

Planning and Zoning Commission
February 11, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, February 11, 2020 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
Bonney Ramsey
David Hudgins

Members Absent: Betty Square Coleman
Jim Phillips
Erik Test

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Macey Martinez, Graduate 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. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of January 28, 2020
- b. Minutes of the Planning and Zoning Commission briefing of January 28, 2020

Action:

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

5. **Continue Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue PD-19-0175 to the March 10, 2020 Planning & Zoning Commission meeting.

6. Consider recommendation of Zoning Change No. PD-19-0175

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175) to the March 10, 2020 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

7. Public Hearing on a request by Karl J. Goss for a Specific Use Permit (SUP) for Furniture Manufacture and Refinishing Shop use within a Central Area zoning district located at 103 N. Jackson (Property ID 170410) – Owner: Goscon LLC (ZDC-000001-2020)

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-000001-2020 to the March 10, 2020 Planning & Zoning Commission meeting.

8. Consider recommendation of Zoning Change No. ZDC-000001-2020

Action:

Mr. David Hudgins moved to continue the Public Hearing on a request by Karl J. Goss for a Specific Use Permit (SUP) for Furniture Manufacture and Refinishing Shop use within a Central Area zoning district located at 103 N. Jackson (Property ID 170410) – Owner: Goscon LLC (ZDC-000001-2020) to the March 10, 2020 Planning & Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

9. Public Hearing on a request by Erica Ford, Titan Solar Power TX, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district located at 110 Richmond (Property ID 172079) – Owner: Gary & Barbara Ward (ZDC-000006-2020)

Chairman Keeler announced that due to the recent updates to the Zoning Ordinance regarding Rooftop Solar Panels, staff withdrew ZDC-000006-2020.

10. Consider recommendation of Zoning Change No. ZDC-000006-2020

No action taken.

11. Consider request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: Leslie Porterfield (RP-19-0168)

Planner Chris Webb presented RP-19-0168 and reviewed the following staff comment:

1. Staff is recommending disapproval for this replat because of a failure to dedicate the necessary ROW for Patrick Rd per *Sec. 3.1.c.6(a) Dedication of Right-of-Way and Road Improvements* of the Waxahachie Subdivision Ordinance.

Action:

Vice Chairman Melissa Ballard moved to deny a request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: Leslie Porterfield (RP-19-0168) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

12. **Consider request by Greg Roberson for a Plat of Providence on Howard Road for 3 residential lots being 30.568 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 276813, 276814, and 182069) - Owner: Gregory Edward Roberson and Alejandrina Cannon, Alfred Rotich and Faith Suza, and Charles A and Lucy I Sennes (PL-19-0171)**

Mr. Webb presented PL-19-0171 noting the applicants are requesting to establish three 10+ acre lots for single-family residences and staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Greg Roberson for a Plat of Providence on Howard Road for 3 residential lots being 30.568 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 276813, 276814, and 182069) - Owner: Gregory Edward Roberson and Alejandrina Cannon, Alfred Rotich and Faith Suza, and Charles A and Lucy I Sennes (PL-19-0171). Ms. Bonney Ramsey seconded, All Ayes.

13. **Consider request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (SUB-000002-2020)**

Mr. Webb presented SUB-000002-2020 noting the applicant is requesting to divide the existing lot into 4 lots with single-family residences on the 3 new lots and staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (SUB-000002-2020). Vice Chairman Melissa Ballard seconded, All Ayes.

14. **Public Hearing on a request by Clay Cristy, Claymoore Engineering, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located on a portion of land at the SW corner of FM 66 and Interstate 35E (being a portion of Property ID 174460) – Owner: DML Land LLC (ZDC-000004-2020)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented ZDC-000004-2020 noting the applicant is requesting to construct a Drive Through Establishment (McDonald's) on 1.43 acres and the applicant has addressed all comments made by staff. Staff recommended approval as presented.

Mr. Clay Cristy, Claymoore Engineering, requested approval of the project and was available for questions from the Commission.

There being no others to speak for or against ZDC-000004-2020, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-000004-2020

Action:

Vice Chairman Melissa Ballard moved to approve a request by Clay Cristy, Claymoore Engineering, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located on a portion of land at the SW corner of FM 66 and Interstate 35E (being a portion of Property ID 174460) – Owner: DML Land LLC (ZDC-000004-2020) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

16. Public Hearing on a request by Mark Leon, Cross Architects, for a Zoning Change from Planned Development-42-Commercial to Planned Development-Multi Family-2, with Concept Plan, located at the SE corner of Bessie Coleman at Highway 77 (Property ID 223131 and 189996) - Owner: Kris R & Risser C Estes (ZDC-000005-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting to construct a 275 unit multi-family development and a commercial building on 21 acres. He noted the property is intended to be used for retail and the property was first advertised as commercial and due to visibility concerns, many retailers passed on the opportunity to purchase the property. Mr. Collins reviewed the following items updated since the initial staff report:

Bedroom Units:

Staff report reflects 142 (52%) one bedroom units and 133 (48%) two bedroom units
Applicant now proposing 153 (56%) one bedroom units and 122 (44%) two bedroom units

Parking:

Staff report reflects 426 spaces (209 uncovered, 78 detached, 131 attached, 8 clubhouse)
Applicant now proposing 427 spaces (222 uncovered, 72 detached, 120 attached, 13 clubhouse)

Building Length:

Originally exceeding 200 ft. building maximum by 12 ft. (212 ft. 2 in.)
Applicant now proposing 329 ft. building length for building

Mr. Collins noted as of 5:00 p.m. today, eleven letters of opposition were received within the 200' notification area and fifty-three letters from outside the notification area. He explained the initial staff report reflected a recommendation of approval per the following comments; however, the applicant did not receive approval to create a landscape buffer within the easement and staff has updated their recommendation to denial.

1. An approval letter is needed from the Texas Power & Light Company of Dallas electric company, indicating that the applicant can create a landscape buffer within the easement, adjacent to the Country Meadows Phase 1 subdivision. If the applicant cannot receive approval from the electric company by the February 11, 2020 Planning and Zoning meeting, staff will change its recommendation to denial.
2. Per the applicant's request, a Developer's Agreement will be required for the property.
3. A 7:12 roof pitch is required for each elevation.
4. Staff will need to review a detailed Landscape Plan. The Landscape Plan shall be designed and stamped by a licensed landscape architect and compliant with the City of Waxahachie Zoning Ordinance. At the time of this report (2/5/2020), the applicant has not submitted a Landscape Plan for the proposed development.
5. Mature trees shall be included within the landscape buffer adjacent to the Country Meadows Phase 1 subdivision.
6. All engineering comments shall be addressed before any approval is made by staff.
7. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

Mr. Mark Leon, Cross Architects, requested approval of the case and was available for questions from the Commission.

Those who spoke in opposition:

Ora Johnson, 203 S. Hill Street
Tracy Henderson, 1579 Country Crest Drive
Larry Wall, 225 Oak Ridge Drive
Donald Watts, 1619 Wildflower
Ariel Clark, 301 S. Hill
Zacharias Lewis, 328 S. Hill
Dee Turner, 113 Honeysuckle Lane
Richard Wing, 222 Oak Ridge Drive
Paul Davis, 1568 Retreat Road
Michael Woodward, 201 S. Hill
Jay Downs, 1603 Wildflower
Terrance Lee, 1697 San Juan
Sorele Nevarez, 157 Cantle Street
Richard Deford, 1581 Country Crest Drive
Mike Line, 1579 Wildflower Drive
Allen Collins, 1642 Country Hills Drive
Charles Pike, 1647 Wildflower Drive

Ms. Bonney Ramsey thanked the citizens for their attendance noting she appreciates their passion for Waxahachie. She noted the Commission works diligently to set standards for Waxahachie and the applicant for this case did not comply.

Mr. David Hudgins commended the homeowners that spoke for doing their due diligence to research the zoning about their homes before purchasing. He noted it is important for the Commission to stand behind the commercial zoning that is in place.

Chairman Keeler echoed the Commissioners thoughts explaining it is the duty of the Commission to protect the zoning of this city and he appreciated the passion of the citizens in our community.

There being no others to speak for or against ZDC-000005-2020, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-000005-2020

Action:

Vice Chairman Melissa Ballard moved to deny a request by Mark Leon, Cross Architects, for a Zoning Change from Planned Development-42-Commercial to Planned Development-Multi Family-2, with Concept Plan, located at the SE corner of Bessie Coleman at Highway 77 (Property ID 223131 and 189996) - Owner: Kris R & Risser C Estes (ZDC-000005-2020). Ms. Bonney Ramsey seconded, All Ayes.

Mr. Brooks explained the applicant has until Thursday, February 13, 2020 to request to continue to City Council for approval of their case.

18. Adjourn

Mr. Brooks noted city staff is always available to answer questions from the public about current or future development. He invited citizens to apply to serve on the city's boards and commissions.

There being no further business, the meeting adjourned at 8:28 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary