

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
August 24, 2015

The Farmersville Planning and Zoning Commission met in special session on August 24, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present:, Bryce Thompson, Mark Vincent, Sarah Jackson-Butler, Charles Casada, Todd Rolan and Chad Dillard. Commissioner absent was Craig Overstreet. Staff members present were City Attorney Alan Lathrom 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. Edie Sims offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II – A) TRAINING PRESENTATION AND RELATED DISCUSSION REGARDING THE ROLE AND FUNCTION OF THE PLANNING AND ZONING COMMISSION AND THE VARIOUS LAWS AND REGULATIONS IMPACTING THE ACTIONS OF THE COMMISSIONERS

Chairman Bryce Thompson opened the training session to City Attorney Alan Lathrom. Mr. Lathrom began the training with the Planning and Zoning Commission with an understanding of zoning and how zoning is affected by the Open Meetings Act and conflicts therewith. The purpose of zoning is to promote the public health, safety, morals or general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

Zoning must be in accordance with a comprehensive plan that is designed to lessen congestion in streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements. The governing body of a municipality may regulate the height, number of stories, and size of the buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts and other open spaces; population density; and the location and use of buildings, other structures, and land for business, industrial, residential or other purposes.

Land Use to zone is a policing power given from the Texas Legislature as we are a Type A General Law city. The City cannot zone outside the City Limits. In 1922, zoning laws were established as the uses were not Euclidian. In many cities, uses were not compatible to each other. We are now seeing more mixed uses where uses are walkable and sustainable mixes in contrast to the base zoning.

From the P&Z perspective, Mr. Lathrom identified the zoning process. The Commission shall recommend boundaries for districts and appropriate zoning regulations for each district by making a preliminary report, holding public hearings and provide final report to the City Council. The Open Meetings Act must be met regarding the posting requirements for the meeting and notice must be submitted to the newspaper 15 days prior to the public hearing. No notice is required to adjoining land owners regarding the City Council meeting. The City Council may approve or deny the

application. If the zoning change is protested by 20% of a) the owners of the affected property or b) the owners of real property within 200 feet of the affected property, 3/4 vote of the Council is needed to approve the application. By ordinance, 3/4 vote is needed if the Planning and Zoning Commission recommends denial to the City Council.

Mark Vincent questioned who approves the plans that are presented to the Planning and Zoning Commission. The City receives plans with appropriate applications and submits this information to the City Engineer. Once the plans have been evaluated to conform to all the City's minimum standards, the plans are then prepped for a Planning and Zoning Commission meeting.

The basic rule of thumb for zoning is: It isn't zoned until it's zoned. There are no initiative or referendum zoning allowances. State Law does not mention motions to reconsider; however reconsiderations can be processed through rules of parliamentary procedure. If a continuance is given, the continuance must be provided with a date certain to all parties.

During a section regarding the Planned Development Districts, Mr. Lathrom discussed procedures that allow developers to obtain site-specific approval for developments that may not fit standard area and use categories and that require specific negotiations to ensure that community interests are protected.

Specific Use Permits make sure land uses have compatibility to other uses. This includes specific uses and requirements to be approved with the land use conditionally.

The next section regards the Comprehensive Plan. The Comprehensive Plan does not change zoning on the ground and does not apply to development within the Extraterritorial Jurisdiction (ETJ) until the property is annexed into the incorporated limits of the City. Infrastructure is regulated but not by uses. Mr. Lathrom referred to a court case involving the City of McKinney and an RV Park located in the City of McKinney's ETJ, which is still in litigation. There is also another case referred to as case law between the City of Lucas and North Texas Municipal Water District. Bryce Thompson stated he would like to request the Council to offer the Planning and Zoning Commission to review the Comprehensive Plan and offer adjustments to future developments. This conversation would like to be held to discuss the Master Plan and how to change it to better accommodate future development. These ordinances define the relationship if it is to be used as a guide or if a force of law.

The ETJ is to be compatible with the City so when the property is annexed, the then requirements meet City standards. The City cannot regulate the uses in the ETJ since these areas are not zoned.

There are distinctions between platting and subdividing. Platting is a geographical description that aids in recording and deed description and does not necessarily involve subdividing. Subdividing actually divides the land into marketable parcels. The City may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction and may extend the jurisdiction to include the Extraterritorial Jurisdiction. There are zoning type issues that are regulated by State Law with 5 acre tracts being exempted. Under Subchapter A of Section 212.009 of the Texas Local Government Code, if a tract is more than 5 acres fronting a road with infrastructure and no utility dedications, the owner does not have to file a plat. In Subchapter B, a structure built must have a Development Plan which will allow the City to acquire easements. Under both Subchapters, the definition is defined by the lot sizes. The City

Council has the final decision on final plat approval with exception of 4 or fewer lot sizes which can be approved through the City Manager.

Mr. Lathrom reviewed the types of plats including Concept Plan, Preliminary Plat, Final Plat, Record Plat, Amended Plat, Replat, and Minor Plat/Replat. A Concept Plan allows the applicant to get an overview and to address concerns before expending funds. All types of plats are included in the ETJ. Bryce Thompson questioned if a plat can be disapproved if not structured properly for infrastructure. The Plat gets filed after it is thoroughly inspected by the City's Engineer, City Staff and finally approved by the Planning & Zoning Commission with final approval by the City Council and will then be filed for record at Collin County.

The Preliminary Plat should be close to the City's guidelines. The Final Plat should be the same as the Preliminary Plat but be exact to the City's regulations and shows exactly what is under and on the ground. The Final Plat is not filed at the County until the development has been finalized and has been accepted as correct. Plats do not require public hearings unless the property is deed restricted or re-zoning is required.

According to Texas Local Government Code Section 212.009(a), the municipal authority responsible for approving plats shall act on a plat within 30 days after the plat is filed. After the P&Z has approved a plat, the governing body (City Council) must review it and act upon the plat within 30 days. If the governing body does not approve the plat within 30 days, then state law deems the plat approved. The approval of plats is mandatory as long as the conditions enumerated in Section 212.010(a) are met. If a plat meets all applicable standards and regulations, the governing body's inclusion of new standards or guidelines, not mandated by the applicable zoning ordinance and subdivision regulations, prior to approval by that body, the plat may operate as a denial of the applicant's state and federal due process rights absent compelling health, safety or welfare concerns.

Chad Dillard questioned if dimensions of Single Family 2 and Single Family 3 could be changed and how. The Council can be requested to allow the Planning and Zoning Commission to undertake this determination to modify or eliminate existing requirements and make such recommendations for final action to the City Council. In many other cities, small lots have been eliminated, such as Arlington and McKinney. Lots are now more self-supporting in those cities. Mark Vincent stated the City as a whole needs to be more selective as to development occurs. Mr. Vincent also questioned Homeowner's Associations. Subdivisions are required to have a Homeowner's Association if the development has a common area, entry to the subdivision and need for established funding.

Charles Casada questioned the Thoroughfare Plan and the connection between CR 560 to Farmersville Parkway. The main question was who determines the route and how this was implemented as a part of the Thoroughfare Plan. Mr. Lathrom indicated there were discussions surrounding the thoroughfares to and from the City. Through these discussions, future signal intersections were reviewed and alignments were then made. Since CR 560 and Highway 380 was offset, the Thoroughfare Plan for this area was to futuristically improve through development which would allow for signaling. TxDOT's processes for signaling an offset road is very slim. The

Thoroughfare Plan is to allow the ability to serve future development in the safest manner.

Other questions from the Thoroughfare Plan included splitting the property of future road development with other property owners other than the developer. Mr. Lathrom indicated the Thoroughfare Plan is a "Plan" which may not marry up with reality after the area is actually developed, but it gives the City the opportunity to acquire the road easements and dedications required if the road is developed as planned.

Chad Dillard questioned if property owners were notified of the Thoroughfare Plan during its development. No. The only change would have occurred through the Comprehensive Plan.

Item III) ADJOURNMENT

With no further business, Chairman Bryce Thompson adjourned the meeting. Commission adjourned at 9:14pm.

ATTEST:



Chairman Bryce Thompson



Edie Sims, City Secretary