

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, October 27, 2020 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members: Rick Keeler, Chairman
 Melissa Ballard, Vice Chairman
 Betty Square Coleman
 Bonney Ramsey
 Jim Phillips
 David Hudgins
 Erik Test

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.
 - a. Minutes of the regular Planning & Zoning Commission meeting of October 13, 2020
 - b. Minutes of the Planning and Zoning Commission briefing of October 13, 2020
5. ***Consider*** request by Christian Nowels for a **Plat** of Nowels Addition for 3 lots being 3.594 acres situated in W. Brown Survey, Abstract 176 (Property ID 225711) in the Extra Territorial Jurisdiction - Owner: CHRIS AND HEATHER NOWELS (SUB-49-2019)
6. ***Public Hearing*** on a request by Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for **Family Home** use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)
7. ***Consider*** recommendation of Zoning Change No. ZDC-128-2020

8. **Public Hearing** on a request by Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for **Family Home** use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)
9. **Consider** recommendation of Zoning Change No. ZDC-129-2020
10. **Public Hearing** on a request by Carrie Finley for a Specific Use Permit (SUP) for **Family Home** use within a Single-Family Residential-2 zoning district located at 201 Olive Street (Property ID 176437) - Owner: RICKIE L & CARRIE R FINLEY (ZDC-134-2020)
11. **Consider** recommendation of Zoning Change No. ZDC-134-2020
12. **Public Hearing** on a request by Erik Barnard for a Zoning Change from a Single-Family Residential-1 zoning district to Commercial, located at 601 Ovilla Road (Property ID 191635) - Owner: ERIK BARNARD AND ELMWOOD HOMES LLC (ZDC-127-2020)
13. **Consider** recommendation of Zoning Change No. ZDC-127-2020
14. **Public Hearing** on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020)
15. **Consider** recommendation of Zoning Change No. ZDC-130-2020
16. Adjourn

The P&Z reserves the right to go into Executive Session on any posted item.

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX.

Notice of Potential Quorum
One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.

(4a)

Planning and Zoning Commission
October 13, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 13, 2020 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
Betty Square Coleman
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Tommy Ludwig, Assistant City Manager
Lori Cartwright, 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. Public Comments

None

- 4. Reorganize the Commission

Action:

Mrs. Bonney Ramsey moved to nominate Mr. Rick Keeler as Chairman and Ms. Melissa Ballard as Vice Chairman. Mr. David Hudgins seconded, All Ayes.

- 5. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of September 29, 2020
- b. Minutes of the Planning and Zoning Commission briefing of September 29, 2020

Action:

Vice Chairman Melissa Ballard moved to approve items a. and b. on the Consent Agenda. Mrs. Bonney Ramsey seconded, All Ayes.

- 6. Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of D.V.D. Estates for one residential lot being 6.176 acres situated in the BBB & CRR Survey, Abstract 175 and the S. Wilson Survey, Abstract 1141 (Property ID 275526) in the Extra Territorial Jurisdiction – Owner: ROBERT CARLOS AND DENISSE MARTINEZ (SUB-112-2020)

(4a)

Planner Chris Webb reported the applicant request to create one (1) residential lot. He stated the property has the adequate public facilities. Staff recommended approval.

Action:

Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of D.V.D. Estates for one residential lot being 6.176 acres situated in the BBB & CRR Survey, Abstract 175 and the S. Wilson Survey, Abstract 1141 (Property ID 275526) in the Extra Territorial Jurisdiction – Owner: ROBERT CARLOS AND DENISSE MARTINEZ (SUB-112-2020). Mr. Erik Test seconded, All Ayes.

- 7. Public Hearing on a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Webb reported the applicant is requesting a zoning change to allow for a convenience store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages. Staff recommended approval.

Applicant Cody Herndon was available for questions.

There being no others to speak for or against ZDC-126-2020, Chairman Keeler closed the Public Hearing.

- 8. Consider recommendation of Zoning Change No. ZDC-126-2020**

Action:

Mrs. Bonney Ramsey moved to approve a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020) as presented. Ms. Betty Square Coleman seconded, All Ayes.

- 9. Continue Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)**

Chairman Keeler continued the Public Hearing.

Senior Planner Colby Collins reported the applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. He stated the proposed Taco Bell and Car Wash (drive-thru uses) for the development shall be allowed by right per the Planned Development. Any other use within the development that proposes a drive-thru shall

(4a)

require a Specific Use Permit. The 2.71 acres reserved for restaurant/retail in the southeast corner of the development shall be reserved for sit down dining only. Mr. Collins reviewed changes from the 9/29/20 Planning and Zoning Commission meeting noting staff believes that the proposed development will be beneficial to the uses surrounding the subject property.

The Commission held a lengthy discussion with the applicant Mr. Muhammad Sherros, 3412 Ovilla Road, Ovilla, Texas and Mr. Chip Boyd, Engineer on the proposed development, 421 Century Way, Red Oak, Texas.

There being no others to speak for or against ZDC-117-2020, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZDC-117-2020

Action:

Vice Chairman Melissa Ballard moved to approve a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020) subject to the following:

- *A roundabout shall be provided at the intersection of Dena & Ali Dr. (with amenity fountain feature in the middle).*
- *Alcohol variances will be reviewed on a case by case basis.*
- *Phase sidewalks along Butcher Rd., as development is constructed.*
- *All front entry townhomes shall have architectural garage doors.*
- *The minimum front yard setback for townhomes shall be 9ft.*
- *The minimum rear yard setback for townhomes shall be 8ft.*
- *Townhomes within the development shall be minimum 69% alley entry and 31% front entry.*
- *No digital sign is allowed at the corner of Butcher Rd. and US 77. A multi-tenant ground monument sign, as approved by City Council, will be allowed at the intersection of Butcher Rd. and US 77.*
- *All townhomes shall be flat roofs.*
- *Multiple elevations for townhome buildings shall be provided within the development.*

Ms. Betty Square Coleman seconded, All Ayes.

11. Public Hearing on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL (ZDC-124-2020)

Chairman Keeler opened the Public Hearing.

(4A)

Mr. Collins reported the applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.

Mr. Jim Knight, applicant, KFM Engineering, reported the development intends to provide uses such as a large corporate campus consisting of logistics, warehouse, and last mile delivery uses. The development will also include retail, restaurant, and a multi family site to support the needs of the anticipated corporate campus users, as well as the community in general.

The Commission held a lengthy discussion. Mr. Jim Whitten, builder for the development and Mr. Joe Hickman, Blue Star Land, were available for questions.

There being no others to speak for or against ZDC-124-2020, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-124-2020

Action:

Mrs. Bonney Ramsey moved to approve a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL (ZDC-124-2020) subject to staff comments and developers agreement. Mr. David Hudgins seconded. The vote was as follows:

*Ayes: Rick Keeler
Melissa Ballard
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test*

Noes: Jim Phillips

The motion carried.

13. Adjourn

There being no further business, the meeting adjourned at 9:18 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(4b)

Planning and Zoning Commission
October 13, 2020

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, October 13, 2020 at 6:15 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Tommy Ludwig, Assistant City Manager
Lori Cartwright, City Secretary
Mary Lou Shipley, Council Representative

1. **Call to Order**

Chairman Rick Keeler called the meeting to order.

2. **Conduct a briefing to discuss items for the 7:00 p.m. regular meeting**

Senior Planner Colby Collins and Planner Chris Webb reviewed the following cases:

- SUB-112-2020 – The applicant request to create one (1) residential lot. He stated the property has the adequate public facilities. Staff recommended approval.
- ZDC-126-2020 – The applicant is requesting a zoning change to allow for a convenience store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages. Staff recommended approval.
- ZDC-117-2020 – The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. Mr. Collins reviewed changes from the 9/29/20 Planning and Zoning Commission meeting noting staff believes that the proposed development will be beneficial to the uses surrounding the subject property.
- ZDC-124-2020 – The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.

3. **Adjourn**

There being no further business, the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary

(5)

Planning & Zoning Department
Plat Staff Report

Case: SUB-49-2019



MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

CAPTION

Consider request by Christian Nowels, for a Plat of Nowels Addition for 3 residential lots being 3.594 acres situated in the W. Brown Survey, Abstract 176 (Property ID 225711) in the Extra Territorial Jurisdiction – Owner: Christian and Heather Nowels (SUB-49-2019)

APPLICANT REQUEST

The applicant is requesting to plat the subject lot into 3 lots for residential use.

CASE INFORMATION

Applicant: Christian Nowels

Property Owner(s): Christian and Heather Nowels

Site Acreage: 3.594 acres

Number of Lots: 3 lots

Number of Dwelling Units: 3 units

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: A water letter from Sardis Lone Elm states that adequate domestic flow and fire flow are available to this site.

SUBJECT PROPERTY

General Location: 3811 Blackchamp Rd.

Parcel ID Number(s): 225711

Current Zoning: N/A (ETJ)

Existing Use: The subject property is currently undeveloped.

Platting History: The subject property is part of the W. Brown Survey, Abstract 176.

(5)

Site Aerial:



RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Disapproval
- Approval, as presented.
- Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat Drawing
2. Water Letter

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(5)



PLANNING & ZONING DEPARTMENT
401 South Rogers Street | Waxahachie, Texas 75168
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Christian Nowels Parcel ID #: 225711
Subdivision Name: Nowels Addition

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.

Contact Information:

Buena Vista-Bethel SUD (972) 937-1212
Carroll Water Company (972) 617-0817
Mountain Peak SUD (972) 775-3765
Rockett SUD (972) 617-3524
Sardis-Lone Elm WSC (972) 775-8566
Nash Foreston WSC (972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>6</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Paul Tischler
Print Name of General Manager of water provider or Designee

Sardis Lone Elm
Name of water provider company

[Signature]
Signature of General Manager of water provider or Designee

12-16-19
Date

(4)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-128-2020

MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

CAPTION

Public Hearing on a request by Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Irma Espinoza
Property Owner(s): Medina Living Trust & Irma Medina
Site Acreage: 0.164 acres
Current Zoning: Single Family-2
Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 409 W. 6th St.
Parcel ID Number(s): 176922
Existing Use: Single Family Residence and Family Home
Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	GR	Keller Williams Realty
South	SF2	Single Family Residences
West	SF2	Single Family Residences

Future Land Use Plan: Low Density Residential

(U)

Comprehensive Plan:

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

The subject property is accessible via W. 6th St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Irma Espinoza, is requesting approval to allow an existing Family Home (Reach For The Sky Daycare). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Reach For The Sky Daycare has been operating the at the subject property for 5 years. Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Reach For The Sky Daycare is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 6:00am – 6:00pm Monday-Friday.

(4)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Operational Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

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REACH FOR THE SKY DAYCARE

409 W. 6th St Waxahachie, TX 75165

Office: 214-315-6622 – FAX: 214-463-5278

Hours of Operation:

Monday thru Friday

6:00 AM - 6:00 PM

Saturday thru Sunday

CLOSED

Breakfast Served:

6:00 AM – 7:00 AM

Snack Served:

9:00 AM – 9:30 AM

Lunch Served:

10:45 AM – 11:30 AM

Snack Served:

2:30 PM – 3:30 PM

Lite Dinner:

4:30 PM – 5:00 PM

Number of children enrolled: 12

Ages of children enrolled:

Newborn to 3 years of age: 4

4 years of age to 5 years of age: 4

6 years of age to 12 years of age: 4

(8)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-129-2020

MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

CAPTION

Public Hearing on a request by Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Yolanda Martinez
Property Owner(s): Yolanda Martinez
Site Acreage: 0.172 acres
Current Zoning: Single Family-2
Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 317 W. University Ave.
Parcel ID Number(s): 176190
Existing Use: Single Family Residence and Family Home
Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Single Family Residences

Future Land Use Plan: Low Density Residential

Comprehensive Plan:

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

The subject property is accessible via W. University Ave.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Yolanda Martinez, is requesting approval to allow an existing Family Home (Martinez Day Care). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Martinez Day Care has been operating the at the subject property for 14 years (October 2006). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Martinez Day Care is allowed a maximum of twelve children who range in ages from infant to four years of age. Operational hours are 6:30am – 5:30pm Monday-Friday.

(8)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 26 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Operational Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(8)

**Martinez Day Care
317 W. University
Waxahachie, TX 75165**

**We are open 6:30 am - 5:30 pm, Monday - Friday.
We accept children from 6 weeks old to 4 years of age.
We serve breakfast , snacks and lunch on a daily basis.**

The following rooms are used for our Day Care:

- **Our Kitchen Area**
- **2 bedrooms**
- **Our living room Area**
- **Our bathroom**
- **The playroom which is used specifically for the Day Care.**
- **Per the state our capacity is 12 children.**

(10)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-134-2020

MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

CAPTION

Public Hearing on a request by Carrie Finley for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 201 Olive Street (Property ID 176437) - Owner: RICKIE L & CARRIE R FINLEY (ZDC-134-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Carrie Finley

Property Owner(s): Carrie Finley

Site Acreage: 0.312 acres

Current Zoning: Single Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 201 Olive St.

Parcel ID Number(s): 176437

Existing Use: Single Family Residence and Family Home

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	2F	Single Family Residences

Future Land Use Plan: Low Density Residential

(10)

Comprehensive Plan:

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

The subject property is accessible via Olive St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Carrie Finley, is requesting approval to allow an existing Family Home (Finley Family Home). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Finley Family Home has been operating the at the subject property for 6 years (April 2014). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Finley Family Home is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 6:00am – 6:00pm Monday-Friday.

(10)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **28** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.**
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Operational Plan

APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

STAFF CONTACT INFORMATION

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(10)

Carrie Finley

201 Olive Street

Waxahachie TX 75165

972-679-3804

Specific Use Permit

Operational Plan

Hours are 6am to 6pm Monday through Friday

Registered Family Home licensed for 12 total children

Meals are provided

Breakfast, Lunch and Snack

I do have a food handler's certificate.

I am enrolled in CACFP (Child and Adult Care Food Program) since 2014

I currently have 9 children enrolled

Ages: 4months, 18 months, 4yrs, 5yrs, 6yrs, 8yrs

I have a CDA (Child Development Associate) since 2019

I have my Child Care Director Credential since 2015

(18)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-127-2020

MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

CAPTION

Public Hearing on a request by Erik Barnard for a Zoning Change from a Single-Family Residential-1 zoning district to Commercial, located at 601 Ovilla Road (Property ID 191635) - Owner: ERIK BARNARD AND ELMWOOD HOMES LLC (ZDC-127-2020)

APPLICANT REQUEST

The applicant is requesting a zoning change from Single Family-1 (SF1) to Commercial (C) to construct an office building.

CASE INFORMATION

Applicant: Erik Barnard

Property Owner(s): Erik Barnard

Site Acreage: 1.005 acres

Current Zoning: Single Family-1

Requested Zoning: Commercial

SUBJECT PROPERTY

General Location: 601 Ovilla Rd.

Parcel ID Number(s): 191635

Existing Use: Vacant Single Family Home

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Undeveloped Land/Exxon Gas Station
East	C	St. Pauls Episcopal Church/Undeveloped Land
South	PD-SF3	Ridge Crossing Planned Development (Undeveloped)
West	C	Currently Undeveloped

Future Land Use Plan: Highway Commercial

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Comprehensive Plan:

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Thoroughfare Plan:

The subject property is accessible via Ovilla Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting a zoning change from Single Family-1 (SF1) to Commercial (C) to construct an office building.

Proposed Use:

The applicant is requesting approval for a zoning change to accommodate development of an office building on 1 acre. If approved, the applicant intends to remove the existing single family structure from the subject property in order to construct the proposed development.

Due to land surrounding the subject property being zoned Commercial, staff believes that the proposed zoning change and development will be consistent with the existing character of the district. The

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proposed zoning change will also be consistent with the Future Land Use Plan (FLUP), as well as the envisioned character for the surrounding area.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments

ATTACHED EXHIBITS

1. Site Layout

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

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(14)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-130-2020

MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

CAPTION

Public Hearing on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020)

APPLICANT REQUEST

The applicant is requesting for Planned Development approval to provide 15 Recreational Vehicle (RV) parking spots.

CASE INFORMATION

Applicant: Paula Justice
Property Owner(s): Secure More Storage Corp
Site Acreage: 16.2488 acres
Current Zoning: Light Industrial-2 and Single Family-2
Requested Zoning: Planned Development-Light Industrial-2

SUBJECT PROPERTY

General Location: 602 Cantrell St.
Parcel ID Number(s): 189795
Existing Use: RV Park and Secure More Storage
Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI2	Currently Undeveloped
East	LI2	Industrial Warehouse
South	SF3	Single Family Residences
West	SF2 & PD-MF1	Undeveloped Land/Daymark Living

(14)

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

The subject property is accessible via Cantrell St.

Site Image:



(14)



PLANNING ANALYSIS

Staff received an Open Records Request regarding the land uses authorized by zoning for the property in question. Staff reviewed existing records of the property including zoning and permitting history on the site. It was determined that building permits were issued in 2000 for Self-Storage, RV Park, Cabin and Recreational area including pool and common area for this site.

There is no record of a zoning change request for RV Park or Cabin rental at this location. Neither use was a permitted use in the LI-2 zoning at the time of building permit issuance. Staff has requested documentation be provided that indicates permissions or verification of a zoning change, which has not been provided by the applicant. After further review, it has been determined by staff that the allowance of the RV Park and rental Cabins would be considered a permit that was issued in error of the zoning at the time of issuance. Additionally, the Certificate of Occupancy for the RV Park and Cabins are not signed by the Building Official. There are currently 38 RV parking spaces located on site.

In addition to concerns of the use being in zoning compliance, concerns remain of the RV Park being in the floodplain. While it is uncertain of the floodplain location at the time of issuance, through documents found by staff, there have been long term concerns with the RV Park being located in the floodplain. Additionally, there have been multiple rescues performed by City of Waxahachie Fire and Police staff at this location. From the floodplain, as depicted by the current FEMA information, 6 of the 38 RV parking spaces are located outside of the floodplain, 9 spaces are located within the floodplain, and the remaining 23 spaces are located within the floodway.

Floodplain information could change over time and would require a survey of the property. The survey would include elevations of the site would be required to ensure the exact location of the floodplain and the relation of the RV parking to the floodplain. To include RV parking spaces in the floodplain, it is a

(14)

requirement of the City's Floodplain Ordinance to locate the parking spaces on an elevated foundation surface located one foot above the base floodplain elevation. This surface must allow for the passage of water under the surface and requires that the RV be anchored to the foundation to resist flotation.

The cabins on the site were constructed in addition to the RV Park to be offered as a resort style amenity to the development which would allow those without a RV to enjoy the site. The cabins were intended to be short term, day to day, leasing, with no long term occupancy. There are existing records which concern the payment of hotel/motel taxes, in addition to applicant confirmation, which aid in the determination that there was no intentional long term housing at the initial construction. With the passage of time, the cabins were converted to a monthly rental, which is similar to a monthly apartment agreement. With the original Cabin use not allowed per zoning, the conversion to longer term leasing was also not in compliance with the Zoning Ordinance, and no approval for long term housing was given.

Proposed Use:

The applicant is currently operating a RV Park and Secure Storage with living units on the subject property. The applicant intends to discontinue the residential use of cabins and convert them to office, storage space, or another use authorized by the base zoning once the lease agreements for the current residents expire. The applicant is also proposing to use 15 parking spaces for RV parking.

Due to not having an existing Planned Development for the property, the applicant is working in unison with city staff to help bring the property into compliance with the City of Waxahachie.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 26 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. No RV parking is allowed within the floodway. Any existing parking within the floodway shall be removed.
 2. RV parking within the floodplain is not permitted unless the RV is on an elevated foundation one (1) foot above the base floodplain elevation, and anchored to the foundation.
 3. RV parking on site shall be limited to a maximum of 15 spaces as determined by a Professional Surveyor to be outside the limits of the floodplain, or placed on an elevated foundation above the base floodplain elevation. Floodplain location may limit the number to fewer parking sites and must be proven by the applicant.
 4. No RV parking space may allow the placement of an RV closer than 10 feet from an adjacent RV.
 5. No RV parking may park longer than 30 consecutive days within a 6 month period.
 6. RV parking shall not include RVs owned by the property owner and permanently located on site.
 7. The residential use of cabins shall be discontinued and converted to office, storage space, or another use authorized by the base zoning.

(14)

8. A dumpster enclosure shall be installed on the property that is consistent with the City of Waxahachie Zoning Ordinance.
9. Residential use of cabins shall be discontinued once the lease expires, or no longer than 90 days from the date of Ordinance adoption, or whichever occurs first.

ATTACHED EXHIBITS

1. Site Layout

APPLICANT REQUIREMENTS

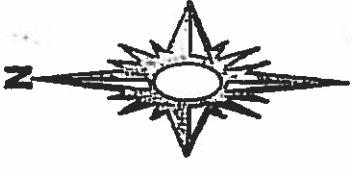
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(14)



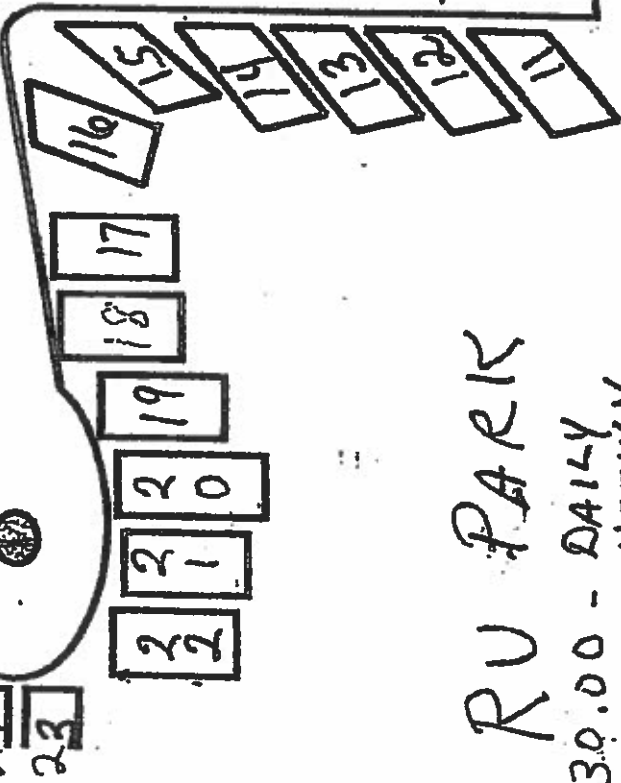
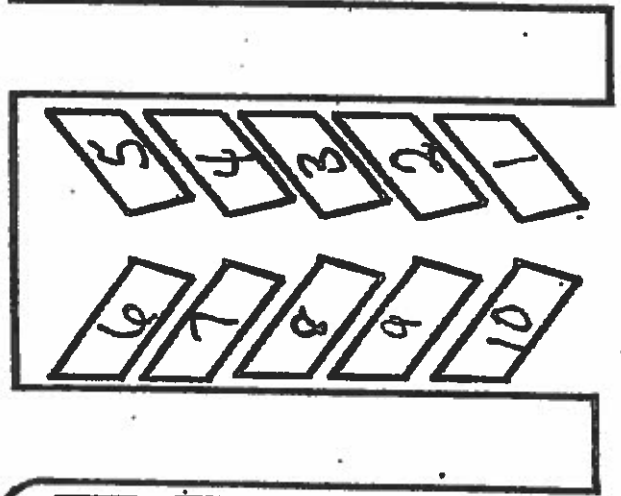
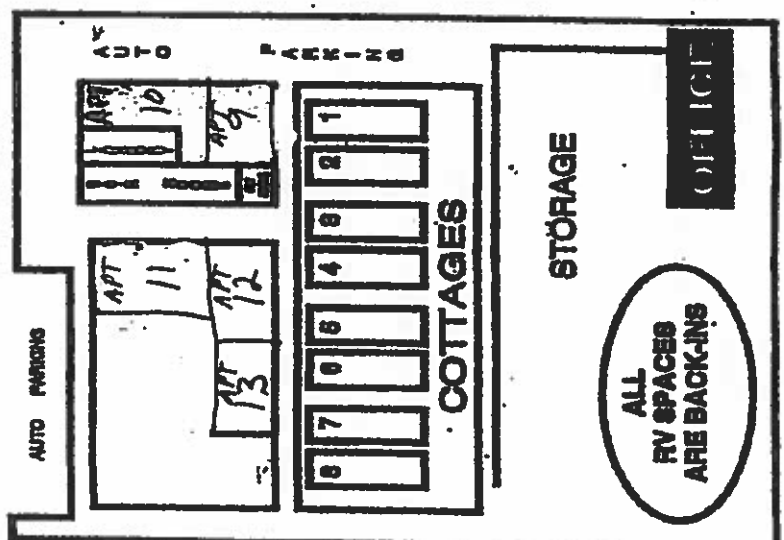
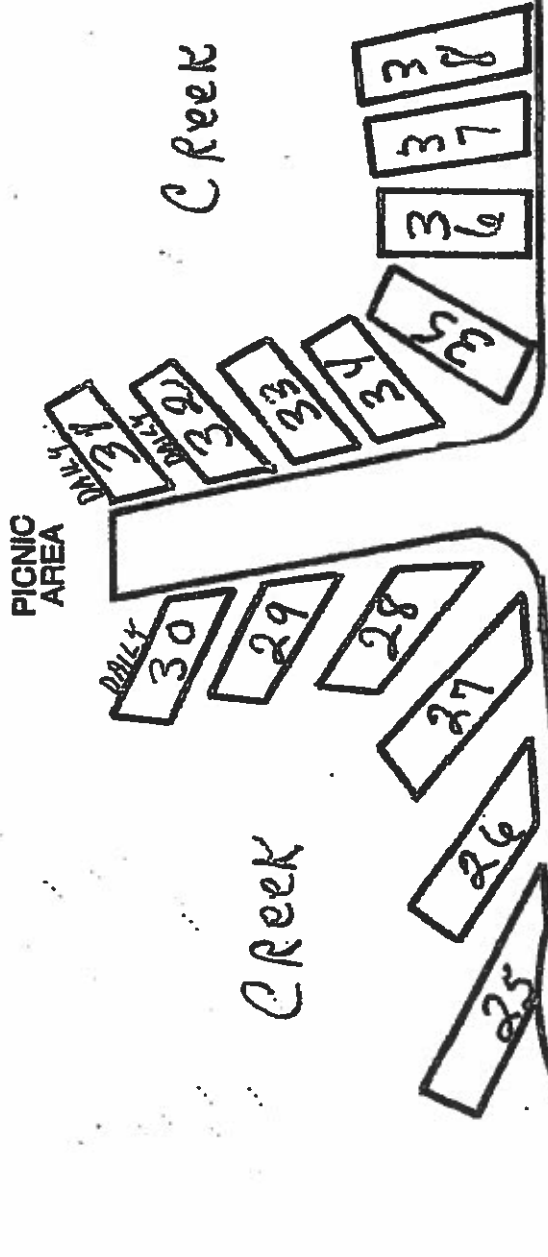
NOT DRAWN TO SCALE

FUTURE DEVELOPMENT AREA

PICNIC AREA

Creek

Creek



CANTRELL STREET

RV PARK

- 30.00 - DAILY
- 150.00 - WEEKLY
- 320.00 - MONTHLY + Elect.

602 Cantrell Street Waco, Texas 76765
 Phone: 1-872-638-2100