

MINUTES

PLANNING AND ZONING COMMISSION REGULAR MEETING
TUESDAY, AUGUST 2, 2011 - 6:00 P.M.
KAUFMAN CITY HALL, 209 SOUTH WASHINGTON,
KAUFMAN, TEXAS 76142

CHAIRMAN	ANITA HALL	
VICE-CHAIRMAN	MARSHALL PARK	(Absent)
COMMISSIONER	BURTON BROWN	
COMMISSIONER	PATRICK CARDOZA	(Absent)
COMMISSIONER	VENETIA DOSTER	
COMMISSIONER	KAY FERRELL	
COMMISSIONER	LARRY NELSON	

INVOCATION

PLEDGE OF ALLEGIANCE

US FLAG

TEXAS FLAG – “HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE”.

CALL THE MEETING TO ORDER: CHAIRMAN STATES THE DATE AND TIME. STATES THE COMMISSIONER’S PRESENT AND DECLARES A QUORUM PRESENT.

Chairman Hall called the meeting to order at 6:05 p.m. Tuesday, August 2, 2011. Commissioners present were Chairman Anita Hall, Commissioner Burton Brown, Commissioner Venetia Doster, Commissioner Kay Ferrell and Commissioner Larry Nelson. Director of Development Services Marcy Ratcliff and Planning Tech. Joy Henderson were present. Florence Leshnsa, Petrit Krasniqi, Jorbe Fernandez, Bryan Valladares, Kenneth Brown, Marty Miller, and Roy Ferrell were present in the audience.

PUBLIC HEARINGS:

- 1. CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A ZONE CHANGE REQUESTED BY MARTIN FOOD ENTERPRISES, INC. FOR BERGEN FOODS, FOR A SPECIFIC USE PERMIT FOR A PROPOSED PRIVATE CLUB (RESTAURANT WITH ALCOHOLIC BEVERAGE SALES FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT 2250 S. WASHINGTON, ZONED COMMERCIAL. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS 1.236 ACRES OF LAND, OUT THE D. FALCON SURVEY, ABSTRACT NO. 151, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS. CASE NO. Z-03-11.**

The Public Hearing was opened at 6:07 p.m.

Marcy Ratcliff stated Martin Food Enterprises, Inc. submitted a specific use application for a private club (a restaurant with alcoholic beverage sales for on-premise consumption only) to be located in an existing restaurant, at 2250 S. Washington. The restaurant contains 2,432 square feet and is better known as Pizza Hut. The property is zoned commercial and has been developed since before 1993. The property has 36 existing off-street parking spaces. No physical improvements to the property are proposed.

The building is located approximately 421 feet from the Southside Baptist Church when measured door to door. The minimum required distance separation is 300 feet from a church.

The building is located approximately 1,800 feet from the Kaufman High School property line when measured from the front door of the business, along streets to the school property line. The minimum required distance separation is 1,000 feet from a school property line.

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.

Bryan Valladares, Manager of Pizza Hut, stated that they will only be serving bottled beers only. There will not be any drawn beers or any wines allowed. The serving of beer is not to make Pizza Hut a bar, but to offer a serves that has been requested on multiple occasions.

The Public Hearing was closed at 6:10 p.m.

Commissioner Brown made a motion to approve a zoning change requested by Martin Food Enterprises, Inc. for Bergen Foods, for a specific use permit for a proposed private club (restaurant with alcoholic beverage sales for on-premise consumption only) to be located at 2250 S. Washington. The motion was seconded by Commissioner Ferrell. Chairman Hall called for a vote with all voting AYE. The motion carried by a vote of 4-0.

2. **CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A ZONE CHANGE REQUESTED BY ROMA'S ITALIAN BISTRO AND NADSARA, INC., FOR A SPECIFIC USE PERMIT FOR A POLE/PYLON SIGN DESIGNED TO BE SHARED BY 2 OR MORE LOTS, WITH CONNECTING PROPERTY LINES, AND LOCATED WITHIN 450' OF U.S HIGHWAY 175 RIGHT-OF-WAY TO BE LOCATED AT 2220 S. WASHINGTON, ZONED COMMERCIAL. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOT 1,**

**CROSSROADS ADDITION, CITY OF KAUFMAN, KAUFMAN COUNTY, TEXAS.
CASE NO. Z-04-11**

The Public Hearing was opened at 6:11 p.m.

Marcy Ratcliff stated Roma's Italian Bistro owners, in April of 2011, requested the Planning and Zoning Commission to consider amending the Comprehensive Zoning Ordinance O-02-07, Section 44, Sign Regulations to allow for shared pole/pylon signs. City Council adopted amendments, in June of 2011, to allow as a specific use permit shared pole/pylon signs, with two or more lots, with connecting property lines and located within 450' of U.S. Highway 175 right-of-way.

Roma's Italian Bistro and Nadsara, Inc., Inc. submitted a specific use permit application for a shared pole/pylon sign at 2220 S. Washington (Sal's Liquor Store & Sal's Shell Gas Station & Grocery Store). The existing 40' pole sign cabinet has been vacant for several years. The sign cabinet was damaged by high winds.

Roma's is proposing to share the sign cabinet with Sal's Shell Gas Station. The sign dimensions of the existing sign cabinet are approximately 12' x 12' (144 square feet). The sign area devoted to Roma's is 48 square feet and 96 square feet to the Shell Station. The applicants are not proposing any other physical improvements to the site. See the attached photographs.

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.

Petrit Krasniqi, of Roma's Italian Bistro, stated since the business is located off of Crossroad Drive, people don't realize that there is a restaurant located on that street. Sharing a sign with the Shell station will provide advertising to potential customers on Washington Street and from Highway 175.

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

Commissioner Doster made a motion to approve a zoning change requested by Roma's Italian Bistro and Nadsara, Inc., for a specific use permit for a pole/pylon sign designed to be shared by 2 or more lots, with connecting property lines, and located within 450' of U.S Highway 175 right-of-way to be located at 2220 S. Washington. The motion was seconded by Commissioner Ferrell. Chairman Hall called for a vote with all voting AYE. The motion carried by a vote of 4-0.

DISCUSSION/ ACTION ITEMS:

- 3. CONSIDER A REQUEST FROM MARTY MILLER, A CITIZEN OF KAUFMAN, TO AMEND THE COMPREHENSIVE ZONING ORDINANCE O-07-02, SECTION 33, USE REGULATIONS, CHART 1 – RESIDENTIAL USES TO ALLOW A BED AND BREAKFAST INN OR FACILITY WITH A SPECIFIC USE PERMIT IN THE SINGLE FAMILY 8 (SF-8) DISTRICT.**

Marty Miller stated that she would like to open a bed and breakfast in her current home. She has applied for a government grant and was planning on enlarging the house to better accommodate her customers. The lot, where the house sits is 13,000 square feet. She had previously had a bed and breakfast in Arkansas but sold it to move to the Kaufman area.

Chairman Hall asked if a bed and breakfast pays hotel taxes and are they required to get a food permit?

Chairman Hall made a motion to set a public hearing to amend the Zoning Ordinance, Section 33, Use Regulations, Chart 1 – Residential Uses to allow a bed and breakfast inn or facility with a specific use permit in the Single Family 8 (SF-8) district. The motion was seconded by Commissioner Doster. Chairman Hall called for a vote with Chairman Hall, Commissioner Doster and Commissioner Nelson voted AYE; Commissioner Brown voted NAY. The motion carried by a vote of 3-1.

- 4. PRESENTATION ON CENTRAL BUSINESS DISTRICT ORDINANCES FROM VARIOUS CITIES THAT ARE ALSO THE COUNTY SEAT OF THEIR RESPECTIVE COUNTY.**

Marcy Ratcliff stated that there is a large amount of information, regarding different types of central business district ordinances and different historical district ordinances. You have to have civic guidelines on what works and what doesn't work.

City of Garland, which is not a county seat, does have a district close to downtown and they have developed the area as a multiuse district, with mix of residential and retail, with an artist culture center mixed in with it.

City of Waxahachie has historic picture of each of the downtown buildings and if there is any additions or improvements to the structure, it must meet specific design criteria. They do encourage residential above the commercial/retail businesses.

City of McKinney is doing a feasibility study for their downtown center. They will designate an area and they will be taxed additional money that will be reinvested into that specific area. They have collected PID money and reinvested into the area with off-site parking lots with landscaping and extra wide sidewalks.

PLANNING AND ZONING COMMISSION MINUTES:

A. CONSIDER AND APPROVE THE PLANNING AND ZONING COMMISSION MINUTES FOR JULY 5, 2011.

Commissioner Brown made a motion to approve the July 5, 2011 minutes. The motion was seconded by Commissioner Ferrell. Chairman Hall called for a vote with all voting AYE. The motion carried by a vote of 4-0.

ANNOUNCEMENTS FROM CITY STAFF:

A. NEW DEVELOPMENTS

- KISD has been making improvements to the different campuses.
- We are not doing any demolitions at this time, due to a lawsuit that the City of Dallas is addressing regarding legal authority of a city to demolition substandard properties.
- Our next NEAT will be October 15th and will be located from Washington Street to Royal Drive, and from 5th Street to 11th Street.
- The house that burnt down at 303 South Wilson Street was finally clean up.

B. REQUEST AND/OR COMMENTS FROM PLANNING AND ZONING COMMISSIONERS

- What happened with parking meters on the square. Marcy Ratcliff stated that the City Manager was looking into the issue.

ADJOURNMENT

Commissioner Brown made a motion to adjourn at 7:14 p.m., seconded by Chairman Hall. Chairman Hall called for a vote with all voting AYE, the motion carried by a vote of 4-0.

**ANITA HALL
CHAIRMAN**

ATTEST:

**JOY HENDERSON
PLANNING TECHNICIAN**