

Planning and Zoning Commission
November 9, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, November 9, 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, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Colby Collins, Planning Manager
Zack King, 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 October 26, 2021
- b. Minutes of the Planning & Zoning Commission briefing of October 26, 2021
- c. Minutes of the Planning & Zoning Work Session of October 26, 2021

Action:

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

5. **Continue Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-134-2021.

6. **Consider recommendation of Zoning Change No. ZDC-134-2021**

No action taken.

7. **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 (PD-MF-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 and announced the applicant requested to continue ZDC-105-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

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

Action:

Vice Chairman Melissa Ballard 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 (PD-MF-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 December 14, 2021 Planning and Zoning Commission meeting. Mr. Jim Phillips seconded, All Ayes.

9. **Continue Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

10. **Consider recommendation of Zoning Change No. ZDC-155-2021**

Action:

Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the December 14, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

11. **Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-162-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

12. Consider recommendation of Zoning Change No. ZDC-162-2021

Action:

Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021) to the December 14, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.

13. Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021)

Planner Zack King presented the case noting the applicant is requesting to plat the property into one (1) lot for commercial use and staff recommends approval as presented.

Action:

Mr. Jim Phillips moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021). Mr. David Hudgins seconded, All Ayes.

14. Public Hearing on a request by Iris Rodgers, Rogers Companies, LLC, for a Replat of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS DOMINIQUE RICHARDSON (SUB-101-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property from portions of four (4) lots into nine (9) lots for single-family residential use and staff recommends approval as presented.

Those who spoke in opposition:

Greg Dansby, 2940 FM 1446, Waxahachie, Texas
Tobey Nealy, 2729 FM 1446, Waxahachie, Texas
David Milliken, 3039 FM 1446, Waxahachie, Texas
Carla Voorheis, 2822 FM 1446, Waxahachie, Texas
Mike Hastings, 527 Richard Road, Waxahachie, Texas
Joseph Voorheis, 2822 FM 1446, Waxahachie, Texas

The adjacent property owners explained there are deed restrictions on the property and the requested replat is not allowed.

Tim Rogers, 1908 Yorkstown, Ennis, Texas, explained he was not aware there were deed restrictions on the property when he initially purchased it. He confirmed the Planning and Zoning Commission and City Council does not enforce the deed restrictions and Chairman Keeler confirmed that is correct. Mr. Rogers requested an action from the Commission.

Graduate Engineer Macey Martinez explained the owner provided civil engineering for a detention pond near the property and Ellis County would oversee the development since it is in the ETJ and not in the city limits of Waxahachie.

There being no others to speak for or against SUB-101-2021, Chairman Keeler closed the Public Hearing.

Chairman Keeler reiterated the Commission cannot enforce deed restrictions and that cannot be taken into consideration when reviewing the plat. He explained the Commission's role is to ensure compliance with City requirements.

15. Consider approval of SUB-101-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by Iris Rodgers, Rogers Companies, LLC, for a Replat of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS DOMINIQUE RICHARDSON (SUB-101-2021) as presented. Mr. Jim Phillips seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: Betty Square Coleman.

The motion carried.

16. Public Hearing on a request by Mark and Raquel Gundert, for a Replat of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres (Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021)

Chairman Keeler opened the Public Hearing.

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

There being no others to speak for or against SUB-158-2021, Chairman Keeler closed the Public Hearing.

17. Consider approval of SUB-158-2021

Action:

Mr. Jim Phillips moved to approve a request by Mark and Raquel Gundert, for a Replat of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres (Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021). Ms. Bonney Ramsey seconded, All Ayes.

- 18. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the two (2) subject properties in order to abandon a 60' future road dedication and staff recommends approval as presented.

There being no others to speak for or against SUB-159-2021, Chairman Keeler closed the Public Hearing.

- 19. Consider approval of SUB-159-2021**

Action:

Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021). Mr. Erik Test seconded, All Ayes.

- 20. Consider request by Todd Wintters, Engineering Concepts & Design LP, for a Plat of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510)– Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into sixty-eight (68) lots for single-family residential use and staff recommends approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Todd Wintters, Engineering Concepts & Design LP, for a Plat of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510)– Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021). Ms. Bonney Ramsey seconded, All Ayes.

- 21. Consider request by Miguel E Juraidini Zorrilla, for a Plat of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into two (2) lots for continued multi-family residential use. Mr. King explained the applicant agreed to include the required 60' right-of-way dedication and staff recommends approval with the condition that a revised plat be submitted showing the required right-of-way dedication from FM 879.

Action:

Ms. Bonney Ramsey moved to approve a request by Miguel E Juraidini Zorrilla, for a Plat of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021) with the updated plat showing the 60’ right-of-way to the City. Vice Chairman Melissa Ballard seconded, All Ayes.

22. Public Hearing on a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting approval to construct a 288 sq. ft. accessory structure to be used as a dwelling and staff recommends approval per the following staff comments:

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

Tarayn Dickerson, 1109 W. Main Street, Waxahachie, Texas, explained they are requesting the accessory structure to be used as a dwelling for her mother and noted she will comply with city requirements for the structure.

Commissioner Bonney Ramsey inquired if Ms. Dickerson has considered using materials similar to her home for the façade. Ms. Dickerson explained the building will not be visible to anyone and with the close proximity to her pool it might have the look of a pool house.

Commissioner Betty Square Coleman suggested contacting the Heritage Preservation Commission for ideas to match the Historic District the property is located in.

There being no others to speak for or against ZDC-157-2021, Chairman Keeler closed the Public Hearing.

23. Consider recommendation of Zoning Change No. ZDC-157-2021

Action:

Mr. David Hudgins moved to approve a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021) per staff comments. Ms. Betty Square Coleman seconded, All Ayes.

- 24. 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 announced the applicant requested to withdraw ZDC-122-2021.

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

No action taken.

- 26. Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)**

Chairman Keeler opened the Public Hearing.

Planning Manager Colby Collins reviewed the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop. He explained the applicant is currently leasing the property from Daystar Coaches & Tours since August 2020. Code Enforcement received a complaint regarding the storage on the property and it discovered the non-compliance with zoning for the use. The applicant has since cleaned the property and removed visible storage into the existing building. Mr. Collins explained there is no primary use for the site and the use of storage is considered an accessory use. The Zoning Ordinance states an accessory use cannot occupy the property alone. Staff recommended denial due to concerns with safety and zoning compliance.

Rodney Ott, 206 Sterrett Road, Waxahachie, Texas, explained he is not opposed to the proposed use, but he is concerned with rodents and possible violation of EPA standards.

Vanessa Cabrera, HGO Tire Shop, requested approval to continue the use. She explained the applicant is open to adding additional screening, landscaping, or fencing in order to continue the use at this site.

Commissioner David Hudgins expressed concerns with fire safety on the property and the surrounding area.

Chairman Keeler confirmed the Zoning Ordinance does not allow for outside storage because there isn't a primary use on the property and Mr. Collins agreed.

There being no others to speak for or against ZDC-164-2021, Chairman Keeler closed the Public Hearing.

27. Consider recommendation of Zoning Change No. ZDC-164-2021

Action:

Mr. David Hudgins moved to deny a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021). Ms. Bonney Ramsey seconded, All Ayes.

28. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Planned Development (PD) for an Electronic Message Sign use within a Single Family-2 (SF-2) zoning district located at 505 W Marvin Ave (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-161-2021)

Chairman Keeler announced the applicant requested to withdraw ZDC-161-2021.

29. Consider recommendation of Zoning Change No. ZDC-161-2021

No action taken.

30. Continue Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision and staff recommends approval per staff comments. He explained the applicant provided three elevation/façade options from the Commission's comments at the October 26th meeting and requested the Commission's preference. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Staff suggests that the Planning and Zoning Commission select or discuss an alternative elevation/façade plan to recommend to City Council for review.

Sidney Stratton, 12225 Greenville Avenue, Dallas, Texas, explained the architect updated the renderings with the Commission's suggestions. She explained the screening wall will only be along Highway 77. She requested the Commission's direction on the three elevation/façade options provided.

There being no others to speak for or against ZDC-150-2021, Chairman Keeler closed the Public Hearing.

31. Consider recommendation of Zoning Change No. ZDC-150-2021

Action:

Mr. Jim Phillips moved to approve a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) with Option 1 for elevation/facade. Ms. Bonney Ramsey seconded, All Ayes.

32. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 23, 2021 Planning and Zoning Commission meeting.

33. Consider recommendation of Zoning Change No. ZDC-146-2021

Action:

Vice Chairman Melissa Ballard 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 (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the November 23, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

34. Adjourn

There being no further business, the meeting adjourned at 8:37 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary