

Planning and Zoning Commission
August 13, 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, August 13, 2024 at 7:00 p.m.

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

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Harper Lindamood, Planner
Macey Martinez, City Engineer
Amber Villarreal, City Secretary
Patrick Souter, Council Representative

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

Chairman Rick Keeler called the meeting to order and Ron Ansell gave the invocation.

3. **Public Comments**

None.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of July 23, 2024

Action:

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

5. **Public Hearing on a request by Michael Jackson, for a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024)
Staff: Zack King**

The Item was presented by Senior Planner Zack King. Christopher Jackson and Jacqueline Cole requested approval. The subject property is located in the “Wynn Jackson” Planned Development zoning district (Ordinance 3313). This Planned Development request was approved by City Council on December 20th, 2021 and changed the zoning from Single-Family-1 (SF-1) to Planned Development-Light Industrial-2 (PD-LI-2). The Wynn Jackson PD covers a total of 341.02 acres.

As part of the initial development of the Wynn Jackson PD, the property owner has constructed a four-lane extension of Marshall Road to connect the property directly to I-35. This SUP request only covers a 50.97-acre portion of the property, southwest of the intersection of the new four-lane Marshall Road and Solon Road. The Wynn Jackson PD allows for the development of Land Uses on the subject property that are permitted within the base Light Industrial-2 (LI-2) zoning district of the City of Waxahachie. The PD allows for 33% of the property to be developed as General Warehouse Distribution through 2026 and up to 66% of the property to be developed as General Warehouse Distribution after 2026. Notably, the PD does not override the base Waxahachie Zoning Ordinance in regard to Specific Use Permits (SUP's). This means that Land Uses that require approval of a SUP in the LI-2 zoning district are allowed by right in the Wynn Jackson PD. Land Uses such as a Food Manufacturing or Processing Plant are required to receive approval of a SUP by the Planning & Zoning Commission and City Council before they can pursue development of the subject property.

The applicant proposes a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use at the southwest corner of Marshall Road and Solon Road. The Food Manufacturing or Processing Plant use is proposed to be restricted exclusively to Bridor, a subsidiary of Groupe Le Duff. The Bridor facility is proposed to be dedicated exclusively to the production and assembly of bakery items, including frozen, partially baked, and fully baked goods.

At this time, the applicant proposes this SUP only to permit the Food Manufacturing or Processing Plant Land Use. The applicant has not provided a detailed Site Plan, Landscape Plan, or Elevation/Façade Plan for the facility, and if approved, the proposed Site Plan will be presented to the Commission and City Council for consideration. The applicant proposes to adhere to the site, landscaping, and architectural design requirements of the Wynn Jackson PD (Ordinance 3313).

The Bridor facility is proposed to fully enclose all manufacturing activity. The facility is proposed to include both office and manufacturing staff on-site and is expected to operate 24-hours a day, six (6) days a week. The facility is proposed to develop in at least three (3) phases. At build-out, the Bridor facility is proposed to employ 240-450 individuals. Daily traffic generated by the facility at build-out is anticipated to reach 60 truck trips and 350 commuter vehicle trips.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 45 notices were mailed to property owners within 200 feet of the request. Staff has received a total of twenty-four (24) letters of opposition and one (1) letter of support for the proposed SUP. Twelve (12) letters of opposition were received from outside the 200' notification buffer.

Council Member Patrick Souter asked if the SUP is for the land and Mr. King confirmed, if approved, the SUP would only be for Bridor. Any changes would require reconsideration by the Commission and City Council.

Mr. Souter expressed concerns with the impact of large truck traffic to the area.

Chairman Keeler opened the Public Hearing at approximately 7:29 p.m.

Those who spoke in opposition:

Beth Mauldin, 236 Valley View Drive, Waxahachie, Texas

Harvey Smith, 212 Old Settlers Trail, Waxahachie, Texas

Keith Nickel, 101 Sierra Drive, Waxahachie, Texas

Diane Kile, 114 Old Spanish Trail, Waxahachie, Texas

Ladonna Hack, 117 Oregon Trail, Waxahachie, Texas

Mike Hawkins, 208 Colter Drive, Waxahachie, Texas

Angel Martinez, 218 Colter Drive, Waxahachie, Texas

Garett Thomas, 212 Colter Drive, Waxahachie, Texas

Maria Kiss, 252 Dakota Drive, Waxahachie, Texas

Joseph Tedesco, 194 Colter Drive, Waxahachie, Texas

Sharon Rowe, 122 Valley View Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-141-2024, Chairman Keeler closed the Public Hearing at approximately 8:22 p.m.

6. Consider recommendation of ZDC-141-2024

Action:

Marlene Norcross moved to recommend approval of ZDC-141-2024, a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use, subject to the conditions of the staff report. Motion was seconded by David Hudgins and carried unanimously (7-0).

7. Public Hearing on a request by Tim Jackson, R.P.L.S., for a Replat of Lots 13A and 13B, Block 63 town addition of the Official Map of Waxahachie, 1 Residential lot, being 0.45 acres, located at 602 Dr. Martin Luther King JR. Blvd, (Property ID 170996) – Owner: Vanessa Severson (SUB-113-2024) Staff: Harper Lindamood

The Item was presented by Planner Harper Lindamood and owner Sergio Sanchez requested approval. The applicant proposes to replat the subject property from one (1) lot into two (2) residential lots. The applicant is providing full dedication for the twenty (20) foot ROW dedication to the City of Waxahachie Thoroughfare plan.

As part of the review of the Replat application, staff identified multiple technical items that conflict with the requirements of the Waxahachie Subdivision Ordinance and need to be corrected. These technical items are required to be corrected prior to the filing of the Replat.

In the City of Waxahachie subdivision ordinance requires Right-of-way dedication (ROW) at the time of platting or replatting, in conformance with the City of Waxahachie Construction and Design (C&D) Manual. The C&D Manual requires ROW for residential streets to be a minimum fifty (50) feet in width. Hill Street has an existing ROW width of twenty 20 feet. The applicant is proposing to dedicate an additional ten (10) feet of ROW along Hill Street, as opposed to the required fifteen (15) feet of ROW dedication. The applicant is requesting a variance for minimum ROW dedication to leave sufficient property to meet the minimum lot size requirements of the Infill Overlay District. Staff is supportive of the variance request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 38 notices were mailed to property owners within 200 feet of the request. Staff has received zero (0) letters of opposition and two (2) letters of support for the proposed Replat.

Chairman Keeler opened the Public Hearing at approximately 8:35 p.m.

There being no others to speak for or against SUB-113-2024, Chairman Keeler closed the Public Hearing at approximately 8:36 p.m.

8. Consider recommendation of SUB-113-2024

Action:

Ron Ansell moved to recommend approval of SUB-113-2024, a Replat of Lot 13, Block 63 of the Town Addition, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

9. Public Hearing on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: Juan Flores (ZDC-140-2024) Staff: Harper Lindamood

The Item was presented by Ms. Lindamood and owner Alicia Flores requested approval. The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.736-acre (32,076 square feet) lot.

The applicant was approved by the Planning and Zoning on May 14, 2024 and denied by City Council on May 20, 2024. The applicant stopped operating immediately after denial by City Council. The applicant has resubmitted a new application for a Short-Term Rental Specific Use Permit.

The applicant submitted this SUP Application on July 3, 2024. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify whether the subject property is a Homestead. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing the staff report, the City has received no complaints regarding any issues considered a nuisance. Also, the subject property's advertisement is still active as a short-term rental listing.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located 14.4 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 80 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of the staff report, a total seven (7) letters of opposition and six (6) letters of support were received by staff. Zero (0) letters of opposition and three (3) letters of support were received from the 200' buffer and seven (7) letters of opposition and three (3) letters of support were received from inside the 500' buffer.

Chairman Keeler opened the Public Hearing at approximately 8:39 p.m.

There being no others to speak for or against ZDC-140-2024, Chairman Keeler closed the Public Hearing at approximately 8:39 p.m.

10. Consider recommendation of ZDC-140-2024

Action:

Bonney Ramsey moved to recommend approval of ZDC-140-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions of the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Jeff Reed and carried unanimously (7-0).

11. Public Hearing on a request by DeMaudree Massey, Friendship Baptist Church, for a Specific Use Permit (SUP) for a Day Camp for Children use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551 & 295840) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024) Staff: Zack King

The Item was presented by Mr. King and Pastor DeMaudree Massey requested approval. The applicant proposes a Specific Use Permit (SUP) for a Day Camp for Children use (Shepherd's Circle) within the existing Friendship Missionary Baptist Church building at 203 Graham Street. The Waxahachie Zoning Ordinance requires approval of a SUP to allow for a Day Camp for Children use within a Single Family-3 zoning district. The Shepherd's Circle Day Camp is proposed to be an after-school program operated directly by Friendship Missionary Baptist Church. The applicant has confirmed that the program is an educational and instructional program for at-risk children, not a daycare. The applicant noted that Shepherd's Circle will be a free program that is open to the general public for children ranging in age from 6 to 18. Shepherd's Circle is proposed to accommodate up to sixty-five (65) children and eight (8) staff members. Meals are proposed to be provided as part of the Shepherd's Circle program. The applicant proposes to operate Shepherd's Circle Monday through Friday from 4:00 p.m. to 7:00 p.m. during the school year. The program is not proposed to operate over the weekend, during school holidays, or during summer break. The applicant did not indicate when the program may begin, if this SUP is approved.

The applicant noted that the Shepherd's Circle program will be located completely indoors and will not feature any outdoor activities. Specifically, the applicant proposes to utilize the approximately 1,242 square foot space identified on the proposed floor plan as Exhibit D. Existing parking on the subject property is sufficient to support the proposed use.

The applicant is not proposing to operate buses or shuttles as part of the Shepherd's Circle program. No playground equipment, additional fencing, or interior/exterior alterations to the existing building are proposed as part of this request.

The drive aisles on the subject property do not currently have directional striping. The applicant proposes to add directional striping to the subject property to facilitate parent pick-up and drop-off for the Day Camp. The proposed striping can be referenced on the Site Plan attached to the report as Exhibit C.

The applicant is not proposing to install additional signage on the property specifically for Shepherd's Circle Day Camp. Instead, the applicant proposes to utilize space on the monument sign for Friendship Missionary Baptist Church; which is yet to be constructed.

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 200 feet of the request. Staff has received one (1) letter of support for the proposed SUP.

Chairman Keeler opened the Public Hearing at approximately 8:47 pm.

There being no others to speak for or against ZDC-122-2024, Chairman Keeler closed the Public Hearing at approximately 8:47 p.m.

12. Consider recommendation of ZDC-122-2024

Action:

Ron Ansell moved to recommend approval of ZDC-122-2024, a Specific Use Permit (SUP) for a Day Camp for Children use, subject to the conditions of the staff report. Motion was seconded by David Hudgins and carried unanimously (7-0).

13. Public Hearing on a request by Randall Speed, for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024) Staff: Zack King

The Item was presented by Mr. King and owner Randall Speed requested approval. The applicant proposes to rezone the subject property to allow for the development of a private gravel road serving three (3) single-family residential lots. All lots are proposed to be 10-acres in size or larger. The applicant is pursuing this Planned Development request due to the fact that there is insufficient frontage along Howard Road to subdivide the subject property into multiple lots.

The subject property is currently accessible via a gravel driveway connecting to Howard Road. As part of this Planned Development request, the applicant proposes to dedicate a 60' private street and private utility easement along the gravel driveway, 829' into the subject property. The applicant also proposes to improve the gravel driveway to a 24' wide compacted gravel road that ends in a cul-de-sac bulb. The private gravel road is proposed to be owned and maintained by a HOA established for the subdivision.

The applicant has included provisions in the Planned Development request that differ from the typical setback and lot frontage requirements of the Future Development zoning district. The proposed setback, lot frontage, and lot size requirements are identified in the table below. *Items in bold do not meet the minimum requirements of the base Future Development zoning district.

Standard	Typical Future Development (FD)	Planned Development (PD-FD)
Minimum Lot Size	3-acres	10-acres
Minimum Lot Width (at front setback)	270'	250'
Minimum Front Setback	35'	350'
Minimum Rear Setback	25'	25'
Minimum Side Setback	10% of Lot Width	25'

The City of Waxahachie Subdivision Ordinance requires all proposed private streets to adhere to the design and construction standards of a publicly dedicated street. The Waxahachie Construction & Design Manual requires public streets serving rural residential subdivisions to be 27' wide and constructed of concrete. The Waxahachie Subdivision also requires private streets to have a minimum of 70' of frontage on a public collector road at the entrance of the private subdivision. The subject property currently has only 60' of frontage along Howard Road.

Staff is concerned that approval of a private gravel road as opposed to a typical public concrete street will negatively impact the ability of emergency services to access the three proposed lots. Additionally, staff is concerned that the private gravel road may become the responsibility of the City to maintain and/or improve in the event the HOA for the proposed subdivision defaults or dissolves. Finally, staff is concerned that approving the use of a private gravel road will set a precedent for the use of substandard access for rural residential subdivisions proposed in the future. Due to these concerns, staff is not supportive of the Planned Development request. If the applicant wishes to proceed with the development of a private residential subdivision, staff recommends the applicant redesign the proposal to adhere to the requirements for private streets identified by Section 3.1 of the Waxahachie Subdivision Ordinance.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. Staff has received one (1) letter of opposition and two (2) letters of support for the Planned Development request.

Mr. Speed explained the gravel road is more appropriate for large farming equipment.

Chairman Keeler opened the Public Hearing at approximately 8:59 p.m.

Those who spoke in opposition:

Pete Siebert, 2863 Howard Road, Waxahachie, Texas

Rod Dugan 2871 Howard Road, Waxahachie, Texas

James Henry, 2801 Howard Road, Waxahachie, Texas, explained a Memorandum of Agreement was approved for the shared gravel road to his property. Shon Brooks, Executive Director of Development Services, explained Mr. Henry's request reduced the lots served from four (4) to three (3) and Mr. Speed's current request increases the lots served from one (1) to three (3).

There being no others to speak for or against ZDC-97-2024, Chairman Keeler closed the Public Hearing at approximately 9:13 p.m.

14. Consider recommendation of ZDC-97-2024

Action:

Marlene Norcross moved to recommend denial of ZDC-97-2024, a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district. Motion was seconded by Erik Test and carried 4-3 with David Hudgins, Ron Ansell, and Jeff Reed voting in opposition.

15. Adjourn

Council Member Patrick Souter thanked Pastor DeMaudree Massey, Friendship Baptist Church, his wife, and members of his congregation, for what they are providing to children in the community.

There being no further business, the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary