

Planning and Zoning Commission  
February 23, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, February 23, 2021 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Bonney Ramsey  
David Hudgins  
Erik Test

Members Absent: Betty Square Coleman  
Jim Phillips

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
James Gaertner, Director of Public Works & Engineering  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, Assistant City Secretary  
Mary Lou Shipley, Council Representative

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 February 9, 2021

**Action:**

*Vice Chairman Melissa Ballard moved to approve item a. on the Consent Agenda. Ms. Bonney Ramsey seconded, All Ayes.*

5. **Consider request by Brian Wade, RLG, Inc., for a Final Plat of CSP1 Addition for 2 lots, being 2.531 acres situated in the AW Brown Survey, Abstract 102 (Property ID 180374) – Owner: CONNELL STORAGE PARTNERS #1 LLC (SUB-184-2021)**

Planner Chris Webb reviewed the case noting the applicant is requesting to plat the subject property into two (2) commercial lots and staff recommended approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Brian Wade, RLG, Inc., for a Final Plat of CSP1 Addition for 2 lots, being 2.531 acres situated in the AW Brown Survey, Abstract 102*

*(Property ID 180374) – Owner: CONNELL STORAGE PARTNERS #1 LLC (SUB-184-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

- 6. Consider request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lot 5BB, Irwin Branch Addition, to create Lots 5BB1 & 5BB2, Irwin Branch Addition, 10.184 acres (Property ID 151553) in the Extra Territorial Jurisdiction – Owner: DEREK SMITH & KARLA SHIELDS (SUB-1-2021)**

Mr. Webb presented the case noting the applicant is requesting to replat the current subject property into two (2) lots of approximately five (5) acres in size each and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lot 5BB, Irwin Branch Addition, to create Lots 5BB1 & 5BB2, Irwin Branch Addition, 10.184 acres (Property ID 151553) in the Extra Territorial Jurisdiction – Owner: DEREK SMITH & KARLA SHIELDS (SUB-1-2021) as presented. Mr. Erik Test seconded, All Ayes.*

- 7. Consider request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into a sixth phase of the Buffalo Ridge subdivision. The applicant also requested a petition of relief waiver from City Council to allow for 10-foot utility easement setbacks instead of the 15-foot utility easement setbacks required in the Waxahachie Subdivision Ordinance. Staff recommended approval of plat as presented and approval of petition of relief waiver.

**Action:**

*Mr. David Hudgins moved to approve a request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021) and approve petition of relief waiver. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 8. Consider request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat this property for continued multi-family use. The applicant also requested a petition of relief waiver from City Council to waive park land dedication fees for the subject property. Staff recommended approval of the plat as presented and recommended denial of the petition of relief waiver.

**Action:**

*Mr. David Hudgins moved to approve a request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021) and deny petition of relief waiver. Mr. Erik Test seconded, All Ayes.*

**9. Public Hearing on a request by Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the placement of solar panels on the rooftop elevation facing the front right-of-way. He noted staff recommended denial per Sec. 5.01 of the City of Waxahachie Zoning Ordinance, solar panels shall not be installed on rooftop elevations facing the front right-of-way.

Mr. Parry DuBois, Kosmos Solar, 6262 Castle Creek, Arlington, Texas, requested approval on behalf of the applicant noting the property is located in a cul-de-sac.

Chairman Keeler inquired past history of solar panels facing front right-of-way and Mr. Webb stated there have been none approved.

There being no others to speak for or against ZDC-6-2021, Chairman Keeler closed the Public Hearing.

**10. Consider recommendation of Zoning Change No. ZDC-6-2021**

**Action:**

*Ms. Bonney Ramsey moved to deny a request by Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021). Vice Chairman Melissa Ballard seconded, All Ayes.*

**11. Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented the case noting the applicant is requesting to construct three buildings consisting of an office, convenience store with gasoline sales, and a drive-thru restaurant on 3.52 acres. He noted staff recommended approval with the following staff comments:

1. A mutually agreed upon development agreement is signed by the applicant and staff.
2. Though access easements are reviewed with plat cases, staff suggests that the access easement be a condition of the zoning change approval. Per the plat submitted by the applicant, an access easement is provided along Farley St. and is continued between Lot 1 and Lot 2 of the development.

Mr. Collins reviewed staff concerns with the current proposal of the elevation façade plans noting the applicant is proposing a mixture of brick, stucco, and a small percentage of stone for each of the three buildings. Though the materials are consistent with City of Waxahachie Zoning Ordinance, staff is concerned that the currently proposed facades for the buildings will appear dated in a short period of time.

Mr. Mike Alturk, 1913 Middleton Drive, Mansfield, Texas, explained the developer is willing to work on staff concerns with elevation façade plans. He agreed to continue the Public Hearing to the next Planning & Zoning Commission meeting to allow time to prepare architectural photos of the proposed buildings.

## **12. Consider recommendation of Zoning Change No. ZDC-186-2021**

### **Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021) to the March 9, 2021 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

- 13. Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant intends to create a Planned Development to allow for single-family residential, multi-family residential, mixed use residential, mixed use commercial, and commercial/retail on 2,813 acres. He explained the development is proposed to be 17 phases over 20-30 years. He reviewed the staff analysis noting the proposed development is compliant with the various Goals and Objectives from the 2016 City of Waxahachie Comprehensive Plan Addendum and will be consistent with the Future Land Use Plan. Staff recommended approval per the following staff comments with additional consideration from Waxahachie ISD regarding schools:

1. A mutually agreed upon Development Agreement will be required for the property.

2. Additional consideration should be given to Multifamily development densities and phasing of the multifamily construction.
3. Greater detail is needed regarding specific elements which will be included with each amenity center.
4. Lot mix should be indicated with multiple lot size and types interspersed throughout development.
5. The use of alleyways should be considered for cottage lot types.
6. Confirmation of connection to I-35 through offsite access easements or acquisition of property must be provided.

Mr. Collins noted staff received four letters of opposition and several calls and emails.

Mr. Ed Fleming, 500 Knights Run Avenue, Tampa, Florida, reviewed the purpose and intent of the proposed development noting the name of the development, Emory Lakes, was to recognize one of Waxahachie's founders Emory Rogers. He explained the project is divided into 5 different zoning districts that will create an appropriate mix of land uses but also accommodates a flexible but appropriate transition between higher and lower intensities of development. The project is anticipated to be built out in 30+ years. The initial phase will be along the eastern portion of the site near the Interstate 35 project entrance. Mr. Fleming reviewed the concept plan of the project including phasing.

Ms. Misty Ventura, 9406 Biscayne Blvd., Dallas, Texas, reviewed the process of the proposed Public Improvement District (PID) to fund the public infrastructure in the development to remove the burden of cost from the existing taxpayers so that the properties benefiting from those improvements will pay for those improvements.

Chairman Keeler inquired about the rate per \$100 valuation for the Public Improvement District and Ms. Ventura noted it will vary depending on the property benefit but the rate of .42 cents is the tax rate equivalent of the annual installment of the PID assessment.

Mr. Aaron Duncan, 2001 N. Lamar St., Dallas, Texas, reviewed the different components of the proposed planned development in regards to land planning, zoning, amenities, and trails.

Those who spoke in opposition:

Ms. Ashley Fabby, 1020 Memory Lane, Waxahachie, Texas  
Mr. Mike Bumford, 1650 Lone Elm Road, Waxahachie, Texas  
Mr. John Grosboll, 1680 Lone Elm Road, Waxahachie, Texas  
Ms. Kathy Cacer, 405 Brookside Road, Waxahachie, Texas  
Ms. Gay Higley, 945 Lone Elm Road, Waxahachie, Texas  
Mr. Kevin Myers, 601 Oldham, Waxahachie, Texas  
Mr. Terry Nay, 711 Brookside Road, Waxahachie, Texas  
Mr. Phil Smith, 1240 Lone Elm Road, Waxahachie, Texas  
Mr. Dean Settlemeyer, 605 Brookside Road, Waxahachie, Texas  
Mr. TJ Fabby, 1020 Memory Lane, Waxahachie, Texas  
Ms. Patricia Fabby, 1016 Memory Lane, Waxahachie, Texas  
Mr. David Higley, 945 Lone Elm Road, Waxahachie, Texas

Chairman Keeler explained growth is happening in Waxahachie and that cannot be controlled; however, the city can control what growth looks like and work to get the best development possible.

Mr. Erik Test explained many of the citizens' concerns were also concerns of the Commission members and informed those in attendance that they were heard.

After further discussion, there were several questions and concerns from the Commission and local residents. Chairman Keeler recommended continuing the Public Hearing to a future Planning and Zoning Commission meeting. The applicant agreed to continue working with city staff to revise the proposed plan.

#### **14. Consider recommendation of Zoning Change No. ZDC-7-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021) to the March 23, 2021 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

Mr. Collins explained ZDC-7-2021 will appear on the March 1, 2021 City Council agenda with a memo stating the Public Hearing will be continued and no discussion will take place.

Planning Director Shon Brooks noted an updated staff report for ZDC-7-2021 will be available the Friday prior to the March 23<sup>rd</sup> meeting.

#### **15. Adjourn**

There being no further business, the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary