

Planning and Zoning Commission
May 24, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, May 24, 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
Melissa Ballard
Rodney Bell

Member Absent: Betty Jefferson, Vice Chairman
Jim Phillips

Others Present: Darren Groth, Director of Planning
James Gaertner, City Engineer
Nathan Warren, Planner
Amber Villarreal, Assistant City Secretary
Steve Chapman, City Attorney
Mary Lou Shipley, City Councilmember

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

Ms. Melissa Ballard moved approval of the minutes of the Planning & Zoning Commission meetings of May 2, 2016 and May 10, 2016. Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by DC Texas Construction, LLC, for a Specific Use Permit within a General Retail (GR) Zoning District for a two story detached garage in excess of 500 square feet, located at 1015 Ferris Avenue, being Lot 1, Block 27, Williams Addition, 0.414 acres – Owner: Ladd Vien (ZA 2016-12).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to construct a two story detached garage in excess of 500 square feet at 1015 Ferris Avenue, per the property plan submitted by the applicant.
2. According to the site layout drawings, the two story detached garage will be located west of the primary structure, being directly behind the primary structure from street view.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.
4. The following findings have been met, in accordance with Sections 37.2 and A-3.2 of the City of Waxahachie Zoning Ordinance:

37.2 [*Nonresidential districts:*] In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. (Ord. No. 2665, 7-2-12)

A-3.2 *Accessory building (business or industry)* - In the nonresidential Districts, a subordinate building to the main building, limited in height to not over the height of the main building and used for purposes directly accessory and incidental to the main use.

REVIEW COMMENTS

1. Total lot coverage calculations must be provided. A table showing lot size, the area of the primary structure, the total area of all accessory structures, and a percentage of the total lot coverage shall be shown on the site plan.
2. Provide a north arrow on the site plan.
3. Submit a statement of operations that declares the use and function of the accessory structure.

4. The requested structure cannot be used for commercial purposes and cannot be rented.
5. If the zoning request is approved, a Building Permit is required prior to construction.

APPLICANT REQUIREMENTS

Consideration of the request for a Specific Use Permit within a General Retail (GR) Zoning District for a two story detached garage in excess of 500 square feet must observe the following conditions:

1. A Building Permit must be obtained prior to construction of the detached garage.
2. Accessory Dwelling in the proposed structure is prohibited

There being no others to speak for or against ZA 2016-12, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve a request by DC Texas Construction, LLC, for a Specific Use Permit within a General Retail (GR) Zoning District for a two story detached garage in excess of 500 square feet, located at 1015 Ferris Avenue, being Lot 1, Block 27, Williams Addition, 0.414 acres – Owner: Ladd Vien (ZA 2016-12), subject to Staff Comments.
Mr. Rodney Bell seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Brandon Bell, The Energy Shop, Inc., for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for solar panels, located at 218 Atlantic Avenue, being Lot 31, Block 2, Park Place, 0.33 acres – Owner: David and Carol Young (ZA 2016-13).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to install a solar-driven energy system that converts solar energy into electricity through photovoltaic panels onto the rooftop at 218 Atlantic Avenue, per the property plan submitted by the applicant.
2. According to the site layout drawings, the roof mounted PV solar system will be located southeastern most portion of the roof. The panels may be visible from Atlantic Avenue as the proposed location of installation is on the right side of the house from street view.
3. Proper notifications were made in accordance with state law and the City’s zoning ordinance.
4. Chapter 3 of the Comprehensive Plan encourages site planning that minimizes the need for continuously high levels of energy consumption. This proposal aligns with that goal.

REVIEW COMMENTS

1. Replace title '24 SUNPOWER 327W SOLAR SITE LAYOUT 7.848 kW PHOTOVOLTAIC SYSTEM' with 'SITE PLAN'.
2. Label street name.
3. Include north arrow.

APPLICANT REQUIREMENTS

Consideration of the request for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for roof mounted pv solar system must observe the following condition:

1. A Building Permit must be obtained prior to installation of the roof mounted pv solar system.

There being no others to speak for or against ZA 2016-13, Chairman Cooper closed the public hearing.

Mrs. Bonney Ramsey moved to approve the request by Brandon Bell, The Energy Shop, Inc., for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for solar panels, located at 218 Atlantic Avenue, being Lot 31, Block 2, Park Place, 0.33 acres – Owner: David and Carol Young (ZA 2016-13), subject to Staff Comments. Mr. Rick Keeler seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Jim Fuller, for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for an LED monument sign, located at 1116 Brown St., being Lot 3 and 4B, Littleton Estates, 14.669 acres – Owner: Farley Street Baptist Church (ZA 2016-14).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to install an LED monument sign at the location of an existing monument sign, per plans submitted by the applicant.
2. Proper notifications were made in accordance with state law and the City’s zoning ordinance.
3. The following findings are have been met, in accordance with Section 43.1 of the City of Waxahachie Zoning Ordinance:

Purpose: Signs use private land near the public rights-of way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- A. Safety: To promote the safety of persons and property by providing that signs:
 1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 2. Do not obstruct firefighting or police surveillance; and
 3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs or emergency vehicles.
- B. Communication Efficiency: To promote the efficient transfer of information in sign messages by providing that:
 1. Those signs which provide messages and information most needed and sought by the public are given priorities;
 2. Businesses and services may identify themselves;
 3. Customers and other persons may locate a business or service;
 4. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
 5. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- C. Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
 1. Do not interfere with scenic views;
 2. Do not create a nuisance to persons using the public rights-of-way;
 3. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 4. Are not detrimental to land or property values.

REVIEW COMMENTS

1. Include physical address of the subject property.
2. Indicate location of the sign.

APPLICANT REQUIREMENTS

Consideration for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for an LED monument sign must observe the following condition:

1. A Building Permit must be obtained prior to installation of an LED monument sign.

Chris Reeves, Quickway Signs, explained the size of the monument sign is not increasing.

Mr. Mike Tull, 104 Mustang Creek, asked if the entire sign is going to be LED and Mr. Reeves reiterated the existing monument will be used and the size is not increasing.

Mr. Rick Keeler asked if the monument sign complies with our zoning ordinance and Planning Director Darren Groth noted it does comply and there are lighting and timing stipulations that will be required too.

Those who spoke in opposition:
Elizabeth Tull, 104 Mustang Creek

There being no others to speak for or against ZA 2016-14, Chairman Cooper closed the Public Hearing.

Mr. Rick Keeler recognized the surrounding community space and zoning explaining it is a mixture of general retail and commercial and not predominately residential.

Mr. Rick Keeler moved to approve a request by Jim Fuller, for a Specific Use Permit within a Single Family-2 (SF-2) Zoning District for an LED monument sign, located at 1116 Brown St., being Lot 3 and 4B, Littleton Estates, 14.669 acres – Owner: Farley Street Baptist Church (ZA 2016-14), subject to Staff Comments. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Umar Ibrahim, for a Zoning Amendment from Single Family-2 (SF-2) to a Planned Development-Single Family-2 (PD-SF-2) Zoning District to include Boarding House use, located at 616 Dr. Martin Luther King, Jr. Blvd., being Lot 16B, Block 63, Town Waxahachie, 0.27 acres – Owner: Umar F. Ibrahim (ZA 2016-15).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to create a Planned Development (PD) zoning district for the property located at 616 Dr. Martin Luther King Jr. Blvd (parcel ID# 170989).
2. The property is currently zoned Single-Family Residential District – 2 (SF-2).
3. On March 31, 2016, a letter was sent to the property owner from the Director of Planning regarding a potential zoning violation. At that time the subject property was identified to be operating a rehabilitation care facility (halfway house) out of the existing dwelling, which would be in violation of the provisions of the City of Waxahachie's Zoning Ordinance.
4. As a result of the letter, a representative of the property owner visited the Planning Department the following week to discuss the situation. During the discussion between the representative and Planning Director, it was articulated by the representative that the ongoing activity did not meet the definition of Halfway House in the City's Zoning Ordinance, primarily because no training, counseling, or treatment occurred at the location and no more than four (4) persons were living in the structure. The representative further clarified that the site activities more closely resembled the City's definition of Boarding or Rooming House.
5. The Zoning Ordinance defines *Boarding or rooming house* as: A dwelling other than a hotel or motel, where for compensation and by prearrangement for definite periods (i.e., more than 30 days), meals, or lodging and meals are provided.
6. The Zoning Ordinance defines *Rehabilitation care facility (halfway house)* as: A facility for the housing, rehabilitation and/or training of six (6) or more persons, who are on probation or parole or are pre-released inmates from correctional institutions or other persons found guilty of criminal offenses; or for the housing, rehabilitation, training, counseling or treatment of six (6) or more persons for alcohol chemical or drug abuse and/or dependencies. "Halfway house" shall not include a hospital licensed by the State of Texas or a state licensed physician's office which office does not have facilities for patients to stay overnight.
7. Per the City's Use Charts published in the Zoning Ordinance, Boarding or rooming house use is not permitted in SF-2 zoning.
8. To achieve the objective of continuing the ongoing use of this property, the representative was told a PD could be written to allow additional uses in a site specific zoning district.

9. On April 13, 2016, an application was submitted to request a PD zoning. The PD request would keep the underlying zoning, allowable uses, and all other development standards and stipulations, but include Boarding or Rooming House as an allowable use.
10. The minimum acreage for a residential planned development request shall be three (3) acres. No minimum applies to nonresidential planned developments. While the subject property is approximately only 0.27 acres, the City Council, upon recommendation from the Planning and Zoning Commission (P&Z), may defer this more requirement in accordance with the procedures for approval in Section 10 of the Zoning Ordinance. Per Section 10, in making a determination regarding a requested zoning change, the P&Z and City Council shall consider the following factors:
 - a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
 - b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
 - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
 - d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
 - e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
 - f. The historical, cultural and architectural significance of places or structures.
 - g. Any other factors which will substantially affect the public health, safety, morals, or general welfare.
11. Per the zoning ordinance, one parking space must be provided for each sleeping room. The applicant seeks approval through this PD to provide a total of only two parking spaces.

REVIEW COMMENTS

1. In accordance with the submitted application, the Boarding House shall be limited to no more than four residents at any one time.
2. No changes are proposed to the existing structure or property.
3. An occupancy change from S-2 to a Boarding House (R-3) will require the structure to comply with the International Fire Code and Building Code. A fire sprinkler and a fire alarm that monitors the sprinkler system will be required.

APPLICANT REQUIREMENTS

If the zoning request is approved, site platting and the submittal of construction plans will be required prior to development. In addition, a Building Permit will be required prior to any vertical construction.

Those who spoke in opposition:

Manya Guinyard, 111 Dunlap, Waxahachie

David Guinyard, 111 Dunlap, Waxahachie

Umar Ibrahim, 616 Dr. Martin Luther King, Jr., Blvd., Waxahachie

Barbara Howard, 211 Frierson, Waxahachie

Ka'Chare Cook, 707 Dr. Martin Luther King Jr., Blvd., Waxahachie

David Terry, 1608 Little Creek, Waxahachie

Charles Hawkins, 615 Dr. Martin Luther King, Jr., Blvd., Waxahachie

Christi Waters, 700 E. Jefferson, Waxahachie

Rev. Tyronda Howse Burgess, Joshua Chapel AME Church, 110 N. Aiken, Waxahachie

Bertrand Maxwell, multiple property owner on Dr. Martin Luther King, Jr., Blvd., Waxahachie

Mr. James Bell, 106 Chapman Circle, noted a need for this type of housing is moving towards the area and the city needs to consider locations.

There being no others to speak for or against ZA 2016-15, Chairman Cooper closed the Public Hearing.

Mr. Keeler thanked those who spoke noting he appreciates their passion and love of their community.

Mr. Rick Keeler moved to deny a request by Umar Ibrahim, for a Zoning Amendment from Single Family-2 (SF-2) to a Planned Development-Single Family-2 (PD-SF-2) Zoning District to include Boarding House use, located at 616 Dr. Martin Luther King, Jr. Blvd., being Lot 16B, Block 63, Town Waxahachie, 0.27 acres – Owner: Umar F. Ibrahim (ZA 2016-15). Mrs. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Electric Guard Dog LLC, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for the installation of a 10-foot high, pulsed, security fence, inside the existing perimeter fence, located at 7240 N. IH 35E, being 29.019 acres in the J H Lawrence Survey, Abstract No. 633 – Owner: Celadon Trucking SVS Inc. (ZA 2016-16).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to install a 10-foot high, pulsed, security fence, inside the existing perimeter fence as shown on the plans submitted by the applicant.
2. Proper notifications were made in accordance with state law and the City's zoning ordinance.

REVIEW COMMENTS

1. Exclude incomplete notes after match line on the top drawing on page 1 of site plan.
2. Show parking layout.
3. Include building dimensions, and setbacks.
4. Do not deviate from the existing site plan with the exception of the addition of the security fence.

APPLICANT REQUIREMENTS

Consideration for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for the installation of a 10-foot high, pulsed, security fence must observe the following condition:

1. A Building Permit must be obtained prior to installation of the proposed security fence.

Those who spoke in favor:

Patrick O'Driscoll, Celadon Trucking
James Abner, Celadon Trucking

Planning Director Groth explained there is an existing specific use permit and if approved, this site plan and specific use permit will be combined for truck sales and leasing.

There being no others to speak for or against ZA 2016-16, Chairman Cooper closed the Public Hearing.

Mrs. Bonney Ramsey moved to approve a request by Electric Guard Dog LLC, for a Specific Use Permit within a Light Industrial-1 (LI-1) Zoning District for the installation of a 10-foot high, pulsed, security fence, inside the existing perimeter fence, located at 7240 N. IH 35E, being 29.019 acres in the J H Lawrence Survey, Abstract No. 633 – Owner: Celadon Trucking SVS Inc. (ZA 2016-16), subject to Staff Comments. Mr. Rodney Bell seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Dayne Ram, for a Zoning Amendment from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C) for a restaurant, located at the intersection of Cardinal I.G. Roadway and

US Hwy. 77, being Lot 1 and 2, Block A, Cardinal Plaza, 3.08 acres – Owner: Edmundo Zamorano (ZA 2016-17).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is to change the zoning for two parcels (ID # 142109 and 260004) currently containing both a Commercial (C) and a Light Industrial – 2 (LI-2) zoning designation and create a Planned Development (PD) zoning district.
2. The PD would create one PD-C zoning designation for the approximate 3.086-acre project area.

REVIEW COMMENTS

1. Identify whether any unique site specific zoning regulations are requested or whether the entire project will conform to the City’s Commercial zoning development standards. If unique conditions apply, provide in the form of zoning ordinance text and show on the site plan.
2. For the proposed restaurant, a minimum of six (6) stacking spaces shall be provided from the location of the order window.
3. The general landscaping notes indicate a four-inch minimum caliper, which is per the City’s Zoning Ordinance. The Plant List table, however, identifies a two-inch minimum. Clarify which is correct. If keeping with the City’s standard, then update the table. If proposing unique standards, then update the note and provide the language in the form of zoning ordinance text for inclusion in the PD Ordinance.

APPLICANT REQUIREMENTS

If the zoning request is approved, site platting and the submittal of construction plans will be required prior to development. In addition, a Building Permit will be required prior to any vertical construction.

Mr. Keeler inquired about the specifications of the Planned Development for this property and Mr. Groth noted staff has not received the specifics.

Chairman Cooper suggested continuing the public hearing until the requests of the Planned Development are received from the applicant.

Mike Diedrich, Plant Manager at Cardinal IG, Waxahachie, expressed concern with traffic flow to the proposed site plan.

Chairman Cooper moved to continue the Public Hearing on a request by Dayne Ram, for a Zoning Amendment from Light Industrial-2 (LI-2) and Commercial (C) to Planned Development-Commercial (PD-C) for a restaurant, located at the intersection of Cardinal I.G. Roadway and US Hwy. 77, being Lot 1 and 2, Block A, Cardinal Plaza, 3.08 acres – Owner: Edmundo Zamorano (ZA 2016-17) to the June 14, 2016 meeting. Mr. Rick Keeler seconded, All Ayes.

Chairman Cooper opened the Public Hearing on a request by Rick Murray, for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District for an ATM kiosk, located at 1202 US Hwy. 77 N, being Lot 1RR, Walmart Eason, 0.481 acres – Owner: Murphy USA Inc. (ZA 2016-19).

Planner Nathan Warren reviewed the following Staff Report:

DEVELOPMENT SUMMARY

1. The request is for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District to allow installation of an ATM kiosk as shown on the plans submitted by the applicant.
2. According to the site layout drawings, the ATM kiosk will be located on the northern most side of the property.

3. Proper notifications were made in accordance with state law and the City's zoning ordinance.

REVIEW COMMENTS

1. Show dimensions of drive up ATM on the site plan.
2. Provide a traffic flow diagram of the drive thru on the site plan.
3. Remove cloud around edits from "05-19-99" and description chart.

APPLICANT REQUIREMENTS

Consideration of the request for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District to allow installation of an ATM kiosk must observe the following conditions:

1. A Building Permit must be obtained prior to installation of the proposed ATM kiosk.

Planning Director Groth explained there is a traffic flow concern and whether additional landscaping is needed.

There being no others to speak for or against ZA 2016-19, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve a request by Rick Murray, for a Specific Use Permit within a Planned Development-7-General Retail (PD-7-GR) Zoning District for an ATM kiosk, located at 1202 US Hwy. 77 N, being Lot 1RR, Walmart Eason, 0.481 acres – Owner: Murphy USA Inc. (ZA 2016-19), subject to Staff Comments. Mr. Rick Keeler seconded, **All Ayes.**

Citizens' Petitions and Requests:

Mr. Keeler commended the city on the beautification efforts.

Ms. Ballard thanked Planning Director Darren Groth and Planner Nathan Warren on their hard work.

Councilmember Mary Lou Shipley expressed appreciation for the positive feedback on the beautification and encouraged everyone to thank Horticulturist Chris Seale on his work.

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary