

Planning and Zoning Commission
April 11, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 11, 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
Betty Square Coleman
Bonney Ramsey
David Hudgins
Ron Ansell

Member Absent: Erik Test

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
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. **Consider minutes of the regular Planning & Zoning Commission meeting of March 28, 2023**

Action:

Vice Chairman Melissa Ballard moved to approve the minutes of the regular Planning & Zoning Commission meeting of March 28, 2023. Mr. David Hudgins seconded, All Ayes.

5. **Consider a request by Kevin Byrd for a Plat of Byrd Addition, Lot 1, Block A, being 3.004 acres, located across the street from 4674 FM 875, situated in the James Barker Survey, Abstract No. 40, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 294431) – Owner: KEVIN & MICHELLE BYRD (SUB-171-2022) Staff: Eleana Tuley**

Eleana Tuley, Senior Planner, presented the case noting the Applicant requests to plat a 3.004-acre tract across the street from 4674 FM 875 into one (1) lot for single-family use. The applicant dedicated 15 feet of right-of-way to contribute to the ultimate right-of-way width for FM 875 (90 feet of public right-of-way), classified as a minor arterial in the City's Thoroughfare Plan. Staff recommends approval of the proposed plat since the applicant has complied with the County's and City's subdivision regulations.

Action:

Mr. Ron Ansell move to approve SUB-171-2022 for a Plat of the Byrd Addition, Lot 1, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. David Hudgins seconded, All Ayes.

- 6. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (ZDC-13-2023) Staff: Zack King**

Zack King, Senior Planner, presented the case noting the applicant proposes to rezone the subject property from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district. The proposed zoning change is a companion case to SUB-17-2023; which is a replat request for the subject property seeking to divide the property into two buildable single-family lots. Despite the subject property's MF-1 zoning, a single-family residence has existed on site since the 1920's. All adjacent single-family residences along W. Marvin Avenue and much of Bryson Street are currently zoned SF-2. Staff is supportive of the zoning change request, due to its consistency with the surrounding area.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-13-2023, Chairman Keeler closed the Public Hearing.

- 7. Consider recommendation of Zoning Change No. ZDC-13-2023**

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-13-2023, a Zoning Change request from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district at 502 W. Marvin Avenue. Ms. Bonney Ramsey seconded, All Ayes.

- 8. Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (SUB-17-2023) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to replat the subject property into two (2) lots for single-family residential use. The proposed replat is a companion case to ZDC-13-2023; which is a zoning change request for the subject property seeking to rezone the property from Multi-Family-1 (MF-1) to Single Family-2 (SF-2). This replat request is contingent on the approval of ZDC-13-2023; so, the application was reviewed against the requirements of the SF-2 zoning district and the Infill Overlay District.

The proposed Lot 8R does not meet the minimum lot size requirement of the infill Overlay District. This is due in large part to a few larger than average lots in the immediate vicinity that skew the average lot size within 50' of the property. However, the 6,989-square-foot proposed lot is still

comparable to existing lots along Bryson Street which range from 7,700 square feet to 9,500 square feet. The applicant is seeking a Petition for Relief Waiver for the size of Lot 8R due to the existing conditions of the site. A detached garage is currently situated on the subject property serving Lot 7R; which restricts the maximum size of Lot 8R. Due to the existing conditions of the site, and the comparable size to existing lots on Bryson Street, staff is supportive of the Petition for Relief Waiver for Lot Size.

The applicant is also seeking a Petition for Hardship Waiver to allow for a 10' utility easement for Lot 7R along Bryson Street. The applicant is seeking this variance because the existing home on proposed Lot 7R is situated closer to the property line than 15'. The typical utility easement requirement along public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement due to the fact that City utility facilities are located within the Bryson Street ROW. However, as a condition of approval, the applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, Charter, and Atmos) stating that they have no objection to the proposed easements prior to the recordation of the replat. The applicant has already provided letters from Atmos and Oncor with no objection.

Staff recommended approval subject to the following conditions:

1. The zoning change request ZDC-13-2023 shall be approved for the subject property prior to filing the replat.
2. The applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 10' utility easement along Bryson Street for Lot 7R. The applicant shall provide this documentation to staff prior to the recordation of the replat.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-17-2023, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of SUB-17-2023

Action:

Ms. Bonney Ramsey move to recommend approval of SUB-17-2023, a replat of Lots 7 & 8, Block 352 of the Town Addition, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ms. Betty Square Coleman seconded, All Ayes.

10. **Public Hearing on a request by Brad Yates, for a Zoning Change to Amend Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: GRAILY HOLDINGS LLC (ZDC-21-2023) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area. Ordinance 3297, approved on October 4, 2021, allowed for the conversion of the South Ward/Bullard Heights School House into a one-story event center. At the time of this approval, a Development Agreement was also approved for the project. Both the Development Agreement and Planned Development (Ord. 3297) required a Detailed Site Plan to be approved by City Council prior to on-site improvements. On August 1, 2022 a Detailed Site Plan (SP-70-2022) for the event center was approved by City Council. This Detailed Site Plan included a new second story addition. The second story addition was verbally noted by the applicant/owner to be used exclusively for storage.

Following approval of the Detailed Site Plan, the applicant began construction of the event center. As construction was near completion in early 2023, the Building & Community Services Department staff noticed the second floor was not finished out exclusively as a storage space. At this time, the applicant informed staff that a decision had been made to finish out the second floor as a lounge and balcony for the event center. As this use of the second story was not approved with the PD or Detailed Site Plan for the property, the applicant submitted a Planned Development Amendment request in order to allow for a second floor lounge and balcony. With this request, the applicant provided an As-Built Floor Plan, As-Built Site Plan, and As-Built Civil Construction Plans for the site. The second floor lounge and balcony has added floor area for the event center and triggers a need for additional parking. A combination of 57 on-site parking spaces and an agreement for 35 off-site parking spaces at Full Life Assembly of God Church (800 S Rogers Street) is sufficient to meet the venue's minimum parking requirement of 62 spaces.

In addition, the Development Agreement and Planned Development (Ord. 3297) originally required the applicant to construct a 6' ornamental iron fence along Brady Street, with masonry columns spaced every 30'. However, the Detailed Site Plan approved by City Council on August 1, 2022, did not include the required ornamental iron fence. With this PD Amendment, the applicant is seeking to formally remove the requirement for the ornamental iron fence along Brady Street. Installation of the fence would require the removal of the newly installed landscaping along Brady Street, due to spacing constraints of the site. Installation of the fence would also hinder patrons from accessing the on-street parking spaces constructed along Brady Street.

Staff recommended approval subject to the condition below:

1. Expansion of the event center floor area outside of the first floor, second floor, and courtyard areas identified on the As-Built Site Plan and As-Built Floor Plan shall require approval of a Planned Development Amendment by City Council.

Commissioner Betty Square Coleman asked for clarification on the fence and landscaping.

Commissioner Ron Ansell inquired about signs informing attendants of the additional parking at the adjacent church.

Brad Yates, 626 Kaufman, Waxahachie, Texas, explained signage is placed the day of the event and removed after the event. He also noted an iron fence on Brady Street would interfere with parking, but adequate landscaping is planted. Mr. Yates explained the original intent was to use the second

story as a mechanical room and storage; however, after building reconfiguration, the space was not needed for a mechanical room and storage and he made the decision to use the balcony as a lounge area. Mr. Yates stated he is not asking for an increase in occupancy capacity.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-21-2023, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. ZDC-21-2023

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-21-2023, a Zoning Change to Amend Ordinance No. 3297, subject to the conditions of the staff report. Ms. Bonney Ramsey seconded, All Ayes.

12. Public Hearing on a request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the entire third floor of 201 S. College Street. The Ellis County Museum began a comprehensive remodel project in 2020 that included all three floors. In total, the third floor is 4,253 square feet and can be accessed via stairs or an elevator at the rear of the building. The applicant has noted the venue will be titled “1889 on the Square” and will play host to public and private events such as weddings, receptions, and celebrations. A kitchen area is available on the third floor; but it is not functional as a traditional kitchen or restaurant. Instead, the space will only be available for caterers to prep food on site. The venue is anticipated to be open from 9:00 am to 12:00 am in 4-hour to 8-hour increments. The applicant anticipates retaining between two and five staff members for the venue. No signage is proposed with this SUP.

Staff recommended approval subject to the conditions below:

1. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the third floor of the building.
2. A Certificate of Occupancy shall be issued by the Building and Community Services Department for “1889 on the Square” prior to the opening of the business.

Chairman Keeler opened the Public Hearing.

Amber Adams, 301 S. Rogers, Waxahachie, Texas, explained there is a designated entrance to the venue from Franklin Street and she anticipate there will be a sign there.

There being no others to speak for or against ZDC-29-2023, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-29-2023

Action:

Ms. Bonney Ramsey move to recommend approval of ZDC-29,2023, a Specific Use Permit (SUP) request for a Private Club (Ellis County Museum Event Venue) use at 201 S. College Street, subject to the conditions of the staff report. Ms. Betty Square Coleman seconded, All Ayes.

14. Public Hearing on a request by Gina McLean, Nationwide Construction, for a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568) - Owner: MC INVESTMENT FUND, LLC (ZDC-161-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit for a medical facility use (Expedian Urgent Care) located at 1601 N. Highway 77. The new medical facility will replace the existing medical building. The applicant proposes constructing a new 6,397 square foot building on a 1.2 acre tract. The building will have three suites, one for the medical facility and two for retail and/or office uses. The property owner does not have a prospective tenant for the two additional suites, but has parked the remaining building area for retail, anticipating a retail user in the future. The property owner understands that future occupants must comply with the City's parking requirement. Additionally, since most of the site is paved with concrete, the applicant plans to add new concrete curbs to improve site circulation and a new trash enclosure. The site provides adequate access and maneuvering for fire and emergency responders.

The applicant has made a concerted effort to comply with the City's landscaping standards where feasible. Given the overhead electric powerlines and the existing concrete swale along Highway 77, the applicant could not accommodate nine canopy trees evenly spaced every forty linear feet along Highway 77; however, to meet the ordinance's intent, the applicant provided seven crape myrtles in the available landscape area along Highway 77 and planted two additional canopy trees onsite. As presented, the landscape plan complies with all other landscape requirements.

The applicant provided two sets of architectural elevations. Both sets of elevations have the same building design and exterior finishing materials, except the color scheme for each set is different. Option 1: In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone and stucco accents are tan, and the brick is a traditional red brick color. Option 2: In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone is multicolored, and the brick and stucco accents are tan.

Staff recommended approval subject to the conditions below:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-161-2022, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-161-2022

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-161-2022, a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care), subject to the conditions the staff report with elevation option 1, 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 Cassie Williams, Saddles Bar and Grill, for a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit for Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N. College Street. The building at 200 North College Street is 3 stories and approximately 3,500 square feet. The building currently has a basement (1,289 sq. ft.), first floor (1,985 sq. ft.), and a loft. The bar and grill will occupy the basement and the first floor with the bar and grill, and will use the loft area for storage. The applicant will need to amend the SUP to use the loft area for the restaurant in the future, since they are currently proposing to use it for storage only.

The basement will have pool tables, restrooms and the restaurant kitchen. The first floor will have the bar, high top dining tables, booths, a dance floor, and a performance stage for live entertainment. The applicant anticipates having about 18 employees at opening, and this number may change based on business demands. Saddles Bar and Grill will be open for business Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. The applicant has indicated to staff that they intend to comply with all TABC requirements.

According to the Ellis County Appraisal District the building was constructed in 1910. To ensure that the building can be safely occupied, the applicant is required to make a number of improvements in coordination with the building owner. These improvements will encompass the repair of the pier and beams in the foundation, as well as the upgrade of plumbing and electrical systems. Upon obtaining approval for the Specific Use Permit, the applicant will be obligated to apply for building permits and bring the building up to code in compliance with the standards established by the International Building Code and Fire Code. Staff has informed the applicant of the Downtown Incentives Program to help facilitate the rehabilitation of the building in case some of the building improvements are eligible for funding. Since the tenant does not own the building, they would have to coordinate with the building owner on applying for any incentives.

Staff recommended approval subject to the conditions below:

1. The Applicant obtain the necessary building permits from the City of Waxahachie Building Department before commencing construction.

Chairman Keeler opened the Public Hearing.

Chairman Keeler asked if the SUP is for the property or this specific business and Ms. Tuley explained the SUP is for the property.

The Commission discussed if there is a need for an SUP to expire if the approved use discontinues for a certain amount of time. Ms. Tuley explained the Commission can recommend in their motion to include a timeframe stipulation.

Cassie Williams, 671 Robnett Road, Waxahachie, Texas, explained the building will be reconstructed to comply with all codes.

There being no others to speak for or against ZDC-16-2023, Chairman Keeler closed the Public Hearing.

Jennifer Pruitt, Senior Director of Planning, explained requests for a Specific Use Permit should be acted upon independently.

17. Consider recommendation of Zoning Change No. ZDC-16-2023

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-16-2023, a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill), subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly, the SUP will not transfer from property owner, and it will terminate if the tavern does not open and occupy within two years. Ms. Betty Square Coleman seconded, All Ayes.

- 18. Consider a request by Christopher Heipp, P&K Stone for a Plat of the J&G Addition, Lot 1, Block 1, being 12.01 acres, located east of the property at 1000 Solon Road, situated in the J. Shaver Survey, Abstract No. 1000, and McKinney and Williams Survey, Abstract No. 753, an Addition to the City of Waxahachie (Property ID 140093) – Owner: RL LEASING, Inc. (SUB-101-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to plat a 12.01-acre tract of land into one lot for non-residential use. This plat is associated with ZDC-100-2022, a Specific Use Permit for an aggregate production facility and permanent cement treated base (CTB) plant. The applicant plans to operate the aggregate production facility soon after SUP approval and the CTB plant a year after SUP approval. The plat complies with the minimum lot size requirements of the governing zoning (LI-2) on the subject property. The applicant must extend water and wastewater services to the subject property before recording the plat with the County.

Ms. Tuley explained CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Staff recommended approval as presented.

Action:

Mr. David Hudgins move to approve SUB-101-2022 for a Plat of the J&G Addition, Lot 1, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ms. Betty Square Coleman seconded, All Ayes.

**19. Public Hearing on a request by Christopher Heipp, P&K Stone for a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022)
Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) on a 12 acre tract located east of the property at 1000 Solon Road. The applicant plans to operate the aggregate production facility soon after SUP approval and the Cement Treated Base (CTB) plant a year after SUP approval. CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Given the nature of the use, the applicant plans only to pave the parking, fire, and emergency access with concrete per the City's specifications. Additionally, the applicant proposes constructing a 6-foot brick screening wall along the eastern property line to screen the subject property from the undeveloped property on the east. Marshall Road is currently under construction and will be extended from Patrick Road to I-35 as a part of the Wynne Jackson industrial project (ZDC-155-2021). The applicant reflects the ultimate configuration of Marshall Road on the site plan as a 4-lane divided roadway (110' right-of-way). The primary access to the site will be from Lofland Drive. Once Marshall Road is complete, the applicant will close the driveway along Lofland Drive to build a new driveway onto Marshall Road.

The property located directly west of the subject property received approval for a SUP to operate as a permanent batch plant in 2004. The current owner (RL Leasing, Inc) will continue to own the two properties located west of the subject property, and plans to sell the subject property to P&K Stone. Given the surrounding land uses, staff supports the Specific Use Permit for the aggregate production facility and the permanent CTB plant.

Staff recommended approval subject to the conditions below:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Commissioner Ron Ansell asked if the proposed zoning aligns with the future land use plan and asked for details regarding wind studies and dust control. Ms. Tuley noted staff prefers regional or commercial uses for the property.

Peter Dawson, President of P&K Stone, explained the business has been operating since 2016 and the use is regulated by Texas Commission on Environmental Quality. Mr. Dawson explained they use three methods for dust control: concrete paving installed, water as dust suppressant, and enclosures installed for area that might produce more dust.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-100-2022, Chairman Keeler closed the Public Hearing.

20. Consider recommendation of Zoning Change No. ZDC-100-2022

Action:

Ms. Bonney Ramsey move to recommend approval of ZDC-100-2022, a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Based Plan use (P&K Stone), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and David Hudgins. Noes: Ron Ansell.

The motion carried.

21. Adjourn

Jennifer Pruitt, Senior Director of Planning, introduced new staff members Oanh Vu, Planner, and James Breen, GIS Technician.

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary