

**MINUTES OF THE CITY OF FATE
PLANNING AND ZONING COMMISSION
AND
CAPITAL IMPACT ADVISORY COMMITTEE
JOINT MEETING**

AUGUST 20, 2020

NOTICE OF ATTENDANCE

NOTICE is hereby given that the City Council may be in attendance at the Planning and Zoning Commission and Capital Impact Advisory Committee Joint Meeting **AUGUST 20, 2020** being held at the Fate City Hall, 1900 CD Boren Parkway, Fate, Texas.

1. Planning And Zoning Commission Call To Order And Confirm A Quorum

Chairman Stacy called the Fate Planning and Zoning Commission to order at 6:05 p.m. on the 20th day of August 2020, in Fate City Hall located at 1900 CD Boren Parkway, Fate, Texas.

Deputy City Secretary Jessica Larson confirmed the presence of a quorum.

Planning and Zoning Commission Members Present:

John Stacy – Chairman
Josh Burkhart
Steve Dann
Scott Kelley – Vice Chairman
Chelsea Priest
Kerry Wiemokly
Laura White

Planning and Zoning Commission Members Absent:

2. Capital Impact Advisory Committee Call To Order And Roll Call

Chairman Stacy called the Capital Impact Advisory Committee to order at 6:05 p.m. on the 20th day of August 2020, in Fate City Hall located at 1900 CD Boren Parkway, Fate, Texas.

Deputy City Secretary Jessica Larson confirmed the presence of a quorum.

Capital Impact Advisory Committee Members Present:

John Stacy – Chairman
Josh Burkhart
Steve Dann

Brian Farrell
Scott Kelley
Chelsea Priest
Laura White
Kerry Wiemokly

Capital Impact Advisory Committee Members Absent:

City Staff Present:

Michael Kovacs, City Manager
Will Rugeley, Director of Planning & Development Services
Brenda McDonald, City Attorney
Jessica Larson, Assistant to the City Manager/Deputy City Secretary

3A. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Capital Impact Advisory Committee Meeting Held January 16, 2020.

Committee Member Scott Kelley moved to approve the minutes of the Capital Impact Advisory Committee meeting held January 16, 2020.

Committee Member Kerry Wiemokly seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Committee Members Burkhart, Dann, Farrell, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

3B. Discuss, Consider, And Take Any Necessary Action Regarding A Capital Impact Advisory Committee (CIAC) Report For Increases To Impact Fees For Roadways, Water, And A Reduction For Wastewater.

Pete Kelly, Andrew Simonsen, and Misty Christian with Kimley-Horn were present to give an update on roadways, water, and wastewater impact fees.

Pete Kelly gave a report recapping the roadway service plan and capital improvement plans that was given in January. He then went on to describe the methodology behind the study.

The following topics were discussed.

- Master Thoroughfare Plan Update:
 - The proposed changes that were discussed included:
 - Realignments to match County Thoroughfare Plan and existing roads
 - Removal of existing roads not expected to be widened

- Resizing future designation of FM 551 south of Gettysburg Blvd
- Impact Fee Study Results
 - Methodology of how the impact fee was calculated.
 - The results of the Roadway study substantially increased from \$677 maximum fee per vehicle mile to \$1,652.
 - A Substantial increase to the Water maximum fee per single family home was presented from \$1,795 to \$3,143.
 - However, the wastewater maximum fee decreased from \$3,647 per single family home to \$2,457.
- Comparison Data
 - Graphs were shown of comparison cities.
 - The proposed Roadway Impact Fee, Fate was the highest of 8 the comparisons cities.
 - The proposed Water Impact Fee, Fate was the third from the highest of the 8 comparisons cities.
 - The proposed Wastewater Impact Fee, lowered Fate from the highest of 8 comparisons cities to the third from the highest.
- Impact Fee Collection Rate
 - Staff recommends adopt 100% of max fee for Residential
 - Staff to discuss discounted rates for non-residential land use types with Council such as a 20% discount for high-density mixed-use per the impact fee study.

City Manager Michael Kovacs stated that currently we have not built any roads, new developments and state roads have taken on this role. For water, due to regulations by Texas Commission on Environmental Quality (TCEQ) and North Texas Municipal Water District services, the City has had to invest. The impact fees are what pays for these investments. Currently fees are being collected to build pump station 3 which is coming in the future.

Mr. Kovacs explained how a City can use reduced impact fees to incentivize development. He continued to state that the City Engineer is doing a good job at finding cost saving ways to reduce the cost of maintain. He gave a history of the challenge of paying for roadways and explained what the City is doing currently with roads.

Discussion ensued amongst the committee members regarding the following topics:

- The minimum and maximum rates
- The timing of the new comprehensive plan and the impact fee updates.
- The impact fee is mandated to be updated every five years.
- The job of the CIAC verses the job of City Council. The needed action by the CIAC is to provide written comments prior to public hearing. Not to debate who pays what.

- The lack of contributions by current resident for the amount to maintain the roads.
- This report was captured, but it is understood that priorities change over time.
- Discussion was had regarding FM 551 south of Williamsburg.
- There was a reduction on the wastewater by working with TCEQ.
- Conundrum of putting roads on the plan because it obligates the City to pay for them at 60%.
- Removing certain reimbursable projects.
- Timing of when roadway would be built. It was explained that there was no timeline, but that it was development driven.
- City Staff will discuss these fees with residential developers.
- Roads paid for with ad valorem taxes would mean an increase in taxes to cover cost of roads.

Written Comments Included:

Chairman Stacey suggested that he trusted the engineers and City Staff did a good job with an equitable report. The Committee was pleased with cleaning up on the reimbursable projects list. Land Use Assumptions is based off the current Future Land Use Plan, the plan is fluid, but the report is what was captured at the current time. In the Master Thoroughfare Plan the following items were discussed. The widening of FM 551 in connection with Williamsburg, roundabouts, and CD Boren between Ben Payne and FM 3549 decreasing in width was not spoken favorably of. However, this was part of a signed development agreement.

Committee Member Josh Burkhart moved to approve the report.

Committee Member Scott Kelley seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Committee Members Burkhart, Dann, Farrell, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

3C. Discuss, Consider, And Take Any Necessary Action Regarding An Impact Fees Report On Projects & Funds

City Manager Michael Kovacs gave a report regarding impact fee projects and funds.

Mr. Kovacs explained the below spreadsheet that was provided in the agenda packet.

Impact Fees Cash & Coming Expenses

8/14/2020

Type of Impact Fee	Roads	Water	Sewer
Beginning balances FY20	\$5,072,441	\$1,592,190	\$3,123,101
YTD Revenue FY 20	\$1,675,278	\$1,059,013	\$1,837,064
Fund balances plus revenues	\$6,747,719	\$2,651,203	\$4,960,165
Purchases and Reimbursements YTD	\$2,910,926	\$11,138	\$918,431
<u>Transfers Out for Debt Service</u>	<u>\$0</u>	<u>\$416,271</u>	<u>\$218,476</u>
Expenses YTD	\$2,910,926	\$427,409	\$1,136,907
<i>Completed Projects - City to Pay Soon</i>			
Debt Service Expense Transfers Still	\$0	\$83,254	\$43,695
Impact Fee Study Updates Bills to Pay	\$41,000	\$29,862	\$29,862
Gettysburg to Williamsburg Pkwy	\$1,100,000	\$1,631,000	\$2,563,000
Hunts - Buck's/Spec's Sewer Line	\$0	\$0	\$799,924
<i>Projects Under Construction</i>			
Gettysburg @ WB Pkwy West 2,240'	\$3,453,320	\$445,500	\$568,100
N. Ben Payne/CD Boren MUD 8	\$927,000	\$411,000	\$0
Williamsburg Parkway near School	\$632,730	\$0	\$0
<i>Hunts Projects in "Pre-Launch Phase"</i>			
Williamsburg 2 lanes to Pleasant Hill	\$700,850	\$0	\$0
Roundabout for Hunt Apartments	\$1,000,000	\$0	\$0
Greenbriar Extension	\$1,808,940	\$0	\$229,500
<i>City Dev. Agree. Commitments</i>			
Dev. Agree. - C.D. Boren Ext. MUD 8	\$853,000	\$0	\$0
Dev. Agree./mains - Prince Ln. MUD 9	\$125,000	\$1,127,000	\$0
<u>Total Expenses Coming</u>	<u>\$13,552,766</u>	<u>\$4,155,025</u>	<u>\$5,370,988</u>
Ending Fund balances	(\$6,805,047)	(\$1,503,822)	(\$410,823)
<i>Does not include WB West, East, or Avondale</i>			

Discussion ensued with regards to:

- The process of collecting the impact fees, reimbursements, and paying for improvements.
- Questions were asked why Avondale was not included. It was explained that the report was intended to be on approved projects.
- The process of making payments and the flow of fees for the future. It was explained that there is not enough money available. But the developer cannot be repaid if the cash is not available, it would be paid out over time. In the future, design credits will be advocated for.

4. Capital Impact Advisory Committee Adjournment

There was no further business before the Capital Impact Advisory Committee and Committee Members John Stacy moved to adjourn.

Committee Members Scott Kelley seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Committee Members Burkhart, Dann, Farrell, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

Chairman Stacy declared the meeting adjourned at 7:24 p.m.

5A. Discuss, Consider, And Take Any Necessary Action Regarding The Election Of A Chairman And Vice Chairman Of The City Of Fate Planning And Zoning Commission.

(1) Chairman

- a. Kerry Wiemokly nominated John Stacy. Six votes were cast for John Stacey.
- b. Josh Burkhart nominated Scott Kelley.

(2) Vice Chairman

- a. John Stacy nominated Scott Kelly. Six votes were cast for Scott Kelley
- b. Scott Kelley nominated Kerry Wiemokly.
- c. Kerry Wiemokly nominated Josh Burkhart.

Commissioner Kerry Wiemokly moved to name John Stacy as Chairman and Scott Kelley as Vice-chairman.

Commissioner Josh Burkhart seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Priest, White, and Wiemokly

Nays: Kelley

Chairman Stacy declared the motion carried unanimously

5B. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Planning And Zoning Commission Meeting Held June 18, 2020

Commissioner Scott Kelley moved to approve the minutes of the Planning and Zoning Commission meeting held June 18, 2020.

Commissioner Steve Dann seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

5C. Discuss, Consider, And Take Any Necessary Action Regarding Of A Preliminary Plat Application For 2 Commercial Lots In The Development Known As Children's Lighthouse – Fate, Containing 3.511 Acres Located At 1774 S. FM 551 Within The J.B. Merchant Survey, Abstract No. 159, City Of Fate, Rockwall County, Texas. Rockwall CAD Property ID 11901. Case #PP-20-002. Applicant: Emily And Amal Fernando.

(1) Staff report and Presentation

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of the agenda item.

Mr. Rugeley explained that this plat is simple. Two lots are being developed. A Lighthouse daycare, a well-known business, on the east lot and on the west lot they plan to develop a strip commercial center that is in the concept plan but this is for a future development. The day care does plan to begin build eminently and the commercial will be in the future. One commercial sewer line is going to be extended, The sewer line will be for the city to maintain at \$40K. The Development Review Committee (DRC) has approved this application.

Staff recommends the preliminary plat to be approved.

(2) Discuss, consider, and take any necessary action.

Discussion ensued amongst the Commission with regards to the presentation. The following topics were discussed.

- The fire lane timeline of being built.
- The layout of the western lot with front being placed on the side. It was explained that the owner had previously desired for medical offices. Additionally, the land is more long than wide, and they are able to get more space with the orientation. The preference was expressed to be left more flexible.
- Drainage was discussed as designed appropriately by the City Engineer Misty.

- The set-back was discussed as desired to be moved back due to the amount of car accidents that occur at this curve.
- Traffic mitigation and barriers were discussed. A Traffic (TIA) was already completed.
- The final plat will return to the Planning and Zoning Commission.

Commissioner Josh Burkhart moved to approve a preliminary plat for Case #PP-20-002 with comments and recommendations to reevaluate the western property's use and drainage for usability for future tenants.

Commissioner John Stacy seconded the motion.

*There was no further discussion and the vote on the motion was as follows:
 Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Kelley, Priest, White, and Wiemokly
 Nays: None
 Chairman Stacy declared the motion carried unanimously*

6A. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Cash Special Utility District To Zone 1.08 Acres From Agricultural District To Industrial District To Authorize The Installation Of A Water Storage Tank. The Area That Is The Subject Of This Zoning Application Is Located At The Southeast Corner Of The Intersection Of Ben Payne Rd And The Railroad Track, Rockwall CAD Property ID 12220. Case ZR-20-004.

(1) Applicant presentation

Applicant Clay Hodges representing Cash Special Utility District made a presentation providing a brief overview of the agenda item. He explained that this project is for a one million gallon ground storage water tank. Cash Special Utility District purchases water from North Texas Municipal Water District and needs space to hold the water they are required to buy. They plan to put a mural on the water tank and his is in support.

(2) Staff report and Presentation

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of the agenda item.

The following items were discussed:

- The tank will be behind the screening 8 foot wall.

- The existing use verse the expansion of the use. There are currently two tanks now that will be continued to be used. These were in use before being annexed. Action taken to approve this application does authorize that the existing tanks to be conforming and it allows for the expansion of the one-million-gallon tank.
- Ben Payne will become a gateway into the City. This needs to be balanced with the utility use of the land and the appearance within the City.
- This case is unique because the property is 1.08 acres, which makes the agriculture zoning non-conforming. When annexed, this property was zoned by default, agriculture. However, agriculture zoning requires 2 acres. A building permit cannot be approved without the land use being conforming.

Four properties were notified within the notification area. No responses have been received.

Staff recommends a Planned Development (PD) zoning district with base regulations that the institutional zoning district. In addition, the new storage tank to have a 270-degree mural. The mural then requiring P&Z consideration and approval.

(3) Public Hearing

Chairman Stacy opened the public hearing at 8:01 p.m.

No one present wished to speak.

Chairman Stacy closed the public hearing at 8:01 p.m.

(4) Discuss, consider, and take any necessary action.

Discussion ensued amongst the Commission with regards to the presentation. The following topics were discussed.

- Questions regard why staff recommends a PD with industrial zoning.
 - Staff replied so that a mural would be required. And if the site was to be redeveloped in the future, the new land use would need to come back to Planning and Zoning.
- Landscaping requirements.

- The applicant was excited about the mural. It was discussed that the owner would be responsible for the cost of the mural. The applicant stated that it would be pleasant and beautiful.
- The mural design was required to come back with the site plan.
- The location was discussed as appropriate location as this will be a main entry way into the City. The applicant explained that they have been there for 42 years. He went on to explain the scope of the utility layout. He stated that he did not see the need for it to grow in the future. The tank serves from corner of FM 548 and FM 276 east all the way to Quinlin Texas.
- He expressed that the older tanks could be incorporated in the murals as well.
- A masonry wall would be around the tanks

Commissioner John Stacy moved to approve Case ZR-20-004 with a Planned Development (PD) with a base zoning of Institutional Uses and Standards with a mural in the range of 270 degrees and to be included in the site plan that will be administratively approved.

Commissioner Chelsea Priest seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Priest, White, and Wiemokly

Nays: Commissioner Kelley

Chairman Stacy declared the motion carried six votes to one.

6B. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By Hossain Makvandi And Bruce French To Obtain A Special Use Permit For Gasoline Sales Pumps And Alcoholic Beverage Sales. The Area That Is The Subject Of This Special Use Permit Application Is Commonly Known As Homeboys Exxon And Is Described As 2975 SH 66, Rockwall CAD Property ID 50543. Case SUP-20-001.

(1) Applicant presentation

Bruce French spoke for the applicant Hossain Makvandi. He made a presentation providing a brief overview of the agenda item.

Owner of the Homeboys strip center, Hossain Makvandi has a vacant end cap and would like to have an allowance for off premise alcoholic consumption. He gave a brief update of the previous applications.

Discussion ensued amongst the Commission:

- The square feet of the store front is approximately 3,000 square feet.
- Mr. French explained that the previous application had required some irrigation and landscaping requirements. The irrigation and landscaping was asked for some patience as the road is under construction at that intersection.
- This store front will be separate from the convenience store.
- The space would be to the east of the nail salon.
- This was previously presented, and Mr. French offered to meet with any concerned residents. At the time, none had come forward.

(2) Staff report and Presentation

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of the agenda item. He stated a super majority was required by the City Council. Last July, this application was opposed at Council. A one-year time limit was required before the application could be resubmitted.

Properties were notified, three individuals came forward with the 200-foot notification area that represent 20% and will again require a super majority vote at Council. One person came forward in favor of the application. Three letters were read aloud in opposition.

(3) Public Hearing

Chairman Stacy opened the public hearing at 8:29 p.m.

No one present wished to speak.

Chairman Stacy closed the public hearing at 8:29 p.m.

(4) Discuss, consider, and take any necessary action.

Discussion ensued amongst the Commission with regards to the presentation. The following topics were discussed.

- Questions if the SUP could be split. The applicant had chosen to bring both the gasoline and alcohol sales together in this way.
- Window signs.

- The amount of voters that were in favor of off premise alcohol sales was approximately 74%.
- Is there a commitment to future liquor stores and if there was a cap allowed. An ordinance could be passed to cap the number.
- Requested to bring back a future Planning and Zoning item for a liquor redundancy ordinance at the end of the September meeting.
- The Commission was noted that they surprised that the neighbors were not present and noted that the applicant has done a good job in being a good neighbor.

Commissioner Scott Kelley moved to approve Case SUP-20-001 with staff recommended conditions.

Commissioner Josh Burkhart seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

4. Adjournment

There was no further business before the Planning and Zoning Commission and Commissioner Steve Dann moved to adjourn.

Commissioner John Stacy seconded the motion.

There was no further discussion and the vote on the motion was as follows:

Ayes: Chairman Stacy and Commissioners Burkhart, Dann, Kelley, Priest, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

Chairman Stacy declared the meeting adjourned at 8:38 p.m.

**APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE ____ DAY
OF _____, 2020.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary

**APPROVED BY THE CAPITAL IMPACT ADVISORY COMMITTEE ON THE _____
DAY OF _____, 2020.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary