

**MINUTES
PLANNING AND ZONING COMMISSION
SPECIAL MEETING**

**MONDAY, JUNE 12, 2006 - 6:00 P.M.
CITY HALL
209 SOUTH WASHINGTON STREET, KAUFMAN, TEXAS 75142**

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

CALL TO ORDER

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

Chairman Holder called the meeting to order at 6:06 p.m. Monday, June 12, 2006. Commissioners present were Chairman Michael Holder, Vice-Chairman Anita Hall, Commissioner Burton Brown, Commissioner Larry Nelson, and Commissioner Tom Radeke. 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 Harbinder Malhi and his son.

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

1. CONSIDER A REQUEST FROM MAHLI SINGH HARBINGER, REGARDING A ZONING CHANGE ON A SINGLE TRACT OF LAND TOTALING 12,354 SQUARE FEET (0.2836 ACRE) FROM EXISTING SINGLE-FAMILY-6 RESIDENTIAL DISTRICT TO RETAIL (R) DISTRICT; GENERALLY LOCATED ON THE NORTHEAST CORNER OF WEST GROVE STREET AND CLAY STREET AT 401 W. GROVE STREET, BEING DESCRIBED AS PART OF BLOCK 27 OF THE ORIGINAL TOWN OF KAUFMAN ADDITION 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-01-06

Terry Capehart stated the applicant's original zoning change request was 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. The Planning and Zoning Commission, at the April 3, 2006 Regular Meeting had made the recommendation to the City Council by a vote of

5-0 to approve the proposed zoning change request with the following stipulations: 1. A solid masonry screen wall 6 feet tall (measuring the height from the level of the adjacent residential lots) to be constructed along the property line separating the proposed retail use from the residential properties. 2. Business hours are to be restricted from 6 a.m. to 10 p.m. 3. Security lighting is to be directed in such a way that the glare does not shine on adjacent residential properties. 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 current Commercial (C) District zoning in the vicinity was also discovered to be in conflict with the Comprehensive Land Use Map. When this case was considered by the City Council on April 17, 2006 the decision was made to remand the case back to the Planning and Zoning Commission to consider making a correction to the Zoning Map to remove the conflicts. The adjacent areas were considered separately as a request by the City to make the map corrections and this case was left as a stand alone request by the applicant. 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 6:09 p.m.

b. ACT UPON RECOMMENDATION TO CITY COUNCIL

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 6:14 p.m.

Commissioner Brown made a motion to approve the zoning change from existing Single-Family-6 Residential District to Retail (R) District; generally located on the northeast corner of West Grove Street and Clay Street at 401 W. Grove Street with the stipulation of 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.

ACTION AGENDA

- 1. CONSIDER PROPOSED FINAL REVISIONS TO SECTIONS 12-21, RESIDENTIAL DISTRICT REQUIREMENTS OF THE ZONING ORDINANCE O-14-99 AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL.**

The committee members discussed the proposed revisions that were marked in the draft Zoning Ordinance.

Vice-Chairman Hall made a motion to approve the proposed final revisions to Sections 12-21 of the Zoning Ordinance. The motion was seconded by Commissioner Nelson. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

CONSENT AGENDA

1. CONSIDER AND ACT UPON APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FROM THE JUNE 5, 2006 REGULAR MEETING.

Chairman Holder made a motion to table the minutes of the June 5, 2006 meeting. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

MISCELLANEOUS

1. OPEN FORUM.

The next Planning and Zoning meeting will be on Monday, July 10th at 6:00 p.m.

ADJOURNMENT

Vice-Chairman Hall made a motion to adjourn at 6:54 p.m. seconded by Commissioner Tijerina. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 5-0.

ANITA HALL
VICE-CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN