

Planning and Zoning Commission
January 12, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, January 12, 2016 at 7:00 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

Members Present: Jim Cooper, Chairman
Betty Jefferson, Vice Chairman
Bonney Ramsey
Jim Phillips
Rodney Bell

Members Absent: Rick Keeler
Melissa Ballard

Others Present: Michael Scott, Assistant City Manager
Steve Chapman, City Attorney
Lori Saunders, City Secretary
Derica Peters, Planning & Development
Coordinator
David Hill, Council Representative

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 December 8, 2015. Mr. Rodney Bell seconded, All Ayes.

Chairman Cooper opened the Public Hearing on a request by Matt Barnett for a Specific Use Permit for a Rooftop Solar Panel System in a Planned Development-69-Single Family-3 (PD-69-SF-3) Zoning District for the property located at 130 Liberty Way being Lot 10, Block O, in Settlers Glenn Addition Phase 2, 0.1602 acres-Owner: Brian & Phyllis Bopp (ZA 2015-45).

The Applicant was not present.

Mr. Jim Phillips moved to postpone ZA2015-45. Vice Chairman Betty Jefferson seconded,

Applicant arrived, therefore the motion and second was withdrawn.

Mr. Matt Barnett, 3860 Washburn, Fort Worth, Texas, representing the applicant, stated the package is a 12 panel solar system and will be located on the south pitch of the roof. Panels will be black to match the roof.

Mr. Steven Blevins, 235 Old Spanish Trail, Waxahachie, stated his property backs the proposed property and asked for clarification of the location of the solar panels. Mr. Barnett explained the panels will be on the south pitch of the house and will not be facing Mr. Blevins back yard.

[Vice Chairman Betty Jefferson stepped out of the meeting]

Mr. Blevins referenced Zoning Ordinances and restrictions stating they are intended to be permanent, binding, enforceable and unchangeable upon and on behalf of every owner and every property. He noted the proposed Solar Panel system violates the spirit and purpose of the Ordinances and Rules that were established to protect property owners.

There being no others to speak for or against ZA2015-45, Chairman Cooper closed the Public Hearing.

Mrs. Derica Peters, Planning & Development Coordinator, reviewed the following Staff Comments:

Development Review

- Applicant is proposing approximately 12 solar panels, on the south pitch of the roof. This is the side of the home
- The panel system is a total of 180 square ft. covering approximately 27% of the south roof pitch
- They will be visible from the right of way as one approaches the house from the south
- Solar panels must match pitch of roof

Applicant Requirements

Building Permit is required to proceed with installation

Mrs. Bonney Ramsey moved to approve a request by Matt Barnett for a Specific Use Permit for a Rooftop Solar Panel System in a Planned Development-69-Single Family-3 (PD-69-SF-3) Zoning District for the property located at 130 Liberty Way being Lot 10, Block O, in Settlers Glenn Addition Phase 2, 0.1602 acres-Owner: Brian & Phyllis Bopp (ZA 2015-45), subject to Staff Comments. Mr. Jim Phillips seconded. The vote was as follows:

Ayes: Jim Cooper
Bonney Ramsey
Jim Phillips
Rodney Bell

Absent: Betty Jefferson

The motion carried.

Chairman Cooper opened the Public Hearing on a request by Tilson Home Corporation for a Specific Use Permit for a Pole Sign and Outdoor Display of Model Homes in a General Retail (GR) Zoning District, for the property located at the intersection of Compton Rd. and the Interstate 35 Service Road, situated in the J. Fifer Survey, a-351, being 16.684 acres –Owner: LBW Holdings, LP (ZA 2015-46).

Mr. Eric Allen, Tilson Homes, 208 Hidden Valley Circle, Midlothian, Texas, presented renderings of their design center depicting 3 model homes and Tilson design standards. He stated the property is the most geographically desirable location for Tilson Homes. Mr. Allen reported out of the 16 acres Tilson Homes needs approximately 2.15 acres for the design center and use the remaining 14 acres to partner with the City to target and pursue ideal suitors for mixed use non-residential development.

Ms. Peters reviewed the following Staff Comments:

Background

- Applicant is proposing a development to display 2 model homes and an office/sales center for their home building company.
- This is considered “outdoor display” and will require a specific use permit.
- This development will only apply to 2.15 acres of this tract of land.
- This homebuilder was seeking a location to display model homes to the public. This home builder caters to development outside of the city limits, in that they do not always meet our design standards.

Development review

- This location has not been platted; however, we have found some points to note with the infrastructure: a 25’ right of way dedication is needed on Compton Road; the entry location and configuration for this site on the I-35 E feeder road will require TXDOT approval.
- Landscape plans must be provided by a registered landscape architect and should include detailed tabulations – landscape not reviewed in full
- Homes are to be used as display and not as a dwelling unit

Future Land Use

- The Future Land Use Plan calls for “Mixed Use Non Residential” Development – examples include Cedar Hill Uptown Village.
- This proposed development does not comply with the Future Land Use plan.
- The reconstruction of I-35, along with associated reconstruction of bridges at Brookside, will provide extensive aesthetic improvements to this corridor.
- This development would be highly visible from Interstate 35, and will be especially prominent for those exiting from the north to get on Cantrell Street, a primary gateway road into downtown.

Pole Sign

- Applicant is proposing a pole sign, requiring a specific use permit.
- Sign proposed is 62' high, with a sign area of 288 sq. ft.
- All pole signs must be supported by a single or dual freestanding pole with masonry columns without guy wires and braces and provide a landscaped, stone-base feature.
- Staff recommends a smaller sign.
- No other signs were reviewed.

Applicant Requirements

1. TXDOT approval for entrance off of I-35 frontage
2. Landscape plan at time of building permit

Those who spoke against Zoning Amendment 2015-46:

Mr. Alvin Riddle, property owner on Compton Drive
Mr. Mike Hans, 334 Compton Lane (representing Compton neighborhood)
Mr. Colby Wilson, 304 Compton Drive
Mr. Paul Hurley, 156 Compton Drive
Ms. Stephanie Simmons, 370 Compton Drive

Concerns from the speakers included: utilities, lighting, and screening.

There being no others to speak for or against ZA2015-46, Chairman Cooper closed the Public Hearing.

Ms. Peters stated if the models are no longer owned by Tilson Homes, they cannot be turned into residential homes. She noted she will add a screening wall to Staff Comments. Ms. Peters stated the pole sign is too high for this location and may recommend to reduce the height.

Mr. Jim Phillips asked how many will be on staff and what happens to these homes after built out. Mr. Allen stated the center will have 3 to 5 staff. He explained Tilson Homes can remodel the model homes twice as taste changes and after 20 years they donate what they can and raise the models and build new ones.

After a lengthy consideration, Mr. Rodney Bell moved to deny a request by Tilson Home Corporation for a Specific Use Permit for a Pole Sign and Outdoor Display of Model Homes in a General Retail (GR) Zoning District, for the property located at the intersection of Compton Rd. and the Interstate 35 Service Road, situated in the J. Fifer Survey, a-351, being 16.684 acres –Owner: LBW Holdings, LP (ZA 2015-46). Mr. Jim Phillips seconded. The vote was as follows:

Ayes: Jim Cooper
Bonney Ramsey
Jim Phillips

Rodney Bell

Noes: Betty Jefferson

The motion carried.

Chairman Cooper opened the Public Hearing on a request by Chris Acker for a site plan review in a Planned Development-25-Commercial (PD-25-C) for a new retail development for the property located at 2100 Brown St., being Block A, Lot 2R, Indian Plaza Revised, 0.557 acres – Owner: Greg Graham, LLC and Rusty’s Car Wash, LLC (ZA2015-47). He announced the Applicant requested to continue the Public Hearing to January 26, 2016.

Mr. Jim Phillips moved to continue the Public Hearing on a request by Chris Acker for a site plan review in a Planned Development-25-Commercial (PD-25-C) for a new retail development for the property located at 2100 Brown St., being Block A, Lot 2R, Indian Plaza Revised, 0.557 acres – Owner: Greg Graham, LLC and Rusty’s Car Wash, LLC (ZA2015-47) to the Planning and Zoning Commission meeting of January 26, 2016. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by JHDMC,LLC for a Zoning Amendment in Planned Development-Zoning District (PD-117) to amend the North Grove Master Plan requirements related to garage standards and street lights for the property being a part of JW Wright Survey a-1182, H Sange Survey a-1009, A Davis Survey a-318, JB & A. Adams Survey a-5, J Billingsley Survey a-83, C H Bernard Survey a-106, H Levy Survey a-629, R Russell Survey a-911, located between Highway 77 and FM 813, being approximately 749 acres Owner: JHDMC,LLC et al (ZA 2015-48).

Mr. Terry Weaver, COO, JHDMC, LLC, 200 Hwy IH35, Red Oak, Texas, requested approval to amend the North Grove Public Improvement District development plan as follows:

- All garage doors on the Single Family Residential Product Table under Minimum Attached Garage Door for Estate and Manor Product Types will be reduced from 28’ to 25’
- Light poles supplied by Oncor, including the Philadelphia, Acorn, and others as approved by City of Waxahachie Staff will be allowed

Mr. Weaver explained the changes will prevent from all front entry garages looking alike and the language change will allow for 4 architectural requirements. He referenced the new addition of Garden Valley noting North Grove will mimic their style. Most houses in North Grove will be alley or side entry with some front entries.

Mr. Michael Scott stated the request is build ability and Staff has no objection.

Ms. Rebecca Bullard, 134 Althea Drive, Waxahachie, expressed concern with her neighborhood, Arbors at Willow Grove, connecting to North Grove Boulevard and the traffic congestion since Academy opened. She asked if the street lighting on North Grove Boulevard will be similar to lighting in her neighborhood. Mr. Scott stated there will be an East/West connection from Highway 77 to FM 813 and that will help with traffic congestion. He noted a light is scheduled to be at Highway 77 beside Academy. He invited Ms. Bullard to meet with Staff to review the entire North Grove Public Improvement District layout.

There being no others to speak for or against ZA2015-48, Chairman Cooper closed the Public Hearing.

Mrs. Bonney Ramsey moved to approve a request by JHDMC,LLC for a Zoning Amendment in Planned Development-Zoning District (PD-117) to amend the North Grove Master Plan requirements related to garage standards and street lights for the property being a part of JW Wright Survey a-1182, H Sange Survey a-1009, A Davis Survey a-318, JB & A. Adams Survey a-5, J Billingsley Survey a-83, C H Bernard Survey a-106, H Levy Survey a-629, R Russell Survey a-911, located between Highway 77 and FM 813, being approximately 749 acres Owner: JHDMC,LLC et al (ZA 2015-48), subject to Staff Comments. Mr. Jim Phillips seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by OHL USA for a Specific Use Permit in a Light Industry-1 (LI-1) for temporary buildings for job trailers for the Interstate 35 widening, located at 4725 N. Interstate 35, being 790 E.C. Newton, 14.162 acres-Owner: Tommy Schwing (ZA 2015-49).

Mr. Kevin Glenn, General Contractor, 210 Stampede Street, Waxahachie, reported the requested use is common for TxDot projects. The materials will belong to OHL USA who contracts with TxDot.

Ms. Peters reviewed the following Staff comments:

Development Review

1. The front portion of this site will be used for job trailers for the Interstate 35 widening project. A specific use permit must be granted for temporary buildings such as this
2. These temporary buildings will be on site for approximately 36 months
3. Applicant proposes:
 - 2 – 36’x56’ offices
 - 1 – 8’x28’ office
 - 1 – 8x40’ storage container
 - 1 – 8x20’ storage container

4. The office trailers will be placed down the middle of the property, and the storage containers must remain at the back of the property
5. Parking will be gravel
6. Staff recommends screening to be installed to provide a visual barrier, as this is a highly visible site on the highway frontage. Screening should be decorative fencing, landscaped, or masonry
7. A concrete batch plant will be placed at the back of this site, and will only be allowed for the duration of the I-35 reconstruction project. It must be removed at time of completion

There being no others to speak for or against ZA2015-49, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to approve a request by OHL USA for a Specific Use Permit in a Light Industry-1 (LI-1) for temporary buildings for job trailers for the Interstate 35 widening, located at 4725 N. Interstate 35, being 790 E.C. Newton, 14.162 acres-Owner: Tommy Schwing (ZA 2015-49), subject to Staff comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Atlas Sign Industries for a site plan review in a Planned Development-20-General Retail (PD-20-GR) Zoning District, related to maximum wall sign area for the property at 401 Hwy. 77, being 148 & 599 WM Baskins & J Johnson Survey, 6.85 acres-Owner: Windward Partners X (ZA 2015-50).

Mr. Richard Simmons, representing Atlas Sign Industries, requested a variance to increase the size of the allotted square footage of a wall sign.

Mr. Scott stated the setback with the larger signage is justified.

Ms. Peters reviewed the following Staff Comments:

Development Review

- Site plan review for a variance to our maximum area allowance on a wall sign for the new retail store Harbor Freight Tools, going in the location where Burke's Outlet is currently
- We allow 1 square feet of wall sign per lineal frontage of tenant space. Applicant proposes 2 square feet of wall sign per tenant space, for a sign being 205 square feet
- This building sits relatively far back from the road, being setback approximately 300ft from the Highway 77

All other signs must comply with Zoning Ordinance regulations.

	<i>Allowed</i>	<i>Proposed</i>
Ratio	1:1	2:1
Square Footage	103 sq. ft.	205 sq. ft.

Applicant Requirements

- Need signature from property owner
- Any sign approved by City Council must also be permitted through the Building Department prior to installation.

Mr. Jim Phillips referenced the numerous retailers in the strip center and stated if they all put signage up per city code, why would the Commission allow a variance for this particular building. Mr. Scott stated through the Planning and Development process applicants could have asked and received larger signs. He stated Staff will go back and review. Mr. Phillips stated if we are going to allow for a variance we need to be consistent with previous request for setbacks.

There being no others to speak for or against ZA2015-50, Chairman Cooper closed the Public Hearing.

Mr. Rodney Bell moved to approve a request by Atlas Sign Industries for a site plan review in a Planned Development-20-General Retail (PD-20-GR) Zoning District, related to maximum wall sign area for the property at 401 Hwy. 77, being 148 & 599 WM Baskins & J Johnson Survey, 6.85 acres-Owner: Windward Partners X (ZA 2015-50), subject to Staff Comments.

Vice Chairman Betty Jefferson seconded. The vote was as follows:

Ayes: Jim Cooper
Betty Jefferson
Bonney Ramsey
Rodney Bell

Noes: Jim Phillips

The motion carried.

Mr. Ivan Brigman, 550 Brigman Road, Maypearl, Texas, requested approval of Final Plat of 17 residential lots of Taylor Ridge Phase 3 in the Waxahachie Extraterritorial Jurisdiction, being 25.784 acres on Oak Vista Rd., situated in the S.B. Orton Survey, a-813-Owner: Tree Hill Homes LP (FP 2015-38).

Ms. Peters reviewed the following Staff Comments and noted Mr. Brigman received County approval:

Development Review

- At least a 10” ue/ bl/de on all side lot lines
- Staff recommends approval per comments

Applicant Requirements

- Applicant to submit ten (10) corrected copies all with original signatures within thirty (30) days of City Council approval, as well as the DWG auto-cad compatible digital drawings
- The Final Plat will then go to Ellis County Commissioner’s Court

Mr. Jim Phillips moved to approve Final Plat of 17 residential lots of Taylor Ridge Phase 3 in the Waxahachie Extraterritorial Jurisdiction, being 25.784 acres on Oak Vista Rd., situated in the S.B. Orton Survey, a-813-Owner: Tree Hill Homes LP (FP 2015-38), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper announced the Applicant for PLM 2015-39 requested to postpone consideration until the Planning and Zoning Commission meeting of January 26, 2016.

Mrs. Bonney Ramsey moved to postpone Preliminary Plat of 60 residential lots for Chautauqua Addition the Waxahachie Extraterritorial Jurisdiction, being 85.890 acres located on Broadhead Road situated in the John Collett Survey, a-221 – Owner: AP Waxahachie Limited Partnership (PLM 2015-39) to the Planning and Zoning Commission meeting of January 26, 2016. Mr. Jim Phillips seconded, **All Ayes.**

Mr. Tony Martin, 513 Sycamore Street, Waxahachie, representing applicant, requested approval of Preliminary Plat of 48 residential lots for Oxford Ranch Two Phase II in the Waxahachie Extraterritorial Jurisdiction, being 69.645 acres located on Westmoreland Rd., situated in the H.G. Hurst Survey, a-458 and T. Cassidy Survey a-255–Owner: Harland Properties (PL M2015-40). He stated the applicant agrees with all Staff Comments.

Ms. Peters reviewed the following Staff Comments:

Development Review

1. Applicant proposes a 69.645 residential development of 48 lots in the Waxahachie ETJ
2. Water is to be served by the Rocket SUD and wastewater will be septic
3. Maximum cul-de-sac length is 600’; the maximum length for the county is 1000’ with the rural nature of this subdivision longer cul-de-sac should be adequate

4. Must comply with Park Dedication Ordinance. This amounts to one acre per 100 dwelling units or \$200.00 per dwelling unit. Director of Parks and Recreation recommends cash in lieu of land collected at time of Final Plat.

County Review Comments:

1. All frontage needs to be labeled on the plat
2. Fire Hydrant locations need to be shown
3. Will lots with floodplain have a useable area outside of the floodplain?
4. Note: Ellis County nor City of Waxahachie is responsible for maintenance on Detention Channel or areas located on block C, Lots 8 & 9 and block B, Lots 17 & 18
5. Remove Judge's signature line
6. Remove Commissioners signature line
7. Label O'Brien Road on the plat
8. More detail on Drainage between lots 17 & 18
9. How will the water be released from the detention channel?
10. Need drainage issues resolved that was permitted for overflow channel on October, 17, 2013

Recommendation:

Staff recommends approval per comments

Vice Chairman Betty Jefferson moved to approve Preliminary Plat of 48 residential lots for Oxford Ranch Two Phase II in the Waxahachie Extraterritorial Jurisdiction, being 69.645 acres located on Westmoreland Rd., situated in the H.G. Hurst Survey, a-458 and T. Cassidy Survey a-255—Owner: Harland Properties (PL M2015-40), subject to Staff Comments. Mr. Rodney Bell seconded, All Ayes.

Mr. Robert Morgan, 621 Chad Street, Italy Texas, requested approval of Replat of Town Addition, Lot 1-3, Block 184, being 3.9551 acres located at 1304 Wyatt St.—Owner: Grantava Holdings, LLC (RP 2015-41). He wishes to replat into 3 lots in order to sell the 2 lots that have existing homes.

Ms. Peters reviewed the following Staff Comments:

Development Review

- Applicant is looking to replat this tract of land in order to carve out a few tracts for the two (2) existing homes, and the remaining tract is not to be developed at this time
- A water and sanitary sewer tap & service will need to be installed for lot 3 prior to filing plat for record. Please contact Mrs. Rita Munoz for a utility investigation application. rmunoz@waxahachie.com or 469-309-4322.
- Staff recommends approval per comments

Applicant Requirements

- Applicant to submit ten (10) corrected copies all with original signatures within thirty (30) days of City Council approval, as well as the DWG auto-cad compatible digital drawings

Vice Chairman Betty Jefferson moved to approve Replat of Town Addition, Lot 1-3, Block 184, being 3.9551 acres located at 1304 Wyatt St.–Owner: Grantava Holdings, LLC (RP 2015-41), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Citizens' Petitions and Request

Chairman Cooper stated hundreds of paper is being used to provide agendas and asked members to think about going to City issued iPad versus paper agendas. He stated the Commission will consider the issue at the meeting of January 26, 2016.

Vice Chairman Jefferson announced the Waxahachie branch of the NAACP and the East Waxahachie community will host the MLK celebration on Monday, January 18th. It will start at the Courthouse at 3:00 p.m. and proceed to the New Mt. Zion for the King Day Forum. She invited all to attend.

There being no further business, the meeting adjourned at 8:44 p.m.

Respectfully submitted,

Lori Saunders
City Secretary