

Planning and Zoning Commission
June 29, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, June 29, 2021 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Melissa Ballard, Vice Chairman

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

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

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

3. **Public Comments**

Mr. Steve Heyduck, 116 Old Settlers Trail, Waxahachie, Texas, spoke in opposition to ZDC-58-2021 and requested the Commission to not continue the case.

Mr. Garrett Thomas, 212 Colter Drive, Waxahachie, Texas, spoke in opposition to ZDC-58-2021 noting Patrick Road is unable to accommodate additional traffic capacity.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of June 15, 2021
- b. Minutes of the Planning and Zoning Commission briefing of June 15, 2021

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.

5. **Public Hearing on a request by Jackie Coffey, Four Point Investments & General Construction, LLC., for a for a Zoning Change from Single Family Residential-2 zoning district to Planned Development-Multi Family-2, located at 502 W. Parks Avenue (Property ID 173327) - Owner: FOUR POINT INVESTMENT GROUP, LLC (ZDC-88-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-88-2021.

6. Consider recommendation of Zoning Change No. ZDC-88-2021

No action taken.

7. Continue Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-58-2021 to the July 27, 2021 Planning and Zoning Commission meeting.

8. Consider recommendation of Zoning Change No. ZDC-58-2021

Action:

Mr. Jim Phillips moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the July 27, 2021 Planning and Zoning Commission meeting. Mr. Erik Test seconded, All Ayes.

9. Public Hearing on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-83-2021)

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-83-2021 to the September 14, 2021 Planning and Zoning Commission meeting.

10. Consider recommendation of Zoning Change No. ZDC-83-2021

Action:

Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-83-2021) to the September 14, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

11. Consider request by Phillip Fisher, Macatee Engineering, LLC, for a Plat of Saddlebrook Estates N.E.C.E. for 2,973 lots, being 1,263.275 acres situated in the Benjamin Collier Survey, Abstract 216; Jonathan Johnson Survey, Abstract 557; George Carpenter Survey, Abstract 190; Robert M. Berry Survey, Abstract No. 96 & 97; Salis M. Durrett Survey, Abstract 272; McKinney & Williams Survey, Abstract 750; Guadalupe Garcia Survey, Abstract 418 (Property ID 180365 and 180362) – Owner: HW Waxahachie LP (SUB-80-2021)

Senior Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into single-family lots, duplex lots, general retail/commercial, a multi-family lot, and two school sites. He explained the lot types comply with Planned Development Ordinance No. 2302.

Ms. Betty Square Coleman expressed concern with infrastructure supporting new development. Mr. Webb explained there will be a Utility Master Plan for the development.

Ms. Macey Martinez, Graduate Engineer, explained the city is working with an engineering firm compiling a utility analysis on the development.

Chairman Keeler asked if the city is funding infrastructure and Assistant City Manager Tommy Ludwig noted other than an Oversized Participation Agreement there are no plans for the city to contribute financially to adding infrastructure. Chairman Keeler confirmed the developer will be fully responsible for adding the infrastructure.

The Commission inquired about masonry standards and city staff noted due to the 2019 legislation cities can not regulate masonry unless a Development Agreement is in place.

Action:

Mr. David Hudgins moved to approve a request by Phillip Fisher, Macatee Engineering, LLC, for a Plat of Saddlebrook Estates N.E.C.E. for 2,973 lots, being 1,263.275 acres situated in the Benjamin Collier Survey, Abstract 216; Jonathan Johnson Survey, Abstract 557; George Carpenter Survey, Abstract 190; Robert M. Berry Survey, Abstract No. 96 & 97; Salis M. Durrett Survey, Abstract 272; McKinney & Williams Survey, Abstract 750; Guadalupe Garcia Survey, Abstract 418 (Property ID 180365 and 180362) – Owner: HW Waxahachie LP (SUB-80-2021) and approve the petition of relief waiver. Mr. Erik Test seconded, the vote was as follows: Ayes: Rick Keeler, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: Betty Square Coleman.

The motion carried.

12. Public Hearing on a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed Site Plan Review for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021)

Chairman Keeler opened the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is proposing to construct a multi-tenant retail building on 0.368 acres and staff recommended approval per the following comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.
2. Any new pavement for the site shall be concrete.

Chairman Keeler inquired about a dumpster on-site.

Mr. Brian Ballard, 3815 Old Bullard Road, Tyler, Texas, explained a dumpster is not requested on-site.

Planning Director Shon Brooks explained if the applicant requests a dumpster in the future they will have to meet city standards.

There being no others to speak for or against SP-85-2021, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. SP-85-2021

Action:

Mr. Jim Phillips moved to approve a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed Site Plan Review for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021) per staff comments. Ms. Bonney Ramsey seconded, All Ayes.

14. Public Hearing request by Don Merchant, DC Texas Construction, LLC, for an Amendment to Ordinance No. 3167 to allow for Accessory Buildings (Residential), Greater than or Equal to 700 SF within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development (maximum 1,800 sq. ft.) and staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement must be signed by the applicant.
2. Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
3. Any revision not included in the Planned Development Amendment shall meet the Ordinance No. 3167 requirements.

Chairman Keeler inquired about the middle houses sharing a rear drive.

Mr. Don Merchant, 166 Horseshoe Bend, Waxahachie, Texas, noted they will share a rear drive.

There being no others to speak for or against ZDC-87-2021, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-87-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Don Merchant, DC Texas Construction, LLC, for an Amendment to Ordinance No. 3167 to allow for Accessory Buildings (Residential), Greater than or Equal to 700 SF within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021) per staff comments. Mr. Erik Test seconded, All Ayes.

16. Public Hearing on a request by George Salvador, Waxahachie One, LLC, for a Zoning Change from a Single Family-1 to Single Family-3, located at 401 Ovilla Road (being Property ID 180391) - Owner: EIS DEVELOPMENT II, LLC (ZDC-84-2021)

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-84-2021 to the July 27, 2021 Planning and Zoning Commission meeting.

17. Consider recommendation of Zoning Change No. ZDC-84-2021

Action:

Mr. Erik Test moved to continue the Public Hearing on a request by George Salvador, Waxahachie One, LLC, for a Zoning Change from a Single Family-1 to Single Family-3, located at 401 Ovilla Road (being Property ID 180391) - Owner: EIS DEVELOPMENT II, LLC (ZDC-84-2021) to the July 27, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

18. Public Hearing on a request by Keegan Amos, DAE, for a Specific Use Permit (SUP) to allow Heavy Machinery and Equipment, Rental, Sales or Storage at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Heavy Machinery and Equipment, Rental, Sales, or Storage, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete.
3. Staff suggests that the applicant incorporate some masonry material (min. 60% for total building) for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel material for the building.
4. Ingress/egress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (east) service road.
5. Truck traffic exiting the facility shall be restricted to left turn only access onto North Interstate Highway 35 (east). Trucks exiting the facility may not have egress to Ovilla Rd. in the direction of West US Highway 287. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

Mr. Collins noted staff is also requesting the landscape to continue along the I35 property line.

Mr. David Hudgins expressed concern with the city's request for a sidewalk noting there are no sidewalks in the area and the subdivisions along Ovilla Rd. do not have sidewalks.

Mr. Brooks noted the city has set standards to require sidewalks as displayed in recent cases.

Mr. Keegan Amos, Davidson Architecture and Engineering, noted he would prefer to only add masonry to the office area portion of the building and not the shop and expressed concerns with meeting the 60% masonry requirement.

Chairman Keeler asked Mr. Amos if he received staff comments and he explained he received them verbally today. He noted adding additional landscaping along the I35 property line was not an issue.

Mr. Brooks recommended the plantings be placed in front of the fencing.

Chairman Keeler reviewed each staff comment with Mr. Amos agreed to adhere to all staff comments, including the landscaping request.

There being no others to speak for or against ZDC-87-2021, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZDC-81-2021

Action:

Mr. Jim Phillips moved to approve a request by Keegan Amos, DAE, for a Specific Use Permit (SUP) to allow Heavy Machinery and Equipment, Rental, Sales or Storage at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021) per staff comments and approve waiving sidewalk requirement. Ms. Bonney Ramsey seconded, All Ayes.

20. Adjourn

Planning Director Shon Brooks announced Chris Webb was promoted to Senior Planner and Zack King was promoted to Planner.

There being no further business, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary