

MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING

Monday, April 3, 2006 - 6:00 P.M.
CITY HALL
209 South Washington Street, Kaufman, Texas 75142

CHAIRMAN	MICHAEL HOLDER	
VICE-CHAIRMAN	ANITA HALL	(Arrived 6:47 pm)
COMMISSIONER	BURTON BROWN	
COMMISSIONER	LARRY NELSON	(Absent)
COMMISSIONER	CURTIS PARKER	(Absent)
COMMISSIONER	TOM RADEKE	
COMMISSIONER	LOUIS TIJERINA	

CALL TO ORDER

- 1. CHAIRMAN STATES TIME AND DATE; DECLARES A QUORUM PRESENT.**

Chairman Holder called the meeting to order at 6:18 p.m. Monday, April 3, 2006. Commissioners present were Chairman Michael Holder, Commissioner Burton Brown, Commissioner Tom Radeke and Commissioner Louis Tijerina. Vice-Chairman Anita Hall arrived at 6:47 p.m. Chairman Holder declared a quorum present. Director of Development Services Terry Capehart and Planning Technician Joy Henderson were also present. Present in the audience were Janice & Donald Lindsey, Judy Stephenson, TW White, Betty Brooks, Harbinder Malhi, Sean Sisson, Jane and Wayne Hall, Zita Herrera, and Ben Puente.

INVOCATION & PLEDGE OF ALLEGIANCE

ACTION AGENDA

- 1. CONSIDER A REQUEST FROM ZITA HERRERA, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A SITE PLAN FOR A NEW OFFICE/RESTAURANT/RETAIL COMPLEX, BEING A 24,150 SQUARE FEET TRACT OF LAND DESCRIBED AS A PART OF BLOCK 39, ORIGINAL TOWN OF KAUFMAN ADDITION, LOCATED AT 300 E. CHERRY STREET, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO.S-01-06.**

Terry Capehart stated the Site Plan under consideration is for an office/restaurant/retail center of approximately 6,545 square feet utilizing

an existing brick building that formerly housed the Gardner Electrical Contractor's office and adding six additional suites. The existing brick building was encroaching into the front and side yard setbacks by approximately two feet and the Zoning Board of Adjustment has granted a variance to allow the existing setback and will be remodeled to accommodate a restaurant. The new addition will consist of five small suites, three of which will be office uses and the remaining two will be retail spaces. A final suite will be utilized as warehouse space for the tenants of the other suites. The proposed development originally consisted of two separate lots which were replatted into a single lot of record by means of a minor plat. The single lot now totals 24,150 square feet (0.554 acre) and takes up the northern half of Block 39, Original Town of Kaufman Addition between Monroe Street and Dallas Street. The existing old frame house on the corner of Cherry Street and Dallas Street will be demolished to make way for the new development.

Commissioner Tijerina made a motion to approve the Site Plan for a new office/restaurant/retail complex, being a 24,150 square feet tract of land described as a part of Block 39, Original Town of Kaufman Addition, located at 300 E. Cherry Street. The motion was seconded by Commissioner Radeke. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

2. **CONSIDER A REQUEST FROM T.W. WHITE, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A SITE PLAN FOR A NEW OFFICE BUILDING, BEING A 15,725.16 SQUARE FEET (0.361-ACRE) TRACT OF LAND OUT OF THE D. FALCON SURVEY, ABSTRACT NO. 151, AS DESCRIBED IN A DEED TO T.W. WHITE RECORDED IN VOLUME 2634, PAGE 492 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND LOCATED AT 5962 FAIR ROAD, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO.S-02-06.**

Terry Capehart stated the Site Plan under consideration is for an office facility of approximately 1,456 square feet located on a 15,725.16 square feet (0.361-acre) lot. The building will have a brick veneer exterior façade. The building will be used to office the owner's bail bond service. The proposed development is zoned Highway Commercial (HC) and general office uses are allowed in this district.

Commissioner Tijerina made a motion to accept a Site Plan for a new office building, being a 15,725.16 square feet (0.361-acre) tract of land out of the D. Falcon Survey, Abstract No. 151, as described in a deed to T.W. White recorded in Volume 2634, Page 492 of the Deed Records of Kaufman County, and located at 5962 Fair Road. The motion was

seconded by Commissioner Brown. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

3. CONSIDER PROPOSED FINAL REVISIONS TO SECTIONS 1-11 OF THE ZONING ORDINANCE O-14-99 AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL.

Commissioner Brown made a motion to accept the proposed final revisions to Sections 1-11 of the Zoning Ordinance O-14-99. The motion was seconded by Commissioner Radeke. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

PUBLIC HEARINGS

1. CONSIDER A REQUEST FROM COUNCIL REAL ESTATE AND SEAN SISSON REGARDING A SPECIFIC USE PERMIT (SUP) FOR MINOR AUTO REPAIR IN THE WASHINGTON STREET CORRIDOR OVERLAY DISTRICT (WSC), LOCATED AT 501 S. WASHINGTON STREET AND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF SOUTH WASHINGTON STREET AND TEMPLE STREET, AND BEING DESCRIBED AS PART OF BLOCK 26 OF THE FRENCH AND WILSON ADDITION, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-01-06.

Terry Capehart stated the Specific Use Permit under consideration is to allow Minor Auto Repair. The property was originally developed as an automobile service station that has been abandoned for a period exceeding six months and the existing structures are nonconforming. The existing structures consist of the main service station building which has a brick exterior with a large metal canopy and concrete bases that presumably held the fuel pumps, a large garage with corrugated metal siding and a wooden lean-to that appears to have been used as a carport. The driveway leading up to the garage off of Temple Street is gravel and therefore substandard. The primary use proposed in the main building will be a contractor's business office which is an allowed use. Minor Auto Repairs are allowed only with a Specific Use Permit (SUP). Minor Automobile Repair is defined as: minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor

services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

a. **CONDUCT PUBLIC HEARING**

Chairman Holder declared the Public Hearing open at 6:33 p.m.

Janice Lindsey stated the corner is dangerous as it is and if vehicles start parking at that business, there will be more accidents.

b. **ACT UPON RECOMMENDATION TO CITY COUNCIL**

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 6:50 p.m.

Commissioner Tijerina made a motion to approve the Specific Use Permit (SUP) for Minor Auto Repair in the Washington Street Corridor Overlay District (WSC), located at 501 S. Washington Street. The motion was seconded by Commissioner Radeke. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-1 with Chairman Holder, Commissioner Brown, Commissioner Radeke, and Commissioner Tijerina voting AYE and Vice-Chairman Hall voting NAY.

2. **CONSIDER A REQUEST FROM HARBINGER S. MAHLI REGARDING A ZONING CHANGE ON A SINGLE TRACT OF LAND TOTALING 12,354 SQUARE FEET (0.2836 ACRE) FROM SINGLE-FAMILY 6 DISTRICT TO COMMERCIAL (C) DISTRICT, LOCATED AT 401 W. GROVE STREET, AND BEING DESCRIBED AS PART OF BLOCK 27 OF THE ORIGINAL TOWN OF KAUFMAN ADDITION, AS DESCRIBED IN A DEED RECORDED IN VOLUME 1277, PAGE 236 OF THE DEED RECORDS OF KAUFMAN COUNTY, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-02-06.**

Terry Capehart stated the applicant is requesting a change in zoning from Single-Family 6 Residential District (SF-6) to Commercial (C) District in order to accommodate a self service coin laundry utilizing the existing brick building located on the site. Approximately one third of the existing building will be demolished to make room for additional parking and the remaining 3,000 +/- square feet will be used for the laundry and a storage area for the business. The subject lot was originally zoned as General Business (GB) in 1980 and was subsequently rezoned to Single-Family 6 (SF-6) in 1999 when the current city-wide Zoning Ordinance was adopted even though the 1999 Comprehensive Plan indicated that the lot was to

be developed for Retail Uses. It appears that the re-zoning to Single-Family 6 was done in error when the Zoning Map was drawn up by the consulting firm and is in fact in conflict with State Law which states that Zoning Regulations must be adopted in accordance with the Comprehensive Plan (Texas Local Government Code Ch. 214). The proposed rezoning is therefore in compliance with the recommendations of the Comprehensive Plan. The lot was originally developed for nonresidential uses and the existing buildings are commercial in nature. Since the building faces towards the Central Business District and State Highway 243, this lot would not lend itself very well to residential uses and indeed would not be safe for a family with younger children to occupy this location.

a. CONDUCT PUBLIC HEARING

Chairman Holder declared the Public Hearing open at 6:57 p.m.

Eddy Brooks stated the trees have been removed by the utility companies and there is now a constant light that shines from the gas station. If they make that a washateria, there will be loud music playing and people hanging out at all hours of the night.

Wayne Hall stated he has concerns with the hours of operations, screening walls, lighting and the noise level.

Harbindner Malhi stated the hours of operation will be from 6:00 am to 9:00 pm.

b. ACT UPON RECOMMENDATION TO CITY COUNCIL

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 7:17 p.m.

Vice-Chairman Hall made a motion to accept a Zoning Change with the following three stipulations: 1. Lighting will not affect other properties. 2. Wall will be at least 6' tall and high enough to block noise. 3. No business to be conducted after 10:00 pm. The motion was seconded by Commissioner Tijerina. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

The meeting was stopped for a recess at 7:27 p.m. and reconvened at 7:38 p.m.

WORK SESSION

1. DISCUSS PROPOSED REVISIONS TO SECTIONS 12-21 (RESIDENTIAL DISTRICTS) OF THE ZONING ORDINANCE O-14-99 AS RECOMMENDED BY THE ZONING ORDINANCE STEERING COMMITTEE.

The committee members discussed the proposed revisions that were marked in the draft Zoning Ordinance. A motion was not made.

PUBLIC HEARING

1. Conduct a Public Hearing and take citizens comments on proposed revisions to Sections 12-21 of the Zoning Ordinance O-14-99 as recommended by the Zoning Ordinance Steering Committee.

a. Open Public Hearing

Chairman Holder declared the Public Hearing open at 8:18 p.m.

b. Close Public Hearing

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 8:18 p.m.

CONSENT AGENDA

1. CONSIDER AND ACT UPON APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FROM THE FEBRUARY 6, 2006 AND MARCH 6, 2006 REGULAR MEETINGS.

Commissioner Brown made a motion to approve the minutes of the February 6, 2006 and March 6, 2006 meeting, seconded by Commissioner Radeke. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

MISCELLANEOUS

1. Discuss meeting schedule.

No comments or questions.

2. Open Forum.

No comments or questions.

ADJOURNMENT

Commissioner Tijerina made a motion to adjourn at 8:24 p.m. seconded by Commissioner Hall. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

MICHAEL HOLDER
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN