

Planning and Zoning Commission
December 17, 2019

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, December 17, 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
Chris Webb, Planner
Macey Martinez, Graduate Engineer
Amber Villarreal, Acting 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. Harry Brennen, 107 High School Drive, Waxahachie, spoke in opposition of the proposed Blue Bonnet Trails apartments due to fire safety and parking concerns.

Ms. Judith Schuster, 105 Comanche Court, Waxahachie, spoke in opposition of the proposed Blue Bonnet Trails apartments due to safety, security, parking and traffic concerns. She thanked the city for the current street rehabilitation.

Ms. Georgie Ann Bryant, 100 Indian Court, Waxahachie, spoke in opposition of the proposed Blue Bonnet Trails apartments due to parking and safety concerns.

Ms. Regina Bonner, 105 High School Drive, Waxahachie, thanked the city for the street rehabilitations in the Colonial Acres subdivision. She spoke in opposition of the proposed Blue Bonnet Trails apartments and expressed concerns regarding the proposed 49 unit apartment complex going in at the southwest corner of Northgate Drive at Stadium Drive. She reviewed the concerns of the neighboring subdivision in regards to traffic, safety, parking, crowding, drainage, and increased crime.

Mr. Micah Green, 101 High School Drive, Waxahachie, spoke in opposition of the proposed Blue Bonnet Trails apartments due to traffic impact concerns and lack of necessary infrastructure.

4. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of December 10, 2019
- b. Minutes of the Planning and Zoning Commission briefing of December 10, 2019

Action:

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

5. Continue Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue SU-19-0133 to the January 14, 2020 Planning & Zoning Commission.

6. Consider recommendation of Zoning Change No. SU-19-0133

Action:

Mr. David Hudgins moved to continue the Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133) to the January 14, 2020 Planning & Zoning Commission meeting. Mr. Erik Test seconded, All Ayes.

7. Consider request by Mark Thedford, Akamai Designs, for a Plat of Creekwood Townhomes for 9 residential lots and 3 common areas being 2.257 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 182093) - Owner: Akamai Designs Inc. (PL-19-0142)

Planner Chris Webb presented PL-19-0142 noting the applicant is requesting to subdivide an existing lot into nine residential lots and three common areas for an approved townhome development. Staff recommended approval as presented.

Mr. Jim Phillips noted the 18 foot access easement instead of the city requested 24 foot easement on the plat.

Chairman Keeler asked if the curb will be curved so people can see traffic coming and Mr. Mark Thedford noted yes.

Action:

Mr. David Hudgins moved to approve a request by Mark Thedford, Akamai Designs, for a Plat of Creekwood Townhomes for 9 residential lots and 3 common areas being 2.257 acres situated in the S.M. Durrett Survey, Abstract 272 (Property ID 182093) - Owner: Akamai Designs Inc. (PL-19-0142). Ms. Betty Square Coleman seconded, All Ayes.

8. **Continue Public Hearing on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135)**

Chairman Keeler announced PD-19-0135 is no longer a request due to the owner complying with the original 1985 Planned Development zoning.

9. **Consider recommendation of Zoning Change No. PD-19-0135**

No action taken

10. **Consider request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176)**

Senior Planner Colby Collins presented SP-19-0176 noting the detailed site plan is a request to create a 49 unit multi-family residential development within an existing Planned Development zoning district. He noted the plan meets all city requirements therefore, staff recommended approval as presented. Mr. Collins reviewed the neighborhood concerns of traffic, safety, parking, crowding, drainage, and increased crime.

Mr. Phillips inquired about how maximum units are determined and Mr. Collins noted lot size is the determining factor. He also asked if there are plans to widen the roads in that area and Director of Public Works and Engineering James Gaertner noted there are currently no plans to increase infrastructure capacity.

Chairman Keeler confirmed that a Traffic Impact Analysis is required with a development that has 1,000 trips a day. Mr. Gaertner noted the proposed development is anticipated to generate 325 trips per day. He explained if the development were to be Office, the anticipated trips would be 780 and if it were to be Retail, then it would be 1,300 trips per day.

Mr. David Hudgins inquired about the access easement to 287 from Northgate and Mr. Gaertner noted there are currently no plans to extend at this time. He also noted TxDOT may not allow for that access due to the close proximity of the entrance and exit ramps currently in place.

Mr. Brian Shaw, 3114 Drexel Drive, Dallas, explained he could possibly add 5 to 10 more parking spaces and is willing to work with staff on a Development Agreement in regards to fencing and masonry on the building façade to make the project work for everyone.

Chairman Keeler recognized the valid concerns from the property owners of Colonial Acres. He explained the applicant is complying with the existing Multi Family Planned Development zoning established in 1985 and the Commission's role is to make sure they are following the ordinances and laws of the city.

Action:

Mr. Jim Phillips moved to approve a request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176) with approval of Development Agreement to adjust aesthetics and fencing. Ms. Betty Square Coleman seconded, All Ayes.

11. Public Hearing on a request by Ronald E. Bunch, Attorney, for a Zoning Change from a Commercial zoning district to a Central Area zoning district located at 106 Monroe (Property ID 170381) - Owner: Getzendaner & Reed (ZC-19-0156)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented ZC-19-0156 noting the applicant is requesting a zoning change from Commercial to Central Area to no longer have the parking requirement at the site and staff recommended approval as presented. The current property consists of retail/office space and a beauty shop with plans to add an antique shop.

There being no others to speak for or against ZC-19-0156, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZC-19-0156

Action:

Ms. Bonney Ramsey moved to approve a request by Ronald E. Bunch, Attorney, for a Zoning Change from a Commercial zoning district to a Central Area zoning district located at 106 Monroe (Property ID 170381) - Owner: Getzendaner & Reed (ZC-19-0156) subject to Staff Comments. Mr. Erik Test seconded, All Ayes.

13. Continue Public Hearing on a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147)

Chairman Keeler continued the Public Hearing.

Mr. Collins presented PD-19-0147 noting the applicant is requesting to create a Planned Development to construct five single family homes on infill lots.

Mr. Dalton Bradbury explained there is an updated site plan showing rear detached garages.

There being no others to speak for or against PD-19-0147, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. PD-19-0147

Action:

Mr. Jim Phillips moved to approve a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147) pending updated site plan showing rear detached garages. Ms. Betty Square Colement seconded, All Ayes.

15. 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-19-0155)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented SU-19-0155 noting the applicant is requesting approval of a Specific Use Permit to allow the use of outside storage. Mr. Collins reviewed the case history noting the applicant's previous request was denied by the Commission. Code Enforcement has issued eight citations to the applicant due to operating without approval of a Specific Use Permit and Certificate of Occupancy. Staff's opinion is that the outside storage of aggregate product is not the highest and best use of this property and staff recommends denial.

Mr. Kevin Cribley, 12019 Nacodoches Road, San Antonio, apologized for not understanding the Specific Use Permit process.

Ms. Paris Thomas, 12019 Nacodoches Road, San Antonio, acknowledged mistakes have been made but not maliciously. She explained the company is working to come into compliance but it takes time to move the product on the site. She explained the landscape plan and site plan have been updated to meet city standards and is not understanding staff's recommendation of denial. She noted other uses would require water and sewer updates that would be costly to the city.

Assistant City Manager Tommy Ludwig explained staff's recommendation is based on this not being the best and highest use for the site and noted water and sewer infrastructure would be developer driven.

Chairman Keeler noted he agreed with the denial of the previous requests.

Mr. Phillips explained the Commission's responsibility is to enforce the zoning ordinance.

Mr. Herman Moody, 633 Blair Road, Waxahachie, explained there are no buildings on his property and spoke in support of this clean aggregate product to be stored on site. He noted sprinklers are in the ground and the landscaping will be done in accordance with the proposed landscape plan.

Mr. Hudgins noted he sees very few other uses for this site due to the rail spur and supported this request.

Ms. Coleman voiced her support for the applicant working towards compliance with city regulations.

Mr. Scott Cribley, 12019 Nacodoches Road, San Antonio, stated the outstanding citations will be taken care of and apologized for not knowing the Specific Use Permit process in the City of Waxahachie.

There being no others to speak for or against SU-19-0155, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. SU-19-0155

Action:

*Mr. David Hudgins moved to approve 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-19-0155) with the conditions of the landscaping and fencing to be in place as shown on the plans presented, before Specific Use Permit is issued and limiting the area of storage to the white area on the landscape plan as presented. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Betty Square Coleman, Bonney Ramsey, and David Hudgins. Noes: Rick Keeler, Jim Phillips, and Erik Test. **The motion failed.***

17. Public Hearing on a request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Zoning Change from a Planned Development-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 108 Broadhead Road (Property ID 245022) - Owner: Crepe Myrtle Enterprises LLC (PD-19-0159)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented PD-19-0159 noting the applicant is requesting to revise the existing Planned Development to construct an approximately 20,000 square foot addition to an existing 485,000 square foot movie theater. The addition includes an Arcade, which requires a Specific Use Permit in this zoning district. He noted staff recommended approval as presented.

There being no others to speak for or against PD-19-0159, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of Zoning Change No. PD-19-0159

Action:

*Mr. Jim Phillips moved to approve a request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Zoning Change from a Planned Development-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 108 Broadhead Road (Property ID 245022) - Owner: Crepe Myrtle Enterprises LLC (PD-19-0159). Mr. David Hudgins seconded, **All Ayes.***

19. Consider request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Replat of Lot 1R, Block A, Showbiz Cinemas Addition to relocate easements, 11.1414 acres (Property ID 245022) – Owner: Crepe Myrtle Enterprises LLC (RP-19-0160)

Mr. Webb presented RP-19-0160 noting the replat is to adjust utility and Right-of-Way easements as well as move a fire lane so a new addition can be added onto the current theater.

Action:

Mr. Jim Phillips moved to approve a request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Replat of Lot 1R, Block A, Showbiz Cinemas Addition to relocate easements, 11.1414 acres (Property ID 245022) – Owner: Crepe Myrtle Enterprises LLC (RP-19-0160). Mr. Erik Test seconded, All Ayes.

20. Adjourn

There being no further business, the meeting adjourned at 9:08 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary