Clifford Caviness voting in favor. Charles Huddle abstained.

**DISCUSS AND CONSIDER PROPOSAL FOR DEVELOPMENT OF COMPREHENSIVE ZONING PLAN BY DUNKIN, SEFKO & ASSOCIATES** – Elisa Heard moved to recommend the Council approve the \$33,000 contract with Dunkin, Sefko & Associates for the development of a comprehensive plan. Clifford Caviness seconded, and all voted in favor.

**ADJOURN** – There being no further business to come before the Planning and Zoning Commission, Lynn Etheridge moved to adjourn the meeting at 10:35 a.m. Clifford Caviness seconded, and all voted in favor.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Lynn Etheridge, Chairman

ATTEST:

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Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, APRIL 7, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness, Elisa Heard and Charles Huddle were present. Kelton Drewery was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** –Chairman Lynn Etheridge called the meeting to order at 9:33 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF MARCH 10, AND MARCH 17, 2003 MEETINGS** – Clifford Caviness made the motion to approve the Minutes of the Commission’s March 10, and March 17, 2003 Meetings as presented. Charles Huddle seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE AT LOTS 1 AND 3, ON MALINDA LANE, SMITH ADDITION, IN THE CITY OF CANTON, TEXAS, OWNED BY LLOYD SHINN FROM MOBIL HOME PARK DISTRICT (MH-1) TO SINGLE FAMILY DETACHED RESIDENTIAL (R-2)** – Stating it was consistent with the neighborhood, Elisa Heard made the motion to recommend changing Lots 1 and 3 of the Smith Addition from MH-1 to R-2 zoning. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER RECOMMENDATION OF SINGLE FAMILY DETACHED RESIDENTIAL (R-1) ZONING FOR THE 15.70 ACRES LOCATED AT ETHERIDGE ROAD AND MILL CREEK ROAD UNDER CONSIDERATION FOR ANNEXATION** – Rick Malone showed the Commission a preliminary plat. Julie Jackson reported receiving one written response in favor and one opposed to zoning the 15.70 acres R-1. Lynn Etheridge stated she thought it needed to be residential. Charles Huddle made the motion to recommend R-1 zoning for the 15.70 acre tract located at Etheridge Road and Mill Creek Road. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER AMENDMENT TO THE CITY OF CANTON ZONING ORDINANCE AMENDING SETBACK REQUIREMENTS FOR FIRST MONDAY BUSINESS DISTRICT** – Rick Malone recommended establishing greater setbacks between First Monday-zoned districts to allow control of water and drainage. He verified that no projects were currently pending that would be affected by the change. Elisa Heard made the motion to recommend approval of the proposal to amend the zoning ordinance for the setbacks in First Monday districts as follows:

Sec. 13-3 DIMENSIONAL REQUIREMENTS

All vendor spaces and/or structures shall be located and constructed in accordance with Section 13-4 where it applies, as well as to the following requirements:

- a. Minimum Market Area 10 acres
- b. Minimum vendor and/or structure setbacks
  - 1) Front 25 feet
  - 2) Side, street 25 feet
  - 3) Side, interior 15 feet
  - a) ~~Where the side abuts any differently zoned district~~ 25 feet
  - b) ~~All interior side, other than (a) above~~

- |    |                                         |                    |
|----|-----------------------------------------|--------------------|
| 4) | Rear                                    | 25 feet            |
|    | <del>a) Where the rear abuts any</del>  |                    |
|    | <del>Differently zoned district</del>   | <del>25 feet</del> |
|    | <del>b) All rear sides other than</del> | <del>0 feet</del>  |
|    | <del>(a) above</del>                    |                    |
| c. | Maximum building height of structures   | 40 feet            |
| d. | Maximum lot coverage                    | No limitations     |

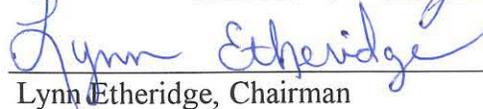
Clifford Caviness seconded, and all voted in favor.

DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR ECKERD'S LOCATED ON NORTHWEST CORNER OF HIGHWAY 19 AND HIGHWAY 243 – Juan Vasquez, representing Eckerd's, presented the site plan that included a new building prototype for Eckerd's. Members discussed the following elements: two drive-through lanes and one bypass lane, a 3-foot tall retaining wall, the building's 100% masonry construction, loading areas large enough for 18-wheelers, 76 parking spaces (69 required by ordinance), 4 handicap parking spaces, setbacks and drainage. Rick Malone reported the plans met all requirements for buildings along the City's major corridors. Mr. Vasquez said they would be redoing the drainage, including some underground irrigation, and eliminating the flood plain. He also noted the building would have a full sprinkler system inside and a 25-foot fire lane all around it. The Commission discussed the use of rip-rap to prevent erosion and screening options. Elisa Heard expressed concerns about reduced saturation and water run-off around the development. Juan Vasquez replied they had designed the drainage with adjoining zoning-appropriate development in mind, so the underground pipe was larger than currently needed and it would be FEMA approved. Elisa Heard made the motion to approve the Eckerd's site plan subject to two changes: (1) grouting the rip-rap, and (2) planting 6" Nellie R. Stevens instead of pampas grass for screening. Charles Huddle seconded the motion and all voted in favor. Juan Vasquez stated they would re-plat the property, put the plans out to bid and start development at the end of the month.

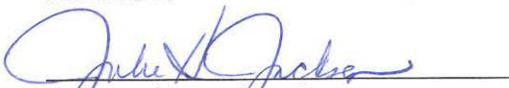
DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR DUPLEX DEVELOPMENT LOCATED ON 2.5 ACRE TRACT BEHIND 1350 S. BUFFALO – The Commission reviewed plans for a duplex development behind the steak house on Hwy. 198. Elisa Heard asked about carports versus garages. Clifford Caviness said the plans called for single garages on the common wall. Rick Malone stated the plans met setback requirements if the property owner should ever decide to sell rather than rent. He said the City did not require the property be divided into lots and blocks. He also noted the road met the length requirements. Mr. Caviness explained the duplexes were designed for the elderly with wide hallways and doors. Charles Huddle moved to approve the site plan presented for the duplex development behind 1350 S. Buffalo. Clifford Caviness seconded, and all voted in favor.

ADJOURN – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 10:34 a.m.

Approved this 30 day of June, 2003.

  
 Lynn Etheridge, Chairman

ATTEST:

  
 Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, JUNE 30, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness, Elisa Heard and Charles Huddle were present. Kelton Drewery was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** – Chairman Lynn Etheridge called the meeting to order at 9:34 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF APRIL 7, 2003 MEETING** – Charles Huddle made the motion to approve the Minutes of the Commission's April 7, 2003 Meeting as presented. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR CANTON RETAIL MALL ON NORTH TRADE DAYS BLVD.** – Rick Malone informed the Commission that the 82,500 sq. ft. building would have an internal sprinkler system, the number of parking spaces and the dumpster screening would exceed requirements, and the owners were planning to put in more RV spaces than shown on the plans. John Logsdon, part owner of the property, told the Commission the building would contain a variety of retail vendors and it would be open only during First Monday weekends. He said it would also open on Saturday and Sunday of other weekends if warranted and the vendors agreed, but there were no plans to open full-time. He said the RV Park would be open for First Monday only. He also said they would do more landscaping than was required as shown in pictures of other properties owned by his company. Mr. Logsdon asked for leeway on the external masonry requirements recently implemented. He explained that was not required when they started the project and it would significantly increase the cost of the project and change the complexion of the building. He pointed out other First Monday structures were metal buildings. It was determined that any variance would have to be approved by the Board of Adjustment. Mr. Logsdon said the building would have canopies the full length of the building sides, electronic doors, and ramps. He emphasized the buildings accessibility to the handicapped and reported the plans received ADA approval. Upon Lynn Etheridge's recommendation, Elisa Heard made the motion to approve the site plan for the Canton Retail Mall with changes that it meets the new ordinance for exterior requirements, and to recommend to the Board of Adjustment that they grant a variance on the requirement for wrap-around side masonry or approved material. Clifford Caviness seconded, and all voted in favor.

**DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR CONCEPT ENTERTAINMENT MOVIE THEATRE AT 421 HWY. 243 EAST** – Item temporarily withdrawn.

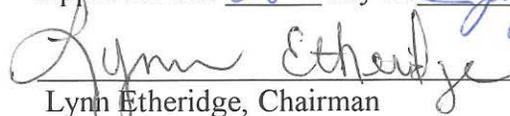
**DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR ETHERIDGE FARM SUBDIVISION LOCATED ON MILL CREEK ROAD AT ETHERIDGE ROAD** – Tabled until plans are ready.

**DISCUSS AND CONSIDER ORDINANCE ESTABLISHING A HISTORIC PRESERVATION OVERLAY DISTRICT AND REGULATIONS THEREOF** – Julie Jackson and Rick Malone presented the Main Street Board's recommended guidelines for establishing a historic preservation overlay district in which alterations to buildings within the district would require Board approval. They explained the ordinance would offer some protection for the recently revitalized downtown and would ensure future changes complement the surrounding buildings. Rick Malone stated the board would be appointed when the ordinance was approved. Elisa Heard made the motion to accept the ordinance establishing a

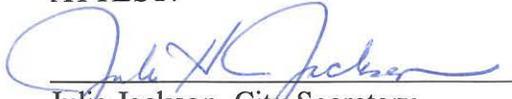
historic preservation overlay district and regulations thereof. Charles Huddle seconded, and all voted in favor.

ADJOURN – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 10:20 a.m.

Approved this 28 day of July, 2003.

  
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Lynn Etheridge, Chairman

ATTEST:

  
\_\_\_\_\_  
Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., MONDAY, JULY 28, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness, Elisa Heard and Charles Huddle were present. Kelton Drewery was absent.

Discussion and action were as follows:

**CALL MEETING TO ORDER** – Chairman Lynn Etheridge called the meeting to order at 9:35 a.m. and announced that a quorum was present.

**APPROVAL OF MINUTES OF JUNE 20, 2003 MEETING** – Item tabled.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE AT 1006 SOUTH TRADE DAYS BLVD. IN THE CITY OF CANTON, TEXAS, OWNED BY MAMIE SHUMAN AND ALAN ROUSH FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO LOCAL BUSINESS DISTRICT (B-1)** – Julie Jackson reported four responses--two in favor and two opposed--from the thirteen neighboring property owners notified. She said the property owner was planning to put in a retail shop for the sale of gifts, housewares, and decorating items. Rick Malone stated one parking space per 200 sq. ft. would be required (approximately eight spaces for the current building). He added there was enough room in the back if the carport were removed. Jan and Scott Brooks, neighbors at 507 E. Elm, voiced opposition to the request. They explained that Live Oak Street had been abandoned and sold back to the adjoining property owners, which put their home directly behind the property being rezoned. Rick Malone pointed out that screening requirements between business and residential properties would be required since the parking lot would be considered new construction. Lynn Etheridge and Elisa Heard noted it would be difficult to deny the request since the property's resale potential as a home would be low and many surrounding properties were zoned B-1 and RPO. Clifford Caviness made the motion to recommend the Council grant Mamie Shuman's and Alan Roush's request for a zoning change at 1006 South Trade Days Blvd., from R-1 to B-1. Charles Huddle seconded, and all voted in favor.

**DISCUSS AND CONSIDER SPECIFIC USE PERMIT FOR SPRINT PCS MONOPOLE CELL TELECOMMUNICATIONS TOWER BEHIND THE SENIOR CITIZENS CENTER ON THE FIRST MONDAY TRADE DAYS PARK** – Rick Malone showed the Commission the proposed site in an area currently used for First Monday parking. Elisa Heard asked about height restrictions and possible complications with emission frequencies. Rick Malone explained the proposed tower would be 190', limited by FAA and FCC regulations and local zoning and airport ordinances. He also stated the cellular companies had their own bandwidth separate from others. Julie Jackson reported mailing eight notices to neighboring property owners and receiving one in return opposing the permit. Lynn Etheridge questioned the location of the site. Rick Malone said it was chosen because it would have a low impact on First Monday revenues and it was out of the way. Elisa Heard asked what impact it would have on the horizon and landscape. Mr. Malone said the monopole construction was selected for its low visibility. He said the pole would be a minimum of eight feet and more likely ten to fifteen feet from Mr. Lewis' property line. Richard Ray, attorney representing Henry Lewis, distributed copies of Mr. Lewis' opposing response. He purported the tower would be two foot from Mr. Lewis' property line and, if approved, the City would be burgeoning into an area for litigation. He explained the pole would limit Mr. Lewis' highest and best use of his property and would increase insurance costs. He suggested the City was acting as a private interest and the lease would not benefit the citizens. He also

pointed out the impact the pole might have on the downtown historical district. He suggested Mr. Lewis might try for an injunction to stop the construction of the site or file suit for economic damages after it was built. He then recommended the two adjoining landowners share in the lease. Charles Huddle asked if Mr. Lewis would object if the pole were moved further from the property line. Rick Malone noted for the record that Mr. Lewis had been previously notified and he had given his full approval to the project. When Mr. Ray asked about the lease amount, Rick Malone responded that finalizing a contract would be the next step. He stated the lease would generate income for the City and would benefit Sprint customers in Canton. Johnny Mallory told Mr. Ray the City had talked about the money with Sprint. He also said he had spoken with Mr. Lewis who asked if the tower could be set on the property line so he could share in the revenue.

The Commission further discussed the proposed site. Mr. Mallory said the rest of the property in that area was being utilized during First Monday. Rick Malone added another site further from the property line would limit the land's future use. Elisa Heard voiced concerns about the site. Rick Malone stated the plans would have to meet FCC and FAA approval and Sprint would comply with all regulations, including those requiring it to detune the tower since it would be located within two miles of the AM radio tower. Eric Jontra, owner of KVCI Radio, complained notification requirements had not been met since neither Sprint nor the City notified him of the tower proposal. He said regulations required an advance engineering study be undertaken to show the towers affect on radio transmissions. He asked that Sprint be required to meet all requirements before a specific use permit was granted. Rick Malone said that could be made a prerequisite for the building permit. Eric Jontra stated he was also concerned with setback requirements, the site's location in the middle of town, and the guy wires. Rick Malone stated the purpose of a monopole was to alleviate guy wires. Margaret Menta with Sprint PCS, described the monopole as a tall pole with an antennae on the top and no guy wires, the most aesthetically pleasing of the tower types. She addressed the engineering concerns by explaining the standards were dramatically increased within the past two years and their poles were now over-designed and could withstand ninety mile per hour winds. She said if one were to ever fall, it was designed to fall within itself. She pointed out that Sprint had 10,000 towers nationwide and they would risk losing their license if they did not adhere to all requirements and regulations. Dominique Laan with Gulf Coast Real Estate, said the current site was chosen to give optimum coverage for the 190,000 customers in town during First Monday. She said the closest tower was .5 miles east of the Verizon Tower on Highway 64. Ms. Menta stated that Eric Jontra was on target with the requirements and that Sprint would meet all requirements, but it was premature to work on engineering until a site was established.

Lynn Etheridge stated it was not attractive and she hated to see it downtown. Elisa Heard added that the City had spent many hours improving the aesthetics of downtown Canton. The commission discussed alternate sites, noting a site further north would be restricted by the airport ordinance and the water tower wasn't tall enough nor would it structurally support the antennae. Ms. Menta and Ms. Laan expressed their willingness to find alternate sites. She said the issues they dealt with were access and proximity to an airport. Rick Malone said the First Monday site was also selected for its lower elevation--18-20 ft. lower than downtown. Richard Ray suggested Red Hill for its higher elevation and as its property owner expressed his willingness to lease. He asked if the city was dealing in good faith or for its own self-interest. He said citizens would be unhappy over a tower downtown. Following Mr. Ray's implication the city was using leverage, Ms. Menta stated Sprint had done a lot of leases with municipalities and as a municipality, the contract would be a matter of public record rather than private. Ms. Laan said they originally proposed an \$800 per month lease, but were now discussing \$1,000 with a 15% increase upon renewal.

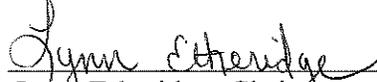
Ms. Laan asked the Commission to delay consideration until more information could be provided to the commission. She also asked for clarification on the information needed. Lynn Etheridge asked the petitioners to look at other sites. Elisa Heard said she had a problem with the aesthetics of a tower in

Canton's quaint downtown district. Richard Ray asked that the permit be denied. Clifford Caviness made a motion to deny the request. Elisa Heard seconded, and all voted in favor.

DISCUSS AND CONSIDER SITE PLAN APPROVAL FOR ETHERIDGE FARM SUBDIVISION LOCATED ON MILL CREEK ROAD AT ETHERIDGE ROAD – Mike Blake with Grace Homes, presented a site plan for Phase I of Etheridge Farms Subdivision--the first eight lots facing Mill Creek Road. Mr. Blake said all 42 lots in the proposed subdivision would meet and most would exceed the 10,000 square-foot minimum required in R-1 zoning. He also said they were planning to have deed restrictions regulating satellite dishes, overnight street parking, etc. and a draft of the restrictions would be presented with the Phase II site plan. Elisa Heard asked about underground drainage and if the six-inch water line would be adequate. Rick Malone stated the water line would be plenty and the engineers had planned for drainage. Mr. Blake said the street would be compacted asphalt with concrete curbs and gutters. He described the homes as country-style, with composite shingle roofs, front entry or front swing garages, air conditioning units on the side, and 75% to 80% with brick exteriors. When asked if the homes would be sold to individual builders, Mr. Blake said Grace Homes would develop and build all homes. Mr. Blake was also asked about any plans to widen the access roads. He said there were no plans to improve roads outside the subdivision. He clarified that Phase II would complete the development. Charles Huddle asked about sewer. Mr. Blake said sewer was there and available. Rick Malone stated the plan met all zoning, sewer, water and road requirements. Elisa Heard asked about the bar ditch on Mill Creek Road and Mr. Blake stated the driveways would go over it. He noted they were proud to have left a lot of the trees during the clearing process. He stated the smallest home would be 1475 square feet and they could offer full customization. Elisa Heard made a motion to recommend the council approve the site plan for Etheridge Farms Subdivision. Clifford Caviness seconded, and all voted in favor.

ADJOURN – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 10:44 a.m.

Approved this 9 day of September, 2003.

  
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Lynn Etheridge, Chairman

ATTEST:

  
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Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., TUESDAY, AUGUST 5, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Clifford Caviness, Elisa Heard and Charles Huddle were present. A fifth position was vacant at the time of the meeting.

Discussion and action were as follows:

**CALL MEETING TO ORDER** – Chairman Lynn Etheridge called the meeting to order at 9:30 a.m. and announced that a quorum was present.

Rick Malone informed the Commission and audience that consideration of a specific use permit for Sprint PCS was postponed at the owner's request to allow time for them to provide additional information to Eric Jontra with KVCI. He told neighboring property owners they would be notified of the new meeting date.

**APPROVAL OF MINUTES OF JULY 28 AND AUGUST 5, 2003 MEETINGS** – Minutes of the July 28, and August 5, 2003 Meetings were unanimously approved on a motion by Elisa Heard and second by Clifford Caviness.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE OF TWO COMBINED LOTS CONTAINING 1.66 ACRES LOCATED ON HIGHWAY 198 AT ETHERIDGE ROAD IN THE CITY OF CANTON, TEXAS, OWNED BY CHARLES HUDDLE FROM AGRICULTURAL DISTRICT (RA) TO GENERAL BUSINESS DISTRICT (B-2)** – Charles Huddle declared he would abstain from discussion and voting on this matter. Julie Jackson reported three responses from eleven neighboring property owners—two in favor and one opposed. Selma Dawson, voting in opposition, attended the meeting. Mrs. Dawson asked if the Madden's, directly to the east of the Huddle property, had been notified of the zoning request. She said the Madden's had purchased the Vaught residence and it was to be sold to new owners the next day. Julie Jackson explained that tax rolls identified the Vaught's as the current owners, therefore, the notice was sent to them. Mrs. Dawson wondered why the Shinn's received a notice since they bought their property long after the Madden's. Ms. Jackson explained that the Shinn's provided a deed of ownership during their own recent request for rezoning and, therefore, the City knew the tax rolls were out of date on that property, but it did not have knowledge of any sale on the Vaught property. Mrs. Dawson was concerned that the adjoining property owner didn't have a vote. She pointed out that she would have a rear view of the Huddle property and asked if they could put up a living screen as she didn't like wooden fences. She voiced her opposition to putting in another business in a residential area, noting that properties on three sides were residential. When asked about his plans, Mr. Huddle said he planned to expand his business by building a 30'x60' building on the southeast corner of the property. He said they would build pre-fabricated buildings inside this building, then move them to the job site for installation. He said there would be no displays on the lot and all that might be in the open would be I-beams. Lynn Etheridge said the lot was best suited for commercial because it was located on the highway and was limited by the gas line across it. She asked Mr. Huddle to erect a living screen across the back and north side of the property even though his building permit was received prior to the implementation of the new building requirements along major corridors. Mr. Huddle said he was not opposed to that stipulation and he would keep his property looking nice and neat. When asked, Mr. Huddle stated he did not plan to sell the property and that it would be difficult to sell with the gas line across it. Mrs. Dawson said she would prefer the building be closer to the front of the lot, but Mr. Huddle said he was restricted by the gas line and it

would be too far from his existing building. Elisa Heard pointed out the building would buffer traffic noise from the Highway. Elisa Heard made the motion to approve the zoning change from RA to B-2 on the 1.66 acre tract on Highway 198 owned by Charles Huddle. Clifford Caviness seconded, Charles Huddle abstained, and all others voted in favor. The Commission added the recommendation that Mr. Huddle put a living screen along the back property line.

DISCUSS AND CONSIDER SPECIFIC USE PERMIT FOR SPRINT PCS MONOPOLE CELL TELECOMMUNICATIONS TOWER INSIDE THE FIRST MONDAY TRADE DAYS PARK WEST GATE ENTRANCE OFF FM 859 – Item tabled.

Rick Malone asked the Commission for clarification on the interpretation of the requirement for the front of structures along major corridors to be 100% masonry or approved materials. All agreed that a parapet or overhang was not included in that requirement. Even though the exclusion of parapets and overhangs could be determined through interpretation, it was recommended the ordinance be amended to specifically state such.

Clifford Caviness submitted his resignation from the Commission. Charles Huddle made a motion to accept his resignation. Lynn Etheridge seconded, and all voted in favor. Mr. Caviness was commended for his many years of service to the City. The Commission asked that the Council at its next meeting fill the positions vacated by Mr. Caviness and Mr. Drewery.

ADJOURN – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 10:02 a.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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Lynn Etheridge, Chairman

ATTEST:

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Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., TUESDAY, OCTOBER 14, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Elisa Heard, Charles Huddle, Scott Brooks and Chris Howard were present.

Discussion and action were as follows:

**CALL MEETING TO ORDER** – Chairman Lynn Etheridge called the meeting to order at 9:30 a.m. and announced a quorum was present.

**APPROVAL OF MINUTES OF SEPTEMBER 9, 2003 MEETING** – Minutes of the September 9, 2003 meeting were unanimously approved on a motion by Elisa Heard and second by Scott Brooks.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE OF A 5-ACRE TRACT LESS AND ACCEPT THE FRONT 208' X 200' SECTION, SITUATED IN THE Q.C. NUGENT SURVEY A-618, LOCATED ON NORTH TRADE DAYS BLVD., OWNED BY STEPHEN BOX, FROM GENERAL BUSINESS DISTRICT (B-2) TO MULTIPLE FAMILY RESIDENTIAL (MF-1)** – Julie Jackson reported notifying five adjoining property owners without response. Steve Box explained he was planning to build six one-story, one-bedroom apartments for temporary housing or First Monday participants. Rick Malone verified the parking requirements were two spaces per unit. Chris Howard asked if the 200' front B-2 section was large enough for commercial use. Rick Malone indicated it was as it currently housed the Workforce Commission and the recently closed Drive-Through BBQ Store. He also indicated Mr. Box would have to submit a site plan for approval. Scott Brooks then made the motion to recommend the zoning change from B-2 to MF-1 on the 5-acre tract less and except the front 208' X 200' section. Chris Howard seconded, and all voted in favor.

**DISCUSS AND CONSIDER REQUEST FOR ZONING CHANGE OF TWO COMBINED LOTS CONTAINING 1.66 ACRES LOCATED ON HIGHWAY 198 AT ETHERIDGE ROAD IN THE CITY OF CANTON, TEXAS, OWNED BY CHARLES HUDDLE, FROM AGRICULTURAL DISTRICT (RA) TO GENERAL BUSINESS DISTRICT (B-2)** – As owner of the property in question, Charles Huddle recused himself from discussion and voting. Julie Jackson reported notifying eleven property owners and receiving five responses—one in favor and four against the zoning change. She noted with 20% of the property owners opposed to the change, a  $\frac{3}{4}$  majority of the Council would be required to approve a change. When asked, Mr. Huddle explained he planned to build a 30'x70'x12' high metal building behind the gas line on the lot closest to his existing building. He said he would use the same entrance off Highway 198, a 25' setback from the residential property line was required, and he was willing to put in a good-sized evergreen tree to create a buffer in addition to a back fence. Darlene Watkins asked him about noise pollution. Mr. Huddle said he was manufacturing in the current building now and would continue to do so, using the new building mostly for storage. Alton Smith expressed concerns about the use of the corner lot. Mr. Huddle said he had no plans for development on that lot. Rick Malone said anything built there would be required to maintain a 25' setback from residential and a 25' setback on either side of the gas line, limiting its future use. Lynn Etheridge echoed Mr. Smith's concerns over future use of the corner lot. Mrs. Dawson was concerned about its use for a junkyard, to which Mr. Malone responded it would require a specific use permit. He reviewed the uses of B-1 and B-2 zoning. Mr. Huddle was asked if he would consent to B-1 zoning on the corner lot or omitting it from his request, but he said he preferred the entire property be rezoned. Elisa Heard pointed out he would have to adhere to the screening ordinance also requiring equipment

screening, he would be limited by the gas line, and he would have to receive site plan approval on anything he built on that lot. Mr. Huddle said with the current RA zoning, he could build a fence and put all his trucks and steel on the lot. He said he would not set portable buildings on the lot and that denial would prohibit expansion of his business which was expected to double within two years. Chris Howard asked if Mr. Huddle could store his materials on the lot without the building now, to which he replied it was allowed. Mr. Howard then pointed out it was beneficial to rezone to B-2 to enclose the storage and requiring screening. Alton Smith said he had no objection to Mr. Huddle's expansion, but was still concerned about the corner lot. Chris Howard made the motion to recommend rezoning the combined lots at Highway 198 and Etheridge Road owned by Charles Huddle from RA to B-2 with the provision that he put in a tree behind the building. Scott Brooks seconded, Charles Huddle abstained, and all others voted in favor.

DISCUSS AND CONSIDER SPECIFIC USE PERMIT FOR SPRINT PCS MONOPOLE CELL TELECOMMUNICATIONS TOWER INSIDE THE FIRST MONDAY TRADE DAYS PARK WEST GATE ENTRANCE OFF FM 859 – Julie Jackson reported notifying eight property owners and receiving four responses opposing the specific use permit, representing over 20% of the property owners. Rick Malone said the pole was under the 200' rule requiring lighting by the FAA. Dominique Laan verified Sprint was not planning to light it unless FAA or the City required them to do so. Chris Howard asked how far it was from adjoining property owners. Rick Malone said it was 200' from the nearest lot which was located outside the city limits. When asked, Rick Malone stated there were no towers currently inside the city limits, only cell equipment on the downtown water tower and lattice towers in the ETJ. Property owner Tim Cox asked how the tower would benefit the citizens of Canton. Rick Malone said it would better serve all Sprint customers—individuals and businesses during the month, as well as First Monday visitors, and it would provide rent revenue to the City. Mr. Cox was also concerned about aesthetics and stability in the flood plain. Rick Malone assured him stability was not an issue and that it was the most aesthetically-pleasing of the cell tower types, even though it was more costly to construct. Ms. Laan verified the pole would look like the one depicted in the picture.

Dorothy Branton also voiced opposition to the permit, asking why the current site was chosen so close to a residential area. Rick Malone explained another site behind the Senior Citizen's Building had been denied, and the current site was chosen for its minimal impact on adjoining properties and its lack of interference with the local airport or other radio towers. Tim Cox said he was concerned about the devaluation of his property, having no way to screen a 200' tower. He also asked if it would put restrictions on his use of his property. Rick Malone informed him towers were restricted from limiting the use of surrounding property. Mr. Cox asked about the legality of a specific use permit and Mr. Malone said it was allowable under state law and the City's zoning ordinance. He said the permit would remain in affect as long as the tower remained in service, after which the city ordinance required it be dismantled. When asked about the lease, Mr. Malone said the lease is generally for 20-25 years, renewable every five years with an escalating rent. Mr. Cox and Mrs. Branton expressed their continued opposition. Elisa Heard asked if the tower benefited other users. Ms. Laan said they customarily lease space on their tower to other providers, thereby reducing the need for additional towers. Property owner Ross Maris reminded the Commission that FM 859 was developing and its future impact on property owners could be substantial. He said towers are usually in an industrial area and asked it be placed at the Industrial Park on FM 859 or on higher ground on the First Monday property, assuming the higher the elevation, the shorter the pole had to be. He said the tower would impact his property value and its future use. He also felt it might hinder development. Rick Malone said the Industrial Park was too close to the airport. Eric Jontra, owner of KVCI radio, said his original FCC concerns had all been answered by Sprint. He stated the placement of towers was difficult, especially finding a site that didn't affect anyone. He said the tower would not affect KVCI in any way where it was currently located and he didn't know if a better spot could be found with as little impact on neighboring properties as this one--a monopole in an open field. He also addressed the stability issue

stating both his towers were located in the flood plain as was customary because the land was not good for much else. Rick Malone clarified that the request was from Sprint PCS and not the city and that the Federal Communications Act passed in 1996 dictated that cities could not keep cell towers out of the city limits. Chris Howard stated there would always be people opposed to a tower anywhere inside the city limits. Lynn Etheridge asked why the pole was needed inside the City on the First Monday grounds. Ms. Laan stated they were on towers surrounding the city, but their coverage was inferior requiring a closer site to the developing businesses and to the First Monday customers. Elisa Heard asked if there was an electromagnetic field to be concerned about. Ms. Laan said there were no studies indicating such. Noting citizen opposition, Scott Brooks made the motion to recommend denial of the Sprint PCS Monopole Cell Tower inside the First Monday West Gate Entrance. Elisa Heard seconded. Motion passed with Lynn Etheridge, Scott Brooks and Elisa Heard in favor and Chris Howard and Charles Huddle against.

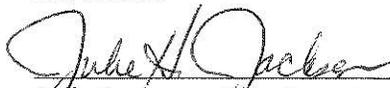
ADJOURN – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 10:40 a.m.

Approved the \_\_\_\_\_ day of December, 2003.



Lynn Etheridge, Chairman

ATTEST:



Julie Jackson, City Secretary

**CANTON PLANNING & ZONING COMMISSION**  
**9:30 A.M., TUESDAY, DECEMBER 16, 2003**  
**CITY HALL, 290 E. TYLER STREET**  
**CANTON, TEXAS**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members Lynn Etheridge, Elisa Heard, Charles Huddle, Elisa Heard and Chris Howard were present. Scott Brooks was absent.

Discussion and action were as follows:

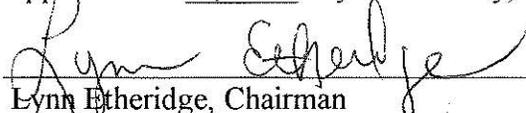
**CALL MEETING TO ORDER** – Chairman Lynn Etheridge called the meeting to order at 9:30 a.m. and announced a quorum was present.

**APPROVAL OF MINUTES OF OCTOBER 14, 2003 MEETING** – Minutes of the October 14, 2003 meeting were unanimously approved on a motion by Elisa Heard and second by Chris Howard.

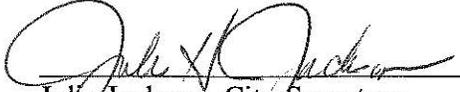
**DISCUSS AND CONSIDER PRELIMINARY PLAT APPROVAL FOR ETHERIDGE FARM SUBDIVISION PHASE II LOCATED ON MILL CREEK ROAD AT ETHERIDGE ROAD** – Rick Malone described the plat which included thirty-two lots, most being 80'x140' or 11,200 square feet, with some larger lots. He said all lots met the square footage requirement for R-1 Zoning and the setbacks and building lines met requirements. He reported the Public Works Director had approved the water and sewer plans, the type of materials, the tap placement and drainage plans. He said the plans would tie in with the City's Etheridge Road street and drainage project. Mr. Malone said the street plans were for 2" compacted asphalt, exceeding the ordinance requirement of 1.5". Elisa Heard asked if the City was requiring new seal coat product to go on over the base. Rick Malone indicated there were different ways of using that, but yes they were. The Committee reviewed the drainage plans, sewer plans and underground electric, cable and telephone lines. Mr. Malone stated the 6" water main was sufficient to serve the number of lots in the subdivision. He also said the Ordinance required a 50' Right-of-Way and the road would be 31' curb-back to curb-back. Johnny Mallory notified the Committee the City had already begun working on plans for Etheridge Road, which would be 32' with curbs. Chris Howard asked if the road would be complete at the same time as the subdivision. Rick Malone stated the subdivision should finish first, but it should not create any flooding problems. He estimated it would be nine to twelve months before homes were constructed in Phase II. Elisa Heard asked about restrictions. Rick Malone said the lots would have to meet city subdivision and zoning restrictions, but deed restrictions were beyond the City's control. During discussion on street requirements, Rick Malone indicated the City did not require core testing. He also stated there were no curbs along the front of the nine homes in Phase I. In discussing Etheridge Road, Mr. Mallory stated the developer would be responsible for some of the curb and drainage. Kevin LeFer, part-owner, confirmed they would be participating in the road/drainage project. Elisa Heard made the motion to approve the preliminary plat of Phase II Etheridge Farms Subdivision. Christ Howard seconded, and all voted in favor. Rick Malone stated the final plat would be considered by the Council, but not the Planning & Zoning Commission.

**ADJOURN** – There being no further business to come before the Planning and Zoning Commission, Chairman Lynn Etheridge adjourned the meeting at 9:47 a.m.

Approved the 10 day of February, 2004.

  
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Lynn Etheridge, Chairman

ATTEST:

  
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Julie Jackson, City Secretary