

**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
SPECIAL CALLED MEETING
January 17, 2011
6:30 P.M., COUNCIL CHAMBERS, CITY HALL**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors and Citizen Comments: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. *(Please note that the Planning and Zoning Commission cannot respond to, discuss or take any action regarding citizen comments made hereunder because of the limitations established by the Texas Open Meetings Act, Texas Government Code Chapter 551, violations of which Act carry criminal penalties.)*
- Planning and Zoning Commission Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, and condolences.

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Reorganize Planning and Zoning Commission
 1. Elect Chairman
 2. Elect Vice-Chairman
 3. Elect Secretary
- B. Discuss, approve or disapprove minutes from October 17, 2011 and December 12, 2011 Planning & Zoning Meeting
- C. Discuss, approve or disapprove a variance request from 1001 Bargains located at 110 McKinney Street

III. WORK SESSION

- A. Discussion and study to make recommendations to the City Council regarding possible amendments to the Comprehensive Zoning Ordinance related to "drive-in windows," "drive-in restaurants" and "drive-in service" to possibly update and modify such provisions and expand the types of establishments that can utilize a drive-in, drive-through and/or drive-up window to permit retail sales from a drive-through or drive-in window in all non-residential zoning classifications where retail sales are allowed.

IV. DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

V. ADJOURNMENT

- No action may be taken on comments received under "Recognition of Visitors".
- The Commission may vote and/or act upon each of the items listed in the Agenda.

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on January 12, 2012, 2011 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary

Dated this the 12th day of January, 2012.



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: January 17, 2012
SUBJECT: Reorganize Planning and Zoning Commission

1. Elect Chairman
2. Elect Vice-Chairman
3. Elect Secretary

No documentation is attached for this item.

ACTION: Nominate and appoint by vote each officer of the Commission.

(II - A)



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: January 17, 2012
SUBJECT: Discuss, approve or disapprove minutes from October 17, 2011 and December 12, 2012 Planning and Zoning Meetings

Minutes can be found at the following website:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp

ACTION: 1) Approve, make changes or disapprove minutes from October 17, 2011
2) Approve, make changes or disapprove minutes from December 12, 2011

(II - B)

FARMERSVILLE PLANNING & ZONING COMMISSION
REGULAR SESSION MINUTES
October 17, 2011

The Farmersville Planning and Zoning Commission met in regular session on October 17, 2011 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Craig Overstreet, Betty Sergent, David Corning and John Politz. Staff members present was Public Works Director Ben White, City Attorney Alan Lathrom, City Secretary Edie Sims and Council Liaison Paul Kelly.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Corning called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM SEPTEMBER 19, 2011 PLANNING AND ZONING MEETING

Craig Overstreet motioned to approve the minutes as presented with Betty Sergent seconding the motion. Motion carried unanimously.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE SIDEWALK REQUIREMENTS CONTAINED IN THE SUBDIVISION ORDINANCE AND THE THOROUGHFARE DESIGN MANUAL

Ben White, Public Works Director, came before the Commission and presented a spreadsheet of sidewalk requirements for Anna, Rockwall, Wylie, McKinney and a proposal for Farmersville. According to the Commission from the last meeting, the direction was to follow the City of Anna's requirements. Mr. White also presented a scale drawing of the smallest residential zoning and how the proposed requirements would affect the property on an interior residential street. A similar scale drawing of the smallest residential zoning was also presented from the perspective of a collector street. Mr. White indicated that not all of the streets in Farmersville will meet this criterion as displayed on the residential drawing; however the street width does not affect anything. A 1' offset is preferred leaving utility room at the back of the curb. The exhibit shows utilities on opposite sides for water vs. wastewater. Power poles are typically in the right-of-way line. The water line can also be placed within the 15' utility easement. The City would need to make a requirement that plants will not be allowed within the 15' utility easement, therefore the City would not be at cost for replacement of plants when the utility is in need of repair or maintenance. A residential street is normally 50' from right-of-way to right-of-way. A collector street is 65' from right-of-way to right-of-way. A sidewalk along a collector street is normally further into the property for safety reasons as the collector street has higher rates of speed and this will protect the pedestrians. The City owns the right-of-way. Private property starts behind the right-of-way line. The sidewalk would be placed in the city owned property. The grass maintenance would still be the property/homeowner's responsibility to maintain. City Attorney Alan Lathrom indicated the sidewalk is typically installed inside the right-of-way and the citizen is responsible for the sidewalk maintenance and repair and the right-of-way. Mr. White is proposing the following:

- Major Thoroughfare = 120' ROW width; 72' Pavement width; 5' Sidewalk width; sidewalk to be 18' distance from the pavement.
- Secondary Thoroughfare = 100' ROW width; 48' Pavement width; 5' Sidewalk width; sidewalk to be 20' distance from the pavement
- Collector = 65' ROW width; 38' Pavement width; 4' Sidewalk width; sidewalk to be 8.5' distance from the pavement

- Residential Street = 50' ROW width; 31' Pavement width; 4' Sidewalk width; sidewalk to be 4.5' distance from the pavement
- Residential Street Estate Residential = 60' ROW width; 32' Pavement width; 4' Sidewalk width; sidewalk to be 9' distance from the pavement

City Attorney Alan Lathrom stated that according to ADA Compliance, any width other than 5' of sidewalk width requires a 60x60" passing area at 200' intervals.

Commission recommended the proposal be presented in an ordinance and returned for Public Hearings for City Council approval.

DISCUSSION AND STUDY TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING POSSIBLE AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE RELATED TO "DRIVE-IN WINDOWS," "DRIVE-IN RESTAURANTS" AND "DRIVE-IN SERVICE" TO POSSIBLY UPDATE AND MODIFY SUCH PROVISIONS AND EXPAND THE TYPES OF ESTABLISHMENTS THAT CAN UTILIZE A DRIVE-IN, DRIVE-THROUGH AND/OR DRIVE-UP WINDOW TO PERMIT RETAIL SALES FROM A DRIVE-THROUGH OR DRIVE-IN WINDOW IN ALL NON-RESIDENTIAL ZONING CLASSIFICATIONS WHERE RETAIL SALES ARE ALLOWED

Commission discussed drive-thru's and was clear that the existing ordinance allows for food but does not allow for retail. The Council did not give specifics as to the direction they wanted the Commission to follow. Chairman Corning requested an example of other cities being Wylie and Anna. Paul Kelly stated when the document is being prepared, to clarify the definition of a drive-in, drive-thru. Commission will discuss this item at the next meeting with examples from other cities.

DISCUSSION AND STUDY TO MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING POSSIBLE CHANGES TO THE SUBDIVISION ORDINANCE THAT MAY ALLOW FOR A MORE STREAMLINED DEVELOPMENT PROCESS

Public Works Director Ben White did a review of the Subdivision Requirements and stated he found some items mismatched and asked the Commission for extended time to streamline the process. Chairman Corning stated he would like to work in groups as this process is quite lengthy. The groups could include 3 of the P&Z Commission and the City Attorney. This particular topic could take 6-8 months to resolve. The Commission was informed that any group of the Commission of 3 or more would need to be posted as a planned meeting.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested for future agendas.

ADJOURNMENT

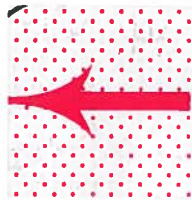
P&Z Commission adjourned at 7:23 p.m.

ATTEST:



Edie Sims, City Secretary

David Corning, Chairman



FARMERSVILLE PLANNING & ZONING COMMISSION
REGULAR SESSION MINUTES
December 12, 2011

The Farmersville Planning and Zoning Commission met in regular session on December 12, 2011 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Craig Overstreet, Betty Sergent, Bill Nerwich, Doug Dann, Tom Waitschies and John Politz. Staff members present was Public Works Director Ben White, City Attorney Alan Lathrom, City Secretary Edie Sims and Council Liaison Paul Kelly.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

City Secretary Edie Sims called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Since the Commission has not reorganized, Craig Overstreet was appointed as temporary Chairman to officiate this meeting only.

CONSIDER AND APPROVE RECEIVING RESIGNATION OF CHAIRMAN DAVID CORNING FROM THE PLANNING AND ZONING COMMISSION

Mr. Corning is moving and will therefore not be serving on the Planning and Zoning Commission. The Commission acknowledged receipt of Mr. Corning's resignation and duly noted his service to the Commission and the City.

DISCUSS, APPROVE OR DISAPPROVE THE SITE PLAN FOR THE O'REILLY'S AUTO PARTS STORE TO BE LOCATED AT 1705 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Ben White, Public Works Director, came before the Commission to inform that all information as requested by City Ordinance has been received and reviewed. A few minor details need attention but overall the project information is complete. Commissioner Nerwich questioned the Architect's seal to have it confirmed the license is expired or has been reestablished. Tom Waitschies motioned to approve the Site Plan for O'Reilly's Auto Parts Store contingent on the proper stamp of the Architect. John Politz seconded the motion. Motion carried unanimously.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT ON A CONTINUANCE OF A SPECIAL USE PERMIT FOR JOKERS WILD GAME ROOM LOCATED AT 812 MCKINNEY STREET, FARMERSVILLE

Commissioner Overstreet opened the Public Hearing at 6:40pm asking for those FOR the continuance of the Special Use Permit for Jokers Wild. Helen Sears came before the Commission requesting a continuance be approved. City Attorney Alan Lathrom indicated that no police incidents occurred at Jokers Wild Game Room. Mr. Lathrom also stated this particular game room is a model of how game room businesses should be operated. The hours of operation are 9a-11p Sunday thru Thursday and 9a-midnight Friday and Saturday. 40 machines are requested to have continued use. Commissioner Overstreet then asked for those OPPOSED to the continuance of the Special Use Permit for Jokers Wild Game Room. No one came forth speaking against the request. The Public Hearing was closed at 6:44pm.

Bill Nerwich motioned to approve the continuance request for Jokers Wild Game Room for one year. Doug Dann seconded the motion. Motion carried unanimously.

DISCUSSION AND STUDY TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING POSSIBLE AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE RELATED TO "DRIVE-IN WINDOWS," "DRIVE-IN RESTAURANTS" AND "DRIVE-IN SERVICE" TO POSSIBLY UPDATE AND MODIFY SUCH PROVISIONS AND EXPAND THE TYPES OF ESTABLISHMENTS THAT CAN UTILIZE A DRIVE-IN, DRIVE-THROUGH AND/OR

DRIVE-UP WINDOW TO PERMIT RETAIL SALES FROM A DRIVE-THROUGH OR DRIVE-IN WINDOW IN ALL NON-RESIDENTIAL ZONING CLASSIFICATIONS WHERE RETAIL SALES ARE ALLOWED

With the Commission asking what is usually allowed in other cities for "drive-thru's," City Attorney Alan Lathrom indicated that many drive-thru's have an accessory use; meaning it is an extension of the main business. An accessory use is deemed appropriate for a bank, pharmacy, dry cleaners or restaurant. Our current ordinance only allows for drive-in or drive-up for restaurants, but does not have a classification for retail drive-thru and was not crafted to allow accessory use. Banks are allowed to have a drive-thru as a right. Zoning classifications can be changed to add accessory uses by right to work in conjunction with a primary use. The discussion changed from overall accessory uses to alcoholic beverage sales. Concern was expressed by Council Liaison Paul Kelly that Police cannot observe the actions of a possible intoxicated person when using a drive-thru versus walking in and seeing apparent intoxication. Mr. Kelly expressed his opposition to the sales of alcohol but would rather see an individual walk in to a store to make an alcoholic purchase rather than driving up to a drive-thru. City Attorney Alan Lathrom explained how the City of Rockwall amended their use of a drive-thru window by only allowing specific products be sold through the drive-thru. Without discrimination, the City of Rockwall eliminates unsealed pre-packaged beverages to be sold through a drive-thru, no alcohol can pass through a drive-thru from a restaurant as an open container. Doug Dann stated he was in favor of using the method which the City of Rockwall chose.

Specific Use Permits is another mechanism to allow drive-thru's. The Specific Use Permit would be for the specific use of the parcel of land.

Interim Chairman Overstreet requested City Attorney to bring information regarding accessory uses to a work session at the next Planning and Zoning Commission meeting. This work session will allow the accessory use to be appropriate to Farmersville, then alcohol can be addressed. No further action was taken by the Commission.

DISCUSSION AND STUDY TO MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING POSSIBLE CHANGES TO THE SUBDIVISION ORDINANCE THAT MAY ALLOW FOR A MORE STREAMLINED DEVELOPMENT PROCESS

Public Works Director Ben White stated that changes were made internally to the platting process which helped streamline the process from within. Mr. White stated he is still working to improve the cycle time. All plats are being processed through the City Engineer thoroughly and the forms now used are vastly improved and will continue to improve over time. Mr. White informed the Commission he has identified specific issues that need to be addressed and suggestions which will be submitted to the Commission for their review and direction at the next meeting.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested for future agendas.

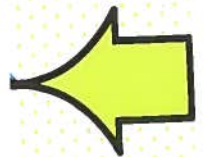
ADJOURNMENT

P&Z Commission adjourned at 8:17 p.m.

ATTEST:

Craig Overstreet, Interim Chairman

Edie Sims, City Secretary





TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: January 17, 2012
SUBJECT: Discuss, approve or disapprove a variance request from 1001 Bargains located at 110 McKinney Street

The variance request is attached.

ACTION: Approve or disapprove the variance request and make recommendation to the City Council.

(II - C)

To Whom it may concern:

We own the business 1001 Bargains at 110 Mckinney St. in downtown Farmersville. We opened this location November 3, 2010. We have had discussions with our landlord about the purchase of the building we are currently leasing, and it came to my attention that there was a limitation on the use of our building. Our building is divided into 4 "sections", you might say. There is a main store front, a large back room with a hallway, a large loft on a second level, and an apartment below the loft. The apartment was occupied for over 20 years from my understanding, and was built completely for this purpose with a full kitchen, livingroom, bedroom, washer/dryer closet, and full bathroom with shower. It is totally self contained.

It is my understanding that the limitation on this building is that a person cannot use the apartment as living quarters because the ownership has changed hands to the current owner.

It is my wish to purchase this building and make our store a permanent business in downtown Farmersville. Our wish is to be granted a variance for this building to have the OPTION to use the apartment as it was intended when it was built.

Our lease is up on January 31st, 2012. With the economy being down, and its instability of its future, it just doesn't make sense to make the long term commitment to purchase this building or keep our business in Farmersville without this option. We want to have something of our own instead of just paying rent every month. I believe this would be a win/win for Farmersville and for me.

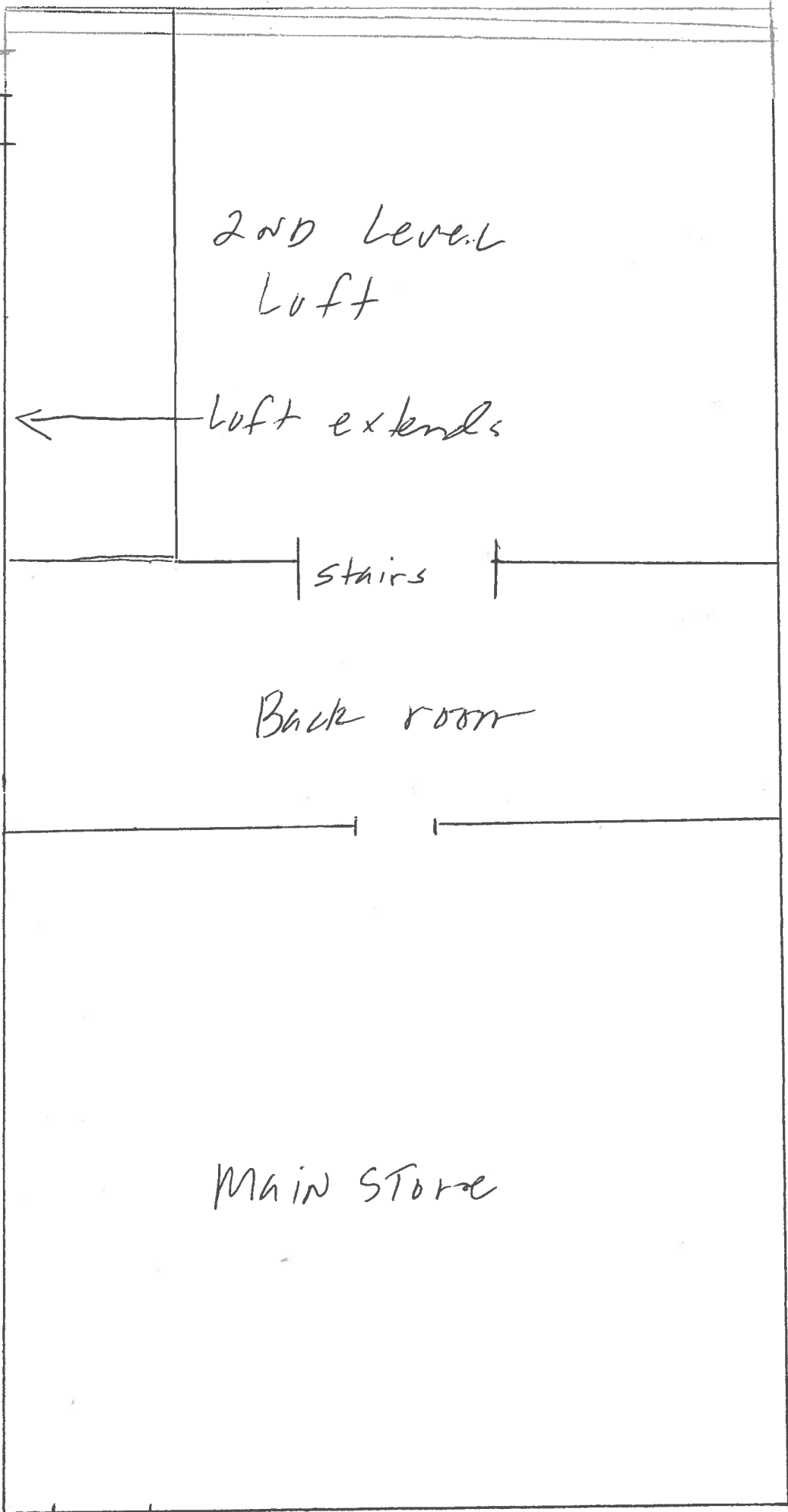
We have been in business for almost 10 years and Farmersville is our second location. I'm saying this to let you know that I don't make rash business decisions. It took 10 years to make the decision to open a second location. I have thought and prayed over this for the past 5 months. It is my wish to be a permanent part of this community.

Please don't receive this request with the sense that we are giving an ultimatum. This is written in a spirit of hope and gratitude. We WANT to be here. We WANT to be a permanent part of this community.

Respectfully,

Jack Alexander
1001 Bargains

A handwritten signature in black ink, appearing to read "Jack Alexander", with a long horizontal flourish extending to the right.



2nd Level
Loft

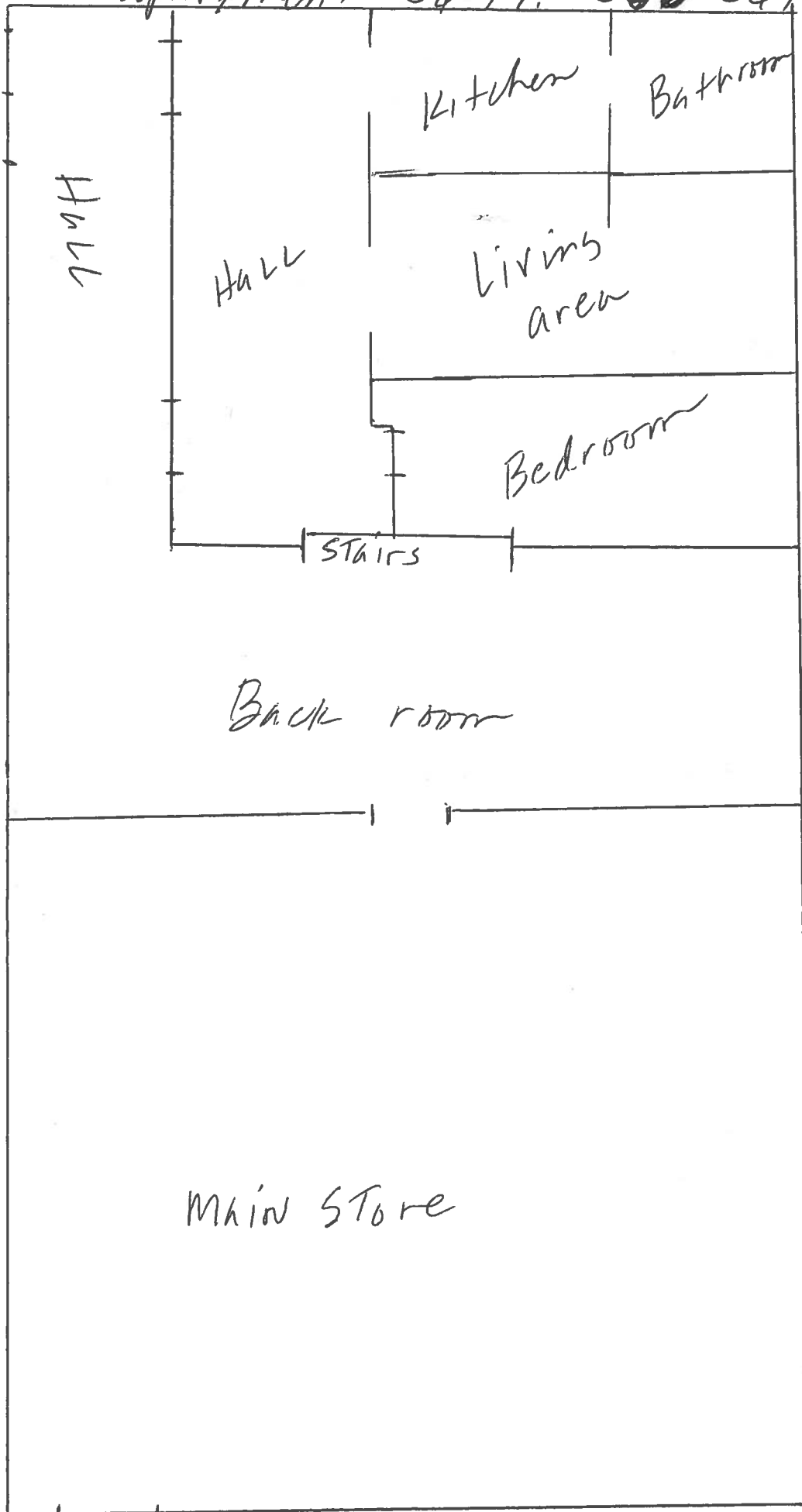
← Loft extends

stairs

Back room

Main Store

Apartment 50 FT. 600 SQ FT.





TO: Planning and Zoning Commission

FROM: Edie Sims, City Secretary

DATE: January 17, 2012

SUBJECT: Discussion and study to make recommendations to the City Council regarding possible amendments to the Comprehensive Zoning Ordinance related to "drive-in windows," "drive-in restaurants" and "drive-in service" to possibly update and modify such provisions and expand the types of establishments that can utilize a drive-in, drive-through and/or drive-up window to permit retail sales from a drive-through or drive-in window in all non-residential zoning classifications where retail sales are allowed.

ACTION: Workshop Session, discuss and give direction.

(III - A)