

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
February 21, 2012

The Farmersville Planning and Zoning Commission met in special session on February 21, 2012 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bill Nerwich, John Politz, Craig Overstreet, Betty Sergent, Lee Warren, Tom Waitschies. Doug Dann was absent. Staff members present was Public Works Director Ben White, City Attorney Alan Lathrom, City Secretary Edie Sims and Council Liaison Paul Kelly.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

City Secretary Edie Sims called the meeting to order at 6:32pm. Edie Sims called roll and announced that a quorum was present.

DISCUSS, APPROVE OR DISAPPROVE MINUTES FROM DECEMBER 12, 2011 AND JANUARY 17, 2012

Craig Overstreet motioned to approve the minutes as presented from December 12, 2011 and January 17, 2012 with Betty Sergent seconding the motion. Motion carried unanimously.

PUBLIC HEARING – CONSIDER, DISCUSS AND ACT UPON A CONTINUANCE OF A SPECIFIC USE PERMIT FOR PARADISE ISLES GAME ROOM LOCATED AT 1055 W. AUDIE MURPHY PARKWAY, SUITE 103, FARMERSVILLE

Chairman Waitschies opened the Public Hearing at 6:37pm and asked for those to speak for the continuance of the Specific Use Permit for Paradise Isles Game Room. Don Donovan came before the Commission and requested a continuance of his business of 11 years. When asked by Craig Overstreet how prizes are awarded, Mr. Donovan stated that he uses a card system for points. The points are added up to a prize which is purchased from Sam's Club. No gift cards or cash is used. The card can be aggregated to add up points. Mr. Donovan stated he still has 40 machines and is open from 9:00 a.m. to 11:00 p.m. Monday through Thursday. Friday and Saturdays hours are 9:00 a.m. to midnight. Sundays the hours are 12 noon to 11:00 p.m. No one spoke against the Specific Use Permit continuance. Chairman Waitschies closed the Public Hearing at 6:40 p.m.

Lee Warren motioned to approve the Specific Use Permit continuance with John Politz seconding the motion. Members voting for were Bill Nerwich, John Politz, Betty Sergent and Lee Warren. Craig Overstreet stated opposition.

City Attorney Alan Lathrom indicated that the Commission needed to clarify the term of the Specific Use Permit. Lee Warren rescinded his motion with John Politz rescinding his second. Lee Warren motioned to approve the Specific Use Permit continuance for one (1) year with John Politz seconding the motion. Members voting for were Bill Nerwich, John Politz, Betty Sergent and Lee Warren. Craig Overstreet stated opposition. Motion carried 4 to 1.

CONSIDER, DISCUSS AND ACT UPON A CONTINUANCE OF A SPECIFIC USE PERMIT FOR AMERICAN GLORY GAME ROOM LOCATED AT 2202 W. AUDIE MURPHY PARKWAY, FARMERSVILLE

Chairman Waitschies opened the Public Hearing at 6:42 p.m. and asked for those to speak for the continuance of the Specific Use Permit for American Glory Game Room. Chris Ball came before the Commission and requested a continuance of his business of 2 years. When asked by Craig Overstreet how prizes are awarded, Mr. Ball stated that he uses a ticket system. The tickets equal \$5.00 and can be turned in for a prize which was previously purchased. If a customer wants another type of merchandise, Mr. Ball stated he will get said

merchandise in trade for the tickets. No gift cards or cash is used. Mr. Ball stated he still has 50 machines and is open from 9:00 a.m. to 11:00 p.m. Monday through Thursday. Friday and Saturdays hours are 9:00 a.m. to midnight. Sundays the hours are 12 noon to 11:00 p.m. No one spoke against the Specific Use Permit continuance. Chairman Waitschies closed the Public Hearing at 6:45 p.m.

Lee Warren motioned to approve the Specific Use Permit continuance for one (1) year with John Politz seconding the motion. Members voting for were Bill Nerwich, John Politz, Betty Sergent and Lee Warren. Craig Overstreet stated opposition. Motion carried 4 to 1.

UPDATE TO THE DRIVE-IN, DRIVE-THROUGH, ACCESSORY USE MODIFICATIONS OF PROVISIONS

City Attorney Alan Lathrom briefed the Commission and audience stating that accessory uses for drive-ins and drive-thru's were not allowed with the current Zoning Ordinance. A recent site plan was brought to the Planning and Zoning Commission where the developer requested a drive-thru beer and wine store. This request was the purpose of researching the drive-thru uses. Chairman Waitschies invited the public for comment. No one came before the Commission with comments. Bill Nerwich stated he has approached several people in town regarding this issue and no one has given an opinion one way or the other. Mr. Nerwich stated we should treat the drive-thru beer and wine stores like the Game Rooms where a Specific Use Permit is required. Mr. Nerwich continued stating that the voters made their opinion known by voting to sell beer and wine and it is not what the public wants by manipulating the rules to restrict that vote.

City Attorney Alan Lathrom stated that the Specific Use Permit would allow room for stacking cars, appropriate lighting, speaker noise pointed away from residences and proper screening to make sure it is compatible with the surroundings. Lee Warren stated the Specific Use Permits are very subjective and would rather have clear rules in an ordinance. Mr. Lathrom stated that cities are by and large precluded for alcoholic sales under purview of the Texas Alcoholic Beverage Commission (TABC). The Commission cannot amortize alcohol sales like other uses. The TABC preempts the City's rules. Mr. Lathrom requested direction for language. The Commission concurred that the language should allow an accessory use with a primary use. The Commission requested to have a recommendation for approval as amended or revised at the next meeting.

DISCUSSION AND STUDY TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING POSSIBLE AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE RELATED TO RESIDENTIAL USES BEING LIMITED TO THE SECOND FLOOR AND ABOVE OF A BUILDING IN THE CA DISTRICT TO EXPAND THE RESIDENTIAL AREA TO A LIMITED AREA ON THE FIRST FLOOR OF A BUILDING LOCATED IN THE CA DISTRICT

Jack Alexander, owner of 1001 Bargains located at 110 McKinney Street, came before the Commission to request the permission to live on the first floor apartment of his building in the Central Area District of downtown. Mr. Alexander stated he does not have immediate plans of residing at this location, but would like to have this option. Chairman Waitschies stated he visited the business and the apartment appears to be a reasonable floor space of 30% of the overall space. The original ordinance prevented anyone from having a residence on the first floor per City Attorney Alan Lathrom. The Commission concurred that 30% living space and 70% retail space is comparable. The Commission requested to have a recommendation for approval as amended or revised at the next meeting.

ADJOURNMENT

Craig Overstreet motioned to adjourn with Bill Nerwich seconding the motion. P&Z Commission adjourned at 7:19 p.m.

ATTEST:

Tom Waitschies, Chairman

Edie Sims, City Secretary

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