

Planning and Zoning Commission
August 28, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 28, 2018 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
Erik Barnard
David Hudgins

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
Tommy Ludwig, Executive Director of Development Services
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**

Ms. Roberta King, 1409 Boyce Road, Waxahachie, spoke in opposition of item 10 being RP-18-0127 noting she is the spokesperson for her neighborhood. Ms. King stated the closest fire station is seven (7) miles from their property and because of that, it gives the neighborhood an ISO insurance rating of 10 being the worst rating. She stated the average response time of the volunteer fire department is 25 minutes. Ms. King stated the infrastructure is only adequate for homes on acreage and the small waterlines in the area will not support the request of the Replat. She stated building on smaller lots will make the aerobic systems unhealthy.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 14, 2018
- b. Minutes of the Planning and Zoning Commission briefing of August 14, 2018

Action:

Mrs. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Jim Phillips seconded, All Ayes.

5. **Consider request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126)**

Ms. Kelly Dent, Planner, reported the applicant wishes to divide the property into six (6) lots. She stated the cash in lieu of park land dedication is estimated at \$3,523.20. Staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126) as presented. Mr. Erik Barnard seconded, All Ayes.

6. Consider request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128)

Ms. Dent reported the property is located at IH-35 and Compton Drive. She stated the cash in lieu of park land dedication is estimated at \$1,288.80. Ms. Dent reported the development is on City water. She stated at present, the development is on septic; however, there is a note on the plat that states any further development of the property necessitates connection to City sanitary sewer. Additionally, when sewer becomes available, the development must convert from septic to City sanitary sewer, regardless of whether further development occurs on the site.

Action:

After a brief discussion, Mrs. Bonney Ramsey moved to approve a request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

7. Public Hearing on a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: WILLIAM & ANN SAYEGH (SU-18-0130)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to erect a metal horse barn of 1,260 square feet. She explained the metal barn is permitted with a Specific Use Permit because barns on properties that are two (2) or more acres are exempt from the masonry construction requirements if the barns are used for agricultural purposes. Ms. Dent stated the old barn will be removed. Staff recommended approval as presented.

There being no others to speak for or against SU-18-0130, Chairman Keeler closed the Public Hearing.

8. Consider recommendation of Zoning Change No. SU-18-0130

Action:

Mr. Jim Phillips moved to approve a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: WILLIAM & ANN SAYEGH (SU-18-0130) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

9. Consider request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124)

Ms. Dent reported the property is along Martin Luther King Jr. Boulevard fronting onto TxDOT right-of-way. She explained before the applicant can build a residence on Lot 1, access to the lot will be determined by TxDOT. She stated cash in lieu of park land dedication is estimated at \$800.00. Staff recommended approval as presented.

Action:

Ms. Betty Square Coleman moved to approve a request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124) subject to staff comments. Mrs. Bonney Ramsey seconded, All Ayes.

10. Consider request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127)

Ms. Dent reported the applicant seeks to create four (4) lots on approximately five (5) acres. She stated Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality (TCEQ) standards for water distribution. She explained the District cannot meet the ISO fire flow requirements. A variance from the Ellis County Commissioners' Court was obtained at their July 17, 2018 meeting. Ms. Dent stated the development, due to lack of fire protection, does not comply with the Subdivision Ordinance.

Action:

After a lengthy discussion, Mr. Jim Phillips moved to deny a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). Ms. Betty Square Coleman seconded. The vote was as follows:

*Ayes: Jim Phillips
Betty Square Coleman
David Hudgins*

*Noes: Rick Keeler
Bonney Ramsey
Erik Barnard*

The motion failed due to a tie vote.

11. Consider request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122)

Ms. Dent reported the Nash-Forreston Water Supply initially indicated that their existing system could furnish the requested service in conformity with the Texas Commission on Environmental Quality (TCEQ) standards for water distribution and the ISO fire requirements. She explained the Nash-Forreston Water Supply have since clarified that they cannot meet ISO fire flow requirements. Ms. Dent stated had they initially indicated their inability to meet fire flow requirements, the application would have been deemed incomplete.

Action:

After a brief discussion, Mr. Jim Phillips moved to deny a request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122). Ms. Betty Square Coleman seconded, All Ayes.

12. Consider request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123)

Ms. Dent stated FP-18-0123 is a companion case to item 11 being PP-18-0122. She reported the Preliminary Plat cannot meet the ISO fire requirements. Ms. Dent noted the applicant seeks to re-route the proposed thoroughfare and explained, at this point, staff has not received a drawing detailing the proposed relocation of this thoroughfare. She stated formatting issues remain outstanding with this submittal.

Action:

Mr. Jim Phillips moved to deny a request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123). Mrs. Bonney Ramsey seconded, All Ayes.

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13. Adjourn

There being no further business, the meeting adjourned at 7:37 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary