

MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING

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

CHAIRMAN	ANITA HALL	
VICE-CHAIRMAN	BURTON BROWN	
COMMISSIONER	CHARLES GILLENWATER	
COMMISSIONER	TIM KING	
COMMISSIONER	LARRY NELSON	
COMMISSIONER	TOM RADEKE	(Absent)
COMMISSIONER	LOUIS TIJERINA	

CALL TO ORDER

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

Chairman Hall called the meeting to order at 6:09 p.m. Monday, November 6, 2006. Commissioners present were Chairman Anita Hall, Vice-Chairman Burton Brown, Commissioner Charles Gillenwater, Commissioner Larry Nelson and Commissioner Louis Tijerina. 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 Bill Graber, Sandy Rubio and Shelly Allen.

INVOCATION & PLEDGE OF ALLEGIANCE

ACTION AGENDA

- 1. CONSIDER A REQUEST FROM THE SERVANT'S BOOKSTORE, AND ACT UPON A RECOMMENDATION TO THE CITY COUNCIL REGARDING A SITE PLAN, IN ORDER TO DEVELOP A RETAIL STORE AND COFFEE SHOP WITH DRIVE-THROUGH SERVICES, BEING ALL OF A CERTAIN 0.52 ACRE TRACT OF LAND, LOCATED AT 1301 AND 1303 S. WASHINGTON, AND BEING PART OF BLOCK 118, ORIGINAL TOWN OF KAUFMAN, AS DESCRIBED IN A DEED TO ELIZABETH HENDRICKSON RECORDED IN VOLUME 1376, PAGE 869 AND TO DORIS ANN COUNCIL RECORDED IN VOLUME 2746, PAGE 349 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE ANNA L. CARTER SURVEY, ABSTRACT 98, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. S-07-06.**

Terry Capehart stated the site plan is for a retail bookstore with minor accessory sales of specialty coffee with drive-through service facilities which is allowed in the Washington Street Corridor Overlay District. The building is approximately 2,794 square feet in size which is approximately 12.32% lot coverage. Two fire hydrants are located in the vicinity of the project, the nearest one is located across the street at the corner of 7th and Washington Street and is approximately 150 feet from the designated fire lane on this site which is well within the minimum 300 feet required distance. The second fire hydrant is at the corner of 6th and Madison Street. The project will not have any direct access drives located on Washington Street which will improve traffic safety on this major thoroughfare. Primary access will be from 7th Street with exits onto 7th and 6th Streets thus TxDOT review and approval is not required. Twenty-one (21) parking spaces are required and twenty regular spaces have been provided and one additional handicap access space to meet the requirement. 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. The 20 feet wide drive aisle serves as a fire lane as well as an escape lane for the drive-thru lane as required. The minimum area required to be landscaped is 15% of the site and the applicant has provided 22% on the site plan. The proposed site consists of two lots which are to be replatted into a single lot of record by means of a minor plat. The lot located at 1301 S. Washington Street is now vacant after the recent demolition of a substandard residential structure on the lot. The second lot, located at 1303 S. Washington, currently has an existing residential type structure that is being used for the Nu Wave Internet business which will subsequently be demolished also to make way for the new development.

Commissioner Brown made a motion to approve a Site Plan, in order to develop a retail store and coffee shop with drive-through services, being all of a certain 0.52 acre tract of land, located at 1301 and 1303 S. Washington. 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.

PUBLIC HEARINGS

- 1. CONSIDER A REQUEST FROM RAY AND SANDY RUBIO, REGARDING A ZONING CHANGE ON A CERTAIN CALLED TRACT A, BEING A SINGLE TRACT OF LAND TOTALING 21.940 ACRES, FROM EXISTING SINGLE-FAMILY-8 RESIDENTIAL DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT; GENERALLY LOCATED SOUTH OF THE INTERSECTION OF STATE HIGHWAY 243 AND STATE HIGHWAY 34 AND NORTHEAST OF RAND ROAD, BEING DESCRIBED IN A DEED RECORDED IN VOLUME 2706, PAGE 245 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE J.B. COLE SURVEY, ABSTRACT NO. 84 AND IN THE LEVI L. YORK SURVEY, ABSTRACT 608; CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-06-06**

- a. CONDUCT PUBLIC HEARING**

Chairman Hall declared the Public Hearing open at 6:10 p.m.

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Terry Capehart stated the applicants are requesting a change in zoning from Single-Family 8 Residential District (SF-8) to Light Industrial (LI) District in order to accommodate development along the proposed State Highway 34 Bypass and to coordinate the access and overall development of adjacent tracts of land, as shown in the concept plan, that are also owned by the applicants. As each pad site or lot is developed a Site Plan and Preliminary Plat and Final Plat will be required to be submitted for review and approval. The property consists of Tract A (see Zoning Exhibit), a 21.940 acre parcel of land out of the J.B. Cole Survey, Abstract 84 and the Levi L. York Survey, Abstract 608, City of Kaufman, Kaufman County. The property fronts State Highway 243 (Mulberry Street) and currently is in agricultural use with no structures or residential occupancy. The adjacent property to the east is zoned Light Industrial (LI) and is undeveloped, further east and still adjoining the subject tract is the Trinity Valley Electric Co-op facility which is zoned Commercial (C). The adjacent property to the south and west is zoned Light Industrial and is undeveloped. The adjacent property to the south and east (Tract B on the zoning exhibit) is currently zoned Single-Family 8 (SF-8) which is also on the agenda for rezoning to Multi-Family 1 (MF-1) Triplex/Quadriplex Apartments.

Not hearing any additional requests to speak, Chairman Hall declared the Public Hearing closed at 6:23 p.m.

b. ACT UPON A RECOMMENDATION TO CITY COUNCIL

Commissioner Gillenwater made a motion to approve the zoning change. The motion was seconded by Commissioner Nelson. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0. *Commissioner Tijerina was excused from the discussion and vote due to a conflict of interest.*

- 2. CONSIDER A REQUEST FROM RAY AND SANDY RUBIO, REGARDING AN AMENDMENT TO THE COMPREHENSIVE PLAN ORDINANCE O-13-99 AND FUTURE LAND USE MAP TO CHANGE THE CURRENT LAND USE RECOMMENDATION FROM LOW DENSITY RESIDENTIAL USES TO MULTI-FAMILY USES AND TO CHANGE THE ZONING ON A CERTAIN CALLED TRACT B, BEING A SINGLE TRACT OF LAND TOTALING 10.222 ACRES, FROM EXISTING SINGLE-FAMILY-8 RESIDENTIAL DISTRICT TO MULTI-FAMILY 1 (MF-1) DISTRICT (TRIPLEX/QUADRIPLEX); GENERALLY LOCATED SOUTH OF THE INTERSECTION OF STATE HIGHWAY 243 AND STATE HIGHWAY 34 AND NORTHEAST OF RAND ROAD, BEING DESCRIBED IN A DEED RECORDED IN VOLUME 2706, PAGE 245 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE LEVI L. YORK SURVEY, ABSTRACT 608; CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-07-06**

a. CONDUCT PUBLIC HEARING

Chairman Hall declared the Public Hearing open at 6:23 p.m.

Terry Capehart stated the applicants are requesting an amendment to the Comprehensive Plan and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multiple-Family residential uses in order to accommodate a zoning change request to allow development of a 10.222 acre tract of land (Tract B). The applicant is proposing to construct twelve quadriplex units on Tracts B and C (see concept plan) with a club house and pool area that will have a system of private streets which will facilitate traffic and emergency access throughout the development. The development is intended to be a retirement community for independent senior citizens 55 years of age or older similar in character to the Terrell Senior Terraces. (see brochure) Due to the long, narrow configuration of the land single-family development would be difficult to accomplish and thus not be feasible. The proposed medium density multi-family development is more compatible with the layout of the land and adjacent development and the use of a private street system is more efficient and provides better circulation as well as access to adjacent land uses. The parcel was originally zoned as Single-Family R-2 residential in 1980 which was then converted to the current zoning designation of Single-Family 8 (SF-8) in 1999 with the adoption of the current zoning ordinance O-14-99. Although the single-family zoning has been in place for over twenty-five years, due to the constraints of the layout of the land and other factors it has never been developed. The adjacent property to the northwest is Tract A and is on the current agenda for rezoning to Light Industrial (LI). The adjacent property to the northeast is zoned Commercial and is occupied by the Trinity Valley Electric Co-op facility. The adjacent 20 acre tract of land to the southwest is zoned Single-Family 8 and is owned by the applicants who intend to develop it as single-family residential. Next to the 20 acre tract and also adjacent to the subject property is the Helen Edwards Early Childhood Development Center operated by the Kaufman ISD.

Not hearing any additional requests to speak, Chairman Hall declared the Public Hearing closed at 6:40 p.m.

b. ACT UPON A RECOMMENDATION TO CITY COUNCIL

Commissioner Gillenwater made a motion to approve the zoning change. The motion was seconded by Commissioner Nelson. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0. *Commissioner Tijerina was excused from the discussion and vote due to a conflict of interest.*

3. CONSIDER A REQUEST FROM RAY AND SANDY RUBIO, REGARDING AN AMENDMENT TO THE COMPREHENSIVE PLAN ORDINANCE O-13-99 AND FUTURE LAND USE MAP TO CHANGE THE CURRENT LAND USE RECOMMENDATION FROM LOW DENSITY RESIDENTIAL USES TO MULTI-FAMILY USES AND TO ESTABLISH THE INITIAL ZONING ON A CERTAIN

CALLED TRACT C, BEING A SINGLE TRACT OF LAND TOTALING 18.564 ACRES TO BE ANNEXED, AS MULTI-FAMILY 1 (MF-1) DISTRICT (TRIPLEX/QUADRIplex); GENERALLY LOCATED SOUTH OF THE INTERSECTION OF STATE HIGHWAY 243 AND STATE HIGHWAY 34 AND NORTHEAST OF RAND ROAD, BEING DESCRIBED IN A DEED RECORDED IN VOLUME 2706, PAGE 245 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE LEVI L. YORK SURVEY, ABSTRACT 608; CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-08-06

a. CONDUCT PUBLIC HEARING

Chairman Hall declared the Public Hearing open at 6:40 p.m.

Terry Capehart stated the applicants have petitioned the City Council to voluntarily annex an 18.564 acre tract of land and are requesting an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multiple-Family residential uses on the subject tract in order to establish the initial zoning as Multi-Family 1 (MF-1) Triplex/Quadriplex. The applicant is proposing to construct twelve quadriplex units on Tracts B and C (see concept plan) with a club house and pool area that will have a system of private streets which will facilitate traffic and emergency access throughout the development. The applicants have been in negotiations with the owners of an adjacent property, which is to be developed for a new church, in order to secure an additional point of access to the subject property. This linkage will also serve as a utility easement as well as an extension of the greenbelt linear park and trail system to the south in the Prairie Creek Addition. The development is intended to be a retirement community for independent senior citizens 55 years of age or older similar in character to the Terrell Senior Terraces. (see brochure) Due to the long, narrow configuration of the land single-family development would be difficult to accomplish and thus not be feasible. The proposed medium density multi-family development is more compatible with the layout of the land and adjacent development and the use of a private street system is more efficient and provides better circulation as well as access to adjacent land uses. The adjacent property to the northwest is Tract B and is on the current agenda for rezoning to Multi-Family 1 (MF-1) which is to be developed together with the subject Tract C. The adjacent property to the northeast is zoned Commercial and is occupied by the Trinity Valley Electric Co-op facility. The tract of land southwest and adjacent to the subject property is the Helen Edwards Early Childhood Development Center operated by the Kaufman ISD.

Not hearing any additional requests to speak, Chairman Hall declared the Public Hearing closed at 6:47 p.m.

b. ACT UPON A RECOMMENDATION TO CITY COUNCIL

Commissioner Gillenwater made a motion to approve the zoning change. The motion was seconded by Commissioner Nelson. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 5-0. *Commissioner Tijerina was excused from the discussion and vote due to a conflict of interest.*

CONSENT AGENDA

1. CONSIDER AND ACT UPON APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FROM THE OCTOBER 2, 2006 REGULAR MEETING AND OCTOBER 23, 2006 SPECIAL MEETING.

Commissioner King made a motion to approve the minutes from the October 2, 2006 Regular Meeting and October 23, 2006 Special Meeting, seconded by Commissioner Nelson. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 6-0.

OPEN FORUM

No comments or questions.

ADJOURNMENT

Vice-Chairman Brown made a motion to adjourn at 7:22 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.

ANITA HALL
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN