

Planning and Zoning Commission
May 11, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 11, 2021 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
David Hudgins
Erik Test

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Macey Martinez, Graduate Engineer
Tommy Ludwig, Assistant City Manager
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. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 27, 2021
- b. Minutes of the Planning and Zoning Commission briefing of April 27, 2021

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Ms. Betty Square Coleman seconded, All Ayes.

5. **Consider request by Mikel J. Craig, Waxahachie ISD, for a Plat of WISD – Elementary School No. 10 for 1 lot, being 14.000 acres situated in the G. Carpenter Survey, Abstract 190 (Property ID 189842) – Owner: 287 WAXAHACHIE LP (SUB-55-2021)**

Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into one lot for a proposed elementary school site and staff recommended approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Mikel J. Craig, Waxahachie ISD, for a Plat of WISD – Elementary School No. 10 for 1 lot, being 14.000 acres situated in the G. Carpenter Survey, Abstract 190 (Property ID 189842) – Owner: 287 WAXAHACHIE LP (SUB-55-2021) as presented. Mr. David Hudgins seconded, All Ayes.

6. Consider a request by Dalton Bradbury, Acker Construction, for a Replat of Block 22 and 34, Town Addition, two (2) lots, being 3.032 acres (Property ID 193493, 193491, and 170678) – Owner: SOUTHFORK CAPITAL LLC (SUB-50-2021)

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into two (2) lots and staff recommended approval per the following conditions:

1. Prior to plat filing, all private onsite utilities must be separated to each platted lot pursuant to Sec. 5.8: Water and Sewer Requirements of the City of Waxahachie Subdivision Ordinance.
2. Due to the proximity of the proposed property lines the structures are required to comply with Table 705.8 of the 2018 IBC for fire separation distance requirements, prior to plat filing.
3. Prior to plat filing, methods for meeting the fire separation requirements must comply with the construction type selected referencing *Chapter 6 Types of Construction* in addition to *Chapter 7 Fire and Smoke Protection Features*.
4. Depending on construction type that is selected structure must comply with section 705 *Exterior Walls* of the 2018 IBC, prior to plat filing.
5. Prior to plat filing, the structures are required to comply with Table 601& 602 of the 2018 IBC.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Dalton Bradbury, Acker Construction, for a Replat of Block 22 and 34, Town Addition, two (2) lots, being 3.032 acres (Property ID 193493, 193491, and 170678) – Owner: SOUTHFORK CAPITAL LLC (SUB-50-2021) subject to staff conditions. Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: None. Abstain: Erik Test.

The motion carried.

7. Public Hearing on a request by Mikel J. Craig, Waxahachie ISD for a renewal of Specific Use Permit (SUP) Ordinance 3116 located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to renew the Specific Use Permit (SUP) Ordinance No. 3116 which allows for the use of portable storage structures or temporary building at 411 N. Gibson St. He noted staff recommended approval per the following staff comments:

1. Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.
2. Note: This site plan does not include any site improvements.

There being no others to speak for or against ZDC-52-2021, Chairman Keeler closed the Public Hearing.

8. Consider recommendation of Zoning Change No. ZDC-52-2021

Action:

Ms. Betty Square Coleman moved to approve a request by Mikel J. Craig, Waxahachie ISD for a renewal of Specific Use Permit (SUP) Ordinance 3116 located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

9. Public Hearing on a request by Nora De Los Santos for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, with Concept Plan, located at 211 Cumberland (Property ID 172281) - Owner: NORA DE LOS SANTOS (ZDC-48-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to rezone the subject property from Single-Family-2 zoning district to Planned Development-Single-Family-2, to adjust the front yard building setbacks on the lot to allow for a carport to be constructed and staff recommended approval per the following staff comments:

1. The carport will be allowed and the front yard setback for the proposed carport will be reduced to 10'. Any additional construction or improvement, whether it be to the primary structure, or an accessory use, will be the base SF-2 standard. Any deviation would require approval from City Council.
2. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-48-2021, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZDC-48-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Nora De Los Santos for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, with Concept Plan, located at 211 Cumberland (Property ID 172281) - Owner: NORA DE LOS SANTOS (ZDC-48-2021) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.

11. Continue Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

Chairman Keeler continued the Public Hearing.

Senior Planner Colby Collins reviewed the case noting the applicant is requesting approval of a Specific Use Permit to allow for outside storage and outdoor display. He reviewed the case history noting Espinoza Stone was at the previous adjacent property to the north of the subject site for the same use where Council approved a Specific Use Permit in 2013 and required the applicant to meet specific compliance requirements, which they did not do. Staff recommended approval of ZDC-44-2021 subject to the following comments:

1. All staff recommendations shall be completed prior to the applicant receiving an official Certificate of Occupancy.
2. The front portion of the property shall be concrete.
3. Staff suggests that any pavement added in the future be concrete.
4. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.
 - a. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
5. All storage shall be palletized and stored in an orderly fashion.
6. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
7. Any storage in the rear of the property shall be screened from public view.

Mr. Jim Phillips confirmed there will not be a Certificate of Occupancy issued until all staff comments are met and Mr. Collins noted that was correct.

Mr. Rex Hamilton, 3505 Ronald Reagan Blvd., Jarrell, Texas, apologized for the lack of compliance at the previous site but assured the Commission he will make sure all staff comments are met prior to moving to the location.

There being no others to speak for or against ZDC-44-2021, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-44-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021) subject to staff comments. Ms. Bonney Ramsey seconded, All Ayes.

13. Public Hearing on a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for Trailer and Heavy Load Vehicle Repair use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval to construct a facility for the use of office and trailer and heavy load vehicle repair on 5.48 acres. He reviewed staff concerns for the applicant to reduce the seven bay doors facing US Business 287 to two bay doors. Staff recommended approval per the following comments:

1. Per the applicant's request, a Development Agreement will be required for the property.
2. Any additional pavement added to the site shall be concrete material.

Mr. Greg Guerin, 2000 Rushing Creek, Heartland, Texas, reviewed the depth from the property line to the entrance.

Mr. Sam Anderson, 610 Kauffman, Waxahachie, Texas, explained when entering the property, trucks will be able to enter directly to the bays for inspection.

Mr. Tim Balch, 1021 W. Chambers, Italy, Texas, explained the additional bay doors will provide ventilation and air flow through the area. He also noted the bay doors will allow for trucks to drive through without obstructing traffic or having to reverse out of the bays.

The Commission expressed concerns with traffic safety and discussed additional screening in front of the bay doors.

Vice Chairman Melissa Ballard confirmed that exiting trucks will only be allowed to turn right on Business 287 and Mr. Balch noted that is preferable.

Mr. Phillips confirmed the egress and ingress on Ovilla Road and Mr. Balch noted that is for personal vehicles to enter and park on the property and not heavy trucks.

There being no others to speak for or against ZDC-49-2021, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZDC-49-2021

Action:

Mr. Jim Phillips moved to approve a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for Trailer and Heavy Load Vehicle Repair use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021) subject to staff comments, with additional landscaping screening in front of the bay doors, egress and ingress only on US Business 287 with a right turn exit only. Ms. Betty Square Coleman seconded, All Ayes.

15. Continue Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

Chairman Keeler continued the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting to create a Planned Development, known as Dominion Park to allow for the development of 209 single-family detached homes. He reviewed the variances requested from Single-Family-3 zoning, including lot area, front yard setback, side setback, rear setback, lot width, and screening. He also reviewed the staff concerns in regards to lot area, residential screening, and elevation/façade and noted staff recommended denial. In regards to elevation/façade, staff noted (1) no single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face and (2) elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, Texas, reviewed presentation showing renderings of the proposed development noting the applicant is asking for variance request to allow for more density to provide alleys, landscaping, and playground in the development. He explained the owner will sell 50% of the lots to allow for design variations and there will not be a single front facing garage while driving through the entrance of the development. He noted this will be a high standard development with many attractive features not seen in Waxahachie.

The Commission expressed concerns with duplicating elevations and styles throughout the development and suggested quantifying elevation styles. After a brief discussion, the Commission agreed on 15% on each of the housing styles: Contemporary, Modern Farm, Traditional, and Tudor.

Mr. Erik Test inquired about fencing and Mr. Hess noted the entrance will be masonry, estate lots will have wrought iron, and the request is for wood fencing on the north and side lots due to adjacent lots on the established developments having wood fencing.

There being no others to speak for or against ZDC-35-2021, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-35-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021) subject to staff comments, with the following architectural styles: 15% Contemporary, 15% Modern Farm, 15% Traditional, and 15% Tudor, wrought iron fence on the back lots, wood fence on north and south lots, and incorporating staff notes on the building elevation variations. Ms. Bonney Ramsey seconded, All Ayes.

17. Adjourn

Mr. Phillips suggested a driving tour of Waxahachie, Midlothian, and Ennis.

There being no further business, the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Amber Villarreal

Assistant City Secretary