

**MINUTES OF THE
JOINT CITY COUNCIL MEETING
AND
PLANNING & ZONING COMMISSION MEETING
MONDAY, MAY 16, 2005 — 5:15 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

MAYOR	PAULA BACON
MAYOR PRO-TEM	PAULA HAGLER WAMPLER
COUNCILMEMBER	FLOYD CHOYCE
COUNCILMEMBER	STANLEY HOLMES
COUNCILMEMBER	PENNY KAUFMANN
COUNCILMEMBER	JANICE MURRELL
COUNCILMEMBER	HECTOR TORRES

PLANNING AND ZONING COMMISSION

CHAIRMAN	DENNIS BERRY
COMMISSIONER	MICHAEL HOLDER
COMMISSIONER	LONNIE BOUNDS
COMMISSIONER	CURTIS PARKER
COMMISSIONER	LARRY NELSON
COMMISSIONER	TOM RADEKE
COMMISSIONER	ANITA HALL

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER:

Mayor Bacon opened the Meeting at 5:23 p.m. Councilmembers present were Mayor Bacon, Councilmember Kaufmann and Councilmember Murrell. Councilmembers absent were Mayor Pro-Tem Wampler, Councilmember Choyce, Councilmember Holmes and Councilmember Torres with there being no quorum present, the City Council members that were in attendance listened to the agenda discussion and did not take any action.

Planning and Zoning Commission present were Chairman Berry, Commissioners Michael Holder, Lonnie Bounds, Tom Radeke and Anita Hall. Chairman Berry declared a quorum present. Commissioners Curtis Parker and Larry Nelson were absent.

Also present were Interim City Manager Curtis Snow, ACM/City Secretary Jo Ann Talbot and Director of Development of Services Terry Capehart.

1. Consider a request from Robert Cates regarding an amended Site Plan approval for a office/retail center, being all of a certain 0.301 acre tract of land, located at 1701 S. Washington Street, and being described as Lots 11 R 2, Block 3 of the Hobby Highway Addition, as described in a deed to Robert C. and Ollie Cates, recorded in Volume 2480, Page 432 and Volume 2627, Page 329 of the Deed Records of Kaufman County, City of Kaufman, Kaufman County, Texas. (Case S-09-05)

A. Discussion with Planning and Zoning and City Council.

Director of Development Services Terry Capehart informed the Council that the original Site Plan was approved by the City Council on February 22, 2005 for a single building, 36 feet wide and 98 feet long or approximately 3,528 square feet in size for general office uses. The building permit was issued on March 11, 2005 to begin construction. When the concrete slab was poured, it was located approximately 5ft-2 inches from the rear property line and approximately 7ft-3 inches from the side property line. The slab measured 41ft x 100ft or an increase of 572 square feet to 4,100 square feet total.

A stop work order was issued on March 24, 2005 and Mr. Cates subsequently applied for a variance to the rear yard setback and side yard setback as well as for one parking space because the increase in square footage required one additional parking space. Prior to the variance hearing, Mr. Cates purchased an additional 5 feet of property from the adjacent property owner along the rear of the original property. However, the variance request was denied for lack of a motion by the Zoning Board of Adjustment on April 26, 2005. Mr. Cates then shortened the length of the building in an attempt to meet the setback requirements. Mr. Cates was still not in compliance with the approved site plan and was again issued a stop work order on April 29, 2005 and was instructed to submit an amended site plan for review and approval.

The property is on the southeast corner of Washington Street and Tenth Street and is the first new project to be built under the requirements of the Washington Street Corridor. The adjacent property to the east and rear of the subject property is occupied by an older residential structure and will be screened by a six feet tall masonry wall. The adjacent property to the south is occupied by a poorly maintained apartment complex that also fronts Washington Street and is separated from the subject property by a substandard alley partially paved with a deteriorating base of gravel and will be screened by a six feet tall masonry wall as well.

The amended site plan differs from the original site plan as follows:

1. The original lot size was 100 ft. by 125 ft. or 12,500 square feet. The additional land purchased by Mr. Cates increased the lot size to 105 ft. by 125 ft. or 13,125 square feet. A minor plat was recorded as Lot 11R2, Block 3 of the Hobby Highway Addition on May 9, 2005 to remove the lot line to make the property a single lot of record.
2. The rear yard setback was approved at 11.0 feet and the current setback is 10.18 feet according to the foundation survey submitted to staff, or a reduction of 0.82 foot (9.84 inches).
3. The side yard setback was approved at 12.0 feet and the current setback is 11.73 feet after the building was shortened to approximately 95 feet or a reduction of 0.27 feet (3.24 inches).
4. The building size is now 3,895 square feet or an increase of 367 square feet over the approved site plan.
5. The required parking for the new building is 13 spaces (1 per 300 square feet) and the amended site plan provides 13 spaces. The driveway has been relocated approximately 20 feet further to the north.

The six feet tall masonry screen wall located along the east property line is located approximately 8 feet from the current building location, which is two feet further east than the original location. Staff recommends the masonry screen wall located along the east property line be moved back to the original site plan (10.18') location. The required setbacks for this project is 11 feet for the rear yard and 12 feet for the side yard per the site plan approved 02-22-05, however, Section 32A.1.B.2.c states that special exceptions to the setbacks are allowed in the Washington Street Corridor through the site planning process. The applicant is requesting a rear yard setback of 10.18 feet with a six feet masonry screen wall and an 11.73 feet side yard adjacent to the alley, also with a six feet masonry screen wall.

A great deal of discussion was held regarding the site plan and the error of using the original site plan instead of the amended approved site plan for the construction of the building foundation. In addition, discussion was held for Staff to make procedure changes to verify the setback requirements before foundations are poured or have the owner obtain a site form survey before the foundation is poured.

- B. Planning and Zoning Commission votes to recommend decision to City Council.

After discussion of Agenda Item 1.A., Commissioner Bounds moved and seconded by Commissioner Holder to recommend to the City

Council approval of the request from Robert Cates regarding an amended Site Plan for a office/retail center, being all of a certain 0.301 acre tract of land, located at 1701 S. Washington Street, and being described as Lots 11 R 2, Block 3 of the Hobby Highway Addition, as described in a deed to Robert C. and Ollie Cates, recorded in Volume 2480, Page 432 and Volume 2627, Page 329 of the Deed Records of Kaufman County, City of Kaufman, Kaufman County, Texas as amended with requesting a rear yard setback of 10.18 feet with a six feet masonry screen wall and an 11.73 feet side yard adjacent to the alley, with a six feet masonry screen wall. Chairman Berry called for a vote with all members present voting AYE, the motion carried. Commissioner Parker and Commissioner Nelson were absent.

- C. City Council considers Planning and Zoning recommendation and takes action.

There being no quorum present, the City Council took no action on this agenda item.

2. Discuss and review proposed architectural and design criteria for the Central Business District (CBD) and other related matters.

Director of Development Services Terry Capehart gave the Council an overview of proposed architectural and design criteria for the Central Business District (CBD) in regards with the recent interest of CVS Pharmacy (a national pharmacy chain) in building a new retail store in the Central Business District (CBD). The Comprehensive Plan/Zoning Ordinance Steering Committee, as its first order of business, deemed it critical to take appropriate action to insure the development would not only be compatible with the character of the Downtown CBD but an asset to the entire community. A series of meetings were held in order to solicit input into this important issue to ensure the future success and vitality of the CBD. The goal of the CP/ZO Steering Committee, Downtown Steering Committee and staff was to develop a model plan that will result in the preservation of the character and long-term economic success of the Square and the CBD that will become a source of pride and inspiration for the entire community.

Representatives from the CVS Corporation and their engineering firm met with staff on April 28, 2005 to discuss the development of the property located on the southeast corner of Mulberry and Washington streets. They were primarily on a fact finding mission and were gathering information prior to developing a concept plan. Their preliminary proposal includes extending the existing Brin Garden around the corner down Mulberry Street with a 15,000 square foot building located back from the corner with parking in the front and a drive through window located on the southeast corner of the building. The front entrance will be located on the northwest corner of the building facing

the square. They were more than willing to match the color of brick or color schemes of the existing buildings on the square.

The proposed text changes to Section 27 (CBD District) and Chapter 10 (Alcoholic Beverages) of the Code of Ordinances reflect the wishes of the committee to preserve the architectural character of the CBD and to promote mixed uses in the district and additionally prohibit the retail sale of alcoholic beverages for offsite consumption.

After a brief discussion on the proposed revisions and to expedite the revision process by conducting public hearings, the Planning and Zoning will meet June 6, 2005 and the City Council will have recommendations from the Planning and Zoning Commission for the regular June 20, 2005 meeting.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

No comments were made by the City Council.

REQUEST/COMMENTS FROM PLANNING AND ZONING COMMISSION.

No comments were made by the Planning and Zoning Commission.

ADJOURNMENT.

There being no further business, Commissioner Holder moved and seconded by Commissioner Radeke to adjourn the meeting at 6:28 p.m.

**Chairman Dennis Berry
Planning and Zoning Commission**

ATTEST:

**Jo Ann Talbot
ACM/City Secretary**

NOTE: The City Council recessed the May 16, 2005 City Council meeting for the next day May 17, 2005 to canvass the election returns.