



Farmersville
DISCOVER A TEXAS TREASURE

**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
for
December 19, 2016**

I. PRELIMINARY MATTERS

- Chairman Craig Overstreet presided over the meeting which was called to order at 6:30 p.m. Commissioners Bobby Bishop, Sarah Jackson-Butler, Charles Casada, and Paul Kelly were in attendance. Commissioner's Chad Dillard and Russell Chandler were absent. Also in attendance were City Manager, Ben White; City Attorney, Alan Lathrom; Council Liaison, John Klostermann; Staff Liaison, Sandra Green; and Assistant to the City Manager, Paula Jackson.
- Paul Kelly said the prayer and Craig Overstreet followed with the pledges to the United States and Texas flags.
- Craig Overstreet welcomed new City Secretary, Sandra Green, and new Planning & Zoning Commission member, Paul Kelly.
- City Manager, Ben White, addressed the Planning & Zoning Commission concerning the upgrades of Council Chambers with cameras and microphone sound system.

II. PUBLIC HEARING

- A. Receive public comment on a Final Plat for Subdivision of Property located on Beech Street, Farmersville Texas, being Lots 1 & 2, Block 1 of the Beech Addition.
- Craig Overstreet opened the public hearing at 6:33 p.m.
 - Craig Overstreet then asked if anyone wanted to speak for the Final Plat.
 - None came forward.
 - He then asked if anyone wanted to speak against the Final Plat.
 - None came forward.
 - Craig Overstreet closed the public hearing at 6:34 p.m.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from November 14, 2016.

- Bobby Bishop asked for a correction where the minutes stated "Bobby Bishop says it would be easier to just put P&Z." be changed to "Bobby Bishop says it would be easier to just put P&Z as the members."
 - Motion to approve the minutes as amended made by Bobby Bishop
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor
- B. Consider, discuss and act upon approval and recommendation to the City Council on the Final Plat for subdivision of property located on Beech Street.**
- Craig Overstreet indicated that the owners were Dan and Sandra Day. He stated that the plat has been reviewed and approved by the City Engineer and stated the 30 day waiver was signed and attached. He asked staff if the property would meet all the setbacks, according to the Zoning Ordinance, if the owners were going to place houses on the replatted lots.
 - Ben White stated that it was reviewed by the Engineer's and it does meet all requirements.
 - Paul Kelly inquired as to what the specific width and depth of the lots were according to Ordinance.
 - Paula Jackson explained the property is zoned SF-2 and it has to have a minimum of 70 feet on the front and a minimum depth of 100 feet.
 - Craig Overstreet indicated that it does appear to meet requirements.
 - Motion to approve made by Paul Kelly
 - 2nd to approve made by Charles Casada
 - All members voted in favor
- C. Consider, discuss and act upon approval and recommendation to the City Council on the Final Plat of Lot 1, Block 1 of the Wiley Orange Addition.**
- Craig Overstreet first asked staff if the reason this property did not have a public hearing was because it has never been platted.
 - City Attorney, Alan Lathrom answered yes, so a public hearing is not required.
 - Craig Overstreet stated that the land is owned by the Copeland's.
 - Bobby Bishop tried to understand the exact location and asked if it was on the other side of U.S. Highway 380.
 - Ben White explained that the property is by the last sewer lift station on Main Street. It is about ½ to ¾ of the way down Orange Street from U.S. Highway 380.
 - Paula Jackson added that it is across the street from the old storage building and the property is right north of the alley.
 - Craig Overstreet asked staff if the property was zoned SF-2 and if all the requirements of the Zoning Ordinance were met.
 - Paula Jackson stated that it did meet all requirements.
 - Motion to approve and forward to City Council for approval made by Charles Casada
 - 2nd to approve made by Paul Kelly
 - All members voted in favor

D. Consider, discuss and act upon a request to add Towing and Recovery as a business type under the Automobile Service Use in the Comprehensive Zoning Ordinance for Highway Commercial (HC) and Commercial (C).

- Craig Overstreet explained that the location of the property requesting the change is 904 W. Audie Murphy Parkway.
- Ben White stated it is located where the old Ford Electric use to be.
- Craig Overstreet indicated that the property is on the north side of U.S. Highway 380. The Commission has a letter that was sent by the Goldstein's who are the property owners.
- Dr. Goldstein, owner of the property, addressed the Planning & Zoning Commission. He first explained that the property is owned by The Goldstein Family One Limited Partnership and he is a general partner. He stated that he understood the issue is that automobile towing and recovery is not a legal operation within the City, even though it has been operating at the current location for over a year. He has leased the property to Billy Keel, and Dr. Goldstein indicated he was told he needed to petition the Planning & Zoning Commission to allow the use in its present location.
- Ben White explained that Dr. Goldstein was correct, and that it is not a current use under the Zoning Ordinance.
- City Attorney, Alan Lathrom also added that it is not an allowed use in the Highway Commercial district in the Zoning Ordinance
- Mrs. Keel, who is the wife of the owner, told the members that Billy, her husband, was on his way to the meeting and she could answer any questions until he arrived.
- Paul Kelly asked staff if the P&Z Commissioners did approve the request what guidelines would be placed on this type of business. He wanted to know if screening fences and similar items would be required in order to be compliant. He stated that he thought these guidelines were already in place on U.S Highway 380. He wanted to know what it would take to keep the property in compliance with the Zoning Ordinance.
- Bobby Bishop signed an Affidavit of Conflict of Interest and left the room due to working in a similar type business located on U.S. Highway 380 comparable to the property being discussed.
- Craig Overstreet asked if there was going to be pavement and lighting at the location.
- Dr. Goldstein stated that there is currently gravel and a chain link fence and he spoke to Billy Keel about possibly putting up a privacy fence.
- Mr. Billy Keel arrived and introduced himself as the owner of Keel Recovery. He explained to the Planning & Zoning Commission that he only has a Certificate of Occupancy for an office, but the business has grown like crazy. He explained he has had three audits from the people he works for and they have met all the requirements. He stated they have a fence, gravel, cameras, and lights. He continued by saying they would do whatever was necessary to make the City happy. He explained his business does generate sales tax which is good for the City and they want to become IM certified, which is Incident Management for towing. He understands the City

of Farmersville only uses Wylie for towing, but they handle service calls in the City and vehicles cycle every ten days or so. He stated they are not trying to cause problems, but they are just busy and want to make money.

- Craig Overstreet asked how many employees park at the business and how many vehicles on average they have on the lot.
- Mrs. Keel explained that they have four office staff and 50 – 65 vehicles at the most.
- Craig Overstreet indicated that seemed like more than the lot was able to hold.
- Dr. Goldstein stated there is probably no more than three acres that is fenced and the whole property is about ten acres because it goes back to the creek.
- Craig Overstreet asked if all the cars were kept at the front of the property.
- Mr. Keel explained the front two acres are full. He stated they like their location and want to stay. He asked if the business is an eye sore or if someone was complaining about the business.
- Paul Kelly explained the issue has been brought before Planning and Zoning because the City does not have a use for their type business in the Zoning Ordinance. He suggested that the P&Z Commissioners and staff look at the Zoning Ordinance to see where this type of business use could be located. He asked staff if they could get a copy of the Highway Commercial portion of the Zoning Ordinance to review.
- Paula Jackson stated she would make a copy and pass it out.
- Paul Kelly stated that the P&Z Commissioners did not have to make a decision at this meeting. He explained the P&Z Commissioners just wanted to be informed and make sure the use is placed in the correct location in the Zoning Ordinance.
- Alan Lathrom stated that the Zoning Ordinance does not have a towing and recovery use and the Planning and Zoning Commission needed to think about what criteria the City would require to make it work.
- Mr. Keel asked if the Planning and Zoning Commission was looking for the best place to have the towing and recovery category.
- Alan explained that the City does not have a towing and recovery use in the Zoning Ordinance. The City has automobile services and other types of automobile uses, but does not have Mr. Keel's particular use. The City needed to look at the criteria and decide if the use could work at the current lot. With a Highway Commercial zoning district along U.S. Highway 380 and State Highway 78, there are higher standards that are required.
- Paul Kelly stated that the City still does not have a use for the business in the Zoning Ordinance.
- Alan Lathrom stated he can have a Certificate of Occupancy for the office, but not for the storing of vehicles.
- Mr. Keel stated that the Commission is trying to make it exist so he can have the entire business.

- Alan Lathrom explained the Planning & Zoning Commission will make a recommendation to City Council and City Council will make the final decision, but some other requirements have to be met.
- Mr. Keel asked if they were granted a specific use permit would there be an annual fee.
- Ben White answered the specific use permit would go with the land if the business stays as the current use. If the use changed, then it would not apply.
- Alan Lathrom did explain that the business would still have annual inspections by the state and fire department that are required for the type of business Mr. Keel runs.
- Mr. Keel explained that he really wanted to stay and he wishes to add more rock but wanted to see what the City decided first.
- Paul Kelly stated that he wanted to table the item so everyone could have time to look over and research where the City might place this type of use in the Ordinance.
- Paula Jackson indicated that the use is not currently allowed anywhere and the City does not even have a definition for the use in the Zoning Ordinance.
- Alan Lathrom explained that the Planning & Zoning Commission has to decide how they want the unnamed use to be classified and what requirements would need to be met before City Council review, or the Commission could find a specific area for the business to fit in the Ordinance and possibly require a specific use permit.
- Craig Overstreet asked if the Commission needed to make a determination tonight since several things needed to be considered such as lighting, paving, and screening.
- Alan Lathrom indicated that is up to the determination of the Planning and Zoning Commission.
 - Motion to table until the January Planning and Zoning meeting in order to allow the Commission time to go over the Zoning Ordinance and see the best category for the use before recommending to City Council was made by Paul Kelly
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor

IV. ADJOURNMENT

- The meeting was adjourned at 7:02 p.m.
 - Motion to adjourn made by Bobby Bishop
 - 2nd to approve made by Paul Kelly
 - All members voted in favor

ATTEST:

APPROVE:



Paula Jackson, Interim City Secretary



Craig Overstreet, Chiirman



LEGEND FOR INTERPRETING SCHEDULE OF USE [Number () occurring after type of use refers to SECTION 5-B, 1-161 Definitions and Explanatory Notes (General Definitions are in SECTION 5-C, 1-79)]

Designates use permitted in district indicated.

Designates use prohibited in district indicated.

S Designates use may be approved as Specific Use Permit, SECTION 8.

SECTION 4-J. AUTOMOBILE SERVICE USES

Type of Use	A	SF-1	SF-2	SF-3	2F	MF-1	MF-2	P	O	NS	GR	C	HC	CA	I-1	I-2	PD
Auto Glass, Muffler or Seat Cover Shop												•	•	S	•	•	•
Auto Laundry											•	•	•		•	•	•
Auto Parts and Accessory Sales (Indoors) (11)											•	•	•	•	•	•	•
Auto Parts and Accessory Sales (Outdoor Display) (12)															•	•	
Auto Painting or Body Rebuilding Shop												•	S		•	•	
Automobile Repair Garage (13)		S 1										•	•	S	•	•	
Gasoline or Fuel Service Station (15)											S	•	•	S	•	•	•
New or Used Auto Sales in Structure											•	•	•	•	•	•	•
New or Used Auto Sales Outdoor Lot (157)											S	•	S		•	•	•
Motorcycle or Scooter Sales and Repair (85)												•	•	S	•	•	•
Steam Cleaning or Vehicles or Machinery															•	•	

SECTION 4-J. AUTOMOBILE SERVICE USES cont.

Type of Use Continued	A	SF-1	SF-2	SF-3	2F	MF-1	MF-2	P	O	NS	GR	C	HC	CA	I-1	I-2	PD
Tire Retreading or Capping (146)												●			●	●	
Trailer, Cargo Sales or Rental (150)											●	●	S		●	●	
Wrecking or Auto Salvage Yard (161)																S	

1 Special Use Permits granted in residential areas shall not exceed ten (10) years

THE STATE OF TEXAS)
)
COUNTY OF COLLIN)

AFFIDAVIT OF CONFLICT OF INTEREST

I, Bobby Bishop, as a member of the Farmersville City Council or a City of Farmersville board or commission that exercises responsibilities beyond those that are purely advisory in nature, a City officer or City employee, and subject to the provisions of Texas Local Government Code §§ 171.001, *et seq.*, and the City's Code of Ethics, Farmersville Code §§ 2.415, *et seq.*, make this Affidavit and state that I have (a) a substantial interest in a business entity or (b) a substantial interest in real property, that would be peculiarly affected by a vote or decision involving the business interest or real property, or (c) a conflict of interest as defined in the City's Code of Ethics, as follows:

1. The business entity or real property is (describe name or location):

BOB TEDFORD CHEMOLET CO.

2. "I, or (name of relative) _____, have/has a substantial interest in this business entity or real property for the following reasons:

(Check those applicable):

- Ownership of 10% or more of the voting stock, shares or fair market value of the business or entity.
- Ownership of \$5,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10% of my gross income for the previous year.
- Equitable or legal ownerships with a fair market value of at least \$2,500 in real property.
- A relative of mine has a substantial interest in the business entity or real property.

3. I have a conflict of interest, as determined by the City's Code of Ethics, to wit:

OWNERSHIP IN BUSINESS IN HIGHWAY COMMERCIAL

OPERATING UNDER AUTOMOBILE SERVICE USE

Bobby Bishop
Signature of Official or Employee

SWORN TO AND SUBSCRIBED before me by Bobby Bishop on the 19th day of December, 2016.

Paula R. Jackson
NOTARY PUBLIC, STATE OF TEXAS

