



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JUNE 2, 2020 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS 209
SOUTH WASHINGTON STREET
KAUFMAN, TEXAS 75142**

**This meeting will be held using
videoconferencing/teleconferencing technology with
public access via: [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 811-9278-3550
PASSWORD: 429832**

PLEDGE OF ALLEGIANCE

Chairman Brown called the meeting to order at 6:04 p.m. Tuesday, June 2, 2020. Commissioners present were Chairman Burton Brown, Vice-Chairman Patrick Cardoza, Commissioner Richard Dunn, Commissioner Porfilo Lopez, 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 Kellie Stolusky and Doug Haning.

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

1. Consider and take appropriate action on the Minutes of May 5, 2020 Planning and Zoning Commission Meeting.

Commissioner **Snow** made a motion to approve the Planning and Zoning Commission CONSENT AGENDA. The motion was seconded by Commissioner Dunn. Chairman Brown called **for a vote with all voting AYE. Commissioner Saldana abstained from voting so** the motion carried by a vote of 5-0-1.

END OF CONSENT AGENDA

DISCUSSION/ACTION ITEMS

2. 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 3, Accessory and Incidental Uses, Chart 6, Retail and Services Uses, Chart 8, Commercial Uses, Section 33.5 Definitions and Section 25 Central Business District relative to outside sidewalk display of retail goods, merchandise and materials as a specific use permit in the Central Business District (CBD).

Marcy Ratcliff Director of Development Services presented the Commissioners with a report on the draft language for outside display for more than 24 hours for the Central Business District. The Commissioners met on May 5, 2020 to discuss the possibility of adding the additional use for the downtown area only. There had previously been businesses that have put out merchandise just for the day, but not for overnight. Businesses such as Daisey's would put a rack of clothes out and then take it back in for the night. ADA requires 5 feet of the sidewalk to be kept clear at all times. The City of Kaufman has been in discussion with Kaufman County to make the parking lot more conducive to other businesses customer parking in the county lot. The Code Enforcement Officer brought the complaint of outside storage to Marcy's attention and since that time she has been working with Kellie Stalusky and Doug Hanning on trying to find a mutual solution.

Commissioner Snow asked for clarification on some of the wording. He does not approve of overnight displays. Sears put their lawn mowers out each day and then bring them in at night. It would allow the owner to sell items that are in the display area, but it will not allow the tenant to lease that area out. If we pass something like this then they will have to go before each the committees. Would the Kaufman Locker Plant be able to store their cows outside since they are in the Central Business District? Why was Madison Street vacated and when? The City already has a Specific Use Permit for Outside Storage that does not allow for overnight display. Why would we add an additional language when we are not following displays in the CBD?

Commissioner Saldana asked if this would require the applicant to go before the Planning and Zoning and then City Council. The Planning and Zoning is a recommending board to City Council and regardless of what we vote for, the City Council can override our recommendation. When the Merchantile first opened, she did not have as much stuff outside, but as time has progressed it has increased to what she has now. Has there been any issues of any items being left outside and damaged or stolen?

Commissioner Cardoza stated that it is already in the ordinance that allows them to display items in front of the store but they have to take it in each night. If they leave it out all night then it is outside storage. Is this only about outside displays in the Central Business District?

Commissioner Lopez stated this will open the door for all of the businesses on the square and the Planning and Zoning Commissioners will have to meet for every business that wants to apply for the Specific Use Permit. How many feet are each of the sidewalks and

how much room is each business going to be allowed. We are using part of her property to get us through to get to the sub-courthouse.

Chairman Brown stated he went by the Merchantile and went into the store to look around. It looks like the items that are being stored outside are things that are too big to be store inside the building or over flow of merchandise. His suggestion is to get a cart that can be wheeled in each night and wheeled out each morning. He personally does not believe the items need to be stored outside overnight.

Commissioner Dunn asked what brought this business to the City of Kaufman's attention. Was there a complaint? They have done a good job on the outside display and the bottom line is what can stay keep out overnight.

Kellie Stalusky stated the area we started displaying was around the door. 30% to 45% of the customers stated they did not know they were there until they saw the items outside. Two different people on the downtown committee have a booth in her building. It is disheartening and she does not understand what the problem is when everyone in the downtown are doesn't have a problem with the stuff being out there. It would hard have to bring everything in at night. 50% of her sales are from the items located outside. She stated there were some items that were previously stolen but she put it on facebook and it was returned. We own half of the street and it is not a public street and I could put stuff on that half of the street. It is going to be up to this committee to determine if a business can have a mattress sitting out for display. Why do some of the other business get to keep their benches outside their businesses?

Doug Haning said he does not see it as an issue on the stuff being displayed outside.

Commissioner Snow made a motion to keep the wording as it is presented but to remove the word "overnight" throughout the ordinance, seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with Vice-Chairman Cardoza and Commissioner Snow voting AYE and Chairman Brown, Commissioner Dunn, Commissioner Lopez, Commissioner Saldana voting NAY. The motion failed.

Vice-Chairman Cardoza made a motion to not make any changes to the existing ordinance, seconded by Commissioner Snow. Chairman Brown called for a vote with Vice-Chairman Cardoza and Commissioner Snow voting AYE and Chairman Brown, Commissioner Dunn, Commissioner Lopez, Commissioner Saldana voting NAY. The motion failed.

Vice-Chairman Cardoza made a motion to table this agenda item until the next meeting date, seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

3. Schlotzsky's, located at 380 E. Highway 175 Suite 130, is tentatively scheduled for its grand opening on Thursday June 18, 2020.
4. Bliss Nails, located at 380 E. Highway 175, was issued a building permit for the finish out for suite 100 for a new nail salon.

ADJOURNMENT

Commissioner Dunn made a motion to adjourn at 7:17 p.m., seconded by Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN