

Planning and Zoning Commission  
September 28, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 28, 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  
Betty Square Coleman  
Bonney Ramsey  
David Hudgins  
Erik Test

Member Absent: Jim Phillips

Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Chris Webb, Senior Planner  
Zack King, Planner  
Melissa Olson, Council Representative  
Jami Bonner, Assistant 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 September 14, 2021
- b. Minutes of the Planning and Zoning Commission briefing of September 14, 2021

**Action:**

*Mr. David Hudgins moved to approve items a. and b. on the Consent Agenda. Ms. Bonney Ramsey seconded, All Ayes.*

5. **Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-133-2021 to the October 12, 2021 Planning and Zoning Commission meeting.

**6. Consider recommendation of Zoning Change No. ZDC-133-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021) to the October 12, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

**7. Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-134-2021 to the October 26, 2021 Planning and Zoning Commission meeting.

**8. Consider recommendation of Zoning Change No. ZDC-134-2021**

**Action:**

*Mr. David Hudgins moved to continue the Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021) to the October 26, 2021 Planning and Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.*

**9. Public Hearing request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021).**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-140-2021 to the October 12, 2021 Planning and Zoning Commission meeting.

**10. Consider recommendation of Zoning Change No. ZDC-140-2021**

**Action:**

*Mr. Erik Test moved to continue the Public Hearing request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021) to the October 12, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

**11. Continue Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the November 9, 2021 Planning and Zoning Commission meeting.

**12. Consider recommendation of Zoning Change No. ZDC-122-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

**13. Consider request by Kendell Wiley, for a Replat of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley's Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021)**

Planner Zack King presented the case noting the applicant is requesting to replat the subject property from one (1) lot to two (2) lots for general use. Due to the right-of-way dedication, the applicant is also requesting a Petition of Relief waiver for existing parking and landscaping.

**Action:**

*Mr. David Hudgins moved to approve a request by Kendell Wiley, for a Replat of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley's Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.*

**14. Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC. for a Plat of Lot 2, Block B, Espinoza Addition Phase 2 for one (1) lot, being 14.202 acres situated in the E.C. Newton Survey, Abstract 790 (Property ID 194416) – Owner: Espinoza Stone Inc. (SUB-64-2021)**

Senior Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into one (1) lot for commercial and industrial use.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC. for a Plat of Lot 2, Block B, Espinoza Addition Phase 2 for one (1) lot, being 14.202 acres situated in the E.C. Newton Survey, Abstract 790 (Property ID 194416) – Owner: Espinoza Stone Inc. (SUB-64-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

**15. Consider request by Edison Calvopina, ES ARQ Studio, LLC for a Plat of Carrera Ranch for thirteen (13) residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into thirteen (13) lots for single family use. He stated due to the proposed length of road exceeding the City of Waxahachie Subdivision ordinance in regards to dead end streets, the applicant is requesting a Petition of Relief waiver. He also presented a Petition of Hardship waiver requested by the applicant due to inadequate fire flow. After discussion and receiving support from the Ellis County Fire Marshall, City staff recommends approval as presented including Petition of Relief and Petition of Hardship requests. Mr. Webb noted the property is located in Waxahachie ETJ.

Chairman Rick Keeler confirmed with Mr. Webb that the developer is installing an eight (8) inch water line and fire hydrants every 300 feet as a condition of approval.

Chairman Rick Keeler requested the developer to respond to the commission.

Mr. Alfredo Carrera, 4010 Orchid Lane, Mansfield, TX 76063

Mr. David Hudgins asked developer, Mr. Alfredo Carrera, if he will disclose the inadequate fire flow to potential home buyers. Mr. Carrera responded that every decision Stella Rose Homes makes is ethical and legal. Mr. Carrera stated that he will work with Rockett Water Supply to bring up the water pressure.

Ms. Betty Square Coleman confirmed with Mr. Carrera that he plans to disclose the fire flow issues to home buyers. Mr. Carrera responded that the disclosure will be included in contracts. He reiterated his dedication to providing quality custom built homes and will do business transparently and look out for the best interest of their customers.

**Action:**

*Mr. David Hudgins moved to approve a request by Edison Calvopina, ES ARQ Studio, LLC for a Plat of Carrera Ranch for thirteen (13) residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020) as presented. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, David Hudgins, and Erik Test. Noes: Betty Square Coleman.*

***The motion carried.***

- 16. Consider a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: Durawn McDaniel (SUB-98-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into two (2) lots for single family residential use.

**Action:**

*Vice Chairman moved to approve a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: Durawn McDaniel (SUB-98-2021) as presented. Mr. Erik Test seconded, All Ayes.*

**17. Public Hearing on a request by Patty Dickerson, for a Specific Use Permit (SUP) for a Clothing Recycling Bin located at 402 N College Street (Property ID 193309) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021)**

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit to allow two (2) clothing recycling bins to be located at 204 E. Parks Ave. He noted the use of the bins helps with the church's mission budget to support various programs in Waxahachie. Mr. Webb stated that staff recommends approval per the following staff comments:

1. Maintenance issues should be addressed within 24 hours
2. No trash, litter, excess donation or debris of any kind shall be allowed to accumulate within 25 feet of the donation/collection box site
3. The donation/collection box and overflow donations or trash shall not physically or visually impede traffic
4. The donation/collection box shall not stray from its approved location as a result of maintenance or service
5. The structural integrity of the donation/collection box shall be maintained at all times; any damage to the boxes compromising the integrity of the box shall be repaired within 24 hours' notice of the damage
6. The visual integrity of the donation/collection box shall be maintained at all times; all required messages shall not be allowed to degrade; maintaining visual integrity of the boxes shall include removing any graffiti and rust, as well as repairing peeling paint or stickers (if required messages are displayed via sticker) within 24 hours' notice
7. Donations/collection boxes shall be regularly serviced at least once a week; this service shall include emptying all donations from the box and completing a maintenance check & report in which any trash or damage to the box or the box site is attended to and documented
8. The operator of the donation/collection box shall retain and monitor an active email address and phone number capable of receiving messages at all times

Chairman Keeler opened the Public Hearing.

Ms. Patty Dickerson, 606 Jordan Lane, Waxahachie, TX

Ms. Dickerson explained the church receives \$.003 per 100 pounds of recycled clothes. Central Presbyterian Church receives about \$100 a month from a company that refurbishes the donated clothes. Ms. Dickerson stated that the money raised is used to fund the church's mission budget for a snack program for students, breakfast for teachers, etc. Ms. Dickerson explained that they did see an issue with excess donations around the bin. She stated they have added a second bin and have dedicated church members to monitor the bins at least three times a week.

Ms. Betty Square Coleman recognized the church's efforts to increase their monitoring of the bins stating she noticed an improvement over the past month.

There being no others to speak for or against ZDC-136-2021, Chairman Keeler closed the Public Hearing.

**18. Consider recommendation of Zoning Change No. ZDC-136-2021**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Patty Dickerson, for a Specific Use Permit (SUP) for a Clothing Recycling Bin located at 402 N College Street (Property ID 193309) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021) as presented. Ms. Betty Square Coleman seconded, All Ayes.*

**19. Continue Public Hearing on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)**

Planning Manager Colby Collins presented the case noting the applicant is requesting approval of a Planned Development to allow for 101 multi-family units on 7.9 acres. Mr. Collins stated the case was presented at a previous meeting when the P&Z Commission voted to continue the case in order for the applicant to address concerns over emergency access and other minor issues. He noted the applicant addressed concerns by reducing parking from 235-190 and increased interior landscaping for the development; however, the concern of emergency access has not been addressed. Mr. Collins explained that two potential options recognized at the previous meeting would not be available due to narrow road on Young St. and the adjacent property's railroad easement. Due to the continued emergency access concern, staff is recommending denial.

Ms. Square Coleman asked Mr. Collins if thirty units would be the only option available with the current fire codes. Mr. Collins confirmed that with the current plan for ingress and egress, thirty units could be built with fire codes.

Chairman Keeler continued the Public Hearing.

Mr. Josh Dunlop, 2911 Magnolia Hill Court, Dallas, TX

Mr. Dunlop shared large copies of the proposed community designs. He stated the vast majority of the materials used will be stone and brick. Mr. Dunlop recognized the difficulty of finding a second entrance. He stated the main entrance is 44' wide asphalt, 10' of sidewalks, 5' median, and 15' of easements for a total of 70' at the entrance. Mr. Dunlop asked the commission to consider the purpose of the required 24ft. wide fire lane. Mr. Dunlop requested the commission to consider a variance vote.

Chairman Keeler responded that position of the P&Z Commission is to consider the fire code in this decision. He reiterated that many of the P&Z Commissioners have reached out to the applicant and want to help the development move forward; however, the fire code must be followed.

After further discussion, Mr. David Hudgins suggested continuing the case to further investigate opportunities to ease concerns in regards to emergency access. Mr. Dunlop agreed.

**20. Consider recommendation of Zoning Change No. ZDC-105-2021**

**Action:**

*Ms. Betty Square Coleman moved to continue a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

**21. Adjourn**

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Jami Bonner  
Assistant City Secretary