

Planning and Zoning Commission  
November 15, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, November 15, 2022 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present:     Melissa Ballard, Vice Chairman  
                              Betty Square Coleman  
                              Bonney Ramsey  
                              David Hudgins  
                              Ron Ansell

Members Absent:     Rick Keeler, Chairman  
                              Erik Test

Others Present:     Shon Brooks, Executive Director of Development Services  
                              Jennifer Pruitt, Senior Director of Planning  
                              Zack King, Senior Planner  
                              Macey Martinez, City Engineer  
                              Amber Villarreal, City Secretary  
                              Chris Wright, Council Representative

1.     **Call to Order**
2.     **Invocation**

Vice Chairman Melissa Ballard called the meeting to order. Mr. Ron Ansell gave the invocation.

3.     **Public Comments**

None

4.     **Consent Agenda**

- a.     Minutes of the regular Planning & Zoning Commission meeting of October 25, 2022
- b.     Minutes of the Planning and Zoning Commission briefing of October 25, 2022

**Action:**

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

5.     **Public Hearing on a request by Jennifer and Alex Lohmann, Reindeer Manor, for a Specific Use Permit (SUP) for an Indoor Amusement use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley**

Vice Chairman Ballard announced the applicant requested to withdraw the case.

6.     **Consider recommendation of Zoning Change No. ZDC-133-2022**

**Action:**

*No action taken.*

- 7. Consider a request by Lynn Rowland, Claymoore Engineering, for a Replat of Lot 2, Block A of the Austin Industrial Park, 1 commercial lot, being 7.22 acres in size, located directly West of N Interstate 35E and 4100 N Interstate 35E, (Property ID: 140093 & 254633) – Owner: PC5 PROPERTIES LLC (SUB-67-2022) Staff: Zack King**

Senior Planner Zack King presented case noting the applicant is proposing to replat the subject property into one (1) lot for commercial use and staff recommends approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Lynn Rowland, Claymoore Engineering, for a Replat of Lot 2, Block A of the Austin Industrial Park, 1 commercial lot, being 7.22 acres in size, located directly West of N Interstate 35E and 4100 N Interstate 35E, (Property ID: 140093 & 254633) – Owner: PC5 PROPERTIES LLC (SUB-67-2022). Ms. Bonney Ramsey seconded, All Ayes.*

- 8. Public Hearing on a request by Joel Richey, Johnson Volk Consulting, for a Replat of Lots 1 & 2, Block 245 & 246 of the Town Addition, to create Lots 1-11, Block 1 of the Lake Park Estates subdivision, 11 residential lots, being 8.122 acres, located at 525 Lake Park Avenue, (Property ID: 171592) – Owner: FM 1446 LLC SERIES 17 (SUB-69-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to replat the subject property into ten (10) single-family residential lots and one (1) homeowner's association maintained open space lot and staff recommends approval as presented.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against SUB-69-2022, Vice Chairman Ballard closed the Public Hearing.

- 9. Consider approval of SUB-69-2022**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Joel Richey, Johnson Volk Consulting, for a Replat of Lots 1 & 2, Block 245 & 246 of the Town Addition, to create Lots 1-11, Block 1 of the Lake Park Estates subdivision, 11 residential lots, being 8.122 acres, located at 525 Lake Park Avenue, (Property ID: 171592) – Owner: FM 1446 LLC SERIES 17 (SUB-69-2022) as presented. Ms. Betty Square Coleman seconded, All Ayes.*

- 10. Consider a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lots 11-15 of the Highland Addition and part of Lots 3 & 4, Block 21 of the West End Addition, 2 commercial lots, being 1.810 acres, located at 1400 W Marvin Avenue (Property ID 176799) – Owner: WAXAHACHIE GLASS CORPORATION (SUB-85-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to replat the subject property into two (2) lots for commercial use and staff recommends approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lots 11-15 of the Highland Addition and part of Lots 3 & 4, Block 21 of the West End Addition, 2 commercial lots, being 1.810 acres, located at 1400 W Marvin Avenue (Property ID 176799) – Owner: WAXAHACHIE GLASS CORPORATION (SUB-85-2022). Ms. Betty Square Coleman seconded, All Ayes.*

- 11. Consider a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Replat of Lot 2B, Block A of the Park Place Professional Center, 2 commercial lots, being 4.797 acres, located at 104 Park Place Court (Property ID: 247585) – Owner: SNOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST (SUB-114-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to replat the subject property into two (2) lots for commercial use and staff recommends approval as presented. He noted a drainage study will be required before the property is developed.

**Action:**

*Mr. Ron Ansell moved to approve a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Replat of Lot 2B, Block A of the Park Place Professional Center, 2 commercial lots, being 4.797 acres, located at 104 Park Place Court (Property ID: 247585) – Owner: SNOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST (SUB-114-2022). Mr. David Hudgins seconded, All Ayes.*

- 12. Consider a request by Joe Langley, Park Meadows Church for a Replat of Econo-Craft Estates, Lots 1-8, Block 7 and a portion of the Thomas Shelby Survey, Abstract 1002, 2 commercial lots, being 6.297 acres, located at 3350 N Hwy 77 (Property ID: 174011) – Owner: PARK MEADOWS BAPTIST CHURCH (SUB-82-2022) Staff: Jennifer Pruitt**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting to replat the subject property into two (2) lots for commercial use and staff recommends approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Joe Langley, Park Meadows Church for a Replat of Econo-Craft Estates, Lots 1-8, Block 7 and a portion of the Thomas Shelby Survey, Abstract 1002, 2 commercial lots, being 6.297 acres, located at 3350 N Hwy 77 (Property ID: 174011) – Owner: PARK MEADOWS BAPTIST CHURCH (SUB-82-2022) as presented. Mr. Ron Ansell seconded, All Ayes.*

- 13. Consider a request by Mike Siefert, Lookout Partners LP, for a Replat of Lot 2R1-BR2, Waxahachie Civic Center, 2 commercial lots, being 4.4678 acres, located northwest of the intersection of John Arden Road and Rae Boulevard (Property ID: 208655) – Owner: LOOKOUT PARTNERS LP (SUB-89-2022) Staff: Jennifer Pruitt**

Ms. Pruitt presented the case noting the applicant is requesting to replat the subject property into two (2) lots for commercial use and staff recommends approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Mike Siefert, Lookout Partners LP, for a Replat of Lot 2R1-BR2, Waxahachie Civic Center, 2 commercial lots, being 4.4678 acres, located northwest of the intersection of John Arden Road and Rae Boulevard (Property ID: 208655) – Owner: LOOKOUT PARTNERS LP (SUB-89-2022). Ms. Betty Square Coleman seconded, All Ayes.*

- 14. Consider a request by Montfort Capital Partners LLC for a Plat of Montfort Brown, Lot 1, Block A, being 4.073 acres, located at 3103 FM 813, situated in the J.B. & A. Adams Survey, Abstract 5 and the R. Russell Survey, Abstract 911, an addition to the City of Waxahachie and in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 289961) – Owner: BROWN STREET STORAGE LP (SUB-107-2022) Staff: Jennifer Pruitt**

Ms. Pruitt presented the case noting the applicant is requesting to plat the subject property into one (1) lot for commercial use and staff recommends approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Montfort Capital Partners LLC for a Plat of Montfort Brown, Lot 1, Block A, being 4.073 acres, located at 3103 FM 813, situated in the J.B. & A. Adams Survey, Abstract 5 and the R. Russell Survey, Abstract 911, an addition to the City of Waxahachie and in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 289961) – Owner: BROWN STREET STORAGE LP (SUB-107-2022) as presented. Ms. Betty Square Coleman seconded, the vote was as follows: Ayes: Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and David Hudgins. Noes: Ron Ansell.*

***The motion carried.***

- 15. Public Hearing on a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-123-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to amend the previously approved Specific Use Permit (SUP) for the Starbucks drive-through establishment along Highway 77. Mr. King noted the applicant requests to remove references to the Staff Report from the zoning

ordinance to clarify what is truly required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP:

- “If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.”

Apart from these changes, the applicant has proposed minor grammar changes throughout the ordinance. Staff has no concern with these proposed changes.

Development Agreement:

The applicant is requesting the following substantive changes to the development agreement:

- References to the Staff Report are also removed from the development agreement to clarify what is truly required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Instrument No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

Staff and legal counsel have reviewed the proposed changes to the Development Agreement and staff recommends approval.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against ZDC-123-2022, Vice Chairman Ballard closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-123-2022**

**Action:**

*Mr. Ron Ansell moved to approve a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-General Retail zoning district located*

*1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-123-2022). Mr. David Hudgins seconded, All Ayes.*

**17. Public Hearing on a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to amend the previously approved Specific Use Permit (SUP) for an auto parts and accessory sales use (O'Reilly's) along Highway 77. The applicant requests to remove references to the Staff Report from the zoning ordinance to clarify what is genuinely required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP:

- “If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.”

Apart from these changes, the applicant has proposed minor grammar updates throughout the ordinance. Staff has no concern with these proposed changes.

Development Agreement

The applicant is requesting the following substantive changes to the development agreement:

- References to the Staff Report are also removed from the development agreement to clarify what is genuinely required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Inst.t No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

Staff and legal counsel have reviewed the proposed changes to the Development Agreement and staff recommends approval.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against ZDC-127-2022, Vice Chairman Ballard closed the Public Hearing.

**18. Consider recommendation of Zoning Change No. ZDC-127-2022**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022) per staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

**19. Public Hearing on a request by Osberto Geno, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting to construct an accessory structure greater than 700 square feet (2,520 square feet) to the side and rear of a single-family residential lot. Staff received three (3) letters of support and recommend approval per the following staff comments.

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Vice Chairman Ballard opened the Public Hearing.

There being no others to speak for or against ZDC-131-2022, Vice Chairman Ballard closed the Public Hearing.

**20. Consider recommendation of Zoning Change No. ZDC-131-2022**

**Action:**

*Mr. David Hudgins moved to approve a request by Osberto Geno, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022) per staff comments. Mr. Ron Ansell seconded, All Ayes.*

**21. Public Hearing on a request by John Poston, for a Zoning Change from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential (Brookside PD), located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting approval of a Planned Development to allow a mixed-use development that includes commercial, single-family, multi-family, and park/open space tracts on 347 acres. He noted that staff still has multiple outstanding comments for the applicant to address on the proposal and has not considered the application complete. However, the applicant asked for the case to be placed on the agenda for consideration by the Commission and the City Council. Mr. King explained an annexation request was also submitted by the applicant and will be considered by City Council on November 21, 2022, contingent upon approval of the zoning case. There have been 13 letters of opposition received from property owners. The applicant is requesting a Public Improvement District for the development and a waiver of park dedication fees estimated at \$560,000. Mr. King explained staff's concern regarding the general lack of development standards proposed with the PD Concept Plan. The concept plan identifies various use types, screening, buffering, amenity, lot layout, and design elements, but the proposal does not provide sufficient detail for staff to understand how these items will be regulated and how the development will function cohesively. Beyond the lack of development standards needed to properly guide the development, specific staff concerns are addressed in detail below.

PID Rate & Value for Future Owners:

The PID proposed by the applicant with this project is intended to facilitate the construction of development that provides amenities, home choices, and a community design that is far and above what is typically possible and currently available in Waxahachie. The applicant has clearly stated their intention to construct such a development; but the current zoning ordinance and development agreement do not contain the level of detail necessary to guarantee the elevated development expected. The proposed PID rate of \$0.39 is a very high assessment that effectively constitutes an additional property tax that is equivalent to approximately 59% of Waxahachie's current property tax rate. In return for such a significant assessment, staff expects this development to provide the absolute highest level of quality and design possible. The applicant has been unable to provide the level of detail and development standards for the project needed for staff to justify the proposed PID.

Access:

As noted previously, all four (4) access points proposed for the development funnel down to the single intersection of Brookside Road, Kelly Bend, and the I-35 Service Road at the southeastern corner of the subject property. The applicant has provided a Traffic Impact Analysis (TIA) for the development to address potential concerns regarding traffic. However, the TIA indicates that the existing intersection can only support some of the proposed development and that full buildout of the development would result in unacceptable levels of traffic at this intersection. The TIA goes on to note that signalization of the intersection could improve traffic conditions, but does not offer a recommendation of when to install the signal. Should the Kelly Bend, Brookside Road, and I-35 Service Road intersection become inaccessible both residents and emergency responders alike would be unable to access or leave the development. Due to this, staff has significant concern regarding traffic generated by the development following Phase 1.



Density:

The net single family residential density proposed with the development is 5.3 dwelling units per acre (DUA). The net proposed density for the multi-family portion of the development is 17.0 DUA. As noted previously, the total net density for the development equates to 7.52 DUA. Staff has specific concerns regarding the high density proposed for the single-family portion of the development. A density of 5.3 DUA is a significant departure from comparable recently approved planned developments, which provide net single-family residential densities between 3.5 and 4.0 DUA. Staff is concerned that the level of detail in terms of development standards for the proposed amenities and design of the project are insufficient to justify a density of 5.3 DUA as proposed by the applicant.

Proposed Multi-Family:

The multi-family tracts proposed with this development are not clearly defined. The applicant has provided development standards indicating that only up to 600 multi-family units will be permissible with this development; but has not given sufficient detail for staff to understand how the multi-family tracts will function or develop. A detailed site plan for these tracts would require approval by the Planning & Zoning Commission and City Council. However, if this Planned Development is approved, the multi-family tracts would only be required to develop in accordance with the typical standards of the Waxahachie Multiple Family-2 (MF-2) zoning district. This would not provide the Planning & Zoning Commission or City Council the opportunity to evaluate the design of the multi-family complexes and ensure they compliment the rest of the development. This existing saturation of multi-family tracts and the entitlement of an additional 600 multi-family dwelling units is also a staff concern. The City of Waxahachie currently has over 4,400 multi-family units that currently have zoning approval; but have not yet been built. It is important to note that over 3,000 of these unbuilt, zoning entitled multi-family units are located in the Emory Lake PD; which is directly west of the subject property.

Amenity Standards:

The applicant has proposed a significant amount of park and open space acreage with this development. However, staff is still concerned that the development standards regulating the amenities to be provided within the park and open space tracts is lacking. The applicant has provided sufficient definition of the amenities to be provided in the neighborhood parks and amenity center within the development; but falls short of completely detailing how the remainder of the open space will be amenitized and activated for residents. While staff supports the protection of natural open space areas within the development, there is still a need for these spaces to be functionally accessible to residents for leisure or recreation. If these areas are not activated for residents, they cannot be considered a true amenity for residents. Staff is concerned that the design of the development is not sufficiently defined within the proposed development standards in order to confirm that the development has been amenitized to a degree sufficient to justify a PID. The applicant has not provided development standards that detail unique street lights, art installations, landscaping themes, or material usage for public spaces that could serve as passive amenities to enhance the project as a whole.

Architectural Styles:

As noted previously, the applicant is proposing five (5) unique architectural home styles with this development; which will constitute a total of 60% of the single-family housing products available. Staff is supportive of the unique conceptual styles proposed, but is concerned that they are not

properly defined. There is no provision in the proposed development standards to regulate the architectural features that constitute a particular architectural style. Each unique architectural style needs to be clearly defined in significant detail in order to properly convey what kind of homes are expected to be constructed with the development. Proper definition of the requirements for each architectural style will allow staff, the Planning & Zoning Commission and City Council to evaluate the compatibility of each home style with the overall design of the development.

Phasing:

The applicant is proposing to construct the development in six (6) phases. A general timeline for the development is not provided, but buildout is anticipated to occur in 2029. Staff is concerned with the number of dwelling units proposed with the first two phases of the development. Both multi-family tracts are proposed to be developed in the first two phases of the development which means there will be approximately 940 dwelling units in place with the first two phases of the project. Considering the amenity center is not proposed to be in place until Phase 3 of the development, staff has significant concerns regarding the amenities available to residents throughout the initial phases of the project. Staff recommends adjusting the phasing plan of the development to include the amenity center in Phase 1 of the project and remove the multi-family tracts from the first two phases.

Garages:

The applicant has proposed several development standards aimed at reducing front entry garages within the development. These standards do elevate the project by reducing the potential for monotony in the streetscape, but staff is concerned that the provisions are not sufficient to justify a PID for the development. Staff suggests the applicant revise the proposed development standards for garages to either eliminate front entry garages entirely or significantly reduce the number of front entry garages proposed. Staff is also concerned that the front entry garages proposed with the development are not required to be recessed which may detract from the overall architectural design of the homes.

Retail & Commercial Uses:

The retail tracts proposed with this development are not currently clearly defined. The applicant has included a provision in the development standards for the development that notes that the retail tracts shall develop in accordance with Section 3.16 of the Waxahachie Zoning Ordinance, the General Retail (GR) zoning district. A detailed site plan for these tracts would require approval by the Planning & Zoning Commission and City Council; however, staff is concerned that the general design of development in the retail tracts is not defined. The applicant has an opportunity to provide development standards for the retail tracts that ensure the construction material, architectural design, and landscaping of the retail tracts complement and elevate the residential portions of the project.

Screening & Buffering:

The applicant has proposed a variety of screening and buffering options for the development, but needs to provide more detail to identify why the proposed options are appropriate. Staff has concerns regarding the screening and buffering gaps located on the concept plan that are currently unexplained. Staff is also concerned that the proposed screening for the multi-family tracts may be insufficient or inappropriate due to the fact that it is not known how these tracts will develop. Finally, staff has concern regarding the lack of development standards proposed for the 25'

landscape buffer along Brookside Road. It is currently unclear who is responsible for maintaining the area and what type of landscaping is required in the area.

Zoning Ordinance & Development Agreement Language:

As noted previously, staff has general concerns regarding the lack of development standards included with the proposed Zoning Ordinance and Development Agreement; however, staff has additional concerns regarding the language that is currently present in these documents. The applicant has not yet provided staff with a revised Zoning Ordinance and Development Agreement that address staff comments ranging from minor typos to the waiver of fees and access requirements for the development. Staff would like to note that a general agreement has been reached with the developer on how to address these comments, but nonetheless we have not received revised language from the developer to satisfy all outstanding comments.

Vice Chairman Ballard opened the Public Hearing.

John Poston, 2215 Cedar Springs Road, Dallas, Texas, explained he is invested in the community and wants to add a quality development to Waxahachie.

Mike Levkulich, Landscape Architect and Planner, 1547 Kings Highway, Dallas, Texas, presented an overview of the development addressing site drainage, school site, density, trail connection, garages, traffic impact, multi-family, amenity standards, and screening and buffering. He explained the development has incorporated elements of the Comprehensive Plan currently being updated.

Commissioner Bonney Ramsey expressed concern with the traffic funneling to one exit at Brookside Road and I35E and inquired why the proposed school site is at the rear of the development.

Mr. Poston stated he spoke with Superintendent Dr. Jerry Hollingsworth and he was satisfied with just having an option for the school site.

Josh Millsap, KFM Engineering, 3501 Olympus Boulevard, Dallas, Texas, explained all traffic currently filters to Brookside Road and I35 and the development of the original phase will not exceed Traffic Impact Analysis levels. He noted the plan is to utilize the connection to FM 875 once Emory Lakes is developed.

Commissioner David Hudgins explained precedent has been set allowing the Fire Chief to set the number of houses that can be built before a second access point has to be in place. He noted the Fire Chief set a limit of 60 homes to be built at a previous development before requiring a second access point and advised the developer to take that into account.

Mr. Millsap noted the developer would work with the adjacent property owner and need concessions to use the thoroughfare through the future Emory Lakes Development.

Mr. King explained the required supermajority approval would be needed by City Council if 20% of the property owner's by acreage opposed the request. He noted there are several large properties

surrounding that area and even if all property owners on Brookside Road submitted their opposition, they would still not exceed the 20% by acreage.

Those who spoke in opposition:

Kathy Kacal, 405 Brookside Road, Waxahachie, Texas  
Doug Barnes, 607 Brookside Road, Waxahachie, Texas  
Dean Settlemyer, 605 Brookside Road, Waxahachie, Texas  
Ken Kacal, 405 Brookside Road, Waxahachie, Texas  
Kathleen Bowen, 527 W. Jefferson, Waxahachie, Texas

Commissioner Ansell inquired about drainage and Mr. King stated the concept plan doesn't provide drainage detail but there have been preliminary discussions regarding drainage. Mr. Ansell asked if the developer received the list of "must-haves" that were agreed upon by City Council and the Planning and Zoning Commission at a February Work Session and Ms. Pruitt noted the developer did receive the list. Mr. Ansell stated the City has standards and the developer is requesting a lower standard and is not complying with what is currently in place.

Mr. Poston thanked the Commission and neighbors for their feedback. He requested a continuance to allow the developer time to work with staff to meet City requirements and expectations. He explained the project needs density and if he is unable to get that he needs to relay that to the seller.

Commissioner Ansell asked if any future plans would not use Brookside Road and Mr. Levkulich stated no.

Commissioner Bonney Ramsey thanked Mr. Poston for his contribution to the creation of Daymark Living, but expressed concern with his proposed plan not meeting City standards, having too much density, and not feasible using Brookside Road. Mr. Poston explained he is willing to meet City standards and will adhere to density and multi-family numbers.

Commissioner Betty Square Coleman thanked the developer for his willingness to meet the City's standards.

Commissioner Hudgins noted the land is valuable but there are many issues that need to be addressed before developing.

There being no others to speak for or against ZDC-92-2022, Vice Chairman Ballard closed the Public Hearing.

## **22. Consider recommendation of Zoning Change No. ZDC-92-2022**

### **Action:**

*Mr. David Hudgins moved to indefinitely continue a request by John Poston, for a Zoning Change from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential (Brookside PD), located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) to allow for renotification and public notice if the case is resubmitted. Ms. Bonney Ramsey seconded, All Ayes.*

**23. Adjourn**

Jennifer Pruitt, Senior Director of Planning, announced the Comprehensive Plan Advisory Committee will hold a public meeting on Wednesday, November 30, 2022 at 6:00 p.m. at the Waxahachie Civic Center.

The Planning and Zoning Commission wished everyone a Happy Thanksgiving.

There being no further business, the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary