



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, DECEMBER 3, 2019 - 6:00 P.M.
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS**

CHAIRMAN	BURTON BROWN	
VICE-CHAIRMAN	PATRICK CARDOZA	
COMMISSIONER	COLTEN BRANTLEY	(Absent)
COMMISSIONER	RICHARD DUNN	
COMMISSIONER	GLADIS SALDANA	
COMMISSIONER	CURTIS SNOW	
COMMISSIONER	VACANT	

PLEDGE OF ALLEGIANCE

US FLAG

TEXAS FLAG

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

CALL THE MEETING TO ORDER: CHAIRMAN CALLS THE MEETING OR ORDER, STATES THE DATE AND TIME, STATES THE COMMISSIONERS PRESENT, AND DECLARES A QUORUM PRESENT.

Chairman Brown called the meeting to order at 6:03 p.m. Tuesday, December 3, 2019. Commissioners present were Chairman Burton Brown, Vice-Chairman Cardoza, Commissioner Richard Dunn, Commissioner Gladis Saldana, and Commissioner Curtis Snow. Director of Development Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the audience were Phil Paramore, Steve Paramore, Mary Paramore, Buck Marshall, William Johnson, Summer Harrison, Mr. & Mrs. Matthew Shelton, Ann McKinnon, Helen Peteet, Loyce Nix, Bob Laird, LaDonna Laird, Sonia Prakash, Elaurhur Prakash, Abisulk Prakash, and Ann McKinnin.

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

Comments about any of the Planning and Zoning 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 Planning and Zoning 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 Commissioners as a whole. **When addressing the Planning and Zoning**

Commissioners, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and Commissioners.

PUBLIC HEARING ITEM:

1. CONDUCT CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A REQUEST BY STEVE PARAMORE ON THE FARM VILLAGE PHASE I ADDITION BEING A REPLAT OF LOTS 2-9, OPEN AREA, GREEN SPACE AREAS AND REALIGNING THE RIGHT OF WAY FOR FARM VILLAGE ROAD AND VARIANCES TO THE SUBDIVISION REGULATIONS, SECTION III. "SUBDIVISION DESIGN STANDARDS", SECTION 3.1 "STREETS" SPECIFIC TO STREET CONSTRUCTION, CUL-DE-SAC LENGTH, TWO POINTS OF ENTRANCES TO A SUBDIVISION, SECTION 3.5 "SIDEWALKS", AND SECTION 3.10 "STORMWATER COLLECTION/CONVEYANCE SYSTEMS". THIS 34.43 ACRE SITE IS LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KAUFMAN AND GENERALLY LOCATED ALONG SOUTH SH 34 ON THE EAST SIDE ALMOST TO THE CITY OF SCURRY AND BEHIND THE GASTONIA SCURRY SPECIAL UTILITY DISTRICT WATER TOWER, ONTO FARM VILLAGE ROAD, 8355 VILLAGE GLEN LANE AND OTHER UNADDRESSED VACANT LOTS WITHIN THE SUBDIVISION. A TWELVE LOT SUBDIVISION IS PROPOSED. (FP-11-19)
 - A. PRESENTATION OF REQUESTED SUBDIVISION ORDINANCE VARIANCES AND FARM VILLAGE, PHASE 1, REPLAT.
 - I. SECTION 3.1.C.7 STREET CONSTRUCTION - ALL STREETS AND THOROUGHFARES SHALL BE CONSTRUCTED OF PORTLAND CEMENT CONCRETE TO CITY STANDARDS. REQUESTING: ALL STREETS NOT TO BE CONSTRUCTED.
 11. SECTION 3.1.P CUL-DE-SAC LENGTH - A CUL-DE-SAC STREET SHALL NOT BE LONGER THAN 600 FEET, AND AT THE CLOSED END SHALL HAVE A TURN-AROUND BULB WITH AN OUTSIDE PAVEMENT DIAMETER OF AT LEAST 80 FEET AND A RIGHT-OF-WAY DIAMETER OF AT LEAST 100 FEET. THE LENGTH OF A CUL-DE-SAC SHALL BE MEASURED FROM THE CENTERLINE OF THE INTERSECTION STREET TO THE CENTERLINE OF THE CUL-DE-SAC BULB. REQUESTING THE LENGTH OF THE CUL-DE-SAC FOR FARM VILLAGE ROAD AND

VILLAGE GLEN ROAD BE LONGER THAN THE 600 FOOT
MAXIMUM ALLOWABLE LENGTH.

ILL. SECTION 3.1.T TWO POINTS OF ENTRANCE TO A
SUBDIVISION- ALL SUBDIVISIONS SHALL HAVE AT LEAST
TWO POINTS OF ACCESS FROM IMPROVED PUBLIC
ROADWAYS. REQUESTING TO ALLOW FARM VILLAGE
ROAD, A SINGLE UNPAVED ROAD, FROM SH 34 AS THE
SINGLE POINT OF ACCESS TO FARM VILLAGE ADDITION.
VICTORY LANE IS NOT PROPOSED TO BE DEVELOPED
UNTIL UNKNOWN FUTURE DATE..

IV. SECTION 3.5.A. SIDEWALKS - PEDESTRIAN CONCRETE
SIDEWALKS NOT LESS THAN 4 FEET WIDE SHALL BE
PROVIDED WITHIN ALL RESIDENTIAL SUBDIVISIONS, AND
SIDEWALKS NOT LESS THAN 5 FEET WIDE SHALL BE
PROVIDED WITHIN ALL NON-RESIDENTIAL DEVELOPMENTS
AND ALONG ALL PERIMETER ROADWAYS (FOR BOTH
RESIDENTIAL AND NON-RESIDENTIAL DEVELOPS).
REQUESTING TO INSTALL NO SIDEWALKS WITHIN OR ON THE
PERIMETER OF THE SUBDIVISION.

V. SECTION 3.10.A STORMWATER COLLECTION/CONVEYANCE
SYSTEMS - SYSTEM DESIGN REQUIREMENTS - ALL
SUBDIVISIONS WITH AN AVERAGE LOT SIZE OF 20,000 SF
SHALL HAVE A CONCRETE CURB AND GUTTER DRAINAGE
SYSTEM. REQUESTING TO NOT PROVIDE A CONCRETE
CURB AND GUTTER DRAINAGE SYSTEM.

B. PUBLIC HEARINGS

The Public Hearing opened at 6:06 p.m.

Marcy Ratcliff, Director of Development Services stated the original developer Charles Paramore passed away and the majority of Farm Village Addition is now owned by his wife Mary Paramore. Mrs. Paramore's sons are acting as her agent and the executor of the estate. They along with the owner of Lot 9, Cornerstone Lodge are requesting to replat the subdivision to create three more lots, propose to change the alignment of Farm Village Road, add Victory Lane and dedicate the streets as right-of-way. Previously all the streets were dedicated as private streets. Since 2003 no infrastructure (paved streets, stormwater collection/conveyance system, street lights, and street signs) has been added to the subdivision. Lots 10 and 11 are located north of the new alignment of Farm Village

Road. Lot 12 was lot 9 in the 1995 final plat, but was unlabeled as a lot in the 2003 replat.

The applicants are requesting variances to the subdivision design standards again because of the street realignment. No engineering design plans were submitted with the replat application, so the variances listed below are based on the plat itself, the Subdivision Ordinance and the variances requested previously in 2003. The applicants do not want to become developers (installers of infrastructure). The purpose of the replat is to create lots 10 and 11 for the purpose of selling off portions of the subdivision with no infrastructure improvements.

In 1995 - Farm Village Addition, Phase 1 had an approved preliminary plat, land study and final plat. The approved land study was a concept for a conference and retreat center that had an early 1900's farm village appearance. The subdivision was to consist of two types of development, a village concept called Farm Village and residential concept called Village Glen, which would exemplify a theme of single family houses designed in the 1890-1920 period. That concept meant no sidewalks or drainage facilities to keep the nostalgic appearance. There are existing Gastonia-Scurry Special Utility District water lines and ATMOS gas lines that were installed at that time. There was not a file on the 1995 plat. There is no mention of variances to the Subdivision Ordinance's design standards. The plat created nine lots. (See page 5 for copy of original plat)

1999 – City adopted the current Subdivision Ordinance.

2003 – Farm Village Addition, Phase 1 was requested to be replatted (see page 10 for copy of replat with colors summarizing the changes). Lot 1 was changed to lot 2 (colored yellow). Farm Village Road was extended back between a new lot 1 (colored blue) and lot 2 (colored yellow) to a new lot 9 (colored purple) with a temporary cul-de-sac. Another temporary cul-de-sac was added at the end Village Glen Road between lots 5 and 6. The old lot 9 was relabeled as Agricultural Open with no specific lot number (colored green). The replat created 2 new lots (lots 1 and 9) and created an agriculture open area now not designated as a lot (formerly lot 9).

Engineering development plans were submitted. The plans included paving plans for Farm Village Road and Village Glen Road, a drainage plan and a water line extension to the new lot 9, drainage area map, and storm water pollution plan. Variances to the subdivision design standards were requested. Below is a brief summary of the variances approved by City Council on February 10, 2003.

2003 Subdivision Design Variances Approved

1. A 60 foot wide street (size of a minor collector) to be a private street. The subdivision ordinance requires streets wider than 50 feet be dedicated as public streets. (Street Design Standards - **Section 3.1.c.10.b**)
2. If I understand, in 2003 escrow fees were required for the future widening of SH 34 and sidewalks. The applicant did not want to pay for that 147.58 foot wide portion in front of the water tower parcel because it was to be conveyed to Gastonia-Scurry Special Utility District for a future water tower. (**Street Design Standards – Section 3.1.d**)
3. The length of the cul-de-sac for Farm Village Road and Village Glen Road were longer than the 600 foot maximum allowable length. There is not a statement on the plat stating how long each of the cul-de-sac streets were but they both exceeded the maximum 600 foot length. (**Street Design Standards – Section 3.1.p**)
4. All subdivisions shall have at least two points of access from improved public roadways. One paved point of access was to be provided to the subdivision from Farm Village Road and a temporary 24 foot wide gravel access road would be provided until phase 2 was developed. (**Street Design Standards – Section 3.1.t**) Farm Village Road was never paved. The 2nd temporary entrance point was never put in place.
5. All subdivisions with an average lot size of 20,000 SF shall have a concrete curb and gutter drainage system. (**Stormwater Collection/conveyance Systems – Section 3.10.a System design requirements**) Bar ditches were proposed to collect and convey the stormwater runoff. No bar ditches were ever constructed.
6. Pedestrian concrete sidewalks not less than 4 feet wide shall be provided within all residential subdivisions, and sidewalks not less than 5 feet wide shall be provided within all non-residential developments and along all perimeter roadways (for both residential and non-residential developments). (**Sidewalks Section 3.5.a.**) No sidewalks exist within or on the perimeter of the subdivision.

Chairman Brown asked if any other lots have been developed? If you have residents that live there, wouldn't it be important to have streets and drainage to help protect the property? Since there are 3 lots that are currently developed, then our hands are tied as to what we can do.

Commissioner Snow asked what were the variances that were approved in 2003? If the plat was approved today, what would Mr. Paramore have to do tomorrow?

Commissioner Saldana stated the property has not been developed according to the approved plat since 2003. The Planning and Zoning Commissioners are supposed to support the subdivision regulations to

allow for development that will meet the minimum standards and unfortunately the dream the owner had for this property did not materialize. Please keep in mind that the Planning and Zoning Commission is a board that can make recommendations only. It will be up to the City Council to decide if they want to approve the plat with the variances or not.

Steve Paramore stated he has been working on this subdivision with Jon and Don Burt for over a year now. The person who owns lot 1 wants to purchase lot 10. A different person wants to purchase lot 11. Neither one of the purchasers want to purchase the lots with a road or right of way going through the middle of the lots. Corner Stone Church wants access directly to Highway 34. His father's dream was to make this into a retreat for young married couples where they can work on their marriage and their relationship with God. Unfortunately he had to sell some of the property located behind this one to help pay bills. He is just asking for the same variances that was approved in 2003, be approved now so he can sell some of the lots to help care for his mother. The current road is a rock and dirt mixture and it is essentially a driveway for the 3 lots that are developed.

Buck Marshall stated the people that are living in this subdivision is because they want the natural and rural type of environment and not one with streets, gutters and lights. He is interested in lots 2 & 3 so it will not be developed but left natural. The people on lot 1 like hunting and fishing and loves the wide open outdoors. This case is as simple as move the location of a driveway from one spot to another. It shouldn't be complicated. The subdivision is already there and the people that live there don't want it developed.

The Public Hearing closed at 7:20 p.m.

C. CONSIDER AND MAKE A RECOMMENDATION ON SUBDIVISION ORDINANCE VARIANCE REQUESTS.

Commissioner Snow made a motion to deny all of the requested variances listed above. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with Chairman Brown, Commissioner Dunn, Commissioner Saldana, and Commissioner Snow voting AYE, and Vice-Chairman Cardoza voting Nay. The motion carried by a vote of 4-1.

D. CONSIDER AND MAKE A RECOMMENDATION ON THE FARM VILLAGE, PHASE 1 REPLAT REQUEST.

Commissioner Dunn made a motion to deny the request to replat Farm Village, Phase 1. The motion was seconded by Commissioner Snow. Chairman Brown called for a vote with Chairman Brown, Commissioner

Dunn, Commissioner Saldana, and Commissioner Snow voting AYE, and Vice-Chairman Cardoza voting Nay. The motion carried by a vote of 4-1.

2. CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A REQUEST BY MATTHEW SHELTON AND SUMMER HARRISON TO AMEND THE CITY OF KAUFMAN'S FUTURE LAND USE PLAN FROM FUTURE COMMERCIAL TO FUTURE MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ON THE PROPERTY ADDRESSED AS 711 EAST 1ST NORTH STREET AND PART OF BLOCK 324 OF THE KAUFMAN REVISED ADDITION. THE PROPERTY IS PROPOSED TO BE USED AS A SINGLE FAMILY DEVELOPMENT. (M-01-19)

The Public Hearing opened at 7:30 p.m.

Marcy Ratcliff, Director of Development Services stated when the Comprehensive Plan was adopted in 1999 the subject property was shown as low density residential and remained that way until the 2008 update. In 2008 the proposed future land use of the 700 block of East 1st North was revised to future commercial land use to reflect the current retail zoning of the property and the Future North SH 34 Bypass(north of Mulberry Street). The thought at that time was the construction of the Future North SH 34 Bypass would change the needs of the neighborhood and allowing limited commercial uses within the neighborhood would be beneficial. Letting a commercial property at the northeast corner of the intersection of East 1st North and the Future SH 34 Bypass North at the time, made sense. Development events have not occurred as initially thought. Even the alignment of Future SH 34 Bypass South changed at Rand Road. The current SH 34 Bypass South heading north of Rand Road now aligns with the intersection of SH 243 (East Mulberry Street) and Terrell Highway (SH 34).

TxDOT held several public meetings throughout Kaufman County in 2018 to collect, document and analyze the public's input on the SH 34 Feasibility Study to determine where and when in the future it would connect from Kaufman to Interstate 20 in Terrell. A final conclusion has not been published to date.

The subject property was zoned Retail in the 1999 City wide rezoning. The property was rezoned from General Industrial to Local Retail between 1992 and 1999. The property is currently used as a single family residence with an art studio. The existing metal building was originally developed as a feed store known as the "old compress".

The subject property has been zoned as some type of retail or general industrial property since 1980, due to the original building's use and its' proximity to the Future State Highway 34 Bypass. For almost 40 years, nothing commercially or industrially has ever redeveloped on the property. There is an opportunity to have

the building improved a residential use and to become an asset to the neighborhood, which is long overdue.

Summer Harrison stated the sale of this property is contingent upon it being rezoned to residential, since the bank will not lend the Sheltons money to purchase the property as it is. They have plans to remodel the exterior and interior living area of the building during the 1st phase of development. During the second phase they will edevelop the rest of the building and property.

Commissioner Snow asked if they were aware that the Highway 34 Bypass could possibly go through their property?

Matthew Shelton stated there is a beautiful view at the back of the property that they would like to make as the focal point for the livingroom by installing large glass windows. He is hoping that TxDOT doesn't decide to use the route through their property, especiall since there is a cemetery located to the rear of the property.

The Public Hearing closed at 7:35 p.m.

Commissioner Dunn made a motion to approve to amend the City of Kaufman's Future Land Use Plan from Future Commercial to Future Medium Density Single Family Residential on the property addressed as 711 East 1st North Street and part of Block 324 of the Kaufman Revised Addition. The motion was seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

3. CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A REQUEST BY MATTHEW SHELTON AND SUMMER HARRISON TO REZONE THE PROPERTY ADDRESSED AS 711 EAST 1ST NORTH STREET AND PART OF BLOCK 324 OF THE KAUFMAN REVISED ADDITION FROM RETAIL (R) TO SINGLE FAMILY 6 (SF-6). THE PROPERTY IS PROPOSED TO BE USED AS A SINGLE FAMILY DEVELOPMENT. (Z-09-19)

The Public Hearing opened at 7:37 p.m.

Marcy Ratcliff, Director of Development Services stated the subject property was zoned Retail in the 1999 City wide rezoning. The property was rezoned from General Industrial to Local Retail between 1992 and 1999. The property is currently used as a single family residence with an art studio. The existing metal building was originally developed as a feed store known as the "old compress". Staff does not know how the building was allowed to be occupied as a residence. The residential use is considered non-conforming with the existing Retail zoning. The applicant desires to complete the exterior restoration/renovation that will maintain the building's historical charm and allow as a matter of right the ability to

occupy the structure as a single family residence. The rezoning would allow building permits to be issued for residential renovations.

The subject property has been zoned as some type of retail or general industrial property since 1980, due to the original building use and its proximity to the Future State Highway 34 Bypass. For almost 40 years, nothing commercially or industrially has ever redeveloped on the property. There is an opportunity to have the building to be improved and to become an asset to the neighborhood, which is long overdue.

The Public Hearing closed at 7:39 p.m.

Commissioner Snow made a motion to approve to rezone the property addressed as 711 East 1st North Street and part of Block 324 of the Kaufman Revised Addition from Retail (R) to Single Family 6 (SF-6). The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

DISCUSSION:

4. **CONSIDER AND MAKE A RECOMMENDATION TO CITY COUNCIL ON THE PRELIMINARY PLAT OF LOTS 1-5, BLOCK 1, THE STERLINGS ADDITION. THE 0.993 ACRE SITE IS LOCATED BETWEEN LIONS DEN TRAIL AND TABOR PARKWAY. THE PROPERTY IS ZONED TOWNHOUSE (TH). A SUBDIVISION OF FIVE DUPLEX LOTS IS PROPOSED.(PP-02-19)**

Marcy Ratcliff, Director of Development Services stated Wade Hebb requested to have Lots 1-5 preliminary platted and are proposed to be developed with five duplexes for a total of 10 dwelling units, similar to the duplexes previously built on property located between Lions Den Trail and Tabor Parkway.. The minimum lot size is 7,000 SF. Lot 5 is significantly larger due to an existing 20 foot access easement to a 20 foot x 25 foot area for a pad site for the switching building for the existing adjacent tower. The access easement area is undevelopable.

Vice-Chairman Cardoza made a motion to approve the Preliminary Plat of Lots 1-5, Block 1, Sterlings Addition, which is a 0.993 acre site is located between Lions Den Trail and Tabor Parkway. The motion was seconded by Commissioner Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

5. **CONSIDER AND MAKE A RECOMMENDATION TO CITY COUNCIL ON THE FINAL PLAT OF LOTS 1-5, BLOCK 1, STERLINGS ADDITION. THE 0.993 ACRE SITE IS LOCATED BETWEEN LIONS DEN TRAIL AND TABOR PARKWAY. THE PROPERTY IS ZONED TOWNHOUSE (TH). A SUBDIVISION OF FIVE RESIDENTIAL LOTS IS PROPOSED. (FP-09-19)**

Marcy Ratcliff, Director of Development Services stated Wade Hebb requested to have Lots 1-5 final platted and are proposed to be developed with five duplexes for a total of 10 dwelling units, similar to the duplexes previously built on property located between Lions Den Trail and Tabor Parkway.. The minimum lot size is 7,000 SF. Lot 5 is significantly larger due to an existing 20 foot access easement to a 20 foot x 25 foot area for a pad site for the switching building for the existing adjacent tower. The access easement area is undevelopable.

Vice-Chairman Cardoza made a motion to approve the Final Plat of Lots 1-5, Block 1, Sterlings Addition, which is a 0.993 acre site is located between Lions Den Trail and Tabor Parkway. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

ANNOUNCEMENTS FROM CITY STAFF:

6. RECEIVE AN UPDATE AND DISCUSSION REGARDING THE FOLLOWING:

A. REPORT ON UPCOMING PLANNING AND ZONING COMMISSION CASES

- No cases for January 7, 2020, but there should be a case for February 4, 2020.

B. UPDATE ON NEW BUILDING PROGRESS

- Burger King - 700 E. Hwy. 175 - will be opening within the next 2 weeks.
- Schlotzsky's - 380 E. Hwy. 175 - is still working on the shell building and restaurant.
- Georgetown at Kings Fort Addition – 14 building permits have been issued for residential homes
- Plumtree Apartments - 4200 S. Washington – They are supposed to have their permit by December 31, 2019.

ADJOURNMENT

Vice-Chairman Cardoza made a motion to adjourn at 7:59 p.m., seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

BURTON BROWN
CHAIRMAN

ATTEST:

JOY HENDERSON
PLANNING TECHNICIAN