



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
FEBRUARY 24, 2020, 7:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Chairman Michael Hesse presided over the meeting which was called to order at 7:31 p.m. Commissioners Lance Hudson, Leaca Caspari, and John Klostermann, were in attendance. Brian Brazil, Rachel Crist and Luke Ingram were not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Attorney, Michael Martin; and Council liaison, Craig Overstreet.
- Craig Overstreet led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward
- Commissioner Rachel Crist arrived at 7:33 p.m.

III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 2,614 square feet of land identified as Block I, Lot 28B in the Farmersville Original Donation (CFC), which location is more commonly known as 206 McKinney Street, Farmersville, Texas from CA – Central Area District uses to CA – Central Area District uses with a Specific Use Permit ("SUP") for commercial (indoors) amusement uses.

- Chairman Hesse opened the public hearing at 7:34 p.m. and asked if anyone wanted to speak in favor of the agenda item.
- Allison Mathers, who resides at 109 College Street, stated a coffee shop would be a hub for the town in the downtown area. As the building owner she feels it has more than ample space for the live music they are wanting to do. She explained that she is a member of the Main Street Board and one of their goals is to bring the arts and culture to Farmersville. She stated she supports the SUP and hopes the Commission does as well.
- Marty Garza, who is one of the owners of the coffee shop going in at 206 McKinney Street, addressed the Commission and explained they will be a parlor type shop that serves craft coffee, craft beer, tea, wine, and light food. He stated they wanted to have two types of environments for their guests to enjoy. He explained the front area is designed for parties of one or two guests with the ability to combine tables for more guests to sit together. He said the back area was designed to conform to a larger guest setting with an arts and entertainment feel. He said their goal is to create a fun and creative environment while still being considerate of the neighboring buildings. He explained that one of the requirements for the Specific Use Permit would be to treat the area acoustically so that noise generated by the business is not perceptible at the boundary property line. He said that in Section 4.12.2 of the Comprehensive Zoning Ordinance it states that the decibel level can be 65 for daytime and 58 at nighttime. Measurement of noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI). He continued by saying the section stated the time period for daytime, according to the Comprehensive Zoning Ordinance, was 7:00 a.m. to 10:00 p.m. and the 10:01 p.m. to 6:59 a.m. for nighttime. He said he purchased a decibel reader and he plans on conducting a sound test. He explained they are currently planning on staying open until 10:00 p.m. at the latest. He stated that he believes having the back space as a place to where they can entertain guests while enjoying different kinds of arts and entertainment would add to the growing environment of downtown Farmersville.
- Chairman Hesse asked if anyone wanted to speak against the item.
- Diane Piwko, who resides at 200 McKinney Street, stated that since she has lived with the common wall for almost 15 years she could hear things in the building next to her. They could hear a group of 20 people or so talking in the second floor of the building next door. She said that since it was an occasional event they tended to overlook it and because they did not want to disturb things that go on in the downtown. She indicated the coffee shop activity would probably be every Friday and Saturday night. She requested that the Commission table the item until Code Enforcement could go in to the neighboring buildings and test the decibel level.
- Gordon Scott, who also lives at 200 McKinney Street, stated they could hear the noise from the building while they were doing construction. He indicated they could hear drills and hammers and they could also hear the previous owners all the time if they were near the common wall to their building.

- Chairman Hesse asked if there was anyone else that wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 7:44 p.m.
- Leaca Caspari stated the objections to the noise level is probably without any acoustical measures. It would be hard to ask the owners to go through that expense without knowing if the SUP would be granted. She stated that downtown is a commercial area and not a residential area. She explained that anyone living downtown needed to realize that it is a commercial and vibrant area. She said as long as Mr. Garza works with the city to make sure the noise is not a problem then she did not see a problem with it.
- Lance Hudson stated he agreed with Leaca Caspari and stated other downtowns are booming.
- Chairman Hesse asked Mr. Garza if the business was going to have microphones and similar equipment.
- Mr. Garza stated they are not having any electric guitars or anything like that, but maybe a three person band. But, they would have microphones. He stated they are planning on acoustically treating the building.
- Chairman Hesse asked who was on the top floor of the building.
- Mr. Garza stated The Ville Studio which is a natural light studio was on the second floor, but there was not a residence.
- Chairman Hesse stated he would like for there to be some way to test the decibel level. He explained the test should be conducted after they treat the room with the acoustics.
- Allison Mathers stated it is very expensive to spend the money upfront before the SUP was approved. They are planning on hanging panels that absorb sound, hang velvet curtains and place rugs on the floor to help.
- Diane Piwko stated she objected to the music playing on the square until 9:00 p.m. originally and that was brought up to Council. During that process Chief Sullivan come in and did a test and they could hear the music in their building. She claimed the downtown area is a mixed use area and people should respect people who live downtown.
- Rachel Crist asked where the connection to his building and the adjacent buildings would be. She also wanted to know if he spoke to both building owners adjacent to him about the sound levels and conducting a test.
- Mr. Garza stated that his wall to the coffee shop would share a wall with the Fiber Circle and not the upstairs of 200 McKinney Street. He stated he did speak to the owners at the 208 McKinney Street, but did not speak to the owners of 200 McKinney because he did not have their contact information.
- Brian Brazil arrived and joined the meeting at 7:55 p.m.
- Rachel Crist asked to review Section 4.12.2 of the Comprehensive Zoning Ordinance.
- Ben White stated the section was under the Development Standards portion of the Ordinance.

- Chairman Hesse stated that 58 decibels at night is not very loud at all.
- Leaca Caspari stated the city should trust and hold the tenant responsible for their own noise level because they have claimed they are going to be good neighbors and watch the sound level. She said they have to find some way to let them try without going through the expense upfront.
- Rachel Crist stated she wanted to look into it further because she would not want the police to be called out every Friday and Saturday night for a noise complaint while other crimes were happening in the town.
- Chairman Hesse explained he wants Mr. Garza to be successful, but he also wants to make sure the Commission hears everything out as well.
- Michael Martin stated that after he reviewed the Comprehensive Ordinance and in Section 4.12.1 it does state all zoning districts. He said from a context perspective he believes it is a general noise level for any zoning district.
- Rachel Crist asked if The Stable or Bottles and Boards had to receive the same SUP as Mr. Garza to hold live music in their building.
- Sandra Green stated they had not applied for the SUP.
- Mr. Garza stated that he just wanted to be ahead of the game, researched and asked what would be required to conduct the live music.
- Gordon Scott suggested they come and test the noise level under the current state of the building and then they could decide where they needed to go from there.
- Randy Smith, who resides at 508 County Road 610, stated he was interested in the noise levels for construction sites because he has been listening to Camden and now the College being built.
 - Motion to approve made by Lance Hudson
 - 2nd made by Leaca Caspari
 - Brain Brazil abstained due to his late arrival to the meeting, Michael Hesse voted no, Rachel Crist voted no, Leaca Caspari voted yes, and John Klostermann voted yes.
- Michael Hesse stated the item was approved.

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a change in zoning on approximately 0.234 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses.

- Chairman Hesse and Lance Hudson recused themselves and left the room due to a conflict of interest.

- Leaca Caspari took over the meeting.
- Leaca Caspari opened the public hearing at 8:12 p.m. She asked if anyone wanted to speak in favor of the item.
- Randy Smith, who lives at 508 CR 610, stated he and his brother own property across the street and explained they did not have any concerns and thought it was the logical use for the property.
- Leaca Caspari asked if anyone wanted to speak against the item.
- No one came forward so she closed the public hearing at 8:13 p.m.
- John Klostermann asked if they resolved the driveway issue.
- Leaca Caspari stated the issue at the previous meeting was that the Commission was unsure of what area he was wanting rezoned.
- Amin Ali, who owns the land, stated there was a problem with the surveyor sending the right information to the city.
- Rachel Crist asked if he was getting rid of the driveway that would be on the residential lot if it were rezoned.
- Amin Ali stated yes. He explained the driveway to the house would be off of Murchison Street.
- Brian Brazil asked if there would be a fence and asked if there would be a clear delineation from the commercial business.
- Amin Ali stated there would be.
- Ben White explained that there is usually a fence between a commercial property and residential property that is required.
- Sandra Green stated the city could not require the residential property to put up a fence. The screening wall is usually put in place by the more restrictive use which would be the commercial property, but the commercial building was already in place years ago. She explained the front yard requirements for a fence, but stated she was told the house would face Main Street and not Murchison. She indicated she was told the driveway to the house would be on Murchison Street.
 - Motion to approve made by John Klostermann
 - 2nd to approve made by Rachel Crist
 - All members voted in favor
- Chairman Hesse and Lance Hudson returned to the meeting.

C. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request to amend Ordinance #2015-1027-001 that established the zoning on approximately 100.81 acres of land in the W. B. Williams Survey, Abstract No. 952, which land is now known as the Camden Park Subdivision (the "Property") to rezone approximately 21.09± acres from PD - Planned Development for Commercial uses to PD – Planned Development for SF-3 – Single Family Dwelling – 3 district uses for detached single-family dwellings, adopt certain development standards therefore, and modify the following requirements of this base zoning district:

- (a) reducing the minimum lot area from 5,000 square feet to 4,000 square feet;
- (b) reducing the minimum lot width from 50 feet to 40 feet;
- (c) reducing the minimum front yard from 25 feet to 10 feet;
- (d) reducing the minimum side yard on corner lots from 15 feet to 10 feet;
- (e) increasing the minimum lot depth from 90 feet to 100 feet;
- (f) increasing the minimum rear yard from 10 feet to 20 feet; and
- (g) increasing the maximum lot coverage from 50 percent to 55 percent.

The Property is generally located north of US Highway 380 (W. Audie Murphy Parkway) and west of County Road 611 (Collin Parkway).

- Chairman Hesse stated this item was pulled from the agenda by the applicant before the meeting.
- No action was taken.

D. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding requested variances from the City's Subdivision Ordinance that require the proposed Rolling Hills Phase 2 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the replat for the Rolling Hills Phase 2 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Rolling Hills Phase 2 Addition.

- Chairman Hesse opened the public hearing at 8:20 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:20 p.m.
- Leaca Caspari stated this was similar to other plats the Commission has seen before. She indicated it was for a variance for the utilities and fire flows.
 - Motion to approve made by Leaca Caspari
- Sandra Green asked for a clarification on the motion. She asked if the motion included approval with the condition that the ETJ Facilities Agreement be signed by the owner.
- Leaca Caspari indicated that it did.

- 2nd to approve made by John Klostermann
- All members voted in favor

E. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding requested variances from the City's Subdivision Ordinance that require the proposed Cooper 700 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the minor plat for the Cooper 700 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Cooper 700 Addition.

- Chairman Hesse opened the public hearing at 8:23 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:23 p.m.

- Motion to approve with the condition the owners put in the 15' utility easement on the plat and sign the ETJ Facilities Agreement made by Leaca Caspari
- 2nd to approve made by John Klostermann
- All members voted in favor

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from January 27, 2020.

- Motion to approve made by John Klostermann
- 2nd to approve made by Leaca Caspari
- All members voted in favor


V. ADJOURNMENT

Meeting was adjourned at 8:26 p.m.

ATTEST:


Sandra Green, City Secretary

APPROVE:


Michael Hesse, Chairman

