

Planning and Zoning Commission  
January 14, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, January 14, 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  
David Hudgins  
Erik Test

Member Absent: Jim Phillips

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
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**

Ms. Jennifer Chelwick, 2222 Abela Drive, Waxahachie, HOA President of Arbors at Willow Grove, expressed concern with proposed Plat (PL-19-0154) being the Arbors Two for 125 residential lots. She stated there is only one ingress and egress on the property and with the additional construction of houses, it will be more difficult getting onto Highway 77. She requested additional access roads with Plat approval.

Mr. Marty Hiles, 105 Holly Street, Waxahachie, stated the access in and out of the Arbors at Willow Grove is a safety concern. He stated four years ago they were told that there would be an access road from Lillian Street to North Grove Road and explained to date there are no additional roads in and out of the Arbors at Willow Grove. Mr. Hiles stated additional roads must accompany the Arbors Two proposal.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, referenced the political signage and expressed concern with rights to property owners pertaining to permitting for political signage. She stated each sign is an expression of speech.

**4. Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of December 17, 2019
- b. Minutes of the Planning and Zoning Commission briefing of December 17, 2019

**Action:**

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

5. **Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue PD-19-0175 to the January 28, 2020 Planning & Zoning Commission meeting.

6. **Consider recommendation of Zoning Change No. PD-19-0175**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175) to the January 28, 2020 Planning & Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.*

7. **Consider request by George Salvador, Lillian Custom Homes, for a Plat of The Arbors Two for 125 residential lots and 2 park lots being 41.709 acres situated in the H Sange Survey, Abstract 1009 and the J Starrett Survey, Abstract 1024 (Property ID 267116) - Owner: Arbors WG Development LLC (PL-19-0154)**

Mr. Chris Webb, Planner, reported the Plat is an extension of the Arbors Development. He stated the Plat has met all Subdivision requirements and recommended approval.

Assistant City Manager Tommy Ludwig addressed the traffic issue at the Arbors at Willow Grove noting City Staff received notification from TxDOT today that there will be a light at their intersection and will be constructed this summer. He stated, in terms of North Grove to Arbor at Willow Grove, the city is working actively on a temporary access.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by George Salvador, Lillian Custom Homes, for a Plat of The Arbors Two for 125 residential lots and 2 park lots being 41.709 acres situated in the H Sange Survey, Abstract 1009 and the J Starrett Survey, Abstract 1024 (Property ID 267116) - Owner: Arbors WG Development LLC (PL-19-0154) subject to staff comments. Mrs. Bonney Ramsey seconded, All Ayes.*

8. **Consider request by Grayson Ceballos, Windrose Land Surveying, for a Plat of Steadham Addition for 2 lots being 21.333 acres situated in the J. Liles Survey,**

**Abstract 660 (Property ID 263967) in the Extra Territorial Jurisdiction - Owner: Steven C & April R Steadham (PL-19-0145)**

Mr. Webb reported the applicant seeks to establish two (2) platted lots for single-family use. He stated there is adequate water and fire flow established for this property and recommended approval.

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Grayson Ceballos, Windrose Land Surveying, for a Plat of Steadham Addition for 2 lots being 21.333 acres situated in the J. Liles Survey, Abstract 660 (Property ID 263967) in the Extra Territorial Jurisdiction - Owner: Steven C & April R Steadham (PL-19-0145) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

**9. Public Hearing on a request by Dalton Bradbury, Southfork Capital, for a Replat of Block 23 of Town Addition to create Lots 1-6, Block A, Bradbury Addition, 2.445 acres (Property ID 193492) – Owner: Southfork Capital LLC (RP-19-0148)**

Chairman Keeler opened the Public Hearing.

Mr. Webb reported the applicant is replatting the property to allow for five (5) single-family lots. Staff recommended approval.

There being no others to speak for or against RP-19-0148, Chairman Keeler closed the Public Hearing.

**10. Consider approval of RP-19-0148**

**Action:**

*Mr. David Hudgins moved to approve a request by Dalton Bradbury, Southfork Capital, for a Replat of Block 23 of Town Addition to create Lots 1-6, Block A, Bradbury Addition, 2.445 acres (Property ID 193492) – Owner: Southfork Capital LLC (RP-19-0148). Mr. Erik Test seconded, All Ayes.*

**11. Public Hearing on a request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164)**

Chairman Keeler opened the Public Hearing.

Mr. Webb reported the applicant seeks to install rooftop solar panels on a single-family residence. He recommended approval noting it meets the zoning requirements. Staff received one letter of support.

There being no others to speak for or against SU-19-0164, Chairman Keeler closed the Public Hearing.

**12. Consider recommendation of Zoning Change No. SU-19-0164**

**Action:**

*Mr. David Hudgins moved to approve a request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164). Vice Chairman Melissa Ballard seconded, All Ayes.*

**13. Public Hearing on a request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)**

Chairman Keeler opened the Public Hearing.

Mr. Webb reported the applicant seeks to install rooftop solar panels on a single-family residence. He recommended approval noting it meets the zoning requirements. Staff received three letters of support.

There being no others to speak for or against SU-19-0165, Chairman Keeler closed the Public Hearing.

**14. Consider recommendation of Zoning Change No. SU-19-0165**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165) subject to staff comments. Mrs. Bonney Ramsey seconded, All Ayes.*

**15. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1, with Concept Plan, located at 110 Lucas Street (Property ID 195216) - Owner: Crux Jefferson LLC (PD-19-0172)**

Chairman Keeler opened the Public Hearing.

Mr. Colby Collins, Senior Planner reported the Applicant ordered the buildings at 80 feet and they came in at 93 feet 3 inches, which does not meet the setback requirements. Mr. Shon Brooks, Director of Planning, explained the erected buildings require an alternate drainage plan. He recommended approval based on an approved alternate drainage plan.

Mr. Chris Acker, 4100 Honeysuckle Road, Midlothian, applicant was available for questions. Chairman Keeler asked if he could put additional live landscaping to the back of the buildings and Mr. Acker agreed. Chairman Keeler asked if the owner of the surgery center is also the owner of the storage units and Mr. Acker stated the doctor owns both.

There being no others to speak for or against PD-19-0172, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. PD-19-0172**

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1, with Concept Plan, located at 110 Lucas Street (Property ID 195216) - Owner: Crux Jefferson LLC (PD-19-0172) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

**17. Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the Commission approved the initial case at their meeting of November 12, 2019 and City Council denied the proposed development at their meeting of November 18, 2019. He stated the Applicant currently proposes the following:

- A minimum of 90% masonry
- 168 detached garages
- An 8-foot masonry fence is required adjacent to the single-family River Oaks subdivision  
A 6-foot decorative ornamental fence is required along the remainder of the property (front, sides, and rear)
- Connectivity to the adjacent hike/bike trail at Brown Singleton Trail  
Applicant request the roof pitch along the sides be 5:12 pitch instead of the required 7:12 pitch. Staff recommended enforcing the 7:12 pitch on all sides.

Mr. Collins stated a Developers Agreement is required and reported nine (9) letters of oppositions were received. Staff recommended approval per proposal

Mr. Collins stated staff received nine (9) letters in opposition. Staff recommended approval subject to all staff comments.

Mr. Stuart Shaw, applicant, Austin Texas, stated they will extend the road and developers coming in behind them will develop their portion of the road. He explained the frontage area is retail and the multi-family will be to the back. He agreed to comply with the 7:12 roof pitch on all sides and the 8-foot fence. He stated Cypress Creek Waxahachie LP will add additional buffer noting they always exceed the landscaping requirements.

Those who spoke against PD-19-0174:

Mr. Ronald Thedford, 317 Myrtle, Waxahachie

There being no others to speak for or against PD-19-0174, Chairman Keeler closed the Public Hearing.

**18. Consider recommendation of Zoning Change No. PD-19-0174**

**Action:**

*Mr. Erik Test moved to deny a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174).*

*The motion died due to a lack of second.*

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174), subject to staff comments and requiring a 7:12 roof pitch on all sides of building. Ms. Betty Square Coleman seconded. The vote was as follows:*

*Ayes: Rick Keeler  
Melissa Ballard  
Betty Square Coleman  
Bonney Ramsey  
David Hudgins*

*Noes: Erik Test*

*The motion carried.*

**19. 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.

Mr. Collins reported the applicant request to construct a Caliber Collision (Auto Body Repair & Paint Shop) within the North Grove Business Park development. Staff believes the request has the potential to create a considerable change to the character of the surrounding area and recommended denial.

Mr. James Pool, applicant, Cross Development, 4336 March Ridge Road, Carrollton, stated he had several meetings with staff and made changes accordingly. He stated the building has service only on the south side where there are no other neighbors. They swapped out with masonry and added

additional landscaping. Mr. Pool stated this is a good addition to the community and will serve the citizens.

Chairman Keeler asked if they paint and the applicant stated they do paint.

Those who spoke against SU-19-0133:

Ms. Rhonda Anderson, 212 Katy Lake Drive, Waxahachie

Mr. Ryan Anderson, 200 Southern Avenue, Avalon

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, representing the applicant stated Caliber would be a large investment for this area.

There being no others to speak for or against SU-19-0133, Chairman Keeler closed the Public Hearing.

## **20. Consider recommendation of Zoning Change No. SU-19-0133**

### **Action:**

*Vice Chairman Melissa Ballard moved to deny 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) subject to Staff Comments and. Ms. Betty Square Coleman seconded, All Ayes.*

## **21. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to Article V Development Standards, Section 5.01 Exterior Construction Requirements, and to Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses (TA-19-0177)**

Chairman Keeler opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reviewed proposed text amendments for Article IV and V of the City of Waxahachie Zoning Ordinance. He reviewed the following:

- Roof top solar panels request will not require approval from the Commission and City Council and will be approved at Staff level.
- Increasing the masonry coverage to 90%.
- Metal shipping containers may not function as the structure of a residence.
- Accessory structures are limited to two (2) per single-family residential structures.
- Regulations pertaining to boat dock accessory structures.

Mr. Brooks stated Section 9 of Article V, Development Standards, Section 5.08 Sign Regulations will not be part of the proposed changes and explained the city attorney drafted regulations conflicting with state guidelines and the city attorney will need to re-evaluate proposed amendments.

There being no others to speak for or against TA-19-0177, Chairman Keeler closed the Public Hearing.

**22. Consider recommendation of Zoning Change No. TA-19-0177**

**Action:**

*Ms. Betty Square Coleman moved to approve a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to Article V Development Standards, Section 5.01 Exterior Construction Requirements, and to Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses (TA-19-0177) deleting Section 9 of Article V, Development Standards, Section 5.08 Sign Regulation . Mr. David Hudgins seconded, **All Ayes.***

**23. Adjourn**

There being no further business, the meeting adjourned at 8:09 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary