



**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** August 29, 2011  
**SUBJECT:** Public Hearing to hear a request for Re-Plat of Lot 11 of McIver Place, located in the William Wheat Survey, Abstract No. 961, 7.568 acres.

- ACTION:**
- 1) Open Public Hearing and call time
  - 2) Ask for those FOR to the Re-Plat request
  - 3) Ask for those OPPOSED to the Re-Plat request
  - 4) Close Public Hearing and call time

(II - A)



**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** August 29, 2011  
**SUBJECT:** Discuss, approve or disapprove minutes from July 18, 2011 Planning and Zoning meeting

**ACTION:** Approve or disapprove minutes

(III - A)

FARMERSVILLE PLANNING & ZONING COMMISSION  
REGULAR SESSION MINUTES  
July 18, 2011

The Farmersville Planning and Zoning Commission met in regular session on July 18, 2011 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Doug Dann, Bill Nerwich, Betty Sargent, Craig Overstreet, Tom Waitschies and David Corning. Staff members present was Public Works Director Ben White, City Attorney Alan Lathrom, City Engineer Eddy Daniel, 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 and announced that a quorum was present.

REORGANIZE PLANNING AND ZONING COMMISSION

Bill Nerwich nominated and motioned for David Corning as Chairman of the P&Z Commission. Tom Waitschies seconded the motion. Motion carried unanimously.

Craig Overstreet nominated and motioned for Bill Nerwich as Vice Chairman of the P&Z Commission. Doug Dann seconded the motion. Motion carried unanimously.

Doug Dann nominated and motioned for Chad Whitaker as Secretary of the P&Z commission. Bill Nerwich seconded the motion. Motion carried unanimously.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM JUNE 20, 2011 PLANNING AND ZONING MEETING

Doug Dann motioned to approve the minutes as presented with Bill Nerwich seconding the motion. Motion carried unanimously.

PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A FINAL PLAT FOR LOTS 1-4 OF FARMERSVILLE MARKET CENTER II AND REPLAT OF LOTS 1R AND 3R OF FARMERSVILLE MARKET CENTER

Chairman David Corning opened the Public Hearing at 6:40pm. No one came before the Commission to speak for or against the Final Plat or Replat. Chairman Corning closed the Public Hearing at 6:42pm. Commission reviewed the Plat and Replat with Public Works Director Ben White expressing the extensive reviews prior to the Commission receiving the plat through the City Engineer and City Staff. Mr. White did explain one caveat: the final taxes have not been paid as of this date. The property owner stated the taxes are to be paid through the closing process; therefore the City will hold the filing of the Final Plat until taxes are paid in full. Tom Waitschies motioned to recommend approval of the plats to the City Council with Doug Dann seconding the motion. Motion carried unanimously.

PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO SECTION 11, "LANDSCAPE REGULATIONS," OF THE COMPREHENSIVE ZONING ORDINANCE BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 11 ENTITLED "LANDSCAPE REGULATIONS"

Chairman David Corning opened the Public Hearing at 6:48pm. No one came before the Commission to speak for or against the Landscape Regulations changes. Chairman Corning closed the Public Hearing at 6:49pm. Council Liaison Paul Kelly stated that the Council had concerns regarding the Landscape Regulations and wanted to make sure those issues had been addressed and the P&Z Commission approved of said changes, which included how

much landscaping should be specified and an irrigation requirement. City Attorney Alan Lathrom stated this ordinance contains plant materials which rectifies the current ordinance where plant materials are not specified. Doug Dann expressed concerns that according to Section 11 D (1) landscape plans do not have to come before the Planning & Zoning Commission. Per City Attorney Alan Lathrom, future landscape plans will be required to be submitted to the P&Z for approval during the site plan process. Doug Dann motioned to approve and recommend the Landscape Regulations to the City Council with Tom Waitschies seconding the motion. FOR: Craig Overstreet, Betty Sergent, David Corning, Tom Waitschies and Doug Dann. AGAINST: Bill Nerwich Motion passed 5-1.

**PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO SECTION 17, "FENCE AND WALL REGULATIONS," OF THE COMPREHENSIVE ZONING ORDINANCE BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 17 ENTITLED "FENCES, WALLS AND SCREENING REQUIREMENTS"**

Chairman David Corning opened the Public Hearing at 6:58pm. No one came before the Commission to speak for or against the amendment to the Fence and Wall Regulations changes. Chairman Corning closed the Public Hearing at 6:59pm. City Attorney Alan Lathrom stated he has changed the requirements for a gate to be equal or have the same characteristics of a fence or wall. Plants may have the minimum height of 6' for a living fence/wall. Discussion was had regarding difference of fencing between residential to residential properties versus commercial to residential properties. Craig Overstreet brought to the Commission's attention Section 17 B, 1(a) which allows for other architectural finishes. Per City Attorney Alan Lathrom, other finishes could be blocks with a stone or brick veneer. Paul Kelly, Council Liaison, stated he had issues with a brick fence and long term maintenance. There are other provisions in the Code of Ordinances which provide for the maintenance of fences through Code Enforcement. The Certificate of Occupancy can be revoked for failure to maintain a fence or wall according to Section 17, B(5). Bill Nerwich motioned to approve and recommend to the City Council with Betty Sergent seconding the motion. Motion carried unanimously.

**PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO SECTION 9, "AREA REGULATIONS," OF THE COMPREHENSIVE ZONING ORDINANCE TO BY AMENDING SECTION 9-J, "EXTERIOR CONSTRUCTION," BY AMENDING PARAGRAPH NO. 1 THEREOF TO AVOID ANY UNINTENDED CONFLICTS WITH SECTION 9-K REGARDING STRUCTURES IN THE COMMERCIAL (C) AND HIGHWAY COMMERCIAL (HC) ZONING DISTRICTS, AND BY AMENDING SECTION 9-K, "BUILDING FAÇADE REGULATIONS FOR THE COMMERCIAL (C) AND HIGHWAY COMMERCIAL (HC) DISTRICTS," BY ADDING A NEW PARAGRAPH NO. 9 TO ALLOW LIMITED WAIVERS FOR EXPANSION OR RECONSTRUCTION OF EXISTING BUILDINGS, BY ADDING A NEW PARAGRAPH NO. 10 TO RECOGNIZE AND PERMIT MERITORIOUS EXCEPTIONS, AND BY ADDING A NEW PARAGRAPH NO. 11 TO ALLOW VARIANCES FROM THE EXTERIOR CONSTRUCTION STANDARDS OF SECTION 9-J AND 9-K REGARDING HIGHWAY COMMERCIAL CONSTRUCTION MATERIALS**

Chairman David Corning opened the Public Hearing at 7:22pm. No one came before the Commission to speak for or against the amendment to the Area Regulations changes. Chairman Corning closed the Public Hearing at 7:23pm. Eddy Daniel, City Engineer, came before the Commission to express concerns of the need to change the façade materials and having a waiver or meritorious exception to accommodate franchises to building within Farmersville. The Commission also considered the changes this ordinance may have on the Central Area and to preserve the historical demeanor of our downtown district. Craig

Overstreet motioned to approve and recommend this ordinance to the Council. Doug Dann seconded the motion. Motion passed unanimously.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

- Site plans for non commercial and all commercial applications

ADJOURNMENT

Doug Dann moved to adjourn with Tom Waitschies seconding the motion. The Commission adjourned at 7:45 p.m.

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David Corning, Interim Chairman

ATTEST:

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Edie Sims, City Secretary



**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** August 29, 2011  
**SUBJECT:** Discuss and possible action regarding a Concept Plan for Blondie's Beer and Wine located at 2002 West Audie Murphy Parkway, Farmersville

**ACTION:** Discuss, approve or disapprove the Concept Plan for Blondie's Beer and Wine

(III - B)



**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** August 29, 2011  
**SUBJECT:** Discussion and possible action relative to the sidewalk requirements as contained in the Subdivision Ordinance and the Thoroughfare Design Manual

Excerpts from Thoroughfare Design Manual and Subdivision Ordinance

**ACTION:** Discuss and offer direction.

(III - C)



### Section 3.5: Sidewalks

A. Pedestrian concrete walkways (sidewalks) not less than five feet (5.) wide or as required by the Zoning Ordinance shall be required within all residential subdivisions on both sides of residential and collector streets. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy for each abutting development as set forth in the City of Farmersville.s Design Manual and Standard Construction Details. Sidewalks shall be constructed with the residential and nonresidential construction.

B. The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a developers agreement, if approved by the City. The City has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in the City.s sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety or welfare.

#### ***City of Farmersville, Texas Subdivision Ordinance Ordinance #2007-08 Adopted 02/13/2007***

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C. As deemed appropriate by the City Engineer, sidewalks shall be constructed at time of development of subdivision, or the funds for such construction shall be escrowed to City and will be reimbursed to developer as sidewalks are constructed.

D. Notwithstanding the foregoing, sidewalks shall not be required in subdivisions with lot sizes at least one (1) acre or more in size.

## SECTION VI

### SIDEWALK AND LOCATION DESIGN STANDARDS

#### A. DEFINITION OF SIDEWALK

A sidewalk is defined as that paved area in a roadway right-of-way between the curb lines or the edge of pavement of the roadway and the adjacent property lines for the use of pedestrians. The maximum cross slope of the sidewalk shall be ¼-inch per foot. These sidewalks shall conform to the following standards:

1) Zoning Classification Requiring Sidewalks: Concrete sidewalks designed and located according to City standards shall be constructed along all streets in all zoning classifications except agricultural zoning. The Owner shall build sidewalks at the time of site development. Should it be impractical to install the sidewalk at that time, funds for the sidewalk construction shall be placed in escrow with the City for use at the time when sidewalks are needed. Payment or escrow shall be made at the time of site plan or final plat approval.

2) Residential Areas (Single Family, Two Family and Multi-Family): Sidewalks shall be 5-feet in width and located 1-foot from the back of the curb line or the edge of pavement and the adjacent property line. Along thoroughfares with inadequate right-of-way the sidewalk width shall be 5-feet in width and constructed adjacent to the back of curb.

3) **Non-Residential Areas:** Sidewalks shall be 5-feet in width and located at least 1-foot from the back of the curb line or the edge of pavement and the adjacent property line. Along thoroughfares with inadequate right-of-way the sidewalk width shall be 5-feet in width and constructed adjacent to the back of curb.

4) **Exceptions:** In areas where mailboxes and other structures interfere with a clear width of 5 feet for the sidewalk, the specified width shall be wrapped around and along one side of the mailbox or other structure.

5) **Waiver:** The sidewalk required in non-residential areas may be waived by the City Council either temporarily or permanently at the time of site plan or final plat approval. Waiver may be granted based on site conditions and/or location of the tract.

6) **Areas Without Screening Walls:** In areas on major and secondary roadways where either screening is not required or a type of screening other than a wall is used, (e.g., a berm, foliage, etc.) a 5-foot sidewalk will be constructed not more than 2½-feet from the back of the curb line or the edge of pavement and the adjacent property line as required by the Thoroughfare Plan.

7) **Areas with Screening Walls:** In areas where a screening wall is provided, a concrete sidewalk shall be constructed contiguous with the screening wall. The street side of the sidewalk shall run parallel to the street curb. The sidewalk shall be a minimum of 5-feet wide and the measurement shall be made from the street side of the sidewalk.

8) **Sidewalk on Bridges:** Bridges on thoroughfares shall have a sidewalk constructed on each side of the bridge. The sidewalk shall be a minimum of 6-feet wide with a parapet wall provided adjacent to the curb of the thoroughfare and with a standard pedestrian bridge rail protecting the sidewalk on the outside edge of the bridge.

9) **Sidewalks Under Bridges:** When new bridges are built as a part of the construction of a roadway or the reconstruction of a roadway and a pedestrian crossing is needed, an 8-foot sidewalk will be built as a part of the embankment design underneath the bridge structure. The 8-foot sidewalk shall be located generally along the toe of the embankment.

Proposed Change to Sidewalk Requirements

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**Sidewalk**

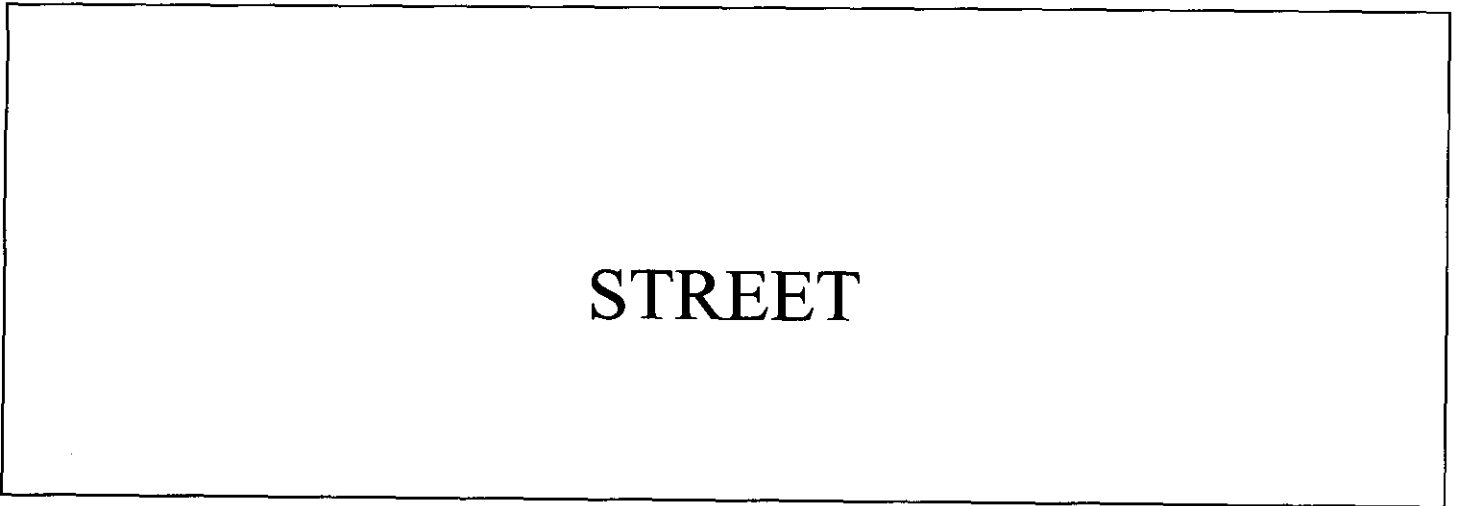


**STREET**

Existing Sidewalk Requirements



**Sidewalk**



**STREET**