

Planning and Zoning Commission
August 9, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 9, 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
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Ashlie Jones, Senior Planner
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 July 26, 2022
- b. Minutes of the Planning and Zoning Commission briefing of July 26, 2022

Action:

Vice Chairman Melissa Ballard moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.

5. **Consider request by Claudia Rodriguez, for a Plat of the Rodriguez Addition, Lot 1, Block A, being 0.6013 acres, located directly west of 1400 Dr. Martin Luther King Jr. Blvd., situated in the S.M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 182035) – Owner: JOSE RODRIGUEZ (SUB-11-2022) Staff: Zack King**

Senior Planner Zack King presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use. The plat adheres to all lot size and dimension requirements of the Infill Overlay District as well as provides a twenty-five (25) foot right-of-way dedication along Dr. MLK Jr. Boulevard in conformance with the Thoroughfare Plan. Staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Claudia Rodriguez, for a Plat of the Rodriguez Addition, Lot 1, Block A, being 0.6013 acres, located directly west of 1400 Dr. Martin Luther King Jr. Blvd., situated in the S.M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 182035) – Owner: JOSE RODRIGUEZ (SUB-11-2022) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 6. Public Hearing on a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022) Staff: Ashlie Jones**

Senior Planner Ashlie Jones presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use. The applicant made a petition of relief waiver request for a 25' front building line setback instead of the 40' required due to the existing structure encroaching into the 40' required front building line setback. Staff recommended approval of the plat and approval of the petition of relief waiver.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-58-2022, Chairman Keeler closed the Public Hearing.

- 7. Consider approval of SUB-58-2022**

Action:

Mr. David Hudgins moved to approve a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022) and approval of petition of relief waiver. Mr. Erik Test seconded, All Ayes.

- 8. Consider request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting a Site Plan approval to construct a two-story assisted and senior living facility on 5.215 acres at 110 Park Hills Drive. The proposed development includes 78 dwelling units for independent living, 59 assisted living beds, and 28 memory care beds. The proposed facility includes 4 outdoor courtyards and a pool for residents. Additionally, on-site amenities including a restaurant, fitness center, yoga studio, theater, game room, dog park, salon, and activity space are proposed with the facility. Mr. King noted the western portion of the property, along Highway 77, is covered by an 80-foot TXU electric easement and the owner has received permission from Oncor to place a dog park and additional parking spaces within the easement. The applicant provided two (2) exterior elevation options for the proposed development with both options featuring natural stone and stucco as the primary materials, with siding and board and batten accents.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022) as presented, with exterior elevation option 2. Ms. Bonney Ramsey seconded, All Ayes.

9. Public Hearing on a request by Michelle Kucaba, Interplan, LLC, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Planned Development-General Retail (PD-GR) zoning district located at 996 W Highway 287 (Property ID 142134) - Owner: CHICK-FIL-A INC (ZDC-47-2022) Staff: Eleana Tuley

Senior Planner Eleana Tuley presented the case noting the applicant requests a specific use permit to modify the drive through circulation and configuration for the existing Chick-Fil-A located at 996 W. Highway 287. She noted the applicant is not proposing any changes to the building and staff recommends approval per the following staff comments:

1. The subject property shall conform to the layout shown in the site plan.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department and Public Works and Engineering Department prior to construction.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-47-2022, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of ZDC-47-2022

Action:

Mr. David Hudgins moved to approve a request by Michelle Kucaba, Interplan, LLC, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Planned Development-General Retail (PD-GR) zoning district located at 996 W Highway 287 (Property ID 142134) - Owner: CHICK-FIL-A INC (ZDC-47-2022). Vice Chairman Melissa Ballard seconded, All Ayes.

11. Public Hearing on a request by Jeb Jones, Pro Star Rental, for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Sales and Rental, use within a Light Industrial (LI-1) zoning district located at 2601 North Highway 77 (Property ID 174803) - Owner: CJ COMMERCIAL CO LLC (ZDC-52-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant requests a specific use permit to expand an existing heavy machinery and equipment sales and rental business (Pro Star Rental of Waxahachie). The property owner plans to purchase and acquire an additional 0.5 acres from the Northside Church of Christ to integrate into the site and expand the business's equipment rental and sales storage area. Ms. Tuley explained the applicant is requesting a variance to allow for gravel on the perimeter of the new storage area instead of using concrete as proposed in the remainder. The applicant is also requesting a variance to not screen the outdoor storage along the

western property line since the property on the west currently uses that area for outdoor storage, causing minimal visual impact where no screening is proposed. Staff recommended approval per the following staff comments:

1. Approval of a variance request to utilize gravel in areas shown on the site plan.
2. Approval of a variance request to not screen the newly incorporated outdoor storage area along the western property line as shown on the site plan.
3. The applicant shall include a landscape plan for the living screen with the civil plan application submitted to the City of Waxahachie Public Works and Engineering Department.
4. The applicant shall obtain an irrigation permit from the City of Waxahachie Building Department prior to construction.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-52-2022, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of ZDC-52-2022

Action:

Mr. Jim Phillips moved to approve a request by Jeb Jones, Pro Star Rental, for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Sales and Rental, use within a Light Industrial (LI-1) zoning district located at 2601 North Highway 77 (Property ID 174803) - Owner: CJ COMMERCIAL CO LLC (ZDC-52-2022) and approve both variance requests as presented. Mr. Erik Test seconded, All Ayes.

13. Public Hearing on a request by Shannon Childs, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit, use within a Single Family – 2 (SF-2) zoning district located at 301 Olive Street (Property ID 180822) - Owner: SHANNON MARIE CHILDS (ZDC-76-2022) Staff: Ashlie Jones

Ms. Jones presented the case noting the applicant is requesting to utilize an existing accessory structure (731 sq. ft.) as an accessory dwelling unit. Staff recommends approval per the following staff comments:

1. The accessory dwelling unit shall not be used for residence by a non-family member.
2. The structure shall, in any case, not be leased or sold and shall not be separately metered.
3. The applicant will need to ensure that the structure is habitable.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to renovating the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-76-2022, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of ZDC-76-2022

Action:

Ms. Bonney Ramsey moved to approve a request by Shannon Childs, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit, use within a Single Family – 2 (SF-2) zoning district located at 301 Olive Street (Property ID 180822) - Owner: SHANNON MARIE CHILDS (ZDC-76-2022) per staff comments. Mr. Erik Test seconded, All Ayes.

15. Public Hearing on a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 116 Spring Creek Drive (Property ID 206116) - Owner: LEE & ANNA L. MARTIN (ZDC-83-2022) Staff: Ashlie Jones

Ms. Jones presented the case noting the applicant is requesting to construct a +700 sq. ft. (1,500 sq. ft.) accessory structure to the rear of a single-family residential lot and staff recommended approval per staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The concrete will be extended from the driveway to the accessory structure.
5. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to the construction of the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-83-2022, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of ZDC-83-2022

Action:

Mr. Jim Phillips moved to approve a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 116 Spring Creek Drive (Property ID 206116) - Owner: LEE & ANNA L. MARTIN (ZDC-83-2022) per staff comments. Mr. Erik Test seconded, All Ayes.

17. Public Hearing on a request by Gregory Nehib, Big Blue Truck, LLC, for a Zoning Change from Single Family Residential-2 (SF-2) zoning district to Central Area (CA) zoning district, located at 206 and 208 N Jackson Street (Property ID 170695 and 170696) - Owner: BIG BLUE TRUCK, LLC (ZDC-80-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting to rezone approximately 1.98 acres of land located at 206 and 208 North Jackson Street from single-family-residential-2 (SF-2) district to Central Area (CA) district to reuse the existing building for indoor amusement. The property owner has a tenant who would like to operate a haunted house (Reindeer Manor) and a skate park.

The applicant has noted they do not plan to make any exterior changes to the building or site improvements. Instead, the prospective tenant intends to make interior changes to occupy the building. Ms. Tuley explained the applicant is aware the site is in the Tax Increment Reinvestment Zone #1, making it eligible for public funding to help the property owner make site improvements and building enhancements. Ms. Tuley stated although the zoning change from SF-2 to Central Area District is appropriate, staff is concerned with the haunted house use and the lack of enhancement or improvements to the existing building given the property's close proximity to downtown. Staff informed the applicant that a site plan will be required if the property owner makes any site and building improvements requiring the approval of a site plan. Staff recommended denial due to staff concerns.

Chairman Keeler opened the Public Hearing.

Greg Nehib, 1023 W. Main, Waxahachie, Texas, requested to change the zoning to Central Area District to allow use of the 18,000 sq. ft. building to operate as a seasonal haunted house and a year-round skate park. Mr. Nehib noted the Heritage Preservation Commission does not support demoing of the building or changes to the façade due to the historical nature of the building. He explained his request is to change the zoning on the property to match the zoning across the street.

Commissioner David Hudgins asked the applicant if consideration has been given to add parking to the site and Mr. Nehib noted he has reviewed options for staff parking or food truck area and would like to operate multiple businesses on-site.

Commissioner Erik Test asked the applicant if he would be willing to change the zoning to a Planned Development to allow for some flexibility and to restrict unwanted uses downtown, that if approved as Central Area District, would be allowed by right. Mr. Nehib noted he is only requesting to correct the zoning at this time. Mr. Test reiterated that approval of the zoning change to Central Area District would allow multiple uses by right and the Commission nor City Council would review for approval and Ms. Tuley concurred.

Vice Chairman Melissa Ballard inquired about the current use of the site and Mr. Nehib explained the site is mostly being used for storage at this time.

Chairman Keeler inquired about the use of the property and Mr. Nehib explained some areas are in the creek area and not usable.

Commissioner Jim Phillips noted a Planned Development zoning would offer flexibility for the site.

There being no others to speak for or against ZDC-80-2022, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of ZDC-80-2022

Action:

Mr. Jim Phillips moved to approve a request by Gregory Nehib, Big Blue Truck, LLC, for a Zoning Change from Single Family Residential-2 (SF-2) zoning district to Central Area (CA) zoning district, located at 206 and 208 N Jackson Street (Property ID 170695 and 170696) - Owner: BIG BLUE TRUCK, LLC (ZDC-80-2022). Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Erik Test.

The motion carried.

19. Adjourn

Ms. Tuley invited the public to visit waxahachieplan.com to offer input on the Waxahachie Comprehensive Plan that is currently being updated.

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary