

Planning and Zoning Commission
April 24, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 24, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Bonney Ramsey
Erik Barnard
David Hudgins

Members Absent: Betty Square Coleman
Jim Phillips

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
Tommy Ludwig, Executive Director of Development Services
Lori Cartwright, City Secretary
David Hill, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of March 27, 2018
- b. Minutes of the Planning & Zoning Commission Briefing of March 27, 2018
- c. Minutes of the Planning & Zoning Commission Joint Work Session of March 26, 2018
- d. Request by David Hargrove, Legacy Grove Development, LLC, for a **Final Plat** of Garden Valley Farms, Phase 2, for 78 lots, being 24.018 acres out of J.B. and Ann Adams Survey, Abstract 5 (Property ID 179060) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0028)

Action:

Mrs. Bonney Ramsey moved to approve item a. through d. on the Consent Agenda. Mr. Erik Barnard seconded, All Ayes.

4. **Public Hearing on a request by David Hargrove, Legacy Grove Development, LLC, for an Amendment to Ordinance No. 2137 for the Garden Valley Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0011)**

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to allow for larger maximum lot coverage in the Garden Valley Meadows, Garden Valley Farms Phase 1 and Garden Valley Farms Phase 2 subdivisions. The maximum lot coverage will increase from 35% to 50%. Staff recommended approval as presented.

There being no others to speak for or against PD-18-0011, Chairman Keeler closed the Public Hearing.

5. Consider recommendation of Zoning Change No. PD-18-0011

Action:

Vice Chairman Melissa Ballard moved to approve a request by David Hargrove, Legacy Grove Development, LLC, for an Amendment to Ordinance No. 2137 for the Garden Valley Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures (PD-18-0011) as presented. Mr. David Hudgins seconded, All Ayes.

6. Public Hearing on a request by Kenny Garcia, Elevation Solar LLC, for a Specific Use Permit (SUP) to allow a Rooftop solar panel system use within a Single Family-1 (SF1) zoning district, located at 2204 Howard Road, being 272 S M DURRETT 2.677 ACRES (Property ID 181954) - Owner: SKINNER GERALD D REVOCABLE LIVING TRUST (SU-18-0033)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to install solar panels noting the panels are permitted with a Specific Use Permit. She stated the property is surrounded by industrial and commercial zoning. Ms. Dent stated the applicant will need to demonstrate that the panels do not face onto Howard Road by showing the roof line and before the building permit is issued, the land will need to be platted. Staff recommended approval per staff comments.

Mr. Gerald Skinner, applicant, 2204 Howard Road, Waxahachie, stated the roof is basically flat and the panels will be on the back of the house and won't be seen from the road.

There being no others to speak for or against SU-18-0033, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of Zoning Change No. SU-18-0033

Action:

Mrs. Bonney Ramsey moved to approve a request by Kenny Garcia, Elevation Solar LLC, for a Specific Use Permit (SUP) to allow a Rooftop solar panel system use within a Single Family-1 (SF1) zoning district, located at 2204 Howard Road, being 272 S M DURRETT 2.677 ACRES (Property ID 181954) - Owner: SKINNER GERALD D REVOCABLE LIVING TRUST (SU-18-0033) per staff comments. Mr. David Hudgins seconded, All Ayes.

8. Public Hearing on a request by Justin Hargrove for a Specific Use Permit (SUP) to allow a Dance hall, tavern, or night club use within a Central Area (CA) zoning district, located at 208 W Franklin, being LOT 9B BLK 8 O T WAXAHACHIE .06 AC (Property ID 170463) - Owner: SOUTHFORK CAPITAL LLC (SU-18-0029)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to open what the City defines as a tavern and receipts will show that over forty-nine (49%) percent of the gross revenue is derived from alcohol sales. She explained this requires the applicant to obtain a Specific Use Permit. The site is located in the City's Central Area, where the City recognizes the need to attract more businesses that increase foot-traffic, especially after hours. She reported twenty-two (22) notices were mailed to property owners within 200 feet of the request. The City received two (2) verbal oppositions and one written opposition.

Mr. Justin Hargrove, applicant, 75 North Waco Street, Hillsboro, Texas, stated it will be more of a bar atmosphere for beer noting the bar will provide sixty (60) types of draft beer. He explained the purpose of the SUP is to meet the TABC requirements of beer sales and food sales noting he foresees the beer sales to be over the 49%. Mr. Hargrove stated he plans to be open Monday through Thursday 11:00 a.m. to 10:00 p.m. and Friday and Saturday from 11:00 a.m. to midnight.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, stated he approached Mr. Hargrove six months ago in Hillsboro at his draft beer business and encouraged Mr. Hargrove to come to Waxahachie and open a location selling the same type of draft beer. He stated they went before the Waxahachie Historic Preservation and was approved. Mr. Acker stated he and his client have put in a lot of effort to get the application approved and asked the Commission for 100% support on this request.

There being no others to speak for or against SU-18-0029, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of Zoning Change No. SU-18-0029

Action:

Vice Chairman Melissa Ballard moved to approve a request by Justin Hargrove for a Specific Use Permit (SUP) to allow a Dance hall, tavern, or night club use within a Central Area (CA) zoning district, located at 208 W Franklin, being LOT 9B BLK 8 O T WAXAHACHIE .06 AC (Property ID 170463) - Owner: SOUTHFORK CAPITAL LLC (SU-18-0029), subject to the Specific Use Permit following the applicant, the business name (dba), and address. Mrs. Bonney Ramsey seconded. The vote was as follows:

Ayes: Rick Keeler
Melissa Ballard
Bonney Ramsey
Erik Barnard

Noes: David Hudgins

The motion carried.

- 10. Public Hearing on a request by Charles Browning, Waddle Holdings, for a Zoning Change from a Light Industrial-2 (LI2) zoning district to Central Area (CA), located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (ZC-18-0031)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant request the zoning to permit a Bail Bonds Agency. Staff recommended approval as presented.

There being no others to speak for or against ZC-18-0031, Chairman Keeler closed the Public Hearing.

- 11. Consider recommendation of Zoning Change No. ZC-18-0031**

Action:

Mrs. Bonney Ramsey moved to approve a request by Charles Browning, Waddle Holdings, for a Zoning Change from a Light Industrial-2 (LI2) zoning district to Central Area (CA), located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (ZC-18-0031) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 12. Public Hearing on a request by Charles Browning, Waddle Holdings, for a Specific Use Permit (SUP) to allow a Bail bond agency use within a Central Area (CA) zoning district, located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (SU-18-0032)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported SU-18-0032 is a companion case to ZC-18-0031. She noted the property consists of three suites, each with internal separation. Staff recommended approval as presented.

Mr. Steven Bell, Attorney for applicant, 12655 N. Central Express Way, Dallas, requested approval noting the location is more appropriate and consistent with what is in the neighborhood. He reported the Bail Bond Board approved the applicant's license in November 2017.

There being no others to speak for or against SU-18-0032, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. SU-18-0032

Action:

Mr. David Hudgins moved to approve a request by Charles Browning, Waddle Holdings, for a Specific Use Permit (SUP) to allow a Bail bond agency use within a Central Area (CA) zoning district, located at 200 E Jefferson, being LOT 4A BLK 24 O T WAXAHACHIE .161 AC (Property ID 170483) - Owner: WADDLE HOLDINGS LLC (SU-18-0032) as presented. Mr. Erik Barnard seconded, All Ayes.

14. Public Comments

None

15. Adjourn

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

Respectfully submitted,

Lori Cartwright
City Secretary