

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**

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**TUESDAY, SEPTEMBER 5, 2006 - 6:00 P.M.**  
**CITY HALL**  
**209 SOUTH WASHINGTON STREET, KAUFMAN, TEXAS 75142**

<b>CHAIRMAN</b>	<b>ANITA HALL</b>
<b>VICE-CHAIRMAN</b>	<b>BURTON BROWN</b>
<b>COMMISSIONER</b>	<b>CHARLES GILLENWATER</b>
<b>COMMISSIONER</b>	<b>TIM KING</b>
<b>COMMISSIONER</b>	<b>LARRY NELSON (Absent)</b>
<b>COMMISSIONER</b>	<b>TOM RADEKE (Arrived 6:26)</b>
<b>COMMISSIONER</b>	<b>LOUIS TIJERINA</b>

**CALL TO ORDER**

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

Vice-Chairman Hall called the meeting to order at 6:02 p.m. Monday, September 5, 2006. Commissioners present were Vice-Chairman Anita Hall, Commissioner Burton Brown, Commissioner Charles Gillenwater, Commissioner Tim King, and Commissioner Tijerina. Commissioner Tom Radeke arrived at 6:26 p.m. Vice-Chairman Hall declared a quorum present. Director of Development Services Terry Capehart and Planning Technician Joy Henderson were also present. Present in the audience were Debbie Eudres, Ray Raymond, Jerry Tudds, Mike Patichio, William Voohries, and three additional persons whose names cannot be read.

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ACTION AGENDA**

- 1. WELCOME NEW COMMISSIONERS AND APPOINT NEW CHAIRMAN.**

Terry Capehart welcomed the new members, Commissioner Gillenwater and Commissioner King, to the Planning and Zoning Commission.

Vice-Chairman Hall opened the floor for any nominations for the position of Chairman. Commissioner Brown made a motion to appoint Anita Hall

as Chairman. The motion was seconded by Commissioner Tijerina. Vice-Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0. Anita Hall accepted the position of Chairman.

Chairman Hall opened the floor for any nominations for the position of Vice-Chairman. Chairman Hall made a motion to appoint Burton Brown as Vice-Chairman. The motion was seconded by Commissioner King. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0. Burton Brown accepted the position of Vice-Chairman.

- 2. CONSIDER A REQUEST FROM THE CHURCH'S CHICKEN CORPORATION, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A PRELIMINARY PLAT, BEING ALL OF A CERTAIN 0.726 ACRE TRACT OF LAND, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 34 AND STATE HIGHWAY 175 ON S. WASHINGTON STREET, AND BEING OUT OF THE RESIDUE OF AN 18.592 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO SPIKES COOLEY RECORDED IN VOLUME 754, PAGE 713 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE D. FALCON SURVEY, ABSTRACT 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. P-02-06.**

Terry Capehart stated the Preliminary Plat under consideration will create two lots totaling 0.726 acre, Tract 1, being 0.5742 acre (25,011 square feet) in size which will accommodate a new Church's Chicken restaurant and Tract 2, being 0.1521 acre (6,626 square feet) in size which will be dedicated to the city for the eighty feet (80') wide right-of-way identified in the Thoroughfare Plan as a proposed Type "C" Major Collector. The proposed development is situated between the new Guaranty Bank to the north and the Family Dollar Store to the south. TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. This plat will also create a twenty-five (25') feet wide utility easement along the SH 34 frontage to capture an easement for existing public water and sewer lines running along the highway just outside the State right-of-way that was not previously recorded. The existing drainage pattern for storm water runoff flows to the southeast corner of the property then south along the rear of the Family Dollar Store and Post Office to a drainage channel next to Brookshire's Grocery. The civil engineering drawings indicate that this pattern of flow is adequate for drainage on the site and that on site retention will prevent post development flows from exceeding predevelopment flows as required by law.

Commissioner Gillenwater made a motion to approve a Preliminary Plat for Church's Chicken Corporation on property generally located southeast of the intersection of State Highway 34 and State Highway 175 on South Washington Street. The motion was seconded by Commissioner Tijerina. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0.

- 3. CONSIDER A REQUEST FROM THE CHURCH'S CHICKEN CORPORATION, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A FINAL PLAT, BEING ALL OF A CERTAIN 0.726 ACRE TRACT OF LAND, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 34 AND STATE HIGHWAY 175 ON S. WASHINGTON STREET, AND BEING OUT OF THE RESIDUE OF AN 18.592 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO SPIKES COOLEY RECORDED IN VOLUME 754, PAGE 713 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE D. FALCON SURVEY, ABSTRACT 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. P-03-06.**

Terry Capehart stated the Final Plat under consideration will create two lots totaling 0.726 acre, Tract 1, being 0.5742 acre (25,011 square feet) in size which will accommodate a new Church's Chicken restaurant and Tract 2, being 0.1521 acre (6,626 square feet) in size which will be dedicated to the city for the eighty feet (80') wide right-of-way identified in the Thoroughfare Plan as a proposed Type "C" Major Collector. The proposed development is situated between the new Guaranty Bank to the north and the Family Dollar Store to the south. TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. This plat will also create a twenty-five (25') feet wide utility easement along the SH 34 frontage to capture an easement for existing public water and sewer lines running along the highway just outside the State right-of-way that was not previously recorded. The existing drainage pattern for storm water runoff flows to the southeast corner of the property then south along the rear of the Family Dollar Store and Post Office to a drainage channel next to Brookshire's Grocery. The civil engineering drawings indicate that this pattern of flow is adequate for drainage on the site and that on site retention will prevent post development flows from exceeding predevelopment flows as required by law.

Commissioner King made a motion to approve a Final Plat for Church's Chicken Corporation on property generally located southeast of the intersection of State Highway 34 and State Highway 175 on S. Washington Street. The motion was seconded by Vice-Chairman Brown.

Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0.

4. **CONSIDER A REQUEST FROM THE CHURCH'S CHICKEN CORPORATION, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A SITE PLAN, IN ORDER TO DEVELOP A RESTAURANT WITH DRIVE-THROUGH SERVICES, BEING ALL OF A CERTAIN 0.726 ACRE TRACT OF LAND, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 34 AND STATE HIGHWAY 175 ON S. WASHINGTON STREET, AND BEING OUT OF THE RESIDUE OF AN 18.592 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO SPIKES COOLEY RECORDED IN VOLUME 754, PAGE 713 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE D. FALCON SURVEY, ABSTRACT 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. S-04-06.**

Terry Capehart stated the site plan under consideration is for a Church's Chicken restaurant with drive-through service facilities which is allowed by right in the Commercial District. The proposed building is approximately 1,885 square feet in size which is approximately 7.5% lot coverage. The nearest fire hydrant is located on the adjacent lot to the south (Family Dollar Store) and is approximately 120 feet from the designated fire lane on this site which is well within the minimum 300 feet required distance. The driveway is positioned in the center of the lot along the State Highway 34 frontage providing maximum separation from adjacent driveways and TxDOT has given tentative approval for both the access drive and drainage improvements located within their right-of-way or property. Nineteen (19) parking spaces are required and twenty-four spaces have been provided including two handicap access spaces. The drive-thru access lane has approximately eighty feet (80') of stacking distance and exceeds the minimum stacking distance of sixty feet (60') as required by the Zoning Ordinance. An escape lane running parallel to the drive-thru lane has also been provided as required. The minimum area required to be landscaped is 15% of the site and the applicant has provided 36% on the site plan.

Commissioner Tijerina made a motion to approve a Site Plan for Church's Chicken Corporation on property generally located southeast of the intersection of State Highway 34 and State Highway 175 on S. Washington Street. The motion was seconded by Commissioner Gillenwater. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0.

5. **CONSIDER A REQUEST FROM MULBERRY KAUFMAN ENTERPRISES, INC, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDED SITE PLAN, IN ORDER TO ADD A NEW DRIVE-THROUGH SERVICE WINDOW TO THE KAUFMAN GROCERY STORE, LOCATED AT 1107 E. MULBERRY STREET, SUITE F, BEING ALL OF A CERTAIN 0.671 ACRE TRACT OF LAND, AS CONVEYED IN A DEED TO MULBERRY KAUFMAN ENTERPRISES, INC., AS RECORDED IN VOLUME 1393, PAGE 491, DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE J.B. COLE SURVEY, ABSTRACT 84, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. S-05-06.**

Terry Capehart stated that Section 40.3 provides that when an existing approved site plan is amended in such a way as to materially change traffic circulation or existing buildings are enlarged then the site plan must be reconsidered by the Planning and Zoning Commission and City Council for approval. The Kaufman Grocery is proposing to add a drive-through service window to the east side of their existing building. The existing dumpster location would be moved approximately fifteen feet (15') towards the northeast corner of the building with a new masonry screen constructed. Traffic would be controlled by several bollards that would prevent vehicles from entering the drive-through lane from the wrong direction as well as signage to direct customer traffic. The stacking lane meets the minimum requirement for three vehicles and does not interfere with access to the remainder of the site. The placement of the drive-through lane will eliminate one parking space, however it is anticipated that the existence of the drive-through will eliminate a substantial portion of the customers that would otherwise park and enter the store which will alleviate the demand for onsite parking.

Commissioner Tijerina made a motion to approve a Site Plan for Mulberry Kaufman Enterprises, Inc, on property located at 1107 E. Mulberry Street, Suite F. The motion was seconded by Commissioner King. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

6. **CONSIDER A REQUEST FROM KAUFMAN FOURSQUARE CHURCH, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING AN AMENDED SITE PLAN, IN ORDER TO ADD A NEW 4,000 SQUARE FEET SANCTUARY WITH ADDITIONAL PARKING, LOCATED AT 91 OAK CREEK DRIVE, BEING ALL OF A CERTAIN 5.378 ACRE TRACT OF LAND, AS CONVEYED IN A DEED TO OAK HILL FELLOWSHIP CHURCH, AS RECORDED IN VOLUME 1219, PAGE 417, DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE C.A. LOVEJOY SURVEY, ABSTRACT 302 AND 303, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. S-06-06.**

Terry Capehart stated that Section 40.3 provides that when an existing approved site plan is amended in such a way as to materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of City Council's approval of the site plan then the site plan must be reconsidered by the Planning and Zoning Commission and City Council for approval. In October, 2005 the City Council approved the use of a manufactured building temporarily for church classroom activities until a permanent addition to their existing building could be constructed to accommodate more educational classrooms. The temporary building was located to the rear of the existing church building and was approximately 672 square feet in size. The approval of the use of the temporary building was contingent upon a time period not to exceed one year, at which time, if an application for the addition of permanent classrooms has not been made then the certificate of occupancy would be revoked and the building will be required to be removed from the premises. The Kaufman Foursquare Church is proposing to replace the temporary building with a new permanent building of approximately 4,000 square feet as agreed. The new building will be located ten feet (10') behind the existing 4,368 square foot building in order to meet the Fire Code for separation of structures. The Church also plans to construct fifty (50) additional new parking spaces with an additional access drive to improve traffic circulation and safety. The new construction will be built to match the exterior of the existing building. Since both the existing building and the proposed new building is under 7,500 square feet in size, fire sprinklers will not be required to be installed. The proposed new addition meets all of the requirements of the Zoning Ordinance and other applicable codes.

Commissioner King made a motion to approve an Amended Site Plan for Kaufman Foursquare Church on property located at 91 Oak Creek Drive. The motion was seconded by Commissioner Gillenwater. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

## **ZONING ORDINANCE UPDATE:**

### **WORK SESSION**

- 1. CONDUCT DISCUSSION OF PROPOSED REVISIONS TO SECTIONS 33 USE TABLES AND DEFINITIONS OF THE ZONING ORDINANCE O-14-99 AS RECOMMENDED BY THE ZONING ORDINANCE STEERING COMMITTEE.**

Terry Capehart and the committee members discussed the proposed revisions that were marked in the draft Zoning Ordinance.

## **PUBLIC HEARING**

- 1. CONDUCT A PUBLIC HEARING AND TAKE CITIZENS COMMENTS ON PROPOSED REVISIONS TO SECTIONS 33 USE TABLES AND DEFINITIONS OF THE ZONING ORDINANCE O-14-99 AS RECOMMENDED BY THE ZONING ORDINANCE STEERING COMMITTEE.**

- a. OPEN PUBLIC HEARING**

Chairman Hall declared the Public Hearing open at 7:56 p.m.

- b. CLOSE PUBLIC HEARING**

Not hearing any requests to speak, Chairman Hall declared the Public Hearing closed at 7:56 p.m.

## **ACTION AGENDA**

- 1. CONSIDER PROPOSED REVISIONS TO SECTIONS 33 USE TABLES AND DEFINITIONS OF THE ZONING ORDINANCE O-14-99 AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL.**

Commissioner Tijerina made a motion to table this item for further discussion. The motion was seconded by Commissioner Gillenwater. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

## **CONSENT AGENDA**

- 1. CONSIDER AND ACT UPON APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FROM THE AUGUST 15, 2006 SPECIAL MEETING.**

Vice-Chairman Brown made a motion to approve of the Planning and Zoning Commission Minutes from the August 15, 2006 Special Meeting. The motion was seconded by Commissioner Tijerina. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

## **MISCELLANEOUS**

### **1. OPEN FORUM.**

No comments or questions.

## **ADJOURNMENT**

Vice-Chairman Brown made a motion to adjourn at 7:58 p.m., seconded by Commissioner King. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

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ANITA HALL  
CHAIRMAN

ATTEST:

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JOY HENDERSON  
PLANNING TECHNICIAN