

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 11, 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  
Lori Cartwright, City Secretary  
Kevin Strength, Mayor

Others Absent: 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. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated she just came out of the Planning and Zoning Briefing meeting and requested doing away with the briefings and hear the discussion in the meeting.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 28, 2018
- b. Minutes of the Planning and Zoning Commission briefing of August 28, 2018
- c. Minutes of the Planning and Zoning Commission and City Council Joint Work Session of August 27, 2018

**Action:**

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

5. **Public Hearing on a request by Stacy Lennon, Green Light Solar, for a Specific Use Permit (SUP) for Small In-Ground Solar Panel System use within a Planned Development-23-Single Family-1 zoning district, located at 97 Eagle Point Drive, 39 B CRYSTAL COVE ESTS 1.171 ACRES (Property ID 219032) - Owner: ALLEN JAMES (SU-18-0129)**

Ms. Kelly Dent, Planner, announced during the review process plans were resubmitted and it was discovered the proposed location of the solar panel system is situated outside the City Limits and therefore no consideration to be taken.

**6. Consider recommendation of Zoning Change No. SU-18-0129**

**Action:**

*None*

**7. Consider request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)**

Ms. Dent reported Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. Staff recommended approval.

Mr. Erik Barnard announced he will recuse himself from participating due to him being the applicant for PP-18-0132.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132) subject to staff comments. Mr. Jim Phillips seconded. The vote was as follows:*

*Ayes: Rick Keeler  
Melissa Ballard  
Betty Jefferson  
Bonney Ramsey  
Jim Phillips  
David Hudgins*

*Abstained: Erik Barnard*

**The motion carried.**

**8. Consider request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)**

Ms. Dent stated the Final Plat is a companion case to PP-18-0132. Staff recommended approval.

Mr. Erik Barnard announced he will recuse himself from participating due to him being the applicant for FP-18-0133.

**Action:**

*Mr. Jim Phillips moved to approve a request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133). Mrs. Bonney Ramsey seconded. The vote was as follows.*

*Ayes: Rick Keeler  
Melissa Ballard  
Betty Jefferson  
Bonney Ramsey  
Jim Phillips  
David Hudgins*

*Abstained: Erik Barnard*

**The motion carried.**

**9. Public Hearing on a request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to rezone the property from residential to retail use. She stated there is General Retail zoning across the street and this property, as well as the properties to the immediate north, south, and west of this property remain zoned for residential use. Ms. Dent noted the proposal does not conform to the Future Land Use Plan for the property or the properties in this area. Staff recommended to deny.

There being no others to speak for or against ZC-18-0134, Chairman Keeler closed the Public Hearing.

**10. Consider recommendation of Zoning Change No. ZC-18-0134**

**Action:**

*Mr. Jim Phillips moved to deny a request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134). Mr. David Hudgins seconded. The vote was as follows:*

*Ayes: Rick Keeler  
Melissa Ballard  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins*

*Noes: Erik Barnard*

**The motion carried.**

- 11. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the site is currently zoned for industrial use. The City's Future Use Plan shows a projection of retail usage. Staff recommended approval.

Mr. Dalton Bradbury, Acker Construction, requested approval to change the zoning from Light Industrial-1 to Commercial Zoning District.

There being no others to speak for or against ZC-18-0135, Chairman Keeler closed the Public Hearing.

- 12. Consider recommendation of Zoning Change No. ZC-18-0135**

**Action:**

*Mr. Jim Phillips moved to approve a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 13. Consider request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)**

Mr. Shon Brooks, Director of Planning, stated because the plat is multiple lots re-platted from the Original Lot One of the Ferris Addition, all portions of the lot must be included in the application or signatures included on the plat indicating surrounding property owner's acceptance of re-platting of this land as a portion of the overall Lot One. He stated the applicant submitted a request for a Hardship Waiver due to the difficulty in acquiring all property owners' signatures. Mr. Brooks explained, being a requirement of Subdivision Ordinance, surrounding signature of property owners are required. Staff recommended approval per staff comments which require the applicant to obtain signatures from property owners noting the applicant can request a hardship waiver through City Council.

**Action:**

*Mr. Jim Phillips moved to approve a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136) subject to staff comments. Mr. David Hudgins seconded, All Ayes.*

**14. Public Hearing on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant submitted plans to alter the existing Planned Development to erect a third pole sign. She stated the site currently has three signs existing on site, with the submitted drawing being inconsistent to the signage currently on site. Ms. Dent stated with this request, a fourth sign is proposed. She explained pole signs are required to be a minimum of 350 feet apart. The proposed fourth sign would meet the 350 foot distance requirement from the nearest pole sign however, the existing pole signs do not meet the 350 foot distance requirement. To have a total of four pole signs at the property with the required distance separation, the site requires a minimum of 1400 feet in street frontage. The site has a total of approximately 870 feet of frontage along US Highway 287. Ms. Dent explained the development standard requirements in the base zoning district require all pole signs greater than 25 feet in height shall be set back a minimum of 25 feet, plus one foot for each foot the sign exceed 25 feet. She stated the applicant requested a setback of zero feet from the property line.

Mrs. Bonney Ramsey asked how long the existing signs have been in place.

Mr. Austin Blankenbeckler, applicant, Carlisle Chevrolet, 1701 West Highway 287, stated the existing signage have been in place since the 1980's. He stated they will be identical to the other signs.

Vice Chairman Melissa Ballard stated the fourth sign would be consistent with the other signage and it's not hindering any traffic.

There being no others to speak for or against PD-18-0137, Chairman Keeler closed the Public Hearing.

**15. Consider recommendation of Zoning Change No. PD-18-0137**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137). Mrs. Bonney Ramsey seconded. The vote was as follows:*

*Ayes: Melissa Ballard  
Bonney Ramsey  
Erik Barnard  
David Hudgins*

*Noes: Rick Keeler  
Betty Square Coleman  
Jim Phillips*

**The motion carried.**

- 16. Public Hearing on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)**

Chairman Keeler opened the Public Hearing.

Ms. Becky Kauffman, 817 West Main, Waxahachie, Chairman of the Heritage Preservation Commission (HPC), presented a proposed Ordinance creating Oldham Avenue Historic Overlay District. She stated the Ordinance will protect the aesthetic and visual character of the homes on Oldham Street through the establishment of the Historic Overlay District. Ms. Kauffman stated several of the properties apply each year for historic tax exemption and they will be able to continue that process. She explained if the Ordinance is approved, property owners cannot change the front façade of their home without the Heritage Preservation Commission's approval. Ms. Kauffman stated 2.5 blocks of Oldham Street are on the National Register of Historic District and most residents thought they were already protected. She noted 65% of the property owners responded in support and did not receive any response from the remaining 35%.

Those who spoke in opposition of TA-18-0145:

Mr. Dane Sutherland, 505 Oldham, Waxahachie  
Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie  
Mr. John Parker, 308 Kaufman, Waxahachie

Those who spoke for TA-18-0145:

Ms. Jane Yeager, 208 Oldham, Waxahachie  
Mr. Kevin Myers, 601 Oldham, Waxahachie  
Ms. Patty Cox, 408 Oldham, Waxahachie  
Ms. Meagan Cowen, 407 Oldham, Waxahachie  
Ms. Camara Bell, 201 Oldham, Waxahachie  
Ms. Alicia Franco, 307 Oldham, Waxahachie

Mr. Richard Pace, Pace Custom Homes, 2750 Marjorie, Dallas, stated he received notice of the proposed Ordinance and asked if his property will be included in the Historic Overlay District. Mr. Brooks stated he is within the notification area but not located in the Historic Overlay District.

Councilmember Melissa Olson, 202 Stampede Street, Waxahachie, stated a lot of people are concerned with what they are wanting to protect and suggested changing the Infill Ordinance to give people the protection. She stated the penalty for non-compliance is very steep and suggested putting the phrase “opt out” back in the Ordinance. Councilmember Olson asked if the property owners have to reapply each year for the historic tax exemption. Ms. Anita Brown, Downtown Development Director, stated property owners do have to apply yearly.

Ms. Betty Square Coleman referenced the comment pertaining to the Infill Ordinance and stated she does not see the Infill Ordinance being an issue on Oldham Street.

Mrs. Bonney Ramsey stated the Infill Ordinance does not need to be changed because it is written very well noting it protects homeowners and has specifications on what can be built. She noted the Infill Ordinance falls right in with the Historic Overlay District so a homeowner gets double protection.

Mr. Brooks clarified on the Infill Overlay noting it is for new construction of homes on existing lots and has to do with setbacks, character, and the look of the neighborhood.

Chairman Keeler recapped that the Historic Overlay District was amended in February 2018 and there were certain guidelines and stipulating that had to be done to establish the Neighborhood Historic Overlay District and they have met all guidelines that have already been passed.

Ms. Kauffman stated the HPC does not require a homeowner to do anything and explained if they want to make changes, they come before the HPC. She stated the “opt out” phrase was not in the Ordinance.

There being no others to speak for or against TA-18-0145, Chairman Keeler closed the Public Hearing.

#### **17. Consider recommendation of Zoning Change No. TA-18-0145**

##### **Action:**

*Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change (TA-18-0145) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

#### **18. Adjourn**

Chairman Keeler asked Mr. Brooks if the Planning and Zoning Commission Briefings are open to the public. Mr. Brooks stated it is a public meeting.

Planning and Zoning Commission  
September 11, 2018  
Page 8

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary