

**REGULAR MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, MARCH 11, 2013**

**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, Betsey McCarty and Brad Williams. Member Clay Nicklas was absent. City Manager Lonny Cluck, City Secretary/Finance Officer Julie Seymore, Building Inspector Michael Warren and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Brad Williams called the meeting to order at 5:32 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF THE, JANUARY 7, 2013, MEETING – The minutes from the January 7, 2013, meeting were unanimously approved upon motion by Jerry Martin and second by Elisa Heard.
3. PUBLIC HEARING AND CONSIDER APPROVAL OF MINOR REPLAT OF LOTS 10, 11 AND 13 IN THE HILLIARD ADDITION OF THE CITY OF CANTON, LOCATED AT THE INTERSECTION OF BIG ROCK AND ELM STREETS, CURRENTLY OWNED BY JEARL CUNNINGHAM – Brad Williams opened a public hearing at 5:34 p.m. Jearl Cunningham explained he wanted to replat the property and build small rent houses. He wanted to cut off part of Lots 10 and 11 to make an additional lot and to give part of Lot 13 to the school. The lot formed from Lots 10 and 11 would face Elm Street. Betsey McCarty asked about the dimensions of the lots. Mr. Cunningham's proposal was to make a lot off the back of Lots 10 and 11 that would be 66.67 across the front and 152 feet deep. Ms. McCarty confirmed the Zoning Ordinance required 80 feet for the frontage of lots. Mr. Cunningham said the existing lots were not 80 feet. Mr. Cunningham did not want to do anything detrimental to the City. Mr. Cunningham said the plans he presented might not work, but showed the style of house he planned to put. Ms. Heard said the new houses would have more value than existing homes in the area. She felt they would increase the property values in the area. The lot had been empty 40 years now and was usually overgrown. Mr. Cunningham said he would have a crew clean out the trees on the lots. Debra Johnson mentioned twenty-four neighboring property owners were notified of this request. Three were opposed. One was in favor. Mr. Williams closed the public hearing at 5:40 p.m. Ms. Heard made a motion to approve the replat. Mr. Williams seconded. Elisa Heard, Brad Williams and Jerry McCarty voted in favor of the replat. Betsey McCarty was opposed.
4. PUBLIC HEARING AND CONSIDER RECOMMENDATION FOR AN AMENDMENT TO THE 2004 COMPREHENSIVE PLAN'S FUTURE LAND USE PLAN FROM COMMERCIAL TO MULTIPLE FAMILY RESIDENTIAL 2 (MF-2) ON THAT 8.84-ACRE TRACT OF LAND LOCATED IN ABST. 198, J. DOUTHIT SURVEY, BETWEEN STATE HWY 243 AND ARNOLD PAUL ROAD (BEHIND ASSEMBLY OF GOD CHURCH) CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, TEXAS, AND OWNED BY HENRY LEWIS – Mr. Williams opened a public

hearing at 5:41 p.m. Sean Brady, Rea Ventures Group, said they were developers who proposed building an 80-unit apartment complex with 50% market-rate units and 50% affordable target units. The development consisted of two tracts. An 8.84 acre tract and another one-half acre tract for future consideration. Mr. Williams said the apartments would be hard to see passing by Brookshires. He felt multi-family would work in this area. Betsey McCarty said she saw no problem with the change to multi-family. Ms. Heard agreed except for the access from Arnold Paul Road. Mr. Martin said he had no qualms about a change. Mr. Williams closed the public hearing at 5:47 p.m. Jerry Martin made a motion to recommend the change from Rural Agricultural (RA) to High Density Residential. Jerry Martin seconded. All voted in favor.

