



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, AUGUST 3, 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 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**

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 make a recommendation to City Council on the **Preliminary Plat of Lot 1, Block 1, Juniper Pointe Addition**, being a tract of land containing 9.008-acres (PIDs 5373, 5377), situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. The property is generally located in the 2600 Block of Tabor Parkway. A one lot subdivision for an apartment complex in the Multi-Family-2 district is proposed. (Case No. PP-03-21)
2. Consider and take appropriate action on the minutes of June 1, 2021 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

PUBLIC HEARING

3. Hold a public hearing and make a recommendation to City Council on a request by Bill Wait of Kaufman One WW LLC on approximately 26 acres (PIDs 184130, 16871) to amend the Future Land Use map from Future Commercial and Future Neighborhood Service to a Future Single Family (High Density) and rezone from Highway Commercial (HC) and Single-family Residential-20 (SF-20) to Planned Development (PD) for a maximum of 127 single-family residential lots. The property is generally located in the 1500 Block of East Highway 175 in the Levi York Survey, Abstract No. 609, Kaufman County, Kaufman, TX. (Case No. Z-14-21)
4. Hold a public hearing and make a recommendation to City Council on a request by Katina Williams Gibbons for a Specific Use Permit on approximately 0.44 acres for the sale of alcoholic beverages in conjunction with a restaurant on property zoned Highway Commercial (HC). The property is generally located at 5962 Fair Road (PID# 5300) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case No. Z-15-21)

DISCUSSION/ACTION ITEMS

5. Consider and make a recommendation to City Council on the Final Plat of Prairie Creek Estates, Phase 3 Addition and variances to the 1999 Design Manual for Storm Drainage Facilities, Criteria and Design Procedures, Sections C.2.2.5, Positive Overflow and C.4.1 Hydraulic Gradient of Conduits. The 17.479-acre tract (PIDs 2208 and 184100) is generally located in the 1800 block of Rand Road (FM 1836) in the Thomas Beedy Survey, Abstract No. 21. The proposed development contains 63 single family residential lots. The property is zoned Planned Development -8 (PD-8). (Case No. FP-08-21)
 - A. Presentation of requested variances to the 1999 Design Manual for Storm Drainage Facilities and the Final Plat of Prairie Creek Estates, Phase 3 Addition.

- i. Criteria and Design Procedures, Section C.2.2.5 Positive Overflow - The approved drainage system shall provide for positive overflow at all low points. the term "positive overflow" means that when the inlets do not function properly, or when the design capacity of the conduits exceeded, the excess flow can be conveyed overland along a paved course. Normally this would mean along a street or alley, but can require the dedication of special drainage easements on private property to a minimum. The overflow elevation shall not be higher than 0.5 feet above the top of the curb at the low point. Artificial sags created by "seesaw" of street or alley grades will not be permitted.
 - ii. Criteria and Design Procedures, Section C.4.1 Hydraulic Gradient of Conduits - The hydraulic gradient for the selected conduit size shall be design to carry the design flow at an elevation not less than 1.5 feet below the curb.
- B. Consider and make a recommendation variance requests to the 1999 Design Manual for Storm Drainage Facilities.
 - C. Consider and make a recommendation on the Final Plat of Prairie Creek Estates, Phase 3 Addition.
6. Consider and make a recommendation to City Council on the Site Plan of proposed Lot 1, Block 1, Juniper Pointe Addition. An apartment complex with 72 units is proposed. The 9.008-acre tract (PID#5373 and 5377) is generally located in the 2600 block of Tabor Parkway (AKA CR 151). The property is zoned MF-2. (Case No. SP-02-21)

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

7. Update on the proposed Final Plat of the South Pointe at Kaufman Sports Village Addition.
8. Future Items for the September 7, 2021 Planning and Zoning Commission Meeting
 - A. SP-03-21 Site Plan Revision of 1420 E Mulberry (SE Corner at SH 34 Bypass) Lots 1-2, Block 1, Gregory Marlow Truck Stop Addition
 - B. SP-04-21 Site Plan of 340 E Hwy 175 (east of Whataburger) Wal Mart Gas Station
 - C. SP-05-21 Site Plan of 750 E Hwy 175 (2nd lot east of Konny's Car Wash) Lone Star Credit Union

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


JOY HENDERSON
PLANNING TECHNICIAN

****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.



Planning and Zoning Commission Report

Meeting Date: August 3, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation Consider and make a recommendation to City Council on the **Preliminary Plat of Lot 1, Block 1, Juniper Pointe Addition**, being a tract of land containing 9.008-acres (PIDs 5373, 5377), situated in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. The property is generally located in the 2600 Block of Tabor Parkway. A one lot residential subdivision for a Multi-Family-2 development is proposed. (Case No. PP-03-21)

BACKGROUND/PURPOSE:

A 5.366-acre portion of the property was rezoned from Commercial (C) to Multi-Family -2 (MF-2) on May 24, 2021. The remaining 3.642-acres was already zoned Multi-Family-2 (MF-2). The MF-2 district allows a maximum density of 24 units per acre.

Typically, a subdivision is required to have two separate entrances and exits, so in case of an emergency if one entrance/exit is blocked there is another entrance/exit available. However, in this instance it is physically impossible to have two separate entrances and exits, because the property is surrounded by existing development on all sides. The Fire Department devised a compromise for the two separate entrance and exit requirement that met the spirit of the Subdivision Ordinance.

The property has 209.77 feet of frontage on Tabor Parkway, which allows room for two separate 24-foot driving lanes divided by a 5-foot median to serve as the two entrances and exits. This means the apartment complex will regularly have the northern 24-foot driving lane as the two entryway lanes and the southern 24-driving lane as the two exit way lanes. If one side or the other is ever closed due to an emergency, the other side will have enough width for two-way traffic. The Juniper Pointe Addition Site Plan (SP-02-21) showing the details described above will also be on the same agenda as the preliminary plat.

Oncor Electric will provide electrical service. The City of Kaufman will provide water and sanitary sewer service.

THOROUGHFARE PLAN: Tabor Parkway is designated as a "Type B", Minor Arterial, requiring a right-of-way width of 100 feet. Additional right-of-way was not required with this plat.

RECOMMENDATIONS:

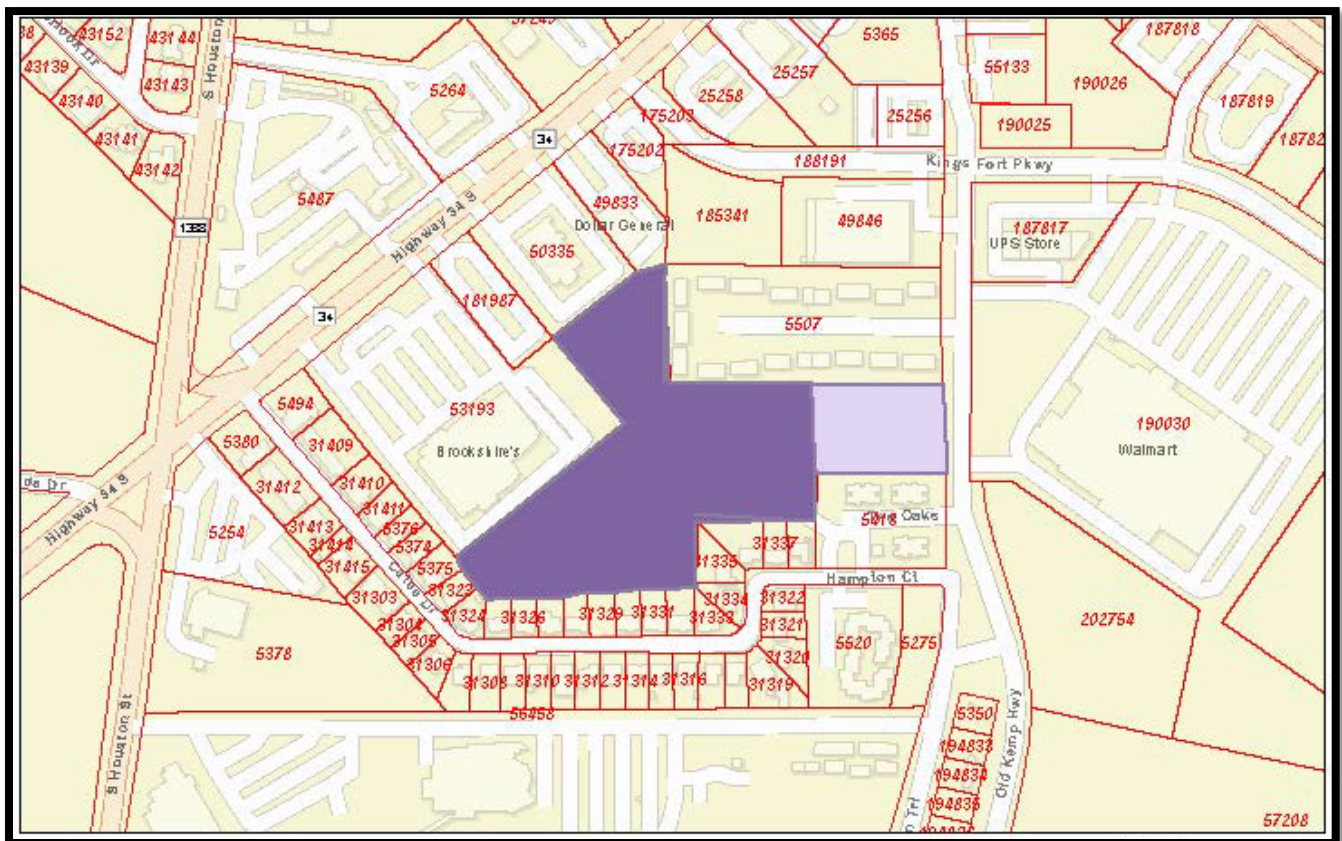
Staff recommends approval of the Preliminary Plat of Lot 1, Block 1, Juniper Pointe Addition (Case No. PP-03-21).

ATTACHMENTS:

1. Location Map
2. Preliminary Plat of Lot 1, Block 1, Juniper Pointe Addition.

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

Location Map





MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JUNE 1, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
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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 6:07 p.m. Tuesday, June 1, 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 William Adair, Troy Kelly, Jason Warren and Phillip London.

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 PRELIMINARY PLAT OF LOT 1, BLOCK 1, KELLY ADDITION. THE 1.264 ACRE TRACT (PID# 5365) IS GENERALLY LOCATED 2212 TABOR PARKWAY (AKACR 151). THE PROPERTY IS ZONED COMMERCIAL. (CASE NO. PP-02-21).**
2. **CONSIDER AND TAKE APPROPRIATE ACTION ON THE MINUTES OF MAY 4, 2021 PLANNING AND ZONING COMMISSION MEETING.**

END OF CONSENT AGENDA

Commissioner Saldana made a motion to approve the consent agenda for items 1 and 2. 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

PUBLIC HEARING

3. **HOLD A PUBLIC HEARING, DISCUSS AND MAKE A RECOMMENDATION TO CITY COUNCIL FOR A TEXT AMENDMENT 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 THE USE "PET SHOP WITH NO GROOMING" EITHER AS A PERMITTED USE OR AS A SPECIFIC USE PERMIT TO THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT BY AMENDING CHART 6, "RETAIL AND SERVICE USES" OF SECTION 33.4, "USE REGULATIONS" (CASE NO. Z-12--21)**

- a. The Public Hearing was opened at 6:13 p.m.

Marcy Ratcliff, Director of Development Services, stated Mr. Phillip London of PetGuy Services desires to open a pet shop for his aquarium maintenance business and sales of fresh and saltwater fish, aquatic plants, corals, reptiles, small mammals (such as guinea and gerbils) and related products for their nutrition, care, and well being on a lot in the Central Business District (CBD). His proposed pet store will not be selling dogs or cats and would not include grooming. However, Chart 6 "Retail and Service Uses" of Section 33.4, "Use Regulations" does not allow a "Pet Shop and Grooming" use in the CBD. Mr. London is requesting a text amendment to Chart 6 "Retail and Service Uses" of Section 33.4, "Use Regulations" to either allow as a permitted use or as a specific use permit a pet shop with no grooming.

Phillip London stated that Marcy Ratcliff covered everything.

Commissioner Snow asked why we were asking for no grooming, when barber shops are allowed.

- b. The Public Hearing was closed at 6:19 p.m.

Commissioner Lopez made a motion to approve a text amendment 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 the use "pet shop with no grooming" either as a permitted use or as a specific use permit to the Central Business District (CBD) Zoning District by amending Chart 6, "Retail and Service Uses" of Section 33.4, "Use Regulations". 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.

4. HOLD A PUBLIC HEARING, DISCUSS, AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A REQUEST BY JASON WARREN OF KAUFMAN LUMBER TO REZONE 5.192 ACRES FROM AGRICULTURE-OPEN (A-O) TO COMMERCIAL (C). THE PROPERTY IS GENERALLY LOCATED AT 3222 EAST HIGHWAY 175 (PID# 382) IN THE CHARLES ASKINS SURVEY, ABSTRACT NO. 2, KAUFMAN COUNTY, KAUFMAN, TX. (CASE NO. Z-13-21)

- a. The Public Hearing was opened at 6:21 p.m.

Marcy Ratcliff, Director of Development Services, stated Jason Warren is requesting to rezone 5.192-acres from Agriculture-Open District to Commercial (C). The property was annexed and zoned in 2012 by the City of Kaufman to Agriculture-Open (A-O). The property was originally developed in 1998 as Kaufman Lumber. The applicant wants the Commercial zoning district designation so retail propane gas sales can be added as an accessory use to the retail lumber sales. The Agriculture-Open District is used as an interim zoning district for any newly annexed property until the property owner applies to rezone the property in compliance with the Future Land Use Plan (FLUP). The proposed application request for the Commercial District complies with the Future Land Use Plan.

Jason Warren stated the driveway is already concreted.

Commissioner Lopez asked if the driveway will be concreted.

- b. The Public Hearing was closed at 6:24 p.m.

Commissioner Snow made a motion to approve the rezoning of 5.192 acres from Agriculture-Open (A-O) to Commercial (C) for property located at 3222 East Highway 175, also known as PID# 382. The motion was seconded by

Commissioner Lopez. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0.

5. HOLD A PUBLIC HEARING, DISCUSS, AND MAKE A RECOMMENDATION TO CITY COUNCIL FOR TEXT AMENDMENTS TO CHAPTER 118, "ZONING" OF THE CODE OF ORDINANCES, SPECIFICALLY TO SECTION 33.4 USE CHART REGULATIONS RELATIVE TO CHART 3, ACCESSORY & INCIDENTAL USES TO DELETE COMMERCIAL ACCESSORY BUILDINGS IN THE CENTRAL BUSINESS DISTRICT (CBD). (CASE NO. Z-10-21)

a. The Public Hearing was opened at 6:27 p.m.

Marcy Ratcliff, Director of Development Services, stated recently staff received a request to construct a one story metal accessory storage, building less than 240 square feet, in the Central Business District (CBD). While reviewing the request, a text conflict between three different sections was discovered in the Zoning Ordinance. Staff denied the permit because it did not meet the criteria set forth in the CBD. This zoning text amendment case is to correct the conflict. Staff proposes to delete the use "Accessory Buildings-Commercial" from the CBD Zoning District by amending Chart 3, "Accessory & Incidental Uses" of Section 33.4, "Use Regulations" (See the attached Chart 3 with the language struck out). A good majority of the lots in the CBD are fully developed with a structure. Some of the lots have small minimal areas for off-street parking mainly used by employees. Most lots have no room for any type of accessory building. Allowing any type of small accessory building in the CBD, conflicts with the preservation of the historic and architectural qualities which make the CBD a unique place.

Commissioner Saldana stated this item is for the clarification in the Central Business District.

Commissioner Snow asked what kind of affect this will have on mobile food trucks? Would an attached refrigeration system be considered an accessory building?

Commissioner Lopez asked what would the metal building be used for?

b. The Public Hearing was closed at 6:35 p.m.

Commissioner Snow made a motion to approve the text amendments to Chapter 118, "Zoning" of the Code of Ordinances, specifically to Section 33.4 Use Chart Regulations relative to Chart 3, Accessory & Incidental Uses to delete commercial accessory buildings in the Central Business District (CBD). 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.

DISCUSSION/ACTION ITEMS

6. CONSIDER AND TAKE APPROPRIATE ACTION ON THE SITE PLAN OF

PROPOSED PLAT OF LOT 1, BLOCK 1, KELLY ADDITION FOR THE DEVELOPMENT OF THREE COMMERCIAL, RETAIL AND/OR OFFICE BUILDINGS. THE 1.264 ACRE TRACT (PID# 5365) IS GENERALLY LOCATED 2212 TABOR PARKWAY (AKA CR 151). THE PROPERTY IS ZONED COMMERCIAL. (CASE NO. SP-01-21)

Marcy Ratcliff, Director of Development Services, stated Mr. Troy is proposed to develop 3 separate building on Lot 1, Block 1, Kelly Addition, located at 2212 Tabor Parkway, which is behind McDonald's. The 1.264-acre lot is undeveloped. Each building will contain 3,600 square feet and will be built in three phases. Phase 1 - Building 1 is proposed to be pharmacy (40 feet x 90 feet) with a drive-through. Phase 2 – Building 2 and Phase 3 – Building 3 each do not have any specific users at this time. The total building area of the completed development will be 10, 800 square feet. The one story buildings are proposed to have a stone and brick veneer. The site is providing 27% landscaped area. The proposed development has one 25-foot-wide driveway entrance from Tabor Parkway, which aligns with the Kaufman Family Dentistry across the street. A 24-foot fire lane and mutual access easement is proposed within the parking lot. The medical office building will require 37 off-street parking spaces and 52 off-street parking spaces are provided.

Troy Kelly said the buildings will be completed in 3 phases and there will be lighting and landscaping on the property.

Chairman Brown asked if each of the phases will start after the previous building is lease or will they all be built at the same time?

Vice-Chairman Cardoza asked if there will be exterior lighting on the property?

Commissioner Lopez asked if the property would be landscaped?

Commissioner Lopez made a motion to approve the Site Plan of proposed Plat of Lot 1, Block 1, Kelly Addition for the development of three commercial, retail and/or office buildings generally located 2212 Tabor Parkway also known as PID# 5365. 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.

WORKSHOP/DISCUSSION ITEMS

7. REVIEW AND DISCUSS RULES AND PARLIAMENTARY PROCEDURES FOR PUBLIC BOARDS.

Marcy Ratcliff, Director of Development Services, presented the Commissioners with a handout regarding Parliamentary Procedures. Discussion ensued.

8. DISCUSS THE AMENDMENTS APPROVED BY ORDINANCE O-20-21 TO ARTICLE IX, "PARKLAND DEDICATION AND DEVELOPMENT", OF CHAPTER 94, "SUBDIVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF KAUFMAN.

Marcy Ratcliff, Director of Development Services, presented the Commissioners with an example project consisting of 25.411 acres of land with 122 residential lots. After the initial Parkland Ordinance was approved, staff tried several mock subdivisions to see what the requirements would be. That is when staff found the error and has since corrected it.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

9. Update on the adopted Park Land Dedication Ordinance 0-04-21.

Marcy Ratcliff, Director of Development Services, stated the updated Park Land Dedication revised the cost of what would be required, which made the fees more reasonable.

10. Update on the South Pointe development at northwest corner of S. Houston Street and S.H.34 Bypass

Marcy Ratcliff, Director of Development Services, stated staff is still working with the applicant and engineers to get this project to the Planning and Zoning Commission.

11. Update on vacant property located in the 400 Block of North Clay.

Marcy Ratcliff, Director of Development Services, stated the property has been cleaned up so the owner can put it up for sale.

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

Commissioner Saldana made a motion to adjourn at 7:36 p.m., seconded by Commissioner Deaton. 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



Meeting Date: August 3, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Hold a public hearing and make a recommendation to City Council on a request by Bill Wait of Kaufman One WW LLC on approximately 26 acres (PIDs 184130, 16871) to amend the FutureLand Use map from Future Commercial and Future Neighborhood Service to a Future Single Family (High Density) and rezone from Highway Commercial (HC) and Single-family Residential-20 (SF-20) to Planned Development (PD) for a maximum of 127 single-family residential lots. The property is generally located in the 1500 Block of East Highway 175 in the Levi York Survey, Abstract No. 609, Kaufman County, Kaufman, TX. (Case No. Z-14-21)

BACKGROUND/SUMMARY:

Bill Wait of Kaufman One WW, LLC, has submitted a request for approximately 26 acres generally located east of Priscilla Lane and in the 1500 Block of East Highway 175.

1. Amend the FutureLand Use map from Future Commercial and Future Neighborhood Service to a Future Single Family (High Density) land use category so that his request for a Planned Development of 127 single-family lots can be approved. His overall proposed density is 4.88 units per acre
2. Rezone approximately 26-acres (PIDs 184130 and 16871), which is currently owned by the Landmark Church of Christ from Highway Commercial (HC) and Single-Family Residential-20 (SF-20) to Planned Development for single family development of a maximum of 127 lots with lot sizes from minimums of 5,500 SF to 8,400 SF.

If the 2014 Future Land Use Plan is amended to Future Single Family (High Density), then the zone change request for a Planned Development (PD) District for the development of 127 single family residential lots with a density of 4.88 units per acre will comply. If the proposed Future Land Use Plan amendment is approved, then Staff recommends the Commission review the surrounding future land uses to consider making further changes at a future date.

The proposed concept plan shows three tiers (Type A thru Type C) of minimum lots sizes. The larger lot sizes (Type C) will be located along the northwest property line adjacent to the lots located on Priscilla Lane (Freeman Estates) and will graduate to smaller sizes on the southeast side of the property. The planned development's base zoning district will be the Single Family Residential – 6 District (SF-6). The subdivision is proposed to be developed in a single phase. The houses would all be front entry, have 8/12 roof pitch, full gutters around the house, a

community mail box, provide a home owner's association to maintain the common areas and entry features

Below is a general summary of the proposed planned development. Attached are more details for the proposed planned development

Proposed Planned Development – Single Family (PD)				
Lot Size (Minimum)	Type 'A' Lots	Type 'B' Lots	Type 'C' Lots	SF-6 Base Zoning
Minimum Lot Area (sq. ft.)	5,500	6,500	8,400	6,000
Minimum Lot Width (feet)***	50'	60'	60'	60'
Minimum Lot Depth (feet)	100'	100*	100'	100'
Dwelling Regulations (Minimum Square Footage)	1,600 s.f.	1,600 s.f.	2,000 s.f.	1,200 s.f.

There is a future 80-foot-wide, 4 lane collector street shown at the northern side of the property. The applicant is proposing not to construct half of the thoroughfare, but to build temporary hammerhead turnaround as shown on the concept plan. The applicant's reasons for not constructing his half of the thoroughfare is because it would become the only developed portion. The street impact fees would help to pay for the future construct of the thoroughfare plan.

A traffic impact analysis (TIA) is not required with a zone change request. If the zoning change is approved a TIA is required during the platting process. The TIA will determine if acceleration and decelerations lanes will be required. The street entry from Highway 175 is proposed to align with the highway crossing. We have instructed the applicant to begin discussions with TxDOT about the alignment.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
Left:	SF-29	Freeman Park Estate Residential Homes
Right:	SF-20	Vacant Land & Residential Homes
Top:	Unzoned	Outside City Limits - Kaufman County
Bottom:	HC	Residential Homes & Highway 175

Zoning Map



COMPREHENSIVE PLAN:

Land Use Plan:

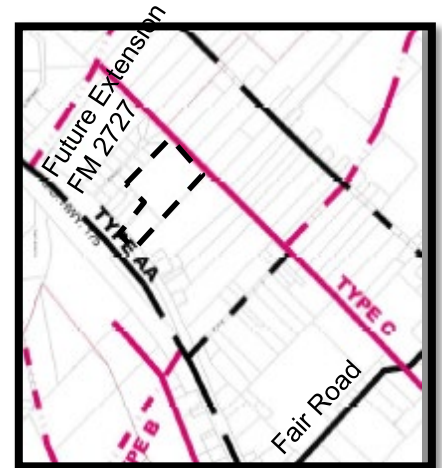
The 2014 Future Land Use Plan designated the land use of the subject property as a Future Commercial (red color) and Future Neighborhood Services (hatched red color). The proposed planned development zone change does not comply with the 2014 Future Land Use Plan designations. The proposed amendment for Future Single Family (high density) incorporates three different single family sized lots from minimums of 5,500 SF to 8,400 SF. Remember future land use areas are generally located on a map and are not like zoning districts. If this amendment is approved the Planning Commission should look at the surrounding area and consider other residential land use changes. Future land use plan maps are typically for planning at least 20 years out into the future.



Thoroughfare Plan:

The Thoroughfare Plan designates Highway 175 as a “Type AA”, Major Regional Arterial, requiring a future right-of-way width of 240 feet. The existing right-of-ways are developed and maintained by the State of Texas. TxDOT controls all accesses Highway 175. The applicant will be required to have a driveway permit approved by TxDOT.

The Thoroughfare Plan designates an undeveloped future “Type C”, Major Collector, requiring a future right of way of 80 feet for the development of a 4 lane undivided street along the northern border of the property. The future collector street will extend from Fair Road to the future southern extension of FM 2727.



PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 26 property owners within 300' of the 26-acre tract (PID 184130 and 16871). The results are as follows:

- Property owners returned letters in opposition of the request: 0.
- Property owners returned the letter in agreement of the request: 2.
- Property owners who have not responded: 24.

If 20% of the area within 200 feet of the request objects 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: (Separate motions are required for each request)

Staff recommends approval of the request to amend the FutureLand Use map from Future Commercial and Future Neighborhood Service to a Future Single Family (High Density) for approximately 25.411 acres (PID 184130 and 16871) located in the 1500 Block of East Highway 175.

Staff recommends approval of Z-14-21 to rezone property from Highway Commercial (HC) and Single-Family Residential-20 (SF-20) to a new planned development district (PD-21) for approximately 25.411 acres (PID 184130 and 16871) located in the 1500 Block of East Highway 175.

ATTACHMENTS:

1. Location Map
2. New Planned Development Language
3. Concept Plan/Land Study
4. Property Owner Responses

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

Location Map

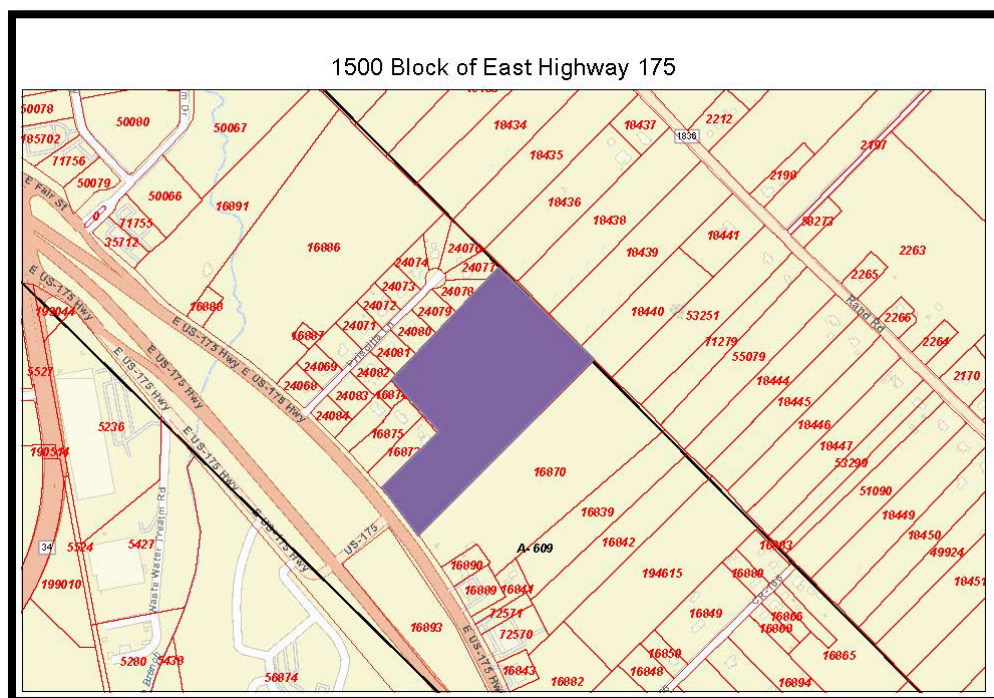


EXHIBIT "B"
CONDITIONS FOR PLANNED DEVELOPMENT - 21
ZONING CASE No. Z-14-21

THIS DEVELOPMENT 25.411 ACRES PD- SINGLE FAMILY (PD) PARCEL

- I. **PURPOSE:** Oakdale Estates will be developed into a quality subdivision providing a variety of lot sizes servicing the community. It will feature an open space area with a divided entrance with enhanced landscaping.
- II. **USES PERMITTED:** The lots will be developed under the base SF 6 zoning classification with the listed general conditions and developed for single family homes.
- III. **GENERAL CONDITIONS:**

- A. This planned Development District shall not affect any regulations within Chapter 118 "Zoning" of the Code of Ordinances except as specifically provided herein. All regulations not specifically defined in this PD will be subject to the City of Kaufman Chapter 118 "Zoning" of the Code of Ordinances as amended.

Planned Development – Single Family (PD)				
				Zoning Ordinance
Lot Size (Minimum)	Type 'A' Lots SF-6 Base Zoning	Type 'B' Lots SF-6 Base Zoning	Type 'C' Lots SF-6 Base Zoning	SF-6 Base Zoning
Minimum Lot Area (sq. ft.)	5,500	6,500	8,400	6,000
Minimum Lot Width (feet)	50'	60'	60'	60'
Minimum Lot Depth (feet)	100'	100'	100'	100'
Dwelling Regulations (Minimum Square Footage that is air conditioned)	1,600 s.f.	1,600 s.f.	2000 s.f.	1,200 s.f.
Yard Requirements – Main Structures				
Front Yard Minimum (feet)	20'	20'	20'	25'
Side Yard Minimum (feet)	5'	5'	5'	6'
Corner Lots Side Yard Minimum (feet)	10'	10'	10'	15'
Rear Yard Minimum (feet)	15'	15'	15'	25'
Maximum Impervious Area	50%	50%	50%	45%
Accessory Structures	Accessory dwellings are not allowed			
Accessory Structure Maximum (square feet)	240 sf	240 sf	240sf	240 sf
Side Yard Set Back Minimum (feet)	3'	3'	3'	3'
Rear Yard Set Back Minimum (feet)	3'	3'	3'	3'
House Set Back Minimum (feet)	5'	5'	5'	10'
Height of Structures				
Main Structure (feet)	35'	35'	35'	30'
Accessory Structure (feet)	15'	15'	15'	1 story

Landscaping	Only trees and shrubs approved in Section 36 Landscape Requirements of Chapter 118 'Zoning' of the Code of Ord table 36.2	
Minimum one 3 inch Caliper Tree – Measured at 12 inches above grade	1 Large Tree in Front Yard	
Shrub – 2 feet high at time of planting	12 shrubs with mulch or equivalent in beds to be located in the front yard	
Sod	Front and Side Yards	

*Cul-de-sac and Elbow lots may have a minimum depth of 100 feet.

**Cul-de-sac and Elbow lots may have a minimum rear yard setback of 10 feet.

IV. SPECIAL CONDITIONS:

- A. Maximum number of residential lots not to exceed 127 lots.
- B. All homes will be front entry
- C. 50' Street right-of-ways with 26 paving section and temporary Hammerheads turnarounds as shown on the Land Study. Total length of the Hammerheads to be 120 feet as shown with a 28 ft radius.
- D. Street A , the entrance road, shall be a boulevard section for first 100 feet and then taper to a 32 foot section until the intersection of street B then 26 feet the remaining length.
- E. 8/12 Roof pitch
- F. Two car garages with a minimum 16-foot width driveway.
- G. Two Coach lights on front of house
- H. Full gutters around the house.
- I. Community Mail Box will be located per the US Postal Service
- J. Accessory structures are to be located in the back yard only.
- K. Accessory structures located in the front yard or side yard is prohibited.
- L. Accessory dwellings are prohibited.
- M. Carports are prohibited.
- N. Enclosing a garage is prohibited.

V. Maintenance of the Common Areas

- A. Maintenance of the common areas will be the responsibility of the homeowners' association (HOA).
- B. Developer will be the contact entity with the City for all concerns regarding maintenance of Community Open Space until 100% of HOA control is turned over to the homeowners.
- C. HOA maintenance and responsibilities of amenities include:
 - 1. Clean up and litter removal.
 - 2. Landscaping installation, care, and maintenance.
 - 3. Trimming, clearing, and removal of unwanted vegetation.
 - 4. Maintain irrigation system, pay for the water used in the system.
 - 5. Maintain entry feature and any other installed improvements, per Zoning Exhibit.
 - 6. Pay for the electricity used for the lighting for the entry feature and Retention Pond pump and lights.
 - 7. Maintain **Community** Open Space and equipment, All Ponds, and sidewalks in the common areas.
 - 8. Maintain the Community Mail Box and surround area
- D. It is the Developers' responsibility to install irrigation systems, entry features, and any other improvements included in this Planned Development.

VI. DESIGN CONDITIONS:

A. Land Design Standards – New Residential Requirements

Desired Land Design requirements are achieved by projects in accordance with Zoning Exhibit and the following criteria: The project will be developed in one phase.

B. Street and Sidewalk Standards – New Residential Requirement

Desired street and sidewalk requirements are achieved in accordance with the following criteria:

1. **Street Treatments – Entry Features and Signage at Entries** – There will be one entrance feature located in the median with landscaping and trees. It will be irrigated. A homebuilder sign will be allowed to be constructed on a vacant lot near the entrance.

Stone capped monument sign with landscaping and incorporated into open space area and illuminated by means other than street lights will be installed at the time of development.



2. **Street Treatments – Street Name Signs**

Block numbers shall be incorporated with street lighting that is coordinated throughout the subdivision.

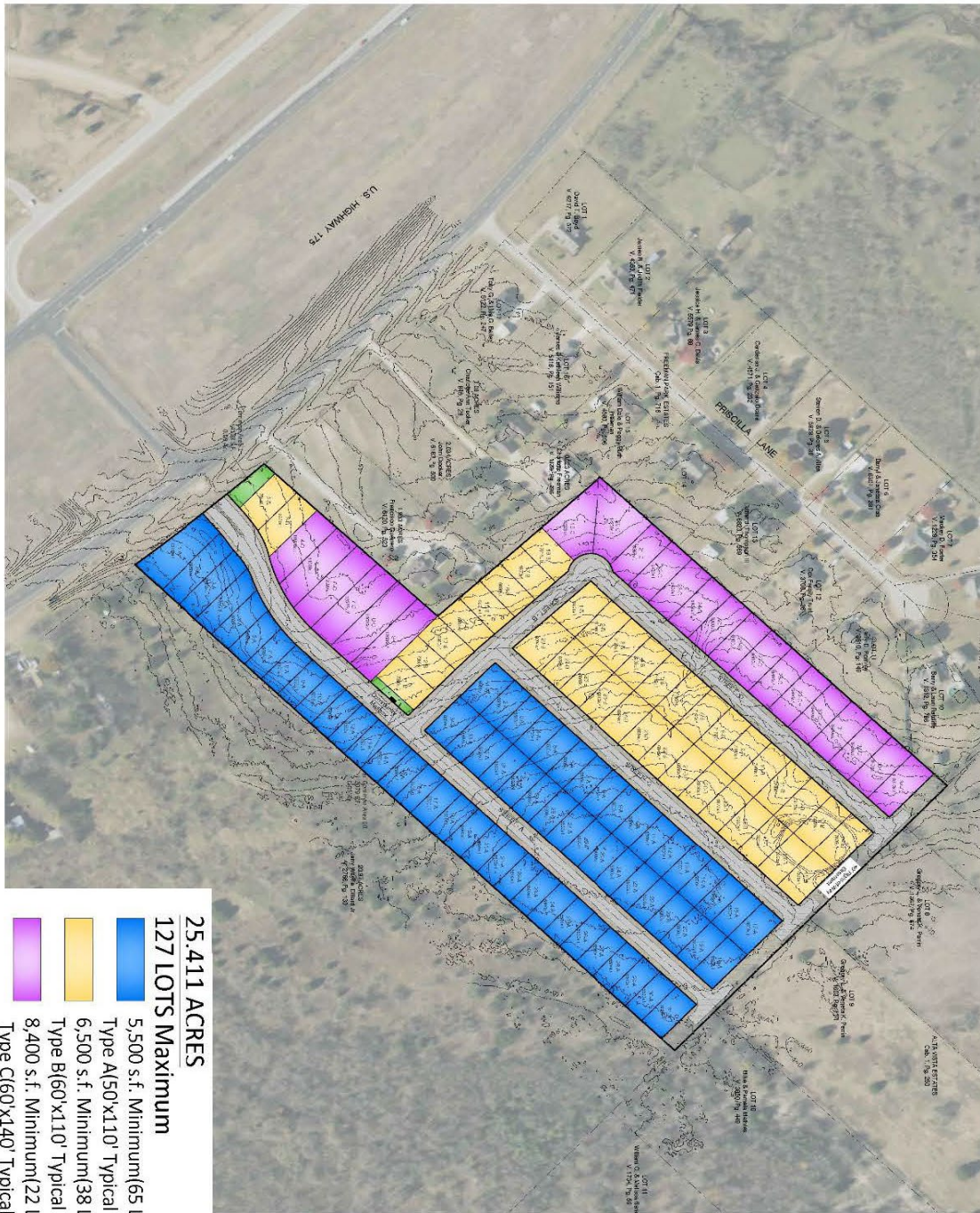
3. **Pedestrian Sidewalks - Sidewalk Locations**

1. Home builder to install 4 feet wide concrete pedestrian sidewalks which shall be located on both sides of the street, in the right-of-way of every internal street.
2. Developer in the common areas to install 4 feet wide concrete pedestrian sidewalks at the time of development.

4. **Community Open Space** – Open space land and playground equipment to be installed by the developer at the time of land development. If park is developed by the developer.

5. **Other Regulations**

1. All garage door panels shall contain decorative features such as window inserts and accent hardware.
2. Same house elevation may not be repeated within a six lots on the same street.

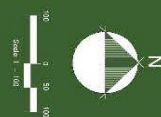


- 25.411 ACRES**
127 LOTS Maximum
- 5,500 s.f. Minimum(65 Lot)
Type A(50'x110' Typical Lot)
 - 6,500 s.f. Minimum(38 Lot)
Type B(60'x110' Typical Lot)
 - 8,400 s.f. Minimum(22 Lots)
Type C(60'x140' Typical Lot)
 - 0.65 Acres Common Area/Park

EXHIBIT "C"

LANDSTUDY
OAKDALE ESTATES
CITY OF KAUFMAN, TEXAS


 JULY 29, 2021
 SHEET NO. 1 OF 1
 PROJECT #00557



DETACH ON DOTTED LINE

Date: 7-29-21

Name: Joe Priest

Address: 201 E. Geneva

City & State: Crandall 75114

Phone #: 972-287-4548

COMMENTS:

RE: Conduct a public hearing and make a recommendation to City Council on a request by Bill Wait of Kaufman One WW LLC to rezone approximately 26 acres from Highway Commercial (HC) and Single-Family Residential-20 (SF-20) to Planned Development (PD) for a maximum of 125 single-family residential lots. The property is generally located in the 1500 Block of East Highway 175 (PIDs # 184130, 16871) in the Levi York Survey, Abstract No. 609, Kaufman County, Kaufman, TX. (Case #Z-14-21)



I AM IN FAVOR



I OBJECT

Email Address: _____

Joe Priest For Landmark
NAME PRINTED

Church of Christ
Joe Priest
SIGNATURE

DETACH ON DOTTED LINE

Date: July 23, 2021

Name: LINDA & Mark

Address: 1621 E. Hwy 175

City & State: Arlam, TX. 75142

Phone #: 972-432-3873

COMMENTS:

RE: Conduct a public hearing and make a recommendation to City Council on a request by Bill Wait of Kaufman One WW LLC to rezone approximately 26 acres from Highway Commercial (HC) and Single-Family Residential-20 (SF-20) to Planned Development (PD) for a maximum of 125 single-family residential lots. The property is generally located in the 1500 Block of East Highway 175 (PIDs # 184130, 16871) in the Levi York Survey, Abstract No. 609, Kaufman County, Kaufman, TX. (Case #Z-14-21)



I AM IN FAVOR



I OBJECT

Email Address: _____

LINDA BANTON
NAME PRINTED

Linda Barton
SIGNATURE



Planning and Zoning Commission Report

Meeting Date: August 3, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Hold a public hearing and make a recommendation to City Council on a request by Katina Williams Gibbons for a Specific Use Permit on approximately 0.44 acres for the sale of alcoholic beverages in conjunction with a restaurant on property zoned Highway Commercial (HC). The property is generally located at 5962 Fair Road (PID# 5300) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, Texas. (Case #Z-15-21)

BACKGROUND/SUMMARY:

Katina Williams Gibbons submitted a specific use permit for a proposed private club in conjunction with a restaurant, on the property located at 5962 Fair Road. The lot contains a total of 19,163 SF (0.440-acre). The property was developed in 2006, under the 1999 Zoning Ordinance, with an existing one-story building containing 1,466 SF. The building was originally laid out for office uses. The building went from an office use to personal service use (nail salon and tanning beds). An enclosed dumpster will be added to the development.

The building is proposed to be converted to a restaurant with alcoholic beverage sales called the Lyon's Den Daiquiri Shoppe. The restaurant will also sell daiquiris for off-premise consumption. The restaurant will have seating for 20 persons which requires a minimum of 7 off-street parking spaces. The development is providing 7 off-street parking spaces. The hours of operation will be Tuesday through Thursday 11 am to 8 pm, and Friday through Sunday from 11 am to 10 pm.

The property is located along an eastern city limit line. There is an existing residential subdivision across Fair Street that is located in Kaufman County. As a matter of courtesy Staff additionally notified all those property owners within 300 feet of 5962 Fair Street that are not in the city limits.

SURROUNDING FUTURE LAND USES AND EXISTING LAND USES:

	Existing Zoning	Existing Land Use
North:	HC	Single family homes and undeveloped property
South:	HC	Undeveloped property & Cold Tex Refrigeration
East:	Outside city limits	Single family homes
West:	HC	Undeveloped property



COMPREHENSIVE PLAN:

Land Use Plan:

The 2009 Future Land Use Plan designated the land use of the subject property as Future Commercial. The HC zoning complies with the 2014 Future Land Use Plan because it allows a variety of office, retail, and commercial uses. Special Use Permits are allowed if approved by City Council.

Thoroughfare Plan:

The Thoroughfare Plan designates Fair Road as a "Type C", Major Collector, requiring a maximum right-of-way width of 80 feet. The existing right-of-way is developed and maintained by Kaufman County. Additional right-of-way will be necessary for future widening of Fair Road. The property is not platted. A plat will be required if additions are made to the existing building.

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 ensure that the intent of the district purposes are being upheld.
- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his designee, for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set

forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.

PROPERTY OWNER RESPONSES:

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

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

The 20% percent rule for rezoning is if 20% of the area (located within the city limits) within 200 feet of the request objects to the application, then a favorable vote of $\frac{3}{4}$ of all members of the City Council (which is 6 members) shall be required to approve any change in zoning. The zoning change 20% rule is a State law.

RECOMMENDATIONS:

Staff recommends approval of Z-15-21 for a Specific Use Permit -47 (SUP-47) for a private club in conjunction with a restaurant at 5962 Fair Road with the following restrictions:

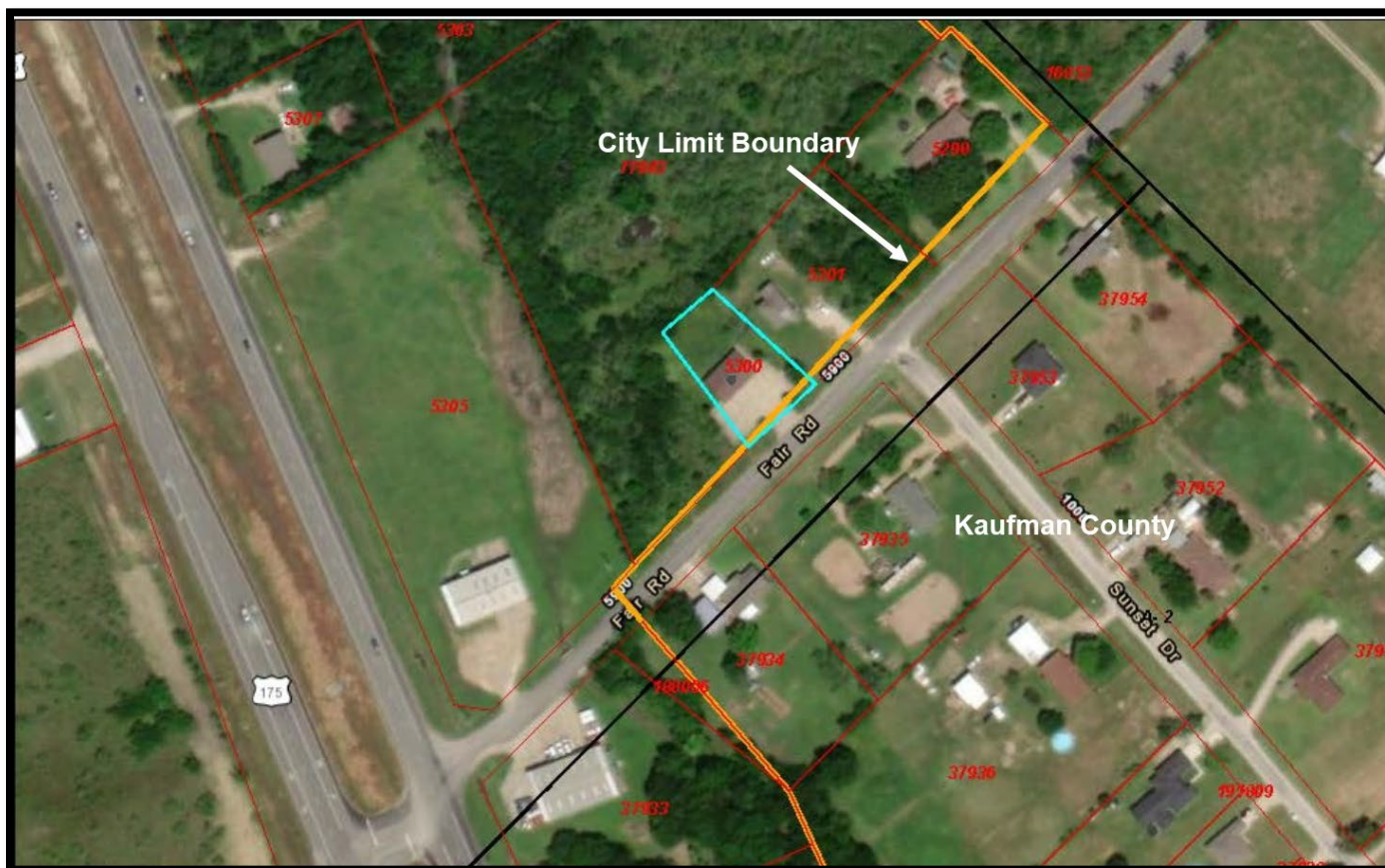
1. Applicant must have, and keep, a current Texas Alcoholic Beverage Commission (TABC) Private Club license for this property.
2. Applicant must have, and keep, a current City of Kaufman Alcohol Permit for this property.
3. All sales of alcoholic beverages are for on-premise consumption only.
4. No building, premise, or land used under SUP-47 (private club in conjunction with a restaurant) may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amendment to SUP-47 is first approved by City Council. The current size of the establishment is 1,466 SF.
5. Not less than fifty percent (50%) of sales shall be from food.

ATTACHMENTS:

1. Location Map
2. Property Owner Response
3. Survey
4. Applicant's Letter to PZ
5. Letter to Picture of the Property
6. Site Plan

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

Location Map



Property owner response inside the City of Kaufman

Date: 7-18-2021

Name: Denisha Camp

Address: 5928 FAIR RD

City & State: Kaufman TX

Phone #: 469-595-2840

RE: Conduct a public hearing and make a recommendation to City Council on a request by Katina Williams Gibbons for a Specific Use Permit on approximately 0.44 acres for the sale of alcoholic beverages in conjunction with a restaurant on property zoned Highway Commercial (HC). The property is generally located at 5962 Fair Road (PID# 5300) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-15-21)

☒ I AM IN FAVOR ☐ I OBJECT

Email Address: denishas34@yahoo.com

COMMENTS: Well I do believe that having this place would be great. This would give people a chance to get out the house + enjoy themselves. Denisha Camp Denisha Camp.

NAME PRINTED SIGNATURE

Property owner response outside the City of Kaufman

DETACH ON DOTTED LINE

Date: 07-25-2021

Name: GLENN & CAROLYN COY

Address: 1042 SUNSET DR

City & State: Kaufman, TX 75142

Phone #: 972-932-1353

RE: Conduct a public hearing and make a recommendation to City Council on a request by Katina Williams Gibbons for a Specific Use Permit on approximately 0.44 acres for the sale of alcoholic beverages in conjunction with a restaurant on property zoned Highway Commercial (HC). The property is generally located at 5962 Fair Road (PID# 5300) in the D. Falcon Survey, Abstract No. 151, Kaufman County, Kaufman, TX. (Case #Z-15-21)

☐ I AM IN FAVOR ☒ I OBJECT

Email Address: glenn.coy@yahoo.com

COMMENTS: My lot as per on Road map is 37935 and we moved out of the City limits to get away from the noise, liquor activity, and I think object for this business to allow drinking loud music. This need to be closer to town. I've been exposed to such activity before. GLENN COY SR. Glenn Coy Sr.

NAME PRINTED SIGNATURE

Property owner response outside the City of Kaufman

From: Danny and Glenda Hise
5991 Fair Rd.
Kaufman, Texas

To: Planning and Zoning Commission
Re: Public Hearing for Permit, Case # Z-15-21, at 5962 Fair Rd.

After talking to the very nice Mrs. Gibbons I still have concerns about the proposed establishment located diagonally across the street from my wife's and my residence for over thirty years. The sale of alcoholic beverages on basically a narrow two lane city street / county rd. in a residential neighborhood is not appropriate. We have seen bicyclist and others, including children, walking along the roadway because most of the side slopes are too steep to walk or cycle on. This establishment belongs in an area near other like businesses on a main roadway. She informed me that their hours of operation would be between 11 am to 8 pm. I am sure she was sincere when she told me that but as she said, she is a business woman so what would prevent them from realizing that their greatest profit margin could be obtained if they were to stay open until 10 o'clock or even midnight? Are there any stipulations on hours of operation in the permit? Probably none, other than local and state laws on the sale of alcohol.

Mrs. Gibbons also told me that their food items would be "finger food" with an assortment of flavored daiquiris. What other alcoholic beverages? Not everyone likes daiquiris. Most restaurants that have a food/ liquor license have a full menu ranging from steaks to burgers with a full menu of alcoholic beverages. I think that Texas Alcoholic Beverage Commission requires that a large portion of a restaurant's revenue come from food. It would take a lot of finger food considering the costs of alcoholic beverages.

I am also concerned that if this permit is approved, would that just start a flood of similar businesses applying next door to it ? Bars, liquor store, etc. sprout up and suddenly our quiet residential neighborhood is no more. Let this kind of businesses stay on US 175, Kings Fort Pkwy, the Bypass, or Washington Street.

Lastly, I have a question to all of you;

Would you want this establishment in your neighborhood and across the street from your residence?

My wife and I object to the permit.

Danny Hise

[illegible]

Letter to the Commission
RICCIARDELLI LAW FIRM

Ricciardelli Law Firm
1910 Pacific Avenue, Suite 13000
Dallas, Texas 75201
(c) 972.345.8730
Anthony@RicciardelliLaw.com

July 12, 2021

Chairman Brown and Honorable Members of the Kaufman Planning & Zoning Commission
Kaufman City Hall
209 South Washington Street
Kaufman, Texas 75142
VIA EMAIL

Re: *Lyon's Den Daiquiri Shoppe SUP Request*

Dear Chairman Brown and Honorable Members of the Kaufman Planning & Zoning Commission:

I have the pleasure of representing zoning applicants Clint Gibbons and Katina Gibbons, who reside at 9195 CR 4116, Kaufman, Texas 75142. Mr. and Mrs. Gibbons respectfully request that you approve the Specific Use Permit for their proposed restaurant, The Lyons Den Daiquiri Shoppe, that will be located at 5962 Fair Road, Kaufman, Texas 75142. The Lyons Den will operate like all restaurants that serve food along with alcoholic beverages. Mr. and Mrs. Gibbons plan to keep their menu simple to provide excellent food to all who reside in the Kaufman community and the surrounding areas. The restaurant will initially operate with three (3) employees and all of the initial employees of the proposed restaurant also reside in Kaufman. Mr. and Mrs. Gibbons plan to operate the restaurant from 11 AM to 8 PM on Tuesday through Thursday and from 11 AM to 10 PM on Friday through Sunday. Mr. and Mrs. Gibbons have patterned the Lyons Den after two successful restaurants in the Kaufman area in terms of how they plan to operate and serve their customers. Mr. and Mrs. Gibbons are excited to offer this amenity to the Kaufman community and hope that the Planning & Zoning Commission will agree that the Lyons Den is a desirable addition for Kaufman residents. The tentative menu for the Lyons Den is enclosed for your review.

Please do not hesitate to reach out with any questions or if we can be of assistance (my contact information is above at the top right). Mr. and Mrs. Gibbons are committed to being excellent corporate citizens of Kaufman and look forward to working with you all through the SUP process in order to bring this exciting concept to the Kaufman community.

Respectfully submitted,

Anthony T. Ricciardelli

**ANTHONY T. RICCIARDELLI
ATTORNEY FOR CLINT GIBBONS**

The Lyons Den Daiquiri Shoppe

Appetizers:

Chips and salsa \$5.00

Queso dip and chips \$6.50

Add ground beef \$1.75

Mozzarella sticks

4pc \$4.50

8pc \$ 7.50

Fried catfish baskets

(Includes fries, pickles, peppers)

2pc Fillet \$10.95

4pc Fillet \$14.95

6pc Fillet \$17.95

Lyons wings

**(Buffalo, lemon pepper,
honey bbq, hot habanero)**

6pcs w/ fries \$9.95

10pcs w/ fries \$12.95

15 pcs w/ fries \$15.95

Big Lyon wings orders

25pcs w/fries \$24.95

35 pcs w/fries \$ 35.95

Xtra sauce .75 cents

Hamburger basket

Hamburger w/fries \$10.95

Cheeseburger w/fries \$12.95

Add bacon additional \$1.75

Link basket w/fries \$7.95

Lil Lyons menu

Hot dog w/fries \$ 4.50

Chicken tender w/fries \$ 5.00

(3PCS)

Sides

French Fries \$ 3.50

Onion rings \$ 3.50

Daiquiris

16oz \$ 7.50

32 oz with one shot \$ 12.00

1/2 gallon with 2 shots \$ 20.00

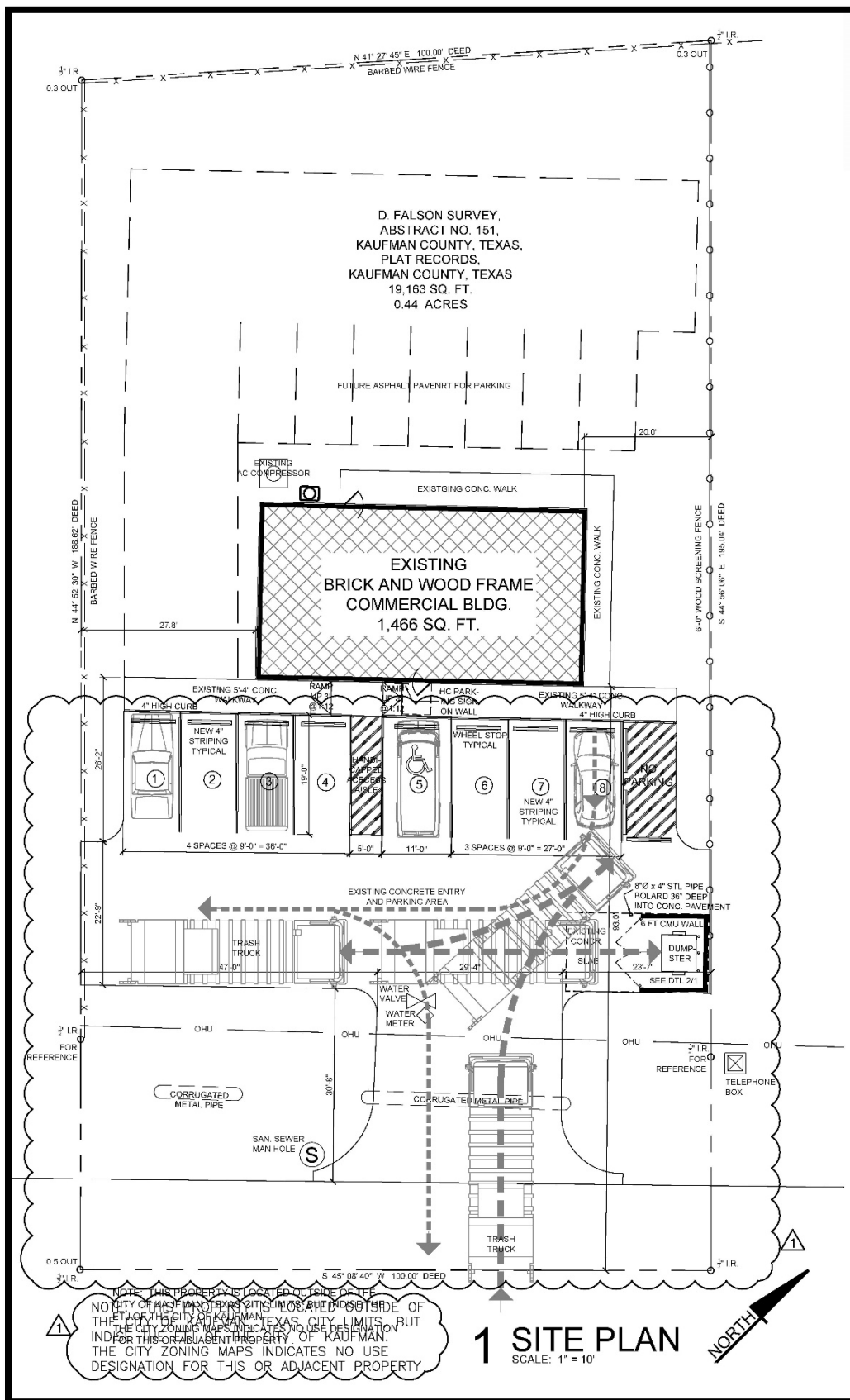
Xtra shots \$ 3.00 each

Prices are subject to change

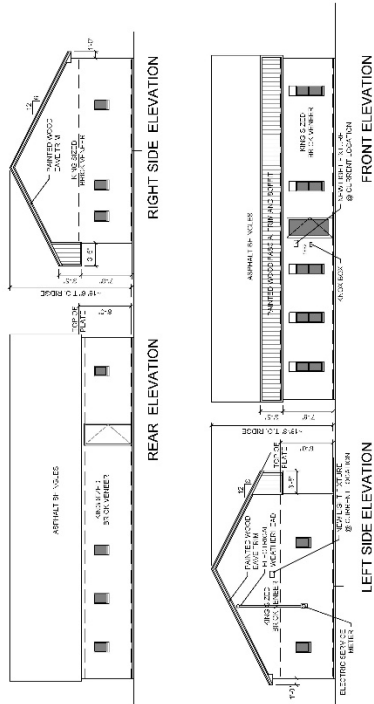
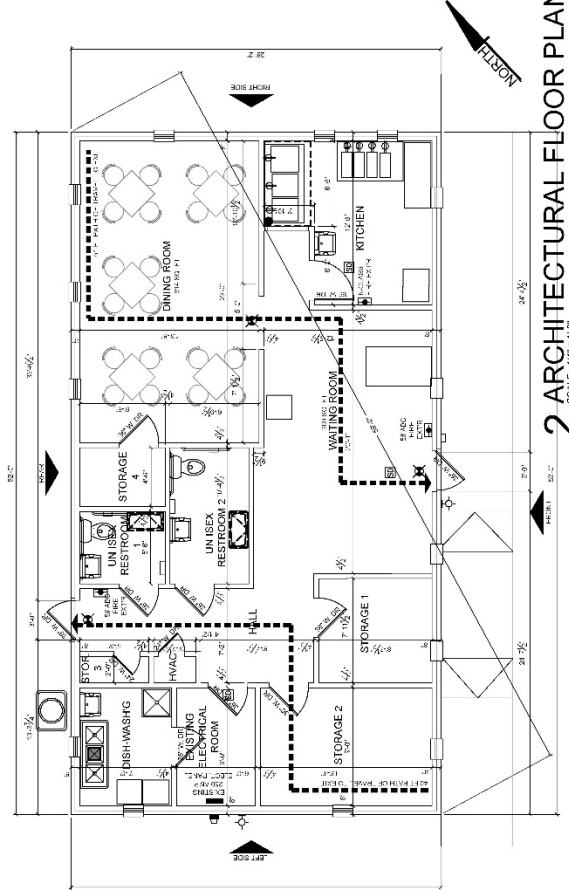
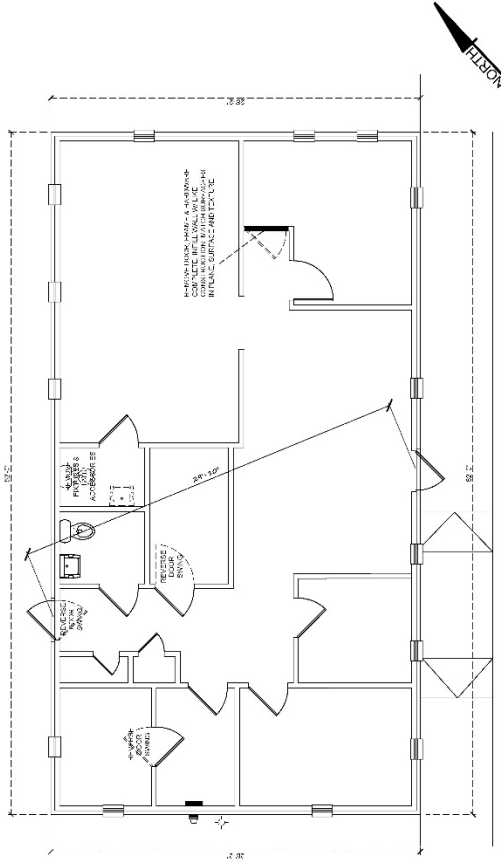
For with GOD nothing shall

be impossible! - Luke: 1:37

Site Plan



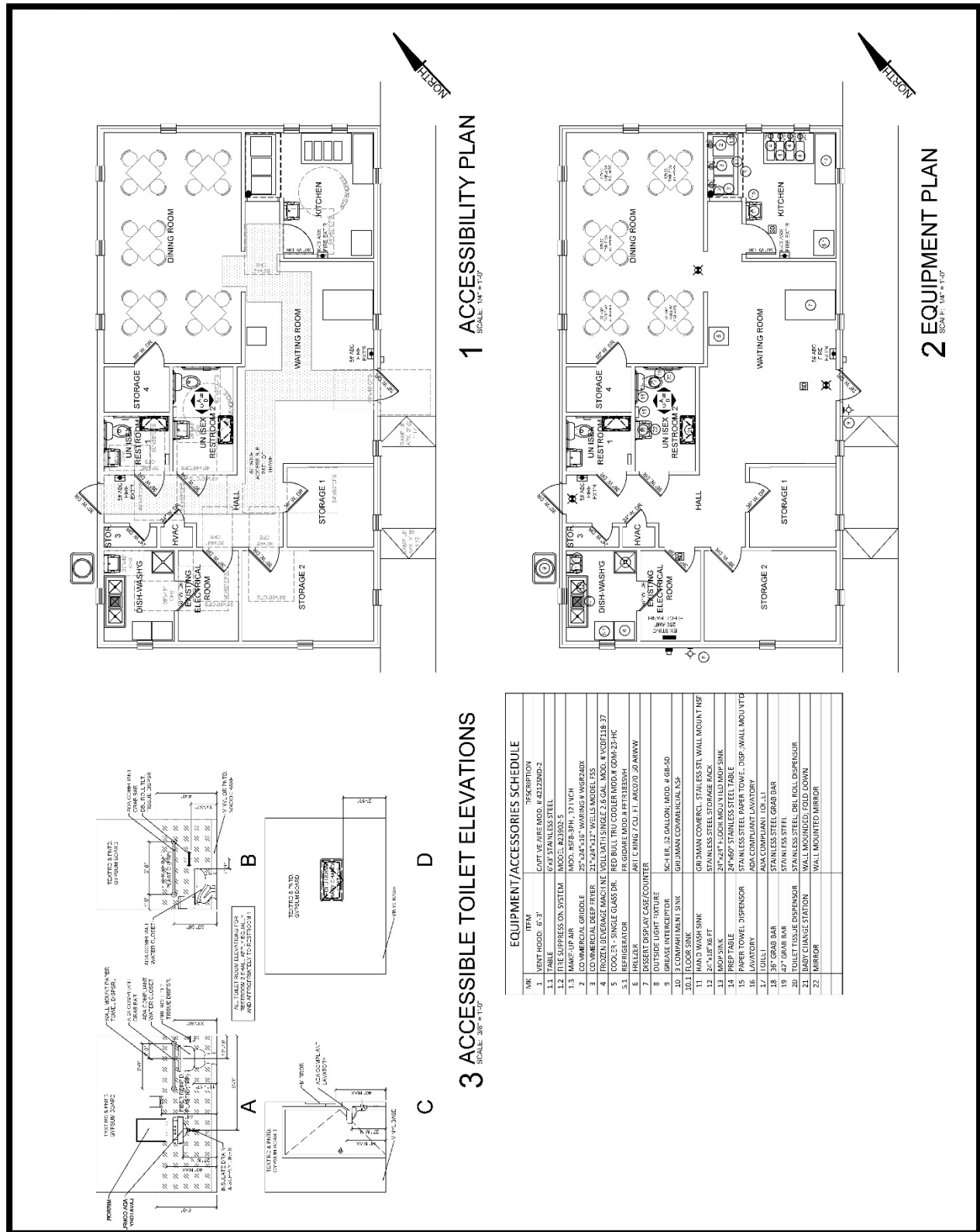
2 ARCHITECTURAL FLOOR PLAN



3 BUILDING EXTERIOR ELEVATIONS

[illegible]

Site Plan





Meeting Date: August 3, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation to City Council on the Final Plat of Prairie Creek Estates, Phase 3 Addition and variances to the 1999 Design Manual for Storm Drainage Facilities, Criteria and Design Procedures, Sections C.2.2.5, Positive Overflow and C.4.1 Hydraulic Gradient of Conduits. The 17.479-acre tract (PIDs 2208 and 184100) is generally located in the 1800 block of Rand Road (FM 1836) in the Thomas Beedy Survey, Abstract No. 21. The proposed development contains 63 single family residential lots. The property is zoned Planned Development -8 (PD-8). (Case No. FP-08-21)

BACKGROUND/PURPOSE:

The Preliminary Plat of Prairie Creek Estates, Phase 3 Addition was approved on November 3, 2020. The proposed Final Plat of Prairie Creek Estates, Phase 3 contains 17.479-acres with 63 residential lots. The subdivision will have two points of access: (1) Melody Drive to Rand Road and (2) Burton Street to Elizabeth Street to Rand Road. The developer shall be required to develop the entire length of Burton Street to Elizabeth Street.

The property is zoned Planned Development – 8 (PD-8) for a minimum of 8,000 square foot lots. PD-8 requires 25% of the lots to have a minimum living area of 1,250 SF and 75% of the lots to have a minimum living area of 1,400 SF. Only 11 of the existing developed lots have a living area less than 1,400 SF. There are 93 developed lots in Phases 1 and 2 of Prairie Creek Estates. The original 2002 subdivision layout was planned with Rand Road requiring only 100 feet of right-of-way and only 5 feet of right-of-way dedication being required. Phases 1 and 2 only had to dedicate 5 feet of right of way for Rand Road.

The area between Phase 2 and 3 that was proposed as a future park area back in the early 2000s was deeded to the City of Kaufman in 2009. The majority of this area is in the floodplain and is undevelopable as a typical park.

The right-of-way dedication for the extension of Sandy Knoll Drive will be by separate instrument. The City of Kaufman owns the property where the future street will be located. The final plat will note the filing information of the right-of-way dedication. Otherwise the City of Kaufman would also have to sign as a property owner.

Trinity Valley Electric Cooperative will provide electrical service. The City of Kaufman will provide water and sanitary sewer service.

REQUESTED VARIANCES TO THE 1999 DESIGN MANUAL FOR STORM DRAINAGE FACILITIES:

1. Criteria and Design Procedures, Section C.2.2.5 Positive Overflow - The approved drainage system shall provide for positive overflow at all low points. The term "positive overflow" means that when the inlets do not function properly, or when the design capacity of the conduits exceeded, the excess flow can be conveyed overland along a paved course. Normally this would mean along a street or alley, but can require the dedication of special drainage easements on private property to a minimum. ...The overflow elevation shall not be higher than 0.5 feet above the top of the curb at the low point. Artificial sags created by "seesaw" of street or alley grades will not be permitted.
 - a. **Requesting:** Allowing the emergency overflow flume to have a 4-foot concrete curbed pilot channel with the remaining portion of the emergency overflow channel in the side yard grassed area. The City Engineer, Philip Varughese, P.E. recommended approval because the drainage design meets the spirit of the Design Manual and promotes the aesthetics of the development by eliminating the need for a concrete flume in the side yard of some of the lots.
2. Criteria and Design Procedures, Section C.4.1 Hydraulic Gradient of Conduits - The hydraulic gradient for the selected conduit size shall be design to carry the design flow at an elevation not less than 1.5 feet below the curb.
 - a. **Requesting:** A waiver on the hydraulic gradient requirement. The City Engineer, Philip Varughese, P.E. recommended approval due to the existing conditions of the large offsite drainage area

THOROUGHFARE PLAN: Rand Road (FM 1836) is shown as a Minor Arterial with 3-4 lanes in the future, requiring a right-of-way 120 feet on the 2016 Kaufman County Transportation Plan. The current width of Rand Road is a variable width of 90 feet. Half of the thirty additional feet is necessary to meet the right-of-way dedication requirement. The attached plat shows a 10-foot right-of-way dedication and a 5-foot right-of-way easement for future expansion of Rand Road. The applicant requested a variance to the Kaufman County Transportation Plan to provide the 10-foot right-of-way dedication and a 5-foot right-of-way easement instead of the required 15-foot right-of-way dedication. Kaufman County Engineer Ron Sullivan, P.E., and the Kaufman County TxDOT Area Engineer Lane Selman, P.E. approved the variance request on October 31, 2020.

RECOMMENDATIONS:

Staff recommends approval of the Final Plat of Prairie Creek Estates, Phase 3 Addition (Case No. FP-08-21)

ATTACHMENTS:

1. Location Map
2. Final Plat of Prairie Creek Estates, Phase 3 Addition
3. Letter from the Engineer of Record explaining variance requests in layman's terms
4. Letter from the Engineer of Record explaining variance requests in engineering terms.
5. Map showing the location of the variance requests

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

Location Map



VICINITY MAP

PLAT MAP

PRAIRIE CREEK ESTATES PHASE 3

17.79 ACRES

10/27/2021

LEGAL DESCRIPTION: 17.79 ACRES, MORE OR LESS, BEING THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, T1N, R1E, S12E, COUNTY OF KATFOLK, TEXAS.

LEGEND:

- 1. LOT 1 - 1.00 AC.
- 2. LOT 2 - 1.00 AC.
- 3. LOT 3 - 1.00 AC.
- 4. LOT 4 - 1.00 AC.
- 5. LOT 5 - 1.00 AC.
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- 99. LOT 99 - 1.00 AC.
- 100. LOT 100 - 1.00 AC.

Letter from the Engineer of Record explaining variance requests in layman's terms



1600 N Collins, Suite 3300
Richardson, Texas 75080
tel: 972-941-8400
fax: 972-941-8401

July 8, 2021

Marcy Ratcliff
Development Services Director
City of Kaufman
Kaufman, Texas

RE: Prairie Creek Estates, Phase 3
Variance Request
ECD Project #: 02150

Mrs. Ratcliff,

We have completed our design on the drainage for Prairie Creek Estates and we have addressed the city engineer's concerns. Therefore, we are requesting a variance to the following City of Kaufman Drainage Design Manual criteria items.

We are requesting a waiver on the hydraulic gradient requirement in the drainage ordinance. The subdivision finish floor elevations are still designed with all of the lots a minimum of 2.5 feet above the 100-year flood elevation. We as the engineers believe that our design meets the intent of the ordinance and sound engineering design practices.

Our second request is allowing our emergency overflow flume to have a 4-foot concrete curbed pilot channel with the remaining portion of the emergency overflow channel in side yard grassed area. This area will provide conveyance for the 100-year storm and meet all safety and freeboard requirements.

We request these waivers due to unavoidable existing conditions. The first request is driven by existing starting flood elevations from the large offsite drainage area. Any local runoff will have passed thru the designed drainage system long before the peak offsite runoff occurs. The second request promotes the aesthetics of the development. We don't wish to burden the homeowners to have a wide swath of concrete in their side yard to carry an emergency overflow when it can be carried in the smaller channel and grassed side yard area just as well without erosion issues. We hope this resolves these concerns the review engineer has with our design.

Let us know if you have any questions or concerns.

Chuck Lamping, P.E.

Chuck Lamping, P.E.
Engineering Concepts & Design, L.P.

Letter from the Engineer of Record explaining variance requests in engineering terms



1600 N Collins, Suite 3300 | tel: 972-941-8400
Richardson, Texas 75080 | fax: 972-941-8401

June 4, 2021

Philip C. Varughese, P.E.
Teague Nall and Perkins, Inc.

RE: Prairie Creek Estates, Phase 3
Variance Request
ECD Project #: 02150

Mr. Varughese,

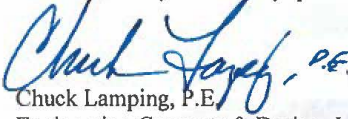
We have completed our design on the drainage for Prairie Creek Estates. We are requesting a variance to the following City of Kaufman Drainage Design Manual criteria items.

We have designed the drainage system using the 10-year coincidental storm event where applicable. However, due to the inefficient channel flow areas and the sizeable offsite drainage shed of the existing creek, the difference in water surface between the 10-year and 100-year storm events is less than a foot in most cross sections. The starting water surface elevation has pushed our hydraulic grade line above the City of Kaufman's guideline of 1.5 feet below the top of curb at several inlets. In our design the theoretical hydraulic grade line would not be above the gutter elevation in all cases but one which would be 0.07 feet above the gutter elevation in a 100-year event. The subdivision has been designed with all of the lots a minimum of 2.5 feet above the 100-year flood elevation with the majority over 3 feet. Positive overflow from a drainage system failure would drain directly to the creek. The alternate resolution would result in raising the subdivision elevation a minimum of 1-foot, which would create numerous other issues as the subdivision is already above the surrounding property. We are requesting a waiver of the 1.5' minimum HGL elevation difference that the design manual requires and the project be approved as designed. We as the engineers believe that our design meets the intent of the ordinance and sound engineering design practices.

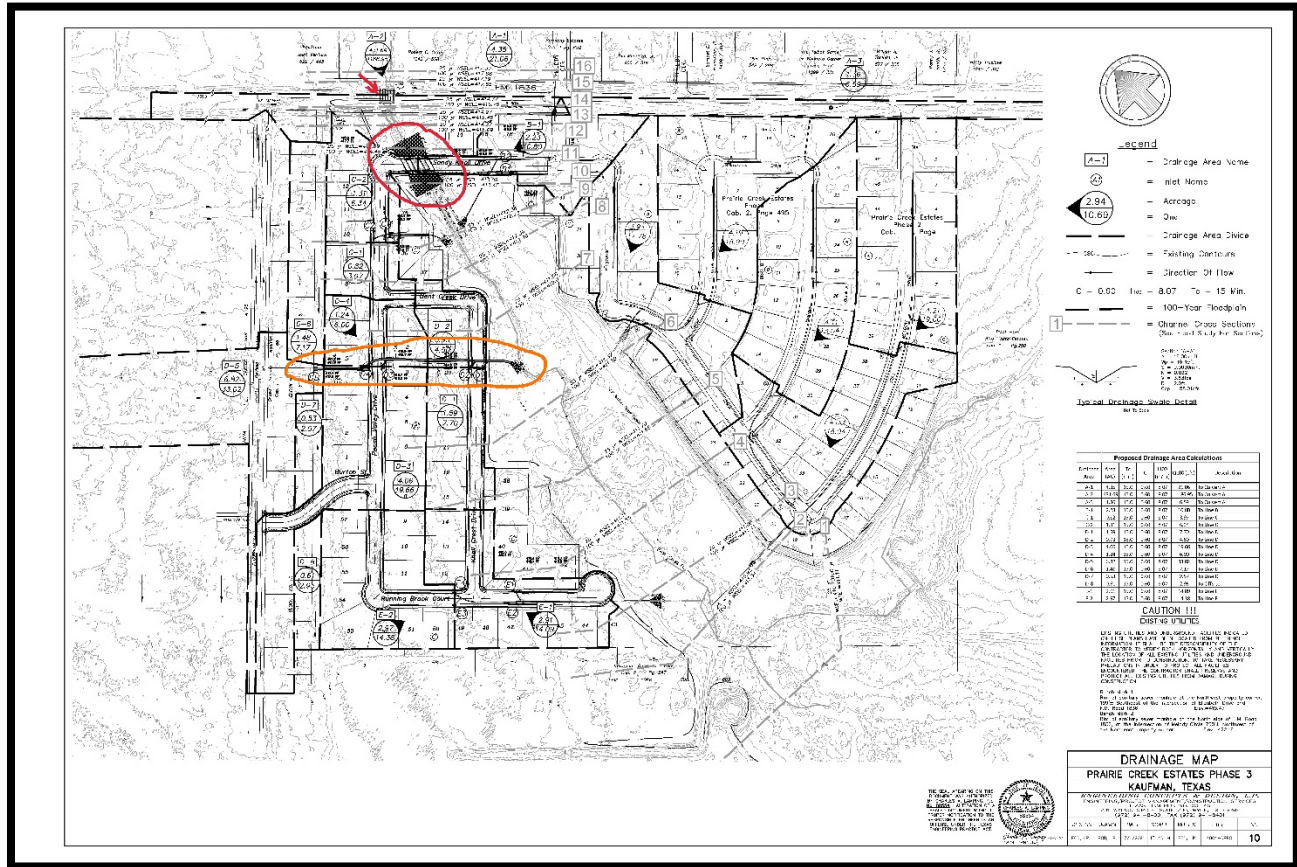
Our second request is allowing our emergency overflow flume to have a 4-foot concrete curbed pilot channel with the remaining portion of the emergency overflow channel in side yard grassed area. The channel will provide conveyance for the 100-year storm and meet the adequate freeboard criteria. The alternate would be an 8-foot-wide concrete channel between houses which would be undesirable to home owners.

We request these waivers due to unavoidable existing conditions and hope this resolves these concerns the review engineer has with our design.

Let us know if you have any questions or concerns.


Chuck Lamping, P.E.
Engineering Concepts & Design, L.P.

Map showing the location of the variance requests





Planning and Zoning Commission Report

Meeting Date: August 3, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and make a recommendation to City Council on the Site Plan of proposed Lot 1, Block 1, Juniper Pointe Addition. An apartment complex with 72 units is proposed. The 9.008-acre tract (PID#5373 and 5377) is generally located in the 2600 block of Tabor Parkway (AKA CR 151). The property is zoned MF-2. (Case No. SP-02-21)

BACKGROUND/SUMMARY:

A 5.366-acre portion of the property was rezoned from Commercial (C) to Multi-Family -2 (MF-2) on May 24, 2021. The remaining 3.642-acres was already zoned Multi-Family-2 (MF-2). The MF-2 district allows a maximum density of 24 units per acre.

The 9.008 acre (392,371 SF) site plan for Juniper Ridge Apartments is for three 3-story structures containing 72 units. The complex includes an additional 2,784 SF clubhouse and office area, a playground and a dog park. The proposed density is 7.99 units per acre. The maximum number of units allowed is 24 units per acre. The four structures contain a total building area of 102,625 SF, which is 26.1% of the lot area. There are 48 two-bedroom units and 24 three-bedroom units.

The proposed landscape/pervious area is 64% (251,501 SF) of the lot area, and the minimum required area is 20% of the site area. The development includes a detention pond area located at the front along the north-eastern property line. The existing 5 foot sidewalk is shown along Tabor Parkway.

The exterior building elevations are proposed to have a 100% masonry finish (20% brick and 80% cement board siding). The proposed building height of the four structures is 40 feet and the maximum height is 45 feet.

A six-foot masonry screening fence is required along the property line abutting the single family residential development of Meadowview Addition on Cates Drive. The applicant is proposing to provide the required 6-foot masonry screening fence at the property line starting from Lot 16 going back to Lot 10 in the Meadowview Addition

The applicant is proposing an alternative equivalent screening starting from Lot 9 to Lot 1 in the Meadowview Addition. The alternative equivalent screening is a 6-foot cedar shadow box fence (staggered pickets on each side), with a top cap and a landscape buffer area. All support posts shall be galvanized metal. A minimum 5-foot landscape buffer area with one large tree planted every 40 linear feet is the minimum alternative equivalent. The applicant proposes a 60-foot

landscape buffer area with one large tree every 40 linear feet starting from Lot 9 to Lot 1 in the Meadowview Addition. The landscape plan shows a line of 14 large trees species planted along the property line adjacent to Lots 9 through Lot 1 in the Meadowview Addition. The proposed trees include a Southern Magnolia, a Bald cypress, a Caddo Maple and a Golden Rain Tree.

The off-street parking area is proposed to be paved with reinforced concrete. The 159 off-street parking spaces provided, meets the minimum number required spaces. Eleven handicapped spaces are included in the number of spaces provided.

Typically, a subdivision is required to have two separate entrances and exits, so in case of an emergency if one entrance/exit is blocked there is another entrance/exit available. However, in this instance it is physically impossible to have two separate entrances and exits, because the property is surrounded by existing development on all sides. The Fire Department devised a compromise for the two separate entrance and exit requirement that met the spirit of the Subdivision Ordinance.

The property has 209.77 feet of frontage on Tabor Parkway, which allows room for two separate 24-foot driving lanes divided by a 5-foot median to serve as the two entrances and exits. This means the apartment complex will regularly have the northern 24-foot driving lane as the two entryway lanes and the southern 24-driving lane as the two exit way lanes. If one side or the other is ever closed due to an emergency, the other side will have enough width for two-way traffic.

SURROUNDING ZONING AND EXISTING LAND USES:

	Zoning	Existing Land Use
North:	TH	Village of Kaufman - duplexes
East:	SF-6	Single-family homes
South	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:

Property owner notification is not a requirement of the site plan review process.

RECOMMENDATIONS:

Staff recommends approval of the Site Plan SP-02-21 for Juniper Pointe Addition for the development of a 72-unit apartment complex with one condition. The 9.008-acre tract (PID#5373 and 5377) is generally located in the 2600 block of Tabor Parkway (AKA CR 151).

1. Revise the site plan to indicate the required 6-foot masonry screening fence along the property line abutting the single family residential development of Meadowview Addition on Cates Drive instead of a 6-foot wooden fence.

ATTACHMENTS:

1. Location map
2. Site Plan

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

Location Map



Site Plan

