

ORDINANCE NO. 3299

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE IN EXCESS OF 1000 SQUARE FEET USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED AT 201 E UNIVERSITY AVENUE, BEING PROPERTY ID 176324, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 11 & 12, BLOCK 10 IN THE UNIVERSITY REVISION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-141-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit an Accessory Structure in excess of 1000 square feet use on the following property: Lot 11 & 12, Block 10 in the University Revision subdivision, which is shown on Exhibit A, in accordance with the Site Layout attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE IN EXCESS OF 1000 SQUARE FEET USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-141-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, Exhibit C – Staff Report.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. The accessory structure shall not be used as a dwelling unit.
5. The structure shall not in any case be leased or sold separately, and shall not be separately metered.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 18th day of October, 2021.




MAYOR

ATTEST:



City Secretary

Exhibit A - Location Map



All that certain lot, tract or parcel of land being LOTS 11 and 12 in Block 10 of UNIVERSITY ADDITION, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Map thereof recorded in Cabinet A, Slide 147, Plat Records, Ellis County, Texas.



NOTE: Monuments noted as IRS hereon are with yellow plastic cap marked "SHIELDS & LEE".

THE PROPERTY SHOWN HEREON IS NOT LOCATED IN A DESIGNATED (100 YEAR FLOOD HAZARD AREA) ACCORDING TO THE
FEDERAL EMERGENCY MANAGEMENT AGENCY RATE MAP PANEL NUMBER: DATED: 48139C0180 D 01/20/1999

PROPERTY IS LOCATED IN ZONE:
X

The plat shown herein represents a true, correct and accurate representation of the results of a survey made on the ground by me or under my direction and supervision. The type and location of all visible and apparent buildings and improvements to the property shown herein. The record distance to the nearest intersecting street or road is shown herein. Except as shown herein there were no visible and apparent encroachments or protrusions of improvements or physical evidence of easements shown on the ground on the subject property. The subject property has physical access as shown herein. This survey is subject to all easements and restrictions of record and to all other surveys of any kind and of any date. This survey is not intended to constitute a warranty or guarantee of any kind, and no reliance should be placed thereon. I am not a professional engineer and do not constitute a warranty or guarantee, expressed or implied. This survey was performed exclusively for the above mentioned parties and is intended for a single use only. Not published. All Rights Reserved. This survey remains the property of the Surveyor. Unauthorized use is illegal.

Scale 1" = 25'
Date 07/07/2006
Job No. X22256
Drawn By NF/JQ

1421 Ferndale Avenue
Dallas, Texas 75224
Phone (214) 942-8496
Fax (214) 941-7229

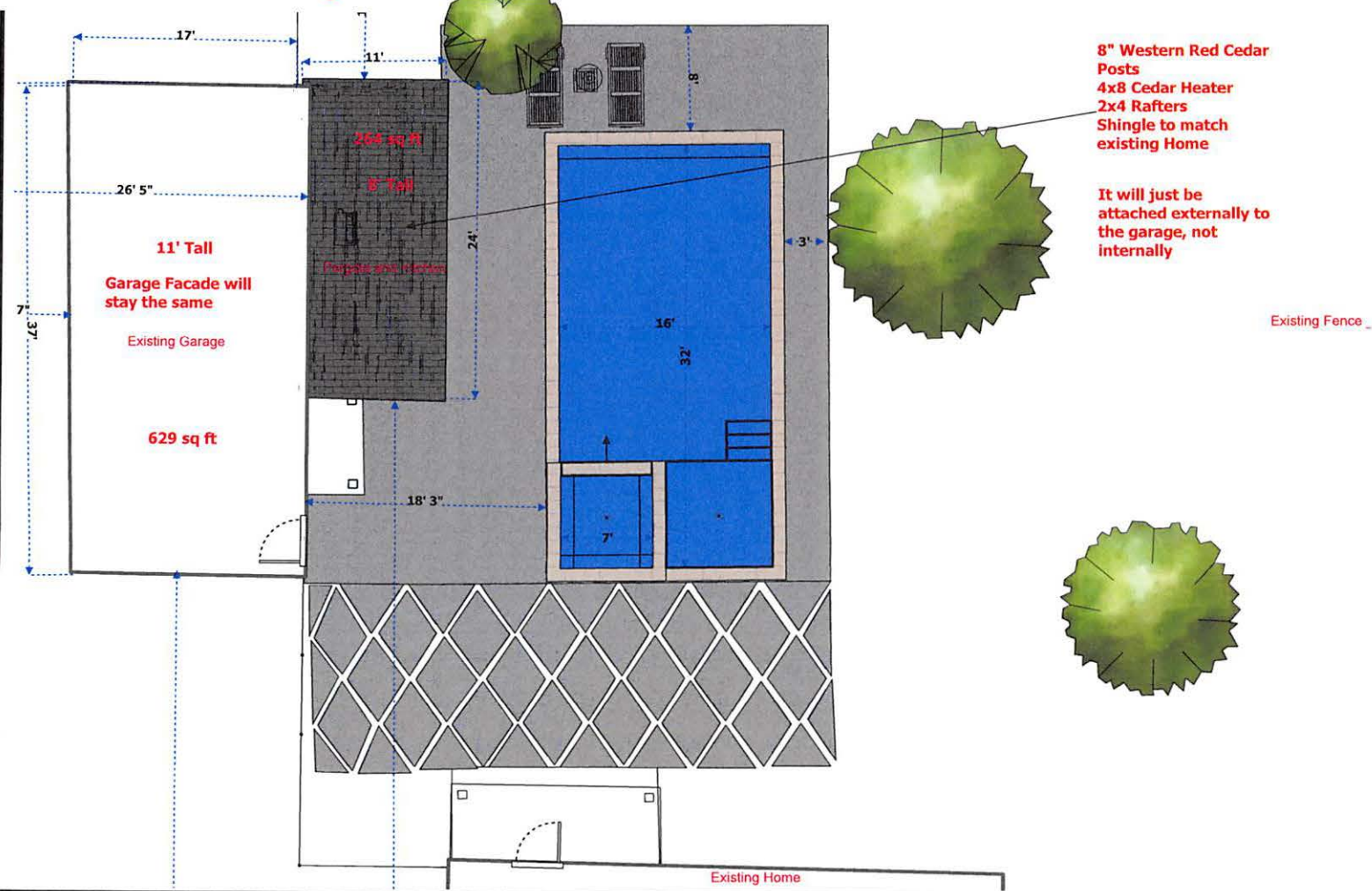


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U.S. R. Lee, R. P. L. S. 2036

Exhibit B - Site Layout



Pool Specs

Perimeter: 95' Area: 447 sq ft
Envelope: 32x16
Depth: 3.5-6 RTNS: 5
Drains: Anti Vortex Lights: 2 LED Color
Skim: Skimmer P.C.:
Dig Type Excavator Volume: 13,690 Gallons
Spillover Length(s):
Coping Material: Leuders
Interior Finish: Mini Pebble
Notes:

Spa Specs

Perimeter: 28' Area: 49 sq ft
Jets: 6 Height: 18"
Lights: 1 LED Color RTNS: 5
Drains: Anti Vortex Spillover Length(s): 4'
Coping Material: Leuders
Interior Finish: Mini Pebble
Notes:

Tile Specs

Raised Beams:
Pool Tile Material: 6" Waterline
Spa Tile Material: 6" Waterline
Notes:

Deck Specs

Perimeter: Area: 1175 sq ft
Coping Area:
Coping Material:
Surface Material: Salt/washed aggregate/stone skin
Turn Down: Riser:
NOTES:

Equipment

Circ Pump: 2 Hp IntelliFlo Control Panel: Easy Touch
Pump #2: Boost Rite Remote: Screen Logic
Pump #3: Sanitizer: Chlorine
Filter: Cartridge 420 Blower: Jandy 1.5
Heater: Mastertemp 400 Fill Line: auto fill
Cleaner: Polaris 280 Other:
Pool Light: 2 LED Color Other:
Spa Light: 1 LED Color Other:
Other: Other:
NOTES:

Approval

I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.

X



Project Name: Budet
Client Name: Jaclyn Budet
Client Email: jaclyn.budet@gmail.com
Client Phone:
Address: 201 E University
City: Waxahachie
State/Province: TX
Zip/Postal Code: 75165
Designer Name: Justin Bright

Block:
Subdivision:
Lot # Gate Code:
PG PB:
Notes:

Pool Depth Profile

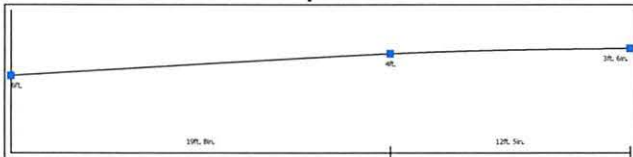


Exhibit C - Staff Report

Planning & Zoning Department Zoning Staff Report

Case: ZDC-141-2021



MEETING DATE(S)

Planning & Zoning Commission: October 12, 2021

City Council: October 18, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 12, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-141-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Justin Bright, Bright Pools, LLC, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700SF** use within a Single Family-2 zoning district located at 201 E University (Property ID 176324) - Owner: JASON W & JACLYN L WILSON (ZDC-141-2021)

APPLICANT REQUEST

The applicant is requesting approval to construct a 264 sq. ft. accessory structure, to be used as an outdoor kitchen and pergola.

CASE INFORMATION

Applicant: Justin Bright, Bright Pools, LLC

Property Owner(s): Jason Wilson & Jaclyn Wilson

Site Acreage: 0.344 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: Single Family-2 with an SUP for Accessory Structures totaling over 1,000 Sq.Ft.

SUBJECT PROPERTY

General Location: 201 E University Ave.

Parcel ID Number(s): 176324

Existing Use: A single family residence and an approximately 800 sq. ft. detached garage currently occupies the site.

Development History: The subject property is platted as Lots 11 & 12, Block 10 of the University Revision.

Exhibit C - Staff Report

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-2	Single Family Residence
West	SF-2	Single Family Residence

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 a similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: This property is accessible via E University Ave. and Martha St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting a Specific Use Permit to allow for the addition of a 264 sq. ft. accessory structure within a Single Family-2 zoning district. The proposed accessory structure requires SUP consideration due to the existing structure (detached garage/800 sq. ft.) and proposed structure (accessory structure/264 sq. ft.) exceeding 1,000 square feet. Per Sec. 5.07 of the Waxahachie Zoning Ordinance, "Combined floor area for two (2) accessory structures in excess of one thousand (1,000) square feet per platted lot requires a SUP."

Proposed Use:

The applicant is requesting approval to construct a 264 sq. ft. accessory structure, to be used as an outdoor kitchen and pergola. The accessory structure is proposed to connect externally to the existing detached garage on the property, but will have no internal connection to the garage. The applicant has stated that the pergola and kitchen will be constructed with "8 inch Western Red Cedar posts, a 4'x8' Cedar Header, 2'x4' rafters, and shingles to match the existing home." No changes or alterations to the existing detached garage are proposed.

Accessory structures are common within the surrounding neighborhood area. Currently, there are 3 other existing SUP's for accessory structures, mostly for detached garages, within 250 of the subject property. If approved, the structure(s) would be consistent with the character of the existing neighborhood district.

Exhibit C - Staff Report

This SUP request, if approved, would allow an accessory structure that cannot be used as dwelling unit. (Note: No living space is provided as part of the proposed accessory structure.)

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, nineteen 19 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. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. The accessory structure shall not be used as a dwelling unit.
 3. The structure shall in any case not be leased or sold separately and shall not be separately metered.

ATTACHED EXHIBITS

1. SUP Ordinance for Accessory Structures +1000 SF Total
2. Exhibit A – Location Map
3. Exhibit B - Site Layout
4. Exhibit C – Staff Report

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:

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Planner

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Reviewed by:

Shon Brooks, AICP

Executive Director of Development Services

sbrooks@waxahachie.com