A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, September 26, 2023 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

1. Call to Order

2. Invocation

3. ***Public Comments***: Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

4. ***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 September 12, 2023
   b. Minutes of the Planning & Zoning Commission briefing of September 12, 2023
   c. Minutes of the City Council and Planning and Zoning joint work session of September 11, 2023

5. ***Recognize*** Betty Square Coleman and Melissa Ballard for their service on the Planning & Zoning Commission

6. ***Consider*** a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Block 1, Lot 1A and 1B of the Westgate Park Addition to create 1 lot, being 2.815 acres, located at 795 South Interstate 35 (Property ID 176810 and 207783 – Owner: Narayan Ram, LLC and Ram Narayan, LP (SUB-72-2023) Staff: Oanh Vu

7. ***Public Hearing*** on a request by Brenden Determann, B&B Managing & Consulting, LLC for a Replat of Lots 30, 31, and 32, Block 180, Oak Lawn Addition, to create Lots 30R and 31R, Block 180, Oak Lawn Addition, 2 Residential Lots, being 0.184 acres, located at 300 Henry Street, (Property ID 175100) – Owners: B&B Managing & Managing Consulting, LLC and Energy Renovation Center, Inc. (SUB-64-2023) Staff: Oanh Vu

8. ***Consider*** approval of SUB-64-2023

9. ***Public Hearing*** on a request by Yomi Fayiga, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a General Retail (GR) zoning district located at 200 N US Highway 77 (Property ID: 227579) – Owner: Crux Investments LP (ZDC-73-2023) Staff: Zack King

10. ***Consider*** recommendation of Zoning Change No. ZDC-73-2023

11. ***Public Hearing*** on a request by Mahendra Kandepu, Lillian Custom Homes, for an Amendment to Ordinance No. 3105, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: Falcon's Landing A Series of EIS Development II LLC (ZDC-118-2023) Staff: Zack King

12. ***Consider*** recommendation of Zoning Change No. ZDC-118-2023

13. ***Public Hearing*** on a request by Viran Nana. Developer, for a Specific Use Permit (SUP) for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023) Staff: Eleana Tuley

14. ***Consider*** recommendation of Zoning Change No. ZDC-100-2023

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

Notice of Potential Quorum
One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.

(4a)

Planning and Zoning Commission
September 12, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 12, 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 David Hudgins Erik Test Ron Ansell
Members Absent:	Betty Square Coleman Bonney Ramsey
Others Present:	Jennifer Pruitt, Senior Director of Planning Zack King, Senior Planner Eleana Tuley, Senior Planner Jami Bonner, Assistant City Secretary Chris Wright, Council Representative

1. Call to Order
2. Invocation

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

3. Public Comments

None.

4. Consent Agenda

a. Minutes of the regular Planning & Zoning Commission meeting of August 29, 2023
b. Minutes of the Planning & Zoning Commission briefing of August 29, 2023

Action:
Melissa Ballard moved to approve all items on the Consent Agenda as presented. Motion was seconded by Erik Test and carried unanimously (5-0).

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

The Item was presented by Senior Planner Eleana Tuley and applicant Bryce Eckberger requested approval.

(4a)

Action:
Melissa Ballard moved to approve SUB-85-2023 for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by David Hudgins and carried unanimously (5-0).

6. Consider a request by Robert Hansen, Bowman Consulting Group, Ltd., for a Replat of Lots 3 and 4, Block A, Buffalo Creek Addition, to create one (1) lot, being 2.347 acres, located at 1342 Brown Street, (Property ID: 295114 & 295115) – Owner: QT South, LLC (SUB-109-2023) Staff: Zack King

The Item was presented by Senior Planner Zack King.

Action:
Ron Ansell moved to approve SUB-109-2023, a Replat of the Buffalo Creek Addition, Lots 3 & 4, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Erik Test and carried unanimously (5-0).

7. Adjourn

There being no further business, the meeting adjourned at 7:08 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary

(4b)

Planning and Zoning Commission
September 12, 2023

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, September 12, 2023 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present:	Rick Keeler, Chairman Melissa Ballard, Vice Chairman David Hudgins Erik Test
Members Absent:	Betty Square Coleman Bonney Ramsey Ron Ansell
Others Present:	Jennifer Pruitt, Senior Director of Planning Zack King, Senior Planner Eleana Tuley, Senior Planner Jami Bonner, Assistant City Secretary Chris Wright, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

City staff briefed the Commission on the following September 12, 2023 regular meeting agenda items:

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. Consider a request by Robert Hansen, Bowman Consulting Group, Ltd., for a Replat of Lots 3 and 4, Block A, Buffalo Creek Addition, to create one (1) lot, being 2.347 acres, located at 1342 Brown Street, (Property ID: 295114 & 295115) – Owner: QT South, LLC (SUB-109-2023) Staff: Zack King

No action taken.

3. Adjourn

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,
Jami Bonner, Assistant City Secretary

City Council and Planning & Zoning Commission (4c)
September 11, 2023

A Joint Work Session of the Mayor and City Council and the Planning & Zoning Commission of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, September 11, 2023 at 6:00 p.m.

Council Members Present:	David Hill, Mayor, Council Member Place 1 Chris Wright, Mayor Pro Tem, Council Member Place 3 Patrick Souter, Council Member Place 2 Billie Wallace, Council Member Place 4 Travis Smith, Council Member Place 5
Planning & Zoning Commission Members Present:	Rick Keeler, Chairman Betty Square Coleman David Hudgins Erik Test Ron Ansell
Planning & Zoning Commission Members Absent:	Melissa Ballard, Vice Chairman Bonney Ramsey
Others Present:	Michael Scott, City Manager Albert Lawrence, Deputy City Manager Robert Brown, City Attorney Amber Villarreal, City Secretary

1. Call to Order by Mayor David Hill and Chairman Rick Keeler

Mayor David Hill called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

2. Public Comments regarding potential short-term rental ordinance

Those who spoke in support of allowing short-term rentals in single-family neighborhoods:

Howard Baskin, 717 W. Main, Waxahachie, Texas
Kyle Hirt, 159 Willow Lane, Waxahachie, Texas
Jeff Calvery, 2822, FM 1446, Waxahachie, Texas
Gabrielle Calvery, 301 Virginia, Waxahachie, Texas
Sheila Hood, 3841 Black Champ, Waxahachie, Texas
Kassie Pierce, 407 Maumee, Waxahachie, Texas
Rocky Stones, 305 E. University, Waxahachie, Texas
Shannon Almon, 1015 W. Main, Waxahachie, Texas
Brad Yates, 626 Kaufman, Waxahachie, Texas
Alan Fox, 327 University, Waxahachie, Texas
Stacie Seabolt, 606 Royal, Waxahachie, Texas

Those who spoke in opposition of short-term rentals in single-family neighborhoods:

Kim Wells, 101 Ash Drive, Waxahachie, Texas
James Parks, 102 Post Oak Lane, Waxahachie, Texas
Arlene Hahn, 110 Oak Tree Drive, Waxahachie, Texas
Randy Kimberlin, 100 Post Oak Drive, Waxahachie, Texas
Karl Kennedy, 131 Holly Street, Waxahachie, Texas
Louvain Guiomard, 210 Ash Drive, Waxahachie, Texas
Bernard Mushinski, 130 Oak Tree Drive, Waxahachie, Texas
Michael McCorkle, 171 Willow Run, Waxahachie, Texas
Robert Scruggs, 3273 Howard Road, Waxahachie, Texas

Those who expressed comments and concerns to City Council and the Planning and Zoning Commission:

John Mallios, legal counsel for operator at 159 Willow Run, Waxahachie, Texas
Patrick Wilson, 2801 N. Hwy. 77, Waxahachie, Texas
Fawn Rumfield, 1000 W. Main, Waxahachie, Texas
Bob Lynn, 313 Harbin, Waxahachie, Texas

3. Discussion by City Council and the Planning and Zoning Commission regarding potential short-term rental ordinance

City Council thanked the public for their attendance and participation.

Mayor Hill thanked everyone for their input and explained City Council is tasked to decide where short-term rentals are allowed without infringing on single-family neighborhoods.

4. Adjourn

There being no further business, the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(6)

Planning & Zoning Department

Plat Staff Report

Case: SUB-72-2023

MEETING DATE(S)

Planning & Zoning Commission: September 26, 2023

CAPTION

Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Block 1, Lot 1A and 1B of the Westgate Park Addition to create one lot, being 2.815 acres, located at 795 South Interstate 35 (Property ID 176810 and 207783 – Owner: NARAYAN RAM, LLC and RAM NARAYAN, LP (SUB-72-2023)

RECOMMENDED MOTION

*"I move to approve SUB-72-2023 for a **Replat** of Block 1, Lot 1A-R of the Westgate Park 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 motel or hotel (more than 75 rooms) use.

CASE INFORMATION

Applicant:	Tim Jackson, Texas Reality Capture & Surveying, LLC
Property Owner(s):	Narayan Ram, LLC and Ram Narayan, LP
Site Acreage:	2.815 acres
Number of Lots:	1 lot
Number of Dwelling Units:	0 units
Park Land Dedication:	N/A
Adequate Public Facilities:	Adequate public facilities are available to the subject property

SUBJECT PROPERTY

General Location:	795 South Interstate 35
Parcel ID Number(s):	176810, 207783
Current Zoning:	Commercial (C)
Existing Use:	Motel or Hotel (more than 75 rooms)
Platting History:	The subject property was originally platted as Lot 1, Block 1 of Westgate Park in 1986 and replatted as Lots 1A and 1B, Block 1 of Westgate Park in 1998.

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to replat the subject property into one (1) lot for motel or hotel (more than 75 rooms) use. The proposed lot complies with the Commercial zoning district for the property and the City of Waxahachie Subdivision Ordinance.

Currently, Lots 1A-R and 1B are owned by the same entities. Lot 1A-R is developed as a motel (more than 75 rooms), and Lot 1B is undeveloped. The owners intend to replat the subject property so that they can expand their current motel on Lot 1A-R.

RECOMMENDATION

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

ATTACHED EXHIBITS

1. Plat (Exhibit A)

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

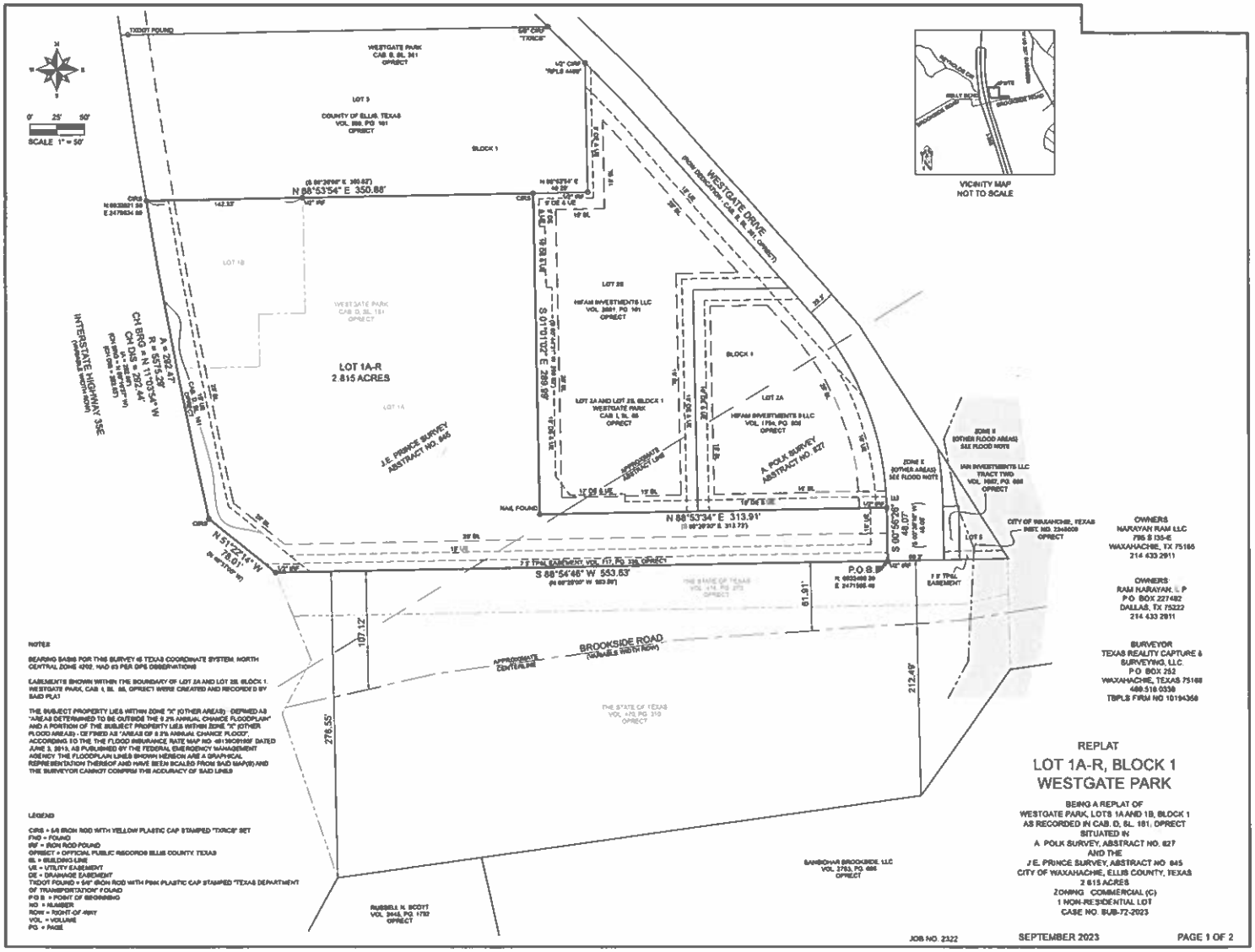
1. All fees have been paid.

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

(4)


SCALE 1" = 50'
WESTGATE PARK
CAB. D, SL. 181
OPRECT
LOT 9
COUNTY OF ELLIS, TEXAS
VOL. 999, PG. 161
OPRECT
BLOCK 1
N 88°53'54" E 350.88'
LOT 1A-R
2.815 ACRES
LOT 1A
LOT 1B
LOT 2B
HIFAM INVESTMENTS LLC
VOL. 2001, PG. 101
OPRECT
LOT 2A AND LOT 2B, BLOCK 1
WESTGATE PARK
CAB. I, SL. 66
OPRECT
BLOCK 1
LOT 2A
HIFAM INVESTMENTS II LLC
VOL. 1994, PG. 806
OPRECT
WESTGATE DRIVE
(PUBLIC DEDICATION CAB. D, SL. 181, OPRECT)
INTERSTATE HIGHWAY 35E
(VARIABLE WIDTH ROW)
J.E. PRINCE SURVEY
ABSTRACT NO. 845
A. POLK SURVEY
ABSTRACT NO. 827
N 88°53'34" E 313.91'
S 88°54'48" W 553.63'
N 51°22'14" W
78.01'
S 00°56'26" E
48.07'
P.O.B.
BROOKSIDE ROAD
(VARIABLE WIDTH ROW)
APPROXIMATE CENTERLINE
107.12'
278.55'
61.91'
212.49'
THE STATE OF TEXAS
VOL. 414, PG. 310
OPRECT
BANSDHAR BROOKSIDE, LLC
VOL. 2753, PG. 686
OPRECT
RUSSELL N. SCOTT
VOL. 2445, PG. 1732
OPRECT
ZONE X
(OTHER FLOOD AREAS)
SEE FLOOD NOTE
IAN INVESTMENTS LLC
TRACT TWO
VOL. 1987, PG. 688
OPRECT
CITY OF WAXAHACHIE, TEXAS
PWT. NO. 2345609
OPRECT
LOT 5
VICINITY MAP
NOT TO SCALE
OWNERS
NARAYAN RAM LLC
785 S 130-E
WAXAHACHIE, TX 75165
214 433 2911
OWNERS:
RAM NARAYAN, L.P.
P.O. BOX 227482
DALLAS, TX 75222
214 433 2911
SURVEYOR
TEXAS REALITY CAPTURE & SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0330
TBPLS FIRM NO 10194358
NOTES
BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS
EASEMENTS SHOWN WITHIN THE BOUNDARY OF LOT 2A AND LOT 2B, BLOCK 1, WESTGATE PARK, CAB. I, SL. 66, OPRECT WERE CREATED AND RECORDED BY SAID PLAT
THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (OTHER AREAS) - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (OTHER FLOOD AREAS) - DEFINED AS "AREAS OF 0.2% ANNUAL CHANCE FLOOD", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0195F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOODPLAIN LINES SHOWN HEREON ARE A GRAPHICAL REPRESENTATION THEREOF AND HAVE BEEN SCALED FROM SAID MAP(S) AND THE SURVEYOR CANNOT CONFIRM THE ACCURACY OF SAID LINES
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
BL = BUILDING LINE
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
TXDOT FOUND = 5/8" IRON ROD WITH PINK PLASTIC CAP STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION" FOUND
P.O.B. = POINT OF BEGINNING
NO. = NUMBER
ROW = RIGHT-OF-WAY
VOL. = VOLUME
PG. = PAGE
REPLAT
LOT 1A-R, BLOCK 1
WESTGATE PARK
BEING A REPLAT OF
WESTGATE PARK, LOTS 1A AND 1B, BLOCK 1
AS RECORDED IN CAB. D, SL. 181, OPRECT
SITUATED IN
A. POLK SURVEY, ABSTRACT NO. 827
AND THE
J.E. PRINCE SURVEY, ABSTRACT NO. 845
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
2.815 ACRES
ZONING: COMMERCIAL (C)
1 NON-RESIDENTIAL LOT
CASE NO. SUB-72-2023
JOB NO. 2322
SEPTEMBER 2023
PAGE 1 OF 2

(4)

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, NARAYAN RAM LLC AND RAM NARAYAN, L.P., ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE A. POLK SURVEY, ABSTRACT NO. 827, AND THE J.E. PRINCE SURVEY, ABSTRACT NO. 845, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF LOTS 1A AND 1B, BLOCK 1 OF WESTGATE PARK, LOTS 1A AND 1B, BLOCK 1, RECORDED IN CABINET D, SLIDE 181, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO NARAYAN RAM LLC, RECORDED IN VOLUME 2763, PAGE 1919, OPRECT, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO RAM NARAYAN LP, RECORDED IN VOLUME 2998, PAGE 1273, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 1A, SAME BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY (ROW) LINE OF WESTGATE DRIVE (A VARIABLE WIDTH ROW) AND THE COMMON NORTH ROW LINE OF BROOKSIDE ROAD (A VARIABLE ROW);

THENCE S 88°54'46" W, ALONG THE SOUTH LINE OF SAID LOT 1A AND THE COMMON NORTH ROW LINE OF SAID BROOKSIDE ROAD, A DISTANCE OF 663.63 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1A, SAME BEING THE INTERSECTION OF THE NORTH ROW LINE OF SAID BROOKSIDE ROAD AND THE COMMON EAST ROW LINE OF INTERSTATE HIGHWAY 35E (A VARIABLE WIDTH ROW) (IH-35E);

THENCE N 51°22'14" W, ALONG THE WEST LINE OF SAID LOT 1A AND THE COMMON EAST ROW LINE OF SAID IH-35E, A DISTANCE OF 75.91 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR ANGLE CORNER, SAME BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5675.29 FEET, A CHORD BEARING OF N 11°50'54" W, AND A CHORD LENGTH OF 292.44 FEET;

THENCE ALONG THE WEST LINE OF SAID LOT 1A, THE WEST LINE OF SAID LOT 1B AND THE COMMON EAST ROW LINE OF SAID IH-35E, AND WITH SAID NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 292.47 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID LOT 1B AND THE COMMON SOUTHWEST CORNER OF LOT 3, BLOCK 1, WESTGATE PARK, RECORDED IN CABINET B, SLIDE 391, OPRECT;

THENCE N 88°13'54" E, ALONG THE NORTH LINE OF SAID LOT 1B AND THE COMMON SOUTH LINE OF SAID LOT 3, PASSING A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1B AND A COMMON NORTHWEST CORNER OF SAID LOT 1A AT A DISTANCE OF 143.33 FEET, CONTINUING ALONG THE NORTH LINE OF SAID LOT 1A AND THE COMMON SOUTH LINE OF SAID LOT 3, IN ALL A TOTAL DISTANCE OF 356.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 1A AND A COMMON NORTHWEST CORNER OF LOT 2B, BLOCK 1 OF REPLAT OF LOT 2, WESTGATE PARK, RECORDED IN CABINET I, SLIDE 88, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 3 AND A COMMON INTERIOR ELL CORNER OF SAID LOT 2B BEARS N 88°13'54" E, A DISTANCE OF 40.29 FEET;

THENCE S 01°01'06" E, ALONG THE EAST LINE OF SAID LOT 1A AND THE COMMON WEST LINE OF SAID LOT 2B, A DISTANCE OF 369.99 FEET TO A NAIL FOUND FOR AN INTERIOR ELL CORNER OF SAID LOT 1A AND THE COMMON SOUTHWEST CORNER OF SAID LOT 2B;

THENCE N 88°13'34" E, ALONG A NORTH LINE OF SAID LOT 1A, THE COMMON SOUTH LINE OF SAID LOT 2B AND THE COMMON SOUTH LINE OF LOT 3A, OF SAID REPLAT OF LOT 2, WESTGATE PARK, A DISTANCE OF 310.91 FEET TO A 1/2" IRON ROD FOUND FOR AN ELL CORNER OF SAID LOT 1A AND THE COMMON SOUTHEAST CORNER OF SAID LOT 3A, AND IN THE WEST ROW LINE OF SAID WESTGATE DRIVE;

THENCE S 00°56'26" E, ALONG AN EAST LINE OF SAID LOT 1A AND THE COMMON WEST ROW LINE OF SAID WESTGATE DRIVE, A DISTANCE OF 46.97 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.815 ACRES, OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT NARAYAN RAM LLC AND RAM NARAYAN, L.P., DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 1A-R, BLOCK 1, WESTGATE 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 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

_____
NARAYAN PATEL
AUTHORIZED AGENT
NARAYAN RAM LLC

_____
NARAYAN PATEL
AUTHORIZED AGENT
RAM NARAYAN, L.P.

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 NARAYAN PATEL, 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 NARAYAN PATEL, 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

KNOW ALL MEN BY THESE PRESENTS

THAT I, TIMOTHY L. JACKSON, 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"

_____
TIMOTHY L. JACKSON,
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 5544

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ _____
CHAIRPERSON DATE

_____ _____
ATTEST DATE

OWNERS
NARAYAN RAM LLC
785 S 156-E
WAXAHACHIE, TX 75165
214.433.2911

OWNERS.
RAM NARAYAN, L.P.
P.O. BOX 227492
DALLAS, TX 75222
214.433.2911

SURVEYOR,
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194356

REPLAT
LOT 1A-R, BLOCK 1
WESTGATE PARK

BEING A REPLAT OF
WESTGATE PARK, LOTS 1A AND 1B, BLOCK 1
AS RECORDED IN CAB. D, SL. 181, OPRECT
SITUATED IN
A. POLK SURVEY, ABSTRACT NO. 827
AND THE
J.E. PRINCE SURVEY, ABSTRACT NO. 845
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
2.815 ACRES
ZONING: COMMERCIAL (C)
1 NON-RESIDENTIAL LOT
CASE NO. SUB-72-2023

JOB NO. 2322 SEPTEMBER 2023 PAGE 2 OF 2

(7+8)

Planning & Zoning Department

Plat Staff Report

Case: SUB-64-2023

MEETING DATE(S)

Planning & Zoning Commission: September 26, 2023

CAPTION

Public Hearing on a request by Brenden Determann, B&B Managing & Consulting, LLC, for a **Replat** of Block 180, Lots 30, 31, and 32 of the Oak Lawn Addition, to create Block 180, Lots 30R and 31R of the Oak Lawn Addition, 2 Residential Lots, being 0.184 acres, located at 300 Henry Street (Property ID 175100) – Owners: B&B MANAGING & CONSULTING, LLC and ENERGY RENOVATION CENTER, INC (SUB-64-2023)

RECOMMENDED MOTION

*"I move to approve SUB-64-2023 for a **Replat** of Block D and part of Block 180, Lots 30R and 31R of the Oak Lawn Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

APPLICANT REQUEST

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

CASE INFORMATION

Applicant:	Brenden Determann, B&B Managing & Consulting, LLC
Property Owner(s):	B&B Managing & Consulting, LLC and Energy Renovation Center, Inc
Site Acreage:	0.184 acres
Number of Lots:	2 lots
Number of Dwelling Units:	2 units
Park Land Dedication:	N/A; the lots were previously developed
Adequate Public Facilities:	Adequate public facilities are available to the subject property

SUBJECT PROPERTY

General Location:	300 Henry Street
Parcel ID Number(s):	175100
Current Zoning:	Single Family-3 (SF-3)
Existing Use:	The subject property are currently vacant and undeveloped
Platting History:	The subject property was previously platted of the original Oak Lawn Addition

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to replat the subject property into two (2) lots for single-family residential use. The applicant proposes providing approximately 25' of right-of-way (ROW) dedication for Henry Street and Sam Street, in conformance with the City of Waxahachie Thoroughfare Plan. The proposed lots meet the minimum lot size and dimension requirements of the Infill Overlay District.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 38 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

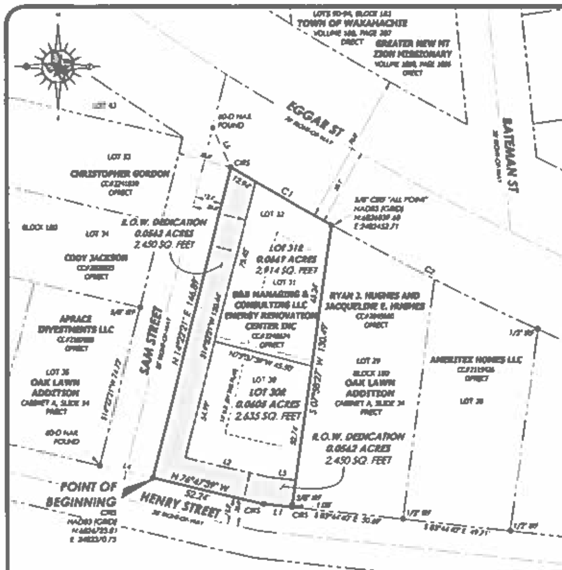
1. All utilities, infrastructure, and other required improvements have been installed, and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;

STAFF CONTACT INFORMATION

Prepared by:
Oanh Vu
Planner
oanh.vu@waxahachie.com

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

(7+8)



LINE TABLE		
TAG NO.	BEARING	DISTANCE
L1	N83°44'40"W	13.07'
L2	S78°47'39"E	38.83'
L3	S83°44'40"E	12.69'
L4	N76°47'39"W	38.01'
L5	N24°52'00"W	19.92'

CURVE TABLE					
TAG NO.	RADIUS	LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1348.86'	52.62	2°13'59"	S59°51'01"E	52.61'
C2	1348.86'	108.88'	4°25'49"	S63°07'39"E	108.87'

SCALE: 1" = 30'

0 30' 60'

PLAT NOTES

1. WATER SERVICE WILL BE PROVIDED BY THE CITY OF WAXAHACHIE. THE DEVELOPER IS RESPONSIBLE FOR INSTALLING ANY WATER/SEWER SERVICE.
2. UTILITY PROVIDERS:

   (1) ELECTRIC PROVIDER: NAVARRO COUNTY ELECTRIC COOPERATIVE, INC., [illegible] CORSICANA, TEXAS [illegible]
   (2) GAS SERVICE: ATMOS ENERGY CORPORATION, P.O. BOX [illegible], DALLAS, TEXAS 75265
   (3) TELEPHONE SERVICE: AT&T TEXAS, ONE AT&T PLAZA, 208 AKARD STREET, DALLAS, TEXAS 75202

3. ALL SURFACE DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, FOUNDATIONS, PLANTINGS, AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITY.
4. BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN SURFACE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTING THE FLOODWAY IS PROHIBITED.
5. THE CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE CONTROL OF EROSION.
6. THE CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOODING CONDITIONS.
7. NO CONSTRUCTION WITHOUT WRITTEN APPROVAL FROM THE CITY OF WAXAHACHIE SHALL BE ALLOWED WITHIN AN IDENTIFIED "FIRM" FLOODPLAIN AREA, AND THEN ONLY AFTER A DETAILED FLOODPLAIN DEVELOPMENT PERMIT INCLUDING ENGINEERING PLANS AND STUDIES SHOW THAT NO RISE IN THE BASE FLOOD ELEVATION (BFE) WILL RESULT, THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL RESULT, AND SUBJECT TO ALL OWNERS OF THE PROPERTY AFFECTED BY SUCH CONSTRUCTION BECOMING A PARTY TO THE REQUEST. WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF TWO FOOT ABOVE THE 100-YEAR FLOOD ELEVATION.
8. SUBJECT PROPERTY LIES WITHIN ZONE X (UNSHADED AREA) DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN," ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AREA FLOOD INSURANCE RATE MAPS FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS - MAP NUMBER [illegible], DATED JUNE 3, 2013. FLOOD PLAIN LINES SHOWN HEREON ARE GRAPHICALLY PLOTTED ACCORDING TO THE SCALED MAP LOCATION.
9. THE CITY OF WAXAHACHIE WILL NOT PROVIDE MAINTENANCE OF SIDEWALKS.
10. ALL UTILITY EASEMENTS AND RIGHTS-OF-WAY SHOWN HEREON ARE HEREBY DEDICATED BY THE PLAT FOR THE EXCLUSIVE USE OF THE CITY OF WAXAHACHIE UNLESS OTHERWISE NOTED.
11. SUBJECT PROPERTY IS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF WAXAHACHIE.
12. PERIMETER BOUNDARY CORNERS ARE 5/8" CAPPED IRON RODS SET STAMPED "LONESTAR RPLS[illegible]" UNLESS OTHERWISE NOTED. WHEN A RETAINING WALL OR SCREENING WALL FENCE HAS BEEN PLACED AT THE REAR LOT CORNER, A 5/8" CAPPED IRON ROD MAY BE SET 5 FEET FROM THE REAR LOT CORNER ALONG THE SIDE LOT LINE.
13. BEARINGS AND COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD83, NORTH CENTRAL ZONE, 4202 UTILIZING THE LEICA SMARTNET REFERENCE NETWORK.
14. THERE SHALL BE NO TREE, SHRUB, PLANT, SIGN, SOIL, FENCE, RETAINING/SCREENING WALL OR OTHER VERTICAL ELEMENT THAT OBSTRUCT THE VIEW OF A VEHICLE HAVING A HEIGHT GREATER THAN TWO (2) FEET WITHIN THE SIGHT VISIBILITY EASEMENT.
15. NOTICE: SELLING A PORTION OF ANY LOT WITHIN THE ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITY SERVICES AND BUILDING PERMITS.

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, B & B MANAGING & CONSULTING LLC AND ENERGY RENOVATION CENTER, INC. OWNERS OF A 0.184 ACRE TRACT OF LAND SITUATED IN THE A. KEEN SURVEY, ABSTRACT NUMBER 596, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF LOTS 30, 31 AND 32, BLOCK 180, OAK LAWN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 34, PLAT RECORDS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE SOUTHWEST CORNER OF SAID LOT 30, BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF HENRY STREET, A CALLED 25' RIGHT-OF-WAY AND THE EAST RIGHT-OF-WAY LINE OF SAM STREET, A CALLED 25' RIGHT-OF-WAY, FROM WHICH A 60-D NAIL FOUND BEARS NORTH 76 DEGREES 47 MINUTES 39 SECONDS WEST, A DISTANCE OF 25.01 FEET;

THENCE NORTH 14 DEGREES 22 MINUTES 21 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 146.89 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE NORTHWEST CORNER OF SAID LOT 32, BEING AT THE INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE AND THE SOUTH RIGHT-OF-WAY LINE OF EGGAR STREET, A 70' RIGHT-OF-WAY, AND BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, FROM WHICH A 60-D NAIL FOUND BEARS FOR REFERENCE NORTH 24 DEGREES 52 MINUTES 00 SECONDS WEST, A DISTANCE OF 19.92 FEET;

THENCE 52.62 FEET, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1348.86 FEET, THROUGH A CENTRAL ANGLE OF 02 DEGREES 13 MINUTES 59 SECONDS, WHOSE LONG CHORD BEARS SOUTH 59 DEGREES 51 MINUTES 01 SECONDS EAST, A CHORD LENGTH OF 52.61 FEET, TO A 5/8" CAPPED IRON ROD FOUND STAMPED "ALL POINT" AT THE NORTHEAST CORNER OF SAID LOT 32, SAME BEING THE NORTHWEST CORNER OF LOT 29 SAID OAK LAWN ADDITION, FROM WHICH A 1/2" IRON ROD FOUND BEARS A CHORD BEARING AND DISTANCE OF SOUTH 63 DEGREES 07 MINUTES 39 SECONDS EAST, 108.87 FEET;

THENCE SOUTH 07 DEGREES 58 MINUTES 27 SECONDS WEST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE EAST LINES OF SAID LOTS 32, 31 AND 30, BEING COMMON WITH THE WEST LINE OF SAID LOT 29, A DISTANCE OF 130.49 FEET, TO 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882" AT THE SOUTHEAST CORNER OF SAID LOT 30, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 29, AND BEING ON THE NORTH RIGHT-OF-WAY LINE OF SAID HENRY STREET, FROM WHICH A 5/8" IRON ROD FOUND BEARS NORTH 07 DEGREES 58 MINUTES 27 SECONDS EAST, A DISTANCE OF 1.08 FEET, AND FROM WHICH A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 29 BEARS SOUTH 83 DEGREES 44 MINUTES 40 SECONDS EAST, A DISTANCE OF 30.69 FEET;

THENCE NORTH 83 DEGREES 44 MINUTES 40 SECONDS WEST, DEPARTING SAID COMMON LINE AND ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 13.07 FEET, TO A 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR 6882";

THENCE NORTH 76 DEGREES 47 MINUTES 39 SECONDS WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 52.24 FEET, TO THE POINT OF BEGINNING, AND CONTAINING 0.184 ACRES OR 7,998 SQUARE FEET OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT B & B MANAGING & CONSULTING LLC AND ENERGY RENOVATION CENTER, INC., ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 30R & 31R, BLOCK 180, OAK LAWN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. 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

BY:

AUTHORIZED SIGNATURE OF OWNER

BRENDEN DETERMANN, MANAGER
B & B MANAGING & CONSULTING, LLC

STATE OF TEXAS §
COUNTY OF ELLIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED BRENDEN DETERMANN, MANAGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ______ DAY OF ____________ 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

WITNESS, MY HAND, THIS THE ____ DAY OF ____________ 2023

BY:

AUTHORIZED SIGNATURE OF OWNER

JOSEPH A. FLOURNOY, PRESIDENT
ENERGY RENOVATION CENTER, INC.

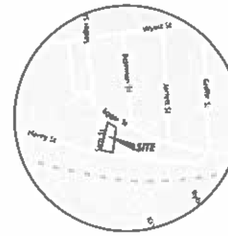
STATE OF TEXAS §
COUNTY OF ELLIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JOSEPH A. FLOURNOY, PRESIDENT, MANAGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ______ DAY OF ____________ 2023

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:
THAT I, MARSHALL W. MILLER, 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.

MARSHALL W. MILLER DATE: ____________ 2023
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6882
STATE OF TEXAS

CITY OF WAXAHACHIE APPROVALS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

CHAIRPERSON DATE

ATTEST DATE

REPLAT
OAK LAWN ADDITION
BLOCK 180, LOTS 30R & 31R
BEING A REPLAT OF BLOCK 180, LOTS 30, 31 & 32, OAK LAWN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
0.184 ACRES
ZONING: SF-3
2 RESIDENTIAL LOTS
CASE NO. SUB-64-2023

DATE: AUGUST 2023

-LONESTAR-
LAND SURVEYING, LLC
TBPELS FIRM# 10194707
3521 SW WILSHIRE BLVD. STE A
JOSHUA, TX 76058
PHONE 817-935-8701
MARSHALL.MILLER@LONESTARLANDSURVEYING.COM

LEGEND
DRCT = DEED RECORDS, ELLIS COUNTY, TEXAS
PRCT = PLAT RECORDS, ELLIS COUNTY, TEXAS
CC# = COUNTY CLERK'S INSTRUMENT NUMBER
IRF = IRON ROD FOUND
CIRS = 5/8" CAPPED IRON ROD SET STAMPED "LONESTAR RPLS 6882"
R.O.W. = RIGHT-OF-WAY
U.E. = UTILITY EASEMENT

OWNER(S)
B & B MANAGING & CONSULTING LLC
ENERGY RENOVATION CENTER, INC
509 N BRYANT AVENUE
MIDLOTHIAN, TX 76065

PROJECT NUMBER: 230016 DATE: AUGUST 28, 2023
REVISED DATE:
REVISION NOTES:

SHEET 1 OF 1

(9+10)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-73-2023

MEETING DATE(S)

Planning & Zoning Commission:	**September 26, 2023**
City Council:	**October 2, 2023**

CAPTION

Public Hearing on a request by Yomi Fayiga, for a **Specific Use Permit (SUP)** for an Electronic Message Sign use within a General Retail (GR) zoning district located at 200 N US Highway 77 (Property ID: 227579) – Owner: Crux Investments LP (ZDC-73-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-73-2023, a Specific Use Permit (SUP) request for an Electronic Message Sign use at 200 N US Highway 77, subject to the conditions the staff report."

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for the addition of an electronic message component to an existing monument sign at 200 N US Highway 77.

CASE INFORMATION

Applicant:	Yomi Fayiga, Crux Investments
Property Owner(s):	Crux Investments LP
Site Acreage:	0.615 acres
Current Zoning:	General Retail (GR) with SUP for on-site dry cleaning.
Requested Zoning:	General Retail (GR) with SUP for on-site dry cleaning and a SUP for an Electronic Message Sign.

SUBJECT PROPERTY

General Location:	200 N US Highway 77
Parcel ID Number(s):	227579
Existing Use:	A multi-tenant retail building housing Papa John's and Dry Clean Super Center currently exists on the subject property.
Development History:	The subject property was platted in 2003 as Lot 1 of the Kwik Addition. A SUP for an on-site dry cleaning facility (Ord. 2168) was also approved for the subject property in 2003.

(9+10)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	General Retail (GR)	Interbank
East	Single Family-2 (SF-2)	Single Family Residences
South	General Retail (GR)	TitleMax
West	Single Family-2 (SF-2)	Single Family Residence

Future Land Use Plan: Local Commercial

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

Thoroughfare Plan: The subject property is accessible via US Highway 77 and Lynn Avenue.

Site Image:

PLANNING ANALYSIS

The applicant proposes a Specific Use Permit (SUP) to add an electronic message component to an existing monument sign at 200 N US Highway 77. An existing monument sign with a 16-square-foot static message board currently exists on the subject property. The applicant is seeking to replace the static message board with an electronic message board to advertise specials without needing to change the copy on the sign physically. Section 5.08 of the Waxahachie Zoning Ordinance requires all signs with an electronic message component to comply with the requirements identified in **Table 1** below. The proposed sign complies with all requirements of the Waxahachie Zoning Ordinance.

Table 1: Electronic Message Sign Regulation Chart

Electronic Messaging Sign (City of Waxahachie)	Proposed Sign
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Electronic Message Signs shall be restricted to the form of monument signs. Per Section 5.08 of the Waxahachie Zoning Ordinance, Monuments signs shall have a low profile and must be made of stone, concrete, brick or other similar materials. A monument sign shall be solid from the ground up and all pole(s) or supports shall be concealed.	The proposed electronic message sign will be incorporated into an existing monument sign.
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information relating to the businesses on the subject property. No off-site advertising will occur.
Such signs shall not exceed a brightness level of 0.3-foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the sign will be programmed to use an automatic sensor that reduces the sign's brightness at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will have moving text; but will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 10 pm – 6am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	Approximately 27% of the sign face will be used as a changeable sign copy (electronic message board).

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 20 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of support for the SUP request.

(9+10)

RECOMMENDATION

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

Conditions:

1. The sign shall not be illuminated between the hours of 10pm – 6am.
2. The electronic messaging sign shall only provide information relating to the businesses on the subject property. No off-site advertising shall occur at any time.
3. The electronic message sign shall not exceed a brightness level of 0.3-foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
4. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
5. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
6. City Council shall have the right to review the Specific Use Permit at any point, as needed.

ATTACHED EXHIBITS

1. Electronic Message Sign
2. Site Layout
3. Site Photo
4. Letter of Support

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant can apply for a Sign Permit from the Building and Community Services Department.

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

(9+10)

Refurbication Of Existing Monument Sign

(9+10)

(9+10)

NOW
HIRING
DRY
CLEAN
SUPER CENTER
Proposed Electronic
Messafee Sign location.

(9+10)

RECEIVED 9/8/2023

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-73-2023

~~**VINTAGE BANK**~~ Interbank
PO BOX 557
WAXAHACHIE, TX 75168-0557

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 26, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 2, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

> Request by Yomi Fayiga, for a **Specific Use Permit (SUP)** for an Electronic Message Sign use within a General Retail (GR) zoning district located at 200 N US Highway 77 (Property ID: 227579) – Owner: Crux Investments LP (ZDC-73-2023) Staff: Zack King

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

Case Number: ZDC-73-2023 **City Reference: 173476**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *September 20, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☐ OPPOSE

Comments:

Signature

9-8-23
Date

Jeff Frazier EVP-Interbank
Printed Name and Title

300 Hwy 77N, Waxahachie, TX
Address

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

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

(11+12)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-118-2023

MEETING DATE(S)

Planning & Zoning Commission:	September 26, 2023
City Council:	October 2, 2023

CAPTION

Public Hearing on a request by Mahendra Kandepu, Lillian Custom Homes, for an **Amendment to Ordinance No. 3105**, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: Falcon's Landing A Series of EIS Development II LLC (ZDC-118-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-118-2023, an Amendment to Ordinance 3105, subject to the conditions the staff report.

APPLICANT REQUEST

The applicant requests to amend Ordinance 3105 to include a detailed Elevation/Façade Plan, a Detailed Site Plan, and a Landscape Plan, and allow for front entry townhomes on Block A.

CASE INFORMATION

Applicant:	Mahendra Kandepu, Lillian Custom Homes
Property Owner(s):	Falcon's Landing A Series of EIS Development II LLC
Site Acreage:	2.662 acres
Current Zoning:	Planned Development (PD)
Requested Zoning:	Planned Development (PD) – (Ordinance 3105 Amendment)

SUBJECT PROPERTY

General Location:	The intersection of Vermont Street & Parks School House Road
Parcel ID Number(s):	226116
Existing Use:	Currently undeveloped
Development History:	The existing Planned Development was approved on April 1st, 2019, with Ordinance 3105. The developer has received Civil Construction Plan approval; but the City has not yet accepted infrastructure for the development.

(11+12)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-3 (SF-3)	Lexington Arms – Single-Family Homes
East	Planned Development- Single Family-3 (PD-SF-3)	Camden Park – Single-Family Homes
South	Planned Development-Multi Family-2 (PD-MF-2)	Gala at Waxahachie – 55+ Apartments
West	Single Family-3 (SF-3)	Single Family Residence

Future Land Use Plan: Mixed-Use Neighborhood

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

Thoroughfare Plan: The subject property is accessible via Parks School House Road, Peters Street, and Vermont Street.

Site Image:

PLANNING ANALYSIS

Purpose of Request

The applicant proposes to amend Ordinance 3105 in order to include a detailed Elevation/Façade Plan, a Detailed Site Plan, and a Landscape Plan, and allow for front entry townhomes on Block A.

Development History

The existing Planned Development was originally approved in 2019 under the name Peter's Point. The development included a total of four (4) buildings, each with up to six (6) townhomes. Each townhome was proposed to be on a fee simple, individually platted lot. At that time no detailed site plan was provided; but all twenty-four (24) proposed lots were required to be alley-served, rear-entry products.

Following approval of the PD, the owner promptly submitted Civil Construction plans for the public infrastructure required for the development. During the preparation of these plans, the applicant identified topographic challenges with the site that prevented the installation of sewer lines on the western portion of the property. This topographic challenge also hindered the owner's ability to install an alley on the western portion of the property. Due to these challenges, the owner proposed an alternative infrastructure plan that routed a sewer line along Vermont Street, as opposed to the western property line, and eliminated the alley on the western portion of the property. After review, staff noted that this was a feasible alternative from an infrastructure standpoint; but informed the applicant that the elimination of the alley on the western portion of the property would require approval by P&Z and City Council. The original owner acknowledged this requirement and approval for the alternative civil construction plans was subsequently issued by staff.

The subject property came under new ownership in 2021 and the new ownership team began construction in accordance with the civil construction plans approved for the previous owner. The current owner proceeded to install street and utility infrastructure for the development and completed this work in the fall of 2022.

The current owner subsequently submitted a formal PD Amendment Application (ZDC-153-2023) in November of 2022, seeking to amend the PD to eliminate the requirement for the townhomes on Block A to be alley-served, rear entry products. On July 11th, 2023, the Planning & Zoning Commission voted to indefinitely continue the case. The intent of the continuance was to allow the applicant additional time to consider revisions to the proposed site plan and townhome elevations. The indefinite continuance required the applicant to submit a new PD Amendment application; which was done August 16th, 2023.

Current Proposal

As part of the new application (ZDC-118-2023), the owner has worked with staff to prepare a revised detailed site plan and landscape plan. The applicant has not revised the elevation/façade plan; but has provided additional 3D renderings to better convey the look of the proposed townhomes. These documents were absent in the original PD. The elevation/façade plan and the revised site and landscape plans comply with the proposed PD development regulations and the applicable regulations of the Waxahachie Zoning Ordinance.

Elevation/Façade

The original PD includes a requirement for using at least 70% masonry exterior construction materials for the townhomes, with cementitious fiberboard included as a masonry material. With this PD Amendment, the owner is not seeking to deviate from this requirement; but is providing additional detail on the proposed exterior construction material for each building. Each building is now proposed to be 100% masonry, comprised of brick veneer, stone veneer, and cementitious siding as per the table below. The material breakdown can be referenced further in attached exhibit number 4.

Building	Brick Veneer	Stone Veneer	Cementous Siding
A	60.15%	4.20%	35.66%
B	59.00%	4.06%	36.95%
C	78.11%	3.13%	18.76%
D	76.84%	3.47%	19.69%

Due to the additional landscaping and architectural detail proposed with the PD Amendment, staff supports the request.

DEVELOPMENT REGULATIONS

The following table identifies the development regulations of the existing PD (Ord. 3105) in comparison to the specific development regulation changes that are proposed with the PD Amendment.

Existing PD Regulations	Proposed Development Regulations
All units are required to have a rear entry one (1) car garage.	All units are required to have two (2) car garages. Townhomes on Block A shall be front entry.
No fencing standards.	Townhomes on Block A shall have backyards with 6' fencing per the fencing exhibit.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 36 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of support and two (2) letters of opposition to the proposed PD Amendment.

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 PD Amendment request, subject to the conditions noted below.

Conditions:

1. A mutually agreed upon Development Agreement will be required to be executed prior to the issuance of building permits. The Development Agreement shall include the type and percentage of the proposed exterior construction materials for each building.
2. The property shall be platted prior to the issuance of a building permits for the development.
3. The applicant shall obtain building permits from the City of Waxahachie Building & Community Services Department prior to construction of the townhomes.

(11+12)

ATTACHED EXHIBITS

1. PON Responses
2. Ordinance 3105
3. Revised Development Regulations
4. Site Plan
5. 3D Renderings – Elevation/Façade Plan
6. Landscape Plan
7. Fencing & Signage Details

APPLICANT REQUIREMENTS

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

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

(11+12)

Case Number: ZDC-118-2023 **City Reference: 220572**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *September 20, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☑ SUPPORT ☐ OPPOSE DELIVERED SEP 14 2023

Comments:

Signature

9/7/2023
Date

Owner
Printed Name and Title

1105 Chiswell High Way
Address

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(11 +12)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-118-2023

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

DELIVERED SEP 1 5 2023

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 26, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 2, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

> Request by Mahendra Kandepu, Lillian Custom Homes, for an **Amendment to Ordinance No. 3105**, to allow for a revised site plan and development standards within an approved Planned Development located at the intersection of Vermont Street and Parks School House Road (Property ID: 226116) – Owner: Falcon's Landing A Series of EIS Development II LLC (ZDC-118-2023) Staff: Zack King

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Case Number: ZDC-118-2023 **City Reference: 173742**

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☐ SUPPORT ☒ OPPOSE

Comments: ~~lot size too small to accommodate adequate setback requirements & off street parking plus city water main & sewer main runs through lot~~ Front entry garages & lack of planning

Signature: 9/12/23 Date

Brad Yates
Printed Name and Title

Box 2868
Waxahachie, Tx. 75168
Address

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(11+12)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-118-2023

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

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Case Number: ZDC-118-2023 **City Reference: 173751**

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☐ SUPPORT ☒ OPPOSE

Comments:
~~lot size too small to accomodate setback requirements or offstreet parking behind building plus entry curve, a sewer main runs through property~~ Front entry garages & lack of planning

Signature: [signature] Date: 9/12/23

Brad Yates
Printed Name and Title

Box 2868
Waxahachie, Tx 75168
Address

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ORDINANCE 3105 (11+12)

ORDINANCE NO. 3105

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT WITH SINGLE FAMILY-ATTACHED (SF-A) DEVELOPMENT STANDARDS, WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AT PARKS SCHOOL HOUSE ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.662 ACRES KNOWN AS A PORTION OF PROPERTY ID 226116 OF THE SM DURRETT ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0023. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-3 to PD with SF-A development standards, with Concept Plan; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from SF-3 to PD with SF-A development standards, with Concept Plan in order to facilitate development of the subject property in a manner that allows single family/townhome structures on the following property: a portion of Property ID 226116 of the SM Durrett Abstract, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B, and the conceptual elevation plan attached as Exhibit C.

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.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this 1st day of April, 2019.

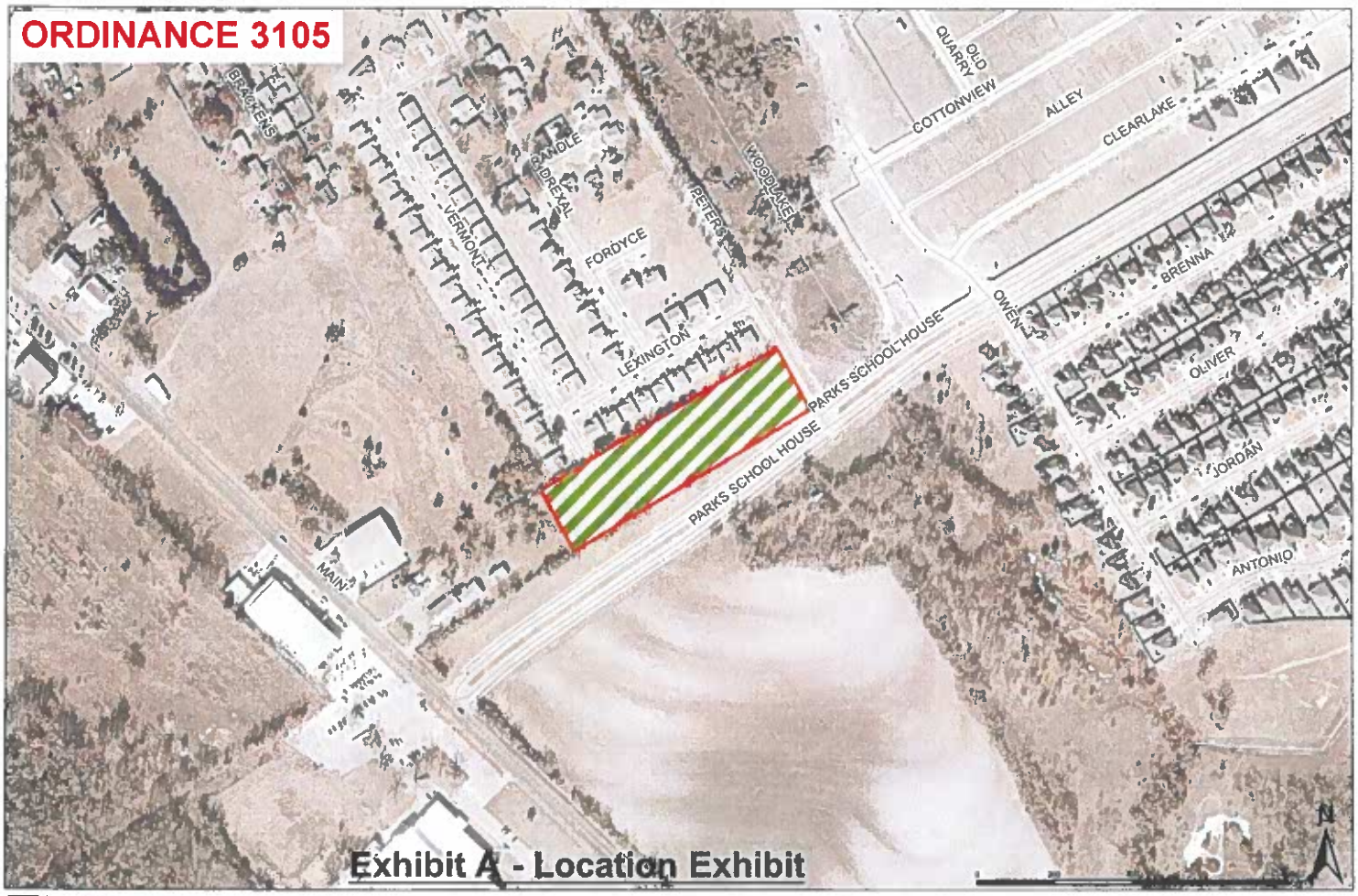
CITY OF WAXAHACHIE 1849 COUNTY OF ELLIS

M. Kevin Strength
MAYOR

ATTEST:

Amber Villarreal
Assistant City Secretary

(11+12)



WAXAHACHIE TEXAS

PD-19-0023 Peter's Pointe
Location Exhibit

Legend

PD-19-0023

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of regarding specific accuracy or completeness.

ORDINANCE 3105 (11+12)

Peters Pointe Case: PD-19-0023

Exhibit B Planned Development Regulations

Zoning District RESIDENTIAL SINGLE FAMILY ATTACHED (SFA) Is the intended base zoning classification underlying this PD. Any variation to the base zoning district regulations and comprehensive plan are as detailed in these PD regulations along with a site plan and concept plan.

PD DISTRICT DEVELOPMENT STANDARDS

Description of Request

- The intent is to modify the existing zoning requirements from single family to a Planned Development which will allow for the development of multiple attached Town Home/Row House Buildings or single family attached. Any conditions found within the Single-Family Attached (SF-A) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie Code of Ordinances, as amended.

Proposed Use of Property

- The purpose and intent of this Planned Development (PD) is to allow for the development of four attached town home buildings containing 5 to 6 attached single family homes per building using similar architectural style as the attached elevation and similar family developments of Cliff Estates and Camden Gardens, both located on Park School House Rd and in view of the subject property and creating a common look and style of the area.

General Development Guidelines

- The site plan is attached as exhibit "C".
- An elevation is attached as exhibit "D".
- Vermont Street shall be extended to Park School House Road matching the same existing concrete widths and ROW dimensions as it currently exists.
- The attached homes will have common vertical walls.
- Lots 1-5 Block A, Park School House Road, shall contain 3 buildings of 5 to 6 attached homes per building, minimum of 25 ft wide lots with 15 ft side setbacks and 15 ft minimum space between buildings. The front set back form the street shall be a minimum of 20 ft.
- Minimum SF of each attached home to be 1,000 ft. and contain a rear entry and minimum of a one car garage.
- Height to be a maximum of two-story units.
- All lots shall be fee simple.
- The entire development shall be managed by an HOA. The HOA will maintain all landscaping in a professional manor. The HOA will own and manage common areas.

ORDINANCE 3105 (11+12)

Additional Requirements on PD – Single Family Attached

- Masonry requirements of 70% with roof eaves, recessed balcony's and porch areas of Cementous fiberboard or similar materials.
- Each unit shall have a privacy fenced back yard of 6ft in height.
- Back driveways shall be minimum of 20 ft of depth.
- No parking will be allowed on Park School House Road.
- All roofing materials shall be of 30-year architectural shingles, flat roofs will have Thermoplastic Polyolefin roofing (TPO).
- All HVAC systems shall be screened and out of view from public right of ways.
- Cluster mailbox receptacles shall be used and located in an area to be determined.
- City of Waxahachie is the owner of record of an unused dedicated alley way at the rear of the homes on Lexington Drive. This dedicated alley way to be associated to the transfer, the responsibility of the developer.
- A monument sign identifying the property and following city standards may be placed on the property, outside of any utility easements, at the discretion of the developer.

City Requirements VS PD Minimum Requirements Table (See attached table)

Standards	Single-Family Attached (SF-A) Requiremen	PD Proposal (25 ft Wide Single Family Attached)
Minimum Lot Area	3,630 SF per dwelling unit, not to exceed 12 dwelling units per acre (calculated on gross acreage). The minimum lot size shall be 10, 890 SF.	2,125 SF (Does not include alley)
Height Requirements (Not to Exceed)	3 stories in DN, MF1, or MF2, 4 stories in CA for main building. Accessory building 1 story.	Two Story Maximum Height
Lot Density (Number Of units Per Acre)	12 units per acre	9.2 Units Per Acre
Minimum Dwelling Unit (Square Feet)	N/A	1,000 Minimum SF A/C space per unit
Minimum Lot Width	N/A	25 ft wide
Minimum Lot Depth	N/A	85 ft deep
Front Yard Setback	15ft	20 ft
Rear Yard Setback	Adjacent to Residential 25 ft. otherwise 10 ft	20 ft (does not include alley)
Maximum Lot Coverage	50% by main buildings and accessory buildings	1036 SF Includes garage (50% Maximum Lot Coverage)
Parking Requirements	2 behind front building plan, at least 1 enclosed	I interior with garage and two exterior
Minimum Size Dwelling Units Allowed	1,000 sf	1000 SF minimum per unit

(11+12)

ORDINANCE 3105

Exhibit C - Concept Elevations

Revised Planned Development Regulations

Zoning District RESIDENTIAL SINGLE FAMILY ATTACHED (SFA) Is the intended base zoning classification underlying this PD. Any variation to the base zoning district regulations and comprehensive plan are as detailed in these PD regulations along with a site plan and concept plan.

PD DISTRICT DEVELOPMENT STANDARDS

Description of Request

- The intent is to modify the existing zoning requirements from single family to a Planned Development which will allow for the development of multiple attached Town Home/Row House Buildings or single family attached. Any conditions found within the Single-Family Attached (SF-A) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie Code of Ordinances, as amended.

Proposed Use of Property

- The purpose and intent of this Planned Development (PD) is to allow for the development of four attached town home buildings containing 5 to 6 attached single family homes per building using similar architectural style as the attached elevation and similar family developments of Cliff Estates and Camden Gardens, both located on Park School House Rd and in view of the subject property and creating a common look and style of the area.

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- Height to be a maximum of two-story units.
- All lots shall be fee simple.
- The entire development shall be managed by an HOA. The HOA will maintain all landscaping in a professional manor. The HOA will own and manage common areas.
- Minimum SF of each Block A attached home to be 1,000 sq. ft. and contain a front entry and minimum of two car garage.
- Minimum SF of each Block B attached home to be 1,000 sq. ft. and contain a rear entry and minimum of two car garage.

Revised Development Regulations (11+12)

Additional Requirements on PD – Single Family Attached

- Masonry requirements of 70% with roof eaves, recessed balcony's and porch areas of Cementous fiberboard or similar materials.
- Each unit shall have a privacy fenced back yard of 6ft in height.
- Back driveways shall be minimum of 20 ft of depth.
- No parking will be allowed on Park School House Road.
- All roofing materials shall be of 30-year architectural shingles, flat roofs will have Thermoplastic Polyolefin roofing (TPO).
- All HVAC systems shall be screened and out of view from public right of ways.
- Cluster mailbox receptacles shall be used and located in an area to be determined.
- City of Waxahachie is the owner of record of an unused dedicated alley way at the rear of the homes on Lexington Drive. This dedicated alley way to be associated to the transfer, the responsibility of the developer.
- A monument sign identifying the property and following city standards may be placed on the property, outside of any utility easements, at the discretion of the developer.
- Each unit on Block A shall have a fenced backyard of 6' in height.

City Requirements VS PD Minimum Requirements Table (See attached table)

Standards	Single-Family Attached (SF-A) Requirement	PD Proposal (25 ft Wide Single Family Attached)
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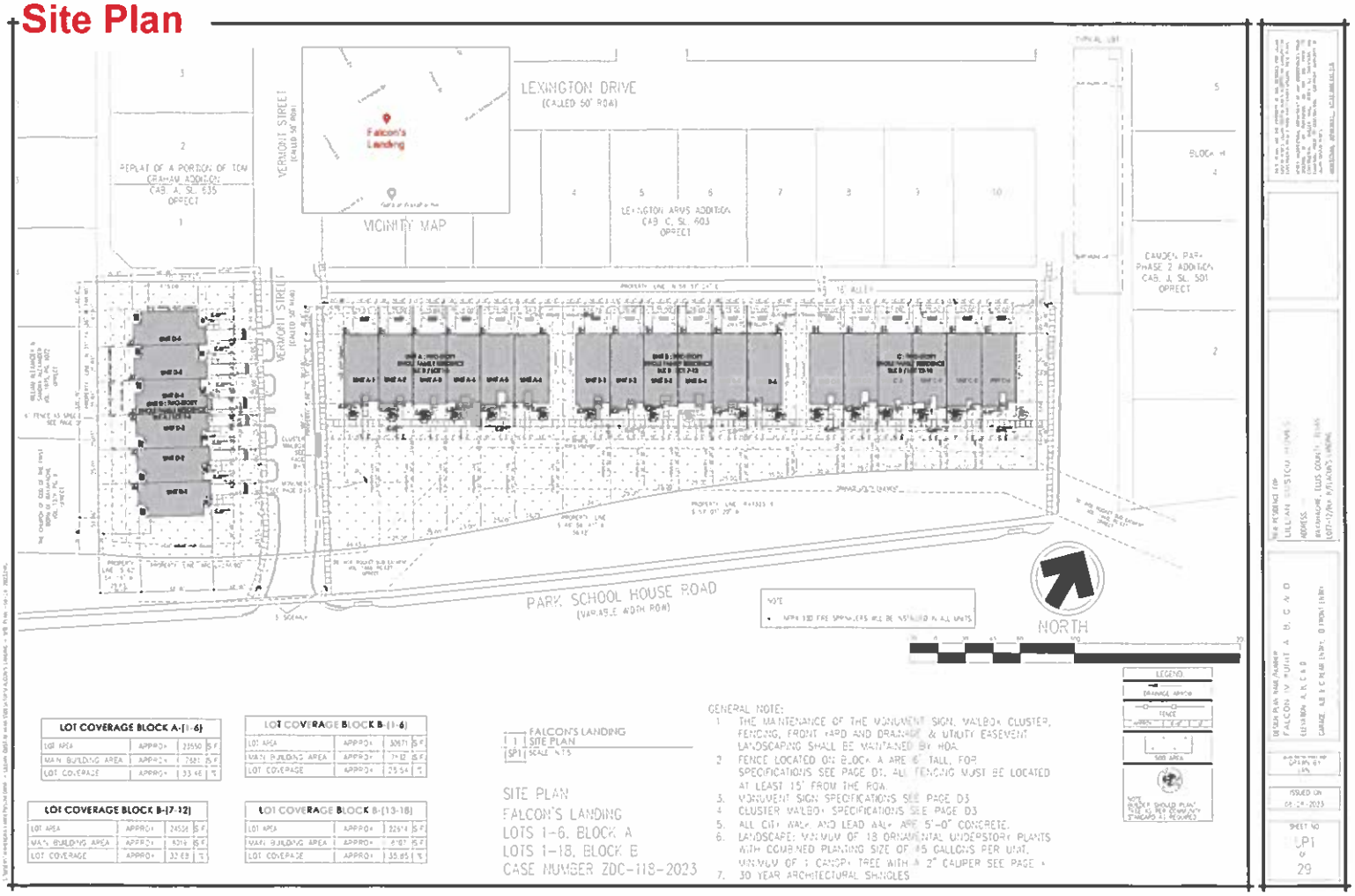
Lot Density (Number Of units Per Acre)	12 units per acre	9.2 Units Per Acre
Minimum Dwelling Unit (Square Feet)	N/A	1,000 Minimum SF A/C space per unit
Minimum Lot Width	N/A	25 ft wide
Minimum Lot Depth	N/A	85 ft deep
Front Yard Setback	15ft	20 ft
Rear Yard Setback	Adjacent to Residential 25 ft. otherwise 10 ft	20 ft (does not include alley)
Maximum Lot Coverage	50% by main buildings and accessory buildings	1036 SF Includes garage (50% Maximum Lot Coverage)
Parking Requirements	2 behind front building plan, at least 1 enclosed	I interior with garage and two exterior
Minimum Size Dwelling Units Allowed	1,000 sf	1000 SF minimum per unit

(11+12)

Site Plan



LOT COVERAGE BLOCK A-(1-6)			
LOT AREA	APPROX	23590	S.F.
MAIN BUILDING AREA	APPROX	7681	S.F.
LOT COVERAGE	APPROX	33.46	%

LOT COVERAGE BLOCK B-(1-6)			
LOT AREA	APPROX	30671	S.F.
MAIN BUILDING AREA	APPROX	7812	S.F.
LOT COVERAGE	APPROX	25.54	%

LOT COVERAGE BLOCK B-(7-12)			
LOT AREA	APPROX	24534	S.F.
MAIN BUILDING AREA	APPROX	8016	S.F.
LOT COVERAGE	APPROX	32.68	%

LOT COVERAGE BLOCK B-(13-18)			
LOT AREA	APPROX	226974	S.F.
MAIN BUILDING AREA	APPROX	8087	S.F.
LOT COVERAGE	APPROX	35.85	%

FALCON'S LANDING
SITE PLAN
SP1 SCALE: NTS

SITE PLAN
FALCON'S LANDING
LOTS 1-6, BLOCK A
LOTS 1-18, BLOCK B
CASE NUMBER ZDC-118-2023

GENERAL NOTE:

1. THE MAINTENANCE OF THE MONUMENT SIGN, MAILBOX CLUSTER, FENCING, FRONT YARD AND DRAINAGE & UTILITY EASEMENT LANDSCAPING SHALL BE MAINTAINED BY HOA.
2. FENCE LOCATED ON BLOCK A ARE 6' TALL, FOR SPECIFICATIONS SEE PAGE D1. ALL FENCING MUST BE LOCATED AT LEAST 15' FROM THE ROW.
3. MONUMENT SIGN SPECIFICATIONS SEE PAGE D3
4. CLUSTER MAILBOX SPECIFICATIONS SEE PAGE D3
5. ALL CITY WALK AND LEAD WALK ARE 5'-0" CONCRETE.
6. LANDSCAPE: MINIMUM OF 13 ORNAMENTAL UNDERSTORY PLANTS WITH COMBINED PLANTING SIZE OF 45 GALLONS PER UNIT. MINIMUM OF 1 CANOPY TREE WITH A 2" CALIPER SEE PAGE [illegible]
7. 30 YEAR ARCHITECTURAL SHINGLES

DESIGN PLAN PAGE FOR
FALCON IV MINIT A, B, C AND D
CLUSTER A, B, C AND D
GARAGE A, B, C AND D (SEPT. 01 PROJECT ENTRY)

ISSUED ON
[illegible] 2023

SHEET NO
UP1
29

(11+12)

Site Plan

SHEET NO.
SP2
OF
23

(11+12)

Renderings - Building A

FRONT ELEVATION BUILDING A

LILLIAN CUSTOM HOMES | FALCONS LANDING TOWN HOMES

Renderings - Building A

REAR ELEVATION BUILDING A

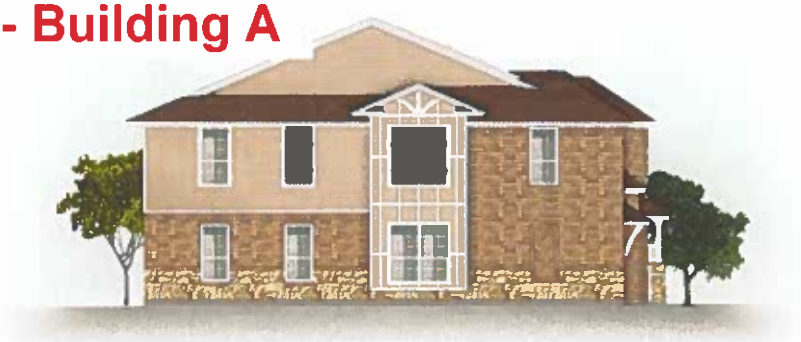
DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST. SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building A



LEFT ELEVATION BUILDING A

RIGHT ELEVATION BUILDING A

DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH. 469-999-0800 PH. 214-966-0550
123 W. MAIN ST SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building A

Renderings - Building A

Renderings - Building A

Renderings - Building A

Renderings - Building B

FRONT ELEVATION BUILDING B

LILLIAN CUSTOM HOMES | FALCONS LANDING TOWN HOMES

Renderings - Building B

REAR ELEVATION BUILDING B

DDS GROUP
WWW.DDSG.US

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES@DDSG.US
PH 469-999-0800 PH 214-966-0550
123 W. MAIN ST., SUITE 120
GRAND PRAIRIE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building B

LEFT ELEVATION BUILDING B

RIGHT ELEVATION BUILDING B

DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST. SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building B

Renderings - Building B

Renderings - Building B

Renderings - Building B

Renderings - Building B

Renderings - Building C

FRONT ELEVATION BUILDING C

LILLIAN
CUSTOM HOMES

FALCONS LANDING TOWN HOMES

Renderings - Building C

REAR ELEVATION BUILDING C

DDS GROUP
WWW.DDSG.US

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES@DDSG.US
PH 469-999-0800 PH214-956-0550
123 W. MAIN ST., SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON VILLAS TOWNHOMES

Renderings - Building C

LEFT ELEVATION BUILDING C

RIGHT ELEVATION BUILDING C

DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST. SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building C

Renderings - Building C

Renderings - Building C

Renderings - Building C

Renderings - Building C

Renderings - Building D

FRONT ELEVATION BUILDING D

DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSGI.US SERVICES@DDSGI.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST., SUITE 120
GRAND PRAIRE, TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building D

REAR ELEVATION BUILDING D

DDS GROUP
DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST SUITE 120
GRAND PRAIRE TX 75050

LILLIAN CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building D

LEFT ELEVATION BUILDING D

RIGHT ELEVATION BUILDING D

DDS GROUP

DESIGN AND DRAFT SERVICES GROUP
WWW.DDSG.US SERVICES DDSG.US
PH: 469-999-0800 PH:214-966-0550
123 W. MAIN ST SUITE 120
GRAND PRAIRE TX 75050

LILLIAN
CUSTOM HOMES

FALCON'S LANDING TOWNHOMES

Renderings - Building D

Renderings - Building D

Renderings - Building D

Renderings - Building D

Renderings - Building D

Renderings - Material Board

EXTERIOR PAINT, ROOF SHINGLES

BRICK, FRONT DOOR, STONE OPTION

MATERIALS

EXTERIOR PAINT: STONE LION ROOF SHINGLES: WEATHERED WOOD SHINGLE

BRICK: MADRONO FRONT DOOR: WALNUT STAIN STONE
OPTION: AUSTIN CHALK SAW CUT

EXTERIOR PAINT, ROOF SHINGLES

BRICK, FRONT DOOR, STONE OPTION

MATERIALS

EXTERIOR PAINT: STONE LION ROOF SHINGLES: WEATHERED WOOD SHINGLE

BRICK: RIVERBEND FRONT DOOR: COFFEE GEL STAIN STONE
OPTION: MILLSAP CHOPPED

NOTE:

- ALL ROOF SHINGLES ARE MINIMUM 30 YEAR ARCHITECTURAL SHINGLES.

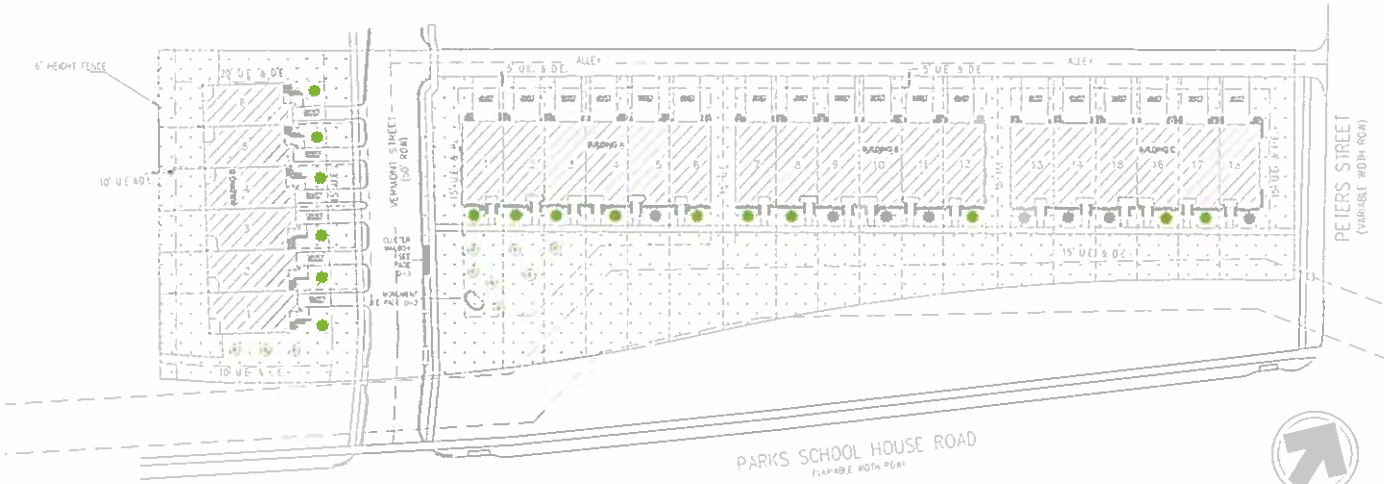
AS A RESIDENCE FOR
LILLIAN CUSTOM HOMES_SPEC HOME
ADDRESS --
--
BY / DR / DANIEL H

LANDSCAPE PLAN
DRIVEWAY --
GARAGE FRONT ENTRY

ISSUED ON
06-29-2023

SHEET NO
D 2
OF
3

Landscape Plan



NOTES

- ALL TREES SHOULD BE PLANTED 5' AWAY FROM THE UTILITY EASEMENTS.
- MATCHED BUILDING AREA SHOWN FOR INFORMATION PURPOSE ONLY
- PROPOSED LANDSCAPING WILL BE IRRIGATED AS REQUIRED BY SECTION 5.04 OF THE WAYNESVILLE SUBDIVISION ORDINANCE
- ALL FENCING MUST BE LOCATED AT LEAST 15' FROM THE ROW

LANDSCAPE NOTES

- MIN. OF 19 ORNAMENTAL UNDER STORY PLANTS & COMBINED PLANTING SIZE OF 45 GALLONS PER UNIT.
- MIN. 1 CANOPY TREE @ A 3" CALIPER

SHRUBS UNDER 4 FEET

QUANTITY	SYMBOL	DESCRIPTION	HEIGHT
195		Boxwood, 3 Gallon	Min. 24"
93		Holly, Carissa 3 Gallon	Min. 24"
78		Holly, Dwarf Burford 3 Gallon	Min. 24"
40		Holly, Dwarf yaupon 3 Gallon	Min. 24"
99		Indian Hawthorne 'Clara' 3 Gallon	Min. 24"
29		Juniper, Andorra 3 Gallon	Min. 24"
52		Lampetafuan 3 Gallon	Min. 24"
30		Nandina dom 'Compacta' 3 Gallon	Min. 24"

TREES

QUANTITY	SYMBOL	DESCRIPTION
24		Oak, Live 3 inch
30		Crape Myrtle (Lagerstroemia indica)

LOT COVERAGE BLOCK A (1-6)

LOT AREA	APPROX	13998	S.F.
BLDG AREA	APPROX	7887	S.F.
TOTAL OPEN SPACE	APPROX	33.46	%

LOT COVERAGE BLOCK B (1-6)

LOT AREA	APPROX	3375	S.F.
BLDG AREA	APPROX	2730	S.F.
TOTAL OPEN SPACE	APPROX	25.74	%

LOT COVERAGE BLOCK B (7-12)

LOT AREA	APPROX	2626	S.F.
BLDG AREA	APPROX	1870	S.F.
TOTAL OPEN SPACE	APPROX	32.64	%

LOT COVERAGE BLOCK B (13-18)

LOT AREA	APPROX	3251	S.F.
BLDG AREA	APPROX	1987	S.F.
TOTAL OPEN SPACE	APPROX	35.85	%

LEGEND

FENCE

10" DBH

NOTE: PLANTS SHOULD BE NOT "TREE" AS PER CANOPY STANDARD, SE 2 PLANTS

LANDSCAPE PLAN

SCALE : NTS

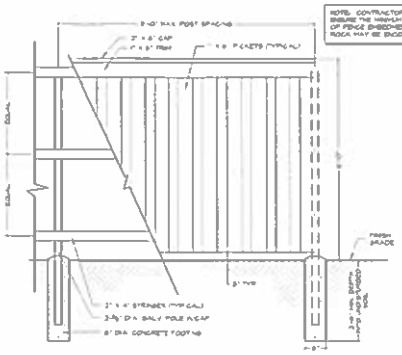
THE RESIDENCE FOR
LILLIAN CUSTOM HOMES_SPEC HOME
ADDRESS: --
--
BK / 101 / 0.000 ac.

DESIGN PLAN NAME/NUMBER
LANDSCAPE PLAN
ILLUSTRATOR --
CURRENT SHEET (X/Y)

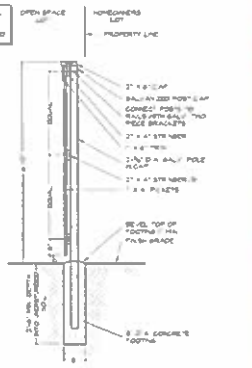
ISSUED ON
08-29-2023

SHEET NO
L 1
OF
1

Fencing & Signage Details



PARTIAL 6'-0" HT. WOOD FENCE
ELEVATION



6'-0" HT. WOOD FENCE
SECTION

DESIGN PLAN NAME/PHASE
LANDSCAPE PLAN
LITHOPIA --
GARAGE FRONT (NORTH)

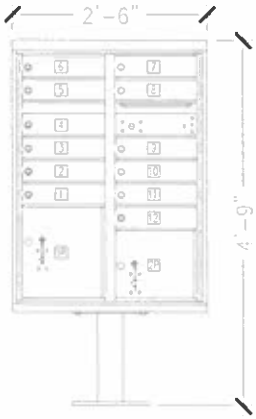
ISSUED ON
02-13-2023

SHEET NO
D.1
OF
3

NEW RESIDENCE FOR
LILLIAN CUSTOM HOMES_SPEC HOME
ADDRESS --
--
--
(Rx / 101 / OAKMONT)

Fencing & Signage Details

MONUMENT SIGN
SCALE : NTS



CLUSTER MAILBOX
SCALE : NTS

NEW RESIDENCE FOR
LILLIAN CUSICK HOMES_SPEC HOME
ADDRESS --
--
St / Ist / CUMMANT

DESIGN PLAN NAME/NUMBER
LANDSCAPE PLAN
ELEVATION --
CONST TYPE DATE

ISSUED ON
05-29-2023

SHEET NO
L
3

(13+14)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-100-2023

MEETING DATE(S)

Planning & Zoning Commission: September 26, 2023

City Council: October 2, 2023

CAPTION

Public Hearing on a request by Viran Nana. Developer, for a **Specific Use Permit (SUP)** for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023)

RECOMMENDED MOTION

"I move to recommend denial of ZDC-100-2023, a Specific Use Permit (SUP) for a car wash use."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a car wash use (Q Car Wash) within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street.

CASE INFORMATION

Applicant: Viran Nana, Developer for Q Car Wash

Property Owner(s): Buffalo Creek Plaza, LLC

Site Acreage: 1.05 acres

Current Zoning: General Retail (GR)

Requested Zoning: GR with a specific use permit (SUP) for a Car Wash Use

SUBJECT PROPERTY

General Location: Generally located on the southeast corner of Indian Drive and Brown Street

Parcel ID Number(s): 295113

Existing Use: Undeveloped Land

Development History: A plat (SUB-175-2021) for the subject property was recorded in May 20, 2022.

(13+14)

Adjoining Zoning & Uses:

Table 1. Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Prospective QuikTrip
East	GR	Undeveloped Land
South	GR	Undeveloped Land
West	GR	Undeveloped Land

Future Land Use Plan:

Mixed-Use Neighborhood

Comprehensive Plan:

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

Thoroughfare Plan:

Access to the subject property is planned from Brown Street (an 80-foot Major Collector) and Indian Drive (an 80-foot Major Collector). However, direct access to the subject is only from Indian Drive.

Site Image:

PLANNING ANALYSIS

Purpose of the Request

The Applicant is requesting a specific use permit for a car wash use (Q Car Wash) within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street. Per the City of Waxahachie Zoning Ordinance, the specific use permit for a car wash requires City Council approval.

Proposed Use

The Q Car Wash will have an automatic tunnel car wash (3,976 square feet) and 25 vacuum bays. Q Car Wash has several locations in the Dallas Fort-Worth Metroplex and is seeking approval of a SUP to open its 17th location in Waxahachie. The car wash is accessible from Brown Street through a cross-access driveway from the adjoining property on the south. The car wash has direct access from Indian Drive through the driveway within their property's limits. The business will generally operate from 8 a.m. to 9 p.m. Monday through Saturday and 7 a.m. to 7 p.m. on Sunday. The Applicant anticipates having three to six employees on site during operating hours. No detail services are proposed as part of the car wash.

The proposed project has satisfied all the requirements of the zoning ordinance, including but not limited to parking (1 space required / 5 provided), stacking (7 required / 7 provided for each stacking lane), and landscaping requirements.

Proposed Elevations

The Applicant has provided two sets of architectural elevations. Both elevations have the same building design and exterior finishing materials, except the color scheme for each option is different. Option 1 uses a brown color palette, and option 2 uses a gray color palette. The building predominantly comprises brick, stone, and stucco with fiber cement siding as an accent. The percentages for the proposed exterior finishing materials are in the table below.

Table 2. Exterior Finishing Materials for Architectural Elevations (Option 1 and 2)

	North Elevation	South Elevation	East Elevation	West Elevation
Brick	1,260 SF (55%)	1,612 SF (68%)	313 SF (65%)	420 SF (77%)
Stone	776 SF (34%)	138 SF (6%)	17 SF (5%)	124 SF (23%)
Three Step Stucco	126 SF (6%)	447 SF (19%)	N/A	N/A
Fiber Cement Siding (Accent)	116 SF (5%)	173 SF (7%)	145 SF (30%)	N/A

Percentages do not include the surface area for windows, doors and signage.

Staff Recommendation

Staff has prepared a saturation map to show the total number of car wash businesses in the city. There are 14 car wash businesses, most along US Highway 77. The nearest car wash business (The Wash on Brown) is half a mile from the subject property. After careful consideration and analysis, staff recommends denial of the proposed SUP request for the car wash due to the existing number of car washes in the area. Staff is concerned that the construction of an additional car wash at this location would lead to an oversaturation of car wash uses in the area.

On February 20, 2023, the City Council denied an SUP request (ZDC-173-2022) for a car wash use (Clear Water Express Car Wash) located directly north of 500 N US Highway 77. The SUP request was denied on the following factors:

- At time of the request, the Applicant had not provided staff with filed copies of the mutual access easements for the prosed cross access to the site nor confirmation from the adjoining property owners indicating they were amenable to granting said mutual access easements.

- The Applicant requested a variance from the minimum building setbacks required adjacent to the residential uses located east of the property.
- Concerns regarding over saturation of car wash uses in the area.
- Concerns regarding the compatibility of the use within the proposed location. Specifically, the light and noise from the car wash posing a nuisance to adjoining residential uses and the lack of direct access to Highway 77.

On December 20, 2021, the City Council denied an SUP request (ZDC-189-2021) for a car wash use (Crape Myrtle Express Car Wash) located south of North Grove Boulevard and east of Highway 77. The City Council denied the SUP request because it was not the highest and best use for the location. The subject property was more conducive and appropriate for retail, restaurant, and other commercial services. Additionally, the project received a few letters of opposition from the surrounding property owners.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff received six letters of support for this request from the property owner (Buffalo Creek Plaza, LLC). The owner owns the subject property and five additional properties within the 200-foot notification area.

RECOMMENDATION

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

If the City Council chooses to recommend approval of the SUP request, staff recommends the following conditions:

1. The Applicant shall execute a mutually agreed upon development agreement.
2. The subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Architectural Elevations.
3. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

ATTACHED EXHIBITS

1. Location Map
2. Site Plan
3. Landscape Plan
4. Architectural Elevations (Option 1)
5. Architectural Elevations (Option 2)
6. Operational Plan
7. Saturation Map
8. Letters of Support

STAFF CONTACT INFORMATION

Prepared by:
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Senior Planner
eleana.tuley@waxahachie.com

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

(13+14)

BRADMUDR
INDIAN DR
BROWN ST
E US HIGHWAY 287 BYP
E US HIGHWAY 287
MUSTANG CREEK DR
PROFESSIONAL PL
SUMNER LN
0 125 250 500 750 1,000 Feet
ZDC-100-2023 (SUP)

(13 + 14)

GENERAL NOTES

1. CONTRACTOR SHALL VERIFY ALL EXISTING SITE AND BUILDING CONDITIONS & DIMENSIONS IN THE FIELD PRIOR TO START OF ANY WORK. A REGISTERED SURVEYOR SHALL BE ENGAGED TO LAY OUT ALL SITE WORK.
2. CONTRACTOR SHALL REVIEW DOCUMENTS AND VERIFY THE CORRECTNESS OF ANY DISCREPANCIES OF PROJECT PLANS AND SPECIFICATIONS, IN WRITING.
3. DRAWINGS SHALL NOT BE SCALED FOR BIDDING AND/OR CONSTRUCTION PURPOSES.
4. ALL PLAN DIMENSIONS ARE TO FINISHED FACE OF WALL UNLESS NOTED OTHERWISE.
5. ALL CONSTRUCTION WORK SHALL MEET OR EXCEED ALL LOCAL, STATE AND NATIONAL BUILDING CODES AND COMPLY WITH THE CITY OF BRAUNFELS BUILDING ORDINANCES & BUILDING PERMIT SHALL BE OBTAINED FROM THE CITY OF BRAUNFELS.
6. 4 LANDING MUST BE PROVIDED AT EACH EXIT DOOR. THE FLOOR SURFACE ON BOTH SIDES OF THE DOOR SHALL BE AT THE SAME ELEVATION AS PER THE TEXAS FIRE PROTECTION CODE.
7. VERIFY ALL EXIT DOOR LOCKING HARDWARE COMPLIES WITH THE TEXAS FIRE PROTECTION CODE.
8. ALL NEW CONCRETE FLOOR SLAB AREAS SHALL HAVE TERRAZZO FINISHED.
9. ALL EXTINGUISHERS SHALL BE ADEQUATE AND PROPERLY PLACED IN THE BUILDING IN ACCORDANCE WITH BRAUNFELS BUILDING CODE.
10. ALL SIGNS, PERMANENT POSTINGS, BANNERS, ETC. REQUIRE SEPARATE PERMITS IN ACCORDANCE WITH THE TEXAS FIRE PROTECTION CODE AND THE BRAUNFELS BUILDING CODE.
11. PROJECT WILL COMPLY WITH SECTION 4.200 LANDSCAPE.
12. PROJECT WILL COMPLY WITH SECTION 4.300 URBAN FORESTRY.
13. ALL PROPOSED LIGHTING WILL CONFORM TO THE LIGHTING CODE.

SURFACE LEGEND

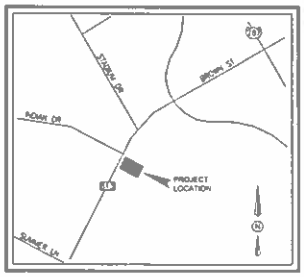
EXISTING CONCRETE	
PROPOSED LANDSCAPE	

SITE DATA SUMMARY TABLE

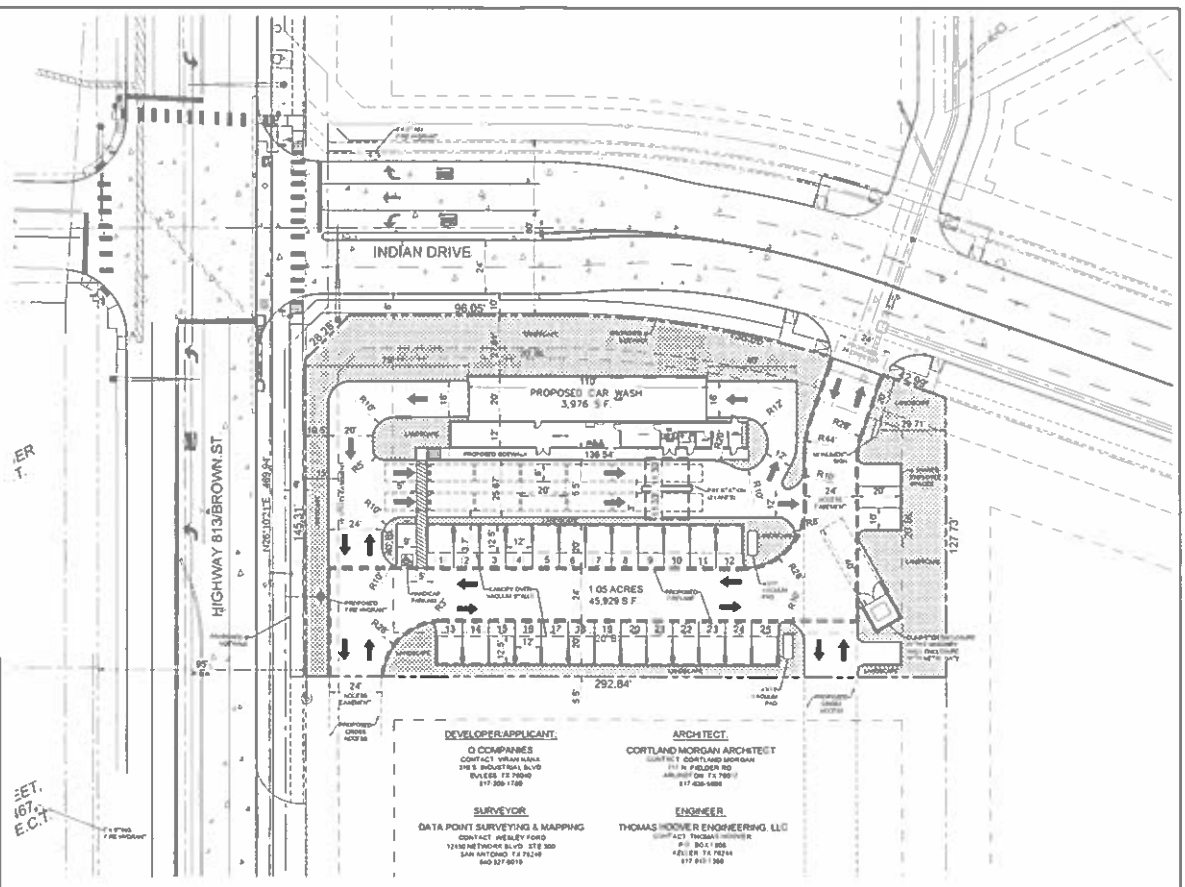
SITE ACREAGE	1.05 ACRES (45,929 SQ FT)
ZONING	GENERAL RETAIL DISTRICT
PROPOSED USE	CARWASH
TUNNEL/OFFICE/EQUIP. ROOM AREA	3,976 S.F.
BUILDING HEIGHT	30'-0"
LOT COVERAGE	8%
FLOOR AREA RATIO	0.09
IMPERVIOUS AREA	39,953 S.F. (88.9%)
PERVIOUS/LANDSCAPE AREA	5,976 S.F. (13.0%)
PARKING REQUIRED (1/BAY)	5 SPACES
PARKING PROVIDED	5 SPACES
HANDICAP PARKING REQUIRED	1 SPACE
HANDICAP PARKING PROVIDED	1 SPACE
VACUUM STALLS PROVIDED	26

FLOOD PLAIN NOTE

ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP NO 48453C0195F EFFECTIVE DATE JUNE 03, 2010 THIS PROPERTY APPEARS TO LIE WITHIN LOWER MAIN-1 SEP 2014 SEPTEMBER 4, 2014



02 VICINITY MAP
NOT TO SCALE



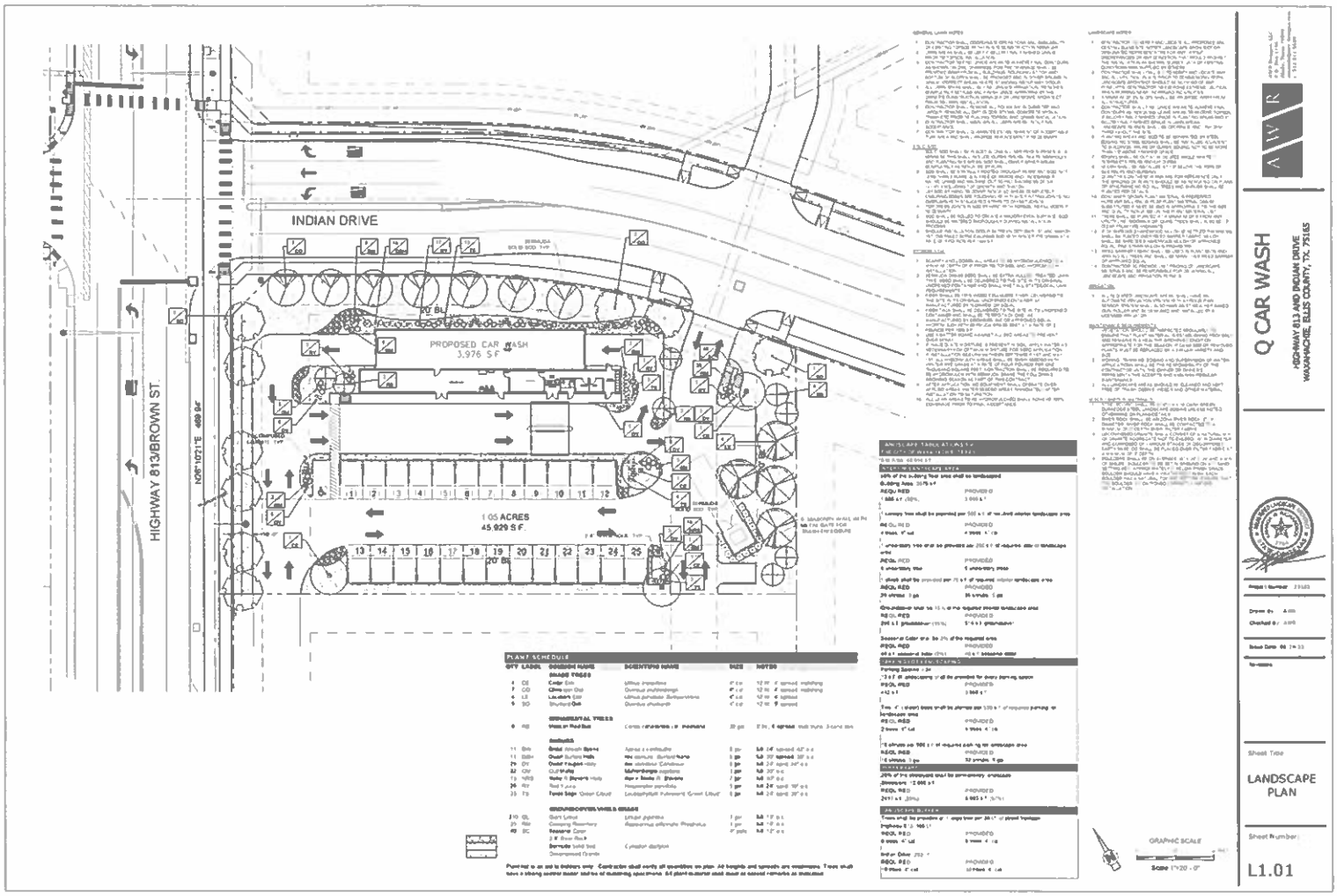
01 SITE PLAN
SCALE: 1" = 20'-0"

NO	DATE	DESCRIPTION	BY

SITE PLAN
Q CAR WASH
HWY 81/ INDIAN DR
BRAUNFELS, ELLIS COUNTY, TX. 75165
1.05 ACRES
ZONING: GENERAL RETAIL DISTRICT
CASE #

DES.	PM	DATE	SCALE	PROJECT NO	SHEET NO
TH	AM	8-4-17	1"=20'-0"		A1.00

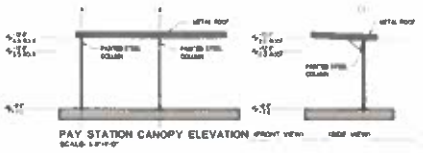
(13+14)


INDIAN DRIVE
HIGHWAY 813/BROWN ST.
PROPOSED CAR WASH
3,976 S.F.
1.05 ACRES
45,929 S.F.
20' BL
Q CAR WASH
HIGHWAY 813 AND INDIAN DRIVE
WAXAHACHIE, ELLIS COUNTY, TX. 75165
LANDSCAPE PLAN
L1.01
GRAPHIC SCALE

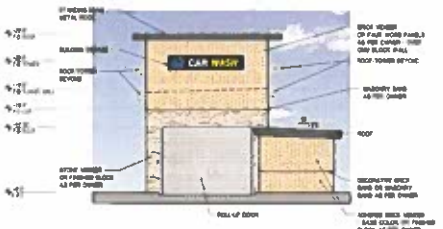
(13 + 14)

OPTION 1

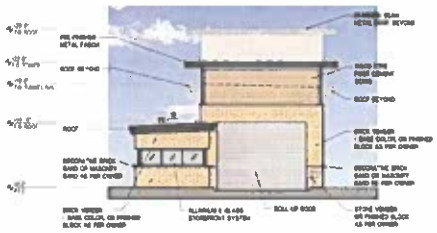
EXTERIOR MATERIALS/COLORS LEGEND	N ELEVATION	S ELEVATION	E ELEVATION	W ELEVATION
TOTAL FACADE AREA	2,936 S.F.	2,600 S.F.	634 S.F.	746 S.F.
DOORS/WINDOWS	387 S.F.	230 S.F.	39 S.F.	135 S.F.
FACADE AREA (EXCLUDING DOORS AND WINDOWS	2,278 S.F. (100%)	2,370 S.F. (100%)	475 S.F. (100%)	541 S.F. (100%)
PRIMARY MASONRY TOTALS - BRICK	1,200 S.F. (53%)	1,612 S.F. (68%)	313 S.F. (66%)	420 S.F. (77%)
PRIMARY MASONRY TOTALS - STONE	776 S.F. (34%)	138 S.F. (6%)	17 S.F. (4%)	24 S.F. (23%)
PRIMARY MASONRY TOTALS - THREE STEP STUCCO	126 S.F. (5%)	447 S.F. (19%)	N.A.	N.A.
ACCENT MATERIAL TOTALS (MAX. 10%) - [illegible]	196 S.F. (9%)	173 S.F. (7%)	145 S.F. (30%)	N.A.



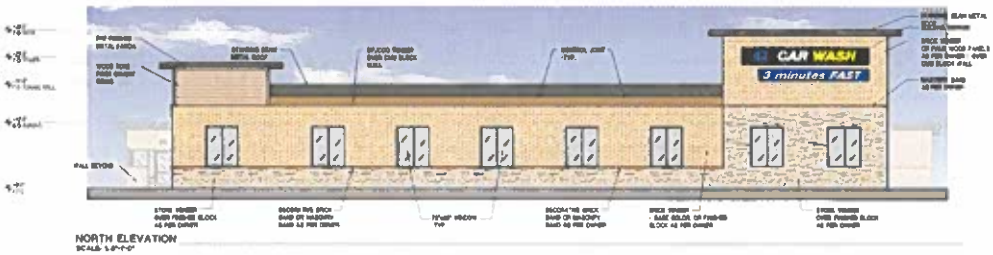
PAY STATION CANOPY ELEVATION (FRONT VIEW) (SIDE VIEW)



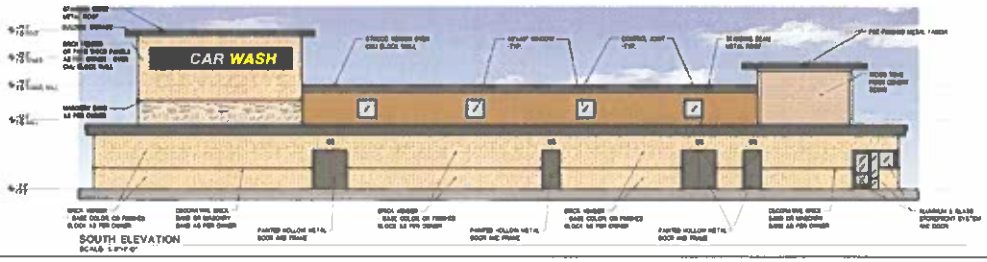
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

PROPOSED MATERIALS

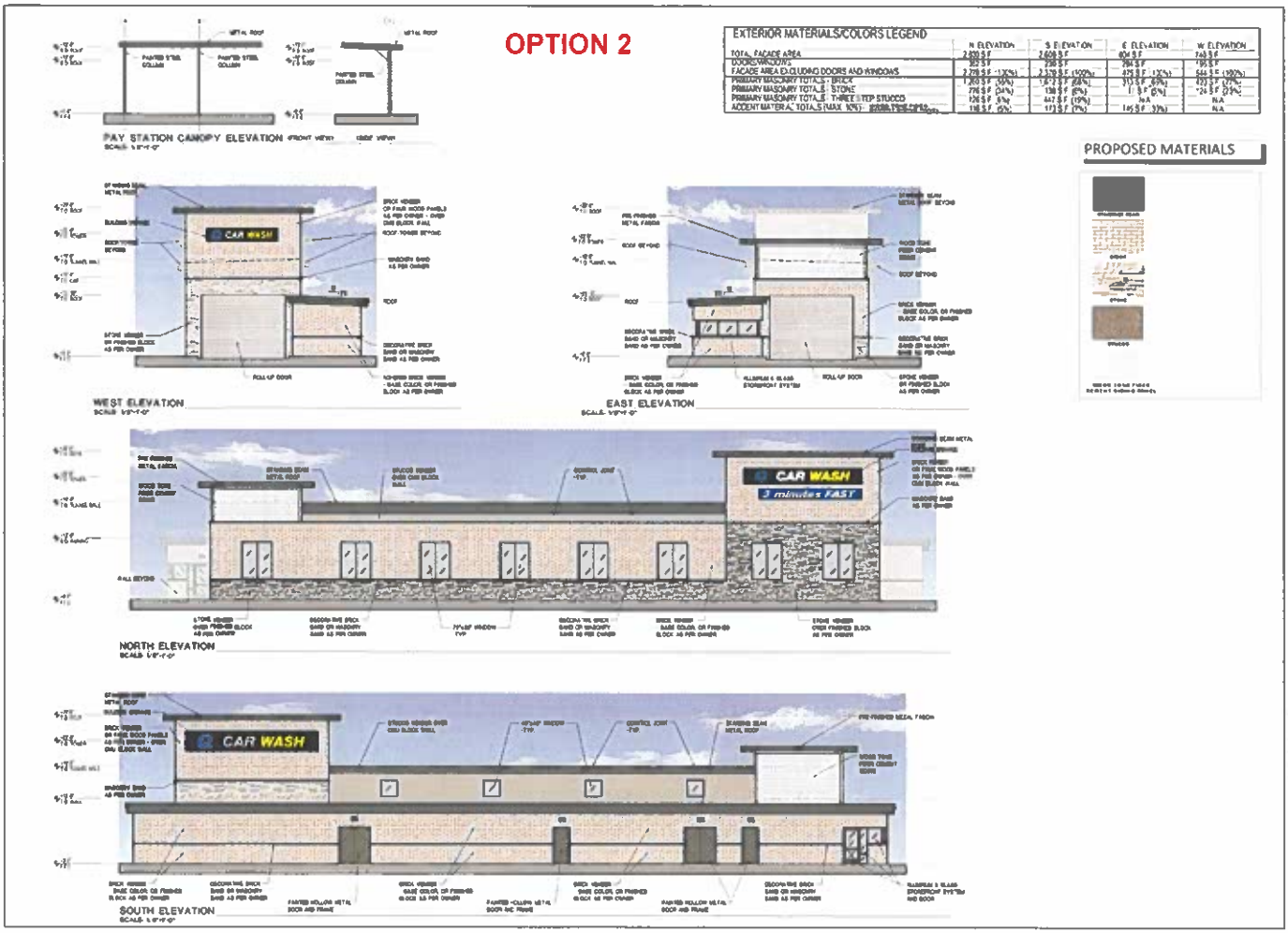
AG DESIGN GROUP, LLC

Q CARWASH
HWY. 813 & INDIAN DR.
WAXAHACHIE, ELLIS COUNTY, TX 75165

EXTERIOR ELEVATIONS

A5.01

(13+14)


OPTION 2
EXTERIOR MATERIALS/COLORS LEGEND
PAY STATION CANOPY ELEVATION
WEST ELEVATION
EAST ELEVATION
NORTH ELEVATION
SOUTH ELEVATION
CAR WASH
3 minutes FAST
PROPOSED MATERIALS
AG DESIGN GROUP, LLC
Q CARWASH
HWY. 813 & INDIAN DR.
WAXAHACHIE, ELLIS COUNTY, TX 75165
EXTERIOR ELEVATIONS
A5.01

(13+14)

Q CAR WASH, WAXAHACHIE

OPERATIONAL PLAN

About Us:

- Q Car Wash is an express car wash operator in DFW Metroplex with 11 operating location and 5 under construction. Located in different parts of metroplex in cities such as Arlington, Grand Prairie, Fort Worth, Dallas, Duncanville, Mesquite, White Settlement, Benbrook and Grapevine.
- We are an Ecofriendly express car wash chain where we recycle almost 80 percent of water that undergoes three phase settlement process in reclaim tanks which are 2000 gallons each with Sand Separator/Interceptor.
- All chemicals used in our washes are biodegradable and environmental friendly.
- We use all electric equipment, which is an upgrade of hydraulic equipment that most of the car wash use, thereby making it less noisy. Our blowers which are the noisiest piece of equipment has silencers on them.

Proposed Hours of Operations

Following are our proposed hours of operations:

Monday to Saturday – 8 AM to 9 PM.

Sunday – 7 AM to 7 PM.

Number of Employees:

We plan to create 15 full time jobs in the City of Waxahachie. We will have at least 3 to 6 employees on site at all times to ensure smooth operations.

Compatibility with Adjoining Uses:

Our car wash will perfectly align with the adjoining use of Automobile /Gas Station. Other car washes within the vicinity have a completely different business model and do not provide all facilities like Q Car Wash. The car count and demographics suit perfectly for a car wash at this location.

Company's Business Plan:

We plan to provide not only a clean and shiny carwash to the residents of City of Waxahachie but also provide great customer service. There may be a lot of car washes that were denied but our location fits perfectly with adjoining uses without any interference with residential neighborhoods.

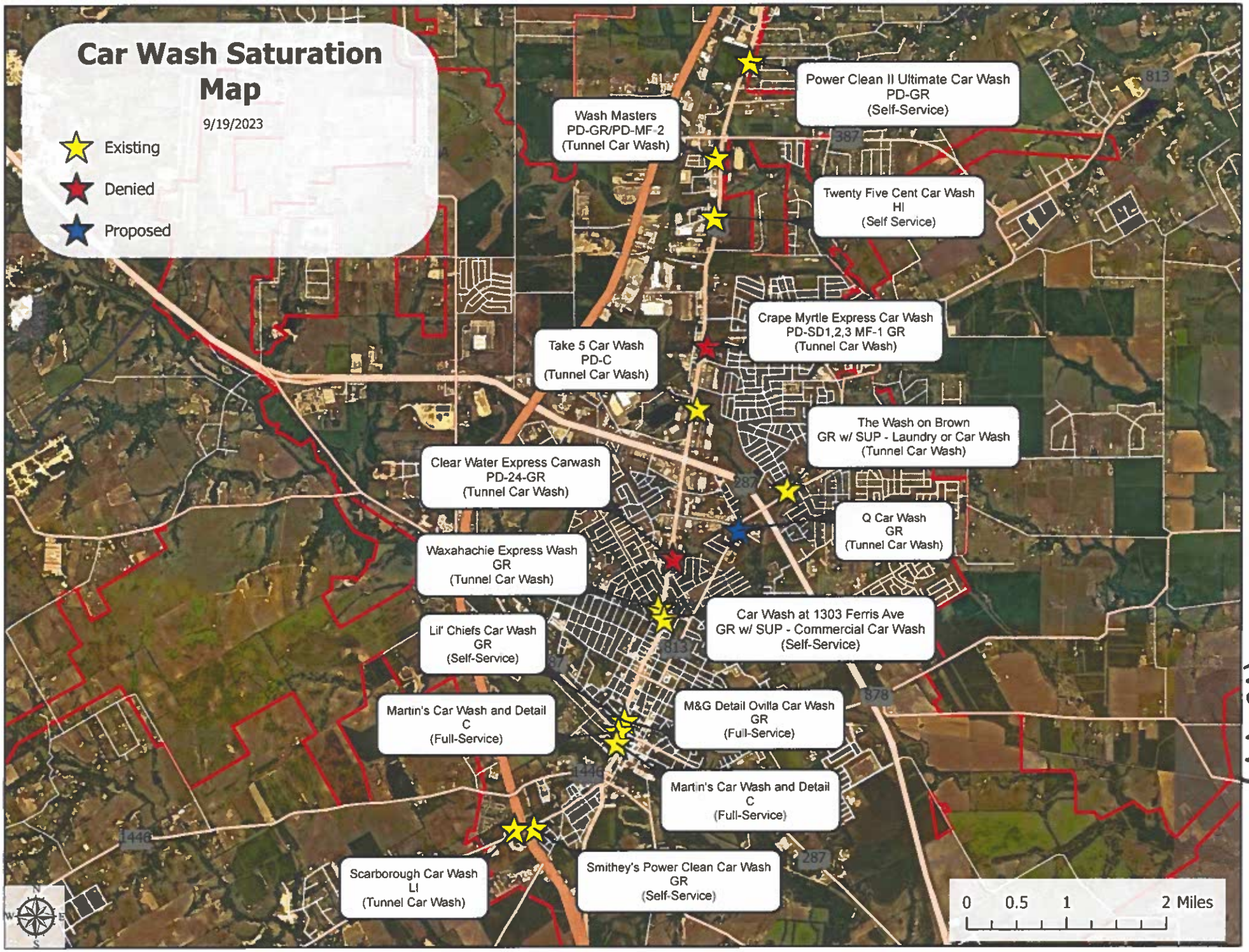
Express Tunnel Car Washes are approximately 24 yrs old in the USA. The first one opened in 2000 in Baton Rouge, Louisiana. These new model tunnel car washes are faster, more efficient and more economical, providing a much better car wash experience.

Other Self-Serve Car Washes are outdated, inefficient and often provide poor experience. Nationwide, the new express tunnel car washes are being embraced by customers very positively.

Waxahachie is a great growing community with a population of approx.. 40,000 residents. Each Express Tunnel Car Wash could be supported easily by 12,000 to 15,000 residents. With Waxahachie growing over 40,000 residents, it has **only two tunnel express car washes**. One is Wash Masters – Waxahachie which is approx. 4 miles to the North (different market) and the second one is Take 5 Car Wash – Waxahachie which has a small tunnel and is 1.5 miles away, North of Hwy 287.

(13+14)

Our Express Tunnel Car Washes will also recycle 80 percent of the water used and in addition, we will have an instant water usage digital 10T Meter and app on our phone to constantly monitor our water usage – making us more responsible in our water usage.


Car Wash Saturation Map
9/19/2023
Existing
Denied
Proposed
Power Clean II Ultimate Car Wash
PD-GR
(Self-Service)
Wash Masters
PD-GR/PD-MF-2
(Tunnel Car Wash)
Twenty Five Cent Car Wash
HI
(Self Service)
Crape Myrtle Express Car Wash
PD-SD1,2,3 MF-1 GR
(Tunnel Car Wash)
Take 5 Car Wash
PD-C
(Tunnel Car Wash)
The Wash on Brown
GR w/ SUP - Laundry or Car Wash
(Tunnel Car Wash)
Clear Water Express Carwash
PD-24-GR
(Tunnel Car Wash)
Q Car Wash
GR
(Tunnel Car Wash)
Waxahachie Express Wash
GR
(Tunnel Car Wash)
Car Wash at 1303 Ferris Ave
GR w/ SUP - Commercial Car Wash
(Self-Service)
Lil' Chiefs Car Wash
GR
(Self-Service)
Martin's Car Wash and Detail
C
(Full-Service)
M&G Detail Ovilla Car Wash
GR
(Full-Service)
Martin's Car Wash and Detail
C
(Full-Service)
Scarborough Car Wash
LI
(Tunnel Car Wash)
Smithey's Power Clean Car Wash
GR
(Self-Service)
0 0.5 1 2 Miles

(113+14)

(13+14)

Buffalo Creek Plaza, LLC

TO: WAXAHACHIE PLANNING & ZONING COMMISSION & WAXAHACHIE CITY COUNCIL

RE: ZDC-100-2023

CITY REFERENCE: 179000, 295112, 295113, 295114, 295116, 295119

COMMENTS: All of the above properties are in support of the zoning change request. This area is zoned GR and a new car wash is a good use for this property. This will not interfere with any residential areas and is a good use for the property with it being located across from a future new QT convenience store, the high school athletic stadium parking lot, medical facilities and an assisted living home nearby.

The city's Subdivision Map, dated May 2, 2023, shows over 2,300 lots that have been platted and another 1,283 that have received Preliminary Plat approval. Waxahachie is a growing area and will need newer high tech car washes as the population continues to increase. The owner of the car wash is an experienced operator and has been very successful in other areas in the DFW area.

(13+14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 26, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas and the Waxahachie City Council will hold a Public Hearing on Monday, October 2, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

> Request by Viran Nana. Developer, for a **Specific Use Permit (SUP)** for a car wash use within a General Retail (GR) zoning district located on the southeast corner of Indian Drive and Brown Street (Property ID 295113) - Owner: Buffalo Creek Plaza LLC (ZDC-100-2023) Staff: Eleana Tuley

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

Case Number: ZDC-100-2023 **City Reference: 179000**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *September 20, 2023* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☐ OPPOSE

Comments:

Joe Rust
Signature

9-11-23
Date

Joe Rust Owner
Printed Name and Title

440 Gingerbread Ln.
Address

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

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

(13+14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

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Case Number: ZDC-100-2023 **City Reference: 295112**

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☒ SUPPORT ☐ OPPOSE

Comments:

Signature: Joe Rust

Date: 9-11-23

Printed Name and Title: Joe Rust Owner

Address: 440 Gingerbread Ln.

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(13+14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

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Case Number: ZDC-100-2023 **City Reference: 295113**

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☒ SUPPORT ☐ OPPOSE

Comments: ~~[illegible]~~ Waxahachie needs newer & nicer car washes.

Signature: Joe Rust

Date: 9/1/23

Printed Name and Title: Joe Rust Owner

Address: 440 Gingerbread Ln.

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

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(13 + 14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

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Case Number: ZDC-100-2023 **City Reference: 295114**

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☒ SUPPORT ☐ OPPOSE

Comments:

Signature: Joe Rust

Date: 9-11-23

Printed Name and Title: Joe Rust Owner

Address: 440 Gingerbread Ln.

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(13 + 14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

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Case Number: ZDC-100-2023 **City Reference: 295116**

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☒ SUPPORT ☐ OPPOSE

Comments:

Signature: Joe Rust

Date: 9-11-23

Printed Name and Title: Joe Rust

Address: 440 Gingerbread Ln.

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(13 + 14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-100-2023

BUFFALO CREEK PLAZA LLC
440 GINGERBREAD LN
WAXAHACHIE, TX 75165

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Case Number: ZDC-100-2023 **City Reference: 295119**

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☒ SUPPORT ☐ OPPOSE

Comments:

Signature: Joe Rust

Date: 9-11-23

Printed Name and Title: Joe Rust

Address: 440 Gingerbread Ln.

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