



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
June 15, 2020, 6:30 P.M.**

I. PRELIMINARY MATTERS

- Chairman Michael Hesse (via teleconference) presided over the meeting which was called to order at 6:30 p.m. Commissioners Lance Hudson, Leaca Caspari (via teleconference), John Klostermann, Rachel Crist (via teleconference), and Luke Ingram were in attendance. Commissioner Brian Brazil was not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Attorney, Alan Lathrom; and Council liaison, Mike Henry

- Mike Henry led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward in person or on teleconference to speak.

III. PUBLIC HEARING

- A. Public Hearing to consider, discuss and act upon a request for variances for certain property generally located on approximately 11.80 acres of land in the E.B. Reed Survey, Abstract No. 739 in the City of Farmersville's ETJ along the north side of County Road 553 in an area west of State Highway 78., pursuant to Section 65-9 of the Farmersville Code, requesting variances from the requirements of: Section 65-46, "Private Street Subdivisions," of the Farmersville Code as well as the City of Farmersville's Standard Specifications and Standard Construction Details ("Roadway Design Requirements") and more particularly: § 65-46(a), "Private Streets"; Subparagraphs (3) and (5) of § 65-46(b), "Eligibility Criteria"; § 65-46(i), "Plans and inspections"; and Subparagraphs (1) through (3) of § 65-46(k), "Entrance Design Standards," to allow the following changes:

1. The construction of Deer Run Trail as a private street on top of undisturbed top soil without first performing lime stabilization of the subgrade under the road as required by the Roadway Design Requirements; and
2. A reduction in right-of-way width for Deer Run Trail as a private street to fifty feet; and
3. A reduction in paved roadway width of Deer Run Trail as a private street from a minimum thirty feet to twenty-six feet with three feet of unpaved shoulder on each side of the road; and
4. A private street subdivision to be placed in an area that is not surrounded on three sides by natural or man-made barriers, so as to be accessible from only a single direction of the compass; and
5. A single point of entry into the residential subdivision rather than two points of ingress and egress if, and only if, a cul-de-sac or hammerhead is provided of sufficient size to allow emergency vehicles to turn around in accordance with the 2015 Editions of the International Fire Code, International Building Code and/or International Residential Code; and
6. The entrance design onto Deer Run Trail as a private street to have a minimum uninterrupted pavement width of 26 feet with three feet of unpaved shoulder on each side of the road at the location of the gate or access control device, if any, on both the ingress point and egress point to the subdivision; and
7. The entrance design onto Deer Run Trail as a private street to have less than a 100-foot vehicle stacking distance from the northern right-of-way line of County Road 553 to the first vehicle stopping point at which access may be obtained to the private subdivision; and
8. The omission of a paved turnaround space located in front of any restricted access entrance barrier to Deer Run Trail that would allow vehicles which are denied access to safely exit onto public streets through a smooth, single-motion U-turn movement without having to back up; and
9. No improvements be made to County Road 553; and
10. A recommendation be forwarded to the City Council regarding the foregoing requested variances.
 - Chairman Hesse opened the public hearing at 6:39 p.m. and asked if anyone wanted to speak for or against the item.

- Dakota Cryer, the developer of the subdivision, explained the reason for the variance request was because they constructed the road and did not use the lime stabilization. He said they did conduct soil compaction tests and they did meet some aspects but not the moisture content. He stated they are wanting to take the responsibility of the future road maintenance away from the city and the county and place it in the hands of the property owners.
- Bruce Cryer, the developer of the subdivision, stated they were trying to upgrade the road with more concrete and steel and did not construct the road with the lime stabilization. He explained the road goes between the lots and is a cul-de-sac. He said the compaction was done and they did not use fill dirt, but they poured thicker concrete at 4,000 psi.
- Chairman Hesse asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:48 p.m.
- Alan Lathrom stated all the variance request are the result of the developer not having done the lime stabilization under the city guidelines. He said they did not construct the roadway in conformance with the city's subdivision ordinance. He explained the county would not accept the road either because it was not built to standards. The only other option would be for them to receive waivers to allow for a substandard street and turn the road into a private street subdivision. The homeowner's association that would be created would have to maintain and pay for the roadway maintenance in the future. Previously, the city had granted them a reduction in the right-of-way width of 50 feet. But since they are coming back as a private street, the city has to review some of those items again. He said that they were previously granted a reduction in the paved roadway section from 30 feet to 26 feet, with 3 feet of unpaved shoulder on each side of the road. They were also previously granted a variance for not having two means of egress from the subdivision because they just have a cul-del-sac. He explained the entrance requirements are because they are requesting a private street subdivision. He said if they had a gate at the entrance they would have to have the stacking lane to allow people to turn around at the entrance.
- Michael Hesse asked why the city has jurisdiction over the item if it is in the extraterritorial jurisdiction.
- Alan Lathrom stated the city's subdivision regulations extend into the city's extraterritorial jurisdiction.
- Leaca Caspari stated that one thing that concerned her was the turnaround area at the entrance.
- Alan Lathrom stated the Commission could request that no gate be allowed at the entrance.
- Ben White stated he spoke to the City Engineer and there was a need for lime stabilization, testing, and inspections that should have taken placed. He explained that is why they are requesting a variance because the road was constructed without those items being completed.

- Michael Hesse wanted to know what would happen if the city would annex the subdivision later in the future.
- Alan Lathrom stated if the properties were adjacent to the city limits the property owners could join together and petition the city to annex, but the city would not have the responsibility to maintain the road unless the homeowner's petitioned the city to take over the maintenance. The problem with that is the subdivision ordinance states the roadway must conform to city standards. He said the maintenance would remain the homeowner's association concern.
- Leaca Caspari asked if the city could make the homeowner's keep the street in good condition so that emergency vehicles could travel on the roadway.
- Alan Lathrom stated the city could issue citations to the homeowner's association if the roadway was in need of major repairs.
- Lance Hudson asked if they could do chemical injections to the road that would bring it up to standards.
- Ben White stated they would have to provide research to show it would work and the builder has not brought that information forward to the city.
- Alan Lathrom stated the injections or any other process would still require a waiver because it is different from the city requirements.
- Luke Ingram stated he was concerned about setting a precedent. He does not want Farmersville to have a several private roads.
- Ben White stated the city did not have any knowledge that the road was being built because we were not called out for any inspections.
- Luke Ingram asked if the homeowner's would know that is a private road and that they have to maintain it.
- Bruce Cryer stated they would build in Farmersville again and they have learned from their mistakes.
 - Lance Hudson made a motion to approve the requested variances, including the prohibition of placing a gate across the road at the entrance of the subdivision.
- Alan Lathrom stated they would need to add a notation on the plat that indicated that it was a private street subdivision.
 - 2nd to approve made by John Klostermann
 - All members voted to approve

IV. ITEMS FOR DISCUSSION AND POSSIBLE ACTION


- A. Consider, discuss and act upon minutes from March 20, 2020.
- Motion to approve made by John Klostermann

- 2nd to approve made by Luke Ingram
- All members voted in favor

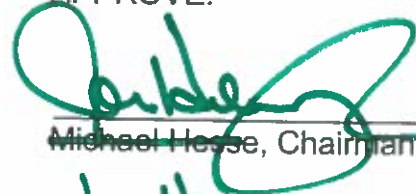
V. ADJOURNMENT

Meeting was adjourned at 7:22 p.m.

ATTEST:


Sandra Green, City Secretary

APPROVE:


Michael Hesse, Chairman
JOE HELM BURGER

