

Planning and Zoning Commission
September 10, 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, September 10, 2024 at 7:00 p.m.

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

Member Absent: Ron Ansell

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 gave the invocation.

3. **Public Comments**

Stephen Vedro, 219 Range Road, Waxahachie, Texas, spoke in opposition to ZDC-139-2024 due to safety concerns and decrease in surrounding property values.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 27, 2024
- b. Consider a request by Matt Baacke, GMcivil, for a Plat of Myrtle Creek Phase 1D, 46 residential lots and 1 non-residential lot, being 13.093 acres, located approximately 3,000 feet northeast of 2325 S US Highway 287 Bypass, situated in the Benjamin Collier Survey, Abstract 216, and the Salis M. Duritt Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 180362 & 180365) – Owner: HT US 287 Owner LP (SUB-166-2024)

Action:

Bonney Ramsey moved to approve all items on the Consent Agenda as presented. Motion was seconded by Erik Test and carried unanimously (6-0).

5. **Public Hearing on a request by Matthew Smith, Darwood Partners, for a Specific Use Permit (SUP) for a Convenience Store and Gasoline Sales use within a General Retail (GR) zoning district located at the northwest corner of Broadhead Road and Garden**

**Valley Parkway (Property ID 242234) – Owner: WP Legacy LTD (ZDC-139-2024)
Staff: Oanh Vu**

Chairman Keeler announced the applicant requested to continue the Public Hearing from the September 10, 2024, Planning and Zoning Commission meeting and the September 16, 2024, City Council meeting to the October 15, 2024, Planning and Zoning Commission meeting, and the October 21, 2024, City Council meeting, to evaluate the public comments and meet with neighboring properties.

Action:

David Hudgins moved to continue the Public Hearing for ZDC-139-2024 to the October 15th Planning & Zoning Commission meeting. Motion was seconded by Jeff Reed and carried unanimously (6-0).

6. Consider recommendation of ZDC-139-2024

No action taken.

7. Public Hearing on a request by Katrina Walker Aulson, for a Specific Use Permit (SUP) for an Accessory Structure over 700 Square Feet use within a Single-Family-1 (SF-1) zoning district located at 611 North Grand Avenue (Property ID 176844) – Owner(s): Katrina Walker Aulson (ZDC-180-2023) Staff: Oanh Vu

Chairman Keeler announced at the request of staff, due to a noticing error, the applicant has requested to continue the Public Hearing from the September 10, 2024, Planning and Zoning Commission meeting and the September 16, 2024, City Council meeting to the October 15, 2024, Planning and Zoning Commission meeting, and the October 21, 2024, City Council meeting.

Action:

David Hudgins moved to continue the Public Hearing for ZDC-180-2023 to the October 15th Planning & Zoning Commission meeting. Motion was seconded by Erik Test and carried unanimously (6-0).

8. Consider recommendation of ZDC-180-2023

No action taken.

9. Public Hearing on a request by the City of Waxahachie for an Amendment to the City Zoning Ordinance, Appendix C, Section 2.4 (c.) 25 (vi) k. Timing of Public Improvements, adding language related to timing of public improvements (ZTA-175-2024) Staff: Justin Stoker

Senior Director of Public Works and Engineering Justin Stoker presented the Item. The City of Waxahachie seeks to add clarifying language regarding vested rights to the City's infrastructure capacity, clarify the length of time that engineering permits remain valid, and close inactive permit applications that are not progressing toward completion.

Current City ordinances are unclear regarding the point in which permitted and platted projects are vested into the street, drainage, water, and wastewater capacity of City infrastructure. There is also a lack of clarity regarding how long permitted engineering projects are considered valid for construction.

Additionally, many engineering permit applications have been made that have become inactive without reaching completion. After receiving the application, staff members reviewed it and responded with comments and additional requirements. Following the response, the applicant has failed to remain engaged with the application. This has led to a list of project applications, many of which are several years old, that are dormant and not progressing toward completion.

Additional language is proposed that clarifies that rights to City infrastructure are made with the approval of the plat. It further clarifies that if the plat expires, then vested rights to infrastructure also expire. Finally, it adds language that would close permit applications that have been dormant for over six months without any progress toward completion.

Chairman Keeler opened the Public Hearing at approximately 7:08 p.m.

There being no others to speak for or against ZTA-175-2024, Chairman Keeler closed the Public Hearing at approximately 7:08 p.m.

10. Consider recommendation of ZTA-175-2024

Action:

Erik Test moved to recommend approval of ZTA-175-2024, a request by the City of Waxahachie for an Amendment to the City of Waxahachie Code of Ordinances, Appendix C, Section 2.4 (c.) 25 (vi) k. Timing of Public Improvements, authorizing the Mayor to sign the associated documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

11. Public Hearing on a request by Demi Oyerokun for a Specific Use Permit (SUP) for a Minor Auto Repair Shop use within a General Retail (GR) zoning district located at 1011 North US Highway 77 (Property ID 173186) – Owner: Marline Six, LLC (ZDC-170-2024) Staff: Harper Lindamood

Planner Harper Lindamood presented the Item. The applicant requests a Specific Use Permit for an Auto Repair, Minor or Automotive Center use (Glass Doctor Auto). The business has been operating on-site as an Auto Repair, Minor, or Automotive Center use since 2022 without an approved certificate of occupancy (CO) for repairs on-site. The applicant submitted a Certificate of Occupancy request on May 15, 2024, for an Auto Repair, Minor or Automotive Center use. Per the City of Waxahachie Zoning Ordinance, the use of an Auto Repair, Minor or Automotive Center, requires a Specific Use Permit to be approved by the City Council within the General Retail (GR) zoning district.

Glass Doctor Auto is a specialized service provider offering professional auto window repair, replacement, and various minor automotive repairs to car windows. All of the repairs take place at their client's locations or within the Glass Doctors interior suite 109 if the subject Specific Use permit is approved.

The applicant submitted a previous zoning case, ZDC-124-2024, for an Auto Repair, Minor, or Automotive Center use on June 14, 2024. On July 23, 2024, the Planning & Zoning Commission recommended approval. However, on August 5, 2024, the City Council denied the SUP request. As a result of the City Council denial, on August 5, 2024, the applicant requested a new CO application for “office use only” on-site, which was approved by city staff on August 19, 2024. Staff received two (2) letters of opposition.

Chairman Keeler opened the Public Hearing at approximately 7:12 p.m.

There being no others to speak for or against ZDC-170-2024, Chairman Keeler closed the Public Hearing at approximately 7:13 p.m.

12. Consider recommendation of ZDC-170-2024

Action:

Erik Test moved to deny ZDC-170-2024, a Specific Use Permit (SUP) for a Minor Auto Repair Shop use. Motion was seconded by Marlene Norcross and carried unanimously (6-0).

13. Public Hearing on a request by Karla Marroquin for a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Planned Development - Single Family-1 (PD-SF-1) zoning district located at 100 Dollar Court (Property ID 174535) – Owner: Karla Marroquin (ZDC-159-2024) Staff: Harper Lindamood

Ms. Lindamood presented the Item and Santana Marroquin requested approval. The applicant is requesting a Specific Use Permit (SUP) to construct an accessory structure that exceeds one thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures at 100 Dollar Court. One of the existing accessory structures is being utilized as a carport and is approximately 1,200 square feet. The second existing accessory structure is being utilized as a greenhouse of approximately 644 square feet; therefore, the total square footage of existing and proposed accessory structures exceeds 1,000 square feet and requires a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the existing primary structure is approximately 1,279 square feet, and the proposed accessory structure is approximately 384 square feet. The accessory structure is comprised of metal panels and is proposed to be used for the storage of household equipment. The applicant has noted that the structure will not be used to store cars or heavy machinery, and will not have any plumbing and electrical work done. The applicant has also confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be metered, sold, or leased separately from the existing primary structure. Staff received four (4) letters of support.

Chairman Keeler opened the Public Hearing at approximately 7:17 p.m.

There being no others to speak for or against ZDC-159-2024, Chairman Keeler closed the Public Hearing at approximately 7:18 p.m.

14. Consider recommendation of ZDC-159-2024

Action:

David Hudgins moved to recommend approval of ZDC-159-2024, Specific Use Permit (SUP) for an Accessory Structure exceeding one thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single Family-1(SF-1) zoning district, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Jeff Reed and carried 5-1 with Marlene Norcross voting in opposition.

15. Public Hearing on a request by Shelly Hines for a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structure use within a Single Family-1 (SF-1) zoning district located at 2385 Marshall Road, (Property ID 203842) – Owner: Shelly Hines (ZDC-162-2024) Staff: Harper Lindamood

Ms. Lindamood presented the Item. The applicant is requesting a Specific Use Permit (SUP) to construct an accessory structure in which exceeds one thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures at 2385 Marshall Road. One of the existing accessory structures is being utilized as a barn and is approximately 7,508 square feet. The second existing accessory structure is being utilized as a shed of approximately 1,014 square feet; therefore, the total square footage of existing and proposed accessory structures exceeds 1,000 square feet and requires a SUP to be approved by City Council.

According to the Ellis County Appraisal District, the existing primary structure is approximately 3,470 square feet, and the proposed unenclosed accessory structure is approximately 594 square feet. The proposed accessory structure is comprised of wood. There will be new plumbing and electrical work to be done. Staff received one (1) letter of support.

Chairman Keeler opened the Public Hearing at approximately 7:22 p.m.

There being no others to speak for or against ZDC-162-2024, Chairman Keeler closed the Public Hearing at approximately 7:22 p.m.

16. Consider recommendation of ZDC-162-2024

Action:

Bonney Ramsey moved to recommend approval of ZDC-162-2024, Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single Family-1(SF-1) zoning district, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by David Hudgins and carried unanimously (6-0).

17. Public Hearing on a request by Kevin Patel, Triangle Engineering, for a Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-General Retail (PD-GR) zoning district located at 2932 N US Highway 77 (Property

**ID 189379) - Owner: Vaquero Highway 77 Waxahachie Partners LP (ZDC-103-2024)
Staff: Zack King**

Chairman Keeler announced the applicant requested to continue the Public Hearing from the September 10, 2024, Planning and Zoning Commission meeting and the September 16, 2024, City Council meeting to the October 15, 2024, Planning and Zoning Commission meeting, and the October 21, 2024, City Council meeting, to allow the development team additional time to assess the SUP Ordinance for the property.

Action:

David Hudgins moved to continue the Public Hearing for ZDC-103-2024 to the October 15th Planning & Zoning Commission meeting. Motion was seconded by Erik Test and carried unanimously (6-0).

18. Consider recommendation of ZDC-103-2024

No action taken.

19. Public Hearing on a request by Erik Test, Ellis County, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a General Retail (GR) and Commercial (C) zoning district located at 302 N Monroe Street (Property ID 289705) - Owner: Ellis County, Texas (ZDC-105-2024) Staff: Zack King

Senior Planner Zack King presented the Item and Ellis County Judge Todd Little requested approval. The applicant proposes a Specific Use Permit (SUP) to allow for the construction of an electronic message sign for the Ellis County Central Building. An existing pole sign currently exists on the subject property along N Elm Street (US Highway 77). The applicant proposes to remove this pole sign and provide signage for the property with a new monument sign that will include an electronic message component. The proposed monument sign is 15' in height and a total of 150 square feet in size. The electronic message board will constitute approximately 40 square feet of the sign.

Monument signs are typically required to be situated outside of all easements. However, there are multiple large existing easements that extend between 25' and 40' into the subject property along N Elm Street (US Highway 77). Due to this, the applicant is unable to locate the monument sign outside of all existing utility easements. The applicant has worked with staff from the Utilities Department to ensure the monument sign is at least 7.5' from existing utility infrastructure. The Utilities Department has noted that the placement of the monument sign with the existing utility easements on the property is acceptable if a setback of 7.5' from existing utility infrastructure is maintained.

Electronic Message Signs shall be restricted to the form of monument signs. Per Section 5.08 of the Waxahachie Zoning Ordinance, Monuments signs shall have a low profile and must be made of stone, concrete, brick or other similar materials. A monument sign shall be solid from the ground up and all pole(s) or supports shall be concealed. Single-tenant Monument Signs are restricted to maximum height of 8' and a maximum size of 80 square feet.

The proposed electronic message sign will be incorporated into a monument sign. However, the monument sign proposed by the applicant is 15' in height and 150 square feet in size.

Council Member Patrick Souter confirmed the property is outside the area requiring approval by the Heritage Preservation Commission and Mr. King concurred.

Chairman Keeler opened the Public Hearing at approximately 7:31 p.m.

There being no others to speak for or against ZDC-105-2024, Chairman Keeler closed the Public Hearing at approximately 7:32 p.m.

20. Consider recommendation of ZDC-105-2024

Action:

David Hudgins moved to recommend approval of ZDC-105-2024, a Specific Use Permit (SUP) request for an Electronic Message Sign use at 302 N Monroe, subject to the conditions of the staff report. Motion was seconded by Bonney Ramsey and carried 5-0-1 with Erik Test abstaining.

21. Public Hearing on a request by Brian Wade, RLG Consulting Engineers, for a Replat of Block 29, 96, and 97 of the Official Town Map of Waxahachie, to create Lot 1, Block 29B of the City Hall addition, 1 lot, being 1.3453 acres, located at 401 S Rogers Street, (Property ID 193895) – Owner: City of Waxahachie (SUB-173-2024) Staff: Zack King

Mr. King presented the Item. The applicant proposes to replat the subject property to combine multiple existing lots into a single non-residential lot to facilitate the upcoming remodel of Waxahachie City Hall. The proposed replat adheres to the lot size and dimension requirements of the Light Industrial-2 zoning district.

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

Section 3.3.a of the Waxahachie Subdivision Ordinance, requires the dedication of a 15' Utility Easement adjacent to all public right-of-way (ROW) at the time of platting or replatting. The applicant has requested a Petition for Relief Waiver (variance) to not dedicate a 15' Utility Easement along S Rogers Street or W Madison Street. This Petition for Relief is requested due to the fact that the existing building and retaining walls on the site are situated on the property line along S Rogers Street and W Madison Street. The portions of the building and the existing retaining walls in question will not be removed as part of the upcoming City Hall remodel, so an easement cannot be dedicated at this time.

Staff is supportive of the Petition for Relief Waiver due to the fact that sufficient public and franchise utility infrastructure for the property is already in place within the ROW of S Rogers Street and W Madison Street.

Chairman Keeler opened the Public Hearing at approximately 7:36 p.m.

There being no others to speak for or against SUB-173-2024, Chairman Keeler closed the Public Hearing at approximately 7:36 p.m.

22. Consider recommendation of SUB-173-2024

Action:

Erik Test moved to recommend approval of SUB-173-2024, a Replat for the City Hall addition, and the associated Petition for Relief Waiver, 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 (6-0).

23. Public Hearing on a request by Rob Myers, Kimley-Horn, for a Plat of the Waxahachie North Addition, Lot 1, Block A, being 3.316 acres, located directly east of 984 W US Highway 287 Bypass, situated in the Robert Parks Survey, Abstract 851 and the Robert Russell Survey, Abstract 911, an addition to the City of Waxahachie (Property ID 189338 & 189991) – Owner: Oncor Electric Delivery Company (SUB-154-2024) Staff: Zack King

Mr. King presented the Item and Oncor representative Seth Sampson requested approval. The applicant proposes to plat the subject property into one (1) non-residential lot for the expansion of an existing Oncor sub-station. The proposed plat adheres to the lot size and dimension requirements for the subject property, based on the current zoning of the site.

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

Section 3.5.a of the Waxahachie Subdivision Ordinance, requires all non-residential developments to install a 6' sidewalk adjacent to public right-of-way (ROW). The applicant has requested a Petition for Relief Waiver (variance) to not install the 6' sidewalk. The applicant has noted that the purpose of the plat is to facilitate the expansion of an existing Oncor substation and that there is not an existing sidewalk on the, or adjacent to, the subject property. Staff is supportive of the Petition for Relief Waiver due to the fact that the Oncor substation is a restricted, unmanned facility.

Chairman Keeler opened the Public Hearing at approximately 7:42 p.m.

Quinton Turner, 144 Arrow Wood, Waxahachie, Texas, asked if future sidewalks are planned. Mr. King confirmed the petition of relief waiver would not prevent the City or TxDOT from adding sidewalks if they choose so in the future.

There being no others to speak for or against SUB-154-2024, Chairman Keeler closed the Public Hearing at approximately 7:45 p.m.

24. Consider recommendation of SUB-154-2024

Action:

David Hudgins moved to recommend approval of SUB-154-2024, a Plat of the Waxahachie North Addition, Lot 1, Block A, and the associated Petition for Relief Waiver, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Marlene Norcross and carried unanimously (6-0).

25. Adjourn

There being no further business, the meeting adjourned at 7:46 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary