

FARMERSVILLE PLANNING & ZONING COMMISSION
REGULAR SESSION MINUTES
APRIL 16, 2012

The Farmersville Planning and Zoning Commission met in regular session on April 16, 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

Chairman Tom Waitschies 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 MARCH 19, 2012

Lee Warren motioned to approve the minutes as presented from March 19, 2012 with Betty Sergent seconding the motion. Motion carried unanimously.

WORKSHOP – EXPECTATIONS AND REQUIREMENTS OF PLANNING & ZONING COMMISSION

City Manager Ben White came before the Commission to discuss what will be changing from the staff's perspective. When an item is presented to the Commission for review and recommendation, the staff will include a response and recommendation. This will allow details to be checked, such as the Police Department's surety of an operation – whether previous problems have existed or not. Other items from time to time will be presented for approvals which add value to the request. The Commission can start expecting research to be provided from City staff. From P&Z, Mr. White encouraged a member of the P&Z to come before the City Council when an ordinance is being recommended to Council to clarify questions and support the ordinance as presented. Making this appearance may help shorten the cycle of an ordinance and allowing passage or denial. Having a representative from the P&Z at Council meetings would also allow understanding of what is expected from the Council of the P&Z Commission. Lee Warren suggesting having a large map available as well when property is being discussed.

PUBLIC HEARING – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING CHAPTER 62, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACED," AND CHAPTER 65 ENTITLED "SUBDIVISIONS" TO AMEND THE SIDEWALK REQUIREMENTS BY ORDINANCE # O-2012-0508-001

Chairman Waitschies opened the Public Hearing at 6:45pm and asked for those to speak for the zoning ordinance changes regarding sidewalks. City Attorney Alan Lathrom indicated that Section 65-576 was not addressed and would conflict with Chapter 62 and 65; therefore requiring a second Public Hearing. Lee Warren motioned to move this item to the next meeting to allow for a public hearing to resolve conflicting language in the ordinance with Betty Sergent seconding the motion. Motion carried unanimously.

RECONSIDER, 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 IN THE CENTRAL AREA DISTRICT

City Manager Ben White informed the Commission that the Council has requested the Commission to reconsider the ordinance regarding living quarters on the first floor within the

Central Area District. This was brought back due to the issue of owner/occupancy. The original ordinance submitted to the City Council for approval had removed the statement requiring owner/occupancy as a requirement to having living quarters on the first floor. Previously, the Commission concurred that the City should not enforce who lives in the facility. This issue should be between the owner of the building and the occupant.

Paul Kelly interjected that a citizen came forth and did not have an issue with the 60/40 percentage; however the occupancy issue was not advantageous to the business owner if stipulated owner/occupant. The question remains if the business failed yet the resident remained, how would this affect a future business? City Manager Ben White indicated that the current form will not be passed by City Council. Lee Warren stated the less government involvement, the better. Bill Nerwich asked why an ordinance would pass that is unenforceable. This is the main reason the owner/occupancy requirement was removed. Mr. Nerwich also stated that we have a tenant in an unused business setting downtown, yet it keeps the building from dying.

Donna Williams, of Red Door Antiques, came before the Commission expressing her concerns regarding the issue. Mrs. Williams expressed owners needed to be allowed to utilize their property with a residence on the first floor. It will give extra attention to downtown security and keep life on the square after 5pm. Mrs. Williams asked for the mistakes that had occurred in the past regarding residential living downtown and if the boarded up windows bring a quality and investment to the downtown area. Another topic brought up was the restroom requirement. In their store, the Williams' offer restroom facilities and open those facilities during events which helps promote business. The use of restroom facilities, she believes, should be left up to the business owner. Mrs. Williams encouraged the Commission to reconsider allowing living quarters on the first floor buildings as the potential purchase of the Candy Kitchen building is only one story yet it has 11,000 square feet of area.

Paul Kelly commended Mrs. Williams sharing her viewpoint and encouraged others to come forth and present their opinions. Mr. Kelly also encouraged Mrs. Williams to present her thoughts at the Council meeting when this item is presented.

Bill Nerwich motioned to have the original ordinance return to Council with the recommendation to approve as presented which has the 60/40 living space percentage and removing the stipulation of owner/occupant requirement. Lee Warren seconded the motion.

As a continued discussion, Lee Warren expressed concerns of deliveries being made from the front of the store on the square versus in the rear of the building due to conflict with the residential area. Mr. Warren stated he would like to see a separation of commercial/retail space versus residential space.

With a motion and second on the floor, the motion was passed unanimously. A public hearing will be rescheduled for the May 22nd City Council meeting for reconsideration.

ADJOURNMENT

Bill Nerwich motioned to adjourn with John Politz seconding the motion. P&Z Commission adjourned at 7:23 p.m.

ATTEST:

Tom Waitschies, Chairman

Edie Sims, City Secretary