

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, August 15, 2023 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
4. ***Consider*** minutes of the regular Planning & Zoning Commission meeting of July 25, 2023
5. ***Public Hearing*** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses. Staff: Jennifer Pruitt
6. ***Consider*** recommendation of Zoning Text Amendment No. ZTA-92-2023
7. ***Consider*** a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 1, Block B, Legacy Ranch Phase One, to create two lots, being 1.401 acres, located at 1001 Legacy Ranch Road, (Property ID: 267511) – Owner: BKG LEGACY RANCH 1, LLC (SUB-103-2023) Staff: Zack King
8. ***Consider*** a request by Bryce Eckeberger, Kimley-Horn, for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, being 124.86 acres, located on the southwest corner of US Highway 287 and South Interstate 35E, situated in the John B. Bounds Survey, Abstract No. 99 and Jonathan E. Prince Survey, Abstract No. 844, an addition to the City of Waxahachie (Property ID 180322) – Owner: 289 BSL Waxahachie, LLC (SUB-85-2023) Staff: Eleana Tuley
9. ***Consider*** a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Plat of Wilemon Steam Academy, Lots 1 & 2, Block A, being 66.948 acres, located southwest of 3001 W US Highway 287 Bypass, situated in the J. Boyd Survey, Abstract 108 & Abstract 109, an addition to the City of Waxahachie (Property ID: 180484) – Owner: WAXAHACHIE ISD (SUB-99-2023) Staff: Zack King

10. **Public Hearing** on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Pole Sign use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA, LLC (ZDC-55-2023) Staff: Zack King
11. **Consider** recommendation of Zoning Change No. ZDC-55-2023
12. **Public Hearing** on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023) Staff: Zack King
13. **Consider** recommendation of Zoning Change No. ZDC-75-2023
14. **Public Hearing** on a request by April Gonzales, Dorothy’s Uniforms, for a Zoning Change from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023) Staff: Zack King
15. **Consider** recommendation of Zoning Change No. ZDC-107-2023
16. Adjourn

The Planning and Zoning Commission reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

Notice of Potential Quorum

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

Planning and Zoning Commission
July 25, 2023

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, July 25, 2023 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: David Hudgins

Others Present: Jennifer Pruitt, Senior Director of Planning
Eleana Tuley, Senior Planner
Oanh Vu, Planner
Macey Martinez, City 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. **Consider minutes of the regular Planning & Zoning Commission meeting of July 11, 2023**

Action:

Bonney Ramsey moved to approve the minutes of the regular Planning & Zoning Commission meeting of July 11, 2023. Melissa Ballard seconded, All Ayes.

5. **Continue Public Hearing on a request by Steve Meier, Turcotte Development, for a Specific Use Permit (SUP) for a Heavy Equipment Rental and Sales use within a Commercial (C) zoning district located at 2021 Corporate Parkway (Property ID 273978) - Owner: LEDBETTER REAL ESTATE, LTD (ZDC-24-2023) Staff: Eleana Tuley**

Eleana Tuley, Senior Planner, presented the case noting the applicant requests a Specific Use Permit (SUP) for a heavy equipment rental and sales use (H&E Equipment Services) within a Commercial (C) zoning district located at 2021 Corporate Parkway. H&E Equipment Services is one of the largest equipment rental companies in the nation. They plan to sell, rent and service heavy equipment at the proposed location. Based on the company's website the facility may rent and sell a variety of heavy equipment such as aerial work platforms, earthmoving equipment, forklifts and other general construction equipment. The business will generally operate Monday

through Friday 7 am to 5 pm, and closed on weekends. The applicant was reluctant to include the hours of operation in the development agreement due to the possibility of an employee working on the weekend to prepare for a Monday delivery.

The applicant is proposing to construct a 6,140-square-foot building with a customer lobby, office, and service shop. All customer parking (13 required/26 provided) will be located in front of the building. Heavy equipment for sale and rent will be located in the rear portion of the lot. The outdoor storage area will be screened with an 8-foot precast masonry wall with a brick pattern that will match the brick color on the main building. Additionally, the business will install a controlled access gate to the outdoor storage area to limit access to employees only. The business will have a knock-box at the controlled access gate for emergency responders.

The landscape plan complies with the City's minimum landscaping requirements in Section 5.04 (landscape requirements) of the Zoning Ordinance. The applicant provided nine (9) additional live oak trees (6" caliper) along the eastern property line outside the 8-foot precast concrete wall. Additionally, the applicant provided eight (8) accent trees (3" caliper yaupon holly) in the front yard.

The applicant has provided two sets of architectural elevations. Both sets of elevations have the same building design and exterior finishing materials, except the color scheme for each set is different. In Option 1, the building is composed of 100 percent dark red brick on the north, east and west elevations, and metal wall panels on the south elevation. In Option 2, the building is composed of 100 percent light red brick on the north, east and west elevations, and metal wall panels on the south elevation.

After careful consideration and analysis, staff recommends denial of the proposed SUP request for heavy equipment rental and sales due to its negative impact on the viability of other commercial uses developing in the surrounding area. H&E rents and sells heavy machinery and equipment in high volumes since their customers are construction companies that work on large-scale projects, such as TxDOT roadway projects. H&E does not sell or rent equipment to the average consumer. Staff is concerned with the heavy truck traffic picking up and dropping off equipment and its impact on surrounding properties. Furthermore, the area in question is a thriving commercial center that has the potential to attract more sit-down restaurants and entertainment venues to the community. In the interest of fostering a healthy and thriving commercial environment, staff believes it is essential to prioritize the long-term viability and sustainability of the surrounding area by denying this project.

Staff has also included a saturation map for existing and proposed heavy equipment rental and sales in the city of Waxahachie. In addition to the location of the proposed development, staff is concerned about the concentration of heavy and equipment rental/sales uses in the city as a whole.

Staff received six (6) letters of support from the eight (8) properties within the 200-foot notification area. It should be noted that the entity (Ledbetter Real Estate, LTD) that owns the subject property, also owns six (6) of the eight (8) properties within the 200-foot notification area. In addition to the six (6) letters of support, the applicant obtained five (5) letters of support from the surrounding businesses, including C.A. Wilson Appliance, Electronics, & Mattresses, Cancun's Ameri-Mex

Restaurant, Celebrity Café and Restaurant, Fish City Grill, and Mi Casa Mexican Cuisine. These businesses are outside the 200-foot notification area.

Based on the details provided in the Staff Report and the present status of the documents associated with the request, the Planning Department recommends denial of the SUP request. If the Commission recommends approval, staff requests to include the conditions listed below:

1. The applicant shall execute a mutually agreed upon development agreement.
2. The subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Architectural Elevations, and Exhibit E – Perimeter Screening Wall Detail.
3. The brick on the perimeter screening wall provided in Exhibit E shall match the brick color on the main building.
4. Heavy equipment will be kept in a stowed position when stored or on display on-site.
5. The applicant and/or developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

John Fainter, Turcotte Development Group, provided an overview of H&E Equipment Services, Inc. He explained the proposed facility will not display equipment and will have little or no walk-in customer traffic. Mr. Fainter addressed staff concerns, reviewed the project's proposed enhancements to City standards, and noted the use will compliment adjacent businesses. He explained the business will have two (2) large truck trailers on-site to transport equipment rental to their locations. The truck trailers will leave the facility early in the morning and return before increased afternoon traffic; therefore, not impacting peak times of the adjacent businesses.

The Commission discussed storing taller equipment to the west and south side of the facility to decrease public visibility and impact to Corporate Parkway. The Commission asked if Corporate Parkway is designed for heavy traffic and Mr. Fainter stated it is.

Macey Martinez, City Engineer, stated Corporate Parkway is a public right-of-way designed to City standards and confirmed the City would be responsible for any repairs. She explained the City does not have additional standards for streets that will have consistent semi-trailer traffic and Corporate Parkway was constructed to the same standards of other streets in Waxahachie.

Chairman Keeler continued the Public Hearing.

There being no others to speak for or against ZDC-24-2023, Chairman Keeler closed the Public Hearing.

The Commission discussed the proposed elevation options and adding an additional condition to store taller equipment to the west and south side of the property.

Mr. Fainter was amenable to staff conditions.

6. Consider recommendation of Zoning Change No. ZDC-24-2023

Action:

Melissa Ballard moved to recommend approval of ZDC-24-2023, a Specific Use Permit (SUP) for a Heavy Equipment Rental and Sales usage, with any storage over eight (8) feet to be on the west and south side, elevation option 1, and subject to all conditions in the Staff Report. Bonney Ramsey seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, and Ron Ansell. Noes: Erik Test.

The motion carried.

- 7. Consider a request by Tim Jackson, Texas Reality Capture & Surveying, LLC for a Plat of The Woods, Lots 1, 2, and 3, Block A, being 3.431 acres, located east of County Meadows Drive and south of Gibson Road situated in the G. Younger Survey, Abstract 1195 an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 192692) – Owner: RONALD & DIANE HOPKINS (SUB-78-2023) Staff: Oanh Vu**

Oanh Vu, Planner, presented the case noting the applicant requests to plat a 3.430-acre tract into three (3) lots for residential use. The proposed plat provides a 40' right-of-way (ROW) dedication for Gibson Road along the northern property line in conformance with the Ellis County Thoroughfare Plan. Each proposed residential lot exceeds one (1) acre in size and adheres to all County subdivision standards. Adequate public facilities are available to the proposed lots through Rockett SUD water lines and on-site septic systems. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the plat.

Action:

Melissa Ballard moved to approve SUB-78-2023 for a Plat of Block A, Lots 1, 2, and 3 of The Woods Addition, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Erik Test seconded, All Ayes.

- 8. Consider a request by Joe Cortez, MQI Land Surveying, for a Replat of Lots 1, Pecan Tree Corner, to create Lots 1AR-5AR Pecan Tree Corner, 5 lots, being 6.006 acres, located at 325 Pecan Tree Road in the Extraterritorial Jurisdiction (Property ID 257041) – Owner: RIGOBERTO HERNANDEZ & VALERIA CUEVAS (SUB-103-2022) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to replat one lot (6.006 acres) into five (5) lots for residential use. The subject property is located at 325 Pecan Tree Road in the Extraterritorial Jurisdiction (ETJ). Adequate public water facilities are available to serve the subject property. The applicant will be responsible for receiving approval of an On-Site Sewage Facility (OSSF) Permit with the Ellis County Department of Development at the time of developing each lot with a single-family residence. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the replat.

Action:

Betty Square Coleman moved to approve SUB-103-2022, a Replat of Lot 1, Pecan Tree Corner to create Lots 1AR-5AR, Pecan Tree Corner, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

9. **Consider a request by Jay Childs, Dietz Engineering, for a Plat of Calstep Addition, lot 1, Block 1, being 5.0 acres, located at 3134 South Highway 77, situated in the Ellis County School Land Survey, Abstract 328, an addition in the Extraterritorial Jurisdiction of the City of Waxahachie (Property ID 201217) – Owner: CALSTEP, LLC (SUB-28-2023) Staff: Eleana Tuley**

Ms. Tuley presented the case noting the applicant requests to plat a 5-acre tract into one lot for non-residential use. The subject property is located at 3134 South Highway 77 in the Extraterritorial Jurisdiction (ETJ). Adequate water and sewer facilities are available to serve the subject property. Additionally, the applicant is dedicating ten (10) feet of public right-of-way to contribute to the ultimate right-of-way width for South Highway 77 (120' public right-of-way), a major arterial on the City's Thoroughfare Plan. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the plat.

Action:

Bonney Ramsey moved to approve SUB-28-2023, a plat for the Calstep Addition, Lot 1, Block 1, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Betty Square Coleman seconded, All Ayes.

10. **Consider recommendation of a request by Steve Wilson, Pro Built Texas, for a Replat of Block 14, Parts of Lots 5B, 6B, 6C of the Old Town Waxahachie Addition, 1 lot, being 0.124 acres, located at the northwest corner of East Jefferson Street and South Jackson Street. (Property ID 170438 – Owner: RICHARD SHINPAUGH (SUB-40-2023) Staff: Oanh Vu**

Ms. Vu presented the case noting the applicant proposes to replat the subject property into one (1) lot for primarily office use. The applicant proposes to dedicate a fifteen-foot (15') by four-foot (4') utility easement located on the northeastern corner of the subject property. The applicant seeks a variance (Petition for Hardship Waiver) from Appendix C – III. Subdivision Design Standards – Section 3.3.a – Easements. The typical utility easement requirement along the public right-of-way (ROW) is 15'. If the applicant adheres to this requirement, the proposed building will not match the existing characteristics of the Central Area (CA) zoning district. Staff is supportive of the variance request of the proposed utility easement because the applicant has contacted Atmos and Oncor to obtain no-objection letters. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommends approval of the replat.

Action:

Betty Square Coleman moved to recommend approval of SUB-40-2023 for a Replat of Block 14, Lot 5B-R of the Old Town Waxahachie Addition and the associated variance request, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Bonney Ramsey seconded, All Ayes.

11. Adjourn

Mayor Pro Tem Chris Wright invited the public to attend the grand opening for the Charles Beatty Municipal Services Building on July 27th at 10 a.m.

There being no further business, the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

Planning & Zoning Department

Zoning Staff Report

Case: ZTA-92-2023 Zoning Text Amendment



MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

City Council: August 21, 2023

CAPTION

Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses.

RECOMMENDED MOTION

"I move to recommend approval of ZTA-92-2023, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses; authorizing the Mayor to sign the associated documents accordingly."

PLANNING ANALYSIS

The City Council has directed the Planning staff to create Short-Term Rental regulations and to generate a corresponding ordinance due to numerous citizen inquiries and concerns regarding the absence of such Short-Term rental regulations in Waxahachie. The City Council has met with staff and legal counsel several times in the past few months in hopes of understanding Short-Term Rental impacts on neighborhoods and how the city anticipates the implementation of the draft regulatory measures for Short-Term Rental uses.

The City Council enacted a moratorium on July 17, 2023, temporarily prohibiting new short-term rentals of dwelling units, as the first step in the STR regulatory implementation measures, which would allow staff additional time to generate the Short-Term Rental ordinance attached.

The purpose of this Zoning Text Amendment is to:

1. Define Short Term Rentals and other relative terms identified with an STR use.
2. Add a SUP requirement to the Use Charts for STR use and add a 500-foot notification requirement.
3. Created restrictions for STR uses.
4. Create an annual registration requirement process for STRs.
5. Identify a Violation policy for unlawful use of a STR.
6. Create a Suspension and Revocation process for STR registration.
7. Creation of an appeal process for registration denial.
8. Create a registration fee for STR registration.

The new definitions are noted below:

- 1) *Administrator* means the City Manager and/or the City Manager's designee.
- 2) *Advertise* means the written, audio, oral, or other methods of drawing the public's attention, whether by brochure, written literature, signage or any type, or online posting to a short-term rental website in order to promote the availability of the short-term rental.

- 3) *Bedroom* means the living area(s) of the dwelling unit that is designated and furnished for primarily sleeping only, with proper egress as required by the International Residential Code.
- 4) *Hotel occupancy tax* means the hotel occupancy tax as defined in Chapter 30 of the Waxahachie Code of Ordinances and Chapter 156 of the Texas Tax Code.
- 5) *Local emergency contact* means an individual other than the applicant, who resides within twenty (20) miles of the short-term rental property, and who is designated by the owner/applicant to act as the owner's authorized agent with unrestricted legal authority to act on the owner's behalf if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.
- 6) *Occupant* means any individual person living, sleeping or possessing the short-term rental property or portion thereof.
- 7) *Owner* means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.
- 8) *Party* means a social gathering of people or special event, including those who have not rented the residence, for the primary purpose of eating, drinking, socializing or entertainment in any form or fashion in a manner that is disruptive to the surrounding properties.
- 9) *Premise* means property, a lot, plot or parcel or land, including any structures or portions of structures thereon.
- 10) *Short-term rental (STR)* means the rental of any residence or a portion of a residence or a residential structure for a period of less than thirty (30) consecutive days. The definition of a short-term rental does not include the following:
 - a) A unit that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space, or event space purpose or another similar use;
 - b) A residential structure or portion of a residence that is not designed or intended for habitation purposes;
 - c) A bed and breakfast as defined in Article IV of Appendix A of the City of Waxahachie Zoning Ordinance; or
 - d) A hotel/residence hotel.

PUBLIC NOTIFICATIONS

As a courtesy, the City published notice of the public hearings for the Zoning Code in the Waxahachie Sun. The Texas Local Government Code (Section 213.002) does not require the City to mail notice of the public hearing to each property owner in the City of Waxahachie.

RECOMMENDATION

The Planning Department recommends approval of the Zoning Code Text Amendment ZTA-92-2023, a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to create Short-Term Rental Definitions, and use regulations, Section 3.27 and Use Regulations, Section 4.03 Use Charts, (ZTA-92-2023) to address Short Term Rental (STR) uses.

ATTACHED EXHIBITS

1. ZTA-92-2023 STR Ordinance
2. Adopted STR Moratorium

STAFF CONTACT INFORMATION

Prepared by:

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Reviewed by:

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(5+6)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO CREATE SHORT-TERM RENTAL DEFINITIONS, USE REGULATIONS, AND REGISTRATION FEE, SECTION 3.27, SECTION 4.03 USE CHARTS RELATED TO SHORT-TERM RENTAL USES; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND SETTING AN EFFECTIVE DATE OF **OCTOBER 1, 2023.**

WHEREAS, the City Council of the City of Waxahachie ("**City Council**") has adopted a comprehensive zoning ordinance ("**Zoning Ordinance**"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on August 15, 2023, and a public hearing was held by the City Council on August 21, 2023, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article III (Zoning Districts) is hereby amended to add the following section 3.27 as set forth in Exhibit A attached hereto.

Section 3. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 4. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for use and development of property maybe known and in place. An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage. This ordinance shall become effective from and after the date of its passage

(5+6)

PASSED, APPROVED, AND ADOPTED on this 21st day of August, 2023.

MAYOR

ATTEST:

City Secretary

EXHIBIT A**Sec. 3.27. Short-Term Rentals***(a) General purpose and description:*

- (i) The purpose of this section is to establish regulations for the registration, inspections, and use of short-term rentals within the residential and non-residential zoning districts within the City of Waxahachie. The requirements of this section apply only to short-term rentals, as defined in this chapter. Nothing in this section, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than thirty (30) consecutive days, or any other applicable provision of the City of Waxahachie ordinances.
- (ii) Short-term rentals existing at the time of the adoption of this ordinance are required to obtain approval of a Specific Use Permit (SUP) by the City Council. Once the approval of a SUP of the short-term rental is obtained, the SUP and short-term rental registration requirements as indicated in section (d) of Section 3.27 must be completed within six months of the adoption of this ordinance.
 - 1) The notice for the public hearing, for the SUP, shall be sent to owners as documented on the most recently approved ad valorem tax roll of the City, of lots that are within the 500' (five-hundred feet) of the subject property.

(b) Definitions:

- (i) For the purpose of this Section, the following definitions apply:
 - 1) *Administrator* means the City Manager and/or the City Manager's designee.
 - 2) *Advertise* means the written, audio, oral, or other methods of drawing the public's attention, whether by brochure, written literature, signage or any type, or online posting to a short-term rental website in order to promote the availability of the short-term rental.
 - 3) *Bedroom* means the living area(s) of the dwelling unit that is designated and furnished for primarily sleeping only, with proper egress as required by the International Residential Code.
 - 4) *Hotel occupancy tax* means the hotel occupancy tax as defined in Chapter 30 of the Waxahachie Code of Ordinances and Chapter 156 of the Texas Tax Code.
 - 5) *Local emergency contact* means an individual other than the applicant, who resides within twenty (20) miles of the short-term rental property, and who is designated by the owner/applicant to act as the owner's authorized agent with unrestricted legal authority to act on the owner's behalf if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the short-term rental property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.
 - 6) *Occupant* means any individual person living, sleeping or possessing the short-term rental property or portion thereof.
 - 7) *Owner* means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding

title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term “owner” does not include the holder of a non-possessory security interest in the property.

- 8) *Party* means a social gathering of people or special event, including those who have not rented the residence, for the primary purpose of eating, drinking, socializing or entertainment in any form or fashion in a manner that is disruptive to the surrounding properties.
- 9) *Premise* means property, a lot, plot or parcel or land, including any structures or portions of structures thereon.
- 10) *Short-term rental (STR)* means the rental of any residence or a portion of a residence or a residential structure for a period of less than thirty (30) consecutive days. The definition of a short-term rental does not include the following:
 - a) A unit that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space, or event space purpose or another similar use;
 - b) A residential structure or portion of a residence that is not designed or intended for habitation purposes;
 - c) A bed and breakfast as defined in Article IV of Appendix A of the City of Waxahachie Zoning Ordinance; or
 - d) A hotel/residence hotel.
- 11) *Short-term rental operator* means the person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization who receives payment for operating a dwelling unit, or portion thereof, as a short-term rental unit.

(c) Unregistered short-terms rentals prohibited

- (i) It shall be unlawful for any owner or person to advertise, offer to rent or rent, lease, sublease, license, or sublicense, grant any right, or allow any property to be operated or used as an unregistered short-term rental.

(d) Short-term rental registration requirements

- (i) No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense, or grant any right to access or utilize a residential property within the city as a short-term rental for which an approval of a Specific Use Permit by the City Council has not been granted and registration has not been properly made and filed with the Planning Department of the City of Waxahachie. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:
 - 1) Name, address, phone number, and email address of the property owner of the short-term rental property.
 - a) If the property owner is not the short-term rental operator, a Property Owner Affidavit will be required at the time of registration.
 - 2) If the owner is not a natural person, then the name, address, and email address of a natural person who has the legal authority to act for the owner;
 - 3) Name, address, phone number, and email address of the designated local emergency contact.

- 4) A submission of a floor plan of the dwelling with a dimensional room layout.
 - 5) Site plan and/or survey of the property indicating the maximum number of vehicles that can be legally parked on the property without encroaching onto the streets, sidewalks, or alleys; other public rights-of-way or public property.
 - 6) Receipt of payment of hotel occupancy taxes to the City of Waxahachie Finance Department as required under Chapter 30 of the City of Waxahachie Code of Ordinances and Chapter 156 of the Texas Tax Code, which for the imposition of a hotel occupancy tax under Chapters 351 or 352, or other law, "hotel" includes a short-term rental. In this subsection, "short-term rental" means the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101 of the Texas Tax Code.
 - 7) Receipt of payment of short-term rental registration fee as set forth in Chapter 11, Fee Schedule, Section 11-2. Subdivision and Development Fee Schedule.
 - 8) Any information change provided in a short-term rental registration must be reported to the city within thirty (30) days and continuously updated as changes occur.
 - 9) The local emergency contact information must be provided on an 8 1/2" by 11" document, and displayed on the interior and exterior sides of the structure, no more than two-feet (2') from the front door.
- (ii) Registration approval will be provided with a documented registration number. This number must be displayed with the registration in a visible location, directly adjacent to the primary entrance of the short-term rental.

(e) Right to inspect the premise

- (i) The City of Waxahachie reserves the right, with reasonable notice to the owner, to inspect the residential premises to determine compliance with this section as well as the most recent version of the International Property Maintenance Code.
- 1) If only a portion of the premises is offered for rent, then that portion, plus shared amenities and points of access may be inspected.
 - 2) If, upon completion of an inspection, the premises is found to violate one or more provisions of any applicable federal, state or city regulations, codes or ordinances, the city shall provide written notice of such violation and shall set a re-inspection date for a violation to be corrected prior to its occupancy.

(f) Restrictions on short-term rentals

- (i) Limit on occupants allowed. No more than two adult guests per bedroom as noted on the required floor plan required to be submitted herein, plus no more than two additional adults shall be allowed when renting a property as a short-term rental, except that:
- 1) A maximum occupancy of ten (10) persons, including adults, children, and the owner. A visual inspection of more than ten (10) persons by a city employee at the premise is subject to the issuance of a citation to the owner for a violation of this section.
- (ii) A short-term rental may include multiple bedrooms, but a short-term rental cannot rent simultaneously to more than one group under separate contacts, bookings or appointments. There shall be no overlap between rentals or partial rentals of the short-term rental property.

(g) Limit on number of vehicles

(5+6)

- (i) There shall be one (1) off-street parking space per bedroom provided and a total of no more than five (5) off-street parking provided, not including any vehicles owned by the owner.
 - 1) Golf carts, ATVs, and recreational vehicles are prohibited.
- (h) *Placement, storage, and maintenance of refuse and recycling polycarts*
 - (i) All refuse must be placed in leak proof plastic bags and contained in the appropriate polycarts as provided by the City and/or their representative. Additional polycarts may be obtained for an additional fee. All refuse and recycling polycarts shall be placed at the herein prescribed locations no later than 6:45 a.m. on the day of their scheduled collection. It shall be unlawful for any customer to place any refuse or recycling polycarts at the prescribed location prior to 7:00 p.m. the day before the scheduled collection. All polycarts shall be collected from their prescribed location no later than 9:00 p.m. on the collection day. The owner and/or local emergency contact shall be responsible for the placement, storage, and maintenance of refuse and recycling polycarts.
- (i) *Other restrictions. It is unlawful:*
 - (i) To promote, advertise or offer a short-term rental without first registering, by this Section, the property in which the rental is to occur; any type of documented advertisement of the subject property as a short-term rental, online or offline, shall be considered evidence of a violation of this ordinance;
 - 1) To operate a short-term rental that does not comply with all applicable city, state and federal laws and codes;
 - 2) To operate a short-term rental without paying the required hotel occupancy taxes;
 - 3) To operate a short-term rental without a Specific Use Permit (SUP) approved by the City Council;
 - 4) To offer or allow the use of a short-term rental for the sole or primary purpose of having a party, social or entertainment venue, or otherwise requires a permit or license pursuant to the city ordinance, state law, or rule for a retail, restaurant, banquet space or other similar use;
 - 5) To fail to include a written prohibition against the use of a short-term rental for having a party, social, or entertainment venue in every advertisement, listing, or other publication offering the premises for rent;
 - 6) To fail to provide an explanation of occupancy restrictions, parking restrictions, use restrictions and solid waste collection procedures in the lease/rental agreement, as well as, any penalties for violations.
 - 7) To permit the use of short-term rental for the purpose of temporary or transition housing for sex offenders; operating a structured sober, recovery, or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Texas Alcoholic Beverage Code, or operating as a sexually oriented business;
 - 8) For an owner or person to rent or lease for less than twenty-four (24) hours; and/or
 - 9) To park on unimproved surfaces, driveways, sidewalks, alleys, or other public rights-of-way or public property.

- 10) To advertise, offer to rent, lease, sublease, license, or sublicense a portion of the premise. A short-term rental operator may not rent the premise to two or more parties simultaneously.

(j) *Brochure and safety features*

- (i) Informational brochure. Each registrant operating a short-term rental shall provide guests a brochure that includes the following:
 - 1) The registrant's 24-hour contact information;
 - 2) A local emergency contact's 24-hour contact information if the owner is not within twenty (20) miles when guests are renting the premises;
 - 3) The overnight and daytime occupancy limits for the short-term rental premise;
 - 4) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and refuse collection procedures and schedules;
 - 5) Use of the short-term rental premise for the purpose of having a party, social, or entertainment venue is prohibited;
 - 6) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire, and emergency medical service providers and instructions for obtaining severe weather, natural, or manmade disaster alerts and updates.
 - 7) Safety features. Each short-term rental registrant shall provide, in the premises, working smoke detectors and/or carbon monoxide alarms in accordance with adopted codes, and one working fire extinguisher. The premises shall otherwise comply with applicable City of Waxahachie Code of Ordinance requirements, including but not limited, to Building and Fire Codes.

(k) *Registration terms, fees, and renewal*

- (i) All registrations approved under this ordinance shall be valid for a period of one (1) year from the date of issuance unless revoked or suspended.
- (ii) The registration fee for a short-term rental shall be paid, with a late fee of three (3) times the established fee, in addition to the registration fee.
- (iii) Upon receipt of an application for renewal of the registration, the Administrator or their designee may deny the renewal if there is reasonable cause to believe that:
 - 1) The registrant has plead no contest to or been convicted of a violation of any ordinance of the city, state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
 - 2) There are grounds for suspension, revocation, or other registration sanction as provided in this Section; or
 - 3) A previous violation of this ordinance within the previous 12-month time period.
 - 4) The registration is non-refundable and non-transferable.

(5+6)

- a) If there is a change in ownership, the short-term rental operator shall submit a new Property Owner Affidavit with the Planning Department within thirty (30) calendar days of the change.

(l) Violations and penalties

- (i) Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of \$2,000.00 for each offense, and each and every day such violation shall continue to be deemed to constitute a separate offense. Warnings, citations, and revocations may be issued to short-term rental premise owners, operators, lessors, agents, occupants, tenants, and/or guests, depending on the nature of the violation. Short-term rental premise owners are ultimately responsible for compliance with the requirements and restrictions imposed upon a short-term rental by this Section and for the conduct of their dwelling operators, lessors, agents, occupants, tenants, and guests, regardless of whether the owners are present at the short-term rental premise.

(m) Suspension and revocation of short-term rental registration

- (i) The Administrator, or their designee, may suspend and/or revoke a short-term rental registration if: it is determined the activities set forth have occurred at the short-term rental; or a short-term rental unit is listed on a hosting platform or advertised elsewhere without being registered, or is perpetuating conditions interfering with the use and enjoyment of properties within its vicinity; or is delinquent in filing or payment with the City of Waxahachie.

- (ii) Conditions interfering with use and enjoyment of properties within the vicinity of a short-term rental include, but are not limited to:

- 1) The occurrence of any of the activities set forth in the City of Waxahachie Code of Ordinances including, but not limited to, noise disturbance, nuisance, drug offenses, or disorderly conduct;
- 2) Occupancy by a number of short-term rental users exceeding either 1) the maximum number included in the application for the short-term rental permit or 2) the maximum occupancy permitted pursuant to this chapter;
- 3) Parking of motor vehicles exceeding either 1) the maximum number included in the application for the short-term rental permit or 2) the maximum number of motor vehicles permitted at any short-term rental pursuant to this section;
- 4) Uninvited entry of short-term rental occupants upon private property within 500 feet of the short-term rental;
- 5) Knowingly or intentionally allowing the use of a short-term rental for a special event that would otherwise require a permit by city ordinance, state law, or rule for a retail, restaurant, banquet space, or other similar use; or
- 6) Knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, or operating a sober living home;

- (iii) In addition to Section 3.27, a violation of any of the conditions shall result in progressive enforcement:

- 1) Upon the first violation, the owner shall receive a written warning that includes a description of enforcement for future violations.

(5+6)

- 2) Upon the second violation, the registration for the short-term rental shall be terminated, and the short-term rental host shall be prohibited from re-applying for a new registration for six (6) months from the date of termination, and subject to a fine up to \$500.00.
 - 3) Upon the third violation, the registration for the short-term rental shall be terminated, and the short-term rental host will be prohibited from re-applying for a new registration for one (1) year from the date of termination and subject to a fine up to \$1,000.00.
 - 4) Upon the fourth violation, the registration for the short-term rental shall be terminated the short-term rental host is prohibited from re-applying for a new registration at any time in the future and is subject to a fine of up to \$2,000.00.
- (iv) During the time period that a short-term rental registration is suspended or revoked, it shall be unlawful to advertise, offer to rent or rent, lease, sublease, license or sublicense the residential property, within the city as a short-term rental.
- (n) *Physical conversion of premises prohibited.*
- (i) It shall be unlawful for an owner or operator or any person to convert a garage to a living space, remodel, renovate, enlarge or otherwise modify premises to add additional bedrooms for use as a short-term rental.
 - (ii) It shall be unlawful for an owner, operator or any person to pave or otherwise cover previous soil to create additional on-premises parking without the prior approval of the City of Waxahachie.
- (o) *Appeal of denial, suspension or revocation of registration.*
- (i) In the event, an applicant has been denied registration, or if a registration has been suspended or revoked, the party affected shall have the right to appeal to the City Council from such denial, revocation, or suspension within ten (10) business days. Notice of appeal shall be filed with the Administrator. The Administrator shall provide for a hearing with the City Council on the appeal in accordance with the provisions of this Section. The burden of proof in such an appeal shall be upon the appellant to show the denial or revocation was arbitrary or unreasonable.
- (p) *Use Charts (Exhibit B)*

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Zoning Districts																				
	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP
4.03a – Residential Type Uses																					
Short-Term Rentals	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	1 space per bedroom; S spaces maximum

(549)

(5+6)

EXHIBIT C

“CHAPTER 11” FEE SCHEDULE

Sec. 11-2. – Subdivision and Development Fee Schedule.

- (a) This fee schedule is not intended to replace the existing Fee Schedule as adopted in Ordinance No. 3376, but to add to the fee schedule.

DEVELOPMENT FEES:

Short-Term Rental Registration

Amount:

\$200.00 annually

**CITY OF WAXAHACHIE, TEXAS
ORDINANCE NO. 3383**

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, PROVIDING AN INTERIM BAN ON NEW SHORT-TERM RENTALS, AND ON CURRENT SHORT-TERM RENTALS THAT HAVE BEEN DETERMINED TO BE A NUISANCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the rise of digital platforms such as Airbnb and VRBO has led to an increase in resident property concerns about transient and vacation rental uses that infringe on the property rights of neighbors in the City of Waxahachie ("City");

WHEREAS, there have been reports of tenants and visitors at short-term rentals ("STRs") in the City engaging in conduct negatively affecting the public sense of well-being and security such as properties being used for gatherings disruptive to neighborhoods; and

WHEREAS, the public has complained of STRs in the City regarding unreasonable noise, excessive trash, and parking issues; and

WHEREAS, residents have indicated that some STR occupants are less concerned than long-term residents with the impact of conduct at STR premises on neighbors, due to the temporary nature of their occupancy and lack of community with the neighborhood; and

WHEREAS, the City's full-time residents have a right to peace and quiet enjoyment of their properties; and

WHEREAS, the City Council wishes to respond to residents' concerns and address issues with property owners and managers of STRs; and

WHEREAS, the City Council is contemplating establishing regulations for the registration, inspections, and use of short-term rentals within residential zoning districts, and within non-residential zoning districts with residential use, within the City; and

WHEREAS, state law requires, to the extent that such regulations comprise zoning regulations, that the City follow certain procedures regarding notices, public hearings, City Planning and Zoning Commission consideration and recommendations and, ultimately, City Council action; and

WHEREAS, following this state law mandated process, as well as following the zoning process set forth in the City's Zoning Ordinance, will take time; and

WHEREAS, the City desires to immediately prohibit the establishment of new STRs of dwelling units, and to prohibit existing STRs of dwelling units that have been determined to be a nuisance as described herein, while the City goes through the required procedural process, which process will also allow the City to conduct public outreach, collect data and analyzes information to determine permanent recommendations, and generally explore community concerns about health

(5+6)

and safety related to STRs; and

WHEREAS, the City desires to temporarily ban new STRs in the City, as well as existing STRs that have been determined to be a nuisance as described herein, pending the City's review and legislation creation process.

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

**SECTION 1
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
INTERIM PROHIBITION ON SHORT-TERM RENTAL OF DWELLING UNITS**

- A. That the use of new STRs in the City, which shall mean any STR not already operating as of the effective date of this Ordinance, is immediately prohibited until the moratorium established by this Ordinance expires or this Ordinance is repealed; provided, however, that those STRs already operating and that have hosted guests on a commercial basis as of the effective date of this Ordinance shall be prohibited from continuing to operate as a STR until the moratorium established by this Ordinance expires, or this Ordinance is repealed, in the event the STR is deemed to be a nuisance and law enforcement has responded to complaints regarding the STR being a nuisance on more than three (3) occasions within the twelve (12) calendar months proceeding the effective date of this Ordinance. For purposes of this Ordinance, a "nuisance" shall be defined and shall mean as follows:
- (i) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof;
 - (ii) Any noise of the character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities; or
 - (iii) Any violation of law at the STR as witnessed by law enforcement or by a complaining witness that has personal knowledge of said violation.
- B. STRs means the rental of any residence of residential structure, or a portion of a residence or a residential structure, for a period of less than thirty (30) consecutive days. The definition of a STRs does not include:
- i. A unit that is used for a non-residential purpose, including an educational, health care, retail, restaurant, banquet space, or event space purpose or another similar use;

(5+4)

- ii. A residential structure or portion of a residential or residential structure that is not designed or intended for habitation purposes;
 - iii. A bed and breakfast as defined in Article IV of Appendix A on the City's Zoning Ordinance; or
 - iv. A hotel/residence hotel.
- C. The moratorium imposed by this Ordinance shall expire with no further action of the City being required at 12:01 a.m. on October 1, 2023.

SECTION 3 CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4 ENFORCEMENT AND PENALTY CLAUSE

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, as provided by section 1-12 of the City's Code, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. Each day such violation continues shall be deemed a separate offense.

SECTION 5 SEVERABILITY CLAUSE

That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6 EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and the publication

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of the caption, as the law and charter in such cases provides.

DULY PASSED by the City Council of the City of Waxahachie, Texas, this the 17 day of July, 2023.

CITY OF WAXAHACHIE, TEXAS

DAVID HILL, MAYOR

ATTEST:

AMBER VILLARREAL, CITY SECRETARY

APPROVED AS TO FORM



ROBERT F. BROWN, CITY ATTORNEY

Planning & Zoning Department

Plat Staff Report

Case: SUB-103-2023



MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

CAPTION

Consider a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a **Replat** of Lot 1, Block B, Legacy Ranch Phase One, to create two lots, being 1.401 acres, located at 1001 Legacy Ranch Road, (Property ID: 267511) – Owner: BKG Legacy Ranch 1, LLC (SUB-103-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-103-2023, a Replat of Lot 1, Block B, Legacy Ranch Phase One, per the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to replat the subject property into two (2) lots for professional office and commercial use.

CASE INFORMATION

Applicant:	John Ed Justice, BKG Legacy Ranch 1, LLC
Property Owner(s):	BKG Legacy Ranch 1, LLC
Site Acreage:	1.401 acres
Number of Lots:	2 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	N/A
Adequate Public Facilities:	Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

General Location:	1001 Legacy Ranch Road
Parcel ID Number(s):	267511
Current Zoning:	Planned Development-General Retail (PD-GR, Ord. 2771)
Existing Use:	The subject property is currently undeveloped.
Platting History:	The subject property was previously platted as Lot 1, Block B of Legacy Ranch Phase One.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to replat the subject property into two (2) lots for professional office and commercial use. The proposed lots comply with the Planned Development zoning for the property and the City of Waxahachie Subdivision Ordinance.

The subject property was originally platted as Lot 1, Block B of Legacy Ranch Phase one; but at that time, no mutual access easements were provided to allow for cross access between adjacent properties. With this replat, the applicant is proposing an access easement on the subject property and an additional off-site access easement on the adjacent property to the west. This will allow for legal cross access between adjacent the adjacent properties. However, the access easement proposed on the adjacent property to the west has not yet been executed. This easement will need to be created prior to the filing of this plat.

RECOMMENDATION

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

CONDITION

1. Prior to plat filing, the applicant shall be required to add the recording information for the off-site access easement to the plat.

ATTACHED EXHIBITS

1. Replat

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, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

Planning & Zoning Department

Plat Staff Report

Case: SUB-85-2023



MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

CAPTION

Consider a request by Bryce Eckeberger, Kimley-Horn, for a **Plat** of 289 BSL – Waxahachie, lots 1-4, Block A, being 124.86 acres, located on the southwest corner of US Highway 287 and South Interstate 35E, situated in the John B. Bounds Survey, Abstract No. 99 and Jonathan E. Prince Survey, Abstract No. 844, an addition to the City of Waxahachie (Property ID 180322) – Owner: 289 BSL Waxahachie, LLC (SUB-85-2023)

RECOMMENDED MOTION

"I move to approve SUB-85-2023 for a Plat of 289 BSL – Waxahachie, lots 1-4, Block A, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to plat a 124.86 acre tract into 4 lots for nonresidential use.

CASE INFORMATION

Applicant:	Bryce Eckeberger, Kimley-Horn
Property Owner(s):	289 BSL Waxahachie, LLC
Site Acreage:	124.86 acres
Number of Lots:	4 lots
Number of Dwelling Units:	0 units
Park Land Dedication:	The cash-in-lieu for parkland dedication is \$74,916 (124.86 acres x \$600 per acre)
Adequate Public Facilities:	Adequate public facilities are available to serve the subject property

SUBJECT PROPERTY

General Location:	Southwest corner of US Highway 287 and South Interstate 35E
Parcel ID Number(s):	180322
Current Zoning:	PD Ord. No. 3224
Existing Use:	Undeveloped Land
Platting History:	Not Applicable

Site Aerial:

PLANNING ANALYSIS

The applicant requests to plat a 124.86-acre tract into four lots for nonresidential use. The subject property is zoned within a Planned Development District, which allows for corporate logistics (73 acres), retail (20 acres), and multifamily (14 acres). The developer plans to develop lot 1 with a 640,000 industrial facility along with the north-south private access road called "Star Park Drive" and "Street A," which gives the overall tract access to 287 and IH 35E. The remainder of the lots will be developed in the future. Staff has not yet received any formal development requests for the remaining lots.

A site plan (SP-179-2022) for the industrial facility on lot 1 was approved administratively by Staff on July 24, 2023.

RECOMMENDATION

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

ATTACHED EXHIBITS

1. Plat

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

1. The Applicant has received a letter of acceptance from the Public Works Department confirming all utilities, infrastructure, and other required improvements have been installed, inspected, and accepted by the City.
2. The Applicant has revised the plat with an approved street name for "Star Park Drive" and "Street A."

STAFF CONTACT INFORMATION

Prepared by:

Eleana Tuley, AICP

Senior Planner

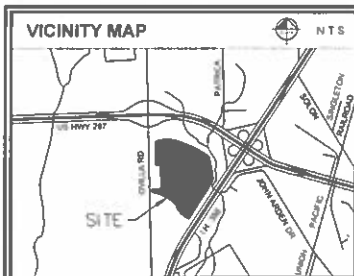
eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

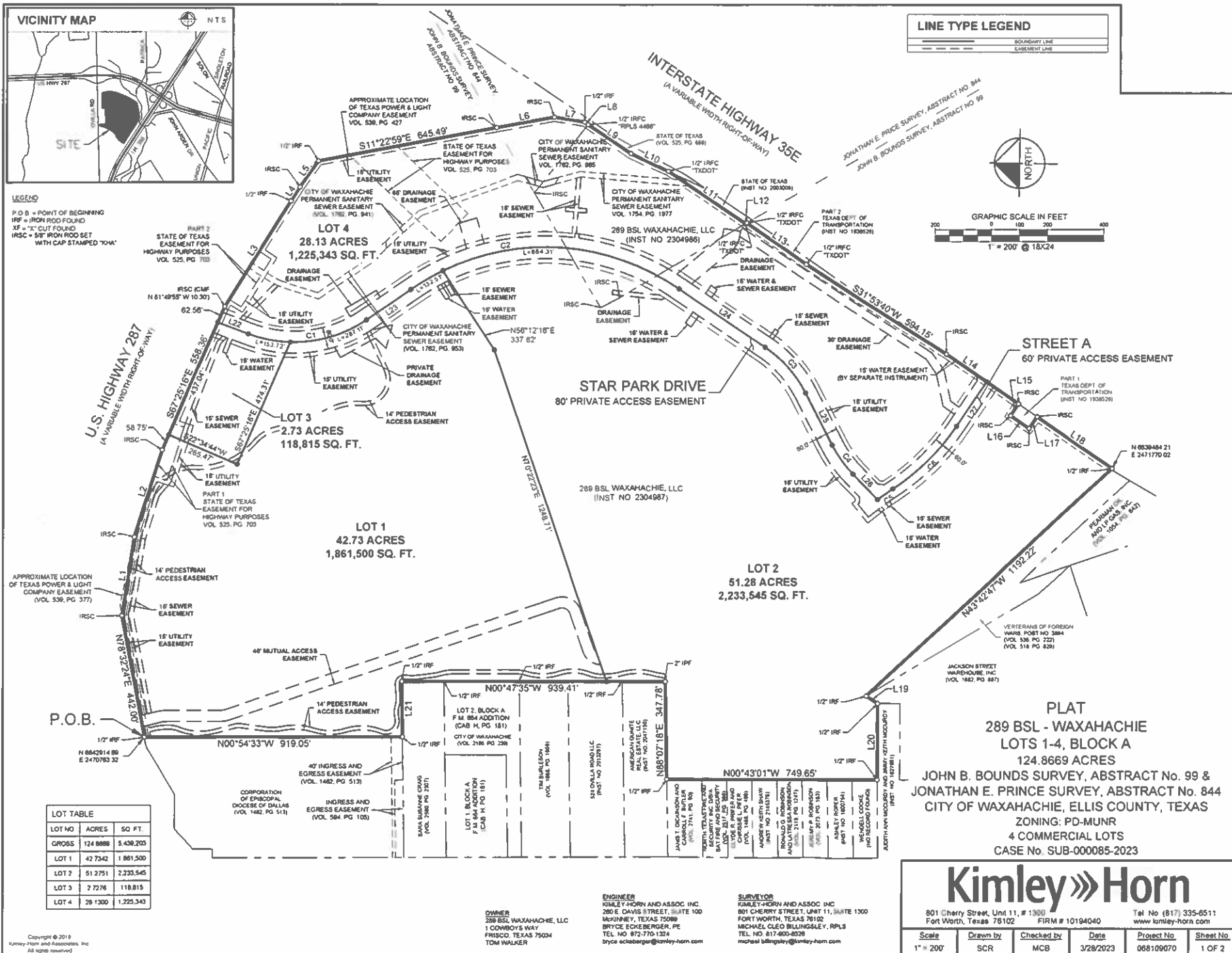
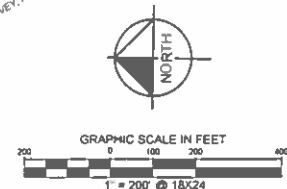
jennifer.pruitt@waxahachie.com



LEGEND
 P.O.B. = POINT OF BEGINNING
 IRF = IRON ROD FOUND
 XF = "X" CUT FOUND
 IRSC = 5/8" IRON ROD SET
 WITH CAP STAMPED "TOM"

LINE TYPE LEGEND

BOUNDARY LINE
 EASEMENT LINE



Kimley»Horn

801 Cherry Street, Unit 11, #1300
 Fort Worth, Texas 76102
 FIRM # 10194040
 Tel No (817) 335-6511
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	SCR	MCB	3/28/2023	068109070	1 OF 2

DRAWN BY: MICHAEL CLEO BILLINGSLEY, RPLS; CHECKED BY: MICHAEL CLEO BILLINGSLEY, RPLS; DATE: 3/28/2023; PROJECT NO.: 068109070; SHEET NO.: 1 OF 2

OWNER'S CERTIFICATION

WHEREAS 289 BSL Waxahachie, LLC is the owner of a 124.8669 acre (5,439,202 square foot) tract of land situated in the John B. Bounds Survey, Abstract No. 99 and the Jonathan E. Prince Survey, Abstract No. 844, City of Waxahachie, Ellis County, Texas, said tract being all of a tract of land described in Special Warranty Deed with Vendor's Lien to 289 BSL Waxahachie, LLC recorded in Instrument Number 234986, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.), and a all of a tract of land described in Special Warranty Deed to 289 BSL Waxahachie, LLC recorded in Instrument Number 234987, O.P.R.E.C.T., said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the south right-of-way line of U.S. Highway 287 (a variable width right-of-way), said iron rod being the northwest corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987.

THENCE along the said south right-of-way line of U.S. Highway 287 the following seven (7) calls:

- 1) North 78°32'24" East, a distance of 442.00 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 2) South 81°55'55" East, a distance of 280.33 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 3) South 73°15'26" East, a distance of 327.39 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 4) South 67°25'16" East, a distance of 558.36 feet to a 5/8" iron rod set with a cap stamped "KHA", from which a concrete monument found bears North 81°49'55" West, 10.30 feet,
- 5) South 58°40'01" East, a distance of 442.42 feet to a 1/2" iron rod found,
- 6) South 58°51'30" East, a distance of 60.39 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 7) South 55°56'30" East, a distance of 114.35 feet to a 1/2" iron rod found at the intersection of the said south right-of-way line of U.S. Highway 287 and the west right-of-way line of Interstate Highway 35E (a variable width right-of-way), said iron rod being the northeast corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987.

THENCE along the said west right-of-way line of Interstate Highway 35E the following fifteen (15) calls:

- 1) South 11°22'59" East, a distance of 645.49 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 2) South 11°07'16" East, a distance of 209.29 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 3) South 08°37'59" West, a distance of 109.49 feet to a 1/2" iron rod found,
- 4) South 36°01'04" West, a distance of 14.94 feet to a 1/2" iron rod found with a cap stamped "RPLS 4486", said iron rod being the east corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234986,
- 5) South 33°00'00" West, a distance of 184.88 feet to a point for corner,
- 6) South 24°37'49" West, a distance of 147.76 feet to a 1/2" iron rod found with a cap stamped "TXDOT",
- 7) South 33°42'54" West, a distance of 333.54 feet to a 1/2" iron rod found with a cap stamped "TXDOT", said iron rod being the south corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234986,
- 8) South 31°01'50" East, a distance of 5.52 feet to a 1/2" iron rod found with a cap stamped "TXDOT",
- 9) South 33°42'08" West, a distance of 257.74 feet to a 1/2" iron rod found with a cap stamped "TXDOT",
- 10) South 31°53'40" West, a distance of 594.15 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 11) South 33°45'02" West, a distance of 311.94 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 12) North 56°25'34" West, a distance of 50.60 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 13) South 33°42'22" West, a distance of 80.00 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 14) South 56°25'34" East, a distance of 50.54 feet to a 5/8" iron rod set with a cap stamped "KHA",
- 15) South 33°45'02" West, a distance of 325.18 feet to a 1/2" iron rod found, said iron rod being the south corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987.

THENCE North 43°42'47" West, departing the said west right-of-way line of Interstate Highway 35E, a distance of 1,192.22 feet to a 1/2" iron rod found, said iron rod being an interior set corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987.

THENCE South 31°42'29" West, a distance of 48.54 feet to a 1/2" iron rod found.

THENCE South 89°20'38" West, a distance of 271.75 feet to a 1/2" iron rod found, said iron rod being the southwest corner of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987.

THENCE along the west line of said 289 BSL Waxahachie, LLC tract recorded in Instrument Number 234987 the following five (5) calls:

- 1) North 00°43'01" West, a distance of 749.65 feet to a 1/2" iron rod found,
- 2) North 88°07'18" East, a distance of 347.78 feet to a point for corner,
- 3) North 00°47'35" West, a distance of 939.41 feet to a point for corner,
- 4) South 88°17'17" West, a distance of 196.36 feet to a point for corner,
- 5) North 00°54'33" West, a distance of 919.05 feet to the POINT OF BEGINNING and containing 5,439,202 square feet or 124.8669 acres of land, more or less.

OWNER'S DEDICATION

NOW AND THEREFORE, know all men by these presents, 289 BSL Waxahachie, LLC, do hereby adopt this plat designating the herein described property as Lots 1, 2, 3, & 4, Block A, 289 BSL - Waxahachie, an addition to the City of Waxahachie, Ellis County, Texas, and do hereby dedicate to the public use forever, the streets, alleys and public use areas shown hereon, the easements, as shown, for mutual use and accommodation of the City of Waxahachie and all public utilities desiring to use or using same. All and any public utility and the City of Waxahachie shall have right to remove and keep removed all or parts of any building, fences, shrubs, trees or other improvements or growths, which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on said easements. The City of Waxahachie and all public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity, at any time, of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

Executed this the _____ day of _____, 2023

289 BSL Waxahachie, LLC

By _____
Tom Walker

STATE OF TEXAS
COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023

Notary Public in and for the State of Texas

My Commission expires _____

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S61°55'55"E	280.33	L15	N56°25'34"W	50.80
L2	S73°15'26"E	327.39	L16	S33°42'22"W	80.00
L3	S58°40'01"E	442.42	L17	S58°25'34"E	50.54
L4	S58°51'30"E	60.39	L18	S33°49'02"W	325.18
L5	S55°56'30"E	114.35	L19	S31°42'29"W	48.54
L6	S11°07'16"E	209.29	L20	S89°20'38"W	271.75
L7	S08°37'59"W	109.49	L21	S88°17'17"W	196.36
L8	S36°01'04"W	14.94	L22	N00°05'30"E	118.03
L9	S33°00'00"W	184.88	L23	N05°25'04"W	191.75
L10	S24°37'49"W	147.76	L24	N33°31'41"E	372.27
L11	S33°42'54"W	333.54	L25	N81°51'52"E	207.47
L12	S31°01'50"E	5.52	L26	N45°41'22"E	127.48
L13	S33°42'08"W	257.74	L27	N56°32'38"W	180.94
L14	S33°45'02"W	311.94			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	55°36'40"	455.00	440.83	N07°38'44"W	422.79
C2	80°56'48"	845.00	1016.82	N00°56'41"W	958.57
C3	28°20'10"	445.00	220.86	N47°41'46"E	217.84
C4	16°10'29"	455.00	126.45	N63°46'37"E	128.02
C5	2°24'58"	1575.00	66.43	N36°05'58"W	66.42
C6	21°38'11"	850.00	321.23	N45°43'04"W	319.32

NOTES

1. The bearing system for this survey is based on the Texas Coordinate System of 1983 (2011), North Central Zone 4202 based on observations made on May 21, 2022 with an applied combined scale factor of 1.000072449.
2. The grid coordinates shown hereon are based on the Texas Coordinate System of 1983, North Central Zone 4202, no scale and no projection.
3. According to Federal Emergency Management Agency's Flood Insurance Rate Map No. 48139C0190F for Ellis County, Texas and incorporated areas, dated June 3, 2013 this property is located within Zone X and is not within an identified special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
4. The owner(s) shall be responsible for all maintenance of all private items.

SURVEYOR'S CERTIFICATION

I, Michael Cleo Blingsley, Registered Professional Land Surveyor, do hereby certify that the plat shown hereon accurately represents the property as determined by an on the ground survey, made under my direct supervision on May 21, 2022 and that all corners are shown hereon.

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

Michael Cleo Blingsley
Registered Professional Land Surveyor
No. 6558

APPROVED BY: Planning and Zoning Commission City of Waxahachie	
BY _____	Date _____
Chairperson _____	Date _____
Attest _____	Date _____

PLAT
289 BSL - WAXAHACHIE
LOTS 1-4, BLOCK A
124.8669 ACRES

JOHN B. BOUNDS SURVEY, ABSTRACT No. 99 &
JONATHAN E. PRINCE SURVEY, ABSTRACT No. 844
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
ZONING: PD-MUNR
4 COMMERCIAL LOTS
CASE NO. SUB-000085-2023

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SCR	MCB	3/28/2023	068109070	2 OF 2

Planning & Zoning Department

Plat Staff Report

Case: SUB-99-2023



MEETING DATE(S)

Planning & Zoning Commission:

August 15, 2023

CAPTION

Consider the request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Plat of Wilemon Steam Academy, Lots 1 & 2, Block A, being 66.948 acres, located southwest of 3001 W US Highway 287 Bypass, situated in the J. Boyd Survey, Abstract 108 & Abstract 109, an addition to the City of Waxahachie (Property ID: 180484) – Owner: Waxahachie ISD (SUB-99-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-99-2023, a Plat of Wilemon Steam Academy, Lot 1, Block A, per the condition of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to plat the subject property into two (2) lot for Wilemon Steam Academy.

CASE INFORMATION

<i>Applicant:</i>	Tim Jackson, Texas Realty Capture & Surveying LLC
<i>Property Owner(s):</i>	Waxahachie ISD
<i>Site Acreage:</i>	66.948 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	In lieu of providing typical park land dedication, the applicant has dedicated a 20' Regional Trail Easement to the City of Waxahachie with this plat for the future Waxahachie-Midlothian Regional Trail that is proposed to cross the subject property.
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject property via the extension of City water and sewer infrastructure.

SUBJECT PROPERTY

<i>General Location:</i>	Southwest of 3001 W US Highway 287 Bypass
<i>Parcel ID Number(s):</i>	180484
<i>Current Zoning:</i>	General Retail (GR) & Single Family-1 (SF-1)
<i>Existing Use:</i>	The subject property is currently undeveloped.

ATTACHED EXHIBITS

1. Plat

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, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

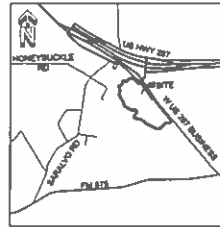
Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com



0' 100' 200'
SCALE: 1" = 200'



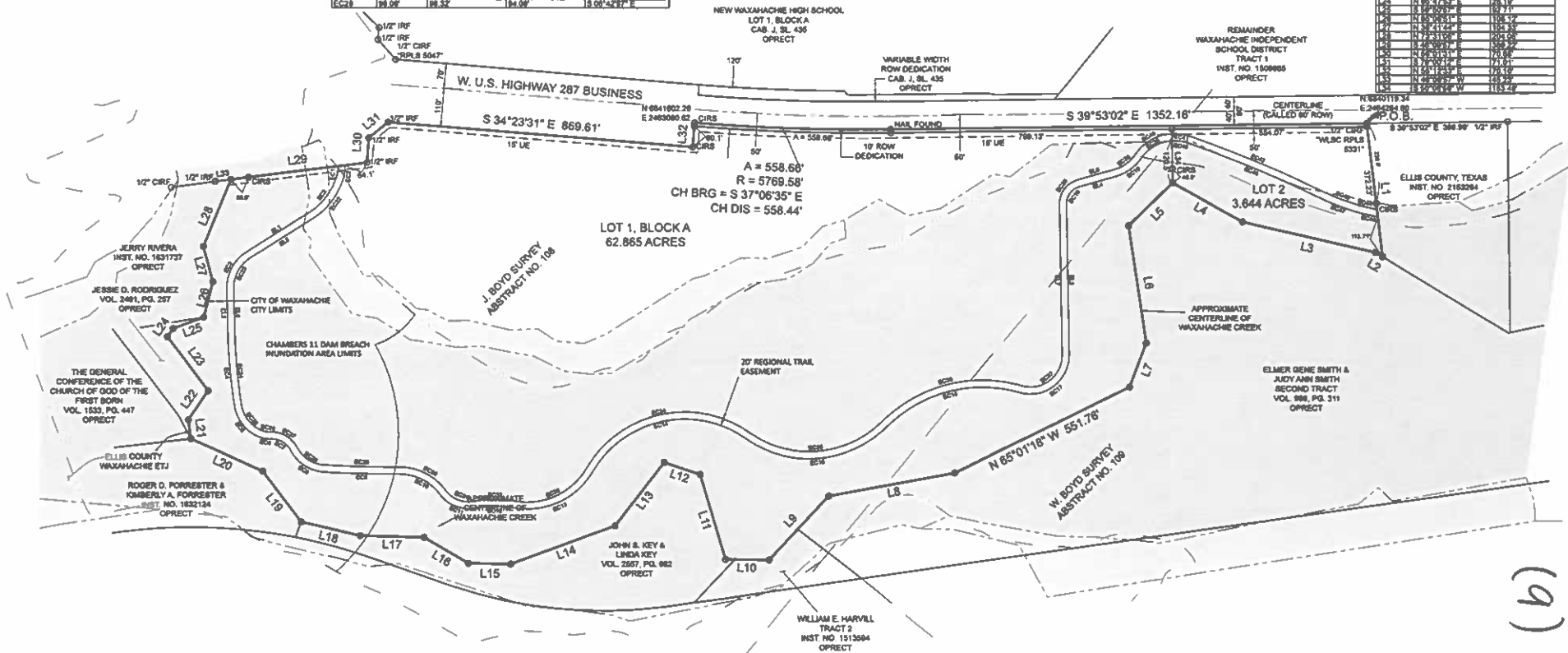
VICINITY MAP
NOT TO SCALE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
EC29	3883.70'	213.21'	213.18'	S 37° 36' 41" E
EC30	181.31'	151.81'	148.09'	S 12° 15' 31" E
EC31	82.34'	94.43'	89.34'	S 18° 11' 10" E
EC32	277.59'	111.68'	110.91'	S 39° 30' 59" E
EC33	195.83'	241.29'	228.31'	S 63° 17' 22" E
EC34	323.15'	533.87'	475.19'	S 51° 15' 36" E
EC35	283.73'	468.87'	378.50'	S 43° 47' 22" E
EC36	407.42'	430.58'	410.82'	S 53° 22' 18" E
EC37	90.00'	168.24'	144.79'	S 78° 38' 50" E
EC38	70.00'	92.22'	85.70'	N 87° 53' 36" E
EC39	107.36'	176.49'	174.89'	S 75° 07' 32" E
EC40	132.71'	123.56'	118.14'	S 68° 51' 57" E
EC41	132.71'	51.51'	51.18'	S 30° 54' 06" E
EC42	3519.78'	398.11'	395.90'	S 18° 33' 36" E
EC43	748.98'	140.92'	140.72'	S 18° 43' 35" E
EC44	325.21'	34.78'	34.75'	S 27° 57' 47" E
EC45	112.71'	44.48'	44.20'	S 31° 05' 31" E
EC46	3499.78'	393.86'	393.65'	S 18° 33' 36" E
EC47	768.80'	145.83'	145.61'	S 18° 46' 09" E
EC48	365.48'	41.81'	41.59'	S 27° 27' 26" E

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
EC29	3883.70'	213.21'	213.18'	S 37° 36' 41" E
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EC47	768.80'	145.83'	145.61'	S 18° 46' 09" E
EC48	365.48'	41.81'	41.59'	S 27° 27' 26" E

LINE	BEARING	DISTANCE
BL1	N 70° 52' 11" W	108.81'
BL2	S 49° 13' 33" W	126.59'
BL3	S 84° 42' 01" E	107.92'
BL4	N 70° 52' 11" W	108.81'
BL5	N 49° 48' 09" E	126.59'
BL6	S 84° 42' 01" E	107.92'

LINE	BEARING	DISTANCE
BL1	N 70° 52' 11" W	108.81'
BL2	S 49° 13' 33" W	126.59'
BL3	S 84° 42' 01" E	107.92'
BL4	N 70° 52' 11" W	108.81'
BL5	N 49° 48' 09" E	126.59'
BL6	S 84° 42' 01" E	107.92'



NOTES

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

ALL LOT CORNERS, POINTS OF CURVE, POINTS OF TANGENCY AND ANGLE POINTS ARE MONUMENTED WITH A 5/8" IRON ROD WITH CAP STAMPED "TJRC" UNLESS OTHERWISE NOTED, EXCEPT IN THE CREEK WHERE NONE WERE PLACED.

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN OTHER FLOOD AREAS. ZONE "X" (SHADED) DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD, AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. ZONE "AE" DEFINED AS "BASE FLOOD ELEVATIONS DETERMINED" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48138C0118F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOODPLAIN LINES SHOWN HEREON ARE A GRAPHICAL REPRESENTATION THEREOF AND HAVE BEEN SCALED FROM SAID MAP(S) AND THE SURVEYOR CANNOT CONFIRM THE ACCURACY OF SAID LINES.

LEGEND

- APPROXIMATE CHAMBERS 11 DAM BEACH INUNDATION AREA LIMITS
- APPROXIMATE LIMITS OF FLOOD PLAN
- APPROXIMATE ABSTRACT LINE
- CIRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TJRC" SET
- FND = FOUND
- IRF = IRON ROD FOUND
 OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS | PRECT = PLAT RECORDS ELLIS COUNTY TEXAS | BL = BUILDING LINE | UE = UTILITY EASEMENT | TXDOT FOUND = 5/8" IRON ROD WITH PINK PLASTIC CAP STAMPED "TXDOT" FOUND | FLOODPLAIN ZONES "AE" SEE NOTES | FLOODPLAIN ZONE "X" OTHER FLOOD AREAS SEE NOTES | FLOODPLAIN ZONE "C" SEE NOTES |

OWNERS:
WAXAHACHIE INDEPENDENT
SCHOOL DISTRICT
411 N. GIBSON ST.
WAXAHACHIE, TX 75165
972.923.4831

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194358

PLAT LOTS 1 & 2, BLOCK A WILEMON STEAM ACADEMY

SITUATED IN
J. BOYD SURVEY, ABSTRACT NO. 108
AND THE
W. BOYD SURVEY, ABSTRACT NO. 109
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
66.948 ACRES
2 LOTS
ZONED SF-1 & ZONED GR
CASE NO. SUB-99-2023

STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WAXAHACHIE INDEPENDENT SCHOOL DISTRICT ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE J. BOYD SURVEY, ABSTRACT NO. 109 AND THE W. BOYD SURVEY, ABSTRACT NO. 108, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN DEED TO WAXAHACHIE INDEPENDENT SCHOOL DISTRICT, RECORDED IN INSTRUMENT NO. 1509989, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) (HEREINAFTER DESCRIBED AS WISD TRACT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED "WISC RPLS 6331" FOUND FOR THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELLIS COUNTY, TEXAS, RECORDED IN INSTRUMENT NO. 2153294, OPRECT AND IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF BUSINESS U.S. HIGHWAY 287 (A VARIABLE WIDTH ROW), FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID ELLIS COUNTY, TEXAS TRACT, BEARS S 38°53'02" E, A DISTANCE OF 389.89 FEET;

THENCE S 44°00'00" W, ALONG THE WEST LINE OF SAID ELLIS COUNTY, TEXAS TRACT, PASSING AT A DISTANCE OF 239.00 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 382.29 FEET TO A POINT IN THE SOUTH LINE OF SAID WISD TRACT AND IN THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED AS SECOND TRACT IN DEED TO ELMER GENE SMITH AND JUDY ANN SMITH, RECORDED IN VOLUME 986, PAGE 311, OPRECT AND FOR THE SOUTHWEST CORNER OF SAID ELLIS COUNTY, TEXAS TRACT AND IN THE APPROXIMATE CENTERLINE OF WAXAHACHIE CREEK;

THENCE ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID SMITH TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, AS FOLLOWS:

N 07°42'50" W, A DISTANCE OF 24.31 FEET TO A POINT;

N 26°17'41" W, A DISTANCE OF 386.89 FEET TO A POINT;

N 10°06'57" W, A DISTANCE OF 228.86 FEET TO A POINT;

N 83°14'97" W, A DISTANCE OF 173.89 FEET TO A POINT;

S 42°17'47" W, A DISTANCE OF 338.78 FEET TO A POINT;

S 71°24'53" W, A DISTANCE OF 134.38 FEET TO A POINT;

N 86°01'18" W, A DISTANCE OF 551.76 FEET TO A POINT;

N 48°31'43" W, A DISTANCE OF 364.07 FEET TO A POINT;

THENCE N 88°18'34" W, ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID SMITH TRACT AND THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED AS TRACT 2 IN DEED TO WILLIAM E. HARVILL, RECORDED IN INSTRUMENT NO. 1513584, OPRECT AND IN THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, A DISTANCE OF 248.07 FEET TO A POINT;

THENCE N 38°33'34" W, ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID HARVILL TRACT AND THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO JOHN B. KEY AND LINDA KEY, RECORDED IN VOLUME 2537, PAGE 892, OPRECT AND THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, A DISTANCE OF 124.30 FEET TO A POINT;

THENCE ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID KEYS TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, AS FOLLOWS:

N 34°11'53" E, A DISTANCE OF 253.58 FEET TO A POINT;

N 20°29'15" W, A DISTANCE OF 108.44 FEET TO A POINT;

S 86°18'42" W, A DISTANCE OF 228.48 FEET TO A POINT;

N 68°19'42" W, A DISTANCE OF 318.12 FEET TO A POINT;

N 38°10'32" W, A DISTANCE OF 120.14 FEET TO A POINT;

N 08°58'57" W, A DISTANCE OF 148.31 FEET TO A POINT;

N 37°35'44" W, A DISTANCE OF 181.89 FEET TO A POINT;

N 25°48'32" W, A DISTANCE OF 172.72 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID KEY TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROGER D. FORRESTER AND KIMBERLY A. FORRESTER, RECORDED IN INSTRUMENT NO. 1832124, OPRECT;

THENCE N 13°48'53" E, ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID FORRESTER TRACT AND THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, A DISTANCE OF 182.88 FEET TO A POINT;

THENCE N 15°08'38" W, ALONG THE SOUTH LINE OF SAID WISD TRACT AND THE COMMON NORTH LINE OF SAID FORRESTER TRACT AND THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, A DISTANCE OF 223.44 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID FORRESTER TRACT AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE GENERAL CONFERENCE OF THE CHURCH OF GOD OF THE FIRST BORN, RECORDED IN VOLUME 1633, PAGE 447, OPRECT AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO JESSE D. RODRIGUEZ, RECORDED IN VOLUME 2481, PAGE 237, OPRECT;

THENCE ALONG THE WEST LINE OF SAID WISD TRACT AND THE COMMON EAST LINE OF SAID RODRIGUEZ TRACT AND IN THE APPROXIMATE CENTERLINE OF SAID WAXAHACHIE CREEK, AS FOLLOWS:

N 42°58'37" E, A DISTANCE OF 64.51 FEET TO A POINT;

N 85°35'32" E, A DISTANCE OF 86.80 FEET TO A POINT;

N 14°04'19" E, A DISTANCE OF 192.65 FEET TO A POINT;

N 86°47'33" E, A DISTANCE OF 26.19 FEET TO A POINT;

S 56°58'57" E, A DISTANCE OF 82.71 FEET TO A POINT FOR THE NORTHEAST CORNER OF SAID RODRIGUEZ TRACT AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO JERRY RIVERA, RECORDED IN INSTRUMENT NO. 1531737, OPRECT;

THENCE ALONG THE WEST LINE OF SAID WISD TRACT AND THE COMMON EAST LINE OF SAID RIVERA TRACT, AS FOLLOWS:

N 80°06'51" E, A DISTANCE OF 108.12 FEET TO A POINT;

N 36°41'44" E, A DISTANCE OF 104.33 FEET TO A POINT;

N 73°19'05" E, A DISTANCE OF 204.08 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID WISD TRACT AND THE COMMON NORTHEAST CORNER OF SAID RIVERA TRACT AND IN THE SOUTH ROW LINE OF SAID BUSINESS U.S. HIGHWAY 287, FROM WHICH A 1/2" IRON ROD FOUND, BEARS N 48°08'57" W, A DISTANCE OF 45.23 FEET;

THENCE ALONG THE NORTH LINE OF SAID WISD TRACT AND THE COMMON SOUTH ROW LINE OF SAID BUSINESS U.S. HIGHWAY 287, AS FOLLOWS:

S 46°09'57" E, PASSING AT A DISTANCE OF 89.99 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 389.22 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

N 55°01'31" E, A DISTANCE OF 70.85 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

S 78°00'12" E, A DISTANCE OF 71.01 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

S 34°23'31" E, A DISTANCE OF 888.81 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

N 65°12'33" E, A DISTANCE OF 70.16 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 6789.58 FEET, A CHORD BEARING OF S 37°08'36" E, A CHORD LENGTH OF 669.44 FEET;

WITH SAID NON-TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 538.89 FEET TO A NAIL FOUND;

S 36°53'02" E, A DISTANCE OF 1332.16 FEET TO THE POINT OF BEGINNING, AND CONTAINING 86.948 ACRES OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WAXAHACHIE INDEPENDENT SCHOOL DISTRICT, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 1 & 2, BLOCK A, WILEMON STEAM ACADEMY, 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 ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS, MY HAND, THIS _____ DAY OF _____, 2023

DUSTY AUTRY
PRESIDENT, WISD BOARD OF TRUSTEES

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

GIVEN UNDER MY HAND AND SEAL THIS, _____ DAY OF _____, 2023.

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JEREMY D. RUCKMAN, RPLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHIE.

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

JEREMY D. RUCKMAN,
REGISTERED PROFESSIONAL
LAND SURVEYOR
REGISTRATION NUMBER 8707

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____
CHAIRPERSON

ATTY

DATE

PLAT
LOTS 1 & 2, BLOCK A
WILEMON
STEAM ACADEMY
SITUATED IN
J. BOYD SURVEY, ABSTRACT NO. 108
AND THE
W. BOYD SURVEY, ABSTRACT NO. 109
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
86.948 ACRES
2 LOTS
ZONED SF-1 & ZONED GR
CASE NO. SUB-89-2023

OWNERS:
WAXAHACHIE INDEPENDENT
SCHOOL DISTRICT
411 N. GIBSON ST.
WAXAHACHIE, TX 75105
972.923.4631

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TX 75105
409.518.0336
TBPLS FIRM NO 10194350

(b)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-55-2023



MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

City Council: August 21, 2023

CAPTION

Public Hearing on a request by Corey Vaughan, QT South, LLC, for a **Specific Use Permit (SUP)** for a **Pole Sign** use within a General Retail (GR) zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: Buffalo Creek Plaza, LLC (ZDC-55-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-55-2023, a Specific Use Permit (SUP) request for a 30' Pole Sign (QuikTrip) use at 1342 Brown Street, with sign option _____, subject to the conditions the staff report."

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for a 30' Pole Sign for the recently approved QuikTrip location at 1342 Brown Street.

CASE INFORMATION

Applicant: Corey Vaughan, QT South, LLC

Property Owner(s): Buffalo Creek Plaza, LLC

Site Acreage: 2.3473 acres

Current Zoning: General Retail (GR) with SUP for a Convenience Store with Gasoline Sales (QuikTrip)

Requested Zoning: General Retail (GR) with SUP for a Convenience Store with Gasoline Sales (QuikTrip) & with SUP for a 30' Pole Sign

SUBJECT PROPERTY

General Location: 1342 Brown Street

Parcel ID Number(s): 295114 & 295115

Existing Use: The subject property is currently undeveloped.

Development History:

Case No.	Request	Result
ZDC-96-2020	SUP for Convenience Store with Gasoline Sales (7-Eleven)	Approved (8/17/20) Ord. 3205 (Expired 2/17/21)
SUB-175-2021	Plat (2 Commercial lots for the subject property)	Approved (11/23/21)
ZDC-175-2022	SUP for Convenience Store with Gasoline Sales (QuikTrip)	Approved (3/6/2023) Ord. 3363

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	Single Family-2 (SF-2)	Single Family Residences
East	GR with SUP for an Inpatient Rehabilitation Facility	ClearSky Rehabilitation Hospital
South	GR	Undeveloped
West	PD-105-GR	Lumpkins Stadium

Future Land Use Plan:

Office

Comprehensive Plan:

This land use type is intended for businesses such as banks, insurance agencies, and accounting offices. Office land uses are generally compatible with residential area, with the exception of high-rise office buildings. Land designated for office is appropriate along U.S. Highway 287, at a close proximity to IH-35E within Mixed Use Nonresidential areas, as well as within the Medical District.

Thoroughfare Plan:

The subject property is accessible via Brown Street (FM 813) and Indian Drive.

Site Image:

PLANNING ANALYSIS**Case History**

On February 28th, 2023 the Planning & Zoning Commission considered a request by QuikTrip for a SUP for a convenience store, gasoline sales, and a pole sign at 1342 Brown Street. At that time, the applicant was proposing a 90' pole sign along the Highway 287 Bypass Frontage Road; which exceeded the maximum allowable size and height of pole signs established by the Waxahachie Zoning Ordinance. The Commission voted to recommend approval of the request with the condition that the proposed sign be revised to adhere to the requirements of the Waxahachie Zoning Ordinance. On March 6th, 2023 City Council considered the QuikTrip SUP request that included a 70.5' pole sign. City Council voted to approve the SUP request for the convenience store and gasoline sales; but did not approve the pole sign as part of the request. Following this approval, the applicant has prepared revised pole sign options for consideration. In addition to this SUP request, the applicant has also submitted a replat application for the subject property that is currently under review by staff.

Proposed Use

The applicant proposes an additional SUP for the subject property to allow for a 30' Pole Sign for the recently approved QuikTrip convenience store and gas station. The applicant has provided two (2) pole sign options for consideration. Option 1 includes a 6' brick base, an open center, a gasoline price sign, and a QT logo. Option 2 includes a 10' brick base and solid center along with the same gasoline price sign and QT logo as Option 1.

The proposed size, height, and location of each sign option adheres to the requirements for pole signs set forth by the Waxahachie Zoning Ordinance. Each sign includes a total of 138.2 square feet of advertising space and is proposed to be setback a minimum of 30' from all property lines.

The sign is proposed to be situated on the northeast corner of the property. In the previously approved QuikTrip SUP (Ordinance 3363), this area was reserved for parking and landscaping. Due to this, the applicant has provided a slightly revised Site Plan and Landscape Plan to accommodate the pole sign. All parking and landscape requirements are still proposed to be met.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received no letters of support or opposition for the proposed SUP.

RECOMMENDATION

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

Conditions:

1. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

ATTACHED EXHIBITS

1. Sign Option 1
2. Sign Option 2
3. Sign Renderings
4. Site Plan
5. Landscape Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

zking@waxahachie.com

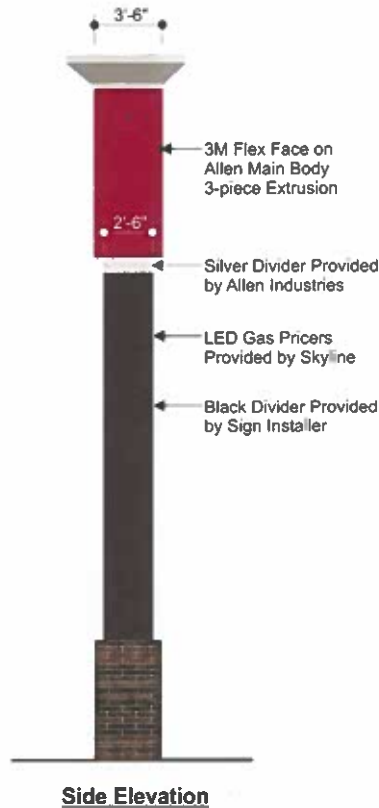
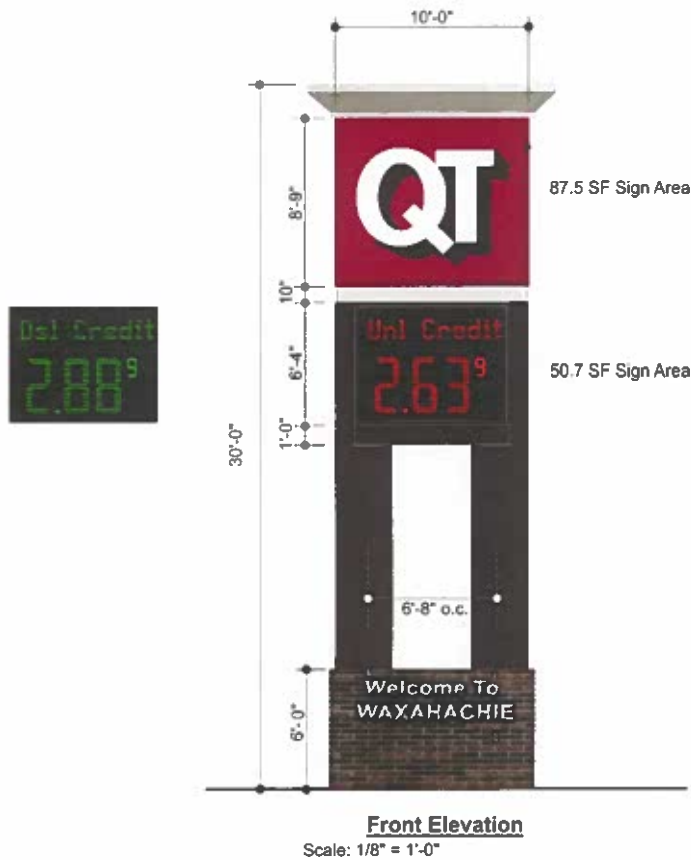
Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

Sign Option 1



1940 -HR10-ELP-CC High Rise Sign

- QT Logo
- Silver Fabricated Aluminum Divider
- One (1) Product LED Gas Price Sign
- 138.2 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT
- 2.) Steel supports provided by QT

Color Specifications

All Paint Finishes to be Akzo Nobel

- Opaque Silver
- Translucent White
- Black - Low Gloss
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #3632-53
- Match PMS 349C

Regarding Fabrication Fit & Finish of All QT Signs:

- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be countersunk and have painted heads.
- Face retainers must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.



1940 -HR10-ELP-CC

Project Information

Client: QuikTrip
Location:

Sales	Design	Project Manager
House	CT	James Gentry
Date / Description	Issue Date	Initial
12/18/19		
01/10/20	Rev. 1	CT
02/12/20	Rev. 2	CT
		CT

Notes

Store

1940

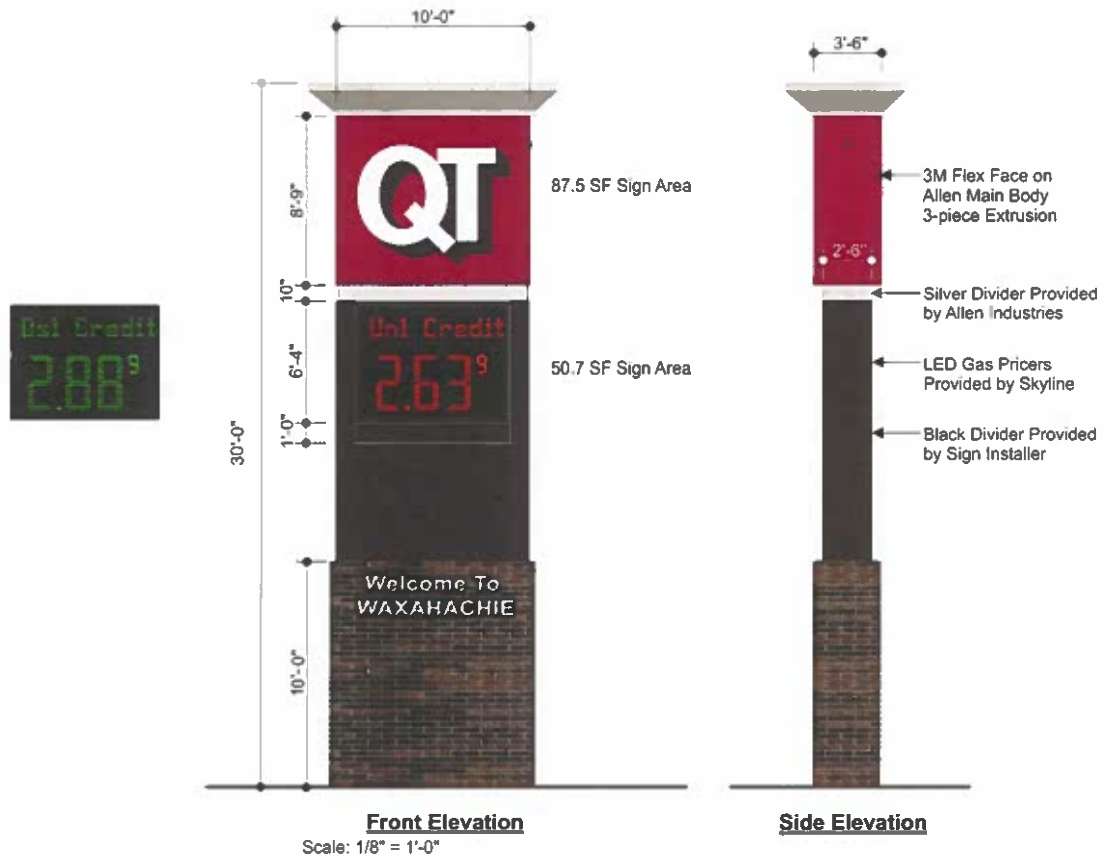
Declaration

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(11491)

Sign Option 2



1940 -HR10-ELP-CC High Rise Sign

- QT Logo
- Silver Fabricated Aluminum Divider
- One (1) Product LED Gas Price Sign
- 138.2 Square Feet Sign Area

Notes:

- 1.) Engineering provided by QT.
- 2.) Steel supports provided by QT.

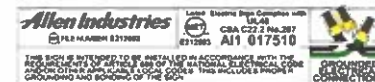
Color Specifications

All Paint Finishes to be Akzo Nobel

- Opaque Silver
- Translucent White
- Black - Low Gloss
- Matte White (Interior of Sign)
- Match 3M Cardinal Red #3632-53
- Match PMS 349C

Regarding Fabrication Fit & Finish of All QT Signs:

- Visible fabrication seams and welded joints are to be sanded smooth, filled and finished to QT specifications.
- Any visible fasteners are to be countersunk and have painted heads.
- Face retainers must fit flush and have even, minimal seams.
- Any variation from this directive must be brought to the attention of the QT Quality Control Manager without delay.



1940 -HR10-ELP-CC

Project Information

Client
QuikTrip
Location

Sales	Design	Project Manager
House	CT	James Gentry
Date / Description		
12/18/19	Issue Date	Initial
01/10/20	Rev. 1	CT
02/12/20	Rev. 2	CT

Notes

Store

1940

Declaration

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(10401)

Sign Renderings



Store 1940
08-1940-PE00

Waxahachie, TX
Date: 04.04.23 By:jk



Store 1940
08-1940-SIGN

Waxahachie, TX
Date: 04.011.23 By: Jk

Sign Renderings



(11491)



Store 1940
08-1940-SIGN

Waxahachie, TX
Date: 04.01.23 By: jk

Sign Renderings



(11+01)



Store 1940
08-1940-SIGN

Waxahachie, TX
Date: 04.011.23 By:jk

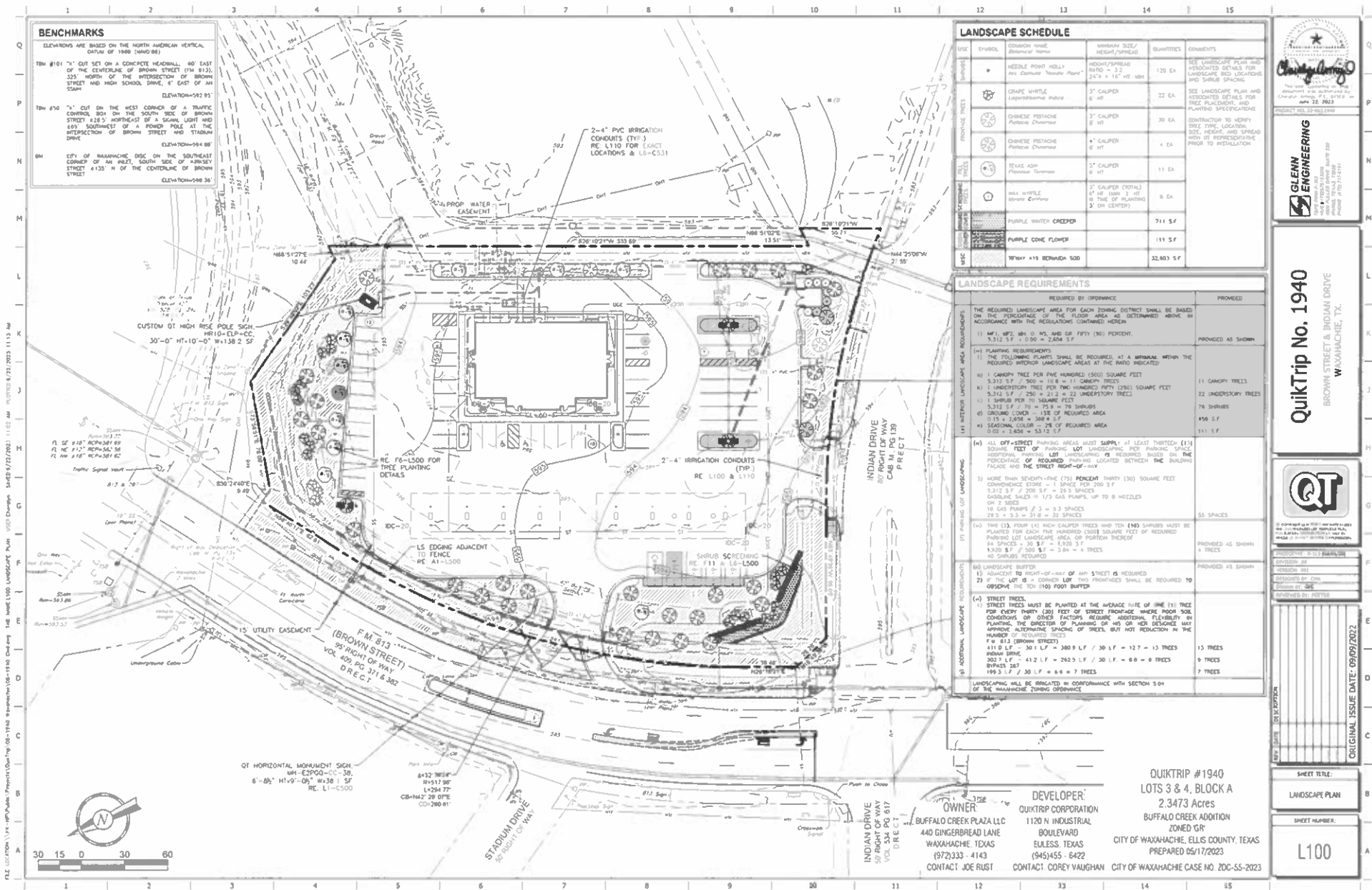
Sign Renderings







Sign Renderings



(11401)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-75-2023



MEETING DATE(S)

Planning & Zoning Commission: August 15, 2023

City Council: August 21, 2023

CAPTION

Public Hearing on a request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 409 E Jefferson Street (Property ID: 170544) – Owner: Keith Spacek (ZDC-75-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-75-2023, a zoning change at 408 E Jefferson Street from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district."

APPLICANT REQUEST

The applicant requests approval of a Zoning Change from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district at 409 E Jefferson Street to operate a physical therapy clinic.

CASE INFORMATION

Applicant: Logan Spacek, Reclaim Physical Therapy & Wellness

Property Owner(s): Keith Spacek

Site Acreage: 0.328 acres

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

Requested Zoning: Commercial (C)

SUBJECT PROPERTY

General Location: 409 E Jefferson Street

Parcel ID Number(s): 170544

Existing Use: A former home has been remodeled into a commercial office space on the property. The structure is currently vacant.

Development History: The subject property is currently platted as Lot 3, Block 37 of the Original Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-MF-2	Rogers Spring Branch Park & Spring Creek Villas
East	PD-O	Hope Clinic
South	LI-2	Single Family Residence
West	C	Vacant (Formerly an outside storage yard.)

Future Land Use Plan: Downtown

Comprehensive Plan:

It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan:

The subject property is accessible via E Jefferson Street.

Site Image:

PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district. The purpose of the request is to allow the property to be used as a medical office for Reclaim Physical Therapy & Wellness. The current property owners purchased the subject property in February of 2023. After buying the property, the owners made some changes to the existing residential building so that it could be used for commercial purposes. Before the changes, the property had always been used as a residence. They renovated the building, added a new concrete driveway, and have plans to make more improvements such as building a parking lot and adding a 6-foot sidewalk along E Jefferson Street. You can find more details about these improvements in the attached Site Plan Exhibit. The owners also plan on improving the landscaping, which is detailed in the attached Landscape Plan.

The proposed zoning change is compatible with existing Commercial and Planned Development-Office zoning immediately adjacent to the subject property along E Jefferson Street. The proposed zoning change is also consistent with the 2023 Waxahachie Comprehensive Plan; which identifies the subject property as part of the Downtown placetype. A zoning change to the Commercial zoning district will facilitate incremental improvement in the downtown area and allow for the reuse of an existing property. Due to this, staff is supportive of the zoning change request.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of opposition to the zoning change request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Zoning Change request.

ATTACHED EXHIBITS

1. Site Photo (current condition)
2. Site Plan
3. Landscape Plan
4. Public Notification Responses

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

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

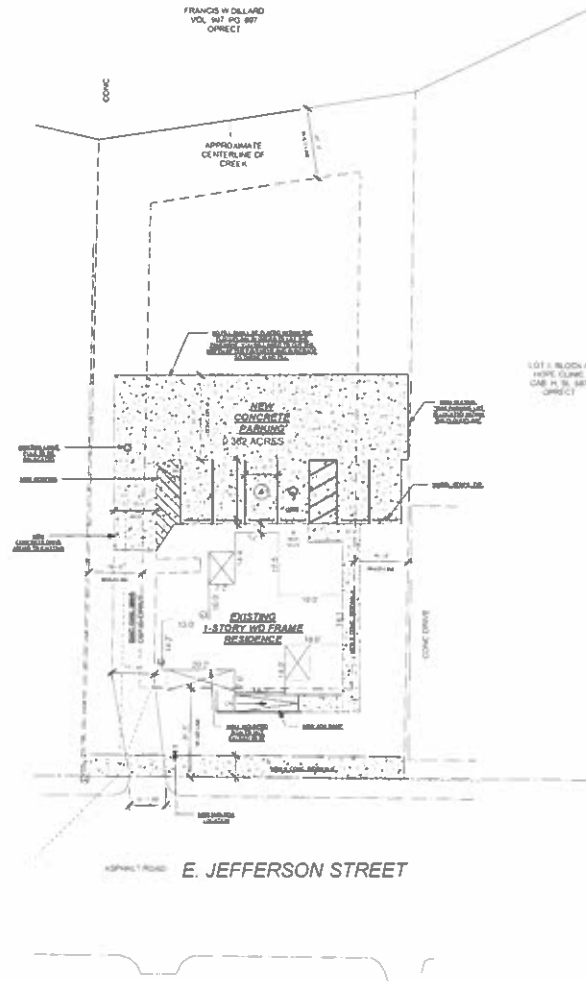
Senior Director of Planning

jennifer.pruitt@waxahachie.com



0'
10'
20'

VICINITY MAP



SITE DATA SUMMARY TABLE

LEGAL DESCRIPTION	LOT 3, BLOCK 37 O T
CURRENT ZONING	SINGLE-FAMILY 2 (SF-2)
PROPOSED USE	PROFESSIONAL OFFICE, COMMERCIAL (C)
LOT AREA	14,207 SF / 0.326 AC
TOTAL BUILDING AREA	1,154 SF
BUILDING HEIGHT	18' ABOVE FINISHED GRADE - 1 STORY
LOT COVERAGE	8.07%
PARKING SPACES PROVIDED	6 SPACES
TOTAL HANDICAP REQUIRED*	1 SPACE
TOTAL HANDICAP PROVIDED*	1 SPACE

* HANDICAP PARKING PROVIDED IN ACCORDANCE WITH ADA STANDARDS

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. EXISTING UTILITIES SHOWN FOR INFORMATION ONLY. VERIFY LOCATION AND DEPTH PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE (IRC).

PARKING TOTAL

1. TOTAL PARKING: 6 SPACES
2. TOTAL HANDICAP: 1 SPACE
3. TOTAL PARKING: 7 SPACES



① SITE PLAN
1/16" = 1'-0"

PROPERTY OWNER

LOGAN SPACEK, PT. DPT
E. LOGANSPEACE@YAHOO.COM
T. (978) 716-8292

DC TEXAS
ARCHITECTURE
Dallas • Fort Worth • Houston • Phoenix • San Antonio
13100 North Central Expressway, Suite 100
Dallas, Texas 75243
Phone: (214) 424-0000
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RECLAIM PHYSICAL THERAPY & WELLNESS

409 East Jefferson Street
Waxahachie, Texas 75165

PRELIM.
REVIEW
July 07, 2023

PROPOSED SET FOR REVIEW ONLY
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PHILIP H. COLLIER
TX 0000 00000

REVISIONS

DATE	ISSUE	DEL'T
		A

Site
SITE PLAN

CASE NUMBER:
ZDC-75-2023

Sheet

A-001

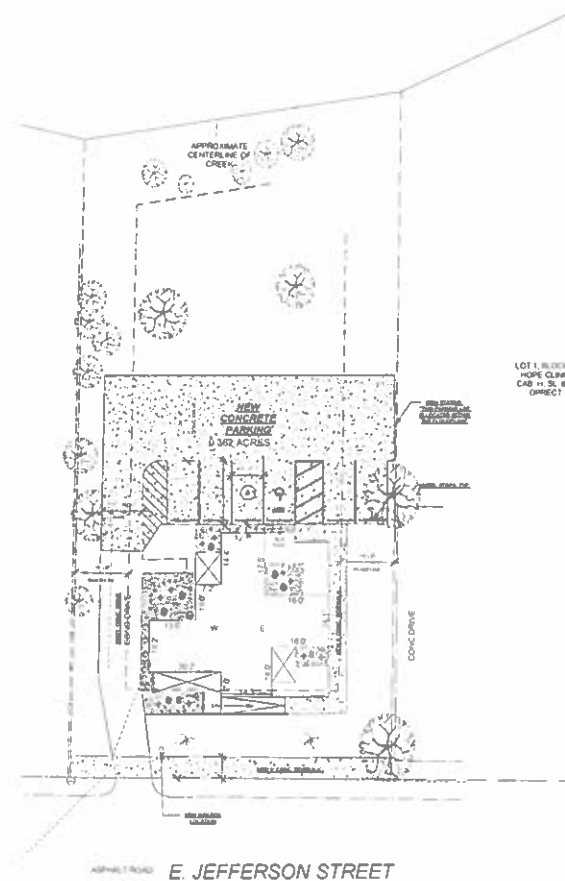
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DC TEXAS ARCHITECTURE

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PROPERTY OWNER:
LOGAN SPACE K, PT. DPT
E: LOGANSPACEK@YAHOO.COM
T: (978) 716-8282

Building Area SF	1134 SF
1. Minimum Landscaping Requirement (6' Buffer)	
Min. Buffer Landscaping Area Required (10% x Bldg. Area)	440 SF
Min. Buffer Landscaping Area Provided	440 SF
2. Minimum Landscaping Planting Requirements	
Canopy Trees Required (1 tree/250 SF)	5
Canopy Trees Provided	5
Medium Trees Required (1 tree/250 SF)	5
Medium Trees Provided	5
Shrub Trees Required (1 shrub/75 SF)	17
Shrub Trees Provided	38
Groundcover Required (12% of required canopy/shrub trees)	88 SF
Groundcover Provided	74 SF
Medium Trees Required (1 tree/250 SF)	5
Medium Trees Provided	22 SF
3. Parking Lot Landscaping Requirements	
Parking Lot Landscaping Required (12-20 SF) = depends on the percentage of required parking spaces between the building footprint and the parking spaces	52 SF
Parking Lot Landscaping Provided	88 SF
4. Parking Lot Planting Minimums	
Parking Lot Trees (1 tree per 30 spaces/750 SF of parking lot landscaping required)	740 SF
5. Buffer Type Requirements	
Non-Residential and Multi-Family parking areas require 25% of area to be landscaped	6
Residential	6
6. Street Trees	
Street Trees Required every 100'	2
Street Trees Provided	2



SITE DATA SUMMARY TABLE

LEGAL DESCRIPTION	LOT 3, BLOCK 37 D T
CURRENT ZONING	SINGLE-FAMILY 2 (SF-2)
PROPOSED USE	PROFESSIONAL OFFICE: COMMERCIAL (C)
LOT AREA	14,287 SF / 0.328 AC
TOTAL BUILDING AREA	1,134 SF
BUILDING HEIGHT	16' ABOVE FINISHED GRADE / 1 STORY
LOT COVERAGE	8.07%
PARKING SPACES PROVIDED	8 SPACES
TOTAL HANDICAP REQUIRED	1 SPACE
TOTAL HANDICAP PROVIDED	1 SPACE

* HANDICAP PARKING PROVIDED IN ACCORDANCE WITH ADA STANDARDS

GENERAL PLAN NOTES

1. All dimensions are in feet and inches. All dimensions are rounded to the nearest inch. All dimensions are subject to change without notice.

PARKING TOTAL

8 SPACES PROVIDED
1 SPACE REQUIRED (ADA COMPLIANT)

LANDSCAPING LEGEND

Plant Symbol
Plant Name
Plant Size
Plant Quantity
Plant Notes

Plant Symbol
Plant Name
Plant Size
Plant Quantity
Plant Notes



1 SITE PLAN
1/16" = 1'-0"

RECLAIM PHYSICAL THERAPY & WELLNESS

409 East Jefferson Street
Waxahachie, Texas 75165

PRELIM. REVIEW
June 19, 2023

DATE	ISSUE	BY

LANDSCAPE PLAN
CASE NUMBER: ZDC-75-2023

(12413)



(12813)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-75-2023**



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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 15, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 21, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Logan Spacek, Reclaim Physical Therapy & Wellness, for a **Zoning Change** from a Single Family-2 (SF-2) zoning district to a Commercial (C) zoning district, located at 408 E Jefferson Street (Property ID: 170544) – Owner: KEITH SPACEK (ZDC-75-2023) Staff: Zack King

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

Case Number: **ZDC-75-2023**

City Reference: 170548

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 9, 2023** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Area already in flood way & any additions to structure or dirt (such as parking that would be required) will negatively impact neighbors.

Signature

Printed Name and Title

Brad Yates

Date

Address

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.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-107-2023



MEETING DATE(S)

Planning & Zoning Commission:

August 15, 2023

City Council:

August 21, 2023

CAPTION

Public Hearing on a request by April Gonzales, Dorothy's Uniforms, for a **Zoning Change** from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: Mandalay Holdings LLC (ZDC-107-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to recommend approval of ZDC-107-2023, a Zoning Change request from an Office zoning district to a Planned Development-Office zoning district, subject to the conditions the staff report."

APPLICANT REQUEST

The applicant requests a Zoning Change from an Office zoning district to a Planned Development-Office zoning district to allow "Dorothy's Uniforms" to operate a Retail Store & Shop use in Suite 105 at 206 YMCA Drive.

CASE INFORMATION

Applicant: April Gonzales, Dorothy's Uniforms

Property Owner(s): Mandalay Holdings LLC

Site Acreage: 1.016 acres

Current Zoning: Office (O)

Requested Zoning: Planned Development-Office (PD-O)

SUBJECT PROPERTY

General Location: 206 YMCA Drive

Parcel ID Number(s): 174571

Existing Use: A multi-tenant office building occupies the subject property.

Development History: The subject property was originally platted as Lot 2, Block C of the Lakeridge I Subdivision in 1985. The building currently situated on the property was constructed in 2007.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Office (O)	Armstrong McCall
East	Office (O)	Waxahachie Fire Station 3
South	Multi-Family-3 (MF-3)	Blue Lake Villas Apartments
West	Office (O)	Undeveloped Land

*Future Land Use Plan:***Residential Neighborhood***Comprehensive Plan:*

This place type serves to create neighborhoods built with a traditional walkable block/street grid network that allows some variation in housing typologies. Although this place type will predominantly consist of traditional single family detached housing, denser housing types are encouraged such duplex, cottage courts, and townhomes. Both residential and commercial uses need to be context sensitive. Commercial uses in this place type may be a small pop up facility or a home converted to a small store front. Walkability is key for neighborhood commercial uses so that they are accessible from surrounding neighborhoods.

Thoroughfare Plan:

The subject property is accessible via YMCA Drive and Chambers Circle.

Site Image:**PLANNING ANALYSIS**

The applicant proposes a Zoning Change from an Office (O) zoning district to a Planned Development-Office zoning district to allow for "Dorothy's Uniforms" to operate a Retail Stores & Shops use in Suite 105 at 206 YMCA Drive. The applicant is not proposing to modify the zoning district regulations beyond exclusively allowing Dorothy's Uniforms to operate on the property since it is currently prohibited in the Office zoning district.

Proposed Use

The Applicant is the owner of Dorothy's Uniforms, which is a Medical Uniforms retailer focused specifically on providing clothing and equipment to medical students and medical professionals. The retail goods offered by Dorothy's Uniforms include scrubs, lab coats, shoes, compression hosiery, socks, stethoscopes, and various other types of medical equipment. Dorothy's Uniforms also offers custom alterations and embroidery services, which are commonly required for medical students. Dorothy's Uniforms has been operating in Waxahachie for 15 years and is currently located at 1408 W Jefferson Street, Suite A, in a General Retail zoning district. The Project Narrative (Exhibit A), provided by the applicant, can be referenced for additional information regarding Dorothy's Uniforms.

Proposed Use (continued)

Due to the targeted customer base, staff does not have concern that the operation of Dorothy's Uniforms will cause a traffic or parking burden on the surrounding area beyond that of uses already allowed in the Office zoning district. Staff believes Dorothy's Uniforms is a complimentary retail establishment for nearby businesses and is thus appropriate for the area.

Proposed Development Standards

Should the Planning and Zoning Commission choose to recommend approval of this zoning change, the subject property shall comply with the following development standards:

1. The Retail Store & Shop use is limited to Suite 105 at 206 YMCA Drive as shown on Exhibit C. A Retail Stores & Shops use shall not be allowable elsewhere in the multi-tenant building at 206 YMCA Drive.
2. Permission to operate a Retail Stores & Shops use is only granted to "Dorothy's Uniforms", owned and operated by "April Gonzales". Approval to operate another Retail Stores & Shops use at 206 YMCA Drive, Suite 105 will not transfer to another business or owner of "Dorothy's Uniforms".

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received ten (10) letters of support for the Zoning Change request.

RECOMMENDATION

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

Conditions:

1. The Retail Store & Shop use is limited to Suite 105 at 206 YMCA Drive as shown on Exhibit C. A Retail Stores & Shops use shall not be allowable elsewhere in the multi-tenant building at 206 YMCA Drive.
2. Permission to operate a Retail Store & Shop use is only granted to "Dorothy's Uniforms", owned and operated by "April Gonzales". Approval to operate another Retail Stores & Shops use at 206 YMCA Drive, Suite 105 will not transfer to another business or owner of "Dorothy's Uniforms".
3. The applicant shall obtain a Certificate of Occupancy (CO) from the City of Waxahachie Building and Community Services Department prior to operation on the subject property.

ATTACHED EXHIBITS

1. Exhibit A - Project Narrative
2. Exhibit B - Site Plan
3. Exhibit C - Suite Exhibit
4. Exhibit D - Letters of Support

APPLICANT REQUIREMENTS

1. If approved by City Council, the applicant shall resume the Certificate of Occupancy (CO) process with the Building and Community Services Department.

STAFF CONTACT INFORMATIONPrepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

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

July 12, 2023



City of Waxahachie
Planning and Zoning Commission
Waxahachie City Council
401 S. Rogers Street
Waxahachie, TX 75165

To the Members of the Commission and the Council:

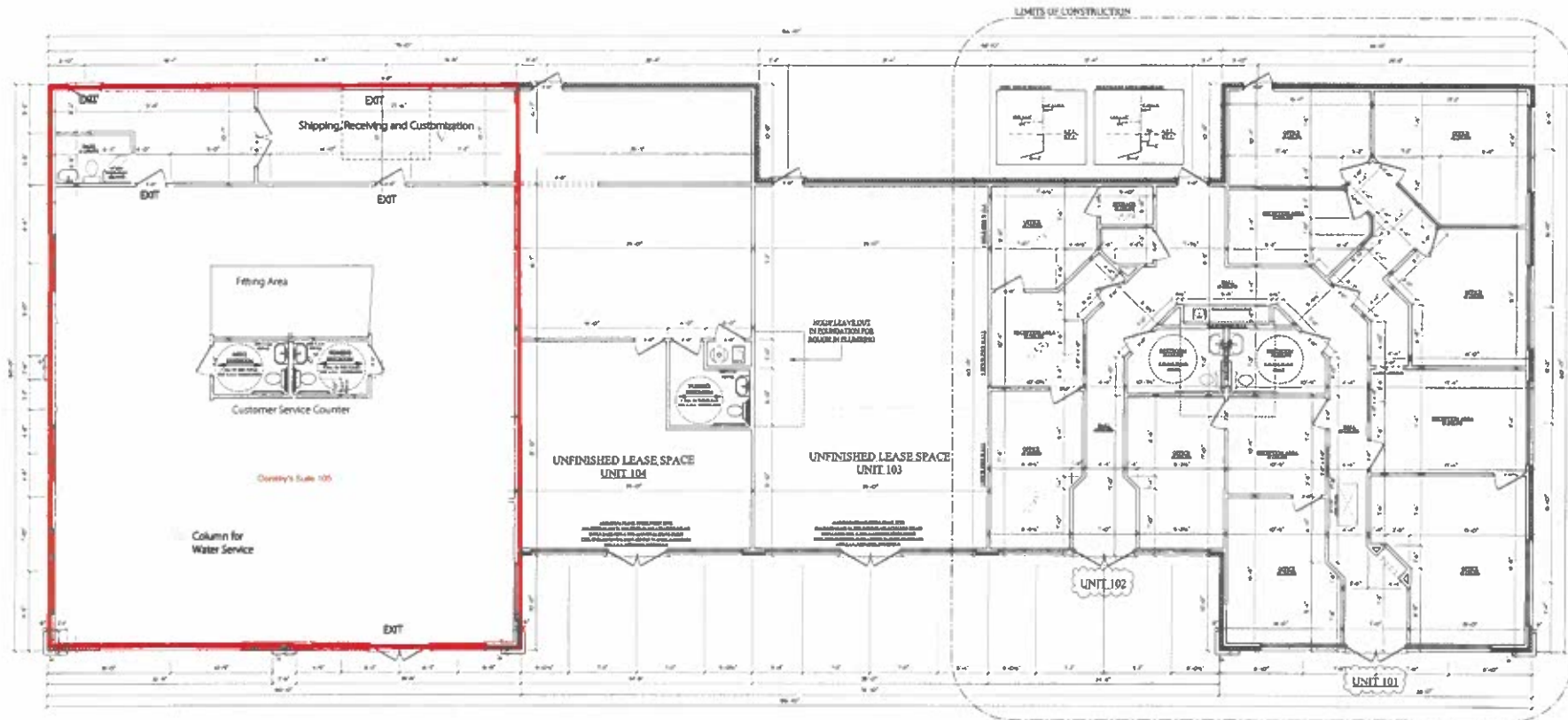
Dorothy's Uniforms is an established Medical Uniforms destination retailer in Waxahachie, TX. We opened December 1, 2008 and have been proudly serving customers in our community: medical students and area medical professionals for nearly 15 years. Our store carries medical uniforms, scrubs, lab coats, shoes, compression hosiery and socks, stethoscopes and various types of medical equipment used regularly by nurses, aids, and practitioners. We also offer custom services such as alterations and custom embroidery, complete office and facility fittings, and digitizing services. The only store like ours in the area, we service customers from many surrounding areas including Ellis County, Corsicana, Kerens, Hillsboro, Mansfield, Cedar Hill, and Glenn Heights. Many of these "out of town" customers drive to Waxahachie specifically to shop with us, bring revenue to our community, enjoy our eateries, and shop locally when they visit. Additionally, we proudly work with area schools medical programs including Navarro College, Dallas College (Cedar Valley), Ferris High, Midlothian High, Heritage High, Waxahachie High, Global High, and Ennis High Schools; as many students now graduate with various medical certifications! Our store is currently operating at 1408-A W. Jefferson, a 1260 square foot end suite retail space since we opened in 2008. We have ultimately and finally outgrown our space, and have leased and renovated a beautiful 2950 square foot space in an existing building located near the heart of the medical community at 206 YMCA Drive, Suite 105, Waxahachie, TX 75165. This new location will allow our store much more room to merchandise our products and continue to provide the styles, sizes, brands, and colors to suit the unique shopping needs of Ellis County Medical Professionals. Due to the specific needs of our customer base, it is not necessary for Dorothy's Uniforms to compete in a general use retail space in most of the local shopping centers in our area. We are not looking for retail space near JCPenney, Academy, Target, or TJMaxx, for example. Our customers are unique in that we generally cater to the medical professional; therefore being convenient to the general medical offices, hospitals, nursing homes, dental offices, emergency care, and medical facilities in our area was priority when selecting a location that would suit our needs as well as our customers. We found the perfect location, property owner, and neighbors here at 206 YMCA Drive in Waxahachie, and hope you will determine that were are the perfect fit for your community as well. I have been meeting with our potential neighbors recently and it has only enthused my excitement to say that everyone has been so encouraging and excited along with us! Our store, our beloved staff, and our customers bring such tremendous value to this community that we are proud to have been a part of since 2008. My husband, Richard, and I are lifetime residents of Waxahachie and Ellis County, and I feel blessed and grateful to be a small business owner here in Waxahachie that has overcome the economic hurdles to still exist beyond Covid. We employ local staff, which currently consists of two Waxahachie citizens and one citizen of Red Oak, along with ourselves. We have plans to add two more part time positions to our staff soon at the larger location, who are excited to be part of our team.

We eagerly await your approval to rezone 206 YMCA Dr., Suite 105, Waxahachie, TX 75165 to permit zoning for Commercial use, specifically to allow our store to relocate and operate business soon.

Thank you for your consideration,

April Gonzales
April Gonzales, Owner
Dorothy's Uniforms
Dallas & Waxahachie

Exhibit B - Suite Plan



AREA TOTALS
 UNIT 101-1964 UNIT 104-1241
 UNIT 102-994 HILL CO. CONST. 2950
 UNIT 103-1006 TOTAL U/R 8155 SQ. FT

FLOOR PLAN
 SCALE: 3/16" = 1'-0"

(51471)

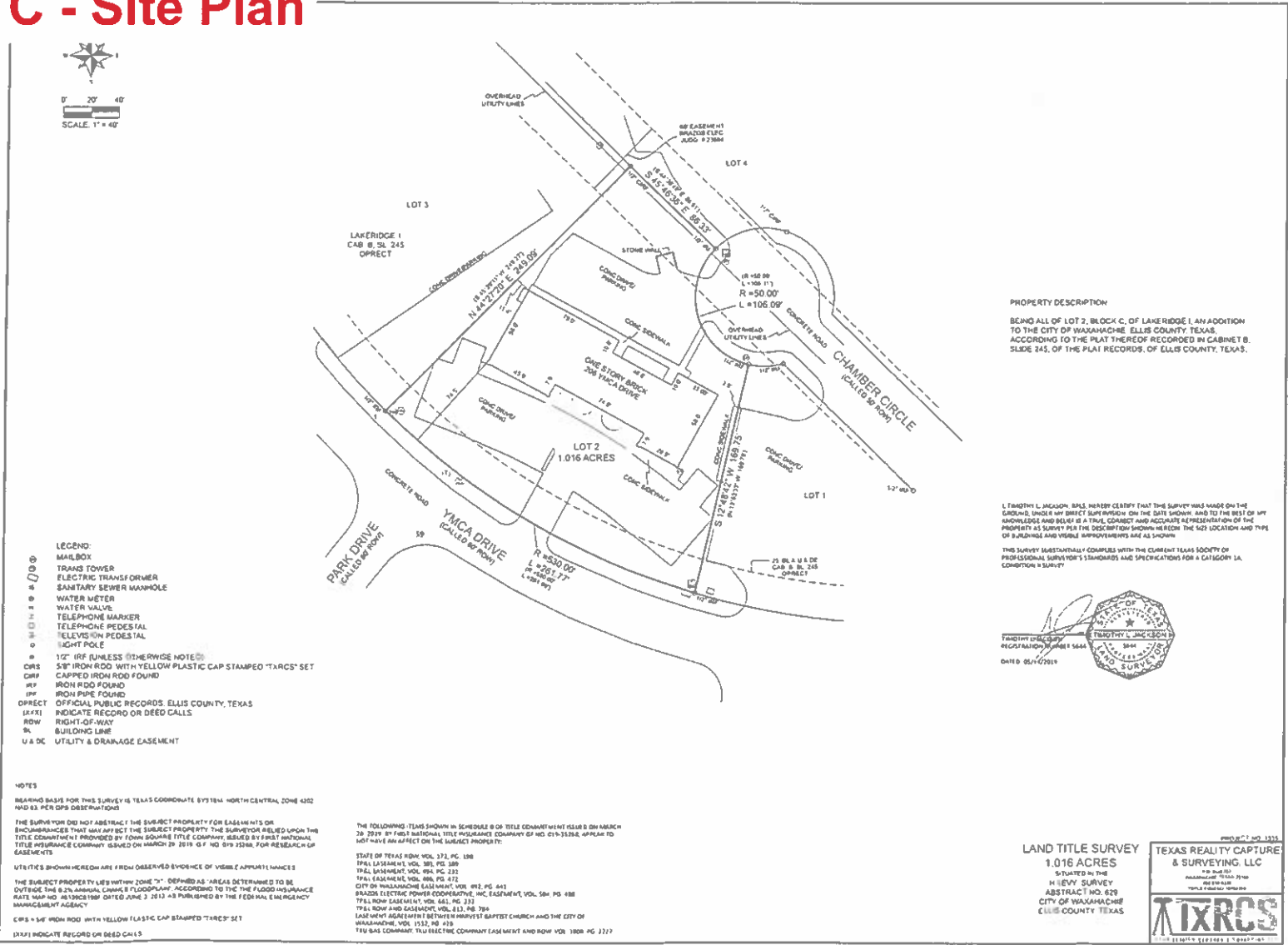
INTERIOR FINISH OUT
 LOCATED @
 206 YMCA DRIVE

DECEMBER 15th, 2010
 AUSTIN
 CUSTOM HOMES



Blue Bird Design Co.
 111 CHURCHMAN
 SUITE 100
 WAXAHACHIE, TEXAS 75165
 OFFICE (972) 931-9719

Exhibit C - Site Plan



(14415)

(14+15)



2400 North I-35E
Waxahachie, Texas 75165
(469) 843-4000
BSWHealth.com

July 12, 2023

City of Waxahachie
Planning and Zoning Commission
401 S. Rogers
Waxahachie, TX 75165

To the Members of the Planning and Zoning Commission,

Baylor Scott & White Medical Center Waxahachie stands in support of Dorothy's Uniform and the request before the City of Waxahachie Planning and Zoning Commission. We ask that consideration is given to the rezoning of 206 YMCA Drive, Suite 105 for commercial use.

Thanks in advance,

A handwritten signature in black ink, appearing to read "Will Turner".

Will Turner, FACHE
President
Baylor Scott & White Medical Center - Waxahachie



Wed 7/12/2023 4:24 PM

Tanya Thomasson <Tthomasson@altusemergency.com>

Letter of Support for Dorothy's Uniforms

To  King, Zack

Cc  dorothysuniforms@sbcglobal.net

 If there are problems with how this message is displayed, click here to view it in a web browser.

Hello,

My name is Tanya Thomasson and I am the Facility Administrator of Altus Emergency Center in Waxahachie. I support having Dorothy's Uniforms have a Uniform store in our area.

Sincerely,

Tanya Thomasson RN

Administrator – Waxahachie



Address: [1791 N Hwy 77 Waxahachie TX 75165](https://www.google.com/maps/place/1791+N+Hwy+77+Waxahachie,TX+75165)

Email: Tthomasson@altusemergency.com

This e-mail, including attachments, may include CONFIDENTIAL AND PRIVILEGED information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail and its attachments is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.

(51471)

(14+15)



Kevin Strength
102 YMCA Drive
Waxahachie, TX 75165
972-935-0539
kstrength@waxahachiechamber.com

July 13, 2023

City of Waxahachie
Planning and Zoning Commission
401 S. Rogers St.
Waxahachie, TX 75165

To the Members of the Planning and Zoning Commission,

The Waxahachie Chamber of Commerce strongly supports the rezoning of 206 YMCA Drive, Suite 105, from Office use to Commercial use for Dorothy's Uniforms. We are proud to have Dorothy's Uniforms as a part of our chamber membership, and a longtime member of the business community. We look forward to welcoming them to our neighborhood very soon.

Sincerely,

A handwritten signature in dark ink, appearing to be "Kevin Strength", written over a horizontal line.

Kevin Strength
President/CEO
Waxahachie Chamber of Commerce

Reply Reply All Forward IM

Thu 7/13/2023 4:51 PM



Williams, Jason <jasonwilliams@inspirebrands.com>

Dorothy's Uniform relocation to YMCA Drive

To King, Zack

Cc dorothysuniforms@sbcglobal.net

Planning and Zoning

Good afternoon, I am the GM for the Buffalo Wild Wings located in Waxahachie. I was excited to hear that Dorothy's Uniform was planning on relocated to a nearby address. This family has been a customer for years as they are a small family business that has been involved in the community for years. This was a go to place as they support local sports and even had a daughter that played high school sports for WISD and went on to play college ball. Throughout the years they have contributed to donation helping support the BWW Foundation and the Boys and Girls Club. With the help of them we raised over 42K for a boys and girls club that was built in Uvalde Texas, in the past year. I think this small business will bring a high level of educated medical professional into the area where they will be able to shop for uniforms, dine at local restaurants, and see the amenities that Waxahachie offers North of Hwy 77. We are a place to eat and it makes perfect sense that you would want this clientele coming to your location. I appreciate your time and truly hope that this family will be able to continue to provide for their family as well as keep fostering strong community ties for years to come. I think that this is exactly the type of business that I would want representing my city.

Thanks,
Jason Williams



Jason Williams
Buffalo Wild Wings #0217
1635 N. HWY 77
Waxahachie, TX 75165

(14+15)

(14+15)



July 13, 2023

Waxahachie City Counsel

Planning and Zoning

We here at Victron Energy, Inc., would like to submit a "Letter of Support" for Dorothy's Uniforms.

We would like to express our support for the rezoning of 206 YMCA Dr, Suite 105, to accommodate Dorothy's Uniforms. The location in question is a perfect place for Dorothy's Uniform to expand and continue to thrive.

Dorothy's Uniform is a much needed small business in Waxahachie for our growing medical community. Victron is proud to support our community and small business neighbors.

Thus, we approve and support rezoning of 206 YMCA Dr, Suite 105, for commercial use.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Walid Alameddine', followed by a long horizontal line.

Walid Alameddine
President
Victron Energy, Inc.
105 YMCA Dr.
Waxahachie, TX 75165
469.517.2000

(14+15)

JASON P BROWN, MD

obstetrics & gynecology

July 17, 2023

To Whom It May Concern:

As a local business near 206 YMCA Drive in Waxahachie, TX, our business is in support of Dorothy's Uniforms to relocate to 206 YMCA Drive, Suite 105, Waxahachie, TX 75165.



Jason P. Brown, M.D.



(14+15)

From: Crowe, Madison <MCrowe@uspi.com>
Sent: Friday, July 21, 2023 3:07 PM
To: King, Zack
Cc: dorothisuniforms@sbcglobal.net
Subject: Letter of Support for Dorothy's Uniforms

Good afternoon,

I am writing in support of Dorothy's Uniforms to have commercial use abilities in their new space on YMCA drive. I am the Administrator of Baylor Scott & White Surgicare in Waxahachie and many of our staff have been lucky enough to purchase items from this store. Dorothy's Uniforms supports the medical professionals in this community by providing discounts to the healthcare working in Waxahachie. Many of our staff have enjoyed the goods purchased from this business. I hope to be able to see the business flourish and support them moving forward. Please consider approving the commercial rights to this business in their new space. I appreciate the time and consideration in advance!

Best,

Madison Crowe, MHA

Administrator

Baylor Scott & White Surgicare Waxahachie, LLC

O (469) 940-4020 C (843) 455-9189

[Baylor Scott and White Surgicare Waxahachie \(waxsurgery.com\)](http://waxsurgery.com)



(14+15)



July 21, 2023

City of Waxahachie
Planning and Zoning

SUBJECT: Letter of Support for Dorothy's Uniforms

Dear City Officials,

We are a neighbor to Dorothy's Uniforms new location on YMCA Drive.

We have no objection to their business operating near us. This is a long-standing community business and we would welcome them.

We feel that a commercial business at that location would not impact our operations at FirstLook. There are already retail/service businesses in that same block. Those businesses do not impact us negatively, and a business such as Dorothy's should not either.

Sincerely,

Donna Young, CEO
FirstLook
213 YMCA Drive
Waxahachie, TX 75165
Phone: 972-938-7900

(14+15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-107-2023**



MANDALAY HOLDINGS LLC
700 N PEARL STREET SUITE G208
DALLAS, TX 75201

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 15, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 21, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by April Gonzales, Dorothy's Uniforms, for a **Zoning Change** from an Office (O) zoning district to a Planned Development-Office (PD-O) zoning district, located at 206 YMCA Drive (Property ID: 174571) – Owner: MANDALAY HOLDINGS LLC (ZDC-107-2023) Staff: Zack King

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

Case Number: **ZDC-107-2023**

City Reference: 174571

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 9, 2023** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ **SUPPORT**

☐ **OPPOSE**

Comments:

Rudall Grubbs
Signature

Rudall Grubbs Gen Mgr
Printed Name and Title

7.31.2023
Date

700 N Pearl St #6208
Address
Dallas, TX 75201

For: 206 YMCA Waxahachie

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.

(14+15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-107-2023**



MANDALAY HOLDINGS LLC
700 N PEARL STREET SUITE G208
DALLAS, TX 75201

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Case Number: **ZDC-107-2023**

City Reference: 174575

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 9, 2023** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

Randall Grohbs
Signature

Randall Grohbs Gen Mgr
Printed Name and Title

7.31.2023
Date

700 N Pearl # G208
Address
Dallas TX 75201

For 100 Chambers Circle
Waxahachie

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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.