

Planning and Zoning Commission
February 15, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, February 15, 2022 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
Jim Phillips
David Hudgins
Erik Test

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Eleana Tuley, Senior Planner
Zack King, Planner
James Gaertner, Director of Public Works and 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 January 25, 2022
- b. Minutes of the Planning and Zoning Commission briefing of January 25, 2022

Action:

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

5. **Consider request by Afshin Dehghan, for a Plat of Pisheh Place, Lot 1, Block A, being 4.977 acres, located at 1234 Boyce Road, situated in the Marion Woodard Survey, Abstract 1120, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 220770) – Owner: AFSHIN DEGHAN (SUB-214-2021)**

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

Action:

Vice Chairman Melissa Ballard moved to approve a request by Afshin Dehghan, for a Plat of Pisheh Place, Lot 1, Block A, being 4.977 acres, located at 1234 Boyce Road, situated in the Marion Woodard Survey, Abstract 1120, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 220770) – Owner: AFSHIN DEGHAN (SUB-214-2021) as presented. Mr. David Hudgins seconded, All Ayes.

- 6. Consider request by Claudio Segovia, for a Plat of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022)**

Mr. King presented the case noting the applicant is requesting to plat the subject property and dedicate 80 feet of right-of-way (ROW) as an extension of Vista Way with four (4) open space lots to serve as landscaped medians. The applicant is requesting a variance to dedicate 54' of ROW in lieu of the required 80' due to the existing ROW width of 60' in The Arbors Phase 2 subdivision. Staff recommends approval of the plat as presented and approval of the variance request.

Action:

Mr. David Hudgins moved to approve a request by Claudio Segovia, for a Plat of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022) and approve the variance request. Mr. Erik Test seconded, All Ayes.

- 7. Consider request by Marshall Patton, KFM Engineering & Design, for a Plat of Dove Hollow, Phase I, being 66.1542 acres, located at North E Grove Blvd and South of Grove Creek Road, situated in the J.W. Wright Survey, Abstract 1182, and the H. Sange Survey, Abstract 1009 an addition to the City of Waxahachie (Property ID 192636 and 192643) – Owner: GRBK EDGEWOOD LLC (SUB-2-2022)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into 224 single-family residential lots, 1 HOA lot, and 4 open space lots. Staff recommended approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Marshall Patton, KFM Engineering & Design, for a Plat of Dove Hollow, Phase I, being 66.1542 acres, located at North E Grove Blvd and South of Grove Creek Road, situated in the J.W. Wright Survey, Abstract 1182, and the H. Sange Survey, Abstract 1009 an addition to the City of Waxahachie (Property ID 192636 and 192643) – Owner: GRBK EDGEWOOD LLC (SUB-2-2022) as presented. Mr. David Hudgins seconded, All Ayes.

8. **Consider request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lots 9R & lot 11, Block 1, to create Lots 9R1 & 9R2, Block 1, Broadhead Addition, two Residential Lots, being 5.709 acres (Property ID 148087) in the Extra Territorial Jurisdiction – Owner: ROBERT E JENNINGS (SUB-121-2021)**

Mr. King presented the case noting the applicant is requesting to replat the subject properties into two (2) lots for single-family residential use. Staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lots 9R & lot 11, Block 1, to create Lots 9R1 & 9R2, Block 1, Broadhead Addition, two Residential Lots, being 5.709 acres (Property ID 148087) in the Extra Territorial Jurisdiction – Owner: ROBERT E JENNINGS (SUB-121-2021). Mr. Erik Test seconded, All Ayes.

9. **Public Hearing on a request by Iyke F. Enemo, IYCAN Investments, LLC, for a Replat of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr Martin Luther King Jr Blvd, (Property ID 171251) – Owner: IYCAN INVESTMENTS, LLC (SUB-209-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the subject property into two (2) lots for single-family residential use. The applicant is requesting a variance to dedicate 10' of ROW in lieu of the required 27.5' due to the location of an existing home on the property. Staff recommends approval of the plat as presented and approval of the variance request.

Commissioner Erik Test confirmed that if TxDOT decides to widen Dr. MLK, Jr. Blvd. there will be an issue of right-of-way acquisition. Mr. King explained there are currently several homes along the road that would need to be removed if TxDOT expands the road.

Commissioner Betty Square Coleman expressed opposition to replatting the larger lot into two smaller lots. She asked if sidewalks will be required and James Gaertner, Director of Public Works and Engineering, explained a Certificate of Occupancy will not be issued until sidewalks are completed on new construction.

There being no others to speak for or against SUB-209-2021, Chairman Keeler closed the Public Hearing.

10. **Consider approval of SUB-209-2021**

Action:

Mr. David Hudgins moved to approve a request by Iyke F. Enemo, IYCAN Investments, LLC, for a Replat of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr Martin Luther King Jr Blvd, (Property ID 171251) – Owner: IYCAN INVESTMENTS, LLC (SUB-

209-2021) and approve variance request. Vice Chairman Melissa Ballard seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: Betty Square Coleman.

The motion carried.

11. Public Hearing on a request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Single-Family-1 (PD-SF-1). Mr. King explained the proposed development is to be a low-density residential subdivision that blends with the existing residential development along Black Champ Road. The applicant has opted not to propose varied architectural style requirements for the development. If City sewer lines are extended to the subject property and are available at the time of development, the applicant is proposing a minimum lot size of 0.5 acre. If City sewer lines are not available at the time of development, the applicant is proposing a minimum lot size of 1.0 acre. Staff recommends approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Prior to platting, a detailed site plan shall be required to be administratively reviewed and approved by the Planning Department. The detailed site plan shall include a landscape plan.

Mr. King reported the applicant is proposing 75% masonry standard for the traditional style homes and is meeting or exceeding all development standards for Single-Family-1 zoning. He explained ten letters of opposition were received from five property owners.

Those who spoke in opposition:

Janet Schiemann, 3821 Black Champ Road, Waxahachie, Texas
Daniel Rozier, 4010 Black Champ Road, Waxahachie, Texas
Melissa Baker, 3630 Black Champ Road, Waxahachie, Texas
Kathy Moody, 4001 Black Champ Road, Waxahachie, Texas
Shirley Trull, 4261 Black Champ Road, Midlothian, Texas
Ellen Saltzman, 4231 Black Champ Road, Waxahachie, Texas
Tom Baker, 3630 Black Champ Road, Waxahachie, Texas
Jeff Barton, 3650 Black Champ Road, Waxahachie, Texas

Chairman Keeler inquired about drainage in the area and James Gaertner, Director of Public Works and Engineering, explained that will be addressed at a later time. He noted the request at this time is for the zoning change.

Mr. Gaertner explained the City performed a traffic count at this location and the numbers were under the maximum capacity for a rural road. Mr. Gaertner noted civil plans will be reviewed during the platting process.

Commissioner Test confirmed Black Champ Road is maintained by Ellis County and the City has no authority to require maintenance or upgrades by Ellis County. Mr. Gaertner explained the City would make recommendations to Ellis County and work with them to improve the road.

Council Member Melissa Olson explained citizens may contact City Council to request a tree preservation ordinance.

Naveen Khammampati, Civil Engineer, explained the current zoning on the property would allow commercial or light industrial use and the developer agrees a residential subdivision is a better use for the site. He explained the developer is working with staff to address drainage, traffic safety on Black Champ Road, and will work with other utility companies to address adjacent property owner concerns with the lack of accessibility.

The Commission inquired about the consideration of shrubs or vegetative screening to the adjacent property owners, add stop sign to northern intersection, left and right turn lanes leaving the development, and possibility for homeowners to work with the developer to leave the trees in place behind the current properties on Black Champ Road. Mr. Khammampati was agreeable to considering recommendations from the Commission and adjacent property owners. The Commission expressed support for reviewing the detailed site plan at a future meeting.

There being no others to speak for or against ZDC-217-2021, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-217-2021

Action:

Mr. Erik Test moved to approve a request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021) per staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.

13. Adjourn

Commissioner Betty Square Coleman announced February is Black History Month.

Commissioner David Hudgins confirmed only the zoning was approved for ZDC-217-2021. Executive Director of Development Services Shon Brooks explained the Commission approved the zoning per staff comments requesting the detailed site plan be reviewed and approved administratively by staff. Mr. Brooks explained the engineering is approved by staff.

Planning Director Jennifer Pruitt confirmed the plat will be approved by the Planning & Zoning Commission at a later date.

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Council Member Melissa Olson explained City Council can consider review of the detail site plan by the Planning & Zoning Commission.

There being no further business, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Amber Villarreal

City Secretary