



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
DECEMBER 16, 2019, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

If you wish to address the Planning & Zoning Commission on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding requested variances from the City's Subdivision Ordinance that require the proposed Tran 557 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a

recommendation to the City Council regarding the minor plat for the Tran 557 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Tran 557 Addition.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from November 18, 2019.
- B. Consider, discuss and act upon minutes from December 2, 2019.

V. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on December 13, 2019, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 13th day of December, 2019.



Sandra Green, City Secretary



I. Preliminary Matters

**II. PUBLIC COMMENT ON AGENDA ITEMS (FOR
NON-PUBLIC HEARING AGENDA ITEMS)**

III. Public Hearing

IV. Items for Possible Discussion

- A. Public hearing to consider, discuss and act upon a recommendation to the City Council regarding requested variances from the City's Subdivision Ordinance that require the proposed Tran 557 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the minor plat for the Tran 557 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Tran 557 Addition.



PLANNING & ZONING AGENDA ITEM

SUBJECT: Tran 557 Addition
MEETING DATE: December 16, 2019
DEPARTMENT: Planning
CONTACT: Sandra Green, City Secretary

RECOMMENDED CITY COUNCIL ACTION:

Public hearing to consider, discuss and act upon a recommendation to the City Council regarding requested variances from the City's Subdivision Ordinance that require the proposed Tran 557 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the minor plat for the Tran 557 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Tran 557 Addition.

ITEM SUMMARY:

- The application for a plat was submitted on October 10, 2019.
- The property is currently located in the City's ETJ on County Road 557, south of U.S. Highway 380 and north of County Road 606.
- The applicant has stated they intend to use the property to build a single family residence.
- The plat was reviewed by DBI for compliance with the Subdivision Ordinance and recommended a few changes to the plat.
- On November 4, 2019, the item was heard at the Planning & Zoning meeting where staff recommended denial of the plat until all comments had been addressed since no will serve letter was submitted and a variance was required for fire flows.
- Since the Planning & Zoning meeting, the applicant submitted the plat with changes and provided all the necessary utility paperwork required by DBI.
- DBI reviewed the corrected plat and recommended approval of the plat pending the applicant signing the ETJ Facilities Agreement.
- On December 12, 2019, staff received the signed ETJ Facilities Agreement from the applicant.
- Staff recommends approval of the plat.



November 14, 2019

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Tran 557 Addition, Lot 1 Block 1 Review
Dated November 6, 2019

Mr. White:

The above referenced plat has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant. A facilities agreement for utility services will still need to be completed, however.

It is recommended that the Minor Plat be approved pending the completion of the facilities agreement. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis". The signature is written in a cursive style with a large initial "J".

Jacob Dupuis, P.E.

COPY

AFTER RECORDING, RETURN TO:

City Manager
City of Farmersville
205 S. Main Street
Farmersville, Texas 75442

**City of Farmersville, Texas
FACILITIES AGREEMENT**
(*Rough Proportionality of Required Improvements*)

Tran 557 Addition, Lot 1, Block 1

THIS AGREEMENT, entered into effective the 11 day of December, 2019, by and between **CITY OF FARMERSVILLE**, a Texas municipal corporation and Type A general law city ("CITY"), and **TU AHN TRAN and MOLLY TRAN**, whose mailing address is 260 East Davis, McKinney, Texas 75069 (collectively "LANDOWNERS") witnesseth that:

WHEREAS, the Subdivision Ordinance of the City of Farmersville, Texas contained in Chapter 65 of the Farmersville Code (the "Subdivision Ordinance") establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, requiring the installation of adequate public facilities to serve the subject property and providing penalties for violations, among other things; and

WHEREAS, Section 65-1(b) of the Subdivision Ordinance extends the application of the Subdivision Ordinance to all of the area outside of the corporate limits of the CITY, but within the extra-territorial jurisdiction of the CITY ("ETJ"); and

WHEREAS, Section 65-82 of the Subdivision Ordinance requires the execution of a Facilities Agreement prior to the approval of a plat to facilitate the deferral of required public improvements; and

WHEREAS, the development of the subdivision to be known as ***Tran 557 Addition, Lot 1, Block 1***, which subdivision is situated in the ETJ of the City of Farmersville, involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNERS in accordance with Section 65-82 of the Subdivision Ordinance, as amended; and

WHEREAS, the Subdivision Ordinance also prohibits recording the Record Plat of a subdivision within the incorporated area and ETJ of the CITY until the LANDOWNERS have completed all of the public facilities required to serve

the property being developed that must be dedicated to the City ("Public Improvements") or has entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

WHEREAS, LANDOWNERS have appealed, or requested a waiver or variance, from the requirements that the Public Improvements identified in Paragraph D, below, (the "Appealed Improvements") must be included in the Minor Plat of the subdivision in the ETJ, to be known as *Tran 557 Addition, Lot 1, Block 1*, (the "Minor Plat") before said Minor Plat may be approved because the required design and construction of those Appealed Improvements is not roughly proportionate to the impact generated by the development proposed to be constructed on the "Property," defined below, as required by Texas Local Government Code § 212.904; and

WHEREAS, CITY concurs that the construction of one single-family home on the Property that is being platted as *Tran 557 Addition, Lot 1, Block 1*, does not generate impacts roughly proportionate to require the design and construction of the Appealed Improvements but cannot unilaterally enforce the City's zoning ordinance in the ETJ to restrict the use of the Property for one single-family home; and

WHEREAS, CITY and LANDOWNERS desire to enter into a Facilities Agreement through a Development Agreement authorized by Section 212.172 of the Texas Local Government Code that will allow for the conditional deferral of the design and construction of the Appealed Improvements, specify the uses that can be made of the Property, and require that the Appealed Improvements be designed and constructed prior to any change or modification in the use presently proposed for the Property all as provided hereinafter below.

NOW THEREFORE, in consideration of the intent and desire of the LANDOWNERS, as set forth herein, and to gain approval of the CITY to approve said Minor Plat and ultimately record the Record Plat with Collin County, the LANDOWNERS and CITY agree as follows:

A. PROPERTY

This Agreement is for Property located in the ETJ of the City of Farmersville, that is situated along the east side of County Road 557 containing approximately 15.80 acres of land, more or less, in the Morgan C. Hamilton Survey, Abstract No. 422, Collin County, Texas, and more fully described and depicted in the Minor Plat of the Property attached hereto as Exhibit A and fully incorporated herein by reference for all purposes allowed by law (the "Property").

B. USES ALLOWED ON PROPERTY

The use of the Property shall be limited to one single-family home on the Property, with Lot 1 containing approximately 15.80 acres of land, more or less. Subject to the foregoing restrictions and the specific limitations set forth herein, the use of the Property shall otherwise conform to the requirements of the ED - Estate Development District as set out in Section 77-52(b) of the Farmersville Code, as codified through Ordinance No. 2018-1023-002, enacted on October 23, 2018. However, due to the fact that the Public Improvements required to serve the full development potential of the Property are not being designed and constructed by LANDOWNERS the following permitted or accessory uses or uses requiring a special use permit under the ED - Estate Development District as identified in the Schedule of Uses are prohibited:

1. Bed and breakfast;
2. Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools;
3. College or university;
4. Community center (public);
5. Day care center;
6. School, public, private or parochial;
7. Country club;
8. Golf course (public);
9. Park or playground (public);
10. Playfield or stadium (public);
11. Recreation center (public);
12. Rehabilitation care facility
13. Swimming pool (public);
14. Swim and tennis club; and
15. Utility substation or regulating station.

C. DEDICATIONS FOR PUBLIC IMPROVEMENTS

LANDOWNERS hereby agree to dedicate the following easements and rights-of-way at no cost to CITY, in accordance with the CITY's Subdivision Ordinance and as approved by CITY Engineer.

1. THOROUGHFARES

LANDOWNERS shall dedicate, at no cost to the public use forever, that amount of right-of-way along perimeter roadways adjacent to the Property as reflected on the Minor Plat attached hereto as Exhibit A which dedication will yield one-half (½) of the ultimate right-of-way width that is not already dedicated by plat or legal instrument as road right-of-way at such time as the Property is platted. If platting of the Property is delayed and the perimeter roadway right-of-way described above has not previously been dedicated,

LANDOWNERS shall dedicate the right-of-way along perimeter roadways adjacent to the Property as required herein above upon receipt of the written request of the CITY's Engineer. Such right-of-way dedication shall include:

- a. The current dedication to CITY, at no cost to CITY, of an approximately thirty-five-foot (35') wide right-of-way emanating from the centerline of County Road 557, along the entire length of the western border of the Property immediately adjacent to County Road 557 that includes and conveys the interest in the existing prescriptive right-of-way to the public use forever.

The location of the foregoing described right-of-way dedication is more particularly depicted in the proposed Minor Plat attached hereto as Exhibit A and is incorporated herein by reference for all purposes allowed by law.

2. UTILITIES

LANDOWNERS shall dedicate all easements, at no cost to CITY, specifically including, but not limited to, easements for water, sanitary sewer and storm water drainage to provide service to the Property in accordance with CITY standards, at such time as the Property is platted. If platting of the Property is delayed and the easements described herein have not previously been dedicated, LANDOWNERS shall dedicate the easements as required herein upon receipt of the written request of the CITY's Engineer. Such easement dedication shall include those easements necessary to extend the CITY's water, sanitary sewer and storm water drainage lines (collectively "Future CITY-Owned Transmission Line(s)") to and across the Property in accordance with the CITY's Master Plan(s) together with easements for the connection points that will allow the Subdivision to be connected to the Future CITY-Owned Transmission Line(s) in accordance with CITY standards, at such time as the Property is platted. LANDOWNERS' easement dedication shall include:

- a. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running north-south across the Property adjacent to the eastern-most boundary of the thirty-five-foot (35') wide right-of-way dedicated to the public use forever in accordance with Paragraph C.1., above.

The location of the foregoing described easement dedication is more particularly depicted in the proposed Minor Plat attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes allowed by law.

D. CONDITIONAL DEFERRAL OF CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS UNTIL FURTHER DEVELOPMENT OCCURS

1. LANDOWNERS have appealed, or requested a waiver or variance, from the requirements of Section 65-41 of the Subdivision Ordinance that the LANDOWNERS shall design and construct certain Public Improvements because the LANDOWNERS' portion of the costs required for such Public Improvements exceed the amount that is roughly proportionate to the proposed development to be constructed on the Property as set forth in Paragraph B, above, and that such exactions exceed the limits allowed by Texas Local Government Code § 212.904.
2. CITY agrees that the required exactions exceed the impact of one lot designed for one single-family dwelling unit on such lot and hereby determines that LANDOWNERS are hereby conditionally relieved of the obligation to design and construct the following Public Improvements, at no cost to CITY, as required by Section 65-41 of the Subdivision Ordinance:
 - a. The requirement to construct sufficient system improvements to Copeville Special Utility District's water lines to make such system capable of supplying adequate domestic and fire flow to the Property, in light of the fact that the Property is situated within the certificated area of, and is currently served by, Copeville Special Utility District's rural water lines and which service appears to be otherwise adequate to provide domestic water supply only; and
 - b. The requirement to "connect to the City's wastewater system unless served by other means approved by the city council," see Farmersville Code § 65-48(b), in light of the fact that the Property and each lot therein is adequately sized to be served by on-site septic facilities; and
3. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B above, ("Change in Conditions") the conditional relief or deferral afforded to the LANDOWNERS from the requirements of Section 65-41 of the Subdivision Ordinance as enunciated in Paragraph No. 2 of this Paragraph D shall terminate and the LANDOWNERS shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNERS by and through Paragraph No. 2 of this Paragraph D provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNERS

reserve the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNERS to avoid the termination of the conditional relief or deferral afforded to the LANDOWNERS by and through this Agreement.

4. At such time as the Property or any part or portion of the Property is connected to the City's potable water system and/or sanitary sewer system, LANDOWNERS shall pay all then applicable tap fees, connection fees, meter fees, impact fees, pro rata fees and/or service fees as may be required by CITY regardless of the name by which such fees and charges may be called subject to the requirements of state law.

E. CONDITIONAL VARIANCES ALLOWED UNTIL FURTHER DEVELOPMENT OCCURS

1. For so long a period of time as the conditional deferral of designing and constructing the Public Improvements identified in Paragraph D is in effect and allowed, the following conditional variances to the then currently adopted editions of the *International Building Code*, *International Residential Code* and/or *International Fire Code*, and the Subdivision Ordinance are permitted provided that the LANDOWNERS indemnify and hold the CITY harmless from and against any and all claims arising out of or in any way related to the following conditional variances requested by LANDOWNERS:
 - a. The LANDOWNERS will not be required to escrow the funds necessary to design and construct the Public Improvements identified in Paragraph D that are being conditionally deferred.
 - b. The LANDOWNERS will be permitted to use a properly permitted on-site septic system for each lot on the Property that conforms to all requirements of the Texas Commission on Environmental Quality and the CITY.
 - c. The LANDOWNERS will not be required to collect drainage in an underground storm water system.
 - d. The LANDOWNERS will not be required to install a water system that is capable of furnishing the fire flow and pressures required by the City of Farmersville Fire Department (1,000 gallons per minute and 20 pounds per square inch residual pressure) intended to provide sufficient fire protection for the safe, efficient and orderly development of the City to all or any part of the Property.
2. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B

above, or the zoning on that portion of the Property which is situated within the City's corporate limits is changed to a more intense use, the conditional variances afforded to the LANDOWNERS as enunciated in Paragraph No. 1 of this Paragraph E shall terminate and the LANDOWNERS shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNERS by and through Paragraph No. 2 of Paragraph D of this Agreement provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNERS reserve the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNERS to avoid the termination of the conditional relief or deferral afforded to the LANDOWNERS by and through this Agreement.

F. CITY DEVELOPMENT ORDINANCES

If LANDOWNERS decide to develop the Property, LANDOWNERS shall develop the Property in accordance with the standards as set forth in the City of Farmersville zoning, subdivision and land development ordinances that are applicable in the ETJ or pursuant to this Agreement, including but not limited to provisions as to drainage, erosion control, pro rata payments, storm water, tree preservation, impact fees, Street Design Standards, Public Improvements Policy and construction standards except as herein specifically agreed to the contrary.

G. NO WAIVER

LANDOWNERS expressly acknowledge that by entering into this Agreement, LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees, shall not construe any language contained herein or in any Exhibits as waiving any of the requirements of the Subdivision Ordinance or any other ordinance of the CITY except as herein specifically agreed.

H. VARIANCES

It is expressly acknowledged that only those variances to the Subdivision Ordinance or other applicable CITY ordinances specifically stipulated in this Agreement are granted by CITY for this subdivision and/or development.

I. INDEMNITY AND HOLD HARMLESS AGREEMENT

LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees do hereby agree to fully indemnify, protect and hold CITY harmless from all third-party claims, suits, judgments, and demands,

including its reasonable attorney's fees, arising out of the sole or concurrent negligence of LANDOWNERS, and only to the extent or percentage attributable to LANDOWNERS, in the subdividing, development, or construction of public improvements, including the negligent maintenance thereof. LANDOWNERS shall not be responsible for or be required to indemnify CITY from CITY'S own negligence. LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees do hereby further agree to fully indemnify, protect and hold CITY harmless from and against any and all claims arising out of or in any way related to the CITY's approval and granting and/or termination of the conditional deferrals and conditional variances requested by LANDOWNERS and set out in Paragraphs D and E, above. The indemnity contained in this Paragraph shall expire five (5) years from the date of termination of this Agreement.

J. WITHHOLDING APPROVALS AND PERMITS

In the event LANDOWNERS fail to comply with any of the provisions of this Agreement, CITY shall be authorized to withhold any plat approvals and/or requests for permits associated with any development on the Property that conflicts with the provisions of Paragraph B of this Agreement or which requires compliance to Paragraphs D.3, D.4, or E.2 of this Agreement.

K. ROUGH PROPORTIONALITY AND WAIVER OF CLAIMS.

LANDOWNERS have been represented by legal counsel in the negotiation of this Agreement and been advised, or have had the opportunity to have legal counsel review this Agreement and advise LANDOWNERS, regarding LANDOWNERS' rights under Texas and federal law. LANDOWNERS hereby waive any requirement that the CITY retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the CITY as a condition of approval for the development of this Property are roughly proportional or roughly proportionate to the proposed development's anticipated impact. (These exactions may include but are not limited to the making of dedications or reservations of land, the payment of fees, the construction of facilities, and the payment of construction costs for public facilities.) LANDOWNERS specifically reserve their right to appeal the apportionment of municipal infrastructure costs in accordance with Tex. Loc. Gov't Code § 212.904. However, notwithstanding the foregoing, LANDOWNERS hereby release the City from any and all liability under Tex. Loc. Gov't Code § 212.904 regarding or related to the cost of any municipal infrastructure improvements required for the development of the Property.

It is the intent of this Agreement that the provision for roadway and utility improvements made herein constitutes a proportional allocation of LANDOWNERS' responsibility for roadway and utility improvements for the

Property. LANDOWNERS hereby waive any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution and Chapter 395 of the Tex. Loc. Gov't. Code. LANDOWNERS further release CITY from any and all claims based on excessive or illegal exactions; it being agreed that LANDOWNERS' infrastructure contribution(s) (after receiving all contractual offsets, credits and reimbursements as well as the conditional deferrals and conditional variances granted herein) is roughly proportional or roughly proportionate to the demand that is placed on the roadway and utility systems by LANDOWNERS' Property. LANDOWNERS further acknowledge that the benefits of platting have been accepted with full knowledge of potential claims and causes of action which may be raised now, and in the future, and LANDOWNERS acknowledge the receipt of good and valuable consideration for the release and waiver of such claims. LANDOWNERS shall indemnify and hold harmless CITY from any claims and suits of third parties, including but not limited to LANDOWNERS' successors, assigns, grantees, vendors, trustees or representatives, brought pursuant to this Agreement or the claims or types of claims described in this paragraph.

L. CONTINUITY

This Agreement shall be a covenant running with the land, and be binding upon LANDOWNERS, their successors, heirs, assigns, grantees, vendors, trustees, representatives, and all others holding any interest now or in the future.

M. ASSIGNABILITY

This Agreement shall not be assignable by LANDOWNERS without the prior written consent of the CITY, and such consent shall not be unreasonably withheld, conditioned or delayed by CITY.

N. TERM

Pursuant to Section 212.172 of the Texas Local Government Code this Agreement may be valid for a term of up to forty-five (45) years unless earlier terminated by breach or pursuant to the specific provisions of Paragraphs D or E of this Agreement.

O. GENERAL PROVISIONS

1. LANDOWNERS agree that construction shall not begin on any proposed building improvements prior to City Council approval of this Agreement.
2. LANDOWNERS agree that all coordination required with public and/or private utility agencies to eliminate conflicts with proposed street grades or underground improvements shall be the responsibility of LANDOWNERS. Likewise, coordination with agencies requiring special conditions (i.e.,

railroads and the Texas Department of Transportation) shall be the responsibility of LANDOWNERS.

- CITY agrees to record said Plat at such time as the Plat complies with the requirements set forth by the Subdivision Ordinance of CITY, and has been approved in the manner described therein.

CITY OF FARMERSVILLE

By: _____
JACK RANDALL RICE
Mayor

Date Signed: _____

ATTEST:

SANDRA GREEN
City Secretary

LANDOWNERS

By: Tu Ahn Tran
TU AHN TRAN

Date Signed: 12-11-19

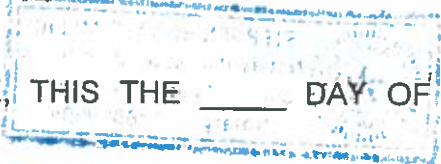
By: Molly Tran
MOLLY TRAN

Date Signed: 12.11.19

THE STATE OF TEXAS,
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JACK RANDALL RICE, Mayor of the CITY OF FARMERSVILLE, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____.



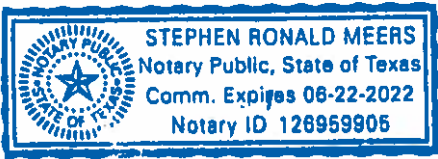
Notary Public _____ County, Texas
My commission expires _____

THE STATE OF TEXAS,
COUNTY OF Collin

This instrument was acknowledged before me on the 11 day of December, 2019, by TU AHN TRAN in his capacity as the Landowner of the Property situated along the east side of County Road 557 containing approximately 15.80 acres of land, more or less, in the Morgan C. Hamilton Survey, Abstract No. 422, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 11th DAY OF December, 2019.

Notary Public Collin County, Texas
My commission expires 6-22-2022

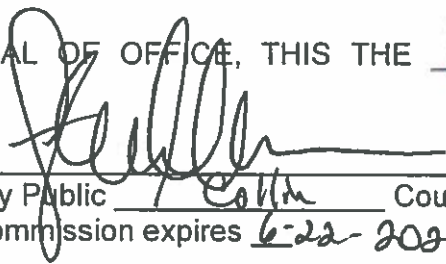


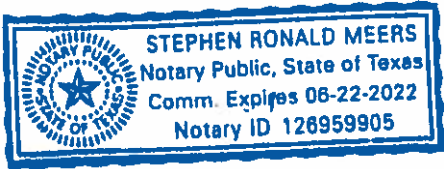
THE STATE OF TEXAS,
COUNTY OF Collin

This instrument was acknowledged before me on the 11 day of December, 2019, by MOLLY TRAN in her capacity as the Landowner of the Property situated along the east side of County Road 557 containing approximately 15.80 acres of land, more or less, in the Morgan C. Hamilton Survey, Abstract No. 422, Collin County, Texas, known to me to be the person whose name is subscribed to the

foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 11th DAY OF December, 2019.



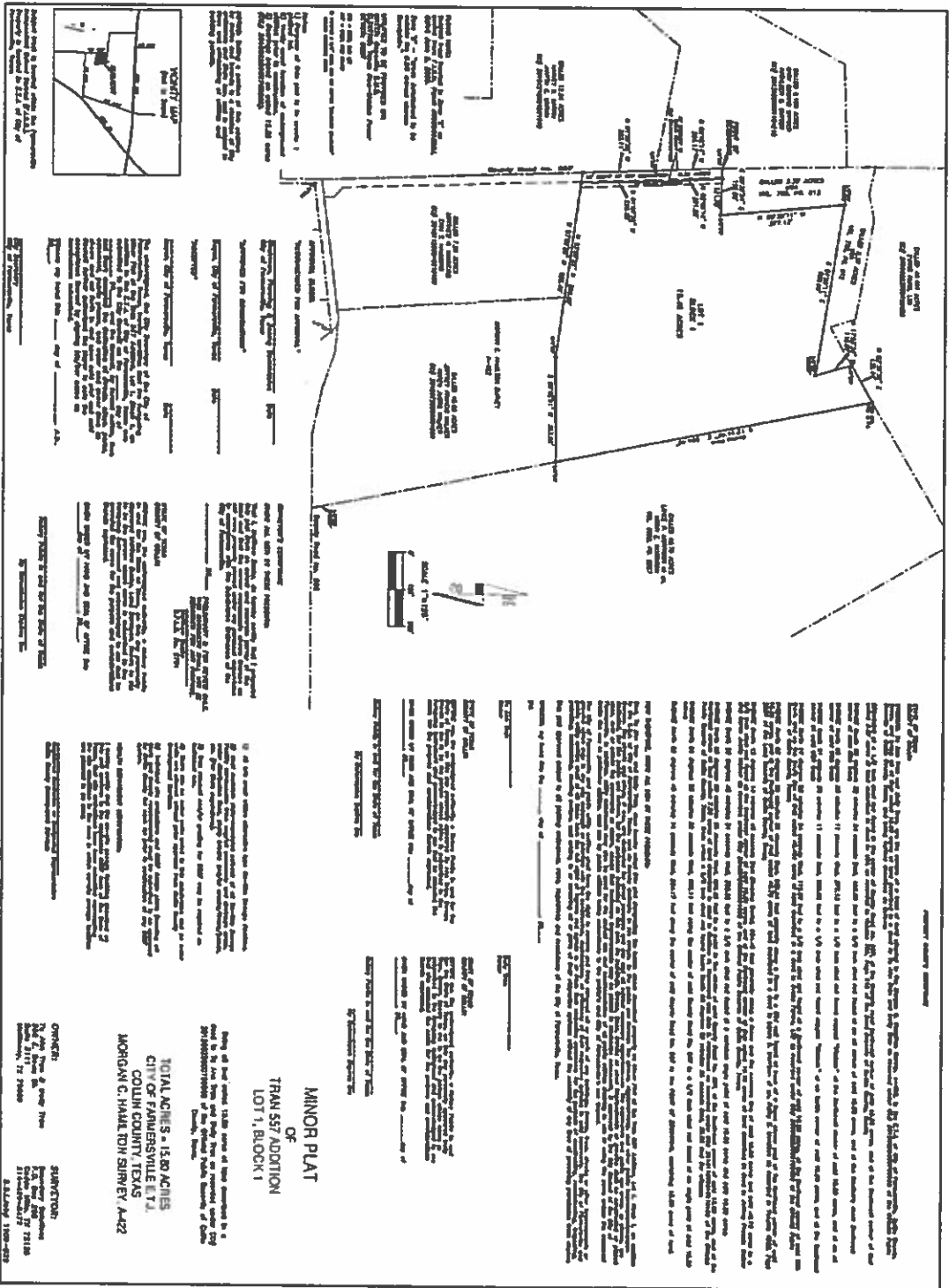


Notary Public Collin County, Texas
My commission expires 6-22-2022

PREPARED IN THE OFFICES OF:

BROWN & HOFMEISTER, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081
214/747-6100
214/747-6111 Fax





MINOR PLAT OF PROPERTY

EXHIBIT A

A. Consider, discuss and act upon minutes from November 18, 2019.



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
NOVEMBER 18, 2019, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Chairman Michael Hesse presided over the meeting which was called to order at 6:30 p.m. Commissioners Lance Hudson, Luke Ingram, John Klostermann and Leaca Caspari were in attendance. Brian Brazil and Rachel Crist were not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Attorney, Alan Lathrom and Council liaison Craig Overstreet.
- Craig Overstreet led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward.

III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 65, "Subdivision Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various sections of, and add certain new sections to, said Chapter regarding the timing and process to receive a determination on certain development applications to bring such provisions into conformity with new state laws adopted by and through House Bill 3167.

- Chairman Hesse opened the public hearing at 6:34 p.m. and asked if anyone wanted to speak for or against the item.
- Alan Lathrom, City Attorney, stated the new Subdivision Ordinance would address the changes known as the 30 day shot clock. He indicated the city had already been applying it, but we needed to match up the items to the ordinance. He stated the new law prohibits the city from requiring a 30 day waiver from the applicant, but the applicant can request a 30 day extension if they wanted to. He went through some of the changes that would just clean up the ordinance and indicated that he added some new definitions to the ordinance that would help clarify issues. He explained he added the new definition of "administratively complete" and deleted "submission date".
- Ben White indicated that in the definitions where it talked about being administratively complete he wanted to add that all necessary fees would be need to be paid.
- Alan Lathrom stated he would add that in the wording. He explained that he added in that a pre-development meeting prior to applying for a pat should be held so that application materials can be submitted correctly. He also said that he added the requirement for a letter of intent so that it would describe the property and explain the intended use. He indicated the ordinance requires the applicant to submit utility provider letters to the city to show that services would be provided on the property.
- Ben White stated he wanted to add internet to the list of required letters.
- Alan Lathrom explained he would recommend not adding that and taking out telephone and cable TV as well.
- Sandra Green explained she had a hard enough time just getting the water and electricity letters.
- Michael Hesse indicated that he would leave only the essential utilities for provider letters and leave out telephone, cable TV and internet.
- Leaca Caspari stated it would take some kind of joint effort between the developer and the city or utility providers to solve the internet problem and recommended telephone, cable TV nor internet be in the ordinance.
- John Klostermann stated it would eventually be more beneficial for providers to provide those services in the future.
- Ben White stated if the city did not require the internet letter then problems would arise from that later on when they do not have those services.
- Leaca Caspari stated she believed the ordinance should require essential utility letters at this point in time.
- Michael Hesse stated he agreed.
- John Klostermann stated there was no definite internet provider because people could choose their provider.
- Alan Lathrom stated that Section 212.904 of the Local Government Code limits the city's ability to require development exactions to those cost that are reasonably required for that development. For example, if there is no internet provider you cannot force a developer to install internet service.
- Lance Hudson stated that most developers would want internet services.

- Alan Lathrom indicated that if a developer wants to install internet services they can do that. The subdivision ordinance only requires the minimum utilities for developments.
- The Commission agreed that it needed to be limited to essential services for the utility letters.
- Alan Lathrom stated that replats had been changed under the new legislature. He stated that under the previous law a public hearing was required and property owner's notices had to be sent out to property owners within 200 feet of the property being replatted. The new law requires a public hearing only if a variance is requested with the application. Property owner notices are sent out after the plat is approved. He continued through the ordinance and stated areas that were just changed to match the new legislation or areas that he cleaned up that would help clarify sections.
- Chairman Hesse asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 7:41 p.m.
 - Motion to approve with corrections made by John Klostermann
 - 2nd to approve made by Leaca Caspari
 - All members voted in favor

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 77, "Comprehensive Zoning Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various provisions of said Chapter which regulate the building products, materials or methods used in the construction or renovation of residential or commercial buildings to bring such provisions into conformity with new state laws adopted by and through House Bill 2439.

- Chairman Hesse opened the public hearing at 7:43 p.m. and asked if anyone wanted to speak for or against the item.
- Alan Lathrom stated House Bill 2439 addressed building materials. He stated it prohibited the cities from adopting or enforcing any legislation that restricted a persons' ability to utilize an exterior construction material that had been approved by the International Code Council or National Code Council during the last three code cycles. A code cycle is three years. He stated the law spelled out that if any building material was ever allowed in one of those previous three cycles of codes then they are allowed to be used. The city can no longer put percentages for certain materials to be required. Those materials can be used anywhere in the city that does not have the designation as being historically significant or a few other areas as listed in the ordinance. In those areas we can regulate materials being used.
- Michael Hesse asked how many years the codes go back.
- Alan Lathrom stated they are updated every three years, so it would be for the last three code cycles, which is nine years. He indicated the city cannot regulate the materials for new residential construction, renovations,

- maintenance or commercial buildings. The Attorney General can bring a suit, grant relief and seek attorney's fees if the city violates the new law. He stated if the property has a Home Owner's Association they can adopt covenants and deed restrictions that require certain materials. Deed restrictions have to be enforced by the Home Owner's Association. The new law only applies to buildings and does not apply to structures, such as fences or screening walls.
- Lance Hudson asked if there would be any restrictions on HUD Homes or trailers.
 - Alan Lathrom stated if someone had to have increased construction requirements because of wind standards those could be enforced. HUD Homes would still have to comply with the program requirements that are set out for those specific types of homes.
 - Ben White asked if the city would still be able to require certain roof pitches.
 - Lance Hudson stated that was more of an aesthetic issue.
 - Alan Lathrom stated that he added a definition for the historically significant area. He explained that the areas he thought were already identified as the areas of being historically significant were the Central Area District, the Farmersville Commercial Historic District and the Farmersville Main Street America Program Area.
 - Leaca Caspari stated she thought that at one point there was a program where people who owned older homes could qualify for a grant to renovate their home. She asked if those areas would be included.
 - Alan Lathrom stated if those areas were on the Historical State or Federal Registry then they would. He stated he would like to make sure that all the areas are covered in the ordinance. He indicated he gave them two options for a definition of a structure and they could utilize whichever one the Commission recommended. He said that nonconforming structures in a Historically Significant Area or known as a Significantly Important Building may also only be restored or reconstructed to have the same appearance that it had immediately prior to the damage or destruction. This prevents the building from losing its historical distinction. He explained that he spelled out in the ordinance what the house bill does right before it states the exterior construction standards. He felt this would be easier to see how there were some standards that were in conflict with the new law. Some of the provisions do not conflict with state law so he gave the Commission the choice to repeal all the materials or leave them in with the clause that the new state law would have to be followed. He explained leaving all the standards in the ordinance would make it easier if the law goes away in two years with new legislation. He stated requiring articulation of buildings could still be regulated because it did not affect the building materials being used.
 - Ben White asked about roof pitch and if it could be regulated.
 - Alan Lathrom stated he believed we could regulate the pitch of the roof unless someone asked to have a flat roof because that would affect the materials. He said the city could always offer an incentive to try and encourage contractor's to meet the city's desired architectural standards. For accessory structures he said he added that they had to maintain the same architectural

design, the appearance had to match the façade and roof pitch of the main structure if the main structure or the accessory structure was in a historically significant area. He also stated the new house bill extended to exterior lighting.

- Chairman Hesse asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:28 p.m.
- Leaca Caspari stated she would like some time to review the document.
- Alan Lathrom stated they could leave the ordinance the way it was, but staff just could not enforce the regulations the law does not allow.
- Chairman Hesse stated the Planning & Zoning Commission was going to table the item until the next meeting.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from November 4, 2019.

- Motion to approve made by John Klostermann
- 2nd to approve made by Luke Ingram
- All members voted in favor

B. Consider, discuss and act upon the final plat of the Potter Division.

- Sandra Green stated the property was in the Extra Territorial Jurisdiction (ETJ). She said the plat had been reviewed by DBI and they recommended approval.
 - Motion to approve made by John Klostermann
 - 2nd to approve made by Leaca Caspari
 - All members voted in favor

V. ADJOURNMENT

Meeting was adjourned at 8:38 p.m.

ATTEST:

APPROVE:

Sandra Green, City Secretary

Michael Hesse, Chairman

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- B. Consider, discuss and act upon minutes from December 2, 2019.
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**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
SPECIAL SESSION MEETING
DECEMBER 2, 2019, 6:30 P.M.
COUNCIL CHAMBERS, CITY HALL
205 S. Main Street**

I. PRELIMINARY MATTERS

- Chairman Michael Hesse presided over the meeting which was called to order at 6:30 p.m. Commissioners Lance Hudson, Leaca Caspari, Luke Ingram, Rachel Crist, John Klostermann and Brian Brazil were in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Attorney, Alan Lathrom and Council liaison Craig Overstreet.
- Craig Overstreet led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward.

III. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a change in zoning from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses on approximately 0.671 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway

No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition.

- Chairman Hesse and Lance Hudson recused themselves due to a conflict of interest. Chairman Hesse had Luke Ingram conduct the meeting.
- Luke Ingram opened the public hearing at 6:35 p.m.
- Tyler Mahon, who represented Hudson and Hudson Homes, addressed the Commission. He explained the house was going to be a new home that would match the houses currently in the neighborhood. He indicated the house would be facing Main Street.
- Brian Brazil asked where the parking and driveway would be.
- Tyler Mahon stated the driveway would be off of Murchison Street.
- Rachel Crist asked about the driveway for the commercial business that is there. She was concerned the driveway would come over the property line to the proposed residential property. She wanted to know if the driveway was going away.
- Tyler Mahon stated he believed it would go away.
- Leaca Caspari wanted clarification on the actual acreage of the lot.
- Sandra Green stated she tried to get the surveyor to change the acreage but she had a hard time getting revisions from him.
- Leaca Caspari stated she would want clarification of what area was being rezoned before making a decision.
- Tyler Mahon stated the lot is currently an eye sore to the neighborhood and adding a house would clean it up a little.
- Luke Ingram asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:40 p.m.
- Ben White stated when he first looked at the item he could not tell what was going on with it. He said he wants to know where the retail business was in relationship to the lot line of the new proposed residential property. Also, he said he wondered if the people using the store could get to the business. He explained the buildable area is large enough to build a house on the property.
- Leaca Caspari stated she suspected the applicant is wanting to keep as much of the retail area as it is.
- Rachel Crist explained there used to be a home on that proposed lot.
- Leaca Caspari said she does not think the Commission could know for sure what the property owner is asking at this point. She feels more information is needed to make a decision.
- Brian Brazil feels comfortable with the intent, but not the design at this point in time until clarification is received.
- Alan Lathrom stated that when you start looking at the layout then that gets into site planning and not the zoning. He stated the question he would ask is the property owner wanting to rezone the full lot or does he want to rezone a portion of that lot. He explained it will be driven by the layout of the current configuration of the uses already on the lots.

- Motion to table the item until the Commission could receive clarification from the owner on what he wants rezoned made by Leaca Caspari
 - 2nd to approve made by Rachel Crist
 - All members voted in favor
- Chairman Hesse and Lance Hudson returned to the meeting.

- B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request to amend Exhibit C, "Development Standards," to PD – Planned Development Ordinance #2015-0922-002 applicable to the Camden Park Subdivision ("Subdivision") to reduce the minimum front yard setback from thirty feet (30') to twenty feet (20') and increase the minimum rear yard setback from ten feet (10') to twenty feet (20') for proposed Lots 14 through 31, Block G of Camden Park Phase 3, which lots are situated generally along or near a portion of the northern boundary of the Subdivision that is generally located north of US Highway 380 (W. Audie Murphy Parkway) and west of County Road 611 (Collin Parkway).
- Sandra Green stated the incorrect ordinance number was posted in the notice so the item had to be re-noticed for another meeting.

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon a recommendation to City Council regarding a text amendment to Chapter 77, "Comprehensive Zoning Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various provisions of said Chapter which regulate the building products, materials or methods used in the construction or renovation of residential or commercial buildings to bring such provisions into conformity with new state laws adopted by and through House Bill 2439.
- Leaca Caspari stated it looked like Alan Lathrom just left everything in the ordinance and added the verbiage that acknowledged there would be some changes and the new law would be in effect. She said it stated that staff would enforce the codes that were not in conflict with the new law. She indicated she felt that was a great way to have the ordinance written.
 - Alan Lathrom stated he identified the areas where staff could enforce the exterior standards, such as Historically Significant Areas or Historical Buildings. He said the ordinance would recognize that we cannot enforce those exterior standards in other areas of the city.
 - Michael Hesse stated it looked like we are adding in the verbiage that it has to be standards that were approved in the last three codes. He asked how often they were adopted.
 - Alan Lathrom stated they are adopted every three years, so the materials list would go back for nine years.

- John Klostermann asked if the city has the ability to not adopt the code.
- Alan Lathrom stated the adoption of the most recent codes is driven by a lot of factors and can affect several things. For instance not adopting the newest Fire Code can affect your ISO rating. It does not matter if you have adopted the codes or not, it is any of the national codes that have adopted within the last three code cycles.
- Michael Hesse asked if other states have gone down this path.
- Alan Lathrom stated that some have and some have not. He explained that most of the codes interconnect with each other.
- Michael Hesse stated that a lot of the Congressman did not realize what the bill would really do.
- Leaca Caspari stated it would be hard for people to understand when they come in to the city because those guidelines and codes that they can use are not addressed in the ordinance.
- Lance Hudson stated that most sidings or products are approved in the last three cycles of the International Codes.
- Alan Lathrom stated that was correct and the products and materials come with a detail sheet that tells what code it is approved with. Some materials will require certain installation guidelines that state more things have to be done to make it comply with the code. Alan Lathrom asked if the Commission thought he included all the significant areas in the town that they wanted to incorporate.
- Leaca Caspari asked if we could have the City Engineer overlay or show where the historical districts are located.
- John Klostermann asked if the Commission or staff could research where the historical districts are.
- Alan Lathrom stated we could always amend the ordinance in the future if we find out there are more areas that were designated prior to April 30, 2019. He said it cannot be anything with a new designation.
 - Motion to approve made by Lance Hudson
 - 2nd to approve made by Leaca Caspari
- Leaca Caspari stated she wanted to make sure the only changes were to the building materials requirements that were required by the new law.
- Alan Lathrom stated the changes dealt with the requirements of House 2439 and no other significant changes were made to the Zoning Ordinance.
 - All members voted in favor

V. ADJOURNMENT

Meeting was adjourned at 7:12 p.m.

ATTEST:

APPROVE:

Sandra Green, City Secretary

Michael Hesse, Chairman

V. Adjournment