

**NOTICE OF PLANNING & ZONING COMMISSION BRIEFING SESSION  
OCTOBER 23, 2018  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:15 P.M.**

**Agenda**

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

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

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 469-309-4005 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.***

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, October 23, 2018 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

1.      Call to Order
2.      Invocation
3.      ***Consent Agenda***

All matters listed under Item 3, 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 October 9, 2018
  - b.    Minutes of the Planning and Zoning Commission briefing of October 9, 2018
4.      ***Public Hearing*** on a request by Dianne Moriarty, Global Signs, Inc., for a Specific Use Permit (SUP) for **Electronic Message Sign** use within a Planned Development-General Retail zoning district, located at 2831 N Highway 77, being LOT 2 BLK A NORTH GROVE BUSINESS PARK PH 1 & 3 1.148 AC (Property ID 272778) - Owner: KEITH MOORE LLC (SU-18-0159)
5.      ***Consider*** recommendation of Zoning Change No. SU-18-0159
6.      ***Public Hearing*** on a request by Terence Young, Winkelmann & Associates, Inc., for a Zoning Change from a Planned Development-36-Commercial zoning district to **Planned Development-Commercial, with Detailed Site Plan**, located at 1441 N Highway 77, being LOT PT 1 BLK A WAXAHACHIE CROSSING SUBDIVISION UNIT 2 6.731 AC (Property ID 239940) - Owner: JC PENNEY PROPERTIES INC (PD-18-0158)
7.      ***Consider*** recommendation of Zoning Change No. PD-18-0158
8.      ***Consider*** request by Jewel Chadd, JPH Land Surveying Inc., for a **Replat** of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157)

9. ***Continue Public Hearing*** on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)
10. ***Consider*** recommendation of Zoning Change No. PD-18-0152
11. ***Public Hearing*** on a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)
12. ***Consider*** recommendation of Zoning Change No. PD-18-0156
13. ***Public Hearing*** on a request by Jon Garrett, Lone Star Events, for a Specific Use Permit (SUP) for **Private Club** use within a Commercial zoning district, located at 1300 W Main Street, Suite 101, being 1 & 2B 12 WEST END 0.589 ACRES (Property ID 176701) - Owner: HARDEN ROBERT N & ELIZABETH K (SU-18-0155)
14. ***Consider*** recommendation of Zoning Change No. SU-18-0155
15. ***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.
16. Adjourn

**The P&Z reserves the right to go into Executive Session on any posted item.**

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX.

<p style="text-align: center;"><b><i>Notice of Potential Quorum</i></b> <b><i>One or more members of the Waxahachie City Council may be present at this meeting.</i></b> <b><i>No action will be taken by the City Council at this meeting.</i></b></p>
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Planning and Zoning Commission  
October 9, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 9, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Kelly Dent, Planner  
James Gaertner, City Engineer  
Tommy Ludwig, Executive Director of Development Services  
Amber Villarreal, Assistant City Secretary  
Mary Lou Shipley, Council Representative

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

Chairman Rick Keeler called the meeting to order at 7:00 p.m. and gave the invocation.

### 3. **Reorganize the Commission**

#### **Action**

*Ms. Bonney Ramsey moved to nominate Mr. Rick Keeler as Chairman. Ms. Betty Square Coleman seconded, All Ayes.*

*Mr. David Hudgins moved to nominate Ms. Melissa Ballard as Vice Chairman. Mr. Jim Phillips seconded, All Ayes.*

### 4. **Public Comments**

Ms. Robin Beaton, 512 Ovilla Road, Waxahachie, asked the commission to restrict the land on Ovilla Road with less density and to consider traffic issues in that area.

Ms. Sara Craig, 530 Ovilla Road, Waxahachie, asked for the Commission to approve larger home sizes for PD-18-0110.

Mr. Darren Jackson, 205 Clydesdale, Waxahachie, expressed concern about traffic safety at Saddlebrook Estates.

Ms. Patricia Galbraith, 213 Clydesdale, Waxahachie, expressed concern about traffic safety at Saddlebrook Estates as well as construction trucks driving through the neighborhood.



Mr. Tim Burleson, 210 Ash Drive, Waxahachie, encouraged the use of city owned property for future development of the Master Plan. He expressed concern with street parking near the Burleson Honey property.

Mr. Carroll Butler, 518 Ovilla Road, Waxahachie, expressed concern with the drainage issue along Ovilla Road and the impact the proposed development will add.

## **5. Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of September 25, 2018
- b. Minutes of the Planning and Zoning Commission briefing of September 25, 2018

### **Action:**

*Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Jim Phillips seconded, All Ayes.*

## **6. Public Hearing on a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148)**

Chairman Keeler opened the Public Hearing.

Planner Kelly Dent presented SU-18-0148 noting staff recommended approval per the following staff comments:

1. A sign permit must be obtained before any signage at the site can be altered
2. Should this request be approved, the ordinance authorizing the convenience store will include a repeal of Ordinance No. 2532, as well as the provisions that the SUP expires if the 1 Stop C-Store relocates from Suite 800, changes its business name, or changes owners.

There being no others to speak for or against SU-18-0148, Chairman Keeler closed the Public Hearing.

Ms. Bonney Ramsey asked if the applicant would remove the beer, wine, and tobacco verbiage on the proposed store sign.

Mr. Sailesh Kharel, 400 N. Hwy. 77, Waxahachie, explained he would comply with that request.

## **7. Consider recommendation of Zoning Change No. SU-18-0148**

### **Action:**

*Mr. Jim Phillips moved to approve a request by Sailesh Kharel, R and D Sons, for a Specific Use Permit (SUP) for Convenience Store use within a Planned Development-18-General Retail zoning district, located at 507 N Highway 77, Suite 800, LOT 1 & 3 BLK 1 NORTHGATE*

*PLAZA 18.572 AC (Property ID 175004) - Owner: BENBAROUKH LLC (SU-18-0148) adding the following stipulations: no sale of specialty paraphernalia on site and no mentions of tobacco, alcohol, or wine verbiage on any outside signage. Mr. David Hudgins seconded, All Ayes.*

- 8. Consider request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150)**

Ms. Dent presented RP-18-0150 and recommended approval as presented. She noted one letter of opposition was received from Cynthia Moore, 1400 Hamilton Drive, Cedar Hill, TX.

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Donald R Phillips Jr, Phillips Custom Builders, for a Replat of Lots 60 and 61, Block 181, Town Addition to create Lot 1, Phillips Addition, 0.149 acres (Property ID 171357 and 171358) – Owner: PHILLIPS DONALD R JR (RP-18-0150) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.*

- 9. Public Hearing on a request by Todd Winters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0110 and reviewed the following staff report:

**PLANNING ANALYSIS**

The applicant seeks to rezone this property from SF1 to PD-SF3 to allow for smaller lots. This property's preliminary plat was approved by City Council on June 5, 2017, with 183 lots that met SF1 zoning requirements. The property has since changed hands, and the new owners wish to rezone the property to smaller lot sizes. Included in the development is an east to west connection through the neighborhood that meets the intent of the City's thoroughfare plan. The 80-foot Right of Way through this development establishes a connection from Ovilla Road to the previously zoned and platted Mark on Solon Right of Way dedication.

Staff recommended approval per the following comments:

1. The applicant proposes to dedicate park land to the City. Any decision on whether a dedication will be accepted needs to be coordinated with the Director of Parks & Recreation. At this point, staff is unaware of a decision by the City to accept this land. Should the City decline to accept the proposed dedication, park fees of \$106,000.00 will be assessed at platting.
2. The City would prefer to see a minimum dwelling unit area (DUA) of 2,200 SF.

3. The screening wall and landscaping will need to be relocated. There is a 24" proposed water line along Ovilla. The City does not permit trees to be planted over its water lines. Nor does TxDOT allow City water lines within its ROW.

Ms. Dent recognized the following written oppositions: Susanne Craig, 903 Leslie Drive, Arlington, TX and Waxahachie Independent School District.

Planning Director Shon Brooks explained the school district supports staff recommendation of 2,200 square foot homes.

Mr. Todd Wintters, 201 Windco Cir #200, Wylie, TX, presented an overview of the proposed development noting the developer is committed to paying \$2.5 million to construct the 80 foot Right-of-Way requested by the city.

Those who spoke in opposition:

Ms. Robin Baker, 512 Ovilla Road, Waxahachie

Mr. Stan Crawford, 601 Ovilla Road, Waxahachie inquired about required fencing at the homes and if the city sewer line will be extended to the current residents on Ovilla Road. Mr. Brooks explained there is no city requirement for fencing homes and City Engineer James Gaertner explained the master plan is for the developers to connect the sewer line with other developments. The homeowner is then responsible for connecting to the sewer line.

There being no others to speak for or against PD-18-0110, Chairman Keeler closed the Public Hearing.

#### **10. Consider recommendation of Zoning Change No. PD-18-0110**

##### **Action:**

*Mr. Jim Phillips moved to approve a request by Todd Wintters, Engineering Concepts & Design L.P., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (PD-18-0110) with the following changes: minimum 10,000 square foot lots and minimum 2,200 square foot home size and subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.*

#### **11. Public Hearing on a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0153 and reviewed the following staff report:

### **PLANNING ANALYSIS**

The applicant seeks to establish a Planned Development to ensure that this final section of the Clift Estates neighborhood is consistent with the remainder of the neighborhood. In 2000, the zoning for this property and surrounding properties was established as SF3 and GR. Since 2000, our regulations for SF3 zoning have substantially changed, such that, to develop the southernmost portion of Clift Estates under our current regulations would result in a section of the neighborhood that is not in keeping with previously-built portions.

Staff recommended approval per the the following comments:

1. Application fees of \$423.70 remain outstanding

Ms. Dent recognized the following written opposition: Paula Stephens, 128 Owen Way, Waxahachie.

Ms. Coleman noted she wanted to see the development be aesthetically pleasing and not just small homes. Ms. Dent explained the applicant's request matches the current Clift Estates development in regards to housing and lot size.

Mr. Tommy Smith, 630 Antonio Lane, Waxahachie spoke in opposition to two-story homes in the development.

There being no others to speak for or against PD-18-0153, Chairman Keeler closed the Public Hearing.

### **12. Consider recommendation of Zoning Change No. PD-18-0153**

#### **Action:**

*Mr. David Hudgins moved to approve a request by Mitchell Lenamond, ELD Engineering, Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located SE of Parks School House Road, between US Highway 287 and MLK Jr Blvd, being 272 S M DURRET 7.371 ACRES (Property ID 239606) – Owner: JUAN CARLOS FLORES (PD-18-0153) subject to Staff Comments. Ms. Bonney Ramsey seconded. The vote was as follows: **Ayes:** Rick Keeler, Bonney Ramsey, Jim Phillips, David Hudgins, Erik Test. **Noes:** Betty Square Coleman. **The motion carried 5-1***

- 13. Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)**

Chairman Keeler opened the Public Hearing.

Ms. Dent presented PD-18-0152 and reviewed the following staff report:

### **PLANNING ANALYSIS**

The applicant seeks to establish a planned development district that encompasses nine (9) lots along Wyatt Street. These lots will range in size from 6,472 SF to 17,432 SF in area.

Staff recommended approval as presented.

Ms. Dent recognized the following written oppositions: Guadalupe E. Duron, 214 Ennis, Waxahachie and Tim E. Burleson, 301 Peters Street, Waxahachie.

Mr. Tim Burleson, 210 Ash Drive, Waxahachie, expressed concern with off-street parking along Wyatt/Cleaver Street east to FM 878. He explained Burleson Honey has commercial trucks entering and exiting their facility all day long and adding houses to this area will continue to negatively impact traffic and cause a safety concern for first responders, passenger cars, school buses, and commercial vehicles.

Mr. Robert Morgan, 621 Chad Street, Italy, TX, explained all the proposed homes will have front garages.

Mr. David Hudgins asked if it was possible to put up “no parking” signs along the street. Mr. Brooks noted that may be a possibility but would involve the Public Works department.

Mr. Brooks reminded the Commission the case in question is a zoning request and the parking and traffic concerns, although valid, cannot be regulated through this zoning case.

Chairman Keeler asked Mr. Tommy Ludwig, Executive Director of Development Services, if that is something staff can look in to. Mr. Ludwig noted he and the Public Works Director have visited the site and can review. He explained the difficulty is that the site is majority residential area and doesn't believe it will be a favorable outcome to eliminate or limit parking on the residential street.

The applicant agreed to continue the zoning case while the city explores the parking issues.

#### **14. Consider recommendation of Zoning Change No. PD-18-0152**

**Action:**

*Ms. Betty Square Coleman moved to continue the Public Hearing on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to Planned Development-Single Family-3, with Concept Plan, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152) to the October 23, 2018 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

#### **15. Consider request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169)**

Ms. Dent presented PP-17-0169 and reviewed the following staff report:

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

☒ Additional consideration may be required.

1. The City has reservations about platting 900 residential lots that will further increase this development's well-documented difficulties with access.

2. The Developer's Deposit of \$507.87 remains outstanding. The City will need payment of this fee to continue providing engineering services.

3. The applicant proposes to dedicate park land to the City. Any decision on whether a dedication will be accepted needs to be coordinated with the Director of Parks & Recreation. At this point, staff is unaware of a decision by the City to accept this land. Should the City decline to accept the proposed dedication, park fees of \$360,000.00 will be assessed at platting.

Members of the Commission expressed concern with development entrance lighting and traffic impact.

Mr. Gaertner reported TxDOT doesn't have any comments on the new design.

Mr. Kevin Kessler, 1999 Bryan Street, Dallas, TX, Jacobs Engineering Group, explained the connection to Business 287 underpass will be after the next preliminary platting of the next phase. He noted after working with city staff, this is the best way to address the traffic issue now safety wise and is economically feasible.

**Action:**

*Mr. David Hudgins moved to approve a request by Kaitlyn Wurzbach, Jacobs Engineering Group, for a Preliminary Plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots, being 299.378 acres out of the G. Carpenter Survey, Abstract No. 90 and M. Rafferty, Abstract No. 898 (Property ID 189842 and 241033) – Owner: 287 WAXAHACHIE LP (PP-17-0169) subject to Staff Comments. Mr. Jim Phillips seconded, All Ayes.*

**16. Consider Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP**

**Action:**

*Ms. Bonney Ramsey moved to approve a Landscape Plan for Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 as a companion to PP-17-0169 – Owner: 287 WAXAHACHIE LP subject to Staff Comments. Ms. Betty Square Coleman seconded, All Ayes.*

**17. Adjourn**

There being no further business, the meeting adjourned at 9:46 p.m.

Respectfully submitted,

Amber Villarreal, Assistant City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, October 9, 2018 at 6:00 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Kelly Dent, Planner  
Amber Villarreal, Assistant City Secretary  
Mary Lou Shipley, Council Representative

## **1. Call to Order**

Chairman Rick Keeler called the meeting to order at 6:04 p.m.

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

Chairman Keeler introduced Mr. Erik Test to the Planning and Zoning Commission and the members introduced themselves.

Mr. Jim Phillips congratulated the Planning Department on their 2018 Certificate of Achievement for Planning Excellence from the American Planning Association.

Ms. Kelly Dent, Planner, reviewed the following cases on the agenda:

- SU-18-0148 pertaining to staff concerns.
- PP-17-0169 being a preliminary plat of Saddlebrook Estates Phase 2A, 2B, 3A, 3B, 4, 5, & 6 for 900 residential lots and 16 open space lots. Ms. Dent noted the zoning requirements are met with the 2004 Planned Development. She stated the applicant seeks to dedicate 7.05 acres for park land dedication. Ms. Dent reviewed outstanding staff concerns.

Director of Planning Shon Brooks noted the development agreement holds the developer accountable for building access roads to 287 frontage. City Engineer James Gaertner stated that TxDOT has no concerns. Mr. Phillips reviewed the 2004 issues regarding getting access to 287.

- PP-18-0110 being a residential development from a Single Family-1 zoning district to Planned Development-Single Family-3 with concept plan. Ms. Dent stated the developer will dedicate 80 foot of right a way to the development. The applicant is currently allowed 183 lots and is requesting smaller lot sizes allowing for 265 lots.

- PD-18-0152 being a request for a zoning change from a Single Family-3 zoning district to Planned Development-Single Family-3 with Concet Plan. The applicant is requesting to reduce lot size and reduce front yard setback.

Mr. Brooks discussed changing the time for the November 27, 2018 Planning and Zoning Commission meeting from 7:00 p.m. to 4:00 p.m. due to the Christmas Parade and Tree Lighting. The consensus of the Commission was to have the meeting at 4:00 p.m.

### **3. Adjourn**

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary





## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: October 15, 2018

Re: SU-18-0159, Chicken Express Electronic Message Sign

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The property owner has decided against the installation of an electronic message sign, therefore, the applicant has withdrawn this application.



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: October 8, 2018  
Re: PD-18-0158 Waxahachie Crossing Subdivision

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The applicant requested a Planned Development with Detailed Site Plan to allow for the subdivision of Lot 1R-2, Block A of the Waxahachie Crossing Subdivision that would result in reduced parking for the JC Penney store and the establishment of a retail center in the newly created lot.

The property owner is working with an adjacent property owner to satisfy private agreements that regulate development at the Waxahachie Crossing Subdivision. At this point, the property owner has requested that this case be withdrawn from consideration to allow further time for an agreement to be reached.

# Planning & Zoning Department

## Plat Staff Report

**Case: RP-18-0157**



### MEETING DATE(S)

*Planning & Zoning Commission:* October 23, 2018

*City Council:* November 5, 2018

### CAPTION

Request by Jewel Chadd, JPH Land Surveying Inc., for a **Replat** of Lot 3, Block A, RVG Plaza to create Lot 3R, Block A, RVG Plaza for 11.478 acres (Property ID 238264) – Owner: HUNTERS COVE LAKESIDE APARTMENTS I LLC & HUNTERS COVE LAKESIDE APARTMENTS II LLC (RP-18-0157)

### CASE INFORMATION

*Applicant:* Jewel Chadd, JPH Land Surveying, Inc.

*Property Owner(s):* Hunters Cove Lakeside Apartments I LLC and Hunters Cove Lakeside Apartments II LLC

*Site Acreage:* 11.478 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 192 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Yes

### SUBJECT PROPERTY

*General Location:* 1250 W Highway 287 Bypass

*Parcel ID Number(s):* 238264

*Current Zoning:* PD-1-C and PD-36-C

*Existing Use:* Hunters' Cove Apartments

*Platting History:* The final plat for RVG Plaza, including this lot, was approved by City Council on September 18, 2006. This replat is to relocate a drainage and utility easement in the northwestern corner of the lot, due to the fact that a building was constructed over the easement.

*Site Aerial:*



### **STAFF CONCERNS**

1. Submit a clear copy of the first page of the Atmos, ATT, and Charter releases. The first pages are blurred.
2. Filing fees of \$100.00 remain outstanding.

### **APPLICANT RESPONSE TO CONCERNS**

1. Applicant attended a meeting. The above comments remain outstanding.

### **RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. Submit a clear copy of the first page of the Atmos, ATT, and Charter releases. The first pages are blurred.
  2. Filing fees of \$100.00 remain outstanding.

### **ATTACHED EXHIBITS**

1. Plat drawing
2. Atmos release
3. ATT release
4. Charter release
5. Oncor release

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Kelly Dent, MPA

Planner

[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

Drafter: SGT  
Revision:  
Revision:

## MONUMENTS / DATUMS / BEARING BASIS

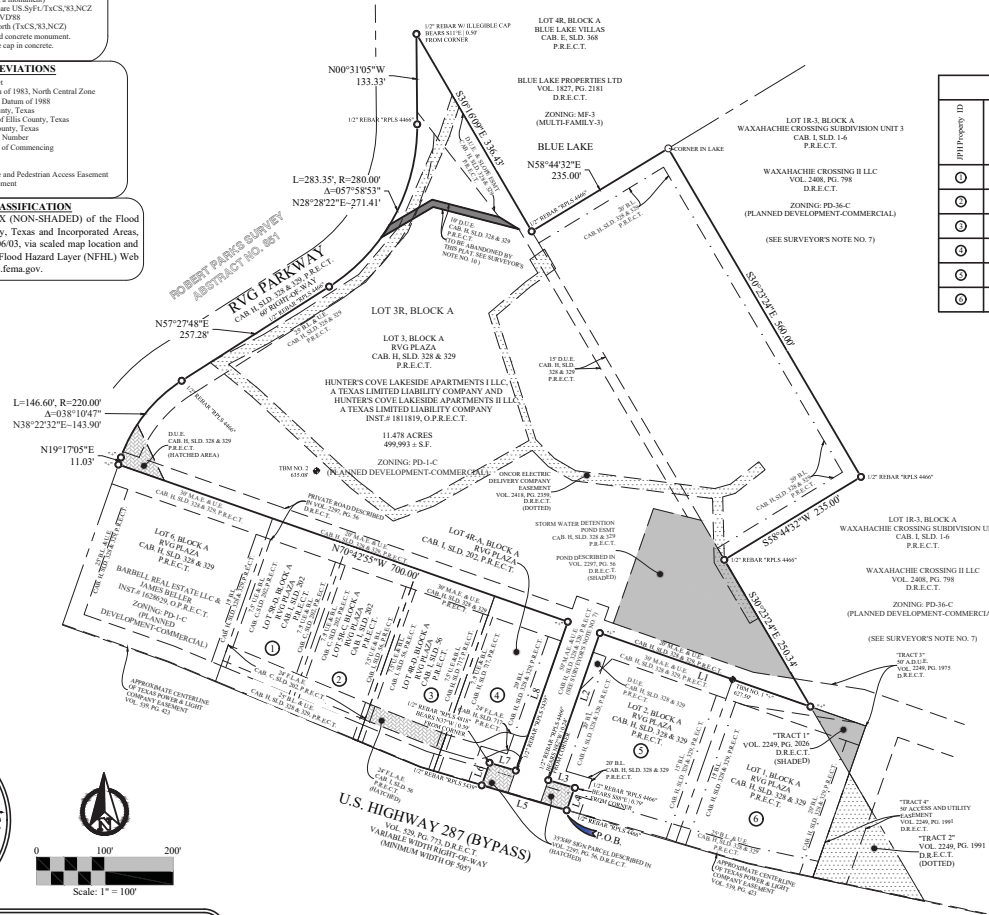
CRS	Monuments are found if not marked MNS or CRS.
CRS	1/2" rebar stamped "JPH Land Surveying" set
MNS	Mag nail & washer stamped "JPH Land Surveying" set
TBM	Site benchmark (see vicinity map for general location)
	Vertex or common point (not a monument)
	Coordinate values, if shown, are US.SyFt/TCXS, 83,NCZ
	Elevations, if shown, are NAVD88
	Bearings are based on grid north (TxCS, 83,NCZ)
PE I	TxDOT Right of Way tapered concrete monument.
PE II	TxDOT Right of Way bronze cap in concrete.

## LEGEND OF ABBREVIATIONS

US/SF3: United States Survey Feet  
TxS3,33,MZ2: Texas Coordinate System of 1983, North Central Zone  
NAVD83: North American Vertical Datum of 1988  
P.R.E.C.T.: Plat Records of Ellis County, Texas  
O.P.R.E.C.T.: Official Public Records of Ellis County, Texas  
D.R.E.C.T.: Deed Records of Ellis County, Texas  
VOL/PG/INST#: Volume/Page/Instrument Number  
POB/POC: Point of Beginning/Point of Commencing  
F/K/A: Formerly Known As  
P.U.E.: Public Utility Easement  
P.U.L.P.A.: Public Utility, Landscape and Pedestrian Access Easement  
F.L.A.E.: Fire Lane & Access Easement  
CAB./S.L.D.: Cabinet/Slide(s)

### FLOOD ZONE CLASSIFICATION

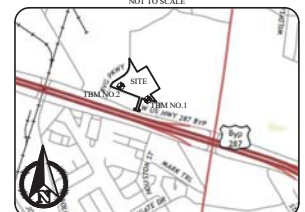
This property lies within **ZONE(S) X (NON-SHADED)** of the Flood Insurance Rate Map for Ellis County, Texas and Incorporated Areas, map no. 48139C0190F, dated 2013/06/03, via scaled map location and graphic plotting and/or the National Flood Hazard Layer (NFHL) Web Map Service (WMS) at <http://hazards.fema.gov>.



OWNERSHIP & ZONING TABLE			
#/Property ID	Owner	Recording Information	Zoning
①	Ademm-Family LP, LTD	Volume 2716, Page 2305, D.R.E.C.T.	PD-1-C (Planned Development-Commercial)
②	Roux Properties LLC	Volume 2707, Page 1973, D.R.E.C.T.	PD-1-C (Planned Development-Commercial)
③	No owner information found	No recording information found	PD-1-C (Planned Development-Commercial)
④	John R. & Karen S. Kissinger 1992 Trust	Volume 2567, Page 1011, D.R.E.C.T.	PD Planned Development
⑤	Halle Properties LLC	Volume 2297, Page 66, D.R.E.C.T.	PD-1-C (Planned Development-Commercial)
⑥	Waxahachie Holdings LLC	Volume 2497, Page 634, D.R.E.C.T.	PD-1-C (Planned Development-Commercial)

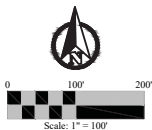
Line #	Bearing	Distance
L1	N70°42'55"W	328.07'
L2	S19°17'05"W	229.27'
L3	S73°34'55"E	40.05'
L4	S19°17'05"W	35.04'
L5	N73°34'55"W	130.17'
L6	N19°17'05"E	35.04'
L7	S73°34'55"E	40.05'
L8	N19°17'05"E	231.78'

VICINITY MAP  
NOT TO SCALE



REPLAT  
LOT 3R, BLOCK A  
RVG PLAZA

A SUBDIVISION OF 11.478 ACRES  
SITUATED IN THE  
ROBERT PARKS SURVEY, ABSTRACT NO. 851  
BEING A REPLAT OF LOT 3, BLOCK A, RVG PLAZA,  
CABINET H, SLIDES 328 & 329  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
PREPARED ON SEPTEMBER 12, 2018



JPH Job/Drawing No. (see below)  
2018.200.020 1250 W. Hwy 287 Bypass, Waxahachie, Ellis Co., TX - Final Plat.dwg  
© 2018 JPH Land Surveying, Inc. - All Rights Reserved  
1516 E. Palm Valley Boulevard, Suite A4 Round Rock, Texas 78664  
Telephone (817) 431-4971 www.jphlandsurveying.com  
TBPLS Firm #10019500 #10194073 #10193867  
DFW | Austin | Abilene



STATE OF TEXAS §  
COUNTY OF ELLIS §

WHEREAS, Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company, are the owners of that certain tract of land situated in the Robert Parks Survey, Abstract No. 851, Ellis County, Texas as described in the deed to said Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company recorded under Instrument Number 1811819 of the Official Public Records of Ellis County, Texas; said tract being all of Lot 3, Block A of RVG Plaza an addition to the City of Waxahachie, Ellis County, Texas according to the plat recorded in Cabinet H, Slides 328 & 329 of the Plat Records of Ellis County, Texas, and is more particularly described as follows (bearings are based on Grid North per the Texas Coordinate System of 1983, North Central Zone):

**Beginning** at a 1/2 inch capped rebar stamped "RPLS 4466" found on the north right of way of U.S. Highway 287, at the most southerly southeast corner of said Lot 3;

THENCE with the perimeter and to the corners of Lot 3, the following calls:

1. NORTH 73 degrees 34 minutes 55 seconds WEST, a distance of 130.17 feet to a found 1/2 inch capped rebar stamped "RPLS 4466";
2. N 19 degrees 17 minutes 05 seconds EAST, a distance of 35.04 feet, from which a found 1/2 inch capped rebar stamped "RPLS 4818" bears NORTH 37 degrees WEST a distance of 0.39 feet;
3. SOUTH 73 degrees 34 minutes 55 seconds EAST, a distance of 40.05 feet to a found 1/2 inch capped rebar stamped "RPLS 5439";
4. NORTH 19 degrees 17 minutes 05 seconds EAST, a distance of 231.78 feet to a found "+/-" cut;
5. NORTH 70 degrees 42 minutes 55 seconds WEST, a distance of 700.00 feet to a found "+/-" cut;
6. NORTH 19 degrees 17 minutes 05 seconds EAST, a distance of 11.03 feet to an "+/-" cut found at the beginning of a curve, concave to the southeast, having a radius of 220.00 feet;
7. In a northeasterly direction, along the arc of the said curve, an arc length of 146.60 feet (a chord bearing of NORTH 38 degrees 22 minutes 32 seconds EAST, a chord distance of 143.90 feet) to a 1/2 inch capped rebar stamped "RPLS 4466" found at the end of the curve;
8. NORTH 57 degrees 27 minutes 48 seconds EAST, a distance of 257.28 feet to a 1/2 inch capped rebar stamped "RPLS 4466" found at the beginning of a curve, concave to the west, having a radius of 280.00 feet;
9. In a northerly direction, along the arc of the said curve, an arc length of 283.35 feet (a chord bearing of NORTH 28 degrees 28 minutes 22 seconds EAST, a chord distance of 271.41 feet) to a 1/2 inch capped rebar stamped "RPLS 4466" found at the end of the curve;
10. NORTH 00 degrees 31 minutes 05 seconds WEST, a distance of 133.33 feet, from which a found 1/2 inch capped with an illegible cap bears SOUTH 11 degrees EAST a distance of 0.50 feet;
11. SOUTH 30 degrees 16 minutes 09 seconds EAST, a distance of 336.43 feet to a found 1/2 inch capped rebar stamped "RPLS 4466";
12. NORTH 58 degrees 44 minutes 32 seconds WEST, a distance of 235.00 feet (corner located in Blue Lake);
13. SOUTH 30 degrees 23 minutes 24 seconds EAST, a distance of 560.00 feet to a found 1/2 inch capped rebar stamped "RPLS 4466";
14. SOUTH 58 degrees 44 minutes 32 seconds WEST, a distance of 235.00 feet to a found 1/2 inch capped rebar stamped "RPLS 4466";
15. SOUTH 30 degrees 23 minutes 24 seconds EAST, a distance of 250.34 feet to a found "+/-" cut;
16. NORTH 70 degrees 42 minutes 55 seconds WEST, a distance of 328.07 feet to a found "+/-" cut;
17. SOUTH 19 degrees 17 minutes 05 seconds WEST, a distance of 229.27 feet, from which a found 1/2 inch capped rebar stamped "RPLS 4466" bears NORTH 82 degrees WEST a distance of 0.24 feet;
18. SOUTH 73 degrees 34 minutes 55 seconds EAST, a distance of 40.05 feet, from which a found 1/2 inch capped rebar stamped "RPLS 4466" bears SOUTH 88 degrees EAST a distance of 0.79 feet;
19. SOUTH 19 degrees 17 minutes 05 seconds WEST, a distance of 35.04 feet returning to the Point of Beginning and enclosing 11.478 acres (±499,993 square feet).

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company acting herein by and through Rajnish Mawar Gupta, Manager, does hereby adopt this plat designating the herein above described property as **Lot 3R, BLOCK A, RVG PLAZA**, an addition in the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Rajnish Mawar Gupta, Manager  
Hunter's Cove Lakeside Apartments I LLC &  
Hunter's Cove Lakeside Apartments II LLC

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, a Notary Public in and for the State of \_\_\_\_\_, on this day personally appeared Rajnish Mawar Gupta, Manager of Hunter's Cove Lakeside Apartments I LLC, a Texas Limited Liability Company and Hunter's Cove Lakeside Apartments II LLC, a Texas Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public in and for the State of \_\_\_\_\_  
My Commission Expires On: \_\_\_\_\_

**SURVEYOR'S NOTES:**

1. The sole purpose of this Replat is to abandon that portion of the 10' Drainage Easement identified on Sheet 1.
2. Subject property's record description's error of closure, 0.00'.
3. Site Benchmark No. 1 is an "+/-" cut found at the northeast corner of Lot 2, Block A, RVG Plaza, located approximately 121 feet southeasterly from the most eastern southeast corner of the subject tract, located approximately 685 feet easterly from the Site Benchmark No. 2 described below. Benchmark Elevation = 632.08' (NAVD88). See vicinity map for general location.  
Site Benchmark No. 2 is a Mag nail & washer stamped "JPH Land Surveying" set in concrete sidewalk, located approximately 291 feet easterly from the most western southwest corner of the subject property, located approximately 685 feet westerly from the Site Benchmark No. 1 described above. Benchmark Elevation = 627.50' (NAVD88). See vicinity map for general location.
4. Owners for adjoining are labeled per the Ellis County Appraisal District.
5. Current Zoning for subject tract is PD-1-C (Planned Development-Commercial) per Zoning Survey Summary provided by Key Zoning Assessments, LLC, W5663 Castaway Drive, New Lisbon, WI 53950 (608) 565-3164, Site Number 2018.1195.3 Final, Dated: July 16, 2018.
6. Zoning district for adjoining are labeled per City of Waxahachie Zoning Map.
7. Unable to plot 15' Utility easement and 36' water, sewer & utility easement along the east line of the subject tract due illegible dimensions shown on plat recorded in Cabinet H, Slide 633, P.R.E.C.T.
8. 50' Mutual access easement & utility easement described in Cabinet H, Slides 328 & 329, P.R.E.C.T. is the same private road described in Volume 2297, Page 56, D.R.E.C.T. The sole purpose of this Replat is to abandon that portion of the 10' Drainage and Utility Easement identified on Sheet 1.
9. Finish Floor Elevation (FFE) shall be 2-feet above the 100-year Floodplain Base Flood Elevation.
10. Portion of easement described in release documents recorded under Inst. #1825645, Inst. #1825646, and Inst. #1825647 of the Official Public Records of Ellis County, Texas.

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

That I, Jewel Chadd, 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.**

RELEASED FOR REVIEW ON September 12, 2018.

\_\_\_\_\_  
Jewel Chadd  
Registered Professional  
Land Surveyor No. 5754

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared **Jewel Chadd**, known to me to be the person whose name is subscribed in the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

<b>APPROVED BY: City Council</b>	
City of Waxahachie	
_____ Mayor	_____ Date

<b>APPROVED BY: Planning and Zoning Commission City of Waxahachie</b>	
_____ Chairperson	_____ Date

**REPLAT  
LOT 3R, BLOCK A  
RVG PLAZA**

A SUBDIVISION OF 11.478 ACRES  
SITUATED IN THE  
ROBERT PARKS SURVEY, ABSTRACT NO. 851  
BEING A REPLAT OF LOT 3, BLOCK A, RVG PLAZA,  
CABINET H, SLIDES 328 & 329  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
PREPARED ON SEPTEMBER 12, 2018

SHEET 2 OF 2



JPH Job Drawing No. (see below)  
2018.200.020 1250 W. Hwy 287 Bypass, Waxahachie, Ellis Co., TX - Final Plat.dwg  
© 2018 JPH Land Surveying, Inc. - All Rights Reserved  
1516 E. Palm Valley Boulevard, Suite A Round Rock, Texas 78664  
Telephone (817) 431-4971 www.jphlandsurveying.com  
TBPLS Firm #1019500 #10194073 #10193867  
DPW | Austin | Atlanta

**PREPARED BY:**  
JPH Land Surveying, Inc.  
1516 E. Palm Valley Boulevard, Suite A4  
Round Rock, Texas 78664  
(817) 431-4971

**OWNER/APPLICANT:**  
Rajnish Mawar Gupta, Manager  
Hunter's Cove Lakeside Apartments, LLC  
213 Deodar Lane, Bradbury, CA 91008  
rajnish.gupta@gmail.com



STATE OF TEXAS           X  
                                      X  
COUNTY OF ELLIS       X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

**Date:** August 31, 2018

**Re:** RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit "A" attached hereto ("Property").

We have reviewed the Property and the following are our findings:

  x   Our company does not have any utilities within the Property.

       Our utilities have been relocated or abandoned within the Property.

       Our utilities cannot be relocated or abandoned within the Property. Provide reason why the  
utilities                      cannot be relocated or abandoned.

**Abandoning of Existing Easements or Right-of Way:**

  x   We have no objection to abandoning an existing 10' drainage and utility easement ("Easement"), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B".



\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company:      Atmos Energy  
Printed Name

Signature: Joe W. Morris

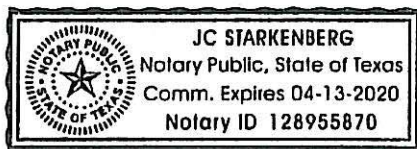
Name: Joe W. Morris

Title: Sr. Project Specialist

Date: August 31, 2018

STATE OF TEXAS                    )  
    ) ss.  
COUNTY OF Dallas            )

On the 31<sup>st</sup> day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Joe W. Morris, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



[Signature]  
Signature of Notary Public  
State of Texas  
My Commission Expires: 4-13-2020

## EXHIBIT "A"

### Hunter's Cove Apartments, Waxahachie, Texas

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;



North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;

South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;

South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

EXHIBIT "B"

SURVEY ATTACHED











STATE OF TEXAS           X

X

COUNTY OF ELLIS       X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

Date: August 28, 2018

Re: RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit "A" attached hereto ("Property").

We have reviewed the Property and the following are our findings:

X Our company does not have any utilities within the Property.

\_\_\_\_ Our utilities have been relocated or abandoned within the Property.

\_\_\_\_ Our utilities cannot be relocated or abandoned within the Property. Provide reason why the utilities cannot be relocated or abandoned.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Abandoning of Existing Easements or Right-of Way:**

X We have no objection to abandoning an existing 10' drainage and utility easement ("Easement"), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B".



\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Franchise Utility Company:** Southwestern Bell Telephone Company, d/b/a AT&T Texas

Printed Name

Signature: *Tina Helton*

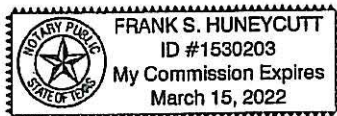
Name: TINA HELTON

Title: Manager OSP Plng & Eng Dsgn – Right-of-Way

Date: August 28, 2018

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF TARRANT    )

On the 28th day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Tina Helton, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



*Frank S. Huneycutt*

Signature of Notary Public

State of Texas

My Commission Expires: 03-15-2022



## EXHIBIT "A"

### Hunter's Cove Apartments, Waxahachie, Texas

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in [Cabinet H, Slides 328](#) and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;  
South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.



## **EXHIBIT "A"**

### **Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in Cabinet H, Slides 328 and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;

North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;  
South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

EXHIBIT "B"

SURVEY ATTACHED



STATE OF TEXAS X

X

COUNTY OF ELLIS X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

Date: 8/29, 2018

Re: RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit "A" attached hereto ("Property").

We have reviewed the Property and the following are our findings:

X Our company does not have any utilities within the Property.

\_\_\_ Our utilities have been relocated or abandoned within the Property.

\_\_\_ Our utilities cannot be relocated or abandoned within the Property. Provide reason why the utilities cannot be relocated or abandoned.

**Abandoning of Existing Easements or Right-of Way:**

X We have no objection to abandoning an existing 10' drainage and utility easement ("Easement"), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit "B".



\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

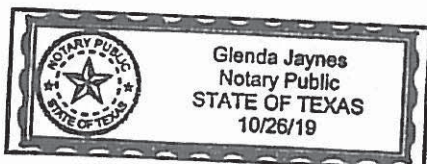
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: Charter Communications  
Printed Name

Signature: Brent Bascom  
Name: Brent Bascom  
Title: Construction Coordinator  
Date: 8/29/18

STATE OF TEXAS           )  
                                      ) ss.  
COUNTY OF Ellis       )

On the 29<sup>th</sup> day of August in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared Brent Bascom, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Glenda Jaynes  
Signature of Notary Public  
State of Texas  
My Commission Expires: \_\_\_\_\_

## **EXHIBIT "A"**

### **Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in [Cabinet H, Slides 328](#) and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

North 20 degrees 28 minutes 03 seconds East, 11.03 feet to a '+' mark cut in concrete at the beginning of a clockwise curve having a radius of 220.00 feet; Northeasterly, 146.60 feet along the arc of said curve (Long Chord=North 39 degrees 33 minutes 21 seconds East, 143.90 feet) to 1/2 inch steel rod found;



North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;

South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;

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**EXHIBIT "B"**

**SURVEY ATTACHED**





STATE OF TEXAS           X  
  X  
COUNTY OF ELLIS        X

**ACKNOWLEDGEMENT OF EASEMENT USE AND APPROVAL OF EASEMENT  
ABANDONMENT**

Date: 10/08, 2018

Re: RVG Plaza / Lot 3, Block A – City of Waxahachie, County of Ellis, State of Texas, as more particularly described on Exhibit “A” attached hereto (“Property”).

We have reviewed the Property and the following are our findings:

X Our company does not have any utilities within the Property. 10' D.U.E. CABINET H, SLIDE 328 & 329 P.R.E.C.T.

\_\_\_\_ Our utilities have been relocated or abandoned within the Property.

\_\_\_\_ Our utilities cannot be relocated or abandoned within the Property. Provide reason why the utilities cannot be relocated or abandoned.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Abandoning of Existing Easements or Right-of Way:**

X We have no objection to abandoning an existing 10' drainage and utility easement (“Easement”), as platted in Cabinet H, Slide 328 & 329, and located under Building A-2 and as shown (cross-hatched) on the ALTA/NSPS Land Title Survey attached hereto as Exhibit “B”.



\_\_\_\_\_ We do not recommend approval to the Easement abandonment due to reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Franchise Utility Company: ONCOR ELECTRIC DELIVERY COMPANY, LLC

Printed Name

Signature: Ryan Lilley

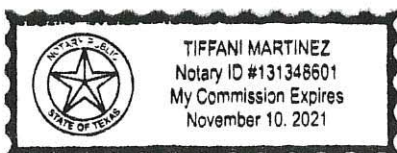
Name: RYAN LILLEY

Title: PROJECT MANAGEMENT AND DESIGN

Date: 10/08/18

STATE OF TEXAS                    )  
  ) ss.  
COUNTY OF Dallas            )

On the 8 day of Oct in the year 2018 before me, the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Tiffani Martinez  
Signature of Notary Public  
State of Texas  
My Commission Expires: 11/10/21

## **EXHIBIT "A"**

### **Hunter's Cove Apartments, Waxahachie, Texas**

All that certain lot, tract or parcel of land being known and designated as Lot 3, Block A, RVG PLAZA, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Final Plat thereof recorded in Cabinet H, Slides 328 and 329, Plat Records, Ellis County, Texas, and further described by metes and bounds as follows:

Being all that certain lot, tract or parcel of land situated in the ROBERT PARKS SURVEY, ABSTRACT NO. 851 in the City of Waxahachie, Ellis County, Texas, and being all of Lot 3, Block A of RVG Plaza, an Addition as recorded in [Cabinet H, Slides 328](#) and 329 of the Plat Records of Ellis County, Texas (PRECT), said Lot 3 being a 8.457 acre portion of a called 24.042 acre tract of land conveyed to Starplex Park, LP by deed as recorded in Volume 2160, Page 672 of the Official Public Records of Ellis County, Texas (OPRECT) and a 3.021 acre tract of land conveyed to Hunter's Cove Partners, Ltd., by deed as recorded in Volume 2283, Page 1266, OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2 inch steel rod found with cap #4466 for the lower Southeast corner of said Lot 3 and same for this tract and the lower Southwest corner of Lot 2 in Block A of said RVG Plaza in the South line of said 24.042 acre tract and the North line of U.S. Highway 287 Bypass, a variable width public right of way, said rod bears North 76 degrees 49 minutes 03 seconds West, 266.46 feet and North 72 degrees 24 minutes 00 seconds West, 277.55 feet from a 5/8 inch steel rod found for the Southeast corner of said 24.042 acre tract;

THENCE North 72 degrees 24 minutes 00 seconds West, 130.16 feet (Plat and Deed Reference Bearing) along the North line of said Highway 287 and the South line of said 24.042 acre tract to a 1/2 inch steel rod found for the lower Southwest corner of said Lot 3 and same for this tract and the lower Southeast corner of Lot 4 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 20 degrees 28 minutes 00 seconds East, 35.04 feet to a 1/2 inch steel rod found;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found for the upper Southeast corner of said Lot 4;  
North 20 degrees 28 minutes 00 seconds East, 231.78 feet to a '+' mark cut in concrete for the Northeast corner of said Lot 4;  
North 69 degrees 32 minutes 00 seconds West, 700.00 feet along the North line of said Lot 4, and Lots 5 and 6 in Block A of said RVG Plaza to a '+' mark cut in concrete for the upper Southwest corner of said Lot 3 and same for this tract and the Northwest corner of said Lot 6 in the East line of RVG Parkway, a 60 foot wide public right of way;

THENCE continuing through said 24.042 acre tract and the East line of said RVG Parkway as follows:

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North 58 degrees 38 minutes 43 seconds East, 257.28 feet to a 1/2 inch steel rod found at the beginning of a counter clockwise curve having a radius of 280.00 feet; Northeasterly, 283.35 feet along the arc of said curve (Long Chord=North 29 degrees 39 minutes 16 seconds East, 271.41 feet) to a 1/2 inch steel rod found;

North 00 degrees 39 minutes 50 seconds East, 133.33 feet to a 1/2 inch steel rod found for the westerly North corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract and the Southwest line of a 30 feet wide right of way dedication out of Lakeridge, an addition as recorded in Cabinet B, Slide 245, PRECT, said rod bears South 29 degrees 05 minutes 14 seconds East, 60.46 feet from a '+' mark cut in concrete for the North corner of said 24.042 acre tract;

THENCE South 29 degrees 05 minutes 14 seconds East, 336.43 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract to a 5/8 inch steel rod found for a South corner of said Lakeridge addition and the Northwest corner of said 3.021 acre tract at an inner ell corner of said Lot 3 and same for this tract;

THENCE North 59 degrees 55 minutes 27 seconds East, 235.00 feet along the South line of said Lakeridge addition to a point in Blue Lake for the Northeast corner of said 3.021 acre tract and the easterly North corner of said Lot 3 and same for this tract and a Northwest corner of Lot 1 in Block A of Waxahachie Crossing Subdivision Unit 2, an addition as recorded in Cabinet H, Slides 493 and 494, PRECT;

THENCE South 29 degrees 12 minutes 29 seconds East, 560.00 feet to a 1/2 inch steel rod found with cap for the Southeast corner of said 3.021 acre tract and an upper Southeast corner of said Lot 3 and same for this tract at an inner ell corner of said Waxahachie Crossing;

THENCE South 59 degrees 55 minutes 27 seconds West, 235.00 feet to a 1/2 inch steel rod found with cap for the Southwest corner of said 3.021 acre tract and a lower Northwest corner of said Waxahachie Crossing at an inner ell corner of said Lot 3 and same for this tract in the Northeast line of said 24.042 acre tract;

THENCE South 29 degrees 12 minutes 29 seconds East, 250.34 feet along the Northeast line of said Lot 3 and same for said 24.042 acre tract and the West line of said Waxahachie Crossing to a 1/2 inch steel rod found with cap for an upper Southeast corner of said Lot 3 and the Northwest corner of a called 0.0721 acre Tract 1 as conveyed to Starplex Park, LP by deed as recorded in Volume 2249, Page 2026 OPRECT in the North line of Lot 1 in Block A of said RVG Plaza;

THENCE through said 24.042 acre tract as follows:

North 69 degrees 32 minutes 00 seconds West, 328.07 feet along the North line of said Lots 1 and 2 to a '+' mark cut in concrete for the Northwest corner of said Lot 2;  
South 20 degrees 28 minutes 00 seconds West, 229.27 feet to a 1/2 inch steel rod found with cap #4466 for the upper Southwest corner of said Lot 2;  
South 72 degrees 24 minutes 00 seconds East, 40.05 feet to a 1/2 inch steel rod found with cap #4466; South 20 degrees 28 minutes 00 seconds West, 35.04 feet to the POINT OF BEGINNING and containing approximately 11.478 acres of land.

**EXHIBIT "B"**

**SURVEY ATTACHED**



ds EAST, a distance of 560.00 feet  
"RPLS 4466";

ls WEST, a distance of 235.00 feet  
"RPLS 4466";

ds EAST, a distance of 250.34 feet

5 seconds WEST, a distance

5 seconds WEST, a distance  
found 1/2 inch capped rebar  
182 degrees WEST a distance

5 seconds EAST, a distance  
found 1/2 inch capped rebar  
188 degrees EAST a distance

ds WEST, a distance of 35.04 feet  
enclosing 11.478 acres (±499,993

L=283.35', R=280.00'  
Δ=057°58'53"  
N28°28'22"E~271.41'

HWY  
328 & 329, P.R.E.C.T.  
IT-OF-WAY

28'  
25' B.L. & D.E.  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

B1

SHEET 2

LOT 3, BLOCK A

GB1

1/2" REBAR W/ ILLEGIBLE CAP  
BEARS S11°E | 0.50'  
FROM CORNER

N00°31'05"W 133.33'

1/2" REBAR "RPLS 4466"

10' D.U.E.  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

ONCOR ELECTRIC  
DELIVERY COMPANY  
EASEMENT  
VOL. 2418, PG. 2359,  
D.R.E.C.T.  
(DOTTED)

LOT 4R, BLOCK A  
BLUE LAKE VILLAS  
CABINET E, SLIDE 368  
P.R.E.C.T.

BLUE LAKE PROPERTIES LTD  
VOL. 1827, PG. 2181  
D.R.E.C.T.

BLUE LAKE

S30°16'09"E 336.43'

D.U.E. & SLOPE ESMF  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

1/2" REBAR "RPLS 4466"

N58°44'32"E 235.00'

20' B.L.  
CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

MATCH LINE A

E2

CABINET H, SLIDE 328 & 329  
P.R.E.C.T.

SF

ALTA/NSPS LAND TITLE SURVEY  
11.478 ACRES  
BEING ALL OF  
LOT 3, BLOCK A  
RVG PLAZA  
CITY OF WYANDOTT  
CLATSOP COUNTY, OREGON  
ADDRESS: 1250 W. INDIANWAY ST. IN STELLA  
SHEET 31A





# Planning & Zoning Department

## Zoning Staff Report

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**Case: PD-18-0152**

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### MEETING DATE(S)

*Planning & Zoning Commission:* October 9, 2018

*City Council:* October 15, 2018

### CAPTION

**Public Hearing** on a request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)

### CASE INFORMATION

*Applicant:* Robert Morgan, Grantava Inc.

*Property Owner(s):* Grantava Inc.

*Site Acreage:* 2.512 acres

*Current Zoning:* Single Family-3

*Requested Zoning:* Planned Development-Single Family-3

### SUBJECT PROPERTY

*General Location:* 1308 Wyatt Street

*Parcel ID Number(s):* 270088

*Existing Use:* Currently undeveloped

*Development History:* The most recent replat of Block 184 was approved by City Council on June 19, 2017.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF3	Single family residences
East	LI1	BNSF Rail Line
South	LI1	Burleson Honey
West	SF3	Single family residences

*Future Land Use Plan:* Low Density Residential



*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The property is located along Wyatt Street, a Major Thoroughfare B (110' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The applicant seeks to establish a planned development district that encompasses nine (9) lots along Wyatt Street. These lots will range in size from 6,472 SF to 17,432 SF in area.

**PD DEVELOPMENT STANDARDS**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Requirement	SF-3	Proposed
Front yard setback	Thirty (30) feet	Twenty-five (25) feet
Side yard setback	Ten (10) feet	At least ten (10) percent of the lot width
Minimum lot size	10,000 SF	Lots will range from 6,472 SF to 17,432 SF
Minimum DUA	1,200 SF	1,500 SF

- The residences will be constructed exclusively of brick and/or stone.
- Two enclosed, attached parking spaces will be provided for each residence, along with a minimum twenty (20) foot wide and deep driveway.
- No elevation will be duplicated on any lot in this addition. Each lot will be of a unique style and color palette.
- The homes will be of craftsman style with raised front porches.
- A five (5) foot wide sidewalk will be installed from the corner of Wyatt at Peters to the eastern-most point of this addition.
- All HVAC units will be concealed from public ROW via landscaping and/or fencing.

### **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 Daily Light and a sign was visibly posted at the property on 9/21/18.

### **STAFF CONCERNS**

1. Park fees of \$3,600.00 will be assessed at platting.

### **APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revised drawings that cleared all comments. The above concern is merely informative.

### **RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

### **ATTACHED EXHIBITS**

1. Concept plan provisions
2. Concept plan

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

### **ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October, 2018, the Commission voted 6-0 to recommend continuance of zoning change PD-18-0152 to the October 23, 2018 Planning & Zoning Commission meeting, to allow further time to discuss traffic concerns in the surrounding area. The applicant has stated that his home designs incorporate two-car garages to address concerns about off-street parking.

## **EXHIBIT B**

### **CONCEPT PLAN PROVISIONS**

#### Purpose and Intent

The purpose and intent of this Planned Development (PD) is to build new single family homes for sale. Any conditions found within the Single Family Residential-3 (SF3) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

#### Compliance with the City's Comprehensive Plan

Zoning District SF3 is the intended base zoning classification underlying this PD. The SF3 zoning district is intended to be similar to the SF2 except composed of detached single family residences on lots of not less than ten thousand square feet.

#### PD District Development Standards

##### ***Description of Request***

- To build new single family homes to sell

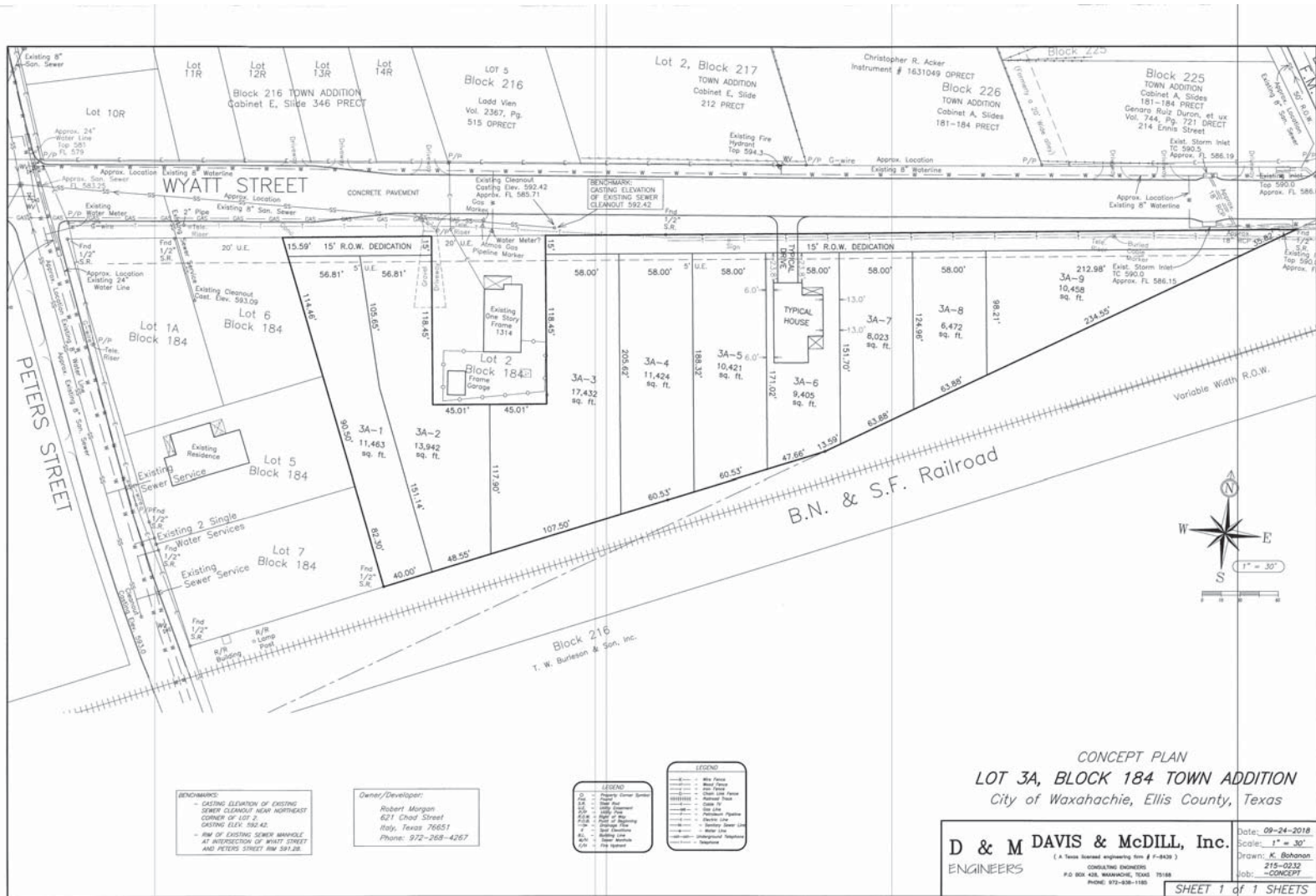
##### ***Proposed Use of Property***

- New single family home construction

##### ***General Development Requirements***

- Minimum lot size: 6,472 SF
- Front yard setback: twenty-five (25) feet
- Side yard setback: at least ten (10) percent of lot width
- Rear yard fencing: six (6) foot privacy cedar fence
- Exterior construction materials: brick and/or stone
- Two enclosed, attached parking spaces to be provided for all residences along with a twenty (20) foot wide driveway
- The minimum DUA will be 1,500 SF
- The homes will be of craftsman style with raised front porches
- No elevation will be duplicated on any lot in this addition. Each home will be of a unique style and color palette.
- All homes will be energy-star rated
- All HVAC units to be concealed from public ROW via landscaping and/or fencing
- A minimum of one (1) canopy tree with a minimum caliper of two (2) inches per tree shall be required for each dwelling unit
- Due to the high foot traffic in the area, a five (5) foot wide sidewalk will be installed from the corner of Wyatt at Peters to the easternmost point of the addition





## **CASE PD-18-0152**

***SUPPORT*** **0**

***OPPOSE*** **2**

*Request by Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)*

### **OPPOSE**

1. Guadalupe E. Duron, 214 Ennis, Waxahachie, TX 75165
  - a. "Street would have too much traffic congestion. Number of houses on property seems to be a lot and will cause more congestion."
2. Tim E. Burleson, 301 Peters Street, Waxahachie, TX 75168
  - a. See attached letter.

-----



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **PD-18-0152**



**DURON GENARO RUIZ & GUADALUPE E**  
214 ENNIS ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 9, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 15, 2018 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 Robert Morgan, Grantava Inc., for a Zoning Change from a Single Family-3 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located at 1308 Wyatt Street, being LOT 3A BLK 184 TOWN ADDN-REV 2.512 AC (Property ID 270088) - Owner: GRANTAVA INC (PD-18-0152)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: **PD-18-0152** \_\_\_\_\_ SUPPORT \_\_\_\_\_ ☒ OPPOSE

Comments: *Street would have to much traffic - Traffic Congestion  
Number of houses on property seems to be alot and  
will cause more congestion.*

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, OCTOBER 3, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

*Guadalupe E Duron*  
Signature

*10-9-18*  
Date

*Guadalupe E Duron*  
Printed Name and Title

*214 Ennis Waxahachie TX*  
Address  
*75165*





RECEIVED  
10/8/18

October 2, 2018

Mr. Shon Brooks  
Director of Planning  
City of Waxahachie  
P.O. Box 757  
Waxahachie, TX 75168

Public Hearing Case No. PD-18-0152

Dear Mr. Brooks,

On behalf of T.W. Burlleson and Son, Inc. of 301 Peters Street, Waxahachie, TX we request P&Z and the City Council deny the request by Robert Morgan, Grantava Inc. for a Zoning Change from a Single Family-3 Zoning district to a Planned Development-Single Family-3, with Concept plan until traffic studies, street widening enhancements, and no parking on side streets are considered and implemented for Wyatt/Cleaver Street East to FM 878.

When Burlleson's Honey moved to 301 Peters Street in 1968, our facility was at the very fringe of the city limits of Waxahachie. Access to and from our facility during this time was only from Farm to Market 878 or Business Hwy 287 via Getzendaner St. or Wyatt St. Freight to and from our facility utilized 60's and 70's era commercial vehicles as depicted in Exhibit "A", which were 53 feet in total length and up to 8 feet wide. US Hwy 287 by pass was not in existence at the time.

Since 1968, our facility and freight has grown as well as the city and Hwy 287 bypass has become a major thoroughfare for into and out of the city. Today there are a minimum of 40 commercial semi-trucks per month that service Burlleson's Honey. Commercial trucks today are 80 feet long and 8 ½ feet wide, which is 27ft longer and 6 inches wider than the '60-70's era vehicles. (SEE EXHIBIT "A"). With respect to the growth in the area, a fire station at the corner of Hackberry and Cleaver has been constructed, Clift Elementary has been built, as well as a large housing development directly across from Clift with additional build out planned. From this growth there is considerably more traffic on Peters and Wyatt St. today which includes many passenger cars, school buses, first responder vehicles and commercial trucks.

As a matter of safety, the section of Wyatt/Cleaver St. was widened several years ago however the street adjacent to the area in question for public hearing owned by Grantava, Inc. is 29ft 9" (357") wide from curb to curb. If vehicles are parked on either side of the street, there is simply not enough room for two traveling vehicles, be it school buses, trucks, firetrucks or a combination thereof, to pass each other. Exhibit "B" demonstrates this section of street would be a minimum of 6'3" too narrow.



In addition to inadequate street width, any future development of residences on Wyatt/Cleaver Street should allow for a sufficient number of garage spaces and driveways to park vehicles on each parcel.

This provision along with either widening Wyatt/Cleaver and or designating no parking on either side of the street is a matter of necessity for the safety and well-being of area residents, WISD bus riders, first responders and the daily commerce of business.

For the above reasons we respectfully request the P&Z as well as the City Council deny Mr. Robert Morgan's request under PD-18-0152 until further traffic studies, infrastructure improvements, and no parking on either side of the street is considered and implemented.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim E. Burleson". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Tim E. Burleson

President

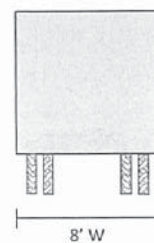
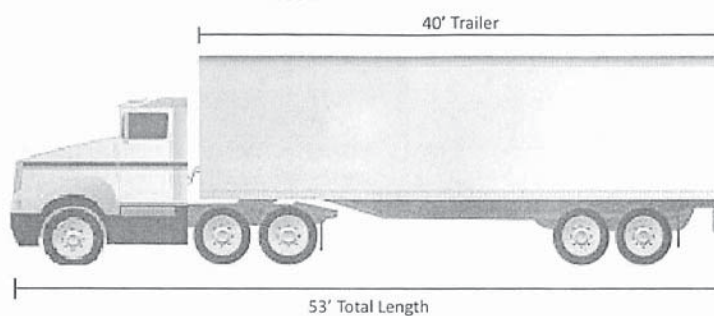
T.W. Burleson and Son, Inc.

Enclosures: Exhibit A and B

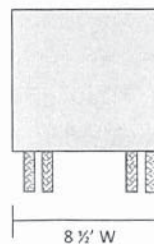
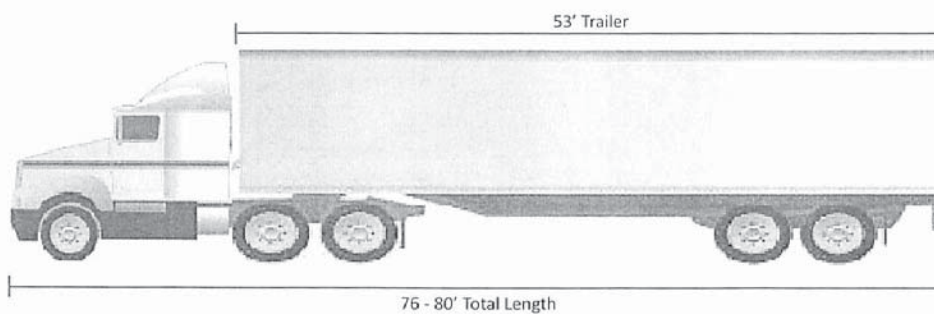
cc Michael Scott/ City Manager

Exhibit A

1960 – 1970's Era



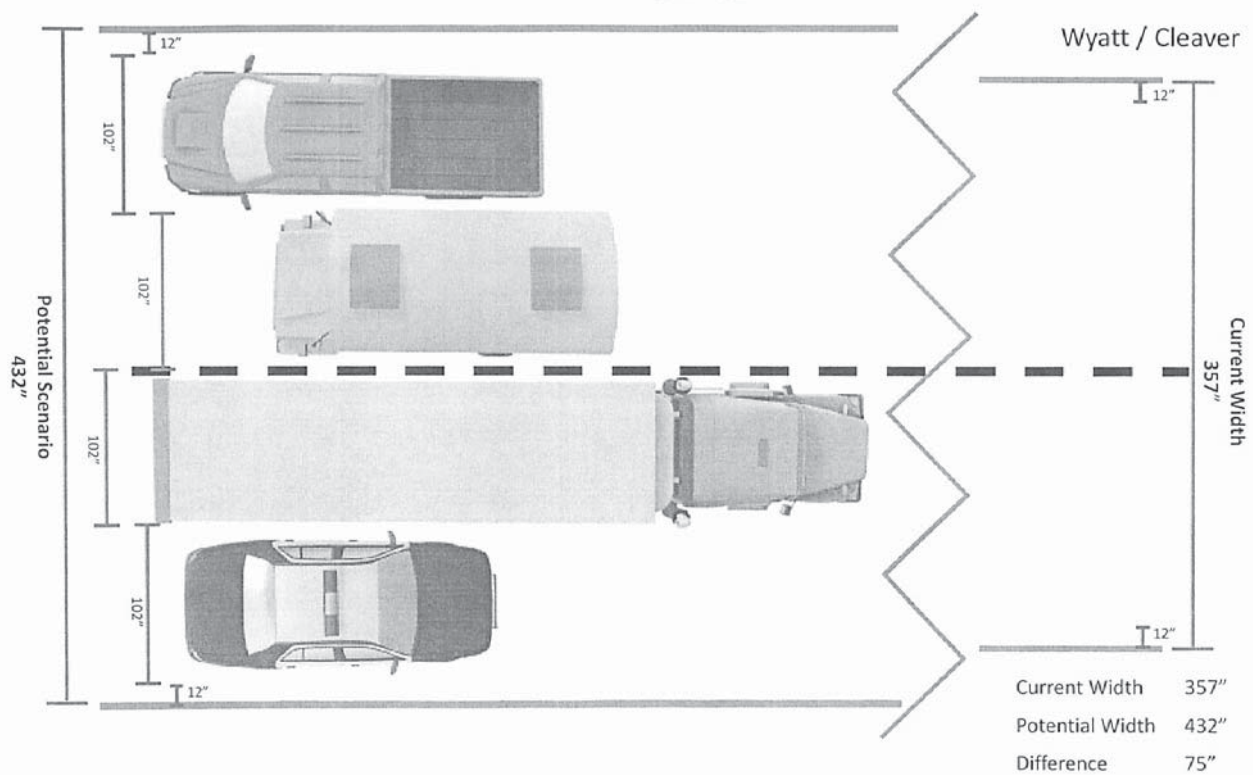
Current  
2018



Length Now	80' Long	Width Now	102"
Length Then	53' Long	Width Then	96"
Difference	27' Longer	Difference	6" Wider



Exhibit B



# Planning & Zoning Department

## Zoning Staff Report

**Case: PD-18-0156**



### MEETING DATE(S)

*Planning & Zoning Commission:* October 23, 2018

*City Council:* November 5, 2018

### CAPTION

**Public Hearing** on a request by Terry Weaver, TJVC Inc., for a Zoning Change from a Single Family-1 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)

### CASE INFORMATION

*Applicant:* Terry Weaver, TJVC, Inc.

*Property Owner(s):* Don Gordon Walker

*Site Acreage:* 79.91 acres

*Current Zoning:* Single Family-1

*Requested Zoning:* Planned Development-Single Family-3, with Concept Plan

### SUBJECT PROPERTY

*General Location:* West of Ovilla Road, North of Highway 287 Business

*Parcel ID Number(s):* 180391

*Existing Use:* Currently undeveloped

*Development History:* The site is located in the E Bellow Survey, Abstract No. 101, and E Horton Survey, Abstract No. 466.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-SF2	Sheppard's Place subdivision
East	PD-41-C	Single family residence
South	SF1 w SUP	Office
West	PD-C	Waxahachie ISD

*Future Land Use Plan:* Low Density Residential with a portion Mixed Use Residential



*Comprehensive Plan:*

The Low Density Residential category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Areas with a mixture of residential and nonresidential uses, with a larger percentage of residential. Approximately 80 percent of the acreage or square footage of any proposed development should be residential, with the remaining 20 percent of the acreage or square footage nonresidential. Acreage would apply in a horizontal mixed use development, while square footage would apply in a vertical development. Both vertical and horizontal mixed use could be provided together.

*Thoroughfare Plan:*

The site is accessed via Ovilla Rd., a Proposed Major Thoroughfare B (110' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The applicant seeks to rezone the subject property to account for the development of a single family residential neighborhood. This property is located in an area close to the new high school, in a section of town that the City anticipates will largely convert to residential neighborhoods.

The proposed development of this property will increase traffic onto Ovilla Rd., perhaps spurring TxDOT's widening of Ovilla to account for the number of households that will be dependent on Ovilla to get into and out of their neighborhoods. There are additional neighborhoods being developed north of this property, all of which front onto Ovilla Rd. The neighborhoods along Ovilla have sought Planned Developments to decrease lot sizes from City standards, and the City must determine whether it is comfortable moving away from these to increase density. Additionally, consideration is needed as a residential development will generate traffic on a street that is not currently designed to handle such traffic loads.

The existing zoning for this site is Single Family-1 zoning. This zoning district requires minimum lot sizes of 16,000 square feet and minimum home sizes of 2,200 square feet. The applicant's request to SF3 zoning with additional deviations is of concern. The City has established the SF3 development standards with a minimum lot size of 10,000 SF and minimum DUA of 1,200 SF.

This development proposes to reduce the SF3 requirements to a minimum lot size of 7,400 SF for the majority of these lots, with 9,000 SF lots being located primarily along the borders of the property. This proposal calls for a minimum DUA of 1,800 SF on 7,400 SF lots and 2,000 SF on 9,000 SF lots. While smaller lots have been permitted in the past, the City is making an effort to enforce lot size standards and to obtain larger homes. Consideration has been made for the addition of necessary thoroughfare and other benefits to the City infrastructure.

#### **PD DEVELOPMENT STANDARDS**

The applicant seeks to reduce lot sizes from the SF3 standard size of 10,000 SF to a minimum lot size of 7,400 SF, with 9,000 SF lots included along the boundaries of the site. The following table offers a brief summary of City standards as compared to proposed standards.

<b>Requirement</b>	<b>SF3</b>	<b>Lot Type A</b>	<b>Lot Type B</b>
Minimum lot size	10,000 SF	7,400 SF	9,000 SF
Minimum DUA	1,200 SF	1,800 SF	2,000 SF
Minimum lot width	Eighty (80) feet	Sixty-two (62) feet at building line; cul-de-sac or elbow lots have minimum of fifty-five (55) feet	Seventy-five (75) feet at building line; cul-de-sac or elbow lots have minimum of sixty-five (65) feet
Minimum lot depth	100 feet	110 feet; cul-de-sac or elbow lots have minimum of ninety (90) feet	110 feet; cul-de-sac or elbow lots have minimum of ninety (90) feet
Front yard setback	Thirty (30) feet	Twenty-five (25) feet including front entry garages; if J swing garage, setback of twenty (20) feet; unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend maximum of four (4) feet into front yard, except no portion of any structure may encroach into utility easements	Twenty-five (25) feet including front entry garages; if J swing garage, setback of twenty (20) feet; unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend maximum of four (4) feet into front yard, except no portion of any structure may encroach into utility easements
Side yard setback	Ten (10) feet; fifteen (15) feet to ROW	Five (5) feet; no portion of any structure may encroach into utility easements	Five (5) feet; no portion of any structure may encroach into utility easements
Rear yard setback	Twenty-five (25) feet	Fifteen (15) feet; no portion of any structure may encroach into utility easements	Fifteen (15) feet; no portion of any structure may encroach into utility easements
Garage orientation	N/A	N/A	Fifty (50) percent of all lots shall be side or rear-entry

See the included Concept Plan Provision that describes, in full, the development standard requirements in this PD.

### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 10/03/2018.

### **STAFF CONCERNS**

1. The City's minimum lot size for SF3 is 10,000 SF.
2. The City would like to see a minimum DUA of 2,200 SF.

### **APPLICANT RESPONSE TO CONCERNS**

1. Applicant met with City staff and submitted revisions. There remain concerns about proposed lot sizes and minimum DUA.

### **RECOMMENDATION**

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

- ☒ Denial
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

### **ATTACHED EXHIBITS**

1. Concept plan provisions
2. Site plan
3. Conceptual landscape plan

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

## **EXHIBIT B**

### **CONCEPT PLAN PROVISIONS**

#### Purpose and Intent

The purpose and intent of this Planned Development (PD) is to develop a single-family neighborhood. Any conditions found within the Single Family Residential-3 (SF3) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

#### Compliance with the City's Comprehensive Plan

Zoning District SF3 is the intended base zoning classification underlying the PD, The SF3 district is intended to be similar to the SF2 except composed of detached, single-family residences on lots of not less than 10,000 square feet.

#### PD District Development Standards

##### ***Description of Request***

- Rezone the property to allow the development of a single-family neighborhood.

##### ***Proposed Use of Property***

- Single family residential.

##### ***General Development Requirements***

- Permitted uses restricted to
  - Single family residences
  - Private and/or public recreation facilities
  - Churches, temples, and/or rectories
  - Public and/or private schools
  - Parks, playgrounds and neighborhood recreation facilities
  - Fire stations and public safety facilities
  - Accessory buildings and uses customarily incidental to the permitted uses
  - Public and/or private streets
  - Electronic security facilities, including gatehouses and control counters
  - Real estate sales offices during the development and marketing of the development
  - Temporary buildings and uses incidental to construction work on the premises, to be removed upon completion



<b>Requirement</b>	<b>Lot Type A</b>	<b>Lot Type B</b>
Minimum lot size	7,400 SF	9,000 SF
Minimum DUA	1,800 SF	2,000 SF
Minimum lot width	Sixty-two (62) feet at building line; cul-de-sac or elbow lots have minimum of fifty-five (55) feet	Seventy-five (75) feet at building line; cul-de-sac or elbow lots have minimum of sixty-five (65) feet
Minimum lot depth	110 feet; cul-de-sac or elbow lots have minimum of ninety (90) feet	110 feet; cul-de-sac or elbow lots have minimum of ninety (90) feet
Front yard setback	Twenty-five (25) feet including front entry garages; if J swing garage, setback of twenty (20) feet; unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend maximum of four (4) feet into front yard, except no portion of any structure may encroach into utility easements	Twenty-five (25) feet including front entry garages; if J swing garage, setback of twenty (20) feet; unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend maximum of four (4) feet into front yard, except no portion of any structure may encroach into utility easements
Side yard setback	Five (5) feet; no portion of any structure may encroach into utility easements	Five (5) feet; no portion of any structure may encroach into utility easements
Rear yard setback	Fifteen (15) feet; no portion of any structure may encroach into utility easements	Fifteen (15) feet; no portion of any structure may encroach into utility easements
Garage orientation	N/A	Fifty (50) percent of all lots shall be side or rear-entry

- Architectural development standards
  - All buildings shall have an exterior finish of glass, stone, stucco, brick, tile, concrete, or similar materials of any combination thereof.
  - The use of exterior non-masonry materials (wood and/or cementitious fiberboard) shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces.
  - Construction of buildings shall be subject to the requirements of Building Regulations concerning Masonry Construction Standards of the City of Waxahachie Code of Ordinances along with additional regulations listed below:
    - No house plan elevations may be repeated for a distance of four (4) lots, either on the same side or opposite side of the street
    - Minimum roof pitch of 8/12 on the primary front-facing roof
    - All exterior chimneys to be constructed exclusively of stucco, stone, or brick
    - All residential structures shall have two (2) different height plate limits and three (3) offsets in the front elevation

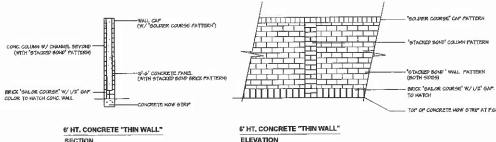
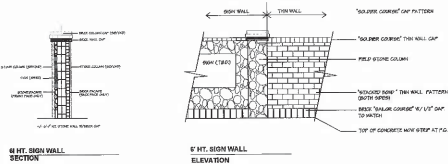
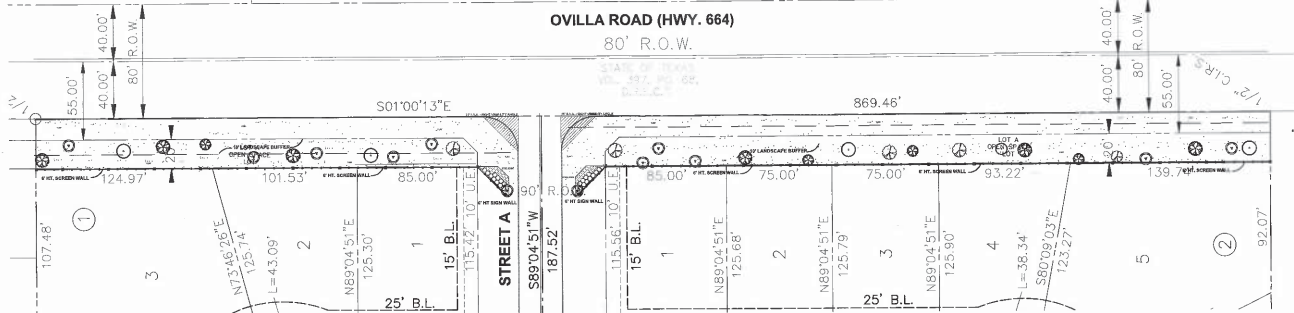
- Parking requirements
  - Parking and driveways shall be permitted within all required yard areas and must be paved with concrete
  - Boat and RV parking is prohibited in front yard areas
  - Driveway access shall be from streets and/or alleys
  - Parking is only permitted on paved concrete surfaces
- Landscaping requirements
  - Street trees
    - Minimum of one (1) street tree required on all residential lots within the street parkway. Street trees shall measure three (3) caliper inches at time of planting
    - Species must be selected from one of the following:
 

• Bald Cypress	• Cedar Elm
• Pecan	• Chinese Pistachio
• Bradford Pear	• Bur Oak
• Texas Sophora	• Shumard's Oak
• Sweet Gum	• Deciduous Holly
• Live Oak	• Red Oak
    - Street trees shall not be located in any of the following areas:
      - Within an area that the mature canopy of the tree will interfere with overhead utility lines
      - Within an area that the mature root zone of the tree will interfere with underground public utility lines
      - Within ten (10) feet of a fire hydrant
      - Closer than thirty-five (35) feet to any street corner, measured from the point of nearest intersection curbs or curb lines
  - A twenty (20) foot wide strip of property devoted to landscaping shall be located adjacent to the west right-of-way line of Ovilla Rd. These areas shall be landscaped with tree species identified above.
    - Detailed planting plans shall be submitted at time of site plan and preliminary plat review, and subject to approval by the City of Waxahachie
    - Landscaped areas shall be equipped with permanent irrigation systems
    - Public sidewalks shall be permitted within landscaped areas. Visibility triangles shall be maintained at all driveway and street intersections, as required by the City of Waxahachie Zoning Ordinance.
    - Landscaped areas shall be considered common areas. As such, installation and perpetual maintenance shall be the responsibility of the HOA.
- Open space requirements
  - At least one open space will be amenitized with playground equipment and a picnic area, reserved for HOA members.
  - Additional open spaces will be amenitized with a nature trail, picnic area, and landscaped and irrigated recreation area.
  - The westernmost open space area will remain a natural area that could be integrated into a future City park west of this development, thereby giving an access point to the north-south proposed trail/City park to residents of this development and other City residents.









### LANDSCAPE TABULATION

[illegible]

DRAWN BY	JL
CHECKED BY	SE

JOB NO: 092618TV

LAND

L1.01  
DATE: 00002018



SUNDANCE RIDGE  
CITY OF WAXAHACHIE  
ELLIS COUNTY TX 75220

PRELIMINARY  
NOT FOR CONSTRUCTION

## **CASE PD-18-0156**

***SUPPORT 0***

***OPPOSE 1***

*Request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)*

### **OPPOSE**

1. Ryan Kahlden, CFO, WISD, 3001 W Highway 287 Bypass, Waxahachie, TX 75165
  - a. “Density”

-----



City of Waxahachie, Texas

Notice of Public Hearing

Case Number: **PD-18-0156**

WAXAHACHIE ISD  
411 N GIBSON ST  
WAXAHACHIE, TX 75165

RECEIVED  
OCT 10 2018  
W.I.S.D. BUSINESS OFFICE

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 23, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 5, 2018 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 Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to **Planned Development-Single Family-3, with Concept Plan**, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: **PD-18-0156** \_\_\_\_\_ SUPPORT X OPPOSE

Comments: DENSITY

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, OCTOBER 17, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Ryan Kalden  
Signature

OCTOBER 16, 2018  
Date

RYAN KAHDEN, CFO  
Printed Name and Title  
WAXAHACHIE ISD

3001 WEST HWY 287 BYPASS  
Address

# Planning & Zoning Department

## Zoning Staff Report

Case: SU-18-0155



### MEETING DATE(S)

*Planning & Zoning Commission:* October 23, 2018

*City Council:* November 5, 2018

### CAPTION

**Public Hearing** on a request by Jon Garrett, Lone Star Events, for a Specific Use Permit (SUP) for **Private Club** use within a Commercial zoning district, located at 1300 W Main Street, Suite 101, being 1 & 2B 12 WEST END 0.589 ACRES (Property ID 176701) - Owner: HARDEN ROBERT N & ELIZABETH K (SU-18-0155).

### CASE INFORMATION

*Applicant:* Jon Garrett, Lone Star Events

*Property Owner(s):* Robert N & Elizabeth K Harden

*Site Acreage:* 0.589 acres

*Current Zoning:* Commercial

*Requested Zoning:* Commercial with SUP

### SUBJECT PROPERTY

*General Location:* 1300 W Main Street, Suite 101

*Parcel ID Number(s):* 176701

*Existing Use:* Multi-tenant buildings

*Development History:* This development sits on Lots 1 and 2 of Block 12 of the West End Addition, which was platted most recently on October 18, 1889. The distinction between "Lot 2" and "Lot 2B" appears to be a sale via metes and bounds, not reflected in any platting records.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	C	Eiland Electric
East	SF2	Single family residence
South	SF2	W Claud Bynum Plaza
West	C	Lords Gym

*Future Land Use Plan:* Low Density Residential



*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The site is located at the northwest corner of Main Street and N Central Avenue. Main Street is a Major Thoroughfare B (110' ROW), while N Central Avenue is a local street (60' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The applicant seeks to establish an event center business at Suite 101 of this multi-tenant site. The business plans to occupy one suite for hosting events and parties, and another space for storage of materials. This particular request is for the use type. A venue that is rented out for parties is treated as a private club, which is permitted in the Commercial (C) zoning district with a Specific Use Permit (SUP).

This property is in a high-traffic area and is clearly visible as you enter the city from the northwest. Due to the property's location, City would prefer that the property be occupied and maintained to the highest possible standard. Research indicates that the buildings on the site were built in 1938. While the buildings are generally in sound condition, a visit to the site on September 24, 2018, made clear that there are a number of site concerns including parking, dumpster screening, and overall maintenance of the site.

The applicant submitted a site plan for the entirety of 1300 W Main, including both structures, however, this site plan does not include the provision of dedicated striped parking. The applicant's use type requires one (1) parking space for every 100 square feet of building space occupied. To calculate the exact number of parking spaces required, a scaled and dimensioned floorplan of the event venue, as well as the square footages and use types of all other tenants of the site. During the site visit, two (2) striped parking spaces were seen on site that were signed as being for the applicant's use, as well as one (1) ADA parking space that does not appear to be reserved for a specific tenant. There were vehicles parked inside a garage structure, with two striped spaces marked as reserved for another tenant.

The property has a refuse container that is clearly visible from Main Street and Central Avenue. This does not comply with City requirements that state that dumpsters that are visible from public rights-of-way and are not within a screened rear service area should be visually screened by a six (6) foot masonry all on all sides, except the side used for garbage pickup service, which should be gated. The masonry screening should be further screened by evergreen shrubs at least three (3) feet in height.

The property has not been well-maintained by the owner. During a site visit, it was clear that tenants and/or the property owner routinely leave materials outside. Pallets, cardboard, metal panels, mops, paint cans, and other debris were visible. The City would like to see the property maintained.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 10/03/2018.

#### **STAFF CONCERNS**

1. Other than the two (2) parking spaces striped and signed as belonging to Suite 101, City staff can find no evidence of further parking reserved for this applicant. Because this is not a use type that can share parking with another use type, enough parking for this use type must be reserved for this tenant. Therefore, it appears that this site is significantly under-parked.
2. The site must come into compliance regarding screening of the refuse storage container.

#### **APPLICANT RESPONSE TO CONCERNS**

1. Awaiting applicant response.

#### **RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☐ Approval, per the following comments:
- ☒ Additional consideration may be required:
  1. Other than the two (2) parking spaces striped and signed as belonging to Suite 101, City staff can find no evidence of further parking reserved for this applicant. Because this is not a use type that can share parking with another use type, enough parking for this use type must be reserved for this tenant. Therefore, it appears that this site is significantly under-parked.
  2. The site must come into compliance regarding screening of the refuse storage container.

#### **ATTACHED EXHIBITS**

1. Site plan
2. Site photos packet

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Kelly Dent, MPA

Planner

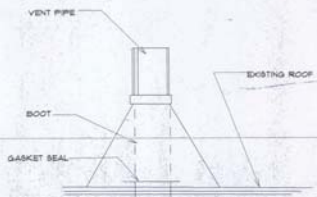
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

*Reviewed by:*

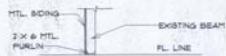
Shon Brooks, AICP

Director of Planning

[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



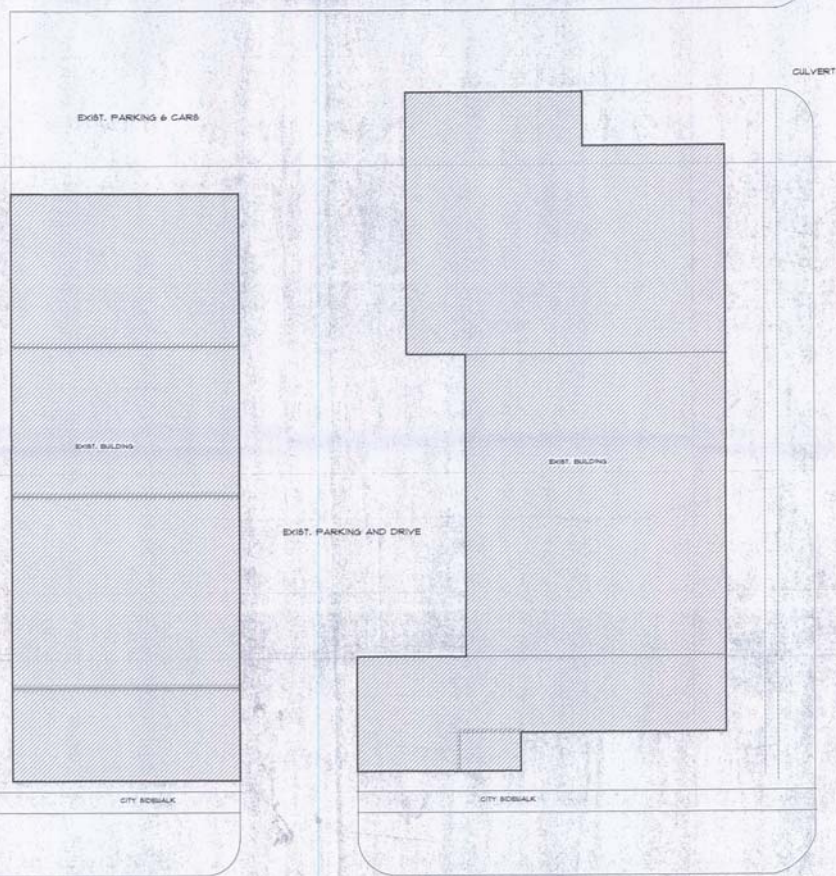
3 CEILING DETAIL  
SCALE 3/8" = 1'-0"



2 WALL DETAIL  
SCALE 3/8" = 1'-0"



1 WALL DETAIL  
SCALE 3/8" = 1'-0"



SITE PLAN  
SCALE: 1" = 10'-0"

REVISIONS	DATE	BY	CHKD BY

WEST END CENTER  
1300 WEST MAIN  
WAXAHACHE, TEXAS

ACCESSIBILITY INC.  
3223 HOWARD ROAD  
WAXAHACHE, TEXAS

PAGE OF  
A1









  
**LONE STAR**  
EVENTS & TENTS  
Warehouse Entrance  
\*Office located in the Main building\*

UNIT

301





















## **CASE SU-18-0155**

### ***SUPPORT 1***

### ***OPPOSE 2***

Request by Jon Garrett, Lone Star Events, for a Specific Use Permit (SUP) for **Private Club** use within a Commercial zoning district, located at 1300 W Main Street, Suite 101, being 1 & 2B 12 WEST END 0.589 ACRES (Property ID 176701) - Owner: HARDEN ROBERT N & ELIZABETH K (SU-18-0155)

### **SUPPORT**

1. Kenneth Karnes, 1214 W Main Street, Waxahachie, TX 75165

### **OPPOSE**

2. Randy Hooper, 206 N Grand Avenue, Waxahachie, TX 75165
  - a. "There is already a business there that makes considerable noise, especially the dumpster being emptied. This will create loud music and additional drunks in the area. This should not even be considered for a residential neighborhood."
3. Barbara Donovan, 1210 W Marvin, Waxahachie, TX 75165
  - a. "Think about it! Would you want a club right next to your home??"

-----

Case Number: **SU-18-0155**

☐ SUPPORT

☒ OPPOSE

Comments: There is already a business there that makes considerable noise, especially the Dumpster being emptied. This will create loud music & additional drunks in the area.

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Randy Hooper  
Signature

10-5-18  
Date

Randy Hooper  
Printed Name and Title

206 N. Grand ave.  
Address

This should not even be Considered for a Residential Neighborhood.

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

RECEIVED  
10/17/18



RECEIVED  
10/10/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-18-0155



DONOVAN MICHAEL A  
1210 W MAIN ST  
WAXAHACHIE, TX 75165

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Case Number: SU-18-0155 \_\_\_\_\_ SUPPORT ☒ OPPOSE

Comments: Think about it! Would you want  
a club right next to your home???

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Barbara Donovan  
Signature

10-6-18  
Date

Barbara Donovan  
Printed Name and Title

1210 W. Main  
Address





RECEIVED  
10/12/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-18-0155



KARNES KENNETH L & JANINE E  
1214 W MAIN ST  
WAXAHACHIE, TX 75165

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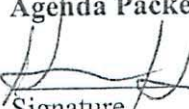
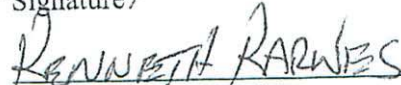
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Case Number: SU-18-0155    ☒ SUPPORT    ☐ OPPOSE

Comments: \_\_\_\_\_

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\_\_\_\_\_  
Signature  
  
\_\_\_\_\_  
Printed Name and Title

10/11/2018  
\_\_\_\_\_  
Date  
1214 W. MAIN ST.  
\_\_\_\_\_  
Address