

Planning and Zoning Commission  
May 25, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 25, 2021 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, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, City Secretary  
Mary Lou Shipley, 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 May 11, 2021
- b. Minutes of the Planning and Zoning Commission briefing of May 11, 2021

**Action:**

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

5. **Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-60-2021 to the June 15, 2021 Planning and Zoning Commission meeting.

**6. Consider recommendation of Zoning Change No. ZDC-60-2021**

**Action:**

*Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Ross Graves, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021) to the June 15, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

**7. Consider request by Falguni Patel, Hickman Consulting Engineers, for a Plat of Sheppard's Place, Phase 2, for 87 lots, being 25.460 acres situated in the E. Horton Survey, Abstract 466 (Property ID 277458) – Owner: SHEPPARD'S PLACE HOLDING CO, LLC (SUB-174-2020)**

Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into 87 single-family lots and 3 open space lots as part of a second phase of the Sheppard's Place subdivision and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Falguni Patel, Hickman Consulting Engineers, for a Plat of Sheppard's Place, Phase 2, for 87 lots, being 25.460 acres situated in the E. Horton Survey, Abstract 466 (Property ID 277458) – Owner: SHEPPARD'S PLACE HOLDING CO, LLC (SUB-174-2020). Mr. Erik Test seconded, All Ayes.*

**8. Consider request by Wes Dorough, JH Development, for a Final Plat of The Haven, Phase Two, for 109 lots, being 31.543 acres situated in the Henry Sanger Survey, Abstract 1009 & the Robert Russell Survey, Abstract No. 911 (Property ID 190002, 277577, and 277576) – Owner: JHH THE HAVEN DEVELOPMENT, LLC (SUB-57-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into 109 lots as part of the second phase of The Haven located within the North Grove subdivision and noted staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Wes Dorough, JH Development, for a Final Plat of The Haven, Phase Two, for 109 lots, being 31.543 acres situated in the Henry Sanger Survey, Abstract 1009 & the Robert Russell Survey, Abstract No. 911 (Property ID 190002, 277577, and 277576) – Owner: JHH THE HAVEN DEVELOPMENT, LLC (SUB-57-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

**9. Public Hearing on a request by Tim Jackson, Texas Reality Capture and Surveying, LLC, for a Replat of Lots 2R, 4R and 6, Block 1, Crystal Cove Estates, Phase Three, to create Lots 2RR, 4RR & 6R, Crystal Cove Estates, Phase Three, 16.512 acres (Property ID 229594, 138317, 229592 & 180771) partially located in the Extra Territorial Jurisdiction – Owners: CHARLES B & SHARON S WILLIAMS, AND BRIAN K. & KIMBERLY A. GARLITZ (SUB-53-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to replat the subject property to allow access to the rear of lot 2RR and establish the newly purchased property as part of Lot 2RR. Staff recommended approval as presented.

There being no others to speak for or against SUB-53-2021, Chairman Keeler closed the Public Hearing.

**10. Consider approving SUB-53-2021**

**Action:**

*Mr. Erik Test moved to approve a request by Tim Jackson, Texas Reality Capture and Surveying, LLC, for a Replat of Lots 2R, 4R and 6, Block 1, Crystal Cove Estates, Phase Three, to create Lots 2RR, 4RR & 6R, Crystal Cove Estates, Phase Three, 16.512 acres (Property ID 229594, 138317, 229592 & 180771) partially located in the Extra Territorial Jurisdiction – Owners: CHARLES B & SHARON S WILLIAMS, AND BRIAN K. & KIMBERLY A. GARLITZ (SUB-53-2021). Mr. David Hudgins seconded, All Ayes.*

**11. Public Hearing on a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to rezone the subject property to adjust the front yard building setback requirement to allow for the construction of a carport on the property and staff recommended approval subject to the following staff comment:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-63-2021, Chairman Keeler closed the Public Hearing.

**12. Consider recommendation of Zoning Change No. ZDC-63-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021) subject to staff comment. Ms. Bonney Ramsey seconded, All Ayes.*

**13. Public Hearing on a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the construction of a 720 sq. ft. accessory building on the property and staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The structure shall not be used as a dwelling.

There being no others to speak for or against ZDC-65-2021, Chairman Keeler closed the Public Hearing.

**14. Consider recommendation of Zoning Change No. ZDC-65-2021**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

**15. Public Hearing on a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6<sup>TH</sup> STREET MIDLOTHIAN, LLC (ZDC-59-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented the case noting the applicant is requesting approval of a Planned Development (variance request) to not require a sidewalk along the front of his business. He explained staff understands the applicant's reasoning for not wanting to construct a sidewalk; however, the City of Waxahachie envisions the surrounding area to have sidewalks for the safety of pedestrians within the surrounding area.

Mr. James Phipps, 103 Highview Court, Ovilla, Texas, requested a variance to the city's requirement of a sidewalk at the subject property. He explained if a sidewalk is constructed, the existing utility poles on site will have to be relocated, the sidewalk will be narrower, or the sidewalk will encroach on TxDOT right-of-way.

There being no others to speak for or against ZDC-59-2021, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-59-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to deny a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6TH STREET MIDLOTHIAN, LLC (ZDC-59-2021). Mr. David Hudgins seconded, All Ayes.*

**17. Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting approval of a Planned Development to allow an industrial business park on 93 acres. Mr. Collins reviewed the following special exceptions/variance requests from the applicant:

1. Sidewalks  
Per the City of Waxahachie Subdivision Ordinance, “sidewalks not less than six feet (6') shall be provided within all non-residential developments.”
  - The applicant is not proposing any sidewalks for the development.
2. Masonry Screening Wall  
Due to being adjacent to Single Family zoning along the north and northwest boundary of the property, a minimum 6ft. masonry-screening wall is required.
  - The applicant is requesting an option of 6ft. masonry wall or a 3ft. landscape berm and landscaping as options along Patrick Rd.
3. Submittal Deadlines  
Detailed site plan submittals have a 1-year deadline.
  - The applicant is proposing the deadline be extended from 1-year to 3-years.

Mr. Collins explained the applicant submitted a revised screening exhibit displaying where the masonry screening and the living berm will be on the property. Mr. Collins reported staff recommended denial due to staff concerns with sidewalks, masonry screening wall, traffic/noise, and unknown uses on the property. He noted 21 letters of opposition were received for this case.

The Commission expressed concerns with not knowing the details of the future uses which would greatly affect traffic on Patrick Road.

Mr. Shea Kirkman, Kirkman Engineering, explained the 93 acres is already zoned commercial and many of the uses requested in the Planned Development are allowed by right. He noted the Planned Development request will allow for some variances such as screening and sidewalks. He reiterated traffic will be addressed at the platting stage and the goal today is to get the zoning in place to move forward with acquiring a tenant.

Those who spoke in opposition:

Steve Heyduck, 116 Old Settlers Trail, Waxahachie, Texas  
Kristin Lennon, 248 Valley View Drive, Waxahachie, Texas  
Misty Street, 186 Colter, Waxahachie, Texas  
Greg Moore, 158 Colter, Waxahachie, Texas  
Jon Hart, 229 Buckskin, Waxahachie, Texas  
Maria Kiss, 252 Dakota, Waxahachie, Texas

Mr. Kirkman noted Light Industrial zoning has less traffic impact than Commercial zoning.

Chairman Keeler explained Patrick Road cannot handle any additional traffic.

Mr. Jim Phillips inquired about the improvement of Patrick Road and Assistant City Manager Tommy Ludwig reported it is not on the 5 year Capital Improvements Plan. Mr. Ludwig explained that does not mean Patrick Road is not important but there are others that are more heavily traveled and have a higher need at this time. He noted there are other areas of funding such as Impact Fees.

Planning Director Shon Brooks explained he doesn't have issues with the proposed uses but he is primarily concerned with the traffic impact.

The applicant requested to continue the case to the June 29, 2021 Planning and Zoning Commission meeting to allow time to work on narrowing uses and addressing traffic concerns with city staff.

#### **18. Consider recommendation of Zoning Change No. ZDC-58-2021**

##### **Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the June 29, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

#### **19. Adjourn**

Chairman Keeler thanked Mayor Pro Tem Mary Lou Shipley for her service on the Planning & Zoning Commission and City Council. Chairman Keeler recognized new City Secretary Amber Villarreal.

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary