

Planning and Zoning Commission
May 14, 2014

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, May 14, 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
Anthony Mottla
Melissa Ballard

Member Absent: Betty Jefferson, Vice Chairman

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

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

Mrs. Bonney Ramsey moved to approve the minutes of the Planning & Zoning Commission regular meeting of April 23, 2014. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Jim Cooper opened the Public Hearing on a request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail (GR) Zoning District for an electronic message center on building located at 101 YMCA Drive, being 0.806 acres, Lot 1AA, Block A, Lakeridge I Addition– Owner: David Reagan (ZA 2014-10).

Mr. David Reagan, 101 YMCA Drive, Waxahachie, TX, requested an electronic message sign to increase visibility to the general public. He noted his building sits about 10 feet lower than Hwy. 77.

Planning Director Clyde Melick presented the following Staff Comments:

1. Applicant requests a zoning change for a specific use permit for an electronic message sign
2. Attention should be paid to both aesthetics and use when approving Electronic Message Boards
3. A maximum of 70% of the sign face may be devoted to changeable sign copy; remainder must be fixed, as presented this sign does not comply
4. Applicant must show on plans the height where the sign will be located on the building

5. Any electronic message sign closer than 400 feet from a residence must not be illuminated between the hours of 10:00 pm and 6:00 am
6. Applicant shall provide 5 corrected copies of complete Site Plan to the Planning Department within 30 days of City Council approval

Mr. Reagan noted the sign face will be adjusted to comply with Staff Comments and will be about 25 feet in height.

There being no others to speak for or against ZA 2014-10, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve the request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail (GR) Zoning District for an electronic message center on building located at 101 YMCA Drive, being 0.806 acres, Lot IAA, Block A, Lakeridge I Addition– Owner: David Reagan (ZA 2014-10), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Jim Cooper opened the Public Hearing on a request by Thomas M. Schwing, for a Specific Use Permit within a Light Industrial-1 (LI-1) and Future Development (FD) Zoning District to allow parking of tractor trailers and outside storage of bins/containers located at 4725 N. IH 35E, being 14.162 acres in the E C Newton Survey, Abstract No. 790– Owner: Thomas M. Schwing (ZA 2014-11).

Mr. Thomas Schwing, 4725 N. I35E, Waxahachie, TX, requested approval to park and store trucks and trailers on his property.

Mrs. Paulette Schwing noted they own approximately 14 acres and the first 6 acres of the property wouldn't be used so as to keep with the beautification of I35. She noted her family is trying to make income on the property. Mrs. Schwing provided pictures of surrounding businesses with trucks on gravel parking.

Mrs. Ramsey noted some of the properties shown may have been in business before the 2007 Comprehensive Plan was adopted; therefore, are not required to comply with new zoning laws.

Planning Director Clyde Melick reviewed the following Staff Comments:

1. Applicant requests a zoning change for a specific use permit for outside storage and tractor trailer parking.
2. The applicant is proposing no additional improvements to the property that are required by our zoning ordinance.
3. Trailer parking is an allowable use on the property that is zoned Light Industrial – 1, there are requirements for landscape, paving, etc.

4. Fire Department access roads will have to be available on this property. Gravel drives will not suffice for fire apparatus.
5. 2007 Future Land Use Plan has this area being Highway Commercial. This calls for traditional commercial land uses that are developed to higher standards due to higher visibility.
6. Applicant shall provide 5 corrected copies of complete Site Plan to the Planning Department within 30 days of City Council approval

Mr. Melick referenced item 4 of the Staff Comments.

Chairman Cooper asked City Attorney Steve Chapman if the property can be treated as an infill lot since properties on both sides of the applicant are storing trucks as requested by Mr. Schwing. Mr. Chapman noted it is the discretion of the P&Z commission.

There being no others to speak for or against ZA 2014-11, Chairman Cooper closed the Public Hearing.

Mr. Rick Keeler asked if there has been any instance in which the city has waived the requirements in an area like this and Mr. Melick noted not to his knowledge. Mr. Keeler note he sympathizes with the applicant and agrees they have a right to make money on their property; however, the commission's duty is to enforce the zoning ordinance in place.

Mr. Rick Keeler moved to approve the request by Thomas M. Schwing, for a Specific Use Permit within a Light Industrial-1 (LI-1) and Future Development (FD) Zoning District to allow parking of tractor trailers and outside storage of bins/containers located at 4725 N. IH 35E, being 14.162 acres in the E C Newton Survey, Abstract No. 790– Owner: Thomas M. Schwing (ZA 2014-11), subject to Staff Comments. Ms. Melissa Ballard seconded, **All Ayes.**

Mr. Melick announced that in order for City Council to override the Commission's recommendation, a super majority vote is needed.

Chairman Cooper opened the Public Hearing on a request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail-Planned Development (GR-PD) Zoning District for an electronic message center on existing pole sign located at 3390 N. Hwy. 77, being 1.183 acres, Lot 1R, Block 2, High Point Estates– Owner: Terry Nay (ZA 2014-12).

Mr. Terry Nay, 3390 N. Hwy. 77, Waxahachie, TX, requested approval to replace the existing business sign with an electronic message sign. He noted the sign will be used to advertise both businesses at the location.

Planning Director Clyde Melick reviewed the following Staff Comments:

1. Applicant requests an Specific Use Permit for electronic message sign on an existing pole sign
2. Attention should be paid to both aesthetics and use when approving Electronic Message Boards
3. Pole signs are no longer allowed on Highway 77 but they can replace the existing sign cabinet
4. New cabinet may not be taller, or larger than existing sign cabinet
5. A maximum of 70% of the sign face may be devoted to changeable sign copy; remainder must be fixed, as presented this sign does not comply
6. Any electronic message sign closer than 400 feet from a residence must not be illuminated between the hours of 10:00 pm and 6:00 am
7. Applicant must show on plan the dimensions of existing pole sign: height, width and setback
8. Within 30 days of approval by City Council, applicant to provide City Building and Development Department with five complete corrected copies of Site Plan

There being no others to speak for or against ZA 2014-12, Chairman Cooper closed the Public Hearing.

Ms. Bonney Ramsey moved to approve the request by Douglas Jorgensen, Signs Manufacturing, for a Specific Use Permit within a General Retail-Planned Development (GR-PD) Zoning District for an electronic message center on existing pole sign located at 3390 N. Hwy. 77, being 1.183 acres, Lot 1R, Block 2, High Point Estates– Owner: Terry Nay (ZA 2014-12), subject to Staff Comments. Mr. Anthony Mottla seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit within a Planned Development-1-Commercial (PD-1-C) Zoning District for a pole sign and electronic message board to be located at 1326 US 287 Bypass, being Lot 5R-D, Block A, RVG Plaza– Owner: Adam Arredondo (ZA 2014-13).

Mr. Chris Reeves, 306 W. Main Street, Waxahachie, TX, requested approval of an electronic message board.

Planning Director Clyde Melick reviewed the following Staff Comments:

1. Applicant requests an Specific Use Permit for electronic message and pole sign
2. Attention should be paid to both aesthetics and use when approving Electronic Message Board
3. Sign is located at 27 feet setback from property line, so sign height can be at a maximum of 27 feet

4. Any electronic message sign closer than 400 feet from a residence must not be illuminated between the hours of 10:00 pm and 6:00 am
5. Within 30 days of approval by City Council, applicant to provide City Building and Development Department with five complete corrected copies of Site Plan

Mr. Melick noted the sign height can be at a maximum of 27 feet.

There being no others to speak for or against ZA 2014-13, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve the request by Chris Reeves, Quickway Signs, for a Specific Use Permit within a Planned Development-1-Commercial (PD-1-C) Zoning District for a pole sign and electronic message board to be located at 1326 US 287 Bypass, being Lot 5R-D, Block A, RVG Plaza– Owner: Adam Arredondo (ZA 2014-13), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Rob Baldwin, Baldwin Associates, for a Site Plan approval and Specific Use Permit within a Planned Development (PD) Zoning District to build a skilled nursing facility to be located on Country Meadows Boulevard– Owner: WCE 2013 Charitable Remainder Unitrust (ZA 2014-07).

Mr. Rob Baldwin, 3904 Elm Street, Dallas, TX, requested approval to build a skilled nursing facility. He requested a variance of the 90% masonry requirement.

Mr. Anthony Mottla noted the architectural elevations on the plans provided aren't adding up.

Mr. Baldwin noted the architect will provide revised exhibits and requested to have the public hearing postponed to the May 28, 2014 meeting.

Mr. Rick Keeler moved to continue the Public Hearing on a request by Rob Baldwin, Baldwin Associates, for a Site Plan approval and Specific Use Permit within a Planned Development (PD) Zoning District to build a skilled nursing facility to be located on Country Meadows Boulevard– Owner: WCE 2013 Charitable Remainder Unitrust (ZA 2014-07) to the Planning and Zoning Commission meeting of May 28, 2014. Ms. Melissa Ballard seconded, **All Ayes.**

Mr. Rob Baldwin requested approval of the Preliminary Plat of Lot 1, Block A, Country Meadows being a 7.6393 acre addition in the Henri Levy Survey, Abstract No. 629-Owner: WCE 2013 Charitable Remainder Unitrust (PLM 2014-08).

Planning Director Clyde Melick presented the following Staff Comments:

- 1) Applicant proposed to plat one 7.6 acre lot to accommodate a skilled nursing facility

- 2) The intersection of Country Meadows Blvd. and US HWY 77 is either at or very near capacity for an unsignaled intersection. Unknown what effect this facility will have on this intersection. I would recommend a TIA.
- 3) Onsite and offsite drainage areas are not delineated, Confirm offsite drainage areas that convey storm water run-off across or through this development.
- 4) Drainage plan shows onsite drainage systems connecting to existing storm drain inlets and drainage system in Country Meadows Blvd. Provide confirmation these inlets laterals and storm drainage pipes have adequate capacity to convey these point discharges.
- 5) The drainage plan does not show how the detention facility connects to the drainage system.
- 6) This site drains into a system that is located under Country Meadows Blvd. This system outfalls into a ditch that runs across Kriss Riser Estes, et al 73.224 acre tract. This ditch is not in an easement and is under private maintenance. This ditch must be cleaned and the flow line restored prior to final acceptance. An easement should be secured before the final approval of final plat.
- 7) The utility plans show water and sewer infrastructure to be expended along the east side of Highway 77 from the northern property line of this addition down to Mustang Creek and connecting to the City's existing utility infrastructure at this point. This will require off-site utility easements.
- 8) Confirm design flow and capacity of the proposed 8-inch sanitary sewer. Design flows should include all offsite sanitary sewer flows expected to be served by the proposed sanitary sewer.
- 9) Provide dimensions on the location of the water line and sanitary sewer located within the proposed offsite utility easement.
- 10) Applicant should meet with City staff to review comments above along with proposed plat mark-up notes and resubmit corrected plats for processing.

Mr. Baldwin noted they are in agreement with all Staff Comments and the Traffic Impact Analysis should be completed by the end of the month.

Mr. Rick Keeler moved to approve the Preliminary Plat of Lot 1, Block A, Country Meadows being a 7.6393 acre addition in the Henri Levy Survey, Abstract No. 629-Owner: WCE 2013 Charitable Remainder Unitrust (PLM 2014-08), subject to Staff Comments. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Cooper announced the applicant requested Preliminary Plat of Country Meadows Phase 3-5, being Lot 19, Block A; Lots 17-29, Block C; Lots 1-17, Block D; Lots 1-17, Block E; Lots 1-16, Block F; Lots 1-18, Block G; Lots 1-6, Block H; Lots 1-5, Block K; Lots 11-15, Block L; Lots 1-28, Block M; Lots 1-3, Block N; Lots 2-27, Block O; Lots 1-3, Block P; Lots 1-19, Block Q; Lots 1-12, Block R; Lots 1-22, Block S; Lots 1-12, Block T; Lots 1-8, Block U; Lots 1-7, Block V; Lots 1-13, Block W; Lots 1-16, Block X; Lot 1, Block Y; Lots 1-10, Block Z; Lots 1-14, Block AA; and Lot 1, Block AB; being 83.186 acres of land in the Henri Levy Survey, Abstract No. 629 and the Robert Russell Survey, Abstract No. 911-Owner: Moritz Interest, LTD (PLM 2014-13) be moved to the May 28, 2014 meeting.

Mr. Rick Keeler moved to deny without prejudice the Preliminary Plat of Camden Park being 48.573 acre tract of land out of the Silas M. Durett Survey, Abstract No. 272-Owner: WAXENNIS 5142 LLC (PLM 2014-09). Mrs. Bonney Ramsey seconded, **All Ayes.**

Citizens' Petitions and Requests

Chairman Jim Cooper requested to go into Executive Session. City Attorney Steve Chapman advised the commission to remain in open session due to lack of legal reasoning. It was the consensus of the commission to look at ways to ensure Staff Comments are being implemented before building permits and certificate of occupancies are issued.

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary