

Planning and Zoning Commission
April 27, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 27, 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
Erik Test

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Macey Martinez, Graduate Engineer
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary
Mary Lou Shipley, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 13, 2021
- b. Minutes of the Planning and Zoning Commission briefing of April 13, 2021

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Rick Keeler, Betty Square Coleman, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: None. Absent: Melissa Ballard.

The motion carried.

5. **Public Hearing on a request by David Freerksen for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-3 zoning district located at 1300 E Marvin (Property ID 171576) - Owner: DAVID J & RHONDA S FREERKSEN (ZDC-31-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-31-2021.

6. Consider recommendation of Zoning Change No. ZDC-31-2021

No action taken.

7. Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-44-2021 to the May 11, 2021 Planning and Zoning Commission meeting.

8. Consider recommendation of Zoning Change No. ZDC-44-2021

Action:

Mr. David Hudgins moved to continue the Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021) to the May 11, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Rick Keeler, Betty Square Coleman, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: None. Absent: Melissa Ballard.

The motion carried.

9. Consider request by Lonnie and Tracie Wood for a Plat of Wood Addition for one (1) lot being 4.456 acres situated in the Samuel M. Peters Survey, Abstract 831 (Property ID 189110) in the Extra Territorial Jurisdiction – Owner: LONNIE WOOD AND TRACIE WOOD LLC (SUB-37-2021)

Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into one lot for residential use and staff recommended approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Lonnie and Tracie Wood for a Plat of Wood Addition for one (1) lot being 4.456 acres situated in the Samuel M. Peters Survey, Abstract 831 (Property ID 189110) in the Extra Territorial Jurisdiction – Owner: LONNIE WOOD AND TRACIE WOOD LLC (SUB-37-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.

10. Consider request by Curt Calabretto for a Plat of Calabretto Addition for two (2) lots being 10.062 acres situated in the J. Barker Survey, Abstract 40 (Property ID 252893) in the Extra Territorial Jurisdiction – Owner: CURT CALABRETTO (SUB-38-2021)

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into two (2) lots for residential use and staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Curt Calabretto for a Plat of Calabretto Addition for two (2) lots being 10.062 acres situated in the J. Barker Survey, Abstract 40 (Property ID 252893) in the Extra Territorial Jurisdiction – Owner: CURT CALABRETTO (SUB-38-2021). Mr. Erik Test seconded, All Ayes.

- 11. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lot 1R, Block 214, Town Addition, to create Lot 1R-A, Block 214, Town Addition, 0.204 acres (Property ID 226846) – Owner: MARIA D REFUGIO MARTINEZ (SUB-11-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into one (1) lot for residential use and staff recommended approval as presented. He noted the applicant is working with the city to extend the sewer line to this property before the plat can be filed.

There being no others to speak for or against SUB-11-2021, Chairman Keeler closed the Public Hearing.

- 12. Consider approving SUB-11-2021**

Action:

Ms. Bonney Ramsey moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lot 1R, Block 214, Town Addition, to create Lot 1R-A, Block 214, Town Addition, 0.204 acres (Property ID 226846) – Owner: MARIA D REFUGIO MARTINEZ (SUB-11-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 13. Consider request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into one (1) lot for residential use. The applicant is also requesting a petition for hardship waiver due to a lack of available fire flow to the subject property. He noted staff recommended approval of the plat as presented and approval of the petition of hardship waiver with support from the Waxahachie Fire Department.

Action:

Mr. David Hudgins moved to approve a request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021) and approval of petition of hardship waiver. Ms. Betty Square Coleman seconded, All Ayes.

14. Public Hearing on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins reviewed the case noting the applicant is requesting approval to allow a car wash on 0.964 acres. He explained the applicant is requesting a 0 ft. rear yard setback and staff recommended approval per the following comment:

1. Per the applicant's request, a Development Agreement will be required for the property.

There being no others to speak for or against ZDC-45-2021, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-45-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

16. Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage units, which were designed at the western portion of the property, into the main building while converting the cottage buildings into detached garages. Mr. Collins reviewed the summary of changes to the parking layout. He noted staff recommended approval with the following staff comment:

1. A revised mutually agreed upon Development Agreement/Ordinance must be signed by the applicant and city staff.

Mr. Nick Balsamo, 1701 N. Market Street, Dallas, Texas, explained the property owner worked with a group specializing in senior living and the design was revised to make it easier and safer to manage residents. He explained the first-floor units will now have small yards instead of garages on the bottom floor.

Mr. Jim Phillips expressed concerns with limiting housing type options for residents.

Chairman Keeler noted his recollection of the case was that the cottages were the reason the Planned Development was originally approved.

Ms. Bonney Ramsey expressed her support for the redesign noting she understands firsthand the difficulty of independent living and thinks moving residents to one building is safer.

Mr. David Hudgins asked if the renderings provided are what the final product will look like and Mr. Balsamo noted that is correct.

There being no others to speak for or against ZDC-46-2021, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-46-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021) subject to staff comments. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Melissa Ballard, Betty Square Coleman, Bonney Ramsey, David Hudgins, and Erik Test. Noes: Rick Keeler and Jim Phillips.

The motion carried.

18. Public Hearing on a request by Donald Davis for a Specific Use Permit (SUP) for Home for Aged, Residence (Assisted Living) use within a Single-Family Residential-3 zoning district located at 110 Henry Street (Property ID 171316) - Owner: DONALD J & LAKEISHA B DAVIS (ZDC-36-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting approval of a Specific Use Permit to allow the use of Home for Aged (Assisted Living) at 110 Henry Street and noted staff recommended denial due concerns of potential traffic and staying consistent with the surrounding residential neighborhood.

The Commission had questions for the applicant who was not in attendance.

There being no others to speak for or against ZDC-36-2021, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZDC-36-2021

Action:

Mr. Jim Phillips moved to deny a request by Donald Davis for a Specific Use Permit (SUP) for Home for Aged, Residence (Assisted Living) use within a Single-Family Residential-3 zoning district located at 110 Henry Street (Property ID 171316) - Owner: DONALD J & LAKEISHA B DAVIS (ZDC-36-2021). Ms. Betty Square Coleman seconded, All Ayes.

20. Continue Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval of a Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres. He explained the concept plan depicts a residential development that includes elements such as (but not limited to):

- Pool
- Community green space
- Dog park
- Walk/jog trail
- Resident clubhouse

Mr. Collins explained the applicant is requesting the following special exceptions/variance requests:

- Side setback (western boundary)
- Side setback (eastern boundary)
- Roof pitch
- Screening

The exterior elevation façade plan will consist of brick, stone, and siding. Staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement shall be required for the development.

The Commission discussed higher screening to eastern property line by improving the landscape plan.

Mr. Tom Malone, 814 Pennsylvania Avenue, Fort Worth, Texas, explained the request for three story buildings is to allow for more green space on the property and noted they are open to improving screening options.

There being no others to speak for or against ZDC-42-2021, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. ZDC-42-2021

Action:

Ms. Betty Square Coleman moved to approve a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021) with recommendation of additional landscaping on east side of property line and subject to staff comments. Mr. David Hudgins seconded, All Ayes.

22. Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 212 single-family detached homes and staff recommended denial due to the following staff concerns:

- Lot area: Concern with not meeting the minimum Single-Family 3 zoning requiring at least 10,000 sq. ft. lot size. Staff is also concerned with the percentage of alleys for the proposed development and suggests a great mixture of j-swing and side-entry units for the development.
- Residential screening: Per the Zoning Ordinance, screening for single-family residential developments is 100% masonry (limited to brick and/or stone). Staff suggests the applicant meet the screening requirement.

Mr. Hudgins inquired about the lot sizes in the adjacent residential development and Mr. Collins noted they are about 7,000 sq. ft. and were approved in 2005 under different zoning standards.

Chairman Keeler spoke in support of the rear entry garages and wanting a good quality development. He explained the streetscape and housing elevations make a huge difference in the quality of development.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, Texas, requested a continuance of the case to allow the applicant time to address staff and commission concerns and requests. He explained the owner will put 50% of the lots on the market to allow other builders to build.

Chairman Keeler requested different housing elevations, quality streetscape design, park land amenities, and alternate property line screening other than wood fencing. He encouraged the applicant to look at other developments outside our area that are alley based and offer great elevation design guidelines.

Mr. Chris Wright, 808 West Marvin, asked if there is existing fencing separating the adjacent residential development.

23. Consider recommendation of Zoning Change No. ZDC-35-2021

Action:

Ms. Betty Square Coleman moved to continue a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021) to the May 11, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

24. Adjourn

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

Respectfully submitted,

Amber Villarreal
Assistant City Secretary