



**MINUTES OF THE
PLANNING AND ZONING
COMMISSION MEETING
BOARD MEETING
TUESDAY, MAY 5, 2020 - 6:00 PM
CITY HALL COUNCIL CHAMBERS
209 S. WASHINGTON STREET
KAUFMAN, TEXAS 75142**

PLEDGE OF ALLEGIANCE

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

Chairman Brown called the meeting to order at 6:02 p.m. Tuesday, May 5, 2020. Commissioners present were Chairman Burton Brown, Vice-Chairman Cardoza, Commissioner Richard Dunn, Commissioner Porfilo Lopez, and Commissioner Curtis Snow. Director of Development Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the audience were Zoom audience were Alvin Chandler, Kellie Stalusky, David Willis, Luis Spinola, Tammy Pierce, Ashford Chancelor, Bryan Lucas, Doug Haning, Tyler Adams, 214-546-1277 and 443058.

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.

No questions, comments or requests to speak.

CONSENT AGENDA

- 1. Consider and take appropriate action on the minutes of the March 3, 2020, Planning and Zoning Commission Meeting**

Commissioner Dunn made a motion to approve the Planning and Zoning Commission CONSENT AGENDA. 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.

END OF CONSENT AGENDA

PUBLIC HEARING

2. **Conduct a public hearing and make a recommendation to City Council on a request by Tyler Adams of Green Light Studio, LLC to rezone a 54 acre tract of land (PID 56876), out of the D. Falcon Survey, Abstract No. 151 and generally located at the northwest corner of S. Houston Street (FM 1388) and SH 34 Bypass, with additional frontage on S. Washington Street from Planned Development -1 (PD-1) to a new planned development district. The new planned development district is proposed to be a mixed use development including an indoor multi-sports facility, office, retail, restaurants, multi-family, townhouse and single family uses. (Z-01-20)**

Marcy Ratcliff, Director of Development Services stated Tyler Adams is requesting to rezone an undeveloped 54 acre tract of land (PID 56876), owned by the City of Kaufman from Planned Development – 1 (PD-1) to a new planned development district for a mixed use development. The development is divided into four subdistricts (A-D). The Commercial District is the base zoning for subdistricts A-C. The Townhouse District is base zoning for subdistrict D. The mixed use development is proposed to be developed in four phases. **Phase 1** (subdistrict B) includes the indoor sportsplex and hotel. The indoor multi-sports facility and hotel is proposed to have a maximum height of 6 stories, or 75 feet, above the average grade of the main building. The hotel will possibly have 80 or more rooms. The base zoning district is Commercial (C). **Phase 2** (subdistrict A) includes 4 commercial pad sites (3 for possible restaurants and a combination convenience store with gas pumps and a restaurant), an office building site and a site set aside for a City of Kaufman future water tower. Phase 2 development can occur with Phase 1. The base zoning district is Commercial (C). **Phase 3** (subdistrict C) includes a mixed use development with retail, office, commercial, and restaurants on the first floor and multi-family units above. The maximum height is proposed to be 6 stories or 75 feet. There will be underground parking in this area. Development of phase 3 cannot begin until phase 1 is complete. The base zoning district is Commercial (C). **Phase 4** (subdistrict D) includes townhouses, patio homes, duplex, and triplex development is allowed. Single family development is limited to 15% of the overall developments. There are approximately 87 lots shown on the concept plan. A maximum of 6 contiguous units may comprise a single building. Phase 4 contains a community splash pad park that will be dedicated to the City of Kaufman. Development of phase 4 cannot begin until phases 1-3 are complete. A letter defining an indoor multi-sports facility is included, showing the exact proposed planned development language and a summary of the requested differences between the planned development and the base district. There is a conceptual drawings that will be included in the planned development ordinance that also highlights the additional requirements and amendments to the base district and the applicant's

PowerPoint presentation.

Chairman Brown asked during what phase will the water towers be installed?

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Commissioner Snow asked if the only public streets will be on Washington Street?

Commissioner Dunn asked if the complex will eventually compliment or utilize the Conduct a public hearing and make a recommendation to City Council on a request by Alvin Chandler of Kaufman 175 Properties LLC to rezone a 1.28 acre tract of land (PID 57160), addressed as 3471 E. Highway 175, in the Charles Askins Survey, Abstract No. 2, from Agriculture-Open Space District (A-O) to Highway Commercial (HC). The property is proposed to be used for retail sales.(Z-02-20)

Marcy Ratcliff, Director of Development Services stated Alvin Chandler, of Kaufman 175 Properties, LLC, purchased 3471 E. Highway 175 in January 2020. The 1.28 acre tract has an existing 2,000 square foot metal building that has been unoccupied/unused for numerous years. The building was constructed in 2002 and occupied by Tonto and Clark Antiques and Collectables. The property was annexed into the city limits on May 21, 2012 (Ord. O-04-12) and was zoned in a city initiated case as Agriculture-Open Space (A-O). The A-O district serves as a holding pattern until the property owner in conjunction with the Future Land Use Plan decides which zoning district is needed for development. Mr. Chandler, since buying the property, has greatly improved the appearance of the property by removing the outside collectibles, storage and trash. When Mr. Chandler purchased the property he assumed it was already zoned for commercial uses. Because the property has not been occupied for several years, commercial use of the property is not allowed until it is rezoned to a commercial district. A feed store is proposed to occupy the building with no outside storage since outside storage requires a specific use permit approved by City Council.

Commissioner Snow asked about bringing the parking lot up to the current standard, which would be either concrete or asphalt.

Alvin Chandler stated that he was embarrassed that he purchased property without checking the zoning first. He had previously tried to purchase the property, but the price was too high. Things had changed and the owner offered him the property at a more reasonable price. There has been a lot of money spent on cleaning up the property that it would add a hardship to pave the parking lot.

P&Z Commissioner Richard Dunn made a motion to approve to rezone a 1.28 acre tract of land (PID 57160), addressed as 3471 E. Highway 175, in the Charles Askins Survey, Abstract No. 2, from Agriculture-Open Space District (A-O) to Highway Commercial (HC). The motion was seconded by P&Z Vice Chairman Patrick Cardoza and Passed 5/0.

DISCUSSION/ACTION ITEMS

3. **Consider and take appropriate action regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 8, Commercial Uses and 33.5 Definitions relative to permitting outside storage as a specific use permit in the Central Business District (CBD).**

Marcy Ratcliff, Director of Development Services stated the appearance of downtown structures, its sidewalks, available parking spaces and landscaping are important factors in attracting potential tenants and visitors. City Council recently invested \$3.1 million in the physical improvements to the downtown square. The improvements included replacing water and sewer lines, removing the existing sidewalks and constructing new and wider sidewalks, providing handicapped ramps, landscaping, period street lighting, new crosswalks, new driving patterns and lane striping and new signalization. All these improvements were to make the oldest and most historic commercial development in Kaufman viable, attractive and walker friendly, in order to draw more patrons to the center of town. Prior to the latest physical improvements, the downtown area was in a decline and drew fewer patrons. So, it is important to recognize how amending the use charts of the Zoning Ordinance, can affect the current and future downtown property owners, tenants, and patrons. The property at 110 E. Grove (The Mercantile) was found to be in violation of the Zoning Ordinance due to outside storage of goods in the Central Business District (CBD) along the exterior sidewalks. The Mercantile is using the display to act as advertisement they sell antiques and more retail sales. The store sub leases booth areas within the building. The booths sell clothing, clothing accessories, jewelry, pictures, art, collectables, soaps, antique appliances, hardware, building materials, furniture etc. Kellie Stalusky and Doug Haning, owners of the building and the business, came directly to speak with staff regarding the violation and questioned the steps for amending the Zoning Ordinance. **Outside display of retail goods (no overnight display)** is defined as the outside temporary (not overnight) display of finished goods being sold by the same retail business that occupies the main building on the lot that are specifically intended for retail sale but not displayed outside overnight. Displays may not occupy any designated parking space or be placed in any street or alley right-of-way. **Outside storage (or open storage)** is defined as the permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. The definition of outside storage includes a wide variety of items, materials and equipment that could be continuously stored/displayed. The definition of outside display of retail goods better defines what The Mercantile is trying to advertise by the displaying their wares with the exception of the temporary term. Attached is a list of items The Mercantile is currently storing on the sidewalk around the perimeter of the building. The sidewalk width on E. Grove Street is 10.5 feet wide and on N. Madison is 7 feet wide. All the sidewalks located in the CBD are located within the right-of-way. The Mercantile building has no windows on the exterior walls. The building was originally occupied by Ford dealership with large windows, but the windows were enclosed many years ago.

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Chairman Brown asked if the front of the building faces the Square and if any of her stuff that has been left out has ever been stolen?

Commissioner Snow state he likes the idea of merchants being able to display their wares in front of their stores, but there needs to be a limit. He likes the requirements that Georgetown has. He would like to hear what the City of Kaufman's attorney's opinion is about retailers using the city's property for sales. There should be an exception for outdoor dining tables and benches, since we are trying to encourage people to visit the restaurants and retail stores on the square. There should be a limit of 20% to 30% of the exterior wall space that can be used and it should exclude any windows, doors and delivery doors. They should not be able to put anything on the sidewalk that will impede access to the sidewalk.

Chairman Brown, Vice-Chairman Cardoza, Commissioner Dunn, and Commissioner Lopez all agreed that requiring a specific use permit and only allowing a percentage of a wall for outside displays would work.

Kellie Stalusky said she has had some stuff stolen, but she put a message on Facebook and the items were returned.

P&Z Commissioner Curtis Snow made a motion to bring proposed wording regarding possible amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Regulations, Chart 8, Commercial Uses and 33.5 Definitions relative to permitting outside storage as a specific use permit in the Central Business District (CBD). The motion was seconded by Porfirio Lopez and Passed 5/0.

ADJOURNMENT

Commissioner Snow made a motion to adjourn at 7:26 p.m., seconded by Commissioner Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 5-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN