

Planning and Zoning Commission
April 26, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 26, 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
Jim Phillips
Erik Test

Members Absent: Betty Square Coleman
Bonney Ramsey
David Hudgins

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Eleana Tuley, Senior Planner
Zack King, Planner
Macey Martinez, Graduate Engineer
Jami Bonner, Assistant 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 April 12, 2022
- b. Minutes of the Planning and Zoning Commission briefing of April 12, 2022

Action:

Vice Chairman Melissa Ballard moved to approve items a. and b. on the Consent Agenda. Mr. Erik Test seconded, All Ayes.

5. **Consider request by Josh & Amy Rader, for a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021)**

Planner Zack King presented the case noting the applicant is requesting to plat the subject property into four (4) lots for single family residential use. Mr. King explained the City of Waxahachie Thoroughfare Plan identifies an 80' Thoroughfare running along the eastern boundary of the subject property and as part of the platting process, the applicant is required to provide a 40' Right-

of-Way (ROW) dedication along the eastern property line. Due to this requirement, the applicant is requesting a variance for Petition for Hardship Waiver because of existing structures located in the proposed ROW dedication. Mr. King noted that staff and the applicant discussed moving the ROW dedication to align with Cunningham Meadows Rd., however the applicant stated there are future plans for the property. Based on the variance request, Mr. King reported that staff recommends disapproval.

Mr. Erik Test requested clarification on location of existing structures. Mr. King responded that the structures are located within the proposed 40' ROW dedication. Mr. Test requested clarification on the effect of approving the plat, but disapproving the variance request. Mr. King responded that in order for the applicant to file the plat, the applicant would need to revise the plat to reflect the 40' ROW dedication per Section 3.1 of the subdivision ordinance.

Chairman Keeler asked if the adjoining property to the east had structures and would they be effected by a ROW dedication on their property. Mr. King replied that there is a structure located within 40' of the property line that would be effected by a ROW dedication requirement. Mr. King noted that the structures on both properties were built prior to the latest City Thoroughfare Plan being adopted in 2016.

Mr. King explained the applicant is a co-owner of a property located to the east of the subject property. He stated there was discussion with the applicant to possibly move the ROW dedication to the property to the east to connect with Cunningham Meadows Rd., but ultimately the applicant was not in favor because of future plans for the property.

Amy Rader, 2974 FM 66, Waxahachie, Texas, stated the reason she is requesting the Petition for Hardship Waiver is because her family's home, which was built in the 1970s, is located in the proposed ROW dedication. Ms. Rader stated she is the trustee on her parents' trust for the property located to the east and her siblings have purchased portions of the property to build on in the future. She stated there are already "tiny homes" placed on the property that would be affected by moving the proposed ROW dedication to the property to the east.

Mr. Test asked if the County's Thoroughfare Plan goes through the subject's property. Mr. King replied that County does not currently show the City's Thoroughfare Plan on the County's Thoroughfare Plan. Mr. Test inquired if the County could approve the Plat without City approval. Mr. King replied that the City has platting authority and the County could not consider the plat if it is denied by the City. Executive Director of Development Services Shon Brooks noted that due to the variance request, the P&Z Commission is a recommending body and City Council will have final consideration.

Action:

Mr. Erik Test moved to approve a request by Josh & Amy Rader, for a Plat of Rader Ranch, Lots 1-4, Block A, being 16.982 acres, located at 2832 FM 66, 4 Residential Lots, situated in the P. Olivari Survey, Abstract 812, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 188585 & 188580) – Owner: ZOE LLC & RADER JOSH & AMY RADER (SUB-139-2021) and Petition for Hardship Waiver. Vice Chairman Melissa Ballard seconded, All Ayes.

6. Public Hearing on a request by Chad Adams, Oakhull Investments, LLC, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district, located off of Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022)

Chairman Keeler opened the Public Hearing.

Senior Planner Eleana Tuley presented the case noting the applicant is requesting to rezone approximately 150 acres from Future Development to Planned Development with base zoning of SF-1 to allow for one (1) acre single family lots. Ms. Tuley reported the applicant is proposing to modify two provisions within the SF-1 district standards including modifying the minimum lot area from 16,000 sf to 43,560 sf and also requiring all garages located in the development will be side-entry garages or j-swing garage. She reported the applicant will adhere to architectural guidelines and promote architectural diversity throughout the residential development. Staff recommends approval per the following comments:

1. A mutually agreed Development Agreement will be required for the development.
2. The Applicant will need to undergo the City's typical development process which includes submitting a plat application, civil plan application, and subsequent building permits for the construction of each dwelling unit.

Mr. Phillips inquired if there are landscapes plans that include berming where the proposed trees are located. Mr. Tuley replied that there is no berm included in the plan.

Chad Adams, 1360 Trophy Court West, Midlothian, Texas, expressed gratitude for City staff for providing feedback and ideas during the process.

Vice Chairman Melissa Ballard asked if the applicant would consider including Crape Myrtles in the landscape plan. Mr. Adams replied that the plan does include Crape Myrtles.

Mr. Test inquired if clear definitions for the architectural styles were included in the plan. Mr. Adams replied that they worked with staff to include visual presentation and specific items listed that would allow the developer to manage the quality of the homes and allow for market demand.

Those that spoke in opposition:

Pete Seibert, 2863 Hunter Rd., Waxahachie, Texas

There being no others to speak for or against ZDC-27-2022, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of Zoning Change No. ZDC-27-2022

Action:

Mr. Jim Phillips moved to approve a request by Chad Adams, Oakhull Investments, LLC, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development –

Single Family – 1 (PD-SF-1) zoning district, located off of Howard Road (Property ID 182020) - Owner: ANDERSON KAREN S IRREVOCABLE TRUST & CHRISTIAN ANDERSON FOUNDATION (ZDC-27-2022). Vice Chairman Melissa Ballard seconded, All Ayes.

8. 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 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022)

Chairman Keeler opened the Public Hearing.

Mr. King presented the case history and noted the applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres. He noted the zoning change is contingent upon City Council approving the proposed annexation case for the property that will be considered by City Council on May 2, 2022. Mr. King provided highlights on lot types, architectural styles, floorplans and amenities.

Mr. King explained per the City of Waxahachie Subdivision Ordinance, a cash-in-lieu fee of \$400 per lot is required which would total \$183,000. The applicant requests the City to accept a portion of the proposed open space in satisfaction of the dedication requirement or waive the cash-in-lieu fee of \$400 per lot. The applicant's response stated the required park dedication for the project is two acres for each 100 dwelling units, which amounts to 9.16 acres. The concept plan reflects approximately 29.8 acres of open space.

Mr. King explained per the City of Waxahachie Subdivision Ordinance, applicants are required to pay Roadway Impact Fees and Inspection Fees for new constructed developments. The applicant's response states the concept plan reflects a 40 ft. right-of-way dedication. The plan proposes to construct two-lanes of the roadway with the Twin Creeks development. The applicant requests Roadway Impact Fee Credits in the amount of \$1,095 for each residential lot totaling \$508,080. Mr. King noted the applicant estimates the construction of two lanes of the roadway will exceed \$2,000,000. Mr. King reported the Roadway Impact Fees due with the development are estimated to be approximately \$1.1 million and staff is supportive of the requested Roadway Impact Fee Credits.

Mr. King stated staff recommends approval per the following comments:

1. If approved, a mutually agreed upon Development Agreement shall be signed by the applicant.
2. The property shall be platted prior to any 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-14-2022) for this property.

Mr. Test inquired on the purpose of the applicant's variance request to hold in reserve the TxDOT proposed right-of-way area in reserve. Mr. King replied that the City can only require the City's Thoroughfare Plan ROW dedication during platting, but TxDOT's plan looks to require a larger ROW dedication. The applicant is requesting to hold the land indicated in TxDOT's plan in

reserve. Mr. King noted the applicant's request is not necessarily a variance request, but a special exception request.

Those that spoke in opposition:

Ron Bunch, 707 Ovilla Rd., Waxahachie, Texas

The Commission discussed opportunities to protect Mr. Bunch's easement to access his property.

Those that spoke in support:

Floyd Bates, 6191 Honeysuckle Rd., Midlothian, Texas

Chip Boyd, 421 Century Way, Red Oak, Texas, expressed appreciation to staff and presented the development's concept plan.

Mr. Test commended Mr. Boyd and his team on the architectural plans and asked for clarification on the TxDOT dedication request. Mr. Boyd replied that TxDOT has not reached out to the applicant in regards to a ROW dedication, but it is understood that TxDOT does have a plan for improvements. Mr. Boyd stated they are holding the land in reserve, but requests to have negotiations with TxDOT before dedicating the land.

Mr. Test asked if the applicant was aware of the neighboring development's requirement to build the road prior to development construction. Mr. Boyd replied he was not aware of the requirement, but they are open to entertain the same.

Mr. Test addressed Mr. Bunch's concern in regards to the stub street accessing his right-of-way easement. Mr. Boyd replied that the applicant is not interested in impeding on Mr. Bunch's easement, but understands the City's desire to provide a stub street to connect potential future developments. Mr. Boyd stated he is willing to discuss options to protect Mr. Bunch's easement.

Chairman Keeler thanked the applicant for the effort put forth in improving the architectural styles. He asked for confirmation that no variances or modifications were made to the plan between the previous presentation and present other than the setbacks presented. Mr. Boyd confirmed no new variances or modifications were being requested other than the revised side setbacks in order to allow side access garage.

Chairman Keeler expressed support of including a percentage of alley ways / rear access as previously required for similar developments. Mr. Boyd stated he can appreciate the desire for standards, but asked the Commission to consider each Planned Development on its own. Mr. Boyd noted the applicant revised the plan to include side access garages, but would be willing to revisit with staff to review opportunities to include alley ways without impeding on the number of lots.

Mr. Phillips requested the applicant to consider having only one 1,300 sf townhome in a three to four townhome block. Mr. Boyd replied that the applicant could include a caveat to include no more than one 1,300 sf townhome in a building.

Council Member Melissa Olson noted that City Council has discussed potential burdens in regards to alley ways. She also expressed concerns with the requested variances and the zoning request change.

There being no others to speak for or against ZDC-7-2022, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of Zoning Change No. ZDC-7-2022

Action:

*Mr. Jim Phillips moved to approve a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-7-2022) per staff comments, limiting one 1,300 sq. ft. home per townhome, removal of the stub street, but maintaining and acquiring the right-of-way to be shown on final plat, supporting applicant and staff determining appropriate percentage of alley ways within the development, supporting the variance requesting special exceptions to Type C lot proposed minimum lot size of 8,400 sq. ft., Type D lot proposed minimum lot size of 7,200 sq. ft., Townhome proposed lot size for front entry lots of 3,080 sq. ft., Townhome proposed lot size for rear entry lots of 3,940 sq. ft., Type A lot proposed minimum lot width of 70', Type B lot proposed minimum lot width of 70', Type C lot proposed minimum lot width of 60', Type D lot proposed minimum lot width of 50', SF3 proposed minimum front yard setback of 25 ft., Townhome rear entry lots proposed minimum front yard setback of 10 ft., SF3 proposed minimum front yard setback of 15 ft., Townhome rear entry lots proposed minimum rear yard setback of 20 ft., SF3 Type C & D lots proposed minimum side yard setback of 5 ft. on interior lots, SF3 Type A & B lots proposed minimum side yard setback of 5 ft. on one side and 10 ft. on the opposite side of each lot, Townhome rear entry lots proposed minimum side yard setback of 15 ft. when adjacent to ROW, Type C & D lot proposed maximum lot coverage of 55%, Townhome proposed maximum lot coverage of 70%, supporting the variance request for Roadway Impact Fee Credits, supporting the request for City's concurrence that land donation to TxDOT not be a condition of development of the property, and supporting the City accepting a portion of the proposed open space in satisfaction of the Park dedication requirement or waive the cash-in-lieu fee of \$400 per lot. Mr. Erik Test seconded, **All Ayes.***

10. Adjourn

Commissioner Jim Phillips offered prayers for Commissioner David Hudgins and Commissioner Bonney Ramsey.

There being no further business, the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary