



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JULY 2, 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 June 4, 2024 Planning and Zoning Commission meeting.

END OF CONSENT AGENDA

PUBLIC HEARING

2. Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant (with conditions) on approximately 0.44 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, generally located at 5962 Fair Road (Property ID 5300) in the "HC" Highway Commercial District. (Case No. Z-06-24)

DISCUSSION/ACTION ITEMS

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, JUNE 28, 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, JUNE 4, 2024 AT 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET
KAUFMAN, TEXAS 75142

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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 Dunn called the meeting to order at 6:00 p.m. on Tuesday, June 4, 2024. Commissioners present were Chairman Richard Dunn, Vice-Chairman Burton Brown, Commissioner Lindsey Haynes, Commissioner Porfirio Lopez, Commissioner Kathleen Sisson, and Commissioner Mike Slye. City of Kaufman staff present were Director of Development Services Andrew Bogda and Planner Joy Henderson.

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.**

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1. Consider and take appropriate action on the minutes of the May 7, 2024 Planning and Zoning Commission meeting.

END OF CONSENT AGENDA

Commissioner Slye made a motion to approve the consent agenda for item 1. The motion was seconded by Commissioner Lopez. The motion passed by a vote of 6-0.

PUBLIC HEARING

2. Conduct a public hearing and make a recommendation to City Council for a request for a change in zoning from Agriculture/Open District (A-O) to Highway Commercial District (HC) on approximately 1.1934 acres out of the C. Askins Survey, City of Kaufman, Kaufman County, TX, generally located in the **3300 block of East Highway 175**, approximately 500 feet south of Fair Road (Property ID 409). (Case Z-02-24)

The Public Hearing was opened at 6:02 p.m.

Director of Development Services Andrew Bogda presented a report on the proposed **Zoning Change**. Details of the case can be found in report Z-02-24 dated 06-04-2024.

Jacob Mohr said they would be building a warehouse with a small office inside the building so the water and electricity use should be minimal.

The Public Hearing was closed at 6:07 p.m.

Commissioner Sisson made a motion to approve the rezoning of 1.1934 acres from "A-O" Agriculture-Open District to "HC" Highway Commercial District, generally located in the 3300 block of East Highway 175. The motion was seconded by Commissioner Lopez. The motion passed by a vote of 6-0.

3. Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit (SUP-49), being a Specific Use Permit for light manufacturing and assembly processing of furniture and cabinetry in conjunction with a furniture office/showroom (with conditions) on property located in the Commercial District (C). The property is approximately 1.879 acres located at 2400 Tabor Parkway, being Lot 4 of the Heritage Park Addition, City of Kaufman. (Property ID 49846). (Case Z-03-24)

The Public Hearing was opened at 6:09 p.m.

Director of Development Services Andrew Bogda presented a report on the proposed **Specific Use Permit**. Details of the case can be found in report Z-03-24 dated 06-04-2024.

The Public Hearing was closed at 6:15 p.m.

Commissioner Slye made a motion to approve the revision to Specific Use Permit (SUP-49) for property located at 2400 Tabor Parkway, with the conditions as noted in

the report. The motion was seconded by Commissioner Sisson. The motion passed by a vote of 6-0.

4. Conduct a public hearing and make a recommendation to City Council for a request for a change of zoning from Planned Development District-7-SF-6 (5,000 sq. ft.) to PD Planned Development District-27 for single-family residential uses on approximately 41.00 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, TX, generally located on the east side of Tabor Parkway, approximately 1,300 feet south of Kings Fort Parkway and 850 feet north of Dillard Lane (Property ID 57208). (Case Z-04-24)

The Public Hearing was opened at 6:17 p.m.

Director of Development Services Andrew Bogda presented a report on the proposed **Zoning Change**. Details of the case can be found in report Z-04-24 dated 06-04-2024.

Robert Miklos stated the developer is going to be building the houses in this development.

Commissioner Lopez asked if there is enough water for this development, to which Staff indicated there was.

The Public Hearing was closed at 6:33 p.m.

Commissioner Lopez made a motion to approve the change of zoning from Planned Development District-7-SF-6 (5,000 sq. ft.) to PD Planned Development District-27 for property generally located on the east side of Tabor Parkway. The motion was seconded by Commissioner Sisson. The motion passed by a vote of 6-0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

Director of Development Services Andrew Bogda provided the following updates:

- The next Planning and Zoning Commission meeting will be on July 2nd at 6:00 pm.
- Red White and Boom will be held on Saturday June 29th to celebrate Independence Day.
- The City will start revising the Comprehensive Plan in the near future.
- Staff is looking at training for the Planning and Zoning members since we have so many new members.
- Staff recently met with the developers for South Pointe and the City is waiting for the developers to address the outstanding items prior to moving forward.
- Honors Academy located off of South Washington street was purchased by a church. They will be repairing one building, demolishing another building, and are still in discussion for the two buildings that used to be houses.

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

Chairman Dunn adjourned the meeting at 6:41 p.m.

APPROVED:

RICHARD DUNN
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNER



Planning and Zoning Commission Report

Meeting Date: July 2, 2024

SUBJECT: Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant (with conditions) on approximately 0.44 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, generally located at 5962 Fair Road (Property ID 5300) in the "HC" Highway Commercial District. (Case No. Z-06-24)

BACKGROUND/SUMMARY:

The applicant has applied for a revision to Specific Use Permit-47 (SUP-47), primarily to authorize a covered patio and accessory building (storage shed) that were constructed without a permit. SUP-47 was approved in August 2021 and allowed a private club (alcoholic beverage sales for on-premise consumption) in conjunction with a restaurant (with conditions) on the 0.44-acre property located at 5962 Fair Road. The business Lyons Den Daiquiri Shoppe operates on the property. The revision to the SUP would allow the covered patio (and for the use to expand to it), as well as the storage shed in the rear of the property.

Revised Plans:

The previously-approved site plan included a 1,466 sq. ft. brick-and-wood-frame building and a parking lot in front of the building with 8 spaces and a trash enclosure, with one access point on Fair Road, and a 6'-tall wood fence along the northeast property line. The site plan also included an option to provide a parking lot expansion behind the building if needed.

Since that time, the applicant has installed a 16'-6" x 22' (363 sq. ft.) covered patio behind the building, as well as an 8' x 12' (96 sq. ft.) storage shed at the northeast corner of the lot. Plans have been provided for the patio cover, which decreases in height from 9'-7" closest to the building to 8'-5" as it slopes away from the building at a 1:12 roof pitch; the structure includes mostly metal construction (with some wood), while the patio itself is concrete. The structure is attached to the building and includes an additional 3 support posts near the edge of the cover. Building plans were not provided for the storage shed, which is situated 5' from the rear and side property lines.

No changes to the existing building, parking lot, or the rest of the property are planned. The patio is already served by an existing sidewalk that connects to the front of the building and the parking lot, as well as a rear door that provides direct access between the patio and the building. The 20-person seating area for the interior part of the restaurant required 6.67 parking spaces based on the parking calculations for restaurant and private club uses, while 8 were provided. In the patio area, up to 4 seats can be provided without needing to add more parking to meet the requirements; the patio will have 2 tables accommodating a total of 4 seats.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	HC	Vacant land
South:	ETJ (across street)	Single-family residential
East:	HC	Single-family residence
West:	HC	Vacant land



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the future land use of the subject property as Future Commercial. The property is zoned "HC" Highway Commercial with a Specific Use Permit for a private club (alcoholic beverage sales for on-premise consumption) in conjunction with a restaurant. Staff finds the proposed revisions to SUP-47 to accommodate the covered patio and storage shed to be consistent with the Future Land Use Plan.

DETERMINATIONS NECESSARY FOR CONSIDERING SPECIFIC USE PERMITS

Sec 30.2. – SPECIFIC USE PERMIT REGULATIONS:

- A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:
1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;
 4. Any negative impact on the surrounding area has been mitigated; and/or
 5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 10 property owners within 300 feet of the property. The results are as follows:

- Number of property owners who returned letter in agreement of the request: 1
- Number of property owners who returned letter in opposition of the request: 2
- Number of property owners have not responded: 7

The 20% percent rule for rezoning is if 20% of the area (located within the city limits) within 200 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 zoning change 20% rule is a State law.

The City received 1 letter of support from surrounding property owners:

Date:	6-15-2024	RE:	Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant (with conditions) on approximately 0.44 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, generally located at 5962 Fair Road (Property ID 5300). The property is located in the "HC" Highway Commercial zoning district. (Case Z-06-24)
Name:	Denisha Camp		
Address:	5928 FAIR RD		
City & State:	Kaufman, TX 75142		
Phone #:	469 595 2840	Email Address:	denishas34@yahoo.com
COMMENTS:	I'm in favor of Lion's Den Paiguirri Shop. These owners are very nice + always willing to help the community. Please grant them whatever they want.		
Denisha Camp		Denisha Camp	
NAME PRINTED		SIGNATURE	

The City received 2 letters of opposition from surrounding property owners:

Date:	06-26-2024	RE:	Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant (with conditions) on approximately 0.44 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, generally located at 5962 Fair Road (Property ID 5300). The property is located in the "HC" Highway Commercial zoning district. (Case Z-06-24)
Name:	GLENN COY SR.		
Address:	1042 SUNSET DR.		
City & State:	Kaufman, TX 75142		
Phone #:	972-932-1353	Email Address:	
COMMENTS:	What benefits will it bring in this area? A Club?		
GLENN COY SR.		Glenn Coy Sr.	
NAME PRINTED		SIGNATURE	

Date:	<u>June 27, 2024</u>	RE:	Conduct a public hearing and make a recommendation to City Council for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant (with conditions) on approximately 0.44 acres out of the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas, generally located at 5962 Fair Road (Property ID 5300). The property is located in the "HC" Highway Commercial zoning district. (Case Z-06-24)
Name:	<u>Danny Hise</u>	☐ I AM IN FAVOR	☒ I OBJECT
Address:	<u>5991 Fair Rd.</u>	Phone #:	<u>214-232-1651</u>
City & State:	<u>Kaufman Tx 75142</u>	Email Address:	<u>gdhise@embarqmail.com</u>
COMMENTS:	<u>Take note that part of our property is in</u> <u>the city limits of Kaufman and we are on the</u> <u>tax rolls. Also check date at top of this page.</u> <u>Thursday is the 27th of June not the 30th</u> <u>Danny Hise</u>		
	NAME PRINTED	<u>Danny Hise</u>	SIGNATURE

RECOMMENDATION:

Staff recommends approval of Z-06-24 for Specific Use Permit-47R (SUP-47R) for a revision to Specific Use Permit-47 (SUP-47), being a Specific Use Permit for a private club in conjunction with a restaurant on 0.44 acres located at 5962 Fair Road, with the following conditions:

1. The Property, including all buildings, premise, or land used pursuant to this SUP-47R shall not be enlarged, modified, structurally altered, added to, or otherwise significantly changed in size nor from the layout on the approved Site Plan and associated exhibits unless an amendment to SUP-47R is first approved by the City Council specifically authorizing such enlargement, modification, structural alteration, or change to the Property, Site Plan, or associated exhibits.
2. The Owner and/or Operator of the Property shall retroactively obtain all required building permits and receive and pass all inspections for the covered patio and storage shed and shall remedy any defects, as directed by the Building Official or their designee, during the permitting and inspection process.
3. The Owner and/or Operator of the Property shall possess and continuously maintain a current Texas Alcoholic Beverage Commission (TABC) Private Club license for the continued operation of the Property for Central Business District with Specific Use Permit-47R zoning designation.
4. The Owner and/or Operator of the Property shall possess and continuously maintain a current City of Kaufman Alcohol Permit for the Property.
5. All sales of alcoholic beverages shall be allowed for on-premise consumption only.
6. Fifty percent (50%) or more of sales transacted upon the Property shall be from food.

ATTACHMENTS:

- Location Map
- Exhibit A – Property Description/Survey
- Exhibit B – Revised Site Plan
- Exhibit C – Patio Cover Plans

- Exhibit D – Previously Approved Plans for SUP-47

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

Location Map



Exhibit A – Property Description/Survey

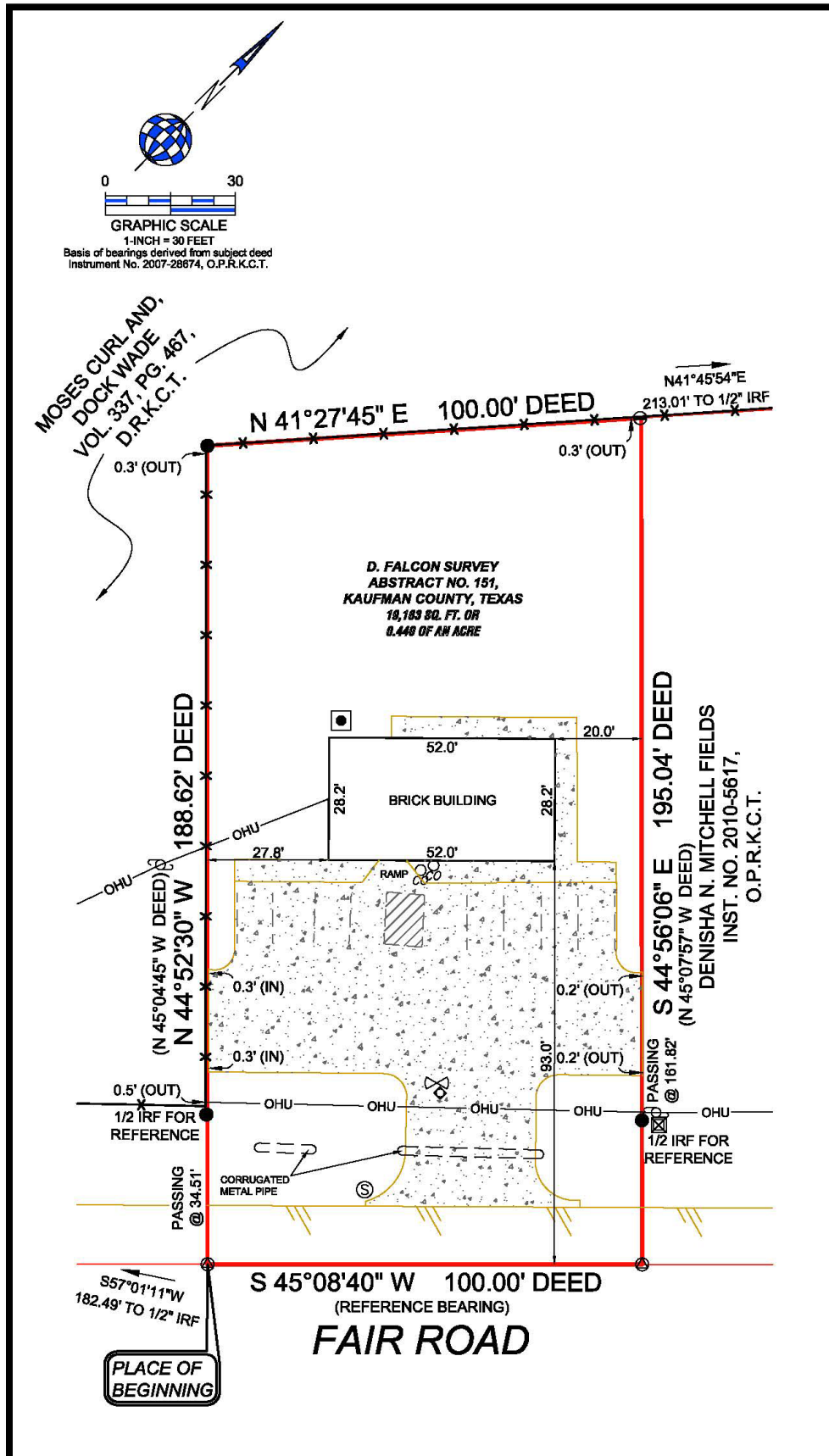
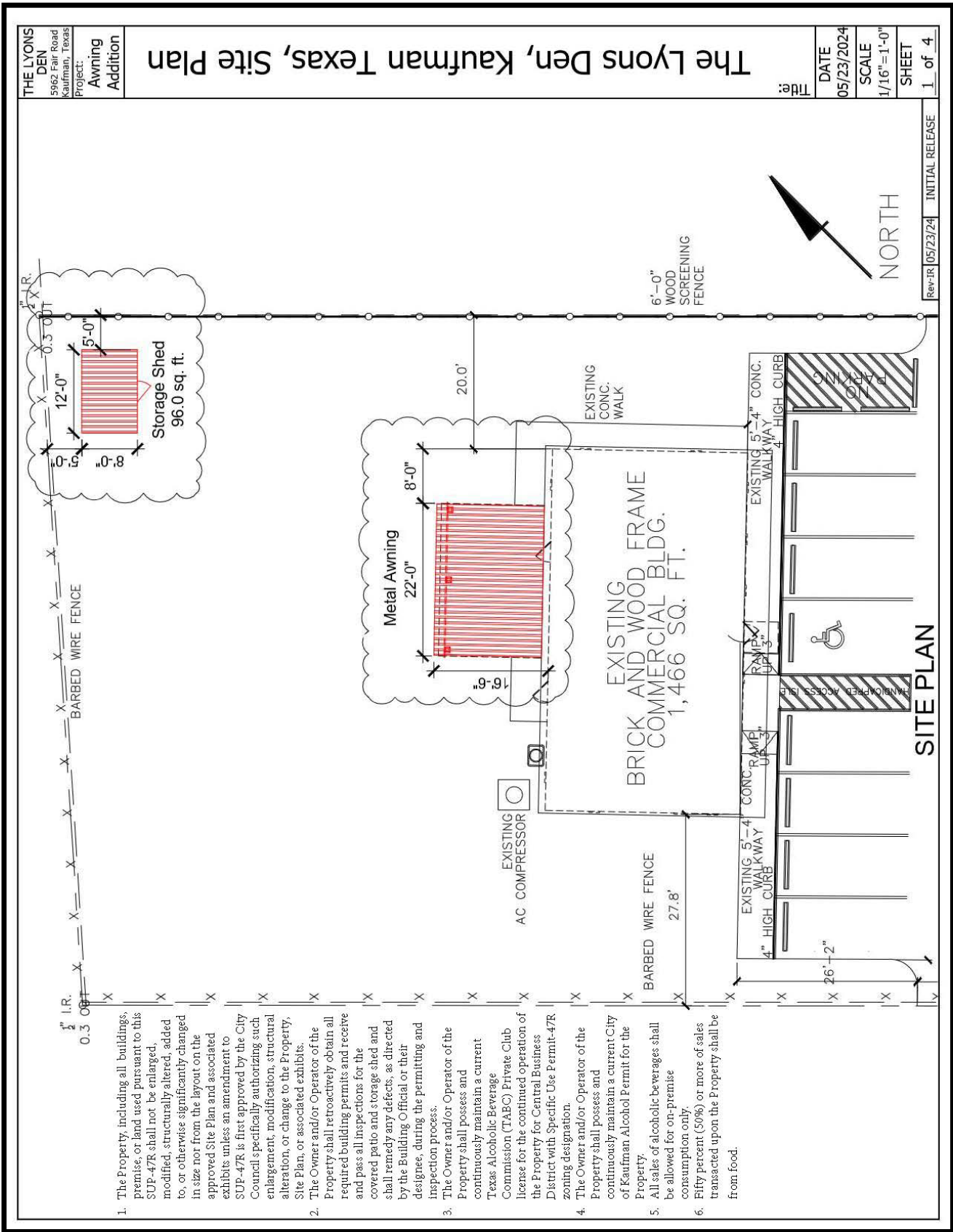


Exhibit B – Revised Site Plan



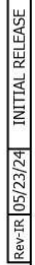


Exhibit C – Patio Cover Plans

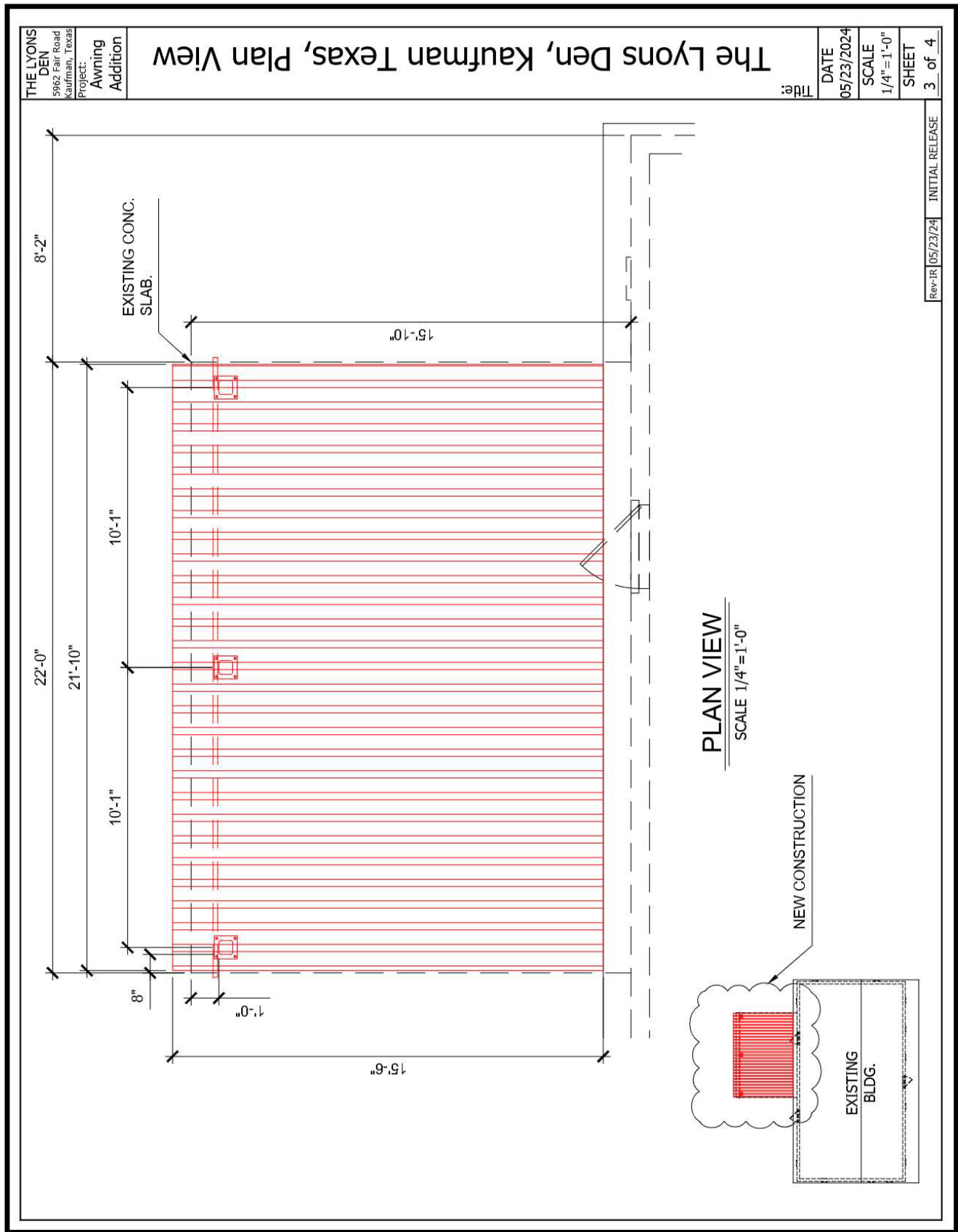


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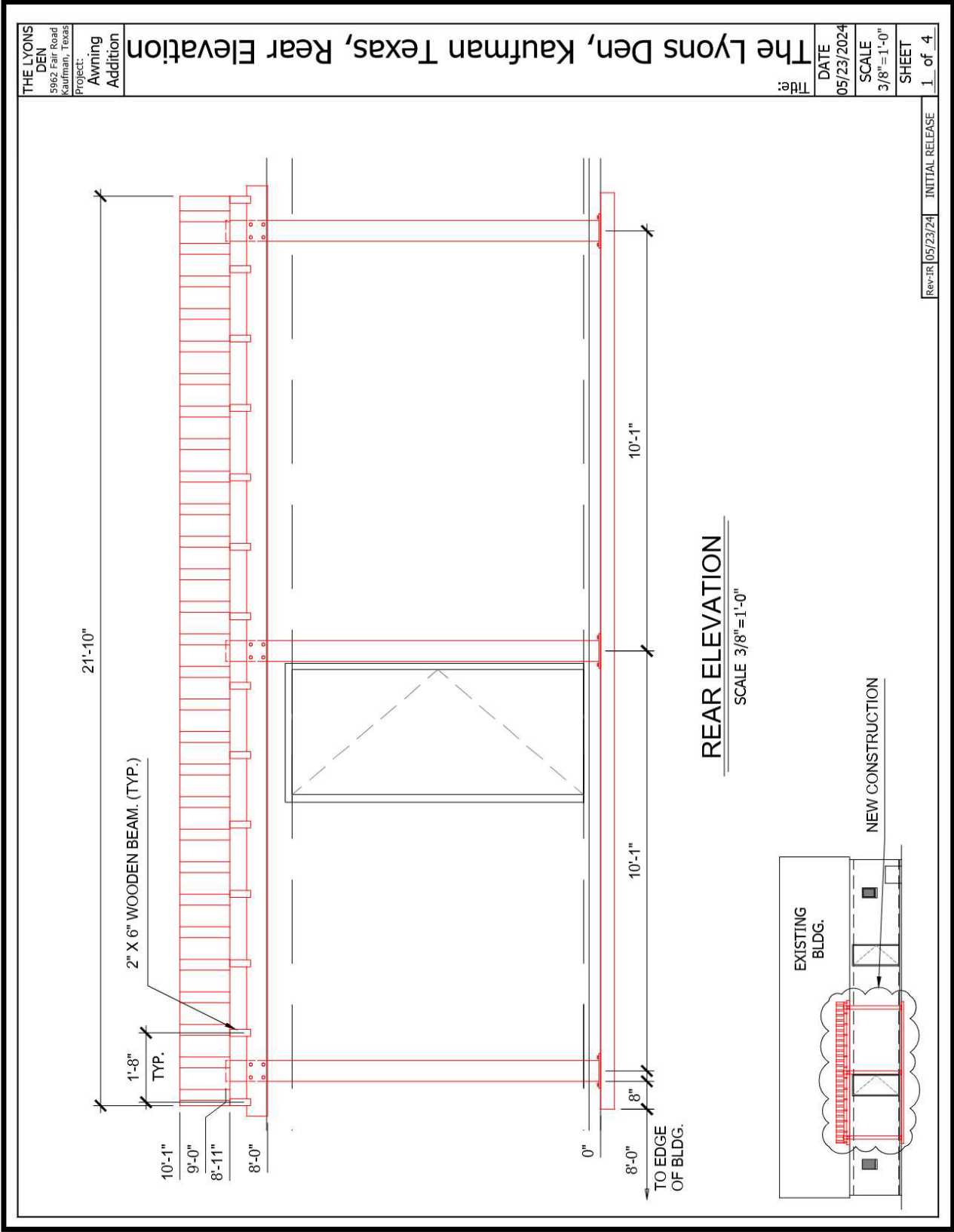
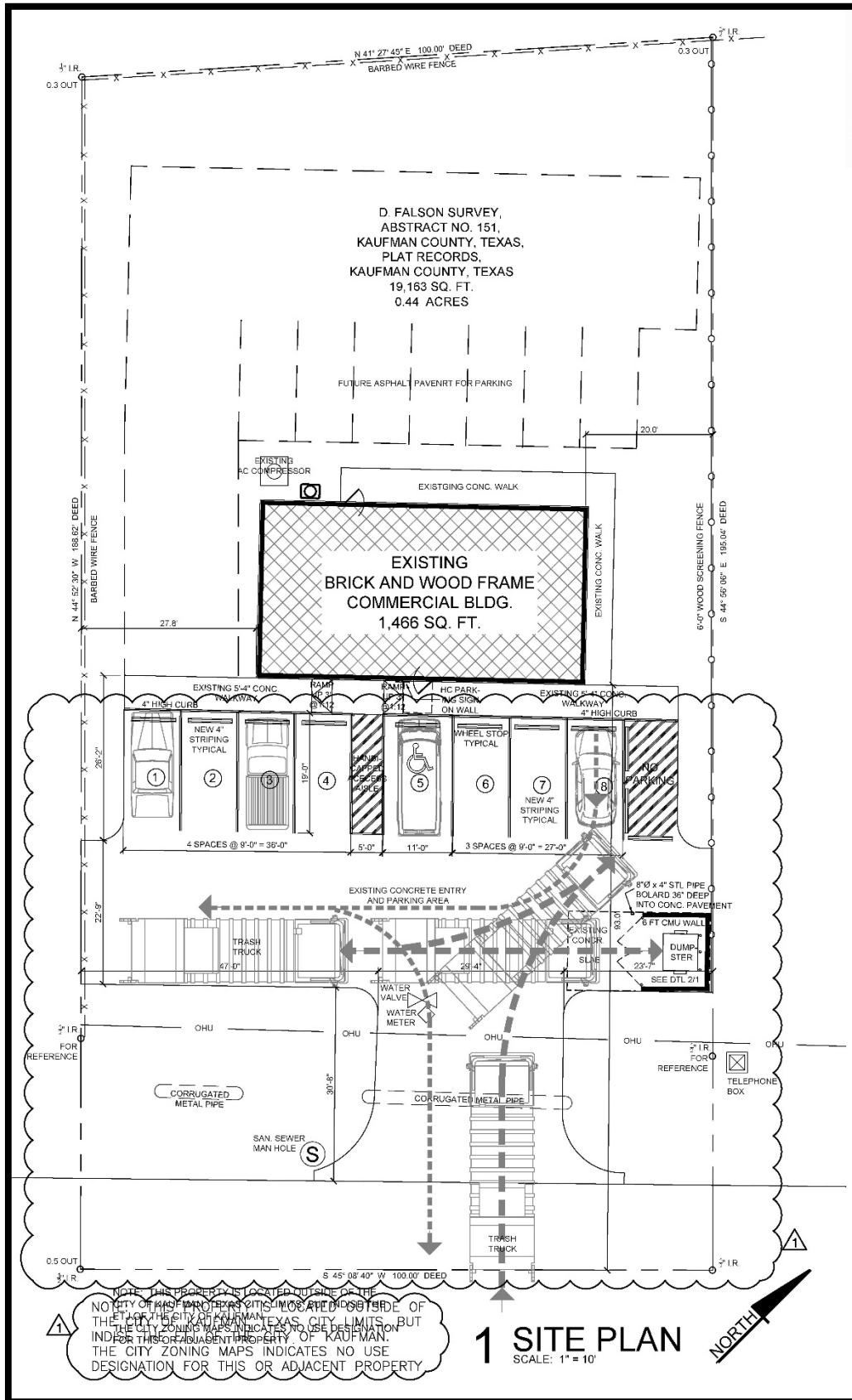
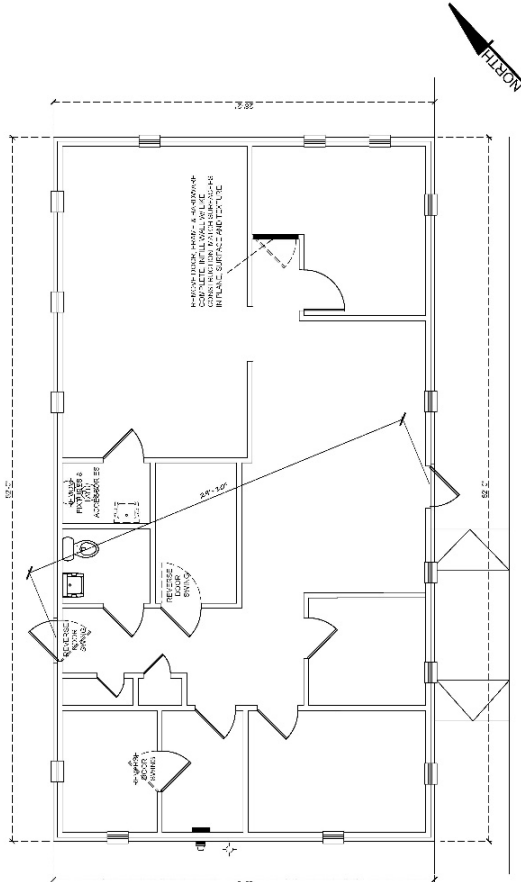


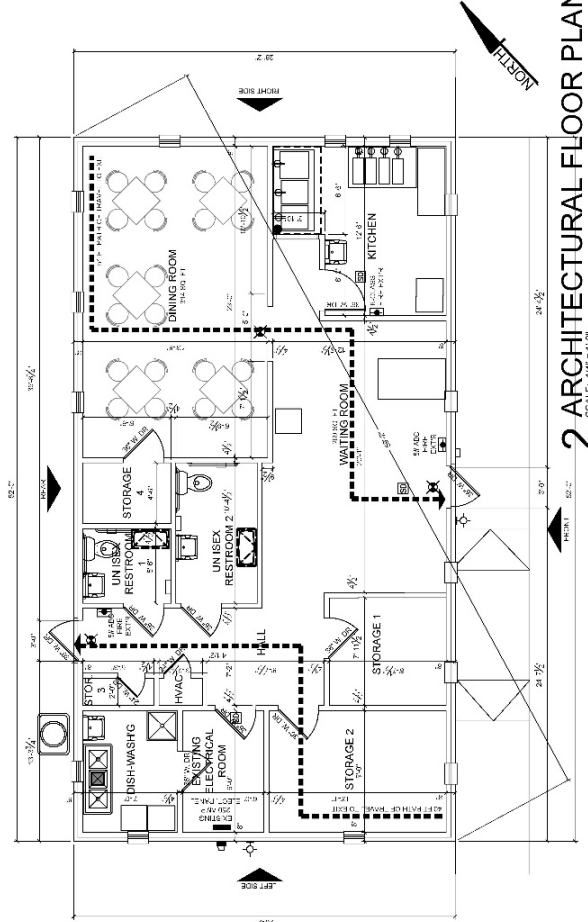
Exhibit D – Previously Approved Plans for SUP-47



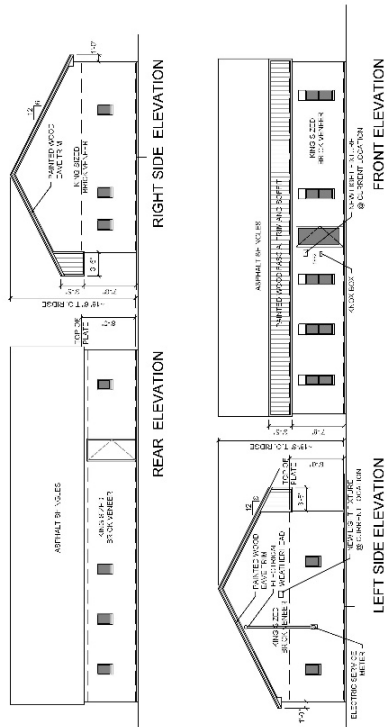
1 AS BUILT / DEMOLITION PLAN



2 ARCHITECTURAL FLOOR PLAN



3 BUILDING EXTERIOR ELEVATIONS

[illegible]

NOTES

ALL THE $\rightarrow$ ANSWERS ARE IN ITALIC IN THE ORIGINAL OF SAME NAME. "SISTEMI" WAS TRANSLATED AS "SYSTEMS".

1. ILLUSTRATE THE CONCEPT OF A "SYSTEM" BY DRAWING A SCHEMATIC OF A SIMPLE SYSTEM (E.G., A HOUSE) AND EXPLAINING THE COMPONENTS AND THEIR INTERACTIONS.

2. DISCUSS THE IMPORTANCE OF SYSTEMS THINKING IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT AND THE CHALLENGES IT PRESENTS.

3. ANALYZE THE CONCEPT OF A "SYSTEM" BY DRAWING A SCHEMATIC OF A SIMPLE SYSTEM (E.G., A HOUSE) AND EXPLAINING THE COMPONENTS AND THEIR INTERACTIONS.

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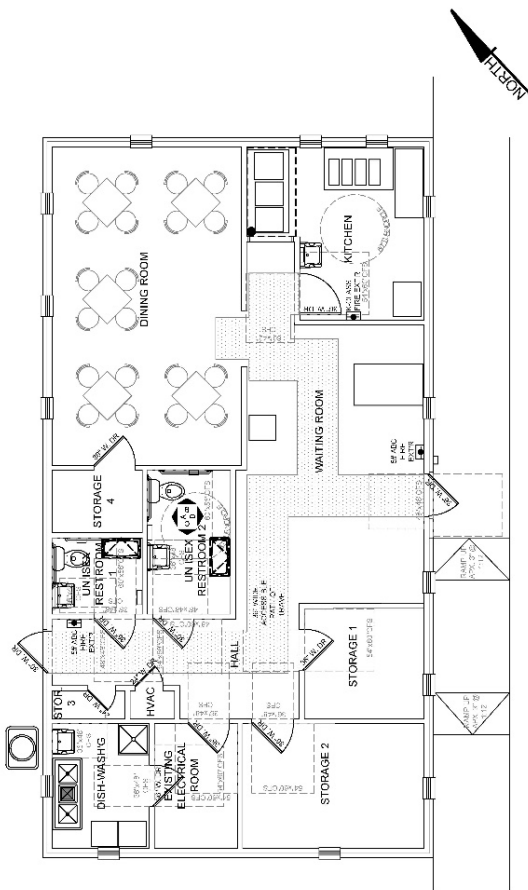
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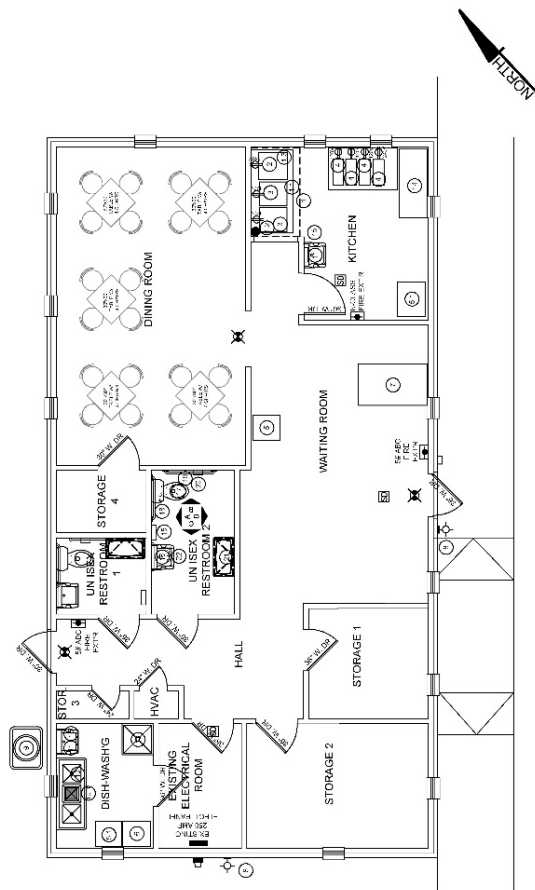
10. DISCUSS THE IMPORTANCE OF SYSTEMS THINKING IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT AND THE CHALLENGES IT PRESENTS.

OCCUPANT / EXITING TABULATION

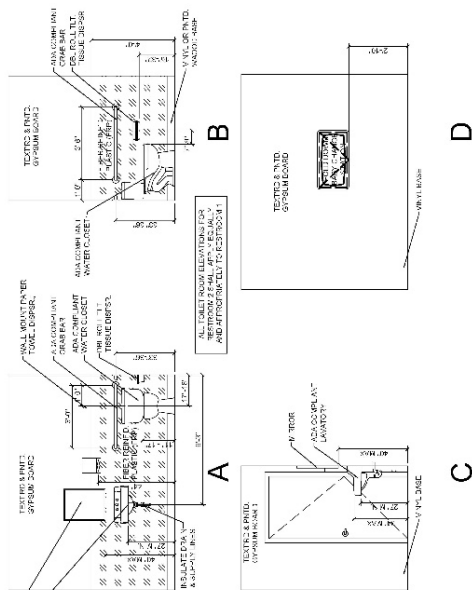
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1 ACCESSIBILITY PLAN
SCALE: 1/8" = 1'-0"



2 EQUIPMENT PLAN
SCALE: 1/8" = 1'-0"



3 ACCESSIBLE TOILET ELEVATIONS
SCALE: 3/8" = 1'-0"

ITEM	DESCRIPTION
1	VEHICLE HOOD, 6' x 3'
1.1	TABLE
1.2	VEHICLE SUPPRESS ON SYSTEM
1.3	WAKE-UP AIR
2	COIN-OPERATED DISPENSER
3	COIN-OPERATED DISPENSER
4	COIN-OPERATED DISPENSER
5	COIN-OPERATED DISPENSER
5.1	COIN-OPERATED DISPENSER
6	REFRIGERATOR
7	REFRIGERATOR
8	REFRIGERATOR
9	REFRIGERATOR
10	REFRIGERATOR
10.1	FLOOR SINK
11	WASH SINK
12	WASH SINK
13	WASH SINK
14	WASH SINK
15	PAPER TOWEL DISPENSOR
16	LAUNDRY
17	LAUNDRY
18	36" GRAB BAR
19	42" GRAB BAR
20	TOILET TISSUE DISPENSOR
21	TOILET TISSUE DISPENSOR
22	MIRROR