

Planning and Zoning Commission
August 14, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 14, 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
Betty Square Coleman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Development Services
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 July 24, 2018
- b. Minutes of the Planning and Zoning Commission briefing of July 24, 2018

Action:

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

4. **Consider request by Michael Davis, Bannister Engineering, for a Replat of Lot 16, Block 5, Spanish Grant, Phase II to create Lots 16R1 and 16R2, Block 5, Spanish Grant, Phase II, being 3.292 acres out of the William Ferrell Survey, Abstract 349 (Property ID 155968) in the Extra Territorial Jurisdiction – Owner: NIX JOHNNY E & CARI D (RP-18-0118)**

Planner Kelly Dent presented RP-18-0118 noting staff recommended approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Michael Davis, Bannister Engineering, for a Replat of Lot 16, Block 5, Spanish Grant, Phase II to create Lots 16R1 and 16R2, Block 5, Spanish Grant, Phase II, being 3.292 acres out of the William Ferrell Survey, Abstract 349 (Property ID 155968) in the Extra Territorial Jurisdiction – Owner: NIX JOHNNY E & CARI D (RP-18-0118) subject to Staff Comments. Mr. David Hudgins seconded, All Ayes.

5. Consider request by Chris Acker, Acker Construction, for a Replat of Lot SPT 1 Block 194 of the Town Addition to create Lot 1, Block A, Dunlap Addition, 0.395 acres (Property ID 234842) – Owner: SOUTHFORK LLC (RP-18-0117)

Ms. Dent presented RP-18-0117 noting staff recommended approval per the following staff comments:

1. If Block 194 has not been replatted previously, the plat will need to show all of the current Block 194, and signatures will be required before this plat can be filed.

Ms. Dent explained staff has been unable to locate a copy of the Town plat at the Ellis County Clerk's Office. However, Block 194 is shown in the 1946 Hawkins Map. The Hawkins Map depicts Block 194 as extending from Marvin Avenue south to Dunlap Street, and east to Bradshaw Street. No replat of Block 194 has been located in the Ellis County records. Therefore, the applicant will need to obtain signatures from the other seven properties that are part of Block 194 or petition to City Council for a hardship waiver.

Mr. Chris Acker, 5100 Honeysuckle Ct., Midlothian, noted he will request a waiver to City Council.

Ms. Dent noted there were two letters of support from Chris Acker and Brad Yates and one letter of opposition from Elizabeth Lacy stating she does not want to sell her property.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Chris Acker, Acker Construction, for a Replat of Lot SPT 1 Block 194 of the Town Addition to create Lot 1, Block A, Dunlap addition, 0.395 acres (Property ID 234842) – Owner: SOUTHFORK LLC (RP-18-0117) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.

6. Continue Public Hearing on a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr. Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079)

Chairman Keeler continued the Public Hearing.

Ms. Dent presented PD-18-0079 noting the applicant has met with numerous city departments to comply with city codes. She explained TxDOT did not approve the second entrance off of MLK, Jr. Boulevard; therefore, the entrance and exit will be on Graham Street. She reviewed the following outstanding comments:

1. Parking is shown on-site but must be sufficient for the development.
2. Provide parking and driveway layout to access and exit the site.

Ms. Dent noted there were two letters of opposition received from Edward Martinez and Rosie M. Spain and one letter of support from Maggie Jones.

Mr. Verlin Taylor, 2787 N. Houston, Dallas, entertained questions or concerns from the commission.

The commission expressed the following concerns: parking, accessibility, traffic safety, poor drainage, inadequate infrastructure, and too large of development for this size lot.

Mr. Taylor explained he revised his initial submittal to address the commissions and staff's concerns and noted he does not believe there will be excessive traffic.

There being no others to speak for or against PD-18-0079, Chairman Keeler closed the Public Hearing.

Chairman Keeler asked Ms. Dent if there is a food truck use category in our current commercial zoning and she noted there is not. Mr. Keeler asked if the restroom on the skid complies with commercial zoning and Planning Director Shon Brooks explained the zoning is silent on that issue. Mr. Taylor informed the commission that the restrooms will be fully concrete, connected to city water and sewer and be immovable.

7. Consider recommendation of Zoning Change No. PD-18-0079

Action:

*After a lengthy discussion, Ms. Betty Square Coleman moved to deny a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr. Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079). Ms. Bonney Ramsey seconded. The vote was as follows: **Ayes:** Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and Jim Phillips. **Noes:** Erik Barnard and David Hudgins. **The motion carried 5-2.***

8. Public Comments

Ms. Melissa Olson, 202 Stampede, explained she met with the two residents who opposed RP-18-0117 and cleared up their confusion about receiving letters regarding someone wanting to purchase their homes; however, they still opposed the Replat.

9. Adjourn

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary