

Planning and Zoning Commission
May 14, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 14, 2019 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX

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

Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
James Gaertner, City 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. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 9, 2019
- b. Minutes of the Planning and Zoning Commission briefing of April 9, 2019

Action:

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

4. **Consider request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055)**

Chairman Keeler announced the applicant requested to continue RP-19-0055 to the next Planning and Zoning Commission meeting on June 11, 2019.

5. **Consider request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056)**

Chairman Keeler announced the applicant requested to continue RP-19-0056 to the next Planning and Zoning Commission meeting on June 11, 2019.

6. Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented SU-19-0047 noting the applicant is requesting a Specific Use Permit to allow a convenience store with gasoline and diesel fuel sales (7 Eleven). There will be six gas pumps allowing for a maximum of 12 cars to fuel at any given time. Staff informed the applicant that a brick wall shall be constructed along the rear of the property adjacent to the Chapman Place subdivision. The applicant also requested a variance to allow for 17% glazing.

Ms. Bonney Ramsey asked if the wall will be built all the way to Braums and staff noted the wall will only be constructed the length of their property to Sleep Quarters.

Ms. Faye Ellison, 1611 Alexander Drive, expressed concern about the fence behind her property adjacent to Sleep Quarters. Chairman Keeler suggested contacting the city's Code Enforcement department.

There being no others to speak for or against SU-19-0047, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of Zoning Change No. SU-19-0047

Action:

Mr. David Hudgins moved to approve a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047). Ms. Bonney Ramsey seconded, All Ayes.

8. Consider request by James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)

Mr. Collins presented RP-19-0050 noting staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050). Mr. David Hudgins seconded, All Ayes.

- 9. Consider request by Wes Dorough, JH Development LLC, for a Final Plat of The Cove Phase 3 for 89 residential lots and 2 open space lots, being 26.170 acres situated in the Henry Sange Survey, Abstract 1009 and the Henri Levy Survey, Abstract 629 (Property ID 223031) - Owner: MORITZ INTERESTS LTD (FP-19-0049)**

Mr. Collins presented FP-19-0049 noting staff recommended approval per the following comment:

1. A letter of acceptance is still required from the Public Works Department prior to recording of the plat.

Action:

Ms. Bonney Ramsey moved to approve a request by Wes Dorough, JH Development LLC, for a Final Plat of The Cove Phase 3 for 89 residential lots and 2 open space lots, being 26.170 acres situated in the Henry Sange Survey, Abstract 1009 and the Henri Levy Survey, Abstract 629 (Property ID 223031) - Owner: MORITZ INTERESTS LTD (FP-19-0049) subject to staff comments. Mr. Erik Test seconded, All Ayes.

- 10. Consider request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051)**

Mr. Collins presented RP-19-0051 noting the applicant requested to replat two lots into one for a proposed vet office. Staff recommended approval per the following staff comment:

1. The applicant will need to connect to city utilities before the plat is filed.

Mr. Michael Evans, applicant, requested to continue RP-19-0051 to the next Planning and Zoning Commission meeting on June 11, 2019 to allow discussion with staff to allow them to continue to use the existing septic on the property.

City Engineer James Gaertner explained city sewer is close to the property and staff recommends connectivity. Director of Planning Shon Brooks noted the plat can be continued with a written request and Mr. Evans noted he would send an email by the end of the day.

- 11. Consider request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053)**

Mr. Collins presented PP-19-0053 noting the applicant requested approval for 73 lots. Staff recommended approval per the following staff comments:

1. The applicant needs to change the roadway width to 30' from the current 28' that is shown.
2. The applicant will have to address continued concerns made by the Waxahachie Fire Marshal.

Mr. Jim Phillips expressed concern regarding the removal of the pedestrian bridge to the adjacent city park on the plat. He noted the pedestrian bridge was presented in the concept plan that was approved in 2018.

Mr. Blain Vinson, applicant, explained the bridge was removed after negative feedback was received from future residents who did not wish to connect to a “neglected” city park.

Mr. Phillips questioned the initial approval that was based on additional amenities including the pedestrian bridge connectivity to the city park.

Mr. Vinson explained there is still 60% green space in the development. He also requested a variance to the 30’ street requirement.

Chairman Keeler echoed Mr. Phillips concerns noting the pedestrian bridge was a key component to the initial improvement of the planned development.

Mr. David Hudgins inquired about the issue with the 30’ street requirement and Mr. Vinson explained he is requesting a variance because of the cost and additional topography required.

Action:

Mr. David Hudgins moved to approve a request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053) subject to staff comments. Ms. Bonney Ramsey seconded, the vote was as follows: Ayes: Rick Keeler, Bonney Ramsey, and David Hudgins. Noes: Jim Phillips and Erik Test.

The motion carried.

- 12. Public Hearing on a request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0052 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0052, Chairman Keeler closed the Public Hearing.

- 13. Consider recommendation of Zoning Change No. SU-19-0052**

Action:

Ms. Bonney Ramsey moved to approve a request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052) subject to staff comments. Mr. Erik Test seconded, All Ayes.

14. Public Hearing on a request by Kelli Coash, TriSmart Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-1 zoning district, located at 243 Bent Creek Drive (Property ID 216561) – Owner: WESLEY & TAMARA SMALLWOOD (SU-19-0046)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0046 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0046, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. SU-19-0046

Action:

Mr. Jim Phillips moved to approve a request by Kelli Coash, TriSmart Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-1 zoning district, located at 243 Bent Creek Drive (Property ID 216561) – Owner: WESLEY & TAMARA SMALLWOOD (SU-19-0046). Mr. David Hudgins seconded, All Ayes.

16. Public Hearing on a request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for Portable Storage Structure or Temporary Building use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0045 noting the Waxahachie Independent School District is requesting a Specific Use Permit to allow a temporary building and provide signage to the property. The building will be set at the rear of the property for administrative personnel. Staff recommended approval per the following staff comments:

1. Note: Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.
2. Note: This site plan does not include any site improvements.

Mr. Erik Test inquired about how long the portable building will be used. Mr. Jacob Perry, 208 Rock Springs, explained the foreseeable plan is 2-3 years but could possibly be longer.

There being no others to speak for or against SU-19-0045, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. SU-19-0045

Action:

Ms. Bonney Ramsey moved to approve a request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for Portable Storage Structure or Temporary Building use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045) subject to staff comments. Mr. Erik Test seconded, All Ayes.

18. Public Hearing on a request by Randy Roden, Hope Clinic, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Office, with Concept Plan, located at 428 E. Jefferson (Property ID 171252) - Owner: PHINIS & ELIZABETH J MORGAN (PD-19-0044)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0044 explaining the intent of the proposed Planned Development is to provide additional administrative offices for Hope Clinic at 428 E. Jefferson Street by moving their call center into this location. There will be no patient traffic occurring at this location and they intend to lease this property until new facilities are built or otherwise obtained. Staff recommended approval per the following staff comments:

1. Note: If the Planned Development is approved, once Hope Clinic leaves the property, the zoning shall continue to allow for Office and Single Family-3 uses.

Mr. Randy Roden, applicant, explained Hope Clinic has outgrown its current location and is in the beginning stages of finding a new facility within the next two years.

There being no others to speak for or against PD-19-0044, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. PD-19-0044

Action:

Mr. Jim Phillips moved to approve a request by Randy Roden, Hope Clinic, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Office, with Concept Plan, located at 428 E. Jefferson (Property ID 171252) - Owner: PHINIS & ELIZABETH J MORGAN (PD-19-0044) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

20. Public Hearing on a request by Terry Weaver, Sterling Development Co., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M & M INVESTMENTS (SU-19-0048)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0048 noting the applicant is seeking a Specific Use Permit on a 9.686 acre property to allow the use of outside storage. The applicant intends to store rock (river rock) as a wholesaler to retail landscaping firms. The applicant anticipates to store the rock material in concrete block before ultimately selling the rock material. Staff recommended denial due to the following staff concerns:

1. Due to the site being visible from Interstate 35, staff has concerns with approving the use of outside storage for the site without any screening, building or landscaping, being provided for the site.
2. The applicant shall show all setbacks for the property. The applicant shall also show the distance from the proposed storage concrete block to the nearest property line.
3. The applicant shall submit a Site Plan for review. The submitted plan is a survey.

Mr. Kevin Cribley, 22423 Fossil Ridge, San Antonio, explained he is only leasing 2 acres on the tract of land along side the railroad tracks.

Mr. Hudgins asked if the applicant has considered landscaping for the area closest to Interstate 35 and he said no, because he isn't leasing that portion of the tract.

Mr. Brooks explained they were informed by the applicant that a building is not in the plans to be constructed for the site due to lack of infrastructure.

There being no others to speak for or against SU-19-0048, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. SU-19-0048

Action:

Mr. Jim Phillips moved to deny a request by Terry Weaver, Sterling Development Co., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M & M INVESTMENTS (SU-19-0048) due to staff concerns. Mr. Erik Test seconded, All Ayes.

22. Continue Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

Chairman Keeler continued the Public Hearing.

Mr. Collins presented PD-19-0031 and reviewed the following updates from the applicant since the April 9, 2019 Planning and Zoning Commission meeting:

- Provided a 15 ft. landscape buffer adjacent to Mustang Creek Phase I.
- Provided attached parking.
- Provided detached garages away from the property.
- Removed the proposed Assisted Living Facility from Tract 6. The tract will remain vacant General Retail zoning.
- Added 5 additional units (225 total units) to the proposed Multi Family complex in Tract 1. The acreage was also increased from 6.45 acres to 7.16 acres.
- The total acreage for Tract 3 was decreased from 0.99 acres to 0.70 acres.
- The total acreage for Tract 4 was decreased from 1.18 acres to .95 acres.

Items listed below also include revisions made from the original Planned Development:

- The acreage for all tracts have been revised.
- Due to the addition of the new tracts the Village Parkway spine drive was slightly revised, but still acts as the main drive through the Master Plan.
- The Multi Family building layout located in tract 1 was revised.
- 2 additional tracts were added to the master plan (Tract 5 and Tract 6).
- The detention/amenity pond was removed from tract 1.

Mr. Collins also noted the applicant is requesting a 4:12 roof pitch as opposed to the 6:12 roof pitch. He also noted there were two letters of opposition.

Ms. Ramsey inquired about drainage with the removal of the detention pond. Mr. Gaertner explained there was an engineer analysis and it showed that the detention pond would actually cause flooding due to flow at peak times.

Mr. Richard Rozier, 4250 Black Champ Road, Midlothian, reviewed the improvements to the proposed Planned Development.

Mr. Test asked if the masonry requirement is met and Mr. Collins noted they meet the requirement.

Chairman Keeler asked if the stand-alone retail will mirror the architectural style of the apartments and Mr. Rozier noted they would.

Ms. Carolyn Duncan, 204 Cheyenne Drive, asked how tall the buffer is between the development and her property. Mr. Rozier noted it will be a six foot masonry fence. Ms. Duncan expressed concern with traffic flow from the 287 Frontage Road to her subdivision off Palomino Drive.

Staff recommended approval per the following staff comments:

1. Tract 5 shall only be used for construction of a hotel.

There being no others to speak for or against PD-19-0031, Chairman Keeler closed the Public Hearing.

23. Consider recommendation of Zoning Change No. PD-19-0031

Action:

*Ms. Bonney Ramsey moved to approve a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031) subject to staff comments and allowing 4:12 roof pitch as presented. Mr. Jim Phillips seconded, **All Ayes.***

24. Public Comments

None

25. Adjourn

There being no further business, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary