

Planning and Zoning Commission
May 24, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 24, 2022 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

Members Absent: Betty Square Coleman
Erik Test

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Ashlie Jones, Senior Planner
Zack King, Planner
Macey Martinez, Graduate Engineer
Amber Villarreal, City Secretary
Chris Wright, 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 May 10, 2022
- b. Minutes of the Planning and Zoning Commission briefing of May 10, 2022

Action:

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

5. **Public Hearing on a request by Chad Adams, Oak Hull Investments, for a Replat of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue the case to the June 28, 2022 Planning and Zoning Commission meeting.

6. Consider recommendation of SUB-28-2022

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Chad Adams, Oak Hull Investments, for a Replat of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022) to the June 28, 2022 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.

7. Public Hearing on a request by Hymen and Christina Wallace, for a Replat of Lots 22 and 23, Pecan Valley, to create Lot 22-R, Pecan Valley, 1 Residential Lot, being 1.164 acres, located at 241 Oak Tree Drive, (Property ID 201955 and 201954) – Owner: ILYMEN & CHRISTINA WALLACE (SUB-43-2022)

Senior Planner Ashlie Jones presented the case noting the applicant is requesting to replat lots 22 and 23 to create lot 22-R, 1 residential lot, being 1.164 acres, located at 241 Oak Tree Drive. Staff recommended approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-43-2022, Chairman Keeler closed the Public Hearing.

8. Consider approval of SUB-43-2022

Action:

Vice Chairman Melissa Ballard moved to approve a request by Hymen and Christina Wallace, for a Replat of Lots 22 and 23, Pecan Valley, to create Lot 22-R, Pecan Valley, 1 Residential Lot, being 1.164 acres, located at 241 Oak Tree Drive, (Property ID 201955 and 201954) – Owner: ILYMEN & CHRISTINA WALLACE (SUB-43-2022) as presented. Mr. David Hudgins seconded, All Ayes.

9. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022)

Planner Zack King presented the case noting the applicant is requesting to relocate an existing ground monument sign 50 ft. south of the existing location. The applicant is requesting to add a 16 square foot (2ft. x 8ft.) electronic message sign to the design of the new sign at First United Methodist Church (505 W. Marvin Ave.). Mr. King noted the applicant is meeting all requirements and has agreed to turn off the lights between 8pm-8am. Due to the location being located in an area with multiple historic structures, staff has concerns that approving the proposed electronic message sign could affect the character of the area. In addition, staff has reviewed several letters of opposition from surrounding neighbors regarding the potential negative affect of the proposed sign on the character of West Marvin Avenue. Due to staff concerns, staff recommended denial.

Commissioner Jim Phillips asked what the street is considered on the Future Land Use Map and Mr. King noted it is currently considered low density residential.

Chairman Keeler opened the Public Hearing.

Patrick Wilson, 310 Harbin Avenue, Waxahachie, Texas, spoke on behalf of the First United Methodist Church, and clarified that the church did not agree to the 8pm dimming of the sign and requested to follow the 10pm time per the current City ordinance. He explained after reviewing staff's conditions for approval and explained the City cannot regulate content without violating the first amendment right. He also noted the church is not located in the historic overlay district and presented pictures of other locations in the area with electronic message signs, including Wilemon and Marvin Elementary.

Senior Director of Planning clarified the City is not requesting to regulate contents of the sign but they are trying to differentiate from the allowing an off-premise advertising.

Commissioner Phillips asked if the sign will run ads and Mr. Wilson noted it will not.

Those who spoke in opposition:

Jacqueline Montesano, 412 W. Marvin, Waxahachie, Texas
Maria Ortega, 603 W. Marvin, Waxahachie, Texas
Whitney and Richard Marshall, 608 W. Marvin, Waxahachie, Texas
Sarah Clements, 514 W. Marvin, Waxahachie, Texas
Donnie Lord, 502 W. Marvin, Waxahachie, Texas

Commissioner David Hudgins explained churches are allowed to use banners on their property and a central sign location will remove multiple signs on the property.

There being no others to speak for or against ZDC-42-2022, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of Zoning Change No. ZDC-42-2022

Action:

Mr. David Hudgins moved to approve a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family -2 (SF-2) zoning district located at 505 W Marvin Avenue (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-42-2022) with the sign to comply with the current City ordinance. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, and David Hudgins. Noes: Jim Phillips.

The motion carried.

11. Public Hearing on a request by Tim Jackson, TRCS, LLC for a Zoning Change from a Single Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 800 Sycamore Street (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES LLC (ZDC-5-2022)

Mr. King presented the case noting the applicant is requesting a zoning change from Single-Family-2 to Planned Development-Single-Family-2 to allow an existing accessory structure at 800 Sycamore Street to be used as a rental dwelling unit.

Chairman Keeler opened the Public Hearing.

Those who spoke in opposition:

Brandon Baker, 802 Sycamore Street, Waxahachie, Texas

Andrew Garrett, 1007 Ferris Avenue, Waxahachie, Texas, explained he purchased the property in 2019 and the accessory building was being rented out then. He explained he considered replatting the property but after discussions with staff, the plan was to request a zoning change. Mr. Garrett offered to have the properties inspected by the City and noted he is willing to make improvements as needed to comply with City ordinances.

After a brief discussion, the applicant requested to withdrawal Zoning Change No. ZDC-5-2022 to allow time to work with staff on the option to replat the property.

12. Consider recommendation of Zoning Change No. ZDC-5-2022

No action taken.

13. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)

Mr. King presented the case noting the applicant is requesting to add a 72 square foot (6ft. x 12ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. Due to staff concerns of adding an electronic message board to an existing pole sign, as opposed to a monument sign, staff recommended denial. He explained with the recent approval of the adjacent subdivision of Montclair Heights, staff is concerned with illumination and brightness adjacent to the residential development.

Chairman Keeler opened the Public Hearing.

Chris Reeves, Quickway Signs, explained he has constructed three other similar electronic message signs on poles in Waxahachie.

Christopher Maddox, 2173 Marshall Road, Waxahachie, Texas, spoke on behalf of the church and explained the sign is needed to announce church services and events to the community.

Those who spoke in favor:

Marcus Snodgrass, 234 Dunaway, Waxahachie, Texas
Boone Reitz, Pastor at the Cowboy Church

Ms. Pruitt suggested a continuance of the Public Hearing to allow staff time to review the approved signs referenced by Mr. Reeves.

14. Consider recommendation of Zoning Change No. ZDC-45-2022

Action:

Mr. Jim Phillips moved to continue the Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022) to the June 14, 2022 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

15. Public Hearing on a request by Todd Finley, CLX Ventures, LLC, for a Zoning Change from a Multi-Family-2 (MF-2) zoning district to Planned Development Multi-Family-2 (PD-MF-2) located at Southwest of John Arden Drive along Alliance Blvd (Property ID 275156) - Owner: ARDEN GROUP, LLC (ZDC-31-2022)

Ms. Jones presented the case noting the applicant is requesting a zoning change from a Multi-Family-2 (MF-2) zoning district for residents fifty-five (55) years of age and older to Planned Development-Multi-Family-2 (PD-MF-2) to allow for residents of all age groups. She noted staff recommended denial due to the following staff concerns:

- One half of the required minimum off-street spaces shall be provided in attached fully enclosed garages per Multi-Family Development Standards.
- Staff requests for inclusion of amenities on the western portion of the property near building 5.
- Staff recommends the overall units be reserved for residents 55+, in perpetuity.
- Show directional curb ramps at intersection on concept plans and site plans.
- Staff recommends that a detailed site plan be submitted to Planning & Zoning and City Council for approval if the request is approved.
- Signage should meet all requirements outline in Article V, Section 5.08 of City Ordinance.

Ross Crawford, CLX Ventures, provided an overview of the project noting the need for an apartment complex for all ages is needed in Waxahachie. He explained he is agreeable to work with staff on the garage requirements to meet City requirements.

Chairman Keeler opened the Public Hearing.

Those who spoke in opposition:

Nicole Chesser, 3111 FM 55, Waxahachie, Texas

There being no others to speak for or against ZDC-31-2022, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-31-2022

Action:

Vice Chairman Melissa Ballard moved to deny a request by Todd Finley, CLX Ventures, LLC, for a Zoning Change from a Multi-Family-2 (MF-2) zoning district to Planned Development Multi-Family-2 (PD-MF-2) located at Southwest of John Arden Drive along Alliance Blvd (Property ID 275156) - Owner: ARDEN GROUP, LLC (ZDC-31-2022) as presented. Mr. David Hudgins seconded, All Ayes.

17. Public Hearing on a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022)

Ms. Jones presented the case noting the applicant is requesting approval to replat the subject property into one (1) lot for commercial use. The applicant is required to provide a 15' Utility, Water and Wastewater Easement and meet a 25' building line requirement along the eastern property line. The applicant is requesting a petition of relief waiver to allow for a reduced utility easement of 5' for a distance of 110 feet along the eastern property line with the standard 15' utility easement for the remainder of the eastern property line. She noted staff supports the request and recommends approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-35-2022, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of Replat No. SUB-35-2021

Action:

Ms. Bonney Ramsey moved to approve a request by Dean Settlemyer, Just Settle Investments, LLC for a Replat of a portion of Lot 8, Block 13, West End Addition, to create Lot 8R, Block 13, West End Addition, 1 Commercial lots, being 4.277 acres, located at the corner of Stroud Street and Hwy 287, (Property ID 176678) – Owner: JUST SETTLE INVESTMENTS, LLC (SUB-35-2022) as presented. Mr. David Hudgins seconded, All Ayes.

19. Adjourn

Commissioner Bonney Ramsey thanked the Planning Department for the meal and card for her after the passing of her husband.

Executive Director of Development Services Shon Brooks welcomed Council Member Chris Wright.

There being no further business, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary