

AGENDA

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, August 23, 2022 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 August 9, 2022
- b. Minutes of the Planning and Zoning Commission briefing of August 9, 2022

5. ***Continue Public Hearing*** on a request by Tim Jackson, for a Replat of Lots 8, Block 3, University Annex Addition, to create Lots 8A & 8B, Block 3, University Annex Addition, 2 Residential Lots, being 0.350 acres, located at 800 Sycamore Street, (Property ID 176411) – Owner: A GARRETT REAL ESTATE VENTURES LLC (SUB-73-2022) Staff: Zack King
6. ***Consider*** recommendation of SUB-73-2022
7. ***Consider*** a request by Chad Adams, Levante Partners, LP, for a Plat of Levante, Lot 1X, Block A, Lots 1-6, 7X, 8-20, Block B, Lots 1-8, 9X, 10-11, Block C, Lots 1-17, Block D, Lots 1-18, Block E, Lots 1X, 2-10, Block F, Lots 1-26, Block G, Lots 1-9, Block H, Lots 1-13, Block I, being 150.59 acres, located on the west side of Howard Road (FM 877) across from 3175 Howard Road, situated in the S.M. Durrett Survey, Abstract No. 272, an addition to the City of Waxahachie (Property ID 182020) – Owner: LEVANTE PARTNERS, LP (SUB-66-022) Staff: Eleana Tuley

8. **Public Hearing** on a request by Espire Enterprises, LLC for a Replat of the Original Town of Waxahachie, lots 7, 8, 9C Block 51A, being 0.1251 acres, located at 100 Coats Street, situated in the AM Keen Survey, Abstract 596, an addition to the City of Waxahachie (Property ID 170885) – Owner: ESPIRE ENTERPRISES, LLC (SUB-59-2022) Staff: Eleana Tuley
9. **Consider** recommendation of SUB-59-2022
10. **Consider** a request by Shawne Walker, for a Plat of Butcher Addition, 1 Residential Lot, being 3.123 acres, located at Butcher Rd., (Property ID 289912) – Owner: JORGE MONTES (SUB-61-2022) Staff: Ashlie Jones
11. **Public Hearing** on a request by Debbie Manning, Capitola Builders, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 195 Brookbend Drive (Property ID 208145) - Owner: HIGGINBOTHAM REVOCABLE TRUST (ZDC-79-2022) Staff: Ashlie Jones
12. **Consider** recommendation of ZDC-79-2022
13. **Consider** a request by Stan Lewis, for a Plat of Lewis Estates, 5 Residential Lots, being 5.897 acres, located on E. Haven Road, in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 190521,) – Owner: STANLEY LEWIS (SUB-58-2020) Staff: Ashlie Jones
14. 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) 309-4006 or (TDD) 1-800-RELAY TX.

<p style="text-align: center;"><i>Notice of Potential Quorum</i> <i>One or more members of the Waxahachie City Council may be present at this meeting.</i> <i>No action will be taken by the City Council at this meeting.</i></p>

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 9, 2022 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Ashlie Jones, Senior Planner
Amber Villarreal, City Secretary
Chris Wright, 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 July 26, 2022
- b. Minutes of the Planning and Zoning Commission briefing of July 26, 2022

Action:

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

5. **Consider request by Claudia Rodriguez, for a Plat of the Rodriguez Addition, Lot 1, Block A, being 0.6013 acres, located directly west of 1400 Dr. Martin Luther King Jr. Blvd., situated in the S.M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 182035) – Owner: JOSE RODRIGUEZ (SUB-11-2022) Staff: Zack King**

Senior Planner Zack King presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use. The plat adheres to all lot size and dimension requirements of the Infill Overlay District as well as provides a twenty-five (25) foot

right-of-way dedication along Dr. MLK Jr. Boulevard in conformance with the Thoroughfare Plan. Staff recommended approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Claudia Rodriguez, for a Plat of the Rodriguez Addition, Lot 1, Block A, being 0.6013 acres, located directly west of 1400 Dr. Martin Luther King Jr. Blvd., situated in the S.M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID: 182035) – Owner: JOSE RODRIGUEZ (SUB-11-2022) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 6. Public Hearing on a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022) Staff: Ashlie Jones**

Senior Planner Ashlie Jones presented the case noting the applicant is requesting to plat the subject property into one (1) lot for single-family residential use. The applicant made a petition of relief waiver request for a 25' front building line setback instead of the 40' required due to the existing structure encroaching into the 40' required front building line setback. Staff recommended approval of the plat and approval of the petition of relief waiver.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-58-2022, Chairman Keeler closed the Public Hearing.

- 7. Consider approval of SUB-58-2022**

Action:

Mr. David Hudgins moved to approve a request by Clint Rhodes, for a Plat of Rhodes Addition, 1 Residential Lot, being 1.00 acres, located at 2407 Howard Rd., (Property ID 182086,) – Owner: MASTERPIECE PROPERTIES (SUB-58-2022) and approval of petition of relief waiver. Mr. Erik Test seconded, All Ayes.

- 8. Consider request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022) Staff: Zack King**

Mr. King presented the case noting the applicant is requesting a Site Plan approval to construct a two-story assisted and senior living facility on 5.215 acres at 110 Park Hills Drive. The proposed development includes 78 dwelling units for independent living, 59 assisted living beds, and 28 memory care beds. The proposed facility includes 4 outdoor courtyards and a pool for residents. Additionally, on-site amenities including a restaurant, fitness center, yoga studio, theater, game room, dog park, salon, and activity space are proposed with the facility. Mr. King noted the western portion of the property, along Highway 77, is covered by an 80-foot TXU electric easement and the owner has received permission from Oncor to place a dog park and additional

parking spaces within the easement. The applicant provided two (2) exterior elevation options for the proposed development with both options featuring natural stone and stucco as the primary materials, with siding and board and batten accents.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Chris Muder, REES Associates Inc., for a detailed Site Plan Review for the Villages of Country Lane, an Assisted & Senior Living use within a Planned Development-90 (Office) zoning district at 110 Park Hills Drive (Property ID: 241956) – Owner: BRIDGEVIEW REALTY CAPITAL LLC (SP-55-2022) as presented, with exterior elevation option 2. Ms. Bonney Ramsey seconded, All Ayes.

9. Public Hearing on a request by Michelle Kucaba, Interplan, LLC, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Planned Development-General Retail (PD-GR) zoning district located at 996 W Highway 287 (Property ID 142134) - Owner: CHICK-FIL-A INC (ZDC-47-2022) Staff: Eleana Tuley

Senior Planner Eleana Tuley presented the case noting the applicant requests a specific use permit to modify the drive through circulation and configuration for the existing Chick-Fil-A located at 996 W. Highway 287. She noted the applicant is not proposing any changes to the building and staff recommends approval per the following staff comments:

1. The subject property shall conform to the layout shown in the site plan.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department and Public Works and Engineering Department prior to construction.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-47-2022, Chairman Keeler closed the Public Hearing.

10. Consider recommendation of ZDC-47-2022

Action:

Mr. David Hudgins moved to approve a request by Michelle Kucaba, Interplan, LLC, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Planned Development-General Retail (PD-GR) zoning district located at 996 W Highway 287 (Property ID 142134) - Owner: CHICK-FIL-A INC (ZDC-47-2022). Vice Chairman Melissa Ballard seconded, All Ayes.

11. Public Hearing on a request by Jeb Jones, Pro Star Rental, for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Sales and Rental, use within a Light Industrial (LI-1) zoning district located at 2601 North Highway 77 (Property ID 174803) - Owner: CJ COMMERCIAL CO LLC (ZDC-52-2022) Staff: Eleana Tuley

Ms. Tuley presented the case noting the applicant requests a specific use permit to expand an existing heavy machinery and equipment sales and rental business (Pro Star Rental of Waxahachie). The property owner plans to purchase and acquire an additional 0.5 acres from the

(4a)

Northside Church of Christ to integrate into the site and expand the business's equipment rental and sales storage area. Ms. Tuley explained the applicant is requesting a variance to allow for gravel on the perimeter of the new storage area instead of using concrete as proposed in the remainder. The applicant is also requesting a variance to not screen the outdoor storage along the western property line since the property on the west currently uses that area for outdoor storage, causing minimal visual impact where no screening is proposed. Staff recommended approval per the following staff comments:

1. Approval of a variance request to utilize gravel in areas shown on the site plan.
2. Approval of a variance request to not screen the newly incorporated outdoor storage area along the western property line as shown on the site plan.
3. The applicant shall include a landscape plan for the living screen with the civil plan application submitted to the City of Waxahachie Public Works and Engineering Department.
4. The applicant shall obtain an irrigation permit from the City of Waxahachie Building Department prior to construction.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-52-2022, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of ZDC-52-2022

Action:

Mr. Jim Phillips moved to approve a request by Jeb Jones, Pro Star Rental, for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Sales and Rental, use within a Light Industrial (LI-1) zoning district located at 2601 North Highway 77 (Property ID 174803) - Owner: CJ COMMERCIAL CO LLC (ZDC-52-2022) and approve both variance requests as presented. Mr. Erik Test seconded, All Ayes.

13. Public Hearing on a request by Shannon Childs, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit, use within a Single Family – 2 (SF-2) zoning district located at 301 Olive Street (Property ID 180822) - Owner: SHANNON MARIE CHILDS (ZDC-76-2022) Staff: Ashlie Jones

Ms. Jones presented the case noting the applicant is requesting to utilize an existing accessory structure (731 sq. ft.) as an accessory dwelling unit. Staff recommends approval per the following staff comments:

1. The accessory dwelling unit shall not be used for residence by a non-family member.
2. The structure shall, in any case, not be leased or sold and shall not be separately metered.
3. The applicant will need to ensure that the structure is habitable.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to renovating the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-76-2022, Chairman Keeler closed the Public Hearing.

14. Consider recommendation of ZDC-76-2022

Action:

Ms. Bonney Ramsey moved to approve a request by Shannon Childs, for a Specific Use Permit (SUP) for an Accessory Dwelling Unit, use within a Single Family – 2 (SF-2) zoning district located at 301 Olive Street (Property ID 180822) - Owner: SHANNON MARIE CHILDS (ZDC-76-2022) per staff comments. Mr. Erik Test seconded, All Ayes.

15. Public Hearing on a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 116 Spring Creek Drive (Property ID 206116) - Owner: LEE & ANNA L. MARTIN (ZDC-83-2022) Staff: Ashlie Jones

Ms. Jones presented the case noting the applicant is requesting to construct a +700 sq. ft. (1,500 sq. ft.) accessory structure to the rear of a single-family residential lot and staff recommended approval per staff comments:

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

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-83-2022, Chairman Keeler closed the Public Hearing.

16. Consider recommendation of ZDC-83-2022

Action:

Mr. Jim Phillips moved to approve a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 116 Spring Creek Drive (Property ID 206116) - Owner: LEE & ANNA L. MARTIN (ZDC-83-2022) per staff comments. Mr. Erik Test seconded, All Ayes.

17. Public Hearing on a request by Gregory Nehib, Big Blue Truck, LLC, for a Zoning Change from Single Family Residential-2 (SF-2) zoning district to Central Area (CA) zoning district, located at 206 and 208 N Jackson Street (Property ID 170695 and 170696) - Owner: BIG BLUE TRUCK, LLC (ZDC-80-2022) Staff: Eleana Tuley

(4a)

Ms. Tuley presented the case noting the applicant is requesting to rezone approximately 1.98 acres of land located at 206 and 208 North Jackson Street from single-family-residential-2 (SF-2) district to Central Area (CA) district to reuse the existing building for indoor amusement. The property owner has a tenant who would like to operate a haunted house (Reindeer Manor) and a skate park. The applicant has noted they do not plan to make any exterior changes to the building or site improvements. Instead, the prospective tenant intends to make interior changes to occupy the building. Ms. Tuley explained the applicant is aware the site is in the Tax Increment Reinvestment Zone #1, making it eligible for public funding to help the property owner make site improvements and building enhancements. Ms. Tuley stated although the zoning change from SF-2 to Central Area District is appropriate, staff is concerned with the haunted house use and the lack of enhancement or improvements to the existing building given the property's close proximity to downtown. Staff informed the applicant that a site plan will be required if the property owner makes any site and building improvements requiring the approval of a site plan. Staff recommended denial due to staff concerns.

Chairman Keeler opened the Public Hearing.

Greg Nehib, 1023 W. Main, Waxahachie, Texas, requested to change the zoning to Central Area District to allow use of the 18,000 sq. ft. building to operate as a seasonal haunted house and a year-round skate park. Mr. Nehib noted the Heritage Preservation Commission does not support demoing of the building or changes to the façade due to the historical nature of the building. He explained his request is to change the zoning on the property to match the zoning across the street.

Commissioner David Hudgins asked the applicant if consideration has been given to add parking to the site and Mr. Nehib noted he has reviewed options for staff parking or food truck area and would like to operate multiple businesses on-site.

Commissioner Erik Test asked the applicant if he would be willing to change the zoning to a Planned Development to allow for some flexibility and to restrict unwanted uses downtown, that if approved as Central Area District, would be allowed by right. Mr. Nehib noted he is only requesting to correct the zoning at this time. Mr. Test reiterated that approval of the zoning change to Central Area District would allow multiple uses by right and the Commission nor City Council would review for approval and Ms. Tuley concurred.

Vice Chairman Melissa Ballard inquired about the current use of the site and Mr. Nehib explained the site is mostly being used for storage at this time.

Chairman Keeler inquired about the use of the property and Mr. Nehib explained some areas are in the creek area and not usable.

Commissioner Jim Phillips noted a Planned Development zoning would offer flexibility for the site.

There being no others to speak for or against ZDC-80-2022, Chairman Keeler closed the Public Hearing.

18. Consider recommendation of ZDC-80-2022

(4a)

Action:

Mr. Jim Phillips moved to approve a request by Gregory Nehib, Big Blue Truck, LLC, for a Zoning Change from Single Family Residential-2 (SF-2) zoning district to Central Area (CA) zoning district, located at 206 and 208 N Jackson Street (Property ID 170695 and 170696) - Owner: BIG BLUE TRUCK, LLC (ZDC-80-2022). Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Erik Test.

The motion carried.

19. Adjourn

Ms. Tuley invited the public to visit waxahachieplan.com to offer input on the Waxahachie Comprehensive Plan that is currently being updated.

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, August 9, 2022 at 6:00 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Bonney Ramsey
Jim Phillips
David Hudgins
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Ashlie Jones, Senior Planner
Jami Bonner, Assistant City Secretary
Chris Wright, 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

Senior Planner Zack King reviewed the following cases:

- SUB-11-2022, the applicant is requesting to plat the subject property into one (1) lot for single family residential use. He noted the proposed plat provides a twenty-five (25) right-of-way (ROW) dedication along Dr. MLK Jr. Boulevard in conformance with the City of Waxahachie Thoroughfare Plan and meets all size and dimension requirements. Staff recommends approval as presented.
- SP-55-2022, the applicant is requesting Site Plan approval to construct a two-story assisted living facility on 5.215 acres with units including 78 dwelling units for independent senior living, 59 assisted living beds, 28 memory care beds, and several amenities. He noted the western portion of the property is covered by an 80 foot TXU electric easement. The applicant has received permission from Oncor to place a dog park and additional parking spaces within the easement. The applicant is proposing to provide a sidewalk easement along Highway 77 in order to provide sidewalks that comply with City of Waxahachie requirements. Staff recommends approval as presented.

Senior Planner Ashlie Jones reviewed the following cases:

- SUB-58-2022, the applicant is requesting to plat one (1) residential lot in the Rhodes Addition, being 1.00 acres. The applicant is requesting a variance for a 25' Front Building Line setback due to an existing structure encroaching into the required 40' Front Building

(4b)

Line setback. All City lot size and dimension requirements have been met. Staff recommends approval as presented.

- ZDC-76-2022, the applicant is requesting a Specific Use Permit to utilize an existing accessory structure as an accessory dwelling unit. The accessory structure has been used as an accessory dwelling unit for several years, but was just recently brought to the attention of code enforcement. Staff recommends approval per staff comments.
- ZDC-83-2022, the applicant is requesting a Specific Use Permit to construct a +700 sq. ft. accessory structure to the rear of a single-family residential lot to be used as a barn for livestock and storage. Staff recommends approval per staff comments.

Senior Planner Eleana Tuley reviewed the following cases:

- ZDC-47-2022, the applicant is requesting a Specific Use Permit to modify the drive-through circulation and configuration for the existing Chick-fil-A located at 996 W. Highway 287. Staff recommends approval per staff comments.
- ZDC-52-2022, the applicant is requesting a Specific Use Permit to expand an existing heavy machinery and equipment sales and rental business. She noted the applicant is requesting a variance to allow for gravel along the perimeter of the new storage area intended to be used to park and store heavy equipment. The remainder of the expansion will be paved. The applicant is also requesting a variance to not screen the outdoor storage along the western property line since the property on the west currently uses that area for outdoor storage, as well. Staff recommends approval per staff comments.
- ZDC-80-2022, the applicant is requesting to rezone approximately 1.98 acres of land located at 206 and 208 North Jackson Street from Single Family Residential-2 (SF-2) to Central Area (CA) district to potentially use the location for indoor entertainment. The property owner has a prospective tenant that is interested in relocating his haunted house business to downtown Waxahachie. The plan is to operate a haunted house in October and use the facility as a skate park the remainder of the year. Ms. Tuley noted the applicant does not plan on making any exterior changes to the building or site improvements even with the opportunity to utilize Tax Increment Reinvestment Zone #1 (TIRZ) public funding; however, the tenant intends to make interior changes to occupy the building. If the request for zoning change is approved, the applicant would not be required to provide onsite parking. Although staff recognizes that the zoning change from SF-2 to CA is appropriate, staff is concerned with the use of the site, lack of enhancements and improvements to the existing building and site, and the property's proximity to the downtown core which should contribute to the character of the downtown area. Ms. Tuley noted the request is a straight zoning request. If approved, all uses allowed in the use chart for Central Area District would be allowed for this location. Due to staff concerns, staff recommends denial.

Commissioner Melissa Ballard noted that the appraisal district does not indicate the property to be zoned residential. Ms. Tuley explained that the appraiser will go off the use of the property which was a cabinet shop for many years. The City's 1984 zoning maps indicate the property was zoned light industrial; however, the next zoning maps from 1997 indicate the zoning was changed to SF-2.

(4b)

Commissioner Bonney Ramsey expressed concern in regards to parking of surrounding businesses being utilized for the prospective tenant. Commissioner David Hudgins recognized that the property does have space that could potentially be used for parking if the applicant would consider improving the site.

Commissioner Jim Phillips stated that while he understands there may be concerns with the potential use, the Planning and Zoning Commission is solely considering the zoning change.

The Commissioners and staff discussed opportunities to implement a Planned Development (PD) and possibly requiring site plan approval for the applicant.

Ms. Tuley explained potential voting options to consider as follows:

- Consider as straight zoning request.
- Consider implementing a PD which would allow the P&Z Commission to strike out some uses.
- Consider implementing a PD, strike some uses, and require a site plan. However, the site plan would only be required if the applicant expands the building or improves the property.

3. Adjourn

There being no further business, the meeting adjourned at 6:46 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary

(5+6)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: August 23, 2022

Re: SUB-73-2022 - University Annex Addition, Lots 8A & 8B, Block 3

On August 8, 2022, the applicant requested to withdraw case no. SUB-73-2022 - University Annex Addition, Lots 8A & 8B, Block 3 from the August 23, 2022 Planning and Zoning Commission agenda and the September 6, 2022, City Council meeting agenda.

(7)

Planning & Zoning Department

Plat Staff Report

Case: SUB-66-2022



MEETING DATE(S)

Planning & Zoning Commission: August 23, 2022

City Council: September 6, 2022

CAPTION

Public Hearing on a request by Chad Adams, Levante Partners, LP, for a Plat of Levante, Lot 1X, Block A, Lots 1-6, 7X, 8-20, Block B, Lots 1-8, 9X, 10-11, Block C, Lots 1-17, Block D, Lots 1-18, Block E, Lots 1X, 2-10, Block F, Lots 1-26, Block G, Lots 1-9, Block H, Lots 1-13, Block I, being 150.59 acres, located on the west side of Howard Road (FM 877) across from 3175 Howard Road, situated in the S.M. Durrett Survey, Abstract No. 272, an addition to the City of Waxahachie (Property ID 182020) – Owner: Levante Partners, LP (SUB-66-022)

APPLICANT REQUEST

The Applicant is requesting to plat approximately 150 acres into 121 single family lots and four open space lots.

CASE INFORMATION

Applicant: Chad Adams, Levante Partners, LP

Property Owner(s): Chad Adams, Levante Partners, LP

Site Acreage: 150.6 acres

Number of Lots: 121 lots

Number of Dwelling Units: 121 units

Park Land Dedication: The cash in lieu of park land dedication is \$48,400.00 (121 residential dwellings at \$400.00 per dwelling).

Adequate Public Facilities: Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

General Location: West side of Howard Road (FM 877) across from 3175 Howard Road

Parcel ID Number(s): 182020

Current Zoning: PD-SF-1 (Ord. No. 3324)

Existing Use: Undeveloped Land

Platting History: N/A

Site Aerial:**PLATTING ANALYSIS**

The Applicant is proposing to plat approximately 150 acres into one hundred and twenty-one (121) single family lots and four (4) open space lots. Additionally, the Applicant is requesting a variance to provide one (1) point of access due to the lack of adequate sight distance for the ingress and egress on the second point of entry. The proposed development complies with all other provisions within the governing zoning, including lot count and minimum lot size.

Since the zoning request, the Applicant has performed a Traffic Impact Analysis (TIA) and started designing the infrastructure and improvements for the project. During this process, the Applicant determined that the topography and the road's curvature obstructed the minimum sight distance for the ingress and egress on the second point of access which was initially proposed in the concept plan for the zoning request (ZDC-27-2022). Given the limited sight distance, the second entry point would have been dangerous for people trying to enter and exit the subdivision. Therefore, given the safety concerns posed by the site's topography, Staff is recommending approval of the variance request.

The concept plan associated with the zoning request is in the attached exhibits for informational purposes. The plat reflects the layout with one point of entry into the subdivision.

PUBLIC NOTIFICATIONS

The City mailed 17 courtesy notices to property owners within 200 feet of the request, and notice was published in the Waxahachie Sun. The City has received one (1) letter of opposition at the time of publishing this report.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The Applicant receive approval of a variance to have one (1) point of access.
 2. The Applicant revise and update the plat in the future to reflect the right-of-way improvements required by the TIA.

ATTACHED EXHIBITS

1. Plat
2. Concept Plan (ZDC-27-2022)
3. Letter of Opposition

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 five signed, hard-copy plats.

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.

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

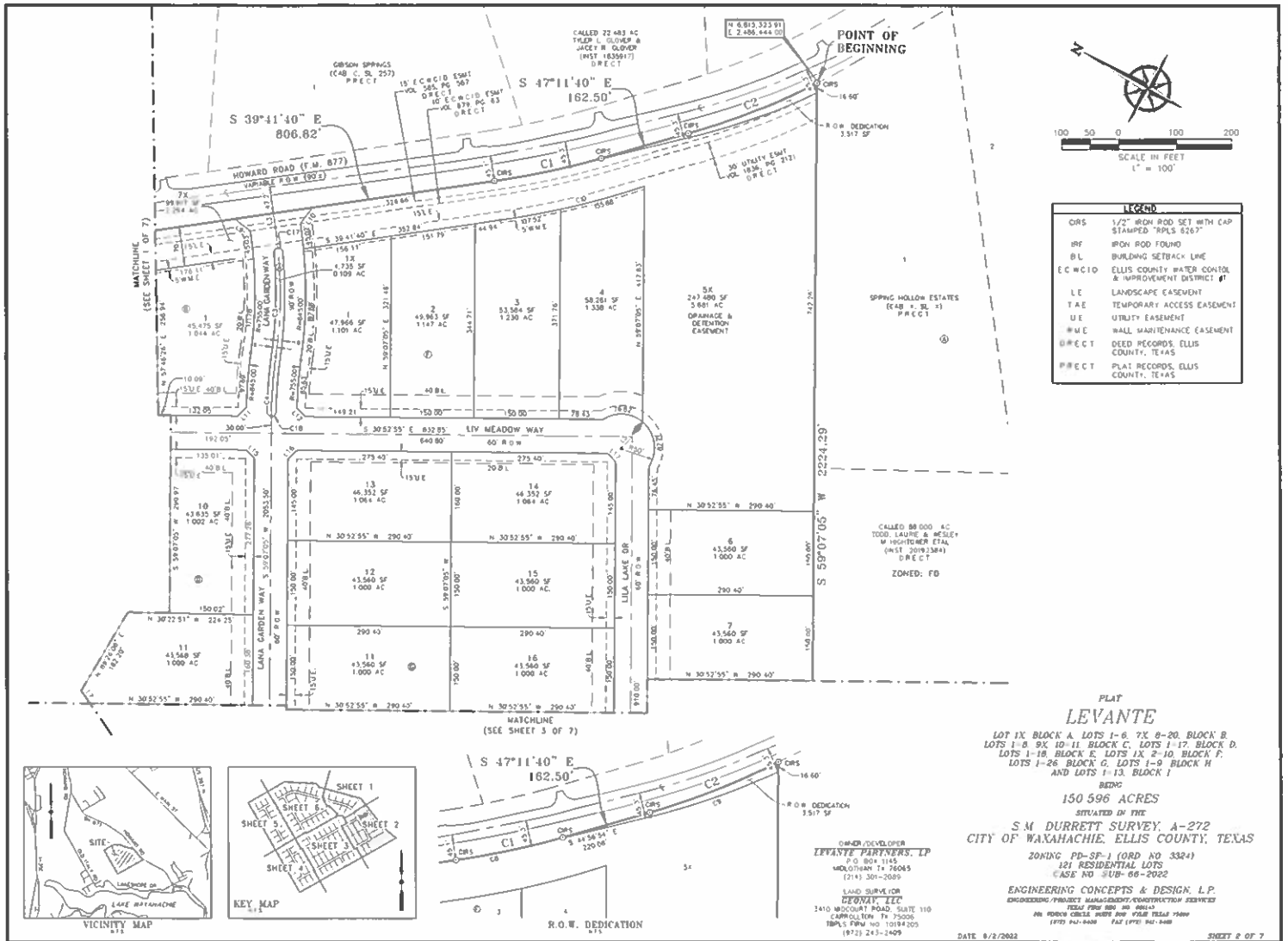
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

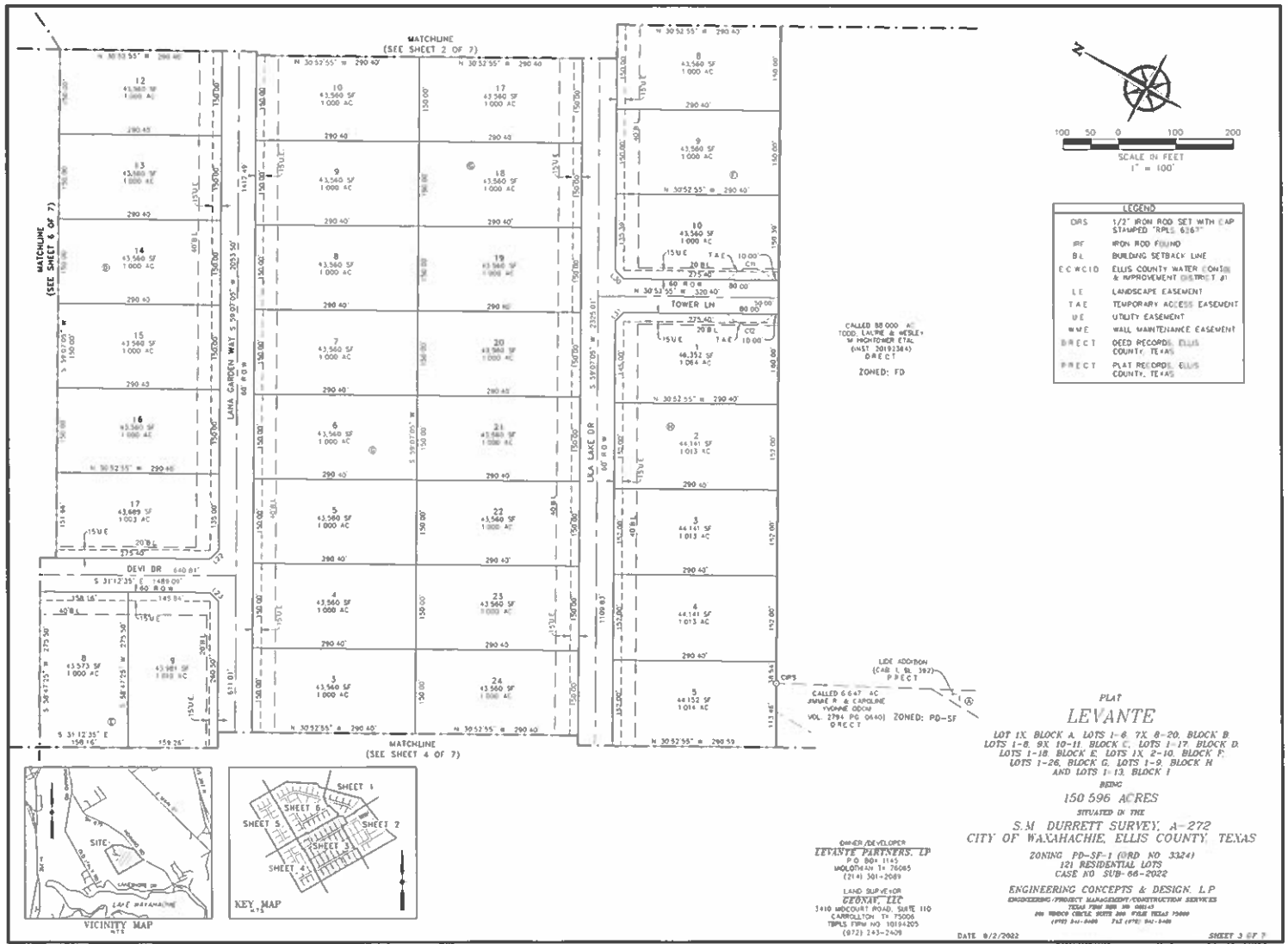
jennifer.pruitt@waxahachie.com

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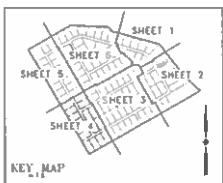
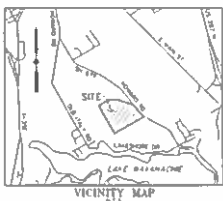
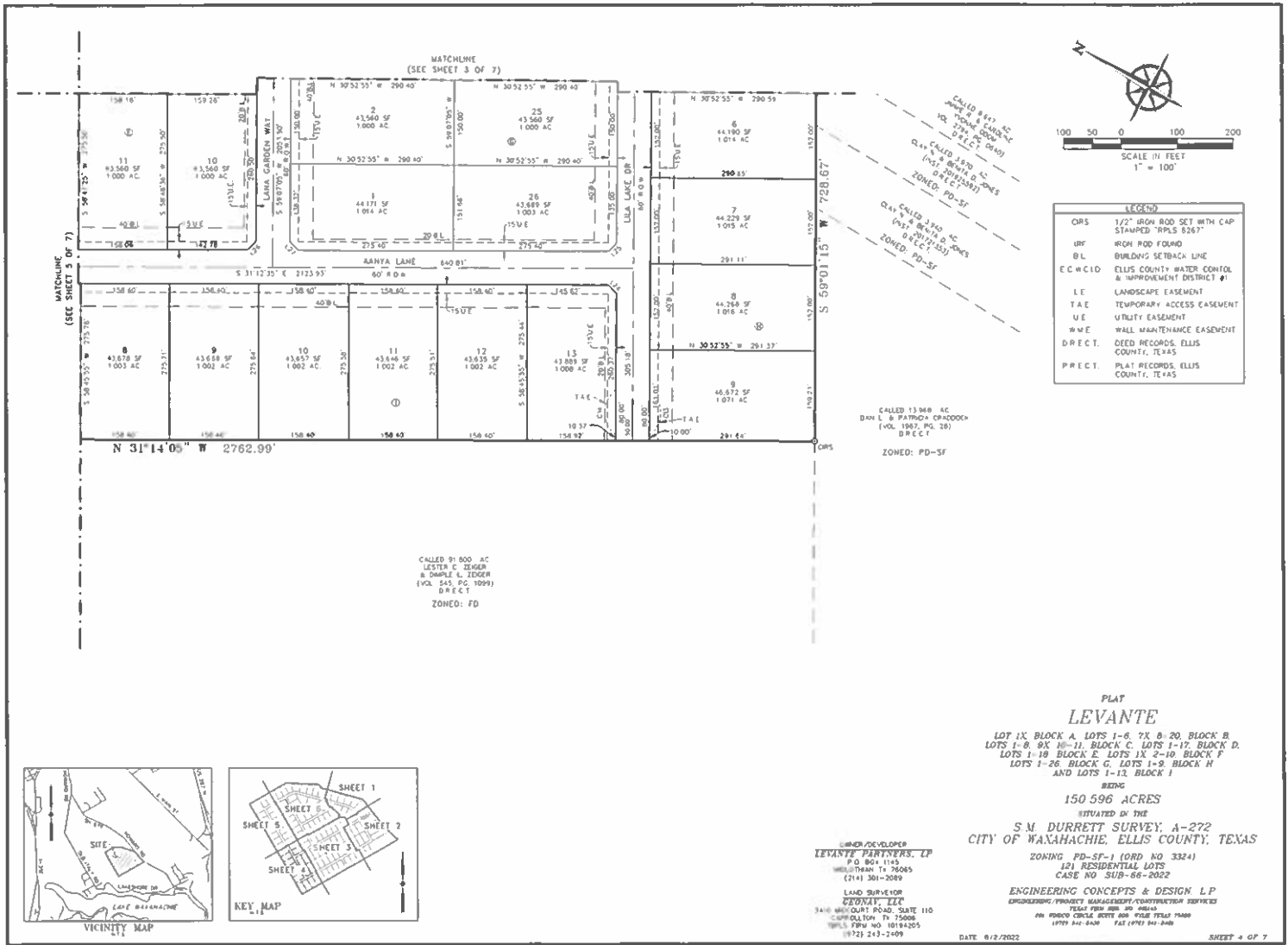
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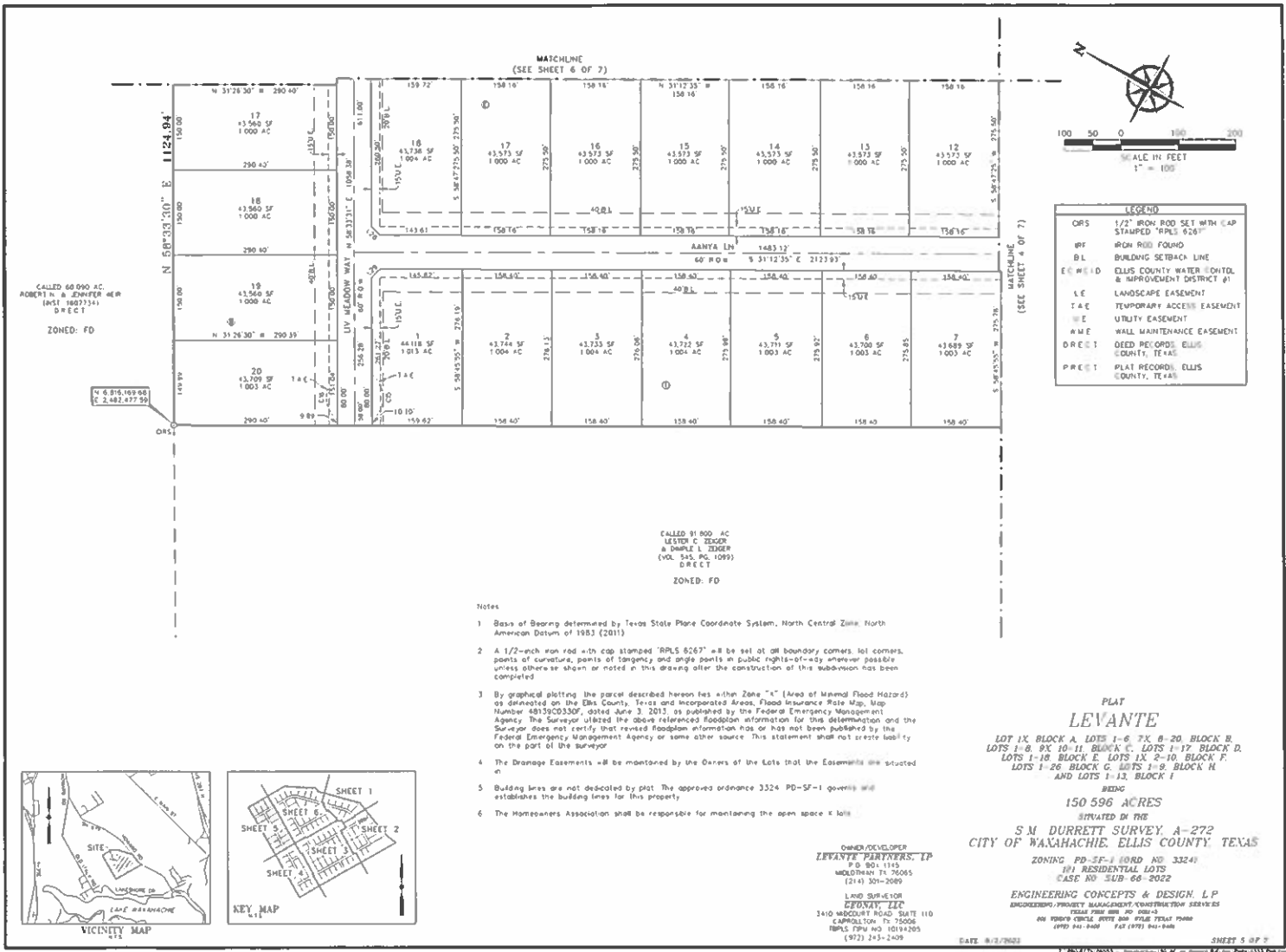


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PLAT
LEVANTE
 LOT 1X BLOCK A, LOTS 1-6 TX 8-20, BLOCK B,
 LOTS 1-8, 9X 10-11, BLOCK C, LOTS 1-17, BLOCK D,
 LOTS 1-18, BLOCK E, LOTS 1X 2-10, BLOCK F,
 LOTS 1-26, BLOCK G, LOTS 1-10, BLOCK H,
 AND LOTS 1-13, BLOCK I

BEING
 150.596 ACRES
 SITUATED IN THE
 S.M. DURRETT SURVEY, A-272
 CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

ZONING PD-SF-1 (ORD NO 3324)
 121 RESIDENTIAL LOTS
 CASE NO SUB-80-2002

ENGINEERING CONCEPTS & DESIGN, L.P.
 ENGINEERING PROJECT MANAGEMENT/CONSTRUCTION SERVICES
 TEXAS FIRM NO. 000415
 10000 CIRCLE DRIVE, SUITE 1000
 FORT WORTH, TEXAS 76104
 (817) 340-0400 FAX (817) 340-0400

OWNER/DEVELOPER
 LEVANTE PARTNERS, LP
 P.O. BOX 1115
 MOULTONBURN, TX 76065
 (214) 361-2599

LAND SURVEYOR
 KENNETH J. ZIEP
 3410 WOODCOURT ROAD, SUITE 110
 CARROLLTON, TX 75006
 TEXAS FIRM NO. 10194205
 (972) 243-2499

DATE 9/2/2002

SHEET 6 OF 10

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF EL PASO §

WHEREAS LEVANTE PARTNERS, LP are the owners of a tract of land situated in the S.W. Durratt Survey, Abstract Number 2762, City of Warhatche, Ellis County, Texas, and being all of those tracts of land described as "Tract Two" and "Tract Three"; Parcel 3-Staples Farm in deed to Duane J. Anderson as Trustee of Karen S. Anderson Irrevocable Trust, as recorded in Volume 2778, Page 642 of the Deed Records of Ellis County, Texas (DREC.T.), and being more particularly described by metes and bounds as follows

BEGINNING at the most easterly southeast corner of said Tract Three, said corner being on the southwesterly right-of-way line of F.W. 877 (Howard Road a variable width right-of-way).

THENCE South 59 degrees 07 minutes 05 seconds West, along the south line of said Tract Three, a distance of 2,224.29 feet to a point for corner.

North 31 degrees 14 minutes 05 seconds West, along the south-easterly lines of said Tract Three and Tract Two, a distance of 2,762.93 feet to a point for the most westerly northwest corner of said Tract Two.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT LEVANTE PARTNERS, LP, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as LEVANTE, an addition to the city of Waco, Texas, and does hereby agree that the property shall be subject to the provisions of the City of Waco's Ordinance 10000, which is 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 growths shall be constructed or maintained on the dedicated areas. The City of Waco hereby agrees that the use of the dedicated areas shall be subject to the provisions of the Easements, if approved by the City of Waco. 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 of particular areas for the use of a particular public utility. The City of Waco hereby agrees that the City of Waco, the City of Waco and public utility entities shall at all times have the full right of ingress and egress to and from the respective easement areas and shall have the right to install, maintain, repair, replace, remove, alter, relocate, or remove all or parts of their respective system without the necessity of any time consuming permission from anyone.

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

WITNESS, my hand, this the ____ day of _____, 2022

FOR LEVANTE PARTNERS, LP

By Chad Adams, Managing Partner

STATE OF TEXAS §
COUNTY OF ELLIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Chad Adams, 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 the ____ day of _____, 2022.

Notary Public in and for the state of Texas
My Commission Expires on:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

That I, Joel C. Howard, hereby certify that this plot was prepared under my supervision from an actual and accurate survey of the land and that the corner monuments shown thereon as set will be properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Washoe.

Given under my hand and seal of office, this ____ day of _____, 2011.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

JOEL C HOWARD
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO 6267



STATE OF TEXAS §
COUNTY OF ELLIS §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Joel C. Howard, 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 purposes and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2021.

Notary Public in and for the State of Texas
My Commission Expires

APPROVAL CERTIFICATE

APPROVED BY Planning and Zoning Commission City
of Waco, Texas

By Date

By _____ Attest _____ Date _____

PLAT
LEVANTE

LOT 1X, BLOCK A, LOTS 1-6, 7X, 8-20, BLOCK B,
LOTS 1-8, 9X, 10-11, BLOCK C, LOTS 1-17, BLOCK D,
LOTS 1-18, BLOCK E, LOTS 1X, 2-10, BLOCK F,
LOTS 1-28, BLOCK G, LOTS 1-9, BLOCK H,
AND LOTS 1-13, BLOCK I

BEING
150.596 ACRES

SITUATED IN THE
S.M. DURRETT SURVEY, A-272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

ZONING PD-SF-1 (ORD NO 3324)

ENGINEERING CONCEPTS & DESIGN, L.P.

ENGINEERING, PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEL: 703/596-8000 FAX: 703/596-8001
10000 BIRCHMOUNT DRIVE, SUITE 200, DALLAS, TEXAS 75243

(877) 843-8438 FAX (877) 841-8440

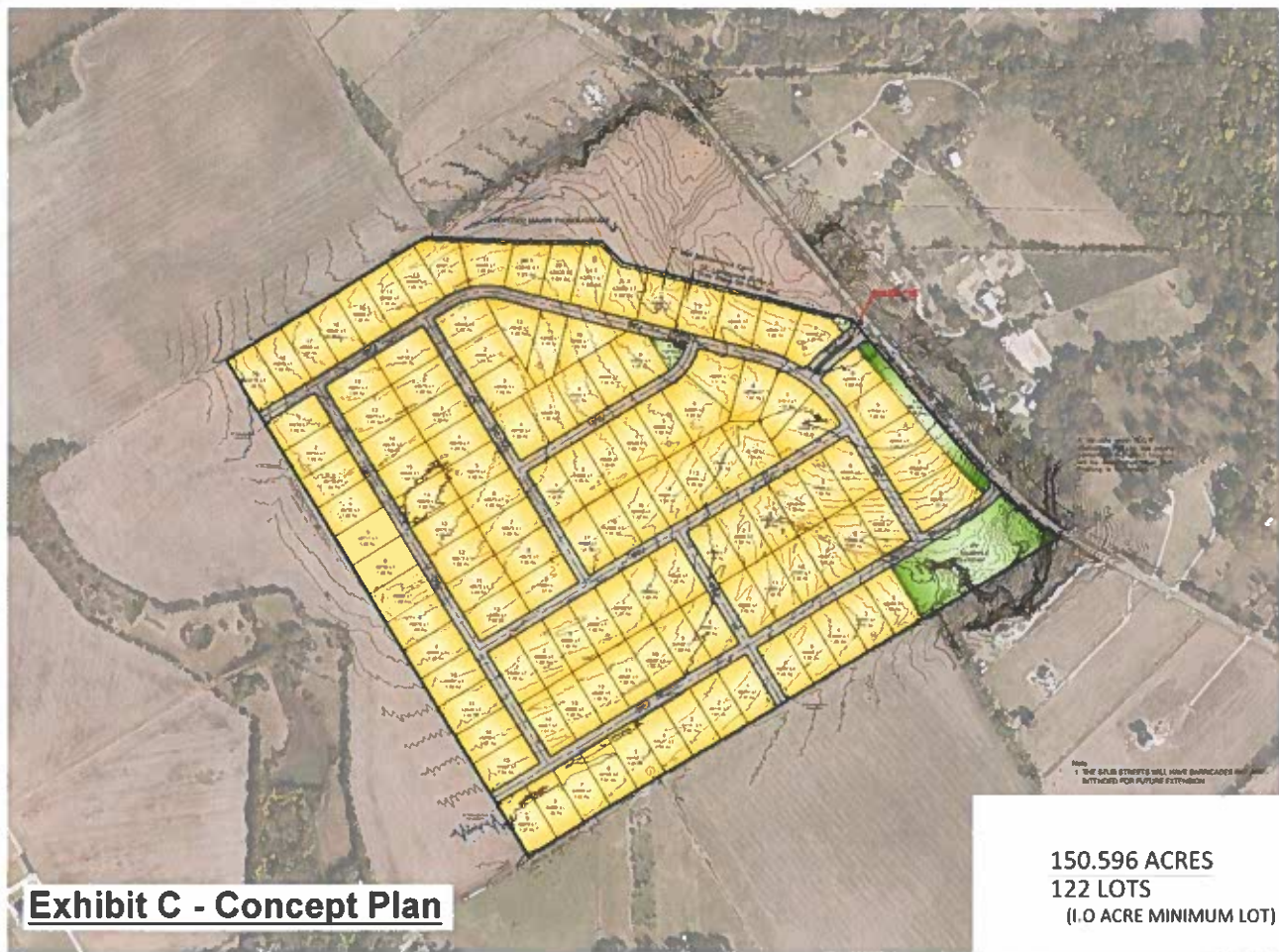
OWNER/DEVELOPER
LEVANYE PARTNERS, LP
P.O. BOX 1145
MELBOURNE, TX 76061
(214) 361-2089

LAND SURVEYOR
LEVANYE, LLC
3410 MCGOWAN ROAD, SUITE 110
CARROLLTON, TX 75006
TOLSON FIRM NO. 10194205
(972) 243-2439

DATE: 4/2/2022

SHEET 7 OF 7

3/12/83, 07, 1



(7)

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 for additional information on this request.

Case Number: **SUB-66-2022**

City Reference: 225303

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Howard Road is not equipped to handle the increase in traffic generated by the size of the development.

Janice Scarpinato

Signature

8-17-2022

Date

Janice Scarpinato

Printed Name and Title

3203 Howard Road

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.

Planning & Zoning Department

Plat Staff Report

Case: SUB-59-2022



MEETING DATE(S)

Planning & Zoning Commission: August 23, 2022

City Council: September 6, 2022

CAPTION

Public Hearing on a request by Espire Enterprises, LLC for a **Replat** of the Original Town of Waxahachie, lots 7, 8, 9C Block 51A, being 0.1251 acres, located at 100 Coats Street, situated in the AM Keen Survey, Abstract 596, an addition to the City of Waxahachie (Property ID 170885) – Owner: Espire Enterprises, LLC (SUB-59-2022)

APPLICANT REQUEST

The Applicant is requesting to replat three existing lots (approximately 0.12 acres) into one lot for single family use.

CASE INFORMATION

Applicant: Cody Crone, Espire Enterprises, LLC

Property Owner(s): Espire Enterprises, LLC

Site Acreage: 0.12 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Park Land Dedication: Parkland dedication is not required since the subject property is in the Infill Overlay

Adequate Public Facilities: Adequate public facilities are available to the subject property

SUBJECT PROPERTY

General Location: 100 Coats Street

Parcel ID Number(s): 170885

Current Zoning: Single Family-3 (SF-3)

Existing Use: Undeveloped Land

Platting History: The subject property was platted as lot lots 7, 8, 9C Block 51A of the Original Town of Waxahachie

Site Aerial:**PLANNING ANALYSIS**

The Applicant is requesting to replat three existing lots (approximately .12 acres) into one lot to build a single-family home. In addition, the Applicant is requesting two variances regarding right-of-way dedication and minimum lot size. The site plan for the single-family home proposed on the subject property is in the staff report for informational purposes.

The Applicant is requesting a variance not to dedicate right-of-way. The ultimate right-of-way width for Coats street is fifty-four (54) feet. Therefore, based on the ultimate right-of-way width for Coats Street, the Applicant would be responsible for dedicating twenty-seven (27) feet measured from the centerline of the existing pavement. Given existing conditions, the Applicant is requesting not to dedicate an additional thirteen (13) feet. Staff is recommending approval of the variance since it would be challenging to get the necessary right-of-way dedication from adjoining properties and to expand the road in the future due to the location of the existing homes in proximity to the road.

The Applicant is requesting a variance to not comply with the minimum lot size required in the Infill Ordinance (Section 3.25 of the City of Waxahachie Zoning Ordinance). Per the infill ordinance, the minimum lot size cannot be less than ten (10%) percent of the average lot size of properties located within 50 feet. The average lot size is 10,553 square feet, and the subject property is 5,451 square feet (54' X 100' lot size). Staff recommends approval of the variance due to the site's physical constraints. Additionally, the Applicant has met all other provisions of the infill overlay.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Approval of a variance to not dedicate the right-of-way.
 2. Approval of a variance to not comply with the minimum lot size (proposed 5,451 sf) required by the infill ordinance.

ATTACHED EXHIBITS

1. Replat
2. Site 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 five signed, hard-copy plats.

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.

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

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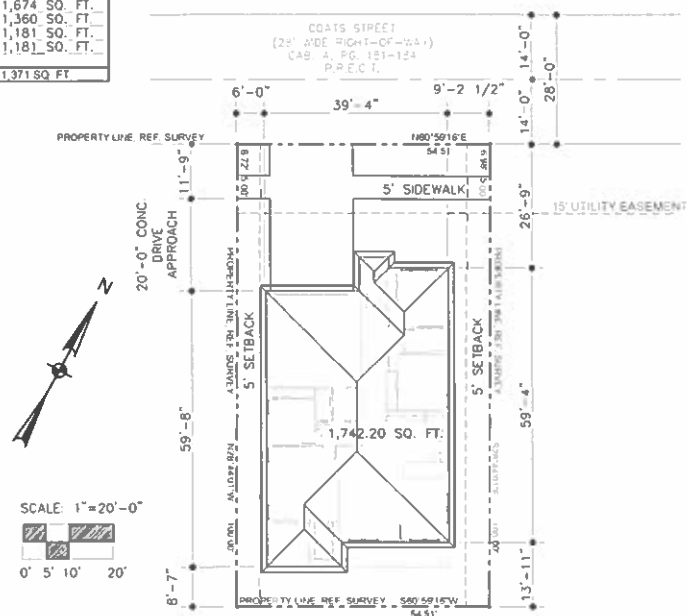
SITE DATA TABLE	
LOT ACREAGE	.1251 AC - 5,451 S.F.
PROPOSED FLOOR AREA	1,742.20 SQ. FT.
FRONT YARD SETBACK	26'-9"
REAR YARD SETBACK	15'-4"
SIDE YARD SETBACK (10% OF TOTAL WIDTH)	6'-0" & 9'-3"
LOT COVERAGE (MAX. 80%)	42.8%
# OF BEDROOMS	4
GARAGE (YES OR NO)	YES

ADDRESSES FOR PROPERTIES WITHIN 50 FEET				
	FRONT YARD SETBACK	REAR YARD SETBACK	LOT SIZES	HOME SIZES
114 COATS STREET	18.15'	15.70'	5,009.40 SQ. FT.	1,664 SQ. FT.
119 COATS STREET	20.12'	32.50'	11,238.48 SQ. FT.	1,411 SQ. FT.
120 COATS STREET	28.24'	35.20'	7,187.40 SQ. FT.	1,125 SQ. FT.
121 COATS STREET	20.08'	30.56'	4,486.68 SQ. FT.	1,674 SQ. FT.
409 WYATT STREET	18.95'	95.65'	9,408.96 SQ. FT.	1,360 SQ. FT.
415 WYATT STREET	39.90'	130.20'	11,761.20 SQ. FT.	1,181 SQ. FT.
417 WYATT STREET	29.70'	181.15'	24,785.64 SQ. FT.	1,181 SQ. FT.
AVERAGE SETBACK	25.07'	74.42'	10,552.88 SQ. FT.	1,371 SQ. FT.

- NOTE:
1. WATER METERS ARE PROHIBITED FROM BEING PLACED IN A DRIVEWAY OR SIDEWALK
 2. MINIMUM 5% SLOPE AWAY FROM THE BUILDING
 3. LANDSCAPING SHALL COMPLY WITH THE CITY'S LANDSCAPING REQUIREMENTS

SITE PLAN:
SCALE: 1"=20'-0"
100 COATS STREET
LOT 7, 8, 9C
BLOCK 51A
ORIGINAL TOWN OF
WAXAHACHIE
ELLIS COUNTY, TEXAS
DATE: MARCH, 2022

IT SHALL BE THE FULL RESPONSIBILITY OF THE BUILDER
TO VERIFY ALL ASPECTS OF THIS PLAN AND ADJUST IF REQUIRED



LUBULA KANTYINDA
2115 FRONT LANE TRAIL
ARLINGTON, TEXAS 76010
PH 862.551.6990
EMAIL: dionkanyinda@comcast.net

A NEW HOUSE
100 COATS STREET
WAXAHACHIE, TEXAS

SITE PLAN

DATE	NOVEMBER 8, 2022
COMMENTS	

SHEET#

SITE

Planning & Zoning Department

Plat Staff Report

Case: SUB-61-2022



MEETING DATE(S)

Planning & Zoning Commission: August 23, 2022

CAPTION

Public Hearing on a request by Shawne Walker for a **Plat** of Butcher Addition, Lot 1, Block A, being 3.182 acres, located on F.M. 387 situated in the Ashton Slayback Survey, A-1005, an addition in the City of Waxahachie. (Property ID 289912) – Owner: Jorge Montes (SUB-61-2022)

APPLICANT REQUEST

The applicant requests to plat the subject property into one (1) lot for single-family residential use.

CASE INFORMATION

<i>Applicant:</i>	Shawne Walker
<i>Property Owner(s):</i>	Jorge Montes
<i>Site Acreage:</i>	3.182
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	N/A
<i>Park Land Dedication:</i>	The cash in lieu of the park land fee is estimated to be \$400.00 (1 residential dwelling at \$400/dwelling)
<i>Adequate Public Facilities:</i>	Adequate public utilities are provided to the property.

SUBJECT PROPERTY

<i>General Location:</i>	F.M. 387
<i>Parcel ID Number(s):</i>	289912
<i>Current Zoning:</i>	Future Development - FD
<i>Existing Use:</i>	The subject property use is undeveloped
<i>Platting History:</i>	The subject property is currently part of the Ashton Slayback Survey, Abstract Number 1005.

Site Aerial:



PLATTING ANALYSIS

The applicant is requesting to **Plat** Butcher Addition, Lot 1, Block A, one residential lot, being 3.182 acres. All City of Waxahachie lot size and dimension requirements have been met. The plat provides a 10.27' ROW dedication in conformance with the City of Waxahachie thoroughfare plan.

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

Identify the exhibits that will be included as agenda backup material.

1. Plat

APPLICANT REQUIREMENTS

1. If approved by the Planning and Zoning Commission, within 30 days, the applicant shall provide the Planning Department with 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:

Ashlie Jones

Senior Planner

ashlie.jones@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(11)

Planning & Zoning Department Plat Staff Report

Case: ZDC-79-2022



MEETING DATE(S)

Planning & Zoning Commission: August 23, 2022

City Council: September 6, 2022

CAPTION

Public Hearing on a request by Debbie Manning – Capitola Builders for a **Specific Use Permit (SUP)** for an **Accessory Structure equal to or greater than 700SF** use within a Single Family-1 (SF-1) zoning district located at 195 Brookbend Dr. (Property ID 208145) – Owner: Higginbotham Revocable Trust (ZDC-79-2022).

APPLICANT REQUEST

The applicant requests to construct a +700 sq. ft. (1,361 sq. ft.) accessory structure to the rear of a single-family residential lot.

CASE INFORMATION

<i>Applicant:</i>	Debbie Manning, Capitola Builders
<i>Property Owner(s):</i>	Higginbotham Revocable Trust
<i>Site Acreage:</i>	0.933 acres
<i>Current Zoning :</i>	SF-1
<i>Requested Zoning:</i>	SF-1 with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet.

SUBJECT PROPERTY

<i>General Location:</i>	195 Brookbend Dr.
<i>Parcel ID Number(s):</i>	208145
<i>Current Zoning:</i>	Single Family-1 (SF-1)
<i>Existing Use:</i>	The existing use is residential.
<i>Development History</i>	The subject property is platted as Lot 89 of Brookbend Grove Phase 2.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single-Family-1	Single Family Residential Home
East	Single-Family-1	Single Family Residential Home
South	Single-Family-1	Single Family Residential Home
West	Single-Family-1	Single Family Residential Home

Future Land Use Plan:

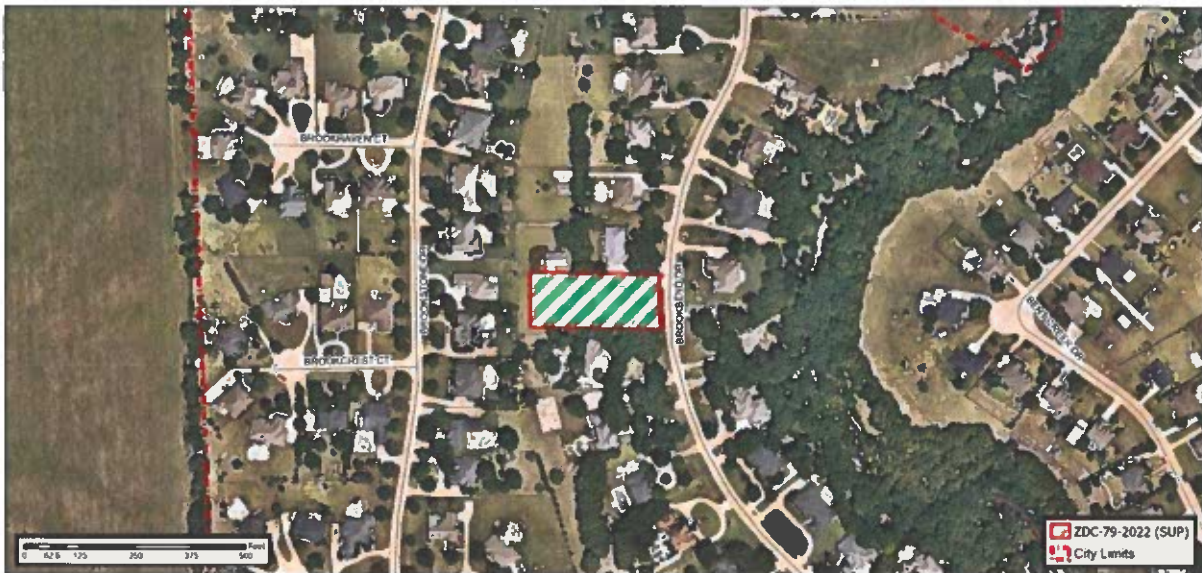
Low Density Residential

Comprehensive Plan:

This use is representative of smaller single-family homes and some duplex units. The majority of Waxahachie's current development is of a similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

The subject property is accessible via Brookbend Dr.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes constructing a +700 sq. ft. (1,361 sq. ft.) accessory structure to the side and rear of a single-family residential lot at 195 Brookbend Dr. The Ellis County Appraisal District states that the primary structure on the property is 3,693 square feet. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a Specific Use Permit (SUP) to be approved by City Council.

Proposed Use:

The proposed accessory structure is comprised of 1,361 square feet of fully enclosed space. The applicant is proposing to construct the structure out of masonry that will match the primary structure. The structure is intended to be used as a garage and personal shop. The accessory structure is 23.5' in height, and the interior floor plan indicates a small storage area accessible by stairs. The applicant has informed staff that

the purpose of this storage area and the width of the stairs is to provide ease of access for items such as Christmas decorations. The applicant has confirmed to staff that the structure will not be used as a dwelling of any kind and will not be metered, sold, or leased separately from the existing home. The accessory structure will connect the exiting driveway with a concrete drive.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 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

At the time of this report (August 12, 2022), staff has received three letters of support.

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

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Location Map
2. Site Layout Exhibit
3. Site Plan
4. Architectural Plan
5. PON Responses

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

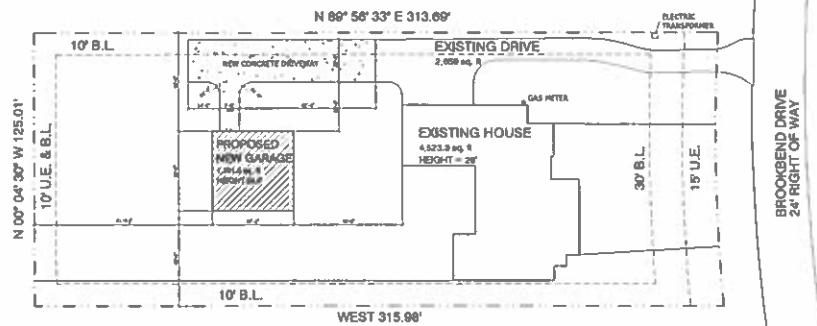
Prepared by:
 Ashlie Jones
 Senior Planner
ashlie.jones@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Senior Director of Planning
jennifer.pruitt@waxahachie.com

(11)



(11)



SITE PLAN



VICINITY MAP

PROJECT LOCATION

PRIOR TO DIGGING CALL 811
<https://www.texas811.org/>

SCALE: 1"=20'-0"

IF THIS BAR IS NOT DIMENSION
SHOWN ADJUST SCALES ACCORDINGLY

LOT 86
188 BROOKBEND DR
WAXAHACHIE, ELLIS COUNTY, TEXAS

DALE HIGGINBOTHAM
188 BROOKBEND DR
WAXAHACHIE, TX 79166
CONTACT: DALE HIGGINBOTHAM - 914 326-4144

Eyncon
ENGINEERS
P.C.

Wade R. Eynon
P.E., 15000
Wade R. Eynon
P.E., 15000
Wade R. Eynon
P.E., 15000



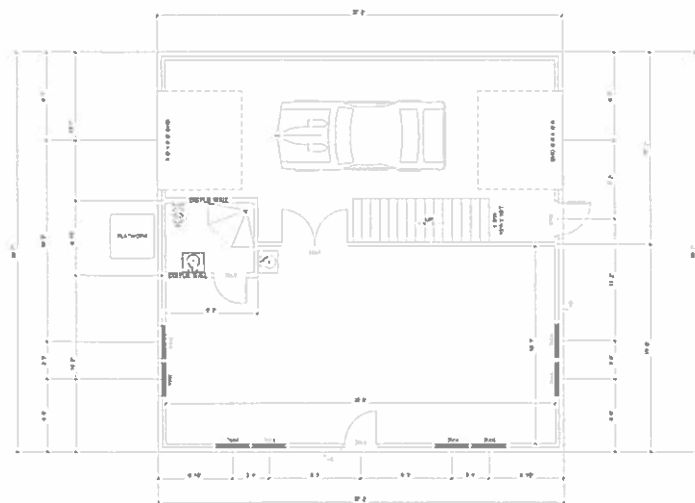
Division 10 - 2004
SCALE: 1"=20'-0"
DATE: 05-11-2011
BY: Dale Higginbotham
CHECKED: Wade R. Eynon
APPROVED: Wade R. Eynon
PROJECT: 0821886C

JOB CODE:

0821886C

C1

(11)



FLOOR PLAN

AREA TOTALS	
FLOOR AREA	770 SF
CEILING	610 SF
FOUNDATION	1,000 SF

GENERAL NOTES:
1. ALL WORK TO BE COMPLETED WITHIN 100' OF THE EXISTING LOT.
2. ALL WORK TO BE COMPLETED WITHIN 100' OF THE EXISTING LOT.
3. ALL WORK TO BE COMPLETED WITHIN 100' OF THE EXISTING LOT.

LOT 10
100 BROOKING DR
WAMWACHE, TEXAS 75168

DALE HIGGINBOTHAM
100 BROOKING DR
WAMWACHE, TEXAS 75168
CONTACT: DALE HIGGINBOTHAM (714) 252-5154

Eyncon
ENGINEERING

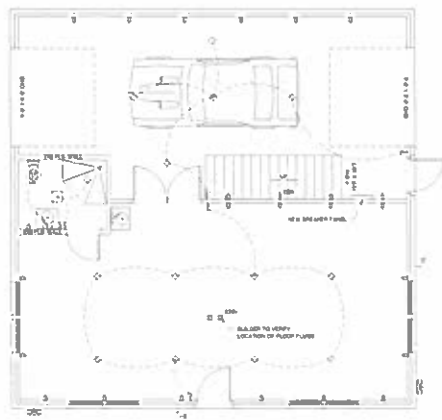
10000 N. DALLAS
DALLAS, TX 75243
PHONE: 214-343-1000
FAX: 214-343-1001
WWW.EYNCON.COM

Drawn by: M. B. B. J.
Scale: 1" = 1' 0"
Date: 08/10/06

JOB CODE:
0821086

9-03-1
A1
OF 1 SHEET

(11)



ELECTRICAL PLAN

ELECTRICAL SCHEDULE			
SYMBOL	QTY	DESCRIPTION	ATTACHED TO
	11	SWITCHES LIGHT	CEILING
	1	115V 50 AMP	CEILING
	6	RECEPT	WALL
	22	OUTLET	WALL
	1	220V OUTLET	WALL
	1	220V FLOOR PLUG	FLOOR
	1	FLOOR PLUG	FLOOR

NOTE: ATTIC TO HAVE SHOP LIGHT PER OWNER SPECIFICATIONS.

LOT 88
195 BROADBENT DR
WAXAHACHIE, TEXAS 75165

JOB

DALE HIGGINBOTHAM
195 BROADBENT DR
WAXAHACHIE, TX 75165
CONTACT: DALE HIGGINBOTHAM (214) 232-9194

Eyncon
ENGINEERING
DALE HIGGINBOTHAM
195 BROADBENT DR
WAXAHACHIE, TX 75165
OFFICE: (214) 232-9194
CELL: (214) 232-9194

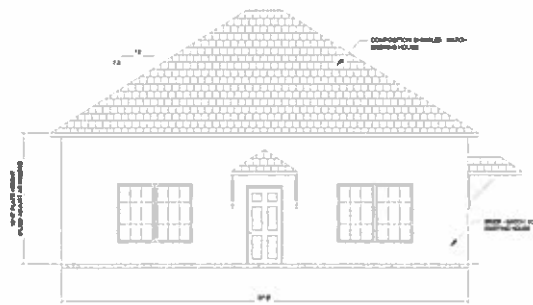
DALE HIGGINBOTHAM
Professional Engineer
State of Texas
No. 12553
Expires 12/31/2024

Drawn BY: H. B. B. B.
SCALE: 1" = 1'-0"
DATE: 02.10.2024
REVISION:

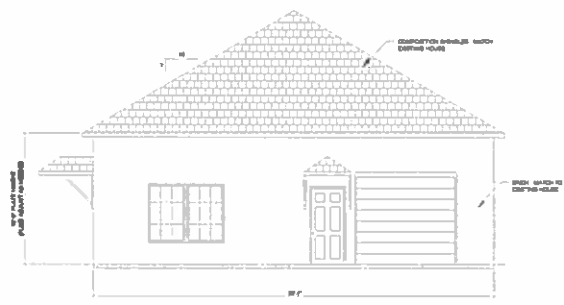
JOB CODE:
0921098

SHEET
A2
OF 4 SHEETS

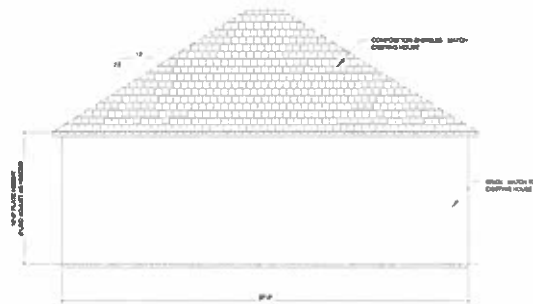
(11)



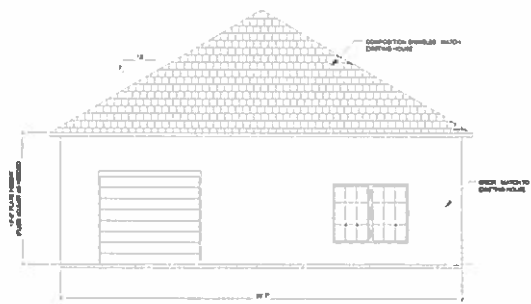
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

LOT: 100
100 BROOKSIDE DR.
WAVANACHE, ELLIS COUNTY, TEXAS

DALE HIGGINBOTHAM
11111 W. 11TH ST.
WAVANACHE, TX 79165

CONTACT: DALE HIGGINBOTHAM - (214) 224-1144

Eyncon
RESIDENTIAL

11111 W. 11TH ST.
WAVANACHE, TX 79165
WAVANACHE, TX 79165

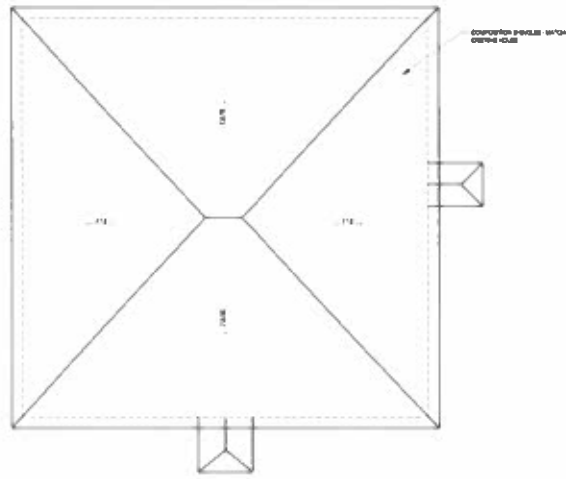


Sheet 01 of 042
Scale: 1/4" = 1'-0"
Date: 08/10/2011
10/10/2011

JOB CODE:
0821095

0-001
A3
07-1-00000

(11)



ROOF PLAN

LOT 88
188 BROADBENT DR
WAXAHACHIE, TEXAS 75165

DALE HIGGINBOTHAM
188 BROADBENT DR
WAXAHACHIE, TX 75165
CONTACT: DALE HIGGINBOTHAM - (714) 222-6134

Eyncon
ENGINEERS
1000 N. GARDNER
SUITE 100
DALLAS, TX 75242
214-343-1111
eyncon.com



DESIGNED BY: A. 002
SCALE: 1/4" = 1'-0"
DATE: DEC 10, 2021

JOB CODE:
0821085

6-007
A4
1/2" x 8-1/2"



(11)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-79-2022

HUBBARD MICHAEL D & CONNIE R
211 BROOKBEND DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 23, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Debbie Manning, Capitola Builders, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf**, use within a Single Family - 1 (SF-1) zoning district located at 195 Brookbend Drive (Property ID 208145) - Owner: HIGGINBOTHAM REVOCABLE TRUST (ZDC-79-2022) Staff: Ashlie Jones

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 for additional information on this request.

Case Number: ZDC-79-2022

City Reference: 208153

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 17, 2022* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments:

☒ SUPPORT

☐ OPPOSE

Connie Hubbard
Signature
Connie Hubbard
Printed Name and Title

8/5/22
Date
211 Brookbend Dr.
Address

(11)

Case Number: ZDC-79-2022

City Reference: 208144

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 17, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

The Higgins home are great neighbors and we
support the application for an accessory building

Diane M. Szymczak
Signature

8/6/22
Date

DIANE M. SZYMCHAK
Printed Name and Title

201 BROOKBEND DRIVE
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.

(11)

Case Number: ZDC-79-2022

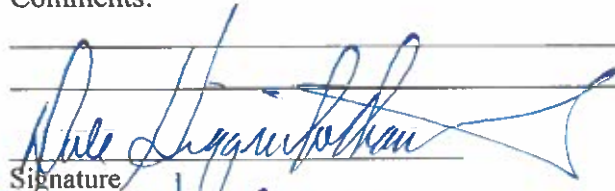
City Reference: 208145

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 17, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:



Signature

Dale Haggins - Retired

Printed Name and Title

8/8/22

Date

195 Brookbend Dr

Address

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.

Planning & Zoning Department

Plat Staff Report

Case: SUB-58-2020



MEETING DATE(S)

Planning & Zoning Commission: August 23, 2022

CAPTION

Public Hearing on a request by Stan Lewis for a **Plat** of Lewis Estates, being 5.897 acres, located at 2407 Howard Rd., situated in the W. Stewart Survey, A-956, an addition to the Extra Territorial Jurisdiction of the City of Waxahachie. (Property ID 190521) – Owner: Stanley Lewis (SUB-58-2020).

APPLICANT REQUEST

The applicant requests to plat the subject property into five (5) lots for single-family residential use.

CASE INFORMATION

<i>Applicant:</i>	Stan Lewis
<i>Property Owner(s):</i>	Stan Lewis
<i>Site Acreage:</i>	5.897 acres
<i>Number of Lots:</i>	5 lots
<i>Number of Dwelling Units:</i>	N/A
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public utilities are provided to the property.

SUBJECT PROPERTY

<i>General Location:</i>	Near the intersection of E. Haven Rd. and Chisholm Trl.
<i>Parcel ID Number(s):</i>	190521
<i>Current Zoning:</i>	N/A
<i>Existing Use:</i>	The subject property is undeveloped
<i>Platting History:</i>	The subject property is currently part of the W. Stewart Survey, Abstract No. 956.

Site Aerial:



PLATTING ANALYSIS

The applicant is requesting to Plat Lewis Estates which will consist of 5 residential lots, being 5.897 acres. All City of Waxahachie and Ellis County standards have been met. The plat does provide a 30' ROW dedication on E. Haven Road and a 5.5' ROW dedication on Chisholm Trail, in conformance with the City of Waxahachie and Ellis County thoroughfare plans.

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

Identify the exhibits that will be included as agenda backup material.

1. Plat

APPLICANT REQUIREMENTS

1. If approved by the Planning and Zoning Commission, within 30 days, the applicant shall provide the Planning Department with 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:

Ashlie Jones

Senior Planner

ashlie.jones@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

LEGEND

CBS = 3/4" BROWN ROD WITH YELLOW PLASTIC CAP STAMPED "TERRAC" SET
BY = IRON ROD FOUND
P.O. = FOUND
OBJECT = OF PUBLIC RECORDS BLUE COUNTY TEXAS
CUB = CHAINAGE ELEMENT AND UTILITY ELEMENT
B.L. = BOUNDARY LINE

STANLEY H. LEWIS & DAVID G. LEWIS
VOL. 686 PG. 653
CORRECT

REMAINDER
STANLEY LEWIS
VOL. 2179 PG. 549
CORRECT

CHASE H. WILSON & LAUREN D. WILSON
REF. NO. 138442
CORRECT

WILSON BRUNS & CORROTH H. BRUNS
VOL. 732 PG. 279
CORRECT

STEPHEN COLLIER & JACQUELINE COLLIER
VOL. 816 PG. 674
CORRECT

DIPLOMAT PROPERTY
MANAGER, LLC
REF. NO. 1112145
CORRECT

DEWEE WILLIAMS
VOL. 1386 PG. 87
CORRECT

THOMAS D. WILSON &
THERESA P. WILSON
VOL. 876 PG. 1686
CORRECT

REMAINDER
STANLEY LEWIS
VOL. 2179 PG. 549
CORRECT

LOT 1
1.000 ACRES

LOT 2
1.217 ACRES

LOT 3
1.344 ACRES

LOT 4
1.071 ACRES

LOT 5
1.000 ACRES

CHISHOLM TRAIL
S 0° 17' 00" W 488.71'

E. HAVEN ROAD
S 58° 47' 40" W 250.06'

F.M. HIGHWAY NO. 55

A = 142.87'
R = 252.23'
CH BRG = S 75° 18' 15" W
CH DIS = 140.97'

3/4" BROWN ROD WITH YELLOW PLASTIC CAP STAMPED "TERRAC" SET
BY = IRON ROD FOUND
P.O. = FOUND
OBJECT = OF PUBLIC RECORDS BLUE COUNTY TEXAS
CUB = CHAINAGE ELEMENT AND UTILITY ELEMENT
B.L. = BOUNDARY LINE

NOTES

BEARING DATA FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4302 MAG 83 PER GPS OBSERVATIONS

THE SUBJECT PROPERTY LIES WITHIN ZONE "X", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 8 IN ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 46130C0205P DATED JUNE 5, 2013 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SURVEYOR

OWNER
STANLEY LEWIS
271 FM 65
WAXAHACHIE, TX 75166
872.551.0023
STLEWIS@GMAIL.COM

SURVEYOR
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 242
WAXAHACHIE, TEXAS 75160
800.514.9239
TRIPLE FLOOD INC. 181-5488

APRIL 2020

808 MO 1467A

PLAT
LEWIS ESTATES

5.897 ACRES

STEWART & P.D.

W. STEWART SURVEY,
ABSTRACT NO. 806,
ELLIS COUNTY, TEXAS
ETJ CITY OF WAXAHACHIE
8 RESIDENTIAL LOTS
CASE NO. SUB-58-2020

PAGE 1 OF 2

(13)

STATE OF TEXAS
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS STANLEY LEWIS IS THE OWNER OF A TRACT OF LAND SITUATED IN THE W. STEWART SURVEY, ABSTRACT NO. 856, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO STANLEY LEWIS, RECORDED IN VOLUME 1978, PAGE 848 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN, "DEED"), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPUR FOUND FOR THE SOUTHEAST CORNER OF SAID LEWIS TRACT, IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO HANF FORTMEYER WATER SUPPLY CORPORATION, RECORDED IN VOLUME 819, PAGE 643, FOR THE INTERSECTION OF THE WEST RIGHT-OF-WAY (ROW) LINE OF CHANDLER TRAIL (A UNUSABLE, WIDTH PRESCRIPTIVE ROW) AND THE APPROXIMATE CENTERLINE OF EAST HANF ROAD (A UNUSABLE, WIDTH PRESCRIPTIVE ROW);

THENCE S 89°47'48" W, ALONG THE SOUTH LINE OF SAID LEWIS TRACT, THE NORTH LINE OF SAID HANF FORTMEYER TRACT AND THE APPROXIMATE CENTERLINE OF SAID EAST HANF ROAD, A DISTANCE OF 294.88 FEET TO A NAIL SET FOR CORNER IN THE NORTH ROW LINE OF FM HIGHWAY 88 (A CALLED BY ROW) AND BEING THE BEGINNING OF A RADIUS TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 282.22 FEET, A CHORD BEARING OF S 79°19'17" W, A CHORD LENGTH OF 148.07 FEET;

THENCE ALONG THE SOUTH LINE OF SAID LEWIS TRACT AND THE NORTH ROW LINE OF SAID FM HIGHWAY 88 AND WITH SAID ROW TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF 142.87 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRCB" SET FOR CORNER;

THENCE OVER AND ACROSS SAID LEWIS TRACT, AS FOLLOWS:

N 30°39'31" W, A DISTANCE OF 263.85 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRCB" SET FOR CORNER;

N 80°09'51" E, A DISTANCE OF 158.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRCB" SET FOR CORNER;

N 80°09'51" W, A DISTANCE OF 326.64 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRCB" SET FOR CORNER;

N 80°11'51" E, A DISTANCE OF 118.64 FEET TO A 1/2" IRON ROD FOUND FOR AN INTERIOR B/L CORNER OF SAID LEWIS TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO CHAS. H. WILSON AND LAUREN D. WILSON, RECORDED IN INSTRUMENT NO. 158443, DIRECT;

THENCE N 80°09'51" E, ALONG A NORTH LINE OF SAID LEWIS TRACT AND THE COMMON SOUTH LINE OF SAID WILSON TRACT, A DISTANCE OF 171.34 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID LEWIS TRACT, THE COMMON SOUTHEAST CORNER OF SAID WILSON TRACT, IN THE WEST ROW LINE OF SAID CHANDLER TRAIL;

THENCE S 87°17'07" W, ALONG AN EAST LINE OF SAID LEWIS TRACT AND THE COMMON WEST ROW LINE OF SAID CHANDLER TRAIL, A DISTANCE OF 488.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.897 ACRES OF LAND MORE OR LESS;

NOW, THEREFORE, I, STANLEY LEWIS, HEREBY CERTIFY AND ADOPT THIS PLAN SUBMITTING THE HEREIN ABOVE DESCRIBED PROPERTY AS LEWIS ESTATES, AN ADDITION TO ELLIS COUNTY, AND GIVE HEREBY ORDINATE TO THE PUBLIC USE FOREVER THE STREETS AND ALLEYS SHOWN THEREON. STANLEY LEWIS DOES HEREBY CERTIFY THE FOLLOWING:

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES.
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT, LIEN, AND/OR ENCUMBRANCES.
3. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, AND CREATED BY THIS PLAN, ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAN.

4. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN.

5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN UNDER OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR REPAIR.

6. VARIOUS EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR CROSS THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC USE AND ELLIS COUNTY'S USE THEREOF.

7. ELLIS COUNTY (AND/OR PUBLIC UTILITIES) 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 THE EASEMENTS.

8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF PASSAGE AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, REPAIRING, REPLACING, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TYPE OF PERMITS FROM ANYONE.

9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF A PLAN AND APPROVED BY ELLIS COUNTY.

THIS PLAN IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY TEXAS.

WITNESS MY HAND THIS 10th DAY OF APRIL, 2022.

BY _____

STANLEY LEWIS

10212 OF TEXAS - COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED STANLEY LEWIS, KNOWN TO ME (S) AS THE PERSON WHOSE NAME IS SUBSCRIBED (S) IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE HAS EXECUTED THE SAME FOR THE PURPOSES HEAVEN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS 10th DAY OF APRIL, 2022.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, 10th DAY OF APRIL, 2022

FOOD UTILITY
COUNTY JUDGE

LAUREY STEWART
COMMISSIONER PRECINCT 1

LAUREY STEWART
COMMISSIONER PRECINCT 2

PAUL PEASEY
COMMISSIONER PRECINCT 3

PAUL PEASEY
COMMISSIONER PRECINCT 4

ATTEST

JOYCE VALDES
COUNTY CLERK

THIS PLAN HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PERMITS AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT.

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

I, THOMAS L. JACKSON, RPL, HEREBY CERTIFY THAT THIS PLAN WAS MADE ON THE RECORD, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

THIS DOCUMENT, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VERIFIED OR RELIED UPON AT A FUTURE DATE.

THOMAS L. JACKSON
REGISTRATION NUMBER 1644

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY _____

DATE

ATTEST

DATE

OWNER:
STANLEY LEWIS
277 FM 88
WAXAHACHE, TX 75166
872-811-8823
B.F.1983@GMAIL.COM
SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 262
WAXAHACHE, TEXAS 75166
888-814-8828
TPLS PROJ NO 15164388

PLAT
LEWIS ESTATES
5.887 ACRES
OFFICIAL 11-147
W. STEWART SURVEY,
ABSTRACT NO. 856
ELLIS COUNTY, TEXAS
ET J CITY OF WAXAHACHE
5 RESIDENTIAL LOTS
CASE NO: SUB-58-2020

JOB NO 14474

APRIL 2022

PAGE 2 OF 2