

AGENDA

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, April 11, 2023 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
David Hudgins
Erik Test
Ron Ansell

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. ***Consider*** minutes of the regular Planning & Zoning Commission meeting of March 28, 2023
5. ***Consider*** a request by Kevin Byrd for a Plat of Byrd Addition, Lot 1, Block A, being 3.004 acres, located across the street from 4674 FM 875, situated in the James Barker Survey, Abstract No. 40, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 294431) – Owner: KEVIN & MICHELLE BYRD (SUB-171-2022) Staff: Eleana Tuley
6. ***Public Hearing*** on a request by Dalton Bradbury, Acker Bradbury Construction, for a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (ZDC-13-2023) Staff: Zack King
7. ***Consider*** recommendation of Zoning Change No. ZDC-13-2023
8. ***Public Hearing*** on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (SUB-17-2023) Staff: Zack King
9. ***Consider*** recommendation of SUB-17-2023
10. ***Public Hearing*** on a request by Brad Yates, for a Zoning Change to Amend Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: GRAILY HOLDINGS LLC (ZDC-21-2023) Staff: Zack King

11. **Consider** recommendation of Zoning Change No. ZDC-21-2023
12. **Public Hearing** on a request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King
13. **Consider** recommendation of Zoning Change No. ZDC-29-2023
14. **Public Hearing** on a request by Gina McLean, Nationwide Construction, for a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568) - Owner: MC INVESTMENT FUND, LLC (ZDC-161-2022) Staff: Eleana Tuley
15. **Consider** recommendation of Zoning Change No. ZDC-161-2022
16. **Public Hearing** on a request by Cassie Williams, Saddles Bar and Grill, for a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023) Staff: Eleana Tuley
17. **Consider** recommendation of Zoning Change No. ZDC-16-2023
18. **Consider** a request by Christopher Heipp, P&K Stone for a Plat of the J&G Addition, Lot 1, Block 1, being 12.01 acres, located east of the property at 1000 Solon Road, situated in the J. Shaver Survey, Abstract No. 1000, and McKinney and Williams Survey, Abstract No. 753, an Addition to the City of Waxahachie (Property ID 140093) – Owner: RL LEASING, Inc. (SUB-101-2022) Staff: Eleana Tuley
19. **Public Hearing** on a request by Christopher Heipp, P&K Stone for a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022) Staff: Eleana Tuley
20. **Consider** recommendation of Zoning Change No. ZDC-100-2022
21. Adjourn

The Planning and Zoning Commission reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. 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, March 28, 2023 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
David Hudgins
Erik Test
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Eleana Tuley, 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 March 15, 2023

Action:

Ms. Bonney Ramsey moved to approve item a. on the Consent Agenda. Ms. Betty Square Coleman seconded, All Ayes.

5. **Consider a request by Scott Sandlin, Sheppard's Place Development Co., LLC, for a Plat of Sheppard's Place, Phase 3, Lots 9-16, Block 12, Lots 1-16, Block 13, Lots 1-16, Block 14, Lots 2-39 & Lot A, Block 15, being 29.469 acres, located South of Hwy 287, West of FM 664, 78 Residential Lots and 1 Open Space, situated in the E. Horton Survey, Abstract 466 an addition to the City of Waxahachie (Property ID 277458) – Owner: SHEPPARD'S PLACE HOLDING CO, LLC (SUB-38-2022) Staff: Zack King**

Zack King, Senior Planner, presented the case noting the applicant is requesting to plat the subject property into 79 lots as part of the third phase of the Sheppard's Place subdivision. This phase of the subdivision is proposed to consist of seventy-eight (78) single-family residential lots and one (1) open-space lot. The proposed final plat aligns with the approved preliminary plat for the subject property. The applicant is providing a 10.279-acre open space lot on the western edge of the site,

in accordance with the property's planned development (PD) zoning. This open space lot will serve as a large drainage easement and the green belt required by the PD.

Commissioner David Hudgins asked if the open space lot will be maintained by a Homeowners Association and Mr. King concurred.

Action:

Vice Chairman Melissa Ballard moved to approve SUB-38-2022, a plat of Sheppard's Place Phase 3, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. David Hudgins seconded, All Ayes.

- 6. Public Hearing on a request by Gilberto Escobedo, LGE Investment Homes LLC, for a Replat of Lot 1A of the Martin Addition, to create Lot 1AR & 1BR of the Martin Addition, two (2) residential lots, being 0.192 acres, located at 215 Finley Street (Property ID: 175899) – Owner: LGE INVESTMENT HOMES LLC (SUB-180-2022) Staff: Zack King**

Mr. King presented the case noting the applicant proposes to replat the subject property into two (2) lots for residential use. The subject property was originally platted as Lots 1 & 2 of Thompson's Southland Addition. In 2020, the property was replatted into a single lot as part of the Martin Addition. A total of 5' of right-of-way (ROW) dedication was provided along Finley Street at this time. The current replat sought by the applicant would provide an additional 5' of ROW dedication along Henrietta Street and Finley Street while establishing a similar lot arrangement to the original Thompson's Southland Addition.

Mr. King explained the proposed lots do not meet the minimum lot size or utility easement requirements of the Single Family-3 (SF-3) Zoning District or the Infill Overlay District. Due to this, the applicant has requested a Petition for Relief Waivers for both minimum lot size and minimum utility easement size. Specifically, the applicant seeks a variance to allow a minimum lot size of 3,700 square feet. Additionally, the applicant seeks a variance to allow a 10' utility easement along Finley Street and a 5' utility easement along Henrietta Street.

Mr. King noted staff is supportive of the variance for minimum lot size due to the size of the proposed lots remaining comparable to neighboring properties and the provision of additional ROW. (Neighboring residential properties vary in size between 4,000 and 5,000 square feet.) Staff is also supportive of the variance for utility easements smaller than 15' in size because the City utility facilities are located in the Finley Street and Henrietta Street ROW. Staff recommends approval of the replat request, subject to the conditions listed below:

1. The applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 5' utility easement along Henrietta Street and a 10' utility easement along Finley Street. The applicant shall provide this documentation to staff prior to the recordation of the replat.

Mr. King noted two letters of opposition were received after the agenda packet was posted and presented them to the Commission

Chairman Keeler opened the Public Hearing.

Gilberto Escobedo, owner, explained he has built about 15 homes on the east side of Waxahachie and he plans to build the residential homes facing Finley Street to provide more yard space for the lots.

Michael Byrd, 224 Henrietta Street, Waxahachie, Texas, explained his home was purchased by his father more than 40 years ago with the lot fenced in. He noted when the proposed replatted property was purchased by Mr. Escobedo, he was told to remove his fence and shed due to them being on Mr. Escobedo's property. Mr. Byrd presented a letter from his attorney stating his claim to the property since he has openly and adversely used it as his own property for more than 10 years. Mr. Byrd also noted Mr. Escobedo's case against him was dismissed by Ellis County Justice of the Peace, Precinct 3.

The Commission discussed the proposed replat's accuracy. Shon Brooks, Executive Director of Development Services, explained the surveyor's certification and stamp is what staff relies on to ensure the plat is correct. Chairman Keeler explained the surveyor must research recorded deeds to identify the boundaries of the property, and if discrepancies are found, they must be decided in a court of law.

There being no others to speak for or against SUB-180-2022, Chairman Keeler closed the Public Hearing.

7. Consider recommendation of SUB-180-2022

Action:

Ms. Betty Square Coleman moved to recommend denial of SUB-180-2022, a replat of the Martin Addition, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Mr. David Hudgins seconded.

Jennifer Pruitt, Senior Director of Planning, explained the motion must specifically include the reasons for denial.

Action:

Ms. Betty Square Coleman amended her motion and moved to recommend disapproval of SUB-180-2022, a replat of the Martin Addition and its associated Petition for Relief Waivers, due to (1) Failure to comply with the Single Family-3 zoning district and Infill Overlay District minimum lot size standards, as required by Section 2.2(a) of the Waxahachie Subdivision Ordinance. (2) Failure to provide a fifteen (15) foot utility easement adjacent to all street rights-of-way, as required by Section 3.3(a) of the Waxahachie Subdivision Ordinance. (3) Failure to provide adequate right-of-way dedication, as required by Section 3.1(a) and 3.1(m) of the Waxahachie Subdivision Ordinance. Mr. David Hudgins seconded. The vote was as follows: Ayes: Melissa Ballard, Betty Square Coleman, Bonney Ramsey, David Hudgins, and Ron Ansell. Noes: Rick Keeler and Erik Test.

The motion carried.

8. Public Hearing on a request by Jake Fears, JHF Engineering, for a Specific Use Permit (SUP) for a restaurant with a drive-through use (Dutch Bros) within a General Retail (GR) zoning district located at 1995 North Highway 77 (Property ID 262424) - Owner: SAI COMMERCIAL GROUP, LLC (ZDC-5-2023) Staff: Eleana Tuley

Eleana Tuley, Senior Planner, presented the case noting the applicant requests a Specific Use Permit for a restaurant with a drive-through (Dutch Bros) at 1995 North Highway 77. The applicant proposes constructing a 950-square-foot building on a 0.5-acre tract where customers can order food and drink through the drive-through or the walk-up order window. The establishment will not have an indoor dining area and the building's occupancy will be limited to employees. The establishment has provided a 504-square-foot outdoor seating area for customers. Since the restaurant parking requirement is based on the floor area of the dining area, the applicant has provided six (6) parking spaces for the outdoor seating area to ensure adequate parking for customers. Additionally, the applicant has provided two stacking lanes for the drive-through to manage typical business demands. Typically, only six (6) stacking spaces are required; however, the applicant has provided thirteen (13) stacking spaces for vehicle queuing.

Ms. Tuley explained the proposed project satisfies all the zoning ordinance requirements, including but not limited to, parking, stacking, screening, and landscaping. Most notably, the applicant has proposed constructing a 6-foot-wide sidewalk along US Highway 77, Victory Drive, and North Boulevard with canopy trees on both sides to encourage pedestrian connectivity among commercial pad sites in the general area. Since the initial submission of plans, the applicant has made a concerted effort to revise the site layout to meet the City's driveway spacing along Victory Drive from US Highway 77 to address the City's traffic safety concerns. The proposed development is compatible and appropriate in the proposed location.

Ms. Tuley reviewed the two sets of architectural elevations provided by the applicant. Both sets of elevations have the same color scheme but utilize different exterior finishing materials. Option 1: In this option, each building elevation is composed of 90 to 100 percent metal siding with 0 to 10 percent split face CMU. The north, east (US Highway 77), and south (Victory Drive) elevations have the split-face CMU at the base of the building. The west elevation (North Town Boulevard) comprises 100 percent metal siding and does not have the split-face CMU at the base of the building. Option 2: In this option, each building elevation is composed of a maximum of 85 percent stucco with a horizontal fiber cement accent siding, and cultured stone at the base of the building. The north, east (US Highway 77), and south (Victory Drive) elevations have cultured stone at the base of the building. The west elevation (North Town Boulevard) does not have cultured stone at the base of the building.

Ms. Tuley noted staff recommends approval of the SUP request with the conditions listed below:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant must submit a plat application to the Planning Department to replat the subject property in the lot configuration reflected on the site plan.

3. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Chairman Keeler opened the Public Hearing.

Commissioner Bonney Ramsey inquired about which elevation is mostly used in the DFW area and Jake Fears, JHF Engineering, explained the option with the stucco façade.

Tony Scardino, owner representative, provided a history overview of Dutch Bros. Mr. Scardino explained at this time, the coffee shop will sell pre-packaged food, specialty coffee, smoothies, teas, and Dutch Bros Blue Rebel energy drink. He reported there are approximately 100 Texas locations.

There being no others to speak for or against ZDC-5-2023, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of Zoning Change No. ZDC-5-2023

Action:

Mr. David Hudgins moved to recommend approval of ZDC-05-2023, a Specific Use Permit (SUP) for a restaurant with a drive through use (Dutch Bros), subject to the conditions the staff report with elevation option 2, authorizing the City Manager and/or Mayor to execute all documents accordingly. Mr. Erik Test seconded, All Ayes.

10. Adjourn

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

Planning & Zoning Department

Plat Staff Report

Case: SUB-171-2022



MEETING DATE(S)

Planning & Zoning Commission:

April 11, 2023

CAPTION

Consider request by Kevin Byrd for a Plat of Byrd Addition, Lot 1, Block A, being 3.004 acres, located across the street from 4674 FM 875, situated in the James Barker Survey, Abstract No. 40, an Addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 294431) – Owner: KEVIN & MICHELLE BYRD (SUB-171-2022)

RECOMMENDED MOTION

"I move to approve SUB-171-2022 for a Plat of the Byrd Addition, Lot 1, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The Applicant requests to plat a 3.004- acre tract across the street from 4674 FM 875 into one (1) lot for single-family use.

CASE INFORMATION

Applicant:

Kevin Byrd, Property Owner

Property Owner(s):

Kevin and Michelle Byrd

Site Acreage:

3.004 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 located in the ETJ

Adequate Public Facilities:

Adequate public facility are available to serve the subject property

SUBJECT PROPERTY

General Location:

Generally located across the street from the property at 4674 FM 875

Parcel ID Number(s):

294431

Current Zoning:

ETJ

Existing Use:

Single-Family Residence

Platting History:

The subject property was not previously platted

(5)

Site Aerial:



PLANNING ANALYSIS

The Applicant requests to plat a 3.004- acre tract across the street from 4674 FM 875 into one (1) lot for single-family use. The Applicant dedicated 15 feet of right-of-way to contribute to the ultimate right-of-way width for FM 875 (90 feet of public right-of-way), classified as a minor arterial in the City's Thoroughfare Plan. Staff recommends approval of the proposed plat since the Applicant has complied with the County's and City's subdivision regulations.

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 approval of the Plat.

ATTACHED EXHIBITS

1. Plat

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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Planning & Zoning Department

Zoning Staff Report

Case: ZDC-13-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a **Zoning Change** from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: Donnie Lord & Benita Lord (ZDC-13-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-13-2023, a Zoning Change request from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district at 502 W Marvin Avenue."

APPLICANT REQUEST

The applicant requests approval of a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue.

CASE INFORMATION

Applicant: Dalton Bradbury, Acker Bradbury Construction

Property Owner(s): Donnie Lord & Benita Lord

Site Acreage: 0.569 acres

Current Zoning: Multi-Family-1 (MF-1)

Requested Zoning: Single Family-2 (SF-2)

SUBJECT PROPERTY

General Location: 502 W Marvin Avenue

Parcel ID Number(s): 171953

Existing Use: A single family home currently occupies the subject property.

Development History: The subject property was originally platted as Lots 7 & 8, Block 352 of the Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-2 (SF-2)	Single Family Residence
East	Single Family-2 (SF-2)	Single Family Residence
South	Single Family-2 (SF-2)	Single Family Residence
West	Multi-Family-1 (MF-1)	Marvin Place Apartments

Future Land Use Plan:

Local Commercial & Mixed-Use Neighborhood

Comprehensive Plan:

Local Commercial: The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

Mixed-Use Neighborhood: A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property has frontage along both Bryson Street & W Marvin Avenue. However, the existing home on the subject property is accessed via a driveway on Bryson Street.

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Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district. The proposed zoning change is a companion case to SUB-17-2023; which is a replat request for the subject property seeking to divide the property into two buildable single-family lots. Despite the subject property's MF-1 zoning, a single-family residence has existed on site since the 1920's. All adjacent single-family residences along W Marvin Avenue and much of Bryson Street are currently zoned SF-2. Staff is supportive of the zoning change request, due to its consistency with the surrounding area.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 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, staff recommends approval of the Zoning Change request, as presented.

ATTACHED EXHIBITS

1. Existing Site Exhibit
2. SUB-17-2023 Replat

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 the applicant will be notified to make corrections.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

zking@waxahachie.com

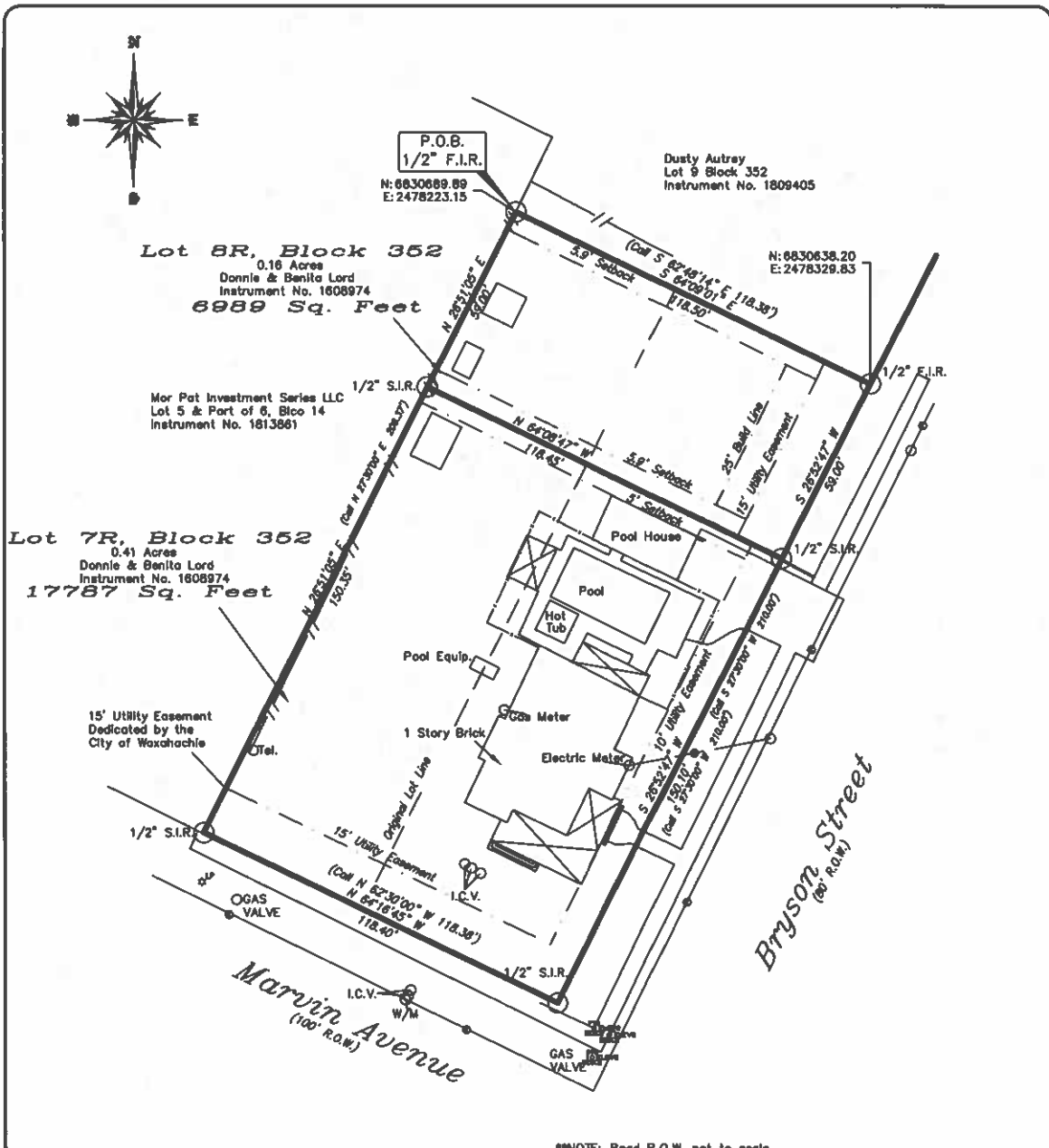
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(6+7)



**NOTE: Road R.O.W. not to scale.

Note: Development and or division of real estate has regulations from the state, county and city. Anyone using this survey to develop and or divide land should consult with the appropriate entity to see what regulations apply. Failure to do so could result in legal action being taken.

Scale: 1"= 40'
County: Ellis
Acreage: See Plat.
Survey: See Plat.
Description: See Plat.
Surveyed for: See Plat.
Drawn by: MB
On the ground Field Tech: SG

Legend

- I.C.V. = Irrigation Control Valve
- P.O.C. = Point of Commencement
- P.O.B. = Point of Beginning
- B.C.S. = Buried Cable Sign
- U/G = Underground Electric
- W/M = Water Meter
- W/V = Water Valve
- F.I.R. = Found Iron Rod
- S.I.R. = Set Iron Rod
- F.I.P. = Found Iron Pipe
- TEL. = Telephone
- A/C = Air Conditioner
- C/O = Cleanout
- //--// = Wood Fence
- O-O- = Chainlink Fence
- X-X- = Iron Fence
- @- = Powerline

HEARN SURVEYING ASSOCIATES

Firm Number: 10019900
108 W. Tyler St.
Athens, Tx. 75751-2045
(903) 675-2858
800-432-7670

"DETAIL A"

Use or reproduction of this Survey for any purpose by other parties IS PROHIBITED. Surveyor is NOT RESPONSIBLE for any loss resulting therefrom.

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Planning & Zoning Department

Plat Staff Report

Case: SUB-17-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: Donnie Lord & Benita Lord (SUB-17-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of SUB-17-2023, a replat of Lots 7 & 8, Block 352 of the Town Addition, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly.

APPLICANT REQUEST

The applicant requests to replat the subject property into two (2) lots for single family residential use.

CASE INFORMATION

Applicant: Dalton Bradbury, Acker Bradbury Construction

Property Owner(s): Donnie Lord & Benita Lord

Site Acreage: 0.569 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Park Land Dedication: N/A

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

SUBJECT PROPERTY

General Location: 502 W Marvin Avenue

Parcel ID Number(s): 171953

Current Zoning: Multi-Family-1 (MF-1)

Existing Use: A single-family home currently occupies the subject property.

Platting History: The subject property was originally platted as Lots 7 & 8, Block 352 of the Town Addition.

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to replat the subject property into two (2) lots for single-family residential use. The proposed replat is a companion case to ZDC-13-2023; which is a zoning change request for the subject property seeking to rezone the property from Multi-Family-1 (MF-1) to Single Family-2 (SF-2). This replat request is contingent on the approval of ZDC-13-2023; so, the application was reviewed against the requirements of the SF-2 zoning district and the Infill Overlay District.

Proposed Lot 8R does not meet the minimum lot size requirement of the infill Overlay District. This is due in large part to a few larger than average lots in the immediate vicinity that skew the average lot size within 50' of the property. However, the 6,989-square-foot proposed lot is still comparable to existing lots along Bryson Street which range from 7,700 square feet to 9,500 square feet. The applicant is seeking a Petition for Relief Waiver for the size of Lot 8R due to the existing conditions of the site. A detached garage is currently situated on the subject property serving Lot 7R; which restricts the maximum size of Lot 8R. Due to the existing conditions of the site, and the comparable size to existing lots on Bryson Street, staff is supportive of the Petition for Relief Waiver for Lot Size.

The applicant is also seeking a Petition for Hardship Waiver to allow for a 10' utility easement for Lot 7R along Bryson Street. The applicant is seeking this variance because the existing home on proposed Lot 7R is situated closer to the property line than 15'. The typical utility easement requirement along public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement due to the fact that City utility facilities are located within the Bryson Street ROW. However, as a condition of approval, the Applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, Charter, and Atmos) stating that they have no objection to the proposed easements prior to the recordation of the replat. The applicant has already provided letters from Atmos and Oncor with no objection.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 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, staff recommends approval of the Replat request, subject to the condition below.

Conditions:

1. The zoning change request ZDC-13-2023 shall be approved for the subject property prior to filing the replat.
2. The Applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 10' utility easement along Bryson Street for Lot 7R. The Applicant shall provide this documentation to Staff prior to the recordation of the replat.

ATTACHED EXHIBITS

1. Replat
2. Existing Site Exhibit
3. Franchise Utility Letters

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 the applicant will be notified to make corrections.
 - b. If all comments were satisfied, then the 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:

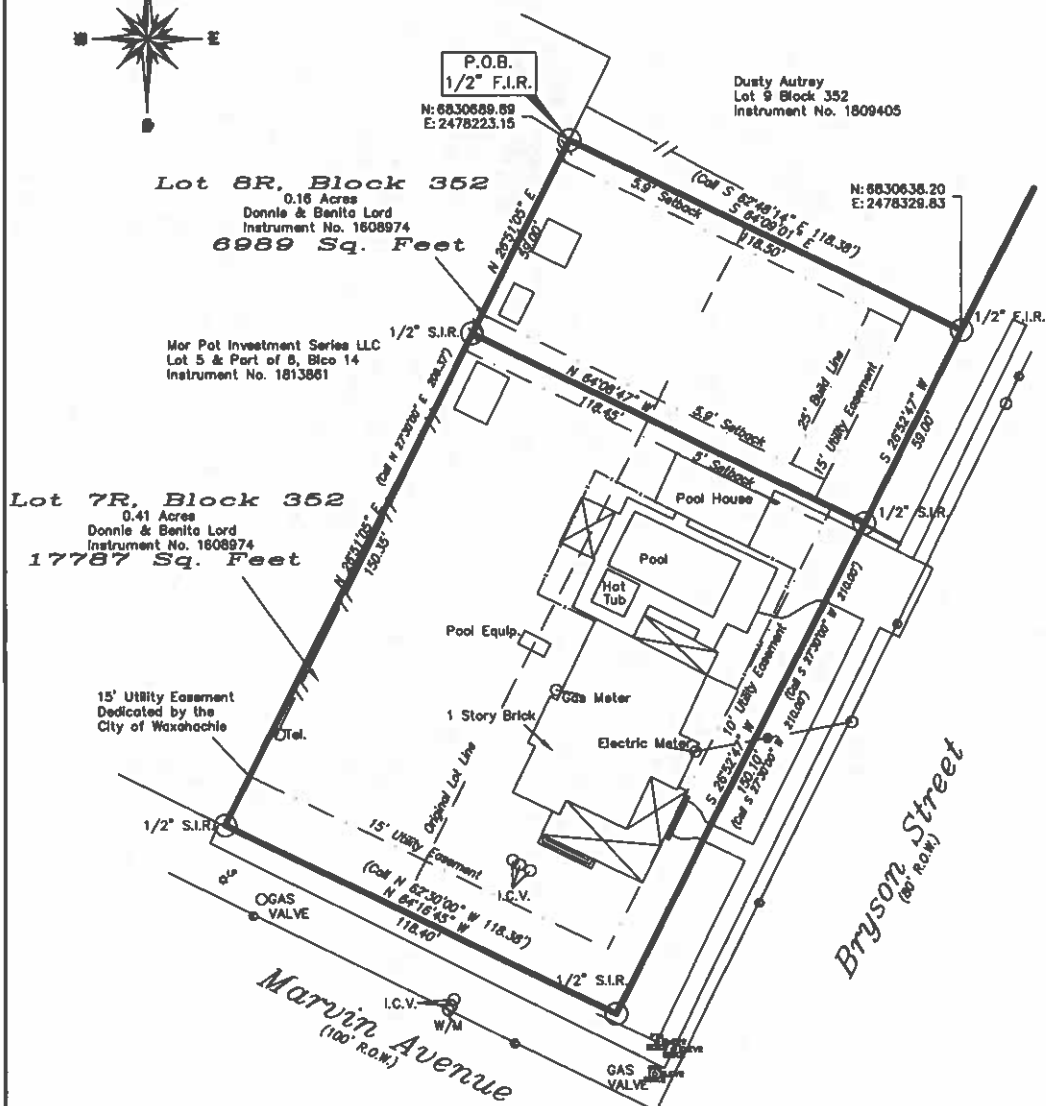
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. The Applicant shall provide written documentation from franchise utility providers (Atmos, AT&T, and Oncor) to confirm whether existing franchise utilities are located on the subject property. The letters will also confirm that franchise utility providers have no objection to a 10' utility easement along Bryson Street for Lot 7R. The Applicant shall provide this documentation to Staff prior to the recordation of the replat.

STAFF CONTACT INFORMATION***Prepared by:***

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

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



Legend

Scale: 1"= 40'
County: Ellis
Acreage: See Plat.
Survey: See Plat.
Description: See Plat.
Surveyed for: See Plat.
Drawn by: MB
On the ground Field Tech: SG

I.C.V. = Irrigation Control Valve
P.O.C. = Point of Commencement
P.O.B. = Point of Beginning
B.C.S. = Buried Cable Sign
U/G = Underground Electric
W/M = Water Meter
W/V = Water Valve
F.I.R. = Found Iron Rod
S.I.R. = Set Iron Rod
F.I.P. = Found Iron Pipe
TEL. = Telephone
A/C = Air Conditioner
C/O = Cleanout
--//--//-- = Wood Fence
--○--○-- = Chainlink Fence
--X--X-- = Iron Fence
Ⓢ — = Powerline

HEARN SURVEYING ASSOCIATES

108 W. Tyler St.
Athens, Tx. 75751-2045
(903) 675-2858

800-432-7670

Use or reproduction of this Survey for any purpose by other parties IS PROHIBITED. Surveyor is NOT RESPONSIBLE for any loss resulting therefrom.

”DETAIL A”

(8+9)



March 17, 2023

Re:

Replat of Lot 7 & 8, Block 352
Creating Lots 7R & 8R
Town Addition,
City of Waxahachie, Ellis County, Texas

Atmos Energy has no objection for the reduction of the 15' utility easement along Bryson St ROW on Lot 7R, as noted on the shaded area on the attached exhibit. Atmos Energy Corporation has active facilities within the ROW of Marvin Ave and Bryson St. To have those facilities located please call 811.

If I can be of further assistance, please contact me at 214-202-5761.

Sincerely,
T.J. Hunter
Sr. Project Specialist

(849)

From: Dalton Bradbury <dalton@ackerbradbury.com>
Sent: Tuesday, March 28, 2023 6:57 PM
To: King, Zack
Subject: Fwd: Bryson St. Waxahachie - Easement

Will this email suffice for Oncor or will you need a letter?

Dalton Bradbury
Acker Bradbury Construction
3751 South US Highway 287
Waxahachie, TX 75165
(469) 383-5939

From: Lilley, Ryan <Ryan.Lilley@oncor.com>
Sent: Tuesday, March 28, 2023 6:54:11 PM
To: Dalton Bradbury <dalton@ackerbradbury.com>
Subject: RE: Bryson St. Waxahachie - Easement

Dalton,

Oncor has no objections to the request to reduce the UE from 15' to 10' at 502 W Marvin Ave, Waxahachie (Lot 7). Let me know if this email is sufficient and if not I'll get something typed up to send to you.

Ryan Lilley
Oncor | PMDS
Design Supervisor WAX, DES, TER
Cell: 469.207.4844

My Manager: Jeff Key
Cell: 972.978.0481 Email: jeffrey.key@oncor.com

From: Dalton Bradbury [mailto:dalton@ackerbradbury.com]
Sent: Tuesday, March 28, 2023 7:33 AM
To: Lilley, Ryan <Ryan.Lilley@oncor.com>
Subject: Bryson St. Waxahachie - Easement

Ryan,

Here is the info from our call last night. I also attached ATMOS letter. That is basically all the city needs from you guys to keep us moving forward. Thank you!

If you see the attachments, you will see the home that encroaches the wanted easement by the city. You will also see their comment asking for letter to approve a 10' easement for that one lot only (lot 7) to allow the current home to stay as is. Thank you for your time. Let me know if you have any questions.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-21-2023



MEETING DATE(S)

Planning & Zoning Commission:

April 11, 2023

City Council:

April 17, 2023

CAPTION

Public Hearing on a request by Brad Yates, for a **Zoning Change to Amend** Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: Graily Holdings LLC (ZDC-21-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-21-2023, a Zoning Change to Amend Ordinance No. 3297, subject to the conditions of the staff report."

APPLICANT REQUEST

The applicant requests to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area.

CASE INFORMATION

Applicant:

Brad Yates, Colonial Restoration Group, Inc.

Property Owner(s):

Brad Yates, Graily Holdings, LLC

Site Acreage:

0.873 acres

Current Zoning:

Planned Development-Single Family-3 (PD-SF-3) – Ord. 3297

Requested Zoning:

Planned Development-Single Family-3 (PD-SF-3) – Ord. 3297

SUBJECT PROPERTY

General Location:

716 Dunaway Street

Parcel ID Number(s):

193948

Existing Use:

The Graily Event Center currently occupies the subject property.

Development History:

A Planned Development (ZDC-131-2021) request was approved for the subject property on October 4th, 2021 to allow for a Private Club (Event Center) use on the property under a PD-SF-3 zoning district. The approved event center was one story in height. Following approval, the applicant began work to convert the abandoned school house on site into an event center.

On August 1st, 2022, a Detailed Site Plan (SP-70-2022) for the Event Center was approved, as required by Ordinance 3297. The Site Plan included a new second story addition to be used only as storage.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-3 (SF-3)	Single Family Residence
East	Single Family-3 (SF-3)	Single Family Residence
South	Single Family-3 (SF-3)	Full Life Assembly of God Church
West	Single Family-3 (SF-3)	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

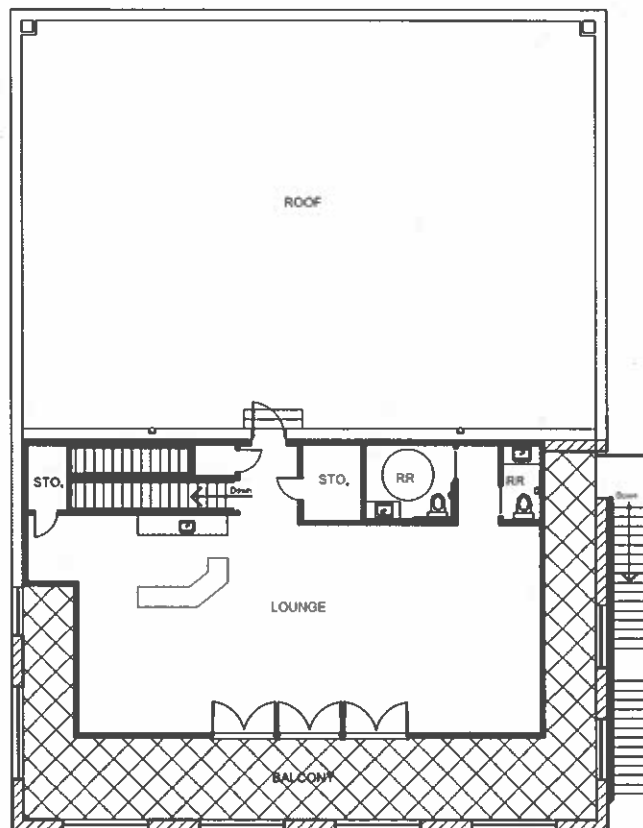
Thoroughfare Plan:

The subject property is accessible via Avenue C, Dunaway Street, and Brady Street. The existing Graily Event Center only has driveways on Avenue C and Dunaway Street.

Site Image:**PLANNING ANALYSIS**

The applicant proposes to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area. Ordinance 3297, approved on October 4th, 2021, allowed for the conversion of the South Ward/Bullard Heights School House into a one-story event center. At the time of this approval, a Development Agreement was also approved for the project. Both the Development Agreement and Planned Development (Ord. 3297) required a Detailed Site Plan to be approved by City Council prior to on-site improvements. On August 1st, 2022 a Detailed Site Plan (SP-70-2022) for the event center was approved by City Council. This Detailed Site Plan included a new second story addition. The second story addition was verbally noted by the applicant/owner to be used "exclusively" for storage.

Following approval of the Detailed Site Plan, the applicant began construction of the Event Center. As construction was near completion in early 2023, Building & Community Services Department staff noticed the second floor was not finished out exclusively as a storage space. At this time, the applicant informed staff that a decision had been made to finish out the second story as a lounge and balcony for the event center. As this use of the second story was not approved with the PD or Detailed Site Plan for the property, the applicant submitted a Planned Development Amendment request in order to allow for a second-floor lounge and balcony. With this request, the applicant provided an As-Built Floor Plan, As-Built Site Plan, and As-Built Civil Construction Plans for the site. The second-floor lounge and balcony has added floor area for the event center and triggers a need for additional parking. A combination of 57 on-site parking spaces and an agreement for 35 off-site parking spaces at Full Life Assembly of God Church (800 S Rogers Street) is sufficient to meet the venue's minimum parking requirement of 62 spaces.



UPDATED 3.6.23

2nd Floor Lounge As-Built

1,395 SF- Total Area Under Roof

SCALE: 1/4" = 1'-0"

PLANNING ANALYSIS (continued)

In addition, the Development Agreement and Planned Development (Ord. 3297) originally required the applicant to construct a 6' ornamental iron fence along Brady Street, with masonry columns spaced every 30'. However, the Detailed Site Plan approved by City Council on August 1st, 2022, did not include the required ornamental iron fence. With this PD Amendment, the applicant is seeking to formally remove the requirement for the ornamental iron fence along Brady Street. Installation of the fence would require the removal of the newly installed landscaping along Brady Street, due to spacing constraints of the site. Installation of the fence would also hinder patrons from accessing the on-street parking spaces constructed along Brady Street.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received four (4) letters of support for the proposed Planned Development Amendment and two (2) letters of opposition to the proposed Planned Development Amendment within the 200' notification buffer.

Staff has received two (2) letters of support for the proposed Planned Development Amendment from outside the 200' notification buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Planned Development Amendment, per the conditions noted below.

Conditions:

1. Expansion of the event center floor area outside of the first floor, second floor, and courtyard areas identified on the As-Built Site Plan and As-Built Floor Plan shall require approval of a Planned Development Amendment by City Council.

ATTACHED EXHIBITS

1. Public Notification Responses
2. As-Built Floor Plan
3. As-Built Site Plan
4. As-Built Landscape Plan

STAFF CONTACT INFORMATION***Prepared by:***

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

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



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-21-2023

SLETMOEN ROSA L S
700 S ROGERS ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 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 Brad Yates, for a **Zoning Change to Amend** Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: GRAILY HOLDINGS LLC (ZDC-21-2023) Staff: Zack King

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-21-2023

City Reference: 172367

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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: I am sure that Mr. Yates was aware of the zoning and do not believe this is a residential zone and we do not want drunken people making noise and littering our streets.

Signature

Date

Printed Name and Title

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+11)

Case Number: ZDC-21-2023

City Reference: 202986

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 5, 2023 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:

As a homeowner I oppose this request due to traffic,
noise, and my value on my home.

Missy Villa

Signature

3/27/23

Date

Missy Villa

Printed Name and Title

805 Givens St.

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.

RECEIVED MAR 31 2023

(10+11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-21-2023**



BRUNNER DENISA
806 DUNAWAY ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-21-2023**

City Reference: 172306

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

8/27/2023

Date

Denisa Brunner

Printed Name and Title

806 Dunaway St., Waxahachie

Address

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.

(10+11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-21-2023**

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED MAR 28 2023

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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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-21-2023**

City Reference: 172314

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

Great addition to neighborhood & community

Signature

Brad Yates
Printed Name and Title

Date

3/27/23

Address

PO Box 2868
Waxahachie, TX. 75168

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 + 11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-21-2023**

RECEIVED MAR 28 2023

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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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-21-2023**

City Reference: 172305

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

Great addition to the neighborhood & community

Signature

Brad Yates
Printed Name and Title

Date

3/27/23
PO Box 2868

Address

Waxahachie, TX. 75168

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.

(10411)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-21-2023**

RECEIVED MAR 31 2023

SKEANS ABIGAIL K
407 W LIGHT ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-21-2023**

City Reference: 276671

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

We are very supportive and excited to have the Graily in my neighborhood. This event venue represents the future of the city and we hope it will be successful!

Signature

Date

Printed Name and Title

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+11)

RECEIVED MAR 16 2023

March 13, 2023

City of Waxahachie
Attn: Planning Department
401 S. Rogers Street
Waxahachie, Texas 75165

To Whom It May Concern:

As a citizen of Waxahachie, I am so excited with the opening of The Graily in Waxahachie.

This venue will be a plus to the city and offer a wonderful location for those special events. It is also located in a part of our town that has not experienced a lot of growth and change.

I am happy that we are supporting this kind of construction so that our infrastructure of streets, sidewalks and lighting will provide what newcomers are looking for when they come to Waxahachie.

This project is a win, win!



Beth Young
507 N College Street
Waxahachie, Texas 75165

(10+11)

4/5/2023

To Whom It May Concern:

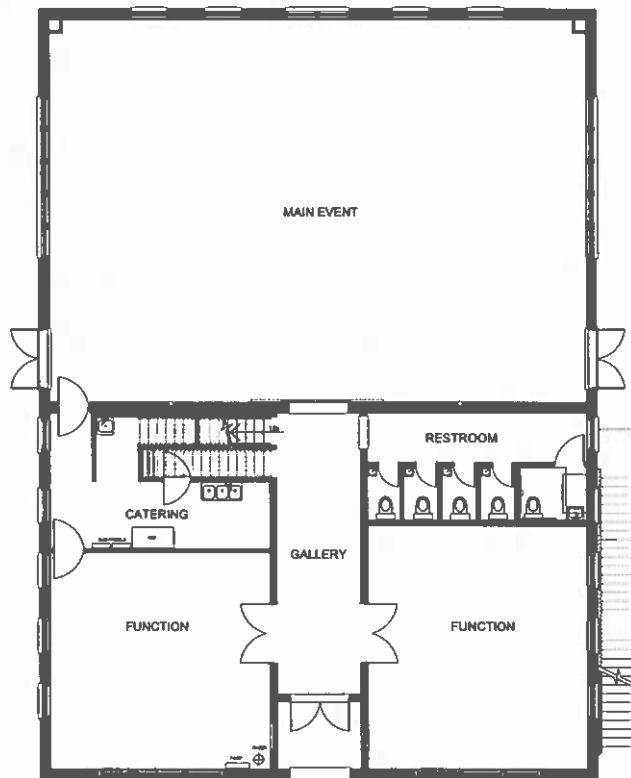
I am in favor of the new venue, "The Graily", located at 716 Dunaway Street, Waxahachie. This property is such a positive asset to the South side of Waxahachie. What a neat place for our community to gather for small events & make many memories on special occasions! I am so appreciative that an original piece of history was renovated to continue to serve the Waxahachie community we know and love.

Sincerely,

DocuSigned by:


BD364858FDE443C...
Chris Lewis
232 McKinley Circle
Waxahachie TX 75167

(10+11)



UPDATED 3 6 23

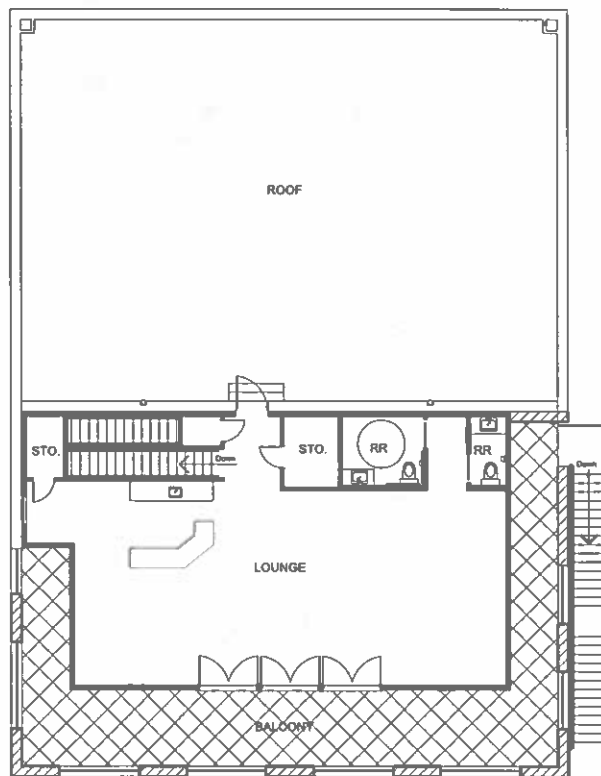
Ground Floor As-Built

4,718 SF: Total Area Under Roof

SCALE: 1/4" = 1'-0"

DATE	NO.	REVISION
The Grailly 716 Dunaway Street Waxahachie, Texas 75165		
 Colonial Restoration P.O. Box 2688 Waxahachie, Texas 75165 972.838.3383		
 M 11/2018.4		
1000 West Main Street Waxahachie, TX 75165		
Prepared by: J. L. Smith, P.E.		
Drawn by: J. L. Smith, P.E.		
Checked by: J. L. Smith, P.E.		
Scale: 1/4" = 1'-0"		
© Copyrighted by: J. L. Smith, P.E. This drawing is the property of J. L. Smith, P.E. It is to be used only for the project and site shown on this drawing. Ground Floor		
716 Dunaway		
www.thegrailly.com		
		
Printed by: J. L. Smith, P.E.	Checked by: J. L. Smith, P.E.	AS.1

(10+11)



UPDATED 3.6.23

2nd Floor Lounge As-Built

1,395 SF- Total Area Under Roof

SCALE: 1/4" = 1'-0"

NO.	DATE	REVISION/ISSUE
The Graily 716 Dunaway Street Waxahatchie, Texas 75165		
		
Colonial Restoration P.O. Box 2888 Waxahatchie, Texas 75165 972.838.3363		
		
1800 East Main Street P.O. Box 1718 Waxahatchie, Texas 75165		
Project No. 1,395 - 020		
Drawn by: J. 02		
Reviewed by: J. 020		
Scale: 1/4" = 1'-0"		
Date: 3.6.23		
716 Dunaway		
www.colonialrestoration.com		
		
FILED NO. 18000000	PROJECT NO. 1,395	DATE 3.6.23
		AB.2

D & M

DAVIS & McDILL, Inc.

(A Texas Limited Liability Company, Reg. #7-0689)

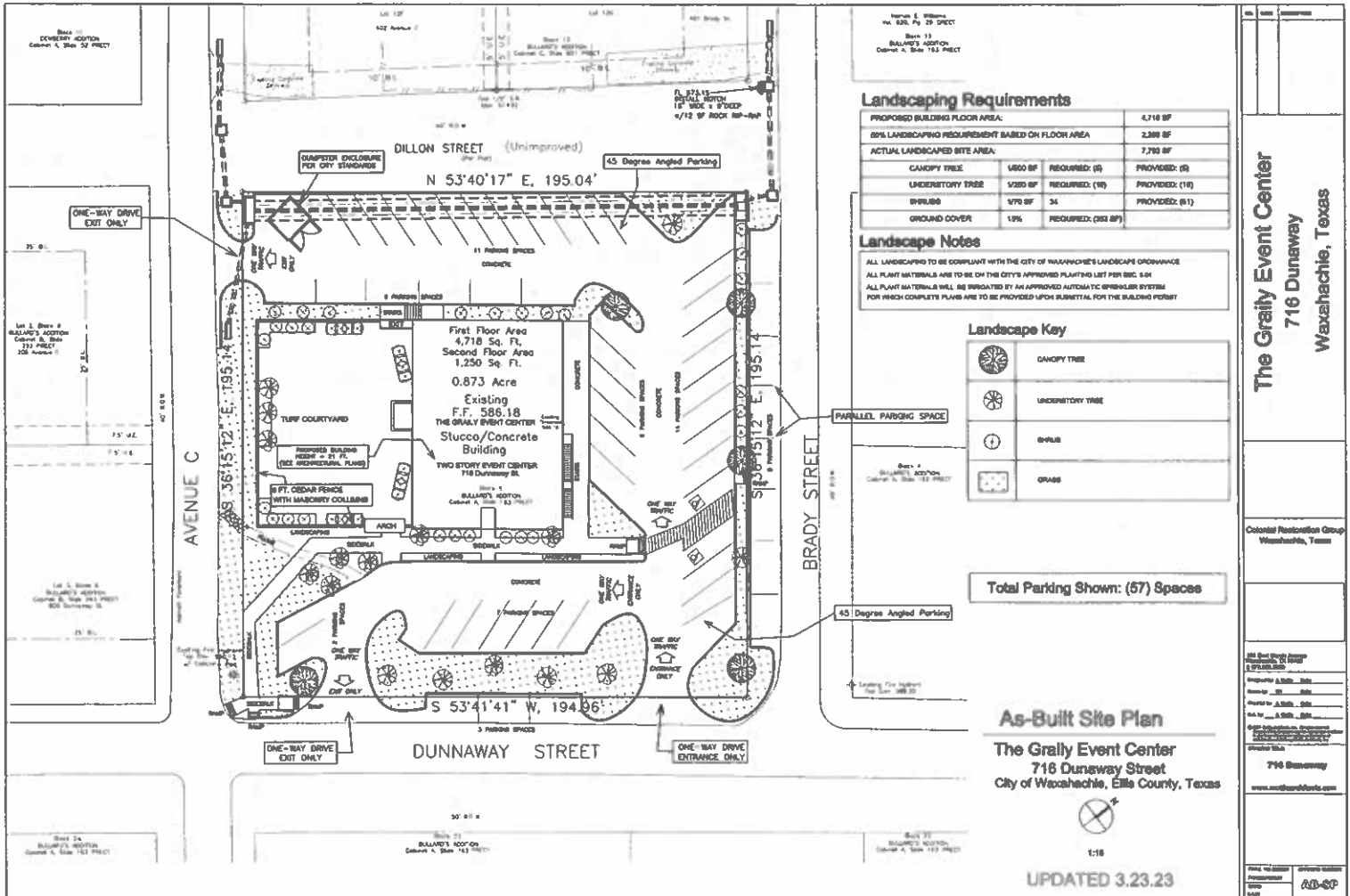
P.O. BOX 420 • WAXAHACHIE, TEXAS 75165
Phone: 972-538-1185 Fax: 972-538-1185

D&M ENGINEERS

Date: 05-23-2022
Scale: 1" = 12'
Drawn by: K. Baham
Job #: 221-002061-SITE
Site Plan - SITE PLAN

Sheet **J**

(10+11)



Planning & Zoning Department

Zoning Staff Report

Case: ZDC-29-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: Ellis County Museum & Art Gallery (ZDC-29-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-29,2023, a Specific Use Permit (SUP) request for a Private Club (Ellis County Museum Event Venue) use at 201 S College Street, subject to the conditions of the staff report."

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the third floor of 201 S College Street.

CASE INFORMATION

Applicant: Amber Adams, Ellis County Museum

Property Owner(s): Ellis County Museum & Art Gallery Inc.

Site Acreage: 0.106 acres

Current Zoning: Central Area (CA)

Requested Zoning: Central Area (CA) with SUP for a Private Club use.

SUBJECT PROPERTY

General Location: 201 S College Street

Parcel ID Number(s): 193406

Existing Use: Ellis County Museum & Art Gallery

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Central Area (CA)	Public Pavilion
East	Central Area (CA)	Prickly Boba Tea & More
South	Central Area (CA)	Meat Church BBQ Supply
West	Central Area (CA)	Various Retail & Office Uses

Future Land Use Plan: Downtown

Comprehensive Plan: It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan: The property is accessible via E Franklin Street and S College Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the entire third floor of 201 S College Street. The Ellis County Museum began a comprehensive remodel project in 2020 that included all three floors. In total, the third floor is 4,253 square feet and can be accessed via stairs or an elevator at the rear of the building.

The applicant has noted that the venue will be titled "1889 on the Square" and will play host to public and private events such as weddings, receptions, and celebrations. A "Kitchen Area" is available on the third floor; but it is not functional as a traditional kitchen or restaurant. Instead, the space will only be available for caterers to prep food on site. The venue is anticipated to be open from 9:00 am to 12:00 am in 4-hour to 8-hour increments. The applicant anticipates retaining between 2 and 5 staff members for the venue. No signage is proposed with this SUP.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received twenty-three (23) letters of support for the proposed SUP.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request, with the conditions noted below.

Conditions:

1. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the third floor of the building.
2. A Certificate of Occupancy shall be issued by the Building and Community Services Department for "1889 on the Square" prior to the opening of the business.

ATTACHED EXHIBITS

1. Floor Plan
2. Operational Plan
3. Letters of Support

APPLICANT REQUIREMENTS

If approved by City Council, the applicant can apply for a Certificate of Occupancy (CO) from the Building and Community Services Department.

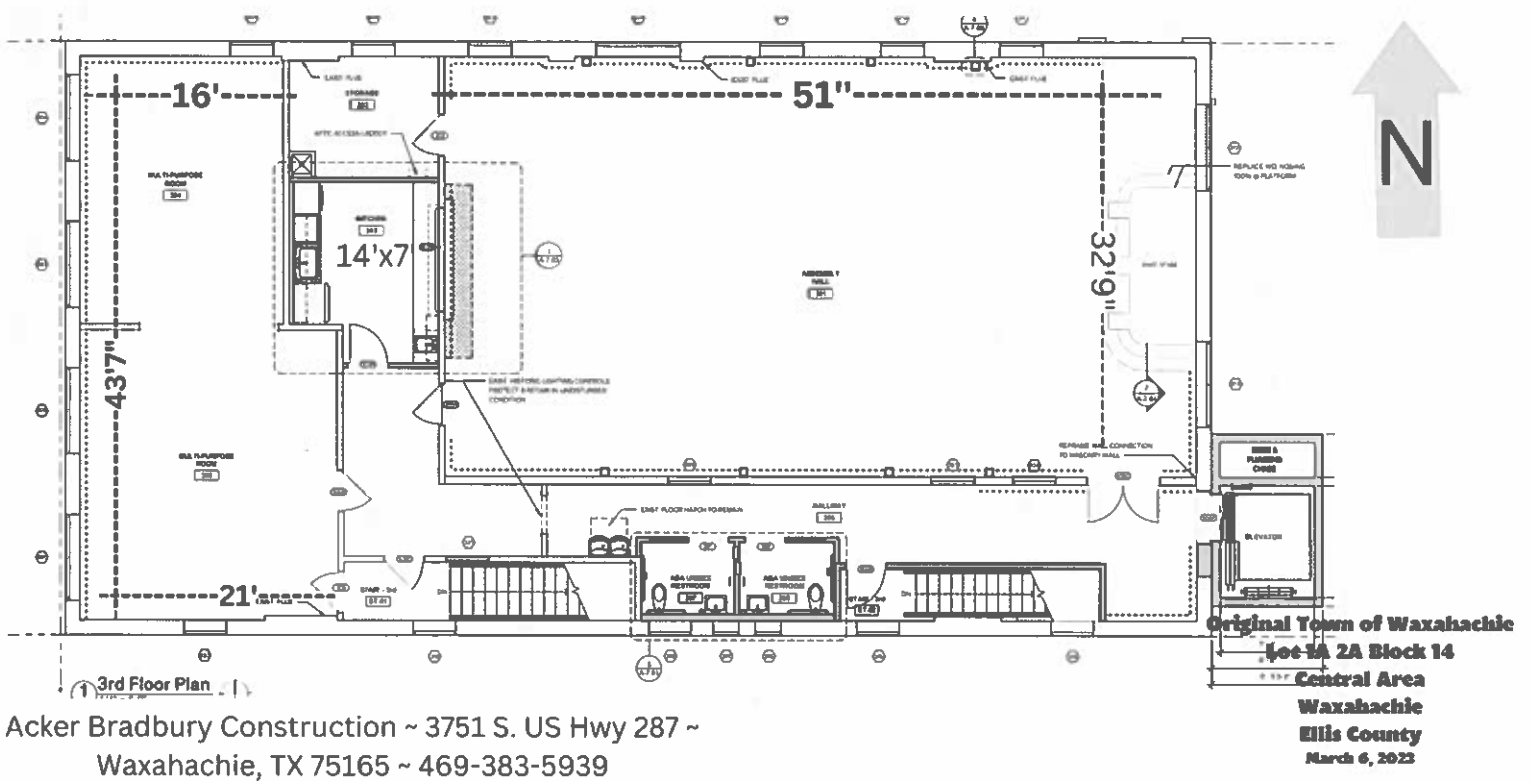
STAFF CONTACT INFORMATION***Prepared by:***

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

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

(12+13)



Acker Bradbury Construction ~ 3751 S. US Hwy 287 ~
Waxahachie, TX 75165 ~ 469-383-5939

OPERATIONAL PLAN

The historic building in Downtown Waxahachie, which now houses the Ellis County Museum, was built in 1889. Originally constructed as the Waxahachie Lodge No. 90, it was purchased and reorganized in 1975 to serve as the Ellis County Museum and Art Gallery.

The museum has recently undergone a complete renovation, including the original Lodge Hall on the third floor which the museum plans to refashion into a venue titled "1889 on the Square." During renovations many of the charming characteristics were preserved, including original brick walls and wood floors.

The goal of the museum is to create a unique space for events such as weddings, receptions, and other types of celebrations in this venue. This will be a new and exciting addition to the downtown area unlike any other.

Proposed hours of operation: 9am-12:00am (in 4-8 hour increments)

Number of employees: 2-5

Compatibility with adjoining uses: This venue will fit in very well with surrounding buildings and businesses. There are no foreseen problems that would be an issue with other businesses. No natural resources will be impacted by this venue to existing natural resources or surrounding properties or neighborhood.

Dumpsters will be located behind the business next door to the museum. Waste management will determine the size and exact location.

There will not be anything that generates objectionable smoke, fumes, noise, odor, dust, glare, vibration or heat associated with this venue.

Our plan is to have an event venue on the third floor of the museum.

All clients would be responsible for bringing in their own caterers, decor, etc. Basically, the museum would only be renting the space for the events. There will be a designated area for renters to stage food and beverage. This area will not be utilized as a traditional kitchen or restaurant.

The museum would secure contracts and insurance with all vendors the client would be using.

Beer and wine would be allowed during the event with a licensed bartender.

This venue will make an outstanding addition to downtown Waxahachie. The courthouse, which is across the street, can be seen from the venue floor windows. The building itself is an excellent example of the historic charm Waxahachie is known for. We look forward to serving not only the citizens of Waxahachie, but to bringing in clients from all over to our beautiful city.



(12+13)

RECEIVED MAR 27 2023

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-29-2023**



**HACHIE PROPERTIES LLC
327 BLUE RIBBON RD
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 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 Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

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-29-2023**

City Reference: 170519

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

GREAT USE FOR THE BUILDING AND FOR DOWNTOWN.

Brett Hess

Signature

Brett Hess

Printed Name and Title

3-26-23

Date

327 Blue Ribbon Rd.

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.

(12+13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-29-2023**



RECEIVED MAR 3 2023

BURCH ANDREW J & CYNTHIA
105 W JEFFERSON ST
WAXAHACHIE, TX 75165-3723

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 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 Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

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-29-2023**

City Reference: 170520

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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 new venue inside Ellis County Museum will be a wonderful addition to our historic downtown


Signature

Cindy Burch owner
Printed Name and Title
Doves Nest

3-25-23
Date

105 W. Jefferson St
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.

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *Westbound Trading Co.*

Signature: *A. Pull*

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Vaqueras boutique

Signature:

A handwritten signature in black ink, appearing to be a stylized 'H' followed by a series of loops and a long horizontal stroke.

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: *The Dessert Spot*

Signature: *Elmo H. P.* 3/7/2023

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: CORK & KEG

Signature: Sarah Blalock

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

City Real Estate

Signature:

Wayne Herson

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Perfect Pair*

Signature: *Okonuma*

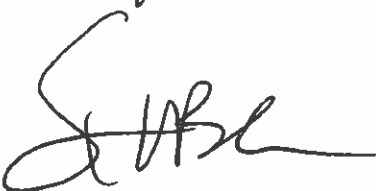
(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Watahachie Sun*

Signature: 

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: Waxahachie Sun

Signature: Johanna Ouzett

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *College Street Pub*

Signature: *Wayne*

(12 & 13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Velvet Angel*

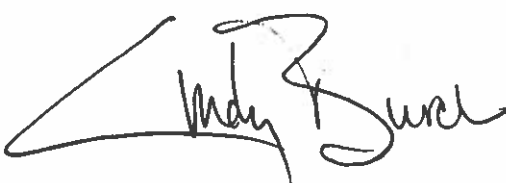
Signature: *Amber Adams*

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Doves Nest*

Signature: 

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: SOUTHERN REVIVAL

Signature: 

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Briarpatch*

Signature: *Krista Brown*

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: *Farmhouse*

Signature: *Amy Waters*

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Art on the Square
Ellis county art association
Heather Gaughan Signing on behalf of Dave McSpadden

Signature: 

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *Maxahatchie Architectural Salvage*

Signature: *Amy Munn*

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: Kimmy's Boutique

Signature: 

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Meat Church

Signature:

A. Lockhart

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: Nicola Montelongo, Rockin Royalty Boutique

#817-821-7578

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name:

Eubank Florist

Signature:

Paula Povey

(12+13)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *COPPER ROSE*

Signature: *Alu Beason*

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-161-2022



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Gina McLean, Nationwide Construction, for a **Specific Use Permit (SUP)** for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568) - Owner: MC Investment Fund, LLC (ZDC-161-2022)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-165-2022, a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care), subject to the conditions the staff report with elevation option _____, authorizing the City Manager and or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a medical facility use (Expedian Urgent Care) located at 1601 N Highway 77. The new medical facility will replace the existing medical building.

CASE INFORMATION

Applicant: Gina McLean, Nationwide Construction

Property Owner(s): MC Investment Fund, LLC

Site Acreage: 1.241 acres

Current Zoning: Commercial District (C)

Requested Zoning: C with a specific use permit (SUP) for a medical facility

SUBJECT PROPERTY

General Location: 1601 N Highway 77

Parcel ID Number(s): 174568

Existing Use: Medical Facility

Development History: The subject property is platted as Lot 1B, Block D of the Lakeridge Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Popeyes
East	PD-C	Raising Canes
South	O	YMCA
West	O	YMCA

Future Land Use Plan:

Local Commercial

Comprehensive Plan:

The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

Thoroughfare Plan:

The primary access to the subject property is from North Highway 77, a Major Thoroughfare (120' right-of-way) on the Thoroughfare Plan. The Applicant plans to keep the same ingress and egress to the site. No additional access points are planned for site.

Site Image:

PLANNING ANALYSIS

The Applicant is requesting a specific use permit for a medical facility use (Expedian Urgent Care) located at 1601 N Highway 77. The new medical facility will replace the existing medical building. The Applicant proposes constructing a new 6,397-square-foot building on a 1.2-acre tract. The building will have three suites, one for the medical facility and two for retail and/or office uses. The property owner does not have a prospective tenant for the two additional suites but has parked the remaining building area for retail, anticipating a retail user in the future. The property owner understands that future occupants must comply with the City's parking requirement. Additionally, since most of the site is paved with concrete, the Applicant plans to add new concrete curbs to improve site circulation and also a new trash enclosure. The site also provides adequate access and maneuvering for fire and emergency responders. As presented, the site complies with the City's development standards, and as such Staff recommends approval of the specific use permit.

Landscaping Standards

Per Section 5.04 (Landscape Requirements) of the Zoning Ordinance, new construction greater in size than thirty percent of the existing building must bring the site to compliance with the City's current landscaping requirements. The Applicant has made a concerted effort to comply with the City's landscaping standards where feasible. Given the overhead electric powerlines and the existing concrete swale along Highway 77, the Applicant could not accommodate nine canopy trees evenly spaced every forty linear feet along Highway 77. However, to meet the ordinance's intent, the Applicant provided seven crape myrtles in the available landscape area along Highway 77 and planted two additional canopy trees onsite. As presented, the landscape plan complies with all other landscape requirements.

Proposed Elevations

The Applicant has provided two sets of architectural elevations. Both sets of elevations have the same building design and exterior finishing materials, except the color scheme for each set is different.

Option 1 – In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone and stucco accents are tan, and the brick is a traditional red brick color.



Option 2 - In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone is multicolored, and the brick and stucco accents are tan.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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. At the time of publishing this report, Staff not receive any letters of support or opposition for this request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The Applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

ATTACHED EXHIBITS

1. Location Map (Exhibit A)
2. Site Plan (Exhibit B)
3. Landscape Plan (Exhibit C)
4. Option 1 - Architectural Elevations (Exhibit D)
5. Option 2 - Architectural Elevations (Exhibit D)

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

(14+15)

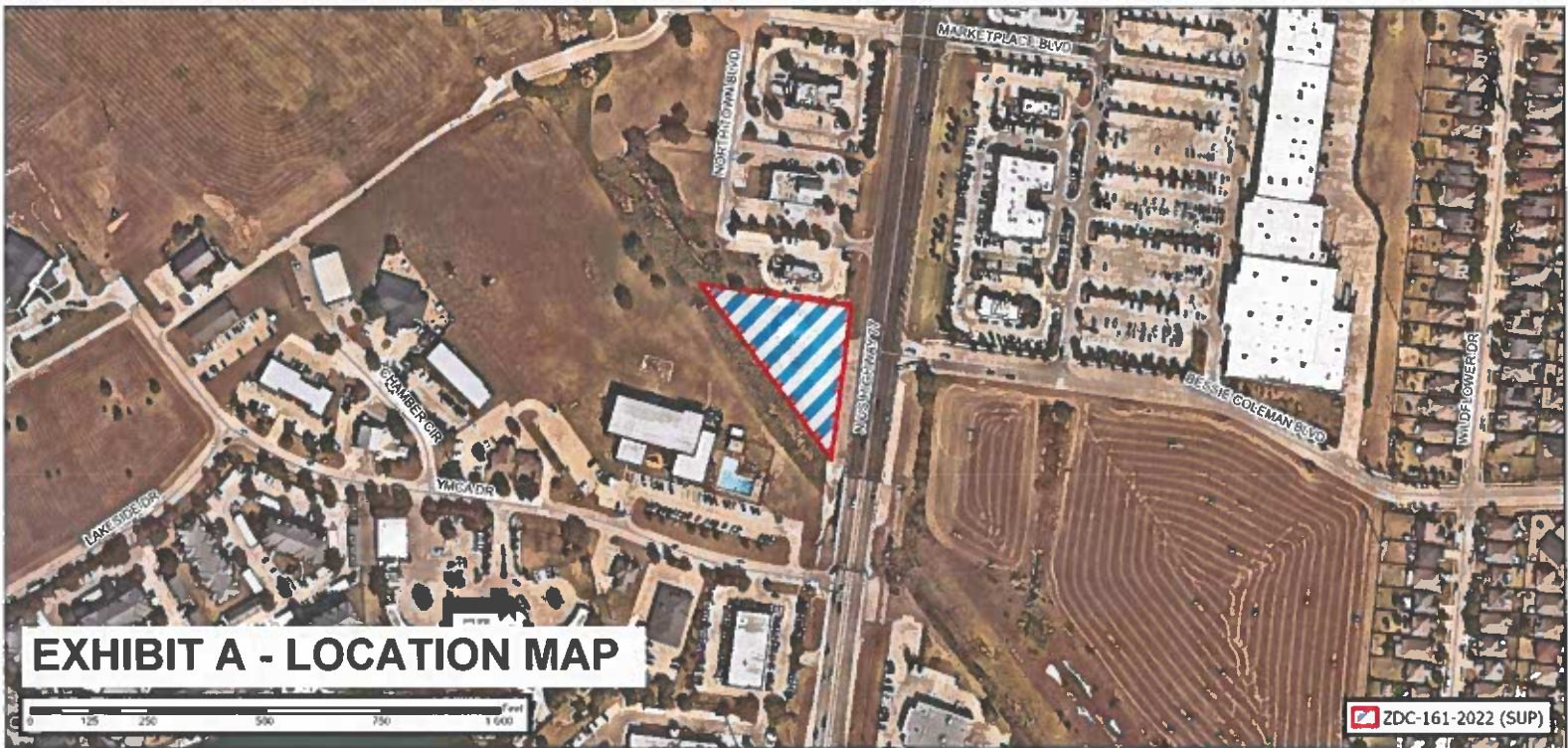
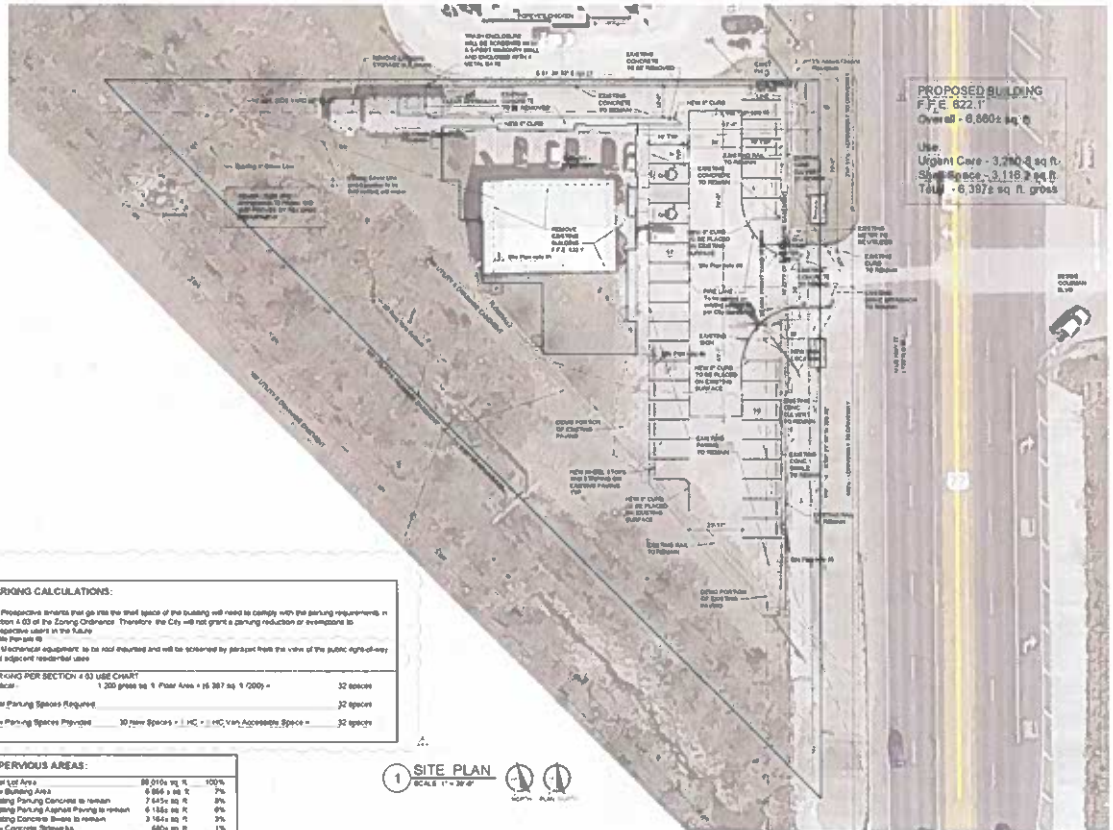


EXHIBIT A - LOCATION MAP

(14+15)



PARKING CALCULATIONS:

1. Prospective owners plan to go into the retail space of the building and need to comply with the parking requirements in section 4.03 of the Zoning Ordinance. Therefore the City will not grant a parking reduction or exemption to prospective users in the future.

2. Mechanical equipment to be installed and will be screened by planters from the view of the public right-of-way and adjacent residential uses.

PARKING PER SECTION 4.03 USE CHART	
Medical	1,200 gross sq. ft. Floor Area = 15,367 sq. ft. / 1,200 = 32 spaces
Total Parking Spaces Required	32 spaces
New Parking Spaces Provided	30 new Spaces + 2 HC + 1 MC Van Accessible Space = 32 spaces

IMPERVIOUS AREAS:

Total Lot Area	88,210 sq. ft.	100%
New Building Area	6,864 sq. ft.	7%
Existing Parking Concrete to remain	7,642 sq. ft.	8%
Existing Parking Asphalt Paving to remain	6,136 sq. ft.	6%
Existing Concrete Driveway to remain	3,164 sq. ft.	3%
New Concrete Driveway	680 sq. ft.	1%
Total Impervious Areas	21,586 sq. ft.	25%

SITE PLAN
SCALE: 1" = 30' 0"



Legal Description

LOT INFORMATION
ZONING TYPE: C COMMERCIAL
PARCELS: 1 & 2

Building Code Data

1. Occupancy Group: B
2. Type of Construction: II-B
3. Building System: Steel Moment Resisting
4. Wind Speed: 130 mph, ASCE 7-10, ASCE 7-10, ASCE 7-10, ASCE 7-10
5. Seismicity: 0.2
6. Total Building Area: 6,864 sq. ft. plus 31,680 sq. ft. per 30% of Total Lot Area

Owner Information
Owner: EXPEDIAN URGENT CARE
Address: 1601 N. HWY 77, WAXAHACHIE, TX 75165

NATIONWIDE CONSTRUCTION
DESIGN-BUILD-SUPPLEMENTAL
1601 N. HWY 77, WAXAHACHIE, TX 75165
Phone: 972.777.7777 Fax: 972.777.7777
www.nationwideconstruction.com

EXPEDIAN URGENT CARE
1601 N. HWY 77
WAXAHACHIE, TX 75165

DATE REVISION
11/16/2022

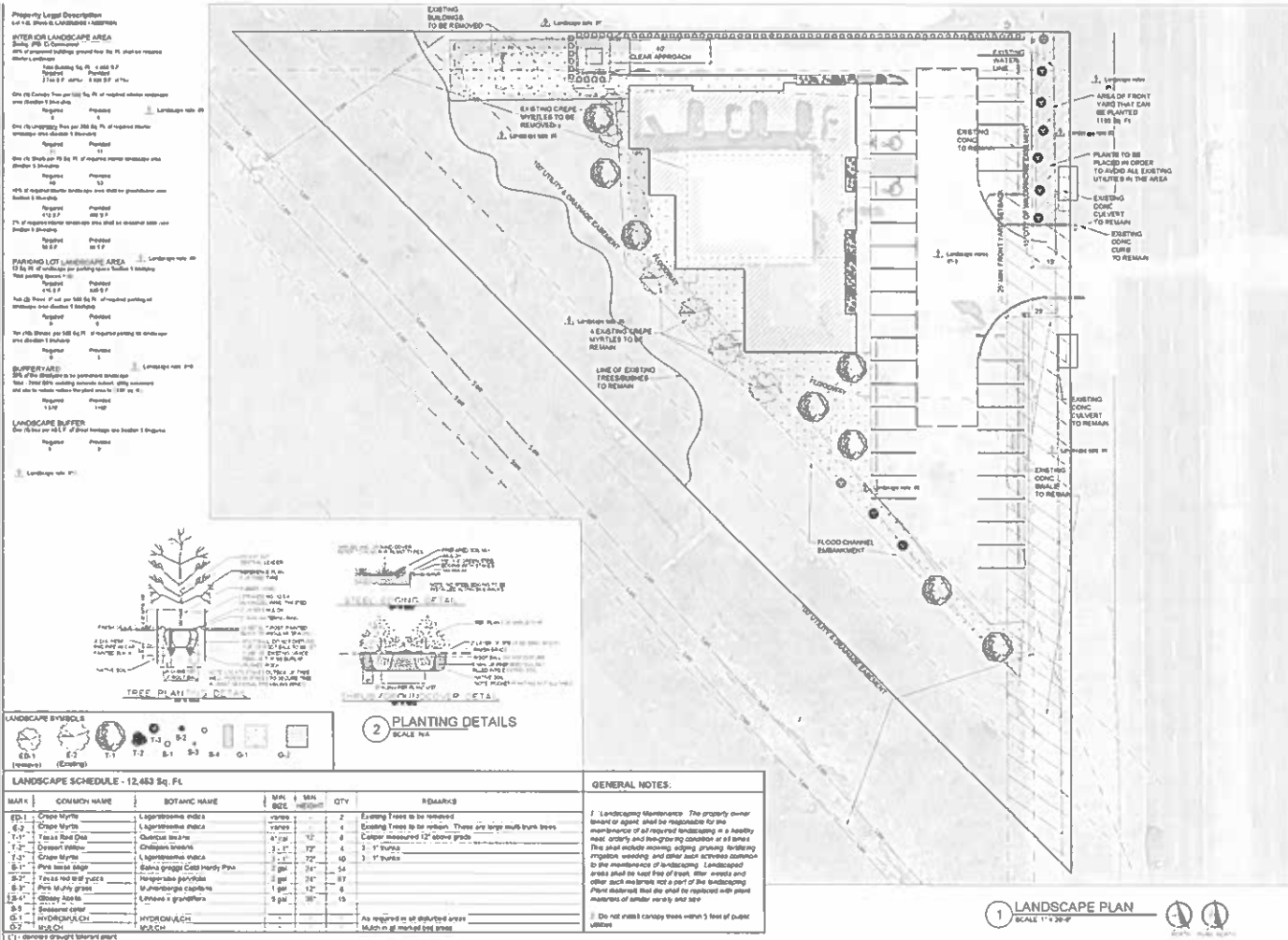
REVISIONS

1	09/27/22	City comments
2	09/27/22	City comments
3	09/27/22	City comments

SHEET COMMENTS:
SITE PLAN

SHEET NUMBER:
G-1.0

(14 + 15)



721 **NATIONWIDE CONSTRUCTION**
DESIGN-BUILD-BUYER DIVISION
721 South 10th Avenue, Glendale TX 76040
Phone (817) 475-6006 Fax (817) 475-6166
www.nationwideconstruction.com

PROGRESS DRAWING
NOT FOR REGULATORY
APPROVAL, PERMITTING
OR CONSTRUCTION

**EXPEDIAN
URGENT CARE**
1601 N. HWY 77
WAXAHACHIE, TX 75165

11/16/2022

City	City comments
09/10/73	City comments
09/12/73	City comments
10/05/73	City comments

MEET THE ARTIST

LANDSCAPE PLAN

LS-1.1

1 EAST ELEVATION
SCALE 1/8" = 1'-0"

2 NORTH ELEVATION
SCALE 1/8" = 1'-0"

3 WEST ELEVATION
SCALE 1/8" = 1'-0"

4 SOUTH ELEVATION
SCALE 1/8" = 1'-0"

[illegible]

MATERIAL SCHEME 1



**EXPEDIAN
URGENT CARE**
1601 N. HWY 77
WAXAHACHIE, TX 75165

DATE ISSUED:

△ 927 977	City community
△ 927 977	City community
△ 927 977	City community

ELEVATIONS

A-5.0-S1

(14+15)



MATERIALS SUMMARY TABLE	
EAST ELEVATION - Project Facade	
BRICK - tan brick	100 sq. ft.
STONE - rough-hewn limestone	100 sq. ft.
ROOF TOP HANG LATE BROWN STAINED TYP	100 sq. ft.
WEST ELEVATION	
BRICK - tan brick	100 sq. ft.
STONE - rough-hewn limestone	100 sq. ft.
ROOF TOP HANG LATE BROWN STAINED TYP	100 sq. ft.
WEST ELEVATION	
BRICK - tan brick	100 sq. ft.
STONE - rough-hewn limestone	100 sq. ft.
ROOF TOP HANG LATE BROWN STAINED TYP	100 sq. ft.
SOUTH ELEVATION	
BRICK - tan brick	100 sq. ft.
STONE - rough-hewn limestone	100 sq. ft.
ROOF TOP HANG LATE BROWN STAINED TYP	100 sq. ft.

MATERIAL SCHEME 2

EXPEDIAN URGENT CARE
1801 N. HWY 77
WAXAHACHIE, TX 75165

DATE: 10/15/2020

APPROVED: A. Brown C. Brown
A. Brown C. Brown
A. Brown C. Brown

SHEET CONTENTS:
ELEVATIONS

SHEET NUMBER:
A-5.0-S2

(16+17)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-16-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Cassie Williams, Saddles Bar and Grill, for a **Specific Use Permit (SUP)** for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: Bison Creek Partners, LTD (ZDC-16-2023)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-16-2023, a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street.

CASE INFORMATION

Applicant: Cassie Williams, Saddles Bar and Grill Owner

Property Owner(s): Bison Creek Partners, LTD

Site Acreage: 0.11 acres

Current Zoning: Central Area District (CA)

Requested Zoning: CA with a specific use permit (SUP) for a Tavern use (Saddles Bar and Grill)

SUBJECT PROPERTY

General Location: 200 N. College Street

Parcel ID Number(s): 170425

Existing Use: Existing 3 story building

Development History: The subject property is platted as lots 1A and a portion of lot 1B of the Town of Waxahachie

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	CA	Waxahachie Creek
East	CA	George Brown Plaza
South	CA	Multi-tenant Retail Building (Board and Brush, Wirth Collecting, Justice Finance)
West	CA	Waxahachie Sun

Future Land Use Plan:

Downtown

Comprehensive Plan:

It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan:

The primary access to the subject property is from North College Street, a minor collector (60' public right-of-way) in the City's Thoroughfare Plan.

Site Image:

PLANNING ANALYSIS

The Applicant is requesting a specific use permit for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street. The building at 200 North College Street is 3-stories and approximately 3,500 square feet. The building currently has a basement (1,289 sq. ft.) and first floor (1,985 sq. ft.) and a loft. The bar and grill will occupy the basement and the first floor with the bar and grill, and will use the loft area for storage. The Applicant will need to amend the SUP to use the loft area for the restaurant in the future, since they are currently proposing to use it for storage only.

The basement will have pool tables, restrooms and the restaurant kitchen. The first floor will have the bar, high top dining tables, booths, a dance floor, and a performance stage for live entertainment. The Applicant anticipates having about 18 employees at opening, and this number may change based on business demands. Saddles Bar and Grill will be open for business Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. The Applicant has indicated to Staff that they intend to comply with all TABC requirements. To Staff's knowledge the Applicant has not started the TABC permitting process.

According to the Ellis County Appraisal District the building was constructed in 1910. To ensure that the building can be safely occupied, the Applicant is required to make a number of improvements in coordination with the building owner. These improvements will encompass the repair of the pier and beams in the foundation, as well as the upgrade of plumbing and electrical systems. Upon obtaining approval for the specific use permit, the Applicant will be obligated to apply for building permits and bring the building up to code in compliance with the standards established by the International Building Code and Fire Code. Staff has informed the Applicant of the Downtown Incentives Program to help facilitate the rehabilitation of the building in case some of the building improvements are eligible for funding. Since the tenant does not own the building, they would have to coordinate with the building owner on applying for any incentives.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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. At the time of publishing this report, Staff received one letter of support for this request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant obtain the necessary building permits from the City of Waxahachie Building Department before commencing construction.

ATTACHED EXHIBITS

1. Location Map (Exhibit A)
2. Flood Plan (Exhibit B)
3. Operational Plan
4. Letter of Support

STAFF CONTACT INFORMATION

Prepared by:
 Eleana Tuley, AICP
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 Senior Director of Planning
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(16+17)

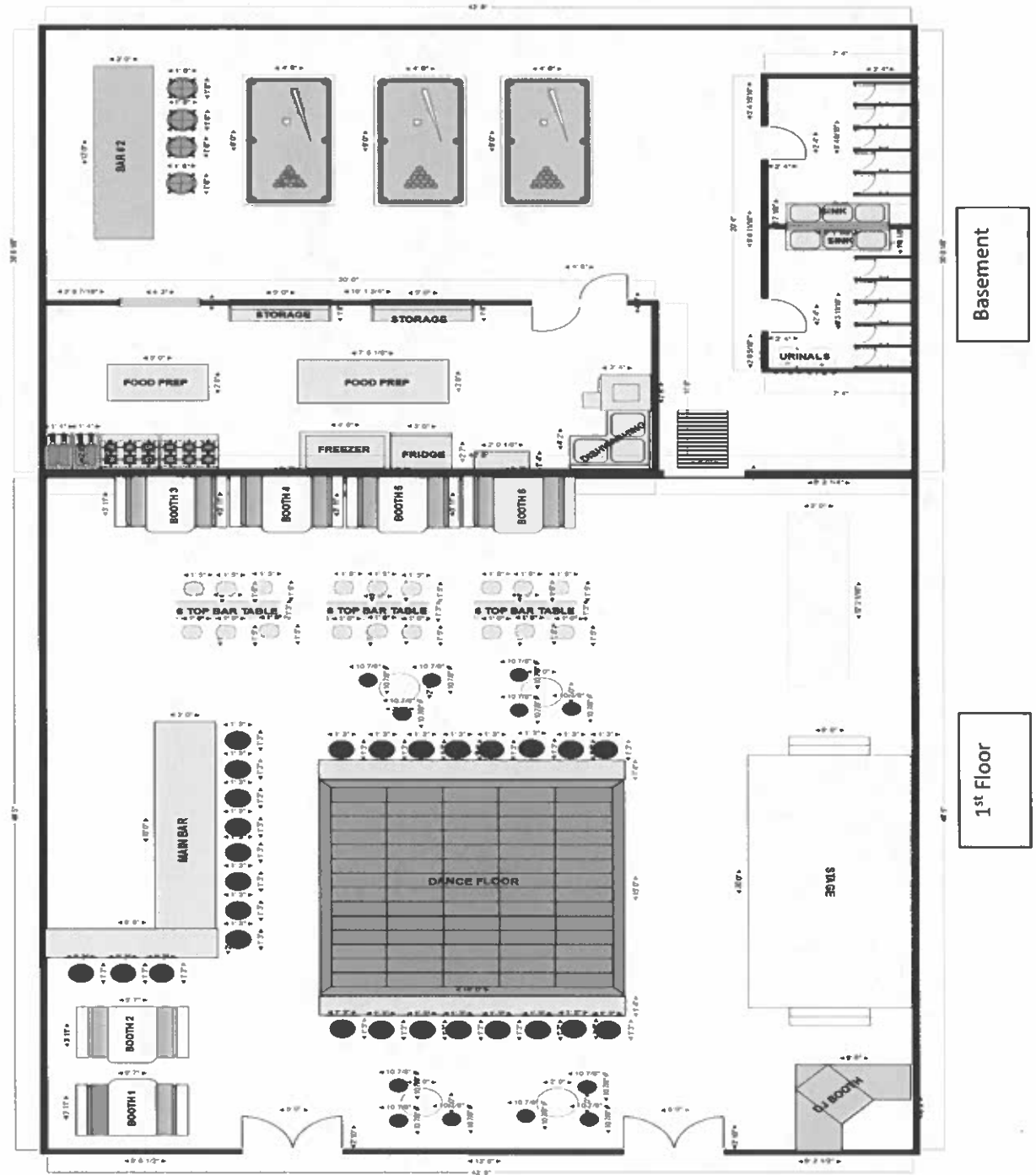


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VII. Floor Plan

200 N. College Street, Waxahachie, Texas 75165

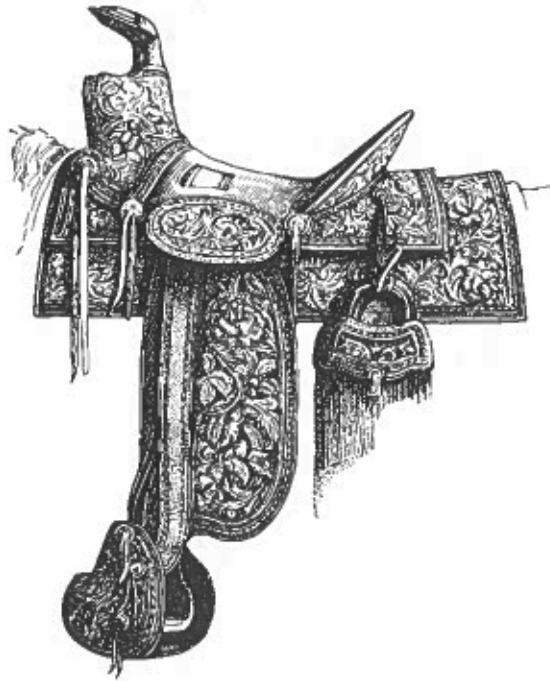
Occupying 1st Floor 1,985sqft. and Basement 1,289sqft.



(16+17)

SADDLES

-Bar and Grill-
[Operational Plan]



Owner: Casie Williams

Cell: (972) 921-9897

Owner: Abby Vestal

Cell: (972) 921-1226

Business Address:

200 N. College Street
Waxahachie, Texas 75165

Business Email:

SaddlesBarandGrill@gmail.com

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I. Executive Summary

Saddles Bar and Grill (referred to here on as "The Company") is intended to be established as a Limited Liability Company at 200 N. College Street, Waxahachie, Texas 75165 within the expectation of rapid expansion in the Restaurant/Bar industry.

The selected location is ideal, because it is located downtown and represents an attractive market opportunity for this venture. Downtown Waxahachie is visited daily by the residents of the community and has a lot of foot traffic, by individuals that work in the area.

The Company will be a newly established bar and grill, located in Downtown Waxahachie, Texas. The bar and grill will cater to office workers and tourists during the day and transition to a nightclub for locals to relax after a long day of work. The bar will provide top notch menu items featuring a traditional bar menu along with fine wine and alcohol offerings. On the weekends patrons will come and scoot around on the 15' X 15' dance floor, with live music and let loose for a good time.

The Companies main objective is to obtain 3% of the local nightclub market by the end of year one. The Company plans to generate profit within the first 24 months of operation and repay all financial obligations within 5 years of opening.

The Company will accomplish these goals by holding themselves apart from local competitors as a true neighborhood bar. The bar will offer a vast selection of beer and wine, along with fine cuisine, and a relaxing environment designed to make consumers return. The establishment will be family friendly during restaurant hours and cater to the 21+ crowd after 8pm.

II. Legal Formation

The Company shall be formed as a Limited Liability Company under Texas state laws and headed by Casie Williams and Abby Vestal.

The structure of a Limited Liability Corporation was chosen, because it generally limits the liability of the owners, per the articles of organization, can be owned by a corporation, and has legal status. Our search of existing trademarks reveals that there are no trademark restrictions on our name choice. We will trademark our name.

III. Mission Statement

The mission statement for The Company is: Saddle up and have a good time!

This mission statement is ideal because we want our customers to know that this is a place, they can come to have a good time in a sociable atmosphere with great food and company.

IV. Management Team

Our management team has the experience and expertise to successfully execute our business plan. The Proprietors present a blend of skills that are invaluable to this business. They have extensive experience in many areas of the business including inventory, cost analysis and control, hiring and employee relations, scheduling, budgeting, and customer service, cash control, and employee training.

Casie Williams/Owner and Founder

Casie has worked in the Restaurant industry for 17 years. She has taken on roles from a bartender to a manager. Casie is familiar with state laws and regulations regarding alcohol service. Casie currently owns a Salon in downtown Waxahachie, doing lashes.

Abby Vestal/Owner and Founder

Abby has a bachelor's degree in criminal justice and recently left her role as a Parole Officer. Abby has also studied Accounting at The University of North Texas at Dallas and plans to put her knowledge into the company.

Employees

The Company plans to operate with the following employees within the first 6 months of operation: five to six Servers, six to seven Bar Tenders, one Head Chef, two Cooks, and two Floormen.

This is subject to change as the business grows in the future.

V. Location

The location of the business will be contributory to its success. Our operation will target middle-class customers seeking a moderately priced food and beverage menu. Key customer considerations relative to our location include consumers that work in the downtown area, convenient and steadfast accessibility, and safe surroundings.

The Company has also considered other factors that play into this specific location, like total rent per square foot, competition, location stability and customer return rate, appearance of the building (fitting to our décor style), and police and fire availability to a quick response.

Examination of our Forecasted Startup Budget provides detail for the cost considerations of our chosen location. Our moderately priced menu will allow us to accommodate excessive facility costs relative to our projected revenue potential. Our current (currently VERBAL) rental agreement states \$1.22 per square foot, or \$4,000/month for the first 2 years, with the first 3 months being rent free. Our financial projections indicate we can reasonably accommodate a lease cost in the range of \$3 per square foot, showing that we can financially afford the accommodations that The Company has chosen. Additional common area changes (i.e., the landlord is putting in an HVAC system and eliminating the stairs to the second floor) and maintenance expense experience provided by the landlord are also factored into our facility cost projections and are well within the reasonable range for operations of our type. The Company plans to start renovations as soon as the HVAC system and 2nd floor have been completed by the Landlord. The costs of our operation at this location will also be slightly higher than those of other businesses of our type, however this location compensates for this slightly higher cost by including an open floor plan, that does not require much reconstruction. We plan to take down all interior walls and expose some of the original brick, to bring out a rustic theme. We will need to build the kitchen area and bathrooms, but other than that we plan to keep an open floor plan with accessible entry ways to both the front and back of the property.

VI. Services

The Company will provide the following food and drink and/or services:

Dine-In

The Company will provide a full-service dining area, that will be organized and supervised by Proprietors, who have knowledge of Front of House operations and customer service management.

Take-Out

The Company will provide an option for customers or placing an order via phone or website. This will benefit the customers by allowing them to conveniently access our menu digitally and swiftly order.

Delivery

The Company plans to offer Delivery through a third-party group.

Proprietors' experience will assist them to maintain the integrity and quality of our products and services that customers will anticipate. All menu items will be based on recipes that have been developed and used in the Proprietors families for many years.

Dine-In, Take-Out, and Delivery, will be offered during the following business hours:

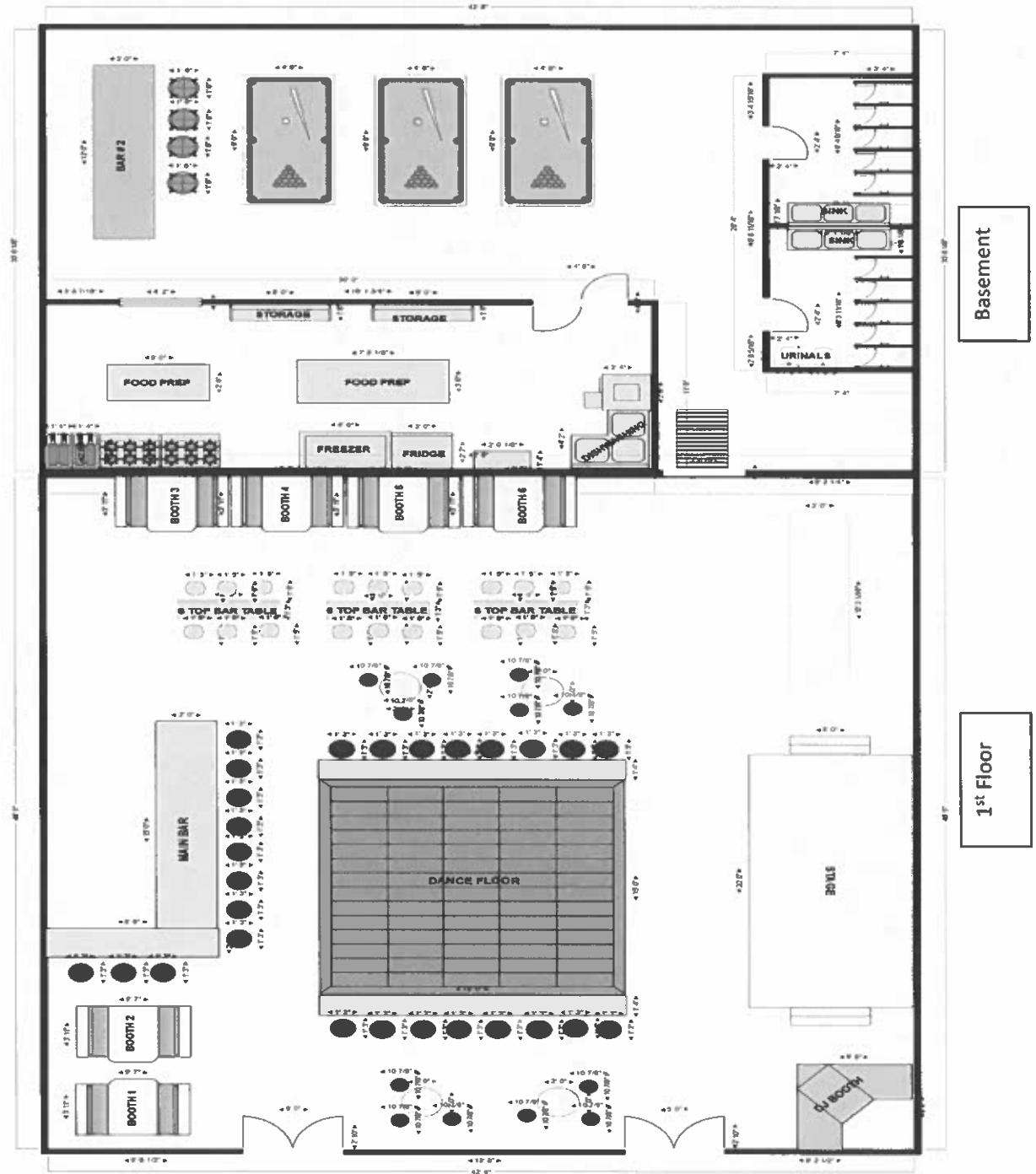
Sunday	CLOSED
Monday	CLOSED
Tuesday	11AM-10PM
Wednesday	11AM-12AM
Thursday	11AM-12AM
Friday	11AM-12AM
Saturday	11AM-1AM

(16+17)

VII. Floor Plan

200 N. College Street, Waxahachie, Texas 75165

Occupying 1st Floor 1,985sqft. and Basement 1,289sqft.



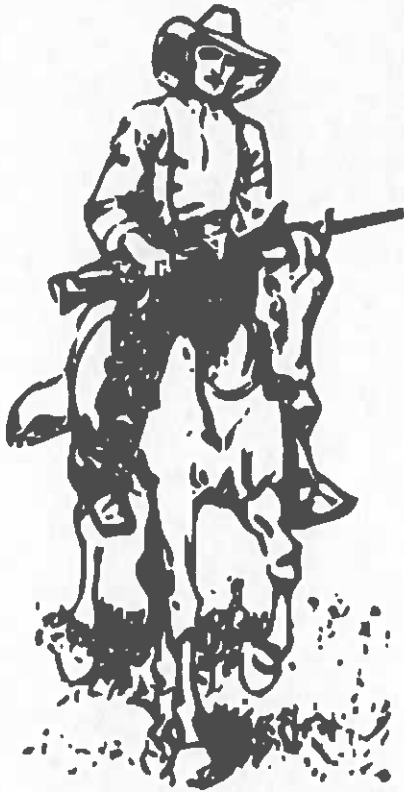
VIII. Menu

Front Page

SADDLES

BAR & GRILL

200 N. College St., Waxahachie, TX 75165
www.SaddlesBarandGrill.com



APPETIZERS

Fiddlesticks	\$8
Crispy cheese sticks with gooey, stringy cheese on the inside for a crave-worthy sensation.	
Wings	\$12
6 wings served your way: Buffalo, Lemon Pepper, Plain, or BBQ.	
Barrel Nachos	\$12
Big Barrel of crispy Tortilla chips, queso, bacon, jalapeños, and salsa, topped with sour cream.	
Lasso's	\$8
Thick cut, beer battered, southern fried onion rings served with homemade Ranch.	
Tire Tracks	\$8
Spicy southern fried pickle chips, served with Jalapeño Ranch.	
Tater Skins	\$8
6 Crispy potato skins, topped with bacon, cheese, and sour cream.	
Skillet Cornbread	\$6
Table size cast iron skillet, filled with sweet cornbread and topped with maple butter.	

BURGERS

Classico Cheeseburger	\$12
Fresh Beef patty, topped with cheddar cheese, tomato, lettuce, and mayo.	
Lasso Burger	\$14
Fresh Beef patty, topped with an onion ring, BBQ sauce, cheddar cheese, and Bacon.	
Texas Burger	\$14
Double-stacked fresh beef patties, topped with cheddar cheese, tomato, lettuce.	
Patty Melt	\$14
Fresh Beef patty, on Texas Toast, topped with grilled onions, cheddar and pepper jack cheese.	

The consumption of raw or undercooked eggs, meat, or poultry, may increase your risk of food borne illness.

(14+17)

Back Page

SANDWICHES + 1 SIDE

BLT Sandwich Crispy Bacon, fresh lettuce, and sliced tomato on Texas Toast.	\$8
Chicken Fried Steak Sandwich Chicken Fried Steak on a toasted bun, topped with lettuce and tomato.	\$11
Fried Bologna Sandwich Thick sliced Bologna sandwich, topped with lettuce, tomato, and American cheese.	\$8
Turkey Sandwich Thick sliced Turkey sandwich, topped with lettuce, tomato, and American cheese.	\$9
Roadkill Sandwich Grilled Chicken sandwich, topped with lettuce, tomato, and your choice of cheese.	\$11
Fried Foodie 2 pieces of fried boneless chicken breast, topped with 4 fiddlesticks, drizzled with queso, on a sub bun.	\$11

ENTREES + 2 SIDES

Chicken Fried Steak Our signature hand-breaded chicken fried beef steak, topped with creamy gravy.	\$14
6 oz. Filet Cast Iron cooked to perfection your way, topped with a pat of butter.	\$28
12 oz. Ribeye Tender and juicy Ribeye char-grilled to order.	\$24
Hamburger Steak Fresh hamburger steak, smothered in grilled onions, and gravy.	\$12
Cluckers 4 hand-breaded chicken tenders, served with cream gravy.	\$12
Piggy went to Market 8 oz. fresh cut pork chop, your choice of fried or grilled.	\$14

SIDES

Corn Bread, Baked Potato, House Salad
Mashed Potatoes, Green Beans, Baked Beans,
French Fries, Sweet Potato Fries, Corn

SALADS

Grilled Chicken Salad Fresh garden salad garnished with grilled chicken breast, tomatoes, cucumber, and shredded cheddar cheese.	\$11
Cesar Salad Crisp Romaine lettuce, creamy Caesar dressing, croutons, and parmesan cheese.	\$9
Cobb Salad Fresh mixed greens, eggs, blue cheese, bacon, avocado, and tomato.	\$9
Dressings: Ranch, Honey Mustard, Italian, Bleu Cheese, Oil & Vinegar	

DESSERTS

Banana Pudding Not your regular nana pudding, made in house with fresh bananas and vanilla wafers.	\$5
Southern Pecan Pie Homemade Pecan pie, served warm with a scoop of ice cream.	\$6
Peach Cobbler Warm peach cobbler with a flaky crust, served with a scoop of ice cream.	\$6
Chocolate Skillet Cookie Chocolate chip cookie served warm, with a scoop of ice cream, topped with caramel drizzle.	\$7

DRINKS

Sweet Tea, Soft Drinks, Lemonade,
2% Milk, Chocolate Milk, Coffee

20% Gratuity added to all parties of 5 or more.

The consumption of raw or undercooked eggs, meat, or poultry, may increase your risk of food borne illness.



(16+17)

IX. Kids Menu

Front Page

KIDS MENU

Mac & Cheese \$5

Homemade, creamy mac + cheese,
made in house.

Grilled Cheese \$5

Warm, melted cheese on Texas Toast.

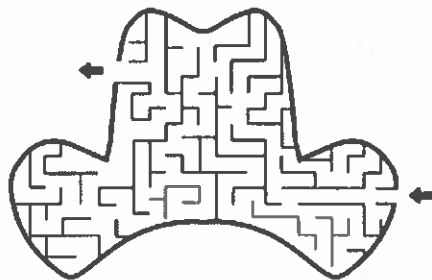
Junior Cluckers \$6

2 hand-breaded chicken tenders,
served with cream gravy.

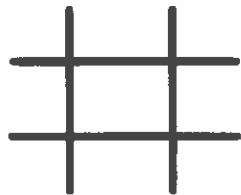
Jr. Cheeseburger \$6

Fresh Beef patty, topped with cheddar
cheese, with ketchup on the side.

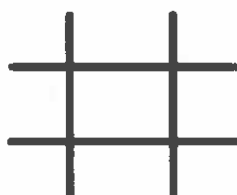
Cowboy Hat Maze



tic tac toe



tic tac toe



SADDLES

BAR & GRILL

200 N. College St., Waxahachie, TX 75165

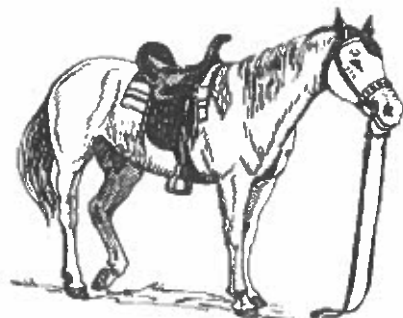
www.SaddlesBarandGrill.com



WORD SEARCH

W E X G T T L N C X Q Z V W E
D O S N Z Y B F Z O A Z K L L
V J C M L G I W X J W Q Q G D
R Y F Q J K B A G F U G N D D
O Y R F K U E S R O H J I Z A
D R B T L T K J M X Y Z P R S
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O F Z H N X N L N R O P K S I
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S S H J Z H H S Q L W I M U Y
K O O K F Y D S U I L M W Y M
A D Q L Y A J A J J D V V K S
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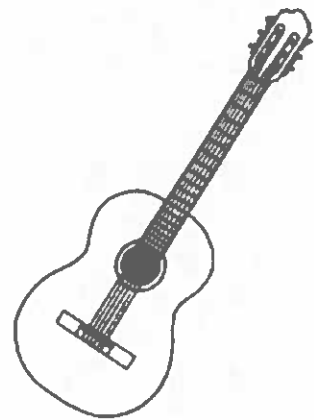
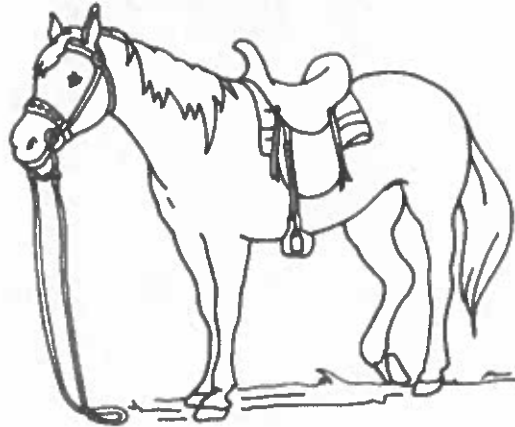
**Bull Cowgirl Lasso Cow Hat
Rodeo Cowboy Horse Saddle**



(16+17)

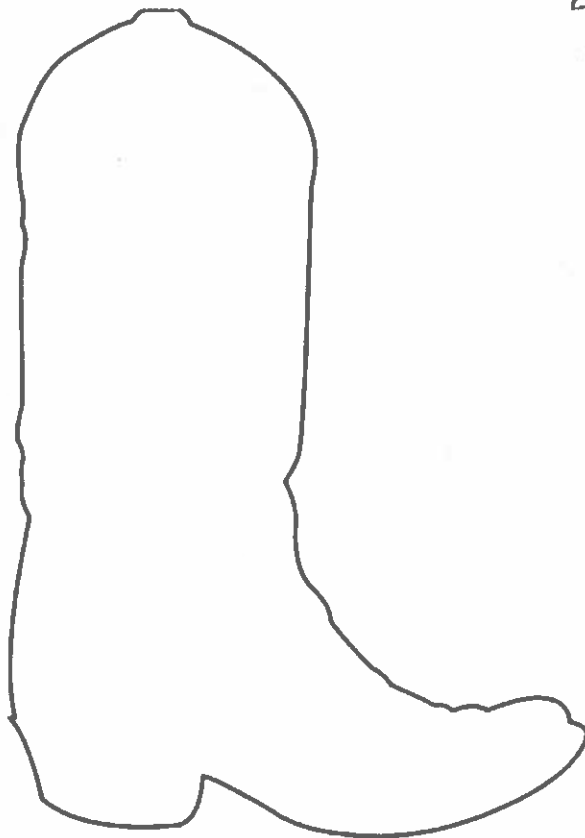
Back Page

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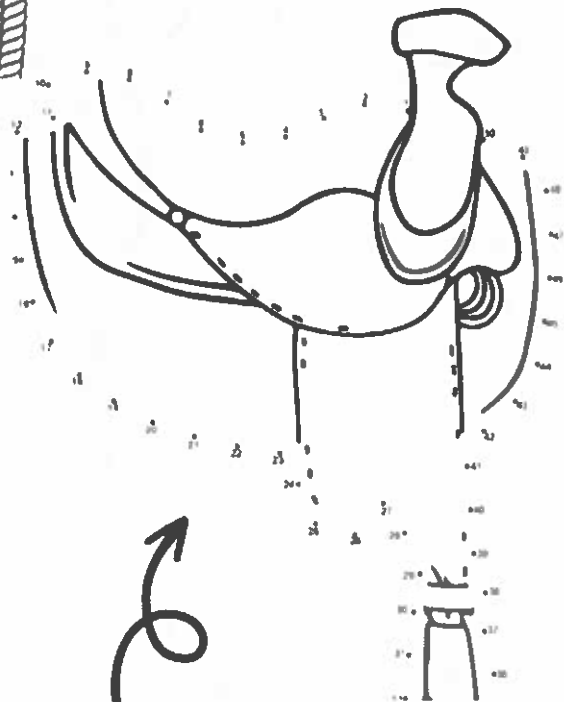


BUILD A BOOT

Design your best dressed boot.



Howdy



CONNECT THE DOTS

Planning & Zoning Department

Plat Staff Report

Case: SUB-101-2022



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

CAPTION

Consider request by Christopher Heipp, P&K Stone for a **Plat** of the J&G Addition, Lot 1, Block 1, being 12.01 acres, located east of the property at 1000 Solon Road, situated in the J. Shaver Survey, Abstract No. 1000, and McKinney and Williams Survey, Abstract No. 753, an Addition to the City of Waxahachie (Property ID 140093) – Owner: RL Leasing, Inc. (SUB-101-2022)

RECOMMENDED MOTION

*"I move to approve SUB-101-2022 for a **Plat** of the J&G Addition, Lot 1, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The Applicant is requesting to plat a 12.01 acre tract of land into one lot for nonresidential use.

CASE INFORMATION

Applicant:	Christopher Heipp, P&K Stone
Property Owner(s):	RL Leasing, Inc.
Site Acreage:	12.01 acres
Number of Lots:	1 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	The cash-in-lieu for parkland dedication is \$7,200 (\$600 per acre)
Adequate Public Facilities:	Water and wastewater services must be extended to the subject before the plat is recorded with County

SUBJECT PROPERTY

General Location:	Located east of the property at 1000 Solon Road
Parcel ID Number(s):	140093
Current Zoning:	Light Industrial-2 (LI-2) District
Existing Use:	Previously storage yard for Concrete Batch Plant located west of the subject property
Platting History:	The subject property was not previously platted

Site Aerial:**PLANNING ANALYSIS**

The Applicant requests to plat a 12.01-acre tract of land into one lot for non-residential use. This plat is associated with ZDC-100-2022, a specific use permit for an aggregate production facility and permanent cement treated base (CTB) plant. The Applicant plans to operate the aggregate production facility soon after SUP approval and the CTB plant a year after SUP approval. The plat complies with the minimum lot size requirements of the governing zoning (LI-2) on the subject property. However, the Applicant must extend water and wastewater services to the subject property before recording the plat with the County.

CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

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 approval of the Plat.

ATTACHED EXHIBITS

1. Plat

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The Applicant has received a letter of acceptance from the Public Works Department confirming all utilities, infrastructure, and other required improvements have been installed, inspected, and accepted by the City.

STAFF CONTACT INFORMATION*Prepared by:*

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Senior Planner

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Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(19+20)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-100-2022



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Christopher Heipp, P&K Stone for a **Specific Use Permit (SUP)** for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL Leasing, Inc. (ZDC-100-2022)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-100-2022, a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Based Plan use (P&K Stone), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant requests a specific use permit for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road.

CASE INFORMATION

Applicant: Christopher Heipp, P&K Stone

Property Owner(s): RL Leasing, Inc.

Site Acreage: 12.01 acres

Current Zoning: Light Industrial-2 District (LI-2)

Requested Zoning: LI-2 with a specific use permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant

SUBJECT PROPERTY

General Location: Located east of the property at 1000 Solon Road

Parcel ID Number(s): 140093

Existing Use: Previously storage yard for Concrete Batch Plant located west of the subject property

Development History: The subject property was not previously platted

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI-2	Undeveloped Land
East	LI-2	Undeveloped Land
South	C	Undeveloped Land
West	C	Undeveloped Land

Future Land Use Plan:

Regional Commercial

Comprehensive Plan:

The Regional Commercial place type is a heavy auto-oriented place typically near high-traffic intersections and about half a mile in diameter. Regional Commercial includes but is not limited to big box stores, restaurants, retail, gas stations, and offices. Enhance pedestrian connectivity and encourage the integration of public gathering spaces to enhance the user experience of this place type.

Thoroughfare Plan:

The primary access to the subject property is from Loftland Drive. Marshall road is currently under construction and will be extended from Patrick Road to I-35 as part of the Wynn Jackson Industrial project (ZDC-155-2021). Marshall road is a minor arterial (110' right-of-way) in the Thoroughfare Plan. Marshall Road will be a four-lane divided roadway.

Site Image:

PLANNING ANALYSIS

The Applicant is requesting a specific use permit for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) on a 12-acre tract located east of the property at 1000 Solon Road. The Applicant plans to operate the aggregate production facility soon after SUP approval and the Cement Treated Base (CTB) plant a year after SUP approval. CTB is a base layer that is used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Given the nature of the use, the Applicant plans only to pave the parking, fire, and emergency access with concrete per the City's specifications. Additionally, the Applicant proposes constructing a 6-foot brick screening wall along the eastern property line to screen the subject property from the undeveloped property on the east. Marshall Road is currently under construction and will be extended from Patrick Road to I-35 as a part of the Wynn Jackson industrial project (ZDC-155-2021). The Applicant reflects the ultimate configuration of Marshall Road on the site plan as a 4-lane divided roadway (110' right-of-way). The primary access to the site will be from Loftland Drive. Once Marshall Road is complete, the Applicant will close the driveway along Loftland Drive to build a new driveway onto Marshall Road.

The property located directly west of the subject property received approval for a SUP to operate as a permanent batch plant in 2004. The current owner (RL Leasing, Inc) will continue to own the two properties located west of the subject property, and plans to sell the subject property to P&K Stone. Given the surrounding land uses, Staff supports the specific use permit for the aggregate production facility and the permanent CTB plant.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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. At the time of publishing this report Staff received one letter of support.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The Applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

ATTACHED EXHIBITS

1. Location Map (Exhibit A)
2. Site Plan (Exhibit B)
3. Operational Plan
4. Letter of Support

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

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(19+20)



[illegible]



P&K Stone Operation Plan
1220 Solon Road, Waxahachie, TX 75167

Hours of Operation:

1. Customer servicing hours:
 - a. Monday: 7:00AM – 5:00PM
 - b. Tuesday: 7:00AM – 5:00PM
 - c. Wednesday: 7:00AM – 5:00PM
 - d. Thursday: 7:00AM – 5:00PM
 - e. Friday: 7:00AM – 5:00PM
 - f. Saturday: 7:00AM – 5:00PM (as needed)
2. Employee working hours:
 - a. Monday: 7:00AM – 5:30PM
 - b. Tuesday: 7:00AM – 5:30PM
 - c. Wednesday: 7:00AM – 5:30PM
 - d. Thursday: 7:00AM – 5:30PM
 - e. Friday: 7:00AM – 5:30PM
 - f. Saturday: 7:00AM – 5:30PM (as needed)

Water Usage:

1. Water Usage Generally confined (in a years' time) to 88% water truck usage for seasonal dust suppression and 12% for plant production (nozzle's) usage.

Days of Production	Avg dust suppression days/week	Gallons/day (Average)	Gallons/wk (Average)	Gallons/mo (Average)	Gallons/year
5	5.2	14,000	72,800	300,000	3,640,000

Note: It must be mentioned that the average was selected not randomly, but based on the fact, that for 6.8 months a year the usage can surge to 17,400 daily in harsh summer months, and as light as 8,800 November 20th, to April 4th, so the selection took these factors into account as well.

Number of employees:

1. 4 full-time employees

Truck Traffic Volume:

1. 40-60 Trucks per day
 - a. Concrete rubble dropoff: 20 per day
 - b. Customer material pickup: 20-40 per day



TCEQ Permitting:

1. A permanent TCEQ air permit was acquired in 2016. Air permit due for review per TCEQ standard practices in 2026.
2. No other permits from TCEQ are required.

Operations in Waxahachie:

1. P&K Stone only operates an aggregate production facility in by means of recycling concrete located within the identified property contained within the SUP application. The SUP for the neighboring property directly west is unaffiliated with P&K Stone.
2. The cement treated base (CTB) plant identified in the site plan will be a permanent plant installed within 24 months of the SUP approval and was included as a part of P&K Stone's vision to provide the community better access options for construction materials as the area continues to grow.
3. The CTB plant would be a permanent fixture within P&K Stone's future operation plan. The nature of whether the plant is fixed in place with foundations or setup via portable CTB equipment is unknown at this time as options into acquiring the CTB plant have not taken place. P&K Stone wishes to be transparent with the city of Waxahachie and ensure that these operations would be covered under the SUP obtained through this process.

Owner information

1. Peter Dawson is the owner of P&K Stone and has decades of experience within the construction materials industry. P&K Stone has been established since 2015 and currently operates 2 quarries and 2 concrete recycle facilities. Prior to P&K Stone, Peter Dawson owned and operated TBK Materials which was a similar business to P&K Stone's concrete recycle side. TBK Materials was in operation from 2013 until early 2022 when it was rolled up under the P&K family. The nature of construction aggregate production gives great exposure to cement plants, concrete plants, and CTB plants. This was Peter Dawson's experience when he worked for Martin Marietta, a company who operates quarries, concrete recycle facilities, concrete batch plants, cement plants, and CTB plants nationwide.

Drafted by:

Christopher Heipp
P&K Stone – Project Manager

(19+20)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-100-2022**



AUSTIN INTERNATIONAL VENTURES INC
3535 TRAVIS ST STE 300
DALLAS, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Christopher Heipp, P&K Stone for a **Specific Use Permit (SUP)** for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022) Staff: Eleana Tuley

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-100-2022**

City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

Chris Way
Signature
Director - Real Estate
Printed Name and Title

April 4, 2023
Date
3535 Travis, Ste 300, Dallas, TX
Address
75204

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.