

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Wednesday, April 26, 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 April 11, 2023
5. ***Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, (ZTA-37-2023) Staff: Jennifer Pruitt
6. ***Consider*** recommendation of Zoning Text Amendment No. ZTA-37-2023
7. ***Consider*** a request by David Recht, DHR Engineering Inc., for a Plat of ERS Gunité & Ready Mix Addition, lot 1, being 7.098 acres, located at 313 Howard Road, situated in the E. Rogers Survey, Abstract 896, an addition to the City of Waxahachie (Property ID 296583) – Owner: 313 HOWARD ROAD WAXAHACHIE, LLC (SUB-167-2022) Staff: Eleana Tuley
8. ***Consider*** a request by Claudio Segovia, Johnson Volk Consulting, for a Plat of The Retreat at North Grove, Phase 1, being 42.20 acres, generally located at the northeast corner of Vista Way and E. North Grove Boulevard, situated in the Henry Sange Survey, Abstract No. 1009, John B. and Ann Adams Survey, Abstract No. 5, and John Billingsley Survey, Abstract No. 83 (Property ID 294076) – Owner: RETREAT AT NORTHGROVE, LLC (SUB-23-2023) Staff: Eleana Tuley
9. ***Consider*** a request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 1, 109 lots, being 150.117 acres, located directly adjacent to 730 FM 876, situated in the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289937) – Owner: VERNON JACK DEVELOPMENTS LLC (SUB-140-2022) Staff: Zack King

10. **Consider** a request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 2, 57 lots, being 71.986 acres, located west of 64 Rocky Drive, situated in the J. Drinkard Survey, Abstract 273 and the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 190467) – Owner BYD CRESTWOOD, LLC (SUB-141-2022) Staff: Zack King
11. **Consider** a request by Ron Barson, Ledbetter Real Estate LTD, for a Replat of Lot 2R, Block C of North Grove Business Park Phases Two and Four, being 4.8022 acres, located at 2001 Corporate Parkway, (Property ID 291767 & 273977) – Owner: MAKARIOS DEVELOPMENT LLC & STACY L RUDD (SUB-89-2021) Staff: Zack King
12. **Continue Public Hearing** on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022) Staff: Zack King
13. **Consider** recommendation of SUB-57-2022
14. **Public Hearing** on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a Specific Use Permit (SUP) for an Outside Storage use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: SPUR 10 HOLDINGS, LP (ZDC-149-2022) Staff: Zack King
15. **Consider** recommendation of Zoning Change No. ZDC-149-2022
16. 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>

Planning and Zoning Commission
April 11, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 11, 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
Ron Ansell

Member Absent: Erik Test

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. **Consider minutes of the regular Planning & Zoning Commission meeting of March 28, 2023**

Action:

Vice Chairman Melissa Ballard moved to approve the minutes of the regular Planning & Zoning Commission meeting of March 28, 2023. Mr. David Hudgins seconded, All Ayes.

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**

Eleana Tuley, Senior Planner, presented the case noting 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.

Action:

Mr. Ron Ansell 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. Mr. David Hudgins seconded, All Ayes.

- 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**

Zack King, Senior Planner, presented the case noting 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.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-13-2023, Chairman Keeler closed the Public Hearing.

- 7. Consider recommendation of Zoning Change No. ZDC-13-2023**

Action:

Vice Chairman Melissa Ballard 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. Ms. Bonney Ramsey seconded, All Ayes.

- 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**

Mr. King presented the case noting 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.

The 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.

Staff recommended approval subject to the following 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.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-17-2023, Chairman Keeler closed the Public Hearing.

9. Consider recommendation of SUB-17-2023

Action:

Ms. Bonney Ramsey 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. Ms. Betty Square Coleman seconded, All Ayes.

- 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**

Mr. King presented the case noting 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 4, 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 1, 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, the 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 floor 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.

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 1, 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.

Staff recommended approval subject to the condition below:

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.

Commissioner Betty Square Coleman asked for clarification on the fence and landscaping.

Commissioner Ron Ansell inquired about signs informing attendants of the additional parking at the adjacent church.

Brad Yates, 626 Kaufman, Waxahachie, Texas, explained signage is placed the day of the event and removed after the event. He also noted an iron fence on Brady Street would interfere with parking, but adequate landscaping is planted. Mr. Yates explained the original intent was to use the second

story as a mechanical room and storage; however, after building reconfiguration, the space was not needed for a mechanical room and storage and he made the decision to use the balcony as a lounge area. Mr. Yates stated he is not asking for an increase in occupancy capacity.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-21-2023, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. ZDC-21-2023

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-21-2023, a Zoning Change to Amend Ordinance No. 3297, subject to the conditions of the staff report. Ms. Bonney Ramsey seconded, All Ayes.

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

Ms. Tuley presented the case noting the applicant is requesting 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 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 two and five staff members for the venue. No signage is proposed with this SUP.

Staff recommended approval subject to the conditions below:

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.

Chairman Keeler opened the Public Hearing.

Amber Adams, 301 S. Rogers, Waxahachie, Texas, explained there is a designated entrance to the venue from Franklin Street and she anticipate there will be a sign there.

There being no others to speak for or against ZDC-29-2023, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-29-2023

Action:

Ms. Bonney Ramsey 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. Ms. Betty Square Coleman seconded, All Ayes.

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

Ms. Tuley presented the case noting 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 a new trash enclosure. The site provides adequate access and maneuvering for fire and emergency responders.

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.

The applicant 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.

Staff recommended approval subject to the conditions 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.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-161-2022, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-161-2022

Action:

Vice Chairman Melissa Ballard move to recommend approval of ZDC-161-2022, a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care), subject to the conditions the staff report with elevation option 1, authorizing the City Manager and/or Mayor to execute all documents accordingly. Ms. Bonney Ramsey seconded, All Ayes.

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

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit for 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.), 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.

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.

Staff recommended approval subject to the conditions below:

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

Chairman Keeler opened the Public Hearing.

Chairman Keeler asked if the SUP is for the property or this specific business and Ms. Tuley explained the SUP is for the property.

The Commission discussed if there is a need for an SUP to expire if the approved use discontinues for a certain amount of time. Ms. Tuley explained the Commission can recommend in their motion to include a timeframe stipulation.

Cassie Williams, 671 Robnett Road, Waxahachie, Texas, explained the building will be reconstructed to comply with all codes.

There being no others to speak for or against ZDC-16-2023, Chairman Keeler closed the Public Hearing.

Jennifer Pruitt, Senior Director of Planning, explained requests for a Specific Use Permit should be acted upon independently.

17. Consider recommendation of Zoning Change No. ZDC-16-2023

Action:

Vice Chairman Melissa Ballard 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, the SUP will not transfer from property owner, and it will terminate if the tavern does not open and occupy within two years. Ms. Betty Square Coleman seconded, All Ayes.

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

Ms. Tuley presented the case noting 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. The applicant must extend water and wastewater services to the subject property before recording the plat with the County.

Ms. Tuley explained 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.

Staff recommended approval as presented.

Action:

Mr. David Hudgins 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. Ms. Betty Square Coleman seconded, All Ayes.

- 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**

Ms. Tuley presented the case noting the applicant is requesting a Specific Use Permit (SUP) 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 Wynne 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 Lofland Drive. Once Marshall Road is complete, the applicant will close the driveway along Lofland 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.

Staff recommended approval subject to the conditions 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.

Commissioner Ron Ansell asked if the proposed zoning aligns with the future land use plan and asked for details regarding wind studies and dust control. Ms. Tuley noted staff prefers regional or commercial uses for the property.

Peter Dawson, President of P&K Stone, explained the business has been operating since 2016 and the use is regulated by Texas Commission on Environmental Quality. Mr. Dawson explained they use three methods for dust control: concrete paving installed, water as dust suppressant, and enclosures installed for area that might produce more dust.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-100-2022, Chairman Keeler closed the Public Hearing.

20. Consider recommendation of Zoning Change No. ZDC-100-2022

Action:

Ms. Bonney Ramsey 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. Mr. David Hudgins seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and David Hudgins. Noes: Ron Ansell.

The motion carried.

21. Adjourn

Jennifer Pruitt, Senior Director of Planning, introduced new staff members Oanh Vu, Planner, and James Breen, GIS Technician.

There being no further business, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5+6)

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-37-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

City Council: May 1, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, (ZTA-37-2023)

RECOMMENDED MOTION

"I move to recommend approval of ZTA-37-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, authorizing the Mayor to sign the associated documents accordingly."

PLANNING ANALYSIS

As a result of a number of Tattoo use Zoning District Change Requests, the City Council directed the Planning staff to evaluate the Tattoo use process of comparable cities in the Dallas-Fort Metroplex. The information gathered by staff clearly noted that a majority of the comparable cities allowed the Tattoo use by Specific Use Permit approval. In addition to the SUP approval process for the use, it was also common to have a clear distinction between traditional Tattoo use and Cosmetic Restorative Tattoo use.

Currently, the city of Waxahachie allows the use of Tattoo or Body Piercing Shop by right in the Commercial (C) zoning district only. Unfortunately, the current Zoning Code also does not have a well-defined definition to allow for a Cosmetic Restorative Tattoo use.

The purpose of this Zoning Text Amendment is to:

1. Define the Tattoo or Body Piercing Shop Primary use in more detail
2. Define Cosmetic Restorative Tattoo use
3. Add language to further define Cosmetic Tattoo (accessory)
4. Add a SUP requirement to the Use Charts for Tattoo use and Cosmetic Restorative Tattoo use
5. Delete the previous *Tattoo or Body Piercing Shop* definition

The new definitions are noted below:

Tattoo or Body Piercing Shop Primary - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

- a) *Cosmetic and Restorative Studio (Accessory)* - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser or beauty shop.

Cosmetic and Restorative Studio (Permanent) - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of the Zoning Code Text Amendment ZTA-37-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts as it related to Tattoo uses.

ATTACHED EXHIBITS

1. ZTA-37-2023 Ordinance

STAFF CONTACT INFORMATION

Prepared by:

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

Reviewed by:

Shon Brooks, AICP
Executive Director of Development Services
sbrooks@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council") has adopted a comprehensive zoning ordinance ("Zoning Ordinance"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on April 26, 2023, and a public hearing was held by the City Council on May 1, 2023, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article IV (Definitions and Use Regulations), Section 4.01 (Definitions) to Section 4.03 (Use Charts) of the Zoning Ordinance, is hereby amended to include the following changes:

~~251) *Tattoo or Body Piercing Shop*—An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, intradermal cosmetic studios or incidental micro-blading activities are not included under this use.~~

251) *Tattoo or Body Piercing Shop Primary* - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

a) *Cosmetic and Restorative Studio (Accessory)* —An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative services aim to restore the natural appearance of a certain area of the body or skin, such as areola

(5+6)

repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser or beauty shop.

Cosmetic and Restorative Studio (Permanent) - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 50. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property may be known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

PASSED, APPROVED, AND ADOPTED on this 1st day of May, 2023.

MAYOR

ATTEST:

City Secretary

Definition Change Exhibit

251) ~~Tattoo or Body Piercing Shop – An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, intradermal cosmetic studios or incidental micro-blading activities are not included under this use.~~

Tattoo or Body Piercing Shop Primary - An establishment operated for the principal purpose of producing an indelible design, mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. This definition includes the creation or piercing of openings in the body of a person for the purpose of inserting jewelry or other decorations; however, Cosmetic and Restorative Studio (Accessory) or incidental micro-blading activities are not included under this use.

a) *Cosmetic and Restorative Studio (Accessory) –An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A cosmetic and restorative studio may be an accessory use to a tattoo and body piercing shop, barber, hairdresser or beauty shop.*

Cosmetic and Restorative Studio (Permanent) - An establishment that provides permanent or semi-permanent pigmentation into the skin for eyebrows, eyeliner, lip liner/color/blend, blush, beauty marks, hair imitation, microblading or restorative tattoo services performed by licensed professionals that have been trained in the field of corrective cosmetics. Restorative tattoo services aim to restore the natural appearance of a certain area of the body or skin, such as areola repigmentation or scar camouflaging. Restorative tattoo services exclude traditional tattoo services, which are provided solely for artistic purposes. A permanent cosmetic and restorative studio will serve as the primary use and will not be an accessory to another use.

Use Chart Change Exhibit

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood	General Retail	Central Area	Commercial
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C
4.03a – Commercial and Retail Type Uses																	

Tattoo or Body Piercing Shop															S	S	S					1/200 sq ft or 1.5/artist chair which is greater
Cosmetic Studio Restorative (Permanent)															S	S	S					1/200 sq ft or 1.5/artist chair which is greater

(5+6)

(7)

Planning & Zoning Department

Plat Staff Report

Case: SUB-167-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

CAPTION

Consider request by David Recht, DHR Engineering Inc., for a **Plat** of ERS Gunitite & Ready Mix Addition, lots 1, being 7.098 acres, located at 313 Howard Road, situated in the E. Rogers Survey, Abstract 896, an addition to the City of Waxahachie (Property ID 296583) – Owner: 313 Howard Road Waxahachie, LLC (SUB-167-2022)

RECOMMENDED MOTION

"I move to approve SUB-167-2022 a Plat of the ERS Gunitite & Ready Mix Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The Applicant requests to plat a 7-acre tract into one lot for non-residential use. The Planning Department has received a specific use permit application for outdoor storage on the subject property. The Planning and Zoning Commission and City Council will review the associated application (ZDC-164-2022) in the future after the Applicant has addressed all staff comments.

CASE INFORMATION

Applicant:	David Recht, DHR Engineering, Inc.
Property Owner(s):	313 Howard Road Waxahachie, LLC
Site Acreage:	7.098 acres
Number of Lots:	1 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	The cash in lieu of parkland dedication for this case is estimated at \$4,258.80 (7.98 acres at \$600 per acre)
Adequate Public Facilities:	Adequate public facilities are available to serve the subject property

SUBJECT PROPERTY

General Location:	313 Howard Road
Parcel ID Number(s):	296583
Current Zoning:	Light Industrial-2 (LI-2)
Existing Use:	Warehouse and Storage Facility

Platting History:

Not Applicable

Site Aerial:



PLANNING ANALYSIS

The Applicant requests to plat a 7-acre tract into one lot for non-residential use. The Planning Department has received a specific use permit application for outdoor storage on the subject property. The Planning and Zoning Commission and City Council will review the associated application (ZDC-164-2022) in the future after the Applicant has addressed all staff comments.

The Applicant has dedicated 25 feet of right-of-way to contribute to the ultimate right-of-way width for Howard Road, planned as a Minor Arterial (100 feet of public right-of-way) in the City's Thoroughfare Plan. Adequate water and sewer facilities are available to serve the site, and the lot meets the minimum lot size requirements per the zoning (LI-2) on the property. Staff recommends approval of the proposed plat since it complies with the City's zoning and 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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The Applicant has paid parkland dedication fees.

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

State of Texas
County of Ellis

Whereas, 31 Howard Road Waxahachie, LLC, being the sole owner of a 7.098 acre tract situated in the E. ROGERS SURVEY, 1857 TRACT, 185, Ellis County, Texas, and being all of that certain 6.588 acre tract described in Instrument to 31 Howard Road Waxahachie, LLC, recorded in Instrument No. 222088, of the Official Public Records of Ellis County, Texas, JOP R.E.C.T., and all of that certain 0.253 acre tract described in Instrument to 31 Howard Road, LLC, recorded in Instrument No. 223894, O.P.R.E.C.T., and 7.098 acre tract being more a particularly described as follows:

The following bearings, distances, and/or areas derived from GCS observations performed by Texas Surveying, Inc. and reflect N.A.D. 1983, Texas State Plane Coordinate System, North Central Zone 4202 (GCRS):

BECAUSE at a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set in the northern right-of-way of Howard Road, 1/4 Section 36 (50 feet wide) for the southerly corner of said 0.253 acre tract and the corner described tract:

THENCE S 50°33'56" W 41.36 feet, with the northern right-of-way of said Howard Road, to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for a corner of the herein described tract:

THENCE S 50°17'23" W 251.26 feet, continuing with the northern right-of-way of said Howard Road, to a 1/4" iron rod with cap stamped for the beginning of a 68.09 foot radius curve to the left:

THENCE 167.45 feet northwesterly, continuing with the northern right-of-way of said Howard Road, and with said 68.09 foot radius curve to the left, having a chord bearing of N 57°32'28" W, and a chord distance of 167.00 feet, to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for the end of said curve:

THENCE N 65°14'06" W 299.01 feet, continuing with the northern right-of-way of said Howard Road, to a 1/2" iron rod with cap stamped for the southerly corner of Lot 8C, Block 35, as shown on plat of Block 35 Addition, recorded in Instrument No. 223894, O.P.R.E.C.T., and being a corner of the herein described tract:

THENCE N 26°17'00" W 299.01 feet, continuing with the northern right-of-way of said Howard Road, to a 1/2" iron rod with cap stamped for the southerly corner of Lot 8C, Block 35, as shown on plat of Block 35 Addition, recorded in Instrument No. 223894, O.P.R.E.C.T., and being a corner of the herein described tract:

THENCE N 26°17'00" W 299.01 feet, continuing with the northern right-of-way of said Howard Road, to a 1/2" iron rod with cap stamped for the southerly corner of Lot 8C, Block 35, as shown on plat of Block 35 Addition, recorded in Instrument No. 223894, O.P.R.E.C.T., and being a corner of the herein described tract:

THENCE S 70°09'10" E 267.25 feet, with the north line of said 6.588 acre tract to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for a corner:

THENCE 77°39'27" E 109.09 feet, with the north line of said 6.588 acre tract to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for a corner:

S 72°26'25" E 278.76 feet, to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for the northern corner of said 0.253 acre tract, for the southerly corner of the herein described tract:

THENCE S 70°09'10" E 267.25 feet, with the north line of said 6.588 acre tract to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for a corner:

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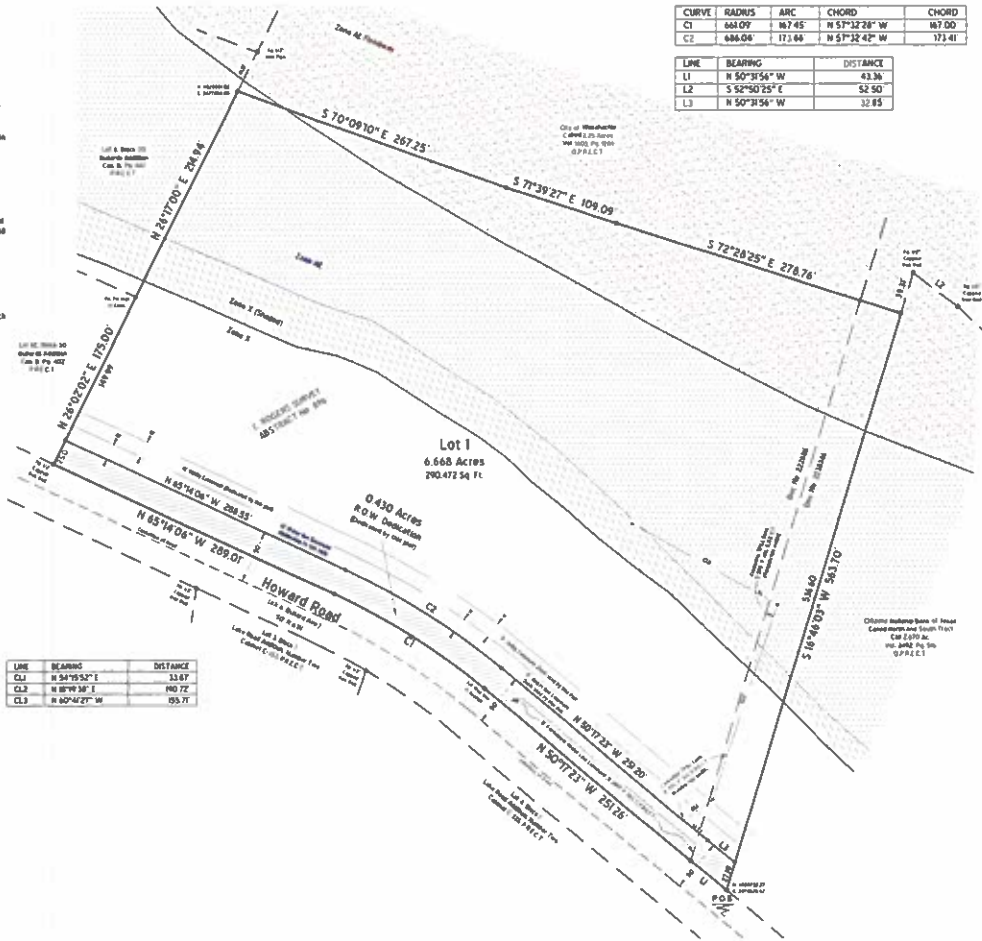
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THENCE S 70°09'10" E 267.25 feet, with the north line of said 6.588 acre tract to a 1/2" iron rod with cap stamped "Texas Surveying, Inc." set, for a corner:



Now, Therefore, Know All Men By These Presents:

That 31 Howard Road Waxahachie, LLC, acting herein by and through its duly authorized officers, do hereby certify that the foregoing plat and map show the correct location of Lot 1, 6.588 Acres, 290.472 Sq. Ft., being more particularly described as follows: The streets and alleys are dedicated for public use hereunder, for the purposes indicated on this plat and the building, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the relief use and accommodation of all public utilities existing or to be constructed within the easement area. The use to particular extent, said use by public utilities being subordinate to the public use and City of Waxahachie use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encroach or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall all of them have the right of easement and ingress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, reading meters, and making use of or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

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

WITNESSE, My hand and seal this _____ day of _____, 2023.

By _____

Gregory Stone Island
31 Howard Road Waxahachie, LLC

State of Texas
County of _____

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed on behalf of said entity and in the capacity stated.

Given under my hand and seal of office on this the _____ day of _____, 2023.

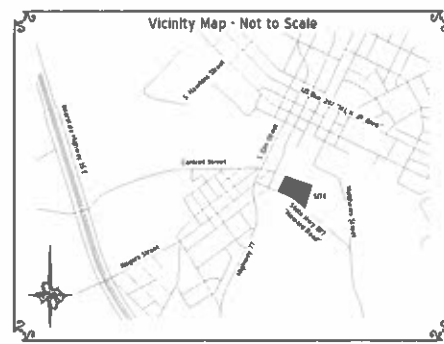
Notary Public in and for the State of Texas _____

Plat ERS Gunit & Ready Mix Addition Lot 1

an addition to the City of
Waxahachie, Ellis County, Texas
Being a 7.098 acre tract out of the E. Rogers Survey.
Abstract No. 896, Ellis County, Texas.
Zoning: Light Industrial-2 (LI-2)
1 Nonresidential Lot
Case No. SUB-167-2022

March 2023

TEXAS SURVEYING
INC.
WEATHERFORD BRANCH - 817-594-0400
FIRM NO. 10102000 - WEATHERFORD@TXSURVEYING.COM

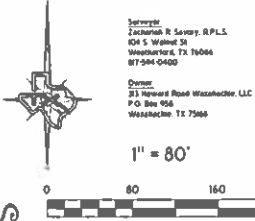


APPROVED BY Planning and Zoning Commission City of Waxahachie

Approved By _____

Chairperson _____ Date _____

Attest _____ Date _____



Planning & Zoning Department

Plat Staff Report

Case: SUB-23-2023



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

CAPTION

Consider the request by Claudio Segovia, Johnson Volk Consulting, for a **Plat** of The Retreat at North Grove, Phase 1, being 42.20 acres, generally located at the northeast corner of Vista Way and E. North Grove Boulevard, situated in the Henry Sange Survey, Abstract No. 1009, John B. and Ann Adams Survey, Abstract No. 5, and John Billingsley Survey, Abstract No. 83 (Property ID 294076) – Owner: Retreat at Northgrove, LLC (SUB-23-2023)

RECOMMENDED MOTION

*"I move to approve SUB-23-2023, a **Plat** of The Retreat at North Grove, Phase 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The Applicant requests to plat a 42.20-acre tract of land into 192 single-family residential lots and 4 open-space lots. Residential lots comprise 72 single-family attached units (townhomes) and 120 single-family detached units.

CASE INFORMATION

Applicant:	Claudio Segovia, Johnson Volk Consulting
Property Owner(s):	Retreat at Northgrove, LLC
Site Acreage:	42.20 acres
Number of Lots:	192 lots
Number of Dwelling Units:	192 units
Park Land Dedication:	The developer is conveying a 5.3-acre tract directly south of the subject property to satisfy their parkland dedication requirement.
Adequate Public Facilities:	The developer will need to extend water and sewer to serve the subject property.

SUBJECT PROPERTY

General Location:	Generally located at the northeast corner of Vista Way and E. North Grove Boulevard
Parcel ID Number(s):	294706
Current Zoning:	PD Ordinance No. 2733 and as amended by Ord. No. 2841, 2870, and 3002

Existing Use: Undeveloped Land

Platting History: Not Applicable

Site Aerial:



PLANNING ANALYSIS

The Applicant requests to plat a 42.20-acre tract of land into 192 single-family residential lots and 4 open-space lots. Residential lots comprise 72 single-family attached units (townhomes) and 120 single-family detached units. The townhome lots are 28 feet by 110 feet, and the single-family detached lots are 50 feet by 120 feet, 60 feet by 120 feet, 70 feet by 120 feet, and 75 feet by 120 feet. The Applicant must extend utilities to serve the subject property with water and sewer services.

Given this obligation, the Developer can only file the plat once all public improvements are constructed, inspected by the City, and formally accepted by the Public Works, Utilities, and Engineering Executive Director. Staff recommends approval of the plat since it complies with the City's zoning and subdivision requirements.

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 that all utilities, infrastructure, and other required improvements have been installed, inspected, and accepted by the City.

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

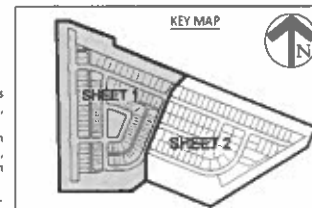
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

LOT ACREAGE			LOT ACREAGE			LOT ACREAGE			LOT ACREAGE			LOT ACREAGE			LOT ACREAGE			LOT ACREAGE		
LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.	LOT #	BLOCK	S.F.
7	1	4080	14	2	10032	24	2	3080	13	4	3080	24	4	3080	37	4	2970	49	4	2973
8	1	3080	15	2	3228	25	2	3630	14	4	3080	25	4	3263	38	4	3079	50	4	3080
9	1	3080	16	2	3115	26	2	3630	15	4	3080	26	4	3298	39	4	3630	51	4	3630
10	1	3630	17	2	3631	27	2	3080	16	4	3080	27	4	3751	40	4	3630	52	4	3630
11	1	3630	18	2	3630	28	2	3080	17	4	3080	28	4	3774	41	4	3080	53	4	3080
12	1	3080	19	2	3080	29	2	3630	18	4	3080	29	4	3080	42	4	3080	54	4	3082
13	1	3080	20	2	3080	30	2	3630	19	4	4455	30	4	3080	43	4	3630	55	4	10271
14	1	8797	21	2	3630	31	2	3080	20	4	4455	32	4	4680	44	4	3630			
			22	2	3630	32	2	3080	21	4	3080	33	4	3080	45	4	2988			
			23	2	3080	33	2	5780	22	4	3080	34	4	3048	46	4	2944			
									23	4	5096	35	4	8350	47	4	9876			

- GENERAL NOTES:**
- All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "JVC" unless otherwise noted.
 - All Utility easements and Drainage easements within this platted property are created by this plat, unless otherwise noted.
 - Basis of Bearing and Coordinates shown hereon refer to "Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values.
 - Open Space X lots shall be maintained by the H.O.A.
 - The property depicted in this survey lies within Zone "X" (unshaded) Floodplain as determined by the Flood Insurance Rate Map for Ellis County, Texas and incorporated areas, Map number 48139C0190F, effective date June 3, 2013.



- LEGEND**
- Point of Curvature or Tangency on Center Line
 - 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
 - 1/2" IRF
- AC Acre
BL Building Line
CI Curve No
<C=M> Control Monument
DE Drainage Easement
Esmt Easement
L1 Line No.
SF Square Feet
SWE Sidewalk Easement
UE Utility Easement
VAM Visibility Easement
D.R.E.C.T. = Deed Records of Ellis County, Texas

No.	Length	Radius	Delta	Chord Length	Chord Bearing
C2	320.90	277.00	048°22'35"	303.25	S55°42'00"W
C3	38.85	50.00	044°31'13"	37.68	N68°51'06"E
C4	34.41	60.00	032°51'21"	33.94	S72°27'37"W
C5	15.71	20.00	045°00'00"	15.31	N23°36'42"W
C6	31.42	20.00	090°00'00"	28.28	N48°06'42"W
C7	76.54	50.00	090°00'00"	70.71	N48°06'42"W
C8	62.83	40.00	090°00'00"	56.57	S48°06'42"E
C9	64.09	454.00	008°05'17"	64.03	N67°24'19"W
C10	63.82	400.00	009°08'32"	63.76	S86°52'41"E
C11	86.17	454.00	008°21'04"	86.11	N16°33'47"W
C12	36.08	454.00	004°33'02"	36.05	N70°10'44"W
C13	175.48	427.00	02°32'45"	174.24	N79°40'35"W
C14	80.23	400.00	011°29'31"	80.09	S73°38'58"E
C15	101.72	297.00	019°37'22"	101.22	S35°17'06"W
C16	98.96	270.00	021°00'00"	98.41	S32°35'47"W
C17	44.33	277.00	009°10'11"	44.28	S17°30'47"W
C18	28.35	277.00	005°54'16"	28.53	S09°58'28"W
C19	28.13	277.00	005°49'08"	28.12	S04°06'47"W
C20	11.20	277.00	002°18'57"	11.19	S00°02'48"W
C21	90.33	223.00	02°12'29"	89.71	N10°29'32"E
C22	55.79	359.00	008°54'12"	55.73	N86°51'54"W
C23	52.34	359.00	008°21'13"	52.29	N77°54'12"W
C24	34.49	359.00	005°48'23"	34.47	N70°48'54"W
C25	143.46	349.00	02°33'07"	142.45	N79°40'46"W
C26	116.08	339.00	019°37'06"	115.51	S81°10'00"E

No.	Length	Radius	Delta	Chord Length	Chord Bearing
C27	20.43	339.00	003°27'13"	20.43	S69°37'50"E
C28	62.83	40.00	090°00'00"	56.57	S27°54'13"E
C29	62.83	40.00	090°00'00"	56.57	N67°05'47"E
C30	61.95	279.00	015°30'02"	61.76	N80°48'13"W
C31	20.45	228.00	009°08'59"	20.44	N79°27'42"W
C32	81.82	202.00	02°31'29"	81.26	N79°30'28"W
C33	56.42	175.00	019°27'13"	56.13	N77°37'48"W
C34	0.88	50.00	001°00'26"	0.88	S86°45'29"W
C35	28.70	50.00	032°52'57"	28.30	N78°17'49"W
C36	30.94	50.00	034°25'07"	29.58	N42°38'47"W
C37	17.53	50.00	020°05'20"	17.44	N15°23'34"W
C38	19.86	50.00	022°45'47"	19.73	N06°07'00"E
C39	26.46	50.00	030°31'25"	26.32	N33°40'36"W
C40	123.84	50.00	141°41'02"	94.46	N22°54'13"W
C41	53.41	34.00	090°00'00"	48.06	N22°54'13"W
C42	1.84	50.00	002°06'27"	1.84	N02°41'30"W
C43	28.62	50.00	032°47'47"	28.23	N14°45'37"E
C44	25.70	50.00	029°27'02"	25.42	N45°53'01"E
C45	33.34	50.00	038°12'30"	32.73	N79°42'47"W
C46	13.89	50.00	015°54'47"	13.84	S73°13'35"E
C47	103.39	50.00	118°26'33"	85.93	N55°29'32"E
C48	39.64	34.00	088°47'31"	37.43	N55°29'32"E
C49	68.16	130.00	026°30'55"	59.63	S75°37'50"W
C50	91.38	130.00	040°16'36"	80.51	S47°14'05"W
C51	163.20	140.00	066°47'31"	154.12	N55°29'32"E

No.	Length	Radius	Delta	Chord Length	Chord Bearing
C52	33.20	150.00	012°40'48"	33.13	N82°32'54"E
C53	34.26	150.00	013°05'11"	34.10	N69°39'54"E
C54	28.21	150.00	016°46'31"	28.17	N57°44'02"E
C55	26.13	150.00	010°44'38"	26.09	N48°58'28"E
C56	38.20	150.00	014°35'27"	38.10	N34°18'25"E
C57	12.87	150.00	004°54'55"	12.86	N24°33'14"E
C58	17.17	223.00	004°24'45"	17.17	S24°18'10"W
C59	68.25	223.00	017°32'06"	67.98	S35°16'35"W
C60	28.06	223.00	007°12'53"	28.06	S47°39'04"W
C61	28.07	223.00	007°12'41"	28.05	S54°51'32"W
C62	291.43	250.00	086°47'31"	275.21	N50°29'32"E
C63	89.29	223.00	022°56'26"	88.69	S69°56'25"W
C64	29.10	223.00	007°28'39"	29.06	S85°08'58"W
C65	53.41	34.00	090°00'00"	48.08	S48°06'42"E
C66	19.55	50.00	022°24'06"	19.42	S12°18'45"E
C67	22.94	40.00	032°51'21"	22.62	S72°27'37"W
C68	28.67	50.00	032°51'21"	28.28	N72°27'37"E
C69	62.83	40.00	090°00'00"	56.57	N48°06'42"W
C70	78.54	50.00	090°00'00"	70.71	S48°06'42"E
C71	59.73	40.00	085°33'26"	54.33	N20°40'56"W
C72	3.10	40.00	004°26'34"	3.10	N63°40'56"W
C73	15.71	20.00	045°00'00"	15.31	N68°36'42"W
C74	101.26	250.00	023°17'29"	100.57	S102°09'32"W

PLAT THE RETREAT AT NORTH GROVE PHASE 1 42.200 ACRES

LOTS 1-14, BLOCK 1; LOTS 1-33, BLOCK 2; LOTS 1-15, 16X
BLOCK 3; LOTS 1-55, BLOCK 4; LOTS 1-22 BLOCK 5;
LOTS 1-18, BLOCK 6; LOTS 1-28, BLOCK 7; LOTS 1X, 2-8,
9X, BLOCK 8; LOT 1X, BLOCK 9

OUT OF THE
HENRY SANGE SURVEY, ABSTRACT NO. 1009
JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5
JOHN BILLINGSLEY SURVEY, ABSTRACT NO. 83

CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
192 SINGLE RESIDENTIAL LOTS
4 OPEN SPACES

17 April 2023
SHEET 1 OF 3

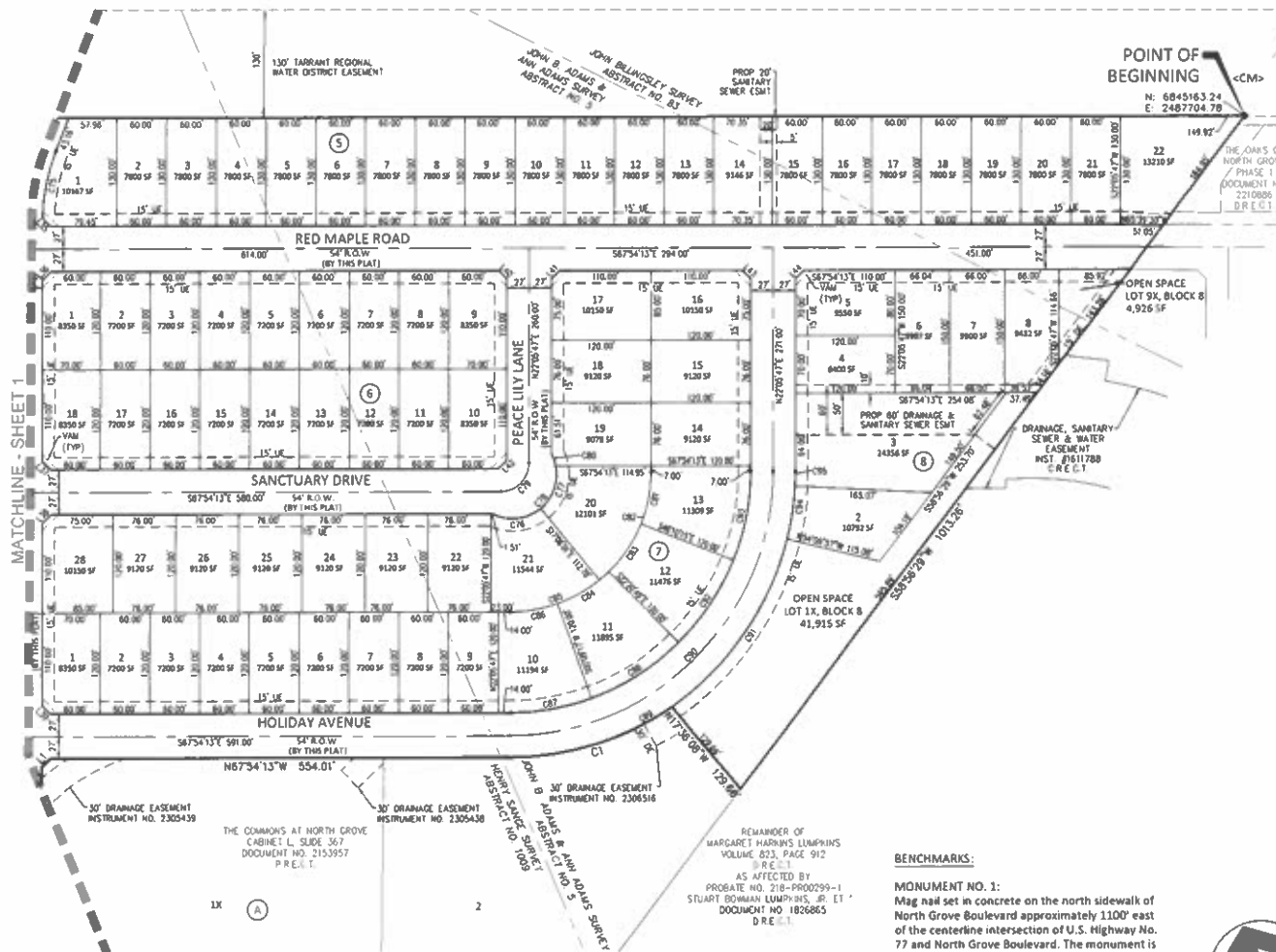
(8)

Owner/Applicant:
RETREAT AT NORTHGROVE, LLC
421 Century Way
Red Oak, TX 75154
Phone: 512-567-4504
Contact: Chip Boyd

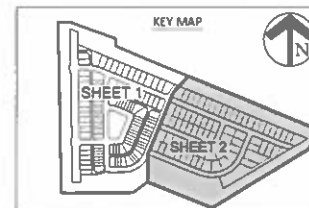
Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite 1200
Plano, Texas 75074
Phone: 972-201-3102
Contact: Claudio Segovia, P.E.

**JOHNSON VOLK
CONSULTING**
704 Central Parkway East, Suite 1200 | Plano, TX 75074 | 972.201.3100

MATCHLINE - SHEET 1



VICINITY MAP
N.T.S.



KEY MAP

GENERAL NOTES:

1. All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "JVC" unless otherwise noted.
2. All Utility easements and Drainage easements within this platted property are created by this plat, unless otherwise noted.
3. Basis of Bearing and Coordinates shown hereon refer to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values.
4. Open space X lots shall be maintained by the H.O.A.
5. The property depicted in this survey lies within Zone "X" (unshaded) Floodplain as determined by the Flood Insurance Rate Map for Ellis County, Texas and incorporated areas, Map number 48139C0190F, effective date June 3, 2013.
6. HOA shall maintain storm line located within lots 8, 9x and 17 up to the ROW. The City of Waxahachie holds the right to maintain the line if needed at the HOA's expense.

LEGEND

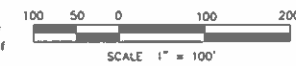
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- 1/2" IRF
- AC Acre
- BL Building Line
- CI Curve No.
- <CM> Control Monument
- DE Drainage Easement
- Esmt Easement
- Line No.
- SF Square Feet
- SWE Sidewalk Easement
- UE Utility Easement
- VAM Visibility Easement
- REC-T Deed Records of Ellis County, Texas

BENCHMARKS:

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

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

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



**PLAT
THE RETREAT AT
NORTH GROVE PHASE 1**

42.200 ACRES

LOTS 1-14, BLOCK 1; LOTS 1-33, BLOCK 2; LOTS 1-15, 16X BLOCK 3; LOTS 1-55, BLOCK 4; LOTS 1-22 BLOCK 5;
LOTS 1-18, BLOCK 6; LOTS 1-28, BLOCK 7; LOTS 1X, 2-8, 9X, BLOCK 8; LOT 1X, BLOCK 9

OUT OF THE

HENRY SANGE SURVEY, ABSTRACT NO. 1009
JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5
JOHN BILLINGSLEY SURVEY, ABSTRACT NO. 83

CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
192 SINGLE RESIDENTIAL LOTS
4 OPEN SPACES

17 April 2023
SHEET 2 OF 3

(8)

Curve Table				
No.	Length	Radius	Delta	Chord Length
C1	207.83	344.00	034°36'56"	204.68
C75	81.37	243.00	019°11'07"	80.99
C76	62.01	53.00	06°07'04"	56.53
C77	56.77	53.00	061°22'16"	54.09
C78	134.18	53.00	145°03'15"	101.11
C79	53.41	34.00	090°00'00"	48.68
C80	15.40	53.00	018°38'05"	15.35
C81	84.48	170.00	021°43'58"	84.10
C82	150.02	170.00	050°33'46"	145.20
C83	70.68	170.00	023°49'26"	70.18
C84	73.48	170.00	024°45'34"	72.89

Curve Table				
No.	Length	Radius	Delta	Chord Length
C85	117.01	170.00	038°26'14"	114.72
C86	58.40	170.00	019°41'02"	58.12
C87	100.17	290.00	019°47'26"	99.87
C88	124.78	290.00	024°38'10"	123.82
C89	207.83	344.00	034°36'56"	204.68
C90	497.94	317.00	090°00'00"	448.31
C91	250.04	344.00	041°38'47"	244.57
C92	120.58	290.00	023°49'26"	119.72
C93	110.00	290.00	021°44'41"	109.34
C94	85.15	344.00	018°31'02"	85.05
C95	17.34	344.00	002°53'14"	17.33

Line Table		
No.	Length	Direction
L1	14.09	S67°18'15"W
L35	14.36	N21°59'48"W
L36	14.14	N67°05'47"E
L37	14.14	N22°54'13"W
L38	14.14	N67°05'47"E
L39	14.14	N22°54'13"W
L40	14.14	S22°54'13"E
L41	14.14	N67°05'47"E
L42	14.14	N67°05'47"E
L43	14.14	S22°54'13"E
L44	14.14	N67°05'47"E

Owner/Applicant:
RETREAT AT NORTHGROVE, LLC
421 Century Way
Red Oak, TX 75154
Phone: 512-567-4504
Contact: Chip Boyd

Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite 1200
Plano, Texas 75074
Phone: 972-201-3102
Contact: Claudio Segovia, P.E.



LEGAL DESCRIPTION

42.200 ACRES

BEING a tract of land situated in the JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5, the JOHN BILLINGSLEY SURVEY, ABSTRACT NO. 83, and the HENRY SANGE SURVEY, ABSTRACT NO. 1009, City of Waxahachie, Ellis County, Texas and being part of that tract of land described in Deed to The Retreat at Northgrove, LLC, as recorded in Document NO. 2217821, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the common south corner of COUNTRY PLACE ADDITION PHASE 5, an Addition to the City of Waxahachie, Ellis County, Texas according to the Plat thereof recorded in Cabinet C, Side 226, Plat Records, Ellis County, Texas and an exterior ell corner of said J Houston Homes, LLC tract;

THENCE South 58 degrees 56 minutes 29 seconds West, with the east line of said J Houston Homes, LLC tract, a distance of 1,013.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 17 degrees 36 minutes 08 seconds West, leaving said east line, a distance of 129.66 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 34 degrees 36 minutes 56 seconds, a radius of 344.00 feet and a chord bearing and distance of North 85 degrees 12 minutes 41 seconds West, 204.68 feet;

THENCE Westerly, with said curve to the right, an arc distance of 207.83 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 67 degrees 54 minutes 13 seconds West, a distance of 554.01 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 67 degrees 18 minutes 15 seconds West, a distance of 14.09 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 66 degrees 22 minutes 35 seconds, a radius of 277.00 feet and a chord bearing and distance of South 55 degrees 42 minutes 00 seconds West, 303.25 feet;

THENCE Southwesterly, with said curve to the right, an arc distance of 320.90 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 152.50 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a curve to the right having a central angle of 44 degrees 31 minutes 13 seconds, a radius of 50.00 feet and a chord bearing and distance of North 68 degrees 51 minutes 06 seconds West, 37.88 feet;

THENCE Northwesterly, with said curve to the right, an arc distance of 38.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 56 degrees 01 minutes 57 seconds West, a distance of 38.25 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a curve to the right having a central angle of 32 degrees 51 minutes 21 seconds, a radius of 60.00 feet and a chord bearing and distance of South 72 degrees 27 minutes 37 seconds West, 33.94 feet;

THENCE Westerly, with said curve to the right, an arc distance of 34.41 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 200.59 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 00 degrees 40 minutes 20 seconds West, a distance of 42.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 257.15 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

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

THENCE North 88 degrees 53 minutes 18 seconds East, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

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

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 690.65 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 43 degrees 43 minutes 10 seconds East, a distance of 14.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 88 degrees 33 minutes 03 seconds East, a distance of 0.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 00 degrees 58 minutes 16 seconds West, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 33 minutes 03 seconds West, a distance of 0.98 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 46 degrees 16 minutes 50 seconds West, a distance of 14.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 196.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 67 degrees 54 minutes 13 seconds East, a distance of 2,553.58 feet to the POINT OF BEGINNING and containing 42.200 acres of land, more or less.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT THE RETREAT AT NORTHGROVE, LLC, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as THE RETREAT AT NORTH GROVE, an addition to the City of Waxahachie, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon. The streets, alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective system in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission from anyone.

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

WITNESS, OUR HANDS this _____ day of _____, 20____

By: THE RETREAT AT NORTHGROVE, LLC

NAME: CHIP BOYD

TITLE: LAND ACQUISITION

STATE OF TEXAS §
COUNTY OF ELLIS §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____

Notary Public in and for the State of Texas

My Commission Expires: _____

Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite 1200
Plano, Texas 75074
Phone: 972-201-3102
Contact: Claudio Segovia, P.E.

Owner/Applicant:
RETREAT AT NORTHGROVE, LLC
421 Century Way
Red Oak, TX 75154
Phone: 512-567-4504
Contact: Chip Boyd

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS: That I, Ryan S. Reynolds, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the platting rules and regulations of City of Waxahachie, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 20____

FOR REVIEW PURPOSES ONLY. PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

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

STATE OF TEXAS §
COUNTY OF COLLIN §

Visibility, Access and Maintenance Easements: The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____ Date _____
Chairperson
Attest _____ Date _____

PLAT THE RETREAT AT NORTH GROVE PHASE 1 42.200 ACRES

LOTS 1-14, BLOCK 1; LOTS 1-33, BLOCK 2; LOTS 1-15, 16X
BLOCK 3; LOTS 1-55, BLOCK 4; LOTS 1-22 BLOCK 5;
LOTS 1-18, BLOCK 6; LOTS 1-28, BLOCK 7; LOTS 1X, 2-8,
9X, BLOCK 8; LOT 1X, BLOCK 9

OUT OF THE
HENRY SANGE SURVEY, ABSTRACT NO. 1009
JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5
JOHN BILLINGSLEY SURVEY, ABSTRACT NO. 83
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
192 SINGLE RESIDENTIAL LOTS
4 OPEN SPACES

**JOHNSON VOLK
CONSULTING**
TOPOLS Engineering Firm No. 11962 / Land Surveying Firm No. 00194003
704 Central Parkway East - Suite 1200 - Plano, TX 75074 - 972.201.3100

17 April 2023
SHEET 3 OF 3

(2)

(9)

Planning & Zoning Department

Plat Staff Report

Case: SUB-140-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

CAPTION

Consider request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 1, 109 lots, being 145.266 acres, located directly adjacent to 730 FM 876, situated in the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 289937) – Owner: Vernon Jack Developments LLC (SUB-140-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-140-2022, a Plat of Waterfall Ranch Estates Phase 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to plat the subject property into 105 residential lots and 4 HOA lots.

CASE INFORMATION

Applicant:	Hunter Glass, Vernon Jack Developments LLC
Property Owner(s):	Vernon Jack Developments LLC
Site Acreage:	145.266 acres
Number of Lots:	109 lots
Number of Dwelling Units:	105 units
Park Land Dedication:	N/A (ETJ)
Adequate Public Facilities:	Adequate public facilities are available to the site via Buena Vista-Bethel SUD and on-site septic systems.

SUBJECT PROPERTY

General Location:	Directly adjacent to 730 FM 876
Parcel ID Number(s):	289937
Current Zoning:	N/A (ETJ)
Existing Use:	The subject property is currently undeveloped.
Platting History:	The subject property is a portion of the W. Stewart Survey, Abstract 956.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to plat the subject property into 105 residential lots and 4 HOA lots as part of Phase 1 of Waterfall Ranch Estates. The proposed plat includes a 35' ROW dedication along FM 876, in conformance with the City of Waxahachie Thoroughfare Plan and Ellis County Thoroughfare Plan. Each of the proposed residential lots meet minimum Ellis County lot size and dimension standards. The applicant has provided a 40' Emergency access Easement connecting to FM 876 to provide emergency responders with an additional point of access to the subdivision. This Emergency Access Easement will not be accessible to the general public. The HOA will be responsible for maintaining the Emergency Access Easement, along with all HOA lots.

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 Plat request.

ATTACHED EXHIBITS

1. Plat
2. Water Utility Provider Endorsement Letter

APPLICANT REQUIREMENTS

1. If approved by the Planning & Zoning Commission, 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. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

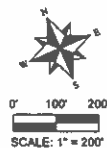
zking@waxahachie.com

Reviewed by:

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

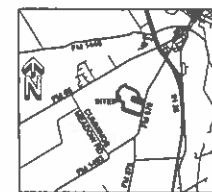
Senior Director of Planning

jennifer.pruitt@waxahachie.com

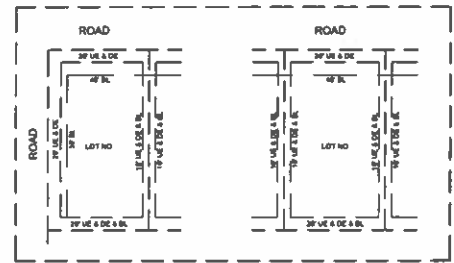


JAMES CALVIN PIGO &
TOMMIE CATHERINE PIGO
VOL. 2146, PG. 2380
OPRECT

PATTY PEARMAN JUNIOR &
DOYLE EDWARD JUNIOR
VOL. 1013, PG. 187
OPRECT



VICINITY MAP
NOT TO SCALE



TYPICAL EASEMENTS AND BUILDING LINES
ANY ADDITIONAL EASEMENTS SHOWN ON THE LOTS
ARE IN ADDITION TO THESE EASEMENTS

OWNER:
VERNON JACK DEVELOPMENTS, LLC
3824 MARQUETTE ST
DALLAS, TX 75225
872.979.2784

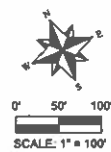
SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHIE, TEXAS 75166
409.318.0038
TOLPS FIRM NO 10194358

PLAT
**WATERFALL RANCH
ESTATES, PHASE ONE**
145.268 ACRES

SHOWN IN THE
W. STEWART SURVEY,
ABSTRACT NO 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
105 RESIDENTIAL LOTS
4 H.O.A. LOTS

WAXAHACHIE CASE NO. SUB-140-2022

(b)



NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON PAGE 1, FOR ALL EASEMENTS AND BUILDING LINES

(9)

WATERFALL RANCH ESTATES, PHASE ONE

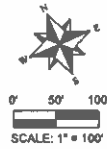
145.286 ACRES

STEWART SURVEY,
ABSTRACT NO 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
105 RESIDENTIAL LOTS
4 H.O.A. LOTS

WAXAHACHIE CASE NO. SUB-140-2022

OWNER:
VERNON JACK DEVELOPMENTS, LLC
3524 MARQUEE TTB ST
DALLAS, TX 75225
972.979.2784

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHIE, TEXAS 75166
409.518.0338
TBLPS FROM NO 10194309



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00	100.00	100.00	N 00° 00' 00" W
C2	100.00	100.00	100.00	N 00° 00' 00" W
C3	100.00	100.00	100.00	N 00° 00' 00" W
C4	100.00	100.00	100.00	N 00° 00' 00" W
C5	100.00	100.00	100.00	N 00° 00' 00" W
C6	100.00	100.00	100.00	N 00° 00' 00" W
C7	100.00	100.00	100.00	N 00° 00' 00" W
C8	100.00	100.00	100.00	N 00° 00' 00" W
C9	100.00	100.00	100.00	N 00° 00' 00" W
C10	100.00	100.00	100.00	N 00° 00' 00" W
C11	100.00	100.00	100.00	N 00° 00' 00" W
C12	100.00	100.00	100.00	N 00° 00' 00" W
C13	100.00	100.00	100.00	N 00° 00' 00" W
C14	100.00	100.00	100.00	N 00° 00' 00" W
C15	100.00	100.00	100.00	N 00° 00' 00" W
C16	100.00	100.00	100.00	N 00° 00' 00" W
C17	100.00	100.00	100.00	N 00° 00' 00" W
C18	100.00	100.00	100.00	N 00° 00' 00" W
C19	100.00	100.00	100.00	N 00° 00' 00" W
C20	100.00	100.00	100.00	N 00° 00' 00" W
C21	100.00	100.00	100.00	N 00° 00' 00" W
C22	100.00	100.00	100.00	N 00° 00' 00" W
C23	100.00	100.00	100.00	N 00° 00' 00" W
C24	100.00	100.00	100.00	N 00° 00' 00" W
C25	100.00	100.00	100.00	N 00° 00' 00" W
C26	100.00	100.00	100.00	N 00° 00' 00" W
C27	100.00	100.00	100.00	N 00° 00' 00" W
C28	100.00	100.00	100.00	N 00° 00' 00" W
C29	100.00	100.00	100.00	N 00° 00' 00" W
C30	100.00	100.00	100.00	N 00° 00' 00" W
C31	100.00	100.00	100.00	N 00° 00' 00" W
C32	100.00	100.00	100.00	N 00° 00' 00" W
C33	100.00	100.00	100.00	N 00° 00' 00" W
C34	100.00	100.00	100.00	N 00° 00' 00" W
C35	100.00	100.00	100.00	N 00° 00' 00" W
C36	100.00	100.00	100.00	N 00° 00' 00" W
C37	100.00	100.00	100.00	N 00° 00' 00" W
C38	100.00	100.00	100.00	N 00° 00' 00" W
C39	100.00	100.00	100.00	N 00° 00' 00" W
C40	100.00	100.00	100.00	N 00° 00' 00" W
C41	100.00	100.00	100.00	N 00° 00' 00" W
C42	100.00	100.00	100.00	N 00° 00' 00" W
C43	100.00	100.00	100.00	N 00° 00' 00" W
C44	100.00	100.00	100.00	N 00° 00' 00" W
C45	100.00	100.00	100.00	N 00° 00' 00" W
C46	100.00	100.00	100.00	N 00° 00' 00" W
C47	100.00	100.00	100.00	N 00° 00' 00" W
C48	100.00	100.00	100.00	N 00° 00' 00" W
C49	100.00	100.00	100.00	N 00° 00' 00" W
C50	100.00	100.00	100.00	N 00° 00' 00" W
C51	100.00	100.00	100.00	N 00° 00' 00" W
C52	100.00	100.00	100.00	N 00° 00' 00" W
C53	100.00	100.00	100.00	N 00° 00' 00" W
C54	100.00	100.00	100.00	N 00° 00' 00" W
C55	100.00	100.00	100.00	N 00° 00' 00" W
C56	100.00	100.00	100.00	N 00° 00' 00" W
C57	100.00	100.00	100.00	N 00° 00' 00" W
C58	100.00	100.00	100.00	N 00° 00' 00" W
C59	100.00	100.00	100.00	N 00° 00' 00" W
C60	100.00	100.00	100.00	N 00° 00' 00" W
C61	100.00	100.00	100.00	N 00° 00' 00" W
C62	100.00	100.00	100.00	N 00° 00' 00" W
C63	100.00	100.00	100.00	N 00° 00' 00" W
C64	100.00	100.00	100.00	N 00° 00' 00" W
C65	100.00	100.00	100.00	N 00° 00' 00" W
C66	100.00	100.00	100.00	N 00° 00' 00" W
C67	100.00	100.00	100.00	N 00° 00' 00" W
C68	100.00	100.00	100.00	N 00° 00' 00" W
C69	100.00	100.00	100.00	N 00° 00' 00" W
C70	100.00	100.00	100.00	N 00° 00' 00" W
C71	100.00	100.00	100.00	N 00° 00' 00" W
C72	100.00	100.00	100.00	N 00° 00' 00" W
C73	100.00	100.00	100.00	N 00° 00' 00" W
C74	100.00	100.00	100.00	N 00° 00' 00" W
C75	100.00	100.00	100.00	N 00° 00' 00" W
C76	100.00	100.00	100.00	N 00° 00' 00" W
C77	100.00	100.00	100.00	N 00° 00' 00" W
C78	100.00	100.00	100.00	N 00° 00' 00" W
C79	100.00	100.00	100.00	N 00° 00' 00" W
C80	100.00	100.00	100.00	N 00° 00' 00" W
C81	100.00	100.00	100.00	N 00° 00' 00" W
C82	100.00	100.00	100.00	N 00° 00' 00" W
C83	100.00	100.00	100.00	N 00° 00' 00" W
C84	100.00	100.00	100.00	N 00° 00' 00" W
C85	100.00	100.00	100.00	N 00° 00' 00" W
C86	100.00	100.00	100.00	N 00° 00' 00" W
C87	100.00	100.00	100.00	N 00° 00' 00" W
C88	100.00	100.00	100.00	N 00° 00' 00" W
C89	100.00	100.00	100.00	N 00° 00' 00" W
C90	100.00	100.00	100.00	N 00° 00' 00" W
C91	100.00	100.00	100.00	N 00° 00' 00" W
C92	100.00	100.00	100.00	N 00° 00' 00" W
C93	100.00	100.00	100.00	N 00° 00' 00" W
C94	100.00	100.00	100.00	N 00° 00' 00" W
C95	100.00	100.00	100.00	N 00° 00' 00" W
C96	100.00	100.00	100.00	N 00° 00' 00" W
C97	100.00	100.00	100.00	N 00° 00' 00" W
C98	100.00	100.00	100.00	N 00° 00' 00" W
C99	100.00	100.00	100.00	N 00° 00' 00" W
C100	100.00	100.00	100.00	N 00° 00' 00" W

LINE	BEARING	DISTANCE
L1	N 15° 17' 11" E	120.27
L2	N 20° 24' 28" E	180.00
L3	N 69° 35' 31" W	111.15
L4	N 69° 35' 31" W	322.56
L5	N 69° 35' 31" W	172.56
L6	N 69° 35' 31" W	172.56
L7	N 69° 35' 31" W	172.56
L8	N 69° 35' 31" W	172.56
L9	N 69° 35' 31" W	172.56
L10	N 69° 35' 31" W	172.56
L11	N 69° 35' 31" W	172.56
L12	N 69° 35' 31" W	172.56
L13	N 69° 35' 31" W	172.56
L14	N 69° 35' 31" W	172.56

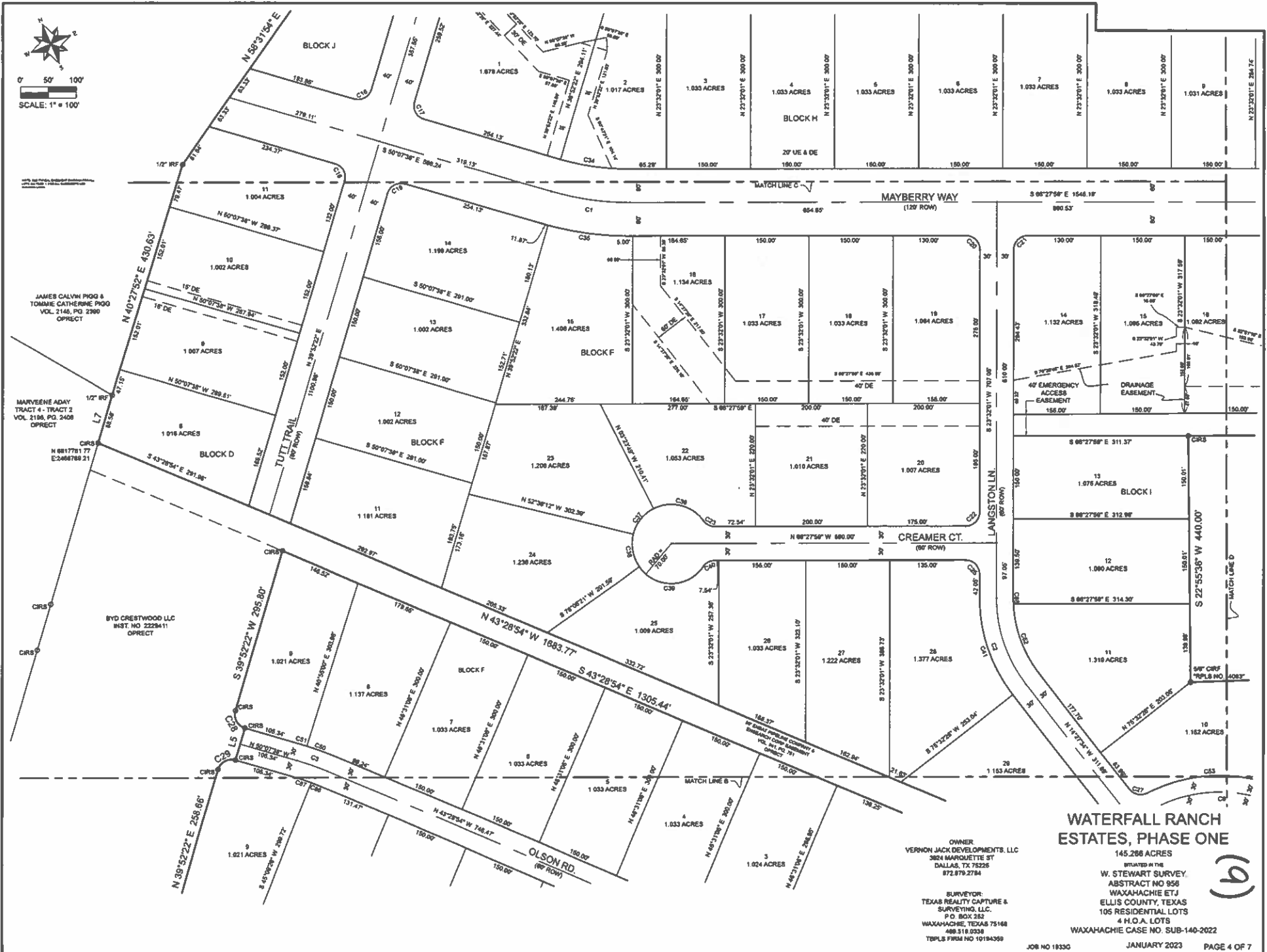
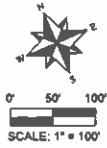


NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON PAGE 1 FOR ALL EASEMENTS AND BUILDING LINES.

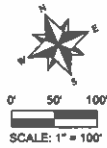
OWNER:
VERNON JACK DEVELOPMENTS, LLC
2601 MARQUETTE ST
DALLAS, TX 75225
972.879.2784

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHIE, TEXAS 75168
409.518.8538
TBLPS FIRM NO 10184358

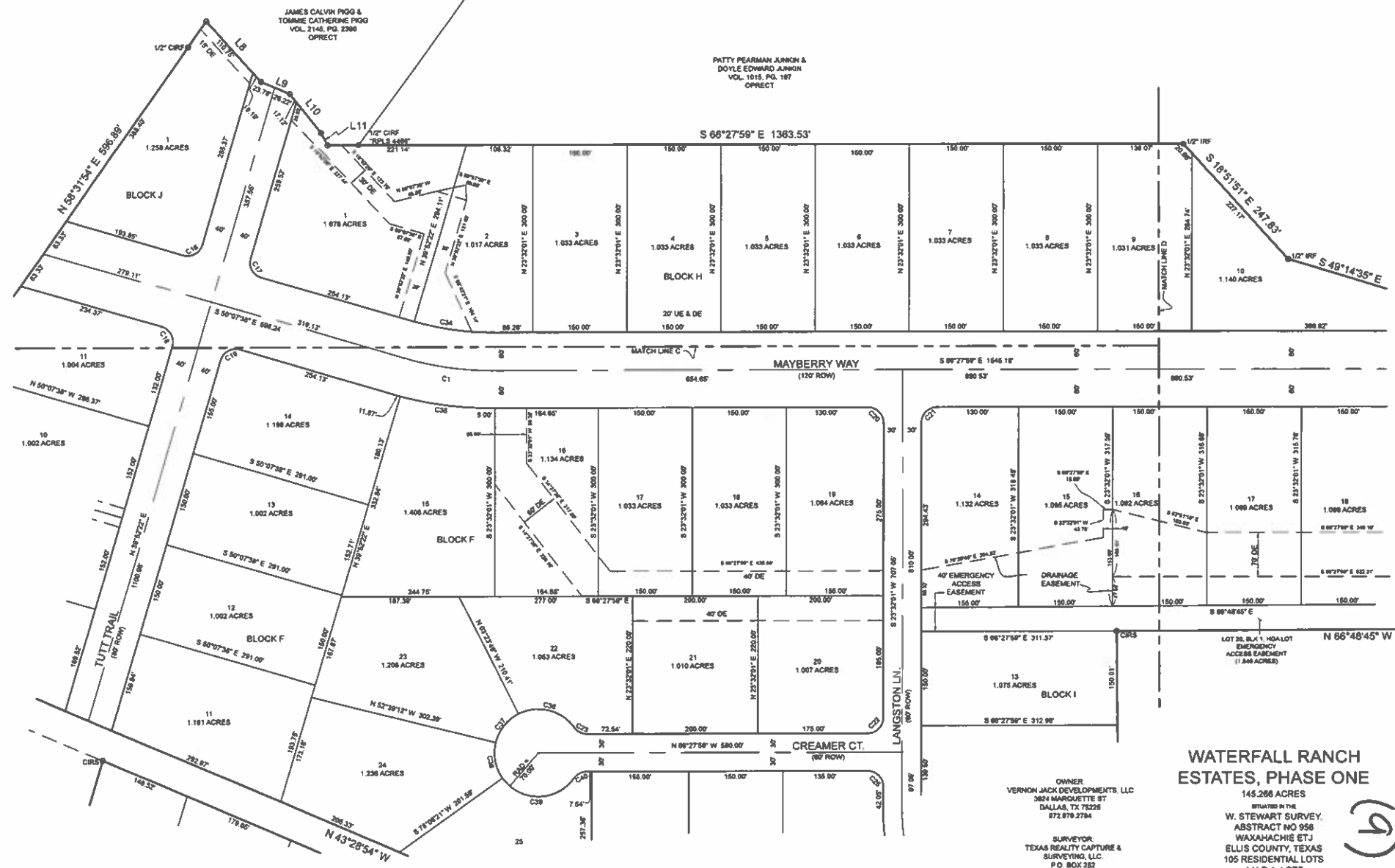
**WATERFALL RANCH
ESTATES, PHASE ONE**
145.266 ACRES
SITUATED IN THE
W. STEWART SURVEY,
ABSTRACT NO 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
105 RESIDENTIAL LOTS
4 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-140-2022



(b)



NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON PAGE 1, FOR ALL EASEMENTS AND BUILDING LINES.



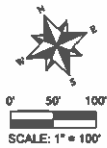
WATERFALL RANCH ESTATES, PHASE ONE

OWNER:
VERNON JACK DEVELOPMENTS, LLC
3801 MARQUETTE ST
DALLAS, TX 75226
972.979.2784

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHIE, TEXAS 75168
409.318.0336
TBLPL FROM NO 10194366

145.286 ACRES
SITUATED IN THE
W. STEWART SURVEY,
ABSTRACT NO 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
4 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-140-2022

(b)



NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON PAGE 1, FOR ALL EASEMENTS AND BUILDING LINES.



WATERFALL RANCH ESTATES, PHASE ONE

145.266 ACRES

PREPARED BY THE
W. STEWART SURVEY,
ABSTRACT NO 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
105 RESIDENTIAL LOTS
& H.O.A. LOTS

WAXAHACHIE CASE NO. SUB-140-2022

(9)

OWNER:
VERNON JACK DEVELOPMENTS, LLC
3824 MARQUETTE ST
DALLAS, TX 75225
872.979.2784

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 352
WAXAHACHIE, TEXAS 75166
409.518.8538
TRPLS FROM NO 10184368



0' 50' 100'
SCALE: 1" = 100'

LEGEND

CRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TURNS" SET
RIF = IRON ROD FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
DE = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 42N, HAD 53 PER OBSERVATIONS.
THE SUBJECT PROPERTY LIES WITHIN ZONE 7C - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.75% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 49130C026P, DATED JUNE 2, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN.
H.O.A. SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL H.O.A. LOTS, INCLUDING THE EMERGENCY ACCESS EASEMENT.
ALL DRAINAGE EASEMENTS SHALL BE MAINTAINED BY LOT OWNER.

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, VERNON JACK DEVELOPMENTS, L.L.C., IS THE OWNER OF A TRACT OF LAND SITUATED IN THE W. STEWART SURVEY, ABSTRACT NO. 866, ETJ CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO VERNON JACK DEVELOPMENTS, L.L.C., RECORDED IN INSTRUMENT NO. 21-0879, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS CORRECTLY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR THE SOUTHEAST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND IN THE WEST RIGHT-OF-WAY (ROW) LINE OF FM HIGHWAY 876 (A CALLED 89' ROW);

THENCE N 89°35'31" W. ALONG THE SOUTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON NORTH LINE OF ROCKY FALLS SUBDIVISION, AN ADDITION TO ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO VERNON JACK DEVELOPMENTS, L.L.C., RECORDED IN INSTRUMENT NO. 21-0879, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS CORRECTLY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE ALONG THE WEST LINES OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON EAST LINES OF SAID BAYD CRESTWOOD TRACT, AS FOLLOWS:

N 10°10'18" E. A DISTANCE OF 120.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 20°34'29" E. A DISTANCE OF 180.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 89°35'31" W. A DISTANCE OF 19.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 20°34'29" E. A DISTANCE OF 380.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 89°35'31" W. A DISTANCE OF 322.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 1°13'05" W. A DISTANCE OF 82.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 43°39'54" W. A DISTANCE OF 732.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 39°52'22" E. A DISTANCE OF 258.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.80 FEET, A CHORD BEARING OF N 84°52'22" E. A CHORD LENGTH OF 38.38 FEET.

WITH SAID CURVE TO THE RIGHT AN ARC LENGTH OF 38.21 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 39°52'22" E. A DISTANCE OF 89.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 25.80 FEET, A CHORD BEARING OF N 06°07'39" W. A CHORD LENGTH OF 35.38 FEET.

WITH SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 38.21 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 39°52'22" E. A DISTANCE OF 258.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 43°39'54" E. A DISTANCE OF 1308.44 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 48°31'06" E. A DISTANCE OF 85.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR CORNER.

N 43°39'54" W. A DISTANCE OF 1863.77 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR A SOUTH-WEST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON NORTHWEST CORNER OF SAID BAYD CRESTWOOD TRACT AND IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED AS TRACT 4 - TRACT 3 IN DEED TO MARVENE ADAY, RECORDED IN VOLUME 2198, PAGE 2488, CORRECT.

THENCE N 39°52'22" E. A DISTANCE OF 88.88 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID ADAY TRACT AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO JAMES CALVIN PAGO AND TONNIE CATHERINE PAGO, RECORDED IN VOLUME 2148, PAGE 2389, CORRECT.

THENCE N 47°12'32" E. ALONG THE WEST LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON EAST LINE OF SAID PAGO TRACT, A DISTANCE OF 435.83 FEET TO A 1/2" IRON ROD FOUND FOR ANGLE CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON ANGLE CORNER OF SAID PAGO TRACT.

THENCE N 54°31'54" E. ALONG THE WEST LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTH LINE OF SAID PAGO TRACT, PASSING AT A DISTANCE OF 548.78 FEET TO A 1/2" IRON ROD FOUND FOR WITNESS, A TOTAL DISTANCE OF 588.88 FEET POINT IN THE APPROXIMATE CENTERLINE OF A CREEK, AND FOR THE NORTHWEST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND AN INTERIOR ELL CORNER OF SAID PAGO TRACT.

THENCE ALONG THE NORTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND A COMMON SOUTH LINE OF SAID PAGO TRACT AND ALONG THE APPROXIMATE CENTERLINE OF SAID CREEK, AS FOLLOWS:

S 14°48'48" E. A DISTANCE OF 129.88 FEET TO A POINT FOR CORNER.

S 42°16'56" E. A DISTANCE OF 50.88 FEET TO A POINT FOR CORNER.

S 14°48'48" E. A DISTANCE OF 80.88 FEET TO A POINT FOR CORNER.

S 04°01'32" E. A DISTANCE OF 23.58 FEET TO A POINT FOR CORNER.

THENCE S 08°27'39" E. ALONG THE NORTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTH LINE OF SAID PAGO TRACT, PASSING AT A DISTANCE OF 49.88 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4488" FOUND FOR THE SOUTHEAST CORNER OF SAID PAGO TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO PATTY REARMAN, JAMES AND DOYLE EDWARD JAMES, RECORDED IN VOLUME 1016, PAGE 177, CORRECT, CONTINUING ALONG THE NORTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTH LINE OF SAID JAMES TRACT, A TOTAL DISTANCE OF 1382.83 FEET TO A 1/2" IRON ROD FOUND FOR AN ANGLE CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND AN ANGLE CORNER OF SAID JAMES TRACT.

THENCE ALONG THE NORTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTH LINE OF SAID JAMES TRACT, AS FOLLOWS:

S 18°15'31" E. A DISTANCE OF 341.83 FEET TO A 1/2" IRON ROD FOUND FOR CORNER.

S 48°14'36" E. A DISTANCE OF 334.78 FEET TO A 1/2" IRON ROD FOUND FOR CORNER.

S 01°17'28" W. A DISTANCE OF 87.83 FEET TO A 1/2" IRON ROD FOUND FOR CORNER.

S 12°42'42" E. A DISTANCE OF 483.81 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4488" FOUND FOR CORNER.

S 70°36'55" E. A DISTANCE OF 479.78 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTHEAST CORNER OF SAID JAMES TRACT, IN THE WEST LINE ROW LINE OF SAID FM HIGHWAY 876.

THENCE S 14°17'14" W. ALONG THE EAST LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON WEST ROW LINE OF SAID FM HIGHWAY 876, A DISTANCE OF 64.74 FEET TO A 5/8" IRON ROD FOUND FOR A SOUTH-WEST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT L. WEIR AND JANEENE S. WEIR, RECORDED IN VOLUME 1427, PAGE 72, CORRECT.

THENCE ALONG THE COMMON LINES OF SAID VERNON JACK DEVELOPMENTS TRACT AND SAID WEIR TRACT, AS FOLLOWS:

N 70°11'33" W. A DISTANCE OF 884.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "THE WALLACE GROUP" FOUND FOR ANGLE POINT IN A SOUTH LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON NORTH LINE OF SAID WEIR TRACT.

N 88°48'45" W. A DISTANCE OF 828.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TURNS" SET FOR AN INTERIOR ELL CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON NORTHWEST CORNER OF SAID WEIR TRACT.

S 22°58'38" W. A DISTANCE OF 440.80 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "RPLS 4888" FOUND FOR AN INTERIOR ELL CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTHWEST CORNER OF SAID WEIR TRACT.

S 88°27'54" E. A DISTANCE OF 1582.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "RPLS 4888" FOUND FOR A NORTHEAST CORNER OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON SOUTHEAST CORNER OF SAID WEIR TRACT AND IN THE WEST ROW LINE OF SAID FM HIGHWAY 876.

THENCE ALONG THE EAST LINE OF SAID VERNON JACK DEVELOPMENTS TRACT AND THE COMMON WEST ROW LINE OF SAID FM HIGHWAY 876, AS FOLLOWS:

S 14°01'24" W. A DISTANCE OF 411.91 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4488" FOUND FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 8788.88 FEET, A CHORD BEARING OF S 12°28'04" W. A CHORD LENGTH OF 323.17 FEET.

WITH SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 323.21 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4488" FOUND FOR CORNER.

S 10°14'48" W. A DISTANCE OF 688.38 FEET TO THE POINT OF BEGINNING, AND CONTAINING 140.388 ACRES OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT VERNON JACK DEVELOPMENTS, L.L.C., DOES HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS WATERFALL RANCH ESTATES, PHASE ONE, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. VERNON JACK DEVELOPMENTS, L.L.C., DOES HEREBY CERTIFY THE FOLLOWING:

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES.
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT, LIEN, AND/OR ENCUMBRANCES.
3. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, AND CREATED BY THIS PLAT, ARE DEDICATED TO THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAT.
4. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN.
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN, UNDER, OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR REPAIR.
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND ELLIS COUNTY'S USE THEREOF.
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCE, TREE, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY.

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

WITNESS MY HAND THIS _____ DAY OF _____ 2023

BY

HUNTER GLASS
AUTHORIZED AGENT
VERNON JACK DEVELOPMENT, L.L.C.

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED HUNTER GLASS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HIS EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____ 2023

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY, THIS DOCUMENT
SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED
OR VIEWED OR RELIED UPON AS A
FINAL SURVEY DOCUMENT"

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

STATE OF TEXAS
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, _____ DAY OF _____ 2023.

TOO LITTLE
COUNTY CLERK

RANDY STEWART
COMMISSIONER PRECINCT 1

LAKE GRAYSON
COMMISSIONER PRECINCT 2

PAUL PERRY
COMMISSIONER PRECINCT 3

KYLE BUTLER
COMMISSIONER PRECINCT 4

ATTES?

KRYSTAL VALDEZ
COUNTY CLERK

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

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: CHAIRPERSON

DATE

ATTST

DATE

PLAT
WATERFALL RANCH
ESTATES, PHASE ONE

145.288 ACRES

W. STEWART SURVEY,
ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
105 RESIDENTIAL LOTS
4 H.O.A. LOTS

WAXAHACHIE CASE NO. SUB-140-2022

OWNER:
VERNON JACK DEVELOPMENTS, L.L.C.
3624 MARQUETTE ST
DALLAS, TX 75225
972.978.2784

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 282
WAXAHACHIE, TEXAS 75109
409.618.0338
TRIPLS FIRM NO. 10194380

JOB NO. 18030

JANUARY 2023

PAGE 7 OF 7



PLANNING & ZONING DEPARTMENT (9)
401 South Rogers Street | Waxahachie, Texas 75168
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Hunter Glass Parcel ID #: 289 937
Subdivision Name: Waterfall Ranch phase 1

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.

Contact Information:

Buena Vista-Bethel SUD	(972) 937-1212
Carroll Water Company	(972) 617-0817
Mountain Peak SUD	(972) 775-3765
Rockett SUD	(972) 617-3524
Sardis-Lone Elm WSC	(972) 775-8566
Nash Foreston WSC	(972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>12" x 8"</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BUENA VISTA-BETHEL
SPECIAL UTILITY DISTRICT

Joe Buchanan

Print Name of General Manager of water provider or Designee

Name of water provider company

Joe Buchan

Signature of General Manager of water provider or Designee

10-14-2022
Date

Planning & Zoning Department

Plat Staff Report

Case: SUB-141-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

CAPTION

Consider request by Hunter Glass, Vernon Jack Developments, LLC, for a Plat of Waterfall Ranch Estates Phase 2, 57 lots, being 98.145 acres, located west of 64 Rocky Drive, situated in the J. Drinkard Survey, Abstract 273 and the W. Stewart Survey, Abstract 956, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 190467) – Owner BYD Crestwood, LLC (SUB-141-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-141-2022, a Plat of Waterfall Ranch Estates Phase 2, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to plat the subject property into 55 residential lots and 2 HOA lots.

CASE INFORMATION

<i>Applicant:</i>	Hunter Glass, Vernon Jack Developments LLC
<i>Property Owner(s):</i>	BYD Crestwood LLC
<i>Site Acreage:</i>	98.145 acres
<i>Number of Lots:</i>	57 lots
<i>Number of Dwelling Units:</i>	55 units
<i>Park Land Dedication:</i>	N/A (ETJ)
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the site via Buena Vista-Bethel SUD and on-site septic systems.

SUBJECT PROPERTY

<i>General Location:</i>	West of 64 Rocky Drive
<i>Parcel ID Number(s):</i>	190467
<i>Current Zoning:</i>	N/A (ETJ)
<i>Existing Use:</i>	The subject property is currently undeveloped.
<i>Platting History:</i>	The subject property is a portion of the J. Drinkard Survey, Abstract 273, and the W. Stewart Survey, Abstract 956.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to plat the subject property into 55 residential lots and 2 HOA lots as part of Phase 2 of Waterfall Ranch Estates. Each of the proposed residential lots meet minimum Ellis County lot size and dimension standards. The HOA will be responsible for maintaining all HOA lots.

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 Plat request.

ATTACHED EXHIBITS

1. Plat
2. Water Utility Provider Endorsement Letter

APPLICANT REQUIREMENTS

1. If approved by the Planning & Zoning Commission, 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. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

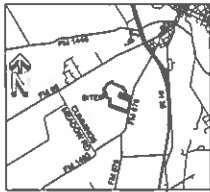
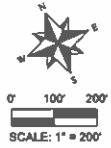
Zack King
Senior Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com



VICINITY MAP
NOT TO SCALE

MARYCENE ADAY
TRACT 4 - TRACT 2
VOL. 2196, PG. 2408
OPRECT

VERNON JACK DEVELOPMENTS, LLC
INST. NO. 2148778
OPRECT

VERNON JACK DEVELOPMENTS, LLC
INST. NO. 2148778
OPRECT

RICHARD W. HOLEYFIELD &
MARSHA HOLEYFIELD
VOL. 1758, PG. 1828
OPRECT

GARY ADAY
VOL. 1994, PG. 1991
OPRECT

MICHAEL D. LYLE &
MARLA LYLE
VOL. 1788, PG. 1781
OPRECT

CHARLES B. EAM
INST. NO. 2019490
OPRECT

GREGORY SHAHE BOSTON &
JESSICA K. BOSTON
INST. NO. 2117259
OPRECT

OWNER:
BYD CRESTWOOD, LLC
1109 GLADE ROAD
COLLEYVILLE, TX 76034
872.878.2784

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75166
409.518.9538
TBPLS PERM NO 10184358

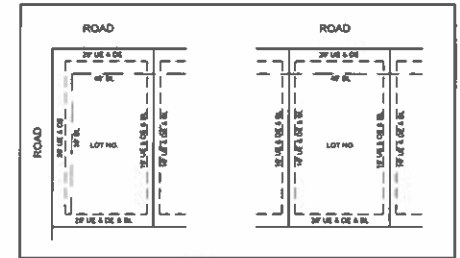
PLAT
**WATERFALL RANCH
ESTATES, PHASE TWO**
98.145 ACRES
SITUATED IN THE

J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 958
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
2 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-141-2022

JOB NO 1933H

JANUARY 2023

PAGE 1 OF 7

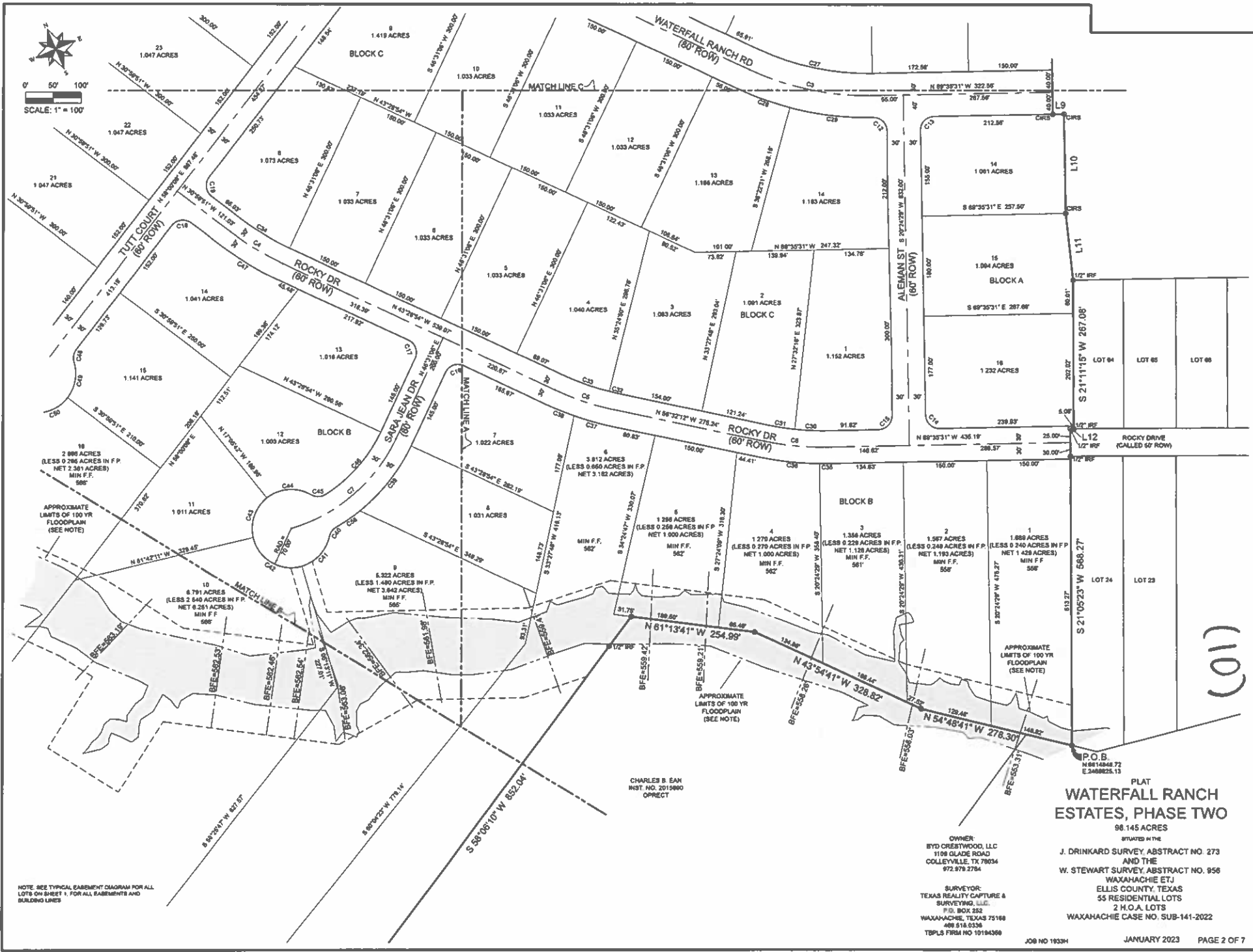


TYPICAL EASEMENTS AND BUILDING LINES
ANY ADDITIONAL EASEMENTS SHOWN ON THE LOTS
ARE IN ADDITION TO THESE EASEMENTS

(19)



0' 50' 100'
SCALE: 1" = 100'



NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON SHEET 1, FOR ALL EASEMENTS AND BUILDING LINES

CHARLES B. SAN
INST. NO. 2015880
OPRECT

PLAT WATERFALL RANCH ESTATES, PHASE TWO

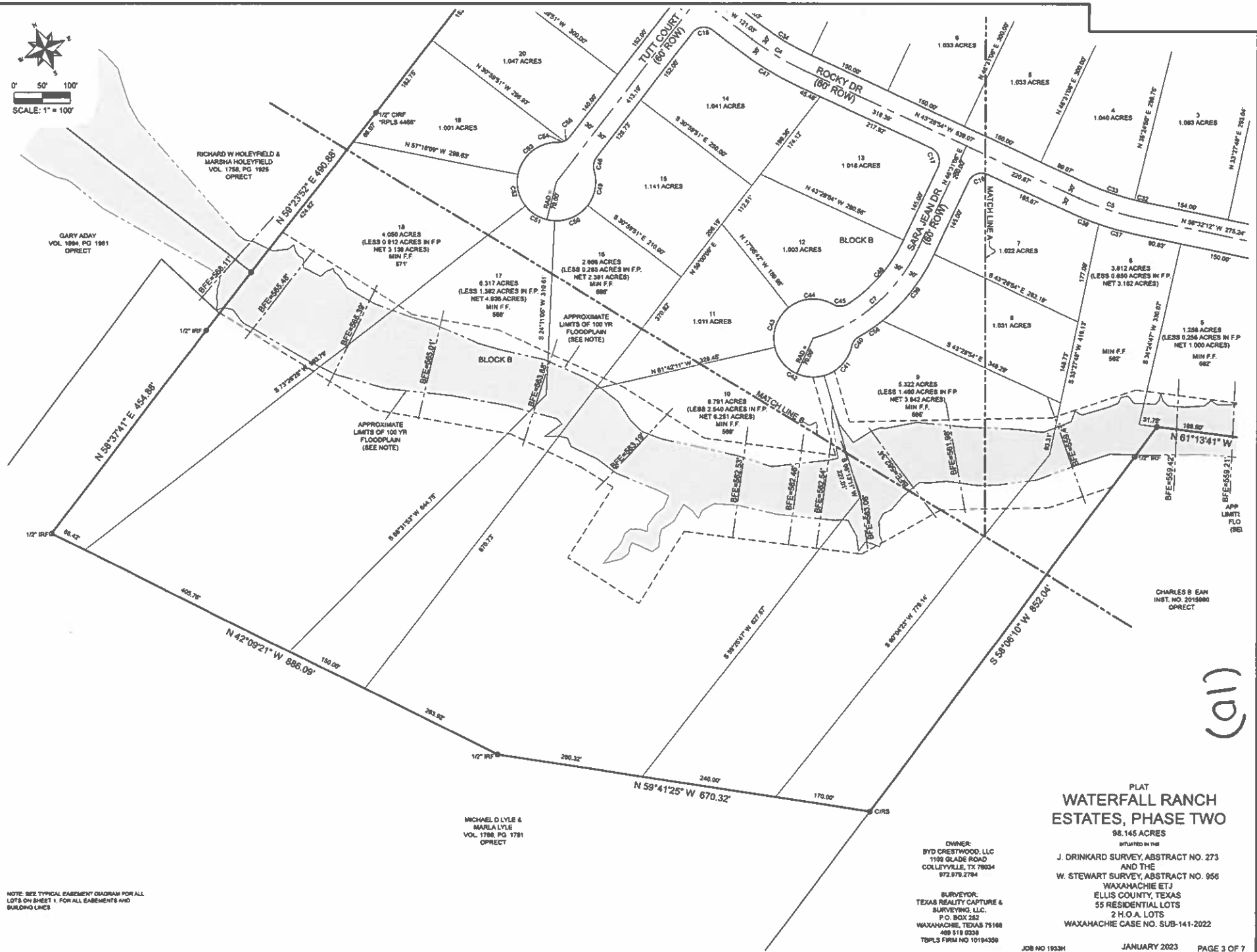
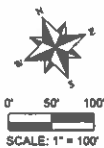
98.145 ACRES

SITUATED IN THE
J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
55 RESIDENTIAL LOTS
2 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-141-2022

OWNER:
BYD CRESTWOOD, LLC
1109 CLADE ROAD
COLLEEVILLE, TX 78034
972.879.2784

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHIE, TEXAS 75166
409.516.0356
TOLPS FIRM NO. 10194360

(101)



NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL LOTS ON SHEET 1, FOR ALL EASEMENTS AND BUILDING LINES

MICHAEL D. LYLE &
MARLA LYLE
VOL. 1788, PG. 1781
CORRECT

OWNER:
BYD CRESTWOOD, LLC
1108 GLADE ROAD
COLLEYVILLE, TX 76034
972.978.2784

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 262
WAXAHACHIE, TEXAS 75168
409.518.0338
TBPLS FIRM NO. 10194359

PLAT
WATERFALL RANCH
ESTATES, PHASE TWO
98.145 ACRES

SITUATED IN THE
J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
55 RESIDENTIAL LOTS
WAXAHACHIE CASE NO. SUB-141-2022

JOB NO 1023H

JANUARY 2023

PAGE 3 OF 7



0' 50' 100'
SCALE: 1" = 100'

NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL
LOTS ON SHEET 1, FOR ALL EASEMENTS AND
BUILDING LINES.

RICHARD W HOLEFIELD &
MARSHA HOLEFIELD
VOL. 1758, PG. 1825
OPRECT

RICHARD W HOLEFIELD &
MARSHA HOLEFIELD
VOL. 1758, PG. 1825
OPRECT

GARY ADAY
VOL. 1884, PG. 1981
OPRECT

MICHAEL D LYLE &
MARLA LYLE
VOL. 1780, PG. 1781
OPRECT 1/2" IRF

PLAT
**WATERFALL RANCH
ESTATES, PHASE TWO**

98.145 ACRES

SITUATED IN THE
J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
55 RESIDENTIAL LOTS

WAXAHACHIE CASE NO. SUB-141-2022

OWNER:
870 CRESTWOOD, LLC
1108 OLADI ROAD
COLLEEVILLE, TX 78034
972.978.2784

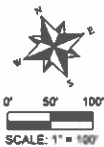
SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 262
WAXAHACHIE, TEXAS 75168
409.516.0336
TROPIS FIRM NO 10194359

JOB NO 1803H

JANUARY 2023

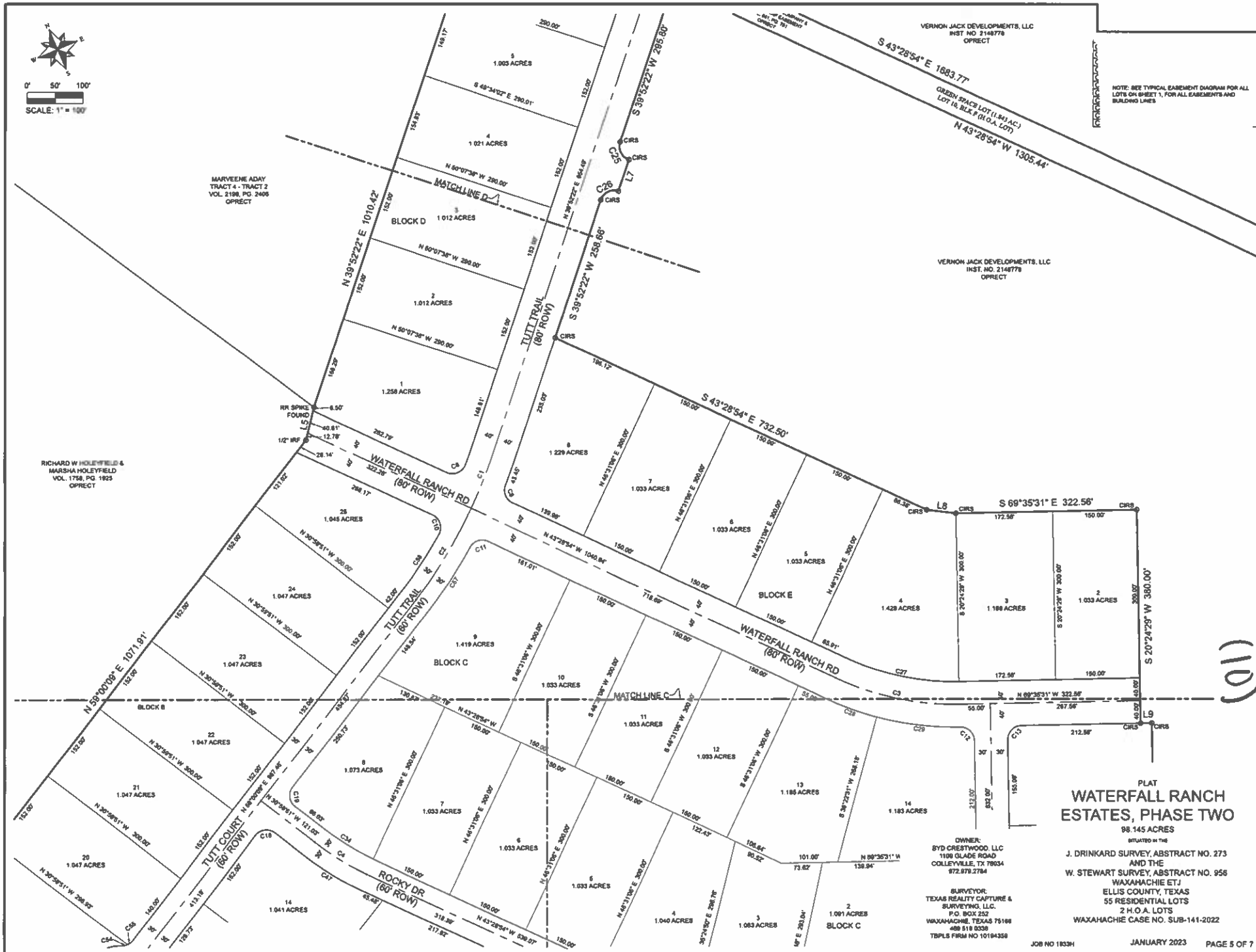
PAGE 4 OF 7

(10)



MAVVEE ADAY
TRACT 4 - TRACT 2
VOL. 2198, PG. 2405
OPRECT

RICHARD W HOLEFIELD &
MARSHA HOLEFIELD
VOL. 1758, PG. 1925
OPRECT



PLAT
**WATERFALL RANCH
ESTATES, PHASE TWO**
98.145 ACRES
SITUATED IN THE

J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
55 RESIDENTIAL LOTS
2 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-141-2022

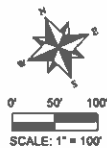
OWNER:
BYD CRESTWOOD, LLC
1108 GLADE ROAD
COLLEYVILLE, TX 76034
972.879.2784

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHIE, TEXAS 75106
409.518.0338
TBPLS FROM NO. 10194358

JOB NO. 1833H

JANUARY 2023

PAGE 5 OF 7



JAMES CALVIN PIGG &
TOMMIE CATHERINE PIGG
VOL. 2148, PG. 2369
OPRECT

NOTE: SEE TYPICAL EASEMENT DIAGRAM FOR ALL
LOTS ON SHEET 1, FOR ALL EASEMENTS AND
BUILDING LINES.

LINE	BEARING	DISTANCE
L1	N 89°54'47" W	185.45'
L2	S 22°21'12" W	137.82'
L3	N 59°14'48" W	180.05'
L4	N 43°28'52" W	155.31'
L5	N 32°04'42" E	60.00'
L6	S 48°11'00" W	118.84'
L7	S 32°32'22" W	60.00'
L8	S 61°33'00" E	32.32'
L9	S 18°11'00" W	118.84'
L10	S 20°24'22" W	180.00'
L11	S 19°10'19" W	120.50'
L12	N 89°04'47" W	6.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	875.00'	102.15'	102.02'	S 43°13'00" W
C2	875.00'	189.89'	189.82'	N 82°48'58" E
C3	900.00'	227.88'	228.89'	N 86°54'12" W
C4	900.00'	109.94'	109.82'	N 77°42'22" W
C5	900.00'	113.83'	113.89'	N 80°02'51" W
C6	900.00'	113.83'	113.89'	S 85°05'51" E
C7	900.00'	228.00'	228.00'	N 89°04'47" W
C8	900.00'	41.24'	41.24'	N 89°04'47" W
C9	25.00'	37.66'	34.12'	N 00°43'38" W
C10	25.00'	37.66'	34.09'	N 79°42'38" E
C11	25.00'	37.66'	35.25'	N 79°42'38" E
C12	25.00'	37.66'	35.25'	N 00°43'38" W
C13	25.00'	37.66'	35.25'	N 00°43'38" W
C14	25.00'	37.66'	35.25'	N 79°42'38" E
C15	25.00'	37.66'	35.25'	N 79°42'38" E
C16	25.00'	37.66'	35.25'	N 00°43'38" W
C17	25.00'	37.66'	35.25'	N 00°43'38" W
C18	25.00'	37.66'	35.25'	N 79°42'38" E
C19	25.00'	37.66'	35.25'	N 79°42'38" E
C20	25.00'	37.66'	35.25'	N 00°43'38" W
C21	25.00'	37.66'	35.25'	N 00°43'38" W
C22	25.00'	37.66'	35.25'	N 79°42'38" E
C23	25.00'	37.66'	35.25'	N 79°42'38" E
C24	25.00'	37.66'	35.25'	N 00°43'38" W
C25	25.00'	37.66'	35.25'	N 00°43'38" W
C26	25.00'	37.66'	35.25'	N 79°42'38" E
C27	25.00'	37.66'	35.25'	N 79°42'38" E
C28	25.00'	37.66'	35.25'	N 00°43'38" W
C29	25.00'	37.66'	35.25'	N 00°43'38" W
C30	25.00'	37.66'	35.25'	N 79°42'38" E
C31	25.00'	37.66'	35.25'	N 79°42'38" E
C32	25.00'	37.66'	35.25'	N 00°43'38" W
C33	25.00'	37.66'	35.25'	N 00°43'38" W
C34	25.00'	37.66'	35.25'	N 79°42'38" E
C35	25.00'	37.66'	35.25'	N 79°42'38" E
C36	25.00'	37.66'	35.25'	N 00°43'38" W
C37	25.00'	37.66'	35.25'	N 00°43'38" W
C38	25.00'	37.66'	35.25'	N 79°42'38" E
C39	25.00'	37.66'	35.25'	N 79°42'38" E
C40	25.00'	37.66'	35.25'	N 00°43'38" W
C41	25.00'	37.66'	35.25'	N 00°43'38" W
C42	25.00'	37.66'	35.25'	N 79°42'38" E
C43	25.00'	37.66'	35.25'	N 79°42'38" E
C44	25.00'	37.66'	35.25'	N 00°43'38" W
C45	25.00'	37.66'	35.25'	N 00°43'38" W
C46	25.00'	37.66'	35.25'	N 79°42'38" E
C47	25.00'	37.66'	35.25'	N 79°42'38" E
C48	25.00'	37.66'	35.25'	N 00°43'38" W
C49	25.00'	37.66'	35.25'	N 00°43'38" W
C50	25.00'	37.66'	35.25'	N 79°42'38" E
C51	25.00'	37.66'	35.25'	N 79°42'38" E
C52	25.00'	37.66'	35.25'	N 00°43'38" W
C53	25.00'	37.66'	35.25'	N 00°43'38" W
C54	25.00'	37.66'	35.25'	N 79°42'38" E
C55	25.00'	37.66'	35.25'	N 79°42'38" E
C56	25.00'	37.66'	35.25'	N 00°43'38" W
C57	25.00'	37.66'	35.25'	N 00°43'38" W
C58	25.00'	37.66'	35.25'	N 79°42'38" E

MARVEENE ADAY
TRACT 4 - TRACT 2
VOL. 2188, PG. 2406
OPRECT

RICHARD W HOLEFIELD &
MARSHA HOLEFIELD
VOL. 1758, PG. 1925
OPRECT

VERNON JACK DEVELOPMENTS, LLC
INST. NO. 2148778
OPRECT

VERNON JACK DEVELOPMENTS, LLC
INST. NO. 2148778
OPRECT

PLAT
**WATERFALL RANCH
ESTATES, PHASE TWO**
98.145 ACRES

SITUATED IN THE
J. DRINKARD SURVEY, ABSTRACT NO. 273
AND THE
W. STEWART SURVEY, ABSTRACT NO. 956
WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
55 RESIDENTIAL LOTS
2 H.O.A. LOTS
WAXAHACHIE CASE NO. SUB-141-2022

OWNER:
BYD CRESTWOOD, LLC
1108 GLADE ROAD
COLLEYVILLE, TX 76034
972.878.2794

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHIE, TEXAS 75106
409.518.0338
TBP'S FIRM NO. 10184388

(10)



(10)



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Hunter Glass Parcel ID #: 190467
Subdivision Name: Waterfall Ranch Phase 2

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.

Contact Information:

Buena Vista-Bethel SUD	(972) 937-1212
Carroll Water Company	(972) 617-0817
Mountain Peak SUD	(972) 775-3765
Rockett SUD	(972) 617-3524
Sardis-Lone Elm WSC	(972) 775-8566
Nash Foreston WSC	(972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>12" x 8"</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

BUENA VISTA-BETHEL
SPECIAL UTILITY DISTRICT

Joe Buchanan

Print Name of General Manager of water provider or Designee

Name of water provider company

Joe Buchanan

Signature of General Manager of water provider or Designee

10-14-2022

Date

Planning & Zoning Department

Plat Staff Report

Case: SUB-89-2021



MEETING DATE(S)

Planning & Zoning Commission:

April 26, 2023

CAPTION

Consider a request by Ron Barson, Ledbetter Real Estate LTD, for a **Replat** of Lot 2R, Block C of North Grove Business Park Phases Two and Four, being 4.8022 acres, located at 2001 Corporate Parkway, (Property ID 291767 & 273977) – Owner: Makarios Development LLC & Stacy L Rudd (SUB-89-2021) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-89-2021, a Replat of Lot 2R, Block C of North Grove Business Park Phases Two and Four, 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 commercial use.

CASE INFORMATION

<i>Applicant:</i>	Ron Barson, Ledbetter Real Estate LTD
<i>Property Owner(s):</i>	Makarios Development LLC & Stacy L Rudd
<i>Site Acreage:</i>	4.8022 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

<i>General Location:</i>	2001 Corporate Parkway
<i>Parcel ID Number(s):</i>	291767 & 273977
<i>Current Zoning:</i>	Commercial (C)
<i>Existing Use:</i>	The subject property is currently undeveloped.
<i>Platting History:</i>	The subject property has been previously platted as Lot 2, Block C of North Grove Business Park Phases Two and Four, and Lot 2R, Block C of North Grove Business Park Phases Two and Four.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to replat the subject property into two (2) lots for commercial use. The proposed lots meet all minimum lot size and dimension requirements of the Commercial (C) zoning district. Proposed Lot 2R-A will benefit from an existing 30' mutual access easement along the eastern boundary of the property. This easement will provide Lot 2R-A with access to an existing drive on Corporate Parkway located the adjacent Lot 1R, Block C of North grove Business Park Phases Two & Four.

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.

ATTACHED EXHIBITS

1. Replat

APPLICANT REQUIREMENTS

1. If approved by the Planning & Zoning Commission, 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. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

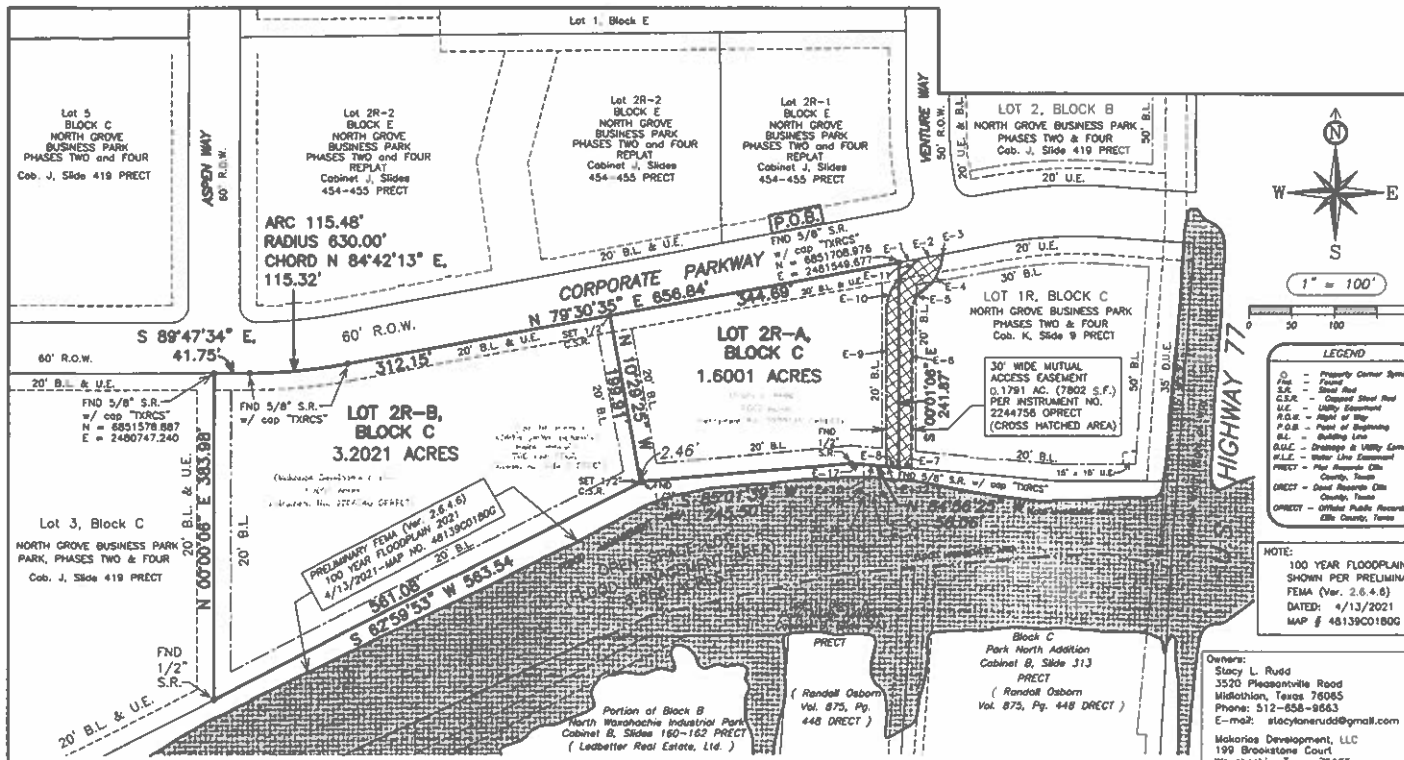
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



FIELD NOTES -
LOT 2R-A and 2R-B, BLOCK C
NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR
4.8022 ACRES

STATE OF TEXAS
COUNTY OF ELLIS KNOW ALL MEN BY THESE PRESENTS

WHEREAS WE, STACY L. RUDD and MAKARIOS DEVELOPMENT, LLC, are the owners of LOT 2R, BLOCK C, NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, according to the plat thereof recorded in Cabinet K, Slide 9, Plat Records, Ellis County, Texas (P.R.E.C.T.) and being a 1.6002 acre portion of said Lot 2R, Block C described in deed from Ledbetter Real Estate, Ltd. to Stacy L. Rudd, recorded in Instrument Number 2200175, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.) and being a 3.2021 acre portion of said Lot 2R, Block C described in deed from Ledbetter Real Estate, Ltd. to Makarios Development, LLC, recorded in Instrument Number 2208240, O.P.R.E.C.T. and being more particularly described by its metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod with yellow plastic cap stamped "TXRCS" found on the south right of way line of Corporate Parkway, at the common north corner of said Lot 2R and Lot 1R of said Block C, North Grove Business Park, Phases Two and Four, having Texas Coordinate System, North Central Zone values of N = 6851708.976 and E = 2461548.877

THENCE S 00° 01' 06" E, with the common line of said Lots 1R and 2R, 241.87 feet to their common south corner on the south line of said Block C and the north line of the Flood Management Area as shown on the plat of NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, an addition to said City according to the plat thereof recorded in Cabinet J, Slide 419, P.R.E.C.T., to a 5/8 inch steel rod with yellow plastic cap stamped "TXRCS" found;

THENCE with the south line of said Lot 2R and said Block C and the north line of said Flood Management Area, the following courses and distances: N 84° 56' 25" W, 56.06 feet to a 1/2 inch steel rod found; S 85° 01' 39" W, 245.50 feet to a 1/2 inch steel rod found; S 62° 58' 53" W, 563.54 feet to the common south corner of said Lot 2R and of Lot 3, Block C, of said NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, an addition recorded in Cabinet J, Slide 419, P.R.E.C.T., to a 5/8 inch steel rod found;

THENCE N 00° 00' 06" E, with the common line of said Lots 2R and 3, for 363.88 feet to their common north corner on the south right of way line of Corporate Parkway, a 5/8 inch steel rod with yellow plastic cap stamped "TXRCS" found;

THENCE with the north line of said Lot 2R and said Corporate Parkway right of way line the following courses and distances: S 35° 47' 34" E, 41.75 feet to a 5/8 inch steel rod with yellow plastic cap stamped "TXRCS" found at the beginning of the beginning of a non-tangential curve to the left having a radius of 630.00 feet, a bearing of N 84° 42' 13" E and a chord distance of 115.32 feet; along said curve to the left, an arc length of 115.48 feet to the end of said curve, a 5/8 inch steel rod with yellow plastic cap stamped "TXRCS" found; and N 79° 30' 35" E, 656.84 feet to the point of beginning and containing approximately 4.8022 acres of land.

KNOW ALL MEN BY THESE PRESENTS:

That I, Stuart C. Hamilton, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

Stacy L. Rudd
Registered Professional Land Surveyor
Number 4480
June 8 2023

Date

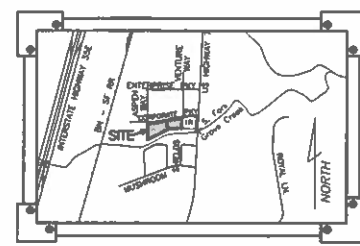
APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____ Date: _____
Chairperson

Attest _____ Date: _____

REPLAT LOTS 2R-A & 2R-B, BLOCK C NORTH GROVE BUSINESS PARK (4.8022 Acres)

Being a Replat of Lot 2R, Block C of North Grove Business Park, Phases Two and Four recorded in Cabinet K, Slide 9 P.R.E.C.T., in the City of Waxahachie, Ellis County, Texas
Case No. SUB-89-2021



LOCATION MAP SCALE: 1" = 2000'

STATE OF TEXAS
COUNTY OF ELLIS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Melanie Dawn Harbour-Pope, of Makarios Development, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2023.

Notary Public in and for the State of Texas

My Commission Expires On: _____

EASEMENT LINE TABLE				
LINE NO.	BEARING	DISTANCE		
E-1	N 79°33'26" E	20.01'		
E-2	N 79°33'26" E	30.87'		
E-3	N 78°09'20" E	1.15'		
E-4	S 00°01'06" E	184.76'		
E-5	N 85°05'58" W	15.06'		
E-6	N 84°56'25" W	15.06'		
E-7	N 00°01'06" W	181.88'		
E-8	N 84°56'25" W	21.45'		
E-9	SOUTH	35.14'		
E-10	N 84°56'25" W	20.08'		
E-11	NORTH	35.13'		
E-12	S 84°56'25" E	20.08'		
E-13	S 84°56'25" E	14.53'		

EASEMENT CURVE TABLE				
CURVE NO.	CENTRAL ANGLE	RADIUS	ARC LENGTH	LONG CHORD
E-4	50°03'13"	59.50'	51.98'	S 28°38'01" W, 50.34'
E-5	53°53'32"	29.50'	27.75'	S 28°42'51" W, 26.74'
E-10	53°53'32"	59.50'	55.90'	N 26°44'45" E, 53.87'
E-11	34°43'26"	29.50'	17.88'	N 36°17'54" E, 17.61'

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, STACY L. RUDD and MAKARIOS DEVELOPMENT, LLC, do hereby adopt this plat designating the herein above described property as LOT 2R-A and LOT 2R-B in BLOCK C of NORTH GROVE BUSINESS PARK, being a Replat of LOT 2R in BLOCK C of NORTH GROVE BUSINESS PARK, PHASES TWO AND FOUR, in the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this the _____ day of _____, 2023.

By:

Stacy L. Rudd

Melanie Dawn Harbour-Pope, President
Makarios Development, LLC

STATE OF TEXAS
COUNTY OF ELLIS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Stacy L. Rudd, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2023.

Notary Public in and for the State of Texas

My Commission Expires On: _____



DAVIS & McDILL, LLC

SURVEYING - LAND PLANNING - FLOODPLAIN MANAGEMENT
P.O. BOX 428, Waxahachie, Texas 75168, Phone: 972-938-1185
A Texas licensed surveying firm # 10194681

Date: 03-07-2023

Scale: 1" = 100'

Drawn: DAM/egh

221-0036

Job: REPLAT

Planning & Zoning Department

Plat Staff Report

Case: SUB-57-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

City Council: May 1, 2023

CAPTION

Continue Public Hearing on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a **Replat** of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of SUB-57-2022, a Replat of Lot 9A, Leo Hightower Lots, Lot 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a Replat.

CASE INFORMATION

Applicant: Tim Jackson, Texas Realty Capture & Surveying LLC

Property Owner(s): Jerome Begnaud

Site Acreage: 1.515 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Park Land Dedication: N/A

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

SUBJECT PROPERTY

General Location: 153 Lakeshore Drive

Parcel ID Number(s): 230811

Current Zoning: Planned Development-Single Family-1 (PD-SF-1)

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

Platting History: The subject property has been previously platted as Lot 9 of the Leo Hightower Lots Phase 2 and Lot 9A of the Leo Hightower Lots Phase 2.

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to abandon approximately 2,300 square feet of alley right-of-way (ROW) off of Lakeshore Drive and incorporate the abandoned area into the subject property via a Replat. The alley area proposed to be abandoned has never been paved or maintained by the City and the City has no intention of improving the alley or maintaining the area in the future. The subject property fully surrounds the alley area and the property owner has historically maintained the alley area.

A portion of the alley area is utilized by neighboring property owners to access existing homes to the south of the subject property. The adjacent homes to the south of the subject property do not currently have frontage onto Lakeshore Drive. Both driveways and utility service lines cross the alley area to reach the homes to the south of the subject property. The adjacent home owners utilize access easements across the subject property in order to access the alley area and Lakeshore Drive. With this replat, the applicant is proposing to create a new access easement and utility easement across a portion of the abandoned alley area in order to preserve the adjacent property owner's ability to legal access their property from Lakeshore Drive. The proposed easements just cover the existing gravel driveways utilized by the neighboring property owners, not the entire alley area.

PETITION FOR RELIEF WAIVER – ROW DEDICATION VARIANCE REQUEST

Lakeshore Drive is identified on the 2023 Waxahachie Thoroughfare Plan as a future 80' thoroughfare. Lakeshore Drive was also identified as a future 80' thoroughfare on the 2019 Waxahachie Thoroughfare Plan. During the platting process, the Waxahachie Subdivision Ordinance requires property owners to provide ROW dedication in conformance with the Thoroughfare Plan. In this instance, the property owner is required to provide ROW dedication of up to 40' from the centerline of the Lakeshore Drive ROW. In order to meet this requirement, the applicant would need to dedicate approximately 15' of ROW along the Lakeshore Drive. The applicant is requesting a variance from this requirement and is seeking approval to dedicate no additional ROW for Lakeshore Drive. Staff has no concerns with this variance request due to the sole purpose of the replat being to officially incorporate abandoned ROW into the subject 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.

ATTACHED EXHIBITS

1. 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.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Senior Planner

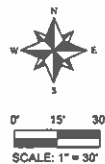
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

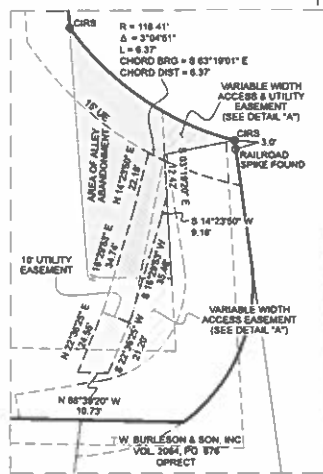
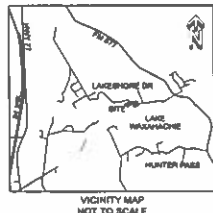


LEGEND

CIRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
CIRP = CAPPED IRON ROD FOUND
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE

P.O.B.
1/2" CIRP
"RPLS 4400"
N 6.912, 485.92
E 2,488,063.96

WESLEY MACK HIGHTOWER &
LAURIE LYNN TODD
SECOND TRACT
INST. NO. 1823843
OPRECT



NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "A" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48138C0300P DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2008, BY STEWART TITLE GUARANTY COMPANY OF NO. 0806208, FOR RESEARCH OF EASEMENTS.

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2008, BY STEWART TITLE GUARANTY COMPANY OF NO. 0806208, APPEAR TO HAVE AN AFFECT ON THE SUBJECT PROPERTY:

- UTILITY EASEMENT VOL. 628, PG. 174, OPRECT (UNABLE TO LOCATE)

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY ELLIS COUNTY ABSTRACT & TITLE CO., INC. POLICY DATE JULY 25, 2008, BY STEWART TITLE GUARANTY COMPANY OF NO. 0806208, HAVE A DESCRIPTION THAT IS AMBIGUOUS IN NATURE, THEREFORE THE SURVEYOR IS UNABLE TO DETERMINE THE AFFECT, IF ANY, ON THE SUBJECT PROPERTY:

- TPAL EASEMENT VOL. 388, PG. 282, OPRECT (UNABLE TO LOCATE)

APPROXIMATE LIMITS OF FLOOD PLAIN

ZONE "A" SEE NOTES

ZONE "C" SEE NOTES

LAKE WAXAHACHIE

ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. ONE VOL. 482, PG. 876 OPRECT

LOT 9A-R
1.515 ACRES

R = 103.41'
Δ = 38°36'04"
L = 71.48'
CRD BRG = S 55°42'16" E
CRD DIST = 70.06'

R = 60.00'
Δ = 62°58'50"
L = 85.95'
CRD BRG = S 21°56'00" W
CRD DIST = 62.68'

T.W. BURLINSON & SON, INC.
VOL. 2281, PG. 1
OPRECT

T.W. BURLINSON & SON, INC.
VOL. 2084, PG. 876
OPRECT

WESLEY MACK HIGHTOWER &
LAURIE LYNN TODD
SECOND TRACT
INST. NO. 1823843
OPRECT

ACCESS & UTILITY EASEMENT
(BY THIS PLAT)
SEE DETAIL "A"

ACCESS EASEMENT
(BY THIS PLAT)
SEE DETAIL "A"

ACCESS EASEMENT & UTILITY EASEMENT
VOL. 468, PG. 384
OPRECT

ACCESS EASEMENT & UTILITY EASEMENT
VOL. 603, PG. 123
OPRECT

ACCESS & UTILITY EASEMENT
(BY THIS PLAT)
SEE DETAIL "A"

ACCESS EASEMENT & UTILITY EASEMENT
VOL. 603, PG. 128
OPRECT

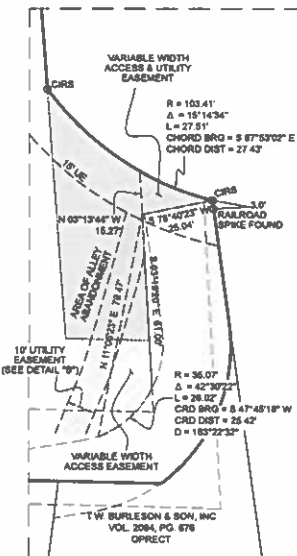
REPLAT
LOT 9A-R
LEO HIGHTOWER LOTS
PHASE 2

BEING A REPLAT OF LOT 9A
LEO HIGHTOWER LOTS
PHASE 2
1.515 ACRES
NOTED IN THE
S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
CASE NO. SUB-57-2021
ZONED: PD-SF-1

KNOCK PROPERTY 4 LLC
INST. NO. 1823671
OPRECT

OWNER
JEROME LOUIS BEGNAUD &
LYNDIA H. BEGNAUD
153 LAKESHORE DR
WAXAHACHIE, TX 75106
713.412.3598

SURVEYOR
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 2852
WAXAHACHIE, TEXAS 75106
409.518.0336
TBPLS FIRM NO. 10194359



DETAIL "A"
ACCESS & UTILITY EASEMENTS
(BY THIS PLAT)
NOT TO SCALE

(12+13)

STATE OF TEXAS
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE S. DURRETT SURVEY, ABSTRACT NO. 272, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD, RECORDED IN VOLUME 2257, P.O. 863, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING ALL OF LOT 9A, OF LOT 9A OF LEO HIGHTOWER LOTS, PHASE 2, RECORDED IN CABINET Q, SLIDE 229, OPRECT, AND BEING ALL OF A 30' WIDE ROADWAY RESERVATION PER LEO HIGHTOWER LOTS, RECORDED IN CABINET A, SLIDE 306, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4488" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 9A AND THE COMMON NORTHEAST CORNER OF LOT 10, LEO HIGHTOWER LOTS, PHASE 2, RECORDED IN CABINET Q, SLIDE 183, OPRECT, AND IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF LAKE SHORE DRIVE (A VARIABLE WIDTH ROW), FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 10, BEARS N 89°29'38" W, A DISTANCE OF 204.43 FEET, THENCE ALONG THE NORTH LINES OF SAID LOT 9A AND THE COMMON SOUTH ROW LINES OF SAID LAKE SHORE DRIVE, AS FOLLOWS:

S 89°22'27" E, A DISTANCE OF 81.82 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 89°32'56" E, A DISTANCE OF 58.67 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 22°08'02" E, A DISTANCE OF 70.83 FEET TO A 1/2" IRON ROD FOUND FOR CORNER,

S 84°17'18" E, A DISTANCE OF 48.83 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 103.41 FEET, A DELTA ANGLE OF 39°30'14", A CHORD BEARING OF S 85°42'18" E, AND A CHORD LENGTH OF 70.98 FEET,

THENCE OVER AND ACROSS THE ROW OF SAID LAKE SHORE DRIVE WITH SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 71.49 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 9A AND A POINT IN THE NORTH LINE OF LOT 1, OF SAID LEO HIGHTOWER LOTS, SAME BEING THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO KNOCK PROPERTY 4 LLC, RECORDED IN INSTRUMENT NO. 1823671, OPRECT,

THENCE S 07°53'03" E, ALONG AN EAST LINE OF SAID LOT 9A AND THE COMMON WEST LINE OF SAID KNOCK PROPERTY TRACT, A DISTANCE OF 41.52 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO T.W. BURLINSON AND SON, INC, RECORDED IN VOLUME 2084, PAGE 678, OPRECT (SAID BURLINSON TRACT 1), SAME BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 90.90 FEET, A DELTA ANGLE OF 82°58'59", A CHORD BEARING OF S 21°58'08" W, AND A CHORD LENGTH OF 92.98 FEET,

THENCE ALONG AN EAST LINE OF SAID LOT 9A AND A COMMON WEST LINE OF SAID BURLINSON TRACT 1 AND WITH SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 90.90 FEET TO A 1" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 9A AND A COMMON INTERIOR ELL CORNER OF SAID BURLINSON TRACT 1,

THENCE N 89°39'20" W, ALONG A SOUTH LINE OF SAID LOT 9A AND THE COMMON NORTH LINE OF SAID BURLINSON TRACT 1 AND THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO T.W. BURLINSON & SON, INC, RECORDED IN VOLUME 2091, PAGE 1, OPRECT (SAID BURLINSON TRACT 2), A DISTANCE OF 173.13 FEET TO A 1" IRON PIPE FOUND FOR AND INTERIOR ELL CORNER OF SAID LOT 9A AND THE COMMON NORTHWEST CORNER OF SAID BURLINSON TRACT 2,

THENCE S 03°49'22" W, ALONG AN EAST LINE OF SAID LOT 9A AND THE COMMON WEST LINE OF SAID BURLINSON TRACT 2, A DISTANCE OF 75.49 FEET TO A 1/2" IRON ROD FOUND FOR AN ANGLE CORNER IN THE SOUTH LINE OF SAID LOT 9A, A COMMON ANGLE CORNER IN THE WEST LINE OF SAID BURLINSON TRACT 2, AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. ONE, RECORDED IN VOLUME 482, PAGE 578, OPRECT,

THENCE S 84°10'27" W, ALONG A SOUTH LINE OF SAID LOT 9A AND THE COMMON NORTH LINE OF SAID ELLIS COUNTY WATER CONTROL TRACT, A DISTANCE OF 71.30 FEET TO A RAILROAD SPIKE FOUND FOR CORNER,

THENCE N 71°01'30" W, ALONG A SOUTH LINE OF SAID LOT 9A AND A COMMON NORTH LINE OF SAID ELLIS COUNTY WATER CONTROL TRACT, A DISTANCE OF 45.33 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 9A AND THE COMMON SOUTHEAST CORNER OF SAID LOT 10, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 10 BEARS N 71°11'04" W, A DISTANCE OF 92.98 FEET,

THENCE ALONG THE WEST LINES OF SAID LOT 9A AND THE COMMON EAST LINES OF SAID LOT 10, AS FOLLOWS:

N 09°58'38" E, A DISTANCE OF 274.40 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER,

N 25°34'42" E, A DISTANCE OF 118.94 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.515 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, JEROME LOUIS BEGNAUD AND LYNDA H. BEGNAUD, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 9A-R, LEO HIGHTOWER LOTS, PHASE 2, AN ADDITION TO THE CITY OF WAXAHACHE, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE, IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE THEREOF, THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS, THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS.

WITNESS, MY HAND, THIS _____ DAY OF _____, 2022.

BY:

JEROME LOUIS BEGNAUD

LYNDA H. BEGNAUD

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JEROME LOUIS BEGNAUD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED LYNDA H. BEGNAUD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, JEREMY D. RUCKMAN, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"PRELIMINARY. THIS DOCUMENT SHALL NOT
BE RECORDED FOR ANY PURPOSE AND SHALL
NOT BE USED OR VIEWED OR RELIED UPON AS
A FINAL SURVEY DOCUMENT."

JEREMY D. RUCKMAN
REGISTRATION NUMBER 6707

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY: _____ DATE _____
CHAIRPERSON

APPROVED BY: CITY COUNCIL
CITY OF WAXAHACHE

BY: _____ DATE _____
MAYOR

ATTEST _____ DATE _____

REPLAT
LOT 9A-R
LEO HIGHTOWER LOTS
PHASE 2

BEING A REPLAT OF LOT 9A
LEO HIGHTOWER LOTS

PHASE 2
1.515 ACRES
SITUATED IN THE

S. DURRETT SURVEY, ABSTRACT NO. 272
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
CASE NO. SUB-57-2021
ZONED: PD-SF-1

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 4819C0330F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

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

OWNER:
JEROME LOUIS BEGNAUD &
LYNDA H. BEGNAUD
113 LAKE SHORE DR
WAXAHACHE, TX 75108
713.412.3658

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 282
WAXAHACHE, TEXAS 75108
409.518.0338
TDLPS FIRM NO 10194359

(14 + 15)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-149-2022



MEETING DATE(S)

Planning & Zoning Commission: April 26, 2023

City Council: May 1, 2023

CAPTION

Public Hearing on a request by Jeffrey Villarreal, Rago Enterprises, LLC, for a **Specific Use Permit (SUP)** for an **Outside Storage** use within a Heavy Industrial (HI) zoning district located at 5907 N Interstate 35 E (Property ID: 148302) – Owner: Spur 10 Holdings, LP (ZDC-149-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-149-2022, a Specific Use Permit (SUP) request for an Outside Storage use at 5907 N Interstate 35E, subject to the conditions of the staff report."

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N Interstate 35 E.

CASE INFORMATION

Applicant: Jeffrey Villarreal, Rago Enterprises, LLC

Property Owner(s): Spur 10 Holdings, LP

Site Acreage: 4.197 acres

Current Zoning: Heavy Industrial (HI)

Requested Zoning: Heavy Industrial (HI) with SUP for Outside Storage

SUBJECT PROPERTY

General Location: 5907 N Interstate 35 E

Parcel ID Number(s): 148302

Existing Use: An office building and pole sign currently exist on the subject property.

Development History: The subject property is platted as Lot 17 of Brown Industrial Site Phase 1. The subject property was previously occupied by Ken's Trucking.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Light Industrial-1 (LI-1)	Rivera Truck
East	Heavy Industrial (HI)	I-35E & Georgia-Pacific
South	Heavy Industrial (HI)	I-35 Storage
West	Heavy Industrial (HI)	Webber Construction

Future Land Use Plan: Industrial

Comprehensive Plan:

Industrial uses vary from the technology industry to manufacturing. The designated locations for heavier industrial uses are intended to keep them away from residential categories. These are located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking is encouraged to be placed behind structures to keep these areas more readily able to redevelop into more urban places over time. When uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

Thoroughfare Plan:

The subject property is accessible via the I-35 E Service Road.

Site Image:**PLANNING ANALYSIS**

The applicant requests approval of a Specific Use Permit (SUP) to allow for an Outside Storage use for Rago Enterprises at 5907 N Interstate 35 E. The majority of the existing lot is covered in gravel with no intentional landscaping. An existing pole sign approximately 40' in height is currently located on the subject property. The applicant is not proposing to increase the height or size of the existing sign with this SUP. The SUP is requested to specifically allow for the outside storage of concrete formwork materials; which include aluminum beams, steel beams, metal post shores, metal walls, column forms, and elevated deck forms for example. Outside storage of heavy equipment, trucks, or trailers will be prohibited with the proposed SUP. In the event dust becomes an issue on site, the applicant has noted that a water truck will be brought to the property and utilized to control dust.

Planning Analysis (continued)

The applicant is proposing several improvements to the site with this SUP. The applicant is proposing to install a concrete drive aisle from the I-35 Service Road to the existing building. The additional concrete paving will also include 10 parking spaces and a fire lane. The applicant is also proposing to remove the existing gravel up to 30' behind the existing wrought iron fence on site. This 30' area will be replaced with a landscape buffer including street trees, Crape Myrtles, evergreen shrubs, and mulch to provide a visual screen between the storage area and traffic on I-35. Finally, the applicant is proposing to extend a new wrought iron fence along the southern property line and the remainder of the eastern property line up to the existing fence line on the I-35 Service Road frontage. The applicant is not proposing additional landscaping or screening improvements along the northern or western property lines, due to the existence of similar outside storage uses directly adjacent to the subject property.

Comprehensive Plan Compliance

The subject property is designated as Industrial on the City of Waxahachie Future Land Use Plan (FLUP). The proposed Outside Storage use of the subject property is appropriate for this FLUP category for the reason that the use is adjacent to other industrial uses and utilizes quick access to I-35. Improvements proposed with this SUP are consistent with improvements called for in the 2023 Comprehensive Plan.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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 SUP request, with the condition noted below.

Conditions:

1. The items allowed to be stored outside will be limited to concrete formwork materials. Outside storage of heavy equipment, trucks, or trailers is prohibited.
2. The Applicant shall obtain an updated Certificate of Occupancy (CO) for Rago Enterprises noting the allowance of an Outside Storage use prior to storing concrete formwork materials on-site. The CO shall refer to the ordinance number of the approved SUP.
3. The landscaping and pavement improvements identified on the Site Plan/Landscape Plan shall be installed prior to the issuance of an updated Certificate of Occupancy (CO) for Rago Enterprises' Outside Storage use.

ATTACHED EXHIBITS

1. Site Plan/Landscape Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATIONPrepared 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

(14 + 15)

PLANTING NOTES

1. PLANT SIZE, TYPE AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE
2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK
3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE
4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM COMPLETELY ENCOMPASSING CONTAINER
5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED ALL TREES WITH SPREAD 2/3 OF HEIGHT
6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS
7. MAINTAIN PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE
8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MAX AS OUTLINED IN SPEC WHERE SHRUBS ARE LOCATED ALONG CURB SET SHRUBS BACK FROM CURB 3 FT
9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS
10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES INCLUDING BUT NOT LIMITED TO TELEPHONE, TELEGRAPH, ELECTRIC, GAS, WATER AND SEWER ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER
11. EXISTING TREES ARE SHOWN TO REMAIN CONTRACTOR SHALL PRUNE ONLY ON APPROVAL OF CITY ARBORIST WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH DEAD AND DISEASED BRANCHES AND LIMBS VINES BRIARS AND OTHER INVASIVE GROWTH AND ALL INTERFERING BRANCHES MAKE ALL CUTS FLUSH TO REMAINING LIMB RETAIN NATURAL SHAPE OF PLANT ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE
12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES CONTRACTOR TO VERIFY PRIOR TO PRICING
13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS REFER TO SPECIFICATIONS FILE ALL CORNERS SMOOTH
14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURER'S INSTRUCTIONS ON ALL GROUND COVER SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER
15. AT TIME OF PLANT PREPARATION SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL BAB PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON PURCHASE AND HOLD BAB PLANTS FOR LATE SEASON INSTALLATION
16. PRIOR TO PLANTING CONTRACTOR SHALL STAKE TREE LOCATIONS FOR APPROVAL BY OWNER



SCALE: 1/32" = 1'-0"

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	LAG IND	21	Lagerstroemia indica	Crape Myrtle	15 gal	8-10 Ft	As Shown	3 to 5 Canes
	QUE VIR	16	Quercus virginiana	Southern Live Oak	3" Cal	12 Height Min	As Shown	
TREET	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	ILE NAN	10	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	5 gal		36" O.C.	
	LEU FRU	10	Leucophyllum frutescens	Texas Sage	5 gal		36" O.C.	
	LAG JPN	47	Ligustrum japonicum	Viburnum ligustrum	5 gal		48" O.C.	

CAUTION!!

UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO CALL BEFORE YOU DIG. TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-8377 TEXAS ONE CALL SYSTEMS 1-800-245-4545 ONE STAR NOTIFICATION CENTER 1-800-669-0344 EXT 5



BEFORE YOU DIG...

LOT 17 OF BROWN INDUSTRIAL SITES PHASE ONE
182,824 Sq. Ft or 4.197 Acres of Land
Existing Zoning: Heavy Industrial w/ SUP Open Storage
Voxachochie Address: 5907 N. Interstate Highway 35,
Case # - ZDC - 149-2022

RAGO ENTERPRISES
MAIN OFFICE: 5610 FM 2918

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. INSTALL SOD TO ESTABLISH TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

