

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, June 28, 2022 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 June 14, 2022
- b. Minutes of the Planning and Zoning Commission briefing of June 14, 2022

5. ***Consider*** request by Jamie Gallagher, Hart Gaugler & Associates, for a **Plat** of the Kelley Bend Addition, Lots 1 & 2, being 6.632 acres, located at 850 S Interstate 35, situated in the J. Barker Survey, Abstract 40, the J. Prince Survey, Abstract 845, and the A. Polk Survey, Abstract 827, an addition to the City of Waxahachie (Property ID: 179533) – Owner: City of Waxahachie (SUB-145-2021).
6. ***Public Hearing*** on a request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)
7. ***Consider*** approval of SUB-60-2022

8. **Public Hearing** on a request by Dustin Phillipp, J. Volk Consulting, Inc. for a **Plat** of The Place at North Grove, lots 10, 11, 12X Block 1, being 10.67 acres, located at northwest corner of North Grove Boulevard and Washington Avenue, situated in the John B. and Ann Adams Survey, Abstract No. 5, Robert Russell Survey, Abstract No. 911, and Henry Sange Survey, Abstract No. 1009, an addition to the City of Waxahachie (Property ID 283993) – Owner: North Grove 12.5 LLC Series 1 (SUB-15-2022)
9. **Consider** recommendation of SUB-15-2022
10. **Continue Public Hearing** on a request by Chad Adams, Oak Hull Investments, for a **Replat** of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)
11. **Consider** recommendation of SUB-28-2022
12. **Public Hearing** on a request by Tom Wright, Heart-In-Hand, for a **Zoning Change** from a Central Area (CA) zoning district to a Planned Development – Central Area (PD-CA) zoning district, located at 212 S Rogers Street, (Property ID 170517) - Owner: Waxahachie 100F Lodge (ZDC-54-2022)
13. **Consider** recommendation of Zoning Change No. ZDC-54-2022
14. 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.

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

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, June 14, 2022 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman

Others Present: Jennifer Pruitt, Senior Director of Planning
Eleana Tuley, Senior Planner
Ashlie Jones, Senior Planner
Zack King, Planner
Macey Martinez, Graduate Engineer
Amber Villarreal, City Secretary
Chris Wright, Council Representative

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

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

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of May 24, 2022
- b. Minutes of the Planning and Zoning Commission briefing of May 24, 2022

Action:

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

5. **Public Hearing on a request by Juan Guerrero, for a Replat of a portion of Lot 1, Farrar Road Estates, to create Lot 1, Block A, Guerrero Addition, 1 Residential Lot, being 1.551 acres, located on Farrar Road, (Property ID 283877) – Owner: JUAN GUERRERO (SUB-46-2022)**

Senior Planner Ashlie Jones reviewed the case noting the applicant is requesting to replat a portion of Lot 1, Farrar Road Estates to create Lot 1, Block A, Guerrero Addition being a 1.151-acre residential lot and staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-46-2022, Chairman Keeler closed the Public Hearing.

6. Consider approval of SUB-46-2022

Action:

Mr. Jim Phillips moved to approve a request by Juan Guerrero, for a Replat of a portion of Lot 1, Farrar Road Estates, to create Lot 1, Block A, Guerrero Addition, 1 Residential Lot, being 1.551 acres, located on Farrar Road, (Property ID 283877) – Owner: JUAN GUERRERO (SUB-46-2022). Mr. David Hudgins seconded, All Ayes.

7. Public Hearing on a request by Pascual Mojica, Project Consulting, for a Replat of Blocks 100 & 104, Original Town of Waxahachie, to create Lots 1 & 2, Block 104, Original Town of Waxahachie, 2 Residential Lots, being 0.3657 acres, located at 105 Frierson St., (Property ID 171136, 171127) – Owner: B&B MANAGING & CONSULTING, LLC (SUB-37-2022)

Ms. Jones reviewed the case noting the applicant is requesting to replat Blocks 104 and 100, Original Town of Waxahachie to create Block 104, Lots 1 and 2 Original Town of Waxahachie, two residential lots, being 0.3657 acres located at 105 Frierson Street. She noted 37 notices were mailed and 5 letters of support were received. Ms. Jones explained the required right-of-way dedication was provided and staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-37-2022, Chairman Keeler closed the Public Hearing.

8. Consider approval of SUB-37-2022

Action:

Ms. Bonney Ramsey moved to approve a request by Pascual Mojica, Project Consulting, for a Replat of Blocks 100 & 104, Original Town of Waxahachie, to create Lots 1 & 2, Block 104, Original Town of Waxahachie, 2 Residential Lots, being 0.3657 acres, located at 105 Frierson St., (Property ID 171136, 171127) – Owner: B&B MANAGING & CONSULTING, LLC (SUB-37-2022) as presented. Mr. Erik Test seconded, All Ayes.

9. Public Hearing on a request by Tim Jackson, TRCS, LLC, for a Replat of Lots 10 and 11, Southwick Farm, to create Lots 10R1, 10R2 & 11R, Southwick Farm, 3 Residential Lots, being 9.517 acres, located at 240 Southwick Drive, in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 155847 and 155838) – Owner: MARTIN & MARIA CORONA AND DANNY J & KATHLEEN BROWN (SUB-20-2022)

Senior Planner Eleana Tuley presented the case noting the applicant is requesting to subdivide the subject property into three lots for single-family uses and staff recommends approval as presented.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against SUB-20-2022, Chairman Keeler closed the Public Hearing.

10. Consider approval of SUB-20-2022

Action:

Mr. Erik Test moved to approve a request by Tim Jackson, TRCS, LLC, for a Replat of Lots 10 and 11, Southwick Farm, to create Lots 10R1, 10R2 & 11R, Southwick Farm, 3 Residential Lots, being 9.517 acres, located at 240 Southwick Drive, in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 155847 and 155838) – Owner: MARTIN & MARIA CORONA AND DANNY J & KATHLEEN BROWN (SUB-20-2022). Ms. Bonney Ramsey seconded, All Ayes.

11. Public Hearing on a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf. use within a Planned Development – 23 – Single Family – 1 (PD-23-SF-1) zoning district located at 3359 Howard Rd (Property ID 242726) - Owner: DAN & LORI WALSER (ZDC-56-2022)

Ms. Jones reviewed the case noting the applicant is requesting to construct a 1,500 sq. ft. accessory structure to the rear of a single-family residential lot located at 3359 Howard Road. She noted 11 notices were mailed and staff received 3 letters of support and 1 letter of opposition. Staff recommends approval per the following staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The concrete shall be extended from the driveway to the accessory structure.
5. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-56-2022, Chairman Keeler closed the Public Hearing.

12. Consider recommendation of Zoning Change No. ZDC-56-2022

Action:

Mr. Jim Phillips moved to approve a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf. use within a Planned Development – 23 – Single Family – 1 (PD-23-SF-1) zoning district located at 3359 Howard Rd (Property ID 242726) - Owner: DAN & LORI WALSER (ZDC-56-2022) per staff comments. Mr. David Hudgins seconded, All Ayes.

13. Continue Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)

Planner Zack King reviewed the case noting the applicant is requesting to add a 72 square foot (6ft. x 12ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. Due to staff concerns of adding an electronic message board to an existing pole sign, as opposed to a monument sign, staff recommends denial. He explained with the recent approval of the adjacent subdivision of Montclair Heights, staff is concerned with illumination and brightness adjacent to the residential development. Mr. King explained the applicant revised the initial proposal by adding Austin stone to the design to provide a closer look to a monument sign. If the Commission recommends approval, staff has a list of recommendations for inclusion in the motion.

Chairman Keeler continued the Public Hearing.

Chris Reeves, Quickway Signs, requested a variance from the Zoning Ordinance to allow for an electronic message sign on the existing pole sign due to the location on Highway 287. He explained the proposal will allow the electronic message sign to be seen from both sides of the highway.

Christopher Maddox, 2173 Marshall Road, Waxahachie, Texas, spoke on behalf of the church and explained the sign is needed to announce church services and events to the community. Mr. Maddox noted he was not agreeable to the staff's recommendation of restricting the sign between 8pm-8am. Mr. Maddox explained expanding the base of the sign for additional stone will impeded the easement on the property.

Commissioner Jim Phillips explained the previously approved electronic message pole signs have a more modified monument sign appearance. He asked if the applicant would consider lowering the sign to 15 feet and Mr. Maddox explained the height is needed for visibility from the opposite side of Highway 287.

Chairman Keeler explained the Planning Department makes recommendations to the Commission based on the conformance to the Waxahachie Zoning Ordinance and the Commission has the opportunity to negotiate with the applicants.

Commissioner Phillips asked if the applicant is willing to expand the stone base of the proposed sign and Mr. Maddox expressed his concern with encroaching on an existing easement.

There being no others to speak for or against ZDC-45-2022, Chairman Keeler closed the Public Hearing.

Commissioner Phillips clarified the recommendation of denial from staff is based on the height of the sign at 18 ½ ft as opposed to 15 ft and the electronic message sign being placed on a pole sign as opposed to a monument sign or modified monument sign.

Ms. Pruitt explained if the Commission recommends to approve with the additional stone at the base, the encroachment will be evaluated by staff.

14. Consider recommendation of Zoning Change No. ZDC-45-2022

Action:

Mr. Jim Phillips moved to approve a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022) subject to the following staff stipulations: (a) The sign shall not be illuminated between the hours of 10pm-8am. (b) The electronic message sign shall only provide information regarding the church and church events. (c) The electronic message sign shall not exceed a brightness level of 0.3-foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness base on ambient light. (d) The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. (e) The electronic message sign shall not exceed 15 feet in height. (f) If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use. (g) The base of the sign be consistent with the City of Waxahachie's Zoning Ordinance definition of a monument sign. Ms. Bonney Ramsey seconded, All Ayes.

15. Adjourn

Senior Planner Eleana Tuley announced the next Comprehensive Plan Advisory Committee is scheduled for Tuesday, June 21, 2022 and 6:30 p.m.

There being no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, June 14, 2022 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman

Others Present: Jennifer Pruitt, Senior Director of Planning
Eleana Tuley, Senior Planner
Ashlie Jones, Senior Planner
Zack King, Planner
Macey Martinez, Graduate Engineer
Amber Villarreal, City Secretary
Chris Wright, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

Senior Planner Ashlie Jones reviewed the following cases:

- SUB-46-2022, the applicant is requesting to replat a portion of Lot 1, Farrar Road Estates to create Lot 1, Block A, Guerrero Addition being a 1.151-acre residential lot and staff recommends approval as presented.
- SUB-37-2022, the applicant is requesting to replat Blocks 104 and 100, Original Town of Waxahachie to create Block 104, Lots 1 and 2 Original Town of Waxahachie, two residential lots, being 0.3657 acres located at 105 Frierson Street. She noted 37 notices were mailed and 5 letters of support were received. Staff recommends approval as presented.
- ZDC-56-2022, the applicant is requesting to construct a 1,500 sq. ft. accessory structure to the rear of a single-family residential lot located at 3359 Howard Road. She noted 11 notices were mailed and staff received 3 letters of support and 1 letter of opposition. Staff recommends approval per staff comments.

Senior Planner Eleana Tuley reviewed the following case:

- SUB-20-2022, the applicant is requesting to subdivide the subject property into three lots for single-family use and staff recommends approval as presented.

Planner Zack King reviewed the following case:

- ZDC-45-2022, the applicant is requesting to add a 72 square foot (6ft. x 12ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. Due to staff concerns of adding an electronic message board to an existing pole sign, as opposed to a monument sign, staff recommends denial. He explained with the recent approval of the adjacent subdivision of Montclair Heights, staff is concerned with illumination and brightness adjacent to the residential development. Mr. King explained the applicant revised the initial proposal by adding Austin stone to the design to provide a closer look to a monument sign.

The Commission discussed lighting concerns noting commercial retail is zone for the adjacent property and the proposed homes will be to the rear of the development. The Commission also reviewed the staff's recommendation of conditions if recommended for approval.

Senior Director of Planning Jennifer Pruitt explained staff recommends denial per Section 5.08 of the Waxahachie Zoning Ordinance stating electronic messages signs shall be restricted to the form of monument signs. However, if the Commission recommends approval, staff has a list of mitigation measures recommended for inclusion in the motion.

3. Adjourn

There being no further business, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

Planning & Zoning Department

Plat Staff Report

Case: SUB-145-2021



MEETING DATE(S)

Planning & Zoning Commission: 6/28/2022

CAPTION

Consider request by Jamie Gallagher, Hart Gaugler & Associates, for a **Plat** of the Kelley Bend Addition, Lots 1 & 2, being 6.632 acres, located at 850 S Interstate 35, situated in the J. Barker Survey, Abstract 40, the J. Prince Survey, Abstract 845, and the A. Polk Survey, Abstract 827, an addition to the City of Waxahachie (Property ID: 179533) – Owner: City of Waxahachie.

APPLICANT REQUEST

The applicant is requesting to plat the subject property into two (2) lots for commercial and municipal facility use.

CASE INFORMATION

<i>Applicant:</i>	Jamie Gallagher, Hart Gaugler & Associates
<i>Property Owner(s):</i>	City of Waxahachie
<i>Site Acreage:</i>	6.632 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available; but will need to be extended to serve the site.

SUBJECT PROPERTY

<i>General Location:</i>	850 S Interstate 35E
<i>Parcel ID Number(s):</i>	179533
<i>Current Zoning:</i>	The eastern side of the property is zoned General Retail (GR). The western side of the property is zoned Single Family-1 (SF-1).
<i>Existing Use:</i>	The subject property is currently undeveloped; however, Fire Station No. 4 will be constructed on Lot 1.
<i>Platting History:</i>	The subject property is a portion of the J. Barker Survey, Abstract 40, the J. Prince Survey, Abstract 845, and the A. Polk Survey, Abstract 827.

Site Aerial:



PLANNING ANALYSIS

The applicant is proposing to plat the subject property into two (2) lots for commercial and municipal facility use. The proposed Lot 1 is currently being prepared for the construction of Waxahachie's Fire Station No. 4. Each proposed lot meets or exceeds the lot size and dimension standards required by the zoning on the subject property. With this plat, a 24' mutual access easement is proposed to grant Lot 1 direct access to S I35E Service Road.

The plat currently notes the year 2021 for several signature blocks on page 2. Prior to filing, the applicant will need to update the plat to reflect the year 2022 on all signature blocks.

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, per conditions:
 1. The plat will be updated to reflect the year 2022 for all signature blocks prior to filing.

ATTACHED EXHIBITS

1. Plat

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Planner

zking@waxahachie.com

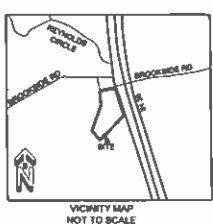
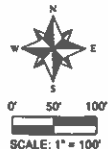
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

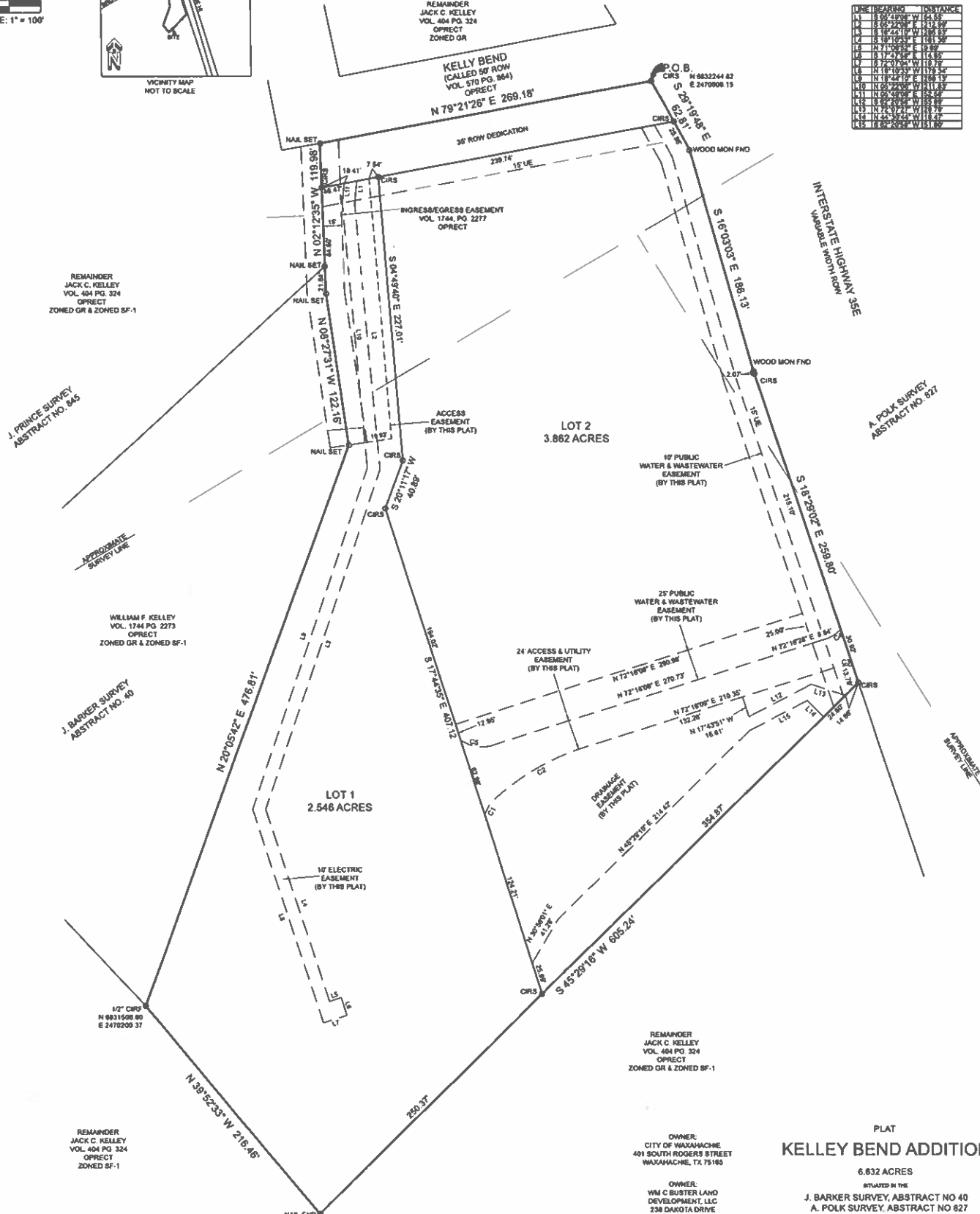
(5)



LEGEND
CRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TARCS" SET
R/S = IRON ROD FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	28.00'	15.25'	15.07'	S 32°38'11" W
C2	200.00'	83.88'	83.25'	S 60°15'23" W
C3	28.00'	13.83'	13.69'	N 68°25'07" E
C4	28.00'	14.29'	14.13'	N 57°39'03" E
C5	28.03'	27.01'	25.98'	S 80°06'19" E

LINE BEARING	DISTANCE
L1	S 100°41'08" W 64.65'
L2	S 100°41'08" W 128.30'
L3	S 100°41'08" W 128.30'
L4	S 100°41'08" W 128.30'
L5	S 100°41'08" W 128.30'
L6	S 100°41'08" W 128.30'
L7	S 100°41'08" W 128.30'
L8	S 100°41'08" W 128.30'
L9	S 100°41'08" W 128.30'
L10	S 100°41'08" W 128.30'
L11	S 100°41'08" W 128.30'
L12	S 100°41'08" W 128.30'
L13	S 100°41'08" W 128.30'
L14	S 100°41'08" W 128.30'
L15	S 100°41'08" W 128.30'



NOTES
BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.
THE SUBJECT PROPERTY LIES WITHIN ZONE "C", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48130C0100, DATED APRIL 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
PROPERTY OWNER WILL BE RESPONSIBLE FOR MAINTAINING THE DETENTION POND AND DRAINAGE EASEMENTS.

OWNER:
CITY OF WAXAHACHIE
401 SOUTH ROGERS STREET
WAXAHACHIE, TX 75165

OWNER:
WM C BUSTER LAND
DEVELOPMENT, LLC
230 DAKOTA DRIVE
WAXAHACHIE, TX 75167

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 263
WAXAHACHIE, TEXAS 75168
409 518 0338
TBPLS FIRM NO 19194359

PLAT
KELLY BEND ADDITION
6.832 ACRES
SITUATED IN THE
J. BARKER SURVEY, ABSTRACT NO 40
A. POLK SURVEY, ABSTRACT NO 827
AND THE
J. PRINCE SURVEY, ABSTRACT NO 845
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
2 COMMERCIAL LOTS
ZONED GR & ZONED SF-1
CASE NO. SUB-145-2021
SEPTEMBER 2021 PAGE 1 OF 2

(5)

STATE OF TEXAS §
COUNTY OF ELLIS §

OWNER'S CERTIFICATE

WHEREAS, WM C BUSTER LAND DEVELOPMENT, LLC AND THE CITY OF WAXAHACHE, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE J. BARKER SURVEY, ABSTRACT NO. 40, THE J. PRINCE SURVEY, ABSTRACT NO. 845 AND THE A. POLK SURVEY, ABSTRACT NO. 827, IN THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN TO WM C BUSTER LAND DEVELOPMENT, LLC, RECORDED IN INSTRUMENT NO. 189897, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (CORRECT) AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF WAXAHACHE, RECORDED IN INSTRUMENT NO. 215661, CORRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 6" IRON ROD WITH CAP STAMPED "TACR" SET FOR THE NORTHEAST CORNER OF SAID WM C BUSTER TRACT AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY (ROW) LINE OF INTERSTATE HIGHWAY 35E (A VARIABLE WIDTH ROW) AND THE SOUTH ROW LINE OF KELLY ROAD, RECORDED IN VOLUME 379, PAGE 84, CORRECT.

THENCE ALONG THE EAST LINE OF SAID WM C BUSTER TRACT AND THE COMMON WEST ROW LINE OF SAID INTERSTATE HIGHWAY 35E, THE FOLLOWING:

S 29°14'48" E, A DISTANCE OF 82.81 FEET TO A WOODEN HIGHWAY MONUMENT FOUND;

S 10°50'57" E, PASSING A WOODEN HIGHWAY MONUMENT FOUND AT A DISTANCE OF 144.13 FEET, IN ALL A TOTAL DISTANCE OF 144.13 FEET TO A 6" IRON ROD WITH CAP STAMPED "TACR" SET FOR AN ANGLE POINT IN SAID LINE;

S 10°50'57" E, A DISTANCE OF 368.80 FEET TO A 6" IRON ROD WITH CAP STAMPED "TACR" SET FOR THE SOUTHEAST CORNER OF SAID WM C BUSTER TRACT, IN A NORTH LINE OF THE REMAINDER OF A TRACT OF LAND DESCRIBED IN DEED TO JACK G. KELLEY RECORDED IN VOLUME 404, PAGE 334, CORRECT.

THENCE S 45°29'10" W, ALONG THE SOUTH LINE OF SAID WM C BUSTER TRACT AND THE SOUTH LINE OF SAID WAXAHACHE TRACT, A DISTANCE OF 805.34 FEET TO A NAIL FOUND FOR THE SOUTHWEST CORNER OF SAID WAXAHACHE TRACT.

THENCE N 38°52'33" W, ALONG THE WEST LINE OF SAID WAXAHACHE TRACT, A DISTANCE OF 316.48 FEET TO A 10" IRON ROD WITH CAP STAMPED "RPLS" AND FOUND FOR AN ANGLE POINT IN THE WEST LINE OF SAID WAXAHACHE TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO WILLIAM F. KELLEY, RECORDED IN VOLUME 1544, PAGE 323, CORRECT.

THENCE ALONG THE WEST LINE OF SAID WAXAHACHE TRACT AND THE COMMON EAST LINE OF SAID WILLIAM F. KELLEY TRACT, AS FOLLOWS:

N 20°08'47" E, A DISTANCE OF 478.81 FEET TO A NAIL SET FOR AN ANGLE POINT IN SAID COMMON LINE;

N 60°27'31" W, A DISTANCE OF 122.18 FEET TO A NAIL SET FOR AN ANGLE POINT IN SAID COMMON LINE;

THENCE N 02°12'38" W, CONTINUING ALONG THE WEST LINE OF SAID WAXAHACHE TRACT AND THE COMMON EAST LINE OF SAID WILLIAM F. KELLEY TRACT, PASSING AT A DISTANCE OF 21.94 FEET THE NORTH CORNER OF SAID WILLIAM F. KELLEY TRACT, IN ALL A TOTAL DISTANCE OF 118.88 FEET TO A NAIL SET FOR THE NORTHEAST CORNER OF SAID WAXAHACHE TRACT, IN THE SOUTH ROW LINE OF SAID KELLY BEND.

THENCE N 79°17'26" E, ALONG THE NORTH LINE OF SAID WAXAHACHE TRACT AND THE NORTH LINE OF SAID WM C BUSTER TRACT AND THE COMMON SOUTH ROW LINE OF SAID KELLY BEND, A DISTANCE OF 268.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.832 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, WM C BUSTER LAND DEVELOPMENT, LLC AND THE CITY OF WAXAHACHE, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS KELLEY BEND ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, 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 CROSS THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF 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 CHALLENGE 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 THE _____ DAY OF _____, 2021.

BY

WM C BUSTER LAND DEVELOPMENT, LLC
MARK W. BUSTER
GENERAL PARTNER

CITY OF WAXAHACHE
MICHAEL SCOTT
WAXAHACHE CITY MANAGER

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 MARK W. BUSTER, 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 MICHAEL SCOTT, 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, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND ON SET AS SHOWN.

"PRELIMINARY. THIS DOCUMENT
SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED
OR REFERRED OR RELIED UPON AS A
FINAL SURVEY DOCUMENT."
TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY
CHAIRPERSON

DATE

APPROVED

DATE

OWNER:
CITY OF WAXAHACHE
401 SOUTH ROGERS STREET
WAXAHACHE, TX 76165

OWNER:
WM C BUSTER LAND
DEVELOPMENT, LLC
236 DAKOTA DRIVE
WAXAHACHE, TX 76167

SURVEYOR
TEXAS REALITY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHE, TEXAS 76168
409.518.0538
TBP6 FROM NO 10194350

PLAT
KELLEY BEND ADDITION

8.832 ACRES

RETURNED BY THE:
J. BARKER SURVEY, ABSTRACT NO. 40
A. POLK SURVEY, ABSTRACT NO. 827
AND THE
J. PRINCE SURVEY, ABSTRACT NO. 845
CITY OF WAXAHACHE
ELLIS COUNTY, TEXAS
2 COMMERCIAL LOTS
ZONED GR & ZONED SF-1
CASE NO. SUB-145-2021

(6)

Planning & Zoning Department

Plat Staff Report

Case: SUB-60-2022



MEETING DATE(S)

Planning & Zoning Commission: June 28, 2022

City Council: July 5, 2022

CAPTION

Public Hearing on a request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

APPLICANT REQUEST

The applicant is requesting to replat the subject property into one (1) lot for single family residential use. The applicant is also requesting a Petition of Relief Waiver for a right-of-way (ROW) and utility easement dedication along Henry Street.

CASE INFORMATION

Applicant: Brad Yates, Loren Gray Investments LLC

Property Owner(s): Brad Yates, Loren Gray Investments LLC

Site Acreage: 0.1036 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Park Land Dedication: N/A

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

SUBJECT PROPERTY

General Location: 319 Henry Street

Parcel ID Number(s): 175110

Current Zoning: Single Family-3 (SF-3)

Existing Use: The subject property is currently undeveloped.

Platting History: The subject property was originally platted as Lot 18 & 19, Block 180 of the Oak Lawn Addition.

Site Aerial:

PLATTING ANALYSIS

The applicant is requesting to replat the subject property into one (1) lot for single family residential use. The property is located within the City's Infill Overlay District. The proposed lot is slightly larger; but consistent in size with the neighboring lots on Henry Street. The applicant is proposing a 10ft. Utility and Sidewalk Easement along Henry Street. No right-of-way (ROW) dedication is proposed with the replat.

PETITION OF RELIEF WAIVERS

Variance for Right-of-Way Dedication

The applicant has requested a Petition of Relief Waiver for the right-of-way (ROW) dedication requirement along Henry Street for this property. The required ROW dedication is an additional 15ft. of the applicant's property; which would result in a total of 27ft. of ROW from the centerline of Henry Street. A similar variance request for ROW dedication was approved in 2021 for case number SUB-109-2021 at 309 Henry Street. The applicants; Petition of Relief Waiver will allow the proposed property to develop in a manner consistent with the surrounding lots; none of which have dedicated additional ROW for Henry Street. Due to the lot remaining consistent with the surrounding properties and the provision of a sidewalk easement, staff is supportive of the variance request for ROW dedication.

Variance for Utility Easement Dedication

The applicant has requested a variance for the required 15ft. Utility Easement along Henry Street. The applicant is requesting to provide a 10ft. utility & sidewalk easement along Henry Street in order to preserve the development potential of the lot. It is important to note that the requirement to provide a 15ft. utility easement is a common requirement for all new plats and replats. Neighboring properties along Henry Street appear to be setback a minimum of 15 from the ROW. If the applicant provides letters from the existing franchise utilities on the property stating that a 10ft. easement is acceptable, staff will be supportive of a variance to reduce the required easement from 15ft. to 10ft.

PROPERTY OWNER NOTIFICATION

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 33 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.

(6)

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received four (4) letters of support for the proposed replat.

- Note: The four (4) letters of support for the replat were submitted by the applicant.

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, per the following comments:
 1. The applicant shall provide letters from the franchise utilities serving the subject property stating that a 10' easement is an acceptable alternative to the typical 15' utility easement.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. 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 the applicant will be notified to make corrections.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



(6)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-60-2022**

◇◇◇

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

RECEIVED JUN 15 2022

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 28, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 5, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

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

Case Number: **SUB-60-2022**

City Reference: 175849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 2022** 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:

Signature

Printed Name and Title

Date

Address

Brad Yates member

6/10/22

PO Box 2868

Waxahachie, TX 75168

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.



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SUB-60-2022**

RECEIVED JUN 15 2022

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: **SUB-60-2022**

City Reference: 175110

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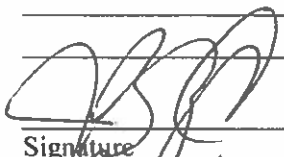


SUPPORT



OPPOSE

Comments:


Signature
Brad Yates member
Printed Name and Title

6/10/22
Date
PO Box 2868
Address
Waxahachie, Tx.
75168

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(4)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-60-2022

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LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: SUB-60-2022

City Reference: 175105

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SUPPORT



OPPOSE

Comments:


Signature

Brad Yates member
Printed Name and Title

6/10/22
Date

PO Box 2868

Address

Waxahachie, TX 75168

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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.



(6)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-60-2022

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RECEIVED JUN 15 2022

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: SUB-60-2022

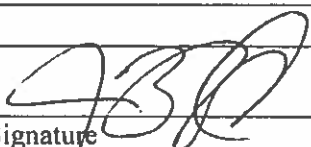
City Reference: 175116

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 2022** 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:


Signature

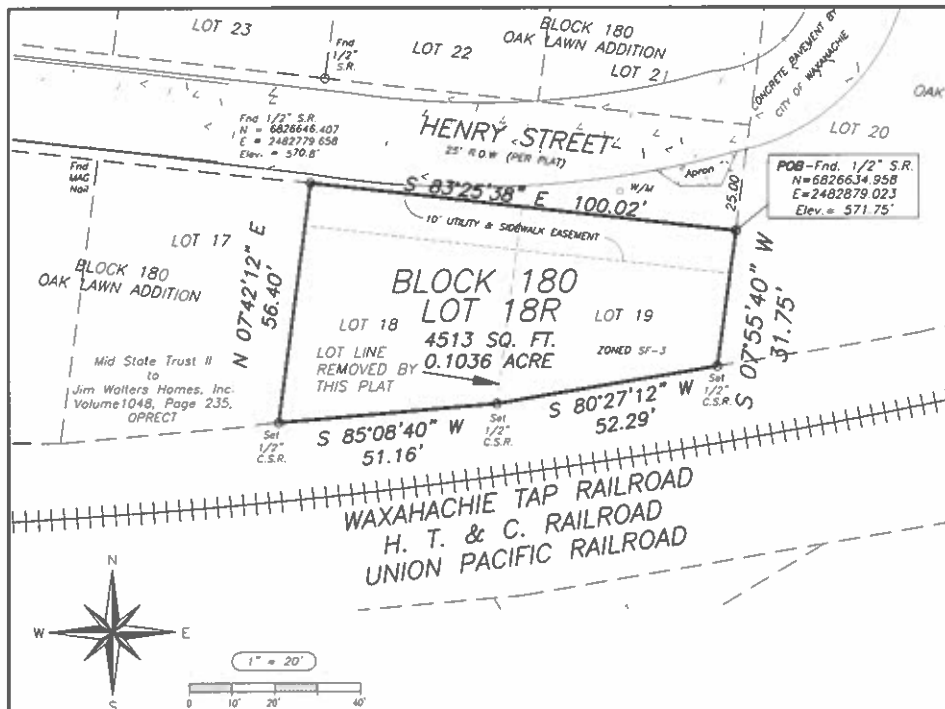
Brad Yates member
Printed Name and Title

6/10/22
Date

PO Box 2868
Address
Waxahachie, TX 75168

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.



CITY NOTE:

WATER AND SEWER SERVICES MUST BE INSTALLED PRIOR TO PLACING OF THIS PLAT. ALSO SIDEWALKS SHALL BE CONSTRUCTED ACROSS LOT 18R AT THE TIME OF CONSTRUCTION PER CITY STANDARDS.

OWNER:
LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868
(972) 938-8574 (HOME)
(972) 938-3383 (OFFICE)

DEED OF RECORD
VOLUME 2632, PAGE 580, OPRECT

BUILDING SET BACK NOTE

THE BUILDING SETBACKS WILL ADHERE TO THE REQUIREMENTS OUTLINED IN SEC. 3.25 OVERLAY DISTRICT FOR INFILL DEVELOPMENT OF THE CITY OF WAXAHACHIE ZONING ORDINANCE.

THE NORTHEAST, SOUTHEAST AND SOUTHWEST CORNER MONUMENTS HAVE ELEVATION NOTED AND ARE THE BENCHMARKS FOR THIS PROPERTY

LEGEND

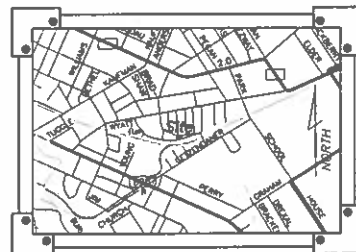
—X— = Wire Fence
—v— = Wood Fence
—w— = Iron Fence
—o— = Chain Link Fence
+ + + + + = Railroad Tracks
--- = Cable TV
--- = Gas Line
--- = Petroleum Pipeline
--- = Electric Line
--- = Sanitary Sewer Line
--- = Water Line
--- = Underground Telephone
--- = Telephone

LEGEND

O = Property Corner Symbol
Fnd = Found
S.R.C. = Steel Rod Capset
S.R. = Steel Rod
S.P. = Steel Pipe
U.C. = Utility Easement
P/P = Utility Pipe
B.G.P. = Right of Way
P.O.B. = Point of Beginning
C.A. = Centerline
B.L. = Building Line
W/L = Water Line
M/L = Sewer Main
C/O = Culvert
F/R = Fire Hydrant
W/V = Water Valve
B.U.E. = Drainage & Utility Easement
T/P = Telephone Pole

GENERAL NOTES:

- 100-Year Flood Note:
NO 100-Year Floodplain
Per FIRM Map # 48139C0190 F
Zone: X UNSHADE
Dated: June 3, 2013
- Interior lot corners monumented with 1/2" steel rods set and marked with "DAVIS & MCDILL", unless otherwise noted.



LOCATION MAP SCALE: 1" = 2000'

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, Loren Gray Investments LLC is the Owner of a tract of land situated in the A. M. Keen Survey, Abstract No. 596, Ellis County, Texas and being out of a 0.095 acre tract (by Ellis Appraisal District) conveyed to them by Waxahachie Independent School District, Trustee, by Johnny Brown, Sheriff of Ellis County and being more particularly described as follows:

BEING Lots 18 and 19, Block 180, Oak Lawn Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in recorded in Cabinet A, Slide 34, Plat Records, Ellis County, Texas, described in deed from Ellis County, Trustee, et al. by Johnny Brown, Sheriff of Ellis County to Loren Gray Investments, recorded in Instrument Volume 2632, Page 580, Official Public Records, Ellis County, Texas (OPRECT) and being more particularly described by its metes and bounds as follows:

BEGINNING at a point on the north right of way line of Henry Street, at the common northeast corner of said Lot 19, on the westerly line of Lot 20, Block 180 of said Oak Lawn Addition, at a point that is S 83°29'26" E, 99.55 feet and S 07°26'46" W, 25.00 feet from a 1/2 inch steel rod found at the common south corner of Lots 22 and 23, Block 180 of said Oak Lawn Addition, a 1/2 inch steel rod with plastic cap stamped "DAVIS & MCDILL" set, having Texas Coordinate System, North Central Zone NAD 83 values N = 6826634.958, E = 2482879.023, and Elevation = 571.75;

THENCE S 07°55'40" W, with the common line of said Lots 19 and 20 for 31.75 feet to their common south corner, on the north right of way line of the Union Pacific Railroad, formerly the Houston and Texas Central Railroad (H. & T. C. Railroad) and the Waxahachie Tap Railroad, a 1/2 inch steel rod with plastic cap stamped "DAVIS & MCDILL" set;

THENCE S 80°27'12" W, with the south line of said Lot 19 and the north right of way line of said Railroad, 52.29 feet to the common south corner of said Lots 19 and 18, a 1/2 inch steel rod with plastic cap stamped "DAVIS & MCDILL" set;

THENCE S 85°08'40" W, with the south line of said Lot 18 and the north right of way line of said Railroad, 51.16 feet to the common south corner of said Lot 18 and of Lot 17, Block 180 of said Oak Lawn Addition, a 1/2 inch steel rod with plastic cap stamped "DAVIS & MCDILL" set;

THENCE N 07°42'12" E, with the common line of said Lots 17 and 18 for 56.40 feet to their common north corner, on the south right of way line of said Henry Street, a 1/2 inch steel rod with plastic cap stamped "DAVIS & MCDILL" set, said right of way being in a curve;

THENCE S 83°25'38" E, with north line of said Lots 18 and 19 and south right of way line of said Henry Street 100.02 feet to the point of beginning and containing approximately 4513 square feet or 0.1036 acre of land.

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

That I, Stuart G. Hamilton, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

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

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

THIS SURVEY IS
VALID ONLY WITH
ORIGINAL SIGNATURE
IN RED INK

REPLAT of

Oak Lawn Addition Block 180, Lot 18R Zoned SF-3

Being a 0.1036 Acre Replat of Lots 18 and 19, Block 180, of the Oak Lawn Addition, an addition to the City of Waxahachie, Texas as recorded in Cabinet B, Slide 308, of the Plat Records of Ellis County, Texas. 1 Residential Lot

Planning and Zoning Case Number SUB-60-2022

Revisions	By

Davis & McDill LLC



Date: 06/22/2022

Scale: 1" = 50'

Drawn: SGH & DWH

Job: 221-0117

Sheet 1

of 2 sheets

A Texas licensed surveying firm # 10194681

OWNER:
Brad Yates
Loren Gray Investments LLC
972-938-3383

OWNERS CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Loren Gray Investments LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Oak Lawn Addition, Block 180, Lot 18R, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this the _____ day of _____, 20_____.
By: _____

Brad Yates
Director of Loren Gray Investments 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 Brad Yates, Director of Loren Gray Investments LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20_____.
Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

My Commission Expires On: _____

Surveyor's Certificate:

KNOW ALL MEN BY THESE PRESENTS:

That I, Stuart G. Hamilton, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

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

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

THIS SURVEY IS
VALID ONLY WITH
ORIGINAL SIGNATURE
IN RED INK

DRAINAGE NOTES:

- (1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- (2) THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.

- (3) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
- (4) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

NOTE:
PROPERTY IS IN THE JURISDICTION OF THE CITY OF WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR PLATTING RULES AND REGULATIONS

STATE OF TEXAS:
COUNTY OF ELLIS:

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____ Date _____
Chairperson

STATE OF TEXAS:
COUNTY OF ELLIS:

APPROVED BY: City Council City of Waxahachie

By: _____ Date _____
Mayor

ATTEST: _____ Date _____

REPLAT of Oak Lawn Addition Block 180, Lot 18R Zoned SF-3

Being a 0.1036 Acre Replat of Lots 18 and 19, Block 180,
of the Oak Lawn Addition, an addition to the
City of Waxahachie, Texas
as recorded in Cabinet B, Slide 308,
of the Plat Records of Ellis County, Texas.
1 Residential Lot

Planning and Zoning Case Number SUB-60-2022

Revisions By

Davis & McDill LLC



Date: 06/22/2022

Scale: N/A

Drawn: SGH & DWH

Job: 221-0117

Sheet 2

of 2 sheets.

SURVEYING - LAND PLANNING - FLOODPLAIN MANAGEMENT
P.O. BOX 428, WAXAHACHIE, TEXAS 75168
PHONE: 972-938-1185
A Texas licensed surveying firm # 10194581

Planning & Zoning Department

Plat Staff Report

Case: SUB-15-2022



MEETING DATE(S)

Planning & Zoning Commission: June 28, 2022

City Council: July 5, 2022

CAPTION

Public Hearing on a request by Dustin Phillipp, J. Volk Consulting, Inc. for a **Plat** of The Place at North Grove, lots 10, 11, 12X Block 1, being 10.67 acres, located at northwest corner of North Grove Boulevard and Washington Avenue, situated in the John B. and Ann Adams Survey, Abstract No. 5, Robert Russell Survey, Abstract No. 911, and Henry Sange Survey, Abstract No. 1009, an addition to the City of Waxahachie (Property ID 283993) – Owner: North Grove 12.5 LLC Series 1 (SUB-15-2022)

APPLICANT REQUEST

The Applicant is proposing to plat approximately 10.67 acres of land into three lots. Lot 10 is for mixed-use, Lot 11 is for retail and commercial uses, and Lot 12X is an open space common area. Additionally, the Applicant is requesting a variance to reduce the utility easement along North Grove Boulevard and Washington Avenue from 15 feet to 10 feet.

CASE INFORMATION

Applicant: Dustin Philipp, J. Volk Consulting, Inc.

Property Owner(s): North Grove 12.5 LLC Series 1

Site Acreage: 10.67 acres

Number of Lots: 3 lots

Number of Dwelling Units: Appx. 252 units in the mixed-use development

Park Land Dedication: Parkland dedication fees are waived per the North Grove PD (Ord. No. 2733)

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

SUBJECT PROPERTY

General Location: Northwest corner of North Grove Boulevard and Washington Avenue

Parcel ID Number(s): 283993

Current Zoning: Planned Development District (PD) Ord. No. 3261

Existing Use: Undeveloped

Platting History: The subject property is an unplatted tract of land.

Site Aerial:



PLATTING ANALYSIS

The Applicant is requesting a variance to reduce the utility easement width from 15 feet to 10 feet so that the proposed buildings in the mixed-use development are not within the utility easement. The buildings within the mixed-use building fronting North Grove Boulevard are 15 feet from the front property line. Staff recommends approving the variance request since the Applicant received approval from the franchise utility providers (AT&T, Oncor, and Atmos) to reduce the utility easement from 15 feet to 10 feet.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The Applicant receive approval of a variance to reduce the utility easement along North Grove Boulevard and Washington Avenue from 15 feet to 10 feet.
 2. All public improvements must be constructed, inspected, and accepted by the Public Works and Engineering Department before the plat is recorded with the County Clerk's Office.
 3. The Applicant must sign and execute the associated development agreement for the subject property before recording the plat with the County Clerk's Office.

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.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. All public improvements are constructed, inspected, and accepted by the Public Works and Engineering Department.
2. The Applicant signs and executes the associated development agreement for the subject property.

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

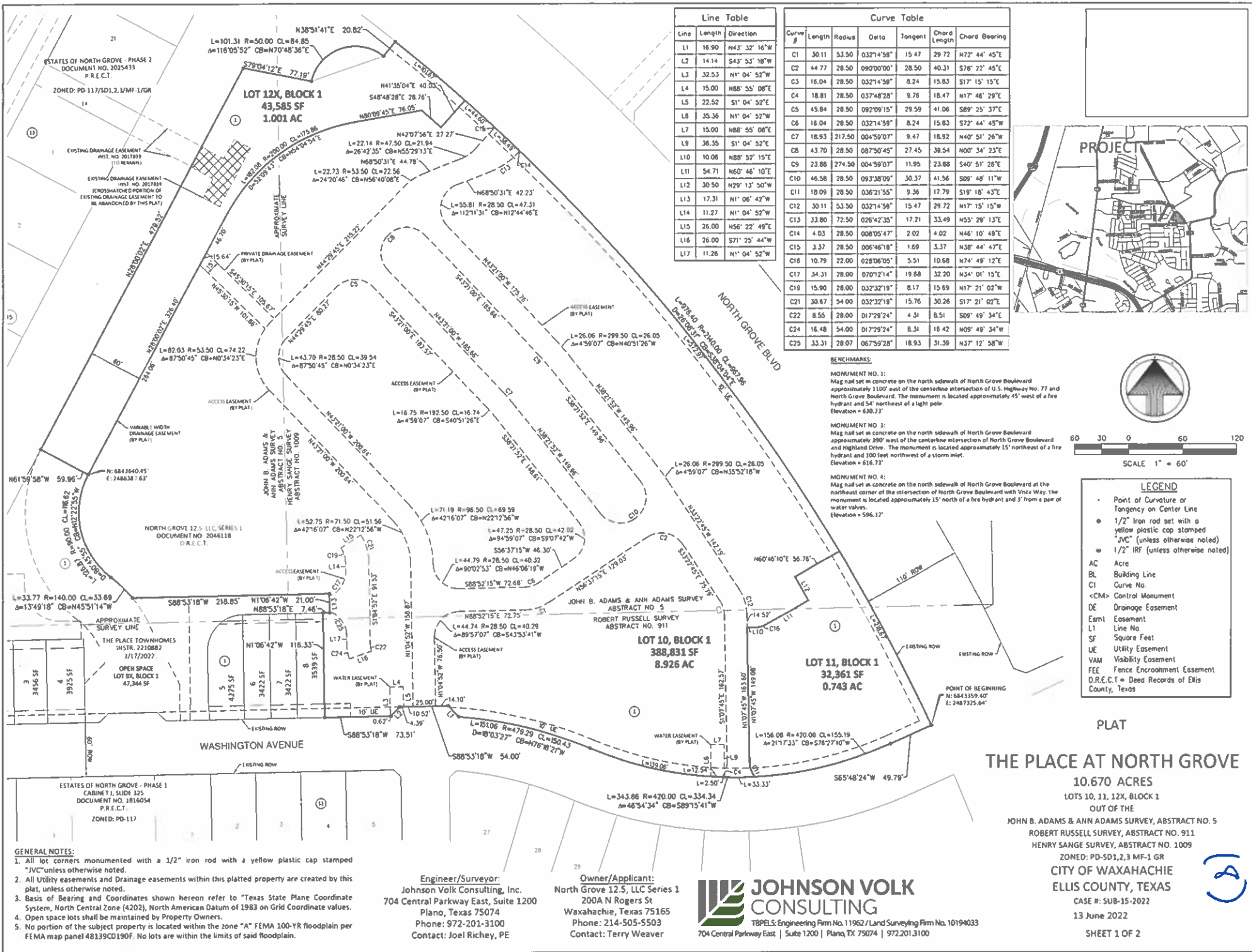
eleana.tuley@waxahachie.com

Reviewed by:

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

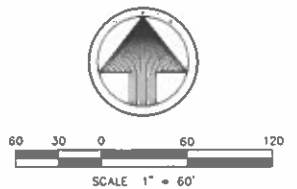
Senior Director of Planning

jennifer.pruitt@waxahachie.com



Line Table		
Line	Length	Direction
L1	16.90	N43° 32' 16"W
L2	14.14	S43° 33' 18"W
L3	32.53	N1° 04' 52"W
L4	15.00	N88° 55' 08"E
L5	22.52	S1° 04' 52"E
L6	35.36	N1° 04' 52"W
L7	15.00	N88° 55' 08"E
L8	36.35	S1° 04' 52"E
L9	10.06	N88° 55' 15"E
L10	54.71	N60° 46' 10"E
L11	30.50	N29° 13' 50"W
L12	17.31	N1° 06' 42"W
L13	11.27	N1° 04' 52"W
L14	26.00	N56° 22' 49"E
L15	26.00	S71° 25' 44"W
L16	26.00	S71° 25' 44"W
L17	11.26	N1° 04' 52"W

Curve Table					
Curve #	Length	Radius	Delta	Tangent	Chord Bearing
C1	30.11	53.50	032°14'59"	15.47	29.72 N72° 44' 45"E
C2	44.77	28.50	090°00'00"	28.50	40.31 S78° 22' 45"E
C3	16.04	28.50	032°14'59"	8.24	15.83 S17° 15' 15"E
C4	18.81	28.50	037°48'28"	9.76	16.47 N17° 46' 29"E
C5	45.84	28.50	092°09'15"	29.59	41.06 S89° 25' 37"E
C6	16.04	28.50	032°14'59"	8.24	15.83 S72° 44' 45"W
C7	18.93	217.50	004°59'07"	9.47	18.92 N40° 51' 26"W
C8	43.70	28.50	087°50'45"	27.45	36.54 N00° 34' 23"E
C9	23.68	274.50	004°59'07"	11.95	23.68 S40° 51' 26"E
C10	46.58	28.50	093°38'09"	30.37	41.56 S09° 48' 11"W
C11	18.09	28.50	036°21'55"	9.36	17.79 S19° 18' 43"E
C12	30.11	53.50	032°14'59"	15.47	29.72 N17° 15' 15"W
C13	33.80	72.50	026°42'35"	17.21	33.49 N55° 29' 13"E
C14	4.03	28.50	008°05'47"	2.02	4.02 N46° 10' 48"E
C15	3.37	28.50	005°46'18"	1.69	3.37 N38° 44' 47"E
C16	10.79	22.00	028°06'09"	5.51	10.68 N74° 49' 12"E
C17	34.31	28.00	070°21'44"	19.68	32.20 N34° 01' 15"E
C18	15.90	28.00	023°32'19"	8.17	15.69 N17° 21' 02"W
C21	30.67	34.00	032°32'19"	15.76	30.26 S17° 21' 02"E
C22	8.56	28.00	017°28'24"	4.31	8.51 S09° 49' 34"E
C24	16.48	54.00	017°28'24"	8.31	16.42 N09° 49' 34"W
C25	33.31	28.07	067°59'28"	18.93	31.39 N37° 12' 58"W



- LEGEND**
- Point of Curvature or Tangency on Center Line
 - 1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)
 - 1/2" IRF (unless otherwise noted)
 - AC Acre
 - BL Building Line
 - CI Curve No.
 - <CM> Control Monument
 - DE Drainage Easement
 - Emrl Easement
 - L1 Line No.
 - SF Square Feet
 - UE Utility Easement
 - VAM Visibility Easement
 - FEE Fence Encroachment Easement
 - D.R.E.C.T. = Deed Records of Ellis County, Texas

GENERAL NOTES:

- All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "JVC" unless otherwise noted.
- All utility easements and Drainage easements within this platted property are created by this plat, unless otherwise noted.
- Basis of Bearing and Coordinates shown hereon refer to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values.
- Open space lots shall be maintained by Property Owners.
- No portion of the subject property is located within the zone "A" FEMA 100-YR floodplain per FEMA map panel 48139C0190F. No lots are within the limits of said floodplain.

Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite 1200
Plano, Texas 75074
Phone: 972-201-3100
Contact: Joel Richey, PE

Owner/Applicant:
North Grove 12.5, LLC Series 1
200A N Rogers St
Waxahachie, Texas 75074
Phone: 214-505-5503
Contact: Terry Weaver

JOHNSON VOLK CONSULTING
TBP&LS: Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East / Suite 1200 / Plano, TX 75074 / 972.201.3100

THE PLACE AT NORTH GROVE
10.670 ACRES
LOTS 10, 11, 12X, BLOCK 1
OUT OF THE
JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5
ROBERT RUSSELL SURVEY, ABSTRACT NO. 911
HENRY SANGE SURVEY, ABSTRACT NO. 1009
ZONED: PD-S01,2,3 MF-1 GR
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS
CASE #: SUB-15-2022
13 June 2022
SHEET 1 OF 2

STATE OF TEXAS §

COUNTY OF ELLIS §

LEGAL DESCRIPTION

THE PLACE AT NORTH GROVE 10.670 ACRES

WHEREAS, NORTH GROVE 12.5, LLC SERIES 1 is the Owner of land situated in the JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5, the ROBERT RUSSELL SURVEY, ABSTRACT NO. 911, and the HENRY SANGE SURVEY, ABSTRACT NO. 1009, City of Waxahachie, Ellis County, Texas and being part of that tract of land described in Deed to NORTH GROVE 12.5, LLC SERIES 1, as recorded in Document No. 2046118, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set at the intersection of the west line of North Grove Boulevard, a 110 foot right-of-way, with the north line of Washington Avenue, a 60 foot right-of-way, for the northeast corner of ESTATES OF NORTH GROVE-PHASE1, an Addition to the City of Waxahachie, Ellis County, Texas according to the Plot thereof recorded in Cabinet J, Slide 325, Plot Records, Ellis County, Texas;

THENCE South 65 degrees 48 minutes 24 seconds West, a distance of 49.79 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a tangent curve to the right having a central angle of 46 degrees 54 minutes 34 seconds, a radius of 420.00 feet and a chord bearing and distance of South 89 degrees 15 minutes 41 seconds West, 334.34 feet;

THENCE Southwesterly, with said curve to the right, an arc distance of 343.86 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a reverse curve to the left having a central angle of 18 degrees 03 minutes 27 seconds, a radius of 479.29 feet and a chord bearing and distance of North 76 degrees 18 minutes 21 seconds West, 150.43 feet;

THENCE Northwesterly, with said curve to the left, an arc distance of 151.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 43 degrees 32 minutes 16 seconds West, a distance of 16.90 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 43 degrees 53 minutes 18 seconds West, a distance of 14.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 73.51 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 116.33 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 88 degrees 53 minutes 18 seconds East, a distance of 7.46 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 21.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 218.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the left having a central angle of 13 degrees 49 minutes 18 seconds, a radius of 140.00 feet and a chord bearing and distance of North 45 degrees 51 minutes 14 seconds West, 33.69 feet;

THENCE Northwesterly, with said curve to the left, an arc distance of 33.77 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a reverse curve to the right having a central angle of 80 degrees 45 minutes 55 seconds, a radius of 90.00 feet and a chord bearing and distance of North 12 degrees 22 minutes 55 seconds West, 116.82 feet;

THENCE Northwesterly, with said curve to the right, an arc distance of 126.87 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 61 degrees 59 minutes 58 seconds West, a distance of 59.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 28 degrees 00 minutes 02 seconds East, a distance of 479.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 79 degrees 04 minutes 12 seconds East, a distance of 77.19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 116 degrees 05 minutes 52 seconds, a radius of 50.00 feet and a chord bearing and distance of North 70 degrees 48 minutes 36 seconds East, 84.85 feet;

THENCE Northeasterly, with said curve to the right, an arc distance of 101.31 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 38 degrees 51 minutes 41 seconds East, a distance of 20.82 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 26 degrees 08 minutes 31 seconds, a radius of 2140.00 feet and a chord bearing and distance of South 38 degrees 04 minutes 04 seconds East, 967.96 feet;

THENCE Southeasterly, with said curve to the right, an arc distance of 976.40 feet to the POINT OF BEGINNING and containing 10.670 acres of land, more or less.

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS: That I, Ryan S. Reynolds, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I have prepared this plot from an actual and accurate survey of the land, and that the corner monuments shown thereon were found or placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

RYAN S. REYNOLDS, R.P.L.S.
Registered Professional Land Surveyor No. 6385

Engineer/Surveyor:
Johnson Volk Consulting, Inc.
704 Central Parkway East, Suite 1200
Plano, Texas 75074
Phone: 972-201-3100
Contact: Joel Richey, PE

Owner/Applicant:
North Grove 12.5, LLC Series 1
200A N Rogers St
Waxahachie, Texas 75165
Phone: 214-505-5503
Contact: Terry Weaver

JOHNSON VOLK
CONSULTING
TBPCLS Engineering Firm No. 11962 / Land Surveying Firm No. 10194033
704 Central Parkway East | Suite 1200 | Plano, TX 75074 | 972.201.3100

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT NORTH GROVE 12.5, LLC SERIES 1, acting by and through its duly authorized agent, does hereby adopt this plot, designating the herein described property as THE PLACE AT NORTH GROVE, an addition to the City of Waxahachie, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon. The streets, 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 plot. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective system 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 its respective systems without the necessity at any time of procuring the permission from anyone.

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

WITNESS, OUR HANDS this ____ day of _____, 20__

By: _____

NAME: MARK SINGLETON, MANAGER
NORTH GROVE 12.5, LLC SERIES 1

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared _____, Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20__

Notary Public in and for the State of Texas

My Commission Expires: _____

APPROVED BY: Planning and Zoning Commission City of Waxahachie

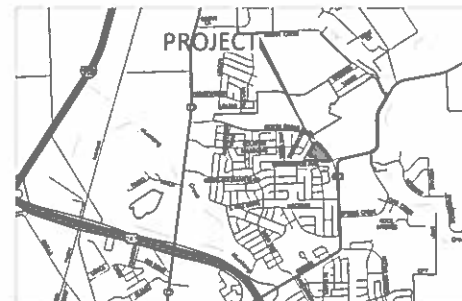
By: _____ Date _____
Chairperson

Attest _____ Date _____

IF APPLICABLE, APPROVED BY: City Council City of Waxahachie

By: _____ Date _____
Mayor

Attest _____ Date _____



BENCHMARKS:

MONUMENT NO. 1:

Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1100' west of the centerline intersection of U.S. Highway No. 77 and North Grove Boulevard. The monument is located approximately 45' west of a fire hydrant and 54' northeast of a light pole.
Elevation = 630.23'

MONUMENT NO. 3:

Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 390' west of the centerline intersection of North Grove Boulevard and Highland Drive. The monument is located approximately 15' northeast of a fire hydrant and 100 feet northwest of a storm inlet.
Elevation = 616.73'

MONUMENT NO. 4:

Mag nail set in concrete on the north sidewalk of North Grove Boulevard at the northeast corner of the intersection of North Grove Boulevard with Vista Way. The monument is located approximately 15' north of a fire hydrant and 3' from a pair of water valves.
Elevation = 596.12'

PLAT

THE PLACE AT NORTH GROVE

10.670 ACRES
LOTS 10, 11, 12X, BLOCK 1
OUT OF THE

JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5
ROBERT RUSSELL SURVEY, ABSTRACT NO. 911
HENRY SANGE SURVEY, ABSTRACT NO. 1009

ZONED: PD-S01.2.3 MF-1 GR

CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

CASE #: SUB-15-2022

13 June 2022

SHEET 2 OF 2

(8)

Planning & Zoning Department

Plat Staff Report

Case: SUB-28-2022



MEETING DATE(S)

Planning & Zoning Commission: June 28, 2022 – Continued from May 24, 2022

City Council: July 5, 2022 - Continued from June 6, 2022

CAPTION

Public Hearing on a request by Chad Adams, Oak Hull Investments, for a **Replat** of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473, 176474, 176471, 17648 & 176385) – Owner: STONEDALE DEVELOPMENT LLC. (SUB-28-2022)

APPLICANT REQUEST

The purpose of this request is to revise property lines resulting in 6 Residential Lots.

CASE INFORMATION

Applicant: Chad Adams

Property Owner(s): Stonedale Development, LLC

Site Acreage: 1.129 acres

Number of Lots: 6 lots, existing

Number of Dwelling Units: 6 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public utilities are provided to the property.

SUBJECT PROPERTY

General Location: 510 Cynisca St and 107 Olive St

Parcel ID Number(s): 176474 & 176473

Current Zoning: 2F – Two-Family Residential (Duplex)

Existing Use: The existing use is residential

Platting History: University Annex Addition – Lots 8, 9, & 10.

Site Aerial:**PLATTING ANALYSIS**

The applicant is proposing to replat the subject properties into six (6) lots for residential use. All City of Waxahachie lot size and dimension requirements have been met. The subject property is located within the Infill Overlay District and meets or exceeds all requirements of the Infill Ordinance.

VARIANCE REQUEST – PETITION FOR RELIEF WAIVER**Request:**

As part of the platting process, the applicant is required to provide a 15' Utility, Water and Wastewater Easement along all right-of-way frontage. The applicant has made a Petition for Relief Waiver request for the 15' Utility, Water and Wastewater Easement. As part of the Petition for Relief Waiver, the applicant is seeking a variance to allow for a reduced utility easement of 8' along the Cynisca Street and Floyd Street frontage, with the standard 15' utility easement along Olive Street.

The applicant's is requesting this variance due to existing structures encroaching into the 15' Utility, Water and Wastewater Easement requirement.

Staff's Response:

Per section 3.1 of the Subdivision ordinance, the property owner shall provide a minimum 15' utility easement for gas, electric, and other utilities approved by the City. Existing structures on Cynisca and Floyd will encroach into the required easement. No City utilities are affected by the variance request, and the applicant has provided Utility Franchise letters in support of the request. Staff has no objections to the variance request.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **39 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.

As of the date of this staff report, staff has received 1 letter of support.

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.

ATTACHED EXHIBITS

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

1. Plat
2. PON Responses

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

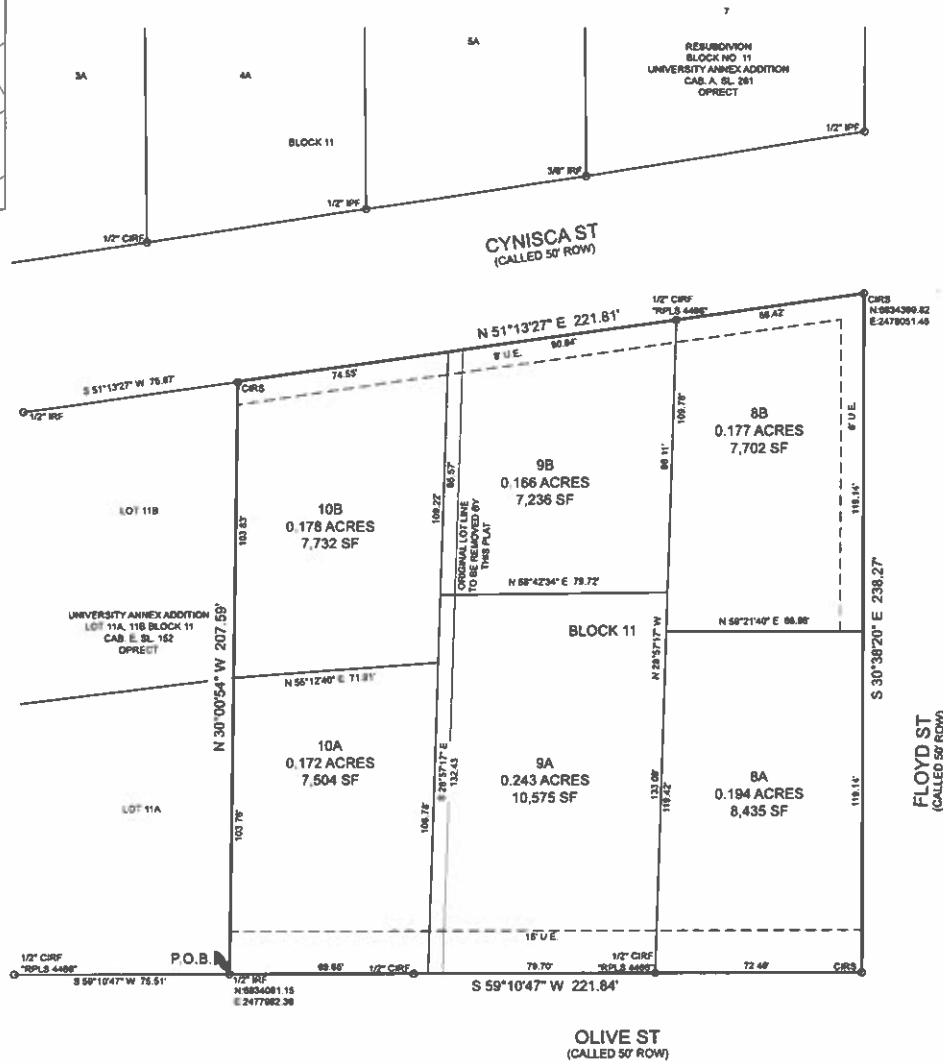
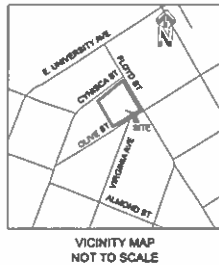
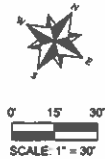
A plat shall not be filed with the Ellis County Clerk until:

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

STAFF CONTACT INFORMATION

Prepared by:
Ashlie Jones
Senior Planner
ashlie.jones@waxahachie.com

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



LEGEND

CRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CRS" SET
 FND = FOUND
 R/F = IRON ROD FOUND
 OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
 PRECT = PLAT RECORDS ELLIS COUNTY TEXAS

NOTES:

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

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48138C016W, DATED JUNE 3, 2015, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

OWNERS:
 CHAD ADAMS
 1360 TROPHY COURT WEST
 MIDLOTHIAN, TX 75065
 214.309.2089

OWNERS:
 STONEDALE DEVELOPMENT LLC
 204 SOLON ROAD
 WAXAHACHIE, TX 75165
 214.309.2089

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

REPLAT
 LOTS 8A-10B
 BLOCK 11
 UNIVERSITY ANNEX
 ADDITION
 BEING A REPLAT OF
 LOTS 8, 9 & 10
 UNIVERSITY ANNEX ADDITION
 VOLUME 404, PAGE 435,
 OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS
 OF CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
 1.129 ACRES
 6 RESIDENTIAL LOTS
 ZONED 2F
 CASE NO. SUB 28-2022

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

WHEREAS CHAD ADAMS AND STONEDALE DEVELOPMENT LLC, ARE THE SOLE OWNERS OF A TRACT OF LAND SITUATED IN THE W.J. BASIGNS SURVEY, ABSTRACT NO. 148, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOTS 8-10, BLOCK 11, UNIVERSITY ANNEX ADDITION, RECORDED IN VOLUME 404, PAGE 435, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHAD ADAMS, RECORDED IN INSTRUMENT NO. 2154796, OPRECT AND BEING ALL THAT TRACT OF LAND DESCRIBED IN DEED TO STONEDALE DEVELOPMENT LLC, RECORDED IN INSTRUMENT NO. 2154796, OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 10 AND THE COMMON SOUTHEAST CORNER OF LOT 11A, BLOCK 11, UNIVERSITY ANNEX ADDITION, RECORDED IN CABINET E, SLIDE 152, OPRECT AND IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF OLIVE STREET (A CALLED 50' ROW), FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4486" FOUND, BEARS S 59°10'47" W, A DISTANCE OF 75.31 FEET.

THENCE N 30°05'54" W, ALONG THE WEST LINE OF SAID LOT 10 AND THE COMMON EAST LINE OF SAID LOT 11A AND THE COMMON EAST LINE OF LOT 11B, BLOCK 11, OF SAID UNIVERSITY ANNEX ADDITION, A DISTANCE OF 207.59 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TKRCS" SET FOR THE NORTHWEST CORNER OF SAID LOT 10 AND THE COMMON NORTHEAST CORNER OF SAID LOT 11B AND IN THE SOUTH ROW LINE OF CYNISCA STREET (A CALLED 50' ROW), FROM WHICH A 1/2" IRON ROD FOUND, BEARS S 51°15'27" W, A DISTANCE OF 75.81 FEET.

THENCE N 51°15'27" E, ALONG THE NORTH LINE OF SAID LOT 10 AND SAID LOT 8, PASSING AT A DISTANCE OF 105.39 FEET A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4486" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 8 AND THE COMMON NORTHWEST CORNER OF SAID LOT 8, CONTINUING ALONG LOT 8, A TOTAL DISTANCE OF 221.81 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TKRCS" SET FOR THE NORTHEAST CORNER OF SAID LOT 8 AND THE INTERSECTION OF THE SOUTH ROW LINE OF SAID CYNISCA STREET AND THE WEST ROW LINE OF FLOYD STREET (A CALLED 50' ROW);

THENCE S 30°38'28" E, ALONG THE EAST LINE OF SAID LOT 8 AND THE COMMON WEST ROW LINE OF SAID FLOYD STREET, A DISTANCE OF 238.27 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TKRCS" SET FOR THE SOUTHEAST CORNER OF SAID LOT 8, FOR THE INTERSECTION OF THE WEST ROW LINE OF SAID FLOYD STREET AND THE COMMON NORTH ROW LINE OF SAID OLIVE STREET.

THENCE S 59°10'47" W, ALONG THE SOUTH LINE OF SAID LOT 8, PASSING AT A DISTANCE OF 72.49 FEET A 1/2" IRON ROD WITH CAP STAMPED "RPLS 4486" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 8 AND THE COMMON SOUTHEAST CORNER OF SAID LOT 8, CONTINUING ALONG THE SOUTH LINES OF SAID LOT 8 AND SAID LOT 10, A TOTAL DISTANCE OF 221.84 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.129 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CHAD ADAMS AND STONEDALE DEVELOPMENT LLC, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 8A-10B, BLOCK 11, UNIVERSITY ANNEX ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE 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 ADJOINING 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 _____, 2022.

CHAD ADAMS

STONEDALE DEVELOPMENT LLC
ASSIGNED AGENT

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

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF ELLIS:

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

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2022.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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

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

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____
CHAIRPERSON

ATTEST _____ DATE _____

APPROVED BY: CITY COUNCIL, CITY OF WAXAHACHIE

BY: _____ DATE _____
MAYOR

ATTEST _____ DATE _____

OWNERS:
CHAD ADAMS
1380 TROPHY COURT WEST
MIDLOTHIAN, TX 78065
214.309.2089

OWNERS:
STONEDALE DEVELOPMENT LLC
204 SOLON ROAD
WAXAHACHIE, TX 75185
214.309.2089

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

REPLAT
LOTS 8A-10B
BLOCK 11
UNIVERSITY ANNEX
ADDITION
BEING A REPLAT OF
LOTS 8, 9 & 10
UNIVERSITY ANNEX ADDITION
VOLUME 404, PAGE 435,
OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS
OF CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
1.129 ACRES
8 RESIDENTIAL LOTS
ZONED 2F
CASE NO. SUB 28-2022



(10)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-28-2022



VIEN LADD
1015 FERRIS AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Chad Adams, Oak Hull Investments, for a **Replat** of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473, 176474, 176471, 17648 & 176385) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)

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

Case Number: SUB-28-2022

City Reference: 176467

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 2022** 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:

Signature

Date

Printed Name and Title

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.

(12)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-54-2022



MEETING DATE(S)

Planning & Zoning Commission: June 28, 2022

City Council: July 5, 2022

CAPTION

Public Hearing on a request by Tom Wright, Heart-In-Hand, for a **Zoning Change** from a Central Area (CA) zoning district to a Planned Development – Central Area (PD-CA) zoning district, located at 212 S Rogers Street, (Property ID 170517) - Owner: Waxahachie 100F Lodge (ZDC-54-2022)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development District (PD) with a base zoning of Central Area District (CA) to allow for a tattoo shop at 212 S. Rogers Street.

CASE INFORMATION

Applicant: Tom Wright, Waxahachie 100F Lodge

Property Owner(s): Tom Wright

Site Acreage: .22 acres

Current Zoning: Central Area District (CA)

Requested Zoning: Planned Development – Central Area (PD-CA) zoning district

SUBJECT PROPERTY

General Location: 212 S Rogers Street

Parcel ID Number(s): 170517

Existing Use: Heart-In-Hand (Antique Shop)

Development History: The subject property is a two-story multi-tenant building (Independent Order of Odd Fellows Building) built approximately in 1891. The building currently has two retail storefronts on the first floor and the Independent Order of Odd Fellows Lodge on the second floor. The zoning request will impact Heart-In-Hand, located on the first floor of the building.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	CA	Multi-tenant Building (Gypsy Parlour, Salon & Spa, Big Al's Restaurant)
East	CA	Southwest Data Solutions
South	CA	Downtown Surface Parking Lot
West	CA	Multi-tenant Building (Charo's Beauty Salon, Tacos Facios y Guisado, and Waxahachie Coins & Comics)

Future Land Use Plan:**Retail****Comprehensive Plan:**

The subject property is located within the Retail land use category in the Future Land Use Plan (FLUP). The retail land use category 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 adjacent to Jefferson Street and Rogers Street. Jefferson Street is a major thoroughfare on the City's Thoroughfare Plan with an ultimate right-of-way width of 110 feet. The zoning request is not proposing to alter or improve the adjoining streets.

Site Image:

PLANNING ANALYSIS

Purpose of Request

The Applicant is requesting a zoning change from Central Area District (CA) to a Planned Development District with a base zoning of Central Area (CA) District (PD-CA) to allow for a tattoo shop. The Applicant is not proposing to modify the district regulations but to simply allow a tattoo shop, which is not currently a permitted use within the existing zoning.

The Applicant is a trustee for the Independent Order of Odd Fellows (IOOF) building and is the store manager for Heart-In-Hand. The Applicant is proposing a tattoo shop in the back portion of Heart-In-Hand. The entrance to the tattoo shop would be along Jefferson Street and would consume approximately 800 square feet. The tattoo shop would be managed by Oliver Peck, who is a renowned tattoo artist himself and the owner of Heart-In-Hand.

The Applicant has provided a letter to provide more information on Mr. Peck's professional experience, hours of operation, and operational plan. The shop will consist of two to four tattoo artists who would book their own appointments and generally work in the shop between 10 am to 10 pm Wednesday through Saturday. Mr. Peck has owned Heart-In-Hand since 2019 and has been a member of Odd Fellows lodge for twenty years.

Proposed Development Standards

If a tattoo shop is approved on the subject property. Staff has recommended the Applicant comply with the following provisions.

- A tattoo shop may occupy up to 800 square feet of the first floor building area within Heart-In-Hand. The general location of the tattoo shop shall be in the location shown in the image below. The property owner will need Planning and Zoning Commission and City Council approval to expand the floor area of the use.



- A tattoo shop may operate from 10 am to 10 pm Wednesday through Saturday. The property owner will need Planning and Zoning Commission and City Council approval to modify hours of operation.
- A tattoo shop shall require a license by the Texas Department of State Health Services (DSHS) at all times.
- All exterior signage shall require a sign permit from the Building Department.

Staff Recommendation

The proposed zoning request (PD-CA) will remain compatible and in harmony with the surrounding land uses, and such Staff recommends approval of the request.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 31 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The subject property comply with the development standards proposed with the zoning request.
 2. The Applicant receive approval of the necessary building permits necessary to establish and operate a tattoo shop.

ATTACHED EXHIBITS

1. Letter of Intent by Applicant
2. Location Map (Exhibit A)
3. Development Standards (Exhibit B)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Eleana Tuley, AICP
 Senior Planner
eleana.tuley@waxahachie.com

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

May 25, 2022

Tom Wright
212 S. Rogers
Waxahachie, Tx. 75165
RE: ZDC-54-2022 Heart-In-Hand Zoning Request

Currently Heart in Hand operates as a Retail Antique Shop.

The proposed tattoo shop will not alter the floor plan of the existing store. It (tattoo shop) will be in a separate part of the building separated by a door. Access to the shop will be through the antique shop or through a separate entrance on Jefferson St.

Heart in Hand Waxahachie will be the fourth in a family of shops who are all related to two other tattoo shops. All are owned and operated by Oliver Peck. The line-up of shops we own and operate are Elm Street Tattoo Dallas, Buffalo Nickel Tattoo in Springville, Utah, Heart in Hand Elm Street Dallas, Heart in Hand Greenville Ave. Dallas, and Heart in Hand Arlington.

There will be 2-4 tattooers depending on the amount of demand.

Shop hours will be 10 AM to 10 PM Wednesday through Saturday. These hours will be subject to change depending on the amount of business. Tattooers will be booking their own appointments and will have access to building both before and after regular business hours.

At any given time there will be at least 2 employees and as many as 3. This number excludes tattooers.

When permission to operate is granted we will be applying for a Texas DSHS license.

The owner of Heart in Hand is a very talented and well respected tattooer who has enjoyed a tremendous amount of success in the industry. He has tattooed all over the world and worked with some of the best in the business. His accomplishments are a result of strong leadership and an ability to invest in people who perform at a high level. We believe that Heart in Hand Waxahachie will be a welcome extension to the H in H family and a considerable addition to the downtown area.

Best Regards,

Tom Wright

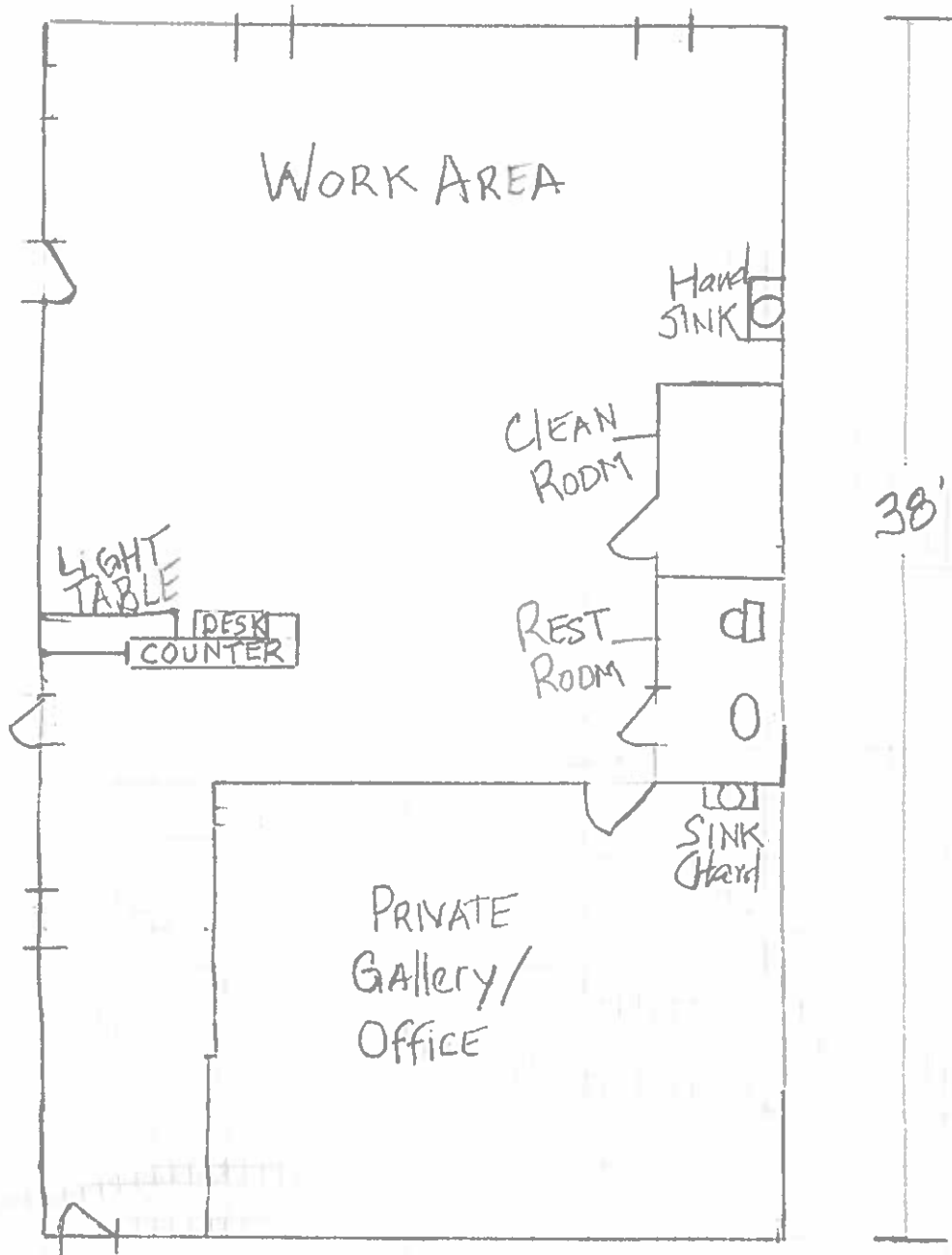
(12)

BACK ROOM 214 S. ROGERS



21'

Jefferson St



38'

DRAWING NOT
TO SCALE

T. WRIGHT

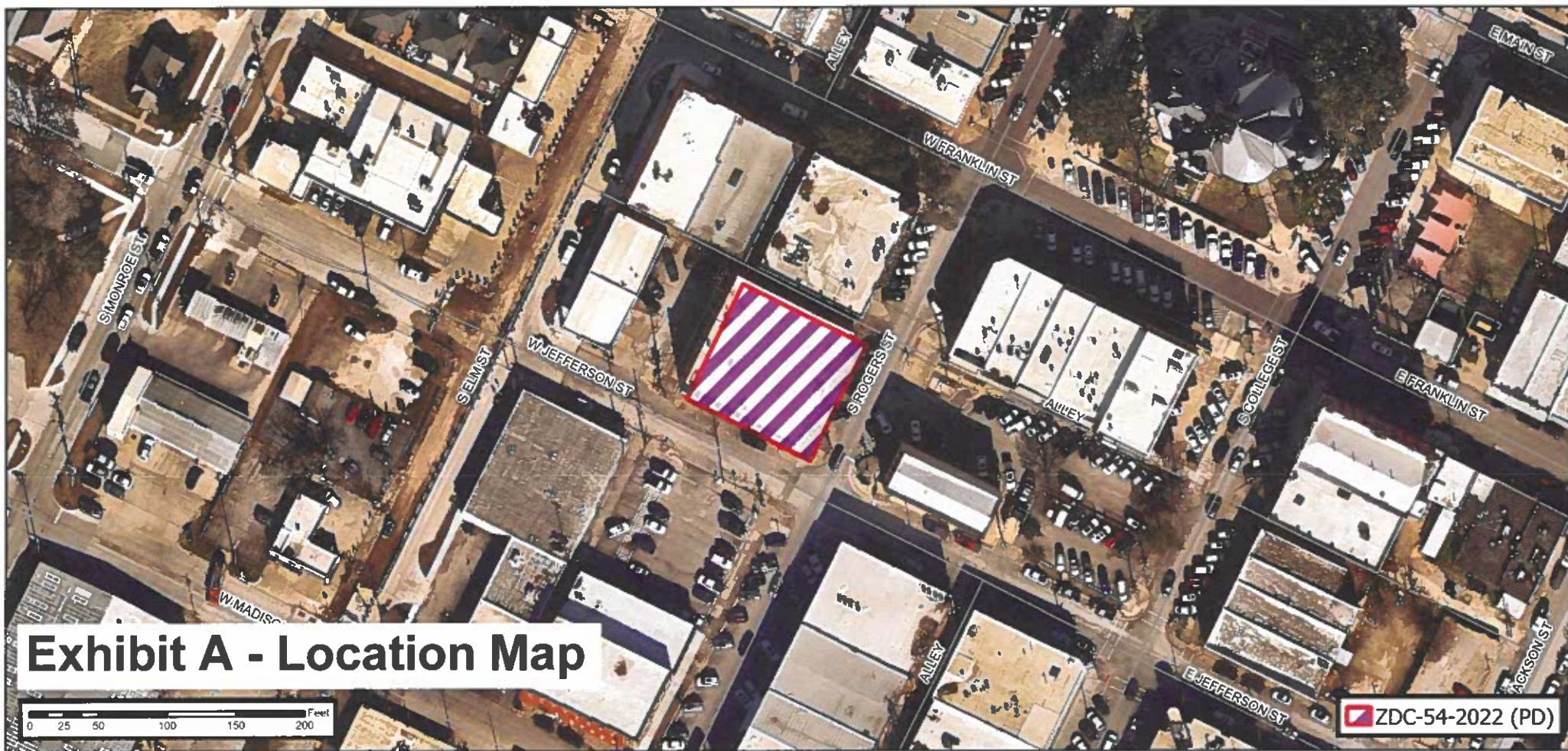


Exhibit A - Location Map


 ZDC-54-2022 (PD)

EXHIBIT B – DEVELOPMENT STANDARDS

HEART-IN-HAND

PURPOSE AND INTENT

The purpose of this Planned Development District is to allow for a tattoo shop in the Central Area (CA) zoning district. The subject property will comply with the City of Waxahachie Code of Ordinances, except as provided herein.

DEVELOPMENT STANDARDS

A tattoo shop on the subject property will comply with the following provisions:

- A tattoo shop may occupy up to 800 square feet of the first floor building area within Heart-In-Hand. The general location of the tattoo shop shall be in the location shown in the image below. The property owner will need Planning and Zoning Commission and City Council approval to expand the floor area of the use.



- A tattoo shop may operate from 10 am to 10 pm Wednesday through Saturday. The property owner will need Planning and Zoning Commission and City Council approval to modify hours of operation.
- A tattoo shop shall require a license by the Texas Department of State Health Services (DSHS) at all times.
- All exterior signage shall require a sign permit from the Building Department.