

Planning and Zoning Commission
January 12, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, January 12, 2021 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
Macey Martinez, Graduate Engineer
Tommy Ludwig, Assistant City Manager
Lori Cartwright, 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**

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie, thanked Chairman Keeler, Mr. Jim Phillips at KBEC Radio and Mr. Richard Rozier for their support of the WISD boys basketball team.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of December 15, 2020
- b. Minutes of the Planning and Zoning Commission briefing of December 15, 2020

Action:

Mrs. 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 Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple-Family Residential-1 zoning district to Planned Development-Multiple-Family Residential-1, located South of 865 Cantrell Street (Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-171-2020)**

Chairman Keeler announced the applicant withdrew ZDC-171-2020.

6. Consider recommendation for Zoning Change No. ZDC-171-2020

Action:

None

7. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lot A-17R and Lot A-15, Lakeshore Acres Addition, Unit II, to create Lot A-17R1, Lakeshore Acres Addition, Unit II, 0.922 acres (Property ID 174607) – Owner: BLEND K & DYKE D HENDERSON (SUB-156-2020)

Chairman Keeler opened the Public Hearing.

Planner Chris Webb reported the applicant is requesting to replat two lots into one lot. Staff recommended approval.

There being no others to speak for or against SUB-156-2020, Chairman Keeler closed the Public Hearing.

8. Consider approval of SUB-156-2020

Action:

Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lot A-17R and Lot A-15, Lakeshore Acres Addition, Unit II, to create Lot A-17R1, Lakeshore Acres Addition, Unit II, 0.922 acres (Property ID 174607) – Owner: BLEND K & DYKE D HENDERSON (SUB-156-2020). Ms. Betty Square Coleman seconded, All Ayes.

9. Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Loya Estates for two (2) residential lots being 2.724 acres situated in the E.C. School Land Survey, Abstract 328 (Property ID 283244) in the Extra Territorial Jurisdiction – Owner: JORGE LOYA AND HEIDY LOYA (SUB-157-2020)

Mr. Webb reported the applicant is requesting to plat the property from one lot into two 1+ acre lots. He stated the property has adequate public water flow and recommended approval.

Action:

Mrs. Bonney Ramsey moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Loya Estates for two (2) residential lots being 2.724 acres situated in the E.C. School Land Survey, Abstract 328 (Property ID 283244) in the Extra Territorial Jurisdiction – Owner: JORGE LOYA AND HEIDY LOYA (SUB-157-2020). Mr. Erik Test seconded, All Ayes.

10. Consider request by Chocka Smally for a Plat of Smally Estates for one (1) residential lot being 6.312 acres situated in the N.N. J.J. & B.L. Edwards Survey, Abstract 340 (Property ID 282091) in the Extra Territorial Jurisdiction – Owner: CHRISTOPHER SMALLY AND CHOCKA SMALLY (SUB-172-2020)

Mr. Webb reported the applicant is requesting a plat of the property for single-family residential use. The property is barely in the Waxahachie ETJ and mostly in the city of Midlothian. He noted the property has adequate public water flow and recommended approval.

Action:

Mr. Erik Test moved to approve a request by Chocka Smally for a Plat of Smally Estates for one (1) residential lot being 6.312 acres situated in the N.N. J.J. & B.L. Edwards Survey, Abstract 340 (Property ID 282091) in the Extra Territorial Jurisdiction – Owner: CHRISTOPHER SMALLY AND CHOCKA SMALLY (SUB-172-2020). Mr. David Hudgins seconded, All Ayes.

11. Public Hearing on a request by David Flores for a Specific Use Permit (SUP) for Garage Accessory Dwelling and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 616 Dunn Street (Property ID 173378) - Owner: DAVID FLORES (ZDC-167-2020)

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins reported the applicant is requesting to construct a two story +700 square foot (984 square feet) detached garage accessory dwelling in the rear of a single-family property. The Commission expressed concern due to the proposed secondary structure being taller than the primary structure. Planning Director Shon Brooks stated he does not feel it will have a negative impact to the neighborhood.

Mr. David Flores, owner, stated he intends to use the structure to park additional vehicles for the home, as well as use the dwelling portion of the structure for family guest.

Those who spoke for ZDC-167-2020:

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie

There being no others to speak for or against ZDC-167-2020, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-167-2020

Action:

Mr. Jim Phillips moved to approve a request by David Flores for a Specific Use Permit (SUP) for Garage Accessory Dwelling and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 616 Dunn Street (Property ID 173378) - Owner: DAVID FLORES (ZDC-167-2020) subject to staff comments: not to rent secondary structure and secondary structure not to exceed the primary structure by two feet. Mr. David Hudgins seconded.

The vote was as follows:

<i>Ayes:</i>	<i>Bonney Ramsey</i>
	<i>David Hudgins</i>
	<i>Jim Phillips</i>

*Noes: Rick Keeler
Betty Square Coleman
Erik Test*

The action resulted in a tie vote.

Action:

Ms. Betty Square Coleman moved to reconsider the original vote. Mrs. Bonney Ramsey seconded. The vote was as follows:

*Ayes: Rick Keeler
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test*

Noes: Jim Phillips

Action:

Ms. Betty Square Coleman moved to approve a request by David Flores for a Specific Use Permit (SUP) for Garage Accessory Dwelling and Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 616 Dunn Street (Property ID173378) – Owner: DAVID FLORES (ZDC-167-2020) and allow the accessory structure to exceed the height of the primary structure by two feet. The vote was as follows:

*Ayes: Rick Keeler
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test*

Noes: Jim Phillips

The motion carried.

- 13. Public Hearing on a request by Jesse Miller for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 115 Country Drive (Property ID 173120) - Owner: JESSE LEE MILLER (ZDC-173-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is proposing to construct the structure out of metal, and intends to use the accessory structure for storage and hobby space. He stated the applicant shall provide a concrete drive that leads from the home to the accessory building and recommended approval.

There being no others to speak for or against ZDC-173-2020, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZDC-173-2020

Action:

Mr. Erik Test moved to approve a request by Jesse Miller for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 115 Country Drive (Property ID 173120) - Owner: JESSE LEE MILLER (ZDC-173-2020) per staff comments. Ms. Betty Square Coleman seconded. The vote was as follows:

*Ayes: Rick Keeler
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Test*

Noes: David Hudgins

The motion carried.

15. Public Hearing on a request by Paul Nelson 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 409 Lakewood Drive (Property ID 174631) - Owner: PAUL D & MELINDA A NELSON (ZDC-168-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported because the home is located near the rear of the property, the detached garage structure is intended to be located in front of the single-family home to park all of the vehicles for the home. Staff recommended approval based on a concrete driveway for the garage shall be provided by the applicant.

There being no others to speak for or against ZDC-168-2020, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-168-2020

Action:

Mr. David Hudgins moved to approve a request by Paul Nelson 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 409 Lakewood Drive (Property ID 174631) - Owner: PAUL D & MELINDA A NELSON (ZDC-168-2020). Ms. Betty Square Coleman seconded, All Ayes.

17. 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 reported the applicant is requesting approval of a Planned Development to allow for construction of 184 multi-family residential units on approximately 12.9 acres. The development will consist of four (4) apartment buildings with a maximum height of three stories. Mr. Collins reported this case was denied at the Planning and Zoning Commission meeting of December 15, 2020. At the December 21, 2020 City Council meeting, due to the applicant making significant changes to the Concept Plan from the Planning and Zoning Commission meeting, City Council voted to return the case to the Planning and Zoning Commission for review.

Representatives for the owner reviewed the revised Concept Plan and after further discussion staff recommended approval per staff comments.

Those who spoke against ZDC-159-2020:

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie

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

18. Consider recommendation of Zoning Change No. ZDC-159-2020

Action:

Mr. David Hudgins moved to approve 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) per staff comments. Ms. Betty Square Coleman seconded, All Ayes.

19. 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 west of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is requesting approval of a Planned Development to allow development of single-family homes, cottage styles homes, retail/office, and park/open space on 188.46 acres. At the December 21, 2020 City Council meeting, due to the applicant making

significant changes to the Concept Plan from the Planning and Zoning Commission meeting, City Council voted to return the case to the Planning and Zoning Commission for review.

Mr. Felix Wong, applicant, presented a revised Concept Plan and after a lengthy discussion with the Commission, both parties could not agree on the requirements of the Commission.

Those who spoke against ZDC-72-2020:

Mr. Richard Rozier, 4250 Black Champ Road, Midlothian

Mr. Phillip Blevens, 4290 Black Champ Road, Midlothian

Ms. Shelia Hood, 3841 Black Champ Road, Midlothian

Mr. Chris Wright, 808 Marvin Avenue, Waxahachie

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

20. Consider recommendation of Zoning Change No. ZDC-72-2020

Action:

Mrs. Bonney Ramsey 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 west of 2374 W Highway 287 Bypass (Property IDs 185971, 185972, 185886, 185978) - Owner: CAROLYN J HAMAN (ZDC-72-2020). Mr. David Hudgins seconded, All Ayes.

21. Adjourn

There being no further business, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary