



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
For
August 21, 2017**

I. PRELIMINARY MATTERS

- Chairman Bobby Bishop presided over the meeting which was called to order at 6:32 pm. Commissioners Sarah Jackson-Butler, Wade Smith, Paul Kelly Luke Ingram, and Lance Hudson were in attendance. Russell Chandler was absent. Also in attendance were staff liaison, Sandra Green; City Attorney, Alan Lathrom; and Council liaison, Craig Overstreet.

- Paul Kelly led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding an addition to the Comprehensive Zoning Ordinance by establishing a new use that will allow the operation of motor vehicle towing, motor vehicle recovery, and motor vehicle storage.
- Bobby Bishop opened the public hearing at 6:34 pm and asked if there was anyone who wanted to speak for or against this item.
 - No one came forward so Bobby Bishop closed the public hearing at 6:34 pm.
 - Alan Lathrom gave the Commissioners some background on this item and why it came about. He stated this Ordinance was created to address the towing company that was located in highway commercial on U.S. Highway 380. Outdoor storage was not allowed in highway commercial and at a previous meeting the Planning & Zoning Commission recommended the use be allowed in heavy industrial by right and light industrial with a specific use permit.
 - Motion to approve recommendation to City Council made by Paul Kelly
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor

- B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding changes to the Comprehensive Zoning Ordinance by establishing a Temporary Use Permit to allow a recreational vehicle or travel trailer to be used as a temporary residence within the city limits.
- Bobby Bishop opened the public hearing at 6:37 pm and asked if there was anyone who wanted to speak for or against the item.
 - No one came forward so Bobby Bishop closed the public hearing at 6:37 pm.
 - Alan Lathrom indicated this item was brought before Planning & Zoning because a couple attended a City Council meeting and asked the City Council to allow them to live in their recreational vehicle while they remodeled their house. He stated the use chart on page 3, "Legend for interpreting Schedule of Use", needed to be changed for "T". It should read, "Designates use may be approved as temporary use permit, section 77-139".
 - Paul Kelly asked if there was a specific amount of time a person could live in the recreational vehicle/travel trailer.
 - Alan Lathrom explained the Ordinance was written to where a person could live in the recreational vehicle/travel trailer for 90 days, but it had to be parked on their driveway. It also had to be temporarily connected to electric and water.
 - Bobby Bishop asked if it was only for the repair or remodel of the home on the specific site.
 - Alan Lathrom indicated it would only be for the owners of the house on the specific site. It would not be for new construction. The temporary permit could also be issued by the City Manager.
 - Paul Kelly inquired as to how many renewals the homeowner could receive.
 - Alan Lathrom stated the homeowners could receive a permit for 90 days in a one year time period.
 - Bobby Bishop indicated 90 days may not be enough time for a homeowner to complete the work on their home.
 - Paul Kelly suggested the renewal go through City Council for approval.
 - Sandra Green stated the Ordinance did allow for an appeal process if the City Manager did not approve the request.
 - Paul Kelly asked how long the appeal process would take.
 - Sandra Green indicated the homeowner making the request would have 10 days to appeal and then it would be placed on the next available City Council agenda.
 - Alan Lathrom explained the City does not have a temporary use permit at this time, so one will have to be created. The current Zoning Ordinance does not allow for a temporary use process and this Ordinance is creating that.
 - Bobby Bishop asked if there was any problems with allowing recreational vehicles/travel trailers in the city limits.
 - Alan Lathrom indicated the problems are usually tied to enforcement. Having a temporary use permit in place is a way to help with the enforcement.

- Paul Kelly stated the renewal of the temporary use permit should go before the City Council for approval so if any neighbors had any complaints they could share those with Council.
- Bobby Bishop agreed and stated the homeowners would have to show some progress in order to renew the permit.
- Alan Lathrom stated if the Planning & Zoning wanted to create a renewal process for the temporary use permit, language would have to be added in the Ordinance to address it.
 - Motion to table until the next Planning & Zoning meeting to address changes for a renewal process made by Paul Kelly
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor

C. Public hearing to consider, discuss and act upon a recommendation to City Council in regards to adopting a new chapter of the Comprehensive Zoning Ordinance that will create a Historic Preservation Overlay Zoning District that will allow for the protection and preservation of individual historic structures, properties, and districts.

- Bobby Bishop opened the public hearing at 6:47 pm.
- Sarah Jackson-Butler recused herself because of a conflict of interest. She is a business owner in the Central Area District that would be affected by this Ordinance, so she left the room.
- Bobby Bishop asked if anyone wanted to come forward to speak for the Ordinance.
- No one came forward, so he asked if there was anyone who wanted to speak against the Ordinance.
- Rebecca Campbell who is the co-owner of 210 S. Main addressed the Commission and explained how her business would suffer from being in the classification of the Historic District. She stated small businesses have enough trouble succeeding because of the big stores. They support the community by giving to fundraising auctions and the Farmersville FFA and 4H. They also give discounts to parents and students who show animals, plus other money. If they have to start spending money because of the Historic District Ordinance, then they may have to pull their money for the auctions and other various groups they donate to and help with. She discussed the possible punishments if the Ordinance was violated. She stated she has had a good relationship with the City and even allowed the Police department to have access to their video surveillance for investigations. They want to opt out of being a part of the Historic Overlay District.
- Pete Campbell who is the co-owner of 210 S. Main addressed the Commission and he explained they do not understand the full impact of the Ordinance. The items that jump out of the document are regulations and fines. The Commission needs to look at the type of businesses they want this Ordinance to affect. He does not believe the Ordinance is good or beneficial for his business. He believes the City should allow people to opt out.

- Jeanine Smith who resides at 1433 Red Oak Circle addressed the Commission and stated she owns the Aston building. The address of the office building is 121 S. Main Street and it is on the Historic Registry. She does not think citizens have received enough information about becoming part of a Historic Overlay District. She stated they want to make sure that as historic property owners any designation or district would help property owners maintain their properties. More information on how it would affect those areas would be beneficial.
- Bob Heath who owns property 117 S. Main, the old bank building, addressed the Commission and stated he restored his building a few years ago. He encouraged the Commission to go forward with the Ordinance because there are benefits. He explained owners in the Historical District can receive benefits from the County, such as tax abatements. He stated over time many cities would have lost their historical importance without Ordinance's like this. It is mainly the outside of the structure that is being restricted and it is really not that restrictive.
- Bobby Bishop closed the public hearing at 6:59 pm.
- Paul Kelly asked why this Ordinance came before the Commission.
- Alan Lathrom indicated it came about when a downtown structure caught fire and burned a few years ago. It is designed to protect the downtown area and to help preserve the exterior of the structures. There are some penalties and fines, but it does not carry jail time. The Ordinance would come in to play when someone wanted to modify the exterior of the building and they would have to obtain a Certificate of Appropriateness. Then the repairs or changes they want to make will be evaluated to see if those changes and/or repairs are consistent with the historic structures there. The City wants the Ordinance in place to make sure there are no property owners that allow their building to fall into disrepair. Many people that do not have these guidelines start to see the historic buildings deteriorate. Once that happens you lose the downtown atmosphere. There are several items in the Ordinances that need to be fixed to suite Farmersville. There are some places or buildings that may not need to be in the Overlay District. The Planning & Zoning Commission and City Council will have to determine which areas and building they want to include in the Overlay District.
- Sandra Green explained this Ordinance is not retroactive. The City is not going to make owners change anything on your building unless they are modifying the exterior of the building. If a building was damaged or burns in the Historic Overlay District, the Ordinance would make the building be restored to its original historical look.

- Mr. Gary Stewart who has a rental property at 214 N. Rike Street stated they received a letter inviting them to come to the meeting. He wanted to know if the Ordinance was going to reach his rental house.
- Alan Lathrom stated they received the letter in the mail because the City is adding this to the Zoning Ordinance. He explained state law requires the City to notify everyone in the affected area and everyone who lives within 200' of the affected area. He explained since his house is located outside the boundary area of the Zoning change, his house would not be affected.
- Wade Smith asked about codes and whether this Ordinance could include historical homes within Farmersville.
- Alan indicated it could, but the City would have to notice each home to include it in the Overlay District.
- Bobby Bishop stated his concern was the man power it would take to accomplish this. He asked if we could use one of the City's current boards to sit as the Historical Commission.
- Alan Lathrom stated the City could utilize an existing board.
- Paul Kelly asked if the Commission should have workshops and invite citizens to give input on the Ordinance.
- Bobby Bishop stated he sees the need for some protection for our downtown area, but he knows we need something in place to help citizens understand the Ordinance.
- Paul Kelly stated there needed to be more information given out in order for the public to understand the Ordinance.
- Alan Lathrom stated the first draft is from the TSA and it is not meant to be a one fits all for each City. He thought it was a good idea for the Ordinance to stay in Planning and Zoning and then it could be broken down into smaller pieces for review. There is not a time frame it has to be completed by. We just want to create a well written Ordinance. For workshops we would not have to send notices to property owners, but when we bring it back for a vote the City would re-notice property owners.
- Mrs. Stewart asked if the drafts that will be created at the workshops could be posted on the website so people could read them and keep up with the Ordinance.
- Sandra Green told her that she would publish them on the website.
 - Motion to table and bring back at a workshop for the Planning & Zoning made by Paul Kelly
 - 2nd to approve made by Luke Ingram
 - All members voted in favor
- Commissioner Sarah Jackson-Butler was brought back into the room.

III. Items for Discussion and Possible Action

- A. Consider, discuss and act upon minutes from June 19, 2017.


- o Motion to approve made by Sarah Jackson-Butler
- o 2nd to approve made by Wade Smith
- o All members voted in favor

IV. Adjournment

Meeting was adjourned at 7:30 p.m.

ATTEST:

APPROVE:



Sandra Green, City Secretary



Bobby Bishop, Chairman

