

# **AGENDA**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, October 24, 2023 at 7:00 p.m.*** at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas.

Commission Members: Rick Keeler, Chairman  
Erik Test, Vice Chairman  
Bonney Ramsey  
David Hudgins  
Ron Ansell  
Adrian Cooper  
Marlene Norcross

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 October 10, 2023
5. ***Present*** Proclamation proclaiming October 2023 as Community Planning Month
6. ***Public Hearing*** on a request by Kenneth Taft, Bobby Cox Companies, for a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use within a Commercial (C) zoning district located at 1735 North Highway 77 (Property ID 237029)- Owner: CCP T Molly Wax 323 LP (ZDC-137-2023) Staff: Oanh Vu
7. ***Consider*** recommendation of Zoning Change No. ZDC-137-2023
8. ***Public Hearing*** on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Replat of Block 239 and a portion of Blocks 237 and 238, Town Addition to create Lots 1 and 2, Coyote Pass, 2 residential lots, being 4.177 acres, located at 1333 E. Marvin Avenue (Property ID 171607) – Owner: Dan & Shasta Cox (SUB-138-2023)
9. ***Consider*** approval of SUB-138-2023
10. 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.***

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 10, 2023 at 7:00 p.m. at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas.

Members Present: Rick Keeler, Chairman  
Erik Test, Vice Chairman  
Bonney Ramsey  
David Hudgins  
Ron Ansell  
Adrian Cooper  
Marlene Norcross

Others Present: Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Senior Director of Planning  
Zack King, Senior Planner  
Oanh Vu, Planner  
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. **Reorganize the Commission**

**Action:**

*David Hudgins moved to nominate Rick Keeler as Chairman. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).*

*David Hudgins moved to nominate Erik Test as Vice Chairman. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).*

5. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of September 26, 2023
- b. Minutes of the Planning & Zoning Commission briefing of September 26, 2023

**Action:**

*Bonney Ramsey moved to approve all items on the Consent Agenda as presented. Motion was seconded by David Hudgins and carried unanimously (7-0).*

6. **Consider request by Yomi and Siyan Fayiga, Crux Jefferson, LLC for a Plat of Teddo Crossing Phase One, Lots 1, 2, and 3, Block A, being 11.130 acres, located at the northwest corner of North U.S. Highway 77 and West Butcher Road, situated in the Thomas Selby Survey, Abstract 1002, an addition to the City of Waxahachie (Property ID 284633) – Owner: Crux Jefferson, LLC (SUB-117-2023) Staff: Oanh Vu**

The Item was presented by Planner Oanh Vu.

**Action:**

*Bonney Ramsey moved to approve SUB-117-2023 for a Plat of Lots 1, 2, and 3, Block A of Teddo Crossing Phase One, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Ron Ansell and carried unanimously (7-0).*

7. **Consider request by Moises Martinez, for a Plat of MM Tract, Lot 1, Block 1, being 1.700 acres, located directly east of 2820 Patrick Road, situated in the Carter H. Hurst Survey, Abstract 456, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 291736)– Owner: Moises Martinez (SUB-121-2023)**

The Item was presented by Ms. Vu.

**Action:**

*Ron Ansell moved to approve SUB-121-2023 for a Plat of Lot 1, Block 1 of the MM Tract, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Erik Test and carried unanimously (7-0).*

8. **Consider request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a Plat of Pecan Estates, Lots 1 & 2, Block A, being 4.275 acres, located at 645 E. Pecan Tree Road, situated in the E. C. School Land Survey, Abstract 328, an addition in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID 182952)– Owner: Jose & Benita Chavez (SUB-139-2023) Staff: Oanh Vu**

The Item was presented by Ms. Vu.

**Action:**

*David Hudgins moved to approve SUB-139-2023 for a Plat of Lots 1 and 2, Block A, of the Pecan Estates, subject to the conditions of the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).*

9. **Consider recommendation of a request by Tim Jackson, TRCS, LLC, for a Replat of Block 10, Lot 1AR of the Original Town of Waxahachie Addition, 1 lot, being 0.980 acres, located at 216 North College Street (Property ID 217175 – Owner: City of Waxahachie (SUB-84-2023) Staff: Oanh Vu**

The Item was presented by Ms. Vu.

**Action:**

*David Hudgins moved to recommend approval of SUB-84-2022 for a Replat of Lot 1AR, Block 10 of the Original Town of Waxahachie Addition, subject to the conditions of the staff report, authorizing the Mayor to sign the associated documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (7-0).*

- 10. Public Hearing on a request by Jordan Cogburn, Cogburn Contracting, for a Specific Use Permit (SUP) for an Accessory Structure over 700 square feet use within a Planned Development Single-Family Dwelling-1 (PD-SF-1) zoning district located at 144 Homestead Lane (Property ID 269669) - Owner: Mason Tucker (ZDC-125-2023) Staff: Oanh Vu**

The Item was presented by Ms. Vu.

Chairman Keeler opened the Public Hearing at approximately 7:13 p.m.

Those who spoke in support:

Sarah Cogburn, 2840 Brads Way, Midlothian, Texas

There being no others to speak for or against ZDC-125-2023, Chairman Keeler closed the Public Hearing at approximately 7:14 p.m.

- 11. Consider recommendation of Zoning Change No. ZDC-125-2023**

**Action:**

*Ron Ansell moved to recommend approval of ZDC-125-2023, a Specific Use Permit (SUP) for an Accessory Structure over 700 square feet use within a Planned Development Single-Family Dwelling-1 (PD-SF-1), subject to the conditions of the staff report. Motion was seconded by David Hudgins and carried unanimously (7-0).*

- 12. Public Hearing on a request by Kevin Kosoris, 1020 Group LLC, for a Specific Use Permit (SUP) for a Self-Storage Facility use within a Commercial (C) zoning district located at 308 N College Street (Property ID: 170654) – Owner: Hachie Properties, LLC ETAL (ZDC-54-2023) Staff: Zack King**

The Item was presented by Senior Planner Zack King. Owners Kevin Kosoris and Brett Hess requested approval.

Chairman Keeler opened the Public Hearing at approximately 7:34 p.m.

Those who spoke in support:

John Zabochnik, 502 Columbia Avenue, Waxahachie, Texas

Hannah Shelby, 217 E. Main, Waxahachie, Texas

Kevin Shelby, 217 E. Main, Waxahachie, Texas

There being no others to speak for or against ZDC-54-2023, Chairman Keeler closed the Public Hearing at approximately 8:24 p.m.

**13. Consider recommendation of Zoning Change No. ZDC-54-2023**

**Action:**

*David Hudgins moved to recommend approval of ZDC-54-2023, a Specific Use Permit for a Self-Storage Facility at 308 N College Street, subject to the conditions of the staff report: (1) The self-storage facility use shall be restricted to the portion of the building specifically identified in the Floor Plan exhibit. The self-storage facility use shall require approval of an amended SUP to expand beyond the area identified in the Floor Plan exhibit (2) The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction of the self-storage facility. Motion was seconded by Bonney Ramsey and carried (6-0), with Erik Test voting in opposition.*

**14. Adjourn**

There being no further business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5)

# ***PROCLAMATION***

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people live, work and play; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Waxahachie, Texas; and

**WHEREAS**, we recognize the many valuable contributions made by the professional community and regional planners of the City of Waxahachie, Texas and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council hereby designated the month of October 2023 as

***“COMMUNITY PLANNING MONTH”***

in the City of Waxahachie, Texas, in conjunction with the celebration of National Community Planning Month.

Proclaimed this 16<sup>th</sup> day of October 2023.

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MAYOR

ATTEST:

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CITY SECRETARY

(4+7)

## Planning & Zoning Department

### Zoning Staff Report

**Case: ZDC-137-2023**



#### **MEETING DATE(S)**

*Planning & Zoning Commission:* October 24, 2023

*City Council:* November 6, 2023

#### **CAPTION**

**Public Hearing** on a request by Ken Taft, Bobby Cox Co., for a **Specific Use Permit (SUP)** for a Restaurant with a Drive-Through use within a Planned Development – Commercial (PD-C) zoning district located at 1735 North Highway 77 (Property ID 237029) - Owner: CCP T MOLLY WAX 3 23, LP (ZDC-137-2023)

#### **RECOMMENDED MOTION**

*"I move to recommend approval of ZDC-137-2023, a Specific Use Permit (SUP) for a Restaurant with a Drive-Through use, subject to the conditions the staff report with sign option \_\_\_\_\_, authorizing the City Manager and/or Mayor to execute all documents accordingly."*

#### **APPLICANT REQUEST**

The Applicant is requesting a specific use permit for a Restaurant with a Drive-Through use.

#### **CASE INFORMATION**

*Applicant:* Ken Taft, Bobby Cox Co

*Property Owner(s):* CCP T Molly Wax 3 23, LP

*Site Acreage:* 1.562 acres

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

*Requested Zoning:* PD-C with a specific use permit (SUP) for a Restaurant with a Drive-Through use

#### **SUBJECT PROPERTY**

*General Location:* 1735 North Highway 77

*Parcel ID Number(s):* 237029

*Existing Use:* Vacant restaurant building

*Development History:* A plat (FP2006-42) for the subject property was recorded on October 12, 2006. A SUP for a Restaurant with a Drive-Through was approved on September 20, 2021; however, the property has been vacant for over six months



**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	C	Clinic
East	PD-42-C	Undeveloped Land
South	C	Pro-Master Electric
West	C	Future Development District

**Future Land Use Plan:**

Local Commercial

**Comprehensive Plan:**

The local commercial place type includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This place type was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this place type falls between neighborhood-scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

**Thoroughfare Plan:**

The primary access to the subject property is from South Highway 77, a Major Thoroughfare (110' right-of-way) on the Thoroughfare Plan.

**Site Image:**

**PLANNING ANALYSIS**

Previously, TaMolly's occupied the subject property as a restaurant and had an approved SUP (ZDC-129-2021) for a drive-through as their ancillary use for their restaurant. The subject property has since been vacant for more than six months. In addition, the drive-through window was located at the rear of the building (which is the western side of the building) on the approved SUP (ZDC-129-2021).

The Applicant is requesting a specific use permit for a restaurant with a drive-through use (Rosa's Café), in which the proposed drive-through window will be located on the southern side of the building. In addition, the applicant has stated that Rosa's Café is proposing a different color scheme on the exterior, along with refurbishing the existing awnings for the windows to provide a fresh look to the existing building. Per the City's Zoning Ordinance, a drive-through establishment requires a Specific Use Permit. The proposed project has satisfied all of the requirements of the City's zoning ordinance, including but not limited to stacking, signage, and landscape requirements.

**Proposed Elevations**

The Applicant has provided a set of architectural elevations.

East elevation (Front - North Highway 77)



North elevation (Right - Country Meadows Blvd)



(6+7)

South Elevation (Left - Proposed Drive-Through)



West Elevation (Rear - North Town Blvd)



Proposed Monument Sign

The Applicant has provided two signs two options for the monument sign.

*Option 1* – In this option, the monument sign offers a stone base with a double-face illuminated cabinet.



*Option 2* - In this option, the monument sign offers a stone structure with a double-face internally illuminated cabinet.



DAY VIEW

NIGHT VIEW

#### Concluding Summary

Staff recommends approval of the specific use permit given that the project complies with the City's zoning requirements for both the land use and the monument sign.

#### PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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. During the publishing of this staff report, Staff has received 0 letters in opposition/support of this project.

#### RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The applicant obtains a permit from the City of Waxahachie Building Department before construction.

#### ATTACHED EXHIBITS

1. Location Map
2. Zoning Map
3. Site Plan
4. Landscape Plan
5. Architectural Elevations
6. Monument Sign
7. Operational Plan

#### STAFF CONTACT INFORMATION

*Prepared by:*

Oanh Vu

Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)





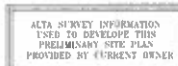
**EXHIBIT A - LOCATION MAP**

(u+7)





(L+7)



AY NUMBER 77 N  
JEDON PUBLIC RELI OF HAV  
ABRILL 14 2008 284  
AUGUST 14 2008 284

PLANK CON. NO. 1  
 PLANK REQUIRED 2 PER CITY  
 PLANK NOTICED ON SITE  
 1 PLANK 50 LBS  
 1 PLANK 50 LBS  
 1 PLANK 50 LBS

**PROJECT ANALYSIS**

BUILDING AVERAGE HEIGHT = 27'-0"  
FLOOR AVERAGE HEIGHT = 12'-0"  
(ALTOGETHER = 2 STORIES)

FIRE SMOKE/ALAR SYSTEM PROVIDED W/  
MANUAL ALARM.

OCCUPANCY LOAD

TOTAL = 289 INTERIOR

EXISTING ENCLOSED BUILDING = 9,200 S.F.

TYPE VR CONSTRUCTION  
1. STORY = 100% SMOKE/ALAR  
2. STORY = 100% INCREASE 300K-15,000 S.F. ALARMED

GROUP 1-2 (ASSEMBLY)  
LESS THAN 100

USE OF FACILITY: RESTAURANT WITH  
ALCOHOL SALES OF LESS THAN 5%

**CITY OF WAXAHACHIE, TX**  
**BUILDING CODES**

2018	INTERNATIONAL BUILDING CODE
2018	INTERNATIONAL MECHANICAL CODE
2018	INTERNATIONAL PLUMBING CODE
2018	NATIONAL ELECTRICAL CODE
2018	INTERNATIONAL FIRE CODE
2015	INTERNATIONAL ENERGY CONSERVATION CODE

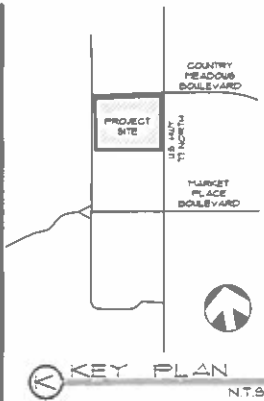
LOT 3 BLOCK 2  
SPRING LAKE DEVELOPMENT  
CHERRY BLVD 184  
RETAIL CENTER  
68040 SF 1967 ACRES  
CITY OF CHICAGO  
ELLIS COUNTY, TEXAS  
RECEIVED, SEPTEMBER 27, 2013  
CITY OF CHICAGO ZDC-137-202

PROJECT: DRIVE-THRU SUP APPLICATION  
PROPOSED ROSA'S CAFE  
1735 HWY. 77 N., WAXAHACHIE, TX 75168  
(FORMALLY TA MOLLY'S W/ DRIVE-THRU)

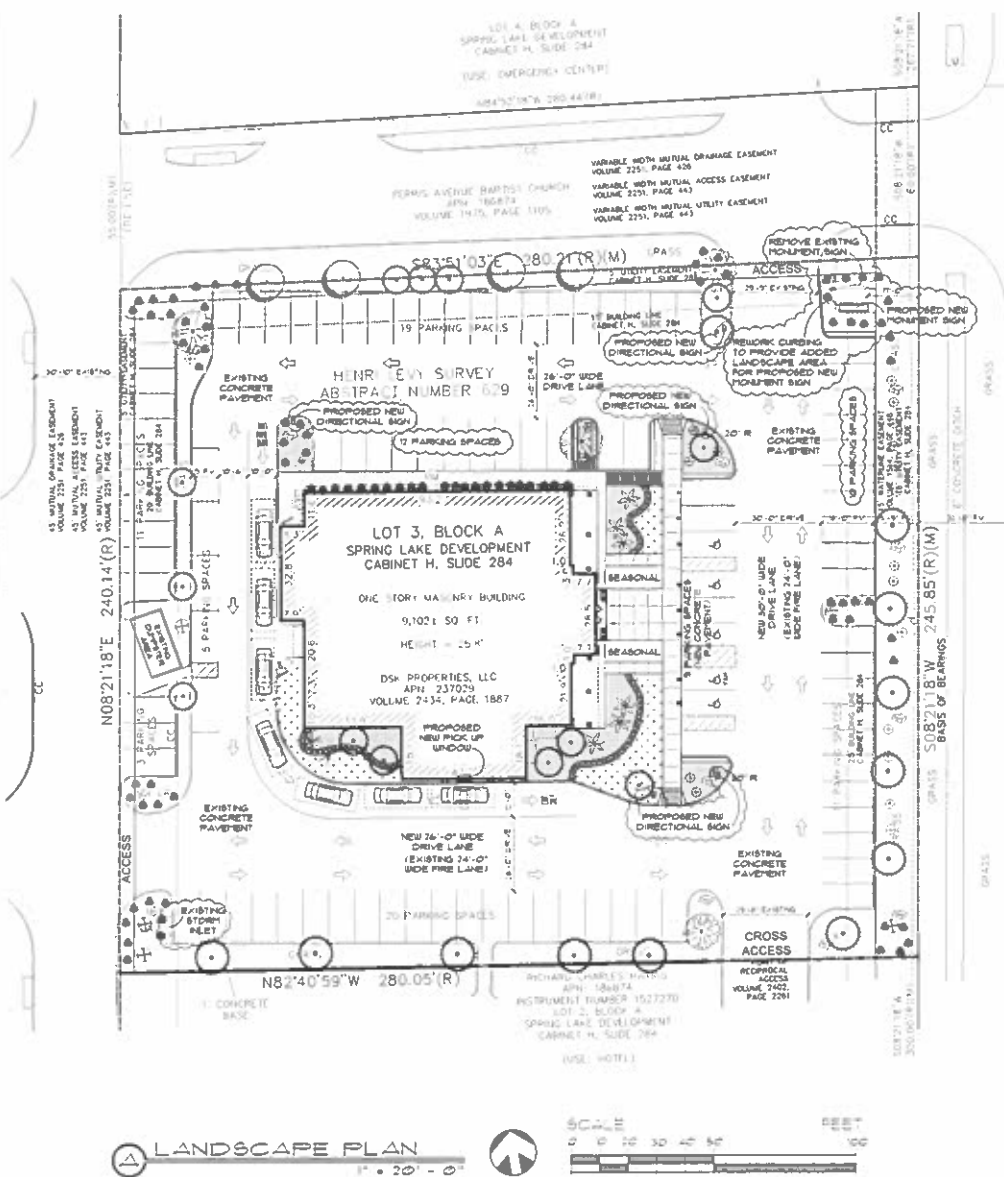
PRELIMINARY  
NOT FOR  
PERMITTING OR  
CONSTRUCTION

SHEET: SUP.B1  
OF: SUP  
JOB NO.: 071-23-0002  
DATE: 09.12.23  
(09.27.23)

 $(L+7)$



FERRIS AVENUE BAPTIST CHURCH  
APH: 16874  
VOLUME 1075 PAGE 102  
(USE CHURCH)



U.S. HIGHWAY NUMBER 77 NORTH  
VARIABLE WIDTH MUTUAL DRIVE EASEMENT  
CABINET M, SLIDE 284  
ASPHALT PAVEMENT

LANDSCAPE PLANT LIST

PLANT	COMMON NAME	SIZE	QUANTITY
1	WIDE GYM	12"	2
2	WIDE GYM	14"	2
3	WIDE GYM	16"	1
4	WIDE GYM	18"	1
5	WIDE GYM	20"	1
6	WIDE GYM	22"	1
7	WIDE GYM	24"	1
8	WIDE GYM	26"	1
9	WIDE GYM	28"	1
10	WIDE GYM	30"	1
11	WIDE GYM	32"	1
12	WIDE GYM	34"	1
13	WIDE GYM	36"	1
14	WIDE GYM	38"	1
15	WIDE GYM	40"	1
16	WIDE GYM	42"	1
17	WIDE GYM	44"	1
18	WIDE GYM	46"	1
19	WIDE GYM	48"	1
20	WIDE GYM	50"	1
21	WIDE GYM	52"	1
22	WIDE GYM	54"	1
23	WIDE GYM	56"	1
24	WIDE GYM	58"	1
25	WIDE GYM	60"	1
26	WIDE GYM	62"	1
27	WIDE GYM	64"	1
28	WIDE GYM	66"	1
29	WIDE GYM	68"	1
30	WIDE GYM	70"	1
31	WIDE GYM	72"	1
32	WIDE GYM	74"	1
33	WIDE GYM	76"	1
34	WIDE GYM	78"	1
35	WIDE GYM	80"	1
36	WIDE GYM	82"	1
37	WIDE GYM	84"	1
38	WIDE GYM	86"	1
39	WIDE GYM	88"	1
40	WIDE GYM	90"	1
41	WIDE GYM	92"	1
42	WIDE GYM	94"	1
43	WIDE GYM	96"	1
44	WIDE GYM	98"	1
45	WIDE GYM	100"	1

GENERAL LANDSCAPE NOTE  
PROPOSED NEW LANDSCAPE WILL MEET THE  
SECTION 5.04 - LANDSCAPE REQUIREMENTS

COUNTRY MEADOWS  
BOULEVARD  
60' PUBLIC RIGHT OF WAY  
CABINET C, SLIDE 174  
CONCRETE PAVEMENT

PROJECT: DRIVE-THRU SUP APPLICATION  
PROPOSED ROSA'S CAFE  
1735 HWY. 77 N., WAXAHACHIE, TX 75168  
(FORMERLY TA MOLLY'S W/ DRIVE-THRU)

PRELIMINARY  
NOT FOR  
PERMANENT  
CONSTRUCTION

SHEET: SUP B2  
OF: SUP  
JOB NO. 071-23-0002  
DATE: 09.12.23  
BY: [Signature]

MOLEY COS. CONSULTING, INC.  
KAREN R. TAYLOR, ARCHITECT #2084  
TX INTERIOR DESIGNER #5997  
5000 OVERTON PLAZA, SUITE 300  
FORT WORTH, TEXAS 76109  
PHONE: 817.337.1111  
WWW.MOLEYCONSULTING.COM

(1647)









DAY VIEW

NIGHT VIEW



 <b>MELLO SIGNS</b> 990 HALTOM RD. FORT WORTH, TX 76117 882-312-5338 — www.mello-signs.com	 E479782 TDLR 18785	<b>GENERAL DISCLAIMERS:</b> All signs to be manufactured and installed in accordance with local and state regulations. This drawing is the property of MELLO SIGNS. It shall not be produced, copied or distributed without authorization of MELLO SIGNS. <b>RENDERING APPROVAL:</b> Please carefully review all drawings and material specifications. Color samples can be provided upon request. All PDF files are approximate representations. <b>PLEASE READ CAREFULLY BEFORE FINAL APPROVAL:</b> Review all files and check for all errors. Please review all spelling, material and color specifications, and installation notes. Changes after approval and the start of manufacturing may incur additional charges. By signing this proof you are acknowledging that you have read and fully reviewed all drawings, proposals, and Mello Signs Terms and Conditions.				
	CLIENT SIGNATURE _____	CLIENT NAME	ROSA'S CAFÉ	DATE	BY	REV #
	PRINTED NAME _____	ST. ADDRESS	1735 N US 77	09/27/2023	DE	#1
	DATE: _____ SALESMAN INITIALS: _____	CITY/STATE	WAXAHACHIE, TX 75165			
		PHONE				
		EMAIL				
	SALESMAN	JOE				
	DESIGNER	DREW				
	FILE NAME	ROSA'S, WAXAHACHIE, TX				

(L47)



DAY VIEW

NIGHT VIEW

 <p>990 HALTOM RD. FORT WORTH, TX 76117 682-312-5338 <a href="http://www.mello-signs.com">www.mello-signs.com</a></p>	 E479782 TDLR 18785	<p><b>GENERAL DISCLAIMERS:</b> All signs to be manufactured and installed in accordance with local and state regulations. This drawing is the property of MELLO SIGNS. It shall not be produced, copied or distributed without authorization of MELLO SIGNS. <b>RENDERING APPROVAL:</b> Please carefully review all drawings and material specifications. Color samples can be provided upon request. All PDF files are approximate representations. <b>PLEASE READ CAREFULLY BEFORE FINAL APPROVAL:</b> Review all files and check for all errors. Please review all spelling, material and color specifications, and installation notes. Changes after approval and the start of manufacturing may incur additional charges. By signing this proof you are acknowledging that you have read and fully reviewed all drawings, proposals, and Mello Signs Terms and Conditions.</p>			
	CLIENT SIGNATURE _____	DATE _____	BY _____	REV # _____	
	PRINTED NAME _____	ST ADDRESS 1735 N US 77	CITY/STATE WAXAHACHE, TX 75165	PHONE _____	
	DATE _____ SALESMAN INITIALS: _____	EMAIL _____	SALESMAN JOE	DESIGNER DREW	
			FILE NAME ROSA'S WAXAHACHE, TX		

(L+7)



(u+7)

Employee count = 60

Hours of Operation:

Sunday - Thursday: 6:30 AM - 10:00 PM

Friday - Saturday: 6:30 AM - 11:00 PM



Rosa's Cafe is an upscale, fast casual restaurant - one of the fastest growing segments in the restaurant industry. The first Rosa's Cafe was built in 1983 in San Angelo, Texas. In 1995, Bobby D. Cox purchased the brand with its five locations and today has expanded to more than 50 independently-owned restaurants located throughout Texas.

## IT'S ALL ABOUT THE GREAT TASTE...

The signature products at Rosa's Cafe are the beef and chicken fajitas, marinated and grilled to perfection over real West Texas mesquite wood giving them their distinct flavor. Other popular menu items include crispy and soft tacos, Mexican dinner plates, sour cream chicken enchiladas, taco salads, burritos, tostadas, tamales and made-from-scratch tortillas and sopapillas. The complimentary salsa bar includes fresh pico de gallo and salsas of different seasonings to top off any meal with a mouth-watering zest.

Boasting the attributes of most full-service, sit-down Mexican food restaurants, Rosa's Cafe is unique in having an express drive-thru window to complement their authentic and colorful interior decor. Whether dining in or using the drive-thru, customers can be assured that their service will be incredibly fast and delicious.



(8+9)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-138-2023



### MEETING DATE(S)

Planning & Zoning Commission: October 24, 2023

### CAPTION

**Public Hearing** on a request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Block 239 and a portion of Blocks 237 and 238, Town Addition to create Lots 1 and 2, Coyote Pass, 2 residential lots, being 4.177 acres, located at 1333 E. Marvin Avenue (Property ID 171607) – Owner: Dan & Shasta Cox (SUB-138-2023)

### RECOMMENDED MOTION

*"I move to approve SUB-138-2023 a **Replat** of Block 239 and a portion of Blocks 237 and 238, Town Addition to create Lots 1 and 2, Coyote Pass, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

### APPLICANT REQUEST

The purpose of this replat is to replat three existing lots into two lots for residential use.

### CASE INFORMATION

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

**Property Owner(s):** Dan & Shasta Cox

**Site Acreage:** 4.17 acres

**Number of Lots:** 2 lots

**Number of Dwelling Units:** 2 units

**Park Land Dedication:** Not Applicable

**Adequate Public Facilities:** The property owner will need to install a water and sewer service prior to recording the plat with the County Clerk's office.

### SUBJECT PROPERTY

**General Location:** 1333 E. Marvin Avenue

**Parcel ID Number(s):** 171607

**Current Zoning:** SF-2 – Single Family-2 District

**Existing Use:** There is a single family residence on lot 1 and the lot 2 is undeveloped.

**Platting History:** The subject property was previously platted as part of Block 239 and a portion of Blocks 237 and 238, Town Addition

**Site Aerial:****PLANNING ANALYSIS**

The purpose of this replat is to replat three existing lots into two lots for residential use. There is a single-family residence on lot 1, and lot 2 is undeveloped. Per the zoning (SF-2) on the property, a single-family residence is permitted on each lot. The Applicant has yet to inform Staff of any future development on the subject property. Before recording the plat with the County Clerk's office, the Applicant must install a water and sewer service to lot 2. The proposed replat complies with the city's subdivision regulations, and Staff recommends approval of the proposed replat.

**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 replat with the following condition:

1. The applicant install a water and sewer service to lot 2 before recording the plat with the County Clerk's office.

**ATTACHED EXHIBITS**

1. Replat
2. Letter of Opposition

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

1. The Applicant has installed a water and sewer service to lot 2, and received a letter of acceptance from the Public Works Department confirming utility services were installed, inspected, and accepted by the City.

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

Eleana Tuley, AICP  
Senior Planner

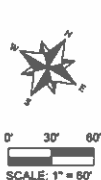
[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)





VICINITY MAP  
NOT TO SCALE

NOTES:

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

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "AE" - DEFINED AS "SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - BASE FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48139C100F 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

CRF = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXCRS" SET  
CRF = CAPPED IRON ROD FOUND  
IPF = IRON PIPE FOUND  
IRF = IRON ROD FOUND  
OPRF = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
VOL. = VOLUME  
PG. = PAGE  
INST. NO. = INSTRUMENT NO.  
UE = UTILITY EASEMENT

STATE OF TEXAS  
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS, DAN D. COX AND SHASTA R. COX ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE B.B. DAVIS SURVEY, ABSTRACT NO. 290, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED AS TRACTS 1 AND 2 IN DEED TO DAN D. COX AND SHASTA R. COX, RECORDED IN VOLUME 2389, PAGE 1821 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRF), AND BEING A PORTION OF BLOCK 237 AND BLOCK 238, AND ALL OF BLOCK 238, TOWN ADDITION OF THE OFFICIAL MAP OF THE CITY OF WAXAHACHIE, RECORDED IN CABINET A, SLIDE 181, OPRF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID COX TRACT, SAME BEING THE SOUTHEAST CORNER OF SAID BLOCK 138, ALSO BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (ROW) LINE OF E. MARVIN AVENUE (A CALLED 100' ROW) AND THE COMMON WEST ROW LINE OF LAKE PARK AVENUE;

THENCE S 89°11'07" W ALONG THE SOUTH LINE OF SAID COX TRACT AND THE COMMON NORTH ROW LINE OF SAID E. MARVIN AVENUE, PASSING A 1/2" IRON ROD WITH CAP STAMPED "TXCRS" SET FOR AN INTERIOR ELL CORNER OF SAID COX TRACT 1 AND SAID COX TRACT 2 AT A DISTANCE OF 183.02 FEET, IN ALL A TOTAL DISTANCE OF 218.92 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID COX TRACT AND THE COMMON SOUTHWEST CORNER OF LOT 1A, REPLAT OF PART OF BLOCKS 237 AND 238, RECORDED IN CABINET C, SLIDE 208, OPRF, FROM WHICH A 5/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1A, BEARS S 50°10'17" W, A DISTANCE OF 94.41 FEET.

THENCE N 32°45'09" W ALONG A WEST LINE OF SAID COX TRACT AND THE COMMON EAST LINE OF SAID LOT 1A, A DISTANCE OF 144.21 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXCRS" SET FOR AN INTERIOR ELL CORNER OF SAID COX TRACT AND THE COMMON NORTHEAST CORNER OF SAID LOT 1A.

THENCE S 84°32'01" W ALONG A SOUTH LINE OF SAID COX TRACT AND THE COMMON NORTH LINE OF SAID LOT 1A, A DISTANCE OF 48.10 FEET TO THE NORTHWEST CORNER OF SAID COX TRACT 2, THE COMMON NORTHWEST CORNER OF SAID LOT 1A, AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO ERNESTO HERNANDEZ AND BERTHA A. HERNANDEZ, RECORDED IN VOLUME 988, PAGE 686, OPRF, FROM WHICH A 1/2" IRON ROD FOUND FOR THE DE AN INTERIOR ELL CORNER SAID COX TRACT 1 AND THE COMMON NORTHEAST CORNER OF SAID COX TRACT 2 BEARS N 50°28'04" E, A DISTANCE OF 148.87 FEET.

THENCE S 48°12'11" W ALONG A SOUTH LINE OF SAID COX TRACT AND THE COMMON NORTH LINE OF SAID HERNANDEZ TRACT, A DISTANCE OF 81.83 FEET TO A 1" PIPE FOUND FOR AN ELL CORNER OF SAID COX TRACT, THE COMMON NORTHWEST CORNER OF SAID HERNANDEZ TRACT, THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CORY MICHAEL GRAHAM, RECORDED IN VOLUME 2151, PAGE 1086, OPRF, AND THE COMMON SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO LOREN GRAY INVESTMENTS, LLC, RECORDED IN INSTRUMENT NO. 315848, OPRF, FROM WHICH A 5/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID HERNANDEZ TRACT BEARS S 30°29'32" E, A DISTANCE OF 150.08 FEET.

THENCE N 30°38'31" W ALONG A WEST LINE OF SAID COX TRACT AND THE COMMON EAST LINE OF SAID LOREN GRAY INVESTMENTS TRACT, A DISTANCE OF 418.10 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "PREMIER SURVEYING" FOUND FOR THE NORTHWEST CORNER OF SAID COX TRACT AND THE COMMON NORTHEAST CORNER OF SAID LOREN GRAY INVESTMENTS TRACT, AND IN THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO FRANCISCO A. TORRES RODRIGUEZ, RECORDED IN INSTRUMENT NO. 2224862, OPRF.

THENCE N 50°04'13" E ALONG THE NORTH LINE OF SAID COX TRACT AND THE COMMON SOUTH LINE OF SAID RODRIGUEZ TRACT, THE COMMON SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO DAQUIAN LUISE EAGLEY, RECORDED IN VOLUME 308, PAGE 308, OPRF, THE COMMON SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO CARRIE EBBELMAN CASTELLO, RECORDED IN INSTRUMENT NO. 1712910, OPRF, PASSING A 1/2" IRON ROD WITH CAP STAMPED "CRS SURVEYING" FOUND FOR THE SOUTHWEST CORNER OF SAID CASTELLO TRACT AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DEVAN MAYFIELD, RECORDED IN INSTRUMENT NO. 2202432, OPRF, AT A DISTANCE OF 180.82 FEET, CONTINUING ALONG THE NORTH LINE OF SAID COX TRACT AND THE COMMON SOUTH LINE OF SAID MAYFIELD TRACT, PASSING A 1/2" IRON ROD WITH CAP STAMPED "CRS SURVEYING" FOUND FOR THE SOUTHEAST CORNER OF SAID MAYFIELD TRACT AND A COMMON ELL CORNER IN THE WEST ROW LINE OF SAID LAKE PARK AVENUE AT A DISTANCE OF 337.38 FEET, CONTINUING ALONG THE NORTH LINE OF SAID COX TRACT AND THE COMMON WEST ROW LINE OF SAID LAKE PARK AVENUE IN ALL A TOTAL DISTANCE OF 382.23 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXCRS" SET FOR THE NORTHEAST CORNER OF SAID COX TRACT AND A COMMON ELL CORNER IN THE WEST ROW LINE OF SAID LAKE PARK AVENUE.

THENCE S 32°28'22" E ALONG THE EAST LINE OF SAID COX TRACT AND THE COMMON WEST ROW LINE OF SAID LAKE PARK AVENUE, A DISTANCE OF 502.91 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.177 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DAN D. COX AND SHASTA R. COX, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS COYTE PASS, LOT 1 AND LOT 2, 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 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 CHALLENGE 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 ACCESS 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.

OWNERS:  
DAVID D. COX &  
SHASTA R. COX  
1335 E. MARVIN AVE  
WAXAHACHIE, TX 75163  
872.835.5721

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAXAHACHIE, TEXAS 75168  
409.518.0338  
TBPLS FIRM NO 10194359

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

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

DAN D. COX SHASTA R. COX

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

THAT I, TIMOTHY L. JACKSON, 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\*

TIMOTHY L. JACKSON  
REGISTERED PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER 6498

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: CHAIRPERSON DATE

ATTEST DATE

REPLAT

COYTE PASS  
LOT 1 AND LOT 2  
4.177 ACRES

BEING A REPLAT OF A PORTION OF BLOCK 237 & BLOCK 238, AND ALL OF BLOCK 239, TOWN ADDITION, OFFICIAL MAP OF THE CITY OF WAXAHACHIE, AS RECORDED IN CABINET A, SLIDE 181, OPRF, SITUATED IN THE

B.B. DAVIS SURVEY, ABSTRACT NO. 290  
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS  
2 RESIDENTIAL LOTS  
ZONED SF-2  
CASE NO. SUB-18-2023

REC'D 10/11/23

(8+9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **SUB-138-2023**



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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 24, 2023 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

1. Request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Replat** of Block 239 and a portion of Blocks 237 and 238, Town Addition to create Lots 1 and 2, Coyote Pass, 2 residential lots, being 4.177 acres, located at 1333 E. Marvin Avenue (Property ID 171607) – Owner: Dan & Shasta Cox (SUB-138-2023) Staff: Eleana Tuley

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

Case Number: **SUB-138-2023**

City Reference: 171610

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **October 18, 2023** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Highest & best use?

Signature

Printed Name and Title

Date

Address

Brad Yates

10/10/23

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.*