

Planning and Zoning Commission
June 11, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, June 11, 2019 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
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 May 14, 2019
- b. Minutes of the Planning and Zoning Commission briefing of May 14, 2019

Action:

Mrs. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.

4. **Consider request by Juan Carlos Flores, Flores Homes INC, for a Preliminary Plat of Clift Estates Phase V for 21 lots, being 7.356 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: JUAN C FLORES (PP-19-0058)**

Senior Planner Colby Collins stated the applicant has met the sub division regulations and recommended approval.

Action:

Mr. David Hudgins moved to approve a request by Juan Carlos Flores, Flores Homes INC, for a Preliminary Plat of Clift Estates Phase V for 21 lots, being 7.356 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: JUAN C FLORES (PP-19-0058). Ms. Betty Square Coleman seconded, All Ayes.

5. **Consider request by Vernon L. Witherspoon, FirstLook, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval of PP-17-0088 Lakeridge II (Property ID 186874) – Owner: FERRIS AVENUE BAPTIST DBA THE AVENUE (PP-19-0064)**

Mr. Collins reported this case was approved in February of 2017 and the applicant had two years to take action once approved. He explained the applicant has not taken action and requested a two year extension. Staff recommended approval.

Action:

Mrs. Bonney Ramsey moved to approve a request by Vernon L. Witherspoon, FirstLook, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval of PP-17-0088 Lakeridge II (Property ID 186874) – Owner: FERRIS AVENUE BAPTIST DBA THE AVENUE (PP-19-0064) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

6. **Consider request by James Bledsoe for a Replat of Lot 9A, Whispering Meadows Addition, to create Lots 9A-1 and 9A-2, Whispering Meadows Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: JAMES BLEDSOE AND NETA BLEDSOE (RP-19-0059)**

Mr. Collins reported the applicant requested the replat of one lot into two lots located in the ETJ. He stated Rockett Special Utility District cannot supply fire flow due to the size of the pipe. Ultimately City Council will need to approve. Other than the fire flow, the Replat meets all subdivision requirements. Staff recommended approval.

Action:

Mr. Jim Phillips moved to approve a request by James Bledsoe for a Replat of Lot 9A, Whispering Meadows Addition, to create Lots 9A-1 and 9A-2, Whispering Meadows Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: JAMES BLEDSOE AND NETA BLEDSOE (RP-19-0059) subject to staff comments. Mr. Erik Test seconded, All Ayes.

7. **Consider request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051)**

Mr. Collins reported the replat was reviewed in May and stated the applicant will need to connect to city utilities before the plat is filed.

Dr. Christopher Gleason, applicant, 104 Meadowwood Lane, Red Oak, Texas, stated the purpose of the replat is for a veterinary clinic. He stated the site provides several aspects to set up a practice of veterinary medicine noting it has an arena and a barn. He asked for relief from tying on to city utilities and requested using the onsite septic system.

Mr. John Bailey, 513 N. Rogers Street, Waxahachie, representing the applicant, stated tying into the city utilities will be very costly for Dr. Gleason. He stated Dr. Gleason will build a state of the art medical facility but the requirement of tying into the city sewer is hindering the project. Mr. Bailey asked the Commission to not make it a condition to tie on to the city utilities when Dr. Gleason has five acres and an approved septic system approved from the State.

City Engineer James Gaertner explained the city's Sub Division Ordinance has requirements of connecting to city water and sewer.

Chairman Keeler stated the Commission does not have the power to override a City Ordinance.

Action:

Mr. Jim Phillips moved to approve a request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051) subject to staff comments. Mr. David Hudgins seconded. The vote was as follows:

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

Noes: Rick Keeler

The motion carried.

- 8. Consider request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055)**

Mr. Collins reported the request is to replat one lot into four lots. He reviewed staff comments noting a water detention pond will be required to handle the increased surface flow for the four lots. Mr. Collins stated staff received one letter of approval and one letter of opposition. Staff recommended approval per staff comments.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, applicant, addressed the drainage issues stating the owner has agreed to a detention pond.

Action:

Mrs. Bonney Ramsey moved to approve a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055) subject to staff comments. Mr. Jim Phillips seconded, All Ayes.

- 9. Consider request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056)**

Mr. Collins reported the request is to replat four lots into two lots. He reviewed staff comments noting a water detention pond will be required to handle the increased surface flow for the two lots. Staff recommended approval.

Action:

Mr. Jim Phillips moved to approve a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

- 10. Public Hearing on a request by Edwin Walker, Standard ECO, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 1565 Reserve Road (Property ID 265966) – Owner: LOUIE C RODRIGUEZ (SU-19-0060)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the request does meet the City Ordinance requirements. He stated the applicant installed the roof top panels prior to approval. Mr. Collins stated staff received one letter of opposition. Staff recommended approval.

There being no others to speak for or against SU-19-0060, Chairman Keeler closed the Public Hearing.

- 11. Consider recommendation of Zoning Change No. SU-19-0060**

Action:

Mr. Jim Phillips moved to approve a request by Edwin Walker, Standard ECO, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 1565 Reserve Road (Property ID 265966) – Owner: LOUIE C RODRIGUEZ (SU-19-0060) subject to staff comments. Mrs. Bonney Ramsey seconded. The vote was as follows:

*Ayes: Rick Keeler
Betty Square Coleman
Bonney Ramsey
Jim Phillips
David Hudgins*

Noes: Erik Test

The motion carried.

- 12. Public Hearing on a request by Ben Martinez, Kosmos Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 129 Liberty Way (Property ID 242010) – Owner: ROBERT & JANET LESIKAR (SU-19-0065)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the request does meet the City Ordinance requirements and recommended approval.

There being no others to speak for or against SU-19-0065, Chairman Keeler closed the Public Hearing.

- 13. Consider recommendation of Zoning Change No. SU-19-0065**

Action:

Mr. David Hudgins moved to approve a request by Ben Martinez, Kosmos Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family Residential-2 zoning district, located at 129 Liberty Way (Property ID 242010) – Owner: ROBERT & JANET LESIKAR (SU-19-0065). Mr. Erik Test seconded, All Ayes.

- 14. Consider a request by Blain Vinson, Aspen Community Development, for a Site Plan Review of The Cottages on Cantrell located East of 865 Cantrell Street (Property ID 244351) - Owner: SAP PROPERTIES LLC (SP-19-0076)**

Mr. Collins reported the preliminary plat was approved and how applicant is submitting the site plan for approval. He reviewed the style of cottages representing square footage and the landscape plan. Staff recommended approval per staff comments.

Mr. Blain Vinson, Aspen Community Development, 2801 N. Highway 77, Waxahachie, presented the color pallets to be used in the development at the request of Mrs. Bonney Ramsey.

Mr. Jim Phillips stated it is a great concept with the cottages and carriage houses. He asked if there is any guarantee that there will not be overnight guest staying in the carriage houses. Mr. Vinson stated he will add no overnight stays in the carriage houses to the Homeowners Association regulations.

Action:

Mr. Jim Phillips moved to approve a request by Blain Vinson, Aspen Community Development, for a Site Plan Review of The Cottages on Cantrell located East of 865 Cantrell Street (Property ID 244351) - Owner: SAP PROPERTIES LLC (SP-19-0076). Mrs. Bonney Ramsey seconded, All Ayes.

- 15. Public Hearing on a request by Chris Acker, Southfork Capital LLC, for a Zoning Change from a Commercial zoning district to Planned Development-Single-Family Residential-3, with Detailed Site Plan, located at 500 Dunaway (Property ID 172322) - Owner: SOUTHFORK CAPITAL LLC (PD-19-0062)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the request is for seven individual lots to be located on one acre. The development will feature gated access to all units, wrought iron fencing, large front porches and exterior vintage style lighting. He stated the proposed minimum lot sizes are smaller than the city requirement and explained the property is in the infill overlay district and will be consistent with the surrounding character of the neighborhood district. Mr. Collins stated shared access easements smaller than 28 feet shall not allow for on-street parking. Staff recommended approval per staff comments.

Mr. Chris Aker, 5100 Honeysuckle Road, Waxahachie, stated he is in compliance with staff comments.

Chairman Keeler asked that the sidewalks do not connect to the curb. Mr. Aker concurred.

There being no others to speak for or against PD-19-0062, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. PD-19-0062

Action:

Mrs. Bonney Ramsey moved to approve a request by Chris Aker, Southfork Capital LLC, for a Zoning Change from a Commercial zoning district to Planned Development-Single-Family Residential-3, with Detailed Site Plan, located at 500 Dunaway (Property ID 172322) - Owner: SOUTHFORK CAPITAL LLC (PD-19-0062) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

17. Consider request by Chris Aker, Southfork Capital LLC, for a Replat of Lot 1B, Block 1, Bullards Addition, to create Lots 1-8, Block A, Payton's Place Addition, 1.031 acres (Property ID 172322) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0063)

Mr. Collins stated the replat accompanies PD-19-0062 and recommended approval.

Action:

Ms. Betty Square Coleman moved to approve a request by Chris Aker, Southfork Capital LLC, for a Replat of Lot 1B, Block 1, Bullards Addition, to create Lots 1-8, Block A, Payton's Place Addition, 1.031 acres (Property ID 172322) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0063). Mr. David Hudgins seconded, All Ayes.

18. Public Hearing on a request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported at the City Council meeting of May 20, 2019, Council charged the applicant to provide a landscape plan from a certified landscape architect, return to city staff to allow them adequate time to review and present to the Planning and Zoning Commission. He presented a plan provided by the applicant that staff received one day prior to the Commission meeting noting it is not from a landscape architect. Mr. Collins stated the applicant is continuing to operate their business without requirements depicted by the city. Staff recommended denial.

Mr. Kevin Cribley, 22423 Fossil Ridge, San Antonio, presented a power point noting his portion of the property is two acres. He stated the outside storage is decorative river rock. Mr. Cribley stated the walls facing IH35 will be six feet tall and gravel will not be seen from the Interstate. He noted the two acres is located 550 feet from the front of the overall property. Mr. Cribley stated, at one time, the landlord put the existing trees along the Interstate to provide screening. He proposed a rendering of 30 gallon crape myrtle trees to install between the existing trees noting it will be adequate screening.

Mr. Kim Wiens, 3800 Steeplechase Court, Midlothian, stated he is the broker that sold the property for the best possible use of the property and explained the applicant does not entail the entire property and they will not be able to expand. He stated he wants to be consistent of what the city wishes are and noted full irrigation and mulching will be provided when the crape myrtle trees are installed.

There being no others to speak for or against SU-19-0048, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. SU-19-0048

Action:

*Mr. David Hudgins moved to approve a request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048). **The motion died due to lack of second.***

Action:

Mr. Jim Phillips moved to deny a request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048). 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.

20. Public Hearing on a request by Maxwell Fisher, AICP, Masterplan, for a Zoning Change from a Future Development zoning district to Planned Development-Commercial, with Detailed Site Plan, located at 3502 N Highway 77 (Property ID 193323, 209693, and 151344) - Owner: LOCKWOOD PROPERTIES LLC (PD-19-0057)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the site contains two developable parcels, with Lot 1 developed with a warehouse building, along with an enclosed exterior storage area on Lot 2. Lot 2 is reserved for potential development. He reviewed staff comments noting the existing plan shows proposed outside storage located near septic devices and spray fields and explained staff informed applicant that no outside storage should be located on any septic devices. Mr. Collins stated the applicant is aware that if sewer connection is not available, they may have to combine the two lots and share the septic system. He recommended approval per staff comments.

Chairman Keeler asked how much of the storage yard will be screened. Mr. Collins stated the entire outside on Lot 1 will have a six foot screening wood fence.

Mr. Maxwell Fisher, AICP, Masterplan, 900 Jackson Street, Dallas, representing the applicant, stated the PD matches the uses in the area. He stated the applicant has cleaned up the property and repainted the building. Mr. Fisher stated Stiller Roofing based in Waxahachie will operate their business out of the existing building. He stated the roofing company is a fire fighter owned company.

There being no others to speak for or against PD-19-0057, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. PD-19-0057

Action:

Mr. David Hudgins moved to approve a request by Maxwell Fisher, AICP, Masterplan, for a Zoning Change from a Future Development zoning district to Planned Development-Commercial, with Detailed Site Plan, located at 3502 N Highway 77 (Property ID 193323, 209693, and 151344) - Owner: LOCKWOOD PROPERTIES LLC (PD-19-0057). Mrs. Bonney Ramsey seconded, All Ayes.

22. Public Hearing on a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant, Daniels Den, requested the zoning change to allow a transitional housing facility located at 512 North College Street. He stated the first floor is proposed for a retail shop and second floor used for transitional housing. Mr. Collins stated the total capacity per building standards is ten. He stated the city received opposition from neighbors noting it is inconsistent of the use in surrounding areas. Staff requested denial.

Ms. Joy Ranton, 507 West Jefferson, requested to continue PD-19-0066 to the next Commission meeting noting the owner is out of town and would like the time to gather more information.

23. Consider recommendation of Zoning Change No. PD-19-0066

Action:

Mr. David Hudgins moved to continue a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066) to the Planning and Zoning Commission meeting of June 25, 2019. Ms. Betty Square Coleman seconded, All Ayes.

24. Public Comments

Ms. Lori DeVries, 400 Hoyt Road, Waxahachie, spoke in opposition of RP-19-0055 noting concern of additional traffic, flooding, and theft. She stated she does not want to look out of her residence and see a business park.

Ms. Linda Padilla, 513 N. College, Waxahachie, expressed concern after hearing staff's comments to deny PD-19-0066, asked why it wasn't denied.

Mr. Marvin DeVries, 400 Hoyt Road, Waxahachie, spoke in opposition of RP-19-0055 noting concern of water runoff with a future proposed building.

25. Adjourn

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary