

Planning and Zoning Commission
March 26, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, March 26, 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
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 February 26, 2019
- b. Minutes of the Planning and Zoning Commission briefing of February 26, 2019

Action:

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

4. **Continue Public Hearing on a request by Todd Wintters, Engineering Concepts & Design LP, for a Zoning Change from a Future Development and Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Marshall Road and Ovilla Road (Property IDs 195446, 191103, 191114, 191113, 191112, 191111, 182906, 182907, 200367, 180351, 200379, 200380) - Owner: ARBORS DEVELOPMENT LLC (PD-18-0210)**

Chairman Keeler announced PD-18-0210 was withdrawn by the applicant and no action would be taken. He explained if the applicant resubmits a request, the process will start over and required notifications will be posted, mailed, and publicized.

Those who spoke in opposition to PD-18-0210:

Wesley Tryon, 2011 Black Champ Road
Sharon Tryon, 2011 Black Champ Road
Marvin Johnson, 2153 Marshall Road

Dana Lennon, 1201 Ovilla Road
Jerry Johnson, 2072 Marshall Road
Charles Green, 101 Denali Way
Don Spillers, 145 Vail Lane
Pabon Rodriguez, 133 Vail Lane
Janet Morales, 204 Everest Lane
Aaron Clayton, 2251 Marshall Road
Rhendi Heiber, 1111 Ovilla Road
Jackie Milam, 2380 Black Champ Road
Jeff Issokson, 2221 Marshall Road
Karan Nelson, 129 Denali Way
James Williams, 217 Everest
Howard Burleson, 249 McKinley Circle
Rick Lucas, 2060 Marshall Road
Vickie Dillow, 7881 Faith Lane

Staff and the commission reiterated the applicant withdrew their request and the commission had not reviewed the proposed zoning. It did not pass the Planning Department review and was not sent to the commission. Planning Director Shon Brooks explained without a zoning change, the applicant can currently build on 16,000 square foot lots with the Single-Family 1 zoning and a minimum of 3 acre lots with the future development on the property. Assistant City Manager Tommy Ludwig explained staff will utilize social media along with the state notification requirements to inform the public if another request is submitted.

There being no others to speak for or against PD-18-0210, Chairman Keeler closed the Public Hearing.

5. Consider recommendation of Zoning Change No. PD-18-0210

No action taken.

6. Consider request by Dalton Bradbury, Acker Construction, for a Plat Vacation of a Replat of Lots 4R-A and 4R-B, RVG Plaza, as recorded in Cabinet I, Slide 236 OPRECT on October 15, 2013, being 2.3887 acres situated in the Robert Parks Survey, Abstract 851 and the N.P. Neal Survey, Abstract 1320 (Property ID 238271 and 259297) – Owner: MAQBUL PROPERTY SERVICES & MANAGEMENT INC (PV-19-0014)

Chairman Keeler announced no action is required for the Plat Vacation as presented.

7. Consider request by Kendall Wiley for a Replat of Lot 1R-A, Block A, Wiley's Retail to create Lots 1R-A and 1R-B, Block A, Wiley's Retail, 0.996 acres (Property ID 231665) – Owner: KENDALL L & MICHELLE L WILEY (RP-19-0017)

Senior Planner Colby Collins presented RP-19-0017 noting staff recommended approval per the following comments:

1. Right of Way dedication is required along Brown Street. The thoroughfare plan indicates this roadway as a 110 foot roadway.
2. Correct the zoning to GR. General Retail
3. Indicate if the parking in the parking easement is open to all three lots. A site plan will be required to determine if the parking is sufficient on the site.
4. Change dates to indicate 2019.
5. Label the Plan Southwestern most line segment.
6. Provide a property closure document to ensure the legal description and graphical plat match.
7. Indicate the proposed water and sewer services for Lot 1R-A1. A 6-inch sanitary sewer minimum and a connection to an existing or proposed manhole.
8. Indicate the existing drainage easement on the plan west side of Lot 1R-B.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Kendall Wiley for a Replat of Lot 1R-A, Block A, Wiley's Retail to create Lots 1R-A and 1R-B, Block A, Wiley's Retail, 0.996 acres (Property ID 231665) – Owner: KENDALL L & MICHELLE L WILEY (RP-19-0017) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.

8. **Consider request by Jay Volk, J. Volk Consulting, Inc., for a Final Plat of WISD Ag Center for 1 lot, being 10.647 acres situated in the J. Boyd Survey, Abstract 108 and W.C. Tunnell Survey, Abstract 1080 (Property ID 180503) – Owner: WAXAHACHIE ISD (FP-19-0018)**

Mr. Collins presented FP-19-0018 noting staff recommended approval as presented. He noted the preliminary plat was approved in August 2018.

Action:

Mr. Jim Phillips moved to approve a request by Jay Volk, J. Volk Consulting, Inc., for a Final Plat of WISD Ag Center for 1 lot, being 10.647 acres situated in the J. Boyd Survey, Abstract 108 and W.C. Tunnell Survey, Abstract 1080 (Property ID 180503) – Owner: WAXAHACHIE ISD (FP-19-0018). Mr. David Hudgins seconded, All Ayes.

9. **Consider request by James R. Henry, for a Final Plat of Crooked Creek Farms for 3 lots, being 95.973 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 257995 and 182121) – Owner: JAMES R HENRY and LINDA S OSBORN (FP-19-0019)**

Mr. Collins presented FP-19-0019 noting staff recommended approval per the following staff comments:

1. A private utility easement must be provided for the water line.

Action:

Ms. Bonney Ramsey moved to approve a request by James R. Henry, for a Final Plat of Crooked Creek Farms for 3 lots, being 95.973 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 257995 and 182121) – Owner: JAMES R HENRY and LINDA S OSBORN (FP-19-0019) subject to Staff Comments. Vice Chairman Melissa Ballard seconded, All Ayes.

- 10. Consider request by John Harkins for a Replat of Tract 13, Nod Hill Estates and 1.124 acres out of the J. Barker Survey, Abstract 40 to create Lots 1 and 2, Block A, Harkins Addition, 2.180 acres (Property ID 152926 and 179593) in the Extra Territorial Jurisdiction – Owner: BOBBY D HARKINS and JOHN AND TRINA HARKINS (RP-19-0024)**

Mr. Collins presented RP-19-0024 noting staff recommended approval per the following staff comments:

1. There are outstanding comments that must to be addressed by the applicant.
2. There are outstanding Ellis County comments that still need to be addressed by the applicant.

Action:

Vice Chairman Melissa Ballard moved to approve a request by John Harkins for a Replat of Tract 13, Nod Hill Estates and 1.124 acres out of the J. Barker Survey, Abstract 40 to create Lots 1 and 2, Block A, Harkins Addition, 2.180 acres (Property ID 152926 and 179593) in the Extra Territorial Jurisdiction – Owner: BOBBY D HARKINS and JOHN AND TRINA HARKINS (RP-19-0024) subject to Staff Comments. Mr. David Hudgins seconded, All Ayes.

- 11. Public Hearing on a request by Massey Shaw for a Planned Development Amendment for the development of a live screening wall along the Single-Family and Multi-Family lots in lieu of the required brick or masonry screening wall located on the South side of Farley Street at River Oaks (Property ID 182267) – Owner: BLUE BONNET TRAILS LLC (PD-19-0025)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0025 noting the applicant is proposing a live screen wall for the short sections of screening required along the sides of townhomes that are perpendicular to Wolf Flower Drive that the single-family lots face.

The commission discussed adding a rod iron fence along with the living wall.

Mr. Brett Hess, 327 Blue Ribbon Road, representing the applicant, noted the applicant is willing to add the rod iron fence to the living wall and use evergreen so that it stays green all year long.

Ms. Kay Adkins, 824 Farley Street, inquired about getting a fence around her property to separate her home from the development. Mr. Ludwig noted staff would contact her to address her question.

There being no others to speak for or against PD-19-0025, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. PD-19-0025

Action:

Ms. Bonney Ramsey moved to approve a request by Massey Shaw for a Planned Development Amendment for the development of a live screening wall along the Single-Family and Multi-Family lots in lieu of the required brick or masonry screening wall located on the South side of Farley Street at River Oaks (Property ID 182267) – Owner: BLUE BONNET TRAILS LLC (PD-19-0025) stating a living wall with a rod iron fence will be installed instead of a masonry wall. Ms. Betty Square Coleman seconded, All Ayes.

13. Public Hearing on a request by Ron Barson, Ledbetter Real Estate, Ltd., for a Specific Use Permit (SUP) for Mini-Warehouse or Self-Storage Facility use within a Commercial zoning district, located at 2050 Corporate Parkway (Property ID 273979) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0026)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0026 explaining the applicant is requesting 549 storage units on the property. He reviewed staff concerns noting the applicant responded a few hours before the meeting stating he would comply.

Mr. Ron Barson, 105 Ridge Crest, Red Oak, applicant, requested to receive feedback from the commission and continue the public hearing to the next meeting.

Chairman Keeler expressed concern if storage units is the highest and best use for this site.

14. Consider recommendation of Zoning Change No. SU-19-0026

Action:

Mr. David Hudgins moved to continue a request by Ron Barson, Ledbetter Real Estate, Ltd., for a Specific Use Permit (SUP) for Mini-Warehouse or Self-Storage Facility use within a Commercial zoning district, located at 2050 Corporate Parkway (Property ID 273979) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0026) to the April 9, 2019 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

15. Public Hearing on a request by John P. Sullivan, Howard Road Industrial Park LLC, for a Specific Use Permit for Heavy Manufacturing use within a Heavy Industrial zoning district, located at 1807 Howard Road (Property ID 195230) – Owner: JOHN PATRICK SULLIVAN (SU-19-0040)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0040 noting the applicant is requesting a craft distillery to operate at the site. He explained there will not be on-site consumption or sales. Mr. Collins noted staff recommended approval pending Texas Alcoholic and Beverage Commission approval.

Mr. John P. Sullivan, 211 Hunter Pass, explained the current building will be utilized for a craft distillery.

Mr. David Hudgins asked what types of trucks and where product will be picked up. Mr. Sullivan noted they will use 18 wheelers and pick up at the front and back dock.

The commission expressed concern with congestion on Howard Road.

Mr. Mark Weaver, 3416 Bridlegate Dr., Arlington, explained he has been in the distillery business for many years and products will be picked up at the warehouse and will not be sampled or sold individually on site. He noted the product is made to order so larger orders will not be often and regular pickups will vary from day to day by appointment only.

There being no others to speak for or against SU-19-0040, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. SU-19-0040

Action:

Vice Chairman Melissa Ballard moved to approve a request by John P. Sullivan, Howard Road Industrial Park LLC, for a Specific Use Permit for Heavy Manufacturing use within a Heavy Industrial zoning district, located at 1807 Howard Road (Property ID 195230) – Owner: JOHN PATRICK SULLIVAN (SU-19-0040) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.

17. Public Hearing on a request by Brett Hess, Hachie Properties LLC, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple-Family Residential-1, with Concept Plan, located at the NW corner of Peters Street at Parks School House Road (Property ID 226116) – Owner: OLIVER C MCELROY (PD-19-0023)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0023 noting the applicant requested base zoning for Multi Family-1. However, staff believes that Single-Family development standards may be more suitable for the proposed development. He reviewed the proposed residential development standards for Planned Development-with SF-A uses. Staff expressed concern of unit sizes and increased traffic to the area.

Mr. Hess explained the homes will face the streets and all parking will be in the rear and alley served. He noted the sidewalk will connect to the existing sidewalk on Parks School House Road. Mr. Hess also noted there would be a Homeowner's Association for the yard maintenance.

The commission expressed concerns about the streetscape and parking. Ms. Betty Square Coleman requested a site plan to get a visual of the proposal. Mr. Collins explained the applicant was securing the zoning first before finalizing the site plan.

There being no others to speak for or against PD-19-0023, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of Zoning Change No. PD-19-0023

Action:

Mr. Jim Phillips moved to approve a request by Brett Hess, Hachie Properties LLC, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-Attached with Concept Plan, located at the NW corner of Peters Street at Parks School House Road (Property ID 226116) – Owner: OLIVER C MCELROY (PD-19-0023) with minimum 1500 sq. ft properties with the site plan being brought back with detail for approval by the Planning and Zoning Commission and City Council. Ms. Betty Square Coleman seconded, All Ayes.

19. Public Hearing on a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0022 explaining the applicant requests the zoning change to allow a senior family living facility. The Concept Plan illustrates one apartment building with approximately 120 units along with a leasing office and clubhouse.

Staff expressed their concerns with the access point.

Mr. Scott Johnson, 2813 Meadowbrook Drive, Plano, explained the developer has been looking at this site for two years. He reviewed the following key features of the Concept Plan:

- Access point from US Highway 77
- 3-story building with 60% one bedroom units and 40% two bedroom units.
- **180 spaces (107 surface spaces/65 carport spaces/8 handicap accessible spaces)** (*does not meet the 50% attached garage requirement*)
- Unit Amenities (*not limited to; see “Amenities List”*):
 - Porches and patios
 - Granite counters in kitchen and bath
 - Walk in showers and tubs
- Clubhouse Amenities (*not limited to; see “Amenities List”*):
 - Game Room
 - Movie Theatre
 - Fitness Center
- Jogging/Walking Trail

- Dog Park
- Gazebo/with seating and BBQ area
- Courtyard

Mr. Johnson explained TxDOT did not want multiple openings to Highway 77 in regards to additional traffic. He noted the developer is willing to enter into an access easement with the adjacent property owner and feels this will alleviate staff's traffic concerns.

The commission expressed concerns with accessibility by fire apparatus, one entrance to the property, lack of masonry, 200 foot length of building, and not following the Comprehensive Plan with the design of the development.

Those who spoke in favor:

Brett Hess, 327 Blue Ribbon Road

There being no others to speak for or against PD-19-0022, Chairman Keeler closed the Public Hearing.

20. Consider recommendation of Zoning Change No. PD-19-0022

Action:

Mr. Erik Test moved to deny a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022). Ms. Bonney Ramsey seconded, the vote was as follows: Ayes: Rick Keeler, Bonney Ramsey, David Hudgins, and Erik Test. Noes: Melissa Ballard, Betty Square Coleman, and Jim Phillips.

The motion carried.

21. Public Comments

None

22. Adjourn

There being no further business, the meeting adjourned at 9:52 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary