

**MINUTES OF THE CITY OF FATE
PLANNING AND ZONING COMMISSION
MEETING
January 21, 2021**

NOTICE OF ATTENDANCE

NOTICE is hereby given that the City Council may be in attendance at the Planning and Zoning Commission Meeting **January 21, 2021** being held at the Fate City Hall, 1900 CD Boren Parkway, Fate, Texas.

1. Call To Order And Confirm A Quorum

Chairman John Stacy called the Fate Planning and Zoning Commission to order at 6:01 p.m. on the 21st day of January 2021, 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
Laura White

Planning and Zoning Commission Members Absent:

Chelsea Priest
Kerry Wiemokly

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Robert LeCroix, Interim Director of Planning & Development Services
Robbie Highfield, City Planner
Brenda McDonald, City Attorney
Jessica Larson, Assistant to the City Manager/Deputy City Secretary

2A. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Planning And Zoning Commission Meeting Held December 17, 2020

Commissioner Kelley moved to approve the minutes of The Planning And Zoning Commission Meeting held December 17, 2020.

Commissioner 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

3A. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By The Fate 54 Investment Land, LLC To Amend The Future Land Use Plan Designation Of Certain Areas Proposed By The Applicant For A Planned Development Zoning District FROM Rural Density (5+ Acres) To Regional Retail/Office/Commercial to authorize manufacturing, warehouse and storage, light industrial condominiums, construction related businesses, utility and utility services, commercial and industrial machinery leasing and rental, community garden, public park or playground, nature preserve, and transportation-related uses. The project address is 2221 N. FM3549 Stodghill Rd. The general location of the project is said to be the east side of Stodghill Rd approximately 4,000 ft north of SH66. The Rockwall CAD Property IDs are 10493 and 10496. FLUP-20-003.

1) Applicant presentation;

Applicant James Mabrey was not present due to COVID concerns. Mr. Mabrey's attorney Art Anderson was available for questions via text messaging.

2) Staff report and presentation;

City Attorney Brenda McDonald gave a presentation with regards to the agenda item. Mrs. McDonald stated that the presentation for agenda item 3A would also apply for items 3B, 3C and 4A. She gave a brief background of the history of this project and lawsuit.

Mrs. McDonald explained the lawsuit had two plaintiffs, Fate 54, and Fate 231. Win Jackson has entered into an agreement to purchase the Fate 231 and did not want to be tied to Fate 54. Therefore the two items will be brought forward independently. If the projects are approved, Fate 54 and Fate 231 will dismiss their claims in the Montarra lawsuit.

The application for Fate 54 is the exact same as presented in the fall.

The following items were discussed:

- A location map for the industrial area was shown. This is a stand-alone project.
- The residential access road had planned to boarder the industrial area, but that has now changed. The access for Fate 231 project is exclusively from Ben Payne.

- A survey map was shown with approximate 100-year flood plain.
- Open space 20.6 acres, primarily in the floodplain
- Industrial lots and rights of way – 33 acres
- The Concept Plan was shown.
- Parking areas are between the buildings – not in front
- Masonry will be added to the buildings – this is a provision in the development agreement that they have honored and carried forward with this application.
- The one thing that is not show – is the agreed upon screening on the north and southside of the property as requested in the previous public hearing.
- All recommendation items listed on page 2 of the packet came from the previous public hearing and the City Attorney encouraged the Commission to restate these in a motion. The Developer has agreed to move forward with them.
- These items were previously approved by the Planning and Zoning Commission.

City Manager Michael Kovacs shared an article about the industrial market strength during the current time frame.

3) Public Hearing;

Chairman Stacy opened the public hearing at 6:17 p.m.

No one present wished to speak.

Chairman Stacy closed the public hearing at 6:17 p.m.

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

Discussion ensued amongst the Commission with regards to:

- The FLUP previously was approved with no conditions.
- The recommendations that were made at Planning and Zoning were not included in the settlement. But the developer accepted all the recommendations previously and will honor them.
- Questions regarding the base regulations of the Planned Development District.

Commissioner Stacey moved to approve case FLUP-20-003.

Commissioner Kelley 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, and White

Nays: None

Chairman Stacy declared the motion carried unanimously

3B. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By The Fate 54 Investment Land, LLC To Establish A Planned Development Zoning District On Approximately 54-Acres Of Land for manufacturing, warehouse and storage, light industrial condominiums, construction-related businesses, utility and utility services, commercial and industrial machinery leasing and rental, community garden, public park or playground, nature preserve, and transportation-related uses and to amend the development standards of the City of Fate Unified Development Ordinance and Design Criteria and Construction Standards. The project address is 2221 N. FM3549 Stodghill Rd. The general location of the project is said to be the east side of Stodghill Rd approximately 4,000 ft north of SH66. The Rockwall CAD Property IDs are 10493 and 10496. ZR-20-008.

1) Applicant presentation;

The applicant was not present.

2) Public Hearing;

Chairman Stacy opened the public hearing at 6:23 p.m.

No one present wished to speak.

Chairman Stacy closed the public hearing at 6:23 p.m.

3) Discuss, consider, and take any necessary action.

Discussion ensued amongst the Commission with regards to:

- Much discussion was had with regards to the items at the previous presentation.
- Previously the questions or concerns of the public in attendance was in regard for the residential rezoning request. The residential portion is not a part of this presentation.
- The Commission's recommendations was based in part by the previous public participation at the last hearing.

Commissioner Josh moved to approve case ZR-20-008 with the following conditions: no exterior manufacturing or outside construction materials storage; no sewer solid waste recycling; no temporary or permanent batch plant; temporary exterior storage

inventory must be screened from view; no loading docks facing FM 3549/Stodghill Road; delivery only permitted between 7 a.m. and 7 p.m. any day of the week; landscape screen is required adjacent to residential properties on the north and south property lines.

Commissioner Kelley 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 and, White

Nays: None

Chairman Stacy declared the motion carried unanimously

3C. Discuss, Consider, And Take Any Necessary Action Regarding A 54-Acre Concept Plan Application Submitted By The Fate 54 Investment Land, LLC For

manufacturing, warehouse and storage, light industrial condominiums, construction-related businesses, utility and utility services, commercial and industrial machinery leasing and rental, community garden, public park or playground, nature preserve, and transportation-related uses. The project address is 2221 N. FM3549 Stodghill Rd. The general location of the project is said to be the east side of Stodghill Rd approximately 4,000 ft north of SH66. The Rockwall CAD Property IDs are 10493 and 10496. CP-20-004.

1) Applicant presentation;

The applicant was not present.

2) Public Hearing;

Chairman Stacy opened the public hearing at 6:26 p.m.

No one present wished to speak.

Chairman Stacy closed the public hearing at 6:26 p.m.

3) Discuss, consider, and take any necessary action.

City Attorney Brenda McDonald encouraged the Commission, if they planned to approve the Concept Plan, to do so with the same conditions of the as the Planned Development (PD) ordinance.

Discussion ensued amongst the Commission with regards to:

- Questions if the pedestrian bridge connected to a planned Citywide trail. The trail will connect to the residential section.

- The bridge is five-feet in width – a discussed was had to increase the size to accommodate a golf cart. It was discussed as a significant expense.
- Flood plain administration and amendments
- Questions regarding if after approval, can changes be made to the plan. The City Attorney explained only minor could be made.
- Questions about what type of businesses (allowed uses) will be permitted. Heavy industry was a concern. The notice and base zoning was read out loud and discussed. The Commission felt comfortable after the discussion.

The Commission recessed into Executive Session at 6:55 p.m.

In Accordance with Texas Government Code, Section 551.071, Consultation With Attorney On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflicts With The Texas Open Meetings Act:

- To consult with the City Attorney regarding the pending Montarra litigation.

The Executive Session was adjourned at 7:14 p.m. and Chairman Stacy reconvened the meeting of the City Council at 7:16 p.m.

Commissioner Stacey moved to approve case CP-20-004 with the applicable conditions from the Planned Development.

Commissioner Kelley 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, and White
Nays: None*

Chairman Stacy declared the motion carried unanimously

4A. Discuss, Consider, And Take Any Necessary Action Regarding Of A Preliminary Plat Application For 12 Industrial Lots In The Development Named Montarra Tech Park, Containing 54.040 Acres Generally Located On The East Side Of FM 3549 Approximately 1,200 Feet North Of Cornelius Rd. And Just South Of Clem Rd., Rockwall CAD Property IDs 10493 And 10496 And Found Within The William A. Coose Survey, Abstract No. 55, City Of Fate, Rockwall County, Texas. Applicant: The Fate 54 Investment Land, LLC. Case #PP-20-007.

1) Applicant presentation;

The applicant was not present. City Attorney Brenda McDonald stated that the preliminary plat met all the ordinance requirements. When all the engineering is

complete, the final plat will come back to the Planning and Zoning Commission but not to City Council. The process is administrative.

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

No discussion amongst the Commission was had.

Commissioner Stacey moved to approve the preliminary plat Case #PP-20-007.

Commissioner White 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, and White,

Nays: None

Chairman Stacy declared the motion carried unanimously

7. Adjournment

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

Commissioner 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, and White

Nays: None

Chairman Stacy declared the motion carried unanimously.

Chairman Stacy declared the meeting adjourned at 7:21 p.m.

**APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE ____ DAY
OF _____, 2021.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary