

Planning and Zoning Commission  
December 28, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, December 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  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Director of Planning  
Colby Collins, Planning Manager  
Zack King, Planner  
James Gaertner, Director of Public Works & Engineering  
Amber Villarreal, City Secretary  
Melissa Olson, 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 December 14, 2021
- b. Minutes of the Planning and Zoning Commission briefing of December 14, 2021

**Action:**

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

5. **Public Hearing on a request by Charles Lintakoon, Triten Real Estate Partners, for a Specific Use Permit (SUP) for Auto Parking Lot, Trucks and Trailers & Outdoor Storage use within a Light Industrial-1 (LI-1) zoning district located at 7240 N Interstate 35 (Property ID 186924) - Owner: AG-TREP WAXA PROPERTY OWNER LP (ZDC-203-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-203-2021.

6. **Consider recommendation of Zoning Change No. ZDC-203-2021**

No action taken.

7. **Public Hearing on a request by Peyton McGee, Kimley-Horn, for a Zoning Change from a Single Family-1 (SF1) zoning district to Planned Development Multi-Family-2 (PD-MF-2) located south of FM 813 and east of Brown Street (Property ID 175878, 175877, 175869) - Owner: LADD VIEN, (ZDC-204-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-204-2021.

8. **Consider recommendation of Zoning Change No. ZDC-204-2021**

No action taken.

9. **Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the January 11, 2022 Planning and Zoning Commission meeting.

10. **Consider recommendation of Zoning Change No. ZDC-146-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the January 11, 2022 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

11. **Consider request by Todd Wintters, Engineering Concepts & Design, LP, for a Plat of Cunningham Estates, Phase One, nine (9) Residential lots, being 44.592 acres, located South of the intersection of Old Maypearl Road & Cunningham Meadows Road, situated in the W. Lockwood Survey, Abstract 647 and the A. Ferguson Survey, Abstract 350, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 183334 & 187067) – Owner: REED EDWARD C EST ETAL (SUB-195-2021)**

Planner Zack King presented the case noting the applicant is requesting to plat the property into nine (9) lots for single-family residential use. Staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Todd Wintters, Engineering Concepts & Design, LP, for a Plat of Cunningham Estates, Phase One, nine (9) Residential lots, being 44.592 acres, located South of the intersection of Old Maypearl Road & Cunningham Meadows Road, situated in the W. Lockwood Survey, Abstract 647 and the A. Ferguson Survey, Abstract 350, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 183334 & 187067) – Owner: REED EDWARD C EST ETAL (SUB-195-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

- 12. Consider request by Drew Donosky, Claymoore Engineering, for a Development Plat of Waxahachie CDJR Addition, Lot 1, Block 1, being 5.033 acres, located at 2405 Interstate 35, situated in the William Payne Survey, Abstract 835 and the John B. Bounds Survey, Abstract 99, an addition to the City of Waxahachie (Property ID 220557) – Owner: WAXAHACHIE REALTY, LLC (SUB-198-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into one (1) lot for continued commercial use. Staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Drew Donosky, Claymoore Engineering, for a Development Plat of Waxahachie CDJR Addition, Lot 1, Block 1, being 5.033 acres, located at 2405 Interstate 35, situated in the William Payne Survey, Abstract 835 and the John B. Bounds Survey, Abstract 99, an addition to the City of Waxahachie (Property ID 220557) – Owner: WAXAHACHIE REALTY, LLC (SUB-198-2021). Vice Chairman Melissa Ballard seconded, All Ayes.*

- 13. Consider request by Andra Jones, for a Plat of 2636 Patrick Road Subdivision, lot 1, Block 1, being 1.700 acres, located at 2636 Patrick Road, situated in the Carter H. Hurst Survey, Abstract 456, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 197804) – Owner: CLAUDIA J GAUGHAN (SUB-202-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into one (1) lot for single-family residential use. Mr. King explained Ellis County requested a name change for the plat and the owner changed it to Jones Estate. Staff recommended approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Andra Jones, for a Plat of 2636 Patrick Road Subdivision, lot 1, Block 1, being 1.700 acres, located at 2636 Patrick Road, situated in the Carter H. Hurst Survey, Abstract 456, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 197804) – Owner: CLAUDIA J GAUGHAN (SUB-202-2021) as presented. Mr. Erik Test seconded, All Ayes.*

- 14. Consider request by Islam Diab, ADTM Engineering & Construction Corp., for a Plat of KSAM Highway 287, lots 1-2, Block A, being 4.022 acres, located at 1440 Farley Street, situated in the W. Calder Survey, Abstract 235 and the B. Davis Survey, Abstract 290, an addition to the City of Waxahachie (Property ID 181802) – Owner: KSAM LLC (SUB-206-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into two (2) lots for commercial use. Staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Islam Diab, ADTM Engineering & Construction Corp., for a Plat of KSAM Highway 287, lots 1-2, Block A, being 4.022 acres, located at 1440 Farley Street, situated in the W. Calder Survey, Abstract 235 and the B. Davis Survey, Abstract 290, an addition to the City of Waxahachie (Property ID 181802) – Owner: KSAM LLC (SUB-206-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

- 15. Consider request by Cody Nix for a Plat of Buena Vista Estates, Phase II, lots 1-3, Block A, being 16.699 acres, located directly west of 2349 FM 1446, situated in the Benjamin Wiltshire Survey, Abstract 1132, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 197828) – Owner: VICTOR BALLAS (SUB-207-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into three (3) lots for single-family residential use. Staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Cody Nix for a Plat of Buena Vista Estates, Phase II, lots 1-3, Block A, being 16.699 acres, located directly west of 2349 FM 1446, situated in the Benjamin Wiltshire Survey, Abstract 1132, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 197828) – Owner: VICTOR BALLAS (SUB-207-2021). Mr. Erik Test seconded, All Ayes.*

- 16. Consider request by Shawne Walker, Walker Land Surveying Company, for a Plat of Szymezak Addition, lot 1, Block A, being 6.631 acres, located at 2911 FM 878, situated in the Thomas Jackson Survey, Abstract 574, and the Samuel S. Wilson Survey, Abstract 1141, an addition to the City of Waxahachie (Property ID 275542) – Owner: GAIL SZYMCZAK (SUB-208-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into one (1) lot for single-family residential use. Staff recommended approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Shawne Walker, Walker Land Surveying Company, for a Plat of Szymezak Addition, lot 1, Block A, being 6.631 acres, located at 2911 FM 878, situated in the Thomas Jackson Survey, Abstract 574, and the Samuel S. Wilson Survey, Abstract 1141, an addition to the City of Waxahachie (Property ID 275542) – Owner: GAIL SZYMCZAK (SUB-208-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 17. Consider request by Claudio Segovia, J. Volk Consulting, Inc., for a Plat of Oasis at North Grove, Phase I, lots 1-8, 9X, 10-27, Block 1; Lots 1X, 2-16, Block 2; Lots 1X, 2-6, Block 3; Lots 1-26, Block 4; Lots 1-13, Block 5; Lot 14, Block 10; Lots 1 & 14, Block 11, being 27.098 acres, located east of Highway 77 and North of E North Grove Blvd, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262134) – Owner: JHD THE OASIS DEVELOPMENT, LLC (SUB-205-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into 88 single-family residential lots and 3 open space lots as part of the Oasis at North Grove Phase 1 subdivision. Staff recommended approval as presented.

**Action:**

*Mr. Jim Phillips moved to approve a request by Claudio Segovia, J. Volk Consulting, Inc., for a Plat of Oasis at North Grove, Phase I, lots 1-8, 9X, 10-27, Block 1; Lots 1X, 2-16, Block 2; Lots 1X, 2-6, Block 3; Lots 1-26, Block 4; Lots 1-13, Block 5; Lot 14, Block 10; Lots 1 & 14, Block 11, being 27.098 acres, located east of Highway 77 and North of E North Grove Blvd, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262134) – Owner: JHD THE OASIS DEVELOPMENT, LLC (SUB-205-2021). Mr. David Hudgins seconded, All Ayes.*

- 18. Continue Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)**

Chairman Keeler continued the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is requesting approval of a Planned Development to allow the development of single-family homes, townhomes, and park/open space on 153.7 acres. Staff reviewed the following changes from the December 14<sup>th</sup> meeting: total lot count reduced from 464 to 458 lots, revised single-family minimum dwelling unit square footage from 2,200 sq. ft. to 1,800 sq. ft., revised concept plan to show no front entry lots, added and defined 5 architectural influences, provided pocket parks to western portion of development, provided a mix of lot size types, added full masonry on lots backing thoroughfare, revised concept plan to show access easement for neighbors within Homeowner's Association open space lots, reduced maximum building height from 2.5 stories to 2 stories, and provided a sidewalk along FM 664. Mr. Collins also reviewed various lot size details and special exceptions/variance requests from the applicant regarding setbacks, lot coverage, park dedication, TxDOT land donation, and proposed thoroughfare/roadway impact fees. Staff recommended approval per the following comments:

1. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.
2. The property shall be platted prior to any construction development.
3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021).

Chip Boyd, 421 Century Way, Red Oak, Texas, explained the Commission was provided detailed architectural styles for homes in the development. He reviewed the various architectural styles explaining each home will have 3 of 5 architectural elements. The access easement is shown fully in the Homeowner's Association open space lot and noted there will be a sidewalk on FM 664.

He explained timing is an issue, and, therefore, respectfully requests a recommendation of approval or denial by the Commission.

The Commission expressed concerns with the architectural style renderings provided by the applicant and requested additional detail. Mr. Boyd explained they are unable to provide custom homes for all 458 lots but will provide higher quality product and amenities.

Commissioner David Hudgins inquired about the construction of the thoroughfare extension and Mr. Boyd explained construction would begin with development.

Commissioner Jim Phillips asked if the developer is open to limiting percentages of architectural styles and Mr. Boyd noted he is.

Ron Bunch, 707 Ovilla Road, Waxahachie, Texas, requested a buffer between the existing homes and the proposed development. He also requested the removal of the extended access road abutting the private access easement of the existing homes.

James Gaertner, Director of Public Works & Engineering, explained the city requested the road for future connectivity and explained detailed roadways would be addressed during the platting phase.

Clay Cox, 750 Mallory Drive, Waxahachie, Texas, concurred with Mr. Bunch on removing the proposed road from crossing his private access easement.

There being no others to speak for or against ZDC-162-2021, Chairman Keeler closed the Public Hearing.

**19. Consider recommendation of Zoning Change No. ZDC-162-2021**

**Action:**

*Mr. Erik Test moved to deny a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021). Vice Chairman Melissa Ballard seconded, All Ayes.*

**20. Continue Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)**

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval of a Planned Development to allow development of single-family homes, cottage style homes, retail/office, and park/open space on 188.46 acres. He reviewed the following changes from the December 14<sup>th</sup>

meeting: architectural diversity with 5 styles, 360-degree architecture, garage door orientation, lot type details, screening and buffer requirements, commercial development standards, amenities or improvements within parks and open space, maintenance of private improvements and common areas, and traffic patterns/congestion. Mr. Collins also reviewed special exceptions/variance requests for the development in regards to lot size, width, side yard setback, lot coverage, garage width, and garage door orientation.

Staff recommended approval per the following comments:

1. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.

Todd Wintters, 201 Windco Circle, Wylie, Texas, explained architectural styles were updated with 12% allowed for each style. He addressed traffic concerns and noted the developer will fully fund and coordinate with the City of Waxahachie and TxDOT for the design and installation of a traffic signal at the southern entrance to Montclair Heights. He explained the development has been updated to include mixed lot sizes, different elevations, and alleys.

Chairman Keeler noted he is not supportive of the elevations presented.

Terrence Jobe, 2415 Somerfield Drive, Midlothian, Texas, explained he can provide additional detailed elevations if that is the request of the Commission.

Those who spoke in opposition:

Richard Rozier, 4250 Black Champ Road, Waxahachie, Texas

Daniel Rozier, 4010 Black Champ Road, Waxahachie, Texas

Linda Romanenko, 2951 Longbranch Road, Waxahachie, Texas

It was the consensus of the Commission to allow additional time for the developer to provide distinctive elevation photos and add the following to the development agreement:

- No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
- Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- A minimum of seven (7) floor plans shall be used for each architectural style.

There being no others to speak for or against ZDC-188-2021, Chairman Keeler closed the Public Hearing.

## **21. Consider recommendation of Zoning Change No. ZDC-188-2021**

### **Action:**

*Mr. Erik Test moved to continue the Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021) to the January 11, 2022 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

**22. Adjourn**

The Planning & Zoning Commission wished Mr. Colby Collins the best of luck in his future endeavors and wished everyone a Happy New Year.

There being no further business, the meeting adjourned at 8:48 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary