

Planning and Zoning Commission
April 23, 2024

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Tuesday, April 23, 2024 at 7:00 p.m.

Members Present: Rick Keeler, Chairman
Erik Test, Vice Chairman
Bonney Ramsey
David Hudgins
Ron Ansell
Adrian Cooper
Marlene Norcross

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, 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 Commissioner Ron Ansell gave the invocation.

3. **Public Comments**

None.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 9, 2024
- b. Consider a request by David McDill, for a Replat of a portion of Lot 3, Block 27 of the West End Addition, to create Lot 3B, Block 27 of the West End Addition, 1 residential lot, being 1.882 acres, located at 611 N. Grand Ave. (Property ID: 176844) – Owner: Katrina K. Walker (SUB-61-2024)
- c. Consider a request by Bryce Eckeberger, Kimley-Horn, for a Replat of the 289 BSL-Waxahachie addition to create five (5) lots, being 124.8669 acres, located at 573 Blue Star Drive (Property ID: 180322) – Owner: 289 BSL Waxahachie LLC (SUB-71-2024)

Action:

Erik Test moved to approve all items on the Consent Agenda as presented. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

5. **Public Hearing on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) -**

Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022) Staff: Zack King

Chairman Keeler announced the applicant requested to continue the case to the May 14, 2024 Planning and Zoning Commission meeting.

Action:

David Hudgins moved to continue the Public Hearing for ZDC-128-2022 to the May 14, 2024 Planning and Zoning Commission meeting. Motion was seconded by Erik Test and carried unanimously (7-0).

6. Consider recommendation of Zoning Change No. ZDC-128-2022

No action taken.

7. Public Hearing on a request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

The Item was presented by Senior Planner Zack King and owner Greg Nehib requested approval of the zoning change.

Commissioner David Hudgins presented a proposed addendum to further restrict the following uses on the property:

- | | |
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| 1. Stable | 15. Country club private |
| 2. Adult daycare facility | 16. Funeral home or mortuary |
| 3. Child advocacy center | 17. Furniture manufacture and refinishing shop |
| 4. Crematorium | 18. Greenhouse, nursery, or garden shop |
| 5. Institution for alcoholic, narcotic, or psychiatric patients | 19. Heating & air conditioning sales |
| 6. Public community center | 20. Household appliance service or repair |
| 7. Public school or vocational | 21. Laboratory research |
| 8. Amusement indoor or outdoor | 22. Landscape sales and installation |
| 9. Appliance rental, service, or repair | 23. Pawn shop |
| 10. Arcade | 24. Pet store |
| 11. Bank or credit union | 25. Pharmacy |
| 12. Building materials and hardware sales, indoor or outdoor | 26. Playfield or stadium |
| 13. Bus station | 27. Restaurant |
| 14. Car wash | 28. Winery |
| | 29. Searchlights |

Mr. Nehib noted he was agreeable to the proposed list with the exception of a restaurant. He explained with the addition of a commercial kitchen for the bakery, a restaurant or catering kitchen would allow for similar use if the bakery was no longer the tenant.

Chairman Keeler opened the Public Hearing at approximately 7:18 p.m.

Those who spoke in opposition:

Kathleen Bowen, 527 W. Jefferson, Waxahachie, Texas

John Wedel, 417 W. Jefferson, Waxahachie, Texas

Theresa Taylor, 302 Lakeshore Drive, Waxahachie, Texas

Nancy Post, 606 Sycamore, Waxahachie, Texas

Lynda Begnaud, 153 Lakeshore Drive, Waxahachie, Texas

Becky Kauffman, 817 W. Main, Waxahachie, Texas

Jim Kauffman, 817 W. Main, Waxahachie, Texas

Peggy Crabtree, 607 W. Jefferson, Waxahachie, Texas

Barbara Jacobs, 216 Sendero, Waxahachie, Texas

Those who spoke in support:

Mark Patrick, 115 Virginia, Waxahachie, Texas

BJ Bean, 404 W. Jefferson, Waxahachie, Texas

Dean Settlemyer, 605 Brookside, Waxahachie, Texas

Tenant Katie Cheney, 145 Taylor Ridge Drive, Waxahachie, Texas, explained the bakery will have a dessert case for walk-in customers, pick up for to-go orders, and a kitchen for catering orders. There will not be a dine-in option.

Chairman Keeler asked if the owner can take preventative measures to restrict access to the Ellis County Woman's Building drive and Mr. Nehib agreed.

There being no others to speak for or against ZDC-32-2024, Chairman Keeler closed the Public Hearing at approximately 7:59 p.m.

8. Consider recommendation of ZDC-32-2024

Action:

Ron Ansell moved to recommend approval of ZDC-32-2024, a Zoning Change request from a Single-Family-1 zoning district to a Planned Development-Commercial zoning district, subject to the conditions in the staff report, including the addendum of restricted uses as presented that the property owner agreed to, and including the addition of a new 6' cedar fence dividing the property and the Woman's Building. Motion was seconded by David Hudgins and carried by a 6-1 vote, with Marlene Norcross voting in opposition.

9. Public Hearing on a request by Brad Yates, Loren Gray Investments LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Brad Yates requested approval of the Specific Use Permit. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. Staff has received one (1) letter of support for the proposed accessory structure.

Chairman Keeler opened the Public Hearing at approximately 8:05 p.m.

There being no others to speak for or against ZDC-32-2024, Chairman Keeler closed the Public Hearing at approximately 8:05 p.m.

10. Consider recommendation of ZDC-4-2024

Action:

Erik Test moved to recommend approval of ZDC-4-2024, a Specific Use Permit (SUP) for an Accessory Structure greater than 700 square feet, subject to the conditions in the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

11. Public Hearing on a request by Brad Yates, Graily Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Brad Yates requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 64 notices were mailed to property owners within 500 feet of the request as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of 1 letter in opposition and 7 letters in support have been received by staff, with 3 letters in support being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Chairman Keeler opened the Public Hearing at approximately 8:16 p.m.

There being no others to speak for or against ZDC-56-2024, Chairman Keeler closed the Public Hearing at approximately 8:16 p.m.

12. Consider recommendation of ZDC-56-2024

Action:

Erik Test moved to recommend approval with conditions of ZDC-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

13. Public Hearing on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024) Staff: Oanh Vu

The Item was presented by Mr. King and applicant Melissa McClain requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 56 notices were mailed to property owners within 500 feet of the request as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of 2 letters in support have been received by staff, with both letters being inside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Chairman Keeler opened the Public Hearing at approximately 8:18 p.m.

Commissioner Ansell inquired about on-site parking and Mr. King explained there is not a curb cut and off-street parking has been historically used for this property. The Commission discussed on-site parking options and inquired about a potential access easement from the adjacent Edward Jones property.

The applicant requested a continuance of the Public Hearing to explore on-site parking options.

Action:

Erik Test moved to continue the Public Hearing to the May 14, 2024 Planning and Zoning Commission meeting. Motion was seconded by David Hudgins and carried unanimously (7-0).

14. Consider recommendation of ZDC-35-2024

No action taken.

15. Public Hearing on a request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Taylor Towles requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 51 notices were mailed to property owners within 500 feet of the request as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of 5 letters in opposition have been received by staff, with 4 letters being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Chairman Keeler opened the Public Hearing at approximately 8:37 p.m.

There being no others to speak for or against ZDC-54-2024, Chairman Keeler closed the Public Hearing at approximately 8:37 p.m.

16. Consider recommendation of ZDC-54-2024

Action:

Erik Test moved to recommend approval with conditions of ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

17. Public Hearing on a request by Dawn Lipsey, North Star Custom Homes LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Dawn Lipsey requested approval. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 500 feet of the request as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of 12 letters in support and 3 letters in opposition have been received by staff, with 10 letters in support and 1 letter in opposition being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Chairman Keeler opened the Public Hearing at approximately 8:45 p.m.

There being no others to speak for or against ZDC-63-2024, Chairman Keeler closed the Public Hearing at approximately 8:46 p.m.

18. Consider recommendation of ZDC-63-2024

Action:

Bonney Ramsey moved to recommend approval with conditions of ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by David Hudgins and carried unanimously (7-0).

19. Public Hearing on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

The Item was presented by Mr. King and applicant Kelley Cruzan requested approval. The subject property is situated within the Infill Overlay District, which establishes development standards that supersede the base Single-Family-2 zoning district on the subject property. The Infill Overlay District was established to facilitate residential development of vacant lots in the core of Waxahachie that present challenges for traditional development due to their size and shape. The Infill Overlay District allows for lot size, lot dimension, setback, home size, and parking requirements that are based on existing development within 50' of the property in question.

In regards to 106 McClain Street, the Infill Overlay District requires a minimum home size of approximately 2,000 square feet. With this Planned Development request, the applicant proposes to reduce the minimum home size requirement to 800 square feet to allow for a two-bedroom, one-bathroom home. Additionally, the applicant proposes a modification to the parking requirement for 106 McClain Street to allow for a gravel driveway as opposed to a concrete driveway. No other deviation from the typical requirements of Single Family-2 zoning district or Infill Overlay District is proposed.

Mayor Pro Tem Chris Wright explained the Ellis County Homeless Coalition and the community have been working on this project to provide an affordable home for Mr. Jordan for the last three (3) years. To aid in this endeavor, the City purchased and improved Smokey Lane, which was a private street, increased the water line size to allow for better flow for the current and future homes on the street, and added fire hydrants.

Chairman Keeler opened the Public Hearing at approximately 9:05 p.m.

Those who spoke in opposition:

Jeff Evans, 121 McClain Street, Waxahachie, Texas

Kenneth Bryant, 117 McClain Street, Waxahachie, Texas

Those who spoke in support:

Connor McGuire, 218 Stampede, Waxahachie, Texas

There being no others to speak for or against ZDC-58-2024, Chairman Keeler closed the Public Hearing at approximately 9:24 p.m.

Some Commission members expressed concerns with the proposed home size in comparison to the existing new homes on McClain Street and inquired about other options. Ms. Cruzan explained the owner would not be able to afford or maintain a larger home. She offered to build fences on both sides of the property to ease neighbor concerns.

20. Consider recommendation of ZDC-58-2024

Action:

Ron Ansell moved to recommend denial of ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district. Motion was seconded by Marlene Norcross and carried unanimously by a 5-2 vote, with Erik Test and Adrian Cooper voting in opposition.

21. Adjourn

There being no further business, the meeting adjourned at 9:27 p.m.

Respectfully submitted,
Amber Villarreal, City Secretary