

**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION AGENDA  
REGULAR CALLED MEETING  
AUGUST 20, 2012  
6:30 P.M., COUNCIL CHAMBERS, CITY HALL**

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors and Citizen Comments: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. *(Please note that the Planning and Zoning Commission cannot respond to, discuss or take any action regarding citizen comments made hereunder because of the limitations established by the Texas Open Meetings Act, Texas Government Code Chapter 551, violations of which Act carry criminal penalties.)*
- Planning and Zoning Commission Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, and condolences.

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

- A. Discuss, approve or disapprove minutes from July 16, 2012 and July 26, 2012 Planning & Zoning Meetings

**III. PUBLIC HEARINGS**

- A. Public Hearing to consider, discuss and act upon a request to rezone the property located at 101 Candy Street from Central Area (CA) District uses to Commercial (C) District uses
- B. Public Hearing to consider, discuss and act upon a request for rezoning (Camden Park) from Planned Development District with Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses to Planned Development District with Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses and exceptions from: the requirements established by the base zoning of Single-Family 3 (SF-3) District uses regarding lot width, side yard setback, lot area, front yard setback, and lot coverage; and the requirements established by the base zoning of Multi-Family 2 (MF-2) District uses to allow storage facilities and medical/retail facilities in the Multi-Family 2 (MF-2) base zoning district. The property is generally situated north of US Highway 380 and west of County Roads 610 and 611 and located in the W.B. Williams Survey, Abstract A952, Tract 53, Block 2 of Farmersville, Collin County, Texas
- C. Public Hearing to consider, discuss and act upon a request to amend the Thoroughfare Development Plan to remove the Type "D" Collector Street proposed to extend north from US Highway 380 at a location situated west of County Roads 610 and 611 and running through the proposed Camden Park development from the Plan

#### **IV. ADJOURNMENT**

- No action may be taken on comments received under "Recognition of Visitors".
- The Commission may vote and/or act upon each of the items listed in the Agenda.

***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 August 14, 2012, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



**Tom Waitschies, Chairman**

**Dated this the 14<sup>th</sup> day of August, 2012.**



**Edie Sims, City Secretary**



**Dated this the 14<sup>th</sup> day of August, 2012.**



**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** August 20, 2012  
**SUBJECT:** Discuss, approve or disapprove minutes from July 16, 2012 and July 26, 2012  
Planning and Zoning Meetings

Minutes can be found at the following website:

[http://www.farmersvilletx.com/government/agendas\\_and\\_minutes/planning\\_and\\_zoning/index.jsp](http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp)

**ACTION:** Approve, make changes or disapprove minutes

(II - A)

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

The Farmersville Planning and Zoning Commission met in regular session on July 16, 2012 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bill Nerwich, Craig Overstreet, Betty Sargent, Lee Warren, Tom Waitschies and Bryce Thompson. Stanley Treadwell 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.

Chairman Waitschies informed the audience that the United Methodist Church has sent 35 youth into our community doing mission projects.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM MAY 21, 2012

Craig Overstreet motioned to approve the minutes as presented from May 21, 2012 with Lee Warren seconding the motion. Motion carried unanimously.

CONSIDER, DISCUSS AND ACT UPON A CONCEPT PLAN FOR CAMDEN PARK LOCATED AT THE INTERSECTION OF COUNTY ROAD 610 AND FARMERSVILLE PARKWAY ON THE WEST SIDE

Chairman Waitschies opened the topic to discussion with Jeff Crannell, engineer of the project and Ted Zadeh, owner of the property present. Jeff Crannell stated this particular project was initiated several years ago as a residential community. The project has resurfaced but now as an adult life community. With an older population, lifestyles and needs are changing. The project presented will accommodate such a lifestyle change which is a real market. The community will be designed and accommodating 55 + age group. The property will begin as a continuation of Farmersville Parkway and lead directly into the project of 100 acres. A large portion of the project will be single family homes, multi-family being a component to the project and utilizing the commercial zoning for retail and medical offices. This will be planned as a homogeneous area. The middle lower section of the property will be used for assisted living. The single family homes will be set on small zero lot line lots designed for little to very low maintenance which is a key component and goal.

The layout of the community is to have trails and walking paths which will bring people together and be able to walk to the neighborhood pharmacy or medical area. The plan is to have a rotation available from a single family unit to move to a multi family independent living, then on to assisted living, all within the same area for utilization of care and facilities.

Per Mr. Crannell, market studies are showing the need for this product. The plans are developed to have a "twin home" which is equal to a duplex or a zero lot line home with no change in the size of the lots. The community is set for flexibility for how the market is driven.

The single family area has intermittent areas throughout with trails that connect to an open greenbelt space. The intent is to have walking area with park benches where people travel on foot and will meet and greet. The houses are being built facing the back to view the greenbelt rather than inward to the street. Every house will connect to the trail system and facing each other for congregation. The original draw was the Senior Center. Ted Zadeh interjected that the cost of the homes will range from \$150-180,000.

Lee Warren questioned if this project was similar to Robson Ranch? Mr. Zadeh stated he is banking on the Senior Center being the center, but it will have a similar feel to Robson Ranch with a concentration of medical facilities as the main incentive.

There will be one main entrance which will be directly off of Farmersville Parkway. A second entrance will be an extension from Bob Tedford Drive. These are the only two entrances proposed for this project. The effort is to minimize the traffic and the developer believes two entrances are adequate.

Craig Overstreet questioned screening between the different uses with Jeff Crannell stating he was hoping screening will not become a necessity. The project is unique in that screening was not planned. There are enough natural buffers that will provide a low maintenance screening effect without prohibiting the flow of the project. However, there will be screening between the retail and residential. Fencing on each lot became a question as well. If a resident has a dog or wants to have a garden fenced off, there is enough area to do so; however the restrictions will be minimal fencing as backyard fencing will not be capable due to the design of the project. The residents will not own the backyard as it will be designated as the greenbelt. Ted Zadeh stated he does not want fencing so that this development has an atmosphere of inclusion.

Craig Overstreet also asked if the ponds are for aesthetics only. Jeff Crannell stated the ponds are for aesthetics and for retention and drainage purposes.

Tom Waitschies was concerned of security of the residents with all the homes facing a greenbelt and a trail that intertwines all the homes. Mr. Zadeh and Mr. Crannell felt confident that crime is not a huge concern. Key factors for this result from low crime rates in Farmersville and the Farmersville area for the past several years. If lighting would help, will accommodate, but the effort is to keep this development open.

Mr. Crannell stated this project will be in phases with the first phase being 60-65 single family homes. There is risk involved for the developer since this is not a normal subdivision. Medical offices are planned to front CR 611. In order for this development to be successful, there must be rooftops. Mr. Zadeh stated that he is hoping to see benefits from being in the newly developed TIRZ District.

Questions were asked regarding the age group for this development. Mr. Zadeh stated the homeowners will be required to be 55 +. Mr. Crannell interjected that the plan will not have intermixed age groups and will have deed restrictions; perhaps a Homeowners Association will be created to enforce.

Lee Warren indicated the lots do not fit according to the current zoning. Mr. Warren expressed he is not a fan of having smaller lots than what is already established by our Zoning Ordinance. Mr. Crannell replied the lots designed will work at this level. If the lots are any larger, it will take away from the open space and not be as effective. Ted Zadeh stated his major objective is to create a full service medical center to provide medical services to those living in the development and the surrounding areas. If the concentration of people is here, it will be more attractive to doctors to place their services here.

City Manager Ben White expressed a concern regarding the western extension of CR 612 which is in conflict with property owned by a Community Public Service which was also listed as a concern by the City Engineer. The developer stated he may have to move the entrance to accommodate; otherwise Texas New Mexico Power will be contacted to make other propositions to purchase the land.

Street width also become a topic of discussion. Currently the interior streets show a 50' width for right-of-way and 60' width for the main entrances. No deviations of the street widths are expected. Mr. White informed the developer that sidewalks are required and will need to have the sidewalks indicated on the Site Plan.

Lee Warren again stated he is not a fan of smaller lot sizes but because of the type of development, he can see the benefits of no to little maintenance.

The main questions discussed were the 20' lot setback and the distance between the homes being 5' on a zero lot line. From a safety factor, it seems the buildings should be free of obstacles and safely have 10' between the homes. Mr. White stated the zoning will need to be adjusted for this Planned Development which is specific to Camden Park. Alan Lathrom stated the Concept Plan must conform to the City's Ordinances and the Concept Plan can be approved subject to stipulations or conditions which will meet the City's current zoning ordinances. Section 77-136 allows the Commission to grant a deviation of the zoning for planned development regarding lot depth, width and setbacks as long as the deviation is spelled out in an ordinance. Multi-family zoning has flipped from being on the southeast corner to the southwest corner which will also be required to change by ordinance. This will all be subject to approval of the modifications to the Thoroughfare Plan.

Bill Nerwich stated he does not have a problem with a 3200 square foot lot, will be very nice on a zero lot line. However, there is concern of 20' setback versus 25' setback. The 20' setback does not have enough room. The garage usually establishes the setback. Vehicles that are parked in front of a garage is a foreseen problem. Side yard setbacks are fine. Lee Warren discussed that it would be a rare occasion to have more than 1 vehicle according to the type of homeowners. His issue is the 5' side yard setback and being able to fight a fire between homes. Bill Nerwich stated he would like to have statistics comparing the safety of 5' side yard versus a 10' side yard. Bill Nerwich stated he is for smaller lots and a necessity with this type of development but doesn't know if an extra 5' side yard would make a difference. Mr. Crannell stated the ordinance allows 5' side yards. He would be glad to incorporate 22' front setback. The deed restrictions can be written to keep cars off the streets and keep all vehicles on the driveways. Mr. White indicated the Commission be mindful of the corner lots and those setback requirements.

The discussion continued regarding "twin homes" which are otherwise known as duplexes or townhomes. These homes will have a shared firewall and have 10' side yard setbacks.

Bill Nerwich motioned to approve the Concept Plan with 22' front setback and include deed restrictions for the parking situation. The side yard setbacks will be reviewed to ensure the Fire Code is met.

Lee Warren stated he will accept the City Manager's recommendation to accept the changes as requested on the Concept Plan Sheet and update the Thoroughfare Plan to reflect Camden Park Concept Plan via the Comprehensive Planning process; and to accept the commercial zoning for storage facilities and medical retail; and to conditional approval to remove utility interest from the right-of-way; and finally to increase the 50' right-of-way to 60' right-of-way on the east entrance to the Senior Center. Mr. Warren stated he would agree to grant a variance regarding the lot width of 40' and a lot square footage of 3200 square feet on a zero lot line. Mr. Warren further stated he would agree to 22' setback for the front and reject the 5' side yard and making the space 10' between the structures. Mr. Crannell would like a

recommendation from the Fire Department. Mr. White stated he will follow up regarding the requirements.

Until further investigation of the side yard setbacks, the zoning is recommended to be placed on hold then amended based on the facts found. Notice of 16 days must be given to adjoining property owners and subject to an amendment of the Planned Development Ordinance along with the Thoroughfare Plan must be accomplished prior to approval by the City Council. Mr. White clarified that per his recommendation letter, items 1-5 could be approved with a change of 22' front setbacks. Item #7 must be conditional based on the Fire Code. Items 5 and 6 must come back to P&Z with changes to the Concept Plan. Item #7 has safety requirements that if 5' side yard setbacks are proven approved, then the Plan can go to the next step; however this must be brought back to the Commission to make a final decision and recommendation to the Council.

Bill Nerwich amended his motion to have the Concept Plan revised to accommodate recommendations from the City Manager for a recommendation to change the Planned Development Ordinance to allow zoning changes for zero lot line lots of 40 width and 3200 square foot; and a minimum of 20' front setback; and finally confirming the side yard minimum on a zero lot line lot. Lee Warren seconded the motion. Motion carried unanimously.

#### ADJOURNMENT

Lee Warren motioned to adjourn with Craig Overstreet seconding the motion. P&Z Commission adjourned at 8:00 p.m.

ATTEST:

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Tom Waitschies, Chairman

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Edie Sims, City Secretary

FARMERSVILLE PLANNING & ZONING COMMISSION  
SPECIAL SESSION MINUTES  
JULY 26, 2012

The Farmersville Planning and Zoning Commission met in special session on July 26, 2012 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bill Nerwich, Craig Overstreet, Betty Sargent, Lee Warren, Tom Waitschies and Bryce Thompson. Stanley Treadwell 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.

CONSIDER, DISCUSS AND ACT UPON A CONCEPT PLAN FOR CAMDEN PARK LOCATED AT THE INTERSECTION OF COUNTY ROAD 610 AND FARMERSVILLE PARKWAY ON THE WEST SIDE

Chairman Waitschies opened the topic to discussion with Lee Warren reminding the Commission that at the last meeting the front setbacks were to be changed from 20' to 22'. Another issue at the last meeting was the width between the homes.

City Manager Ben White came before the Commission stating he did a thorough review of the Code of Ordinances. A correction was made from his original recommendation letter which inferred 25' was the standard front setback. The correct front setback is 20' and the Concept Plan for Camden Park follows our setback requirements. Also since the lots are laid out as zero lot lines, the 5' side yard setback is also accurate according to our ordinances. Mr. White suggested to Jeff Crannell, engineer of the project, to leave the setbacks as originally portrayed. Presently the side yard setback is the biggest issue. At the last P&Z meeting, all issues were approved with exception of the side yard setback. Mr. White indicated he reviewed the Fire Code and the International Residential Code (IRC) which could allow as low as a 3' minimum side yard. Bureau Veritas, the City's contractor for inspections, was contacted and the side yard requirements were confirmed to be accurate and have been done in other subdivisions.

Mr. Crannell indicated that to clarify, the 5' side yard for this subdivision is actually 5' from eave to eave. Mr. White had indicated a possibility of installing sprinklers, but this is not the best option. Per the letter from Fire Chief Kim Morris, no specific fire codes would require sprinklers to be installed. The Fire Chief did recommend using fire rating material.

Lee Warren questioned with the width of the streets, would the Quint be able to travel and turn on the streets. Jeff Crannell answered the streets are standard sized per the City's requirements. There is not a variance to axle turning radius.

The Commission continued the conversation about guaranteeing the age limit of not less than 55 years of age. Jeff Crannell stated deed restrictions will be put in place through the attorney's office. Mr. Crannell also stated that multiple steps will be taken to make sure the requirements are met and to protect the developer as well as the City. City Manager Ben White stated there will be two opportunities to place restrictions into place: 1) Planned Development Ordinance will be changed with exceptions if approved by City Council; and 2) a Development Agreement will be in accordance with the wishes of the City as to how the property will be developed and the intricacies with more plans and drawings.

Mr. Crannell stated this is a conceptual plan and will process a more detailed plan now that this development has been taken in a positive direction. The "twin" homes will give the 10' side yard setback and there will be several sidewalk breaks to give a fire protection prevention

mechanism. The setbacks will be tight by being approximately 6' apart from the side yards, however it will not be just row housing. The plan is to place between 5 – 9 single homes in a section.

Mr. White stated from City Staff's perspective, there is a recommendation for approval. There can be restrictions on some things but we understand the product and Mr. White feels the City has reacted in the right manner. This will keep property values up all the while presenting a higher quality to see that it is maintained. The Commission will be able to see more of the aspects as the planning ensues.

Bill Nerwich stated that with a 5' side yard setback, a sprinkler system is not going to change nor protect the home next door. In effect, a fire would scorch the next door neighbors home causing damage from the heat, the sprinkler system will damage the contents of the existing home and potentially the next door home. A sprinkler system would be a waste, however having breaks between the homes is a great idea. Utilizing combustible products such as brick which allows dead air behind the brick wall is good or even hardi-board, or brick freeze. Mr. Nerwich stated the firefighters will be fighting the fire from the truck and will not go between the buildings. Their job is to protect first, then fight the fire. Mr. Nerwich stated he would not have a problem if products can be agreed upon and constrain from having more than 10 homes that are 5' apart. Again, sprinklers are useless.

City Attorney Alan Lathrom indicated that building materials can be imposed as an additional standard, but it will need to be written what percentage of what type of material is to be imposed. Bill Nerwich concurred that a percentage can designate also the side facing the other home which has a percentage which is non-combustible. Mr. Lathrom added that the designation can include masonry or hardi-plank and can stipulate by wall face. These exceptions should be identified in the Planned Development Ordinance.

City Manager Ben White asked if there will be several models for customers to choose from or just a certain number. Ted Zadeh informed the Commission that there will be 4-5 models for residents to choose from. Mr. White also indicated that these models will be pre-approved by Bureau Veritas and Daniel and Brown, Inc. will check the infrastructure of the project. The average square footage of a home will be between 1200 – 1500 square feet with 2 – 3 bedrooms. Some homes will be 2-story with a provisional elevator. The exterior models will be limited, but the internal part can be rearranged to meet the customer's needs.

City Attorney Alan Lathrom offered a motion in writing which reads as follows:

"Move to approve the Concept Plan for Camden Park, dated June 26, 2012, subject to the applicant's satisfaction of the following conditions:

1. Obtain approval of an amendment to the zoning on the property to modify the current requirements of the Planned Development Zoning District adopted and approved by Ordinance Nol. 2006-61 that will bring the Concept Plan into conformity with the zoning on the property in the following particulars, as well as any other matters in conflict therewith:
  - a. Correcting the locations of the areas in the Planned Development District at which Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses are to be situated;
  - b. Correcting the acreage of the land area attributed to a base zoning district of Single-Family 3 (SF-3) District uses from 77.20 acres of land to 551.13 acres of land;
  - c. Correcting the acreage of the land area attributed to a base zoning district of Multi-Family 2 (MF-2) District uses from 14.54 acres of land to 28.51 acres of land;
  - d. Correcting the acreage of the land area attributed to a base zoning district of Commercial (C) District uses from 9.06 acres of land to 15.27 acres of land;

- e. Reducing the minimum lot width in the Single-Family 3 (SF-3) base zoning district to 40 foot;
  - f. Reducing the minimum side yard setback in the Single-Family 3 (SF-3) base zoning district to require only a 5 foot setback on one side of any lot;
  - g. Reducing the minimum lot area in the Single-Family 3 (SF-3) base zoning district to require a minimum lot area of 3,200 square feet;
  - h. Modifying the minimum front yard setback in the Single-Family 3 (SF-3) base zoning district as may be required, particularly given the exception noted in the existing ordinance regarding corner lots with double street frontage;
  - i. Increasing the maximum lot coverage in the Single-Family 3 (SF-3) base zoning district to 60 percent; and
  - j. Allowing storage facilities and medical/retail facilities in the Multi-Family 2 (MF-2) base zoning district, if required following the realignment of the base zoning districts upon and across the property as noted above;
2. Obtain approval of an amendment to the Thoroughfare Development Plan removing the current Type D Collector from the Thoroughfare Development Plan;
  3. Eliminate the conflict between the proposed extension of County Road 612 reflected on the Concept Plan and the property owned by Community Public Service;
  4. Conform to all provisions of the City's Code of Ordinances and regulations; and
  5. Applicant shall deed restrict the Single-Family 3 (SF-3) District to senior housing with age restrictions, enforceable by a Property Owner's Association formed by Applicant, that conforms to the Housing for Older Persons Act and the Fair Housing Act.

Craig Overstreet recommended approval subject to the listed requirements by the City Attorney with Bryce Thompson seconding the motion. Motion carried unanimously.

ADJOURNMENT

Lee Warren motioned to adjourn with Bryce Thompson seconding the motion. P&Z Commission adjourned at 7:10 p.m.

ATTEST:

\_\_\_\_\_  
Tom Waitschies, Chairman

\_\_\_\_\_  
Edie Sims, City Secretary



TO: Planning and Zoning Commission  
FROM: Edie Sims, City Secretary  
DATE: August 20, 2012  
SUBJECT: Public Hearing to consider, discuss and act upon a request to rezone the property located at 101 Candy Street from Central Area (CA) District uses to Commercial (C) District uses

- A letter of request for rezoning is attached.
- A copy of the Zoning Map is attached showing the property is presently located in the CA District
- Ownership proof is attached.
- Draft Ordinance is attached for approval, changes and recommendations.
- Documentation regarding Spot Zoning is attached as information only.

**ACTION:**

- a) Open the Public Hearing and call the time.
- b) Ask for anyone to come forward and speak who is FOR the zoning change.
- c) Ask for anyone to come forward and speak who OPPOSES the zoning change.
- d) Close the Public Hearing and call the time.
- e) Commission to discuss the matter and review the Draft Ordinance presented.
- f) Approve or disapprove recommending the rezone request to the City Council for final approval with the Ordinance, including potential changes.

7/5/12

Planning and Zoning Commission  
Farmersville TX 75442

To Whom It May Concern,

My name is Rick Matthews. I am president of RNR Matthews and Co., INC. which owns real estate located within the Central Area District at 101 Candy Street, Farmersville, also known as 109 N Main. This was the location of McCraw's Candies, prior to its 2010 relocation.

The real estate consists of 4 adjacent buildings/roofs with interior access to each other and identified by the Collin County Appraisal District as 13a, 13b, and 13c. There is also a unique small piece of property (9b) that has no roof and no direct access to the street.

These properties are currently for sale by owner. I am negotiating a sale to Rex Thain, who wishes to relocate his business, Ride Right. The sale of this property is contingent on the ability to use the property to operate the business.

Ride Right is a 15 year old locally owned business that has operated in various locations in Farmersville, including 2 locations on the square and currently at 214 S Main Street. The company primarily produces protective gear used in rodeo and motocross sports. Product is normally custom made and shipped directly to the end user, although some clients choose to pick up their items at the location.

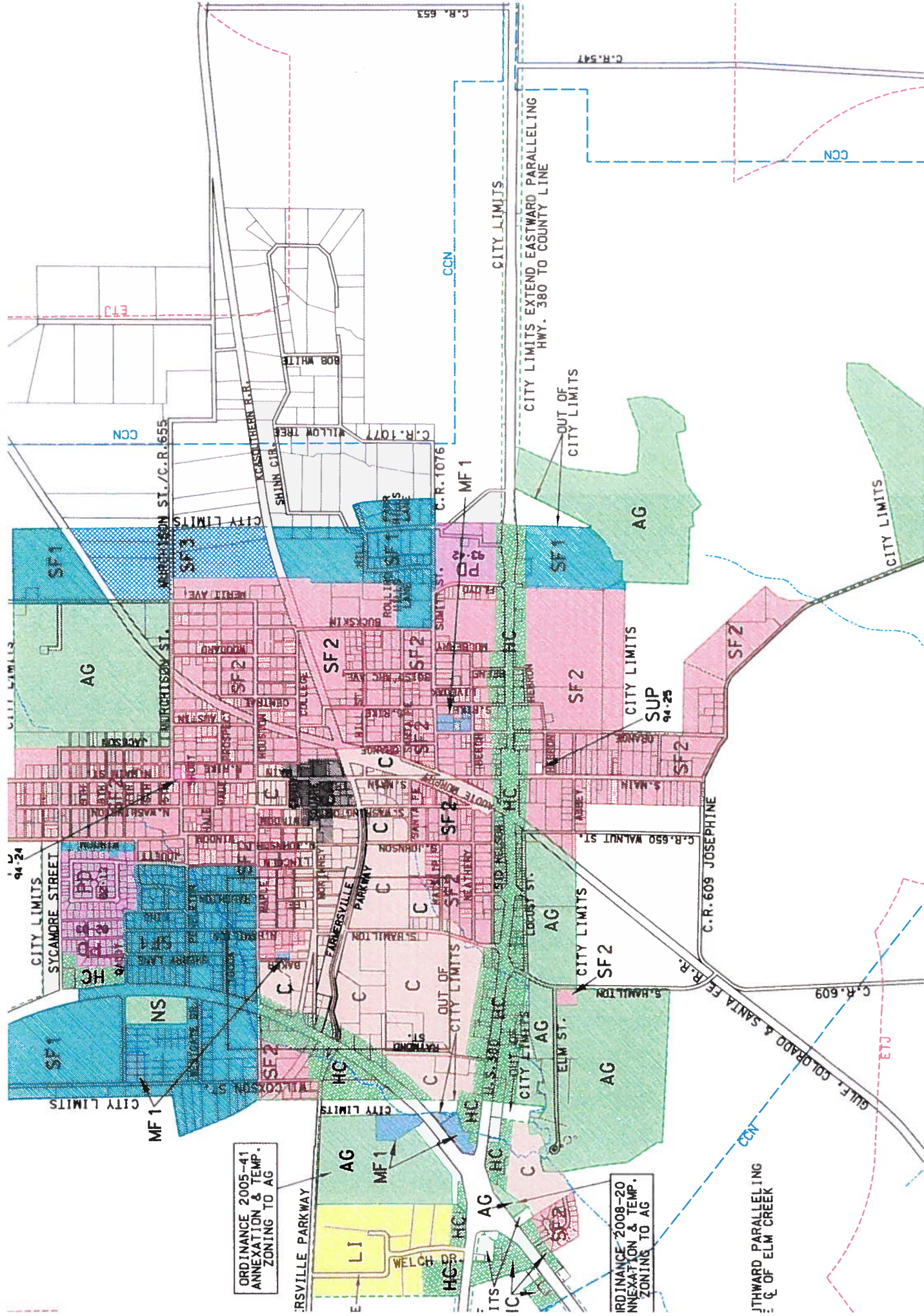
The reason for this letter is to request a zoning change on the above-mentioned property that would allow this property to be used by Ride Right. A zoning change to "commercial" that would allow commercial use and not prevent retail would be ideal. After all, is there any reason to prohibit retail space on this property? However, I would understand if existing ordinances do not allow for this at this time. If that is the case, this is a request to change the zoning to "commercial".

I believe that this is an appropriate use of this property for the following reasons:

1. The retail traffic flow patterns are limited by the narrow sidewalks on Main Street.
2. There are limited parking options that allow convenient access to entrances that front Main Street.
3. There is 11,000 sq ft of space under roof, which is too much space for many retail uses.
4. The cost to improve and/or subdivide the property is prohibitive.
5. The property easily lends itself to commercial use and was recently utilized as such for decades.

Thank you for considering my request.

  
Sincerely,  
Rick Matthews



ORDINANCE 2005-41  
ANNEXATION & TEMP.  
ZONING TO AG

ORDINANCE 2008-20  
ANNEXATION & TEMP.  
ZONING TO AG

# COLLIN CAD Property Details

Prop ID: 1228950 / Geo ID: R-1045-002-013A-1

## CURRENT PROPERTY INFORMATION

Owner's Name and Mailing Address	RNR MATTHEWS & CO INC 2709 DUNWICK DR PLANO, TX 75023-1431		
Location	101 CANDY ST FARMERSVILLE, TX 75442		
Legal Description	FARMERSVILLE ORIGINAL DONATION (CFC), BLK B, LOT 13A, 13B & 13C		
Agent			
Exemptions	Code	Description	
Taxing Entities	Code	Name	2011 Tax Rate
	CFC	FARMERSVILLE CITY	0.642901000
	GCN	COLLIN COUNTY	0.240000000
	JCN	COLLIN CO COMMUNITY COLLEGE	0.086300000
	SFC	FARMERSVILLE ISD	1.340000000

Data above as of 2012-07-27.

Data below 2012 Certified, as of 2012-07-25.

## MAPS and FORMS

- [Plat Map Image \(TIFF format\)](#)    
 [New! Plat Map \(PDF format\)](#)    
 [GIS Digital Map](#)    
 [Homestead, Over 65, or Disabled Person Exemption Application](#)    
 [Agricultural \(1D1\) Application](#)    
 [New! 2012 Notice of Appraised Value](#)

## 2012 CERTIFIED VALUE INFORMATION

Improvement Homesite	\$0
Improvement Non-Homesite	\$116,012
Total Improvement Market Value	\$116,012
Land Homesite	\$0
Land Non-Homesite	\$58,492
Land Agricultural Market Value	\$0
Total Land Market Value	\$58,492
Total Market Value	\$174,504
Agricultural Productivity Loss	\$0
Total Appraised Value	\$174,504
Homestead Cap Loss	\$0
Total Assessed Value	\$174,504

Note: A value of 0 may indicate that the notice of value has not yet been sent.

## 2012 CERTIFIED EXEMPTION INFORMATION

Exemption Code	Exemption Description
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## 2012 CERTIFIED VALUE BY TAXING JURISDICTION

Entity Code	Entity Name	Market Value	Appraised Value	Assessed Value	Taxable Value	2011 Tax Rate
CFC	FARMERSVILLE CITY	\$174,504.00	\$174,504.00	\$174,504.00	\$174,504.00	0.642901000
GCN	COLLIN COUNTY	\$174,504.00	\$174,504.00	\$174,504.00	\$174,504.00	0.240000000
JCN	COLLIN COLLEGE	\$174,504.00	\$174,504.00	\$174,504.00	\$174,504.00	0.086300000
SFC	FARMERSVILLE ISD	\$174,504.00	\$174,504.00	\$174,504.00	\$174,504.00	1.340000000

## 2012 CERTIFIED IMPROVEMENT INFORMATION

Imp. ID	State Category and Description
23681	F2 - REAL INDUSTRIAL

## 2012 CERTIFIED IMPROVEMENT SEGMENT INFORMATION

Imp ID	Seg ID	Description	Year Built	Sq Ft
23681	48516	MA - MAIN AREA	1960	10,400.0
Total Living Area				10,400.0

## 2012 CERTIFIED LAND INFORMATION

Land ID	State Category	Size-Acres	Size-Sqft
20672	INDUSTRIAL	0.335700	0

## VALUE HISTORY

Year	Imprv	Land	Market	Appraised	Assessed	Entities	Exemptions
2011	113,100	58,492	171,592	171,592	171,592	CFC, GCN, JCN, SFC	
2010	131,622	58,492	190,114	190,114	190,114	CFC, GCN, JCN, SFC	
2009	192,462	58,492	250,954	250,954	250,954	CFC, GCN, JCN, SFC	
2008	195,624	58,492	254,116	254,116	254,116	CFC, GCN, JCN, SFC	
2007	209,664	58,492	268,156	268,156	268,156	CFC, GCN, JCN, SFC	
2006	100,152	58,492	158,644	158,644	158,644	CFC, GCN, JCN, SFC	
2005	99,216	54,983	154,199	154,199	154,199	CFC, GCN, JCN, SFC	

For prior years' history, please click [here](#)

## DEED HISTORY

Seller Name	Buyer Name	Deed Date	Instrument	Deed Vol	Deed Page
BANCO POPULAR NORTH AMERICA	RNR MATTHEWS & CO INC	Apr 28 2009	20090504000522230		
MCCRAW'S CANDIES INC	BANCO POPULAR NORTH AMERICA	Dec 30 1899			
RNR MATTHEWS & CO INC	MCCRAW'S CANDIES INC	Sep 22 2006	1419220		
RADSAM INC	RNR MATTHEWS & CO INC	Jan 6 1994	0	94-	0004759
MCCRAW CANDIES INC	RADSAM INC	Oct 31 1988	0	2944	684

COHEN PROPERTIES INC	MCCRAW CANDIES INC	Jul 1 1988	0	2868	779
COHEN BESS ETAL	COHEN PROPERTIES INC	Jan 15 1987	0	2563	372
MCCRAW CANDY CO INC	COHEN BESS ETAL	Dec 1 1986	0	25370036	

*SB 541, effective September 1, 2005, provides that appraisal district websites cannot display photographs, sketches, or floor plans of an improvement to real property that is designed primarily for use as a human residence. Likewise, aerial photography of residential property will also be unavailable unless the photo depicts five or more separately owned buildings.*

**CITY OF FARMERSVILLE  
ORDINANCE # O-2012-0911-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE FARMERSVILLE CODE OF ORDINANCES SECTION 77-54, ARTICLE II, KNOWN AS "DISTRICTS ESTABLISHED" AND AMENDING SECTION 77-55, ARTICLE II, KNOWN AS "ZONING DISTRICT MAP" AS HERETOFORE AMENDED, SO AS TO ZONE: FARMERSVILLE ORIGINAL DONATION (CFC), BLOCK B, LOT 13A, 13B & 13C IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, AS COMMERCIAL DISTRICT (C) USES; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, after notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, heard this requested zoning change and recommended approval of the zoning amendment; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

**WHEREAS**, after notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that such change will not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and as well, the owners and occupants thereof, and the City generally;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE:**

**SECTION I.** All of the above premises are found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II.** The Farmersville Code of Ordinances as the same has been heretofore amended, is hereby further amended so as to assign Commercial District (C) uses to the following property:

Farmersville Original Donation (CFC), Block B, Lot 13A, 13B & 13C in the City of Farmersville, Collin County, Texas, as a base zoning of Commercial District (C), as depicted and described with more particularity in the Zoning Exhibit attached hereto as EXHIBIT A, and incorporated herein by reference.

**SECTION III.** It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

**SECTION IV.** All provisions of the ordinances of the City of Farmersville in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Farmersville not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION V.** That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION VI.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION VII.** This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

**PASSED** on first reading on the 28th day of August, 2012, and second reading on the 11th day of September, 2012 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS 11<sup>th</sup> DAY OF SEPTEMBER, 2012**

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Joseph E. Helmberger, P.E., Mayor

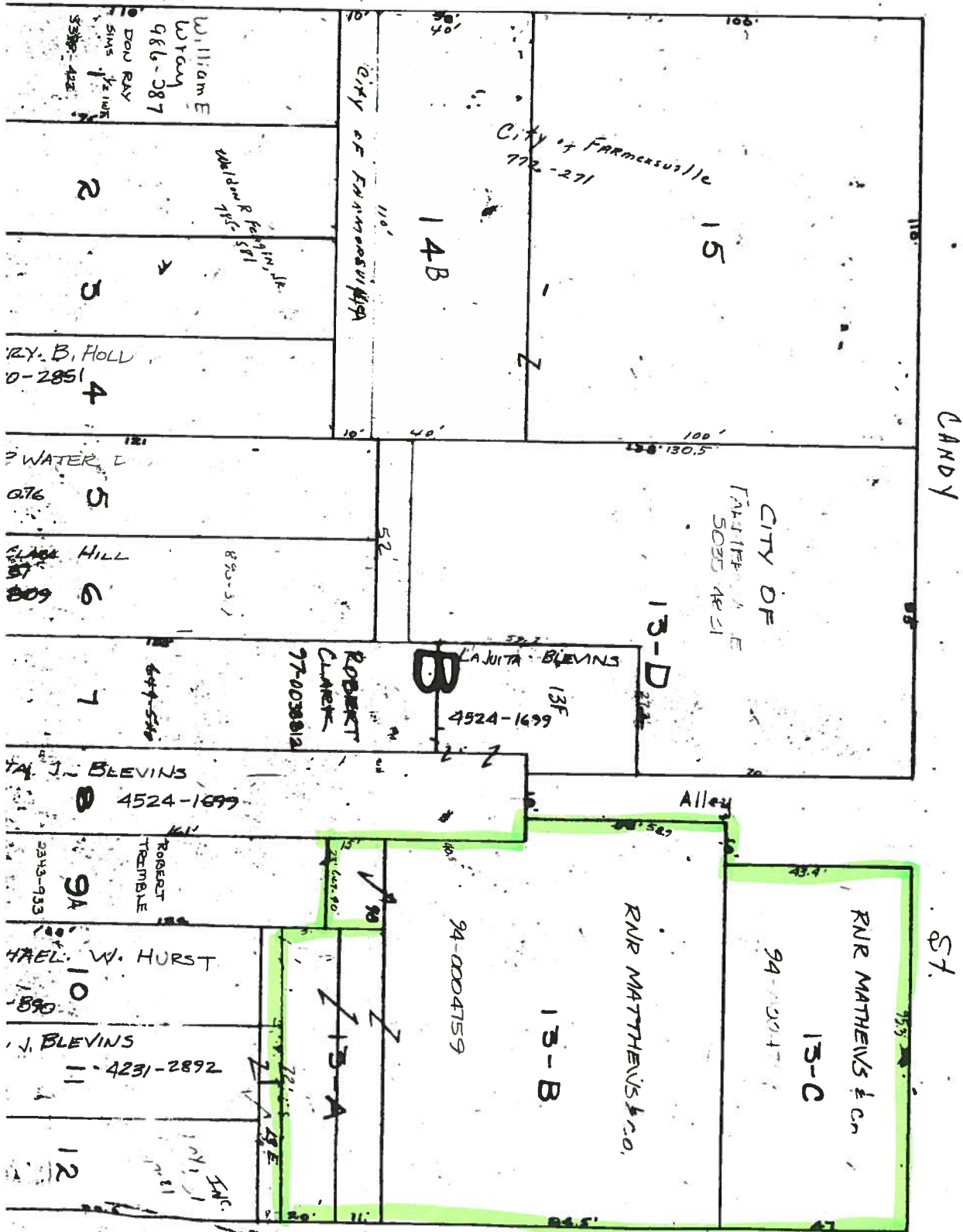
**ATTEST:**

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Edie Sims, City Secretary

# Exhibit "A"

WASHINGTON ST



board's function. In *City of Dallas v. Gaechter*,<sup>295</sup> the trial court was so convinced that a claimant was entitled to a variance that he concluded he had discretionary powers coextensive with the board to grant variances. At issue was violation of a Dallas sign ordinance that restricted sign heights near Love Field, but allowed the board of adjustment to grant variances. The building inspector had issued a permit allowing a sign 17.58 feet higher than authorized by the ordinance. After discovering the error, the city sued to enjoin construction. The trial court found that the sign was not a hazard to Love Field traffic, and that the error was caused by the building inspector's negligence. On appeal the court of civil appeals reversed the trial court's grant of a variance. The court held that trial courts do not have independent power to grant variances. Citing *Boehme*, the court said that the trial court is not to put itself in the position of the board of adjustment. The court's role is supervisory, not primary.

*Wende v. Board of Adjustment of the City of San Antonio*<sup>295.1</sup> held that a remand to the Board was not prohibited by § 211.011(d), TEX. REV. CIV. STAT. and should be available where "equitable and just under the circumstances." The court—after rejecting the Board's conclusion on one of three theories that were argued—ruled that the Board "should have the opportunity to address the other two theories," which a remand would afford.

## § 11.600 SPOT ZONING

"Spot zoning" usually refers to a piecemeal zoning amendment that arbitrarily singles out a small tract for special treatment. Rezoning of a small tract is not automatically illegal, but it may be judicially held to be so if there is no adequate justification.

When the legislative body departs from its comprehensive plan and rezones especially to benefit a small tract, it may violate the enabling act's requirement that zoning be "in accordance with a comprehensive plan." Stated this way, spot zoning is a problem of enabling authority and does not raise constitutional issues. Spot zoning can be considered constitutionally defective as well, in that a departure from the legitimate goals of comprehensive zoning may make the action arbitrary and therefore not within police power authority.

Texas courts have vacillated between applying (1) a rule that invalidates specific tract rezoning as spot zoning unless the municipality shows

<sup>295</sup> 524 S.W.2d 400 (Tex. Civ. App. Dallas 1975, writ diss'd).

<sup>295.1</sup> 27 S.W.3d 162, 173 (Tex. App.—San Antonio 2000).

that the rezoning is justified by a "change of conditions," and (2) more permissive rules that defer to the legislative act of rezoning.<sup>296</sup> The discussion of cases below illustrates the inconsistency of the courts' approaches.

### § 11.601 SPOT ZONING UNDER CITY OF PHARR V. TIPPITT

In *City of Pharr v. Tippitt*,<sup>297</sup> the Texas Supreme Court upheld the rezoning of a 10.1 acre tract from single-family use to multi-family use. The court defined spot zoning: "to connote an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions."<sup>298</sup> The court also referred to spot zoning as "a preferential treatment which defeats a preestablished comprehensive plan" and "piecemeal zoning."<sup>299</sup>

The *Tippitt* decision established four considerations to be applied in a balancing test to determine whether a rezoning or other amendment constitutes spot zoning:

1. A comprehensive zoning ordinance is law that binds the municipal legislative body itself. . . . The law demands that the approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose. . . . The adoption of a comprehensive zoning ordinance does not, however, exhaust the city's powers to amend the ordinance as long as the action is not arbitrary, capricious and unreasonable.
2. The nature and degree of an adverse impact upon neighboring lands is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive, are likely to be invalid.
3. The suitability or unsuitability of the tract for use as presently zoned is a factor. The size, shape and location of a lot may render a tract unusable or even confiscatory as zoned. . . . This factor,

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<sup>296</sup> See Chapter 12 of this book for a discussion on the presumption of validity of legislative acts.

<sup>297</sup> 616 S.W.2d 173 (Tex. 1981), *rev'd* 600 S.W.2d 951 (Tex. Civ. App. Corpus Christi 1980).

<sup>298</sup> 616 S.W.2d at 177.

<sup>299</sup> *Id.*

like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

4. The amendment must bear a substantial relationship to the public health, safety, morals or general welfare. The rezoning

*(Text continued on page 11-81)*

may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.<sup>300</sup>

§ 11.602—Post-TIPPITT CASES ON SPOT ZONING

No clear trend of decisions has emerged since *Tippitt*. Some courts of appeals have applied the rigid “change of conditions” requirement, even though *Tippitt* clearly broadened the inquiry and increased justifications for zoning amendments. Cases since *Tippitt* include: *City of Texarkana v. Howard*<sup>301</sup> (invalidated higher density rezoning of a six-acre tract located in an agriculture zone that required one acre per homesite); *Leach v. City of North Richland Hills*<sup>302</sup> (held rezoning of a 50-acre tract not to be spot zoning); and *City of Rusk v. Cox*<sup>303</sup> (invalidated rezoning 2.7 acres from residential to general business). *City of San Antonio v. Arden Encino Partners*<sup>303.1</sup> upheld the “downzoning” of a 22-acre tract against a “spot zoning” attack.

In the *Arden Encino Partners* case, the court left the burden of proof firmly on the property owner (“AEP”) challenging the ordinance amendment.

The evidence presented by the City raises arguable issues of fact regarding potential adverse effects on the adjacent family homes, as well as congested and dangerous traffic conditions in the neighborhood that would be exacerbated by the development of a multi-family apartment complex on the AEP property. This evidence is sufficient to overcome summary judgment because AEP failed to meet its burden to show there are *no* conclusive or even controversial issuable facts or conditions supporting the City’s exercise of its zoning authority. See *Thompson v. City of Palestine*, 510 S.W.2d 579, 582 (Tex. 1974) discussing zoning opponent’s burden of proof; *Bell v. City of Waco*, 835 S.W.2d 211, 215 (Tex.App.-Waco 1992, writ denied) (landowner did not discharge his burden to show ordinance was arbitrary, capricious, or unreasonable).

... [T]he record in this case contains some evidence of a change in conditions due to growth in the area of the rezoning. Additionally, the record indicates the rezoning resulted in the concentration of more heavily developed areas along the highway, with lighter business development act-

<sup>300</sup> *Id.* at 176–77.

<sup>301</sup> 633 S.W.2d 596 (Tex. App. Texarkana 1982, writ refused n.r.e.).

<sup>302</sup> 627 S.W.2d 854 (Tex. App. Fort Worth 1982, no writ).

<sup>303</sup> 665 S.W.2d 233 (Tex. App. Tyler 1984, writ refused n.r.e.).

<sup>303.1</sup> 103 S.W.3d 627 (Tex.App.-San Antonio 2003).

ing as a buffer between the heavy commercial areas and the single family homes. Although the change to AEP's land may have some adverse impact on that property, the summary judgment record does not establish that the overall plan does not promote the good of the community. *See id.* Accordingly, AEP failed to carry its summary judgment burden to show no valid relationship between the rezoning and the public welfare. <sup>303.2</sup>

§ 11.603—Pre-TIPPITT CASES ON SPOT ZONING

For many years prior to *Tippitt*, Texas courts wandered through a wilderness of opinions on the issue of spot zoning. While the cases contradict each other and are no longer controlling, they are useful in understanding the difficulty of the judiciary in evaluating the validity of a legislative action to rezone land.

In *Barrington v. City of Sherman*,<sup>304</sup> Justice Looney initially used "spot zoning" as a descriptive term to refer to rezoning of small parcels. Thus used, the term means only that the legislative body adopted an amendment that reformed district boundaries, and it should not carry any implication of legislative impropriety. But Looney then took the second step of declaring spot zoning (specific tract rezoning) invalid unless the municipality justifies its action by showing that conditions "of the district or surrounding area" have changed since the date of the original ordinance. Justice Looney outlined the elements of "spot zoning" as he saw them, referring to:

- (1) the relatively small area "spot zoned" by the amendment;
- (2) testimony that there had been no *change of conditions* since adoption of the original ordinance; and
- (3) lack of a zoning commission recommendation or similar indication of public purpose other than the simple reaction to the demands of angry property owners.

Looney then established a fundamental assumption that underlies Texas spot-zoning theory. He stated that the original zoning ordinance was adopted only after public hearings, painstaking investigation, and mature consideration. The comprehensive scheme necessarily had a future outlook and was invested with a degree of permanency that should not be disturbed by amendments *unless the character and use of the district or surrounding area so changed* that the public's health, morals, safety, and general welfare demanded it.

<sup>303.2</sup> *Id.*, at pp. 631, 632.

<sup>304</sup> 155 S.W.2d 1008 (Tex. Civ. App. Dallas 1941, writ refused w.o.m.).

The supreme court applied the spot-zoning rule to municipalities' disadvantage in *Weaver v. Ham*.<sup>305</sup> *Weaver* reversed a court of civil appeals decision that upheld an amendment allowing apartment construction in a single-family neighborhood. *Weaver v. Ham* stated outright that the strong presumption of validity was limited to the original zoning ordinance, and that it did not apply to amendments.

The Texas Supreme Court knew by 1955 that its spot-zoning rule was too restrictive, and it admitted as much in *City of Waxahachie v. Watkins*.<sup>306</sup> The court tried to overcome *Weaver v. Ham*'s disabling impact on zoning amendments by stating that zoning amendments must be presumed valid.<sup>307</sup>

In the 1971 case of *Hunt v. City of San Antonio*,<sup>308</sup> the supreme court destroyed the strong presumption for zoning amendments that had applied since *Watkins*. The opinion made passing mention of the presumption of validity and acknowledged the "extraordinary burden" on one who attacks the ordinance. But it then returned to *Weaver v. Ham* to state that spot zoning is widely condemned, and that the presumption of validity disappears if the city acted arbitrarily and unreasonably rather than on the basis of changed conditions.

Other pre-*Tippitt* cases fell basically into the same two categories, those that used the strong presumption of the validity of a legislative act to uphold the city's rezoning action<sup>309</sup> and those that evaluated the

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<sup>305</sup> 149 Tex. 309, 232 S.W.2d 704 (Tex. 1950), *rev'd* 227 S.W.2d 286 (Tex. Civ. App. El Paso 1950).

<sup>306</sup> 154 Tex. 206, 275 S.W.2d 477 (Tex. 1955), *rev'd* 265 S.W.2d 843 (Tex. Civ. App. Waco 1954).

<sup>307</sup> *Id.* at 480.

<sup>308</sup> 462 S.W.2d 536 (Tex. 1971), *rev'd* 458 S.W.2d 952 (Tex. Civ. App. San Antonio 1970).

<sup>309</sup> *Taylor v. McLennan County Crippled Children's Ass'n*, 206 S.W.2d 632 (Tex. Civ. App. Waco 1947, writ refused n.r.e.) (allowed a hospital to expand to two lots in a residential district); *McNutt Oil & Ref. Co. v. Brooks*, 244 S.W.2d 872 (Tex. Civ. App. El Paso 1951, no writ) (admitting confusion between the strong presumption rule and the spot-zoning rule, the court chose to apply the strong presumption rule to uphold the city's action); *B.E.M. Homeowners v. City of Fort Worth*, 372 S.W.2d 364 (Tex. Civ. App. Fort Worth 1963, no writ) (upheld zoning amendment allowing apartments on unsubdivided land previously zoned for single-family residences); *Burford v. City of Austin*, 379 S.W.2d 671 (Tex. Civ. App. Austin 1964, writ refused n.r.e.) (upheld an amendment allowing apartments on land previously restricted to single-family and duplex use); *Darnall v. City of Austin*, 451 S.W.2d 275 (Tex. Civ. App. Austin 1970, writ refused n.r.e.) (upheld zoning amendment allowing construction of apartments on one half of a

validity of the rezoning based on whether there were “changed conditions” to support the legislative act.<sup>310</sup>

### § 11.700 VESTED RIGHTS

The term “vested rights” in the land use context refers to the point at which a landowner/developer acquires the right to develop a project in accordance with regulations that were in place when the development process began, notwithstanding the intervening amendment of those regulations by the municipality or land use regulatory authority.

The Texas legislature enacted the “vested rights” statute in 1987 as a part of House Bill 4 which created the Texas Department of Commerce. House Bill 4 was intended to streamline regulatory processes in an effort to encourage economic development and was codified as chapter 481, subchapter I of the Texas Government Code.<sup>311</sup> Since its enactment, however, the vested rights statute has created a tension between the development community which desires to lock-in develop-

city block previously zoned for single family residences); *Tilley v. Rogers*, 405 S.W.2d 220 (Tex. Civ. App. Beaumont 1966, writ refused n.r.e.); *Baccus v. City of Dallas*, 450 S.W.2d 389 (Tex. Civ. App. Dallas 1970), *aff’d*, 454 S.W.2d 391 (Tex. 1970).

<sup>310</sup> *Davis v. Nolte*, 231 S.W.2d 471 (Tex. Civ. App. Austin 1950, no writ) (prevented the city of New Braunfels from allowing construction of tourist cottages in a restricted residential zone); *Clesi v. Northwest Dallas Improvement Ass’n*, 263 S.W.2d 820 (Tex. Civ. App. Dallas 1953, writ refused n.r.e.) (held that tremendously increased volume of traffic occasioned by widening of a street was sufficient change of conditions to justify rezoning to higher density apartment use); *Skinner v. Reed*, 265 S.W.2d 850 (Tex. Civ. App. Eastland 1954, no writ) (city of Abilene amendment was validly based on changed conditions); *Goodard v. Stowers*, 272 SW 2d 400 (Tex. Civ. App. Dallas 1954, no writ); *Bliss v. City of Fort Worth*, 288 S.W.2d 558 (Tex. Civ. App. Fort Worth 1956, writ refused n.r.e.); *City of Irving v. Bull*, 369 S.W.2d 60 (Tex. Civ. App. Dallas 1963, writ refused n.r.e.) (upheld amendment changing land from single-family residential to light industrial classification based on city’s careful study and change of conditions); *Reichert v. City of Hunter’s Creek Village*, 345 S.W.2d 838 (Tex. Civ. App. Houston 1961, writ refused n.r.e.).

<sup>311</sup> TEX. GOV’T CODE §§ 481.141–481.143. The act subjected municipalities and other political subdivisions to the following requirement:

Sec. 7.003. UNIFORMITY OF REQUIREMENTS. (a) The approval, disapproval, or conditional approval of an application for a permit shall be considered by each regulatory agency solely on the basis of any orders, regulations, ordinances, or other duly adopted requirements in effect at the time the original application for the permit is filed. If a series of permits is required for a project, the orders, regulations, ordinances, or other requirements in effect at the time the original application for the first permit in that series is filed, shall be the sole basis for consideration of all subsequent permits required for the completion of the project.



**TO:** Planning and Zoning Commission

**FROM:** Edie Sims, City Secretary

**DATE:** April 16, 2012

**SUBJECT:** Public Hearing to consider, discuss and act upon a request for rezoning (Camden Park) from Planned Development District with Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses to Planned Development District with Single-Family 3 (SF-3), Multi-Family 2 (MF-2), and Commercial (C) District uses and exceptions from: the requirements established by the base zoning of Single-Family 3 (SF-3) District uses regarding lot width, side yard setback, lot area, front yard setback, and lot coverage; and the requirements established by the base zoning of Multi-Family 2 (MF-2) District uses to allow storage facilities and medical/retail facilities in the Multi-Family 2 (MF-2) base zoning district. The property is generally situated north of US Highway 380 and west of County Roads 610 and 611 and located in the W.B. Williams Survey, Abstract A952, Tract 53, Block 2 of Farmersville, Collin County, Texas

- Letter of request for a Zoning Change and approval of the Concept Plan
- A copy of the Zoning Map is attached showing the property is presently located in the Planned Development District
- Ordinance # 2006-61 regarding this property is attached
- A Proposed Concept Plan and Proposed Zoning Exhibit is attached
- Ownership proof is attached.
- Draft Ordinance is attached for approval, changes and recommendations.

**ACTION:**

- a) **Open the Public Hearing and call the time.**
- b) **Ask for anyone to come forward and speak who is FOR the zoning change.**
- c) **Ask for anyone to come forward and speak who OPPOSES the zoning change.**
- d) **Close the Public Hearing and call the time.**
- e) **Commission to discuss the matter and review the Draft Ordinance presented.**
- f) **Approve or disapprove recommending the rezone request to the City Council for final approval with the Ordinance, including potential changes.**

# **CRANNELL, CRANNELL & MARTIN CORPORATION**

**2570 FM 407 STE 209, Highland Village, TX 75077**

**Office: 972-691-6605 Fax: 972-691-6628**

**June 6, 2012**

**Mr. Ben White, PE  
Town of Farmersville**

**RE: Zoning Change and Concept Plan Submittal for  
Camden Park Addition  
Farmersville, Texas**

**To Mr. White,**

I am the applicant for the above referenced project in the Town of Farmersville, Texas for the owner, Ted Zadeh. I am submitting a request for a zoning change and Concept Plan for the proposed Active Adult community. The site is currently zoned PD-multi use and we are keeping the same zoning categories and adding one new zoning district of Light Industrial for a proposed mini warehouse facility. The minim warehouse site is 3.08 acres in size and abuts the existing warehouses to our south.

We are also that the single family portion of the project be developed as single family detached zero lot line homes or as single family attached duplex homes. The design of the duplex homes gives the appearance of larger homes and provides a better streetscape. The homebuyer will have the ability to choose from these two options.

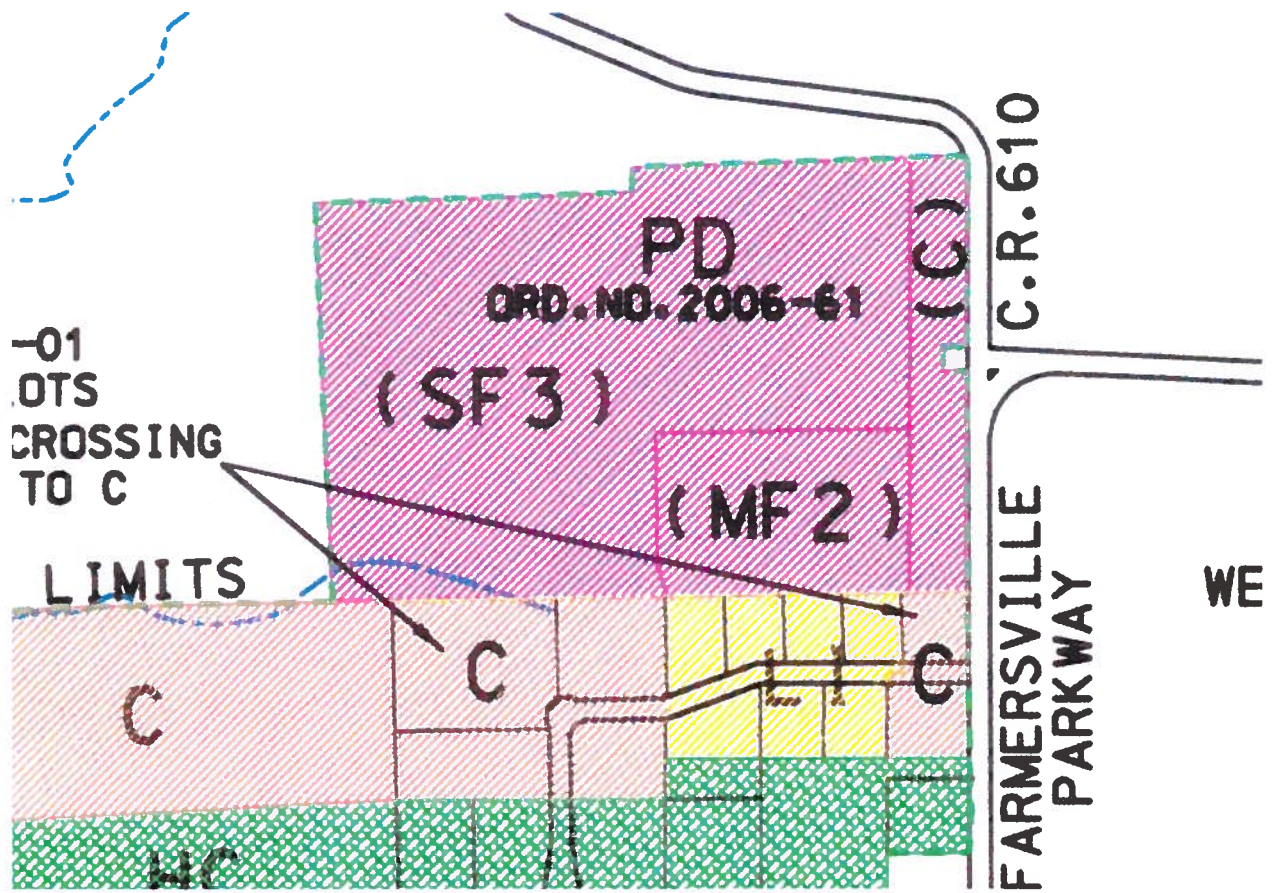
Please review the enclosed documents and let me know if you have any questions.

Sincerely,



Jeff D. Crannell, P.E.  
Crannell, Crannell and Martin Corp.  
TBPE FIRM #605

RECEIVED 6/08/2012  
(3)



**CITY OF FARMERSVILLE  
ORDINANCE #2006-61**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE #2004-01, AS HERETOFORE AMENDED, SO AS TO ZONE: TRACT 53, BLOCK 2 IN THE W. B. WILLIAMS SURVEY, ABSTRACT A0952; IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, AS PLANNED DEVELOPMENT FOR A MIXED USE DEVELOPMENT OF THREE BASE ZONING DISTRICTS INCLUDING ONE-FAMILY DWELLING DISTRICT SF-3 USES, MULTIPLE-FAMILY DWELLING DISTRICT-2 MF-2 USES AND COMMERCIAL DISTRICT C USES WITH CERTAIN MODIFICATIONS TO THE SETBACK REQUIREMENTS IN THE ONE-FAMILY DWELLING DISTRICT SF-3 BASE ZONING DISTRICT; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, after notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, heard this requested zoning change and recommended approval of the zoning amendment; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

**WHEREAS**, after notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that such change will not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and as well, the owners and occupants thereof, and the City generally;  
**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE:**

**SECTION I.** All of the above premises are found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II.** The Comprehensive Zoning Ordinance #2004-01, as the same has been heretofore amended, is hereby further amended so as to assign Planned Development Zoning for a mixed use development of three base zoning districts

including One-Family Dwelling District SF-3 uses, Multiple-Family Dwelling District-2 MF-2 uses and Commercial District C uses to the following property:

Tract 53, Block 2 in the W. B. Williams Survey, Abstract A0952, containing 100.81 acres, more or less; in the City of Farmersville, Collin County, Texas, as Planned Development for:

- (a) approximately 77.20 acres with a base zoning of SF-3;
- (b) approximately 14.54 acres with a base zoning of MF-2; and
- (c) approximately 9.06 acres with a base zoning of C, as depicted and described with more particularity in the Zoning Exhibit attached hereto as EXHIBIT A, and incorporated herein by reference.

**SECTION III.** It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

**SECTION IV.** It is further directed that the following waivers or variances are granted through the adoption of this Planned Development District from the SF-3 base zoning district's setback requirements:

- (a) A waiver or variance is granted from Section 9-E(3)(d) to require a front yard setback on only one side of the following lots having double frontage as identified on the Site Plan Attached hereto as EXHIBIT B, and incorporated herein by reference:
  - 1. Block A, Lots 1 and 28;
  - 2. Block B, Lots 1, 38, 39 and 51;
  - 3. Block C, Lots 1, 20, 21 and 35;
  - 4. Block D, Lots 1, 9, 10 and 18;
  - 5. Block E, Lots 1 and 9;
  - 6. Block F, Lots 1, 52 and 74;
  - 7. Block G, Lots 1, 19, 20 and 34;
  - 8. Block H, Lots 1, 10, 11, 31, 32 and 39;
  - 9. Block I, Lots 1, 6, 7 and 12; and
  - 10. Block J, Lots 1, 10 and 11.

**SECTION V.** All provisions of the ordinances of the City of Farmersville in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Farmersville not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION VI.** That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION VII.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION VIII.** This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

**DULY PASSED** by the City Council of the City of Farmersville on the 14th day of November, 2006

**APPROVED:**

\_\_\_\_\_  
Paul D. Kelly, Mayor Pro Tem

**ATTEST:**

\_\_\_\_\_  
Linda Aaron, City Secretary

# COLLIN CAD Property Details

Prop ID: 2122359 / Geo ID: R-6952-002-0530-1

## CURRENT PROPERTY INFORMATION

Owner's Name and Mailing Address	SHG LAND INVESTMENTS OF FARMERSVILLE LTD 12225 GREENVILLE AVE STE 118 DALLAS, TX 75243-2080		
Location	325 COUNTY ROAD 610 FARMERSVILLE, TX 75442		
Legal Description	ABS A0952 W B WILLIAMS SURVEY, BLK 2, TRACT 53, 100.807 ACRES		
Agent			
Exemptions	Code	Description	
Taxing Entities	Code	Name	2011 Tax Rate
	CFC	FARMERSVILLE CITY	0.642901000
	GCN	COLLIN COUNTY	0.240000000
	JCN	COLLIN CO COMMUNITY COLLEGE	0.086300000
	SFC	FARMERSVILLE ISD	1.340000000

Data above as of 2012-07-27.

Data below 2012 Certified, as of 2012-07-25.

## MAPS and FORMS

➤ [Plat Map Image \(TIFF format\)](#)

➤ **New!** [Plat Map \(PDF format\)](#)

➤ [GIS Digital Map](#)

➤ [Homestead, Over 65, or Disabled Person Exemption Application](#)

➤ [Agricultural \(1D1\) Application](#)

➤ **New!** [2012 Notice of Appraised Value](#)

## 2012 CERTIFIED VALUE INFORMATION

Improvement Homesite	\$0
Improvement Non-Homesite	\$88,449
Total Improvement Market Value	\$88,449
Land Homesite	\$0
Land Non-Homesite	\$10,000
Land Agricultural Market Value	\$998,070
Total Land Market Value	\$1,008,070
Total Market Value	\$1,096,519
Agricultural Productivity Loss	\$987,989
Total Appraised Value	\$108,530
Homestead Cap Loss	\$0
Total Assessed Value	\$108,530

Note: A value of 0 may indicate that the notice of value has not yet been sent.

## 2012 CERTIFIED EXEMPTION INFORMATION

Exemption Code	Exemption Description
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**2012 CERTIFIED VALUE BY TAXING JURISDICTION**

Entity Code	Entity Name	Market Value	Appraised Value	Assessed Value	Taxable Value	2011 Tax Rate
CFC	FARMERSVILLE CITY	\$1,096,519.00	\$108,530.00	\$108,530.00	\$108,530.00	0.642901000
GCN	COLLIN COUNTY	\$1,096,519.00	\$108,530.00	\$108,530.00	\$108,530.00	0.240000000
JCN	COLLIN COLLEGE	\$1,096,519.00	\$108,530.00	\$108,530.00	\$108,530.00	0.086300000
SFC	FARMERSVILLE ISD	\$1,096,519.00	\$108,530.00	\$108,530.00	\$108,530.00	1.340000000

**2012 CERTIFIED IMPROVEMENT INFORMATION**

Imp. ID	State Category and Description
201271	E1 - REAL FARM & RANCH SINGLE FAMILY

**2012 CERTIFIED IMPROVEMENT SEGMENT INFORMATION**

Imp ID	Seg ID	Description	Year Built	Sq Ft
201271	606122	MA - MAIN AREA	1998	1,904.0
201271	606123	CP - COVERED PORCH/PATIO	1998	32.0
201271	606124	CP - COVERED PORCH/PATIO	1998	672.0
Total Living Area				1,904.0

**2012 CERTIFIED LAND INFORMATION**

Land ID	State Category	Size-Acres	Size-Sqft
165170	FARM AND RANCH SINGLE FAM	1.000000	0
165171	IMPROVED PASTURE	99.807000	0

**VALUE HISTORY**

Year	Imprv	Land	Market	Appraised	Assessed	Entities	Exemptions
2011	90,367	10,000	1,098,437	110,048	110,048	CFC, GCN, JCN, SFC	
2010	91,382	10,000	1,099,452	111,063	111,063	CFC, GCN, JCN, SFC	
2009	92,397	10,000	1,100,467	111,978	111,978	CFC, GCN, JCN, SFC	
2008	97,187	10,000	1,105,257	116,768	116,768	CFC, GCN, JCN, SFC	
2007	98,242	10,000	1,106,312	117,724	117,724	CFC, GCN, JCN, SFC	
2006	95,443	10,000	1,111,743	114,204	114,204	GCN, JCN, SFC	
2005	107,176	2,800	391,740	118,737	118,737	GCN, JCN, SFC	

**For prior years' history, please [click here](#)**

**DEED HISTORY**

Seller Name	Buyer Name	Deed Date	Instrument	Deed Vol	Deed Page
HOLMGREN GARY L	SHG LAND INVESTMENTS OF FARMERSVILLE LTD	May 25 2006	726050		

*SB 541, effective September 1, 2005, provides that appraisal district websites cannot display photographs, sketches, or floor plans of an improvement to real property that is designed primarily for use as a human residence. Likewise, aerial photography of residential property will also be unavailable unless the photo depicts five or more separately owned buildings.*

**CITY OF FARMERSVILLE  
ORDINANCE #2012-0911-006**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE #2006-61, AS HERETOFORE AMENDED, SO AS TO REZONE CAMDEN PARK: TRACT 53, BLOCK 2 IN THE W. B. WILLIAMS SURVEY, ABSTRACT A0952; IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT DISTRICT WITH SINGLE-FAMILY 3 (SF-3), MULTI-FAMILY 2 (MF-2), AND COMMERCIAL (C) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT WITH SINGLE-FAMILY 3 (SF-3), MULTI-FAMILY 2 (MF-2), AND COMMERCIAL (C) DISTRICT USES AND EXCEPTIONS FROM THE REQUIREMENTS ESTABLISHED BY THE BASE ZONING OF SINGLE-FAMILY 3 (SF-3) DISTRICT USES REGARDING LOT WIDTH, SIDE YARD SETBACK, LOT AREA, FRONT YARD SETBACK AND LOT COVERAGE; AND THE REQUIREMENTS ESTABLISHED BY THE BASE ZONING OF MULTI-FAMILY 2 (MF-2) DISTRICT USES TO ALLOW STORAGE FACILITIES AND MEDICAL/RETAIL FACILITIES IN THE MULTI-FAMILY 2 (MF-2) BASE ZONING DISTRICT; AND TO AMEND THE THOROUGHFARE DEVELOPMENT PLAN TO REMOVE THE TYPE "D" COLLECTOR STREET PROPOSED; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

The Farmersville Planning and Zoning Commission will hold a public hearing on Monday, August 20, 2012, 6:30 p.m. in the Council Chambers of City Hall, 205 S. Main Street, Farmersville, TX to consider a request to amend the Thoroughfare Development Plan to remove the Type "D" Collector Street proposed to extend north from US Highway 380 at a location situated west of County Roads 610 and 611 and running through the proposed Camden Park development from the Plan.

**WHEREAS**, after notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, heard this requested zoning change and recommended approval of the zoning amendment; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

**WHEREAS**, after notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that such change will not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected

thereby, and as well, the owners and occupants thereof, and the City generally;  
**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE:**

**SECTION I.** All of the above premises are found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION II.** The Comprehensive Zoning Ordinance #2006-61, as the same has been heretofore amended, is hereby further amended so as to assign Planned Development Zoning for a mixed use development of three base zoning districts including Single-Family Dwelling District (SF-3) uses, Multi-Family Dwelling District 2 (MF-2) uses and Commercial District (C) uses to the following property:

Tract 53, Block 2 in the W. B. Williams Survey, Abstract A0952, containing 100.81 acres, more or less; in the City of Farmersville, Collin County, Texas, as Planned Development for:

- a) Tract 1: approximately 55.13 acres with a base zoning of Single-Family 3 (SF-3) with zero lot lines;
- b) Tract 2: approximately 15.27 acres with a base zoning of Commercial (C);
- c) Tract 3: approximately 18.21 acres with a base zoning of Multi-Family 2 (MF-2);
- d) Tract 4: approximately 10.30 acres with a base zoning of Multi-Family 2 (MF-2); and
- e) Amend the Thoroughfare Development Plan to remove the Type "D" Collector Street proposed to extend north from US Highway 380 at a location situated west of County Roads 610 and 611 and running through the proposed Camden Park development from the Plan.

All as depicted and described with more particularity in the Zoning Exhibit attached hereto as EXHIBIT A, and incorporated herein by reference.

**SECTION III.** It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

**SECTION IV.** It is further directed that the following waivers or variances are granted through the adoption of this Planned Development District from the SF-3 base zoning district's setback requirements:

- (a) A waiver or variance is granted from Section 77-165 to require a front yard setback XXXXX;
- (b) A waiver or variance is granted from Section 77-166 to require a side yard setback XXXXX;

- (c) A waiver or variance is granted from Section 77-168 to require the maximum lot coverage and floor area ratio XXXXX; and
- (d) To require a Development Agreement will all stipulations regarding the subdivision's land use requirements

**SECTION V.** All provisions of the ordinances of the City of Farmersville in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Farmersville not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION VI.** That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION VII.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION VIII.** This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

**PASSED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED:**

\_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor

**ATTEST:**

\_\_\_\_\_  
Edie Sims, City Secretary



**TO:** Planning and Zoning Commission

**FROM:** Edie Sims, City Secretary

**DATE:** April 16, 2012

**SUBJECT:** Public Hearing to consider, discuss and act upon a request to amend the Thoroughfare Development Plan to remove the Type "D" Collector Street proposed to extend north from US Highway 380 at a location situated west of County Roads 610 and 611 and running through the proposed Camden Park development from the Plan

- A copy of the Thoroughfare Plan Map is attached showing the approximate property
- Please review Proposed Concept Plan and Proposed Zoning Exhibit's from the previous Agenda item.
- Draft Ordinance is attached in the previous Agenda item. Please consider this item for approval, changes and recommendations along with Item III-B on the Agenda

**ACTION:**

- a) **Open the Public Hearing and call the time.**
- b) **Ask for anyone to come forward and speak who is FOR the Thoroughfare change.**
- c) **Ask for anyone to come forward and speak who OPPOSES the Thoroughfare change.**
- d) **Close the Public Hearing and call the time.**
- e) **Commission to discuss the matter and review the Draft Ordinance presented in Item III-B of the Agenda.**
- f) **Approve or disapprove recommending the thoroughfare request to the City Council for final approval with the Ordinance, including potential changes.**

(III - C)

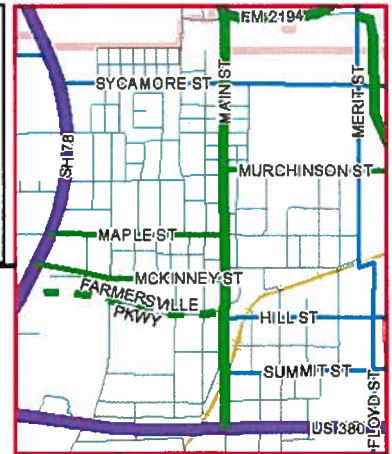
**FARMERSVILLE THOROUGHFARE PLAN:**

- Major Thoroughfare Type B 120' ROW
- Secondary Thoroughfare Type C 100' ROW
- Collector Thoroughfare Type D 65' ROW

City of Farmersville

ETJ of Farmersville

October 23, 2006

0 0.2 0.4 0.6 0.8 1  
Miles**CITY OF FARMERSVILLE - ETJ  
THOROUGHFARE PLAN**Adopted 9-12-2006  
Ordinance #2006-45205 S Main Street  
Farmersville, Texas 75442  
(972) 782-6151  
FAX (972) 782-6604**COUNTY THOROUGHFARE PLAN:**

- Principal 6 Lane Divided (120' ROW)
- Principal 4 Lane Divided (100' ROW)
- Principal 4 Lane Undivided (70' ROW)
- Major 6 Lane Divided (120' ROW)
- Major 4 Lane Divided (100' ROW)
- Major 4 Lane Undivided (70' ROW)
- Regional Arterial 4 Lane (110' ROW)
- Regional Arterial 2 Lane (90' ROW)
- Potential Bridge Alternatives
- Multimodal Transp. Corridor
- Freeway
- Tollway

