

Planning and Zoning Commission
October 12, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 12, 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
James Gaertner, Director of Public Works & Engineering
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**

Judith Hendrich, 2530 Solon Road, Waxahachie, Texas, requested clarification on ZDC-116-2021. Chairman Keeler explained the Commission has not received any information on the case and directed Ms. Hendrich to contact City staff.

4. **Reorganize the Commission**

Action:

Ms. Melissa Ballard moved to nominate Rick Keeler as Chairman. Mr. David Hudgins seconded, All Ayes.

Mr. Jim Phillips moved to nominate Melissa Ballard as Vice Chairman. Ms. Betty Square Coleman seconded, All Ayes.

5. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of September 28, 2021
- b. Minutes of the Planning and Zoning Commission briefing of September 28, 2021

Action:

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

6. **Continue Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-133-2021 to the October 26, 2021 Planning and Zoning Commission meeting.

7. **Consider recommendation of Zoning Change No. ZDC-133-2021**

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021) to the October 26, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.

8. **Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the October 26, 2021 Planning and Zoning Commission meeting.

9. **Consider recommendation of Zoning Change No. ZDC-146-2021**

Action:

Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the October 26, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

10. **Public Hearing on a request by Kristin Brasher, Playgrounds, Etc., for a Specific Use Permit (SUP) for an Auto Repair Facility (Caliber Collision) use within a Light Industrial-1 zoning district located at North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-150-2021 to the October 26, 2021 Planning and Zoning Commission meeting.

11. **Consider recommendation of Zoning Change No. ZDC-150-2021**

Action:

Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Kristin Brasher, Playgrounds, Etc., for a Specific Use Permit (SUP) for an Auto Repair Facility (Caliber Collision) use within a Light Industrial-1 zoning district located at North Highway 77 (Property ID 222752)

- Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) to the October 26, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, **All Ayes.**

- 12. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 49 & 50, Thompson's Southland Addition, to create Lot 49R, 1 Residential Lot, being 0.230 acres (Property ID 175967) – Owner: DARMAR INVESTMENTS (SUB-82-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Chris Webb reviewed the case noting the applicant is requesting to replat the property into one (1) lot for single-family residential use and staff recommended approval as presented.

There being no others to speak for or against SUB-82-2021, Chairman Keeler closed the Public Hearing.

- 13. Consider approval of SUB-82-2021**

Action:

*Vice Chairman Melissa Ballard moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 49 & 50, Thompson's Southland Addition, to create Lot 49R, 1 Residential Lot, being 0.230 acres (Property ID 175967) – Owner: DARMAR INVESTMENTS (SUB-82-2021) per staff comments. Ms. Betty Square Coleman seconded, **All Ayes.***

- 14. Consider request by Bibiana Ramirez, for a Final Plat of Patrick Road Addition, Lot 1, Block A, being 1.011 acres situated in the Carter H. Hurst Survey, Abstract 456, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 234433) – Owner: BIBIANA RAMIREZ & SALVADOR R MARTINEZ (SUB-132-2021)**

Planner Zack King presented the case noting the applicant is requesting to plat the property into one (1) lot for single-family residential use and staff recommended approval as presented.

Action:

*Ms. Bonney Ramsey moved to approve a request by Bibiana Ramirez, for a Final Plat of Patrick Road Addition, Lot 1, Block A, being 1.011 acres situated in the Carter H. Hurst Survey, Abstract 456, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 234433) – Owner: BIBIANA RAMIREZ & SALVADOR R MARTINEZ (SUB-132-2021) as presented. Mr. David Hudgins seconded, **All Ayes.***

- 15. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lot 9, College Addition, to create Lots 9A & 9B, College Addition, 2 Residential Lots, being 0.323 acres (Property ID 172807) – Owner: LARRY & ASHLEY DANTIC (SUB-137-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property into two (2) lots for single-family residential use and staff recommended approval as presented.

There being no others to speak for or against SUB-137-2021, Chairman Keeler closed the Public Hearing.

16. Consider approval of SUB-137-2021

Action:

Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lot 9, College Addition, to create Lots 9A & 9B, College Addition, 2 Residential Lots, being 0.323 acres (Property ID 172807) – Owner: LARRY & ASHLEY DANTIC (SUB-137-2021). Ms. Betty Square Coleman seconded, All Ayes.

17. Public Hearing on a request by Barbara Turner, for a Replat of Lots 42 & 43, Block 181, Town Addition, to create Lot 42R, Block 181, Town Addition, 1 Residential Lot, being 0.171 acres (Property ID 171375) – Owner: BARBARA ANN TURNER (SUB-147-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property from two (2) lots into one (1) lot for single-family residential use and staff recommended approval as presented. He explained a new fire hydrant is required in order to provide adequate fire coverage to the site and the hydrant will be furnished by the City of Waxahachie.

There being no others to speak for or against SUB-147-2021, Chairman Keeler closed the Public Hearing.

18. Consider approval of SUB-147-2021

Action:

Ms. Betty Square Coleman moved to approve a request by Barbara Turner, for a Replat of Lots 42 & 43, Block 181, Town Addition, to create Lot 42R, Block 181, Town Addition, 1 Residential Lot, being 0.171 acres (Property ID 171375) – Owner: BARBARA ANN TURNER (SUB-147-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.

19. Public Hearing on a request by Barbara Turner, for a Replat of Lots 54 & 55, Block 181, Town Addition, to create Lot 54R, Block 181, Town Addition, 1 Residential Lot, being 0.171 acres (Property ID 171364) – Owner: BARBARA ANN TURNER (SUB-148-2021)

Chairman Keeler opened the Public Hearing.

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

There being no others to speak for or against SUB-148-2021, Chairman Keeler closed the Public Hearing.

20. Consider approval of SUB-148-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Barbara Turner, for a Replat of Lots 54 & 55, Block 181, Town Addition, to create Lot 54R, Block 181, Town Addition, 1 Residential Lot, being 0.171 acres (Property ID 171364) – Owner: BARBARA ANN TURNER (SUB-148-2021) as presented. Ms. Betty Square Coleman seconded, All Ayes.

21. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 2, Hill-View Addition, to create Lot 1R, Hill-View Addition, 1 Residential Lot, being 0.253 acres (Property ID 174262) – Owner: GENOVER JOHNSON (SUB-138-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property from two (2) lots into one (1) lot for single-family residential use and staff recommended approval as presented. He explained, before filing of the plat, the applicant must extend an 8-inch water line from the intersection of Finley St. and Henrietta St., and an 8-inch sewer line from the intersection of Flower St. and Henrietta St. in order to have access to adequate public utilities.

There being no others to speak for or against SUB-138-2021, Chairman Keeler closed the Public Hearing.

22. Consider approval of SUB-138-2021

Action:

Ms. Betty Square Coleman moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 2, Hill-View Addition, to create Lot 1R, Hill-View Addition, 1 Residential Lot, being 0.253 acres (Property ID 174262) – Owner: GENOVER JOHNSON (SUB-138-2021) as presented. Mr. Jim Phillips seconded, All Ayes.

23. Public Hearing on a request by Justin Bright, Bright Pools. LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-2 zoning district located at 201 E University (Property ID 176324) - Owner: JASON W & JACLYN L WILSON (ZDC-141-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting approval to construct a 264 sq. ft. accessory structure to be used as an outdoor kitchen and pergola and staff recommended approval per the following staff comments:

1. The applicant will obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The accessory structure shall not be used as a dwelling unit.
3. The structure shall in any case not be leased or sold separately and shall not be separately metered.

Jaclyn Wilson, 201 E. University Avenue, Waxahachie, Texas, requested approval to add the outdoor kitchen and pergola to her property for family use.

There being no others to speak for or against ZDC-141-2021, Chairman Keeler closed the Public Hearing.

24. Consider recommendation of Zoning Change No. ZDC-141-2021

Action:

Mr. Jim Phillips moved to approve a request by Justin Bright, Bright Pools. LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-2 zoning district located at 201 E University (Property ID 176324) - Owner: JASON W & JACLYN L WILSON (ZDC-141-2021) per staff comments. Ms. Bonney Ramsey seconded, All Ayes.

25. Continue Public Hearing request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021).

Chairman Keeler continued the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit be approved to allow for a unified lot sign use (pole sign and directional sign) and an electronic message sign for a carwash. He noted staff recommended approval per the following staff comment:

1. The exterior of the electronic message sign shall be constructed out of masonry (stone or brick) material.

Chairman Keeler inquired about the landscape buffer and Mr. Webb noted with the TxDOT right-of-way acquisition the applicant no longer meets the landscape ordinance. However, due to the acquisition, staff considers it a hardship.

Chairman Keeler requested landscape replacement if only a portion is removed.

Commissioner David Hudgins noted the current 60-foot sign is visible and questioned the need for the additional 15 ft. for the new sign.

Ron Fraser, 2631 White Rock Road, Dallas, Texas, explained the sign will be moved further back on the property due to the TxDOT right-of-way acquisition.

Commissioner Hudgins inquired about adding additional masonry to the proposed electronic message sign and Mr. Fraser noted he did not see an issue with that request.

There being no others to speak for or against ZDC-140-2021, Chairman Keeler closed the Public Hearing.

26. Consider recommendation of Zoning Change No. ZDC-140-2021

Action:

Mr. David Hudgins moved to approve a request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021) with the addition of the exterior of the electronic message sign to be constructed out of masonry (stone or brick) material. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Betty Square Coleman, Bonney Ramsey, and David Hudgins. Noes: Rick Keeler, Melissa Ballard, and Jim Phillips.

The motion did not carry.

27. Public Hearing on a request by George Salvador for a Zoning Change from a Single Family-1 Zoning to Planned Development-Single Family zoning district, located at 401 Ovilla Road (Property ID 205458 and 171253) - Owner: EIS DEVELOPMENT II, LLC (ZDC-142-2021)

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 207 single-family detached homes and staff recommended approval per the following comment:

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

Mr. Webb noted one letter of opposition was received and he reviewed the following changes to the zoning request since the May 17, 2021 City Council meeting:

- Reduced the total number of lots from 209 lots to 207 lots
- Revised the plan to create a greater mix of lot sizes within the proposed development
- Removed the alleyways that were located behind lots along the edges of the subdivision
- Reduced the number of lots less than 10,000 sq. ft. in size from 134 lots to 121 lots
- Increased the number of 10,000+ sq. ft. lots from 75 lots to 86 lots
 - 22 of these lots are greater than 11,000 sq. ft.

Chairman Keeler expressed his preference for side entry garages for the lots without alleys.

Commissioner Jim Phillips asked if the owner can provide 6-7 floor plan variations for each of the architectural style houses and an additional roundabout to the last street intersection of the development.

George Salvador, 111 Spider Road, Waxahachie, Texas, agreed to Mr. Phillips' requests.

Commissioner Hudgins asked if the Fire Department had reviewed the plan and Mr. Webb noted they reviewed the submittal and did not express any concerns. Mr. Hudgins asked if the roundabouts would allow for ladder truck access.

James Gaertner, Director of Public Works & Engineering, explained details about the roundabouts will be further looked at during the platting process, but they are typically designed to allow ladder truck access around or over the roundabout.

There being no others to speak for or against ZDC-142-2021, Chairman Keeler closed the Public Hearing.

28. Consider recommendation of Zoning Change No. ZDC-142-2021

Action:

Mr. Jim Phillips moved to approve a request by George Salvador for a Zoning Change from a Single Family-1 Zoning to Planned Development-Single Family zoning district, located at 401 Ovilla Road (Property ID 205458 and 171253) - Owner: EIS DEVELOPMENT II, LLC (ZDC-142-2021) with an additional roundabout at Burrow Drive and Territorial Way and seven (7) variations of floor plans for each architectural style home. Vice Chairman Melissa Ballard seconded, All Ayes.

29. 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 ZDC-116-2021 to the October 26, 2021 Planning and Zoning Commission meeting.

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

Action:

Mr. Jim Phillips 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 26, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.

31. Adjourn

Executive Director of Development Services Shon Brooks announced Senior Planner Chris Webb has resigned to take a position with another city. He noted he was proud of Mr. Webb and wished him well on his new endeavor.

Planning Manager Colby Collins, the Planning and Zoning Commission, and Council Representative Melissa Olson echoed Mr. Brooks' comments and wished Mr. Webb the best in his future.

There being no further business, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary