

Planning and Zoning Commission
July 9, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, July 9, 2019 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
James Gaertner, City Engineer
Tommy Ludwig, Assistant City Manager
Lori Cartwright, 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. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of June 25, 2019
- b. Minutes of the Planning and Zoning Commission briefing of June 25, 2019

Action:

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

4. **Continue Public Hearing on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue SU-19-0071 to the Planning and Zoning Commission meeting of July 23, 2019.

5. **Consider recommendation of Zoning Change No. SU-19-0071**

Action:

Mrs. Bonney Ramsey moved to continue a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071) to the Planning and Zoning Commission meeting of July 23, 2019. Mr. David Hudgins seconded, All Ayes.

- 6. Consider request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)**

Senior Planner Colby Collins reported the applicant requested to Replat 1 lot into 2 lots noting the request is consistent with city regulations. Staff recommended approval subject to water and sanitary sewer services being installed prior to the recording of the plat.

Action:

Chairman Melissa Ballard moved to approve a request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

- 7. Consider request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)**

Mr. Collins reported the applicant requested to Replat 1 lot into 4 lots for residential use in the ETJ. He noted the request does meet the city's Subdivision Ordinance and recommended approval per staff comments.

Action:

Mr. David Hudgins moved to approve a request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069) per staff comments. Mr. Erik Test seconded, All Ayes.

- 8. Consider request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)**

Mr. Collins reported the applicant proposes to construct an office building. The proposed development will replace the recently demolished carwash. He stated the site plan meets the city's zoning ordinance and recommended approval.

Mrs. Bonney Ramsey thanked Mr. Chris Acker, applicant, for the crape myrtle trees planted at the property.

Ms. Betty Square Coleman asked for clarification on sufficient parking.

Mr. Chris Acker, 5100 Honeysuckle Drive, Midlothian, reported there is adequate parking and the lot is large enough for two-way traffic.

Action:

Mr. Jim Phillips moved to approve a request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070). Mrs. Bonney Ramsey seconded, All Ayes.

9. Consider recommendation of Site Plan Review No. SP-19-0070

Action taken under Item 8.

10. Public Hearing on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is proposing a Burger King within the Waxahachie Town Crossing addition. He stated the applicant has met the requirements for building materials and required landscaping on site. Mr. Collins noted staff is not opposed to the proposed use, staff has concerns with the proposed location of the use. He explained staff believes that a casual dining restaurant would be the best use for the property. Mr. Collins recommended to deny SU-19-0078.

Mr. Dallas Cothrum, Master Plan, 900 Jackson Street, Dallas, Texas, representing the applicant, asked the Commission to consider the land use only and not the name of the restaurant noting the applicant has done everything to be in compliance with the specific use permit request.

There being no others to speak for or against SU-19-0078, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. SU-19-0078

Action:

Vice Chairman Melissa Ballard moved to approve a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078) subject to staff comments. Mr. David Hudgins seconded. The vote was as follows:

*Ayes: Melissa Ballard
Betty Square Coleman
Bonney Ramsey
David Hudgins*

*Noes: Rick Keller
Jim Phillips
Erik Test*

The motion carried.

12. Public Comments

None

13. Adjourn

Mr. David Hudgins announced the Ellis County Courthouse is going to reopen all four entries to the Courthouse. He stated the celebration and grand opening will held on Thursday, July 11, 2019 at 5:30 p.m.

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary