

AGENDA

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

JANUARY 16, 2020

6:00 P.M.

**FATE CITY HALL
1900 CD BOREN PARKWAY**

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION AND CAPITAL IMPACT ADVISORY COMMITTEE OF THE CITY OF FATE WILL HOLD A MEETING AT 6:00 P.M. ON THURSDAY, JANUARY 16, 2020, AT THE FATE CITY HALL, LOCATED AT 1900 CD BOREN PARKWAY, FATE, TEXAS, FOR THE FOLLOWING PURPOSES:

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 Meeting **JANUARY 16, 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**
- 2. Capital Impact Advisory Committee Call To Order And Roll Call**
- 3. Capital Impact Advisory Committee Action Items**
 - A. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Capital Impact Advisory Committee Meeting Held November 21, 2019

[documents:](#)

[2019-11-21 planning and zoning minutes.pdf](#)
 - B. Road, Water, And Sewer Impact Fees – Understanding What They Are, How They Are Assessed, And Their Role In Building A City.
- 4. Capital Impact Advisory Committee Adjournment**
- 5. Planning And Zoning Commission Action Items**
 - A. Discuss, Consider, And Take Any Necessary Action Regarding Approval

Of Minutes Of The Planning And Zoning Commission Meeting Held
December 19, 2019.

[documents:](#)

[2019-12-19 planning and zoning minutes.pdf](#)

B. The Costs Of Building And Sustaining A City – A Passport To Prosperity
Or Poverty?

6. Planning And Zoning Commission Adjournment

In addition to any executive session already listed above, the Planning and Zoning Commission and Capital Impact Advisory Committee Meeting of the City of Fate reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code for the following purposes:

§551.071 Consultations with Attorney
§551.072 Deliberations regarding Real Property
§551.074 Personnel Matters
§551.076 Deliberations regarding Security Devices
§551.087 Deliberations regarding Economic Development Negotiations

This building is wheelchair accessible. Any request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-4601 Ext. 103 for further information.

I certify that the above **NOTICE OF MEETING** was filed and posted on the Bulletin Board at City Hall, 1900 CD Boren Parkway, City of Fate, Texas on the 13th day of January, 2020, at 12:01 P.M. and remained so posted until removed as indicated below, pursuant to the Texas Open Meetings Act. This notice was likewise posted on the city website at www.cityoffate.com.

Victoria Raduechel, TRMC, City Secretary

Removed from the Bulletin Board at City Hall on the ____ day of _____, 2020, by
_____.

**MINUTES OF THE CITY OF FATE
SPECIAL
PLANNING AND ZONING COMMISSION
AND
CAPITAL IMPACT ADVISORY COMMITTEE
JOINT MEETING
November 21, 2019**

NOTICE OF ATTENDANCE

NOTICE is hereby given that the City Council may be in attendance at the Special Planning and Zoning Commission and Capital Impact Advisory Committee Joint Meeting **November 21, 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

Chairman John Stacy called the Fate Planning and Zoning Commission to order at 6:03 p.m. on the 21st day of November 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:

John Stacy – Chairman
Josh Burkhart
Scott Kelley
Chelsea Priest
Andy Reed
Laura White
Kerry Wiemokly – Vice Chairman

Planning and Zoning Commission Members Absent:

None

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

Chairman John Stacy called the Capital Impact Advisory Committee to order at 6:03 p.m. on the 21st day of November 2019, 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
Scott Kelley
Chelsea Priest
Andy Reed
Laura White
Kerry Wiemokly – Vice Chairman
Brian Farrell

Capital Impact Advisory Committee Members Absent:

Logan Wallis

City Staff Present:

Michael Kovacs, City Manager
Justin Weiss, Assistant City Manager
Will Rugeley, Director of Planning & Development Services
Regina Edwards, Assistant 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 April 11, 2019

Commissioner Kerry Wiemokly moved to approve the minutes of the Capital Impact Advisory Committee Meeting held April 11, 2019.

Commissioner Josh Burkhart seconded the motion.

*There was no further discussion and the vote on the motion was as follows:
Chairman Stacy and Commissioners Burkhart, Kelley, Priest, Reed, White, Wiemokly,
and Farrell*

Nays: None

Chairman Stacy declared the motion carried unanimously

3B. Discuss, Consider, And Take Any Necessary Action Regarding Impact Fees Report on Projects and Funds

City Manager Michael Kovacs made a brief presentation providing an overview of the agenda item. He stated the full report is in the package.

The topics covered included:

- Construction on infrastructure including roads
- Maps of the impact fee that are being studied
- Update of the master plans
- Impact fee reserves, lots of spending but not much funding is available in these funds.
- Cash reserves are doing well

- Road Reserves = \$6 million – Looks tightest for the future
- Water Reserves = \$2.2 million – Looks tight for the future
- Sewer Reserves = \$4.2 million – Looks good for the future
 - Sabine Creek Sewer plant CO was discussed.
 - funded through a bond
 - Impact fees were used to pay for the expansion.
 - Joint project with Royse City

Chairman Stacy requested when the Impact fees are discussed in the future, to please break up the presentations.

4. Capital Impact Advisory Committee Adjournment

There was no further business before the Capital Impact Advisory Committee, Chairman Stacy declared the meeting adjourned at 6:10 p.m.

5A. Discuss, Consider, And Take Any Necessary Action Regarding Approval of Minutes Of The Planning And Zoning Commission Meeting Held October 17, 2019.

Commissioner Kerry Wiemokly moved to approve the minutes of the Planning and Zoning Commission held October 17, 2019.

Commissioner Scott Kelley seconded the motion.

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

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

Nays: None

Chairman Stacy declared the motion carried unanimously

City Secretary Note: Commissioner Josh Burkhart left the meeting momentarily at 6:12 p.m.

5B. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of A Final 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 #FP-19-002.

Director of Planning and Development Services Will Rugeley made a presentation providing an in-depth review of the agenda item. Mr. Rugeley stated, with the approval of the zoning, concept plan, and preliminary plat, Fate Gas Investment LLC has submitted a final plat to commercialize the 1.88-acre lot located on the northeast corner of the IH30 service road and FM551 Intersection. This final plat is the last step

before the convenience store and Sonic will be eligible for a building permit.

The Development Review Committee (DRC) has approved the plans. The last step is the Planning & Zoning Commission's approval.

The sewer line is in the process of being installed under Interstate 30.

City Staff recommends this plat be approved.

Discussion amongst the Commission ensued regarding the time frame for the sewer line construction. A definitive time was not given, but it was stated as "not being too long." Mr. Rugeley stated, the building's construction will be done long after the sewer line's completion.

Commissioner Scott Kelley moved to approve Case #FP-19-002.

Commissioner Kerry Wiemokly seconded the motion.

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

Ayes: Chairman Stacy and Commissioners Kelley, Priest, Reed, White, and Wiemokly

Nays: None

Chairman Stacy declared the motion carried unanimously

5C. Applicant Presentation and Workshop Regarding The Williamsburg East Planned Development Zoning Application And Concept Plan Application Resubmittals.

This item was canceled due to the resident turn out for items 6A, 6B, and 6C.

6A. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips to amend the future land use plan designation of the area proposed by the applicants for residential uses FROM Suburban Density (5k-15k sq. ft. residential lots), Parks and Open Space, and Neighborhood Retail/Office/Commercial TO Urban Density (< 5k sf residential lots) and the area proposed by the applicant for commercial uses FROM Urban Density TO Neighborhood Retail/Office/Commercial. The location of this application is described generally as being bound by Hwy 66 on its north, Ben Payne Rd on its west, the MK&T Railroad on its south, and the business named Trak-Time on its east, commonly known as Rockwall CAD Property ID 11680. Case FLUP-19-001.

City Secretary Note: Commissioner Josh Burkhart returned to the meeting at 6:16 p.m.

(1) Staff report and presentation

Director of Planning and Development Services Will Rugeley stated that the applicant would introduce the project.

Mr. Rugeley described the process for how development and zoning applications are processed by city staff. According the Texas Local Government Code, there are three parties who can submit zoning applications. The first is City Council, City Staff, or an interested land owner to develop their property. Mr. Rugeley then gave a description to the land owner's process. Once the applicant is ready to proceed, two public hearings are scheduled, one for Planning and Zoning Commission and one for City Council. Zoning applications require two notices 1) Newspaper publication at least fifteen days prior to the public hearing. 2) letters sent to land owners within 200 feet of the subject area, at least ten day prior to the public hearing. Mr. Rugeley described the process of the notification area.

City staff noticed thirty-two land owners. With the use of social media, the public hearing was shared much farther. During the application process, staff encouraged the applicant to notify Woodcreek HOA. The applicant did reach out to the HOA.

Mr. Rugeley then described the next steps of application, public hearing, and City Council meeting.

(2) Applicant presentation

Applicant Jerry Sylo, with JBI Partners 2121 Midway Road #300 Carrollton, TX made a presentation to represent the applicant of the agenda item.

A map was shown of the proposed Avondale Residential Neighborhood on the corner of State Highway (SH) 66 and Ben Payne Road, north of Interstate 30 and the railroad tracks.

The Avondale Neighborhood is asking for zoning on the property for a residential neighborhood. Two property types are being requested.

- A Type 1 lot will have a min 45-foot width with a front entry and
- Type 2 lot with a minimum 40-foot width lot with alley access.
- There is a total of 387 homes in the neighborhood.
- With a 50/50 split between alley and front entry. Builder's research indicates buyer both want both rear and front entry homes.
- Proposing 13.5 acres for 3 story apartments. Allowing for 24 units per acre for a total of 321 apartments.

- Also proposing 3.5 acres of small commercial area at the south east corner of Woodcreek Blvd and SH 66. Envisioned as doctor's office, nail salon etc.

Mr. Sylo explained the vision for Avondale. Their goal is to create a neighborhood and not a subdivision. He stated, a neighborhood is a place where people to come home and walk around their with their neighbors. The developer plans to do this by creating an integrated street pattern, open spaces and a more formal setting like the amenities center. The multifamily apartments will be built to integrate with the neighborhood. Mr. Sylo stated that the builder understands this type of building is not for everyone and is unique for suburbia. He stated, this type of development happens all the time in places like Plano. He assured the audience that there is a clientele for this type of building.

Mr. Sylo showed the City's current Comprehensive Plan map and the developer's plan on a slide, side-by-side. Both maps showed a combination of retail service (pink area on the map), multifamily (dark brown), single family (yellow), and open space (green). The developer planned to place all the same elements as the City's Comprehensive plan, just in a different pattern. The retail has been consolidated into one area. The green spaces are placed along the roads for a nice entry. The multifamily was moved closer to Interstate 30 for less impact on the community. The current Comprehensive Plan shows 18 acres of multi-family. Mr. Sylo stated they are proposing 13.5 acres of multi-family. He went on to explain the three story style of apartments that they proposed, 24 units to the acres.

Mr. Sylo then discussed the zoning of the property. He stated that currently the land is zoned Agriculture (A). The developer proposed to change the zoning to Planned Development (PD). He stated their goal is to be as close to the existing zoning ordinance as possible with minimal variations as possible. Therefore, the project was broken up into zones.

- Zone A - Single Family area where allowable uses would correspond with R2 Residential District.
- Zone B – Multi-family allowable uses would correspond with Mixed Use Transition (RMU-T)
- Zone C – Commercial area would have allowable uses to correspond with Neighborhood Commercial (NC) District.

Mr. Sylo stated that they are not asking for any thing extra and that the uses would continue to mirror what the zoning ordinance allowed for.

The single-family development standards are identical to the R2 and R3 zoning standards with a few minor tweaks. These tweaks are a request from the builders. Type 1 lots (45 foot), the developer is asking for R2 development restriction. R2 has a maximum coverage of 50%, the developer is asking that it go up to 58% coverage of the lot. This is because of the design of home that are planned to be built. Same request is being made with the Type 2 lots. The maximum coverage is 50%, the developer is requesting a 54% coverage of the lots.

The Multi-family is requesting a few minor tweaks for parking configuration. The existing zoning ordinance allows for a head in parking configuration. The developer is requesting to take that out and allow for parallel parking. He stated that this way the cars will not back into the streets with homes across from them.

Mr. Sylo showed images of homes that they are proposing. The first set was front entry homes. He quoted the R3 zoning standards that require the homes to be closer to the street. He then directed attention to the images of the rear entry homes with a combination of one and two-story homes. He stated that the homes again would be closer to the streets with trees covering the sidewalks for shade in the summer months.

Mr. Sylo then turned to the 2015 Fate Comprehensive Plan. He discussed the resident's desire to have more than one type of home in Fate. He referenced Fate's top priorities, priority #4 "Provide higher density options for young professionals and empty-nesters." He then talked about diversifying the types of housing stock and used the example of the Southlake community. Mr. Sylo stated that young professionals and empty nesters have more disposable income than individuals that are raising families. This will have an impact on the stores and restaurants here in Fate.

Mr. Sylo stated that the developer has an apartment builder on hand ready to build. They produce institutional quality, apartments that are a quality long-term investment, not a short-term ownership.

Mr. Sylo then stated that there is a market for this type of development. He said, the home owners interested in buying in this neighborhood are already used to this type of development, they live in Dallas. He also stated that the builders are comfortable building this type of development.

Mr. Sylo addressed the following concerns:

- Traffic – he stated this is why it is being built close to I30 along Ben Payne and the use of the frontage road.
- Burden on the schools – Two-bedroom apartments will average (\$1.25 per square foot x 1000 square feet) = \$1,250 rent. He stated that these individual can afford a \$310,000 home.
- Crime - He restated the market rate of the rent, he stated the development is not section 8 homes
- Decreased property values – He stated the developer would not be willing to invest if the value would decrease.
- Request for commercial property – he shared to have commercial additional roof tops are needed.

Images of the neighborhood design, neighborhood interface and elevations of the apartment were shown. The streets were shown with the apartment on one side

with a 5 foot sidewalks, tress, 26 foot wide street, parallel parking and a house on the other side.

Mr. Sylo closed with the following points:

- Fate's focus on Strong Towns. He stated that being a part of Strong Town means that the City has to pay for itself with a 20:1 (private to public investment ratio). Mr. Sylo and the developers are proposing a 23:1 ratio. He stated that if apartments are not built – in order to have the 20:1 ratio, the developer would have to have 456 home and the average home value of \$373,000.
- On October 21 Mr. Sylo sent to information to Mallorie Barr, Woodcreek HOA Manager. Mr. Sylo stated that they didn't hear anything back. He called her on October 25 and left a message. On November 8 a revised packet was sent. Mr. Sylo stated that she replied on November 11 via email stating that they would send the information to the residents.
- Clay Hodges, Cash SUD, PO Box 8129 Greenville, TX who stated that he is by the notification mailing opposed. Mr. Sylo described the nature of his business as a water supply company. Mr. Hodges was contacted by Mr. Sylo and reported that Mr. Hodges stated, "he automatically says that he is opposed to everything" as a way of getting information. Discussion about the Ben Payne expansion and infrastructure was discussed.
- One disagreement Mr. Sylo had with staff included a countywide hike and bike trail that is proposed to be built along the railroad property in the future. Staff desires a 6-8 feet tall masonry wall; the developer is requesting a standard 6-foot wood cedar plaque fence.

Chairman Stacy address Mr. Sylo and stated that all three presentation for 6A, 6B, and 6C were covered in the one presentation. Mr. Sylo agreed.

Director of Planning and Development Services Will Rugeley delivered the staff presentation.

Mr. Rugeley proposed the following questions to the Planning and Zoning Commission:

- Does the propose plan enhance the site and surrounding area? Mr. Rugeley stated, the only way to enhance anything, is to do something with the site, in this instance, it would be to develop it.
- Does it impact adjacent residential areas in a negative manner? And, is it compatible with nearby residential? Mr. Rugeley recounted Mr. Sylo's statement that the average house price that is proposed is \$330,000. Mr. Rugeley stated that when compared to the current Woodcreek home within Rockwall ISD, the value of \$330,000 is \$51,000 more than the average house.
- Will the multi-use be subsidized or low-income? Mr. Rugeley stated that the answer was no, these will be market rate apartments facility.

- Is this development compatible with the surrounding area? Mr. Rugeley stated that it is, because the development is for residential uses.
- Is the proposal better than what was originally designated in the Future Land Use Plan (FLUP)? Mr. Rugeley stated that the FLUP had more fiscally unproductive development planned. The original plan could not pay for each house's infrastructure.
- Does the proposed development have a significant benefit to the health, safety, and social wellbeing of the community? Mr. Rugeley discussed a common concern of residents, "we don't need more residential, we need more commercial." He stated that City Staff agrees. He stated what is missing, is context. Commercial developers state that they need more density and roof tops, they are unwilling to come due the wide availability of development surrounding the trade area.
- Does the proposed use contribute to the long-term economic development stability? Mr. Rugeley stated that staff determines this by ratios of private to public investment. This application is the highest that has been seen in Fate at 23:1.
- Does the proposed change enhance the site and surrounding area? Mr. Rugeley stated the existing FLUP authorizes a mixed use building directly across from the Woodcreek amenities center. The proposed application seeks to remove it and place the apartments closest to Interstate 30. A section of transitional homes are proposed to blend with the Woodcreek homes.

Mr. Rugeley discussed the notification, 32 notices were sent. He stated that a total of 376 notices were received. However, there were three different notices related to this development because there are three applications, therefore a lot of the 376 notices are duplicates. Mr. Rugeley went on to describe the 20% factor to trigger a super majority vote by the City Council. From the 32 noticed recipients, one person was in favor and six persons in the notice area in opposition. The area of the six persons in opposition represent 3.66% of the 385 acres.

Discussion ensued amongst the Commission regarding the following topics:

- Woodcreek Blvd build out, the road will be 2 lanes out of 4 until the commercial portion is built. This is similar to how CD Boren was built.
- Woodcreek Blvd, the plan shows it dead ends into the tracks. At some point it will connect to Interstate 30. That is when the next parcel of land is developed.
- In order to build this development, waterlines and sewer will need to connect with the largest lift station located near the Williamsburg Development. This development would increase the ability to develop the Interstate 30 property this because the land would now have sewer.

(3) Public Hearing

Chairman Stacy opened the public hearing at 7:07 p.m.

Pam Gatton, 1052 Corbitt Ln. - made the following points: her main concern was with the apartments, currently it takes her 2 hours to get to work. Concerned about bringing in DART. She stated apartments bring down property values. OPPOSED

Kent Stewart, 490 Price Dr. - made the following points: more police are going to be needed, concern that HUD will be next. He stated that he picked Fate because it was not Plano or McKinney or Rockwall. He likes the green area and wanted to know why the City needs to need to grow. He is looking for a neighborhood market. He is concerned with the impact to the schools, he stated Rockwall ISD needs less kids. OPPOSED

Diane Daniels, 222 Zeter Drive - made the following points: Concerned about the traffic, lowering property values, increase taxes due to police, and requests more quality commercial business. OPPOSED

Kelli Ders, 231 Zeter Dr. - made the following points: She is a retired Dallas Police officer, she is concerned about crimes that apartments bring and traffic. OPPOSED

Stephanie Adams, 566 McKinney Trail - made the following points: Lived in Fate for 13 years and spoke about the Plano and Richardson development. This development will look different in Fate. She suggested the variance on the lots is setting a precedence. She stated the 50 to 60-foot lots already in Woodcreek have parking problems. The 40-foot lot homes will be worse. She spoke about the capacity of Billie Stevenson. She questioned what Institutional type development meant and the road development. OPPOSED

Mark Harper, 401 Attlee Drive - made the following points: He spoke about the previous development by Williamsburg. He is concerned about the apartments being built in phase one, spacing in the houses and crime in the alleyways parking, and traffic. He questioned if there would be a Public Improvement District (PID). OPPOSED

David Reynolds, 301 Ben Payne - made the following points: Has lived in Fate for 20 years on the other side of this development. His front yard will meet the road. Concern about the traffic. He stated that they don't want to be Royse City or Rockwall, he said they want to Be Fate TX. OPPOSED

Dr. Bob Sparks, 1600 W. Holiday, 15 Hillside Dr., and 1000 Sparks Dr. - made the following points: Born in Rockwall Texas and has served the City Council in Rockwall. He owns 55 acres in Fate Texas. Concerned with the cost of infrastructure, and high density. OPPOSED

Kevin Wallace, 2545 Riding Club and 601 Ben Payne Rd - made the following points: Concerned with the amount of traffic on Ben Payne, SH 66, and Riding Club Road. OPPOSED

Justin Clifton, 106 Mason Court - made the following points: he proposes to rezone this area so that no one else plans to build apartment. Spoke Mr. Kovacs' presentation about the concern on water and roads. He questioned where the space for the next school would be built and the need for open space. Loves his neighbors and living here but is concerned for all the growing. Desires a balanced development. He stated that if we are patient the commercial will come. OPPOSED

Erik Halvorsen, 481 Meushaw Dr. - made the following points: he has children in Billie Stevenson, his children are already in portables. He grew up in a 1930s home that had neighbors close by. He is as concerned about the dead-end street. Would like to see the infrastructure be taken care of first. Is concerned about the traffic. OPPOSED

Michele Keltner, 937 Mangrove Dr. - made the following points: she spoke about the concern for the crowded schools, traffic, she stated the apartments not paying taxes, and renters do not have long term investment in their community. She is concerned for the lack of HOA standards and that they bringing down values. She stated that more people means more need for police and City services. OPPOSED

JoLena Lancaster, 101 Western Dr. - made the following points: She moved to Fate 11 years ago from Mesquite, she is concern about the construction, need for roads, utilities (there is not sewer or cable in her area), traffic increased the commute time, drug use of people who live in apartments, the need for more police officers and our current PSOs having three responsibilities, and the increase in crime. She stated Mesquite schools have turned to the food program, and social services. Spoke about current home owners wanting to move out of Fate because of this development. Spoke about keeping the people that are already here in Fate happy. OPPOSED

Heather Bennett, 792 Cauble Dr. - made the following points: She questioned the assumption that the developer was making. She stated there is a reason why they build the apartments first. Her concern for the zoning and changing the zoning. She stated that once the zoning is changed, the developer can put what he wants. She stated that tweaking to the parking, means the limiting the number of spots. She stated that the person that has the pipe line with the water getting a deal. OPPOSED

Jason Austin, 101 Ben Payne Rd. - made the following points: He stated he moved to Fate 10 years ago and liked how the City wished to grow. In comparison to his property, there are 67 dwelling would be built in what is being proposed. He is a residential home builder, is concerned that the project will be sold. With the zoning already set in place, he is concerned with what would happen. He does not want to live across from this development. OPPOSED

Michael Moran, 584 Reed Dr. - made the following points: Is an owner of multifamily development. He spoke about 50% turn over every year. He spoke about his current property about having drugs, prostitution, vagrants coming from the east. Stated that this is an A class community, he spoke about the math of the rent. Two adults only need a gross of \$45,000 combined income to live in an apartment. Spoke about a lease up (free items to get the people to rent apartments). OPPOSED

Tammy Brown, 158 Balfour Dr. - made the following points: She lives south of Interstate 30 and requested a traffic analysis of this and other developments in the area. OPPOSED

Josh Tucker, 544 La Grange - made the following points: He spoke about the RCAD values, and stated that high density will never pay for what a single family home will pay. OPPOSED

Edwin Taylor, 208 Equestrian Court, - made the following points: He is a retired Dallas Police Officer, move to Fate in 2005. He is concerned about traffic and crime. Concerned about the traffic on I30 and SH 66, when the bridge closes because of an accident. OPPOSED

John Moanning, 695 Cannon - made the following points: He stated that he agrees with all the negative remarks that have been said and that they do not want apartments in Fate. OPPOSED

Luis Canales, 405 Ben Payne - made the following points: Questioned if the Commission would purchase these homes. He stated that everything else has already been said. OPPOSED

Cathy Harpst, 463 Meushaw Dr. - made the following points: She was one of the properties noticed, she came from Mesquite and was living in a zero lot community. She stated that no one wants to live that close. She stated that she now avoids Mesquite. OPPOSED

Stephanie Wilcoxson, 196 Hampton Dr. - made the following points: She stated that she does not care for multifamily housing. She is concerned with people having Air B and B's for a one-night rentals. OPPOSED

Tana Sparks, 1600 W. Holiday - made the following points: She has lived in Fate for 25 years and owns 55 acres. She is a business owner and tries to employ local residents. She felt they could get to work on time but is concerned with the traffic as she struggles herself to get to work. Her water is from Blackland water supply and is on septic system. OPPOSED.

Kevin Wright, 549 La Grange – - made the following points: He was concerned with the financial aspects. OPPOSED

Marie Young, 711 Baxter Trail - made the following points: She is also a Dallas Police Officer, she spoke about her calls mostly being from apartments. She stated that she moved here for peace. OPPOSED

David Foote, 401 Ben Payne - made the following points: He spoke about the value of his property, he has 2 acres so that no one could not build on top of him. He is concerned about the traffic. OPPOSED

David White, 205 Ben Payne - made the following points: Lives on Ben Payne is and concerned about the traffic and gun fire. OPPOSED

Vicki Foote, 401 Ben Payne Road - made the following points: Spoke about the traffic concerns and drug use. OPPOSED

Tony Antonuccio, 932 Mangrove – made the following points: He is an empty nester and so are his neighbors. He spoke about not wanting to move into an apartment. He moved here from Philadelphia he likes the land and open areas, does not want to see more people move in. He is concerned about traffic; the roads are already overburdened.

Chairman Stacy closed the public hearing at 8:26 p.m.

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

Chairman Stacy asked the applicant to return to answer the following questions.

- Will a traffic analysis be needed? Mr. Sylo stated that no study is required for zoning to this point.
- What does institutional grade mean? This has to do with a financial analysis, this is something that will allow for quality development. The goal is to build class A apartments.
- Questions about the water line being on Avondale side of the property? The existing waterline is about 10-15 feet east of Ben Payne, there is a grass area called a parkway that allows access so that the line could be can fix without tearing out the road. This will be a Fate right of way.
- How did you get to the \$330,000 value for people moving next to an apartment? The price was given to the developer by the home builder themselves. The builder will pay first for the lot prices. If the lot price is too low, they can not get the value out of the home. An explanation was given of the developer and investor relationship.
- Is this developer adding a MUD or a PID? No.
- How did you come to the idea that a person would want to live next to an apartment? Mr. Sylo stated that this type of development is already going in, in other area like Carrollton, Plano, Allen, and Richardson. They have run out of dirt and know that the market is still there, so they are looking to move to a new area.
- Will this development require additional DPS staff and will the ratio pay for it? City Manager Michael Kovacs stated that an analysis of the cost model was done and they are about \$330,000 shy to provide the same level of service. Cost was discussed about several areas in the community and their cost to serve.
- North to South connectivity was discussed between the north and south of SH 66. What can be done on the crossing Ben Payne street? At this time, there are no plans until development comes to build the roads. Mr Sylo suggested some alternative to assist in building the roads. He discussed reallocating

- monies from one road to another. We believe that the City wants us to spend the money where we will get the biggest bang for the buck.
- Currently this land is zoned AG, if the land was zoned suburban density would this development be built? Mr. Sylo could not answer the questions because he did not know what the density would be set. He did state that if it was zoned like Woodcreek or Williamsburg there is too much competition in the market.
 - What is the anticipated timeline? Mr Sylo stated 18 month to get started and about 100 lots per year. Therefore this project is expected to be finished in about five years.
 - Will the community have an HOA? The community will have a HOA but the apartments will have their own amenities.
 - When will the Highway 66 widening from the County bond be complete? Mr. Kovacs stated seven signals have been approved in our area that will be placed in over time. The highway will get the most attention. Highway 66 was just fixed last year as a maintenance project. The hardest part of SH 66 is getting through downtown Rockwall and Royse City. Bottom line, there isn't a plan for SH 66.
 - The main entrance of Avondale is on to SH 66, signalized of the intersection was discussed for the future.
 - The greenspace, open space, walking trail and the amenitized water detention areas was discussed.
 - The flood plain was located between the property and the planned substation.
 - Mr. Sylo addressed the comments about the apartments first and then the single-family development. He stated that phase 1 would be the apartments and half of the single-family homes. He stated that the R2 and R3 currently does not have a minimum square foot. He cautioned the Commission regarding the lack of a minimum and if restriction were placed here, this would create a t a disadvantage if the market changes.
 - Mr. Sylo discussed the schools needing being built. He stated that the school districts do not proactively build schools. They wait until they are needed.

City Secretary Note: The Commission moved into Executive Session at 9:02 p.m. in accordance with Texas Government Code, Section 551.071 Consultations with Attorney, et seq., the City Council will recess into Executive Session (closed meeting) to discuss the following:

6A. Discuss, Consider, And Take Any Necessary Action Regarding An Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips to amend the future land use plan designation of the area proposed by the applicants for residential

uses FROM Suburban Density (5k-15k sq. ft. residential lots), Parks and Open Space, and Neighborhood Retail/Office/Commercial TO Urban Density (< 5k sf residential lots) and the area proposed by the applicant for commercial uses FROM Urban Density TO Neighborhood Retail/Office/Commercial. The location of this application is described generally as being bound by Hwy 66 on its north, Ben Payne Rd on its west, the MK&T Railroad on its south, and the business named Trak-Time on its east, commonly known as Rockwall CAD Property ID 11680. Case FLUP-19-001.

The Commission reconvened into open session at 9:29 p.m.

Discussion ensued amongst the Commission following Executive Session. The discussion included the following items:

- What makes Fate unique?
- Maintaining Fate's identity while keeping our financial security.
- Questions about the Future Land Use Plan, how does this application fit into the plan? Is it an improvement? Looking at the plan as a whole, does it fit urban development?
- How many apartments are currently zoned? Williamsburg 705 units, Mark Hill 18 units, downtown 34 units, Senior 187 units. How many will the market support? 3100 multifamily and 31 townhomes.
- Josh Tucker, 511 Range - Spoke about market analysis
- The entry point on SH 66 was discussed as a point of concern in the Concept Plan.
- Affordable house was discussed and the possibility of the State suing the City over not having any.
- If commercial is desired, then undesired housing is inevitable.
- Kevin Wright, 549 La Grange – Spoke about the space allocated in Williamsburg for apartments.
- Mr. Rugeley stated that Mr. Saylor has been working with Staff for 6 months.

Commissioner Scott Kelley moved to amend the Future Land Use Plan from Suburban Density, Parks and Open Space, and Neighborhood Retail/Office/Commercial to Urban Density and the area proposed by the applicant for commercial uses from Urban Density to Neighborhood Retail/Office/Commercial.

Commissioner Laura White seconded the motion.

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

*Ayes: Commissioners Kelley, Priest, and White
Nays: Chairman Stacy, Burkhart, Reed, and Wiemokly
Chairman Stacy declared the motion failed 4-3.*

6B. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips, to establish a planned development zoning district on approximately 111-acres of land for Single-Family Residential Suburban uses with a density of 5.2 dwelling units per acre, Single-Family Residential Urban uses with a density of 5.2 dwelling units per acre, Urban Living Multi-Family uses with a density of 24 dwelling units per acre, and Neighborhood Commercial uses on approximately 4-acres. The location of this application is described generally as being bound by Hwy 66 on its north, Ben Payne Rd on its west, the MK&T Railroad on its south, and the business named Trak-Time on its east, commonly known as Rockwall CAD Property ID 11680. Case ZR-19-008.

(1) Staff report and presentation

The applicant requested to table the remaining items to the February 20, 2020 meeting.

Commissioner John Stacy moved to table Case ZR-19-008 to February 20, 2020 meeting.

Commissioner Scott Kelley seconded the motion.

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

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

Nays: Reed

Chairman Stacy declared the motion carried six votes to one.

6C. Discuss, Consider, And Take Any Necessary Action Regarding A 111-Acre Concept Plan Application Submitted By D-F Fund 18, Ltd, JBI Partners, And Fred Phillips for a 111-acre concept plan for Single-Family Residential Suburban uses, Single-Family Residential Urban uses, Urban Living Multi-Family uses, and Neighborhood Commercial uses. The location of this application is described generally as being bound by Hwy 66 on its north, Ben Payne Rd on its west, the MK&T Railroad on its south, and the business named Trak-Time on its east, commonly known as Rockwall CAD Property ID 11680. Case CP-19-004.

(1) Staff report and presentation

(2) The applicant requested to table the remaining items to the February 20, 2020 meeting.

Commissioner John Stacy moved to table Case CP-19-004 to February 20, 2020.

Commissioner Scott Kelley seconded the motion.

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

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

Nays: Reed

Chairman Stacy declared the motion carried six votes to one.

7. Adjournment

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

Commissioner Kerry Wiemokly seconded the motion.

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

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

Nays: None

Nays: None

Chairman Stacy declared the motion carried unanimously.

Chairman Stacy declared the meeting adjourned at 9:56 p.m.

**APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE ____ DAY
OF _____, 2019.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary

**APPROVED BY THE CAPITAL IMPACT ADVISORY COMMITTEE ON THE ____ DAY
OF _____, 2019.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary

**MINUTES OF THE CITY OF FATE
PLANNING AND ZONING COMMISSION
MEETING
December 19, 2019**

NOTICE OF ATTENDANCE

NOTICE is hereby given that the City Council may be in attendance at the Planning and Zoning Commission Meeting **December 19, 2019** being held at the Fate City Hall, 1900 CD Boren Parkway, Fate, Texas.

1. Call To Order And Confirm A Quorum

Vice Chairman Kerry Wiemokly called the Fate Planning and Zoning Commission to order at 5:36 p.m. on the 19th day of December 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 Kelley
Chelsea Priest
Laura White
Kerry Wiemokly – Vice Chairman

Planning and Zoning Commission Members Absent:

John Stacy – Chairman
Andy Reed

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

2. Workshop Regarding The Williamsburg East Planned Development Zoning Application And Concept Plan Applications.

Applicant Kelby Golden with PMB Capital Investments in partnership with JTG Holdings presented an informal workshop regarding changes that have been made since the previous concept plan that was presented in September. He stated that because the previous plan was not popular amongst the residents, they reached out to the public for feedback. Mr. Golden stated that they went door-to-door, held a public workshop, received phone calls, emails and had one-on-one dialect with the community.

Mr. Golden stated that since meetings with the community, they have completely removed the multi-family units from the Concept Plan and increased the lot sizes to on the exterior lots to match surrounding developments (60-foot lots), reduced density of rear entry products by close to 50% and added an 8-acre city park for all residents. Mr. Golden went on to state that this deal offers a maintenance PID. It is unlike the Williamsburg Public Improvement District (PID) where the infrastructure becomes the City's responsibility to maintain. There is a maintenance portion of the PID that will stay in this neighborhood to maintain the infrastructure in the future.

Mr. Golden ended with his point stating, This is not a decision of having vacant land, or development. This land has been held by the owner for many years and they are ready to sell it. They solicited builders and developers to sell the land. PMB Capital Investments was the highest bidder, and they want to build a luxury development rather than an affordable development.

The previous concept plan and the revised concept plan was displayed. Mr. Golden discussed the differences. He then supplied emails from the builders they were planning to work with (Perry Homes, David Weekley Homes, Unionmain Homes) and disclosed what the finished home prices are predicted to be.

The discussion was then opened to the Commission for any questions that they had. The following topics were discussed.

- The anticipated PID life is 30 years for the developer reimbursement bonds. The maintenance portion would be in perpetuity.
- The timeframe and notice process regarding the public hearing held by Mr. Golden and the amount of homes that were reached by the door-to-door communication. Seventy notices were sent by way of mail. Social media was also used and word of mouth.

The workshop portion of the meeting ended at 5:47 p.m.

City Secretary Note: Commissioner Josh Burkhart arrived at 5:47 p.m.

3A. Discuss, Consider, And Take Any Necessary Action Regarding Approval Of Minutes Of The Planning And Zoning Commission Meeting Held November 21, 2019.

Commissioner Scott Kelley moved to approve the minutes of the Planning and Zoning Commission Meeting held November 21, 2019.

Commissioner Chelsea Priest seconded the motion.

*There was no further discussion and the vote on the motion was as follows:
Vice Chairman Wiemokly and Commissioners Burkhart, Kelley, Priest, and White
Nays: None*

Vice Chairman Wiemokly declared the motion carried unanimously

City Secretary Note: Due to Commissioner Josh Burkhardt's late arrival, he was not signed in until after the vote was taken. Therefore, he voted by hand on item 3A.

City Secretary Note: City Attorney Brenda McDonald arrived at 5:50 p.m.

4A. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By James Mae Leasing, LLC And Epsilon Land Development To Rezone 5.89-Acres From Highway Commercial District To Neighborhood Commercial District For A Montessori School And Associated Childcare Center And For Other Uses Authorized Pursuant To The Neighborhood Commercial Zoning District. The Location Of This Zoning Application Is The Undeveloped Lot Immediately North Of The Animal Hospital Of Fate Off Hwy 66, Commonly Known As 1001 Hwy 66, Rockwall CAD Property ID 10550. Case ZR-19-012.

(1) Applicant presentation

Jared Helmberger, 811 S. Central Expressway, #306 Richardson TX 75080 gave the Commission a printed plan. He gave a presentation regarding the purchase and construct of a Montessori School on State Highway 66.

He explained the land is currently zoned Highway Commercial and that in this zoning a day care / after school care is not allowed. The afterschool portion will be leased to businesses like dance, karate, or tutoring. Three acres will be left undeveloped for a future business opportunity. Mr. Helmberger is requesting to rezone the whole property into Neighborhood Commercial (a more restrictive zoning) because of the daycare use. He stated they are not requesting any variances. Mr. Helmberger has been working working with TxDOT and the plans include adding a deceleration lane on SH 66.

The following questions regarding Mr. Helmberger's presentation were raised by the Commission.

- Shared access drive between the Animal Hospital, Montessori and the future business.
- Maximum student count is a little over 200 (the average operating count is 150 students).
- Pickup and drop off times varies. Drop-off times are typically between 6:30-9:30 a.m. and pick-up times vary between 2:30-6:30 p.m.
- This is a multi-state Franchise Pinnacle Montessori, currently 30 are in development.
- Architectural elevations were submitted with the application, a proto type design was used.

- Mrs. Helmberger stated that he was unsure of the number of teachers because this is not his expertise. But he stated approximately 40 staff members, and 200 kids.
- Mr. Helmberger stated that the façade of the afterschool building was similar to the building shown.

(2) Staff report and presentation

Director of Planning and Development Services Will Rugeley made a presentation providing an in-depth review of the agenda item.

This property is directly south of Fate City Hall and is zoned for Business (B) the second most intense zoning district. During the Comprehensive Plan and the development of the Unified Development Ordinance (UDO), new zoning districts were formed. The old zoning codes were converted into the similar intensity in the new UDO codes. Business (B) was the second most intense zoning district, and therefore this property was zoned Highway Density (HD) because in the new UDO, it is the second most intense zoning district. The UDO states that any lots zoned HD are intended to be contiguous with I30.

The applicant is requesting to be zoned Neighborhood Commercial. This is ideal because of the neighbors that surround the property being mostly residential.

The Future Land Use Plan (PLUP) is intended for suburban density. However, this lot is not connected to Woodcreek and due to the size and shape, it is not suitable for single family homes.

Notification Area

- Seventy-eight notices were sent. Due to homes under construction, the boundary was extended an extra thirty-five feet.
- Zero responses by written or online application were received.

Staff recommends approval of changing zoning from Highway Commercial to Neighborhood Commercial.

Questions ensued amongst the Commission.

- Are there residential lots that are adjacent to proposed School, are the owners aware? Mr. Rugeley explained that there are homes, but a commercial property would be required to install screening.
- Who was notified, the builder or the residential lot owners with the houses under construction? The owners that were notified was the owners that are registered with the Rockwall County Appraisal District and notices were placed in mailboxes of the homes under construction.

(3) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 6:09 p.m.

No one present wished to speak.

Vice Chairman Wiemokly closed the public hearing at 6:09 p.m.

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

Commissioner Josh Burkhart moved to approve Case ZR-19-012 and recommends that staff update the Future Land Use Plan (FLUP) to accurately reflect the land as retail commercial.

Commissioner Scott Kelley seconded the motion.

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

4B. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Fate 551 LP, JTG Holdings, And PMB Capital To Amend The Future Land Use Plan Designation Of Certain Areas Proposed By The Applicants For Single-Family Residential Uses FROM Suburban Density (5k-15k Sq. Ft. Residential Lots) TO Urban Density (< 5,000 Sq. Ft.) To Authorize A Max Of 350 Units Out Of The Combined Total Of 650 Units For Single-Family Residential Housing With Densities Of 10-Units Per Acre. The General Location Of This Application Is On The East Side Of South FM 551 Between Charleston Ln. And Smith Acres Dr. And Extending Eastward Approximately 2,300-Feet From The Right-Of-Way Of South FM 551 And Is Identified As Rockwall CAD Property ID's 11912, 73541, And 73543. Case FLUP-19-004.

Director of Planning and Development Services Will Rugeley explained the process of a zoning application. He stated that any land owner can bring forth a plan regardless of what City plans might say. Once the application is submitted, City Staff is obligated to process the application. If the applicant is willing, dialog goes back and forth with feedback on how improvements can be made. After this, it is the applicant's option, not obligation to include this feedback. At this time, the applicant will direct staff to proceed with scheduling the application for the Planning and Zoning Commission and City Council's consideration. Notices are then sent to property owners within two-hundred feet and the application notice is published in the newspaper.

(1) Applicant presentation

Applicant Kelby Golden, with PMB Capital Investments in partnership with JTG Holdings gave a presentation regarding his application. Mr. Golden gave a recap of

the September rear entry concept plan (460 – 40 ft. lots, 160 – 50' ft. lots and 375 multifamily Units). He described the process they went through to hear from the neighbors (door-to-door dialog, public workshop in Chamberlin Crossing Community Center, social media, email and phone calls). The biggest concern from the community was with the multifamily apartments. Additionally, homes that would abut to an alley. Another concern was the exterior lots of 40 foot and adjacent lots being larger (60' ft lots). To address these concerns, the density of rear entry homes was reduced. The developer asked the community what they wanted. The citizens wanted a community city park for the whole area.

Mr. Golden showed an updated concept plan.

- The new plan showed the multifamily was removed completely
- All exterior lots with 60' ft width front entry lots.
- Reduced the total density from 1000 lots to 585 lots
- Reduced the rear entry lots from 620 to 400 lots.
- Added an 8-acre city park

Mr. Golden stated that people still wanted front entry. He stated that the middle ground was wanting marketable high-end homes builders.

The Planned Development (PD) will have three districts: R1, R2 and R3. Mr. Golden stated that they plan to go above and beyond the City's Unified Development Ordinance (UDO) with items such as:

- Garage doors will require to aesthetic items like windows that will make the community attractive.
- Landscaping and screening to make this development different.
- Creations of pedestrian connectivity with an abundance of trails.
- All detention ponds will be wet and stocked with fish.
- A rough draft of the park was shown in place of where the multifamily apartments was originally proposed.
- Residents wanted a green space. Dedicated to the City but maintained by the HOA.
- The open space is double of what the UDO requires.
- Pictures of example streetscapes were shown.
- Two to three acres of open spaces are planned for a dog park.
- They plan to have an amenities center in the center with a pool and splash pad.

A financial overview was given by Mr. Golden. He compared the current and proposed Williamsburg Public Improvement District (PID). Currently, the Williamsburg PID assessment will go towards paying off the PID bonds. As time goes on the roads and storm systems will begin to fail, leaving the City to repair or replace this infrastructure. Mr. Golden proposed to offer a portion of the PID assessment to toward the operations and maintenance to a dedicated fund that will be saved for this project. Over 30 years, Mr. Golden projected to be \$8.8 million, enough to cover replacement. This however will only apply to this development. Mr. Golden explained that this fund will go directly to the proposed development. But it will serve the whole community because the

repairs will not need to come from the general fund. From a stakeholder's perspective this is important. We expect this deal to make about \$18 million in additional revenue for the City and remove the tax burden from the community as a whole.

Pictures of home examples homes were shown by the interested builders (David Weekly Homes, Unionmain Homes and Perry Homes). Mr. Golden stated that they desire a diverse quality products with different architecture elements such as:

- Front porches
- Higher roof pitches
- Different sidings

City Secretary Note: City Manager Michael Kovacs and City Attorney Brenda McDonald stepped out of the meeting at 6:27 p.m.

Mr. Golden stated, this presentation is not about development or vacant land. This property has been owned for a long time, and the owner has decided to sell it. This is a different decision, this is about the quality of home builders that will come in. We are trying to build a high-quality neighborhood that will be built slower. Rather than a large production developer that is going to focus on affordability. Mr. Golden then questioned, what kind of development does Fate want, affordability or luxury quality?

City Secretary Note: City Manager Michael Kovacs and City Attorney Brenda McDonald returned to the meeting at 6:29 p.m.

Questions ensued amongst the Commission regarding:

- Average lot size depth of 40 width is a depth of 110 feet.
- Park is open and available for all citizens, parking will be address later but will abide by UDO requirements.

(2) Staff report and presentation

Director of Planning and Development Services Will Rugeley made a presentation providing an in-depth review of the agenda item. Mr. Rugeley stated that this presentation will apply to the next two items as well.

This application will need amendment to the Future Land Use Plan (FLUP). The current designation is Suburban Density (single family lots between 5k-15k sq. ft.). This is in line with the R1 and R2 lot types. However, it is the R3 is requiring the amendments to accommodate the (4k sq. ft minimum lots) Urban Density.

Mr. Rugeley gave an in-depth description of the existing land entitlement.

- 334 lots are entitled to be built on this tract
- The current Planned Development (PD) allows for 650 lots
- Discussed the difference in lot sizes.

Mr. Rugeley discussed adjusting the Future Land Use Plan (FLUP) from Suburban Density (SD) to Urban Density (UD). He stated the FLUP was developed for this tract by how applicants had originally anticipated developing the tract or existing entitlements that were in place.

In closing, Mr. Rugeley stated it comes down to what do we want to be at the build out of Fate (55,000 residents)? The current residents is 17,000. How are we going to maintain or improve the quality of life here in Fate if we do not build places that pay for themselves?

- When the infrastructure begins decline, residents begin to move away.
- Raise taxes?
- Sell bonds to pay for basic services?
- Or build things that pay for themselves?

Notices

- Notification Area: Ninety-one properties (65 acres)
- Responses: 3 for and 2 against and zero on the online submittal.

Staff recommends approval of amending the Future Land Use Plan (FLUP).

Staff recommends approval of the zoning and concept plan with conditions.

1. PD Section 3, R3 Zoning District. Front setback shall be minimum and maximum of 10'. Notwithstanding, variations up to 15' may be approved administratively for engineering reasons
2. PD Section 5a. R1 lot types (i.e. front entry lots) shall have at least 40 feet of street frontage at the street right of way line.
3. PD Section 5b. Pedestrian access shall require landscaping, benches, and sidewalks (comment merely semantics/seeks to clarify "enhancements" are required). Additionally, 4" caliper (at the time of planting) trees shall be required to be spaced evenly 30' on-center in the open space areas.
4. PD Section 5dvi. Staff may authorize, in it's sole discretion, variations to the UDO's wrought iron screening/fencing requirement for any lot that backs or sides to an open space lot (typically board-onboard shall be prohibited).
5. PD Section 5.e. If neighborhood park fee credits authorized, then at minimum, edit first sentence to "all open space and park land areas shown on the concept plan shall be dedicated as park land except for buffer areas and the amenity center site."
6. PD Section 5h. Front entry lot types shall follow the UDO's requirement of "any garage that is more than a one car garage shall be articulated single garage doors."
7. PD Section 5hiv. The garage width as a proportion of the front façade shall be no more than 50%.
8. Landscape and Screening Concept Plan. The side lot lines and the rear lot lines of identified lots shall be screened with via a masonry screen wall.

9. The side lot lines shall be screened via a wrought iron fence with landscaping at least 3' in height at the time of planting and capable of growing to 6' and forming a solid, unbroken visual barrier within 2-years.
10. Cross Section. Gettysburg Pkwy shall be constructed (as shown on the concept plan) with a raised median separating the bike lanes.

City Attorney Brenda McDonald commented to avoid unlawful delegation of legislative authority, some language will need to be formed prior to going to Council that will give staff perimeters to guide the fencing decision.

Discussion ensued amongst the Commission regarding:

- Lots sizes makeup of the development– does the Commission have the ability to put a maximum percentage of 40-foot lots for the makeup of the development? The presentation has currently between 300-350 homes with 40-foot lots. Instead of homes count, can a certain percentage be placed on the homes. The Commission desired to see less 40-foot lot homes (45%) than the 50 to 60-foot lot homes. Mr. Rugeley stated a percentage can be done administratively but is challenging. A number is less administratively challenging.
- Public to Private Investment ratio for this development is 66:1 (20:1 is the minimum desired). The community will have extra cost, but the community will know that their roads will be taken care of. This assessment will go back into this neighborhood only.
- A Traffic Impact Analysis (TIA) was discussed for traffic on FM 551, the county is looking into expanding FM 551 and future plans were discussed. Surrounding development around Fate was also discussed and the impacts that will happen as they drive through Fate.
- Number of homes that are already entitled within Woodcreek and Williamsburg – 2,800 homes Citywide (This would increase the total to 3,100 total).

(3) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 7:03 p.m.

Mark Harper, 401 Attlee – Made the following remarks – OPPOSED to the alley homes, traffic, crime, and finances of the PID. He also complimented the builder for coming out to speak with the community.

Lorne Megyesi, 111 Mustang Drive – Made the following remarks – OPPOSED He stated that these home are currently a part of the Williamsburg PD and there are already standards established. He is opposed to the sizes of the lots, traffic on 551 to 30. He is concerned with opening up the Planned Development (PD) and running the risk of changing the Williamsburg community. He stated in 2013 when Chamberlin Crossing was put in Melody Ranch did not want homes backup to their homes, a promise was made previously. PID tax rate that will not go away, the

O&M rate does not go away, PIDs are bad for the citizens of Fate, the park is on a flood plain, does not feel the community input was enough.

Beverly Rager Bouknight, 2127 S. FM 551 – Made the following remarks – IN FAVOR – This development direct effect her property, she was opposed originally because of the apartments. She appreciates the concern and conversations with Mr. Golden. Appreciates the TIA on FM 551. There is no perfect option. She has been here 16 years and does not want to see lower quality homes with siding. She is in favor of the proposed homes and appreciates the percentage discussed by the Commission.

Carone Carson, 693 Westport Dive – Made the following remarks – OPPOSED Questioned if the price points were for today or the future (3 years), the current Concept Plan shows for larger lots. Where do people go who want larger lots, other communities? Does not agree with rear entry homes. Does not like the name “Williamsburg East,” he believes it will cause confusion. He does not believe the “scare tactic” of lower priced homes on larger lots. Issues with traffic on the FM 551 curve.

Raymond Howey III, 2084 Brisbon Street – Made the following remarks – OPPOSED Thanked the Commission. Made a remark about the PIDs, this is a tax and will affect the owners. He was concerned about the park and opening up to the HOA to future injury claims. Believes that the City should own the land. Wants more businesses. What happens if the PID money is not used by the City in 30 years, the developer should put “skin in the game.”

Vice Chairman Wiemokly closed the public hearing at 7:22 p.m.

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

The Commission requested Kelby Golden to address the questions brought up during the public hearing portion on the meeting.

- The park liability was discussed, land is dedicated to the City and the liability would lay upon the City.
- Currently legislations and masonry percentages on buildings currently in the PD.
- Addressed the promised lot sizes, the current entitlement already allows for 50 to 60-foot lots without Council approval.
- Eight-acre park is not in the flood plain, the multifamily was originally planned for this area.

- Price points – this is a today’s price point. However, the market is flooded with front entry products and the developer feels confident that this different product will do well.
- Bringing more businesses and less residential - potential loss of business due to not enough homes. The more residents, the better opportunity to bring in a new business.
- The Home Owners Associations (HOA) is separate than Williamsburg.
- The name will be different, Williamsburg East is just being used for familiarity right now.
- Estate properties - are designated directly just south of this area, this tract is not replacing these.

Questions ensued from the Commission.

- House Square Foot - Market price points per square footage seems high.
- Zero-foot setbacks - 5 feet on both sides or 10 feet on one side and zero on the other side.

Discussion ensued amongst the Commission regarding the following topics:

Mr. Golden was asked if they had any objection to the conditions set forth by staff. He stated that the wrought iron fences are less desirable from the home owners because they would prefer the privacy. The builder would prefer board on board fence.

Mr. Golden was asked to if they would have any objection to the percentage of 40-foot lots. He asked for a few percentages more because of the flexibility during the layout the properties.

Regulate of building materials by a Planned Development (PD) and Home Owners Association (HOA).

Commissioner Scott Kelley moved to recess into Executive Session in accordance with Texas Government Code §551.071 Consultations with Attorney

Commissioner Laura White seconded the motion.

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

City Secretary Note: The Commission recessed into executive session in accordance with Texas Government Code §551.071 Consultations with Attorney at 7:35 p.m. and reconvened at 7:45 p.m.

Commissioner Scott Kelley moved to approve Future Land Use Plan (FLUP) as proposed.

Commissioner Laura White seconded the motion.

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

4C. Discuss, Consider, And Take Any Necessary Action Regarding A Zoning Application Submitted By Fate 551 LP, JTG Holdings, And PMB Capital To Amend The Williamsburg Planned Development Zoning District, Ordinance No. O-1085, to establish a new planned development zoning district on 164-acres of land for residential suburban uses with densities of 5-units per acre for a max of 250 units, residential suburban uses with densities of 8-units per acre for a max of 250 units, residential urban uses with densities of 10-units per acre for a max of 350 units, and to amend the development standards of the City of Fate Unified Development Ordinance and Design Criteria and Construction Standards. The combined total number of residential lots shall not exceed 650 and all lots will be developed as single-family residential housing. The general location of this application is on the east side of South FM 551 between Charleston Ln. and Smith Acres Dr. and extending eastward approximately 2,300-feet from the right-of-way of South FM 551 and is identified as Rockwall CAD Property ID's 11912, 73541, and 73543. Case ZR-19-013.

(1) Applicant presentation

Applicant Kelby Golden stated his last presentation stands for this agenda item.

(2) Staff report and presentation

Director of Planning and Development Services Will Rugeley stated his last presentation applies for this agenda item as well.

(3) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 7:48 p.m.

No one present wished to speak.

Vice Chairman Wiemokly closed the public hearing at 7:48 p.m.

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

Scott Kelley spoke to the residents present and expressed his appreciation for the community input. He thanked the developer for speaking with the residents. He also stated that he had concerns with the traffic. Also, he knows the City is working on bringing businesses. He asked that the City would improve communications and going beyond what is legally required. He requested communicating sooner and in a more open way would reduce misunderstandings of the community.

Commissioner Scott Kelley moved to approve the zoning application with staff comments and with a provision that the 40-foot lot count cannot exceed 48% of the total lots in the development.

Commissioner Josh Burkhart seconded the motion.

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

4D. Discuss, Consider, And Take Any Necessary Action Regarding A 141-Acre Concept Plan Application Submitted By Fate 551 LP, JTG Holdings, And PMB Capital For Single-Family Residential Uses With Densities Of 5-Units Per Acre

for a max of 250 units, residential suburban uses with densities of 8-units per acre for a max of 250 units, residential urban uses with densities of 10-units per acre for a max of 350 units. The combined total number of residential lots shall not exceed 650 and all lots will be developed as single-family residential housing. The general location of this application is on the east side of South FM 551 between Charleston Ln. and Smith Acres Dr. and extending eastward approximately 2,300-feet from the right-of-way of South FM 551 and is identified as Rockwall CAD Property ID's 11912, 73541, and 73543. Case CP-19-008.

(1) Applicant presentation

Applicant Kelby Golden stated his last presentation stands for this agenda item.

(2) Staff report and presentation

Director of Planning and Development Services Will Rugeley stated his last presentation stands for this agenda item.

(3) Public Hearing

Vice Chairman Wiemokly opened the public hearing at 7:54 p.m.

No one present wished to speak.

Vice Chairman Wiemokly closed the public hearing at 7:55 p.m.

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

Commissioner Scott Kelley moved to approve the concept plan with staff comments and other notes as related to the zoning approval.

Commissioner Laura White seconded the motion.

*There was no further discussion and the vote on the motion was as follows:
Vice Chairman Wiemokly and Commissioners Burkhart, Kelley, Priest, and White*

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously

7. Adjournment

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

Commissioner Chelsea Priest seconded the motion.

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

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

Nays: None

Vice Chairman Wiemokly declared the motion carried unanimously.

Vice Chairman Wiemokly declared the meeting adjourned at 7:56 p.m.

**APPROVED BY THE PLANNING AND ZONING COMMISSION ON THE ____ DAY
OF _____, 2019.**

APPROVED:

John Stacy, Chair

ATTEST:

Victoria Raduechel, TRMC
City Secretary