

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, June 15, 2021 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
4. ***Consent Agenda***  
  
All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.
  - a. Minutes of the regular Planning & Zoning Commission meeting of May 25, 2021
  - b. Minutes of the Planning and Zoning Commission briefing of May 25, 2021
5. ***Continue Public Hearing*** on a request by Ross Graves, 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 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021)
6. ***Consider*** recommendation of Zoning Change No. ZDC-60-2021
7. ***Public Hearing*** on a request by Jackie Junger, for a Replat of Cerfs Addition, Lot 1, Block 2 to create Lots 1A-R and 1B-R, Block 2, Cerfs Addition, two residential lots, being 0.390 acres (Property ID 172579) – Owner: VZMZ PROPERTIES LLC & JACKIE JUNGER BIDDY (SUB-66-2021)
8. ***Consider*** approving SUB-66-2021

9. **Public Hearing** on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)
10. **Consider** recommendation of Zoning Change No. ZDC-67-2021
11. **Public Hearing** on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)
12. **Consider** recommendation of Zoning Change No. ZDC-68-2021
13. Adjourn

**The P&Z reserves the right to go into Executive Session on any posted item.**

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX.

***Notice of Potential Quorum***

***One or more members of the Waxahachie City Council may be present at this meeting.  
No action will be taken by the City Council at this meeting.***

Planning and Zoning Commission  
May 25, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 25, 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, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, City Secretary  
Mary Lou Shipley, 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 May 11, 2021
- b. Minutes of the Planning and Zoning Commission briefing of May 11, 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 Ross Graves, 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 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF V/TREP ISF WAXA, LLC (ZDC-60-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-60-2021 to the June 15, 2021 Planning and Zoning Commission meeting.

6. **Consider recommendation of Zoning Change No. ZDC-60-2021**

**Action:**

*Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Ross Graves, 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 zoning district located at 7240 N I35 (Property ID 186924) - Owner: TPRF VTREP ISF WAXA, LLC (ZDC-60-2021) to the June 15, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 7. Consider request by Falguni Patel, Hickman Consulting Engineers, for a Plat of Sheppard's Place, Phase 2, for 87 lots, being 25.460 acres situated in the E. Horton Survey, Abstract 466 (Property ID 277458) – Owner: SHEPPARD'S PLACE HOLDING CO, LLC (SUB-174-2020)**

Planner Chris Webb presented the case noting the applicant is requesting to plat the subject property into 87 single-family lots and 3 open space lots as part of a second phase of the Sheppard's Place subdivision and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Falguni Patel, Hickman Consulting Engineers, for a Plat of Sheppard's Place, Phase 2, for 87 lots, being 25.460 acres situated in the E. Horton Survey, Abstract 466 (Property ID 277458) – Owner: SHEPPARD'S PLACE HOLDING CO, LLC (SUB-174-2020). Mr. Erik Test seconded, All Ayes.*

- 8. Consider request by Wes Dorough, JH Development, for a Final Plat of The Haven, Phase Two, for 109 lots, being 31.543 acres situated in the Henry Sanger Survey, Abstract 1009 & the Robert Russell Survey, Abstract No. 911 (Property ID 190002, 277577, and 277576) – Owner: JHH THE HAVEN DEVELOPMENT, LLC (SUB-57-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat the subject property into 109 lots as part of the second phase of The Haven located within the North Grove subdivision and noted staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Wes Dorough, JH Development, for a Final Plat of The Haven, Phase Two, for 109 lots, being 31.543 acres situated in the Henry Sanger Survey, Abstract 1009 & the Robert Russell Survey, Abstract No. 911 (Property ID 190002, 277577, and 277576) – Owner: JHH THE HAVEN DEVELOPMENT, LLC (SUB-57-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

- 9. Public Hearing on a request by Tim Jackson, Texas Reality Capture and Surveying, LLC, for a Replat of Lots 2R, 4R and 6, Block 1, Crystal Cove Estates, Phase Three, to create Lots 2RR, 4RR & 6R, Crystal Cove Estates, Phase Three, 16.512 acres (Property ID 229594, 138317, 229592 & 180771) partially located in the Extra Territorial Jurisdiction – Owners: CHARLES B & SHARON S WILLIAMS, AND BRIAN K. & KIMBERLY A. GARLITZ (SUB-53-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to replat the subject property to allow access to the rear of lot 2RR and establish the newly purchased property as part of Lot 2RR. Staff recommended approval as presented.

There being no others to speak for or against SUB-53-2021, Chairman Keeler closed the Public Hearing.

#### **10. Consider approving SUB-53-2021**

##### **Action:**

*Mr. Erik Test moved to approve a request by Tim Jackson, Texas Reality Capture and Surveying, LLC, for a Replat of Lots 2R, 4R and 6, Block 1, Crystal Cove Estates, Phase Three, to create Lots 2RR, 4RR & 6R, Crystal Cove Estates, Phase Three, 16.512 acres (Property ID 229594, 138317, 229592 & 180771) partially located in the Extra Territorial Jurisdiction – Owners: CHARLES B & SHARON S WILLIAMS, AND BRIAN K. & KIMBERLY A. GARLITZ (SUB-53-2021). Mr. David Hudgins seconded, All Ayes.*

#### **11. Public Hearing on a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to rezone the subject property to adjust the front yard building setback requirement to allow for the construction of a carport on the property and staff recommended approval subject to the following staff comment:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

There being no others to speak for or against ZDC-63-2021, Chairman Keeler closed the Public Hearing.

#### **12. Consider recommendation of Zoning Change No. ZDC-63-2021**

##### **Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Chris Freeman for a Zoning Change from a Planned Development-23-Single Family-1 zoning district to Planned Development-Single Family-1, with Concept Plan, located at 303 Lakeshore Drive (Property ID 171975) - Owner: VIRGINIA K FREEMAN (ZDC-63-2021) subject to staff comment. Ms. Bonney Ramsey seconded, All Ayes.*

#### **13. Public Hearing on a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the construction of a 720 sq. ft. accessory building on the property and staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
2. The structure shall not be used as a dwelling.

There being no others to speak for or against ZDC-65-2021, Chairman Keeler closed the Public Hearing.

**14. Consider recommendation of Zoning Change No. ZDC-65-2021**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Marsha Rowan for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-1 zoning district located at 2341 Marshall Rd (Property ID 203836) - Owner: JOHN E & MARSHA L ROWAN (ZDC-65-2021) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

**15. Public Hearing on a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6<sup>TH</sup> STREET MIDLOTHIAN, LLC (ZDC-59-2021)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins presented the case noting the applicant is requesting approval of a Planned Development (variance request) to not require a sidewalk along the front of his business. He explained staff understands the applicant's reasoning for not wanting to construct a sidewalk; however, the City of Waxahachie envisions the surrounding area to have sidewalks for the safety of pedestrians within the surrounding area.

Mr. James Phipps, 103 Highview Court, Ovilla, Texas, requested a variance to the city's requirement of a sidewalk at the subject property. He explained if a sidewalk is constructed, the existing utility poles on site will have to be relocated, the sidewalk will be narrower, or the sidewalk will encroach on TxDOT right-of-way.

There being no others to speak for or against ZDC-59-2021, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-59-2021**

**Action:**



*Vice Chairman Melissa Ballard moved to deny a request by Lenvill Phipps for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, located at 1604 E. Main Street, (Property ID 195689) - Owner: 6TH STREET MIDLOTHIAN, LLC (ZDC-59-2021). Mr. David Hudgins seconded, All Ayes.*

**17. Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reviewed the case noting the applicant is requesting approval of a Planned Development to allow an industrial business park on 93 acres. Mr. Collins reviewed the following special exceptions/variance requests from the applicant:

1. Sidewalks

Per the City of Waxahachie Subdivision Ordinance, "sidewalks not less than six feet (6') shall be provided within all non-residential developments."

- The applicant is not proposing any sidewalks for the development.

2. Masonry Screening Wall

Due to being adjacent to Single Family zoning along the north and northwest boundary of the property, a minimum 6ft. masonry-screening wall is required.

- The applicant is requesting an option of 6ft. masonry wall or a 3ft. landscape berm and landscaping as options along Patrick Rd.

3. Submittal Deadlines

Detailed site plan submittals have a 1-year deadline.

- The applicant is proposing the deadline be extended from 1-year to 3-years.

Mr. Collins explained the applicant submitted a revised screening exhibit displaying where the masonry screening and the living berm will be on the property. Mr. Collins reported staff recommended denial due to staff concerns with sidewalks, masonry screening wall, traffic/noise, and unknown uses on the property. He noted 21 letters of opposition were received for this case.

The Commission expressed concerns with not knowing the details of the future uses which would greatly affect traffic on Patrick Road.

Mr. Shea Kirkman, Kirkman Engineering, explained the 93 acres is already zoned commercial and many of the uses requested in the Planned Development are allowed by right. He noted the Planned Development request will allow for some variances such as screening and sidewalks. He reiterated traffic will be addressed at the platting stage and the goal today is to get the zoning in place to move forward with acquiring a tenant.

Those who spoke in opposition:

Steve Heyduck, 116 Old Settlers Trail, Waxahachie, Texas

Kristin Lennon, 248 Valley View Drive, Waxahachie, Texas

Misty Street, 186 Colter, Waxahachie, Texas  
Greg Moore, 158 Colter, Waxahachie, Texas  
Jon Hart, 229 Buckskin, Waxahachie, Texas  
Maria Kiss, 252 Dakota, Waxahachie, Texas

Mr. Kirkman noted Light Industrial zoning has less traffic impact than Commercial zoning.

Chairman Keeler explained Patrick Road cannot handle any additional traffic.

Mr. Jim Phillips inquired about the improvement of Patrick Road and Assistant City Manager Tommy Ludwig reported it is not on the 5 year Capital Improvements Plan. Mr. Ludwig explained that does not mean Patrick Road is not important but there are others that are more heavily traveled and have a higher need at this time. He noted there are other areas of funding such as Impact Fees.

Planning Director Shon Brooks explained he doesn't have issues with the proposed uses but he is primarily concerned with the traffic impact.

The applicant requested to continue the case to the June 29, 2021 Planning and Zoning Commission meeting to allow time to work on narrowing uses and addressing traffic concerns with city staff.

#### **18. Consider recommendation of Zoning Change No. ZDC-58-2021**

##### **Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021) to the June 29, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

#### **19. Adjourn**

Chairman Keeler thanked Mayor Pro Tem Mary Lou Shipley for her service on the Planning & Zoning Commission and City Council. Chairman Keeler recognized new City Secretary Amber Villarreal.

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary



Planning and Zoning Commission  
May 25, 2021

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, May 25, 2021 at 6:15 p.m. in the City Council Conference Room 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, Director of Planning Colby Collins, Senior Planner Chris Webb, Planner Macey Martinez, Graduate Engineer Tommy Ludwig, Assistant City Manager Amber Villarreal, City Secretary

### **1. Call to Order**

Chairman Rick Keeler called the meeting to order.

### **2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting**

Planner Chris Webb reviewed the following cases:

- SUB-174-2020, staff recommended approval of plat as presented.
- SUB-57-2021, staff recommended approval as presented.
- SUB-53-2021, staff recommended approval as presented.
- ZDC-63-2021, staff recommended approval per staff comments.
- ZDC-65-2021, staff recommended approval per staff comments.

Senior Planner Colby Collins reviewed the following cases:

- ZDC-60-2021, the applicant requested to continue to the June 15, 2021 Planning & Zoning Commission.
- ZDC-59-2021, staff recommended denial of the variance request for no sidewalk. He explained although there are no current sidewalks near the property, sidewalks are a requirement of the Subdivision Ordinance as development occurs.
- ZDC-58-2021, staff recommended denial of the case due to staff concerns of unknown uses, traffic/noise, masonry screening wall, and sidewalks. Staff and the Commission expressed concerns with additional traffic on Patrick Road.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:53 p.m.

(4b)

Planning and Zoning Commission  
May 25, 2021  
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Respectfully submitted,

Amber Villarreal  
City Secretary

(5 + 6)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 1, 2021

Re: ZDC-60-2021 – Truck Depot and Outdoor Storage

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On May 28, 2021, the applicant requested to continue case number ZDC-60-2021 from the May 25, 2021 Planning and Zoning Commission meeting agenda and the June 7, 2021 City Council meeting agenda to the July 13, 2021 Planning and Zoning Commission meeting agenda, and the July 19, 2021 City Council meeting agenda.

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-66-2021



### MEETING DATE(S)

Planning & Zoning Commission:

June 15, 2021

### CAPTION

**Public Hearing** on a request by Jackie Junger, for a **Replat** of Cerf's Addition, Lot 1, Block 2 to create Lots 1A-R and 1B-R, Block 2, Cerf's Addition, two (2) residential lots, being 0.390 acres (Property ID 172579) – Owner: VZMZ PROPERTIES LLC & JACKIE JUNGER BIDDY (SUB-66-2021)

### APPLICANT REQUEST

The applicant is requesting to replat the subject property from one (1) lot into two (2) lots for residential use.

### CASE INFORMATION

*Applicant:*

Jackie Junger

*Property Owner(s):*

VZMZ Properties, LLC & Jackie Junger

*Site Acreage:*

0.390 acres

*Number of Lots:*

2 lots

*Number of Dwelling Units:*

2 units

*Park Land Dedication:*

Cash in lieu of park land dedication for the property is set at \$400.00 (one (1) additional lot at \$400.00 per lot). This fee must be paid before the plat is filed.

*Adequate Public Facilities:*

Both properties will have access to adequate public facilities.

### SUBJECT PROPERTY

*General Location:*

604 Williams St.

*Parcel ID Number(s):*

172579

*Current Zoning:*

SF-2 (Infill)

*Existing Use:*

A single family residence is located on the subject property.

*Platting History:*

The subject property is Lot 1, Block 2, Cerf's Addition.

*Site Aerial:***PLATTING ANALYSIS**

The applicant is requesting to replat the subject property from one (1) lot into two (2) lots for residential use. Each lot will be similar in size to the neighboring lots located on the north side of Rosa St. In addition to the proposed lot sizes being similar in size with the surrounding lots, the applicant is also dedicating seven (7) feet of right-of-way (ROW) to Rosa St. With the lots closely aligning with the surrounding area and with the ROW dedication, staff is supportive of this replat.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Disapproval
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat Drawing

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's subdivision ordinance.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

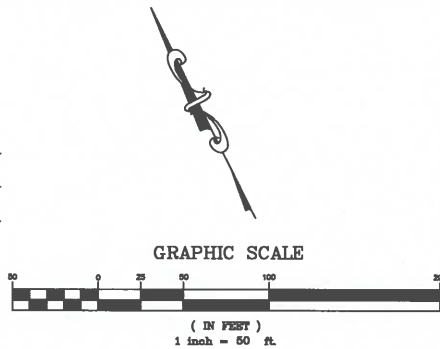
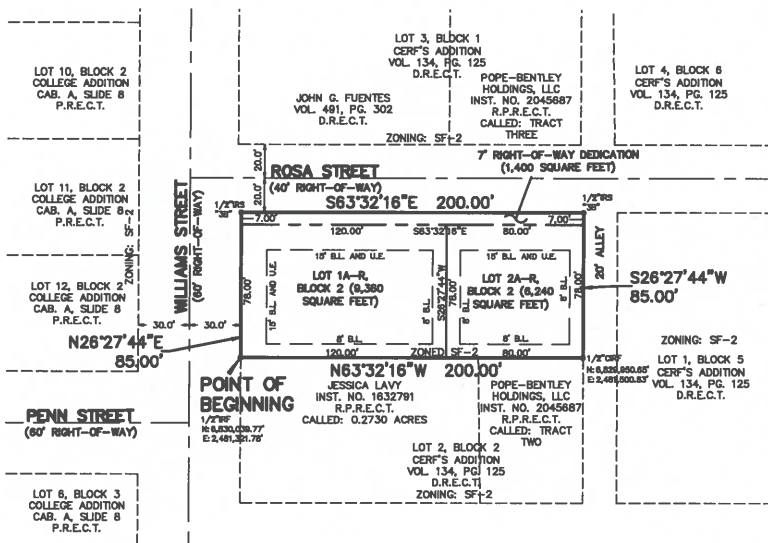
*Reviewed by:*

Shon Brooks, AICP

Director of Planning

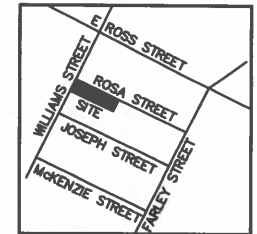
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)





#### LEGEND

IRB	IRON ROD SET
IRF	IRON ROD FOUND
IRP	IRON PIPE FOUND
BL	BUILDING LINE SETBACK
U.E.	UTILITY EASEMENT
INST. NO.	INSTRUMENT NUMBER
VOL.	VOLUME
CAB.	CABINET
PG.	PAGE
D.A.E.C.T.	DEED RECORDS ELLIS COUNTY, TEXAS
P.A.E.C.T.	PLAT RECORDS ELLIS COUNTY, TEXAS
R.P.R.E.C.T.	REAL PROPERTY RECORDS ELLIS COUNTY, TEXAS



LOCATION MAP  
"NOT TO SCALE"

FLOOD STATEMENT: According to Community Panel No. 48139C0190F, dated June 03, 2013, of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

STATE OF TEXAS §

COUNTY OF ELLIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS VZMZ Properties, LLC and Jackie Junger Biddy are the owners of all that parcel of land located in the City of Waxahachie, Ellis County, Texas and being a part of the William Dye Survey, Abstract No. 296, being all of that tract of land described in deed to VZMZ Properties, LLC, and Jackie Junger Biddy recorded in County Clerk's Instrument Number 2032420, Real Property Records Ellis County, Texas and being all of Lot 1, Block 2, Cerf's Addition, an addition to the City of Waxahachie, recorded in Volume 134, Page 125, Deed Records Ellis County, Texas.

BEGINNING at a one-half inch iron rod found at the west corner of said VZMZ Properties, LLC tract of land, said point being at the west corner of Lot 1, Block 2, said point being at the north corner of that called 0.2730 acre tract of land described in deed to Jessica Lavy recorded in County Clerk's Instrument Number 1632791, Real Property Records Ellis County, Texas, said point being at the north corner of Lot 2, Block 2, of said Cerf's Addition and said point being in the southeast right-of-way line of Williams Street (60' right-of-way);

THENCE North 26 degrees 27 minutes 44 seconds East, 85.00 feet to a one-half inch iron rod with cap stamped "3B" set at the north corner of said VZMZ Properties, LLC tract of land, said point being at the north corner of Lot 1, Block 2 and said point being at the intersection of the southeast right-of-way line of Williams Street with the southwest right-of-way line of Rosa Street (40' right-of-way);

THENCE South 63 degrees 32 minutes 16 seconds East, 200.00 feet to a one-half inch iron rod with cap stamped "3B" set at the east corner of said VZMZ Properties, LLC tract of land, said point being at the east corner of Lot 1, Block 2 and said point being at the intersection of the southwest right-of-way line of Rosa Street with the northwest right-of-way line of a 20' alley;

THENCE South 26 degrees 27 minutes 44 seconds West, 85.00 feet along the northwest right-of-way line of said 20' alley to a one-half inch iron rod with cap found at the south corner of said VZMZ Properties, LLC tract of land, said point being at the south corner of Lot 1, Block 2, said point being at the east corner of that called Tract Two, a tract of land described in deed to Pope-Bentley Holdings, LLC recorded in County Clerk's Instrument Number 2045687, Real Property Records Ellis County, Texas and said point being at the east corner of Lot 2, Block 2;

THENCE North 63 degrees 32 minutes 16 seconds West, 200.00 feet along the southwest line of said VZMZ Properties, LLC tract of land, along the southwest line of Lot 1, Block 2 and along the northeast line of Lot 2, Block 2 to the POINT OF BEGINNING and containing 17,000 square feet or 0.390 acres of land.

Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS;

THAT We, **Marty Zmolik and Jackie Junger Biddy**, do hereby adopt this plat designating the herein above described property as Lots 1A-R and 1B-R, Block 2, Cerf's Addition, an addition to the City of Waxahachie, Texas and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements, as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility, said use by public utilities being subordinate to the public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this the \_\_\_\_ day of \_\_\_\_, 2021.

By:

Name: Marty Zmolik

Jackie Junger Biddy

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Marty Zmolik, known to me to be the person whose name is subscribed to the consideration therein expressed and in the capacity therein stated.

WITNESS MY HAND at \_\_\_\_, Ellis County, Texas, This \_\_\_\_ day of \_\_\_\_, 2021.

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Jackie Junger Biddy, known to me to be the person whose name is subscribed to the consideration therein expressed and in the capacity therein stated.

WITNESS MY HAND at \_\_\_\_, Ellis County, Texas, This \_\_\_\_ day of \_\_\_\_, 2021.

Notary Public in and for the State of Texas

SURVEY CERTIFICATION

THAT I, Edward Scott Bacak, R.P.L.S. do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon, as set, were properly placed under my personal supervision in accordance with the subdivision ordinance of the City of Waxahachie.

"Preliminary, this document shall not be recorded for any purpose and shall not be used as a final survey document"

Edward Scott Bacak, R.P.L.S. No. 6248



STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Edward Scott Bacak, known to me to be the person whose name is subscribed to the consideration therein expressed and in the capacity therein stated.

WITNESS MY HAND at Ennis, Ellis County, Texas, This 19th day of May, 2021.

Notary Public in and for the State of Texas

APPROVED BY: PLANNING AND ZONING COMMISSION  
CITY OF WAXAHACHIE

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Chairperson

Attest \_\_\_\_\_ Date \_\_\_\_\_

GENERAL NOTES:

1. ALL CORNERS ARE A ONE-HALF INCH IRON ROD SET WITH CAP STAMPED "3B" UNLESS OTHERWISE NOTED.
2. COORDINATES SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202).

### CASE NUMBER SUB-66-2021 REPLAT

## LOT 1A-R AND 1B-R, BLOCK 2 CERF'S ADDITION

### 2 RESIDENTIAL LOTS

BEING A 0.390 ACRE TRACT OF LAND BEING A PART OF THE WILLIAM DYE SURVEY, ABSTRACT NO. 296 AND BEING A REPLAT OF LOT 1, BLOCK 2, CERF'S ADDITION RECORDED IN VOLUME 134, PAGE 125, DEED RECORDS ELLIS COUNTY, TEXAS;

CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

**VZMZ PROPERTIES, LLC  
AND JACKIE JUNGER BIDDY OWNER/DEVELOPER**

604 Williams Street, Waxahachie, Texas 75165 (972) 935-8519

Contact: Marty Zmolik

**3B LAND SURVEYING, INC SURVEYOR**

656 Bacak Rd Ennis, Texas 75119 (972) 825-7949

TBPLS No. 10194480

Revised: May 19, 2021  
Dated: April 26, 2021

Sheet 1 of 1

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-67-2021**



### MEETING DATE(S)

*Planning & Zoning Commission:* June 15, 2021

*City Council:* June 21, 2021

### CAPTION

**Public Hearing** on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)

### APPLICANT REQUEST

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

### CASE INFORMATION

*Applicant:* Shawn Graham, Jones & Carter

*Property Owner(s):* WAX 77 INVESTORS LP

*Site Acreage:* 1.55 acres

*Current Zoning:* Planned Development-42-Commercial

*Requested Zoning:* Planned Development-42-Commercial with SUP

### SUBJECT PROPERTY

*General Location:* 1750 N Highway 77

*Parcel ID Number(s):* 263976

*Existing Use:* Currently Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-42-C	Tacos 4 Life
East	PD-42-C	Waxahachie Towne Crossing
South	PD-42-C	General Retail/Restaurant
West	C	Best Western Plus Waxahachie Inn & Suites

*Future Land Use Plan:* Retail

**Comprehensive Plan:**

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

**Thoroughfare Plan:**

The subject property is accessible via US Highway 77.

**Site Image:****PLANNING ANALYSIS****Purpose of Request:**

The applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres.

**Proposed Use:**

Per the Operational Plan, the applicant plans to operate a 2,007 sq. ft. Neighborhood Credit Union (Bank) located at 1750 N. Highway 77. The Neighborhood Credit Union will offer financial institution services with lobby walk-in personal service, as well as an outside drive-thru ATM service. Operational hours for the store are proposed to be 9:00am-5:00pm Monday to Friday and 9:00am-12:00pm on Saturday. The bank anticipates that there will be 70 member visits per day, while 3-5 employees help operate the bank.

**Table 2: Proposed Development Standards (Commercial)**

***\*Items highlighted in bold do not meet the City of Waxahachie requirements***

Standard	City of Waxahachie	Neighborhood Credit Union	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	67,430 (1.55 acres)	Yes
Min. Lot Width (Ft.)	50	222	Yes
Min. Lot Depth (Ft.)	100	304	Yes
Min. Front Yard (Ft.)	25	25	Yes
Min. Side Yard (Ft.)	15	15	Yes
Min. Rear Yard (Ft.)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Parking 1 space per 200 sq. ft.	10	19	Yes

***\*Additional Note: The building is proposed to be constructed of stucco, stone veneer, and metal.***

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement will be required for the development.

**ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Elevation/Façade Plan

**APPLICANT REQUIREMENTS**

1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

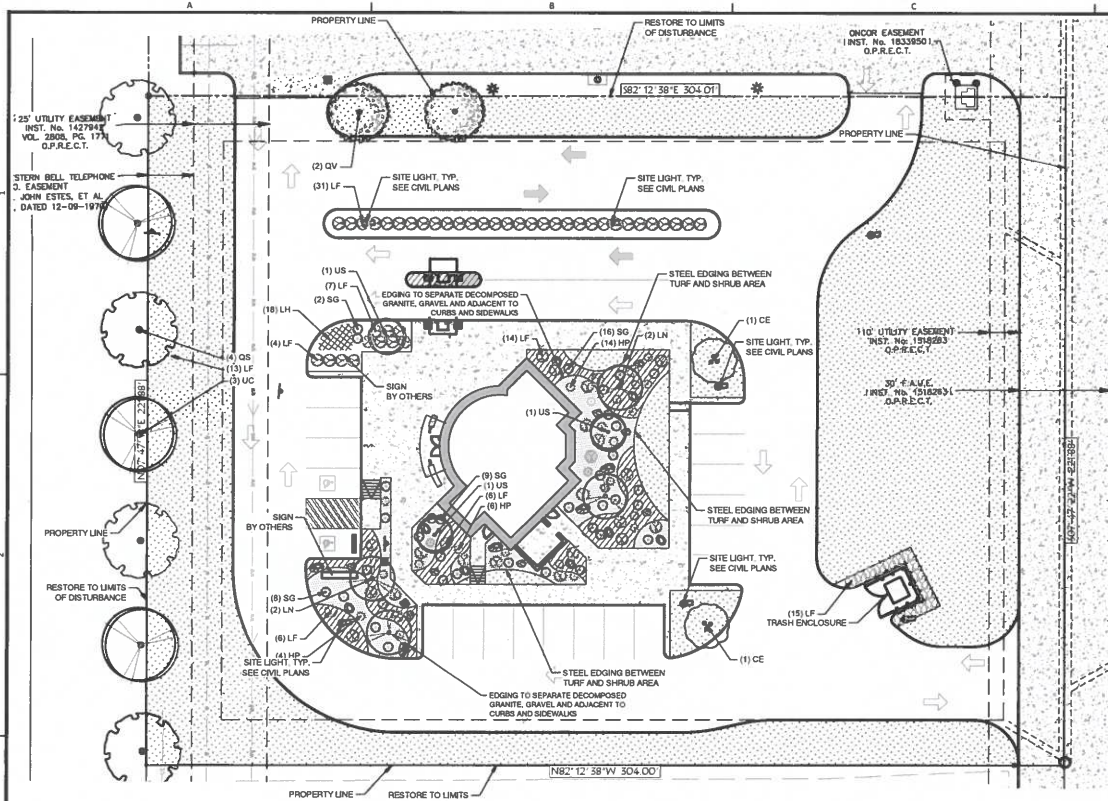
**STAFF CONTACT INFORMATION**

*Prepared by:*  
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*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)







#### ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 3" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCLOSE THE ROOTBALL.

#### MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDED WOOD MULCH, NATURAL, UNDYED, OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE GENERAL GRADING AND PLANTING NOTES AND SPECIFICATIONS).

#### CAUTION NOTICE TO CONTRACTORS

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.

#### IRRIGATION CONCEPT

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER. AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
3. ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SOODED AND SEEDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE), RAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.

MAINTENANCE NOTE: THE PROPERTY OWNER, TENANT, OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT, ORDERLY, AND LIVE-GROWING CONDITION AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, IRRIGATION, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIALS NOT A PART OF THE LANDSCAPING. PLANT MATERIALS THAT THE SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.

#### GENERAL GRADING AND PLANTING NOTES

1. BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ AND WILL COMPLY WITH THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
2. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
3. IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MOUND) AS INDICATED ON THE GRADING PLANS.
4. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +/-1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTIONS ON TURF AREA AND PLANTING BED PREPARATION.
5. CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS AND AREAS OF POTENTIAL FLOODING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE FLOODING POTENTIAL.
6. THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXISTING SOIL OR SUBSTRATE WILL BE SUFFICIENT TO SUPPORT THE PLANTING. THE AMOUNT OF SOIL OR SUBSTRATE TO BE ADDED (BASED ON SOIL TESTS, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
7. ENSURE THAT THE FINISH GRADE OF GRASS AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER PAVING SURFACES, AFTER INSTALLING SOIL AMENDMENTS IS 1" BELOW THE FINISH GRADE OF THE WALKS, TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 1" PER FOOT FROM THE WALKS.
8. ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER PAVING SURFACES, AFTER INSTALLING SOIL AMENDMENTS IS 1" BELOW THE FINISH GRADE OF THE WALKS, TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 1" PER FOOT FROM THE WALKS.
9. SHOULD ANY CONFLICTS OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
10. ALL PLANT LOCATIONS ARE INDICATED. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PLANTING AUTHORITY ARE MET (E.G., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
11. QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLANTING PLANS AND THE ACTUAL PLANT QUANTITIES AS SHOWN ON THE PLANS FOR INDIVIDUAL SYMBOLS OR CALLOUT FOR GROUNDCOVER, THE CONTRACTOR SHALL FOLLOW THE ACTUAL PLANT QUANTITIES.
12. NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL NOT MAKE ANY SUBSTITUTIONS OF PLANT MATERIALS WITHOUT THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA EMAIL OR LETTER) OF ANY SUBSTITUTIONS OF PLANT MATERIALS PRIOR TO PLANTING.
13. THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT, THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNER'S REPRESENTATIVE TO INSPECT AND APPROVE OR REJECT ALL PLANTS BEFORE THEY ARE DELIVERED TO THE SITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
14. THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
15. SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

#### PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
CE	2		Cercis canadensis Eastern Redbud Multi-trunk	3-5 CANES, 2.5" OVERALL	Cont. or B&B	6'-10'
LH	4		Leguminosia x 'Natchez' Crape Myrtle	3-5 CANES, 1.5" OVERALL CAL.	Cont. or B&B	6'-8" HT
QS	4		Quercus shumardi Shumard Red Oak	4" Cal.	Cont. or B&B	14' HT MIN
QV	2		Quercus virginiana Southern Live Oak	4" Cal.	Cont. or B&B	14'-16'
UC	3		Ulmus crassifolia Cedar Elm	4" Cal.	Cont. or B&B	14'-16'
US	3		Ungadia speciosa Mexican Buckeye	2" Cal.	Cont. or B&B	6'-10'
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
HP	24		Hesperaloe parviflora Red Yucca	3 gal.	Per Plan	18" HL
LF	83		Leucophyllum frutescens 'Green Cloud' TM Green Cloud Texas Ranger	5 gal.	Per Plan	18" HL
SG	35		Salvia greggii Autumn Sage	3 gal.	Per Plan	18" HL
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
BP	23,257 sf		Buchloe dactyloides 'Prairie' Prairie Buffalo Grass	Sod		
LH	13		Lantana x 'New Gold' New Gold Lantana	1 gal.	30" O.C.	Container Full
ROCK / STONE	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
BR	1,698 sf		Bull Rock over weed barrier	4" depth		
DG	1,833 sf		Decomposed Granite Gravel over weed barrier	4" depth		

#### LANDSCAPE CALCULATIONS

<b>STREET TREES</b> HIGHWAY 77 FRONTAGE LENGTH STREET TREES REQUIRED STREET TREES PROVIDED	221 LF 7 TREES (1 PER 30 LF OF FRONTAGE, 221 LF TOTAL) 7 TREES
<b>LANDSCAPE BUFFER</b> STREET YARD AREA LANDSCAPE AREA REQUIRED LANDSCAPE AREA PROVIDED	15% OF STREET YARD 22,266 SQ. FT. 3,190 SQ. FT. 7,325 SQ. FT.
<b>TREES REQUIRED</b> TREES PROVIDED	6 TREES (1 PER 40 LF OF FRONTAGE, 221 LF TOTAL) 6 TREES
<b>PARKING LOT LANDSCAPE</b> REQUIRED LANDSCAPE AREA 33 SQ. FT./SPACE (33" x 28" SPACES) = 524 SQ. FT. REQUIRED TREES PROVIDED TREES	MIN 13 SQ. FT. x 20 SQ. FT. (50% PARKING BETWEEN FACADE AND ROW) 33 SQ. FT./SPACE (33" x 28" SPACES) = 524 SQ. FT. 709 SQ. FT. 2 2
<b>REQUIRED SHRUBS</b> 10500 SQ. FT. PROVIDED SHRUBS	19 27
<b>EACH SPACE WITHIN 84" OF A TREE</b>	PROVIDED

<b>REQUIRED INTERIOR LANDSCAPE</b> FIRST FLOOR AREA = 2,005 SQ. FT. EFFECTIVE FLOOR AREA 2,005 SQ. FT. TIMES 40% X 40' = REQUIRED LANDSCAPE AREA PROVIDED LANDSCAPE AREA	802 SQ. FT. 18,644 SQ. FT.
<b>REQUIRED CANOPY TREES @ 1500 SQ. FT. =</b> PROVIDED CANOPY TREES	2 2
<b>REQUIRED UNDERSTORY TREES @ 1250 SQ. FT. =</b> PROVIDED UNDERSTORY TREES	3 3
<b>REQUIRED SHRUBS @ 140 SQ. FT. =</b> PROVIDED SHRUBS	20 20
<b>REQUIRED GROUND COVER AREA @ 15% =</b> PROVIDED GROUND COVER AREA	120 SQ. FT. 188 SQ. FT.
<b>REQUIRED SEASONAL COLOR @ 2% =</b> PROVIDED SEASONAL COLOR	16 SQ. FT. 188 SQ. FT.

Scale 1" = 20'



REV	DATE	REVISIONS
1		
2		
3		
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8		
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<b>JONES CARTER</b> Texas Based Landscaping & Construction, Inc. 6-429 13000 West Loop South, Suite 1000, Houston, Texas 77030-1300	DESIGNED BY: JVS CHECKED BY: JVS DATE: MAY 2023 JOB NO.: 133A-0007-00
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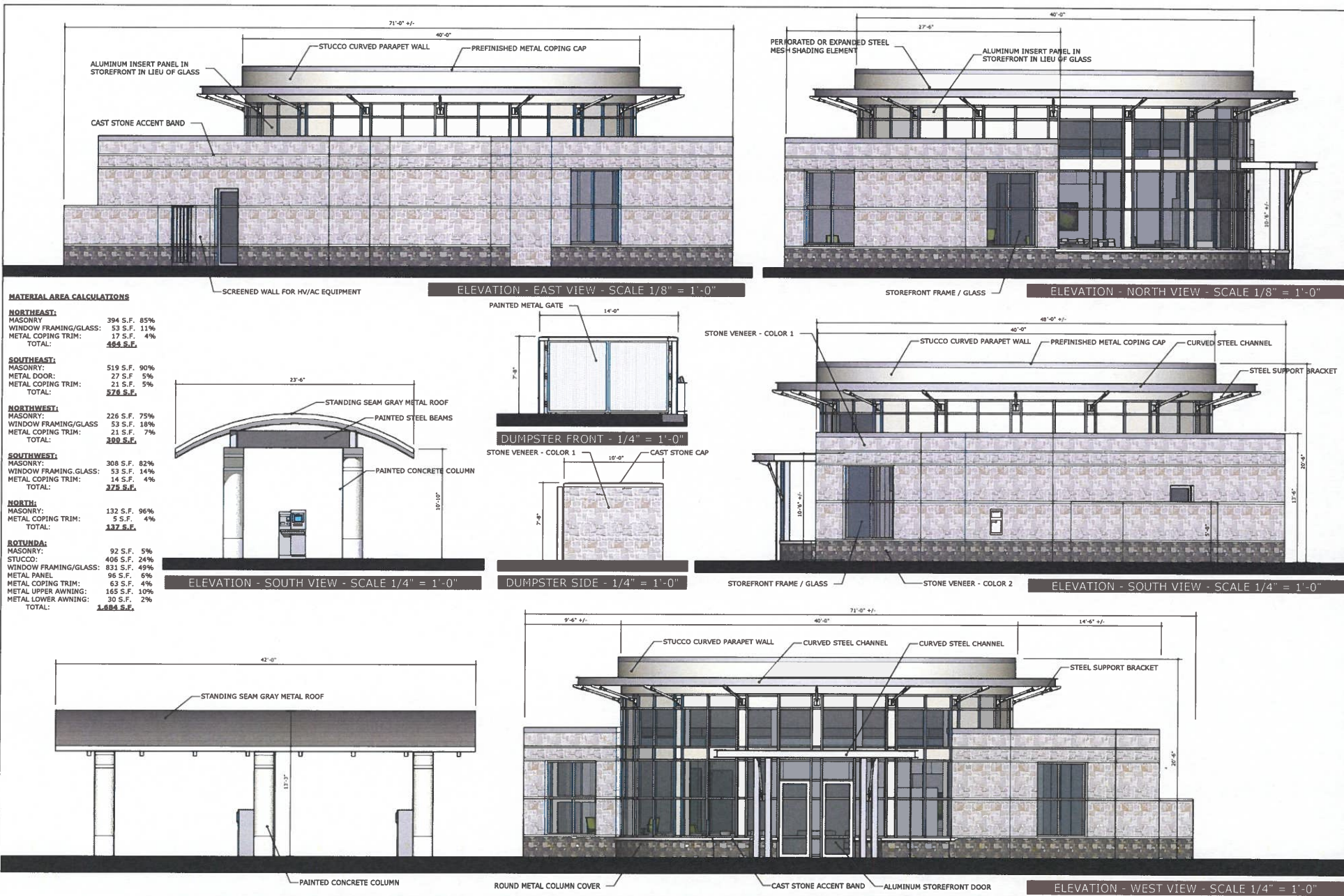


<b>NEIGHBORHOOD CREDIT UNION</b> EL PASO COUNTY LANDSCAPE PLANTING SHEET NO. LP-1 OF
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# Planning & Zoning Department

## Zoning Staff Report

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**Case: ZDC-68-2021**

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### MEETING DATE(S)

*Planning & Zoning Commission:* June 15, 2021

*City Council:* June 21, 2021

### ACTION SINCE INITIAL STAFF REPORT

At the City Council meeting, held March 15, 2021, City Council voted 4-0 to recommend approval of case number ZDC-186-2021.

### CAPTION

**Public Hearing** on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)

### APPLICANT REQUEST

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

### CASE INFORMATION

<i>Applicant:</i>	Michael Alturk, ADTM Engineering & Construction Corp.
<i>Property Owner(s):</i>	KSAM, LLC
<i>Site Acreage:</i>	3.52 acres
<i>Current Zoning:</i>	Planned Development - General Retail
<i>Requested Zoning:</i>	Planned Development - General Retail (w/ amendment to Ord. 3258)

### SUBJECT PROPERTY

<i>General Location:</i>	SE corner of Farley Street at Highway 287
<i>Parcel ID Number(s):</i>	181802
<i>Existing Use:</i>	Undeveloped
<i>Development History:</i>	N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	----	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

*Future Land Use Plan:*

Low Density Residential and Retail

*Comprehensive Plan:*

*Low Density Residential:* This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

*Retail:* Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:*

The subject property is accessible via Farley St. and Aster Dr.

*Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

*Site Image:*



**PLANNING ANALYSIS****Applicant Request**

The applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres.

**Case History/Proposed Use**

At the City Council meeting, held March 15, 2021, City Council voted 4-0 to recommend approval of case number ZDC-186-2021.

Per the originally approved plans (Ord. 3258), the applicant requested to construct three (3) buildings on two separate lots. Two of the buildings (Convenience Store with Gasoline Sales and a multi-tenant retail building) were approved to be located on the east side of the property (adjacent to US Hwy 287 service road), and one building (office) will be located on the west side of the property (adjacent to Aster Rd). The applicant is requesting to revise the approved plan to add a 2,000 sq. ft. retail building on the east side of the development. Per the applicant, the proposed retail building is intended to be a drive-through Dunkin' Donuts establishment.

**STAFF ANALYSIS**

Due to the subject property being visible from US Highway 287, staff envisions that the site will be used to produce high quality development while also enhancing economic value for the City of Waxahachie and the surrounding residents. When staff presented the original proposed plans for the site to City Council (March 15, 2021), staff believed that the best product for the site was being presented.

Staff has concerns with adding another drive-through retail building to a lot that has a convenience store/gas station and a multi-tenant retail building with a drive-through restaurant. Staff also has concerns regarding the travel paths and how traffic will flow through the site. The new drive-through does not appear to work with the traffic access from US Highway 287 frontage road. Currently, there are areas that are questionable, where two-way traffic should go. Furthermore, staff believes that by having the rear of the proposed retail building face US Highway 287 frontage road, it allows the cars stacking in the drive-through be a dominant visual element on the site, which would be unfavorable to the City. Due to these concerns, staff suggests that the applicant construct the development that is consistent with Ord. 3258.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 49 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☒ **Denial**  
**Due to staff concerns, staff recommends denial for the proposed Planned Development amendment.**
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Elevation/Façade Plan (New Proposed Retail Building)
4. Ordinance 3258

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

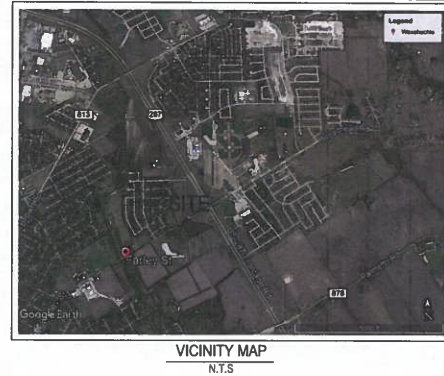
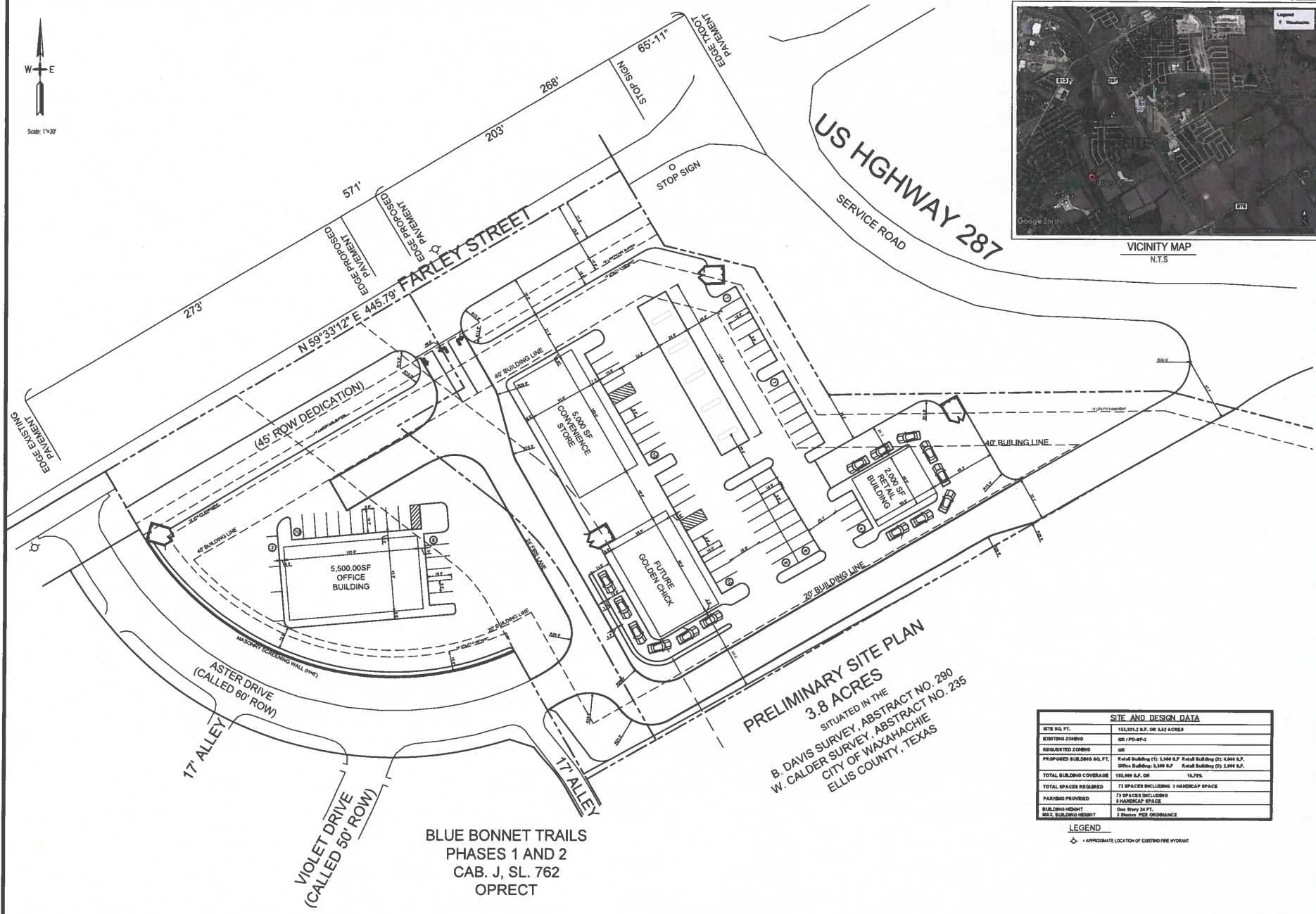
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*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)





Scale: 1"=30'



**PRELIMINARY SITE PLAN**  
**3.8 ACRES**  
SITUATED IN THE  
B. DAVIS SURVEY, ABSTRACT NO. 200  
W. CALDER SURVEY, ABSTRACT NO. 235  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

SITE AND DESIGN DATA	
SITE SQ. FT.	153,351.2 SQ. FT. OR 3.47 ACRES
EXISTING ZONING	OS / PD-40-0
REQUESTED ZONING	OS
PROPOSED BUILDING SQ. FT.	Retail Building (1): 1,000 S.F. Retail Building (2): 1,000 S.F. Office Building: 1,000 S.F. Retail Building (3): 1,000 S.F.
TOTAL BUILDING COVERAGE	100,000 S.F. OR 16.7%
TOTAL SPACES REQUIRED	73 SPACES INCLUDING 3 HANDICAP SPACE
PARKING PROVIDED	73 SPACES INCLUDING 3 HANDICAP SPACE
BUILDING HEIGHT	One Story 10 FT.
MAX. BUILDING HEIGHT	3 Stories PER ORDINANCE

**LEGEND**  
• APPROXIMATE LOCATION OF EXISTING FIRE HYDRANT

**ADM ENGINEERING & CONSTRUCTION CORP.**  
1475 HERITAGE PARKWAY, SUITE 217  
MANSFIELD, TEXAS 76063  
CONTACT PERSON: MIKE ALTURK, P.E.  
PHONE: 817-271-9066  
TEXAS REGISTRATION NUMBER: F-16884



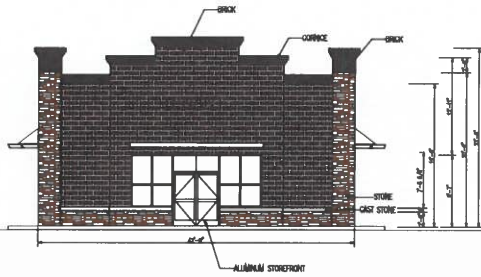
**DEVELOPER:**  
KSAM LLC  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-592-3875

Design: I.D.  
Drawn: I.D.  
Checked By: M.A.  
Date: 05-26-2021

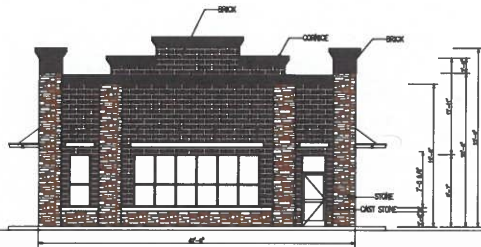
Rev.	Date	By	Check

**SITE PLAN**  
Sheet  
C1





1 FRONT ELEVATION  
SCALE: 1/8"=1'-0"



3 BACK ELEVATION  
SCALE: 1/8"=1'-0"



2 SIDE ELEVATION  
SCALE: 1/8"=1'-0"



4 SIDE ELEVATION  
SCALE: 1/8"=1'-0"

Elevations Material Analysis									
		Total Area (SF)	%	Brick	Aluminum Storefront/Exit Doors	Stone	Metal Awning		
1	Front Elevation	908.00	SF	333.50	SF	159.40	SF	394.30	SF
		100.00	%	36.73	%	17.56	%	43.43	%
2	Side Elevation	1001.00	SF	714.90	SF	38.50	SF	238.40	SF
		100.00	%	71.42	%	3.85	%	23.82	%
3	Back Elevation	908.00	SF	545.00	SF	150.10	SF	197.20	SF
		100.00	%	60.02	%	16.53	%	21.72	%
4	Side Elevation	1001.00	SF	628.80	SF	118.10	SF	238.40	SF
		100.00	%	62.82	%	11.80	%	23.82	%
Total Area		3818.00		2222.20	466.10	1068.30	61.40		

ADTM ENGINEERING & CONSTRUCTION  
CORP.  
1475 HERITAGE PARKWAY, SUITE 217  
MANSFIELD, TEXAS 76063  
CONTACT PERSON: BOB ALTMAN, P.E.  
PHONE: 817-271-7777  
FAX: 817-271-7778  
TEXAS REGISTRATION NUMBER: F-46994



HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

DEVELOPER:  
KSAM LLC  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-592-3875

Design: I.D.  
Drawn: I.D.  
Checked By: M.A.  
Date: 05-05-2021

Revisions	No.	Date

NEW RETAIL BUILDING  
ELEVATIONS  
Sheet L2



**ORDINANCE NO. 3258**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO ALLOW A MULTI-TENANT OFFICE BUILDING, CONVENIENCE STORE WITH GASOLINE SALES, AND A MULTI-TENANT RETAIL BUILDING, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AT HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802 OF ABSTRACT 235 OF THE WC CALDER SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:**

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-186-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR & PD-SF3 to PD-GR, with Concept Plan; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

**NOW, THEREFORE**, this property is rezoned from GR & PD-SF3 to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building on the following property: a portion of Property ID 181802 of Abstract 235 of the WC Calder Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

**PLANNED DEVELOPMENT****Purpose and Intent**

The purpose of this planned development to create a retail development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

**Development Standards**

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan (Exhibit B).

**Development Regulations**

1. A mutually agreed upon Development Agreement will be required for the property.
2. The access easement, shown along Farley St. and continued between Lot 1 and Lot 2 of the development, shall be a condition of the zoning approval.
3. The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).
4. The minimum rear yard setback for Lot 1 shall be 20ft.

5. A dumpster enclosure will be allowed in the northern setback of Lot 1.
6. The Site Plan shall conform as approved by the City Council under case number ZDC-186-2021.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this ordinance, the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED, AND ADOPTED** on this 15<sup>th</sup> day of March, 2021.

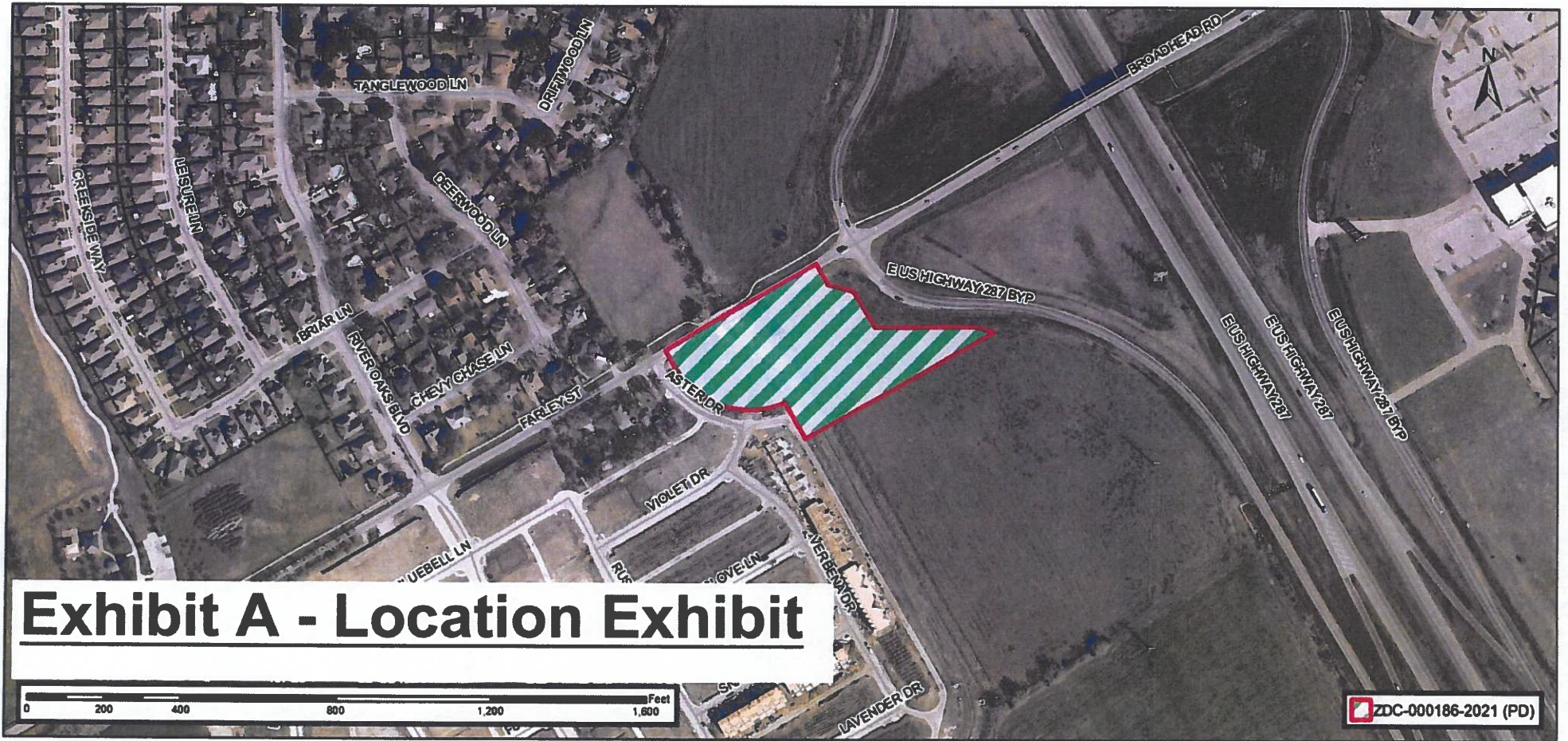


*Marylou Shipley*  
MAYOR/PRO TEM

ATTEST:

*Amber Villarreal*  
Assistant City Secretary





## Exhibit A - Location Exhibit

(11)



Scale 1-33



VICINITY MAP  
N.Y.S.

**ADTM ENGINEERING & CONSTRUCTION CORP.**  
1475 HERITAGE PARKWAY, SUITE 217  
MANSFIELD, TEXAS 76063  
CONTACT PERSON MIKE ALTURK P.E.  
PHONE 817-271-9066  
TEXAS REGISTRATION NUMBER F-19984



HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

**DEVELOPER:**  
KSAM LLC.  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-592-3875

Design: I.D.  
Drawn: I.D.  
Checked By: M.A.  
Date: 01-06-2021

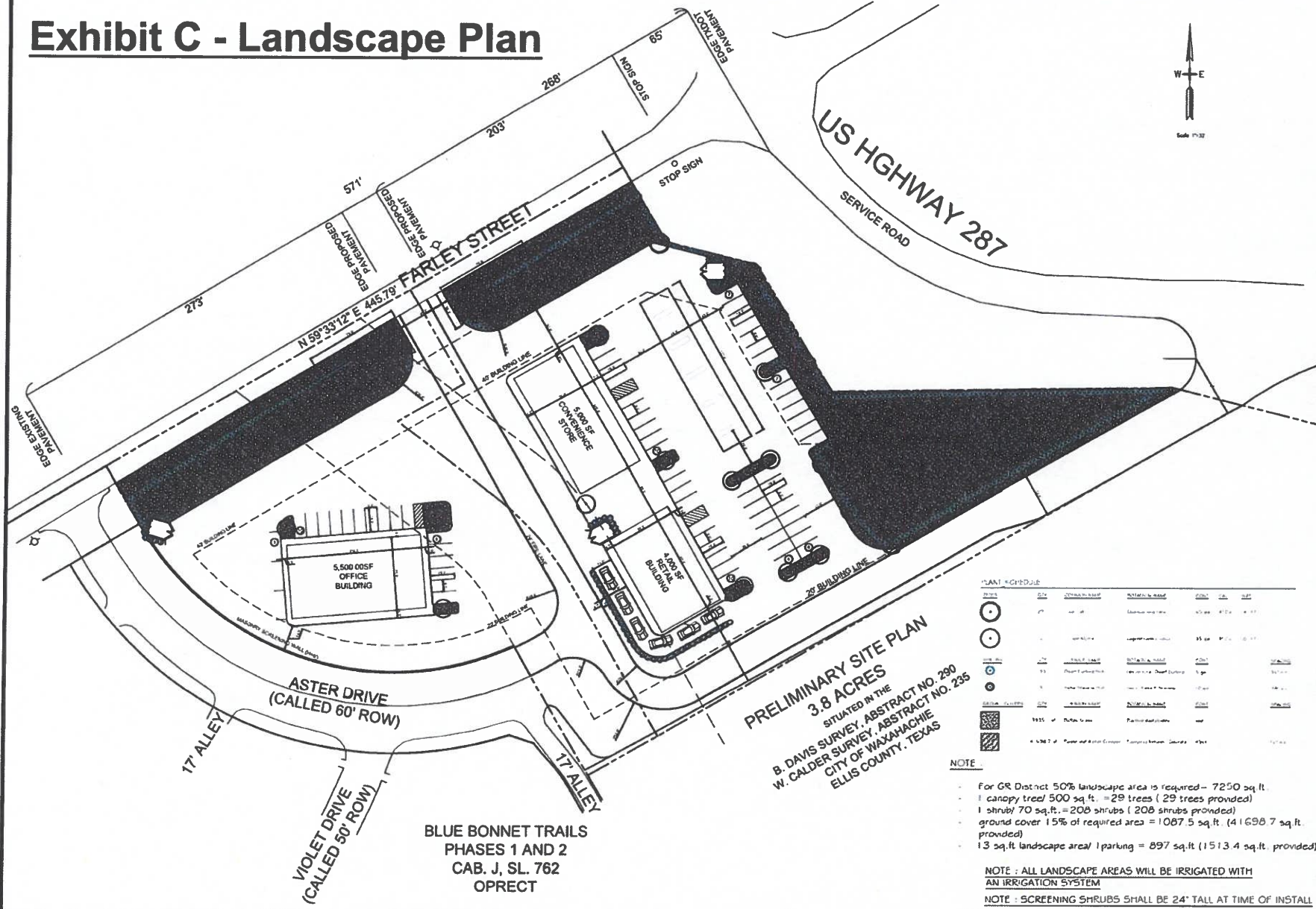
SITE AND DESIGN DATA	
NETS SQ. FT.	131,392 S.F. OR 3.03 ACRES
EXISTING ZONING	GR / PD-040
DESIGNATED ZONING	GR
PROPOSED ZONING, SQ. FT.	Residential Bldg. 11, 3,960 S.F. Retail Building Ctl. 4,900 S.F. Office Building - 1,560 S.F.
TOTAL BUILDING COVERAGE	15,420 S.F. OR 0.3%
TOTAL SPACES REQUESTED	60 SPACES INCLUDING 1 HANDICAP SPACE
PARKING PROVIDED	60 SPACES INCLUDING 4 HANDICAP SPACES
BUILDING HEIGHT	Not Over 30 Feet
MAX. BUILDING HEIGHT	3 Stories Plus GARAGE

### LEGEND

◆ • APPROXIMATE LOCATION OF EXISTING FIRE HYDRANT

**SITE PLAN**  
Sheet  
**C1**

# Exhibit C - Landscape Plan



ADTM ENGINEERING & CONSTRUCTION CORP.  
 1475 HERITAGE PARKWAY, SUITE 217  
 MANSFIELD, TEXAS 76063  
 CONTACT: ADAM M. ADTM, P.E.  
 PHONE: 817-271-6000  
 TEXAS REGISTRATION NUMBER: F-18884



FARLEY ST. & HIGHWAY 287  
 CITY OF WAXAHACHIE  
 ELLIS COUNTY, TEXAS

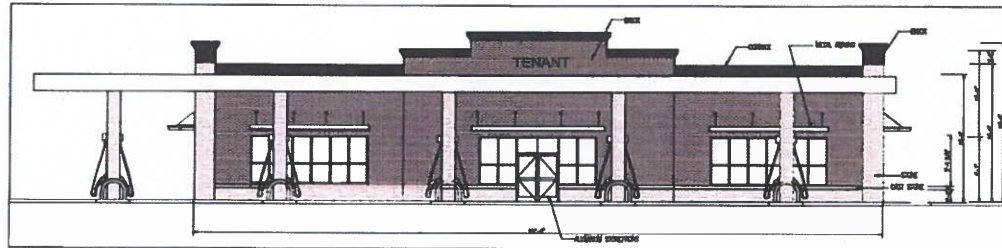
DEVELOPER:  
 KSAM LLC  
 3021 ROSINA, GRAND  
 PRAIRIE, TX 75054  
 PHONE: 917-592-3875

Design: I.A.  
 Drawn: I.D.  
 Checked By: M.A.  
 Date: 01-08-2021

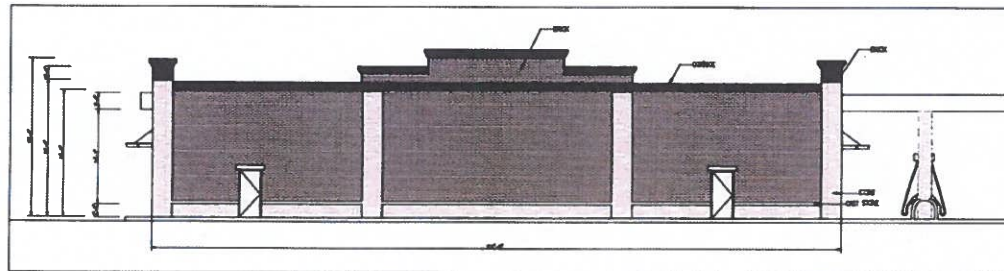
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01-08-2021

LANDSCAPE PLAN  
 Sheet 1 of 1

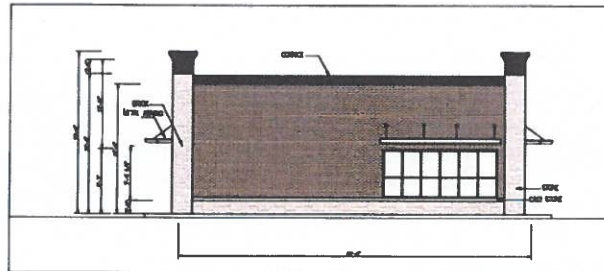
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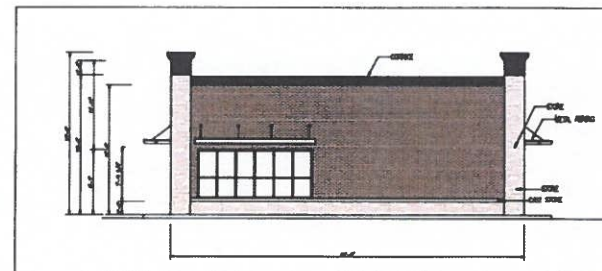
1 FRONT ELEVATION  
SCALE: 1/8"=1'-0"



2 BACK ELEVATION  
SCALE: 1/8"=1'-0"



3 SIDE ELEVATION  
SCALE: 1/8"=1'-0"



4 SIDE ELEVATION  
SCALE: 1/8"=1'-0"

## Exhibit D - Convenience Store Elevation/Facade Plan - Option 1

		Elevations Material Analysis									
		Total Area (SF)		Brick		Aluminum Scaffolding/Flat Doors		Stone		Metal Siding	
1	Front Elevation	2113.10	SF	1175.30	SF	406.30	SF	202.00	SF	329.50	SF
		100.00	%	55.62	%	19.32	%	14.32	%	10.85	%
2	Side Elevation	1108.10	SF	880.40	SF	138.40	SF	225.00	SF	76.30	SF
		500.00	%	81.40	%	11.41	%	20.31	%	6.89	%
3	Back Elevation	2113.10	SF	1551.80	SF	48.00	SF	403.70	SF	9.60	SF
		100.00	%	78.17	%	2.27	%	19.10	%	0.45	%
4	Side Elevation	1108.10	SF	880.40	SF	138.40	SF	225.00	SF	76.30	SF
		100.00	%	81.40	%	11.41	%	20.31	%	6.89	%
Total Area		6442.50		4188.00		707.00		1156.30		291.40	

ADTH ENGINEERING & CONSTRUCTION  
CORP.  
1478 HORTON PARKWAY, SUITE 87  
MARSHFIELD, TEXAS 76663  
CONTACT PERSON: MRS. ALICE P. L.  
PHONE: 817-592-3875  
TEXAS REGISTRATION NUMBER: P-46894



HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

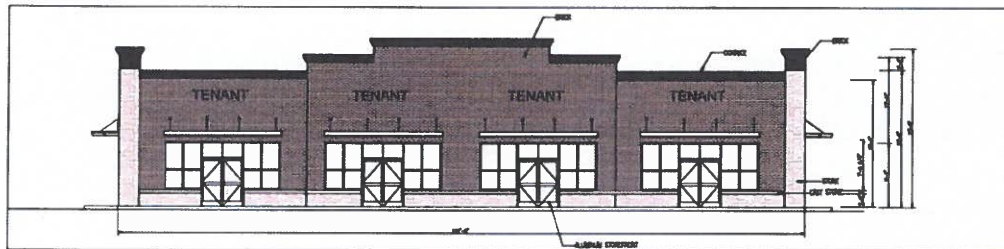
DEVELOPER:  
KSAM LLC  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-592-3875

Design: I.D.  
Drawn: I.D.  
Checked By: M.A.  
Date: 03-02-2021

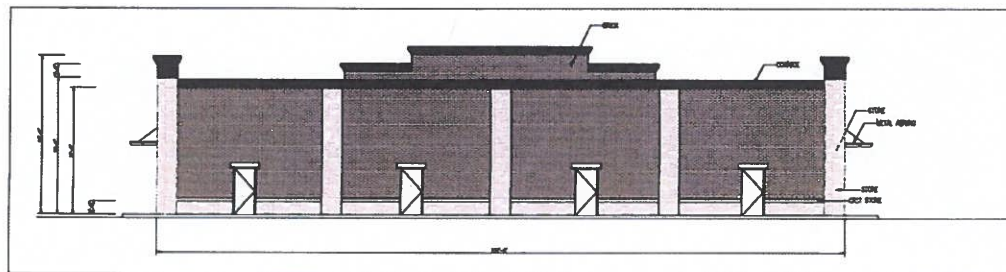
CONVENIENCE STORE  
ELEVATIONS  
Sheet L1

(11)

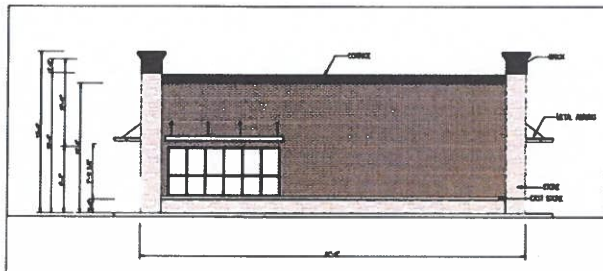




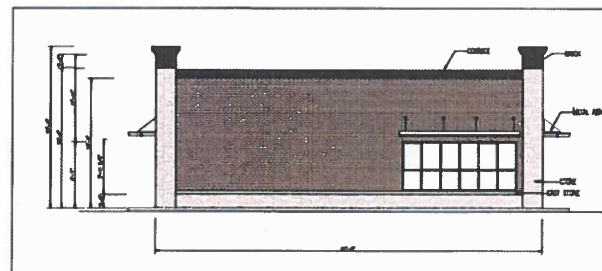
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② BACK ELEVATION  
SCALE: 1/8"=1'-0"



③ SIDE ELEVATION  
SCALE: 1/8"=1'-0"



④ SIDE ELEVATION  
SCALE: 1/8"=1'-0"

## Exhibit D - Office Elevation/Facade Plan - Option 1

		Exterior Material Analysis									
		Total Area (SF)	%	Brick	Aluminum Slat/Front/Back Doors	Stone	Metal Awning				
1	Front Elevation	2142.30	SF	1000.30	SF	575.30	SF	364.50	SF	293.30	SF
		100.00	%	47.12	%	26.85	%	13.35	%	13.89	%
2	Side Elevation	1012.73	SF	995.40	SF	126.40	SF	126.13	SF	6.80	SF
		100.00	%	98.79	%	12.48	%	12.48	%	0.67	%
3	Back Elevation	2142.30	SF	1589.40	SF	96.40	SF	445.10	SF	15.30	SF
		100.00	%	74.20	%	4.50	%	20.78	%	0.71	%
4	Side Elevation	1012.73	SF	995.40	SF	126.40	SF	126.13	SF	6.80	SF
		100.00	%	98.79	%	12.48	%	12.48	%	0.67	%
Total Area		6309.95		3799.70		824.40		1773.86		322.00	

ADTH ENGINEERING & CONSTRUCTION  
CORP.  
4475 HERBERT DRIVE, SUITE 217  
MANFORD, TEXAS 76043  
CONTACT PERSON: MRS. ALICE P. L.  
PHONE: 817-592-3875  
TEXAS REGISTRATION NUMBER: T-65994



HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

DEVELOPER:  
KSAM LLC  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-592-3875

Design I.D.  
Drawn I.D.  
Checked By M.A.  
Date: 03-02-2021

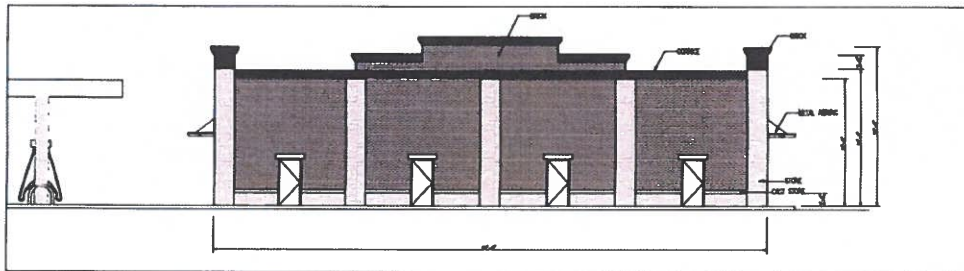
NO.	DATE	REVISION
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4		
5		
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10		

OFFICE BUILDING  
ELEVATIONS  
Sheet L2

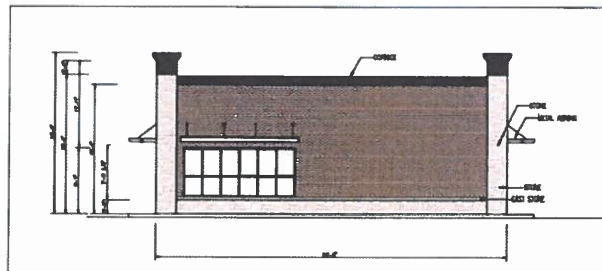
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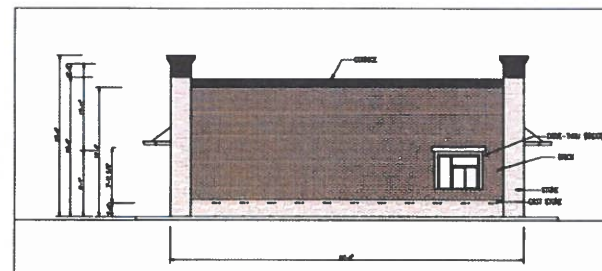
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② BACK ELEVATION  
SCALE: 1/8"=1'-0"



③ SIDE ELEVATION  
SCALE: 1/8"=1'-0"



④ SIDE ELEVATION  
SCALE: 1/8"=1'-0"

## Exhibit D - Retail Elevation/Facade Plan - Option 1

		Elevation Material Analysis							
		Total Area (SF)	%	Brick	Aluminum Storefront/Exit Doors	Stone	Metal Siding		
1	Front Elevation	1733.00	SF	857.30	SF	575.30	SF	324.30	SF
		100.00	%	49.46	%	33.19	%	12.94	%
2	Side Elevation	1108.10	SF	680.40	SF	126.40	SF	225.00	SF
		100.00	%	61.40	%	11.41	%	20.11	%
3	Back Elevation	1733.00	SF	1228.90	SF	96.00	SF	408.10	SF
		100.00	%	70.91	%	5.54	%	23.16	%
4	Side Elevation	1108.10	SF	750.40	SF	36.50	SF	321.20	SF
		100.00	%	67.72	%	3.27	%	27.99	%
Total Area		5642.20		3516.90		836.10		1189.80	

ADTM ENGINEERING & CONSTRUCTION  
CISP  
1475 HORTON PARKWAY, SUITE 207  
HOUSTON, TEXAS 77060  
CONTACT: PABLO ALVARADO, P.E.  
TELEPHONE: 281-460-1111  
TEXAS REGISTRATION NUMBER: F-46994



HIGHWAY 287  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

DEVELOPER:  
KSAM LLC  
3021 ROSINA, GRAND  
PRAIRIE, TX 75054  
PHONE: 817-592-3875

Design: J.D.  
Drawn: J.D.  
Checked By: M.A.  
Date: 03-02-2021

RETAIL BUILDING  
ELEVATIONS  
Sheet L3

(11)

# Exhibit E - Staff Report

## Planning & Zoning Department

### Zoning Staff Report

**Case: ZDC-186-2021**



#### MEETING DATE(S)

*Planning & Zoning Commission:* March 9, 2021

*City Council:* March 15, 2021 (continued from March 1, 2021)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend to continue case number ZDC-186-2021 to the March 9, 2021 Planning and Zoning meeting.

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-186-2021, subject to staff comments.

#### CAPTION

**Public Hearing** on a request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

#### APPLICANT REQUEST

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

#### CASE INFORMATION

*Applicant:* Islam Diab, ADTM Engineering & Construction Corp.

*Property Owner(s):* KSAM, LLC

*Site Acreage:* 3.52 acres

*Current Zoning:* General Retail and PD-SF-3

*Requested Zoning:* Planned Development - General Retail

#### SUBJECT PROPERTY

*General Location:* SE corner of Farley Street at Highway 287

*Parcel ID Number(s):* 181802

*Existing Use:* Undeveloped

*Development History:* N/A



## Exhibit E - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	----	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

*Future Land Use Plan:*

Low Density Residential and Retail

*Comprehensive Plan:*

**Low Density Residential:** This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

**Retail:** Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:*

The subject property is accessible via Farley St. and Aster Dr.  
*Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

*Site Image:*





**PLANNING ANALYSIS****Exhibit E - Staff Report****Applicant Request**

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

**Proposed Use**

Per the operational plan, the applicant is requesting to construct three (3) buildings, two of which will be located on the east side of the property (adjacent to US Hwy 287 service road), and one building will be located on the west side of the property (adjacent to Aster Rd). Per the tables below, one of the buildings will be located on Lot 1 (4 tenant office building/Table 2) and two buildings will be located on Lot 2 (Convenience Store with Gasoline Sales and 4 tenant retail building/Table 3). Please note that the only difference between the two tables is the building square footage size. The setbacks and other dimensional uses will be the same.

At the February 23, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Elevation/Façade plan(s) for the proposed development so that the buildings would not appear "dated" in a short period of time. Per the Commission's request, the applicant presented two (2) options (*see below*) of Elevation/Façade plans for the Planning and Zoning Commission to review at the March 9, 2021 Planning and Zoning meeting.

**ELEVATION/FACADE OPTIONS PROPOSED TO THE PLANNING AND ZONING COMMISSION**

- **Option 1:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 75% brick and 25% stone for the total building.
    - The applicant has removed stucco from this option.
- **Option 2:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 50% brick and 50% stone for the total building. In comparison to the Elevation/Façade Plan presented to the Planning and Zoning Commission on February 23, 2021, the stone replaces where the stucco material was originally presented. Similar to the Option 1 proposal, stucco has been removed from this option.

At the March 9, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to recommend "Option 1" for approval to City Council.

**Table 2: Proposed Development Standards Lot 1 (General Retail)**

- **Office Building**

***\*Items highlighted in bold do not meet the City of Waxahachie requirements***

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	49,744	Yes
Min. Building Size (Sq. Ft.)	N/A	5,500	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
<b>Min. Rear Yard (Ft.)</b>	<b>20; 25 (adjacent to residential)</b>	20	No
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	11.1	Yes
Parking	64	69 (total development)	Yes

## Exhibit E - Staff Report

*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If the City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

**Table 3: Proposed Development Standards for Lot 2 (General Retail)**

- Convenience Store with Gasoline Sales
- Retail/Restaurant Building

*\*Items highlighted in bold do not meet the City of Waxahachie requirements*

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	103,115	Yes
Min. Building Size (Sq. Ft.)	N/A	Convenience Store: 5,000 Retail/Restaurant: 4,000	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	8.7	Yes
Parking	64	69 (total development)	Yes

*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

### Variance Request

The applicant is asking for the following variances from the City of Waxahachie Zoning Ordinance:

- Location of the dumpster enclosure to be in the setback of Lot 1.
- The rear setback of Lot 1 to be 20' instead of 25'.

### PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

### PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of opposition for the proposed development.

### RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. A mutually agreed upon development agreement is signed by the applicant and staff.
  2. Though access easements are reviewed with plat cases, staff suggests that the access easement be a condition of the zoning change approval. Per the plat

## **Exhibit E - Staff Report**

submitted by the applicant, an access easement is provided along Farley St. and is continued between Lot 1 and Lot 2 of the development.

3. Staff suggests that the City Council select an option, or discuss an alternative Elevation/Façade Plan option, to include in the final recommendation to the applicant.
  - a. Note: The applicant is aware that if a tenant that intends to occupy the building wants to alter the approved exterior elevation/façade of the building, then the applicant/tenant would be required to apply for a Planned Development Amendment.

### **ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan Exhibits

### **APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

### **STAFF CONTACT INFORMATION**

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