

Planning and Zoning Commission
September 29, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 29, 2020 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**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of September 15, 2020

Action:

Mrs. Bonney Ramsey moved to approve item a. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.

5. **Consider request by George Salvador, Lillian Custom Homes, for a Plat of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner: GEORGE SALVADOR, LILLIAN CUSTOM HOMES (SUB-121-2020)**

Planner Chris Webb reported all staff comments have been met and recommended approval.

Action:

Mr. David Hudgins moved to approve a request by George Salvador, Lillian Custom Homes, for a Plat of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari

Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner: GEORGE SALVADOR, LILLIAN CUSTOM HOMES (SUB-121-2020). Mrs. Betty Square Coleman seconded, All Ayes.

- 6. Consider request by Joshua Schulik, Peloton Land Solutions, for a Plat of Mark on Conquest Phase II for one lot being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: DWBI INVESTMENTS LLC (SUB-120-2020)**

Mr. Webb reported all staff comments were met and recommended approval.

Action:

Mr. Jim Phillips moved to approve a request by Joshua Schulik, Peloton Land Solutions, for a Plat of Mark on Conquest Phase II for one lot being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: DWBI INVESTMENTS LLC (SUB-120-2020). Mr. Erik Test seconded, All Ayes.

- 7. Public Hearing on a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr. (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins explained per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council. Staff recommended approval.

Applicant Jenny Wooten was available for questions.

There being no others to speak for or against ZDC-118-2020, Chairman Keeler closed the Public Hearing.

- 8. Consider recommendation of Zoning Change No. ZDC-118-2020**

Action:

Mrs. Bonney Ramsey moved to approve a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr. (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020) subject to staff comments. Mr. Erik Test seconded, All Ayes.

- 9. Public Hearing on a request by Ian Deffebach for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the structure cannot be used as a dwelling and applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure. Staff recommended approval.

Mr. Ian Deffebach, applicant, concurred with Mr. Collins that the structure will not be used as a dwelling.

There being no others to speak for or against ZDC-122-2020, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZDC-122-2020

Action:

Mr. David Hudgins moved to approve a request by Ian Deffebach 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-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020). Mrs. Betty Square Coleman seconded, All Ayes.

11. Public Hearing on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported during a recent health inspection, the city noticed the applicant did not have the required Planned Development approval to operate at no fault of the owner/applicant. The applicant has been in operation for over 20 years and is licensed and regulated by the Texas Department of Family and Protective Services. Mr. Collins stated the zoning change will bring the use in compliance with the city zoning requirements.

There being no others to speak for or against ZDC-114-2020, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-114-2020

Action:

Mrs. Bonney Ramsey moved to approve a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020) as presented. Mrs. Betty Square Coleman seconded, All Ayes.

13. Public Hearing on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported during a health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home at no fault of the owner/applicant. Mr. Collins stated the zoning change will bring the use in compliance with the city zoning requirements.

There being no others to speak for or against ZDC-109-2020, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZDC-109-2020

Action:

Mr. David Hudgins moved to approve a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020). Mrs. Betty Square Coleman seconded, All Ayes.

15. Public Hearing on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is requesting to amend Ordinance No. 3061 to allow the addition of townhomes within the proposed residential development. Staff expressed concern regarding the location and aesthetic of the proposed townhomes and did not believe the proposed development is the best layout for the subject property.

Mr. Todd Wintters, applicant, Engineering Concept & Design, reviewed the proposed use. Staff concerns were the townhome design and the location of townhomes due to it being near the adjacent lake and suggested the applicant reevaluate the location of the proposed townhomes.

Mr. Chip Boyd, Engineer on the proposed development, 421 Century Way, Red Oak, Texas, spoke in favor of ZDC-119-2020.

There being no others to speak for or against ZDC-119-2020, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-119-2020

Action:

Mr. Jim Phillips moved to deny a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020). Mrs. Bonney Ramsey seconded, All Ayes.

17. Public Hearing on a request by John Kennedy, 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 (ZDC-117-2020)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant intends to create a Planned Development on 42.94 acres. The proposed use within the development will include townhomes, retail, commercial, and office. Staff believes the proposed development will be beneficial to the uses surrounding the subject property. Staff suggested the applicant revise the design of the proposed townhomes with additional facades or building elevations.

Mr. Muhammad Sherros, applicant, 3412 Ovilla Road, Ovilla, Texas, reported their plan is to put in the correct zoning to make it a master plan community and reviewed the design of the master plan community.

Mr. Collins stated, per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.

Mr. Chip Boyd, Engineer on the proposed development, 421 Century Way, Red Oak, Texas, spoke in favor of ZDC-117-2020.

18. Consider recommendation of Zoning Change No. ZDC-117-2020

Action:

Mr. Jim Phillips moved to continue a request by John Kennedy, 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 (ZDC-117-2020) to the Planning and Zoning meeting of October 13, 2020. Mrs. Betty Square Coleman seconded, All Ayes.

19. Adjourn

There being no further business, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary