

Planning and Zoning Commission
March 8, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, March 8, 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
Rick Keeler
Bonney Ramsey
Melissa Ballard
Jim Phillips
Rodney Bell

Others Present: Michael Scott, Assistant City Manager
Darren Groth, Director of Planning
Lori Saunders, City Secretary
Steve Chapman, City Attorney
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 February 23, 2016. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33.8 Use Chart – Recreational and Entertainment Uses for the designation of permitted districts for a “winery”.

Mr. Darren Groth, Director of Planning, reviewed the following Staff report:

- A “Winery” is a business which holds a winery permit from the State of Texas and which may engage in any activity authorized under Section 16.01 of the Texas Alcoholic Beverage Code except that the permit holder may sell or dispense wine under that section only if the wine is bottled in Texas and is at least 75 percent by volume fermented juice of grapes or other fruit grown in Texas or a lesser percentage established by the commissioner of agriculture under Section 12.039 of the Agriculture Code.
- Winery use may currently only be approved as a Specific Use Permit (SUP) in the Central Area (CA) zoning district.
- Staff recommends a consideration to expand the number of districts that will allow a Winery with an SUP.

- In addition to CA zoning, the proposal will allow Winery use in the Office (O), Neighborhood Service (NS), General Retail-Limited (GRL), General Retail (GR), and Commercial (C) zoning districts with an SUP.

There being no others to speak for or against Public Hearing on an Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33.8 Use Chart, Chairman Cooper closed the Public Hearing.

After a brief discussion, Ms. Melissa Ballard moved to approve Ordinance of the City of Waxahachie, Texas, amending the Waxahachie Zoning Ordinance Section 33.8 Use Chart – Recreational and Entertainment Uses for the designation of permitted districts for a “winery”, subject to Staff Comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Karla Gibson, for a Specific Use Permit within a Commercial (C) Zoning District for retail and winery to be located at 213 E. Main St., being Lot 4, Block 40, 0.56 acres in the OT Waxahachie– Owner: TT Procurement Inc. (ZA 2016-02).

Mr. Groth reviewed the following Staff report:

- Applicant requests a Specific Use Permit (SUP) for a winery in a commercial district.
- A companion case is being heard on the same agenda to consider an amendment to the City of Waxahachie Zoning Ordinance, Section 33.8 Use Chart – Recreational and Entertainment Uses, for the designation of permitted districts for a “winery” as a new and previously unlisted use.
- Proper notifications were made in accordance with state law and the City’s zoning ordinance.

Doug and Karla Gibson, Applicants, stated the wine juice will be delivered to the store and they will make the wines and have them available to taste and purchase.

There being no others to speak for or against ZA2016-02, Chairman Cooper closed the Public Hearing.

Mrs. Bonney Ramsey moved to approve a request by Karla Gibson, for a Specific Use Permit within a Commercial (C) Zoning District for retail and winery to be located at 213 E. Main St., being Lot 4, Block 40, 0.56 acres in the OT Waxahachie– Owner: TT Procurement Inc. (ZA 2016-02). Mr. Jim Phillips seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Dulce Trujillo, for a Specific Use Permit within a Single Family-3 (SF-3) Zoning District for roof mounted pv solar system to be

located at 855 Cantrell St., being 1 acres in the JC Armstrong Survey, Abstract No. 6– Owner: Gina Moore (ZA 2016-04).

Mr. Groth reviewed the following Staff report:

- Applicant proposes to install a solar-driven energy system that converts solar energy into electricity through photovoltaic panels onto the rooftop at 855 Cantrell Street per the property plan submitted by the applicant.
- The roof mounted PV solar system will be located on the south side of the roof line to decrease visibility from Cantrell Street.
- The installation must match the roof pitch and must leave no greater than six (6) inches between rooftops.
- Proper notifications were made in accordance with state law and the City’s zoning ordinance.
- On February 22, 2016, the applicant was emailed a copy of the staff report.

If the zoning request is approved, a Building Permit is required prior to installing the system.

There being no others to speak for or against ZA2016-04, Chairman Cooper closed the Public Hearing.

Mr. Rick Keeler moved to approve Chairman Cooper opened the Public Hearing on a request by Dulce Trujillo, for a Specific Use Permit within a Single Family-3 (SF-3) Zoning District for roof mounted pv solar system to be located at 855 Cantrell St., being 1 acres in the JC Armstrong Survey, Abstract No. 6– Owner: Gina Moore (ZA 2016-04), subject to Staff Comments. Mr. Jim Phillips seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Moritz Interest LTD for a Replat of Lots 1 & 8, Block F, The Cove being a replat of Blocks 10, 11, 12 and 13, Original Town of Waxahachie, located in the E.W. Rogers Survey, Abstract No. 896- Owner: Moritz Interest LTD (RP 2016-04).

Mr. Groth reviewed the following Staff report:

- Generally located at the intersection of Country Crest Drive and Bessie Coleman Blvd
- Zoning: PD-64-SF3 [Ord No.2072] and PD-117-Mixed Use Community (North Grove) [Ord No. 2733]
- Applicant is re-platting these lots to abandon Right-of-Way.
- A letter of authorization from local franchise utilities is required stating there are no utilities installed within the Right-of-Way proposed to be abandoned.
- The plat must include recording information for The Cove Phase 1A plat (FP2016-03).
- On February 22, 2016, the applicant was emailed multiple redline comments related to the plat.

- Staff recommends APPROVAL of the plat, per the comments.
- Please provide 10 corrected, signed copies to the Planning Department

There being no others to speak for or against RP2016-04, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to approve a request by Moritz Interest LTD for a Replat of Lots 1 & 8, Block F, The Cove being a replat of Blocks 10, 11, 12 and 13, Original Town of Waxahachie, located in the E.W. Rogers Survey, Abstract No. 896- Owner: Moritz Interest LTD (RP 2016-04), subject to Staff Comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Craig & Deborah Smith for a replat of Trinity Heights Addition, Lots 10R and 12R, Block 1 being a revision of Lots 10, 11 and 12, Block 1, Trinity Heights Addition- Owner: Craig & Deborah Smith (RP 2016-06).

Mr. Groth reviewed the following Staff report:

- Generally located west of Ferris Avenue and north of Marvin Avenue with an address of 310 and 312 Cynisca Street
- Zoning: Single-Family Residential District – 2 (SF-2)
- Applicant is re-platting three lots to create two lots.
- Need to specify the Flood Plain Zone.
- A 15-foot utility easement is required along the west boundary of the lots.
- On February 22, 2016, the applicant was emailed the redline comments related to the plat.
- Staff recommends APPROVAL of the plat, per the comments.

Craig and Deborah Smith, Applicant, stated their intent is to go from 3 lots to 1 lot vs. 3 lots to 2 lots.

Assistant City Manager Michael Scott stated Staff can repost the Public Hearing and waive additional application fees.

There being no others to speak for or against RP2016-06, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to deny on a request by Craig & Deborah Smith for a replat of Trinity Heights Addition, Lots 10R and 12R, Block 1 being a revision of Lots 10, 11 and 12, lock 1, Trinity Heights Addition- Owner: Craig & Deborah Smith (RP 2016-06) without prejudice. Mrs. Bonney Ramsey seconded, **All Ayes.**

Mr. Groth presented a Final Plat Lot 1, Block A, Espinoza Addition being a 7.071 acre addition in the Elbert C. Newton Survey, Abstract No. 790 located at 4743 N. IH 35E –Espinoza Cast Stone (FP 2016-08). He reviewed the following Staff report:

- Generally located west of I-35E and south of Butcher Road with an address of 4743 N IH 35E
- Zoning: Light Industrial District – 1 (LI-1) adjacent to I-35E and continuing until a transition to the Future Development District (FD) encompassing the west third of the site
- Clarify the acreage information contained on the face of the plat.
- Zone “X” (non-shaded)?
- On February 22, 2016, the applicant was emailed multiple redline comments related to the plat.
- Staff recommends APPROVAL of the plat, per the comments.
- Please provide 10 corrected, signed copies to the Planning Department.

Mrs. Bonney Ramsey moved to approve Final Plat Lot 1, Block A, Espinoza Addition being a 7.071 acre addition in the Elbert C. Newton Survey, Abstract No. 790 located at 4743 N. IH 35E –Espinoza Cast Stone (FP 2016-08), subject to Staff Comments. Ms. Melissa Ballard seconded, **All Ayes.**

Citizens’ Petitions and Request

Mr. Bryan Hull, Hull Associates, 600 Wentworth Drive, Richardson, Texas, thanked the Commission for approving the final plat for Espinoza Cast Stone.

Mrs. Ramsey recognized Assistant Police Chief Dale Sigler for his attendance.

The Commission thanked Mr. Darren Groth for his presentations and professionalism.

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully submitted,

Lori Saunders
City Secretary