

Planning and Zoning Commission
November 12, 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, November 12, 2024 at 7:00 p.m.

Members Present: Rick Keeler, Chairman
Marlene Norcross, Vice Chair
David Hudgins
Jenny Bridges
Chad Hicks
Wendy Johnson

Member Absent: Jeff Reed

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Planning Manager
Amber Villarreal, City Secretary

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

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

- 3. Public Comments**

None.

- 4. Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of October 29, 2024
- b. Consider a request by SAP Properties LLC, for a Replat of Lot 1, Block E of the North Grove Business Park, to create Lot 1A, 1B & 1C, Block E, of the North Grove Business Park, 3 non-residential lots, being 6.437 acres, located at 2001 Enterprise Parkway, (Property ID 272782) – Owner: SAP Properties LLC (SUB-197-2024)
- c. Consider a request by SAP Properties LLC, for a Replat of Lot 1, Block D, of the North Grove Business Park, to create Lots 1A & 1B, Block D, of the North Grove Business Park, 2 non-residential lots, being 6.897 acres, located at 2002 Enterprise Parkway, (Property ID 272780) – Owner: SAP Properties LLC (SUB-198-2024)
- d. Consider a request by Chad Adams, for a Plat of Hightower Club, 68 residential lots and 5 HOA X-lots, being 84.747 acres, located directly north of 153 Lakeshore Drive, situated in the S.M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID 182009) – Owner: Hightower Club Waxahachie LP (SUB-199-2024)
- e. Consider a request by Joe Cortez, for a Replat of Lots 15B, 16B, & 17B of the J.H. Matthews Addition, to create Lot 15R, Jones Addition, 1 residential lot, being 0.337 acres, located directly north of 1001 E Jefferson Street, (Property ID 174774) – Owner: Bernardo Hernandez (SUB-201-2024)

- f. Consider a request by Bryan Moody, Kimley-Horn, for a Plat of Haven Ranch Phase 1, 287 residential lots, 14 open space HOA X-lots, and 1 Lift Station lot, being 212.358 acres, located at 400 E Haven Road, situated in the William Stewart Survey, Abstract 956, the James Young Survey, Abstract 1199, and the Norman H. Whittenburg Survey, Abstract 1128, an addition to the City of Waxahachie (Property ID 180774, 183003, 190570, 192730, 236610, 236611, 236612, 236613, 257627, 289474, 289475, 289476, 289477,) – Owner: GRBK Edgewood LLC (SUB-212-2024)

Action:

David Hudgins moved to approve items on the Consent Agenda with a recommendation of approval by staff and disapprove items on the Consent Agenda with a recommendation of disapproval by staff. Motion was seconded by Marlene Norcross and carried unanimously (6-0).

5. **Public Hearing on a request by Claudio Segovia, Johnson Volk Consulting, for a Plat of Oasis at North Grove Phase 2, 130 residential lots and 2 open space/common area lots, being 34.590 acres, located west of 2004 Vista Way, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 179059) – Owner: Bloomfield Homes LP (SUB-205-2024) Staff: Zack King**

Planning Manager Zack King presented the Item. With this plat application, the property owner proposes to plat the subject property into 130 residential lots as part of the Oasis at North Grove Phase 2 subdivision. The subject property is currently zoned as part of the North Grove Planned Development District, which allows for the development of single-family homes on lots ranging from 6,000 square feet to 11,000 square feet in this area. The design of the proposed subdivision adheres to the lot size, lot dimension, and lot distribution requirements of the Planned Development zoning district. As part of this Plat, the applicant is providing right-of-way (ROW) dedication for Hedgewood Drive that will complete a direct connection from Vista Way to Highway 77.

As part of the review of the plat application, staff identified a few technical items that conflict with the requirements of the Waxahachie Subdivision Ordinance. These technical items must be corrected prior to the filing of the plat. The correction of each item has been identified as a condition of approval in the staff recommendation.

The City of Waxahachie Thoroughfare Plan identifies Hedgewood Drive as a 60' wide ROW. Due to this, the applicant is required to dedicate 60' of ROW for Hedgewood Drive. The applicant requests to dedicate 54' of ROW in lieu of this requirement for consistency with adjacent platted property. A ROW width of 54' for Hedgewood Drive was approved by the City Council with the Plat for Vista Way in February of 2022. Due to Hedgewood Drive already having been established as a 54' ROW at the intersection of Vista Way, staff supports this Petition for Relief Waiver request.

Chairman Keeler opened the Public Hearing at approximately 7:05 p.m.

There being no others to speak for or against SUB-205-2024, Chairman Keeler closed the Public Hearing at approximately 7:05 p.m.

6. Consider recommendation of SUB-205-2024

Action:

David Hudgins moved to recommend approval of SUB-205-2024, a Plat of Oasis at North Grove Phase 2, and the associated Petition for Relief Waiver, subject to the conditions 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).

7. 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 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

Senior Planner Oanh Vu presented the Item and Matthew Smith requested approval. The applicant proposes a Specific Use Permit (SUP) to allow for a Convenience Store with Gasoline Sales (7-Eleven) in a General Retail (GR) zoning district. Per the City of Waxahachie Zoning Ordinance, both Convenience Store use and Gasoline Sales uses within a GR zoning district require a SUP to be approved by the City Council. Historically, the subject property was zoned for Future Development (FD) as a placeholder until the property owner develops it and rezone it to an appropriate zoning district. The subject property was rezoned to General Retail (GR) as part of the Garden Valley planned development in 2002 (ZA2002-21) to promote commercial development properties along the entrance corridor. The subject property is currently situated on an unplatted lot. A plat will be needed to facilitate the proposed development.

The applicant provided a traffic analysis memo for the intersection of Garden Valley and Broadhead Road for staff review on October 16, 2024. The analysis identified that a four-way stop with stop signs was needed to operate at an acceptable level of service. The 7-Eleven will be installing the four-way stop with their development. If the zoning is approved, the 7-Eleven will provide a full traffic impact analysis (TIA) that also includes additional intersections within one square mile of the site. This full TIA will analyze if any additional improvements are needed at those intersections.

Currently, the city has a total of thirteen (13) gasoline stations existing and/or approved within 4,000 feet of the subject property. There are nine existing gasoline stations located along US 77, one existing Exxon gasoline station located on the southeastern corner of US Highway 287 and Brown Street. Two of the approved and under construction gasoline stations are QuikTrip located on the southwestern corner of US Highway 287 and Brown Street, and Valero located on the southwestern corner of US Highway 287 and Farley Street.

Per the Operational Plan and Site Plan provided by the applicant, 7-Eleven is proposed to feature a 4,824-square-foot convenience store with ten gasoline pumps. The parking and building setbacks for the convenience store adhere to the requirements outlined in the City of Waxahachie Zoning Ordinance. The gasoline pumps are proposed as five dual-sided pumps covered by one canopy. 7-Eleven proposes to operate twenty-four hours a day, seven days a week, with an average of three employees per shift.

The applicant has provided two elevation/façade options for consideration with this SUP. Both elevation options feature brick and stone exterior; but differ in the color palette and decorative architectural features. Option 1 offers a total of 55.7% of masonry, while Option 2 offers a total of 80.7%.

The landscaping proposed with this SUP meets the requirements of the City of Waxahachie Zoning Ordinance. The applicant has incorporated ten (10) Crape Myrtles into the landscape plan.

The applicant is proposing an 8', internally illuminated, monument sign. No pole sign is proposed.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. Staff received 41 letters of opposition and three (3) letters of support for the proposed SUP, with eight (8) letters of opposition and two (2) letters of support within the 200' buffer of the subject property. In addition to the letters noted above, Staff has also received two petitions with 217 signatures collected in opposition.

Mr. Smith noted if approved, the owner proposes the following Deed Restrictions on the property:

1. Use Restrictions

The Property shall not be used for the following purposes:

- Dollar Stores
- Sexually Oriented Businesses
- Smoke Shops
- Funeral Services, Crematories,
- Motels, Camps, other Lodging Places
- Drug Rehabilitation Center
- Massage Parlor
- Outdoor Amusement

2. Structural Restrictions

No structure, building, or improvement shall be constructed, erected, or maintained on the property, except as follows:

- All buildings and structures shall be of exterior fire-resistant construction, having at least eighty percent (80%) of the total exterior walls, excluding doors and windows, to be constructed of masonry or glass wall construction, in accordance with the City Building Code and Fire Prevention Code.

Commissioners discussed the pedestrian analysis and impacts on health, traffic, and safety.

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

Those who spoke in opposition:

Andy Hammond, 251 Lariat Trail, Waxahachie, Texas

Nancy Machuca, 107 Valley Ranch Ct., Waxahachie, Texas

Deb Barshofsky, 117 Eagle Feather Drive, Waxahachie, Texas

Tony Gryskiewicz, 127 Lariat Trail, Waxahachie, Texas

Arturo Deleon, 109 Valley Ranch Ct , Waxahachie, Texas

Robyn Chavarria, 225 Lariat Trail, Waxahachie, Texas

Marvin Fox, 101 Deer Crossing, Waxahachie, Texas

Tameka Fox, 101 Deer Crossing, Waxahachie, Texas

Gena Vowels, 221 Lariat, Waxahachie, Texas

Johnna Smith, 121 Arrowwood, Waxahachie, Texas

Carmen Derrick, 110 Lariat Trail, Waxahachie, Texas

Steve Vedro, 219 Range, Waxahachie, Texas

Ryan Young, 230 Mockingbird, Waxahachie, Texas

Tracie Lacour, 104 Piper, Waxahachie, Texas

Councilman Patrick Souter expressed his gratitude to the residents for attending and acknowledged that he understands their concerns. He emphasized that, as a Council member, he makes it a point to listen to all perspectives before making a decision.

There being no others to speak for or against ZDC-192-2024, Chairman Keeler closed the Public Hearing at approximately 8:22 p.m.

The Commissioners asked about the permitted uses in the General Retail zoning district, requested information on crime statistics near gas stations, and discussed ways to accelerate traffic impact improvements.

City Engineer Macey Martinez noted the applicant will be required to do a full Traffic Impact Analysis, if approved. Improvements to the area require coordination with TxDOT.

8. Consider recommendation of ZDC-139-2024

Action:

Marlene Norcross moved to deny ZDC-139-2024.

Motion failed due to lack of second.

Action:

Rick Keeler moved to recommend approval of ZDC-139-2024, a Specific Use Permit (SUP) for a Convenience Store with Gasoline Sales (7-Eleven) use with Elevation Option 2, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Jenny Bridges and carried 4-2 with Marlene Norcross and Chad Hicks voting in opposition.

Councilman Souter confirmed that staff will examine the lighting issue at The Hamilton at Garden Valley.

9. Public Hearing on a request by Rebeca Vera, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 513 West 2nd Street (Property ID 171958) – Owner(s): Becman Properties, LLC (ZDC-192-2024) Staff: Oanh Vu

Ms. Vu presented the Item and owner Rebeca Vera requested approval. The applicant requested a SUP for short-term rental use at 513 West 2nd Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,409 square feet, built in 1925 with two (2) bedrooms and one (1) bathroom and enough improved surface to accommodate for the maximum parking spaces of two (2) vehicles. The subject property is situated on an approximately 0.23 acres (10,018 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on October 2, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months.

Currently, we have no pending, approved and/or registered short-term rentals within 500' of the subject property; however, we do have three (3) approved short-term rentals within 1,500' of the subject property. The closest approved and registered short-term rental is located at 511 West Parks Avenue, which is approximately 1,362 feet (0.25 miles) from the subject property. Of the three (3) short-term rentals that are approved, two (2) short-term rentals have completed the registration process required by Section 3.27 of the City's Zoning Ordinance. The applicant's local emergency contact is located adjacent to the subject property.

To comply with state law contained in Local Government Code Chapter 211 and the City's Public Hearing Notice Requirements, 43 notices were mailed to property owners within 500 feet of the as required in section 3.27 of the City's zoning ordinance. Staff received a total of five (5) letters opposing the project and fifteen (15) letters in support of the project. Of these, no letters of opposition and four letters of support were submitted from within the 200-foot buffer zone.

Chairman Keeler opened the Public Hearing at approximately 8:51 p.m.

There being no others to speak for or against ZDC-192-2024, Chairman Keeler closed the Public Hearing at approximately 8:51 p.m.

10. Consider recommendation of ZDC-192-2024

Action:

David Hudgins moved to recommend approval of ZDC-192-2024, 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 Jenny Bridges and carried unanimously (6-0).

11. Adjourn

Jennifer Pruitt, Senior Director of Planning provided the 24-25 meeting calendar, noting there will not be a meeting on November 26th and the first meeting in December will be held on Monday, December 9th.

Council Member Patrick Souter asked to keep Jeff Reed's family in prayer as they mourn the loss of his father-in-law.

There being no further business, the meeting adjourned at 8:54 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary