

**MINUTES OF THE CITY OF FATE
PLANNING AND ZONING COMMISSION
July 18, 2019**

NOTICE OF ATTENDANCE

NOTICE is hereby given that the City Council may be in attendance at the Planning and Zoning Commission Meeting **July 18, 2019** 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

Commissioner Kerry Wiemokly called the Fate Planning and Zoning Commission to order at 6:05 p.m. on the 18th day of July, 2019, 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:

Josh Burkhart
Scott Kelly
Chelsea Priest
Andy Reed
Laura White
Kerry Wiemokly – Vice Chairman

Planning and Zoning Commission Members Absent:

John Stacy – Chairman

City Staff Present:

Justin Weiss, Assistant City Manager
Will Rugeley, Director of Planning & Development Services
Jessica Larson, Assistant to the City Manager/Deputy City Secretary

2. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Final Plat For 84 Residential Lots In The Woodcreek Subdivision, Phase 5B, Containing 27.41 Acres Located In The J. Hodges Survey, Abstract No. 103, City Of Fate, Rockwall County, Texas. Applicant: First Texas Homes, Inc. Case #FP-19- 001.

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

Mr. Rugeley explained the location of the plat in the Woodcreek subdivision and gave attention to two features, the trail and existing drainage pond that was constructed with phase 5A. Mr. Rugeley discussed the detention pond to the east outside of the platted boundary that needed landscaping enhancements.

Mr. Rugeley made a mistake in the first phase of the plat. He did not realize the detention plot was offsite. The Development Review Committee (DRC) does recommend this plat be approved with condition of the trail being installed and the addition of the landscaping for the 5A detention pond be installed with phase 5B.

Questions were asked by the commissioners regarding the removal of trees. Mr. Rugeley explained there was a provision that exempts the Woodcreek subdivision from being subject to the tree preservation ordinance.

Discussion ensued regarding the current condition of the detention pond and creek regarding the deterioration of the area. The applicant's engineer, Mr. Kirby Jones stated that he would like to drive by and take a look at the area. He stated that if there was a problem that the area is still under the two-year maintenance bond and that he would have it fixed.

The drainage issues are significant enough that they would like for the City Engineer to look at the whole system before approving the plat. It was asked to table the item until everyone could take a look. Mr. Jones stated that the owner would not like to table this item as so many homes have been sold.

City Attorney Brenda McDonald suggested that the commission could add a condition to the approval which included a meeting with the City Engineer and Mr. Jones onsite to look at those drainage issues prior to recording a plat. Mr. Rugeley stated that a timeline would need to be added to the motion.

The City Engineer has already approved the plans, but the request is to have an onsite walkthrough so that the problem can be observed. Discussions ensued amongst the commission regarding the proposed meeting between the two engineers.

Commissioner Josh Burkhart moved to approve Case #FP-19- 001 on the conditions of the addition of landscaping and trail as described in the staff report and an onsite meeting with the city engineer and the project engineer to address the drainage in and around the area within two weeks.

Commissioner Scott Kelly on seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, and White

Nays: None

Abstained: Commissioner Reed

Vice Chairman Wiemokly declared the motion carried by five Ayes and one Abstain

3. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Preliminary Plat For A Commercial Lot Containing 1.88 Acres Situated In The Dennis Thedford Survey, Abstract No. 208, City Of Fate, Rockwall County, Texas. Applicant: Fate Gas Investments, LLC. Case #PP-19-001.

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of the agenda item. Mr. Rugeley explained with the approval of the zoning and concept plan, Fate Gas Investment LLC has submitted a preliminary plat to commercialize the 1.88-acre lot located on the northeast corner of the IH30 service road and FM551 Intersection. This preliminary plat is the second to last step before the convenience store and Sonic will be eligible for a building permit.

The financial considerations for the project was explained to the commission. Fate I30 Commercial LP is in the process of extending utilities and coordinating offsite drainage improvements to serve the 1.88-acre development. The proposed public improvements are being extended in compliance with the City of Fate's Water Waste Water System Master Plan and Capital Improvement Plan (CIP). This includes approximately 3,400 linear feet of an 8" sanitary sewer which will run under I30 and enable the City to take a lift station offline. The estimated value of the on- and offsite improvements is 3.5 million.

There is going to be an extension of city sewer line about 1200 feet and then tunneling under I30 because they are extending city infrastructure they need both PZ and City Council approval.

City Staff and the Development Review Committee (DRC) recommends approval.

Discussion ensued amongst the commission regarding what benefits the developer/owner receives from investing 3.5 million in City infrastructure. Mr. Rugeley explained that this sewer line is on the impact fee eligible project list for reimbursement. It was also explained that the sewer line will help facilitate future development. Additionally, this will bring the lift station off line. The time frame was discussed, needing a final plat however it is already approved by TxDOT and is in the final stages of approval.

Commissioner Scott Kelly moved to approve Case #PP-19-001.

Commissioner Chelsea Priest seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

- 4. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Alan Bain, Robert LaCroix, And Jan Vaquez To Zone 1.496-Acres From Agriculture District To Planned Development District For Spirits Sales. The General Location Of This Zoning Application Is On The East Side Of FM 551 Approximately 600-Foot North Of IH30, Rockwall CAD Property ID 12848. Case ZR-19-004.**

(A) Staff Report And Presentation

Director of Planning and Development Services Will Rugeley made a presentation providing a brief overview of the agenda item. The applicants seeks approval of a Planned Development zoning district (PD) for a retail Specs Liquor Store. Its location is north of the convenience store/Sonic that recently received PD and Concept Plan approval. The proposed 10,000 sf building is (approx.) 98% compliant with the code's architectural and site design standards. The building sits close to FM 551 with parking on the building's east side. Mr. Rugeley explained that the developer and staff have met several times and the design and architecture is near exact to what the Unified Development Ordinance (UDO) requires. One loan item does not match the UDO and that is a type of material. However, the material that is being proposed is better than most. The UDO seeks mixed use type of developments. This building meets this requirement. The building is brought up closer to the road, and the parking is on the east side with a proposed ten foot landscape buffer. This land is currently designated as neighborhood/retail/office and commercial. Staff recommended zoning as a Planned Development (PD) because the property is within the regional mixed use special district which has its own unique standards. This will circumvent a 50 acre minimum.

Mr. Rugeley explained that staff voiced an emphasis the building's lifecycle and ability to be converted into multiple retail/office spaces in the future. The applicant is proposing a building can be converted into 1-3 separate lease spaces.

The landscaping plan was shown and explained as sufficient.

Just recipient one citizen received a notification notice for the 200 foot area. The application was published in the paper on June 26, 2019. Fourteen emails have been received to endorse this particular application. None of which are in the notification of

the area. A sample was suggested being shared. Mr. Rugeley read one from a resident located at 694 Dover Street. The resident stated that he was in 100% agreement with the location. Count my yes vote please.

City staff recommends approval of this application.

(B) Applicant Presentation

Applicant Robert LaCroix, 4517 Scenic Drive, Rowlett, TX made a presentation. He stated he represents the development portion of this project. He explained the property is currently zoned agriculture and has never been zoned for development. Mr. LaCroix went on to discuss the process and standards of the proposed development.

The owner of the rest of the property wants to have the continuity with the rest of the properties. Mr. LaCroix explained that since this property is along I30, he expects that once this building gets started with superior design, the bar has been set high for future development.

The concept plan was presented that addressed the landscaping, building elevation and materials. As far as the materials, there is a portion that they are asking for a 10% difference. The main reason they are asking for this variance is, by using the same material does it does not make a big enough difference for the signage to stand out.

Discussion ensued amongst the commission regarding the walkability of the design, the "gateway" location, if a traffic study was needed, the location of the dumpster, neighboring land zoning, screening, signage and the continuity of the adjoining property.

(C) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 7:08 p.m.

Lorne Megyesi, 111 Mustang Dr. Fate, TX 75087 – Mr. Megyesi stated that this development will be good for the City's sale tax base. The City Council has been busy trying to bring commercial businesses into the City. To bring in a business that is conforming to the UDO will be a good thing and will help to bring additional quality businesses. He spoke in favor of the project. Mr. Megyesi reminded the commission that in November voters allowed for the sale of spirits and it passed overwhelmingly.

Vice Chairman Wiemokly closed the public hearing at 7:11 p.m.

(D) Discuss, Consider, And Take Any Necessary Action.

Commissioner Scott Kelly moved to approve Case ZR-19-004.

Commissioner Josh Burkhart on seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

- 5. Discuss, Consider, And Take Any Necessary Action Regarding A Concept Plan Application Submitted By Alan Bain, Robert LaCroix, And Jan Vaquez For A 1.496-Acre Concept Plan For A Retails Store For Alcoholic Beverage Sales. The Area That Is The Subject Of This Concept Plan Application Is Described As The East Side Of FM 551 approximately 600-Feet North Of IH30, Rockwall CAD Property ID 12848 Case CP-19- 001.**

(A) Staff Report And Presentation

Director of Planning and Development Services Will Rugeley stated the previous PowerPoint presentation provided by staff is also applicable to this item.

(B) Applicant Presentation

Applicant Robert LaCroix stated he was happy to answer any additional questions. No questions were asked.

(C) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 7:13 p.m.

No one wished to speak

Vice Chairman Wiemokly closed the public hearing at 7:14 p.m.

(D) Discuss, Consider, And Take Any Necessary Action.

The commission had no further discussion regarding the concept plan.

Commissioner Josh Burkhart moved to approve Case CP-19- 001.

Commissioner Chelsea Priest on seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

6. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Oncor Electric Delivery Company, LLC And Brian Satagaj To Zone 12.33-Acres From Agriculture District To Industrial District For An Electric Substation Facility. The General Location Of This Zoning Application Is Directly South Of The Fate Postal Office On Hwy 66, Rockwall CAD Property ID 11680. Case ZR-19-005.

(A) 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 the Oncor Electric Delivery Company is in need of an additional substation in Fate to meet the growing service demands of the area. Based on current demand, existing transmission lines, and available property, Oncor has identified the subject property as their preferred location for their newest substation and has the property under contract for purchase.

The subject property is approximately 12.33 acres located on the south side of West Holiday (SH 66) approximately 2,500 feet east of Ben Payne Road. The undeveloped property is currently zoned Agricultural. Electrical Substations are permitted uses within only the UDO's Industrial Zoning District and they require approval a Special Use Permit (SUP).

Mr. Rugeley showed a map of the other locations that were considered and explained that this was the best location to provide electricity to the growing population.

Staff endorses the proposal in large part because electrical infrastructure is absolutely necessary to daily life while its proposed location is the most ideal of the various sites considered. The lone question is whether or not to approve zoning and an SUP for the entire tract, instead of only the area currently shown on the concept plan.

An 8-foot screening wall made of pre-cast concrete has been included around the station. The proposed station equipment will comply with the maximum height allowed in the Industrial zoning district, however transmission lines and associated structures entering and exiting the substation facility are taller than 75 feet. Staff made it clear to

Oncor that they did not want it to look like Royse City and the applicants have addressed this concern by pushing back the site to the back of the property.

Eight notices were sent to the properties within the 200' notification area. The zoning request was published in the paper on June 26, 2019. Three emails and written letters have been received who are in opposition. However a large property owner that abuts the property is in support of the development.

Approval of this application will also require a motion to amend the Comprehensive Plan's Future Land Use Plan to "Regional Retail/Office/Commercial".

Mr. Rugeley stated, all things considered, we know that we need electricity and there are not many other sites that are ideal.

City staff recommends approval of this application.

Discussion ensued amongst the commission regarding the visibility of the equipment, the tree line along the edge of the property that cannot be removed and the neighboring business Trak-Time. Additionally, questions were asked if the substation will increase the electricity reliability problems.

Applicant: Dallas Cothrum, 900 Jackson Street – With rapid rate of growth, this substation has to be done. No one really likes substation development but they are needed to bring in the electricity.

Mr. Cothrum went on to discuss the exponential growth of DFW as a whole. If we went back one year in time, Fate was at 100% of the usage rate.

Mr. Cothrum explained that the current site would not need future expansion.

Renderings of substations were shown. Mr. Cothrum showed pictures of substations near his house and other cities such as: Highland Park, University Park, Deep Elm, Carrollton Country Club, Grapevine, and the Katy Trail.

Oncor substations use no city services. However, Oncor is taxable.

Discussion ensued amongst the commission regarding if DPS would need to acquire additional equipment, construction, the number of transformers, the closest substation, and the service radius of this substation.

(B) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 8:08 p.m.

Alvin Chandler, 812 W. Holiday Lane, Fate – Owner of Trak-Time, stated that they did not receive a notice per state law. They have had a little over 48 hours to digest this proposal. They have been a neighbor for the last seven years and keep our property cleaned. They are proud of being in Fate. 48-hours' notice is not enough time to research the implication to their business. Mr. Chandler requests that the commission table this time until they have more time to research this. They have read the articles of health problems. He requests that Oncor come out and talk with the owners of Trak-time. He respectfully request more time.

Discussion ensued amongst the commission regarding Mr. Chandler's request.

City Attorney Brenda McDonald confirmed the mailing address. Mr. Chandler confirmed the address and the fact that he did not receive the notification. Mr. Chandler stated that if he had they would have been up here sooner.

Carter Kendall, 2100 McKinney Ave. Dallas TX land broker with CBRE who is representing the property owner. The owner is in favor for the substation because of the planned development on the remaining of the 388 acres. He feels this substation is positive for the City. Mr. Kendall addressed Mr. Chandler and suggested that he would arrange a conversation with the owner of the 388 acres. He does not think that it will devalue the land. Mr. Kendall feels that Oncor will be held to guidelines.

Mr. Cothrum, the Oncor applicant shared a publication with what the EMF levels are next to a substation. He suggested Oncor would be happy to talk with Trak-Time tonight or on a time that is better for them. He went on to say that he will do what is fair and reasonable.

Mr. Chandler appreciated the EMS information, but requested time to do more research. He is interested in meeting with Oncor. Mr. Chandler stated he has responsibilities to their employees.

Vice Chairman Wiemokly closed the public hearing at 8:34p.m.

(C) Discuss, Consider, And Take Any Necessary Action.

Commissioner Josh Burkhart moved to approve Case ZR-19-005 with the conditions of an onsite meeting between the owners of Trak-Time and Oncor to be reported to the City Council on August 5 and to recommend approval of the zoning request to industrial only as it pertains to the actual substation footprint.

Commissioner Chelsea Priest on seconded the motion.

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

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Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

7. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By Oncor Electric Delivery Company, LLC And Brian Satagaj To Obtain A Special Use Permit For An Electric Substation Facility. The General Location Of This Special Use Permit Application Is Directly South Of The Fate Postal Office On Hwy 66, Rockwall CAD Property ID 11680. Case SUP-19-002.

(A) Staff Report And Presentation

Director of Planning and Development Services Will Rugeley stated the previous staff report applies to this item as well.

(B) Applicant Presentation

Applicant Dallas Cothrum, Oncor Electric Delivery Company, LLC stated the previous presentation applies to this item as well.

(C) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 8:40 p.m.

No one wished to speak

Vice Chairman Wiemokly closed the public hearing at 8:41 p.m.

(D) Discuss, Consider, And Take Any Necessary Action.

No further discussion was had by the Planning and Zoning Commission.

Commissioner Josh Burkhart moved to approve Case SUP-19-002 with the stipulation that the SUB be limited to the substation footprint.

Commissioner Scott Kelly on seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

8. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Tan Minh Doan And Medd Rattana To Zone 2.98-Acres From Agricultural District To Neighborhood Commercial District For A Senior Center. The Location Of This Zoning Application Is 2622 Blackland Rd., Which Is Due East Of The Rayburn Electric Substation, Rockwall CAD Property ID 88212. Case ZR-19-003.

(A) Staff Report And Presentation

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

This application seeks approval of the Neighborhood Commercial zoning district for a senior center operated by the LAO-American Senior Mutual Assistance Company, a non-profit tax exempt organization. The center is intended to serve as a meeting place for the greater Dallas area where programs and support services will be offered to seniors.

The location is tucked back off of Blackland Road behind a cemetery.

There are a few challenges associated with this application. These include access to the property, the proposed improvements, and the future land use plan.

The property is not contiguous with Blackland Road. Therefore, an access easement will be necessary.

Approval of this application will require a motion to amend the Comprehensive Plan's Future Land Use Plan (FLUP) to "Regional Retail/Office/Commercial." This designation is recommended to maintain consistency with previous Future Land Use Plan (FLUP) amendments in the nearby vicinity that were also amended to Residential Rental Occupancy Code (RROC) (Rayburn Electric and Oncor Electric Substations).

No correspondence was received from the 8 properties within the 200' notification area. The zoning request was published in the paper on June 26, 2019.

Mr. Rugeley explained a language barrier has been in place for a few months which cause has caused delays in the progress of the zoning case.

Discussion ensued amongst the Planning and Zoning Commission, and City Staff regarding Future Land Use Plan (FLUP), the location and size of the Senior Center and the traffic associated with the center.

(B) Applicant Presentation

Applicant Medd Rattana – Rowlett made a presentation to the Planning and Zoning Board regarding the charitable organization LAO-American Senior Mutual Assistance Company. The organization moved to the area because of the Temple. The land was donated and the organization has 450 paying members. The group has a spiritual attachment to the Temple and many families are moving area. The organization began building approximately four years ago before they were annexed into the City. Because of the limited funds they have been building slowly.

The organization is run by volunteers. We want to help the generation 60 years and older with transportation to social services, the to doctors and provide translation services.

City Attorney Brenda McDonald asked the applicants if they were aware that after this property is zoned that they would still need to have a plat prepared.

Diane P. Evers, PO Box 703, Rehoboth, MA 02769 – with DP Evers Architecture stated that her firm has already received estimates regarding the platting and prepared to take care of this professionally. She stated the building began in 2014 before the City established a zoning ordinance.

They have already put up a considerable amount of their personal money to build the senior center. Ms. Evers gave an overview of the Vietnam War as background about this community. There is a real need for a social network for this community. They don't have a connection for these types of services.

Ms. Evers reported that the Senior Center currently has a foundation, the steel frame and a portion of the roof. A photograph was shown to the commission from Ms. Evers' phone.

Discussion amongst the commission ensued regarding the zoning process, comprehensive plan, the timeline for completion, location and funding.

(C) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 9:15 p.m.

Diane P. Evers, PO Box 703, Rehoboth, MA 02769 – Presented a petition that has been distributed and are in support of the senior center that live in the area.

Vice Chairman Wiemokly closed the public hearing at 9:20 p.m.

(D) Discuss, Consider, And Take Any Necessary Action.

Further discussion ensued amongst the Planning and Zoning Commission, and City Staff regarding zoning, the cemetery to the east of the property, language barriers in responses, the distance from the Temple to the Senior Center

Khalor Boulyphone, the property owner spoke in regards to future plans. He suggested that he might build a duplex for members of the Temple. He stated he is happy to comply in the future without complaints.

Medd Rattana spoke about the social network for the seniors and requested to keep the building.

Mr. Rugeley requested to have a chance to speak with Ms. Evers and work with her so that we can build a master plan. Ms. Evers was agreeable

Commissioner Scott Kelly moved to table Case ZR-19-003 to the September 19 meeting.

Commissioner Andy Reed seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, Reed, and White

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

9. Adjournment

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

Commissioner Laura White seconded the motion.

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

Ayes: Vice Chairman Wiemokly and Commissioners Burkhart, Kelly, Priest, and Reed

Nays: None


Abstain: White

Vice Chairman Wiemokly declared the motion carried by five Ayes and one Abstain.

Vice Chairman Wiemokly declared the meeting adjourned at 9:34 p.m.

APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE 15 DAY
OF August, 2019.

APPROVED:



John Stacy, Chair

ATTEST:



Victoria Raduechel, TRMC
City Secretary

