

Planning & Zoning Commission
September 12, 2017

The Waxahachie Planning & Zoning Commission (P&Z) held a regular meeting on Tuesday, September 12, 2017 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Jim Cooper, Chairman
Rick Keeler
Bonney Ramsey
Melissa Ballard
Jim Phillips
Erik Barnard

Members Absent: Betty Jefferson, Vice Chairman

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Lori Saunders, City Secretary
David Hill, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Jim Cooper called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 22, 2017
- b. Request by Colin Kiser for a **Final Plat** of Lot 1 and Lot 2, Colin Kiser Addition being a 7.013 acre tract of land out of the David Mitchell Survey, Abstract No. 703 in the Extra Territorial Jurisdiction (ETJ) – Owner: COLIN L KISER (FP-17-0098)
- c. Request by Brad Yates, Loren Gray Investments, LLC, for a **Replat** of Lot 1, Block 216 of Town Addition to create Lots 1R-A and 1R-B, Block 216, Town Addition, 1.493 acres – Owner: DONALD SHANE & CHACE LYN SIMMONS (RP-17-0109)
- d. Request by Danny Brandt for a **Development Plat** of a 10.534 acre tract of land in the Elizabeth Rice Survey, Abstract No. 927 to create Lot 1, Block A, Brandt Place – 10.534 acres – Owner: DANNY LEE BRANDT & ANGELA CELLARS BRANDT (DP-17-0110)

Chairman Cooper announced items c. and d. will be removed and considered separately.

Action:

Mr. Rick Keeler moved to approve items a. and b. on the Consent Agenda. Ms. Melissa Ballard seconded, All Ayes

4. **Public Hearing on a request by Frank Reichard, MedExpress, for a Specific Use Permit (SUP) to allow Medical Facility use within a Planned Development-36-Commercial and Planned Development-2-General Retail (PD-36-C and PD-2-GR) zoning district, located 1305 N Highway 77, being 851 R PARKS (Property ID 217629) 0.757 ACRES – Owner: MY ENTERPRISE INC (SU-17-0089)**

Chairman Cooper opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to open a business, Med Express, in the former Pizza Inn location. Med Express is an urgent care, which falls under the City's definitions as a dental, medical, or chiropractic clinic. Per Ordinance No. 2919, a dental, medical, or chiropractic clinic is permitted within Commercial and General Retail zoning districts with a Specific Use Permit.

Mr. Robert Garza, representing applicant, announced he is available for questions.

There being no others to speak for or against SU-17-0089, Chairman Cooper closed the Public Hearing.

5. **Consider recommendation of Zoning Change No. SU-17-0089**

Action:

After a brief discussion, Ms. Melissa Ballard moved to approve a request by Frank Reichard, Med Express, for a Specific Use Permit (SUP) to allow Medical Facility use within a Planned Development-36-Commercial and Planned Development-2-General Retail (PD-36-C and PD-2-GR) zoning district, located 1305 N Highway 77, being 851 R PARKS (Property ID 217629) 0.757 ACRES – Owner: MY ENTERPRISE INC (SU-17-0089). Mr. Erik Barnard seconded, All Ayes.

6. **Continue Public Hearing on a request by Hani Al-Wahban Texas Tires, for a Specific Use Permit (SUP) to allow Tire Installation and Repair with Outside Storage use within a General Retail (GR) zoning district, located at 110 N Highway 77, being 50A FERRIS 2ND 0.332 ACRES – Owner: JANNAHS REAL ESTATE LLC, MUSTAFA AL-WAHBAN, AND OMAR AL-WAHBAN (SU-17-0097)**

Chairman Cooper opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks a Specific Use Permit to display wares outdoors at Texas Tires. She stated the business earlier this year received a Certificate of Occupancy for tire installation and repair restricted to inside storage. Ms. Dent referenced the Site Plan noting the applicant has several significant comments outstanding and compliance with the City's Codes and Ordinances has been problematic for several months. Staff requested the applicant provide sufficient information that fulfills the parking, screening, and outside storage. She stated the applicant is not present. Staff recommended denying SU-17-0097.

There being no others to speak for or against SU-17-0097, Chairman Cooper closed the Public Hearing.

7. Consider recommendation of Zoning Change No. SU-17-0097

Action:

Mr. Jim Phillips moved to deny a request by Hani Al-Wahban Texas Tires, for a Specific Use Permit (SUP) to allow Tire Installation and Repair with Outside Storage use within a General Retail (GR) zoning district, located at 110 N Highway 77, being 50A FERRIS 2ND 0.332 ACRES – Owner: JANNAHS REAL ESTATE LLC, MUSTAFA AL-WAHBAN, AND OMAR AL-WAHBAN (SU-17-0097). Mrs. Bonney Ramsey seconded, All Ayes.

8. Public Hearing on a request by Nathan Petty, America’s Storage, for a Zoning Change from a Future Development (FD) zoning district to a Commercial (C) zoning district located at 3467 N Highway 77, being 1002 T SELBY 2.14 ACRES and 1002 T SELBY 5.234 ACRES (Property ID 191086 and 191095) - Owner: GREG & PAULA DIMSDLE (ZC-17-0108)

Chairman Cooper opened the Public Hearing.

Ms. Kelly Dent, Planner, presented a site image noting the applicant seeks to rezone the property to permit the opening of a mini-warehouse on the site. She stated the applicant is required to submit revised plans addressing Staff’s comments and recommended approval as presented.

There being no others to speak for or against ZC-17-0108, Chairman Cooper closed the Public Hearing.

9. Consider recommendation of Zoning Change No. ZC-17-0108

Action:

Mrs. Bonney Ramsey moved to approve a request by Nathan Petty, America’s Storage, for a Zoning Change from a Future Development (FD) zoning district to a Commercial (C) zoning district located at 3467 N Highway 77, being 1002 T SELBY 2.14 ACRES and 1002 T SELBY 5.234 ACRES (Property ID 191086 and 191095) - Owner: GREG & PAULA DIMSDLE (ZC-17-0108) as presented. Mr. Jim Phillips seconded. The vote was as follows:

*Ayes: Jim Cooper, Bonney Ramsey, Melissa Ballard, Jim Phillips, Erik Barnard
Noes: Rick Keeler*

The motion carried.

10. Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Commercial (C) zoning district to a Freestanding Planned Development (PD), with Concept Plan, for a mixed-use development located East of existing Camden Park Subdivision, being 272 S M DURRETT 169.121 ACRES (Property ID 182052) - Owner: DARELL THOMPSON SCHWAB (PD-17-0111)

Chairman Cooper opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to rezone a 169-acre tract of land that is currently zoned Commercial into a Mixed-Use Planned Development that combines Planned Development-Single Family and Planned Development-Two-Family Residential, with Commercial and Multiple Family zoning.

Ms. Dent stated given concerns regarding the density of the proposed development, Staff did not support a rezoning of this tract. The estimated 612 residences proposed in this location are in excess of the areas understood zoning allowance of zero residences. Staff is cognizant of the need to partner with WISD to help them manage enrollment numbers at local schools. Additionally, there are serious concerns about the amount of traffic that would arise from such a dense development. She stated a Traffic Impact Analysis would be required prior to any zoning approval because the density combined with the large number of residences would generate vastly more traffic than had been anticipated in the Land Use and Thoroughfare Plan. The primary conflict point will be the connection of Parks School House Road with the 287 Bypass. Ms. Dent stated there is a grading issue that is unlikely to allow this volume of traffic to enter the 287 Bypass. Staff recommended denying PD-17-0111.

Mr. Jeff Crannell, CCM Engineering, presented a slideshow of the proposed development depicting trails and the lake from Phase I and Phase II. He stated Phase III will have multiple options of residential uses and proposed reducing lot sizes from what is required in the PD Development Standards. Mr. Crannell stated he commissioned a Traffic Impact Analysis but before moving forward he needs direction from the City. He stated by building a subdivision, they are not going to create more people and students.

Mr. Rick Keeler stated the development is not mixed use it is mixed development. Mr. Crannell concurred.

Chairman Cooper expressed concern with the requested lot sizes, setbacks, etc. from what is required. He stated Mr. Crannell is aware of the City's standards and he needs to be in more compliant. Chairman Cooper stated the traffic will be horrendous.

Mrs. Bonney Ramsey disagreed with Mr. Crannell's comment pertaining to the development not affecting the school district. She stated there is already a lot of traffic on Parks School House Road, it is a bad plan and too much for that area noting Mr. Crannell is in contradiction of the City's standards.

Those whose spoke against PD-17-0111:

Mr. Alan Wiser, 1109 East Marvin Avenue, Waxahachie

There being no others to speak for or against PD-17-0111, Chairman Cooper closed the Public Hearing.

11. Consider recommendation of Zoning Change No. PD-17-0111

Action:

Mrs. Bonney Ramsey moved to deny a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Commercial (C) zoning district to a Freestanding Planned Development (PD), with Concept Plan, for a mixed-use development located East of existing Camden Park Subdivision, being 272 S M DURRETT 169.121 ACRES (Property ID 182052) - Owner: DARELL THOMPSON SCHWAB (PD-17-0111) as presented. Mr. Rick Keeler seconded, All Ayes.

{Mr. Erik Barnard left the meeting}

12. Public Hearing on a request by Christopher Holleman, Holleman Construction Co. Inc., for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to a Planned Development-Light Industrial-1 (PD-LI1), with Concept Plan, for a Contractor's Shop and Storage Yard located at 120 Lucas Street, being 827 A POLK 7.226 ACRES (Property ID 189014) - Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PD-17-0112)

Chairman Cooper opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to open a contractor's shop that will serve as the home office for Holleman Construction. She stated there are currently no planned accessory buildings but will likely add them in the future for storage or additional office space. Ms. Dent reviewed staff comments pertaining to exterior façade, minimum roof pitch, outdoor storage, off-street parking, and bicycle parking.

Ms. Dent stated just prior to the meeting she received a request from Holleman Construction Company, Inc. requesting approval for the main roof to be a 1:12 pitch rather than a 6:12 pitch. The applicant requested 100% stone on the front elevation facing the street but would like to minimize the requirement for 50% stone/masonry to 25% and only go half way down each side (north /south) and not stone/masonry on the rear of the building. Applicant requested to store equipment outside on gravel lot and inside warehouse. The storage area will consist of a 6' iron fence and new living screen along two sides of the new storage area with the other sides having an existing living screen and 6" of limestone gravel base.

Mr. Ray Porter, 105 Lucas, Waxahachie, stated he is the only house on the street and asked that the applicant be required to comply with the concrete standards because he was held to that standard. He stated pipe racks are noisy and expressed concern with a limestone yard and dust it will cause. Mr. Porter stated he is not opposed to the construction of the facility but asked the applicant comply with the concrete standards.

Mr. Chris Holleman, 2349 Springer Road, Midlothian, Texas, stated they will not have a high traffic area. He stated it will be the construction office and items they bring from a jobsite may be stored at their location.

There being no others to speak for or against PD-17-0112, Chairman Cooper closed the Public Hearing.

13. Consider recommendation of Zoning Change No. PD-17-0112

Action:

After discussion, Mr. Jim Phillips moved to table PD-17-0112 to allow Staff and applicant to reconvene and work out issues. Ms. Melissa Ballard seconded.

After further discussion Mr. Jim Phillips withdrew his motion and Ms. Melissa Ballard withdrew her second.

Chairman Cooper re-opened the Public Hearing.

Action:

Mr. Jim Phillips moved to continue a request by Christopher Holleman, Holleman Construction Co. Inc., for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to a Planned Development-Light Industrial-1 (PD-LI1), with Concept Plan, for a Contractor's Shop and Storage Yard located at 120 Lucas Street, being 827 A POLK 7.226 ACRES (Property ID 189014) - Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PD-17-0112) to the Planning and Zoning Commission meeting of September 26, 2017. Ms. Melissa Ballard seconded, All Ayes.

14. Consider request by Christopher Holleman, Holleman Construction Co., Inc., for a Preliminary Plat of Holleman Addition for 1 lot, being 7.085 acres in the Alfred Polk Survey, Abstract Number 827 – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PP-17-0113)

Ms. Kelley Dent reported Staff recommends approval subject to the zoning should not be handwritten onto the plat after the engineer has signed the plat.

Action:

Mr. Jim Phillips moved to approve a request by Christopher Holleman, Holleman Construction Co., Inc., for a Preliminary Plat of Holleman Addition for 1 lot, being 7.085 acres in the Alfred Polk Survey, Abstract Number 827 – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (PP-17-0113) as presented. Mrs. Bonney Ramsey seconded, All Ayes.

15. Consider Landscape Plan for Holleman Addition as a companion to PP-17-0113 – Owner: HOLLEMAN CONSTRUCTION COMPANY

Action:

Mr. Jim Phillips moved to continue the Landscape Plan for Holleman Addition as a companion to PP-17-0113 – Owner: HOLLEMAN CONSTRUCTION COMPANY to the Planning and Zoning Commission meeting of September 26, 2017. Mr. Rick Keeler seconded, All Ayes.

Consent Agenda 3c:

- c. Request by Brad Yates, Loren Gray Investments, LLC, for a Replat of Lot 1, Block 216 of Town Addition to create Lots 1R-A and 1R-B, Block 216, Town Addition, 1.493 acres – Owner: DONALD SHANE & CHACE LYN SIMMONS (RP-17-0109)**

Ms. Kelly Dent, Planner, reported the existing lot is at Marvin and Peters and explained there is an existing home on one lot and replatting in order to sell the other lot. She stated the applicant submitted a new Replat and has satisfied all comments. Staff recommended approval.

Action:

Ms. Melissa Ballard moved to approve a request by Brad Yates, Loren Gray Investments, LLC, for a Replat of Lot 1, Block 216 of Town Addition to create Lots 1R-A and 1R-B, Block 216, Town Addition, 1.493 acres – Owner: DONALD SHANE & CHACE LYN SIMMONS (RP-17-0109) as presented. Mrs. Bonney Ramsey seconded, All Ayes.

Consent Agenda 3d:

- d. Request by Danny Brandt for a Development Plat of a 10.534 acre tract of land in the Elizabeth Rice Survey, Abstract No. 927 to create Lot 1, Block A, Brandt Place – 10.534 acres – Owner: DANNY LEE BRANDT & ANGELA CELLARS BRANDT (DP-17-0110)**

Ms. Kelly Dent, Planner, reported the Development Plat is to allow the applicant to build a single-family home and presented a new submittal with staff comments.

Mr. Danny Brandt, applicant, stated he and his wife will build a house being 3,700 square feet with a medical staff caretaker quarter.

Mr. James Gaertner, City Engineer, reported the language on the original plat did not depict an easement or dedicated road. He stated Staff requested the survey seal confirm access to the property via easement or dedicated road.

Action:

Mrs. Bonney Ramsey moved to approve a request by Danny Brandt for a Development Plat of a 10.534 acre tract of land in the Elizabeth Rice Survey, Abstract No. 927 to create Lot 1, Block A, Brandt Place – 10.534 acres – Owner: DANNY LEE BRANDT & ANGELA CELLARS BRANDT (DP-17-0110) as presented. Ms. Melissa Ballard seconded, All Ayes.

16. Public Comments

None

17. Adjourn

There being no further business, the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Lori Saunders
City Secretary