

# *A G E N D A*

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, November 9, 2021 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 October 26, 2021
  - b. Minutes of the Planning & Zoning Commission briefing of October 26, 2021
  - c. Minutes of the Planning & Zoning Work Session of October 26, 2021
5. ***Continue Public Hearing*** on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)
6. ***Consider*** recommendation of Zoning Change No. ZDC-134-2021
7. ***Continue Public Hearing*** on a request by Josh Dunlap, for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 (PD-MF-2) zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
8. ***Consider*** recommendation of Zoning Change No. ZDC-105-2021

9. **Continue Public Hearing** on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)
10. **Consider** recommendation of Zoning Change No. ZDC-155-2021
11. **Public Hearing** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)
12. **Consider** recommendation of Zoning Change No. ZDC-162-2021
13. **Consider** request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021)
14. **Public Hearing** on a request by Iris Rodgers, Rogers Companies, LLC, for a Replat of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS DOMINIQUE RICHARDSON (SUB-101-2021)
15. **Consider** approval of SUB-101-2021
16. **Public Hearing** on a request by Mark and Raquel Gundert, for a Replat of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres (Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021)
17. **Consider** approval of SUB-158-2021
18. **Public Hearing** on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021)
19. **Consider** approval of SUB-159-2021
20. **Consider** request by Todd Wintters, Engineering Concepts & Design LP, for a Plat of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510)– Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021)
21. **Consider** request by Miguel E Juraidini Zorrilla, for a Plat of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021)

22. **Public Hearing** on a request by Tarayn Dickerson, for a Specific Use Permit (SUP) for an Accessory Dwelling use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)
23. **Consider** recommendation of Zoning Change No. ZDC-157-2021
24. **Continue Public Hearing** on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)
25. **Consider** recommendation of Zoning Change No. ZDC-122-2021
26. **Public Hearing** on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)
27. **Consider** recommendation of Zoning Change No. ZDC-164-2021
28. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Planned Development (PD) for an Electronic Message Sign use within a Single Family-2 (SF-2) zoning district located at 505 W Marvin Ave (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-161-2021)
29. **Consider** recommendation of Zoning Change No. ZDC-161-2021
30. **Continue Public Hearing** on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)
31. **Consider** recommendation of Zoning Change No. ZDC-150-2021
32. **Continue Public Hearing** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
33. **Consider** recommendation of Zoning Change No. ZDC-146-2021
34. 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) 309-4006 or (TDD) 1-800-RELAY TX.

***Notice of Potential Quorum***

***One or more members of the Waxahachie City Council may be present at this meeting.***

***No action will be taken by the City Council at this meeting.***

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 26, 2021 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, Executive Director of Development Services  
Colby Collins, Planning Manager  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, 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 October 12, 2021
- b. Minutes of the Planning and Zoning Commission briefing of October 12, 2021

**Action:**

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

5. **Continue Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021)**

Chairman Keeler announced the applicant requested to withdraw ZDC-116-2021.

6. **Consider recommendation of Zoning Change No. ZDC-116-2021**

(4a)

No action taken.

- 7. Continue Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-134-2021 to the November 9, 2021 Planning and Zoning Commission meeting.

- 8. Consider recommendation of Zoning Change No. ZDC-134-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

- 9. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the November 9, 2021 Planning and Zoning Commission meeting.

- 10. Consider recommendation of Zoning Change No. ZDC-146-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

- 11. Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)**

Chairman Keeler opened the Public Hearing and announced the applicant requested to continue ZDC-155-2021 to the November 9, 2021 Planning and Zoning Commission meeting.

- 12. Consider recommendation of Zoning Change No. ZDC-155-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Zoning Change from a Single Family-1 (SF1) zoning to Planned Development-Light Industrial-1 (PD-LI-1) for an Industrial Complex (Manufacturing/Distribution) use located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

- 13. Public Hearing on a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021)**

Chairman Keeler opened the Public Hearing.

Planner Zack King presented the case noting the applicant is requesting to replat the property into two (2) lots for single-family residential use. He explained the applicant is requesting a petition of relief waiver from the right-of-way dedication of an additional 25'. Staff believes a 10' right-of-way dedication for this property is sufficient and staff recommended approval as presented and approval of the petition of relief waiver.

There being no others to speak for or against SUB-79-2021, Chairman Keeler closed the Public Hearing.

- 14. Consider approval of SUB-79-2021**

**Action:**

*Mr. David Hudgins moved to approve a request by Andria Moore, In York Industries, LLC for a Replat of the Harriet I. Nowlin Addition, to create two (2) residential lots, being 0.325 acres shown as, Lot 3, Block 14, Harriet I. Nowlin Addition (Property ID 175062) – Owner: In York Industries, LLC (SUB-79-2021) and approval of petition of relief waiver. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 15. Public Hearing on a request by Robert Morgan, Robert Morgan Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-3 zoning district located at 1150 Dunaway St (Property ID 276925) - Owner: MORGAN ROBERT C & JENNIFER MORGAN (ZDC-152-2021)**

Chairman Keeler opened the Public Hearing.

Mr. King presented the case noting the applicant is requesting approval to construct a 1,589 sq. ft. accessory structure, to be used as a garage, personal office, and storage space. Staff recommended approval per the following staff 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 accessory structure shall not be used as a dwelling unit.

3. The structure shall in any case not be leased or sold separately and shall not be separately metered.

Mr. King explained the existing home on the property received a variance allowing for the driveway to be constructed out of asphalt due to the unique configuration of the site. Due to this, staff has only requested the immediate approach to the accessory structure be concrete and the applicant has agreed.

There being no others to speak for or against ZDC-152-2021, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-152-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Robert Morgan, Robert Morgan Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-3 zoning district located at 1150 Dunaway St (Property ID 276925) - Owner: MORGAN ROBERT C & JENNIFER MORGAN (ZDC-152-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.*

- 17. Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)**

Chairman Keeler opened the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision. Mr. Collins reviewed staff's concern with the elevation/façade of the building noting staff suggests incorporating more faux windows as well as another façade material, such as stone, along the east elevation.

The Planning & Zoning Commission expressed concerns with screening the outside storage of vehicles and the building façade appearance. Commissioner Erik Test suggested the applicant review Caliber Collision buildings in other locations.

Sidney Stratton, 12225 Greenville Avenue, Dallas, Texas, offered to work with staff on improving the masonry noting the vehicles will be secured by a gate and mostly screened with trees. Ms. Stratton stated they are open to addressing the Commission's concerns with the elevation and façade and a masonry screening wall.

Joe Dell, Cross Development, noted he is willing to work with city staff on a masonry wall for screening and inquired if that could be a condition of the approval.

Chairman Keeler noted the Commission would like to see the revised plan before approval.

(4a)

It was the consensus from the applicant to continue ZDC-150-2021 to the November 9, 2021 Planning and Zoning Commission meeting.

There being no others to speak for or against ZDC-150-2021, Chairman Keeler closed the Public Hearing.

**18. Consider recommendation of Zoning Change No. ZDC-150-2021**

**Action:**

*Mr. Erik Test moved to continue the Public Hearing on a request by Sidney Stratton, Manhard Consulting, for a Specific Use Permit (SUP) for an Auto Repair, Major (Caliber Collision) use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021) to the November 9, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

**19. Adjourn**

There being no further business, the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, October 26, 2021 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

- Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test
- Member Absent: Betty Square Coleman
- Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Zack King, Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

**1. Call to Order**

Chairman Rick Keeler called the meeting to order.

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

Planning Manager Colby Collins reviewed the following cases:

- ZDC-116-2021, applicant withdrew the case.
- ZDC-134-2021, applicant requested to continue this case to the November 9, 2021 Planning and Zoning Commission Meeting.
- ZDC-146-2021, applicant requested to continue this case to the November 9, 2021 Planning and Zoning Commission Meeting.
- ZDC-155-2021, applicant requested to continue this case to the November 9, 2021 Planning and Zoning Commission Meeting.
- ZDC-150-2021, applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision and noted staff recommends approval per staff comments.

The Commission expressed concerns with building façade and view of the outside storage of vehicles.

Planner Zack King reviewed the following cases:

- SUB-79-2021, applicant is requesting to replat the subject property into two (2) lots for single-family residential use. He explained the applicant is requesting a petition of relief waiver from the right-of-way dedication request of an additional 25'. Staff recommends

(4b)

Planning and Zoning Commission

October 26, 2021

Page 2

approval as presented and approval of the petition of relief waiver noting the 10' right-of-way dedication for this property is sufficient.

- ZDC-152-2021, applicant is requesting approval to construct a 1,589 sq. ft. accessory structure to be used as a garage, personal office, and storage space. Staff recommends approval per staff comments.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(40)

Planning and Zoning Commission  
October 26, 2021

A Work Session of the Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Tuesday, October 26, 2021 at 5:30 p.m.

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

Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

**1. Call to Order**

Chairman Rick Keeler called the meeting to order.

**2. Discuss Wynne Jackson Industrial Complex**

Planning Manager Colby Collins thanked everyone for their attendance and introduced Michael Jackson, Vice President at Wynne Jackson.

Mr. Jackson reported his company has a 40-year history of investments and primarily focuses in Texas for residential development, industrial land development, student/multi housing, and mixed-use development. He explained they are proposing to rezone approximately 353 acres, west of IH35, between Patrick and Solon Road, from Single-Family-1 to Planned Development-Industrial for a proposed Industrial Park. He reviewed the concept plan and summary of the proposed zoning:

- Change from residential to industrial
- City obtains Right-of-Way for Marshall Road
- Enhanced landscaping and screening adjacent to Settler’s Glen and Owens Corning
- 100’ landscape buffer adjacent to Settler’s Glen
- 8’ trail system along Patrick Road
- 6’ iron fence along Patrick Road and Marshall Road
- Exterior façade facing or visible from street 80% masonry
- Construct Marshall Road with development
- Limitation to amount of distribution
  - Limited to 33% for general warehouse distribution use during 1<sup>st</sup> 5 years
  - Limited to 66% for general warehouse distribution use after 5 years.

Shon Brooks, Executive Director of Development Services, explained staff is supportive of the proposal due to the need for an industrial base and balanced economy. He noted the applicant has

(4C)

Planning and Zoning Commission

October 26, 2021

Page 2

been willing to add landscaping and buffers to the current residential area and the development will open transportation options for those in the area.

Deputy City Manager Albert Lawrence explained the current trend for Waxahachie is more dense residential housing which would impact more traffic.

The Planning & Zoning Commission discussed reviewing more details of the proposed development including uses, building designs, site restrictions, and traffic impact to Patrick Road.

Mr. Jackson explained the developer wants to meet city standards but allow flexibility for the future end users.

Mike Hawkins, 208 Colter Drive, Waxahachie, Texas, expressed concerns about noise, large truck traffic, and asked if trucks can be restricted on Patrick Road.

Mr. Jackson explained the additional access to I35 should alleviate truck traffic and noted he supports the continued restriction of large trucks on Patrick Road.

Other audience members expressed concerns with exiting Patrick Road to Highway 287 Service Road, height restrictions for the industrial buildings, and the residential neighborhood being surrounded by industrial.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5 + 6)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager   
Date: November 1, 2021  
Re: ZDC-134-2021 – 800 Sycamore – Accessory Dwelling

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On November 1, 2021, the applicant requested to withdraw case no. ZDC-134-2021 from the November 9, 2021 Planning and Zoning Commission agenda and the November 15, 2021 City Council meeting agenda.

(7+8)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager *[Signature]*  
Date: November 1, 2021  
Re: ZDC-105-2021 – Gibson Crossing

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On November 1, 2021, the applicant requested to continue case number ZDC-105-2021 from the November 9, 2021 Planning and Zoning Commission meeting agenda and the November 15, 2021 City Council meeting agenda to the December 14, 2021 Planning and Zoning Commission meeting agenda, and the December 20, 2021 City Council meeting agenda.

(9+10)



## Memorandum

**To:** Honorable Mayor and City Council  
**From:** Shon Brooks, Executive Director of Development Services  
**Thru:** Michael Scott, City Manager *[Signature]*  
**Date:** November 3, 2021  
**Re:** ZDC-155-2021 – Wynne Jackson Industrial Development

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On November 3, 2021, the applicant requested to continue case number ZDC-155-2021 from the November 9, 2021 Planning and Zoning Commission agenda and the November 15, 2021 City Council meeting agenda, and be placed on the December 14, 2021 Planning and Zoning Commission agenda and the December 20, 2021 City Council Agenda.

(11+12)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager *[Signature]*  
Date: November 1, 2021  
Re: ZDC-162-2021 – The Oaks at Twin Creeks

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On November 1, 2021, the applicant requested to continue case number ZDC-162-2021 from the November 9, 2021 Planning and Zoning Commission meeting agenda and the November 15, 2021 City Council meeting agenda to the December 14, 2021 Planning and Zoning Commission meeting agenda, and the December 20, 2021 City Council meeting agenda.

(13)

**Planning & Zoning Department**  
**Plat Staff Report**

**Case: SUB-99-2021**



**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021

**CAPTION**

**Consider** request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Plat** of Wolverton Addition, Lot 1, Block A, 1 commercial lot, being 0.495 acres situated in the J. Prince Survey, Abstract 844 (Property ID 189258) – Owner: WOLVERTON T & K INVESTMENTS (SUB-99-2021)

**APPLICANT REQUEST**

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

**CASE INFORMATION**

*Applicant:* Tim Jackson, Texas Reality Capture and Surveying LLC

*Property Owner(s):* Keith Wolverton, Wolverton T & K Investments

*Site Acreage:* 0.495 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash-in-lieu for park land dedication is \$600.00 (1 non-residential lot at \$600.00 per acre with a minimum rate of \$600.00).

*Adequate Public Facilities:* Adequate Public Facilities are available to the site.

**SUBJECT PROPERTY**

*General Location:* North of the intersection of Solon Road and Solon Place Way

*Parcel ID Number(s):* 189258

*Current Zoning:* Planned Development-4-Commercial (PD-4-C)

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

*Platting History:* The subject property is part of the J. Prince Survey, Abstract 844

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into one (1) lot for commercial use. At the time of this report, no specific use for the site has been identified for staff. All setbacks presented with this plat adhere to the zoning established by the PD-4-C zoning ordinance. The applicant is providing a 20' Right-of-Way (ROW) dedication along Solon Road and Solon Place Way, in conformance with the City of Waxahachie Thoroughfare Plan.

**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. Plat

**APPLICANT REQUIREMENTS**

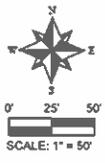
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied,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

**STAFF CONTACT INFORMATION**

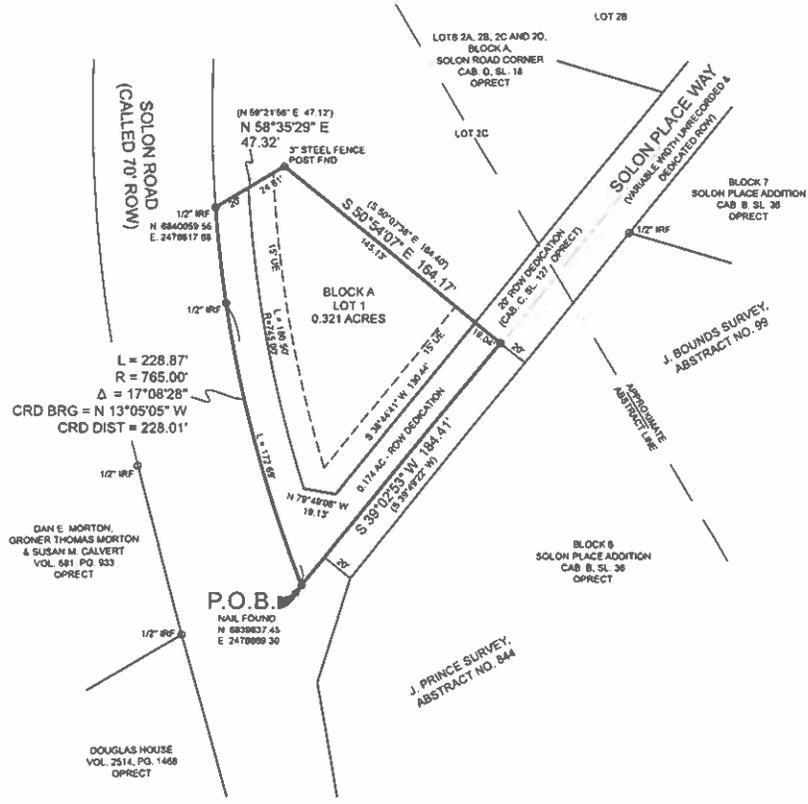
Prepared by:  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

Reviewed by:  
 Shon Brooks, AICP  
 Executive Director of Development Services  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(13)



VICINITY MAP NOT TO SCALE



NOTES:  
BL = BUILDING LINE  
DUE = DRAINAGE AND UTILITY EASEMENT  
CRS = 50' IRON ROD WITH CAP STAMPED "TXRCS" SET  
IRF = IRON ROD FOUND

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

ALL LOT CORNERS ARE MONUMENTED WITH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" UNLESS OTHERWISE NOTED HEREON

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48129C0190F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE OF TEXAS §  
COUNTY OF ELLIS §

OWNER'S CERTIFICATE

WHEREAS, T&K WOLVERTON INVESTMENTS, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE J.L. PRINCE SURVEY, ABSTRACT NO. 844, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THOSE TRACT OF LAND DESCRIBED IN DEED TO T&K WOLVERTON INVESTMENTS, RECORDED IN VOLUME 1705, PAGE 428 AND VOLUME 2221, PAGE 1201, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREINAFTER REFERRED TO AS SAID WOLVERTON TRACT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL FOUND FOR THE SOUTH CORNER OF SAID WOLVERTON TRACT AND AT THE INTERSECTION OF THE APPROXIMATE CENTERLINE OF SOLON PLACE WAY (A VARIABLE WIDTH UNRECORDED AND DEDICATED RIGHT-OF-WAY (ROW)) AND THE EAST ROW LINE OF SOLON ROAD (A CALLED 70' ROW), AND BEING THE BEING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 765.00 FEET, A CHORD BEARING OF N 13°05'05" W, AND A CHORD LENGTH OF 228.01 FEET.

THENCE ALONG THE WEST LINE OF SAID WOLVERTON TRACT AND THE COMMON EAST ROW LINE OF SAID SOLON ROAD, AND WITH SAID NON-TANGENT CURVE TO THE RIGHT, PASSING A 1/2" IRON ROD FOUND AT AN ARC LENGTH OF 172.99 FEET, BY ALL A TOTAL ARC LENGTH OF 228.87 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID WOLVERTON TRACT AND THE COMMON SOUTHWEST CORNER OF LOT 2C, BLOCK A, SOLON ROAD CORNER, AN ADDITION TO THE CITY OF WAXAHACHIE, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET D, SLIDE 18, OPRECT.

THENCE N 58°35'29" E, ALONG A NORTH LINE OF SAID WOLVERTON TRACT AND A COMMON SOUTH LINE OF SAID LOT 2C, A DISTANCE OF 47.32 FEET TO A 3" STEEL FENCE POST FOUND FOR THE NORTH CORNER OF SAID WOLVERTON TRACT AND A COMMON INTERIOR ELL CORNER OF SAID LOT 2C.

THENCE S 59°54'07" E, ALONG A NORTH LINE OF SAID WOLVERTON TRACT AND A COMMON SOUTH LINE OF SAID LOT 2C, A DISTANCE OF 184.17 FEET TO A POINT FOR CORNER IN THE APPROXIMATE CENTER LINE OF SAID SOLON PLACE WAY, SAME BEING THE NORTHEAST CORNER OF SAID WOLVERTON TRACT.

THENCE S 39°02'53" W, ALONG THE EAST LINE OF SAID WOLVERTON TRACT AND THE APPROXIMATE CENTERLINE OF SAID SOLON PLACE WAY, A DISTANCE OF 184.41 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.495 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, I KNOW ALL MEN BY THESE PRESENTS

THAT, T&K WOLVERTON INVESTMENTS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS WOLVERTON ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER. FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY

BY \_\_\_\_\_ CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

KEITH WOLVERTON  
T&K WOLVERTON INVESTMENTS

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ELLIS:

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

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

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

TIMOTHY L. JACKSON  
REGISTRATION NUMBER 5644

OWNER  
T&K WOLVERTON INVESTMENTS  
704 RICHMOND ROAD  
WAXAHACHIE, TX 75185  
972.938.1750

PLAT  
**WOLVERTON ADDITION**

0.495 ACRES  
SHOWN IN THE  
J. PRINCE SURVEY, ABSTRACT NO. 844  
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS  
1 COMMERCIAL LOT  
ZONED: PD-C  
CASE NO. SUB-99-2021

SURVEYOR  
TEXAS REALTY CAPTURE & SURVEYING, L.L.C.  
P.O. BOX 262  
WAXAHACHIE, TEXAS 75188  
409.516.0336  
TBPLS FIRM NO. 10194250

JOB NO 1884A

JUNE 2021

PAGE 1 OF 1

(14)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-101-2021



### MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

### CAPTION

**Public Hearing** request by Iris Rodgers, Rogers Companies, LLC, for a **Replat** of Lots 2, 3, and 4, Voorheis Addition, to create Lots 1-9, Block A, Voorheis Addition, 9 Residential Lots, being 15.295 acres (Property ID 283855, 283857 & 189417) – Owner: IRIS RODGERS, BRETT RODGERS, DOMINIQUE RICHARDSON (SUB-101-2021)

### APPLICANT REQUEST

The applicant is requesting to replat the subject property from portions of 4 lots into 9 lots for single family residential use.

### CASE INFORMATION

**Applicant:** Iris Rodgers

**Property Owner(s):** Iris Rodgers (Rogers Companies, LLC), Brett Rodgers, Dominique Richardson

**Site Acreage:** 15.295 acres

**Number of Lots:** 9 lots

**Number of Dwelling Units:** 9 units

**Park Land Dedication:** N/A

**Adequate Public Facilities:** Yes

### SUBJECT PROPERTY

**General Location:** 2900 FM 1446

**Parcel ID Number(s):** 283855, 283856, 283857 & 189417

**Current Zoning:** N/A (ETJ)

**Existing Use:** A single family home is currently under construction on Property ID: 283856. The remainder of the property is undeveloped.

**Platting History:** The subject property was platted as part of the Voorheis Addition in August of 2020.

Site Aerial:



**PLATTING ANALYSIS**

The applicant is requesting to replat the subject property into nine (9) lots for single family residential use. The subject property is comprised of lots 2, 3, & 4 of the Voorheis Addition and portions of Property ID: 189417. The applicant is proposing lots greater than one (1) acre in size to be serviced by on-site septic systems as well as water from Buena Vista – Bethel WSC. A 20ft. Right-of-Way (ROW) dedication along FM 1446 has also been provided as part of this proposed replat, in conformance with the City of Waxahachie Thoroughfare Plan.

**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. Replat
2. Water Letter

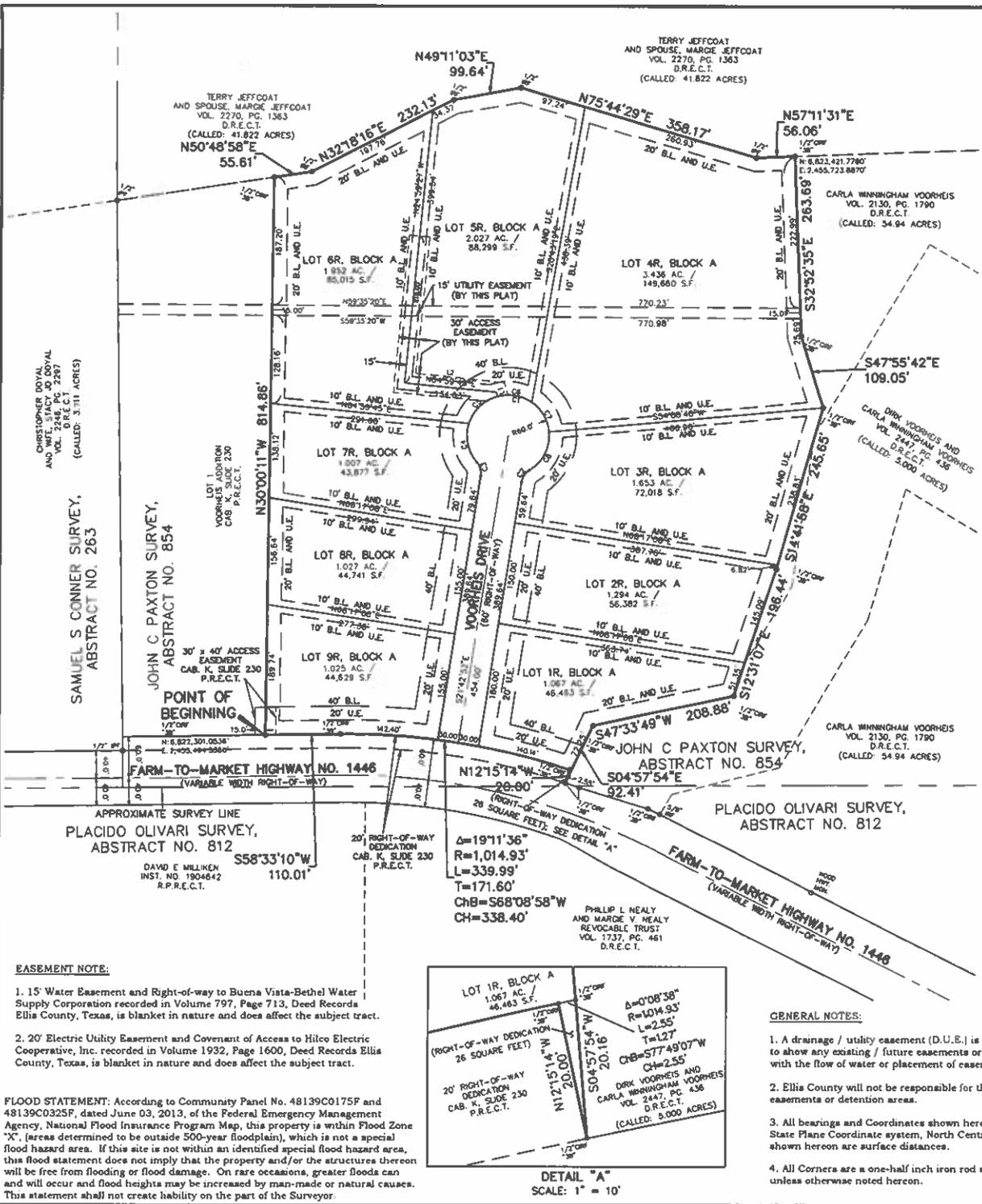
**APPLICANT REQUIREMENTS**

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.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

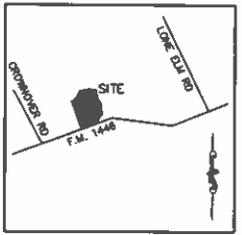
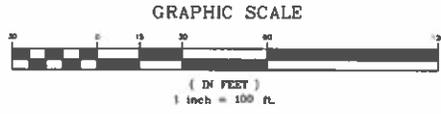
**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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



(14)



**LINE TABLE**

NO.	BEARING	LENGTH
L1	S45°45'42"E	6.65'

**CURVE TABLE**

NO.	LENGTH	DELTA	RADIUS	TANGENT	CHORD BEARING	CHORD
C1	282.54'	278°21'34"	60.00'	50.92'	S66°17'08"W	77.65'
C2	21.68'	048°40'47"	25.00'	11.57'	S03°07'31"W	21.00'
C3	21.68'	048°40'47"	25.00'	11.57'	N46°33'16"W	21.00'
C4	60.98'	058°14'29"	60.00'	33.42'	S42°18'25"E	58.40'
C5	60.10'	057°23'28"	60.00'	32.84'	S15°32'34"W	57.62'
C6	52.51'	050°08'19"	60.00'	28.07'	S69°18'27"W	50.85'
C7	52.12'	049°46'07"	60.00'	27.83'	N50°44'20"W	50.40'
C8	66.62'	063°46'37"	60.00'	37.35'	N03°36'58"W	63.42'

**CASE NUMBER: SUB-101-2021  
REPLAT**

**LOTS 1 THRU 9, BLOCK A  
VOORHEIS ADDITION, REVISED**

9 RESIDENTIAL LOTS

BEING A 15.295 ACRE RESIDENTIAL ADDITION OUT OF THE JOHN C PAXTON SURVEY, ABSTRACT NO. 854 AND BEING A REPLAT OF LOTS 2, 3 AND 4, VOORHEIS ADDITION;

CITY OF WAXAHACHIE ETJ, ELLIS COUNTY, TEXAS

**BRETT RODGERS** **OWNER**

1908 Yorktown Drive  
Ennis, Texas 75119

**DOMINIQUE RICHARDSON** **OWNER**

200 Brothers Boulevard, Apt. # 1201  
Red Oak, Texas 75154

**IRIS RODGERS** **OWNER**

1908 Yorktown Drive  
Ennis, Texas 75119

**RODGERS COMPANIES, LLC** **OWNER/DEVELOPER**

211 NW Main Street #B  
Ennis, Texas 75119  
Contact: Tim Rodgers  
(469) 732-6770

**3B LAND SURVEYING, INC** **SURVEYOR**

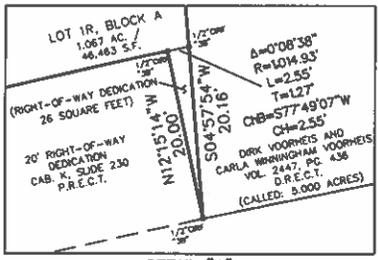
656 Bocak Rd  
Ennis, Texas 75119  
Contact: Edward Scott Bocak  
TBPLS No. 10194480  
(972) 825-7949

Revised: August 08, 2021  
Dated: July 19, 2021

**EASEMENT NOTE:**

- 15' Water Easement and Right-of-way to Buena Vista-Bethel Water Supply Corporation recorded in Volume 797, Page 713, Deed Records Ellis County, Texas, is blanket in nature and does affect the subject tract.
- 20' Electric Utility Easement and Covenant of Access to Hilo Electric Cooperative, Inc. recorded in Volume 1932, Page 1600, Deed Records Ellis County, Texas, is blanket in nature and does affect the subject tract.

**FLOOD STATEMENT:** According to Community Panel No. 48139C0175F and 48139C0325F, dated June 03, 2013, of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X". (areas determined to be outside 500-year floodplain), which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.



- GENERAL NOTES:**
- A drainage / utility easement (D.U.E.) is only required, as necessary, to show any existing / future easements or drainage easements to help with the flow of water or placement of easements.
  - Ellis County will not be responsible for the maintenance of drainage easements or detention areas.
  - All bearings and Coordinates shown hereon are relative to the Texas State Plane Coordinate system, North Central Zone (4202). All distances shown hereon are surface distances.
  - All Corners are a one-half inch iron rod set with cap stamped "3B", unless otherwise noted hereon.

STATE OF TEXAS §

COUNTY OF ELLIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Brett Rodgers, Dominique Richardson, Iris Rodgers, Rodgers Companies, LLC are the owners of all that parcel of land in the City of Waxahachie, ETJ, Ellis County, Texas, being a part of the John C Paxton Survey, Abstract No. 854 and being all of Lots 2, 3 and 4, Voorheis Addition, an addition to Ellis County, Texas, recorded in Cabinet K, Slide 230, Plat Records Ellis County, Texas, being all of that tract of land described in deed to Brett Rodgers and Dominique Richardson recorded in County Clerk's Instrument Number 2101337, Real Property Records Ellis County, Texas, being all of that tract of land described in deed to Iris Rodgers recorded in County Clerk's Instrument Number 2101654, being all of that called 2.87 acres out of 54.94 acre tract of land described in deed to Rodgers Companies, LLC recorded in County Clerk's Instrument Number 2129482, Real Property Records Ellis County, Texas and being all of that tract of land described in deed to Rodgers Companies, LLC recorded in County Clerk's Instrument Number 2129493, Real Property Records Ellis County, Texas, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "3B" found at the south corner of said Lot 3, said point being at the east corner of Lot 1, of said Voorheis Addition and said point being in the northerly right-of-way line of Farm-to-Market Highway No. 1446 (a variable width right-of-way).

THENCE North 30 degrees 00 minutes 11 seconds West, 814.86 feet to a one-half inch iron rod with cap stamped "3B" found at the west corner of said Lot 2, said point being at the north corner of said Lot 1 and said point being in the southeast line of that called 41.822 acre tract of land described in deed to Terry Jeffcoat and spouse, Marge Jeffcoat recorded in Volume 2270, Page 1363, Deed Records Ellis County, Texas;

THENCE along the northwest line of said Voorheis Addition and along the southeast line of said 41.822 acre tract of land as follows:
North 56 degrees 48 minutes 58 seconds East, 55.61 feet to a one-half inch iron rod found for corner;
North 32 degrees 18 minutes 16 seconds East, 232.13 feet to a one-half inch iron rod found for corner;
North 49 degrees 11 minutes 03 seconds East, 99.64 feet to a one-half inch iron rod found for corner;
North 75 degrees 44 minutes 29 seconds East, 358.17 feet to a one-half inch iron pipe found at the north corner of said Lot 4;

THENCE North 57 degrees 11 minutes 31 seconds East, 56.06 feet along the southeast line of said 41.822 acre tract of land to a one-half inch iron rod with cap stamped "3B" found at the north corner of said 2.87 acre tract of land;

THENCE along the northeast line of said 2.87 acre tract of land as follows:
South 32 degrees 52 minutes 35 seconds East, 263.69 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 47 degrees 55 minutes 42 seconds East, 109.05 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 14 degrees 41 minutes 58 seconds East, 245.65 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 12 degrees 31 minutes 07 seconds East, 196.44 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 47 degrees 33 minutes 49 seconds West, 208.88 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 04 degrees 57 minutes 54 seconds East, 92.41 feet to a one-half inch iron rod with cap stamped "3B" found in the northerly right-of-way line of Farm-to-Market Highway No. 1446;

THENCE along the northerly right-of-way line of Farm-to-Market Highway No. 1446 as follows:
North 12 degrees 15 minutes 14 seconds West, 20.00 feet to a one-half inch iron rod with cap stamped "3B" found at the east corner of said Lot 4;
Southwesterly, 339.99 feet along a non-tangent curve to the left having a central angle of 19 degrees 11 minutes 36 seconds, a radius of 1,014.93 feet, a tangent of 171.60 feet, and whose chord bears South 68 degrees 08 minutes 58 seconds West, 338.40 feet to a one-half inch iron rod with cap stamped "3B" found for corner;
South 58 degrees 33 minutes 10 seconds West, 110.01 feet to the POINT OF BEGINNING and containing 666,269 square feet or 15.295 acres of land.

Basis of Bearing is derived from GPS observations relative to the Texas WDS RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.

SURVEY CERTIFICATION

This is to certify that I, Edward Scott Bacak, a Registered Public Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

Preliminary, this document shall not be used for any purpose and shall not be used or viewed upon as a final survey document.

Edward Scott Bacak, R.P.L.S. No. 6248



APPROVED BY: PLANNING AND ZONING COMMISSION
CITY OF WAXAHACHIE

BY: Chairperson Date

Attest Date

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT We, Brett Rodgers, Dominique Richardson, Iris Rodgers, and Rodgers Companies, LLC, acting herein by and through its duly authorized officers, do hereby certify and adopt this plat designating the herein above described property as Lots 1 thru 9, Block A, Voorheis Addition, Revised, an addition to the Ellis County, and does hereby dedicate to the public use forever the streets and alleys shown thereon. Brett Rodgers, Dominique Richardson, Iris Rodgers, and Rodgers Companies, LLC, do herein certify the following:

- 1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown, and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown.
5. Ellis County is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Ellis County's use thereof.
7. Ellis County and for public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. Ellis County and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by Ellis County.

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

WITNESS, MY HAND, THIS THE \_\_\_ DAY OF \_\_\_, 2021.

By: Brett Rodgers By: Dominique Richardson

By: Iris Rodgers By: Tim Rodgers, President Rodgers Companies, LLC

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Brett Rodgers, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein GIVEN under my hand and seal of office, this \_\_\_ day of \_\_\_, 2021.

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Dominique Richardson, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein GIVEN under my hand and seal of office, this \_\_\_ day of \_\_\_, 2021.

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Iris Rodgers, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein GIVEN under my hand and seal of office, this \_\_\_ day of \_\_\_, 2021.

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Tim Rodgers, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein GIVEN under my hand and seal of office, this \_\_\_ day of \_\_\_, 2021.

Notary Public in and for the State of Texas

(14)

STATE OF TEXAS
COUNTY OF ELLIS

Certificate of approval by the Commissioners' Court of Ellis County, Texas:
Approved this date, the \_\_\_ day of \_\_\_, 2021.

Todd Little, County Judge

Randy Stinson
Commissioner, Precinct No. 1

Lane Grayson
Commissioner, Precinct No. 2

Paul Perry
Commissioner, Precinct No. 3

Kyle Butler
Commissioner, Precinct No. 4

ATTEST:

Krystal Valdez, County Clerk

ON-SITE SEWAGE FACILITY STATEMENT

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

Department of Development Director

Approval Date:

CASE NUMBER: SUB-101-2021
REPLAT

LOTS 1 THRU 9, BLOCK A
VOORHEIS ADDITION, REVISED
9 RESIDENTIAL LOTS

BEING A 15.295 ACRE RESIDENTIAL ADDITION OUT OF THE JOHN C PAXTON SURVEY, ABSTRACT NO. 854 AND BEING A REPLAT OF LOTS 2, 3 AND 4, VOORHEIS ADDITION;

CITY OF WAXAHACHIE ETJ, ELLIS COUNTY, TEXAS

BRETT RODGERS

OWNER

1908 Yorkstown Drive
Ennis, Texas 75119

DOMINIQUE RICHARDSON

OWNER

200 Brothers Boulevard, Apt. # 1201
Red Oak, Texas 75154

IRIS RODGERS

OWNER

1908 Yorkstown Drive
Ennis, Texas 75119

RODGERS COMPANIES, LLC OWNER/DEVELOPER

211 NW Main Street #B (469) 732-6770
Ennis, Texas 75119
Contact: Tim Rodgers

3B LAND SURVEYING, INC

SURVEYOR

656 Bacak Rd
Ennis, Texas 75119
Contact: Edward Scott Bacak
TBPLS No. 10194480

(972) 825-7949

Revised: August 08, 2021
Dated: July 19, 2021

Sheet 2 of 2

Printed by: EDrawSoft Plot Date: 8/13/2021 11:11 AM
Drawing: C:\Users\Edward\Documents\3B Land Surveying, Inc\Projects\W00001\W00001-001.dwg Saved By: EDrawSoft Save Time: 8/13/2021 11:08 AM



(14)

TEXAS REGISTERED ENGINEERING FIRM F-702

ROBERT T. CHILDRESS, JR., P.E. • BENJAMIN S. SHANKLIN, P.E. • ROBERT T. CHILDRESS III, P.E.

July 21, 2021

Mr. Joe Buchanan, Manager  
Buena Vista-Bethel Special Utility District  
312 S. Oak Branch Road  
Waxahachie, Texas 75167

Re: Hydraulic Analysis for  
Tim Rodgers – Voorheis Drive  
9 Lots Between Node 117 & 118  
Map Sheet 13 & 21

Dear Mr. Buchanan,

In response to your request, we have examined the hydraulic capability of your system to provide the above referenced service requesting nine (9) standard meters off of the 6" main at along FM 1446.

Our evaluation indicates that at this time the existing system can furnish the requested domestic service in conformity with Texas Commission on Environmental Quality standards for water distribution if approximately 600 LF of 8" PVC C900 water main is installed from the 6" main at FM 1446 and installed to the end of the cul-de-sac. A fireflow of 700 gpm can be projected for this location.

Please be advised that this hydraulic analysis is only good for six (6) months from the date of this letter.

If you have any questions concerning this matter, please call.

Very truly yours,

CHILDRESS ENGINEERS

A handwritten signature in black ink that reads 'Benjamin S. Shanklin'. The signature is written in a cursive style with a large initial 'B'.

Benjamin S. Shanklin, P.E.

BSS/cv

(147)



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:** Tim Rodgers **Parcel ID #:** 9 Lots between 117 & 118 Map Sheet 13 & 21  
**Subdivision Name:** Voorheis

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 type="checkbox"/>	<input type="checkbox"/>

Joe Buchanan  
Print Name of General Manager of water provider or Designee

BVBSUD  
Name of water provider company

Joe Buchanan  
Signature of General Manager of water provider or Designee

7-27-21  
Date

(16)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-158-2021



### MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

### CAPTION

**Public Hearing** request by Mark and Raquel Gundert, for a **Replat** of Lots 1-A-1 & 1-A-2, Block 44, Town Addition, to create Lot 1-A-1-R, 1 Residential Lot, being 0.230 acres (Property ID 170849) – Owner: MARK L & RAQUEL M GUNDERT (SUB-158-2021)

### APPLICANT REQUEST

The applicant is requesting to replat the subject property into one (1) lot for single family residential use.

### CASE INFORMATION

*Applicant:* Mark Gundert

*Property Owner(s):* Mark Gundert

*Site Acreage:* 0.646 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 1 units

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

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

### SUBJECT PROPERTY

*General Location:* 124 Kaufman Street

*Parcel ID Number(s):* 170849

*Current Zoning:* Single Family-2 (SF-2)

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

*Platting History:* The subject property is currently platted as Lots 1A1 & 1A2, Block 44 of the Town Addition

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to replat the subject property from two (2) lots into one (1) lot for single family residential use. The applicant has provided a roughly 15 foot Right-of-Way (ROW) dedication along Tuggle Street in conformance with our ROW width requirements. The subject property is located within the Infill Overlay District and meets all Infill Ordinance requirements.

**PROPERTY OWNER NOTIFICATION**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **28** 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:

**ATTACHED EXHIBITS**

1. Replat drawing

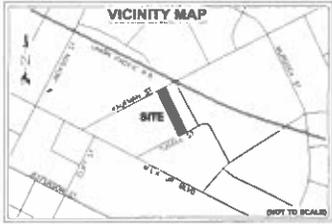
**APPLICANT REQUIREMENTS**

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.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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



**OWNER'S CERTIFICATE**

(16)

STATE OF TEXAS §  
 COUNTY OF ELLIS §  
 WHEREAS, Mark L. Gundert and Raquel M. Gundert, do the sole owners of all that tract of land located in the City of Waco, Ellis County, Texas, and being Lots 1A1 and 1A2, Block 44, Town Addition, an addition to the City of Waco, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Side 226, Official Public Records, Ellis County, Texas, and being the same tract of land described in deed to Mark L. Gundert and Raquel M. Gundert, recorded in Instrument No. 212042, Ellis County Official Public Records, and being more particularly described by mass and bounds as follows:

BEGINSING at a 1/2 inch iron rod found in the Southeast line of Kaufman Street, at the North corner of a tract of land described in deed in Mission Mission of the First Baptist Church, recorded in Volume 375, Page 164, Deed Records, Ellis County, Texas, same being the West corner of said Lot 1-A-1, Block 44, Town Addition.

Thence North 62 deg. 31 min. 18 sec. East, along said Southeast line, a distance of 81.54 feet to a 1 inch iron rod found at the West corner of a tract of land described in deed to Mahor D. Ferguson, recorded in Instrument No. 2038975, Official Public Records, Ellis County, Texas, same being the North corner of said Lot 1-A-1.

Thence South 27 deg. 46 min. 42 sec. East, a distance of 265.93 feet to a 1/2 inch iron pipe found in the Northwest line of Uvalde Street, at the South corner of a tract of land described in deed to Paulito O. Castro and Elvina Morales Castro, recorded in Volume 837, Page 867, Deed Records, Ellis County, Texas, same being the East corner of said Lot 1-A-2, Block 44, Town Addition.

Thence South 62 deg. 31 min. 18 sec. West, along said Northwest line, a distance of 83.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "R.P.L.S. 3891" set at the East corner of said Mission Mission of the First Baptist Church tract, same being the South corner of said Lot 1-A-2.

Thence North 27 deg. 28 min. 42 sec. West, a distance of 355.93 feet to the PLACE OF BEGINNING and containing 29,333 square feet (0.671) of an acre of land.

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS  
 That I, Barry S. Rhoads, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waco.

WITNESS MY HAND AT \_\_\_\_\_, TEXAS, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PRELIMINARY ONLY  
 NOT FOR RECORDING PURPOSES

Barry S. Rhoads  
 Registered Professional Land Surveyor R.P.L.S. No. 3891

**OWNER'S DEDICATION**

NOW, THEREFORE, KNOWN TO ALL MEN BY THESE PRESENTS

That Mark L. Gundert and Raquel M. Gundert, acting heirs by and through the duly authorized officers, do hereby adopt this plat designating the herein above described property as TOWN ADDITION, LOT 1-A-1-R, BLOCK 44, an addition to the City of Waco, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown hereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No building, fence, wall, shrub or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waco. In addition, Utility Easements may also be used for the mutual use and accommodation of public utilities desiring to use or using the same unless the easement bears the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, walls, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waco and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, repairing, replacing, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time securing permission from anyone.

This plat approved subject to all plating ordinances, rules, regulations and resolutions of the City of Waco, Texas.

Witness my hand at \_\_\_\_\_, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name: Mark L. Gundert Title: Owner  
 Name: Raquel M. Gundert Title: Owner

STATE OF TEXAS §  
 COUNTY OF ELLIS §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged and in the capacity herein stated.

Witness my hand at \_\_\_\_\_, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas  
 My commission expires \_\_\_\_\_

**APPROVAL CERTIFICATE**

APPROVED BY: Planning and Zoning Commission City of Waco

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chairperson  
 \_\_\_\_\_ Date: \_\_\_\_\_  
 Aesd

**NOTES**

1. ALL LOT CORNERS SHALL BE MONUMENTED WITH A 1/2" IRON ROD SET WITH A YELLOW PLASTIC CAP STAMPED "R.P.L.S. 3891" UNLESS OTHERWISE NOTED.
2. ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011).
3. SURVEY BENCHMARKS ON SITE ARE SHOWN WITH NORTHING AND EASTING VALUES (POINT OF BEGINNING AND SOUTHEAST CORNER).
4. SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES.

FLOOD NOTE: THE PROPERTY SHOWN HEREON IS LOCATED WITHIN THE FOLLOWING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ZONES AS DEPICTED ON THE FLOOD INSURANCE RATE MAP (FIRM) NO. 4138C0190F ZONE X DATED 06/09/2015.

**LEGEND**

E.C.O.P.R. O.P.R.E.C.T.	ELLIS COUNTY, OFFICIAL PUBLIC RECORDS OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
C.M.	CONTROLLING MONUMENT
VOL.	VOLUME
PG.	PAGE
CAB.	CABINET
SLO.	SLIDE
INST. NO.	INSTRUMENT NUMBER
IRP	IRON ROD FOUND
IPF	IRON ROD SET WITH A YELLOW PLASTIC CAP STAMPED "R.P.L.S. 3891"
IRS	

**BURNS SURVEYING**  
 PROFESSIONAL LAND SURVEYORS  
 BARRY S. RHOADS - RPLS NO. 3891 - FIRM NO. 10184366  
 7808 PENNRODGE CIRCLE, ROWLETT, TX 78088  
 WEBSITE: WWW.BURNSURVEYING.COM  
 PHONE: (214) 326-1080  
 JOB NO: 20210822  
 DATE: 08/22/2021 DRAWN BY: TD

CASE NO. SUB-189-2021  
**REPLAT**  
**TOWN ADDITION**  
**LOT 1-A-1-R, BLOCK 44**  
 1 LOT FOR RESIDENTIAL USE  
 BEING A REPLAT OF LOTS 1-A-1 AND 1-A-2  
 BLOCK 44, OF TOWN ADDITION  
 0.648 ACRES (NET), ZONE SF-2,  
 CITY OF WACAHACHE, ELLIS COUNTY, TEXAS  
 OWNER: MARK L. GUNDELT & RAQUEL M. GUNDELT  
 ADDRESS: 124 KAUFMAN ST., WACAHACHE, TX 75785

(18)

# Planning & Zoning Department Plat Staff Report

Case: SUB-159-2021



**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021

**CAPTION**

**Public hearing** request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Lots 1 & 7, Crystal Cove Estates, 2 residential lots, being 3.364 acres situated in the (Property ID 219019 & 218977)– Owner: TREVOR STEWART and HOWARD L & SUSAN M DIXON (SUB-159-2021)

**APPLICANT REQUEST**

The applicant is requesting to replat the two (2) subject properties in order to abandon a 60’ future road dedication.

**CASE INFORMATION**

<i>Applicant:</i>	Tim Jackson, Texas Reality Capture & Surveying LLC
<i>Property Owner(s):</i>	Howard & Susan Dixon and Trevor Stewart
<i>Site Acreage:</i>	3.364 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	2 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject properties.

**SUBJECT PROPERTY**

<i>General Location:</i>	109 & 110 Crystal Cove
<i>Parcel ID Number(s):</i>	218977 & 219019
<i>Current Zoning:</i>	Future Development (FD)
<i>Existing Use:</i>	A single family home is currently under construction at 109 Crystal Cove, while 110 Crystal Cove is currently undeveloped.
<i>Platting History:</i>	The subject properties were respectively platted as Lot 1, Block B and Lot 7, Block C of the Crystal Cove Estates subdivision.

*Site Aerial:*



**PLATTING ANALYSIS**

The applicant is requesting to replat the two (2) subject properties in order to abandon a 60' future road dedication. The original plat for the two subject properties included a note that stipulated a 60' wide portion of land between properties would be a "Future Road Dedication". This note does not equate to any actual Right-of-Way (ROW) dedication. Nonetheless, the applicants have submitted this replat application to remove the Future Road Dedication note from the plat in an effort to eliminate confusion. While there will be no ROW located between the lots, the originally platted Utility Easements are to remain.

Staff would like to note that Crystal Cove is not on the City of Waxahachie Thoroughfare Plan and there is no intention to extend the street.

**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. Replat

**APPLICANT REQUIREMENTS**

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

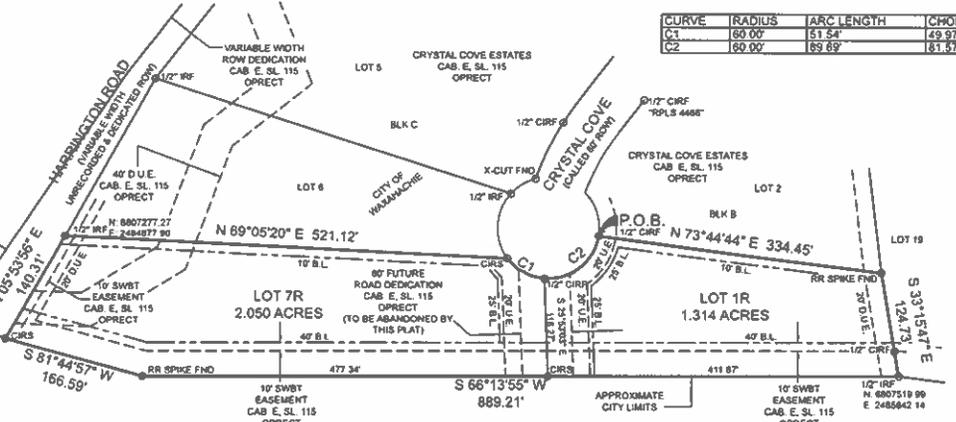
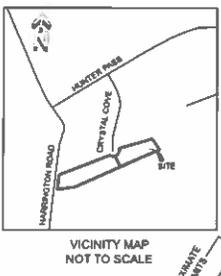
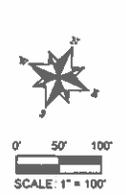
**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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

(18)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	60.00'	51.54'	49.97'	N 84°38'29" W
C2	60.00'	89.69'	81.57'	N 27°55'31" E



**LEGEND**

CRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CRCS" SET  
 FND = FOUND  
 IRF = IRON ROD FOUND  
 OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
 PRECT = PLAT RECORDS ELLIS COUNTY TEXAS  
 DUE = DRAINAGE & UTILITY EASEMENT  
 UE = UTILITY EASEMENT  
 BL = BUILDING LINE

**NOTES**

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

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "1" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 481980330F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

WHEREAS, HOWARD L. DIXON, SUSAN M. DIXON AND TREVOR STEWART ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE N.H. WHITTENBERG SURVEY, ABSTRACT NO. 1129, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO HOWARD L. DIXON AND SUSAN M. DIXON, RECORDED IN INSTRUMENT NO. 1511362, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO TREVOR STEWART, RECORDED IN INSTRUMENT NO. 1516350, OPRECT AND BEING ALL OF LOT 1, BLOCK B AND LOT 7, BLOCK C, CRYSTAL COVE ESTATES, RECORDED IN CABINET E, SLIDE 115, OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1 AND THE COMMON SOUTHWEST CORNER OF LOT 2, BLOCK B, OF SAID CRYSTAL COVE ESTATES AND IN THE EAST RIGHT-OF-WAY (ROW) LINE OF CRYSTAL COVE (A CALLED 60' ROW);

THENCE N 73°44'44" E, ALONG THE NORTH LINE OF SAID LOT 1 AND THE COMMON SOUTH LINE OF SAID LOT 2, A DISTANCE OF 334.45 FEET TO A RAILROAD SPIKE FOUND FOR THE NORTHEAST CORNER OF SAID LOT 1 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 2 AND IN THE WEST LINE OF LOT 19, BLOCK B, OF SAID CRYSTAL COVE ESTATES;

THENCE S 33°19'47" E, ALONG THE EAST LINE OF SAID LOT 1 AND THE COMMON WEST LINE OF SAID LOT 19, PASSING AT A DISTANCE OF 34.73 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, A TOTAL DISTANCE OF 124.73 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 18 AND IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO W.P. LEGACY, LTD, RECORDED IN INSTRUMENT NO. 1631935, OPRECT;

THENCE S 68°12'35" W, ALONG THE SOUTH LINE OF SAID LOT 1, PASSING AT A DISTANCE OF 411.87 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "CRCS" SET FOR THE SOUTHWEST CORNER OF SAID LOT 1 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 7, CONTINUING ALONG SAID LOT 7, A DISTANCE OF 889.21 FEET TO A RAIL ROAD SPIKE FOUND FOR ANGLE CORNER OF SAID LOT 7 AND A COMMON ANGLE CORNER OF SAID LEGACY TRACT;

THENCE S 81°44'57" W, ALONG THE SOUTH LINE OF SAID LOT 7 AND THE COMMON NORTH LINE OF SAID LEGACY TRACT, A DISTANCE OF 166.59 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "CRCS" SET FOR THE SOUTHWEST CORNER OF SAID LOT 7 AND IN THE EAST ROW LINE OF HARRINGTON ROAD (A VARIABLE WIDTH UNRECORDED AND DEDICATED ROW);

THENCE N 09°53'54" E, ALONG THE WEST LINE OF SAID LOT 7 AND THE COMMON EAST ROW LINE OF SAID HARRINGTON ROAD, A DISTANCE OF 140.31 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 7 AND THE COMMON SOUTHWEST CORNER OF LOT 6, BLOCK C, OF SAID CRYSTAL COVE ESTATES;

THENCE N 89°02'20" E, ALONG THE NORTH LINE OF SAID LOT 7 AND THE COMMON SOUTH LINE OF SAID LOT 6, A DISTANCE OF 521.12 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "CRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 7 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 8 AND IN THE WEST ROW LINE OF SAID CRYSTAL COVE AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF S 84°38'29" E, A CHORD LENGTH OF 49.97 FEET;

THENCE ALONG THE EAST LINE OF SAID LOT 7 AND THE COMMON WEST LINE OF SAID CRYSTAL COVE AND WITH SAID NON-TANGENT CURVE TO THE LEFT, AN ARC LENGTH OF 51.54 FEET TO A 1/2" IRON ROD FOUND FOR A NORTHEAST CORNER OF SAID LOT 7 AND A COMMON NORTHWEST CORNER OF SAID LOT 1 AND BEING THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF N 27°55'31" E, A CHORD LENGTH OF 81.57 FEET;

THENCE ALONG THE WEST LINE OF SAID LOT 1 AND THE COMMON EAST LINE OF SAID CRYSTAL COVE AND WITH SAID CURVE TO THE LEFT AN ARC LENGTH OF 89.69 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.364 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT HOWARD L. DIXON, SUSAN M. DIXON AND TREVOR STEWART, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 1R AND 7R, CRYSTAL COVE ESTATES, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS, MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

HOWARD L. DIXON

WITNESS, MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SUSAN M. DIXON

WITNESS, MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

TREVOR STEWART

STATE OF TEXAS  
 COUNTY OF ELLIS:

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
 COUNTY OF ELLIS:

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
 COUNTY OF ELLIS:

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

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

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

TIMOTHY L. JACKSON  
 REGISTRATION NUMBER 5644

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 CHAIRPERSON  
 \_\_\_\_\_ DATE \_\_\_\_\_  
 ATTEST

**LOTS 1R & 7R  
 CRYSTAL COVE ESTATES**

BEING A REPLAT OF  
 LOT 1, BLOCK B & LOT 7, BLOCK C  
 CRYSTAL COVE ESTATES  
 CABINET E, SLIDE 115,  
 OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS  
 OF CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
 3.364 ACRES  
 2 RESIDENTIAL LOTS  
 ZONED FD  
 CASE NO. SUB 159-2021

OWNERS:  
 HOWARD L. DIXON &  
 SUSAN M. DIXON  
 109 CRYSTAL COVE  
 WAXAHACHE, TX 75165

OWNERS:  
 TREVOR STEWART  
 241 CHALK MOUNTAIN DRIVE  
 FORT WORTH, TX 76140

SURVEYOR:  
 TEXAS REALTY CAPTURE &  
 SURVEYING, L.L.C.  
 P.O. BOX 252  
 WAXAHACHE, TEXAS 75168  
 469.518.0338  
 TBPLS FIRM NO 10194359

(20)

# Planning & Zoning Department Plat Staff Report

Case: SUB-153-2021



**MEETING DATE(S)**

Planning & Zoning Commission: November 9, 2021

**CAPTION**

**Consider** request by Todd Wintters, Engineering Concepts & Design LP, for a **Plat** of Tuscan Estates, 67 residential lots being 87.340 acres situated in the William Stewart Survey, Abstract 956 (Property ID 190510) – Owner: SARAH LEE LATCH GRANDCHILDRENS TRUST ETAL (SUB-153-2021)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into sixty eight (68) lots for single family residential use.

**CASE INFORMATION**

*Applicant:* Christopher Walton, Engineering Concepts & Design LP

*Property Owner(s):* JT Executive Properties, LLC and Amy Thomas

*Site Acreage:* 87.30 acres

*Number of Lots:* 68 lots

*Number of Dwelling Units:* 68 units

*Park Land Dedication:* The cash in lieu of park land dedication is \$27,200.00 (68 residential dwellings at \$400.00 per dwelling).

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

**SUBJECT PROPERTY**

*General Location:* East of the intersection of Old Italy Road and Laguna Vista Drive

*Parcel ID Number(s):* 190510

*Current Zoning:* Single Family-1 (SF-1) & Planned Development-23-Single Family-1 (PD-23-SF-1)

*Existing Use:* The subject property is currently undeveloped

*Platting History:* The subject property is a part of the William Stewart Survey, Abstract 956

Site Aerial:



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into sixty eight (68) single family lots for residential use. Each lot in the proposed subdivision is one (1) acre in size or greater. This lot size exceeds the minimum requirements of SF-1 zoning and is consistent with lot sizes of surrounding developments. Adequate public facilities are available to the subject property via on-site septic systems and city water line along Old Italy Road.

A 40' Right-of-Way (ROW) dedication along Old Italy Road is provided with this plat, in conformance with the City of Waxahachie Thoroughfare Plan. Access to the subject property is proposed at two points along Old Italy Road. Additionally, two street stub-outs, for future roadway connections to the west, will be provided with this plat.

**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. Plat

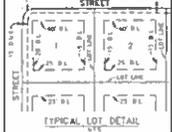
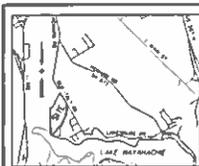
**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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

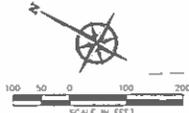


S.M. DURRETT SURVEY A-272

WILLIAM STEWART SURVEY A-956

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
C1	20 25' 25"	281.63	1008.51	19.36 80'	S 20 36' 54" W	1898.83
C2	33 17' 52"	330.00'	1002.26	194.68	S 41 32' 29" W	1891.85
C3	52 48 44"	520.00'	306.53	176.64	S 12 24' 51" E	1777.98
C4	37 54 33"	1132.83	663.43	1279.94	S 29 02' 14" E	1258.66
C5	37 47 53"	1300.00'	1002.26	194.68	N 42 27' 31" E	181.85
C6	32 25' 24"	1300.00'	65.85	166.73	N 15 20' 52" E	184.26
C7	28 52' 39"	2120.83	625.61	1234.09	S 44 56' 11" E	1221.81
C8	11 22' 28"	3000.00'	29.87	56.55	N 34 41' 23" E	98.44
C9	17 09' 54"	3300.00'	49.81	88.80	N 47 01' 22" E	98.46
C10	44 47' 37"	2500.00'	163.82	195.45	N 70 32' 38" W	190.51
C11	90 00' 00"	20 00'	20 00'	21.42	N 13 24' 24" E	29.26
C12	90 00' 00"	20 00'	20 00'	31.42	N 78 32' 34" W	28.28
C13	88 58' 34"	25 00'	19 85'	34.26	S 28 38' 44" E	28.25
C14	90 00' 00"	20 00'	20 00'	31.42	S 30 38' 32" W	28.28
C15	91 31' 48"	28 00'	20 54'	31.85	N 82 17' 58" E	28.84
C16	48 32' 33"	29 00'	19 50'	30.81	S 37 50' 07" E	27.82
C17	91 30' 32"	29 00'	28 53'	31.84	N 36 09' 14" W	28.85
C18	88 58' 34"	28 00'	19 50'	30.81	S 52 58' 56" W	27.83
C19	87 27' 10"	28 00'	17 50'	29.75	N 78 27' 04" E	26.34
C20	85 46' 51"	28 00'	18 38'	29.84	S 87 15 44" E	27.22
C21	46 40 38"	28 00'	8 42'	18 29	N 63 42 55" E	15.85
C22	88 31 45"	28 00'	18 49'	30 90	N 63 53 18" E	27 92
C23	87 28 15"	28 00'	28 32'	31 93	N 68 06 44" E	28 64
C24	91 08 34"	28 00'	38 41'	31 82	N 38 11 38" W	28 57
C25	81 08 34"	28 00'	29 41'	31 82	N 52 38 48" E	28 57
C26	82 53 17"	28 00'	17 52'	29 78	S 34 23 18" E	26 34
C27	82 53 17"	28 00'	17 52'	29 78	N 57 19 07" E	28 34
C28	90 00' 00"	28 00'	28 00'	31 42	N 78 32 34" W	28 28
C29	80 00' 00"	28 00'	28 00'	31 42	N 12 28 25" E	28 28
C30	11 57 06"	360 00'	33 65	106 51	N 40 57 53" E	108 12
C31	1 63 50 47"	360 00'	53 31	105 85	N 33 82 56" E	105 47
C32	10 15 45"	460 00'	41 31	83 39	N 89 30 40" E	82 26
C33	13 30 38"	480 00'	54 51	104 51	N 87 37 19" E	108 26
C34	5 38 00"	1060 63	63 62	187 09	N 81 52 17" E	187 81
C35	113 24 24"	80 00'	91 35	118 76	S 28 29 32" E	100 30
C36	48 33 57"	80 00'	49 89	51 78	N 83 53 38" E	47 58
C37	118 02 27"	80 00'	122 61	87 23 10"	N 82 18 07" E	102 88
C38	82 30 21"	102 63	136 91	277 22	N 13 52 23" E	277 08
C39	429 01"	102 63	74 48	148 98	N 38 20 29" E	148 86
C40	423 51"	102 63	72 76	145 46	N 24 46 20" E	145 48
C41	453 02"	102 63	87 15	162 20	N 29 21 42" E	162 15
C42	5 41 11"	102 63	85 61	161 68	N 34 42 24" E	160 88
C43	32 34 30"	1000 00'	82 71	188 83	S 78 28 18" E	156 85
C44	33 47 53"	300 00'	81 14	178 87	S 41 32 29" W	174 41
C45	21 42 28"	900 00'	76 71	151 37	S 17 47 15" E	150 67
C46	1 48 15"	1862 63	31 18	62 38	S 92 38 23" E	62 38
C47	353 54"	1862 63	68 80'	133 54	S 94 49 57" E	133 52
C48	5 53 53"	1862 63	68 80'	133 54	S 11 30 54" E	133 51
C49	4 30 47"	1862 63	72 34	154 68	S 15 48 24" E	154 56
C50	4 30 47"	1862 63	72 34	154 68	S 20 20 20" E	154 56
C51	4 30 47"	1862 63	72 34	154 68	S 15 53 57" E	154 56
C52	4 02 27"	1862 63	68 38	138 77	S 28 07 50" E	138 66

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
C53	4 28 14"	1862 63	116 95	221 67	S 34 23 25" W	221 55
C54	17 02 24"	300 00'	52 36	107 87	S 58 44 27" E	107 80
C55	14 38 00"	360 00'	32 83	104 51	S 29 52 31" E	104 14
C56	3 36 28"	360 00'	38 23	88 38	S 28 43 21" E	88 28
C57	7 41 57"	360 00'	24 22	48 36	S 87 96 02" E	48 31
C58	2 37 28"	2500 83	56 43	116 84	S 02 18 12" E	116 82
C59	2 37 28"	2500 83	78 47	156 88	S 05 28 38" E	156 84
C60	2 37 28"	2500 83	78 47	156 88	S 08 52 05" E	156 84
C61	2 37 28"	2500 83	78 47	156 88	S 12 23 30" E	156 84
C62	2 37 28"	2500 83	78 47	156 88	S 15 54 58" E	156 84
C63	2 37 28"	2500 83	78 47	156 88	S 19 26 22" E	156 84
C64	3 11 26"	2500 83	78 47	156 88	S 22 57 48" E	156 84
C65	4 16 48"	2500 83	85 27	180 45	S 26 51 50" E	180 42
C66	11 22 28"	300 00'	32 86	85 91	S 34 11 27" E	85 40
C67	5 01 48"	360 00'	38 20	81 98	S 28 58 30" W	81 23
C68	108 52 56"	480 00'	63 17	113 50	N 46 14 07" E	91 32
C69	31 47 53"	360 00'	81 16	174 97	N 48 27 31" E	174 41
C70	22 25 24"	360 00'	87 22	160 77	N 15 30 52" E	161 51
C71	21 31 21"	2480 83	54 64	108 66	N 02 13 12" E	108 63
C72	2 35 00"	2480 83	77 96	150 87	N 05 16 27" E	150 83
C73	3 35 08"	2480 83	77 96	150 87	N 11 10 21" E	150 83
C74	4 00 78"	2480 83	87 15	174 23	N 14 58 32" E	174 20
C75	4 00 78"	2480 83	87 15	174 23	N 18 29 38" E	174 20
C76	4 00 78"	2480 83	87 15	174 23	N 22 59 48" E	174 20
C77	4 00 28"	2480 83	87 15	174 23	N 26 54 54" E	174 20
C78	11 22 28"	300 00'	26 89	53 60	S 24 11 27" E	53 57
C79	17 09 54"	3300 00'	45 28	88 88	N 47 01 23" E	88 34
C80	17 09 54"	3300 00'	45 28	88 88	S 67 41 23" E	88 73
C81	2 37 44"	2814 83	44 58	138 18	N 02 16 42" E	138 14
C82	2 37 44"	2814 83	44 58	138 18	N 05 20 29" E	137 08
C83	7 31 26"	2814 83	66 54	173 12	N 08 53 00" E	173 08
C84	7 31 26"	2814 83	66 54	173 12	N 12 23 30" E	173 08
C85	7 31 26"	2814 83	66 54	173 12	N 15 54 58" E	173 08
C86	7 31 26"	2814 83	66 58	173 12	N 19 26 22" E	173 08
C87	7 31 26"	2814 83	66 54	173 12	N 22 57 48" E	173 08
C88	8 56 31"	2814 83	228 89	628 95	N 09 14 48" E	628 85
C89	8 56 31"	2814 83	165 81	329 63	N 37 01 17" E	328 45
C90	1 53 40"	2228 83	36 80	73 43	N 26 02 28" E	73 43
C91	4 00 28"	2228 83	77 80	155 77	S 26 58 54" E	155 73
C92	4 38 47"	2228 83	87 74	175 46	N 24 51 00" E	175 35
C93	4 00 28"	2228 83	77 80	155 77	S 22 54 24" E	155 73
C94	4 30 47"	2228 83	87 74	175 46	N 20 20 20" E	175 35
C95	4 00 28"	2228 83	77 80	155 77	S 18 58 00" E	155 73
C96	4 30 47"	2228 83	87 74	175 46	N 15 49 54" E	175 35
C97	4 00 28"	2228 83	77 80	155 77	S 14 38 32" E	155 73
C98	4 36 15"	2228 83	88 88	177 88	N 11 17 00" E	177 81
C99	2 38 12"	2228 83	77 72	154 42	S 18 08 00" E	154 38
C100	4 36 15"	2228 83	88 88	177 88	N 30 10 00" E	177 81
C101	3 58 12"	2228 83	77 72	154 42	S 05 28 38" E	154 38
C102	1 58 30"	2228 83	37 26	74 58	N 11 35 24" E	74 58
C103	2 31 01"	2228 83	48 87	97 83	S 07 13 22" E	97 82



LEGEND

- CURVE 1/2" IRON ROD SET WITH CAP STAMPED "TUS 628"
- BY IRON ROD FOUND
- BL BUILDING SETBACK LINE
- UE UTILITY EASEMENT
- D.E DRAINAGE EASEMENT
- D.R.E.C.D. DEED RECORDS, ELLIS COUNTY, TEXAS
- P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
- O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS

BEACHMARKS  
 A Pin, 48" in length, positioned on the Northeast side of Millwright Drive, about 1040 feet Southeast from the intersection of Millwright Drive and Old Italy Road.  
 A Pin, 48" in length, positioned at the northeast corner of the intersection of Old Italy Road and Millwright Drive.  
 ULEV 555.31  
 ULEV 555.85

PLAT  
**TUSCAN ESTATES**  
 68 RESIDENTIAL LOTS  
 ZONING: SF-1 & PD-SF-1  
 87 340 ACRES  
 SITUATED IN THE  
**WILLIAM STEWART SURVEY, ABST NO 956**  
**CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS**  
 ENGINEERING CONCEPTS & DESIGN, L.P.  
 ENGINEERING: PROJECT MANAGEMENT/CONSTRUCTION SERVICES  
 LEAD SURVEYOR  
**DEWAY, LEE**  
 TEXAS PROFESSIONAL SURVEYOR  
 3410 HICKORY HOLLOW, SUITE 110  
 CARROLLTON, TEXAS 75006  
 DREW L. DEWAY, P.E.  
 (972) 841-8400 FAX (972) 841-8400  
 (972) 243-7409  
 DATE: 10/29/2001  
 SCALE: 1"=100'-0" (SEE SHEET 1 OF 6)  
 SHEET 2 OF 6

LINE TABLE

NO.	DIRECTION	DISTANCE
L1	N 48 55' 27" E	138.88
L2	S 43 55' 27" E	39.79
L3	S 31 48 57" E	59.15
L4	N 58 24 44" E	81.49
L5	N 63 28 23" E	80.90
L6	N 63 27 27" E	50.00
L7	S 87 03 14" W	53.26

ELLIS EASTMAN PITS & ELLEN EASTMAN ABST NO 956 VOLUME 138, PAGE 294 D.P.E.C.T.  
 FURTHER DESCRIBED IN VOLUME 138, PAGE 294 D.P.E.C.T.  
 ZONED: SF-1

TUSCAN ESTATES (SUBJECT PITS) VOL. 488, PG. 484 D.P.E.C.T. (TO BE REMOVED)

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS,

That I, Joel C. Howard, hereby certify that this plat was prepared under my supervision from an actual and accurate survey of the land and that the corner monuments shown thereon as set will be properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waco, Texas.

Given under my hand and seal of office, this \_\_\_ day of \_\_\_\_\_ 2021.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

JOEL C. HOWARD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5267



STATE OF TEXAS  
COUNTY OF ELLIS

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

Given under my hand and seal of office, this \_\_\_ day of \_\_\_\_\_ 2021.

Notary Public in and for the State of Texas  
My Commission Expires

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS TUSCAN ARBORS, LP BEING THE OWNER OF 87.340 acres of land situated in the William Stewart Survey, Abstract No. 956, City of Waco, Texas, and being all of their certain 87.340 acre tract of land described in deed to Tuscan Arbores LP recorded in instrument 044614 Official Public Records, Ellis County Texas (OPRECT), and being more particularly described as follows:

BEARING of a road found for the easterlymost northeast corner of said 87.340 acre tract in the west line of a tract of land described in deed to the City of Waco, Texas, recorded in Volume 3345, Page 2276, DIRECT; in the approximate centerline of Old Hwy Road (a variable width unrecorded right-of-way), from which a railroad spurs found at the intersection of the approximate centerline of said Old Hwy Road and the approximate centerline of Louisa Vista Road; for the northeast corner of a tract of land described in deed to Larry J. Dagen and Paulette R. Dagen, recorded in instrument No. 1905504, OPRECT, bears South 30 degrees 00 minutes 32 seconds East, 180.72 feet,

THENCE, along the west line of said 87.340 acre tract and the common west line of said City of Waco, Texas, tract, the following:

- 1) South 00 degrees 51 minutes 50 seconds West, a distance of 485.43 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for the beginning of a non-tangent curve to the right having a radius of 2814.83 feet, a chord bearing South 20 degrees 39 minutes 54 seconds West, a chord length of 1898.82 feet;
- 2) along said curve to the right, an arc length of 1936.80 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for corner;
- 3) South 40 degrees 22 minutes 36 seconds West, a distance of 950.36 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for the southeast corner of said 87.340 acre tract and the common northeast corner of a tract of land described in Saw and Except Tract 2 in a deed recorded in Volume 2634, Page 206, Deed Records, Ellis County, Texas, (DIRECT).

THENCE North 48 degrees 55 minutes 12 seconds West, along a south line of said 87.340 acre tract and the common north line of said Saw and Except Tract 2, a distance of 139.88 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for the southwest corner of said 87.340 acre tract and the common northeast corner of said Saw and Except Tract 2, and being in the west line of a tract of land described in deed to Eugene Eastman Price and Elean Eastman Zeln, recorded in Volume 704, Page 1054 (further described in Volume 336, Page 291, DIRECT).

THENCE, along the west line of said 87.340 acre tract and the common west line of said Zeln tract, the following:

- 1) North 02 degrees 56 minutes 46 seconds West, a distance of 2431.86 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for corner;
- 2) North 63 degrees 23 minutes 14 seconds East, a distance of 275.36 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for corner;
- 3) North 74 degrees 38 minutes 33 seconds East, a distance of 1483.99 feet a 5/8-inch iron rod with cap stamped "TRCS" found for north-south corner of said 87.340 acre tract in the south line of a tract of land described in deed to the State of Texas (Future Spur 344), recorded in Volume 340, Page 1070, Volume 809, Page 181, Volume 1108, Page 578, and Volume 2634, Page 206, DIRECT.

THENCE, along the north lines of said 87.340 acre tract and the south lines of said State of Texas tract, the following:

- 1) South 82 degrees 55 minutes 23 seconds East, a distance of 2079 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for corner;
- 2) South 31 degrees 19 minutes 53 seconds East, a distance of 59.15 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for corner;
- 3) North 50 degrees 24 minutes 44 seconds East, a distance of 81.49 feet to a 5/8-inch iron rod with cap stamped "TRCS" found for the most westerly northeast corner of said 87.340 acre tract and the common northeast corner of a tract of land described in deed to Clay Soley, recorded in instrument No. 2102963, OPRECT, in the approximate centerline of said Old Hwy Road;

THENCE South 31 degrees 33 minutes 35 seconds East, along the northeast line of said 87.340 acre tract and the common southwest line of said Soley tract, passing at a distance of 1898.24 feet a road found for the south corner of said Soley tract, a total distance of 1112.16 feet to the POINT OF BEGINNING and CONTAINING 87.340 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

That TUSCAN ARBORS, LP acting herein by and through its duly authorized officers, does hereby adopt the plat designating the herein above described property as TUSCAN ESTATES, in addition to the city of Waco, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or structures shall be constructed or placed upon, over or across the easements so shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waco. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the easement lines. The use of particular utilities, said use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco and public utility entities shall at all times have the full right of ingress and egress to or from the respective easements for the purpose of installing, reconstructing, inspecting, maintaining, repairing, roadways, meters, and adding to or removing all or parts of their respective system without the necessity of any time procuring permission from anyone.

This plat approved subject to all pending ordinances, rules, regulations and resolutions of the City of Waco, Texas.

WITNESS, my hand, this \_\_\_ day of \_\_\_\_\_ 2021.

FOR TUSCAN ARBORS, LP

By: \_\_\_\_\_  
Authorized Signature of Owner

Printed Name and Title

STATE OF TEXAS  
COUNTY OF ELLIS

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

Given under my hand and seal of office, this \_\_\_ day of \_\_\_\_\_ 2021.

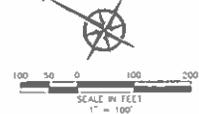
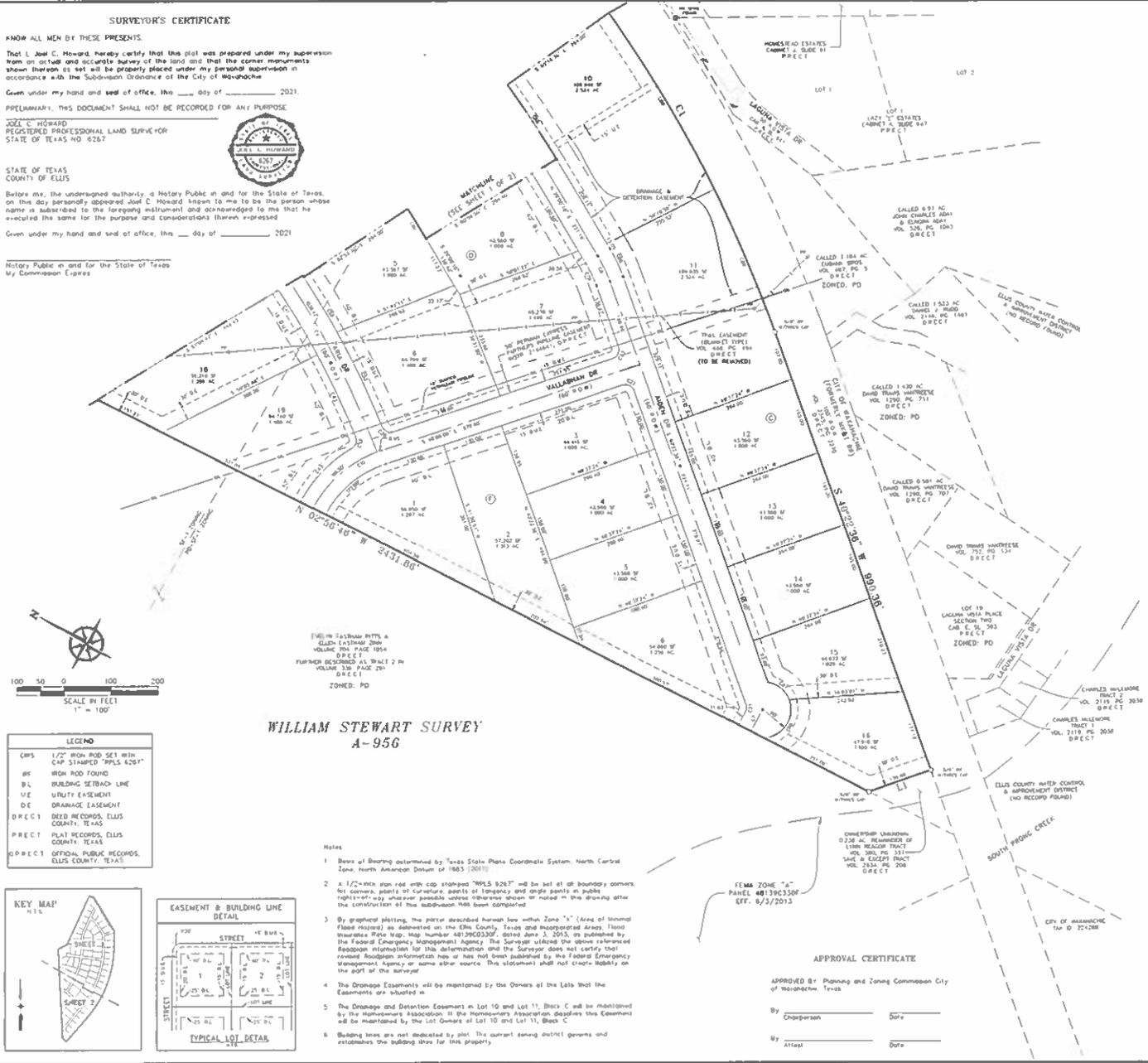
Notary Public in and for the State of Texas  
My Commission Expires on

PLAT  
**TUSCAN ESTATES**  
68 RESIDENTIAL LOTS  
ZONING: SF-1 & PD-SF-1  
87.340 ACRES  
SITUATED IN THE  
**WILLIAM STEWART SURVEY, ABST NO 956**  
CITY OF WACAHACHIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER  
**TUSCAN ARBORS, LP**  
P.O. BOX 1143  
WACAHACHIE, TX, 76785  
214-381-2009

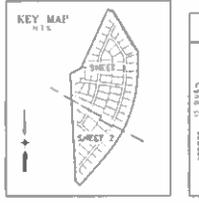
LAND SURVEYOR  
**JOEL C. HOWARD**  
3410 WACAHACHIE BLVD., SUITE 110  
WACAHACHIE, TEXAS 76785  
800.3.FORUM.403 1014-2025  
(817) 241-2409

**ENGINEERING CONCEPTS & DESIGN, L.P.**  
ENGINEERING, PROJECT MANAGEMENT, CONSTRUCTION SERVICES  
TEXAS PROFESSIONAL ENGINEERING FIRM NO. 00424  
1000 WEST CHURCH STREET, SUITE 1100, WACO, TEXAS 76798  
(817) 841-8400 FAX (817) 841-8408



LEGEND

CBS	1/2" IRON ROD SET WITH CAP STAMPED "TRCS" 2x2"
BR	IRON ROD FOUND
BL	BUILDING SETBACK LINE
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
DIRECT	DEED RECORDS, ELLIS COUNTY, TEXAS
OPRECT	PLAT RECORDS, ELLIS COUNTY, TEXAS
OPRECT	OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS



**WILLIAM STEWART SURVEY  
A-956**

- Notes
1. Bore of Bearing determined by Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 (NAD83).
  2. A 1/2" iron rod with cap stamped "TRCS 2x2" will be set at all boundary corners, but corner points of curvature points of tangency and grade points in public right-of-way wherever possible unless otherwise shown or noted in this drawing after the completion of this subdivision has been completed.
  3. By graphical plotting, the plat described herein lies within Zone 14 (Area of Manual Phase Hazard) as delineated on the Ellis County, Texas and Incorporated Areas Flood Insurance Rate Map, Map Number 01300230F, dated June 2, 2013, as published by the Federal Emergency Management Agency. The Surveyor utilizing the above referenced floodplain information for this determination and the Surveyor does not carry the Federal Emergency Management Agency or other source. This statement shall not create liability on the part of the Surveyor.
  4. The Drainage Easements will be maintained by the Owners of the Lots that the Easements are located in.
  5. The Drainage and Detention Easement in Lot 10 and Lot 11, Block C will be maintained by the Homeowners Association. If the Homeowners Association deems this Easement will be maintained by the Lot Owners of Lot 10 and Lot 11, Block C.
  6. Building lines are not dedicated by plat. The current zoning district permits and establishes the building lines for this property.

APPROVAL CERTIFICATE

APPROVED BY Planning and Zoning Commission City of Waco, Texas

By: \_\_\_\_\_  
Chairperson Date

By: \_\_\_\_\_  
Attest Date

(21)

# Planning & Zoning Department Plat Staff Report



**Case: SUB-151-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021

**CAPTION**

**Consider** request by Miguel E Juraidini Zorrilla, for a **Plat** of Boyce Addition, 2 residential lots being 2.464 acres situated in the F.M. Woodard Survey, Abstract 1120 (Property ID 192206)– Owner: MIGUEL E J ZORILLA & ANA F R VILLALOBOS (SUB-151-2021)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into two (2) lots for continued multi-family residential use.

**CASE INFORMATION**

<i>Applicant:</i>	Miguel E Juraidini Zorrilla
<i>Property Owner(s):</i>	Miguel E Juraidini Zorrilla
<i>Site Acreage:</i>	2.464 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	4 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	The subject property has access to adequate public facilities via Rockett SUD and on-site septic.

**SUBJECT PROPERTY**

<i>General Location:</i>	2619 FM 879
<i>Parcel ID Number(s):</i>	192206
<i>Current Zoning:</i>	N/A (ETJ)
<i>Existing Use:</i>	A two story quadplex currently exists on the western portion of the site. The eastern portion of the site is undeveloped.
<i>Platting History:</i>	The subject property is part of the 1120 F M WOODARD survey.

*Site Aerial:*



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property into two (2) lots, roughly 1.2 acres in size each. A two story quadplex currently exists on the proposed Lot 1 and will continue to be occupied. The applicant currently has no plans to develop proposed Lot 2. Staff has received a Utility Provider Endorsement letter from Rockett SUD stating that this property has adequate water flow. Sewer service will be available via on-site septic.

**PETITION OF RELIEF WAIVER REQUEST**

The applicant is currently providing a 10' Right-of-Way (ROW) dedication along FM 879, amounting to a total of 50' from the centerline of FM 879.

FM 879 is shown to be a 120' Right-of-Way (ROW), per the City of Waxahachie Thoroughfare Plan. Per Sec. 2.3 (a.) (1.) of the Waxahachie Subdivision Ordinance, the plat will need to substantially conform to the Thoroughfare Plan. Per this language, the requirement for ROW dedication would be 60' from the centerline of the road. An additional 10' of ROW dedication is needed to conform to the Thoroughfare Plan.

**Waiver Request**

The applicant is requesting a petition of relief waiver from the ROW dedication requirement. The applicant's argument regarding this dedication request is that the required dedication encroaches on infrastructure that the applicant does not want to potentially replace.

Staff believes that the applicant should provide the required amount of ROW dedication. Staff believes the additional 10' of ROW dedication is necessary as per the City of Waxahachie Thoroughfare Plan.

**Required Planning and Zoning Commission Action**

Due to this case having a petition for relief waiver associated with it, City Council will need to approve the Petition of Relief Request. However, the Planning and Zoning Commission will be able to make a recommendation on the Petition to Council. The action required will be the following:

1. Either a recommendation for approval or disapproval of the plat.
2. Either a recommendation of approval or disapproval of the petition of relief waiver.

*Note: These recommendations can be made in one motion.*

**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:  
Per Section 3.1 of the subdivision ordinance, the property owner shall provide all rights-of-way required for existing or future streets and for all required street improvements, including perimeter streets and approach roads, as shown in the City's Thoroughfare Plan. Due to the City's Thoroughfare Plan reflection the 120' ROW along FM 879, it is staff's belief that 60' of ROW should be dedicated from the centerline of FM 879.
  
- Approval, as presented.

**ATTACHED EXHIBITS**

1. Plat
2. Water Letter

**APPLICANT REQUIREMENTS**

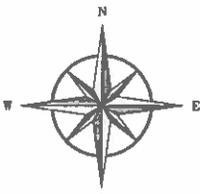
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied,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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Zack King  
Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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

# WLSC

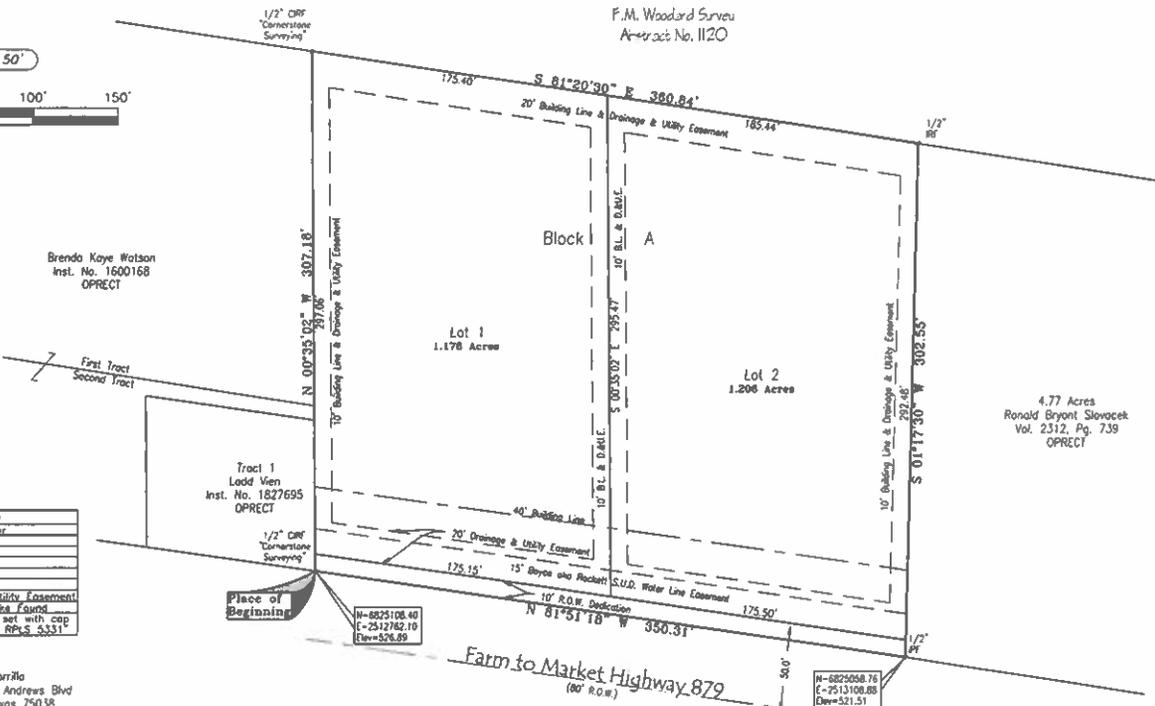


1" = 50'



160.146 Acres  
Kenneth Houdek  
Vol. 736, Pg. 714  
DRECT

F.M. Woodard Survey  
Abstract No. 1120



Brenda Kaye Watson  
Inst. No. 1600168  
OPRECT

Tract 1  
Lodd Ven  
Inst. No. 1827695  
OPRECT

4.77 Acres  
Ronald Bryant Slovacek  
Vol. 2312, Pg. 739  
OPRECT

LEGEND	
⊙	Property Corner
—	Iron Rod
—	Iron Pipe
—	Found
—	Right of Way
—	Building Line
—	Drainage & Utility Easement
—	Cotton Gin Spine Found
—	1/2" - 1/2" iron rod set with cap marked "WLSC RPL-5331"

Registered Agent: Miguel Zorrillo  
4437 St. Andrews Blvd  
Irving, Texas 75038  
Coaloc: Miguel Zorrillo  
Surveyor: Walker Land Surveying Company  
P.O. Box 2911  
Waxahachie, Texas 75168  
Contact: Shawne Walker, RPLS (214) 317-0379

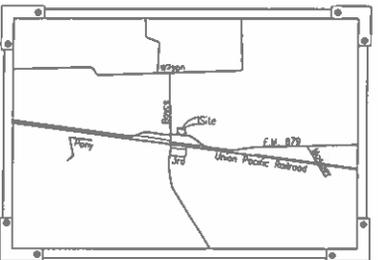
STATE OF TEXAS  
COUNTY OF ELLIS:  
Certificate of Approval by the Commissioners Court of Ellis County, Texas.  
Approved this date, the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Honorable Todd Little, County Judge  
Randy Stinson, Commissioner Precinct #1  
Paul Perry, Commissioner Precinct #3  
Layne Groysen, Commissioner Precinct #2  
Kyle Butler, Commissioner Precinct #4

Attest:  
Krystal Valdez, County Clerk  
This plat has approval by the Department of Development for an on-site sewage facility system pending any and all information as may be required by the Ellis County Department of Development.  
Department of Development Date

APPROVED BY: Planning and Zoning Commission City of Waxahachie  
Chairman \_\_\_\_\_ Date \_\_\_\_\_  
Attest \_\_\_\_\_ Date \_\_\_\_\_

Surveyor's Declaration  
KNOW ALL MEN BY THESE PRESENTS  
That I, J. Shawne Walker, do hereby certify that I have prepared this Plat from an actual and accurate survey made on the ground and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Waxahachie, Texas.  
FOR INSPECTION PURPOSES ONLY  
AND IN NO WAY OFFICIAL OR  
APPROVED FOR RECORD PURPOSES.  
J. Shawne Walker, R.P.L.S.  
Texas Registration No. 5331



VICINITY MAP SCALE: 1" = 4000'  
Walker Land Surveying Company  
P.O. Box 2911 Waxahachie, Texas 75168  
TBPELS Form No. 10112400 Project Number: 210039

(21)

- Notes
1. Building Lines: 40' Front Building Line, 10' Side Building Line & 20' Rear Building Line
  2. Utility Easements: 20' Drainage & Utility Easement along front and rear property lines and 10' Drainage & Utility Easement along side property lines
  3. No portion of this property lies within a 100 year flood plain according to the Flood Insurance Rate Map for Ellis County, Texas: Map# 481900200 T, Zone X (Unshaded), dated June 3, 2015.
  4. Basis of Bearings: GPS Observation, Texas Coordinate System, North Central Zone 4702, Beginning Coordinates - Northing=6825108.40, Easting=2512762.10.

OWNER'S CERTIFICATE  
State of Texas  
County of Ellis

Whereas, Miguel Zorrillo and Ana Villalobos are the owners of that certain parcel of land situated in the F.M. WOODARD SURVEY, ABSTRACT NO. 1120, Ellis County, Texas, and being all portion of the 2.476 acre tract of land conveyed to Miguel Enrique Juradini Zorrillo by Warranty Deed recorded in Instrument Number 2007108 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found with cap marked "Cornerstone Surveying" in the north line of Farm to Market Highway 879 (a 80 foot right of way) for the southwest corner of said Zorrillo Tract and the southeast corner of Tract 1 conveyed to Lodd Ven by Warranty Deed recorded in Instrument Number 1827695, OPRECT;

THENCE N 07°33'02" W, along the west line of said Zorrillo Tract and the east line of said Tract 1, passing the northeast corner of said Tract 1 and the southeast corner of Second Tract conveyed to Brenda Kaye Watson by Warranty Deed recorded in Instrument Number 1600168, OPRECT and passing the northeast corner of said Second Tract and the southeast corner of First Tract conveyed to Brenda Kaye Watson by Warranty Deed recorded in Instrument Number 1600168, OPRECT, in a distance of 307.18 feet to a 1/2" iron rod found with cap marked "Cornerstone Surveying" in the south line of the 160.146 acre tract of land conveyed to Kenneth Houdek by Warranty Deed recorded in Volume 736, Page 714 of the Deed Records of Ellis County, Texas (DRECT) for the northwest corner of said Zorrillo Tract and the northeast corner of said Second Tract;

THENCE S 81°20'30" E, along the north line of said Zorrillo Tract and the south line of said 160.146 acre tract, a distance of 360.84 feet to a 1/2" iron rod found for the northeast corner of said Zorrillo Tract and the northwest corner of the 4.77 acre tract of land conveyed to Ronald Bryant Slovacek by Warranty Deed recorded in Volume 2312, Page 739, OPRECT;

THENCE S 01°17'30" W, along the east line of said Zorrillo Tract and the west line of said 4.77 acre tract, a distance of 302.55 feet to a 1/2" iron pipe found in the north line of F.M. 879 for the southeast corner of Zorrillo Tract and the southwest corner of said 4.77 acre tract;

THENCE N 81°51'18" W, along the south line of said Zorrillo Tract and the north line of F.M. 879, a distance of 350.31 feet to the PLACE OF BEGINNING and containing 2.464 acres of land as surveyed on the ground.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Miguel Zorrillo and Ana Villalobos, do hereby certify and adopt this plat designating the herein above described property as the Final Plat of Boyce Addition, an addition in the ETJ of the City of Waxahachie, Ellis County, and does hereby dedicate to the public use forever, for public use forever, the streets and alleys shown hereon, Miguel Zorrillo and Ana Villalobos do herein certify the following:

1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debts, liens, and/or encumbrances.
3. The easements and public uses areas, as shown, and created by the plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown.
5. Ellis County is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Ellis County's use thereof.
7. Ellis County and/or public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. Ellis County and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purposes of construction, reconstruction, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
9. All modifications to this document shall be by no means of plat and approved by Ellis County.

This plat is approved subject to all plotting ordinances, rules, regulations and resolutions of the Ellis County, Texas.

