



AGENDA
PLANNING AND ZONING COMMISSION MEETING
MONDAY, JANUARY 8, 2024 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 December 5, 2023 Planning and Zoning Commission meeting.
2. Consider and take appropriate action on the minutes of the December 11, 2023 joint meeting of the Planning & Zoning Commission and City Council.

END OF CONSENT AGENDA

PUBLIC HEARING

DISCUSSION/ACTION ITEMS

3. Work session to discuss the proposed rewrite of the City of Kaufman subdivision regulations.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

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, JANUARY 5, 2024 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



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, 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

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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 6:00 p.m. on Tuesday, December 5, 2023. Commissioners present were Chairman Richard Dunn, Vice-Chairman Burton Brown, Commissioner Dennis Berry, Commissioner Porfilo Lopez, Commissioner Kathleen Sisson, Commissioner Mike Slye, and Commissioner Kathy Thorpe. City of Kaufman staff present were Director of Development Services Andrew Bogda, Planner Joy Henderson, Permit Technician Edna Chavez, and Assistant City Manager Rachael Mendoza. Present in the audience was Fahim Khan, Joshua Hough, and James Santiago

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 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

Commissioner Sisson made a motion to approve the consent agenda for items 1 and 2. The motion was seconded by Vice-Chairman Brown. The motion passed by a vote of 6-0-1, with Chairman Dunn, Vice-Chairman Brown, Commissioner Berry, Commissioner Lopez, Commissioner Sisson, and Commissioner Thorpe all voting Yes and Commissioner Slye abstaining due to not being on the Commission at the October 3, 2023 meeting.

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)

The Public Hearing was opened at 6:05 p.m.

Director of Development Services Andrew Bogda presented a report on Donation Bins located throughout the city. Details of the case can be found in report Z-03-23 dated 12-05-2023.

The Public Hearing was closed at 6:12 p.m.

Chairman Dunn asked if the businesses have been notified about the new ordinance, to which Staff responded that they were.

Vice-Chairman Brown stated there is a problem and it is being addressed.

Commissioner Berry stated the donation bins should not be allowed in any zoning district and that he would like to see the additional wording "any like containers" added to the ordinance. He asked if the lessee would be able to sign the agreement to allow having the donation bin on the property. Staff indicated that the property owner would ultimately need to sign the agreement. Commissioner Berry also asked if additional regulations would be required to allow these bins in the case of an emergency.

Commissioner Slye stated he is glad to see the city making regulations for the donation bins. Responding to one of Commissioner Berry's concerns, he also stated that the emergency plan would override regulations in the case of an emergency. Commissioner Slye also stated that by requiring a property owners' permission, it will keep the City from having a donation bin on every corner and that if nuisances or violations arise, the property owner and the donation company would both be held responsible.

Commissioner Slye made a motion to amend 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". The motion was seconded by Commissioner Sisson. The motion passed by a vote of 6-1, with Chairman Dunn, Vice-Chairman Brown, Commissioner Lopez, Commissioner Sisson, Commissioner Slye, and Commissioner Thorpe all voting Yes and Commissioner Berry voting No.

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-09-23)

The Public Hearing was opened at 6:30 p.m.

Director of Development Services Andrew Bogda presented a report on the zoning change of Kings Fort Villas located on the west side of SH 34 and the south side of Kings Fort Pkwy. Details of the case can be found in report Z-09-23 dated 12-05-2023.

The Public Hearing was closed at 6:41 p.m.

Commissioner Slye made a motion to approve 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 property generally located at on the west side of SH 34 and the south side of Kings Fort Pkwy. The motion was seconded by Commissioner Sisson. The motion passed by a vote of 7-0, with all members voting Yes.

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)

Director of Development Services Andrew Bogda presented a report on the Site Plan of Kings Fort Villas located on the west side of SH 34 and the south side of Kings Fort Pkwy. Details of the case can be found in report SP-04-23 dated 12-05-2023.

Vice-Chairman Brown asked if a fire alarm goes off in the commercial suite located on the 1st floor, then will all the floors be notified of the fire, will each building have a separate front desk to receive packages, and will they have any covered parking. The applicant responded that all floors would be notified of a fire, each whole building will be fire-sprinklered, the amenity center will have a mail room for package receiving, and that there will be no covered parking.

Commissioner Berry asked how many people would be living in this development and is there adequate water for fire protection. The applicant provided an estimated population figure based on the total unit count of 240 and indicated that there is adequate water flow for fire protection.

Commissioner Lopez asked if all of commercial units will be on the 1st floors, which the applicant indicated that yes, they would.

Commissioner Slye asked how will Amazon packages be delivered if each of the buildings is gated or secured, how many apartments there will be, and where the roads are going to be located. The applicant responded that there will be an open-air concept for the stairwells, but that Amazon will have a central location in the amenity center for package delivery. The applicant is waiting for the postmaster to provide further direction on mail and package deliveries. The applicant and Staff outlined the location of the new street, the circulation through the development, and the access points onto surrounding thoroughfares.

Vice-Chairman Brown made a motion to approve the **Site Plan of Kings Fort Villas** generally located on the west side of SH 34 and the south side of Kings Fort Pkwy. The motion was seconded by Commissioner Lopez. The motion passed by a vote of 7-0, with all members voting Yes.

ANNOUNCEMENTS AND REPORTS FROM THE DEVELOPMENT SERVICES DIRECTOR

Director of Development Services Andrew Bogda stated the following:

- There will be no regular meeting on January 2, 2024 due to a lack of action items. The next regular meeting should be on February 6th.
- Commissioner Darril Deaton has stepped down from the Planning and Zoning Commission. We will miss him and appreciate all his years of service.

- Our new Commissioner is Mike Slye, who was the former City Manager for 8 years. He will be bringing a lot of knowledge to the Planning and Zoning Commission.
- Kari Fuller has transferred to another department; Edna Chavez is the new Permit Technician and will be attending the Planning and Zoning Commission meetings.
- We will have a joint meeting with City Council on December 11, 2023 to discuss the new Subdivision Regulations.
 - Marcy Ratcliff, as a consultant to the City, is taking the lead on this project, working closely with Staff, the City's engineering consultant TNP, and the City Attorney. There will be discussions on:
 - Plat types
 - ETJ platting
 - Recent state legislation
 - Drainage ordinance
 - Design manual
 - Checklists for platting submittals

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 Berry and seconded by Commissioner Pilo. The motion passed 6-0. The meeting adjourned at 7:27 pm.

APPROVED:

**RICHARD DUNN
CHAIRMAN**

ATTEST:

**JOY HENDERSON
PLANNER**



**MINUTES OF THE
JOINT MEETING WITH
PLANNING & ZONING COMMISSION
AND CITY COUNCIL
MONDAY, DECEMBER 11, 2023 AT 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

CALL CITY COUNCIL MEETING TO ORDER Mayor calls the City Council Meeting to order, states the date and time, states Councilmembers present, and declares a quorum present.**

Mayor Jordan called the City Council meeting to order at 6:00 P.M. Councilmembers present were Jeff Jordan, Charles Gillenwater, Jason Nelson, Lisa Parker, Quattro Borders, and Ashlea Longenecker. Mayor Pro-Tem Matt Phillips was absent. Mayor Jordan declared a quorum present. Also present were City Manager Mike Holder, Assistant City Manager Rachel Balthrop Mendoza, City Attorney Patricia Adams, City Secretary Jessie Hanks, Public Works Director Tim Hopwood, Finance Director Mary Wennerstrom, Development Services Director Andrew Bogda, Planner 1 Joy Henderson, Police Captain Colter Leftwich, and Police Chief Les Edwards.

CALL PLANNING AND ZONING COMMISSION MEETING TO ORDER Chairman calls the Planning and Zoning Commission Meeting to order, states the date and time, states Commissioners present, and declares a quorum present.

Chairman Dunn called the Planning & Zoning meeting to order at 6:00 P.M. Commissioners present were Richard Dunn, Burton Brown, Kathleen Sisson, Mike Slye, and Kathy Thorpe. Commissioner Porfirio Lopez was absent. Chairman Dunn declared a quorum present.

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the Joint Session 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 City Council and Planning and Zoning Commission on any subject but must first complete a Request to Speak Form so that the Mayor may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the Council and Commission as a whole. When addressing the Council and Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Mayor and City Council and/or the Chair and the Planning and Zoning Commission.

No comments were given.

EXECUTIVE SESSION

Mayor Jordan and Chairman Dunn recessed into an executive session at 6:04 P.M.

1. The City Council and Planning and Zoning Commission will recess into Executive Session pursuant to Texas Government Code for an executive session regarding the following:
 - a. Sec. 551.071(1) and (2); CONSULTATION WITH ATTORNEY: (1) To consult with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts

with the Texas Open Meetings Act and (2) for Council to seek the advice of its attorney about pending or contemplated litigation: Subdivision Regulations and State law.

RECONVENE INTO OPEN SESSION In accordance with Texas Government Code, Chapter 551, the City Council and Planning and Zoning Commission will reconvene into Regular Session.

Mayor Jordan and Chairman Dunn reconvened into open session at 6:32 P.M.

DISCUSSION/ACTION ITEMS - CITY COUNCIL AND PLANNING AND ZONING COMMISSION

2. Joint work session with the Planning and Zoning Commission to receive a presentation, review, and discuss the proposed rewrite of the City of Kaufman Subdivision Regulations.

Mr. Bogda gave a brief review of the current subdivision ordinance. Marcy Ratcliff, consultant with TNP, Inc., outlined the purpose of the amendment and a high-level overview of the proposed changes.

Mayor Jordan recessed the meeting for a break at 7:03 PM. Mayor Jordan reconvened the meeting at 7:14 PM.

Tom Rutledge, Executive Vice President with TNP, Inc., reviewed the public infrastructure requirements for the proposed amended Subdivision Regulations. There were discussions regarding the thoroughfare plan, future items that will need to be addressed outside this amendment, and other processes associated with these amendments.

ADJOURNMENT OF PLANNING AND ZONING COMMISSION

There being no further business for the Planning and Zoning Commission, Chairman Dunn adjourned the meeting at 7:54 P.M.

DISCUSSION/ACTION ITEMS- CITY COUNCIL

3. Consider and take appropriate action on Senate Bill 2038 petition for release from the Extraterritorial Jurisdiction (ETJ) received from Petitioner Bullhead Energy, LLC and East Fork Trinity, LLC on November 3, 2023 for property located in the S. Thompson Survey, A-528 and the S. Gilleland Survey, A-167.

Councilmember Nelson made a motion to deny the Senate Bill 2038 petition for release from the Extraterritorial Jurisdiction (ETJ) received from Petitioner Bullhead Energy, LLC and East Fork Trinity, LLC on November 3, 2023, for property located in the S. Thompson Survey, A-528 and the S. Gilleland Survey, A-167, and that Bullhead Energy, LLC and East Fort Trinity, LLC petition to remove property from the city's extraterritorial jurisdiction be denied for the following reasons: (1) because Senate Bill 2038, Local Government Code Section 42.104 and 42.105 are an unconstitutional delegation of legislative authority and conflict with the Local Government Code Section 42.023. The city does not consent to the removal of the property from its ETJ, and (2) the petition submitted does not comply with the requirements of state law for a valid petition. The motion was seconded by Councilmember Borders and passed 6/0.

ANNOUNCEMENTS AND REPORTS FROM CITY MANAGER

4. Receive an update and discussion regarding the following:
 - a. Employee Christmas Luncheon - December 13

b. TIRZ #3 and Regular City Council Meeting - December 18th

Mr. Holder gave an update on the above-stated items.

ADJOURNMENT OF CITY COUNCIL

There being no further business, Mayor Jordan adjourned the meeting at 7:59 P.M.

ATTEST:

**JEFF JORDAN
MAYOR**

**JESSIE HANKS
CITY SECRETARY**

APPROVED:

**RICHARD DUNN
PLANNING & ZONING CHAIRMAN**

ATTEST:

**JOY HENDERSON
PLANNER**



Planning and Zoning Commission Report

Meeting Date: January 8, 2024

SUBJECT: Work session to discuss the proposed rewrite of the City of Kaufman subdivision regulations.

BACKGROUND/SUMMARY:

On December 11, 2023, a joint meeting of the Planning & Zoning Commission and City Council was held in which Staff and consultants gave a presentation on the proposed overhaul of the City of Kaufman's subdivision regulations. In addition, Staff heard input from the Commission and the Council. Staff is seeking further direction and input from the Commission and Council as we work together with our consultants to finalize the subdivision regulations.

RECOMMENDATION:

This is a discussion item. No official action is required.

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