

# *A G E N D A*

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, November 23, 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 November 9, 2021
- b. Minutes of the Planning & Zoning Commission briefing of November 9, 2021
5. ***Consider*** request by David Norris, Foresite Group, LLC, for a Plat of The Fitzgerald, being a 12.6563 acre tract of land situated in the Albert S. Pruett Survey, Abstract 848 (Property ID 275563) – Owner: KALTERRA CAPITAL PARTNERS, LLC (SUB-168-2021)
6. ***Consider*** request by Mike Davis, Bannister Engineering, for a Final Plat of Victron Park, Lot 1, Block 9, being 1.283 acres situated in the Albert Pruitt Survey, Abstract 848, an addition in the City of Waxahachie (Property ID 189377) – Owner: DMJ PROPERTIES, LTD (SUB-172-2021)
7. ***Consider*** request by Jace Huffman, Huffman Consulting Engineers, for a Plat of Scarborough Carwash, Lot 1, Block 1, being 1.571 acres situated in the J.C. Armstrong Survey, Abstract 6, an addition in the City of Waxahachie (Property ID 223397 & 179035) – Owner: H & D REALTY INVESTMENTS, LLC (SUB-163-2021)

8. **Consider** request by Michael Westfall, P.E., Westfall Engineering, for a Plat of Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021)
9. **Consider** request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)
10. **Public Hearing** on a request by Danny Wood, Wood Brothers Construction, LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021)
11. **Consider** recommendation of Zoning Change No. ZDC-171-2021
12. **Public Hearing** on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a 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-174-2021)
13. **Consider** recommendation of Zoning Change No. ZDC-174-2021
14. **Public Hearing** on a request by Drew Donosky, Claymoore Engineering, for a Specific Use Permit (SUP) for a Hospital (Inpatient Rehabilitation Facility) use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)
15. **Consider** recommendation of Zoning Change No. ZDC-173-2021
16. **Public Hearing** on a request by Rafael Benavides for Zoning Change from a Single Family-2 (SF2) zoning to Planned Development-Single Family-2 (PD-SF2) to allow an existing Additional Single-Family Residence for rent use located at 314 Kaufman Street (Property ID 170847) - Owner: RAFAEL & GREGORIA S BENAVIDES (ZDC-176-2021)
17. **Consider** recommendation of Zoning Change No. ZDC-176-2021
18. **Continue Public Hearing** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
19. **Consider** recommendation of Zoning Change No. ZDC-146-2021

20. 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.***

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, November 9, 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  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Director of Planning  
Colby Collins, Planning Manager  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

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

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of October 26, 2021
- b. Minutes of the Planning & Zoning Commission briefing of October 26, 2021
- c. Minutes of the Planning & Zoning Work Session of October 26, 2021

**Action:**

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

5. **Continue Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-134-2021.

6. **Consider recommendation of Zoning Change No. ZDC-134-2021**

No action taken.

(4a)

- 7. Continue Public Hearing on a request by Josh Dunlap, for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 (PD-MF-2) zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-105-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

- 8. Consider recommendation of Zoning Change No. ZDC-105-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Josh Dunlap, for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 (PD-MF-2) zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021) to the December 14, 2021 Planning and Zoning Commission meeting. Mr. Jim Phillips seconded, All Ayes.*

- 9. Continue Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

- 10. Consider recommendation of Zoning Change No. ZDC-155-2021**

**Action:**

*Ms. Bonney Ramsey moved to continue the Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the December 14, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

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

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-162-2021 to the December 14, 2021 Planning and Zoning Commission meeting.

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

(40)

**Action:**

*Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021) to the December 14, 2021 Planning and Zoning Commission meeting. Vice Chairman Melissa Ballard seconded, All Ayes.*

13. **Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021)**

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

**Action:**

*Mr. Jim Phillips moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021). Mr. David Hudgins seconded, All Ayes.*

14. **Public Hearing on a request by Iris Rodgers, Rogers Companies, LLC, for a Replat of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS DOMINIQUE RICHARDSON (SUB-101-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property from portions of four (4) lots into nine (9) lots for single-family residential use and staff recommends approval as presented.

Those who spoke in opposition:

Greg Dansby, 2940 FM 1446, Waxahachie, Texas  
Tobey Nealy, 2729 FM 1446, Waxahachie, Texas  
David Milliken, 3039 FM 1446, Waxahachie, Texas  
Carla Voorheis, 2822 FM 1446, Waxahachie, Texas  
Mike Hastings, 527 Richard Road, Waxahachie, Texas  
Joseph Voorheis, 2822 FM 1446, Waxahachie, Texas

The adjacent property owners explained there are deed restrictions on the property and the requested replat is not allowed.

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Tim Rogers, 1908 Yorkstown, Ennis, Texas, explained he was not aware there were deed restrictions on the property when he initially purchased it. He confirmed the Planning and Zoning Commission and City Council does not enforce the deed restrictions and Chairman Keeler confirmed that is correct. Mr. Rogers requested an action from the Commission.

Graduate Engineer Macey Martinez explained the owner provided civil engineering for a detention pond near the property and Ellis County would oversee the development since it is in the ETJ and not in the city limits of Waxahachie.

There being no others to speak for or against SUB-101-2021, Chairman Keeler closed the Public Hearing.

Chairman Keeler reiterated the Commission cannot enforce deed restrictions and that cannot be taken into consideration when reviewing the plat. He explained the Commission's role is to ensure compliance with City requirements.

**15. Consider approval of SUB-101-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Iris Rodgers, Rogers Companies, LLC, for a Replat of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS DOMINIQUE RICHARDSON (SUB-101-2021) as presented. Mr. Jim Phillips seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, David Hudgins, and Erik Test. Noes: Betty Square Coleman.*

*The motion carried.*

**16. Public Hearing on a request by Mark and Raquel Gundert, for a Replat of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres (Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the property into one (1) lot for single-family residential use and staff recommends approval as presented.

There being no others to speak for or against SUB-158-2021, Chairman Keeler closed the Public Hearing.

**17. Consider approval of SUB-158-2021**

**Action:**

*Mr. Jim Phillips moved to approve a request by Mark and Raquel Gundert, for a Replat of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres*

(4a)

*(Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021). Ms. Bonney Ramsey seconded, All Ayes.*

- 18. Public Hearing on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting to replat the two (2) subject properties in order to abandon a 60' future road dedication and staff recommends approval as presented.

There being no others to speak for or against SUB-159-2021, Chairman Keeler closed the Public Hearing.

- 19. Consider approval of SUB-159-2021**

**Action:**

*Mr. David Hudgins moved to approve a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021). Mr. Erik Test seconded, All Ayes.*

- 20. Consider request by Todd Wintters, Engineering Concepts & Design LP, for a Plat of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510)– Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into sixty-eight (68) lots for single-family residential use and staff recommends approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Todd Wintters, Engineering Concepts & Design LP, for a Plat of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510)– Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021). Ms. Bonney Ramsey seconded, All Ayes.*

- 21. Consider request by Miguel E Juraidini Zorrilla, for a Plat of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021)**

Mr. King presented the case noting the applicant is requesting to plat the property into two (2) lots for continued multi-family residential use. Mr. King explained the applicant agreed to include the

(4a)

required 60' right-of-way dedication and staff recommends approval with the condition that a revised plat be submitted showing the required right-of-way dedication from FM 879.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Miguel E Juraidini Zorrilla, for a Plat of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021) with the updated plat showing the 60' right-of-way to the City. Vice Chairman Melissa Ballard seconded, All Ayes.*

**22. Public Hearing on a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting approval to construct a 288 sq. ft. accessory structure to be used as a dwelling and staff recommends 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, in any case, be leased or sold separately and shall not be separately metered.

Tarayn Dickerson, 1109 W. Main Street, Waxahachie, Texas, explained they are requesting the accessory structure to be used as a dwelling for her mother and noted she will comply with city requirements for the structure.

Commissioner Bonney Ramsey inquired if Ms. Dickerson has considered using materials similar to her home for the façade. Ms. Dickerson explained the building will not be visible to anyone and with the close proximity to her pool it might have the look of a pool house.

Commissioner Betty Square Coleman suggested contacting the Heritage Preservation Commission for ideas to match the Historic District the property is located in.

There being no others to speak for or against ZDC-157-2021, Chairman Keeler closed the Public Hearing.

**23. Consider recommendation of Zoning Change No. ZDC-157-2021**

**Action:**

*Mr. David Hudgins moved to approve a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021) per staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

(H2)

- 24. Continue Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-122-2021.

- 25. Consider recommendation of Zoning Change No. ZDC-122-2021**

No action taken.

- 26. Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)**

Chairman Keeler opened the Public Hearing.

Planning Manager Colby Collins reviewed the case noting the applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop. He explained the applicant is currently leasing the property from Daystar Coaches & Tours since August 2020. Code Enforcement received a complaint regarding the storage on the property and it discovered the non-compliance with zoning for the use. The applicant has since cleaned the property and removed visible storage into the existing building. Mr. Collins explained there is no primary use for the site and the use of storage is considered an accessory use. The Zoning Ordinance states an accessory use cannot occupy the property alone. Staff recommended denial due to concerns with safety and zoning compliance.

Rodney Ott, 206 Sterrett Road, Waxahachie, Texas, explained he is not opposed to the proposed use, but he is concerned with rodents and possible violation of EPA standards.

Vanessa Cabrera, HGO Tire Shop, requested approval to continue the use. She explained the applicant is open to adding additional screening, landscaping, or fencing in order to continue the use at this site.

Commissioner David Hudgins expressed concerns with fire safety on the property and the surrounding area.

Chairman Keeler confirmed the Zoning Ordinance does not allow for outside storage because there isn't a primary use on the property and Mr. Collins agreed.

There being no others to speak for or against ZDC-164-2021, Chairman Keeler closed the Public Hearing.

(4a)

**27. Consider recommendation of Zoning Change No. ZDC-164-2021**

**Action:**

*Mr. David Hudgins moved to deny a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021). Ms. Bonney Ramsey seconded, All Ayes.*

**28. Public Hearing on a request by Chris Reeves, Quickway Signs, for a Planned Development (PD) for an Electronic Message Sign use within a Single Family-2 (SF-2) zoning district located at 505 W Marvin Ave (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-161-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-161-2021.

**29. Consider recommendation of Zoning Change No. ZDC-161-2021**

No action taken.

**30. Continue Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)**

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision and staff recommends approval per staff comments. He explained the applicant provided three elevation/façade options from the Commission's comments at the October 26<sup>th</sup> meeting and requested the Commission's preference. Staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Staff suggests that the Planning and Zoning Commission select or discuss an alternative elevation/façade plan to recommend to City Council for review.

Sidney Stratton, 12225 Greenville Avenue, Dallas, Texas, explained the architect updated the renderings with the Commission's suggestions. She explained the screening wall will only be along Highway 77. She requested the Commission's direction on the three elevation/façade options provided.

There being no others to speak for or against ZDC-150-2021, Chairman Keeler closed the Public Hearing.

**31. Consider recommendation of Zoning Change No. ZDC-150-2021**

(4a)

**Action:**

*Mr. Jim Phillips moved to approve a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) with Option 1 for elevation/facade. Ms. Bonney Ramsey seconded, All Ayes.*

- 32. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 23, 2021 Planning and Zoning Commission meeting.

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

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the November 23, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

- 34. Adjourn**

There being no further business, the meeting adjourned at 8:37 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(4b)

Planning and Zoning Commission  
November 9, 2021

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, November 9, 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  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Director of Planning  
Colby Collins, Planning Manager  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

**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**

Planning Manager Colby Collins introduced and welcomed Planning Director Jennifer Pruitt. Mr. Collins reviewed the following cases:

- ZDC-134-2021, applicant withdrew the case.
- ZDC-105-2021, applicant requested to continue this case to the December 14, 2021 Planning and Zoning Commission Meeting.
- ZDC-155-2021, applicant requested to continue this case to the December 14, 2021 Planning and Zoning Commission Meeting.
- ZDC-162-2021, applicant requested to continue this case to the December 14, 2021 Planning and Zoning Commission Meeting.
- ZDC-122-2021, applicant withdrew the case.
- ZDC-164-2021, applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop. Due to staff's concerns with safety and the Zoning Ordinance, staff recommends denial. He explained there is no primary use for the site and the use of storage is considered an accessory use. The Zoning Ordinance states an accessory use cannot occupy the property alone.
- ZDC-161-2021, applicant withdrew the case.
- ZDC-150-2021, applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision and staff recommends approval per staff comments. He explained the applicant provided three elevation/façade options from the Commission's comments at the October 26<sup>th</sup> meeting.

(4b)

- ZDC-146-2021, applicant requested to continue this case to the November 23, 2021 Planning and Zoning Commission Meeting

Planner Zack King reviewed the following cases:

- SUB-99-2021, applicant is requesting to plat the property into one (1) lot for commercial use and staff recommends approval as presented.
- SUB-101-2021, applicant is requesting to replat the property from portions of 4 lots into 9 lots for single-family residential use and staff recommends approval as presented. He explained the property has deed restrictions; however, the City's governing bodies cannot take that into consideration in regards to approving the plat.
- SUB-158-2021, applicant is requesting to replat the property into one (1) lot for single-family residential use and staff recommends approval as presented.
- SUB-159-2021, applicant is requesting to replat the two (2) properties in order to abandon a 60' future road dedication and staff recommends approval as presented.
- SUB-153-2021, applicant is requesting to plat the property into sixty-eight (68) lots for single-family residential use and staff recommends approval as presented.
- SUB-151-2021, applicant is requesting to plat the property into two (2) lots for continued multi-family residential use and staff recommends approval with the condition that a revised plat showing the 60' right-of-way dedication be submitted to the City.
- ZDC-157-2021, applicant is requesting approval to construct a 288 sq. ft. accessory structure to be used as a dwelling and staff recommends approval per staff comments.

The Commission discussed the visibility of the structure from the right-of-way and the possible building materials to be used on the structure.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

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# Planning & Zoning Department

## Plat Staff Report

Case: SUB-168-2021



### MEETING DATE(S)

Planning & Zoning Commission: November 23, 2021

### CAPTION

**Consider** request by David Norris, Foresite Group, LLC, for a **Plat** of The Fitzgerald, Lot 1, Block 1, being 12.6563 acres situated in the J.B. & Ann Adams Survey, Abstract 5, an addition in the City of Waxahachie (Property ID 275563) – Owner: KALTERRA CAPITAL PARTNERS, LLC (SUB-168-2021)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into one (1) lot for multi-family residential use.

### CASE INFORMATION

*Applicant:* David Norris, Foresite Group, LLC

*Property Owner(s):* Kaltterra Capital Partners, LLC

*Site Acreage:* 12.6563 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 184 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$73,600.00 (184 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* Adequate public facilities are available to the site.

### SUBJECT PROPERTY

*General Location:* East of 240 Park Place Blvd.

*Parcel ID Number(s):* 275563

*Current Zoning:* Planned Development-Multi Family-2 (PD-MF-2)

*Existing Use:* The site is currently undeveloped

*Platting History:* The subject property is a part of the J.B. & Ann Adams Survey, Abstract 5.

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into one (1) lot for multi-family residential use. The dimensions of the proposed plat adhere to the requirements established by the zoning on the site (PD-MF-2). Adequate sewer and water facilities are available to the site. Note: Prior to filing, easement instrument numbers will need to be added to the plat and utility service connections will need to be installed.

**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:

**ATTACHED EXHIBITS**

- 1. Plat

**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:

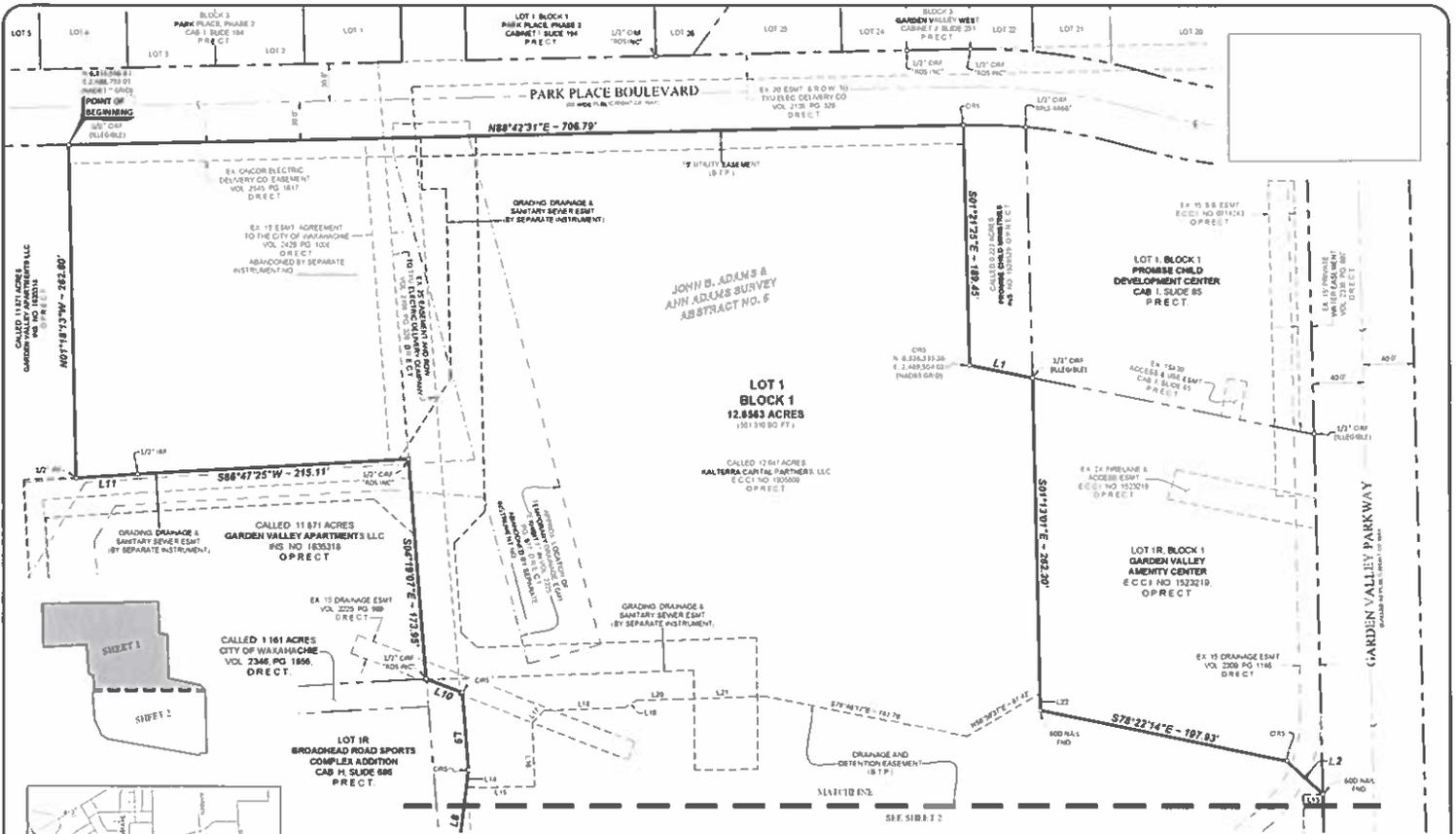
- 1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
- 2. A drainage study has been conducted and/or a traffic impact analysis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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

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**\* LEGEND \***

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- CRS 9792" IRON ROD WITH CAP STAMPED
- CRS 9816" IRON ROD WITH CAP STAMPED
- CRS 9840" IRON ROD WITH CAP STAMPED
- CRS 9864" IRON ROD WITH CAP STAMPED
- CRS 9888" IRON ROD WITH CAP STAMPED
- CRS 9912" IRON ROD WITH CAP STAMPED
- CRS 9936" IRON ROD WITH CAP STAMPED
- CRS 9960" IRON ROD WITH CAP STAMPED
- CRS 9984" IRON ROD WITH CAP STAMPED
- CRS 10000" IRON ROD WITH CAP STAMPED

**OWNER/APPLICANT**  
**KALPARRA CAPITAL PARTNERS**  
**FRY R. HARETT STREET**  
**BALDWIN, TX 75002**  
**PH: 214-310-0050**  
**ATTN: NICHOLAS BALDAMO**

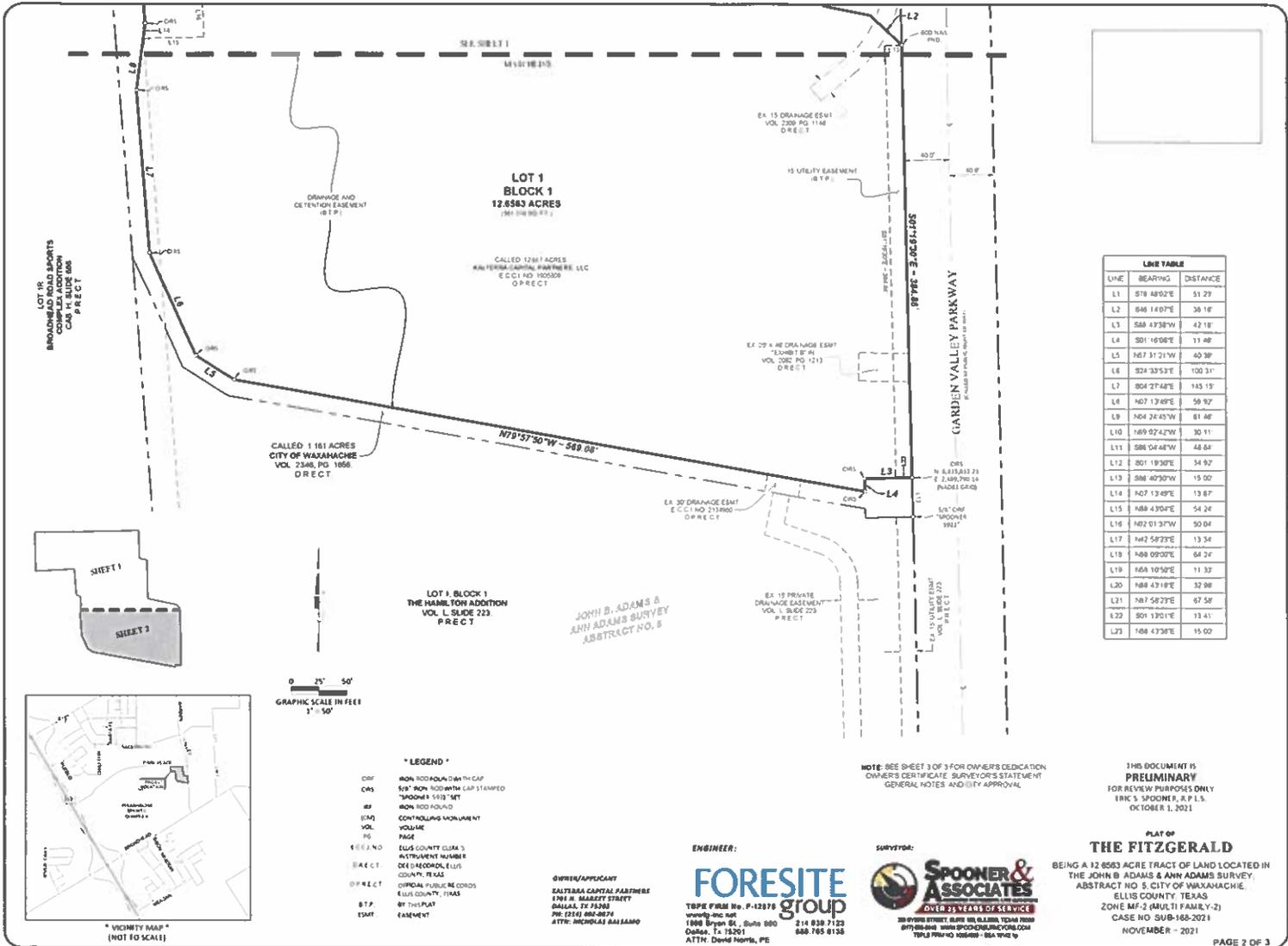
**ENGINEER:**  
**FORESITE group**  
 TERRY P. HARRIS, P.E.  
 1800 Bryna St., Suite 880  
 Dallas, TX 75201  
 ATTN: David North, PE

**SURVEYOR:**  
**SPOONER & ASSOCIATES**  
 1000 FOREST BLVD. #100, DALLAS, TEXAS 75201  
 (972) 412-4400 WWW.SPOONERANDASSOCIATES.COM  
 TEXAS PROFESSIONAL SURVEYOR NO. 15416

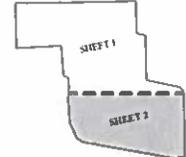
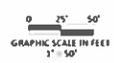
THIS DOCUMENT IS  
**PRELIMINARY**  
 FOR REVIEW PURPOSES ONLY  
 ERIC S. SPOONER, R.P.S.  
 OCTOBER 3, 2021

PLAT OF  
**THE FITZGERALD**  
 BEING A 12.8563 ACRE TRACT OF LAND LOCATED IN  
 THE JOHN B. ADAMS & ANN ADAMS SURVEY,  
 ABSTRACT NO. 5, CITY OF WAXAHACHE,  
 ELLIS COUNTY, TEXAS  
 ZONE MF-2 (MULTI-FAMILY-2)  
 CASE NO. SUB-188-2021  
 NOVEMBER - 2021

(5)



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S78°48'02"E	51.22'
L2	S46°14'07"W	36.16'
L3	S68°43'38"W	42.18'
L4	S01°16'58"E	11.48'
L5	N67°51'21"W	40.38'
L6	S24°33'53"E	100.31'
L7	S04°27'48"E	145.15'
L8	N07°13'49"E	56.92'
L9	N04°26'45"W	81.46'
L10	N65°02'42"W	30.11'
L11	S96°04'48"W	48.64'
L12	S01°18'30"E	54.92'
L13	S86°40'30"W	15.00'
L14	N07°13'49"E	13.67'
L15	N88°43'04"E	54.24'
L16	N02°01'37"W	50.04'
L17	N42°58'22"E	13.34'
L18	N68°09'02"E	64.24'
L19	N64°10'52"E	11.33'
L20	N66°43'18"E	32.88'
L21	N81°58'22"E	67.58'
L22	S01°13'01"E	13.41'
L23	N68°47'38"E	15.00'



- \* LEGEND \***
- CRP IRON ROD AND D WITH CAP
  - CRS IRON ROD WITH LAP STAMPED
  - "SPOONER 1/8\"/>

**OWNER/APPLICANT**  
**KALTBARA CAPITAL PARTNERS**  
**100 W. MARKET STREET**  
**DALLAS, TX 75202**  
**PH: (214) 500-0054**  
**ATTN: NICHOLAS ANJANMO**

**ENGINEER:**  
**FORESITE group**  
**TRIPLE O'RAM No. P-12878**  
**www.foresite.com**  
**1600 Bryan St., Suite 600 Dallas, TX 75201 214.839.7123 646.765.6158**  
**ATTN: David Horns, PE**

**SURVYOR:**  
**SPOONER & ASSOCIATES**  
**OVER 25 YEARS OF SERVICE**  
**300 PLYMOUTH STREET, SUITE 100, DALLAS, TEXAS 75201**  
**(214) 500-0054 www.spoonerandassociates.com**  
**TRIPLE O'RAM LICENSE - 064 7016 1/2**

THIS DOCUMENT IS  
**PRELIMINARY**  
 FOR REVIEW PURPOSES ONLY  
 ERIC S. SPOONER, R.P.L.S.  
 OCTOBER 1, 2021

**PLAT OF**  
**THE FITZGERALD**  
 BEING A 12.6563 ACRE TRACT OF LAND LOCATED IN  
 THE JOHN B. ADAMS & ANN ADAMS SURVEY,  
 ABSTRACT NO. 5, CITY OF WAXAHACHE,  
 ELLIS COUNTY, TEXAS  
 ZONE MF-2 (MULTI-FAMILY-2)  
 CASE NO. SUB-165-2021  
 NOVEMBER - 2021

(5)

OWNER'S CERTIFICATION

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS KALTERA CAPITAL PARTNERS, LLC is the sole owner of a 12.6563 acre tract of land located in the J.B. & Ann Adams Survey, Abstract No. 5, City of Washache, Ellis County, Texas said 12.6563 acre tract of land being all of that called 12.647 acre tract of land conveyed to KALTERA CAPITAL PARTNERS, LLC by deed thereof filed for record in instrument number 1559529 Official Public Records, Ellis County, Texas (O.P.R.E.C.T.) and 12.6563 acre tract of land being more particularly described by notes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the northwest property corner of the said 12.647 acre tract same being the most northerly northeast corner of a called 11.871 acre tract of land conveyed to Garden Valley Apartments, LLC by deed recorded in its No. 1655118 O.P.R.E.C.T., said beginning point being on the south right-of-way line of Park Place Boulevard, being a called 60 feet wide right-of-way conveyed in part by deed recorded in Volume 2225, Page 963, Deed Records, Ellis County, Texas (O.P.R.E.C.T.);

THENCE North 88°42'31" East, along the north property line of the said 12.647 acre tract and along the said south right-of-way line, 108.79 feet to a 3/8" iron rod with cap stamped "SPOONER 5922" set (hereinafter referred to as iron rod set) at the northeast property corner of the said 12.647 acre tract same being the northwest property corner of a called 0.223 acre tract conveyed to Promissio Child Nurseries by deed recorded in its No. 1559529 O.P.R.E.C.T.;

THENCE along the common property lines of the said 12.647 acre tract and the said 0.223 acre tract the following courses and distances:

South 02°13'25" East, 189.45 feet to an iron rod set at a northeast property corner of the said 12.647 acre tract same being the southwest property corner of the said 0.223 acre tract;

South 78°48'02" East 51.21 feet to a 1/2" iron rod with an illegible cap found at a northeast property corner of the said 12.647 acre tract same being the southeast property corner of the said 0.223 acre tract, further being the northeast lot corner of Lot 1A, Block 3, Garden Valley Apartments Center, being an addition to the City of Washache, Ellis County, Texas according to the plat thereof recorded in its No. 1532119 O.P.R.E.C.T.;

THENCE along the common lines of the said 12.647 acre tract and said Lot 1A, Block 3, Garden Valley Apartments Center the following courses and distances:

South 01°13'01" East, 282.30 feet to a 608 nail found at a northeast property corner of the said 12.647 acre tract same being the southwest lot corner of said Lot 1A;

South 78°27'16" East, 197.93 feet to an iron rod set at a northeast property corner of the said 12.647 acre tract, same being a southeast property corner of said Lot 1A;

South 45°16'07" East, 18.16 feet to a 608 nail found at the most easterly northeast property corner of the said 12.647 acre tract, same being the southeast lot corner of said Lot 1A, said 608 nail found being on the west right-of-way line of Garden Valley Parkway, being an 80 feet wide right-of-way conveyed in part by plat thereof filed for record in Cabinet G, Slide 110, P.R.E.C.T.;

THENCE along the common property lines of the said 12.647 acre tract and the said 1.16 acre tract the following courses and distances:

South 88°41'34" West, 42.18 feet to an iron rod set;

South 03°16'05" East, 11.46 feet to an iron rod set;

North 79°57'50" West, 569.08 feet to an iron rod set;

North 57°57'12" West, 40.39 feet to an iron rod set;

North 24°37'53" West, 100.11 feet to an iron rod set;

North 07°24'48" West, 145.15 feet to an iron rod set;

North 07°13'49" East, 59.92 feet to an iron rod set;

North 04°24'45" West, 61.46 feet to an iron rod set;

North 69°02'42" West, 10.11 feet to a 1/2" iron rod with cap stamped "RDS INC" found at a north property corner of the said 1.16 acre tract, same being a west property corner of the said 12.647 acre tract and further being the most easterly southeast property corner of the said 11.871 acre tract;

THENCE along the common property lines of the said 12.647 acre tract and the said 11.871 acre tract the following courses and distances:

North 04°19'07" West, 173.95 feet to a 1/2" iron rod in a cap stamped "RDS INC" found;

South 68°47'25" West, 235.11 feet to a 1/2" iron rod found;

South 84°04'48" West, 48.84 feet to a 1/2" iron rod found;

North 01°18'31" West, 262.60 feet to the POINT OF BEGINNING.

The hereabove described tract of land contains a computed area of 12.6563 acres (552,510 square feet) of land more or less.

OWNER'S DESIGNATION

NOW, THEREFORE KNOWN BY ALL MEN THESE PRESENTS

THAT KALTERA CAPITAL PARTNERS, LLC, acting herein by and through their duly authorized agent, does hereby adopt the plat designating the hereabove described property as **PM FITZGERALD**, an addition to the City of Washache, Texas, and does 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 purpose indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growth 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 Washache. 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 particular utilities, and use by public utilities being subordinate to the public's and City of Washache's use thereof. The City of Washache and its utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growth which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Washache 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 from it or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

KALTERA CAPITAL PARTNERS, LLC.

Nicholas Balsamo, Manager

STATE OF TEXAS

COUNTY OF ELLIS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared NICHOLAS BALSAMO known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Nicholas Balsamo, Notary Public, State of Texas

Notary Public, State of Texas

CERTIFICATE OF APPROVAL
Approved by Planning and Zoning Commission, City of Washache

STATE OF TEXAS
COUNTY OF ELLIS

I, Eric S. Spooner, a Registered Professional Land Surveyor, in the State of Texas, do hereby certify that this plat was prepared from an actual survey on the ground of the property and that all block monuments and corners were placed under the personal supervision, and in accordance with the platting regulations of the City of Washache, Texas.

Surveyed on the ground during the month of May, 2021.

Eric S. Spooner, R.P.L.S. Date
Texas Registration No. 5922

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared ERIC S. SPOONER known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Eric S. Spooner, Notary Public, State of Texas

Notary Public, State of Texas

\* GENERAL NOTES \*

- The bearings, distances and coordinates shown hereon are referenced to the Texas Coordinate System of 1983, Texas State Center Zone and are based on the North American Datum of 1983 (2011 Adjustment).
- According to the Flood Insurance Rate Map published by the Federal Emergency Management Agency (Department of Homeland Security) the subject property appears to be located in Zone "X" (areas determined to be outside the 0.2% annual chance floodway) as shown on Map No. 48138C0105F & 48138C0205F, maps revised June 3, 2011, for Ellis County and incorporated areas. This flood statement does not imply that the property and/or structures located in Zone "X" will be free from flooding or flood damage. This flood statement shall not create liability on the part of the Surveyor.
- All property corners are monument with a 5/8 inch high nail with a cap stamped "SPOONER 5922" unless shown otherwise hereon.
- Being a portion of the addition by notes and bounds is a violation of City Ordinance and State Law and is subject to fines and withholding of licenses and building permits.
- The property owner is responsible for maintaining the pond.

PLAT OF THE FITZGERALD

BEING A 12.6563 ACRE TRACT OF LAND LOCATED IN THE JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5, CITY OF WASHACHE, ELLIS COUNTY, TEXAS

ZONE MF-2 (MULTIFAMILY-2) CASE NO. 508-160-2021 NOVEMBER - 2021

ENGINEER FORESITE group

OWNER/APPLICANT KALTERA CAPITAL PARTNERS

1908 Bryan St. Suite 800 Dallas, TX 75201

214.836.7123 848.765.4134

180 PIONEER STREET, SUITE 100, DALLAS, TEXAS 75201

NOVEMBER - 2021

PAGE 3 OF 3

(u)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-172-2021



### MEETING DATE(S)

Planning & Zoning Commission: November 23, 2021

### CAPTION

**Consider** request by Mike Davis, Bannister Engineering, for a **Final Plat** of Victron Park, Lot 1, Block 9, being 1.283 acres situated in the Albert Pruitt Survey, Abstract 848, an addition in the City of Waxahachie (Property ID 189377) – Owner: DMJ PROPERTIES, LTD (SUB-172-2021)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property in one (1) lot for commercial use (carwash).

### CASE INFORMATION

*Applicant:* Mike Davis, Bannister Engineering

*Property Owner(s):* DMJ Properties Ltd.

*Site Acreage:* 1.283 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$769.80 (1.283 acres at \$600.00 per acre).

*Adequate Public Facilities:* Adequate public facilities are available to the site.

### SUBJECT PROPERTY

*General Location:* Immediately south of Dena Drive.

*Parcel ID Number(s):* 189377

*Current Zoning:* Planned Development-General Retail & Planned Development-Multi Family-2 (PD-GR/PD-MF-2)

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is currently part of the Albert Pruitt Survey, Abstract 848

(6)

Site Aerial:



### **PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into one (1) lot for commercial use as a carwash. The proposed lot layout meets or exceeds all base General Retail zoning standards as well as all standards set forth by the Planned Development concept plan for the site. Adequate sewer and water facilities are available to the site along US Highway 77.

### **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.

### **ATTACHED EXHIBITS**

1. Plat

### **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:*

Zack King

Planner

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

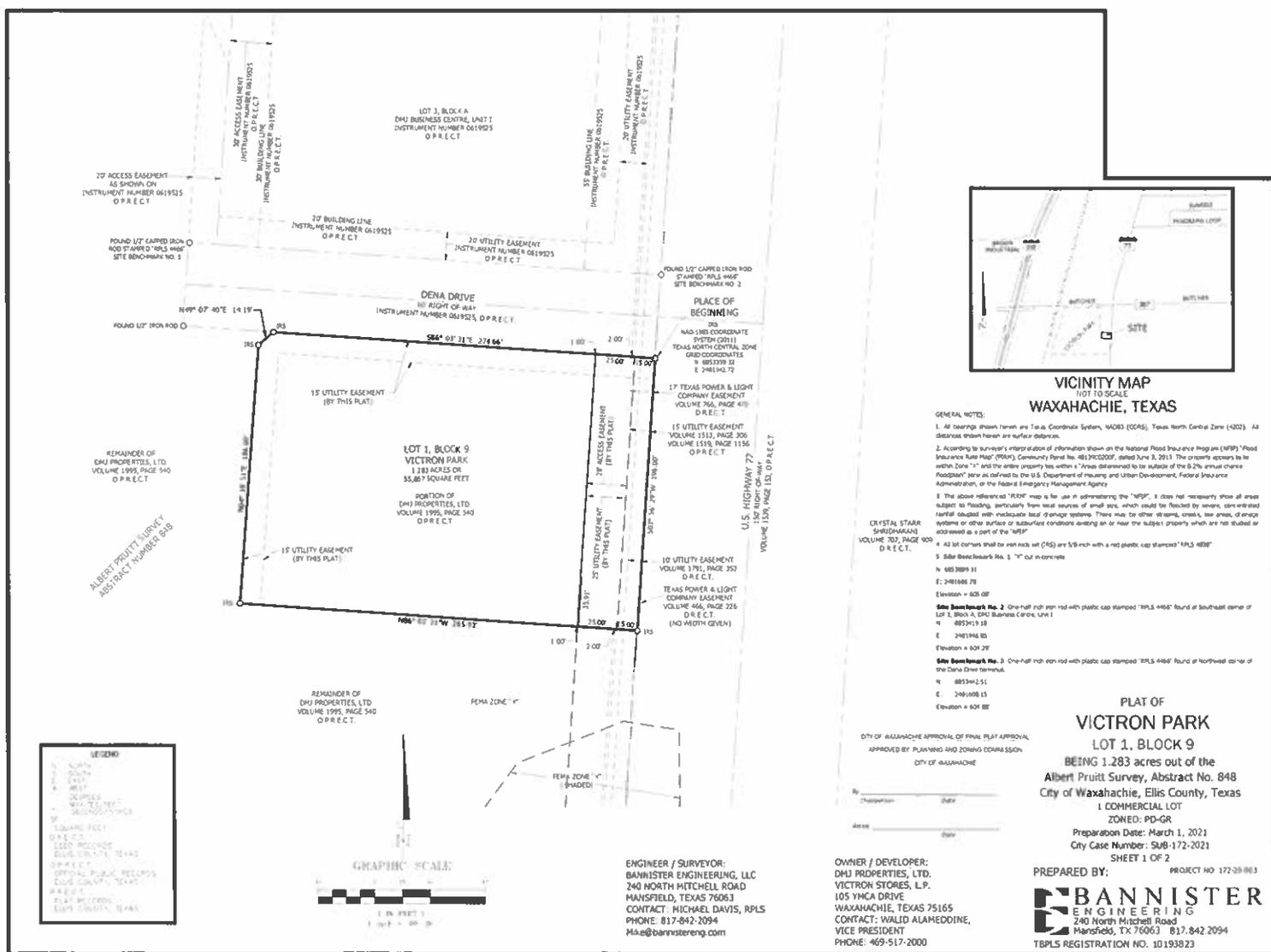
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(L)



VICINITY MAP  
NOT TO SCALE  
WAXAHACHIE, TEXAS

- GENERAL NOTES:
- All bearings shown herein are Texas Coordinate System, NAD83 (CCSR), Texas North Central Zone (402). All distances shown herein are surface distances.
  - According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM), Community Panel No. 48130C0200, dated June 2, 2013, the property appears to be within Zone "1" and the entire property lies within a "Area determined to be outside of the 0.2% annual chance floodway" area as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.
  - The above referenced "FIRM" map is for use in administering the "NFIP". It does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall, coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, or other systems or other surface or subsurface conditions existing on or near the subject property which are not studied or indicated as a part of the "FIRM".

CRYSTAL STARR  
SURVEYOR  
VOLUME 702, PAGE 600  
D.R.E.C.T.

- All lot corners shall be iron nails set (INS) and 5/8-inch with a red plastic cap stamped "MPLS 486F".
- Site Benchmark No. 1 - "T" set in concrete.  
N: 882899.31  
E: 2481666.76  
Elevation = 628.00'
- Site Benchmark No. 2 - One-half inch iron rod with plastic cap stamped "MPLS 486F" found at southeast corner of Lot 3, Block A, DMJ Business Center, Unit 1.  
N: 8825419.18  
E: 2481946.85  
Elevation = 628.20'
- Site Benchmark No. 3 - One-half inch iron rod with plastic cap stamped "MPLS 486F" found at northeast corner of the Deha Drive terminal.  
N: 8823424.51  
E: 2481008.15  
Elevation = 628.88'

CITY OF WAXAHACHIE APPROVAL OF FINAL PLAT APPROVAL,  
APPROVED BY PLANNING AND ZONING COMMISSION  
CITY OF WAXAHACHIE

PLAT OF  
**VICTRON PARK**  
LOT 1, BLOCK 9  
BEING 1.283 acres out of the  
Albert Pruitt Survey, Abstract No. 848  
City of Waxahachie, Ellis County, Texas  
1 COMMERCIAL LOT  
ZONED: PD-GR  
Preparation Date: March 1, 2021  
City Case Number: SUB-172-2021  
SHEET 1 OF 2

PREPARED BY: PROJECT NO. 172-28-863  
**BANNISTER**  
ENGINEERING  
240 North Mitchell Road  
Mansfield, TX 76063 817-842-2094  
TBLPS REGISTRATION NO. 10193823

ENGINEER / SURVEYOR:  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL ROAD  
MANSFIELD, TEXAS 76063  
CONTACT: MICHAEL DAVIS, RPLS  
PHONE: 817-842-2094  
M.D.A. @ bannistereng.com

OWNER / DEVELOPER:  
DMJ PROPERTIES, LTD.  
VICTRON STORES, L.P.  
105 YMCA DRIVE  
WAXAHACHIE, TEXAS 75165  
CONTACT: WALID ALAMEDDINE,  
VICE PRESIDENT  
PHONE: 469-517-2000

LEGEND

1.	ALIAS
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100.	ADJACENT



(Lp)

OWNER'S CERTIFICATE  
STATE OF TEXAS §  
COUNTY OF ELLIS §

WHEREAS, DMJ PROPERTIES, LTD., is the owner of a 40.264-acre tract of land in the Albert Pruitt Survey, Abstract Number 848, City of Waxahachie, Ellis County, Texas, said 1.283 acres (55,867 square feet) of land being a portion of that certain tract of land described in a Warranty Deed with Vendor's Lien to DMJ Properties, Ltd. (hereinafter referred to as DMJ Properties (LTD)), as recorded in Volume 1995, Page 540, Deed Records, Ellis County, Texas (O.P.R.E.C.T.), said 1.283 acres (55,867 square feet) of land being more particularly described, by metes and bounds, as follows:

**BEGINNING** at a five-eighths inch iron rod with plastic cap stamped "TBPLS 4838" set for the intersection of the existing South right-of-way line of Dana Drive (60' right-of-way), as recorded in Instrument Number 0619523, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.) and the existing West right-of-way line of U.S. Highway 77 (150' right-of-way), as recorded in Volume 1539, Page 153, O.P.R.E.C.T., same also being the Easterly-Northeast corner of the remainder of said DMJ Properties tract;

**THENCE** South 03 degrees 56 minutes 29 seconds West with the common line between said DMJ Properties tract and the existing West right-of-way line of said U.S. Highway 77, a distance of 186.00 feet to a five-eighths inch iron rod with plastic cap stamped "TBPLS 4838" set for corner;

**THENCE** North 06 degrees 03 minutes 31 seconds West, departing the existing West right-of-way line of said U.S. Highway 77, crossing said DMJ Properties tract, a distance of 285.93 feet to a five-eighths inch iron rod with plastic cap stamped "TBPLS 4838" set for corner;

**THENCE** North 04 degrees 18 minutes 51 seconds East, continue crossing said DMJ Properties tract, a distance of 186.00 feet to a five-eighths inch iron rod with plastic cap stamped "TBPLS 4838" set for corner;

**THENCE** North 49 degrees 07 minutes 40 seconds East, continue crossing said DMJ Properties tract, a distance of 14.19 feet to a five-eighths inch iron rod with plastic cap stamped "TBPLS 4838" set for corner to an existing North line of the remainder of said DMJ Properties tract, same being the existing South right-of-way line of said Dana Drive;

**THENCE** South 06 degrees 03 minutes 31 seconds East with the common line between the remainder of said DMJ Properties tract and the existing South right-of-way line of said Dana Drive, a distance of 774.66 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 1.283 acres (55,867 square feet) of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That **DMJ PROPERTIES, LTD.**, acting herein by and through its duly authorized officers does hereby adopt the plat designating the herein above described property as **VICTRON PARK**, an addition to the City of Waxahachie, Texas and does 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. These Easements and public use areas, as shown, are dedicated to 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. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, 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 existing ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

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

DMJ PROPERTIES, LTD., a Texas limited partnership  
By: DMJ, LLC, a Texas limited liability company, its Managing General Partner

By: \_\_\_\_\_  
Wahid Alameddine, Vice President

STATE OF TEXAS §  
COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, on this day personally appeared Wahid Alameddine, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, as Vice President of DMJ, LLC, a Texas limited liability company, the Managing General Partner of DMJ PROPERTIES, LTD., a Texas limited partnership, on behalf of said limited liability company and limited partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public - The State of Texas

[SEAL]

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

That I, Michael Dan Davis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared from an actual and accurate survey of the land and that the corner monuments shown thereon 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 OR VIEWED OR RELIED UPON AS A FINAL  
SURVEY DOCUMENT

Michael Dan Davis DATE  
Registered Professional Land Surveyor No. 4838  
BANNISTER ENGINEERING LLC  
T.B.P.L.S. REGISTRATION NO. 10193823



PLAT OF  
**VICTRON PARK**  
LOT 1, BLOCK 9  
BEING 1.283 acres out of the  
Albert Pruitt Survey, Abstract No. 848  
City of Waxahachie, Ellis County, Texas  
1 COMMERCIAL LOT  
ZONED: PD-GR  
Preparation Date: March 1, 2021  
City Case Number: SUB-172-1021  
SHEET 2 OF 2

PREPARED BY: PROJECT NO. 177-20-065

**BANNISTER**  
ENGINEERING  
240 North Mitchell Road  
Mansfield, TX 76063 817.842.2094  
TBPLS REGISTRATION NO. 10193823

ENGINEER / SURVEYOR:  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL ROAD  
MANSFIELD, TEXAS 76063  
CONTACT: MICHAEL DAVIS, RPLS  
PHONE: 817-842-2094  
MkE@bannistereng.com

OWNER / DEVELOPER:  
DMJ PROPERTIES, LTD.  
VICTRON STORES, L.P.  
105 YMCA DRIVE  
WAXAHACHIE, TEXAS 75165  
CONTACT: WAHID ALAMEDDINE,  
VICE PRESIDENT  
PHONE: 469-517-2000

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**Planning & Zoning Department**  
**Plat Staff Report**

**Case: SUB-163-2021**



**MEETING DATE(S)**

*Planning & Zoning Commission:* November 23, 2021

**CAPTION**

**Consider** request by Jace Huffman, Huffman Consulting Engineers, for a **Plat** of Scarborough Carwash, Lot 1, Block 1, being 1.571 acres situated in the J.C. Armstrong Survey, Abstract 6, an addition in the City of Waxahachie (Property ID 223397 & 179035) – Owner: H & D REALTY INVESTMENTS, LLC (SUB-163-2021)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into one (1) lot for commercial use (carwash).

**CASE INFORMATION**

*Applicant:* Jace Huffman, Huffman Consulting Engineers

*Property Owner(s):* H&D Realty Investments, LLC

*Site Acreage:* 1.571 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$942.60 (1.571 acres at \$600.00 per acre).

*Adequate Public Facilities:* Adequate public facilities are available to the site.

**SUBJECT PROPERTY**

*General Location:* Directly West of 3298 S I35E (Scarborough Travel Stop)

*Parcel ID Number(s):* 223397 & 179035

*Current Zoning:* Light Industrial-1 (LI-1) with a SUP for a unified lot sign and drive through car wash.

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is part of the J.C. Armstrong Survey, Abstract 6.

*Site Aerial:***PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into one (1) lot for commercial use as an automated carwash. The dimensions of the proposed plat adhere to requirements established by the zoning on the site. The proposed lot will be accessed via a shared driveway with the neighboring Scarborough Travel Stop, due to driveway spacing constraints imposed by TxDOT. A mutual access easement is required showing this shared driveway access. This easement will be recorded by the applicant and added to the plat prior to filing.

Adequate water facilities are available to the site, however, an offsite sewer easement is required to connect to existing nearby sewer facilities. This easement will be recorded by the applicant and added to the plat prior to filing.

**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.

**ATTACHED EXHIBITS**

1. Plat

**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:*

Zack King

Planner

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

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



# Planning & Zoning Department Plat Staff Report

Case: SUB-175-2021



**MEETING DATE(S)**

*Planning & Zoning Commission:* November 23, 2021

**CAPTION**

*Consider* request by Michael Westfall, P.E., Westfall Engineering, for a Plat of Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into nine (9) lots for commercial use.

**CASE INFORMATION**

*Applicant:* Michael Westfall, Westfall Engineering

*Property Owner(s):* Buffalo Creek Plaza, LLC

*Site Acreage:* 21.028 acres

*Number of Lots:* 9 lots

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$12,616.80 (21.028 acres at \$600.00 per acre)

*Adequate Public Facilities:* Adequate public facilities are available to the site, but will need to be extended to serve all lots proposed with this plat.

**SUBJECT PROPERTY**

*General Location:* West of the intersection of Brown Street and Indian Drive

*Parcel ID Number(s):* 179000

*Current Zoning:* General Retail (GR)

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is a part of the J.B. & Ann Adams Survey, Abstract 5 and the John Gooch Survey, Abstract 393.

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into nine (9) lots for commercial use. Each proposed lot meets or exceeds minimum lot size requirements established by the General Retail zoning on the site. Adequate sewer and water facilities are available to serve the site, however, they will need to be extended to serve interior lots.

The applicant is providing a 15' Right-of-Way (ROW) dedication along Brown Street in alignment with the City of Waxahachie Thoroughfare Plan. Additionally, in alignment with the Thoroughfare Plan, Indian Drive will be extended through the subject property with this plat. The ROW dedication for Indian Drive is 80' in width. Following this plat, the developer has agreed to sign a Development Agreement for the property, stipulating that Indian Drive will be continued across Mustang Creek when the remainder of Property ID: 179000 is platted.

**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.

**ATTACHED EXHIBITS**

1. Plat

**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:*

Zack King

Planner

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

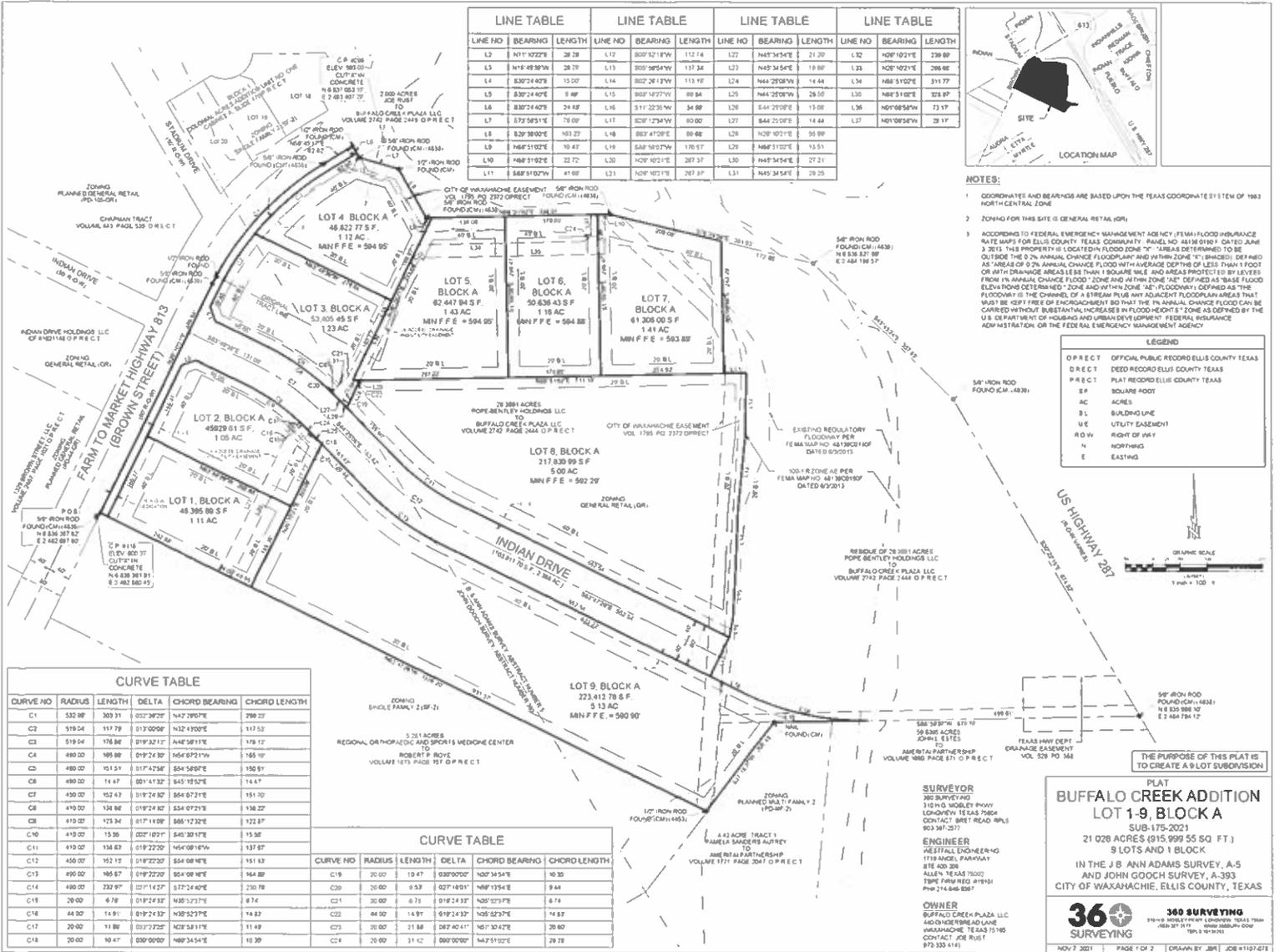
*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(8)



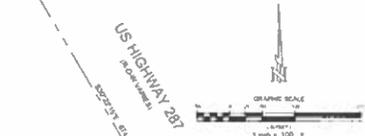
LINE TABLE											
LINE NO	BEARING	LENGTH									
L1	N01°02'21"E	28.28	L12	S00°42'18"W	112.74	L27	N45°34'5"E	21.30	L32	N08°10'21"E	239.89
L2	N14°49'38"W	28.72	L13	S00°58'54"W	113.24	L28	N45°34'5"E	19.89	L33	N08°10'21"E	208.48
L3	S30°24'40"E	15.07	L14	S02°26'13"W	113.93	L24	N44°25'05"W	14.44	L34	N44°51'02"E	311.77
L4	S30°24'40"E	9.89	L15	S00°42'27"W	89.84	L25	N44°25'05"W	26.50	L35	N44°51'02"E	328.87
L5	S30°24'40"E	24.48	L16	S11°22'35"W	34.89	L26	S44°25'05"E	15.08	L36	N44°51'02"E	73.17
L6	S72°58'51"E	79.08	L17	S03°42'24"W	80.00	L27	S44°25'05"E	14.44	L37	N44°51'02"E	28.17
L7	S20°38'00"E	103.27	L18	S03°47'08"E	89.48	L28	N08°10'21"E	35.89			
L8	N45°10'21"E	10.47	L19	S48°58'27"W	178.57	L29	N44°51'02"E	12.51			
L9	N45°10'21"E	22.72	L20	N02°40'21"E	287.37	L30	N45°34'5"E	27.21			
L10	N45°10'21"E	41.68	L21	N02°40'21"E	287.37	L31	N45°34'5"E	29.25			



- NOTES:**
- COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983 NORTH CENTRAL ZONE.
  - ZONING FOR THIS SITE IS GENERAL RETAIL (GR).
  - ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAPS FOR ELLIS COUNTY, TEXAS COORDINATE, PANEL NO. 48188R1919, DATED JUNE 3, 2013, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN AND WITHIN ZONE "X" SHADDED, DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY 1% LEVELS FROM 1% ANNUAL CHANCE FLOOD ZONE AND WITHIN ZONE "AE" DEFINED AS "BASE FLOOD ELEVATION DETERMINED" ZONE AND WITHIN ZONE "AE" FLOODWAY, DEFINED AS "THE FLOODWAY IS THE CHANNEL OF A STREAM IN AN ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS" ZONE AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

**LEGEND**

O P R E C T	OFFICIAL PUBLIC RECORD ELLIS COUNTY TEXAS
D R E C T	DEED RECORD ELLIS COUNTY TEXAS
P R E C T	PLAT RECORD ELLIS COUNTY TEXAS
S F	SQUARE FOOT
AC	ACRES
BL	BUILDING LINE
U E	UTILITY EASEMENT
R O W	RIGHT OF WAY
N	NORTHINGS
E	EASTINGS



**CURVE TABLE**

CURVE NO	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	532.89	303.31	022°38'27"	N42°29'07"E	299.23
C2	519.54	197.79	013°00'00"	N32°43'00"E	117.53
C3	519.54	198.86	019°32'11"	N48°38'11"E	179.17
C4	480.00	186.89	019°24'30"	N56°02'21"W	185.19
C5	480.00	151.51	017°42'58"	S54°58'02"E	150.91
C6	480.00	144.47	001°47'32"	S45°15'52"E	144.47
C7	480.00	152.43	019°24'30"	S54°07'21"E	151.70
C8	470.00	138.86	019°24'30"	S54°07'21"E	138.27
C9	470.00	123.34	017°18'59"	S66°12'32"E	122.87
C10	470.00	158.50	022°10'21"	S45°30'17"E	155.56
C11	470.00	138.63	019°22'20"	N54°08'16"W	137.97
C12	450.00	152.12	019°22'20"	S54°08'16"E	151.63
C13	480.00	186.87	019°22'20"	S54°08'16"E	184.89
C14	480.00	232.97	021°14'27"	S77°24'40"E	230.78
C15	20.00	6.78	019°24'33"	N38°32'37"E	6.74
C16	44.80	14.91	019°24'33"	N38°32'37"E	14.83
C17	20.00	11.86	021°37'22"	N28°53'11"E	11.49
C18	20.00	10.47	030°00'00"	N48°34'54"E	10.39

**CURVE TABLE**

CURVE NO	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C19	20.00	10.47	030°00'00"	N07°34'54"E	10.30
C20	20.00	8.53	027°18'51"	N49°13'54"E	9.44
C21	20.00	6.71	018°24'33"	N05°02'37"E	6.74
C22	44.80	14.91	019°24'33"	N05°02'37"E	14.83
C23	20.00	21.88	082°40'41"	N07°30'42"E	20.60
C24	20.00	11.42	060°00'00"	N47°51'02"E	28.78

**PLAT**  
**BUFFALO CREEK ADDITION**  
**LOT 1-9, BLOCK A**  
 SUB-175-2021  
 21.026 ACRES (915,999.55 SQ. FT.)  
 9 LOTS AND 1 BLOCK  
 IN THE J.B. ANN ADAMS SURVEY, A-5  
 AND JOHN GOUGH SURVEY, A-393  
 CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

**360 SURVEYING**  
 360 SURVEYING  
 1715 ANSEL PARKWAY  
 SUITE 200-206  
 ALLEN, TEXAS 75002  
 TYPE: SURVEY #19101  
 PLOT: 175-2021-007

**OWNER**  
 BUFFALO CREEK PLAZA, LLC  
 4600 HEBBARD AVENUE  
 WAXAHACHIE, TEXAS 75165  
 CONTACT: JON RUST  
 972.350.4141

NOV 1 2021 PAGE 1 OF 2 DRAWN BY: JRM JOB #137-071

(8)

**OWNER'S CERTIFICATE:**

STATE OF TEXAS  
 COUNTY OF ELLIS

WHEREAS BUFFALO CREEK PLAZA, LLC, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE J.B. & ANN ADAMS SURVEY, A.S. AND JOHN GOOCH SURVEY, A.S. IN ELLIS COUNTY, TEXAS AND BEING ALL OF A TRACT WHICH WAS CALLED 2,300 ACRES CONVEYED FROM JOE MUST TO BUFFALO CREEK PLAZA, LLC BY AN INSTRUMENT OF RECORD IN VOLUME 2742 PAGE 2448 OF PUBLIC RECORDS IN ELLIS COUNTY, TEXAS AND A PORTION OF A TRACT WHICH WAS CALLED 28,389 ACRES CONVEYED FROM ROBERT BENNETT HOLDINGS, L.L.C. TO BUFFALO CREEK PLAZA, LLC BY AN INSTRUMENT OF RECORD IN VOLUME 2742 PAGE 2449 OF PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND FOR SOUTHWEST CORNER BEING THE SOUTHWEST CORNER OF SAID 28,389 ACRE TRACT AND A NORTHWEST CORNER OF A TRACT WHICH WAS CALLED 5,261 ACRES CONVEYED FROM REGIONAL ORTHODONTIC AND SPORTS MEDICINE CENTER TO ROBERT H. ROBEY BY AN INSTRUMENT OF RECORD IN VOLUME 3073 PAGE 107 OF PUBLIC RECORDS, LYING IN THE EAST FRONT OF PART (100-0-0-0) FARM TO MARKET HIGHWAY # 813 (FM 813); ALSO BEGINNING AT A 5/8" IRON ROD FOUND FOR ANGLE POINT

THENCE 100° 52' 17" E 488.94 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT AND FM 813 TO A 5/8" IRON ROD FOUND FOR ANGLE POINT

THENCE 309.31 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH THE COMMON LINE OF SAID 28,389 ACRE TRACT SAID 2,000 ACRE TRACT AND FM 813 (DELTA = 32° 30' 25" RADIUS = 532.96 FEET CHORD = 142.2997 FEET 289.79 FEET) TO A 5/8" IRON ROD FOUND AT THE END OF CURVE

THENCE 160° 45' 17" E 82.82 FEET ALONG THE COMMON LINE OF SAID 2,000 ACRE TRACT AND FM 813 TO A 1/2" IRON ROD FOUND FOR A NORTH CORNER LYING IN THE SOUTHWEST INTERSECTION OF FM 813 AND LEWISWAY 287 OF 2013.

THENCE DEPARTING FM 813 S 30° 24' 02" E 21.48 FEET ALONG THE COMMON LINE OF SAID OF SAID 2,000 ACRE TRACT AND SAID (U) 267 TO A 5/8" IRON ROD FOUND FOR ANGLE POINT BEING AN ANGLE POINT OF SAID (U) 200 ACRE TRACT

THENCE 87° 58' 15" E 78.08 FEET ALONG SAID COMMON LINE TO A 1/2" IRON ROD FOUND FOR ANGLE POINT FOR CORNER BEING AN ANGLE POINT OF SAID 2,000 ACRE TRACT

THENCE 82° 30' 30" E 180.25 FEET ALONG SAID COMMON LINE TO A 5/8" IRON ROD FOUND FOR INTERIOR CORNER BEING THE NORTHEAST CORNER OF SAID 2,000 ACRE TRACT AND A NORTHWEST CORNER OF SAID 28,389 ACRE TRACT

THENCE 185° 51' 02" E 138.61 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT AND (U) 267 TO A 5/8" IRON ROD FOUND FOR ANGLE POINT

THENCE S 17° 24' 36" E 268.08 FEET CONTINUING ALONG SAID COMMON LINE TO A 5/8" IRON ROD SET FOR NORTHEAST CORNER FROM WHICH A 5/8" IRON ROD FOUND FOR NORTHEAST CORNER OF SAID 28,389 ACRE TRACT BEARS S 78° 34' 56" E 172.65 FEET

THENCE DEPARTING U) 267 S 01° 10' 59" E 241.28 FEET CROSSING SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR INTERIOR CORNER

THENCE 185° 51' 02" E 141.88 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR A NORTHEAST CORNER

THENCE 300° 57' 13" W 137.74 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR ANGLE POINT

THENCE 805° 56' 54" W 137.34 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR ANGLE POINT

THENCE 302° 26' 17" W 113.16 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR ANGLE POINT

THENCE 307° 12' 27" W 88.84 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR ANGLE POINT

THENCE 81° 17' 22" W 34.88 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR ANGLE POINT

THENCE 82° 12' 34" W 80.30 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR INTERIOR CORNER

THENCE 382° 47' 25" E 88.88 FEET CONTINUING ACROSS SAID 28,389 ACRE TRACT TO A 5/8" IRON ROD SET FOR BEGINNING OF A CURVE

THENCE 212° 57' 17" E 170.91 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT SAID 98,880 ACRE TRACT AND A TRACT WHICH WAS CALLED 4.42 ACRE TRACT CONVEYED FROM PHILIP SANDERS ADAMS TO AMERITA PARTNERSHIP BY AN INSTRUMENT OF RECORD IN VOLUME 1771 PAGE 2047 OF PUBLIC RECORDS TO A NAIL FOUND FOR INTERIOR CORNER BEING A INTERIOR CORNER OF SAID 28,389 ACRE TRACT AND A NORTHWEST CORNER OF SAID 4.42 ACRE TRACT

THENCE 848° 20' 27" W 170.91 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT SAID 98,880 ACRE TRACT AND A TRACT WHICH WAS CALLED 4.42 ACRE TRACT CONVEYED FROM PHILIP SANDERS ADAMS TO AMERITA PARTNERSHIP BY AN INSTRUMENT OF RECORD IN VOLUME 1771 PAGE 2047 OF PUBLIC RECORDS TO A NAIL FOUND FOR INTERIOR CORNER BEING A INTERIOR CORNER OF SAID 28,389 ACRE TRACT AND A NORTHWEST CORNER OF SAID 4.42 ACRE TRACT

THENCE 837° 10' 27" W 208.48 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT AND SAID 4.42 ACRE TRACT TO A 1/2" IRON ROD FOUND FOR A SOUTH-EAST CORNER BEING A SOUTH-EAST CORNER OF SAID 28,389 ACRE TRACT AND NORTHEAST CORNER OF ABOVE MENTIONED 5,261 ACRE TRACT

THENCE 182° 47' 25" E 170.91 FEET ALONG THE COMMON LINE OF SAID 28,389 ACRE TRACT AND SAID 5,261 ACRE TRACT TO THE PLACE OF BEGINNING CONTAINING 21,000 ACRES, MORE OR LESS



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# Planning & Zoning Department

## Plat Staff Report

Case: SUB-177-2021



### MEETING DATE(S)

*Planning & Zoning Commission:* November 23, 2021

*City Council:* December 6, 2021

### CAPTION

**Consider** request by Jason P. Volk, J. Volk Consulting, for a **Final Plat** of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into 8 lots for single family residential use.

### CASE INFORMATION

*Applicant:* Claudio Segovia, J. Volk Consulting Inc.

*Property Owner(s):* North Grove 12.5 LLC Series 1

*Site Acreage:* 1.766 acres

*Number of Lots:* 8 lots

*Number of Dwelling Units:* 8 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$3,200.00 (8 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* Adequate public facilities are available to the site.

### SUBJECT PROPERTY

*General Location:* Directly North of 532 Washington Avenue

*Parcel ID Number(s):* 283993

*Current Zoning:* PD-SF-1,2,3, MF-1, GR

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is a part of the John B Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009.

(9)

Site Aerial:



### **PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into 8 lots for single family residential use as townhomes. In accordance with the Planned Development zoning for the site, there will be no side setbacks on internal lot lined since the property will be developed with attached townhomes. The eight (8) proposed lots will be split by an open space X lot, to be used as a drainage easement. Adequate sewer and water facilities are available to the site along Washington Avenue.

### **VARIANCE REQUESTS**

The applicant is requesting a variance from the Utility Easement requirement along Washington Avenue. A 10' Utility Easement is requested in the place of the required 15' Utility Easement. The City of Waxahachie Utilities Department has stated this variance is acceptable as long as it does not cause issues for any franchise utilities in the area. As of Wednesday, November 17<sup>th</sup>, the applicant has not provided staff with confirmation that a 10' Utility Easement is acceptable for the other utility providers in the area (AT&T, Atmos, Oncor). If confirmation from these utilities is not provided to staff, a typical 15' utility easement will be required along Washington Avenue.

### **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 condition:
  1. Confirmation of the acceptance of the 10' Utility Easement is required from all utility providers in the area, including AT&T, Atmos and Oncor.

### **ATTACHED EXHIBITS**

1. Plat

### **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:*

Zack King

Planner

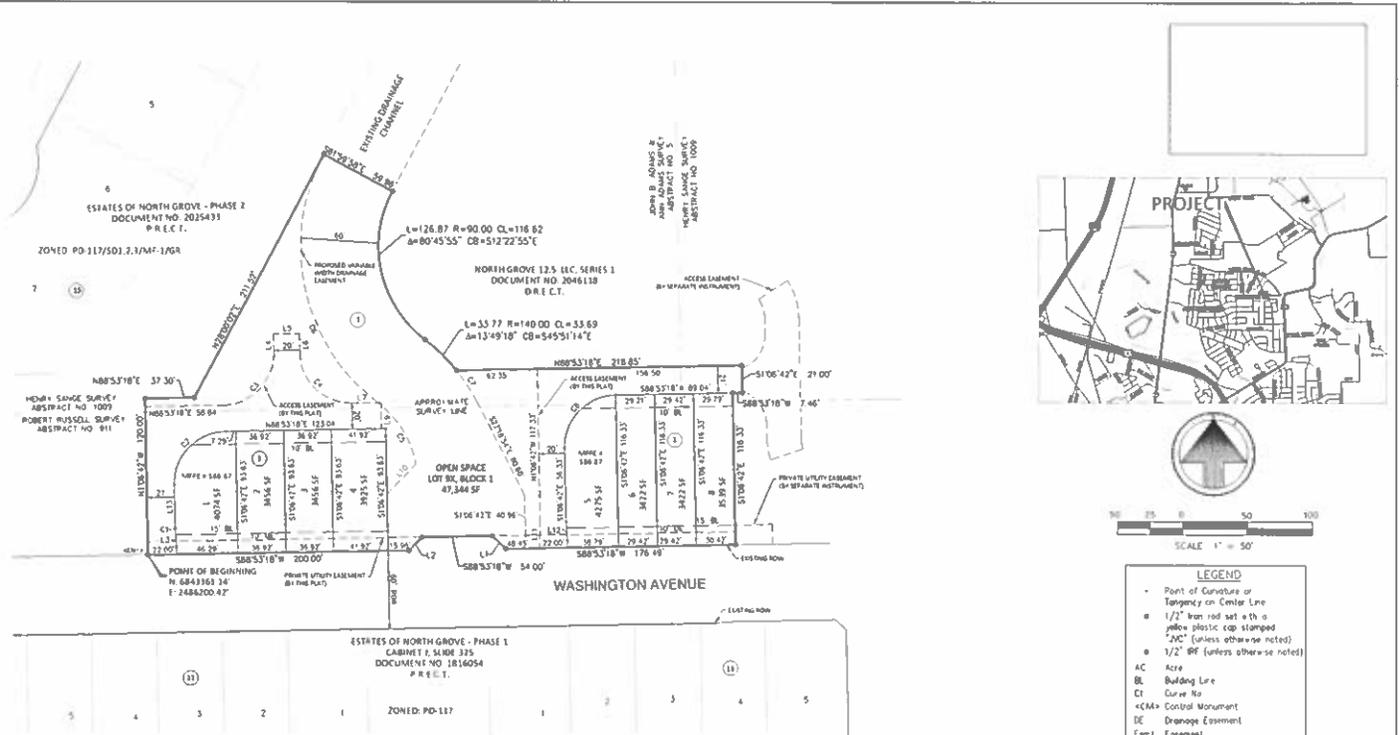
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



**LEGEND**

- Point of Curvature or Tangency on Center Line
- 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
- 1/2" ØP (unless otherwise noted)

AC Acre  
BL Building Line  
CL Curve No  
CMA Control Monument  
DE Drainage Easement  
Esm1 Easement  
LI Line No  
SF Square Feet  
UE Utility Easement  
VAM Visibility Easement  
FEE Fence Encroachment Easement  
DREC1 = Deed Records of Ellis County, Texas

**BENCHMARKS:**

**MONUMENT NO. 1:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1100' east of the centerline intersection of US Highway No 77 and North Grove Boulevard. The monument is located approximately 45' west of a fire hydrant and 54' northeast of a light pole.  
Elevation = 630.23'

**MONUMENT NO. 3:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 390' west of the centerline intersection of North Grove Boulevard and Highland Drive. The monument is located approximately 15' northeast of a fire hydrant and 100 feet northwest of a storm inlet.  
Elevation = 616.73'

**MONUMENT NO. 4:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard at the northeast corner of the intersection of North Grove Boulevard with Vista Way. The monument is located approximately 15' north of a fire hydrant and 3' from a pair of water valves.  
Elevation = 596.12'

**Line Table**

Line #	Length	Direction
L1	14.14	N46°06'42"E
L2	14.14	S41°53'18"W
L3	18.77	N0°56'29"W
L4	14.00	N0°08'42"E
L5	20.00	N06°55'18"E
L6	14.00	S1°06'42"E
L7	22.21	N06°53'18"E
L8	20.00	S1°06'42"E
L9	32.59	N43°55'57"E
L10	20.02	N01°45'04"E
L11	20.02	S5°58'29"E
L12	33.38	N1°06'42"E

**Curve Table**

Curve #	Length	Radius	Delta	Tangent	Chord Length	Chord Bearing
C1	0.50	10.00	002°51'47"	0.25	0.50	N02°52'36"E
C2	62.83	40.00	090°00'00"	40.00	56.57	N43°53'18"E
C3	62.83	40.00	090°00'00"	40.00	56.57	N43°53'18"E
C4	62.83	40.00	090°00'00"	40.00	56.57	S46°06'42"E
C5	57.01	60.00	040°30'00"	29.78	55.82	N32°20'52"W
C6	29.45	49.92	088°42'24"	12.90	19.54	N37°32'23"W
C7	28.41	140.00	011°37'41"	14.28	28.36	S33°07'45"E
C8	62.83	40.00	090°00'00"	40.00	56.57	S43°53'18"E
C9	62.83	40.00	090°00'00"	40.00	56.57	S43°53'18"E

**GENERAL NOTES:**

- All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "JVC" unless otherwise noted.
- All Utility easements and Drainage easements within this platted property are created by this plat, unless otherwise noted.
- Basis of Bearing and Coordinates shown herein refer to "Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values.
- Patios are allowed to extend a maximum of 5' into the building setback.
- Open space lots shall be maintained by HOA.
- No portion of the subject property is located within the zone "A" FEMA 100-PR floodplain per FEMA map panel 48139C0190F. No residential lots are within the limits of said floodplain.

**Engineer/Surveyor:**  
J. Volk Consulting, Inc.  
830 Central Parkway East, Suite 300  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE

**Owner/Applicant:**  
North Grove 12.5, LLC Series 1  
200A N Rogers St  
Waxahachie, Texas 75165  
Phone: 214-505-5503  
Contact: Terry Weaver



**PLAT**

**THE PLACE TOWNHOMES**

1.766 ACRES  
LOTS 1, 8, 9, BLOCK 1  
& TOWNHOME LOTS  
1 OPEN SPACE COMMON AREA  
OUT OF THE  
HOBIN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 9  
ROBERT RUSSELL SURVEY, ABSTRACT NO. 911  
HENRY SANGE SURVEY, ABSTRACT NO. 1009  
ZONED: PD-SDL2.3 MF 2 GR  
CASE #: 508-177-2011  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
27 October 2021  
SHEET 3 OF 2

(9)

STATE OF TEXAS §  
COUNTY OF ELLIS §

**LEGAL DESCRIPTION**  
THE PLACE TOWNHOMES  
1.766 ACRES

WHEREAS, Marvin Singleton is the Owner of land situated in the JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5, the ROBERT RUSSELL SURVEY, ABSTRACT NO. 911, and the HENRY SANGE SURVEY, ABSTRACT NO. 1009, City of Waxahachie, Ellis County, Texas and being part of that tract of land described in Deed to J&H North Grove Development, LLC, as recorded in Document No. 1610002, Deed Records, Ellis County, Texas and being part of that tract of land described in Deed to J&H Property Acquisition Services LLC, as recorded in Document No. 1709397, Deed Records, Ellis County, Texas and being more particularly described as follows:

**BEGINNING** at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the north line of Washington Avenue, a 50 foot right-of-way, for the most southeast corner of THE ESTATES OF WORTHGROVE PHASE TWO, an addition to the City of Waxahachie, Ellis County, Texas according to the Plat thereof recorded in Document Number 2025433, Plat Records, Ellis County, Texas;

THENCE North 01 degrees 06 minutes 42 seconds West, leaving said north line, a distance of 120.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 88 degrees 53 minutes 18 seconds East, a distance of 37.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 28 degrees 00 minutes 02 seconds East, a distance of 211.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 81 degrees 59 minutes 58 seconds East, a distance of 59.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the left having a central angle of 80 degrees 45 minutes 55 seconds, a radius of 90.00 feet and a chord bearing and distance of South 12 degrees 22 minutes 55 seconds East, 116.62 feet;

THENCE Southeasterly, with said curve to the left, an arc distance of 126.87 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a tangent curve to the right having a central angle of 13 degrees 49 minutes 18 seconds, a radius of 140.00 feet and a chord bearing and distance of South 45 degrees 51 minutes 14 seconds East, 33.69 feet;

THENCE Southeasterly, with said curve to the right, an arc distance of 33.77 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 86 degrees 53 minutes 18 seconds East, a distance of 216.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 01 degrees 06 minutes 42 seconds East, a distance of 21.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 7.46 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 01 degrees 06 minutes 42 seconds East, a distance of 116.33 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 86 degrees 53 minutes 18 seconds West, a distance of 176.49 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 46 degrees 06 minutes 42 seconds West, a distance of 14.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 43 degrees 53 minutes 18 seconds West, a distance of 14.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 89 degrees 53 minutes 18 seconds West, a distance of 200.00 feet to the POINT OF BEGINNING and containing 1.766 acres of land, more or less.

**SURVEYORS CERTIFICATE:**  
KNOW ALL MEN BY THESE PRESENTS that I, Ryan S. Reynolds, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were found or placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

RYAN S. REYNOLDS, R.P.L.S.  
Registered Professional Land Surveyor No. 6385

**OWNER'S DEDICATION:**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT NORTH GROVE 12.5, LLC SERIES I, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as THE PLACE TOWNHOMES, an addition to the City of Waxahachie, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon. The streets, 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 particular utilities, and 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 its respective system 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 its respective systems without the necessity at any time of procuring the permission from anyone.

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

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

By: \_\_\_\_\_

NAME:

TITLE:

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared \_\_\_\_\_ Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public in and for the State of Texas

By Commission Expires \_\_\_\_\_

APPROVED BY: Planning and Zoning Commission City of Waxahachie  
By: \_\_\_\_\_ Date \_\_\_\_\_  
Chairperson \_\_\_\_\_ Date \_\_\_\_\_  
Attest \_\_\_\_\_ Date \_\_\_\_\_  
IF APPLICABLE, APPROVED BY: City Council City of Waxahachie  
By: \_\_\_\_\_ Date \_\_\_\_\_  
Mayor \_\_\_\_\_ Date \_\_\_\_\_  
Attest \_\_\_\_\_ Date \_\_\_\_\_

Engineer/Surveyor:  
J. Volk Consulting, Inc.  
830 Central Parkway East, Suite 300  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE

Owner/Applicant:  
North Grove 12.5, LLC Series I  
200A N Rogers St  
Waxahachie, Texas 75165  
Phone: 214-505-5503  
Contact: Terry Weaver



**BENCHMARKS:**

**MONUMENT NO. 1:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1100' east of the centerline intersection of U.S. Highway No. 77 and North Grove Boulevard. The monument is located approximately 45' west of a fire hydrant and 54' northeast of a light pole.  
Elevation = 630.23'

**MONUMENT NO. 3:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 390' west of the centerline intersection of North Grove Boulevard and Highland Drive. The monument is located approximately 15' northeast of a fire hydrant and 100 feet northwest of a storm inlet.  
Elevation = 616.73'

**MONUMENT NO. 4:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard at the northeast corner of the intersection of North Grove Boulevard with Vista Way. The monument is located approximately 15' north of a fire hydrant and 3' from a pair of water valves.  
Elevation = 596.12'

**PLAT**

**THE PLACE TOWNHOMES**

1.766 ACRES  
LOTS 1, 8, 9, BLOCK 1  
8 TOWNHOME LOTS

1 OPEN SPACE/COMMON AREA

OUT OF THE

JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5

ROBERT RUSSELL SURVEY, ABSTRACT NO. 911

HENRY SANGE SURVEY, ABSTRACT NO. 1009

ZONED: PD-S01.2, 3 INF. 1 GR

CASE #: SUB-177-2023

CITY OF WAXAHACHIE

ELLIS COUNTY, TEXAS

27 October 2021

SHEET 2 OF 2

(10)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-171-2021



### MEETING DATE(S)

Planning & Zoning Commission: November 23, 2021

City Council: December 6, 2021

### CAPTION

**Public Hearing** on a request by Danny Wood, Wood Brothers Construction, LLC, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700SF** use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021)

### APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (3,000 sq. ft.) accessory structure (barn) in the rear of a single family property.

### CASE INFORMATION

**Applicant:** Jorge Puricelli  
**Property Owner(s):** Jorge and Jazmin A. Puricelli  
**Site Acreage:** 26.218 acres  
**Current Zoning:** Single-Family-1  
**Requested Zoning:** Single Family-1 with SUP

### SUBJECT PROPERTY

**General Location:** 2305 Marshall Rd.  
**Parcel ID Number(s):** 203935  
**Existing Use:** Single Family Residence  
**Development History:** N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF1	Single Family Residences
East	SF1	Single Family Residences
South	SF1	Undeveloped Land
West	SF1	Single Family Residences

(10)

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

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.

*Thoroughfare Plan:*

The subject property is accessible via Marshall Rd.

*Site Image:*



### **PLANNING ANALYSIS**

#### **Purpose of Request:**

The applicant is requesting to construct a +700 sq. ft. (3,000 sq. ft.) accessory structure (barn) in the rear of a single family property. Ellis County Appraisal District states that the primary structure on the property is 3,275 sq. ft. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a SUP to be approved by City Council.

#### **Proposed Use:**

The applicant is requesting approval to construct a 50ft. x 60ft. x 16ft. tall accessory structure (barn). The applicant is proposing to construct the structure out of metal, and intends to use the accessory structure to store tractors, trailers, and tool equipment for the property. In addition to the primary structure, the property consist of a guest house, storage structure (used to store feed for animals), a garden, and a corral for animals (goats and horses) on the property. During site visits, staff noticed there are other similar accessory structures and uses within the surrounding neighborhood area.

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 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 support 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. Due to the size of the proposed structure (3,000 sq. ft.), staff suggest that the applicant remove the existing storage structure (used to store feed for animals) from the property.
  2. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
  3. Any new pavement added to the site shall be concrete.
  4. The structure shall not be used as a dwelling.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Site Layout Plan
3. Construction Detail

**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:*  
 Colby Collins  
 Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(10)

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
180351	ARBORS DEVELOPMENT LLC	1612 ARBORCREEK TRL	MANSFIELD	TX	76063
203926	BIZZELL RONALD J & BECKY S	2231 MARSHALL RD	WAXAHACHIE	TX	75167
203925	CLAYTON JAMES A & TINA M SVRCEK	2251 MARSHALL RD	WAXAHACHIE	TX	75167
203934	HEARN WENDELL	2281 MARSHALL RD	WAXAHACHIE	TX	75167
203935	PURICELLI JORGE F & JAZMIN A	2305 MARSHALL RD	WAXAHACHIE	TX	75167
203933	CORP PAUL D & AMY	2325 MARSHALL RD	WAXAHACHIE	TX	75167
203836	ROWAN JOHN E & MARSHA L	2341 MARSHALL RD	WAXAHACHIE	TX	75167
203835	FEDORKO TRUDY E	2357 MARSHALL RD	WAXAHACHIE	TX	75167
185893	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE	TX	75168



(10)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-171-2021

CORP PAUL D & AMY  
2325 MARSHALL RD  
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 6, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Danny Wood, Wood Brothers Construction, LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-171-2021

City Reference: 203933

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, November 16, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Paul & Amy Corp  
Signature

11/7/21  
Date

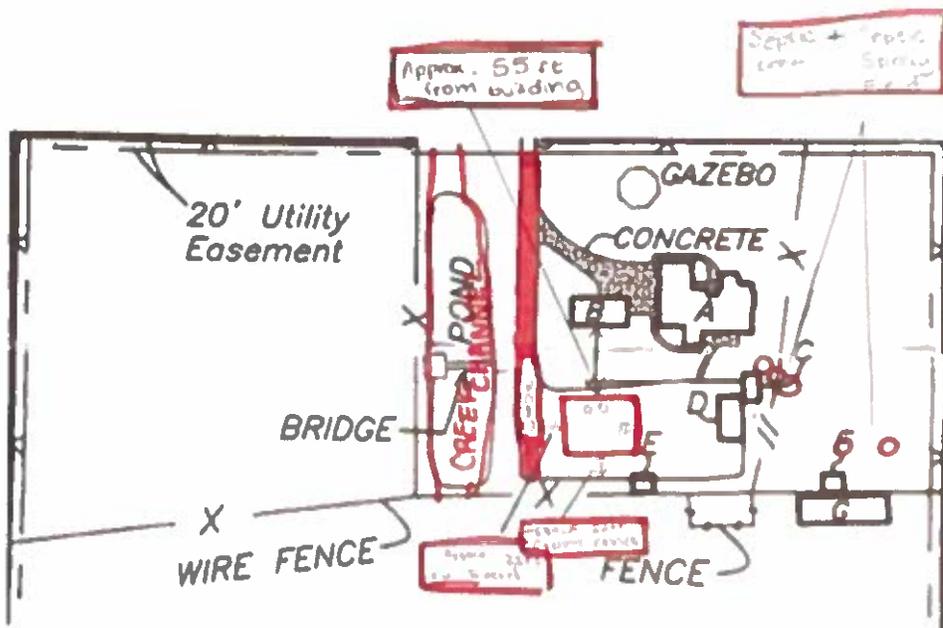
Paul & Amy Corp, owners  
Printed Name and Title  
2325 Marshall

2325 Marshall Rd  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(10)



(10)



(10)

2305 Marshall Rd. Waxahachie, Tx

Concrete

1. Concrete slab (50x60) 3000 sq. ft.
2. Complete perimeter footer with two cross beams
3. Beams will be (10x18 inch)
4. Beams will have double rebar ties
5. Rebar in footers will be ½ inch
6. Rebar in all matting will 3/8 – 16 inch on center
7. Light broom finish on door jams
8. Trowel machine on all of remaining

Metal Building

1. Approximately 50x60x16 tall
2. I-beam for columns
3. I-beam for trusses
4. 8 inch for roof purlins
5. 6 inch for all wall girting
6. "R" panel for all wall/sheeting

(18)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-174-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 23, 2021

*City Council:* December 6, 2021

**CAPTION**

**Public Hearing** on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a **Specific Use Permit (SUP)** for a **Drive-Through Establishment (Starbucks)** use within a 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-174-2021)

**APPLICANT REQUEST**

The applicant is requesting approval to allow a Drive-Through Establishment (Starbucks) on 0.912 acres.

**CASE INFORMATION**

*Applicant:* Akhila Reddy, Triangle Engineering, LLC

*Property Owner(s):* Vaquero Highway 77 Waxahachie Partners LP

*Site Acreage:* 0.912 acres

*Current Zoning:* Planned Development-General Retail (PD-GR)

*Requested Zoning:* Planned Development-General Retail with SUP

**SUBJECT PROPERTY**

*General Location:* Located 1,500 feet South of Butcher Road and East of Hwy 77

*Parcel ID Number(s):* 189379

*Existing Use:* Undeveloped

*Development History:* N/A

(12)

**Table 1: Adjoining Zoning and Uses**

Direction	Zoning	Current Use
North	PD-GR	Currently Undeveloped (O'Reilly Auto Parts Approved by City Council 11/16/2020)
East	N/A (ETJ)	Northside RV Resort
South	PD-GR	Currently Undeveloped
West	PD-GR/PD-MF2	Restaurants (Whataburger/Sonic) & Victron Park Planned Development (Currently Undeveloped)

*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 N Hwy 77.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting approval to allow a Drive-Through Establishment (Starbucks) on 0.912 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Drive-Through Establishment within a General Retail zoning district requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

Per the operational plan, Starbucks plans to operate a coffee shop with a drive-through located south of Butcher Road and east of Hwy 77 (Parcel ID: 189379). Starbucks intends to serve coffees, teas, and breakfast and lunch food options. This store will have operational hours of 5am – 10pm Monday – Saturday, and 6am – 10pm on Sunday. Starbucks anticipates there will be an average of 5-8 staff members per shift to help operate the store.

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

Standard	City of Waxahachie	Starbucks	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	39,706	Yes
Min. Lot Width (Feet)	60	197.56	Yes
Min. Lot Depth (Feet)	100	200.98	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	20	20	Yes
Min. Rear Yard (Feet)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	5.59	Yes
Parking: Restaurant 1 space per 100 sq. feet	22 spaces	32 spaces	Yes

Landscaping

The property is subject to landscaping requirements per the City of Waxahachie Zoning Ordinance. Table 3 provides a summary of the landscaping for the development.

**Table 3: Landscape Requirements**

Standard	City of Waxahachie	Starbucks	Meets Y/N
Area (Sq. Feet)	889	13,905	Yes
Trees	8	16	Yes
Street Trees	5	5	Yes

Building Design/Façade

The development is proposed to be primarily constructed of stucco, wood siding, and metal. The remainder of the building is proposed to consist of window glazing.

**STAFF CONCERNS**

Elevation/Façade:

Staff suggests that the applicant incorporate more windows and/or wood siding along the North Elevation (per Elevation/Façade plan). Staff believes that incorporating another façade feature would help the building look more aesthetically pleasing.

TxDOT (Texas Department of Transportation)

The applicant is currently showing an access point to the site along US Highway 77. As proposed, the driveway does not meet TxDOT standards for driveway spacing (425 ft.). In addition, the proposal does not match the overall driveway plan submitted with the O'Reilly Auto Parts development (approved by City Council 11/16/2020). If the applicant chooses to proceed with this option, a TxDOT driveway permit will be required to allow the access point from US Highway 77.

Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 11 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.
  2. Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O’Reilly Auto Parts and the subject property to be consistent with the overall driveway plan for the site.
  3. Staff suggests that the applicant revise the Elevation/Façade Plan to show more windows and/or wood siding to help break up the stucco façade along the north elevation.

**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:*  
 Colby Collins  
 Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)









(14)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-173-2021



### MEETING DATE(S)

*Planning & Zoning Commission:* November 23, 2021

*City Council:* December 6, 2021

### CAPTION

**Public Hearing** on a request by Drew Donosky, Claymoore Engineering, for a **Specific Use Permit (SUP)** for a **Hospital (Inpatient Rehabilitation Facility)** use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)

### APPLICANT REQUEST

The applicant is requesting approval to allow an Inpatient Rehabilitation Facility (ClearSky Rehabilitation Hospital) 5 acres.

### CASE INFORMATION

*Applicant:* David Ransom, Waxahachie IRF, LLC

*Property Owner(s):* Buffalo Creek Plaza, LLC

*Site Acreage:* 5 acres

*Current Zoning:* General Retail (GR)

*Requested Zoning:* General Retail with SUP

### SUBJECT PROPERTY

*General Location:* Located East of the intersection of Indian Drive and Brown Street

*Parcel ID Number(s):* 179000

*Existing Use:* Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning and Uses**

Direction	Zoning	Current Use
North	N/A	US 287 Bypass
East	PD-SF	Undeveloped Land
South	GR & SF2	Regional Orthopedic & Sports Medicine Center
West	GR	Retail & Multi-Family Apartments

*Future Land Use Plan:* Office

*Comprehensive Plan:* This land use type is intended for businesses such as banks, insurance agencies, and accounting offices. Office land uses are generally compatible with residential area, with the exception of high-rise office buildings. Land designated for office is appropriate along U.S. Highway 287, at a close proximity to IH-35E within Mixed Use Nonresidential areas, as well as within the Medical District.

*Thoroughfare Plan:* The subject property is accessible via Brown St.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting approval to allow an Inpatient Rehabilitation Facility (ClearSky Rehabilitation Hospital) 5 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Hospital within a General Retail zoning district requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

The ClearSky Rehabilitation Hospital is a facility that will provide care for patients recovering from stroke, heart attack, brain injury, spinal cord injury, orthopedic conditions, cancer, and pulmonary conditions. The facility will offer physical therapy, speech therapy, and occupational therapy services that will help patients transition from acute care facilities, back to home living with an average 12-day patient stay at the hospital. The facility is intended to be licensed as a specialty rehabilitation hospital and is 40,000 gross square feet. Due to the use of a hospital, ClearSky Rehabilitation Hospital is proposing to operate 24 hours & 7 days per week.

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

Standard	City of Waxahachie	ClearSky	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	217,293	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	20	20	Yes
Min. Rear Yard (Feet)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	18	Yes
*Parking: Hospital 1 space per 2 beds	15 spaces	93 spaces	Yes

\*Per the City of Waxahachie Zoning Ordinance, a Hospital use requires 1 parking space for every 2 beds (15 spaces for the proposed development). Though the proposed parking (93 spaces) for the development exceeds the requirement by 78 spaces, staff believes that the parking will be consistent with the use to help further accommodate employees as well as visitors to the facility. For this facility, the peak staffing number at shift change will be around 60. This peak staffing level typically occurs at around 6:30pm for a 7:00pm shift change.

Landscaping

The property is subject to landscaping requirements per the City of Waxahachie Zoning Ordinance. Table 3 provides a summary of the landscaping for the development.

**Table 3: Landscape Requirements**

Standard	City of Waxahachie	ClearSky	Meets Y/N
Area (Sq. Feet)	16,589	49,206	Yes
Trees (Landscape Buffer)	19	19	Yes
Shrubs	69	184	Yes
Street Trees	25	25	Yes

Building Design/Facade

The development is proposed to be constructed of brick, stucco, and metal. 81% of the building will consist of brick and stucco, and the remaining 19% of the building will primarily consist of metal and window glazing.

Future Site Development:

The proposed ClearSky Rehabilitation Hospital (5 acres) is envisioned to be a part of a Planned Development district (30 acres) surrounding the subject property consisting of potential retail, commercial, and residential located east of the intersection of Indian Drive and Brown Street. Due to scheduling conflicts, ClearSky Rehabilitation Hospital is requesting approval of a Specific Use permit independently opposed to being presented under one Planned Development request.

Conformance with the Comprehensive Plan:

The Future Land Use Plan (FLUP) per the City of Waxahachie zoning map is intended as an outlook for future land use of land and the character of the development in the city. The FLUP designates the subject property as Office.

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 2: Encourage a balance of land uses to serve the needs of citizens and to ensure a diverse economic base.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 14: Prioritize roadway planning and construction in areas where growth is desirable.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 9 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 two (2) letters of support 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 will be required for the development.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Operational Plan
3. Site Plan
4. Landscape Plan
5. 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:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(14)

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
173012	SMITH GARY D & DAWN	100 APACHE CT	WAXAHACHIE TX		75165
184249	AMERITAI PARTNERSHIP	1015 FERRIS AVE	WAXAHACHIE TX		75165
173011	CONANT PAUL F & VADA L	102 APACHE CT	WAXAHACHIE TX		75165
173010	HAYES ALAN J & JANCY M	104 APACHE CT	WAXAHACHIE TX		75167
207721	ROYE FAMILY ENTERPRISES L P	1324 BROWN ST # A	WAXAHACHIE TX		75165
278239	INDIAN DRIVE HOLDINGS LLC	200 N ELM ST	WAXAHACHIE TX		75165
193939	WAXAHACHIE ISD	411 N GIBSON ST	WAXAHACHIE TX		75165
179000	BUFFALO CREEK PLAZA LLC	440 GINGERBREAD LN	WAXAHACHIE TX		75165
240366	WELLTOWER LANDLORD GROUP LLC	4500 DORR ST	TOLEDO OH		43615

(14)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-173-2021

BUFFALO CREEK PLAZA LLC  
440 GINGERBREAD LN  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 6, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Drew Donosky, Claymoore Engineering, for a **Specific Use Permit (SUP)** for a **Hospital (Inpatient Rehabilitation Facility)** use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-173-2021

City Reference: 179000

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 16, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
*Joe Rust*

Signature

Date

*Joe Rust, Property Owner*

Printed Name and Title

*11-5-21*

Address

*440 Gingerbread Ln.  
Waxahachie, TX 75165*

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

(14)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-173-2021



AMERITAI PARTNERSHIP  
1015 FERRIS AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 6, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Drew Donosky, Claymoore Engineering, for a **Specific Use Permit (SUP)** for a **Hospital (Inpatient Rehabilitation Facility)** use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)

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Case Number: ZDC-173-2021

City Reference: 184249

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 16, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Ladd Vien  
Signature

11/11/2021  
Date

Ladd Vien  
Printed Name and Title

1015 Ferris Ave  
Address  
Waxahachie, Tx  
75165

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*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

November 1, 2021

Colby Collins  
Planning Manager  
City of Waxahachie  
401 S. Rogers St., P.O. Box 757  
Waxahachie, TX 75168

Project Operational Narrative for the proposed ClearSky Rehabilitation Hospital of Waxahachie

a. Typical business operations.

The ClearSky Rehabilitation Hospital of Waxahachie is a facility that will provide care for patients recovering from stroke, heart attack, brain injury, spinal cord injury, orthopedic conditions, cancer, and pulmonary conditions. The facility will offer physical therapy, speech therapy, and occupational therapy services that bridge an important gap in transitioning patients from acute care facilities back to home living. With a 12-day average stay, the hospital strives to maintain a friendly environment that promotes healing of the body, mind and spirit. The facility is intended to be licensed as a specialty rehabilitation hospital. The facility is a single-story building that is approximately 40,000 gross square feet.

b. Hours of operation.

Due to the nature of its business operations the ClearSky Rehabilitation Hospital of Waxahachie will be open 24 hours & 7 days per week.

c. Parking and circulation.

Having operated similar facilities for over 15 years, it has been determined that the optimum number of parking spaces for one of these facilities is right around 90 spaces for a 30 bed facility and 120 spaces for a 40 bed facility. In calculating the number of parking spaces allowed by the City of Waxahachie zoning code at one space per two beds, the number of spaces required is substantially less than this amount.

Dekker/Perich/Sabatini has designed over 30 other physical rehabilitation hospitals similar to this project across the Country and have collected the typical parking usage of these facilities. We have also worked with several different cities that use a variety of parking calculation methods for hospital facilities. Parking requirements for hospital facilities vary widely from jurisdiction to jurisdiction and rarely have an accurate way to determine a method that gives a functional parking count. The most widely used method for calculating required parking for hospitals is using a space count per bed. A lot of times this is a space requirement that is either 1, 1.5 or 2 spaces per bed. This typically generates a number that is way lower than the actual space need. With more and more cities making the parking requirement both a minimum and maximum parking number to try and reduce the urban heat island effect, this is becoming problematic. The other main way of calculating parking requirements is using a space per square foot calculation. The main issue with using a square footage number to determine parking, and in particular a low square foot per space number like 200, is that hospitals are required to have a lot of circulation space (8 foot wide corridors) as well as having several rooms that are not used concurrently. This facility in particular is a prime example of having

several spaces that are not used concurrently. The facility is comprised of 30 private patient rooms. Each room has a toilet room that cannot be occupied by anyone else other than the patient in the room. The facility also has a large rehabilitation/occupational therapy gym that is not occupied by anyone other than the patients that also occupy the 30 beds and the staff. These same 30 patients and staff are also the only ones that occupy the dining area. There are 5 different types of spaces that will only be occupied 1 at a time by patients and staff. The requirement to have parking spaces calculated for the other 4 spaces drives the minimum number of spaces to a very high number. This becomes problematic because a larger area of paving is required than needed and it exacerbates the urban heat island effect and the parking areas that are not used deteriorate quickly.

The "rule of thumb" that we have created that gets the closest to a workable number is providing 1 space per patient room and 1 space per every peak staff member. The peak staffing occurs at shift change and give enough overlap that when the night shift is coming on duty and the day shift is doing the patient information transition. For this facility, the peak staffing number at shift change will be around 60. Add in the 1 space per bed and the total maximum number of spaces that will likely be used is 90. This peak staffing level typically occurs at around 6:30pm for a 7:00pm shift change.

Below are several examples of similar rehabilitation hospital facilities that DPS has completed. These facilities are all 40 bed facilities so there is a slightly higher number of spaces needed at 120 (40 beds + 80 staff). These facilities had parking calculated by square footage and had a higher required number of spaces required than was needed. These numbers are daily average numbers provided by the facility and not the peak load which is a bit higher. A table of the actual provided spaces vs the used spaces of each facility is below:

	spaces provided	average space usage
Elkhorn Valley Rehabilitation Hospital	187	65
Lafayette Regional Rehabilitation Hospital	150	65
New Braunfels Regional Rehabilitation Hospital	150	60
Rehabilitation Hospital of Northwest Ohio	163	45

\*\*The Rehabilitation Hospital of Northwest Ohio is located on the campus of the University of Toledo medical center and the doctor parking is located on the campus in a different location which explains why the average number of spaces used is less than the others.

Each of the facilities is represented by an aerial image of the facilities that are taken during a typical day and show how little of the parking is actually used.

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Elkhorn Valley Rehabilitation Hospital – Casper, WY



Lafayette Regional Rehabilitation Hospital – Lafayette, IN



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New Braunfels Regional Rehabilitation Hospital – New Braunfels, TX



Rehabilitation Hospital of Northwest Ohio – Toledo OH



The design team is proposing a parking count that is based on the reality of how the facility is used and not according to the use table. Based on 1 space per bed plus one space for peak staff the max parking load will be 90. The originally submitted site plan showed 104 spaces and we have scaled this back to 94 spaces to match the "rule of thumb" for these facilities as explained above.

The site design and circulation is primarily driven by functional and regulatory requirements of a hospital facility. Providing a covered area at the entry for patient drop off and pick up is required by the health codes. The covered entry canopy is sized and located to keep the area shaded and keep the rain from reaching patients waiting pick up or drop off. The need for an on-site loop access road to aide in fire department circulation is critical. Due to the critical nature of hospital facilities and the defend in place firefighting strategy in place make this loop road a requirement of the fire code. Service deliveries to the facility are primarily delivered by small trucks and vans. There is occasional large truck traffic to the facility and the site has been designed to be easy to navigate with an 18 wheeled truck. The large truck traffic happens at the facility opening when furniture is being delivered and then is very sparse and typically occurring less than once a week for delivery of liquid oxygen. Noise from frequent ambulance trips is usually a question that we get from cities and neighborhood groups. Ambulance traffic to the facility is minimal and usually only occurs when patients are transferred to the facility from an acute care hospital (no lights and sirens). It is extremely rare to have an ambulance access the facility with lights and sirens.

d. Conclusion

ClearSky Health is excited to be joining the Waxahachie community. They are a great corporate citizen and will bring significant amounts of economic activity to the area. Their facilities are top notch and something that the community can be proud to welcome to the area. Medical care for the community will also be enhanced by the addition of a top tier healthcare provider to partner with local hospitals in providing excellent post-acute care. ClearSky Health has also been working closely with local acute care hospitals in the development of this facility to ensure there is a well-planned continuum of care for the community. The planned facility will meet all of the requirements of the zoning code and we welcome the opportunity to work with City planning staff to make the process as smooth as possible.

Very truly yours,

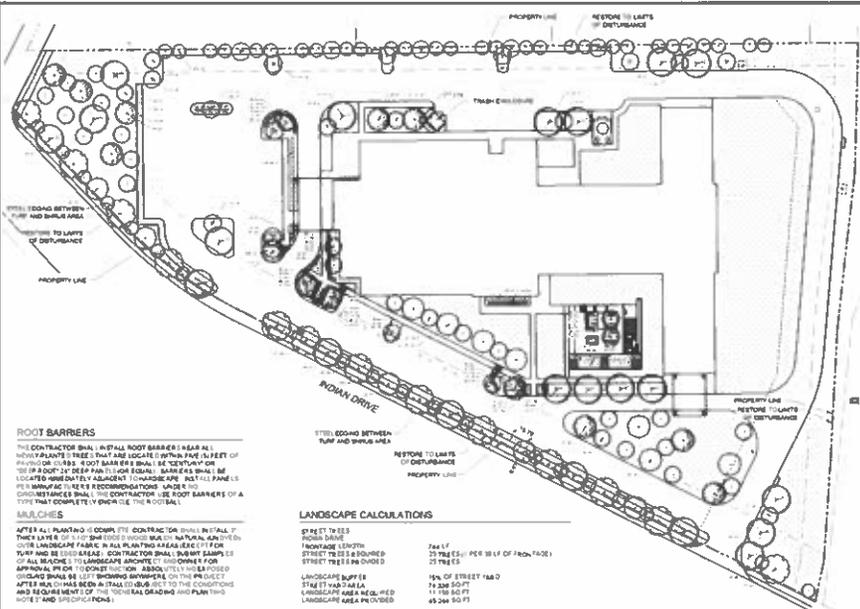
Dekker/Perich/Sabatini Ltd.



Robert C. George, AIA, LEED AP  
Principal



(14)



ROOT BARRIERS  
THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL...

MULCHES  
AFTER ALL PLANTING IS COMPLETED, CONTRACTOR SHALL INSTALL...

IRRIGATION CONCEPT  
1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND...

MAINTENANCE NOTE  
THE PROPERTY OWNER IS RESPONSIBLE FOR THE MAINTENANCE...

LANDSCAPE CALCULATIONS

STREET TREES	766 LF
ROWWAY DRIVE	25 TREES @ PER 50 LF OF ROWWAY
STREET TREES IN DIVID	27 TREES
LANDSCAPE BUFFS	15% OF STREET ROW
STREET SIDE AREA	17,280 SQ FT
LANDSCAPE AREA REQUIRED	49,200 SQ FT
TREES PROVIDED	18 TREES @ PER 411 SF OF ROWWAY
TREES PROVIDED	18 TREES
PARAPETS FOR LANDSCAPE	1800 LF
4.000 SF LANDSCAPE AREA	1800 SQ FT
10.00 FT BENCH @ 1.5' SPACING	9.000 SQ FT
PROVIDED LANDSCAPE AREA	9.000 SQ FT
REQUIRED TREES	7
PROVIDED TREES	17
REQUIRED BENCHES	69
PROVIDED BENCHES	136
EACH SPACE WITHIN 6' OF A TREE	PROVIDED
4.000 SF INTERIOR LANDSCAPE	16.000 SQ FT
16.000 SF FLOOR AREA @ 4.000 SF	16.000 SQ FT
16.000 SF FLOOR AREA @ 4.000 SF	16.000 SQ FT
PROVIDED LANDSCAPE AREA	16.000 SQ FT
REQUIRED CANOPY TREES @ 1500 SQ FT	34
PROVIDED CANOPY TREES	34
REQUIRED UNDER STORY TREES @ 1000 SQ FT	67
PROVIDED UNDER STORY TREES	67
REQUIRED BENCHES @ 140 SQ FT	415
PROVIDED BENCHES	415
REQUIRED COVER AREA @ 10%	17400 SQ FT
PROVIDED COVER AREA @ 10%	17400 SQ FT
REQUIRED SEASONAL COLOR @ 7%	33300 SQ FT
PROVIDED SEASONAL COLOR	33300 SQ FT

GENERAL GRADING AND PLANTING NOTES  
1. ALL GRADING SHALL BE TO THE FINISHED GRADE SHOWN ON THE SITE PLAN...

PLANT SCHEDULE

PLANT	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	INSET
A	CE 10	1	Cross Vireonum	12" dia	10' x 10'	10'
B	CE 10	1	Eastern Redbud	12" dia	10' x 10'	10'
C	UH 22	3	Liquidambar styraciflua	3.0 CALIBER 1 1/2 OVERALL CAL	10' x 10'	10'
D	WL 4	1	White mulberry	12" dia	10' x 10'	10'
E	CF 30	1	Flowering dogwood	2.0 dia	10' x 10'	10'
F	OS 10	1	Quercus shumardii	2.0 dia	10' x 10'	10'
G	OV 10	1	Quercus nigra	2.0 dia	10' x 10'	10'
H	UC 20	1	Ulmus americana	2.0 dia	10' x 10'	10'
I	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
J	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
K	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
L	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
M	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
N	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
O	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
P	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
Q	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
R	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
S	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
T	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
U	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
V	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
W	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
X	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
Y	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'
Z	VS 10	1	Viburnum acerifolium	2.0 dia	10' x 10'	10'

PLANT SCHEDULE

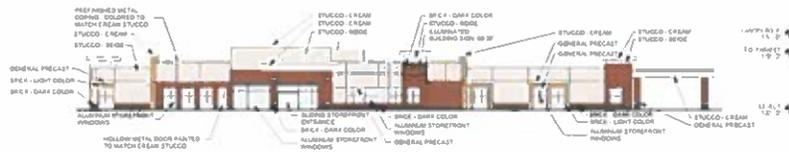
PLANT	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	INSET
AA	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AB	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AC	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AD	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AE	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AF	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AG	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AH	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AI	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AJ	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AK	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AL	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AM	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AN	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AO	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AP	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AQ	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AR	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AS	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AT	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AU	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AV	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AW	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AX	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AY	AG 37	1	Azalea	1.0 dia	10' x 10'	10'
AZ	AG 37	1	Azalea	1.0 dia	10' x 10'	10'



GLAY MOORE ENGINEERING  
MEDCORE WAXAHACHIE  
BROWN STREET & INDIAN DRIVE  
WAXAHACHIE, TX  
EVERGREEN  
LP-1



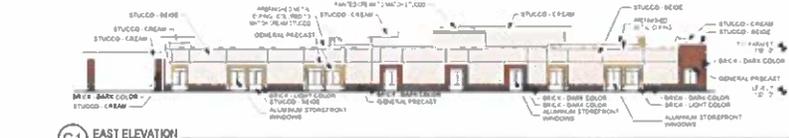
(14)



D1 WEST ELEVATION  
1:20

QUANTITIES

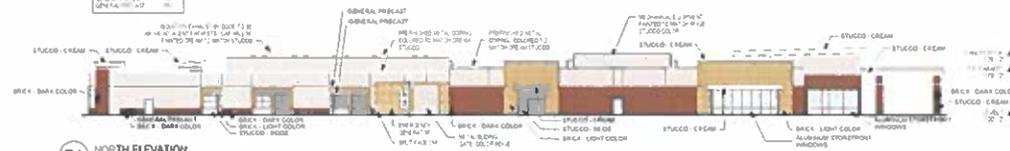
BRICK - DARK COLOR	2%
BRICK - LIGHT COLOR	2%
STUCCO - BEIGE	1%
STUCCO - CREAM	1%
ALUMINUM STOREFRONT	1%
GENERAL PRECAST	1%



C1 EAST ELEVATION  
1:20

QUANTITIES

BRICK - DARK COLOR	2%
BRICK - LIGHT COLOR	2%
STUCCO - BEIGE	1%
STUCCO - CREAM	1%
ALUMINUM STOREFRONT	1%
GENERAL PRECAST	1%



B1 NORTH ELEVATION  
1:20

QUANTITIES

BRICK - DARK COLOR	2%
BRICK - LIGHT COLOR	2%
STUCCO - BEIGE	1%
STUCCO - CREAM	1%
ALUMINUM STOREFRONT	1%
GENERAL PRECAST	1%



A1 SOUTH ELEVATION  
1:20

QUANTITIES

BRICK - DARK COLOR	2%
BRICK - LIGHT COLOR	2%
STUCCO - BEIGE	1%
STUCCO - CREAM	1%
ALUMINUM STOREFRONT	1%
GENERAL PRECAST	1%

GENERAL SHEET NOTES

- 1. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR AND SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
- 2. ALL MATERIALS TO BE SUPPLIED BY THE CONTRACTOR AND SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT.

TOTAL FACADE MATERIALS

BRICK - DARK COLOR	2%
BRICK - LIGHT COLOR	2%
STUCCO - BEIGE	1%
STUCCO - CREAM	1%
ALUMINUM STOREFRONT	1%
GENERAL PRECAST	1%

DEKKER  
PERICH  
SABATINI

ARCHITECTURE  
DESIGN  
INSPIRATION

NOT FOR CONSTRUCTION

CLEARYSKY  
REHABILITATION  
HOSPITAL OF  
WAXAHATCHIE

375 BBA ADAMS, 383 J COOCH

ENTITLEMENTS

- DESIGNED BY
- REVISED BY
- DATE
- PROJECT NO
- DRAWING NAME

EXTERIOR  
ELEVATIONS

SHEET NO  
**EN201**

(16)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-176-2021**

### MEETING DATE(S)

*Planning & Zoning Commission:* November 23, 2021

*City Council:* December 6, 2021

### CAPTION

**Public Hearing** on a request by Rafael Benavides for **Zoning Change** from a Single Family-2 (SF2) zoning to **Planned Development-Single Family-2 (PD-SF2)** to allow an existing accessory structure for rent use located at 314 Kaufman Street (Property ID 170847) - Owner: RAFAEL & GREGORIA S BENAVIDES (ZDC-176-2021)

### APPLICANT REQUEST

The applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure for rent located at 314 Kaufman St.

### CASE INFORMATION

*Applicant:* Rafael Benavides  
*Property Owner(s):* Rafael and Georgia Benavides  
*Site Acreage:* 0.478 acres  
*Current Zoning:* Single Family-2 (SF2)  
*Requested Zoning:* Planned Development-Single Family-2

### SUBJECT PROPERTY

*General Location:* 314 Kaufman St.  
*Parcel ID Number(s):* 170847  
*Existing Use:* Existing single family residence with accessory structure

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	SF3	Single Family Residences
South	SF3	Single Family Residences
West	SF2	Single Family Residences

*Future Land Use Plan:* Low Density Residential

(16)

*Comprehensive Plan:*

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.

*Thoroughfare Plan:*

The subject property is accessible via Kaufman St.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure for rent located at 314 Kaufman St.

**Site History:**

The applicant is currently using an accessory structure on the subject property as an accessory dwelling to rent to non-family members. The property currently consist of a single family residence and an accessory structure, which was constructed in 1940 (per Ellis County Appraisal District). Both structures on the property have separate water, gas, and electric meters. However, the city has no record of the meters being installed at the property. The accessory structure previously had uses of a retail store and church. The applicant, Mr. Benavides, has occupied the property since 1997 (per Ellis County Appraisal District).

On June 9, 2021, staff received a complaint from a resident within the surrounding area stating that the site needed to be cleaned due to excessive trash along the front of the property. Per the City of Waxahachie Code Enforcement Department, violations for trash on the property and citation #2498 was created. At the time of this report (11/17/2021), there are no tenants occupying the accessory structure and the trash has been removed from the property.

Proposed Use/Analysis

The applicant is requesting to allow an existing accessory structure for rent on the subject property. The applicant is currently using an accessory structure on the subject property as an accessory dwelling to rent to non-family members. Though the applicant used the accessory structure as a dwelling for rent, there are no records of the accessory structure being approved as a legally habitable use. Per city records, there were no inspections completed at the property for the structure either. Due to the structure not being inspected by the City of Waxahachie, staff has concerns regarding the safety of the structure as a habitable use.

**STAFF CONCERNS**

Habitable Use/Safety

There are no official city records that indicate any permits issued or inspections at the subject property to allow the use of an accessory dwelling on the site. Due to the structure not being inspected by the City of Waxahachie, staff has concerns regarding the safety of the structure as a habitable use.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 24 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

1. Due to staff concerns, staff recommends denial for the proposed use. Typically, if an accessory dwelling is allowed, staff consistently requires that the structure is not leased or sold separately.
2. Note: If City Council votes to approve the requested use, staff suggests that the applicant receive an official inspection for the structure from the City of Waxahachie Building Inspections Department. In addition, the structure must come into compliance with the 2018 International Building Code and 2018 International Residential Code regarding habitable structures.
3. If 50% or more of the structure is destroyed for any reason, staff suggests that the property come into compliance with the City

Approval, as presented.

Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Site Exhibit
2. Code Enforcement Report Code

**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:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)





# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-146-2021**

### MEETING DATE(S)

*Planning & Zoning Commission:* November 23, 2021 (continued from November 9, 2021)

*City Council:* December 6, 2021

### CAPTION

**Public Hearing** on a request by Yomi and Siyanade Fayiga for a **Zoning Change** from a Future Development Zoning to **Planned Development-General Retail** zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

### APPLICANT REQUEST

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

### CASE INFORMATION

*Applicant:* Yomi and Siyanade Fayiga

*Property Owner(s):* Equity Trust Company Custodian FBO

*Site Acreage:* 4.649 acres

*Current Zoning:* Future Development

*Requested Zoning:* Planned Development - General Retail

### SUBJECT PROPERTY

*General Location:* Located along Broadhead Road, East of Robbie E. Howard Junior High School

*Parcel ID Number(s):* 178923

*Existing Use:* Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF1	Waxahachie Sports Complex
East	PD-GR	Knights of Columbus
South	PD-SF2	Buffalo Ridge Addition Ph. III
West	SF1	Robbie E. Howard Jr. High School

*Future Land Use Plan:* Public/Semi-Public

*Comprehensive Plan:* This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

*Thoroughfare Plan:* The subject property is accessible via Broadhead Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Applicant Request**

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

Proposed Use

The applicant is requesting approval for a Planned Development to accommodate development of a retail pad site (front of the property) and townhome lots (rear of the property) on 4.649 total acres located along Broadhead Road, east of Robbie E. Howard Junior High School. The townhomes within the development will consist of 22 townhome lots (3.198 acres), with one main access being provided from Broadhead Rd. In addition, the proposed maximum density for the development will be 7 units per acre, and will also provide a connection to an existing hike/bike trail (adjacent to Robbie E. Howard Junior High School) in the rear of the development.

Changes since the November 9, 2021 Planning and Zoning Meeting

*\*This case was presented as a memo for continuance at the November 9, 2021 Planning and Zoning meeting. However, the staff report was included in the Planning and Zoning agenda packet. The items listed below reflect changes from the previous staff report.*

Townhomes

- Increased minimum lot area from 2,880 sq. ft. to 3,680 sq. ft.
- Decreased the townhome unit count from 23 units to 22 units
- Decreased the front yard setback from 20 to 15
- Decreased the lot coverage from 53.8% to 48.8%
- Removed the Open Space/Common Area amenity on the proposed townhome tract

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

**Table 2: Proposed Townhomes (per Sec. 5.09 Townhome standards)**

*\*The second column depicts the standards for the current zoning (Future Development) of the property. Items reflected in the second column are not represented in the "Meets" column.*

*\*\*The third column depicts the Townhome standards per Sec. 5.09 of the City of Waxahachie Zoning Ordinance (\*Retail is not included within the chart below)*

Standard	City of Waxahachie (Existing FD Standards)	City of Waxahachie Townhome Standards	Broadhead Rd. Development	Meets
Max. Density	-----	12 DU per acre	10 DU per acre	Yes
Min. Lot Size (SF)	3 acres	3,630	3,680	Yes
Min. Dwelling Unit (SF)	1,500	1,000	2,200	Yes
Min. Front Setback (Ft)	35	15	15	Yes
Min. Interior Setback (Ft)	10% of the lot width but need not exceed 25'. 50' from a street ROW.	0	10	Yes
Min. Rear Setback (Ft)	25	10	10	Yes

Max. Height	3 stories for the main building; 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	40%	50%	48.8%	Yes
Parking	2 behind front building plane, at least 1 enclosed	2 behind front building plane, at least 1 enclosed	2 behind front building plane, at least 1 enclosed	Yes

\*Note: Per the Elevation/Façade Plan(s), the exterior of the façades will consist of brick veneer, metal, and siding.

**STAFF CONCERN**

Rear Alley Access

Staff believes that the proposed development would be more aesthetically pleasing and will result in a more functional townhome development; if the applicant incorporates rear entry access for the townhome(s) portion of the development. Currently, the proposed Concept Plan depicts 22 front entry townhome lots.

Open Space

Staff believes that the development should include an Open Space/Common Area feature for the townhome residents within the development. The proposed Concept Plan does not indicate a location for Open Space on the site.

Site Layout/Use of Property

In addition to the aforementioned concerns, staff does not believe that the proposed use would be the highest and best use for the property. As proposed, staff has various concerns consisting of:

- Parking  
There is no visitor parking reflected on the plan for the townhome portion of the development. Though the applicant is meeting the requirement for parking spaces, with the exception of a driveway, there is no additional room for visitors to park. Staff suggest that visitor parking be incorporated on the plan to avoid traffic congestion along the street.
- Architectural Features  
Due to no screening wall or landscape buffer being proposed between the retail and townhome portion of the development, staff suggests that the applicant incorporate more architectural features along the side of the home for Lot 15 of the development so that a solid wall would not be visible from Broadhead Rd.
- Development Transition  
As the property transitions from retail to townhome, there is no proposed screening wall or landscaping reflected on the plan. Staff believes that the applicant should incorporate a buffer that helps separate the townhomes from the retail portion of the development.
- Density  
Though the applicant is meeting the maximum density requirement for townhomes, staff suggests that the applicant reduce the number of townhome units to help the layout of the development. As proposed, the number of townhomes does not allow the applicant to incorporate visitor parking or open space/common area for the townhome portion of the development.

- Turn Radius

The applicant is proposing a turn radius of 40 ft. for the cul-de-sac. The minimum requirement for the turn radius for the cul-de-sac shall be a minimum of 48 ft. to meet the 96 ft. diameter requirement for the fire truck.

Staff suggests that any requested zoning change made to any existing zoning shall only be granted when an applicant demonstrates that the alternative zoning, design or measure, provides an equal or greater level of quality and standard of development as that is mandated by the existing regulations. Staff does not believe that rezoning the subject property from FD to PD-GR to allow for the use of retail and townhomes would be the best use for the site. In addition, staff has reviewed numerous revisions for the proposed development, however concerns have continuously remained for each revision. Due to these concerns, staff is not supportive of the applicant's request.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 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 has received one (1) letter of support 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**

1. Due to staff concerns, staff recommends denial for the proposed use.
2. If City Council chooses to approve the proposed development, staff suggest that a detailed site plan for the development be reviewed by City Council as well.
3. Note: If the proposed use is denied by the Planning and Zoning Commission:
  - a. A favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)

Approval, as presented.

Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Concept Plan
3. Concept Elevation Plan

**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**

*Prepared by:*

Colby Collins

Planning Manager

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

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(18)

ParcelID	Owner's Name	Assess	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Planned Address
138172	PIRELLI ALJA E	0172	LOT 2 BLK C BUFFALO RIDGE ADDN PH 1 0 172 AC	111 LARAT TRL	WAKAHACHE	TX	75165	111 LARAT TRL WAKAHACHE TX 75165
138183	AGUIAR DFC & ANDRA	0173	LOT 3 BLK C BUFFALO RIDGE ADDN PH 1 0 173 AC	111 LARAT TRL	WAKAHACHE	TX	75165	111 LARAT TRL WAKAHACHE TX 75165
138203	MERRILL CAMERON S & SIBGAL	0172	LOT 1 BLK C BUFFALO RIDGE ADDN PH 1 0 172 AC	111 HORNBECK DR	WAKAHACHE	TX	75165	111 HORNBECK DR WAKAHACHE TX 75165
138888	BUFFALO RIDGE LP CO REAL ESTATE	275	CONDOM AREA NO 1 BUFFALO RIDGE ADDN PH 1 275 # P O BOX 172248		DALLAS	TX	75270	P O BOX 172248 DALLAS TX 75270
139203	DEBATTI TRUST COMPANY CURTIS TOWNH/1 BO ADMETHIC	4160	0 10 0 0 A ADAMS 1 600 ACRES	230 HUNTER PASS	WAKAHACHE	TX	75165	230 HUNTER PASS WAKAHACHE TX 75165
209721	KNOXITE COLUMBIAN CLUB INC	5	5 0 0 0 A ADAMS LOCKED GATES ACRES	PO BOX 243	WAKAHACHE	TX	75164	PO BOX 243 WAKAHACHE TX 75164
211891	WAKAHACHE BEI	1846	LOT 1R BROADHEAD ROAD SPORTS COMPLEX ADDN 1R 111 N GIBSON ST	PO BOX 737	WAKAHACHE	TX	75165	111 N GIBSON ST WAKAHACHE TX 75165
215624	WAKAHACHE COMMUNITY DEVELOPMENT (ORP	0620	LOT 1R BROADHEAD ROAD SPORTS COMPLEX 99 20 AC	PO BOX 737	WAKAHACHE	TX	75165	PO BOX 737 WAKAHACHE TX 75165
219961	CITY OF WAKAHACHE ATTN: FINANCE DEPARTMENT	07408	5 0 0 0 A ADAMS 275 W C CALDER BROADHEAD RD 00	411 G ROGERS	WAKAHACHE	TX	75165	411 G ROGERS WAKAHACHE TX 75165
261471	CURTIS WISEMAN & MICHAEL	0175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 5A 0 175 AC	121 LARAT TRL	WAKAHACHE	TX	75165	121 LARAT TRL WAKAHACHE TX 75165
261472	SARITH SARPA A & JO ANN	0175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 5A 0 175 AC	121 LARAT TRL	WAKAHACHE	TX	75165	121 LARAT TRL WAKAHACHE TX 75165
261473	BRENDATH CHRISTOPHER L	0175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 5A 0 175 AC	121 LARAT TRL	WAKAHACHE	TX	75165	121 LARAT TRL WAKAHACHE TX 75165
261474	CHRISTOPHER HOBBS II	0175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 5A 0 175 AC	121 LARAT TRL	WAKAHACHE	TX	75165	121 LARAT TRL WAKAHACHE TX 75165
261475	WITCHERSON WILLIAM L LAND	0175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 5A 0 175 AC	121 LARAT TRL	WAKAHACHE	TX	75165	121 LARAT TRL WAKAHACHE TX 75165
261485	PIRELLI ALJA E & DENYSE E	0173	LOT 3 BLK C BUFFALO RIDGE ADDN PH 1 0 173 AC	111 HORNBECK DR	WAKAHACHE	TX	75165	111 HORNBECK DR WAKAHACHE TX 75165

(18)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-146-2021**



KALTERRA CAPITAL PARTNERS LLC  
3710 RAWLINS ST STE 1390  
DALLAS, TX 75219

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 12, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 18, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Yomi and Siyanade Fayiga for a **Zoning Change** from a Future Development Zoning to **Planned Development-General Retail** zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: **ZDC-146-2021**

City Reference: 275562

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 5, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

Clint V. Nolen  
Signature

9/30/21  
Date

CLINT V. NOLEN  
Printed Name and Title

1701 N MARKET ST, STE 325  
DALLAS, TX 75202  
Address

*It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)*

*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*



(18)



TOWN HOME FRONT ELEVATION

(18)



**RETAIL FRONT ELEVATION**

(18)



BROADHEAD VILLAGE, WAXAHACHIE, TX

ZONING CASE ZDC-146-2021

OCT 08 2021

21078