



**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**TUESDAY, SEPTEMBER 7, 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 Final Plat of Lot 1, Block 1, Whitfield Addition. The 5.00-acre tract of land (portion of PID 548) situated in the Charles Askins Survey, Abstract No. 2 is generally located at 7726 County Road 151. The property is located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, Kaufman County, Texas. (FP-11-21)
2. Consider and take appropriate action on the minutes of August 3, 2021 Planning and Zoning Commission Meeting

### **END OF CONSENT AGENDA**

### **PUBLIC HEARING**

3. Conduct a public hearing and make a recommendation to City Council on a newly annexed property to be zoned Agriculture-Open (A-O) and owned by Thorntree Ventures, LLC. The property is approximately 112 acres of land generally located at 3997 Farm to Market Road 2727 (PIDs 2195, 2196, and 2197), situated in the Thomas Beedy Survey, Abstract No. 21, City of Kaufman, Kaufman County, Texas. (Case No. Z-16-21)

### **DISCUSSION/ACTION ITEMS**

4. Consider and make a recommendation to City Council on the Site Plan of proposed replat of Lot 1R & 2R, Block 1, Gregory Marlow Truck Stop Addition, being a tract of land containing 5.46 acres (PIDs 198186 and a portion of 16821), located at 1420 and 1430 East Mulberry (State Highway 243). The site plan is for the construction of two buildings; a liquor store and a convenience store/gas station with a restaurant with a drive-through window service. The property is zoned Light Industrial (LI). (Case No. SP-03-21)
5. Consider and make a recommendation to City Council on the Site Plan of Lot 2, Block C, Kings Fort Addition, Phase 1, being a tract of land containing 1.00 acre (PID 187820), located in the 340 Block of East Highway 175. The site plan is for the construction of a convenience store/gas station. The property is zoned Planned Development - 7 ("PD-7"). (Case No. SP-04-21)
6. Consider and make a recommendation to City Council on the Site Plan of proposed Lot 5, Block E, Kings Fort Addition, Phase 2, being a tract of land containing 2.054 acres (a portion of PID 202752), situated in the D. Falcon Survey, Abstract No. 151 and generally located in the 750 Block of East Highway 175. The site plan is for the construction of a credit union with drive-through services. The property is zoned Planned Development 15 ("PD-15"). (Case No. SP-05-21)

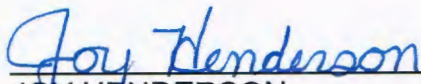
### **ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR**

7. Update on Texas Open Meetings Act Requirements Effective September 1, 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, SEPTEMBER 3, 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:** September 7, 2021

**Consent:** No

**Discussion/Action:** Yes

**SUBJECT:** Consider and make a recommendation to City Council on the Final Plat of Lot 1, Block 1, Whitfield Addition. The 5.00-acre tract of land (portion of PID 548) situated in the Charles Askins Survey, Abstract No. 2 is generally located at 7726 County Road 151. The property is located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, Kaufman County, Texas. (FP-11-21)

### **BACKGROUND/PURPOSE:**

Mr. Charles Whitfield desires to sell 5-acres of his 17.56-acre tract for the purpose of a future residential lot. The property is located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, Kaufman County, Texas. The property is not zoned.

Trinity Valley Electric Cooperative will provide electrical service. The Becker-Jiba Water Supply Corporation will provide water. Kaufman County will permit the on-site sewage system.

**THOROUGHFARE PLAN:** County Road 151 (aka C.R. 151 or Old Kemp Highway) southeast of Fair Road is designated on the Kaufman County 2035 Future Thoroughfare Plan as a Collector for development of 2-3 lanes, requiring a right-of-way 80 feet. C.R. 151 has a variable width ranging from 52.3-feet to 43.83-feet. The right of way dedication is determined by measuring from the centerline of the road half of the future 80-foot right of way requirement. In this case the measurement is 40-feet from the centerline as shown on the plat.

### **RECOMMENDATIONS:**

Staff recommends approval of the Final Plat of Whitfield Acres Addition a 5.00-acre tract of land (portion of PID 548) situated in the Charles Askins Survey, Abstract No. 2, generally located at 7726 County Road 151 and located in the Extraterritorial Jurisdiction (ETJ) of the City of Kaufman, Kaufman County, Texas (Case No. FP-11-21)

### **ATTACHMENTS:**

1. Location Map
2. Final Plat of Whitfield Acres Addition

Marcy Ratcliff  
Development Services Director  
972-932-2216 ext. 117 [Kaufmanplanning@kaufmantx.org](mailto:Kaufmanplanning@kaufmantx.org)

Location Map  
Location Map of

## Whitfield Acres



## Final Plat of Whitfield Acres Addition

[illegible]



**MINUTES**  
**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  
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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.

Chairman Brown called the meeting to order at 6:00 p.m. Tuesday, August 3, 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 and Planning Assistant Myra Manriquez are present. Present in the audience were Mike Borez, John Zaby, Wyatt Popp, Chuck Lamping, Larry Pomroy, Reverend Steve and DeLores Allen, Ray Crabb, Luther Thompson, Linda Tackett, Katina and Clint Gibbons, Thomas Borders III, Thomas Borders IV, Bill Wait, Charles Cox, and Danny.

**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 bylaw 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, BLOCK1, 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**

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. The motion passed.

**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 AND 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 LEY YORK SURVEY, ABSTRACT NO. 609, KAUFMAN COUNTY, KAUFMAN, TX. (CASE NO. Z-14-21)
  - a. The Public Hearing is opened at 6:07 p.m.

Marcy Ratcliff, Director of Development Services, stated 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.

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.

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, but will be required during the platting process. The TIA will determine if acceleration and deceleration 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, acceleration and deceleration lanes.

Steve Allen stated traffic on Highway 175 is a nightmare and is dangerous. They have almost been hit by other cars when they were turning into the subdivision. Even when they use their blinker, other drivers think they will be taking the exit to the 34 bypass. Also houses get flooded when it rains now. Will the water drain onto the lots that flood now? Will the houses be masonry and will there will be a home owners association? Who will be responsible for the HOA after the developer leaves? This kind of development would bring in an additional 200 cars or more.

Luther Thompson stated he was concerned about their drainage coming onto their property and flooding the houses even more.

Larry Pomroy asked if there will be a fence or wall located between the properties of Priscilla Lane and the new development? Also how wide will the streets be, currently the garbage truck runs over the culverts now.

Commissioner Snow stated he will not vote on it dumping water onto the residential subdivision on Highway 175. The front lot should be developed as Highway Commercial and not residential. The street to "nowhere" should be built or the money escrowed for future development.

Commissioner Saldana stated that traffic is going to come and go regardless. The gutters will keep the water on the lots and she would encourage them to put a fence

along the property lines of the houses that will be backing up to Priscilla Lane.

Vice-Chairman Cardoza stated that he has seen several accidents near that location and he does not see any way out except connecting to Fair Road. There is a problem with the traffic and Highway 175.

Commissioner Lopez stated there is a problem with the traffic and Highway 175. He would like to see a one way only sign so the drivers turn right, take the 1<sup>st</sup> exit and then take the round-about to get on to Highway 175 going east.

Bill Waits stated as a developer there are a number of things that need to be addressed. Multiple zoning districts, future land uses and so much more. How can they as developers be more neighborhood friendly? Currently there are bigger lots back up to Priscilla Lane. The draining of this development will be kept on the development with a retention pond and not flowing to other properties. People are wanting bigger homes and smaller lots to take care of. The covenants address the masonry requirements and the HOA and multiple other things to make sure this is a quality development with homes ranging from \$260,000 to over \$300,000.

b. The Public Hearing is closed at 6:43 p.m.

Commissioner Lopez made a motion to approve the Future Land Use map from Future Commercial and Future Neighborhood Service to a Future Single Family (High Density). The motion was seconded by Commissioner Dunn. Chairman Brown called for a vote. Chairman Brown, Commissioner Deaton, Commissioner Dunn, Commissioner Lopez and Commissioner Saldana voted AYE; Vice-Chairman Cardoza and Commissioner Snow voted NAY. The motion passed carried by a vote of 5-2.

Commissioner Dunn made a motion to approve the zoning from Highway Commercial (HC) and Single-family Residential-20 (SF-20) to Planned Development (PD) for a maximum of 127 single-family residential lots for the property generally located in the 1500 Block of East Highway 175. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote. Commissioner Deaton, Commissioner Dunn, Commissioner Lopez and Commissioner Saldana voted AYE; Chairman Brown, Vice-Chairman Cardoza and Commissioner Snow voted NAY. The motion passed carried by a vote of 4-3.

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)

a. The Public Hearing is opened at 6:54 p.m.

Marcy Ratcliff, Director of Development Services, stated 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.

Commissioner Snow ask if there are only 5 tables and the existing concrete parking lot?

Chairman Brown asked if they are converting an office space into a restaurant? That would explain why he saw a new vent on the roof?

b. The Public Hearing is closed at 7:00 p.m.

Commissioner Dunn made a motion to approve, the Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant on generally located 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.

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. The motion passed.

### **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)

Marcy Ratcliff, Director of Development Services, stated 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.

Charles Lamping is the engineer for this project. Since this project is next to a

creek, they have to get the variance approved that will work for them and the City of Kaufman. Since they are so close to the creek, the subdivision water will have done drained out before the rest of the water gets to that same creek.

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.

Commissioner Saldana made a motion to approve the variance requests to the 1999 Design Manual for Storm Drainage Facilities. 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. The motion passed.

C. CONSIDER AND MAKE A RECOMMENDATION ON THE FINAL PLAT OF PRAIRIE CREEK ESTATES ADDITION, PHASE 3.

Vice-Chairman Cardoza made a motion to approve the Final Plat of Prairie Creek Estates Addition, Phase 3. The motion was seconded by Commissioner Saldana. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0. The motion passed.

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)

Marcy Ratcliff, Director of Development Services, stated

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.

Commissioner Saldana made a motion to approve the Site Plan of Lot 1, Block1, Juniper Pointe Addition for an apartment complex with 72 units generally located in the 2600 block of Tabor Parkway. 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. The motion passed.

### **ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR**

7. UPDATE ON THE PROPOSED FINAL PLAT OF THE SOUTH POINTE AT KAUFMAN SPORTS VILLAGE ADDITION.

Marcy Ratcliff, Director of Development Services, stated this project is being put on hold temporarily. A new engineer and architect has been assigned to the project.

8. FUTURE ITEMS FOR THE SEPTEMBER 7, 2021 PLANNING AND ZONING COMMISSION MEETING.

Marcy Ratcliff, Director of Development Services, stated the following projects should be on the September 7<sup>th</sup> Planning and Zoning Agenda.

- 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**

Vice-Chairman Cardoza made a motion to adjourn at 7:41 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.

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BURTON BROWN  
CHAIRMAN

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JOY HENDERSON  
PLANNING TECHNICIAN



## **Planning and Zoning Commission Report**

**Meeting Date:** September 7, 2021

**SUBJECT:** Conduct a public hearing and make a recommendation to City Council on a newly annexed property to be zoned Agriculture-Open (A-O) and owned by Thorntree Ventures, LLC. The property is approximately 112 acres of land generally located at 3997 Farm to Market Road 1836 (PIDs 2195, 2196, and 2197), situated in the Thomas Beedy Survey, Abstract No. 21, Kaufman County, Texas. (Case #Z-16-21)

### **BACKGROUND/SUMMARY:**

City Council, on July 26, 2021, approved Ordinance O-33-21 for the voluntary annexation as petitioned by Thorntree Ventures LLC. The 112 acres is generally located at 3997 Farm to Market Road 1836. Annexed property is required to be zoned within 90 days of annexation.

The City of Kaufman initiated a case to zone the 112 acres to Agriculture/Open (A/O). Typically, the City would initiate a case to zone the property Agriculture/Open (A-O) District, unless the property owner requested a different zoning district to match or compliment the surrounding areas. The property owner is looking at adjacent properties to discuss voluntary annexation. If additional properties are annexed, the property owner will be requesting a planned development zoning designation on the subject property and possibly other properties on a future date, but not within the required 90 days of annexation.

### **SURROUNDING ZONING AND EXISTING LAND USES:**

|               | <b>Zoning</b> | <b>Existing Land Use</b>                    |
|---------------|---------------|---------------------------------------------|
| <b>North:</b> | <b>ETJ</b>    | <b>Undeveloped</b>                          |
| <b>South:</b> | <b>ETJ</b>    | <b>Single Family Residential Homes</b>      |
| <b>East:</b>  | <b>ETJ</b>    | <b>Undeveloped</b>                          |
| <b>West:</b>  | <b>A/O</b>    | <b>Undeveloped &amp; Single Family Home</b> |



## 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 **Farm to Market Road 1836 is designated as a “Type B” Minor Arterial** requiring a right-of-way width of 100 feet. Additional right of way for FM 1836 will be dedicated at the time of platting. Two future thoroughfares are shown crossing through the property. One future thoroughfare running east to west is designated as a **“Type C” Major Collector** requiring a right-of-way width of 80 feet. The second future thoroughfare running north to south is designated as a **“Type B”, Minor Arterial** requiring a right-of-way width of 100 feet. The alignment of these two thoroughfares will be determined at the time of platting. See the attached Thoroughfare Plan Map and possible realignments based on property lines. A traffic impact analysis (TIA) will be required at the time of platting.

## PROPERTY OWNER RESPONSES:

The City of Kaufman mailed out notification letters to 13 property owners within 300 feet of the 112 acres. The street name was corrected and revised property notification letters were mailed on 09/01/2021 to the same 13 property owners. 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 who live inside the city limits: 0
- Number of property owners who returned letters in opposition of the request who live in the ETJ area: 1
- Number of property owners have not responded: 12

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-16-21 to zone approximately 112 acres of land generally located at 3997 FM 1836, (PIDs 2195, 2196, and 2197) to Agriculture/Open (A/O).

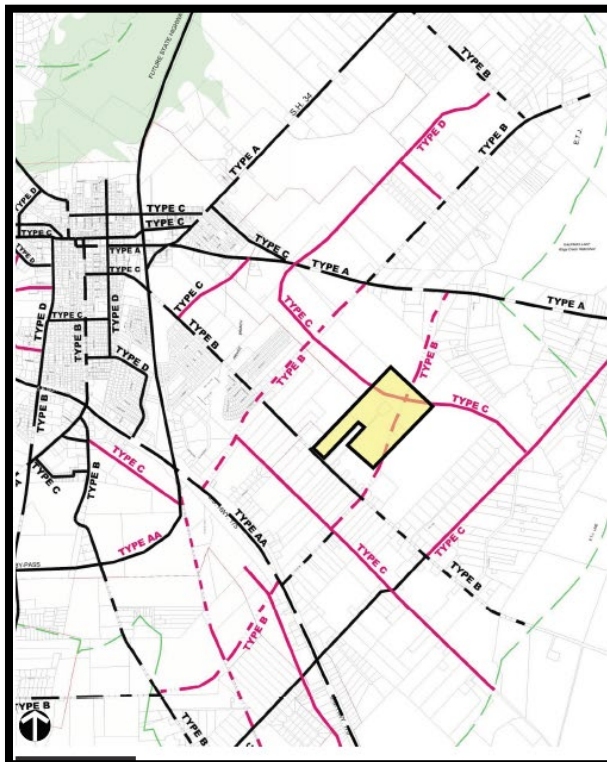
## ATTACHMENTS:

1. Location Map
2. Proposed thoroughfares
3. Property Owner Response
4. Z-16-21 Survey Map

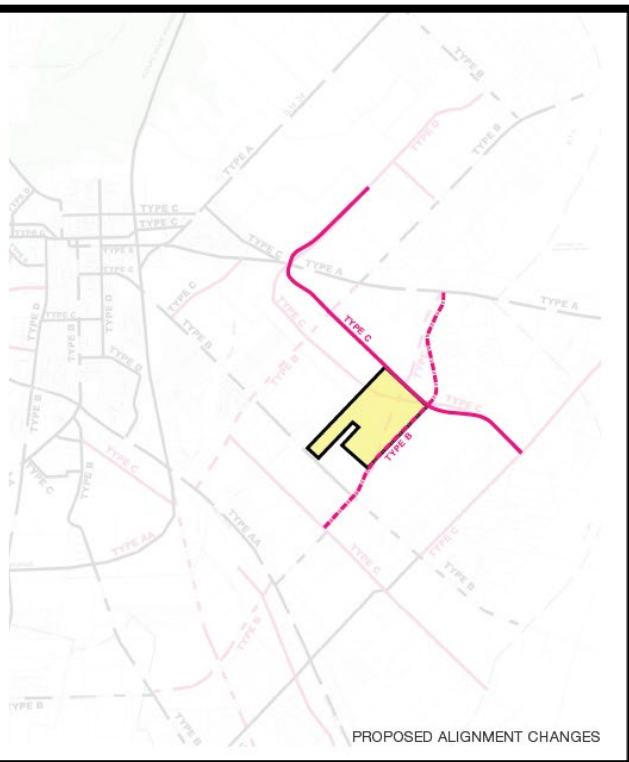
### Location Map



### Thoroughfare Plan



### Proposed Realignment



## Property Owner Response 1

### William Sanders 3952 FM 1836 - ETJ

Kaufman Planning:

#### I OBJECT

I have several concerns regarding the Thorntree Ventures LLC.

- One this posted as land off of 2727 which is incorrect. This land is off FM 1836. As by your own appraisal office.

|                    |                            |
|--------------------|----------------------------|
| Property ID:       | 2196                       |
| Legal Description: | T BEEDY                    |
| Geographic ID:     | 99.0021.0000.0121.00.03.00 |
| Agent:             |                            |
| Type:              | Real                       |
| Location           |                            |
| Address:           | 0 FM RD 1836 TX 75142      |
| Map ID:            | G4-C-2                     |
| Neighborhood CD:   | 22-001                     |

- When was this land annexed? As in your report that was sent it reads newly annexed land...Several years ago this land was de-annexed.
- I suppose this land is going to be meant for housing. As the houses located in the immediate vicinity are ranchettes with 5-6 acres per house will this be true of these homes also? OR will these be ½ acre lots?
- What would be the requirements for septic systems as there are not sewer lines in place?
- What about water line? We are on Southeast Water Supply Corporation will the city buy the water line?
- If this land IS annexed has the city limits changed? How far out is the annexation taking place?

These are a few concerns that I would liked addressed

William Sanders

## Staff Response on 08-23-21 to Property Owner Response 1 Mr. William Sanders 3952 FM 1836 - ETJ

Hello,

I have several concerns regarding the Thorntree Ventures LLC.

One this posted as land off of 2727 which is incorrect. This land is off FM 1836. As by your own appraisal office. **Yes, we did discover the error of the incorrect street name after the notice was sent out, but the PID numbers (property identification number assigned by the Kaufman County Appraisal District) are correct. There are three parcels involved in the requested zoning. I have attached the boundary survey.**

•

|                    |                            |
|--------------------|----------------------------|
| Property ID:       | 2196                       |
| Legal Description: | T BEEDY                    |
| Geographic ID:     | 99.0021.0000.0121.00.03.00 |
| Agent:             |                            |
| Type:              | Real                       |
| Location           |                            |
| Address:           | 0 FM RD 1836 TX 75142      |
| Map ID:            | G4-C-2                     |
| Neighborhood CD:   | 22-001                     |

- When was this land annexed? As in your report that was sent it reads newly annexed land...Several years ago this land was de-annexed. **The property owner requested voluntary annexation. Council approved the annexation on July 26, 2021.**
- I suppose this land is going to be meant for housing. As the houses located in the immediate vicinity are ranchettes with 5-6 acres per house will this be true of these homes also? OR will these be ½ acre lots? **The land is proposed to be developed with houses on smaller lots. The proposed zoning is for Agricultural/Open Space (minimum 3 acre lots), which all newly annexed properties are initially zoned by the City. It is our understanding from the developer/property owner he will be coming back at a later date and propose a planned development district for smaller lots. He has not submitted a zoning change to date.**
- What would be the requirements for septic systems as there are not sewer lines in place? **Kaufman County requires a minimum 1 acre for septic systems. The developer desires to extend the sewer line from the Prairie Creek Subdivision to provide sewer to the proposed smaller lots.**
- What about water line? We are on Southeast Water Supply Corporation will the city buy the water line? **The City and the developer will have to work with the State to revise the**

CCN so that the developer can extend the city water line from Helen Edwards to the property.

- If this land IS annexed has the city limits changed? How far out is the annexation taking place? The voluntary annexation request was just for the Thorntree Ventures, LLC property. See the attached location map, it shows the city limit line (colored orange) before the annexation. The new city limit line will be changed to reflect the annexation. The maps are being revised now to reflect the changes.

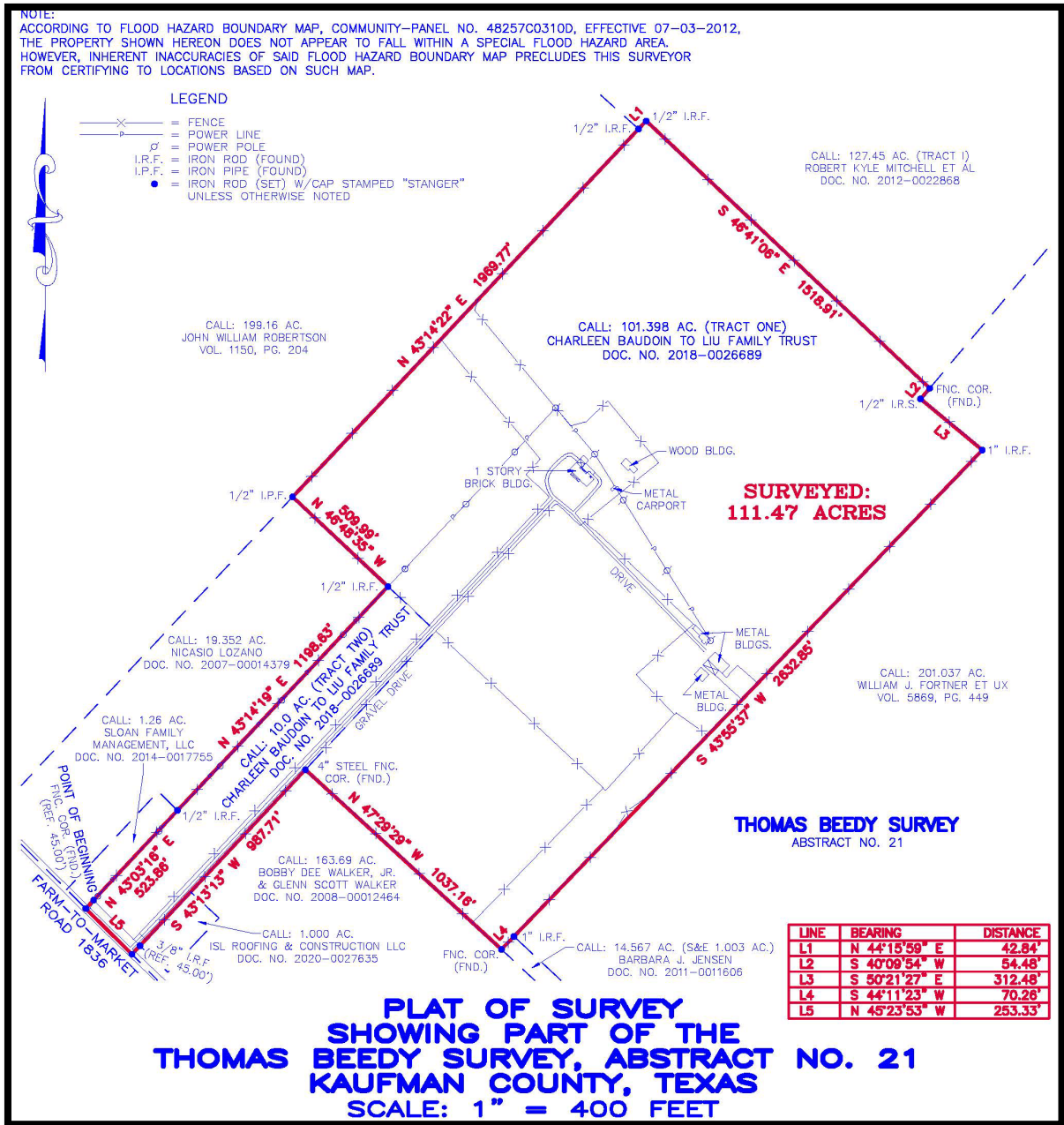
Is your address 3952 FM 1836? I would greatly appreciate if you could resend your objection and note your address and/or PID #53251 for the record.

Please let me know if you have any other questions, I will be happy to let you know.

Sincerely,

Marcy Ratcliff  
Development Services Director

# Survey Map





**Meeting Date:** September 7, 2021

**Consent:** No

**Discussion/Action:** Yes

**SUBJECT:** Consider and make a recommendation to City Council on the Site Plan of proposed replat of Lot 1R & 2R, Block 1, Gregory Marlow Truck Stop Addition, being a tract of land containing 5.46 acres (PIDs 198186 & a portion of 16821), located at 1420 and 1430 East Mulberry Street (State Highway 243). The site plan is for the construction of two buildings; a liquor store and a convenience store/gas station with a restaurant with a drive-through window service. The property is zoned Light Industrial (LI). (Case No. SP-03-21)

**BACKGROUND/SUMMARY:**

A 5.033-acre site plan for a 10,925 SF building for a truck stop/gas station, convenience store, liquor store, and restaurant with drive thru window service and a self-service car wash, by Mr. Carl Marlow, was approved on March 28, 2016 (SP-01-16). The restaurant included drive-thru window service. The approved site plan was based on the single lot platted as Lot 1, Block 1, Gregory Marlow Addition. The approved site plan expired after one (1) year, when no building permit had been issued.

The approved 45 foot wide driveway entrances on East Mulberry Street and SH 34 Bypass were constructed. The cross access easement/driving lane extending 371.25 feet south of the property, aligning with the only Highway 34 Bypass median cut located between Rand Road and East Mulberry, was constructed. The median cut allows traffic from Marlow's development, to turn left, to head south to Highway 175. The median cut will also allow southbound traffic on the Highway 34 Bypass to turn left to access the development.

Mr. Marlow constructed the following public water and sanitary sewer improvements:

1. An extension of the 8 inch sanitary sewer line from 4<sup>th</sup> Street to the eastern property line and then extending south along the eastern property line to the southern property line.
2. An extension of an 8 inch water line along East Mulberry Street then extending south along the western property line and SH 34 to the southern property.

**PROPOSED SITE PLAN REVISIONS:**

The proposed site plan will be for two lots instead of one lot. An additional 18,475 SF is being added to the southeast corner of Lot 2R to serve as the detention pond for both lots.

**Lot 1R (125,955 SF)** will contain the truck stop/gas station, a 7,200 SF convenience store and restaurant with drive thru window service. There will 20 gas pump stations for regular sized

vehicles in front of the convenience store and 4 gas pump stations for semi-trucks in the rear. Vehicles for the restaurant drive thru window service will enter from the north side of the building and will exit to the south. Drive thru window service for a restaurant requires a minimum of 6 stacking spaces and an escape lane, which is provided. The required number of off-street parking spaces is 36 spaces with 2 handicapped spaces and 45 spaces are provided.

The total required landscaped area is 18,893 SF and 21,501 SF is being provided which is 17% of the total lot area. The total impervious area is 104,454 SF which is 82% of the total lot area.

All signage will be in accordance with Section 44, Sign Regulations. Each lot will have the right for a pole sign.

The proposed building material is a combination of brick and stucco. The average building height is 17-feet.

**Lot 2R (112,019 SF)** will contain the 7,200 SF liquor store with drive thru window service. Vehicles for the liquor store drive thru window service will enter from the north side of the building and will exit to the south. Drive thru window service for the liquor store requires a minimum of 3 stacking spaces. An escape lane for retail operations is not required but is being provided. The required number of off-street parking spaces is 36 spaces with 2 handicapped spaces and 50 spaces are provided.

There will 24 foot wide fire lane/cross access easements around each building and connecting the two lots. Each lot will provide a 24 foot wide fire lane/cross access easement entrance to adjacent properties to the east and southern sides.

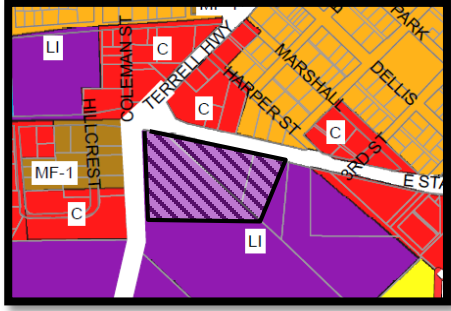
The civil engineering for drainage determined a detention pond will be required. The area of Lot 2R will be increased in area by 18,745 SF at the southeast corner to accommodate the required detention pond. The total lot area of Lot 2R is 2.57 acres.

The total required landscaped area is 16,803 SF and 19,378 SF is being provided which is 17.3% of the total lot area. The total impervious area is 92,641 SF which is 82.7% of the total lot area.

All signage will be in accordance with Section 44, Sign Regulations. Each lot will have the right for a pole sign.

The proposed building material is a combination of brick and stucco. The average building height is 17-feet.

## SURROUNDING ZONING AND EXISTING LAND USES:

|       | Zoning           | Existing Land Use                             |  |
|-------|------------------|-----------------------------------------------|------------------------------------------------------------------------------------|
| North | Commercial       | Suburban Propane & 3 single family residences |                                                                                    |
| South | Light Industrial | Undeveloped                                   |                                                                                    |
| East  | Light Industrial | Undeveloped                                   |                                                                                    |
| West  | Multi-Family 1   | Four plex units                               |                                                                                    |

## COMPREHENSIVE PLAN:

### **Land Use Plan:**

The 2009 Future Land Use Plan designated the land use of the subject property as a Future Commercial. The existing Light Industrial (LI) zoning is in somewhat in compliance with the 2009 Future Land Use Plan because it allows most all of the commercial and retail uses. The zoning was in place at the time the Land Use Plan was amended. The existing zoning takes precedent over the Future Land Use Plan.

### **Thoroughfare Plan:**

The Thoroughfare Plan designates East Mulberry Street as a “Type A”, Major Arterial, requiring a future right-of-way width of 120 feet. The existing right-of-way width is approximately 100 feet. TxDOT will review the plat to determine what if any right-of-way is required. The existing right-of-way at the intersection, with the new Highway 34 Bypass, is developed with two existing lanes and 1 new westbound turning lane. East Mulberry Street is also known as Highway 243 and is maintained by the State of Texas.

The Thoroughfare Plan designates the new Highway 34 Bypass as a “Type A”, Major Arterial, requiring a future right-of-way width of 120 feet for development of 4 lanes with a median. Only one median cut will be allowed between East Mulberry Street and Rand Road.

## RECOMMENDATIONS:

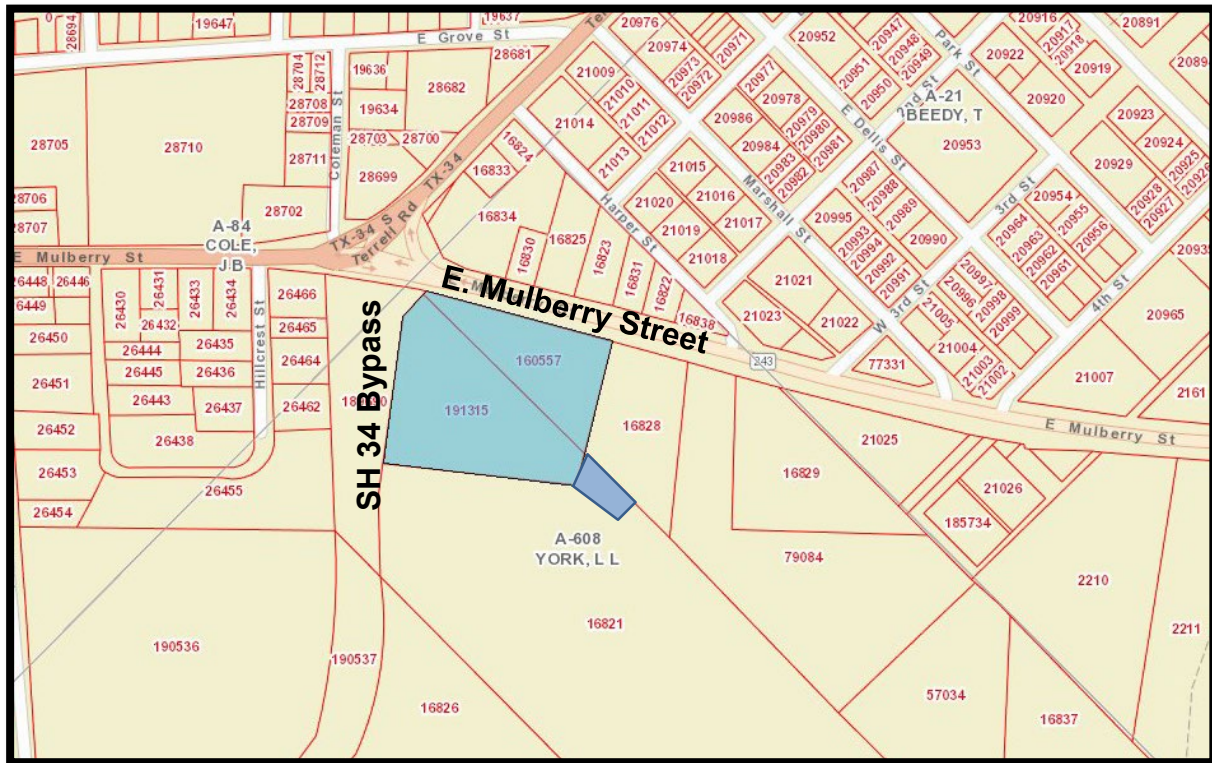
Staff recommends approval of SP-03-21 for development of the two buildings; a liquor store and a convenience store/gas station with a restaurant with a drive-through window service for property located at the southeast corner of East Mulberry and the new Highway 34 Bypass addressed as 1420 and 1430 East Mulberry Street.

## ATTACHMENTS:

1. Location map
2. Site Plan

Marcy Ratcliff - Development Services Director  
972-932-2216 ext. 117 [Kaufmanplanning@kaufmantx.org](mailto:Kaufmanplanning@kaufmantx.org)

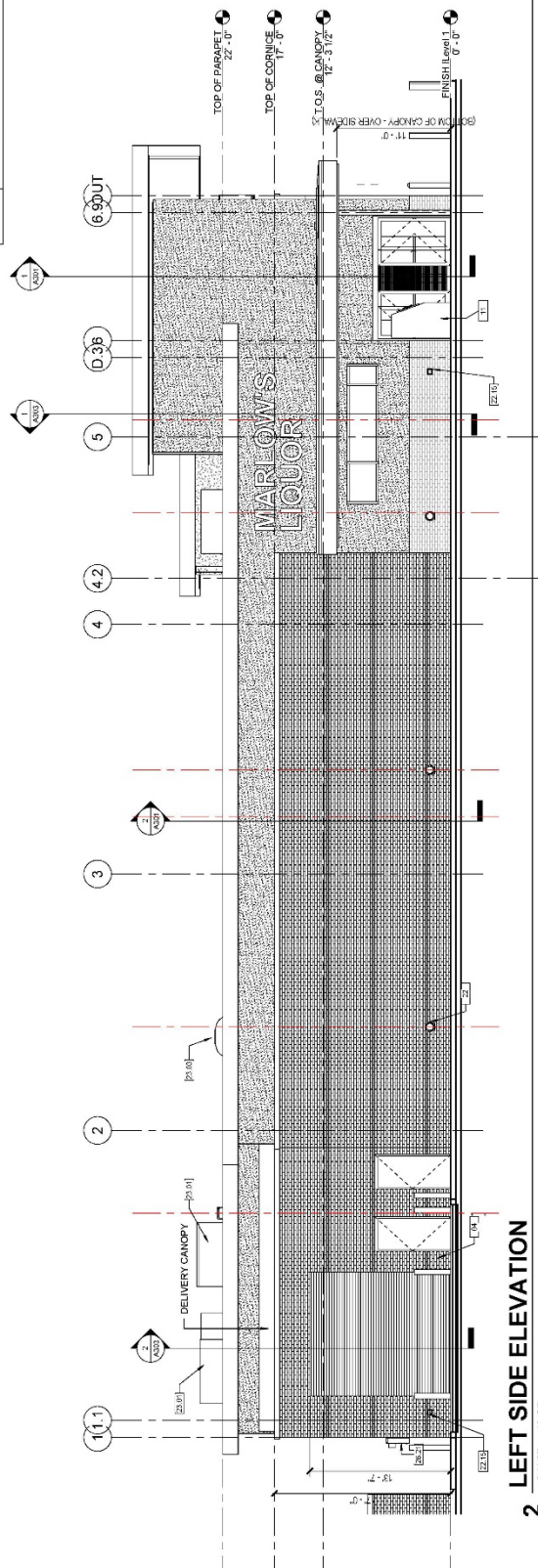
# Location Map of SP-03-21 1420 & 1430 E. Mulberry Street



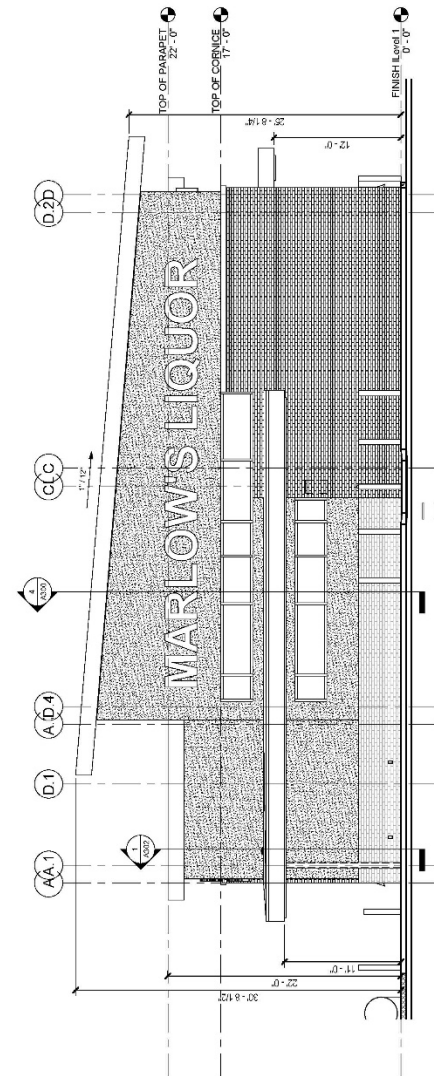




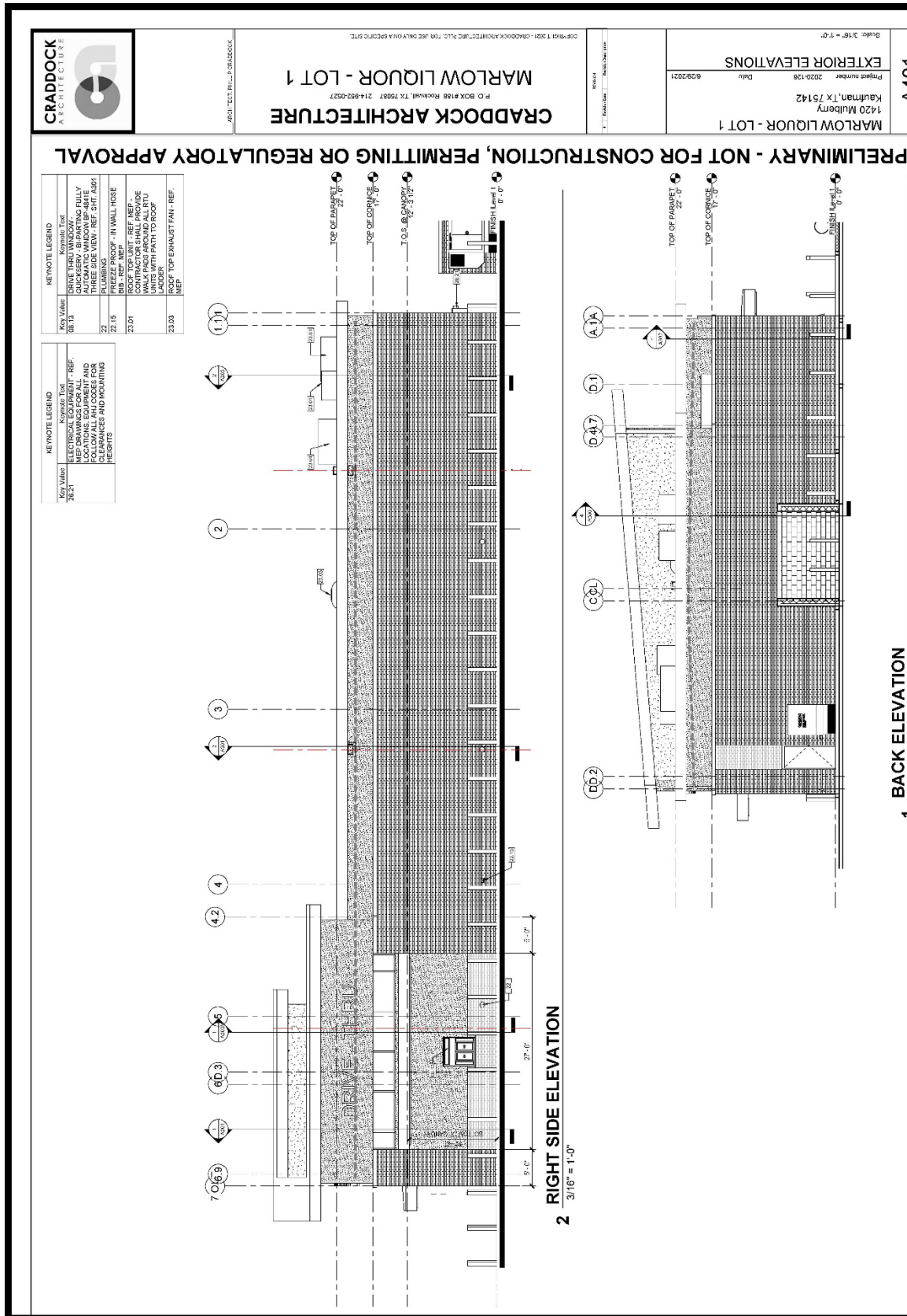
| KEY/NOTE LEGEND |                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------|
| Key Value       | Keynote Text                                                                                                 |
| 04              | MASONRY                                                                                                      |
| 11              | EQUIPMENT                                                                                                    |
| 22              | PLUMBING                                                                                                     |
| 22.15           | REF. ROOF - IN WALL HOSE BIB - REF. MEP                                                                      |
| 23.01           | ROOF TOP UNIT - REF. MEP - CONTRACTOR SHALL PROVIDE WALK PADS AND LADDERS FOR UNITS WITH PATH TO ROOF LADDER |
| 23.03           | ROOF TOP EXHAUST FAN - REF. MEP                                                                              |
| 28.21           | ELECTRICAL EQUIPMENT - REF. MEP                                                                              |
|                 | DRAWINGS FOR ALL LOCATIONS, ELEVATIONS, AND MOUNTING CODES FOR CLEARANCES AND MOUNTING HEIGHTS               |



**2**  $\frac{3}{16}'' = 1'-0''$



**1**  $\frac{3}{16}'' = 1'-0''$





ARCHITECT: PHASE 1-20200208

**CRADDOCK ARCHITECTURE**  
P.O. BOX 8158 RICHMOND, TX 75087 214.852.0527  
**MARLOW LIQUOR - LOT 1**

DATE: 6/28/2021

**MARLOW LIQUOR - LOT 1**  
Project number: 2020-128  
Date: 6/28/2021  
1420 Mulberry  
Kaufman, TX 75142  
**RENDERINGS**  
Scale:

**A500**

**PRELIMINARY - NOT FOR CONSTRUCTION, PERMITTING OR REGULATORY APPROVAL**

**PHASE 1 - MARLOW LIQUOR, ON LOT #1**



7/15/21 7:54:43 AM



**PHASE 2 - C STORE ON LOT #2**





## **Planning and Zoning Commission Report**

**Meeting Date:** September 7, 2021

**Consent:** No

**Discussion/Action:** Yes

**SUBJECT:** Consider and make a recommendation to City Council on the Site Plan of Lot 2, Block C, Kings Fort Addition, Phase 1, being a tract of land containing 1.00 acre (PID 187820), located in the 340 Block of East Highway 175. The site plan is for the construction of a convenience store/gas station. The property is zoned Planned Development 7 – Highway Commercial (PD-7-HC). (Case No. SP-04-21)

### **BACKGROUND/SUMMARY:**

The applicant is requesting to develop a gas station, on Lot 2, Block C, Kings Fort Addition, which contains 43,560 square feet or 1.00 acres. Currently, the property is zoned Planned Development 7 – Highway Commercial (PD-7-HC).

The proposed gas station building contains 440 square feet. The maximum lot coverage is 50% and the proposed lot coverage is 0.9%. The minimum landscape area is 15% of the street yard area and the proposed landscape area is 29.8% of the street yard area. The total impervious area is 70.2%.

The Kaufman Zoning Ordinance requires one parking space per 200 square feet of floor area. Two parking spaces are being added for the 440 square foot building. One parking space for each gasoline pump unit is required and 16 spaces are being provided. There is adequate spaces being provided for waiting, stacking and maneuvering automobiles for refueling.

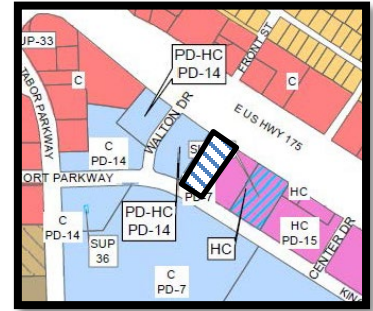
There is a cross access across the front of the property connecting with Whataburger on the west side and the small strip center on the east. There is an entrance/exist onto Kings Fort Parkway.

A cross walk will be installed at the corner of Walton Drive and Kings Fort Parkway, where there is a 4 way stop sign. This will allow customers to cross the street to the Walmart in a safe manner.

The proposed building is modular pre-fab building with a stucco finish. The proposed one story building has a maximum height of 17 feet 8 inches. The maximum height allowed is 45 feet or 3 stories.

## SURROUNDING ZONING AND EXISTING LAND USES:

|        | Zoning     | Existing Land Use                         |
|--------|------------|-------------------------------------------|
| North: | HC & C     | Highway 175 – Oscar Tapia Tire Dealership |
| South: | PD-7 (C)   | Wal-Mart Site                             |
| East:  | PD-7 (C)   | Vacant – future gas station               |
| West:  | PD-13 (HC) | Whataburger restaurant site               |



## 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 7 – Highway Commercial (PD-7-HC) for Commercial development. The Planned Development 7 – Highway Commercial (PD-7-HC) 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.

## RECOMMENDATIONS:

Staff recommends approval of the site plan SP-04-21 for the development of a gas station to be located at 340 East Highway 175 and platted as Lot 2, Block C, Kings Fort Addition, Phase 1.

## ATTACHMENTS:

1. Location Map
2. Site Plan
3. Kings Fort Plat

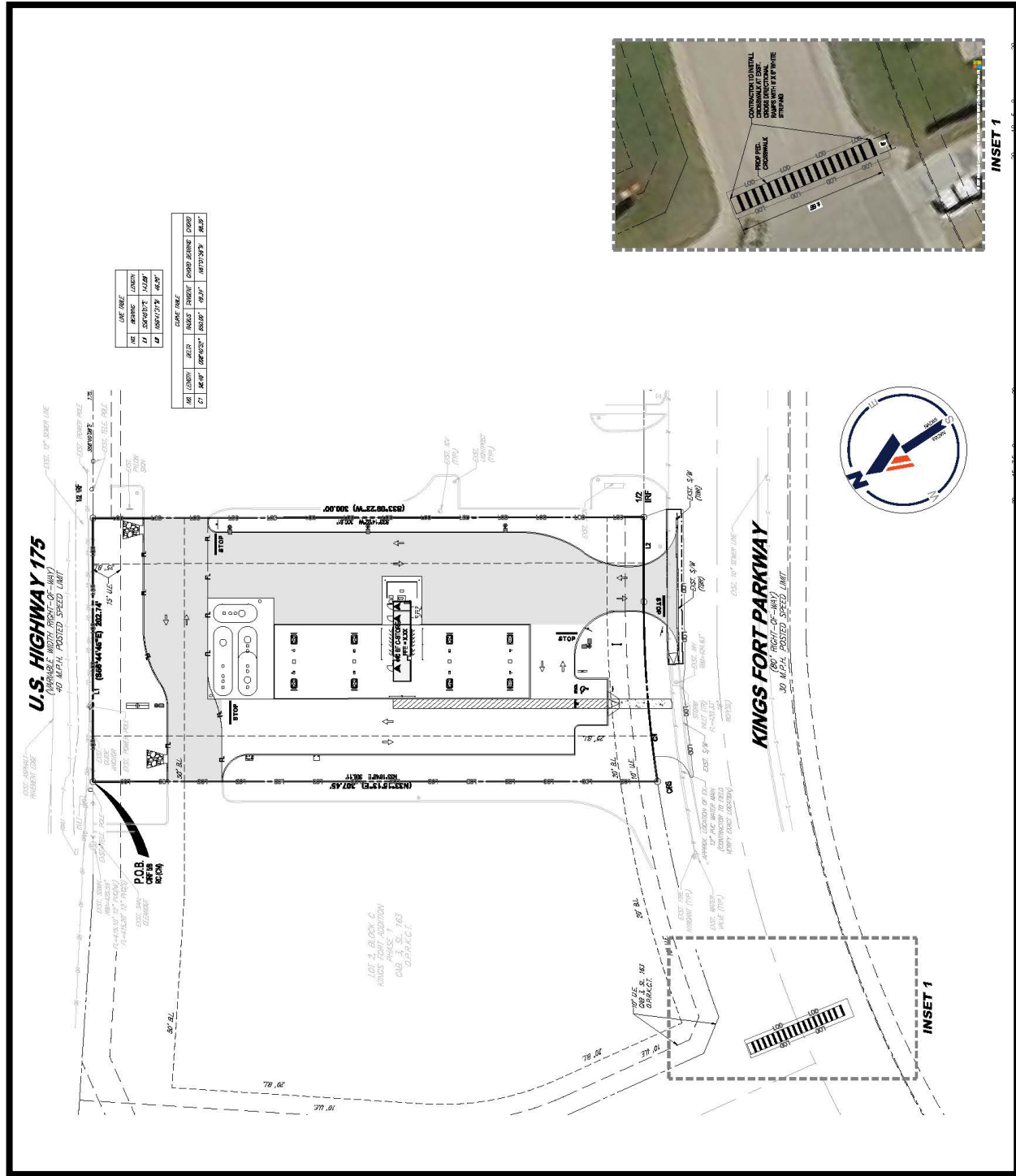
Marcy Ratcliff, Director  
Development Services  
972-932-2216

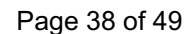
[Kaufmanplanning@kaufmantx.org](mailto:Kaufmanplanning@kaufmantx.org)

Walmart Gas Station 340 E. Highway 175



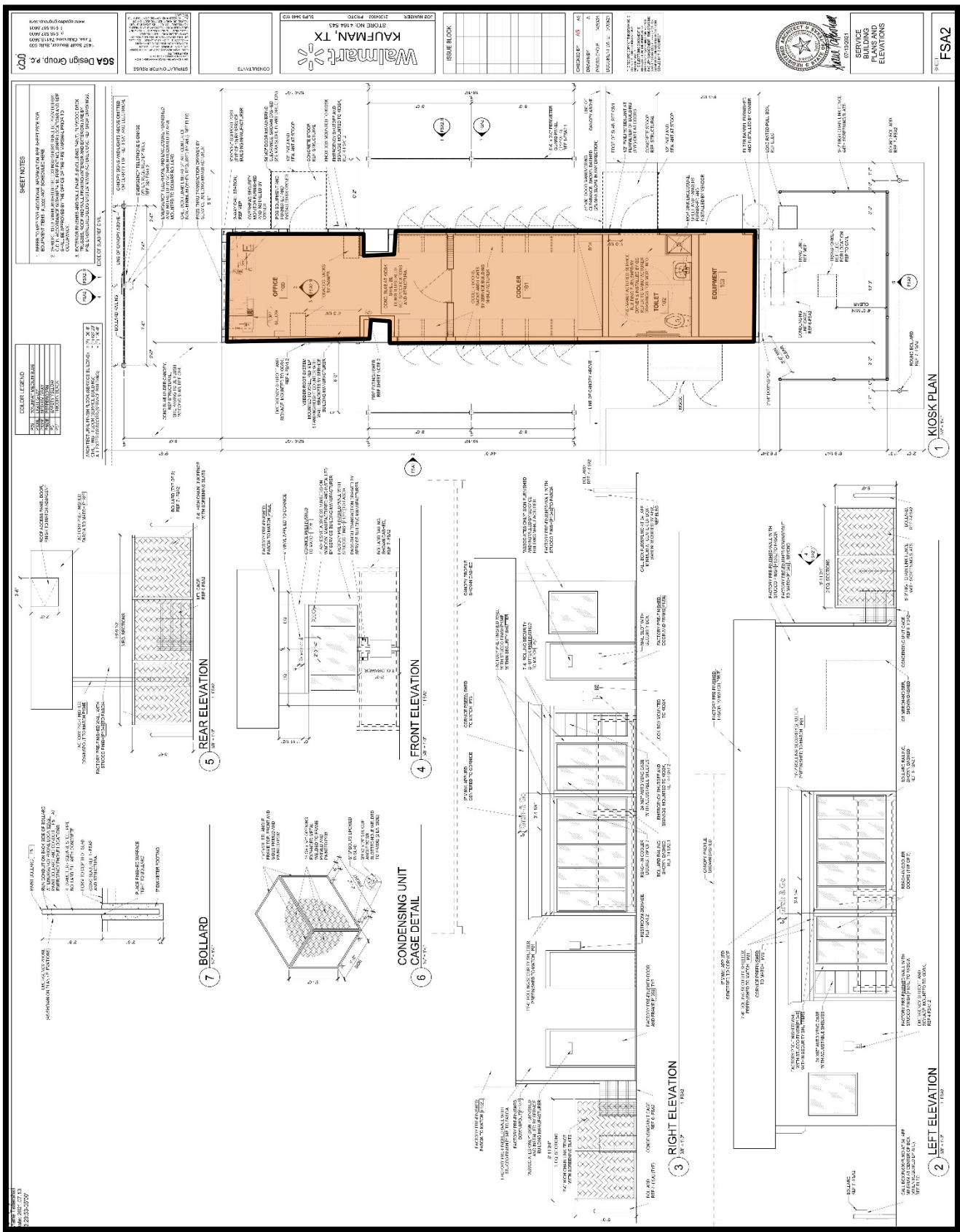
# Site Plan







## Site Exterior Building Elevation



**U.S. HIGHWAY 175**  
(VARIABLE WIDTH R.O.W.)

**3/163**

**LOT 1**  
PD-7-HC  
150,566 SF. OR 3.594 AC.

**LOT 2**  
PD-7-HC  
13,000 SF. OR 1.000 AC.

**LOT 4**  
PD-7-C

**BLOCK "A"**  
LOT 1  
PD-7-C  
79,941 SF. OR 1.835 AC.

**BLOCK "B"**  
LOT 1  
PD-7-HC

**BLOCK "C"**  
LOT 1  
PD-7-HC  
63,798 SF. OR 1.385 AC.

**BLOCK "D"**  
FAMILY PARTNERSHIP LTD.  
VOL. 1152 PG. 705

**KINGS FORT ADDITION PHASE 1**

**KINGS FORT PKWY.**

**OLD KEMP HIGHWAY**  
(CR 151)

**POINT OF BEGINNING**

**CLURVE TABLE**

| STATION  | CHORD BEARING | CHORD DIST. | ARC BEARING | ARC DIST. | CHORD BEARING | CHORD DIST. | ARC BEARING | ARC DIST. |
|----------|---------------|-------------|-------------|-----------|---------------|-------------|-------------|-----------|
| 1+00.00  | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 1+180.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 1+360.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 1+540.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 1+720.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 1+900.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+000.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+180.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+360.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+540.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+720.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 2+900.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+000.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+180.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+360.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+540.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+720.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 3+900.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+000.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+180.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+360.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+540.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+720.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 4+900.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 5+000.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 5+180.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 5+360.00 | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   | S89°02'15"E   | 180.00'     | S89°02'15"E | 180.00'   |
| 5+5      |               |             |             |           |               |             |             |           |



## **Planning and Zoning Commission Report**

**Meeting Date:** September 7, 2021

**Consent:** No

**Discussion/Action:** Yes

**SUBJECT:** Consider and make a recommendation to City Council on the Site Plan of proposed Lot 5, Block E, Kings Fort Addition, Phase 2, being a tract of land containing 2.054 acres (a portion of PID 202752), situated in the D. Falcon Survey, Abstract No. 151 and generally located in the 750 Block of East Highway 175. The site plan is for the construction of a credit union with drive-through services. The property is zoned Planned Development 15 – Highway Commercial (PD-15-HC). (Case No. SP-05-21)

### **BACKGROUND/SUMMARY:**

The applicant is requesting to develop a Lone Star Credit Union, on Lot 5, Block E, Kings Fort Addition, which contains 89,472 square feet or 2.054 acres. Currently, the property is zoned Planned Development 15 – Highway Commercial (PD-15-HC).

The proposed building contains 3,770 square feet. The maximum lot coverage is 50% and the proposed lot coverage is 4.47%. A 1,024 SF pergola is proposed to be located in the patio area.

The minimum landscape area is 15% of the street yard area and the proposed total landscape area is 42.15% of the street yard area. The tree placement in the front yard is limited due to the existing 10-foot TXU gas easement and a 15-foot sanitary sewer easement. Trees are not allowed to be planted in utility easements.

The site is served by an existing 8-inch sanitary sewer line located along Meara Drive and an existing 12-inch water line along Kings Fort Parkway.

The Kaufman Zoning Ordinance requires one parking space per 200 square feet of floor area. The required number of off street parking is 19 and 32 spaces are being provided. Two drive thru window service lanes are being provided. One drive thru lane is provided for access to the automatic teller machine (ATM). The minimum 5 stacking spaces per lane for each station and ATM are provided. The one required escape lane is provided.

Driveway access is provided from the east on Meara Drive and from the south on Kings Fort Parkway. No direct access is provided from Highway 175. No cross access is provided on this site plan due to the size of the existing creek located on the west side of the property. A 24-foot fire lane and access easement is provided on the lot connecting the driveway entrances from Meara Drive and Kings Fort Parkway.

The exterior building elevations are a proposed combination of masonry veneer, metal panel and exterior insulation and finish system (EIFS). The roof is proposed to be metal. The proposed one story building has an average height of 17 feet 8 inches. The maximum height allowed is 45 feet or 3 stories.

#### SURROUNDING ZONING AND EXISTING LAND USES:

|               | <b>Zoning</b>     | <b>Existing Land Use</b>                 |
|---------------|-------------------|------------------------------------------|
| <b>North:</b> | <b>C</b>          | <b>Highway 175 – Southwest Chevrolet</b> |
| <b>South:</b> | <b>PD-15 (C)</b>  | <b>Undeveloped</b>                       |
| <b>East:</b>  | <b>PD-15 (HC)</b> | <b>Undeveloped</b>                       |
| <b>West:</b>  | <b>PD-15 (HC)</b> | <b>Burger King restaurant</b>            |



#### 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 – Highway Commercial (PD-15-HC) for commercial development. The Planned Development 15 – Highway Commercial (PD-15-HC) 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.

#### RECOMMENDATIONS:

Staff recommends approval of the site plan SP-05-21 for the development of a Lone Star Credit Union to be located at 750 East Highway 175, proposed Lot 5, Block E, Kings Fort Addition, Phase 2, being a tract of land containing 2.054 acres (a portion of PID 202752), situated in the D. Falcon Survey, Abstract No. 151.

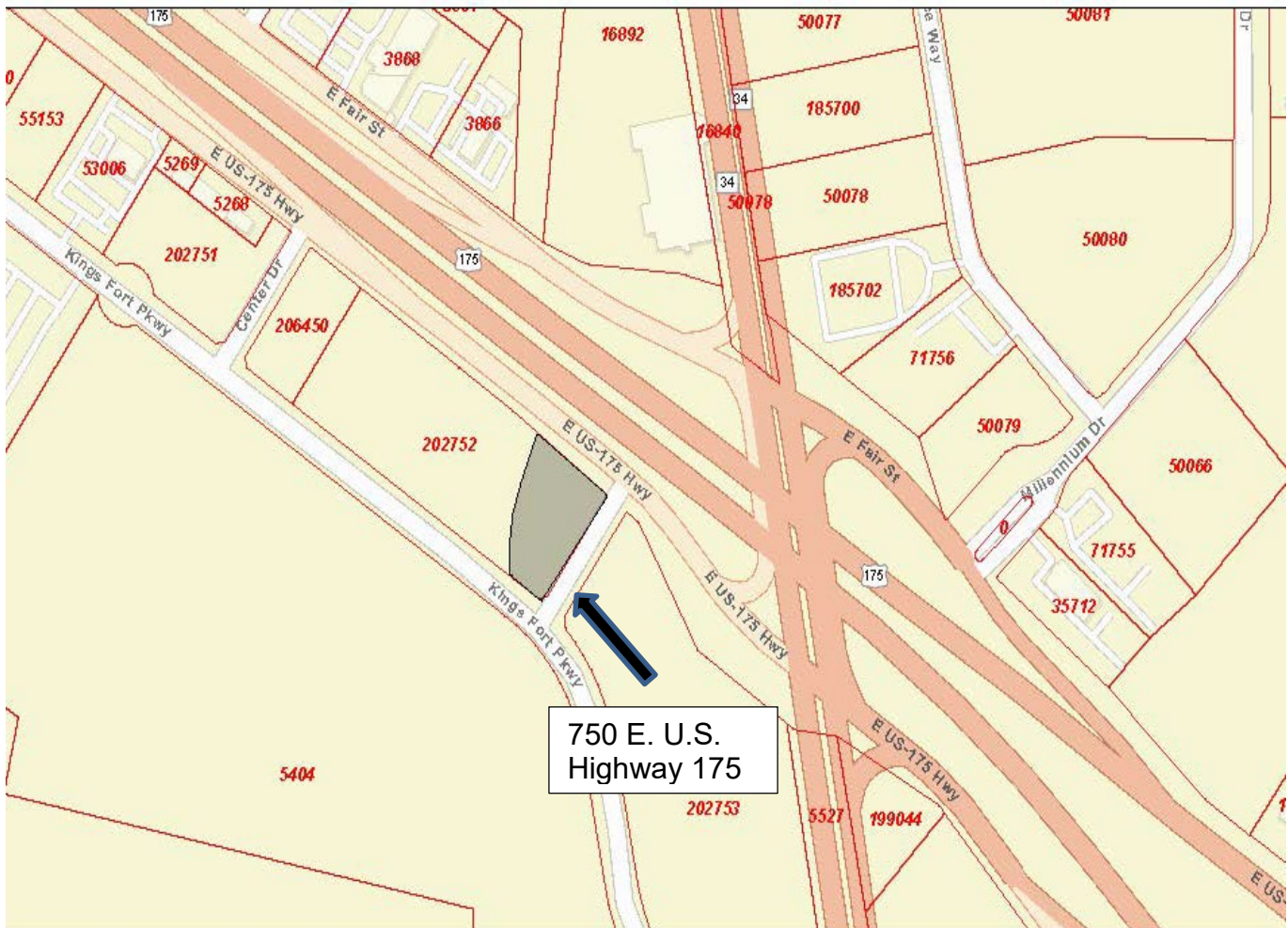
## ATTACHMENTS:

1. Location Map
2. Site Plan

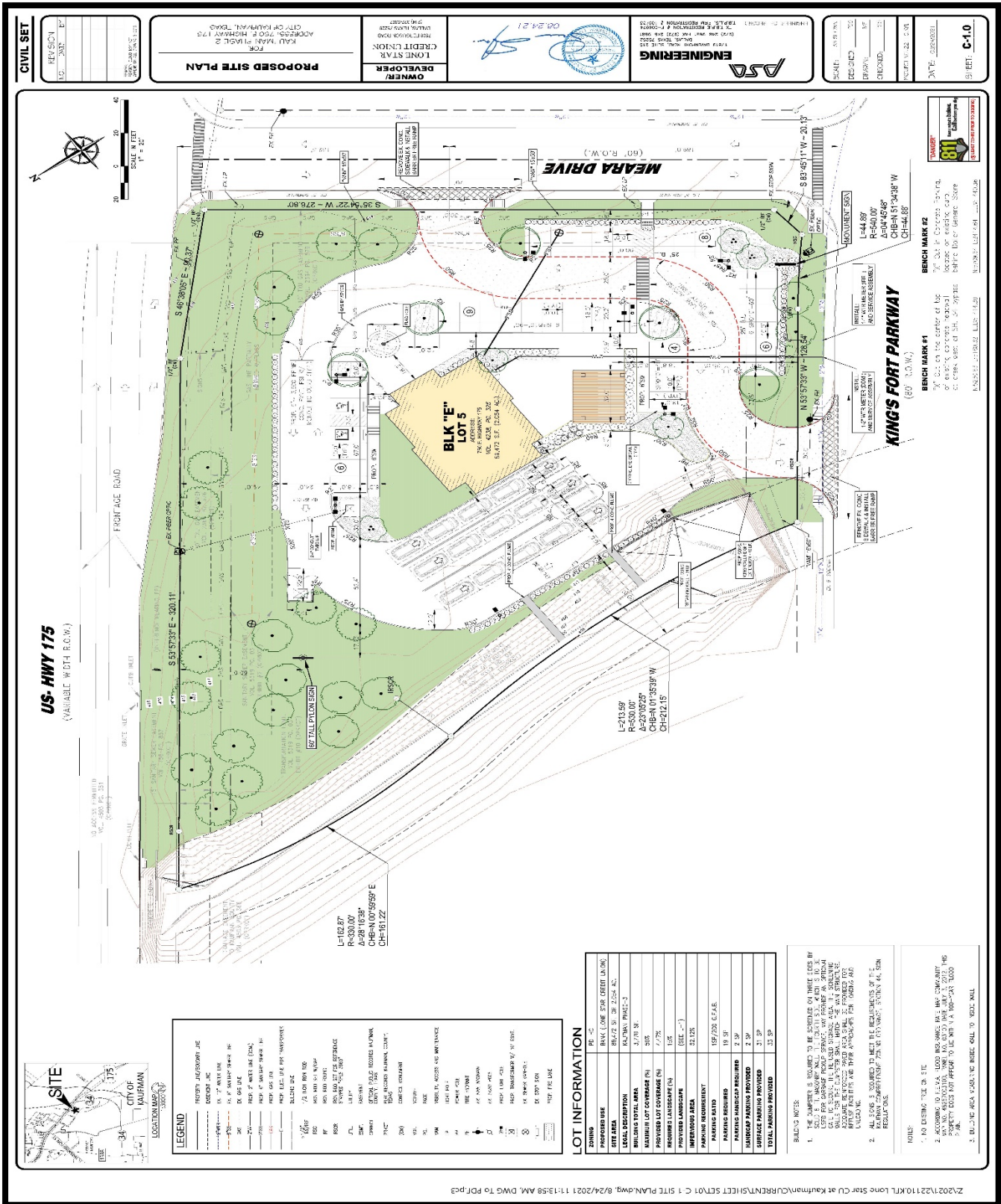
Marcy Ratcliff, Director  
Development Services  
972-932-2216

[Kaufmanplanning@kaufmantx.org](mailto:Kaufmanplanning@kaufmantx.org)

### Lone Star Credit Union 750 E. Highway 175



## Site Plan



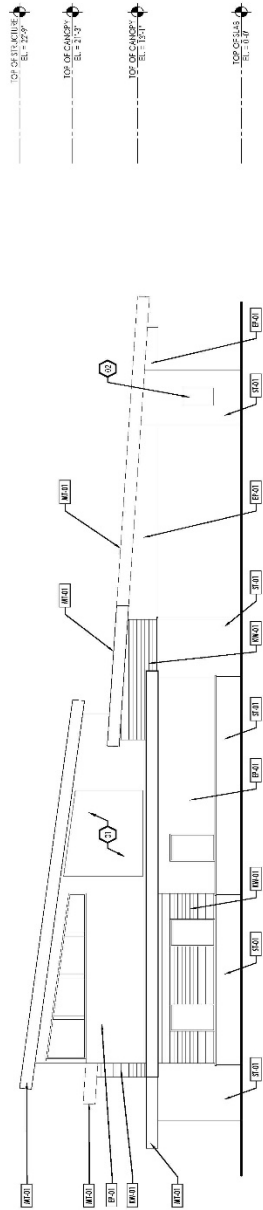
# Site Plan Landscape



# Site Exterior Building Elevation

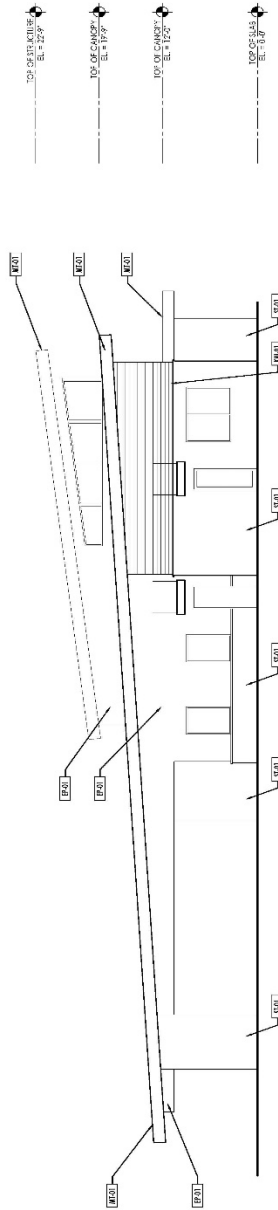
## EXTERIOR FINISHES

| ACI   | TAG            | TYPE | MANUFACTURER     | COLOR         |
|-------|----------------|------|------------------|---------------|
| SP-01 | Masonry Veneer | Cir* |                  | Grey Pearl    |
| EP-01 | EIFS Panel     |      | Sherrin Williams | Madam Gray    |
| KW-01 | Weld Panel     |      | Kraftwood        | Willa         |
| MI-01 | Metall Roof    |      | Ben-lodge        | Charcoal Grey |



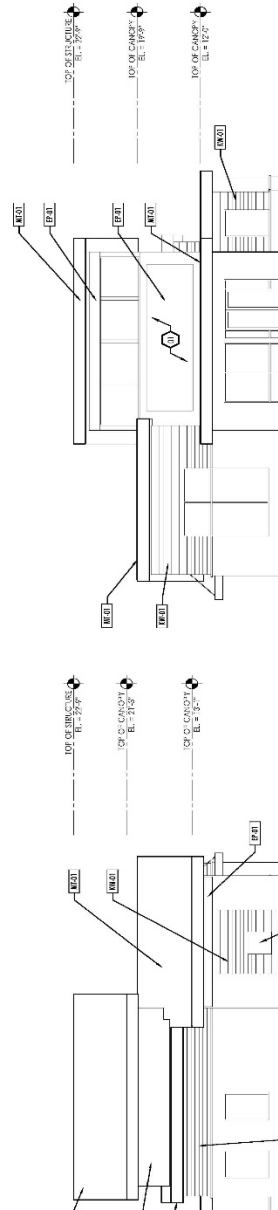
4 BUILDING ELEVATION - NORTH

Scale: 1/8" = 1'-0"



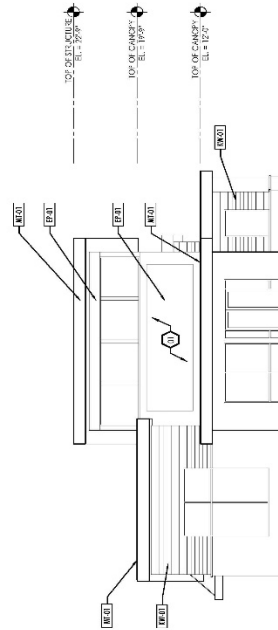
3 BUILDING ELEVATION - SOUTH

Scale: 1/8" = 1'-0"



2 BUILDING ELEVATION - WEST

Scale: 1/8" = 1'-0"



1 BUILDING ELEVATION - EAST

Scale: 1/8" = 1'-0"



**Meeting Date: 9/7/2021 Date: 9/1/2021**

**Item #: 7.**

**Dept.: Development  
Services**

**PZ Item**

**SUBJECT:**

Update on Texas Open Meetings Act Requirements Effective September 1, 2021

**BACKGROUND:**

On June 30, 2021, Governor Abbott approved Attorney General Ken Paxton's request to lift the open meeting law suspensions that had been temporarily suspended in March 2020 in response to COVID-19 pandemic. As a result, all open meeting requirements will resume on September 1, 2021.

The suspensions have allowed Texas governmental bodies to utilize more easily telephonic and videoconference meetings amid the COVID-19 outbreak while ensuring governmental transparency to the public. Effective September 1, 2021, if the City of Kaufman wishes to utilize remote tools must comply with all open meetings laws as written.

Please read the summarized version of the Open Meetings requirements that are now in effect. It is highly encouraged that all Commission members be physically present at each meeting.

**Telephonic Meetings**

Generally, the Texas Open Meetings Act allows telephone meetings instead of the normal, in-person meetings if "an emergency or public necessity exists" and "the convening at one location of a quorum of the governmental body is difficult or impossible." The suspensions essentially provided that the "emergency requirement" was met for the entire duration of Governor Abbott's order. When that order was lifted, the "emergency requirement" must again be met on a case-by-case basis for all meetings taking place after September 1, 2021. An "emergency" includes an imminent threat to public health and safety, including a threat of fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm; power failure, transportation failure, or interruption of communication facilities; epidemic; or riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence."

In order to conduct a telephonic meeting, two-way communication must be provided during the entire call, and the identification of each speaker must be clearly stated before speaking. The call must also be audible to the public at the location specified in the notice of the meeting as the location of the meeting. A recording of the meeting must be made available to the public.

**Videoconferencing**

Under the COVID-19 suspensions, a quorum of remote, videoconferencing attendees was sufficient—meaning all members could be at separate locations and all be counted as present. As of September 1, 2021, a quorum must be physically present at the meeting in order to utilize videoconferencing. Pursuant to § 551.127 of the Act:

- A member or employee of a governmental body may participate remotely and be counted as

present if the video and audio feed of the member's or employee's participation is broadcast live at the meeting.

- The notice of the meeting held by videoconference must specify the location where a quorum of the governmental body is physically present as the location of the meeting and must specify the intent for a quorum to be present at that location.
- The meeting must be visible and audible to the public at the physical location. While a remote participant is speaking, the person's face must be clearly visible, and voice audible to each participant and to the members of the public in attendance at the physical location.
- Regardless whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a member of the public to testify at a meeting from a remote location by videoconference call.
- The governmental body must make an audio recording of the meeting available to the public.

Author:

Marcy Ratcliff, Development Services Director

Reviewed:

Mike Slye, City Manager

**Cost:**

**Funds Available:**

**Source:**

**Recommendation:**