

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, August 29, 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. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

- a. Minutes of the regular Planning & Zoning Commission meeting of August 15, 2023
 - b. Minutes of the Planning & Zoning Commission briefing of August 15, 2023
5. ***Consider*** a request by Bryce Eckeberger, Kimley-Horn, for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, being 124.86 acres, located on the southwest corner of US Highway 287 and South Interstate 35E, situated in the John B. Bounds Survey, Abstract No. 99 and Jonathan E. Prince Survey, Abstract No. 844, an addition to the City of Waxahachie (Property ID 180322) – Owner: 289 BSL Waxahachie, LLC (SUB-85-2023) Staff: Eleana Tuley
6. ***Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards (ZTA-113-2023) Staff: Jennifer Pruitt
7. ***Consider*** recommendation of Zoning Text Amendment No. ZTA-113-2023

8. **Consider** a request by Mike Davis, Bannister Engineering, for a Plat of Waxahachie 287 Retail, being 3.788 acres, located directly south of 131 Village Parkway, situated in the Robert Russell Survey, Abstract 911, an addition to the City of Waxahachie (Property ID: 138302 & 284546) – Owners: Waxahachie 287 Retail, LLC and Lyons American Securities, Inc., Trustee for Waxahachie 287 Brown Street LTD (SUB-105-2023) Staff: Zack King
9. **Consider** recommendation on a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Lots 127R and 130 of the Ferris Second Addition, 2 lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) Owners: Ellis County Farm Bureau, Linda and Duane Farmer (SUB-42-2023) Staff: Oanh Vu
10. **Consider** a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Tracts 5 and 4B A of the Whispering Meadows Addition, to create Lots 4B-1A, 5A, 5B, 5C, and 5D of the Whispering Meadows Addition, 5 residential lots, being 29.000 acres, located at 1161 and 1207 Wilson Road in the City of Waxahachie Extra Territorial Jurisdiction. (Property ID 199199 and 222619) – Owners: Anthony Gutierrez, ACE Mulligan Investments, LLC, Martha and Miguel Gabriola (SUB-98-2023) Staff: Oanh Vu
11. **Consider** a request by Jeff Montanya for a Replat of Lots 1 and 2 Block 1, of the Shaw Burgess Addition, to create Lot 1R and 2R, Block 1, of the Shaw Burgess Addition, 2 residential lots, being 13.827 acres, located at 850 and 870 Wilson Road, in the Extra Territorial Jurisdiction (Property IDs 273283 and 273284) – Owners: Brian and Jennifer Burgess, and Tyler and Kimberlee Shaw (SUB-83-2023) Staff: Oanh Vu
12. **Consider** a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Replat of Lot 8, Block 61, and Lots 8 and 9, Block 63 of the Town Addition being 0.198 acres, located at 444, 450, and 500 Dr. Martin Luther King Boulevard (Property ID 170925, 171001, 171002 – Owner: Pace Custom Homes I, Inc. (SUB-51-2023) Staff: Oanh Vu
13. **Consider** a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a Plat of Phan Addition, Lot 1, Block A, being 1.901 acres, located at 350 Farrar Road, situated in the S A & M G R R Survey, Abstract 1038 and the G Wheelock Survey, Abstract 1117, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 274708 – Owner: Phuoc Phan (SUB-50-2023) Staff: Oanh Vu
14. **Consider** a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Tract 2, Block A, North Waxahachie Industrial Park, 2 lots, being 4.071 acres, located at 2601 North Highway 77 (Property ID 174803, 296943 and 193702) – Owner: CJ Commercial Co LLC and Northside Church of Christ (SUB-111-2022) Staff: Eleana Tuley
15. 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>

(4a)

Planning and Zoning Commission
August 15, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 15, 2023 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Amber Villarreal, City Secretary
Chris Wright, Council Representative

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

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

3. **Public Comments**

James Parks, 102 Post Oak Ln., Waxahachie, Texas, requested to prohibit short-term rentals in single-family residential neighborhoods.

Arlene Hahan, 110 Oak Tree Drive, Waxahachie, Texas, requested to prohibit short-term rentals in single-family residential neighborhoods.

4. **Consider minutes of the regular Planning & Zoning Commission meeting of July 25, 2023**

Action:

Bonney Ramsey moved to approve the minutes of the regular Planning & Zoning Commission meeting of July 25, 2023. Motion was seconded by Melissa Ballard and carried unanimously (7-0).

5. **Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses. Staff: Jennifer Pruitt**

The Item was presented by Senior Director of Planning Jennifer Pruitt.

Chairman Keeler opened the Public Hearing at 7:41 p.m.

Those who spoke in opposition:

Michael McCorkle, 171 Willow Run, Waxahachie, Texas

James Parks, 102 Post Oak Ln., Waxahachie, Texas

There being no others to speak for or against ZTA-92-2023, Chairman Keeler closed the Public Hearing at 7:47 p.m.

6. Consider recommendation of Zoning Text Amendment No. ZTA-92-2023

Action:

Ron Ansell moved to recommend approval of ZTA-92-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses; authorizing the Mayor to sign the associated documents accordingly. Motion was seconded by David Hudgins and failed by a vote of 3-4, with Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and Erik Test voting in opposition.

7. Consider a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 1, Block B, Legacy Ranch Phase One, to create two lots, being 1.401 acres, located at 1001 Legacy Ranch Road, (Property ID: 267511) – Owner: BKG LEGACY RANCH 1, LLC (SUB-103-2023) Staff: Zack King

The Item was presented by Senior Planner Zack King.

Action:

Melissa Ballard moved to approve SUB-103-2023, a Replat of Lot 1, Block B, Legacy Ranch Phase One, per the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Erik Test and carried unanimously (7-0).

8. Consider a request by Bryce Eckeberger, Kimley-Horn, for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, being 124.86 acres, located on the southwest corner of US Highway 287 and South Interstate 35E, situated in the John B. Bounds Survey, Abstract No. 99 and Jonathan E. Prince Survey, Abstract No. 844, an addition to the City of Waxahachie (Property ID 180322) – Owner: 289 BSL Waxahachie, LLC (SUB-85-2023) Staff: Eleana Tuley

Chairman Keeler announced the applicant requested to consider SUB-85-2023 at the August 29, 2023 Planning and Zoning Commission meeting.

Action:

Melissa Ballard moved to continue the consideration of SUB-85-2023 to the August 29, 2023 Planning and Zoning Commission meeting. Motion was seconded by David Hudgins and carried unanimously (7-0).

9. **Consider a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Plat of Wilemon Steam Academy, Lots 1 & 2, Block A, being 66.948 acres, located southwest of 3001 W US Highway 287 Bypass, situated in the J. Boyd Survey, Abstract 108 & Abstract 109, an addition to the City of Waxahachie (Property ID: 180484) – Owner: WAXAHACHIE ISD (SUB-99-2023) Staff: Zack King**

The Item was presented by Mr. King.

Action:

Bonney Ramsey moved to approve SUB-99-2023, a Plat of Wilemon Steam Academy, Lot 1, Block A, per the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Erik Test and carried unanimously (7-0).

10. **Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023) Staff: Zack King**

The Item was presented by Mr. King and applicant Corey Vaughan requested approval.

Chairman Keeler opened the Public Hearing at 8:16 p.m.

There being no others to speak for or against ZDC-55-2023, Chairman Keeler closed the Public Hearing at 8:16 p.m.

11. **Consider recommendation of Zoning Change No. ZDC-55-2023**

Action:

Melissa Ballard moved to recommend approval of ZDC-55-2023, a Specific Use Permit (SUP) request for a 30' Pole Sign (QuikTrip) use at 1342 Brown Street, with sign option 2, subject to the conditions in the staff report. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).

12. **Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023) Staff: Zack King**

The Item was presented by Mr. King.

Chairman Keeler opened the Public Hearing at 8:21 p.m.

There being no others to speak for or against ZDC-75-2023, Chairman Keeler closed the Public Hearing at 8:21 p.m.

13. **Consider recommendation of Zoning Change No. ZDC-75-2023**

Action:

Betty Square Coleman moved to recommend approval of ZDC-75-2023, a zoning change at 408 E Jefferson Street from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district. Motion was seconded by Ron Ansell and carried unanimously (7-0).

- 14. Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023) Staff: Zack King**

The Item was presented by Mr. King and applicant April Gonzales requested approval.

Chairman Keeler opened the Public Hearing at 8:28 p.m.

Those who spoke in support:

Randall Grubbs, 3819 FM 1446

There being no others to speak for or against ZDC-107-2023, Chairman Keeler closed the Public Hearing at 8:32 p.m.

- 15. Consider recommendation of Zoning Change No. ZDC-107-2023**

Action:

David Hudgins moved to recommend approval of ZDC-107-2023, a Zoning Change request from an Office zoning district to a Planned Development-Office zoning district, subject to the conditions in the staff report. The motion was seconded by Bonney Ramsey and carried unanimously (7-0).

- 16. Adjourn**

There being no further business, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

Planning and Zoning Commission
August 15, 2023

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, August 15, 2023 at 6:15 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Senior Director of Planning
Zack King, Senior Planner
Eleana Tuley, Senior Planner
Amber Villarreal, City Secretary
Chris Wright, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

City staff briefed the Commission on the following August 15, 2023 regular meeting agenda items:

5. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses. Staff: Jennifer Pruitt
7. Consider a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 1, Block B, Legacy Ranch Phase One, to create two lots, being 1.401 acres, located at 1001 Legacy Ranch Road, (Property ID: 267511) – Owner: BKG LEGACY RANCH 1, LLC (SUB-103-2023) Staff: Zack King
8. Consider a request by Bryce Eckerberger, Kimley-Horn, for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, being 124.86 acres, located on the southwest corner of US Highway 287 and South Interstate 35E, situated in the John B. Bounds Survey, Abstract No. 99 and Jonathan E. Prince Survey, Abstract No. 844, an addition to the City of Waxahachie (Property ID 180322) – Owner: 289 BSL Waxahachie, LLC (SUB-85-2023) Staff: Eleana Tuley
9. Consider a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Plat of Wilemon Steam Academy, Lots 1 & 2, Block A, being 66.948 acres, located southwest of 3001 W US Highway 287 Bypass, situated in the J. Boyd Survey, Abstract 108 & Abstract 109, an addition to the City of Waxahachie (Property ID: 180484) – Owner: WAXAHACHIE ISD (SUB-99-2023) Staff: Zack King

(4b)

Planning and Zoning Commission

August 15, 2023

Page 2

10. Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023) Staff: Zack King
12. Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023) Staff: Zack King
14. Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023) Staff: Zack King

No action taken.

3. Adjourn

There being no further business, the meeting adjourned at 6:55 p.m.

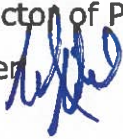
Respectfully submitted,

Amber Villarreal
City Secretary

(5)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Michael Scott, City Manager 
Date: August 23, 2023
Re: SUB-85-2023 – 289 BSL - Waxahachie

On August 23, 2023, the applicant requested to continue this application from the August 29, 2023 Planning and Zoning meeting to the September 12, 2023 Planning and Zoning Commission meeting.

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-113-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission:

August 29, 2023

City Council:

September 5, 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 VI Performance Standards, Section 6.03 Lighting and Glare Standards. (ZTA-113-2023) to update the Lighting and Glare standards of Waxahachie.

RECOMMENDED MOTION

"I move to recommend approval of ZTA-113-2023, a request by the City of Waxahachie City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards. (ZTA-113-2023) to update the Lighting and Glare Standards of Waxahachie, authorizing the Mayor to sign the associated documents accordingly."

PLANNING ANALYSIS

The Lighting and Glare standards in the Zoning Ordinance need to be revised to establish consistent requirements for residential and non-residential lighting installation projects.

The purpose of this Zoning Text Amendment is to:

1. Create lighting definitions.
2. Identify Lighting Plan requirements.
3. Reference prohibited lighting.
4. Reference Exemptions.
5. Add violation language.

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 ZTA-113-2023, a request by the City of Waxahachie City Zoning Ordinance, Ordinance No. 3020, to Article VI Performance Standards, Section 6.03 Lighting and Glare Standards. (ZTA-113-2023) to update the Lighting and Glare Standards.

ATTACHED EXHIBITS

1. ZTA-113-2023 Lighting 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, TO ARTICLE VI PERFORMANCE STANDARDS, SECTION 6.03 LIGHTING AND GLARE STANDARDS; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND SETTING AN EFFECTIVE DATE OF OCTOBER 1, 2023.

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 August 29, 2023, and a public hearing was held by the City Council on September 5, 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 VI (Performance Standards) is hereby amended to add the following section in Exhibit A.

Section 3. 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 4. 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 us and the development of property maybe 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

(6)

PASSED, APPROVED, AND ADOPTED on this 5th day of September, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A**Section 6.03 – Lighting and Glare Standards****(a) General purpose and description:**

- (i) The purpose and intent of this section to establish regulations and standards which will reduce light pollution generated by residential and non-residential lighting fixtures and devices by creating standards for controlling lighting and glare that are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby properties by their owners and occupants while requiring adequate levels of lighting of parking areas.

(b) Definitions:

- (i) For the purposes of this Section, the following definitions apply:

- 1) *Administrator* means the City Manager and/or the City Manager's designee.
- 2) *Cutoff fixture* means a light fixture distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle ten (10) degrees below such horizontal plan at all lateral angles around the fixture. Cutoff fixtures shall be fully shielded.
- 3) *Fixture* means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or polo socket, lamp holder, ballast, reflector, or mirror, and a refractor or lens.
- 4) *Flood lamp* means a form of lighting designed as outdoor lighting to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturer.
- 5) *Foot-candle* means a unit of light measurement equal to one lumen per square foot.
- 6) *Glare* means the brightness of a light source that causes annoyance, discomfort, or loss in visual performance and visibility to the eye.
- 7) *Light trespass* means unwanted light emitted by a lighting installation that shines beyond the boundaries of the property on which the installation is sited.
- 8) *Lumen* means a unit of measurement of light. One lumen equals one foot-candle falling onto one square foot of area.
- 9) *Luminaire* means a lighting fixture complete with the light source or lamp, the reflector for directing the light, an aperture (with or without a lens), the outer shell or housing for lamp alignment and protection, an electrical ballast if required, and connection to a power source.
- 10) *Nuisance glare* means glare that a) creates an annoyance or aggravation but does not create a potentially hazardous situation, or b) creates an annoyance or aggravation that impairs or impedes a person's right of quiet enjoyment of his/her property.

- 11) *Photometric plan* means a gridded layout that shows the measurement of light throughout the property. The plan shows how a lighting system will look at the project site, and show the spread, uniformity, and foot-candles of lighting.
- 12) *Spillover light* means artificial light that falls outside of the intended area to be lighted.
- 13) *Watt* means a standard unit of power (energy per unit time), the equivalent of one joule per second.

(c) *Nonresidential site lighting and glare standards:*

- (i) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25-foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property
- (ii) All off-street parking areas for nonresidential uses in nonresidential districts which are used after dark shall be illuminated beginning one-half ($\frac{1}{2}$) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting shall be directed or shielded in such a manner as to not interfere with traffic movement or adjacent streets. Lighting within the parking areas shall meet the following minimum requirements:
- (iii) Intensity:
 - 1) Minimum at any point on the parking area surface to be at least 0.6-foot candles initial, and at least 0.3-foot candles maintained or one-third ($\frac{1}{3}$) of the average, whichever is greater.
 - 2) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light upon any adjacent residentially zoned area.

(iv) Exterior Lighting Plan

- 1) Lighting plan
 - a) Contact information including name of applicant, address, and telephone number;
 - b) Proposed uses of outdoor lights involved;
 - c) Types of lamps used, including manufacturers' part number;
 - d) Type of light fixtures used, including manufacturers' model number and specifications;
 - e) Initial lumens of lamp or lamps and associated maximum light loss factors;

(6)

- f) Minimum illuminance, maximum illuminance, and average maintained illuminance for the site;
 - g) Illuminance levels at each property line;
 - h) Aiming and shielding instructions for floodlighting or spotlighting;
 - i) The location of all buildings, parking spaces, parking aisles, walkways, landscape beds, flags, or statues, and if applicable, any areas dedicated to the outdoor storage or display on the lot or parcel; and
 - j) Types of each light fixtures, keyed to a light fixture schedule and pictures, and cutsheets or line drawings of the proposed light fixtures.
- 2) Light Fixture Schedule indicates fixture type keyed to the plan, the quantities and types of lamps to be used in each fixture along with the rated lumen output of the lamps, the shielding category in which the light fixtures belong (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixtures.
 - 3) Cutsheets indicate photometric distribution data stated in iso foot candle diagrams within the lighting plan.
 - 4) Photometric Plan showing the initial horizontal illuminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than ten (10) feet apart and covering the entire site (excluding buildings) and extending a minimum of twenty (20) feet beyond the lot or parcel property line. The maximum and minimum illuminance values within each specific use area shall be clearly distinguished. Photometric plans for sites with existing pole-mounted lighting within fifty (50) feet of the property line shall include this existing lighting in the calculation. When photometric data for the existing fixtures is not available, photometry for a similar fixture may be used. The fixture(s) used to represent existing lighting shall be included on the lighting fixture schedule and designated as "existing."
- (v) Height:
- 1) On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty (30) feet.
 - 2) On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty (20) feet.
 - 3) Special lighting or lighting higher than thirty (30) feet may be approved by the Administrator, as specifically noted on a site plan.
- (d) *Residential lighting and glare standards:*
- (i) Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
 - 1) Direct lighting over ten (10) feet in height shall be shielded from adjacent property(ies).
 - 2) No light source shall exceed thirty (30) feet in height. Street lights and other traffic safety lighting are exempt from this standard.

- 3) Lighting shall not directly shine on adjacent dwellings which creates a nuisance.
- 4) A nuisance created by light:
 - a) Which if measured at the property line adjacent to a residentially-zoned property or adjacent to a property used for residential purposes, is in excess of 0.25 of one-foot candle;
- (ii) Intensity:
 - 1) Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25-foot candles of light.
- (iii) Exterior Light Plan
 - 1) Lighting plan
 - a) Contact information including name of applicant, address, and telephone number;
 - b) Proposed uses of outdoor lights involved;
 - c) Types of lamps used, including manufacturers' part number;
 - d) Type of light fixtures used, including manufacturers' model number and specifications;
 - e) Initial lumens of lamp or lamps and associated maximum light loss factors;
 - f) Minimum illuminance, maximum illuminance, and average maintained illuminance for the site;
 - g) Illuminance levels at each property line;
 - h) Aiming and shielding instructions for floodlighting or spotlighting;
 - i) The location of all buildings on the lot or parcel; and
 - j) Types of each light fixtures, keyed to a light fixture schedule and pictures, and cutsheets or line drawings of the proposed light fixtures.
 - 2) Light Fixture Schedule indicates fixture type keyed to the plan, the quantities and types of lamps to be used in each fixture along with the rated lumen output of the lamps, the shielding category in which the light fixtures belong (unshielded, shielded, fully shielded, or full cut-off), and a description of the fixtures.
 - 3) Light Fixture Specifications indicates a brief description of the product, manufacturer product ordering number, and lamp information (to include lamp type, wattage, voltage, beam spreads, and color temperature, as applicable).
- (e) *Luminaires*: Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires, installed and maintained so as to reduce glare effect and consequent interference with the use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited except for temporary lighting as provided in 6.03(e).
- (f) *Special or temporary lighting*: low wattage: Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

(g) *Measurement*

- (i) *Metering equipment:* Lighting levels shall be measured in foot-candles with a direct-reading, portable.
- (ii) *Method of foot-candle measurement:* The meter sensor shall not be more than six (6) inches above ground level in a horizontal position or six (6) foot in a vertical position. The reading shall be taken only after the cell has been exposed long enough to provide a constant reading.

(h) *Prohibited Lighting*

- (i) A person commits an offense if the person has or places outdoor lighting on a property that involves or utilizes the following:
 - 1) Any light source above 315 lumens that is not aimed to prevent light trespass or glare beyond the property boundary;
 - 2) Any lighting source above 315 lumens unless it is shielded sufficiently such that the luminous elements (lamp, reflective surfaces or lens cover) of the fixture are not visible from any other property;
 - 3) The operation of searchlights, strobes, or pulsating lights;
 - 4) The use of low-pressure sodium bulbs as a light source;
 - 5) An unshielded lighting source or drop lens above 315 lumens;
 - 6) Any light or combination of lighting that creates a nuisance; or
 - 7) Any lighting installed to illuminate an unimproved surface or private outdoor recreational activities that exceed requirements defined as a residential outdoor lighting nuisance.
 - 8) Floodlights
- (ii) A foot-candle reading as performed in accordance with Section 6.03(f) and found to be in excess of those amounts defined as a residential outdoor lighting nuisance glare shall be prima facie evidence of violation of this chapter.

(a) *Exemptions*

- (i) The following shall be exempt from the requirements of this section:
 - 1) All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires.
 - 2) All hazard-warning luminaires required by federal regulatory agencies, provided that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task
 - 3) Other municipal or state lighting installed for the benefit of public health, safety, and welfare.
 - 4) All fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets; provided, however, that compliance with this section is nevertheless encouraged to the extent feasible.

(6)

- 5) Luminaires used to illuminate the flag of the United States of America or of the state.
- (j) Violations, legal actions and penalties.
- (i) Property owners who install lighting fixtures after the effective date of the ordinance from which this section is derived and are found to be in noncompliance shall receive written notification and will be given 90 calendar days from the date of such written notification to bring the lighting system into compliance.
 - 1) *Violation.* It shall be a civil infraction for any person to violate any of the provisions of this section. Each and every day during which the violation continues shall constitute a separate offense.
 - 2) *Legal actions.* If, after investigation, the code enforcement officer finds that any provision of the section is being violated, notice shall be given by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 90 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the 90-day period, the code enforcement officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this section and to collect the penalties for such violations.
 - 3) *Penalties.* A violation of this section or any provision hereof shall be punishable by a fine of not more than two thousand dollars (\$2,000.00) for each offense. Each day of violation after the expiration of the 90-day period provided in subsection (2) of this section shall constitute a separate offense for the purpose of calculating the civil penalty.

Planning & Zoning Department

Plat Staff Report

Case: SUB-105-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider request by Mike Davis, Bannister Engineering, for a **Plat** of Waxahachie 287 Retail, being 3.788 acres, located directly south of 131 Village Parkway, situated in the Robert Russell Survey, Abstract 911, an addition to the City of Waxahachie (Property ID: 138302 & 284546) – Owners: Waxahachie 287 Retail, LLC and Lyons American Securities, Inc., Trustee for Waxahachie 287 Brown Street LTD (SUB-105-2023) Staff: Zack King

RECOMMENDED MOTION

*"I move to approve SUB-105-2023, a **Plat** of Waxahachie 287 Retail, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

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

CASE INFORMATION

Applicant:	Mike Davis, Bannister Engineering
Property Owner(s):	Waxahachie 287 Retail, LLC and Lyons American Securities, Inc., Trustee for Waxahachie 287 Brown Street LTD
Site Acreage:	3.788 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units
Park Land Dedication:	The cash in lieu of park land dedication is \$2,272.80 (3.788 acres at \$600.00 per acre.)
Adequate Public Facilities:	Adequate public facilities are available to the subject property via the upsizing of existing City water and sewer infrastructure.

SUBJECT PROPERTY

General Location:	Directly south of 131 Village Parkway
Parcel ID Number(s):	138302 & 284546
Current Zoning:	Planned Development-General Retail-Mixed Use Residential (PD-GR-MUR, Ordinance 3118)
Existing Use:	The subject property is currently undeveloped.

Platting History:

The subject property was originally proposed to be platted as lots 2-4 of the Lyons American Addition (PL-19-113) in 2019. However, following approval of this plat, the applicant opted not to file the phase of the plat that included the subject property. Approval of this plat expired in 2021; which has necessitated the submittal of this new plat application.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to plat the subject property into one (1) lot for commercial use. The subject property is located in The Village Planned Development (PD) zoning district and complies with the PD's requirements. The applicant is providing a 10' right-of-way (ROW) dedication along Palomino Drive, in conformance with the Waxahachie Thoroughfare Plan. The applicant is also providing a mutual access easement to facilitate cross-access to the adjacent Village Parkway; which is a private drive.

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.

ATTACHED EXHIBITS

1. Plat

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, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

© 1999 American Properties, Inc. 1407-23-001 (Malaysia Retail Property - Waukacheh) Survey (Survey Doc) 1407-23-001 (Malaysia)

Planning & Zoning Department

Plat Staff Report

Case: SUB-42-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

City Council: September 5, 2023

CAPTION

Consider recommendation of a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Lots 127R and 130 of the Ferris Second Addition, to create Lots 127R-1 and 127R-2 of the Ferris Second Addition, 2 Non-Residential Lots, being 0.811 acres, located at 122 and 126 North Highway 77. (Property ID 142201 and 173428) – Owners: LINDA FARMER, DUANE FARMER, AND ELLIS COUNTY FARM BUREAU (SUB-42-2023)

RECOMMENDED MOTION

*"I move to recommend approval SUB-42-2023 for a **Replat** of Lots 127R-1 and 127R-2 of the Ferris Second Addition and the associated variance request, subject, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The applicant is requesting to replat the subject property into two (2) lots for non-residential use. Also, the applicant is requesting a petition of relief from Appendix C – II. Procedures – Section 2.3.a.1 – Conforming with the City's Zoning Ordinance (including the proper zoning for the intended use) and its Comprehensive Plan, including all other adopted plans including, but not limited to, the Water and Wastewater Master Plans, Future Land Use Plan, Park and Open Space Plan, and Thoroughfare Plan, as applicable.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	Linda Farmer, Duane Farmer, and Ellis County Farm Bureau
Site Acreage:	0.811 acres
Number of Lots:	2 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	N/A; these lots have been developed
Adequate Public Facilities:	Adequate facilities are available to the subject properties

SUBJECT PROPERTY

General Location:	122 and 126 North Highway 77
Parcel ID Number(s):	142201 and 173428

Current Zoning:

General Retail (GR)

Existing Use:

122 North Highway 77 – Office

126 North Highway 77 – Retail

Platting History:

Lot 127R was previously replatted in 2003 of the Ferris Second Addition; Lot 130 was previously platted in the original Ferris Second Addition

Site Aerial:**PLANNING ANALYSIS**

The applicant is proposing to replat the subject properties into two (2) lots for non-residential use. Each lot has water and sewer services. The applicant will establish a fifteen-foot (15') utility easement along the roadway frontage (North Highway 77).

The applicant is requesting a petition of relief from Appendix C – II. Procedures – Section 2.3.a.1 – Conforming with the City's Master Thoroughfare Plan. North Highway 77 is identified as a Minor Arterial with a total width of 100' per the City's Master Thoroughfare Plan, which was recently updated in early 2023. The applicant is required to dedicate a total of 50' from the centerline of the right-of-way along with a 15' utility easement for the existing water line. The right-of-way dedication would encroach into the existing buildings of 122 North Highway 77 by approximately four feet (4'), and approximately one-foot six-inches (1'-6") of 126 North Highway 77.

Staff is in support of this waiver request because if TxDOT widens North Highway 77, the City is still able to move the water line within the 15' utility easement dedicated by this plat without having to acquire additional land for the utility easement.

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 replat.

ATTACHED EXHIBITS

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

1. Replat (Exhibit A)
2. Existing Conditions Exhibit (Exhibit B)

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The applicant has submitted original copies of the tax certificate(s).

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

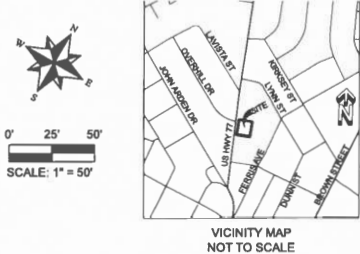
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

EXHIBIT A - REPLAT

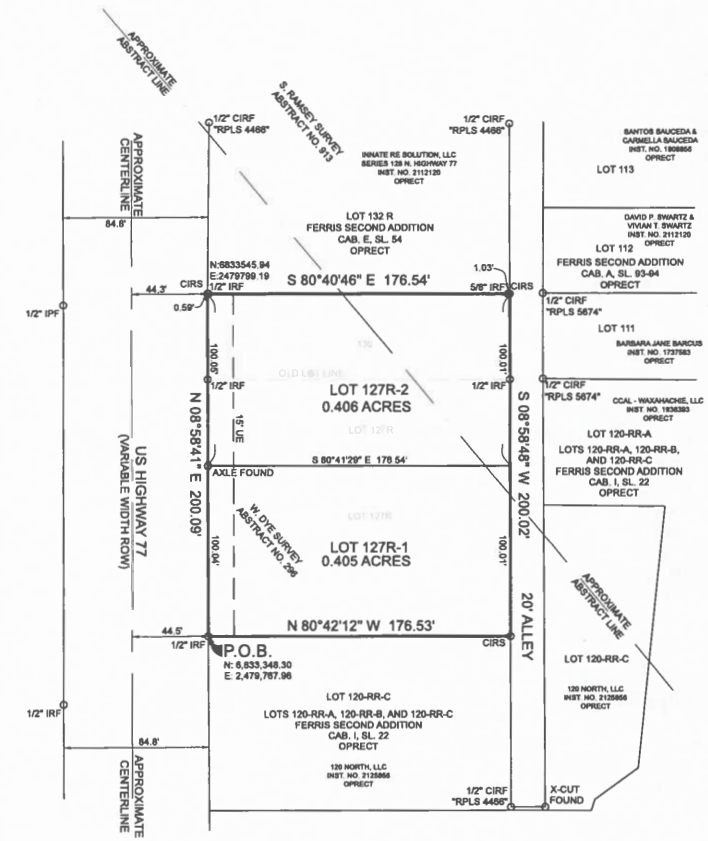


- LEGEND
- CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
 - CIRF = CAPPED IRON ROD FOUND
 - IRF = IRON ROD FOUND
 - IRP = IRON PIPE FOUND
 - FND = FOUND
 - P.O.B. = POINT OF BEGINNING
 - OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
 - PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
 - UE = UTILITY EASEMENT
 - DE = DRAINAGE EASEMENT

NOTES:

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

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48138C0190F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.



OWNER'S CERTIFICATE

STATE OF TEXAS :
COUNTY OF ELLIS :

WHEREAS, ELLIS COUNTY FARM BUREAU, DUANE M. FARMER, JR. AND LINDA J. FARMER, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE W. DYE SURVEY, ABSTRACT NO. 296 AND THE S. RAMSEY SURVEY, ABSTRACT NO. 913, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLIS COUNTY FARM BUREAU, RECORDED IN VOLUME 1828, PAGE 705, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), SAME BEING ALL OF LOT 127R, FERRIS SECOND ADDITION, RECORDED IN CABINET F, SLIDE 348, OPRECT, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO DUANE M. FARMER, JR. AND LINDA J. FARMER, RECORDED IN VOLUME 1856, PAGE 1034, OPRECT, SAME BEING ALL OF LOT 130, FERRIS SECOND ADDITION, RECORDED IN CABINET A, SLIDE 83 AND REVISED IN CABINET A, SLIDE 161, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 127R AND THE COMMON NORTHWEST CORNER OF LOT 120-RR-C, OF LOTS 120-RR-A, 120-RR-B, AND 120-RR-C, FERRIS SECOND ADDITION, RECORDED IN CABINET I, SLIDE 22, OPRECT, AND IN THE EAST RIGHT-OF-WAY (ROW) LINE OF US HIGHWAY 77 (A VARIABLE WIDTH ROW);

THENCE N 08°58'41" E, ALONG THE WEST LINE OF SAID LOT 30 AND THE COMMON EAST LINE OF SAID US HIGHWAY 77, PASSING AT A DISTANCE OF 100.05 FEET AN AXLE FOUND FOR CORNER, CONTINUING ALONG THE WEST LINE OF SAID LOT 127R AND THE COMMON WEST LINE OF SAID LOT 130 AND THE COMMON EAST ROW LINE OF SAID US HIGHWAY 77, A TOTAL DISTANCE OF 200.09 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID LOT 130 AND THE COMMON SOUTHWEST CORNER OF LOT 132 R, FERRIS SECOND ADDITION, RECORDED IN CABINET E, SLIDE 54, OPRECT ;

THENCE S 80°40'46" E, ALONG THE NORTH LINE OF SAID LOT 30 AND THE COMMON SOUTH LINE OF SAID LOT 132 R, PASSING AT A DISTANCE OF 0.59 FEET A 1/2" IRON ROD FOUND, PASSING AT A DISTANCE OF 175.51 FEET A 5/8" IRON ROD FOUND, A TOTAL DISTANCE OF 176.54 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 130 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 132 R, AND IN THE WEST ROW LINE OF A CALLED 20' ALLEY;

THENCE S 08°58'48" W, ALONG THE EAST LINE OF SAID LOT 130, THE EAST LINE OF SAID LOT 127R AND THE COMMON WEST ROW LINE OF SAID CALLED 20' ALLEY, PASSING AT A DISTANCE OF 100.01 FEET A 1/2" IRON PIPE FOUND, CONTINUING ALONG THE EAST LINE OF SAID LOT 127R AND THE COMMON WEST LINE OF SAID CALLED 20' ALLEY, A TOTAL DISTANCE OF 200.02 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 127R AND THE COMMON NORTHEAST CORNER OF SAID LOT 120-RR-C;

THENCE N 80°42'12" W, ALONG THE SOUTH LINE OF SAID LOT 127R AND THE COMMON NORTH LINE OF SAID LOT 120-RR-C, A DISTANCE OF 176.53 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.811 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ELLIS COUNTY FARM BUREAU, DUANE M. FARMER, JR. AND LINDA J. FARMER, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 127R-1 AND 127R-2, FERRIS SECOND ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, 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 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 PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS, MY HAND, THIS THE _____ DAY OF _____, 2023.

DUANE M. FARMER, JR. LINDA J. FARMER

SCOTT BORN, AUTHORIZED AGENT
ELLIS COUNTY FARM BUREAU

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 DUANE M. FARMER, JR., 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, THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

OWNERS:
DUANE M. FARMER &
LINDA J. FARMER
128 N. HIGHWAY 77
WAXAHACHIE, TX 75165
XOOLXXX

OWNERS:
ELLIS COUNTY FARM BUREAU
P.O. BOX 6
WAXAHACHIE, TX 75168
XOOLXXX

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
489.518.0338
TBPLS FIRM NO 10194359

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 LINDA J. FARMER, 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, THE _____ DAY OF _____, 2023.

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 SCOTT BORN, 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, THE _____ 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

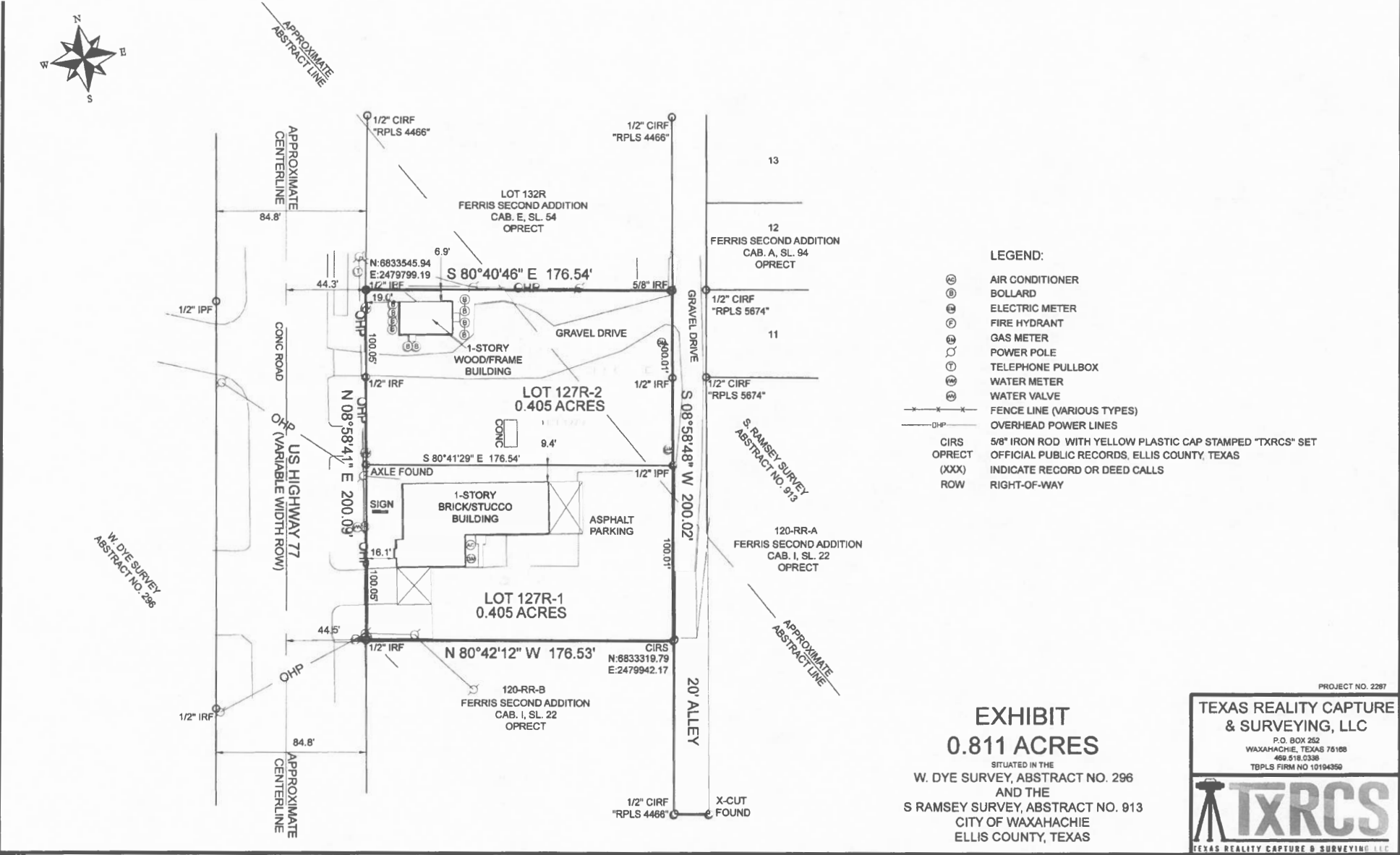
APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: CHAIRPERSON DATE

ATTEST DATE

REPLAT
LOTS 127R-1 & 127R-2
FERRIS SECOND ADDITION
BEING A REPLAT OF LOTS 127R AND 130 OF
FERRIS SECOND ADDITION TO THE
CITY OF WAXAHACHIE, TEXAS,
RECORDED IN CABINET F, PAGE 348 &
CABINET A, SLIDE 161, OPRECT
SITUATED IN
W. DYE SURVEY, ABSTRACT NO. 296 &
S. RAMSEY SURVEY, ABSTRACT NO. 913
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
0.811 ACRES
2 NON-RESIDENTIAL LOTS
ZONED: GR
CASE #: SUB-42-2023

EXHIBIT B - EXISTING CONDITIONS



(9)

Planning & Zoning Department

Plat Staff Report

Case: SUB-98-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a **Replat** of Tracts 5 and 4B A of the Whispering Meadows Addition, to create Lots 4B-1A, 5A, 5B, 5C, and 5D of the Whispering Meadows Addition, 5 residential lots, being 29.000 acres, located at 1161 and 1207 Wilson Road in the City of Waxahachie Extra Territorial Jurisdiction. (Property ID 199199 and 222619) – Owners: ANTHONY GUTIERREZ, ACE MULLIGAN INVESTMENTS, LLC, MARTHA GABRIOLA, AND MIGUEL GABRIOLA (SUB-98-2023)

RECOMMENDED MOTION

*"I move to approve SUB-98-2023 for a **Replat** of Lots 4B-1A, 5A, 5B, 5C, and 5D of the Whispering Meadows Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The applicant is requesting to replat the subject properties into five (5) lots for single family residential use.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	Anthony Gutierrez, Ace Mulligan Investments, LLC, Martha Gabriola, and Miguel Gabriola
Site Acreage:	29.000 acres
Number of Lots:	5 lots
Number of Dwelling Units:	1 unit
Park Land Dedication:	N/A (ETJ)
Adequate Public Facilities:	Adequate public facilities, for domestic services only, are available via Rockett SUD and on-site sewage systems.

SUBJECT PROPERTY

General Location:	1161 and 1207 Wilson Road
Parcel ID Number(s):	199199 and 222619
Current Zoning:	N/A (ETJ)
Existing Use:	1161 Wilson Road is currently undeveloped; 1207 Wilson Road has a single family home on the lot

Platting History:

Tract 5 was previously replatted in 1993; Tract 4B was previously replatted in 2011

Site Aerial:**PLANNING ANALYSIS**

The applicant is proposing to plat the subject properties into five (5) lots for single-family residential use. The applicant is providing a 10' ROW dedication along Wilson Road in conformance with the City of Waxahachie Thoroughfare Plan. All county lot size and dimension requirements have been met.

Adequate public facilities can be provided to the site via Rockett SUD and on-site sewage systems. However, a Water Endorsement Letter received from Rockett SUD stated that adequate water flow is available to the site for domestic services only. Water flow and pressure for firefighting and fire suppression purposes is not available. The City of Waxahachie Subdivision Ordinance allows plats of greater than 4 lots in the Waxahachie ETJ to be approved without adequate fire flow; provided that the plat include a note indicating this fact. The applicant will provide this required note on the plat prior to plat filing.

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 with the condition below.

1. Revised version of the plat shall be provided to staff that includes a note stating the following:
"NOTE: AT THE TIME OF PLAT APPROVAL, THIS DEVELOPMENT DOES NOT HAVE ADEQUATE WATER FLOW TO ALLOW FOR FIRE FIGHTING AND FIRE SUPPRESSION SERVICES TO ANY IMPROVED PROPERTIES."

ATTACHED EXHIBITS

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

1. Plat (Exhibit A)
2. Water Endorsement Letter (Exhibit B)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



EXHIBIT A - REPLAT

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

RUSSELL CRAIG ALTMAN &
CHRISTINA ALICIA ALTMAN
VOL. 2877, PG. 1623
OPRECT

TRACTS 3A & 3B
WHISPERING MEADOWS
CAB. K, SL. 113
OPRECT

TRACT 3B

RUSSELL CRAIG ALTMAN &
CHRISTINA ALICIA ALTMAN
VOL. 2877, PG. 1623
OPRECT

TRACT 3A
TRACTS 3A & 3B
WHISPERING MEADOWS
CAB. K, SL. 113
OPRECT



VICINITY MAP
NOT TO SCALE

NOTES:

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

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48130C0225F, DATED JUNE 3, 2015, 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.

ANY PREVIOUSLY DEDICATED EASEMENTS SHOWN HEREON WERE DEDICATED BY PLAT RECORDED IN CABINET C, SLIDE 21A, OPRECT.

THE CREEK SHALL BE MAINTAINED BY THE PROPERTY OWNER.

ADD NOTE: "AT THE TIME OF PLAT APPROVAL, THIS DEVELOPMENT DOES NOT HAVE ADEQUATE WATER FLOW TO ALLOW FOR FIRE FIGHTING AND FIRE SUPPRESSION SERVICES TO ANY IMPROVED PROPERTIES."

CIRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET

FND = FOUND

IRF = IRON ROD FOUND

OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS

PRECT = PLAT RECORDS ELLIS COUNTY TEXAS

CAB = CABINET

SL = SLIDE

VOL = VOLUME

PG. = PAGE

INST. NO. = INSTRUMENT NUMBER

BL = BUILDING LINE

UE = UTILITY EASEMENT

DE = DRAINAGE EASEMENT

RSE = ROCKET SPECIAL UTILITY DISTRICT EASEMENT

WILSON ROAD
(VARIABLE WIDTH UNRECORDED ROW)

30' ROW DEDICATION
CAB. C, SL. 218
OPRECT

OWNER:
ACE MULLIGAN
INVESTMENTS, LLC, SERIES J
AUTHORIZED AGENT: MICHAEL FARAH
P.O. BOX 181811
ARLINGTON, TX 76088
817.467.1689

OWNER:
ANTHONY GUTIERREZ
1161 WILSON ROAD
WAXAHACHIE, TX 75165
214.399.5429

OWNER:
MIGUEL GABRIOLA &
MARTHA LETICIA GABRIOLA
1227 WILSON ROAD
WAXAHACHIE, TX 75165
469.901.8576

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0339
TBPLS FIRM NO 10194359

REPLAT

TRACTS 4B-A1, 5A, 5B, 5C, AND 5D WHISPERING MEADOWS

29.000 ACRES
BEING A REPLAT OF TRACT 5 OF
WHISPERING MEADOWS, CAB. C, SL. 218, OPRECT
AND A REPLAT OF TRACT 4B-A OF TRACTS 4B-A, 4B-B AND 4B-C
WHISPERING MEADOWS, CAB. I, SL. 19, OPRECT

SITUATED IN THE
F.M. WOODARD SURVEY, ABSTRACT NO 1120
CITY OF WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
5 RESIDENTIAL LOTS
CASE #: SUB-98-2023

JOB NO 1781C

AUGUST 2023

PAGE 1 OF 2

TRACT 6
WHISPERING MEADOWS
CAB. C, SL. 218
OPRECT

ELIZABETH ANN DAVIS
VOL. 2487, PG. 139
OPRECT

N 01°12'06" W 1309.46'

TRACT 5A
14.049 ACRES

TRACT 4B-A1
9.868 ACRES

TRACT 5D
1.687 ACRES

TRACT 5C
1.687 ACRES

TRACT 5B
1.687 ACRES

30' ROW DEDICATION
CAB. B, SL. 616
OPRECT

N: 6,828,047.40
E: 2,514,405.28
P.O.B.

APPROXIMATE CENTERLINE ROAD

KENNETH HOUEK
& PATSY JEAN HOUEK
VOL. 736, PG. 714
OPRECT

WILSON ROAD
(VARIABLE WIDTH UNRECORDED &
DEDICATED ROW)

APPROXIMATE
LOCATION
20' RSE
INST. NO. 2315855
OPRECT

RICHARD WAYNE SPANIEL
LYNN LEE SPANIEL
GLYNN GENE SPANIEL
VOL. 2242, PG. 965
OPRECT

30' ROW DEDICATION
CAB. B, SL. 616
OPRECT

EXHIBIT A - REPLAT

STATE OF TEXAS
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS, ACE MULLIGAN INVESTMENTS, LLC, SERIES J, ANTHONY GUTIERREZ, MIGUEL GABRIOLA AND MARTHA LETICIA GABRIOLA, ARE THE OWNERS OF THAT TRACT OF SITUATED IN THE F.M. WOODARD SURVEY, ABSTRACT NO. 1120, ETJ CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF TRACT 5, WHISPERING MEADOWS, RECORDED IN CABINET C, SLIDE 218, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING ALL OF LOT 48-A, WHISPERING MEADOWS, RECORDED IN CABINET I, SLIDE 19, OPRECT AND BEING ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO ACE MULLIGAN INVESTMENTS, LLC, SERIES J AND ANTHONY GUTIERREZ, RECORDED IN INSTRUMENT NO. 280744, OPRECT AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO MIGUEL GABRIOLA AND MARTHA LETICIA GABRIOLA, RECORDED IN VOLUME 2554, PAGE 1894, OPRECT AND INSTRUMENT NO. 331464, OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT 5 AND THE COMMON SOUTHEAST CORNER OF TRACT 8, OF SAID WHISPERING MEADOWS AND IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF WILSON ROAD (A VARIABLE WIDTH UNRECORDED ROW);

THENCE N 91°12'00" W. ALONG THE WEST LINE OF SAID TRACT 5 AND THE COMMON EAST LINE OF SAID TRACT 8 A DISTANCE OF 1308.48 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID TRACT 8 AND THE COMMON NORTHEAST CORNER OF SAID TRACT 3, OF SAID WHISPERING MEADOWS, FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID TRACT 8, BEARS S 88°46'45" E, A DISTANCE OF 634.02 FEET;

THENCE N 88°46'45" E, ALONG THE NORTH LINE OF SAID TRACT 5 AND THE COMMON SOUTH LINE OF SAID TRACT 3, PASSING AT A DISTANCE OF 864.40 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID TRACT 5 AND THE COMMON NORTHWEST CORNER OF SAID TRACT 4B-A, CONTINUING ALONG THE NORTH LINE OF SAID TRACT 4B-A AND THE COMMON SOUTH LINE OF SAID TRACT 3, A TOTAL DISTANCE OF 964.92 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID TRACT 4B-A AND THE COMMON NORTHWEST CORNER OF TRACT 4B-B, OF SAID WHISPERING MEADOWS, FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID TRACT 3, BEARS N 88°46'45" E, A DISTANCE OF 108.30 FEET;

THENCE S 91°12'00" E, ALONG THE EAST LINE OF SAID TRACT 4B-A AND THE COMMON WEST LINE OF SAID TRACT 4B-B, AND THE COMMON WEST LINE OF SAID TRACT 4B-C, OF SAID WHISPERING MEADOWS, A DISTANCE OF 1308.90 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID TRACT 4B-A AND THE COMMON SOUTHWEST CORNER OF SAID TRACT 4B-C AND IN THE NORTH ROW LINE OF SAID WILSON ROAD;

THENCE S 88°46'45" W. ALONG THE SOUTH LINE OF SAID TRACT 4B-A AND THE COMMON NORTH ROW LINE OF SAID WILSON ROAD, PASSING AT A DISTANCE OF 289.52 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID TRACT 4B-A AND THE COMMON SOUTHWEST CORNER OF SAID TRACT 5, CONTINUING ALONG THE SOUTH LINE OF SAID TRACT 5 AND THE COMMON NORTH ROW LINE OF SAID WILSON ROAD, PASSING AT A DISTANCE OF 367.34 FEET AN AXLE FOUND, PASSING AT A DISTANCE OF 929.87 FEET A 1/2" IRON ROD FOUND, A TOTAL DISTANCE OF 864.92 FEET TO THE POINT OF BEGINNING, AND CONTAINING 29.000 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ACE MULLIGAN INVESTMENTS, LLC, SERIES J, ANTHONY GUTIERREZ, MIGUEL GABRIOLA AND MARTHA LETICIA GABRIOLA, DO HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS TRACTS 4B-A1, 5A, 5B, 5C, AND 5D, WHISPERING MEADOWS, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON ACE MULLIGAN INVESTMENTS, LLC, SERIES J, ANTHONY GUTIERREZ, MIGUEL GABRIOLA AND MARTHA LETICIA GABRIOLA DO 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, LIENS, 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 PUBLICS AND ELLIS COUNTY'S USE THEREOF.
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF 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.
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 THE _____ DAY OF _____, 2023.

BY:

MICHAEL FARAH
AUTHORIZED AGENT
ACE MULLIGAN INVESTMENTS, LLC, SERIES J

ANTHONY GUTIERREZ

MIGUEL GABRIOLA

MARTHA LETICIA GABRIOLA

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 MICHAEL FARAH, 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, THE _____ DAY OF _____, 2023.

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 ANTHONY GUTIERREZ, 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, THE _____ DAY OF _____, 2023.

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 MIGUEL GABRIOLA, 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, THE _____ DAY OF _____, 2023.

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 MARTHA LETICIA GABRIOLA, 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, THE _____ 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, THE _____ DAY OF _____, 2023.

TODD LITTLE
COUNTY JUDGE

RANDY BISHOP
COMMISSIONER PRECINCT 1

LANE 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-BITE
SEWAGE FACILITY SYSTEM PROVIDING 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

ARTIST

DATE

REPLAT

TRACTS 4B-A1, 5A, 5B, 5C, AND 5D WHISPERING MEADOWS

29.000 ACRES

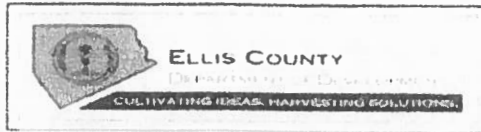
BEING A REPLAT OF TRACT 5 OF
WHISPERING MEADOWS, CAB. C, SL. 218, OPRECT
AND A REPLAT OF TRACT 4B-A OF TRACTS 4B-A, 4B-B AND 4B-C
WHISPERING MEADOWS, CAB. I, SL. 19, OPRECT

SITUATED IN THE

F.M. WOODARD SURVEY, ABSTRACT NO 1120
CITY OF WAXAHACHIE ETJ
ELLIS COUNTY, TEXAS
5 RESIDENTIAL LOTS
CASE #: SUB-98-2023

EXHIBIT B - WATER ENDORSEMENT LETTER

109 South Jackson Street
Waxahachie, TX 75165
Main Phone:
972-825-5200



Department Website
www.co.ellis.tx.us/dod
Department Email
dod@co.ellis.tx.us

WATER UTILITY PROVIDER'S ENDORSEMENT

Ellis County requires new lots in subdivisions to have adequate water flow and pressure to comply with Texas Commission on Environmental Quality (TCEQ) and the latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers 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 plat application packet. If this letter is not submitted, it will be considered an incomplete application.

PROPERTY INFORMATION

Site Address/General Location: 1161 WILSON RD City/State: WAXAHACHIE, TX ZIP: 75165
Legal Description: LOT 5 AND 4B-A OF WHISPERING MEADOWS
Proposed Use of plat or development: RESIDENTIAL SUBDIVISION Acres: 29.00 Lots: 5

APPLICANT/OWNER INFORMATION

Applicant/Agent Name: MICHAEL FARAH Company Name: ACE MULLIGAN INVESTMENTS, LLC
Mailing Address: 2170 MATLOCK ROAD, #110 City/State: MANSFIELD, TX ZIP: 76063
Main Phone: (817) 467-1889 Email: MICHAELFARAH77@GMAIL.COM

TO BE COMPLETED BY THE WATER UTILITY PROVIDER

ROCKETT SUD NOTES
1. LOTS 5A & 4B-A HAVE EXISTING AND ACTIVE METERS
2. LOTS 5B & 4D DO NOT HAVE EXISTING CONNECTIONS OR METERS BUT HAVE CAPACITY RESERVED UNTIL 12/18/23. IF CONNECTIONS ARE NOT SET BY THAT DATE A NEW HYDRAULIC STUDY MUST BE COMPLETED TO VERIFY CAPACITY
3. REPLAT MUST REFLECT THE EXISTING 20' RESUD EASEMENT INSTRUMENT NO. 231955

	YES	NO
1. I have reviewed a copy of the proposed plat/development.	<input checked="" type="radio"/>	<input type="radio"/>
2. The proposed plat/development falls within our CCN area.	<input checked="" type="radio"/>	<input type="radio"/>
3. Our water system can provide water flow and pressure for domestic service, per the latest adopted TCEQ regulations and requirements.	<input checked="" type="radio"/>	<input type="radio"/>
4. Our water system can provide the water flow and necessary minimum pressure for firefighting purposes, per established County regulations and ISO guidelines.	<input type="radio"/>	<input checked="" type="radio"/>
5. The waterline size service the proposed plat/development is currently listed as <u>4</u> inches and located along <u>Wilson Rd/Dr/Ln/St/Blvd, etc</u>	<input type="radio"/>	<input type="radio"/>
6. Are there plans to upsize or increase the existing water line mention in Question No. 5?	<input type="radio"/>	<input checked="" type="radio"/>

Jacob Morales (Nash Development Coordinator)

Rockett SUD

Print Name of General Manager of Water Provider or Designee

Name of Water Provider Company

Jacob Morales

6/26/23

Signature of General Manager of Water Provider or Designee

Date

CONTACT INFORMATION

Buena Vista-Bethel SUD 972 937-1212
Carroll Water Company 972 617-0817
Files Valley 254-689-2331
Hill Co. Coop. 800-338-6425

Mountain Peak SUD 972 775-3765
Nash Forrester WSC 972 483-3039
Rockett SUD 972 617-3524
Sardis Lone Elm WSC 972-775-8566
South Ellis County WSC 972-483-6885
South Garrett Water 972 875-5893

Planning & Zoning Department

Plat Staff Report

Case: SUB-83-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider a request by Jeff Montanya, Blaze Surveying and Mapping, for a **Replat** of Lots 1 and 2, Block 1 of the Shaw Burgess Addition, to create Lots 1R and 2R, Block 1 of the Shaw Burgess Addition, 2 Residential Lots, being 13.827 acres, located at 850 and 870 Wilson Road, in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 273283 and 273284) – Owner: BRIAN BURGESS, JENNIFER BURGESS, TYLER SHAW, AND KIMBERLEE SHAW (SUB-83-2023)

RECOMMENDED MOTION

*"I move to approve SUB-83-2023 for a **Replat** of Block 1, Lots 1R and 2R of the Shaw Burgess Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The applicant is requesting to replat the subject properties into two (2) residential-use lots.

CASE INFORMATION

Applicant: Jeremy Montanya, Blaze Surveying & Mapping

Property Owner(s): Brian Burgess, Jennifer Burgess, Tyler Shaw, and Kimberlee Shaw

Site Acreage: 13.827 acres

Number of Lots: 2 lots

Number of Dwelling Units: 1 unit

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: Adequate public facilities, for domestic services only, are available via Rockett SUD and on-site sewage systems.

SUBJECT PROPERTY

General Location: 850 and 870 Wilson Road

Parcel ID Number(s): 273283 and 273284

Current Zoning: N/A (ETJ)

Existing Use: 850 Wilson Road has been developed as a residential-use lot, while 870 Wilson is undeveloped

Platting History: The subject properties were previously platted in 2018.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to plat the subject properties into two (2) lots for single-family residential use. The applicant is providing a 10' ROW dedication along Wilson Road in conformance with the City of Waxahachie Thoroughfare Plan. All county lot size and dimension requirements have been met.

Adequate public facilities can be provided to the site via Rockett SUD and on-site sewage systems. However, a Water Endorsement Letter received from Rockett SUD stated that adequate water flow is available to the site for domestic services only. Water flow and pressure for firefighting and fire suppression purposes are not available. The City's Subdivision Ordinance allows plats of fewer than 4 lots in the Waxahachie ETJ to be approved without adequate fire flow; provided that the plat includes a note indicating this fact. The applicant will provide this required note on the plat prior to plat filing.

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 replat.

ATTACHED EXHIBITS

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

1. Replat (Exhibit A)
2. Water Endorsement Letter (Exhibit B)

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The applicant submits the Waiver of Takings Impact Assessment (TIA).

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

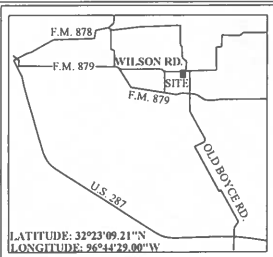
oanh.vu@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



OWNERS CERTIFICATE
STATE OF TEXAS
COUNTY OF ELLIS

BEING a tract of land situated in the F.M. Woodward Survey Abstract Number 1120, Ellis County, Texas. Being all of Lots 1 & 2 out of the Burgess Shaw Addition, an addition to the City of Waxahachie according to the plat thereof recorded in Volume J, Page 313 of the Plat Records of Ellis County, Texas (PRECT), being all of that certain tract of land described in Texas General Warranty Deed to Tyler A. and Kimberlee B. Shaw recorded in Instrument Number 1818381 of the Deed Records of Ellis County (DIRECT) and being all that certain tract of land to described in Texas Warranty General Warranty Deed to Brian and Jennifer Burgess recorded in Instrument Number 1816380 (DIRECT) and being more particularly described as follow:

COMMENCING at magnall found at the northwest corner of a 30-foot-wide Right of Way (ROW) dedication, according to the plat of said Burgess Shaw addition being in the south line of that certain tract of land described in Deed to Mark E. Scasta recorded in Instrument Number 20210707 (DIRECT);

THENCE South 00 Degrees 26 Minutes 08 Seconds East, along the west line of said 30-foot ROW dedication, a distance of 30.00 feet to a point for the southwest corner of a said 30-foot ROW dedication, being the northwest corner of said Lot 1 and being in the east line of that certain tract of described in Deed Mike Hathcock recorded in Volume 2797, Page 2384 (DIRECT), and being the POINT OF BEGINNING of the herein described tract;

THENCE North 88 Degrees 42 Minutes 13 Seconds East, along the south line of said 30-foot-wide R.O.W. dedication and the north line of said Shaw Burgess addition, a distance of 614.48 feet to a 5/8-inch iron rod with yellow cap stamped "TXRCS" found for the southeast corner of said 30-foot-wide ROW dedication and being the northeast corner of said Lot 2;

THENCE South 08 Degrees 29 Minutes 03 Seconds West, with the east line of said Lot 2, passing at a distance of 20.28 feet a 1/2-inch iron rod found for the northwest corner of Lot 1, Block A of the Thompson Farm Addition, an addition to the City of Waxahachie ETJ, according to the plat thereof recorded in Volume J, Page 007, (OPRECT), continuing along the east line of said Lot 2 and the common west line of said Lot 1, Thompson Farm addition, a total distance of 209.32 feet to a 1/2-inch iron rod with cap stamped "RPLS 4466" found for the southwest corner of said Lot 1, Thompson family addition and being in the north line of that certain tract of land described in Texas Warranty Deed to Jodana Property Company No. 43, LLC recorded in Instrument Number 1737388 (DIRECT);

THENCE South 88 Degrees 45 Minutes 07 Seconds West, with the said north line of the Jodana tract, a distance of 127.36 feet to a 5/8-inch iron rod with cap stamped "TXRCS" found for an interior corner of said Lot 2 and being the northwest corner of said Jodana tract;

THENCE with the common east line of said Lot 2 and the west line of said Jodana tract the following bearings and distances:

South 01 Degree 54 Minutes 48 Seconds West, a distance of 598.50 feet to a 5/8-inch iron rod with cap stamped "TXRCS" set found for corner;

North 88 Degrees 54 Minutes 16 Seconds East, a distance of 87.00 feet to a 5/8-inch iron rod with yellow cap stamped "TXRCS" found corner;

South 08 Degrees 33 Minutes 48 Seconds West, a distance of 491.52 feet to a 1-1/2-inch pipe found for the southeast corner of said Lot 2 and the common northeast corner of that certain tract of land described in Deed to Booby D. McCauley recorded in Instrument Number 2223704 (DIRECT) and from which point the southwest corner of said Jodana tract bears South 07 Degrees 28 Minutes 34 Seconds West, a distance of 62.43 feet;

THENCE North 88 Degrees 24 Minutes 30 Seconds West, departing said west line of the Jodana tract, with the south line of said Shaw Burgess addition, passing at a distance of 311.41 feet the northwest corner of said McCauley tract, the called northeast corner of that certain tract of land described in Warranty Deed with Vendors Lien to Cathy A. Taylor Fuller, recorded in Volume 1208, Page 617 (DIRECT) and from which a 1/2-inch iron rod found bears, South 08 Degrees 21 Minutes 07 Seconds East, a distance of 9.78 feet, continuing with the south line of said Burgess Shaw addition and the common north line of said Fuller Tract, in all a total distance of 410.25 feet to a 1/2-inch iron rod found for the southwest corner of said Burgess Shaw addition;

THENCE North 00 Degrees 26 Minutes 08 Seconds West, departing the north line of Fuller Tract, with the common west line of said Burgess Shaw addition and the east line of said Hathcock tract, a distance of 1274.82 feet to the POINT OF BEGINNING and containing 13.827 acres or 602,294 square feet of land more or less.

SURVEYORS CERTIFICATE:

That I, Jeffrey M. Montanya, 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 (seal)

PRELIMINARY ONLY, NOT TO BE USED, VIEWED OR RELIED UPON AS FINAL SURVEY DOCUMENT.

Registered Professional Land Surveyor
Registration No. 6762

BLAZE
SURVEYING AND MAPPING

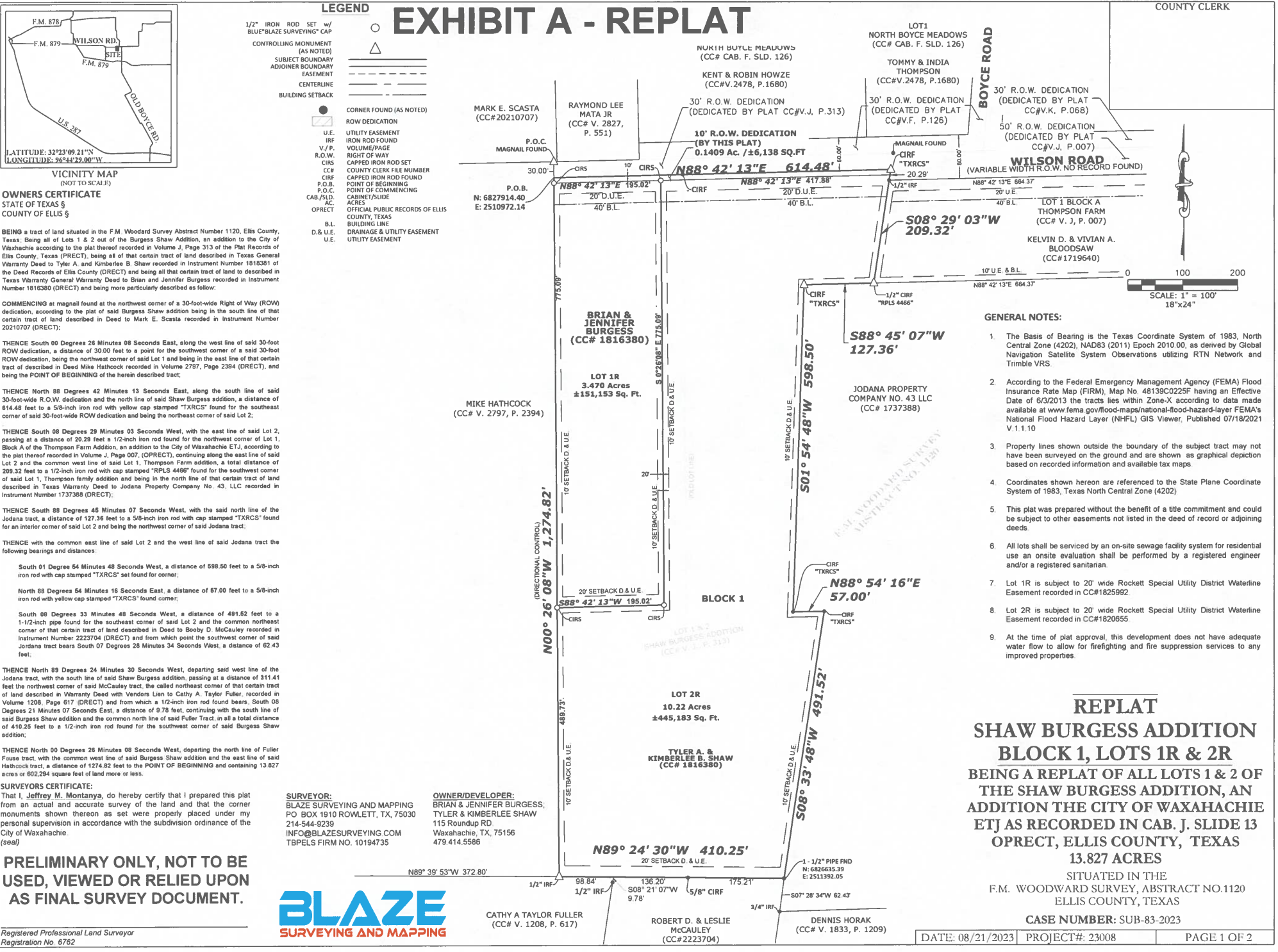
SURVEYOR:
BLAZE SURVEYING AND MAPPING
PO BOX 1910 ROWLETT, TX, 75030
214-544-9239
INFO@BLAZESURVEYING.COM
TBPELS FIRM NO. 10194735

OWNER/DEVELOPER:
BRIAN & JENNIFER BURGESS,
TYLER & KIMBERLEE SHAW
115 Roundup Rd
Waxahachie, TX, 75156
479.414.5566

EXHIBIT A - REPLAT

LEGEND

- 1/2" IRON ROD SET w/ BLUE/BLAZE SURVEYING CAP
- CONTROLLING MONUMENT (AS NOTED)
- SUBJECT BOUNDARY
- ADJOINER BOUNDARY
- EASEMENT
- CENTERLINE
- BUILDING SETBACK
- CORNER FOUND (AS NOTED)
- ROW DEDICATION
- UTILITY EASEMENT
- IRON ROD FOUND
- U.E. IRF
- V./P. R.O.W.
- CIRS
- CC#
- CIRF
- P.O.B.
- P.O.C.
- CAB./S.D.
- AC
- OPRECT
- B.L.
- D. & U.E.
- U.E.
- UTILITY EASEMENT
- DRAINAGE & UTILITY EASEMENT
- UTILITY EASEMENT



GENERAL NOTES:

- The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), NAD83 (2011) Epoch 2010.00, as derived by Global Navigation Satellite System Observations utilizing RTN Network and Trimble VRS
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Map No. 48139C0225F having an Effective Date of 6/3/2013 the tracts lies within Zone-X according to data made available at www.fema.gov/flood-maps/national-flood-hazard-layer FEMA's National Flood Hazard Layer (NHFL) GIS Viewer, Published 07/18/2021 V.1.1.10
- Property lines shown outside the boundary of the subject tract may not have been surveyed on the ground and are shown as graphical depiction based on recorded information and available tax maps
- Coordinates shown hereon are referenced to the State Plane Coordinate System of 1983, Texas North Central Zone (4202)
- This plat was prepared without the benefit of a title commitment and could be subject to other easements not listed in the deed of record or adjoining deeds
- All lots shall be serviced by an on-site sewage facility system for residential use an onsite evaluation shall be performed by a registered engineer and/or a registered sanitarian
- Lot 1R is subject to 20' wide Rockett Special Utility District Waterline Easement recorded in CC#1825992
- Lot 2R is subject to 20' wide Rockett Special Utility District Waterline Easement recorded in CC#1820655
- At the time of plat approval, this development does not have adequate water flow to allow for firefighting and fire suppression services to any improved properties

REPLAT
SHAW BURGESS ADDITION
BLOCK 1, LOTS 1R & 2R
BEING A REPLAT OF ALL LOTS 1 & 2 OF
THE SHAW BURGESS ADDITION, AN
ADDITION THE CITY OF WAXAHACHIE
ETJ AS RECORDED IN CAB. J. SLIDE 13
OPRECT, ELLIS COUNTY, TEXAS
13.827 ACRES

SITUATED IN THE
F.M. WOODWARD SURVEY, ABSTRACT NO.1120
ELLIS COUNTY, TEXAS

CASE NUMBER: SUB-83-2023

DATE: 08/21/2023 PROJECT#: 23008 PAGE 1 OF 2

EXHIBIT A - REPLAT

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That BRIAN & JENNIFER BURGESS and TYLER AND KIMBERLEE SHAW acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above-described property as BLOCK 1, LOT 1R & 2R an addition to Ellis County, and do hereby dedicate to the public use forever, the streets and alleys shown thereon. BRIAN & JENNIFER BURGESS and TYLER AND KIMBERLEE SHAW does herein certify the following:

1. 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, liens, and/or encumbrances.
3. The easements and public use areas, as shown and created by this plat, are dedicated for the public use forever for the purpose 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 of the 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 buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. Ellis County and public utilities shall at 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.
9. All modifications to this document shall be by means of plat and approved by Ellis County.

The Plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the Ellis County, Texas.

WITNESS, BY MY HAND, THIS THE ____ DAY OF ____ 2023.

AUTHORIZED PROPERTY OWNER'S SIGNATURE:
BRIAN BURGESS

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 BRIAN BURGESS, owner, 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 the State of Texas

My Commission Expires on: _____

The Plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the Ellis County, Texas.

WITNESS, BY MY HAND, THIS THE ____ DAY OF ____ 2023.

AUTHORIZED PROPERTY OWNER'S SIGNATURE:
JENNIFER BURGESS

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 JENNIFER BURGESS, owner, 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 the State of Texas

My Commission Expires on: _____

ON-SITE SEWAGE FACILITY STATEMENT

This plat been approved by the department of Development of Ellis County, Texas for on-site sewage disposal facilities and meets or exceeds the minimum requirements established by TCEQ and the Ellis County Septic Order, pending any and all information as may be required by the Ellis County Department of Development.

Department of Development Director Approval Date

The Plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the Ellis County, Texas.

WITNESS, BY MY HAND, THIS THE ____ DAY OF ____ 2023.

AUTHORIZED PROPERTY OWNER'S SIGNATURE:
KIMBERLEE SHAW

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 KIMBERLEE SHAW, owner, 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 the State of Texas

My Commission Expires on: _____

The Plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the Ellis County, Texas.

WITNESS, BY MY HAND, THIS THE ____ DAY OF ____ 2023.

AUTHORIZED PROPERTY OWNER'S SIGNATURE:
TYLER SHAW

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 TYLER SHAW, owner, 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 the State of Texas

My Commission Expires on: _____

COUNTY CLERK

APPROVAL BLOCK:
APPROVAL BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE.

BY: _____ Date: _____
(Chairperson)

Attest: _____ Date: _____

STATE OF TEXAS §
COUNTY OF ELLIS §

Certificate of approval by the Commissioners' Court Of Ellis County, Texas:

Approved this date, the ____ day of ____, 2023.

Todd Little, County Judge

Randy Stinson
Commissioner, Precinct No.3

Lane Grayson
Commissioner, Precinct No.2

Paul Perry
Commissioner, Precinct No.3

Kyle Butler
Commissioner, Precinct No.4

Attest:

Krystal Valdez, County Clerk

PRELIMINARY ONLY, NOT TO BE
USED, VIEWED OR RELIED UPON
AS FINAL SURVEY DOCUMENT.

REPLAT
SHAW BURGESS ADDITION
BLOCK 1, LOTS 1R & 2R
BEING A REPLAT OF ALL LOTS 1 & 2 OF
THE SHAW BURGESS ADDITION, AN
ADDITION THE CITY OF WAXAHACHIE
ETJ AS RECORDED IN CAB. J. SLIDE 13
OPRECT, ELLIS COUNTY, TEXAS
13.827 ACRES

SITUATED IN THE
F.M. WOODWARD SURVEY, ABSTRACT NO.1120
ELLIS COUNTY, TEXAS

CASE NUMBER: SUB-83-2023

BLAZE
SURVEYING AND MAPPING

SURVEYOR/APPLICANT:
BLAZE SURVEYING AND MAPPING
P.O. BOX 1910 ROWLETT, TX 75080
214-544-9239
INFO@BLAZESURVEYING.COM
TBPE. S FIRM NO 10194735

OWNER/DEVELOPER:
BRIAN & JENNIFER BURGESS;
TYLER & KIMBERLEE SHAW
115 Roundup RD.
Waxahachie, TX, 75156
479 414 5586

EXHIBIT B - WATER ENDORSEMENT LETTER

109 South Jackson Street

Waxahachie, TX 75165

Main Phone:

972-825-5200



Department Website:

www.co.ellis.tx.us/dod

Department Email:

dod@co.ellis.tx.us

WATER UTILITY PROVIDER S ENDORSEMENT

Ellis County requires new lots in subdivisions to have adequate water flow and pressure to comply with Texas Commission on Environmental Quality (TCEQ) and the latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers 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 plat application packet. If this letter is not submitted, it will be considered an incomplete application.

PROPERTY INFORMATION

Site Address/General Location: 870 & 850 Wilson Rd City/State: Waxahachie, TX ZIP: 75165

Legal Description: Lots 1 & 2, Block 1 Shaw Burgess Addition (CC# Cab. J, Slide 313)

Proposed Use of plat or development: Residential Acres: 13.827 Lots: 2

APPLICANT/OWNER INFORMATION

Applicant/Agent Name: Kimberlee Shaw Company Name: _____

Mailing Address: 870 Wilson Rd City/State: Waxahachie, TX ZIP: 75165

Main Phone: (479) 461-8600 Email: kimberbree@yahoo.com

TO BE COMPLETED BY THE WATER UTILITY PROVIDER

****ROCKETT SUD NOTES****

1 2 EXISTING CONNECTIONS

2 PLAT MUST REFLECT EXISTING 20" RSUD EASEMENT WITH INST NO 1820655 AND EXISTING 20" RSUD EASEMENT WITH INST NO 1825992 YES NO

1. I have reviewed a copy of the proposed plat/development.	<input checked="" type="radio"/>	<input type="radio"/>
2. The proposed plat/development falls within our CCN area.	<input checked="" type="radio"/>	<input type="radio"/>
3. Our water system can provide water flow and pressure for domestic service, per the latest adopted TCEQ regulations and requirements.	<input checked="" type="radio"/>	<input type="radio"/>
4. Our water system can provide the water flow and necessary minimum pressure for firefighting purposes, per established County regulations and ISO guidelines.	<input type="radio"/>	<input checked="" type="radio"/>
5. The waterline size service the proposed plat/development is currently listed as <u>4</u> inches and located along <u>Wilson</u> Rd/Dr/Ln/St/Blvd, etc.	<input type="radio"/>	<input type="radio"/>
6. Are there plans to upsize or increase the existing water line mention in Question No. 5?	<input type="radio"/>	<input checked="" type="radio"/>

Jacobs Morales (New Development Coordinator)
Print Name of General Manager of Water Provider or Designee

Signature of General Manager of Water Provider or Designee

Rockett SUD
Name of Water Provider Company

Date

6/2/23

CONTACT INFORMATION

Buena Vista-Bethel SUD 972-937-1212
Carroll Water Company 972-617-0817
Files Valley 254-689-2331
Hill Co. Coop. 800-338-6425

Mountain Peak SUD 972-775-3765
Nash Forrester WSC 972-483-3039
Rockett SUD 972-617-3524
Sardis Lone Elm WSC 972-775-8566
South Ellis County WSC 972-483-6885
South Garrett Water 972-875-5893

Planning & Zoning Department

Plat Staff Report

Case: SUB-51-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider a request by Tim Jackson, TX Reality Capture & Surveying, LLC, for a **Replat** of Lot 8, Block 61, and Lots 8 and 9, Block 63 of the Town Addition being 0.198 acres, located at 444, 450, and 500 Dr. Martin Luther King Boulevard (Property ID 170925, 171001, 171002 – Owner: Pace Custom Homes I, Inc. (SUB-51-2023))

RECOMMENDED MOTION

*"I move to approve SUB-51-2023 for a **Replat** of Lot 8, Block 61, and Lots 8 and 9, Block 63 of the Town Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The applicant requests to replat the subject property into one (1) lot for non-residential use.

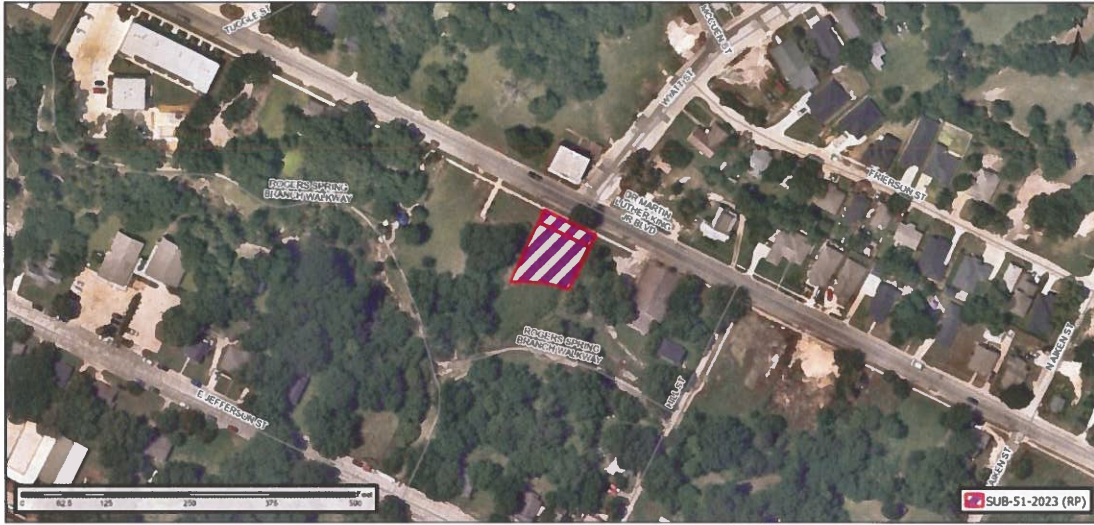
CASE INFORMATION

<i>Applicant:</i>	Tim Jackson, TX Reality Capture & Surveying, LLC
<i>Property Owner(s):</i>	Pace Custom Homes I, Inc.
<i>Site Acreage:</i>	0.198 acres
<i>Number of Lots:</i>	1 lot
<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>	444, 450, and 500 Dr. Martin Luther King Boulevard
<i>Parcel ID Number(s):</i>	170925, 171001, 171002
<i>Current Zoning:</i>	General Retail (GR)
<i>Existing Use:</i>	The subject property is currently vacant and undeveloped
<i>Platting History:</i>	The subject property was previously platted as Lots 8, Block 61, Lots 8 and 9, Block 63 of the Town Addition

Site Aerial:



PLANNING ANALYSIS

The applicant proposes to replat the subject property into one (1) lot for non-residential use. The applicant proposes to dedicate approximately 20' of right-of-way (ROW) for Dr. Martin Luther King Jr. Boulevard. The proposed lot does adhere to the minimum size and dimension requirements of the Infill Overlay District after considering this ROW dedication.

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

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

1. Replat (Exhibit A)

APPLICANT REQUIREMENTS

1. If approved by the Planning and Zoning Commission, within 30 days the applicant shall provide the Planning Department with one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments are satisfied, applicant shall provide five signed, hard-copy plats.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The applicant has received a letter of acceptance from the Public Works Department confirming all utilities, infrastructure, and other required improvements have been installed, inspected, and accepted by the City.
2. The applicant has submitted original copies of the tax certificate(s).

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

WHEREAS, PACE CUSTOM HOMES 1, INC., IS THE OWNER OF THAT TRACT OF LAND SITUATED IN THE E. ROGERS SURVEY, ABSTRACT NO. 896, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO PACE CUSTOM HOMES 1, INC., RECORDED IN INSTRUMENT NO. 2121568 AND IN INSTRUMENT NO. 2128865, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), SAME BEING KNOWN AS LOT 8, BLOCK 81, AND LOTS 8 AND 9, BLOCK 83, TOWN ADDITION, OFFICIAL MAP OF WAXAHACHIE, TEXAS, RECORDED IN CABINET A, SLIDE 181, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" CUT SET FOR THE NORTHEAST CORNER OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN VOLUME 2409, PAGE 1718, OPRECT, SAME BEING THE NORTHEAST CORNER OF SAID LOT 8, BLOCK 83 AND THE COMMON NORTHWEST CORNER OF LOT 10, BLOCK 83 OF SAID TOWN ADDITION, AND IN THE SOUTH RIGHT-OF-WAY (ROW) OF BUSINESS 287MLK STREET / ALSO KNOWN AS MARTIN LUTHER KING JR BOULEVARD (A CALLED 8/8' ROW) (BUSINESS 287MLK BLVD), FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO SAMARIA MISSIONARY BAPTIST CHURCH, RECORDED IN VOLUME 28, PAGE 128, OPRECT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THOMAS DODGER, RECORDED IN INSTRUMENT NO. 2123296, OPRECT, SAME BEING THE COMMON NORTH CORNER OF LOTS 11 AND 12, BLOCK 83, OF SAID TOWN ADDITION BEARS S 83°38'39" E, A DISTANCE OF 155.70 FEET.

THENCE S 28°21'21" W, ALONG THE EAST LINE OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON WEST LINE OF SAID THE CITY OF WAXAHACHIE TRACT (VOL. 2409, PG. 1718), SAME BEING THE EAST LINE OF SAID LOT 9 AND THE COMMON WEST LINE OF SAID LOT 10, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AT A DISTANCE OF 20.00 FEET, IN ALL A TOTAL DISTANCE OF 80.84 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHEAST CORNER OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON SOUTHWEST CORNER OF SAID THE CITY OF WAXAHACHIE TRACT (VOL. 2409, PG. 1718), AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED AS LOT 7C, BLOCK 83 IN DEED TO CITY OF WAXAHACHIE, RECORDED IN VOLUME 2398, PAGE 708, OPRECT, SAME BEING IN THE NORTH LINE OF LOT 7C, BLOCK 83 OF SAID TOWN ADDITION, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "SH&C" FOUND FOR THE COMMON NORTH CORNER OF SAID LOT 7C, BLOCK 83 AND LOT 8C, BLOCK 83, OF SAID TOWN ADDITION BEARS S 74°50'48" E, A DISTANCE OF 18.55 FEET.

THENCE ALONG THE SOUTH LINES OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON NORTH LINE OF SAID CITY OF WAXAHACHIE LOT 7C TRACT, AS FOLLOWS:

N 74°53'35" W, A DISTANCE OF 31.58 FEET TO A 1/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

N 85°26'58" W, A DISTANCE OF 32.90 FEET TO A 1/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 88°28'12" W, A DISTANCE OF 23.98 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO JULIA GIBSON JORDAN, RECORDED IN VOLUME 464, PAGE 388, OPRECT, SAME BEING THE COMMON SOUTH CORNER OF LOT 7 AND LOT 8, BLOCK 81, OF SAID TOWN ADDITION, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A CALLED 0.1217 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHIE, RECORDED IN INSTRUMENT NO. 2003158, OPRECT BEARS THE FOLLOWING CALLS: S 88°28'12" W, A DISTANCE OF 38.05 FEET, AND S 89°00'47" W, A DISTANCE OF 31.01 FEET;

THENCE N 25°15'32" E, ALONG THE WEST LINE OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON EAST LINE OF SAID JORDAN TRACT, SAME BEING THE WEST LINE OF SAID LOT 8, BLOCK 81 AND THE COMMON EAST LINE OF SAID LOT 7, BLOCK 81, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AT A DISTANCE OF 100.58 FEET, IN ALL A TOTAL DISTANCE OF 120.58 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID PACE CUSTOM HOMES 1 TRACT AND THE COMMON NORTHEAST CORNER OF SAID JORDAN TRACT, SAME BEING THE COMMON NORTH CORNER OF SAID LOT 7 AND 8, BLOCK 81, AND IN THE SOUTH ROW LINE OF SAID BUSINESS 287MLK BLVD, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "CBO SURVEYING" FOUND FOR THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ISRAEL MALDONADO JR, RECORDED IN INSTRUMENT NO. 2200737, OPRECT BEARS N 63°38'39" W, A DISTANCE OF 210.28 FEET;

THENCE S 83°38'39" E, ALONG THE NORTH LINE OF SAID PACE CUSTOM HOMES 1 TRACT, SAME BEING THE NORTH LINES OF SAID LOT 8, BLOCK 81 AND SAID LOTS 8 AND 9, BLOCK 83, AND THE COMMON SOUTH ROW LINE OF SAID BUSINESS 287MLK BLVD, A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.198 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT PACE CUSTOM HOMES 1, INC., DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 8R, BLOCK 83, TOWN ADDITION, OFFICIAL MAP OF WAXAHACHIE, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, 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 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 PUBLICS 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 PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS, MY HAND, THIS THE _____ DAY OF _____, 2023.

RICHARD PACE
AUTHORIZED AGENT
PACE CUSTOM HOMES 1 INC

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 RICHARD PACE, 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 THE _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

SURVEYOR'S CERT
KNOW ALL MEN BY THESE PRESENTS:
THAT I, JEREMY D. RUCKMAN, RPLS, 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.

"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 WAXAHACHIE

BY: CHAIRPERSON DATE
ATTEST DATE

REPLAT
LOT 8R, BLOCK 63
TOWN ADDITION

BEING A REPLAT OF LOT 8, BLOCK 81 AND LOTS 8 & 9, BLOCK 83,
TOWN ADDITION, OFFICIAL MAP OF WAXAHACHIE, TEXAS
AS RECORDED IN CABINET A, SLIDE 181, OPRECT

SITUATED IN
E. ROGERS SURVEY, ABSTRACT NO. 896
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
0.198 ACRES
1 NON-RESIDENTIAL LOT
ZONED GR
CASE NO. SUB-51-2023

OWNERS:
PACE CUSTOM HOMES 1, INC
2750 MARJORIE AVE
DALLAS, TX 75216
214.537.8104

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

(12)

Planning & Zoning Department

Plat Staff Report

Case: SUB-50-2023



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Plat** of Phan Addition, Lot 1, Block A, being 1.901 acres, located at 350 Farrar Road, situated in the S A & M F R R Survey, Abstract 1038 and the G Wheelock Survey, Abstract 1117, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 274708) – Owner: PHUOC PHAN (SUB-50-2023)

RECOMMENDED MOTION

*"I move to approve SUB-50-2023 for a **Plat** of Lot 1, Block A of the Phan Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

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

CASE INFORMATION

<i>Applicant:</i>	Tim Jackson, Texas Reality Capture & Surveying, LLC
<i>Property Owner(s):</i>	Phuoc Phan
<i>Site Acreage:</i>	1.901 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	1 unit
<i>Park Land Dedication:</i>	N/A (ETJ)
<i>Adequate Public Facilities:</i>	Adequate public facilities, for domestic services only, are available via Rockett SUD and on-site sewage systems.

SUBJECT PROPERTY

<i>General Location:</i>	350 Farrar Road
<i>Parcel ID Number(s):</i>	274708
<i>Current Zoning:</i>	N/A (ETJ)
<i>Existing Use:</i>	A single family home currently being developed on the subject property
<i>Platting History:</i>	The subject property is currently part of the S A & M F R R Survey, Abstract 1038 and the G Wheelock Survey, Abstract 1177

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to plat the subject properties into one (1) lot for single family residential use. The applicant is providing a 50' ROW dedication along Farrar Road and Norman Road in conformance with the City of Waxahachie Thoroughfare Plan. All county lot size and dimension requirements have been met.

Adequate public facilities can be provided to the site via Rockett SUD and on-site sewage systems. However, a Water Endorsement Letter received from Rockett SUD stated that adequate water flow is available to the site for domestic services only. Water flow and pressure for firefighting and fire suppression purposes are not available. The City of Waxahachie Subdivision Ordinance allows plats of fewer than 4 lots in the Waxahachie ETJ to be approved without adequate fire flow; provided that the plat includes a note indicating this fact. The applicant will provide this required note on the plat prior to plat filing.

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 with the condition below.

1. Revised version of the plat shall be provided to staff that includes a note stating the following:
"NOTE: AT THE TIME OF PLAT APPROVAL, THIS DEVELOPMENT DOES NOT HAVE ADEQUATE WATER FLOW TO ALLOW FOR FIRE FIGHTING AND FIRE SUPPRESSION SERVICES TO ANY IMPROVED PROPERTIES."
2. The applicant receive the approval of a septic permit from the Ellis County Department of Development before recording the plat with the County.

ATTACHED EXHIBITS

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

1. Plat (Exhibit A)
2. Water Endorsement Letter (Exhibit B)

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.

- a. If comments were not satisfied, then applicant will be notified to make corrections.
- b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The applicant receive the approval of a septic permit from the Ellis County Department of Development before recording the plat with the County.

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Planner

oanh.vu@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

EXHIBIT A - PLAT



VICINITY MAP
NOT TO SCALE

NOTES:

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

THE SUBJECT PROPERTY LIES WITHIN ZONE "C", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 5.25 ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0205, 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.

PRIVATE WATERLINE EASEMENTS RECORDED IN INSTRUMENT NO. 2312020 AND INSTRUMENT NO. 2310171 ARE A BLANKET STYLE EASEMENTS WITH NO DEFINITE LOCATION THAT DO AFFECT THE SUBJECT PROPERTY.

ADD NOTE: "AT THE TIME OF PLAT APPROVAL, THIS DEVELOPMENT DOES NOT HAVE ADEQUATE WATER FLOW TO ALLOW FOR FIRE FIGHTING AND FIRE SUPPRESSION SERVICES TO ANY IMPROVED PROPERTIES."

WALTER P. CLARK
VOL. 1645, PG. 437
OPRECT

THE SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
VOL. 2187, PG. 1125
OPRECT (UNPLATTED)

GRBK EDGEWOOD LLC
TRACT 1
INST. NO. 2117743
OPRECT

LEGEND
CIRF = CAPPED IRON ROD FOUND
CIRB = 68 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
IRF = IRON ROD FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
INST. NO. = INSTRUMENT NO.
ET/ = EXTRANJURISDICTIONAL JURISDICTION
P.O.B. = POINT OF BEGINNING
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE
P.W.E. = PRIVATE WATERLINE EASEMENT
RSE = ROCKETT SPECIAL UTILITY EASEMENT

STATE OF TEXAS
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS, PHUOC PHAN IS THE OWNER OF A TRACT OF LAND SITUATED IN THE S.A. & M.G. R.R. SURVEY, ABSTRACT NO. 1038, AND THE G. WHEELLOCK SURVEY, ABSTRACT NO. 1117, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO PHUOC PHAN, RECORDED IN INSTRUMENT NO. 183542, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID PHAN TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, RECORDED IN VOLUME 2191, PAGE 1125, OPRECT AND IN THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED AS FIRST TRACT IN DEED TO ROBERT J. ROBINSON AND BEVERLY J. ROBINSON, RECORDED IN VOLUME 556, PAGE 1105, OPRECT, SAME BEING THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF FARRAR ROAD (A VARIABLE WIDTH UNRECORDED RIGHT-OF-WAY) AND THE APPROXIMATE CENTERLINE OF NORMAN ROAD (A VARIABLE WIDTH UNRECORDED RIGHT-OF-WAY),

THENCE N 58°58'20" E, ALONG THE NORTH LINE OF SAID PHAN TRACT AND THE COMMON SOUTH LINE OF SAID ROBINSON TRACT AND THE APPROXIMATE CENTERLINE OF SAID FARRAR ROAD, A DISTANCE OF 300.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID PHAN TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CIRIACO R. COLCHADO, RECORDED IN INSTRUMENT NO. 183540, OPRECT, FROM WHICH A 1/2" IRON ROD WITH CAP FOUND ON THE EAST LINE OF SAID COLCHADO TRACT BEARS THE FOLLOWING CALLS: N 58°58'20" E, A DISTANCE OF 300.01 FEET TO THE NORTHEAST CORNER OF SAID COLCHADO TRACT; THENCE S 32°40'27" E, A DISTANCE OF 30.00 FEET;

THENCE S 31°34'08" E, ALONG THE EAST LINE OF SAID PHAN TRACT AND THE COMMON WEST LINE OF SAID COLCHADO TRACT, A DISTANCE OF 273.17 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "STANGER" FOUND IN CONCRETE BEARS S 31°34'08" E, A DISTANCE OF 1038.02 FEET;

THENCE S 58°58'20" W, OVER AND ACROSS SAID PHAN TRACT, A DISTANCE OF 306.36 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE WEST LINE OF SAID PHAN TRACT AND THE COMMON EAST LINE OF SAID THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID NORMAN ROAD, FROM WHICH A 5/8" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO GRBK EDGEWOOD LLC, RECORDED IN INSTRUMENT NO. 2117743, OPRECT BEARS S 30°14'08" E, A DISTANCE OF 81.53 FEET;

THENCE N 30°14'08" W, ALONG THE WEST LINE OF SAID PHAN TRACT AND THE COMMON EAST LINE OF SAID THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT TRACT AND THE APPROXIMATE CENTERLINE OF SAID NORMAN ROAD, A DISTANCE OF 273.18 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.901 ACRES OF LAND, MORE OR LESS.

ROBERT J. ROBINSON AND
BEVERLY J. ROBINSON
FIRST TRACT
VOL. 556, PG. 1105
OPRECT

CIRIACO R. COLCHADO
INST. NO. 183540
OPRECT

REMAINDER
PHUOC PHAN
INST. NO. 183542
OPRECT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT PHUOC PHAN, DOES HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 1, BLOCK A, PHAN ADDITION, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. PHUOC PHAN 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, LIENS, 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 PUBLICS AND ELLIS COUNTY'S USE THEREOF.
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING, METERING, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING 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 THE _____ DAY OF _____, 2023.

BY:

PHUOC PHAN

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 PHUOC PHAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

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

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

SURVEYOR'S CERT
KNOW ALL MEN BY THESE PRESENTS:

I, JEREMY D. RUCCMAN, M.P.S. DO HEREBY CERTIFY THAT 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 WAXAHACHE.

"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. RUCCMAN
REGISTRATION NUMBER 6707

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY: CHAIRPERSON _____ DATE _____

ATTEST _____ DATE _____

STATE OF TEXAS
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS.

APPROVED THIS, THE _____ DAY OF _____, 2023.

TODD LITTLE
COUNTY CLERK

RANDY STINSON
COMMISSIONER PRECINCT 1

LANE GRAYSON
COMMISSIONER PRECINCT 2

PAUL PERRY
COMMISSIONER PRECINCT 3

KYLE BUTLER
COMMISSIONER PRECINCT 4

ATTEST:

KRYSTAL VALDEZ
COUNTY CLERK

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

DEPARTMENT OF DEVELOPMENT DIRECTOR _____ DATE _____

OWNER:
PHUOC PHAN
821 SONNY DRIVE
LEANDER, TX 75841
512.694.7171

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194350

PLAT
**LOT 1, BLOCK A
PHAN ADDITION**
1.901 ACRES
SITUATED IN THE
S.A. & M.G. R.R. SURVEY, ABSTRACT NO. 1038
AND THE
G. WHEELLOCK, ABSTRACT NO. 1117
ETJ CITY OF WAXAHACHE
ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
CASE NO. SUB-50-2023

(13)
EXHIBIT B - WATER ENDORSEMENT LETTER

109 South Jackson Street
Waxahachie, TX 75165
Main Phone:
972-825-5200



Department Website:
www.co.ellis.tx.us/dod
Department Email:
dod@co.ellis.tx.us

WATER UTILITY PROVIDER'S ENDORSEMENT

Ellis County requires new lots in subdivisions to have adequate water flow and pressure to comply with Texas Commission on Environmental Quality (TCEQ) and the latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers 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 plat application packet. If this letter is not submitted, it will be considered an incomplete application.

PROPERTY INFORMATION

Site Address/General Location: **350 Farrar Rd** City/State: **Waxahachie** ZIP: **75165**
Legal Description: **1038 S A & MG RR CO 14.0 ACRES**
Proposed Use of plat or development: **Residential** Acres: **1.74** Lots: **1**

APPLICANT/OWNER INFORMATION

Applicant/Agent Name: **PHUOC PHAN** Company Name: _____
Mailing Address: **821 Sonny Dr** City/State: **Leander** ZIP: **78641**
Main Phone: **(512) 694-7171** Email: **micro09@yahoo.com** ****Has existing meter****

TO BE COMPLETED BY THE WATER UTILITY PROVIDER

ROCKETT SUD NOTES
1. EXISTING CONNECTION
2. PLAT MUST REFLECT EXISTING 20' RSUD EASEMENT WITH INSTRUMENT NO. 2309776
3. PLAT MUST REFLECT EXISTING PRIVATE WATERLINE EASEMENT WITH INSTRUMENT NO. 2312020 AND INSTRUMENT NO. 2312017

YES NO

1. I have reviewed a copy of the proposed plat/development.	<input checked="" type="radio"/>	<input type="radio"/>
2. The proposed plat/development falls within our CCN area.	<input checked="" type="radio"/>	<input type="radio"/>
3. Our water system can provide water flow and pressure for domestic service, per the latest adopted TCEQ regulations and requirements.	<input checked="" type="radio"/>	<input type="radio"/>
4. Our water system can provide the water flow and necessary minimum pressure for firefighting purposes, per established County regulations and ISO guidelines.	<input type="radio"/>	<input checked="" type="radio"/>
5. The waterline size service the proposed plat/development is currently listed as <u>6</u> inches and located along <u>Farrar Rd</u> Dr/Ln/St/Blvd, etc.	<input type="radio"/>	<input type="radio"/>
6. Are there plans to upsize or increase the existing water line mention in Question No. 5?	<input type="radio"/>	<input checked="" type="radio"/>

Jacob Norval (New Development Coordinator)
Print Name of General Manager of Water Provider or Designee

Rockett SUD
Name of Water Provider Company

[Signature]
Signature of General Manager of Water Provider or Designee

5/3/23
Date

CONTACT INFORMATION

Buena Vista-Bethel SUD 972-937-1212
Carroll Water Company 972-617-0817
Files Valley 254-689-2331
Hill Co. Coop. 800-338-6425

Mountain Peak SUD 972-775-3765
Nash Forrester WSC 972-483-3039
Rockett SUD 972-617-3524
Sardis Lone Elm WSC 972-775-8566
South Ellis County WSC 972-483-6885
South Garrett Water 972-875-5893

Planning & Zoning Department

Plat Staff Report

Case: SUB-111-2022



MEETING DATE(S)

Planning & Zoning Commission: August 29, 2023

CAPTION

Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Tract 2, Block A, North Waxahachie Industrial Park, 2 lots, being 4.071 acres, located at 2601 North Highway 77 (Property ID 174803, 296943 and 193702) – Owner: CJ Commercial Co LLC and Northside Church of Christ (SUB-111-2022)

RECOMMENDED MOTION

*"I move to approve SUB-111-2022 for a **Replat** of Tract 2, Block A, North Waxahachie Industrial Park, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

The purpose of this replat is to convey 0.45 acres from one existing lot owned by the Northside Church of Christ to another owned by Pro Star Rentals. Pro Star Rentals plans to expand their existing equipment rental and sales business into the newly acquired tract of land. The City Council approved a specific use permit (ZDC-52-2022) for the expansion on August 15, 2022.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	CJ Commercial Co. LLC and Northside Church of Christ
Site Acreage:	4.071 acres
Number of Lots:	2 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	The cash-in-lieu for parkland dedication is \$1,380.00
Adequate Public Facilities:	Adequate public facilities are available to serve the subject property

SUBJECT PROPERTY

General Location:	2601 North Highway 77
Parcel ID Number(s):	174803, 296943 and 193702
Current Zoning:	Light Industrial-1 (LI-1)
Existing Use:	Northside Church of Christ and Pro Star Rentals

Platting History:

The subject property was previously platted as Tract 2 and 3R, Block A of the North Waxahachie Industrial Park

Site Aerial:**PLANNING ANALYSIS**

The purpose of this replat is to convey 0.45 acres from one existing lot owned by the Northside Church of Christ to another owned by Pro Star Rentals. Pro Star Rentals plans to expand its equipment rental and sales business into the newly acquired tract of land. The City Council approved a specific use permit (ZDC-52-2022) for the expansion on August 15, 2022.

Both lots meet the minimum lot size requirements per the zoning on the property and have adequate public facilities to serve the subject property. Staff recommends approval of the proposed replat.

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 replat.

ATTACHED EXHIBITS

1. Replat

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION*Prepared by:*

Eleana Tuley, AICP

Senior Planner

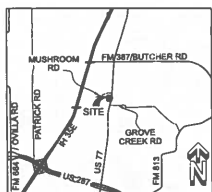
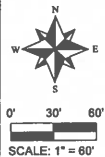
eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



VICINITY MAP
N.T.S.

NOTES:

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

A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "C",
DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL
CHANCE FLOODPLAIN", ACCORDING TO THE FLOOD INSURANCE
RATE MAP NO. 48138C0190F, DATED JUNE 3, 2013, AS PUBLISHED BY THE
FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND:

CIRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
FND = FOUND
IRF = IRON ROD FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
(XXX) = INDICATES RECORD OR DEED CALL
D.E. = 15' DRAINAGE EASEMENT

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

WHEREAS, C J COMMERCIAL CO., L.L.C. AND NORTHSIDE CHURCH OF CHRIST, ARE THE SOLE OWNERS OF ALL OF TRACT 3R-A, BLOCK A,
OF TRACTS 3R-A & 3R-B, BLOCK A OF NORTH WAXAHACHIE INDUSTRIAL PARK, RECORDED IN CABINET 1, SLIDE 430, OF THE OFFICIAL
PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING ALL OF TRACT 2 BLOCK A OF TRACTS 1 AND 2 OF NORTH WAXAHACHIE
INDUSTRIAL PARK, RECORDED IN CABINET 8, SLIDE 180, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO C J
COMMERCIAL CO., L.L.C. RECORDED IN VOLUME 2738, PAGE 2084, OPRECT, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED
TO NORTHSIDE CHURCH OF CHRIST, RECORDED IN VOLUME 701, PAGE 291, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID TRACT 2 AND FOR THE
INTERSECTION OF THE SOUTH RIGHT-OF-WAY (ROW) LINE OF TEXAS MUSHROOM ROAD (A CALLED 80' ROW) AND IN THE WEST ROW LINE
OF FM HIGHWAY 77 (A VARIABLE WIDTH ROW);

THENCE S 03°53'39" W, ALONG THE EAST LINE OF SAID TRACT 2 AND THE COMMON WEST ROW LINE OF SAID FM HIGHWAY 77, A DISTANCE
OF 200.55 FEET TO A 1/2" IRON ROD FOUND FOR ELL CORNER OF SAID TRACT 2 AND THE COMMON NORTHEAST CORNER OF TRACT 1, OF
SAID NORTH WAXAHACHIE INDUSTRIAL PARK;

THENCE N 88°02'11" W, ALONG A SOUTH LINE OF SAID TRACT 2 AND THE COMMON NORTH LINE OF SAID TRACT 1, A DISTANCE OF 266.21
FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR AN INTERIOR ELL CORNER OF SAID TRACT 2 AND THE COMMON
NORTHWEST CORNER OF SAID TRACT 1;

THENCE S 03°55'50" W, ALONG AN EAST LINE OF SAID TRACT 2 AND THE COMMON WEST LINE OF SAID TRACT 1, A DISTANCE OF 189.70
FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR A SOUTHEAST CORNER OF SAID TRACT 2 AND THE COMMON SOUTHWEST
CORNER OF SAID TRACT 1 AND IN THE NORTH LINE OF SAID TRACT 3R-A;

THENCE S 88°01'18" E, ALONG THE NORTH LINE OF SAID TRACT 3R-A AND THE COMMON SOUTH LINE OF SAID TRACT 1, A DISTANCE OF
256.78 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID TRACT 3R-A AND THE COMMON
SOUTHEAST CORNER OF SAID TRACT 1 AND IN THE WEST ROW LINE OF SAID FM HIGHWAY 77 AND BEING THE BEGINNING OF A
NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2802.30 FEET, A CHORD BEARING OF S 08°17'51" W, A CHORD LENGTH OF
222.06 FEET;

THENCE ALONG THE EAST LINE OF SAID TRACT 3R-A AND THE COMMON WEST ROW LINE OF SAID FM HIGHWAY 77 AND WITH SAID
NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 222.12 FEET TO AN X-CUT FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT
3R-A AND THE COMMON NORTHEAST CORNER OF TRACT 3R-B, BLOCK A, OF SAID NORTH WAXAHACHIE INDUSTRIAL PARK;

THENCE N 81°25'55" W, ALONG THE SOUTH LINE OF SAID TRACT 3R-A AND THE COMMON NORTH LINE OF SAID TRACT 3R-B, A DISTANCE OF
44.33 FEET TO AN X-CUT FOUND FOR ANGLE CORNER;

THENCE S 89°15'03" W, ALONG THE SOUTH LINE OF SAID TRACT 3R-A AND THE COMMON NORTH LINE OF SAID TRACT 3R-B, A DISTANCE OF
293.96 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE SOUTHWEST CORNER OF SAID TRACT 3R-A AND THE
COMMON NORTHWEST CORNER OF SAID TRACT 3R-B AND IN THE EAST LINE OF TRACT 4, BLOCK A, NORTH WAXAHACHIE INDUSTRIAL
PARK, RECORDED IN CABINET C, SLIDE 348, OPRECT;

THENCE N 00°38'17" W, ALONG THE WEST LINE OF SAID TRACT 3R-A AND THE COMMON EAST LINE OF SAID TRACT 4, A DISTANCE OF 243.18
FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID TRACT 3R-A AND THE COMMON
SOUTHWEST CORNER OF SAID TRACT 2;

THENCE N 00°12'18" W, ALONG THE WEST LINE OF SAID TRACT 2 AND THE COMMON EAST LINE OF SAID TRACT 4, A DISTANCE OF 361.98
FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID TRACT 2 AND THE COMMON NORTHEAST CORNER OF SAID
TRACT 4 AND IN THE SOUTH ROW LINE OF SAID TEXAS MUSHROOM ROAD AND BEING THE BEGINNING OF A CURVE TO THE RIGHT, HAVING
A RADIUS OF 449.45 FEET, A CHORD BEARING OF N 88°05'05" E, A CHORD LENGTH OF 90.98 FEET;

THENCE ALONG THE NORTH LINE OF SAID TRACT 2 AND THE COMMON SOUTH ROW LINE OF SAID TEXAS MUSHROOM ROAD AND WITH
SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 91.14 FEET TO A 3/8" IRON ROD FOUND FOR CORNER;

THENCE S 88°02'11" E, ALONG THE NORTH LINE OF SAID TRACT 2 AND THE COMMON SOUTH ROW LINE OF SAID TEXAS MUSHROOM ROAD,
A DISTANCE OF 300.75 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.071 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, I KNOW ALL MEN BY THESE PRESENTS:

THAT C J COMMERCIAL CO., L.L.C. AND NORTHSIDE CHURCH OF CHRIST, DO HEREBY ADOPT THIS PLAT DESIGNATING THE
HEREIN ABOVE DESCRIBED PROPERTY AS LOT 2R & LOT 4R, BLOCK A, NORTH WAXAHACHIE INDUSTRIAL PARK, AN
ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE
CITY OF WAXAHACHIE, 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 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 PUBLICS 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 SYSTEMS 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.

TIMOTHY MOORE
C. J. COMMERCIAL CO., L.L.C. WADE MCMURRAY
NORTHSIDE CHURCH OF CHRIST

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

OWNERS:
C J COMMERCIAL CO., L.L.C.
302 PINE TREE RD
LONGVIEW, TX 75604
903.759.0736

OWNERS:
NORTHSIDE CHURCH OF CHRIST
P.O. BOX 518
WAXAHACHIE, TX 75165
903.759.0736

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
489.518.0338
TBPLS FIRM NO 10194359

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 TIMOTHY MOORE, 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, THE ____ 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 WADE MCMURRAY, 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, THE ____ DAY OF ____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: CHAIRPERSON DATE

ATTEST DATE

REPLAT
NORTH WAXAHACHIE INDUSTRIAL PARK
LOT 2R & LOT 4R, BLOCK A,

4.071 ACRES
BEING A REPLAT OF TRACT 2 BLOCK A,
NORTH WAXAHACHIE INDUSTRIAL PARK
CABINET B, SLIDE, 80, PLAT RECORDS,
ELLIS COUNTY TEXAS

AND
TRACT 3R-A, BLOCK A,
NORTH WAXAHACHIE INDUSTRIAL PARK
CABINET I, SLIDE, 430, PLAT RECORDS,
ELLIS COUNTY TEXAS
IN THE
CITY OF WAXAHACHIE, TEXAS
ELLIS COUNTY TEXAS

2 NONRESIDENTIAL LOTS
ZONED LIGHT INDUSTRIAL (LI-1)
CASE NUMBER SUB-111-2022