

Planning and Zoning Commission
March 14, 2017

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, March 14, 2017 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
Erik Barnard

Others Present: Darren Groth, Director of Planning
James Gaertner, City Engineer
Steve Chapman, City Attorney
Lori Saunders, City Secretary
David Hill, Council Representative
Kelly Dent, Planner

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

CONSENT AGENDA:

- a. Minutes of the regular P&Z meeting of February 28, 2017
- b. Preliminary Plat of Settler's Glen Addition subdivision, Phase 5 for 82 residential lots, being 15.270 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen Ltd. (PP-17-0017)
- c. Final Plat of Settler's Glen Addition, Phase 4 subdivision for 86 residential lots, being 23.522 acres situated in the William Paine Survey, Abstract No. 835 – Owner: Settler's Glen, LTD. (FP-17-0018)
- d. Final Plat of Homestead Estates subdivision for 28 residential lots, being 35.337 acres situated in the William Stewart Survey, Abstract No. 956 – Owner: Waxahachie Homestead Estates, LLC. (FP-17-0019)
- e. Preliminary Plat of North Farm Estates subdivision for 20 residential lots, being 60.169 acres situated in the J. Chapman Survey, Abstract No. 214 in the Extra Territorial Jurisdiction (ETJ) – Owner: Lancaster J/V. (PP-17-0020)

Mrs. Bonney Ramsey moved to approve items a. through e. on the Consent Agenda. Ms. Melissa Ballard seconded, **All Ayes.**

Chairman Cooper continued the Public Hearing on a request by Karl Hansen, for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being 11;12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005).

Mr. Darren Groth, Director of Planning, requested to continue SU-17-0005 to the Planning and Zoning Commission meeting of March 28, 2017 due to the applicant waiting on revised drawings.

Mr. Rick Keeler moved to continue the Public Hearing on a request by Karl Hansen, for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being 11; 12 11 UNIVERSITY 0.344 ACRES – Owner: HANSEN KARL G (SU-17-0005) to the Planning and Zoning Commission meeting of March 28, 2017. Mr. Jim Phillips seconded, **All Ayes.**

Chairman Cooper continued the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from Planned Development-21-Commercial (PD-21-C) zoning district to Planned Development-Multi-Family District 1 (PD-MF1), with Concept Plan, located at the Southwest corner of Dunn Street and Second Street, being a portion of Property ID 176907 – Owner: GATEHOUSE MEDIA TEXAS HOLDINGS II INC (PD-17-0012).

Planner Kelly Dent presented the following case summary:

- Request is for townhouse-style planned development
- Applicant submitted revised drawings and text, and comments have been satisfied
- Staff recommends approval, per staff comments

Mr. Jamie Mills, 516 N. College Street, Waxahachie, asked for clarification on concept plan and location. Mr. Groth stated once the concept plan has been approved then the drawing of an architectural design will be required and explained the zoning change is required in order to move forward with the design plans.

Ms. Stacy Seabolt, 606 Royal Street, Waxahachie, asked the size of the lot. Mr. Groth reported the lot size is 0.414 acre.

Those who spoke against PD-17-0012:

Ms. Sharla Hopkins, 112 Dunn Street, Waxahachie

There being no others to speak for or against PD-17-0012, Chairman Cooper closed the Public Hearing.

Ms. Melissa Ballard moved to approve a request by Brad Yates, Colonial Restoration, for a Zoning Amendment from Planned Development-21-Commercial (PD-21-C) zoning district to Planned Development-Multi-Family District 1 (PD-MF1), with Concept Plan, located at the Southwest corner of Dunn Street and Second Street, being a portion of Property ID 176907 – Owner: GATEHOUSE MEDIA TEXAS HOLDINGS II INC (PD-17-0012), subject to staff comments. Mr. Jim Phillips seconded. The vote was as follows:

Ayes: Betty Jefferson
Rick Keeler
Bonney Ramsey
Melissa Ballard
Jim Phillips
Erik Barnard

Noes: Jim Cooper

The motion carried.

Chairman Cooper opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-2 (SF2) zoning district to Planned Development-Single Family-2 (PD-SF2), with Concept Plan, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0014).

Planner Kelly Dent presented the following case summary:

- PD Concept Plan for a cottage themed residential development
- Proposal to construct 23 detached single-family homes
- Per Zoning Ordinance Section 31.4, a Concept Plan showing a schematic layout for the development of the land within the district was provided
- 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.
 - a. If Detailed Site Plan conforms to the Concept Plan, then Detailed Site Plan is administratively approved.
 - b. If deviations from the Concept Plan are requested, then Detailed Site Plan requires public hearings.
- Staff recommends approval, per staff comments

Those who spoke against PD-17-0014:

Mr. Herschel Allen, 411 Royal Street, Waxahachie
Mr. Phillip Spicer, 412 Royal Street, Waxahachie
Dr. Katherine Donaldson, 508 Grace Street, Waxahachie
Mr. Earnest Barker, 615 W. Parks Avenue, Waxahachie
Mr. Casey Brown, 500 Royal Street, Waxahachie
Mr. John Seabolt, 606 Royal Street, Waxahachie
Mr. Robert Robertson, 409 W. Parks Avenue, Waxahachie
Ms. Amy Elright, 409 Royal Street, Waxahachie
Ms. Linda Darnell, 600 Royal Street, Waxahachie
Ms. Stacy Seabolt, 606 Royal Street, Waxahachie

Those who spoke for PD-17-0014:

Ms. Melissa Lewis, 327 North Grand Avenue, Waxahachie

Jason and Stephanie Peso, 408 Gibson Street, Waxahachie

Ms. Beth Young, 407 College Street, Waxahachie

Ms. Carol Jean Long, 501 West Parks, Waxahachie

Mr. Brad Yates, 108 Farley Street, Waxahachie, applicant, stated he removed the five townhome lots and replaced with three single-family lots to match requirements of proposed planned development. He proposed to utilize two adjacent lots for green space.

There being no others to speak for or against PD-17-0014, Chairman Cooper closed the Public Hearing.

After a lengthy discussion, Mr. Rick Keeler moved to approve a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-2 (SF2) zoning district to Planned Development-Single Family-2 (PD-SF2), with Concept Plan, located at 500 Royal Street, being LOT 24A;25 26;32; 33 FERRIS REV 2.008 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0014), subject to staff comments and reduction of lots from 23 to 21. Mr. Jim Phillips seconded. The vote was as follows:

Ayes: Rick Keeler
Melissa Ballard
Jim Phillips

Noes: Jim Cooper
Betty Jefferson
Bonney Ramsey
Erik Barnard

The motion was denied.

Chairman Cooper opened the Public Hearing on a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-3 (SF3) zoning district to Planned Development-SF3 (PD-SF3), with Concept Plan, located at 111 N Getzendaner Avenue, being LOT 2 BLK 171 TOWN 2.48 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0015).

Planner Kelly Dent presented the following case summary:

- Application is to develop thirteen (13) residential lots and one (1) community center
- Maximum of four (4) duplex structures (eight residences) to be dispersed throughout development
- After PD Ordinance and Concept Plan approved, Detailed Site Plan submittal and approval is the basis for issuance of a building permit
- Staff recommends approval, per staff comments

Those who spoke for PD-15-0015:

Mr. Gilbert Escobedo, 110 Pierce Road, Red Oak, Texas

Mr. Jesse Gibson, 105 Crystal Cove, Waxahachie

Mr. Brad Yates, 108 Farley Street, Waxahachie, reported the overall general concept is brick and frame homes to match style and sizing of other newly constructed homes on surrounding streets.

Mr. James Gaertner, City Engineer, stated once approved staff will look at possibly additional easements during the preliminary plat and construction phase noting a cul-de-sac or hammerhead will be needed for turn-around of fire trucks as well as garbage trucks.

There being no others to speak for or against PD-17-0015, Chairman Cooper closed the Public Hearing.

Vice Chairman Betty Jefferson moved to approve a request by Brad Yates, Colonial Restoration, for a Zoning Change from a Single-Family-3 (SF3) zoning district to Planned Development-SF3 (PD-SF3), with Concept Plan, located at 111 N Getzendaner Avenue, being LOT 2 BLK 171 TOWN 2.48 AC- Owner: LOREN GRAY INVESTMENTS LLC. (PD-17-0015), subject to staff comments. Ms. Bonney Ramsey seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Marcos Cavazos, Torcedor LLC, for a Specific Use Permit (SUP) to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue, within a Central Area (CA) zoning district, located at 100 N College Street, #B101, being LOT 5 THRU 8 BLK 1 O T WAXAHACHIE BLK 1 0.4924 AC- Owner: ROGERS HOTEL PARTNERS LLC. (SU-17-0021).

Planner Kelly Dent presented the following case summary:

- Request for SUP to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue
 - a. Proposed restaurant may exceed 49% threshold
 - b. SUP request approval sought as safeguard
- Staff recommends APPROVAL, as presented

Mr. Marcos Cavazos, Torcedor LLC, 100 N. College Street, Suite B101, Waxahachie, was present for questions.

There being no others to speak for or against SU-17-0021, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to approve a request by Marcos Cavazos, Torcedor LLC, for a Specific Use Permit (SUP) to permit a Dance Hall, Tavern, or Night Club use, to allow a restaurant with alcohol sales exceeding 49 percent of the gross revenue, within a Central Area (CA)

zoning district, located at 100 N College Street, #B101, being LOT 5 THRU 8 BLK 1 O T WAXAHACHIE BLK 1 0.4924 AC- Owner: ROGERS HOTEL PARTNERS LLC. (SU-17-0021), subject to staff comments. Vice Chairman Betty Jefferson seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Alan Doan, Roye Family Enterprises, for a Zoning Change from a Single-Family-2 (SF2) zoning district to General Retail (GR), located at 1324 Brown Street, being 1 ROYE ADDN 6 ACRES- Owner: ROYE FAMILY ENTERPRISES L P. (ZC-17-0033).

Planner Kelly Dent presented the following case summary:

- Site currently zoned SF2.
 - a. Existing Regional Orthopedic and Sports Medicine Center use is not permissible within SF2 zoning.
- Request to extend adjoining GR district so a Certificate of Occupancy can be granted. Existing business to remain
 - a. CO can be issued upon approval of ZC-17-33

There being no others to speak for or against ZC-17-0033, Chairman Cooper closed the Public Hearing.

Ms. Bonney Ramsey moved to approve a request by Alan Doan, Roye Family Enterprises, for a Zoning Change from a Single-Family-2 (SF2) zoning district to General Retail (GR), located at 1324 Brown Street, being 1 ROYE ADDN 6 ACRES- Owner: ROYE FAMILY ENTERPRISES L P. (ZC-17-0033), subject to subject to staff comments. Mr. Erik Barnard seconded, **All Ayes.**

Citizens' Petitions and Requests:

None

Mr. Groth clarified that if an item does not pass at P&Z, the applicant can request an appeal of the P&Z determination.

Vice Chairman Betty Jefferson stated she supports new development and expressed concern with streets and infrastructure with new development.

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lori Saunders, City Secretary