

Planning and Zoning Commission
June 9, 2026

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 June 9, 2026 at 7:00 p.m.

Members Present: Wendy Johnson, Chair
Jenny Bridges, Vice Chair
Terry Connor
Ryan Simpson
Jimmy Poarch
Bart Underwood
Twyla U. Williams

Others Present: Trenton Robertson, Director of Planning
Travis Smith, Mayor Pro Tem, Council Representative

1. Call to Order

Chair Wendy Johnson called the meeting to order at 7:00 p.m.

2. Invocation

Jimmy Poarch gave the invocation.

3. Public Comments

None.

4. Consent Agenda

- a. Minutes of the regular Planning & Zoning Commission meeting of May 26, 2026
- b. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of May 26, 2026

Action:

Ryan Simpson moved to approve the Consent Agenda as presented. Motion was seconded by Terry Connor and carried unanimously (7-0).

5. Public Hearing on a request by Gina McLean, Nationwide Construction for a Specific Use Permit (SUP) for a Noxious Use within a Light Industrial-2 (LI-2) zoning district located at 4740 North Interstate 35E (Property ID 188456) – Owner(s): Nutrenare-Ag Inc (ZDC-183-2025)

Senior Planner Oanh Vu presented the Item and applicant Jenna McLane requested approval. The applicant requests approval of a Specific Use Permit (SUP) to expand its noxious use by adding additional chemicals to its inventory list. Currently, the property owner does not have an approved SUP for noxious use. This request is intended to address both the existing use and the proposed expansion of the inventory list. A noxious use requires approval of a SUP by the City Council in order to legally operate on the property.

Despite the proposed site improvements meeting or exceeding all applicable City code requirements necessary to accommodate the proposed use of the subject property, staff remains concerned about the potential risks associated with the use and the possibility of long-term impacts to the community in the event of an emergency or disaster.

The subject property is located in close proximity to densely populated residential and commercial areas to the north, as well as critical transportation corridors including Interstate 35, U.S. Highway 77, and the BNSF railroad. In addition, the property is directly adjacent to South Grove Creek and is partially located within a FEMA-designated floodplain.

Given the volatility of the chemicals proposed to be stored onsite, a natural disaster or emergency event, such as a fire affecting the facility, could result in significant environmental damage, disruptions to regional transportation infrastructure, or the evacuation of nearby areas. Staff believe these potential impacts could have substantial negative consequences for the surrounding community.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Day Light and a sign was visibly posted at the property. Staff has received zero (0) letters of support and zero (0) letters of opposition to the proposed SUP.

Staff confirmed that the business is currently operating. Although the operation does not have the required Specific Use Permit (SUP) under current regulations, the use has existed for more than two years and is therefore considered an existing, legally operating, non-conforming use.

Staff noted the property's proximity to nearby schools. It is approximately one-quarter mile (about three-tenths) from Life School and roughly one mile from Shackelford Elementary.

A question was raised regarding how the City evaluates worst-case scenarios involving chemical reactions at the facility. Staff explained that the application underwent a PART review and that concerns were evaluated with the Fire Department and Fire Marshal's Office. The proposed request meets Fire Code requirements. Staff also referenced concerns about potential worst-case impacts, citing the example of Magna Blend, and noted that such considerations inform staff recommendations.

Clarification was requested regarding how a use can be both out of compliance and yet operating legally.

Staff explained that at the time the business began operating, the use was legally permitted under the zoning regulations in place, either directly or through an applicable permitting process. Subsequent code changes or reevaluation determined that an SUP should have been required, but it was never obtained. Any change or expansion of the operation now triggers a requirement to come into conformance, placing the business in the category of legal non-conforming use.

Staff further clarified that the City is not currently attempting to revoke the business's existing operations. Because the use is not being challenged, the City has not required the applicant to produce documentation proving its legal establishment two years prior. If such a challenge occurred, the burden of proof would typically fall on the applicant.

In this case, the City would review its own records and permitting history to determine how the original use was established. The current expansion request triggered the need for the SUP, which is why the matter is being brought forward.

Gina McClain, Nationwide Construction, stated that the original building was permitted in 2013 and approved through City Council. The north building, now proposed for modification, was permitted and built about four years ago. An SUP was never requested or indicated during previous permitting. The applicant has worked with staff for approximately seven months to address code compliance, including fire code requirements and recommended curbing.

Ms. McClain introduced representatives available to address technical and chemical-related questions.

Keith Matthews, attorney for Nutri Air AG and longtime chemical regulatory counsel, explained he assisted the applicant in responding to staff's information requests. He noted the applicant was surprised to learn of the unpermitted use requiring an SUP, given their belief they had complied with all requirements since 2013. He acknowledged the current use would require an SUP under today's regulations and stated the applicant is willing to meet all proposed conditions. Matthews also noted all Tier II reporting obligations regarding onsite chemicals have been met at the federal, state, and local levels.

Michelle Mensing, licensed engineer with Ramboll, summarized environmental and safety assessments performed. She stated the proposed operations involve liquid—not solid—agricultural chemicals, reducing risks associated with explosive bulk solid materials. The facility is of newer construction with updated codes, and blending processes do not create reactive or new hazardous substances. Ramboll's review of similar agricultural facility incidents found no reported toxic air emissions from comparable fires when monitored by agencies.

Ms. Mensing noted prevailing winds are generally north-northwest but emphasized that the assessment focused on worst-case scenarios rather than specific products. She reviewed water-pathway considerations, stating the manufacturing buildings are elevated above FEMA flood levels and that proposed curbing and containment systems (including a 135,000-gallon concrete tank) are designed to prevent fire-water runoff from reaching surface waters. Existing onsite ponds have lined berms above the 100-year flood elevation.

Commissioners raised concerns about the number of hazardous materials listed, the potential for mixed-chemical impacts during a fire, proximity to schools, and past local industrial incidents. Questions were also asked regarding site drainage, the purpose and safety of existing exterior holding ponds, and fencing. Ms. McClain explained the ponds are primarily for rainwater or backup containment, are lined and tested, and are intended for removal in future phases. She said the proposed project relocates operations to the north building with significant interior and fire-protection upgrades.

Chair Johnson opened the Public Hearing at approximately 7:45 p.m.

Those who spoke in opposition:

Jonathan Foye, 1004 W. Marvin Avenue, Waxahachie, Texas

There being no others to speak for or against the case, Chair Johnson closed the Public Hearing at approximately 7:47 p.m.

6. Consider approval of ZDC-183-2025

Action:

Ryan Simpson moved to recommend denial of ZDC-183-2025, a Specific Use Permit for a Noxious Use located at 4740 North Interstate 35E. Motion was seconded by Jenny Bridges and carried by a vote of 6-1, with Wendy Johnson voting in opposition.

7. Public Hearing on a request by Stephanie Gienger, Kimley-Horn, for a Zoning Change to Amend Ordinance No. 3587 for the Woodland Cottages at Waxahachie to change the construction material of the masonry screening wall located at 2797 John Arden Drive (Property IDs 275156 and 313224) – Owner(s): Woodland Cottage Waxahachie LP (ZDC-52-2026)

Ms. Vu presented the Item and applicant Travis Jones requested approval. The applicant requests approval of the amendment of the existing Planned Development (PD) to amend the construction material of the masonry screening wall from brick to concrete panels.

In September 2024, a Planned Development Application (ZDC-120-2024) was approved for the property. This PD application for the Woodland Cottages at Waxahachie allowed for a 68-unit senior living (55+) community. The application featured a multifamily use only on the east side of Alliance Boulevard. The west side of Alliance Boulevard was reserved as a 3-acre General Retail (GR) tract.

In December 2024, an amended Planned Development Application (ZDC-203-2024) was approved for the property. This PD application for the Woodland Cottages at Waxahachie replaced the 3-acre General Retail (GR) tract on the west side of Alliance Boulevard with an additional multifamily tract. The applicant proposed to develop the area west of Alliance Boulevard with seven (7) additional senior living (55+) units.

In April 2026, the applicant submitted this PD amendment application to change the approved construction masonry screening wall along the northern property line from traditional brick to solid concrete panels. The new concrete panel wall is proposed to be painted white. This is the only item proposed to be amended with this application.

Staff is concerned that the proposed change in material for the masonry screening wall will not provide the same quality as the product originally approved. The proposed material of concrete panels represents a downgrade from the previously approved brick screening wall installation. Additionally, the masonry screening walls are proposed only along the portions of the property adjacent to Oncor's facility to the north and Connect 4 Life Church to the south, rather than enclosing the subject property entirely with a masonry screening wall.

To comply with State law under Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the subject property. As of the publication date of this staff report, staff has received no letters of support and no letters in opposition.

Vice Chair Jenny Bridges asked whether a traffic study had been conducted for Civic Center traffic along John Arden. Staff could not recall one. Concern was expressed that a visible screening wall at that entrance should reflect the originally approved brick/stone materials.

Ms. Vu confirmed the original Planned Development required a brick screening wall. The applicant now proposes painted concrete panels. Staff expressed concerns about the downgraded material, white paint, and long-term maintenance and noted the material would not match existing earthy-tone surroundings.

Mayor Pro Tem Smith clarified the request affects only the area shown in red on the exhibit and does not apply to the additional three-acre tract added to the PD in 2024.

Applicant Travis Jones explained that original plans included a masonry wall due to zoning requirements. A drafting oversight resulted in a detail showing a one-sided brick/CMU wall intended for a dumpster enclosure. The proposed replacement is a reinforced concrete panel system embossed to resemble brick, with columns and caps, in multi-tone colors (not stark white). The panel system has a 10–15-year paint cycle, similar to their painted-brick buildings. The applicant prefers decorative metal fencing and is fully open to it if allowed.

Commissioners expressed interest in allowing decorative metal fencing instead of concrete panels or masonry, noting aesthetic benefits, reduced maintenance, and better openness.

Staff advised that the Commission may recommend approval conditioned on using a “decorative metal fence” and requiring updated elevations/exhibits prior to City Council review.

Questions were raised regarding visibility of the Oncor utility facility to the north; staff noted existing landscaping buffers and building placement.

Chair Johnson opened the Public Hearing at approximately 8:09 p.m.

Those who spoke in opposition:

Kelly Justice, 238 Katy Lake Drive, Waxahachie, Texas

Johnny Justice, 238 Katy Lake Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-52-2026, Chair Johnson closed the Public Hearing at approximately 8:19 p.m.

8. Consider approval of ZDC-52-2026

Action:

Jimmy Poarch moved to recommend approval of ZDC-52-2026, to amend Ordinance No. 3587 for the Woodland Cottages at Waxahachie to change the construction material of the masonry screening wall located at 2797 John Arden Drive to a decorative ornamental fence with the condition that all exhibits be provided to staff prior to the upcoming City Council meeting. Motion was seconded by Jenny Bridges and carried unanimously (7-0).

9. Public Hearing on a request by Tu-Hai Ngo, for a Specific Use Permit (SUP) for an Accessory Structure of 700+ sq ft use within a Single Family-1 (SF-1) zoning district located at 5025 April Lane (Property ID 207630) – Owner(s): Tien Ngo (ZDC-53-2026)

Ms. Vu presented the Item and applicant Tu-Hai Ngo requested approval. The applicant requests a Specific Use Permit (SUP) for an accessory structure exceeding 700 square feet use at 5025 April Lane. The subject property has one existing accessory structure of approximately 100 square feet used for storage and a swimming pool with a deck. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 700 square feet require a SUP to be approved by the City Council.

According to the Ellis County Appraisal District (ECAD), the subject property currently has an existing primary structure of approximately 2,925 square feet, and the proposed accessory structure is approximately 2,800 square feet. The proposed structure is to be used to securely store household equipment items such as large lawn maintenance equipment, household tools, a workshop, and to prevent the natural weather elements from wearing the equipment. The applicant does plan to include electrical and plumbing for a toilet and sink. It is important to note that City Council approved an accessory structure (detached garage) located directly north of the subject property in 2016 and approved an accessory structure located at 811 Broadhead Road in March 2026.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. Staff has received no letters of support and one letter of opposition.

Staff confirmed similar detached accessory structures have been approved in the surrounding area, including nearby properties on Broadhead Road. The request is considered typical for the area and lot size. The proposed structure will be wired for electricity, plumbed, metal-constructed, and used for household storage and a workshop.

Staff reported receiving opposition from one adjacent property owner. The opposition letter expressed concerns about possible dog-boarding use, property values, and requested clarity on materials and purpose of the structure.

Mr. Ngo stated the structure will be for personal use only. He explained that his existing above-ground pool is used for dog-diving training for his own and friends' dogs; no boarding or overnight stays occur. He confirmed there is no intent to operate a business. When asked about fencing, the applicant stated there is no prohibition on fencing the entire property, though most neighbors have not fully fenced their lots and cost may be a factor.

Chair Johnson opened the Public Hearing at approximately 8:32 p.m.

Those who spoke in opposition:

John Tabor, 116 Odonna Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-53-2026, Chair Johnson closed the Public Hearing at approximately 8:47 p.m.

10. Consider approval of ZDC-53-2026

Action:

Bart Underwood moved to recommend approval of ZDC-53-2026, a Specific Use Permit (SUP) for an Accessory Structure of 700+ square feet use, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly. Motion was seconded by Jenny Bridges and carried 6-1, with Twyla U. Williams voting in opposition.

11. Adjourn

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Caleb Ensley, Planner