

Planning and Zoning Commission
June 13, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, June 13, 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
Erik Test
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
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 May 24, 2023**

Action:

Ron Ansell moved to approve the minutes of the regular Planning & Zoning Commission meeting of May 24, 2023. Betty Square Coleman seconded, All Ayes.

5. **Consider a request by Mitchell Hesse, P.E., KFM Engineering & Design, for a Plat of Ellis Ranch Estates South, 75 residential lots and 5 common area lots, being 108.185 acres, located directly north of 4427 FM 878, situated in the J. Plunkett Survey, Abstract 826 and the A. Smith Survey, Abstract 1037, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 188955, 215690, 215781, & 234508) – Owner: GRBK Edgewood LLC (SUB-162-2022) Staff: Zack King**

Zack King, Senior Planner, presented the case noting the applicant proposes to plat the subject property into seventy-five (75) single family residential and five (5) common area tracts as part of the Ellis Ranch Estates South subdivision. The proposed plat provides 10' of right-of-way (ROW) dedication along FM 878, in conformance with the City of Waxahachie Thoroughfare Plan. Each of the proposed residential lots exceeds one (1) acre in size and adheres to all Ellis County

subdivision standards. All common area tracts will be maintained by the subdivisions' HOA. Adequate public facilities are available for the proposed lots via Rockett SUD water lines and on-site wastewater services. Based on the details provided in the staff report and the present status of the documents subject to the request, staff recommends approval of the plat request with the following condition:

1. The recording information for all water easements identified on the plat will need to be added to the plat prior to filing.

Action:

Melissa Ballard moved to approve SUB-162-2022, a Plat of Ellis Ranch Estates South, per the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

- 6. Consider a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Plat of the Osuba Addition, Lots 1-3, Block A, being 7.961 acres, located southeast of the intersection of E North Grove Boulevard and N US Highway 77, situated in the A. Brown Survey, Abstract 102, an addition to the City of Waxahachie (Property ID: 283986) – Owner: SB Connection LLC (SUB-52-2023) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to plat the subject property into three (3) commercial lots as part of the Osuba Addition. This plat was originally considered and approved by the Planning & Zoning Commission on March 23, 2021; however, approval of the plat has since expired due to inaction by the applicant in the plat filing process. The applicant has slightly revised the plat for 2023, but otherwise, the proposal remains unchanged. The proposed plat includes a 30' mutual access easement to allow vehicular traffic to travel freely between all three lots. All proposed lots adhere to the minimum requirements of Ordinance 2870 (the North Grove Planned Development). Based on the details provided in the staff report and the present status of the documents subject to the request, staff recommends approval of the plat request.

Action:

David Hudgins moved to approve SUB-52-2023, a Plat of the Osuba Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ron Ansell seconded, All Ayes.

- 7. Consider a request by Jake Fears, JHF Engineering for a Replat of Block C, Lots 1R-2 and 1R-3, Victory Park, 2 lots, being 1.80 acres, located at 1995 North Highway 77 (Property ID 262424) – Owner: C&C Commercial, LLC (SUB-43-2023) Staff: Eleana Tuley**

Eleana Tuley, Senior Planner, presented the case noting the applicant requests to replat an existing lot (approximately 1.80 acres) into two lots for non-residential use. Each proposed lot complies with the minimum lot size requirements per the zoning on the property, and adequate public facilities (water and sewer) are available to serve the subject property. Staff recommends approval of the proposed replat since it complies with the City's zoning and subdivision regulations.

Ms. Tuley reported the City Council approved a Specific Use Permit (ZDC-5-2023) for a restaurant with a drive-through (Dutch Bros) for lot 1R-3 on April 3, 2023. The property owner also submitted a Specific Use Permit (ZDC-4-2023) for lot 1R-2, consisting of a multi-tenant retail building containing a restaurant with a drive-through. The Planning Department tentatively scheduled the Specific Use Permit for lot 1R-2 for the July 11, 2023 Planning and Zoning Commission meeting and the July 17, 2023 City Council meeting.

Ms. Tuley explained with the development of lot 1R-2, the developer is extending North Town Boulevard up to the northern property line. Given the extension of public right-of-way (North Town Boulevard), the property owner may not file the plat for the subject property until the road is constructed, inspected and accepted by the Public Works and Engineering Department. Based on the details provided in the staff report and the present status of the documents subject to the request, the Planning Department recommends approval of the replat.

Action:

Bonney Ramsey moved to approve SUB-43-2023 for a Replat of Block C, Lots 1R-2 and 1R-3, Victory Park, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

8. Public Hearing on a request by William Atkins, for a Replat of Lot 1R-A of the Larkin Products Industrial Tracts, being 12.272 acres, located southeast of 1610 E Main Street, (Property ID: 198960) – Owner: Lobsters LLC (SUB-34-2023) Staff: Zack King

Mr. King presented the case noting the applicant requests to replat the subject property into one (1) lot for commercial use. The proposed lot adheres to the property's minimum size and dimension requirements, based on the LI-1 and FD zoning districts.

Mr. King noted the applicant is seeking a variance to replat the subject property without providing right-of-way (ROW) dedication as required by the Waxahachie Subdivision Ordinance and the 2023 Thoroughfare Plan. The applicant has noted that adjacent properties along E. Main Street are already developed which would hinder the ability of the City to make use of ROW dedicated for E. Main Street with this replat. The applicant also seeks a variance to utilize the existing 10" waterline along E. Main Street to service the property as opposed to extending a 12" waterline to service the property. The City of Waxahachie Subdivision Ordinance and Design Manual requires 12" water lines to be installed to support all new commercial development projects; however, the existing 10" waterline is sufficient to provide service to the anticipated development of the property as a refrigerated warehouse. To offset these variance requests, the applicant proposes to dedicate two new 20' utility easements for future infrastructure improvements in the area. Due to this, staff is supportive of the variance requests. Based on the details provided in the staff report and the present status of the documents subject to the request, staff recommends approval of the plat request and the associated variance requests.

Commissioner Erik Test inquired about the variance request not to extend the 12" waterline to service the property.

Macey Martinez, City Engineer, explained due to the proposed use of the property as a refrigerated warehouse, the 10" waterline is sufficient. She explained it is possible the City would need to update the waterline in the future depending on potential development.

Commissioner Betty Square Coleman expressed her concern with variance requests due to the need for improvements to infrastructure.

Chairman Keeler opened the Public Hearing.

William Atkins, 1202 W. Main, Waxahachie, Texas, explained the warehouse will store refrigerated lobsters that are supplied to restaurants and grocery stores across Texas; therefore, there will be minimal water usage at the site.

There being no others to speak for or against SUB-34-2023, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of SUB-34-2023

Action:

Erik Test moved to recommend approval of SUB-34-2023, a Replat of Lot 1R-A of the Larkin Products Industrial Tracts, and the associated variance requests, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Betty Square Coleman seconded, All Ayes.

10. Public Hearing on a request by Richard Shinpaugh, Ellis County Bail Bonds, for a Specific Use Permit (SUP) for a Bail Bond Agency use within a Commercial (C) zoning district located at 201 E. Main Street, Suite 109 (Property ID 170540) - Owner: 201 Main Wax, LLC (ZDC-58-2023) Staff: Eleana Tuley

Ms. Tuley presented the case noting an application for a Specific Use Permit (SUP) for a Bail Bonds Agency, called Ellis County Bail Bonds, has been submitted for 201 E. Main Street, Suite 109. The agency was previously located at 309 S. Jackson Street for over 30 years until its lease ended on June 1, 2023, due to a change in ownership of the building. The owner, Richard Shinpaugh, is now requesting approval of an SUP to operate temporarily at a new location, 201 E. Main Street, Suite 109.

Ms. Tuley explained Mr. Shinpaugh has plans to build a new two-story building at the northwest corner of Jackson Street and Jefferson Street. The building will have approximately 4,000 square feet per floor and will feature multiple professional office suites. The new building will serve as the permanent location for Ellis County Bail Bonds. Mr. Shinpaugh is expected to submit an SUP for his bail bond office at this new location in the coming months. The conditions of the SUP limit its use for a maximum of two years from its approval date since the bail bonds agency will have a new permanent location in the near future. The remaining conditions of the SUP regulate the hours of operation, signage, and allow only "Ellis County Bail Bonds" managed by "Richard Shinpaugh" to operate a bail bond agency at 201 E. Main Street, Suite 109. The SUP cannot be transferred to another bail bond agency or business owner for Ellis County Bail Bonds, and it will expire two years from its approval date.

The subject property is surrounded by retail and commercial establishments. If the bail bonds agency is approved, it will be located across the street from the Ellis County Administration Building and diagonally opposite from several multi-tenant retail and professional office buildings. The rear of the property is next to Rogers Spring Branch Creek, which acts as a natural buffer between the bail bonds agency and the properties north of the creek. Although the property on the north side of the creek is zoned for single-family use (SF-2), the nearest residential properties are located along Kaufman Street. Additionally, if the SUP is granted, the bail bond agency will only be permitted at the proposed location for a maximum of two years. Staff recommends approval of the Specific Use Permit since the bail bond agency will remain compatible and in harmony with surrounding land uses.

Ms. Tuley reported staff received five letters of opposition and one letter of support at the time of publishing the agenda. One additional letter of support has since been received.

Based on the details provided in the staff report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below:

1. A bail bond agency is limited to suite 109 at 201 E. Main Street as shown in Exhibit A. A bail bond agency shall not be permitted anywhere else in the multi-tenant building at 201 E. Main Street.
2. Permission to operate a bail bond agency use is only granted to "Ellis County Bail Bonds" managed and operated by "Richard Shinpaugh." Approval to operate a bail bond agency use at 201 E. Main Street, Suite 109 will not transfer to another bail bond agency business or owner for "Ellis County Bail Bonds."
3. "Ellis County Bail Bonds" may conduct business at 201 E. Main Street, Suite 109 for a period not to exceed two (2) years from the approval of this ordinance. After two (2) years, the property owner in coordination with Richard Shinpaugh, shall request approval of another Specific Use Permit to reestablish the use.
4. The hours of operation for "Ellis County Bail Bonds" are limited to Monday through Sunday 8:00 am to 9:00 pm.
5. Exterior building signage shall require approval by the Heritage Preservation Commission and a building permit from the Building and Community Services Department.

Chairman Keeler opened the Public Hearing.

Those who spoke in opposition:

Greg Nehib, on behalf of Big Blue Truck, LLC, 1023 W. Main, Waxahachie, Texas

Steven Bell, attorney for applicant, explained Mr. Shinpaugh has agreed to all staff conditions.

There being no others to speak for or against ZDC-58-2023, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. ZDC-58-2023

Action:

Melissa Ballard moved to recommend approval of ZDC-58-2023, a Specific Use Permit (SUP) for a Bail Bond Agency use (Ellis County Bail Bonds), subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Bonney Ramsey seconded, All Ayes.

12. Adjourn

Commissioner Betty Square Coleman announced there will be a Juneteenth Parade and Celebration on June 17, 2023 at Lee Penn Park.

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary