

Planning and Zoning Commission
April 11, 2017

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Tuesday, April 11, 2017 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
Jim Phillips
Erik Barnard

Member Absent: Betty Jefferson, Vice Chairman

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 March 28, 2017
- b. Final Plat of Vincell Acres, being a 2.269-acre tract of land out of the J.B. and Ann Adams Survey, Abstract No. 5 in the ETJ of the City of Waxahachie – Owner: VINCELL ROGER ETAL (FP-17-0035)
- c. Replat of Lot 4, Block 17, a portion of Lots 1 and 3, Block 17 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0038)

Mrs. Bonney Ramsey moved to approve items a. through c. on the Consent Agenda. Mr. Jim Phillips seconded, **All Ayes.**

Ms. Kelly Dent, Planner presented Replat of a 0.2050-acre portion of Lot 1R in Block 214 of Town Addition, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0040). She presented the following staff analysis:

Block 214 was replatted in 1989, when Lot 2, Block 214 was established. The applicant seeks to replat Lot 1R into two lots, so that the newly-created lot can be built upon. Per the Texas Local Government Code Chapter 212, Section 212.004, a replat is required when property is being subdivided, though the City of Waxahachie provides an exemption if the sale of said property is not intended for any improvements, subdivision, or alteration. The applicant seeks to subdivide

the property to add an improvement, thereby nullifying the exemption provided by the City's Subdivision Ordinance Section 1.5. The creation of a new lot requires the provision of utility services to the new lot. Section 212.012 of Texas Local Government Code does not allow the extension of utility services to property that lacks the appropriate determination concerning the plat's necessity. In addition, Section 2.7.b of the City's Subdivision Ordinance stipulates that any replat which is processed without vacating the preceding plat must be signed and acknowledged by only the owners of the property being replatted.

Ms. Dent reported Staff recommends denial due to the fact the plat does not comply with Section 2.7.b of the City's Subdivision Ordinance, specifically the replat is not signed and acknowledged by all affected property owners.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, explained he wasn't aware the lot was replatted and stated an owner of the property will not participate in vacating the preceding plat.

After a lengthy discussion, Mr. Jim Phillips moved to deny Replat of a 0.2050-acre portion of Lot 1R in Block 214 of Town Addition, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC (RP-17-0040) due to Staff Comments and non-compliance with the City's Subdivision Ordinance Section 1.5. Mr. Rick Keeler seconded, **All Ayes.**

Chairman Cooper opened the Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Zoning Change from a Commercial (C) zoning district to Central Area (CA), located at 401 W Franklin, being LOT 3 BLK 18 O T WAXAHACHIE .23 AC - Owner: SOUTHFORK CAPITAL LLC. (ZC-17-0039).

Ms. Dent reported the request from Commercial (C) to Central Area (CA) meets our desires to expand the Central Area district in the downtown of Waxahachie. A companion replat was submitted with this request to subdivide the property into four lots for the purpose of developing single-family dwelling attached residences, which is a permitted use in CA zoning and is prohibited in C zoning. The uses in the CA district are generally retail or office in nature and often rely on off-site parking. Uses also have minimal setback requirements due to the compact nature of the downtown area. Monroe Street along the subject property is planned for expansion and a renovation due to the State's TXDOT project to improve traffic circulation along Highway 77 and the existing downtown viaduct. The westward migration of the CA district would fit the future vision of Monroe Street's expansion to carry one-way, southbound Highway 77 traffic. Ms. Dent recommended approval.

Ms. Susan Rominger, 1249 Panorama Loop, Waxahachie, asked how the zoning will affect her business.

Mr. Darren Groth, Director of Planning, explained the development will meet the zoning for Central Area and stated he can't speculate how it may affect her business.

There being no others to speak for or against ZC-17-0039, Chairman Cooper closed the Public Hearing.

Mr. Jim Phillips moved to approve a request by Chris Acker, Southfork Capital LLC, for a Zoning Change from a Commercial (C) zoning district to Central Area (CA), located at 401 W Franklin, being LOT 3 BLK 18 O T WAXAHACHIE .23 AC - Owner: SOUTHFORK CAPITAL LLC. (ZC-17-0039), subject to Staff Comments. Mrs. Bonney Ramsey seconded, All Ayes.

Ms. Dent presented Replat of Lot 3, Block 18 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0037). She reported the property will be subdivide into four lots for the purpose of developing single-family dwelling attached residences, which is a permitted use in Central Area zoning. Ms. Dent recommended approval.

Ms. Melissa Ballard moved to approve Replat of Lot 3, Block 18 of the Original Town of Waxahachie, an addition to the City of Waxahachie - Owner: SOUTHFORK CAPITAL LLC. (RP-17-0037), subject to Staff comments. Mr. Erik Barnard seconded, All Ayes.

Citizens' Petitions and Requests:

None

There being no further business, the meeting adjourned at 7:28 p.m.

Respectfully submitted,

Lori Saunders
City Secretary