

Planning and Zoning Commission
March 15, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Wednesday, March 15, 2023 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
Erik Test

Members Absent: Betty Square Coleman
David Hudgins
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Macey Martinez, City Engineer
Jami Bonner, Assistant 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 special Planning & Zoning Commission meeting of February 24, 2023
- b. Minutes of the regular Planning & Zoning Commission meeting of February 28, 2023

Action:

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

5. Consider a request by Ecosium LLC, for a Plat of the Peak Living Addition, Lot 1, Block A, being 10.018 acres, located directly north of 2631 FM 664, situated in the H. Bingham Survey, Abstract 114, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 295055) – Owner: ECOSIUM LLC (SUB-8-2023) 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 residential use. In conformance with the City of Waxahachie Thoroughfare Plan, the applicant is providing approximately 4' of right-of-way (ROW) dedication along the east-west portion of FM 664. He noted the proposed lot meets all Ellis County lot size and dimension requirements. Staff recommends approval of the plat as presented.

Action:

Mr. Erik Test moved to approve SUB-8-2023, a plat for the Peak Living Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

- 6. Consider a request by Tamara Turton, KFM Engineering & Design, for a Plat of Dove Hollow Phase III, being 81.9758 acres, located south of Grove Creek Road, situated in the J.W. Wright Survey, Abstract 1182, an addition to the City of Waxahachie (Property ID 192636, 192639, and 192643) – Owner: GRBK EDGEWOOD LLC (SUB-90-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is proposing to plat the third and final phase for Dove Hollow into 171 single-family residential lots and nine (9) open space lots. He explained the layout of the proposed plat meets the expectations of the City of Waxahachie Thoroughfare Plan as it relates to the subject property. The plat contains three (3) types of residential lots; 60' lots, 70' lots, and 80' lots. The minimum lot size for 60' lots is 7,200 square feet, the minimum size for 70' lots is 8,400 square feet, and the minimum size for 80' lots is 9,600 square feet. These dimensions adhere to the Site Plan, SP-75-2020, approved for the property in 2020. Staff recommends approval of the plat as presented.

Action:

Ms. Bonney Ramsey moved to approve SUB-90-2022, a plat of Dove Hollow Phase III, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Vice Chairman Melissa Ballard seconded, All Ayes.

- 7. Public Hearing on a request by Shelly Lehrer for a Replat of lots 10, 11, 12 and a portion of lot 13, Block 4, University Addition to create lots 11R and 12R, Block 4, University Addition, 2 residential lots, being .497 acres, located at 308 E. University Drive (Property ID 176160 and 176159) – Owner: SHELLY LEHER AND ANDREW AND CAITLIN PRATZ (SUB-144-2022) Staff: Eleana Tuley**

{Commissioner Betty Square Coleman arrived at 7:04 pm.}

Senior Planner Eleana Tuley presented the case noting the applicant is requesting to replat the subject property (0.497) to revise the property line splitting the two existing lots at 308 E. University Drive. She explained the purpose of the replat is to equally divide the driveway located between the two property owners. She noted the replat is complying with the City's subdivision and zoning regulations. Staff recommends approval of the replat as presented.

Chairman Keeler inquired about setback requirements and Ms. Tuley confirmed all setback requirements have been met.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-144-2022, Chairman Keeler closed the Public Hearing.

8. Consider approval of SUB-144-2022

Action:

Vice Chairman Melissa Ballard moved to approve SUB-144-2022 for a Replat of lots 10, 11, 12 and a portion of lot 13, Block 4, University Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. Erik Test seconded, All Ayes.

9. Public Hearing on a request by Larry and Ina Kollie for a Replat of Lots 1 and 2, Block 217, Town Addition to create Lots 1R and 2R, Block 217, Town Addition, 2 residential lots, being 2.915 acres, located at 1208 E Marvin Road (Property ID 171506) – Owner: LARRY AND INA KOLLIE (SUB-169-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting to replat the subject property (2.915 acres) into two (2) lots for residential use. She noted the applicant is proposing to carve out a half acre tract onto Wyatt St. She explained both lots comply with the minimum setback zoning requirements and subdivision regulations. Staff recommends approval of the replat as presented.

Chairman Keeler requested confirmation that the applicant is complying with all requirements for a single-family home. Ms. Tuley confirmed and noted the applicant is responsible for installing a water meter prior to recording the replat with Ellis County.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-169-2022, Chairman Keeler closed the Public Hearing.

10. Consider approval of SUB-169-2022

Action:

Ms. Bonney Ramsey moved to approve SUB-169-2022 for a Replat of Lots 1 and 2, Block 217, Town Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. Erik Test seconded, All Ayes.

11. Consider a request by Michael Holmes, Freedom Church for a Replat of Lot 1 and a portion of Lot 3, Block 1, Northgate Plaza, 2 lots, being 18.57 acres, located at 507 North Highway 77 (Property ID 175004) – Owner: BENBAROUKH, LLC (SUB-172-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting to replat the subject property (18.57 acres) into two lots for non-residential use. More specifically, the property owner for the Northgate Plaza Shopping Center is sub-dividing the tract to sell Lot 6, where Freedom Fellowship Church is located. She noted both lots meet the minimum lot standards of the governing zoning and have adequate parking to serve the uses on each lot.

As part of the plat, Ms. Tuley explained the applicant is also abandoning utility and access easements that no longer serve the site. Therefore, the applicant must contact the franchise utility providers to verify no franchise utilities are in the easements being abandoned by the plat. As a condition of approval, the applicant has provided documentation from each franchise utility provider (Oncor, AT&T, Charter, and Atmos) before recording the plat with Ellis County. Staff recommends approve of the replat as presented.

Chairman Keeler asked if public drive easements are included in the replat and Ms. Tuley replied there are several easements that serve as access and utility easements.

Action:

Vice Chairman Melissa Ballard moved to approve SUB-172-2022 for a Replat of Lot 1 and a portion of Lot 3, Block 1, Northgate Plaza, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ms. Betty Square Coleman seconded, All Ayes.

- 12. Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022) Staff: Zack King**

Chairman Keeler announced the applicant requested to continue SUB-57-2022 to the April 26, 2023 Planning and Zoning Commission meeting.

- 13. Consider recommendation of SUB-57-2022**

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) to the April 26, 2023 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

- 14. Public Hearing on a request by Jeff Head, Evolving Texas for a Specific Use Permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use within a Light Industrial (LI-1) zoning district located directly north of the property at 3841 S Interstate 35 (Property ID 184700) - Owner: ONCOR ELECTRIC DELIVERY COMPANY, LLC (ZDC-165-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit (SUP) for a new service facility for Oncor Electric on a 14.8-acre tract of land located directly north of the property at 3841 S. Interstate 35. She noted Oncor is proposing to build a 17,318 square foot building for administrative personnel and also plan to build an outdoor storage area consisting of two accessory structures for service trailers and trucks. They will also have an above ground fuel tank and pump and a small repair shop for service vehicles. The storage area will house various equipment including poles, cross arms, wires, cables, conduits, and transformers. The applicant is proposing to screen the entire parameter with a six-foot concrete panel wall with two security gates. She noted the applicant made concerted efforts to comply with the City's development standards including the building design, screening, and landscaping requirements. In addition, the applicant will utilize concrete surface material for the entire outdoor storage area.

The applicant has provided two sets of architectural elevations. Both options are composed of 100 percent split-face concrete masonry units (CMU), but use a different color screen.

- Option one utilizes a brown color scheme with a light brown CMU on the majority of the building and a dark brown CMU on the lower and top segments of the building. The two accessory structures and the repair shop are metal buildings that match the color of the main building.
- Option two utilizes a gray color scheme with a light gray CMU on the majority of the building and a dark gray CMU on the lower and top segments of the building. The two accessory structures and repair shop are metal buildings that match the color of the main building.

Ms. Tuley confirmed for Commissioner Square Coleman that the Commission will approve either option one or option two elevation with the motion.

Commissioner Ramsey clarified the color of the concrete parameter wall. Ms. Tuley replied the proposed wall is brown/tan in color and recommended asking the applicant if the color would change if the Commission approved the option two elevation.

Chairman Keeler inquired about a vacant lot to the south of the development. Ms. Tuley replied the vacant tract is owned by the developer as well, but is not part of the SUP request.

Chairman Keeler opened the Public Hearing.

Jeff Halbert, 10504 Grayhawk Lane, Fort Worth, Texas replied to Chairman Keeler explaining the John Arden Oncor facility will move all personnel to the new facility. Mr. Halbert explained the storage areas will house palletized materials for specific jobs throughout the areas and inventory for storm repairs or damage to the grid.

Chairman Keeler asked if materials will be stored directly to the south of the building. Mr. Halbert replied the area is a grass area and may be used for training, but materials will not be stored in the area.

Commissioner Ramsey asked if Mr. Halbert has an elevation preference. Mr. Halbert replied that he prefers the brown color, but both elevations look nice.

There being no others to speak for or against ZDC-165-2022, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-165-2022

Action:

Ms. Bonney Ramsey moved to recommend approval of ZDC-165-2022, a Specific Use Permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use, subject to the conditions of the staff report with elevation option one, authorizing the City Manager and or Mayor to execute all documents accordingly. Vice Chairman Melissa Ballard seconded, All Ayes.

16. Public Hearing on a request by Anna Carrillo, Carrillo Engineering, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at the northeast corner of US Highway 77 and E North Grove Boulevard (Property ID: 191121, 262125, and 262126) – Owner: HIGH FIVE TRUST – BJA (Mark) (ZDC-178-2022) Staff: Zack King

Mr. King presented the case noting the applicant is requesting approval of a Planned Development (PD) for the North Grove Center to allow for the development of a full-service grocery store (Tom Thumb), a convenience store with gasoline sales, a self-storage facility, and general retail establishments with drive-throughs. He explained the applicant intends to develop the property in three (3) phases. Phase 1 will consist of infrastructure improvements to the site. Phase 2 will occur immediately following the completion of Phase 1 and will consist of the development of lots 2, 7, 9, and 10. Construction during Phase 2 will include the full-service grocery store, convenience store and gas station, self-storage facility and one strip retail center with a drive-through. The applicant does not have an anticipated completion date for Phase 3 of the development which includes lots 3, 4, 5, 6, and 8. Development on these tracks will require the approval of separate detailed site plans, but no specific users are contemplated at this time.

Proposed uses include:

Full-service grocery store – Lot 9: 60,000 square foot Tom Thumb grocery store for Lot 9 of the North Grover Center PD. The Tom Thumb will offer online grocery pickup, a pharmacy with a drive-thru and a deli area. The grocery store will also include a roughly 600 square foot outdoor display area and outdoor seating. Tom Thumb is anticipated to operate from 6:00 am to 11:00 pm, but can operate 24 hours a day if there is additional demand. A total of 150 employees are expected to staff the Tom Thumb. 320 parking spaces are proposed for the grocery store, with up to ten (10) spaces designated for electric vehicle use and up to seven (7) spaces for online order pickup.

- The grocery store elevation is proposed to feature painted concrete masonry units (CMUs), Nichiha panels, and window glazing as the primary exterior construction materials. A total of four (4) colors are proposed to be utilized for the CMU. The Nichiha panels utilize two colors, cedar and tobacco.

Mini warehouse – Lot 2: The proposed mini-warehouse facility is currently anticipated to operate under the Store House Storage brand. The structure is a 130,000 square foot, fully indoor, climate-controlled storage facility that is anticipated to be staffed daily from 9:00 am to 6:00 pm with tenant access allowed from 6:00 am to 10:00 pm. The facility is proposed to be fully gated with all loading and unloading occurring behind the gated entrance. Adequate on-site parking has been provided for this use.

- The mini warehouse facility elevation is proposed to utilize a façade comprised primarily of stucco, thin stone veneer, and window glazing. A total of 96% of the façade will be comprised of masonry stucco or thin stone veneer. The varying stucco colors and articulation proposed for the facility serve to eliminate the monotony in the façade.

Convenience store and gas station – Lot 7: The proposed convenience store and gas station is anticipated to operate under the Tom Thumb Express brand. Twelve (12) fuel pumps are proposed to be open for public use 24/7; while the typical convenience store hours will be 7:00 am – 9:00 pm. Adequate on-site parking is proposed for this use.

- The convenience store and gas station elevation is proposed to utilize a complimentary façade with the grocery store. The proposed materials for the convenience store include painted concrete masonry units (CMUs), Nichiha panels, and window glazing. The fuel pump canopy is proposed to utilize the Nichiha panels with a cedar finish.

Multi-tenant retail building and drive through – Lot 10: A 11,000 square foot multi-tenant retail building is proposed on Lot 10. Specific users are not contemplated for the retail building at this time, but provisions have been made to allow for a single drive-through establishment to operate in the northernmost suite. Adequate parking is available if all suites are occupied by retail or office users; however, the applicant has requested that the proposed parking be considered sufficient for all potential uses allowable in the General Retail District, including restaurants. If all suites are occupied by restaurants, there is a potential for the proposed parking to be up to ten (10) spaces short of the requirement for this lot.

- The façade of the multi-tenant retail building on Lot 10 is designed to compliment the design of the grocery store, but will not utilize the same exterior construction materials. The façade is comprised by 100% masonry materials (stucco and thin stone veneer) and window glazing with minor aluminum accents.

Mr. King noted Lot 1 will not be developed for anything other than a detention lot and will be screened off.

Access:

The North Grove Center PD is proposed to have five (5) points of access. Three (3) drives will be available off of E North Grove Boulevard to provide direct access to Tom Thumb proposed on Lot 10. Curb cuts and dedicated turn lanes will be provided on E North Grove Boulevard for two of these access points. One (1) point of access is proposed off of Highway 77 with a deceleration lane. A single point of access with a dedicated turn lane will be provided for the development on Hedgewood Drive. A private drive will extend through the center of the development to provide cross-access between each proposed lot. This access drive will be memorialized with a mutual access easement. The applicant is pursuing options to install a traffic signal at the intersection of Hedgewood Drive and Highway 77 in order to improve traffic control on the site.

Landscaping:

The applicant is proposing landscaping for Phase 2 with the exception of Lot 1. Due to the size of the proposed buildings and the subsequent parking requirements for each lot, the applicant is unable to meet the minimum landscaping requirements of the Waxahachie Zoning Ordinance; however, staff believes the applicant has provided the landscaping necessary to adequately screen the development with ample trees along the outside of the 8' masonry screening wall to further buffer the site from adjacent residences. The applicant has also provided street trees along Hedgewood Drive, Highway 77, and E North Grove Boulevard. Lots included in Phase 3 will be required to adhere to landscape requirements of the Waxahachie Zoning Ordinance.

Signage:

The applicant is proposing to construct multiple freestanding monument signs for the shopping center. Multi-tenant monument signs are proposed on Lots 3, 6, and 7 while single-tenant signs are proposed on Lots 4, 5, 6, 8, and 9. The single-tenant monument signs are proposed to meet the requirements of the Waxahachie Zoning Ordinance. The multi-tenant monument signs are proposed to increase the maximum allowable height to up to 15' and maximum allowable size up to 205 square feet.

Mr. King shared that the applicant held a neighborhood meeting with surrounding residents to incorporate feedback into their plans. Staff recommends approval subject to the conditions of the staff report.

Chairman Keeler requested confirmation that all signs are monument signs and requested the height of the tallest signs. Mr. King replied that all signs included in the plan are monument signs, no pole signs, with the tallest being sign type A with an overall height of 12'.

Chairman Keeler requested clarification on the easement between the development and residents. Mr. King replied there is a 100' overhead utility easement separating existing homes to the east and the development.

Commissioner Ramsey inquired if Crape Myrtles are included in the landscaping plan. Mr. King replied that the applicant is proposing 131 Crape Myrtles to be included in the landscaping plan.

Chairman Keeler asked to clarify the landscape relief the applicant is requesting. Mr. King replied that due to existing easements, site layout, and parking requirements the applicant is unable to meet landscape requirements including street trees planted every 30 feet and as many parking lot trees as required by Waxahachie Zoning Ordinance.

Commissioner Erik Test asked if storage units are an allowable use in General Retail (GR). Mr. King replied that storage is not allowed in GR by right. Commissioner Test emphasized that the P&Z Commission has discussed being a body that intently considers requests that are not allowed by right.

Chairman Keeler opened the Public Hearing.

Chairman Keeler asked the applicant if the proposed Tom Thumb is a standard store or a concept store.

Robert Horton, 3815 Lisper St., Fort Worth, Texas, replied the proposed Tom Thumb is the standard full-service grocery store model being built around North Texas with the same architectural style.

Chairman Keeler asked if the storage unit plan is typical and Mr. Norton replied that he has not produced any and is not aware of another similar development with climate-controlled storage. Mr. Horton described the proposed self-storage facility as a fully climate controlled two story building, gated with high security, full camera system, and door access entry.

Chairman Keeler inquired about the height of the storage unit facility in comparison to the Tom Thumb. Mr. Horton replied that he expects the height of the self-storage facility to be similar with Tom Thumb's front entrance signage.

Chairman Keeler asked, even though the facility is 130' – 200' from housing, if light from the self-storage facility will affect surrounding residents and Mr. Horton replied that most facilities limit access at 10:00 pm and lights can be turned off at that point. Any lights on the rear of the building are set 8' – 10' and are shielding down to allow access around the building.

Chairman Keeler requested clarification on the convenience store and Mr. Horton replied that it is a small convenience concept with specials coordinated with Tom Thumb.

Chairman Keeler asked if residents from surrounding neighborhoods will be able to walk to the development via sidewalks. Mr. King replied there will be sidewalks along North Grove Boulevard and Hedgewood Drive to allow pedestrian access. Mr. Horton noted he has worked closely with City staff to provide adequate access via Hedgeworth Drive and North Grove Boulevard to keep traffic off of Highway 77.

Chairman Keeler asked if pad sites will be all retail uses with no multi family use. Mr. Horton replied the pad sites will be for single or two tenant uses such as restaurants, community services, bank, etc. Mr. King noted drive-throughs would be allowed at remaining pad sites subject to detailed site plan including all zoning requirements. Mr. Horton added, through the declaration and lease with Tom Thumb, there are internal restrictions that stacking cannot get onto main traffic aisles.

Chairman Keeler emphasized the importance of the Tom Thumb being built first and Mr. Horton replied that Tom Thumb is the first piece of the puzzle to the development and will be built first.

Commissioner Test asked if other potential uses were considered for Lot 2 and Mr. Horton replied the development was marketed to multiple retailers, but the main issue is the proximity to Tom Thumb. He explained you can't put another grocery concept and the site is not big enough for a home improvement concept. The self-storage facility does not require high traffic flow and has a relatively low impact with around 20 customers per day.

Chairman Keeler asked if adequate parking is planned for the self-storage site and Mr. Horton replied there are loading/unloading zones around the perimeter of the building and parking in front of the office. He estimates four to five customers to be onsite at any given time with possible higher traffic on Saturday. Chairman Keeler asked how many units will be available and Mr. Horton replied he doesn't have definitive numbers, but estimates approximately 600 units depending on the sizes.

There being no others to speak for or against ZDC-178-2022, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-178-2022

Action:

Vice Chairman Melissa Ballard moved to recommend approval of ZDC-178-2022, a Zoning Change request from a General Retail zoning district to a Planned Development-General Retail zoning district (North Grove Center), located at the northeast corner of US Highway 77 and E North Grove Boulevard, subject to the conditions of the staff report. Ms. Bonney Ramsey seconded, All Ayes.

18. Adjourn

Jennifer Pruitt, Senior Director of Planning, shared the P&Z Commission meeting calendar and noted there are several meeting dates that occur on a day other than Tuesday to accommodate the planned City Hall renovations. She noted the meetings will be held at the Civic Center when renovations commence and staff has to vacate City Hall.

Shon Brooks, Executive Director of Development Services, noted the Comprehensive Plan was adopted by City Council and expressed his gratitude to the P&Z Commission, City Council, members of the community, and staff.

There being no further business, the meeting adjourned at 7:53 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary