



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, May 26, 2015 ~ 5:30 p.m.
City Hall ~ Council Chambers
201 E. Nash, Terrell, Texas 75160

AGENDA

Chairman	Jerry Yates	Vice-Chairman	Joe Hood
Commissioner	Bruce Bryant	Commissioner	Stephanie Elswick
Commissioner	Vickie Anderson	Commissioner	Bruce Loflin
Commissioner	Kathy Russell	Commissioner	Carolyn Fairley
Commissioner	Robert Lee		

1. Call to order.
2. Hear remarks from visitors.
3. Discuss and consider approval of the Planning and Zoning Commission meeting minutes of April 27, 2015.

PUBLIC HEARINGS

4. Conduct a public hearing to discuss and consider a request for a Zoning Change to grant a Specific Use Permit (SUP-30) for a private club located at 819 W Moore Ave, being Lot 6, Block 373, Terrell Revised Addition, City of Terrell, Kaufman County, Texas (ZC-15-07) (**WITHDRAWN**)
5. Conduct a public hearing to discuss and consider a request for a Zoning Change to grant a Specific Use Permit (SUP-31) for a funeral home to be located in an existing commercial building located on the east side of N Rockwall Street between Jackson and Brin Streets, being Lots A-C, Block 312, Terrell Revised Addition, City of Terrell, Kaufman County, Texas. (ZC-15-08)
6. Adjourn.

POSTED AT CITY HALL BULLETIN BOARD Thursday, May 21, 2015 at 5:00 p.m.

ATTEST:

John Rounsavall, City Secretary

Planning & Zoning Commission Meeting

Monday, April 27, 2015 ~ 5:30 p.m.

City Hall Council Chambers

201 E. Nash ~ Terrell, Texas ~ 75160

MINUTES

Present: Carolyn Fairley, Joe Hood, Jerry Yates, Bruce Bryant, and Kathy Russell

Absent: Stephanie Elswick Vickie Anderson and Bruce Loflin

Staff: Terry Capehart and Omaira Renteria

1. Call to order.

Chairman Jerry Yates called the regular meeting of the Planning and Zoning Commission to order on April 27, 2015 at 5:45 p.m.

2. Hear remarks from visitors.

No public visitors spoke. Council Wilson was present.

3. Discuss and consider approval of Planning and Zoning Commission meeting minutes of March 31, 2015.

Commissioner Joe Hood made and Commissioner Carolyn Fairley seconded motion to approve the March 31, 2015 meeting minutes. The motion carried unanimously.

PUBLIC HEARING

4. Conduct a public hearing to discuss and consider a request for a Zoning Change from Single-Family (SF-6) District to Townhouse (TH) District on property located at 903 E Brin Street; being Lot 1, Block 47, Moore and Nash Addition; City of Terrell, Kaufman County, Texas. (ZC-15-06)

Terry Capehart, Municipal Development Director, gave the staff report.

Julie Fine, property owner present to speak in favor of the request.

Jerry Applegate, neighboring property owner spoke against the request.

Commissioner Bruce Bryant made and Commissioner Kathy Russell seconded motion to deny the request. The motion carried 4:1.

5. Adjourn.

Chairman Jerry Yates adjourned meeting at 5:51 p.m.

Approved as presented:

Jerry Yates, Chairman



Agenda Item No. 5

Specific Use Permit SUP-31

Planning and Zoning Commission Meeting:

May 26, 2015

Existing Zoning:

Retail (R)

Requested Zoning:

Specific Use Permit (SUP)

Location:

Located on the east side of N. Rockwall Street between Jackson and Brin Streets, being Lots A-C, Block 312, Terrell Revised Addition, City of Terrell, Kaufman County, Texas.

Applicant:

J. Carmon & Jo Ann Cowart

Background:

The owner has requested approval of a Specific Use Permit (SUP-31) for a Funeral Home to be located in an existing retail shopping center adjacent to the Dollar General Store. The funeral home will occupy the vacant space located at 642 N. Rockwall and will eventually expand into other suites as they become available. The Zoning Ordinance allows funeral homes to be located in the Retail District only with a Specific Use Permit.

Issues:

1. The approval of Specific Use Permit (SUP-31) is a permanent overlay zoning designation that carries with the land unless repealed by ordinance by the City Council.
2. The operation of a Funeral Home under the regulations as specified in Specific Use Permit (SUP-31) does not absolve the owner from complying with any and all other applicable State and Local Codes and Ordinances.

Financial Considerations:

Application fees have been paid and all applicable taxes are current.

Notification:

As prescribed by State Law, a public hearing notice for the zoning change request was published in the official newspaper of the City of Terrell (Section 211.006.a of the Texas Local Government Code) and sixteen (16) public comment forms were mailed to property owners within 200 feet of the request (Section 211.007.c TLGC). Two comment forms have been returned prior to the posting of the agenda both favoring the request.

Staff Recommendation:

Approval

Attachments:

1. Buffer map and Notification List
2. Comment Forms

EXHIBIT A
SPECIFIC USE PERMIT (SUP-31)
642 N. ROCKWALL STREET
TERRELL, TEXAS

I. Applicability

- a. The Specific Use Permit created herein shall apply to and govern the operation of a Funeral Home at the address and legal description listed herein Exhibit C.
- b. Except as stated herein, development and use of the property must comply with the regulations for the Retail (R) District as outlined in the City of Terrell Zoning Ordinance, as amended. In the event of a conflict between the regulation contained herein and the regulations governing the Retail (R) District, the regulations contained herein shall control.
- c. Approval of this ordinance shall be considered final approval of Specific Use Permit (SUP-31).

II. Special Regulations

a. **Certificate of Occupancy.**

1. For approved Funeral Home uses (as defined herein), a Certificate of Occupancy (C.O.) is required, however, for all other uses developed after approval of the SUP Ordinance requiring other Specific Use Permits or other permits applications must be submitted for review and approval by the City prior to the issuance of a building permit applications and/or Certificates of Occupancy.
2. The C.O. shall include the entire area of land contained within this Specific Use Permit. Substantial amendments to the C.O.; such as, a change in ownership, name of Funeral Home, change of use, etc. or as specified in the Zoning Ordinance must be submitted for review and approval by the Building Official and shall be considered as new C.O. application. Following approval of the C.O., development applications, including construction plans, building permits and site plans, shall be in substantial conformance with the approved SUP-31 Ordinance.
3. Prior to the issuance of the Certificate of Occupancy a formal site plan shall be submitted to the City showing the number and location of parking spaces, queuing areas for the assembly of vehicles for the procession leaving the premises, location of the route the procession will take leaving the parking lot.

b. **Prohibited Uses.**

1. Use of the premises for the interment of cremated or embalmed remains on site is prohibited.
2. No funeral service shall exceed the stated occupancy load of the building as determined and posted by the Fire Marshal.

III. Definitions

For purposes of this Specific Use Permit, Funeral Home shall mean a business in which deceased persons are prepared for cremation or burial, a place where the deceased may be viewed by family and friends prior to burial or interment, a chapel for conducting services for the deceased, and transportation of the deceased person to a cemetery or other facility for permanent interment or burial.

IV. Uses Permitted

Uses allowed in the Specific Use Permit (SUP-31) shall be those identified in Exhibit B. Any use not specifically listed herein is hereby prohibited unless such request for an unlisted use is submitted to the City Council for approval as an amendment to this ordinance.

V. Specific Use Permit Standards

- a. **Area Regulations** - Standards for the Retail (R) District shall apply unless otherwise specified herein.
- b. **Parking and Driveways:**
 - i. Parking and procession routes shall be in accordance with the approved site plan.
 - ii. The number of required parking spaces shall be dependent upon the occupancy load designated for funeral home use by the Fire Marshal and shall not be less than one space per three seats in the main chapel plus one additional space for each vehicle used by the funeral home for transporting the deceased and immediate family members to the final resting place of the deceased.
- c. **Accessory Buildings:**
 - i. Accessory buildings shall conform to the applicable provisions in the Building Code and Section 37 of the City of Terrell Zoning Ordinance.
- d. **Lighting and Glare Standards:**
 - i. Except as provided herein, all lighting must comply with the lighting and glare standards contained in Section 40 of the City of Terrell Zoning Ordinance. "Dark Sky" lighting restrictions shall apply to this Specific Use Permit.
- e. **Signage and Graphics:**
 - i. Except as provided herein, signs advertising any business or the funeral home uses shall be in accordance with the sign ordinance as adopted or amended.
- f. **Operations of the Funeral Home:**
 - i. The scheduling of funerals shall be between the hours of 9:00 a.m. and 4:00 p.m. Monday through Saturday and 1:00 p.m. through 5:00 p.m. on Sunday in as much is possible to prevent conflicts with adjacent businesses.
 - ii. Funeral processions shall not be conducted during hours of darkness due to traffic safety concerns.
 - iii. Visitation hours may be conducted during any hours from 8:00 a.m. till 9:00 p.m. Sunday through Saturday.
 - iv. Processions with over ten vehicles including the hearse shall be required to notify the Terrell Police Department in order to determine if an escort is needed.

EXHIBIT B PERMITTED USES

- A. Except as provided herein, those main uses that are permitted in the Retail (R) District, subject to the same applicable conditions as set forth in the City of Terrell Zoning Ordinance, shall be permitted in this Specific Use Permit. For example, a use permitted in the Retail (R) District only by a specific use permit (SUP) is permitted at this address only by SUP.

- B. In addition to the permitted uses above the following uses are permitted by right:
 - 1. Funeral Home/Parlor/Chapel
 - 2. Retail Uses

EXHIBIT C LEGAL DESCRIPTION

- A. All of that certain tract of land being Lots A, B, &C, Block 312, Terrell Revised Addition, City of Terrell, Kaufman County, Texas.

BUFFER MAP



NOTIFICATION LIST

OWNER	ADDRESS 2	ADDR_CITY	ADDR_ST	ADDR_ZIP
GM REALTY INVESTORS LP	1000 S JACKSON	KAUFMAN	TX	75142
LASALLE BANK NATIONAL ASSOCIATION - TRUSTEE FOR C-BASS MORTGAGE LOAN ASSET	4828 LOOP CENTRAL DRIVE BACKED CERTIFICATE SERIES 2006-CB7	HOUSTON	TX	77081
HATLEY ENOS DUANE & BRENDA	11250 CO RD 2464	TERRELL	TX	75160
BASURTO GUADALUPE A	1301 CLETA CT	GRAND PRAIRIE	TX	75051
ST JOHN CATHOLIC CHURCH	702 N FRANCES	TERRELL	TX	75160
FARRELL KEVIN J DD % BISHOP OF THE ROMAN CATHOLIC DIOCESE	PO BOX 190507	DALLAS	TX	75219
ST JOHN CATHOLIC CHURCH	702 N FRANCES	TERRELL	TX	75160
ST JOHN CATHOLIC CHURCH	702 N FRANCES	TERRELL	TX	75160
RAMSEY-TUGGLE LP	607 N ROCKWALL	TERRELL	TX	75160
RAMSEY-TUGGLE LP	607 N ROCKWALL	TERRELL	TX	75160
MOORE DOUGLAS	P O BOX 67	TERRELL	TX	75160
CROTHERS KYLE & KENNEDY COURTNEY	500 N LAUREL TRAIL	TERRELL	TX	75160
COWART J CARMON & JO ANN	8607 N STATE HWY 34	TERRELL	TX	75161
COWART J CARMON & JO ANN	8607 N STATE HWY 34	TERRELL	TX	75161
TIDMORE HIRAM	16460 CO RD 109	KAUFMAN	TX	75142
ANGELL FARRON LYNN	502 MAIN	TERRELL	TX	75160
FEASTER NANCY	601 N FRANCES	TERRELL	TX	75160
PARKER WAYLON	501 CEDAR ST	EDGEWOOD	TX	75117
G M REALTY INVESTORS LP	1000 S JACKSON	KAUFMAN	TX	75142
G M REALTY INVESTORS LP	1000 S JACKSON	KAUFMAN	TX	75142
BROOKS CARLTON	608-B N ROCKWALL	TERRELL	TX	75160
COWART J CARMON & JO ANN	8607 N STATE HWY 34	TERRELL	TX	75161

COMMENT FORM

This will be a part of the public record.

RE: *632 N Rockwall Ave Lots A, B, & C, Block 312, Terrell Revised Addition*

As a property owner within 200 feet of the property that is the subject of the above referenced case I am in

Favor

Opposition

for the following reasons:

Name:

T. Cannon Cowart

Address:

8607 N. STATE HWY 34, TERRELL

Signature:

T. Cannon Cowart

Please return to:

City of Terrell
Municipal Development Department
P.O. Box 310
Terrell, TX 75160

COMMENT FORM

This will be a part of the public record.

RE: *632 N Rockwall Ave Lots A, B, & C, Block 312, Terrell Revised Addition*

As a property owner within 200 feet of the property that is the subject of the above referenced case I am in

Favor

Opposition

for the following reasons:

Name: Ramsey-Tuggle L.P.

Address: 603 + 607 N. Rockwall

Signature: Mary Gayle Ramsey

Please return to:

City of Terrell
Municipal Development Department
P.O. Box 310
Terrell, TX 75160