

Planning and Zoning Commission
July 8, 2015

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, July 8, 2015 at 4:30 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Jim Cooper, Chairman
Betty Jefferson, Vice Chairman
Rick Keeler
Bonney Ramsey
Melissa Ballard
Jim Phillips

Others Present: Clyde Melick, Director of Planning
Derica Peters, Planning & Development
Coordinator
Lori Saunders, City Secretary
David Hill, Council Representative

Others Absent: Steve Chapman, City Attorney

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

Mrs. Bonney Ramsey moved approval of the minutes of the regular Planning & Zoning Commission meeting of June 24, 2015. Ms. Melissa Ballard seconded, **All Ayes.**

{Vice Chairman Betty Jefferson arrived at 4:34 p.m.}

Chairman Cooper opened the Public Hearing on a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use Permit for a rooftop solar panel system located at 228 Equestrian Dr., being Lot B, Block 24 of Mustang Creek Ph. 1, being 0.20 acres—Owner: Hector Alvarez (ZA 2015-16).

Mr. Stacy Linderbaum, 10430 Shady Trail, Dallas, Texas, representing the Applicant, requested approval for a rooftop solar panel system.

Mr. Clyde Melick, Director of Planning, reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) rooftop solar panel system.
- 2) Solar panel systems must be approved by a Specific Use Permit
- 3) This is a two story home
- 4) The solar panels are visible from the right of way
- 5) The side and back pitches of the roof will be more than 75% covered by solar panels; the front will be approximately 50% covered

There being no others to speak for or against Zoning Amendment 2015-16, Chairman Cooper closed the Public Hearing.

After a brief discussion, Mr. Jim Phillips moved to approve a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use Permit for a rooftop solar panel system located at 228 Equestrian Dr., being Lot B, Block 24 of Mustang Creek Ph. 1, being 0.20 acres—Owner: Hector Alvarez (ZA 2015-16), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use

Permit for a rooftop solar panel system located at 202 Blue Roan Dr., being Lot C, Block 1 of Mustang Creek Ph. 1, being 0.21 acres—Owner: Bradley Burkham (ZA 2015-17).

Mr. Stacy Linderbaum, 10430 Shady Trail, Dallas, Texas, representing the Applicant, requested approval for a rooftop solar panel system.

Mr. Melick reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) rooftop solar panel system.
- 2) Solar panel systems must be approved by a Specific Use Permit
- 3) This is a two-story house on a corner lot
- 4) The side pitches of the roof will be more than 50% covered by solar panels, the back is more than 75% covered, and the front will not have panels
- 5) There are already two panels on the roof facing the side street, Tanner Drive

There being no others to speak for or against Zoning Amendment 2015-17, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve a request by Stacy Linderbaum of Solar City, for a Zoning Change from Single Family-2 (SF-2) to Single Family-2 (SF-2) with a Specific Use Permit for a rooftop solar panel system located at 202 Blue Roan Dr., being Lot C, Block 1 of Mustang Creek Ph. 1, being 0.21 acres—Owner: Bradley Burkham (ZA 2015-17), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Albert Garcia for a Zoning Change from General Retail (GR) to General Retail (GR) with a Specific Use Permit for a drive through located at 713 Ferris Ave., being Lot 1 and 20, Block 21 of Williams Addition—Owner: Sarath Khun (ZA 2015-18).

Mr. Albert Garcia, P.O. Box 54, Italy, Texas, representing the owner, reported the purpose of the drive through is for a donut shop.

Mr. Melick stated patrons will utilize 2nd Street only and not enter the donut shop from Ferris Avenue. He reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for a drive through for a donut store
- 2) A restaurant within General Retail zonings requires the approval of a Specific Use Permit to allow for a drive thru window
- 3) The six (6) stacking spaces for the drive thru are not present, only have four (4) spaces
- 4) This will be a donut store going into the existing house on the site
- 5) The driveway is separate from and does not interfere with the parking lot
- 6) Requirements for parking landscaping are not met, must provide landscape plans
- 7) Should mitigate tree removal with additional canopy trees
- 8) Driveway needs to drain towards existing inlet. Grading must not flood adjoining property

There being no others to speak for or against Zoning Amendment 2015-18, Chairman Cooper closed the Public Hearing.

After further discussion, Vice Chairman Betty Jefferson moved to approve a request by Albert Garcia for a Zoning Change from General Retail (GR) to General Retail (GR) with a Specific Use Permit for a drive through located at 713 Ferris Ave., being Lot 1 and 20, Block 21 of Williams Addition—Owner: Sarath Khun (ZA 2015-18), subject to Staff Comments. Mr. Rick Keeler seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Doug & Karla Gibson for a Zoning Change from Central Area (CA) to Central Area (CA) with a Specific Use Permit for a winery located at 110 N. College, Lot 5-8, Block 1, O T Waxahachie Addition–Owner: Jim Lake (ZA 2015-19).

Karla and Doug Gibson, 110 Postoak Drive, Waxahachie, reported the purpose is to make, bottle and sell wine including wine tastings.

Mr. Melick reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for a winery
- 2) A winery is permissible only in the Central Area with a Specific Use Permit
- 3) This will be located in 110 North College, on the first floor of the Rogers Hotel
- 4) The applicant is currently in the process of getting approval through the appropriate state agencies that regulate alcohol production and sales

There being no others to speak for or against Zoning Amendment 2015-19, Chairman Cooper closed the Public Hearing.

After further discussion, Mrs. Bonney Ramsey moved to approve a request by Doug & Karla Gibson for a Zoning Change from Central Area (CA) to Central Area (CA) with a Specific Use Permit for a winery located at 110 N. College, Lot 5-8, Block 1, O T Waxahachie Addition–Owner: Jim Lake (ZA 2015-19), subject to Staff Comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Darren & Rena Bowden for a Zoning Change from Single Family-1 (SF-1) to Single Family-1 with a Specific Use Permit for a detached garage located at 209 Oak Creek Dr., being Lot 12, Block 2 of Spring Creek Farm Addition– Owner: Darren & Rena Bowden (ZA 2015-20).

Mr. Darren Bowden, 209 Oak Creek Drive, Waxahachie, reported he will remove his existing structure and replace it with a new detached garage being approximately 1,728 square foot. He stated the roof will match the existing house roof and requested the building materials be cement fiber board due to he can't match the brick on the house due to the age of the house.

Mr. Melick reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for a detached accessory building
- 2) A Specific Use Permit is required for the construction of an “Accessory Building (Residential)” greater than 700 square feet within Single Family-1 zoning
- 3) The applicant proposes the construction 1,728 square foot Accessory Building
- 4) Any Accessory Building greater than 500 feet must match the building materials of the main structure.
- 5) The building materials are not consistent with the existing main structure, which is masonry on the front of the building. The applicant wants to build the garage with cement fiber board siding and a metal roof.
- 6) The garage/accessory building is proposed to be located 300 ft behind the front property line
- 7) No residential use is allowed in this accessory building

There being no others to speak for or against Zoning Amendment 2015-20, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve a request by Darren & Rena Bowden for a Zoning Change from Single Family-1 (SF-1) to Single Family-1 with a Specific Use Permit for a detached garage located at 209 Oak Creek Dr., being Lot 12, Block 2 of Spring Creek Farm Addition– Owner: Darren & Rena Bowden (ZA 2015-20), subject to Staff Comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper announced, per the request of the Applicant, the request for Final Plat of Saddlebrook Estates Phase 1B-2, and 1B-3 for 121 residential lots, being 33.391 acres of the M. Raffery Survey, Abstract no. 898 and the G. Carpenter Survey, Abstract No. 190 – Owner - Wax 77 Investments, LP (FP2015-11) has been moved to the Planning and Zoning Commission meet of August 12, 2015.

Mr. Larry Kates, Hunt Properties, 8235 Douglas Avenue, Dallas, Texas requested approval for a Final Plat for Waxahachie Town Crossing, a 26.325 acre commercial development, situated in the Henri Levy Survey Abstract No. 629 - Owner: Way 77 Investors LP (FP 2015-16).

Mr. Melick reviewed the following Staff Comments. He referenced item 3 noting the Applicant is working with TxDot on the public infrastructure.

- 1) Applicant proposes final plat for the development of a retail shopping center
- 2) Applicant preliminarily platted 4 lots and is now proposing 8 lots to accommodate additional outparcels
- 3) In the event that a development has not completed installment of public infrastructure, a Final Plat may be accepted if developer's issue a Letter of Credit as security to pay for public improvements. A Lett of Credit has been issued for this development for an acceptable amount of \$1,397,864.00
- 4) Signal light must be installed by the applicant once it is permitted by TXDOT
- 5) Street lights need to be installed on Bessie Coleman and Country Meadows
- 6) Parkland dedication fee is \$600 per acre
- 7) Within thirty (30) days after City Council approval provide City Planning Department with twelve (12) corrected copies

Mrs. Bonney Ramsey moved to approve Final Plat for Waxahachie Town Crossing, a 26.325 acre commercial development, situated in the Henri Levy Survey Abstract No. 629 - Owner: Way 77 Investors LP (FP 2015-16), subject to Staff Comments. Mr. Rick Keeler seconded, **All Ayes.**

Mr. Lance Rust, 707 Amherst, Waxahachie, requesting the Applicant, requested approval of a Preliminary Plat for 74 residential lots of Bob White Estates in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 120 acres in the Mary Powers Survey Abstract No. 843, and W.C. Berry Survey Abstract No. 73-Owner: RVG Investments, LLC (PLM 2015-17).

Mr. Melick reviewed the following Staff Comments:

- 1) Applicant is requesting approval of preliminary plat for 74 residential lots in the ETJ
- 2) Need Adequate Fire Protection Letter meeting ISO current guide for needed fire flow, and minimum TCEQ domestic water supply rules & regulations compliance
- 3) A request for exception from complying with the City's Wastewater Collection System Master Plan and stating justification for such exception will be needed
- 4) Change the name of the street Cross Creek Circle
- 5) 40' Building line on lots that touch Bob White and Black Champ Road
- 6) Need written statement from Midlothian releasing their involvement based on a portion of this development being in their ETJ
- 7) Lots 1-5, B-A – Cannot have driveways to existing county road, must have access to interior roads
- 8) Street details need to be provided
- 9) Concrete pilot channel needed: between lots 4 & 5 Block A, Area A and across drainage area in Area B
- 10) Within thirty (30) days after City Council approval provide City Planning Department with twelve (12) corrected copies

Mr. Rust reported item 7 of Staff Comments will be addressed at the Ellis County Commissioners meeting.

After further discussion, Ms. Melissa Ballard moved to approve Preliminary Plat for 74 residential lots of Bob White Estates in the Waxahachie Extra Territorial Jurisdiction (ETJ), being 120 acres in the Mary Powers Survey Abstract No. 843, and W.C. Berry Survey Abstract No. 73-Owner: RVG Investments, LLC (PLM 2015-17), subject to Staff Comments and Ellis County Commissioner's approval. Mr. Jim Phillips seconded, **All Ayes.**

Citizens' Petitions and Request:

Ms. Derica Peters, Planning & Development Coordinator, announced upcoming training opportunities for the Commission. The 22nd Annual North Texas Elected & Appointed Officials Planning Workshop will be held Friday, July 31, 2015 in Arlington, Texas. The Texas Chapter of the American Planning Association's Conference will be held October 18 – 19, 2015 in Galveston, Texas.

Vice Chairman Betty Jefferson announced the Oak Lawn/Turner High School Reunion parade is set for Saturday, July 11, 2015.

Chairman Cooper announced City Council approved for the Planning and Zoning Commission meetings to be on the 2nd and 4th Tuesday at 7:00 p.m. effective October, 2015.

Mr. Melick announced the next joint Comprehensive Plan work session between City Council and the Planning and Zoning Commission is scheduled for Thursday, July 23, 2015 at 5:00 p.m.

There being no further business, the meeting adjourned at 5:22 p.m.

Respectfully submitted,

Lori Saunders
City Secretary