

Planning and Zoning Commission
April 13, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 13, 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
Jim Phillips
David Hudgins
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Chris Webb, Planner
Macey Martinez, Graduate Engineer
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 March 23, 2021
- b. Minutes of the Planning and Zoning Commission briefing of March 23, 2021

Action:

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

5. **Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1605 E Main (being Property ID 220820) - Owner: CULEGO INC (ZDC-41-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-41-2021.

6. **Consider recommendation of Zoning Change No. ZDC-41-2021**

No action taken.

7. **Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-42-2021 to the April 27, 2021 Planning and Zoning Commission meeting.

8. **Consider recommendation of Zoning Change No. ZDC-42-2021**

Action:

Mr. David Hudgins moved to continue the Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021) to the April 27, 2021 Planning and Zoning Commission meeting. Mr. Erik Test seconded, All Ayes.

9. **Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC for a Plat of Langston Hill Estates for one (4) lots being 7.348 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256323 and 252890) in the Extra Territorial Jurisdiction – Owner: PETER & ELIANA JAMES AND DAVID & JENNIFER JAMES (SUB-17-2021)**

Planner Chris Webb presented the case noting the applicant is requesting to plat their property into four (4) lots for residential use 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 Plat of Langston Hill Estates for one (4) lots being 7.348 acres situated in the J. Barker Survey, Abstract 40 (Property ID 256323 and 252890) in the Extra Territorial Jurisdiction – Owner: PETER & ELIANA JAMES AND DAVID & JENNIFER JAMES (SUB-17-2021) as presented. Mr. David Hudgins seconded, All Ayes.

10. **Consider request by Hal Barrix, Sumeer Homes, for a Plat of Oxford Ranch Two, Phase 3, for eight (8) lots being 17.68 acres situated in the T. Cassidy Survey, Abstract 225 (Property ID 181695) in the Extra Territorial Jurisdiction – Owner: HARLAN PROPERTIES, INC. (SUB-24-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat eight (8) lots for residential use as the third phase for Oxford Ranch Two Subdivisions and staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Hal Barrix, Sumeer Homes, for a Plat of Oxford Ranch Two, Phase 3, for eight (8) lots being 17.68 acres situated in the T. Cassidy Survey, Abstract 225 (Property ID 181695) in the Extra Territorial Jurisdiction – Owner: HARLAN

PROPERTIES, INC. (SUB-24-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 11. Consider request by Alan Lauhoff, Atlas Associates, Inc., for a Plat of Silverthorne Addition for 77 lots, being 32.564 acres situated in the B.B. Davis Survey, Abstract 290 and the W.C. Calder Survey, Abstract 235 (Property ID 182275) – Owner: BLUE BONNET TRAILS, LLC (SUB-15-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into 77 lots for residential use. He explained the applicant has revised the plat to address staff's request to provide 80' Right-of-Way on River Oaks Boulevard and staff recommended approval as amended.

Action:

Mr. David Hudgins moved to approve a request by Alan Lauhoff, Atlas Associates, Inc., for a Plat of Silverthorne Addition for 77 lots, being 32.564 acres situated in the B.B. Davis Survey, Abstract 290 and the W.C. Calder Survey, Abstract 235 (Property ID 182275) – Owner: BLUE BONNET TRAILS, LLC (SUB-15-2021). Mr. Erik Test seconded, All Ayes.

- 12. Public Hearing on a request by Ron Barson, Ledbetter Real Estate LTD, for a Zoning Change from Planned Development-37-General Retail to Planned Development-General Retail, located at 1014 Ferris Avenue, Suite 106 (being a portion of Property ID 176876) - Owner: LEDBETTER REAL ESTATE LTD (ZDC-43-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins reviewed the case noting the applicant is requesting approval of a Planned Development to allow for storage of wine within an existing building (1014 Ferris Avenue, Suite 106) and staff recommended approval per the following staff comments:

1. If the applicant's approved use exceeds two years from the City Council/Ordinance approval date, staff recommends that the applicant come back to City Council to amend the Planned Development to allow for more time.

There being no others to speak for or against ZDC-43-2021, Chairman Keeler closed the Public Hearing.

- 13. Consider recommendation of Zoning Change No. ZDC-43-2021**

Action:

Ms. Bonney Ramsey moved to approve a request by Ron Barson, Ledbetter Real Estate LTD, for a Zoning Change from Planned Development-37-General Retail to Planned Development-General Retail, located at 1014 Ferris Avenue, Suite 106 (being a portion of Property ID 176876) - Owner: LEDBETTER REAL ESTATE LTD (ZDC-43-2021) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

14. Public Hearing on a request by Bryan Hull, Real Estate Buy Design, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Light Industrial-1, located at 4743 N Interstate 35 (being Property ID 188458) - Owner: CARLINGFORD PROPERTIES LLC (ZDC-25-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting approval of a Planned Development to allow for outside storage and outdoor display and staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the property.
2. The operation of crushing will not be allowed at the property.

Mr. Bryan Hull, 600 Wentworth, Richardson, Texas, requested approval noting the company does not sell infrastructure on site and the site will only be for storage. He explained the applicant will keep the screening in place and will finish the landscape as required by the previous owner.

Mr. Jim Phillips inquired about the request not to use concrete on site and Mr. Hull noted the heavy equipment stored will accelerate the deterioration of the concrete.

The Commission discussed screening and landscaping and staff requested at minimum a 6 foot ornamental iron fencing and landscaping along the north, south, and east property lines as well as any future pavement shall be concrete.

There being no others to speak for or against ZDC-25-2021, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-25-2021

Action:

Mr. David Hudgins moved to approve a request by Bryan Hull, Real Estate Buy Design, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Light Industrial-1, located at 4743 N Interstate 35 (being Property ID 188458) - Owner: CARLINGFORD PROPERTIES LLC (ZDC-25-2021) subject to staff comments including adhering to screening and landscaping requirements as well as any future pavement shall be concrete. Ms. Bonney Ramsey seconded, All Ayes.

16. Continue 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 continued the Public Hearing.

Mr. Collins reviewed the case as revised by the applicant from the previous submission. He explained staff recommended denial due to the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the property.
2. Confirmation of connection to I-35 and the Brookside Bridge through either an offsite access easement(s) or acquisition of property must be provided.
3. Staff suggests that the phasing plan be modified for multifamily (see “Total Permitted” section (pg. 8)) to the following below:

Applicant Request

Total Permitted

SFR District Lots Total to Maximum total multi-family units allowed to be permitted:

1,500 SFR lots to 500 MF units
2,250 SFR lots to 800 MF units
3,000 SFR lots to 1,100 MF units
3,750 SFR lots to 1,400 MF units
4,000 SFR lots to 1,700 MF units
5,000 SFR lots to all remaining multi-family units

Staff Suggestion (see changes from “Applicant Request” in ***bold***)

Total Permitted

SFR District Lots Total to Maximum total multi-family units allowed to be permitted:

1,500 SFR lots to 500 MF units
2,250 SFR lots to 750 MF units
3,000 SFR lots to 1,000 MF units
3,750 SFR lots to 1,250 MF units
4,000 SFR lots to 1,500 MF units

***The remaining multi-family units can be constructed once all SFR lots (5,000) are constructed.**

4. Staff suggests that the Development Standards are revised to show a maximum percentage of front facing garages be provided for the development.
5. Staff suggests that the Development Standards are revised to show a minimum percentage of alleys be provided for the development.
6. At least one amenity center shall have a meeting room.
7. Staff suggests that all park and open space improvements funded be privately maintained, unless the land is dedicated and accepted by the City, or unless the City enters into a mutually agreed upon maintenance agreement with the developer.
 - a. The City of Waxahachie will not accept property dedication less than 5 acres.
8. The applicant, WISD, and city staff must mutually agree on the proposed location and required acreage for future schools within the development.

Mr. Ed Fleming, 500 Nighttime Avenue, Tampa, Florida, noted the Master Plan for Emory Lakes has been a couple decades in the making. He explained the plan was revised to take into consideration the comments by city staff, Planning & Zoning Commission, and the general public. He noted all staff comments have since been addressed and the applicant will comply. He explained the access point to the development was moved as far from Brookside Road as possible in response to existing property owner’s concerns.

Mr. Aaron Duncan, 2000 Mesa, Dallas, Texas, reviewed the project history beginning in 2005. He explained the revised plan has a reduction in density, moved connectivity away from parcel boundaries on Brookside, improved traditional neighborhood design, and updated architectural standards.

Mr. Phillips expressed concern with front facing garages on the largest lots in the development.

Ms. Signe Tanksley, 801 Cox Road, Waxahachie, Texas, inquired about mixed use development, multi-family complexes, single-family lots, and requested lighting restrictions during certain hours.

Mr. Mike Bumford, 1650 Lone Elm, Waxahachie, Texas, expressed concerns about traffic and retail across from his property.

Ms. Kathy Cacer, 405 Brookside Road, Waxahachie, Texas, expressed concerns about entrance off of Brookside Bridge and water and sewer capacity.

Assistant City Manager Tommy Ludwig explained developers pay impact fees for infrastructure, there is a Water Master Plan in place, and the city has several water rights with other entities.

During a lengthy discussion, the Commission inquired about adequate school sites, green space, alleys, living space size, front facing garages, landscape and buffer plans for residents near Brookside Road.

There being no others to speak for or against ZDC-7-2021, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-7-2021

Action:

Vice Chairman Melissa Ballard moved to approve 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) subject to the following:

1. A mutually agreed upon Development Agreement will be required for the property.
2. Confirmation of connection to I-35 and the Brookside bridge through either an offsite access easement(s) or acquisition of property must be provided.
3. Single Family Residential to Multi Family Residential unit ratio shall be:
 - 1,500 SFR lots to 500 MF units
 - 2,250 SFR lots to 750 MF units
 - 3,000 SFR lots to 1,000 MF units
 - 3,750 SFR lots to 1,250 MF units
 - 4,000 SFR lots to 1,500 MF units
4. At least one amenity center shall have a meeting room.

5. Staff suggests that all park and open space improvements funded be privately maintained, unless the land is dedicated and accepted by the City, or unless the City enters into a mutually agreed upon maintenance agreement with the developer. The City of Waxahachie will not accept property dedication less than 5 acres.
6. The applicant, WISD, and city staff must mutually agree on the proposed location and required acreage for future schools within the development.
7. The minimum living area for estate lots increased from 2,200 SF to 2,400 SF
8. The minimum living area for township lots increased from 2,000 SF to 2,100 SF
9. Lots along 80' ROW or greater must front a neighborhood street or thoroughfare
10. The applicant will work with residents on Brookside for adequate screening
11. 10% maximum for front entry on estate and township lots

Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Jim Phillips, and David Hudgins. Noes: Bonney Ramsey and Erik Test.

The motion carried.

18. Adjourn

There being no further business, the meeting adjourned at 9:40 p.m.

Respectfully submitted,
Amber Villarreal, Assistant City Secretary