

Planning and Zoning Commission
August 12, 2015

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, August 12, 2015 at 4:30 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Jim Cooper, Chairman
Rick Keeler
Bonney Ramsey
Melissa Ballard
Jim Phillips
Rodney Bell

Member Absent: Betty Jefferson, Vice Chairman

Others Present: Clyde Melick, Director of Planning
Derica Peters, Planning & Development
Coordinator
Lori Saunders, City Secretary
David Hill, Council Representative
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 meetings of July 22, 2015 and July 23, 2015. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Jim Cooper opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Section 10.4 Changes and Amendments to all zoning ordinances and districts and Administrative Procedures-Public hearing and notice, Section 33.11 General Manufacturing and Industrial Uses, Section 33.3 Educational, Institutional and Special Uses, and Section A-3 Definitions.

Ms. Derica Peters, Planning and Development Coordinator, referenced public notice signage noting State Law depicts notice of a public hearing must be published in the local paper 15 days prior to the City Council meeting and that every property owner within 200 feet of the property receive notice of the public hearing. She proposed in addition to the publication and notice to property owners, a sign be posted on the property in advance of the public hearing. This will give the public an opportunity to become more informed and engaged.

Ms. Peters referenced Temporary Batch Plants proposing to remove the permitting of Temporary Batch Plants from the Specific Use Permit process. She explained the Texas Commission on Environmental Quality (TCEQ) oversees these operations by issuing a permit.

Ms. Peters reported there will soon be a development proposed that is going to be a new and unique to our city, one that will operate as a “new and unlisted use.” This will be a resident home for adults with intellectual and developmental disabilities. It will operate in a multi-family, apartment or duplex like setting, and have community facilities on site. The following is the proposed definition of the use:

“Resident home for adults with intellectual and developmental disabilities (IDDs) (aka congregate housing for the mentally impaired)” - A development housing more than six (6) persons, providing self-contained dwelling units specifically designed for the needs of adults with intellectual and developmental disabilities (IDDs), as defined by the Texas Health and Safety Code Chapter 591, who have demonstrated the ability to live independently. Staff and aids providing occasional assistance to the residents and are available on an "as needed" basis (but not full-time individual care) for limited individual treatment or personal care assistance. On-site facilities can be used to provide semi-independent living services (SILS) including: recreational activities, and training and assistance in living skills for both residents and qualified guests.

Zoning Districts - Permitted by Specific Use Permit: MF-1, MF-2

Mr. Judge Hayes, 829 Cantrell, St. Waxahachie, expressed concerned for the proposed location of the adult residential home. He stated the property floods and understood with a multi-family unit the streets must be widened to a four lane which in this case will result in the loss of trees and a fence.

Mr. Melick noted there was a mix up on the public notice Mr. Hayes received referencing the proposed use and explained Staff had to redo the public notice for the Planning and Zoning Commission to consider on August 26, 2015. Mr. Melick stated today the Commission is considering the use and changing the Use Chart.

Mr. Hayes stated he will not be available on August 26th and handed his protest to the City Secretary.

Mr. Lewis Scharringhausen, 830 Cantrell Street, Waxahachie, asked if there was some type of regulatory definition. Ms. Peters stated the Texas Health and Safety Code can be referenced in the definition.

There being no others to speak for or against amending the Waxahachie Zoning Section 10.4 Changes and Amendments to all zoning ordinances and districts and Administrative Procedures-Public hearing and notice, Section 33.11 General Manufacturing and Industrial Uses, Section 33.3 Educational, Institutional and Special Uses, and Section A-3 Definitions, Chairman Cooper closed the public hearing.

After further discussion, Ms. Melissa Ballard moved to approve an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Section 10.4 Changes and Amendments to all zoning ordinances and districts and Administrative Procedures-Public hearing and notice, Section 33.11 General Manufacturing and Industrial Uses, Section 33.3 Educational, Institutional and Special Uses, and Section A-3 Definitions specifically to the Public Notice Signage, Temporary Batch Plants, and New and Unlisted Use. Amending the New and Unlisted Use definition to include Texas Health and Safety Codes 591.003 and 614.000. Mr. Jim Phillips seconded, All Ayes.

Chairman Cooper announced the following have been removed from the agenda and will be considered at a future meeting:

Public Hearing on a request by Breckenridge Group Waxahachie, Texas LP for a Zoning Amendment from Planned Development-91-Single Family-1 (PD-91-SF-1) to a Planned Development-Multi-Family-1 (PD-MF-1) with a Specific Use Permit for a Resident home for adults with intellectual and developmental disabilities located at 212 Cantrell Street in the EW Rogers Survey Abstract No. 896. -Owner: Diane Collard, John Collard, and Eduardo Velez (ZA 2015-26).

Public Hearing on a request by Alan Lauhoff for a Zoning Amendment from Planned Development-71-Single Family-2 Zoning District (PD-71-SF-2) to Planned Development-71-Single Family-3 Zoning District (PD-71-SF-3) located at the intersection of Farley Street and River Oaks Blvd., situated in the B.B. Davis Survey, Abstract No. 290 and W.C. Calder Survey, Abstract No. 235, being 27.988 acres- Owner: Broadhead Highway 287, LTD (ZA 2015-21).

Public Hearing on a request by Alan Lauhoff for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-71-Single Family-3 Zoning District (PD-71-SF-3) located at the intersection of Farley Street and River Oaks Blvd., situated in the B.B. Davis Survey, Abstract No. 290 and W.C. Calder Survey, Abstract No. 235, being 40.469 acres- Owner: Broadhead Highway 287, LTD (ZA 2015-22).

Chairman Cooper opened the Public Hearing on a request by Alex Saracay 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 100 Almond Street in the University Annex Addition, Lots 5B and 9, being 0.2339 acres.-Owner: Art Palmer (ZA 2015-27).

Mr. Alex Saracay, 10430 Shady Trail, Dallas, Texas, representing the Applicant stated the house is on a corner lot and panels will be visible from two streets.

Mr. Art Palmer, 100 Almond Street, Owner, stated he is on a fix income and the solar panels being energy efficient will reduce his utility bill.

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

- 1) Applicant is requesting approval of Specific Use Permit for rooftop solar panel system
- 2) The panels will be placed on both the front and back pitch of the roof, covering approximately 50% of the rooftop
- 3) This house is on a corner lot, so the panels will be seen from Almond Street and Floyd Street right of ways

There being no others to speak for or against Zoning Amendment 2015-27, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to approve 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 100 Almond Street in the University Annex Addition, Lots 5B and 9, being 0.2339 acres.-Owner: Art Palmer (ZA 2015-27), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Ervin Equipment, Inc. for a Zoning Change from Light Industrial-2 and Future Development (LI-2 & FD) to Light Industrial-2 and Future Development (LI-2 & FD) with a Specific Use Permit for Truck and Trailer Rental and Sales located at 4675 I35-E in the EC Newton Survey Abstract No. 790, and J. Shaver Survey Abstract No. 1000-Owner: Louis Estrada (ZA 2015-28).

Mr. Jeff Weber, Ervin Equipment, Inc., 608 N. Ohio St., Toledo, IL, reported the company is looking to utilize approximately 400 feet along Interstate 35 for the display of semi tractors.

Mr. Clyde Melick, Director of Planning, reported at a previous meeting the request was denied and lacked landscaping. He noted in 2003 Ervin Equipment, Inc. received a Certificate of Occupancy for the sale of trailers. Since that time the city adopted different classifications of specifications for sales in this area. He reviewed the following Staff Comments:

- 1) Applicant is requesting approval of a Specific Use Permit (SUP) for the used tractor sales.
- 2) They are requesting to utilize pavement along Interstate 35 for 400 ft, and 80 ft deep, for the display of the tractors, while allowing the storage of trailers on gravel at the back of the lot.
- 3) The storage of the trailers on the back part of the lot is a legal non-conforming use that is not affected by this application.
- 4) The 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. The Highway Commercial designation allows for some commercial uses while maintaining a positive image of Waxahachie along the Interstate 35 corridor.

- 5) Flood Plain limits must be shown on the site plan. Any work within the floodplain must be determined by engineering methods, performed by a Professional Engineer, which creates no rise to the flood plain.
- 6) There will be landscaped clusters of ornamental trees and shrubs placed within the landscaped frontage. The requirement for street trees has now been met.
- 7) A 6 ft high wrought iron fence is proposed
- 8) Generally, undeveloped lands surround this site; any residential is greater than 500' away

Mr. Jim Phillips asked if there was lighting on the highway frontage side of the property. Mr. Weber stated there are three (3) lights on the frontage side of the property and three (3) lights to the back of the property.

There being no others to speak for or against Zoning Amendment 2015-28, Chairman Cooper closed the Public Hearing.

Mrs. Bonney Ramsey moved to approve a request by Ervin Equipment, Inc. for a Zoning Change from Light Industrial-2 and Future Development (LI-2 & FD) to Light Industrial-2 and Future Development (LI-2 & FD) with a Specific Use Permit for Truck and Trailer Rental and Sales located at 4675 I35-E in the EC Newton Survey Abstract No. 790, and J. Shaver Survey Abstract No. 1000-Owner: Louis Estrada (ZA 2015-28), subject to Staff Comments. Ms. Melissa Ballard seconded, the vote was as follows:

Ayes:	Jim Cooper Bonney Ramsey Melissa Ballard Jim Phillips Rodney Bell
Noes:	Rick Keeler

The motion carried.

Mr. Brad Yates, 1025 W. Main Street, Waxahachie, presented a concept of an Infill Planned-Development on Royal Street. He presented a rendering of the property and proposed layout of homes. Mr. Yates reported the property is approximately two (2) acres and each lot will have its own lot and block number and sold separately. Mr. Clyde Melick recommended all lots be rear entry. He noted the property is close to green space and in walking distance to downtown.

Mrs. Bonney Ramsey asked the square footage on each home. Mr. Yates stated the average square footage will range from 1,000 to 1,600 square feet.

The Commission commended Mr. Yates for his dedication to Infill Planned-Development.

No action taken.

Mr. Cody Brooks, Bannister Engineering, LLC, 1696 Country Club Drive, Mansfield, Texas, requested approval of Final Plat of 52 residential lots for Sandstone Ranch Phase 1, being 29.109 acres located in the Robert Russell Survey Abstract No. 911–Owner: Sandstone Waxahachie Development LLC (FP 2015-22).

Mr. Clyde Melick, Director of Planning, reviewed the following Staff Comments. He referenced item 5 allowing until October 2015 to install landscaping due to the current hot weather conditions.

- 1) Applicant is final platting 52 residential lots in Sandstone Ranch Phase 1
- 2) Need: as-builts, inspection fees, contracts, and bonds
- 3) At least two panels of the sidewalk need to be replaced so that it doesn't interfere with the landscape to the south
- 4) An approved walk-through inspection must be completed by the time of filing the plat
- 5) Landscaping along screening wall must be installed within 3 months of approval, is expected to be installed by October 2015
- 6) No plat will be filed until all comments have been satisfied
- 7) Applicant to submit twelve (12) corrected copies with original signatures within thirty (30) days of City Council approval

Mr. Jim Phillips moved to approve Final Plat of 52 residential lots for Sandstone Ranch Phase 1, being 29.109 acres located in the Robert Russell Survey Abstract No. 911–Owner: Sandstone Waxahachie Development LLC (FP 2015-22), subject to Staff Comments. Mr. Rodney Bell seconded, **All Ayes.**

Mr. Larry Pope, 305 Grand Avenue, Waxahachie, requested approval of a Replat of West End Addition of Block 14, Lots 1-4, being 3.286 acres located at 301-303, 305, and 307 Grand Avenue –Owner: Larry Pope (RP 2015-21).

Mr. Melick stated is it a standard replat. He reviewed the following Staff Comments:

1. The applicant wishes to replat 4 lots to adjust lot lines
2. These lots are located in the inundation zone for the Katy Lake Dam. The developer must obtain a copy of and add these lots and owners to the action plan and notice list.
3. Applicant to submit twelve (12) additional corrected copies with all with original signatures of property owners within thirty (30) days of City Council approval

Mr. Rick Keeler moved to approve Replat of West End Addition of Block 14, Lots 1-4, being 3.286 acres located at 301-303, 305, and 307 Grand Avenue –Owner: Larry Pope (RP 2015-21), subject to Staff Comments.

Mr. Jeff Crannell, Crannell, Crannell & Martin Engineering, 2570 Justin Road, Lewisville, Texas, requested approval of Preliminary Plat of Camden Park for 99 residential lots, being 23.486 acres in the Silas M. Durrett Survey, Abstract No. 272–Owner: Wax Ennis 5142 LLC (PLM 2015-07).

Mr. Melick reported the Applicant proposes the platting of 99 residential lots for Camden Park. He stated there are a number of detailed consulting engineer comments the applicant will have to heed to. He noted the lake area will be a private park maintained by the homeowners and it will not be a city park. The lake maintains a constant level of water and is used to irrigate the greenery located behind the property.

Ms. Melissa Ballard moved to approve Preliminary Plat of Camden Park for 99 residential lots, being 23.486 acres in the Silas M. Durrett Survey, Abstract No. 272–Owner: Wax Ennis 5142 LLC (PLM 2015-07), subject to Staff Comments. Mr. Jim Phillips seconded, **All Ayes.**

Mr. Jake Finch, Jacob Engineering, 16380 Addison Road, Addison, Texas requested approval of Final Plat of the Saddlebrook Estates Phase 1B-1, 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 190. – Owner: Wax 77 Investments, LP (FP 2015-11).

Mr. Melick reviewed the following Staff Comments noting the Applicant is working on resolving the issues. He noted the subdivision is maturing very nicely.

- 1) Applicant is final platting 73 residential lots in Saddlebrook Estates Phase 1B-1,2,3
- 2) An approved walk-through inspection must be completed by the time of filing the plat
- 3) Inspection fees, contracts, and bonds still outstanding.
- 4) Meter cans need to be exposed or raised, finish grade behind backs of curbs is rough in some places, light poles need to be repaired, finish erosion control, clean roads
- 5) Screening wall must be completed
- 6) Landscaping along screening wall must be installed within 3 months of approval, is expected to be installed by October 2015
- 7) No plat will be filed until all comments have been satisfied
- 8) Applicant to submit twelve (12) corrected copies with original signatures within thirty (30) days of City Council approval

Mr. Jim Phillips moved to approve Final Plat of the Saddlebrook Estates Phase 1B-1, 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 190. – Owner: Wax 77 Investments, LP (FP 2015-11), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Mr. Floyd Bates, 316 Spring Grove, Drive, Waxahachie, representing Applicant, requested approval for Replat of Littleton Estates Lots 4A and 4B, being 10 acres located at 1230 Brown Street– Owner: Church of God, Waxahachie (RP 2015-23).

Mr. Melick reviewed the following Staff Comments:

1. The applicant wishes to replat Littleton Estates
2. Instead of creating what is proposed to be a new lot as “Lot 4B, 4.664 acres”, the plat should instead incorporate this into Lot 3.
3. An additional fire hydrant is needed on Brown St on the new lot
4. Applicant to submit twelve (12) additional corrected copies with all with original signatures of property owners within thirty (30) days of City Council approval

After further discussion, Ms. Melissa Ballard moved to approve Replat of Littleton Estates Lots 4A and 4B, being 10 acres located at 1230 Brown Street– Owner: Church of God, Waxahachie (RP 2015-23), subject to Staff Comments. Mr. Jim Phillips seconded, **All Ayes.**

Citizens’ Petitions and Request:

Councilmember David Hill thanked the Commission for approving the agenda items and allowing the Applicants to work through issues with Staff Comments.

Mr. Melick thanked Ms. Derica Peters for her hard work on the zoning ordinance.

Ms. Derica Peters referenced the upcoming State Planning Conference slated for October 8-9, 2015 in Galveston and asked the Commission to notify her by next week if they plan to attend.

There being no further business, the meeting adjourned at 5:37p.m.

Respectfully submitted,

Lori Saunders
City Secretary