



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, MAY 4, 2021 - 5:30 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: 890 0513 4280
PASSWORD: 636705**

DINNER

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 April 6, 2021 Planning and Zoning Commission Meeting.
2. Consider and take appropriate action on the minutes of the April 20, 2021 Planning and Zoning Commission Meeting.
3. Consider and take appropriate action on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV. The 0.9848 acre tract (a portion of PID# 202752) is generally located on the south side of East Highway 175 and east of Center Drive. The property will be addressed as 710 East Highway 175. The property is zoned Planned Development - 15 for Highway Commercial (PD-15-HC). A subdivision of one commercial lot is proposed. (Case #FP-05-21)

END OF CONSENT AGENDA

PUBLIC HEARING

4. Hold a public hearing, discuss and take appropriate action on a request by ZP Juniper Pointe Apartments, LP – Justin Zimmerman to rezone 5.366 acres from Commercial (C) to Multi-Family -2 (MF-2). The property is generally located in the 2600 block of Tabor Parkway (AKA CR 151) (rear portion of PID# 5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-03-21)
5. Hold a public hearing, discuss, and take appropriate action on a request by Konrad Rudnicki for a Specific Use Permit on a 0.985 acre tract (a portion of PID# 202752) for an attended car wash on property zoned Planned Development – 15 (Highway Commercial). The property is located at 710 East Highway 175 proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV and located in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-04-21)
6. Hold a public hearing and reconsider the proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions". (Case #Z-02-21). (This item was returned from City Council for the Planning and Zoning Commission's reconsideration due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)

7. Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by Kaufman County. The property is a 7.9-acre portion (a portion of PID# 56874) of land generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-06-21)
8. Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by the City of Kaufman. The property is approximately 16.72 acres of land (PID # 5438 & 5525) generally located directly west of the Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-07-21)
9. Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Agriculture/Open (A/O) and owned by the City of Kaufman. The property is approximately 73.491 acres of land generally located at 2121 Ola Road and East State Highway 243, (PID# 213307) situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas.(Case #Z-08-21)
10. Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of the newly annexed property to Agriculture/Open (A/O) and owned by Kaufman Independent School District. The property being approximately 85.234 acres of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727, (PIDs 187223 & 51233), situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas. (Case #Z-09-21)

DISCUSSION/ACTION ITEMS

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

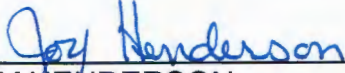
11. Retirement of Public Works Director Richard Underwood May 2021

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, JOY HENDERSON, 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, APRIL 30, 2021 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.



JOY HENDERSON
PLANNING TECHNICIAN
DEVELOPMENT SERVICES

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 890 0513 4280 PASSWORD: 636705**

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, APRIL 6, 2021 - 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
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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 Brown called the meeting to order at 6:01 p.m. Tuesday, April 6, 2021. Commissioners present were Chairman Burton Brown, Vice-Chairman Patrick Cardoza, Commissioner Darril Deaton, 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 John Dumas and Tyler Adams.

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 be 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 March 2, 2021 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

Commissioner Saldana made a motion to approve the consent agenda for item 1. 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 7-0

PUBLIC HEARING

2. **CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDINANCE AMENDING THE CITY OF KAUFMAN COMPREHENSIVE ZONING ORDINANCE 00207, AS AMENDED, CODIFIED AS CHAPTER 118 OF THE CITY OF KAUFMAN CODE OF ORDINANCES, TO ADD "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE" AS REQUIRING A SPECIFIC USE PERMIT IN THE COMMERCIAL (C) AND HIGHWAY COMMERCIAL (HC) ZONING DISTRICTS IN SECTION 33.4 USE REGULATIONS, CHART 4, RECREATIONAL AND ENTERTAINMENT USES, AND TO SECTION 33.5 DEFINITIONS. (CASE #Z-02-21)**

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

Marcy Ratcliff, Director of Development Services, presents the Commissioners with a report Mr. John Dumas is requesting to amend the City of Kaufman Comprehensive Zoning Ordinance to allow a "Private Membership Social Game House" as a specific use permit (SUP) to Section 33.4 Use Chart – 4 for Recreational and Entertainment Uses specifically in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts. The request also adds the definition "Private Membership Social Game House" to Section 33.5 Definitions. See the attached applicant's letter. Mr. Dumas' proposed definition of "Private Membership Social Game House" which includes tournament-style card-playing also added pinball, pool table, shuffleboard, and other similar amusement devices.

Below is the current definition of Amusement, Commercial (Indoor). This use is allowed by a specific use permit in the "Retail" (R) "Central Business District" (CBD) and the "Washington Street Corridor" (WSC) and by right in the "Commercial" (C) and "Light Industrial" (LI) districts. It is not allowed in the "Highway Commercial" (HC) zoning district.

7. AMUSEMENT, COMMERCIAL (INDOOR) - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services, and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses. Included are video arcades where more than ten (10%) percent of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffleboards, pool tables or other similar amusement devices.

When an Amusement, Commercial (indoor) use operates in the City of Kaufman an Amusement Permit is required. For example, Wal-Mart's game room has an amusement permit. The difference between the proposed "Private Membership Social Game House" and an amusement use is one you have to pay for a membership and rental of the chair/amusement game and most of the time with arcades you just get the enjoyment of the game.

In 1993, lawmakers approved legislation known as the "fuzzy animals" bill. It was intended to ensure that amusement games, such as those played by children at Chuck E. Cheese's or a carnival that awarded stuffed animals, would not be considered unlawful gambling devices. The bill, signed into law by Gov. Ann W. Richards, legalized any device made for "bona fide amusement purposes" that awarded noncash prizes with a value of \$5 or no more than 10 times the amount charged to play the game.

The Kaufman Code of Ordinance, Section 14 - Amusement and Entertainment. Specifically addresses the requirements for amusement permits, fees, hours, locations, and more. Section 14-32(3) specifically states "No gambling of any kind shall be allowed on the premises, not prizes awarded for the operation of any coin-operated device of amusement or skill." See the attachment. Mr. Dumas' letter references food sales which is a permitted use in the "Commercial" and "Highway Commercial" zoning districts. He also references the sale of alcoholic beverages. The sale of alcoholic beverages for on-premise consumption is only allowed in conjunction with a restaurant (a private club with restaurant services) with the approval of a SUP. If the site, he chooses already has a SUP then he has to meet the requirements of the approved SUP. If the site does not have a SUP for a private club, he would have to apply and receive approval from City Council.

Staff has researched eight surrounding cities to see if this type of use is allowed in their cities. The cities contacted were; Terrell, Crandall, Mesquite, Rowlett, Rockwall, Seagoville, Forney, and Garland. The City of Terrell allows amusements such as pinball, billiards, in the "Light Industrial" and "Commercial" zoning districts as a specific use permit. The City of Forney does not allow it as a use. Staff has not heard back from the cities of Crandall, Rowlett, Rockwall, Seagoville, or Garland. The City of Mesquite does allow this type of use as a Conditional Use Permit, which would be the same as our Specific Use Permit. For definitions and descriptions of different types of uses, the City of Mesquite uses the United States Department of Labor, Occupational Safety and Health Administration. Under Description for 7997: Membership Sports and Recreation Clubs, it lists "bridge clubs, membership" for Sports and recreation clubs which are restricted to use by members and their guests. Due to the gray area of 8-liners, the City of Mesquite has adopted an ordinance addressing and limiting them.

John Dumas stated they would be a private social card club that offers a safe and friendly environment to play a variety of card games, specializing in Texas Hold EM, Pot Limit Omaha and Tournament play and more. We are providing a pressure-free NO RAKE business model for members only, with memberships available to everyone over 21 that agrees with the membership terms. This model is mirrored after 31 other successful social card rooms over the last 6 years throughout Texas. This business model began in Austin and quickly spread to Houston, San Antonio, Round Rock, and most recently Dallas with 2 more approved in Dallas as well. This provides anywhere from \$200,000 to \$7,500,000 in gross revenue providing the Cities with a solid tax revenue. Poker has grown in the past 15 years and individuals are currently hosting games in their homes. This would provide a safe location and environment to play cards in. This will be his first business. There will be armed security guards on-premise and armored trucks to pick up and drop off the money. He may have messed up by putting in pool tables and shuffleboards. There are already 32 gaming businesses, from the last 7 years in Texas.

John Dumas answered the following questions. Sales taxes would be on the chair rental, membership fee, food, and alcohol sales. Security will be provided by the business. The members would have to be 21 years of age and older to frequent the business.

Commissioner Snow questioned how the City of Kaufman would get their taxes off a business like this. This will be similar to the poker rooms in Shreveport and he does not feel like it is an advantage to have a card room in the City of Kaufman at this time.

Commissioner Lopez asked if the City will have to take care of the area as far as security.

Vice-Chairman Cardoza asked if this would be updating the Zoning Ordinance?

Chairman Brown asked if this was for adults only. He does not see a big public benefit to this type of business and there are too many unanswered questions. If there are 32 gaming businesses in existence, how is the state of Texas

regulating them?

The Public Hearing was closed at 6:43 p.m.

Commissioner Snow made a motion to deny the request. The motion was seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with Chairman Brown, Vice-Chairman Cardoza, Commissioner Deaton, Commissioner Dunn, Commissioner Saldana, and Commissioner Snow voting AYE and Commissioner Lopez voted NAY. The motion carried to deny the request by a vote of 6-1.

3. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDINANCE AMENDING THE CITY OF KAUFMAN COMPREHENSIVE ZONING ORDINANCE 00207, AS AMENDED, CODIFIED AS CHAPTER 118 OF THE CITY OF KAUFMAN CODE OF ORDINANCES, TO ADD A NEW SUBSECTION, SUBSECTION "N", TO BE ENTITLED, "COMPLIANCE REQUIRED; EXCEPTIONS", TO SUBSECTION 44.4, "ADMINISTRATION", OF SECTION 44, "SIGN REGULATIONS", TO PROVIDE FOR COMPLIANCE WITH THE SIGN REGULATIONS AND EXCEPTIONS FROM SUCH REGULATIONS. (CASE #Z-05-21)

The Public Hearing was opened at 6:46 p.m.

Marcy Ratcliff, Director of Development Services, presents the Commissioners with a report stating on March 22, 2021, the City Council was presented a report on a partnership with CEIS to design and construct digital monument signs for the City of Kaufman. CEIS will design, construct and maintain the signs and surrounding landscaping at no cost to the City. CEIS will dedicate an agreed-upon percentage of time for City messaging, which could include, but not be limited to, special events, emergency messages, and holiday schedules. Time not allotted to the City will be offered to businesses for advertising with proceeds going to CEIS. City Council requested staff to proceed with the process to amend the City's current sign ordinance to allow this type of signage. The draft language allows signage erected by or on behalf of the City to contain messaging regarding City services, public safety, and/or health and the general welfare. It also allows off-premise messaging. The size, location, and setback requirements do not apply to these types of signs. City Council will be reviewing three possible sites with CEIS. The sites chosen will be based on the traffic counts. The one site that has been tentatively agreed upon is the area north of McDonald's. This area had been a part of TxDOT right-of-way until recently when South Washington Street south of Highway 175 down to State Highway 34 Bypass was transferred to the City of Kaufman in its entirety.

Vice-Chairman Cardoza asked if there were any specific criteria for the signage. Does the City of Kaufman make any money off the signs?

Commissioner Snow stated the Kaufman Zoning Ordinance states "No Off-Premise Signs are allowed". Does this mean the only entity that will be able to have an off-

premise sign will be the City of Kaufman?

Commissioner Lopez asked if the City will monitor what is being placed on the sign?

The Public Hearing was closed at 7:02 p.m.

Commissioner Dunn made a motion to approve adding a new subsection, Subsection "N", to be entitled, "Compliance Required; Exceptions", to Subsection 44.4, "Administration", of Section 44, "Sign Regulations", to provide for compliance with the sign regulations and exceptions from such regulations. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with Chairman Brown, Vice-Chairman Cardoza, Commissioner Deaton, Commissioner Dunn, Commissioner Lopez, and Commissioner Saldana voting AYE and Commissioner Snow voted NAY. The motion carried to approve the request by a vote of 6-1.

DISCUSSION/ACTION ITEMS

- 4. CONSIDER AND TAKE APPROPRIATE ACTION ON THE LAND STUDY AND PRELIMINARY PLAT OF SOUTH POINTE AT KAUFMAN SPORTS VILLAGE ADDITION. THE 53.871 ACRE TRACT IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH HOUSTON STREET AND STATE HIGHWAY 34 BYPASS. A PROPOSED MIXED USE DEVELOPMENT THAT INCLUDES RETAIL, OFFICE, RESTAURANTS, INDOOR SPORTS FACILITY, MULTIFAMILY, AND SINGLE FAMILY TOWNHOUSE DEVELOPMENT. A 101 LOT SUBDIVISION IS PROPOSED.**

Marcy Ratcliff, Director of Development Services, stated this case has been withdrawn and there will be no further discussion.

Vice-Chairman Cardoza made a motion to table this item until Tuesday, April 20, 2015, at 5:15 p.m. The motion was seconded by Commissioner Dunn. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7 -0.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

- 5. City of Kaufman's policies on building projects starting without permits.** Marcy Ratcliff, Director of Development Services stated the City of Kaufman has the ability to double permit a project that was started without first obtaining a permit due to the adoption of the construction codes from 2015. When we revise our fee schedule we will add the double permit fee into the fee structure so that it will be clear and concise to the public.

6. **Future Amendments regarding Commercial Accessory Buildings in the Central Business Districts (CBD).** Marcy Ratcliff, Director of Development Services stated the Planning and Zoning will need to review accessory buildings in the Central Business Districts since she has a business that would like to have one installed.
7. **Future Amendments regarding Detached Garages with Accessory Dwelling Units.** Marcy Ratcliff, Director of Development Services stated there is a conflict in the Kaufman Zoning Ordinance regarding Accessory Dwellings. Section 14 through Section 17 states that Detached Garages With Accessory Dwellings are allowed under the Accessory Buildings section, yet Section 37.2 states Accessory Dwellings are only allowed in A-O zoning districts.
8. **Annexations (4) approved by City Council on March 22, 2021, and their future zoning requests.** Marcy Ratcliff, Director of Development Services stated the Planning and Zoning Commissioners will be seeing 4 zoning cases for the newly annexed property. The City has voluntarily annexed 4 new properties into the city limits of Kaufman, with a total of 183.345 acres. Two of the properties belong to the City of Kaufman (16.72 acres and 73.491 acres), while the others belong to Kaufman County (7.9 acres) and Kaufman Independent School District (85.234 acres).
9. **Update on proposed Governmental Use District.** Marcy Ratcliff, Director of Development Services stated the 4 cases that will be presented at the next Planning and Zoning meeting are perfect examples of property that would be able to be zoned as a Governmental Use District.

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

Vice-Chairman Cardoza made a motion to adjourn at 7:32 p.m., seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7 -0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, APRIL 20, 2021 • 5:15 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.

Vice-Chairman Cardoza called the meeting to order at 5:23 p.m. Tuesday, April 20, 2021. Commissioners present were Vice-Chairman Patrick Cardoza, Commissioner Darril Deaton, Commissioner Richard Dunn, Commissioner Porfilo Lopez, and Commissioner Curtis Snow. Chairman Burton Brown arrived at 5:26 p.m. Director of Development Services Marcy Ratcliff, Planning Technician Joy Henderson and Customer Service Clerk Myra Manriquez were present. Present in the audience was Tyler Adams.

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

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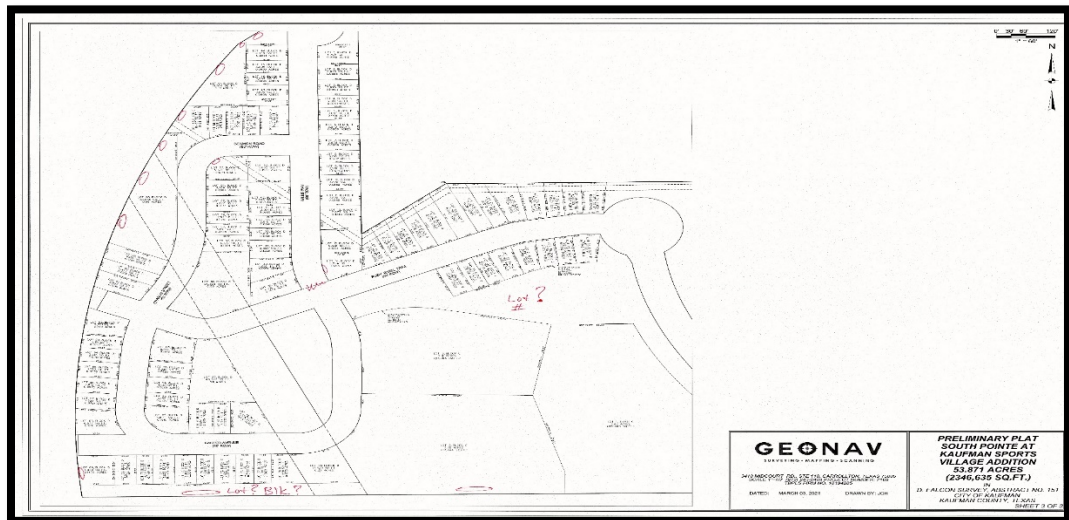
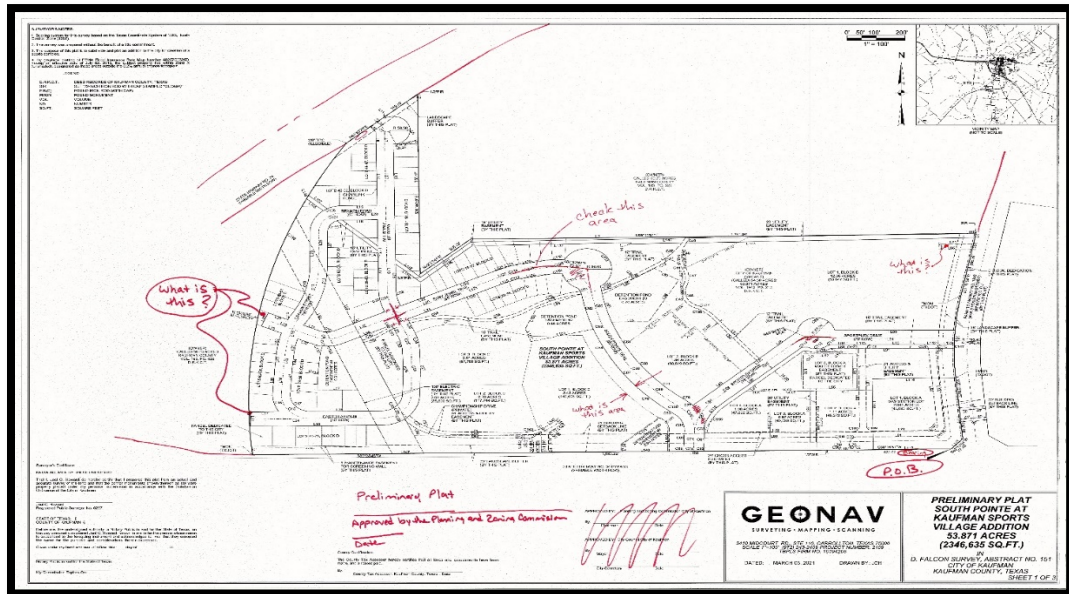
CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will 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 Land Study and Preliminary Plat of South Pointe at Kaufman Sports Village Addition. The 53.871 acre tract is generally located at the northwest corner of South Houston Street and State Highway 34 Bypass. A proposed mixed-use development that includes retail, office, restaurants, indoor sports facility, multi-family, and single-family townhouse development. A 101 lot subdivision is proposed.

END OF CONSENT AGENDA

Commissioner Lopez made a motion to approve the consent agenda with the following conditions:

- a) The street proposed to be named as Willis Way needs to be renamed to a name approved by Kaufman County 911. All the other street names have been approved by Kaufman County 911.
- b) Please see attached markup of the preliminary plat for additional information.



- c) Still need to show existing property lines of adjoining properties as well as existing Right of Way widths per subdivision ordinance, it appears there is an existing Texas Power & Light easement running through the property from the 1960's, if possible please include the easement info. per ordinance (Sec. 2.4,i,3 & 2.4,i,4).
- d) Show contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to the latest U.S.C. and G.S. data per ordinance (Sec. 2.4,i,10).
- e) Show proposed/existing zoning per ordinance (Sec. 2.4,i,16)

- f) The west end of streets Ruby Jewel Trail and Carter Avenue do not make it out to the property line, these areas are unclear and confusing, please clarify if this area is part of a larger lot, an easement or push the ROW out to the property line?
- g) Please make individual, standalone areas in between proposed ROW's with their own block and numbering system as opposed to continuing block and lot numbers across multiple proposed street ROW's.
- h) What kind of easement is the standalone easement near the northeast corner?
- i) The bearing along south property line at southeast corner and the Point of Beginning is missing near the southeast corner.
- j) The property description still calls to go along Highway 34 along the west property line when in fact it goes along a Kaufman County tract, I do not believe this is future highway 34, it is Kaufman County property until it reaches Highway 34 along the north line.
- k) Please adjust centerline at street intersection and cul-de-sacks to straighten out centerline and take out curves.
- l) The following approval signature note shall be placed in the lower right-hand corner of the page of each preliminary plat by the developer

The motion was seconded by Vice-Chairman Brown. Vice-Chairman Cardoza called for a vote with all voting AYE, the motion carried by a vote of 6 -0

ADJOURNMENT

Commissioner Lopez made a motion to adjourn at 5:29 p.m., seconded by Chairman Brown. Vice-Chairman Cardoza called for a vote with all voting AYE, the motion carried by a vote of 6 -0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Consider and take appropriate action on the Final Plat of Lot 2, Block E, Kings Fort Addition, Phase IV. The 0.9848-acre tract is generally located on the south side of East Highway 175 and east of Center Drive. The property will be addressed as 710 East Highway 175. The property is zoned Planned Development - 15 for Highway Commercial (PD-15-HC). A subdivision of one commercial lot is proposed. (Case #FP-05-21)

SUMMARY:

Lot 1, Block E, containing 0.9848 acres (42,900 SF), is proposed to be developed as an attended carwash.

The proposed Final Plat shows Lot 2 will have two cross access points to the lots located on the east and west side of the proposed lot. The locations of the cross access points are in the front along East Highway 175 and the rear along Kings Fort Parkway. Shared driveway entrances on Kings Fort Parkway are proposed between Lots 1 and 2.

THOROUGHFARE PLAN: All the rights of way required for East Highway 175 and Kings Fort Parkway have already been dedicated. Center Drive is not a designated thoroughfare. Kings Fort Parkway is designated as a Type C, Major Collector, which requires a minimum 80 foot wide right of way width.

COMPREHENSIVE PLAN: The property is zoned Planned Development -15 for Highway Commercial development. The commercial zoning complies with the 2014 Future Land Plan.

RECOMMENDATIONS:

Staff recommends approval of the Final Plat of Lot 1, Block E, Kings Fort Addition, Phase IV.

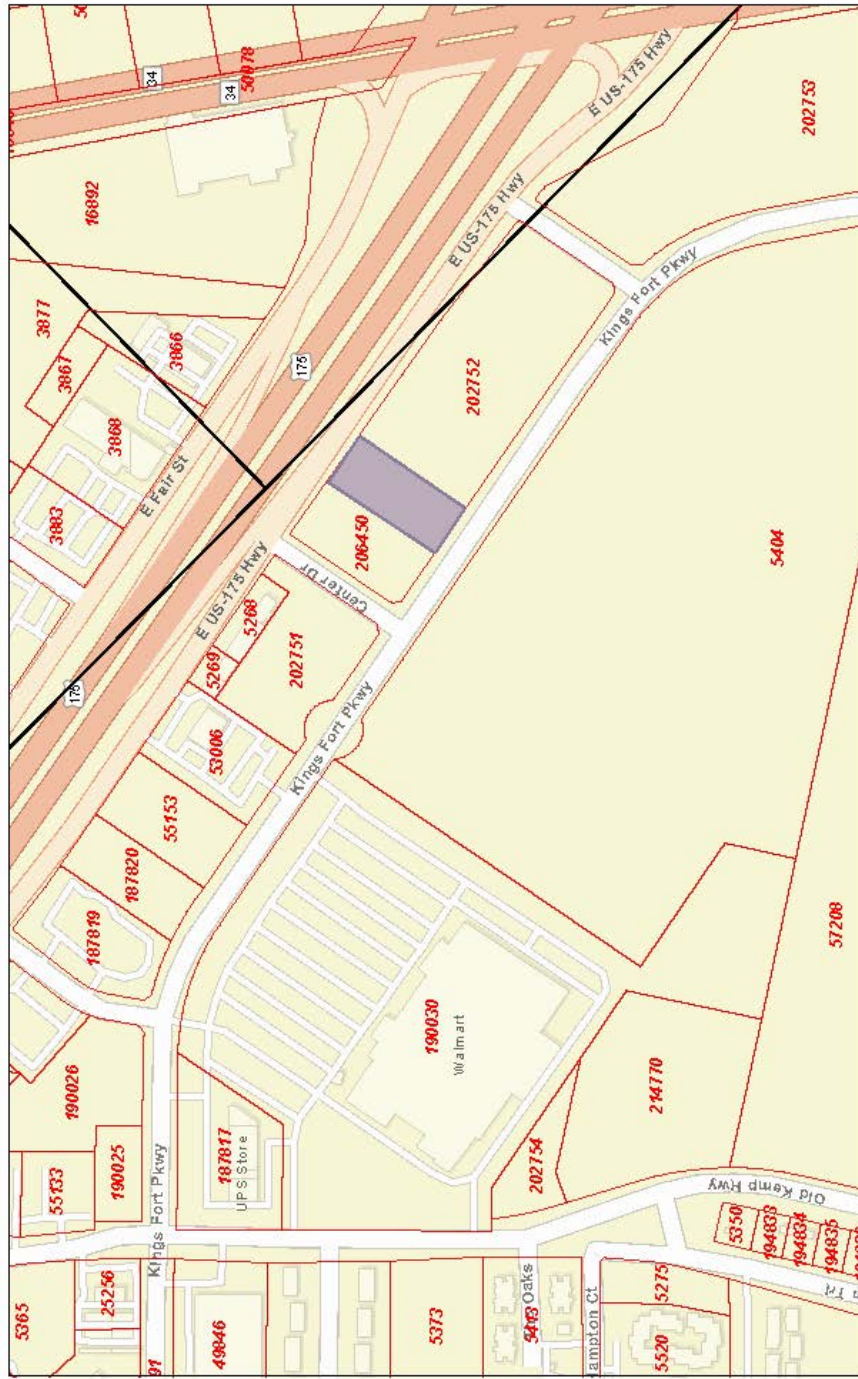
ATTACHMENTS:

1. Location Map
2. Final Plat of Lot 1, Block E, Kings Fort Addition, Phase IV

Marcy Ratcliff, Development Services Director
972-932-2216 ext. 117 Kaufmanplanning@kaufmantx.org

Location Map

710 East Highway 175 - Car Wash





Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss and take appropriate action on a request by ZP Juniper Pointe Apartments, LP – Justin Zimmerman to rezone 5.366 acres from Commercial (C) to Multi-Family -2 (MF-2). The property is generally located in the 2600 block of Tabor Parkway (AKA CR 151) (rear portion of PID# 5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-03-21)

BACKGROUND/SUMMARY:

The request by Juniper Pointe Apartments is to rezone 5.366 acres of a 7.60-acre parcel from Commercial (C) to Multi-Family-2 (MF-2). The parcel (PID #5377) is zoned both Commercial (C) and Multi-Family-2 (MF-2) and the applicant would like to have the same zoning for the entire parcel. The MF-2 district allows a maximum density of 24 units per acre.

Juniper Pointe Apartments is planning to combine parcels PID #5373 and PID# 5377 to create an approximate 9.11-acre lot for the development of 72 apartment units (a density of 7.9 units per acre). The complex will participate in the federal tax credit program. A percentage of the units will be leased at a restricted rent value and the remaining units will be leased at market value.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	TH	Village of Kaufman - duplexes
South:	SF-6	Single-family homes
East:	MF-2 & SF-6	Undeveloped, single-family homes, The Oaks Apartments
West:	C	Brookshire's, Sonic, Post Office, Dollar General



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Multi-Family (High Density). The proposed Multi-Family-2 zoning complies with the 2014 Future Land Use Plan because it allows apartments with a maximum density of 24 units per acre.

Thoroughfare Plan:

The Thoroughfare Plan designates S. Washington and Tabor Parkway as a "Type B", Minor Arterial, requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 53 property owners within 300 feet of the 5.366 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 53

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

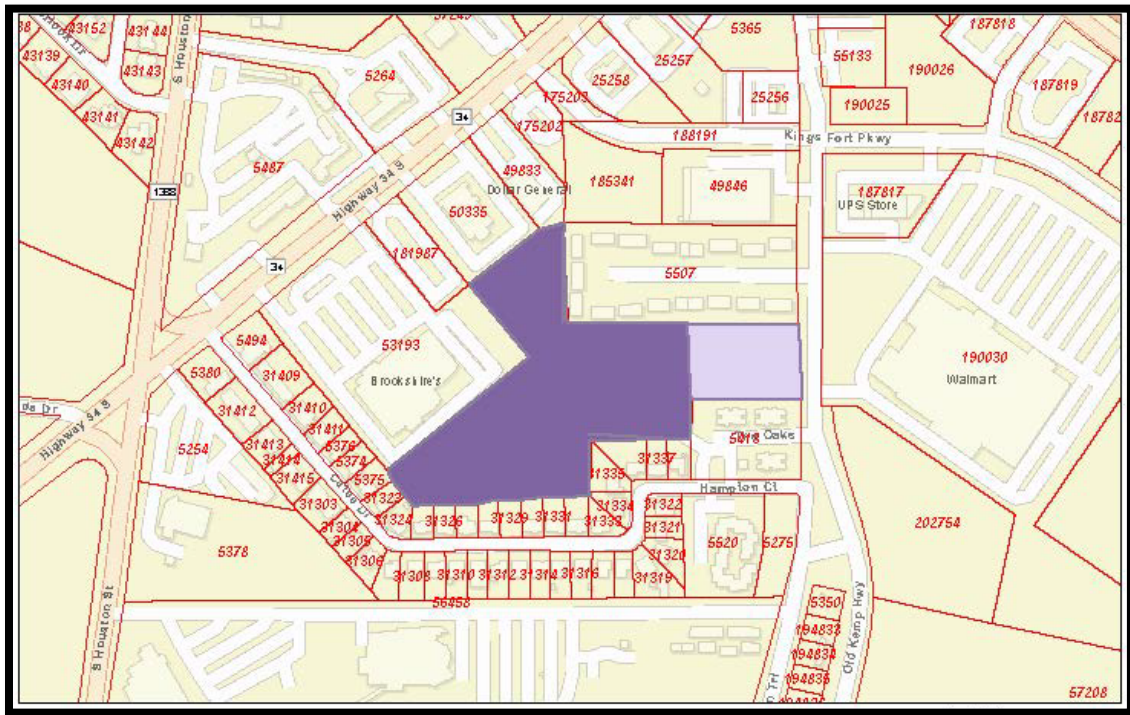
Staff recommends approval of Z-03-21 to rezone 5.366-acres of land from Commercial (C) to Multi-Family -2 (MF-2) generally located in the 2600 block of Tabor Parkway (AKA CR 151) (rear portion of PID# 5377) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX.

ATTACHMENTS:

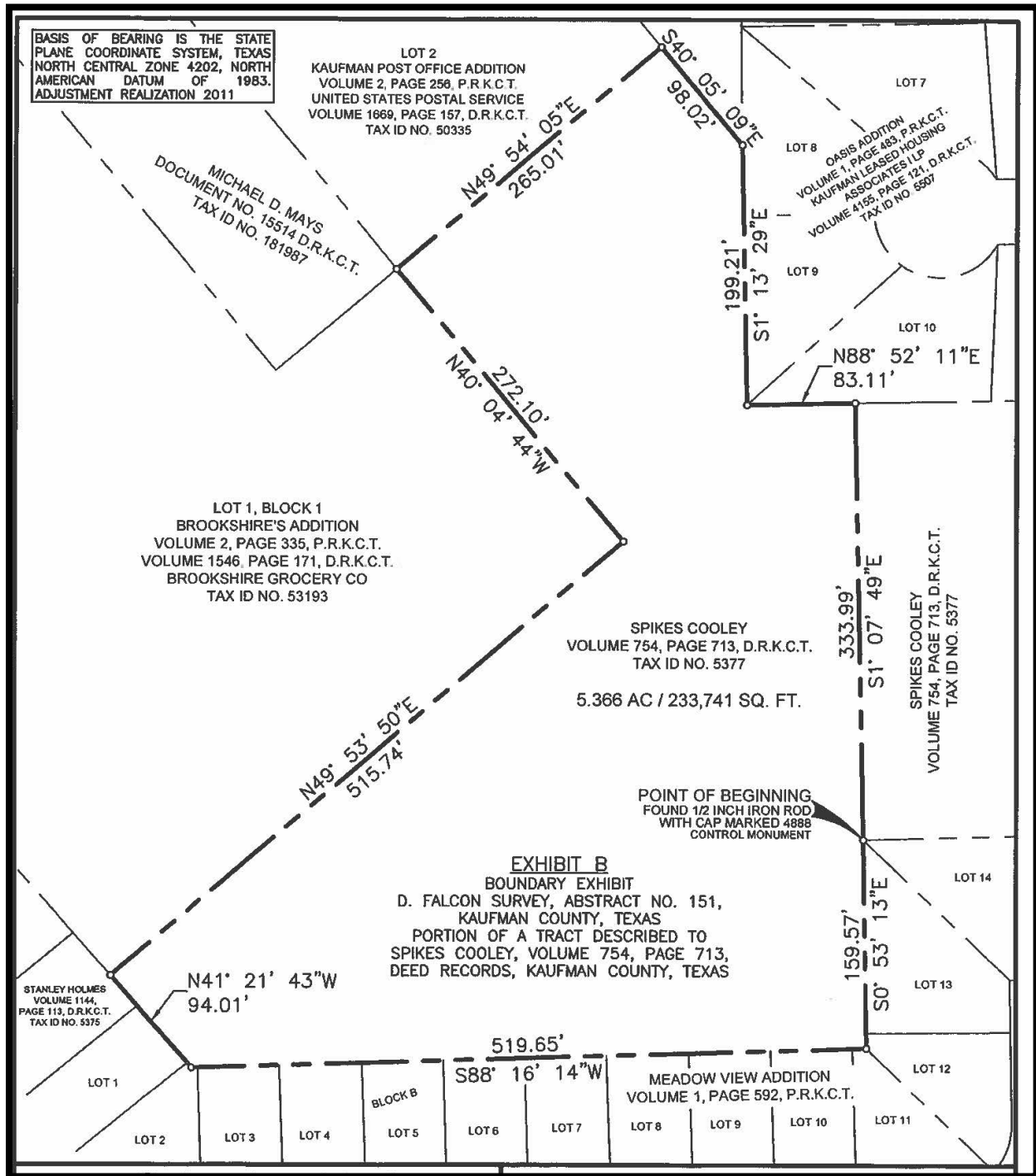
1. Location Map
2. Survey Map
3. Preliminary Site Plan

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

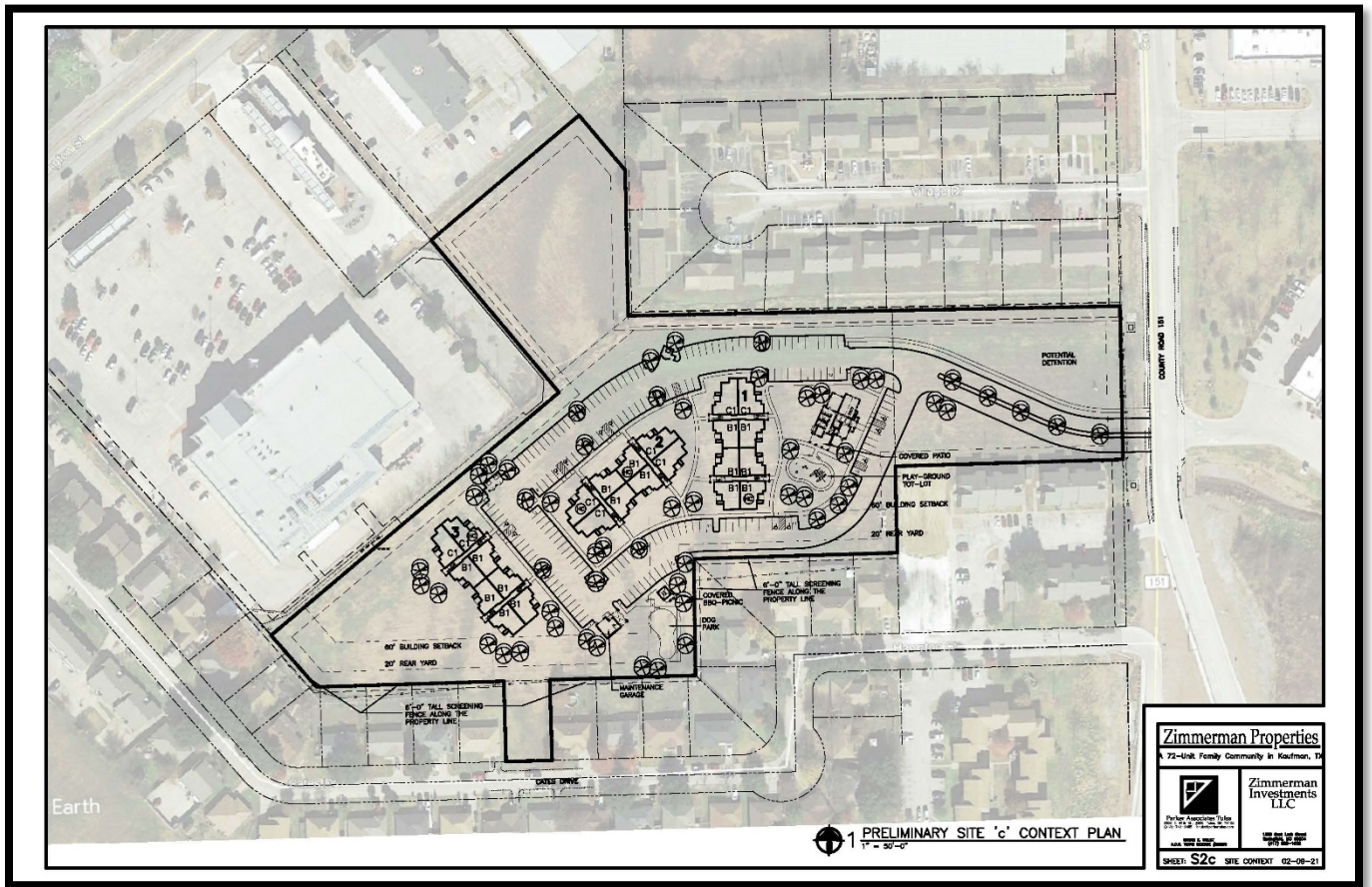
Location Map



Survey Map



Preliminary Site Plan





Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a request by Konrad Rudnicki for a Specific Use Permit on a 0.985-acre tract (a portion of PID# 202752) for an attended car wash on property zoned Planned Development – 15 (Highway Commercial). The property is located at 710 East Highway 175 proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV and located in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-04-21)

BACKGROUND/SUMMARY:

The applicant, Konrad Rudnicki, is requesting a Specific Use Permit to allow an attended car wash on a 0.985-acre tract which is a portion of PID# 202752 containing a total of 5.94 acres. The tract is proposed to be platted as Lot 2, Block E, Kings Fort Addition, Phase IV. The proposed building area of the car wash is 3,170 square feet. The required number of off-street parking spaces is 10 and 21 spaces.

Access to the car wash will be from Kings Fort Parkway. Drivers will enter a 24-foot wide queuing lane to pay for the type of car wash desired. A canopy will be located over the point of sales area. The cars will progress along the driveway to either enter the car wash building or exit the waiting line. There are 26 spaces on the western side driving lane that will have a canopy covering the parking spaces to provide shade for those using the vacuum system. There are 10 uncovered spaces close to Kings Fort Parkway that can be used by employees and patrons if desired. Cross access will be provided to the Burger King property at the front and rear of the property. Cross access will also be provided to the future development to the east at the front and rear of the property.

A pole sign is proposed in the front along East Highway 175 and a monument sign is proposed along Kings Fort Parkway.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	C	Southwest Chevrolet
South:	PD-15 (C)	Undeveloped
East:	PD-15 (HC)	Undeveloped
West:	PD-15 (HC)	Burger King



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designates the land use of the subject property as Future Commercial Use. The property is zoned Planned Development -15 for Highway Commercial development. The Planned Development -15 zoning complies with the 2014 Future Land Plan.

Thoroughfare Plan:

All the rights of way required for E. Highway 175, Kings Fort Parkway, Center Drive, and Meara Drive have already been dedicated. Center Drive and Meara Drive are not designated thoroughfares. Kings Fort Parkway is designated as a Type C, Major Collector, which requires a minimum 80 foot wide right of way width and has already been dedicated.

DETERMINATIONS NECESSARY FOR CONSIDERING SUP'S

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 to ensure that the intent of the district is 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.

C. No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Permit, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.

*H. A time limit may be imposed as a condition upon the granting of a SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. Except as otherwise provided in Subsection 30.2.I.; the applicant shall go through the procedures outlined above in Subsection 30.2.A-30.2G to renew a SUP.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 3 property owners within 300' of 710 East Highway 175. The results are as follows:

- Property owners returned letters in opposition to the request = 0
- Property owners returned the letter in agreement to the request = 0
- Property owners who have not responded = 3

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

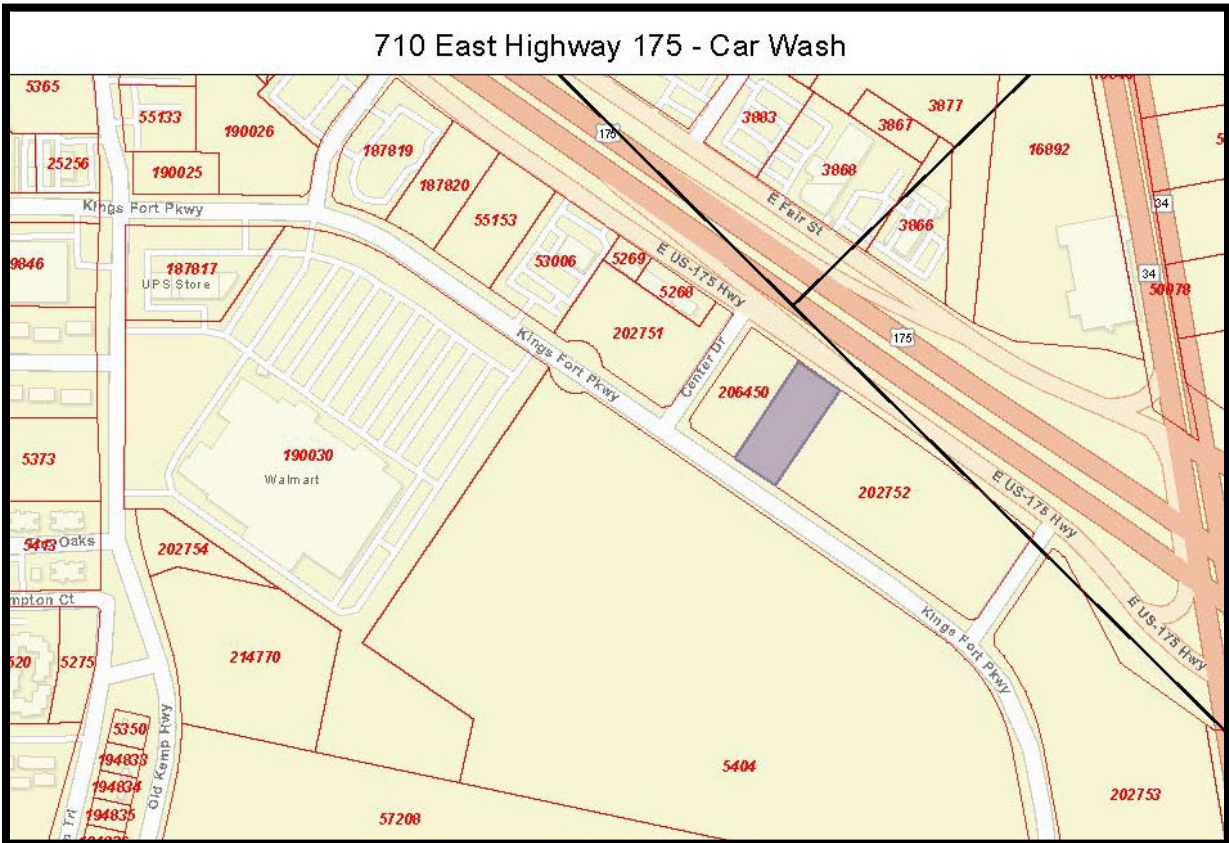
Staff recommends approval of Z-04-21, a Specific Use Permit for an attended car wash on proposed Lot 2, Block E, Kings Fort Addition, Phase IV and to be addressed as 710 East Highway 175 (a portion of PID# 202752).

ATTACHMENTS:

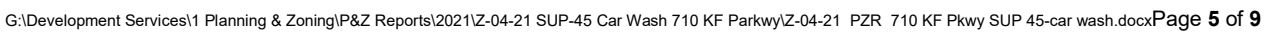
1. Location map
2. Site Plan

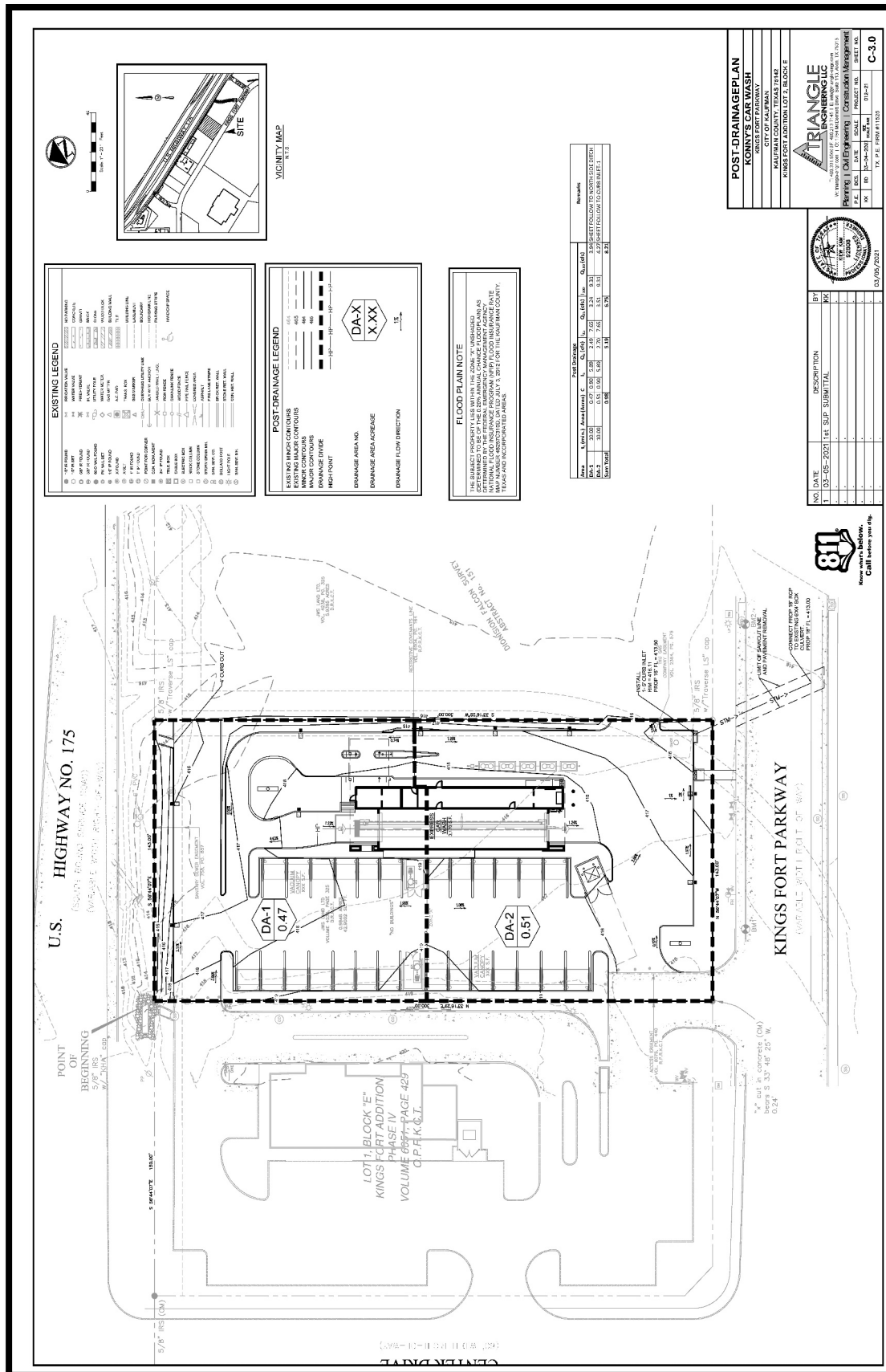
Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



CENTER DRIVE
(60' WIDE HIGH-CH-WAY)







Meeting Date: 5/4/2021 Date: 4/27/2021

Item #: 6.

**Dept.: Development
Services**

PZ Item

SUBJECT:

Hold a public hearing and reconsider the proposed amendments to the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, and Chapter 118, "Zoning", of the City of Kaufman's Code of Ordinances, to add "Private Membership Social Game House" as a use permitted only when a specific use permit is approved and only in the Commercial (C) and Highway Commercial (HC) Zoning Districts by amending Chart 4, "Recreational and Entertainment Uses" of Section 33.4, "Use Regulations", and Section 33.5, "Definitions". (Case #Z-02-21). (This item was returned from City Council for the Planning and Zoning Commission's reconsideration due to technical difficulties at the Planning and Zoning Commission meeting on April 6, 2021.)

BACKGROUND:

City Council, on April 26, 2021 requested the Planning and Zoning Commission reconsider the request from Mr. John Dumas allowing him to present his request again. There is no new material from the applicant.

See the attached April 26, 2021 City Council report, the draft Ordinance O-17-21, and the April 6, 2021 Planning and Zoning Commission report.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available:

Source: N/A

Recommendation: City Council voted 7-0 to have the Planning and Zoning Commission reconsider the request.



Meeting
Date: 4/26/2021

Date: 4/12/2021

Item #: 5.

Dept.: Development
Services

PZ Item

SUBJECT:

Consider and take appropriate action on Ordinance O-17-21, an ordinance of the City Council of the City of Kaufman, Texas, amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case #Z-02-21)

BACKGROUND:

See the attached April 4, 2021 Planning and Zoning Commission Report.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

Cost: N/A

Funds Available: N/A

Source: N/A

Recommendation: The Planning and Zoning Commission on April 4, 2021 recommended denial of Z-02-21 by a vote of 6-1 for amendments to the Comprehensive Zoning Ordinance relative to adding the definition of a "Private Membership Social Game House" and allowing as an approved specific use permit in the Commercial (C) and Highway Commercial (HC) zoning districts in Section 33.4 Use Regulations, Chart 4, Recreational Entertainment Uses and to Section 33.5 Definitions.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☒	☒	☒	☐	☐

ORDINANCE NO. O-17-21

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AMENDING THE CITY'S COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. O-02-07, AS AMENDED, AND CHAPTER 118, "ZONING", OF THE CITY'S CODE OF ORDINANCES, TO ADD "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE" AS A USE PERMITTED ONLY WHEN A SPECIFIC USE PERMIT IS APPROVED AND ONLY IN THE "COMMERCIAL DISTRICT" AND "HIGHWAY COMMERCIAL DISTRICT" BY AMENDING CHART 4, "RECREATION AND ENTERTAINMENT USES", OF SUBSECTION 33.4, "USE CHARTS", OF SECTION 33, "USE REGULATIONS", AND SUBSECTION 33.5, "DEFINITIONS", OF SECTION 33, "USE REGULATIONS", BY ADOPTING A DEFINITION FOR "PRIVATE MEMBERSHIP SOCIAL GAME HOUSE"; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman is a home rule municipality authorized to adopt regulations governing the use of land within its corporate limits; and

WHEREAS, the City of Kaufman has adopted development standards designed to maintain and encourage development and redevelopment within the commercial sections of the City, identified as the Central Business District ("CBD"); and

WHEREAS, the City of Kaufman has adopted a Comprehensive Zoning Ordinance regulating land use within the City, providing uses, definitions and regulations for development in the Commercial ("C") and the Highway Commercial ("HC") Districts to provide for recreational and entertainment type uses convenient to thoroughfares and collector streets located within these zoning districts of the City; and

WHEREAS, at its' regular meeting held on the 6th day of April 2021, the Planning and Zoning Commission of the City of Kaufman, after holding a public hearing, considered and made a recommendation to the City Council for denial of a request (Case No. Z-02-21) to amend the Use Regulations of the Comprehensive Zoning Ordinance, specifically Chart 4, "Recreation and Entertainment Uses", of Subsection 33.4 and subsection 33.5, "Definitions", of Section 33, "Use Regulations", of the Code of Ordinances to add private membership social game house as a permitted use within the C and HC Districts only with with an approved specific use permit; and

WHEREAS, at its' regular meeting held on the 26th day of April 2021, the City Council of the City of Kaufman, after holding a public hearing for the proposed amendments to the Use Regulations of the Comprehensive Zoning Ordinance, specifically to Section 33.4 - Chart 4, "Recreation and Entertainment Uses", and Section 33.5, "Definitions", determined that all legal requirements of notice and hearings were met, that the public was provided an opportunity to provide input, and after considering the public input and the recommendation of the Planning and Zoning Commission, the Council determined that the proposed amendments to the Comprehensive Zoning Ordinance are consistent with the goals of set forth in the Comprehensive Plan of the City and would serve the best interest of the health and safety and substantially further the economic development and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENTS.

(a) That Ordinance No. O-02-07, as amended, the Comprehensive Zoning Ordinance of the City, and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, are hereby amended to add private membership social game house as a permitted use only in the Commercial and Highway Commercial Districts and only pursuant to a specific use permit approved by the City, by amending Chart 4 – "Recreation and Entertainment Uses", of subsection 33.4, "Use Charts", of Section 33, "Use Regulations", of Ordinance No. O-02-07 as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein, and Chapter 118, "Zoning", of the Code of Ordinances of the City as set forth within this paragraph and all other chapters and subsections of Ordinance No. O-02-07 and Chapter 118 not specifically amended hereby shall remain in full force and effect without amendment.

(b) That Ordinance No. O-02-07, as amended, the Comprehensive Zoning Ordinance of the City, and Chapter 118, "Zoning", of the Code of Ordinances of the City of Kaufman, is hereby amended to adopt a definition for "Private Membership Social Game House", to add that definition in alphabetical order and to renumber all subsections of subsection 33.5, "Definitions", of Section 33, "Use Regulations", of Ordinance No. O-02-07 accordingly and amending Chapter 118, "Zoning", of the Code of Ordinances of the City as set forth below with all other chapters and subsections of Ordinance No. O-02-07 and Chapter 118 not specifically amended hereby to remain in full force and effect without amendment.

. . .

"##_PRIVATE MEMBERSHIP SOCIAL GAME HOUSE is defined as the

private membership social game house specializing in tournament style card playing and/or other uses may include but not limited to pinball, pool table, shuffleboard and other similar amusements and coin-operated amusement devices. All such games and/or devices shall not violate the Texas Penal Code, Chapter 47, "Gambling" as amended. Such use is restricted to use by members, their guests and private parties. A private membership social game house use is prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the private membership social game house is located to the nearest property line of the church, school or hospital."

. . .

SECTION 3. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose, the Ordinance shall remain in full force and effect.

SECTION 4. SAVINGS CLAUSE. All rights and remedies of the City of Kaufman, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5. PENALTY. Any person who intentionally, knowingly, recklessly or criminally negligent violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication as required by law and as prescribed by City.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS on this the 26th day of April 2021.

APPROVED:

Jeff Jordan, Mayor
City of Kaufman, Texas

ATTEST:

Jessie Hanks, City Secretary
City of Kaufman, Texas

APPROVED AS TO FORM:

Patricia A. Adams, City Attorney

Exhibit "A"
Amended Chart 4, "Recreation and Entertainment Uses"

CHART - 4
CITY OF KAUFMAN, TEXAS
ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec.40.10) ►													S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8														S	S	S	
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P	P					P	P	P	
Country club (private)	50	P	S	S	S	S	S	S	S	S					S	S	S	
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S														S		
Golf course	84	P	S	S	S	S	S	S	S	S					S	S	S	
Health, fitness, sports club (indoors only)	215										S	S	P	S	P	P	P	
Park or playground (public)	155	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	154	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	171												S	S	S	S	S	
Private Membership Social Game House															S		S	
Rodeo grounds	64	S														S		
RV park	179																	
Sexually oriented business (see code of ord. Ch. 118)	200															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	219												S		S	S	S	
Swimming pool (private)	220	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	227	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	227	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	228															S		
Theater or playhouse (indoor)	229										S	S	P	P	P	P	P	P
Zoo (private)	259	S																
Zoo (public)	260	S														S		

► Amended 02-23-2015 by O-01-2015



Meeting Date: April 6, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case No. Z-02-21)

BACKGROUND/SUMMARY:

Mr. John Dumas is requesting to amend the City of Kaufman Comprehensive Zoning Ordinance to allow a "Private Membership Social Game House" as a specific use permit (SUP) to Section 33.4 Use Chart – 4 for Recreational and Entertainment Uses specifically in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts. The request also adds the definition "Private Membership Social Game House" to Section 33.5 Definitions. See the attached applicant's letter.

Mr. Dumas' proposed definition of "Private Membership Social Game House" which includes tournament-style card-playing also added pinball, pool table, shuffleboard, and other similar amusement devices. Below is the current definition of Amusement, Commercial (Indoor). This use is allowed by a specific use permit in the "Retail" (R) "Central Business District" (CBD) and the "Washington Street Corridor" (WSC) and by right in the "Commercial" (C) and "Light Industrial" (LI) districts. It is not allowed in the "Highway Commercial" (HC) zoning district

7. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services, and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses. Included are video arcades where more than ten (10%) percent of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffleboards, pool tables or other similar amusement devices.

When an Amusement, Commercial (indoor) use operates in the City of Kaufman an Amusement Permit is required. For example, Wal Mart's game room has an amusement permit. The difference between the proposed "Private Membership Social Game House" and an amusement use is one you have to pay for a membership and rental of the chair/amusement game and most of the time with arcades you just get the enjoyment of the game. In 1993, lawmakers approved

legislation known as the “fuzzy animals” bill. It was intended to ensure that amusement games, such as those played by children at Chuck E. Cheese’s or a carnival that awarded stuffed animals, would not be considered unlawful gambling devices. The bill, signed into law by Gov. Ann W. Richards, legalized any device made for “bona fide amusement purposes” that awarded noncash prizes with a value of \$5 or no more than 10 times the amount charged to play the game.

The Kaufman Code of Ordinance, Section 14 - Amusement and Entertainment. Specifically addresses the requirements for amusement permits, fees, hours, locations, and more. Section 14-32(3) specifically states **“No gambling of any kind shall be allowed on the premises, not prizes awarded for the operation of any coin-operated device of amusement or skill.”** See the attachment.

Mr. Dumas’ letter references food sales which is a permitted use in the “Commercial” and “Highway Commercial” zoning districts. He also references the sale of alcoholic beverages. The sale of alcoholic beverages for on-premise consumption is only allowed in conjunction with a restaurant (a private club with restaurant services) with the approval of a SUP. If the site, he chooses already has a SUP then he has to meet the requirements of the approved SUP. If the site does not have a SUP for a private club, he would have to apply and receive approval from City Council

Staff has researched eight surrounding cities to see if this type of use is allowed in their cities. The cities contacted were; Terrell, Crandall, Mesquite, Rowlett, Rockwall, Seagoville, Forney, and Garland.

The City of Terrell allows amusements such as pinball, billiards, in the “Light Industrial” and “Commercial” zoning districts as a specific use permit.

The City of Forney does not allow it as a use.

Staff has not heard back from the cities of Crandall, Rowlett, Rockwall, Seagoville, or Garland.

The City of Mesquite does allow this type of use as a Conditional Use Permit, which would be the same as our Specific Use Permit. For definitions and descriptions of different types of uses, the City of Mesquite uses the United States Department of Labor, Occupational Safety and Health Administration. Under Description for 7997: Membership Sports and Recreation Clubs, it lists “bridge clubs, membership” for Sports and recreation clubs which are restricted to use by members and their guests. Due to the gray area of 8-liners, the City of Mesquite has adopted an ordinance addressing and limiting them.

RECOMMENDATIONS:

Staff recommends denial of case Z-02-21, a request to add “Private Membership Social Game House” as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions.

ATTACHMENTS:

1. Applicant's letter
2. Code of Ordinance Amusements and Entertainments -Section 14-32(3)
3. City of Kaufman Use Chart 4 Proposed Change
4. City of Kaufman Definitions Proposed Change
5. City of Mesquite Schedule of Permitted Uses
6. United States Department of Labor, Occupational Safety and Health Administration
7. City of Mesquite Web Page for Coin-Operated Amusement Devices
8. City of Mesquite Coin-Operated Amusement Device Guide
9. City of Mesquite Ordinance Regarding Coin-Operated Devices

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Applicant's Letter

Introduction and Business Plan

To: P&Z and City Council

RE: Add Definition To Section 33.5, Social Card House

Dear Gentlemen/Gentlewomen,

Intro: First, thank you for taking the time to review my request. My name is John Dumas, I am a resident of Seagoville, TX. I graduated from Terrell, Texas in 1996 and moved back to the area in 2015. I am looking to start a Social Card Club in Kaufman, Texas. There are 31 in the State of Texas at this time with more in the process of starting. We are looking to keep the tax revenue dollars in the State of Texas, specifically Kaufman County, instead of the going to OK or LA.

Business Concept: We are a private social card club that offers a safe and friendly environment to play a variety of card games, specializing in Texas Hold EM, Pot Limit Omaha and Tournament play and more. We are providing a pressure free NO RAKE business model for members only, with memberships available to everyone over 21 that agree with our membership terms. This model is mirrored after 31 other successful social card rooms over the last 6 years throughout Texas. This business model began in Austin and quickly spread to Houston, San Antonio, Round Rock and most recently Dallas with 2 more approved in Dallas as well. This provides anywhere from \$200,000 to \$7,500,000 in gross revenue providing the Cities with solid a solid tax revenue.

Meeting State Requirements: What makes the business model legit in the State of Texas is no money will be drawn from the "pot" and players will receive 100% of the winnings. All Buy-Ins will be converted to "poker chips" so there will be NO cash on the tables. The business will create taxable revenue by charging a membership fee and a chair rental fee by the hour along with food sales. We are currently deciding on BYOB or a beer/wine permit which the location is already approved for. All staff will be TABC certified in our establishment regardless however this is NOT a bar or high consumption business. We will have cameras, security system and trained security or off duty sheriffs during peak hours to ensure safety. We will have a copy of every patron that enters the establishment due to our membership service requirements.

COVID-19: We will require temperature checks at the front door, hands to be sanitized and a mask to be worn at the table at all times. They may remove it to take a drink only, when consuming food, we will require them to sit in a designated area. We will also clean tables and chairs with hospital grade disinfectant after each person/game ends. Each deck of cards will be replaced after that table finishes.

Zoning Ordinance Revision: Section 33.2.4 Recreational & Entertainment which uses Section 33.5 and will be adding number 8 definition for Commercial and Highway Commercial Zoning with a Special Use Permit.

Definition: Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.

SUP: We are trying to keep the locations in commercial areas only and away 1,000 feet away from schools and churches out of respect to the community and its citizens.

Thank you for the opportunity and I look forward to answering any additional questions you may have.

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-31

ARTICLE I. IN GENERAL

Sec. 14-1. Share of fee on bingo prizes.

Pursuant to V.T.C.A., Occupations Code § 2001.503, the city shall receive a share of the fee that is collected from persons who win bingo prizes.
(Code 1974, § 21½-4)

Secs. 14-2—14-30. Reserved.

ARTICLE II. PERMIT AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement center means a business establishment in which at least 25 percent of the public floor area is devoted to coin-operated amusement devices and their public use, except those places operated by religious, charitable, and educational organizations.

Billiard hall means any place operated for profit where billiards are played, except those places operated by religious, charitable, and educational organizations.

Billiards means any game played on a table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

Bowling alley means any building, premises or portion thereof where the game of bowling or nine pins or other similar games are played.

Coin-operated amusement device means a machine or device operated by insertion of a coin, token or similar object, for the purpose of amusement or skill.

Other place of amusement means any building, premises or portion thereof in which facilities are provided for the playing of any coin-operated game or device of amusement or skill, or game of cards, dice or dominoes or other games requiring special equipment for the playing of games; other than in a private home, church or nonprofit community center.

Premises means any premises requiring a permit under the terms of this article.

Public dance hall means any building, premises or portion thereof in which a public dance is held, exposed or displayed.

(Code 1974, § 15-1; Ord. No. O-03-97, § 15-1, 3-24-1997; Ord. No. O-2-98, § 15-1, 3-9-1998)

Cross reference—Definitions generally, § 1-2.

Supp. No. 6

CD14:3

Code of Ordinance Section 14 Amusements and Entertainments

§ 14-32

KAUFMAN CODE

Sec. 14-32. Regulations governing premises.

(a) Condition of premises.

- (1) The premises regulated by this article shall be kept and maintained in a clean, healthful and sanitary condition in accordance with all applicable statutes and ordinances, and all rooms or halls connected to the premises shall be well-lighted and kept open and free from blinds, screens and obstructions.
- (2) No loud, boisterous, obscene or lewd conduct shall be allowed on the premises.
- (3) No gambling of any kind shall be allowed on the premises, nor prizes awarded for the operation of any coin-operated device of amusement or skill.

(b) Vacation of premises. Any member of the police department having determined that an act or condition prohibited in subsection (a) of this section is being committed or exists on the premises of a place or a business granted a permit under this article and that the persons creating such condition or committing such act are owners or employees of such premises or place of business, shall be authorized to immediately cause the premises to be closed and vacated until the hour of 8:00 a.m. next immediately following such determination.

(c) Violation deemed a misdemeanor. Any permittee, his officer, agent, employee, or servant who permits on a licensed premises any act or condition prohibited by subsection (a) of this section shall be guilty of a misdemeanor. This permission shall not be construed as a limitation to prosecute for any other offense or any permit revocation.

(Code 1974, § 15-9(a), (b)(1), (d); Ord. No. O-12-09, § 1, 9-28-2009)

Sec. 14-33. Billiard halls.

(a) Hours of operation. No person owning, operating or managing a billiard hall shall allow minors or other persons regardless of age to be present on the premises other than during the following hours of authorized operations:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) Sign pertaining to minors exhibited. It shall be the duty of the owner, exhibitor or lessee of a billiard hall to affix and prominently display a sign on the premises, which sign shall read: "PLAY BY MINORS UNDER 18 YEARS OF AGE NOT ALLOWED BETWEEN THE HOURS INDICATED BELOW UNLESS ACCOMPANIED BY PARENTS OR GUARDIAN." The owner, exhibitor or lessee referred to in this section shall attach to this sign the hours of operation referred to in subsection (a) of this section.

(Code 1974, §§ 15-10, 15-11; Ord. No. O-03-97, § 15-10, 3-24-1997)

Supp. No. 6

CD14:4

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-62

Sec. 14-34. Amusement centers.

(a) *Hours of operation.* No person owning, operating or managing an amusement center shall allow minors or other persons regardless of age to operate any amusement machine or device on the premises other than during the following hours of authorized operation:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) *Participation by minors.* No person owning, operating or managing an amusement center shall allow the operation of any amusement machine or device by a minor between the hours of 7:00 a.m. and 3:00 p.m. during the fall and/or spring terms when students are normally required to attend school in the school district in which the center is located.

(c) *Location.* No amusement center shall be allowed to operate if it is located within 150 feet of a public or private elementary, intermediate or high school. For purposes of this article measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest door in the portion of the building used as an amusement center to the nearest door of a school.

(Code 1974, § 15-12; Ord. No. O-03-97, § 15-12, 3-24-1997)

Sec. 14-35. Inspection procedures.

Any member of the permit committee, its agent or employees may at any time within normal business hours make an inspection of the licensed premises for purposes of ensuring compliance with this article.

(Code 1974, § 15-13)

Secs. 14-36—14-60. Reserved.

DIVISION 2. PERMIT

Sec. 14-61. Required.

No person shall operate, cause or allow to be operated or use any building, premises or portions of any building or premises within the city for the purpose of operating a billiard hall, public dance hall, bowling alley or other place of amusement without having first obtained a permit therefor in accordance with the terms of this article.

(Code 1974, § 15-3)

Sec. 14-62. Application; fee; issuance; duration.

(a) Application for a permit required by this division shall be filed by the owner or operator with the city secretary on forms to be furnished by the city. Such application shall be accompanied by an application fee of \$25.00. Upon receipt of an application, the city secretary shall refer it to a permit committee composed of the chief of police and the city manager for

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Code of Ordinance Section 14 Amusements and Entertainments

§ 14-62

KAUFMAN CODE

approval or disapproval. If the committee approves the application, the city secretary shall issue the permit, which shall remain in force until August 1 next following. The permit shall not be transferable, nor shall the fee be refundable.

(b) In addition to the fee which is to accompany any application, the following permit fees will be applicable to any permit obtained regarding the following:

- (1) For each billiard table, \$10.00 annually.
 - (2) For each shuffleboard installed, \$25.00 annually.
 - (3) For each other form of a game or device for amusement or skill, \$10.00 annually.
- (Code 1974, § 15-4)

Sec. 14-63. Investigation and approval of application.

The permit committee established pursuant to this division shall investigate applications for permits required by this division filed with the city secretary. No application shall be approved unless the permit committee finds that:

- (1) The owner, operator and all other persons having an interest in the premises for which application is made are of good moral character, having never been convicted of a felony or a misdemeanor involving moral turpitude that directly relates to the duties and responsibilities of their occupation under this article, and are not in arrears in the payment of any tax or other debt owed to the city.
- (2) The building, room, hall or premises in which the operation is proposed complies with and conforms to all health, building code, and fire regulations of the city; is properly ventilated and is supplied and equipped with suitable and sufficient toilet and sewage conveniences and facilities; and is so located with reference to other buildings and private residences so as not to constitute a nuisance to other citizens and residents of the community.

(Code 1974, § 15-5)

Sec. 14-64. Renewal; fee.

On or before July 1 of each year the holder of a permit issued pursuant to this article shall make application for renewal of the permit on forms provided by the city. Application and consideration of renewal permits shall be made in the same manner as an original permit but it shall be the duty of the permit committee to approve renewal unless the investigation reveals a violation of any of the terms or conditions of the original permit or this article. Each application for renewal permits shall be accompanied by the annual permit fee of \$10.00. The renewal fee shall not be refundable.

(Code 1974, § 15-7)

CD14:6

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-68

Sec. 14-65. Right of appeal from denial.

Any applicant for a permit required by this article whose application is denied by the permit committee may appeal such denial to the city council in accordance with section 14-67.
(Code 1974, § 15-8)

Sec. 14-66. Grounds for revocation or suspension.

The violation of any section of this article, or any other statute or ordinance that directly relates to the duties and responsibilities of an occupation under this article, shall be sufficient grounds for the revocation of any permit granted pursuant to section 14-62. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 14-67.
(Code 1974, § 15-14)

Sec. 14-67. Action to suspend or revoke; appeal.

(a) The permit committee, after notice and opportunity for hearing, shall have the authority to suspend or permanently revoke any permit.

(b) Any person, including permittees, aggrieved by the permit committee's decision may appeal the decision to the city council by furnishing written notice of appeal to the city secretary within ten days after such decision is rendered.

(c) The city council shall within 15 days after receipt of the notice set a date for hearing for appeal, and such date shall be within 45 days from the receipt of the notice of appeal.

(d) After notice and opportunity for hearing, the city council may revoke, suspend for a time definite, or reinstate the permit.

(e) Any person aggrieved by the decision of the city council may within ten days appeal the decision to the district court of the county.

(f) Notice, as used in this section, shall mean correspondence by U.S. mail, certified, return receipt requested, to the address of the licensed premises.

(g) Knowledge of the prohibited conditions and activities by the permittee's agent, officer, representative, employee, or servant shall be imputed to the permittee in any administrative hearing pursuant to this article.

(Code 1974, § 15-9(b)(2)—(7), (c))

Sec. 14-68. Falsified application prohibited; penalties.

It shall be unlawful for any person to make or knowingly permit the making of any false or misleading statement in any application made pursuant to this article. In addition to any other punishment or sanction, the violation of this section shall be grounds for the immediate

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Code of Ordinance Section 14 Amusements and Entertainments

§ 14-68

KAUFMAN CODE

revocation of any permit granted pursuant to such application. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 15-67.

(Code 1974, § 15-6)

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Kaufman Zoning Ordinance Chart 4 Proposed Change

CHART - 4 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec.40.10) ▶													S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8														S	S	S	
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P	P					P	P	P	
Country club (private)	50	P	S	S	S	S	S	S	S	S					S	S	S	
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S														S		
Golf course	84	P	S	S	S	S	S	S	S	S					S	S	S	
Health, fitness, sports club (indoors only)	215										S	S	P	S	P	P	P	
Park or playground (public)	155	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	154	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	171												S	S	S	S	S	
Private Membership Social Game House															S		S	
Rodeo grounds	64	S														S		
RV park	179																	
Sexually oriented business (see code of ord. Ch. 118)	200															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	219												S		S	S	S	
Swimming pool (private)	220	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	227	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	227	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	228															S		
Theater or playhouse (indoor)	229										S	S	P	P	P	P	P	P
Zoo (private)	259	S																
Zoo (public)	260	S														S		

▶ Amended 02-23-2015 by O-01-2015

Kaufman Definitions With New Addition Proposed Change

- 162. **PET AND ANIMAL GROOMING SHOP -**
- 163. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY -**
- 164. **PLANNED DEVELOPMENT DISTRICT –**
- 165. **PLANNING AND ZONING COMMISSION -**
- 166. **PLAT -**
- 167. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY) -**
- 168. **PREMISES -** Land together with any buildings or structures situated thereon, same as “Lot”.
- 169. **PRIMARY USE -** The principal or predominant use of any lot or building.
- 170. **PRINTING SHOP (COMMERCIAL) –**
- 171. **PRIVATE CLUB -** An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- 172. **PRIVATE MEMBERSHIP SOCIAL GAME HOUSE -** Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.
- 173. **PRODUCE STAND -**
- 174. **PROFESSIONAL SERVICE -**
- 175. **PROPANE SALES -**
- 176. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY –**
- 177. **PUBLIC VIEW -**
- 178. **RECREATION/COMMUNITY CENTER -** A public or private facility place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
- 179. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING -**
- 180. **RECREATIONAL VEHICLE (RV) PARK -**
- 181. **RECYCLING KIOSK**
- 182. **REHABILITATION CARE FACILITY (HALFWAY HOUSE) –**

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City of Mesquite's Schedule of Permitted Uses

PART 3: NONRESIDENTIAL DISTRICTS 3-200 USE REGULATIONS

3-203 SCHEDULE OF PERMITTED USES

SIC CODE	USE DESCRIPTION	O	GR	LC	THN R29 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
	a-1. Minor Reception Facility NOT within 500-ft of a Residential District		P	P			P	P		P	P	11	Requires compliance with 3-508 (A).
	a-2. Minor Reception Facility within 500-ft of a Residential District		C	C			C	C		C	C	11	Ord. 4797/8-3-2020 Requires a CUP when the Facility is located within 500 feet of a residential district. Requires compliance with 3-508 (A).
	b. Major Reception Facility							C		C	C	11	Ord. 4797/8-3-2020 Facilities are required to be located at least 500 feet from any residential district. Requires compliance with 3-508 (A).
792	Theatrical Producers, Bands, Entertainers 7922 Theatrical Producers (except)			P		C	P	P		P	P	28	
	a. Ticket Agencies, Entertainment		P	P			P	P		P	P	3	
	7929 Bands, Other Entertainment Groups			P		C	P	P		P	P	28	
793	Bowling Centers			C				C		C	C	19	Requires buildings to be located at least 100 feet from any residential district.
794	Commercial Sports									C	C	10	Prohibits outdoor activities within 500 feet of any residential district; Requires buildings for indoor sports to be located at least 100 feet from any residential district.
799	Miscellaneous Amusement, Recreation Services 7991 Physical Fitness Facilities		P	P		C	P	P		P	P	1	
	7992 Public Golf Course	P	P	P		C	P	P		P	P	14	
	7993 Coin-operated Amusement Gameroom (More than 4 Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires Licensing(Ord 4820; 10-19-2020)
	7996 Amusement Parks (Outdoor)									C	C	13	Prohibits outdoor activities within 500 feet of any residential district.
★	7997 Membership Recreation Clubs (except)			C		C		C		C	C	28	
	a. Indoor Sports, Athletic Clubs		P	P		C	P	P		P	P	1	
	b. Country Clubs	C	P	P		C	P	P		P	P	14	
7999	Amusement, Recreation Service, NEC a. Outdoor Facilities, Activities (Includes miniature golf, driving ranges, go-cart tracks, skateboard parks, etc.)									C	C	13	Prohibits outdoor activities within 200 feet of any residential district.
	b. Indoor Facilities, Activities			C		C		C		C	C	12	Requires building to be located at

P = Permitted Use (3-201A)
P = Italicized P (P) Use Permitted Only in Conjunction with Gasoline Sales (3-504)
C = Conditional Use (3-201B)
S = Special Exception (3-201C)
NEC = Not Elsewhere Classified

* Refer to 4-800 – TERRA Overlay District: An asterisk
(*) indicates that the use requires approval of a
Conditional Use Permit if located in the TERRA Overlay
District.
¹ Refer to applicable form-based code

Description for 7997: Membership Sports and Recreation Clubs

Division I: Services | Major Group 79: Amusement And Recreation Services | Industry Group 799:
Miscellaneous Amusement And Recreation

7997 Membership Sports and Recreation Clubs

Sports and recreation clubs which are restricted to use by members and their guests. Country, golf, tennis, yacht, and amateur sports and recreation clubs are included in this industry. Physical fitness facilities are classified in Industry 7991.

- Aviation clubs, membership
- Baseball clubs except professional and semiprofessional
- Bathing beaches, membership
- Beach clubs, membership
- Boating clubs, membership
- Bowling leagues or teams, except professional and semiprofessional
- ★ ▪ Bridge clubs, membership
- Club, membership: sports and recreation, except physical fitness
- Country clubs, membership
- Flying fields maintained by aviation club
- Football club, except professional and semiprofessional
- Golf clubs, membership
- Gun clubs, membership
- Handball clubs, membership
- Hockey clubs, except professional and semiprofessional
- Hunt clubs, membership
- Racquetball clubs, membership
- Recreation and sports club, membership: except physical fitness
- Riding clubs, membership
- Shooting clubs, membership
- Soccer clubs, except professional and semiprofessional
- Sports and recreation clubs, membership: except physical fitness
- Swimming clubs, membership
- Tennis clubs, membership
- Yacht clubs, membership

City of Mesquite's Web Page for Coin-Operated Amusement Devices

Coin-Operated Amusement Devices

On October 19, 2020, the City Council approved [Ordinance No. 4820](#) amending the requirements for coin-operated amusement devices. A coin-operated amusement device, also called a coin-operated machine, is any kind of machine operated by or with a coin, U.S. currency, metal slug, token, electronic card, or check including music, skill, or pleasure. The purpose of this amendment is to ensure that the use of coin-operated amusement devices will not have adverse effects on nearby properties.

Please use the [Coin-Operated Amusement Device Guide](#) to review the new requirements and determine if a Conditional Use Permit (CUP) will be required to have coin-operated amusement devices within your business.

If you have additional questions, please contact the Planning & Zoning Division at 972-216-6216.

All establishments with coin-operated amusement devices must be in compliance with the new requirements no later than January 1, 2021.

Applications & Resources

- [Coin-Operated Amusement Device Guide](#)
- [Conditional Use Permit Application](#)
- [Zoning Submission Calendar](#)
- [Ordinance - 4820: Coin-Operated Amusement Devices](#)
- [CSS - How to Apply Online](#)

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COIN-OPERATED AMUSEMENT DEVICES

This document is intended to be used for informational purposes to assist with answering general questions about the requirements for coin-operated amusement devices in Mesquite. This document is not inclusive of all applicable requirements.

All applications may be applied for online at www.energov.cityofmesquite.com

WHAT IS A COIN-OPERATED AMUSEMENT DEVICE?

A coin-operated amusement device, also called a coin-operated machine, is any kind of machine operated by or with a coin, U.S. currency, metal slug, token, electronic card, or check including music, skill, or pleasure.

A Conditional Use Permit (CUP) may be required for businesses that desire to have coin-operated amusement devices. A CUP is required to ensure that the use of such devices will not have adverse effects on nearby properties.

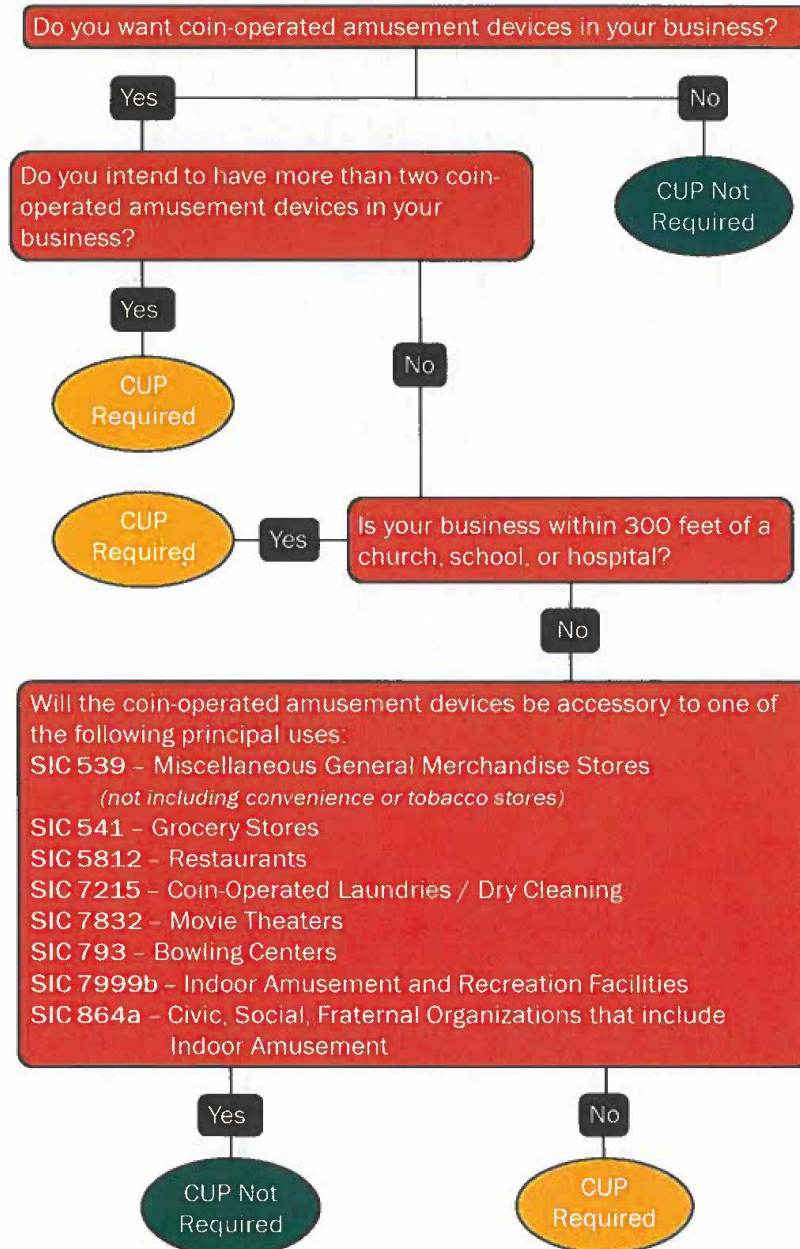


WHAT IS A CONDITIONAL USE PERMIT?

Conditional Use Permits (CUP) require a zoning application through the Planning and Zoning Division and must be presented and voted on by the Planning & Zoning Commission and City Council. The CUP process includes property owner notification and public hearings at the Planning & Zoning Commission and City Council meetings.

CUP PROCESS
\$800—\$1,000
2-3 months
For questions call: 972—216—6212

DO I NEED A CONDITIONAL USE PERMIT?



REQUIREMENTS FOR COIN-OPERATED AMUSEMENT DEVICES

	REQUIREMENTS
Location/ Separation Requirements:	All coin-operated amusement devices are prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school, or hospital.
Maximum Number:	A maximum of two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. More than two devices requires approval of a Conditional Use Permit.
Accessibility:	All gamerooms and coin-operated amusement devices must be kept open and accessible during business hours.
Primary Use Maintained:	Two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. If the business is not an approved principal use, a Conditional Use Permit is required.
Restrooms:	Two restrooms are required, one for each male and female.
Compliance:	All establishments with coin-operated amusement devices must be in compliance with these requirements no later than January 1, 2021.
Licensing:	All coin-operated amusement devices must be licensed through the Building Inspection Division.

HOW TO APPLY FOR CONDITIONAL USE PERMIT

Applications for a CUP are submitted online through the Citizen Self Service (CSS) portal at www.EnerGov.CityofMesquite.com.

On the CSS home page, click on the "Login or Register" tile to begin. If you have any issues logging in, please visit: <https://www.cityofmesquite.com/DocumentCenter/View/15123/CSS-FAQ>.

Once logged in, select the "Apply" button and locate the application for a "Conditional Use Permit".



Login or Register

Login to an existing or create a new account. You can also find help if you forgot your login information.

City of Mesquite's Ordinance Regarding Coin-Operated Device

ORDINANCE NO. 4820 Zoning Text Amendment No. 2020-05

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING SECTION 3-203 FOR COIN-OPERATED AMUSEMENT DEVICES OPERATING AS AN ACCESSORY USE AND AS A MAIN USE BY CROSS-REFERENCING APPLICABLE REGULATIONS; AMENDING SECTION 3-507, "COIN-OPERATED AMUSEMENT DEVICES," TO LIMIT MAIN USES TO WHICH COIN-OPERATED AMUSEMENT DEVICES MAY BE AN ACCESSORY USE, ADD APPLICABLE SPACING REQUIREMENTS, MEASUREMENT CALCULATIONS, A COMPLIANCE DATE, DEFINITION, AND A PENALTY AND ENFORCEMENT PROVISION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite, Texas ("City"), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code, Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.004, as amended; and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, Section 2; and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, coin-operated amusement devices such as eight-liners can have adverse effects on nearby properties, compromising the quality of life, property values and the character of surrounding neighborhoods; and

WHEREAS, in recognition of these deleterious effects, Section 2153.452(b) of the Texas Occupations Code expressly authorizes a city to restrict the exhibition of coin-operated amusement machines within 300 feet of a church, school or hospital; and

City of Mesquite's Ordinance Regarding Coin-Operated Device

Zoning / ZTA No. 2020-05 / Adding Spacing Requirements for Coin-Operated Amusement Devices / October 19, 2020
Page 2 of 5

WHEREAS, the Mesquite Zoning Ordinance contains this spacing requirement when coin-operated amusement devices are operated as a main use in connection with a conditional use permit for a coin-operated amusement gameroom; and

WHEREAS, the City Council finds that it is in the best interests of the City to include the state-authorized spacing requirement indiscriminately to all coin-operated amusement devices regardless of whether they are gamerooms operating as a main use, or accessory to another main use, or located in a planned development or other special district; and

WHEREAS, the City Council desires to clarify how the spacing distance is measured; and

WHEREAS, it is the intent of the City Council to ensure that there be adequate regulations to protect the public health, safety, and welfare concerning the operation of coin-operated amusement devices; and

WHEREAS, the Planning and Zoning Commission gave public notice and held a public hearing regarding proposed revisions and recommended amendment of the ordinance; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed amendment; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The statements, facts, findings and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. Division I, "Services," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7993 regarding coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7993	Coin-operated Amusement Gameroom (More than two Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires licensing.

SECTION 3. Division L, "Accessory Uses and Structures," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7 regarding

City of Mesquite's Ordinance Regarding Coin-Operated Device

Zoning / ZTA No. 2020-05 / Adding Spacing Requirements for Coin-Operated Amusement Devices / October 19, 2020
Page 3 of 5

coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN EIN NGTC I	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7	Coin-operated Amusement Devices	P	P	P			P	P		P	P		Permits a maximum of two machines. Requires licensing. Requires compliance with 3-507. Classify more than two machines as a primary use under 7993

SECTION 4. Section 3-507, "Coin-operated Amusement Devices," of Part 3, "Nonresidential Districts," of the Mesquite Zoning Ordinance, is hereby repealed and replaced with the following:

In addition to the requirements of Section 3-203, an establishment that includes coin-operated amusement devices, either as a primary use with an approved conditional use permit or as an accessory use permitted by right, shall comply with the following regulations:

A. *Open gamerooms.* All gamerooms or other areas of an establishment where coin-operated amusement devices are located and offered for the use and enjoyment of patrons or invitees of the establishment shall be kept open and accessible during business hours.

B. *Primary use to be maintained.* An establishment that includes coin-operated amusement devices as an accessory use permitted-by-right shall at all times actively conduct and maintain the primary use of the establishment as declared on the approved certificate-of-occupancy. The failure to actively conduct and maintain the primary use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises and the certificate-of-occupancy shall be subject to revocation. For purposes of this Section, "actively conduct and maintain" means to occupy not less than 50 percent of the floor space of the establishment, exclusive of restrooms and storage areas, with displays, racks or shelves stocked with goods, wares, unexpired food or other merchandise for sale to customers or with equipment or furniture necessary for producing goods or providing services to clients in accordance with the approved certificate-of-occupancy. Coin-operated amusement devices shall only be permitted as an accessory use to the following principal uses:

SIC	Use
539	Miscellaneous General Merchandise Stores
541	Grocery Stores
5812	Restaurants
7215	Coin-Operated Laundries / Dry Cleaning
7832	Movie Theaters
793	Bowling Centers
7999b	Indoor Amusement and Recreation Facilities

City of Mesquite's Ordinance Regarding Coin-Operated Device

Zoning / ZTA No. 2020-05 / Adding Spacing Requirements for Coin-Operated Amusement
Devices / October 19, 2020
Page 4 of 5

864a Civic, Social, Fraternal Organizations that include Indoor Amusement

C. *Retrofitting required.* An establishment with coin-operated amusement devices in use on the effective date of this ordinance shall modify or retrofit the premises to comply with the requirements of this Section no later than January 1, 2021.

D. *Location near churches, schools or hospitals.* All coin-operated amusement devices are prohibited within 300 feet of a church, school or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school or hospital.

E. *Coin-Operated Amusement Device or Machine* has the same meaning as "Coin-operated machine" in Texas Occupations Code, Section 2153.002(9), as may be amended.

F. *Penalty and Enforcement.*

1. It shall be unlawful and an offense for the proprietor, operator or any on-duty manager of the establishment to:

a. close, conceal or prevent, or attempt to close, conceal or prevent, any person from entering or looking with a direct line of sight into a gameroom or other area containing coin-operated amusement devices by the use of a human or electronic sentinel, or the use of doors, curtains, partitions, walls, counters or other physical or visual obstructions; or

b. display or operate coin-operated amusement devices in conflict with the primary use of the establishment.

2. The failure to actively conduct and maintain the primary use to which two (2) or less coin-operated amusement devices are an accessory use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises; and:

a. the certificate-of-occupancy shall be subject to revocation; and

b. the Building Official or others authorized to enforce this Code shall be authorized to seal all machines, either illegal or non-compliant with this section, in a manner consistent with Texas Occupations Code, Section 2153.352, as may be amended.

3. Any person violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in Section 1-6 of the Mesquite City Code. Each and every day such violation continues shall constitute a separate offense.

4. In addition to and cumulative of all other penalties and enforcement, the city shall have the right to seek injunctive relief for any and all violations of this article.

SECTION 5. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 6. Should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of October 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney



Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by Kaufman County. The property is a 7.9-acre portion (a portion of PID# 56874) of land generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-06-21)

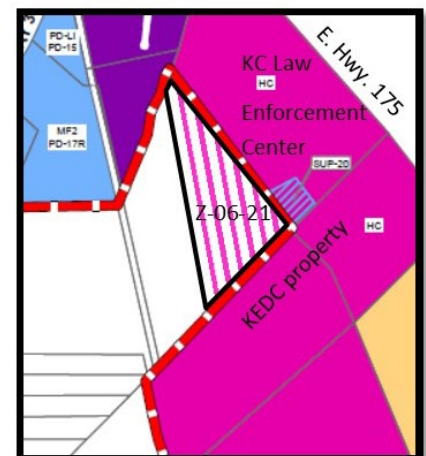
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-10-21 for the voluntary annexation as petitioned by Kaufman County. The 7.9 acres in the back portion of the 45-acre Kaufman County Law Enforcement Center Addition is located at 1900 East Highway 175. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 7.9 acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but because the existing 45-acre lot is already partially zoned HC it made sense to match the zoning districts. Kaufman County is looking to add a juvenile detention center on their campus.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	LI	City of Kaufman Waste Water Treatment Plant
South:	HC	Undeveloped KEDC property
East:	HC	Kaufman County Law Enforcement Center
West:	Annexed 3-22-21	Undeveloped City of Kaufman property



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Commercial Use. The proposed Highway Commercial zoning complies with the 2014 Future Land Use Plan because it allows a variety of commercial, office, and retail uses that would serve the Highway 175 corridor.

Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a "Type AA", Major Arterial, requiring a right-of-way width of 120 feet. The existing portion of E. Highway 175 exceeds the minimum width requirement.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 6 property owners within 300 feet of the 7.9 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 6

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

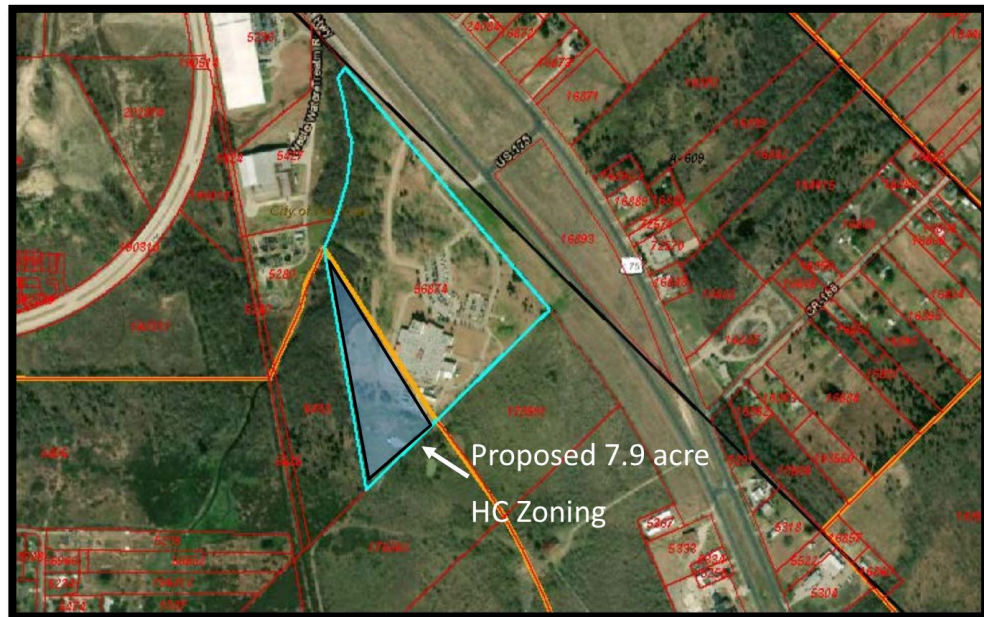
Staff recommends approval of Z-06-21 to zone 7.9-acres of annexed land (A-01-21) generally located at the rear portion of the Kaufman County Law Enforcement Center Addition located at 1900 East Highway 175 and southwest of East Highway 175 to Highway Commercial (a portion of Kaufman CAD ID 56874).

ATTACHMENTS:

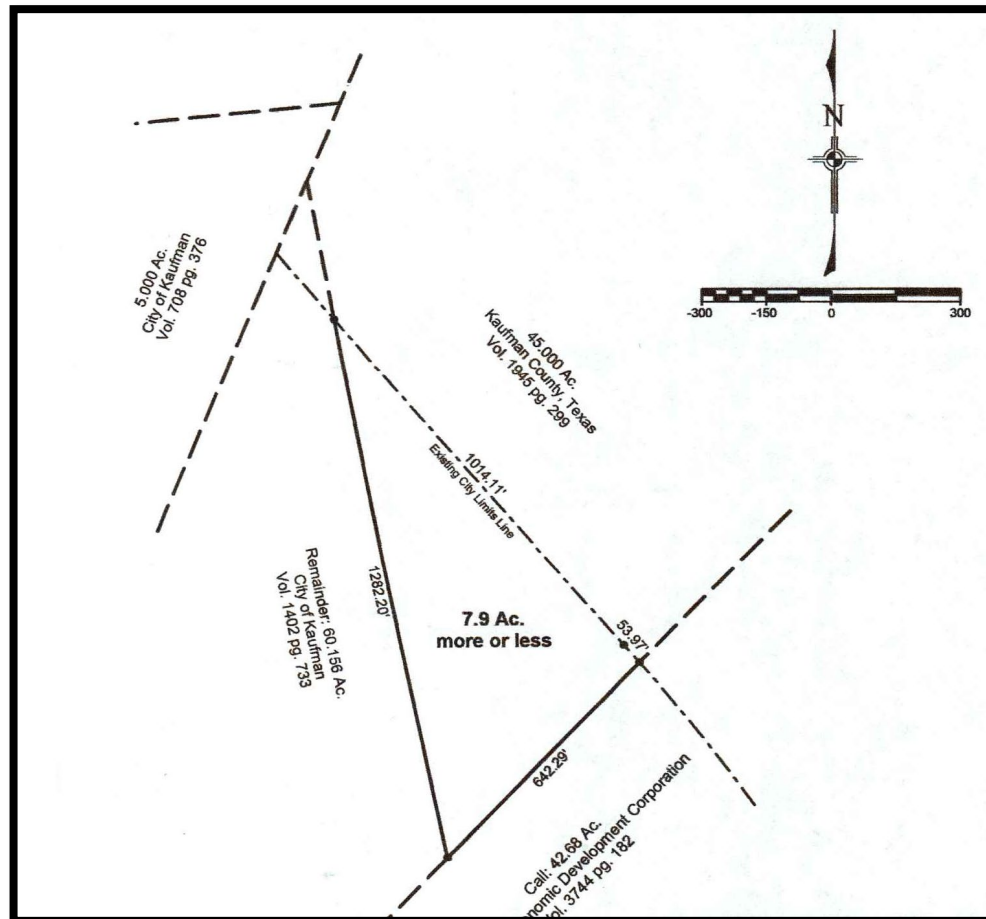
1. Location Map
2. Z-06-21 Survey Map

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Survey Map





Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Highway Commercial (HC) and owned by Kaufman County. The property is a 7.9-acre portion (a portion of PID# 56874) of land generally located at 1900 East Highway 175 and being platted as Lot 1, Kaufman County Law Enforcement Center Addition, situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-06-21)

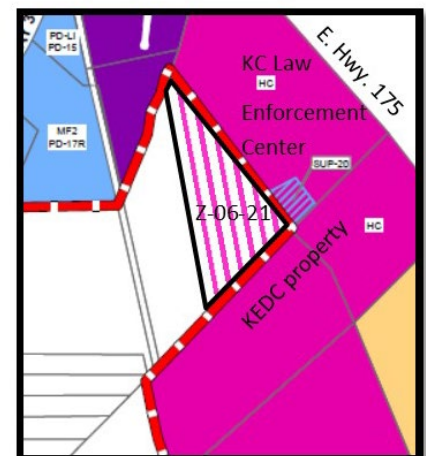
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-10-21 for the voluntary annexation as petitioned by Kaufman County. The 7.9 acres in the back portion of the 45-acre Kaufman County Law Enforcement Center Addition is located at 1900 East Highway 175. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 7.9 acres to Highway Commercial (HC). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, but because the existing 45-acre lot is already partially zoned HC it made sense to match the zoning districts. Kaufman County is looking to add a juvenile detention center on their campus.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	LI	City of Kaufman Waste Water Treatment Plant
South:	HC	Undeveloped KEDC property
East:	HC	Kaufman County Law Enforcement Center
West:	Annexed 3-22-21	Undeveloped City of Kaufman property



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Commercial Use. The proposed Highway Commercial zoning complies with the 2014 Future Land Use Plan because it allows a variety of commercial, office, and retail uses that would serve the Highway 175 corridor.

Thoroughfare Plan:

The Thoroughfare Plan designates E. Highway 175 as a “Type AA”, Major Arterial, requiring a right-of-way width of 120 feet. The existing portion of E. Highway 175 exceeds the minimum width requirement.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 6 property owners within 300 feet of the 7.9 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 6

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

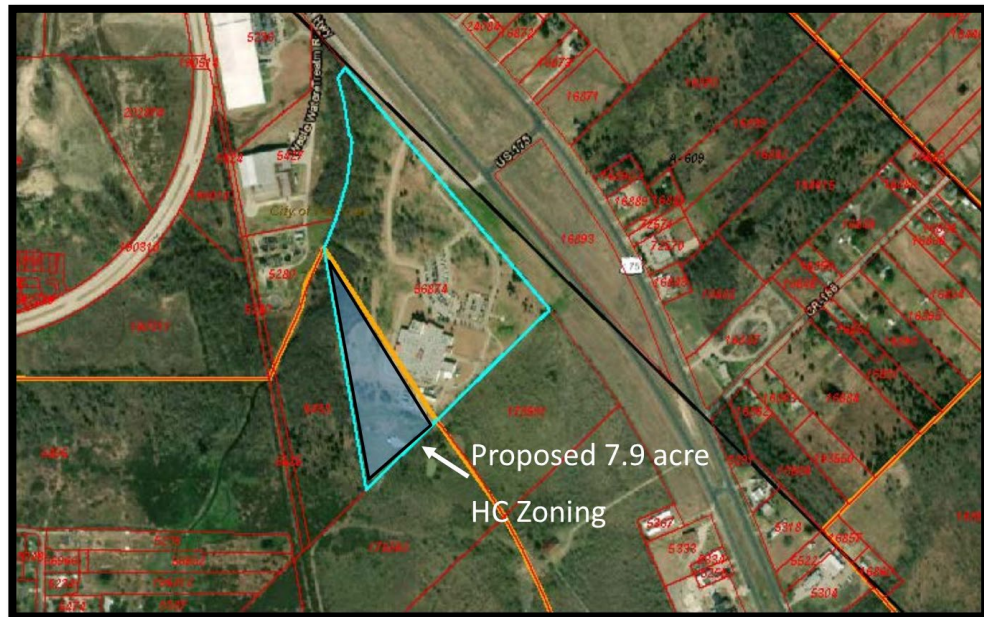
Staff recommends approval of Z-06-21 to zone 7.9-acres of annexed land (A-01-21) generally located at the rear portion of the Kaufman County Law Enforcement Center Addition located at 1900 East Highway 175 and southwest of East Highway 175 to Highway Commercial (a portion of Kaufman CAD ID 56874).

ATTACHMENTS:

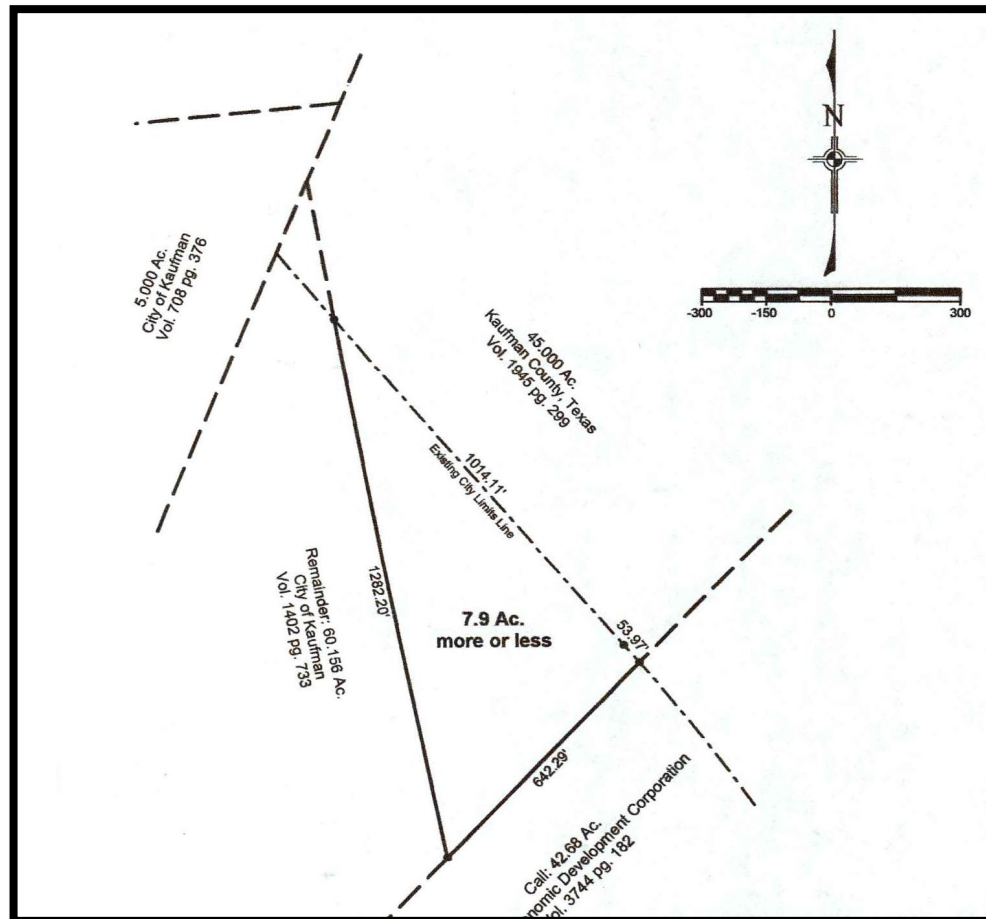
1. Location Map
2. Z-06-21 Survey Map

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Location Map



Survey Map





Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of a newly annexed property to Agriculture/Open (A/O) and owned by the City of Kaufman. The property is approximately 73.491 acres of land generally located at 2121 Ola Road and East State Highway 243, (PID# 213307) situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas. (Case #Z-08-21)

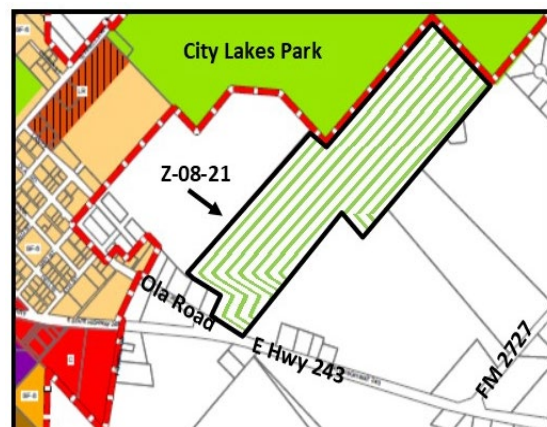
BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-12-21 for the voluntary annexation as petitioned by the City of Kaufman. The 73.491 acres is generally located at 2121 Ola Road and East State Highway 243. The property has frontage on Ferrell Road, located off of East State Highway 243. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 73.491 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	AO	City of Kaufman Lake
South:	ETJ	Single Family Residential Homes
East:	ETJ	Kaufman Independent School District
West:	ETJ	Undeveloped



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Low-Density Residential. The proposed Agriculture/Open (A/O) zoning complies with the 2014 Future Land Use Plan. The Agriculture/Open (A/O) district is the classification requested for City initiated annexation territory until it is assigned another more permanent zoning district by the property owner.

Thoroughfare Plan:

The Thoroughfare Plan designates **East State Highway 243** as a **“Type A” Major Arterial** requiring a right-of-way width of 120 feet. **Ola Road** is designated as a **“Type C” Major Collector** requiring a right-of-way width of 80 feet. A proposed **“Type D”, Minor Collector** extending along the eastern property line from Highway 243 heading north requires a right-of-way width of 60 feet. The “Type D” Minor Collector is proposed to extend north and intersect with **County Road 143, a “Type B”, Minor Arterial** requiring a right-of-way width of 100 feet. **Farm to Market Road 2727 is designated as a “Type B” Minor Arterial** requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 11 property owners within 300 feet of the 73.491 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 11

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

Staff recommends approval of Z-08-21 to zone approximately 73.491 acres of land generally located at 2121 Ola Road and East State Highway 243, (PID# 213307) to Agriculture/Open (A/O).

ATTACHMENTS:

1. Location Map
2. Proposed thoroughfares
3. Z-08-21 Survey Map

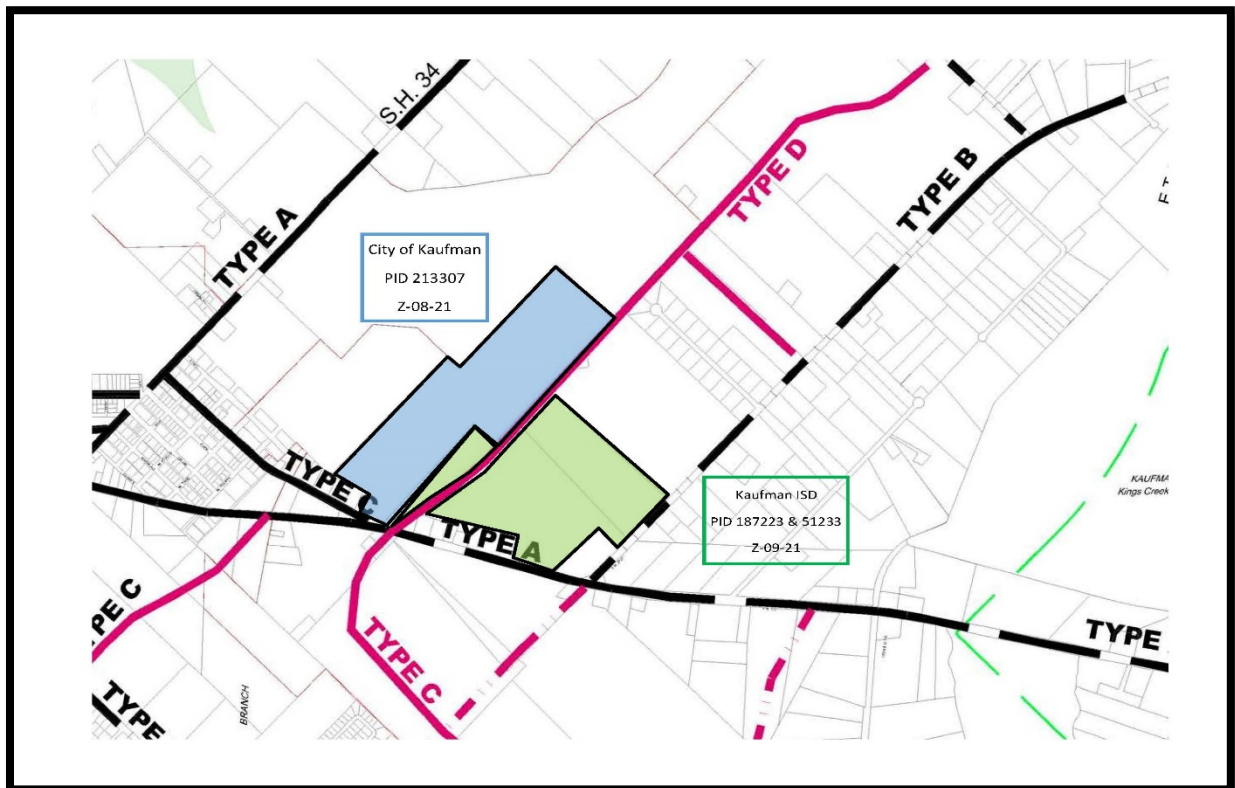
Marcy Ratcliff, Development Services - 972-932-2216 ext. 117

Kaufmanplanning@kaufmantx.org

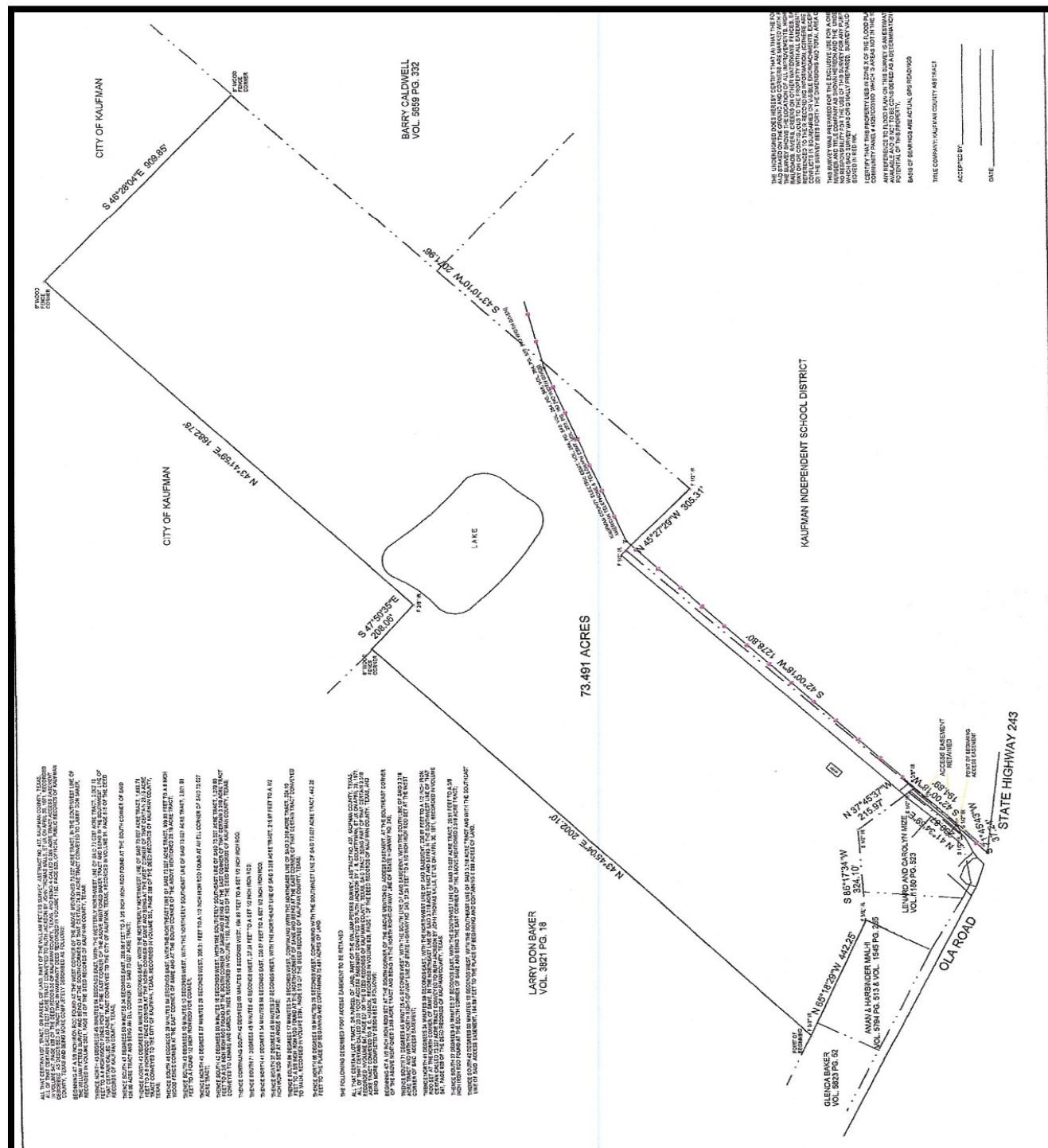
Location Map



Thoroughfares



Survey Map





Planning and Zoning Commission Report

Meeting Date: May 4, 2021

SUBJECT: Hold a public hearing, discuss, and take appropriate action on a City initiated zoning of the newly annexed property to Agriculture/Open (A/O) and owned by Kaufman Independent School District. The property being approximately 85.234 acres of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727, (PIDs 187223 & 51233), situated in the William Peters Survey, Abstract No. 407, Kaufman County, Kaufman, Texas. (Case #Z-09-21)

BACKGROUND/SUMMARY:

City Council, on March 22, 2021, approved Ordinance O-13-21 for the voluntary annexation as petitioned by the City of Kaufman. The 85.234 acres are located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727. PID 187223 has frontage on East State Highway 243 and Farm to Market Road No. 2727, while PID 51233 only has frontage on Farm to Market Road No. 2727. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a zoning case to zone the 85.234 acres to Agriculture/Open (A/O). Typically, the City would initiate a zoning case to zone the property Agriculture/Open District, unless the property owner requested a different zoning district to match or compliment the surrounding areas.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	ETJ	Undeveloped
South:	ETJ	Undeveloped
East:	ETJ	Retail Convenience Store Residential Houses
West:	Proposed A/O	City of Kaufman Property that has been annexed and is being rezoned.



COMPREHENSIVE PLAN:

Land Use Plan:

The 2014 Future Land Use Plan designated the land use of the subject property as Future Low-Density Residential. The proposed Agriculture/Open (A/O) zoning complies with the 2014 Future Land Use Plan. The Agriculture/Open (A/O) district is the classification requested for City initiated annexation territory until it is assigned another more permanent zoning district by the property owner.

Thoroughfare Plan:

The Thoroughfare Plan designates **East State Highway 243** as a **“Type A” Major Arterial** requiring a right-of-way width of 120 feet. **Ola Road** is designated as a **“Type C” Major Collector** requiring a right-of-way width of 80 feet. A proposed **“Type D”, Minor Collector** extending along the eastern property line from Highway 243 heading north requires a right-of-way width of 60 feet. The “Type D” Minor Collector is proposed to extend north and intersect with **County Road 143**, a **“Type B”, Minor Arterial** requiring a right-of-way width of 100 feet. **Farm to Market Road 2727 is designated as a “Type B” Minor Arterial** requiring a right-of-way width of 100 feet.

PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 13 property owners within 300 feet of the 85.234 acres. The State requires a 200-foot notification and the City of Kaufman notifies an extra 100-foot radius, for every notification required in the Comprehensive Zoning Ordinance. The results are as follow:

- Number of property owners who returned letter in agreement with the request: 0
- Number of property owners who returned letter in opposition of the request: 0
- Number of property owners have not responded: 13

If 20% of the area 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 20% rule is a State law.

RECOMMENDATIONS:

Staff recommends approval of Z-09-21 to zone approximately 85.234 acres of land generally located at the northwest corner of East State Highway 243 and Farm to Market Road No. 2727, (PIDs 187223 & 51233) to Agriculture/Open (A/O).

ATTACHMENTS:

1. Location Map
2. Proposed thoroughfares
3. Z-09-21 Survey Map

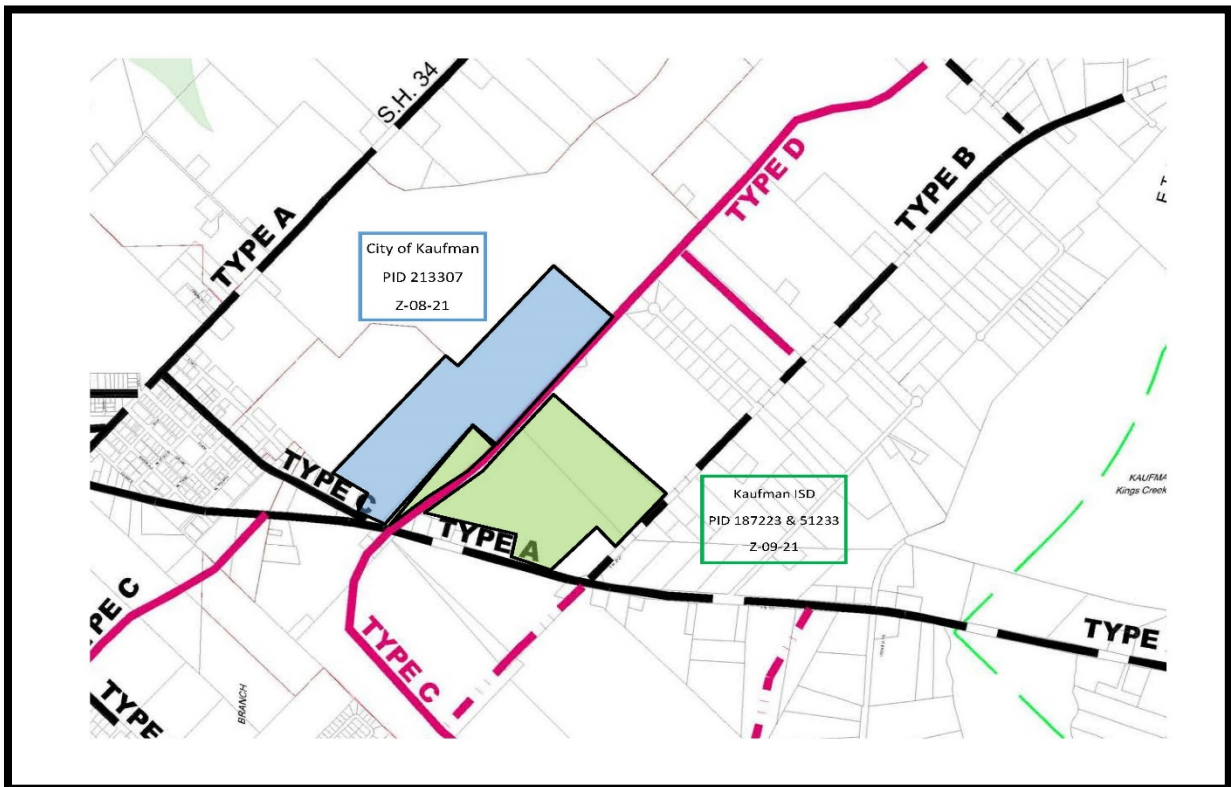
Marcy Ratcliff, Development Services - 972-932-2216 ext. 117

Kaufmanplanning@kaufmantx.org

Location Map



Thoroughfares



Survey Map

