

Planning and Zoning Commission  
June 14, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, June 14, 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  
Rodney Bell  
Jim Phillips

Others Present: James Gaertner, City Engineer  
Nathan Warren, Planner  
Lori Saunders, City Secretary  
Steve Chapman, City Attorney  
David Hill, City Councilmember

Others Absent: Darren Groth, Director of Planning

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

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**Commissioner Bonney Ramsey moved approval of the minutes of the Planning & Zoning Commission meeting of May 24, 2016.** Commissioner Melissa Ballard seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing as ordered for consideration by the City Council to determine whether to continue, amend, or revoke a Specific Use Permit (SUP) in a Heavy Industrial (HI) zoning district allowing the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed, located at Oak Cliff Metals near the corner of Solon Road and Sterrett Road, being approximately 12 acres in the McKinney and Williams Survey, Abstract No. 752 - Owner: Reed Land Management Ltd. (ZA 2011-15).

Planner Nathan Warren reviewed the following Staff Report:

**REQUEST SUMMARY**

1. On March 10, 2016, the City of Waxahachie (City) mailed a letter to Oak Cliff Recycling, Inc. (Oak Cliff) located at 500 Brown Industrial Road in Waxahachie, TX.

2. The letter provided notice to Oak Cliff that the City intended to invoke the cancellation clause contained in City Ordinance Number 2616 for Specific Use Permit (SUP) ZA2011-15.
3. Ordinance Number (Ord #) 2616 states the SUP is subject to cancellation upon hearing before the City Council upon ninety (90) days written notice.
4. In accordance with Ord #2616, the City Council voted at their meeting on March 7, 2016 to set in motion the procedures for a public hearing to consider a zoning change for the cancellation of the existing SUP.

Those who spoke against ZA2011-15:

Ms. Cheryl Wilson, 2740 Solon Road, Waxahachie (presented a petition with 34 signatures)

Ms. Doris Franks, 674 Brown Industrial Road, Waxahachie

Ms. Judy Hendrick, 2530 Solon Road, Waxahachie

Mr. David Franks, 674 Brown Industrial Road, Waxahachie

Those who spoke in favor of ZA2011-15:

Ms. Kelly Smith-Dakan, owner of Oak Cliff Metals

Mr. Benjie Smith, owner of Oak Cliff Metals

Mr. Glenn Pace, 330 Brown Industrial, Waxahachie

Mr. Mike Vincent, 109 Oak Branch Trail, Waxahachie

Mr. Francisco Hernandez, employee of Oak Cliff Metals

Mr. James Parten, 204 Valley View, Waxahachie

Mr. Smith and Ms. Dakan stated they have purchased a system designed to put out fires. They explained it is a camera system that surveys the area through thermal imaging and will depict temperature changes in the metal piles. It sends a signal to the corporate headquarters and from corporate a video will shoot foam on the heated areas.

Vice Chairman Jefferson asked how common fires in their line of work are. Mr. Smith stated they haven't had any fires at their other locations, just at the Waxahachie facility.

Commissioner Ramsey asked the noise level. Mr. Smith stated they don't have a decibel level, but stay in the standards of OSHA.

Commissioner Phillips asked if they have considered a berm around the facility. Mr. Smith they have not, but it can be researched.

Chairman Cooper asked Fire Chief Ricky Boyd if the fires are combustible materials. Chief Boyd stated it comes from fabric. Mr. Smith stated the batteries and gas tanks are removed before metal is cut up.

There being no others to speak for or against ZA2011-15, Chairman Cooper closed the Public Hearing.

Commissioner Keeler asked Chief Boyd - were fires out when the Fire Department arrived. Chief Boyd stated no and noted the fires they responded to were on August 24, 2013, August 12, 2014, and February 14, 2016. He stated there was not suspicion of arson or foul play and engines from other cities assist for water transfer operation due to no waterline to the facility. Chief Boyd stated TCEQ and the EPA are called in for testing. He expressed concern with the camera system spraying foam not covering all of their property and only covering problem areas. Chief Boyd stated there is always a concern for deep seated fire down in the pile which takes a lot of man power and water and it's time consuming for a water transfer operation.

Commissioner Keeler asked if there are other things on fire besides fabric. Chief Boyd stated tires catch fire.

**After further discussion, Commissioner Melissa Ballard moved to continue the Specific Use Permit (SUP) in a Heavy Industrial (HI) zoning district allowing the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed, located at Oak Cliff Metals near the corner of Solon Road and Sterrett Road, being approximately 12 acres in the McKinney and Williams Survey, Abstract No. 752 - Owner: Reed Land Management Ltd. (ZA 2011-15).** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by JHDMC, LLC for a Zoning Amendment to revise language and mapping exhibits contained in City Ordinance No. 2733, as amended by City Ordinance No. 2841, for approximately 749 acres of land, known as the "North Grove Planned Development District" -Owner: Various (ZA 2013-41 R2).

Planner Nathan Warren reviewed the following Staff Report:

**REQUEST SUMMARY**

1. The applicant requests approval of various amendments to the existing North Grove Planned Development District.
2. The amendments will revise language and mapping exhibits contained in City Ordinance No. 2733, as amended by City Ordinance No. 2841.
3. The request contains revisions to PD Ordinance Section VII, Section X, and Exhibit C.
4. Within PD Ordinance Section VII, the following changes are proposed to the table currently contained on Page 8:
  - a. \*\*\*\*\* Estate, Manor, and Township lots with a front or side entry garage product will have a rear yard setback of twenty (20) feet.
  - b. \*\*\*\*\* All product types shall have a minimum rear yard setback of fifteen (15) feet.

- c. Change the 'Minimum Street Side Yard Setback' for "Estate" product types from twenty (20) feet to fifteen (15) feet.
5. Within PD Ordinance Section X, the following changes are proposed:
  - a. Section D on Page 12 of the North Grove Planned Development District Standards will be revised by replacing the word "elements" with the word "elevations" in paragraph numbers 2 and 5.
  - b. Section M on Page 17 of the North Grove Planned Development District Standards will be revised by deleting paragraph number 3.a. Paragraph M.3 will remain as written.
6. The 'Exhibit C' Concept Plan associated with the southern section of the North Grove PD will also be updated.

Mr. Terry Weaver, COO of JHDMC, LLC, 815 W. Main, Midlothian, Texas, stated the Planned Development (PD) for North Grove was approved two years ago. He requested to revise the PD as presented above in Request Summary. He explained as lots are being sold to builders it became known there is no rear setback.

Assistant City Manager Michael Scott stated the concept of the PD was conceived in approximately three days. Landowners and developers were involved so it came about very quickly. He explained when we began this process and looking at the buildability of the PD and stipulations, it became very clear that there are somethings that need to be tweaked. This gives us a very clear road map that we are starting from this basis moving forward. Mr. Scott noted Staff feels good with these changes.

Mr. Craig Reynolds, 105 Country Drive, Waxahachie, stated he supports ZA 2013-41 R2. He expressed concern that he is already in a flood plain and concerned with water runoff.

Ms. Carol Forkowitz, 3000, Brown Street, Waxahachie, stated she has owned her property since 1991 and expressed concern the water drainage. She stated there is a lot more drainage since Target, Academy and other stores came in on North Highway 77. She noted with the moving of dirt across from her home a stock tank is now gone. Ms. Forkowitz expressed concern with the traffic on highway 813 noting it has already increased and will continue to increase when the North Grove Boulevard connects to Highway 813.

Assistant City Manager Michael Scott stated the flood plain is being accommodated through the North Grove Development.

Vice Chairman Jefferson asked Mr. Scott to elaborate on citizens concern of water flow. Mr. Scott stated with any development City Engineer looks at this and the city is not going approve any development that increases the flow. The Developer must detain or upsize storm drainage to provide for it.

There being no others to speak for or against ZA2011-41 R2, Chairman Cooper closed the Public Hearing.

**Commissioner Jim Phillips moved to approve a request by JHDMC, LLC for a Zoning Amendment to revise language and mapping exhibits contained in City Ordinance No. 2733, as amended by City Ordinance No. 2841, for approximately 749 acres of land, known as the “North Grove Planned Development District” -Owner: Various (ZA 2013-41 R2), subject to Staff Comments.** Commissioner Rodney Bell seconded, **All Ayes.**

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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. Dayne Ram, 601 Saddle Hill Dr., Grand Prairie TX, representing owner, was available for questions.

Commissioner Keeler confirmed the applicant is requesting to change the zoning and creating a Planned Development and the things in the Planned Development (PD) are not complying with the zoning retail. He stated most PD’s offer something over and above in exchange for

something and the applicant wants us to change the zoning without being require to do other things. He noted the Commission has to guess what the building is going to look like.

Planner Nathan Warren provided the following request from the application noting it was submitted to the Planning Department on June 14, 2016:

PLANNED DEVELOPMENT REGULATIONS  
(FOR INCLUSION IN PD ZONING ORDINANCE)

CARDINAL PLAZA RESTAURANT AND RETAIL

Purpose and Intent

The purpose and intent of this Planned Development District is to facilitate development of the subject property in a manner that allows for the new construction of a Restaurant and a Retail center. The building setbacks need to be adjusted to optimize the space for restaurant and retail use. Any conditions found within the (" Zoning District that are not written herein shall default to the City of Waxahachie's Code of Ordinances.

Compliance with the City's Comprehensive Plan

The current zoning category "C" Commercial on one of the 2 combined lots is the intended base zoning classification underlying this Planned Development. Variations to building setback, articulation, building materials, tenants and signage are as detailed in these Planned Development Regulations. The primary uses under the planned zoning of "new Restaurant and Retail" is an allowable use under "(" Commercial zoning.

Building Setbacks

The building setbacks will be no less than 10 feet from the property lines on the north and west sides or property (side and rear yard).

Building Articulation

For Horizontal Articulation the building wall shall extend no more than 25 feet without an off-set equal to a minimum of 5% of the building height, and the length of the new plane shall equal at least 15% of the wall height.

Facade Materials

The exterior facade materials may include 100% stucco masonry finish, excluding windows, doors and other openings for all walls of buildings that are visible from a public street. All rear facades may be comprised of hardie board or concrete masonry units.

Tenants

There will be no restriction on tenants as related to commercial use.

Signage

Monument signs will be allowed in the front yard of the property.

Mr. Warren referenced the 100% stucco masonry finish noting stucco is allowed for masonry use under Section 34 of the code. For C-Zoning, the front façade will have to be 80% masonry and the side rear requires 50% masonry. The applicant is requesting a type of facade materials which is a change from straight C-Zoning. The building setbacks on the corner lot will be double frontage with two street front yards with two rear yards of 10 feet. Zoning requires 20 feet. Mr. Warren stated if it were not a corner lot, the side yard setback would be zero, however, being a double frontage lot it requires setback of 20 feet.

Commissioner Ramsey questioned the concrete retention area. Mr. James Gartner, City Engineer, reported the construction plans depicted a smaller retention area and he is requiring a larger one. He explained, for zoning purposes, the application is required to provide a location of the retention area.

There being no others to speak for or against ZA2016-17, Chairman Cooper closed the Public Hearing.

**After a lengthy discussion, Commissioner Rick Keeler moved to deny 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).** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Cooper referenced the Public Hearing on a request by WP Legacy, LTD, for a Zoning Amendment from Multi-Family-2 (MF-2) to a Planned Development-Multi-Family-2 (PD-MF-2) Zoning District for multi-family development, located at south side of Park Place Blvd. east of Park Place, Phase I, being 11.871 acres in Garden Valley – Owner: WP Legacy, LTD (ZA 2016-18) and announced Staff received notice that the Applicant requested to withdraw the zoning case.

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Chairman Cooper opened the Public Hearing on a request by Solar City, for a Specific Use Permit within a Planned Development-Single Family-2 (PD-SF-2) Zoning District for roof mounted pv solar system, located at 108 Hacienda Dr., being Lot 5, Block 15, Indian Hills #1 Addition, 0.288 acres – Owner: Harry Steinfeldt (ZA 2016-20).

Planner Nathan Warren reviewed the following Staff Report:

**DEVELOPMENT SUMMARY**

1. The request is for a Specific Use Permit within a Planned Development-Single Family-2 (PD-SF-2) Zoning District for roof mounted pv solar system as shown on the plans submitted by the applicant.
2. According to the site layout drawings, the solar panels will be located on all but the north side of the roof of the primary structure.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.

**REVIEW COMMENTS**

1. Correctly label the property as '108 Hacienda Drive'.
2. Label the alley, Hacienda Drive, and Iroquois Lane in the correct location.

**APPLICANT REQUIREMENTS**

Consideration of the request for a Specific Use Permit within a Planned Development-Single Family-2 (PD-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 ZA2016-20, Chairman Cooper closed the Public Hearing.

**Commissioner Melissa Ballard moved to approve a request by Solar City, for a Specific Use Permit within a Planned Development-Single Family-2 (PD-SF-2) Zoning District for roof mounted pv solar system, located at 108 Hacienda Dr., being Lot 5, Block 15, Indian Hills #1 Addition, 0.288 acres – Owner: Harry Steinfeldt (ZA 2016-20), subject to Staff Comments.**

Commissioner Boney Ramsey seconded. The vote was as follows:

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

Noes: Betty Jefferson

**The motion carried.**

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Chairman Cooper opened the Public Hearing on a request by Don Merchant, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2) Zoning District for infill residential development, located at 113 McKenzie, being Lot 5-6B, Block 4, College Addition, 0.45 acres – Owner: DC Texas Construction, LLC (ZA 2016-21).



Planner Nathan Warren reviewed the following Staff Report:

**DEVELOPMENT SUMMARY**

1. The request is for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development- Single Family-2 (PD-SF-2) Zoning District for infill residential development as shown by the plans submitted by the applicant.
2. According to the site layout drawings, there are four proposed lots for single family residential use.
3. Proper notifications were made in accordance with state law and the City's zoning ordinance.

**REVIEW COMMENTS**

1. Correctly label the property as '108 Hacienda Drive'.
2. Label the alley, Hacienda Drive, and Iroquois Lane in the correct location.

**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.

Applicants Mr. Don Merchant and Mr. Cody Skoda, DC Texas Construction, LLC, 115 Park Place Blvd., Suite 500, Waxahachie, were available for questions.

Those who spoke against ZA2016-21:

Mr. Johnny Bryant, 107 McKenzie St., Waxahachie

There being no others to speak for or against ZA2016-21 Chairman Cooper closed the Public Hearing.

**After a lengthy discussion, Commissioner Jim Phillips moved to deny a request by Don Merchant, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2) Zoning District for infill residential development, located at 113 McKenzie, being Lot 5-6B, Block 4, College Addition, 0.45 acres – Owner: DC Texas Construction, LLC (ZA 2016-21).** Commissioner Bonney Ramsey seconded, **All Ayes.**

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Planner Nathan Warren announced applicant is not present and presented Final Plat of Atmos Energy Addition, Lot 1, Block A, Thomas Shelby Survey, Abstract No. 1002-Owner: Atmos Energy Corp (FP 2016-18). He reviewed the following Staff Report:

**DEVELOPMENT SUMMARY**

1. The request for a Final Plat would establish Lot 1, Block A, Atmos Energy Addition, being a total of 6.907 acres, or 300,889 square feet.

**REVIEW COMMENTS**

1. Show ROW for US Highway 77.
2. Remove language ‘PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 4/21/16’ above the legend on page 1 of 2 and below the surveyor’s statement on page 2 of 2.
3. Correct typo in surveyor’s statement on page 2 of 2 which reads “...in accordance with eh Subdivision Ordinance of the City of Waxahachie”.

**RECOMMENDATION**

Staff recommends APPROVAL of the plat, per staff comments.

**Commissioner Bonney Ramsey moved to approve Final Plat of Atmos Energy Addition, Lot 1, Block A, Thomas Shelby Survey, Abstract No. 1002-Owner: Atmos Energy Corp (FP 2016-18), subject to Staff Comments.** Commissioner Melissa Ballard seconded, **All Ayes.**

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Mr. Dayne Ram, 601 Saddle Hill Dr., Grand Prairie, Texas, representing Owner, presented Preliminary Plat of Cardinal Plaza, Lots 1 and 2, Block A, being a 3.086 acre addition in the A.W. Brown Survey, Abstract No. 102 and the J. Starrett Survey, Abstract No. 1024—Owner: Edmundo Zamorano (PLM 2016-19).

Planner Nathan Warren reviewed the following Staff Report:

**DEVELOPMENT SUMMARY**

1. The request is to preliminary plat two parcels (ID # 142109 and 260004) in order to create Lots 1 and 2, Block A of Cardinal Plaza addition. A recent zoning amendment (ZA2016-17) was submitted to create a Planned Development (PD) zoning district.
2. Lot 1, Block A is approximately 2.055 acres and Lot 2, Block A is approximately 1.032 acres.
3. Texas Local Government Code (LCG), Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations.
4. If the staff comments are addressed, then the technical requirements of this plat will be met and the proposal will comply with the requirements of the City of Waxahachie’s Code of Ordinances.

**REVIEW COMMENTS**

1. The plat drawing is identified as Sheet 1 of 5, but only includes one page. Clarify whether additional pages will be included or update label.
2. Remove unnecessary clutter from plat face to ensure lot lines are clearly visible, e.g., building silhouettes, former zoning, parking layout, or other site plan requirements.
3. Label south adjoining street Cardinal Road.

**RECOMMENDATION**

Staff recommends APPROVAL of the plat, per the comments.

**APPLICANT REQUIREMENTS**

Submit ten (10) signed, corrected copies of the plat drawing to the Planning Department.

**Commissioner Jim Phillips moved to deny, without prejudice, Preliminary Plat of Cardinal Plaza, Lots 1 and 2, Block A, being a 3.086 acre addition in the A.W. Brown Survey, Abstract No. 102 and the J. Starrett Survey, Abstract No. 1024—Owner: Edmundo Zamorano (PLM 2016-19).** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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**Citizens' Petitions and Requests:**

Vice Chairman Betty Jefferson announced Juneteenth activities will be held in Penn Park on Saturday, June 18, 2016 beginning at 11:00 a.m.

Commissioner Bonney Ramsey announced the Chamber of Commerce Board appointed Mr. Pete Havel as the Chamber of Commerce President and CEO.

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There being no further business, the meeting adjourned at 9:08 p.m.

Respectfully submitted,

Lori Saunders  
City Secretary