

Planning and Zoning Commission
September 14, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 14, 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
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test

Member Absent: Betty Square Coleman

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**

Tony Martin, 101 Crepe Myrtle Lane, Georgetown, Texas, spoke in opposition to ZDC-122-2021.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, requested the Public Hearing for ZDC-122-2021 be opened and allow for public comments.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 24, 2021
- b. Minutes of the Planning and Zoning Commission briefing of August 24, 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 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 continued the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the September 28, 2021 Planning and Zoning Commission meeting.

Those who spoke in opposition:

Tony Martin, 101 Crepe Myrtle Lane, Georgetown, Texas

Senior Planner Chris Webb explained staff is still in discussions with the applicant about the City's concerns with alcohol since the property is surrounded property owned by the school district.

6. 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 28, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

7. Public Hearing on a request by Robert Alva, for a Replat of Lots 28R & 29 of Pecan Valley, to create Lot 28R-1, Pecan Valley, 1 Residential Lot, being 1.508 acres (Property ID 175311)– Owner: ROBERT & ALMA J ALVA (SUB-125-2021)

Chairman Keeler opened the Public Hearing.

Planner Zack King presented the case noting the applicant is requesting to replat the subject property from two (2) lots into one (1) lot for continued single-family residential use and staff recommended approval as presented.

There being no others to speak for or against SUB-125-2021, Chairman Keeler closed the Public Hearing.

8. Consider approving SUB-125-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Robert Alva, for a Replat of Lots 28R & 29 of Pecan Valley, to create Lot 28R-1, Pecan Valley, 1 Residential Lot, being 1.508 acres (Property ID 175311)– Owner: ROBERT & ALMA J ALVA (SUB-125-2021) as presented. Mr. Jim Phillips seconded, All Ayes.

9. Consider a request by the City of Waxahachie & Waxahachie ISD, for a Replat of Lee Penn Park, to create one lot, being 18.807 acres (Property ID: 193358 & 193944) – Owner: CITY OF WAXAHACHIE & WAXAHACHIE ISD (SUB-128-2021)

Mr. King presented the case noting the applicant is requesting to replat the subject properties into one (1) lot for continued use as Lee Penn Park and staff recommended approval as presented. He noted the plat will show abandonment of Gammon Avenue, a 30', unimproved right-of-way, connecting this property to Perry Avenue. Additionally, a 7' right-of-way dedication is proposed along N. Getzendaner Avenue.

Action:

Vice Chairman Melissa Ballard moved to approve a request by the City of Waxahachie & Waxahachie ISD, for a Replat of Lee Penn Park, to create one lot, being 18.807 acres (Property ID: 193358 & 193944) – Owner: CITY OF WAXAHACHIE & WAXAHACHIE ISD (SUB-128-2021) as presented. Mr. David Hudgins seconded, All Ayes.

- 10. Consider a request by Brian Wade, RLG, Inc., for a Replat of Blocks 30, 30A, and 95 Old Town Addition, to create Lot 1, Block 30B, City Hall Annex, 1.975 acres (Property IDs 261578, 261576, 170570) – Owner: CITY OF WAXAHACHIE (SUB-35-2020)**

Mr. Webb presented the case noting the applicant is requesting to replat Block 30, 30A, and 95 Old Town Addition into one lot in order to allow for the construction of the City Hall Annex and staff recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Brian Wade, RLG, Inc., for a Replat of Blocks 30, 30A, and 95 Old Town Addition, to create Lot 1, Block 30B, City Hall Annex, 1.975 acres (Property IDs 261578, 261576, 170570) – Owner: CITY OF WAXAHACHIE (SUB-35-2020) as presented. Mr. Jim Phillips seconded, All Ayes.

- 11. Consider a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 1, for 128 residential lots, 4X Lots (HOA) and 7 Blocks, being 57.532 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-123-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat Phase 1 of the subject property into 132 lots for single-family residential development and staff recommended approval as presented. He noted the plat follows the Planned Development approved for the site on April 20, 2020.

Action:

Mr. Jim Phillips moved to approve a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 1, for 128 residential lots, 4X Lots (HOA) and 7 Blocks, being 57.532 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-123-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 12. Consider a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 2, for 108 residential lots, 3X Lots (HOA) and 7 Blocks, being 41.163 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-124-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat Phase 2 of the subject property into 111 lots for single-family residential development and staff recommended approval

as presented. He noted the plat follows the Planned Development approved for the site on April 20, 2020.

Action:

Mr. Jim Phillips moved to approve a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 2, for 108 residential lots, 3X Lots (HOA) and 7 Blocks, being 41.163 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-124-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.

13. Public Hearing on a request by Danille Brunson, Texas Reality Capture and Surveying LLC., for a Replat of Lot 6, Block 178, Town Addition, to create Lot 1-2, Pace Addition, being 0.536 acres (Property ID 171316)– Owner: PACE BROTHERS CUSTOM HOMES, LLC (SUB-97-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into two lots to construct an additional single-family dwelling and staff recommended approval as presented.

There being no others to speak for or against SUB-97-2021, Chairman Keeler closed the Public Hearing.

14. Consider approving SUB-97-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Danille Brunson, Texas Reality Capture and Surveying LLC., for a Replat of Lot 6, Block 178, Town Addition, to create Lot 1-2, Pace Addition, being 0.536 acres (Property ID 171316)– Owner: PACE BROTHERS CUSTOM HOMES, LLC (SUB-97-2021) as presented. Mr. Erik Test seconded, All Ayes.

15. Consider request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: DURAWN MCDANIEL (SUB-98-2021)

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into two lots for single-family residential use. He explained there is an existing single-family dwelling on the proposed one-acre tract being platted. The applicant is requesting a petition of relief waiver be granted for right-of-way dedication to the subject property as required by the City's Thoroughfare Plan. Staff recommended denial of the petition of relief waiver and denial of the replat as presented.

Commissioner David Hudgins clarified if the Thoroughfare Plan changes the right-of-way dedication would revert back to the property owner.

Leslie Porterfield, 2421 Patrick Road, Waxahachie, Texas, explained the additional easement creates a problem to the existing single-family dwelling that is on the one-acre lot. She presented an email from Alberto Mares, Ellis County Development Director, explaining Mulkey Road is no longer on Ellis County's Thoroughfare Plan and they do not need or want the right-of-way dedication.

The Commission and staff discussed ways for Ms. Porterfield to comply with the city's requirement. It was suggested to only plat her 3 acre lot and she was in agreement to dedicate the 30 foot right-of-way.

Action:

Vice Chairman Melissa Ballard moved to continue a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: DURAWN MCDANIEL (SUB-98-2021) to the September 28, 2021 Planning and Zoning Commission meeting. Mr. Jim Phillips seconded, All Ayes.

16. Public Hearing on a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow drive-through use at an existing restaurant (Ta Molly's Restaurant) and staff recommended approval as presented.

There being no others to speak for or against ZDC-129-2021, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-129-2021

Action:

Mr. Jim Phillips moved to approve a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.

18. Public Hearing on a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to change the zoning of the property from Single-Family-2 to Planned Development-Single-Family-3 to allow a Private Club (Event Center) use. He explained the Private Club use is the closest in the City of Waxahachie Zoning Ordinance. Mr. Webb reviewed staff's concerns with noise and street parking. He also reviewed the applicant's variance request of on-site screening, as required by the City's Zoning Ordinance, and sidewalks, as required by the City's Subdivision Ordinance. Mr. Webb noted one letter of opposition was received and three letters of support.

Brad Yates, 628 Kaufman Street, Waxahachie, Texas, explained he reviewed staff concerns and spoke with some area residents. He noted he received three written letters of approval for his project from neighbors.

Mr. Jim Phillips expressed concern with lighting and Mr. Yates explained lighting will be used to keep people at the venue safe while not disturbing neighbors.

Chairman Keeler expressed his support for sidewalks and noted the city's noise ordinance is in effect 24/7.

Commissioner Hudgins asked Mr. Yates to consider restricting live music indoors to not disturb the neighbors.

Those who spoke in opposition:

Chris Wright, 808 W. Marvin, Waxahachie, Texas

There being no others to speak for or against ZDC-131-2021, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZDC-131-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021) with iron fencing, sidewalks on W. Avenue C and Dunaway Street, lighting facing inwards, approval of Development Agreement, and review of the site plan by the Planning and Zoning Commission.

Commissioner Hudgins expressed concern that adding sidewalks would encourage off-street parking on the narrow roads.

Mr. Jim Phillips seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and Erik Test. Noes: David Hudgins.

The motion carried.

20. 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.

Planning Manager Colby Collins presented the case noting the applicant is requesting approval of a Specific Use Permit (SUP) at a vacant industrial/commercial building to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display. He noted staff recommended approval per the following comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
3. The existing chain link fence shall be replaced with ornamental iron fencing along the front and side.
4. The applicant is responsible for providing a utilities connection to the site from the northern direction of the property.
 - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
5. The fire sprinkler Fire Department Connection must be within 100 ft. of a fire hydrant.
6. All parts of the building must be within 600 ft. of a fire hydrant.
7. Note: The City would pay oversize participation for water lines greater than 12" in diameter, provided funds are available, or this participation may be in form of water impact fee credits and would be included in an Oversize Participation Agreement approved by the City Council.

Perry Thompson, Thompson Architectural Group, Inc., noted he agreed to staff comments and is available for questions.

There being no others to speak for or against ZDC-100-2021, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. ZDC-100-2021

Action:

Mr. David Hudgins moved to approve 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) per staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

22. Continue 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 continued the Public Hearing and announced the applicant requested to continue the Public Hearing to the October 12, 2021 Planning and Zoning Commission meeting.

23. Consider recommendation of Zoning Change No. ZDC-116-2021

Action:

*Mr. Erik Test 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 October 12, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, **All Ayes.***

24. Adjourn

Shon Brooks, Executive Director of Development Services, announced the next Comprehensive Plan Advisory Committee meeting will be held on Monday, September 27, 2021 at 6:00 p.m.

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary