

Planning and Zoning Commission  
October 11, 2016

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, October 11, 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  
Jim Phillips  
Erik Barnard

Members Absent: Melissa Ballard

Others Present: Darren Groth, Director of Planning  
James Gaertner, City Engineer  
Steve Chapman, City Attorney  
Lori Saunders, City Secretary  
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 Planning & Zoning Commission meeting of September 27, 2016.** Mr. Jim Phillips seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by Obinna Ononobi, Altus Emergency Center, for a Specific Use Permit for an Electronic Message Sign within a Commercial (C) zoning district, located at 1791 N Highway 77, being LOT 4 BLK A SPRING LAKE DEVELOPMENT 1.632 AC- Owner: ALTUS WAXAHACHIE REALTY LP (ZA2016-50).

Director of Planning Darren Groth stated Staff recommends approval, per the following comments:

- All signs must be permitted through the Building Inspection Department.
- This SUP is for the authorization of one (1) Electronic Message Sign only. Installation must comply with all other City Codes and Ordinances.

There being no others to speak for or against ZA 2016-50, Chairman Cooper closed the Public Hearing.

**Mrs. Bonney Ramsey moved to approve a request by Obinna Ononobi, Altus Emergency Center, for a Specific Use Permit for an Electronic Message Sign within a Commercial (C) zoning district, located at 1791 N Highway 77, being LOT 4 BLK A SPRING LAKE DEVELOPMENT 1.632 AC- Owner: ALTUS WAXAHACHIE REALTY LP (ZA2016-50), subject to staff comments.** Mr. Jim Phillips seconded. The vote was as follows:

Ayes: Jim Cooper  
Betty Jefferson  
Bonney Ramsey  
Jim Phillips  
Erik Barnard

Noes: Rick Keeler

**The motion carried.**

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Chairman Cooper opened the Public Hearing on a request by Terry and Cathy Skipper for a Specific Use Permit for an accessory building over 700 square feet within a Single Family-1 (SF-1) zoning district, located at 2431 Marshall Road, being 1 MARSHALL RD ESTS 7.284 ACRES- Owner: SKIPPER TERRY G & CATHY L (ZA2016-51).

Mr. Groth reviewed the following comments and recommended approval:

- SUP request for an Accessory Building over 700 square feet (sf) in an SF1 zoning district and on a lot larger than two acres.
- Zoning Ordinance Section 34.2.E.1:  
Barns on property  $\geq 2$  acres, provided used solely for agricultural purposes, are exempt from masonry construction requirements.

Ms. Cathy Skipper, owner, 2431 Marshal Road, Waxahachie, reported in their area there are several metal structure buildings. She stated it will be used for agriculture purposes.

There being no others to speak for or against ZA 2016-51, Chairman Cooper closed the Public Hearing.

**Mr. Jim Phillips moved to approve a request by Terry and Cathy Skipper for a Specific Use Permit for an accessory building over 700 square feet within a Single Family-1 (SF-1) zoning district, located at 2431 Marshall Road, being 1 MARSHALL RD ESTS 7.284 ACRES- Owner: SKIPPER TERRY G & CATHY L (ZA2016-51), subject to staff comments.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Cooper opened the Public Hearing on a request by Brad Yates for a Zoning Amendment from Single Family-1 (SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan approval, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC (ZA2016-52).

Mr. Groth clarified the proposed will go from a Single family-2 to Planned Development. He reviewed the following staff comments:

Overall concept is cottage themed structures:

<b><i>Min. Requirement</i></b>	<b><i>Base Zoning – SF2</i></b>	<b><i>Proposed Standard - PD</i></b>
<b><i>Lot Size</i></b>	<i>12,500 sq ft</i>	<i>2,070 sq ft</i>
<b><i>Dwelling Size</i></b>	<i>1,600 sq ft</i>	<i>1,000 sq ft (≥ 50% 1,250 sq ft)</i>
<b><i>Building Height</i></b>	<i>24 feet</i>	<i>40 feet</i>
<b><i>Off-street parking</i></b>	<i>2 spaces</i>	<i>1 space</i>
<b><i>Garages</i></b>	<i>100 percent</i>	<i>60 percent</i>
<b><i>Roofing Materials</i></b>	<i>25-year shingle</i>	<i>30-year shingle</i>
<b><i>Fencing</i></b>	<i>Minimum screening of wood, with no post requirement</i>	<i>Wood with metal, masonry, or stone posts</i>
<b><i>Setbacks</i></b>	<i>Front – 30 feet Side – 15 feet Rear – 25 feet</i>	<i>Front – 20 feet Side – Zero on one side, otherwise 5-foot minimum Rear – 7.5 feet with 15 feet for townhomes</i>

- PD Concept Plan for a cottage themed residential development
- Per Zoning Ordinance Section 31.4, a Concept Plan showing a schematic layout for the development of the land within the district was provided
- The Concept Plan is intended to comply with the standards from Ordinance 2596, which is commonly known as the Infill Overlay ordinance
- In addition, Ordinance 2607 applies to this development
- Ordinance 2607 provides an exception to impact fees for “infill construction” of new construction within the area delineated in Ordinance 2596
- If the PD Ordinance and Concept Plan are approved, submittal of a Detailed Site Plan to the Planning Department shall be the basis for issuance of a building permit
- If Detailed Site Plan conforms to the Concept Plan, then Detailed Site Plan is administratively approved
- If deviations from the Concept Plan are requested, then Detailed Site Plan requires public hearings

Mr. Groth recommended approval per staff comments:

- Comments sent to applicant on September 21, 2016
- Awaiting applicant response to comments

Members of the audience expressed concern with the surrounding neighborhood, streets, curb and gutter, utilities, and street lighting.

Mr. Brad Yates, P.O. Box 2868, Waxahachie, Applicant/Owner, reported the development will be phased in with Phase 1 having 5 townhomes. Mr. Yates stated he met with City Staff and they have approved utilities on the Hawkins side and explained street improvements will come at a later date. He reported his customers want smaller homes and the development will have higher-end townhomes. Two new streets will be within the development and sidewalks will be built during each construction phase. Front entry homes will be on Royal Street.

Mr. Jim Phillips stated Mr. Yates does a great job of bringing new and improved developments to the city. He expressed concern with density on the proposed property.

Vice Chairman Betty Jefferson expressed concern with density noting the development is proposed in an area where infrastructure is badly needed.

Mr. Rick Keeler questioned the need for so much density. Mr. Yates stated he is listening to his customers and the cottage theme is what they want now.

Mrs. Bonney Ramsey expressed concern with 25 dwellings on 2 acres. She commended Mr. Yates for his research in presenting the cottage style concept noting he does good work.

There being no others to speak for or against ZA 2016-52, Chairman Cooper closed the Public Hearing.

**After further discussion, Mr. Rick Keeler moved to approve a request by Brad Yates for a Zoning Amendment from Single Family-1 (SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan approval, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC (ZA2016-52), subject to staff comments and engineering comments.** Mrs. Bonney Ramsey seconded. The vote was as follows:

Ayes: Jim Cooper  
Rick Keeler  
Bonney Ramsey  
Jim Phillips  
Erik Barnard

Noes: Betty Jefferson

**The motion carried.**

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Mr. Groth presented Preliminary Plat of Greenwood Grove, 2.094 acres, being a Replat of all Lots 25, 26, 32 and 33 and a portion of Block 24, and a closed section of Alley of Ferris Addition-Owner: Loren Gray Investments LLC (PLM 2016-46) noting this is a companion case of ZA2016-52.

Mr. Groth presented the following comments:

- Application is for a Preliminary Plat (PLM) of 25 residential lots.

- Companion case, ZA2016-52, must be approved in order for the plat to conform to zoning. Without ZA2016-52 approval, the plat must be denied.
- If PLM approved, within 30 days applicant shall provide Planning one revised plan set that incorporates outstanding comments, with the following items:
  - A response letter detailing how each comment was addressed; and
  - the revised plan set that contains the changes incorporated within the drawings
- Once the revised plans are provided, staff will verify comments were addressed
  - If comments were not satisfied, then applicant will be notified to make corrections.
  - If all comments satisfied, applicant will be directed to provide 5 signed plats
- City obtains signatures from the P&Z and City Council representatives
- See redline plans for City Engineer comments
- Staff recommends approval, per staff comments.
  - Comments sent to applicant on September 21, 2016
  - Awaiting applicant response to comments

Mr. James Gaertner, City Engineer, reported his comments were the waterline and the easement need to be larger to be maintainable and explained staff will work with applicant.

**After a brief discussion, Mr. Jim Phillips moved to approve Preliminary Plat of Greenwood Grove, 2.094 acres, being a Replat of all Lots 25, 26, 32 and 33 and a portion of Block 24, and a closed section of Alley of Ferris Addition-Owner: Loren Gray Investments LLC (PLM 2016-46) noting this is a companion case of ZA2016-52, subject to staff comments.** Mr. Rick Keeler seconded, **All Ayes.**

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Chairman Cooper announced the Applicant for the following PLM 2016-41 has requested to postpone at this time:

Preliminary Plat of North Grove Phase 3-7, and 12, being Block 12- Block 50, being a 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 647 residential lots and 20 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST, LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT, LLC (PLM 2016-41).

**Vice Chairman Betty Jefferson moved to postpone Preliminary Plat of North Grove Phase 3-7, and 12, being Block 12- Block 50, being a 211.074 acres situated in the J.B. and Ann Adams Survey, Abstract No. 5, Henri Levi Survey, Abstract No. 629, Henry Sange Survey, Abstract No. 1009, and the R. Russell Survey, Abstract No. 911 being 647 residential lots and 20 open spaces –Owner: JHDMC, LLC; JHH PROPERTY ACQUISITION SERVICES, LLC; MORITZ INTEREST, LTD.; MARGARET H. LUMPKINS; JHH NORTH GROVE DEVELOPMENT, LLC (PLM 2016-41).** Mrs. Bonney Ramsey seconded, **All Ayes.**

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Mr. Groth presented Final Plat of Carlisle Addition Lot 1, Block A, 9.356 acres in the Jonathan Prince Survey, Abstract No. 844 being 1 commercial lot—Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST C/O FRANK & ALICE BLANKENBECKLER TRUSTEE (FP 2016-43).

Mr. Groth reported staff comments were emailed to the applicant on September 21, 2016 and on October 4, 2016; the applicant emailed the following eleven (11) response items:

1. Dealership property has been in place for fifty-plus years.
2. When structure was originally built, no plat requirement was in place and no reservation of utilities was necessary.
3. Utilities are in place all around the property in the City/state right-of-way (John Arden Drive, Sam George Drive, and 287) and no need exists to reserve 15' utility perimeter.
4. Property was deeded to Blankenbeckler family in March of 1969 and deed was recorded April 17, 1969. Cutoff date of platting requirement is April 10, 1969 so they are one week after the deadline.
5. City's primary objective is to get the area paved so they are not parking their cars on gravel. This will improve appearance of the property. The property is a prominent landmark for folks entering Waxahachie along both 287 and I35 and will help improve overall appearance of the city as people enter. City was very excited about the renovations at Waxahachie Autoplex along the same entry corridor. With that, new Baylor hospital and upgrades at Carlisle we will have a very fresh looking commercial area. Also likely to encourage development of the Southwest corner of the I35/287 intersection.
6. Ordinance exempts plat requirement where building permit is requested for additions of not over 50% of existing structure value and 20% of gross floor area; accessory buildings; or remodeling or repair (i.e. no expansion of square footage). Exemptions apply, but we want to do everything we can to make the City happy and feel that this is a good opportunity to get the property platted.
7. Family is acting in good faith with city in going through platting process, will result in greater convenience. Will add to historic character of the property to call it Carlisle Addition, which dealership has been in operation in Waxahachie for generations (Carlisle Addition instead of the metes and bounds description). Trying to be good stewards to set the stage for the next 100 years of good relations between Carlisle and the City.
8. Reservation of 15' utility easement will cause unusual and undue hardship to the property. Property is surrounded by public roadway and family will lose 10% or more of its net usable space. Space is already at a premium.
9. This is a small business that has served the community. Family donated the land that became Sam George Drive, a public street along the east portion of the property. In addition, during the economic downturn Mr. Blankenbeckler flew to D.C., met with lawmakers and GM executives and testified before Congress in his bid to save the Carlisle dealership from being shut down by GM. Mr. Blankenbeckler succeeded and saved dozens of jobs and one of Waxahachie's oldest businesses.
10. Lots of development is underway around the civic center. Utilities are well-established in the area and again the negative effects of making them reserve a 15' perimeter all around the property outweigh any positives.
11. Nothing prevents the City from using its eminent domain powers in the future if utility space is actually needed.

Mr. Groth stated per Subdivision Ord. Section 3.3.a: A minimum utility easement 15 feet wide on both sides of the street adjacent to all street rights-of-way shall be provided for gas, electric,

and other utilities approved by the City. Without the dedicated easement, the technical requirements of the plat have not been met. He reported Texas Local Government Code Section 212.005 requires that the municipal authority responsible for approving plats must approve a plat or replat that satisfies all applicable regulations and explained the proposed replat does not comply with the requirements of the City of Waxahachie's Code of Ordinances. Mr. Groth stated the city may act on a plat that does not comply; however, approval is not stipulated in State law.

Mr. Groth stated Staff recommends approval, per the following outstanding issue to be determined:

- Whether the plat will require a dedicated 15-foot easement around the property, as identified by the staff comments or as rebutted by the applicant response.

City Attorney Steve Chapman stated if the city doesn't have the easement it will have to be purchased later and explained according to the city Ordinance the city can require an easement.

Mr. James, Gaertner, City Engineer, stated it is best to require the easement now for future needs.

Mr. Kevin Kosoris, 200 N. Rogers, representing the applicant, reported the property is landlocked and the dealership cannot grow. He stated approximately 20 years ago the Blankenbeckler family gave the city land for Sam George Drive. Mr. Kosoris stated if in the future TxDot wants to make a water line move onto the property of a private owner, technically TxDot has to pay for the expense. He stated the city has the means to resist being pushed around by TxDot, but the property owner is the victim. Mr. Kosoris stated the most valuable and visible piece of the property is the 15 foot easement at the frontage road. He encouraged the Commission to approve the plat without the 15 foot easement requirement.

Mr. Trey Blankenbeckler, Owner, stated the city wants to take 41,000 square feet of his property noting he is not going to give up 10% of his property. Mr. Blankenbeckler requested the plat be approved without the 15 foot required easement.

Councilmember David Hill asked if the easement can be paved. Mr. Groth stated it can be paved.

**After further discussion, Mr. Jim Phillips moved to approve Final Plat of Carlisle Addition Lot 1, Block A, 9.356 acres in the Jonathan Prince Survey, Abstract No. 844 being 1 commercial lot—Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST C/O FRANK & ALICE BLANKENBECKLER TRUSTEE (FP 2016-43) without the required easement.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Mr. Groth presented Final Plat of Buffalo Ridge Addition Phase IIIA situated in the W. Dunn Survey, Abstract No. 303, 7.154 acres being 31 residential lots – Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-44). He reviewed the following comments:

- Application is for a Final Plat of 31 residential lots

- The site is currently being developed in accordance with the Preliminary Plat and approved construction plans
- A final inspection of the infrastructure is scheduled for October 11, 2016
- Staff recommends APPROVAL, per staff comments and final inspection acceptance

**Vice Chairman Betty Jefferson moved to approve Final Plat of Buffalo Ridge Addition Phase IIIA situated in the W. Dunn Survey, Abstract No. 303, 7.154 acres being 31 residential lots – Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-44), subject to staff comments.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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Mr. Groth presented Final Plat of Buffalo Ridge Addition Phase IIIB situated in the W. Dunn Survey, Abstract No. 303, 9.322 acres being 40 residential lots - Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-45). He reviewed the following comments:

- Application is for a Final Plat of 40 residential lots
- The site is currently being developed in accordance with the Preliminary Plat and approved construction plans
- A final inspection of the infrastructure is scheduled for October 11, 2016
- Staff recommends approval, per staff comments and final inspection acceptance.

**Mr. Jim Phillips moved to approve Final Plat of Buffalo Ridge Addition Phase IIIB situated in the W. Dunn Survey, Abstract No. 303, 9.322 acres being 40 residential lots - Owner: BETHANY/BUFFALO RIDGE LTD. (FP 2016-45), subject to staff comments.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Re-organization of the Commission:

**Mr. Rick Keeler nominated Mr. Jim Cooper to continue serving as Chairman and Ms. Ms. Betty Jefferson to continue serving as Vice Chairman.** Mrs. Bonney Ramsey seconded, **All Ayes.**

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**Citizens' Petitions and Requests:**

None

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Mr. Groth asked the Commission if they would like to sign up to be a part of the American Planning Association noting with membership opportunities to attend trainings. Mr. Groth stated city funds are available for the Commission to participate.

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

Respectfully submitted,

Lori Saunders,  
City Secretary