

MINUTES OF THE MEETING OF THE PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 20TH DAY OF May 2021 AT 5:30 PM.

Members present: Woods; Hooten; Thompson; Lynch; Carpenter

Members absent: None

City staff present: Irones; Byal; Young; Sanchez

1. CALL TO ORDER

The meeting was called to order by Chairman Woods. [5:30 PM]

2. PLEDGE OF ALLEGIANCE

a. U.S. Flag

b. Texas Flag

3. INVOCATION

Chairman Woods led the invocation.

4. DISCUSS the Preliminary Review for the proposed City of Huntsville's Tree Ordinance.

Chairman Woods stated his disappointment for subdivisions that have stripped trees in order to build. Planner, Charles Young gave brief introduction of the Proposed Tree Ordinance. The goal of this ordinance is to promote and protect the ecological, environmental and health aspects as well as the physical character of the City. City Staff hopes to clearly identify all applicable areas within the city, all the steps one must take to determine the type and number of trees on a property, the procedure for potential tree removal, replacement tree requirements, penalties for not adhering to the tree ordinance, and protected, common, and invasive species in the Huntsville area. The goal is to present a final ordinance to Planning Commission in June 2021.

Commissioner Thompson began by asking for more clarification to whom this ordinance is applied to. City Planner, Armon Irones clarified that is applied to single-family home developers. Commissioner Lynch stated that it applies to personal property but not rented property (Section C4). Commissioner Thompson asked if this will prevent residents from doing upkeep on their homes after they have moved in already, to which Armon stated that this does not prevent residents from up keeping their homes, rather it is for developers who wish to build single-family dwellings.

Commissioner Lynch raised a question about parks and cemeteries. Armon confirmed that the ordinance does not apply to parks and cemeteries, but that could be open for discussion.

Chairman Woods referenced the Mayor, who is seated in the audience, because he is building a new home; if he wanted, the Mayor could clear cut the trees on his property to build the home – this is something we want to prevent. He asked the Mayor about the process of building a new home in Elkins Lake. The Mayor responded with by first needing approval by the subdivision, then by receiving a Certificate of Compliance from the Planning Department. Vice-Chairman Hooten asks if Staff would be willing to change the definition to any development that undergoes a process with the City Development Services must meet the requirements of the Tree Ordinance.

Commissioner Thompson asked for clarification in regards to enforcement after a family has moved into their home. Per the Draft Ordinance, it states that before the home is occupied by the home owner, they must comply with the ordinance, however after they have moved in, they no longer have to comply with the ordinance. It is difficult to enforce the ordinance after the owner has moved into the home already. Commissioner Lynch referenced a state law that claims there cannot be restrictions on personal property.

Chairman Woods wishes that the property owner have agency in choosing which trees are places on their property via replacement. Armon gave a suggestion on the changing or

additional verbiage to include what is being discussed. Chairman Woods reiterated what is desired going forth: the inclusion of both residential and commercial uses, and for the City to not be so strict on the replacement of trees. Commissioner Thompson wished for it to be specified in the ordinance, not implied.

One suggestion for smaller lots and their ability to remove trees and replace them is for designating green space on the property and within that green space, having trees. City Staff should clarify what “green space” is in the ordinance as well as what makes up green space. Staff should consider working with the City Arborist.

In regards to the replacement of trees, if any developers wish to remove trees, they would have to submit a tree survey showing every tree on the property, the species and diameter. If a developer wishes to remove any trees, they must replace an equivalent diameter inch of the trees originally removed. When Commissioner Thompson suggests heavier regulation, City Development Director, Kevin Byal stated that while the City wants to protect the landscape and environment, City Staff should not regulate too much to where it drives developers away.

The ordinance would not be applied to developers to must remove trees in roadways and actual footprint of the house.

Vice-chairman Hooten asked who would be convicting and fining the developers, not homeowners, if they do not comply with the ordinance. Kevin stated that they would be issued a citation if found in violation and would have to go through the municipal court.

Commissioner Carpenter asked how long the developer would have to replace the removed trees since the time of their removal. Kevin clarified that it is perpetual, in any given time in the future it must be replaced with no time limit. City Staff will look at the trees listed in the ordinance and their compatibility with the City. Chairman Woods asked if current developments would have to comply with the new adopted ordinance. Kevin stated this is a decision for the City Attorney.

City Staff will apply the revisions to the draft and have it as an action item by June.

5. DISCUSS & CONSIDER the minutes of May 6, 2021 meeting.

Vice-chairman Hooten moved to approve the minutes from the May 6, 2021 meeting. Second was by Commissioner Thompson. The vote was unanimous.

7. PUBLIC COMMENTS

There were none.

8. ITEMS OF COMMUNITY INTEREST

Announcements concerning items of community interest from the Commission and City Staff for which no action was discussed.

- Armon Irones stated that Thursday, May 27, at 1:30, there will be the third and final CPAC meeting for the Comprehensive Plan at the Huntsville Public Library Meeting Room.
- The first City Council meeting in July will host a joint workshop with the Planning Commission to discuss the Comprehensive Plan and 4:30 PM.
- Planning Commission is still in need of two members and are taking applications from the public.
- The Mayor states that City Council would like community input in choosing the new location for City Hall.

9. ADJOURNMENT

Vice-Chairman Hooten moved to adjourn the meeting. Second was by Commissioner Carpenter. The vote was unanimous. [6:21 PM]