



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, DECEMBER 5, 2023 AT 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

PLEDGE OF ALLEGIANCE US FLAG

TEXAS FLAG

"HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE".

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.**

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the minutes of the October 3, 2023 Planning and Zoning Commission meeting.
2. Consider and make a recommendation to City Council on the **Final Plat of Highland Meadows Phase 1**, which will create 224 single-family residential lots, 1 fire station lot, 12 open space lots, and right-of-way on 62.193 acres out of the Thomas Beedy Survey, Abstract No. 21, and the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, generally located on the south side of State Highway 243 at Ola Road (Property IDs 2252, 2267, 2269, 2270, and 227628). (Case No. FP-15-23)

END OF CONSENT AGENDA

PUBLIC HEARING

3. Conduct a public hearing and make a recommendation to City Council amending Chapter 5, "Business Regulations" of the Code of Ordinances of the City of Kaufman to add Article 5.10 "Unattended Donation Bins" to **regulate donation bins in the City limits**; and Chapter 118, "Zoning" of the Code of Ordinances of the City of Kaufman, to add the use "Donation Bin" to certain Zoning Districts by amending Chart 3 "Accessory & Incidental Uses" of Section 33.4 "Use Regulations"; adding "Donation Bin" to Section 33.5 "Definitions"; and adding "Donation Bin" specifications to Section 37.5 "Accessory Building and Use Regulations". (Case Z-03-23)
4. Conduct a public hearing and make a recommendation to City Council for a request for a change of zoning from PD Planned Development District-17R-MF-2 to **PD Planned Development District-26** for multi-family residential and neighborhood retail service uses on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: Z-9-23)

DISCUSSION/ACTION ITEMS

5. Consider and make a recommendation to City Council on the **Site Plan of Kings Fort Villas** on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: SP-04-23)

ANNOUNCEMENTS AND REPORTS FROM THE DEVELOPMENT SERVICES DIRECTOR

6. Recognition of Commissioner Darril Deaton and welcoming Commissioner Mike Slye
7. Overview of December 11, 2023 joint Planning & Zoning Commission / City Council Work Session regarding Subdivision Ordinance

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

I, ANDREW BOGDA, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON FRIDAY, DECEMBER 1, 2023 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

A handwritten signature in black ink, appearing to read "Andrew Bogda", is written over a horizontal line.

ANDREW BOGDA
DIRECTOR OF DEVELOPMENT SERVICES

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, OCTOBER 3, 2023 AT 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE US FLAG

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INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.

Chairman Richard Dunn called the meeting to order at 6:01 p.m. on Tuesday, October 3, 2023. Commissioners present are Chairman Richard Dunn, Vice-Chairman Burton Brown, Commissioner Dennis Berry, Commissioner Darrell Deaton, and Commissioner Kathleen Sisson. City of Kaufman staff present included Director of Development Services Andrew Bogda, Economic Development Director Stewart McGregor, and Planner Joy Henderson. Present in the audience were Brian Wilson, Jason Hardy, and Pann Sribhen.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES)

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CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the minutes of the September 5, 2023 Planning and Zoning Commission meeting.

END OF CONSENT AGENDA

Commissioner Berry made a motion to approve the consent agenda for item 1. The motion was seconded by Commissioner Deaton, with the members voting 5-0. The motion passed.

DISCUSSION/ACTION ITEMS

2. Consider and make a recommendation to City Council on the **Site Plan of Lott's Cleaners**, being a tract of land containing 0.12 acres (Property ID 28452), situated in the Original Town of Kaufman Survey, Block 10, Lot 5, City of Kaufman, Kaufman County, Texas. The property is zoned Central Business District ("CBD") and is generally located 114 West Grove Street. (Case No. SP-09-23)

Director of Development Services Andrew Bogda presented a report on the Site Plan of Lott's Cleaners located at 114 West Grove Street. Details of the case can be found in report SP-09-23 dated 10-03-2023.

Vice-Chairman Brown asked if the shared wall will be stable enough to handle the new store.

Jason Hardy stated that it would be.

Commissioner Berry made a motion to approve the Site Plan of Lott's Cleaners located at 114 West Grove Street with the following conditions:

- a. Approval of a variance from Section 25.3.E.2 regarding the parking requirement.
- b. A location map is added to the Site Plan.
- c. The addresses 112 W. Grove St. (for the existing building) and 114 W. Grove St. (for the new building) are labeled on the plans.
- d. The plans are revised to remove the gap between the two buildings.
- e. Letters are provided from the water, sewer, gas and electric service providers verifying utility service can be provided to the new building.

The motion was seconded by Commissioner Sisson, with the members voting 5-0. The motion passed.

3. Consider and make a recommendation to City Council on the **Site Plan of Hampton Inn**, situated on 2.10 acres comprising Lot 5B of Block A of the Kings Fort Addition (Property ID 225140), situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. The property is zoned Planned Development 15 – Commercial ("PD-15-C") and is generally located on the south side of Kings Fort Parkway at Meara Drive. (Case No. SP-10-23)

Director of Development Services Andrew Bogda presented a report on the Site Plan of Hampton Inn located at the corner of Kings Fort Parkway at Meara Drive. Details of the case can be found in report SP-10-23 dated 10-03-2023.

Vice-Chairman Brown asked if the swimming pool will be used by both hotels? There

is a safety concern about the pool being on one property and not located between the two hotels.

Commissioner Berry asked about the building height and will the fire truck be able to reach all of the floors in case of a fire. He also asked what would happen if one of the hotels is sold to someone else.

Commissioner Sisson made a motion to approve the **Site Plan of Hampton Inn** located on the south side of Kings Fort Parkway at Meara Drive with the following conditions:

- a. The Civil Plan staff review comments noted in a memo from the City Engineer dated September 27, 2023 are addressed and the Civil Plans are approved.
- b. The number of required parking spaces is corrected to 88.
- c. The variance request for the building height is called out in a special note.
- d. The 4' wrought-iron fence around the pool area is labeled on the Site Plan and Landscape Plan.
- e. A map is attached to the Sign Plan identifying the locations of each sign.
- f. A photometric plan is provided.

The motion was seconded by Vice-Chairman Brown, with the members voting 5-0. The motion passed.

Commissioner Berry left the meeting at 6:29 p.m.

4. Consider and make a recommendation to City Council on the **Final Plat of Kings Fort Addition, Block A, Lots 5A, 5B, and 5C**, being a tract of land containing 4.18 acres (Property ID 225140), situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. The property is zoned Planned Development 15 – Commercial ("PD-15-C") and is generally located on the south side of Kings Fort Parkway at Meara Drive. The final plat is for 3 non-residential lots. (Case No. FP-14-23)

Director of Development Services Andrew Bogda presented a report on the Final Plat of Kings Fort Addition, Block A, Lots 5A, 5B, and 5C located at the corner of Kings Fort Parkway at Meara Drive. Details of the case can be found in report FP-14-23 dated 10-03-2023.

Commissioner Sisson made a motion to approve the **Final Plat of Kings Fort Addition, Block A, Lots 5A, 5B, and 5C** located on the south side of Kings Fort Parkway at Meara Drive with the following conditions:

- a. Assigned addresses for each lot, as approved by the City of Kaufman and Kaufman County 911 Addressing, are added to the plat prior to plat recordation.
- b. The Civil Plan staff review comments noted in a memo from the City Engineer dated September 27, 2023 are addressed and the Civil Plans are approved.
- c. The recommended conditions in the staff report to the Planning & Zoning Commission on the Site Plan of Hampton Inn are addressed.

The motion was seconded by Vice-Chairman Brown, with the members voting 4-0.
The motion passed.

5. Consider and make a recommendation to City Council on the **Site Plan of Galleher Industries**, situated on 5.00 acres (Property ID 9384), situated in the C.A. Lovejoy Survey, Abstract No. 303, City of Kaufman, Kaufman County, Texas. The property is zoned Highway Commercial ("HC") and is generally located at 65 Oak Creek Dr. (Case No. SP-11-23)

Director of Development Services Andrew Bogda presented a report on the Site Plan of Galleher Industries located at 65 Oak Creek Drive. Details of the case can be found in report SP-11-23 dated 10-03-2023.

Vice-Chairman Brown made a motion to approve the **Site Plan of Galleher Industries** located at 65 Oak Creek Dr. with the following condition:

- a. The drainage easement is widened to include the location of the drainage channel and any other drainage improvements as determined by the outcome of the Civil Plan review.

The motion was seconded by Commissioner Sisson, with the members voting 4-0.
The motion passed.

6. Consider and make a recommendation to City Council on the **Final Plat of Persistent Addition, Block 1, Lot 1**, being a tract of land containing 5.00 acres (Property ID 9384), situated in the C.A. Lovejoy Survey, Abstract No. 303, City of Kaufman, Kaufman County, Texas. The property is zoned Highway Commercial ("HC") and is generally located at 65 Oak Creek Dr. The final plat is for 1 non-residential lot. (Case No. FP-13-23)

Director of Development Services Andrew Bogda presented a report on the Final Plat of Persistent Addition, Block 1, Lot 1, located at 65 Oak Creek Drive. Details of the case can be found in report FP-13-23 dated 10-03-2023.

Commissioner Sisson made a motion to approve the **Final Plat of Persistent Addition, Block 1, Lot 1** located at 65 Oak Creek Dr. with the following conditions:

- a. The Civil Plan staff review comments noted in a memo from the City Engineer dated September 15, 2023 are addressed and the Civil Plans are approved.
- b. The drainage easement is widened to include the location of the drainage channel and any other drainage improvements as determined by the outcome of the Civil Plan review.

The motion was seconded by Commissioner Deaton, with the members voting 4-0.
The motion passed.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

Director of Development Services Andrew Bogda stated the following:

- We may not have a meeting on November 7th due to not having any cases.
- A Planning and Zoning Commission meeting will be held on Tuesday, December 5th at 6:00 pm, where we will discuss the ordinance for donation boxes among any other cases that are ready for consideration.
- We will have a joint meeting with City Council in December to discuss the new Subdivision Regulations.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

The motion to adjourn was made by Commissioner Deaton and seconded by Commissioner Sisson. The motion passed 4-0. The meeting adjourned at 6:50 pm.

APPROVED:

**RICHARD DUNN
CHAIRMAN**

ATTEST:

**JOY HENDERSON
PLANNER**



Planning and Zoning Commission Report

Meeting Date: December 5, 2023

SUBJECT: Consider and make a recommendation to City Council on the **Final Plat of Highland Meadows Phase 1**, which will create 224 single-family residential lots, 1 fire station lot, 12 open space lots, and right-of-way on 62.193 acres out of the Thomas Beedy Survey, Abstract No. 21, and the William Peters Survey, Abstract No. 407, City of Kaufman, Kaufman County, Texas, generally located on the south side of State Highway 243 at Ola Road (Property IDs 2252, 2267, 2269, 2270, and 227628). (Case No. FP-15-23)

BACKGROUND:

The subject property includes 62.193 acres located on the south side of State Highway 243 (SH 243) at Ola Road. This represents Phase 1 of the 106.417-acre Highland Meadows development, for which a development agreement was approved in July 2022 and amended in January 2023. In March 2023, 105.923 acres were annexed and zoned PD Planned Development-23 for single-family residential uses in general conformance with the development agreement; the remaining 0.491 acres were annexed in July 2023 after the developer acquired control of this remainder parcel. The conceptual plan approved with the PD provided for 435 residential lots, a fire station lot, and several open space lots. In August 2023, the 106.417 acres were preliminary platted, with a lot count and configuration consistent with the PD.

SUMMARY

The final plat for Phase 1 of Highland Meadows will create 224 single-family residential lots, 1 fire station lot, 12 open space lots, and right-of-way. All the residential lots meet or exceed the minimum lot width of 50', the minimum lot depth of 110', and the minimum lot area of 5,500 sq. ft. as required by the Planned Development zoning and consistent with the preliminary plat. The average lot size is 6,469 sq. ft. and the gross density is 3.6 units per acre.

The largest open space lots are Lot 14X of Block D and Lot 7X of Block J. Lot 14X is 11.97 acres and includes areas of floodplain and wetlands; it will also include an off-street meandering public trail with a trailhead and parking near the intersection of Streets F and J. Lots 14X (as well as Lot 1X of Block A) will include blanket drainage easements, as well as floodplain maintenance and access easements. Lot 7X is 1.16 acres and will include the amenity center for the development. The other open space lots are each less than an acre and will accommodate entryway features, median landscaping, perimeter landscaping, the off-street trail, and landscaping at the end of some of the blocks.

The primary sanitary sewer line serving the development (as well as future development of the 85-acre Kaufman ISD campus across SH 243) will be routed through the western part of the development. In areas where the sewer line is not in the street right-of-way, a sanitary sewer easement has been provided, as can be seen through Lot 14X of Block D and Lots 12 (fire station lot) and 13X of Block A. The primary water line serving the development (as well as the

Kaufman ISD campus across SH 243) will be routed along SH 243, where a 15' water easement will be dedicated.

A 5' pedestrian access easement will be dedicated along the street side of Lots 4 and 5 of Block E and along the front of Lots 1 – 6 of Block C to facilitate a 10' public trail connection from the off-street trail on Lot 14X of Block D to the off-street trail proposed for Lot 6X of Block B. The public trail will continue northward through Lots 12 (fire station lot) and 13X of Block A. A parking and access easement will be dedicated off Gene Street on Lot 14X of Block D, which will allow for the off-street parking for the trailhead. In addition, a 3.5' pedestrian access easement will be dedicated adjacent to David Drive and Alana Way on Lot 7X of Block J to facilitate the public sidewalk encroachment into the amenity center lot, as parallel parking spaces that will serve the amenity center will use up much of the available right-of-way.

A 5' fence maintenance easement will be dedicated along the rear of all lots that back up the perimeter screening fence.

CIVIL PLANS, LANDSCAPE PLANS, FLOOD STUDY, AND TRAFFIC IMPACT ANALYSIS

Preliminary civil and landscape plans, a flood study, and a traffic impact analysis were prepared for the development at the time of preliminary plat review and were reviewed and accepted by the City. The final civil and landscape plans for Phase 1 are under review and have already gone through multiple submittals, with the vast majority of comments having already been addressed; the final revisions are expected to be completed and the plans approved prior to consideration of the final plat by City Council.

THOROUGHFARE PLAN:

The Thoroughfare Plan designates SH 243 as a "Type A" Major Arterial, requiring a right-of-way width of 120'. The necessary right-of-way for SH 243 already exists at this location. The open space lots along SH 243 could likely absorb future widening of the right-of-way (if needed).

Mirabeau Blvd. is designated as a "Type C" Major Collector, requiring a right-of-way width of 80'.

Pearson Place, the main entrance to the development, will include a divided boulevard with a right-of-way width of 70', with two 21'-wide paving sections in either direction. The remainder of streets in the development will include 50' right-of-way widths, with 31'-wide paving sections. On-street parallel parking spaces adjacent to the amenity center will increase the paving section in that area.

RECOMMENDATION:

The final plat for Phase 1 of Highland Meadows conforms to the approved preliminary plat and the PD-23 zoning. In addition, the necessary studies, analyses, and plan reviews have been conducted. Staff recommends approval of the Final Plat of Highland Meadows Phase 1 with the following conditions:

1. The remaining Civil Plan and Landscape Plan staff review comments are addressed and the Civil Plans and Landscape Plans are approved prior to plat recordation.
2. The addresses (as assigned by Kaufman County 911 Addressing and approved by the City) are added to the plat prior to plat recordation.
3. The Covenants, Conditions, and Restrictions for the Homeowners' Association are provided to the City for review and approval prior to plat recordation.

ATTACHMENTS:

1. Location Map
2. Approved Conceptual Plan (PD-23)
3. Approved Land Study of Highland Meadows
4. Approved Preliminary Plat of Highland Meadows
5. Final Plat of Highland Meadows Ph. 1

Andrew Bogda, AICP
Director of Development Services
972-932-2216 ext. 117
abogda@kaufmantx.org

Location Map

Highland Meadows Phase 1



Approved Conceptual Plan (PD-23)



TALSON DESIGN
 10100 West 10th Avenue, Suite 100
 Denver, CO 80231
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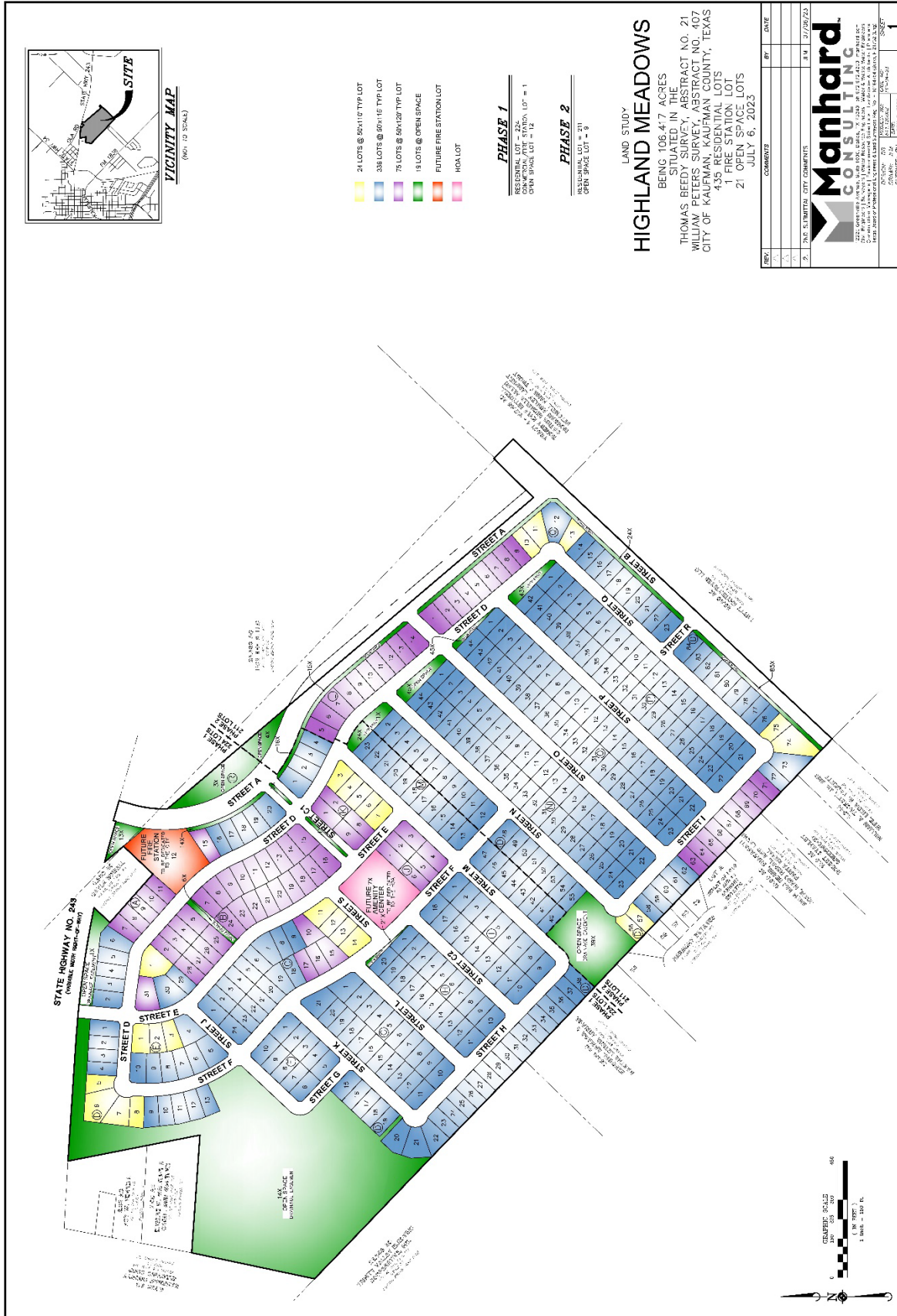
Meritage Kaufman - Highland Meadows

Concept Site Plan

Exhibit C1

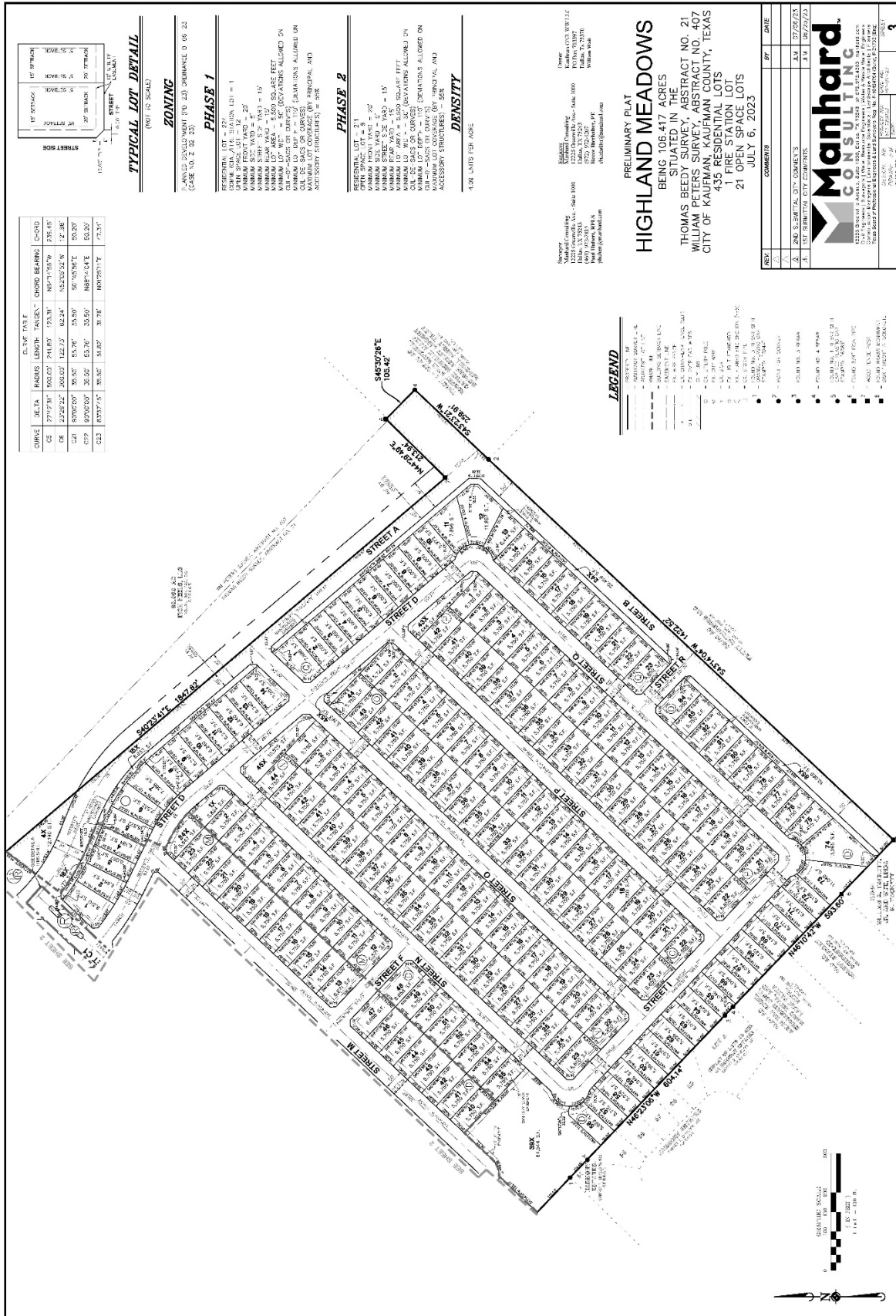
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 Date: March 3, 2023

Approved Land Study of Highland Meadows



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Final Plat of Highland Meadows, Phase 1

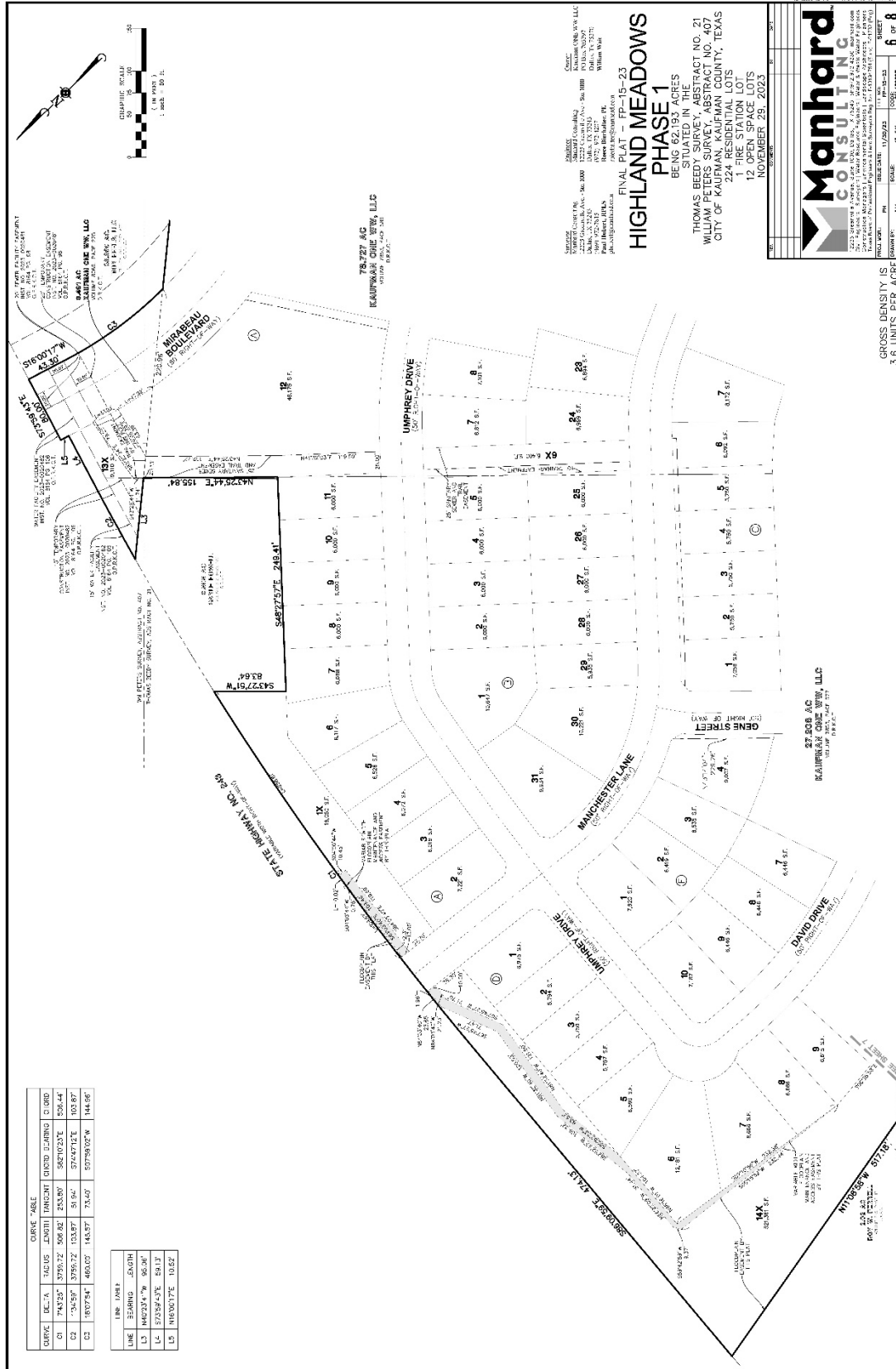


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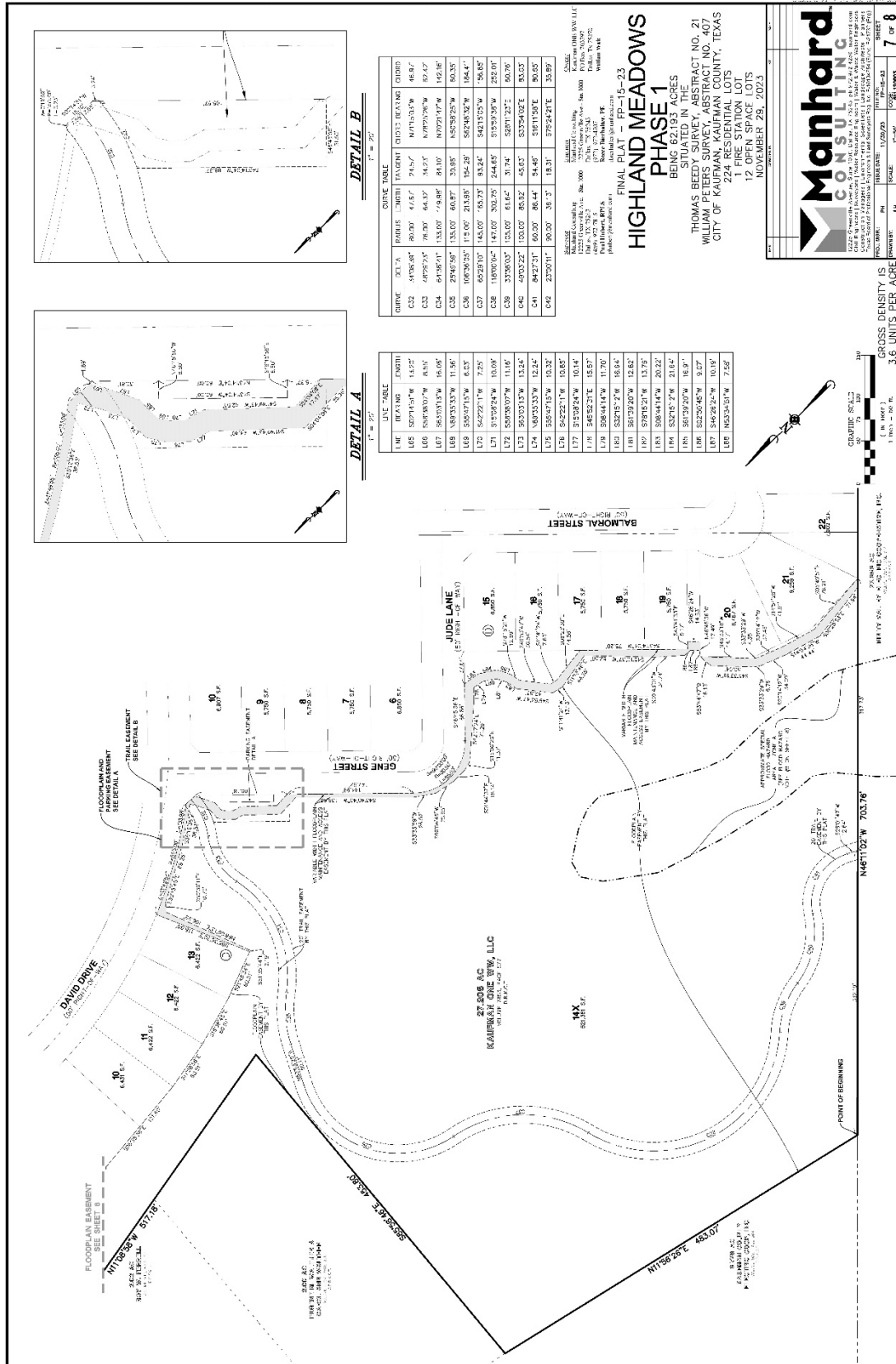
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Final Plat of Highland Meadows, Phase 1



Final Plat of Highland Meadows, Phase 1





Planning and Zoning Commission Report

Meeting Date: December 5, 2023

SUBJECT: Conduct a public hearing and make a recommendation to City Council amending Chapter 5, "Business Regulations" of the Code of Ordinances of the City of Kaufman to add Article 5.10 "Unattended Donation Bins" to regulate donation bins in the City limits; and Chapter 118, "Zoning" of the Code of Ordinances of the City of Kaufman, to add the use "Donation Bin" to certain Zoning Districts by amending Chart 3 "Accessory & Incidental Uses" of Section 33.4 "Use Regulations"; adding "Donation Bin" to Section 33.5 "Definitions"; and adding "Donation Bin" specifications to Section 37.5 "Accessory Building and Use Regulations". (Case Z-03-23)

BACKGROUND/SUMMARY:

Over the last couple of years, the City has seen an increase in the number of unpermitted donation bins being installed throughout the community. There have been complaints about the bins showing up on private property, often without the property owner's knowledge or permission, and the bins often overflowing and items too big to fit in the box being abandoned beside it, creating a nuisance. These bins don't have contact information on them, so the owner of the bin can't be contacted to remove the donation box or the overflow items left there.

Staff has discussed the issue multiple times this year with both the Planning & Zoning Commission and City Council, seeking the feedback and direction of both bodies. Based on this feedback, City staff in consultation with the City Attorney have drafted regulations for donation bins that restrict their placement to appropriate zoning districts, provide for appropriate design specifications, and provide for a permitting and enforcement process.

RECOMMENDATION:

Staff recommends approval of the proposed amendments to Chapter 5, "Business Regulations" of the Code of Ordinances of the City of Kaufman to add Article 5.10 "Unattended Donation Bins" to regulate donation bins in the City limits; and Chapter 118, "Zoning" of the Code of Ordinances of the City of Kaufman, to add the use "Donation Bin" to certain Zoning Districts by amending Chart 3 "Accessory & Incidental Uses" of Section 33.4 "Use Regulations"; adding "Donation Bin" to Section 33.5 "Definitions"; and adding "Donation Bin" specifications to Section 37.5 "Accessory Building and Use Regulations".

ATTACHMENTS:

1. Proposed amendment to Chapter 5 of the Code of Ordinances ("Business Regulations"), adding Article 5.10, "Unattended Donation Bins"
2. Proposed amendment to Zoning Ordinance, Section 33.4, "Use Regulations"
3. Proposed amendment to Zoning Ordinance, Section 33.5, "Definitions"
4. Proposed amendment to Zoning Ordinance, Section 37.5, "Accessory Building and Use Regulations"

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Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
adding Article 5.10, “Unattended Donation Bins”

ARTICLE 5.10 - UNATTENDED DONATION BINS

Sec. 5.10.001. Purpose.

The purpose of these regulations is to promote the health, safety, and welfare of the public and protect the property rights of the owners of the parcels on which the unattended donation bins are located, by providing minimum blight-related performance standards for the operation of unattended donation bins, including establishing criteria to ensure that:

- (1) material is not allowed to accumulate outside of the unattended donation bins,
- (2) the unattended donation bins remain free of graffiti and blight,
- (3) the unattended donation bins are maintained in sanitary conditions,
- (4) the unattended donation bins are not placed without the approval of property owners, and
- (5) contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns.

This section regulates the size, number, placement, installation and maintenance of unattended donation bins, as is necessary to accomplish the foregoing purposes.

Sec. 5.10.002. Applicability.

The requirements of this article shall apply to all unattended donation bins regardless of whether the bin was placed prior to the effective date of these regulations. No previously placed unattended donation bins shall be granted any nonconforming rights under this article or the zoning ordinance, as amended.

Sec. 5.10.003. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the director of development services.

Operator means a person or entity that utilizes and/or maintains an unattended donation bin to solicit donations or collections of household items in compliance with an unattended donation bin permit.

Permit holder is the name of the person on the permit.

Property means the real property on which an unattended donation bin is located or is proposed to be placed.

Property owner means the owner of the property, or its authorized agent or representative.

Unattended donation bin or bin means any bin or box located on a property outside of a building that accepts unwanted household items and that is unstaffed and has no employee or representative of the operator present to accept donations or collect items.

Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
adding Article 5.10, “Unattended Donation Bins”

Sec. 5.10.004. Joint and several liability for violations.

The property owner and Operator have joint and several liability for violations of this article, including fees, citations, civil actions, and/or legal remedies relating to an unattended donation bin. The property owner remains liable for any violation of duties imposed by this article even if the property owner has, by agreement, imposed on the operator the duty of complying with the provisions of this article.

Sec. 5.10.005. Permit and medallion required.

- (a) It shall be unlawful to place, operate, maintain, or allow an unattended donation bin without a permit issued by the city.
- (b) A separate permit shall be required for each unattended donation bin at each location.
- (c) It shall be unlawful to place, operate, maintain, or allow an unattended donation bin without a permit medallion sticker displayed at all times.

Sec. 5.10.006. Application Requirements.

Applicants for a permit shall file a written, sworn application with the city on a form provided by the city. All applications shall include:

- 1. A signed agreement stating that the property owner and operator will abide by the processes and requirements of this article;
- 2. A non-refundable application fee in the amount in the fee schedule;
- 3. A signed authorization from the property owner to allow placement of the unattended donation bin;
- 4. Proof of general liability insurance in a form acceptable to the city of at least \$1,000,000 covering any losses or claims due to the placement, operation, and maintenance of the unattended donation bin and naming the city as an additional insured, and such other additional insurance as the city may require, unless the director waives the requirement due to financial hardship of the non-profit operator;
- 5. For nonprofit operators, evidence that the nonprofit is recognized by the Internal Revenue Service as such, or for for-profit operators, proof of an active business tax certificate;
- 6. Proof of an active business tax certificate for the primary business on the property;
- 7. The name, address, email, website (if available), and telephone number of the operator and property owner, including 24-hour contact information;
- 8. Photographs of the property and adjacent properties;
- 9. A site plan containing:
 - a. Location and dimensions of the property boundaries;
 - b. Location of all buildings on the Property;
 - c. Proposed unattended donation bin location;

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Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
adding Article 5.10, “Unattended Donation Bins”

- d. Distance between the proposed unattended donation bin, property lines, and buildings;
 - e. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement, and striping/markings; and
 - f. And other site information requested by the Director.
- 10. Elevations showing the appearance, materials, and dimensions of the unattended donation bin, including the information required in this article to be placed on the permit medallion sticker.
 - 11. A description and/or diagram of the proposed locking mechanism of the unattended donation bin.
 - 12. A maintenance plan (including graffiti removal, pick-up schedule, and plans for litter and trash removal on and around the unattended donation bin) that is sufficient to prevent/eliminate concerns related to public health, safety, and welfare.
 - 13. Any other reasonable information regarding time, place, and manner of the unattended donation bin operation, placement, and/or maintenance that the Director requires to evaluate the proposal consistent with the requirements of this Section.

Sec. 5.10.007. Permit expiration.

Permits issued under this article shall expire on January 1st of each year.

Sec. 5.10.008. Permit approval.

- (a) The director shall not issue a permit for an unattended donation bin if, in addition to other requirements of the city, each of the following is true:
 - (1) The applicant has submitted a complete and accurate application accompanied by the applicable fee;
 - (2) There are no pending citations, unpaid fines, or unresolved violations or complaints related to any unattended donation bin managed by the proposed operator;
 - (3) All existing unpermitted unattended donation bins that are managed by the proposed operator have been removed;
 - (4) Any verified nuisance on the property has been abated, and any case of a complaint to the city regarding nuisances on the property has been closed; and
 - (5) The application is consistent with all requirements of this article.
- (b) An application that does not contain all requested information or necessary information shall be deemed incomplete. An application remaining incomplete for ninety (90) days may be administratively denied by the director. The director shall notify the applicant of any deficiencies at least thirty (30) days prior to administrative denial. If the application remains incomplete after being given thirty (30) day notice, the director shall send written notice that the permit is denied. Application fees shall not be refunded.
- (c) In the event that the director denies the permit, the applicant may appeal the decision to the

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Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
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city council within ten (10) days of the date of the director’s decision. The city council shall have the final authority to issue or deny a permit that had been denied by the director.

Sec. 5.10.009. Transfer of permit prohibited.

No permit issued under the provision of this article shall be transferred and the authority a permit confers shall be conferred only to the permit holder named on the permit.

Sec. 5.10.010. Location restrictions.

- (a) Unattended donation bins shall be permitted to be placed on real property in the “C” Commercial, “HC” Highway Commercial, and “LI” Light Industrial zoning districts on parking lots designed for more than 100 parking spaces maintained by a business in operation. Only one donation box will be allowed in a shared parking lot for more than one business.
- (b) No unattended donation bin shall be located within 1,000 feet of any other existing unattended donation bin. In the case of a shopping center or office development that consists of multiple platted lots, the director shall treat the shopping center or office development as if it is one contiguous lot.
- (c) No unattended donation bin shall be located with 500 feet of a property zoned for residential uses.

Sec. 5.10.011. Operation requirements.

Unattended donation bins shall be subject to the following operational requirements:

- (1) Unattended donation bins are prohibited within any required building setback, landscaping, buffer yard, easements, public right-of-way or within thirty (30) feet of a right-of-way, floodplain, driveway, required parking or loading spaces, fire lanes, visibility triangle, or within ten (10) feet of any property line.
- (2) Unattended donation bins shall be placed to facilitate drop-off and pick-up of items in the bin. The donation unattended donation bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (3) Placement of unattended donation bins shall not interfere with:
 - (a) building ingress and egress;
 - (b) required handicapped accessibility routes;
 - (c) trash enclosure areas or access to trash bins/trash enclosures;
 - (d) functioning exhaust, ventilation, or fire extinguishing systems; or
 - (e) any other requirements that may have been imposed as part of the site plan approval for the building on the property.
- (4) An unattended donation bin shall be placed no more than ten (10) feet from a continually operating light source of at least one (1) foot- candle.
- (5) Parking shall be provided for persons accessing the unattended donation bin.
- (6) Items collected shall be limited to nonfood items that can be placed in the collection bin through the opening and shall not be left outside of the bin.

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Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
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- (7) The premises of all adjacent streets, sidewalks and alleys and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter found thereon.
- (8) Minimum physical attributes:
 - (1) Be fabricated of durable and waterproof materials;
 - (2) Be placed on a durable pad site with a metal tray capable of catching any leaked or seeping materials;
 - (3) Not exceed 175 cubic feet in size or six feet, six inches in height.
 - (4) Not be electrically or hydraulically powered or otherwise mechanized;
 - (5) Not be a fixture of the Property or considered an improvement to real property; and
 - (6) Have one color that is not high-intensity or fluorescent, including associated signage.
- (9) Minimum screening requirements:
 - (a) Each unattended donation bin shall be screened from the view of the public on three (3) sides, or if located on a corner of a lot, on a minimum of two (2) sides whereby the screening blocks the view from the adjacent streets;
 - (b) Minimum screening shall consist of a six-foot (6) wood fence, or comparable materials upon prior approval of the director;
 - (c) All screening should be conducted to prevent the storage or placement of donations outside the unattended donation bin, with the screening fence itself being no more than two (2) feet from the screened unattended donation bin; and
 - (d) Screening shall be maintained in vertical and good condition, with no rotted or missing slats or boards.
- (10) Include following information conspicuously displayed on at least two-inch type visible from the front and sides of the unattended donation bin:
 - (a) The name, address, 24-hour telephone number, and, if applicable, the internet web address and email address of the property owner and operator;
 - (b) Address and parcel number of the property;
 - (c) Instructions on the process to register a complaint regarding the unattended donation bin to the city;
 - (d) The type of items that may be deposited;
 - (e) A notice stating that no material shall be left outside the unattended donation bin;
 - (f) The pickup schedule for the unattended donation bin; and
 - (g) The permit medallion sticker from the city.
- (11) Comply with any required disclosures under State law in accordance with such laws.

Sec. 5.10.012. Maintenance and upkeep.

- (a) The visual and structural integrity of an unattended donation bin shall be maintained continuously. The thirty (30) foot perimeter around the bin shall be free of any donated items, litter, debris, or other materials.
- (b) All unattended donation bins shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to, graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.

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Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
adding Article 5.10, “Unattended Donation Bins”

- (c) Each unattended donation bin must be serviced not less than once weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. Servicing shall include maintenance of the container, the removal of collected material, and the abatement of graffiti, litter or other nuisance condition prohibited by this code.
- (d) Unattended donation bins cannot be used for the collection of solid waste or any hazardous materials.

Sec. 5.10.013. Revocation of permit.

- (a) Any permit issued hereunder may be revoked by the director if the permit holder (1) has received three (3) citations for violation of this article within a twelve (12) month time period, (2) has knowingly made a false material statement in the application, or (3) otherwise becomes disqualified for the issuance of a permit under the terms of this article. The unattended donation bin shall be immediately removed upon permit revocation.
- (b) Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- (c) The permit holder shall have ten (10) days from the date of the revocation notice in which to file a written notice with the Director of their appeal from the revocation. The Director shall provide for a hearing on the appeal not later than thirty (30) days after the notice of the appeal is filed. The City Council shall hold a hearing on the appeal within 30 days. The city council’s decision is final.
- (d) A timely filed appeal of revocation pursuant to this Section shall stay the revocation until said revocation is finalized by the city council.
- (e) If the revocation is affirmed by the city council, the operator shall remove the unattended donation bin no later than 48 hours after said decision. Upon expiration of the 48-hour period, the unattended donation bin shall be subject to immediate impoundment by the city without further notice. Any unattended donation bin impounded by the city shall be released to the operator upon payment of all applicable impoundment and storage fees. Storage fees are \$25.00 per day.
- (f) In the event the permit is revoked, no additional permits shall be issued to such person or entity within one (1) year of the date revocation.
- (g) In the event that any operator has two (2) or more permits revoked within a twelve (12) month period, then all permits issued to such person or entity shall be revoked, and all unattended donation bins operated by such person or entity shall be removed.

Sec. 5.10.014. Enforcement, violations and penalties.

- (a) Any person who violates any provision of this article is guilty of a misdemeanor which, upon conviction, shall be punishable by a fine not to exceed five hundred dollars (\$500.00). However, a fine for the violation of a provision of this article that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed two thousand dollars (\$2,000.00). Each day that an unmitigated violation of this article is committed, continued, or permitted shall

Page 6 of 7

Proposed amendment to Chapter 5 of the Code of Ordinances (“Business Regulations”),
adding Article 5.10, “Unattended Donation Bins”

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Proposed amendment to Zoning Ordinance, Section 33.4, "Use Regulations"

SECTION 33.4 - USE CHARTS

CHART - 3
CITY OF KAUFMAN, TEXAS
ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses	
	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

ACCESSORY & INCIDENTAL USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Accessory bldg. - commercial (business or industry) ▶▶▶▶	2										P	P	P		P	P	P	
Accessory building - residential	1	P	P	P	P	P	P	P	P	P								P
Caretaker's or guard's residence	31 200	P	P					P	P	P	S	S	S	S	P	P	P	
Donation Bin, Unattended* ▶▶ ▶▶▶	58														P	P	P	
* Festivals, carnivals or special events	32 156										T U	T U	T U	T U	T U	T U	T U	
Garage/accessory dwelling	81	P	S															
Home occupation	90	P	P	P	P	P	P	P	P	P								
Off-street parking ▶▶	147	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
On-street parking (subject to no parking ordinances)	149	P	P	P	P	P	P	P	P	P				P				
Outside display of retail goods (no overnight display)	150											S	P	S	P	P	P	P
Outside sidewalk displays of retail goods, merchandise or materials (with no overnight display) ▶▶▶	151													S				
Seasonal and temporary uses	143 199	T U										T U	T U		T U	T U	T U	
Seasonal and temporary uses (CBD only) ▶	199													T U				
Temporary classrooms for church or school	227	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	
Temporary field office or construction yard or office	226	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	T U	
Wedding receptions in residential districts	250	T U	T U	T U	T U	T U	T U	T U	T U	T U								

*Subject to annual permitting requirements and the regulations outlined in Chapter 5, "Business Regulations", of the City's Code of Ordinances

- ▶ Amended May 18, 2009 by Ordinance O-05-09
- ▶ ▶ Amended May 24, 2010 by Ordinance O-09-10
- ▶ ▶ ▶ Amended July 20, 2020 by Ordinance O-16-20
- ▶ ▶ ▶ ▶ Amended June 28, 2021 by Ordinance O-32-21
- ▶ ▶ ▶ ▶ ▶ Amended December 18, 2023 by Ordinance O-__-23

Proposed amendment to Zoning Ordinance, Section 33.5, "Definitions"

SECTION 33.5 DEFINITIONS

...

- 50. **COUNTRY CLUB (PRIVATE)** - A land area of three (3) acres or more which may include buildings, a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
- 51. **COVERAGE** - The percentage lot area covered by all buildings located thereon, determined by dividing the square footage of the footprint of all buildings and covered structures by the total square footage of the lot.
- 52. **DANCE HALL** - An establishment open to the general public for dancing.
- 53. **DAY CAMP FOR CHILDREN** - A facility located on three (3) acres or more arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
- 54. **DAY CARE CENTER/CHILD CARE CENTER** - A commercial facility or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.
- 55. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
- 56. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
- 57. **DONATION BIN, UNATTENDED** – Any bin or box located on a property outside of a building that accepts unwanted household items that is unstaffed and has no employee or representative of the operator present to accept donations or collect items.
- 58. **DRAPERY OR FURNITURE UPHOLSTERING SHOP** – A warehouse/showroom establishment for the production, display and sale of draperies and soft coverings for furniture.
- 59. **DRY CLEANING SHOP OR LAUNDRY** - A custom cleaning shop not exceeding two thousand five hundred square feet (2,500 sf) of floor area which may include a drive-up window for drop off service but no self-service.
- 60. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one (1) or more families.
- 61. **EASEMENT (ACCESS, UTILITY OR DRAINAGE)** - A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity, in order to prevent land from becoming isolated without access or utilities or to allow storm water to properly drain without causing flooding or standing water.
- 62. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

Proposed amendment to Zoning Ordinance, Section 37.5, "Accessory Building and Use Regulations"

SECTION 37 ACCESSORY BUILDING AND USE REGULATIONS

37.1 GENERAL STANDARDS AND REQUIREMENTS

- A. In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.
- B. In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.

37.2 ACCESSORY DWELLINGS

Accessory dwelling units in the "A-O" District shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:

- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
- B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
- C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented, leased or sublet.
- D. Setback requirements shall be the same as for the main structure.
- E. Accessory dwellings are not permitted without the main or primary structure.

37.3 PERMITTED USES – ACCESSORY DWELLINGS

Accessory dwellings (including garage/accessory dwellings and detached units) may be permitted in residential zoning districts (see regulations for the specific district, and the Use Charts, Section 33), and shall conform to the height limitations of the main structure. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be rented, leased or sold.

37.4 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:

- A. **Size of Yards:**

1. **Front Yard:** Detached front accessory buildings shall be prohibited in front of the main building.
2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line, except that;
 - a. Where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one (1) side lot line with the midpoint of the opposite side lot line;
 - b. Carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or
 - c. Accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').
4. Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Figure 12.2).
5. Accessory buildings are not permitted without a main structure.
6. Accessory buildings shall not exceed one (1) story in height. Garage/accessory dwelling units are allowed up to thirty feet (30') in height or two (2) stories whichever is less only in the AO and SF-20 residential districts. Garage/accessory dwelling units up to two (2) stories may be permitted in other single-family residential districts (see Section 33) by SUP if there is no adverse impact upon adjacent properties.
7. Metal accessory buildings less than two hundred and forty square feet (240 sf) are permitted but shall not be used as an enclosed parking area or garage. Accessory buildings over 240 SF or if used for enclosed parking shall conform to the exterior façade of the main building. Agriculture-Open (A-O) uses shall be exempt from this requirement.

37.5 REGULATIONS FOR DONATION BINS:

Donation Bins shall be subject to the regulations outlined in Chapter 5, “Business Regulations” of the City’s Code of Ordinances.



Planning and Zoning Commission Report

Meeting Date: December 5, 2023

SUBJECT: Conduct a public hearing and make a recommendation to City Council for a request for a change of zoning from PD Planned Development District-17R-MF-2 to **PD Planned Development District-26** for multi-family residential and neighborhood retail service uses on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: Z-09-23)

BACKGROUND/SUMMARY:

The subject property consists of 10.00 acres located on the west side of SH 34 and the south side of Kings Fort Parkway. The property is currently zoned PD-17R-MF-2, which was established in 2018 to accommodate multi-family residential uses on this portion of the larger Kings Fort development. After discussions between the applicant and City staff, it was determined that this property would be ideal for a more urban-style neighborhood design with a mixed-use component, especially given the property's proximity to existing commercial development. This necessitated changes to the PD zoning to accommodate a mix of multi-family residential and neighborhood-scale retail and commercial service uses with some enhanced design standards that fulfilled the vision. Staff worked with the applicant to develop development regulations that achieved this.

Development Controls:

In the absence of regulations provided for in the PD, the property will generally use the base zoning of MF-2 Multi-Family Residential and other applicable sections of the Zoning Ordinance, as amended, and/or within the City's Code of Ordinances, as amended.

The PD requires all development to undergo site plan review and approval to ensure compliance with the regulations of PD-26 and the base zoning requirements, as applicable.

Lot, Height, and Area Restrictions:

PD-26 will generally adhere to the area and setback regulations for the MF-2 zoning district as provided in the City's Zoning Ordinance, with the exception that the height is allowed to go up to 60 feet, or four (4) stories.

Permitted Uses:

The permitted uses include multi-family residential (MF-2) uses, as well as all of the uses permitted in the "LR" Local (Neighborhood) Retail zoning district (which generally allows most retail, dining, personal service, office, and other commercial uses), with the following exceptions:

- The following use is permitted by right:
 - Health, fitness, or sports club (indoors only)
- The following use is permitted subject to approval of a Specific Use Permit:
 - Alcoholic beverage sales in conjunction with a restaurant
- The following uses are not permitted:
 - Assisted living facilities
 - Appliance, tool, or furniture rental (indoors)
 - Auto parts and accessory sales (indoors)
 - Auto repair, minor (paint less, dent repair & accessory install)
 - Car wash (attended)
 - Convenience store with gasoline sales
 - Laboratory, scientific or research
 - Motor fuel service station

Access and Circulation:

To facilitate improved internal circulation and a neighborhood-like design, the development regulations require a new internal north-south public street to serve the development, which will extend from Kings Fort Parkway and stub to the south property line, where future connection can be made to SH 34 at an existing median opening. This street will include a mixture of parallel parking and head-in parking spaces, street trees, and sidewalks on both sides, with the buildings placed close to the street like a traditional urban streetscape.

In addition to this new street (which will provide full access to Kings Fort Parkway), the development will include right-in/right-out access points on Kings Fort Parkway and SH 34. The development will also not be gated in order to provide for a pedestrian-friendly mixed-use development that is open to the public and provides connection to surrounding developments.

Parking and Loading:

The development will adhere to the following parking requirements:

- One-and-a-half (1.5) parking spaces for each one-bedroom unit
- Two (2) parking spaces for each two-bedroom unit
- Two-and-a-half (2.5) parking spaces for each three-bedroom unit
- One (1) parking space per 200 sq. ft. of retail/commercial space

No boats, campers, trailers, or other recreational vehicles shall be parked or stored on the property. In addition, dedicated loading areas for the commercial businesses located out of the fire lane shall also be provided. All paving for vehicular and pedestrian circulation areas (i.e. streets, drive aisles, parking areas, fire lanes, loading areas, sidewalks, trails, etc.) shall be reinforced concrete in accordance with the City's paving design standards, as amended.

Landscaping and Screening:

The development requires at least 20% of the lot area to be usable open space and 10% of the lot area to be landscaped. 10'-wide landscape buffers are required along Kings Fort Parkway, SH 34, and the south property line, which shall include large shade trees (4"+ caliper) planted at 50' intervals. Since the property to the west will be dedicated as open space, a buffer yard is not required on the west property line. Landscaped islands are required in the parking lot and shall each include 1 large shade tree. In addition, parking and maneuvering areas shall be screened from surrounding properties and thoroughfares with a row of shrubs. Furthermore, landscaping

shall be provided around each building, which shall include a mixture of shrubs, groundcovers, grasses, and small trees. Off-site landscaping shall be provided on the parcel to the west, where a 10'-wide public trail and amenities will be installed by the developer.

In order to provide for a pedestrian-friendly development that is open to the public and provides connection to surrounding developments, the development shall not include perimeter screening or fencing, with the exception of adjacent to the future commercial property to the east (which will likely include loading areas, dumpsters, etc.). In addition, open-style decorative metal fencing may be installed around certain amenities requiring security and separation, such as commercial patio areas and the dog park.

All dumpsters shall be screened by a masonry enclosure with securable gates and further screened by landscaping where visible to surrounding properties and thoroughfares. All roof-mounted or ground-mounted mechanical equipment shall be screened from view by integrated façade extensions or parapet walls, a living screen, or some other means approved by the City.

Amenities, Sidewalks, and Trails:

Indoor amenities for the multi-family residential portion of the development (i.e. leasing office, mail center, fitness center, community room, etc.) shall be incorporated into the ground floor of one of the buildings. Outdoor amenities shall also be provided for the residents, including an open-air plaza with seating, fenced dog park with seating, and BBQ area with seating/tables/grilling stations. The BBQ area shall be allowed to be installed off-site on the open space parcel to the west. Patio dining areas shall be provided for each commercial end cap. An internal pedestrian sidewalk system (min. 5'-wide) shall be provided throughout the development, while an off-site 10'-wide trail shall be installed on the open space parcel to the west. The trail shall be amenitized with seating areas, trash receptacles, and landscaping at regular intervals. The developer shall receive credit towards their park fees for the installation of the off-site improvements, which shall be made available to the public.

Architectural Design Standards:

To provide for a unified and enhanced level of design throughout the development, a combination of the following proposed architectural elements are required:

- Minimum forty percent (40%) brick & stone per building elevation. Stucco, EIFS, or hardi-plank siding materials may be used for the remaining materials. Metal and wood (or wood-look materials) may be used as accent materials. Stucco and hardi-plank shall only be used on surfaces eight (8) feet above grade and/or in recessed patio and balcony areas.
- Building articulation, with wall plane recesses and projections at regular intervals.
- Roof-line articulation, cornice treatments, parapets, and other architectural details along the tops of the buildings.
- The buildings may include a mix of flat-roof and sloped-roof designs. The flat roof-portions shall include parapet walls.
- Windows, false windows, decorative shutters, or brick inlays shall be used on all elevations to break up areas of blank wall and provide for four-sided architecture. Treatments shall be of similar size/proportion and style to provide a sense of uniformity.
- All residential units shall include patios or balconies of adequate size to provide usable outdoor living space for each unit.

- Ground-floor residential and commercial units shall include storefront window designs to provide for an inviting appearance and awnings to provide shade and cover from the elements.
- To provide for a traditional neighborhood residential character, architectural details shall be provided, which could include horizontal banding, window treatments (sills and headers, shutters, windowpane systems, etc.), cornice treatments, foundation/base accentuation, tower elements at building corners, etc

Signage:

One (1) monument sign per each direct access point on Kings Fort Parkway or SH 34 is allowed, for a total of three (3) monument signs. The monument signs are limited to a maximum height of 10', a sign area of 50 sq. ft. per face, with a masonry base at least 2' in height that match the buildings; the monument signs shall be placed at least 10' from the front property line and not over any utility lines. Each commercial tenant is allowed one wall sign per façade, which shall adhere to the criteria outlined in Section 44.8 of the Zoning Ordinance. Address and building designation signs with proper illumination are allowed to be placed on each building, while small free-standing signs for directional control are also allowed. Pole/pylon signs are prohibited.

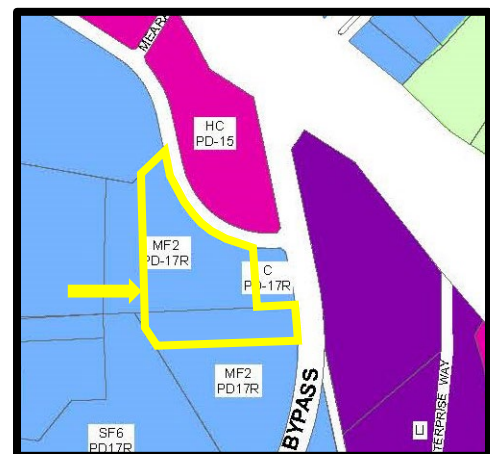
Lighting and Outside Storage:

Adequate lighting for safety and security shall be provided in accordance with the Zoning Ordinance requirements and shall also be oriented downward or upon building facades, shall not produce light overspill onto surrounding properties or thoroughfares, and shall not have a glowing effect that detract from the community's peaceful setting. In addition, special lighting for holidays and festivals is allowed and encouraged.

Open storage is prohibited and there shall be no outside storage of materials or outside display of merchandise on the property.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	PD-15-HC (across street)	Vacant land (future convenience store w/ gas station & truck fueling center)
West:	PD-17R-MF-2	Vacant land (future open space)
South:	PD-17R-MF-2	Vacant land
East:	PD-17R-C & LI (across street)	Vacant land; Manufacturing facility (across street)



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the future land use of the subject property for Future Commercial uses, while conceptual plans approved with more recent zoning changes on the property allowed for multi-family residential uses. The requested Planned Development zoning

for a mixture of multi-family residential and commercial uses is consistent with the Land Use Plan and the more recent zoning changes allowing multi-family residential uses.

Thoroughfare Plan:

The Thoroughfare Plan designates SH 34 as a principal arterial (Type AA; 4 – 6 lanes), with a right-of-way width of 120 – 140 feet. Kings Fort Parkway is designated as a major collector (Type C; 4 lanes), with a right-of-way width of 80'. The necessary right-of-way for both thoroughfares already exists at this location.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 7 property owners within 300' of the subject property. The results are as follows:

- Property owners returned letters in opposition to the request = 0
- Property owners returned the letter in agreement to the request = 0
- Property owners who have not responded = 7

If 20% of the area within 300 feet of the request objects to the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The 20% rule is a State law.

RECOMMENDATION:

Staff recommends approval of Z-09-23, a zoning request for Planned Development for multi-family residential and neighborhood retail service uses (PD-26) on approximately 10.00 acres located on the west side of SH 34 and the south side of Kings Fort Parkway.

ATTACHMENTS:

Location Map

Exhibit A – Property Description

Exhibit B – Planned Development Standards

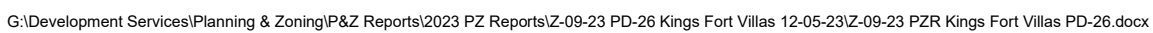
Andrew Bogda, AICP

Director of Development Services

972-932-2216 ext. 117

abogda@kaufmantx.org

Kings Fort Villas



[illegible]

Exhibit B – Planned Development Standards

Exhibit "B" PD-26 Development Regulations

PLANNED DEVELOPMENT-26 10.00 acres Lot 6, Block A, Kings Fort Addition

A. GENERAL PURPOSE, INTENT AND DESCRIPTION:

The PD-26 district is intended to establish a sustainable, high-quality, mixed-use development with a strong neighborhood character, including predominantly multi-family residential uses with a ground-floor retail component. The district provides development standards which will help to ensure that the land uses will be developed in a cohesive, integrated, and visually appealing manner, while providing for some relief from some of the typical zoning requirements, where appropriate, in order to provide for the desired quality and arrangement of the development.

B. PERMITTED USES:

- (1) Uses permitted in the "MF-2" Multi-Family Residential-2 zoning district, as provided in the City of Kaufman Zoning Ordinance O-02-07, as amended.
- (2) Uses permitted in the "LR" Local (Neighborhood) Retail zoning district, as provided in the City of Kaufman Zoning Ordinance O-02-07, as amended, with the following exceptions:
 - a. The following use is permitted by right: Health, fitness, or sports club (indoors only)
 - b. The following use is permitted subject to approval of a Specific Use Permit: Alcoholic beverage sales in conjunction with a restaurant
 - c. The following uses are not permitted: Assisted living facilities; appliance, tool, or furniture rental (indoors); auto parts and accessory sales (indoor); auto repair, minor (paint less, dent repair & accessory install); car wash (attended); convenience store with gasoline sales; laboratory, scientific or research; motor fuel service station
- (3) New and Unlisted Uses - It is recognized that new unanticipated types of land uses (or land uses which are so dissimilar to any of those listed as to cause uncertainty in interpretation) may seek to be located in the district. Any land use which is not listed in the Use Charts shall be referred to the Planning & Zoning Commission and City Council for interpretation in accordance with the procedures set forth in the "Classification of New and Unlisted Uses" section of the Kaufman Zoning Ordinance.
- (4) Nuisance/Noxious Uses - Land uses which are deemed to be a hazard or a nuisance to the public (i.e., due to the presence/creation of unpleasant or noxious odors, noise, vibration, glare or other phenomenon that is inherent to the normal operation of the business/use) shall not be permitted within the district. The City Council has the authority, at its own discretion, to require the elimination of any of the above phenomena, or the removal of the

Exhibit B – Planned Development Standards

Exhibit "B" PD-26 Development Regulations

business/use, which produces a public hazard or nuisance.

C. MAXIMUM HEIGHT REGULATIONS:

60 feet, or four (4) stories.

D. AREA AND OTHER REGULATIONS:

(1) Area and Setback Requirements:

The development shall adhere to the area and setback regulations permitted in the MF-2 zoning district, as provided in the City of Kaufman Zoning Ordinance O-02-07, as amended.

(2) Commercial Component:

The commercial space shall be configured in the following manner:

- a. Located on the ground floor of the building facing Kings Fort Parkway.
- b. Include a minimum of 7,900 sq. ft. of floor area dedicated to commercial/retail uses.
- c. Include outdoor patio dining areas for the end-cap tenants.

(3) Access:

The site shall include the following access points, as follows:

- a. Full-access point on Kings Fort Parkway.
- b. Right-in/right-out access point on Kings Fort Parkway.
- c. Right-in/right-out access point on SH 34.
- d. Stub to the property to the south to provide for future full access to SH 34 at an existing median opening through the property to the south.
- e. Open Access - To provide for a pedestrian-friendly mixed-use development that is open to the public and provides connection to surrounding developments, the development shall not be gated.

(4) Internal Street:

The development shall provide a new internal, north-south public street extending from Kings Fort Parkway and stubbing to the property to the south, where a future connection to SH 34 at an existing median opening will be

Exhibit B – Planned Development Standards

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provided when the property to the south develops. This internal street shall be designed like a traditional urban street with parallel parking along the majority of its length, sidewalks along both sides (adjacent to the parking spaces), and street trees to break up the areas of parallel parking. In order to meet the minimum parking requirements, some of the spaces may be configured to be head-in, as long as parallel parking spaces are provided on both sides of the street and for a total of at least fifty percent (50%) of the street length as calculated on both sides.

(5) Parking and Loading Requirements:

- e. Parking Requirements - parking requirements shall be as follows:
 - ii. One-and-a-half (1.5) spaces for each one-bedroom unit
 - iii. Two (2) spaces for each two-bedroom unit
 - iv. Two-and-a-half (2.5) spaces for each three-bedroom unit
 - v. One (1) parking space per 200 sq. ft. of retail/commercial space
- f. No boats, campers, trailers, or other recreational vehicles shall be parked or stored on the property.
- g. Dedicated loading areas for the commercial businesses located out of the fire lane shall be provided.
- h. All parking spaces shall meet the minimum dimensional requirements as specified in the City of Kaufman Zoning Ordinance O-02-07, as amended.

(6) Paving in Vehicular and Pedestrian Circulation Areas:

All paving in vehicular and pedestrian circulation areas (e.g., streets, drive aisles, parking areas, fire lanes, loading areas, sidewalks, trails, etc.) shall be reinforced concrete, and in accordance with the City's paving design standards, as may be amended.

(7) Landscaping Requirements:

- a. Minimum Usable Open Space (Pervious Surface) Area - Twenty percent (20%) of total lot area, not including the off-site park land area to the west.
- b. Minimum Landscaped (Pervious Surface) Area - Ten percent (10%) of total lot area.
- c. Front Landscape Buffer Area - Minimum ten feet (10') along Kings Fort Parkway and SH 34, as measured from front property line (i.e., maximum future right-of-way line for the street) and excluding any portion of a building/structure for any parking area pavement; may

Exhibit B – Planned Development Standards

Exhibit “B” PD-26 Development Regulations

include sidewalks, turf, ground cover, trees, shrubs, decorative landscape features, etc., and may be crossed by vehicular driveways entering the property. In addition, large shade trees (minimum four-inch (4”) caliper) shall be planted at 50-foot centers within the front yard buffer area.

- d. Side/Rear Landscape Buffer Area – A landscaped buffer yard with a minimum width of ten feet (10') shall be provided along any side or rear property line, with the exception of the future park land parcel to the west. The buffer yard shall include a mixture of small ornamental and large shade trees. The large shade trees (minimum four-inch (4”) caliper) shall be planted at 50-foot centers within any side/rear buffer area, with the exception of the park land parcel to the west.
- e. Interior Parking Lot Landscaping Islands - A landscaped island (nine foot (9') minimum width) is required at the end of each bay (i.e., row) of parking spaces, and shall be placed such that bays of parking spaces do not exceed twenty-four (24) spaces in length; one (1) large shade tree shall be placed within each landscaped island such that the minimum distance from the center point of the tree is at least four feet (4') from any curb or paved surface. All other interior parking lot landscaping shall conform to Section 36.6 of the Kaufman Zoning Ordinance.
- f. Shrub Screening of Parking Areas – Adjacent to all parking and driving areas, a row of shrubs shall be planted of adequate distribution and height to provide full screening of the parking and maneuvering areas from surrounding streets and adjacent properties.
- g. Building Foundation Landscaping – Landscaping shall be provided around the foundation of each building, which shall include a mixture of shrubs, groundcovers, grasses, and small trees.
- h. Off-Site Landscaping – The park land parcel to the west shall be planted with grass and include a mixture of shade trees, small ornamental trees, shrubs, and other plantings along the 10-foot-wide public use trail. The developer shall receive credit towards their park fees for the installation of these improvements.
- h. All landscaped areas are to be maintained in a clean, living and growing condition at all times, and shall be equipped/irrigated with an automatic, underground irrigation system.
- i. Other landscaping provisions to be as required in the Kaufman Zoning Ordinance O-02-07, as amended, and in any other applicable City code or ordinance.

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(8) Amenities, Sidewalks, and Trails:

- a. Indoor amenities for the multi-family residential development, including the leasing office, mail center, fitness center, community room, etc., shall be incorporated into the ground floor of one of the buildings.
- b. An open-air plaza with seating; fenced dog run with seating; and BBQ area with seating/tables/grilling stations; and various other outdoor seating areas shall be provided throughout the development for use by the residents. The BBQ area shall be allowed to be installed off-site on the future park land parcel to the west.
- c. Patio dining areas shall be provided for each commercial end cap.
- d. An internal pedestrian sidewalk system shall be provided throughout the development to connect building entrances, parking areas, and amenities, as well as provide connections to existing perimeter sidewalks along Kings Fort Parkway and SH 34, as well as surrounding trails. The sidewalks shall be at least five feet (5') in width and constructed of concrete.
- e. A public use trail at least ten feet (10') in width and constructed of concrete shall be installed by the developer through the off-site park land parcel to the west. Sidewalk/trail connections from the development to this trail shall be made at regular intervals. The trail shall be amenitized with seating areas, trash receptacles, and landscaping at regular intervals. The trail and associated amenities shall be made open to the public. The developer shall receive credit towards their park fees for the installation of these improvements.

(9) Architectural Requirements:

- a. Minimum forty percent (40%) brick & stone per building elevation. Stucco, EIFS, or hardi-plank siding materials may be used for the remaining materials. Metal and wood (or wood-look materials) may be used as accent materials. Stucco and hardi-plank should only be used on surfaces eight (8) feet above grade and/or in recessed patio and balcony areas.
- b. The buildings shall employ wall plane recesses and projections at regular intervals on all elevations.
- c. The top portions of the buildings shall be accentuated with vertical articulations at regular intervals, cornice treatments, parapets, or other architectural details.
- d. The buildings may include a mix of flat-roof and sloped-roof designs.

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Exhibit "B" PD-26 Development Regulations

The flat-roof portions shall include parapet walls.

- e. Windows, false windows, shutters, or brick inlays shall be used on all elevations to break up areas of blank wall and provide for four-sided architecture. These treatments shall be of similar size/proportion and style to provide a sense of uniformity throughout the development.
- f. All residential units shall include patios or balconies of adequate size to provide usable outdoor living space for each unit.
- g. Ground-floor residential and commercial units shall include storefront window designs to provide for an inviting appearance and awnings to provide shade and cover from the elements.
- h. To provide for a traditional residential neighborhood character, architectural details shall be provided, which could include horizontal banding, window treatments (sills and headers, shutters, windowpane systems, etc.), cornice treatments, foundation/base accentuation, tower elements at building corners, etc.

(10) Lighting Requirements:

Lighting shall be in accordance with the City's code of Ordinances, as amended. Lighting fixtures shall be of a type that can be oriented downward or upon building facades, and shall not produce light overspill onto adjacent properties or public rights-of-way. Adequate lighting for safety and security at nighttime shall be provided, but the amount of lighting shall not be excessive such that it produces a "glowing" effect that would detract from the community's peaceful setting. Special types of lighting (such as for holidays and festivals) shall be allowed and encouraged within the district.

(11) Screening:

- a. Dumpster Screening (including dumpsters and other solid waste facilities such as trash compactors, recycling containers/compactors, etc.) - All free-standing solid waste facilities shall be screened from view from any public street and any adjacent residential zoning district by a six foot (6') tall masonry wall (same colors and materials as main building) on at least three (3) sides, with securable gates for access (unless screened from public views by a building). Solid waste facilities that are attached to the main building (i.e., trash/recycling compactors, etc.) Shall be effectively screened from view of any public street and any adjacent residential district with strategic placement of tall evergreen shrubs (six foot (6') height and seventy-five percent (75%) opacity within three (3) years of initial planting/installation) and large shade trees.

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- b. Mechanical Equipment Screening - All mechanical equipment and satellite dishes (including rooftop- and ground-mounted) shall be screened from view of any public street by architecturally integrated facade extensions, parapet or "wing" walls, a living screen, or by some other device/means that is approved by the City.
- c. Perimeter Screening and Amenity Fencing - To provide for a pedestrian-friendly, mixed-use development that is open to the public and provides connection to surrounding developments, the development shall not include perimeter screening or fencing, with the following exceptions:
 - i. Screening may be installed adjacent to the commercial property to the east, particularly to provide screening from the back end of commercial uses, which commonly include loading areas, dumpsters, etc.
 - ii. Open-style decorative metal fencing may be installed around certain amenities that require security and separation, such as the dog park and the commercial patio areas.

(12) Signage:

- a. Small free-standing signs for on-site directional or movement control purposes shall be allowed to be placed within the complex, but not within public right-of-way. The maximum size of on-site directional signs shall be six (6) square feet per side.
- b. Address and building designation signs with proper illumination for legible at night shall be allowed to be placed on each building.
- b. Monument Signs - One (1) monument-style sign per direct access point on Kings Fort Parkway or SH 34 shall be allowed, for a total of three (3) signs – two (2) along Kings Fort Parkway and one (1) along SH 34. The monument signs along Kings Fort Parkway may identify the multi-family development and the commercial users. The monument sign along SH 34 may identify the multi-family development. The monument signs are limited to a maximum of ten feet (10') in height; maximum size of fifty (50) square feet of sign area per sign face; and shall be placed at least ten feet (10') setback from the street right-of-way line and not over any utility lines. The monument signs shall include a masonry base at least two (2) feet tall and with the same colors, architectural style, and materials as the main building.
- c. Commercial Wall Signs – Each commercial tenant shall be allowed one wall sign per façade. The wall signs shall meet the criteria outlined in Section 44.8 of the City of Kaufman Zoning Ordinance O-02-07, as

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amended, as applicable to the LR zoning district.

- f. Pole/pylon signs are prohibited.
- g. All other requirements for signage (including allowed number/size of signs, other setbacks/spacing, etc.) shall be in accordance with Section 44 of the City of Kaufman Zoning Ordinance O-02-07, as amended.

(13) Outside Storage:

Open storage is prohibited. There shall be no outside storage of materials or outside display of merchandise on the property.

E. APPROVAL REQUIREMENTS:

- (1) Site Plan Review:** The review and approval of a site plan shall be required prior to the development of any site (or the construction of any structure) within the district (see Section 39, Site Plan Review, of the Kaufman Zoning Ordinance). Development standards for each building site shall be in accordance with this and any other applicable section of the Kaufman Zoning Ordinance, and shall be clearly shown on the site plan. Additional supporting information may be required by the City prior to consideration and approval of the site plan.
- (2) Landscape Plan and Facade Plan Review:** Detailed landscape plans, building elevations, and floor plans shall be submitted for review and approval along with the site plan. The landscape plans, building elevations, and floor plans shall clearly show all details relating to the distribution of landscaping and specific plant species, quantities, and sizes; architectural materials and details for each facade; and dimensions of buildings, building openings, distribution of unit types, and arrangement of uses across each floor. The plans shall also demonstrate how the site meets the landscaping and architectural requirements of the PD and Kaufman Zoning Ordinance requirements, as applicable.
- (3) Construction Plan and Final Plat Review:** After approval of the site plan and associated landscape plans, building elevations, and floor plans, the development will be subject to construction/civil plan review and approval and final plat approval in accordance with the City's current development policies and procedures. No building permit shall be issued until all required plans/plats are properly reviewed and approved, and no certificate of occupancy shall be issued until all construction and improvements conform to the approved site plat, building plans, etc.
- (4) Modifications:** Any modifications to the site plan and associated landscaping/building plans, construction plans, or final plat shall require City approval. Whether the change can be processed as a minor modification (staff

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Exhibit "B" PD-26 Development Regulations

approval) or major modification (consideration by the Planning & Zoning Commission and the City Council) shall follow the procedures as outlined in the City's adopted zoning and subdivision regulations, as amended.

F. SPECIAL REQUIREMENTS:

(1) Design Criteria:

- a. **Power/Utility Lines** - New utility service lines (including, but not limited to, those for electricity, telephone, cable, etc.) shall be placed underground, in accordance with Section 3.8 of the Subdivision Ordinance, as amended.

- b. **Architectural Design:**

The purpose of this section is not to require all structures and development projects within the district to be identical in appearance or design, but to ensure compatibility among the various development projects within the district, and to ensure a harmonious, visually pleasing, high-quality appearance for the overall district as a whole.

- 1. The architectural standards shall aim to achieve the following objectives:

- (1) Architectural compatibility and harmonious appearance of structures throughout the district;
 - (2) Human scale design and perception;
 - (3) Integration of uses and physical design elements;

- 2. All building materials shall be established on architectural elevations and supporting information, and shall be subject to City review and approval (or disapproval) with the final site plan.

- c. **Building Placement/Orientation** - Any building within one hundred feet (100') of a public right-of-way shall either face such right-of-way or shall have a facade facing such right-of-way that is in keeping with the character of the building's main facade.

(2) Other Regulations:

Any requirements not specifically addressed herein shall be as stated in the MF-2 section and other applicable sections of the Kaufman Zoning Ordinance O-02-07, as amended, and/or within the City's Code of Ordinances, as amended.



Planning and Zoning Commission Report

Meeting Date: December 5, 2023

SUBJECT: Consider and make a recommendation to City Council on the **Site Plan of Kings Fort Villas** on Lot 6 of Block A of Kings Fort Addition, being approximately 10.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. (Property ID 225369) (Case No: SP-04-23)

BACKGROUND/SUMMARY:

The subject property consists of 10 acres located on the west side of SH 34 and the south side of Kings Fort Parkway. The property is currently zoned PD-17R-MF-2, which was established in 2018 to accommodate multi-family residential uses on this portion of the larger Kings Fort development. However, a re-zoning request is scheduled to be considered simultaneously with this site plan that will establish a new PD (PD-26) with updated development regulations to accommodate a mix of multi-family residential and neighborhood-scale retail and commercial service uses with some enhanced design standards that fulfills a shared vision by the applicant and City staff for a pedestrian-friendly mixed-use development. A site plan has been prepared for the development, known as Kings Fort Villas, which will provide 240 apartments, 7,914 sq. ft. of neighborhood commercial uses, and associated amenities.

Site Plan:

The site plan includes 240 apartments spread across seven (7) three-story buildings, 7,914 sq. ft. of commercial/retail space on the ground floor of the building facing Kings Fort Parkway (which also includes the leasing office and indoor amenities for the apartments), various outdoor amenities, and a new street and parking lot.

To facilitate improved internal circulation and a neighborhood-like design, the site will include a new internal north-south public street along the west side of the development, which will extend from Kings Fort Parkway and stub to the south property line, where future connection can be made to SH 34 at an existing median opening. This street will include a mixture of parallel parking and head-in parking spaces, street trees, and sidewalks on both sides, with the buildings placed close to the street like a traditional urban streetscape.

In addition to this new street (which will provide full access to Kings Fort Parkway), the development will include right-in/right-out access points on Kings Fort Parkway and SH 34. The development will also not be gated in order to provide for a pedestrian-friendly mixed-use development that is open to the public and provides connection to surrounding developments.

In addition to the new street, full internal circulation will be provided by a 26' fire lane along the southern portion of the property, which connects the internal street to a right-in/right-out access

point on SH 34, a 26' fire lane around the mixed-use building, and a series of 24' access drives on the interior of the site, where the bulk of the parking is located. 488 parking spaces will be provided, which meets the requirements established by the PD-26 zoning, which are as follows:

- One-and-a-half (1.5) parking spaces for each one-bedroom unit
- Two (2) parking spaces for each two-bedroom unit
- Two-and-a-half (2.5) parking spaces for each three-bedroom unit
- One (1) parking space per 200 sq. ft. of retail/commercial space

Each building will be three (3) stories and range in height from 37' – 42'. The building types are as follows:

- Four (4) Type 1 buildings, which will each include 30,411 sq. ft. and 36 residential units.
- Two (2) Type 2 buildings, which will each include 39,090 sq. ft. and 36 residential units.
- One (1) Type 3 building, which will include a total of 39,030 sq. ft., including 24 residential units on floors 2 & 3, 7,914 sq. ft. of commercial space on floor 1, and 5,116 sq. ft. of leasing/amenity space on floor 1.

96 of the units (or 40%) will be one-bedroom, 112 of the units (or 46.7%) will be two-bedroom, and 32 of the units (or 13.3%) will be three-bedroom. The buildings are designed with enclosed corridors with stairways to provide access to the units.

A pedestrian sidewalk system will provide full circulation around the buildings and throughout the development, providing access from the parking lot to the buildings, to the site amenities, to the perimeter sidewalks along SH 34 and Kings Fort Parkway, and to an off-site trail to be constructed by the developer on the future open space property to the west.

Elevations and Floor Plans

The residential building elevations show a mixture of primarily stone and stucco materials, with metal accents. The stone materials are primarily along the first ground floors of each building, with stone extending up the corridors to break up the area of stucco. The buildings include a mix of beige and grey color schemes, with the beige color on the Type 1 buildings and the grey color scheme on the Type 2 & 3 buildings. A series of building recesses and projections will provide articulation and relief, in addition to abundant windows around all sides of each building, as well as balconies or porches for each residential unit. The tops of the buildings will be accentuated by a mix of building parapets and sloped roofs. The ground floor of the Type 3 building (which will include the commercial and indoor amenity space) will include larger storefront windows, awnings, and dedicated space for tenant signage.

Floor plans have been provided, which show the distribution of the residential units in the different building types, as well as the distribution of the commercial and amenity space on the ground floor of the Type 3 building.

Landscaping, Amenities, and Screening:

The landscape plan shows a solid shrub screen along Kings Fort Parkway, as well as at the ends of the parking rows adjacent to SH 34. In addition, a landscape buffer is provided along Kings Fort Parkway, SH 34, and along the southern and eastern property lines, which will include large shade trees planted every 50', with smaller trees in between. The parking lot islands will also include shade trees, while a mixture of foundation landscaping will be planted around the buildings and amenities, including small trees and shrubs.

Indoor amenities on the ground floor of the Type 3 building will include the residential leasing office, fitness center, community room, and laundry room. In addition, patios will be provided on the sides of the building for the end-cap commercial tenants. Outdoor amenities will include a plaza with seating, a fenced dog park, various benches throughout the development, and a BBQ area with seating and grilling stations. The BBQ area will be located just off-site on the future open space lot to the west. In addition, the developer will construct a 10'-wide off-site public trail on this parcel that will connect to the City's trail system and also include pedestrian connections into the site. The trail will be amenitized with benches, trash receptacles, and landscaping.

In order to provide for a pedestrian-friendly development that is open to the public and provides connection to surrounding developments, the development will not include perimeter screening. However, the dog park and the commercial patio areas will include open-style decorative metal fencing to provide the necessary security and separation for those spaces; the screening around the patios will also include masonry columns.

Signage:

There will be monument signs at each of the three entrances to the development from Kings Fort Parkway and SH 34. In addition, each commercial tenant is allowed one wall sign per façade. As provided in the PD-26 zoning regulations, address and building designation signs with proper illumination are allowed to be placed on each building, while small free-standing signs for directional control are also allowed. Pole/pylon signs are prohibited. All other signage and signage details shall adhere to the Zoning Ordinance regulations, as amended.

Trash Enclosures, Equipment, Lighting, and Outside Storage:

Trash service will be provided by three dumpsters evenly distributed throughout the property. All dumpsters will be screened by 8'-tall masonry enclosures with metal gates. All roof-mounted or ground-mounted mechanical equipment will be screened by evergreen shrubs, while all roof-mounted equipment will be screened by building parapets.

Adequate lighting for safety and security will be provided in accordance with the Zoning Ordinance and the PD-26 zoning regulations, as applicable. There are also notes specifying that open storage is prohibited and that no boats, campers, trailers, or other recreational vehicles shall be parked or stored on the property.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	PD-15-HC (across street)	Vacant land (future convenience store w/ gas station & truck fueling center)
West:	PD-17R-MF-2	Vacant land (future open space)
South:	PD-17R-MF-2	Vacant land
East:	PD-17R-C & LI (across street)	Vacant land; Manufacturing facility (across street)



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the future land use of the subject property for Future Commercial uses, while conceptual plans approved with more recent zoning changes on the property allowed for multi-family residential uses. The requested Planned Development zoning for a mixture of multi-family residential and commercial uses is consistent with the Land Use Plan and the more recent zoning changes allowing multi-family residential uses.

Thoroughfare Plan:

The Thoroughfare Plan designates SH 34 as a principal arterial (Type AA; 4 – 6 lanes), with a right-of-way width of 120 – 140 feet. Kings Fort Parkway is designated as a major collector (Type C; 4 lanes), with a right-of-way width of 80'. The necessary right-of-way for both thoroughfares already exists at this location.

RECOMMENDATION:

The Site Plan is consistent with the proposed PD-26 zoning regulations. Staff recommends approval of the Site Plan for Kings Fort Villas on approximately 10.00 acres located on the west side of SH 34 and the south side of Kings Fort Parkway.

ATTACHMENTS:

Location Map

Exhibit A – Property Description

Exhibit B – Site Plan

Exhibit C – Floor Plans and Elevations

Exhibit D – Landscape Plan

Exhibit E – Trash Enclosure & Monument Sign Details

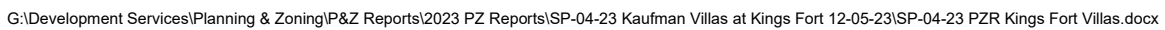
Andrew Bogda, AICP

Director of Development Services

972-932-2216 ext. 117

abogda@kaufmantx.org

Kings Fort Villas



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Exhibit A – Property Description/Survey

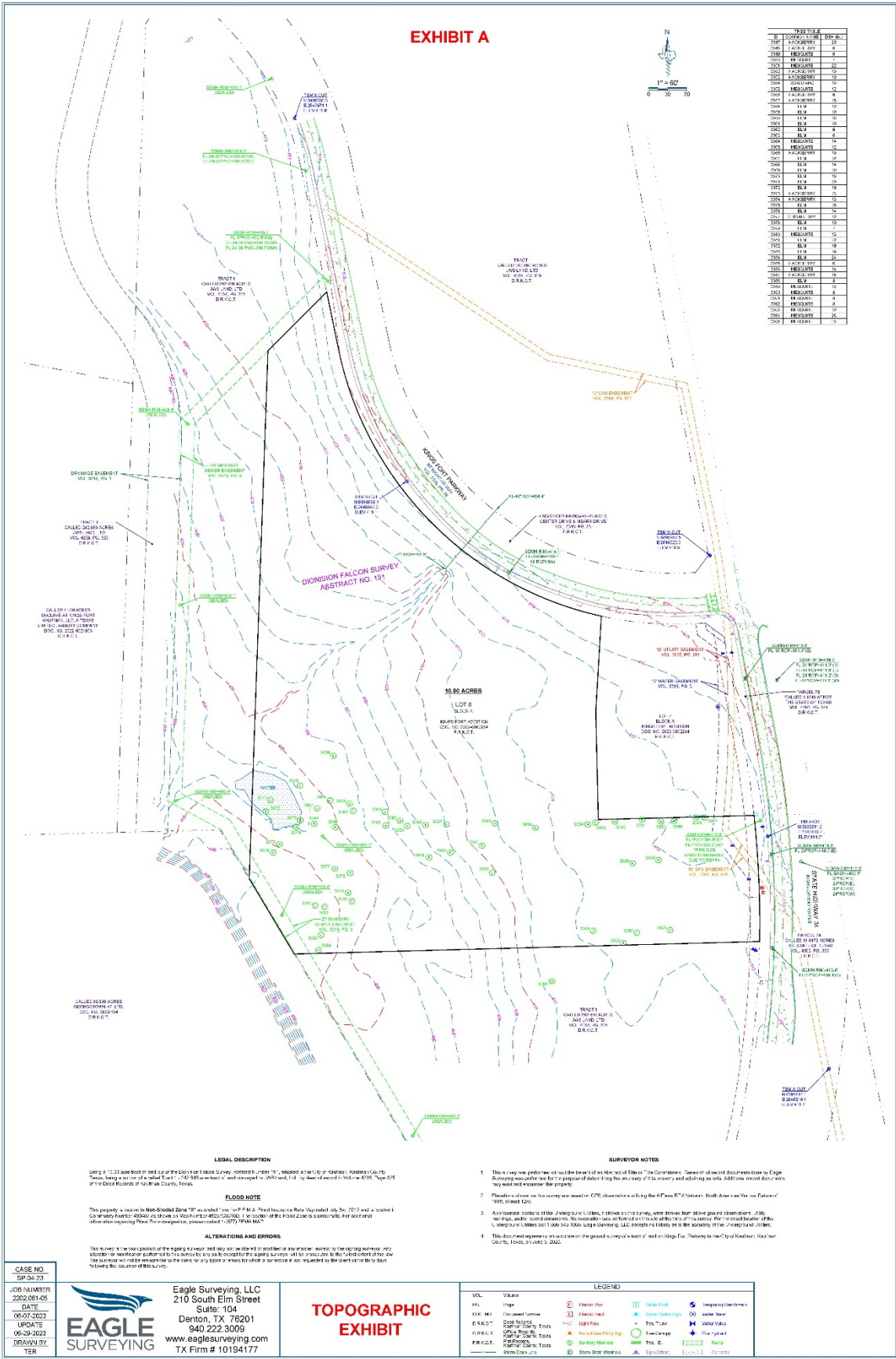


Exhibit B – Site Plan

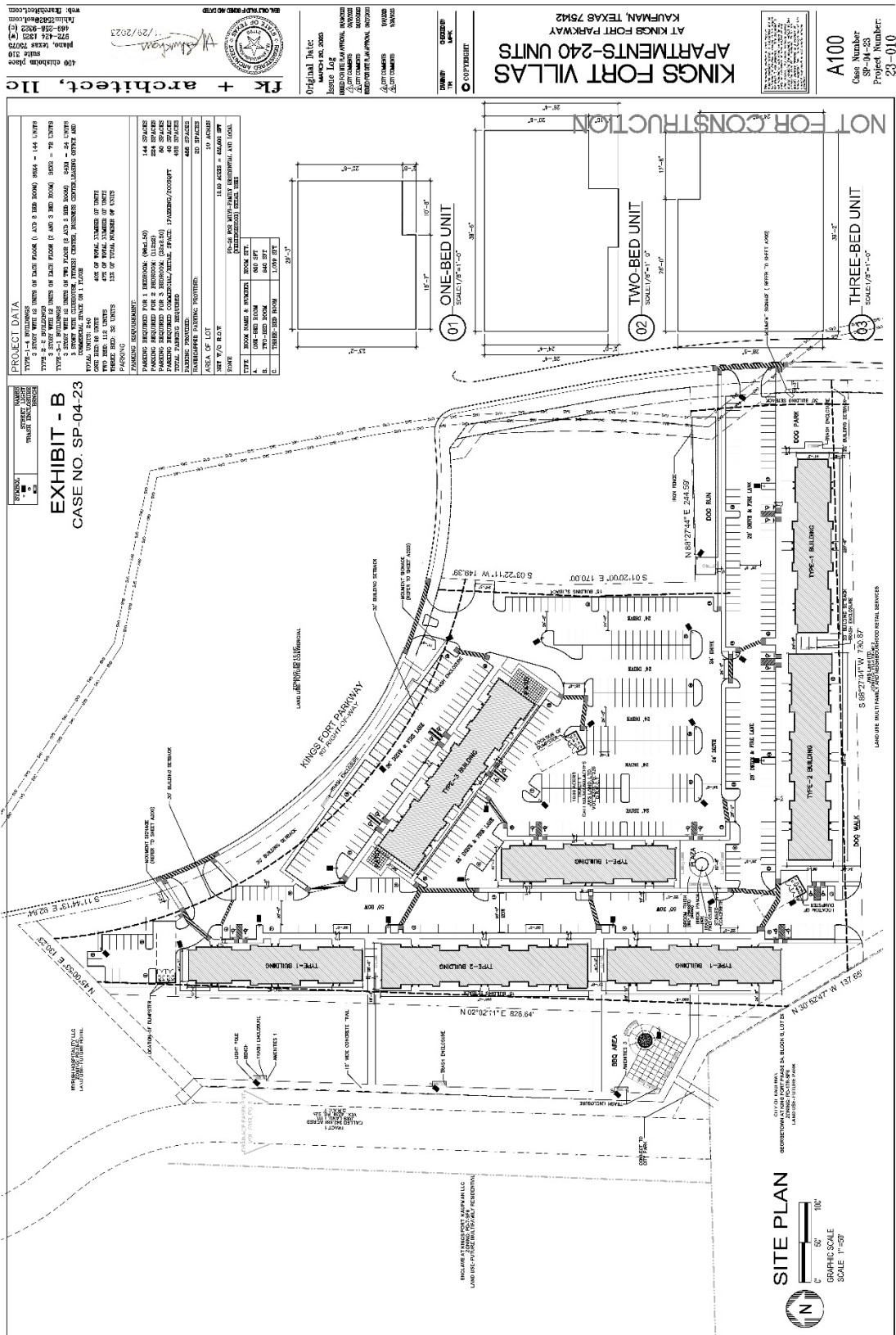


Exhibit B – Site Plan

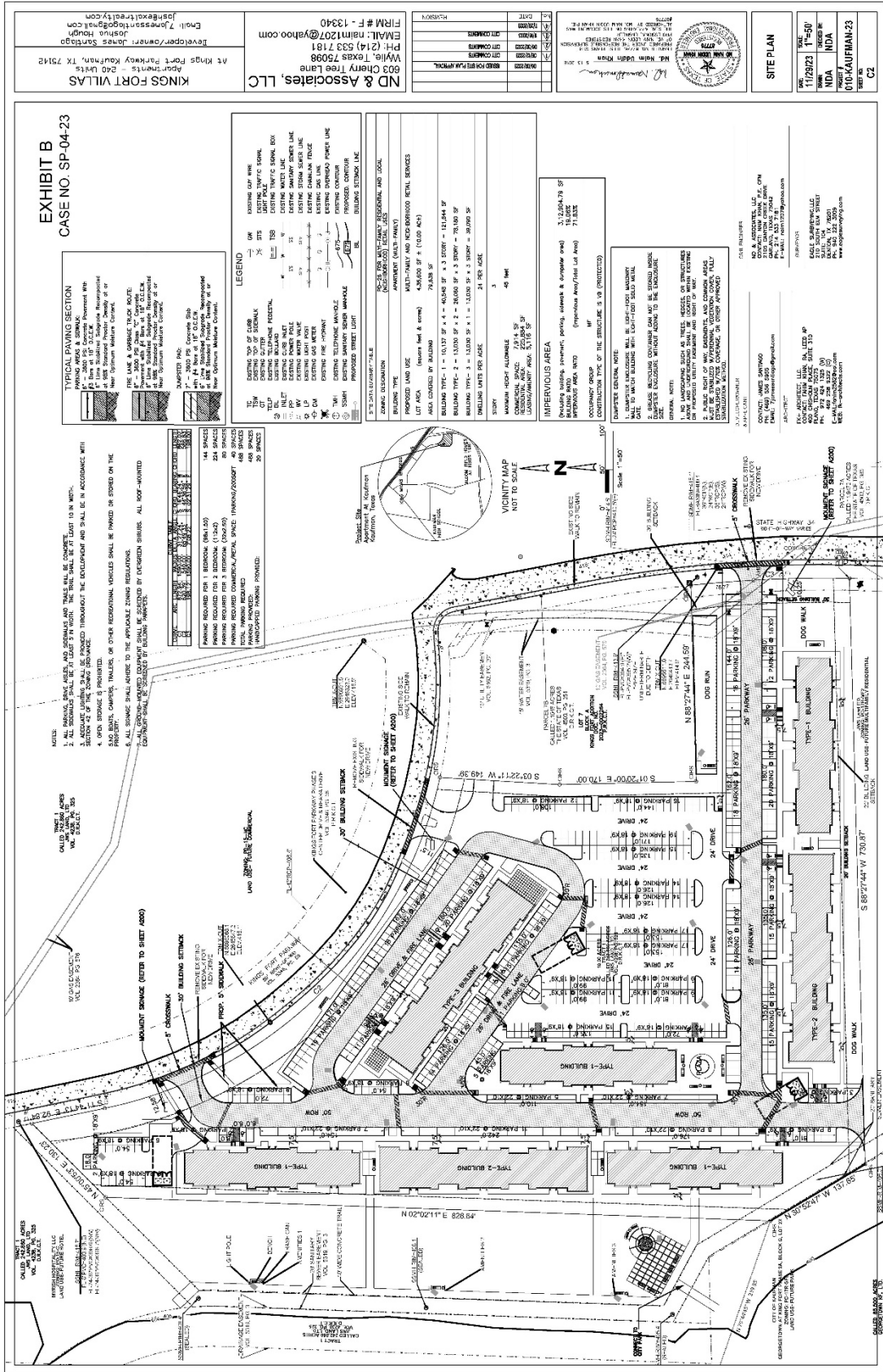
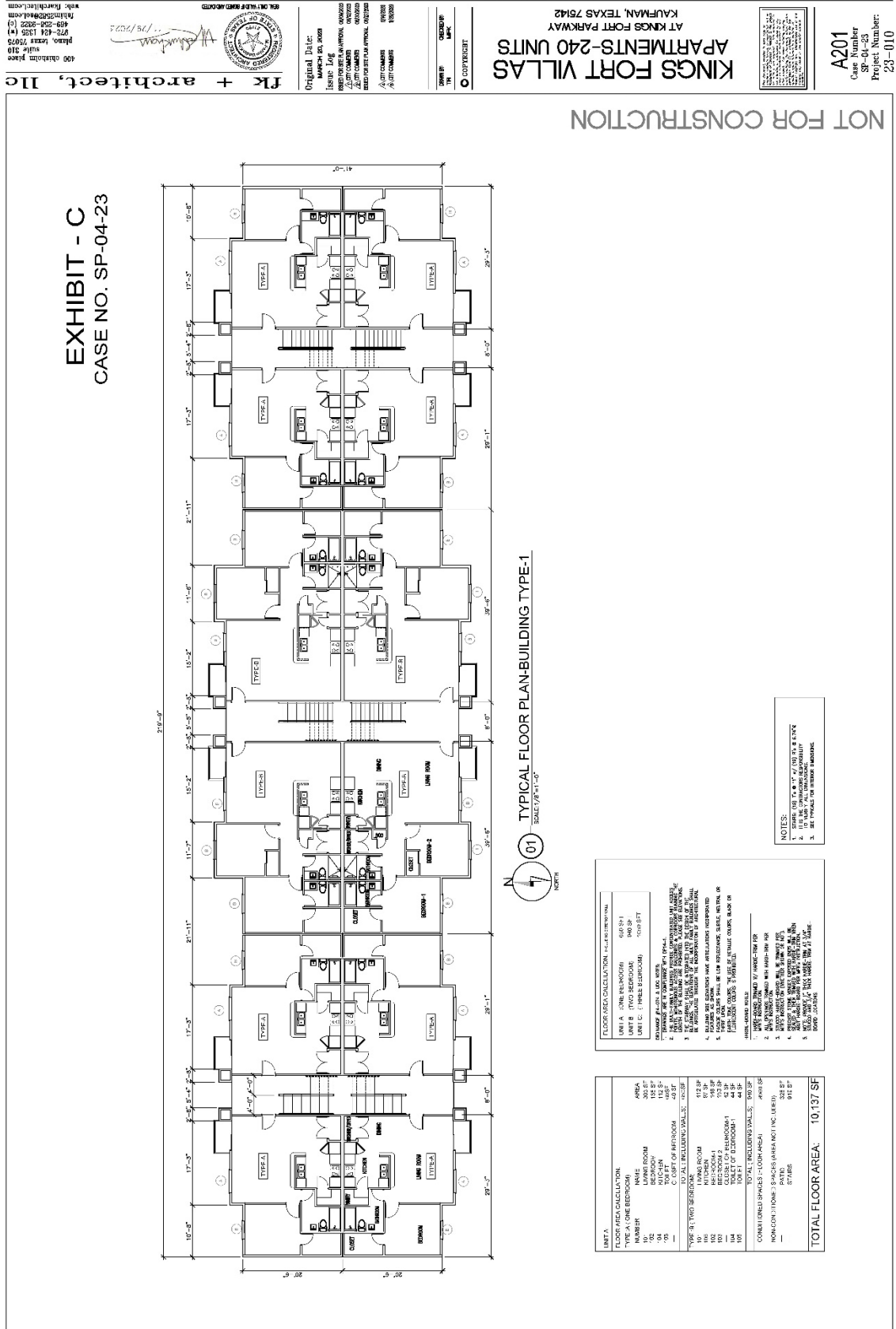


Exhibit C – Floor Plans & Elevations



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EXHIBIT - C
CASE NO. SP-04-23

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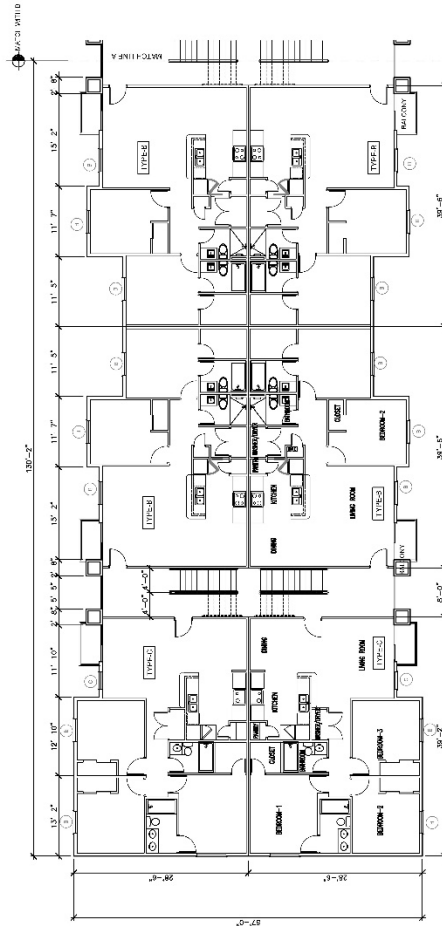
FLOOR AREA CALCULATION	
UNIT B (TWO BEDROOM)	540 SFT

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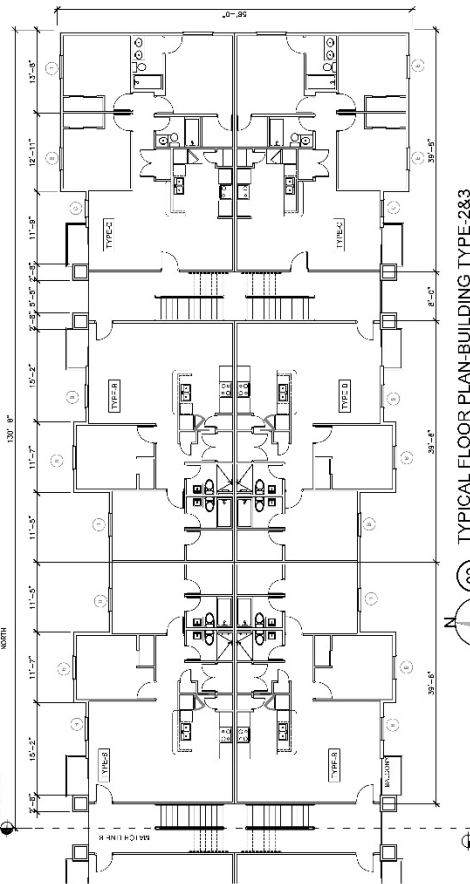
NOTES:

1. STARS (18) $\rightarrow$ 11" w/ (10) R's @ 8.75°
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL DIMENSIONS.
3. SEE TIEBACKS FOR ACTUAL DIMENSIONS.

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TYPICAL FLOOR PLAN-BUILDING TYPE-2&3



TYPICAL FLOOR PLAN-BUILDING TYPE-2&3

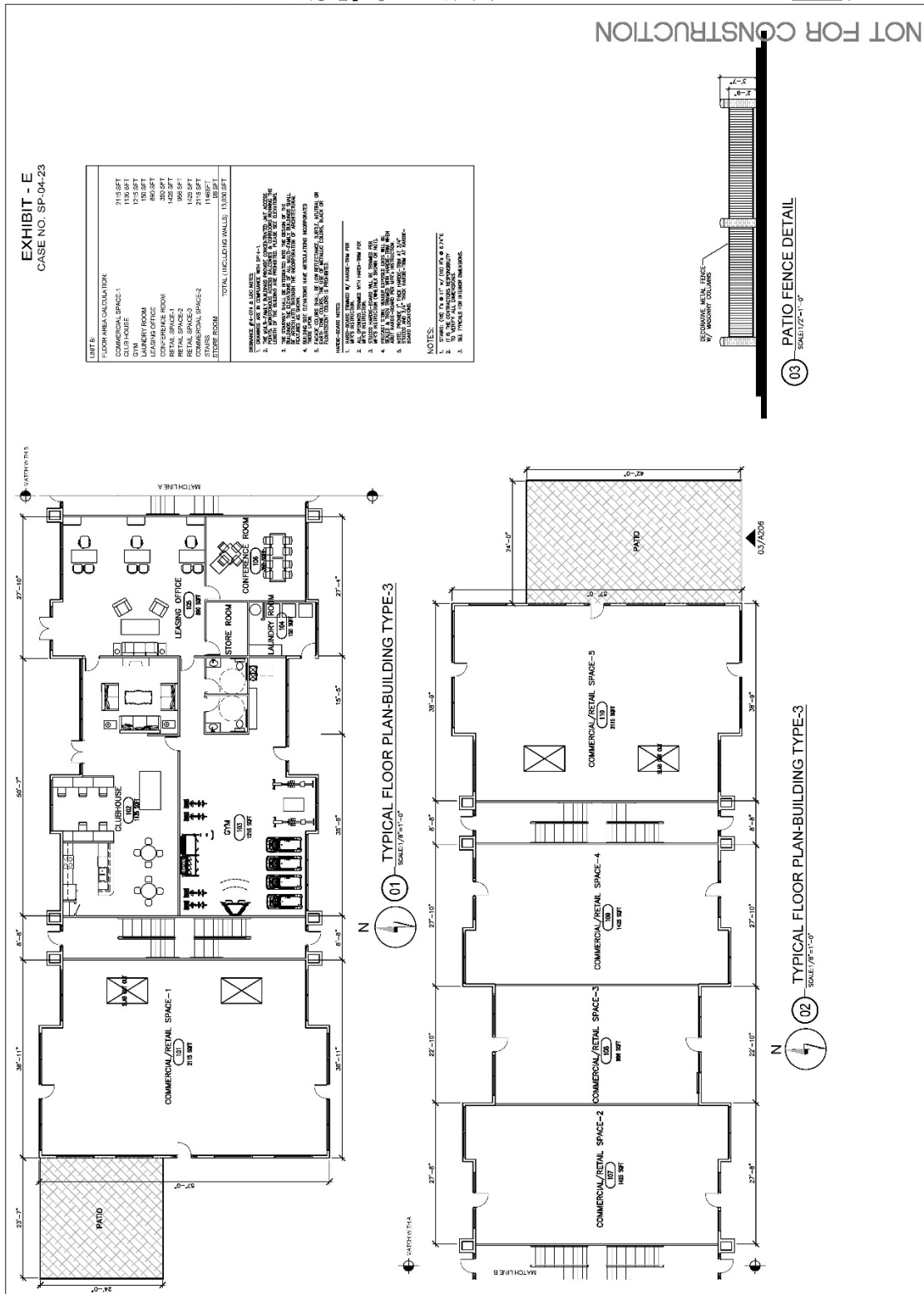
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Exhibit C – Floor Plans & Elevations

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01 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

02 REAR ELEVATION
SCALE: 1/8" = 1'-0"

03 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

04 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

ITEM	DESCRIPTION
BRICK	1. METAL COPING 2. PORCELAIN TILE 3. CONCRETE 4. BRICK 5. METAL COPING 6. PORCELAIN TILE 7. CONCRETE 8. BRICK 9. METAL COPING 10. PORCELAIN TILE 11. CONCRETE 12. BRICK 13. METAL COPING 14. PORCELAIN TILE 15. CONCRETE 16. BRICK 17. METAL COPING 18. PORCELAIN TILE 19. CONCRETE 20. BRICK 21. METAL COPING 22. PORCELAIN TILE 23. CONCRETE 24. BRICK 25. METAL COPING 26. PORCELAIN TILE 27. CONCRETE 28. BRICK 29. METAL COPING 30. PORCELAIN TILE 31. CONCRETE 32. BRICK 33. METAL COPING 34. PORCELAIN TILE 35. CONCRETE 36. BRICK 37. METAL COPING 38. PORCELAIN TILE 39. CONCRETE 40. BRICK 41. METAL COPING 42. PORCELAIN TILE 43. CONCRETE 44. BRICK 45. METAL COPING 46. PORCELAIN TILE 47. CONCRETE 48. BRICK 49. METAL COPING 50. PORCELAIN TILE 51. CONCRETE 52. BRICK 53. METAL COPING 54. PORCELAIN TILE 55. CONCRETE 56. BRICK 57. METAL COPING 58. PORCELAIN TILE 59. CONCRETE 60. BRICK 61. METAL COPING 62. PORCELAIN TILE 63. CONCRETE 64. BRICK 65. METAL COPING 66. PORCELAIN TILE 67. CONCRETE 68. 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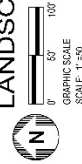
Exhibit C – Floor Plans & Elevations

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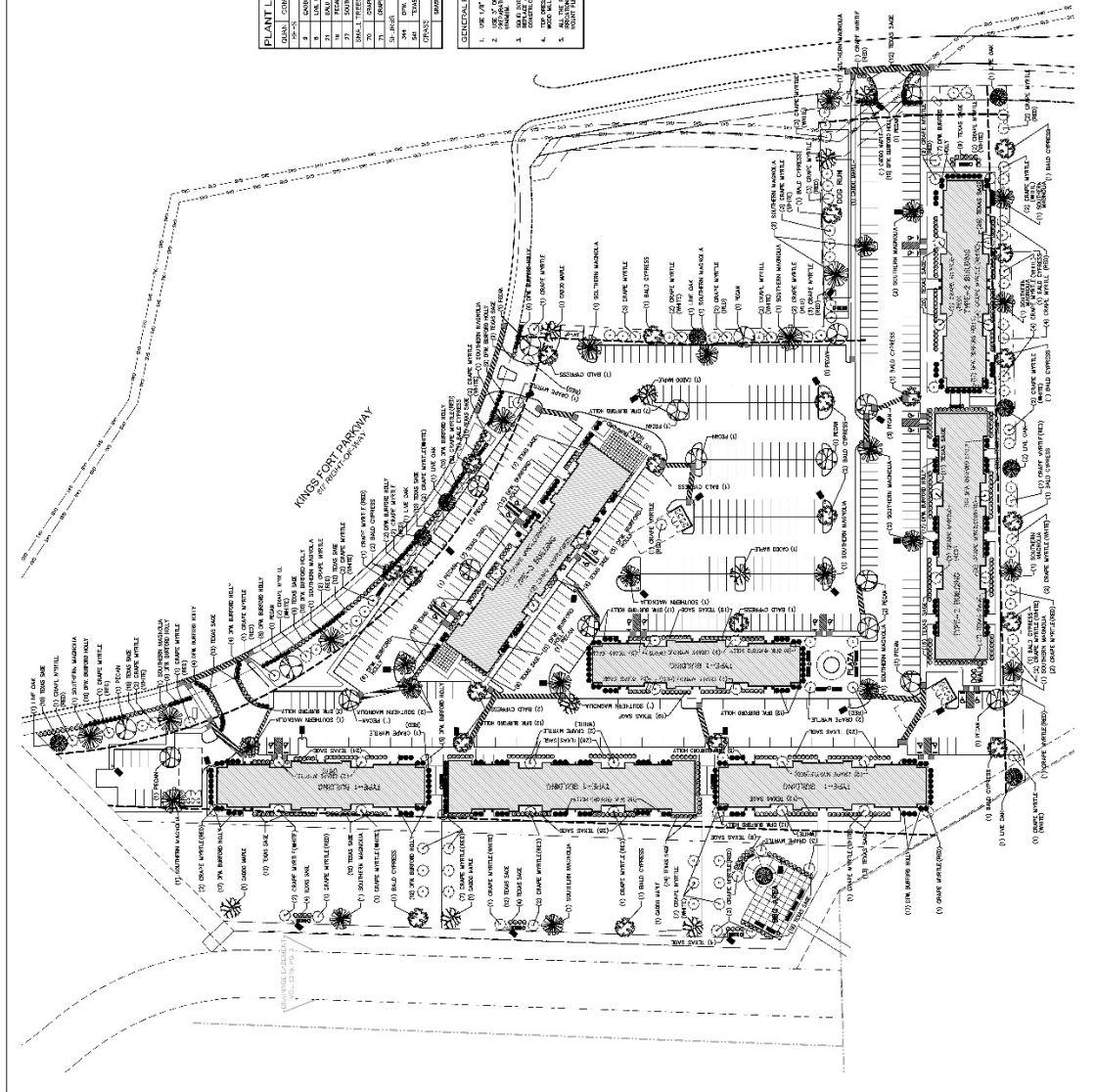
EXHIBIT - D
CASE NO. SP-04-23

LANDSCAPE PLAN

[illegible]

GENERAL PLANT NOTED:

1. USE 1/8" STEEL EDGING (PAINTED).
2. USE 3" OF SANDY LOAM AND 3" OF COMPOST. TOLN. RED MAX. HUMIDITY.
3. SOIL 80% M.L. THE LAWN AREA. REPLACE ALL EXISTING LAWN AND CONSTRUCTION PROCESS.
4. TOP DRESS ALL THE PLANTING WOOD MULCH. AFTER THE PLANTING.
5. ALL THE PLANTING BED AND LAWN SEEDING SYSTEM AS PER STATE MOUNT PLEASANT CODES AND S.

[illegible]

[illegible]

[illegible]

NOT FOR CONSTRUCTION

