

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 Rolan 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 Rolan 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 that 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:



Patti Ford, Secretary



Tom Waitschies, Chairman