

Planning and Zoning Commission
October 15, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 15, 2019 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, Senior Planner
Chris Webb, Planner
James Gaertner, Director of Public Works & Engineering
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 September 24, 2019
- b. Minutes of the Planning and Zoning Commission briefing of September 24, 2019

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Ms. Betty Square Coleman seconded, All Ayes.

5. **Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (PD-19-0124)**

Chairman Keeler opened the Public Hearing and noted the applicant requested to continue the public hearing to the October 29, 2019 Planning & Zoning Commission meeting.

6. Consider recommendation of Zoning Change No. PD-19-0124

Action:

Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (PD-19-0124) to the October 29, 2019 Planning & Zoning Commission Meeting. Mr. David Hudgins seconded, All Ayes.

7. Public Hearing on a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 212 Solon Road (Property ID 172942) – Owner: SEAN AUGER & LAUREN FRATINA (SU-19-0121)

Chairman Keeler opened the Public Hearing.

Planner Chris Webb reviewed SU-19-0121 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0121, Chairman Keeler closed the Public Hearing.

8. Consider recommendation of Zoning Change No. SU-19-0121

Action:

Mr. Jim Phillips moved to approve a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 212 Solon Road (Property ID 172942) – Owner: SEAN AUGER & LAUREN FRATINA (SU-19-0121). Mr. David Hudgins seconded, All Ayes.

9. Public Hearing on a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 414 Sunset Court (Property ID 265783) – Owner: TODD A AND REBECCA K BUCK (SU-19-0122)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented SU-19-0122 noting staff recommended approval as presented.

There being no others to speak for or against SU-19-0122, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. SU-19-0122

Action:

Mr. Jim Phillips moved to approve a request by Brandon Brown, Circle L Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 414 Sunset Court (Property ID 265783) – Owner: TODD A AND REBECCA K BUCK (SU-19-0122). Mr. David Hudgins seconded, All Ayes.

11. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located at 1609 Cleaver Street (Property ID 182093) - Owner: AKAMAI DESIGNS INC (PD-19-0119)

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins reviewed PD-19-0119 noting the applicant complies with the City Zoning Ordinance. Staff recommended approval per the following comment:

1. Staff suggests that a Developer's Agreement be in place before final approval.

The Commission expressed concerns with the increased parking spaces, setback from the road, buffer between the property and adjacent property, and walkability.

Mr. Mark Thedford, 145 Royal Park Lane, Waxahachie, explained he is willing to adjust the plan to comply with the Commission's concerns. He noted the property is adjacent to Fire Station No. 2 and there will be a buffer.

Mr. David Hudgins asked if there is a right-of-way easement on the property to allow for future widening of the road and the applicant noted there is and that is why the homes are setback. Mr. Thedford explained the driveway portion of the property will be a shared easement amongst the property owners.

Chairman Keeler recommended ensuring the sidewalk along the property and Mr. Thedford noted that could be added to the Developer's Agreement.

There being no others to speak for or against PD-19-0119, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. PD-19-0119

Action:

Mr. David Hudgins moved to approve a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located at 1609 Cleaver Street (Property ID 182093) - Owner: AKAMAI DESIGNS INC (PD-19-0119) subject to staff conditions in the Development Agreement. Ms. Bonney Ramsey seconded, All Ayes.

13. Public Hearing on a request by Maxwell Fisher, Masterplan., for a Zoning Change from a 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 (PD-19-0114)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0114 noting the Concept Plan depicts a residential development that includes the following amenities: trash/recycle pickup, private salon, common area, and on-site transit service. He explained the current Zoning Ordinance does not have specific regulations for Multi-Family Senior Living and the applicant is requesting variances to some of the city's requirements.

Mr. Dallas Cothrum, 900 Jackson Street, Dallas, explained the developer hosted three different community meetings with the surrounding property owners for feedback about the senior living facility. He noted the intention is not to operate a nursing home but wants to be able to offer physical therapy to the tenants if they request it.

The Commission inquired about the connectivity to the existing trail at the Sports Complex and the fencing. Mr. Cothrum confirmed a rod iron fence will be installed on the property lines that do not face the Right-of-Way with accessibility to the trail at the Sports Complex and stone columns will be on the front of the property.

Those who spoke in favor:

Mr. Marvin Gilbert, 209 Goodnight Lane, Waxahachie

Ms. Rosalie Gilbert, 209 Goodnight Lane, Waxahachie, expressed her concern with no covered parking at the senior facility and adequate parking for family to visit their senior relatives.

There being no others to speak for or against PD-19-0114, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. PD-19-0114

Action:

Mr. David Hudgins moved to approve a request by Maxwell Fisher, Masterplan., for a Zoning Change from a 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 (PD-19-0114) subject to staff conditions, with 6 foot rod iron fence surrounding the property that doesn't face the right-of-way, and masonry columns facing the right-of-way. Ms. Bonney Ramsey seconded, All Ayes.

15. Public Hearing on a request by Bonny Cain, Waxahachie ISD, for a Zoning Change from a Single-Family Residential-1 zoning district to Planned Development-Commercial, Planned Development-General Retail, and Planned Development-Single-Family Residential-3, with Concept Plan, located South and East of Waxahachie High School (Property ID 180503) - Owner: WAXAHACHIE ISD (PD-19-0115)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0115 noting the applicant is requesting approval for a zoning change to allow residential, retail, and commercial uses within a 127.847 acre tract of land adjacent to Waxahachie High School. Per the Concept Plan, the applicant is proposing seven (7) approximate development areas, with major roadways and open space/ drainage areas reserved.

Development Areas A&B - Commercial

The applicant is proposing a base zoning district of Commercial (C). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Commercial with additional changes listed below.

Permitted Uses:

- Public School
- Accessory Buildings
- Athletic Facilities

Development Areas C, D, & E – General Retail

The applicant is proposing a base zoning district of General Retail (GR). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for General Retail with additional changes listed below.

Permitted Uses:

- Restaurant
- Drive Through Restaurant
- Retail Stores and Shops
- Office, Professional, or Administrative
- Clinic, Dental, Medical, or Chiropractic
- Pharmacy

Development Areas F&G – Single Family Residential

The applicant is proposing a base zoning district of Single Family-3 Residential (SF3). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Single Family with additional changes listed below.

Permitted Uses:

- Detached single family residences
- Open space recreational areas

Mr. Collins reviewed the following staff concerns:

1. **Lot Sizes Within Development Areas F&G:** The applicant is proposing a minimum lot area of 8,400 sq. ft. Per the City of Waxahachie Zoning Ordinance, the minimum lot area for the Single Family-3 zoning district is 10,000 sq. ft. *It shall be noted that the applicant increased the lot sizes for Area F (originally 8,400 sq. ft. – now 10,000 sq. ft.) and Area G (originally 7,200 sq. ft. – now 8,400 sq. ft.).
2. **Roof Pitch:** The applicant is proposing a roof pitch of 2:12 (except for flat-roofed structures with a parapet that conceals the roof from the nearest adjacent road) in Development Areas C-E. The minimum roof pitch per the City of Waxahachie Zoning Ordinance is 6:12.
3. **Building Height:** In Development Areas A&B (Commercial), and Development Areas C – E (General Retail), the applicant is requesting a maximum height of five (5) stories. Due to the maximum height for Commercial being three (3) stories and the maximum height for General Retail being two (2) stories, staff has concerns with the applicant's request.

The Commission expressed concerns with restricting uses on the development for future use and the proposed zoning districts not complying with city standards.

Mr. Nick Box, 110 Water Garden Drive, Waxahachie, expressed concern with limiting space and lot size on Space G.

Mr. Erik Test inquired why the applicant does not want the best use near the high school. The applicant stated the district is pre-planning the property so it can eventually be sold.

Chairman Keeler noted he would rather the area grow organically and is not comfortable lowering the city standards for possible future development.

There being no others to speak for or against PD-19-0115, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. PD-19-0115

Action:

After a lengthy discussion, Mr. Jim Phillips moved to deny a request by Bonny Cain, Waxahachie ISD, for a Zoning Change from a Single-Family Residential-1 zoning district to Planned Development-Commercial, Planned Development-General Retail, and Planned Development-Single-Family Residential-3, with Concept Plan, located South and East of Waxahachie High School (Property ID 180503) - Owner: WAXAHACHIE ISD (PD-19-0115). Ms. Betty Square Coleman seconded, All Ayes.

17. Public Hearing on a request by the City of Waxahachie to repeal the current Subdivision Ordinance, Ordinance No. 2084, as amended, and to replace it in its entirety with a new Subdivision Ordinance (TA-19-0118)

Chairman Keeler opened the Public Hearing.

Planning Director Shon Brooks reviewed the following changes to the Subdivision Ordinance:

- Define the term “Filing Date”
- Reservation of Right to Limit Plat Application Times
- Changes to the Municipal Authority of Plat Approvals
- Elimination of Preliminary and Final Plat
- Allowing for broader use of early permit release
- Fire Flow Waiver
- Fee Waivers
- Elimination of Letter of Credit
- Better define sureties
- Lot to lot drainage
- Sidewalk maintenance and Right-of-Way maintenance

There being no others to speak for or against TA-19-0118, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of Zoning Change No. TA-19-0118

Action:

Ms. Bonney Ramsey moved to approve a request by the City of Waxahachie to repeal the current Subdivision Ordinance, Ordinance No. 2084, as amended, and to replace it in its entirety with a new Subdivision Ordinance (TA-19-0118). Mr. Erik Test seconded, All Ayes.

19. Adjourn

Mr. Brooks introduced Planner Chris Webb and thanked Assistant City Manager Tommy Ludwig for his work on the Subdivision Ordinance.

Director of Public Works & Engineering James Gaertner introduced Graduate Engineer Macey Martinez and noted she will be attending the Planning & Zoning Commission meetings in the future.

There being no further business, the meeting adjourned at 8:49 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary