

**AGENDA
PLANNING AND ZONING COMMISSION
MEETING
CITY OF FERRIS
A GENERAL LAW MUNICIPAL CORPORATION OF THE
STATE OF TEXAS, ELLIS COUNTY
AT THE
COUNCIL CHAMBERS
215 W. SIXTH STREET, FERRIS, TEXAS 75125
6:00 P.M. THURSDAY, SEPTEMBER 25, 2014**

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FERRIS WILL MEET IN REGULAR SESSION AT 6:00 P.M. ON THE 25TH DAY OF SEPTEMBER, 2014 AT THEIR REGULAR MEETING PLACE AT 215 W. SIXTH STREET, FERRIS, TEXAS FOR THE PURPOSE OF CONSIDERING:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
	INVOCATION	
	PLEDGE OF ALLEGIANCE	
	<u>COMMISSION BUSINESS</u>	
1.	Call to order.	0
2.	Roll call to determine the presence of a quorum.	1
	<u>APPROVAL OF MINUTES</u>	
3.	Consider approval of meeting minutes for the Planning and Zoning meeting of July 24, 2014.	2

NEW BUSINESS

4. Discussion, consideration, and action as may be appropriate regarding the approval of a waiver to Article 10.200 Section 10.202(h) and 10.400 "Sidewalks" of the Ferris Subdivision Ordinance to waive the requirement of a sidewalk parallel to North Central Street adjacent to new construction located at 208 N. Central Street. 4

CLOSING

5. Adjourn. 0

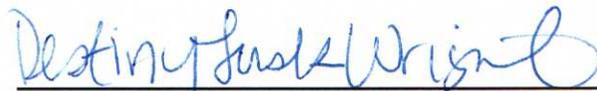
Executive Session Reservation

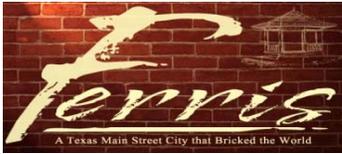
The Planning and Zoning Commission reserve the right to convene into an Executive Session (closed to the public) as authorized by Section 551.071(2) of the TEXAS GOVERNMENT CODE, for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Disability Assistance and Accommodation

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (972) 544-2110 two working days prior to the meeting so that appropriate arrangements can be made.

I, DESTINY LUSK WRIGHT, HEREBY CERTIFY THE FOREGOING NOTICE WAS POSTED ON OR BEFORE THE 19TH DAY OF SEPTEMBER, 2014 BY 5 P.M.


DESTINY LUSK WRIGHT
CITY SECRETARY



PLANNING AND ZONING COMMISSION

MEETING ATTENDANCE RECORD

2014-2015

PLANNING AND ZONING COMMISSION			Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Place	Name	Title	25	23			22	26	26	23	28	25	23	27	24
Place 1	Jim Kay	Commissioner													
Place 2	Rudy Amor	Commissioner													
Place 3	Bill Malloy	Commissioner													
Place 4	vacant	Commissioner													
Place 5	Charlie Hatfield	Commissioner													
Place 6	Christi Farish	Commissioner													
Place 7	Rick Barrett	Commissioner													

Total Present:

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A quorum of the commission is 4 members.

City Staff		Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Title	Name	25	23			22	26	26	23	28	25	23	27	24
City Manager	Dennis Burn													
City Secretary	Destiny Wright													
Building Official	Bill Jordan													

Total Present:

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Chairman- "Will the Secretary please call the roll."
 The Secretary calls each member's position and name.
 They respond if they are present.
 Secretary- "A quorum is present."

P	Present
A	Absent
R	Resigned
D	Deceased
E	End of Term

**STATE OF TEXAS
COUNTY OF ELLIS**

**THE FERRIS PLANNING AND ZONING COMMISSION MET IN A
REGULAR SESSION, JULY 24, 2014 AT 6:00 P.M. IN THE
COUNCIL CHAMBERS LOCATED AT 215 W. SIXTH STREET,
FERRIS, TEXAS.**

MEMBERS PRESENT

Jim Kay, Place 1
Rudy Amor, Place 2
Bill Malloy, Place 3
Charles Hatfield, Place 5
Richard Barrett, Place 7

STAFF PRESENT

Dennis Burn, City Manager
Destiny Wright, City Secretary
Bill Jordan, Chief Building Official

MEMBERS ABSENT

Christi Farish, Place 6

STAFF ABSENT

COMMISSION BUSINESS

1. Call to Order.

Jim Kay called the meeting to order at 6:00 P.M.

2. Roll Call to determine the presence of a quorum.

The roll was called and a quorum was determined to be present. City Secretary Wright informed the commission that David Sacha, Place 4, has resigned his position.

APPROVAL OF MINUTES

3. Consider approval of the meeting minutes for the Planning and Zoning meetings of August 22, 2013 and September 16, 2013.

Charles Hatfield moved to approve the meeting minutes for the Planning and Zoning meetings of August 22, 2013 and September 16, 2013. Seconded by Rudy Amor. For: Unanimous. The motion carried 5-0-0.

NEW BUSINESS

- 4. Discussion, consideration, and action as may be appropriate regarding the recommendation to the Ferris City Council of the amendment to Division 185-Section 1 and Division 190 of the current Zoning Ordinance (Ordinance O-12-743) to change the regulations for Message Board Signs.**

Rudy Amor moved to recommend the amendment as presented with the following change made by the Planning and Zoning Commission members:

Division 185-Section 1. Last sentence of Restriction "M" to be changed from:
"If in the opinion of the Chief Building Official a message board sign constitutes a distraction to traffic, he shall order the sign be dimmed or otherwise altered regardless of the foot-candle reading."

Division 185-Section 1. Last sentence of Restriction "M" to be changed to:
"If a message board sign constitutes a distraction to traffic based on evidence or complaints, the Chief Building Official shall review if the sign shall be dimmed or otherwise altered and provide for appropriate remedy."

Seconded by Charles Hatfield. For: Unanimous. The motion carried 5-0-0.

CLOSING

- 5. Adjourn.**

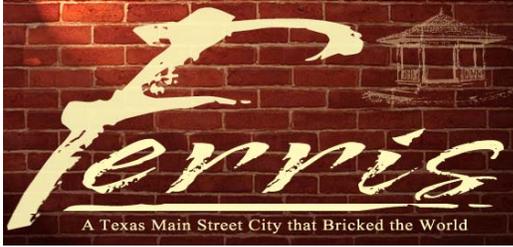
With no further business to come before the commission, Jim Kay adjourned the meeting at 6:42 P.M.

APPROVED THIS THE 25TH DAY OF SEPTEMBER, 2014.

ATTEST:

Dennis Burn
City Manager

Jim Kay
Chair



MEMORANDUM

DATE: 9-25-2014
FROM: Chief Building Official, Bill Jordan
TO: Planning & Zoning Commission

SUBJECT: Consideration of approving a waiver of Article 10.200 Section 10.202(h), and 10.400 "Sidewalks", of the Ferris Subdivision Ordinance to waive the requirement of a sidewalk parallel to N. Central St. and adjacent to new construction located at Lot: East 85 feet of 3 & All 4-5, Block 15, O. T. Ferris-Revised more commonly known as 208 N. Central St., Ferris, Texas.

SUMMARY:

Reference: Article 10.200 Section 10.202(h) and 10.400 of the Ferris Subdivision Ordinance regulates where and when sidewalks must be constructed, and their minimum construction methods.

Background: The Ferris Subdivision Ordinance requires all new commercial construction on a vacant lot to include sidewalks along the property line abutting the frontage; and if a corner lot, both frontages. The property at 208 N. Central St. meets this criteria as it is new commercial construction on a vacant lot and has two frontages; one on N. Central St. and one on E. 3rd St.

The construction of the sidewalk along the N. Central St. side of the property has been difficult because of a large drainage ditch running between the roadway the property line. To assist in facilitating the sidewalk's construction, staff approved the sidewalk to be built along the roadway as there was no room in the prescribed location along the property line due to the draining ditch. This approval was contingent upon approval from TXDOT as N. Central St. is a TXDOT maintained highway. The contractor, Kelley Harris, submitted an approval request to TXDOT, however, TXDOT rejected the proposal and recommended improving the drainage with culverts, filling the ditch, and constructing the sidewalk in the original prescribed location.

Mr. Harris, communicated that the TXDOT requirements were cost prohibitive and wanted to seek a waiver to the sidewalk requirement along N. Central St.

FINANCIAL IMPACT: N/A

SUPPORTING MATERIALS:

- Application Packet
 - Application Form
 - Site Plans
 - TXDOT's rejection letter
 - Article 10.200 Section 10.202(h) of the Ferris Subdivision Ordinance
 - Article 10.400 "Sidewalks" of the Ferris Subdivision Ordinance
- Photos of sidewalk/drainage ditch area.
- Section 10.132 "Waivers from Subdivision Standards and Design Standards" of the Ferris Subdivision Ordinance

RECOMMENDATION: Sidewalks along a major thoroughfare are required. Most other improved commercial properties along this corridor have, at a minimum, a level walking surface that is outside the travel lanes.

Alternatively, the plans were initially approved without the addition of sidewalks. While the omission was corrected before construction began, staff understands that improvement and reconstruction of the storm water system adjacent to the property adds a sizeable sum to the project that was not initially accounted for.

There are properties in Ferris that were not required to install a sidewalk along TXDOT frontage. Staff recommends that a waiver be granted and that no sidewalk along TXDOT frontage be required.



BZ 9.25 / Coun. 10.6

CITY OF FERRIS

Fee: \$50.00

Paid:

APPLICATION FOR SPECIAL EXCEPTION

I, KELLY S. HARRIS the undersigned owner or developer of the following described real property located in the City of Ferris, Texas, hereby make application for a special exception to the Ferris Development Code as set forth in Section 10.132 of said ordinance.

Legal Description

Lot: _____, Block: _____, of _____ addition.

OR

Metes and Bounds attached

Street Address: 208 N. CENTRAL ST. FERRIS 75125

Applicant

Owner

Developer

Name: KELLY HARRIS Address: 1026 FM 660 FERRIS TX 75125

Phone: 214.926.7721

Request:

EXCEPTION TO ARTICLE 10.400 "SIDEWALKS" (PG.64) THAT REQUIRES NEW CONSTRUCTION TO HAVE SIDEWALKS BORDERING THEIR DEVELOPMENT. WE ARE IN TOTAL AGREEMENT TO INSTALL SIDEWALK ALONG 3RD ST. (SEE PLANS) BUT ARE ASKING FOR A SPECIAL EXCEPTION OF NOT BE REQUIRED TO INSTALL SIDEWALK ALONG TXDOT ROW ON NOTICE CENTRAL ST (AKA B45) BECAUSE IT IS TOO COST PROHIBITIVE TO COMPLY WITH TXDOTS STRINGENT REQUIREMENTS.

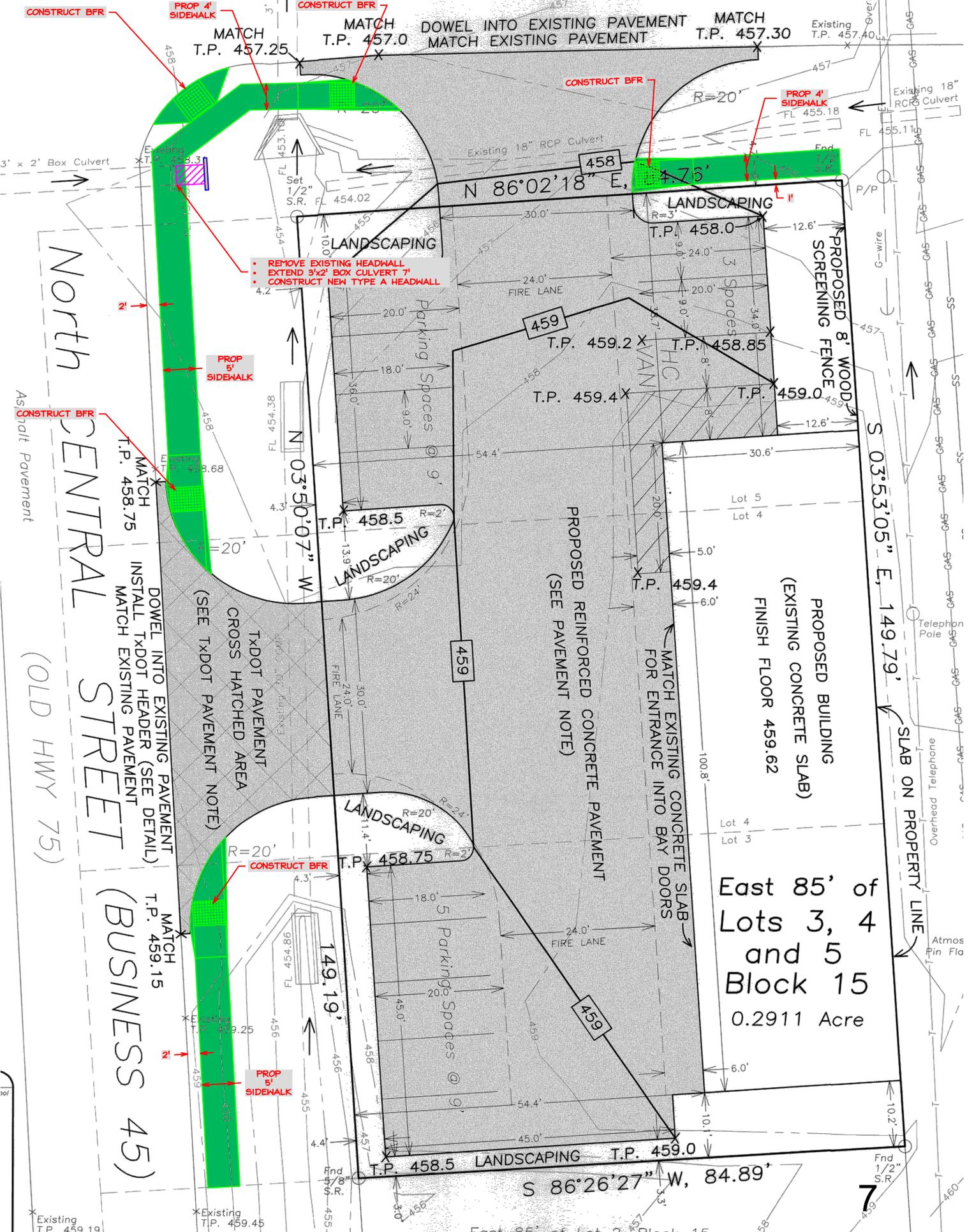
A special exception requires the owner/developer to provide the following information:

- 1. A Complete Site Plan
- 2. Any Engineering pertinent to the request

Signature: KELLY S. HARRIS Date: 8.24.14'
Owner or Developer

80' R.O.W.

East THIRD STREET

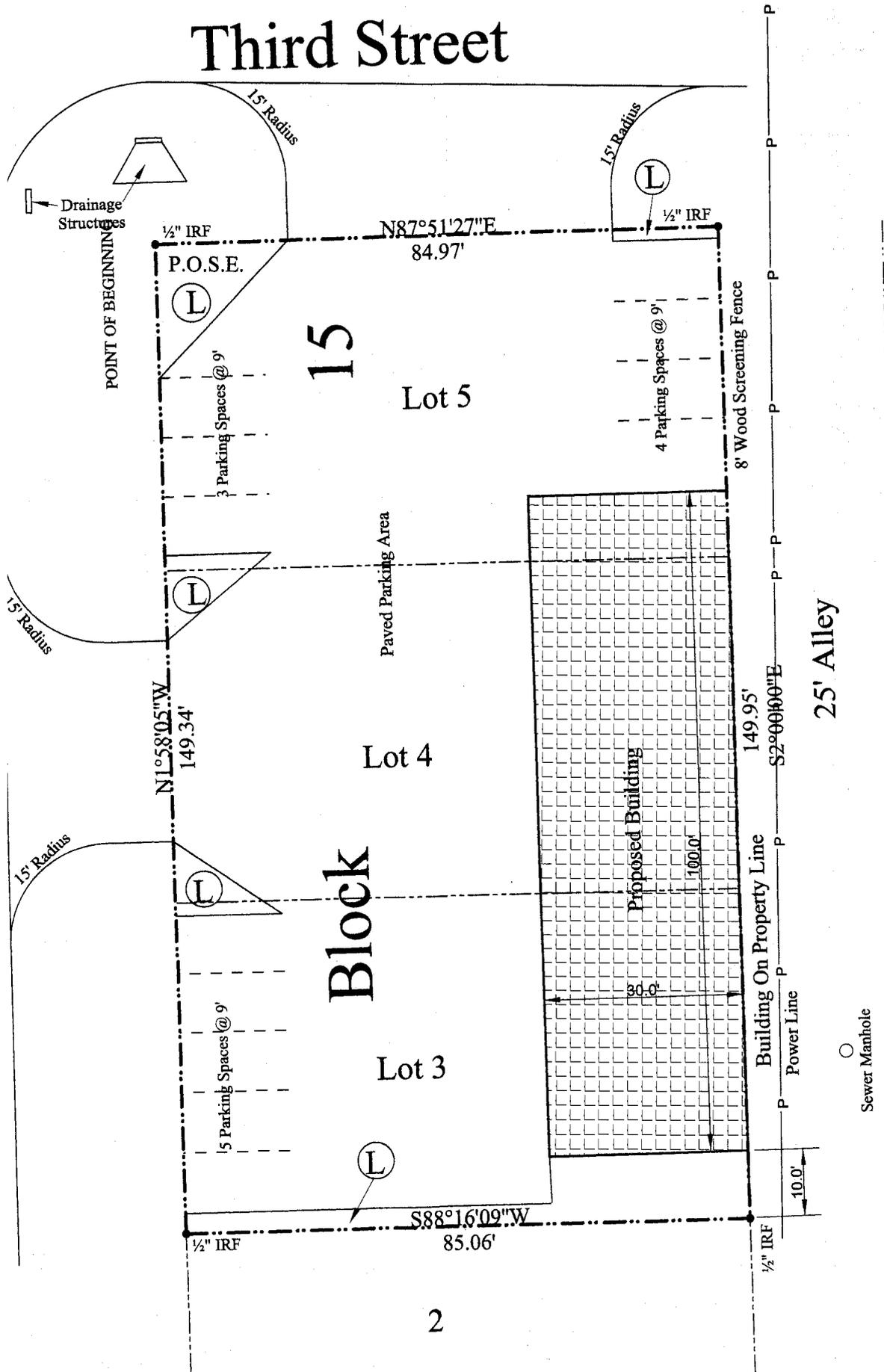


East 85' of
Lots 3, 4
and 5
Block 15
0.2911 Acre

North
CENTRAL
STREET
(OLD HWY 75)

BUSINESS 45

Third Street



BEING a tract or parcel of land situated in the City of Ferris , Ellis County, Texas, and being part of Lots 3, 4 and 5 Block 15 of the Original City of Ferris as recorded in Cabinet A Slide 135 of the Plat Records of Ellis County, and also that tract of land conveyed to Allen National Investments, LLC, by deed recorded in Volume 2757 Page 1412 of the Official Public Records of Ellis County, and being more particularly described as follows:

BEGINNING at a point for corner at a ½" iron rod found at the intersection of the southerly line of Third Street and the easterly line of Central Street (as widened);

THENCE North 87° 51' 27" East along the southerly line of Third Street a stance of 84.97 feet to a point for corner at a ½" iron rod found;

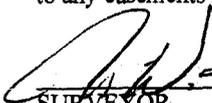
THENCE South 2° 00' East (record bearing) along the westerly line of a twenty five-foot wide alley a distance of 149.95 feet to a point for corner at a ½" iron rod found;

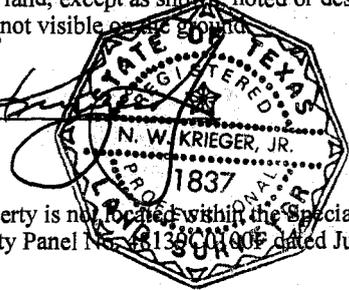
THENCE South 88° 16' 09" West along the southerly line of said Lot 3 and the northerly line of Lot 2 in said Block 15 a distance of 85.06 to a point for corner at a ½" iron rod found in the easterly line of Central Street;

THENCE North 1° 58' 05" West along the easterly line of Central Street a distance of 149.34 feet to the PLACE OF BEGINNING and containing 0.2921 acre.

SURVEYOR'S DECLARATION

I hereby declare that this true and accurate survey made on the ground under my personal supervision on April 10, 2014, correctly shows the relation of the buildings and other structures to the property lines of land indicated hereon, and that there are no encroachments or overlaps onto adjoining property of property covered by this survey, or of adjoining buildings or structures on said land, except as shown, noted or described on the survey. This survey is subject to any easements not visible on the ground.


SURVEYOR

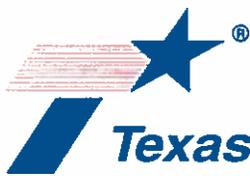


NOTE: This property is not located within the Special Flood Hazard Area as shown on FEMA Community Panel No. 48135C0101 dated June 3, 2013.

 Landscape Area



Survey Plat
Part of Lots 3, 4 & 5 Block 15
City of Ferris Ellis County, Texas
By
N. W. Krieger, Jr.
2409 Park Street
P. O. Box 1294 Ennis, Texas 75120-1294
Phone: 972/878-7013



Texas Department of Transportation

125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8700 | WWW.TXDOT.GOV

DALLAS DISTRICT – ELLIS/NAVARRO COUNTY AREA OFFICE

124 FM 876
Waxahachie, Texas 75167
(972) 938-1570
August 21, 2014

Control: 0092-10
Highway: BUS 45
County: Ellis

Kelly Harris
Kelly Harris Company
1026 FM 660
Ferris, Texas 75125

Re: Sidewalk Concept Plan

Dear Mr. Harris:

We have completed our review of the Sidewalk Concept Plan for the property in Ferris. Our comments are summarized as follows:

1. TxDOT's Roadway Design Manual recommends that sidewalks adjacent to roads without curb and gutter be placed between the ditch and Right-of-Way (ROW) Line, where practical. If this cannot be done, it is our recommendation that a buffer width of at least 4 feet between the sidewalk and the edge of pavement be used. It is preferred that a curb be installed along BI 45. The sidewalk can be placed immediately adjacent to the curb, which will require a sidewalk width of 6 feet.
2. All sidewalks within State ROW must be a minimum of 5 feet wide. The 4 foot sidewalk running along 3rd Street within the BI 45 ROW is not acceptable.
3. The sidewalks adjacent to the culvert ends at 3rd Street appear to create unacceptable drop offs. This should be mitigated by the installation of pedestrian rails. Please provide cross-sections of the sidewalk at various locations.
4. The slope of the ground from the sidewalk to the bottom of the side-road drainage ditch may be too steep and thus, unsafe. Please provide cross-sections of the sidewalk at various locations.

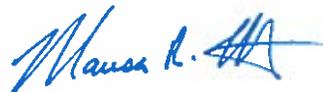
It is our recommendation that the best solution for the installation of a sidewalk within the ROW at this location would be to close in the ditch and build an underground drainage system. The sidewalk could be built near the ROW Line in this case. This alternative would require the

Kelly Harris
August 21, 2014
Page 2

installation of additional pipe and the need for a junction box with an inlet top at the corner of BI 45 and 3rd Street.

If you have any questions, please call me at 972-938-1570.

Sincerely,



Mansa R. Moton, P.E.
Transportation Engineer

cc: Dennis Burn, P.E. (City of Ferris)
Priscilla Block

Article 10.200, Section 10.202

(e) Sub-grade. All street and alley paving shall be placed on a sub-grade of minimum thickness of six inches. The sub-grade shall be lime-stabilized sub-grade or cement stabilized sub-grade, dependent upon the recommendation contained in the soils investigation report. In the event the city waives the requirement to obtain a report, the city will specify the use of lime stabilization, cement stabilization, flexible base, or an alternate to be used as sub-grade.

(f) Pavement Width Requirements. The minimum pavement width for residential streets shall be 31 feet measured back-to-back of curbs. The minimum pavement width for designated residential collector streets shall be 37 feet measured back-to-back of curbs. Commercial streets shall be a minimum of 37 feet measured back-to-back of curbs. Wider street paving shall be constructed to provide the number of through lanes, left turn lanes, right turn lanes, acceleration, and deceleration lanes as required and shown as part of the city's master thoroughfare plan and in Table 1 "Street Classification."

(g) Monolithic Curbs. All streets shall be constructed with a monolithic curb continuous on each side of the street pavement. Monolithic curbs shall be six (6) inches in height and six (6) inches wide, in accordance with the appropriate construction standard.

(h) Sidewalks. A four (4) foot sidewalk shall be constructed along both sides of all streets. Curb ramps shall be provided for all pedestrian crossings. Sidewalks shall be included on construction plans and on engineering site plans.

Sidewalks shall be located within the right-of-way line where possible, but in no instance closer than three feet from the back of curb. Approved trees, as determined by the city may be located within this area. Developers of tracts served by sidewalks not meeting the requirements of this article, or sidewalks not structurally sound shall be responsible for removing the existing sidewalks and constructing new sidewalks to meet current requirements. The dedication of additional right-of-way or easement may be required to provide adequate space for the construction of sidewalks.

Exterior sidewalks shall be constructed along major arterial streets, parks, and collector streets as designated by the city, an eight (8) foot sidewalk shall be provided. These Sidewalks shall be a minimum of five (5) inches thick and be reinforced with 3/8 bar eighteen (18) inches on center. Sidewalks across bridges shall be continuous and approved safety features shall be incorporated into the design to adequately protect pedestrian traffic.

Sidewalks adjacent to residential lots shall be constructed by the builder prior to final inspection of the residential units. The developer shall construct sidewalks adjacent to non-residential lots as a part of the infrastructure improvements associated with the development. With special approval by the city, selected sections of sidewalk construction along the frontage of non-residential lots, may be delayed from the time of subdivision development to the time of building construction. The construction of sidewalks may not be delayed at street intersections, areas of existing high pedestrian

traffic, across bridges and drainage locations, which would not be subject to destruction during later construction such as buildings. In areas where sidewalk construction is delayed, grading shall be in full conformance with the typical section. Where construction of sidewalk is delayed, no certificate of occupancy will be issued or final building inspection performed until the sidewalk is complete.

(i) Driveways. All driveways in the City of Ferris shall be constructed by city permit only. A permit will be granted only after due consideration of safety, traffic flow, and conflicts with existing and proposed facilities. In addition to the above, access to state controlled highways shall require state and city permits. The design or location of driveways shall be in accordance with the control of access guidelines at street intersections.

(1) Residential driveway approaches shall follow these guidelines:

(A) Residential driveways will be permitted to residential streets and discouraged onto any designated collector or arterial streets.

(B) All driveways must access onto alleys where alleys are constructed or will be constructed.

(C) Width shall be 12 feet (minimum) and 24 feet (maximum) per lot, plus a 5-foot radii (if access is onto street) or 5 foot flare (if access is onto an alley).

(D) The radius or flare point at the street or alley of any driveway shall not extend beyond the property line(s).

(E) All driveway approaches shall be constructed in accordance with the city standard driveway construction details.

(F) Maximum slope of a residential driveway shall not exceed 8 percent up to the right-of-way line and 14 percent beyond the right-of-way line.

(2) Commercial driveway approaches shall follow these guidelines:

(A) Recommended widths:

One-way 15 feet with 10-foot radii

Two-way 30 feet with 15-foot radii

A maximum width of 35 feet plus 15 feet radii will be allowed where significant truck traffic is projected for two-way access as determined by

**ARTICLE 10.300 MONUMENTS, COMMUNITY FACILITIES AGREEMENT
AND CONSTRUCTION DRAWINGS**

The monument guide, community facilities agreement and construction drawings made a part of these regulations are incorporated herein by reference as if fully set forth at length, and are on file in the office of the city secretary for inspection.

(Ordinance 2218-02 adopted 1/28/03)

ARTICLE 10.400 SIDEWALKS

- (a) Sidewalks are required:
- (1) On new construction on vacant property;
 - (2) On new subdivisions;
 - (3) When improvements to existing property meet or exceed 50% of the most current appraised tax value.
- (b) When sidewalks are required they shall be installed in the following situations:
- (1) On both sides of streets adjacent or leading to schools and school sites extending to no less than one thousand five hundred (1,500) feet from such schools and sites;
 - (2) At any public place where, at the time construction plans for public improvements are considered, it appears that sidewalks are desirable for safe pedestrian traffic, especially for children going to and from parks and schools;
 - (3) In front of and, in the case of corner property, on the street side of any multi-family or commercially zoned property;
 - (4) On both sides of streets having a right-of-way dedication of sixty (60) feet or more.
- (c) All plans required to be submitted for city approval shall be reviewed for compliance with this article and no construction plan shall be approved or building permit issued unless sidewalks as required in this article are shown.
- (d) Sidewalks and ramps shall be constructed to meet current ADA standards and city specifications.

(e) Sidewalks and ramps shall be 2" cushion sand, 3/8 rebar 24" on center with 4" of concrete with 3000 PSI at 28 days.

(f) Sidewalks will be a minimum of 48" wide abutting the property line. When circumstances do not allow abutting the property, then a 6' sidewalk abutting the back of curb will be installed.



FOR SALE / LEASE
Shop / Retail Space
Contact: Kelly Harris
214.926.7721







improvements. (Street construction or street improvements fall under the provisions of paragraph 2 above).

(d) No occupancy permits shall be issued for any structure or building on any lot, tract or parcel, and no structure or building shall be occupied, unless and until the required public improvements are installed, connected (including connection to the City of Ferris sanitary sewer system), and are functioning properly and have been accepted by the city.

Sec. 10.132 Waivers From Subdivision Regulations and Design Standards

Waivers from the City of Ferris Subdivision Ordinance, Article 10.100, Platting Procedures and Article 10.200, Design Criteria and Construction Standards may be approved as follows:

(1) The city council of the City of Ferris, after recommendation by the planning and zoning commission, shall have the ultimate power to grant or reject waivers to the Subdivision Ordinance, Article 10.100, Platting Procedures and Article 10.200, Design Criteria and Construction Standards. The city council may authorize a waiver from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the city council shall prescribe only conditions that it deems necessary or desirable to protect the public interest. In making the findings herein below required, the city council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No waiver shall be granted unless the city council finds:

(A) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of the land; and

(B) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(C) That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and

(D) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the adopted comprehensive land use plan and the provisions of these regulations.

(2) Such findings, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the city council meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of the adopted comprehensive land use plan and these regulations so that the public health, safety and welfare may be secured and substantial justice done. Waivers of regulations contained in Article 10.200, Design Criteria and Construction Standards may only be granted based on the showing by the developer's engineer that the alternative standards provide the same degree of protection that the original standards would provide. Pecuniary hardship standing alone shall not be deemed to constitute undue hardship.

Sec. 10.133 Amendments

(a) Amendments to the Subdivision Ordinance, Article 10.100. Platting Procedures shall be adopted by official action of the city council after recommendation from the planning and zoning commission.

(b) Amendments to the Subdivision Ordinance, Article 10.200. Design Criteria and Construction Standards shall be adopted by official action of the city council after recommendation from the planning and zoning commission.