

Planning and Zoning Commission
April 26, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Wednesday, April 26, 2023 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Melissa Ballard, Vice Chairman
 Bonney Ramsey
 Erik Test
 Ron Ansell

Members Absent: Rick Keeler, Chairman
 Betty Square Coleman
 David Hudgins

Others Present: Shon Brooks, Executive Director of Development Services
 Jennifer Pruitt, Senior Director of Planning
 Zack King, Senior Planner
 Eleana Tuley, Senior Planner
 Oanh Vu, Planner
 Amber Villarreal, City Secretary
 Chris Wright, Council Representative

1. **Call to Order**
2. **Invocation**

Vice Chairman Melissa Ballard called the meeting to order. Commissioner Ron Ansell gave the invocation.

3. **Public Comments**

None.

4. **Consider minutes of the regular Planning & Zoning Commission meeting of April 11, 2023**

Action:

Bonney Ramsey moved to approve the minutes of the regular Planning & Zoning Commission meeting of April 11, 2023. Erik Test seconded, All Ayes.

5. **Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, (ZTA-37-2023) Staff: Jennifer Pruitt**

Jennifer Pruitt, Senior Director of Planning, presented the case explaining as a result of a number of Tattoo use Zoning District change requests, the City Council directed Planning staff to evaluate the Tattoo use process of comparable cities in the Dallas-Fort Metroplex. The information gathered by staff clearly reflected that a majority of the comparable cities allowed the Tattoo use by Specific Use Permit (SUP) approval. In addition to the SUP approval process for the use, it was

also common to have a clear distinction between traditional Tattoo use and Cosmetic Restorative Tattoo use.

Currently, the City of Waxahachie allows the use of Tattoo or Body Piercing Shop by right in the Commercial (C) Zoning District only. Unfortunately, the current Zoning Code also does not have a well-defined definition to allow for a Cosmetic Restorative Tattoo use.

The purpose of this Zoning Text Amendment is to:

1. Define the Tattoo or Body Piercing Shop Primary use in more detail
2. Define Cosmetic Restorative Tattoo use
3. Add language to further define Cosmetic Tattoo (accessory)
4. Add a SUP requirement to the Use Charts for Tattoo use and Cosmetic Restorative Tattoo use
5. Delete the previous Tattoo or Body Piercing Shop definition

The new definitions are noted below:

Tattoo or Body Piercing Shop Primary - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

- a) Cosmetic and Restorative Studio (Accessory) –An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser or beauty shop.

Cosmetic and Restorative Studio (Permanent) - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against ZTA-37-2023, Vice Chairman Ballard closed the Public Hearing.

6. Consider recommendation of Zoning Text Amendment No. ZTA-37-2023

Action:

Ron Ansell moved to recommend approval of ZTA-37-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, authorizing the Mayor to sign the associated documents accordingly. Erik Test seconded, All Ayes.

7. Consider a request by David Recht, DHR Engineering Inc., for a Plat of ERS Gunitite & Ready Mix Addition, lot 1, being 7.098 acres, located at 313 Howard Road, situated in the E. Rogers Survey, Abstract 896, an addition to the City of Waxahachie (Property ID 296583) – Owner: 313 HOWARD ROAD WAXAHACHIE, LLC (SUB-167-2022) Staff: Eleana Tuley

Eleana Tuley, Senior Planner, presented the case noting the applicant requests to plat a 7-acre tract into one lot for non-residential use. The Planning Department has received a Specific Use Permit application for outdoor storage on the subject property. The Planning and Zoning Commission and City Council will review the associated application (ZDC-164-2022) in the future after the applicant has addressed all staff comments.

The applicant has dedicated 25 feet of right-of-way to contribute to the ultimate right-of-way width for Howard Road, planned as a Minor Arterial (100 feet of public right-of-way) in the City's Thoroughfare Plan. Adequate water and sewer facilities are available to serve the site, and the lot meets the minimum lot size requirements per the zoning (LI-2) on the property. Staff recommended approval of the proposed plat since it complies with the City's zoning and subdivision regulations.

Action:

Ron Ansell moved to approve SUB-167-2022, a Plat of the ERS Gunitite & Ready Mix Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

8. Consider a request by Claudio Segovia, Johnson Volk Consulting, for a Plat of The Retreat at North Grove, Phase 1, being 42.20 acres, generally located at the northeast corner of Vista Way and E. North Grove Boulevard, situated in the Henry Sange Survey, Abstract No. 1009, John B. and Ann Adams Survey, Abstract No. 5, and John Billingsley Survey, Abstract No. 83 (Property ID 294076) – Owner: RETREAT AT NORTHGROVE, LLC (SUB-23-2023) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant requests to plat a 42.20-acre tract of land into 192 single-family residential lots and 4 open-space lots. Residential lots comprise of 72 single-family attached units (townhomes) and 120 single-family detached units. The townhome lots are 28 feet by 110 feet, and the single-family detached lots are 50 feet by 120 feet, 60 feet by 120 feet,

70 feet by 120 feet, and 75 feet by 120 feet. The applicant must extend utilities to serve the subject property with water and sewer services. Given this obligation, the developer can only file the plat once all public improvements are constructed, inspected by the City, and formally accepted by the Public Works, Utilities, and Engineering Executive Director. Staff recommends approval of the plat request since it complies with the City's zoning and subdivision requirements.

Action:

Bonney Ramsey moved to approve SUB-23-2023, a Plat of The Retreat at North Grove, Phase 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

- 9. Consider a request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 1, 109 lots, being 150.117 acres, located directly adjacent to 730 FM 876, situated in the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289937) – Owner: VERNON JACK DEVELOPMENTS LLC (SUB-140-2022) Staff: Zack King**

Zack King, Senior Planner, presented the case noting the applicant proposes to plat the subject property into 105 residential lots and 4 HOA lots as part of Phase 1 of Waterfall Ranch Estates. The proposed plat includes a 35' ROW dedication along FM 876, in conformance with the City of Waxahachie Thoroughfare Plan and Ellis County Thoroughfare Plan. Each of the proposed residential lots meet minimum Ellis County lot size and dimension standards. The applicant has provided a 40' Emergency Access Easement connecting to FM 876 to provide emergency responders with an additional point of access to the subdivision. This Emergency Access Easement will not be accessible to the general public. The HOA will be responsible for maintaining the Emergency Access Easement, along with all HOA lots. 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:

Erik Test moved to approve SUB-140-2022, a Plat of Waterfall Ranch Estates Phase 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

- 10. Consider a request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 2, 57 lots, being 71.986 acres, located west of 64 Rocky Drive, situated in the J. Drinkard Survey, Abstract 273 and the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 190467) – Owner BYD CRESTWOOD, LLC (SUB-141-2022) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to plat the subject property into 55 residential lots and 2 HOA lots as part of Phase 2 of Waterfall Ranch Estates. Each of the proposed residential lots meet minimum Ellis County lot size and dimension standards. The HOA will be responsible for maintaining all HOA lots. 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:

Ron Ansell moved to approve SUB-141-2022, a Plat of Waterfall Ranch Estates Phase 2, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

- 11. Consider a request by Ron Barson, Ledbetter Real Estate LTD, for a Replat of Lot 2R, Block C of North Grove Business Park Phases Two and Four, being 4.8022 acres, located at 2001 Corporate Parkway, (Property ID 291767 & 273977) – Owner: MAKARIOS DEVELOPMENT LLC & STACY L RUDD (SUB-89-2021) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to replat the subject property into two (2) lots for Commercial use. The proposed lots meet all minimum lot size and dimension requirements of the Commercial (C) zoning district. Proposed Lot 2R-A will benefit from an existing 30' Mutual Access Easement along the eastern boundary of the property. This easement will provide Lot 2R-A with access to an existing drive on Corporate Parkway located adjacent to Lot 1R, Block C of North Grove Business Park Phases 2 & 4. 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 replat request.

Action:

Bonney Ramsey moved to approve SUB-89-2021, a Replat of Lot 2R, Block C of North Grove Business Park Phases 2 and 4, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

- 12. Continue 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**

Mr. King presented the case noting the applicant proposes to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a replat. The alley area proposed to be abandoned has never been paved or maintained by the City and has no intention of improving the alley or maintaining the area in the future. The subject property fully surrounds the alley area and the property owner has historically maintained the alley area. A portion of the alley area is utilized by neighboring property owners to access existing homes to the south of the subject property. The adjacent homes to the south of the subject property do not currently have frontage onto Lakeshore Drive. Both driveways and utility service lines cross the alley area to reach the homes to the south of the subject property. The adjacent home owners utilize access easements across the subject property in order to access the alley area and Lakeshore Drive. With this replat, the applicant is proposing to create a new access easement and utility easement across a portion of the abandoned alley area in order to preserve the adjacent property owner's ability to legally access their property from Lakeshore

Drive. The proposed easements only cover the existing gravel driveways utilized by the neighboring property owners, not the entire alley area. Lakeshore Drive is identified on the 2023 Waxahachie Thoroughfare Plan as a future 80' thoroughfare. Lakeshore Drive was also identified as a future 80' thoroughfare on the 2019 Waxahachie Thoroughfare Plan. During the platting process, the Waxahachie Subdivision Ordinance requires property owners to provide ROW dedication in conformance with the Thoroughfare Plan. In this instance, the property owner is required to provide ROW dedication of up to 40' from the centerline of the Lakeshore Drive ROW. In order to meet this requirement, the applicant would need to dedicate approximately 15' of ROW along Lakeshore Drive. The applicant is requesting a variance from this requirement and is seeking approval to dedicate no additional ROW for Lakeshore Drive. Staff has no concerns with the variance request due to the sole purpose of the replat being to officially incorporate abandoned ROW into the subject property. 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 replat request.

Vice Chairman Ballard continued the Public Hearing.

Commissioner Erik Test and Commissioner Ron Ansell inquired about the access of the properties south of the subject property and Mr. King explained access easements are in place to allow for access from 153 Lakeshore Drive in perpetuity. Commissioner Test confirmed the adjacent property owners are aware of this request and Mr. King noted they are.

There being no others to speak for or against SUB-57-2022, Vice Chairman Ballard closed the Public Hearing.

13. Consider recommendation of SUB-57-2022

Action:

Erik Test moved to recommend approval of SUB-57-2022, a Replat of Lot 9A, Leo Hightower Lots, Lot 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Ron Ansell seconded, All Ayes.

14. Public Hearing on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a Specific Use Permit (SUP) for an Outside Storage use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: SPUR 10 HOLDINGS, LP (ZDC-149-2022) Staff: Zack King

Mr. King presented the case noting the applicant requests approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N Interstate 35 E. The majority of the existing lot is covered in gravel with no intentional landscaping. An existing pole sign approximately 40' in height is currently located on the subject property. The applicant is not proposing to increase the height or size of the existing sign with this SUP. The SUP is requested to specifically allow for the outside storage of concrete formwork materials; which include aluminum beams, steel beams, metal post shores, metal walls, column forms, and elevated deck forms for example. Outside storage of heavy equipment, trucks, or trailers will be prohibited with the proposed SUP. In the event dust becomes an issue on site, the applicant has noted that a water truck will be brought to the property and utilized to control dust. The applicant is proposing several improvements to the site with this SUP. The applicant is proposing to install a concrete drive aisle

from the I-35 Service Road to the existing building. The additional concrete paving will also include 10 parking spaces and a fire lane. The applicant is also proposing to remove the existing gravel up to 30' behind the existing wrought iron fence on site. This 30' area will be replaced with a landscape buffer including street trees, Crape Myrtles, evergreen shrubs, and mulch to provide a visual screen between the storage area and traffic on I-35. Finally, the applicant is proposing to extend a new wrought iron fence along the southern property line and the remainder of the eastern property line up to the existing fence line on the I-35 Service Road frontage. The applicant is not proposing additional landscaping or screening improvements along the northern or western property lines, due to the existence of similar outside storage uses directly adjacent to the subject property.

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 SUP request, with the conditions below:

1. The items allowed to be stored outside will be limited to concrete formwork materials. Outside storage of heavy equipment, trucks, or trailers is prohibited.
2. The applicant shall obtain an updated Certificate of Occupancy (CO) for Rago Enterprises noting the allowance of an Outside Storage use prior to storing concrete formwork materials on-site. The CO shall refer to the ordinance number of the approved SUP.
3. The landscaping and pavement improvements identified on the Site Plan/Landscape Plan shall be installed prior to the issuance of an updated Certificate of Occupancy (CO) for Rago Enterprises' Outside Storage use.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against ZDC-149-2022, Vice Chairman Ballard closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-149-2022

Action:

Bonney Ramsey moved to recommend approval of ZDC-149-2022, a Specific Use Permit (SUP) request for an Outside Storage use at 5907 N Interstate 35E, subject to the conditions of the staff report. Erik Test seconded, All Ayes.

16. Adjourn

Mayor Pro Tem Chris Wright thanked Ms. Pruitt for preparing the textual change to the Zoning Ordinance.

There being no further business, the meeting adjourned at 7:28 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary