



# **Planning and Zoning Commission Regular Meeting**

5:30 p.m.  
City Hall Council Chambers  
201 E. Nash Street  
Terrell, Texas



**PLANNING & ZONING COMMISSION**

Notice of Regular Meeting

Tuesday, April 26, 2016 – 5:30 p.m.

City Hall –Mar City Council Chambers

201 E. Nash, Terrell, Texas 75160

**AGENDA**

<b>Chairman</b>	Jerry Yates	<b>Vice-Chairman</b>	Tom Aldinger
<b>Commissioner</b>	Danny Stephens	<b>Commissioner</b>	Bruce Bryant
<b>Commissioner</b>	Trini B Jones	<b>Commissioner</b>	Kathy Russell
<b>Commissioner</b>	Carolyn Fairley	<b>Commissioner</b>	Vickie Anderson
<b>Commissioner</b>	Bruce Loflin		

1. Call to order.
2. Hear remarks from visitors.
3. Discuss and consider approval of the Planning and Zoning Commission meeting minutes of March 29, 2016
4. Remarks from Director.

**PUBLIC HEARING**

5. **ZC 16-10:**
  - A. Conduct a public hearing on a request to amend the Terrell Zoning Ordinance as follows:
    1. Amend Article IV., Section 32., Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-residential Zoning Districts, to add check cashing business, payday advance/loan business, and car title loan business, uses not currently listed in the Zoning Ordinance, in the C Commercial Zoning District by Specific Use Permit subject to the provisions of Article V., Section 42.8, Special Regulations for Certain Types of Uses;
    2. Amend Article V., Section 42., Special Regulations for Certain Types of Uses, by adding Section 42.8 requiring a minimum separation of

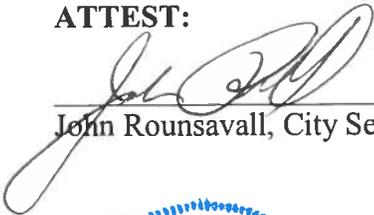
- i. 1,000 feet between the nearest property line of any lot or tract that is the location of a check cashing business, payday advance/loan business, or car title loan business and the nearest boundary of a residential zoning district, including the EE-32 Executive Estate District, all SF- Single-Family Districts, the TH-12 Townhome District, the MF Multi-Family District, the MH Manufactured Home District; any property zoned AG Agricultural or CBD Central Business District, or any PD Planned Development District that allows residential uses; and
  - ii. 1,000 feet between the nearest property line of a tract containing a check cashing business, payday advance/loan business, or car title loan business and the nearest property line of any other tract containing a check cashing business, payday advance/loan business, or car title loan business; and
3. Amend Section 44.1, Definitions, by adding definitions for check cashing business, payday advance/loan business, and car title loan business.

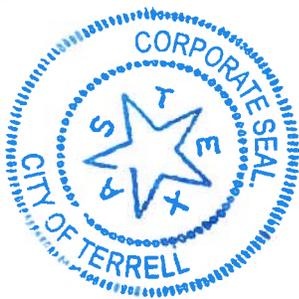
B. Discuss and consider ZC 16-10.

6. Adjourn.

**POSTED AT CITY HALL BULLETIN BOARD** April 21, 2016 at 2:00 p.m.

**ATTEST:**

  
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John Rounsavall, City Secretary



**Planning & Zoning Commission Meeting**  
Tuesday, ~ March 29, 2016 ~5:30 p.m.  
City Hall Council Chambers  
201 E. Nash ~ Terrell, Texas ~ 75160

**MINUTES**

Present: Jerry Yates, Danny Stephens, Bruce Bryant, Trini B Jones, Kathy Russell, Carolyn Fairley, Tom Aldinger, Vickie Anderson and Bruce Loflin

Staff: Steve Rogers, Bobby Phillips, and Gina Dominguez

Visitors: Monica Heid and Drew Brawner

**1. Call to order.**

Chairman Jerry Yates called the regular meeting of the Planning and Zoning Commission to order on March 29, 2016 at 5:30 p.m.

**2. Hear remarks from visitors**

Mr. Allen Taylor attended the meeting as an interested citizen.

**3. Discuss and consider approval of Planning and Zoning Commission meeting minutes of January 26, 2016**

Commissioner Kathy Russell made a motion to approve the Minutes from January 26, 2016. Commissioner Bruce Bryant seconded the motion, which carried unanimously.

**4. Hear Remarks from Director.**

Steve Rogers, City Engineer gave Remarks.

**ACKNOWLEDGEMENT OF WITHDRAWAL**

- 5. ZC 16-01: WITHDRAWN BY APPLICANT.** A request to change the zoning from Retail (R) to Planned Development (PD) District for a variety of uses, including, but not limited to, retail, commercial, service, automotive, office, and residential (multi-family or townhome) on 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20, Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas. Public hearings were conducted at the Planning and Zoning Commission on January 26, 2016 and at the City Council on February 2, 2016. The application was subsequently withdrawn, and no further public hearings will be held.

Commissioner Bruce Bryant made a motion to acknowledge withdrawal of the application, Commissioner Danny Stephens seconded, and the motion carried unanimously.

### **PUBLIC HEARINGS**

6. **ZC 16-04:** Conduct a public hearing on a request for a Specific Use Permit in the Retail (R) District to allow an amusement arcade within a proposed movie theater/bowling alley facility on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20, Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas.

Steve Rogers, City Engineer, gave the Staff Report.

(Against): No one appeared to speak in opposition to the application.

(For): Charles Hodges of Hodges Architecture, 13642 Omega, Dallas TX 75244, appeared on behalf of the applicant and answered questions from the Commission.

The public hearing was closed, and Commissioner Bruce Bryant made a motion to approve the Specific Use Permit. Commissioner Vickie Anderson seconded the motion, which carried unanimously.

7. **ZC 16-05:** Conduct a public hearing on a request for a Specific Use Permit in the Retail (R) District to allow billiards/pool tables within a proposed movie theater/bowling alley facility on an 8.417-acre site within 255.68 acres of the J. C. Hale Survey, Abstract No. 202, Kaufman County, Texas, generally located at the northwestern intersection of FM 148 and Interstate 20, and being all of a called 255.68 acre tract as described in a Foreclosure Sale Deed from 255 Terrell, L.P. to Terrell 80/20, Ltd., dated October 5, 2010 and recorded in Document No. 2010-0016297 in the Deed Records of Kaufman County, Texas.

Steve Rogers, City Engineer, gave the Staff Report.

(For): Charles Hodges of Hodges Architecture, 13642 Omega, Dallas, TX 75244 appeared to answers questions on behalf of the applicant.

(Against): No one appeared to speak in opposition to the request.

The public hearing was closed, and Commissioner Danny Stephens made a motion, seconded by Commissioner Carolyn Fairley, to approve the Special Use Permit to allow a billiards/pool facility. The motion carried unanimously

8. **ZC 16-06:** Conduct a public hearing on a request for a change in zoning from Retail (R) to Multi-Family (MF) District to allow the construction of attached housing units on Lots

3A, 4A, 4B, and 4C, Block 90, Moore and Nash Addition, Terrell, Texas, southwest corner of East Dallas Street and South Adelaide Street.

Steve Rogers, City Engineer, presented the Staff Report.

(Against): No one appeared to speak in opposition to the request.

(For): Neither the applicant nor any other representative or interested party appeared to speak in favor.

After the public hearing was closed, Commissioner Danny Stephens made a motion to approve the zoning change. Commissioner Kathy Russell seconded the motion, which passed on a unanimous vote.

- 9. ZC 16-07:** Conduct a public hearing on a request for a change in zoning from Single-Family Residential-6 (SF-6) to Multi-Family (MF) District to allow the construction of attached housing units on Lot 1, Block 89, Moore and Nash Addition, Terrell, Texas, South Frances Street between Newton Street and Temple Street.

Steve Rogers, City Engineer gave the Staff Report.

(Against): No one spoke in opposition to the request.

(For): Leonard Lancaster, applicant, appeared to address the Commission.

After the public hearing was closed, the Chair explained that the proposed change would constitute spot zoning if approved, and Commissioner Tom Aldinger made a motion to deny the request. Commissioner Carolyn Fairley seconded, and the motion carried unanimously.

- 10. ZC 16-08:** Conduct a public hearing on a request for a change in zoning from Single-Family Residential-6 (SF-6) to Multi-Family (MF) District to allow the construction of attached housing units on Lot 2A, Block 89, Moore and Nash Addition, Terrell, Texas, South Frances Street between Newton Street and Temple Street.

Steve Rogers, City Engineer, gave the Staff Report.

(Against): No one spoke in opposition.

(For): Stephanie Thomas, applicant, appeared in support of the request.

The public hearing was closed, and the Chair explained that this proposal, like the previous request, would amount to spot zoning if approved. Commissioner Tom Aldinger made a motion to deny the request. Commissioner Kathy Russell seconded, and the motion passed unanimously.

- 11. ZC 16-09:** Conduct a public hearing on a request for a Specific Use Permit in the Retail (R) District to allow a contractor's office/shop, with no outside storage including vehicles, on Lot 1A, Block 61, Original Town, Terrell, Texas, 309 N. Virginia Street, Terrell, Texas, southwest corner of North Virginia Street and East College Street.

Steve Rogers, City Engineer, presented the Staff Report.

(Against): There were no speakers in opposition.

(For): Gerald Templeman, applicant, appeared on behalf of the request which would allow an expansion of his existing business. He said he understood the limitations on outside storage.

The public hearing was closed. Commissioner Bruce Bryant moved approval of the Specific Use Permit, Commissioner Carolyn Fairley seconded, and the motion carried unanimously.

### **PLATS AND RELATED ACTION ITEMS**

- 12. FP 16-03:** Discuss, consider, and take appropriate action on the Final Plat of Lot 11, Block 1, Terrell Market Center/Medical Plaza Addition, 1.662 acres located south of Spur 557 and east of FM 148, City of Terrell, Kaufman County, Texas. (Fairfield Inn and Suites)

Steve Rogers, City Engineer, presented the Staff Report.

(Against): No one appeared to speak in opposition to the request.

(For): No others spoke in favor.

Commissioner Kathy Russell made a motion to approve the Final Plat, Commissioner Bruce Bryant seconded, and the motion carried unanimously.

- 13. CP 15-07:** Discuss and consider acceptance of public improvements for Crossroads at Terrell, Phase 1A, located west of FM 148 between Spur 557 and Interstate 20.

Steve Rogers, City Engineer, gave the Staff Report and explained the process for the City's acceptance of public improvements.

(Against): No one spoke in opposition.

(For): Rob Adams appeared on behalf of the applicant.

Commissioner Tom Aldinger moved approval of the request. Commissioner Kathy Russell seconded, and the motion carried on a unanimous vote.

**14. FP 16-04:** Discuss, consider, and take appropriate action on the Final Plat of Lot 1, Block 1; Lots 1R & 2, Block 2; Lots 1R & 2, Block 3, Crossroads at Terrell, Phase 1A, northwest corner, Interstate 20 at FM 148.

Steve Rogers, City Engineer presented the Staff Report.

(Against): There were no speakers in opposition.

(For): A representative from Taco Bueno was present.

Commissioner Kathy Russell made a motion for approval, Commissioner Bruce Bryant seconded, and the motion carried unanimously.

**15. Adjourn**

Chairman Jerry Yates adjourned the meeting at 6:38 p.m.

**Approved as presented:**

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Jerry Yates, Chairman

ZC 16-10



**Agenda Items 5.A. and 5.B.**

**Check cashing businesses, payday loan businesses,  
car title loan businesses:  
(ZC 16-10)**

**Planning and Zoning Commission:**

**April 26, 2016**

**Request:**

**Multiple Changes to the text of the Terrell Zoning Ordinance relative to check cashing businesses, payday loan businesses, car title loan businesses**

**Background:**

Staff has been asked to review the regulations regarding check cashing businesses, payday loan businesses, car title loan businesses, sometimes referred to as non-depository financial establishments, alternative financial businesses or credit access businesses. The Zoning Ordinance currently refers to this category of uses as Non-depository Financial Establishments and defines each under that heading. Presently, these uses are allowed by SUP in the Retail (R) District. Many communities are enacting more specific regulations and limitations regarding businesses of these types based on community concerns, research by non-profit organizations, and best practices in the industry.

**Request:**

The proposal is to amend the Terrell Zoning Ordinance to amend the Use Charts, add definitions and establish separation requirements between these businesses and: residential uses; Agricultural and CBD zoning; and other businesses of the same type. The approach planned is similar to the one used recently to enact regulations for bail bond services. Several sections of the Zoning Ordinance will be affected.

**Issues:**

The Zoning Ordinance allows these uses under the definition of a Non-depository Financial Establishment in the R Retail District by SUP. The City would like to:

- (1) Amend the Use Charts to retain the SUP provision but require C Commercial zoning.

- a. Article IV., Section 32., Use Regulations (Charts), Chart 7, Personal and Service Uses, Non-residential Zoning Districts, to add check cashing business, payday advance/loan business, and car title loan business, uses not currently listed in the Zoning Ordinance, in the C Commercial Zoning District by Specific Use Permit subject to the provisions of Article V., Section 42.8, Special Regulations for Certain Types of Uses.

(2) Impose separation requirements.

- a. Article V., Section 42., Special Regulations for Certain Types of Uses, by adding Section 42.8 requiring a minimum separation of 1,000 feet between:
  - i. The nearest property line of any lot or tract that is the location of a check cashing business, payday advance/loan business, or car title loan business and the nearest boundary of a residential zoning district, including the EE-32 Executive Estate District, all SF- Single-Family Districts, the TH-12 Townhome District, the MF Multi-Family District, the MH Manufactured Home District; any property zoned AG Agricultural or CBD Central Business District, or any PD Planned Development District that allows residential uses;
  - ii. The nearest property line of a tract containing a check cashing business, payday advance/loan business, or car title loan business and the nearest property line of any other tract containing a check cashing business, payday advance/loan business, or car title loan business;

(3) Add definitions for these uses in more common terms as follows:

- a. Section 44.1, Definitions.
  - i. 288. Check cashing business - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charges for the transaction; or an agreement not to cash a check, or execute an electronic transfer of money for a specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.
  - ii. 289. Payday advance/loan business - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit

against an existing financial account, where the check or debt is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.

- iii. 290. Car title loan business - Any establishment, entity, business, corporation, or person required to be registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Chapter 393 of the Texas Finance Code that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application.

There are also changes planned in Chapter 5, Business Regulations, of the Code of Ordinances regarding these uses. Once the new ordinance is adopted, there may be a need for some follow-up actions to repeal current regulations that are in conflict with these amendments.

**Financial Considerations:**

The City is the applicant in this case; therefore, no application fee or tax payments were required.

**Notification:**

A public hearing notice for this application was published in the official newspaper of the City of Terrell. Because this is a text change, no notices were required to be mailed.

**Staff Recommendation:**

Approval as presented

**P&Z Action:**

The Planning and Zoning Commission may recommend to the City Council:

- (1) Approval of the request as presented;
- (2) Approval with additional or modified conditions; or
- (3) Denial.

Final approval of the application requires a public hearing and action from the City Council. Notification will be published to confirm the City Council public hearing date.

**Attachments:**

Map of 1,000' buffer from C Commercial, AG Zoning

