

Planning and Zoning Commission  
January 26, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, January 26, 2016 at 7:00 p.m. in the Council Chamber at 401 S. Rogers, Waxahachie, Texas.

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

Members Absent: Betty Jefferson, Vice Chairman  
Rodney Bell

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

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

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**Mrs. Bonney Ramsey moved approval of the minutes of the regular Planning & Zoning Commission meeting of January 12, 2016. Mr. Jim Phillips seconded, All Ayes.**

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Chairman Cooper 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 (ZA 2015-47).

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, Texas, reported the owner proposes a donut store and empty retail tenant suite.

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

**DEVELOPMENT REVIEW**

1. Applicant is proposing a donut store and empty retail tenant suite
2. The total building will be 2,100 sq. ft.
3. They will be removing half of the existing car wash and vacuum bays on this site

4. They will be pouring additional concrete to expand the foot print of the buildable site
5. This will have a drive thru
6. No signs were reviewed during this site plan. They must be permitted through the Building Dept. and must comply with Zoning Ordinance Sign Regulations.
7. The brick veneer must be 5/8" and laid upon
8. A highly articulated parapet is required, see Zoning Ordinance Section 34.
9. All mechanical equipment must be screened
10. Staff recommends a more articulated, and varied design on the façade of the building
11. Dumpster must be screened with a masonry wall
12. Water Utilities:
  - i. Will need more information on proposed water meter size
  - ii. Will a water meter be needed for landscape irrigation?

Mrs. Bonney Ramsey referenced comments 8 and 10. Ms. Peters stated due to Mr. Acker providing Staff with a revised design, she recommended striking comments 8 and 10.

Mr. Jim Phillips questioned the landscaping. Mr. Acker stated it's a grassy area and TxDot has a huge right of way and he proposed to put all the landscaping on the front site. Mr. Phillips asked if Staff has concerns with the separation from the two properties. Ms. Peters stated a masonry wall is between the two properties and is appropriate.

There being no others to speak for or against Zoning Amendment No. ZA 2015-47, Chairman Cooper closed the Public Hearing.

**Ms. Melissa Ballard moved to approve 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 (ZA 2015-47), subject to Staff Comments, striking comments 8 and 10.** Mr. Jim Phillips seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by Howard Baskin for the renewal of a Specific Use Permit for a Bed and Breakfast in a Single Family-1 (SF-1) Zoning District, for the property located at 717 W. Main St, being Block 328, Town Addition, 0.534 acres –Owner: Larkin Family Trust (ZA 2015-51).

Mr. Howard Baskin, 717 W. Main St., Waxahachie, stated he and his wife owned the property and sold it to the Larkins. Recently the Larkins resold the property back to the Baskin's and they plan to open a Bed & Breakfast. He stated the parking is already in existence.

Mrs. Ramsey asked if events will be held on the property. Mr. Baskins stated he doesn't know the rules and regulations but will comply with regulations.

There being no others to speak for or against Zoning Amendment No. ZA 2015-51, Chairman Cooper closed the Public Hearing.

Ms. Peters reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- Ord. #1833 granted 7/17/1995 permitted a bed and breakfast to operate out of this home.
- The operations have ceased to operate for more than a period of 6 months, in this case a few years, therefore the SUP is expired.
- The applicants wish to renew the SUP.

**Mrs. Bonney Ramsey moved to approve a request by Howard Baskin for the renewal of a Specific Use Permit for a Bed and Breakfast in a Single Family-1 (SF-1) Zoning District, for the property located at 717 W. Main St, being Block 328, Town Addition, 0.534 acres –Owner: Larkin Family Trust (ZA 2015-51), subject to Staff Comments.** Ms. Melissa Ballard seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by Manuel Vera Jr. for a Specific Use Permit for an accessory building/garage over 700 sq. ft. in a Single Family-2 (SF-2) Zoning District, for the property located at 511 W. Second St., being Lot 14, Block 352, Town Addition, 0.344 acres –Owner: Manuel Jr. & Rebeca Vera (ZA 2015-52).

Mr. Manuel Vera, 928 Honeysuckle Trail, Midlothian, Texas, reported he just built a house on the lot and now proposes to build a detached garage.

Ms. Peters reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- Applicant is proposed 1,014 square foot accessory structure – including a 758 square foot garage and 256 square foot porch.
- This is to be used as a garage and not a dwelling unit - - if this accessory building is found to be inhabited then the SUP will be revoked.
- Building materials are hardie lap siding to match existing house.
- The garage will have 3 bay doors, and be two-stories.
- It will have architectural features such as a full-length patio, and windows.

**APPLICANT REQUIREMENTS**

If Specific Use Permit is approved, applicant must then get permit from the Building Department

There being no others to speak for or against Zoning Amendment No. ZA 2015-52, Chairman Cooper closed the Public Hearing.

**After a brief discussion, Mr. Jim Phillips moved to approve a request by Manuel Vera Jr. for a Specific Use Permit for an accessory building/garage over 700 sq. ft. in a Single Family-2 (SF-2) Zoning District, for the property located at 511 W. Second St., being Lot 14, Block 352, Town Addition, 0.344 acres –Owner: Manuel Jr. & Rebeca Vera (ZA 2015-52), subject to Staff Comments.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by Chris Acker for a Site Plan Approval and a Specific Use Permit for a Used Auto Sales Outdoor Lot in a Planned Development-General Retail (PD-GR) Zoning District, for the property located at the northeast corner of Butcher Rd and Hwy. 77, being 1002 T Selby, 0.786 acres –Owner: Erwin Cruz (ZA 2015-53).

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, Texas, announced he is available for questions pertaining to the site plan, staff comments and landscaping.

Mr. George Karlen 1803 Master Drive, Desoto, Texas, reported the location will be used for a pre-owned high-end car lot with office building.

Mrs. Ramsey asked Mr. Karlen if he reviewed Staff Comments. Mr. Karlen replied he has not reviewed them.

Chairman Cooper reviewed the following Staff Comments:

**BACKGROUND**

- Applicant is proposing a used auto sales car lot. Since there is outdoor sales of used autos, this requires approval of a site plan and Specific Use Permit
- Applicant is request a concurrent preliminary plat for this lot – see PLM2016-45
- Building size is a total of 2,535 square feet, and there are a total of 33 parking spaces (unclear if these are for sales or customers)
- Future Land Use Plan calls for Retail
- Surrounding land uses include a convenience store to the south, Life High School to the west on Butcher Road, and residential subdivisions to the East further down Butcher Road

**DEVELOPMENT REVIEW**

- A low profile pipe fence is proposed to run along the perimeter
- Access on Butcher Road needs to be confirmed by TXDOT
- No signs were reviewed with these plans
- Consider moving Red oak from back of property to the front
- There is only 1 ingress/egress
- The brick veneer must be 5/8” and laid upon
- Windows/glazing requirement of 30% is not met on left or right elevation
- 2 metal roll up doors will be located on the back of the building

There being no others to speak for or against Zoning Amendment No. ZA 2015-53, Chairman Cooper closed the Public Hearing.

**After further discussion, Mrs. Bonney Ramsey moved to approve a request by Chris Acker for a Site Plan Approval and a Specific Use Permit for a Used Auto Sales Outdoor Lot in a Planned Development-General Retail (PD-GR) Zoning District, for the property located at the northeast corner of Butcher Rd and Hwy. 77, being 1002 T Selby, 0.786 acres –Owner: Erwin Cruz (ZA 2015-53), subject to Staff Comments.** Ms. Melissa Ballard seconded. The vote was as follows:

Ayes: Jim Cooper  
Bonney Ramsey  
Melissa Ballard

Noes: Rick Keeler  
Jim Phillips

**The motion carried.**

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Tony Martin, Sycamore St. Waxahachie, requested approval of Preliminary Plat of 60 residential lots for Chautauqua Addition in the Waxahachie Extraterritorial Jurisdiction, being 85.890 acres located on Broadhead Rd., situated in the John Collett Survey, a-221–Owner: AP Waxahachie Limited Partnership (PLM 2015-39). He stated it will be an upscale single-family residents and complies will all Staff Comments.

Ms. Peters reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- This will be served by Rocket SUD for water, and septic systems for wastewater.
- No proposed water plan included.
- Will need water system’s evaluation letter of fire protection and request for exemption for compliance with city wastewater collection system master plan.
- 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.
- Need signature line for “Attest” under “Approved by City Council”

**COUNTY COMMENTS**

- Change road name Iroquois Trail (there is already one in Waxahachie)
- Change TCEQ to ECDOD on #3 in notes

**RECOMMENDATION**

Staff recommends approval per comments

This plat will now go to Ellis County Commissioner’s Court for approval

**Mr. Jim Phillips moved to approve Preliminary Plat of 60 residential lots for Chautauqua Addition in the Waxahachie Extraterritorial Jurisdiction, being 85.890 acres located on Broadhead Rd., situated in the John Collett Survey, a-221–Owner: AP Waxahachie Limited Partnership (PLM 2015-39), subject to Staff Comments.** Ms. Melissa Ballard seconded, **All Ayes.**

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Mr. Patrick Lear, 130 Kelly Drive, Waxahachie, requested approval of a Replat of DMJ Business Center Unit 1, Lots 2AR and 2BR, located at 2971 US Hwy. 77, being 1.976 acres –Owner: Citizens National Bank (RP 2015-42). He stated the property is next door to Whataburger and a Sonic Drive-in will be built.

Ms. Peters reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- Applicant is looking to replat this tract of land in order to carve out tracts – one for a drive in restaurant.
- Access drive in the rear will continue to extent to Butcher Road for Lot 2AR. This maintains the private ownership of this access easement.
- Water and sanitary sewer services for each lot much be installed prior to filing of replat. No information for water & sanitary sewer services was provided.
- 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.

**Ms. Melissa Ballard moved to approve Replat of DMJ Business Center Unit 1, Lots 2AR and 2BR, located at 2971 US Hwy. 77, being 1.976 acres –Owner: Citizens National Bank (RP 2015-42), subject to Staff Comments.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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Mr. Chris Acker requested approval of Preliminary Plat of Karlen’s Korner, being 0.687 acres of the 1002 T Selby Survey, located at the northeast corner of Butcher Rd. and Hwy. 77 –Owner: Cruz Erwin, a Family Limited Partnership (MP 2015-45). He reported the property has never been platted and platting it will make it into a legal lot being the new location for the car lot.

Assistant City Manager Michael Scott reviewed the following staff comments noting they reflect where the sanitary sewer will need to flow. Mr. Acker state they have been working with Utility Director, David Bailey, to make this work.

**DEVELOPMENT REVIEW**

- Applicant is proposing the plat of the northeast corner of Butcher Rd and Hwy 77 for a commercial lot
- Applicant has submitted concurrent application for site plan, as well. See ZA2015-53
- Driveway approach onto Butcher Rd does not meet spacing requirements. Will defer to TXDOT approval.
- There is currently no sanitary sewer available on/to this lot. Applicant plans to install private utilities such as grinder pump and private lift station, and private sewer easement to provide utilities to the site. This needs to be approved through the Building Department
- This should be relabeled as a “preliminary plat” and must be approved through the final plat process, as well.
- There are a few questions pertaining to utilities that need to be clarified on the utilities plan. See markups.

**RECOMMENDATION**

Approve 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.

**Ms. Melissa Ballard moved to approve of Preliminary Plat of Karlen’s Korner, being 0.687 acres of the 1002 T Selby Survey, located at the northeast corner of Butcher Rd. and Hwy. 77 –Owner: Cruz Erwin A Family Limited Partnership (MP 2015-45), subject to Staff Comments.**

Mrs. Bonney Ramsey seconded. The vote was as follows:

Ayes: Jim Cooper  
Rick Keeler  
Bonney Ramsey  
Melissa Ballard

Noes: Jim Phillips

***The motion carried.***

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Mr. Lance Rust, 707 Amherst, Waxahachie, requested approval of Final Plat of Bob White Estates, being 5 residential lots in the Extraterritorial Jurisdiction, located at Black Champ and Little Branch Road, in the Mary Powers Survey A-843, W.C. Berry Survey a-73 being 20.002 acres –Owner: R.V.G. Investments, LLC (FP 2015-43).

Ms. Peters reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- Still need: tax certificate, waiver of takings, fee for waiver of takings (\$30)
- Show fire hydrant location for Lot 5
- Signature Line needs to show: Pct. 2 – Layne Grayson  
Pct. 4 – Kyle Butler

**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.

This plat will now go to Ellis County Commissioner’s Court for approval

**Mr. Jim Phillips moved to approve Final Plat of Bob White Estates, being 5 residential lots in the Extraterritorial Jurisdiction, located at Black Champ and Little Branch Road, in the Mary Powers Survey A-843, W.C. Berry Survey a-73 being 20.002 acres –Owner: R.V.G. Investments, LLC (FP 2015-43), subject to Staff Comments.** Mr. Rick Keeler seconded, **All Ayes.**

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Mr. Clyde Hargrove, 101 Valley Ridge Drive, Red Oak, Texas, requested approval of Final Plat of Park Place 3 Phase for 67 residential lots, being 19.252 acres in the J.B. & Ann Adams Survey a-5 located on Garden Valley Parkway-Owner: Bethany/Park Place, LTD (FP 2015-44). He reported he had a walk-thru this morning and will have items completed by the end of the week.

Ms. Peters stated she reviewed the punch list and recommended approval. She reviewed the following Staff Comments:

**DEVELOPMENT REVIEW**

- Off site easements have been filed for record on 12/22/2016
- Still needed: as-built, tests, final inspection (walk through), inspection fees, and

**RECOMMENDATION**

Deny 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.

**Ms. Melissa Ballard moved to approve Final Plat of Park Place 3 Phase for 67 residential lots, being 19.252 acres in the J.B. & Ann Adams Survey a-5 located on Garden Valley Parkway-Owner: Bethany/Park Place, LTD (FP 2015-44), subject to Staff Comments.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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The Commission held discussion about going paperless and using iPad. After discussion, the consensus of the Commission is to switch from paper agenda packets to iPad.

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**Citizens' Petitions and Request**

Ms. Derica Peters announced her resignation effective February 11, 2016. She announced she will be working at the Council of Governments (COG).

Mr. Scott introduced and welcomed Mr. Darren Groth, the new Director of Planning. He stated Mr. Groth will bring fresh ideas and start work on February 1, 2016. Mr. Groth stated he looks forward to working with the City Council, P&Z Commission and Staff.

The Commission welcomed Mr. Groth and congratulated Ms. Peters on her new career.

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There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary