

**MINUTES
PLANNING AND ZONING COMMISSION
REGULAR MEETING**

**MONDAY, JUNE 5, 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	(Absent)
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 6:11 p.m. Monday, June 5, 2006. Commissioners present were Chairman Michael Holder, Vice-Chairman Anita Hall, Commissioner Burton Brown, and Commissioner Larry Nelson. 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 Roy Gene Garder, Steve and Mica Cooper, Brian Chambers, and Brian Frosch.

INVOCATION & PLEDGE OF ALLEGIANCE

ACTION AGENDA

1. CONSIDER PROPOSED FINAL REVISIONS TO SECTIONS 1-11 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.

Commissioner Brown made a motion to approve the proposed final revisions to Sections 1-11 of the Zoning Ordinance. The motion was seconded by Vice-Chairman Hall. 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 T.G. OAK BEND DEVELOPERS, L.P., REGARDING ZONING CHANGES ON TWO (2) TRACTS OF LAND TOTALING

4.519 ACRES FROM EXISTING RETAIL (R) DISTRICT ON TRACT 1, BEING A 0.662 ACRE PARCEL OF LAND TO SINGLE-FAMILY 6 (SF-6) DISTRICT AND FROM EXISTING LIGHT INDUSTRIAL (LI) DISTRICT ON TRACT 2, BEING A 3.857 ACRE PARCEL OF LAND TO SINGLE-FAMILY 6 (SF-6) DISTRICT; GENERALLY LOCATED SOUTH OF STATE HIGHWAY 175 AND WEST OF FAIR ROAD, AND BEING DESCRIBED AS A PART OF THAT CERTAIN CALLED 46.75 ACRE, SECOND TRACT OF LAND CONVEYED TO BOB H. FICKETT AND WALTER W. DITZLER AS RECORDED IN VOLUME 442, PAGE 477 OF THE DEED RECORDS OF KAUFMAN COUNTY, AND BEING SITUATED IN THE D. FALCON SURVEY, ABSTRACT NO. 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-03-06

Terry Capehart the applicant is requesting a change in zoning on two (2) tracts of land totaling 4.519 acres from existing Retail (R) District on Tract 1, being a 0.662 acre parcel of land to Single-Family 6 (SF-6) District and from existing Light Industrial (LI) District on Tract 2, being a 3.857 acre parcel of land to Single-Family 6 (SF-6) District in order to develop part of a master planned community called Fair Oaks. The site is generally located south of State Highway 175 and west of Fair Road and the two subject tracts were part of a larger 53.133 acre parcel of land that was rezoned from Highway Commercial (HC) into 27.545 acres of Single-Family 6 (SF-6), 7.753 acres of Retail (R), 10.0 acres of Multi-Family 2 (MF-2), and 7.835 acres of Light Industrial (LI) zoning in October, 2005. The current proposal is to reduce the 7.835 acre Light Industrial tract by 3.857 acres and reduce the Retail tract by 0.662 acre and rezone these two parcels totaling 4.519 acres to Single-Family 6 in order to accommodate an additional point of access into the subdivision. The additional Single-Family 6 zoning will bring the lot count from the current 122 lots to a new total of 140 lots or 18 additional lots.

a. OPEN PUBLIC HEARING

Chairman Holder declared the Public Hearing open at 6:22 p.m.

Roy Gene Gardner stated that he is excited about the project and is available for questions.

b. CLOSE PUBLIC HEARING

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 6:27 p.m.

Commissioner Brown made a motion to approve the zoning changes on two (2) tracts of land totaling 4.519 acres from existing Retail (R) District on Tract 1, being a 0.662 acre parcel of land to Single-Family 6 (SF-6) District and from existing Light Industrial (LI) District on Tract 2, being a 3.857 acre parcel of land to Single-Family 6 (SF-6) District; generally located south of State Highway 175 and west of Fair Road. The motion was seconded by Vice-Chairman Hall. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

2. **CONSIDER A REQUEST FROM THE CITY OF KAUFMAN, REGARDING A ZONING CHANGE ON ALL OF BLOCKS 12, 13 AND 19 AND PART OF BLOCK 26 OF THE ORIGINAL TOWN OF KAUFMAN ADDITION FROM EXISTING COMMERCIAL (C) DISTRICT TO RETAIL (R) DISTRICT; GENERALLY LOCATED SOUTH OF OAK STREET AND NORTH OF CHERRY STREET BETWEEN JEFFERSON AND CLAY STREETS, IN ORDER TO REMOVE A CONFLICT BETWEEN THE COMPREHENSIVE LAND USE MAP (O-13-99) AND THE ZONING ORDINANCE (O-14-99), CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-04-06**

Terry Capehart a zoning change request from a property owner adjacent to the subject area revealed that in 1999 when the Comprehensive Land Use Map and official Zoning Map were adopted an error occurred in the conversion of the previous 1980 Zoning Map to the current Zoning Map (O-14-99). State Law requires that zoning districts be in accordance with the Comprehensive Plan and when the current Comprehensive Plan (O-13-99) was adopted the area in question was intended to be zoned for Retail uses, however, when the old General Business District (GB) was converted into the current district designations the subject area was inadvertently converted to the Commercial (C) District which is in conflict with the Comprehensive Land Use Map. The area to be rezoned from existing Commercial (C) to Retail (R) District in order to correct this error includes all of Blocks 12, 13 and 19 and part of Block 26 of the Original Town of Kaufman Addition. All of the nonresidential uses that currently exist within the area to be rezoned are permitted uses and thus will all be conforming uses.

c. OPEN PUBLIC HEARING

Chairman Holder declared the Public Hearing open at 6:29 p.m.

Mica Cooper, 104 Clay Street, questioned if they were commercial and could continue to be commercial. Terry Capehart stated that they were notified because they were in the 300' buffer and not part of the rezoning.

Brian Frosch, 400 West Mulberry, has great concern about special events. Kaufman does not need any more liquor stores. There are problems in the neighborhood due to the convenience store located in the neighborhood. The current problems with the foot traffic from the convenience store include trash being thrown in yards, public intoxication and fear in the neighborhood.

Steve Cooper 401 W. Mulberry, stated that there are already several houses in the neighborhood that are being used for business and questiones what would keep these building from being torn down and turned into a strip mall.

d. CLOSE PUBLIC HEARING

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 7:07 p.m.

Vice-Chairman Hall made a motion to table this item until there can be a review of the Kaufman Zoning Ordinance Use Table. The motion was seconded by Commissioner Nelson. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

WORK SESSION

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

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

PUBLIC HEARING

- 2. 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 7:43 p.m.

- b. CLOSE PUBLIC HEARING**

Not hearing any requests to speak, Chairman Holder declared the Public Hearing closed at 7:44 p.m.

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

CONSENT AGENDA

- 1. CONSIDER AND ACT UPON APPROVAL OF THE PLANNING AND ZONING COMMISSION MINUTES FROM THE APRIL 3, 2006 REGULAR MEETING.**

Commissioner Brown made a motion to approve the minutes of the April 3, 2006 meeting, seconded by Commissioner Nelson. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

MISCELLANEOUS

1. OPEN FORUM.

Terry Capehart reminded the Planning and Zoning Commissioners of the training requirements for the open meeting act. If the members do not have a computer, the City of Kaufman can order a VCR tape or DVD.

2. DISCUSS MEETING SCHEDULE FOR JULY (POSSIBLE CONFLICT WITH HOLIDAY)

Terry Capehart stated that due to Independence Day celebration falling on a Tuesday, it could cause some problems with not having enough commissioners for a quorum. Some commissioners and staff members are planning to go out of town for a four day weekend and it is possible that the City of Kaufman may be closed on Monday, July 3rd. If there are no objections, we are going to move the meeting to Monday, July 10th.

ADJOURNMENT

Commissioner Tijerina made a motion to adjourn at 6:14 p.m. seconded by Vice-Chairman Hall. Chairman Holder called for a vote with all voting AYE, the motion carried by a vote of 4-0.

ANITA HALL
VICE-CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN