

Planning and Zoning Commission
July 12, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, July 12, 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
Rodney Bell

Members Absent: Betty Jefferson, Vice Chairman
Melissa Ballard

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

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

Commissioner Bonney Ramsey moved approval of the minutes of the Planning & Zoning Commission meeting of June 28, 2016. Mr. Jim Phillips seconded, All Ayes.

Chairman Cooper opened the Public Hearing on a request by Sara MacDonald for a Zoning Amendment from Single Family-1 (SF-1) to General Retail (GR) located at 409 West Franklin Street, being Lot 5, Block 79, 0.166 acres and 413 West Franklin Street, being Lot 4, Block 79, 0.124 acres in Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-29).

Planner Nathan Warren reviewed the following Staff Report:

CASE INFORMATION

Applicant: Sara MacDonald Property Owner(s): Ian MacDonald Site Acreage: 0.290 acres

Current Zoning: Single Family-1 (SF-1)

Requested Zoning: General Retail (GR)

SUBJECT PROPERTY

General Location: 409 & 413 W Franklin Street being located in the southwestern quadrant of Franklin Street and South Monroe Street

Parcel ID Number(s): 171026 & 171035

Existing Use: Multiple Family Dwelling

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	GR	Multiple Family Dwelling
East	C	Commercial
South	SF-1	Single Family Residential
West	SF-1	Single Family Residential

Future Land Use Plan: Retail

Comprehensive Plan: The Comprehensive Plan designates the subject property as Retail. The Retail designation includes areas that have restaurants, shops, grocery stores, and personal service establishments.

Thoroughfare Plan: Franklin provides access to South Monroe Street and West Jefferson Street.

PLANNING ANALYSIS

The two properties of 409 and 413 West Franklin Street are currently utilized as multiple family dwelling for local college students. The applicant is requesting this zoning change to align the current use of multiple family dwelling with an appropriate zoning designation. The applicant met with staff prior to applying for this request. From the meeting with staff, the applicant learned that the subject property was designated ‘Retail’ in the Future Land Use Plan (FLUP) of the City’s Comprehensive Plan (Comp Plan). With this designation, the applicant elected to apply for a zoning change from Single Family-1 (SF-1) to General Retail (GR). In GR zoning districts, ‘Multiple Family Dwelling or Apartment’ is not a use that is allowed outright and would require a Specific Use Permit (SUP) for occupancy. Multiple Family Dwelling-1 (MF-1) or Multiple Family Dwelling-2 (MF-2) are the only two zoning designations that allow ‘Multiple Family Dwelling or Apartment’ outright. However, unlike GR zoning, MF-1 and MF-2 do not comply with the Comp Plan’s vision for this area. Rather than requesting a zoning change to a district that would allow the desired use outright, the applicant requested a zoning change to a district that follows the FLUP and apply for two separate Specific Use Permits.

The Comp Plan designation of Retail aligns with the request to change the property zoning to a GR district. While the GR District is intended predominately for general retail, the Comp Plan encourages places where uses are mixed together such that people can easily access all types of uses to meet all of their needs. The subject site is located approximately 100 feet from the Central Area (CA) zoning district. The CA district coincides with the City’s downtown area. One of the strategies in the Comp Plan for downtown recognizes the need to connect this

area to surrounding neighborhoods. There is currently vacant and marginal development surrounding the Downtown which imposes a barrier between the neighborhoods and the Downtown. This area could be infilled with professional offices and higher density housing that would both strengthen the Downtown and provide a more attractive connection. Higher density housing is requested in the companion SUPs for these properties, which can be determined in conformance with the Comp Plan.

APPLICANT RESPONSE TO COMMENTS

The applicant is in communication with staff in efforts to address staff comments.

Ms. Sara McDonald, 747 Samuels Avenue, Fort Worth, Texas, representing Applicant, reported the property has operated as Multi-Family in a Single-Family -1 zone and explained the applicant is looking to sell the property and requested to correct the zoning to General Retail in order to keep the property as Multi-Family. She stated the property can't sell until the zoning is corrected.

Director of Planning, Darren Groth, stated the use of the property is not consistent with the zoning.

City Attorney Steve Chapman stated the applicant using the property as a Multi-Family is an illegal use and has been because the property is zoned Single-Family-1.

Those who spoke against ZA2016-29:

Mr. Johnathan Osborn, 414 Franklin Street, Waxahachie

There being no others to speak for or against ZA 2016-29, Chairman Cooper closed the Public Hearing.

After further discussion, Mr. Jim Phillips moved to deny a request by Sara MacDonald for a Zoning Amendment from Single Family-1 (SF-1) to General Retail (GR) located at 409 West Franklin Street, being Lot 5, Block 79, 0.166 acres and 413 West Franklin Street, being Lot 4, Block 79, 0.124 acres in Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-29), subject to Staff Comments. Mr. Rick Keeler seconded, **All Ayes.**

Director of Planning, Darren Groth stated due to ZA2016-29 being denied, the following Public Hearings requesting Specific Use Permits are mute:

Public Hearing on a request by Sara MacDonald for a Specific Use Permit within a General Retail (GR) Zoning District located at 413 West Franklin Street, being Lot 4, Block 79, 0.124 acres, Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-30).

Public Hearing on a request by Sara MacDonald for a Specific Use Permit within a General Retail (GR) Zoning District located at 409 West Franklin Street, being Lot 5, Block 79, 0.166 acres, Town Addition for a multi-family unit-Owner: Mac One Realty LLC (ZA 2016-31).

Chairman Cooper opened the Public Hearing on a request by LCH Holdings, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development (PD) located at Highway 77 North and Hedgewood Dr., being Block 2, 41.688 acres, The Arbor at Willow Grove for single family residential lots-Owner: Waxahachie I JV (ZA 2016-32).

Planner Nathan Warren reviewed the following Staff Report:

CASE INFORMATION

Applicant: LCH Holdings Property Owner(s): Waxahachie IJV Site Acreage: 41.688 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: Planned Development (PD) overlay district – no underlying zoning denoted on application. Staff supports SF-2.

SUBJECT PROPERTY

General Location: East of the intersection of U.S. Highway 77 and Hedgewood Dr.

Existing Use: Vacant land

Development History: The subject property is currently unplatted and adjacent to the North Grove Planned Development District.

Case No.	Direction from Site	Request	Result
ZA2013-41R2	East	PD-SF 1,2,3 & MF-1 & GR	Approved

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residential
East	PD-SF 1,2,3 MF-1 GR	Vacant Land
South	PD-SF 1,2,3 MF-1 GR	Vacant Land
West	GR	Vacant Land

Future Land Use Plan: Low Density Residential

Comprehensive Plan: The Comprehensive Plan calls out Low Density Residential as having approximately 3.5 dwelling units per acre. The proposed site plan shows approximately 3.3 dwelling units per acre.

Thoroughfare Plan: The site plan shows Hedgewood Drive as the only point of access.

PLANNING ANALYSIS

The request was submitted to allow for the continued development of the Arbors subdivision. Arbors Phase I was developed prior to the Zoning Ordinance revision in December 2012 that increased lot size requirements in all single family zoning districts. In order to allow this phase of development to continue the existing vision of the Arbors Subdivision, the applicant is requesting a PD to allow smaller lot sizes.

Under the 1997 Zoning Ordinance, SF-2 zoning districts required a minimum lot area of 7,500 square feet. In April 2011, under City Ordinance 2608, the lot size minimum for SF-2 zoning districts was increased to 8,000 square feet. The SF-2 lot size minimum was again increased in December 2012 to require 12,500 square feet. Since the subject site was not platted and is currently zoned straight SF-2, this requested PD overlay would enable specific lot size requirements as an alternative to the base, underlying zoning district. The only request for the PD is to allow smaller lot sizes than currently permissible under the current SF-2 zoning. All other requirements should default to the underlying zoning district. While the applicant did not specify a base district on the application, Staff recommends utilizing SF-2 and the underlying zoning district for the PD overlay.

In accordance with Section 31 of the City's Zoning Ordinance, each PD must set forth the development requirements in the Ordinance establishing the PD District. Section 31 also requires a Concept Plan and Detailed Site Plan. The Detailed Site Plan can be submitted in lieu of a Concept Plan if enough detail is provided to satisfy both requirements. For residential developments, the Plat can serve as the Detailed Site Plan. To draft the PD ordinance, staff asked the applicant in the review comments to clarify whether the lot size was the only specific standard requested or whether any additional requirements are proposed.

REVIEW COMMENTS

PLANNING COMMENTS—Nathan Warren

1. Provide a document showing specific conditions of the requested Planned Development District in the form of zoning ordinance text and show those conditions on the site plan.
2. Show dimensions of ROW on the site plan.
3. Remove the text 'PHASE TWO' located within the site.
4. Show block numbers on the site plan.

ENGINEERING COMMENTS—James Gaertner

1. See attached redlines.

APPLICANT RESPONSE TO COMMENTS

The review comments were sent to the applicant via email on Friday, June 17, 2016. As of July 6, 2016, staff has not received any correspondence from the applicant in response to the provided comments.

APPLICANT REQUIREMENTS

1. Submit corrected copies of the site plan drawing to the Planning Department.
2. Provide a document showing specific conditions of the requested Planned Development District in the form of zoning ordinance text and show those conditions on the site plan.

Those who spoke against ZA2016-32 expressing concern with one entrance/exit to the development and additional proposed development without an additional entrance/exit:

Ms. Gretchen Holmquist, 100 Honeysuckle Lane, Waxahachie

Mr. Marty Hiles, Homeowners Association President

Kim, Homeowners Association Board Member

Ms. Deirdre Turner, 113 Honeysuckle Lane, Waxahachie

Ms. Vickie Basa, 103 Sumac Drive, Waxahachie

Mr. Tony Martin, representing applicant, stated Phase I of the subdivision was developed under Single-Family-2 (SF-2) and explained 99 lots can be developed under SF-2. He stated the applicant is seeking to add 140 more lots under Planned Development (PD) with some lots conforming to SF-2 and smaller lots conforming to PD.

Director of Planning Darren Groth stated the Planning Department has not received a Plat on the Planned Development noting a letter was sent to the applicant asking for the specifics on the Planned Development and hasn't received details as of this date.

City Attorney Steve Chapman stated he doesn't know how the Commission can approve without more information.

Mr. Rick Keeler asked how recent to current owner purchased the land. Mr. Martin stated 2 weeks ago. Mr. Keeler confirmed the new owner knew when he purchased the land it was zoned SF-2. Mr. Martin concurred and stated the extra lots won't create more traffic. He noted the Planning Department received a Preliminary Plat. Mr. Groth stated the Planning Department does not have an application for a Preliminary Plat.

There being no others to speak for or against ZA 2016-32, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to deny a request by LCH Holdings, for a Zoning Amendment from Single Family-2 (SF-2) to Planned Development (PD) located at Highway 77 North and Hedgewood Dr., being Block 2, 41.688 acres, The Arbor at Willow Grove for single family residential lots—Owner: Waxahachie I JV (ZA 2016-32), subject to Staff Comments. Mrs. Bonney Ramsey seconded, **All Ayes.**

Planner Nathan Warren presented Preliminary Plat of North Grove Business Park Phases One and Two being 9.948 acres and Phases Three and Four being 58.751 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract No. 1000, and E.C. Newton Survey, Abstract No. 791—Owner: SAP Properties, LLC and Ledbetter Real Estate LTD (PLM 2016-22). He reviewed the following Staff Report:

CASE INFORMATION

Applicant: Scott Pendery

Property Owner(s): SAP Properties Site Acreage: 68.699 acres Number of Lots: 14

Number of Dwelling Units: 0

Park Land Dedication: Not required for nonresidential.

Adequate Public Facilities: In accordance with Subdivision Ordinance Section 5.1, all improvements will be reviewed during construction plan phase and will be verified at time of Final Plat.

SUBJECT PROPERTY

General Location: Located in the southwest quadrant of US Highway 77 and Butcher Road.

Parcel ID Number(s): 189301, 189294, and 189293

Current Zoning: The site is currently zoned Planned Development-85-General Retail (PD-85-GR), Light Industrial-1 (LI-1), and General Retail (GR). There are currently two ongoing zoning change requests subject to this property. ZA2016-23 is requesting a zoning change from Light Industrial-1 (LI-1) to Commercial (C) and ZA2016-24 is requesting a zoning change from Planned Development-85-General Retail (PD-85-GR) to Commercial (C).

Existing Use: Vacant land

Lot, Block Designations: Lots 1-2, Block A; Lots 1-3, Block B; Lots 1-5, Block C; Lots 1-2, Block D; Lots 1-2, Block E.

Platting History: A. S. Pruett Survey, Abstract 848; John Shaver Survey, Abstract 1000; E. C. Newton Survey, Abstract 791

REVIEW COMMENTS

PLANNING COMMENTS—Nathan Warren

1. Change title to ‘NORTH GROVE BUSINESS PARK PHASE ONE, TWO, THREE, and FOUR 68.699 Acres’.
2. Correctly identify scale—scale bar indicates 1” = 120’ whereas the scale reads 1” = 100’ under the date.

3. Remove all mention of sheet two as there is only one sheet pertaining to a Preliminary Plat.
4. Remove building footprint and parking layout in Lot 2, Block D.
5. Remove zoning designations from the plat.
6. Place the text describing the phase areas in the same text box as the phase titles.

ENGINEERING COMMENTS—James Gaertner

1. See attached redlines

APPLICANT RESPONSE TO COMMENTS

Applicant satisfied comments and sent a revised plat.

RECOMMENDATION

Staff recommends APPROVAL of this plat.

APPLICANT REQUIREMENTS

Applicant must submit seven (7) signed, corrected copies of the final plat drawing to the Planning Department.

Mr. Rick Keeler moved to approve Preliminary Plat of North Grove Business Park Phases One and Two being 9.948 acres and Phases Three and Four being 58.751 acres in the A.S. Pruett Survey, Abstract No. 848, John Shaver Survey, Abstract No. 1000, and E.C. Newton Survey, Abstract No. 791—Owner: SAP Properties, LLC and Ledbetter Real Estate LTD (PLM 2016-22), subject to Staff Comments. Mr. Jim Phillips seconded, All Ayes.

Citizens' Petitions and Requests:

None

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Lori Saunders,
City Secretary