

FARMERSVILLE PLANNING & ZONING COMMISSION  
SPECIAL SESSION MINUTES  
April 27, 2015

The Farmersville Planning and Zoning Commission met in special session on April 27, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bryce Thompson, Mark Vincent, Charles Casada, Todd Rolen, Craig Overstreet and Chad Dillard. Staff members present were 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**

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

**Item II – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 124 MCKINNEY STREET TO OPERATE MR. G FOR SPECIAL EVENTS**

Chairman Bryce Thompson opened the Public Hearing at 6:32pm and asked those in the audience to speak for or against the proposed Specific Use Permit to come forward. Diane Piwko, residing at 200 McKinney Street, came forward opposing the Specific Use Permit. She expressed concern that the Police Department has been called several times since parties have been held at 124 McKinney Street. She also expressed concern of young teenagers allowed to be loitering without supervision. Ms. Piwko also stated there is a misconception of noise. Even average conversations carry between the buildings. The noise from parties held at 124 McKinney Street has been very loud and makes sleeping difficult at night. The hours of the parties have been late and the trash has been an issue as well. The business owner has made attempts to keep the parties contained, but Ms. Piwko expressed concern those attempts may fall to the wayside. Lastly, Ms. Piwko stated the use is not comparable to the downtown area and businesses.

Wayne May, residing at 105 McKinney Street, stated he does not feel this type of establishment is good for our downtown area. Traffic from the parties at 124 McKinney has also become an issue.

No one else came before the Commission during the Public Hearing segment. With that, Chairman Thompson closed the Public Hearing at 6:37pm.

Craig Overstreet asked if alcoholic beverages are allowed as a private club. City Attorney Alan Lathrom indicated this use is not considered a private club and therefore if alcoholic beverages are sold, the establishment would be required to get a private club permit. Craig Overstreet also expressed concern of the maximum occupancy allowed for this area at 124 McKinney Street. City Manager Ben White indicated the existing use and Certificate of Occupancy is for a restaurant which was inspected by the Fire Marshal for correct occupancy. The occupancy for parties was not addressed as this is not a conforming use. Charles Casada stated measures may need to be added to include security to create an atmosphere conducive to the downtown area. The request is not conducive of what the business area was designed for.

Todd Rolen questioned if the Police Department has had many incidents from parties being held at this location. Chief Mike Sullivan responded, yes. The Police Department has responded to 6 loud music and noise calls. Two of those calls were made on the same night.

According to the conditions spelled out in the Specific Use Permit Application, the first condition which is compatibility with and not injurious to the use and enjoyment of other property, nor significantly diminishes or impairs property values within the immediate vicinity is

not met. Obviously from the complaints, this type of operation is not compatible. The people who work and reside in the downtown area are entitled to have a quiet and peaceful area.

Craig Overstreet recommended not forwarding the Specific Use Permit to the Council for consideration. Charles Casada seconded the motion. Motion carried unanimously.

**Item II – B) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A ZONING CHANGE FOR A DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF LINCOLN AND CANDY STREETS ALSO KNOWN AS THE WHITAKER ADDITION, BLOCK 1, LOT 1**

Chairman Thompson opened the Public Hearing at 6:46pm and asked for those for or against the zoning change request to come forward. John Gooch, petitioner, stated he is for the change from Single-Family 2 to Multi-Family 1 zoning to construct a senior friendly quadplex. Each unit will have their own address on Lincoln Street.

Steve Mitchell, residing at 119 N Johnson, stated he opposed the zoning change. The streets are not wide enough for streets and have only access for one vehicle to move freely on all three sides of the property. Candy Street, as it is called, is a gravel street. Lincoln Street has been sprayed with tar with aggregate pulverized into the tar. Extra traffic is a concern. The bar ditches are also a concern to carry the water flow from Maple Street to McKinney Street. With the additional concrete as proposed, the bar ditches would not support the flow of water which would then create flooding to area residents including himself.

Mark Vincent expressed concern of reconfiguring or restructuring the streets. City Manager Ben White indicated Lincoln is indeed very narrow and is almost an alley. The normal residential street requirement width is 50 feet. The street could be reconfigured by re-dedicating right-of-way. There is still an intersection of Maple and McKinney Street which is narrow and other structures would need to be removed to create the proper right-of-way. Another note is parking on the north or south side of the property. There is a way to improve this issue by asking the property owner for right-of-way on his property. However this resolve would not complete the remaining portion of the street.

With no one else coming forward, Chairman Thompson closed the Public Hearing at 6:54pm.

City Manager Ben White stated Mr. Mitchell's explanation was very good. If the property was improved, drainage issues would need to be addressed as part of the site plan. Beyond this property, City Manager Ben White indicated the City should be responsible for the bar ditches and keeping them clear to allow water to flow.

Craig Overstreet stated this particular lot had 2 homes on it at one time and was replatted to one lot. However, there are issues with the roads which are in need of repair. With the alleys being named as streets, the widths have not been changed or improved upon according to Mark Vincent. Lincoln is not much more than an alleyway either. Lee Street is slightly larger, but not by much. Craig Overstreet also questioned the parking for the potential development. Mr. Gooch stated 2 parking slips will be made for each tenant in the rear being a total of 8 parking spaces. Access to the unit will be by way of Lincoln to Candy Street. No parking will be allowed on Lincoln. The parking area would be concrete with wheelchair accessibility. Total square footage of the structure will be 4,012 under the roof with a covered patio area.

City Manager Ben White stated according to the International Fire Code, this amount of square footage proposed does not require a sprinkler system. There will be fire walls between the units. Bill Nerwich has been contacted to build the structure according to Mr. Gooch. Mr. White stated the requirements would be built to our Codes.

Craig Overstreet also expressed concern regarding senior clientele. With the roads already being inadequate, questions were raised about emergency personnel trying to get to someone to and from the units.

Mr. Gooch stated the tax base is presently \$800 per year without a structure. The tax base would be significantly more with a structure and ongoing use to require utilities and therefore would increase the value to the City.

Mark Vincent stated something must be done with the roads. John Gooch stated even if financially practical to enhance the streets, there would still be a bottle neck at both ends of Lincoln which he has no control over.

Nancy Gooch came forward and stated she sees the proposal as an improvement to the area. Previously there were two homes on this land, there is not much difference with adding two more small residential areas. Otherwise, by these concerns, the property is being held ransom. Ms. Gooch expressed she felt the significance of the development would outweigh the negatives and bring a positive feedback to the community that is currently not being met.

Three individuals have already expressed interest in leasing spaces. The location is ideal as it is within walking distance of downtown and would make a beautiful enhancement to the area. There is low impact to the developer on their half of the street which would provide parking areas. A curb could be considered by the right way is to connect the bar ditches.

John Gooch stated he considered making a driveway completely through the property from Candy Street to the alley south of the property, but with the expense of improving the alley, this concept was removed. Mr. Gooch also stated he would consider changing his options in lieu of the cost of improving Lincoln Street. Mr. Gooch also contended that some residents may have only one vehicle where others may not have a vehicle at all.

City Manager Ben White stated there is a balancing act here. This is a tastefully developed area as intended for senior living. There is not much impact presently and the streets will be impacted with more traffic and will require repairs. However, this is an inconvenient street. There are compelling arguments on both sides. We need housing desperately.

Todd Rolen stated earlier an issue was emergency vehicles. In his neighborhood, the streets are the correct width; however parking on both sides of the street make the area similar to Lincoln Street where only one car can travel through the street.

Charles Casada motioned to submit to Council for approval with Mark Vincent seconding the motion. Vote was 3 to 1 with Craig Overstreet opposing. Motion carried.

**Item III – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM APRIL 6, 2015 P&Z MEETING**

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

**Item IV – A) DISCUSS AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW MANUFACTURING WITH A STORE FRONT IN THE CENTRAL AREA DISTRICT**

City Manager Ben White indicated in 2012, an ordinance was created to allow residential living quarters in 40% of a downtown building with 60% to remain retail/commercial use. The ordinance was created to keep the vitality of the downtown area all-the-while keeping an active store front.

The ordinance presented to the Commission addresses the proposed guidelines and concerns surrounding the expansion of uses downtown for artisan shops, custom handcrafting or specialty food processing. Mr. White stated it was smart to utilize the Specific Use Permit process. Craig Overstreet confirmed he felt the ordinance was right on track and is fine with a 25% requirement for display area of the gross floor area. It seems the noise issue has been addressed. The one concern is to consider not revisiting the Specific Use Permit continually.

City Attorney Alan Lathrom indicated the purpose of the Specific Use Permit is to be flexible as the guidelines are met. The Specific Use Permit can be ratcheted depending on the use and depending upon necessary changes.

Craig Overstreet expressed concern regarding Specialty Food on the second paragraph of the ordinance which may contradict itself. Mr. Lathrom indicated the ordinance was crafted to reflect the Health and Safety Code Section 473.096 set out by State Statute.

City Manager Ben White stated his concern regarding specialized equipment may be too restrictive. Mr. Lathrom indicated his understanding by the Council was to maintain a store front. Mark Vincent stated the information was broad but it allows each merchant to have their business looked at individually.

Diane Piwko expressed concerns the intention is for the ground floor only and does not pertain to second and above stories.

Randy Clark, owner of the property located at 201 McKinney Street, stated his future tenant would have a very specific use which would benefit from this ordinance being approved.

Jim Terrell, owner of Happy Cucumber, expressed his desire to operate his manufacturing process in Farmersville. His operation includes handmade foods of pickles, brines, jellies and jams. He does not use loud equipment. The only odors would be the aroma of pickling spices or fruits as they are being prepared. Once the product is jarred, the odors dissipate. Currently, Mr. Terrell stated he is utilizing a space at the Brownie Cottage for his cooking needs. However, his needs are expanding and he needs his own space.

Craig Overstreet expressed he would not want to see large trucks impacting the area. He also agreed the Specific Use Permit would allow specific details to be addressed. Mr. Overstreet liked what has been crafted.

Mr. White added the existing parking facilities would be used as intended unless loading and unloading could be performed in the rear or in a specified loading zone.

The Commission concurred the ordinance presented would be the best action regarding this issue. The next step would be to hold a Public hearing with notifications.

**Item V) ADJOURNMENT**

With no further business, Craig Overstreet motioned to adjourn with Mark Vincent seconding the motion. Commission adjourned at 8:01pm.

ATTEST:

  
\_\_\_\_\_  
Chairman Bryce Thompson

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