

Planning and Zoning Commission
January 8, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, January 8, 2019 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test

Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
James Gaertner, City Engineer
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary
Mary Lou Shipley, 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 December 11, 2018
- b. Minutes of the Planning and Zoning Commission briefing of December 11, 2018

Action:

Mrs. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.

4. **Consider request by Lance Rust, Joe Rust Co., for a Final Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: TRES GROUP LLC (FP-18-0208)**

Senior Planner Colby Collins reviewed FP-18-0208 noting staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by Lance Rust, Joe Rust Co., for a Final Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: TRES GROUP LLC (FP-18-0208). Mr. David Hudgins seconded, All Ayes.

- 5. Consider request by Anthony C. Lohden for a Replat of Lot 4, Block 4, College Addition, to create Lots 4-1R and 4-2R, Block 4, College Addition, 0.366 acres (Property ID 172822) – Owners: ANTHONY COLE LOHDEN AND ANNA MICHELLE LOHDEN (RP-18-0197)**

Mr. Collins reviewed RP-18-0197 noting staff recommended approval subject to the following staff comment:

1. The plat cannot be filed until public infrastructure has been installed and accepted.

Action:

Mrs. Bonney Ramsey moved to approve a request by Anthony C. Lohden for a Replat of Lot 4, Block 4, College Addition, to create Lots 4-1R and 4-2R, Block 4, College Addition, 0.366 acres (Property ID 172822) – Owners: ANTHONY COLE LOHDEN AND ANNA MICHELLE LOHDEN (RP-18-0197) subject to Staff Comments. Mr. Erik Test seconded, All Ayes.

- 6. Consider request by Jeff Douglas, Stanger Surveying, for a Final Plat of Silo House Ranch for 4 lots, being 5.84 acres situated in the S.C. White Survey, Abstract 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (FP-18-0203)**

Mr. Collins reviewed FP-18-0203 noting staff recommended approval per the following staff comments:

1. The location of proposed fire hydrants must be indicated on the plat drawing. They must be installed so as to comply with Section 5.8 of the City's Subdivision Ordinance.
2. The City must receive written confirmation from the water provider that hydrants will be installed. Proof of payment for the installation must be received prior to the City Council meeting date.

Action:

Mr. Jim Phillips moved to approve a request by Jeff Douglas, Stanger Surveying, for a Final Plat of Silo House Ranch for 4 lots, being 5.84 acres situated in the S.C. White Survey, Abstract 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (FP-18-0203). Mr. David Hudgins seconded, All Ayes.

- 7. Consider request by Linda Kuckuck for a Replat of Lot 12, Green Meadow, to create Lots 12-1R, 12-2R, and 12-3R, Green Meadow, 5.174 acres (Property ID 150740 and 242437)D in the Extra Territorial Jurisdiction – Owners: KERRY L & LINDA K KUCKUCK and OVIDIO & CHANDRA PENA (RP-18-0207)**

Mr. Collins reviewed RP-18-0207 noting staff recommended approval per the following staff comment:

1. A Fire hydrant is to be installed on the property.

Action:

Mr. Jim Phillips moved to approve a request by Linda Kuckuck for a Replat of Lot 12, Green Meadow, to create Lots 12-1R, 12-2R, and 12-3R, Green Meadow, 5.174 acres (Property ID 150740 and 242437)D in the Extra Territorial Jurisdiction – Owners: KERRY L & LINDA K KUCKUCK and OVIDIO & CHANDRA PENA (RP-18-0207) subject to Staff Comments. Mrs. Bonney Ramsey seconded, All Ayes.

- 8. Public Hearing on a request by David Hill for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 607 W Marvin (Property ID 171941) – Owner: WILLIAM D & MICKIE HILL (SU-18-0206)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed SU-18-0206 noting the applicant will tear down an existing accessory structure and rebuild the proposed 888 sq. ft. accessory building on the 1.741 acre lot. He explained staff recommended approval as presented.

There being no others to speak for or against SU-18-0206, Chairman Keeler closed the Public Hearing.

- 9. Consider recommendation of Zoning Change No. SU-18-0206**

Action:

Mr. David Hudgins moved to approve a request by David Hill for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 607 W Marvin (Property ID 171941) – Owner: WILLIAM D & MICKIE HILL (SU-18-0206). Mrs. Bonney Ramsey seconded, All Ayes.

- 10. Public Hearing on a request by Billy Hufstetler for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 704 Bryson (Property ID 176921) – Owner: BILLY JOE HUFSTETLER (SU-18-0209)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed SU-18-0209 noting the applicant requests to build a 1,200 sq. ft. accessory building, equivalent in size to the existing home on the 0.251 acre lot, and explained staff recommended denial due to the following staff concerns:

1. The applicant is currently not meeting the required rear yard setback requirement. Per Article 5, Section 7 of the city ordinance, “Rear Yard: *When the accessory structure is a garage with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory structures including carports shall not be located closer than three (3) feet to the rear property line.*” Currently, the applicant is only providing a 3ft. rear setback.

Owner Mr. Billy Hufstetler, 704 Bryson, explained he needs the large accessory building for storage of vehicles and other household items.

The Commission explained the setback requirements are necessary so that adjacent property owners don't have buildings right up against their fences.

There being no others to speak for or against SU-18-0209, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. SU-18-0209

Action:

Mrs. Bonney Ramsey moved to deny a request by Billy Hufstetler for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Single Family-2 zoning district, located at 704 Bryson (Property ID 176921) – Owner: BILLY JOE HUFSTETLER (SU-18-0209) per Staff Comments. Mr. Jim Phillips seconded, All Ayes.

12. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for Unified Lot Sign and Electronic Message Sign uses within a Planned Development-44-General Retail zoning district, located at the NW corner of Brown Street at Professional Place, being Lot 5, Block A, Chapman Plaza Phase II 0.459 acres (Property ID 230478) – Owner: TAHOE CITY PARTNERS LLC (SU-18-0173)

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed SU-18-0173 noting the applicant requests to include the addition of an electronic message sign to the existing sign. Mr. Collins explained the existing sign was constructed within a 20-foot utility easement, which is not allowed per the City of Waxahachie Ordinance. He noted the sign has been located in this location for a minimum of 10 years and if approved, the applicant shall meet the requirements for both the ground monument sign as well as the electronic message sign per the City of Waxahachie Ordinance.

Mr. Chris Reeves, 306 W. Main, Quickway Signs, explained an additional 4 inches is needed to each side of the existing sign to support the additional electronic message sign.

Chairman Keeler asked if the applicant is aware that if the city needs to get to the water line in the easement and their sign is removed it will be at the expense of the applicant to replace. The applicant noted they understood.

There being no others to speak for or against SU-18-0173, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. SU-18-0173

Action:

Mrs. Bonney Ramsey moved to approve a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for Unified Lot Sign and Electronic Message Sign uses within a Planned

Development-44-General Retail zoning district, located at the NW corner of Brown Street at Professional Place, being Lot 5, Block A, Chapman Plaza Phase II 0.459 acres (Property ID 230478) – Owner: TAHOE CITY PARTNERS LLC (SU-18-0173) subject to discussion and Staff Comments. Mr. Erik Test seconded, All Ayes.

- 14. Continue Public Hearing on a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119)**

Chairman Keeler announced the applicant requested to continue the Public Hearing to the February 12, 2019 Planning and Zoning Commission meeting.

- 15. Consider recommendation of Zoning Change No. PD-18-0119**

Action:

Mr. Jim Phillips moved to continue a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119) to the February 12, 2019 Planning and Zoning Commission meeting. Mr. Erik Test seconded, All Ayes.

- 16. Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-18-0180 explaining the current SUP for this property expired on January 1, 2019. He explained the applicant would like to continue the usage at this site, however the use and the maintenance of the site are not in compliance with the City's future land use plan. Additionally, the parking lot at the site is unpaved, trailers are parked on gravel, dirt and grass, and has existing illegal signage along the property. The requirements of the 2015 SUP required landscaping and ornamental fencing be installed along the I-35 frontage to enhance the property and no efforts have been made to comply. He noted staff recommended denial.

Mr. Kevin McDonnell, Mr. Steve Burnett, and Mr. Luis Estrada (applicant), 205 W. Second Street, thanked the Commission and the City for their patience. Mr. McDonnell explained Mr. Estrada didn't understand the urgency to comply with the improvement requests from 2015. He noted Mr. Estrada submitted receipts to the Planning Department late Friday afternoon showing the efforts he has put in by fixing the aesthetics of the site. He explained Mr. Estrada has ordered landscaping and the fencing has started to be replaced. The applicant requested to comprise no alternate paving options other than concrete.

Chairman Keeler explained the Commission was adamant about the applicant completing all of the requirements for the SUP and the applicant made no effort to comply. He noted the Commission makes decisions based on ordinances and not economic issues.

There being no others to speak for or against SU-18-0180, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. SU-18-0180

Action:

Mr. Jim Phillips moved to deny a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180). Mrs. Bonney Ramsey seconded, All Ayes.

18. Public Hearing on a request by the City of Waxahachie for a textual change to Section 2.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding existing non-conforming single family uses. (TA-18-0196)

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed TA-18-0196 noting the Zoning Ordinance adopted on May 21, 2018 removed residential use types from non-residential zoning districts. The City recognizes that non-residential zoning districts do contain a number of existing legal non-conforming single-family residences and the changes presented will provide a means to continue their right of use and repair of such residences.

Chairman Keeler clarified the residents will also have to comply with all other city requirements and Mr. Collins concurred.

There being no others to speak for or against TA-18-0196, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. TA-18-0196

Action:

Mr. David Hudgins moved to approve a request by the City of Waxahachie for a textual change to Section 2.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding existing non-conforming single family uses (TA-18-0196). Mr. Erik Test seconded, All Ayes.

20. Public Hearing on a request by the City of Waxahachie for a textual change to Section 5.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding masonry construction for Single-Family and Duplex structures. (TA-18-0223)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented TA-18-0223 noting the Zoning Ordinance adopted on May 21, 2018 addressed development standards for single-family and duplex structures. The proposed text change seeks to amend the masonry construction requirements for single-family and duplex structures in residential zoning districts to restrict the use of non-masonry materials on elevations that face a right-of-way larger than a Type F Minor Street as described in the City's most recent Comprehensive Plan.

There being no others to speak for or against TA-18-0223, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. TA-18-0223

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie for a textual change to Section 5.01 (B) of the City of Waxahachie Zoning Ordinance, located at Appendix A of Waxahachie City Code, regarding masonry construction for Single-Family and Duplex structures (TA-18-0223). Mr. Jim Phillips seconded, All Ayes.

22. Public Comments

None

23. Adjourn

There being no further business, the meeting adjourned at 7:57 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary