

Planning and Zoning Commission
March 23, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, March 23, 2021 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

Member Absent: Erik Test

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Macey Martinez, Graduate Engineer
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. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of March 9, 2021
- b. Minutes of the Planning and Zoning Commission briefing of March 9, 2021

Action:

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

5. **Continue Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-7-2021 to the April 13, 2021 Planning and Zoning Commission meeting.

6. Consider recommendation of Zoning Change No. ZDC-7-2021

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021) to the April 13, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

7. Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Osuba Addition for 3 lots, being 7.961 acres situated in the A. Brown Survey, Abstract 102 (Property ID 283986) – Owner: Shan Yun Lin (SUB-10-2021)

Planner Chris Webb reviewed the case noting the applicant is requesting to plat the subject property into three (3) lots and staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Osuba Addition for 3 lots, being 7.961 acres situated in the A. Brown Survey, Abstract 102 (Property ID 283986) – Owner: Shan Yun Lin (SUB-10-2021). Ms. Bonney Ramsey seconded, All Ayes.

8. Consider request by Michael Alturk, ADTM Engineering and Construction, for a Plat of KSAM Highway 287 for three (3) lots, being 19.580 acres situated in the W. Calder Survey, Abstract 235 and B. Davis Survey, Abstract 290 (Property ID 181802) – Owner: KSAM, LLC (SUB-187-2021)

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into three (3) lots in accordance with the Planned Development site plan that was approved at the March 15, 2021 City Council meeting and staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by Michael Alturk, ADTM Engineering and Construction, for a Plat of KSAM Highway 287 for three (3) lots, being 19.580 acres situated in the W. Calder Survey, Abstract 235 and B. Davis Survey, Abstract 290 (Property ID 181802) – Owner: KSAM, LLC (SUB-187-2021). Mr. David Hudgins seconded, All Ayes.

9. Consider request by Blain Vinson, Aspen Community Development, for a Plat of the Cottages on Cantrell for 81 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244651) – Owner: Scott Pendery, SAP Properties, LLC (SUB-13-2021)

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into 81 lots for residential use. The applicant is also requesting a petition of relief waiver to allow for 10' utility easements as opposed to 15' utility easements as required by Section 3.3 of the Subdivision

Ordinance. Staff recommended approval as presented and approval of petition of relief waiver request.

Mr. Jim Phillips asked if the plat is in compliance with the previously approved Planned Development and Mr. Webb noted it is.

Action:

Ms. Bonney Ramsey moved to approve a request by Blain Vinson, Aspen Community Development, for a Plat of the Cottages on Cantrell for 81 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244651) – Owner: Scott Pendery, SAP Properties, LLC (SUB-13-2021) and petition of relief waiver request. Mr. David Hudgins seconded, All Ayes.

- 10. Public Hearing on a request by Brian Dodds for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 156 Homestead Lane (Property ID 269672) - Owner: ERICA L & BRIAN D DODDS (ZDC-12-2021)**

Chairman Rick Keeler opened the Public Hearing.

Senior Planner Colby Collins presented the case noting the applicant is requesting to construct a 2,400 sq. ft. accessory structure in the rear of a single-family property. Staff recommended approval per the following staff 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. A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.

- 11. Consider recommendation of Zoning Change No. ZDC-12-2021**

Action:

Vice Chairman Melissa Ballard moved to approve a request by Brian Dodds for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 156 Homestead Lane (Property ID 269672) - Owner: ERICA L & BRIAN D DODDS (ZDC-12-2021) as presented. Mr. Bonney Ramsey seconded, All Ayes.

- 12. Public Hearing on a request by David Harrison for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 200 Lake Shore Dr (Property ID 182138) - Owner: DAVID HARRISON (ZDC-16-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting to construct a 1,200 sq. ft. accessory structure in the rear of a single-family property. Staff recommended approval per the following staff 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. A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.

Mr. David Harrison, 200 Lake Shore Drive, Waxahachie, Texas, requested to build a gravel drive leading to the accessory structure to match the existing gravel driveway at his home.

There being no others to speak for or against ZDC-16-2021, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-16-2021

Action:

Mr. David Hudgins moved to approve a request by David Harrison for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF, use within a Planned Development-23-Single-Family Residential-1 zoning district located at 200 Lake Shore Dr (Property ID 182138) - Owner: DAVID HARRISON (ZDC-16-2021) subject to Staff Comments. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, and Jim Phillips. Noes: Betty Square Coleman.

Motion carried.

14. Public Hearing on a request by Claudio Segovia, J Volk Consulting, Inc, for an Amendment to Ordinance No. 2733 for North Grove Planned Development to allow for a mixed use residential development located at the NW corner of Washington Ave at North Grove Blvd (Property ID 283993) - Owner: NORTH GROVE 12.5 LLC SERIES 1 (ZDC-14-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant intends to amend an existing Ordinance (No. 2733) to create a Planned Development to allow for retail, commercial, office, multi-family apartments and townhome uses on 12.4 acres. He explained the North Grove Planned Development District was approved by City Council on March 3, 2014 and due to the request for townhomes not being allowed within the existing Ordinance, an amendment is required. Mr. Collins explained the applicant is proposing a mixed-use development (The Place at North Grove) which will consist of seven 4-story buildings with retail and/or office use on the ground floor, and nine townhome lots. The development will also include a sit-down restaurant on the corner of North Grove Boulevard and Washington Avenue., as well as local specialty cafes and shops in the ground floor retail/office areas of the four-story buildings. The mixed use buildings are proposed to be constructed in three phases: Buildings 1, 6, and 7 constructed in Phase 1; Buildings 4 and 5 constructed in Phase 2; Buildings 2 and 3 in Phase 3. The nine proposed townhome lots will be

platted at a future date. Mr. Collins expressed staff's concerns with the elevation/façade aesthetics with the townhome structures. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Staff suggest that the applicant revise the existing townhome elevation/façade plan(s) to be more conducive to the surrounding area.

Mr. Phillips confirmed that the zoning for multi-family for this site was already allocated with the approved Master Plan for North Grove and the applicant has the right to build multi-family development. Mr. Collins agreed. Mr. Phillips also confirmed the city is under the 15% multi-family threshold outlined in the Comprehensive Plan and Mr. Collins noted after build-out of approved multi-family zoning, the city will be at just under 11% multi-family density.

Mr. David Hudgins addressed traffic concerns and noted Brown Street is a state road and the city is working with TxDOT for future widening but no timeline is established.

Chairman Keeler confirmed there is other mixed-use zoning currently in the North Grove Master Plan approved in 2014.

Mr. Terry Weaver, 815 W. Main Street, Midlothian, Texas, explained he was involved in the compilation of the North Grove Master Plan prior to the 2014 approval. He noted the proposed development is in line with the approved master plan and the intent at this time is to establish zoning for the townhomes. He noted the applicant is willing to work with staff on elevations/façade concerns.

The Commission discussed parking and Mr. Weaver noted the developer will construct the whole parking lot. Chairman Keeler expressed his request for the retail development to have 2 front door entrances to the building and Mr. Weaver agreed.

Mr. Tom Malone, 814 Pennsylvania Avenue, Fort Worth, Texas, explained the buildings will be all stone and brick and no stucco will be used and the townhomes are proposed to be brick and hardy board.

Those who spoke in opposition:

Dwight Dequire, 600 Washington Avenue, Waxahachie, Texas

Patty Bailey, 544 Washington Avenue, Waxahachie, Texas

TC Hampton, 624 Washington Avenue, Waxahachie, Texas

Jeff Rudd, 604 Washington Avenue, Waxahachie, Texas

Encinia Hampton, 624 Washington Avenue, Waxahachie, Texas

Omar Chance, 620 Washington Avenue, Waxahachie, Texas

Jamie Coleman, 1575 Oasis, Waxahachie, Texas

Ann Dussing, 548 Washington Avenue, Waxahachie, Texas

Tatayanda Younger, 552 Washington Avenue, Waxahachie, Texas

Paul Bailey, 544 Washington Avenue, Waxahachie, Texas

Martha Rudd, 604 Washington Avenue, Waxahachie, Texas

Kristopher Crigler, 532 Grant Court, Waxahachie, Texas

Lydia Schiebel, 612 Washington Avenue, Waxahachie, Texas

There being no others to speak for or against ZDC-14-2021, Chairman Keeler closed the Public Hearing.

Chairman Keeler expressed the Commission's sympathy towards the homeowners who were not aware the property at Washington and North Grove was zoned multi-family in 2014.

Mr. Phillips noted the Commission tries to get the best development and noted it is unfortunate that the homeowners were lied to by the builders.

Ms. Bonney Ramsey expressed her concern with what the homeowners are dealing with and noted for future reference the Planning Department is the most factual way to get information on surrounding zoning.

Ms. Betty Square Coleman encouraged the citizens to make their voices heard at City Council.

15. Consider recommendation of Zoning Change No. ZDC-14-2021

Action:

Mr. Jim Phillips moved to approve a request by Claudio Segovia, J Volk Consulting, Inc, for an Amendment to Ordinance No. 2733 for North Grove Planned Development to allow for a mixed use residential development located at the NW corner of Washington Ave at North Grove Blvd (Property ID 283993) - Owner: NORTH GROVE 12.5 LLC SERIES 1 (ZDC-14-2021) subject to staff comments and further review of townhome aesthetics. Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, and Jim Phillips. Noes: Betty Square Coleman.

Motion carried.

16. Adjourn

There being no further business, the meeting adjourned at 8:22 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary