



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION MINUTES  
REGULAR SESSION MEETING  
March 15, 2021, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Chairman Joe Helmberger presided over the meeting which was called to order at 6:00 p.m. Commissioners Michael Hesse (via teleconference), Adam White, Lance Hudson, Rachel Crist (via teleconference), Leaca Caspari and John Klostermann were in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; 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)**

- None came forward to speak in person or via teleconference.

**III. PUBLIC HEARING**

A. Public hearing to consider, discuss and act upon an application requesting a change in zoning on approximately 4.137 acres of land, more or less, from C – Commercial District Uses to MF-2 – Multifamily Residence-2 District Uses for an apartment complex. The property is generally situated at 1904 Harvard Blvd., and located in the Murphy's Crossing Addition, Phase II, Lot 9, out of the W.B. Williams Survey, Abstract A-952, of Farmersville, Collin County, Texas.

- Joe Helmberger opened the public hearing at 6:03 p.m.
- Sam Satterwhite, who resides at 202 Cedar Ridge in Wylie, came forward and presented for the developer. He explained they are requesting a zoning change from Commercial to MF-2 – Multi-family - 2. He stated the property is

currently under contract because they are waiting to see if the rezoning request was approved. He indicated they want to incorporate Murphy in the name of the apartments in reference to Audie Murphy. He stated they are not going to compare themselves to Palladium, but Palladium is currently full and there is a demand for apartments. He went over the amenities the facility would have and explained they would have a mix of one bedroom and two bedroom units. He said they will exceed the number of parking spaces required by the zoning ordinance. They are going to limit the height of the buildings to three stories even though the zoning ordinance allows up to four stories. He discussed how he wanted a development agreement that would state how they are going to make the facility nice and 100% masonry. He explained it would be an \$11.5 million investment. He said approximately \$96,000.00 a year would go to the city for ad valorem taxes.

- Adam White asked what the projected rent would be.
- Sam Satterwhite stated they would be set at market rates, so a little over \$1,000.00 for a one bedroom and around \$1,200.00 for a two bedroom.
- Alex Cavender, who represents 380 Lake View Development, stated he is the developer of the property located just west of the proposed site. He explained one of the concerns he has is the lift station and if this development could cause a strain on the sewer lines if the zoning was approved. He said they are afraid it would take the capacity away from their development.
- 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 6:20 p.m.
- Chairman Helmberger stated it sounded like it would be a great product. He said Brookshire's is thriving because of the Palladium apartments and he believes it would bring more people to Farmersville.
- Leaca Caspari asked if we have sewer capacity and she is worried about traffic that would be added.
- Ben White stated the lift station was designed for future growth and has three pumps. He said he does not see any issues with capacity. He explained we have increased the capacity recently and we are also in the process of putting in a new trickling arm filter which will allow us to receive 250,000 more gallons of capacity.
- Rachel Crist asked about the traffic and roadways to get on to U.S. Highway 380.
- Ben White explained that most people would go to the stop light on Collin Parkway once the road is complete and not use Harvard as much. He said Collin Parkway will be completed in April.
- Sam Satterwhite explained the development would take at least 18 months to two years to occupy. He said they felt most people would go to the stop light if they were going to the east and would only take Harvard if they were getting on U.S. Highway 380 to go west.

- Rachel Crist asked if the city thought another stop light would be added at Harvard Boulevard in the future.
- Joe Helmberger stated that in Princeton they are adding a fifth and sixth lane to U.S. Highway 380 which will start in 2022. He said they are also building a reliever street south of town. He indicated that you have to have more traffic on the road before TxDOT would speed money to study it.
- Michael Hesse asked what kind of experience the developer has in building these types of units. He said he is in favor of this development if it is the right kind of development. He asked how the cost of building materials would now affect their plans for this site.
- Sam Satterwhite explained the project would be the client's first venture by himself, but his family has done multi-family for years. He is planning on the units having granite counter tops, 100% masonry and his client knows the price of everything is going up. He said if they receive the rezoning approval they would go straight into the engineering phase and then into building.
- Michael Hesse asked what uses could be there for commercial zoning now.
- Sandra Green explained that almost anything could be in a commercial zoning district, except residential or multi-family. She indicated office space, retail, and any other similar uses could go there currently.
- Michael Hesse asked city staff what they would consider the best choice for the property, commercial or multi-family.
- Joe Helmberger stated it would be a good buffer from commercial to residential.
- Ben White stated with commercial you need the residential to support it. He said that commercial buildings are not growing as much as living units because a lot of retail is being ordered online.
  - Motion to approve made by Adam White
  - 2<sup>nd</sup> to approve made by John Klostermann
  - All members voted in favor, except Rachel Crist and Michael Hesse who voted no.

B. Public hearing to consider, discuss and act upon text amendments to the Comprehensive Zoning Ordinance that may change the zoning classification names and will amend the land uses and related land development standards currently identified as the "Light Industrial," "Heavy Industrial," and "High Impact Industrial" zoning classifications set out in Sections 77-53(e)-(g) of the Farmersville Code together with any related amendments necessary to Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in such land use classifications, as they may be amended, together with any necessary additions, changes or deletions to Section 77-29, "Definitions," as they may apply to any one or more of the land use classifications set out in Sections 77-53(e)-(g) of the Farmersville Code, as they may be amended.

- Chairman Helmberger opened the public hearing 6:41 p.m.
- Tony Strickland, who represented Nelson Brothers Ready Mix, stated he owns property in this area and wants to operate a batch plant in the future. He said they would need this zoning in place in order to build their operation. He said they typically like to operate by right, but they are wanting to move forward pending the outcome of this item.
- Chairman Helmberger asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:43 p.m.
- Ben White stated staff decided to change from a High Impact District to Heavy Industrial 2. He also said they added more prohibited uses to the ordinance. He discussed how the specific use permit in the Heavy Industrial 2 zoning district listed the 20 year automatic term with 10 year extension for concrete batch plants.
- Leaca Caspari explained her main concerns with the ordinance. She indicated that concrete kilns should be a prohibited use. She also stated she was confused as to why two-family duplexes would be allowed in the Light Industrial zone.
- Alan Lathrom stated that two-family duplexes are allowed in the current zoning ordinance in Light Industrial zones. He said he did not change that in the ordinance, but it could be taken out.
- Leaca Caspari said she does not believe we should grant a specific use permit for an automatic 20 years. She stated she researched other cities and no one does that. She said some cities do give automatic extensions, but they are given notice. She explained if property owners around the area have to be notified and there is a legitimate concern, then they should have to go through the SUP process again. She believes an SUP is put in place to help protect the property owners around the area.
- Alan Lathrom said that most specific use permits run with the land and there are no time restraints or time restrictions. Most SUP's are terminated when the use ends. He said in Farmersville the city required time restrictions on game rooms. He restated that SUP's usually run with the land and may be particular to a specific owner or operator of the business or the land. He said it runs indefinitely.
- Chairman Helmberger asked if the SUP process in general has changed.
- Alan Lathrom stated the paperwork process and submittal has not changed. He explained there are some things in the ordinance that would be required to be part of the submittal for concrete batch plants, such as landscaping, screening and lighting.
- Leaca Caspari stated SUP's have a purpose and they are there to protect. She said there has to be something in place that gives us the ability to address any issues that come up. She understands that when people invest

here they need a return, but she also thinks the Commission needs to protect neighboring properties.

- Adam White stated the plan was to get rid of the term high impact. He said the idea in this case was keeping the zoning more restrictive and allowing only certain uses in this zone. He indicated that changing up the SUP time frame was to give the business owner's assurance, because the time restraints were a main concern for them.
- Leaca Caspari stated she understands that the business owner's want assurances, but she knows that protecting the property owner's around them is important. She said the time frame of 20 years with an automatic renewal of 10 years is way too much time and not reasonable.
- Adam White said if it was the same businesses that were operating it for the whole time period then it should not make a difference.
- Joe Helmberger stated that TCEQ regulates the concrete businesses very well and people could file complaints constantly with the TCEQ.
- Leaca Caspari pointed out that high impact was referenced in the document in a few places and wanted to know why.
- Alan Lathrom stated they were in the documents by error and could be removed.
- Leaca Caspari stated that at one point Ben White said he learned over time that if an SUP is granted long term it still allows us to control the area up front. She said the Heavy Industrial – 2 zoning would be allowed in any of the areas called out as Heavy Industrial on the Future Land Use Map.
- Ben White stated areas would be subject to the Future Land Use Map, but it would not be granted automatically. He said the Planning & Zoning Commission and City Council would have to approve the zoning on a case by case basis. We were trying to purposely create a zoning category that would make it harder to get a batch plant in the city. He said they could zone the whole area as Heavy Industrial and never grant a Heavy Industrial – 2 use. The old rules allowed batch plants in Heavy Industrial with an SUP and they could be scattered throughout the whole region. He said now we are only allowing them in Heavy Industrial – 2. They would have to get the Heavy Industrial – 2 zoning granted and also an SUP.
- Leaca Caspari asked why you could not just do all that with an SUP.
- Ben White stated they were trying to make getting a batch plant in the city harder to do. Under the new set of rules, you could not put in a batch plant in Heavy Industrial -1. They would have to rezone to Heavy Industrial - 2.
- Leaca Caspari stated that 6,000 acres is a lot of land and she can see situations that would have a large amount of area for High Industrial - 2.
- Ben White said anyone else would have a hard time coming into the city under that zoning in the future.
- Michael Hesse stated he believes we have the ordinance right.

- Rachel Crist said she has received calls from concerned people. She said she feels that we are just giving the ordinance a face over and trying to approve it from the High Impact Ordinance.
- Adam White asked what amount of the High Impact Ordinance is actually carried over into the ordinance they are reviewing now. His concern is that there is just wordsmithing to change this ordinance.
- Alan Lathrom stated there is a current definition of the high impact in the zoning ordinance. The zoning ordinance is an exclusionary ordinance and if it does not call out a permitted use then it is not allowed. If someone wanted to conduct a use that is not listed they would have to request the zoning ordinance be changed to add the use. He said we took out the high impact definitions and uses from the ordinance all together. We have looked at each of the uses in High Industrial - 1, High Industrial - 2, and Light Industrial to make sure we have the uses in the appropriate settings. He said we added in comments that were heard during the public hearing process in regards to the exclusions. The list of exclusions is not necessary, but we placed it in there so the citizens could see what is excluded.
- Joe Helmberger stated that years from now some of those uses may change and it would be up to the city to allow it.
- Lance Hudson explained they had stripped the High Impact Ordinance down to where it only allowed concrete batch plants. He said the definition of high impact caused a lot of issues and that is why they were trying to get away from that term.
- Adam White stated the unforeseen was his main concern. He said the specific use permit maintains leverage for the city in the future for any uses that may come to the city.
- Leaca Caspari said the list of exclusions just causes confusion, because people believe that if it is not listed then it is allowed.
- Alan Lathrom stated they can add a cement kiln in the exclusionary list if that is the desire of the Commission.
- Joe Helmberger summarized Leaca Caspari's concerns. He said she pointed out there are two references to high impact that needed to be removed from the ordinance. He said adding cement kiln to the exclusionary list and she wanted to remove the two-family residential dwelling that was permitted in Light Industrial. He said he would be more than happy to take out the section of prohibited uses since the ordinance is exclusionary anyway.
- Alan Lathrom stated that he could add language stating that the ordinance is exclusionary and if it is not shown as a permitted use then it is not allowed. He said that would allow them to delete the prohibited use list.
- Leaca Caspari stated that Chairman Helmberger did not address her main concern of the time limits set on the specific use permit.

- Rachel Crist asked who originally requested the change in the zoning ordinance to include a high impact zone.
- Chairman Helmberger said the Commission cannot act on something that does not come down from Council.
- Leaca Caspari stated she believes it was written specifically for an industry.
- Rachel Crist stated she agreed.
- Ben White stated it was presented to Council and they recommended it be sent to the Planning & Zoning Commission to review and revise the ordinance.
  - Motion to approve with the changes of removing the references to high impact, removing the permitted use of two-family dwelling in Light Industrial and deleting the prohibited uses list made by Lance Hudson
  - 2<sup>nd</sup> made by John Klostermann
  - All members voted in favor, except Leaca Caspari and Rachel Crist who voted no

#### **IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

- A. Consider, discuss and act upon minutes from February 22, 2021.
  - Motion to approve made by Leaca Caspari
  - 2<sup>nd</sup> to approve made by Rachel Crist
  - All members voted in favor
  
- B. Discussion and direction regarding scope and goals for the Historic Preservation Ad Hoc Committee in relations to the Historic Preservation Ordinance and the Sign Ordinance.
  - Paul Kelly, Chairman of the Historic Preservation Ad Hoc Committee, came forward and wanted direction from the Planning & Zoning Commission as to what the Ad Hoc Committee was supposed to be doing. He stated the committee is unclear of the direction they are suppose to take on the two documents they are reviewing.
  - Mike Henry stated the change in the sign ordinance was reviewed by the Council and he said it was recommended that the Historic Preservation Ad Hoc Committee review it regarding the possible change of painting on walls. He said Council wanted them to decide on how they wanted signage on the downtown buildings to look.
  - Paul Kelly stated it was his understanding that the changes to the sign ordinance and the Historic Preservation Ordinance were to be reviewed to


determine if they were going to sign off on them or make recommendations for changes.

- Chairman Helmberger stated the city does not have an approved Historic Preservation Ordinance. He said the Planning & Zoning Commission reviewed the same document they did and came to the conclusion that we need one that fits Farmersville. He said he needs the Ad Hoc Committee to get in to the weeds and say what the ordinance should be.
- Alan Lathrom stated the ordinance they have to review is a mash up from the recommended ordinance from the Texas Historical Commission, City of Arlington, City of McKinney and from the City of Forney.
- Ben White stated the ordinance was in the making for several years. He said it was also reviewed and vetted by the City of McKinney Historic Preservation Officer. He said it was then presented to the Planning & Zoning Commission and it did not move forward then.
- Chairman Helmberger stated when he first read it he did not feel it was for Farmersville. He said he has too much government reach already in his life. He wants the ordinance to be written for Farmersville.
- Paul Kelly clarified that the document they have is a guide to get us to move forward. He also asked about a time lime.
- Chairman Helmberger stated he believes it will take at least 6 months if not longer.
- Allison Mathers stated the document that was presented as a Historical Preservation Ordinance draft scared everyone. She said the ordinance that is pressing is the sign and mural ordinance that was sent down to them.

## **V. ADJOURNMENT**

Meeting was adjourned at 7:58 p.m.

ATTEST:

  
Sandra Green, TRMC, City Secretary

APPROVE:

  
Joe Helmberger, Chairman