5. PUBLIC HEARING AND CONSIDER RECOMMENDATION ON ZONING CHANGE FROM RA TO MF-2 ON THAT 8.84-ACRE TRACT OF LAND LOCATED IN ABST. 198, J. DOUTHIT SURVEY, BETWEEN STATE HWY 243 AND ARNOLD PAUL ROAD (BEHIND ASSEMBLY OF GOD CHURCH) CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, TEXAS, AND OWNED BY HENRY LEWIS – Mr. Williams opened a public hearing at 5:48 p.m. Ms. Heard said she had received a lot of negative feedback about the property. She felt having the apartments would stretch organizations such as the Manna Food Bank and the Crisis Center. She questioned whether there were enough people in the City to fill the apartments. Sean Brady said 50% of the units would be financed through the housing tax credit program, and the other 50% would be rented at market rate. They wanted to bring in new quality housing that would be competitive on the market. It was not a Section 8 program. This was a one-time investment up front. After that, they had to compete in the marketplace. This was an affordable housing program through the Texas Department of Housing and Community Affairs. Mr. Brady said the units were identical. A certain number are set aside for the market rate. There was a one-time allocation of housing credits they sold to investors to raise equity. Mr. Williams asked when they expected to be approved by the State. Mr. Brady said there were several steps in the process and they should have an indication by June whether or not they were approved. They had to prove the demand was here in order to get the grant. The capture rate was around 5%, which was pretty good. Mr. Brady said the State required them to go through reviews and approvals before they received the funding and then had to start over and get the full site plan. If they were funded, they would go through a normal review process. Ms. Heard asked why they did not build as a private investor without federal aid. Mr. Brady said his company specialized in affordable housing. Ms. Heard said she had nothing but negative feedback. It was difficult to bring in more low-income housing. It would be difficult to provide assistance to the residents. The developers would be gone and the City would be dealing with what was left. Mr. Brady said they provided free on-site support services to residents. They would not be a burden to the community. They wanted to provide help to the community. He said two big factors drove them to Canton. The State's competitive selection process provided points for communities that had schools that were exemplary or recognized and which had the first quartile census tracts. Not a lot of places in the State met those criteria. Mr. Williams closed the public hearing at 6:03 p.m. Ms. Heard made a motion to deny recommendation to Council. There being no second, the motion failed. Mr. Martin made a motion to recommend the rezoning from RA to MF-2 to Council. Betsey McCarty seconded. Brad Williams, Betsey McCarty and Jerry Martin all voted in favor. Ms. Heard was opposed.

5. ADJOURN – There being no further business to discuss, the meeting was adjourned at 6:04 p.m.

Approved the 10 day of June 2013.

*Brad Williams*

Brad Williams, Chairman

ATTEST:

*Debra Johnson*

Debra Johnson  
Assistant City Secretary

**CALLED MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, JUNE 3, 2013**

**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 Jerry Martin, Betsey McCarty, Clay Nicklas, Lloyd Shinn and Brad Williams. City Secretary Julie Seymore, Building Inspector Michael Warren and Assistant City Secretary Debra Johnson were 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. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT CONTAINING 6.82 ACRES SITUATED IN THE Q.C. NUGENT SURVEY, ABSTRACT NO. 618, LOCATED AT 1900 AND 2100 NORTH TRADE DAYS BLVD., CANTON, TEXAS, OWNED BY PAUL MICHAEL – Ms. Seymore explained the platting process. She explained Mr. Michael wanted to construct a building located on two separate tracts of land. That was not allowed, so the two tract needed to be replatted into one. Mr. Warren confirmed the property use would conform to the Future Land Use Plan. He said the building would be 35 feet high. There would be loading docks on the side and in the back. There would be an awning that would cover the loading dock on the side and a chain link fence with a gate would block access. The gate would be quite a distance from Hwy. 19. It would be a metal building with a stucco façade. Lucia Deen explained they were running out of room in the present building and wanted a new building as a showroom and for storage. The cash registers would remain in the existing building. Betsey McCarty made a motion to approve the preliminary plat. Jerry Martin seconded. All voted in favor.
3. CONSIDER SITE PLAN APPROVAL OF A PROPOSED COMMERCIAL DEVELOPMENT ON A 6.82-ACRE TRACT SITUATED IN THE Q.C. NUGENT SURVEY, ABSTRACT NO. 618, LOCATED AT 1900 AND 2100 NORTH TRADE DAYS BLVD., CANTON, TEXAS, OWNED BY PAUL MICHAEL - Mr. Warren said the building would be 30,000 square feet for the actual building inside multiplied by two for the second story. Mr. Martin questioned the one fire hydrant on the plans. Mr. Warren said there would be a fire hydrant in the front and in the rear. Mr. Warren said Chief Sanford had reviewed the plans. Mr. Warren confirmed the building would be sprinklered. Mr. Williams asked if they were using the current access. Mr. Warren said yes. Mr. Martin expressed concern the six-inch water main would not be sufficient to fight a fire. Mr. Warren said that was why there would be hydrants in the front and in the rear. Ray Brumley spoke on behalf of the owner and said another fire hydrant was located on the road feeding Mill Creek RV. Clay Nicklas confirmed with Mr. Warren that the site plan, parking, access, widths of the parking spaces, were all in line with city ordinances. Ms. McCarty asked about the number of exits. Mr. Warren said there would be an access point on Mill Creek Road and one on Hwy. 19. There would be a full ladder staircase on the second floor and a staircase inside the building. It was to be a warehouse with no living quarters. Clay Nicklas made a motion to approve the site plan. Jerry Martin seconded. All voted in favor.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:43 p.m.

Approved the \_\_\_\_ day of \_\_\_\_\_ 2013.

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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., MONDAY, JUNE 10, 2013**

**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 Jerry Martin, Betsey McCarty, Clay Nicklas, Lloyd Shinn and Brad Williams. Building Inspector Michael Warren and Assistant City Secretary Debra Johnson were 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 MARCH 11, 2013, MEETING – The minutes of the March 11, 2013, meeting were unanimously approved upon motion by Betsey McCarty and second by Jerry Martin.
3. CONSIDER APPOINTMENT OF CHAIRPERSON OF PLANNING & ZONING COMMISSION – Betsey McCarty made a motion to reappoint Brad Williams as committee chairperson. Lloyd Shinn seconded. All voted in favor.
4. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT CONTAINING 1.27 ACRES SITUATED IN THE JESSE STOCKWELL SURVEY, ABSTRACT NO. 760, LOCATED AT 875 W. DALLAS, CANTON, TEXAS, OWNED BY CITIZENS NATIONAL BANK – Betsey McCarty questioned the traffic in the area. Dean Tidwell, a representative for Citizens National Bank, said there were two proposed entries and exits on Old Kaufman Road. Brad Williams asked if there were any state requirements as far as a traffic study. Mr. Tidwell said they discussed the entrances with the State. There could be issues with people entering from Hwy. 64. The State would not allow them to be any further away from the red light. The State instructed them to locate the entrance between the two telephone poles. Jerry Martin expressed concern with the blind spot created by trees that blocked the view when you exited on Old Kaufman towards Hwy. 64 because of the speed of cars on that street. Michael Warren said there was a restriction which stated the view had to be clear for 15-20 feet. He said the crest on the hill would also have to be addressed. Mr. Tidwell said the perfect solution would be to make one an entrance only and one exit only. Mr. Warren said that would not solve the line-of-sight problem created by the trees. He said the only way to make that an exit only on Old Kaufman Road was to clear the trees. He would have to discuss that with the property owner. Mr. Tidwell said they had no problem moving that exit down. Mr. Williams said he had no problem with the plan other than the traffic as long as it met all city and state requirements. Mr. Warren said a lot of bushes in the ditch would have to be cleared. Mr. Tidwell said people would be coming into the drive-through from Hwy 64 and out on Old Kaufman Road. Mr. Warren said the site triangle had to be clear. He would probably have to speak with the landowner about the line of sight. Mr. Williams said any substantial signage out front would also reduce visibility. Mr. Tidwell said they would have only one sign. It would be on the left-hand side as you came in from the Hwy. 64 entrance.

5. CONSIDER SITE PLAN APPROVAL OF A PROPOSED COMMERCIAL DEVELOPMENT ON A 1.27-ACRE TRACT SITUATED IN THE JESSE STOCKWELL SURVEY, ABSTRACT NO. 760, LOCATED AT 875 W. DALLAS., CANTON, TEXAS, OWNED BY CITIZENS NATIONAL BANK – Betsey McCarty made a motion to accept the site plan. Jerry Martin seconded. All voted in favor.
  
6. PUBLIC HEARING AND CONSIDER RECOMMENDATION FOR AN AMENDMENT TO THE 2004 COMPREHENSIVE PLAN'S FUTURE LAND USE PLAN FROM RETAIL AND LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THAT 21.15 ACRE TRACT LOCATED IN ABST. 618, Q.C. NUGENT SURVEY, ON THE WEST SIDE OF FM 859, SOUTH OF I-20, CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, TEXAS, AND OWNED BY BRYAN YOUNG – Brad Williams opened a public hearing at 5:47 p.m. Jeremy Mears showed the site plan for the property. He said the majority of the 21.15 acres was in a flood plain which would be used for walking trails for the residents. Mr. Mears said they planned on running a new sewer line with a lift station on the hill. He would talk to the City about which direction to go. It would benefit the other landowners. They would pay for the lift station. Ms. Johnson said one neighboring property owner was notified. No response was received. Mr. Williams confirmed the primary entrance was off FM 859. Mr. Mears said there would be no retail there, just apartments. Ms. Johnson said low density residential and retail were currently what was shown on the Future Land Use Plan for this tract. The plan needed to designate the tract as high density residential before apartments could be built. Mr. Mears explained they would be receiving tax credits that they would sell. The awards for the grant would not be out until August. Brad Williams closed the public hearing at 5:53 p.m. Betsey McCarty made a motion to recommend the amendment to the Future Land Use Plan from Retail and Low Density Residential to High Density Residential. Jerry Martin seconded. All voted in favor.
  
7. PUBLIC HEARING AND CONSIDER RECOMMENDATION ON ZONING CHANGE FROM RA TO MF-2 ON THAT 21.15 ACRE TRACT LOCATED IN ABST. 618, Q.C. NUGENT SURVEY, ON THE WEST SIDE OF FM 859, SOUTH OF I-20, CURRENTLY UNDER CONSIDERATION FOR ANNEXATION INTO THE CITY OF CANTON, TEXAS, AND OWNED BY BRYAN YOUNG – Brad Williams opened a public hearing at 5:54 p.m. Lloyd Shinn asked if the property could be changed from multi-family in the future. Ms. Johnson said the owner would have to request the change. Brad Williams closed the public hearing at 5:55 p.m. Jerry Martin made a motion to recommend the zoning change from RA to MF-2. Lloyd Shinn seconded. All voted in favor.
  
8. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:56 p.m.

Approved the \_\_\_\_ day of \_\_\_\_\_ 2013.

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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., MONDAY, JULY 8, 2013**

**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 Jerry Martin, Betsey McCarty, and Brad Williams. Clay Nicklas and Lloyd Shinn were absent. Building Inspector Michael Warren City Secretary Julie Seymore and Assistant City Secretary Debra Johnson were 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 JUNE 3 AND JUNE 10, 2013, MEETINGS – The minutes of the June 3 and June 10, 2013, meetings were unanimously approved upon motion by Betsey McCarty and second by Jerry Martin.
3. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT OF STARSHIP ADDITION CONTAINING 17.95 ACRES LOCATED AT 1455 N. TRADE DAYS BLVD, IN CANTON, TEXAS, OWNED BY STARSHIP LEAGUE CITY LP DBA CANTON MARKETPLACE – Ms. Seymore explained the owners had gone through the site plan process when they built Canton Marketplace, but the platting process was not done at that time. Brad Williams asked if Lot 5 was an easement. Jerry Martin said it was shown as water drainage. No one on the Commission had any objections to the plat.
4. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:35 p.m.

Approved the 9 day of September 2013.

  
\_\_\_\_\_  
Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary

**REGULAR MEETING  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, AUGUST 12, 2013**

**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 Jerry Martin, Betsey McCarty, Clay Nicklas and Lloyd Shinn. City Manager Lonny Cluck, City Secretary Julie Seymore and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Clay Nicklas called the meeting to order at 5:30 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF JULY 8, 2013, MEETING – The minutes for the July 8, 2013, were unanimously approved upon motion by Betsey McCarty and second by Jerry Martin.
3. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT OF MIZE ADDITION CONTAINING 6.83 ACRES LOCATED IN THE Q. C. NUGENT SURVEY, ABSTRACT NO. 618, NEAR THE INTERSECTION OF NORTH I-20 SERVICE ROAD AND VZCR 3120 (WEST OF DENNY'S), IN CANTON, TEXAS, OWNED BY DARRELL MIZE – Betsey McCarty asked if the property was zoned B-2. Ms. Johnson confirmed that it was and explained the platting process. She said they planned to have access only on County Road 3120. There were no other comments or objections to the proposed plat.
4. PUBLIC HEARING AND CONSIDERATION OF REQUEST FOR SPECIFIC USE PERMIT FOR THE OPERATION OF A RESTAURANT-PRIVATE CLUB IN GENERAL BUSINESS DISTRICT (B-2) AT 132 & 134 W. DALLAS, CANTON, TEXAS, CURRENTLY OWNED BY LINDA FLOWERS WHITAKER. THE BUSINESS, WHICH WILL BECOME TEXAS STAR ROADHOUSE, IS OPERATED BY LINDA RAMSEY. – Clay Nicklas opened a public hearing at 5:35 p.m. Ms. Johnson said twenty-two neighboring property owners were notified and two had responded in opposition. Ms. Ramsey passed out information about Texas wines as well as a proposed menu. She said they made and sold wine. She would like to have a private club which the TABC had to approve. She did not want to sell hard liquor, but wanted to sell Texas beers and wines. She might also have to sell some of the standard beers for people who did not want Texas beer. She would have a chef prepare the food. She would be on the GoTexas website and in other magazines. There would also be an app for I-Phones. She would be the only one of its kind in Canton. She wanted to specialize in Texas wines and beer. Jerry Martin asked if the purpose of having the license was to sell beer. Ms. Ramsey said she was a winery and had a winery holder's permit. Once TABC approved her, she would become a private club permit holder. She only wanted to sell beer and wine. No hard liquor. Mr. Nicklas said wineries in Texas came under a different set of rules. Mr. Martin asked why Texas-made beer did not work the same as wine. Ms. Ramsey said it was in the Legislature now and breweries would soon be everywhere. The owner of the property, Linda Whitaker, had approved the zoning change. Terrica Stowell thought this was a wonderful idea. Ms. Ramsey also offered entertainment and this was an emphasis on local businesses. It was a great draw to Canton. She was in support of the idea. Mr. Nicklas said he was all for local businesses succeeding. He wished her the best in her endeavor. He had nothing against her business, but had a

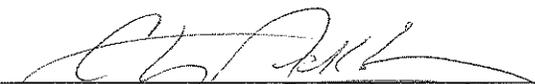
problem with the State of Texas allowing a back-door way for businesses to serve alcohol. Ms. Ramsey said Applebee's had caused her downfall. Mr. Nicklas said he also voted against that specific use permit. Ms. Ramsey said she felt she complied. Deborah Osborne said she bought the Quality Furniture Store and was all for this idea. This will keep everybody who drank beer and wine in Canton. It was not going to be a problem. She planned to have a place to hold receptions on Hwy. 64.

There being no further comments, the public hearing was closed at 5:45 p.m.

Betsey McCarty made a motion to grant the specific use permit pending the issuance of any and all licenses. Jerry Martin seconded. Jerry Martin and Betsey McCarty voted in favor. Lloyd Shinn and Clay Nicklas were opposed. Motion failed to pass.

5. ADJOURN – 5:45 p.m.

Approved the 9<sup>th</sup> day of September 2013.

  
Chairman Clay Nicklas

ATTEST:

  
Debra Johnson  
Assistant City Secretary

**REGULAR MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, SEPTEMBER 9, 2013**

**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 John Fincher, Jerry Martin, Betsey McCarty, Clay Nicklas and Lloyd Shinn. Michael Warren, Building Inspector, and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Clay Nicklas called the meeting to order at 5:31 p.m. and declared a quorum present.
2. CONSIDER APPOINTMENT OF CHAIRPERSON OF PLANNING & ZONING COMMISSION – Lloyd Shinn made a motion to appoint Clay Nicklas as Chairperson. Betsey McCarty seconded. All voted in favor.
3. APPROVAL OF MINUTES OF AUGUST 12, 2013, MEETING – The minutes of the August 12, 2013, meeting were unanimously approved upon motion by Betsey McCarty and second by Jerry Martin.
4. PUBLIC HEARING AND CONSIDERATION OF PROPOSED AMENDMENT TO CITY OF CANTON 2004 COMPREHENSIVE PLAN REGARDING FUTURE LAND USE ON TRACT OF LAND LOCATED AT 203 BOIS D'ARC, CITY OF CANTON – Clay Nicklas opened the public hearing at 5:30 p.m. Scott Taylor asked about the specific address for the specific use permit. Clay Nicklas said it was 203 Bois D'Arc. Ms. Davis said she lived at this address and was trying to rezone. Directly across the street was a store and there were apartments down from her. Her neighbor, Ms. Hadley, was in favor of the rezoning. Ms. Davis said she had never had an office before at this location. The Van Zandt County Jail and another bail bondsman were across the street. Jerry Martin asked about the zoning across the street. Ms. Johnson said it was B-1. Michael Warren said as long as no vehicles were taken in for the business, he did not see any issues with parking. Ms. Davis said she had an adjoining lot that could be used for parking. She said she currently leased a place on FM 859 for her business. Scott Taylor said there was growth on Hwy. 64 all the way down to I-20. There was commercial property on every side except the actual south lot. Mr. Shinn was concerned about the homeowners. Michael Warren said the homes in the area were occupied. Alan Dover, 220 Nichols, said he bought property in the area two years ago for his daughter and grandson. He was opposed to the rezoning. He was not against a bail bonds business, but in the future the property could be sold and used for another type business that would not be desired in the neighborhood. Scott Taylor asked where the commercial property was located around 203 Bois D'Arc. Ms. Davis said last year the Comprehensive Plan showed her property as future retail. She had gotten a recommendation from the Planning & Zoning Commission for a rezoning, but it was denied by Council. Scott Taylor said the Canton Health Food Store was beside Ms. Davis. It fronted Hwy. 64 across from the service station. There was a brief discussion about which lots were zoned commercial and which were residential. Mr. Warren said all the property facing Hwy. 64 was zoned B-1. Everything behind that was residential. Mr. Taylor asked about restrictions on which type businesses were allowed in this requested zoning. Mr. Nicklas said the restrictions were in the Zoning Ordinance. Ms. Davis said she faced commercial zoning all the way out her

front door. She had a privacy fence out back and was willing to put in a privacy fence between her property and Ms. Hadley's. Mr. Shinn said he was all for business. He had looked around and could not go along with the rezoning because of the other residences with neighborhood kids. Ms. Davis said there was no danger to any children. Mr. Shinn said he could just not do that to the neighborhood. The public hearing was closed at 5:59 p.m. Lloyd Shinn made a motion to deny recommendation of the request for an amendment to the Future Land Use Plan. Betsey McCarty seconded. All voted in favor.

5. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE EFFECTING A ZONING CHANGE FROM SINGLE FAMILY DETACHED RESIDENTIAL (R-1) TO RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO) ON A TRACT LOCATED AT 203 BOIS D'ARC IN THE CITY OF CANTON, TEXAS, OWNED BY CYNTHIA DAVIS – Clay Nicklas opened a public hearing at 6:00 p.m. There being no comments, the public hearing was closed at 6:00 p.m. Betsey McCarty made a motion to deny recommendation on the request for the change of zoning. Lloyd Shinn seconded. All voted in favor.
6. ADJOURN – There being no further business to discuss, the meeting was adjourned at 6:01 p.m.

Approved the 7 day of October, 2013.

  
Clay Nicklas, Chairman

ATTEST:

  
Debra Johnson  
Assistant City Secretary

**CALLED MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, SEPTEMBER 30, 2013**

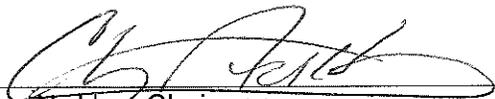
**CITY HALL, 290 E. TYLER STREET, CANTON, TEXAS**

**MINUTES**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were John Fincher, Jerry Martin, Betsey McCarty, and Lloyd Shinn. Member Clay Nicklas was absent. City Manager, Lonny Cluck, City Secretary/Finance Officer Julie Seymore, and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Betsey McCarty called the meeting to order at 5:30 p.m. and declared a quorum present.
  
2. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE EFFECTING A ZONING CHANGE FROM RURAL AGRICULTURAL (RA) TO GENERAL BUSINESS DISTRICT (B2) ON THE TRACT LOCATED 17729 I-20 S. SERVICE ROAD, CANTON, TEXAS, OWNED BY VAN ZANDT HOLDING CO. – Ms. McCarty opened a public hearing at 5:30 p.m. Mike Goggans said this property was the location of the VFW for 35-40 years. It was still zoned Rural Agricultural and he was trying to have it changed to commercial zoning. Ms. Johnson explained about non-conforming use of property and that once the VFW closed, another business of that type could not go in without a zoning change. Mr. Goggans said the Ford house had been operating next to this property for years. It was not in the City. Mr. Goggans said he preferred to be zoned B-2 and not be in the city limits. Betsey McCarty closed the public hearing at 5:36 p.m. John Fincher made a motion to recommend the change of zoning from RA to B-2. Lloyd Shinn seconded. All voted in favor.
  
3. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:38 p.m.

Approved the 7 day of October, 2013.

  
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Clay Nicklas, Chairman

ATTEST:  
  
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Debra Johnson  
Assistant City Secretary

**CALLED MEETING OF  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, OCTOBER 7, 2013**

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

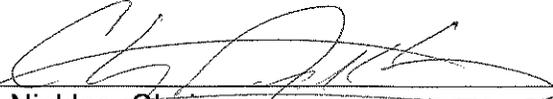
**MINUTES**

The Canton Planning & Zoning Commission met at the above-named date and time in the City Hall Council Chambers. Commission members present were Clay Nicklas, John Fincher, Jerry Martin, Betsey McCarty, and Lloyd Shinn City Manager, Lonny Cluck, City Secretary/Finance Officer Julie Seymore, Building Inspector Michael Warren and Assistant City Secretary Debra Johnson were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Clay Nicklas called the meeting to order at 5:30 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF SEPTEMBER 9 AND 30, 2013, MEETINGS – The minutes of the September 9 and 30, 2013, meetings were unanimously approved upon motion by Betsey McCarty and second by John Fincher.
3. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT OF SOUTH BEND ADDITION CONTAINING 3.3 ACRES LOCATED IN THE JAMES DOUTHIT SURVEY, ABSTRACT NO. 198, ON BURNETT TRAIL (WEST OF CANTON OAKS) IN CANTON, TEXAS, OWNED BY SLVIA BARBEE, JANE HUNTER AND BARBARA FARRAR – Mr. Cluck said water and sewer were both available in this area. Ms. Barbee said they left a sixty-foot strip behind the nursing home for a road. Mr. Warren said there were no issues from staff.
4. PUBLIC HEARING AND CONSIDERATION OF REQUEST FOR SPECIFIC USE PERMIT FOR THE OPERATION OF A RESTAURANT-PRIVATE CLUB IN GENERAL BUSINESS DISTRICT (B-2) AT 17729 I-20 SOUTH SERVICE ROAD, CANTON, TEXAS, CURRENTLY OWNED BY VAN ZANDT HOLDING CO., LLC. – Mr. Nicklas opened a public hearing at 5:33 p.m. Ms. Ramsey said the VFW building has been on the interstate since 1986. It was closed in July 2011. It already had a full kitchen. She would be serving wine, beer and alcohol. There was plenty of parking. Alcohol was served at the VFW while it was open. Ms. Ramsey said she had everything in order as far as TABC. The public hearing was closed at 5:35 p.m. Jerry Martin made a motion to grant the specific use permit pending the issuance of any and all licenses necessary to operate the restaurant-private club. Betsey McCarty seconded. Jerry Martin, Betsey McCarty, and John Fincher voted in favor. Lloyd Shinn and Clay Nicklas were opposed. Mr. Nicklas announced the motion carried.

5. ADJOURN – There being no further business to discuss, the meeting was adjourned at 5:36 p.m.

Approved the 9<sup>th</sup> con day of December, 2013.

  
Clay Nicklas, Chairman

ATTEST:

  
Debra Johnson  
Assistant City Secretary

**REGULAR MEETING  
CANTON PLANNING & ZONING COMMISSION  
5:30 P.M., MONDAY, DECEMBER 9, 2013**

**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 Clay Nicklas, Jerry Martin, Betsey McCarty, and Lloyd Shinn. Mr. John Fincher was absent. City Manager Lonny Cluck, Assistant City Secretary Debra Johnson and Mr. Gary Burton of Burton Engineering were also in attendance. Discussion and action were as follows:

1. CALL TO ORDER – Clay Nicklas called the meeting to order at 5:31 p.m. and declared a quorum present.
2. APPROVAL OF MINUTES OF OCTOBER 7, 2013, MEETING – The minutes from the October 7, 2013, meeting were unanimously approved upon motion by Betsey McCarty and second by Lloyd Shinn.
3. PRESUBMISSION CONFERENCE FOR A PROPOSED PLAT OF CANTON VILLAGE HOMES ADDITION CONTAINING 21.09 ACRES LOCATED IN THE Q.C. NUGENT SURVEY, ABSTRACT NO. 618, ON FM 859 (SOUTH OF I-20) IN CANTON, TEXAS, OWNED BY CANTON VILLAGE HOMES, LTD. – The members reviewed the preliminary plat. Mr. Cluck confirmed the plat showed all eighty units. He agreed with Mr. Shinn that the complex would affect the rental market in a big way.
4. REVIEW OF SITE PLAN OF PROPERTY CONTAINING 21.09 ACRES LOCATED IN THE Q.C. NUGENT SURVEY, ABST. NO. 618, ON FM 859 (SOUTH OF I-20) IN CANTON, TEXAS, OWNED BY CANTON VILLAGE HOMES, LTD. – The members reviewed the site plan. Mr. Burton said the owners wanted to keep all the clearing and grading above the floodplain. Nothing would be below the 100-year flood elevation. Mr. Burton felt they would have to change the number of fire plugs and extend the water line to the corner. Mr. Cluck said the original plan showed two fire plugs and the City had requested two more. Mr. Burton said the buildings would be sprinklered. He had also asked the owners to renumber the buildings because there seemed to be no order to the numbering. Mr. Burton said there was a twenty-foot setback. He said it was about 1000 feet from the front of the property to the back. The plugs would be about 250 feet apart. Mr. Cluck said 500 feet was the maximum. Mr. Martin asked if the ten-inch line would run all the way down. Mr. Burton said they were going to run a six-inch line. Mr. Martin felt they would not have enough water with a six-inch. Clay Nicklas said when the line was run Ross Maris had asked that all future lines be at least eight inch. Mr. Cluck said he thought the owners would not oppose using an eight-inch line. Mr. Burton said the owner wanted to add more sidewalks around the back of each building. He said he thought there would be a sprinkler cutoff on each building. Mr. Burton said the owner planned to build a fence on the north line. Ms. McCarty said the owners had said they would fence the whole property. Mr. Martin noted the utility construction notes said there would only be a four-inch water line. Mr. Burton said that was to feed the building. Mr. Burton said they could not get fire protection credit without having a six-inch line going to the hydrants. Mr. Martin was not sure that would be big enough. The more water there was, the easier it was to put out a fire. Mr. Martin said he would ask the owner to put in an eight-inch line. There was a lot of fire capacity there. There was already a ten-inch line running all the way of FM 859. Mr. Cluck said a ten-inch line ran all the way to

Splash Kingdom. Ms. McCarty suggested asking for a ten-inch line rather than an eight. Mr. Martin felt that would be overkill as long as the owner did maintenance on their sprinkler system. He said there was sure to be at least a kitchen fire or mattress fire in apartments. Mr. Burton said the plans showed the sewer would have to be pumped. It would be pumped to Baker's Ribs. Mr. Burton said he told the owner the City would not maintain the lift station and they would have to have a licensed operator. Mr. Burton said the lift station would have an 80 GPM peak flow and a three-inch pressure line. Mr. Cluck said it would be a three-inch forced main. Mr. Cluck said they would have them put another manhole out there that drained into the City's system. Mr. Burton said the City had a project in their CIP to run a sewer line down Caney Creek. Mr. Burton said he would check the parking before he signed off on the plan. He doubted this would be a gated community. The owner was going to ask if the City owned the street. Mr. Cluck said the road had to meet the City's specs, but it would not be owned by the City. Mr. Burton said they would have a total of 139 parking spaces. Mr. Burton said the drive lanes were a minimum of 25 feet. They were wider in some places. The owner was talking to Trinity Valley Electric about moving the high line wire away from the clubhouse and outside the corridor. Mr. Martin asked if each unit had a balcony because it was a good way to get out of the unit. Ms. McCarty said she remembered the owner's presentation and what they said they were going to do. She said the owner told the Planning & Zoning Commission the whole complex would be fenced. Ms. McCarty said the owner discussed all the amenities they were going to have. Mr. Cluck said the owner would maintain the property. Mr. Burton said he would hold the owner's feet to the fire as far as what the City approved. He would have an as-built survey when it was done. He would point out if they tried to cut any corners. Mr. Burton was not sure if the owner still planned to fence the property because of the rising cost of building materials. Mr. Martin asked if there would be compartmentalized firewalls or an open roof. Mr. Cluck said all walls would go all the way to the ceiling. Mr. Nicklas said the owner might be able to shave off their drive lanes by one foot to save money. Mr. Burton said the owner would build a fence along the easement on the north side. Mr. Burton said the owner wanted to start as soon as possible. Mr. Nicklas said the Planning & Zoning Commission would send its approval of the site plan to Council with the following recommendations: (1) changing from a six-inch to an eight-inch water line; (2) putting in additional sidewalks in the back by Buildings 4 and 6; (3) increase the number of parking spaces; (4) make sure everything was in compliance with the ordinances; (5) having a fence around the entire property; and (6) do everything else they promised in their presentation to Council.

5. PUBLIC HEARING AND CONSIDERATION OF REQUEST FOR CHANGE OF ZONING FROM RURAL AGRICULTURAL (RA) TO FIRST MONDAY BUSINESS 1 (FMB-1) ON APPROXIMATELY 19 ACRES LOCATED IN THE Q.C. NUGENT AND DAVID TOWNS SURVEYS, ON HWY. 64 EAST (KNOWN AS "THE MOUNTAIN"), IN CANTON, TEXAS, CURRENTLY OWNED BY CORRY-DAVIS MARKETING, INC. – Mr. Nicklas opened the public hearing at 5:26 p.m. Mr. Cluck said there was a fire on the Mountain. Most of the middle area was burned. The buildings were built before the property was annexed into the City. The property was zoned Rural Agricultural when it was annexed and had never been changed. The building owners wanted to rebuild. They had to start the process by having the property rezoned. Mr. Cluck said FMB was a separate zoning. Ms. Johnson pointed out the Future Land Use Plan showed the area as FMB. Mr. Cluck said 20-30 buildings had been destroyed in the fire. Mr. Cluck said the owners were trying to get the property zoned like the rest of the property in that area. Mr. Nicklas said this should have been done a long time ago. He felt it was a step in the right direction for the City. Mr. Nicklas said by approving this zoning change to FMB, they could build anything that complied with this zoning. Mr. Martin was concerned about the safety of the people. Mr. Cluck said the buildings would have to have a two-hour firewall in between them. That would drive up the cost of construction. Mr. Cluck said he asked Steve Cash to have his own rules about what was rebuilt in the area. The IBC would drive up the cost of

construction because fire protection was built into the Code. Mr. Cluck said the City could only deal with the area that burned. Three-quarters of the area was the way it was before the fire. People lived up in that area and part of it was not in the City. The public hearing was closed at 6:45 p.m.

Betsey McCarty made a motion to recommend to Council that the zoning for the Mountain be changed from Rural Agricultural to First Monday Business-1. Jerry Martin seconded. All voted in favor.

6. ADJOURN – There being no more business to discuss, the meeting was adjourned at 6:46 p.m.

Approved the 10<sup>th</sup> day of March, 2014.

  
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Clay Nicklas, Chairman

ATTEST:

  
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Debra Johnson  
Assistant City Secretary