

Planning and Zoning Commission
May 8, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 8, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Members Absent: Rick Keeler, Chairman

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

1. Call to Order

Vice Chairman Melissa Ballard called the meeting to order.

2. Invocation

Mr. David Hudgins gave the invocation.

3. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of April 24, 2018
- b. Minutes of the Planning & Zoning Commission Briefing of April 24, 2018
- c. Request Javier D. Jaramillo, Pacheco Koch, LLC, for a Final Plat of City of Waxahachie Public Safety Campus, for 3 lots, being 47.696 acres out of the Benjamin B. Davis Survey, Abstract 290 (Property ID 206534 and 265158) – Owner: CITY OF WAXAHACHIE (FP-18-0040)

Action:

Mrs. Bonney Ramsey moved to approve item a. through c. on the Consent Agenda. Mrs. Betty Square Coleman seconded, All Ayes.

4. 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 LOT 11 & 12 BLK 11 UNIVERSITY-REV 0.344 AC – Owner: KARL G HANSEN (SU-18-0035)

Vice Chairman Ballard opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant previously received approval to construct the garage accessory dwelling and explained a building permit had not been applied for within the six (6) months of approval. Applicant is re-applying for a Specific Use Permit.

Vice Chairman Ballard announced Staff received one (1) response supporting the request and one (1) response in opposition.

There being no others to speak for or against SU-18-0035, Vice Chairman Ballard closed the Public Hearing.

5. Consider recommendation of Zoning Change No. SU-18-0035

Action:

Mr. Jim Phillips moved to approve 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 LOT 11 & 12 BLK 11 UNIVERSITY-REV 0.344 AC – Owner: KARL G HANSEN (SU-18-0035) per staff comments. Mr. David Hudgins seconded, All Ayes.

6. Consider request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: CLAY SIBLEY ETAL (RP-18-0037)

Ms. Dent reported the property is located at the corner of Highway 77 and John Arden noting it is zoned General Retail and backs to residential. She stated there are five (5) lots and applicant seeks to replat down to one (1) lot. Ms. Dent stated due to the easement and right-of-way dedication, this will need to be a replat rather than an amended plat. The plat drawing will need to be updated accordingly before submitting for signatures. She recommended approval per comments.

Mr. Robert Lyle, 104 Anthony, Red Oak, Texas, representing applicant, stated the surveyor is amending the drawing and will resubmit. He presented a location map noting the location is for a pharmacy.

Action:

Mr. David Hudgins moved to approve a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: CLAY SIBLEY ETAL (RP-18-0037) per staff comments. Mrs. Bonney Ramsey seconded. The vote was as follows:

*Ayes: Melissa Ballard
Betty Square Coleman
Bonney Ramsey
Erik Barnard
David Hudgins*

Noes: Jim Phillips

The motion carried.

- 7. Consider request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038)**

Ms. Dent reported the Replat is cleaning up the building lines. She explained a fire lane easement was going in and now the Fire Department does not need it.

Action:

Mrs. Bonney Ramsey moved to approve a request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038) subject to staff comments. Mr. Erik Barnard seconded, All Ayes.

- 8. Public Hearing on a request by Terry Nay for a Specific Use Permit (SUP) to allow an Auto Laundry or Car Wash use within a General Retail (GR) zoning district, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES (Property ID 227073) - Owner: LYONS AMERICAN SECURITIES INC (SU-18-0034)**

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the applicant seeks to build a car wash at the proposed location. A carwash is permitted in the zoning district. She stated there is some concern as to whether a second car wash is needed at this location in the city. Ms. Dent stated a car wash is located directly across the street from this location.

Mr. Terry Nay, 506 Sagebrush, Waxahachie, applicant, stated he is trying to match the Wiley's building making it attractive to the site. He stated the carwash across the street is being torn down noting his carwash will be totally different from the one across the street.

Those who spoke in opposition of SU-18-0034:

Mr. Ronny Caldwell, 2221, Brown Street, Waxahachie

Vice Chairman Ballard announced four (4) notices were received in opposition of SU-18-0034.

There being no others to speak for or against SU-18-0034, Vice Chairman Ballard closed the Public Hearing.

9. Consider recommendation of Zoning Change No. SU-18-0034

Action:

Mr. Jim Phillips moved to approve a request by Terry Nay for a Specific Use Permit (SUP) to allow an Auto Laundry or Car Wash use within a General Retail (GR) zoning district, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES (Property ID 227073) - Owner: LYONS AMERICAN SECURITIES INC (SU-18-0034) subject to staff comments. Mrs. Bonney Ramsey seconded. The vote was as follows:

*Ayes: Melissa Ballard
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins*

Noes: Betty Square Coleman

The motion carried.

10. Consider request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036)

Ms. Dent reported PP-18-0036 accompanies SU-18-0034. She stated it meets all requirements and recommended approval.

Action:

Mr. Jim Phillips moved to approve a request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

11. Public Hearing on a request by the City of Waxahachie to repeal the current City Comprehensive Zoning Ordinance, Ordinance No. 1897, as amended, and to replace it in its entirety with a new City Comprehensive Zoning Ordinance. The adoption of the new City Comprehensive Zoning Ordinance will, among other matters, repeal the “Parking” and “General Retail-Limited” zoning categories and districts, and create “Mixed-Use Residential,” “Mixed-Use Non-Residential,” and “Downtown Neighborhood” zoning categories and districts. All properties effected by the elimination of the “Parking” and “General Retail-Limited” zoning categories and districts, and the creation of the “Mixed-Use Residential,” “Mixed-Use Non-Residential,” and “Downtown Neighborhood” zoning categories and districts, will be rezoned per City-initiated changes through individually-noticed zoning cases. (TA-18-0055)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the Ordinance repeals and replaces the current Zoning Ordinance. She reviewed the above caption. Six audience members were concerned with cases being rezoned per City-initiated changes through individually-noticed zoning cases noting it leaves the ordinance incomplete.

Those who spoke against TA-18-0055:

Mr. John Bailey, 513 North Rogers Street, Waxahachie

A lengthy discussion was held.

There being no others to speak for or against TA-18-0055, Vice Chairman Ballard closed the Public Hearing.

12. Consider recommendation of Zoning Change No. TA-18-0055

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie to repeal the current City Comprehensive Zoning Ordinance, Ordinance No. 1897, as amended, and to replace it in its entirety with a new City Comprehensive Zoning Ordinance. The adoption of the new City Comprehensive Zoning Ordinance will, among other matters, repeal the "Parking" and "General Retail-Limited" zoning categories and districts, and create "Mixed-Use Residential," "Mixed-Use Non-Residential," and "Downtown Neighborhood" zoning categories and districts. All properties effected by the elimination of the "Parking" and "General Retail-Limited" zoning categories and districts, and the creation of the "Mixed-Use Residential," "Mixed-Use Non-Residential," and "Downtown Neighborhood" zoning categories and districts, will be rezoned per City-initiated changes through individually-noticed zoning cases. (TA-18-0055) subject to staff comments. Mr. Jim Phillips seconded. The vote was as follows:

*Ayes: Melissa Ballard
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins*

Noes: Betty Square Coleman

The motion carried.

13. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) - Owner: TEXAS HCP AL LP (ZC-18-0060)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance. The property will operate under General Retail. She reported the owner is not opposed.

There being no others to speak for or against ZC-18-0060, Vice Chairman Ballard closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZC-18-0060

Action:

Mr. Jim Phillips moved to approve a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) - Owner: TEXAS HCP AL LP (ZC-18-0060) as presented. Mr. David Hudgins seconded, All Ayes.

15. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0061)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance. She stated this is a companion case to ZC-18-0060.

There being no others to speak for or against SU-18-0061, Vice Chairman Ballard closed the Public Hearing.

16. Consider recommendation of Zoning Change No. SU-18-0061

Action:

Mr. Jim Phillips moved to approve a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0061) as presented. Mr. Erik Barnard seconded, All Ayes.

17. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (ZC-18-0064)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against ZC-18-0064, Vice Chairman Ballard closed the Public Hearing.

18. Consider recommendation of Zoning Change No. ZC-18-0064

Action:

Mr. Jim Phillips moved to approve a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (ZC-18-0064) as presented. Mrs. Bonney Ramsey seconded, All Ayes.

19. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (SU-18-0065)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against SU-18-0065, Vice Chairman Ballard closed the Public Hearing.

20. Consider recommendation of Zoning Change No. SU-18-0065

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (SU-18-0065) as presented. Mr. Erik Barnard seconded, All Ayes.

21. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to General Retail (GR), located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (ZC-18-0062)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance. She stated Parking (P) is no longer a district and only a use. Changing to General Retail (GR) allows the owner to maintain the use as an auto parking lot.

There being no others to speak for or against ZC-18-0062, Vice Chairman Ballard closed the Public Hearing.

22. Consider recommendation of Zoning Change No. ZC-18-0062

Action:

Mr. David Hudgins moved to approve a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to General Retail (GR), located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (ZC-18-0062) as presented. Mr. Jim Phillips seconded, All Ayes.

23. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a General Retail (GR) zoning district, located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (SU-18-0063)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the request accompanies ZC-18-0062 noting approval will allow the applicant to not lose his use.

There being no others to speak for or against SU-18-0063, Vice Chairman Ballard closed the Public Hearing.

24. Consider recommendation of Zoning Change No. SU-18-0063

Action:

Mr. Jim Phillips moved to approve a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a General Retail (GR) zoning district, located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (SU-18-0063) as presented. Mrs. Bonney Ramsey seconded, All Ayes.

25. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent reported the zoning change is a result of the approved Zoning Ordinance. She stated Parking (P) is no longer a district and only a use and the best use is Commercial. She stated there is no access to the property.

Mr. Rusty Scott, owner, 885 Melissa Lane, Waxahachie, expressed concern that changing to Commercial will increase his property value. He stated there is a deed restriction that runs with the property that it cannot be used for residential.

Those who spoke against ZC-18-0066:

Mr. Bobby Chamberlin, 230 Patrick Street, Waxahachie

Vice Chairman Ballard announced three (3) notices were received in opposition to ZC-18-0066.

A lengthy discussion was held. Three members of the audience spoke but did not speak for or against the request.

There being no others to speak for or against ZC-18-0066, Vice Chairman Ballard closed the Public Hearing.

Vice Chairman Ballard announced at 9:11 p.m. the Commission convened into Executive Session to deliberate ZC-18-0066.

The Commission reconvened at 9:26 p.m.

26. Consider recommendation of Zoning Change No. ZC-18-0066

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066) as presented. Mr. Erik Barnard seconded.

*Ayes: Melissa Ballard
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins*

Noes: Betty Square Coleman

The motion carried.

27. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a Commercial (C) zoning district, located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (SU-18-0067)

Vice Chairman Ballard opened the Public Hearing.

Ms. Dent stated it has been recognized that there is no access to the property and therefore staff does not want to recommend a use. She stated there will not be a request for a Specific Use Permit.

28. Consider recommendation of Zoning Change No. SU-18-0067

Action:

No Action to be taken

29. Public Comments

Ms. Melissa Olson, 202 Stampede St., Waxahachie, asked the Commission to keep in mind the City Council reserves the right and ultimately makes the final decision but rely heavily on the expertise and recommendation of the Commission. She recommended if there are questions in their minds, to deny the request and let it go on to City Council for consideration.

Vice Chairman Ballard stated there are public workshops to the City Council and to the Planning and Zoning Commission prior to their scheduled public meetings. She stated the workshops are not open for comments.

30. Adjourn

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary