

Planning and Zoning Commission
January 10, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, January 10, 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
David Hudgins
Erik Test
Ron Ansell

Member Absent: Betty Square Coleman

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

Roger Raycher, 2900 S. Interstate 35 East Service Rd, Waxahachie, Texas, asked if the Commission uses Roberts Rules of Order.

Paul Christenson, 110 Williams, Waxahachie, Texas, thanked the Commission and staff, especially Senior Planner Eleana Tuley, for their extensive work on the Waxahachie Comprehensive Plan. He stated the Plan is very important and if followed, will be beneficial for everyone.

Peggy Crabtree, 607 W. Jefferson, Waxahachie, Texas, requested Railroad Road be evaluated for repairs or possible closing.

4. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of December 13, 2022
- b. Minutes of the Planning and Zoning Commission briefing of December 13, 2022

Action:

Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.

5. Public Hearing on a request by the City of Waxahachie to adopt the Waxahachie Comprehensive Plan, including but not limited to the Future Land Use Plan, and Thoroughfare Plan

Chairman Keeler announced the Public Hearing will be continued to a future meeting to allow more time to incorporate several recent changes received into the Waxahachie Comprehensive Plan.

6. Recognize Planning Department for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement awarded at the 2022 APATX Conference held in October

Chairman Keeler recognized the Planning Department for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement awarded at the 2022 APATX Conference held in October.

7. Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Front 4, lot 1, Block A, being 4.132 acres, located at 555 Angus Road, situated in the L. Ramey Survey, Abstract No. 940 and R. Wyatt Survey, Abstract No. 1318, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 231641) – Owner: HEATHER & AARON CLARK (SUB-163-2022) Staff: Eleana Tuley

Eleana Tuley, Senior Planner, presented the case noting the applicant is requesting to plat the subject property into one (1) lot for residential use in the ETJ. The applicant is providing a 40' right-of-way dedication along Angus Road and all lot sizes, dimensions, and easement requirements have been met. Staff recommends approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve SUB-163-2022, a Plat of Front 4, Lot 1, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. David Hudgins seconded, All Ayes.

8. Consider request by Todd Wintters, Petitt-ECD, for a Plat of the South Grove Industrial Park, Lot 1, Block A, being 104.963 acres, located east of the intersection of Marshall Road and Patrick Road, situated in the W Paine Survey, Abstract 835 and the W Downing Survey, Abstract 297, an addition to the City of Waxahachie (Property ID: 284811) – Owner: WJ SOUTH GROVE LP (SUB-170-2022) Staff: Zack King

Zack King, Senior Planner, presented the case noting the applicant is requesting to plat the subject property into one (1) lot for non-residential use. As part of this plat, the applicant is providing right-of-way dedication for Solon Road, Marshall Road, and Patrick Road in conformance with the City of Waxahachie Thoroughfare Plan and the Planned Development (PD) zoning for the property. The applicant is proposing several off-site utility easements in order to facilitate the extension of required utilities to the property. All lot size, dimension, and easement requirements of the PD zoning district have been met and staff recommends approval as presented.

Action:

Ms. Bonney Ramsey moved to approve SUB-170-2022, a Plat of the South Grove Industrial Park, subject to the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Vice Chairman Melissa Ballard seconded, All Ayes.

- 9. Consider request by Edmund Zamorano, DELZ ENTERPRISES LLC, for a Replat to create Lots 1-6, Block 1 of the Reagor Springs Business Park addition, six (6) commercial lots, being 8.604 acres, located at 261 Old Highway 287, in the Extra Territorial Jurisdiction (Property ID: 219707) – Owner: DELZ ENTERPRISES LLC (SUB-112-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to replat the subject property into six (6) lots for commercial use in the ETJ. The applicant is proposing mutual access easements across the subject property to allow for shared drives between each proposed lot. A water endorsement letter received from Rockett SUD stated that adequate water flow and pressure is not available for firefighting and fire suppression purposes and the applicant has added a note to the plat stating that. The applicant has also received approval from the Ellis County Fire Marshal for an on-site water system and storage tank to be used for fire suppression at the site and a note has been added to the plat as well. Staff recommends approval.

Action:

Mr. Ron Ansell moved to approve SUB-112-2022, a Plat of the Reagor Springs Business Park, Lots 1-6, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. Erik Test seconded, All Ayes.

- 10. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of all of Block D and part of Block 42A of the Town Addition to create Lots 1, Block 42A, Kaufman Township West, 1 residential lot, being .882 acres, located at 101 Kaufman Street, (Property ID 170536 and 170777) – Owner: FOGARTY HOMES, LLC SERIES A, RONALD C. HOLMES, AND ROBERT B. FOGARTY (SUB-124-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant is requesting to combine two lots into one lot (approximately 0.882 acres) for residential use. The governing zoning (PD-MUR) allows for 3 mixed-use buildings and 4 townhomes; however, another replat would be required in the future to develop the subject property in conformance with the zoning. The purpose of this replat is to combine two existing lots into one lot for the property owner to sell the property. Staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

Mary Jane Fogarty, 4074 Windmill Ridge Circle, Ovilla, Texas, inquired about the realignment land swap and Ms. Tuley stated that is included on the replat.

There being no others to speak for or against SUB-124-2022, Chairman Keeler closed the Public Hearing.

11. Consider approval of SUB-124-2022

Action:

Mr. David Hudgins moved to approve SUB-124-2022. Ms. Bonney Ramsey seconded, All Ayes.

12. Public Hearing on a request by Priya Acharya, Wier & Associates, Inc., for a Specific Use Permit (SUP) for a restaurant with a drive-through use and a pole sign within a General Retail (GR) zoning district located at 3380 S Interstate 35 E (Property ID 284600) - Owner: DML LAND LLC (ZDC-117-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting a specific use permit for a restaurant with a drive-through use (Chick-Fil-A) and a pole sign. The subject property is adjacent to Landmark Drive and although the development has provided a stub out to the north for future access, the adjacent property owner did not grant the restaurant user permission to dedicate a mutual access easement. The applicant provided two architectural elevations with the same building design and exterior finishing, except the color scheme for each set is different. The applicant has provided more than the minimum required parking and stacking to manage business demands during peak times. Ms. Tuley explained the proposed Pole Sign is 75 feet tall, the surface area is 267 square feet, and the pole is wrapped with masonry exterior finishing materials as required by the sign ordinance. The proposed project has satisfied all the requirements of the zoning ordinance and staff recommends approval per the following staff conditions:

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

Commissioner Erik Test noted he prefers no masonry on the base of the pole sign due to the height and Commissioner David Hudgins concurred.

Chairman Keeler opened the Public Hearing.

Pria Acharya, Wier & Associates, Inc., noted Chick-Fil-A prefers option 1 of the architectural elevations provided.

Those who spoke in favor:

Mike Lyle, 467 Cunningham Meadows, Waxahachie, Texas.

Getra Sanders, Chick-Fil-A corporate, asked if removing the masonry on the base of the pole sign is an option and Chairman Keeler noted that could be added to the motion.

There being no others to speak for or against ZDC-117-2022, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-117-2022

Action:

Vice Chairman Melissa Ballard moved to recommend approval of ZDC-117-2022, a Specific Use Permit (SUP) for a restaurant with a drive-through use and a pole sign, the pole sign being without brick just metal, color scheme number 1 as selected, subject to the conditions in 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 Zack Rench, Owner of Lost Veil Tattoo, for a Zoning Change from a Central Area (CA) zoning district to Planned Development Central Area (PD-CA) zoning district, located at 100 N College Street (Property ID 170418) - Owner: ROGERS HOTEL PARTNERS, LLC (ZDC-158-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting approval of a Planned Development (PD) with a base zoning of Central Area District (CA) to allow for a tattoo shop at the Rogers Hotel in Suite 305. Per the applicant, the studio will have 3 tattoo artists, the business will generally operate Monday through Sunday from 10am-6pm and services will be performed by appointment only and will not be open for general walk-ins. There are currently two other tattoo shops in the downtown area and staff expressed concern about the number of tattoo shops in such close proximity to one another. Tattoo shops are allowed by right in the Commercial zoning district and staff believes there are other sites available for the use that are more appropriate, and as such, staff is recommending denial of the proposed rezoning request. If the Commission approves the request, staff recommends approval with the following staff conditions:

1. Permission to operate a tattoo shop on the subject property is only granted to Lost Veil Tattoo (Zack Rench), and will not transfer to any future tattoo establishment within the limits of the subject property.
2. The tattoo shop can only operate in Suite 305 of the Rogers Hotel, and cannot expand beyond the existing footprint (550 square feet) without amending the zoning on the subject property.
3. The hours of operation are limited to Monday through Sunday from 10 am to 6 pm.
4. A tattoo shop shall require a license from the Texas Department of State Health Services (DSHS) at all times.
5. All exterior signage shall require a sign permit from the Building Department.

Ms. Tuley explained 4 letters of opposition were received.

Commissioner Test asked if the tattoo shop is currently operating at the Rogers Hotel and Ms. Tuley noted the applicant applied for a Certificate of Occupancy but was denied so they should not be operating at that location currently.

Commissioner Ron Ansell asked if the zoning change applies to the whole building and Ms. Tuley explained if the use is approved with the proposed staff conditions, that will restrict the use to Suite 305 only. Ms. Tuley noted any future uses not allowed by right will require a zoning amendment to be approved by the Commission and City Council.

Chairman Keeler opened the Public Hearing.

Zack Rench, 300 N. IH 35E, Waxahachie, Texas, explained the location will have no outdoor signage and will be by appointment only limiting foot traffic.

Commissioner Bonney Ramsey asked if the applicant looked for vacant Commercial zoning locations near downtown and Mr. Rench noted he did not because he would like to operate out of the historic Rogers Hotel.

Those who spoke in favor:

Cody Creamer, 210 Revielle Run Road, Waxahachie, Texas

There being no others to speak for or against ZDC-158-2022, Chairman Keeler closed the Public Hearing.

Commissioner Test noted this is the type of business wanted in this location with limited visibility and the Commission recently approved a similar request downtown; therefore, he has no issues with the request.

15. Consider recommendation of Zoning Change No. ZDC-158-2022

Action:

Mr. Erik Test moved to recommend approval of ZDC-158-2022, a Zoning Change from a Central Area (CA) zoning district to Planned Development-Central Area (PD-CA) zoning district, including conditions from the staff report. Mr. David Hudgins seconded, the vote was as follows: Ayes: Melissa Ballard, David Hudgins, and Erik Test. Noes: Rick Keeler, Bonney Ramsey, and Ron Ansell.

The motion failed.

16. Adjourn

Ms. Tuley announced staff is available for any questions about the proposed Waxahachie Comprehensive Plan.

Chairman Keeler congratulated the Planning Department on their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement

There being no further business, the meeting adjourned at 7:44 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary