

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
June 16, 2014

The Farmersville Planning and Zoning Commission met in regular session on June 16, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Mark Vincent, Craig Overstreet, Todd Rolan and Tom Waitschies. Commission members absent were Patti Ford, Bryce Thompson and Charles Casada. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

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. Tom Waitschies offered the invocation and led the audience in the Pledge of Allegiance.

Item II – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM MAY 5, 2014 SPECIAL P&Z MEETING

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

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

Chairman Waitschies opened the topic for discussion to City Attorney Alan Lathrom. Mr. Lathrom stated that other cities handle the situation of dumpsters and other items placed in the right-of-way differently. But for the Code Enforcement or Police Department to have teeth to enforce, the City needs a right-of-way management ordinance empowering the City to keep people from placing items in the right-of-way.

Some cities accomplish this through their zoning ordinance. Flower Mound has a right-of-way management ordinance that allows the City to limit and prohibit unauthorized use of the right-of-way over and above dumpsters. (A copy was enclosed with the packet for review.) Another method of handling this situation is through the solid waste ordinance and recycling ordinance which can specify the location of dumpsters. (Rockwall uses this method.)

Clarifying setbacks is another method in the zoning ordinance regarding accessory structures and where to be placed. The reason through the zoning ordinance allows spacing for firefighting capabilities. The zoning ordinance would also redefine an accessory structure to include a dumpster.

Tom Waitschies questioned if these methods are preferential to commercial applications only with Mr. Lathrom replying "not necessarily." Also another provision can be detailed to have all refuse or recycling carts put out no earlier than 7pm the evening before trash is scheduled for pickup and rolled back setback by 7pm the same day as the pickup.

City Manager Ben White expressed the Council's concern and why this item was brought before the Planning and Zoning Commission.

Mr. Lathrom indicated the most efficient method to not allow "grandfathering" is through a right-of-way management ordinance which would exclude dumpsters from

being placed in the right-of-way, on sidewalks and not have pre-existing rights. Storage pods can also be addressed and be allowed with a temporary permit.

The right-of-way can be by prescription or dedication, but either way the setbacks will determine the footage. This can be accomplished by spelling out asphalt roadways from the edge of the pavement to protect the paved surface or by specific footage beyond a curb. A bar-ditch would be evaluated for a right-of-way. Typically the center of the road is the basis of measure, but can be handled on a case by case basis. Mr. White stated prescriptive right-of-ways are unusual but needs to be considered.

Mr. Lathrom indicated he would recommend following after Flower Mound's right-of-way management ordinance and can bring said ordinance to the next workshop. This ordinance will include solid waste, dumpsters, accessory buildings, pods and anything that may be placed in a right-of-way. Mr. Lathrom also indicated a second ordinance may need to be created regarding setbacks.

Item III – B) WORK SESSION: CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE LIMITING VAPOR SHOPS TO MAKE SALES OF ANY E-CIGARETTE OR SIMILAR KIND OF PRODUCT TO MINORS

City Attorney Alan Lathrom informed the Commission regulations have not been set by the Federal and State governments. Most cities are addressing the e-cigarette issue by prohibiting the sale of these products to minors and penalizing possession of these products by minors. It was noted that Wylie has a regulation prohibiting these products on City property including parks. Other cities have regulated the use at hospitals and healthcare facilities. Austin prohibits e-cigarettes wherever tobacco is prohibited.

Craig Overstreet expressed concern since the FDA hasn't determined a health hazard from using these products, so how can cities regulate or prohibit the use? With nicotine still being a major product used, there are legitimate concerns of cancer and poisoning of children. The vapor is like an atomizer that emits chemicals similar to an aerosol which contains nicotine and known carcinogens. Tom Waitschies stated he felt the City is taking the correct steps in protecting the health, safety and welfare in respect to minors since there are no definitive answers and evidence from the research. Some studies express concerns with known dangers and therefore relieves the justification of selling these products to minors.

Todd Rolen stated he is quite disturbed when at a Little League baseball game and a coach is puffing on an e-cigarette while watching third base while a ballgame is being played. Alan Lathrom stated he will bring a draft to the Commission and treat e-cigarettes and like products the same as tobacco products and with the same prohibitions.

Item III – C) CONSIDER, DISCUSS AND ACT UPON CLARIFICATION OF DRIVEWAY APPROACHES, DRIVEWAYS AND PARKING HAZARDS

City Manager Ben White brought this item to the City Council who has thusly referred research and clarification to the Planning and Zoning Commission. While working on the North Hamilton Street Overlay project, driveway approach issues arose. Several areas had multiple driveway approaches from the street. Some situations have the entire front yard as a driveway which is seen as a parking lot.

Mr. White is asking the P&Z to provide clarification to include the type of materials to be used and how many approaches are appropriate. Mr. White felt a

corner lot could have two approaches; an individual lot should typically have one approach but could have two with a circular drive. We should not allow front yards to resemble parking lots. We should also include a variance when cases require more parking spaces. The parking could be according to the size of the lot as well. Boats, motor homes and other appurtenances need to be accounted for as well.

Mark Vincent stated he has a neighbor that has 8 – 10 cars all the time but all live at one location. Mr. White also acknowledged issues when teenagers have their personal vehicles which add to the family vehicle number. Tom Waitschies added cars are parked on both sides of his street which does not allow an ambulance pass through, and thinking of a fire truck's area would also be limited if not at all.

The safety and health of citizens must come first. When cars are parked where fire apparatus and ambulance services cannot get through, something must be done. Craig Overstreet stated an ordinance exists regarding surface requirements. Mr. White stated this would be an attempt to close the loop hole including vehicle parking, proper storage so that neighboring property values are maintained. Mr. Vincent commented it's about aesthetics and not just automobiles. City Attorney Alan Lathrom indicated currently the City does not have a prohibition regarding parking on improved surfaces. It would be important to indicate where the driveway ends and other areas begin. This topic will be brought back to the Commission at the next meeting with an amendment to the existing ordinance.

Item IV) ADJOURNMENT

Craig Overstreet motioned to adjourn with Todd Rolen seconding the motion. P&Z Commission adjourned at 7:32 p.m.

ATTEST:



Patti Ford, Secretary


Tom Waitschies, Chairman