

CITY OF FARMERSVILLE PLANNING AND ZONING COMMISSION AGENDA REGULAR CALLED MEETING February 15, 2022, 6:00 P.M. 205 S. Main St.

WATCH THE LIVE BROADCAST

This meeting will be broadcast live through the City's website. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

- 1. Going to the City's website;
- 2. Clicking on "GOVERNMENT";
- 3. Clicking on "AGENDAS AND MINUTES";
- 4. Clicking on the "click here" link that is located to the right of "LIVE STREAMING."

I. PRELIMINARY MATTERS

• Call to Order, Roll Call, Prayer and Pledge of Allegiance

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

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon P&Z minutes from the January 18, 2022 meeting.

B. Consider, discuss and act upon a minor plat for Rike Addition, lots 3A & 3B Block 5.

IV. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda items requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government Code Section 551.071(a) ("Consultation with Attorney, Closed Meeting")."

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on February 11, by 6:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 11th day of February 2022.

Tabatha Monk, City Secretary



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CITY OF FARMERSVILLE PLANNING AND ZONING COMMISSION MINUTES REGULAR SESSION MEETING January 18, 2022, 6:00 P.M.

I. PRELIMINARY MATTERS

- Chairman Joe Helmberger presided over the meeting which was called to order at 6:00 p.m. Commissioners Leaca Caspari (arrived 2 minutes after roll call), Adam White, John Klostermann and Michael Hesse were present. Commissioner James Riley II was absent and there is one vacant seat on the Commission. Also in attendance were City Manager, Ben White and City Secretary Tabatha Monk.
- Chairmen Helmberger led the prayer, and pledges to the United States and Texas flags.

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

• No one came forward to speak.

III. ITEMS FOR DISCUSION AND POSSIBLE ACTION

A. Consider, discuss and act upon the minutes from December 21, 2021.

Commissioner <u>John Klostermann</u> made a motion to approve. Commissioner <u>Adam White</u> seconded the motion to approve. The motion carried unanimously (5-0).

B. Consider, discuss, and act upon a minor plat for Rike Addition, lot's 3A & 3B Block 5.

Planning & Zoning Minutes from January 18, 2022

- Chairman Helmberger recused himself from this item for a conflict of interest, as the engineer on this project is the same engineering firm he works for.
- o Commissioner Klostermann presided over this item of the meeting.
- o There is a letter from the City engineer recommending this item not be approved until they have received approval on variances for this project.

Commissioner <u>Leaca Caspari</u> made a motion to deny the request for the minor plat.

Commissioner Adam White seconded the motion.

The motion carried unanimously (4-0).

- C. Consider, discuss, and act upon a site plan and engineering plans for Murphy's Crossing Phase III.
 - o Chairman Helmberger advised there is a letter from the City engineer recommending approval of this project.

Commissioner <u>Leaca Caspari</u> made a motion to approve the site plan and engineering plans.

Commissioner Adam White seconded the motion.

The motion carried (5-0).

- D. Consider, discuss, and act upon a minor plat and engineering plans for A-Affordable Storage Addition.
 - Chairman Helmberger advised there is a letter from the City engineer recommending approval of this project.
 - City Manager White advised there is a representative at the meeting from A-Affordable if anyone has any questions for him.
 - Commissioner Leaca Caspari verified this business was outside the city limits.
 - o Commissioner Klosterman verified it was in the city's ETJ.

Commissioner <u>Michael Hesse</u> made a motion to approve the minor plat and engineering plans.

Commissioner <u>Leaca Caspari</u> seconded the motion.

The motion carried (5-0).

E. Consider, discuss, and act upon a concept plan for King Ridge Duplexes (303 Raymond Street).

- Chairman Helmberger advised there is a letter from the City engineer recommending approval of this project.
- Commissioner White asked to confirm that this project is behind the Sonic Drive-In. Chairman Helmberger confirmed that it is behind the ground storage tank. Commissioner White asked then if this was being built around the existing houses. Chairman Helmberger explained the layout of the project.
- Commissioner Caspari expressed some confusion, as the land use map it shows it is supposed to be part of the future town center and is zoned commercial and do we allow duplexes in commercial at this point. Commissioner Caspari also expressed concern about Water Street not really being a street and Raymond Street is not much more than that and there is no outlet except onto Raymond Street. They are also requesting a 27 ft. road and do we not require a 30 ft. road for something like this?
- City Manager White advised right now this is being built as a cul-de-sac and it meets the prescribed distances it needs to meet to be a cul-de-sac and has provided all the right of way that is required in that area.
- Commissioner Caspari stated that it showed only 20% lot coverage so that says to her they are not subdividing into lots to be sold. She would like some clarification on the lots.
- Chairman Helmberger advised it is one large lot, a singe family to rent or a horizontal multi-family. This is one big lot and they can't sell as individual units.
- Commissioner Caspari then asked in reference to the town center concept, this seems odd to have this type of property in that area.
- o Commissioner Caspari asked if retention pool being so close to unit 1 will be a problem. Chairman Helmberger stated he didn't see a problem but there are no detailed engineering plans as this is just the concept plan.

Commissioner <u>Adam White</u> made a motion to approve the concept plan.

Commissioner <u>John Klosterman</u> seconded the motion. The motion carried (4-1; Commissioner Caspari voting against).

- F. Consider, discuss, and act upon a site plan, concept plan and preliminary plat for Fountainview Apartments.
 - Chairman Helmberger advised there is a letter from the City engineer recommending approval for all 3 parts of this project.
 - City Manager White advised there is a representative at the meeting from Fountainview Apartments if anyone has any questions for him.
 - Commissioner Leaca Caspari verified that the site plan is only for phase 1.

- Commissioner Caspari verified the master plan summary; they will get that for phase 2 when they come back before the P&Z. The representative from Fountainview confirmed that is correct.
- o Commissioner Hesse stated they had a meeting at one time over limiting the number of stories (3 stories).
- Manager White verified it is 3 stories and the Ordinance regarding the number of stories is being drafted at this time.
- o The Commissioners then discussing the projects number of stories.

Commissioner <u>Adam White</u> made a motion to approve the site plan. Commissioner <u>John Klosterman</u> seconded the motion. The motion carried (5-0).

- Commissioner Caspari stated she know there has been a traffic study done but there have been density changes since that traffic study and there may have been another one but since there are 300 units being added, there have been concerns by the City Council with the traffic impact out there. Is there a traffic impact study that Fountainview has done considering all the different traffic concerns?
- Bruce Myers, with Fountainview advised there has not been a recent traffic study done. He also states one is not required for what they are here for tonight.
- Chairman Helmberger advised the PD allows this development to go in and that PD was adopted 2016.
- Commissioner Caspari said she understands but with the other homes and things that have some in since then, things have changed.
- Mr. Myers stated when the traffic analysis was done, at that time it was for the entire PD not for just that 18-acre tract so all of those other homes bult were considered into that traffic study.
- Commissioner Caspari is concerned about access in and out of this street and traffic going through the neighborhoods and the dangerous traffic situation at the highway.
- Commissioner Hesse asked Mr. Myers if there were similar situations as this that they have delt with in other cities to give us an idea of what we are getting.
- o Mr. Myers gave some examples of what they have done in other cities.
- Chairman Helmberger stated we can ask about a traffic light from TxDot but all we can do is ask.
- Commissioner Caspari advised she understands an additional traffic study is not required at this time but now is the time to discuss and make recommendations.

Commissioner <u>Adam White</u> made a motion to approve the concept plan.

Commissioner John Klosterman seconded the motion.

The motion carried (5-0).

 Commissioner Caspari verified they would have to come back before the P&Z for the final plat.

Commissioner <u>John Klosterman</u> made a motion to approve the preliminary plat.

Commissioner Adam White seconded the motion.

The motion carried (4-1; Commissioner Caspari voting against).

- G. Consider, discuss, and act upon a site plan and final plat for Nelson Brothers Ready Mix.
 - Chairman Helmberger advised there is a letter from the City engineer recommending conditional approval of this project. The conditions are at CR 699 they dedicate 50 feet of right of way and dedication of utility easements mentioned in the letter as well.
 - City Manager White advised he did talk to the owners and they are going to make these changes.

Commissioner <u>Michael Hesse</u> made a motion to approve the site plan and final plat contingent upon the dedication of the 50 foot right of way and the dedication of the easements.

Commissioner Adam White seconded the motion.

The motion carried (4-0; there was no vote from Commissioner Caspari as she left the meeting at 6:40 p.m.).

IV. ADJOURNMENT

Chairman Joe Helmberger adjourned the meeting at 6:41 p.m.

ATTEST:	APPROVE:		
Tabatha Monk, City Secretary	Joe Helmberger, Chairman		

Planning & Zoning Minutes from January 18, 2022

5

DECISION OF THE FARMERSVILLE ZONING BOARD OF ADJUSTMENT

Date of Hearing:

February 8, 2022

Case Type: Variance Request

Applicant:

Treasured Vessels Foundation

Zoning District:

"SF-2 –Single Family Dwelling -2" zoning district

Premises:

214 S. Rike Street, Farmersville, Texas 75442 more formally referred to as Lot 3, Block 5 of the Rike Addition proposed to be replatted as Lot 3A (fronting on Rike Street) and Lot 3B (fronting on Santa Fe Street), Block 5 of the Rike Addition (the "Property")

Subject:

Request for certain variances from the Zoning Ordinance that will allow the existing house and associated structures to remain in their existing configuration and allow the Property to be replatted from one lot to two lots, as follows:

Variances Requested

Variance No. 1. A variance from the minimum front yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-62(a), and 77-62(b)(1) allowing a reduction in the required minimum front yard setback from thirty feet (30') to twenty feet (20') along the eastern side of proposed Lot 3A; and

Variance No. 2. A variance from the minimum side yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-63(b)(4) and 77-63(a), and 77-66(b)(4) allowing a reduction in the required minimum side yard setback for a corner lot, which side yard is treated as a front yard setback, from thirty feet (30') to twenty feet (20') along the southern side of proposed Lot 3A; and

Variance No. 3. A variance from the minimum side yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-63(b)(4) and 77-63(a), and 77-66(b)(4) allowing a reduction in the required minimum side yard setback for an interior lot line from ten percent (10%) of the 109.00' front width of the Property or ten and nine/tenths feet (10.9') to five feet (5'-0") along the northern side of proposed Lot 3A.

WHEREAS, the Farmersville Zoning Board of Adjustment ("Board") conducted a public hearing on the 8th day of February 2022, regarding the Variance Request outlined above for the Property; and

WHEREAS, the Applicant, or a duly authorized representative of the Applicant, and all interested persons were provided an opportunity to appear at the said public hearing to provide information regarding the Variance Request outlined above on the Property; and

WHEREAS, the Board received and gave due consideration to all evidence, both oral and written, and other evidentiary information from City staff regarding the Variance Request outlined above on the Property.

IT IS HEREBY DECIDED BY THE FARMERSVILLE ZONING BOARD OF ADJUSTMENT THAT:

- A. The above-referenced Variance Request was approved in its entirety. In reaching its decision announced hereinbelow the Board made the following determinations:
 - 1. There are one or more special or unique conditions of the Property that are different from other properties in the same area or zoning district.
 - 2. Granting the variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to adjoining properties or the neighborhood or otherwise contrary to the public interest.
 - 3. Literal interpretation of the requirements of the Zoning Ordinance as it applies to the Property would deprive the Applicant of rights commonly enjoyed by the owners of other properties in the same zoning district under the terms of the Zoning Ordinance.
 - 4. Granting the variance will not confer on the Applicant any special privilege that is denied by the Zoning Ordinance to other land, buildings or structures in the same zoning district.
 - 5. Granting the variance will allow the spirit of the Zoning Ordinance to be observed and substantial justice to be done.
 - 6. The special conditions with respect to which the variance granted is sought does not result from the action of the Applicant.
 - 7. Granting the variance will not merely serve as a convenience to the Applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variance.

- 8. Notwithstanding the foregoing, the Board finds that the Zoning Ordinance when applied to the existing structure that is the subject of the appeal would result in the following financial hardship:
 - a. The financial cost of compliance with the Zoning Ordinance is greater than fifty percent (50%) of the appraised value of the existing structure as shown on the most recent tax roll certified by the City.
 - b. Compliance with the Zoning Ordinance would result in a loss of at least twenty-five percent (25%) of the area of the Property on which development may physically occur.
 - c. Compliance with the Zoning Ordinance would result in the existing structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - d. Compliance with the Zoning Ordinance would result in the existing structure unreasonably encroaching on an adjacent property or easement.
 - e. The City considers the existing structure to be a nonconforming structure.
- 9. Granting the variance requested is the minimum variance that will make possible the reasonable use of the Property in the spirit of the Zoning Ordinance and so that substantial justice may be done.
- B. The Board hereby decides that the following Variances Requested above, identified by Variance No., should be granted:

Variance Nos. 1 through 3.

C.	The Board hereby determines that the following additional conditions and obligations are required to observe the spirit of the Zoning Ordinance and see that substantial justice is done and shall apply to the variance(s) designated below as a condition precedent to the Applicant's right to exercise any rights afforded by said variance:

- D. Because the Board is comprised of five members and the City Council is composed of five (5) voting members plus the Mayor, and the Mayor only votes in the event of a tie in City Council deliberations, the Mayor is not counted toward the determination of a quorum for the Board to hear a matter and does not cast a vote regarding a requested variance in the event of a tie or otherwise.
- E. The results of the vote regarding each of the Variances Requested above, identified by Variance No., were as follows:

Variance Nos. 1 through 3, with a vote of ______ in favor and ______ against and ______ abstaining. (Lance Hydson)

- Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with section 211.011 of the Texas Local Government Code.
- This Decision was filed in the Board's office on the 8 day of February, 2022.

 APPROVED THIS 8 DAY OF February 2022.

APPROVED:

City Secretary



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Farmersville City Council sitting as the Farmersville Board of Adjustment at 5:30 p.m. on Tuesday, February 08, 2022 in the City Hall Council Chambers, 205 S. Main St., Farmersville, Texas 75442, to consider a request for certain variances from the requirements of the Comprehensive Zoning Ordinance, on a platted lot identified as Lot 3, Block 5 of the Rike Addition containing approximately 21,824 square feet or 0.5010 acres of land, more or less, located on the northwest corner of the intersection of Rike Street and Santa Fe Street currently addressed as 214 S. Rike Street, Farmersville, Texas 75442 (the "Property") zoned for "SF-2 – Single Family Dwelling - 2" district uses that will allow the Property to be subdivided into two separate lots to be identified as Lot 3A (fronting on Rike Street) and Lot 3B (fronting on Santa Fe Street), Block 5 of the Rike Addition because the existing structures located on proposed Lot 3A encroach into certain of the required setbacks, as follows:

- 1. A variance from the minimum front yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-62(a), and 77-62(b)(1) allowing a reduction in the required minimum front yard setback from thirty feet (30') to twenty feet (20') along the eastern side of proposed Lot 3A; and
- 2. A variance from the minimum side yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-63(b)(4) and 77-63(a), and 77-66(b)(4) allowing a reduction in the required minimum side yard setback for a corner lot, which side yard is treated as a front yard setback, from thirty feet (30') to twenty feet (20') along the southern side of proposed Lot 3A; and
- 3. A variance from the minimum side yard setback requirements of Farmersville Code §§ 77-52(d)(3), 77-63(b)(4) and 77-63(a), and 77-66(b)(4) allowing a reduction in the required minimum side yard setback for an interior lot line from ten percent (10%) of the 109.00' front width of the Property or ten and nine/tenths feet (10.9') to five feet (5'-0") along the northern side of proposed Lot 3A.

All interested parties may appear in person or by attorney to submit cause for or against the requested variance.

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Farmersville ISD	Dickie Lynn Cooper	Benjamin & Rebecca Frech
Attn: Admin Office	210 E. Santa Fe Street	210 S Rike St
501 A Hwy 78 N	Farmersville, TX 75442	Farmersville, TX 75442
Farmersville, TX 75442		
Farmersville City Of	Humberto Jose Rangel	Michael Don & Michelle Lea Mayo
205 S Main St	_	i 201 N. Rike St.
Farmersville, TX 75442-2209	Farmersville, TX 75442	c Farmersville, TX 75442
Attention: Ben White		ł
9.		ξ
Doris M Etal Gill	Speir Investments LP	Sally Ann Hogue
302 Bois D Arc Ave	507 County Road 560	206 Hill St.
Farmersville, TX. 75442	Farmersville, TX. 75442	Farmersville, TX 75442
Brent & Kristen Hoar 307 Orange Ave Farmersville, TX 75442	Hans J. Hansen 206 S. Rike St. Farmersville, TX 75442	Boy Scouts of America, Troop 310 408 Jackson St. Farmersville, TX. 75442
Roxanna S. Fuller	Carol E Merritt	Mark Shambeck
206 E. Santa Fe Street	306 E. Santa Fe Street	1838 County Road 657
Farmersville, TX 75442	Farmersville, TX 75442	Farmersville, TX 75442
Properties S & D LLC 2447 County Road 613 Farmersville, TX 75442	Cascade Rock 1 LLC 545 Wendy Ln Lucas, TX 75002	Treasured Vessels Foundation PO Box 2256 Frisco, TX 75034
Wendy Lee Stroup 209 E. Santa Fe Street Farmersville, TX 75442	Felecia Lee Fairbanks 303 Ellis Street Allen, TX 75002	Luther & Barbara Williams 305 E. Santa Fe Street Farmersville, TX 75442

Charles Allen 216 E. Santa Fe Street Farmersville, TX 75442

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January 13, 2022

Mr. Ben White, P.E. City of Farmersville 205 S. Main St. Farmersville, Texas 75442

RE:

Rike Addition – Minor Plat Dated January 2022

Mr. White:

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. A variance will be needed from SF-2 setback requirements on one of the lots due to existing housing structures. The developer will be submitting the required variance application form.

It is recommended that the Rike Addition Minor Plat be denied until the variance is approved by the City. Please contact me if you have any questions.

Sincerely,

Jacob Dupuis, PE Discipline Lead

> 118 McKinney Street | PO Box 606 | Farmersville, Texas 75442 972.784.7777 | dunaway.com Firm Registration No: F-1114







