

Planning and Zoning Commission
October 9, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 9, 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
David Hudgins
Erik Test

Member Absent: Melissa Ballard, Vice Chairman

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 at 7:00 p.m. and gave the invocation.

- 3. Reorganize the Commission**

Action

Ms. Bonney Ramsey moved to nominate Mr. Rick Keeler as Chairman. Ms. Betty Square Coleman seconded, All Ayes.

Mr. David Hudgins moved to nominate Ms. Melissa Ballard as Vice Chairman. Mr. Jim Phillips seconded, All Ayes.

- 4. Public Comments**

Ms. Robin Beaton, 512 Ovilla Road, Waxahachie, asked the commission to restrict the land on Ovilla Road with less density and to consider traffic issues in that area.

Ms. Sara Craig, 530 Ovilla Road, Waxahachie, asked for the Commission to approve larger home sizes for PD-18-0110.

Mr. Darren Jackson, 205 Clydesdale, Waxahachie, expressed concern about traffic safety at Saddlebrook Estates.

Ms. Patricia Galbraith, 213 Clydesdale, Waxahachie, expressed concern about traffic safety at Saddlebrook Estates as well as construction trucks driving through the neighborhood.

Mr. Tim Burluson, 210 Ash Drive, Waxahachie, encouraged the use of city owned property for future development of the Master Plan. He expressed concern with street parking near the Burluson Honey property.

Mr. Carroll Butler, 518 Ovilla Road, Waxahachie, expressed concern with the drainage issue along Ovilla Road and the impact the proposed development will add.

5. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of September 25, 2018
- b. Minutes of the Planning and Zoning Commission briefing of September 25, 2018

Action:

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

6. Public Hearing on a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148)

Chairman Keeler opened the Public Hearing.

Planner Kelly Dent presented SU-18-0148 noting staff recommended approval per the following staff comments:

1. A sign permit must be obtained before any signage at the site can be altered
2. Should this request be approved, the ordinance authorizing the convenience store will include a repeal of Ordinance No. 2532, as well as the provisions that the SUP expires if the 1 Stop C-Store relocates from Suite 800, changes its business name, or changes owners.

There being no others to speak for or against SU-18-0148, Chairman Keeler closed the Public Hearing.

Ms. Bonney Ramsey asked if the applicant would remove the beer, wine, and tobacco verbiage on the proposed store sign.

Mr. Sailesh Kharel, 400 N. Hwy. 77, Waxahachie, explained he would comply with that request.

7. Consider recommendation of Zoning Change No. SU-18-0148

Action:

Mr. Jim Phillips moved to approve a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE

PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148) adding the following stipulations: no sale of specialty paraphernalia on site and no mentions of tobacco, alcohol, or wine verbiage on any outside signage. Mr. David Hudgins seconded, All Ayes.

- 8. Consider request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150)**

Ms. Dent presented RP-18-0150 and recommended approval as presented. She noted one letter of opposition was received from Cynthia Moore, 1400 Hamilton Drive, Cedar Hill, TX.

Action:

Ms. Betty Square Coleman moved to approve a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.

- 9. Public Hearing on a request by Todd Winters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0110 and reviewed the following staff report:

PLANNING ANALYSIS

The applicant seeks to rezone this property from SF1 to PD-SF3 to allow for smaller lots. This property's preliminary plat was approved by City Council on June 5, 2017, with 183 lots that met SF1 zoning requirements. The property has since changed hands, and the new owners wish to rezone the property to smaller lot sizes. Included in the development is an east to west connection through the neighborhood that meets the intent of the City's thoroughfare plan. The 80-foot Right of Way through this development establishes a connection from Ovilla Road to the previously zoned and platted Mark on Solon Right of Way dedication.

Staff recommended approval per the following comments:

1. The applicant proposes to dedicate park land to the City. Any decision on whether a dedication will be accepted needs to be coordinated with the Director of Parks & Recreation. At this point, staff is unaware of a decision by the City to accept this land. Should the City decline to accept the proposed dedication, park fees of \$106,000.00 will be assessed at platting.
2. The City would prefer to see a minimum dwelling unit area (DUA) of 2,200 SF.

3. The screening wall and landscaping will need to be relocated. There is a 24" proposed water line along Ovilla. The City does not permit trees to be planted over its water lines. Nor does TxDOT allow City water lines within its ROW.

Ms. Dent recognized the following written oppositions: Susanne Craig, 903 Leslie Drive, Arlington, TX and Waxahachie Independent School District.

Planning Director Shon Brooks explained the school district supports staff recommendation of 2,200 square foot homes.

Mr. Todd Wintters, 201 Windco Cir #200, Wylie, TX, presented an overview of the proposed development noting the developer is committed to paying \$2.5 million to construct the 80 foot Right-of-Way requested by the city.

Those who spoke in opposition:

Ms. Robin Baker, 512 Ovilla Road, Waxahachie

Mr. Stan Crawford, 601 Ovilla Road, Waxahachie inquired about required fencing at the homes and if the city sewer line will be extended to the current residents on Ovilla Road. Mr. Brooks explained there is no city requirement for fencing homes and City Engineer James Gaertner explained the master plan is for the developers to connect the sewer line with other developments. The homeowner is then responsible for connecting to the sewer line.

There being no others to speak for or against PD-18-0110, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. PD-18-0110

Action:

Mr. Jim Phillips moved to approve a request by Todd Wintters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110) with the following changes: minimum 10,000 square foot lots and minimum 2,200 square foot home size and subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.

11. Public Hearing on a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153)

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0153 and reviewed the following staff report:

PLANNING ANALYSIS

The applicant seeks to establish a Planned Development to ensure that this final section of the Clift Estates neighborhood is consistent with the remainder of the neighborhood. In 2000, the zoning for this property and surrounding properties was established as SF3 and GR. Since 2000, our regulations for SF3 zoning have substantially changed, such that, to develop the southernmost portion of Clift Estates under our current regulations would result in a section of the neighborhood that is not in keeping with previously-built portions.

Staff recommended approval per the the following comments:

1. Application fees of \$423.70 remain outstanding

Ms. Dent recognized the following written opposition: Paula Stephens, 128 Owen Way, Waxahachie.

Ms. Coleman noted she wanted to see the development be aesthetically pleasing and not just small homes. Ms. Dent explained the applicant's request matches the current Clift Estates development in regards to housing and lot size.

Mr. Tommy Smith, 630 Antonio Lane, Waxahachie spoke in opposition to two-story homes in the development.

There being no others to speak for or against PD-18-0153, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. PD-18-0153

Action:

Mr. David Hudgins moved to approve a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153) subject to Staff Comments. Ms. Bonney Ramsey seconded. The vote was as follows: Ayes: Rick Keeler, Bonney Ramsey, Jim Phillips, David Hudgins, Erik Test. Noes: Betty Square Coleman. The motion carried 5-1

- 13. Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0152 and reviewed the following staff report:

PLANNING ANALYSIS

The applicant seeks to establish a planned development district that encompasses nine (9) lots along Wyatt Street. These lots will range in size from 6,472 SF to 17,432 SF in area.

Staff recommended approval as presented.

Ms. Dent recognized the following written oppositions: Guadalupe E. Duron, 214 Ennis, Waxahachie and Tim E. Burleson, 301 Peters Street, Waxahachie.

Mr. Tim Burleson, 210 Ash Drive, Waxahachie, expressed concern with off-street parking along Wyatt/Cleaver Street east to FM 878. He explained Burleson Honey has commercial trucks entering and exiting their facility all day long and adding houses to this area will continue to negatively impact traffic and cause a safety concern for first responders, passenger cars, school buses, and commercial vehicles.

Mr. Robert Morgan, 621 Chad Street, Italy, TX, explained all the proposed homes will have front garages.

Mr. David Hudgins asked if it was possible to put up “no parking” signs along the street. Mr. Brooks noted that may be a possibility but would involve the Public Works department.

Mr. Brooks reminded the Commission the case in question is a zoning request and the parking and traffic concerns, although valid, cannot be regulated through this zoning case.

Chairman Keeler asked Mr. Tommy Ludwig, Executive Director of Development Services, if that is something staff can look in to. Mr. Ludwig noted he and the Public Works Director have visited the site and can review. He explained the difficulty is that the site is majority residential area and doesn't believe it will be a favorable outcome to eliminate or limit parking on the residential street.

The applicant agreed to continue the zoning case while the city explores the parking issues.

14. Consider recommendation of Zoning Change No. PD-18-0152

Action:

Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152) to the October 23, 2018 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

- 15. Consider request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169)**

Ms. Dent presented PP-17-0169 and reviewed the following staff report:

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

Additional consideration may be required.

1. The City has reservations about platting 900 residential lots that will further increase this development's well-documented difficulties with access.
2. The Developer's Deposit of \$507.87 remains outstanding. The City will need payment of this fee to continue providing engineering services.
3. The applicant proposes to dedicate park land to the City. Any decision on whether a dedication will be accepted needs to be coordinated with the Director of Parks & Recreation. At this point, staff is unaware of a decision by the City to accept this land. Should the City decline to accept the proposed dedication, park fees of \$360,000.00 will be assessed at platting.

Members of the Commission expressed concern with development entrance lighting and traffic impact.

Mr. Gaertner reported TxDOT doesn't have any comments on the new design.

Mr. Kevin Kessler, 1999 Bryan Street, Dallas, TX, Jacobs Engineering Group, explained the connection to Business 287 underpass will be after the next preliminary platting of the next phase. He noted after working with city staff, this is the best way to address the traffic issue now safety wise and is economically feasible.

Action:

Mr. David Hudgins moved to approve a request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169) subject to Staff Comments. Mr. Jim Phillips seconded, All Ayes.

- 16. Consider Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP**

Action:

Ms. Bonney Ramsey moved to approve a Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP subject to Staff Comments. Ms. Betty Square Coleman seconded, All Ayes.

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17. Adjourn

There being no further business, the meeting adjourned at 9:46 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary