

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, FEBRUARY 9, 2009**

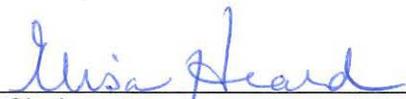
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Lynn Etheridge, Elisa Heard, Kerry Huddle and Don Spence. Member Bud Surles was absent. Public Works Director, Rick Malone; City Attorney, Richard Davis, and Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Elisa Heard called the meeting to order at 7:00 p.m. and announced a quorum present.
1. APPROVAL OF MINUTES OF THE SEPTEMBER 8, 2008, MEETING - The Minutes of the Planning & Zoning Commission's August 11, 2008, meeting were unanimously approved upon motion by Lynn Etheridge and second by Kerry Huddle.
2. DISCUSS AND CONSIDER AN AMENDMENT TO THE 1985 ZONING ORDINANCE REGARDING THE REGULATION OF PRIVATE CLUBS WITHIN THE CITY LIMITS OF CANTON, TEXAS – Richard Davis advised that Canton, since it was a General Law A city and not home rule, was not allowed to regulate anything regarding private clubs within the city limits with the exception of the 1000 foot distance from a public school. The 1000-foot rule could only be applied if it was requested by the school district. After a brief discussion regarding what regulations would be allowed, Chairman Elisa Heard requested that the proposed amendment be revised to comply with the suggestions made by Mr. Davis and brought back to the committee for review.
3. ADJOURN - There being no further business to discuss, the meeting adjourned at 7:21 p.m. upon motion by Don Spence and second by Kerry Huddle.

Approved the 9th day of March, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION**
7:00 P.M., MONDAY, MARCH 9, 2009
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Lynn Etheridge, Elisa Heard and Don Spence. Members Kerry Huddle and Bud Surles were absent. Public Works Director Rick Malone; City Attorney Richard Davis, and Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Elisa Heard called the meeting to order at 7:01 p.m. and announced a quorum present.
1. APPROVAL OF MINUTES OF THE FEBRUARY 8, 2009, MEETING – The Minutes of the Planning & Zoning Commission's February 9, 2009, meeting were unanimously approved upon motion by Lynn Etheridge and second by Don Spence.
2. DISCUSS AND CONSIDER THE REQUEST FOR ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS DISTRICT (B-2) ON THAT 3.8-ACRE TRACT OF LAND LOCATED OFF HIGHWAY 19S, ADJACENT TO THE FIRST STATE BANK OF BEN WHEELER PROPERTY, CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, OWNED BY TOMMY AND ANN ADUDDER AND T.A. AND SALLY HALE – Debra Johnson reported five letters were sent to adjoining property owners and no responses were received. She said there would be a hearing at the next regular council meeting to vote on the annexation of the property. Rick Malone said water and sewer lines were already in the area. Lynn Etheridge made a motion to recommend to Council the zoning change from Rural Agricultural (RA) to General Business District (B-2) on that 3.8-acre tract of land located off Highway 19S, adjacent to the First State Bank of Ben Wheeler property, currently under consideration for annexation into the City of Canton, owned by Tommy and Ann Aduddel and T.A. and Sally Hale. Don Spence seconded and all voted in favor.
3. DISCUSS AND CONSIDER AN AMENDMENT TO THE 1985 ZONING ORDINANCE REGARDING THE REGULATION OF PRIVATE CLUBS WITHIN THE CITY LIMITS OF CANTON, TEXAS - Richard Davis reviewed the proposed changes of the ordinance. He emphasized there were few restrictions the City could place on private clubs. The only restrictions a General Law city could enforce were 300 feet from a day care, school or hospital and 1,000 feet from a school, if requested by the school. A motion was made by Don Spence to recommend the amendment to the 1985 zoning ordinance regarding the regulation of private clubs within the City of Canton with the following revisions: add Hotels to the caption and eliminate Hotel-Private Clubs in Section 2; to eliminate 15-17 and change the plural to singular; in 15.16-1, add the word hotel; in B to move day care facility or hospital to within 300 feet; remove C-F and remove 15-16.2 and change the section on permit fee to 15-16.2 Lynn Etheridge seconded and all voted in favor.
4. DISCUSS AN AMENDMENT TO THE 1985 ZONING ORDINANCE REGARDING THE REGULATION OF SEXUALLY-ORIENTED BUSINESSES WITHIN THE CITY LIMITS OF CANTON, TEXAS – Debra Johnson explained Mr. Davis had suggested a review of the

current ordinance regarding sexually-oriented businesses. He also suggested a committee be formed to review the case law and statutes regarding the restrictions. Mr. Davis said the only considerations could be the secondary effects of the ordinance, such as increased crime and a reduction in property value. TML did a survey last year which revealed a court order holding a statute invalid which regulated off-premise use because there had been no study showing the secondary effects. There must be a basis for the restrictions for off-premise use. Cities can impose a few more restrictions on these type businesses than they can on alcohol sales. Mr. Davis said the Planning & Zoning members could serve as the committee if they chose. Ms. Johnson asked the members to let her know if they wished to volunteer or knew of someone who might serve.

5. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:36 p.m. upon motion by Lynn Etheridge and second by Don Spence.

Approved the 11th day of May, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, MAY 11, 2009**

CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

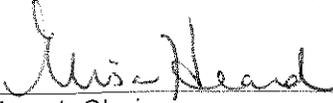
MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Lynn Etheridge, Bud Surles and Don Spence. Members Kerry Huddle and Elisa Heard were absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Lynn Etheridge called the meeting to order at 7:00 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF THE MARCH 9, 2009, MEETING - The Minutes of the Planning & Zoning Commission's March 9, 2009, meeting were unanimously approved upon motion by Don Spence and second by Bud Surles.
3. DISCUSS AND CONSIDER THE REQUEST FOR ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS DISTRICT (B-2) ON THAT 4-ACRE TRACT OF LAND LOCATED AT 24980 STATE HWY 64, CANTON, TEXAS, OWNED BY THE CITY OF CANTON – Debra Johnson reported there were no neighboring property owners to notify. The property was recently annexed into the City as Rural Agricultural. Don Spence inquired whether or not B-2 zoning applied to governmental buildings. Coy Prather verified that it did. Don Spence made a motion to grant the request for a zoning change from Rural Agricultural (RA) to General Business District (B-2) on that 4-acre tract of land located at 24980 State Hwy. 64, Canton, Texas, owned by the City of Canton. Bud Surles seconded and all voted in favor.
4. DISCUSS AND CONSIDER A REQUEST FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB IN A PLANNED DEVELOPMENT AT MILL CREEK RV PARK AND RESORT LOCATED AT 2102 N. TRADE DAYS BLVD. OWNED BY COTTAGE INVESTORS LLC. – Debra Johnson reported four letters were sent to neighboring property owners and one favorable response was received. Bud Surles declared a conflict of interest. Coy Prather explained Mill Creek had applied for a private club license with the state. The private club license did not require a percentage of sales be food items and was set up more for the sale of alcohol. Mr. Surles said they did not intend to have a bar area. They just wanted the ability to serve alcohol at weddings and other functions on the grounds for control purposes. Debra Johnson said the location was more than 1000 feet from a school and more than 300 feet from a day care or hospital. Mr. Surles said there were six possible locations on the grounds where alcohol might be served, including the pool area. It would be strictly for members only for those attending functions on the grounds. They might allow people to buy alcohol around the pool area during busy times. Lynn Etheridge said most resorts or places such as Mill Creek allowed for a place to purchase alcoholic beverages. Lynn Etheridge made a motion to grant the request for a specific use permit for a private club in a Planned Development at Mill Creek RV Park and Resort located at 2102 N. Trade Days Blvd. owned by Cottage Investors, LLC. Don Spence seconded. Bud Surles abstained and all others voted in favor.

5. ADJOURN - There being no further business to discuss, the meeting adjourned at 7:10 p.m. upon motion by Bud Surles and second by Don Spence.

Approved the 13th day of July, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, JULY 13, 2009**

CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Elisa Heard, Lynn Etheridge, Mike Phillips, Don Spence and Brad Williams. City Attorney Richard Davis, Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

MINUTES

1. CALL TO ORDER – Elisa Heard called the meeting to order at 7:00 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF THE MAY 11, 2009, MEETING – Upon a motion by Brad Williams and a second by Don Spence, the minutes of the May 11, 2009, meeting were unanimously approved.
3. DISCUSS AND CONSIDER PROPOSED AMENDMENT TO THE CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE FROM LOW DENSITY RESIDENTIAL TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) IN THAT AREA LOCATED AT 104 EUBANK, CANTON, TEXAS – Coy Prather asked for direction from the members regarding review of the Comprehensive Plan regarding future land use and whether changes should be brought up as requests were made or if the entire plan should be reviewed every couple years. Lynn Etheridge felt the Comprehensive Plan and Future Land Use Plan was a guideline for the commission to use. Mr. Davis said the members were not bound to follow the land use plan. Juanita Hackney said the north side of Eubank Drive was all residential, even in the future land use plan. Parts of the north side had been changed to RPO. She said Mr. Reese was now selling used cars and RV's on his lot which is zoned RPO. Mike Phillips recused himself from the matter because of his employment by Henry Lewis, a resident on Eubank Drive. Jimmy Dailey said he requested the change to RPO because he wanted the house for his administrative offices. He originally bought the property for rental property. When he built his clinic, he was opposed by the Hackneys. He wanted his clinic to fit into the community in a very big way. At the property at 104 Eubank, he would only make changes to comply with municipal and state laws. He wanted a new stone façade and a metal roof. There would be parking only during the day. Dr. Dailey said he still might flip the property in the future. The changes he planned would be very positive. He would make sure the building fit into Canton and benefitted Canton. Juanita Hackney said if it was a business it was encroaching a residential area. She and her husband have lived on the street fifty years and it was a shame to take one of the nicest streets in town and let this happen. She said there was nothing Dr. Dailey could do that would make this change okay by a residence. Elisa Heard said she understood how both sides felt. From a Planning & Zoning Board standpoint, the City paid a lot of money for the comprehensive study and she did not feel compelled to change it at this time. Dr. Dailey had said he might still flip the property and changing the zoning would allow any future owners to do whatever they liked on the property. Lynn Etheridge felt it came down to residential area vs. commercial property. As long as the older families were living on the street, she did

not feel that they could force a change. She wanted to avoid taking one piece of property and making it a business. The only reason Bob Reese was given the change of zoning was the house would not sell in its location. Mike Hackney stated at one time the whole street was residential and now it was down to three or four houses. Brad Williams expressed concern that if the property were later flipped future owners could change what was there. He tended to want to maintain the residential character of the street. Brad Williams made a motion to leave the property at 104 Eubank Drive, Canton, Texas, as low density residential pursuant to the 2004 Comprehensive Plan Future Land Use Plan. Lynn Etheridge seconded. Mike Phillips abstained and all others voted in favor of not changing the Future Land Use Plan of the property.

4. DISCUSS AND CONSIDER THE REQUEST FOR ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) AT 104 EUBANK, CANTON, TEXAS, OWNED BY J.W. DAILEY, M.D. – Don Spence made a motion to deny the request for a zoning change from Single Family Detached Residential (R-1) to Restricted Professional and Office District (RPO) at 104 Eubank, Canton, Texas, owned by J.W. Dailey, M.D. Lynn Etheridge seconded and all voted in favor of denying the request.
5. ADJOURN - There being no further business to discuss, the meeting adjourned at 7:23 p.m. upon motion by Lynn Etheridge and second by Brad Williams.

Approved the 14th day of September, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
4:00 P.M., MONDAY, SEPTEMBER 14, 2009**

CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Elisa Heard, Lynn Etheridge, Mike Phillips, Don Spence and Brad Williams. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

MINUTES

1. CALL TO ORDER – Elisa Heard called the meeting to order at 4:05 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF THE JULY 13, 2009, MEETING – Upon a motion by Don Spence and a second by Mike Phillips, the minutes of the July 13, 2009, meeting were unanimously approved.
3. CONSIDER APPOINTMENT OF CHAIRPERSON OF PLANNING & ZONING COMMISSION – Lynn Etheridge made a motion to reappoint Elisa Heard as Chairperson of the Planning & Zoning Commission for 2009-2010. Mike Phillips seconded and all voted in favor.
4. PUBLIC HEARING ON PROPOSED AMENDMENT TO CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE ON THE PROPERTY LOCATED BETWEEN GROVES STREET AND COLLEGE STREET ON THE NORTH AND SOUTH AND BETWEEN LITTLE STREET AND TRADE DAYS BLVD. ON THE EAST AND WEST IN THE CITY OF CANTON, TEXAS – Elisa Heard opened a public hearing on the proposed amendment to the City of Canton's 2004 Comprehensive Plan regarding the future land use on the property located between Groves Street and College Street on the north and south and between Little Street and Trade Days Blvd. on the east and west in the City of Canton, Texas, at 4:07 p.m. Coy Prather explained the Zoning Ordinance allowed the City Council the privilege of requesting changes to the zoning use map. Council had requested the Planning & Zoning Commission review the zoning in this area as they felt the First Monday Business zoning was no longer applicable. Don Spence said changing the zoning in the area would open it up for office use in the houses. Brad Williams indicated he was in favor of changing the area to zoning similar to the old post office which was being changed to a courthouse annex. Mr. Prather said the future land use plan was a guide for the future. He said originally Council was just looking at the area down to Terrell and not all the way to College. Debra Johnson added the change was made due to the boundaries determined by Main Street to be the Central Business District. Brad Williams said he was in favor of changing the area around Trade Days. Elisa Heard recommended changing only to the courthouse. Don Spence said going to College Street was a stretch to be included in the Central Business district. He thought Peace Street would be a good southern boundary. The public hearing was closed at 4:17 p.m. Lynn Etheridge made a motion to recommend the change to the Future Land Use Plan in the area from Groves Street on the north, Terrell Street on the south, Little Street on the west and Hwy. 19 on the east from First Monday Business to Central Business District. Brad Williams seconded and all voted in favor.

5. PUBLIC HEARING ON REQUEST FOR ZONING CHANGE FROM FIRST MONDAY BUSINESS DISTRICT (FMB) TO LOCAL BUSINESS DISTRICT (B-1) ON THE PROPERTY LOCATED BETWEEN GROVES STREET AND COLLEGE STREET ON THE NORTH AND SOUTH AND BETWEEN LITTLE STREET AND TRADE DAYS BLVD. ON THE EAST AND WEST IN THE CITY OF CANTON, TEXAS – Elisa Heard opened a public hearing on the request for zoning change from First Monday Business District (FMB) to Local Business District (B-1) on the property located between Groves Street and College Street on the north and south and between Little Street and Trade Days Blvd. on the east and west in the City of Canton, Texas, at 4:18 p.m. Coy Prather said Council felt B-1 zoning was better suited to the area than First Monday Business. B-2 zoning would allow mechanic garages, welding shops and other heavier uses. He said B-1 zoning was more restrictive than B-2. Elisa Heard said that was more desirable for the Main Street area. Mr. Prather said the houses in the area would be non-conforming if the zoning changed to B-1. If 60% were destroyed, it could not be rebuilt. Brad Williams felt the B-1 zoning would be really strict. He said FMB zoning required a minimum of 10 acres for lots. Mr. Williams asked if the City had architectural controls. Elisa Heard said it was hard to enforce. The public hearing was closed at 4:27 p.m. Brad Williams made a motion to recommend to Council a zoning change from First Monday Business District (FMB) to Local Business District (B-1) on the property located between Groves Street and Terrell Street and from Little Street to Hwy. 19. Lynn Etheridge seconded and all voted in favor.

6. PUBLIC HEARING ON AMENDMENT TO THE 1985 ZONING ORDINANCE SECTION 12-12 PERMITTED USES IN GENERAL BUSINESS DISTRICT (B-2) TO INCLUDE THE SALE OF ALCOHOLIC BEVERAGES BY TABC-PERMITTED ESTABLISHMENTS – Elisa Heard opened a public hearing on the amendment to the 1985 Zoning Ordinance Section 12-12 permitting uses in General Business District (B-2) to include the sale of alcoholic beverages by TABC-permitted establishments at 4:28 p.m. Brad Williams said he knew the current vote was to be in Precinct 1 and did not include WalMart. He felt he might have a conflict for items 6 and 7 in the future no matter which way he voted. Mr. Prather advised TML said if someone had a financial interest or were not working for what the issue was about, they did not have a legal conflict. If someone had an ethical or moral reason, they could also abstain but it did not preclude them from commenting on the matter. Mr. Williams felt he should abstain as far as the zoning matter. Mr. Prather said the City was investigating the local option election and if the precinct voted for alcohol sales, they wanted to have the proper zoning in place. B-2 zoning seemed to be the best option. Reagan Sumner said they had property at Highways 19 and 64 which was leased to Mr. D's, a convenience store which sold gasoline. It was zoned First Monday Business. If the zoning restriction was made B-2, Mr. D's would not be able to sell alcohol. The public hearing was closed at 4:39 p.m. Mike Phillips made a motion to recommend the amendment to the 1985 Zoning Ordinance Section 12-12 permitting uses in the General Business District (B-2) to include the sale of alcoholic beverages by TABC-permitted establishments. There was a second by Don Spence. All voted in favor except Brad Williams, who abstained.

7. DISCUSS AND CONSIDER AN ORDINANCE ESTABLISHING BUSINESS REGULATIONS ON THE SALE OF ALCOHOLIC BEVERAGES – Coy Prather explained the ordinance set permit fees, distances for the alcohol sales from churches and schools, etc. He said the TABC regulated quite a bit of the signage. The City could not place stricter sign restrictions on businesses which sold alcohol. Brad Williams felt he had a conflict with Item 7. Mr. Prather said the City could set hours for beer sales. Hard liquor could not be sold after midnight pursuant to state law. Elisa Heard clarified regulations were being put in place for future growth. Lynn Etheridge made a motion to recommend

approval of the ordinance establishing business regulations on the sale of alcoholic beverages. Don Spence seconded. Brad Williams abstained and all others voted in favor.

8. ADJOURN – There being no further business to discuss, the meeting adjourned at 4:49 p.m. upon motion by Lynn Etheridge and second by Don Spence.

Approved the 12th day of October, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, OCTOBER 12, 2009**

CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Lynn Etheridge, Mike Phillips, Don Spence and Brad Williams. Elisa Heard was absent. Assistant City Secretary Debra Johnson was also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Lynn Etheridge called the meeting to order at 7:03 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF THE SEPTEMBER 14, 2009, MEETING – Upon a motion by Don Spence and a second by Brad Williams, the minutes of the September 14, 2009, meeting were unanimously approved.
2. PUBLIC HEARING AND CONSIDER REQUEST FOR ZONING CHANGE FROM FIRST MONDAY BUSINESS DISTRICT (FMB) TO GENERAL BUSINESS DISTRICT (B-2) ON THE PROPERTY LOCATED AT 170 N. TRADE DAYS BLVD., CANTON, TEXAS, CURRENTLY OWNED BY SUMNER ONE PROPERTIES LLC – A public hearing was opened by Lynn Etheridge at 7:05 p.m. regarding the request for zoning change from First Monday Business District to General Business District (B-2) on the property located at 170 N. Trade Days Blvd., Canton, Texas, currently owned by Sumner One Properties, LLC. Debra Johnson stated seven neighboring property owners were notified. Two responses were received. One in favor and one opposed. Lynn Etheridge read a statement from Reagan Sumner stating the zoning request was only to change Mr. D's Convenience Store, which sits on Lot #29, to B-2. This request was made to meet the zoning status for gas sales that should have been changed when the zoning ordinances were put in effect. All other lots of Sumner One Properties at 170 N. Trade Days Blvd. would remain the same zoning. He submitted the statement because the address covered more than one lot. The public hearing was closed at 7:09 p.m. Brad Williams made a motion to recommend the change of zoning from First Monday Business District (FMB) to General Business District (B-2) on Lot 29, Original Town, known as Mr. D's located at 170 N. Trade Days Blvd., Canton, Texas, currently owned by Sumner One Properties, LLC. Mike Phillips seconded and all voted in favor.
4. PUBLIC HEARING AND CONSIDER REQUEST FOR SPECIFIC USE PERMIT FOR ASSISTED LIVING FACILITY AT 575 W. HWY. 243, CANTON, TEXAS – Lynn Etheridge opened a public hearing on the request for a specific use permit for an assisted living facility at 575 W. Hwy. 243, Canton, Texas, at 7:10 p.m. Debra Johnson reported twenty neighbors were notified and two unfavorable responses were received. Steven Campbell from the Andrews Center said the Andrews Center already owned the property and wanted to build a group home behind the existing building. It would be a group home for adults with mild to moderate mental retardation. The current group home would be closed

and the residents would move to the new building. Mr. Campbell was unsure how the building would be situated on the lot and how parking would be handled. The purpose of the group home was to make the residence as homelike as possible. All the residents were ambulatory. A staff member was present at all times. Mike Phillips requested a living wall between the building and the residential areas. Mr. Campbell said their clients could hold community jobs such as at Goodwill or Reclamation Station. They were unable to drive. Mr. Campbell said the existing building on the lot was an office building. He assumed the new building would face Elliott Street. There were no set hours for curfew. Residents usually were in bed by 9:30 p.m. The public hearing was closed at 7:28 p.m. Mike Phillips made a motion to recommend granting the specific use permit for an assisted living facility at 575 W. Hwy 243, Canton, Texas, with the provision that a living wall be placed between this lot and the residences at the back of the property. Don Spence seconded and all voted in favor.

5. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:29 p.m. upon motion by Mike Phillips and second by Don Spence.

Approved the 9th day of November, 2009.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, NOVEMBER 9, 2009**

CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS

MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Elisa Heard, Mike Phillips, and Don Spence. Lynn Etheridge and Brad Williams were absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Lynn Etheridge called the meeting to order at 7:02 p.m. and announced a quorum present.
2. APPROVAL OF MINUTES OF THE OCTOBER 12, 2009, MEETING – Upon a motion by Don Spence and a second by Mike Phillips, the minutes of the October 12, 2009, meeting were unanimously approved.
3. PUBLIC HEARING AND CONSIDER AN AMENDMENT TO THE 1985 ZONING ORDINANCE RESTRICTING TABC-PERMITTED BUSINESSES WITH 75% OR MORE GROSS REVENUES FROM THE ON-PREMISE SALE OF ALCOHOLIC BEVERAGES TO B-2 ZONING WITHIN THE CITY LIMITS OF CANTON, TEXAS – Coy Prather explained the City had nothing in place if, in the future, another local option election were held. The ordinance restricted businesses who had sales of 75% or more on-premise alcoholic beverages to B-2 zoning within the City. He said alcohol sold in a restaurant could not be restricted to a particular zoning. Mr. Prather said the policing agency for the 75% or more of sales was the TABC. The City would permit the business. He said a restaurant had to have 50% in food sales. Elisa Heard felt it was a good idea for the City to be proactive in case another local option election were held. Mr. Prather said if the City held an election and the local option failed, a justice precinct who had an election could not change that status within the city. Mike Phillips made a motion to recommend that Council pass an amendment to the 1985 Zoning Ordinance restricting TABC-permitted businesses with 75% or more gross revenues from the on-premise sale of alcoholic beverages to B-2 zoning within the city limits of Canton, Texas. Don Spence seconded and all voted in favor.
4. ADJOURN – There being no further business to discuss, the meeting adjourned at 7:15 p.m. upon motion by Mike Phillips and second by Don Spence.

Approved the _____ day of December, 2009.

Elisa Heard, Chairman

ATTEST:

Debra Johnson
Assistant City Secretary

**REGULAR MEETING OF
CANTON PLANNING & ZONING COMMISSION
7:00 P.M., MONDAY, DECEMBER 7, 2009
CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

MINUTES

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Lynn Etheridge, Mike Phillips, Don Spence and Brad Williams. Elisa Heard was absent. Building Inspector Coy Prather and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Lynn Etheridge called the meeting to order at 7:03 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF THE NOVEMBER 9, 2009, MEETING – The minutes of the November 9, 2009 Commission Meeting were unanimously approved upon motion by Mike Phillips and second by Brad Williams.
3. CONSIDER REQUEST TO CHANGE REGULAR MEETING TIME – Mike Phillips reported that Elisa Heard commented at the last meeting that she could make an earlier meeting time. He then made the motion to change the official meeting time from 7:00 p.m. to 5:30 p.m. on the Monday preceding the second Tuesday of the month. Donald Spence seconded and all voted in favor.
4. PUBLIC HEARING AND CONSIDER REQUEST FOR ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS DISTRICT (B-2) ON A 4.86-ACRE TRACT IN THE J. DOUTHIT SURVEY, LOCATED ON HWY. 19 SOUTH OF CANTON, TEXAS, CURRENTLY OWNED BY THE J.W. BURNETT FAMILY TRUST AND CURRENTLY UNDER CONSIDERATION FOR ANNEXATION BY THE CITY COUNCIL – The Public Hearing was opened at 7:05 p.m. Julie Seymore reported receiving one response in favor of the zoning change from the twenty neighboring property owners who were notified. Annexation will be considered at the next Council meeting. Lynn Etheridge noted the developer was planning a 129-room nursing home that would employ 80 to 100 people. Julie Seymore advised the zoning request complied with the future land use plan. Lynn Etheridge declared a conflict of interest as she was the realtor representing the development. She abstained from further discussion and voting. Coy Prather explained the city attorney's advice on conflicts of interest. He said a legal conflict was having a 10% or greater financial interest in the project. Ms. Etheridge said she did not, but felt there was an ethical conflict. He said he was advised it was best for members with a legal conflict to excuse themselves from the meeting during discussions on the item, but it was adequate to abstain from comments and voting for members who felt they had another conflict. Property owner Sylvia Barbee was in attendance for questions. She added the business would include a 30-day rehab facility. Hearing no further comments, the Public Hearing was closed at 7:11 p.m. Brad Williams made the motion to recommend the zoning change from RA to B-2 on the 4.86-acre tract on Highway 19 South owned by the J.W. Burnett Family Trust. Mike Phillips seconded the motion. Lynn Etheridge abstained and all others in favor.
5. ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:12 p.m. upon motion by Donald Spence and second by Mike Phillips.

Approved the 14th day of January, 2010.



Elisa Heard, Chairman

ATTEST:



Debra Johnson
Assistant City Secretary