

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
January 17, 2012

The Farmersville Planning and Zoning Commission met in special session on January 17, 2012 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bill Nerwich, John Politz, Craig Overstreet, Betty Sergent, Lee Warren, Tom Waitschies and Doug Dann. 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.

REORGANIZE PLANNING AND ZONING COMMISSION

City Secretary Edie Sims opened this item asking for nominations for a Chairman. Craig Overstreet nominated and motioned to appoint Tom Waitschies as Chairman with Bill Nerwich seconding the motion. Motion carried unanimously. Mr. Waitschies conducted the remainder of the meeting.

Chairman Waitschies opened the floor for nominations for Vice Chairman. Bill Nerwich nominated and motioned to appoint Craig Overstreet as Vice Chair with Doug Dann seconding the motion. Motion carried unanimously.

Chairman Waitschies opened the floor for nomination for Secretary with Craig Overstreet nominating Doug Dann. Mr. Dann stated he would not be a good candidate as he will miss several meetings due to his schedule. Bill Nerwich nominated to appoint Lee Warren as Secretary with Craig Overstreet seconding the motion. Motion carried unanimously.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM OCTOBER 17, 2011 AND DECEMBER 12, 2011 PLANNING & ZONING MEETING

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

DISCUSS, APPROVE OR DISAPPROVE A VARIANCE REQUEST FROM 1001 BARGAINS LOCATED AT 110 MCKINNEY STREET

Jack Alexander, owner of the business at 110 McKinney Street, made a request to the Planning and Zoning Commission for a variance to utilize the existing apartment in his building. Mr. Alexander stated that he opened his business 15 months ago and has an opportunity to purchase the building. A previous owner had built a fully enclosed apartment at the back of the building which included bathroom, kitchen and living quarters for one-two people. The store front will remain retail. Lee Warren stated that when the original ordinance was implemented, the intent was to keep the retail areas as retail and not allow people to make residence throughout the entire building structure. The arrangement of the apartment in this building does not meet that category.

City Attorney Alan Lathrom indicated that the Planning and Zoning Commission does not have the authority to grant a variance. However, the Commission may wish to consider if this situation is a viable request that the Council may consider to have the Commission review and make recommendations. Presently our City Ordinance residential use is limited to the second floor and above in the downtown area. This apartment may be considered an accessory use therefore deeming a modification or amendment to the ordinance to create a limit of exception. At the time the property changed ownership, the non conforming use was deemed abandoned and the structure was empty and not being utilized. Mr. Alexander stated

the square footage of the building including the second stairs loft is 3,300. The apartment by itself is 600 square feet. The reason this issue was brought before the Commission was a sense of urgency due to the lease being up in 4 days. Mr. Alexander expressed his satisfaction with Farmersville and being with such an energetic community.

Bill Nerwich stated the ordinance could be amended for a percentage of floor space. Visitor Diane Piwko came before the Commission expressing concern that the building is not accessible stating the back door exits into another building and not to the outside and that there are no windows.

Bill Nerwich motioned to request authorization from the City Council to possibly amend the Comprehensive Zoning Ordinance for residential use on the first floor in the Central Area District. John Politz seconded the motion. Motion carried unanimously.

Final note, the building must comply with ICC Fire Code to determine compliance issues.

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

Previously the Commission requested City Attorney to bring information regarding accessory uses to a work session at the next Planning and Zoning Commission meeting. Unfortunately the draft was not completed and made ready for presentation. With Lee Warren beginning his term on the Commission, he asked why an exception was not allowed for retail drive-thru's. The Commission will continue this conversation at the next meeting. Lee Warren motioned to hold public input at a worksession whether they are open to having a drive-in, drive-up or drive-thru type of facility. Bill Nerwich seconded the motion. Motion carried unanimously.

The public hearing could be the final word from the public regarding the ordinance and would be in favor of the public's opinion per Lee Warren.

ADJOURNMENT

P&Z Commission adjourned at 7:23 p.m.

ATTEST:



Edie Sims, City Secretary


Tom Waitschies, Chairman