

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, September 29, 2020 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. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

4. ***Consent Agenda***

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

- a. Minutes of the regular Planning & Zoning Commission meeting of September 15, 2020
5. ***Consider*** request by George Salvador, Lillian Custom Homes, for a **Plat** of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner: GEORGE SALVADOR, LILLIAN CUSTOM HOMES (SUB-121-2020)
6. ***Consider*** request by Joshua Schulik, Peloton Land Solutions, for a **Plat** of Mark on Conquest Phase II for one lot being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: DWBI INVESTMENTS LLC (SUB-120-2020)
7. ***Public Hearing*** on a request by Edward Wooten for a Specific Use Permit (SUP) for **Accessory Building (Residential), greater than or equal to 700 SF** use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)

8. **Consider** recommendation of Zoning Change No. ZDC-118-2020
9. **Public Hearing** on a request by Ian Deffebach for a Specific Use Permit (SUP) for for **Accessory Building (Residential), greater than or equal to 700 SF** use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)
10. **Consider** recommendation of Zoning Change No. ZDC-122-2020
11. **Public Hearing** on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)
12. **Consider** recommendation of Zoning Change No. ZDC-114-2020
13. **Public Hearing** on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for **Family Home** use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)
14. **Consider** recommendation of Zoning Change No. ZDC-109-2020
15. **Public Hearing** on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, 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 (ZDC-119-2020)
16. **Consider** recommendation of Zoning Change No. ZDC-119-2020
17. **Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)
18. **Consider** recommendation of Zoning Change No. ZDC-117-2020
19. 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  
September 15, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 15, 2020 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
Tommy Ludwig, Assistant City Manager  
Lori Cartwright, City Secretary  
Mary Lou Shipley, Council Representative

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

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

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 25, 2020
- b. Minutes of the Planning and Zoning Commission briefing of August 25, 2020

**Action:**

*Mrs. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.*

5. **Consider request by Hunter Glass, B& H Developments, LLC, for a Plat of Horseshoe Meadows for 59 residential lots and 3 HOA lots being 74.615 acres situated in the W. Berry Survey, Abstract 73, S. Powers Survey, Abstract 837, M. Powers Survey, Abstract 843, and M. Rogers Survey, Abstract 944 (Property ID 180074) in the Extra Territorial Jurisdiction – Owner: B & H DEVELOPMENTS LLC (SUB-44-2019)**

Planner Chris Webb reported the plat is in the ETJ and a letter provided by Sardis-Lone Elm WSC states that both adequate domestic flow and fire flow could be delivered to the proposed development. Staff recommended approval.

**Action:**

*Mr. Jim Phillips moved to approve a request by Hunter Glass, B&H Developments, LLC, for a Plat of Horseshoe Meadows for 59 residential lots and 3 HOA lots being 74.615 acres situated in the W. Berry Survey, Abstract 73, S. Powers Survey, Abstract 837, M. Powers Survey, Abstract 843, and M. Rogers Survey, Abstract 944 (Property ID 180074) in the Extra Territorial Jurisdiction – Owner: B & H DEVELOPMENTS LLC (SUB-44-2019). Vice Chairman Melissa Ballard seconded, All Ayes.*

6. **Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)**

Mr. Webb reported the applicant is meeting one portion of the right-of-way dedication for the plat due to the inclusion of Lot 42 of the development. He explained the dedication is imperative for the future development of Ring Road, as it will ensure an improved roadway. He stated the applicant is requesting a waiver for the western portion of the development connecting to the neighboring subdivision. Mr. Webb stated staff's concern is a dead-end stub street that was established as part of the Quail Creek Village development to the west. Per the Sub Division Ordinance, the intent of these stub outs is to act as an extension to bridge neighboring developments. He explained the plat fails to establish this connection, instead placing a lot where the right-of-way connection would need to be established. Staff recommended to deny.

Mr. Mark Wilson, Maxwell Custom Homes, LLC, applicant, showed pictures of grass only in the stub-out noting there is nothing to connect to and stated Ellis County does not want the maintenance of a new road.

**Action:**

*Mr. Jim Phillips moved to deny a request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020). Vice Chairman Melissa Ballard seconded. The vote was as follows:*

Ayes: Rick Keeler  
 Melissa Ballard  
 Bonney Ramsey  
 Jim Phillips  
 Erik Test

Noes: David Hudgins

***The motion carried.***

(4a)

Planning and Zoning Commission  
September 15, 2020  
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**7. Adjourn**

There being no further business, the meeting adjourned at 7:12 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

# Planning & Zoning Department

## Plat Staff Report

**Case: SUB-121-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

### CAPTION

Consider request by George Salvador, Lillian Custom Homes, for a Plat of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner: George Salvador, Lillian Custom Homes

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into 73 single family lots.

### CASE INFORMATION

*Applicant:* George Salvador, Lillian Custom Homes

*Property Owner(s):* George Salvador, Lillian Custom Homes

*Site Acreage:* 99.965 acres

*Number of Lots:* 73 lots

*Number of Dwelling Units:* 73 units

*Park Land Dedication:* N/A (ETJ)

*Adequate Public Facilities:* A letter signed off by Buena Vista-Bethel SUD states that adequate domestic flow and fire flow are available to this site.

### SUBJECT PROPERTY

*General Location:* Located southwest of the intersection of FM 1446 and Crownover Rd.

*Parcel ID Number(s):* 188593

*Current Zoning:* N/A (ETJ)

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is located in the Placidio Olivari Survey, Abstract 812.

*Site Aerial:*



### **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:

- ☐ Disapproval
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

### **ATTACHED EXHIBITS**

1. Plat Drawing
2. Water Letter

### **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.

### **CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

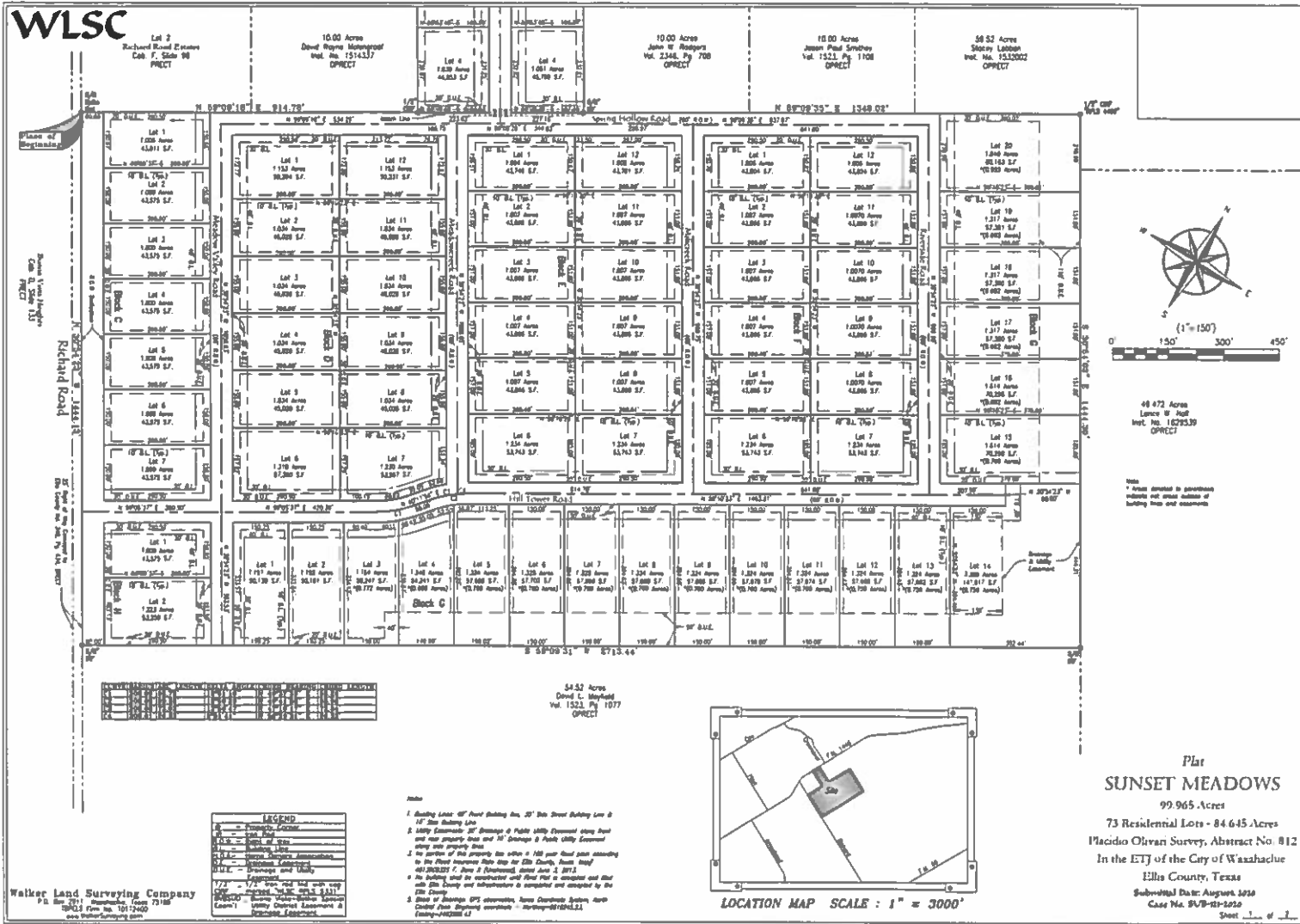
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has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

### **STAFF CONTACT INFORMATION**

*Prepared by:*  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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

(5)







(5)



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



## WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: George Salvador Parcel ID #: 188593  
 Subdivision Name: Sunset Meadows

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

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

**Contact Information:**

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

**To be completed by the water utility provider:**

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

Joe Buchanan

Print Name of General Manager of water provider or Designee

Buena Vista Bethel S.U.D.

Name of water provider company

Joe Buchanan

Signature of General Manager of water provider or Designee

8-24-2020

Date

(6)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-120-2020



### MEETING DATE(S)

Planning & Zoning Commission: September 29, 2020

### CAPTION

**Consider** request by Amanda Mata, Peloton Land Solutions for a Plat of the Mark on Conquest for 1 lot, being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: Grant Robinson, DWBI Investments, LLC (SUB-120-2020)

### APPLICANT REQUEST

The applicant is requesting the plat of the subject property in order to build a second phase to the existing Mark on Conquest apartments. The zoning for the subject property was approved by City Council on August 3, 2020.

### CASE INFORMATION

**Applicant:** Amanda Mata, Peloton Land Solutions

**Property Owner(s):** Grant Robinson, DWBI Investments, LLC

**Site Acreage:** 10.407 acres

**Number of Lots:** 1 lots

**Number of Dwelling Units:** 188 multi-family units

**Park Land Dedication:** The cash in lieu of Park Land Dedication total \$75,200.00 (188 dwelling units at \$400.00 per unit).

**Adequate Public Facilities:** Adequate public facilities are available to this site.

### SUBJECT PROPERTY

**General Location:** This property will be located adjacent to The Mark on Conquest located at 2050 Conquest Blvd.

**Parcel ID Number(s):** 191628

**Current Zoning:** PD-MF-2

**Existing Use:** Currently undeveloped

**Platting History:** The subject property lies in the W.C. Tunnell Survey, Abstract 1080.

**Site Aerial:****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:

- ☐ Disapproval
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat Drawing

**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.

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

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

Chris Webb

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

[illegible]

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-118-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

**Public Hearing** on a request by Edward Wooten for a Specific Use Permit (SUP) for **Accessory Building (Residential), greater than or equal to 700 SF** use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)

### APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (840 sq. ft.) accessory structure (carport) in the rear of a single family property.

### CASE INFORMATION

*Applicant:* Edward and Jenny Wooten

*Property Owner(s):* Edward and Jenny Wooten

*Site Acreage:* 2.403 acres

*Current Zoning:* Rural Residential

*Requested Zoning:* Rural Residential with SUP

### SUBJECT PROPERTY

*General Location:* 122 Lakeshore Dr.

*Parcel ID Number(s):* 233847

*Existing Use:* Single Family Residence

*Development History:* The Final Plat for Lindmark Estates was approved by City Council on July 6, 2004.

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-23-SF1	Single Family Residences
East	RR	Single Family Residence
South	RR	Single Family Residence
West	RR	Single Family Residence

***Future Land Use Plan:***

Estate Residential

***Comprehensive Plan:***

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

***Thoroughfare Plan:***

The subject property is accessible via Lakeshore Dr.

***Site Image:*****PLANNING ANALYSIS****Purpose of Request:**

The applicant intends to construct an accessory structure (carport) in the rear of a single family property at 122 Lakeshore Dr. Per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council.

**Proposed Use:**

The applicant is requesting approval to construct a 24 ft. x 35 ft. 19 ft. tall (840 sq. ft.) carport. The applicant is proposing to construct the structure out of metal (open sided structure). The applicant intends to use the carport to park additional cars. During site visits, staff noticed there are other accessory structures within the surrounding neighborhood area of similar or larger size.

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support for the proposed development.

**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. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
  2. The carport shall be constructed on a concrete paved surface.
  3. A concrete drive that leads from the home to the carport shall be provided by the applicant.

**ATTACHED EXHIBITS**

1. Site Plan
2. Property Owner Notification Responses

**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:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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



(7)

Case ZDC-118-2020  
 Responses Received Inside Required 200' Notification Area  
 Support: 1 Oppose: 0

Property ID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
188170	EASON MARTIN D	0.239	741 P MC EARLY 0.239 ACRES	123 LAKESHORE DR	WAXAHACHIE	TX	75165	123 LAKE SHORE DR WAXAHACHIE TX 75165
230301	CHESTER KEVIN D	2.2139	272 S M DURRETT 2.2139 ACRES	128 LAKESHORE DR	WAXAHACHIE	TX	75165	128 LAKE SHORE DR WAXAHACHIE TX 75165
231007	MORGAN BRENDA J & VICTOR	2.007	11 LINDMARK ESTS 2.0070 ACRES	118 LAKESHORE DR	WAXAHACHIE	TX	75165	118 LAKESHORE DR WAXAHACHIE TX 75165
233847	WOOTEN EDWARD M & JENNY CHIN	2.403	LOT 13 LINDMARK ESTS-REV 2.403 AC	122 LAKE SHORE DR	WAXAHACHIE	TX	75165	122 LAKESHORE DR WAXAHACHIE TX 75165
233848	MACKEL PAUL B & LORA Y	13.186	LOT 14 LINDMARK ESTS-REV 13.186 AC	124 LAKESHORE DR	WAXAHACHIE	TX	75165	124 LAKESHORE DR WAXAHACHIE TX 75165
233849	DROLET ROBERT L & MICHELLE M	10.568	LOT 15 LINDMARK ESTS-REV 10.568 AC	128 LAKESHORE DR	WAXAHACHIE	TX	75165	128 LAKESHORE DR WAXAHACHIE TX 75165
258673	ELLIS COUNTY WATER CONTROL & IMP DIST	0.0344	272 S M DURRETT 0344 AC	P O BOX 757	WAXAHACHIE	TX	75168	LAKESHORE DR WAXAHACHIE TX 75165
274846	REYES TOMAS & RITA	11.755	LOT 2 R & M ESTATES 11.755 AC	120 LAKESHORE DR	WAXAHACHIE	TX	75165	120 LAKESHORE DR WAXAHACHIE TX 75165

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-118-2020

RECEIVED  
09/15/20

DROLET ROBERT L & MICHELLE M  
128 LAKESHORE DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Edward Wooten for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)

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

Case Number: ZDC-118-2020

City Reference: 233849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, September 23, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

AS LONG AS IT IS TO CODE THEY SHOULDN'T  
NEED PERMISSION TO BUILD IT: IT'S THEIR PROPERTY

  
Signature

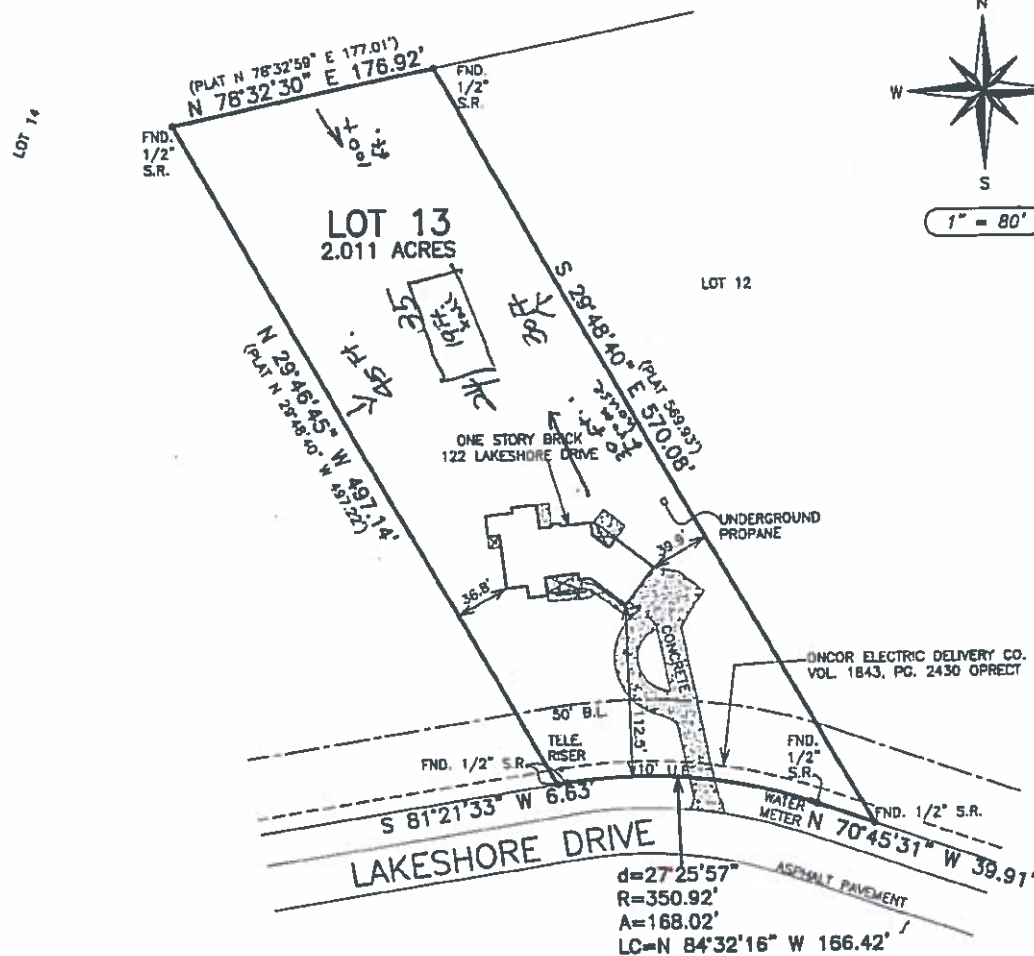
ROBERT DROLET  
Printed Name and Title

15 SEP 20  
Date

128 LAKESHORE DR  
Address  
75165

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

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



(also known as 122 Lakeshore Drive)

The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantees that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0185 D, Zone X. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 3 Survey. This survey was prepared for title purposes in conjunction with Ellis County Abstract and Title Co. Commitment for Title Insurance, G.F. No. 1006134, dated: July 6, 2010. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not abstracted the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

T.P. & L. Co. 459/198 DRECT  
 Ellis County Water Dist. Control & Imp. Dist. No. One 460/77 & 679/85 DRECT  
 OnCor Electric Delivery Co. 1843/2426 OPRECT  
 Easement Agreement 1852/994 OPRECT

### LEGEND

O	= Property Corner Symbol
Fnd.	= Found
S.R.	= Steel Rod
S.P.	= Steel Pipe
U.E.	= Utility Easement
P/P	= Utility Pole
R.O.W.	= Right of Way
P.O.B.	= Point of Beginning
C/L	= Centerline
→	= Drainage Flow
X	= Spot Elevations
B.L.	= Building Line
W/L	= Water Line
W/M	= Water Meter
M/H	= Sewer Manhole
C/D	= Cleanout
F/H	= Fire Hydrant
W/V	= Water Valve
D.U.E.	= Drainage & Utility Easement



**LEGEND**

	Wire Fence
	Wood Fence
	Iron Fence
	Chain Link Fence
	Railroad Track
	Cable TV
	Gas Line
	Petroleum Pipeline
	Electric Line
	Sanitary Sewer Line
	Water Line
	Underground Telephone
	Telephone

Walter Kaven Davis  
Registered Professional Land Surveyor #4466

**DAVIS & McDILL Inc.**

(A Texas licensed surveying firm # 101504-00)  
P.O. BOX 428, Waxahachie, Texas 75168  
Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Survey Plot Client: Ellis County Abstract and Title Co. G.F.# 1006134

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-122-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

Insert Caption from Agenda

### APPLICANT REQUEST

The applicant is requesting a Specific Use Permit in order to construct four thousand (4,000) square foot accessory structure on the subject property located at 213 Hunter Pass.

### CASE INFORMATION

*Applicant:* Ian and Laurie Deffebach

*Property Owner(s):* Ian and Laurie Deffebach

*Site Acreage:* 1.347 acres

*Current Zoning:* PD-SF-1

*Requested Zoning:* PD-SF-1 with an SUP for an Accessory Structure greater than 700 square feet.

### SUBJECT PROPERTY

*General Location:* 213 Hunter Pass

*Parcel ID Number(s):* 277728

*Existing Use:* Single Family Residence

*Development History:* The subject site was a part of a replat for Lots 1A, 1B, 1C, & 1D Block A Crystal Hills which was filed in May of 2011.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-SF-1	Single Family Residence
East	PD-SF-1	Single Family Residence
South	County	Currently Undeveloped
West	PD-SF-1	Single Family Residence

*Future Land Use Plan:* Estate Residential

(9)

***Comprehensive Plan:***

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

***Thoroughfare Plan:***

The subject property is accessible via Hunter Pass.

***Site Image:***



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant intends to construct an accessory structure in the rear of a single family zoned property at 213 Hunter Pass. Per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council.

**Proposed Use:**

The applicant is requesting approval to construct a 24 ft. tall, 4,000 sq. ft. accessory structure. The applicant is proposing to construct the structure out of metal (R-panel). The applicant intends to use the accessory structure as a garage, storage, game room, kitchenette, bath, and workout room. According to construction plans approved by the Building Inspections department, the square footage for the home (primary structure) is 4,129 sq. ft.

Though there are other accessory structures within the surrounding area, staff did not notice any structures of the proposed size (4,129 sq. ft.). There is 1,880 sq. ft. barn located on a neighboring property, but that barn is located outside of Waxahachie City Limits.

Subject to approval of this application, an approved building permit will be required prior to the commencements of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support and one (1) letter of opposition for the proposed development.

**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. The structure will not be used as a dwelling.
  2. The applicant will need to obtain a building permit form the Building Inspections department prior to construction for the proposed structure.

**ATTACHED EXHIBITS**

1. Site Plan
2. Floor Plan
3. Elevation/Façade
4. Property Owner Notification Responses

**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:*

Chris Webb

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

(9)

Case ZDC-122-2020  
 Responses Received Inside Required 2007 Notification Area  
 Support 1 Oppose 1

Property ID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Proposed Address
180774	WP LEGACY LTD	010 001	145 WM BASKINS, 035 J R LANGFORD, 023 J RIGGS, 1128 WHITTENBERG 010 001 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	WASHINGTON RD WAXAHACHE TX 75105
218084	HARRISON FIELD & SABRINA	0 508	LOT 40R BLK A CRYSTAL COVE ESTS-REV 0 508 AC	5658 N CENTRAL EXPWY 70D	DALLAS	TX	75200	218 HUNTER PASS WAXAHACHE TX 75105
218085	DUFTEY NEKAYA N	1 534	LOT 41R BLK A CRYSTAL COVE ESTS-REV 1 534 AC	222 WESTMINSTER	GLENN HEIGHTS	TX	75154	HUNTER PASS WAXAHACHE TX 75105
218086	CASTLERERRY THOMAS R & TERESA R	1 111	LOT 42 BLK A CRYSTAL COVE ESTS-REV 1 111 AC	210 HUNTER PASS	WAXAHACHE	TX	75105	210 HUNTER PASS WAXAHACHE TX 75105
252032	CONDOR HERBERT B JR & NITA	2 837	LOT 12 CRYSTAL HILLS 2 837 AC	217 HUNTER PASS	WAXAHACHE	TX	75105	217 HUNTER PASS LN WAXAHACHE TX 75105
254541	CONDOR HERBERT B JR & NITA	1 534	LOT 43 BLK A CRYSTAL HILLS 1 534 AC	210 HUNTER PASS TX	WAXAHACHE	TX	75105	210 HUNTER PASS LN WAXAHACHE TX 75105
254542	SULLIVAN JOHN P & JAMIE R	4 371	LOT 18 BLK A CRYSTAL HILLS & 145 WM BASKINS 4 371 AC	PO BOX 844	WAXAHACHE	TX	75105	211 HUNTER PASS LN WAXAHACHE TX 75105
277720	DEFFEBACH IAN & LAURIE	3 308	LOT 1C 1D BLK A CRYSTAL HILLS 3 308 AC	213 HUNTER PASS LN	WAXAHACHE	TX	75105	213 HUNTER PASS LN WAXAHACHE TX 75105

(9)

Case Number: **ZDC-122-2020**

City Reference: 277728

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

RECEIVED  
9/11/20

Jim Daffelbach  
Signature

Date

9/14/20

Jim Daffelbach / owner  
Printed Name and Title

213 HUNTER PASS, WAXAHACHIE,  
Address TX, 75165

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

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



(9)



RECEIVED  
9/21/20

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-122-2020**

CARROLL JIMMY D & MELISSA W  
209 HUNTER PASS LN  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Ian Deffebach for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)

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

Case Number: **ZDC-122-2020**

City Reference: 254541

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

KEEP RESIDENTIAL NO COMMERCIAL TRUCKS

Jimmy Carroll  
Signature

9-17-2020  
Date

Jimmy Carroll  
Printed Name and Title

209 Hunter Pass  
Address

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

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

174.00' x 100.00'

100.00'

100.00'

10th St

10th St

PROPOSED STRUCTURE  
4200 80TH ST.

NEW DRIVEWAY

EXISTING DRIVE

EXISTING HOUSE  
4204 80TH ST.

SCALE: 1" = 10'-0"

MAY 2018 JULY 2018

DATE 08/21/2020

COPYRIGHT © 2020

[illegible]

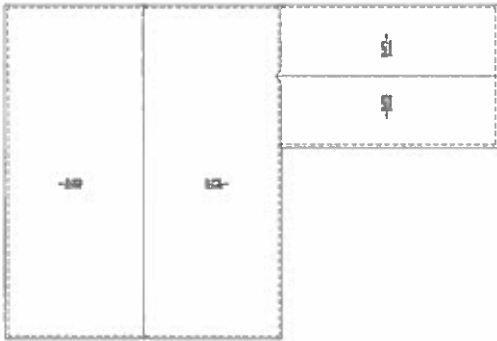
ADDRESS:	213 HUNTER PASS
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100

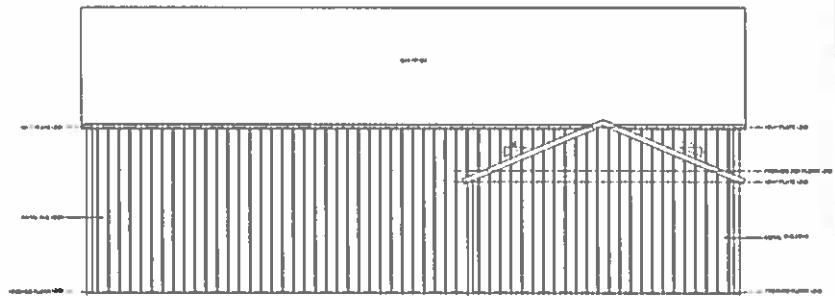
PLAN  
DEFFENBACH

33

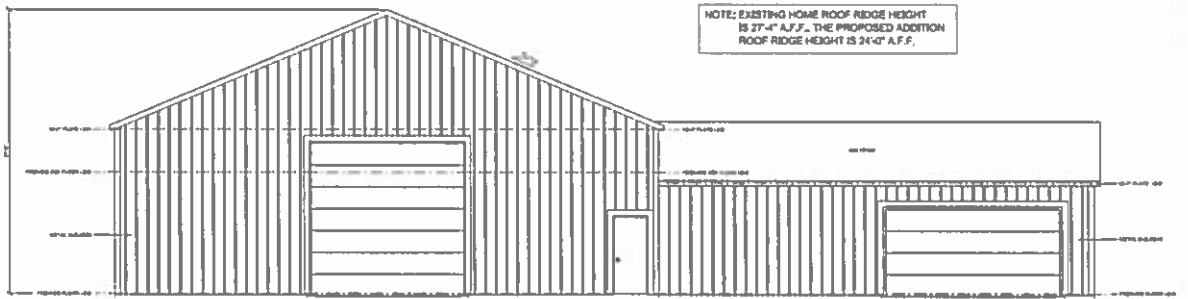
(9)



ROOF PLAN



RIGHT ELEVATION



FRONT ELEVATION

DATE  
08/27/2020  
COPYRIGHT  
© 2020

THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THIS PLAN. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE BUILDING AS SHOWN ON THIS PLAN.



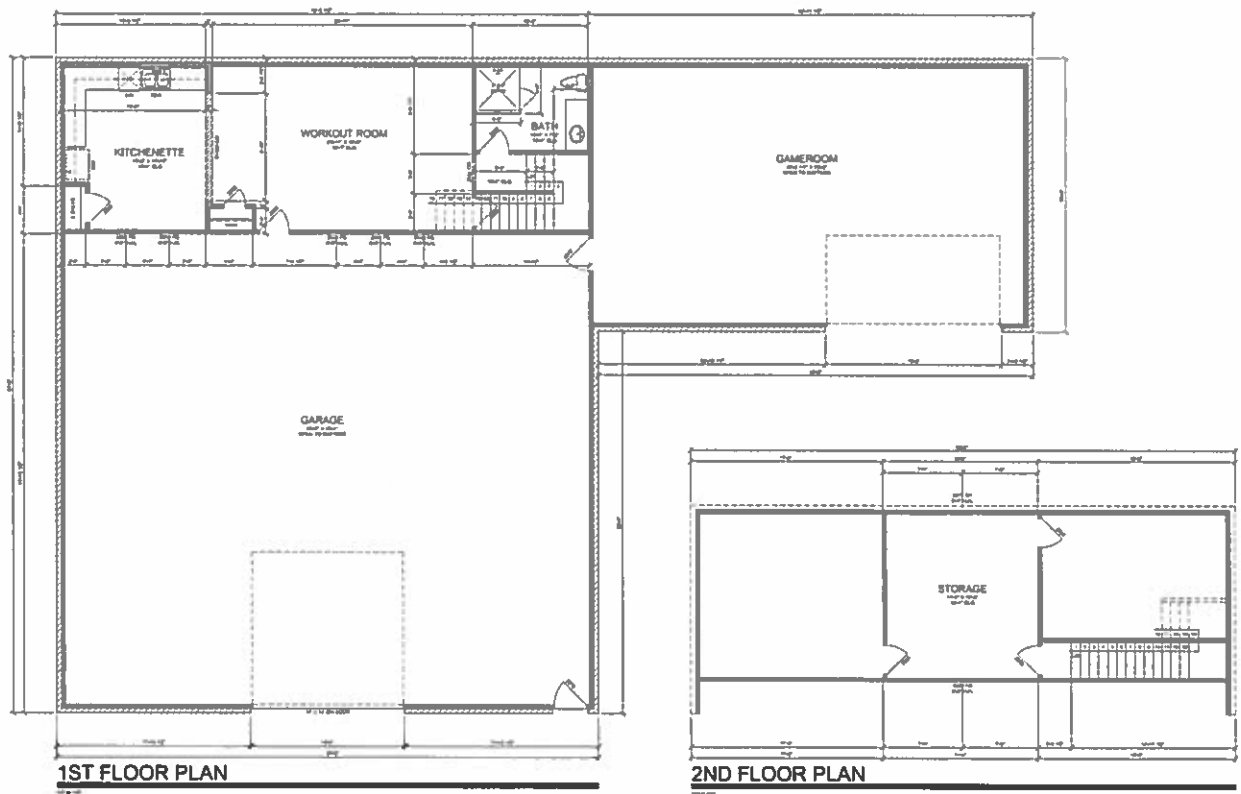
ADDRESS:  
215 HUNTER PASS



PLAN  
DEFEENBACH

2 of 3

(9)



DATE 08/27/2023	CONTRACT C-2023
ADDRESS: 213 HUNTER PASS	
PLAN DEFFENBACH	
SHEET 1 OF 3	

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-114-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

**Public Hearing** on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)

### APPLICANT REQUEST

The applicant is requesting approval to allow an existing Children's Montessori Center.

### CASE INFORMATION

*Applicant:* Judy Fletcher, Children's Montessori Center

*Property Owner(s):* Judy Fletcher, Children's Montessori Center

*Site Acreage:* 0.5 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* Planned Development-Single Family-2

### SUBJECT PROPERTY

*General Location:* 214 Dunn St.

*Parcel ID Number(s):* 171158

*Existing Use:* Children's Montessori Center

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF2	Single Family Residential
East	SF2	Single Family Residential
South	SF2	Single Family Residential
West	PD-GR	Comerica Bank

*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 subject property is accessible via Dunn St.

***Site Image:*****PLANNING ANALYSIS****Purpose of Request:**

The applicant is requesting approval to allow an existing Children's Montessori Center.

**Proposed Use:**

The applicant, Judy Fletcher, is requesting approval to allow an existing Children's Montessori Center. During a city health inspection, staff noticed that the applicant did not have the required Planned Development approval to operate the existing Children's Montessori Center. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Children's Montessori Center into compliance with the City of Waxahachie.

The Montessori Center has been operating at the subject property for 20 years (March 2000). Per the Operational Plan, the Children's Montessori Center is licensed and regulated by the Texas Department of Family and Protective Services. The Montessori Center consists of eight employees and operational hours are 7:00am – 6:00pm (class hours: 8:30am-2:30pm) Monday-Friday.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support for the proposed planned development approval.

**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. Operational Plan
2. Property Owner Notification Responses

**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:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(11)

Case ZDC-114-2020  
 Responses Received Inside Required 202 Notification Area  
 Support: 1    Oppose: 0

Property ID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's Zip	Physical Address
171148	GONZALES RAUL R & MHERVA	0.167	LOT 1C BLK 119 TOWN	301 BROWN ST	WAXAHACHIE	TX	75105	301 BROWN ST WAXAHACHIE TX 75105
171147	BROWN PEGGY ANNE	0.189	LOT 1D & 1E BLK 119 TOWN	106 W 4TH ST	WAXAHACHIE	TX	75105	106 W 4TH ST WAXAHACHIE TX 75105
171151	KHSMAN NICHOLAS M	0.236	LOT 4A BLK 118 TOWN	208 DUNN ST	WAXAHACHIE	TX	75105	208 DUNN ST WAXAHACHIE TX 75105
171152	BLATE LARRY M & ANDREA J	0.335	LOT 4B BLK 118 TOWN	304 DUNN ST	WAXAHACHIE	TX	75105	304 DUNN ST WAXAHACHIE TX 75105
171154	BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES	0.508	LOT 1A BLK 118 TOWN	307 BROWN ST	WAXAHACHIE	TX	75105	307 BROWN ST WAXAHACHIE TX 75105
171188	BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES	0.167	LOT 1B BLK 118 TOWN	307 BROWN ST	WAXAHACHIE	TX	75105	307 BROWN ST WAXAHACHIE TX 75105
171136	BAKER REVOCABLE TRUST BAKER THOMAS F & MELISSA K CO TRUSTEES	0.068	LOT 2D BLK 118 TOWN	3630 BLACK CHAMP RD	MOLOTHIAN	TX	76085	101 W 4TH ST WAXAHACHIE TX 75105
171157	FORDHAM WADE E JR	0.164	LOT 2ER BLK 118 TOWN	4208 AVONDALE AVE APT 107	DALLAS	TX	75219	208 BROWN ST WAXAHACHIE TX 75105
171158	FLETCHER MIKE G & JULIA A	0.5	LOT 3A BLK 118 TOWN	417 CONDERBREED LN	WAXAHACHIE	TX	75105	214 DUNN ST WAXAHACHIE TX 75105
171159	DESIERRA MARIA GARCIA	0.252	LOT 3B BLK 118 TOWN	212 DUNN ST	WAXAHACHIE	TX	75105	212 DUNN ST WAXAHACHIE TX 75105
171180	STEQER PROPERTIES LTD	0.288	LOT 3C & 3D BLK 118 TOWN	PO BOX 505	RED OAK	TX	75154	208 DUNN ST WAXAHACHIE TX 75105
171182	BARTH HELEN M LIE JOAN CARLESS	0.39	LOT 1E & 1F BLK 118 TOWN	205 BROWN ST	WAXAHACHIE	TX	75105	205 BROWN ST WAXAHACHIE TX 75105
171183	VASQUEZ HUMBERTO P & MARIBEL	0.265	LOT 2A BLK 118 TOWN	PO BOX 2087	RED OAK	TX	75154	211 BROWN ST WAXAHACHIE TX 75105
171184	GLASS BRIDGET H & JASON T	0.338	LOT 2BR BLK 118 TOWN	208 BROWN ST	WAXAHACHIE	TX	75105	208 BROWN ST WAXAHACHIE TX 75105
171185	FORDHAM WADE E JR	0.161	LOT 2CR BLK 118 TOWN	4208 AVONDALE AVE APT 107	DALLAS	TX	75219	208 BROWN ST WAXAHACHIE TX 75105
171189	GULLO CHRIS	0.172	LOT 1A BLK 118 TOWN	207 BROWN ST	WAXAHACHIE	TX	75105	207 BROWN ST WAXAHACHIE TX 75105
171222	HULPIN DARRIN & COURTNEY	0.268	LOT 4B BLK 118 TOWN	304 DUNN ST	WAXAHACHIE	TX	75105	304 DUNN ST WAXAHACHIE TX 75105
171223	PADGETT MARTHA H R	0.431	LOT 4C BLK 118 TOWN	300 DUNN ST	WAXAHACHIE	TX	75105	300 DUNN ST WAXAHACHIE TX 75105
171241	HODGE JAMES R	0.417	LOT 4A BLK 118 TOWN	122 BAWNNEA RD	OKMOMA	AR	71062	306 DUNN ST WAXAHACHIE TX 75105
178900	VIEN LADO	0.162	LOT 2 BLK 5 WILLIAMS-REV	1019 FERRIS AVE	WAXAHACHIE	TX	75105	305 DUNN ST WAXAHACHIE TX 75105
178901	EMBREY LORETTA	0.318	3 S WILLIAMS 0.318 ACRES	186 GIANT CEDAR TRL	WHITNEY	TX	76082	303 DUNN ST WAXAHACHIE TX 75105
178902	TESO BRYAN & BRANDON TESO	0.186	LOT 4 BLK 5 WILLIAMS-REV	454 W FRANKLIN ST	WAXAHACHIE	TX	75105	301 DUNN ST WAXAHACHIE TX 75105
178909	COMERICA BANK-TEXAS	1.828	182 182 ALLEY 4 13 APT OF WILLIAMS STREET 1.828 ACRES	PO BOX 850282	DALLAS	TX	75285	820 FERRIS AVE WAXAHACHIE TX 75105
188748	COMERICA BANK-TEXAS	0.217	PT 1 RESIDU AL 3 WILLIAMS 0.217 ACRES	PO BOX 850282	DALLAS	TX	75285	DUNN ST WAXAHACHIE TX 75105
206277	MILES DOYCE & DEBBIE	0.181	2RB 3 WILLIAMS-REV 0.181 ACRES	212 SPRING GROVE DR	WAXAHACHIE	TX	75105	205 DUNN ST WAXAHACHIE TX 75105



(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-114-2020**

RECEIVED  
9/18/20

**BLYTH DAVID & KAREN LIVING TRUST DAVID J & KAREN J BLYTH CO TRUSTEES**  
307 BROWN ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)

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

Case Number: **ZDC-114-2020**

City Reference: 171155

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

TECHNICAL CHANGE TO ALLOW DAYCARE TO  
CONTINUE

David Blyth  
Signature

9-15-20  
Date

DAVID BLYTH  
Printed Name and Title

307 BROWN  
Address

TRUSTEE

WAX

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

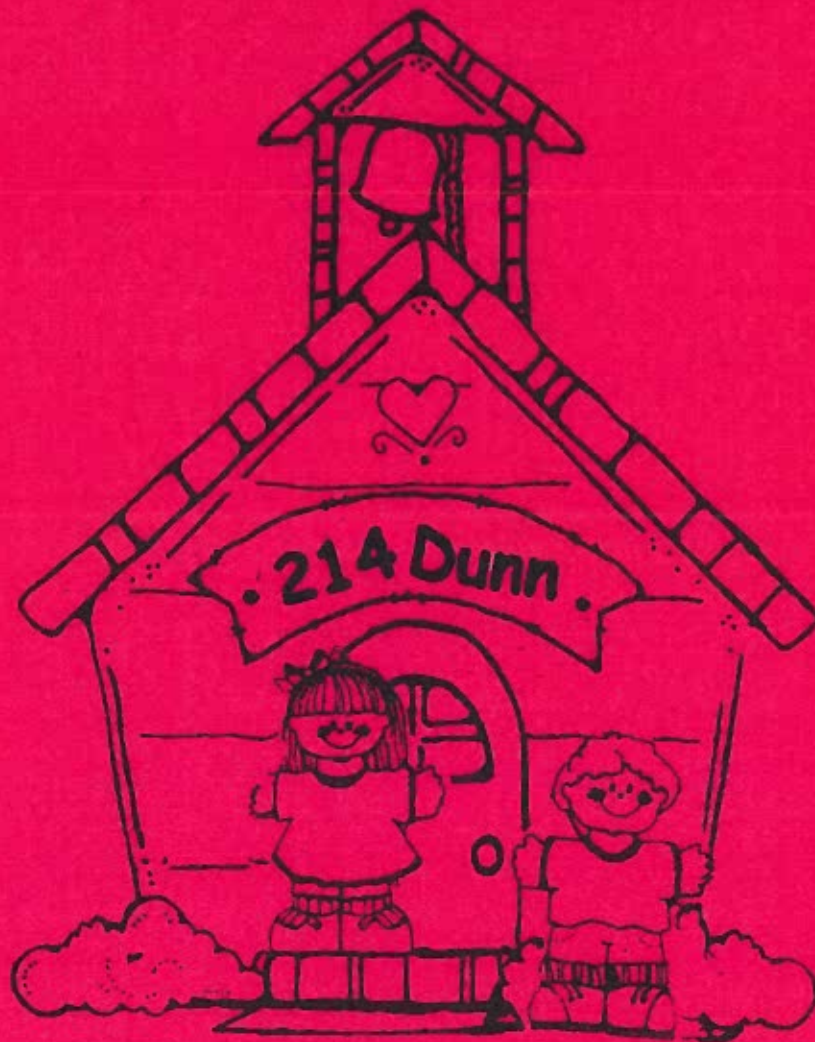
*If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.*

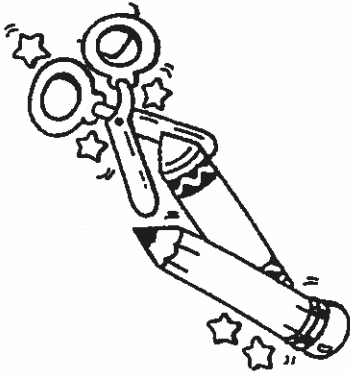
*The Children's  
Montessori Center*

214 Dunn St.

Waxahachie Texas 75165

972- 937-6910





# Children's Montessori

214 Dunn Street  
Waxahachie, Texas 75165  
(972) 937-6910



Dear Parents,

The Children's Montessori Center welcomes the opportunity to serve you and your children. We will endeavor to work closely with you to give your children loving care, constant supervision and a stimulating education tailored to their needs. Our goal is to create a love for learning that will last a lifetime!

First let us introduce ourselves:

Julia (Judy) Fletcher, a native of Dallas, has lived in Waxahachie since June of 1983, with her husband Mike. They have three grown children and four grandchildren, all living in Waxahachie. Mrs. Fletcher earned an Associate of Arts degree in Bible and Art from Fort Worth Christian College and has three years of college course work toward a degree in elementary education. She received her Montessori Certification from the American Montessori Institute in 1984. Mrs. Fletcher has thirty plus years of teaching experience in Pre-Kindergarten through the seventh grade. She received her C.D.A. (Child Development Association) credentials through the National Credentialing Program in May of 1988. Mrs. Fletcher is the founder, co-owner and director of the Children's Montessori Center. Mrs. Fletcher also teaches Kindergarten, the job she enjoys most!

Connie McMillen was born in Waxahachie, went to school in Midlothian and now lives there with her husband, Garry. They have two grown daughters and one grandson, all living in Waxahachie. Mrs. Connie worked for the Waxahachie I.S.D. for several years and taught a Pre-Kindergarten class for several years. She has many years' experience working as a bookkeeper for a company in Dallas. Mrs. Connie is co-owner and assistant director of the Children's Montessori Center.

We love children and are committed to the Montessori method of teaching. Dr. Maria Montessori, the first woman physician in Italy developed this method of teaching

(11)

young children in the early 1900's. This system is based on each child's developmental needs for freedom within limits and a carefully prepared environment to help each child grow at his or her own level. We believe that if a child is allowed to discover, he/she will develop a love for learning that will last a lifetime.

We are looking forward to working with you and your children.

Sincerely,

*Mrs. Judy Fletcher*

Mrs. Judy Fletcher, Director and Co-Owner

Mrs. Connie McMillen, Assistant Director and Co-Owner

*Mrs. Connie McMillen*



## Vision and Mission Statement

The mission of the school is to allow a child to discover, so that he will develop a love for learning that will last a lifetime.

We have strategies in order to achieve the vision of preparing the children to discover and learn. These strategies consist of training teachers to understand each child's developmental needs, to let the children have freedom within limits, and to prepare an environment to where each child will grow at his or her own level.

Our main goal as a school is to invest into each child's life in as many ways as possible. Attempting to do this by instilling a good educational start, and try to make a difference in each of the children individually.

Children's Montessori Center is committed to the Montessori approach to education that provides freedom within a prepared environment and stresses individualized learning. The child is the center of the environment as he makes choices, sets the pace and discovers the joy of victory in a highly challenging academic atmosphere. Basic points of emphasis in the classroom are self-esteem, independence and respect. A positive approach is emphasized at all times and discipline to discover, achieve and be part of an active, self-disciplined group. The teacher prepares the environment, works with the students on an individual basis and models the quiet respect to their children.

Everyone benefits from the good education that we will bring. The child benefits by actually receiving the education, the parents for investing in a special private education, and society for a growing educated youth.

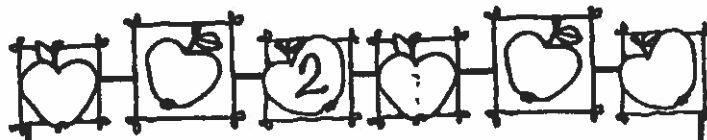


## *School Standards*

Children's Montessori Center is committed to the Montessori approach to education that provides freedom within a prepared environment and stresses individualized learning. The child is the center of the environment as he makes choices, sets the pace and discovers the joy of victory in a highly challenging academic atmosphere. Basic points of emphasis in the classroom are self-esteem, independence and respect. A positive approach is emphasized at all times and discipline to discover, achieve and be part of an active, self-disciplines group. The teacher prepares the environment, works with the students on an individual basis and models the quiet respect to their children.

## *Entrance Requirements*

- ❖ Children ages two, three, four, five and six are admitted. Young children must be toilet trained.
- ❖ Medical and immunization records are required.
- ❖ Parents must sign a parent/school agreement and provide the school with family information.
- ❖ Registration fee must be paid to confirm enrollment.
- ❖ Returning students have priority in class assignments.
- ❖ The school is not licensed or staffed to provide care for students with special medical needs.
- ❖ New students are accepted on a temporary basis, pending adjustment to the Montessori environment.
- ❖ Any special problems or needs of the child must be noted by the parents on the student record sheet.
- ❖ If it is agreed by the staff that any child needs special professional or medical help for a problem affecting his behavior at school, this help must be secured by the parents or the child is to be removed from the school.
- ❖ No student will be discriminated against because of race, color or creed.



- ❖ Children's Montessori Center is licensed by the Texas Department of Human Resources. Parents may view license and inspection reports upon request.
- ❖ Licensing standards demand that students be left in the presence of a staff member. Students may be released to parents, legal guardians or others as authorized in writing by the parent or guardian.
- ❖ Parents must notify the school if their child will not be present. Any child showing illness will not be accepted into the classroom. If symptoms occur while in school, the child will be isolated and the parent contacted to come for their child.
- ❖ All medicine must be in the original container and have written authorization for usage.
- ❖ No person will be allowed in the classroom while smoking or under the influence of alcohol.
- ❖ Staff members must report any concern that a child's physical or mental health has been or may be adversely affected by abuse or neglect.
- ❖ Parents must sign their children in and out each day. Arrival and departure times should be written next to the child's name each day.
- ❖ No unsafe children's products are in the Children's Montessori Center. This list of product recalls may be viewed at [www.cpsc.gov/cpscpub/prere1/prere1.html](http://www.cpsc.gov/cpscpub/prere1/prere1.html).
- ❖ Under the Texas Penal Code, any area within 1000 feet of a child-care center is considered a gang-free zone.
- ❖ Parents will be provided with a copy of the Policy Manual. Parents must sign acknowledging receipt of the handbook.

## FINANCIAL

### POLICIES

Tuition will be paid in advance, either (1) monthly, on the first day of the month, (2) semi-monthly, on the 1<sup>st</sup> and 15<sup>th</sup>, or (3) weekly, on Monday. Checks are to be made payable to Children's Montessori Center. No refunds are made for enrollment fees, supply fees, holidays or days away from school.

The school will maintain a tuition fee comparable to other schools in the area.





## MONTESSORI CLASS

### ACTIVITIES

#### ARRIVAL:

Because of the safety factor, we must ask that parents personally accompany their children into the building and check them in with a member of our staff.

Parents are encouraged to allow students to enter the classrooms unassisted. This will promote a quiet beginning of self-directed work.

#### CLOTHING, PERSONAL POSSESSIONS:

Children are asked not to bring personal possessions into the classroom to avoid breakage, loss or disturbance. Show and Tell items are exceptions and will be closely supervised. Gum is not allowed. Dress students comfortable, ready to participate in all school activities, including outside playing and active motor development.

#### DAILY TRAINING:

Students will be encouraged to do all daily tasks alone to develop independence and will be assisted only when needed. They will have free access to water fountains and bathrooms. They will be encouraged to hang their own coats and store their own possessions. A schedule is posted in each room showing a daily routine, monthly themes and schedules for special programs.

#### PHYSICAL ACTIVITIES:

All children will be expected to participate in physical activities and outside play in acceptable weather. If a child is to be inactive in these programs for more than three days, a doctor's request is needed.

#### BIBLE LESSONS:

Bible lessons will be presented by staff members, following the guideline furnished to parents. Bible materials on the classroom shelves promote an understanding of the Bible and can be enjoyed by students individually in the Montessori classroom. No doctrine is stressed.

#### PARTIES, BIRTHDAYS:

Your child may have his/her birthday party at school during snack time. Please limit refreshments to cookies or cupcakes and a drink. A simple favor may be given. Please make arrangements with your child's teacher a week in advance.

Out of respect for all our students, we will not distribute party invitations in the classroom unless all students are invited to the party.





**TESTING AND EVALUATIONS:**

The students will be evaluated twice during each school year, with additional testing conducted for kindergarten students. Parents will have access to this information and records will be forwarded to other schools.

**WEEKLY & DAILY ROUTINES:**

Special programs will be posted in the entryway and notices sent home with the children in advance.

On "Show and Tell" days, students may bring an inexpensive item to share (guns, rockets and darts are not allowed). These items should be bagged, with students' names attached. They will remain in the classroom until self-expression time arrives. We encourage student participation in this activity.

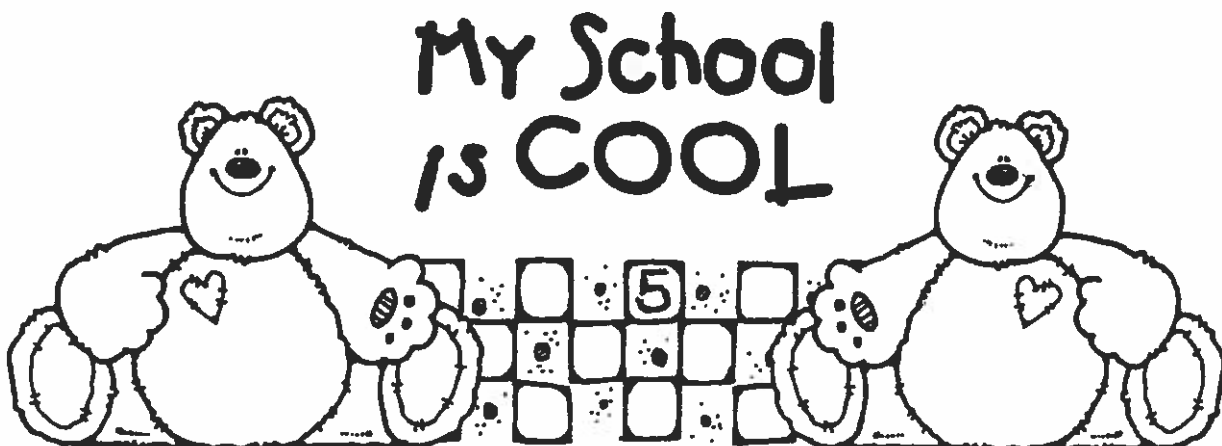
**RELEASE OF INFORMATION:**

The school will not release addresses and phone numbers of students to other families in the school.

**HOURS:**

Class times are 8:30 a.m. until 2:00 p.m. Afternoon childcare with planned activities is 2:00 - 6:00 p.m.

The Children's Montessori Center opens at 7:00 a.m. for early morning care and closes at 6:00 p.m. There will be a charge of \$1.00 per minute after 6:00 p.m.



### COMMUNICATION

Parents will be encouraged to attend a parents' meeting and Open House early in the school year to discuss the year's events. The school will print a monthly calendar of events and make this available to all parents. Parent involvement is encouraged. School memos will be issued as needed to keep parents informed and aware of school activities.

Students with parents living at different addresses will be provided a service of communication with both parents. If requested, the school will mail all information to both parents.

The director of the school will meet with parents when requested by either the parent or a staff member.

Parents are encouraged to schedule a classroom observation and participate in a staff conference annually. Parents will be contacted if additional conferences are needed. Parents may always come to the school unannounced and observe the classroom without an appointment. However, when at all possible, we request that you call ahead when intending to observe for an extended period. We also ask that you sign a form that explains our observation procedures. Parents will be notified of any injuries, communicable diseases or special concerns. The Texas Department of Health will also be notified.

### DISCIPLINE

The school will ensure that discipline and guidance are based on an understanding of individual needs and development, and promote self-disciplined and acceptable behavior. There will be no cruel, harsh or unusual punishment or treatment, no shaking, biting or hitting. No child will be spanked and nothing will be placed on or in a child's mouth for punishment. There will be no association of punishment with the toilet training or eating. The school will use brief, supervised separation from the group to direct attention to acceptable behavior. Staff members are encouraged to narrow the choices to two, as in "you have two choices, you may use the pegs correctly or you may replace them on the shelf."

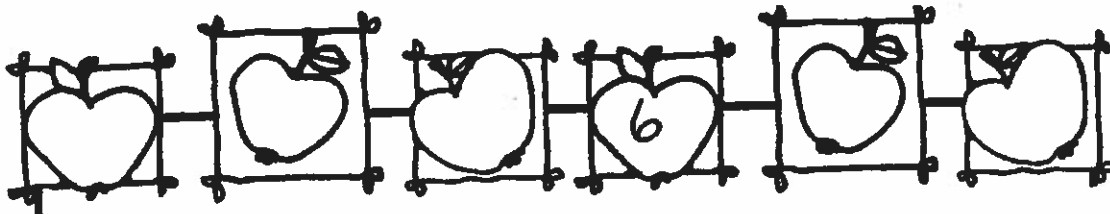
### SAFETY PROCEDURES

Fire drills will be conducted every month. Tornado and chemical release drills will be conducted annually.

Seat belts will be used for adults and children on field trips.

Students will wear name tags with the name of the school, phone number and address included. Staff members will check roll, carry first aid equipment and medical release forms.

If a student is not called for at the end of the school day, the staff contacts all persons listed on the family information sheet. If no contact can be made, the Department of Human Resources will be called, or the Police Department, to transport the child to an emergency shelter. Staff members may not transport students without parental consent.



**POINTERS FOR PARENTS**

1. Help your child to attend regularly except when his is ill.
2. Teach your child self-reliance by encouraging him to do things for himself.
3. Know your child's teacher.
4. Take an interest in the school and whatever your child brings home.
5. Take time to listen to your child's daily experiences and discuss with real interest. Encourage your child to talk about experiences, happenings and things around you. Encourage your child to use complete sentences.
6. Build in your child a wholesome, friendly attitude toward the teacher and the school.
7. Report any upsetting experiences that you think will help the teacher understand the child better.
8. Help your child to anticipate happy experiences in relation to the school.
9. Put your child's name on each article of outside clothing, supplies and lunch box.
10. Teach your child to walk on the sidewalk when one is provided and how to cross the street when an adult does not accompany him.
11. Teach your child to be considerate of others; to know simple rules of courtesy; to assume his place in-group activities.
12. It is highly desirable that parents be active in school affairs; we are happy for you to take part in the school/class function.
13. Read to your child—nursery rhymes, stories, labels on household items, even signs and billboards.
14. Help your child to notice and observe things around him/her. When looking at a book, ask questions such as the following:

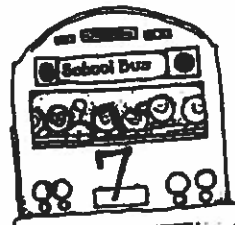
"What can you tell me about the picture?"

"What are some things you see?"

Or

"What is your favorite color in the picture?"

"Do you see anything in the picture that we saw on our trip?"



15. Help your child to work puzzles, to draw with pencils, to color and to cut with scissors.

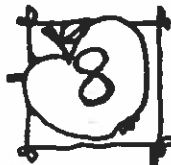
### ATTITUDES TO ENCOURAGE

1. Understanding that school is a cooperative undertaking between teacher, child and parent.
2. Respect for adults in authority.
3. Respect for property.
4. Respect for others' opinions.
5. Understanding failure, such as: a chance to assess what's wrong and try again.  
Understanding that he is not a failure, only the project at hand failed.
6. Understanding people are not alike.
7. Understanding he may not always have his own way.
8. Understanding he must share to be a part of a group.
9. Understanding he must listen, as well as talk.
10. Understanding he must learn to follow directions.
11. Understanding success in anything requires effort on his part.
12. Understanding his progress is important to the teacher.
13. Understanding the teacher will be fair although the child may not understand every situation.

### HOME HABITS

#### That will help your child at school

1. Putting away his toys at pick-up time.
2. Listening to others and following directions.
3. Doing simple household tasks.
4. Helping others—brothers, sisters, friends.
5. Having time to go to bed, get up, rest play that fit his school needs.



## QUESTIONS ABOUT MONTESSORI

### Who was Montessori?

Maria Montessori (1876-1952) was the first woman physician in Italy. She established a method of education that revolutionized the field. Her careful observations of children led her to develop techniques that have been developed and perfected throughout the world. Montessori developed a system of education based on each child's developmental needs for freedom within limits and a carefully prepared environment to help each child grow at his or her own level.

### What is the purpose of Montessori education?

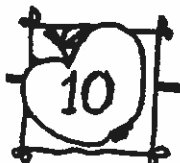
Dr. Montessori believed that no human being is educated by another person. He must do it himself or it will never be done. A truly educated individual continues learning long after the hours and years he spends in the classroom, because he is motivated from within by a natural curiosity and love for knowledge. Dr. Montessori felt, therefore, that the goal of early childhood education should not be to fill the child with facts from a pre-selected course of studies, but rather to cultivate his own natural desire to learn.

In the Montessori classroom this objective is approached in two ways: first, by allowing each child to experience the excitement of learning by his own choice rather than by being forced; and second, by helping him to perfect all his natural tools for learning, so that his ability will be at a maximum in future learning situations. The Montessori materials have this dual long-range purpose in addition to their immediate purpose of giving specific information to the child.

### How do the children learn?

The use of the material is based on the young child's unique aptitude for learning, which Dr. Montessori identified as the "absorbent mind." In her writing she frequently compared the young mind to a sponge. It literally absorbs information from the environment. The process is particularly evident in the way a two-year-old learns his native language, without formal instruction and without the conscious, tedious effort necessary for an adult to master a foreign tongue. Acquiring information in this way is a natural and delightful activity for the young child, who employs all his senses to investigate his interesting surroundings.

Since the child retains this ability to learn by absorbing until he is almost seven years old, Dr. Montessori reasoned that a classroom where he could handle materials, which would demonstrate basic educational information to him, could enrich his experience. Over sixty years of experience have proved her theory that a young child can learn to read, write and calculate in the same natural way that he learns to walk and talk. In a Montessori classroom the equipment invites him to do this at his own periods of interest and readiness.



**What are the rules?**

Children are free to work with materials after they have been presented to them by a teacher. They remove a material from the self to enjoy as long as they choose. They must finish what they begin. They may repeat the exercise, create or discover more potential beyond the original presentation. The material is then returned to the self in the correct place. A mat or rug is used to provide a base or boundary for the child's work. A child may move about freely, watching, observing or visiting. He may not disturb another student's concentration and work.

**How is the classroom set up?**

PRATICAL LIFE exercises help the child in meaningful exercises associated with daily living. Here, the child learns to concentrate and follow a logical sequence of steps to complete a task.

✧ SENSORIAL materials provide exercises utilizing the senses for greater precision and perfection.

✧ MATH materials give a concrete concept to all mathematical principles and vary from the simplest concepts of 1 and 2 to four-digit problems in addition or division, squaring or cubing numbers.

✧ LANGUAGE materials are phonetic, based on introduction of sounds of letters to encourage early reading ability. Many materials are for independent student use, some are teacher directed only.

WRITING exercises give an opportunity to write, often before reading occurs. Meaning is given to letters and words.

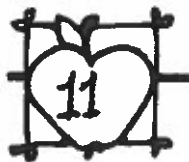
HISTORY & GEOGRAPHY materials provide an enlarged view of the child's world and the people and cultures near and far away.

SCIENCE exercises give practical and logical explanations and invite discovery in some of the mysteries of our world.

BIBLE materials are for individual classroom use, and present Bible facts from Old and New Testaments.

**What about social development and creativity?**

Social development and learning take place spontaneously when children interact with each other under the guidance of a caring, trained Montessori teacher. The environment of freedom of choice for activity is encouraging to creativity in a child's ability to operate in his world. Art, music and self-expression are encouraged in the classroom and special activities, but creativity occurs in all phases of a Montessori classroom.



What keeps it positive?

Most Montessori materials are self-correcting. When it is completed, the material tells the child if it is correct. Children are given individual presentations and are encouraged in individual development. Teachers leave the student to complete the work alone to enjoy the personal satisfaction of victory - to please him - not the teacher or his peers. Many material allow room for repetition and exploration to bring perfection.

Children in a free environment help and encourage each other, often coming to the aid of a friend in trouble. They grieve over another friend's problems. The self-discipline of the work creates discipline within the classroom.

Will these students adjust to another environment?

A Montessori environment has lasting effects. The results are a confident, secure child who finds pleasure in learning and in the completion of a task. The exposure to rich academic opportunities leads this child confidently into higher education with high expectations for more challenges to enjoy. Boredom is uncommon in a self-starter who finds joy in a new challenge.

Socrates said, "There is nothing in the mind that is not first in the hands." And it is the touching of these concrete materials that begins the building of the mental processes in your child. Traditional education begins with intellectual development hoping to make the abstract concrete. Montessori education begins with the development and refining of the senses, allowing your child to build this concrete knowledge one step at a time until he is ready and poised to make the great intellectual leap into the abstract. In Montessori education, it is the child's own developmental timetable that causes this explosion of solid (and unprecedented) learning to occur. It is not an artificial timetable based on age or calendar but a continual cultivation and development of the child's growing intellectual power that is being fed day by day in a manner that allows your child to appropriate the practice the tools and skills that will form his intellectual abilities for a lifetime.

Every day your child is absorbing the whole world around him trying to make sense of it, trying to master the parts he can. And it is in his



Montessori classroom that this world is made tangible and accessible. He can't always tell you when he is going to make the discoveries that will propel him on to new and even more exciting discoveries. Instead of being given the answers which he would be expected to put down on paper which could go home, he is given the questions and allowed to discover the answers for himself. This joy of discovery is hard to put on paper.

There are two ways better than paper to know what your child is learning. Ask his teacher. She has the great joy of daily watching the discoveries light up your child's eyes, of watching your child work the challenges of learning and the joy that comes to your child from mastery. She is watching the emergence of your child's personality, watching his character form and his intellect develop. When you are talking with the teacher, listen to the excitement of her voice as she relates your child's progress and read in her eyes the joy she shares in your child's discoveries and accomplishments. This is much better than paperwork.

Second, ask your child. But don't ask him what he learned today. He may not be able to tell you. Ask him what he sees out of the window. He may just read the street signs to you (which isn't bad for a three year old.) Ask him about his friends. Ask him about colors or dinosaurs or cars and then listen. He will tell you all kinds of things. He will use all kinds of words, vocabulary and concepts you didn't even know he knew. And if you keep listening you'll learn not only what he learned but you will set a pattern for conversation and discussion that will take you well beyond the teenage years. This is also much more satisfying and important than paperwork.





**PARENT-SCHOOL AGREEMENT**

1. Children's Montessori Center is currently licensed for children ages 2 through 11 by the Department of Human Resources. All standards as outlined by this department will be followed by school personnel and parents may view current license and inspection reports if desired.
2. The school is licensed for 68 students to be present at any one time. Class size will not exceed 23 students. Additional staffing will provide special programs.
3. All students must be toilet trained. New students will be accepted on a temporary basis pending acceptable adjustment to the free Montessori environment.
4. The school will not refuse enrollment to any child because of race, color or creed.
5. The school is not licensed or staffed to serve children with special medical needs.
6. Each student enrolling in the school must have on file completed medical records with a physician's signature or stamp. A statement must be signed by parent or physician stating that the child is free of communicable diseases and able to participate in school activities. Also, note on the immunization record for (yellow copy) DHR's requirements for DPT and OPV boosters.
7. Classes meet from 8:30 a.m. to 2:00 p.m. Monday through Friday. Afternoon child care is from 2:00 p.m. to 6:00 p.m. Monday through Friday.
8. The school will issue a yearly calendar compatible with Waxahachie Public Schools calendar of school days.
9. The child must be left at the school in the presence of a staff member. Students will be released to parents, legal guardians or others authorized in writing by the parent or guardian.
10. Parents need to notify the school in writing or by phone if the student will not be present in a normally scheduled class period.
11. Any child showing symptoms of illness will not be accepted in the classrooms. If symptoms occur while in school, the child will be isolated and the parents will be notified.
12. Any medication must have doctor's or parents; authorization in writing.
13. All children will be expected to participate in physical activities an outside play in acceptable weather. If a child is to be inactive in these programs, a doctor's request is needed.



14. Any special problems or needs of the child must be noted by the parent on the student record sheet.
  15. A mid-morning and afternoon snack will be served each day. Staff will work with parents on allergies with doctor's recommendations as much possible.
  16. A staff member will be available for conferences with the parents. The director of the school will be available to meet with parents when requested by either parent or staff member.
  17. Discipline will be directed toward removal of the child from activities until the child is ready to conform to the behavior of the group.
  18. If it is agreed by the staff that any child needs special professional or medical help for a problem affecting his behavior at school, this help must be secured by the parents or the child is to be removed from the school.
  19. Parents will be notified of any injuries, communicable diseases or serious health conditions.
  20. Monthly tuition will be due in advance for any time the child is enrolled in the school. This includes all holidays. There will be no refunds or reductions for times a child is absent. No registration fees or tuition fees are refundable. All checks are to be made payable to Children's Montessori Center. Income tax information is furnished if requested.
  21. Children should not bring personal belongings to the school except for clothing and Show and Tell items. The school will not be responsible for items lost or broken.
  22. Parents of all students must read and sign the bottom of their child's enrollment form as acknowledgement that they have read and understand the facility's Policy Manual. This signature also gives consent for the designated student to participate in all field trips and activities scheduled by the school and as stated on the school calendar.
  23. From time to time our facility may have pets on the premise. Some of these pets may include fish, rabbits, goats, ponies, dogs, cats, turtles, etc. All animals that visit our school will be vaccinated and have a well check-up from the veterinarian. Please be aware that the students will NOT handle aquatic pets, such as turtles. There will be times that the children will be able to interact with other pets that are not part of the aquatic family.
- Parents may view a copy of the minimum standards and/or our most recent Licensing inspection report by requesting to do so from the Director or Assistant Director.
  - Parents may contact the local Licensing office or the Texas Department of Protective and Regulatory Services at [www.tdprs.state.tx.us/childcare](http://www.tdprs.state.tx.us/childcare) or at 1-800-862-5252.



## **Operational Policy Amendments September 1, 2016**

### **Required Policies**

The Children's Montessori Center is licensed and regulated by the Texas Department of Family and Protective Services. The following policies are required by Child Care Licensing per The Minimum Standards for Child Care Centers 746.501.

### **Hours of Operation**

Hours of operation are 7:00 a.m.-6:00 p.m. Monday-Friday excluding holidays. Actual class time is 8:30 a.m.-2:30 p.m. We observe the following holidays and will be closed: New Year's Day, Good Friday, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving (and Wednesday before and the Friday after), Christmas Day and Christmas Eve.

### **Meals and Food Service**

Healthy nutritional meals and snacks are served daily to the children. Children's Montessori Center provides a morning snack and an afternoon snack for all children. Lunch is served beginning with the youngest class at 11:30 a.m. School age kids are served snacks as they arrive after school. Menus are available at the beginning of each week.

### **Food Allergies**

Please advise the center of any allergies. If a child has a food allergy, parents are asked to provide a "Food Allergy Emergency Plan" completed by a physician (forms are available in the office).

### **Release of Children**

All children must be signed in and out and must be left with a staff member when brought to the center. In the event that a parent is unable to pick up their child, they may authorize another legal adult to pick up. Children will not be released to a minor. Authorized adults must be listed on the enrollment form to pick up and the authorized adult must bring a picture ID. Children will not be released to adults without a picture ID.

### **Illness and Exclusion Policy**

Children's Montessori Center is designed for well children. Children who are ill should not attend preschool. Children's Montessori Center observes the standards set by the Texas Department of Family and Protective Services for ill children. The most common standards for exclusion are:

1. Illness that prevents the child from participating in child care activities, including outdoor play
2. The illness results in a greater need for care than caregivers can provide without compromising the health, safety, and supervision of the other children
3. Armpit temperature of 100° or higher
4. Symptoms and signs of possible severe illness such as lethargy, abnormal breathing, uncontrollable diarrhea, 2 or more vomiting episodes in 24 hours
5. The child has been diagnosed with a communicable disease

If a child becomes ill while in our care, we will contact the parent immediately. Parents need to pick up children within 1 hour of notification. If a child is sent home sick from our center, they may not return until they are symptom free for 24 hours. If a child is sent home with fever, they may not return until they are fever free for at least 24 hours without the use of acetaminophen or ibuprofen.

### **Medication**

If medications need to be administered at school, the following conditions must be met:

- Prescription medication will be accepted only if it is in the original container labeled with the child's full name for whom it is intended, and hasn't reached its expiration date
- Nonprescription medication may only be administered by following the manufacturer's recommendation on the label or amended in writing by the child's doctor, medication must be in the original container
- Before any prescription or nonprescription medication can be administered, including sunscreen, we must have permission in writing by the child's parent or guardian. Please fill out the medication forms that are located in the front office
- Medication needs to go home after the last date that the medication is administered

Health forms are required to be completed at the time of enrollment showing any allergies, a statement of general health, and a current immunization history. These must be updated and kept current.

### **Health Checks**

Children's Montessori Center will do a visual check of the children upon arrival each morning. If a staff member notices anything unusual they are required to point this out to the parent at that time. If your child has an accident overnight, please notify staff members when dropping off so that we can assist in watching the child for side effects.

**Immunization Requirements**

Immunization records must be current for all children enrolled in the Children's Montessori Center. It is the parent's responsibility to ensure that their child's immunizations are current.

**Tuberculin Testing Requirements**

Based on local health department guidelines, proof of TB testing is not required in order to be enrolled at our center.

**Hearing and Vision Screening**

Hearing and Vision Screening for possible hearing and vision problems is required by the Special Senses and Communication Disorders Act, Texas Health & Safety Code, Chapter 36, for children who are 4 years old. Parents may bring in screening proof from their child's pediatrician.

**Procedures for Handling Emergencies**

In case of minor injury or accident, the staff will administer basic first aid. All injuries or illnesses not requiring immediate parental notification will be documented and reported to parents when the child is picked up at the end of the day.

In case of medical injury or illness requiring immediate professional care (emergency), the staff will call 911. As appropriate, the staff will administer CPR or first aid measures. Parents will be notified immediately. If parents are unavailable, those individuals designated as emergency phone contacts will be notified.

If a child ingests or comes in contact with a poisonous substance the staff will contact the Poison Control Center 1-800-222-1222.

**Parent Notifications**

Children's Montessori Center has several ways of communicating with parents. In some situations, parents maybe asked to sign documents acknowledging that communication has taken place. Listed below are ways that CMC may communicate with parents:

- Written memos and newsletters placed in the child's daily folders
- Verbal communication with the child's teachers and director

**Discipline & Guidance Policy**

Children's Montessori Center staff members use a positive method of discipline and guidance. A few examples are: praise and encouragement of good behavior instead of focusing only upon unacceptable behavior; reminding a child of behavior expectations by using clear, positive statements and redirecting behaviors. CMC staff

will never use corporal punishment or negative discipline that may hurt or humiliate a child. CMC reserves the right to terminate care for a child for discipline problems at anytime.

### **Transportation**

School age children will be transported to and from public school and during the summer on field trips. Proper seat restraints will be provided. Students will wear name tags with the name of the school, phone number and address include. Water activities will be limited to the summer only and only for school age children. CMC does not transport children younger than school age, except in emergency situations. A child will not be taken on field trips unless a parent or guardian has signed permission forms.

### **Field Trips**

School age children (Kindergarten through 5<sup>th</sup> grade) will have weekly field trips during summer break. Transportation for field trips will be by daycare van. Parents will be notified in writing of the summer field trips.

### **Questions or Concerns**

If parents have questions or concerns about our program, we encourage you to have open communication with your child's teacher and the center Director. Through open communication, we can ensure that all parties are well informed and working as partners in the child's education.

### **Parent Participation**

We encourage parent involvement, helping with class parties is a great way to be involved! Also, if you have a concern, please schedule a time to meet with the classroom teacher and/or the director.

### **Minimum Standards for Childcare Centers**

Children's Montessori Center is licensed and regulated by the Texas Department of family and Protective Services and we follow the Texas Minimum Standards for Child Care Centers.

Parents may review a copy of our recent licensing report in our front office. Parents may also review a copy of the Minimum Standards in our front office or view them online at:

[www.dfps.state.tx.us/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/default.asp](http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp)

## **Licensing**

Parents may contact our local child care licensing office at 214-583-4253, DFPS Child Abuse Hotline at 1-800-252-5400, and DFPS website at: [www.dfps.state.tx.us](http://www.dfps.state.tx.us)

## **Gang Free Zone**

Under the Texas Penal Code, any area within 1000 feet of a child care center is a gang-free zone, where criminal offenses related to organized criminal activity are subject to a harsher penalty. Children's Montessori Center is a GANG-FREE ZONE.

## **Emergency Preparedness Plan**

Below is the Emergency Preparedness Plan designed for Children's Montessori Center. Parents are encouraged to read this information carefully. In the event a parent is present in the building during an emergency, CMC will ask parents to participate accordingly.

During any emergency, the best course of action is to BREATHE AND STAY CALM, know how many children you have at all times.

If you have children of your own in the facility, but in another classroom, trust that their teachers will take care of them just as you are taking care of the children in your care.

*In all situations in this Emergency Preparedness Plan, "Director" refers to Judy Fletcher, in the Director's absence, Connie McMillen, Assistant Director or office staff assumes the role of Director and then designates another staff member to assume the responsibilities of the Assistant Director. In all situations in the Emergency Preparedness Plan, the Director, or designated person in charge, will notify Child Care Licensing and/or the Health Department and/or call 911 as each situation dictates. In all situations in the Emergency Preparedness Plan, the Director, or designated person in charge, may delegate any Portion of his/her duties to other staff members or emergency personnel as he/she deems necessary.*

## **Tornado/Bad Weather**

- Stay calm. Watch the kids, not the situation.
- Have the children sit along the walls, as close together as possible and have them duck and cover.
- Stay there until advised that the bad weather has passed.
- It can be helpful to quietly sing songs with the children to help them keep calm.
- The Director in charge will monitor local weather stations and the weather alert radio for updates.

## **Communicable Disease Outbreak**

- All staff members will vigilantly follow policies and procedures regarding toileting, hand washing, food preparation and general common sense measures

such as keeping surfaces clean, changing bedding, teaching children how to cover coughs and sneezes, etc. to prevent the spread of germs that cause illness in the first place.

- In the event of an outbreak, the Director, or person in charge, will notify the Health Department and Child Care Licensing to inform them of the situation and ask for instructions and guidelines to follow for specific illness or outbreak.
- The Director, or person in charge, will inform all staff members of instructions and guidelines and require them to follow the same.
- The Director, or person in charge, will also notify all parents about the situation in writing within 48 hours as required by the Texas Department of Family and Protective Services and Child Care Licensing.
- All staff is to follow the school's confidentiality policies when speaking of the above outbreak. Any violation of the confidentiality policy is grounds for immediate termination.

### **Lock Down**

- The Director, or person in charge, will announce, "Lock Down" or other discrete code and will call 911
- The Director, or designated person, will supervise the front desk at all times during the incident, if possible.
- Upon hearing this, or sooner if you are aware that an intruder has entered the building or immediate vicinity, say calmly to the children a discrete phrase (the children will know what to do because you practice this)
- Close all your classroom doors
- Turn off the lights
- If you have reason to believe that no one else in the center is aware of the danger, and you can safely do so, calmly announce the secret code for "Lock Down"
- Whisper and remind the children that "we are to be very quiet"
- Do a name/face check silently
- Keep the children and yourself safe, in place, and away from all interior and exterior windows
- Watch the children, not the situation!
- If the intruder enters your classroom, do not argue with him
- The Director, or person in charge, will ensure that all building entrances and exits are locked and that no unauthorized individuals leave or enter the building
- Await further instructions from the Director, or person in charge, or emergency personnel.

### **Accident**

- Breathe and stay calm.
- Make sure all children are supervised. If you are alone, tell them to sit down near you.
- Comfort the child by speaking in a low, quiet voice.



- Apply first aid as needed.
- Call the office if you need further assistance and/or the Director or the person in charge to call 911.
- If the child is bleeding profusely, apply pressure to stop the bleeding. In an extreme case, take off the child's shirt and use that.
- If injury is to the head or face, report it to the office immediately - even if it is minor.
- Complete an accident/incident report, have the Director sign it immediately and have the parent sign it when the child is picked up.
- Turn the accident/incident report in to the Director, or person in charge, before you leave on the same day.
- Keep the accident/incident report confidential while in your presence.
- In the event of serious illness or injury involving an adult, contact the office and the Director, or the designated person in charge, will call 911 and/or the person's emergency contact.

### **Explosion, Chemical Spill or Gas Leak**

#### ***That occurs INSIDE the facility***

- See procedures for FIRE and OFF-SITE EVACUATION AND RELOCATION

#### ***That occurs OUTSIDE the facility***

- Close doors and lock if possible.
- Turn off air conditioner/heater.
- Turn off lights, computers, TV, radio, CD player, aquarium pump or anything else that may cause a spark.
- Keep children seated on the floor and calm. Sing quiet songs or read stories.
- Be prepared to evacuate if told to do so by the Director, or person in charge, or emergency personnel.
- If you detect a strong odor, show the children how to lift up and breathe through their shirts.
- If told to evacuate, consider crawling to avoid strong fumes that are floating higher in the air. Ask for clarification, if time.

### **Bomb Threat or Other Threat**

- Write down everything the person says.
- Ask where the bomb is.
- Ask when the bomb (or other threat) will "go off" or "happen".
- Write that down too.
- Notify Director, or person in charge, to call 911 immediately.

### **Off-Site Evacuation and Relocation**

- Your primary responsibility is to keep the children safe.
- Children will be evacuated in case of emergency to Comerica Bank, which is located across the street to their safe room. Comerica Bank is located at 820 Ferris Ave. Waxahachie, TX, # 972-937-7099. The Director is responsible for keeping a charged cell phone with him/her and overseeing and directing the evacuation process. He is the last person to leave the building.
- The Assistant Director is responsible for taking the emergency binder, the first aid kit, emergency medication and a charged cell phone and accompanying the first vehicle to the evacuation site so that he/she can be in charge of the evacuation site.
- The Director and Assistant Director are aware of each cell phone number.
- Evacuation and relocation site for a mandatory evacuation from the city is the McMillen Farm, 1605 E. FM 875 Midlothian, TX. The children and staff will be transported in a 57 passenger bus, provided by Brown St. Church of Christ, to the Midlothian location along with staff members. Our van and SUV will also help in the evacuation process.
- After all children and staff have been relocated to the evacuation site and are safe and have had all needs taken care of, the Director and Assistant Director will designate staff to contact parents and notify them of the situation.
- Staff members will continue to supervise and take care of the children including entertaining them with songs, stories, games, etc. at the evacuation site. Watch the kids, not the situation.
- The Assistant Director will continue to supervise and take care of the needs of the staff.
- The Director will be the contact person for emergency personnel and parents.
- The center's usual verification process for allowing adults to pick up children from the center will be used at the evacuation site.

### **Fire**

- When aware of fire or when alarm sounds, quietly say, "Fire drill boys and girls, line up at the door, please." Your primary responsibility is to get the children safely out of the building. *Do not attempt to put out the fire unless it is between you and a child or preventing exit.*
- Make a quick head count.
- Make sure you have everyone.
- Proceed to the proper fire exit and exterior meeting place as designated on the floor plan in your classroom.
- Do a name/face check once you are outside and check it against your attendance sheet. If anyone is missing, tell the Director, or person in charge, or a fire fighter immediately, but never leave the children unsupervised.
- The children must be safe (out of the way of emergency vehicles and the fire) and supervised at all times. Watch out for anthills, broken glass and other hazards.
- Watch the kids, not the situation.

- The fire department, Director, or person in charge, will tell you when you and the children can re-enter the building or begin off-site evacuation procedures.

### **Management Responsibilities**

- When aware of fire or when alarm sounds, the Director sounds the alarm, if necessary, thus alerting everyone and notifying the fire department.
- He then proceeds to each classroom to ensure that everyone is out of the building.

### **Breastfeeding**

Children's Montessori Center will provide a comfortable place with a seat for mothers to breastfeed their child if they choose to do so. Parents may also provide breast milk for their child to be served while in our care.

### **Child Abuse Reporting Law Requirements**

Children's Montessori Center staff are **REQUIRED** by Texas State law and licensing requirements to report immediately to the police or Child Protective Services (CPS) any instance when there is reason to suspect the occurrence of physical, sexual or emotional child abuse, child neglect or exploitation. Our staff receives annual training on recognizing and preventing abuse and neglect, including sexual abuse. CMC has made a commitment to help increase awareness and prevention techniques to employees and parents through trainings, memos and monthly newsletters. CMC will also coordinate with community organizations on strategies to prevent child abuse.

The staff may not notify parents when the police or CPS is called about possible child abuse, neglect or exploitation, except on the recommendation of CPS or the police when they are called.

Some examples of abuse and neglect are: leaving a child in a vehicle unattended, not securing a child in a seat belt or booster seat, unexplained marks or bruises on opposite sides of the body and child hygiene issues.

If parents feel they need assistance with possible child abuse, neglect or sexual abuse, we encourage you to get help. Please call the National Parent Hotline at 1-855-427-2736 or visit [www.helpandhope.org/find-help.html](http://www.helpandhope.org/find-help.html)

The statewide Abuse & Neglect phone number is 1-800-252-5400, if you would like to report any suspected abuse or neglect.

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-109-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

**Public Hearing** on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for **Family Home** use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)

### APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home use.

### CASE INFORMATION

*Applicant:* LaFonda Gentry

*Property Owner(s):* Byron and LaFonda Gentry

*Site Acreage:* 0.622 acres

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

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

### SUBJECT PROPERTY

*General Location:* 108 Wellington Ct.

*Parcel ID Number(s):* 208441

*Existing Use:* Single Family Residence and Family Home

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-SF3	Windchase Addition Phase V
East	PD-SF3 & MF1	Windchase East Phase I & Shackelford Elem. School
South	PD-SF3	Windchase Addition Phase II
West	PD-SF3	Windchase Addition Phase II

*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 subject property is accessible via Wellington Ct.

***Site Image:*****PLANNING ANALYSIS****Purpose of Request:**

The applicant is requesting approval to allow an existing Family Home use.

**Proposed Use:**

The applicant, LaFonda Gentry, is requesting approval to allow an existing Family Home (LaFonda's Kids). During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

LaFonda's Kids has been operating the at the subject property for 19 years (March 2001). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. LaFonda's Kids is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 7:00am – 5:30pm Monday-Friday.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received two (2) letters of opposition and one (1) letter of support for the proposed Specific Use Permit request.

**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. Operational Plan
2. Property Owner Notification Responses

**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:*

Colby Collins

Senior Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

(13)

Case ZDC 109-2020  
 Responses Received timely Received 200 Notification Area  
 Support 1 Oppose 2

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
200679	CLICK RONALD & JESSICA L	0	LOT 10 BLK B WINDCHASE ADDN PH B	107 YORKSHIRE CT	WAXAHACHIE	TX	75165	107 YORKSHIRE CT WAXAHACHIE TX 75165
200540	KOZLOVSKY CHARLES E & MARGARET M TRUSTEES THE CHARLES KOZLOVSKY & MARGARET M	0.2378	LOT 11 BLK B WINDCHASE ADDN PH B 0.2378 AC	105 YORKSHIRE CT	WAXAHACHIE	TX	75165	105 YORKSHIRE CT WAXAHACHIE TX 75165
200681	BONE CLIFFORD W & PETERSON PAMELA R	0.2475	LOT 12 BLK B WINDCHASE ADDN PH B 0.2475 AC	103 YORKSHIRE CT	WAXAHACHIE	TX	75165	103 YORKSHIRE CT WAXAHACHIE TX 75165
200587	DOUGEN BRIAN DA	0	LOT 8 BLK B WINDCHASE ADDN PH B	109 YORKSHIRE CT	WAXAHACHIE	TX	75165	109 YORKSHIRE CT WAXAHACHIE TX 75165
200548	MARTIN CLARENCE F & PARTHENA A SALINAS	0	LOT 9 BLK B WINDCHASE ADDN PH B	109 YORKSHIRE CT	WAXAHACHIE	TX	75165	109 YORKSHIRE CT WAXAHACHIE TX 75165
200352	ORMES SCOTT M	0.248	18 B WINDCHASE ADDN PH IV 0.248 ACRES	102 WELLINGTON CT	WAXAHACHIE	TX	75165	102 WELLINGTON CT WAXAHACHIE TX 75165
200363	MOJINA MARTIN III & ROBBIE	0.248	18 B WINDCHASE ADDN PH IV LOOKED DATE 0.248 ACRES	104 WELLINGTON CT	WAXAHACHIE	TX	75165	104 WELLINGTON CT WAXAHACHIE TX 75165
200354	SARTX INVESTMENTS LLC WELLINGTON SERIES A	0.23	LOT 17 BLK B WINDCHASE ADDN PH IV 0.23 AC	684 BEERY LN	WAXAHACHIE	TX	75165	108 WELLINGTON CT WAXAHACHIE TX 75165
200441	CE NTRY BYRON D SR & LAFONDA K	0.022	18 B WINDCHASE ADDN PH IV 0.022 ACRES	108 WELLINGTON CT	WAXAHACHIE	TX	75165	108 WELLINGTON CT WAXAHACHIE TX 75165
200442	LLOYD GLENDA	0.7	LOT 18 BLK B WINDCHASE ADDN PH IV 0.7 AC	107 WELLINGTON CT	WAXAHACHIE	TX	75165	107 WELLINGTON CT WAXAHACHIE TX 75165
200444	TE PAVAC GORAN & SEFINA ETAL	0.73	LOT 20 BLK B WINDCHASE ADDN PH IV 0.73 AC	106 WELLINGTON CT	WAXAHACHIE	TX	75165	106 WELLINGTON CT WAXAHACHIE TX 75165
200445	ARENS LISA L	0.248	21 B WINDCHASE ADDN PH IV 0.248 ACRES	103 WELLINGTON CT	WAXAHACHIE	TX	75165	103 WELLINGTON CT WAXAHACHIE TX 75165
220084	CARROLL CHARLES A JR & ROBBIE H	0.187	LOT 1 BLK B WINDCHASE EAST PH I 0.187 AC	3018 CARLTON PKWY	WAXAHACHIE	TX	75165	3018 CARLTON PKWY WAXAHACHIE TX 75165
220049	HEATH NYCKLY	0.208	LOT 20 BLK B WINDCHASE ADDN PH V 0.208 AC	112 MANCHESTER DR	WAXAHACHIE	TX	75165	112 MANCHESTER DR WAXAHACHIE TX 75165
220050	COFFINER GARY L & DEBRA J	0.254	LOT 31 BLK B WINDCHASE ADDN PH V 0.254 AC	114 MANCHESTER DR	WAXAHACHIE	TX	75165	114 MANCHESTER DR WAXAHACHIE TX 75165
220050	RACER DALE	0.208	LOT 27 BLK B WINDCHASE ADDN PH V 0.208 AC	108 MANCHESTER DR	WAXAHACHIE	TX	75165	108 MANCHESTER DR WAXAHACHIE TX 75165
220050	NOKE DAVID W & VERA E	0.208	LOT 28 BLK B WINDCHASE ADDN PH V 0.208 AC	P O BOX 452	WAXAHACHIE	TX	75165	108 MANCHESTER DR WAXAHACHIE TX 75165
220070	AMES TAYLOR B	0.174	LOT 33 BLK B WINDCHASE ADDN PH VI 0.174 AC	3025 CARLTON PKWY	WAXAHACHIE	TX	75165	3025 CARLTON PKWY WAXAHACHIE TX 75165
220071	OLLIS SHAMORA L	0.174	LOT 34 BLK B WINDCHASE ADDN PH VI 0.174 AC	3023 CARLTON PKWY	WAXAHACHIE	TX	75165	3023 CARLTON PKWY WAXAHACHIE TX 75165
220072	WIN BOA BRIDGET & LOIS F	0.184	LOT 35 BLK B WINDCHASE ADDN PH VI 0.184 AC	3021 CARLTON PKWY	WAXAHACHIE	TX	75165	3021 CARLTON PKWY WAXAHACHIE TX 75165
220073	MCGEE PHILLIP D JR	0.19	LOT 36 BLK B WINDCHASE ADDN PH VI 0.19 AC	3019 CARLTON PKWY	WAXAHACHIE	TX	75165	3019 CARLTON PKWY WAXAHACHIE TX 75165
220074	HOPPER WILLIAM J & AMBERLY D	0.186	LOT 37 BLK B WINDCHASE ADDN PH VI 0.186 AC	3017 CARLTON PKWY	WAXAHACHIE	TX	75165	3017 CARLTON PKWY WAXAHACHIE TX 75165
220075	DEWITT JEFFREY L	0.19	LOT 38 BLK B WINDCHASE ADDN PH VI 0.19 AC	3015 CARLTON PKWY	WAXAHACHIE	TX	75165	3015 CARLTON PKWY WAXAHACHIE TX 75165
220076	JONES LAKEITHA A & WILIE P RIMNEY	0.179	LOT 39 BLK B WINDCHASE ADDN PH VI 0.179 AC	3013 CARLTON PKWY	WAXAHACHIE	TX	75165	3013 CARLTON PKWY WAXAHACHIE TX 75165
220077	HINES BRENT S & REONA HINES	0.18	LOT 40 BLK B WINDCHASE ADDN PH VI 0.18 AC	15810 D RD	DCI TA	TX	81418	3011 CARLTON PKWY WAXAHACHIE TX 75165
220080		0						110 MANCHESTER DR WAXAHACHIE TX 75165

(13)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-109-2020

RECEIVED  
9/14/20

◇◇◇◇

TIPTON HUGH D & CYNTHIA L  
106 YORKSHIRE CT  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 29, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 5, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BRYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)

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

Case Number: ZDC-109-2020

City Reference: 200586

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, September 23, 2020 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments: How many children would be permitted?

1. Liability would present a problem. A very young child got out of that same house a while back and spoke no english. She was discovered on Yorkshire alone

  
Signature

9-13-20  
Date

CYNTHIA L. TIPTON  
Printed Name and Title

106 YORKSHIRE CT.  
Address

★  
SEE 2nd. PAGE

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

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



Tipton Hugh & Cynthia L  
 106 Yorkshire Ct.  
 Waxahachie, Texas 75165  
 09/13/2020

Comments - Page 2

City of Waxahachie, TX  
 Notice of Public Hearing  
 Regarding Case Number: ZDC-199-2020

Additional comments as to why we do not want a permit approved for Lafonda's Kids Family Home Daycare to be issued.

2. What department of the City of Waxahachie will oversee that all potentially necessary improvements, safety issues etc. will be implemented to the structure in order that it be deemed acceptable for the care of the children involved?
3. If changes and improvements are required, what will be the time frame for completion?
4. Will the owners be held responsible/liable for all consequences to neighbors and or their property resulting from this daycare?
5. There are too many potential liability concerns. Ex: A child goes on a neighbor's property and is injured. Ex: A child gets out of the home and proceeds through the neighborhood unnoticed by the owners. This very occurrence happened a while back, and was discovered on another street wandering by herself and spoke no English. The police came and resolved the situation.
6. Will they have the necessary number of daycare workers to oversee each child/children.
7. How old will the children be? School age, toddlers, infants?

**There are too many potential variables and possible issues/problems that could arise from having a "business" in a neighborhood (where children are concerned) that is designed for single-family use. Because of the unanticipated problems, crises, concerns, safety issues, noise etc. and because this is a single-family development, we oppose the issuance of a Specific Use Permit (SUP) for Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441).**

Hugh Tipton

Cynthia Tipton

Date: \_\_\_\_\_

(13)

Case Number: ZDC-109-2020

City Reference: 208442

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, September 23, 2020 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

I HAVE LIVED NEXT DOOR TO THE GENTRYS FOR 11 YRS.  
THERE HAS NEVER BEEN ANY PROBLEMS WITH NOISE  
TRAFFIC, ETC  
Glynda Lloyd  
Signature

9/15/20  
Date

MS GLYNDA LLOYD  
Printed Name and Title

107 WELLINGTON CT, WAXAHACHIE  
Address  
75165

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

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

RECEIVED  
9/18/20

(13)

Case Number: ZDC-109-2020

City Reference: 239975

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, September 23, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

RECEIVED  
9/22/20

Tom Newell  
Signature

9-16-20  
Date

TOM NEWELL  
Printed Name and Title

3015 CARLTON PKWY  
Address

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

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

(13)

City of Waxahachie  
Planning & Zoning Department  
401 South Rogers Street  
Waxahachie, TX 75168

August 7, 2020

Dear Sirs,

LaFonda's Kids, operated by Lafonda Gentry, is located at 108 Wellington Ct, Waxahachie, Texas 75165, and is a Texas Licensed Child-Care Home.

Hours of operation is Monday – Friday, 7am – 5:30pm, and has a total capacity of 12 children who range in ages from infant to 12 years of age. All children are provided with a breakfast, lunch, and 2 snacks per day.

This establishment is routinely inspected by The Texas Department of Health and Human Services, and has not been cited for any deficiencies in the past five-year reporting history.

If you have any questions, please contact LaFonda Gentry at (214) 632-7171.

Respectfully,

A handwritten signature in black ink that reads "Lafonda Gentry". The signature is written in a cursive, flowing style.

Lafonda Gentry

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-119-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

**Public Hearing** on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, 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 (ZDC-119-2020)

### APPLICANT REQUEST

The applicant is requesting to amend Ordinance 3061 to allow the addition of townhomes within the proposed residential development.

### CASE INFORMATION

*Applicant:* Todd Wintters, Engineering Concept & Design

*Property Owner(s):* A One Plus Investment Group LLC

*Site Acreage:* 119.683 acres

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

*Requested Zoning:* Planned Development-Single Family-3 and Planned Development Multi-Family-2with Amended Ordinance

### SUBJECT PROPERTY

*General Location:* West of Ovilla Road and 800' South of Highway 287

*Parcel ID Number(s):* 191627

*Existing Use:* Currently Undeveloped

*Development History:* On October 15, 2018, City Council approved Ordinance 3061 to allow a residential development on the subject property.

**Table 1: Adjoining Zoning & Uses**

Directio	Zoning	Current Use
North	C	Undeveloped Land/Exxon Gas Station
East	C & GR	Single Family Residences
South	SF1	Currently Undeveloped
West	SF1	Currently Undeveloped

***Future Land Use Plan:***

Low Density Residential with a portion on the Northern boundary being Highway Commercial

***Comprehensive Plan:***

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.

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

***Thoroughfare Plan:***

The subject property is accessible via FM 664.

***Site Image:***

**PLANNING ANALYSIS****Purpose of Request:**

The applicant is requesting to amend Ordinance 3061 to allow the addition of townhomes within the proposed residential development.

**Staff Analysis:**

Though staff is supportive of a residential development within the proposed Planned Development, staff has concerns regarding the location and aesthetic of the proposed townhomes. Although the applicant intends to meet the masonry requirements per the City of Waxahachie Zoning Ordinance, staff suggests that the applicant revise the design of the proposed townhomes. Due to proposing 96 townhomes within the development, staff believes that the applicant should provide a more diverse look to the façade of the townhomes. Also, due to the proposed location of the townhomes being near the adjacent lake, staff suggests that the applicant reevaluate the location of the proposed townhomes. Due to the aforementioned reasons, staff does not believe the proposed development (as presented) is the best layout for the subject property.

Note: The property owner intends to deed restrict the property so that no single property owner shall own more than 10% of townhome lots within the development.

**Proposed Use:**

On October 15, 2018, City Council approved Ordinance 3061 to allow a residential development on the subject property. The approved exhibit allowed for 265 single family residential lots and 30.084 acres of open space. The applicant is requesting to amend the ordinance to allow 224 single family residential lots, 96 townhome units, and 34.56 acres of open space.

Per the Planned Development, the development will also consist of:

1. Development of a mandatory homeowner's association to assure the proper maintenance of the landscaped and irrigated areas, open space areas, entry features and detention areas, and enforcement of deed restrictions.
2. A minimum of 1,400 linear feet of 8-foot public hike and bike trail along the open space adjacent to the Townhomes that could be extended into future communities.
3. On-site playground equipment within the 4.62 acres of open space dedication to be maintained by the H.O.A.
4. Park Benches, Pet Stations, Playground, Dog Park and Trash receptacles throughout the open space and park areas.
5. All residential lots are within a 5 minute walk of a Park\Open Space.
6. A required ornamental fence with enhanced landscaping will be constructed along the 80' collector roadway where residential lots are adjacent.
7. A masonry wall to be constructed along FM 664 within the 10' landscape easement.
8. The landscaping will meet the City of Waxahachie Zoning Ordinance standards.

**CHANGES FROM THE 10/15/2018 APPROVED ORDINANCE**

- Proposing 96 townhome lots (originally no townhomes proposed)
- Proposing 224 single family lots (Originally 265 single family lots)
- Proposing a maximum overall density of 2.66 units per acre. (Originally 2.20 maximum overall density)
- On-site playground equipment within the 4.62 acres of open space dedication to be maintained by the H.O.A. (Originally 1.79 acres to be maintained by HOA)
- Proposing a lot width of 70ft. (Originally 80ft.)

**SPECIAL EXCEPTION/VARIANCE REQUEST:****Townhome Area****Townhome Lots**

The minimum lot size requirement is 3,630 sq. ft.

- The applicant is proposing a minimum lot size of 2,500 sq. ft.

**Front Yard Setback**

The minimum front yard setback requirement is 15ft.

- The applicant is proposing a front yard setback of 10ft.

**Lot Coverage**

The maximum lot coverage allowed is 50%.

- The applicant is proposing a maximum lot coverage of 70%.

**Single Family Residential (per Single Family-3 standards)****Lot Width**

The minimum lot width requirement is 80ft.

- The applicant is proposing a minimum lot width of 70ft.

**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 Sun and a sign was visibly posted at the property.

**STAFF CONCERNS**

1. **Townhome Design**

Though the applicant intends to meet the masonry requirements per the City of Waxahachie Zoning Ordinance, staff suggests that the applicant revise the design of the proposed townhomes.

2. **Location of Townhomes**

Due to being located near the adjacent lake, staff suggests that the applicant reevaluate the location of the proposed townhomes.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant understands staff's concerns and intends to state their reasoning at the September 29, 2020 Planning and Zoning meeting.



**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 Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

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

☒ Denial

1. Townhome Design

Though the applicant intends to meet the masonry requirements per the City of Waxahachie Zoning Ordinance, staff suggests that the applicant revise the design of the proposed townhomes.

2. Location of Townhomes

Due to being located near the adjacent lake, staff suggests that the applicant reevaluate the location of the proposed townhomes.

☐ Approval, as presented.

☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Ordinance 3061
2. Planned Development Provisions
3. Concept Plan
4. Townhome Rendering

**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:*

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*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

**ORDINANCE NO. 3061**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN AND PLANNED DEVELOPMENT STANDARDS, ON PROPERTY LOCATED WEST OF OVILLA ROAD AND 800' SOUTH OF U.S. HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 119.683 ACRES KNOWN AS PROPERTY ID 191627 IN THE WM C TUNNELL SURVEY, ABSTRACT NO. 1080, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan and Planned Development Standards, has been made in accordance with the zoning ordinances in the City of Waxahachie, said application having been assigned case number PD-18-0110. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF1 to PD-SF3, with Concept Plan and Planned Development Standards; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF1 to PD-SF3, with Concept Plan and Planned Development Standards, in order to facilitate development of the subject property in a manner that allows the development of a single-family residential neighborhood on the following property: Property ID 191627 of the WM C Tunnell Survey, Abstract No. 1080, which Property is shown on Exhibit A, in accordance with the Planned Development Standards attached as Exhibit B, the Conceptual Site Plan attached as Exhibit C, and the Conceptual Landscape Plan attached as Exhibit D.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

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

(15)

**PASSED, APPROVED, AND ADOPTED** on this 15<sup>th</sup> day of October, 2018.



  
MAYOR

ATTEST:

  
Assistant City Secretary



**EXHIBIT A PD-18-0110 Ridge Crossing  
Location Exhibit**

**Legend**



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

**EXHIBIT B**  
**CONCEPT PLAN PROVISIONS**

Purpose and Intent

The purpose and intent of this Planned Development (PD) develop 119.948 acres that is to be known as Ridge Crossing will be developed as a residential development featuring 265 single-family lots and 30.084 acres of open space. Any conditions found within the Single Family Residential-3 (SF3) zoning district 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 as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, convenience, and protecting and preserving places and areas of historical, cultural or architectural importance and significance in the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the over-crowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

PD District Development Standards

***Description of Request***

- A Planned Development on 119.948 acres within the City of Waxahachie.

**Proposed Use of Property**

The proposed zoning classification for the 119.948 acres that is to be known as the Ridge Crossing will be a PD. Except as noted in the following development standards for the project, the base zoning district standards for SF3 shall apply. The proposed land use for Ridge Crossing is a mixed residential use with two (2) single-family zoning classifications, and five (5) common areas totaling 30.08429.326 acres. The residential units a maximum overall density of 2.20 units per acre or approximately 263 residential lots. A minimum lot size is 10,000 square feet in this Planned Development.

**Parks/Community Green District**

The open space development concept of Ridge Crossing is to create a family-oriented community, whether public or private, or Community Green shall be used for recreational use or preservation of open space and shall count toward the required Parkland dedication required herein and offering the following features:

1. Development of a mandatory homeowner's association to assure the proper maintenance of the landscaped and irrigated areas, open space areas, entry features and detention areas, and enforcement of deed restrictions.
2. A minimum of 1,400 linear feet of eight- (8) foot public hike and bike trail along the open space adjacent to the sixty (60) foot collector street that could be extended into future communities.
3. On-site playground equipment within the 1.79 acres of open space dedication to be maintained by the HOA.
4. Park Benches, Pet Stations, Playground, Dog Park and Trash receptacles throughout the open space and park areas.
5. All residential lots are within a five (5) minute walk of a Park\Open Space.
6. A required ornamental fence with enhanced landscaping will be constructed along the eighty (80) foot collector roadway where residential lots are adjacent.

General Development Requirements

The development standards set forth for Ridge Crossing are compatible with the base zoning district standards for SF3. The following development standards shall be applicable within the project:

<b>Requirement</b>	<b>Type A</b>
Minimum lot size	10,000 SF
Minimum lot width	Eighty (80) feet
Minimum lot depth	125 feet (cul-de-sac and elbow lots: 110 feet)
Minimum DUA	2,200 SF
Front yard setback	Twenty-five (25) feet
Rear yard setback	Twenty-five (25) feet
Side yard setback	Seven (7) feet
Maximum lot coverage	Forty-five (45) percent

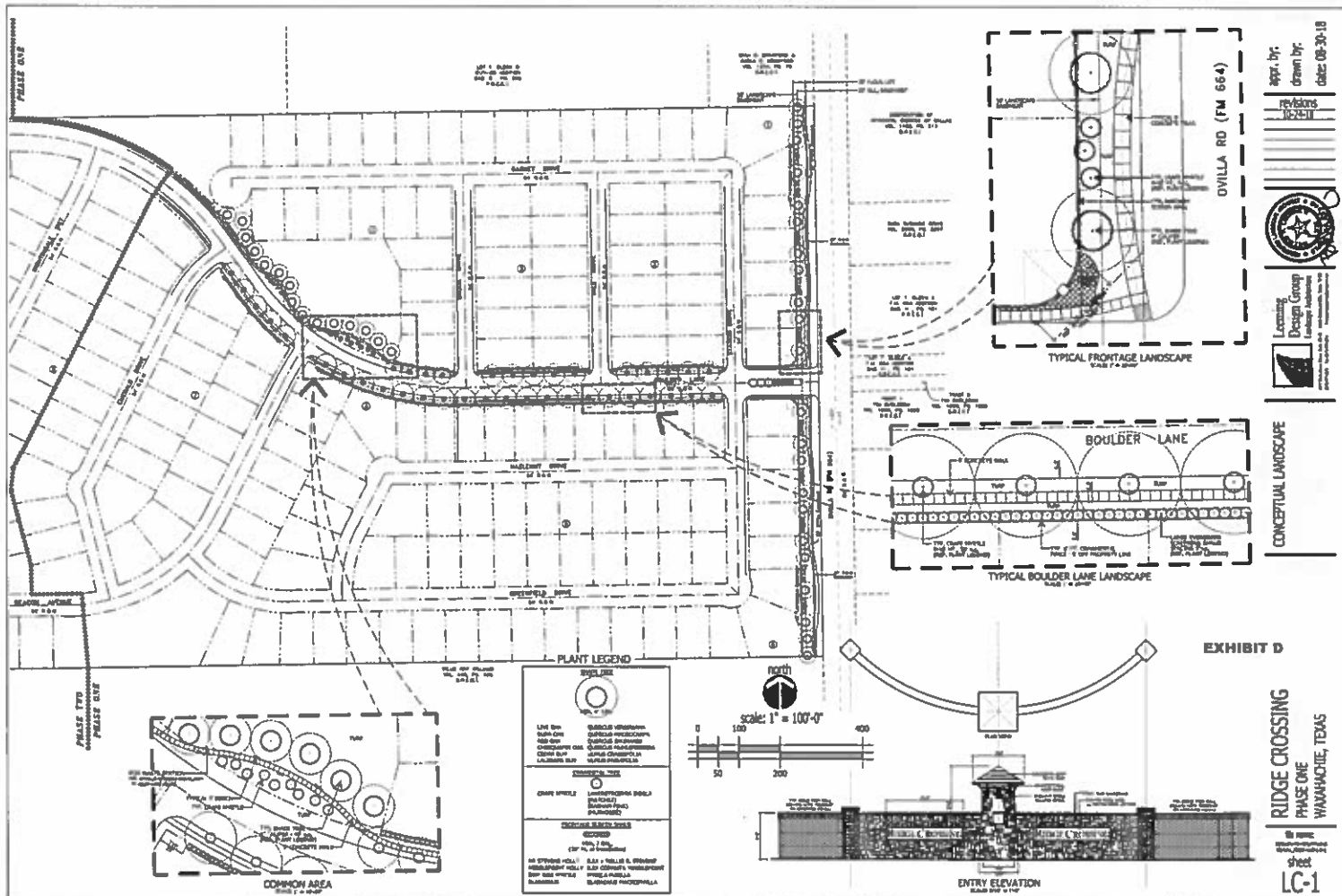
Maximum Residential Density --

2.20 lots per acre









# Planned Development of Ridge Crossing

## Waxahachie, Texas

### PURPOSE AND INTENT

The purpose and intent of this Planned Development (PD) develop 119.948 acres that is to be known as **RIDGE CROSSING** will be developed as a residential development featuring 224 single-family lots(74.331 Acres), 96 Townhome Units(11.057 Acres) and 34.56 acres of open space. Any conditions found within the SINGLE FAMILY-3 ZONING DISTRICT (SF-3) zoning district that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended for the Single Family lots. Any conditions found within the TOWN HOME ZONING DISTRICT (TH) zoning district that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended for the Town Home lots.

### COMPLIANCE WITH THE CITY'S COMPREHENSIVE PLAN

Zoning District (SF-3) is the intended base zoning classification for the Single Family lots and Zoning District(TH) is the intended base zoning classification for the Townhome lots underlying this PD. The (SF-3) and (TH) zoning district as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, convenience, and protecting and preserving places and areas of historical, cultural or architectural importance and significance in the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the over-crowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

### PD DISTRICT DEVELOPMENT STANDARDS

#### DESCRIPTION OF REQUEST

A Planned Development on 119.948 acres within the City of Waxahachie.

#### PROPOSED USE OF PROPERTY

The proposed zoning classification for the 119.948 acres that is to be known as the **Ridge Crossing** will be a PD. Except as noted in the following development standards for the project, the base zoning district standards for SF-3 shall apply. The proposed land use for Ridge Crossing is a residential use with single-family zoning classifications, Townhomes and 6 common areas totaling 34.56 acres. The residential units a maximum overall density of 2.66 units per acre or approximately 224 Single Family residential lots, 96 Townhome Units. An minimum lot size is 10,000 square feet for the Single Family lots and 2,500 square feet for the Townhome Lots in this Planned Development.

#### PARKS/COMMUNITY GREEN DISTRICT

The open space development concept of Ridge Crossing is to create a family-oriented community, whether public or private, or Community Green shall be used for recreational use or preservation of open space and shall count toward the required Parkland dedication required herein and offering the following features:

1. Development of a mandatory homeowner's association to assure the proper maintenance of the landscaped and irrigated areas, open space areas, entry features and detention areas, and enforcement of deed restrictions.
2. A minimum of 1,400 linear feet of 8-foot public hike and bike trail along the open space adjacent to the Townhomes that could be extended into future communities.
3. On-site playground equipment within the 4.62 acres of open space dedication to be maintained by the H.O.A.
4. Park Benches, Pet Stations, Playground, Dog Park and Trash receptacles throughout the open space and park areas.
5. All residential lots are within a 5 minute walk of a Park/Open Space.
6. A required ornamental fence with enhanced landscaping will be constructed along the 80' collector roadway where residential lots are adjacent.
7. A 6' masonry wall to be constructed along FM 664 within the 10' landscape easement.
8. The landscaping will meet the City of Waxahachie Zoning Ordinance standards.

### GENERAL DEVELOPMENT REQUIREMENTS

The development standards set forth for Ridge Crossing are compatible with the base zoning district standards for SF-3 & TH. The following development standards shall be applicable within the project:

#### **PD- REQUIRMENTS**

<b>Standard Requirement</b>	<b>Single Family Lots(74.331 Acres)</b>	<b>Townhome Units(11.057 Acres)</b>
1. Minimum Lot Size --	10,000 square feet	2,500 square feet
2. Minimum Lot Width --	70 feet	28 feet
3. Minimum Lot Depth --	125 feet*	90 feet
4. Minimum Dwelling Unit --	2,200 square feet	1,500 square feet
5. Minimum Front Yard Setback -	25 feet	10 feet
6. Minimum Rear Yard --	25 feet	10 feet
7. Minimum Side Yard --	7 feet	0 feet
8. Maximum Residential Density --	2.66 lots per acre	
9. Maximum Lot Coverage shall be	45%	70%
10. Maximum Height	35 feet	35 feet
11. Parking Requirement	2 Spaces per unit	2 Spaces per unit
12. Exterior Materials	Brick/Stone	Brick/Stone
13. Minimum Percentage of Exterior Materials	90%	90%

\*Cul-de-sac and Elbow lots may have a minimum depth of 110 feet

**EXHIBIT A – Legal Description**

BEING a 119.948 acre tract of land situated in the William C. Tunnell Survey, Abstract 1080, City of Waxahachie, Ellis County, Texas and being all of a called 119.683 acre tract of land described in deed to Shepherd Place Homes, Inc., recorded in Volume 1906, Page 1423, Deed Records, Ellis County, Texas, said 119.948 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at 1/2-inch iron pipe found for the northeast corner of said 119.683 acre tract, said corner being in the west right-of-way line of Farm to Market Road 664, an 80 ft. right-of-way (Ovilla Road);

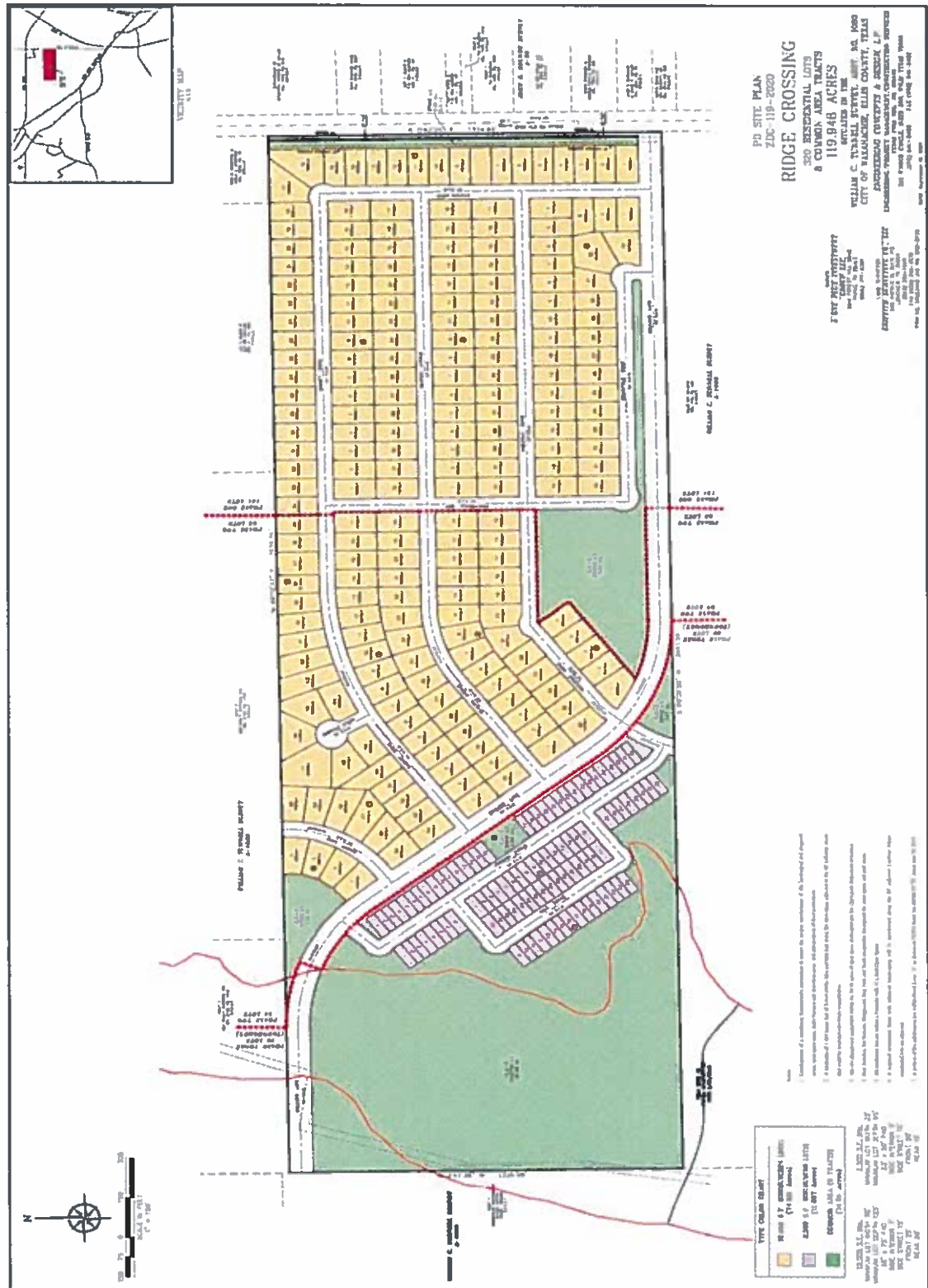
THENCE South 00 degrees 52 minutes 25 seconds East, with the common boundary line of said Ovilla Road and said 119.683 acre tract, a distance of 1324.84 feet to a 1/2-inch iron rod found for the southeast corner of said 119.683 acre tract;

THENCE South 89 degrees 00 minutes 50 seconds West, with the common boundary line of said 119.683 acre tract and a tract of land described in deed to Willie Ray Williams, recorded in Volume 448, Page 426 of said Deed Records, a distance of 3941.59 feet to a 1/2-inch iron rod found for the southwest corner of said 119.683 acre tract, said corner being in the east boundary line of a tract of land described in deed to Waxahachie Independent School District (Tract 1), recorded in Instrument 1509865 of said Deed Records;

THENCE North 00 degrees 47 minutes 38 seconds West, with the common boundary line of said Tract 1 and said 119.683 acre tract, a distance of 1326.98 feet to a 1/2-inch iron rod found for the northwest corner of said 119.683 acre tract and the southwest corner of a called 16.671 acre tract of land (Tract 3) described in deed to B&T Realty Services, Inc., recorded in Volume 2198, Page 1442 of said Deed Records;

THENCE North 89 degrees 02 minutes 42 seconds East, with the common boundary line of said 119.683 acre tract, said 16.671 acre tract, a called 32.681 acre tract of land (Tract 2) described in deed to B&T Realty Services, Inc., recorded in Volume 2198, Page 1442 of said Deed Records, Lot 1, Block B, CLFI -88 Addition, recorded in Cabinet B, Page 596, Plat Records, Ellis County, Texas and a 1.005 acre tract of land described in deed to Stan G. Crawford and Carla D. Crawford, recorded in Volume 1204, Page 76 of said Deed Records, a distance of 3939.74 feet to the POINT OF BEGINNING AND CONTAINING 5,224,940 square feet or 119.948 acres of land.

**EXHIBIT B – Site Plan**







(15)



# Planning & Zoning Department

## Zoning Staff Report

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**Case: ZDC-117-2020**

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### MEETING DATE(S)

*Planning & Zoning Commission:* September 29, 2020

*City Council:* October 5, 2020

### CAPTION

**Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1, Commercial, and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)

### APPLICANT REQUEST

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

### CASE INFORMATION

*Applicant:* Remington Wheat, Bannister Engineering, LLC

*Property Owner(s):* Saldena Properties, LP, DMJ Properties, LTD, and First Citizens Bank

*Site Acreage:* 42.94 acres

*Current Zoning:* Light Industrial-1, Heavy Industrial, and Commercial

*Requested Zoning:* Planned Development-General Retail and Planned Development-Multi Family-2

### SUBJECT PROPERTY

*General Location:* SW corner of Butcher Rd. and U.S. Highway 77

*Parcel ID Number(s):* 189377, 189370, and 239005

*Existing Use:* Currently Undeveloped

*Development History:* N/A



**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	LI1	Life High School
East	C	Exxon Gas Station
South	PD-GR & C	North Grove Business Park
West	HI	ABC Supply Co., Inc.

***Future Land Use Plan:***

Commercial and Heavy Industrial

***Comprehensive Plan:***

Commercial areas are intended for establishments that provide services to customers. Examples include car dealerships, self-storage businesses, and repair shops. Such uses are generally not significant contributors to a municipality's tax revenue, and, by their nature, commercial businesses can detract from positive aesthetics. Primarily for these reasons, commercial uses have generally only been recommended in locations consistent with where such uses currently exist.

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

***Thoroughfare Plan:***

The subject property is accessible via Butcher Rd. and U.S. Highway 77. The subject property will also be accessible via future roadways of Ali Dr., Venture Way, and Dena Dr.

***Site Image:***

**PLANNING ANALYSIS****Purpose of Request:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

**Proposed Use:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres, located along Butcher Rd. and U.S. Highway 77. Proposed uses within the development will include townhomes, retail, commercial, and office.

Note: The proposed Taco Bell and Car Wash (drive-thru uses) for the development shall be allowed by right per the Planned Development. Any other use within the development that proposes a drive-thru shall require a Specific Use Permit. Also, the 2.71 acres reserved for restaurant/retail in the southeast corner of the development shall be reserved for sit down dining only.

**Staff Analysis:**

Staff believes that the proposed development will be beneficial to the uses surrounding the subject property. Due to Victron Park proposing uses such as retail, commercial, office, and townhomes, the development will help compliment the adjacent development, North Grove Business Park, which also consist of similar uses.

If the proposed development is approved, the development will be consistent with the envisioned character for the surrounding area. Furthermore, staff believes the development has the potential to continue to create positive change to the surrounding area.

The Concept Plan depicts a development that includes amenities such as:

- Walking Trail
- Amenity Ponds
  - One pond includes an observation deck behind a restaurant and retail building

**Conformance with the Comprehensive Plan:**

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

**Development Standards:**

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

**Permitted Uses:**

- Townhomes (There are remaining concerns with the appearance or monotony of the continued buildings with non-varying articulation.)
- Office
- Retail
- Car Wash (Typically requires SUP. Permitted by right with the approval of this PD)

**SPECIAL EXCEPTION/VARIANCE REQUEST:****General Retail****Lot Depth**

The minimum lot depth requirement is 100ft.

- The applicant is proposing a minimum lot depth requirement of 90ft.

**Front Yard Setback**

The minimum front yard setback requirement is 40ft.

- The applicant is proposing a minimum front yard setback of 10ft.

**Side Yard Setback**

The minimum side yard setback requirement is 15ft. (20ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 10ft.

**Rear Yard Setback**

The minimum rear yard setback is 20ft. (25ft. adjacent to residential)

- The applicant is proposing a minimum rear yard setback of 15ft. (20ft. adjacent to residential)

**Lot Coverage**

The maximum lot coverage allowed is 40%.

- The applicant is proposing a maximum lot coverage of 50%.

**Alcohol Sales**

Per the Texas Alcoholic Beverage Code (TABC), alcohol sales are not permitted within 300ft. of a church, public or private school, or public hospital.

- The applicant is requesting a variance request to allow for retail/commercial sites within the development to sell alcohol.
  - Note: Per Ordinance 2500, Section 4-3(D) (Alcoholic Beverage Sales) states "The city council may allow variances to the regulation if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community."

**Dumpster location**

Dumpsters are not permitted within a building setback.

- The applicant is requesting two dumpsters to be located within the building setback.

Dumpsters shall not be accessible from a street ROW.

- The applicant is requesting one dumpster with access from a street ROW.

**Townhome Area**

The minimum lot size requirement is 3,630 sq. ft.

- The applicant is proposing a minimum lot size of 2,520 sq. ft.

**Lot Coverage**

The maximum lot coverage allowed is 50%.

- The applicant is proposing a maximum lot coverage of 75%.

**Roof Pitch**

The minimum roof pitch requirement is 7:12

- The applicant is proposing a minimum roof pitch of 6:12.

**Right-of-Way**

The minimum ROW requirement is 54ft.

- The applicant is proposing a 50 ft. ROW for all townhome streets opposed to the required 54 ft. ROW.

**Monument Sign**

The maximum height allowed for a multi-tenant monument sign is 10ft.

- The applicant is proposing a 38ft. multi-tenant monument sign at the corner of Butcher and US 77
  - Note: The development will consist of four monument signs. Three of four signs are proposed to meet the City of Waxahachie Zoning Ordinance.

**STAFF CONCERNS**

1. Townhome

Though the applicant intends to meet the masonry requirements per the City of Waxahachie Zoning Ordinance, staff suggests that the applicant revise the design of the proposed townhomes.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant understands staff's concerns and intends to state their reasoning at the September 29, 2020 Planning and Zoning meeting.

**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 Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
  1. Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.
  2. Staff suggests that the applicant revise the design of the proposed townhomes with additional facades or building elevations.

**ATTACHED EXHIBITS**

1. Planned Development Provisions
2. Concept Plan
3. Townhome Rendering
4. Sign Rendering

**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:*

Colby Collins

Senior Planner

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**VICTRON PARK  
PLANNED DEVELOPMENT – EXHIBIT “B”**

**OVERALL DEVELOPMENT**

1. Amenities The development shall provide ponds with fountains and pedestrian access within the overall development.

**GENERAL RETAIL AREA**

2. The zoning for this 26.509 acre portion of the subject property shall be Planned Development (PD) with a base zoning for General Retail (GR) uses, as per requirements of Section 3.16 of the Zoning Ordinance.
3. The general Retail (GR) Zoning District is intended predominately for general retail, and certain light commercial uses of a service nature which typically have operating characteristics of traffic service requirements generally compatible with typical office, retail, and shopping.
4. Excluded Uses: No permanent use of temporary buildings. Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering station, garage-private, Philanthropic institution (other than listed), Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals
5. Building Height: Maximum 2-stories.
6. Lot Size: Minimum Lot area of 7,000 square feet.
7. Lot Width: Minimum Lot width of 60 feet.
8. Lot Depth: Minimum depth of 90 feet.
9. Front Yard: Minimum front yard of 10 feet.
10. Side Yard: Minimum side yard of 10 feet.

11. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
12. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
13. Lot Coverage: Maximum Lot coverage of 50%.
14. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
15. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
16. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.
17. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from view of the public right-of-way adjacent to residential and/or retails areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.
18. Variance Request for commercial pad sites along Butcher Road to be permitted for alcohol sales.
19. Variance Request for two dumpsters located within the building setback.

### TOWNHOME AREA

1. The zoning for this 15.149 acre portion of the subject property shall be Planned Development (PD) for a Multifamily Town Home use, with a Development Plan.
2. Excluded Uses: Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering

station, garage-private, Assisted living facility, Philanthropic institution, Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals

3. Thirty six (36) total residential buildings: ~~Thirty five~~ (35) buildings are proposed with four units and one (1) buildings are proposed with three units.
4. The development shall provide 143 single family attached residential units. All of the units (or 100 percent) will feature front-entry garages.
5. Lot Size
  - a. The minimum lot size is 2,520 square feet.
6. Lot Coverage
  - a. The maximum lot coverage shall be 75 percent.
7. Perimeter Streetscape
  - a. The perimeter screening wall and landscaping for the entire subdivision shall be completed before any residential building permits are issued.
  - b. Entry features shall be included with the installation of masonry entry signs with landscaping along Dena Drive, as shown on the landscape plan.
8. Interior Streetscape
  - a. A landscaped buffer area at least five feet wide shall be provided between the sidewalk and the back of curb.
  - b. Ornamental streetlights shall be used.
9. Landscape and Open Space
  - a. Each residential lot shall have one (1) shade tree in the front yard.
  - b. Open space or "X" lots shall be landscaped to include the following elements; shade trees or ornamental trees, pedestrian access and park benches. Additional items may include landscape planting beds, decorative lighting, water fountains, gazebo or outdoor arbor structure with seating, outdoor community gathering spaces and passive play areas.



- c. A masonry entry feature with planter beds including shrubs and ground cover beds shall be provided at the corners of the main entrance at Dena Drive.
- 10. Masonry requirements: All Townhome portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.
- 11. Fencing
  - a. A minimum six-foot tall masonry screening fence shall be installed along the south, west and north boundary of the townhome development area.
- 12. Building Design
  - a. Cementitious fiberboard will be limited to exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.
  - b. Homes shall have a minimum of 6:12 roof pitch.
- 13. Parking Requirements  
2 spaces behind front building line, with minimum 1 space enclosed as established per Section 4.03 of the Zoning Ordinance.
- 14. Additional Features
  - a. Minimum street-front setback along an arterial or collector shall be 20 feet.
  - b. Minimum interior setback adjacent to single family (side and/or rear) shall be 5 feet.
  - c. After at least every 30 feet of frontage, all facades shall incorporate wall offsets that have a differential in horizontal plan of at least one foot.
  - d. The development shall provide a playscape and dog park.
- 15. Use and development of the property must comply with the attached development plan.
- 16. Variance Request for a 50-foot right-of-way in lieu of a 54-foot right-of-way.

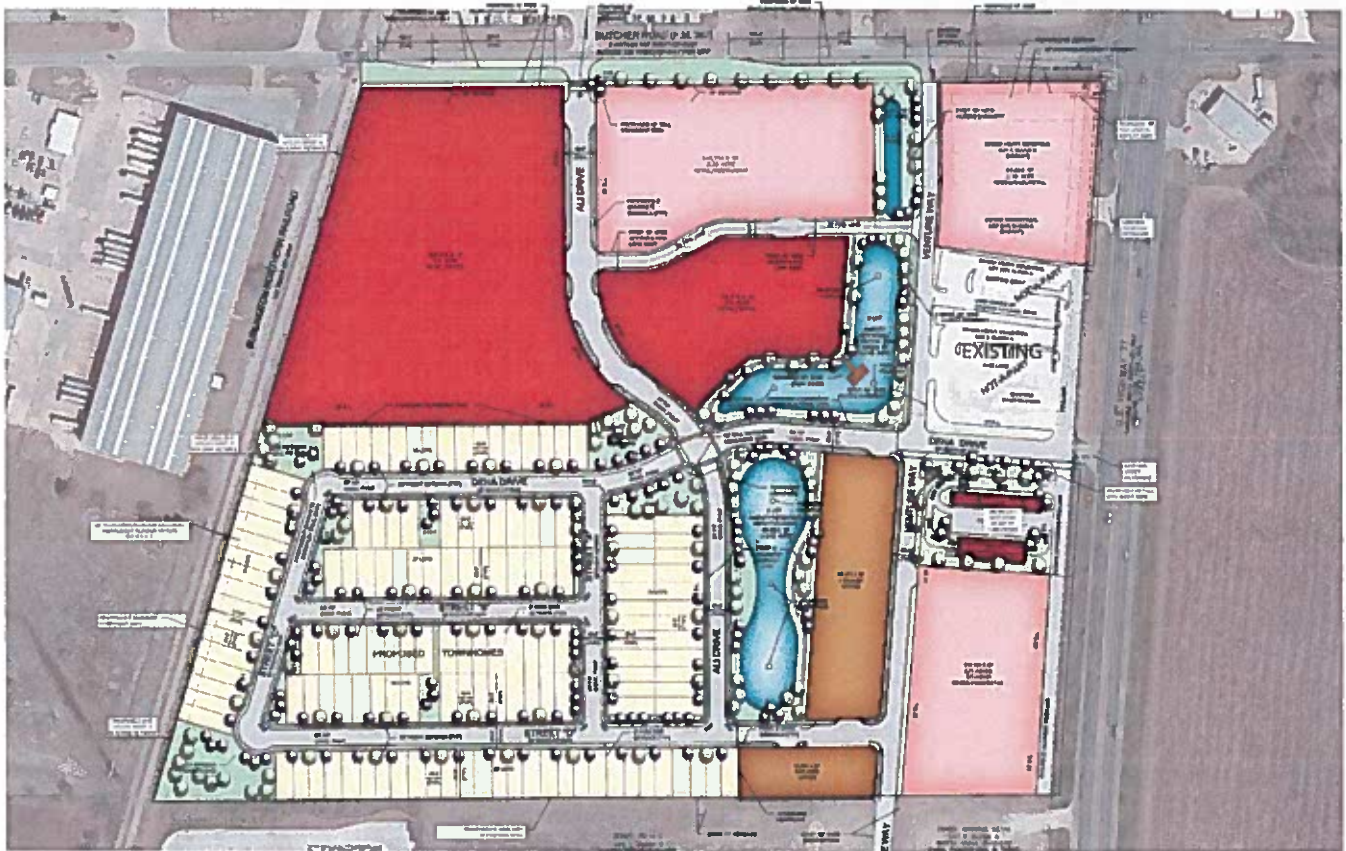
17. HOA shall maintain open space lots.

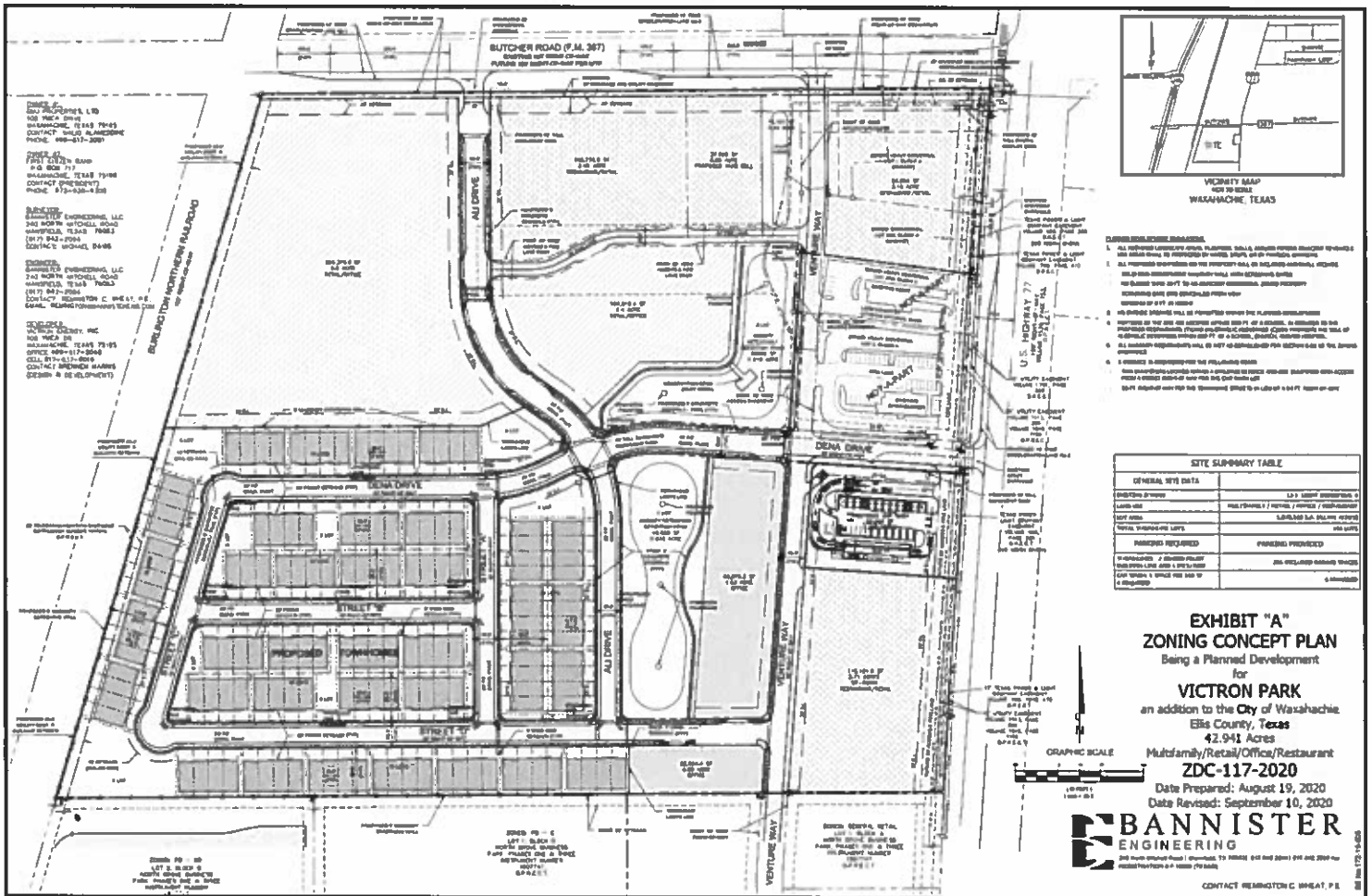
### **CAR WASH SITE**

1. The zoning for this 1.282 acre portion of the subject property shall be Planned Development (PD) for a Car Wash use, with a Development Plan.
2. Building Height: Maximum 2-stories.
3. Lot Size: Minimum Lot area of 7,000 square feet.
4. Lot Width: Minimum Lot width of 60 feet.
5. Lot Depth: Minimum depth of 90 feet.
6. Front Yard: Minimum front yard of 10 feet.
7. Side Yard: Minimum side yard of 10 feet.
8. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
9. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
10. Lot Coverage: Maximum Lot coverage of 50%.
11. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
12. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
13. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.
14. In the event of a conflict between the provisions in the Exhibit B and any other exhibits to this ordinance the provisions of Exhibit B control.
15. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from

view of the public right-of-way adjacent to residential and/or retail areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.

16. Variance Request one dumpster with access from a street right-of-way.



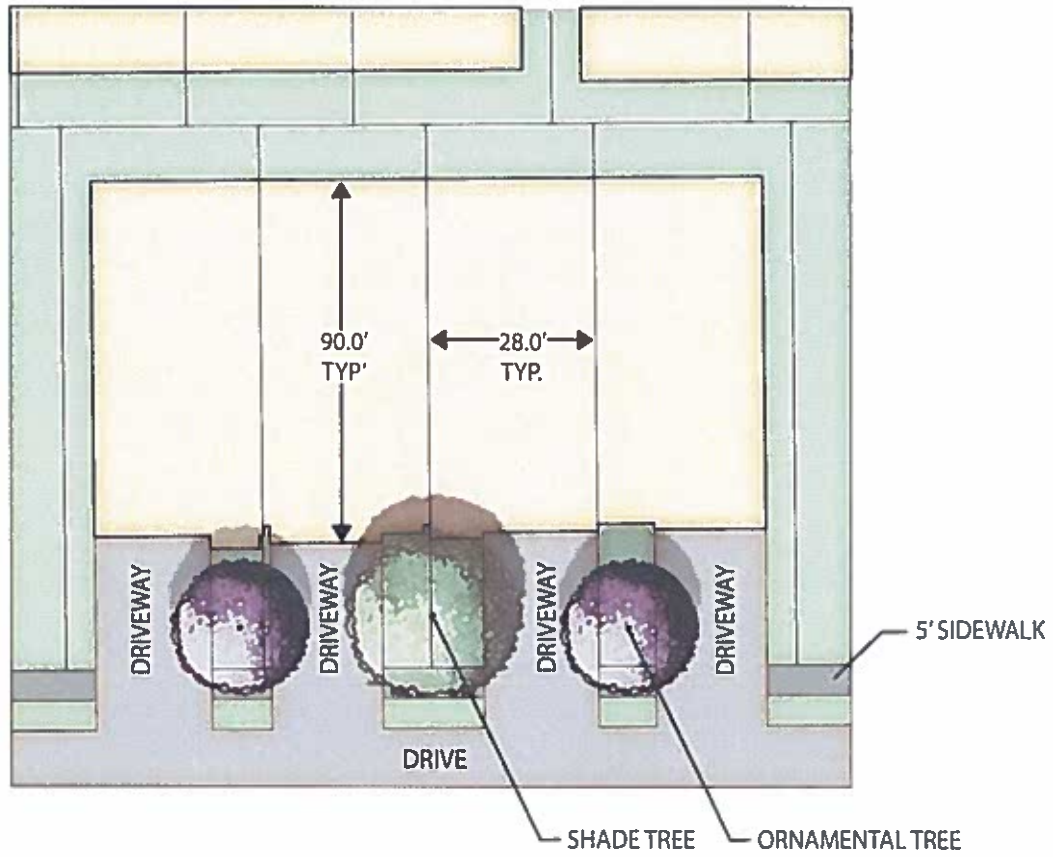


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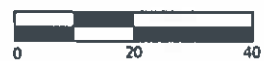




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ZDC-117-2020



DATE 09/23/2020  
PROJECT # 172-19-005

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