Witness my hand this the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

By: Miguel Zorrillo Ana Villalobos  
State of Texas  
County of Ellis:

Before me the undersigned authority, a notary public in and for the state on this day personally appeared Miguel Zorrillo and Ana Villalobos, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Notary Public  
Plat  
Lots 1 & 2  
Block A  
Boyce Addition  
Being 2.464 Acres - 2 Residential Lots  
In the F.M. Woodard Survey, Abstract No. 1120  
An Addition in the ETJ of the City of Waxahachie  
Ellis County, Texas  
Case No. SUB-143-2021 Prepared: September, 2021

(21)



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:** Miguel Zorrilla E J **Parcel ID #:** 192206  
**Subdivision Name:** 2619 FM 879 ENNIS, TX 75119

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 type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>4</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Jacob Morales

Print Name of General Manager of water provider or Designee

Rockett SUD

Name of water provider company

Jacob Morales

Signature of General Manager of water provider or Designee

9/24/2021

Date

(22)

# Planning & Zoning Department

## Zoning Staff Report



Case: ZDC-157-2021

### MEETING DATE(S)

*Planning & Zoning Commission:* November 9, 2021

*City Council:* November 15, 2021

### CAPTION

**Public Hearing** on a request by Tarayn Dickerson, for a **Specific Use Permit (SUP)** for an **Accessory Dwelling** use within a Single Family-2 (SF-2) zoning district located at 1109 W Main St (Property ID 176626) - Owner: MICAH MUNCHRATH (ZDC-157-2021)

### APPLICANT REQUEST

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling.

### CASE INFORMATION

*Applicant:* Tarayn Dickerson

*Property Owner(s):* Micah Munchrath

*Site Acreage:* 0.353 acres

*Current Zoning:* Single Family-2 (SF-2)

*Requested Zoning:* Single Family-2 (SF-2) with a SUP for an Accessory Dwelling

### SUBJECT PROPERTY

*General Location:* 1109 W Main Street

*Parcel ID Number(s):* 176626

*Existing Use:* A single family residence with a roughly 500 sq. ft. accessory dwelling currently exists on the site.

*Development History:* The property is platted as Lot 1A, Block 9 of the West End Revision

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-2	Single Family Home
East	SF-2	Single Family Home with an Accessory Garage
South	SF-2	Single Family Home
West	SF-2	Single Family Home

*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 a similar density. It is appropriate to have approximately 3.5 dwelling units per acres.

*Thoroughfare Plan:* This property is accessible via W Main Street and Harding Street

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting a Specific Use Permit to allow for the addition of a 288 sq. ft. accessory dwelling unit within a Single Family-2 zoning District. Located at 1109 W Main Street. According to the Ellis County Appraisal District, the primary structure on the property is 2,398 sq. ft., while the combined existing detached carport and accessory dwelling total 1,116 sq. ft.. Per the City of Waxahachie Zoning Ordinance, an accessory dwelling located in a Single Family-2 zoning district requires a SUP to be approved by City Council.

**Proposed Use**

The applicant is requesting approval to construct a 288 sq. ft. accessory structure, to be used as a dwelling. The accessory dwelling is proposed to be a 12 ft. x 24 ft. Ulrich prefabricated structure with an exterior comprised mostly of siding. During site visits, staff noticed there are other accessory structures in the surrounding neighborhood area with exterior siding, though none of these appear to be accessory dwellings. Finally, staff would like to note that the proposed location of the structure renders it entirely concealed from view from the Right-of-Way (ROW).

Staff has informed the applicant that should the SUP be approved, the proposed structure shall not be separately metered and thus the utilities must connect to the existing house.

Subject to approval of this application, an approved building permit will be required prior to the commencement of 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, 12 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**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 structure shall not, in any case, be leased or sold separately and shall not be separately metered.

**ATTACHED EXHIBITS**

1. Site Plan
2. Concept Plan

**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:*  
Zack King  
Senior Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

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

# Site Plan Exhibit ZDC-157-2021

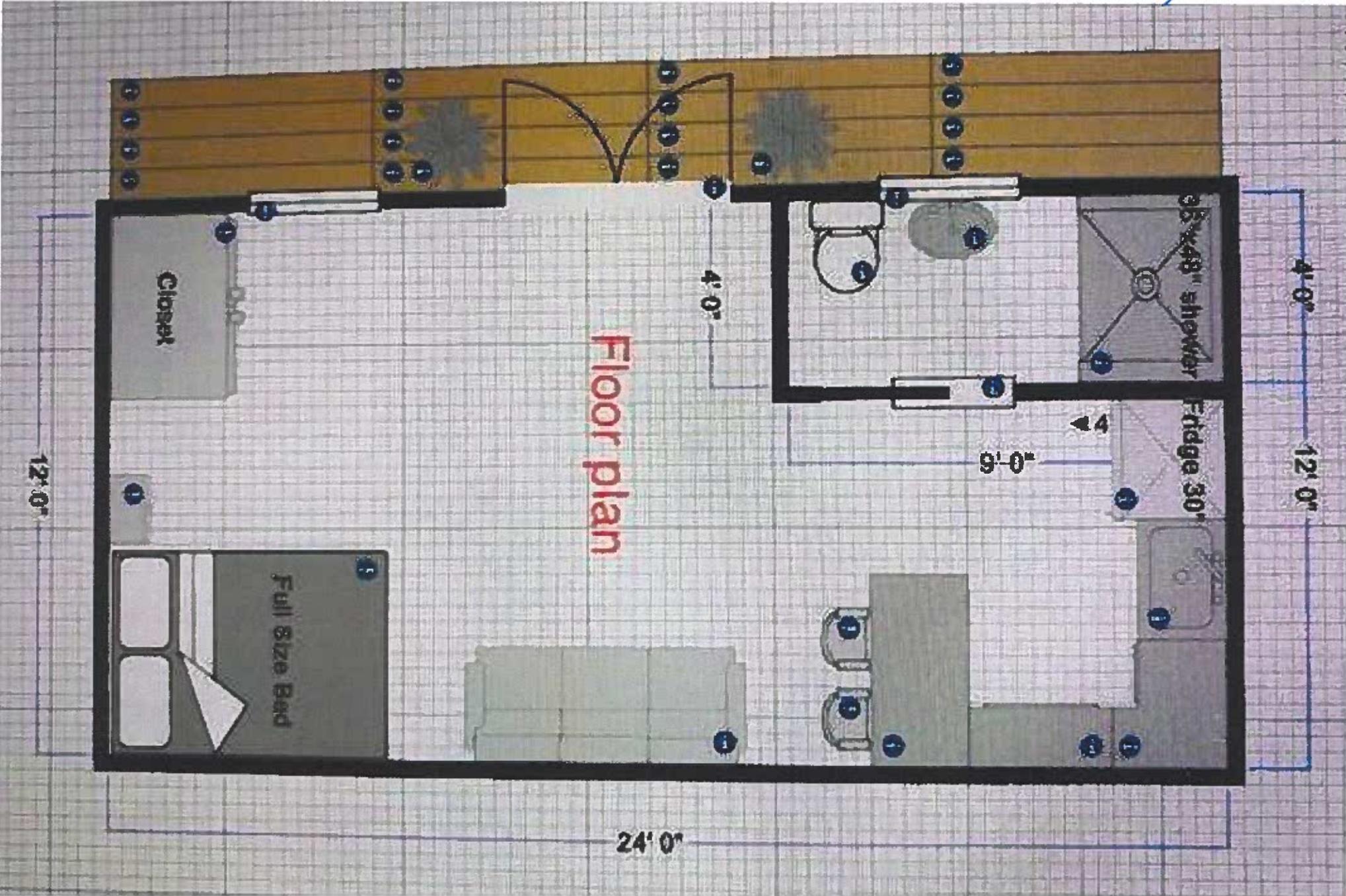
-  Proposed Accessory Structure
-  Existing home & Accessory Structure
-  Property Line





Pre-Fab Concept photo

(22)



# Planning & Zoning Department

## Zoning Staff Report



Case: ZDC-122-2021

**MEETING DATE(S)**

Planning & Zoning Commission: November 9, 2021

City Council: November 15, 2021

**CAPTION**

**Public Hearing** on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)

**APPLICANT REQUEST**

The applicant is requesting a Specific Use Permit (SUP) to allow a Bed and Breakfast use at 617 Solon Rd.

- The case has been advertised as a "Private Club" use due to the applicant originally proposing an Event Venue and Bed and Breakfast at the property. On November 3, 2021, the applicant informed staff that the proposal will no longer include an Event Venue.

**CASE INFORMATION**

Applicant: Asa Tsang, Saturn Star, LLC

Property Owner(s): Saturn Star Realty, LLC

Site Acreage: 1.5 acres

Current Zoning: General Retail (GR)

Requested Zoning: General Retail with SUP

**SUBJECT PROPERTY**

General Location: 617 Solon Rd.

Parcel ID Number(s): 180405

Existing Use: Existing vacant single family residence

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF2	Waxahachie ISD Transportation
East	2F	Solon Place-Rev. Subdivision
South	PD-SF2	Waxahachie ISD/Waxahachie ISD Transportation
West	PD-16-LI1	Vacant Land

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 Solon Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting a Specific Use Permit (SUP) to allow a Bed and Breakfast use at 617 Solon Rd.

- The case has been advertised as a "Private Club" use due to the applicant originally proposing an Event Venue and Bed and Breakfast at the property. On November 3, 2021, the applicant informed staff that the proposal will no longer include an Event Venue.

**Proposed Use**

The applicant intends to use the subject property as a Bed and Breakfast. The existing home on the subject property was originally built in 1894, and consist of three (3) bedrooms and two and a half (2.5) bathrooms. Per the Ellis County Appraisal District, the home contains 3,148 sq. ft. of living space. In addition, the home is registered as a historic home in the national registry.

Per the Operational Plan, the Bed and Breakfast rental is proposed to be used for each bedroom, allowing two people per room. The living room, dining room, and kitchen will be accessible by guest during duration of their stay. Guests will be able to check in on their own with provided electronic key code. Key codes will consist of a 4-digit code and is scheduled based on the duration of their stay.

The Solon Estate will source a cleaning company to clean each room after each guest checks out. Cleaning services will include changing linens, cleaning bathrooms, living room, kitchen and areas of traffic.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 use.

**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. Staff suggests that the proposed parking spaces be paved with concrete.

**ATTACHED EXHIBITS**

- 1. Operational Plan Packet

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(24)

617 SOLON RD  
WAXAHACHIE, TX 75165



## PROPOSAL PLAN: SOLON ESTATE (BED & BREAKFAST)

Waxahachie known for antique and historic homes, would be ideal for travelers to experience Small Town and Southern hospitality. The stone house has its unique charm, history and preservation. The property will be named after John Solon the original owner known to have helped build the Waxahachie Court house and other monumental structures in the area.

The historic Solon House was originally built in 1894. The main home, which is registered as a historic home in the national registry. Solon Estate will be marketed as a Bed & Breakfast rental situated on 1.5 acre.

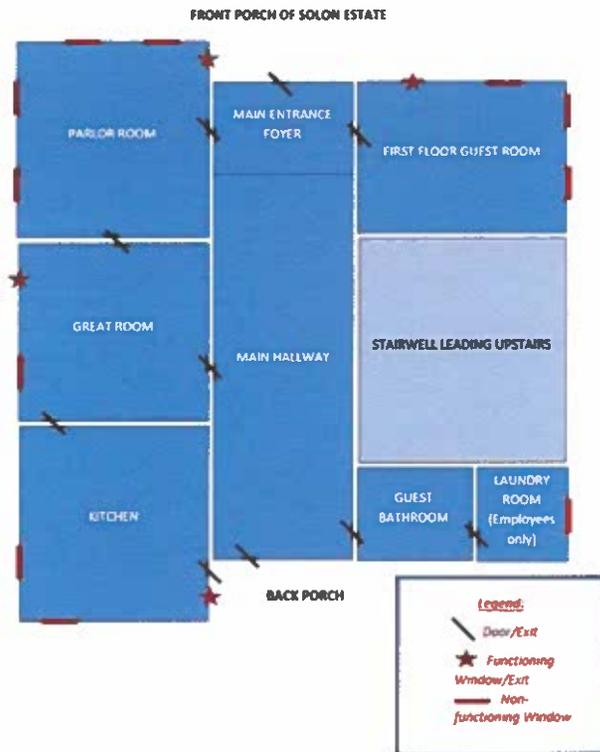
## PROPERTY DESCRIPTIONS

Property / Structure	Description	Number Bed / Bath	Usage
	<p>A Historic GEM built in 1894 &amp; in the Natl Registry with 3,148 square feet of living space.</p> <p>Original hardwood floors, granite kitchen and bathroom countertops. The entire estate can be rented as bed and breakfast.</p> <p>*Each room has a functioning window in event of an emergency, see next side for layout of the house and evacuation plan.</p>	<p>3 bed, 2.5 bath (2 bedroom upstairs and 1 downstairs)</p> <p>Living room, dinning and kitchen is on the first floor consisting of 1,200 square feet of living space.</p>	<p>Bed and Breakfast rental for each bedroom, each room sleeps 2 people.</p> <p>Living room, dinning room, and kitchen are accessible by guest during duration of their stay.</p>

# EVACUATION PLAN



## EVACUATION MAP



## EVACUATION MAP

2<sup>ND</sup> FLOOR



(24)

## HOURS OF OPERATION

BED & BREAKFAST: Daily - 3 pm (Check in) 10 am (Check out)

\* Guest will be provided door code to access the property during the duration of their reservation.

## BUSINESS AND OPERATIONAL PROCEDURE

Solon Estate will be utilized at a Bed & Breakfast. Guests will be able to check in on their own with provided electronic key code. Key codes will consist of the guest's last 4 digit of their cell phone number and is scheduled based on their duration of their stay.

Solon Estate encourage dinning out than cooking on the premise and guests will have access to the kitchen for food storage Guest will be presented with a voucher to local restaurants for their breakfast which included with the nightly rental rate.

Solon Estate will source a cleaning company to clean each room after each guest checks out, cleaning services will include changing linens, cleaning bathrooms, living room, kitchen and areas of traffic.

Check in and check out will be self serve unless requested by guest.

(24)

## COMPETITORS

Name	Description	Rates
The English Merchants Inn	Bed and Breakfast	Room rates \$195 avg
The Chaska House/The Retreat	Bed and Breakfast	Room rates \$165 avg
Solon Place Apartments	Apartment	Monthly rent \$1,000-\$1,249
The Marks Apt	Apartment	Monthly rent \$1,096-\$1691
Solon Estate	Bed and Breakfast	Room rates \$175-250 \$250 - \$2500 per booking

(24)

## COMMUNITY AND CITY EVENTS

Venues	Events	Events (Cont'd)	Community
Getzendaner Park Ellis County Rural Heritage Farm Waxahachie Civic Center Chautauqua Auditorium Historic Downtown Square	Came to Believe Recovery Waxahachie Retreat Waxahachie Downtown Farmers Market Waxahachie Labor Day Triathlon Junk in the Trunk – Trade show Waxahachie Bridal Extravaganza Antique Alley in Downtown C10's in the Park Truck Show Jason Cassidy Concert Downtown Sidewalk Sale Brown Bag & History at Ellis County Museum Screams Halloween Theme Park Waxahachie Gun & Knife Show Chautauqua The Power of Sports Christmas Market & Gift Show Bethlehem Revisited The Nutcracker – Waxahachie High School Chocolate Sip 'N Stroll – Christmas Walk-a-thon Benefit Santa Run – Community Benefit Waxahachie Historic Christmas Tour of Homes Miracle on 34 <sup>th</sup> Street – University Church	Trash Can Transformation Project – Art show Farm Heritage Day Downtown Pink Night Out – Walk-a-thon for Breast Cancer Awareness Our Sunflower Friends Benefit – Annual Family Festival, including kids activities AAA Texas NHRA Falls Nationals Oktoberfest Beauty and the Beast play Texas Country Reporter Festival Trick or Treat on the Square Fall Farm to Table Feast Antique Shows – various locations all year Salvation Army Boys & Girls Veterans Ceremony Waxahachie WWII Re-enactment Festival of Trees-A Home for the Holidays – Benefiting Habitat for Humanity Wine Walk Small Business Saturdays Christmas Parade Community Tree Lighting Beauville – Navarro college plays	Navarro College Waxahachie High School University Church Baylor Scott & White Hospital (500 + beds) SR Solon Rd. Baptist Church Wedgeworth Elementary Bella Vita – Senior Assisted Living



(26)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-164-2021**

### MEETING DATE(S)

*Planning & Zoning Commission:* November 9, 2021

*City Council:* November 15, 2021

### CAPTION

**Public Hearing** on a request by Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

### APPLICANT REQUEST

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

### CASE INFORMATION

*Applicant:* Jonathan Cruz, HGO Tire Shop

*Property Owner(s):* Daystar Coaches & Tours Inc.

*Site Acreage:* 0.75 acres

*Current Zoning:* Future Development (FD)

*Requested Zoning:* Planned Development-Future Development

### SUBJECT PROPERTY

*General Location:* 211 E. Sterrett Rd.

*Parcel ID Number(s):* 187131

*Existing Use:* Existing storage site for HGO Tires

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	GR	Single Family Residence/Office
East	FD	Undeveloped Land
South	FD	Single Family Residence
West	FD	Single Family Residence

*Future Land Use Plan:* Retail

*Comprehensive Plan:*

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:*

The subject property is accessible via E. Sterrett Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

**Site History:**

It should be noted that the applicant is currently using the property for storage of additional tires for the HGO Tire Shop. Prior to HGO storing tires at the property, the subject property was owned and occupied by Daystar Coaches & Tours. Per the applicant, the owner agreed to lease the property to the applicant to allow storage on the site. HGO Tires has been using the property as storage since August 2020.

On September 8, 2021, staff received a complaint from a resident within the surrounding area stating that the site needed to be cleaned. Per the City of Waxahachie Code Enforcement Department, violations for Outside Storage (Tires), Junk Vehicles, and a Zoning Violation were identified and case #1932 was created.

**Proposed Use**

Due to limited space on the primary business property (3504 N Hwy 77), the applicant is requesting to use the subject property for storage and trailer parking. The site is proposed to primarily store utility trailers and overstock tires. The property will only be accessible to HGO employees during business hours 8AM to 8PM daily. All business transactions, tire work, and client relations will continue to be

conducted at the primary business property. In addition, the applicant will keep up to 4 trailers and 7 employee vehicles at a time. The trailers will be kept on property overnight, and personal vehicles will be removed at the close of business. The existing barn structure on the property will be used to store the applicants overstock tires. To protect the trailers/vehicles and tires to be seen from public right-of-way, the applicant is proposing to screen the right side of property (where trailers will be located) with trees and shrubs. At the time of this report (11/3/2021), the applicant has not informed staff of the specific landscaping species that will be provided.

**STAFF CONCERNS**

**Zoning Violation**

The subject property is currently zoned Future Development, which only allows for the use of residential. In addition, there is no primary use for the site. The use of storage is considered an accessory use. Per the City of Waxahachie Zoning Ordinance, an accessory use cannot occupy the property alone. An accessory use can only occupy as a secondary use on a property.

**Code Enforcement/Neighbor Complaint**

As mentioned in the "Site History" section of this staff report, staff has received neighbor complaints (via phone) for the proposed use. In addition, the Code Enforcement Department created a case due to continuous issues of Outside Storage (Tires), Junk Vehicles, and a Zoning Violation.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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 has received one (1) letter of support for the proposed use.

**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  
Due to staff concerns, staff recommends denial for the proposed use.
- Approval, as presented.
- Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Site Exhibit
3. City of Waxahachie Code Enforcement Response Letter
4. Code Enforcement Report Code

**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  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

PropertyID	Owner's Name
187039	PHOU HIEK K
284071	BELL LOUIS W & KAJORN H
284794	ELLIFF DONNA JOYCE
187131	DAYSTAR COACHES & TOURS INC
185377	OTT RODNEY E
239084	MADRIGAL MARCO C
201644	BORDERS JOEY
256601	LA CARRETA MANAGEMENT CO LLC
256602	LA CARRETA MANAGEMENT CO LLC
256603	LA CARRETA MANAGEMENT CO LLC
239083	ALLEGIANT INVESTMENTS C/D POEBIZ INC





E Street

290 FT

E Street

391 FT

80 FT  
50 FT

470 FT

725 FT



(26)

**BUILDING & COMMUNITY SERVICES**

**MEMORANDUM**

11/02/2021

To: Planning & Zoning Department

Re: 211 E. Sterrett Rd.

On 09/08/21 we received a complaint, from an area resident, of outside storage at 211 E. Sterrett Rd.

Violations for Outside Storage (Tires), Junk Vehicles, and a Zoning Violation were identified and case #1932 was created.

The number of tires at the location is quite large and about half of the tires are not stored inside a closed building or container. The location is not secured by a proper gate and fence and access to the public is in no way restricted. As such, the tires pose a significant fire/health hazard.

I recommend denial of any zoning change made to allow for the storage of any tires or vehicles at the location due to the above facts.

Yours truly,

Michael Carrillo

Senior Code Enforcement Officer  
City of Waxahachie



**City of Waxahachie, TX**  
 Building & Community Services  
 Code Enforcement  
 Property Notice of Violation

(26)

<b>Violation Notice</b>	Case Number: <b>CODE-001932-2021</b>
	Case Type: <b>Code Enforcement</b>
	Date Case Established: <b>09/08/2021</b>
	Compliance Deadline: <b>10/03/2021</b>

**Owner:** DAYSTAR COACHES & TOURS INC

**Mailing Address**

DAYSTAR COACHES & TOURS INC  
 141 SEQUOIA CT  
 MIDLOTHIAN, TX 76065

**Notice of Violation for the following location:**

Address	Parcel
211 E STERRETT RD WAXAHACHIE, TX 75165	187131

**Violation: Sec. 15-32 (7) - Outside Storage**

The outdoor storage of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours, unless such items are:

- a. Out of public view, behind a solid fence or wall of at least six (6) feet in height.
- b. Behind the main structure; or
- c. Not visible from a public thoroughfare and/or right-of-way.

Exemptions: This section shall not apply to construction material and/or equipment which is intended for use within thirty (30) days in construction or renovation on the premises or when there exists an active building permit on the premises.

Additionally this does apply to furniture made for outdoor use or landscape containers and objects, or children's play equipment.

**Corrective Action:** Please remove the all trash/debris and tires from the outside of the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

**Compliance Date:** 10/03/2021

**Violation: Sec. 17-48 - Junked Vehicle**

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

**Corrective Action:** Please remove the blue Dodge Ram (TX Lic. KVC1688, expired registration 06/21) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

**Compliance Date:** 10/03/2021

**Violation: Sec. 17-48 - Junked Vehicle**

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

**Corrective Action:** Please remove the tan Cadillac (TX Lic. R96VSJ, expired registration 07/04) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

**Compliance Date:** 10/03/2021

**Violation: Sec. 4.02 (a) (i) - Zoning Use**

No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

**Corrective Action:** This property is not zoned for tire storage and may not be used for such purposes. All tires must be removed within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

**Compliance Date:** 10/03/2021

(26)



**City of Waxahachie, TX**  
Building & Community Services  
Code Enforcement  
Property Notice of Violation

Case Number: <b>CODE-001932-2021</b>	
<b>Violation Notice</b>	Case Type: <b>Code Enforcement</b>
	Date Case Established: <b>09/08/2021</b>
	Compliance Deadline: <b>10/03/2021</b>

Please correct each of the above violations within the indicated time frames. Each violation may be subject to a daily penalty. Failure to correct the above violation(s) will result in the City prosecuting you under the provisions of the ordinance, and/or correcting the conditions and billing you. **The Bill will include the cost to correct the condition, applicable sales tax and an administrative fee equal to the cost of cleanup. The administrative fee will not exceed one hundred dollars (\$100.00).** If unpaid, the City would then file a privileged lien against the property.

Sincerely,

Rance Taylor  
Code Enforcement Officer

(26)



**City of Waxahachie, TX**  
Building & Community Services  
Code Enforcement  
Property Notice of Violation

Case Number: **CODE-001932-2021**

# Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **09/08/2021**

Compliance Deadline: **10/03/2021**

**Violator:** HGO Tire Shop

**Mailing Address**

HGO Tire Shop  
3524 N US HIGHWAY 77  
WAXAHACHIE, TX 75165

**Notice of Violation for the following location:**

**Address**

**Parcel**

211 E STERRETT RD  
WAXAHACHIE, TX 75165

**187131**

**Violation:** Sec. 15-32 (7) - Outside Storage

The outdoor storage of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours, unless such items are:

- a. Out of public view, behind a solid fence or wall of at least six (6) feet in height.
- b. Behind the main structure; or
- c. Not visible from a public thoroughfare and/or right-of-way.

Exemptions: This section shall not apply to construction material and/or equipment which is intended for use within thirty (30) days in construction or renovation on the premises or when there exists an active building permit on the premises.

Additionally this does apply to furniture made for outdoor use or landscape containers and objects, or children's play equipment.

**Corrective Action:** Please remove the all trash/debris and tires from the outside of the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

**Compliance Date:** 10/03/2021

**Violation:** Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

**Corrective Action:** Please remove the blue Dodge Ram (TX Lic. KVC1688, expired registration 06/21) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

**Compliance Date:** 10/03/2021

**Violation:** Sec. 17-48 - Junked Vehicle

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way.

**Corrective Action:** Please remove the tan Cadillac (TX Lic. R96VSI, expired registration 07/04) from the unimproved surface on the property within ten (10) days of receiving this notice. Failure to do so may result in possible citations or the vehicle being towed.

**Compliance Date:** 10/03/2021

**Violation:** Sec. 4.02 (a) (i) - Zoning Use

No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

**Corrective Action:** This property is not zoned for tire storage and may not be used for such purposes. All tires must be removed within ten (10) days of receiving this notice. Failure to do so may result in possible citations.

**Compliance Date:** 10/03/2021

(26)



**City of Waxahachie, TX**  
Building & Community Services  
Code Enforcement  
Property Notice of Violation

Case Number: <b>CODE-001932-2021</b>	
<b>Violation Notice</b>	Case Type: <b>Code Enforcement</b>
	Date Case Established: <b>09/08/2021</b>
	Compliance Deadline: <b>10/03/2021</b>

Please correct each of the above violations within the indicated time frames. Each violation may be subject to a daily penalty. Failure to correct the above violation(s) will result in the City prosecuting you under the provisions of the ordinance, and/or correcting the conditions and billing you. **The Bill will include the cost to correct the condition, applicable sales tax and an administrative fee equal to the cost of cleanup. The administrative fee will not exceed one hundred dollars (\$100.00).** If unpaid, the City would then file a privileged lien against the property.

Sincerely,

Rance Taylor  
Code Enforcement Officer

(26)



**CODE CASE DETAILED REPORT CODE-001932-2021  
FOR CITY OF WAXAHACHIE, TX**

<b>Case Type:</b> Code Enforcement	<b>Project:</b>	<b>Opened Date:</b> 09/08/2021
<b>Status:</b> In Progress	<b>District:</b> Roadway Impact District 2	<b>Closed Date:</b> NOT CLOSED
<b>Assigned To:</b> Rance Taylor	<b>Description:</b> TIRES/MOSQUITOS	

<b>Parcel:</b> 187131	<b>Main</b>	<b>Address:</b> 211 E Sterrett Rd Waxahachie, TX 75165	<b>Main</b>
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Owner	Violator	Violator
Daystar Coaches & Tours Inc 141 Sequoia Ct Midlothian, TX 76065	Hgo Tire Shop Jonathan Cruz 211 E Sterrett Rd Waxahachie, TX 75165	Hgo Tire Shop Jonathan Cruz 3524 N Us Highway 77 Waxahachie, TX 75165

Note	Created By	Date and Time Created
1. I RECEIVED A CSS COMPLAINT REGARDING TIRES AND MOSQUITOS AT THE LOCATION	Michael Carrillo	9/8/2021 9:15 am
2. I went to the location and observed an abundance of used tires, pile of trash/debris, two junk vehicles, and a trailer on an unimproved surface.	Rance Taylor	9/8/2021 3:25 pm
3. I went back to the location this morning and another trailer had been added to the lot.	Rance Taylor	9/9/2021 4:41 pm
4. A CO (CO-003036-2020) was filed for this location but was not approved. The CO was for tire and trailer storage.	Rance Taylor	9/9/2021 4:45 pm
5. Officer Lowe and I went to HGO Tire (who filed for the CO) to speak with them about the violations. They stated that they never heard back from the city after the initial CO application so they just began using the property for the purposes which were outlined. They also stated that they only rent part of the property, with the buses/coaches belonging to the actual property owner and the tires, trailers, vehicles, trash/debris being HGO Tire's.	Rance Taylor	9/11/2021 10:43 am
6. They asked if they could resubmit for the zoning change, which we let them know they could, but advised against. In the meantime, they were told to begin removing the tires, trash/debris, junk vehicles, and trailers from the property.	Rance Taylor	9/11/2021 10:46 am
7. Notice of Violation mailed to owner via certified mail.	Rance Taylor	9/23/2021 11:55 am
8. Notice of Violation mailed to violator via certified mail.	Rance Taylor	9/23/2021 11:55 am
9. I hand delivered a copy of the NOV to the business and explained the deadline being 03OCT2021.	Rance Taylor	9/23/2021 3:20 pm
10. Mr. Earl Teeter (owner of property/Daystar Coaches) contacted me about the notice. I explained that we've already been in communication with HGO Tires about the violations. He stated that the Cadillac actually belongs to his brother, not HGO Tires. I told him I'd update the deadline for that violation since he just received his copy of the NOV yesterday (30SEP2021).	Rance Taylor	10/1/2021 4:57 pm
11. I went to the location and observed that both junk vehicles have been removed, as well as almost all the outside storage except for a washer & dryer and one or two wheels. The main structure and walking ramp on the accessory structure are still being used to store tires.	Rance Taylor	10/4/2021 4:30 pm
12. There are no new applications/permits on file for this location.	Rance Taylor	10/4/2021 4:34 pm
13. Delivery receipt received for the owner, initialled (illegible) and dated 30SEP2021.	Rance Taylor	10/5/2021 3:18 pm
14. Delivery receipt received for the owner, initialled C19 and dated 29SEP2021.	Rance Taylor	10/6/2021 8:07 am



# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-161-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021

*City Council:* November 15, 2021

**CAPTION**

**Public Hearing** on a request by Chris Reeves, Quickway Signs for a **Planned Development (PD)** for an **Electronic Message Sign** use within a Single Family-2 (SF-2) zoning district located at 505 W Marvin Ave (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-161-2021)

**APPLICANT REQUEST**

The applicant is requesting to relocate an existing ground monument sign 50ft. south of the existing location, and install an electronic message board on top of the sign at First United Methodist Church (505 W. Marvin Ave.).

**CASE INFORMATION**

*Applicant:* Chris Reeves, Quickway Signs

*Property Owner(s):* First United Methodist

*Site Acreage:* 4.226 acres

*Current Zoning:* Single Family-2

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

**SUBJECT PROPERTY**

*General Location:* 505 W. Marvin

*Parcel ID Number(s):* 219714

*Existing Use:* First United Methodist Church

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF2 & MF1	Single Family Residences/ Marvin Place Apartments
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Single Family Residences

*Future Land Use Plan:* Low Density Residential

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

*Thoroughfare Plan:* The subject property is accessible via Bryson St. and W. Marvin Ave.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting to relocate an existing ground monument sign 50ft. south of the existing location, and install an electronic message board on top of the sign at First United Methodist Church (505 W. Marvin Ave.). Per the City of Waxahachie Zoning Ordinance, a Planned Development request must be reviewed by the City Council.

**Proposed Use:**

The applicant is requesting approval of a Planned Development (PD) to install an electronic message board on top of an existing ground monument sign. The sign will be relocated around 50ft. south of the existing location along W. Marvin Ave. Once installed, the proposed sign will be 53.55 square feet and 6.5 ft. tall, and will consist of the same façade (brick and stone). Per the City of Waxahachie Zoning Ordinance, electronic message signs shall meet the following stipulations listed in Table 2 below.

**Table 2: Sign Regulation Chart**

\*Items highlighted in **bold** are not consistent with the City of Waxahachie Zoning Ordinance

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>First United Methodist Church</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the church.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the signs come with an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 10pm – 6am.
Max. Size= 80 sq. ft.	Proposed Size= 53.55 sq. ft.
Max. Height= 8 ft.	Proposed Height= 6.5 ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback minimum 15 ft. from public ROW

### **STAFF CONCERNS**

#### **Character of the District**

Due to First United Methodist Church being located within a historic district, staff has concerns that approving the proposed electronic message sign could affect the character of the district. In addition, staff has received several letters of opposition from surrounding neighbors regarding the proposed sign.

### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **29** 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**

**Inside 200 ft. Notification Buffer:** Staff has received seven (7) letters of opposition and one (1) letter of support for the proposed use.

**Outside 200 ft. Notification Buffer:** Staff has received four (4) letters of opposition for the proposed use.

**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. Due to staff concerns, staff recommends denial for the proposed use.
  - 2. Note: If the proposed use is denied by the Planning and Zoning Commission:
    - a. A favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
  - 3. Note: If City Council chooses to approve the proposed use, staff suggests that the sign shall not be illuminated between the hours of 8pm – 8am. In addition, the sign shall meet the requirements for an electronic message sign per the City of Waxahachie Zoning Ordinance.
- Approval, as presented.
- Approval, per the following comments:

**ATTACHED EXHIBITS**

- 1. Property Owner Notification Responses
- 2. Site Layout Plan
- 3. Sign Rendering

**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  
 Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

PropertyID	Owner's Name	Owner's Address	Owner's City
171933	CUNLIFFE ELIZABETH G	415 W MARVIN AVE	WAXAHACHIE
171934	GETZENDANER KATHI S & ELIZABETH L BADGETT	4445 SKINNER RD	MIDLOTHIAN
171935	CUNLIFFE ELIZABETH GETZENDANER	415 W MARVIN AVE	WAXAHACHIE
171940	ORTEGA MARIA E MD	503 W MARVIN AVE	WAXAHACHIE
171941	HILL WILLIAM D & MICKIE	507 W MARVIN AVE	WAXAHACHIE
171951	CLEMENTS NEIL	102 INDIAN HILLS	WAXAHACHIE
171952	MOR PAT INVESTMENT SERIES LLC SERIES 2	200A N RODGERS ST	WAXAHACHIE
171953	LORD DONNIE E & BENITA P	502 W MARVIN AVE	WAXAHACHIE
173314	FIRST UNITED METHODIST	505 W MARVIN AVE	WAXAHACHIE
173315	FINCHER BOBBIE L	610 W PARKS AVE	WAXAHACHIE
173316	FIRST UNITED METHODIST	505 W MARVIN AVE	WAXAHACHIE
173317	MORENO PETE	501 N GIBSON ST	WAXAHACHIE
173318	SEIBEL CECIL R & SUSAN K	414 W PARKS AVE	WAXAHACHIE
173319	DINGMAN PAULA	412 W PARKS AVE	WAXAHACHIE
173324	BARKER ERNEST & SUSAN	515 W PARKS AVE	WAXAHACHIE
173325	BOYCE ADRIAN B & DERHENDA	501 W PARKS AVE	WAXAHACHIE
173326	AVERY TIMOTHY J & JACQUELYN	617 W PARKS AVE	WAXAHACHIE
173327	FOUR POINT INVESTMENT GROUP LLC	501 N COLLEGE ST	WAXAHACHIE
173327	FOUR POINT INVESTMENT GROUP LLC	501 N COLLEGE ST	WAXAHACHIE
173329	BROWN WILLIAM L JR	503 W PARKS AVE	WAXAHACHIE
173330	LONG JENEAN	501 W PARKS AVE	WAXAHACHIE
173331	NORTH STAR CUSTOM HOMES LLC	2111 VOLUNTEER S W	CLEVELAND
173332	SKIPPER BILLY WAYNE	505 W PARKS AVE	WAXAHACHIE
174082	PHILLIPS JAMES R & EKLUND	606 W MARVIN	WAXAHACHIE
174087	MARSHALL WHITNEY R & RICHARD	608 W MARVIN AVE	WAXAHACHIE
176934	MAYO SHAY & BRANDY	414 W MARVIN AVE	WAXAHACHIE
176935	MONTEJANO JACQUELINE E & MIKULA RUDY	412 W MARVIN AVE	WAXAHACHIE
193942	WAXAHACHIE ISD	411 N GIBSON ST	WAXAHACHIE
219714	FIRST UNITED METHODIST	505 W MARVIN AVE	WAXAHACHIE

(28)

Hi Colby,

What follows is an explanation of our rationale and need for the sign that is requested. I'll send along a rendering of the sign as soon as I can locate it. Thank you!

Kevin Tully

Dear Colby,

For 170 years, First United Methodist Church has been a part of the Waxahachie community, providing benefits to its citizens and promoting values that are beneficial to all.

What this church has done and continues to do has not happened by way of selling a product; it has come through relationships – involving people in worship, learning, programs, service, and events.

In order for persons to know about these, we must be able to communicate with those nearby and in our area. Our present church signage does not even have our worship times listed – which, in this day and time might be just as well, since many communities of faith now offer worship services at other days and times than just Sunday morning. Gone are the days when it may be assumed that church activities happen only on Sunday mornings and Wednesday nights. Communication of these options is required.

The signage solution we have proposed would allow us to continue to do what we believe we are called to do – to benefit our community and share values that promote the general welfare of our city. Limiting our ability to inform persons of these programs would infringe on our ability to succeed in the work to which we are called and for which we exist.

The sign we have proposed, we feel is tastefully done and seeks to retain the aesthetics of our campus. We have not proposed a 10, 8, or even 4-foot-tall sign. The speed limit on West Marvin Avenue makes it possible for traffic to be informed with an electronic sign that is less than 30 inches tall. Our intention is to share words, not flashing graphics or strobe effects.

We respect the beauty of our neighborhood, value the goodwill of our neighbors, and want to add to – rather than detract from – the appearance and well-being of our city.

Thank you for considering our proposal. I and/or representatives of our church's Board of Trustees will be happy to provide any information that will assist you in your decision.

Sincerely,

Rev. Dr. Kevin Tully  
Pastor

--

**Kevin Tully**

First United Methodist Church  
505 W. Marvin Ave.  
Waxahachie, TX 75165

Case Number: ZDC-161-2021

City Reference: 171940

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** 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:

"Electronic Message Sign" is much too vague a description. But any electronic signage would be inappropriate in a historic residential neighborhood.

*Maria E. Ortega, MD*  
Signature

10/29/2021  
Date

MARIA E. ORTEGA, MD  
Printed Name and Title

603 W. Marvin Ave  
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.*

(28)



**\*REVISED NOTICE\***  
**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: ZDC-161-2021**



RECEIVED NOV 02 2021

HILL WILLIAM D & MICKIE  
607 W MARVIN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** 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 Chris Reeves, Quickway Signs for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Single Family-2 (SF-2) zoning district located at 505 W Marvin Ave (Property ID 219714) - Owner: FIRST UNITED METHODIST (ZDC-161-2021)

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-161-2021**

City Reference: 171941

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** 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:

*The present monument sign adds beauty & dignity to our historic, quaint avenue. A LED lighted sign is inappropriate in our neighborhood.*

Signature

Date

MICKIE HILL

607 W. Marvin Avenue

Printed Name and Title

Address

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

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(28)



**\*REVISED NOTICE\***  
City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-161-2021**

RECEIVED NOV 1 2021

BARKER ERNEST & SUSAN  
615 W PARKS AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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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-161-2021**

City Reference: 173324

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** 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:

While I support the Church and its mission I am opposed to AN electric billboard type sign in a historical area.

*Est F Barker*  
Signature

Nov 1, 2021  
Date

Ernest F. Barker  
Printed Name and Title

615 W Parks Ave  
Address

We already have too much light pollution, these historical neighborhoods need to be protected, If we allow one it will open the door to others. ~~This sign~~ This sign would be fine on 287 or Hwy 77 but Not on a historical residential street.

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.

Case Number: ZDC-161-2021

City Reference: 171940

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

The sign will potentially downgrade the valued historicity of this particular area.

RECEIVED NOV 02 2021

ABoyce  
Signature

11/2/21  
Date

Mr. Adrian Boyce Sr.  
Printed Name and Title

601 W. Parks Ave  
Address waxahachie, 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.*

(28)

**From:** waxaone@aol.com  
**Sent:** Tuesday, November 2, 2021 11:31 AM  
**To:** Planning@waxahachie.com  
**Subject:** Case Number ZDC-161-2021

Good morning. My name is Liz Cunliffe and my husband and I reside at 415 West Marvin Avenue, directly across from the First United Methodist Church. I grew up in this house and with the Methodist Church. My girl scout meetings were held there and I attended MYF there as well. My husband and I both think the Church does amazing community and humanitarian services and Pancake breakfast is one of our favorite mornings of the year! Although we support their efforts in this regard, we are both opposed to them installing an electronic message sign on the property. (Reference Case number ZDC-161-2021, City Reference 171933). I will be unable to attend the public hearing on November 9th as I am having foot surgery on the 5th and will be off my feet for several weeks. I hope you will give this letter equal weight in your consideration of this matter.

As I said I grew up in this neighborhood, directly across the street from the Church and reside in this neighborhood currently. I have witnessed the growth in this neighborhood and the encroachment of business into the surrounding area of this neighborhood, specifically Ferris Avenue. When I grew up there wasn't even a left turn signal at the intersection of West Marvin and Ferris Avenue, my grandmother's house stood where O'Reilly Auto Parts stands today and everyone knew their neighbors. This was a neighborhood community and the Church was certainly a part of that community. As Waxahachie has grown and the traffic on West Marvin and Ferris Avenue has increased greatly, our residential neighborhood feels threatened. My husband and I feel the installation of an electronic message sign sets a bad precedence for our residential street. What's to stop Marvin Gardens apartments, Tomatoes, and even CVS from installing electronic message signs on their properties (a Marvin facing sign in CVS's case as they already have Ferris Avenue facing signs)? Our neighborhood and residential street will begin to look more like the commercial Ferris Avenue and this is definitely not what we want on our street. A lot of money was spent to improve and enhance Marvin Avenue and consequentially the neighborhood we live in. There have been many new families moving onto Marvin Avenue, families that enjoy walking through the neighborhood, sitting on their porches watching the world go by or watching their children playing in the yard. We feel the installation of an electronic message sign would not be in keeping with the residential community and would keep the residents from enjoying their neighborhood as a neighborhood. If we wanted commercialism, we only have to walk to Ferris Avenue. The existing sign at the First United Methodist Church is tasteful and more in fitting with the neighborhood.

It is for these reasons my husband and I cannot support the installation of an electronic message sign. I hope the commission will consider this opposition as the subject is discussed and that approval is not a forgone conclusion on the commission's or the Church's part as I observed Quickway out measuring and taking pictures on Saturday on the Church property.

Respectfully,  
Liz and John Cunliffe

Case Number: ZDC-161-2021

City Reference: 173317

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Electronic signs are not for residential  
neighborhoods

Pete Morewo

Signature

11-2-21  
Date

Pete MOREWO  
Printed Name and Title

501 N GIBSON ST  
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.*

(28)

**From:** Amy <amya808@gmail.com>  
**Sent:** Monday, November 1, 2021 11:10 PM  
**To:** Planning@waxahachie.com  
**Subject:** LED sign at Methodist Church case ZDC-161-2021

I live at 808 W. Marvin Ave and can see the church from my front yard. I think this type of signage in a residential area is distracting especially in a historic district. If the church is allowed this signage will the apartment building directly across the street be next? There are also several churches on E. Marvin that might request this type of signage. I am proud to be a lifetime resident/homeowner on Marvin Ave and would like to see the historic district not have modern LED signage. I oppose this permit for First United Methodist Church for this signage.

Amy A. Wright  
808 W. Marvin Ave  
Waxahachie, TX  
972-935-6928

(28)

**From:** Chris Wright <kccwright@sbcglobal.net>  
**Sent:** Monday, November 1, 2021 11:17 PM  
**To:** Planning@waxahachie.com  
**Subject:** Case ZDC-161-2021 LED sign at Methodist Church

I would like to express my complete opposition to this specific LED sign proposed for the Methodist Church on W Marvin Ave. in the historic district of our beautiful city.

An LED sign does not fit the historic nature of this part of town. If approved you will set precedent for the Apartment complex across the street to request an LED sign, then the Catholic Church on E Marvin and the other church across the street and then the other church farther down E. Marvin.

The proposed sign is not only disgustingly ugly but in no way compatible in design or appearance to the existing granite and stone monument sign.

Please deny this request and any others that request LED or electronic signs in our historic district that make our beautiful town unique.

Thank You,

Byron C Wright  
808 W Marvin Ave  
202 Cynisca St  
204 Cynisca St  
212 Cynisca St  
204 Kirven Ave  
333 Harbin Ave

Sent from my iPhone

(28)

Case number: ZDC-161-2021

City Reference: 171940

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, October 19, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED NOV 02 2021

Comments:

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

S. Clements  
Signature

11/1/21  
Date

Sora Clements  
Printed Name and Title

514 W. Main Wax, TX  
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.*

November 2, 2021

To the members of the Planning and Zoning Commission of the City of Waxahachie:

Regarding the proposed addition of an LED sign to the property of the First United Methodist Church on W. Marvin Street in Waxahachie.

I am writing in opposition to the proposed plan to add such a sign as a permanent installation to this historic property in this neighborhood. The church building and many of its surrounding residential properties are designated as high priority historic resources in the Hardy Heck Moore Survey document of Waxahachie's historic resources survey book.

A sign for a historic structure in such a neighborhood should be discrete, serving its intended purpose to identify without competing with the landmark building behind it. The sign should reinforce the dignity of its setting and should serve to reinforce the historic character of the environment in which it is placed.

The proposed large LED sign mounted front and center atop the lovely and very appropriate freestanding monument sign in front of the First United Methodist Church property on West Marvin Avenue would detract from the architectural splendor of this magnificent church structure and neighborhood, add light pollution to the night sky, and would be a distraction to drivers keeping a proper lookout. Such signage is inappropriate for this setting and would set a precedent for allowing other similar signs to clutter our beautiful, unique streetscapes in our lovely historic neighborhoods.

I strongly urge and implore you to deny this signage request.

Sincerely,

Margaret "Peggy" Spalding Crabtree

607 W. Jefferson St.

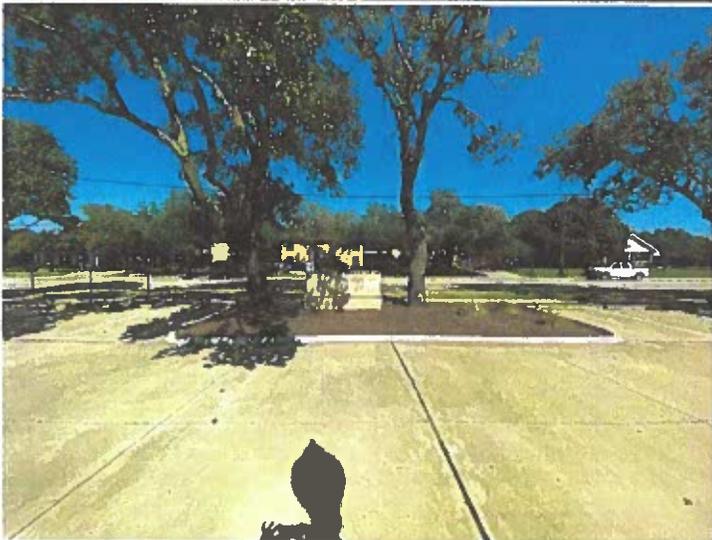
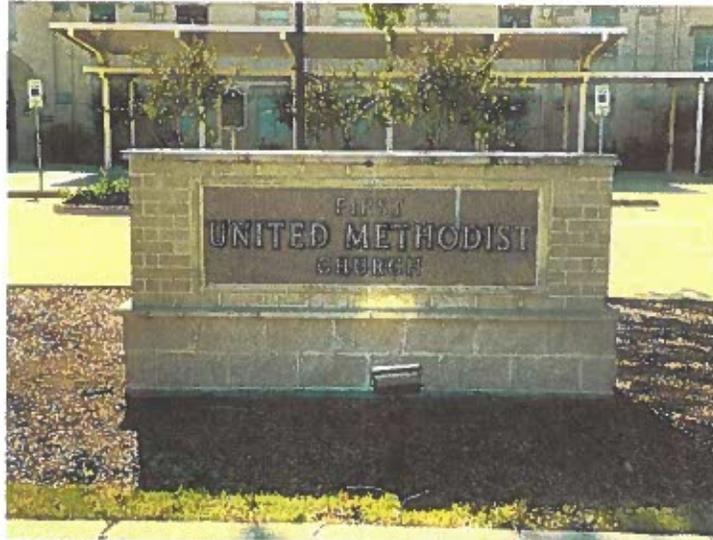
Waxahachie, TX 75165

[Peggy\\_crabtree@att.net](mailto:Peggy_crabtree@att.net)

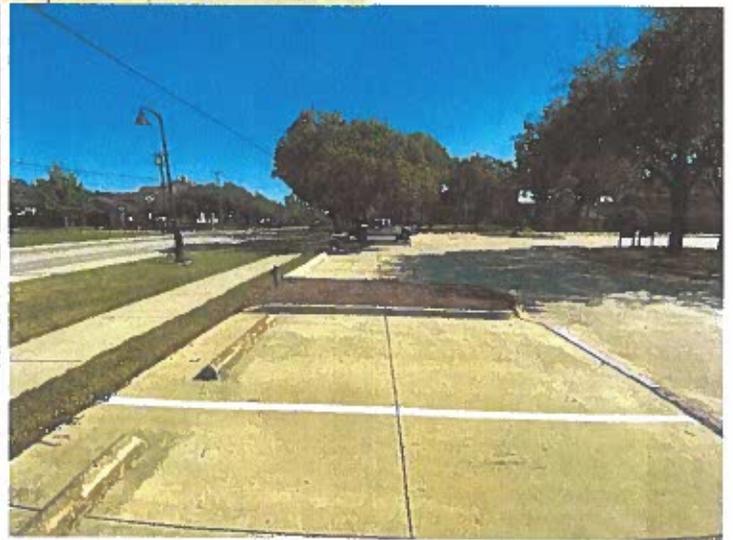
972-935-2365



# Existing Location



# New Location



(28)

CUSTOMER INFO

Contact: - Rainey Hicks  
Company: - FUMC  
Phone #: - 792-935-6456  
Email: - raineyr@hotmail.com



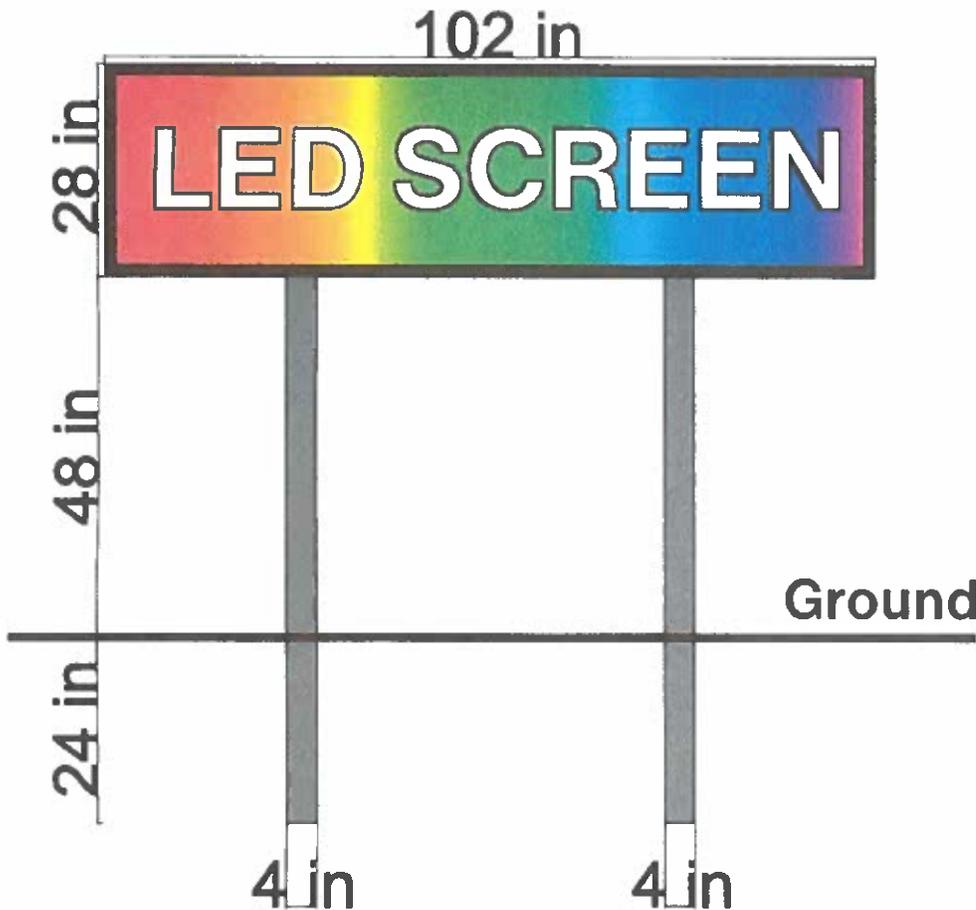
JOB DESCRIPTION

Sales  
Description  
& More

Date: June 18th, 2021

Due Date : NA

PRICE



**PLEASE PROOF READ CAREFULLY.**  
AFTER APPROVAL, QUICKWAY SIGNS WILL  
NOT BE FINANCIALLY RESPONSIBLE FOR ERRORS ON PROOF.

- I have verified the artwork.
- I have verified the colors.
- I have verified the text and spelling.
- I have verified the layout.
- I have read and agree to all disclaimers.

- Approved. No Changes Required
- Please make the noted changes



306 W. Main St.  
Waxahachie, TX 75165  
972-937-7446

info@quickwaysignstx.com

Signature

Date

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-150-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021 (continued from October 26, 2021)

*City Council:* November 15, 2021

**CAPTION**

**Public Hearing** on a request by Sidney Stratton, Manhard Consulting, for a **Specific Use Permit (SUP)** for an **Outside Storage/Auto Repair, Major (Caliber Collision)** use within a Light Industrial-1 zoning district located at the intersection of Dart Way and North Highway 77 (Property ID 222752) - Owner: ADEMM 1 FAMILY LIMITED PARTNERSHIP LTD (ZDC-150-2021)

**APPLICANT REQUEST**

The applicant is requesting a Specific Use Permit (SUP) to allow outside storage as part of a proposed Caliber Collision.

**CASE INFORMATION**

*Applicant:* Sidney Stratton, Manhard Consulting

*Property Owner(s):* Ademm 1 Family Limited Partnership LTD

*Site Acreage:* 1.707 acres

*Current Zoning:* Light Industrial-1 (LI1)

*Requested Zoning:* LI1 with SUP for Outside Storage

**SUBJECT PROPERTY**

*General Location:* Located at the Southwest corner of Dart Way and Us Hwy 77

*Parcel ID Number(s):* 222752

*Existing Use:* Undeveloped

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	LI1	Ann's Health Food Center & Market
East	N/A	US Hwy 77
South	C	Undeveloped
West	LI1	Warehouse

*Future Land Use Plan:* Retail

*Comprehensive Plan:*

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:*

The subject property is accessible via Dart Way.



*Site Image:*

**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting approval of a Specific Use Permit to allow for Outside Storage to be included as part of a proposed Caliber Collision. Per the City of Waxahachie Zoning Ordinance, an Outdoor Storage use requires a Specific Use Permit.

**Proposed Use**

Caliber Collision intends to operate as an Auto Body Repair and Paint Shop. Per the operational plan provided to staff, the applicant is anticipating the proposed business will consist of the following:

- 12-15 employees
- 8-13 customers per day
- 2-3 drop offs, 2-3 pickups, and 2-3 estimates per day
- 7:00 AM – 6:00 PM (Proposed Hours of Operation Monday – Friday)

At the October 26, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Site Plan and Elevation/Façade Plan for the proposed development to make the site more aesthetically pleasing. Per the Commission’s request, listed below is a summary of changes made by the applicant.

**CHANGES FROM THE 10/26/2021 PZ MEETING**

**Elevation/Façade**

- **Option 1 Front**
  - Added 2 raised parapets to front facade
  - Added awning over windows at end
  - Furred out walls at new parapets for depth change
  - Added more stone to front facade

- **Option 1 Rear**
  - Added 2 raised parapets with stone to facade facing US-77
  - Added false windows and eyebrow awnings over them
  - Furred out walls at new parapets for depth change
  - Added another stone raised parapet element to rear w/ false windows and awning
  - Added screen wall
  
- **Option 2 Front**
  - Added raised parapet to front facade to compliment entry tower element
  - Extended eyebrow awning over windows
  - Furred out wall at new parapet for depth change
  - Introduced stucco color change just below awning
  
- **Option 2 Rear**
  - Wrapped new raised parapet element around rear corner of building
  - Added more windows on side facing US-77
  - Introduced stucco color change at mid height just below awning
  - Added stucco color change to rear
  - Added false windows and awning to rear
  - Added screen wall
  
- **Option 3 Front**
  - Added a raised parapet to front facade
  - Added awning over windows at end
  - Furred out walls at new parapets for depth change
  - Changed stone to brick
  
- **Option 3 Rear**
  - Added new raised parapet element at rear of building
  - Added raised parapets w/ false windows and awnings on facade facing US-77
  - Changed stone to brick
  - Added false windows and awning to rear
  - Added screen wall

Site Plan Changes

- Addition of 6' masonry screen wall along front of parking facing Hwy 77

Landscape Plan Changes:

- Added shrub screening along southern property line with Sunshine Chinese Privet

**Table 2: Proposed Development Standards (Light Industrial-1)**

**\*Items highlighted in bold do not meet the City of Waxahachie requirements**

Standard	City of Waxahachie	Caliber Collision	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	74,505	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	30	30	Yes
Min. Rear Yard (Feet)	30	30	Yes
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	40	22	Yes
<b>Parking: Auto Repair, Major 1 space per 200 sq. feet</b>	<b>81 spaces</b>	<b>*75 spaces</b>	<b>No</b>

*\*Per the City of Waxahachie Zoning Ordinance, Auto Repair (Major) requires 1 parking space for every 200 sq. ft. of building space (81 required spaces). Of the 75 spaces proposed by the applicant, 33 spaces will be used for Customer/Employee parking, and 42 spaces will be used for Outdoor Storage of cars for Caliber Collision. Though the applicant is requesting a variance, staff believes that 33 spaces would be sufficient to support customers and employee parking for the site.*

*\*\*Additional Note: Per the Elevation/Façade plan presented at the October 26, 2021, the building is currently proposed to be constructed of stucco, stone, and metal. If the Planning and Zoning Commission chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

Outside Storage:

The proposed use would be considered Auto Repair, Major per the City's Use Chart, and is allowable by right in LI1 zoning. However, the applicant is anticipating the need to store vehicles outdoors while awaiting repairs. Per the Site Plan, the vehicles awaiting repairs will be parked behind the building and will largely be concealed from view from US Hwy 77.

Landscape/Screening:

Per the landscape plan, the applicant is proposing to plant a combination of 4" caliper Cedar Elms and 2" caliper Chinese Pistache along the southern property boundary. The applicant is also proposing to plant 4" caliper Red Oaks and 2" caliper Chinese Pistache along the western property boundary and multi-trunk Eastern Redbuds along the eastern property boundary (facing US Hwy 77).

Ingress/Egress:

At staff's request, the applicant has moved their proposed ingress/egress to the subject property away from US Hwy 77. The applicant has now provided ingress/egress onto the subject site via Dart Way. The staff request to move the point of access from US Hwy 77 was made in anticipation of a future median that will be constructed on US Hwy 77 and will prevent northbound traffic from accessing the property. While Dart Way is considered a private drive/right-of-way (ROW), the applicant has presented staff with documentation allowing Caliber Collision to have access to Dart Way.

**VARIANCE REQUEST**

Parking

Per the City's Use Chart, the parking requirement for Auto Repair, Major is 1 space/200 sq. feet (81 spaces).

- The applicant is proposing 33 spaces for customer/employee parking. An additional 42 spaces (all double-stacked) will be used for storage.

Street Trees (Dart Way)

Five (5) trees are required along Dart Way.

- The applicant is proposing three (3) trees along Dar Way.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **10** 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. A mutually agreed upon Development Agreement will be required for the development.
  2. Staff suggests that the Planning and Zoning Commission select or discuss an alternative Elevation/Façade Plan to recommend to City Council for review.

**ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Elevation/Façade Plan Exhibits

**APPLICANT REQUIREMENTS**

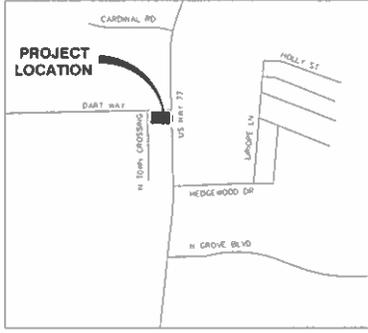
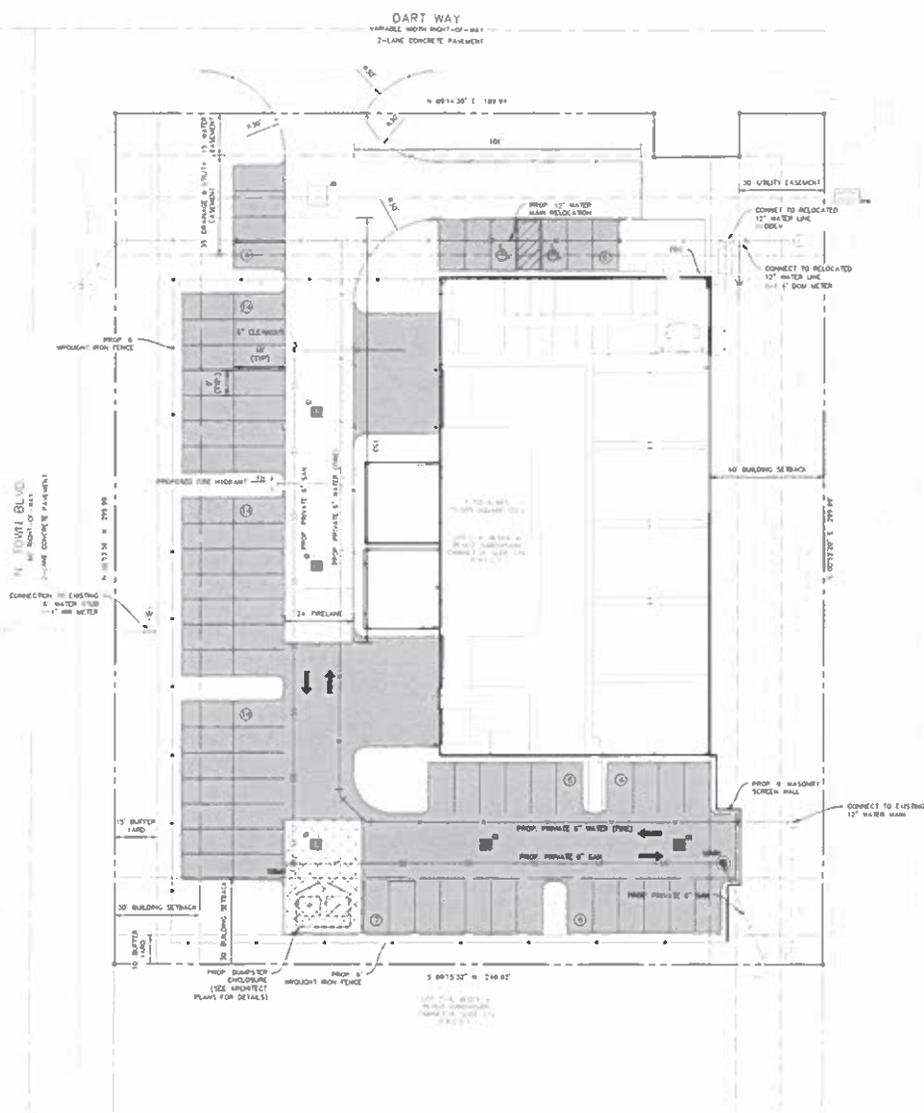
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Planning Manager  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(30)



VICINITY MAP

SITE DATA	
SITE AREA	74,505 SF
BUILDING AREA	16,100 SF
BUILDING HEIGHT	20 FT
IMPERVIOUS AREA	42,900 SF
EXISTING ZONING	U1
PROPOSED USE	AUTO REPAIR GARAGE
CITY REQUIRED SETBACKS	
MIN. FRONT YARD	40'
MIN. SIDE YARD	30'
MIN. REAR YARD	30'
PROPOSED SETBACKS	
MIN. FRONT YARD	40'
MIN. SIDE YARD	30'
MIN. REAR YARD	30'

PARKING	
PARKING REQUIREMENTS	81 SPACES (1 PER 200 SF)
PARKING PROVIDED	33 SPACES
VISITOR/EMPLOYEE	42 SPACES
STORAGE	75 SPACES
TOTAL	EMERGENCY REQUIRED

LEGEND	
	SANITARY MANHOLE
	CURB INLET
	GRATE INLET
	FIRE HYDRANT
	WATER METER
	BARrier FREE RAMP
	FIRE LANE
	PROP. FENCE
	LIGHT DUTY PAVEMENT
	HEAVY DUTY PAVEMENT
	DUMPSTER PAD

**SITE DIMENSIONAL AND PAVING NOTES:**

- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
- ALL CURB RAILS SHALL BE 6\"/>

**FINISH NOTE:**  
THIS SITE LIES IN FEMA ZONE 7 AREA OF MINOR FLOOD HAZARD ACCORDING TO FEMA FIRM PANEL 4810002007.

**CALIBER COLLISION - HWY 77**

SPECIFIC USE PERMIT  
CASE NUMBER: ZDC-150-2021  
REVCD SUBDIVISION  
LOT 3 A BLOCK A  
1.03 - 1.718 ACRES  
WAXAHACHIE, TEXAS, ELLIS COUNTY  
PREPARATION DATE: 11/03/2021

**DEVELOPER:**  
CALIBER DEVELOPMENT  
4708 WARDEN ROAD  
CARROLLTON, TX 75006  
714-889-8883

**ARCHITECT:**  
NCA PARTNERS  
3646 WILSON STREET, SUITE 410  
DALLAS, TEXAS 75205  
214-363-8888 PH  
214-363-8889 FX  
WWW.NCA.COM

**LANDSCAPE ARCHITECT:**  
LAWRENCE BROWN GROUP  
9900 GREAT HILL, TRAIL #1500  
DALLAS, TEXAS 75240  
800-880-4433  
WWW.LBG.COM

**SUPPLIER:**  
RELSERCH OF TEXAS, LLC  
PO BOX 1006  
CORLE, TEXAS 75044  
852-700-8098 PH  
JEREMY DEAL, PHS, PE

NO.	DATE	DESCRIPTION
1	11/03/2021	ISSUED FOR PERMIT

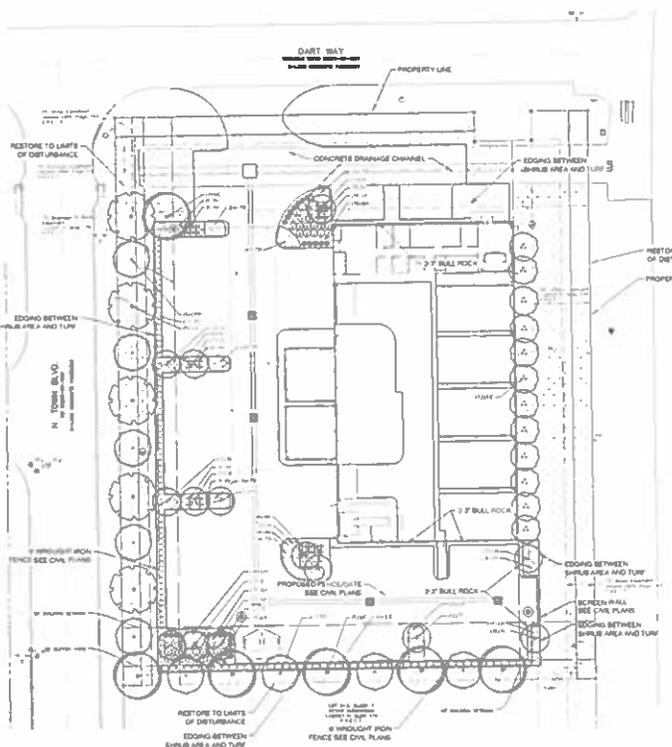
**Manhard CONSULTING**  
13205 Greenbush Avenue, Suite 1000, Dallas, TX 75244  
214-343-7200  
www.manhardconsulting.com

**CALIBER COLLISION - WAXAHACHIE**  
**US HWY 77 & DART WAY**  
**SITE PLAN**

DATE	11/03/2021
SHEET	1



(30)



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CAL	CONT	SIZE
	CE	15	Casahuate Casahuate	3/4	Canes	2 1/2" OVERALL
	LN	15	Laportea Laportea	3/4	Canes	2 1/2" OVERALL
	OP	9	Opuntia Opuntia	2"	Canes	2 1/2" OVERALL
	OS	5	Opuntia Opuntia	2"	Canes	2 1/2" OVERALL
	UC	6	Ulmus Ulmus	2"	Canes	2 1/2" OVERALL
	AK	28	Azalea Azalea	3 gal		
	SA	23	Santitas Santitas	3 gal		
	RI	109	Rose Rose	3 gal		
	LI	38	Ligustrum Ligustrum	3 gal		
	MS	24	Macaranga Macaranga	3 gal		
	LI	48	Ligustrum Ligustrum	3 gal		
	MS	24	Macaranga Macaranga	3 gal		
	LI	48	Ligustrum Ligustrum	3 gal		
	TS	294	Tsuga Tsuga	1 gal		

GROUND COVER	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
	CT	20 330 sq	Cymbopogon Cymbopogon	seed		
	LI	40	Liriodendron Liriodendron	1 gal		
	TS	294	Tsuga Tsuga	1 gal		

GENERAL GRADING AND PLANTING NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS AND THE DARTWAY AUTHORITY.

LANDSCAPE CALCULATIONS

STREET TREES FRONTAGE LENGTH STREET TREES REQUIRED STREET TREES PROVIDED	200 80 LF 8 TREES @ 1 PER 40 LF 8 TREES	REQUIRED INTERIOR LANDSCAPE FIRST FLOOR AREA = 18 147 SQ FT	
LANDSCAPE BUFFER STREET YARD AREA LANDSCAPE AREA REQUIRED LANDSCAPE AREA PROVIDED	20% OF STREET YARD 2 880 SQ FT 580 SQ FT 2 980 SQ FT	EFFECTIVE FLOOR AREA 19 147 SQ FT TANCS 10% X 40 = REQUIRED LANDSCAPE AREA PROVIDED LANDSCAPE AREA	6 808 SQ FT 36 982 SQ FT
DART WAY FRONTAGE LENGTH STREET TREES REQUIRED STREET TREES PROVIDED	180 84 LF 5 TREES @ 1 PER 36 LF 5 TREES	REQUIRED UNDERSTORY TREES @ 1/250 SQ FT = PROVIDED UNDERSTORY TREES	28 28
LANDSCAPE BUFFER STREET YARD AREA LANDSCAPE AREA REQUIRED LANDSCAPE AREA PROVIDED	15% OF STREET YARD 1 904 SQ FT 295 SQ FT 1 904 SQ FT	REQUIRED SHRUBS @ 1400 SQ FT = PROVIDED SHRUBS	162 224
N TOWN BLVD FRONTAGE LENGTH STREET TREES REQUIRED STREET TREES PROVIDED	290 96 LF 8 TREES @ 1 PER 40 LF 8 TREES	REQUIRED GROUND COVER AREA @ 15% = PROVIDED GROUND COVER AREA	989 SQ FT 1 504 SQ FT
LANDSCAPE BUFFER STREET YARD AREA LANDSCAPE AREA REQUIRED LANDSCAPE AREA PROVIDED	20% OF STREET YARD 2 880 SQ FT 580 SQ FT 2 980 SQ FT	REQUIRED SEASONAL COLOR @ 2% = PROVIDED SEASONAL COLOR	1 188 SQ FT 854 SQ FT
LANDSCAPE BUFFER STREET YARD AREA LANDSCAPE AREA REQUIRED LANDSCAPE AREA PROVIDED	20% OF STREET YARD 2 880 SQ FT 580 SQ FT 2 980 SQ FT		
PARKING LOT LANDSCAPE REQUIRED LANDSCAPE AREA	14% 13 80 FT X 30 50 FT (50% PARKING BETWEEN FACADE AND ROW) 2 973 SQ FT 3 1547 SQ FT		
REQUIRED TREES	15		
REQUIRED SHRUBS 10000 SQ FT PROVIDED SHRUBS	47 131		
EACH SPACE WITHIN 6' OF A TREE	PROVIDED		

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PARKING CURBS, WATER, SEWER OR SANITARY SEWER LINES. ROOT BARRIERS SHALL BE 18" HIGH, 12" WIDE, AND 2' DEEP. BARRIERS FOR EQUAL, BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL ALL BARRIERS PER MANUFACTURER'S RECOMMENDATIONS UNLESS NO DISCREPANCIES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCLOSE THE ROOTBALL.

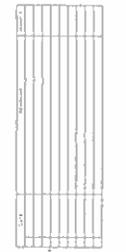
MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 2" THICK LAYER OF 1/2" SHREDDED WOOD MULCH, NATURAL, UNFERTILIZED, OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT TURF AND SEEDING AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OBTAIN APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT EXPOSING ANYTHING ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "MULCHING AND PLANTING NOTES" AND SPECIFICATIONS.

MAINTENANCE NOTE: THE PROPERTY OWNER, TENANT OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT, ORDERLY AND LIVABLE CONDITION AT ALL TIMES. THIS SHALL INCLUDE MONTHLY EDGING, FERTILIZING, IRRIGATION, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER UNDESIRABLES. A PART OF THE LANDSCAPING PLANT MATERIALS THAT SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.

IRRIGATION CONCEPT

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM SHALL OPERATE ON POTABLE WATER AND THE SYSTEM SHALL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
3. ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SOODED AND SEEDING AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTON HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROLOGIC CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROLOGIC.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO THE MAXIMUM EXTENT POSSIBLE TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTON AND SPRAY HEADS (WHenever Possible), HANI SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.



**Manhard CONSULTING**  
12325 General Avenue, Suite 100, Dallas, TX 75244  
Tel: 972.712.1100  
www.manhardconsulting.com  
Professional Engineer License No. 11111  
Professional Surveyor License No. 11111

**Manhard CONSULTING**  
LANDSCAPE PLANTING  
U.S. HWY 77 & DART WAY

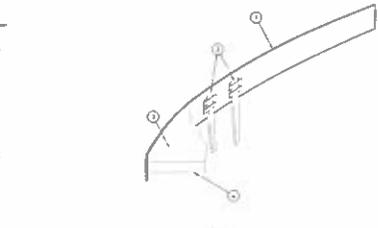
Scale 1" = 30'  
EVERGREEN  
11400 Lyndon B. Johnson Fwy., Suite 200  
Dallas, TX 75244  
www.EvergreenLandscape.com  
11-02-2021  
SHEET  
2/28/2021  
LP-1  
11/8/2020

FEAD/VC

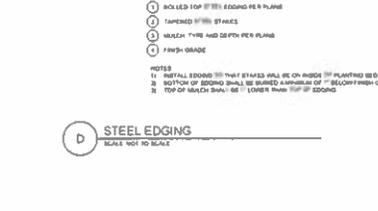
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PLANTING SPECIFICATIONS

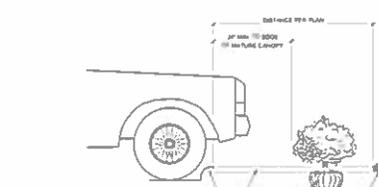
- 1. QUALITY OF LANDSCAPE CONTRACTOR
2. ALL LANDSCAPE WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HOUSTON SPECIFICATIONS FOR LANDSCAPE CONTRACTORS...
3. SCOPE OF WORK
4. GENERAL NOTES



- 5. SOIL PREPARATION
6. PLANTING AT PARKING AREA
7. SHRUB AND PERENNIAL PLANTING
8. PLANT SPACING



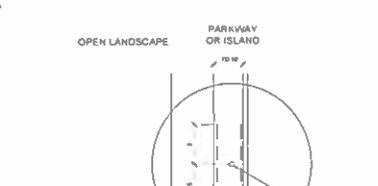
- 9. OPEN LANDSCAPE OR ISLAND
10. ROOT BARRIER - PLAN VIEW



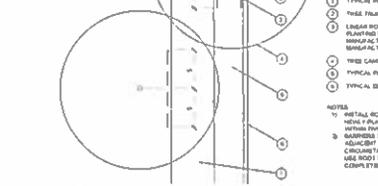
- 11. TYPICAL BARRIERS AND NOTES
12. PLANTING AT PARKING AREA
13. SHRUB AND PERENNIAL PLANTING
14. PLANT SPACING



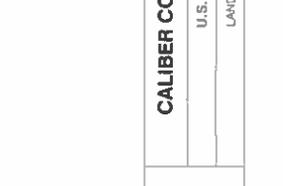
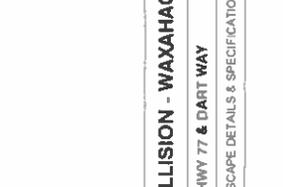
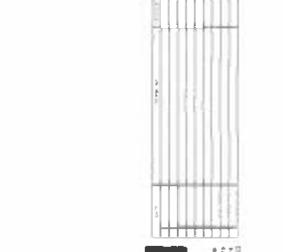
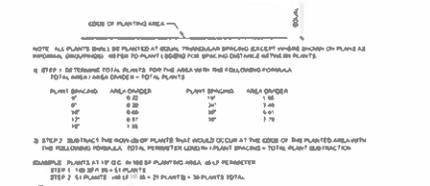
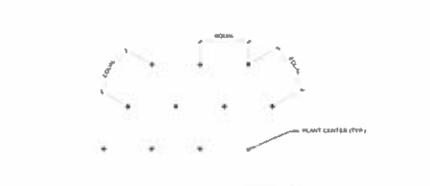
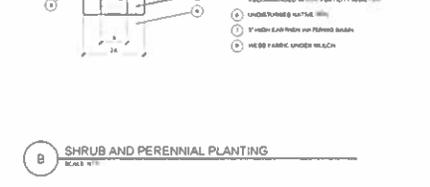
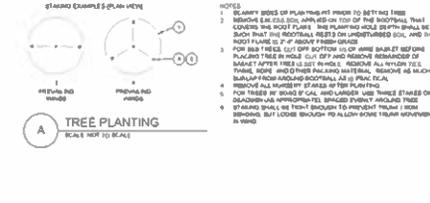
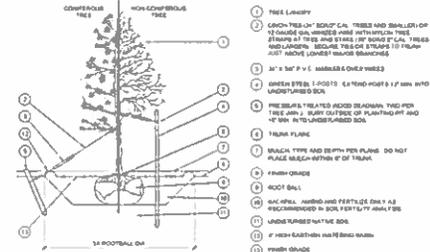
- 15. TYPICAL BARRIERS AND NOTES
16. PLANTING AT PARKING AREA
17. SHRUB AND PERENNIAL PLANTING
18. PLANT SPACING



- 19. TYPICAL BARRIERS AND NOTES
20. PLANTING AT PARKING AREA
21. SHRUB AND PERENNIAL PLANTING
22. PLANT SPACING



- 23. TYPICAL BARRIERS AND NOTES
24. PLANTING AT PARKING AREA
25. SHRUB AND PERENNIAL PLANTING
26. PLANT SPACING



Manhard Consulting logo and contact information including address and phone number.

Caliber Collision - Waxahachie logo and address information.

Evergreen logo and LP-2 product information.



(30)

## Revised Proposal: Option 1

### OPTION 1 FRONT

- Added 2 raised parapets to front facade
- Added awning over windows at end
- Furred out walls at new parapets for depth change
- Added more stone to front facade



(30)

# Revised Proposal: Option 1

## OPTION 1 REAR

- Added 2 raised parapets with stone to facade facing US-77
- Added false windows and eyebrow awnings over them
- Furred out walls at new parapets for depth change
- Added another stone raised parapet element to rear w/ false windows and awning
- Added screen wall



(30)

## Revised Proposal: Option 2



### OPTION 2 FRONT

- Added raised parapet to front facade to compliment entry tower element
- Extended eyebrow awning over windows
- Furred out wall at new parapet for depth change
- Introduced stucco color change just below awning

(30)

## Revised Proposal: Option 2

### OPTION 2 REAR

- Wrapped new raised parapet element around rear corner of building
- Added more windows on side facing US-77
- Introduced stucco color change at mid height just below awning
- Added stucco color change to rear
- Added false windows and awning to rear
- Added screen wall



(30)

## Revised Proposal: Option 3

### OPTION 3 FRONT

- Added a raised parapet to front facade
- Added awning over windows at end
- Furred out walls at new parapets for depth change
- Changed stone to brick



(30)

## Revised Proposal: Option 3

### OPTION 3 REAR

- Added new raised parapet element at rear of building
- Added raised parapets w/ false windows and awnings on facade facing US-77
- Changed stone to brick
- Added false windows and awning to rear
- Added screen wall



# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-146-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 9, 2021

*City Council:* November 15, 2021

**CAPTION**

**Public Hearing** on a request by Yomi and Siyanade Fayiga for a **Zoning Change** from a Future Development Zoning to **Planned Development-General Retail** zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

**APPLICANT REQUEST**

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

**CASE INFORMATION**

*Applicant:* Yomi and Siyanade Fayiga

*Property Owner(s):* Equity Trust Company Custodian FBO

*Site Acreage:* 4.649 acres

*Current Zoning:* Future Development

*Requested Zoning:* Planned Development - General Retail

**SUBJECT PROPERTY**

*General Location:* Located along Broadhead Road, East of Robbie E. Howard Junior High School

*Parcel ID Number(s):* 178923

*Existing Use:* Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF1	Waxahachie Sports Complex
East	PD-GR	Knights of Columbus
South	PD-SF2	Buffalo Ridge Addition Ph. III
West	SF1	Robbie E. Howard Jr. High School

*Future Land Use Plan:* Public/Semi-Public

*Comprehensive Plan:* This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

*Thoroughfare Plan:* The subject property is accessible via Broadhead Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Applicant Request**

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

Proposed Use

The applicant is requesting approval for a Planned Development to accommodate development of a retail pad site (front of the property) and townhome lots (rear of the property) on 4.649 total acres located along Broadhead Road, east of Robbie E. Howard Junior High School. The townhomes within the development will consist of 23 townhome lots (3.160 acres), with one main access being provided from Broadhead Rd. In addition, the proposed density for the development will be 10 units per acre, and will also offer features such as outdoor courtyard/park/common area, as well as a connection to an existing hike/bike trail (adjacent to Robbie E. Howard Junior High School) in the rear of the property. The development will consist of a HOA, and the HOA will be responsible for maintaining the common area/open space lots. The phasing for the proposed development is currently unknown.

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 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

**Table 2: Proposed Townhomes (per Sec. 5.09 Townhome standards)**

*\*The second column depicts the standards for the current zoning (Future Development) of the property.*

*Items reflected in the second column are not represented in the "Meets" column.*

*\*\*The third column depicts the Townhome standards per Sec. 5.09 of the City of Waxahachie Zoning Ordinance (\*Retail is not included within the chart below)*

*\*\*\*Items highlighted in bold do not meet the City of Waxahachie Townhome requirements\*\*\**

Standard	City of Waxahachie (Existing FD Standards)	City of Waxahachie Townhome Standards	Broadhead Rd. Development	Meets
Max. Density	-----	12 DU per acre	10 DU per acre	Yes
<b>Min. Lot Size (SF)</b>	3 acres	<b>3,630</b>	<b>2,880</b>	<b>No</b>
Min. Dwelling Unit (SF)	1,500	1,000	2,200	Yes
Min. Front Setback (Ft)	35	15	20	Yes
Min. Interior Setback (Ft)	10% of the lot width but need not exceed 25'. 50' from a street ROW.	0	10	Yes
Min. Rear Setback (Ft)	25	10	10	Yes
Max. Height	3 stories for the main building; 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
<b>Max. Lot Coverage</b>	40%	<b>50%</b>	<b>53.8%</b>	<b>No</b>
Parking	2 behind front building plane, at least 1 enclosed	2 behind front building plane, at least 1 enclosed	2 behind front building plane, at least 1 enclosed	Yes

\*Note: Per the Elevation/Façade Plan(s), the exterior of the façades will consist of brick veneer, metal, and siding.

**VARIANCE REQUEST**

Lot Size (Townhome)

The minimum lot size requirement for townhomes is 3,630 sq. ft. (per dwelling).

- The applicant is requesting a minimum lot size of 2,880 sq. ft. (per dwelling).

Lot Coverage

The maximum lot coverage allowed for townhomes is 50%.

- The applicant is requesting a maximum lot coverage of 53.8%

**STAFF CONCERN**

Rear Alley Access

Staff believes that the proposed development would appear more aesthetically pleasing if the applicant incorporates rear entry access for the townhome(s) portion of the development. Currently, the proposed Concept Plan depicts 23 townhome lots all being front entry.

Insufficient Information

Prior to considering approval for this development, staff suggests that the applicant provide more detailed information regarding the development. Specifically staff suggests that the applicant revise the proposed Planned Development Regulations to include:

- Detailed Elevation/Façade information (including percentages for each façade)
- Detailed Landscape standards
- Detailed amenities for the proposed development

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 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 has 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**
  1. Due to staff concerns, staff recommends denial for the proposed use.
  2. Note: If the proposed use is denied by the Planning and Zoning Commission:
    - a. A favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
- Approval, as presented.
- Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Planned Development Regulations
3. Concept Plan
4. Concept Elevation Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Colby Collins

Planning Manager

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

*Reviewed by:*

Shon Brooks, AICP

Executive Director of Development Services

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

(32)

Parcel#	Owner's Name	Address	Land Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Parcel Address
136112	RUBELL ALAN P	0 172	LOT 2 BLK C BUFFALO RIDGE ADDN PH 1 0 172 AC	117 LARAT FRL	WALAHACHE	GA	75165	117 LARAT FRL WALAHACHE GA 75165
136113	AGUIAR EPIC & ANDRA	0 173	LOT 3 BLK C BUFFALO RIDGE ADDN PH 1 0 173 AC	118 LARAT FRL	WALAHACHE	GA	75165	118 LARAT FRL WALAHACHE GA 75165
136223	WARRON L CAMERON & ANGELA	0 173	LOT 4 BLK C BUFFALO RIDGE ADDN PH 1 0 173 AC	119 HORNBIDGE DR	WALAHACHE	GA	75165	119 HORNBIDGE DR WALAHACHE GA 75165
136668	BUFFALO RIDGE LP CO REAL ESTATE	2 23	COMMON AREA HD 3 BUFFALO RIDGE ADDN PH 1 2 23 P O BOX 172334		DALLAS	TX	75269	P O BOX 172334 DALLAS TX 75269
139322	EDMATT TRUST COMPANY CUSTODIAN FBO KENNETH BC	4 43	S J B & A ADAMS 4 43 ACRES	338 HURTER PASS	WALAHACHE	GA	75165	338 HURTER PASS WALAHACHE GA 75165
289224	KNIGHTS COLUMBIAN CLUB INC	0 5	S J B & A ADAMS LOC 452 0 5 ACRES	PO BOX 342	WALAHACHE	GA	75165	PO BOX 342 WALAHACHE GA 75165
711921	WALAHACHE SD	10 48	LOT 2R BROADHEAD ROAD SPORTS COMPLEX ADDN 13	411 N GIBSON ST	WALAHACHE	GA	75165	411 N GIBSON ST WALAHACHE GA 75165
136242	WALAHACHE COMMUNITY DEVELOPMENT CORP	99 26	LOT 19 BROADHEAD ROAD SPORTS COMPLEX 99 26 AC	PO BOX 757	WALAHACHE	GA	75165	PO BOX 757 WALAHACHE GA 75165
249967	CITY OF WALAHACHE CITY FINANCE DEPARTMENT	9 7489	S J B & A ADAMS 225 WY C A DCE BROADHEAD ROAD 9 7489 AC	431 E ROGERS	WALAHACHE	GA	75165	431 E ROGERS WALAHACHE GA 75165
261715	CAR TER TERESA R & MICHAEL	0 176	LOT 6 BLK C BUFFALO RIDGE ADDN PH 1A 0 176 AC	121 LARAT FRL	WALAHACHE	GA	75165	121 LARAT FRL WALAHACHE GA 75165
261716	SMITH BARRY A & JO ANN	0 175	LOT 5 BLK C BUFFALO RIDGE ADDN PH 1A 0 175 AC	122 LARAT FRL	WALAHACHE	GA	75165	122 LARAT FRL WALAHACHE GA 75165
261717	BRIDWORTH CHRISTOPHER L	0 175	LOT 6 BLK C BUFFALO RIDGE ADDN PH 1A 0 175 AC	123 LARAT FRL	WALAHACHE	GA	75165	123 LARAT FRL WALAHACHE GA 75165
261718	CHADDER JOSHUA E	0 175	LOT 7 BLK C BUFFALO RIDGE ADDN PH 1A 0 175 AC	127 LARAT FRL	WALAHACHE	GA	75165	127 LARAT FRL WALAHACHE GA 75165
261719	HUTCHINSON WILLIAM S CAROL	0 172	LOT 8 BLK C BUFFALO RIDGE ADDN PH 1A 0 172 AC	129 LARAT FRL	WALAHACHE	GA	75165	129 LARAT FRL WALAHACHE GA 75165
136445	2018 2019 GIBSON ST WALAHACHE	0 175	LOT 9 BLK C BUFFALO RIDGE ADDN PH 1A 0 175 AC	129 LARAT FRL	WALAHACHE	GA	75165	129 LARAT FRL WALAHACHE GA 75165

(32)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-146-2021**



KALTERRA CAPITAL PARTNERS LLC  
3710 RAWLINS ST STE 1390  
DALLAS, TX 75219

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 12, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 18, 2021 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 Yomi and Siyanade Fayiga for a **Zoning Change** from a Future Development Zoning to **Planned Development-General Retail** zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

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-146-2021**

City Reference: 275562

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 5, 2021** 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:

\_\_\_\_\_

Clint V. Nolen  
Signature

9/30/21  
Date

CLINT V. NOLEN  
Printed Name and Title

1701 N MARKET ST, STE 325  
DALLAS, TX 75202  
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.*

WRITTEN EXHIBIT 11/3/2021

BROADHEAD ROAD DEVELOPMENT 4.649 ACRES.

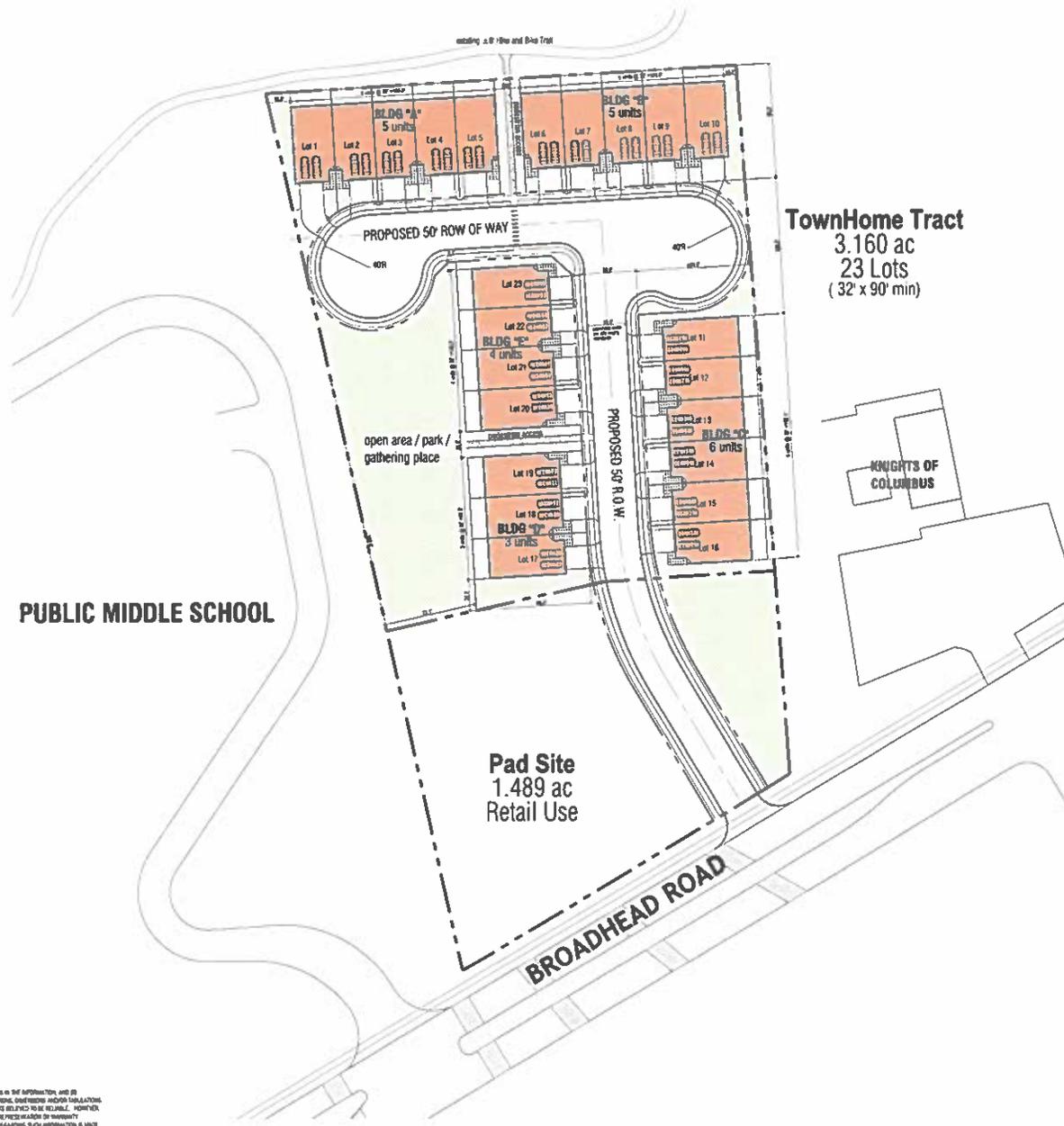
- a. The planned development comprises two distinct uses:
  1. A commercial / retail tract about 1.49 acres with various optional uses compatible with a shared boundary with a school.
  2. A residential property about 3.16 acres comprising 23 upscale townhomes in 5 blocks – 3,4,5, and 6 units in composition. The townhomes will be individually owned and will not be a rental property.

This development will involve a 50' ROW roadway construction that meets all City of Waxahachie design and construction specifications. This includes two cul-de-sacs and sidewalks on both sides of the street.

- b. Density. The 23 Townhomes cover 0.1317 ac/unit or 7.3 units per acre
- c. Lots are typically 2880 sf in area with minimal dimensions of 32' wide by 90' deep  
Lots will cover approximately 53.8% of total residential property
- d. Yard Front: 20' Side: 10' Rear: 10'
- e. 2 Story buildings: 35'
- f. Elevations are provided
- g. Each townhome has attached 2 car garages plus 2 car driveway  
the Commercial pad site has been demonstrated to have adequate capacity for a variety of uses.
- h. Entrance and exit from Broadhead Road by the way of 50' public R.O.W.
- i. Adequate landscaping is provided and separate Landscape Plan will be forthcoming.  
Fence on perimeter . . . either wrought iron with solid hedge or brick fence; fenced back yards;
- j. No Accessory Buildings are anticipated.
- k. Signs will be in accordance with Waxahachie Sign Ordinance.
- l. Lighting will be in accordance with Waxahachie Zoning Ordinance
- m. No Project Phasing is anticipated.
- n. There will be an HOA to manage common privately owned areas such as the fence, front landscaping, entrance signs etc

Additional information will be provided prior to the 10 day document check.

(32)



**TownHome Tract**  
 3.160 ac  
 23 Lots  
 (32' x 90' min)

**Pad Site**  
 1.489 ac  
 Retail Use

**PUBLIC MIDDLE SCHOOL**

**KNIGHTS OF COLUMBUS**

**BROADHEAD ROAD**



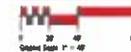
**vicinity map**

**SITE TABULATIONS**

TOWNHOME USE	
Land Area	3.160 ac
Parking Required	2+1 enclosed
Parking Provided	2+1 enclosed
<b>Bldg Setbacks</b>	
Front Setback	20'
Side Setback	10'
Rear Setback	10'
<b>Bldg Height</b>	
Average Lot Size	2 stories - 35'
Average Lot Size	32' x 90'
Average Lot Area	2880 sq ft
No. of Lots	23
Maximum Density	10 units / acre
Lot Coverage	53.6%
Min Floor area for Townhomes	2200 sq ft
Project Phasing	No Phasing
HOA Created?	Yes

**Zoning Case ZDC-146-2021**

**CONCEPT PLAN**



THIS PLAN IS PROVIDED SUBJECT TO ALL ERRORS AND OMISSIONS IN THE INFORMATION AND IS NOT TO BE USED FOR CONSTRUCTION. THE INFORMATION, SPECIFICATIONS, CONDITIONS AND TABULATIONS SET FORTH ON THIS PLAN HAVE BEEN DERIVED FROM DOCUMENTS BELIEVED TO BE RELIABLE. HOWEVER, THE PLAN MAY BE INCOMPLETE, AMBIGUOUS, INACCURATE AND NO REPRESENTATION OR WARRANTY IS MADE OR IMPLIED AS TO THE ACCURACY OR ADEQUACY THEREOF. SUCH INFORMATION IS TO BE OBTAINED BY THE BUYER, PROPERTY OWNER, OR USER OF THESE RESPECTIVE INSTRUMENTS, SPECIFICATIONS, IMPROVEMENTS OR RESULTS.

**Broadhead Road WAXAHACHIE, TEXAS**



architecture planning  
 10420 Orange Glen, Team Waxahachie  
 phone 972-353-9993 fax 972-353-1138  
 www.hogges.com

SCHEME  
**SP-6**

(32)



TOWN HOME FRONT ELEVATION



RETAIL FRONT ELEVATION



SITE PLAN

