

Planning and Zoning Commission  
August 24, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 24, 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

Member Absent: Erik Test

Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Chris Webb, Senior Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, 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 August 10, 2021
- b. Minutes of the Planning and Zoning Commission briefing of August 10, 2021

**Action:**

*Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Vice Chairman Melissa Ballard seconded, All Ayes.*

5. **Continue Public Hearing on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery And Equipment Rental, Sales, Or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-100-2021 to the September 14, 2021 Planning and Zoning Commission meeting.

**6. Consider recommendation of Zoning Change No. ZDC-100-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, Or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021) to the September 14, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.*

**7. Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the September 14, 2021 Planning and Zoning Commission meeting.

**8. Consider recommendation of Zoning Change No. ZDC-122-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021) to the September 14, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.*

**9. Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-116-2021 to the September 14, 2021 Planning and Zoning Commission meeting.

Those who spoke in opposition to ZDC-116-2021:

Ray Przybylski, 5375 N. IH35, Waxahachie, Texas

**10. Consider recommendation of Zoning Change No. ZDC-116-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1),*

*to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021) to the September 14, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

**11. Public Hearing on a request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021)**

Chairman Keeler opened the Public Hearing.

Planner Zack King presented the case noting the applicant is requesting to replat the subject property into two (2) lots for single-family residential use. Mr. King explained the property was originally platted as Lots 13 & 14 of the Oak Lawn Addition before being replatted into Lot 13R in 1985. He noted the property is located within the City's infill overlay district and the proposed lots will be consistent in size with the neighboring lots on Henry Street; therefore, staff recommended approval of the replat and the petition of relief waiver for the right-of-way dedication requirement along Henry Street.

Commissioner Betty Square Coleman clarified the lots are infill lots and Mr. King concurred.

There being no others to speak for or against SUB-109-2021, Chairman Keeler closed the Public Hearing.

**12. Consider recommendation of Replat No. SUB-109-2021**

**Action:**

*Mr. David Hudgins moved to approve a request by Gilberto Escobedo, Jr., for a Replat of Lot 13R, Block 180, Oak Lawn Addition, to create lot 13R-A and Lot 14R, Block 180, Oak Lawn Addition, being 0.191 acres (Property ID 175115) – Owner: GILBERTO ESCOBEDO, JR (SUB-109-2021) with approval of petition of relief waiver. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Betty Square Coleman.*

***The motion carried.***

**13. Consider a request by Harvey & Gaye Mitscke, for a Replat of Chapman Place Business Addition Lot 1 & Lot 2, and 1.4 acres situated in the W.M. Baskins Survey, Abstract No 148, to create lots 1R and 2R, Chapman Place Business Addition, being 2.151 (Property ID 180847, 247595 & 247596) – Owner: SLEEP QUARTERS PLUS, INC (SUB-114-2021)**

Mr. King presented the case noting the applicant is requesting to replat the subject properties into two (2) lots for general retail use and staff recommended approval as presented. He noted there is a mutual access easement for the properties.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Harvey & Gaye Mitscke, for a Replat of Chapman Place Business Addition Lot 1 & Lot 2, and 1.4 acres situated in the W.M. Baskins Survey, Abstract No 148, to create lots 1R and 2R, Chapman Place Business Addition, being 2.151 (Property ID 180847, 247595 & 247596) – Owner: SLEEP QUARTERS PLUS, INC (SUB-114-2021) as presented. Ms. Betty Square Coleman seconded, All Ayes.*

- 14. Consider a request by Alex Beitler, ECM Development, for a Plat of Ridge Crossing, 128 lots, being 51.48 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 191627) – Owner: JDS OVILLA ROAD, LLC (SUB-118-2021)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into 128 lots; 122 of which are single-family residential and six (6) open space lots. He explained the plat conforms to the Planned Development zoning requirements for the property and staff recommended approval as presented. Mr. King noted park land will be dedicated as part of future phases of this development.

**Action:**

*Mr. David Hudgins moved to approve a request by Alex Beitler, ECM Development, for a Plat of Ridge Crossing, 128 lots, being 51.48 acres situated in the William C. Tunnel Survey, Abstract 1080 (Property ID 191627) – Owner: JDS OVILLA ROAD, LLC (SUB-118-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 15. Public Hearing on a request by Cody Crannell, CCM Engineering, for a Replat of Symphony Estates, to create 127 residential lots, being 24.76 acres shown as, Lot PT 3 Blk 1 & PT 3 & 4A & 5 Blk 2 Harriet I Nowlin Addition (Property ID 283260) – Owner: WB WAXAHACHIE LAND, LLC (SUB-106-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Chris Webb presented the case noting the applicant is requesting to replat the subject property into 127 lots for single-family residential use and staff recommended approval as presented. He explained the replat conforms to the previous zoning and site plan approval for this site.

Commissioner Coleman noted the owner has worked well with the community and church and is following through with their plan.

There being no others to speak for or against SUB-106-2021, Chairman Keeler closed the Public Hearing.

- 16. Consider recommendation of Replat No. SUB-106-2021**

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Cody Crannell, CCM Engineering, for a Replat of Symphony Estates, to create 127 residential lots, being 24.76 acres shown as, Lot PT 3 Blk 1 & PT 3 & 4A & 5 Blk 2 Harriet I Nowlin Addition (Property ID 283260) – Owner: WB WAXAHACHIE LAND, LLC (SUB-106-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.*

**17. Continue Public Hearing on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021)**

Chairman Keeler continued the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting approval to allow a Convenience Store with Gasoline Sales (7-Eleven) on 1.52 acres. He explained the proposal conforms to all general retail zoning and he presented the revised elevation/façade renderings. He noted staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Brad White, 2900 Wingate St., Ft. Worth, Texas, noted the applicant is agreeable to the Development Agreement.

There being no others to speak for or against ZDC-113-2021, Chairman Keeler closed the Public Hearing.

**18. Consider recommendation of Zoning Change No. ZDC-113-2021**

**Action:**

*Mr. Jim Phillips moved to approve a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store with Gasoline Sales (7-Eleven) within a General Retail zoning district located at 1851 N. Hwy 77 (Property ID 262430) - Owner: TRIUMPH SQUARE, LLC (ZDC-113-2021) with Development Agreement. Mr. David Hudgins seconded, All Ayes.*

**19. Continue Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)**

Chairman Keeler continued the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is requesting approval of a Planned Development to allow for 101 multi-family (hybrid/cottage style housing) units on 7.9 acres. He reviewed staff concerns with emergency access to the site noting two lanes each of ingress/egress is required for the primary point of access to the development and the applicant is currently proposing one lane of ingress/egress for the primary point of access to the development. Mr. Collins also reviewed the additional staff concerns as follows: parking, screening, elevation/façade, and lack of green space. Due to staff concerns regarding emergency access to the site, staff recommended denial. Mr. Collins noted 11 letters of opposition from one property owner.

John Dunlap, 2911 Magnolia Hill Court, Dallas, Texas, explained he is willing to work with the Fire Marshal on alternate options to address the emergency access concern. He noted he has been unable to receive a response from the Fire Marshal.

Pedro Rodriguez, 1050 Pierce Road, Red Oak, Texas, offered the following options to address the emergency access concern:

- Four-lane egress/ingress to Dr. Martin Luther King, Jr. Boulevard
- Gated exit to Young Street to be used for emergency access only
- Construct direct access to Myers Street if adjacent property owner moves forward with his project

Those who spoke in favor:

Jesse Gibson, 105 Crystal Cove, Waxahachie, Texas  
Ron Livingston, 508 Peters Street, Waxahachie, Texas

Commissioner David Hudgins explained the Fire Marshal has a Fire Code that must be followed and recommended continuing to work with him for a solution.

The consensus of the Commission was to recommend the applicant continue to work with the Fire Marshal and staff towards a solution to address all concerns.

Mr. Collins noted the Fire Marshal's representative has been in all meetings with the developer and the same following three options are presented each time:

- Work with adjacent property owner for connection to Myers Street
- Work with adjacent property owner to obtain additional property on Dr. Martin Luther King, Jr. Boulevard to widen that area
- Review N. Young Street widening options to minimum requirement

Mr. Dunlap explained he would like to meet with the Fire Marshal to discuss a variance to the Fire Code requirement.

## **20. Consider recommendation of Zoning Change No. ZDC-105-2021**

### **Action:**

*Mr. Jim Phillips moved to continue the Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021) to the September 28, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

## **21. Adjourn**

Executive Director of Development Services Shon Brooks announced the Comprehensive Plan Advisory Committee meeting will be Tuesday, August 31, 2021 at 6:30 p.m.

Planning and Zoning Commission

August 24, 2021

Page 7

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Amber Villarreal

City Secretary