

FARMERSVILLE PLANNING & ZONING COMMISSION  
REGULAR SESSION MINUTES  
March 19, 2012

The Farmersville Planning and Zoning Commission met in regular session on March 19, 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. Doug Dann was absent. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims.

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.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM DECEMBER 12, 2011 AND JANUARY 17, 2012

Craig Overstreet motioned to approve the minutes as presented from February 21, 2012 with Betty Sergent seconding the motion. Motion carried unanimously.

PUBLIC HEARING – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING SECTION 77-91 TO ALLOW RESIDENTIAL LIVING QUARTERS ON THE FIRST FLOOR OF THE CENTRAL AREA DISTRICT BY ORDINANCE # O-2012-0410-001

Chairman Waitschies opened the Public Hearing at 6:38pm and asked for those to speak for the amendment to allow living quarters on the first floor of the Central Area District. No one spoke for the amendment. Chairman Waitschies then asked for those opposing the amendment presented. No one came to speak against the amendment. Chairman Waitschies closed the Public Hearing at 6:38 p.m.

Lee Warren questioned that the previous discussions lead to a percentage of square footage to be allowed for living quarters with his question being confirmed. Mr. Warren continued the conversation to identify if 60/40 percentage is a fair percentage for other businesses in the Central Area. John Politz interjected that at 35/65 percentage may be considered.

Lee Warren then changed the discussion to restrooms and exits. Mr. Warren questioned if a building should have one restroom for the business and one restroom for the residence. Mr. Warren also contended that both restrooms would need to be ADA compliant and accessible. Mr. Warren also expressed concerns of deliveries for the business which may be a pathway through the residential portion of the building. City Manager Ben White indicated that the inspections would follow the commercial standards and requirements. The residential, even though a second use, would be secondary to the commercial use which would be primary. Mr. Warren expressed concern of commercial access to the rear of the building. John Politz considered limiting the owner of the business to be the only tenant, basically stating the owner must be the occupant. Mr. White questioned how this would be enforced. The discussion then turned to separating utilities for the business versus residential. The Commission was informed that separate utilities would be installed per each use.

Mark Moss, of Diversified Realty, expressed concerns of this topic as his aunt and uncle own a building downtown. Mr. Moss stated we have a dead square and he asked the Commission not to inflict harsh restrictions which does not allow the square to be vibrant. Mr. Moss encouraged the Commission to accommodate without eliminating retail space. Mr. Moss expressed concern not to eliminate retail square footage and allow others to utilize the spaces

available. Perhaps creating a corridor could eliminate issues of separating restrooms. Lee Warren stated he is also considering other buildings, not just Jack Alexander's building which opened this topic. Bill Nerwich encouraged the restroom space should be between occupant and commercial space should be the owner's issue and not for the City to monitor. City Manager Ben White stated as long as the building, including residential, meets the Fire Code, the City should not get involved.

Bill Nerwich stated that a change needs to be made to the ordinance regarding facing the square. Some store fronts are along Main Street which all businesses do not face the square. In keeping with the public's requirement not to have the square as residential, Mr. Nerwich requested the change to reflect the business area to be at the front of the building with residential being at the farthest portion of the building away from the building's store front.

Brian Williams, owner of Red Door Antiques, came before the Commission to express concerns of making ADA requirements for the interior of the building when the main entrance may or may not be ADA compliant. After a lengthy argument between Mr. Williams and Lee Warren, ADA inspection requirements would be investigated to ensure that all requirements are met by either Bureau Veritas, the City's current inspection provider, or by a State inspector. Mr. Williams also expressed concerns that the Commission was implementing too stringent rules that would not allow a business owner the opportunity to utilize his building.

John Politz motioned to approve the Ordinance # O-2012-0410-001 with amendments to the percentage allowed for residential to be 60% Commercial/40% Residential. Craig Overstreet seconded the motion. Motion carried 4 to 1 with Lee Warren voting against. Bill Nerwich motioned to delete the owner occupant phrase with John Politz seconding the motion. Motion carried unanimously. Craig Overstreet motioned to amend the ordinance to reflect the residential area to be at the rear of the building farthest away from the building's store front with John Politz seconded the motion. Motion carried unanimously.

Bill Nerwich motioned to pass the ordinance with the amendments discussed. Craig Overstreet seconded the motion. Motion carried 4 to 1 with Lee Warren voting against.

PUBLIC HEARING – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO CHAPTER 77, "ZONING," OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY AMENDING SECTION 77-1, "DEFINITIONS," SECTION 77-94, "ACCESSORY AND INCIDENTAL USES," AND SECTION 77-100, "RETAIL AND RELATED SERVICE USES," RELATIVE TO DRIVE-IN AND DRIVE-THROUGH RETAIL AND COMMERCIAL FACILITIES AS ACCESSORY USES AND/OR PRIMARY USES ALLOWED BY RIGHT IN CERTAIN ZONING DISTRICTS

Chairman Waitschies opened the Public Hearing at 7:31pm and asked for those to speak for the zoning ordinance changes to allow drive-ins and drive-through uses. Kevin Meguire came before the Commission to express his request for the Commission to approve the zoning ordinance changes. Mr. Meguire referred to a Concept Plan for Blondie's Beer and Wine which was approved by the Planning and Zoning Commission and was later found that the drive-through style of business did not conform with the zoning ordinance thereby making their business illegal before being allowed to move forward. This project was placed on hold. Mr. Meguire had specific concerns regarding clarity, regards to an escape lane and stacking space of 20. Mr. Meguire asked the Commission to be careful and diligent in going forward in this process. Chairman Waitschies asked for anyone opposing the zoning amendment to step forward. No one spoke opposing. Chairman Waitschies closed the Public Hearing at 7:38pm.

City Attorney Alan Lathrom indicated that the zoning amendment ordinance does not require a Specific Use Permit. The ordinance presented allows for retail uses as accessory and stand along primary uses as identified in a zoning district with a "P" designation. Mr. Lathrom

indicated that he accessed other cities ordinances regarding stacking and used them as a guide since stacking on major highways and other roadways was the concern.

The Commission discussed escape lanes and the relationship to a fire lane. Typically a fire lane has enough room to travel around to exit the drive thru. Other questions arose regarding where first service begins. For Blondie's Beer & Wine, it would be at the entrance of the drive-through building. Mr. Meguire indicated that an additional fire lane has a cost factor of over \$60,000. City Attorney Alan Lathrom stated that there are instances where a fire lane could equal an escape lane and thereby not requiring an escape lane. John Politz stated he likes the stacking spaces to remain at 3. Commission discussed the stacking lanes and all concurred that 3 was sufficient. Alan Lathrom questioned if the Commission would like to keep the statement under Section 3 (g) and Section 4 (g) regarding Child-care and day schools for the stacking space to remain one space per twenty students on a circular drive. This particular statement would help alleviate issues in the future for child-care locations.

Lee Warren motioned to approve the ordinance by deleting escape lanes throughout the ordinance and changing all stacking requirements to 3 with the exception of the child-care. John Politz seconded the motion. Motion carried unanimously.

WORKSHOP TO DISCUSS AN AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING CHAPTER 62, ENTITLED, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," AND CHAPTER 65 ENTITLED "SUBDIVISIONS" TO AMEND THE SIDEWALK REQUIREMENTS BY ORDINANCE # O-2012-0508-001

City Manager Ben White informed the Commission that the sidewalk ordinance was not completed in time for the Public Hearing requirement and that there are a lot of tentacles that affected other ordinances. John Politz asked for examples of each style of street per the Exhibits presented. Currently the City does not have any streets that are identical to Exhibit A. Exhibit B could be compared to Farmersville Parkway. Exhibits C, D and E are collector streets such as Main Street which feed to smaller residential streets. Mr. White indicated that the Public Hearings will be prepared and ready for Commission action at the next P&Z meeting.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

Lee Warren requested to discuss egress for dual types of occupancy to separate them for the first and second floor.

ADJOURNMENT

Craig Overstreet motioned to adjourn with Bill Nerwich seconding the motion. P&Z Commission adjourned at 7:19 p.m.

ATTEST:

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Tom Waitschies, Chairman

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Edie Sims, City Secretary