

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:

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Craig Overstreet, Interim Chairman

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Edie Sims, City Secretary