



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
September 21, 2020, 7:30 P.M.**

I. PRELIMINARY MATTERS

- Chairman Joe Helmberger presided over the meeting which was called to order at 7:30 p.m. Commissioners Lance Hudson, Adam White Leaca Caspari (via teleconference) and Rachel Crist (arrived at 7:32) were in attendance. John Klostermann and Michael Hesse were not present. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Council liaison, Mike Henry; and City Attorney, Alan Lathrom.

- Lance Hudson 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 to speak in person or teleconference.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from August 17, 2020.
- Motion to approve made by Leaca Caspari
 - 2nd to approve made by Lance Hudson
 - All members voted in favor, except Rachel Crist who abstained
- B. Consider, discuss and act upon changing the meeting time of the Planning & Zoning Commission.
- Chairman Helmberger stated he would like to move the meeting time to 6:00 p.m. in the future.

- Motion to approve made by Leaca Caspari
 - 2nd to approve made by Adam White
 - All members voted in favor
- C. Consider, discuss and act upon a replat of the Aston Addition, Lot 3B, 4A & 4B, Block 1.
- Ben White stated DBI Engineering reviewed the plat and they recommend approval subject to the items in their letter being addressed.
 - Sandra Green explained one of the lots was shy of the 100 feet depth requirement, but the property had previously received a variance for that.
 - Motion to approve the plat subject to the items listed in DBI Engineering's letter being addressed made by Lance Hudson
 - 2nd to approve made by Rachel Crist
 - All members voted in favor
- D. Consider, discuss and act upon a preliminary plat for Deer Crossing.
- Ben White explained that DBI Engineering had reviewed the plat and recommend approval subject to one item be addressed.
 - Sandra Green stated the plat included a lot of variances that were previously approved.
 - Motion to approve subject to the item listed in DBI Engineering's letter being addressed made by Lance Hudson
 - 2nd to approve made by Rachel Crist
 - All members voted in favor
- E. Consider, discuss and act upon a final plat for Deer Crossing.
- Ben White stated that DBI Engineering completed a review of the plat. They recommended denial of the plat until all the comments listed in their letter could be addressed.
 - Motion to deny the plat subject to all comments on DBI Engineer's letter being addressed made by Lance Hudson
 - 2nd to approve made by Adam White
 - All members voted in favor
- F. Consider, discuss an act upon a concept plan for Lakehaven MUD.
- Ben White stated DBI Engineering did review the concept plan and they recommended the approval subject to the items listed in their letter being completed. He said the item that needed to be addressed for the concept plan was the Traffic Impact Analysis.

- Motion to approve subject to all comments be addressed per DBI Engineering's letter made by Leaca Caspari
- 2nd to approve made by Lance Hudson
- All members voted in favor

G. Consider, discuss and act upon a preliminary plat for Lakehaven MUD.

- Ben White said the engineer also reviewed the preliminary plat and they recommended approval subject to the comments on their letter be addressed. He explained the one comment that was listed was the rerouting of storm sewer and sewer force main utilities running across lots to streets or across frontage of lots.
- Joe Helmsberger stated it was common to reroute those during construction and final platting and he had not problems with that comment.
 - Motion to approve made by Adam White
 - 2nd to approve made by Lance Hudson
 - All members voted in favor

IV. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 5.050 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

- Chairman Helmsberger opened the public hearing at 7:50 p.m.
- Mary Berry, who resides at 410 County Road 699, read some of the HII – High Impact Zoning District uses in the code. She stated she was speaking out against the rezoning to HII - High Impact. She stated a concrete batch plant is currently there and they can zone to Heavy Industrial with a Specific Use Permit. She does not believe High Impact zoning would be in the best interest of the city. She is concerned that if they zone the area High Impact no one would want to develop residences nearby.
- Joe Helmsberger stated that the High Impact Ordinance was not codified correctly and all the prohibited uses were not included in the online version. He read portions of the approved ordinance.
- Allison Mathers, who resides at 109 College Street, stated that when she is working with developers she looks at the zoning map because that is all they can go by when they are buying property. She said then they go to the Comprehensive Plan. She stated that in Chapter 3 of the Comprehensive Plan it stated the purpose of the land use is to make responsible growth. She explained the Comprehensive Plan describes industrial uses as being

residential friendly. There is a high impact to the land and surrounding areas if this land is zoned as HII – High Impact Industrial. She said when you Google “high impact”, the City of Farmersville comes up first and she believes the city would be opening Pandora’s box and become Collin County’s dumping ground for the east side if the HII – High Impact Industrial zoning is approved.

