

Planning and Zoning Commission
February 26, 2014

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, February 26, 2014 at 4:30 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Jim Cooper, Chairman
Rick Keeler
Bonney Ramsey
Mary Lou Shipley
Anthony Mottla

Member Absent: Betty Jefferson, Vice Chairman
Melissa Ballard

Others Present: Clyde Melick, Director of Planning
Amber Villarreal, Assistant City Secretary
Steve Chapman, City Attorney
Kevin Strength, Council Representative

Chairman Jim Cooper called the meeting to order and gave the invocation.

Mrs. Bonney Ramsey moved to approve the minutes of the Planning & Zoning Commission regular meeting of February 12, 2014. Ms. Mary Lou Shipley seconded, the vote was as follows:

Ayes: Jim Cooper
Rick Keeler
Bonney Ramsey
Mary Lou Shipley

Noes: None

Absent: Anthony Mottla

The motion carried.

Chairman Jim Cooper opened the Public Hearing on a request by Rivera Truck and Parts, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for temporary portable building storage and outside storage to be located at 5947 IH 35E N, being 7.52 acres in the Peter B Stout Survey, Abstract No. 1003– Owner: Jose H. Rivera (ZA 2014-01). Mr. Cooper announced the applicant requested to continue the public hearing to the March 12, 2014 meeting.

Ms. Mary Lou Shipley moved to continue the Public Hearing on a request by Rivera Truck and Parts, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for temporary portable building storage and outside storage to be located at 5947 IH 35E N, being 7.52 acres in the Peter B Stout Survey, Abstract No. 1003– Owner: Jose H. Rivera (ZA 2014-01) to the March 12, 2014 P&Z meeting. Mrs. Bonney Ramsey seconded, the vote was as follows:

Ayes: Jim Cooper
Rick Keeler
Bonney Ramsey
Mary Lou Shipley

Noes: None

Absent: Anthony Mottla

The motion carried.

Chairman Jim Cooper opened the Public Hearing on a request by Richard and Barbara Hill, for a Zoning Amendment from Future Development (FD) to General Retail with Specific Use Permit (GR w/SUP) to construct a wedding venue located on Black Champ Road, being 12.102 acres out of O F Gregg Survey, Abstract No. 426- Owner: David & Michele Ramm (ZA 2014-02).

Mrs. Barbara Hill, 1340 Overlook Circle, Cedar Hill, Texas, requested approval for a wedding and special event venue to be located on Black Champ Road. Mrs. Hill explained the venue will look like a southern plantation home and all the parking and one building will be behind the trees on the property. Mrs. Hill noted the facility will not have more than 200 guests at one time.

Planning Director Clyde Melick asked how far the venue will be from Black Champ Road and Mrs. Hill noted about 150 yards.

Mr. Anthony Mottla inquired about the design to turn into a single family home. Mrs. Hill stated she and her husband eventually plan on turning the venue into their permanent home in 5-10 years.

Planning Director Clyde Melick reviewed the following Staff Comments:

- 1) Applicant requests a zoning change for a building to be used as a wedding venue
- 2) This property must be platted prior to a building permit being issued
- 3) A flood study may have to be provided when platting
- 4) Site plan shall be provided that details parking, landscaping, circulation
- 5) This use must provide screening from adjacent future residential

- 6) Alternative screening may be approved through this site plan approval, but there is no alternative provided
- 7) This property on the Future Land Use plan is Airport Industrial to the west and Low Density residential on the East
- 8) Applicant shall provide 5 corrected copies of complete Site Plan to the Planning Department within 30 days of City Council approval

Those who spoke in opposition:

John Tryon, 2011 Black Champ Road
Kevin Finch, Finch Family Development
Nicholas Rakagis, 1435 Black Champ Road
Caroline Taylor, 2051 Black Champ Road
Barto Dooley, 3070 Black Champ Road
Michael Chambers, 2291 Black Champ Road
James and Melinda Kocian, 2241 Black Champ Road

Mr. Rick Keeler inquired about the investment cost and Mrs. Hill stated about \$1 million dollars will be invested to the property for this business.

There being no others to speak for or against Zoning Amendment Request 2014-02, Chairman Cooper closed the public hearing.

Mr. Rick Keeler clarified the property is currently zoned Future Development (FD) and although he can sympathize with the concerns of the neighboring properties, the commission has to look at the highest and best use of the property. He noted his main concern is the spot zoning this would create in this area. Mr. Mottla and Mrs. Ramsey concurred.

Mr. Rick Keeler moved to deny the request by Richard and Barbara Hill, for a Zoning Amendment from Future Development (FD) to General Retail with Specific Use Permit (GR w/SUP) to construct a wedding venue located on Black Champ Road, being 12.102 acres out of O F Gregg Survey, Abstract No. 426- Owner: David & Michele Ramm (ZA 2014-02). Mrs.

Bonney Ramsey seconded, the vote was as follows:

Ayes:	Jim Cooper Rick Keeler Bonney Ramsey
Noes:	Anthony Mottla
Absent:	Mary Lou Shipley

The motion carried.

Chairman Jim Cooper opened the Public Hearing on a request by the City of Waxahachie for a Zoning Amendment from Commercial (C) to General Retail (GR) to allow the continued use of single family dwellings to be located on Ovilla Road between US 287 and I35E– Owner: Various (ZA 2014-03).

Planning Director Clyde Melick reviewed the following Staff Comments:

- 1) When the land was developed it was allowable to have a Single Family dwelling in a Commercial Zoning Designation. In 2004 the City of Waxahachie adopted an updated zoning ordinance that no longer allowed Single Family in Commercial zoning districts. Since the FM664 area is in a Commercial zoning district, this created an illegal non-conforming use for all of the Single Family dwellings that were built in this subdivision. In order to rectify this situation a zoning change has been initiated by the city of Waxahachie.

Mr. Melick noted the properties included in the request are 400 Ovilla Road to 520 Ovilla Road.

Mr. Kyle Beller, 409 Brookside, Waxahachie, requested his property at 516 Ovilla Road be removed from the zoning change proposal.

Mr. Brett Strength, 520 Ovilla Road, Waxahachie, requested to be removed from the zoning change proposal.

There being no others to speak for or against Zoning Amendment Request 2014-03, Chairman Cooper closed the public hearing.

Mrs. Bonney Ramsey moved to approve the request by the City of Waxahachie for a Zoning Amendment from Commercial (C) to General Retail (GR) to allow the continued use of single family dwellings to be located on Ovilla Road between US 287 and I35E– Owner: Various (ZA 2014-03), excluding 516 Ovilla Road and 520 Ovilla Road, and subject to Staff Comments.

Mr. Rick Keeler seconded, the vote was as follows:

Ayes:	Jim Cooper Rick Keeler Bonney Ramsey Anthony Mottla
Noes:	None
Absent:	Mary Lou Shipley

The motion carried.

Mr. Tony Martin, 513 Sycamore Street, Waxahachie, representing Harlan Properties, requested approval of the Preliminary Plat of Oxford Ranch Two Phase I being 39.915 acres (33 Single Family Lots) in the T. Cassidy Survey, Abstract No. 255 in the ETJ-Owner: Harlan Properties (PLM 2014-04). He explained the homes will be on 1 acre estate size lots and serviced by Rockett SUD. He requested to be withdrawn from the City Sewer Master Plan noting the lots will have septic systems. He also requested to have longer residential streets due to the lot sizes.

Planning Director Clyde Melick reviewed the following Staff Comments:

- 1) Applicant proposes the platting of 33 lots for Oxford Ranch Two Phase 1
- 2) This proposed subdivision is located within the Sardis Lone Elm Water CCN service area and within the City of Waxahachie's ETJ.
- 3) The Utility department will need documentation that the proposed subdivision water supply system will be adequate to provide fire protection per the latest publication of the ISO Guide for Determination of Needed Fire Flow. The documentation will need to include not only fire flow, but adequate water pumping and storage capabilities.
- 4) The proposed development is located within the proposed North Grove Creek Wastewater Collection System drainage basin as defined in the City of Waxahachie's Wastewater Collection System Master Plan adopted by the City Council in October 2008 (see attachment). The Master Plan identifies a gravity wastewater collection system to be constructed within this drainage basin. This would be a requirement of the developer to construct
- 5) Additional fifty (50') foot dedication is needed for Westmoreland Road, this is a type "B" on the Waxahachie Thoroughfare Plan
- 6) Ditches along Patrick Road will have to be improved to City standards, a slope easement will be needed along the western Right of Way to accommodate the ditches
- 7) Residential streets with sixty (60) feet of right-of-way or less, excluding collector streets, shall not exceed a maximum length of six hundred (600) feet measured from the major thoroughfare right-of-way, and one thousand four hundred (1,400) feet for all other residential streets that do not intersect a major thoroughfare without one or more of the following design elements:
 - a. A curve radius of two hundred (250) feet. Tangent between reverse curves shall be a minimum of one hundred fifty (150) feet. A one hundred fifty (150) foot offset shall be provided within the street when reverse curves are used.
 - b. An offset within the street between ninety (90) to one hundred twenty (120) degrees. Minimum offset between reverse offsets shall be one hundred fifty (150) feet.
- 8) Residential streets may extend to two thousand (2,000) feet without an offset when one of the following is provided
 - a. A street design with twenty-two (22) foot wide travel section with parking cut-outs that are eight (8) feet wide and eighty eight (88) feet long with a tree island between

the parking cut-outs that measure twenty (20) feet long and eight (8) feet wide. Parking cutouts shall be offset from parking cutouts on the opposite of the street. A three (3) inch caliper tree shall be planted in each tree island. This option is not available for front entry product(s). Front entry product is prohibited on this street.

- 9) The Planning and Zoning Commission and/or City Council may approve waivers/suspensions for overlength streets and/or cul-de-sacs upon consideration of the following:
 - a. Alternative designs which would reduce street/cul-de-sac length;
 - b. The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and
 - c. Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.

- 10) Within thirty (30) days after City Council approval, please provide the City Building and Development Department with twelve (12) corrected copies

Mr. Rick Keeler moved to approve the Preliminary Plat of Oxford Ranch Two Phase I being 39.915 acres (33 Single Family Lots) in the T. Cassidy Survey, Abstract No. 255 in the ETJ-Owner: Harlan Properties (PLM 2014-04), including approving request for a longer road, and subject to Staff Comments. Mr. Anthony Mottla seconded, the vote was as follows:

Ayes:	Jim Cooper Rick Keeler Bonney Ramsey Anthony Mottla
Noes:	None
Absent:	Mary Lou Shipley

The motion carried.

There being no further business, the meeting adjourned at 5:52 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary