

Planning and Zoning Commission
October 24, 2017

The Waxahachie Planning & Zoning Commission (P&Z) held a regular meeting on Tuesday, October 24, 2017 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
Jim Phillips
Erik Barnard
David Hudgins

Members Absent: Bonney Ramsey

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 Rick Keeler called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular P&Z meeting of October 10, 2017
- b. Request by John Douglas for a **Replat** of Tract 5, Allen Family Estates, to create Tract 5A and Tract 5B, Allen Family Estates, 3.13 acres in the Extra Territorial Jurisdiction – Owner: TRISHA A & JOHN L DOUGLAS (RP-17-0117)
- c. Request by Leah Ball, Keller Williams, for a **Replat** of Lots 1 and 9, Block 2, Emerald Forest to create Lot 1A, Lot 9A, and Lot 9B , Block 2, Emerald Forest, 8.9206 acres in the Extra Territorial Jurisdiction – Owners: EMILE A & KATHERINE A SIRCHIA, KAREN C FURLOW, and MALCOLM L FURLOW JR (RP-17-0127)
- d. Request by Tim Cummings, North Farm Partners, LLC, for a **Final Plat** of North Farm Estates for 20 lots being a 60.169 acre addition in the J. Chapman Survey, Abstract No. 214 in the Extra Territorial Jurisdiction – Owner: LANCASTER J/V (FP-17-0137)
- e. Request by Bobby Glass, RVG Investments, LLC, for a **Final Plat** of Long Branch Estates for 41 lots being a 59.816 acre addition in the A.R. Newton Survey, Abstract 810 in the Extra Territorial Jurisdiction – Owner: RVG INVESTMENTS LLC (FP-17-0145)

Action:

Vice Chairman Melissa Ballard moved to approve items a. through e. on the Consent Agenda. Mr. Erik Barnard seconded, All Ayes.

4. Consider request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Park Phase 2 for 91 lots, being a 23.63 acre tract of land out of the Silas M. Duritt Survey, Abstract No. 272 – Owner: DFW 70-36 LLC (PP-17-0132)

Ms. Kelly Dent, Planner, reported the Final Plat of Phase 1 was completed approximately one month ago. She presented the location map of Phase 2, being off of Parks School House Road near Main Street. Ms. Dent presented the Park Landscape noting when Phase 1 came through there was an agreement with the City whereby the applicant would have an open space lot to be maintained by the HOA surrounding the lake. The applicant will receive credit for the HOA-maintained open space with the addition of another children's playscape that is approved by City Management and the Director of Parks and Recreation. She presented a rendering of the second playscape noting it satisfies Park requirements. Ms. Dent stated Staff recommends approval as presented.

Action:

After further discussion, Mr. Jim Phillips moved to approve a request by Jeff Crannell, Crannell Engineering, for a Preliminary Plat of Camden Park Phase 2 for 91 lots, being a 23.63 acre tract of land out of the Silas M. Duritt Survey, Abstract No. 272 – Owner: DFW 70-36 LLC (PP-17-0132) subject to Staff Comments. Ms. Betty Square Coleman seconded, All Ayes.

5. Consider Landscape Plan for Camden Park Phase 2 as a companion to PP-17-0132 – Owner: DFW 70-36 LLC

Ms. Betty Square Coleman requested Crepe Myrtle trees be incorporated in the tree landscaping.

Mr. Jim Phillips referenced kids crossing the intersection getting to school and asked if there was sufficient lighting. Mr. James Gaertner, City Engineer, stated the Subdivision Ordinance requires street lighting at every intersection and every 600 feet. He stated Staff will review the lighting when the Final Plat is presented to Staff for review.

Jeff Crannell, Crannell Engineering, 2570 Justin Road, Highland Texas, agreed to add Crepe Myrtle trees in the landscape. He stated the entrance to Camden Park is complete and will review additional lighting with Staff at the Final Plat stage.

Action:

Ms. Betty Square Coleman moved to approve a Landscape Plan for Camden Park Phase 2 as a companion to PP-17-0132 – Owner: DFW 70-36 LLC subject to Staff Comments and discussion held. Mr. David Hudgins seconded, All Ayes.

6. Public Hearing on a request by Chris Maddox, Cowboy Church of Ellis County, for a Zoning Change from a Commercial (C) zoning district to a Planned Development-Commercial (PD-C) with Concept Plan located at 2374 W Highway 287 Bypass and 2300 Highway 287, being LOT W PT 2R ELLIS COUNTY YOUTH EXPO 8.816 AC, LOT E PT 2R ELLIS COUNTY YOUTH EXPO 8.824 AC, LOT PT 1R ELLIS COUNTY YOUTH EXPO 2.5 AC, and PT 1R 545 WM IRWIN REV 29.872 ACRES - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN and ELLIS COUNTY YOUTH EXPO INC (PD-17-0105)

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the Cowboy Church came in for Site Plan approval earlier this year and since that time Staff noticed the application needed to be cleaned up in order to match what the applicant is actually doing on the property. Ms. Dent explained in the meantime, the applicant decided to bring in the Ellis County Youth Expo Center noting the buildings under construction and or renovation have been permitted. She explained the zoning change to Planned Development-Commercial (PD-C) will accommodate the building style the applicant has which is primarily a steel structure with metal sheathing being the desire of the applicant throughout the site. Ms. Dent reviewed the following general development requirements and request from applicant:

- Existing buildings are steel structures with colored metal sheathing. Future buildings will be the same.
- Parking surfaces are stabilized gravel; ADA parking is on hard surface; and future parking will be the same.
- Landscaping consists of grass, trees, and shrubs and future landscaping will be similar.
- Site lighting consists of exterior lights on the buildings as well as pole lights in the parking lots; and future will be the same.
- Current fencing is constructed from a mixture of pipe, t-posts and wire fencing materials and is between 4 feet and 6 feet high. Fencing is in place on all perimeters keeping livestock used during events from escaping; and future fencing will be of similar materials.

Mr. David Hudgins asked if somebody next door builds, would they be required to have concrete surface. Ms. Dent affirmed the correction is to create an Ordinance for everything the applicant has prior approved permits to do at this point, noting if someone else came in they would not be allowed.

Chairman Keeler stated this Planned Development follows this property forever, regardless if it changes owners and uses. Mr. Shon Brooks, Director of Planning, stated as a Planned Development (PD) with a Concept Plan, it is limited to that Concept Plan. He explained, with the approval of this PD, any subsequent approvals would have to be sought through the Planning & Zoning Commission and City Council.

There being no others to speak for or against PD-17-0105, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of Zoning Change No. PD-17-0105

Action:

After further discussion, Vice Chairman Melissa Ballard moved to approve a request by Chris Maddox, Cowboy Church of Ellis County, for a Zoning Change from a Commercial (C) zoning district to a Planned Development-Commercial (PD-C) with Concept Plan located at 2374 W Highway 287 Bypass and 2300 Highway 287, being LOT W PT 2R ELLIS COUNTY YOUTH EXPO 8.816 AC, LOT E PT 2R ELLIS COUNTY YOUTH EXPO 8.824 AC, LOT PT 1R ELLIS COUNTY YOUTH EXPO 2.5 AC, and PT 1R 545 WM IRWIN REV 29.872 ACRES - Owner:

COWBOY BAPTIST CHURCH OF MIDLOTHIAN and ELLIS COUNTY YOUTH EXPO INC (PD-17-0105) with restrictions subject to the two owners and subject to additional Crepe Myrtle trees. Mr. Jim Phillips seconded, All Ayes.

- 8. Public Hearing on a request by Ronnell Hambric, The Convenience Store, for a Specific Use Permit (SUP) to allow Convenience Store use within a Central Area (CA) zoning district, located at 110 E Franklin, being LOT 3B BLK 14 O T WAXAHACHIE 0.035 AC (Property ID 170434) – Owner: ANTHONY S RIEPER (SU-17-0124)**

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to open a convenience store to sell packaged foods and drinks. She explained a convenience store in the Central Area zoning district is approved with a Specific Use Permit. Ms. Dent recommended approval as presented.

Mr. Jim Phillips asked the applicant how they would receive deliveries.

Mr. Ronnell Hambric, 137 Shady Grove Drive, Desoto Texas, stated the store is very small and he will be making most deliveries.

Those who spoke against SU-17-0124:

Mrs. Constance McGuire, 170 Brookbend, Waxahachie, expressed concern if alcohol will be sold.

There being no others to speak for or against SU-17-0124, Chairman Keeler closed the Public Hearing.

- 9. Consider recommendation of Zoning Change No. SU-17-0124**

Action:

Mrs. Betty Square Coleman moved to approve a request by Ronnell Hambric, The Convenience Store, for a Specific Use Permit (SUP) to allow Convenience Store use within a Central Area (CA) zoning district, located at 110 E Franklin, being LOT 3B BLK 14 O T WAXAHACHIE 0.035 AC (Property ID 170434) – Owner: ANTHONY S RIEPER (SU-17-0124) subject to Staff Comments. Mr. Jim Phillips seconded, All Ayes.

- 10. Public Hearing on a request by Reginald Coulsell for a Zoning Change from a Planned Development-23-Single Family-1 (PD-23-SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan, located North of Hunter Pass on FM 877, being 374 A B FLUERY 17.329 ACRES (Property ID 183557) - Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PD-17-0133)**

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, stated the applicant is seeking to establish a Planned Development to enable multiple uses for Crystal Cove Ranch located at the southern area of Lake Waxahachie. Ms. Dent reviewed the applicants proposed buildings and uses as follows:

Proposed buildings include:

- At least two-story single family residences with commercially-available stabling as the ground floor and living space above
- A covered riding arena that will be open for commercial use
- A wedding/event venue
- A lakefront residence as an additional accessory dwelling
- Horse runs attached to the barn
- Sheds for equipment and tractor storage

Proposed uses include:

- Private club status for the wedding/event venue to coincide with the restriction of the sale of alcoholic beverages in residential zoning districts
- Public or commercial stables
- Fairgrounds or exhibition areas or rodeo grounds for the riding arena
- Small in-ground solar panel system
- Rooftop solar panel system
- Airport or landing field
- Monument signs (2)
- Bed and Breakfast
- Temporary outdoor retail sales/commercial promotion
- Studio, health, exercise club or similar service
- Winery for grape crops
- Retail stores
- Small wind system
- Day camp for children
- Accessory Buildings that can be rented or leased, used for commercial purposes, and sub-metered
- Accessory dwellings that will not match the materials of the main structure, and that exceed 700 square feet in size

Ms. Dent reported some of the proposed uses are prohibited in residential zoning districts noting Staff struggles to reconcile some of the requested uses and a rezone of the property away from single family residential would not comply with the character of the surrounding area, nor with the current or future land use plans for this property. She recommended approval per the following comment:

- Additional conditions may be necessary to receive approval for the proposed development

Mr. Reginald Coulsell, II, 115 Cynisca, Waxahachie, applicant, presented a full project plan noting the first structure to build will be his house.

Those who spoke for PD-17-0133:

Mr. David Bond, 109 Old Howard Road, Waxahachie

Those who spoke against PD-17-0133:

Mr. Marcus Payne 316 Hunter Pass, Waxahachie

The Commission held discussion. Mr. Jim Phillips stated this is taking a piece of residential land located in a prominently residential area and lending itself to a cross from residential and commercial and opening it up for a multi-mini use.

Chairman Keeler stated the Commission does not have enough information to allow for several buildings noting a Site Plan layout could change. He recommended the Commission give it more thought before considering all available uses the applicant is seeking.

Further discussion was held to continue PD-17-0133 (see item 11 below).

11. Consider recommendation of Zoning Change No. PD-17-0133

Action:

Vice Chairman Melissa Ballard moved to continue a request by Reginald Coulsell for a Zoning Change from a Planned Development-23-Single Family-1 (PD-23-SF-1) zoning district to Planned Development-Single Family-1 (PD-SF-1), with Concept Plan, located North of Hunter Pass on FM 877, being 374 A B FLUERY 17.329 ACRES (Property ID 183557) - Owner: CRYSTAL TAYLOR & REGINALD COULSELL II (PD-17-0133) to the Planning and Zoning Commission meeting of November 14, 2017. Mr. Jim Phillips seconded, All Ayes.

12. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to Planned Development-General Retail (PD-GR) with Concept Plan, located at 2181 N Highway 77, being LOT 1-B BLK B REVCO SUBD- REV 1.146 AC - Owner: JT KWIK KAR MANAGEMENT CO LLC (PD-17-0135)

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, stated the applicant seeks to rezone the property and amend the General Retail requirements and development standards in preparation for a replat case. She presented a location picture for the proposed building. Ms. Dent stated the applicant proposes a 25 foot front yard setback versus the required 40 foot setback and a 10 foot side yard setback versus the required 20 foot setback. Ms. Dent reported the applicant requested 75 percent masonry versus the required 90 percent masonry. She reported Staff recommends approval as presented.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, reported masonry will be at 100 percent. He explained the proposed front yard setback and side yard setback will make the area a little more developed. He stated this is strictly a Concept Plan and he will be back with corrections.

There being no others to speak for or against PD-17-0135, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. PD-17-0135

Action:

After further discussion, Mr. Jim Phillips moved to approve a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 (LI-1) zoning district to Planned Development-General Retail (PD-GR) with Concept Plan, located at 2181 N Highway 77, being LOT 1-B BLK B REVCO SUBD- REV 1.146 AC - Owner: JT KWIK KAR MANAGEMENT CO LLC (PD-17-0135) subject to Staff Comments with PD standards to be 100% masonry; 25 foot front yard setback and 10 foot side yard setback Mrs. Betty Square Coleman seconded, All Ayes.

14. Consider request by Brad Yates for a Replat of all of Blocks 25, 26, 32, and 33, and a portion of Block 24, and a closed section alley of Ferris Addition to create Block A Lots 1-6, Block B Lots 1-4, and Block C Lots 1-4, Greenwood Grove, 2.094 acres – Owner: LOREN GRAY INVESTMENTS LLC (RP-17-0134)

Ms. Kelly Dent, Planner, presented a site aerial noting the location at Grace Street, Royal Street and North Hawkins Street. She stated the Planned Development came through earlier this year. Current zoning is surrounded by single family and some general retail is nearby. Ms. Dent recommended approval per the following comments:

- North Hawkins Street (currently a 50' ROW) is designated a Secondary Thoroughfare D (80' ROW) per the City of Waxahachie's 2016 Comprehensive Plan. As such, the properties along this street would be responsible for 15' ROW dedication from the centerline. City Council can grant relief from this requirement, should they so desire.

Ms. Dent stated Staff researched and doesn't know of any plans to widen North Hawkins Street to an 80' ROW, therefore Staff is not opposed to City Council granting a waiver to that request so the applicant does not have to have the 15' ROW dedication.

- Water and sewer services are required prior to recording the plat. However, the lots along Hawkins do not currently have a water line for them to connect to. Developer may provide an irrevocable letter of credit, or escrow for the water and sewer services to be installed when Hawkins is improved per the Subdivision Ordinance, Chapter VI, Section 6.2. Building permits should not be provided to the lots along Hawkins until water and sewer lines are installed and accepted by the City.

Mr. Brad Yates, 626 Kauffman, Waxahachie, reported the property will have a total of 14 lots. He referenced Lot 1 at the corner of North Hawkins Street and Royal Street and requested relief of the required minimum 15 foot utility easement on the street frontage to a 10 foot utility

easement. He explained a 15 foot utility easement will require him to change the construction of the house.

Mr. James Gaertner, City Engineer, stated the Subdivision Ordinance requires a minimum 15 foot utility easement on street frontage and explained the applicant can see City Council approval for the waiver.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Brad Yates for a Replat of all of Blocks 25, 26, 32, and 33, and a portion of Block 24, and a closed section alley of Ferris Addition to create Block A Lots 1-6, Block B Lots 1-4, and Block C Lots 1-4, Greenwood Grove, 2.094 acres – Owner: LOREN GRAY INVESTMENTS LLC (RP-17-0134) subject to Staff Comments and 10 foot easement on Lot 1, Block B, in lieu of 15 foot ROW dedication. Mr. Jim Phillips seconded, All Ayes.

- 15. Consider request by Chris Acker, Acker Construction, for a Replat of Lot 1-B, Block B, Revco Subdivision-Revised to create Lot 1-B1 and Lot 1-B2, Block B, Revco Subdivision-Revised, 1.1445 acres – Owner: JT KWIK KAR MANAGEMENT CO LLC (RP-17-0136)**

Ms. Kelly Dent, Planner, noted the water and sewer services to the new lot need to be installed prior to plat recording. She stated the dumpster screening will need to match the façade of the building for the lot it is located on. She reported Staff recommends approval subject to Staff Comments.

Action:

Mr. Jim Phillips moved to approve a request by Chris Acker, Acker Construction, for a Replat of Lot 1-B, Block B, Revco Subdivision-Revised to create Lot 1-B1 and Lot 1-B2, Block B, Revco Subdivision-Revised, 1.1445 acres – Owner: JT KWIK KAR MANAGEMENT CO LLC (RP-17-0136) subject to Staff Comments. Mr. Betty Square Coleman seconded, All Ayes.

- 16. Consider request by Chris Blevins, Brittain & Crawford LLC, for a Preliminary Plat of Lot 1, Block 1, Garden Valley Addition, being 11.871 acres of land located the J.B. & Ann Adams Survey, Abstract No. 5 – Owner: GARDEN VALLEY APARTMENTS LLC (PP-17-0138)**

Ms. Kelly Dent, Planner, reported the cash in lieu of park land dedication is estimated at \$84,800.00. She presented a site aerial noting the location is on the south side of Park Place Boulevard across the street from Farley Elementary School.

Ms. Dent stated Staff recommends approval as follows:

- Per the City's 2016 Comprehensive Plan's Thoroughfare Plan, the western border (slightly west of the current sidewalk) of this property is designated as a proposed Secondary Thoroughfare D (80' ROW). City Council is able to grant relief from this designation. Staff is unaware of any thoroughfare plans regarding this proposed ROW and supports the applicant's request for relief.

Action:

After a brief discussion, Mr. David Hudgins moved to approve a request by Chris Blevins, Brittain & Crawford LLC, for a Preliminary Plat of Lot 1, Block 1, Garden Valley Addition, being 11.871 acres of land located the J.B. & Ann Adams Survey, Abstract No. 5 – Owner: GARDEN VALLEY APARTMENTS LLC (PP-17-0138) subject to Staff Comments including waiver of 80 foot ROW. Vice Chairman Melissa Ballard seconded, All Ayes.

17. Consider Landscape Plan for Garden Valley Addition as a companion to PP-17-0138 – Owner: GARDEN VALLEY APARTMENTS LLC

Ms. Kelly Dent, Planner, presented the Landscape Plan noting Staff recommends approval to include waiver of the 80 foot ROW.

Action:

After a brief discussion, Vice Chairman Melissa Ballard moved to approve a Landscape Plan for Garden Valley Addition as a companion to PP-17-0138 – Owner: GARDEN VALLEY APARTMENTS LLC subject to Staff Comments to include waiver of the 80 foot ROW. Mr. Jim Phillips seconded, All Ayes.

18. Public Comments

Mr. Jim Phillips reported Mrs. Bonney Ramsey fell and as a result had to have surgery on hip replacement. He asked everyone to keep her in their thoughts and prayers.

19. Adjourn

There being no further business, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lori Saunders
City Secretary