- Randy Smith, who lives at 508 County Road 610, stated he sees problems with this zoning designation. He said the concrete batch plant came first and everything was rushed to approve after that. He said he thinks the city really wants to do business by rushing things through the system. He stated he feels it should be handled by zoning it to regular Industrial with Specific Use Permits. He said he believes the HII – High Impact Industrial Ordinance was created for the batch plants to get rid of Specific Use Permits. He stated the Comprehensive Plan does not call this area out as industrial. He and his brother owns land around the area and it will impact their property and that of others if it is zoned HII – High Impact industrial. He explained that most cities use Specific Use Permits. He explained that if this zoning request is approved there is no going back and it would be grandfathered in.
- Merry Berry stated that when Mr. Anani proposed bringing Big D Concrete to the property on County Road 699 she placed a complaint into TCEQ and it was denied. They told her they cannot tell a batch plant where they can go. Mr. Anani told her it would be a state of the art facility and now she believes Reliable has held to those standards. There are some things she does not like, but her property is not covered in dust. She is still requesting the Planning & Zoning Commission to zone it Industrial with a Specific Use Permit. She stated the batch plant was asked to leave the other city they were conducting business in.
- Chairman Helmberger 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 8:22 p.m.
- Lance Hudson stated that he believed all the bad requirements were prohibited in the HII – High Impact Ordinance. He asked why the HII – High Impact Ordinance was created and asked if it was solely for the concrete batch plants.
- Ben White stated it was done so it would put limits on allowing batch plants in the future. He indicated because the ordinance was drafted in such a way it would be hard to get this zoning designation in the future.
- Leaca Caspari asked why the city even has a HII – High Impact Industrial zoning district. She believes we can limit it by placing it in the Heavy Industrial zoning district with a Specific Use Permit.
- Ben White stated the thought behind it was to control it and make it harder to get the zoning for batch plants.
- Leaca Caspari asked if the city is going to limit batch plants from coming in.
- Ben White stated he was not saying that, but it allows the City Council to scope that zoning to that specific industry in the future.

- Leaca Caspari stated we have no safe guards or recourse if this is zoned HII – High Impact Industrial. She has looked for the High Impact designation in other cities and she has not found it. She said she feels the High Impact designation could be a potential problem in future.
- Rachel Crist wanted clarification on when they approved the High Impact Ordinance. She recalled a few years ago it was stated that the batch plants would come into the city if that zoning designation was available, but if it was not approved they would stay in the county and we would not collect sales taxes on them.
- Ben White stated the city was interested in getting their usage of water, collecting of sales taxes, and making sure they follow the rules of ordinances. He said that if we had not created the ordinance they would be out in the county building whatever they wanted.
- Leaca Caspari stated they would not have had water.
- Ben White stated they would have dug a well or received their water from Caddo Basin.
- Leaca Caspari stated she does not see how the HII – High Impact Industrial zoning district would benefit the city.
- Lance Hudson asked if a Specific Use Permit would have kept them from coming in to the city.
- Ben White stated that a Specific Use Permit would have kept them from coming in to the city because it would have put a duration of time on them to operate.
- Leaca Caspari asked if they operated in any other city in Texas and were they under a Specific Use Permit.
- Ben White stated they operated in Dallas and they were told their Specific Use Permit was going to be taken away. Here we tried to form a way for them to operate for a long period of time, otherwise they would have stayed in the county and not annexed into the city.
- Rachel Crist asked how they could be operating if they are not zoned.
- Ben White stated they started building in the county and then were annexed into the city.
 - Motion to deny for the HII – High Impact Industrial designation made by Rachel Crist
 - 2nd to approve made by Leaca Caspari
 - Votes went as follows: Rachel Crist, yes; Leaca Caspari, yes; Adam White, yes; Lance Hudson, no; Joe Helmberger, no

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 26.60 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 123 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

- Chairman Helmberger opened the public hearing at 8:52 p.m.
- Allison Mathers, who resides at 109 College Street, read the information that was on the Code of Ordinance's online, but was handed a copy of the ordinance that was sent to MuniCode that had not been codified correctly. She stated the HII – High Impact Industrial zoning goes against the Texas Treasure that is Farmersville.
- Merry Berry, who resides at 410 County Road 699, stated if you rezone to High Impact it will stay High Impact. She said time brings other people to leadership roles and other industries that we may not know exist. We do not know what other business out there may be classified as High Impact. She said that Heavy Industrial would allow the use they are wanting instead of zoning it HII – High Impact Industrial.
- Randy Smith, who lives at 508 County Road 610, stated part of the new Comprehensive Plan reflects hike and bike trails. He is not sure how it will fit in with a major trail system if concrete batch plants are there. He said the Comprehensive Plan seems to be incompatible with the HII – High Impact Industrial zoning district. He explained the City of McKinney is not in favor of approving Specific Use Permits for batch plants anymore because of issues they have had. He feels the city should require a Specific Use Permit.
- Allison Mathers, who lives at 109 College Street, asked how the company can be operating with Agricultural zoning.
- Alan Lathrom stated the batch plant started building while it was in the county and before it was annexed into the city. Under Chapter 43 of the Local Government Code it states that if they have started operating before they are annexed they have the right to continue operating after they are annexed.
- Lance Hudson stated if they are not rezoned to HII – High Impact Industrial then they could still operate in the city limits.
- Ben White said they could also choose disannexation from the city.
- Chairman Helmberger asked if anyone else wanted to speak for or against the rezoning request.
- No one came forward so he closed the public hearing at 9:13 p.m.
- Leaca Caspari explained how she understands they have a right to operate there since they came into the city after they started operating. She pointed out that the city has a Comprehensive Plan in place and the citizen want to expand our growth, but they also want a quality of life. She said she is not against cement plants, but she believes safe guards need to be in place for the protection of the citizens.
- Lance Hudson stated the batch plant is here and it is not going anywhere. He is concerned they will consider disannexation. He said if they did leave the city limits they would not have restrictions placed on them and sales tax money would not come to the city from their operations.
- Rachel Crist explained that her concern is that if it is zoned HII – High Impact Industrial they could do whatever they wanted to do. She indicated the zoning would stay with the land for any future businesses that might come in on that property.

- Motion to approve the zoning request made by Lance Hudson
- 2nd to approve made by Joe Helmberger
- Votes went as follows: Rachel Crist, no; Leaca Caspari, no; Adam White, no; Lance Hudson, yes; Joe Helmberger, yes

C. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a proposed textual amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District to provide for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures.

- Chairman Helmberger stated we are not creating a new zoning district with the Historic Preservation Ordinance, but he feels the document needs some work.
- Chairman Helmberger opened the public hearing at 9:33 p.m.
- Allison Mathers, who lives at 109 College Street, stated she wants to extend the ordinance to include more areas than what it currently would cover in just the downtown area. She stated that the proposed Land Use Map needed to be approved first before they decide which areas to include in the historic overlay area. She said that groups of people and organizations should be involved in drafting the ordinance. She indicated it has to be well planned and suggested a committee be formed to look at the ordinance.
- Chairman Helmberger stated we needed a committee to be put together that could tailor the ordinance to Farmersville. He asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 9:41 p.m.
- Chairman Helmberger stated he would leave his notes regarding the ordinance with Ben White.
- Chairman Helmberger stated that since he works for the same company that created and is presenting the Land Use, Thoroughfare, and Hike & Bike Trail

Maps he is recusing himself from the discussions. He left the meeting at 9:45 p.m. A quorum was still present.

V. WORKSHOP & PUBLIC HEARING

A. Workshop to accept public input from citizens and to consider and discuss proposed amendments to the City of Farmersville's Comprehensive Plan, dated

January 2013, including proposed amendments to:

1. Chapter 3, titled "Land Use," including proposed amendments to the Future Land Use Plan and the Land Use Type Descriptions for land uses identified on the Future Land Use Plan;
2. Chapter 4, titled "Transportation," and particularly Paragraph B, titled "Master Thoroughfare Plan," including proposed amendments to the Master Thoroughfare Plan now identified as the "2020 Major Thoroughfare Plan" together with amendments in the text of Paragraph B of Chapter 4 making the appropriate name changes throughout; and,
3. Chapter 4, titled "Transportation," and particularly Paragraph F, titled "Trail System," including proposed amendments to the "Trail Master Plan" and such other amendments as maybe necessary to Chapter 6, titled "Parks and Open Space," as it relates particularly to Paragraph A, "Summary of Existing Parks" and the "Chaparral Trail Audie Murphy Trailhead."
 - Daniel Acevedo from Kimley-Horn stated the Land Use Plan does not designate the zoning of areas. He showed the land use map and explained some of the uses that were shown on the map. He said the map is used to make decisions about future zoning.
 - Ben White stated he had Kimley-Horn draw in a bypass for State Highway 78 because the North Central Texas Council of Governments (NCTCOG) is working on a north/south roadway route. He stated that getting ahead of the routes and planning them might get the NCTCOG to go with those routes. We cannot get input from them until they start the process.
 - Randy Smith stated these maps had not included the people in the extraterritorial jurisdiction (ETJ) in the past so he wanted to make sure that people know they are now included in the planning of the city.
 - Daniel Acevedo stated there is a lot of time and analysis that goes into placing roads. It does not mean that a road has to go directly as it is shown on the map, it just shows connections and not a perfect alignment. They look for distances between connectivity. He said the thoroughfare plan classifies the roads and the size of them. He indicated these maps tend to be updated every 5 – 10 years, and it

would take many years before any of the roads on the map would be completed.

- Kelly Decker, who lives at 2611 County Road 648, stated she saw the Future Land Use Map on Facebook. She said when they moved here they wanted acreage and more of a country feel. She was concerned because the word has not gotten out about the maps.
- Ben White stated that people need to send comments to the city about their concerns regarding the maps so those concerns can be looked in to.
- Allison Mathers, who lives at 109 College Street, stated the 2013 Comprehensive Plan explained the Farmersville Vision was to reach out to the residents and stake holders. She suggested several public meetings be held to review and comment on the maps.
- Ben White stated we could have separate meetings from the Planning & Zoning Commission meetings where citizens could come and give comments on the maps.
- Direction to staff from the Planning & Zoning Commission to hold more public forums so people can comment and give input on the maps.

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding proposed amendments to the City of Farmersville's Comprehensive Plan, dated January 2013, including proposed amendments to:

1. Chapter 3, titled "Land Use," including proposed amendments to the Future Land Use Plan and the Land Use Type Descriptions for land uses identified on the Future Land Use Plan;
 2. Chapter 4, titled "Transportation," and particularly Paragraph B, titled "Master Thoroughfare Plan," including proposed amendments to the Master Thoroughfare Plan now identified as the "2020 Major Thoroughfare Plan" together with amendments in the text of Paragraph B of Chapter 4 making the appropriate name changes throughout; and,
 3. Chapter 4, titled "Transportation," and particularly Paragraph F, titled "Trail System," including proposed amendments to the "Trail Master Plan" and such other amendments as maybe necessary to Chapter 6, titled "Parks and Open Space," as it relates particularly to Paragraph A, "Summary of Existing Parks" and the "Chaparral Trail Audie Murphy Trailhead."
- Lance Hudson stated the Commission would pass on the public hearing at this time.

VI. ADJOURNMENT

Meeting was adjourned at 10:49 p.m.

ATTEST:


Sandra Green, TRMC, City Secretary

APPROVE:


Joe Helmberger, Chairman





September 15, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Aston Addition, Block 1 Lots 3B, 4A & 4B Replat Review
Dated July 22

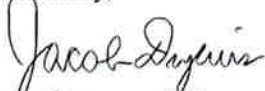
The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Title Block for Replats as shown in Sec 65-32.(e).(3)
- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)
- Need to include notes about:
 - Utility providers
 - Flood plain
 - "Selling a portion of this addition by metes and bounds..."
- Show all SF-2 setbacks
- Include 15' utility easement
- Subdivision is 'Aston Addition' not 'Astons Addition'

The Aston Addition Replat is recommending for approval pending the above mentioned items being addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,


Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONCONSULTANTS.COM
FIRM REGISTRATION NO: F-002225



September 16, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Deer Crossing Preliminary Plat
Dated September 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)

The Preliminary Plat is recommended for approval pending the above mentioned items being addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis". The signature is written in a cursive style.

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225



September 16, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Deer Crossing Final Plat
Dated September 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)
- All public infrastructure will need to be completed.
- All public infrastructure will need to be verified and approved by appropriate entities.
- As-Built drawings will need to be provided to the City for review and approval.

Due to the above mentioned items, it is recommended that the Final Plat be denied until all comments can be addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225



September 17, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Lake Haven MUD
Dated September 17, 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following comments have been provided to the developer but not resolved. The developer responses are shown below.

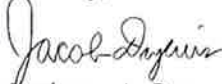
- Concept Plan
 - Traffic Impact Analysis required for development of this size.
 - We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.
- Preliminary Engineering
 - Storm sewer and sewer force main utilities running across lots should be rerouted to streets or across frontage of lots.
 - Storm sewer will be looked at in more detail during construction document phase and possibly re-routed as well.

All other comments and issues have been fixed by the developer. The Concept Plan and Preliminary Plat for Lake Haven MUD are both recommended for approval pending:

- Obtaining the TIA and implementing any requirements necessary
- Re-routing of force main utilities out of lot backyards

I am available for any questions you may have.

Sincerely,


Jacob Dupuis, P.E.

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118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONCONSULTANTS.COM
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