

**SUMMARY NOTES  
PLAN COMMISSION**

**December 18, 2017 – 7:00 PM**

**Operations Center**

**Training Room**

**1415 N. 4<sup>th</sup> Street**

**Waco, Texas**

**COMMITTEE MEMBERS PRESENT:**

**Members present:** LaRaine DuPuy, Chair; Reggie Richardson, Josh Borderud, John Campbell, Peter Ellis, Andrew Lopez, Joe Rodriguez and David Sterling

**Absent:** Andrea Barefield, Peter Groetzinger and Joe Mayfield

**Others present:** John Patterson, Asst. City Attorney; Gerry Kendall, Senior Planner (Engineering); Ross King, Traffic; Beatriz Wharton, Senior Planner, and Chelsea Phlegar, Senior Planner

**Note:** This meeting was recorded. (Plan Commission 12-18-17)

Item No.	Description
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Chairperson LaRaine DuPuy called the meeting of the Plan Commission to order at 7:00 PM.

**1. MINUTES**

Approval of the minutes from the Work Session held on November 13, 2017.  
Approval of the minutes from the Business Session held on November 13, 2017.

**Disposition by the Commission:**

Voice vote to approve

**VOTE:** (8, 0) to approve.

**2. Discussion between the Commission and City Council Liaison regarding Commission activities and appointments.**

**A. SUBDIVISIONS**

1. Final Plat of the Prosperity Addition, Lots 2-3, Block 1 - Replat
2. Preliminary Plat of the Spring Valley Addition, Phase 2 – ETJ
3. Final Plat of the Spring Valley Addition, Phase 2 - ETJ

**Planning Services Comments:**

Planning Services recommends **DISAPPROVAL** of the plats listed above until all platting requirements are met.

**Persons in favor:**

None

**Persons opposed:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **disapprove** the plats listed above until all platting requirements are met. Seconded by Mr. Ellis.

**VOTE: (8, 0) to disapprove until all platting requirements are met**

**B. STREET NAME CHANGE**

4. **ST-17-1** Redeemer Presbyterian Church – for a Petition requesting street name change from (Old) Ritchie Road to Redeemer Way between (New) Ritchie Road and Chapel Road.

**Notices mailed:**

9 mailed; 0 returned

**Persons in favor:**

None

**Persons opposed:**

None

**Disposition by the Commission:**

Motion by Mr. Rodriguez to **approve** the street name change of (Old) Ritchie Road to Redeemer Way between (New) Ritchie Road and Chapel Road. Seconded by Mr. Lopez.

**VOTE: (8, 0) to approve**

**C. ZONING APPLICATIONS**

5. **Z-17-70**

**Applicant:**

APC Towers II, LLC dba APC Towers, LLC

**Legal Description:**

Lot 4, Block 145, A. Marrs Addition

**Address:**

1225 Baylor Avenue

**Request:**

Special Permit for a Wireless Communication Tower (Monopole Antenna Structure) in a C-3 District

**Planning Services Comments:**

Planning Services recommends **DISAPPROVAL** of this request for a special permit based on the following findings:

1. That the proposed use is **not** consistent with the comprehensive plan and the purposes and intent of Chapter 28-Zoning of the Code of Ordinances of the City of Waco. *The proposed site is located within the College and University Neighborhoods District Overlay which has a stated purpose to facilitate development which complements the physical and social characteristics of a higher education institution and the surrounding neighborhoods. The overlay has a maximum building height of 60' which is approximately the height of the tallest building and structures located on the Baylor University campus. The maximum height requirement is intended for new buildings/structures to be in harmony with the scale and height of the buildings located on campus and to protect sight lines and views of campus from Interstate 35. Additionally, per Section 28-965, part of the purpose and intent of the Wireless Communication System ordinance is to minimize the visual impacts of towers through careful design, siting and screening. Therefore, the proposed tower is not consistent with the purposes and intent of Chapter 28-Zoning of the Code of Ordinances of the City of Waco.*
2. That the proposed use is **not** compatible with the appropriate and orderly development of the area in which it is located. *The proposed tower site is in close proximity to intersection of 11<sup>th</sup>/12<sup>th</sup> streets and Interstate 35. This intersection is part of the funded Interstate 35 widening project which will completely redesign this intersection. Currently, 11<sup>th</sup>/12<sup>th</sup> St. bridges over the main lanes of the interstate. The redesign will reverse the stack and the main lanes of the interstate the 11<sup>th</sup>/12<sup>th</sup> St. intersection. This reversal provides a more prominent sight line towards Baylor University for motorists traveling northbound on the interstate. Also, the redesign transforms this intersection into a major gateway entry point into the southern end of Baylor University and downtown Waco. Enhanced pedestrian and bicycle facilities will be installed along with upgraded aesthetic design features and lighting. The proposed tower is not compatible with the proposed redesign and appropriate and orderly development of this important intersection.*
3. The applicant has not provided sufficient evidence that the proposed tower (including the proposed tower site) is the means that is least intrusive on the public interest in maintaining the consistency of land uses with the purposes and intent of the Zoning Ordinance, and on the appropriate and orderly development of the area, in order to remedy T-Mobile's claimed coverage/capacity deficiencies. *The proposed site is located near the eastern edge of the identified search area and appears to have little impact on improving coverage/capacity in the center of northern part of the service area. Also, there appear to be less intrusive, alternate locations within the identified service area that could better remedy claimed coverage/ capacity deficiencies including:*

- *A site that is zoned M-2 which allows Wireless Telecommunication Towers as a permitted use by right.*
- *Several Sites located just outside of the identified search area that have taller buildings located on them or higher elevations where a shorter tower could be constructed.*
- *The use of small cell technology in conjunction with potential less intrusive alternate locations on buildings or lower tower heights. The applicant has not provided sufficient evidence to demonstrate that it has investigated all alternate sites that would be less intrusive and not in violation of the Zoning Ordinance.*

**Notices Mailed:**

8 mailed, 1 returned in opposition

**Persons in favor of the request:**

None

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Richardson to **continue** the request for a Special Permit to the next Plan Commission Business Session. Seconded by Mr. Ellis.

**VOTE:** (8, 0) to **continue**

**6. Z-17-88**

**Applicant:** First National Bank of McGregor  
**Legal Description:** Lot 6, Block 1, Downs Addition  
**Address:** 810-824 Cleveland Avenue  
**Request:** Rezone from O-2 to C-2

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of this request to change the zoning from **O-2 to C-2** based on the following findings:

1. The proposed zoning is in keeping with the land use component of the Comprehensive Plan.
2. The public infrastructure is adequate to provide for uses allowed in the C-2 zoning district.
3. The property meets all the size & width requirements for C-2 zoning.
4. C-2 zoning is the dominant zoning between Cleveland Avenue and Interstate 35.

**Notices Mailed:**

17 mailed, 1 returned with approval

**Persons in favor of the request:**

None

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Richardson to **approve** the request to change the zoning from O-2 to C-2 based on staff findings. Seconded by Mr. Borderud.

**VOTE:** (8, 0 1) to **approve**

7. **Z-17-89**

**Applicant:**

David Mercer

**Address:**

700 La Salle Avenue

**Request:**

A: Land use designation change from Medium Density Residential Office Flex to Mixed Use Flex  
B: Rezone from O-2 to C-2

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the land use designation change from **MEDIUM DENSITY RESIDENTIAL OFFICE FLEX to MIXED USE FLEX** based on the following findings:

1. The public infrastructure is adequate to provide for zoning districts allowed in the proposed mixed use flex land use designation.
2. The area is transitioning from industrial and service commercial land uses to mixed residential, commercial and office uses.
3. There is mixed use flex land use across from and adjacent to the subject property.
4. The property is located along a major arterial roadway (La Salle Avenue).

**ZONING:**

Planning Services recommends **APPROVAL** of this request to change the zoning from **O-2 to C-2** based on the following findings:

1. The proposed zoning is in keeping with the land use component of the Comprehensive Plan as revised.
2. The public infrastructure is adequate to provide for uses allowed in the C-2 zoning district.
3. The property meets all the size & width requirements for C-2 zoning.
4. There is existing C-2 zoning adjacent to and across S. 7<sup>th</sup> Street from the subject property.

**Notices Mailed:**

15 mailed; 0 returned

**Persons in favor of the request:**

None

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **approve** the request for the land designation change from Medium Density Residential Office Flex to Mixed Use Flex **and** to **approve** the request to change the zoning from O-2 to C-2 based on staff findings. Seconded by Mr. Richardson.

**VOTE:** (8, 0 to **approve**)

**8. Z-17-90**

**Applicant:**

JKN RE, LLC

**Legal Description:**

8 acres in the James M. Conrad Survey, Abst.  
No. 224

**Address:**

9600 Block of Chapel Road

**Request:**

Rezone from R-1B to R-2

**Planning Services Comments:**

Planning Services recommends **DISAPPROVAL** of this request to change the zoning from **R-1B to R-2** based on the following findings:

1. The proposed R-2 zoning is not compatible with the adjacent single-family neighborhood and R-1B zoning.
2. The existing infrastructure and street conditions are not adequate to support the densities allowed in R-2 zoning.
3. There is already an adequate amount of residential zoning in the area that allows higher density development to support appropriate growth in the area.

**Notices Mailed:**

26 mailed, 4 returned; 1 no issue comment, 3 approved

**Persons in favor of the request:**

Nate Landreth, 129 Stone Lake Drive, Woodway, TX 76712

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **approve** the request to change the zoning from R-1B to R-2 based on staff findings. Seconded by Mr. Richardson.

**VOTE:** (7, 0) to **approve**; **Mr. Lopez abstained from vote**

9. **Z-17-92**

**Applicant:** Dawson & Kali Barksdale  
**Legal Description:** Lots 13A, 14 & 15B, Block 4, Huaco Heights Addition  
**Address:** 505 N. 33<sup>rd</sup> Street  
**Request:** Special Permit for a Short Term Rental Type I in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

25 mailed; 0 returned

**Persons in favor of the request:**

Dawson Barksdale, 505 N. 33<sup>rd</sup> Street, Waco, TX 76707

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Borderud to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Richardson.

**VOTE:** (8, 0) to **approve**

**10. Z-17-93**

**Applicant:** Elizabeth & David Corey  
**Legal Description:** Lots A7-13 & A, Block 4, Cameron Park Terrace Addition  
**Address:** 500 N. Park Avenue  
**Request:** Special Permit for a Short Term Rental Type I in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

16 mailed; 1 returned with approval

**Persons in favor of the request:**

Elizabeth Corey, 500 N. Park Avenue, Waco, TX 76708

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Campbell to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Ellis.

**VOTE:** (8, 0) to **approve**



11. Z-17-94

**Applicant:** Elizabeth & David Corey  
**Legal Description:** Lots 14 & 15, Block 4, Cameron Park Terrace  
Addition and 0.23 acres of abandoned alley  
**Address:** 519 Dyer Avenue  
**Request:** Special Permit for a Short Term Rental Type II  
in an R-1B District

**Planning Services Comments:**

Planning Services recommends *APPROVAL* of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

14 mailed; 1 returned with approval

**Persons in favor of the request:**

Elizabeth Corey, 500 N. Park Avenue, Waco, TX 76708

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Lopez.

**VOTE:** (8, 0) to **approve**

12. Z-17-95

**Applicant:** John & Kathleen Haley  
**Legal Description:** Lot 5, Block 1, Willowbrook Addition  
**Address:** 3200 Willowbrook Drive

**Request:** Special Permit for a Short Term Rental Type II  
in an R-1B District

**Planning Services Comments:**  
Planning Services recommends *APPROVAL* of the special permit subject to  
the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly  
development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring  
properties because of traffic congestion, noise, fumes, vibrations or any  
other characteristics than any use permitted in the zoning district without  
the grant of a special exception.
4. That available community facilities and services, including the road system  
providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section  
28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**  
16 mailed; 3 returned, 2 no objections, 1 no comment

**Persons in favor of the request:**  
Abigail Phillips, caretaker of property at 3200 Willowbrook Drive, Waco, TX  
76711

**Persons opposing the request:**  
None

**Disposition by the Commission:**  
Motion by Mr. Richardson to **approve** the special permit subject to the special  
provisions and conditions and based on staff findings. Seconded by  
Mr. Sterling.

**VOTE:** (8 0) to **approve**

13. **Z-17-96**

**Applicant:** P & L Real Estate, LLC  
**Legal Description:** Lots 2 & 3B, Block A, Brannon 1 Addition  
**Address:** 633 Baker Lane  
**Request:** Special Permit for a Short Term Rental Type II  
in an R-1A District

**Planning Services Comments:**  
Planning Services recommends *APPROVAL* of the special permit subject to  
the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

10 mailed; 0 returned

**Persons in favor of the request:**

Lisa Torgerson, 700 Cedar Crest, Waco, TX 76708

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Borderud to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Richardson.

**VOTE:** (8, 0) to **approve**

**14. Z-17-97**

**Applicant:**

HC Real Estate, LLC

**Legal Description:**

Lots 13 & 14, Block 15, Cohen Addition

**Address:**

2001 Gorman Avenue

**Request:**

Special Permit for a Short Term Rental Type II in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any

other characteristics than any use permitted in the zoning district without the grant of a special exception.

4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

30 mailed; 0 returned

**Persons in favor of the request:**

Charmaine Hooper, 509 Shamrock Lane, Waco, TX 76712

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Lopez.

**VOTE:** (8, 0) to **approve**

15. **Z-17-98**

**Applicant:**

Steven Geregthy

**Legal Description:**

Lots B4 & 5, Block B, Woodland Hills Addition

**Address:**

2800 Woodland Drive

**Request:**

Special Permit for a Short Term Rental Type II in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

24 mailed; 2 returned in opposition

**Persons in favor of the request:**

Steven Geregty, 2800 Woodland Drive, Waco, TX 76710 and Mary Herridge, 2816 Bremer, Waco, TX 76710

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Campbell to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Sterling.

**VOTE:** (8, 0) to **approve**

**16. Z-17-99**

**Applicant:**

Thomas & Lisa Aguilar & Ivy Tree, LLC

**Legal Description:**

Lots 17 & 18A, Block E, Brookview Hills Addition

**Address:**

1319 N. 34<sup>th</sup> Street

**Request:**

Special Permit for a Short Term Rental Type II in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

20 mailed; 1 returned with approval

**Persons in favor of the request:**

Thomas Aguilar, 531 Santa Fe Drive, Woodway, TX 76712

**Persons opposing the request:**

None

**Disposition by the Commission:**

Motion by Mr. Sterling to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by Mr. Richardson.

**VOTE:** (8, 0) to **approve**

17. **Z-17-100**

**Applicant:**

Sally Regian

**Legal Description:**

Lots 15A & 16, Block 40, Dean Addition

**Address:**

3201 Live Oak Avenue

**Request:**

Special Permit for a Short Term Rental Type II in an R-1B District

**Planning Services Comments:**

Planning Services recommends **APPROVAL** of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\*These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**Notices Mailed:**

13 mailed; 1 returned with no comment

**Persons in favor of the request:**

Sally Regian, 207 Twisted Oak Lane, Crawford, TX 76638

**Persons opposing the request:**

None

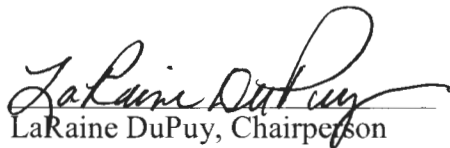
**Disposition by the Commission:**

Motion by Mr. Ellis to **approve** the special permit subject to the special provisions and conditions and based on staff findings. Seconded by

Mr. Sterling.

**VOTE: (7, 0) to approve; Mr. Lopez is disqualified from vote**

There being no further business, the meeting was adjourned at 7:44 p.m.

  
LaRaine DuPuy, Chairperson  
Approved:

Prepared by: Gaynell Benson  
Planning Services

ATTENDANCE REPORT - JULY 2017-JUNE 2018

PLAN COMMISSION

NAME	19-Jul	25-Jul	16-Aug	22-Aug	1-Sep	26-Sep	18-Oct	24-Oct	13-Nov	18-Dec	18-Dec	18-Jan	23-Jan	Present	Absent
John Campbell	EX	P	EX	EX		P	P	P	P	P	P			16	6
Joshua Carter	EX	EX	EX	P		EX	O							7	10
Norma Johnson	EX	P	P	P		P	O							13	4
Peter Ellis	EX	P	EX	P		P	P	P	P	P	P			16	6
Jose Villanueva	P	P	P	P		P	O							16	1
LaRaine DuPuy (apptd Chair 9-27-16; reappointed Chair 9-26-17)	P	P	EX	P		P	P	P	P	P	P			20	2
David Sterling	P	P	P	P		P	P	P	P	P	P			21	1
Reggie Richardson (apptd Vice Chair 9-27-16; reappted VC 9-26-17)	EX	P	P	P		P	P	P	P	P	P			17	5
Joe Mayfield	P	P	P	P		P	EX	P	P	EX	EX			19	3
Andrew Lopez	P	P	P	P		P	P	P	P	P	P			21	1
Peter Groetzinger	P	P	P	P		P	P	P	P	EX	EX			13	9
Joe Rodriguez; apptd 9-17					P	P	P	P	EX	P	P			6	1
Josh Borderud; apptd 10-17							P	P	P	P	P			5	
Andrea Barefield; apptd 10-17							P	P	P	EX	EX			3	2
	A = Absent											RES = Resigned			
	P = Present											O = Off Board-Time Expired			
	EX = Excused Absence											Q = No Quorum			
	QP = Present/No Quorum											QA = Absent/No Quorum			
	Blank space denotes member was not yet appointed or qualified to serve													22	