

Planning and Zoning Commission  
December 22, 2010

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held on Wednesday, December 22, 2010 at 4:30 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  
Mary Lou Shipley  
Anthony Mottla

Member Absent: Melissa Ballard

Others Present: Clyde Melick, Director of Planning  
Amber Villarreal, Assistant City Secretary  
Steve Chapman, City Attorney  
Kevin Strength, Council Representative

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

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**Mrs. Bonney Ramsey moved to approve the minutes of the special Planning & Zoning Commission meeting of December 1, 2010.** Ms. Mary Lou Shipley seconded, **All Ayes.**

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Planning Director Clyde Melick presented the Final Plat of Collet Acres Addition being a 11.025 acre addition in the J. Collet Survey, Abst. 221, in the E.T.J of the City of Waxahachie, Ellis County, Texas-Owner: A&M Real Estate Development.

Planning Director Clyde Melick reviewed the following Staff Comments:

- 1) Applicant requests approval of final plat Lots 1-9 , Oaks at Cedar Glenn
- 2) This area is in the Extra Territorial Jurisdiction (ETJ) of Waxahachie. The city of Waxahachie is responsible for all of the subdivision in our ETJ
- 3) The drainage infrastructure is not in place at this point, the ditches as depicted in the drainage plan have not been constructed
- 4) Meet with City staff to review comments above along with proposed plat mark-up notes and resubmit corrected plats for processing

Mr. Melick noted Ellis County Staff and City Staff recommended denying the plat because there is currently no drainage infrastructure in place.

**Ms. Mary Lou Shipley moved to deny the Final Plat of Collet Acres Addition being a 11.025 acre addition in the J. Collet Survey, Abst. 221, in the E.T.J of the City of Waxahachie, Ellis County, Texas-Owner: A&M Real Estate Development per Staff Comments and waive fees at time of re-application.** Vice Chairman Betty Jefferson seconded, **All Ayes.**

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Chairman Jim Cooper opened the Public Hearing on Zoning Amendment Request No. 2010-16: Request by TC Signs, for a Specific Use Permit within a Heavy Industrial (HI) Zoning District for a pole sign for future retail site to be located at 5400 N. IH35E, being 9.914 acres- Owner: Kantex Landco, LLC.

Dave Gail, representing TC Signs, 1620 E. Hwy. 121, Ste.B-100, Lewisville, TX, requested approval of a forty (40) foot pole sign to help with the sale of the property.

Ms. Mary Lou Shipley asked if the sign would be a billboard and the applicant noted it would not. Mr. Anthony Mottla clarified that the sign would be used for advertising the sale of the acreage and the applicant noted it would.

Mr. Kim Wiens, 3800 Steeple Chase Court, Midlothian, TX, co-owner of the property, noted he has had the property for about two (2) years and would like to use the pole sign to market the property. Mrs. Bonney Ramsey asked the applicant if he was aware of Staff Comment #5 and the applicant noted he was recently informed.

Planning Director Clyde Melick reviewed the following Staff Comments:

- 1) Applicant requests a zoning change in order to erect a pole sign
- 2) A specific use permit is required to erect a pole sign on I-35E
- 3) Currently there is no business at this location to advertise with this sign
- 4) There is a non-conforming business office that has been vacant for years, this land has not been platted, there is no fire protection, and no indication as to what type of business this will become
- 5) City of Waxahachie Zoning ordinance allows the applicant ability to display a Real Estate sign for the purpose of promoting the sale of property, this has a maximum height of fifteen (15) feet and maximum size of thirty two (32) square feet
- 6) The 2007 Future Land Use Plan calls for this location to be Industrial

Mr. Melick, speaking on behalf of the city, noted the problem with the sign is that there is not an existing building at the location and “temporary” on this property could easily be two (2) to three (3) years and the sign would essentially be a real estate sign for the property.

Mr. Wiens expressed he would liked to have known there was an issue with the pole sign when he first approached the city. He noted he would like to enhance the property and get a business at this location.

City Attorney Steve Chapman noted a clause can be added to the ordinance only allowing the Specific Use Permit (SUP) for a business on premise.

Mrs. Ramsey asked exactly what the applicant wants on the pole sign and Mr. Wiens noted he would like to put his phone number and “for sale or lease” on the sign.

Mr. Rick Keeler noted that allowing a pole sign without a business on premise restricts the pole location for any future property owner. Mr. Gale reiterated that he nor the applicant were aware that this was an issue and Mr. Keeler noted the commission is sorry that he was not aware, but that plays no role in the decision the Planning & Zoning will make. Mr. Mottla noted that allowing this pole sign would set a precedent and steer away from the zoning ordinance.

Mr. Gale noted the sign previously on location was bigger than what he is requesting and Mr. Keeler noted the sign before was advertising an actual business.

Mr. Cooper noted the city has been trying to clean up IH35, the entrance into the city, and agreed with the Planning Director that a sign advertising a business is appropriate, but not advertising land for sale.

Mr. Mottla inquired about a compromise between the applicant and the city . Mr. Melick noted the SUP can be allowed subject to completion of a certificate of occupancy for the location and Chairman Cooper concurred.

There being no others to speak for or against the Zoning Amendment Request, Chairman Cooper closed the Public Hearing.

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Ms. Jefferson suggested continuing the subject to the next meeting to allow the applicants more time.

**After a lengthy discussion, Mr. Rick Keeler moved to recommend approval of Zoning Amendment Request No. 2010-16: Request by TC Signs, for a Specific Use Permit within a Heavy Industrial (HI) Zoning District for a pole sign for future retail site to be located at 5400 N. IH35E, being 9.914 acres- Owner: Kantex Landco, LLC, approving sign design as submitted, subject to approval of a certificate of occupancy for location, and subject to staff comments.** Mr. Anthony Mottla seconded, the vote was as follows:

AYES:            Jim Cooper  
                     Rick Keeler  
                     Bonney Ramsey  
                     Mary Lou Shipley  
                     Anthony Mottla

NOES:            Betty Jefferson

**The motion carried.**

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Planning Director Clyde Melick noted there will be a joint workshop with the Planning & Zoning Commission and the City Council on Monday, January 3, 2011 at 6 p.m. regarding the Highway 77 Corridor Study.

Councilman Kevin Strength suggested having a checklist for applicants noting what is allowed and what is not allowed to prevent miscommunication between the city and future applicants.

The Planning & Zoning Commission wished everyone a Merry Christmas and a Happy New Year.

There being no further business, the meeting adjourned at 5:23 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary