



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION MINUTES  
for  
January 23, 2017**

**I. PRELIMINARY MATTERS**

- Chairman Craig Overstreet presided over the meeting which was called to order at 6:30 p.m. Commissioners Sarah Jackson-Butler, Charles Casada, Russell Chandler, Chad Dillard, and Paul Kelly were in attendance. Commissioner Bobby Bishop was absent due to a conflict of interest that was brought to the attention of the Commission at the last meeting. Also in attendance were City Manager, Ben White; City Attorney, Alan Lathrom; Council Liaison, John Klostermann; Staff Liaison, Sandra Green; and Assistant to the City Manager, Paula Jackson.
  
- Paul Kelly said the prayer and Craig Overstreet followed with the pledges to the United States and Texas flags.

**II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

- A. Consider, discuss and act upon minutes from December 19, 2016.
- Motion to approve the minutes as written made by Russell Chandler
  - 2<sup>nd</sup> to approve made by Sarah Jackson-Butler
  - All members voted in favor
- B. Consider, discuss and act upon a request to add Towing and Recovery as a business type under the Automobile Service Use in the Comprehensive Zoning Ordinance for Highway Commercial (HC) and Commercial (C).
- Craig Overstreet reminded the Commission the public hearing was held at the December 19<sup>th</sup> meeting and this meeting is just a continuation and conclusion of that meeting.
  - Alan Lathrom addressed the Commission and stated that he reviewed the Ordinances of five cities around the area to see how they have addressed wrecker services, auto storage yards, salvage yards, and similar type uses. The Ordinances from the City of Anna, Melissa,

Murphy, Greenville, and Wylie were considered when researching for the type of use. He included a copy from all of the cities regarding the ordinance language and excerpts as backup. He explained that he did not include information from the Cities Comprehensive Plans or their Zoning Ordinances to identify the locations in which they allow the zoning districts or particular uses. To identify the exact location the Commission would need to look into the City of Farmersville's Comprehensive Plan and Zoning Ordinance to see where it fits.

- Paul Kelly asked if the City wants to allow the wrecker and storage service in the highway commercial or commercial districts or does it need to be moved to the light industrial. Anyone can see what it looks like now and the City may not want the highway commercial front to have big panels for screening at that location even if they were granted a specific use permit. He suggested moving the use out of highway commercial and move it to light industrial and then set up definition for the use and requirements.
- Craig Overstreet indicated the decision at the meeting would be to either allow the use in highway commercial or commercial, not to place it another location.
- Russell Chandler stated he agreed with Mr. Kelly.
- Craig Overstreet made the comment that automobile uses are allowed in the highway commercial district.
- Alan Lathrom stated there are some limited automobile uses such as convenience stores with gas islands that are allowed in highway commercial and automobile sales are allowed. But, there is currently not a use for a towing and wrecker service in the highway commercial zoning classification or the commercial zoning classification. The way the Ordinance is crafted allows for when a new or unlisted use comes before the Commission a recommendation can be made as to the appropriate zoning district where it might be allowed and then forward it to City Council for their consideration. He also explained that most of the ordinances that were pulled from neighboring communities were all in the light industrial or the heavy industrial districts with a specific use permit or by right, depending on the city.
- Charles Casada stated the Commission is looking at tax dollars that could come to the City. Although, he agrees with the location maybe they need to look at trying to keep the business here.
- Craig Overstreet explained that at the last meeting Mr. Kelly told the applicant the Commission did want his business here, but it may or may not be at the present location.
- Chad Dillard asked how the business was able to open without a use in the Ordinance.
- Sarah Jackson-Butler stated they received a certificate of occupancy.
- Ben White explained the business was given a certificate of occupancy to operate as an office only with no automobile storage or storage of any type. The idea was they would tow the car and then

get rid of the automobile before night so there would not be storage. But, that is not what has happened. The City can do things from its perspective to be lenient to this situation. For example, the City could give them time to come into compliance and that time limit could be really long. Ben stated he has spoken to the owners of Keel Towing and Recovery and suggested that two years would be given to them. This would allow the owners to move or do something different over time if the decision was the use is not allowed in highway commercial.

- Paul Kelly asked if there would be restrictions placed on the business if the Commission allowed the business to stay at the present location for two years.
- Ben White indicated the only restrictions that were explained to the owners was that the business could not grow beyond where it currently was, and the amount of automobiles would be limited to 70.
- Paul Kelly stated that amount of cars was way too many.
- Ben White explained the City could change that number, but the idea was to try and retain the business and make a good pathway for them to come into compliance.
- Paul Kelly stated that would give the City enough time to find a place for the business and write and structure an Ordinance.
- Craig Overstreet and Russell Chandler both agreed that two years was too long.
- Craig Overstreet explained the owners knew what they were doing when they came into the City and received a certificate of occupancy for an office and then brought 70 cars. He feels that one year is sufficient time.
- Ben White stated the two years was a judgement call to allow them to go to the next step in Farmersville.
- Paul Kelly inquired as to how many employees from Farmersville were employed by them.
- Ben White answered by stating when he was at the business he saw the owner, his wife, and one other employee.
- Chad Dillard stated there are several wreckers in and out of the business all the time.
- Sarah Jackson-Butler explained the owners had stated there were four or five employees, but they did not indicate how many lived in Farmersville.
- Ben White stated that he was willing to listen to agreements for allow less time.
- Paul Kelly asked what would be needed from the Commission to make the recommendation to City Council to go in whatever direction they wanted to go in giving the owners that time frame because he did not feel that was within the Commissions jurisdiction.
- Ben White stated that would be with the City's daily enforcement.
- Alan Lathrom explained the Commission could make a motion and the motion had to be in conjunction with the posting. The motion could

state whether the use would be allowed in the highway commercial zoning and commercial zoning districts and tag on what district it might be more appropriate in.

- Craig Overstreet stated the City is telling all current businesses and future businesses they have to abide by the highway commercial and commercial zoning requirements. But, Keel Towing and Recovery was possibly going to be allowed to stay for two years and that does not seem fair.
- Ben White explained the City gave them an appropriate amount of time to try and hold on to a business in Farmersville.
- Craig Overstreet asked if the City has spoken to the owners about their lease terms.
- Ben White stated that he did not discuss their lease terms, but they did discuss the duration of two years and the owner thought that was appropriate.
- Craig Overstreet continued by saying that if their business was manufacturing or something similar it would be different, but the owners could have the cars out in one night.
- Chad Dillard stated the problem seems to be where the business would go.
- Sarah Jackson-Butler suggested the Commission break it down into two steps. First, where to place the use in the Zoning Ordinance and then come back with the duration of time to allow the use in the current location. She stated that Alan Lathrom indicated the use was allowed in light industrial with a specific use permit and heavy industrial by right according to all the other cities. She asked if the City knew how long the business had been occupying the current location.
- Paula Jackson indicated it had been approximately six months, with the understanding that their certificate of occupancy actually stated for office use only.
- Russell Chandler explained he would be compelled to go longer if the owners would have told the City upfront what they were going to do.
- Ben White stated he would be willing to present the idea to City Council and inform them what the City is doing and see if they agree or if they want to lower the time frame. In the meantime, the owners could be told it was being considered.
- Paul Kelly stated if the City allows the two years he would like to see a reduction in the number of cars that would be allowed.
- Ben White asked Paul Kelly if he had a specific number of cars in mind that would be allowed for those two years.
- Paul Kelly indicated 30 to 35, at the most.
- Chad Dillard recommended the City make the owners stripe the parking lot so the vehicles are not mirror to mirror.
- Ben White explained the City has just kept it to the number of vehicles the owners could have on the lot. The City will deliver a letter to the owners to inform them of what will be enforced.

- Paul Kelly stated the lot would look better if the owners paved the lot and stripped it.
- Ben White indicated the lot was rock before and is rock now, but the use has changed. If the City made that a requirement right now it would probably drive the business off.
- Charles Casada stated his understanding was that in the last meeting Dr. Goldstein, owner of the property, commented that the business had rights to ten acres.
- Ben White indicated there was more property, but Dr. Goldstein wanted to limit the number of cars.
- Craig Overstreet asked if there were any tax implications.
- Ben White stated the owners would probably pay sales tax. If the City's Ordinance was written to say we could collect a fee then there might be.
- Alan Lathrom indicated there would be sales tax if they charged fees for towing or storage.
- Paul Kelly explained he is afraid the City would give the owner's a certain time frame, they would use the time up, and then move the business to another city. Ben White stated that whatever the Commission and Council decides is what the City will enforce.
- Craig Overstreet stated he believed everyone agreed that the use needed to be moved to light or heavy industrial. He does not believe there is a consensus on the time frame.
- Ben White explained some on the Commission had stated that one year is long enough and the City can present that time frame to Council.
- Sarah Jackson-Butler stated that if they are already six months into their lease then the owners of the business only have six months out of the lease left, 18 months at the most. The City has to be consistent because with some of the other enforcement issues the City are quick to respond.
- Alan Lathrom indicated the Commission needed a motion.
- Charles Casada asked what the City would do after the one year time frame if they do not comply.
- Ben White explained the City would go into code enforcement mode. The City also has the right to revoke the Certificate of Occupancy.
- Alan Lathrom indicated the City can revoke the certificate of occupancy if the owners are not working within the perimeters of the certificate of occupancy. The City would have the right to shut them down and there could be some costs related to that.
  - Motion to move the use to Light Industrial (I-1) with a special use permit and to Heavy Industrial (I-2) by right made by Sarah Jackson-Butler.
  - Paul Kelly clarified by stating that the first part of that motion would be to deny the request to add towing and recovery as a business type under the automobile service use in the

Comprehensive Zoning Ordinance for highway commercial and commercial and then part two that was stated by Sarah Jackson-Butler.

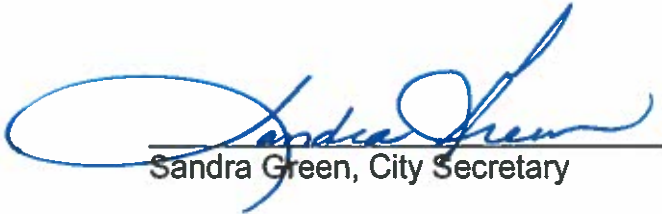
- 2<sup>nd</sup> to approve made by John Casada
- All members voted in favor

### III. ADJOURNMENT

- The meeting was adjourned at 7:12 p.m.
  - Motion to adjourn made by Paul Kelly
  - 2<sup>nd</sup> to approve made by Sarah Jackson-Butler
  - All members voted in favor

ATTEST:

APPROVE:

  
Sandra Green, City Secretary

  
Craig Overstreet, Chairman

