

Planning and Zoning Commission
July 11, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, July 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
Erik Test

Member Absent: 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
Oanh Vu, 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 June 27, 2023**

Action:

Melissa Ballard moved to approve the minutes of the regular Planning & Zoning Commission meeting of June 27, 2023. Bonney Ramsey seconded, All Ayes.

5. **Public Hearing on a request by Steve Meier, Turcotte Development, for a Specific Use Permit (SUP) for a Heavy Equipment Rental and Sales use within a Commercial (C) zoning district located at 2021 Corporate Parkway (Property ID 273978) - Owner: LEDBETTER REAL ESTATE, LTD (ZDC-24-2023) Staff: Eleana Tuley**

Chairman Keeler announced the applicant requested to continue the Public Hearing to the July 25, 2023 Planning and Zoning Commission meeting.

6. Consider recommendation of Zoning Change No. ZDC-24-2023

Action:

Melissa Ballard moved to continue the Public Hearing for ZDC-24-2023 to the July 25, 2023 Planning and Zoning Commission meeting. Betty Square Coleman seconded, All Ayes.

7. Consider a request by Stephen Dial, STV Inc, for a Plat of Ellis County JP2, Lot 1, Block 1, being 4.245 acres, located approximately 2,000 feet northwest of 2541 W US Highway 287 Business, situated in the William J. Boyd Survey, Abstract 109, an addition to the City of Waxahachie and in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 290705) – Owner: ELLIS COUNTY, TEXAS (SUB-45-2023) Staff: Zack King

Zack King, Senior Planner, presented the case noting the applicant proposes to plat the subject property into one (1) commercial lot. The proposed Plat includes a 10' right-way-way (ROW) dedication along US 287 Business, in conformance with the City of Waxahachie Thoroughfare Plan. A portion of the subject property is located outside of the Waxahachie city limits; however, Ellis County has elected to waive their platting authority for this property. Thus, only the regulations of the City of Waxahachie Subdivision Ordinance apply to this plat. The proposed plat adheres to all requirements of the Waxahachie Subdivision Ordinance. In lieu of park land dedication, the applicant has proposed to dedicate an additional 15' regional trail easement to extend the regional Waxahachie-Midlothian trail. 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-45-2023, a Plat of Ellis County JP2, Lot 1, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Betty Square Coleman seconded, All Ayes.

8. Public Hearing on a request by Mahendra Kandepu, Lillian Custom Homes, for an Amendment to Ordinance No. 3105, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: FALCON'S LANDING A SERIES OF EIS DEVELOPMENT II LLC (ZDC-153-2022) Staff: Zack King

Mr. King presented the case noting the existing Planned Development was approved on April 1, 2019, with Ordinance 3105. The developer received Civil Construction Plan approval, but the City has not yet accepted infrastructure for the development. The applicant is requesting to amend Ordinance 3105 in order to include a detailed Elevation/Façade Plan, Detailed Site Plan, Landscape Plan, and allow for front entry townhomes on Block A.

The existing Planned Development was originally approved in 2019 under the name Peter's Point. The development included a total of four (4) buildings, each with up to six (6) townhomes. Each townhome was proposed to be on a fee simple, individually platted lot. At that time no detailed site plan was provided, but all twenty-four (24) proposed lots were required to be alley-served, rear-entry products.

The subject property came under new ownership in 2021 and the new ownership began preparing civil construction plans shortly after. During these preparations, the new ownership team identified a grading issue on the western portion of the property that would make the development of an alley and the extension of sewer infrastructure to the rear of the property more difficult than initially expected. To work around this issue, the owner proposed an alternative design that eliminated the alley on Block A and moved sewer infrastructure to the front of the lots. The Waxahachie Utilities Department confirmed that this alternative was feasible from a construction standpoint, but notified the applicant the change would still need to be approved through an amendment to the existing PD. The owner proceeded to install street and utility infrastructure for the development and completed this work in the fall of 2022.

The owner subsequently submitted a formal PD Amendment Application in November of 2022, seeking to amend the PD to eliminate the requirement for the townhomes on Block A to be alley-served, rear entry products. As part of the application, the owner has also worked with staff to prepare a detailed site plan, landscape plan, and elevation/façade plan for inclusion in the PD Amendment. These documents were absent in the original PD. The site plan, landscape plan, and elevation/façade plan comply with the revised PD development regulations and the applicable regulations of the Waxahachie Zoning Ordinance.

<u>Existing PD Regulations</u>	<u>Proposed Development Regulations</u>
All units are required to have a rear entry one (1) car garage.	All units are required to have two (2) car garages. Townhomes on Block A shall be front entry.
No fencing standards.	Townhomes on Block A shall have backyards with 6' fencing per the fencing exhibit.

The original PD includes a requirement for using at least 70% masonry exterior construction materials for the townhomes, with cementous fiberboard included as a masonry material. With this PD Amendment, the owner is not seeking to deviate from this requirement, but is providing additional detail on the proposed exterior construction material for each building. Each building is now proposed to be 100% masonry, comprised of brick veneer, stone veneer, and cementous siding.

Staff has received two (2) letters of opposition to the proposed PD Amendment. Due to the additional site detail, landscape detail, and architectural regulations proposed with the PD Amendment, staff recommends approval of the PD Amendment request, subject to the following conditions:

1. A mutually agreed upon Development Agreement will be required to be executed prior to the issuance of building permits. The Development Agreement shall include the type and percentage of the proposed exterior construction materials for each building.
2. The property shall be platted prior to the issuance of building permits for the development.
3. The applicant shall obtain building permits from the City of Waxahachie Building & Community Services Department prior to construction of the townhomes.

Commissioners expressed concern with the proposed elevation/façade, landscaping, variation from the 2019 concept plan, and not conforming with the approved Planned Development. It was confirmed the property owner installed the infrastructure prior to approval of an amendment to the approved Planned Development.

Mahendra Kandepu, representative of the owner, Lillian Custom Homes, explained a grading issue was identified on the western portion of the property that would make the development of an alley and the extension of sewer infrastructure to the rear of the property more difficult than initially expected. He noted the proposed façade has increased to 100% masonry.

It was the general consensus of the Commission that the elevation/façade of the townhomes need to be revised to distinguish between the different units, landscaping at the entry needs improvement, and larger caliper trees should be considered for the development.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-153-2022, Chairman Keeler closed the Public Hearing.

After a lengthy discussion, the applicant agreed to continue the Public Hearing to allow adequate time to work with staff to amend their proposal.

9. Consider recommendation of Zoning Change No. ZDC-153-2022

Action:

Betty Square Coleman moved to continue the Public Hearing for ZDC-153-2022 to a future Planning and Zoning Commission meeting.

City Secretary Amber Villarreal explained if the Public Hearing is not continued to a specific date, the case will require the zoning change procedures to start over with new property owner notices and publication in the newspaper. Ms. Pruitt confirmed staff is prepared to start over.

Melissa Ballard seconded, All Ayes.

10. Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Moody 2, Lot 1, Block A, being 1.139 acres, located at 630 Boyce Road, situated in the S. Peters Survey, Abstract No. 831, an addition in the Extraterritorial Jurisdiction of the City of Waxahachie (Property ID 189308) – Owner: TONY & DEBRA MOODY (SUB-12-2023) Staff: Eleana Tuley

Eleana Tuley, Senior Planner, presented the case noting the applicant requests to plat a 1-acre tract into one (1) lot for residential use located at 630 Boyce Road in the City of Waxahachie extraterritorial jurisdiction (ETJ). The subject property is part of a 40-acre tract. The owner is platting one acre of the overall property to sell the subject property. Per the Texas Local Government Code (Section 232.0015), the property owner is not required to plat the remainder of the tract if greater than ten acres. Adequate public facilities are available to serve the subject property; however, the property owner shall install a water meter per Rockett SUD standards

before recording the plat. Additionally, the property owner shall apply for an OSSF permit with Ellis County when the property owner is ready to construct a single-family residence on the subject property. 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 Plat.

Action:

Melissa Ballard moved to approve SUB-12-2023 for a Plat of Moody 2, Lot 1, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

- 11. Consider a request by Serena Moir, for a Replat of Lots 1R and 1A-R, Cockerham Estates and a 20.33 acre tract of land in the Charles Green Survey, Abstract No. 922 and the M.V.B Rhodes Survey, Abstract No. 950, to create Lot 1R2, 1R3, and 3, Cockerham Estates, 3 Residential Lots, being 42.770 acres, located at 4110 FM 66, in the Extraterritorial Jurisdiction (Property ID 209024, 239265, and 239266) – Owner: SERENA & JAMES MOIR AND MICHELLE RIDER (SUB-49-2023) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to replat a 42.770-acre tract of land into three (3) lots for residential use at 4110 FM 66 in the City of Waxahachie extraterritorial jurisdiction (ETJ). Lots 1R2, 1R3, and a portion of lot 3 (approximately 8 acres) were previously platted lots as part of the Cockerham Estates Plat recorded in Cabinet M, Slide 362. The purpose of this plat is to incorporate an unplatted 20-acre tract of land into lot 3 and shift the property lines among lots 1R2 and 1R3. There is an existing single-family residence on each lot and all existing structures are fully contained within the new limits of the proposed property lines. Furthermore, all lots are served by adequate water and sewer facilities and no further infrastructure improvements are necessary. 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:

Melissa Ballard moved to approve SUB-49-2023 for a Replat of Lots 1R and 1A-R, Cockerham Estates, and a 20.33-acre tract of land in the Charles Green Survey, Abstract No. 922 and the M.V.B Rhodes Survey, Abstract No. 950, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

- 12. Consider a request by Claudio Segovia, Johnson Volk Consulting, Inc., for a Replat of Lot 2, Block A, Commons at North Grove, 3 lots, being 3.001 acres, located across from 507 Country Meadows Blvd., (Property ID 290825) – Owner: KOTHA HOLDINGS GROUP, LLC (SUB-68-2023) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to replat one (1) lot (approximately 3 acres) into three (3) lots for non-residential use across from 507 Country Meadows Boulevard. Although the applicant has yet to submit a formal site plan application to the Planning Department for either of the three (3) lots, the applicant has expressed a keen interest in constructing a daycare, a restaurant (without a drive-through), and an office building. The applicant shall be required to obtain site plan approval and all necessary City permits to develop the property in question for

said uses in the future. As proposed, the plat complies with the zoning provisions in the North Grove Planned Development (PD) Ordinance and the City's subdivision regulations. 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-68-2023 for a Replat of Lot 2, Block A, Commons at North Grove, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

13. Public Hearing on a request by Jake Fears, JHF Engineering, for a Specific Use Permit (SUP) for a restaurant with a drive-through use within a General Retail (GR) and Light Industrial-1 (LI-1) zoning district located at 1995 North Highway 77 (Property ID 262424) - Owner: C&C WAXAHACHIE, LLC (ZDC-4-2023) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit (SUP) for a restaurant with a drive-through use at 1995 North Highway 77. The restaurant is part of a multi-tenant retail building (10,354 square feet) with four suites: a sit-down restaurant, a drive-through restaurant, a nail salon, and a dental clinic. The property owner has yet to finalize contracts with the prospective tenants; therefore, the applicant cannot disclose the businesses occupying each suite. The proposed development has satisfied all the requirements of the zoning ordinance, including, but not limited to, parking, stacking, and landscaping 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, the building is mostly made of brick, with two different shades of brown (dark and light) with gray undertones. Additionally, natural stone materials are used in the lower portion of the building and features a stucco parapet roof. Option 2, the building is mostly made of brick, with two different shades of brown (dark and light) with red undertones. Additionally, natural stone materials are used in the lower portion of the building and features a stucco parapet roof. 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 following conditions:

1. The applicant execute a mutually agreed upon Development Agreement.
2. The applicant obtain the necessary building permits from the City of Waxahachie Building and Community Services Department.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-4-2023, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of Zoning Change No. ZDC-4-2023

Action:

Erik Test moved to recommend approval of ZDC-04-2023, a Specific Use Permit (SUP) for a restaurant with a drive-through use, subject to the conditions of the staff report with elevation option 1, authorizing the City Manager and/or Mayor to execute all documents accordingly. Bonney Ramsey seconded, All Ayes.

15. Public Hearing on a request by James Dixon, Dixon & Associates, for a Specific Use Permit (SUP) for an Accessory Building (Residential), Greater than or Equal to 700 Square Feet use within the Single-Family Dwelling-2 (SF2) zoning district located at 149 Country Drive (Property ID: 203065) – Owners: NICHOLAS AND MARIA SIERRA (ZDC-48-2023) Staff: Oanh Vu

Oanh Vu, Planner, presented the case noting the applicant is requesting a Specific Use Permit to construct an accessory structure greater than 700 square feet on the rear side of the single-family residential lot at 149 Country Drive. The single-family dwelling has an approximate size of 2,913 square feet and the proposed accessory structure has an area of 725 square feet. The accessory structure will have an exterior masonry construction to match the primary building. The owner plans to utilize the accessory structure for storing household items, tools, lawn equipment, and vehicles. The structure will be situated at the back of the property, towards the southern part of the lot. The applicant has confirmed to staff the structure will not be used as a dwelling and will not be metered, sold, or leased separately from the existing home. Staff has received three (3) letters of support. 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 following conditions:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The accessory structure shall obtain a permit from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-48-2023, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of Zoning Change No. ZDC-48-2023

Action:

Melissa Ballard moved to recommend approval of ZDC-48-2023, a Specific Use Permit (SUP) for an Accessory Structure over 700 Square Feet use within a Single-Family 2 (SF-2) zoning district, subject to the conditions the staff report. Betty Square Coleman seconded, All Ayes.

17. Adjourn

Jennifer Pruitt, Senior Director of Planning, congratulated Senior Planner Zack King for passing his AICP exam.

Betty Square Coleman requested developers fulfill approved requirements and produce quality developments.

Mayor Pro Tem Chris Wright expressed disapproval of the owner prematurely installing infrastructure without approval of an amendment to the Planned Development for ZDC-153-2022. Mr. Wright welcomed public feedback on short-term rentals in Waxahachie and expressed concern with approving a Specific Use Permit for a drive-through without knowing the prospective occupant.

The Planning and Zoning Commission and staff congratulated Zack King for passing his AICP exam.

There being no further business, the meeting adjourned at 8:02 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary