



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
for
May 15, 2017**

I. PRELIMINARY MATTERS

- Chairman Craig Overstreet presided over the meeting which was called to order at 6:30 p.m. Commissioners Sarah Jackson-Butler, Bobby Bishop, Luke Ingram, and Paul Kelly were in attendance. Chad Dillard and Russell Chandler were not absent. Also in attendance were City Manager, Ben White; City Attorney, Alan Lathrom; Council Liaison, John Klostermann; and Staff Liaison, Sandra Green.

- Paul Kelly led the prayer and Craig Overstreet followed with the pledges to the United States and Texas flags.

II. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a request for a Special Use Permit for commercial, amusement (indoor) uses to allow Winners Sweepstakes to be located at 676 Hwy. 380, which address may also be known and referred to as 676 W. Audie Murphy Parkway.
- Craig Overstreet opened the public hearing at 6:32 pm and asked if there was anyone who wanted to speak for the proposed business.

 - Steve Bell, President of Strategic Fundraising Solutions, LLC, 6401 W. Eldorado Parkway, McKinney, 75070, addressed the Commission. He stated Lt. Brian Alford told him to call Judy Brandon with the City Outreach Program regarding charitable donations. He stated they have opened the Princeton and Sherman locations and several more are about to open. He explained they are in the middle of trying to become established to give donations to a first responders fund as well. He described that his business is a sweepstakes and he provides money to charities.

- Craig Overstreet indicated that Mr. Bell had told everyone about the business at a previous meeting and then asked if there was anyone that wanted to speak against the business. None came forward so Craig Overstreet closed public hearing at 6:36 pm.
- Craig Overstreet asked Alan Lathrom to clarify the noticing of the specific use permit and inquired if the address needed to include the City.
- Bobby Bishop also stated he had issues with the public notice. He asked if it was okay that the address was incorrect on the application and on the first public hearing notice.
- Alan Lathrom indicated there was a correction made and published within the time limits per law. The City has met the intent and requirements set out by law for the noticing.
- Bobby Bishop asked if the applicant, Richard Cleveland, was applying for the permit or was the company.
- Steve Bell indicated that on the application they had to put a name and Richard Cleveland will be running the store, but the business is asking for the specific use permit.
- Bobby Bishop inquired about who would be issued the Certificate of Occupancy.
- Alan Lathrom explained it would be given to the applicant.
- Paul Kelly asked why it would not be issued to the location.
- Alan Lathrom indicated it would be specific to the location as well, but it would be issued to an individual for that location. The specific use permit could not be transferred to another location. If there was a change in the operator at the location, other than Mr. Cleveland, the new operator would have to apply for a specific use permit to continue running the business there.
- Craig Overstreet stated his concerns were that he does not like the fact there would be no tax base the City would receive, the lighting is bad, and the parking is an unimproved surface. He stated he does not feel this would be the best use of the property since it is located in a highway commercial district.
- Steve Bell stated they would have to do a lot of work at the location and they are planning to give money to the City Outreach Program and the Angel Tree Program if they are allowed to open in Farmersville. He

explained that he did not know what they could sell that would provide tax revenue to the City. The store gives items away, such as donuts, and they buy those items from local vendors. He stated they want to run a law abiding business that helps the City.

- Bobby Bishop asked Steve Bell if the only thing that made his business legal was the charitable nature of giving money to other entities.
- Steve Bell stated they choose to give away money to charities. He indicated by law they do not have to give any of the money away. He explained the income made from the business goes toward donations to the charities and the rest of the money goes to software, payroll, and other things. He said that he does not make a lot of money. Mr. Bell stated their business is not an eight line gaming situation and people automatically get free entries when they come in. They also give away prizes. He has spent time in order to make sure the business was legal and met all the requirements. He stated his business was the same as McDonalds and the North Texas Toll Association and how they play their sweepstakes games. He explained that he cannot write off the charity on his taxes because he works on their behalf. If someone wins over \$600 in his store they must fill out a tax form that he forwards to the IRS. He explained they have house rules: no hoodies, no baggy pants, no drugs, no profanity, no disruptive behavior, no drinking, and no smoking. He said it was no different than buying a lottery ticket.
- Paul Kelly stated the Commission could determine the length given on the specific use permit. He indicated they could allow it to be granted for six months or for a year. He explained he has reviewed the application and permit request and he does not have a problem with the location.
- Steve Bell indicated that Jack Hendricks would not give them a lease for more than two years. They want to prove themselves and find a new spot in the future.
- Bobby Bishop asked when building renovations started would they have to comply with the current codes.
- Ben White stated yes they would have to comply with ADA and current codes and would possibly have to upgrade the parking lot to concrete.
- Steve Bell indicated most of the parking would be on the west side of the property.
- Sandra Green indicated he would need to bring the property up to code.

- Craig Overstreet explained that any action taken at the Planning & Zoning meeting would be forwarded to City Council as a recommendation.
- Paul Kelly asked if the Police Department had signed off on accepting donations from the Winner's Sweepstakes.
- Ben White stated the Police Department had not signed off on it.
- Paul Kelly asked if the Police Department does not accept their donations where would the donations from the business go.
- Steve Bell stated that he was given Judy Brandon's phone number from Lt. Brian Alford. The Farmersville Police Association helps support the City Outreach Program and they could help support that organization.
 - Motion to approve recommendation to the City Council made by Paul Kelly
 - 2nd to made by Bobby Bishop
 - All members voted in favor

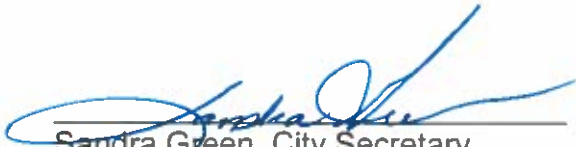
III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from April 17, 2017.
 - Motion to approve made by Paul Kelly
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor
- Craig Overstreet stated the City Council Liaison, John Klostermann, wanted to address the Commission since he was leaving the Council.
- Mr. Klostermann thanked all the Commissioners for volunteering their time and he explained that he had learned a lot from them. He stated he appreciated everything they have done and to keep up the good work.

IV. ADJOURNMENT

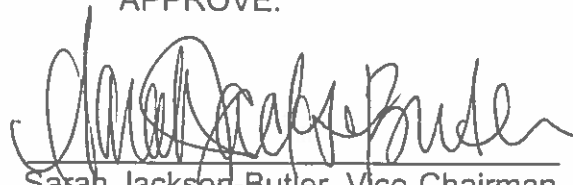
- The meeting was adjourned at 7:00 p.m.
 - Motion to adjourn made by Bobby Bishop
 - 2nd to approve made by Sarah Jackson-Butler
 - All members voted in favor

ATTEST:



Sandra Green, City Secretary

APPROVE:



Sarah Jackson-Butler, Vice-Chairman

