

The Planning & Zoning Commission held a Worksession on Wednesday, October 24, 2007, at 3:30 p.m. in the Council Conference Room at City Hall, 401 South Rogers, Waxahachie, Texas.

Members Present: James Ranton, Chairman
Renda Hickerson
Rick Keeler
Jim Cooper
Bill Pitts
Bonney Ramsey

Members Absent: Betty Jefferson, Vice Chairman

Others Present: Mayor Joe Jenkins
Paul Stevens, City Manager
Michael Scott, Assistant City Manager
Clyde Melick, Director of Planning
Sanford Smith, Building Director
Steve Chapman, City Attorney
Jim Chapman, Assistant City Attorney
Lori Saunders, City Secretary

Mr. James Ranton called the meeting to order.

Mr. Ranton opened discussion on amending the Zoning Ordinance to add a "New and Unlisted Use" of a "Winery" to the Use Chart.

Planning Director Clyde Melick noted the City was approached by the owners of the Rogers Hotel requesting amending the Zoning Ordinance to open a Winery. He explained the Winery is for the Central Zoning area only and will be a manufactured facility and not retail. Mr. Melick referred the Commission to Section 16 of the Texas Alcoholic Beverage Commission (TABC) which explains the process for the winery and the TABC views this as manufacturing and not retail.

Mr. Jim Cooper asked for clarification on page 13 from the TABC and noted the hotel and winery is owned by the same people. Mr. Melick explained the Rogers Hotel building has more than one address and TABC views each address and not each location. Mr. Cooper felt the location is the holder of the license and Assistant City Attorney Jim Chapman explained it is a TABC issue. Mr. Melick explained the Board needs to establish the use and it will be up to TABC to issue the license.

Jim Chapman noted the City's responsibility is to establish the District and the TABC's responsibility is to approve and issue the license. Mr. Sanford Smith explained, as far as the downtown area, the Central Zoning district is basically a twelve (12) block area which is also considered the Fire District.

The Board asked if there are any manufacturing companies in downtown and Mr. Smith noted he is not aware of any in this area. Mr. Melick noted anyone in the Central District can have a winery and addressed the Board about having the Specific Use Permit language in the Ordinance.

Mr. Ranton expressed concern that the Ordinance allows anyone to open a winery. Mr. Melick reminded the Board that the winery is confined only to the Central Zoning District and explained TABC has to approve it.

Mr. Rick Keeler clarified the Ordinance complies with TABC and Jim Chapman concurred.

The Board discussed amending the Ordinance to add the language of the Specific Use Permit (SUP) including the ninety (90) day clause.

Planning Director Clyde Melick noted the City has been approached by a A&J's Texas Home Center, a local sales company that currently sales new and used mobile homes with a desire for a "New and Unlisted Use" of selling used mobile homes. He noted once moved to their location the company wants to sale refurbished mobile homes.

City Attorney Steve Chapman noted the Ordinance was previously amended to not allow the sale of used mobile homes and explained the intent was to prohibit the sale of used mobile homes in the City limits.

Mr. Melick explained the current Zoning Ordinance doesn't allow the sell of used mobile homes and noted the company received a permit for the sale of new manufactured homes.

Mr. Sanford Smith noted there are three (3) companies that sale mobile homes in the City: Two (2) companies manufacturer mobile homes elsewhere and sell here and one (1) company, being A&J's Texas Home Center, sells new and used mobile homes.

Mr. Rick Keeler clarified the current Ordinance does not permit a company to sale used mobile homes. Mr. Steve Chapman conferred and explained the company now wants to come in and request a "new and unlisted use" of selling used mobile homes that are allowed in the industrial area with a Specific Use Permit.

Mr. Paul Stevens noted the City will have to confer with the City Attorney. Mr. Steve Chapman noted the City could be in litigation because it allowed the sell of used mobile homes and did not enforce the Zoning Ordinance.

Mr. Scott Anderson, Attorney for A&J's Texas Home Center, explained the property his client is looking at requires a Specific Use Permit for screening from the road.

Mr. Bob Sokoll explained the company's intent is to move from the West side of IH35 to the East side of IH35 and leave the front part of the property (approximately 5 acres) for the use to sale new manufactured homes and apply for a Certificate of Occupancy for the sale of refurbished mobile homes. He noted the back part of the property drops down and the company will install solid fencing in that area to refurbish the mobile homes.

There being no further business, the meeting adjourned at 4:25 p.m.

Respectfully Submitted,

Lori Saunders
City Secretary