

**REGULAR MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, FEBRUARY 13, 2012**

**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 Mike Phillips, Don Spence and Brad Williams. Members Lynn Etheridge and Elisa Heard were absent. Assistant City Secretary Debra Johnson was also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Brad Williams called the meeting to order at 5:30 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF THE NOVEMBER 7, 2011, MEETING - The minutes of the November 7, 2011, meeting were unanimously approved upon motion by Mike Phillips and second by Donald Spence.
3. PUBLIC HEARING AND CONSIDER ADOPTION OF ORDINANCE FOR A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO LOCAL BUSINESS DISTRICT (B-1) AND FOR A SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY ON FOUR ACRES OF LAND (TWO 2-ACRE TRACTS) IN THE J. DOUTHIT SURVEY, LOCATED ON TRADE DAYS BLVD. SOUTH, CANTON, TEXAS, CURRENTLY OWNED BY SYLVIA BARBEE, ET AL – Sylvia Barbee, owner of the property, explained there were two tracts that were two acres apiece because of the two different buildings to be built. Don Spence said it would basically be an extension of the use that was already there. Debra Johnson reported twenty-two letters were sent to adjoining property owners. Two were returned in favor. Mike Phillips made a motion to recommend to Council adoption of the ordinance for a zoning change from RA to B-1 and for a specific use permit for an assisted living facility on the four acres of land in the J. Douthit Survey, located on Trade Days Blvd. South, Canton, Texas, owned by Sylvia Barbee. Don Spence seconded. All voted in favor.
4. ADJOURN - There being no further business to discuss, the meeting was adjourned at 5:46 p.m. upon motion by Mike Phillips and second by Don Spence.

Approved the \_\_\_\_\_ day of August, 2012.

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Brad Williams, Chairman

ATTEST:

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Debra Johnson  
Assistant City Secretary

**CALLED MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:00 P.M., TUESDAY, AUGUST 28, 2012**

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

**MINUTES**

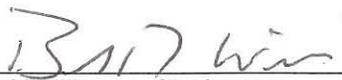
The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Elisa Heard, Jerry Martin and Clay Nicklas. Members Mike Phillips and Don Spence were absent. Building Inspector David Smith and Assistant City Secretary Debra Johnson was also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Elisa Heard called the meeting to order at 5:00 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF THE FEBRUARY 13, 2012, MEETING – The minutes of the February 13, 2012, meeting were unanimously approved upon motion by Clay Nicklas and second by Jerry Martin.
3. PRESUBMISSION CONFERENCE REGARDING A PLAT OF PROPERTY CONTAINING 1.15 ACRES SITUATED IN THE DOUTHIT SURVEY, ABSTRACT NO. 198, CANTON, TEXAS, AND OWNED BY TRADERS SQUARE INVESTMENTS, LTD. TO BE KNOWN AS TRADERS SQUARE ADDITION LOT 1, PURSUANT TO ORDINANCE NO. 2008-19 (SUBDIVISION REGULATIONS) – Elisa Heard pointed out Merritt Brothers knew what they were doing, but was unsure about putting a building in the parking lot of the shopping center. David Smith felt it would add to the shopping center. Ms. Heard agreed Applebee's would bring more in people. Mr. Smith felt this would be a good project. There were no easements needed or any street changes. The owners bought the property all the way to Hwy. 243 to be eligible for a pole sign on that tract. Mr. Smith recommended the plat be approved. Clay Nicklas made a motion to recommend approval of the separate plat for 1.15 acres from the Traders Square Addition. Jerry Martin seconded. All voted in favor.
4. REVIEW OF SITE PLAN OF PROPERTY CONTAINING 1.15 ACRES SITUATED IN THE douthit SURVEY, ABSTRACT NO. 198, CANTON, TEXAS, AND OWNED BY TRADERS SQUARE INVESTMENTS, LTD. – Ms. Heard asked about the setback for the front of the building. Mr. Smith said there were no setbacks because it was on private property. He said the building would be set to one side or the other. Ms. Heard indicated it looked as though the building would be sixty feet back from the right-of-way. Mr. Martin asked about the number of parking places. Kevin Morris of Applebee's said they bought the parking spaces and the building pad and there was an agreement with Merritt Brothers for additional parking. Mr. Smith said this store would be a prototype store for Applebee's. He said their trash containers were made part of the building and would be neater and nicer than most. Mr. Morris said their parking spaces were set on the national standard. Mr. Smith said the restaurant would seat 140. Two handicapped spaces were required per every 75 seats. Mr. Morris said the restaurant would be 3900 square feet, not including the patio. Mr. Martin pointed out the plans said 4900 square feet available for eating and drinking. Mr. Morris said the use of the patio would be limited, especially in the

wintertime. Mr. Martin asked if the sprinkler system was wet or dry. Mr. Morris indicated there would be a wet system. He presented photos of the exterior of the building. Mr. Smith said there would be a thorough review of the plans. Mr. Morris said he would begin construction next week. They planned to open November 15. It would take 72 days for the whole process. Mr. Morris explained where the lot would drain off into the front. Mr. Morris said Canton would be the first city in the nation to have this particular store. There would be an automatic sprinkler system and exits would be further apart than the photos indicated. There would be two gates for ingress and egress. One gate was required to go outside. There would be a camera on the outside to monitor the gates. The cameras would be monitored off-site. Mr. Smith said he had spoken with Gary Burton and the fire department about the plans. He received the sprinkler plans and could issue the permit if it was approved by City Council. Mr. Martin asked about fencing the property during construction. Mr. Morris said the site would be completely fenced with two entrances. Elisa Heard made a motion to recommend approval of the site plan to Council. Jerry Martin seconded. All voted in favor.

5. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:24 p.m.

Approved the 8<sup>th</sup> day of October, 2012.

  
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Brad Williams, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**CALLED JOINT MEETING OF CANTON CITY COUNCIL AND  
CANTON PLANNING & ZONING COMMISSION  
6:00 P.M., TUESDAY, OCTOBER 30, 2012  
CITY HALL COUNCIL CHAMBERS  
290 E. TYLER STREET, CANTON, TEXAS**

**MINUTES**

The Canton City Council met at the above-named date and time in the City Hall Council Chambers in a joint session with the Canton Planning & Zoning Commission. Members present were Mayor Cary Hilliard and Councilmembers Candice Benson, Marilyn Burrage, Vicki Chambless, Shawn Stewart and Jerry Yarbrough. Members of the Planning & Zoning Commission present were Chairman Brad Williams, Jerry Martin and Clay Nicklas. City Manager Lonny Cluck, City Attorney Ron Stutes, Chief of Police Mike Echols, Building Inspector David Smith and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER - Mayor Hilliard declared a quorum of the Council present and called the meeting to order at 6:00 p.m. Brad Williams declared a quorum of the Planning & Zoning Commission present and called the meeting to order at 6:01 p.m.
  
2. JOINT PUBLIC HEARING CONCERNING REQUEST FOR SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE CLUB IN GENERAL BUSINESS DISTRICT (B-2) AT 335 HWY 243 E, LOCATED IN THE TRADERS SQUARE SHOPPING CENTER IN THE CITY OF CANTON, OWNED BY APPLE TEXAS RESTAURANTS (APPLEBEES).- Brad Williams opened a Public Hearing at 6:01 p.m. Rebecca Minor, legal counsel for Applebee's, said they were excited to be part of the community. They would open in mid to late November. They would serve a full menu until 2:00 a.m. Applebee's planned to be an active part of the community. They had already served as a sponsor of the Autumn Stroll. Ms. Minor explained this was a franchise location.

Mark Moore expressed his opposition to granting the specific use permit to sell alcoholic beverages in a dry city. He felt the citizens should make that decision. He had no problem with them opening a restaurant without a bar. He did not understand the decision to extend the hours until 2:00 a.m. He said he could not in good conscience give a reference to a student who wanted to work at Applebee's because they would be serving alcohol. He felt nothing good could happen in a city after 12 o'clock. It would not be a good move for the City. Applebee's coming to Canton would not be a good thing for him. Not everyone was for this. Mr. Moore said he did not want to see the city go down that trail. Ms. Minor said she appreciated Mr. Moore's concerns. Applebee's food-to-alcohol ratio was 80/20. They had a full menu until 2:00 a.m. Applebee's did not endorse over-serving alcoholic beverages at any time. They were not a bar, but a restaurant that happened to serve alcohol. Those who wanted to be served alcohol had to be approved by a membership committee before they could have a drink. She said Applebee's went above and beyond what was required by TABC.

Dr. Eberhart asked what percentage of those who applied were declined. Ms. Minor said if the applicants had a valid ID, no criminal trespass or public drunkenness charges, the majority of them would be approved. Dr. Eberhart said he had eaten at Applebee's in other cities, but would not eat at the one in Canton. He said his hometown of Gainesville had been harmed by selling alcohol. It changed the looks of the town. He did not want

Canton to turn into a town like Terrell. Dr. Eberhart said the alcohol sales in Wills Point did not help their tax base and it would not help the economy in Canton. He asked Applebee's to serve food only and not alcohol since there was an 80/20 ratio anyway. He felt if you made alcohol more readily available to citizens of Canton, they would consume it. They needed people to care about the city. They needed people to stand up for right and wrong. He felt Council was pushing this down the throats of the citizens. Because Applebee's had proceeded with building their restaurant, he felt they had no doubt the SUP would be approved. If they let Applebee's come, it opened up the door to other restaurants to serve alcohol. Ms. Minor said Applebee's was not a bar with music and carousing. It was a restaurant with a family focus. They encouraged fellowship after football games. They were a restaurant that happened to serve alcohol. She was putting in place everything she could to ensure there was a responsible service of alcohol at the restaurant at all levels. They wanted to ensure no one was over served. Dr. Eberhart felt Applebee's was a wolf in lamb's clothing. If they were so worried about over serving alcohol, why did they not just sell food.

Denise Badgley asked if there would be a separate bar area in the restaurant. Ms. Minor said there would be a separate area for the bar, but alcohol would be served throughout the restaurant. Ms. Minor said Applebee's was open until 1:00 or 2:00 a.m. in all their franchise locations. They wanted to open up more locations in East Texas. Ed Sanders asked the minimum age for waiters. Ms. Minor said anyone under eighteen could work at the restaurant, but waiters who served alcohol had to be eighteen. Mike Burns asked if alcohol would be served only in the bar area. Ms. Minor said televisions were set up in the bar. The bar area did have a full menu. Buzzy Daniel felt Council got the cart before the horse by building the restaurant before the specific use permit was approved. He said he once lived in Duncanville. Once that town went wet, he moved to Canton. It was not family focused to drink alcohol in front of children. Dr. Eberhart asked Chief Echols how many beers it took to be legally drunk. Chief Echols responded approximately three. Chief Echols said they had to test people before they could legally determine whether or not they were drunk. Dr. Eberhart said some people would continue to get served alcohol even if they were intoxicated because they would not necessarily appear to be drunk. Ms. Minor said Applebee's had a three-drink policy. A manager was required to make a judgment before any individual could be served more than three drinks. All their servers were TABC certified and went through extensive training to determine if an individual was intoxicated. Mr. Moore said Ms. Minor would not always be around to ensure the policies were followed. Ron Perkins asked how many Applebee's were located in cities that were considered dry. Ms. Minor said they had restaurants in Paris, Copperas Cove, and Gun Barrel City. They were currently building in Forney. Mike Burns said he wanted to go on record he was against serving alcohol, but was not against Applebee's. Somewhere you had to take a first step, but it did not need to be in Canton. Mr. Burns said his beef was how a building could be built without getting a permit and all the other stuff that had to be done to build in Canton. Brad Williams closed the public hearing at 6:40 p.m.

3. CONSIDERATION BY PLANNING & ZONING COMMISSION OF THE REQUEST FOR SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE CLUB IN GENERAL BUSINESS DISTRICT (B-2) AT 335 HWY 243 E, LOCATED IN THE TRADERS SQUARE SHOPPING CENTER IN THE CITY OF CANTON, OWNED BY APPLE TEXAS RESTAURANTS (APPLEBEES). – Jerry Martin made a motion to recommend approval of the specific use permit. There being no second, the motion failed.
4. ADJOURN – There being no further business to discuss, the Planning & Zoning Commission adjourned at 6:43 p.m.

Approved the \_\_\_\_\_ day of December, 2012.

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Brad Williams, Chairman

ATTEST:

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Debra Johnson  
Assistant City Secretary

CALLED MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., TUESDAY, DECEMBER 10, 2012

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, Jerry Martin and Brad Williams. Members Vicki Goodson and Clay Nicklas were absent. Assistant City Secretary Debra Johnson was also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Brad Williams called the meeting to order at 5:35 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF THE OCTOBER 30, 2012, MEETING – The minutes of the October 30, 2012, meeting were unanimously approved upon motion by Elisa Heard and second by Jerry Martin.
3. PUBLIC HEARING AND CONSIDER RECOMMENDATION ON ADOPTION OF ORDINANCE FOR A SPECIFIC USE PERMIT TO OPERATE A BED AND BREAKFAST IN GATEWAY DISTRICT ZONING, LOCATED AT 611 S. TRADE DAYS BLVD. SOUTH, CANTON, TEXAS, CURRENTLY OWNED BY BOONE, BISHOP LLC. – Brad Williams opened a public hearing at 5:36 p.m. Shawn Boone, one of the owners of the property, explained they had covered parking, a circle drive, an RV garage and a second garage on the property, as well as an additional drive on the right. Brad Williams asked if they planned to rent rooms just during First Monday. Ms. Boone said there was a duplex in the back which was rented throughout the year, but the bed and breakfast would just operate during First Monday. The public hearing was closed at 5:39 p.m. Elisa Heard made a motion to recommend the adoption of the ordinance for a specific use permit to Council with the requirement that the building be made ADA compliant. Brad Williams seconded. All voted in favor.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:40 p.m.

Approved the 7<sup>th</sup> day of January, 2013.

Brad Williams  
Brad Williams, Chairman

ATTEST:

Debra Johnson  
Debra Johnson  
Assistant City Secretary