

Planning and Zoning Commission
December 13, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, December 13, 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
Betty Square Coleman
Bonney Ramsey
Erik Test

Members Absent: David Hudgins
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Eleana Tuley, 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 November 15, 2022
- b. Minutes of the Planning and Zoning Commission briefing of November 15, 2022

Action:

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

5. **Public Hearing on a request by Jonathan Foster for a Specific Use Permit (SUP) for a private club (The Flop Social Poker Lounge) use within a Planned Development - General Retail (PD-GR) zoning district located at 507 North Highway 77 (Suite 610) (Property ID 175004) - Owner: Benbaroukh LLC (ZDC-118-2022) Staff: Eleana Tuley**

Chairman Keeler announced the applicant requested to withdraw the case.

6. Consider recommendation of Zoning Change No. ZDC-118-2022

No action taken.

7. Consider a request by Jordan Tucker, for a Plat of the Tucker Addition, Lot 1, Block A, being 1.142 acres, located directly north of 10375 Baucum Road, situated in the Amasa Howell Survey, Abstract 522, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 180978) – Owner: Jordan Brett Tucker (SUB-150-2022) Staff: Zack King

Eleana Tuley, Senior Planner, presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use and staff recommends approval as presented.

Action:

Ms. Bonney Ramsey moved to approve SUB-150-2022, a plat of the Tucker Addition, Lot 1, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Vice Chairman Melissa Ballard seconded, All Ayes.

8. Consider a request by Jeff Head, Evolving Texas, for a Plat of the Oncor-Highway 77 Addition, Lot 1, Block A, being 14.81 acres, located approximately 300 South of 600 S US Highway 77, situated in the John Harris Survey, Abstract 430, an addition to the City of Waxahachie (Property ID 184700) – Owner: Oncor Electric Delivery Company LLC (SUB-154-2022) Staff: Zack King

Ms. Tuley presented the case noting the applicant is requesting to plat the subject property into one (1) lot for commercial use. The applicant is providing a 10' right-of-way (ROW) dedication along South US Highway 77 in conformance with the City of Waxahachie Thoroughfare Plan. The applicant is proposing an off-site water and sanitary sewer easement in order to facilitate the extension of required utilities to the property. All lot size, dimension, setbacks, and easement requirements of the Light-Industrial-1 (LI-1) zoning district have been met and staff recommends approval per the following staff condition:

1. The recording information for the off-site water and sanitary sewer easement shall be added to the plat prior to filing.

Action:

Vice Chairman Melissa Ballard moved to approve SUB-154-2022, a plat of the Oncor-Highway 77 Addition, Lot 1, Block A, subject to the condition in the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

9. Consider a request by Marshall Patton, KFM Engineering & Design, for a Plat of Dove Hollow, Phase 2, 223 lots and 7 open space lots being 64.95 acres, located on the east side of Terlingua Road, situated in the J.W. Wright Survey, Abstract No. 1182 and the R.A. Davis Survey, Abstract No. 318, an addition to the City of Waxahachie (Property ID 192636, 192643, and 192639) – Owner: GRBK Edgewood LLC (SUB-143-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting to subdivide an approximately 64.95-acre tract into 223 lots and 7 open spaces lots and staff recommends approval as presented. She noted this plat is the second phase of the Dove Hollow Subdivision and the applicant has met the governing zoning on the property and complied with the City's subdivision regulations.

Action:

Ms. Bonney Ramsey moved to approve SUB-143-2022, for a plat of Dove Hollow, Phase 2, 223 lots and 7 open space lots being 64.95 acres, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. Erik Test seconded, All Ayes.

- 10. Public Hearing on a request by Timothy Wells, Peloton Land Solutions, for a Replat of lots 18 and 19, Block C, lots 30 and 31, Block D, and lots 8 and 9, Block E of the Oaks of North Grove Phase 1 to create lots 63R1 and 64, Block C, lots 30R1, 31R1, 32-48, Block D, Lots 8R1, 9R1, 10-21, and lots 27-32, Block E, being 8.572 acres, generally located at 731 Cherry Bark Trail, (Property ID 284716) – Owner: BBCP North Grove 79 LLC (SUB-134-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant is requesting to replat six (6) open space lots (approximately 8.572 acres) into 42 residential lots. The six open space lots were platted with The Oaks of North Grove Phase One in January 2022 and were initially platted as open space lots because they were in the floodplain. However, since the recordation of the plat, the consultant has prepared a flood study and receive approval for a Letter of Map Revision (LOMR) from FEMA to revise the location of the floodplain noting the residential lots are not outside the limits of the floodplain. Ms. Tuley noted two (2) letters of opposition were received and staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-134-2022, Chairman Keeler closed the Public Hearing.

- 11. Consider approval of SUB-134-2022**

Action:

Vice Chairman Melissa Ballard moved to approve SUB-134-2022, for a replat of lots 18 and 19, Block c, lots 30 and 31, Block D, and lots 8 and 9, Block E of the Oaks of North Grove Phase 1, authorizing the Planning a& Zoning Commissioner to sign the associated documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

- 12. Public Hearing on a request by Christina and Hymen Wallace for a Specific Use Permit (SUP) for an accessory structure +700 sf use within a Future Development zoning district located at 241 Oak Tree Drive (Property ID 201955 & 201954) - Owner: Hymen & Christina Wallace (ZDC-138-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit to construct an accessory structure greater than 700 square feet on the rear side of a single-family residential lot at 241 Oak Tree Drive and staff recommends approval per the following staff conditions:

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 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-138-2022, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-138-2022

Action:

Ms. Bonney Ramsey moved to approve ZDC-138-2022, a Specific Use Permit (SUP) for an accessory structure +700 sf use, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Mr. Erik Test seconded, All Ayes.

14. Public Hearing on a request by Lynn Rowland, Claymoore Engineering, for a Specific Use Permit (SUP) for Outside Storage, Outside Display, and Pole Sign uses within Light Industrial-1 (LI-1) and Light Industrial-2 (LI-2) zoning districts located directly South of the intersection of Austin Road and the I-35E Service Road (Property ID: 290135 & 2554633) – Owner: PC5 Properties LLC (ZDC-68-2022) Staff: Zack King

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit for heavy machinery and equipment, rental, sales, or storage use, outdoor display and pole sign use. Ms. Tuley noted the applicant provided two elevation façade options and the Commission can include their recommendation in the motion. Staff recommends approval per the following staff conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The equipment stored or displayed on site shall remain in a stowed position and shall not be extended while stored or displayed on site.
3. The applicant shall preserve existing trees along the southern and eastern property lines that fall within the landscape area proposed by the applicant.
4. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

Chairman Keeler opened the Public Hearing.

Lynn Rowland, Claymoore Engineering, 1903 Central Drive, Bedford, Texas, asked for clarification on staff's request for tree preservation. Ms. Tuley explained the staff's request is to attempt to preserve the trees within the landscape plan that are on the City's tree list and is 6-inch caliper and larger. Mr. Rowland noted the applicant will make every effort to preserve as many trees as feasible. He noted many trees will need to be removed to alleviate drainage issues as well as the need to utilize the concrete on-site for equipment storage.

There being no others to speak for or against ZDC-68-2022, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-68-2022

Action:

Vice Chairman Melissa Ballard moved to approve ZDC-68-2022, a Specific Use Permit (SUP) for a heavy machinery and equipment, rental, sales or storage use, outdoor display, and pole sign use, recommending elevation number 1 (dark gray), subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

16. Public Hearing on a request by Ramon Galaviz, for a Specific Use Permit (SUP) for an Outside Storage use within a General Retail (GR) zoning district located at 101 Tracy Lane (Property ID: 151310) – Owner: Juan M. Rosas & Guillermina Rosas (ZDC-130-2022) Staff: Zack King

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit to allow for an outside storage (Pecos Bill) use at 101 Tracy Lane. The retail establishment specializes in the sale of outdoor furniture and art. Ms. Tuley noted an overhead electric easement approximately 16' in width crosses through the center of the property and the applicant has not attained permission from the easement holder to utilize the space within the easement as a storage area. Due to this, the applicant is not permitted to use the area for outside storage and is not proposing to utilize the area. Staff recommends approval per the following staff conditions:

1. Landscaping shall be installed on-site in accordance with the Landscape Plan prior to the issuance of a certificate of occupancy (CO) for Pecos Bill.
2. The portion of the site within the overhead electric easement shall not be used as a storage area.

Chairman Keeler opened the Public Hearing.

Ramon Galaviz, 101 Tracy Lane, Waxahachie, Texas, provided images of the proposed items for outdoor storage and confirmed he was aware of the staff conditions.

There being no others to speak for or against ZDC-130-2022, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-130-2022

Action:

Vice Chairman Melissa Ballard moved to approve ZDC-130-2022, a Specific Use Permit (SUP) for outside storage use, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

18. Public Hearing on a request by Dani Cagle, Texas Art & Pour, for a Specific Use Permit (SUP) for a Tavern use within a Central Area zoning district located at 109 W Franklin Street, Suite 115 (Property ID: 193341) – Owner: Mutual Pursuits LLC (ZDC-148-2022) Staff: Zack King

Ms. Tuley presented the case noting the applicant is requesting approval of a Specific Use Permit for a tavern use for Texas Art & Pour located within the Central Area zoning district at 109 W. Franklin, Suite 115. Staff recommends approval per the following staff conditions:

1. The use shall comply with the development standards proposed with the SUP request.
2. An amendment to the SUP will be required in the event Texas Art & Pour wishes to expand beyond the footprint detailed in the Floor Plan exhibit.
3. An amendment to the SUP will be required in the event Texas Art & Pour wishes to modify its hours of operation. Texas Art & Pour has proposed to operate daily from 10:00 am to 9:00 pm.
4. A new SUP will be required to reestablish the Tavern use in the event Texas Art & Pour vacates 109 W. Franklin Street, Suite 115 or a new tenant seeks occupancy at 109 W. Franklin Street, Suite 115.
5. The applicant shall receive approval of all necessary building permits necessary to establish and operate the Tavern use.

Chairman Keeler opened the Public Hearing.

Dani Cagle, 700 N. Gibson, Waxahachie, Texas, explained the proposed business will offer a unique shopping experience and will be a family friendly space, selling Texas wines, beer, food, and art.

Vice Chairman Ballard inquired about the hours of operation and Jennifer Pruitt, Senior Director of Planning, explained the hours listed in the staff conditions were updated by the applicant.

There being no others to speak for or against ZDC-148-2022, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZDC-148-2022

Action:

Ms. Bonney Ramsey moved to approve ZDC-148-2022, a Specific Use Permit (SUP) for a tavern use for Texas Art & Pour subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Ms. Betty Square Coleman seconded, All Ayes.

20. Adjourn

Ms. Tuley announced the last Comprehensive Plan Advisory Committee meeting will be held Thursday, December 15, 2022 at 6:00 p.m.

Ms. Pruitt thanked the Impact Fee Capital Improvements Advisory Committee for their input.

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The Commission wished everyone a Merry Christmas.

There being no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Amber Villarreal

City Secretary