

Planning and Zoning Commission
June 26, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, June 26, 2018 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
Bonney Ramsey
Jim Phillips

Member Absent: Betty Square Coleman
Erik Barnard
David Hudgins

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Community Development
Amber Villarreal, Assistant 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. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of June 12, 2018
- b. Minutes of the Planning & Zoning Commission briefing of June 12, 2018
- c. Request by Mike Riley, Aspen Heights Construction, for a **Final Plat** of Aspen Heights for 1 lot, being 17.820 acres in the Emory W. Rogers Survey, Abstract 896 (Property ID 256879, 268390, 268389) – Owner: BRECKENRIDGE GROUP WAXAHACHIE TEXAS LP (FP-18-0105)

Action:

Ms. Bonney Ramsey moved to approve item a. through c. on the Consent Agenda. Vice Chairman Melissa Ballard seconded, All Ayes.

4. **Consider request by Kars Tamminga for a Final Plat of Pioneer Point Phase 1 and 2 for 20 lots, being 29.068 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: TAMMINGA FAMILY PRTNSP LTD (FP-18-0097)**

Ms. Kelly Dent, Planner, presented FP-18-0097 noting staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by Kars Tamminga for a Final Plat of Pioneer Point Phase 1 and 2 for 20 lots, being 29.068 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: TAMMINGA FAMILY PRTNSP LTD (FP-18-0097). Vice Chairman Melissa Ballard seconded, All Ayes.

- 5. Consider request by Wes Dorough, JH-Development LLC, for a Final Plat of The Cove Phase Two for 94 residential and 1 open space lots, being 24.329 acres in the Henry Sange Survey, Abstract 1009, the Robert Russell Survey, Abstract 911, and the Henri Levy Survey, Abstract 629 (Property ID 223031) – Owner: MORITZ INTERESTS LTD (FP-18-0092)**

Ms. Dent presented FP-18-0092 noting staff recommended approval as presented and explained a Letter of Acceptance from the Public Works Department is required before the plat can be recorded.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Wes Dorough, JH-Development LLC, for a Final Plat of The Cove Phase Two for 94 residential and 1 open space lots, being 24.329 acres in the Henry Sange Survey, Abstract 1009, the Robert Russell Survey, Abstract 911, and the Henri Levy Survey, Abstract 629 (Property ID 223031) – Owner: MORITZ INTERESTS LTD (FP-18-0092) subject to staff comments stating the Public Works letter of acceptance is necessary prior to the recording of the plat. Ms. Bonney Ramsey seconded, All Ayes.

- 6. Consider Landscape Plan for The Cove Phase 2 as a companion to FP-18-0092 – Owner: MORITZ INTERESTS LTD**

Ms. Dent presented the Landscape Plan for The Cove Phase 2 as a companion to FP-18-0092 noting staff recommended approval as presented. She explained the monument sign will be on Oak Ridge Drive.

Mr. Jim Phillips asked if the monument sign will be lit at night. Mr. Terry Weaver, Red Oak, Texas, noted it would be lit.

Ms. Bonney Ramsey inquired about the landscaping. Mr. Weaver explained the open space on the plat will be grassed and irrigated.

Action:

Ms. Bonney Ramsey moved to approve a Landscape Plan for The Cove Phase 2 as a companion to FP-18-0092 – Owner: MORITZ INTERESTS LTD as presented. Mr. Jim Phillips seconded, All Ayes.

- 7. Consider Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: JHDMC, LLC**

Ms. Dent presented the landscape plan as a companion to PP-17-0157 that was approved in the later part of 2017. Staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a Landscape Plan for Sheppard's Place as a companion to PP-17-0157 – Owner: JHDMC, LLC as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 8. Public Hearing on a request by Alyssa Martel, Solar City dba Tesla Energy, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 119 Rain Cloud Drive, being LOT 10 BLK Q BUFFALO RIDGE ADDN PH IIIB 0.173 AC (Property ID 267470) - Owner: MAU STEFAN & APRIL ROMAN (SU-18-0090)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented SU-18-0090 noting staff recommended approval as presented.

There being no others to speak for or against SU-18-0090, Chairman Keeler closed the Public Hearing.

- 9. Consider recommendation of Zoning Change No. SU-18-0090**

Action:

Ms. Bonney Ramsey moved to approve a request by Alyssa Martel, Solar City dba Tesla Energy, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 119 Rain Cloud Drive, being LOT 10 BLK Q BUFFALO RIDGE ADDN PH IIIB 0.173 AC (Property ID 267470) - Owner: MAU STEFAN & APRIL ROMAN (SU-18-0090) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 10. Consider request by Stan Beard, Buc-ee's Ltd, for a Preliminary Plat of Buc-ee's Addition for 4 lots, being 58.72 acres in the Elbert C. Newton Survey, Abstract 790, John Shavor Survey, Abstract 1000, and Peter B. Stout Survey, Abstract 1003 (Property ID 188453) – Owner: 60 WAX RE HOLDINGS, LLC (PP-18-0098)**

Ms. Dent presented PP-18-0098 noting staff recommended approval per the following staff comments:

1. 100 feet needs to be dedicated as Butcher Road at the northern border of the development.
2. Please update the title block to reflect the new lot count.
3. Private sewer line? This will be hard to maintain in the future without access or along a slope of the pond.

City Engineer James Gaertner explained the dedication as Butcher Road needs to be between 80-100 feet. He noted there are currently no calculations for the detention pond at this time.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Stan Beard, Buc-ee's Ltd, for a Preliminary Plat of Buc-ee's Addition for 4 lots, being 58.72 acres in the Elbert C. Newton Survey, Abstract 790, John Shavor Survey, Abstract 1000, and Peter B. Stout Survey, Abstract 1003 (Property ID 188453) – Owner: 60 WAX RE HOLDINGS, LLC (PP-18-0098) subject to staff comments, including amending comment number one to be 80-100 feet. Ms. Bonney Ramsey seconded, All Ayes.

- 11. Consider request by R. Jay Anthony, AP Land Development LLC, for a Preliminary Plat of Springside Estates Phase 1 for 5 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (PP-18-0094)**

Chairman Keeler announced the request is for 58 residential lots, not 5.

Ms. Dent presented PP-18-0094 and explained the original preliminary plat previously approved expired and since then the name changed from Chautauqua Addition to Springside Estates. Staff recommended approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by R. Jay Anthony, AP Land Development LLC, for a Preliminary Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (PP-18-0094) as presented. Ms. Bonney Ramsey seconded, All Ayes.

- 12. Consider request by R. Jay Anthony, AP Land Development LLC, for a Final Plat of Springside Estates Phase 1 for 5 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (FP-18-0080)**

Ms. Dent presented FP-18-0080 and announced this request is for 58 residential lots, not 5. Staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by R. Jay Anthony, AP Land Development LLC, for a Final Plat of Springside Estates Phase 1 for 58 residential and 2 non-residential lots, being 88.651 acres situated in the John Collet Survey, Abstract 221 (Property ID 138304, 138712, 138303) in the Extra Territorial Jurisdiction – Owner: AKP STILLWATER PARTNERSHIP and AP WAXAHACHIE LIMITED PARTNERSHIP (FP-18-0080) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

13. Public Hearing on a request by Lance Rust, Joe Rust Co., for a Zoning Change from a Planned Development-Single Family-1 zoning district to Single Family-1 located on Lone Elm Road before the turn near Meadow Crest Drive (Property ID 180711) - Owner: WALKER BRINT & WALKER CLINT (ZC-18-0093)

Chairman Keeler opened the Public Hearing.

Ms. Dent presented ZC-18-0093 noting staff recommended approval as presented. She explained this request removes the property from the Kemp Ranch Zoning Area.

Ms. Trisha Loob, 105 Meadow Crest Drive, Waxahachie, expressed concern with allowing thirteen homes on the site. She asked that number be reduced.

Mr. Gaertner explained the current zoning allows for more homes and this zoning change will actually reduce that number to only allow one home on each lot.

Mr. Randy Durrett, 1537 Lone Elm Road, Waxahachie, inquired about fire coverage, city sewer services, and future annexation plans.

Mr. Gaertner explained the property is in the city limits and will have city fire and police protection. The lots are large enough to have septic tanks since there is no city sewer lines on the property.

Chairman Keeler explained staff can be contacted at city hall to discuss annexation questions.

There being no others to speak for or against ZC-18-0093, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZC-18-0093

Action:

Vice Chairman Melissa Ballard moved to approve a request by Lance Rust, Joe Rust Co., for a Zoning Change from a Planned Development-Single Family-1 zoning district to Single Family-1 located on Lone Elm Road before the turn near Meadow Crest Drive (Property ID 180711) - Owner: WALKER BRINT & WALKER CLINT (ZC-18-0093) as presented. Ms. Bonney Ramsey seconded, All Ayes.

15. Consider request by Lance Rust, Joe Rust Co., for a Preliminary Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: WALKER BRINT & WALKER CLINT (PP-18-0083)

Ms. Dent presented PP-18-0083 noting staff recommends approval per the following staff comments:

1. Please create a Block for this.
2. Remove the building lines from the plat.

Action:

Mr. Jim Phillips moved to approve a request by Lance Rust, Joe Rust Co., for a Preliminary Plat of Lone Elm Addition for 13 residential lots, being 21.607 acres in the E. H. Belcher Survey, Abstract 143 (Property ID 180711) – Owner: WALKER BRINT & WALKER CLINT (PP-18-0083) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

- 16. Public Hearing on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the July 10, 2018 Planning and Zoning Commission meeting.

- 17. Consider recommendation of Zoning Change No. PD-18-0074**

Action:

Ms. Bonney Ramsey moved to continue a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a General Retail zoning district to General Retail and Planned Development-Mixed Use Residential, with Concept Plan, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-18-0074) to the Planning and Zoning Commission meeting of July 10, 2018. Vice Chairman Melissa Ballard seconded, All Ayes.

- 18. Consider request by James P. Moon, Attorney and Authorized Representative of Blue Bonnet Trails, LLC, Owner, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval for Blue Bonnet Trail (Property ID 182266 and 182267) – Owner: BLUE BONNET TRAILS LLC (PP-18-0096)**

Ms. Dent presented PP-18-0096 noting staff recommended approval per the following staff comments:

1. Verify scale.
2. Marigold Lane appears to be 25 feet instead of 50 feet compared to the other 50 foot ROW. On the construction plans the ROW is within the current flood plain. Update this to match the construction plan ROW.

Ms. Dent explained this request is for an extension on a previous approved preliminary plat.

Mr. James Moon, 101 Vintage Drive, Red Oak, explained the development began 14 months ago to obtain easements to put in a sewer line. The construction plans were approved in April and he is requesting to be relieved from the Right-of-Way requirement since the requirement has changed since the original preliminary plat was approved.

Mr. Gaertner noted the city will evaluate the pond to determine whether it will be maintained by the city as a park or leave the maintenance to the Homeowner's Association.

Action:

Mr. Jim Phillips moved to approve a request by James P. Moon, Attorney and Authorized Representative of Blue Bonnet Trails, LLC, Owner, for a PETITION TO EXTEND APPROVAL pursuant to Appendix C – Subdivisions, Section 2.3 – Procedures and Submission Requirements for Preliminary Plat Approval for Blue Bonnet Trail (Property ID 182266 and 182267) – Owner: BLUE BONNET TRAILS LLC (PP-18-0096) for a period of one year, subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

19. Consider Landscape Plan for Blue Bonnet Trail as a companion to PP-18-0096 – Owner: BLUE BONNET TRAILS LLC

Chairman Keeler announced the Landscape Plan for Blue Bonnet Trail will be submitted with the Final Plat.

No action taken.

20. Continue Public Hearing on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)

Chairman Keeler continued the Public Hearing.

Ms. Dent presented PD-18-0059 noting additional review is needed from the commission. She referenced the following staff concerns:

1. The lot coverage and density are higher than what is typically permitted in SF residential zoning districts.
2. The minimum dwelling unit area, lot area, width depth, and setbacks are smaller than what is typically permitted in SF residential zoning district.
3. The exterior construction will consist of 75 non-masonry materials.
4. The parking is not on the same lot as the main structure and the enclosed garages provide for fewer vehicles than is required for SF residences.
5. The per-lot planting is less than what is typically required for SF residences.

Ms. Dent reviewed the proposed Cottages at Cantrell as submitted by the developer:

- The homes will be designed and built in clusters of 7-8 (average), homes will range in size from 965 SF to 1,725 SF. No one size to exceed 50% of total homes built in development.
- Detached garages, while in close proximity, are purposely designed as a separate entity for maximum beautification of individual spaces.

- Amenities included that will be maintained by the Homeowner's Association include, landscaping, gym, dog park, and walking trails that will connect to Bullards Height Neighborhood Park.

Mr. Blain Vinson, 2317 Therrell Way, McKinney, reported changes were made due to staff concerns. The number of cottages decreased from 86 to 73, there is 60% green space, and the connection to Bullards Height Park was addressed. He requested a variance of the 25% masonry requirement so the homes can look like true cottages. He also noted due to the cottage size, the project may need a variance on the 40 square foot porch requirement.

Chairman Keeler asked if there will be an Architectural Review Committee and Mr. Vinson noted there would be.

Mr. Phillips inquired about the total number of buildings on the property and Mr. Vinson noted there would be an additional eleven cottages to serve as community centers.

Mr. Gaertner noted there were no comments from the Fire Marshal and requested an option to determine private or public streets on the property.

Those who spoke for:

Mr. Cole Morgan, 240 Spring Grove, Waxahachie

Mr. James Moon, 101 Vintage Court, Red Oak

Ms. Lacey Rogers, 603 Highland, Waxahachie

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, asked who would be responsible for the maintenance on the carriage houses and the commission confirmed it would be the Homeowner's Association.

Ms. Gina Moore, 855 Cantrell, commended Mr. Vinson on this development and inquired about the developer acquiring additional property on Cantrell and Mr. Vinson noted there are no plans at this time.

Mr. Ken Moore, 855 Cantrell, inquired about the exit strategy in case of an emergency and Mr. Gaertner noted there would be two ways in and out of the development.

There being no others to speak for or against PD-18-0059, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. PD-18-0059

Action:

Vice Chairman Melissa Ballard moved to approve a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059) subject to staff comments, requesting a detailed site plan to be approved in the

future, and allowing the option to determine public or private streets on the property. Ms. Bonney Ramsey seconded, All Ayes.

- 22. Consider request by Erik Barnard for a Replat of Lots 1 & 2, Block 5, Parkhill Addition, to create Lots 1A, 1B, and 1C, Block 5, Parkhill Addition, 0.407 acres (Property ID 175202) – Owner: BEG PARTNERS LLC (RP-18-0095)**

Chairman Keeler announced the case has been withdrawn by the applicant.

- 23. Continue Public Hearing on a request by the City of Waxahachie to amend Sections 2.1 through 2.10, “Procedures”, of Appendix C, “Subdivisions”, of the City of Waxahachie City Code (TA-18-0089)**

Chairman Keeler announced the case has been withdrawn by the city.

- 24. Consider recommendation of Zoning Change No. TA-18-0089**

No action taken.

- 25. Public Comments**

Vice Chairman Ballard and Ms. Bonney Ramsey invited the community to attend the 4th of July festivities beginning Tuesday, July 3rd at the Sports Complex with a tailgate and fireworks show. The parade will begin at 10:00 a.m. on Wednesday, July 4th.

Chairman Keeler thanked the community for attending the meeting and for their input.

- 26. Adjourn**

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary