

Planning and Zoning Commission  
December 15, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, December 15, 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  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
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 November 10, 2020
- b. Minutes of the Planning and Zoning Commission briefing of November 10, 2020

**Action:**

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

5. **Consider request by Monty Nixon, Summit Surveying, for a Replat of the remainder of Lot 1, Block 2 and the remainder of Block 2 Interstate Industrial Park, to create Lot 2, Lot 3, and Lot 4, Block 2, 66 Crossing, 40.063 acres (Property ID 174460) – Owner: Mike Lyle, DML Land, LLC (SUB-144-2020)**

Planner Chris Webb presented the case noting the applicant is requesting a replat of their lot to allow for Commercial and General Retail Development and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Monty Nixon, Summit Surveying, for a Replat of the remainder of Lot 1, Block 2 and the remainder of Block 2 Interstate Industrial Park, to create Lot 2, Lot 3, and Lot 4, Block 2, 66 Crossing, 40.063 acres (Property ID 174460) – Owner: Mike Lyle, DML Land, LLC (SUB-144-2020). Vice Chairman Melissa Ballard seconded, All Ayes.*

- 6. Consider request by Randy Eardly, Wier & Associates, Inc., for a Plat of Gala at Waxahachie for 1 lot being 9.000 acres situated in the Silas M. Durrett Survey, Abstract 272, (Property ID 138271) – Owner: Starpeach Texas, LP (SUB-161-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property in order to construct a multi-family development and staff recommended approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Randy Eardly, Wier & Associates, Inc., for a Plat of Gala at Waxahachie for 1 lot being 9.000 acres situated in the Silas M. Durrett Survey, Abstract 272, (Property ID 138271) – Owner: Starpeach Texas, LP (SUB-161-2020). Mr. David Hudgins seconded, All Ayes.*

- 7. Consider request by Cody Crannell, CCM Engineering, for a Final Plat of Camden Park Estates Phase 3 for 166 lots, being 59.64 acres situated in the Silas M. Durrett Survey, Abstract 272, (Property ID 182052) – Owner: Cooperzadeh, LLC (SUB-108-2020)**

Mr. Webb presented the case noting the applicant is requesting to final plat the third phase of the Camden Park Estates, Phase 3 and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Cody Crannell, CCM Engineering, for a Final Plat of Camden Park Estates Phase 3 for 166 lots, being 59.64 acres situated in the Silas M. Durrett Survey, Abstract 272, (Property ID 182052) – Owner: Cooperzadeh, LLC (SUB-108-2020) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.*

- 8. Consider request by Ross Anthony, Anthony Properties, for a Plat of Springside Estates for 75 lots being 106.687 acres situated in the John Collet Survey, Abstract 221, J.L. Boissonet Survey, Abstract 105 (Property ID 139002, 180444, and 274487) in the Extra Territorial Jurisdiction – Owner: AP Rock Springs, Inc. (SUB-153-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat the second phase of the Springside Estates Subdivision in the Waxahachie ETJ and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Ross Anthony, Anthony Properties, for a Plat of Springside Estates for 75 lots being 106.687 acres situated in the John Collet Survey, Abstract 221, J.L. Boissonet Survey, Abstract 105 (Property ID 139002, 180444, and 274487) in the Extra Territorial Jurisdiction – Owner: AP Rock Springs, Inc. (SUB-153-2020) subject to staff comments. Mr. David Hudgins seconded, All Ayes.*

9. **Consider request by Michelle Tilotta, LJA Engineering, for a Final Plat of Saddlebrook Estates Phase 2A for 220 lots, being 50.669 acres situated in the G. Carpenter Survey, Abstract 190 and the M. Rafferty Survey, Abstract 898, (Property ID 189842) – Owner: 287 Waxahachie, L.P. (SUB-148-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property for the development of an additional phase of the Saddlebrook Subdivision and staff recommended approval as presented. He explained the connection road to 287 is nearing completion.

**Action:**

*Mr. Erik Test moved to approve a request by Michelle Tilotta, LJA Engineering, for a Final Plat of Saddlebrook Estates Phase 2A for 220 lots, being 50.669 acres situated in the G. Carpenter Survey, Abstract 190 and the M. Rafferty Survey, Abstract 898, (Property ID 189842) – Owner: 287 Waxahachie, L.P. (SUB-148-2020). Ms. Bonney Ramsey seconded, All Ayes.*

10. **Consider request by Michelle Tilotta, LJA Engineering, for a Final Plat of Saddlebrook Estates Central Tract West Phase 1 for 44 lots, being 12.642 acres situated in the S.M. Durrett Survey, Abstract 272 and the M. Rafferty Survey, Abstract 898, (Property ID 262511) – Owner: 287 Waxahachie, L.P. (SUB-149-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property for the development of an additional phase of the Saddlebrook Subdivision and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Michelle Tilotta, LJA Engineering, for a Final Plat of Saddlebrook Estates Central Tract West Phase 1 for 44 lots, being 12.642 acres situated in the S.M. Durrett Survey, Abstract 272 and the M. Rafferty Survey, Abstract 898, (Property ID 262511) – Owner: 287 Waxahachie, L.P. (SUB-149-2020) subject to staff comments. Mr. David Hudgins seconded, All Ayes.*

11. **Public Hearing on a request by Jenny Nivens, Dancing Daiquiris, for Convenience Store (Daiquiri Shop) use within a Planned Development-37-General Retail zoning district located at 1014 Ferris Ave, Suite 110 (being a portion of Property ID 176876) – Owner: LEDBETTER REAL ESTATE LTD (ZDC-164-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a zoning change to allow for a Convenience Store with alcohol sales (Daiquiri Shop) and staff recommended approval per the following comments:

1. The business must conform to the City of Waxahachie requirements as well as adhere to TABC provision, as defined in the Alcoholic Beverage Code of the State of Texas.
2. The operator must maintain compliance with State regulations and local ordinances for food service operations.

3. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.

He noted one letter of opposition was received.

There being no others to speak for or against ZDC-164-2020, Chairman Keeler closed the Public Hearing.

## **12. Consider recommendation of Zoning Change No. ZDC-164-2020**

### **Action:**

*Ms. Bonney Ramsey moved to approve a request by Jenny Nivens, Dancing Daiquiris, for Convenience Store (Daiquiri Shop) use within a Planned Development-37-General Retail zoning district located at 1014 Ferris Ave, Suite 110 (being a portion of Property ID 176876) – Owner: LEDBETTER REAL ESTATE LTD (ZDC-164-2020) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

## **13. Public Hearing on a request by Brian Gray for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Planned Development-23-Single-Family Residential-1 zoning district located at 101 Homestead Ln (Property ID 269680) - Owner: BRIAN & MARY GRAY (ZDC-166-2020)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented the case noting the applicant is requesting to construct a +700 sq. ft. (2,400 sq. ft.) accessory structure in the rear of a single-family property and staff recommended approval per the following comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. A concrete drive that leads from the home to the accessory structure shall be provided by the applicant.

There being no others to speak for or against ZDC-166-2020, Chairman Keeler closed the Public Hearing.

## **14. Consider recommendation of Zoning Change No. ZDC-166-2020**

### **Action:**

*Mr. David Hudgins moved to approve a request by Brian Gray for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Planned Development-23-Single-Family Residential-1 zoning district located at 101 Homestead Ln (Property ID 269680) - Owner: BRIAN & MARY GRAY (ZDC-166-2020). Ms. Bonney Ramsey seconded, All Ayes.*

**15. Public Hearing on a request by Josh Helm, Texas Best Construction, for a Specific Use Permit (SUP) for Accessory Building, Used as a Dwelling Unit and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 1640 Lone Elm Rd (Property ID 275601) - Owner: BRADLEY & JENNIFER KEITH (ZDC-158-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting to construct two +700 sq. ft. accessory structures in the rear of a single family zoned property and staff recommended approval per the following comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The accessory dwelling cannot be used to rent to outside tenants.
3. Staff suggests that a privacy fence be placed on the subject property to screen the accessory structures from the public right-of-way (ROW).

Mr. Phillips clarified the additional structures will not be permanent living quarters and the applicant, Mr. Josh Helm, confirmed the structure would only be a guesthouse.

There being no others to speak for or against ZDC-158-2020, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-158-2020**

**Action:**

*Mr. David Hudgins moved to approve a request by Josh Helm, Texas Best Construction, for a Specific Use Permit (SUP) for Accessory Building, Used as a Dwelling Unit and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 1640 Lone Elm Rd (Property ID 275601) - Owner: BRADLEY & JENNIFER KEITH (ZDC-158-2020). Ms. Betty Square Coleman seconded, All Ayes.*

**17. Public Hearing on a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Electronic Message Sign use within a General Retail zoning district located at 1905 N Highway 77 (Property ID 262426) - Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (ZDC-155-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval of a Specific Use Permit (SUP) to construct an electronic message sign for tenants. The proposed sign will be 300 sq. ft., 20 feet tall, and will be constructed of brick and concrete material painted to match the primary structure on the property. The City's Zoning Ordinance allows for a max sign size of 125 sq. ft. and a max height of 10 feet. Due to concerns about the height of the sign staff recommended denial.

The Commission and staff noted they are willing to allow a maximum 15x15 sign.

Applicant Mr. Shawn Neal presented pictures of signs along Highway 77. He explained the 30,000 sq. ft. building will have tenants and a sign is needed for them and the landscaping of the property with crape myrtles will cause a visibility issue with the city's maximum sign of 125 sq. ft.

Mr. Alfred Vega, on behalf of the owner, noted the 30,000 sq. ft. is in a highly visible corner on Highway 77 and believes the 300 sq. ft. sign will be proportionate to the building.

Vice Chairman Melissa Ballard inquired about how many tenants will be in the building and Mr. Vega noted there will be about 15,000 sq. ft. of tenant space.

Chairman Keeler addressed the other sign pictures on Highway 77 noting they are farther apart from the buildings and represent 300,000 sq. ft. of building.

Mr. Hudgins asked if the applicant is willing to compromise their request to get closer to city requirements and Mr. Neal proposed an 18 foot sign.

Vice Chairman Ballard asked if the applicant is willing to accept a 15x15 sign and Mr. Vega noted he will present to the bank board for their approval.

There being no others to speak for or against ZDC-155-2020, Chairman Keeler closed the Public Hearing.

#### **18. Consider recommendation of Zoning Change No. ZDC-155-2020**

##### **Action:**

*Mr. David Hudgins moved to approve a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Electronic Message Sign use within a General Retail zoning district located at 1905 N Highway 77 (Property ID 262426) - Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (ZDC-155-2020) allowing a maximum sign size of 15x15 and any other size sign request would need to be approved by the Commission. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Erik Test.*

##### ***Motion carried.***

#### **19. Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Multiple-Family Residential-2 zoning district to Planned Development-Multiple-Family Residential-2, located near the SW corner of Park Place Blvd at Garden Valley Pkwy (Property ID 275563) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-159-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval of a Planned Development (Fitzgerald Apartments) to allow for construction of 205 multi-family residential units on approximately 12.7 acres. The development will consist of five (5) apartment buildings with a maximum height of three (3) stories. The Concept Plan depicts residential development that includes, but not limited to, pool, community green space, Dog Park, walk/jog trail, and resident clubhouse (fitness center, coffee bar, conference room, game room, mailroom, bicycle storage/repair). Mr. Collins reviewed the following staff concerns: Setback-staff suggests the applicant revise the plan to meet the required setbacks for the zoning; Parking (Garages)-The applicant is required to provide 50% attached enclosed garages of the required parking for the site and the applicant is proposing 25% attached enclosed garages (77) of the 154 required attached enclosed garages; Roof Pitch-The minimum roof pitch allowed for Multi-family-2 zoning is 7:12 and the applicant is proposing 4:12; Screening-A minimum 6 ft. masonry wall is required and the applicant is proposing a 6 ft. ornamental iron fence with masonry columns spaced every 30 ft.; Refuse facility-Every multi-family dwelling unit shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way and the applicant is requesting that every multi-family dwelling unit shall be located within 330 ft. Due to those concerns staff recommended denial.

Mr. Erik Test inquired about screening on the adjacent multi-family properties and Mr. Collins noted it is ornamental iron fencing.

Nicholas Balsamo, Kalterra Capital Partners, explained neighborhood meetings were held in September, October, and November to address concerns from the neighbors. He noted the plan presented was adjusted to neighbor concerns.

Mr. Phillips inquired about utilizing the detention pond on the property and Mr. Balsamo noted there is no space to adjust parking to utilize the detention pond for aesthetics.

Chairman Keeler noted the development does not meet the setback requirements because the land is not large enough to build the number of units the owners want.

There being no others to speak for or against ZDC-159-2020, Chairman Keeler closed the Public Hearing.

## **20. Consider recommendation of Zoning Change No. ZDC-159-2020**

### **Action:**

*Mr. Jim Phillips moved to deny a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Multiple-Family Residential-2 zoning district to Planned Development-Multiple-Family Residential-2, located near the SW corner of Park Place Blvd at Garden Valley Pkwy (Property ID 275563) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-159-2020). Vice Chairman Melissa Ballard seconded, All Ayes.*

## **21. Continue Public Hearing on a request by Phillip Fisher, Macatee Engineering LLC, for a Zoning Change from a Future Development and General Retail zoning district to Planned Development-Mixed-Use Residential, located W of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020)**

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case for Montclair Heights noting the applicant is requesting approval of a Planned Development (Montclair Heights) to allow development of single-family homes, cottage style homes, retail/office, and park/open space on 188.46 acres. The proposed development district is to create a zoning that will allow the development of 383 single-family homes and four general retail tracts are proposed adjacent to Highway 287 and the proposed thoroughfares. He reviewed the concept plan and special exception/variance request. Staff recommended approval per the following staff comments:

1. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.

Mr. Felix Wang thanked city staff for their work and presented an overview of the proposed development. He explained they chose not to have a cookie cutter subdivision and the development will provide a diversified neighborhood with different building elevations and lot sizes.

Chairman Keeler noted the proposed development does not have different architectural styles and expressed the Commission's desire to have the best development for the property which serves as an entry to Waxahachie. He asked if Mr. Wang would consider changing the design to meet the city's standards and expectations. Mr. Wang explained there is not an easy way to change the plan to the Commission's standards without it having a trickling affect.

Mr. Phillips inquired about moving the retail near the frontage road with parking in the rear to better distance itself from the proposed neighborhood.

Mr. Jonathan Jobe, Alluvium Development, explained they are willing to intermingle the lots and move the retail to the frontage road but is not sure it is possible to face all lots towards the thoroughfare. He explained the developer is willing to meet in the middle on the requests of the Commission but is ready to move forward with the project.

Chairman Keeler explained he does not want to meet in the middle and wants the developer to conform to city standards. Mr. Jobe asked what changes the Commission is wanting and Chairman Keeler noted he wants alley's on every lot, intermingling lots, square footage range per lot, true architectural guidelines and housing styles, and houses that face the street.

Those who spoke in opposition:

Richard Rozier, 4520 Black Champ Road, Waxahachie, Texas

Tom Baker, 3630 Black Champ Road, Midlothian, Texas

The Commission asked if the applicant would like to table the item until the January 12<sup>th</sup> meeting but they stated they would rather move forward to City Council.

There being no others to speak for or against ZDC-72-2020, Chairman Keeler closed the Public Hearing.



**22. Consider recommendation of Zoning Change No. ZDC-72-2020**

**Action:**

*Mr. Jim Phillips moved to deny a request by Phillip Fisher, Macatee Engineering LLC, for a Zoning Change from a Future Development and General Retail zoning district to Planned Development-Mixed-Use Residential, located W of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020). Ms. Betty Square Coleman seconded, All Ayes.*

**23. Adjourn**

City Staff and the Planning & Zoning Commission wished everyone a Merry Christmas and Happy New Year!

There being no further business, the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary