

Planning and Zoning Commission
May 26, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 26, 2020 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
Chris Webb, Planner
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary
Mary Lou Shipley, Council Representative

Via Teleconference: Robert Brown, City Attorney

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 May 12, 2020

Action:

Ms. Bonney Ramsey moved to approve item a. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.

4. **Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)**

Chairman Keeler announced the applicant requested to withdraw ZDC-000025-2020.

5. **Consider recommendation of Zoning Change No. ZDC-000025-2020**

No action taken.

6. **Consider request by Juan Carlos Flores, Flores Homes, Inc. for a Final Plat of Clift Estates, Phase V for 21 residential lots, being 7.536 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: Juan Carlos Flores, Flores Homes, Inc. (SUB-000047-2020)**

Planner Chris Webb reviewed the case noting the applicant is requesting to plat the subject property into 21 single-family residential lots. Staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by Juan Carlos Flores, Flores Homes, Inc. for a Final Plat of Clift Estates, Phase V for 21 residential lots, being 7.536 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: Juan Carlos Flores, Flores Homes, Inc. (SUB-000047-2020). Mr. David Hudgins seconded, All Ayes.

- 7. Consider request by Angel Gonzalez, AGC Custom Homes for a Plat of Willow Springs Phase Two, Section Two for 35 residential lots, being 11.433 acres situated in the J.B. and A. Adams Survey, Abstract 5 (Property ID 272990) – Owner: Angel Gonzalez, AGC Custom Homes (SUB-000054-2020)**

Mr. Webb reviewed the case noting the applicant is requesting a plat of the subject property to create an additional 35 lots to the Willow Springs Subdivision. Staff recommended approval as presented.

{Mr. Erik Test arrived at 7:06 p.m.}

Action:

Ms. Bonney Ramsey moved to approve a request by Angel Gonzalez, AGC Custom Homes for a Plat of Willow Springs Phase Two, Section Two for 35 residential lots, being 11.433 acres situated in the J.B. and A. Adams Survey, Abstract 5 (Property ID 272990) – Owner: Angel Gonzalez, AGC Custom Homes (SUB-000054-2020). Mr. David Hudgins seconded, All Ayes.

- 8. Consider request by Kars Tamminga for a Final Plat of Pioneer Point Phase 5 & 6 for 71 residential lots being 98.537 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: Kars Tamminga, Pioneer Point Farm, LLC (SUB-000060-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat a 98.537 acre tract of land into 71 residential lots as an addition to Pioneer Point Phases 1, 2, 3, and 4. Staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Kars Tamminga for a Final Plat of Pioneer Point Phase 5 & 6 for 71 residential lots being 98.537 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: Kars Tamminga, Pioneer Point Farm, LLC (SUB-000060-2020). Ms. Bonney Ramsey seconded, All Ayes.

- 9. Public Hearing on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Single Family – 2 zoning district, located at 631 Solon Rd (Property ID 220963) – Owner: Waxahachie ISD (ZDC-000064-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to install an electronic message marquee sign at Wedgeworth Elementary School located at 631 Solon Rd. He noted the sign comes with a timer and will not be lit between the hours of 10 p.m. and 6 a.m. Staff recommended approval as presented.

Mr. Webb noted one letter of support was received.

There being no others to speak for or against ZDC-000064-2020, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZDC-000064-2020

Action:

Mr. Jim Phillips moved to approve a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Single Family – 2 zoning district, located at 631 Solon Rd (Property ID 220963) – Owner: Waxahachie ISD (ZDC-000064-2020). Mr. David Hudgins seconded, All Ayes.

11. Public Hearing on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Single Family – 2 zoning district, located at 231 Park Place Blvd (Property ID 237673) – Owner: Waxahachie ISD (ZDC-000069-2020)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to install an electronic message marquee sign at Felty Elementary School located at 231 Park Place Blvd. He noted the sign comes with a timer and will not be lit between the hours of 10 p.m. and 6 a.m. Staff recommended approval as presented.

Mr. Webb noted two letters of support were received and one letter of opposition.

There being no others to speak for or against ZDC-000069-2020, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-000069-2020

Action:

Ms. Bonney Ramsey moved to approve a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Single Family – 2 zoning district, located at 231 Park Place Blvd (Property ID 237673) – Owner: Waxahachie ISD (ZDC-000069-2020). Mr. Erik Test seconded, All Ayes.

13. Public Hearing on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family – 3 zoning district, located at 650 Parks School House Rd (Property ID 241034) – Owner: Waxahachie ISD (ZDC-000070-2020)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to install an electronic message marquee sign at Clift Elementary School located at 650 Parks School House Road. He noted the sign comes with a timer and will not be lit between the hours of 10 p.m. and 6 a.m. Staff recommended approval as presented.

Mr. Webb noted one letter of support was received.

There being no others to speak for or against ZDC-000070-2020, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZDC-000070-2020

Action:

Mr. David Hudgins moved to approve a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family – 3 zoning district, located at 650 Parks School House Rd (Property ID 241034) – Owner: Waxahachie ISD (ZDC-000070-2020). Ms. Bonney Ramsey seconded, All Ayes.

15. Public Hearing on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family – 2 zoning district, located at 110 Brown St (Property ID 222535) – Owner: Waxahachie ISD (ZDC-000071-2020)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to install an electronic message marquee sign at Marvin Elementary School located at 110 Brown St. He noted the sign comes with a timer and will not be lit between the hours of 10 p.m. and 6 a.m. Staff recommended approval as presented.

There being no others to speak for or against ZDC-000071-2020, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-000071-2020

Action:

Mr. Erik Test moved to approve a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family – 2 zoning district, located at 110 Brown St (Property ID 222535) – Owner: Waxahachie ISD (ZDC-000071-2020). Mr. David Hudgins seconded, All Ayes.

17. Continue Public Hearing on a request by the City of Waxahachie to consider revoking, amending, or renewing a Specific Use Permit (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed (ZDC-000007-2020)

Chairman Keeler continued the Public Hearing.

Planning Director Shon Brooks presented the case noting the purpose of this request is for the City of Waxahachie to consider approving a new Specific Use Permit along with a Development Agreement, for Oak Cliff Metals at the subject property of 500 Brown Industrial Rd.

Mr. Brooks explained that due to the six fires that have occurred on the property, safety has become a major concern for the property as well as surrounding properties. The following concerns were also reviewed: exceeding the height limitations for storage piles, exceeding the limited hours of operation of 7:00 a.m. to 7:00 p.m., not maintaining a 24-foot pathway through the site, and not having adequate water to fight fires. Due to the city's concerns, staff recommends a Development Agreement to allow for further standards and guidelines to be placed on the property. Staff received three letters of support for the revocation of the SUP for Oak Cliff Metals within the 200 foot notification area and one letter of support outside the notification area.

City Attorney Robert Brown explained he has been working with the attorney for Oak Cliff Metals to create a Development Agreement to satisfy both parties.

The Commission expressed concerns with the company using other types of shredders/granulators on-site that would continue to cause fires. The Commission discussed adding additional language to the proposed Development Agreement.

Mr. Brooks explained a Specific Use Permit for this site is only needed if the company intends to operate a shredder/granulator at the property, otherwise the current zoning allows for this use.

The Commission also expressed concerns with the combustible materials and heights of the piles.

Mr. Benjie Smith, owner of Oak Cliff Metals, assured the Commission there will not be a shredder/granulator on site that will produce fluff piles and there will not be any fluff piles on site caused by any of their equipment.

Mr. Bob Wiegand, attorney for Oak Cliff Metals, expressed concern with generalizing the term shredder/granulator in the restrictions due to the difference of opinions on what the terms mean. He explained he doesn't want to prohibit a machine because of the adjective used to describe what the machine does.

18. Consider recommendation of Zoning Change No. ZDC-000007-2020

Action:

After a lengthy discussion, Mr. Jim Phillips moved to continue the Public Hearing on ZDC-000007-2020 until the June 9, 2020 Planning & Zoning Commission meeting to allow legal counsel to revise the Development Agreement to address concerns of the Planning and Zoning Commission. Ms. Bonney Ramsey seconded, the vote was as follows: Ayes: Bonney Ramsey, Jim Phillips, and Erik Test. Noes: Rick Keeler and David Hudgins.

The motion carried.

19. Adjourn

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary