

CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
June 16, 2014
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: 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 City Council cannot comment or take any action on this item.

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from May 5, 2014 Special P&Z Meeting

III. WORK SESSION

- A. Discussion and possible direction regarding items being placed in, on and/or about the public right-of-way
- B. Consider, discuss and act upon the an ordinance limiting vapor shops to make sales of any e-cigarette or similar kind of product to minors
- C. Consider, discuss and act upon clarification of driveway approaches, driveways & parking hazards

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 June 13, 2014, 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 13th day of June, 2014.



Edie Sims, City Secretary





TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: June 16, 2014
SUBJECT: Consider, discuss and act upon minutes from May 5, 2014 Special P&Z Meeting

- Minutes are attached for review and are also available at:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning_commission_meetings.jsp

ACTION: Approve or disapprove minutes as presented.

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
May 5, 2014

The Farmersville Planning and Zoning Commission met in special session on May 5, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Tom Waitschies, Patti Ford, Mark Vincent, Craig Overstreet, Todd Rolen. Commission members absent were John Politz and Bryce Thompson. Staff members present was City Manager Ben White, City Attorney Alan Lathrom, Police Chief Mike Sullivan and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Vice Chairman Craig Overstreet called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Tom Waitschies offered the invocation and led the audience in the Pledge of Allegiance.

Item II – A) REORGANIZATION OF COMMISSION: ELECTION OF CHAIRMAN

Vice Chairman Craig Overstreet opened the discussion for nominations for Chairman. Todd Rolen nominated Tom Waitschies as Chairman. Mark Vincent seconded the motion. With no other nominations, the motion carried unanimously.

Item II – B) REORGANIZATION OF COMMISSION: ELECTION OF VICE-CHAIRMAN

Chairman Tom Waitschies opened the discussion for nominations for Vice Chairman. Todd Rolen nominated Bryce Thompson as Vice Chairman. Craig Overstreet seconded the motion. With no other nominations, the motion carried unanimously.

Item II – C) REORGANIZATION OF COMMISSION: ELECTION OF SECRETARY

Chairman Tom Waitschies opened the discussion for nominations for Secretary. Craig Overstreet nominated Patti Ford as Secretary. Todd Rolen seconded the motion. With no other nominations, the motion carried unanimously.

Item III – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONSTRUCT A CONCRETE CURB AND GUTTER PRIVATE STREET IN THE GRIFFIN WALKER ADDITION, PHASE 2, WHICH ADDITION IS LOCATED IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE

Chairman Waitschies opened the Public Hearing at 6:34pm and asked for those who were for the waiver request to step forward. Kurt Walker came forward stating the property is a family owned parcel. Jack Griffin is selling 1-1/2 acres of this land with an existing house and an existing road to his grandson. This is not new construction and has been in existence over 20 years. With the parcel being changed, the City's rules state that this is now a subdivision and the family must install a concrete curb and gutter private street. However, with the property located within the ETJ, the family does not feel the need to install such an expensive street. The existing road surface is chat with ground asphalt on top.

Chairman Waitschies asked for anyone opposing the waiver request to step forward. With no one coming forward opposing the waiver, Chairman Waitschies closed the Public Hearing at 6:37pm.

Chairman Waitschies opened the discussion to the Commission. City Manager Ben White was asked by Craig Overstreet if the existing roadway would support fire apparatus with the answer being yes. The existing road is well maintained and wide enough to support any fire apparatus necessary. The only requirement per the City's Subdivision Ordinance not being fulfilled is the concrete street. This subdivision is within the City's ETJ and within 1/2 mile with one access. The City does not have an objection to the waiver. Mark Vincent stated he felt the City should not require a concrete street as the property is a family owned property. Craig Overstreet stated the street is well maintained and his only concern was getting fire apparatus to the homes and other structures. The family has informed the City there will be no further development at this time, and in the future it will be with family only.

City Manager Ben White stated that homes do eventually sell but felt it reasonable for P&Z to act in favor of the variance. Craig Overstreet questioned if the owner has attained the cost of the concrete street. Mr. Jack Griffin stated he has not gone into specifics, but the cost of a street would be more than the cost of the home.

Craig Overstreet motioned to grant the waiver and recommend same to the City Council for approval. Mark Vincent seconded the motion. Motion carried unanimously.

Item IV – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM NOVEMBER 4, 2013 SPECIAL P&Z MEETING

Craig Overstreet motioned to approve the minutes as written with Todd Rolen seconding the motion. Motion carried unanimously.

Item IV – B) CONSIDER, DISCUSS AND ACT UPON THE REPLAT OF THE GRIFFIN WALKER ADDITION, PHASE 2, WHICH ADDITION IS LOCATED IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE

City Manager Ben White indicated replats of 4 lots or less are allowed to be signed off by the City Manager according to our Subdivision Ordinance; however due to easements, the Planning & Zoning Commission must make decisions upon replats where easements are involved. Mr. White recommended the Commission to approve the replat contingent upon the City Manager and City Engineer approving the replat documentation.

Craig Overstreet motioned to approve the replat of the Griffin Walker Addition Phase 2, subject to the approval of the replat details by the City Engineer and the City Manager or compliance with any requirements identified by the City Engineer or City Manager as being necessary for compliance with the City's Subdivision Regulations; and, failing to comply with such regulations return to the Planning and Zoning Commission for further proceedings. Todd Rolen seconded the motion. Motion carried unanimously.

Item V – A) WORKSESSION: DISCUSSION AND POSSIBLE DIRECTION REGARDING ITEMS BEING PLACED IN, ON AND/OR ABOUT THE PUBLIC RIGHT-OF-WAY

Police Chief Mike Sullivan informed the Commission of issues the City has had with dumpsters being located in the City's right-of-way and along the sidewalks and curbs. With accessory structures not being clearly defined in the Zoning Ordinance, the Code Enforcement Office has had questions so this issue can be rectified.

The current Subdivision Ordinance and requirements for new construction require the dumpsters to be enclosed with a gate. However, the existing dumpsters are not covered under these guidelines, making it very difficult to enforce.

Chief Sullivan stated the business owners of these dumpsters are not the problem but the trash company who places the dumpsters where they have easy access for loading and unloading. This places the business owners in a precarious position with the City. Most of the business owners prefer the dumpsters to be in other locations within their property.

One way of handling this issue may be to get away from the zoning requirements. Chief Sullivan recommended staff review other cities and see how this issue is resolved. City Attorney Alan Lathrom indicated our City Council requested P&Z to review this situation and research the different options. Presently the City does not have anything in our ordinances to regulate dumpsters. One opportunity could be to address through zoning districts and use of the property.

Another issue is to modify the definition of a structure so the dumpsters are encompassed. The main goal is to have the dumpsters out of the right-of-way and allow dumpsters to be placed and accessed in the side, rear yard set-backs. In an ordinance, we need to spell out the extra requirements when situations arise where there is not enough space for the set-back requirements. City Attorney Alan Lathrom indicated there are many ways to carve out the ordinance to make it fit situations in

Farmersville. Even though typically existing issues are grandfathered, the ordinance can be crafted in such a manner than non-conforming uses must adhere to the rules.

City Manager Ben White stated he would like to have included the "point of pick-up" in the ordinance. Commercial zones adjacent to residential zones must also be included. Mr. White stated that some instances are worse than others. The goal is to clean up these situations. The trucks that service these dumpsters cause wear and tear on the curbs, drainage areas and the improved surfaces.

Craig Overstreet expressed concern of residential uses converting to commercial uses. Those may need to be prohibited from having dumpsters and use multiple polycarts.

The consensus of the Commission was reached to have staff research examples and options and return this information in a Worksession.

Mark Vincent suggested we look at McKinney, Allen, and Frisco as examples.

Item V – B) WORKSESSION: DISCUSSION AND POSSIBLE DIRECTION REGARDING VAPOR SHOPS

Police Chief Mike Sullivan spoke with the P&Z Commission regarding the newest issue to most cities in Texas. Vapor shops have been popping up all over the state. These shops sell e-cigarettes and cartridges. Schools have been proactive and addressed the use of e-cigs on campuses. Several cities have also taken a proactive approach and not allowing the sale of these products to minors. The legislature will not meet until next year, but sales are involved now.

City Manager Ben White informed the Commission of the Council's request to have P&Z review this topic and offer direction to staff. The City Council was presented an ordinance from the City of Rockwall which has been a good example of an ordinance throughout several cities in the State.

City Attorney Alan Lathrom indicated the same rules would apply to e-cigs as they do for cigarettes and cigars. The FDA is researching the affects of using e-cigs and how this product is appealing to younger people. The flavors are attracting the younger generation.

With these products not being tested before placing on the market, the impacts of using e-cigs is unknown. However, sales recorded show the use by minors has doubled. There is a significant collation between e-cigs and smoking which is causing great concern. With this concern, there should be some steps to protect the health, safety and welfare of our children.

City Manager Ben White indicated the City has no smoking ordinances on City owned property.

City Attorney Alan Lathrom indicated it may be better suited for the City to address this issue in the Business Chapter rather than zoning. However, the Commission will need to consider if use is the issue or restrict the use to certain areas. Chairman Tom Waitschies stated he would like to have a requirement added to signage stated "We do not sell to minors."

City Attorney Alan Lathrom stated the FDA is in the same boat with cities. Mark Vincent liked the example provided by the City of Rockwall as did Craig Overstreet. The Commission concurred that e-cigs need to be treated the same as cigarettes and

return this item to the Council using the same platform as the City of Rockwall and tie together with existing smoking regulations.

Item VI) ADJOURNMENT

Craig Overstreet motioned to adjourn with Mark Vincent seconding the motion. P&Z Commission adjourned at 7:22 p.m.

ATTEST:

Tom Waitschies, Chairman

Patti Ford, Secretary



TO: Planning and Zoning Commission

FROM: Edie Sims, City Secretary

DATE: June 16, 2014

SUBJECT: Discussion and possible direction regarding items being placed in, or and/or about the public right of way

- City Attorney Alan Lathrom will present information regarding this item.

ACTION: Act as Commission deems necessary.



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: June 16, 2014
SUBJECT: Consider, discuss and act upon the an ordinance limiting vapor shops to make sales of any e-cigarette or similar kind of product to minors

- City Attorney Alan Lathrom will present information regarding this item.

ACTION: Act as Commission deems necessary.



TO: Planning and Zoning Commission
FROM: Edie Sims, City Secretary
DATE: June 16, 2014
SUBJECT: Consider, discuss and act upon clarification of driveway approaches, driveways & parking hazards

- City Manager Ben White will present information regarding this item.

ACTION: Act as Commission deems necessary.

**CITY OF FARMERSVILLE
ORDINANCE #2004-54**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING ARTICLE 10 OF THE CODE OF ORDINANCES BY ADDING SECTION 10.123 ESTABLISHING AUXILIARY PARKING AREAS AND RESTRICTED PARKING AREAS IN RESIDENTIAL ZONES; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville, Texas, finds that the parking of vehicles in front yards in residential zones is contrary to the public health, safety and general welfare of the City, lowers property values, creates urban blight and constitutes a public nuisance; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds that the remedy is to establish auxiliary parking areas and restricted parking areas to prohibit such parking at all times; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. That Article 10, "Traffic Control", of the Code of Ordinances of the City of Farmersville, Texas, is amended by adding Section 10.123, which Section reads as follows:

"Section 10.123 Establishing Auxiliary Parking Areas and Restricted Parking Areas in Residential Zones

A. Definitions. As used in this section:

Auxiliary parking area means the area between the driveway and the nearest property line located on the adjoining side of the residential structure as the driveway, as indicated in the diagram hereto attached as Exhibit A. An exception is an improved circular driveway located directly in the front of the residence.

Corner lot means a residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

Driveway means the primary improved parking surface that provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard means the area between the front building lines of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area defined as front yard by the zoning ordinance.

Improved parking surface means a continuous paved surface area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

Restricted parking area means the area between the driveway and the farthest property line located on the opposite side of the residential structure from the driveway, through the front yard and the side yard of the property. The restricted parking area shall include the front yard and the side yard as indicated in the diagram hereto attached as Exhibit A. An exception is an improved circular driveway located directly in the front of the residence.

Side yard means the area from the side of a residential structure to the side property line or, when no structure exists, the area defined as a side yard by the zoning ordinance.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, bus, truck, tractor, motor home, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth wheel trailers, campers, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

B. Regulations.

(1) Parking in restricted parking areas prohibited. A person commits an offense if the person causes, suffers, permits or allows:

- a. The parking or storage of any vehicle within the restricted parking area which includes the front yard or side yard of an improved or unimproved residential single-family or duplex lot or tract.
- b. The parking or storage of any vehicle within the restricted parking area which includes the front yard or side yard adjacent to a corner of any residential single-family or duplex lot or tract unless concealed from view from all public street rights-of-way by:
 1. A solid, opaque, screening fence or wall at least six feet in height;
 2. Permanently planted vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
 3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height.

C. Maintenance

All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property.

D. Penalty

- (1) Any person violating any provision of this Article shall be deemed guilty of a misdemeanor, and shall upon conviction be fined a sum not to exceed five hundred dollars (\$500.00). Each day violation of this Article continues shall constitute a separate offense.
- (2) Nothing in this Article is intended to diminish in any respect Deed Restrictions which may impose more stringent requirements than those provided herein."

SECTION 2. All other ordinances in conflict herewith are repealed and all other ordinances not specifically affected by this ordinance or the Code of Ordinances as amended hereby shall remain in effect as written, approved and adopted.

SECTION 3. That should any word, phrase, paragraph, section or portion of this ordinance, or of the Code of Ordinances, as amended hereby, be held to be unenforceable, void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or of the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the City Council of the City of Farmersville, Texas, this the 14th day of December 2004.

APPROVED:


ROBBIN LAMKIN, MAYOR

ATTEST:


LINDA AARON, CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY (RLD/11/12/04) (69429)

**CITY OF FARMERSVILLE
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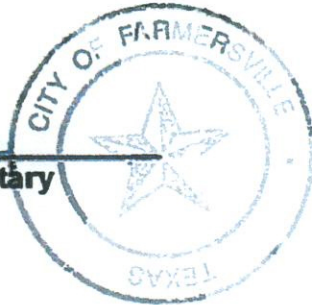
DULY PASSED by the City Council of the City of Farmersville, Texas, on the 14th day of December 2004.

APPROVED:


Robbin Lamkin, Mayor

ATTEST:

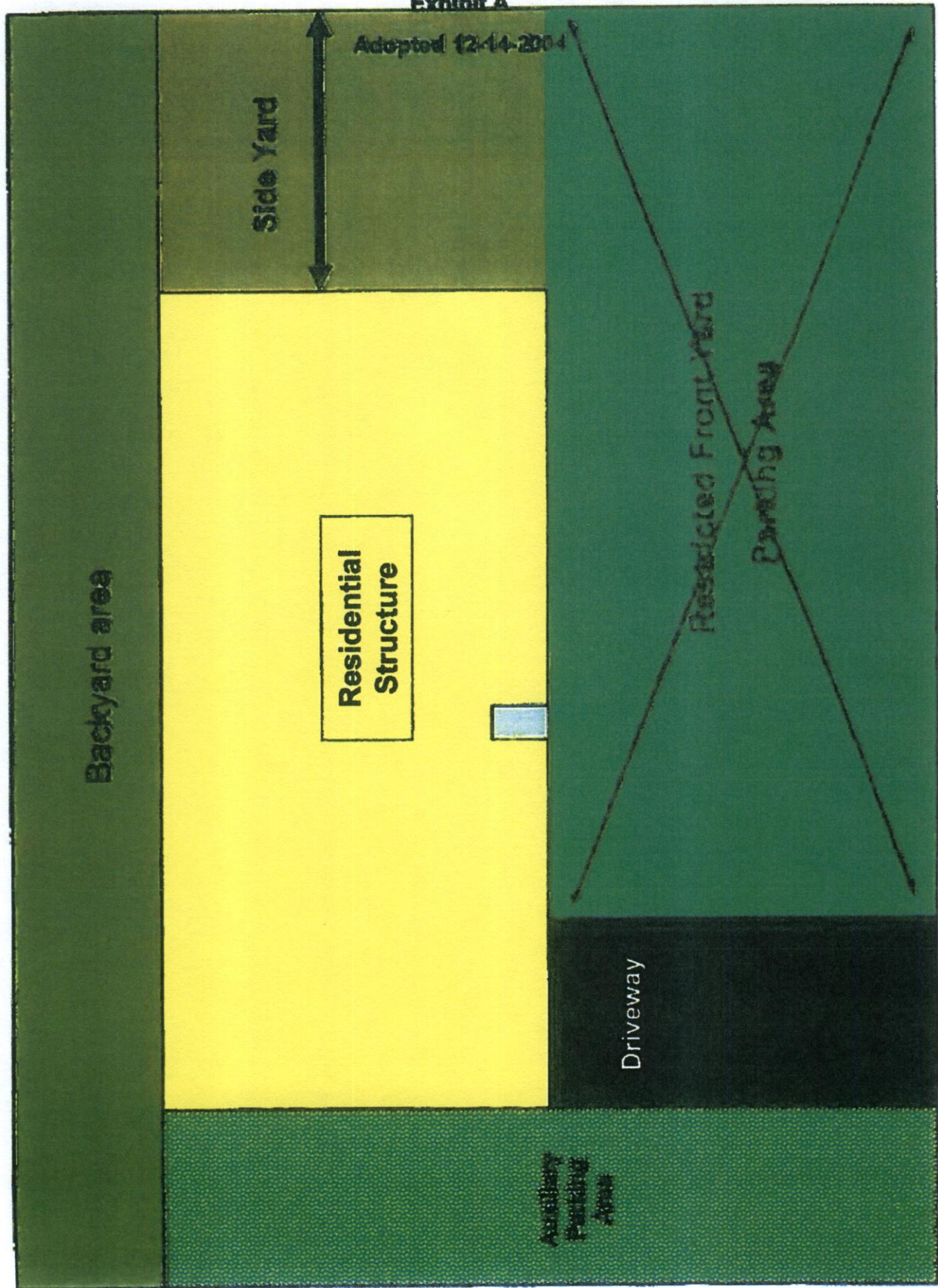

Linda Aaron, City Secretary



Ordinance #2004-54

Exhibit A

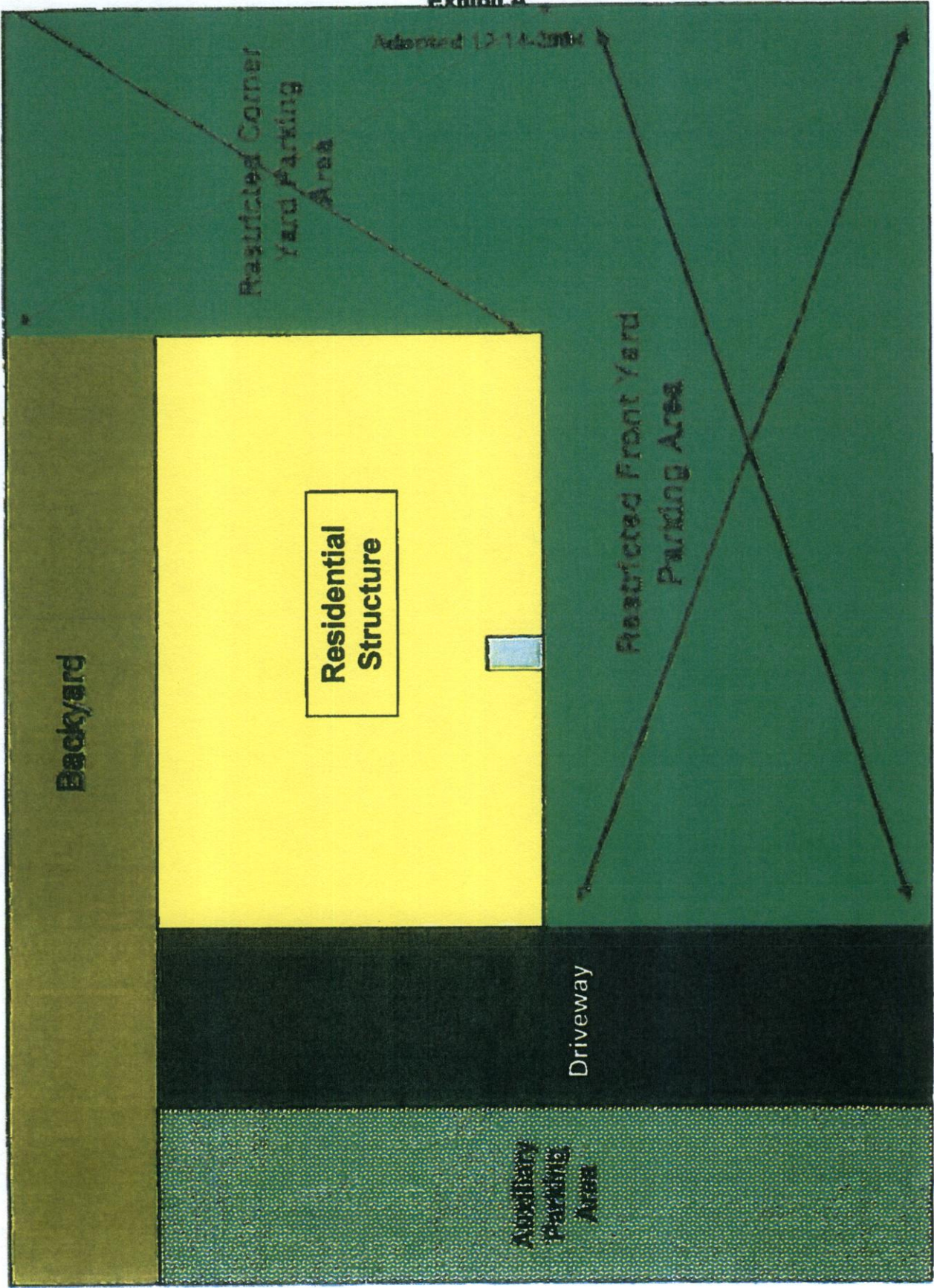
Adopted 12-14-2004



Corner Lot

Ordinance #2004-54

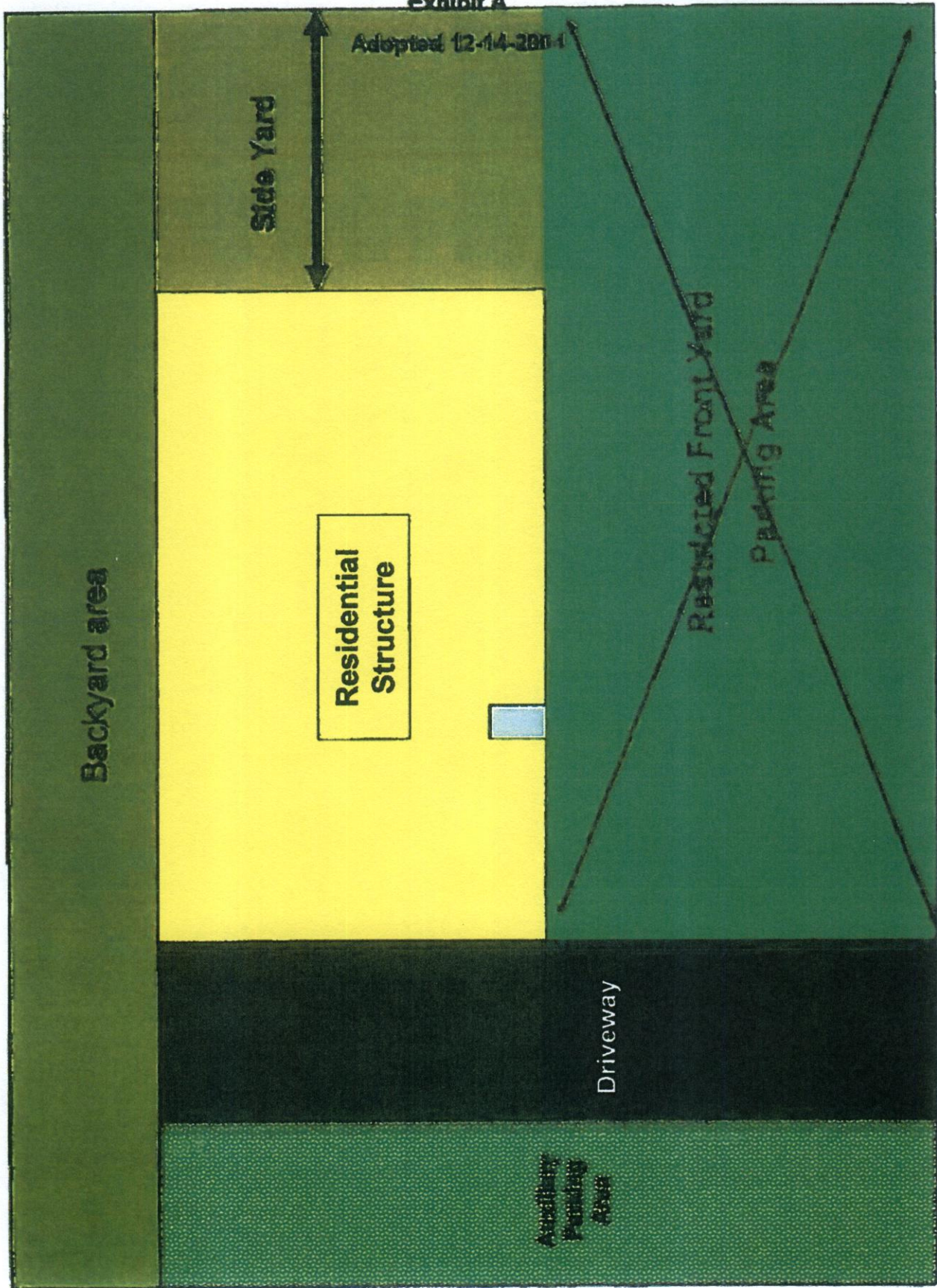
Exhibit A



Ordinance #2004-54

Exhibit A

Adopted 12-14-2004



residence known as 100 College and being bound on the North by the residences known as 102 College and 104 College Street.

- B. The gravel, unnamed, road (now known as Farmersville Parkway) which runs between South Washington Street and Johnson Street, said road being bound on the South by the Old Honaker Mill premises and on the North by Louisiana & Arkansas Railroad.
- C. The parking lot east of the First Baptist Church, said parking lot being bound on the West by South Washington Street, on the North and East by various buildings located on the Downtown Square, and on the South by the residence known as 107 South Washington Street.
- D. Persons may park said trucks or trailers in excess of one (1) ton on the parking areas designated in Sec. 10.122.2 of this section for any amount of time.
- E. Persons may park said trucks or trailers in excess of one (1) ton on the parking area designated in Section 10.122.3, C. from 6:00 P.M. to 7:00 A.M. the following day. (Ord. No. 76-2, Adopted 5-10-76)

Sec. 10.123 Establishing Auxiliary Parking Areas and Restricted Parking Areas in Residential Zones

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 1. A solid, opaque, screening fence or wall at least six feet in height;
 2. Permanently planted vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
 3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height.

C. Maintenance

All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of the adjoining property.

D. Penalty

- (1) Any person violating any provision of this Article shall be deemed guilty of a misdemeanor, and shall upon conviction be fined a sum not to exceed five hundred dollars (\$500.00). Each day violation of this Article continues shall constitute a separate offense.
- (2) Nothing in this Article is intended to diminish in any respect Deed Restrictions which may impose more stringent requirements than those provided herein. (Ord. No. 04-54, Adopted 12-14-2004)

Parking in Yard Illustrations

