

Planning and Zoning Commission
August 27, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 27, 2019 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
James Gaertner, City 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. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 13, 2019
- b. Minutes of the Planning and Zoning Commission briefing of August 13, 2019

Action:

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

4. **Public Hearing on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue SU-19-0098 to the Planning and Zoning Commission meeting of September 10, 2019.

5. **Consider recommendation of Zoning Change No. SU-19-0098**

Action:

Mr. David Hudgins moved to continue a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098) to the Planning and Zoning Commission meeting of September 10, 2019. Vice Chairman Melissa Ballard seconded, All Ayes.

- 6. Consider request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 3, Block B, Legacy Ranch, Phase One, to create Lots 3R-A and 3R-B, Block B, Legacy Ranch, Phase One, 1.382 acres (Property ID 267513) – Owner: BKG LEGACY RANCH 1 LLC (RP-19-0100)**

Senior Planner Colby Collins reported the applicant proposes to create two lots from one lot. He reported staff received eight letters of support and no opposition. Staff recommended approval.

Action:

Vice Chairman Melissa Ballard moved to approve a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 3, Block B, Legacy Ranch, Phase One, to create Lots 3R-A and 3R-B, Block B, Legacy Ranch, Phase One, 1.382 acres (Property ID 267513) – Owner: BKG LEGACY RANCH 1 LLC (RP-19-0100) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

- 7. Consider request by James McDill, Davis & McDill, for a Replat of Lots 1 and 2, Chapman Place Business Addition, and 1.3974 acres out of the WM Baskins Survey, Abstract 148, to create Lot 1-R, Block A, Chapman Place Business Addition, 2.152 acres (Property ID 247595, 247596, 180847) – Owner: STEVEN F & RICHARD A CHAPMAN (RP-19-0101)**

Mr. Collins reported the applicant proposes to create one lot from two lots. He stated staff received one letter of support and no opposition. Mr. Collins stated the applicant has addressed all concerns and recommended approval.

Action:

Mr. Jim Phillips moved to approve a request by James McDill, Davis & McDill, for a Replat of Lots 1 and 2, Chapman Place Business Addition, and 1.3974 acres out of the WM Baskins Survey, Abstract 148, to create Lot 1-R, Block A, Chapman Place Business Addition, 2.152 acres (Property ID 247595, 247596, 180847) – Owner: STEVEN F & RICHARD A CHAPMAN (RP-19-0101). Mrs. Bonney Ramsey seconded, All Ayes.

- 8. Consider request by Matthew Martinez, JPH Land Surveying, for a Preliminary Plat of Chapman Acres Subdivision for 1 lot being 0.973 acres situated in William Baskins Survey, Abstract 148 (Property ID 180816 and 180826) Owner: VAQUERO KIRKSEY STREET PARTNERS LP (PP-19-0103)**

Mr. Collins reported the applicant proposes one lot for the 7-Eleven gas station location. He stated the applicant has addressed all concerns and recommended approval.

Action:

Mrs. Bonney Ramsey moved to approve a request by Matthew Martinez, JPH Land Surveying, for a Preliminary Plat of Chapman Acres Subdivision for 1 lot being 0.973 acres situated in William Baskins Survey, Abstract 148 (Property ID 180816 and 180826) Owner: VAQUERO KIRKSEY STREET PARTNERS LP (PP-19-0103) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

- 9. Public Hearing on a request by Kayla Sterling, SunRun, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 90 Lilly Lane (Property ID 222788) – Owner: ROBERT J BOUDREAU (SU-19-0095)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant proposes a roof top solar panel system. He stated the applicant meets the city requirements and recommended approval. Mr. Collins reported staff received one letter of support and no opposition.

There being no others to speak for or against SU-19-0095, Chairman Keeler closed the Public Hearing.

- 10. Consider recommendation of Zoning Change No. SU-19-0095**

Action:

Vice Chairman Melissa Ballard moved to approve a request by Kayla Sterling, SunRun, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 90 Lilly Lane (Property ID 222788) – Owner: ROBERT J BOUDREAU (SU-19-0095) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

- 11. Public Hearing on a request by Stephen Masker, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 112 Barger Drive (Property ID 172017) – Owner: JUSTIN T WITT (SU-19-0096)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant proposes a roof top solar panel system. He stated the applicant meets the city requirements and recommended approval.

There being no others to speak for or against SU-19-0096, Chairman Keeler closed the Public Hearing.

- 12. Consider recommendation of Zoning Change No. SU-19-0096**

Action:

Mr. David Hudgins moved to approve a request by Stephen Masker, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 112 Barger Drive (Property ID 172017) – Owner: JUSTIN T WITT (SU-19-0096). Vice Chairman Melissa Ballard seconded, All Ayes.

- 13. Public Hearing on a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Drive Through Establishment use within a General Retail zoning district, located at 1905 N Highway 77 (Property ID 262426) – Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (SU-19-0097)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant intends to develop a drive through establishment (bank) noting the applicant is consistent with the city requirements. He stated per the Zoning Ordinance stacking requirements for banks and each teller window or station, shall be provided with a minimum of five (5) stacking spaces. The applicant is only providing four (4) stacking spaces. The applicant requested the following pertaining to landscape buffer:

- One (1) large tree per forty (40) linear foot.
- At Highway 77, waiver of tree requirement due to utility easement within required landscape buffer.
- Triumph Lane, waiver of tree requirement due to future road widening.
- North Town Boulevard, waiver of tree requirement due to required 6 foot wide sidewalk within the buffer.

Mr. Sean Neal, applicant, TGS Architects, 5323 Spring Valley Road, Dallas Texas, stated he will talk to the landscape architect about incorporating some Crape Myrtle trees in the landscape.

There being no others to speak for or against SU-19-0097, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. SU-19-0097

Action:

Mr. Jim Phillips moved to approve a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Drive Through Establishment use within a General Retail zoning district, located at 1905 N Highway 77 (Property ID 262426) – Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (SU-19-0097) subject to staff comments. Mr. Erik Test seconded, All Ayes.

15. Public Hearing on a request by Alec Broadus, Broadus Services LLC, for a Specific Use Permit (SUP) for Communications Antennas and Support Structures/Towers use within an Office zoning district, located at 106 Chambers Circle (Property ID 174573) – Owner: DAWSON J & SHIRLEY STAFFORD REVOCABLE TRUST (SU-19-0099)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant intends to construct a 165 foot monopole tower at 106 Chamber Circle to provide additional capacity and adequate cell coverage for the surrounding area. He stated the applicant intends to screen the tower with a 6 foot PVC fence and shrubs (Red Photinia) and Crape Myrtle trees along the property. Mr. Collins stated staff has concerns with the “fall zone” being the area that protects the monopole from striking surrounding structures if it were to collapse. He stated if approved, the tower will be one of the largest antenna/tower structures within the City of Waxahachie. Staff recommended to deny.

Mr. Alec Broadus, applicant, Broadus Services LLC, 4 Counting Place Circle, Dalworthington Gardens, Texas, stated T-Mobile asked Sabre Towers to construct the tower at 165 feet to cover their capacity area. He noted other carriers such as AT&T, Verizon and Sprint can purchase space on the tower. Mr. Broadus addressed Staff's concern with the height and fall zone noting if the tower were to fall it would collapse from the top and fall down and not out.

Those who spoke against SU-19-0099:

Mr. Randall Grubbs, 100 Chambers Circle and 206 YMCA Drive, Waxahachie

There being no others to speak for or against SU-19-0099, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. SU-19-0099

Action:

After a lengthy discussion, Mr. Erik Test moved to approve a request by Alec Broadus, Broadus Services LLC, for a Specific Use Permit (SUP) for Communications Antennas and Support Structures/Towers use within an Office zoning district, located at 106 Chambers Circle (Property ID 174573) – Owner: DAWSON J & SHIRLEY STAFFORD REVOCABLE TRUST (SU-19-0099). Mr. David Hudgins seconded. The vote was as follows:

*Ayes: Melissa Ballard
Betty Square Coleman
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test*

Noes: Rick Keeler

The motion carried.

17. Public Comments

None

18. Adjourn

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary