A G E N D A

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Tuesday, April 23, 2024 at 7:00 p.m***.

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. ***Speakers are requested to observe five (5) minute time limit.***

4. ***Consent Agenda***

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

   a. Minutes of the regular Planning & Zoning Commission meeting of April 9, 2024
   b. Consider a request by David McDill, for a Replat of a portion of Lot 3, Block 27 of the West End Addition, to create Lot 3B, Block 27 of the West End Addition, 1 residential lot, being 1.882 acres, located at 611 N. Grand Ave. (Property ID: 176844) – Owner: Katrina K. Walker (SUB-61-2024)
   c. Consider a request by Bryce Eckeberger, Kimley-Horn, for a Replat of the 289 BSL-Waxahachie addition to create five (5) lots, being 124.8669 acres, located at 573 Blue Star Drive (Property ID: 180322) – Owner: 289 BSL Waxahachie LLC (SUB-71-2024)

5. ***Public Hearing*** on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022) Staff: Zack King

6. ***Consider*** recommendation of Zoning Change No. ZDC-128-2022

7. ***Public Hearing*** on a request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

8. ***Consider*** recommendation of ZDC-32-2024

9. ***Public Hearing*** on a request by Brad Yates, Loren Gray Investments LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024) Staff: Zack King

10. ***Consider*** recommendation of ZDC-4-2024

11. ***Public Hearing*** on a request by Brad Yates, Graily Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024) Staff: Zack King

12. ***Consider*** recommendation of ZDC-56-2024

13. ***Public Hearing*** on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024) Staff: Oanh Vu

14. ***Consider*** recommendation of ZDC-35-2024

15. ***Public Hearing*** on a request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

16. ***Consider*** recommendation of ZDC-54-2024

17. ***Public Hearing*** on a request by Dawn Lipsey, North Star Custom Homes LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) Staff: Zack King

18. ***Consider*** recommendation of ZDC-63-2024

19. ***Public Hearing*** on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

20. ***Consider*** recommendation of ZDC-58-2024

21. 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.

(4a)

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Tuesday, April 9, 2024 at 7:00 p.m.

Members Present:	Rick Keeler, Chairman Erik Test, Vice Chairman Bonney Ramsey David Hudgins Ron Ansell Marlene Norcross
Member Absent:	Adrian Cooper
Others Present:	Shon Brooks, Executive Director of Development Services Jennifer Pruitt, Senior Director of Planning Zack King, Senior 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. Consent Agenda

a. Minutes of the regular Planning & Zoning Commission meeting of March 26, 2024
b. Consider approving a request by Cody Crannell, CCM Engineering, for a Plat of Camden Park Estates Phase 5, being 25.62 acres, located southwest of Whitewater Drive, situated in the Silas M. Durrett Survey, Abstract 272, an addition to the City of Waxahachie (Property ID 284301) – Owner: CZ OZ WAX I LLC (SUB-89-2023)

Action:
David Hudgins moved to approve all items on the Consent Agenda as presented. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

5. Public Hearing on a request by Ido Pistiner, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-190-2023) Staff: Oanh Vu

The Item was presented by Senior Director of Planning Jennifer Pruitt. Ms. Pruitt announced the applicant was not currently present at the meeting. To comply with State law contained in Local

(4a)

Government Code Chapter 211 and the City's public hearing notice requirements, 99 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of eighteen (18) letters in opposition have been received by staff, with six (6) letters being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

Mayor Pro Tem Chris Wright noted City Council passed a moratorium not allowing the operation of new short-term rentals and the property at 462 Wintergreen Drive has been operating in violation of that ordinance.

Chairman Keeler opened the Public Hearing at approximately 7:08 p.m.

There being no others to speak for or against ZDC-190-2023, Chairman Keeler closed the Public Hearing at approximately 7:11 p.m.

Chairman Keeler noted he is generally in favor of short-term rentals as long as they comply with the law and there haven't been any nuisance issues; however, the applicant didn't take the time to attend the meeting.

6. Consider recommendation of ZDC-190-2023

Action:
Ron Ansell moved to recommend denial of ZDC-190-2023, a Specific Use Permit (SUP) for a Short-Term Rental use. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

7. Public Hearing on a request by Brad Yates, for a Replat of Lot 4, Block 1 of the Nora Alexander's Subdivision, to create Lots 4A and 4B, Block 1 of the Nora Alexander's Subdivision, 2 residential lots, being 0.2695 acres, located at 500 Farley Street (Property ID: 172064) – Owner: Loren Gray Investments LLC (SUB-29-2024) Staff: Zack King

The Item was presented by Senior Planner Zack King and owner Brad Yates requested approval.

Chairman Keeler opened the Public Hearing at approximately 7:17 p.m.

There being no others to speak for or against SUB-29-2024, Chairman Keeler closed the Public Hearing at approximately 7:17 p.m.

8. Consider recommendation of SUB-29-2024

Action:
Bonney Ramsey moved to recommend approval of SUB-29-2024, a Replat of the Nora Alexander's Subdivision, subject to the conditions of the staff report. Motion was seconded by Erik Test and carried unanimously (6-0).

(4a)

9. Public Hearing on a request by Joseph Flournoy, Energy Renovation Center, for a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, to create Lots C1 & C2, Block 232 of the Original Town of Waxahachie, 2 residential lots, being 0.418 acres, located at 103 Elder Street (Property ID 171557) – Owner: Energy Renovation Center Inc. (SUB-49-2024) Staff: Zack King

The Item was presented by Mr. King and owner Joseph Flournoy requested approval.

Chairman Keeler opened the Public Hearing at approximately 7:21 p.m.

There being no others to speak for or against SUB-49-2024, Chairman Keeler closed the Public Hearing at approximately 7:21 p.m.

10. Consider recommendation of SUB-49-2024

Action:
David Hudgins moved to recommend approval of SUB-49-2024, a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, subject to the conditions of the staff report. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

11. Public Hearing on a request by Leslie Ford, Ofi Chito, for a Specific Use Permit (SUP) for a Drive-Thru use within a Light Industrial-1 (LI-1) zoning district located directly east of 150 West Butcher Road (Property ID 284633) - Owner: Crux Jefferson, LLC (ZDC-21-2024) Staff: Oanh Vu

The Item was presented by Mr. King and Danielle Carter, Ofi Chito representative, requested approval.

Chairman Keeler opened the Public Hearing at approximately 7:30 p.m.

There being no others to speak for or against ZDC-21-2024, Chairman Keeler closed the Public Hearing at approximately 7:30 p.m.

12. Consider recommendation of ZDC-21-2024

Action:
Ron Ansell moved to recommend approval of ZDC-21-2024, a Specific Use Permit (SUP) for a Drive Through Establishment (McDonald's) with Elevation Option 2, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Motion was seconded by Bonney Ramsey and carried unanimously (6-0).

13. Adjourn

There being no further business, the meeting adjourned at 7:31p.m.

Respectfully submitted,
Amber Villarreal, City Secretary

Planning & Zoning Department

Plat Staff Report

Case: SUB-61-2024

MEETING DATE(S)

Planning & Zoning Commission: May 14, 2024
City Council: May 20, 2024

CAPTION

Public Hearing on a request by David McDill, for a **Replat** of a portion of Lot 3, Block 27 of the West End Addition, to create Lot 3B, Block 27 of the West End Addition, 1 residential lot, being 1.882 acres, located at 611 N. Grand Ave. (Property ID: 176844) – Owner: Katrina K. Walker (SUB-61-2024) Staff: Harper Lindamood

RECOMMENDED MOTION

"I move to approve SUB-61-2024, a Replat of a portion of Lot 3, Block 27 of the West End Addition; subject to the conditions the staff report, authorizing the Planning and Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to replat the property to build an accessory building.

CASE INFORMATION

Applicant:	David McDill
Property Owner(s):	Katrina K. Walker
Site Acreage:	2.02 acres
Number of Lots:	1 Lots
Number of Dwelling Units:	1 Units
Park Land Dedication:	N/A
Adequate Public Facilities:	Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

General Location:	611 N. Grand Ave.
Parcel ID Number(s):	176844
Current Zoning:	Single Family-1 (SF-1)
Existing Use:	The subject property is currently occupied
Platting History:	The subject property is currently platted as a portion of Lot 3, Block 27 of the West End Addition

Site Aerial:

PLANNING ANALYSIS

The applicant proposes to replat the subject property from two (2) lots into one (1) lot for single family residential use. The subject property is currently comprised of two platted lots and is located within the Infill Overlay District. As part of the review of the plat application, staff identified multiple technical errors that conflict with the requirements of the Waxahachie Subdivision Ordinance. These corrections have been identified as conditions of approval in the staff recommendation section below.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 notices will be mailed to property owners within 200 feet of the request within fifteen (15) days of approval by the Planning and Zoning Commission.

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, subject to the conditions listed below.

Conditions:

1. Per Section 2.3.a.2 of the Waxahachie Subdivision Ordinance, a title search is required to be performed to locate all easements on the property.

2. Per Section 2.4.c.12 of the Waxahachie Subdivision Ordinance. All physical features of the property to be subdivided shall be shown in the construction (i.e. engineering) plans, including the location and size of all water courses, 100-year flood plain according to Federal Emergency Management Agency (FEMA) information, Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions, the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to the subdivision.

3. Per Section 4.2.a of the Waxahachie Subdivision Ordinance, the most recent FEMA FIRM is required to be referenced. Revise to reflect the October 2023 Ellis County PMR.

4. Per Section 5.6.d and 5.7.a.8 of the Waxahachie Subdivision Ordinance, add a note that retaining walls/fences shall not be installed within utility easements.

ATTACHED EXHIBITS

1. Replat

APPLICANT REQUIREMENTS

1. If approved by the Planning and 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.

STAFF CONTACT INFORMATION

Prepared by:
Harper Lindamood
Planner
Harper.lindamood@waxahachie.com

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

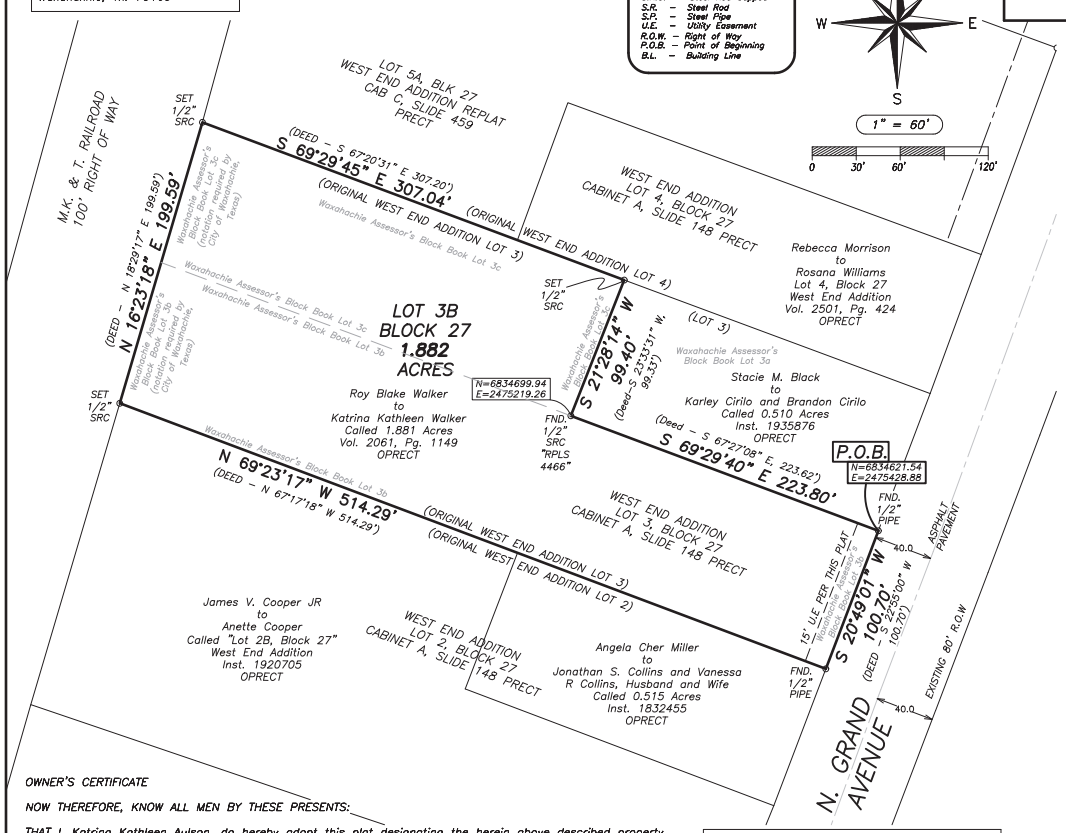
OWNER:
Katrina Kathleen Walker (Aulson)
611 N. Grand Ave.
Waxahaxhie, Tx. 75165

LEGEND

O	–	Property Corner Symbol
Fnd.	–	Found
S.R.C.	–	Steel Rod Capped
S.R.	–	Steel Rod
S.P.	–	Steel Pipe
U.E.	–	Utility Easement
R.O.W.	–	Right of Way
P.O.B.	–	Point of Beginning
B.L.	–	Building Line

N
W E
S

1" = 60'
0 30' 60' 120'



OWNER'S CERTIFICATE

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I, Katrina Kathleen Aulson, do hereby adopt this plat designating the herein above described property as REPLAT – WEST END ADDITION, BLOCK 27, LOT 3B, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

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

BY:

_____
Katrina Kathleen Aulson, Owner

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 Katrina Kathleen Aulson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and considerations therein expressed.

Given under my hand and seat of office, this _____ day of_____20__.

_____ _____
Notary My Commission Expires On:

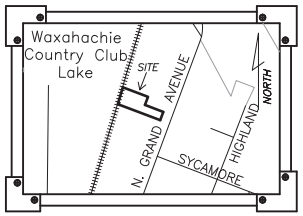
DRAINAGE NOTES:

(1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.

(2) THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.

(3) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.

(4) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.



LOCATION MAP SCALE : 1" = 2000'

Owner's Certificate

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, Katrina Kathleen Aulson is the Owner of a tract of land being a part of the James Barker Survey, Abstract 43, City of Waxahachie, Ellis County, Texas, and a part of Lot 3, Block 27, WEST END ADDITION, an addition to the City of Waxahachie, in Ellis County, Texas, according to the plat thereof recorded in Cabinet A, Slide 148 of the Plat Records of Ellis County, Texas, and being the 1.881 acre tract described in deed from Roy Blake Walker to Katrina Kathleen Walker, recorded in Volume 2061, Page 1149, Official Public Records, Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a point in the northwest right of way line of North Grand Avenue (an 80 foot right of way), and in the southeast line of Lot 3 in Block 27 of said WEST END ADDITION, and being the most easterly east corner of said 1.881 acres tract, and being the south corner of a called 0.510 acre tract described in deed from Stacie M. Black to Karley Cirilo and Brandon Cirilo, recorded in instrument number 1935876, OPRECT, a 1/2" steel pipe found, having surface coordinate values of North = 6834621.54 feet and East = 2475428.88 feet, a an elevation of 600.32 feet, the coordinates and bearing recited herein are based on the Texas Coordinate System, North Central Zone (Zone 4202) North American Datum of 1983 and are obtained from observations of Global Positioning System satellites;

THENCE S 20°49'01" W, with the southeast line of Lot 3 and said 1.881 acre tract, and same for this tract, and with the northwest line of North Grand Avenue, 100.70 feet (Deed – S 22°55'00" W, 100.70 feet) to the southeast corner of said Lot 3, said 1.881 acre tract and being the northeast corner of Lot 2, WEST END ADDITION, and also being the northeast corner of the 0.515 acre tract described in deed from Angela Cher Miller to Jonathan S. Collins and Vanessa R. Collins, recorded in instrument number 1832455, OPRECT;

THENCE N 69°23'17" W, with the southwest line of Lot 3 and said 1.881 acre tract and with the northeast line of Lot 2 of said WEST END ADDITION, and with the northeast line of said 0.515 acre tract, passing at 224.60 feet the northwest corner of said 0.515 acre tract and the most north northeast corner of the tract of land described in deed from James V. Cooper to Annette Cooper recorded in Instrument Number 1920705, described as Lot 2B and continuing with the northeast line of said Cooper tract, in all, 514.29 feet (Deed – N 67°17'18" W, 514.29 feet) to the southwest corner of Lot 3, said 1.881 acre tract and being the northwest corner of said Lot 2, WEST END ADDITION, and being in the southeast right of way line of the M.K. & T. RAILROAD, a 100 foot railroad right of way, a ½ inch steel rod with plastic cap marked "DAVIS & MCDILL" set;

THENCE N 16°23'18" E, with the northwest line of Lot 3, said 1.881 acres tract and with said M.K. & T. RAILROAD right of way line, 199.59 feet (Deed – N 18°29'17" E 199.59 feet) to the for the northwest corner of said Lot 3, said 1.881 acre tract and the southwest corner of Lot 4, WEST END ADDITION, and the southwest corner of Lot 5A, in Block 27, WEST END ADDITION REPLAT, an addition to the City of Waxahachie according to the plat thereof recorded in Cabinet C, Slide 459, PRECT, a ½ inch steel rod with plastic cap stamped "DAVIS & MCDILL" set;

THENCE S 69°29'45" E , with the northeast line of Lot 3 and said 1.881 acres tract, and same for this tract, and with the southwest line of said Lot 5A, passing at 229.26 feet south southeast corner of said Lot 5A and the southwest corner of a tract described in deed from Rebecca Morrison to Rosana Williams, recorded in Volume 2501, Page 424, OPRECT, and continuing with the northeast line of Lot 3 and said 1.881 acre tract and with the southwest line of Lot 4, in all, 307.04 feet (Deed – S 67°20'31" E 307.20 feet) to north northeast corner of said 1.881 acre tract and being the northwest corner of said 0.510 acre tract, a ½ inch steel rod with plastic cap stamped "DAVIS & MCDILL" set;

THENCE S 21°28'14" W, through said Lot 3 and with a southeast line of said 1.881 acre tract and with the northwest line of said 0.510 acre tract, 99.40 feet to an interior corner of said 1.881 acre tract and being the southwest corner of said 0.510 acre tract, a ½ inch steel rod with plastic cap stamped "RPLS 4466" found;

THENCE S 69°29'40" E, with a northeast line of said 1.881 acre tract and with the southwest line of said 0.510 acre tract, 223.80 feet (Deed – S 67°27'08" E 223.62 feet) to the point of beginning and containing approximately 1.882 acres of land.

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

Surveyor's Certificate

KNOW ALL MEN BY THESE PRESENTS:

That I, Stuart G. Hamilton, RPLS 4480, 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."

_____
Stuart G. Hamilton
Registered Professional Land Surveyor Number 4480

STATE OF TEXAS:
COUNTY OF ELLIS:

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: _____ _____
Chairperson Date

REPLAT
WEST END ADDITION
BLOCK 27, LOT 3B

Being a Replat of a Part of a Part of Lot 3, in Block 27 of the WEST END ADDITION an addition to the City of Waxahachie, Texas according to the plat thereof recorded in Cabinet A, Slide 148 of the Plat Records of Ellis County, Texas
Case Number: 000061–2024

Revisions	By

Davis & McDill, LLC
SURVEYING – LAND PLANNING – FLOODPLAIN MANAGEMENT
P.O BOX 428, WAXAHACHIE, TEXAS 75168
PHONE: 972–938–1185
A Texas licensed surveying firm # 10194681

D&M

Date: 4–3–2024
Scale: 1" = 60'
Drawn: DAM/SGH
Job: 224–0010
Sheet 1 of 1 sheets.

"Preliminary, this document shall not be recorded for any purpose."
Texas Administrative Code: TITLE 22 PART 29 CHAPTER 663 SUBCHAPTER B RULE §663.18 Certification

THIS PLAT IS VALID ONLY WITH ORIGINAL SIGNATURE IN RED INK

Planning & Zoning Department

Plat Staff Report

Case: SUB-71-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024

CAPTION

Present a request by Bryce Eckeberger, Kimley-Horn, for a **Replat** of the 289 BSL-Waxahachie addition to create five (5) lots, being 124.8669 acres, located at 573 Blue Star Drive (Property ID: 180322) – Owner: 289 BSL Waxahachie LLC (SUB-71-2024) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-71-2024, a Replat of the 289 BSL-Waxahachie addition, subject to the conditions the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."

APPLICANT REQUEST

The applicant requests to replat the subject property in order to provide right-of-way (ROW) dedication for Gridiron Drive across the full width of the property. The proposed replat will create five (5) lots.

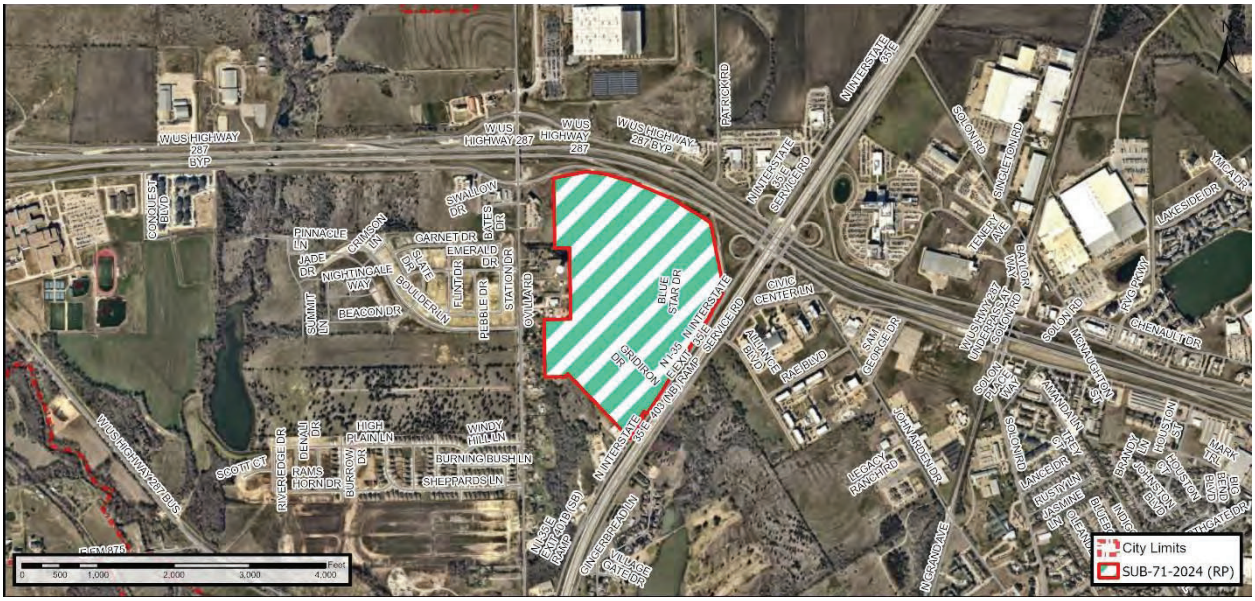
CASE INFORMATION

Applicant:	Bryce Eckeberger, Kimley-Horn
Property Owner(s):	289 BSL Waxahachie LLC
Site Acreage:	124.8669 acres
Number of Lots:	5 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:	573 Blue Star Drive
Parcel ID Number(s):	124.8669
Current Zoning:	Planned Development-Mixed Use Non-Residential (PD-MUNR)
Existing Use:	A warehouse is currently under construction on the property.
Platting History:	The subject property is currently platted as Lots 1-4, Block A of the2 89 BSL- Waxahachie addition.

Site Aerial:



PLANNING ANALYSIS

The applicant proposes to replat the subject property in order to provide right-of-way (ROW) dedication for Gridiron Drive across the full width of the property. The original plat for the 289 BSL-Waxahachie addition only provided ROW dedication for a partial extension of Gridiron Drive. The proposed replat will result in the creation of five (5) lots.

As part of the review of the Replat application, staff identified multiple technical errors that conflict with the requirements of the Waxahachie Subdivision Ordinance. These technical errors are required to be corrected prior to the filing of the Replat. The correction of each error has been identified as a condition of approval in the staff recommendation section below.

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 motion and conditions noted below.

Conditions:

1. Per Section 2.3.a.1 of the Waxahachie Subdivision Ordinance, ensure Gridiron Drive will align with the existing Boulder Lane, as shown on the 2023 Waxahachie Thoroughfare Plan. Adjust the current alignment to meet this requirement as necessary.
2. Per Section 2.3.a.2 of the Waxahachie Subdivision Ordinance, perform a title search to locate all easements on the property. Label the existing easement width and recording information.
3. Per Section 2.4.c.4 of the Waxahachie Subdivision Ordinance, the recording information for existing easements is required to be identified in the easement label on this plat. If an easement is to be dedicated by this plat, it is required to be labeled as such.
4. Per Section 2.4.c.12 of the Waxahachie Subdivision Ordinance, floodplain information must be reported correctly on the plat. The FEMA panel information currently referenced is out of date. Please update per the October 2023 PMR.
5. Per Section 2.4.c.18 of the Waxahachie Subdivision Ordinance, the length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the lines of each lot. Add the length and bearing of the internal lot line between lots 2R & 3R.

6. Per Section 2.4.c.18 of the Waxahachie Subdivision Ordinance, clarification needs to be provided as to which curve number (C5 or C6) represents the center line radius of Gridiron Drive. Note that the radius cannot exceed 250', per the Thoroughfare design manual.
7. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block is required to be provided. The case number for this plat is missing and must be added to the title block. The case number for this plat is "SUB-71-2024".
8. Per Section 3.9 of the Waxahachie Subdivision Ordinance, water and sewer services are required for each lot prior to filing the plat
9. Per Section 5.6.d and 5.7.a.8 of the Waxahachie Subdivision Ordinance, fences, retaining walls, and screening walls shall not be placed in utility easements. Add this to the notes.
10. Per Section 7.2.h of the Waxahachie Subdivision Ordinance, Filing Fees ($108.00) are required to be paid with the Replat application prior to plat filing.

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:
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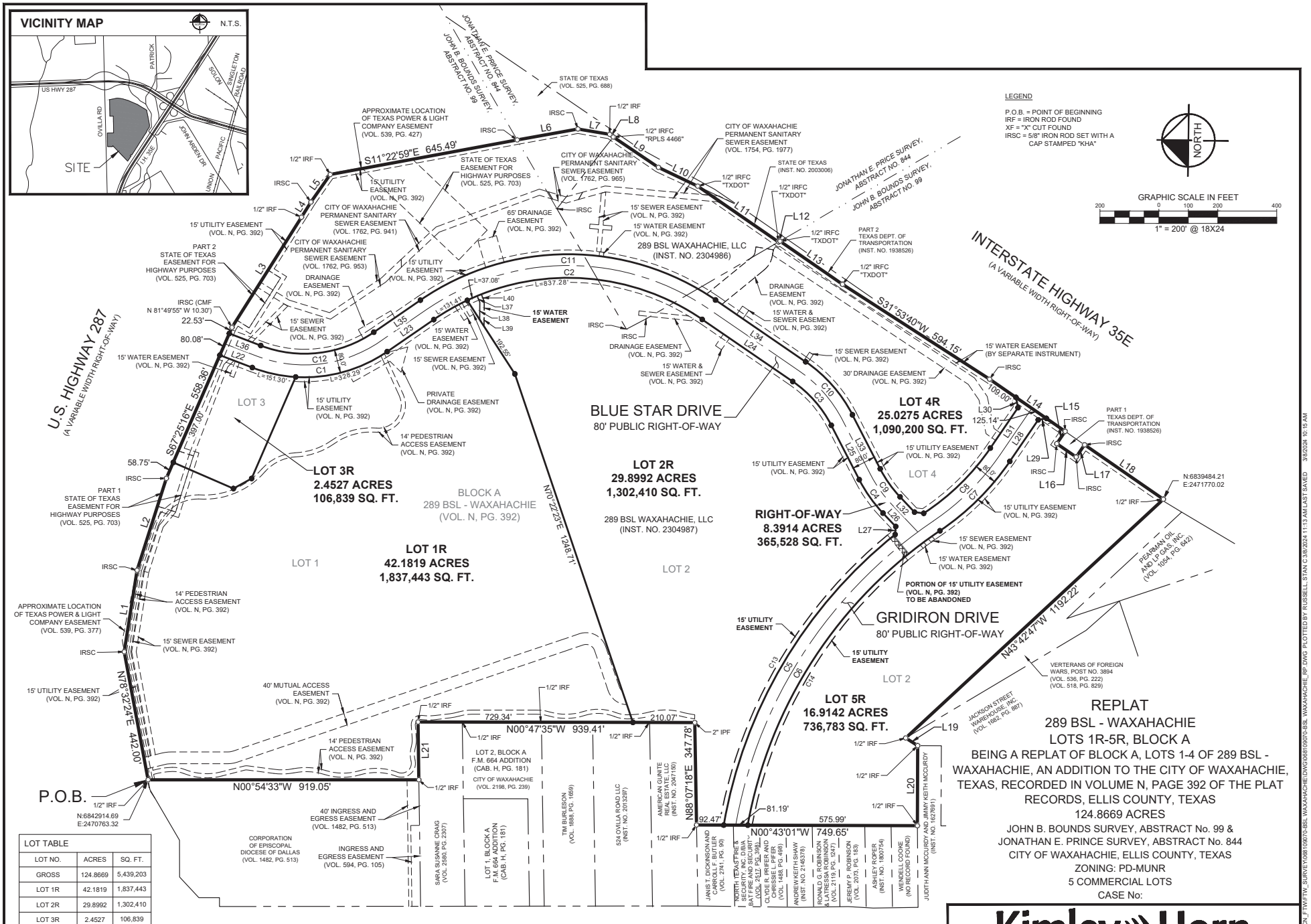
Senior Planner
zking@waxahachie.com

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



LOT TABLE		
LOT NO.	ACRES	SQ. FT.
GROSS	124.8669	5,439,203
LOT 1R	42.1819	1,837,443
LOT 2R	29.8992	1,302,410
LOT 3R	2.4527	106,839
LOT 4R	25.0275	1,090,200
LOT 5R	16.9142	736,783
RIGHT-OF-WAY	8.3914	365,528

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REPLAT
289 BSL - WAXAHACHIE
LOTS 1R-5R, BLOCK A

BEING A REPLAT OF BLOCK A, LOTS 1-4 OF 289 BSL - WAXAHACHIE, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, RECORDED IN VOLUME N, PAGE 392 OF THE PLAT RECORDS, ELLIS COUNTY, TEXAS

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

5 COMMERCIAL LOTS

CASE No:

OWNER
289 BSL WAXAHACHIE, LLC
1 COWBOYS WAY
FRISCO, TEXAS 75034
TOM WALKER

ENGINEER
KIMLEY-HORN AND ASSOC. INC.
260 E. DAVIS STREET, SUITE 100
McKINNEY, TEXAS 75069
BRYCE ECKEBERGER, PE
TEL. NO. 972-770-1324
bryce.eckeberger@kimley-horn.com

SURVEYOR
KIMLEY-HORN AND ASSOC. INC.
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FORT WORTH, TEXAS 76102
MICHAEL CLEO BILLINGSLEY, RPLS
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801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102
FIRM # 10194040
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www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	SCR	MCB	3/8/2024	068109070	1 OF 2

DWG NAME: \\KIMLEY-HORN\CN_FTW\FTW_SURVEY\068109070-BSL WAXAHACHIE\DWG\068109070-BSL WAXAHACHIE_RP.DWG PLOTTED BY RUSSELL, STAN C.3/8/2024 11:13 AM LAST SAVED 3/8/2024 10:15 AM

OWNER'S CERTIFICATION

STATE OF TEXAS §
COUNTY OF ELLIS §

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 Lots 1, 2, 3, and 4, Block A, 289 BSL - Waxahachie, an addition to the City of Waxahachie according to the plat recorded in Volume N, Page 392, Plat Records, Ellis County, Texas; 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 4466", 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 ell 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 North 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.

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NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, **289 BSL Waxahachie, LLC**, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as **LOT 1R, LOT 2R, LOT 3R, LOT 4R, AND LOT 5R, BLOCK A, 289 BSL - WAXAHACHIE**, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

Executed this the _____ day of _____, 2024.

289 BSL Waxahachie, LLC

By: _____
Thomas Walker

STATE OF TEXAS §
COUNTY OF COLLIN §

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

Given under my hand and seal of office this ____ day of _____, 2024.

_____
Notary Public in and for the State of Texas

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.
5. Notice: Selling a portion of any lot within this addition by metes and bounds is a violation of state law and city ordinance and is subject to fines and withholding of utility services and building permits.

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Michael Cleo Billingsley, Registered Professional Land Surveyor, 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

_____
Michael Cleo Billingsley
Registered Professional Land Surveyor
No. 6558

APPROVED BY: Planning and Zoning Commission City of Waxahachie

BY:

_____ _____
Chairperson Date

_____ _____
Attest Date

LINE TABLE		
NO.	BEARING	LENGTH
L1	S81°55'55"E	280.33'
L2	S73°15'26"E	327.39'
L3	S58°40'01"E	442.42'
L4	S58°51'30"E	60.39'
L5	S55°56'30"E	114.35'
L6	S11°07'16"E	209.29'
L7	S08°37'59"W	109.49'
L8	S36°01'04"W	14.94'
L9	S33°00'00"W	184.88'
L10	S24°37'49"W	147.76'
L11	S33°42'54"W	333.54'
L12	S31°01'50"E	5.52'
L13	S33°42'08"W	257.74'
L14	S33°45'02"W	311.94'
L15	N56°25'34"W	50.60'
L16	S33°42'22"W	80.00'
L17	S56°25'34"E	50.54'
L18	S33°45'02"W	325.18'
L19	S31°42'29"W	48.54'
L20	S89°20'38"W	271.75'

LINE TABLE		
NO.	BEARING	LENGTH
L21	S88°17'17"W	196.36'
L22	S20°05'36"W	117.76'
L23	S35°25'04"E	191.75'
L24	S33°31'41"W	372.27'
L25	S61°51'52"W	207.47'
L26	S45°41'22"W	62.83'
L27	N86°48'14"W	27.12'
L28	N56°32'39"W	170.73'
L29	N11°23'49"W	28.21'
L30	N78°27'22"E	35.55'
L31	S56°32'39"E	166.13'
L32	S45°41'22"W	71.05'
L33	S61°51'52"W	206.21'
L34	S33°31'41"W	371.01'
L35	S35°25'04"E	191.75'
L36	S20°05'36"W	114.29'
L37	S67°06'30"W	23.47'
L38	S89°36'30"W	58.45'
L39	N89°36'30"E	84.18'
L40	N67°06'30"E	26.46'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	55°30'40"	495.00'	479.58'	S07°39'44"E	461.04'
C2	68°56'46"	805.00'	968.68'	S00°56'41"E	911.29'
C3	28°20'10"	405.00'	200.30'	S47°41'46"W	198.26'
C4	16°10'29"	495.00'	139.74'	S53°46'37"W	139.28'
C5	41°31'03"	1615.00'	1170.26'	N60°22'49"W	1144.82'
C6	45°44'37"	1535.00'	1225.51'	N57°45'47"W	1193.22'
C7	21°39'11"	890.00'	336.35'	N45°43'04"W	334.35'
C8	22°32'06"	810.00'	318.58'	S45°16'36"E	316.53'
C9	16°10'29"	415.00'	117.16'	S53°46'37"W	116.77'
C10	28°20'10"	490.00'	242.33'	S47°41'46"W	239.87'
C11	68°56'46"	885.00'	1064.95'	S00°56'41"E	1001.85'
C12	55°30'40"	415.00'	402.07'	S07°39'44"E	386.53'
C13	40°52'00"	1630.00'	1162.61'	N60°47'41"W	1138.12'
C14	40°08'05"	1520.00'	1064.73'	S60°28'01"E	1043.10'

REPLAT
289 BSL - WAXAHACHIE
LOTS 1R-5R, BLOCK A

BEING A REPLAT OF BLOCK A, LOTS 1-4 OF 289 BSL - WAXAHACHIE, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, RECORDED IN VOLUME N, PAGE 392 OF THE PLAT RECORDS, ELLIS COUNTY, TEXAS

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
5 COMMERCIAL LOTS
CASE No:

OWNER
289 BSL WAXAHACHIE, LLC
1 COWBOYS WAY
FRISCO, TEXAS 75034
TOM WALKER

ENGINEER
KIMLEY-HORN AND ASSOC. INC.
260 E. DAVIS STREET, SUITE 100
McKINNEY, TEXAS 75069
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bryce.eckeberger@kimley-horn.com

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FORT WORTH, TEXAS 76102
MICHAEL CLEO BILLINGSLEY, RPLS
TEL. NO. 817-335-6511
michael.billingsley@kimley-horn.com

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	3/8/2024	068109070	2 OF 2

DWG NAME: \\KIMLEY-HORN\CN_FTW\FTW_SURVEY\068109070-BSL WAXAHACHIE\DWG\068109070-BSL WAXAHACHIE_RP.DWG PLOTTED BY RUSSELL, STAN C.3/8/2024 11:13 AM LAST SAVED 3/8/2024 10:15 AM

Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: April 23, 2024

Re: ZDC-128-2022 – Planned Development (PD) for Hightower Club

---

On April 7, 2024, the Applicant requested continue case no. ZDC-128-2022 from the April 23, 2024, Planning and Zoning Commission meeting and the May 6, 2024, City Council meeting to the May 14, 2024, Planning and Zoning Commission meeting and the May 20, 2024, City Council meeting. The Applicant noted the purpose of the continuance was to allow for additional time to revise the concept plan and address neighborhood concerns before formal action is taken on the request.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-32-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-32-2024, a Zoning Change request from a Single-Family-1 zoning district to a Planned Development-Commercial zoning district, subject to the conditions the staff report."

APPLICANT REQUEST

The applicant requests to rezone the subject property from a Single Family-1 district to a Planned Development-Commercial zoning district to allow for a Retail Bakery use.

CASE INFORMATION

Applicant: Greg Nehib, 57 Bluetruck LLC

Property Owner(s): 57 Bluetruck LLC

Site Acreage: 0.2036 acres

Current Zoning: Single Family-1 (SF-1)

Requested Zoning: Planned Development-Commercial (PD-C)

SUBJECT PROPERTY

General Location: 409 W Jefferson Street

Parcel ID Number(s): 171061

Existing Use: Single family residence

Development History: The subject property is platted as Lot A, Block 91 of the Town Addition.

Adjoining Zoning & Uses:

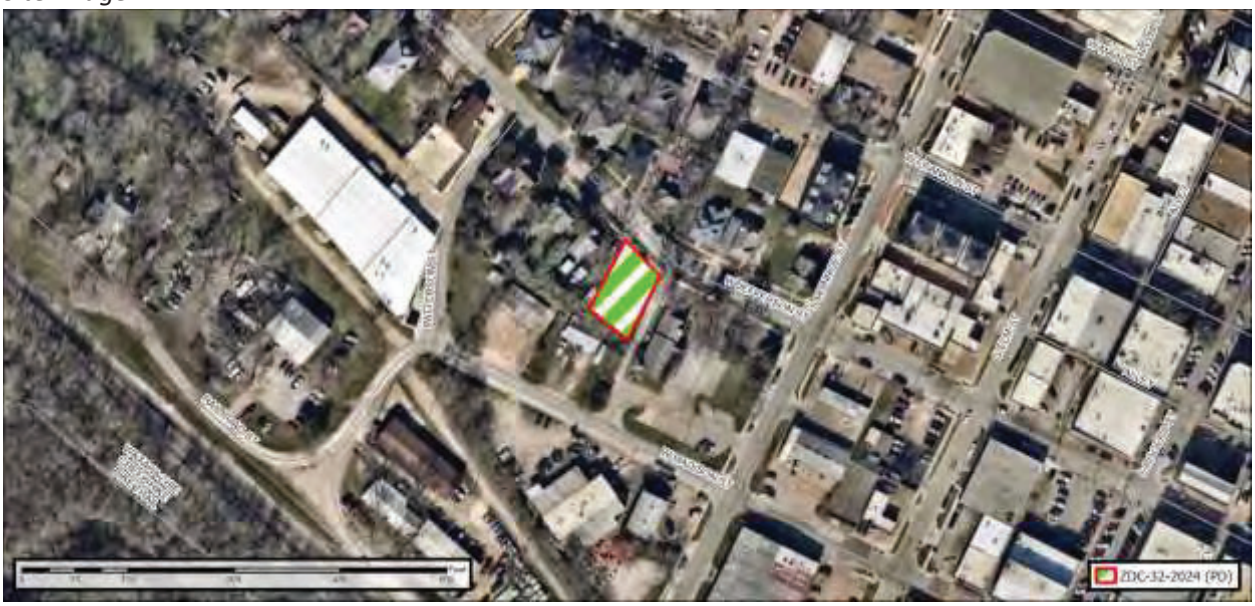
Direction	Zoning	Current Use
North	Single Family-1 (SF-1)	Single Family Residence
East	Commercial (C)	Ellis County Women's Building
South	Commercial (C)	Warehouse
West	Single Family-1 (SF-1)	Single Family Residence

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 W Jefferson Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Single Family-1 district to a Planned Development-Commercial zoning district to allow for a Retail Bakery use.

Proposed Use: The proposed Retail Bakery is intended to be occupied by Katie Cakes Desserts. In order to accommodate this use, the applicant has proposed a number of improvements to the site and the existing building. The applicant has provided a Floor Plan, attached as Exhibit D below, to document the proposed interior changes to the building. Notably, a remodel to the building to install a commercial kitchen is required to accommodate the bakery. The applicant has provided correspondence with Waste Connections verifying that polycarts can be used to provide trash service for the proposed retail bakery. Additionally, the applicant is proposing paving and sidewalk improvements to facilitate access to the bakery. These site improvements are detailed further below.

Proposed Use (continued): The applicant has proposed development standards to accompany the zoning change request that restrict the future use of the subject property to those more suitable to the Downtown placetype. As part of the Planned Development, the applicant has proposed prohibited Commercial uses including:

- Animal Hospital
- Auto Repair (Minor)
- Auto Sales (New)
- Cabinet or Upholstery Shop
- Farm, Ranch, Garden or Orchard
- Feed and Grain Store
- Golf Course
- Laundromat
- Light Manufacturing
- Motel or Hotel
- Portable Storage Structure
- Swimming Pool
- Tire Installation or Repair
- Tool and Equipment Rental
- Storage Warehouse

Each of these uses are allowed by right in the Commercial zoning district; but are not ideal for the Downtown placetype or adjacent to single family residences. It is important to note that these uses are allowed by right on the commercially zoned property to East and South of the subject property. By restricting these uses as part of the Planned Development request, the subject property can serve as a transition from more intense commercial uses along S Monroe Street and the existing single-family residences along W Jefferson Street.

Access & Parking: The subject property will continue to be accessed via an existing driveway along W Jefferson Street. The applicant proposes to replace the existing driveway and rear yard of the subject property with a concrete drive aisle and five (5) parking spaces. Five (5) parking spaces is sufficient to support the parking requirement for the retail bakery use. A driveway connection to the adjacent Ellis County Women's Building is not proposed. An ADA accessible sidewalk is proposed along the east side of the building to provide pedestrian access from the parking lot to the entrance of the building.

Landscaping: The applicant has committed to preserving the existing landscaping along the front and sides of the subject property. This preservation includes two mature trees and a crape myrtle.

Screening: The applicant proposes to install a new 6' cedar fence along the West side of the property to screen the adjacent single-family residence from the new parking lot. The fence is proposed to extend up to the mature canopy tree on the west side of the property.

Elevation/Façade Plan: The proposes to make minor changes to the east façade of the building to accommodate the proposed retail bakery. Specifically, the applicant proposes to remove two existing windows and add a door on the east side of the building to provide an additional access point for customers. The subject property is situated within the West End Historic District. Due to this, the City's Historic Preservation Manager has noted that the façade changes are required to be approved by the Heritage Preservation Commission (HPC), prior to construction. If approved, the owner will be required to submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.

Signage: The applicant is not proposing to install signage on the existing building. However, the applicant has proposed to install a new single tenant monument sign on the subject property. The design of the monument sign has not been finalized; but will be required to adhere to the setback (min. 15') and size (max. 80 sq.ft.) requirements of the Waxahachie Zoning Ordinance.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 23 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 thirteen (13) letters of support and three (3) letters of opposition for the proposed zoning change. One of the letters of opposition was provided in the form of a petition to oppose the zoning change request. This petition included eighty-one (81) individual signatures representing sixty-one (61) properties.

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 noted below.

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The owner shall preserve the existing canopy and understory trees along front and sides of the subject property in perpetuity.
3. The proposed monument sign shall adhere to the requirements of Section 5.08 of the Waxahachie Zoning Ordinance.
4. The owner shall submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.
5. The Developer and Owner for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

ATTACHED EXHIBITS

1. Public Notification Response Letters
2. Operational Plan
3. Exhibit A – Location Map
4. Exhibit B – Restricted Uses
5. Exhibit C – Operational Plan
6. Exhibit D – Site Plan
7. Exhibit E – Floor Plan
8. Exhibit F – Elevation/Façade Plan (East Elevation)

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates any additional requirements by City Council.
2. Once the revised plans are provided, staff will verify all outstanding requirements were satisfied.
   a. If requirements were not satisfied, then the applicant will be notified to make corrections.
   b. If all requirements were satisfied, staff will proceed to execute the PD Ordinance and Development Agreement.

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

57 BLUETRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) 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-32-2024 **City Reference: 171061**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☑ SUPPORT ☐ OPPOSE

Comments:

Shan Nehib
Signature

4-10-24
Date

Shan Nehib, Managing Partner
Printed Name and Title

Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RAILPORT HOLDINGS LLC
405 W Madison St
Waxahachie, TX 75165-3666

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024 **City Reference: 294747**

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☑ SUPPORT ☐ OPPOSE

Comments:

Signature

4/10/24
Date

Richard Womack Railport Brewing/Holdings (owner)
Printed Name and Title

405 W Madison St
Address

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

SETTLEMYER TAMMY
400 W JEFFERSON
WAXAHACHIE, TX 75165-3602

RECEIVED APR 1 1 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024 **City Reference: 170505**

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[X] SUPPORT [ ] OPPOSE

Comments:

Signature: Tammy Settlemyer

Date: 4/10/24

Printed Name and Title: Tammy Settlemyer (Owner)

Address: 400 W. Jefferson

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 1 2 2024

JONES JAMES MICHAEL REVOCABLE LIVING TRUST
413 W JEFFERSON ST
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024 **City Reference: 171070**

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☐ SUPPORT ☑ OPPOSE

Comments:
My home is at 413 W. Jefferson, which is next door to 409. I do not want the property at 409 to become a commercial property.

James Michael Jones
Signature

4-5-2024
Date

JAMES MICHAEL JONES-OWNER
Printed Name and Title

413 W. JEFFERSON ST.
Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 1 2 2024

BEAN ROBIN
404 W JEFFERSON ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024 **City Reference: 170504**

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[X] SUPPORT [ ] OPPOSE

Comments:

Robin Bean
Signature

4/5/24
Date

Robin Bean
Printed Name and Title

406 W. Jefferson
WAX 75165
Address

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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.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 1 2 2024

BEAN ROBIN L & BOBBY J
406 W JEFFERSON ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024 **City Reference: 170503**

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☒ SUPPORT ☐ OPPOSE

Comments:

Signature

Date 4/5/24

BJ Bean

Printed Name and Title

Address 406 W. Jefferson WAX 75165

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Item 7&8

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards, Mike Frisbee

Owner of 308 W Madison St

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Spencer Rupe
Owner: Post + Saddle Bike Co.
Spencer Rupe
500 W Madison

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Holly M Pike
Holly M Pike
Latitude Cigars, LLC
214-903-7517
500 W Madison

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Cruz-Herrera owm Cruz Services 302. Patterson

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Sam Mallouk / Carlos Dominguez
D' Restaurant Latin Cuisine Owners.
469 879 3457
500 W Madison Ste. A-1

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Susan Gonzul owner at Paw Avenue Grooming Salon
501 W. Jefferson St. Waxahachie TX 75165

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

GT Morton
Owner 401 W Madison St.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024

City Reference: ~~170507~~ 305 Patterson 171056

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☒ SUPPORT ☐ OPPOSE

Comments: I have seen plan & will be a great addition to city

Signature

4/10/24
Date

Brad Yates manager
Printed Name and Title

305 Patterson
Address
Waxahachie, TX. 75165

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024

City Reference: 170507
407 W Franklin

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☐ OPPOSE

Comments: I have seen plan & will be a great addition to the downtown district.

Signature

4/10/24
Date

Brad Yates manager
Printed Name and Title

407 W. Franklin
Address
Waxahachie, TX. 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024

City Reference: ~~170507~~ 500 W Madison 171075

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☒ SUPPORT ☐ OPPOSE

Comments: I have seen the plan & will be a great addition to downtown district

Signature

4/10/24
Date

Brad Yates Manager
Printed Name and Title

500 W. Madison
Address
Waxahachie, TX 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024 **City Reference: ~~170507~~** 501 W Jefferson 171074

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: I have seen plans & it will be a great addition to the city

Signature

4/10/24
Date

Brad Yates manager
Printed Name and Title

501 W. Jefferson
Waxahachie, TX, 75165
Address

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

WEDEL LIVING TRUST ATTN: JOHN A & MARY E WEDEL TRUSTEES
417 W JEFFERSON ST
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-32-2024 **City Reference: 171068**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:
A new commercial business at 409 W. Jefferson will exacerbate a traffic situation near the intersection of Monroe and the 400 block of W. Jefferson and involves a structure that does not meet city code requirements for commercial establishments. See attachment for supporting details.

John A. Wedel
Signature

4/16/2024
Date

JOHN A. WEDEL, TRUSTEE
Printed Name and Title

417 W. JEFFERSON ST
WAXAHACHIE, TX 75165
Address

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

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

Illegal Parking at the eastbound W. Jefferson – Monroe Intersection

Without specific actions being taken by the city to address illegal parking at the intersection, allowing a new commercial business to open to the public at 409 W. Jefferson will exacerbate already congested and dangerous traffic at the intersection of eastbound W. Jefferson and Monroe that often occurs during peak business hours of the Two Amigos restaurant located at 241 N. Monroe St. or when events are being held at the Woman's Building at 407 W. Jefferson. Parked vehicles on both sides of W. Jefferson often do not adhere to Texas Transportation Code Sec. 545.302 requiring no parking within 30 feet on an approach to a stop sign or 20 feet from a crosswalk at an intersection. (See pictures on page 2 for examples of non-compliance to the state code. Note – just restaurant parking that day – no Woman's Building event to add to the volume of parked vehicles.)

In these cases, vehicles may be found parked on both sides of the street in the 400 block of W. Jefferson extending from near the stop sign on W. Jefferson to as far away as the 409 W. Jefferson property. The result is that from the stop sign at the corner of Monroe and the 400 block of W. Jefferson until the line of parked vehicles abates, W. Jefferson is essentially a one-lane street.

When this occurs, at least one of three undesirable situations often arises as a result of vehicles parking too near the intersection:

1. A vehicle going east on W. Jefferson coming up to the stop sign may not be able to clearly see traffic coming south on Monroe. The driver may have to "inch out" into the right-hand lane of Monroe to see if it is clear to proceed to turn onto or to cross over Monroe. This in itself presents a collision potential with an oncoming vehicle coming south on Monroe.
2. A vehicle going south on Monroe that wishes to turn right onto W. Jefferson may not be able to see a vehicle waiting at the stop sign on W. Jefferson until already into its turn. It is then presented with a vehicle that can be blocking the entrance to W. Jefferson and, as a result, must stop its turn as there is no where to go. If there are other vehicles behind it a rear-end collision is a distinct possibility because of the turning vehicle having to unexpectantly stop its turn.
3. A vehicle turning onto W. Jefferson from Monroe is able to complete its turn only to have to then stop because another vehicle is coming towards it on W. Jefferson from the west, but neither vehicle may have enough room to maneuver to pass each other because vehicles are parked on both sides of the road, some too far away from the curb. The result is that the vehicle already on W. Jefferson must back up to the point where the line of parked vehicles stops, in order to get to the side of the street so the oncoming vehicle having turned from Monroe can continue going west on W. Jefferson.

It is true that the above scenarios are not ever-present, but do occur often enough to be a hazard during peak business hours of the restaurant and/or when a large event is being held at the Woman's Building.

A commercial business with client traffic operating at 409 W. Jefferson will only exacerbate the situation as it will generate more traffic and additional parking needs, ultimately and negatively affecting the safety of the Monroe – W. Jefferson intersection.

The situation has needed a resolution for quite some time. The intersection is unduly dangerous. Several accidents have already occurred there since Monroe was made a two-lane, one-way road and parking along the length of Monroe removed or otherwise restricted. **If the city is going to allow new businesses with client traffic in the 400 block of W. Jefferson it must, at a minimum, clearly mark and enforce the areas where parking is not allowed by state code. This should be done prior to approving any zoning change to allow more commercial businesses in this block of W. Jefferson.**

Car parked well within 30' of stop sign at W. Jefferson - Monroe intersection

Car parked well within 20' of the crosswalk at the W. Jefferson - Monroe intersection

Cars parked at length on both sides of W. Jefferson from too near the W. Jefferson - Monroe intersection. This sometimes does not leave enough clear street width for a vehicle turning right onto W. Jefferson from Monroe to complete its turn. This situation occurs as a result of vehicles parked too near the intersection and W. Jefferson traffic driving near the center of the street to get ample clearance from vehicles parked on both sides as they approach the stop sign.

The 409 W. Jefferson structure Does Not Qualify to be a Commercial Establishment

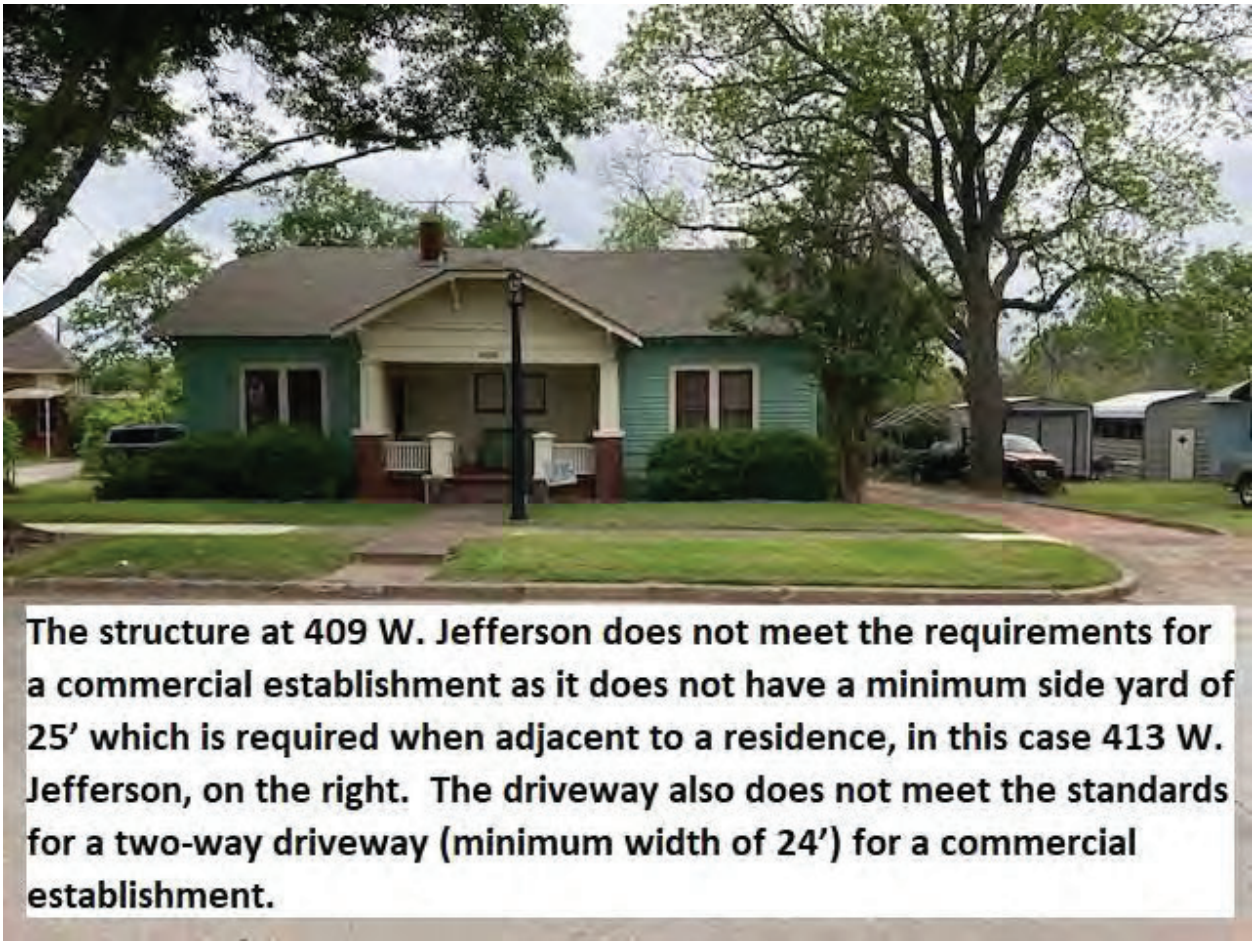
The structure at 409 W. Jefferson is currently and has always been a residence since it was built in 1924. It was not built to meet the needs and requirements of a commercial establishment with client traffic on site. Access to and placement of the structure in 1924 was designed on residential codes that may have been in force at the time. Now, it's zoning is being requested to be changed to commercial. If approval is to be considered, it must first be determined if it meets commercial establishment code zoning requirements.

City of Waxahachie zoning requirements for commercial establishments require among other things that the minimum side yard should be 25' when adjacent to a residential property. The property located immediately to the west (right) of 409 W. Jefferson is 413 W. Jefferson, which is a residence. It is clear looking at the property in question that the side yard is far less than 25' (see picture on page 4). It also has a narrow one-way driveway, as do most residences of this size. We are told there will be a concrete parking area in the back of the structure and with no other exit, the driveway will have to serve both incoming and exiting vehicles, i.e., it will have to function as a two-way driveway. According to the Waxahachie Thoroughfare Standards, a commercial two-way driveway must be a minimum of 24' in width. The driveway appears to be less than half of that width. With the driveway being up against the property line on the west and little to no room between the driveway and the existing structure, a 24' wide driveway is not possible.

Other concerns of nearby neighbors are how will trash and trash pickups be handled especially in light of customer vehicles or deliveries parked in front of the structure and how obtrusive to the neighborhood a business sign may be whether in the yard or on the structure itself. The front yard, by the way, seems to be borderline as to its meeting the minimum code requirement of 25'.

The ultimate factor in considering this request is that the structure was built to be part of a residential neighborhood and while commercial use has replaced many previous long-time residences in Waxahachie, **the layout of this existing structure does not meet the minimum requirements required by city code for a commercial establishment.**

There are plenty of commercial properties where structures are built and they have to meet code. But in this case the structure already exists. We should not ignore a code that is meant to provide some distancing for nearby property owners to provide some abatement from having to deal with increased traffic and noise around their property, possible inconvenience in their ability to have visitors come to their house or affect their property value with potential buyers. We already have a couple of long-time business locations in or near the 400 block of W. Jefferson. We should at least require any new ones to meet the minimum codes required for such an establishment. We have codes in place to provide a level of protection for residents. They must be followed consistently. We are being asked to accept a business to be allowed to fit in a relatively narrow lot that is in a residential neighborhood and doesn't even have to meet the codes the city has set for such establishments. The request should not be approved.



The structure at 409 W. Jefferson does not meet the requirements for a commercial establishment as it does not have a minimum side yard of 25' which is required when adjacent to a residence, in this case 413 W. Jefferson, on the right. The driveway also does not meet the standards for a two-way driveway (minimum width of 24') for a commercial establishment.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

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

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) 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-32-2024 **City Reference: 171063**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT ☐ OPPOSE

Comments: I have seen the plan & would be a great addition to our community

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

410 W. Madison Street
Address Waxahachie, TX 75165

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Item 7&8

April 17, 2024

Planning & Zoning Department

Attn: Zach King

Re: Case ZDC-32-2024

Please find attached a petition (Pages 1-9) with Waxahachie resident signatures who oppose the proposed zoning change request of 409 W. Jefferson from Single Family to Commercial.

Since I was only asked to work on this petition on Friday, April 12th and the deadline to submit was April 17th, I was limited in the number of signatures I was able to obtain. This petition does, however, represent a wide range of residents throughout the City who are opposed to this zoning request.

Attending P&Z meetings is a hardship for many residents. People who would like to attend these meetings, simply cannot. This petition represents their opposition to this zoning change in lieu of attending the P&Z Commission and City Council meetings on April 23rd and May 6th.

I have also blocked out the phone numbers of the residents due to privacy concerns. I (and many residents) did not feel comfortable having personal phone numbers made public.

Please let me know if anything further is needed. Thank you for your thoughtful consideration of this proposed zoning change and the impact it will have for our City and its residents.

Regards,

Kathleen

Kathleen Bowen

527 W. Jefferson Street

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial
Case: ZDC-32-2024

We, the undersigned residents of the City of Waxahachie, oppose the proposed zoning change of 409 W. Jefferson Street as defined on the City Planning Department website and being presented in a public meeting by the City of Waxahachie Planning Department on April 23 and City Council on May 6, 2024.

The primary reasons for our opposition are that this Proposed Zoning Change would:

1) Violate Section 1.02 Purpose of the City of Waxahachie City Zoning Ordinance approved May 21, 2018 which states that the 7 purposes for having zoning in Waxahachie are to:

    a. Promote health, safety, morals and general welfare, convenience and protecting and preserving places and areas of historical, cultural, or architectural importance and significance in the City;
    b. Lessen the congestion in the streets;
    c. Secure safety from fire, panic and other dangers;
    d. Provide adequate light and air;
    e. Prevent overcrowding of land;
    f. Avoid undue concentration of population and;
    g. Facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements;

2) Have a negative impact to underrepresented groups (people of color and the elderly) who live in the affected area;

3) Destroy the natural environment - the mature trees and landscape - and replace these with a concrete parking lot. In addition to the negative environmental impacts which will cause increased air and noise pollution, soil erosion and flooding will impact nearby property owners;

4) Have irreversible and devastating consequences to the West End Historic District of which 409 W. Jefferson Street is a contributing resource. Improper zoning changes and inappropriate modifications to resources within a historic district permanently destroy the character and sense of place of a historic area;

5) Hurt our City and lead to a "chipping away" (i.e. "domino") effect for the West End Historic District. These types of "one-off" zoning requests will lead to West Jefferson Street becoming like Ferris Avenue.

6) Cause safety concerns for all citizens and visitors to the area. There will be an increase in traffic and congestion to an already unsafe, congested and highly travelled intersection.

We respectfully request that this proposed zoning change be DENIED by both Planning & Zoning and City Council. These types of significant zoning changes to the surrounding downtown area should be thoughtfully and carefully considered so that they are in the best interest of the future of our City and in the best interest of all citizens of Waxahachie. Don't let West Jefferson become Ferris Avenue.

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature	Address	Phone
1. Kathy G. Brown	527 W. Jefferson	
2. Maureen D Moore	1112 W. Jefferson St	
3. Kirk Hunter	1112 W Jefferson St	
4. Marvin Ortega	603 W. Marvin Ave	
5. Lynda Brown	716 W. Main St	
6. Ken Brown Jr	716 W. Main St.	
7. John A. Wedel	417 W. Jefferson St.	
8. Mary E. Wedel	417 W. Jefferson St.	
9. Suzanne Walker	909 W. Marvin Ave.	
10. [illegible]	909 W. Marvin Ave.	
11. Max H. Simpson	1203 W. Main	
12. Earlene Simpson	1203 W. Main St.	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
13.	Becky Kauffman	817 W. Main	
14.	[illegible]	817 W. Main	
15.	[illegible]	414 W Jefferson St.	
16.	Jane Yoergen	208 Oldham St.	
17.	Katherine Lagomarsino	304 Oldham St.	
18.	Michael Pierce	308 OLDHM	
19.	Aria Franco	307 Oldham	
20.	Vanessa Kinsala	401 Oldham St.	
21.	Mark L Gundert	124 KAUFMAN ST	
22.	Raquel Gundert	124 Kaufman	
23.	[illegible]	401 E Marvin	
24.	Shirley Chapman	401 E Marvin	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
25.	Jerry Porter	601 W Jefferson	
26.	Stephen Rowe	601 W Jefferson St	
27.	Nancy J. Rost	600 Sycamore	
28.	Kathy Jenkins	711 W Jefferson	
29.	Billy Holder	603 W Jefferson	
30.		414 W Marvin Ave	
31.	Donnie Ford	502 W. Marvin Ave.	
32.	Bente Ford	502 W Marvin	" "
33.	Amanda Mego	414 W Marvin Ave	
34.		214 S. Hawkins	
35.		214 S Hawkins	
36.	Billie Lee Pruit	604 W Jefferson St	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
37.	Susan K Stone	601 Royal St.	
38.	Domingo Bacaraqui	3450 I 35 E	
39.	Denise Ruiz	600 W. Jefferson	
40.	[illegible]	600 W. JEFFERSON	
41.	[illegible]	200 S. HAWKINS	
42.	Sheila Fuq	200 S. Hawkins St.	
43.	J Hall	813 W. Jefferson St.	
44.	Kathy Lovins	811 W. Jefferson St.	
45.	Margarita Ocampo	716 W Jefferson St	
46.	Doug & Peggy Crattner	607 W. Jefferson St.	
47.	Harris & Rebecca Lowry	802 W Jefferson St.	
48.	Karen Nicholas	1006 W Main	

49.

MISSING

KB

60.

Page 6
MISSING (KB)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature	Address
61. Kathy Rensberg - 1105 S. Hawkins	515 W JEFFERSON ST
62. GERARDO AUDMIREYS SIERRA	
63. Roberta Foy	327 University
64. Paul Manigrass	605 W Main
65. Margaret Dunbar-Miller	510 W. Jefferson St
66. Allie Dunbar-Miller	510 W Jefferson
67. Craig L. [illegible]	304 Cynisca
68. Deborah [illegible]	310 Cynisca
69. Elizabeth Getzendaner Cunliffe	415 West Marion Avenue
70. Amy Gladwell-Finch	504 Sycamore
71. Ron Finch	"
72. Lynda Begnaud	153 Lakeshore Dr

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
73.	Jerome Baggett	153 LAKESHORE DR	
74.	Mary Lou Shipley	209 Lakeshore	
75.	Helen Brock	114 Valley Ranch Ct	
76.	Julie Mendenhall	1703 Alexander Dr.	
77.	Jesse L. Robson	105 Crystal Cove	
78.	[illegible]	645 Winters Dr.	
79.	Sally Stoffren	1414 Little Creek Dr	
80.	[illegible]	405 W. Marvin	
81.	Hazel Gutierrez	314 E. Parks ave	
82.	[illegible] Wright	405 W Parks Ave	
83.	Pete Sibal	414 W. PARKS AVE	
84.	[illegible]	704 W. Marvin Ave	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
85.	Nancy Berlin	144 Brookstone Dr, Waxahachie 75165	
86.	Melanie Oglesby	11 Country Club Pl Waxahachie 75165	
87.	Richard Duke	100 Vallar Ct 75165	
88.	Marie Sozio	405 Carnation ct. 75165	
89.	[illegible]	102 Harbin Ave.	
90.	Emily Stokes	205 Harbin Ave.	
91.	Shannon Dubin	525 Becky Ln	
92.	[illegible]	212 N. Grand Ave	
93.	[illegible]	527 W. JEFFERSON ST.	
94.			
95.			
96.			

EXHIBIT A - LOCATION MAP

Item 7&8

Exhibit B

Restricted uses not permitted for 409 W Jefferson St. as a Commecial (C) use structure:

4.03b Farm, Ranch, Garden or Orchard
4.03b Animal Hospital or Kennel
4.03b Auto Repair, Minor
4.03b Auto Sales
4.03b Cabinet or Upholstery Shop
4.03b Feed and Grain Store
4.03b Golf Course
4.03b Laundromat
4.03b Motel or Hotel
4.03b Swimming Pool
4.03b Tire Installation or Repair
4.03b Tool and Equipment Rental
4.03d Light Manufacturing
4.03d Portable Storage Structure
4.03d Storage Warehouse

Operational Plan – *Katie Cakes Desserts*

The historic building at 409 W Jefferson St. was built circa 1903 as a duplex and remodeled to its current craftsman style in 1930. While the building is currently zoned residential, the building does have a history of commercial use. The building owner is requesting re-zoning to Commercial through the Planned Development process. Katie Cakes will be using the entire building for their business, although you can see that only a few rooms are modified in this remodel. This is not an application for Mixed Use.

Katie Cakes Desserts would like to embrace the historic character of this building while offering a dessert experience like no other for the residents and visitors of Waxahachie, near our beautiful downtown square. The goal of the Katie Cakes Desserts bakery would be to provide the community with world class cheesecake and other delicious desserts for any type of event. We will offer desserts to-go from a point-of-sale counter and we will offer top notch dessert catering solutions. Our products will be baked on site in a commercial kitchen that has been professionally designed and will be built to meet our specific needs. This will be a new and unique business for the City of Waxahachie.

Store Hours: 10:00am to 8:00pm, Tuesday thru Sunday

Number of employees: 2

Compatibility with adjoining uses: Katie Cakes Desserts will compliment the surrounding area extremely well, being able to provide a sweet addition to the downtown district and to places like the Ellis County Woman's Building next door. We will provide letters of support from owners within the 200ft zone. We will also pursue the opportunity to collaborate with all of our favorite downtown hot spots such as Railport Brewery, Cork and Keg and many others. Our business will not impact the natural resources of the area including the surrounding houses, businesses and municipal buildings. The historic front façade of this building will not be altered under the design that we have submitted. Parking and trash bins will be located behind the bakery. Waste Management has confirmed that rolling bins are an option at this address and will determine the proper size and location of the trash bins once the zoning is changed. There will not be any objectionable fumes, noise, odor, dust. glare, vibration or heat associated with our bakery. All safety precautions and equipment will be managed to the highest standard. The customer areas of the bakery will be ADA accessible.

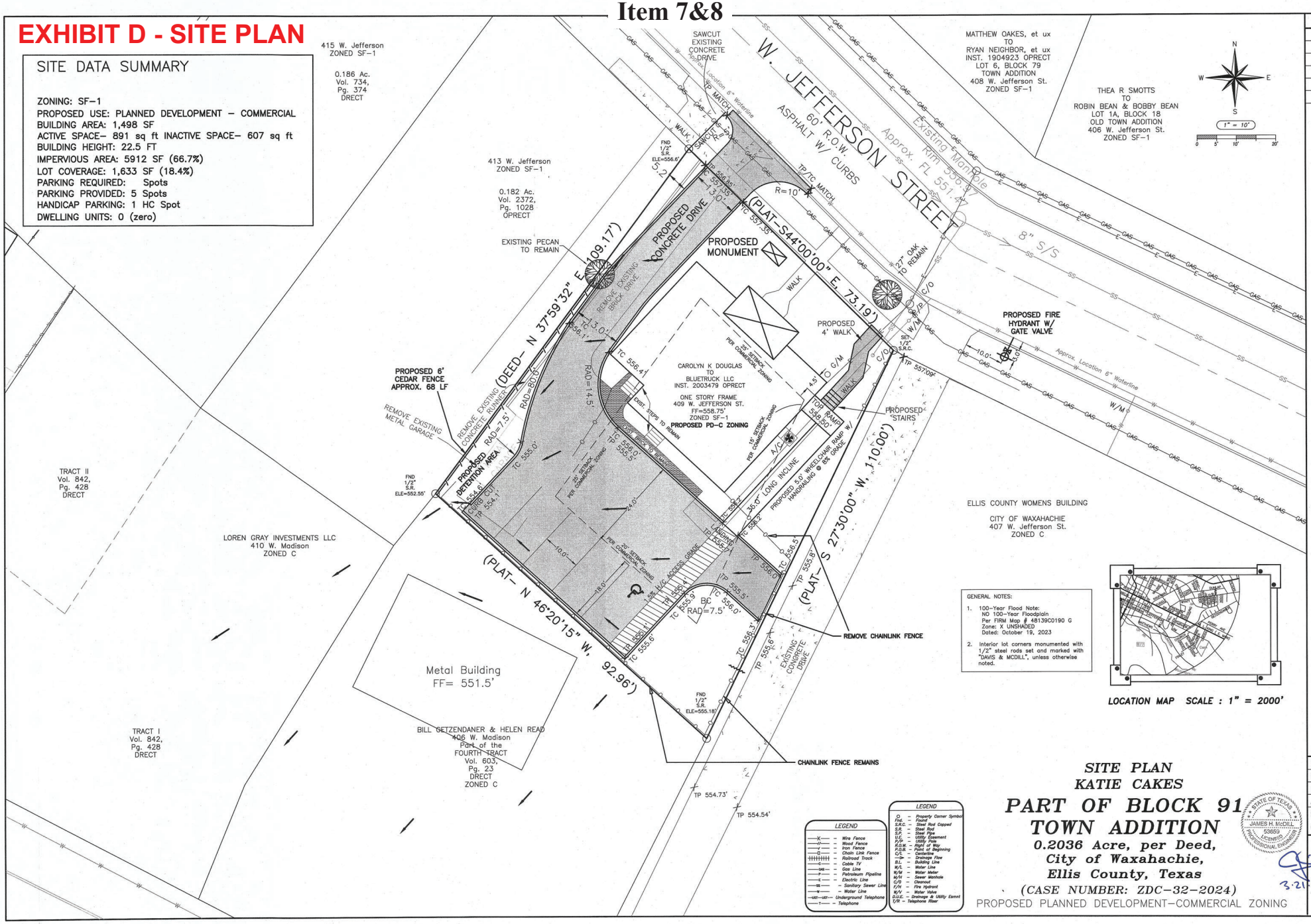
Vision: Our business vision portrays an aesthetically pleasing bakery experience with a vintage Italian bakery theme, providing arguably the best cheesecakes/desserts anywhere in the world for customers to either pick up to go or share with a large group in an off-site catering function. We'll also be providing exclusive dessert for distribution to Waxahachie's other dining locations and in conjunction with the wonderful events that happen here frequently. Ingredients will be sourced locally to the best extent possible in order to provide another avenue of support for the community's local producers and farmers.

This bakery will be an awesome addition to Waxahachie's already tremendous downtown area. We will keep the historic charm of the area in full effect while catching the eye of anyone with a sweet tooth along with those looking to share the desserts with those they care about.

EXHIBIT D - SITE PLAN

SITE DATA SUMMARY

ZONING: SF-1
PROPOSED USE: PLANNED DEVELOPMENT – COMMERCIAL
BUILDING AREA: 1,498 SF
ACTIVE SPACE– 891 sq ft INACTIVE SPACE– 607 sq ft
BUILDING HEIGHT: 22.5 FT
IMPERVIOUS AREA: 5912 SF (66.7%)
LOT COVERAGE: 1,633 SF (18.4%)
PARKING REQUIRED: Spots
PARKING PROVIDED: 5 Spots
HANDICAP PARKING: 1 HC Spot
DWELLING UNITS: 0 (zero)



GENERAL NOTES:

1. 100-Year Flood Note:
   NO 100-Year Floodplain
   Per FIRM Map # 48139C0190 G
   Zone: X UNSHADED
   Dated: October 19, 2023
2. Interior lot corners monumented with 1/2" steel rods set and marked with "DAVIS & MCDILL", unless otherwise noted.

LOCATION MAP SCALE : 1" = 2000'

LEGEND

—X—	Wire Fence
—O—	Wood Fence
—I—	Iron Fence
—O—	Chain Link Fence
	Railroad Track
—C—	Cable TV
—GAS—	Gas Line
—P—	Petroleum Pipeline
—E—	Electric Line
—SS—	Sanitary Sewer Line
—W—	Water Line
—UGT—	Underground Telephone
—T—	Telephone

LEGEND

O	Property Corner Symbol
Fnd.	Found
S.R.C.	Steel Rod Capped
S.R.	Steel Rod
S.P.	Steel Pipe
S.F.	Steel Fence Post
U/P	Utility Pole
R.O.W.	Right of Way
P.O.B.	Point of Beginning
C/L	Centerline
D	Drainage Flow
B.L.	Building Line
W/L	Water Line
W/M	Water Meter
M/H	Sewer Manhole
C/O	Cleanout
F/H	Fire Hydrant
W/V	Water Valve
D.U.E.	Drainage & Utility Easmnt
T/R	Telephone Riser

SITE PLAN
KATIE CAKES
PART OF BLOCK 91 TOWN ADDITION
0.2036 Acre, per Deed,
City of Waxahachie,
Ellis County, Texas
(CASE NUMBER: ZDC-32-2024)
PROPOSED PLANNED DEVELOPMENT–COMMERCIAL ZONING

STATE OF TEXAS
JAMES H. McDILL
53659
LICENSED
PROFESSIONAL ENGINEER
3-21-2024

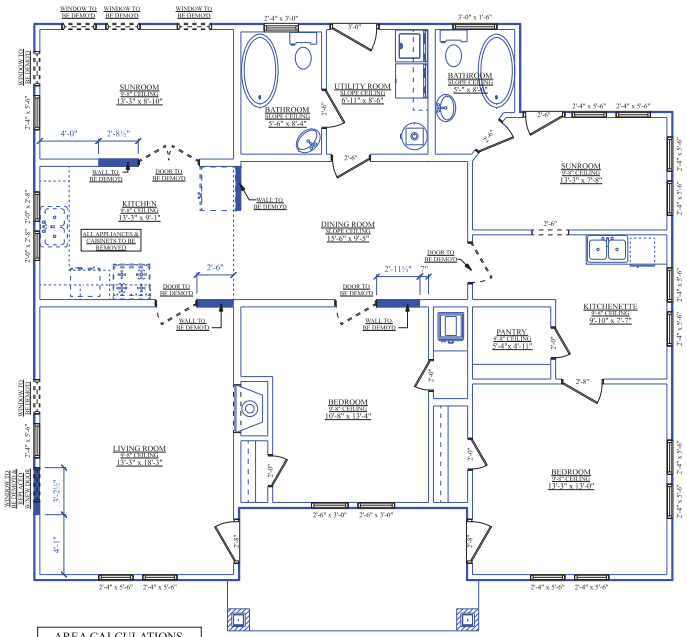
REVISIONS	BY

Davis & McDill, LLC
SURVEYING – LAND PLANNING – FLOODPLAIN MANAGEMENT
P.O. BOX 428, WAXAHACHIE, TEXAS 75168
PHONE: 972-538-1185
A Texas licensed surveying firm # 10194681
D&M

Date: 03/21/2024
Scale: 1" = 10'
Drawn: DWH/PMM
Job: 224-0012
Sheet 1 of 1 sheets.

Item 7&8

EXHIBIT E - FLOOR PLAN



AREA CALCULATIONS

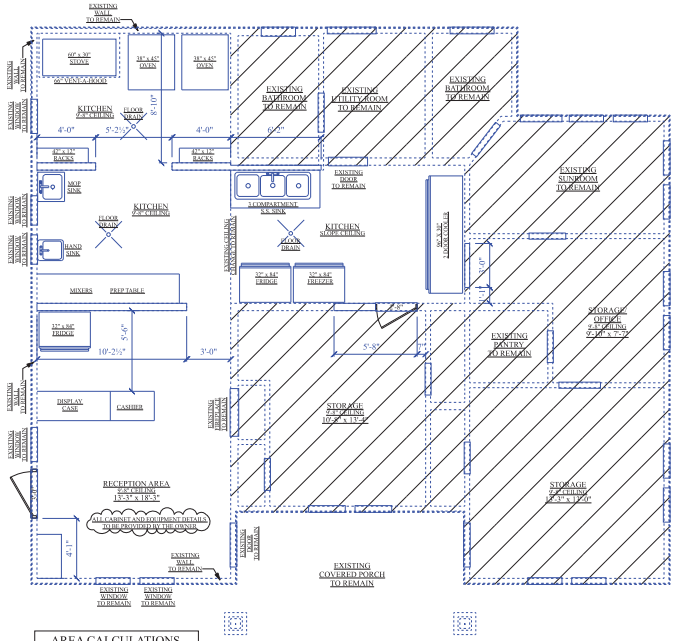
LIVING AREA 1,498

COVERED PORCH 135

TOTAL FOUNDATION 1,633

FLOOR PLAN - EXISTING AND DEMOLITION

SCALE: 1/4" = 1'-0"



AREA CALCULATIONS

LIVING AREA 1,498

COVERED PORCH 135

TOTAL FOUNDATION 1,633

FLOOR PLAN - NEW

SCALE: 1/4" = 1'-0"

Plan Copyright, Ownership and Liability

These plans are copyrighted and are subject to copyright protection as an "Architectural Work" under section 102 of the Copyright Act, 17 U.S.O. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990. Reproduction of those home plans or designs either in whole or in part, including any form and/or preparation of derived works thereof for any reason without prior written permission is strictly prohibited. The purchase of a set of home plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of home for the construction of one dwelling unit. The protection includes but is not limited to the overall form as well as the arrangement and composition of space and elements of the design. These plans are the property of Blue Line Design Co.

Blue Line Design Co. assumes no liability for any structure constructed from this plan. It is the responsibility of the purchaser of this plan to perform the following before beginning any construction.

1. Verify dimensions and all aspects of plans for compliance with all local codes and ordinances where house is to be constructed.
2. Verify all structural for design, size and reinforcement with local engineer and building officials.
3. Plans indicate locations only; engineering aspects should incorporate actual size and soil conditions.

Limit of Designers liability is not to exceed price paid for plans. Blue Line Design Co. assumes no liability for any changes made to these plans nor do we assume any liability for advice given or methods used by the builder, contractor, or other professionals involved in the construction of a house from these plans. Blue Line Design Co. is not a registered Architect however, Blue Line Design Co. is registered and maintains good standing with the American Institute of Building Design.

NOTES:

1. These plans are intended to provide the basic construction information necessary to substantially complete this structure. These plans must be verified and checked completely by the builder. Any discrepancy, error and/or omission is found is to be brought to the attention of the architect before any construction work or purchase has been made.
2. Design of this structure is based on prescriptive compliance with the 2021 International Residential Code. The construction shall conform to all national, state and local building codes and ordinances. These codes shall take precedence over anything noted in these drawings.
3. Contractor must verify all dimensions and scale drawings.
4. All stud walls are dimensioned 4" nominal, brick 5" nominal and this walls 2" nominal.
5. Linen closets and pantries have 5 high shelves unless noted otherwise.
6. Provide 5/8 inch water line to refrigerator.
7. Gas water heaters in the garage are to be on a 18" platform.
8. Air conditioner condenser must be 3" above grade.
9. In absence of nailing schedule prepared by architect or engineer, and accepted by building official use Table R602.3 in the International Residential Code.
10. Refer to engineer drawings for all foundations.
11. Lot drainage to comply with the International Residential Code.
12. Building area to be cleared of all humus roots and vegetation. Cut stumps a minimum of 6" below grade and 4" below beams.
13. Check plans for level changes floor outlets and plumbing fixture locations.

N·C·B·D·C

KATIE CAKES
DESERT BAR

FEBRUARY 2nd, 2024

A NEW RENOVATION BAKERY
TO BE LOCATED @
409 W. JEFFERSON ST.
BLOCK 91
WAXAHACHIE, TX

AMERICAN INSTITUTE OF BUILDING DESIGN
TEXAS REGISTERED

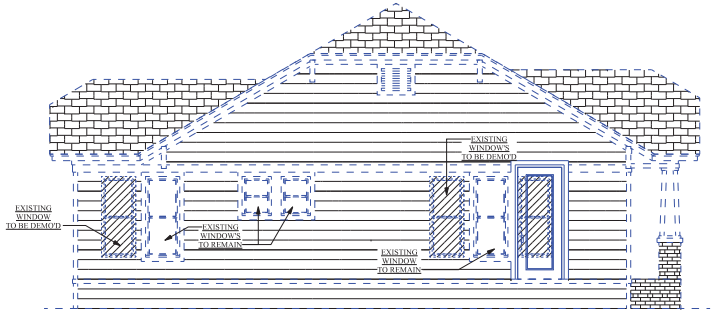
MATTHEW L. EDWARDS
AIBD CERTIFICATION # 44-798

130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

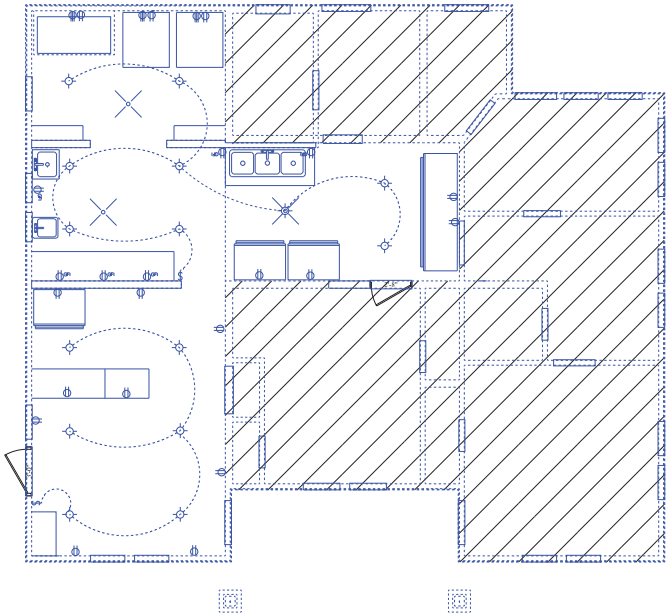
Blue Line Designs

Item 7&8

EXHIBIT F - FLOOR PLAN



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



GENERAL ELECTRICAL NOTES:

1. VERIFY ALL EXTERIOR ELECTRICAL, FLOOR PLUGS, PHONE & T.V. JACKS, SECURITY AND SOUND SYSTEM WIRING WITH OWNER OR BUILDER PRIOR TO CONSTRUCTION.
2. VERIFY DOOR HEIGHTS W/BUILDER PRIOR TO CONSTRUCTION.
3. INSTALL ARC FAULT CIRCUIT INTERPRETER PROTECTION FOR ALL SLEEPING ROOMS.
4. DEDICATED CIRCUITS OR MICROWAVE, WASHER, REFRIGERATOR AND DISHWASHER.
5. PROVIDE SWITCHED LIGHTING AND 110 VOLT RECEPTACLE IN ATTIC @ MECHANICAL PLATFORM.

ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"

Plan Copyright, Ownership and Liability

These plans are copyrighted and are subject to copyright protection as an "Architectural Work" under section 102 of the Copyright Act, 17 U.S.O. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990. Reproduction of these home plans or designs either in whole or in part, including any form and/or preparation of derived works thereof for any reason without prior written permission is strictly prohibited. The purchase of a set of home plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of home for the construction of one dwelling unit. The protection includes but is not limited to the overall form as well as the arrangement and composition of space and elements of the design. These plans are the property of Blue Line Designs Co.

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1. Verify dimensions and all aspects of plans for compliance with all local codes and ordinances where house is to be constructed.
2. Verify all structural for design, size and reinforcement with local engineer and building officials.
3. Plans indicate locations only: engineering aspects should incorporate actual size and soil conditions.

Limit of Designers liability is not to exceed price paid for plans. Blue Line Design Co. assumes no liability for any changes made to these plans nor do we assume any liability for advice given or methods used by the builder, contractor, or other professionals involved in the construction of a house from these plans. Blue Line Design Co. is not a registered Architect however, Blue Line Design Co. is registered and maintains good standing with the American Institute of Building Design.

NOTES:

1. These plans are intended to provide the basic construction information necessary to substantially complete this structure. These plans must be verified and checked completely by the builder. Any discrepancy, error and/or omission is found is to be brought to the attention of the architect before any construction work or purchase has been made.
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3. Contractor must verify all dimensions and scale drawings.
4. All stud walls are dimensioned 4" nominal, brick 5" nominal and thin walls 2" nominal.
5. Linen closets and pantries have 5 high shelves unless noted otherwise.
6. Provide 5/8 inch water line to refrigerator.
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10. Refer to engineer drawings for all foundations.
11. Lot drainage to comply with the International Residential Code.
12. Building area to be cleared of all human roots and vegetation. Cut stumps a minimum of 6" below grade and 4" below beams.
13. Check plans for level changes floor outlets and plumbing fixture locations.

N·C·B·D·C

KATIE CAKES
DESERT BAR

FEBRUARY 2nd, 2024

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Blue Line Designs Co.

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-4-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Brad Yates, Loren Gray Investments LLC, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-4-2024, a Specific Use Permit (SUP) for an Accessory Structure greater than 700 square feet, subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting the approval of a Specific Use Permit for an Accessory Structure (garage) over 700 square feet at 110 Farley Street.

CASE INFORMATION

Applicant: Brad Yates, Loren Gray Investments LLC

Property Owner(s): Loren Gray Investments LLC

Site Acreage: 0.259 acres

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

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

SUBJECT PROPERTY

General Location: 110 Farley Street

Parcel ID Number(s): 175879

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

Development History: The property is platted as Lot 22 of the Strickland Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-2	Single Family Residence
West	PD-NS	Trinity Church Waxahachie

Future Land Use Plan: Mixed-Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near-exclusive uses, such as large multiplex apartments or retail centers with the large land areas devoted to automobile parking, do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via a driveway on Rousseau Street.

Site Image:

PLANNING ANALYSIS

The applicant is requesting a Specific Use Permit (SUP) to construct an accessory garage structure greater than 700 square feet at 110 Farley Street. The property currently has an existing accessory structure used for storage that will be demolished during the construction of the proposed garage. Per the City of Waxahachie Zoning Ordinance, an accessory structure greater than 700 square feet requires a SUP to be approved by the City Council.

Proposed Use:

According to the Ellis County Appraisal District, the single-family dwelling is approximately 1,568 square feet, and the proposed accessory structure has an area of approximately 1,261 square feet. The accessory structure features an exterior façade and roof that is designed to be complimentary to the existing home on the subject property. Both structures will feature siding as the primary exterior construction material. The elevation/façade plan attached to this report can be referenced for additional detail.

Proposed Use (continued):
The owner plans to utilize the accessory structure as a garage for the existing home on the subject property. The existing home does not have a garage or an improved driveway to support parking on the site. The owner has noted that he will use the garage as storage and a workshop for his private vehicles. The structure will be situated at the rear of the property and will be accessible via Rousseau Street. The location of the proposed structure meets the typical setback requirements of the Waxahachie Zoning Ordinance. It is also important to note that there are several existing accessory garage structures of comparable size located within a block of the subject property. Water and sewer services are not proposed for the accessory structure.

The applicant has confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be metered, sold, or leased separately from the existing primary structure.

PUBLIC NOTIFICATIONS
To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff has received one (1) letter of support for the proposed accessory structure.

PUBLIC NOTIFICATION RESPONSES
Staff has received three (3) letters of support for the proposed accessory structure.

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.

Conditions:
1. The accessory structure shall not be used as an accessory dwelling or Short-Term Rental without a Specific Use Permit approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.

ATTACHED EXHIBITS
1. Property Owner Notification Responses
2. Location map (Exhibit A)
3. Site Plan (Exhibit B)
4. Elevation/Façade Plan (Exhibit C)

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024
<><><>

RECEIVED APR 1 2024

PINTO RISA H
108 FARLEY ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Brad Yates, Loren Gray Investments LLC, for a **Specific Use Permit (SUP)** for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2023) 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-4-2024 **City Reference: 175888**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☑ SUPPORT ☐ OPPOSE

Comments:

Signature: Risa Pinto

Date: 4-8-2024

Printed Name and Title: RISA PINTO

Address: 108 Farley Street, Waxahachie TX 75165

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024

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

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-4-2024 **City Reference: 175886**

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☒ SUPPORT ☐ OPPOSE

Comments: [redacted]

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

202 Rousseau Street
Address Waxahachie, TX 75165

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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.

Item 9&10

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024

RECEIVED APR 17 2024

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

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[X] SUPPORT [ ] OPPOSE

Comments: Fits in with neighborhood [redacted]

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

110 Farley Street
[redacted]
Address
Waxahachie, TX 75165

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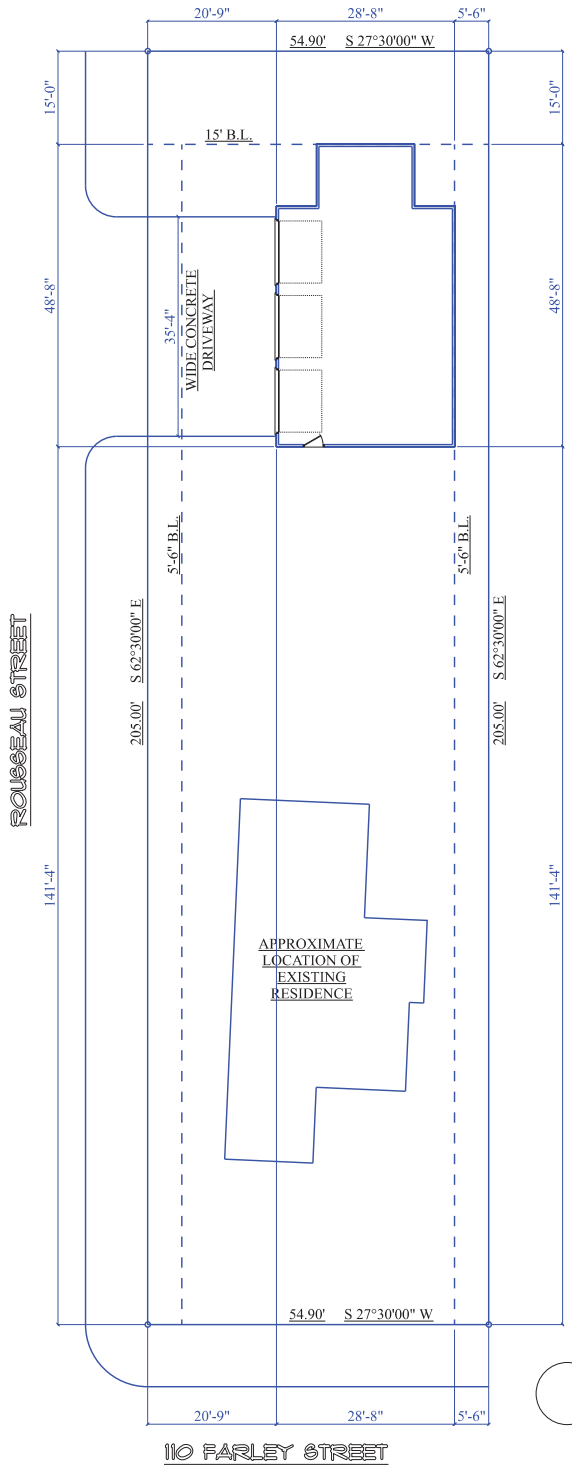
EXHIBIT A - LOCATION MAP

Item 9&10

EXHIBIT B - SITE PLAN

Item 9&10



SITE DATA TABLE OF REAR BUILDING LINES WITHIN 50' OF PROPERTY
108 FARLEY 12' B.L.
202 FARLEY 6' B.L.
114 ROUSSEAU 4' B.L.

SITE PLAN

SCALE: 1" = 20'-0"

130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

AIBD CERTIFICATION # 44-798
MEMBERSHIP # 2020-0102

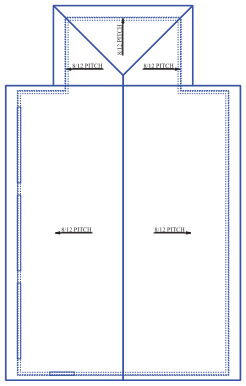
FEBRUARY 29th, 2024

A NEW DETACHED GARAGE
TO BE LOCATED @
110 FARLEY ST.
LOT 22 - STRICKLAND ADD.
WAXAHACHIE, TX - ELLIS COUNTY

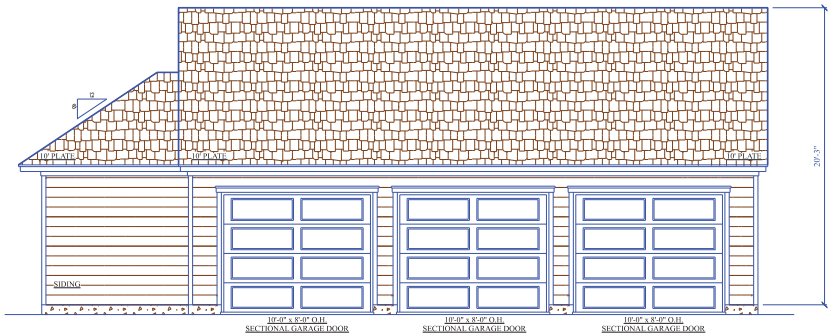
COLONIAL RESTORATION

Item 9&10

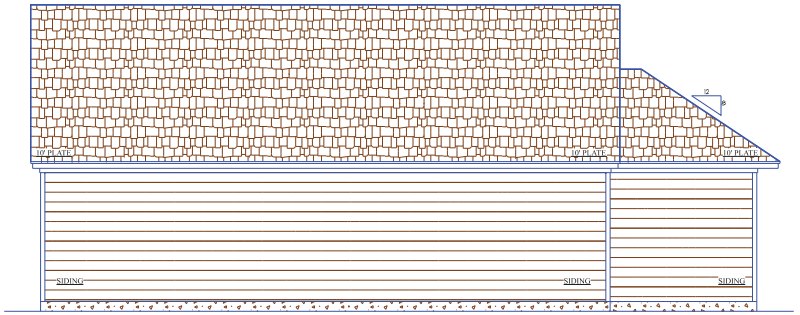
EXHIBIT C - ELEVATION/FACADE PLAN



ROOF LAYOUT PLAN
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
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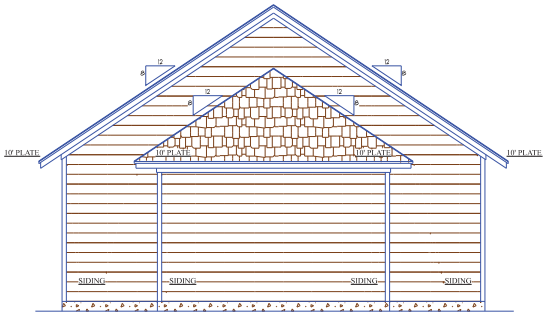

REAR ELEVATION
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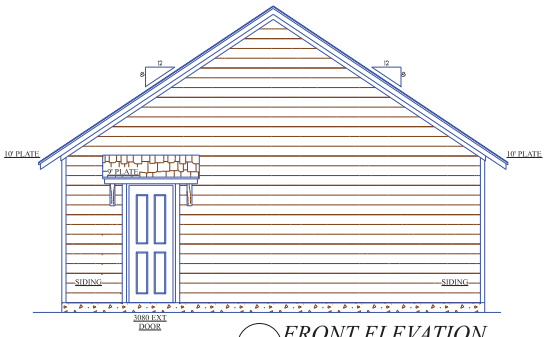

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12. Building area to be cleared of all human roots and vegetation. Cut stumps a minimum of 6" below grade and 4" below beams.
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FEBRUARY 29th, 2024

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Blue Line Designs

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-56-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Brad Yates, Graily Holdings LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024)

RECOMMENDED MOTIONS

- "I move to recommend denial of ZDC-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."

- "I move to recommend approval with conditions of ZDC-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Short-Term Rental use at 800 Dunaway Street.

CASE INFORMATION

Applicant:	Brad Yates, Graily Holdings LLC
Property Owner(s):	Graily Holdings LLC
Site Acreage:	0.149 acres
Current Zoning:	Single Family-3 (SF-3)
Requested Zoning:	SF-3 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location:	800 Dunaway Street
Parcel ID Number(s):	172314
Existing Use:	Vacant
Development History:	A single family home was demolished in early 2023.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-3	Single Family Residence
East	PD-SF-3	The Graily Event Center
South	SF-3 w/ SUP for a STR	Single Family Residence
West	SF-3	Full Life Assembly of God Church

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Dunaway Street and Dewberry Street.

Site Image:

PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 800 Dunaway Street because it is located within the SF-3 zoning district. The subject property is approximately 0.149 acres (6,490 square feet) in size and is currently vacant. The owner of the property demolished an existing home on the subject property in early 2023. The owner has provided concept plans for a new home as part of this application. The concept plans show the subject property can accommodate a four (4) bedroom home and sufficient off-street parking for up to four (4) vehicles. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contact provided by the applicant is Brad Yates (972) 938-3383, 626 Kaufman Street, Waxahachie, TX 75165 ycolonialgroup@yahoo.com, located 1.6 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 64 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of one (1) letter of opposition and seven (7) letters of support were received by staff, with three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
6. A mutually agreed upon Development Agreement shall be required for the development.
7. The Site Plan shall be revised to ensure no more than two driveway approaches are present.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Location Map (Exhibit A)
3. Zoning Map (Exhibit B)
4. Floorplan (Exhibit C)
5. Site Plan (Exhibit D)
6. Elevation/Façade Plan (Exhibit E)
7. Host Rules (Exhibit F)

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

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-56-2024 **City Reference: 172367**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:
I totally oppose, today there was a fight amongst those renting Yates' unit and two police cars escorted some guest out of the premises. THIS IS A RESIDENTIAL AREA, NOT A party zone

Signature: [illegible]

Date: 4/6/24

Printed Name and Title: Rosa Liliana Salinas-Sletmoen

Address: 700 S. Rogers St.

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

<><><>

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

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Brad Yates, Graily Holdings LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024) 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-56-2024 **City Reference: 172393**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

713 Givens Street
Address Waxahachie, TX 75165

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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.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

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Case Number: ZDC-56-2024 **City Reference: 172362**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

904 S. Rogers Street
Address Waxahachie, TX 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024 **City Reference: 193948**

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[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

716 Dunaway Street
Waxahachie, Tx. 75165
Address

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

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

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024 **City Reference: 172384**

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[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

414 Brady Street
Address Waxahachie, TX 75165

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

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024 **City Reference: 172314**

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[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

800 Dunaway Street
Address Waxahachie, TX 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024
<><><>

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

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024 **City Reference: 172364**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

207 Pasley Street
Address Waxahachie, TX 75165

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

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024 **City Reference: 172305**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

804 Dunaway Street
Address Waxahachie, TX 75165

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

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

EXHIBIT A - LOCATION MAP

Item 11&12

EXHIBIT B - ZONING MAP

Item 11&12

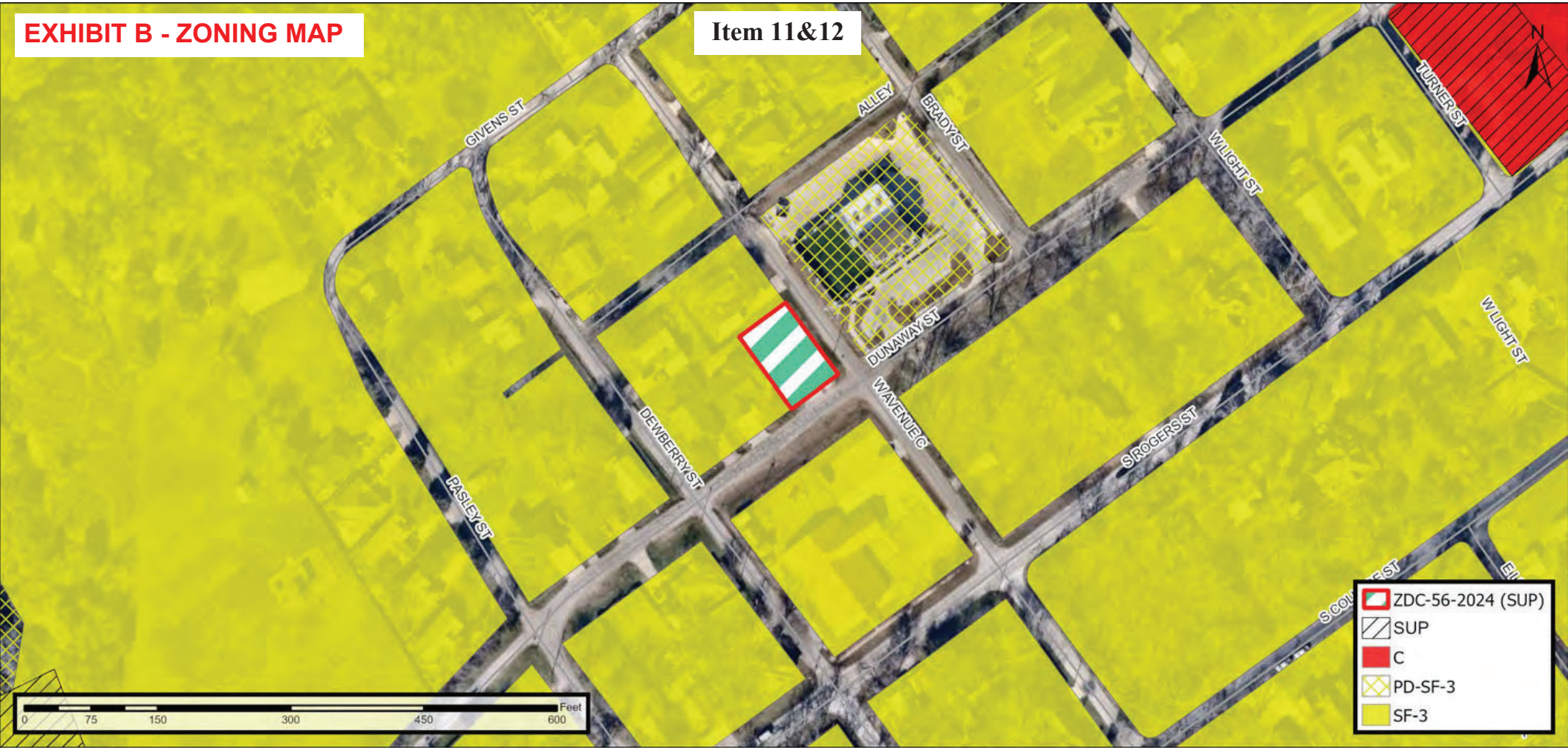
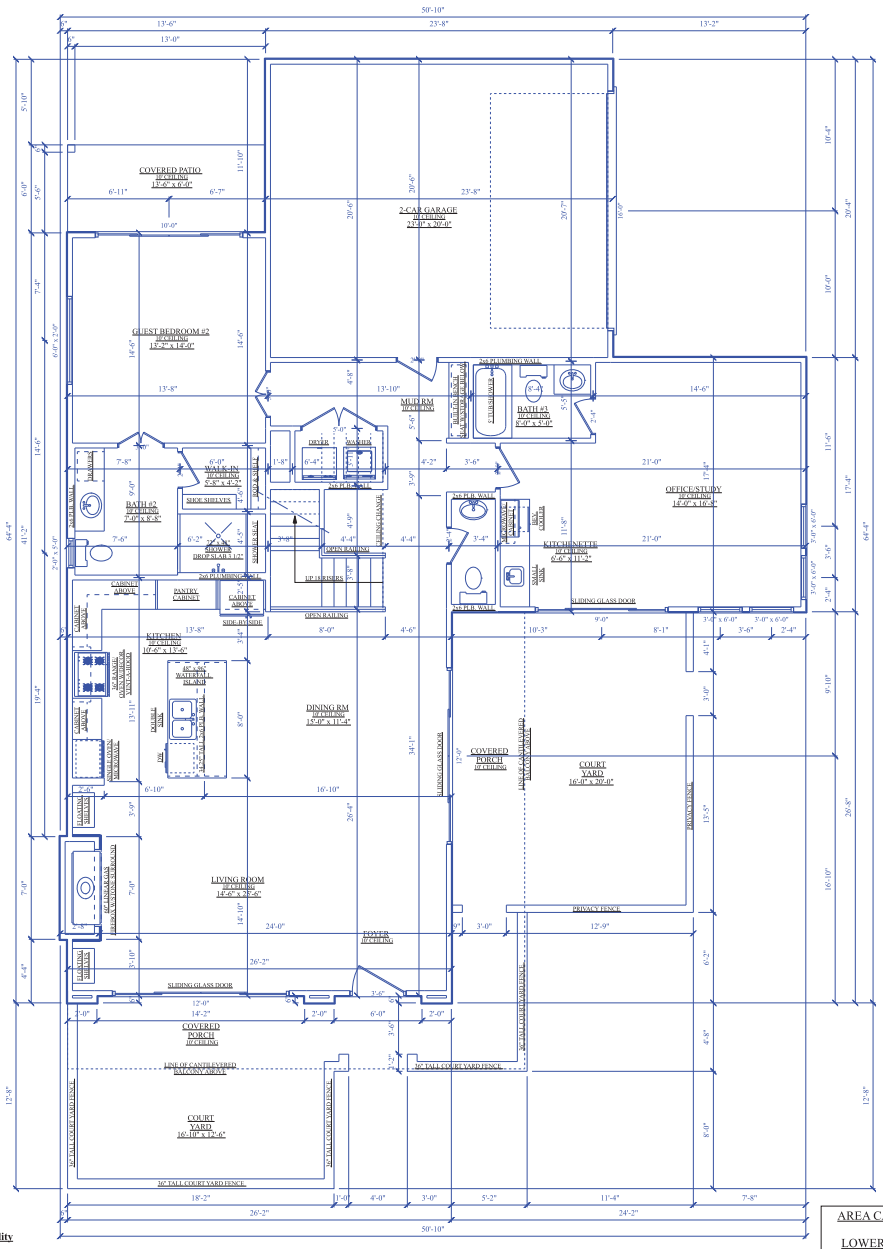


EXHIBIT C - FLOOR PLAN

Item 11&12



LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"

AREA CALCULATIONS
LOWER LIVING 1,680
UPPER LIVING 1,578
TOTAL LIVING AREA 3,258
COVERED PATIO 81
2-CAR GARAGE 477
TOTAL FOUNDATION 2,238
TOTAL UNDER ROOF 3,816
+ OPEN BALCONY 285

Plan Copyright, Ownership and Liability

These plans are copyrighted and are subject to copyright protection as as "Architectural Work" under section 102 of the Copyright Act, 17 U.S.O. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990. Reproduction of these home plans or designs either in whole or in part, including any form and/or preparation of derived works thereof for any reason without prior written permission is strictly prohibited. The purchase of a set of home plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of home for the construction of one dwelling unit. The protection includes but is not limited to the overall form as well as the arrangement and composition of space and elements of the design. These plans are the property of Blue Line Design Co.

Blue Line Design Co. assumes no liability for any structure constructed from this plan. It is the responsibility of the purchaser of this plan to perform the following before beginning any construction.

1. Verify dimensions and all aspects of plans for compliance with all local codes and ordinances where house is to be constructed.
2. Verify all structural for design, size and reinforcement with local engineer and building officials.
3. Plans indicate locations only: engineering aspects should incorporate actual size and soil conditions.

Limit of Designers liability is not to exceed price paid for plans. Blue Line Design Co. assumes no liability for any changes made to these plans nor do we assume any liability for advice given or methods used by the builder, contractor, or other professionals involved in the construction of a house from these plans. Blue Line Design Co. is not a registered Architect however, Blue Line Design Co. is registered and maintains good standing with the American Institute of Building Design.

NOTES:

1. These plans are intended to provide the basic construction information necessary to substantially complete this structure. These plans must be verified and checked completely by the builder. Any discrepancy, error and/or omission is found is to be brought to the attention of the architect before any construction work or purchases have been made.
2. These plans are designed to be in substantial compliance with the 2021 International Residential Code. The construction shall conform to all national, state and local building codes and ordinances. These codes shall take precedence over anything noted in these drawings.
3. Contractor must verify all dimensions and scale drawings.
4. All stud walls are dimensioned 4" nominal, brick 3" nominal and thin walls 2" nominal.
5. Linen closets and pantries have 5 high shelves unless noted otherwise.
6. Provide 1/8 inch water line to refrigerator.
7. Gas water heaters in the garage are to be on a 18" platform.
8. Air conditioner condenser must be 3" above grade.
9. In absence of nailing schedule prepared by architect or engineer, and accepted by building official use Table R602.3 in the International Residential Code.
10. All wood in ground contact must be on pad foundations.
11. Air drainage must comply with the International Residential Code.
12. Building sites to be cleared of all human roots and vegetation. Cut stumps a minimum of 6" below grade and 4" below beams.
13. Check plans for level changes floor outlets and plumbing fixture locations.

Blue Line Design Co.

130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

AIBD CERTIFICATION # 444-36
MATTHEW E. EDWARDS

AMERICAN INSTITUTE OF BUILDING DESIGN
TEXAS REGISTERED

FEBRUARY 16th, 2024

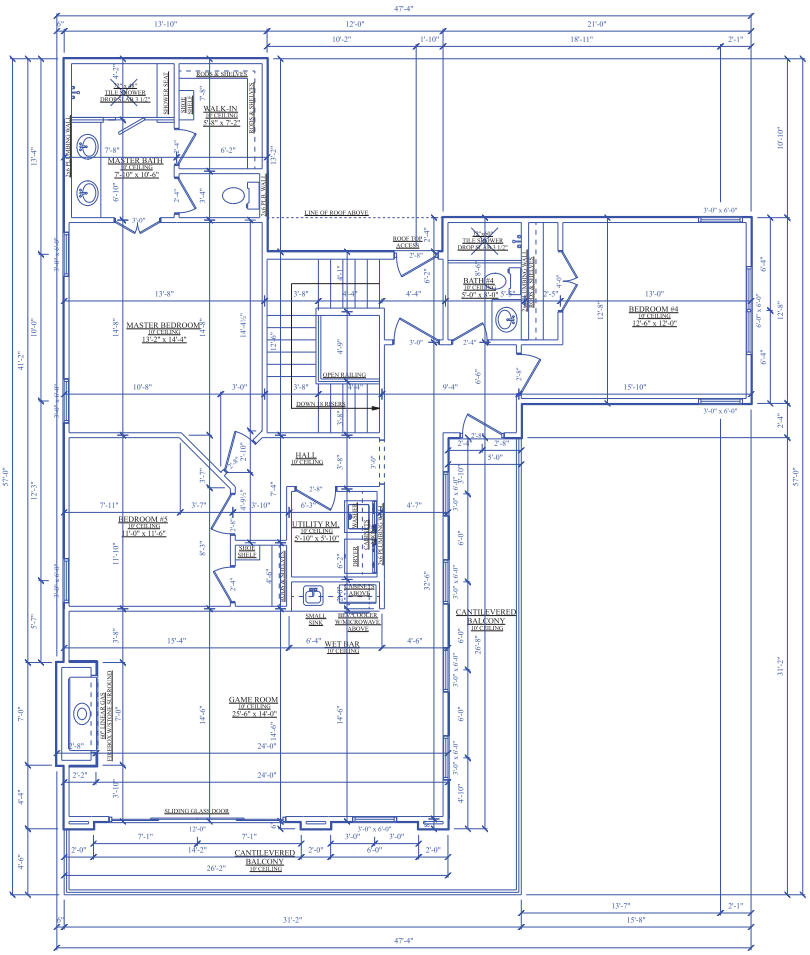
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
800 DUNAWAY ST.
LOT 3 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY

COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699

N·C·B·D·C

EXHIBIT C - FLOOR PLAN

Item 11&12



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

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Blue Line Design Co. assumes no liability for any structure constructed from this plan. It is the responsibility of the purchaser of this plan to perform the following before beginning any construction.

1. Verify dimensions and all aspects of plans for compliance with all local codes and ordinances where house is to be constructed.
2. Verify all structural for design, size and reinforcement with local engineer and building officials.
3. Plans indicate locations only: engineering aspects should incorporate actual size and soil conditions.

Limit of Designers liability is not to exceed price paid for plans. Blue Line Design Co. assumes no liability for any changes made to these plans nor do we assume any liability for advice given or methods used by the builder, contractor, or other professionals involved in the construction of a house from these plans. Blue Line Design Co. is not a registered Architect however, Blue Line Design Co. is registered and maintains good standing with the American Institute of Building Design.

NOTES:

1. These plans are intended to provide the basic construction information necessary to substantially complete this structure. These plans must be verified and checked completely by the builder. Any discrepancy, error and/or omission is found is to be brought to the attention of the architect before any construction work or purchases have been made.
2. These plans are designed to be in substantial compliance with the 2021 International Residential Code. The construction shall conform to all national, state and local building codes and ordinances. These codes shall take precedence over anything noted in these drawings.
3. Contractor must verify all dimensions and scale drawings.
4. All-stud walls are dimensioned 4" nominal, brick 5" nominal and thin walls 2" nominal.
5. Linen closets and pantries have 5 high shelves unless noted otherwise.
6. Provide 3/8 inch water line to refrigerator.
7. Gas water heaters in the garage are to be on a 18" platform.
8. Air conditioner condenser must be 7" above grade.
9. In absence of railing schedule prepared by architect or engineer, and accepted by building official use Table R602.3 in the International Residential Code.
10. Do not backfill against walls of the all foundations.
11. Let drawings be used to comply with the International Residential Code.
12. Building pads to be cleared of all human roots and vegetation. Cut stumps a minimum of 8" below grade and 4" below beams.
13. Check plans for level changes floor outlets and plumbing fixture locations.

Blue Line Design Co.
130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

AIBD CERTIFICATION # 44-798
MATTHEW J. BRIDGES

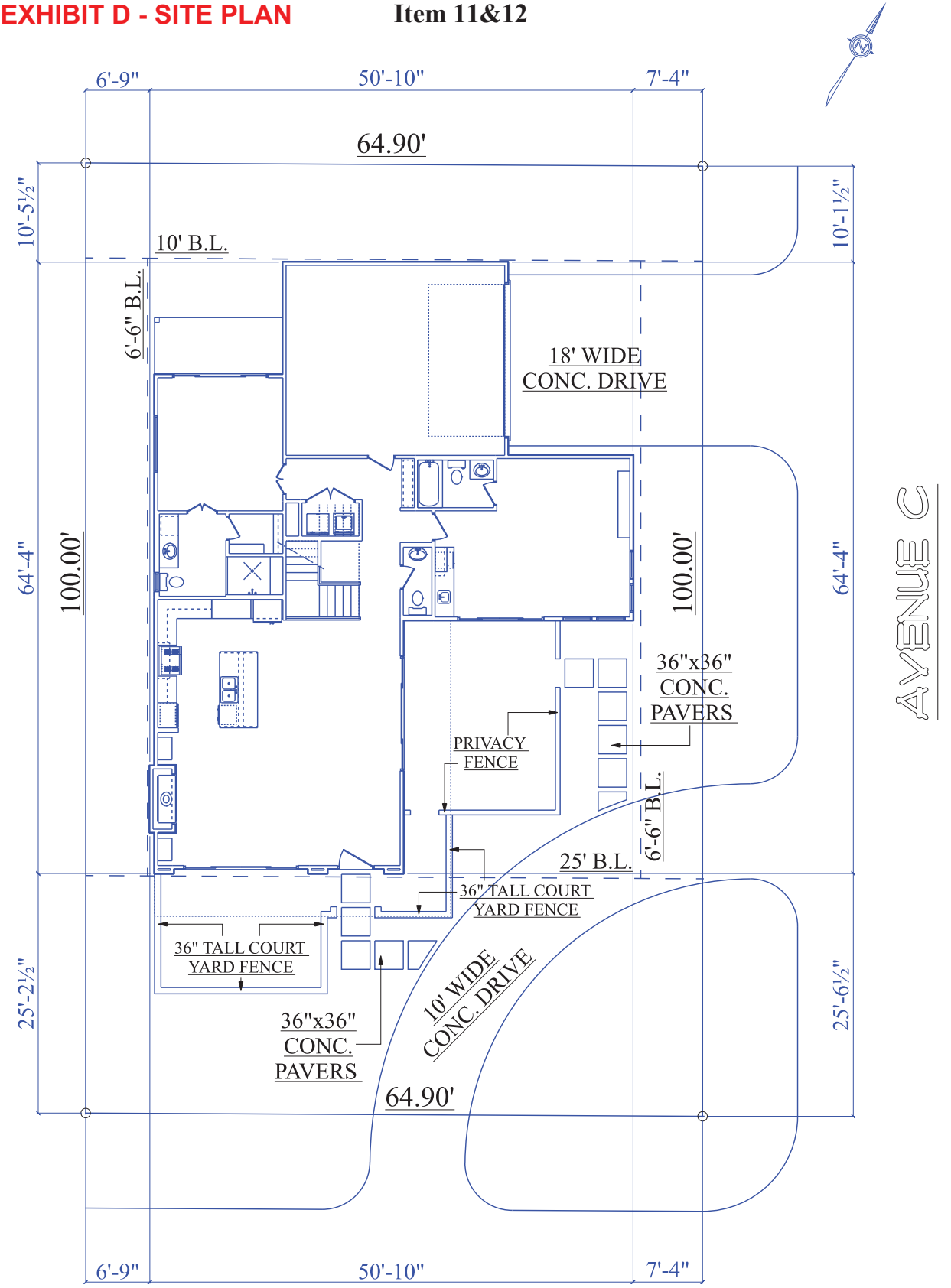
FEBRUARY 16th, 2024

A NEW SINGLE FAMILY HOME
TO BE LOCATED @
800 DUNAWAY ST.
LOT 3 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY

COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699

N·C·B·D·C

EXHIBIT D - SITE PLAN **Item 11&12**



800 DUNAWAY STREET

SITE PLAN
SCALE: 1" = 10'-0"

3 Line Design Co.
130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM
AIBD CERTIFICATION # 44-758
MATTHEW L. ZOTIADIS

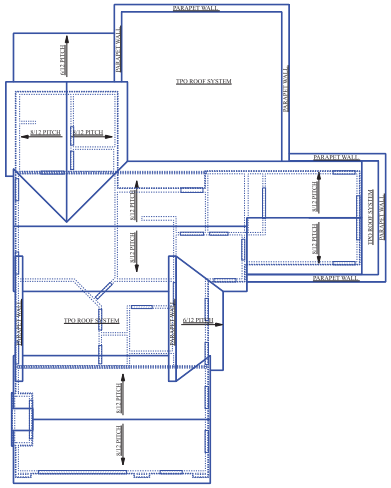
FEBRUARY 16th, 2024

A NEW SINGLE FAMILY HOME
TO BE LOCATED @
800 DUNAWAY ST.
LOT 3 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY

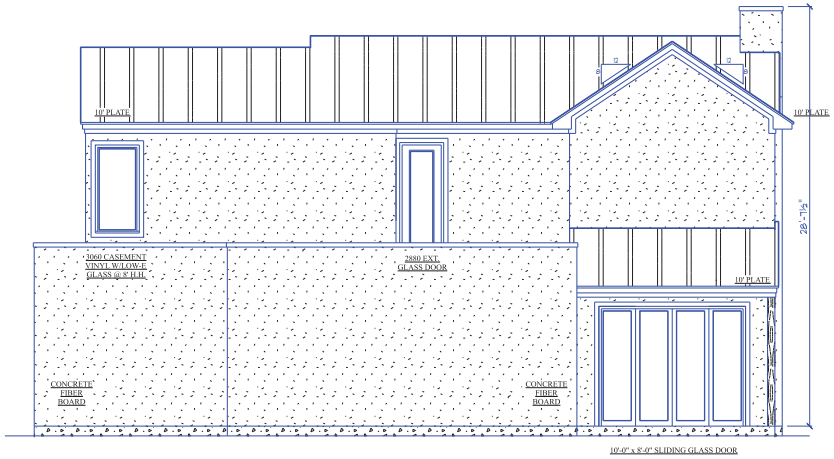
COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699

EXHIBIT E - ELEVATION/FACADE PLAN

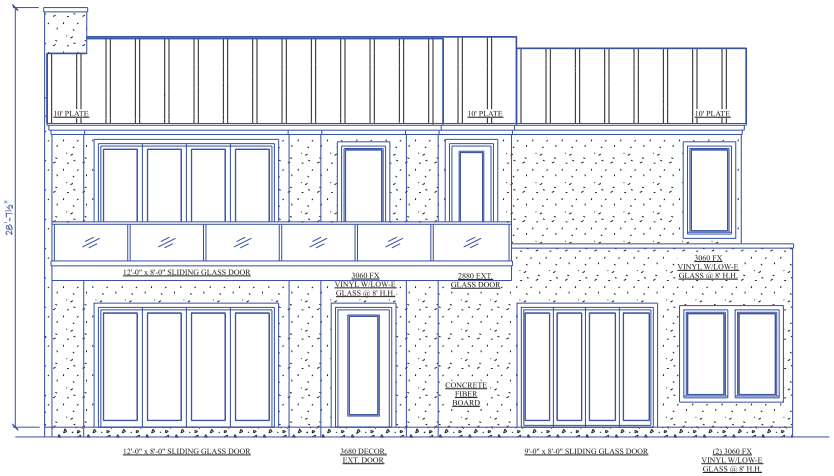
Item 11&12



ROOF LAYOUT PLAN
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Plan Copyright, Ownership and Liability

These plans are copyrighted and are subject to copyright protection as an "Architectural Work" under section 102 of the Copyright Act, 17 U.S.O. as amended December 1990 and known as Architectural Works Copyright Protection Act of 1990. Reproduction of these home plans or designs either in whole or in part, including any form and/or preparation of derived works thereof for any reason without prior written permission is strictly prohibited. The purchase of a set of home plans in no way transfers any copyright or other ownership interest in it to the buyer except for a limited license to use that set of home for the construction of one dwelling unit. The protection includes but is not limited to the overall form as well as the arrangement and composition of space and elements of the design. These plans are the property of Blue Line Design Co.

Blue Line Design Co. assumes no liability for any structure constructed from this plan. It is the responsibility of the purchaser of this plan to perform the following before beginning any construction.

1. Verify dimensions and all aspects of plans for compliance with all local codes and ordinances where house is to be constructed.
2. Verify all structural for design, size and reinforcement with local engineer and building officials.
3. Plans indicate locations only; engineering aspects should incorporate actual size and soil conditions.

Limit of Designers liability is not to exceed price paid for plans. Blue Line Design Co. assumes no liability for any changes made to these plans nor do we assume any liability for advice given or methods used by the builder, contractor, or other professionals involved in the construction of a house from these plans. Blue Line Design Co. is not a registered Architect however, Blue Line Design Co. is registered and maintains good standing with the American Institute of Building Design.

NOTES:

1. These plans are intended to provide the basic construction information necessary to substantially complete this structure. These plans must be verified and checked completely by the builder. Any discrepancy, error and/or omission is found is to be brought to the attention of the architect before any construction work or purchases have been made.
2. All work and materials shall be performed and installed compliance with the 2021 International Residential Code. The construction shall conform to all national, state and local building codes and ordinances. These codes shall take precedence over anything noted in these drawings.
3. Contractor must verify all dimensions and scale drawings.
4. All stud walls are dimensioned 4" nominal, brick 5" nominal and thin walls 2" nominal.
5. Linen closets and pantries have 5 high shelves unless noted otherwise.
6. Provide 5/8 inch water line to refrigerator.
7. Gas water heaters in the garage are to be on a 18" platform.
8. Air conditioner condenser must be 3" above grade.
9. In absence of nailing schedule prepared by architect or engineer, and accepted by building official use Table R602.3 in the International Residential Code.
10. Refer to engineer drawings for all foundations.
11. Lot drainage to comply with the International Residential Code.
12. Building area to be cleared of all human roots and vegetation. Cut stumps a minimum of 6" below grade and 4" below beams.
13. Check plans for level changes floor outlets and plumbing fixture locations.

N.C.B.D.C

COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699

FEBRUARY 16th, 2024

A NEW SINGLE FAMILY HOME
TO BE LOCATED @
800 DUNAWAY ST.
LOT 3 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY

AMERICAN INSTITUTE OF BUILDING DESIGN
AIBD
TEXAS

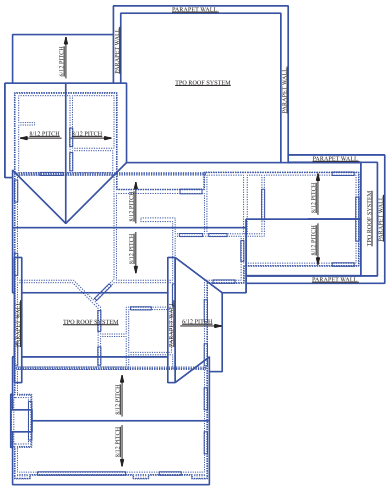
MATTHEW L. EDWARDS
AIBD CERTIFICATION # 44-798

130 CHEETAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

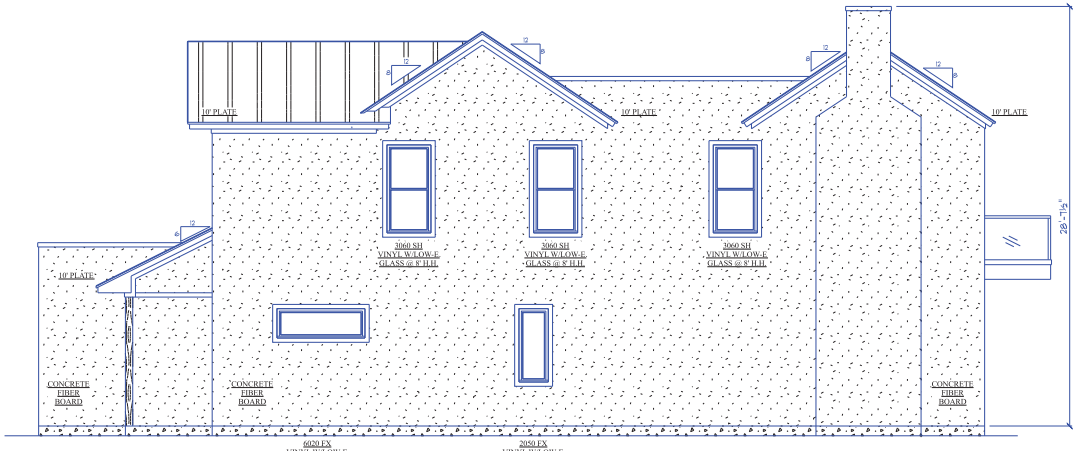
Blue Line Design Co.

EXHIBIT E - ELEVATION/FACADE PLAN

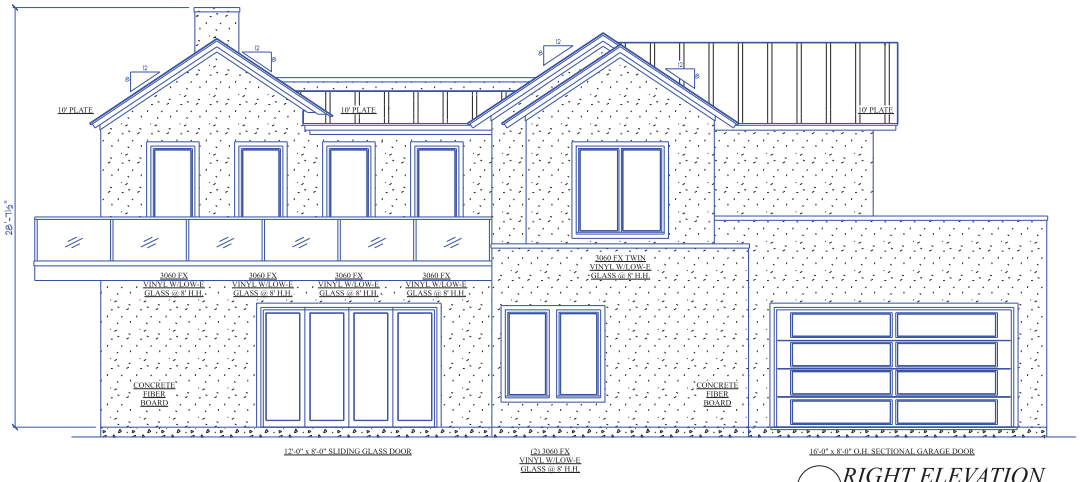
Item 11&12



ROOF LAYOUT PLAN
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

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NOTES:

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6. Provide 5/8 inch water line to refrigerator.
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MATTHEW L. EDWARDS
AIBD CERTIFICATION # 44-798

130 CHEETAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972)935-9710
WWW.PLAN-MASTER.COM

Blue Line Design Co.

HOUSE POLICIES

800 Dunaway Street is provided to your for your enjoyment. We ask that you please be gentle and respect the house rules. Welcome to Waxahachie and we hope you enjoy our town.

- ABSOLUTELY NO SMOKING AND NO PETS.
- Please do not move furniture.
- No glitter or confetti.
- Do not attach decorations/signs, etc to walls, ceilings, decor, or furniture.
- Property damage or excessive cleaning needs will result in additional charges to guest.
- Please respect our neighbors. Reduce noise & turn off patio lights after 10pm & do not park in front of their properties.
- City mandated quiet hours are enforced from 10pm to 6am.
- NO OUTDOOR SPEAKERS AFTER 10PM PER CITY ORDINANCE.
- City fines may be assessed for violation of parking and noise ordinances. All violation fees will be passed on to the guest.
- Maximum occupancy 8 guests at all times. No parties with additional guests.

HOUSE POLICIES ARE STRICTLY ENFORCED. VIOLATIONS MAY RESULT IN ADDITIONAL CHARGES OR IMMEDIATE EVICTION WITHOUT REFUND.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-35-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Melissa McClain, Equity Trust Company, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024)

RECOMMENDED MOTIONS

- "I move to recommend denial of ZDC-35-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."

- "I move to recommend approval with conditions of ZDC-35-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Short-Term Rental use at 515 N College Street.

CASE INFORMATION

Applicant:	Melissa McClain, Equity Trust Company
Property Owner(s):	Equity Trust Company Custodian
Site Acreage:	0.25 acres
Current Zoning:	Planned Development-28-General Retail (PD-28-GR)
Requested Zoning:	PD-28-GR with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location:	515 N College Street
Parcel ID Number(s):	171103
Existing Use:	An office building currently occupies the subject property.
Development History:	The owner has submitted a commercial remodel permit (BLDC-1130-2024) to the Building Department to add a residential kitchen in the structure.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-28-GR	Edward Jones Office
East	PD-28-GR	Single Family Residence
South	PD-28-GR	Single Family Residence
West	PD-28-GR	Single Family Residence

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via N College Street.

Site Image:

PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 515 N College Street because it is located within the PD-28-GR zoning district. The subject property consists of a primary structure of approximately 1,365 square feet with two (2) bedrooms situated on an approximately 0.2637-acre (11,487 square feet) lot. The subject property does not currently have a driveway or curb cut on N College Street and utilizes striped on-street parking. The subject property was last used as an office building; but is currently vacant. When operational, the office tenants utilized on-street parking. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contacts provided by the applicant are Melissa McClain (469) 235-0486, 232 Mckinley Circle, Waxahachie, TX 75165 melissa@melissamcclainlewis.com, and Chris Lewis (469) 231-4091, 232 Mckinley Circle, Waxahachie, TX 75165, chris3lewis337@yahoo.com, located 6.6 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 56 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of two (2) letters of support and zero (0) letters of opposition were received by staff, with both letters of support being inside the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of six (6) guests per stay.
4. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Location Map (Exhibit A)
3. Zoning Map (Exhibit B)
4. Floorplan (Exhibit C)
5. Site Plan (Exhibit D)
6. Host Rules (Exhibit E)

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

Item 13&14

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-35-2024

<><><>

RECEIVED APR 1 0 2024

109 MARVIN LLC
330 Hunter Pass
Waxahachie, TX 75165-8223

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Melissa McClain, Equity Trust Company, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024) Staff: Oanh Vu

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-35-2024 **City Reference: 225551**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: I have 2 properties near this location, both are commercial, I have no problem with this request.

Signature

Ken Box owner
Printed Name and Title

4-6-2024
Date

109 W Marvin
Address

311 N College

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-35-2024

MILLS JAMES B JR & MEGAN E
516 N COLLEGE ST
WAXAHACHIE, TX 75165-3362

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Melissa McClain, Equity Trust Company, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024) Staff: Oanh Vu

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Case Number: ZDC-35-2024 **City Reference: 170715**

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☒ SUPPORT ☐ OPPOSE

Comments: This is a good use of the comercial building.

James Mills
Signature

April 10, 2024
Date

James Mills, home owner across street
Printed Name and Title

516 N. College Street, 75165
Address

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

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

EXHIBIT A - LOCATION MAP
Item 13&14
W MARVIN AVE
N MONROE ST
N ROGERS ST
W PARKS AVE
N COLLEGE ST
N JACKSON ST
E MARVIN AVE
BRIGGS ST
N FLAT ST
N
Feet
0
60
120
240
360
480
ZDC-35-2024 (SUP)

EXHIBIT B - ZONING MAP

Item 13&14

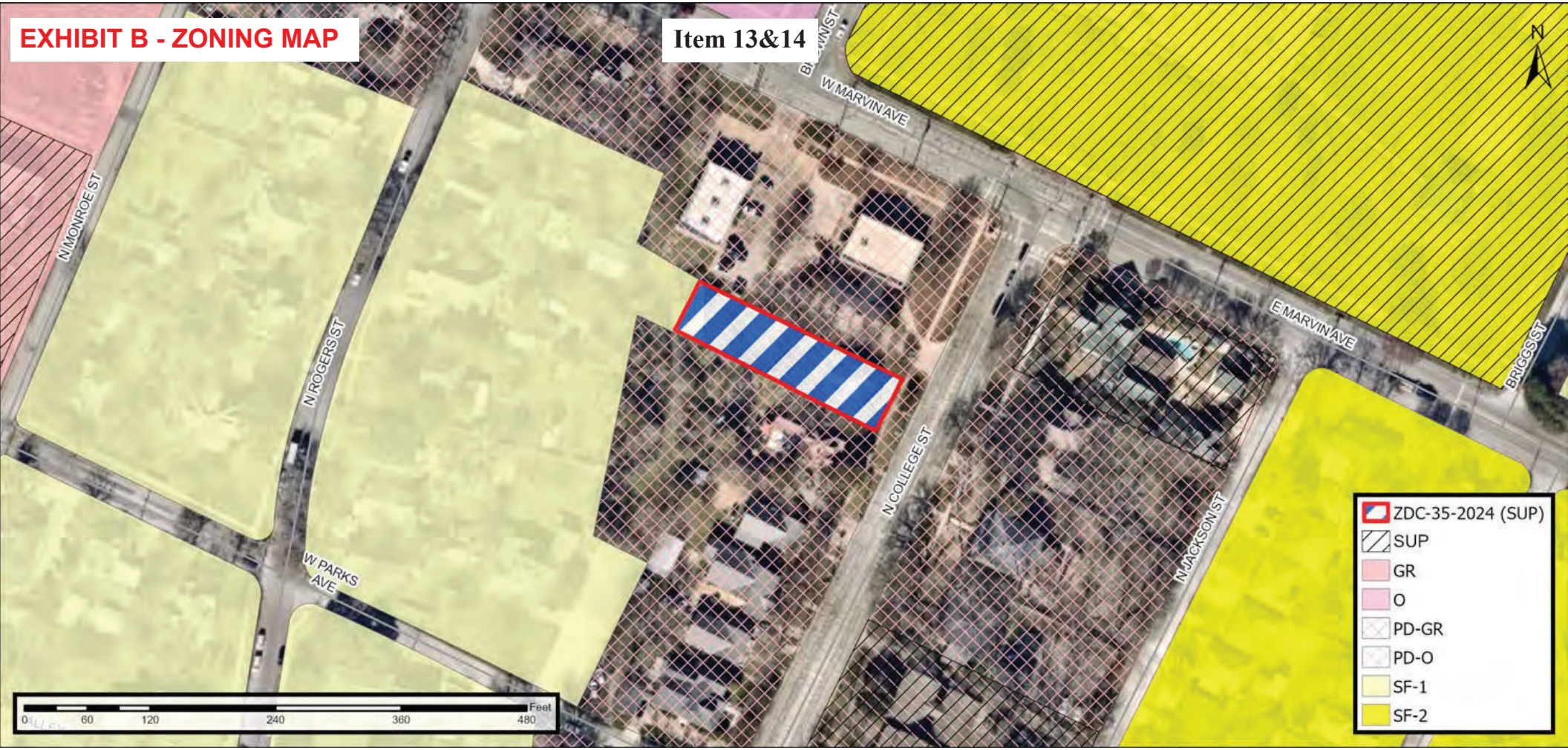
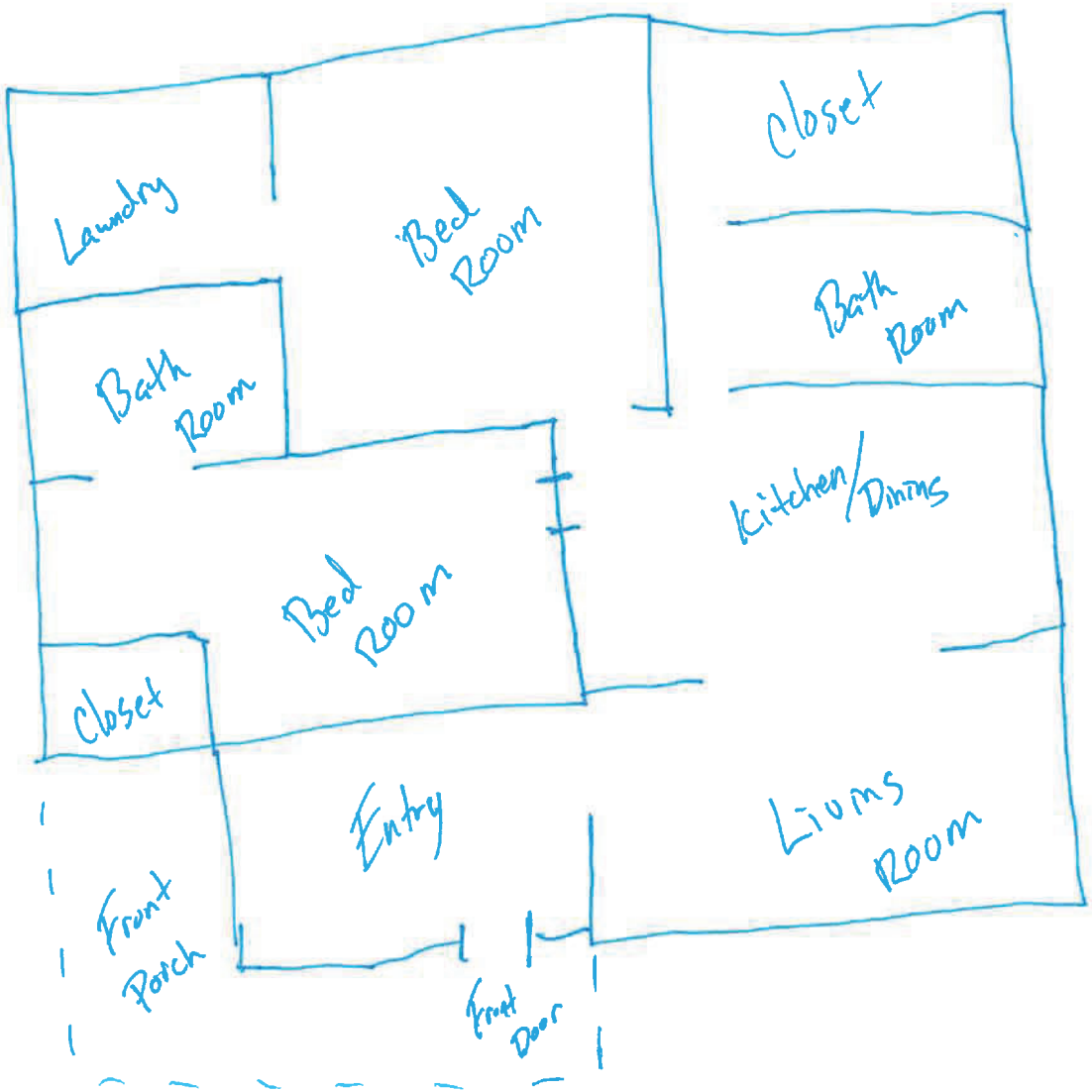
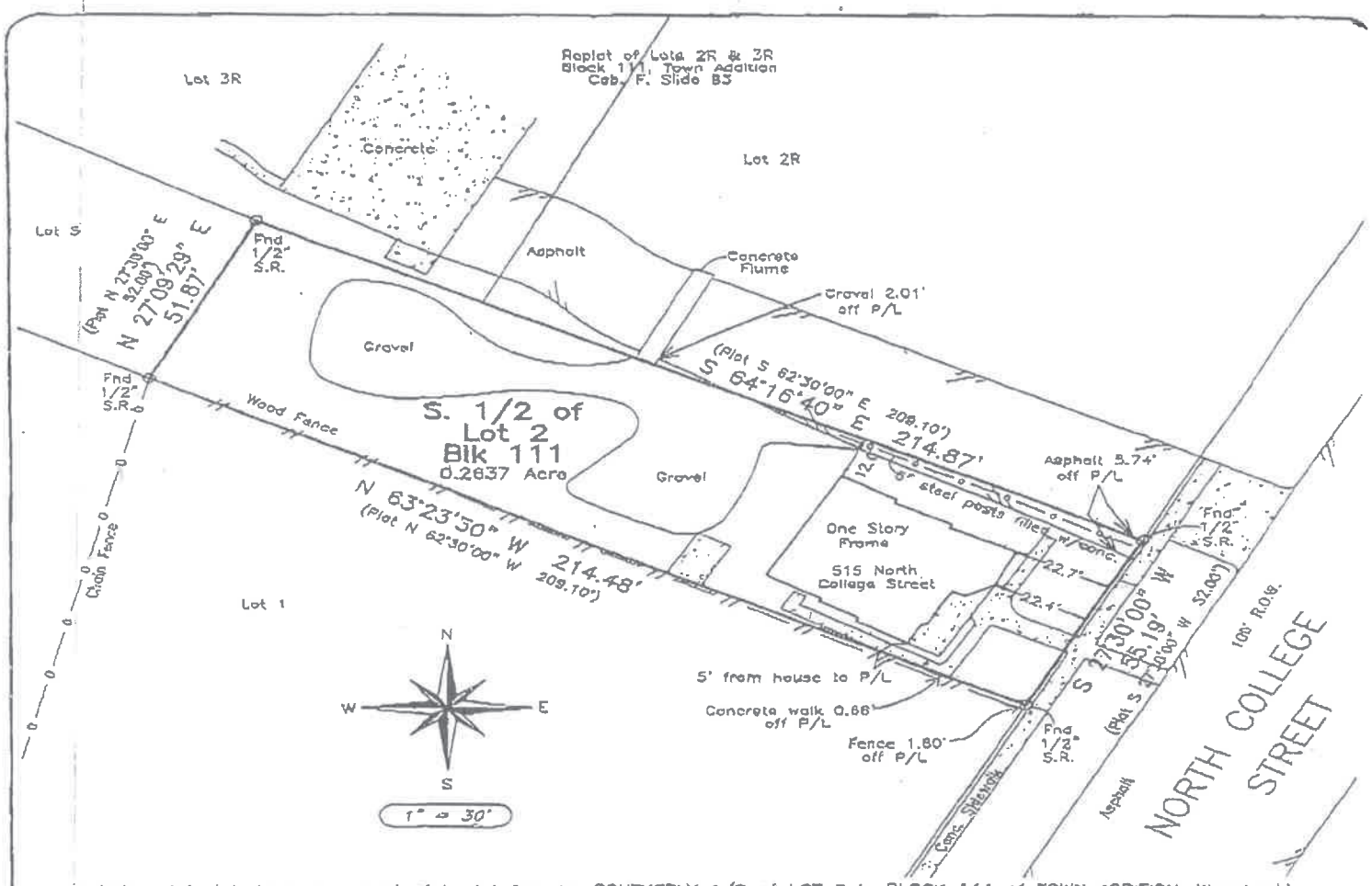


EXHIBIT C - FLOOR PLAN

Item 13&14





All that certain lot, tract or parcel of land being the SOUTHERLY 1/2 of LOT 2 in BLOCK 111 of TOWN ADDITION, Waxahachie, Ellis County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 31, Plat Records, Ellis County, Texas.

(also known as ____ 515 North College)

The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantees that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0180 D, Zone X. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 2 Survey. This survey was prepared for title purposes in conjunction with _____ Commitment for Title Insurance, G.F. No. _____ dated: _____, 2005. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not abstracted the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

(No Title Comittment Provided)

LEGEND

- O — Property Corner Symbol
- —DR — Drainage Flow
- X — Spot Elevations
- B.L. — Building Line
- C/L — Centerline
- D.U.E. — Drainage & Utility Easm't.
- Fnd. — Found
- P.O.B. — Point of Beginning
- P/D — Utility Poly
- R.O.W. — Right of Way
- S.P. — Steel Pipe
- S/R — Steel Rod
- U.E. — Utility easement

Walter Keven Davis
Registered Professional Land Surveyor #4466

STATE OF TEXAS REGISTERED WALTER KEVEN DAVIS 4466 PROFESSIONAL LAND SURVEYOR

ENGINEERS
D & M
SURVEYORS

DAVIS & McDILL Inc.
P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Survey Plat Client: Jefferson Bank G.F.# xx
Drawn by: SB Scale: 1" = 30' Date: March 17, 2005 Job# 205-0172

HOUSE POLICIES

The 515 N College home is provided to you for your enjoyment. We ask that you please be gentle and respect the house rules. Welcome and we hope you enjoy staying in Waxahachie!

- ABSOLUTLEY NO SMOKING, NO VAPING, & NO E-CIGARETTES
- NO PETS
- Please do not move the furniture.
- No glitter or confetti.
- Do not attach decorations/signs, etc to walls, ceilings, decor or furniture.
- Property damage or excessive cleaning needs will result in additional charges to guests.
- Please respect our neighbors. Reduce noise & turn off patio lights after 10pm & do not park in front of their properties.
- Do not park on the grass.
- City mandated quiet hours are enforced from 10pm to 6am.
- NO OUTDOOR SPEAKERS AFTER 10PM PER CITY ORDINANCE.
- City fines may be assessed for violation of parking and noise ordinances. All violation fees will be passed on to the guest.
- Maximum occupancy 2 people max per bedroom, no more than 6 people total. NO parties or events with additional guests.
- Full refund if cancelled 30 days before check in. If booked fewer than 30 days in advance, full refund if canceled within 48 hours of booking. After that, 50% refund if cancelled up to 7 days before check in. No refund after that.

HOUSE POLICIES ARE STRICTLY ENFORCED. VIOLATIONS MAY RESULT IN ADDITIONAL CHARGES OR IMMEDIATE EVECTION WITHOUT REFUND.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-54-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024)

RECOMMENDED MOTIONS

- "I move to recommend denial of ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."
- "I move to recommend approval with conditions of ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Short-Term Rental use at 95 Elmwood Trail.

CASE INFORMATION

Applicant:	Taylor Towles, Elmwood Wonder W
Property Owner(s):	Elmwood Wonder W
Site Acreage:	0.152 acres
Current Zoning:	Planned Development-Single Family-2 (PD-SF-2)
Requested Zoning:	PD-SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location:	95 Elmwood Trail
Parcel ID Number(s):	222754
Existing Use:	A single-family home currently occupies the subject property.
Development History:	The subject property is currently platted as Lot 69, Block A of the River Oaks Phase 4 Addition.

Adjoining Zoning & Uses:

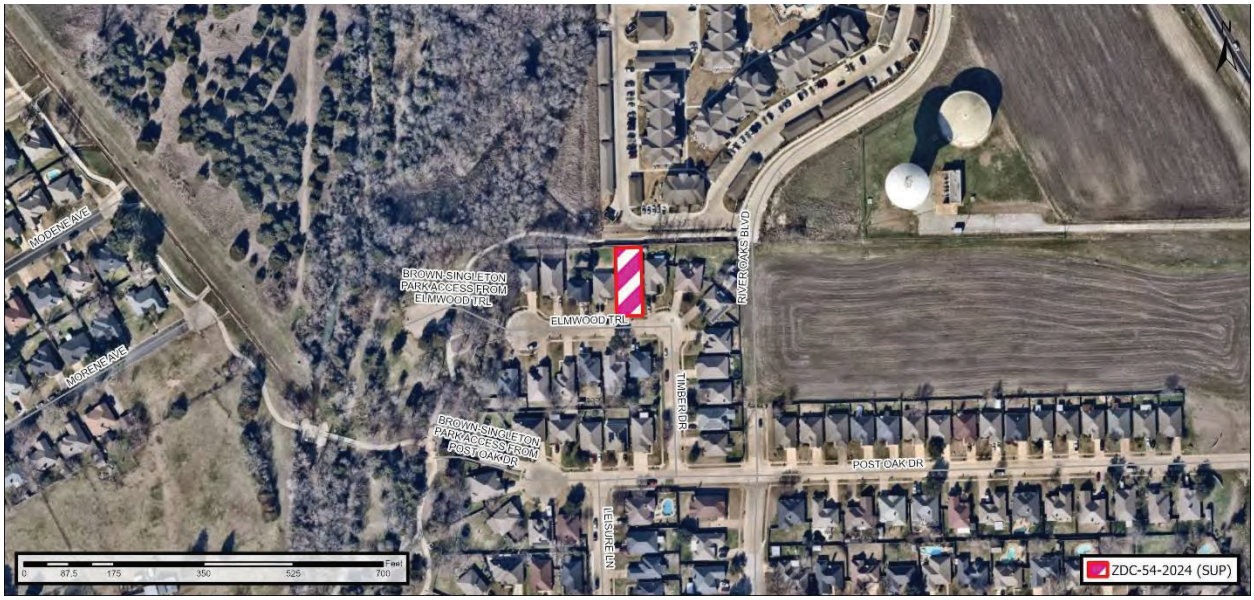
Direction	Zoning	Current Use
North	PD-SF-2	Cypress Creek Apartments
East	PD-SF-2	Single Family Residence
South	PD-SF-2	Single Family Residence
West	PD-SF-2	Single Family Residence

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Elmwood Trail.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 95 Elmwood Trail because it is located within the PD-SF-2 zoning district. The subject property consists of a primary structure of approximately 2,497 square feet with four (4) bedrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.152-acre (6,621 square feet) lot. The applicant has been operating a short-term rental since approximately March of 2022, and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contact provided by the applicant is Taylor Towles (512) 809-4396, 5535 FM813, Waxahachie, TX. 75152, ttowles00@gmail.com, located 7.1 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 51 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of five (5) letters of opposition were received by staff, with four (4) letters being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Location Map (Exhibit A)
3. Zoning Map (Exhibit B)
4. Floorplan (Exhibit C)
5. Site Plan (Exhibit D)
6. Host Rules (Exhibit E)

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

Item 15&16

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

SHORE JESSE S III
88 Elmwood Trl
Waxahachie, TX 75165-2155

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) 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-54-2024 **City Reference: 222758**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:

Jesse Shore
Signature

4/6/24
Date

Jesse Shore Owner
Printed Name and Title

88 Elmwood Trl
Address

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

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

Item 15&16

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

<><><>

OWENS JONATHAN D & REBECCA L
97 ELMWOOD TRL
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) 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-54-2024 **City Reference: 222755**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:
I don't fault the owner but the fact that I live next door to a party house isn't neighborly. This a neighborhood, not a vacation spot. Loud music and lots of cars is a problem.

Jonathan Owens
Signature

4-7-24
Date

Mr. Jonathan Owens
Printed Name and Title

97 Elmwood Trl.
Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

PALAFOX FREDERICO & EMMA Y SIGALA
510 TIMBER DR
WAXAHACHIE, TX 75165-2153

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) 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-54-2024 **City Reference: 222745**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:
Will enterfere with daily walk to our Park.
Don't support this proposition

Signature

4-8-24
Date

Frederico Palafox Jr
Printed Name and Title

510 Timber Dr. Waxahachie TX
Address

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

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

Case Number: ZDC-54-2024 **Item 15&16** **City Reference: 222766**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

RECEIVED APR 1 5 2024

☐ SUPPORT ☒ OPPOSE

Comments:
I am a senior citizen, Living accross from this property. I live by myself

Judy Huff
Signature

4-8-24
Date

Judy Huff
Printed Name and Title

94 Elmwood Trail
Address

Concerned Senior Citizen
Please! Read Comments on next Page

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

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

case #ZDC-54-2024.
city reference 222766

As a Senior citizen living accross from 95 Elmwood Tail, I am concerned about the airbnb you want to put there.

we have enought extra cars parked on our street without adding more. Also if they park in front of a mailbox,

the mailman doesn't get out to deliver the mail.

I would also be less safe with different people going in & out of this house lessening my quality of life.

This being Waxahachie I'm sure my concerns don't carry much weight but I would ask yourselves if I were your mom,

Item 15&16

would you want
a short-term rental
across the street

Please! Share this
amongst yourselves
+ think hard about
how you would
feel

Thank you

Judy Huff
94 Elmwood
River Oaks
addition

Item 15&16

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

RAMOS JOSE & ADELA
89 LILLY LN
WAXAHACHIE, TX 75165-2158

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) 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-54-2024 **City Reference: 222774**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☑ OPPOSE

Comments:

Signature: Ramos

Date: 4-15-24

Printed Name and Title: Adela Ramos

Address: 89 Lilly Lane

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 bl

EXHIBIT A - LOCATION MAP
Item 15&16
MODENE AVE
MORENE AVE
BROWN-SINGLETON PARK ACCESS FROM ELMWOOD TRL
ELMWOOD TRL
RIVER OAKS BLVD
TIMBER DR
BROWN-SINGLETON PARK ACCESS FROM POST OAK DR
POST OAK DR
LEISURE LN
0 87.5 175 350 525 700 Feet
ZDC-54-2024 (SUP)

EXHIBIT B - ZONING MAP

Item 15&16

EXHIBIT C - FLOOR PLAN

Item 15&16

95 Elmwood Layout

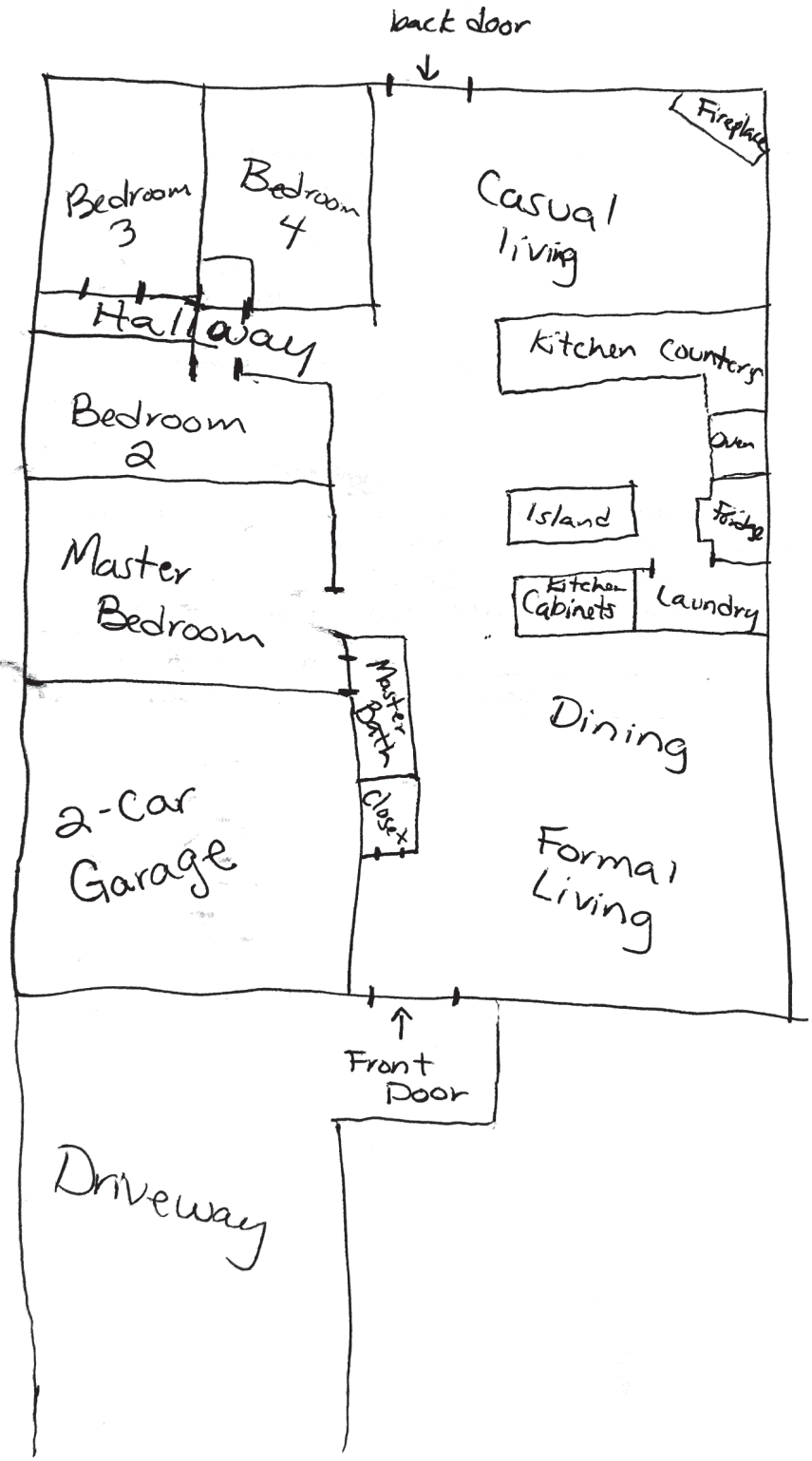
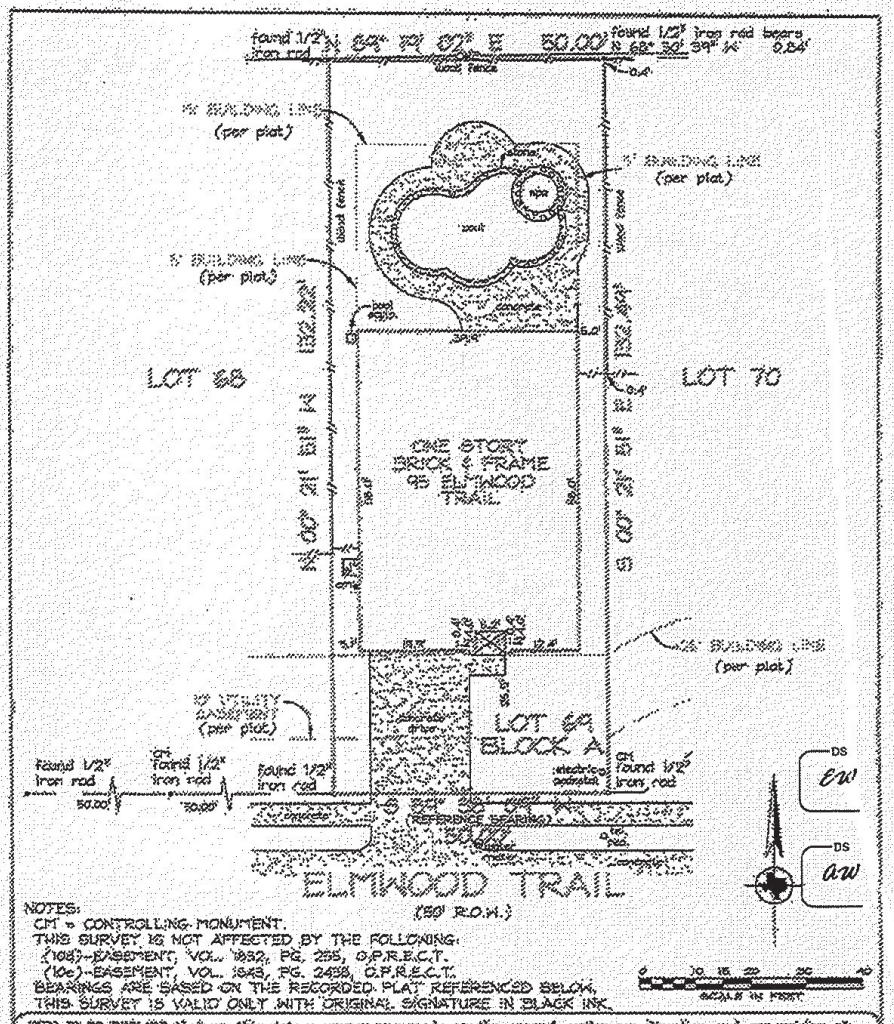


EXHIBIT D - SITE PLAN

Item 15&16

From prior GF 2007116W

DocuSign Envelope ID: BE942B3F-F557-4F82-B87E-8A4C36ECBC89



NOTES:
CM = CONTROLLING MONUMENT.
THIS SURVEY IS NOT AFFECTED BY THE FOLLOWING:
(10d)-EASEMENT, VOL. 1932, PG. 255, O.P.R.E.C.T.
(10e)-EASEMENT, VOL. 1943, PG. 2458, O.P.R.E.C.T.
BEARINGS ARE BASED ON THE RECORDED PLAT REFERENCED BELOW.
THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction, and supervision of the property located at 95 ELMWOOD TRAIL, and being Lot 69, Block A, "River Oaks Addition No. 4", an Addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet F, Slide 32, Plat Records, Ellis County, Texas.

There are no visible conflicts or protrusions, except as shown.
The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48139C0185 D, dated JANUARY 25, 1989, as revised by L.O.M.R. dated MAY 20, 1996. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company and title company only and this survey is made pursuant to that one certain title commitment under the GF number shown hereon, provided by the title company named hereon and that this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

GF NO. 1051606

DATE: _____

ACCEPTED BY:

COMMERCIAL TITLE

DATE: 03/28/08 REVISED:
FIELD DATE: 03/28/08

JOB NO: 108-1293
MAPSCO NO: 1021-Y
TECH: CLL FIELD: TT

ROBERT C. BALL, JR.
4984
REGISTERED PROFESSIONAL LAND SURVEYOR

Precise
402 BARTOW DRIVE
MESQUITE, TEXAS 75149

DALLAS: PHONE 972-681-7024 FAX 972-270-1308
FORT WORTH: PHONE 817-361-0095 FAX 817-431-3416

COPYRIGHT © 2006 PRECISE LAND SURVEYING, INC.

1:35

From
9:00 PM

To
8:00 AM

Commercial photography and filming allowed

Check-in and checkout times Edit

Arrive between 3:00 PM - Flexible
Leave before 10:00 AM

Number of guests Edit

9

Additional rules Edit

-No parties or a $2,000 fee will apply
-No additional guests not listed in the reservation or a fee will apply
-No smoking in the house or outside with doors open
-No parking on lawn
-No loud music past 9PM
-No pets without pet fee
-Must follow check-out rules (throw away trash, place use dishes in dishwasher, hand wash any used pots & pans, turn off all lights, lock all doors)
-No late check-out unless there is written prior arrival past 10AM
Breaking any of these rules will result in additional fees applied

Confirm

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-63-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024)

RECOMMENDED MOTIONS

- "I move to recommend denial of ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."

- "I move to recommend approval with conditions of ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Short-Term Rental use at 511 W Parks Avenue.

CASE INFORMATION

Applicant:	Dawn Lipsey, North Star Custom Homes LLC
Property Owner(s):	North Star Custom Homes LLC
Site Acreage:	0.223 acres
Current Zoning:	Single Family-2 (SF-2)
Requested Zoning:	SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location:	511 W Parks Avenue
Parcel ID Number(s):	173331
Existing Use:	Two (2) single-family residences currently occupy the subject property.
Development History:	The subject property is platted as Lot 37A of the Ferris Revision.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	First United Methodist Church
East	SF-2	Duplex
South	PD-SF-2	Single Family Residence
West	SF-2	Single Family Residence

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The driveway for the subject property is accessible via N Hawkins Street.

Site Image:

PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 511 W Parks Avenue because it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 2,678 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.223-acre (9,714 square feet) lot. The applicant has been operating a short-term rental since approximately June of 2022, and has not been paying local hotel occupancy taxes. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contact provided by the applicant is Virginia Lipsey (469) 337-4788, 414 N Hawkins Street, Waxahachie, TX 75165 virginia2421@gmail.com, located 50 feet from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of twelve (12) letters of support and three (3) letters of opposition were received by staff, with ten (10) letters of support and one (1) letter of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of six (6) guests per stay.
4. The short-term rental operator shall provide a maximum of three (3) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Owner Letter
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan/Site Plan (Exhibit C)
6. Host Rules (Exhibit D)

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

COX RON & CATHY
510 ROYAL ST
WAXAHACHIE, TX 75165

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) 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-63-2024 **City Reference: 273313**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☑ OPPOSE

Comments:
14 NEW SINGLE FAMILY OWNER OCCUPIED ARE REVITALIZING THE NEIGHBOR HOOD. WE DON'T WANT STR.

Ron Cox Cathy Cox 4/15/2024
Signature Date

RON COX CATHY COX 510 ROYAL ST.
Printed Name and Title Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

BINNICKER DUSTIN G
507 Grace St
Waxahachie, TX 75165-3045

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) 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-63-2024 **City Reference: 273319**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:

Signature

4-5-2024
Date

Dustin Binnicker
Printed Name and Title

507 Grace St.
Address Waxahachie TX 75165

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

LUNDAY SHANE D & ALEXIS A
412 N HAWKINS ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) 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-63-2024 **City Reference: 273292**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments:

Alex Lunday
Signature

4-12-2024
Date

Alexis Lunday
Printed Name and Title

412 N Hawins St, Waxahachie TX 75165
Address

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

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

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Karon Meredith

Address: 505 W. Marvin Ave

City/State/Zip: Waxahachie, Tx. 75165

ASignature: Karon Meredith

First United Methodist Church

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Virginia Batson

Address: 414 N. Hawkins St

City/State/Zip: Waxahachie TX 75165

ASignature: Virginia Bat

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Brittany Julian

Address: 407 North Hawkins

City/State/Zip: waxahachie, TX 75165

ASignature: Brittany Julian

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: LINDA WEISS

Address: 608 W. PARKS AV.

City/State/Zip: WAXA. TX 75165

ASignature: Linda S. Weiss

Date: March 19, 2024

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Shirley Skipper

Address: 507/505 W. Parks Ave

City/State/Zip: Waxahachie TX 75165

ASignature: SHIRLEY SKIPPER

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Adam Juarez

Address: 601 W. Parks AVE

City/State/Zip: Waxahachie TX, 75165

ASignature:

Date: 19 Mar 24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: William L Brown

Address: 503 W. Parks Ave

City/State/Zip: Waxahachie, TX 75165

ASignature: [illegible]

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Lorinda Yates (Colonial Restoration)

Address: PO Box 2868

City/State/Zip: Waxahachie, TX. 75168

ASignature: L Yates

Vacant lot on N. Hawkins

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

COLONIAL RESTORATION GROUP INC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) 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-63-2024 **City Reference: 273296**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support, because of the lack of quality hotels in our community and to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

404 N. Hawkins Street
Waxahachie, Tx. 75165
Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

COLONIAL RESTORATION GROUP INC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) Staff: Zack King

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Case Number: ZDC-63-2024 **City Reference: 273315**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature: [signature] Date: 4-9-2024

Printed Name and Title: Brad Yates, Owner

Address: 506 Royal Street
Waxahachie, TX 75165

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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.

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

<><><>

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

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) Staff: Zack King

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Case Number: ZDC-63-2024 **City Reference: 173342**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

[X] SUPPORT [ ] OPPOSE

Comments: In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

408 N. Gibson
Waxahachie, TX. 75165
Address

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

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

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Shane Lunday

Address: 412 N Hawkins St

City/State/Zip: Waxahachie Tx 75165

ASignature:

Date: 3/18/2024

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Teirra Cruswell

Address: 409 N Hawkins ST

City/State/Zip: Waxahachie, TX

ASignature:

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: DAVID RICKETTS

Address: 410 N. HAWKINS

City/State/Zip: WAXAHACHIE, TX 75165

ASignature:

Venissat, Michelle

From: waxaone@aol.com
Sent: Wednesday, April 17, 2024 4:26 PM
To: Planning
Subject: CASE NUMBER: ZDC-63-2025

Dear Planning & Zoning Commission,

My name is Elizabeth Getzendaner Cunliffe, and I own properties at 411 West Marvin and 415 West Marvin and half of 104 Bryson Street. All properties are within the the neighborhood of 511 West Parks Avenue. I am writing to you today to voice my opposition to the Special Use Permit being filed by Dawn Lipsey, North Star Custom Homes, LLC.

I oppose this SUP for several reasons: This is a residential neighborhood, and we are already being encroached upon by the businesses on Ferris Avenue. Short term Rental use is a business and as such would not be in fitting with our neighborhood. Ferris Avenue is a mess, and I certainly don't want any more business in my immediate back yard. North Star Custom Homes is not even a Waxahachie business.... they are from Waco. Let them buy property for short term rentals in Waco.

The Methodist Church is also in the neighborhood, and they have Mother's Day Out twice a week. I hardly think a short-term rental property is appropriate so close to the church and all the children that attend the program. The last thing I would want is a short-term rental right in their back yard with strangers coming and going all the time. It isn't safe and it isn't in keeping with our residential neighborhood.

I would respectively ask that you not grant this Special Use Permit.

Sincerely,
Elizabeth G. Cunliffe

Item 17&18

511 W. PARKS AVE, WAXAHACHIE, TX 75165

Hello. We are Edwin and Dawn Lipsey. Waxahachie is a special place for our family for we pastored here for twenty years. We spent the majority of our young adult life here and consider it home. Both sides of our extended families live within one hour of Waxahachie to the north and to the south, and Waxahachie is the meeting point for all of them.

Eight years ago, we moved to Tennessee to pastor a church. We have bought and sold properties for many years in Waxahachie as Lipset Properties and North Star Custom Homes but have sold most of them since we moved. However, we kept one parcel located at 511 W. Parks Ave, Waxahachie, TX, that included a small home for our sister, who lives behind the main house. We rented the main house since purchasing it, but the last renter almost destroyed the home through hoarding, and due to COVID mandates, we weren't allowed to evict him.

During this time, our daughter graduated college and returned to her home roots in Texas to practice law in Dallas. With all of our traveling back to Waxahachie, we realized we needed a more permanent place for us to stay while in town. When COVID mandates were lifted, we discontinued renting yearly and remodeled the home for our personal use. While we are away, we use our home as an Airbnb to help offset our taxes, utilities, and upkeep. Our neighbors have welcomed the change from a yearly rental to a short-term rental since we began in June 2022 because the house and yard are now consistently maintained nicely and there is less noise and commotion.

Since this is our personal home, we are careful with our guests and have many house rules to ensure our home is well-maintained and to respect our great neighbors around us. Our sister lives directly behind the property and watches over it, and we have cameras and a monitoring system for the outdoor areas. We are also considered "super hosts" with Airbnb, which comes from great reviews from those renting our property, along with great communication with our guests to ensure no difficulties.

We want to continue with our short-term rental to help us financially maintain a place for us when we come back home to Waxahachie. This is our special place, and we love sharing it with others when they come to our quaint town. We would appreciate your help and consideration to allow our personal home at 511 W. Parks Ave, Waxahachie to continue functioning as a short-term rental.

Sincerely,
Edwin & Dawn Lipsey

EXHIBIT A - LOCATION MAP

Item 17&18

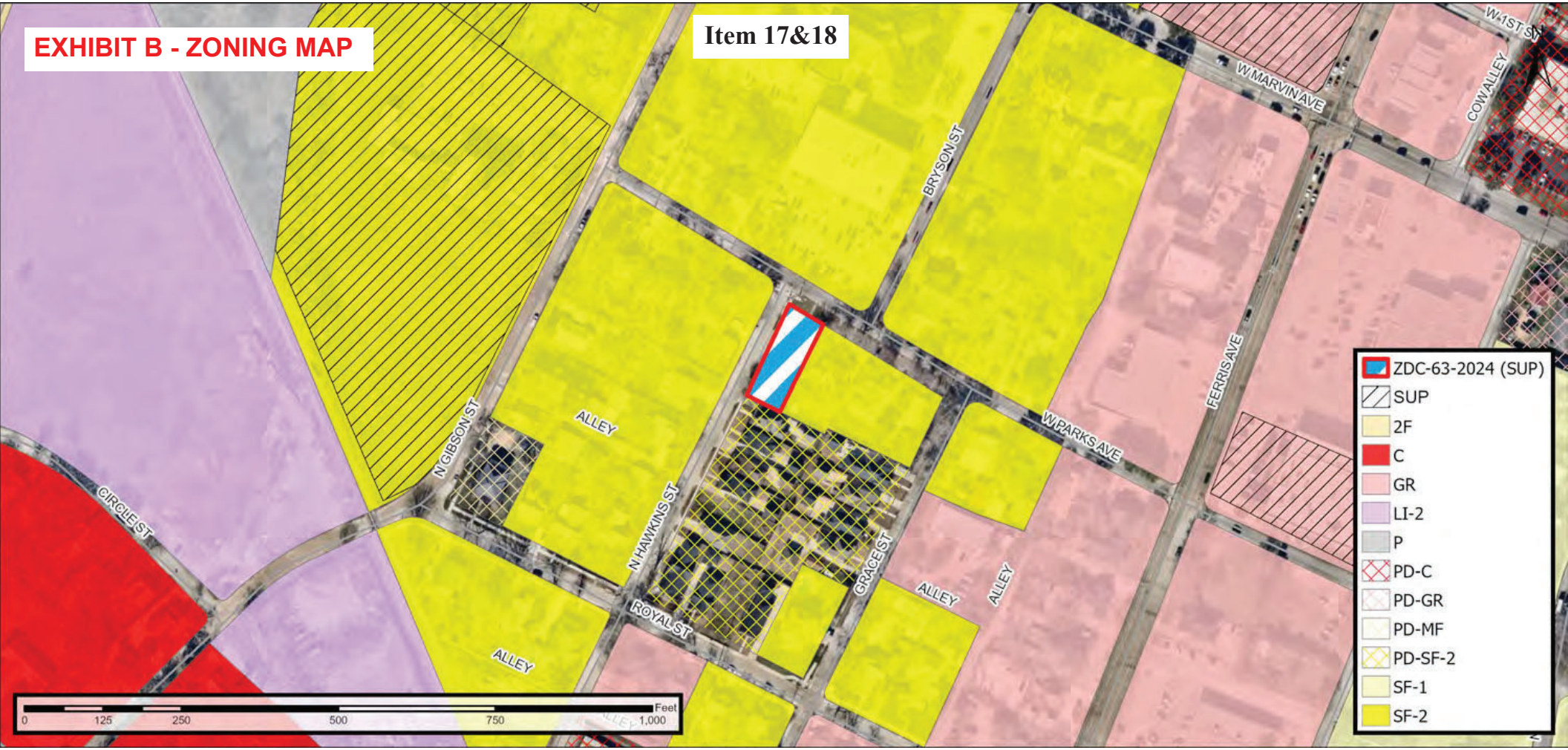
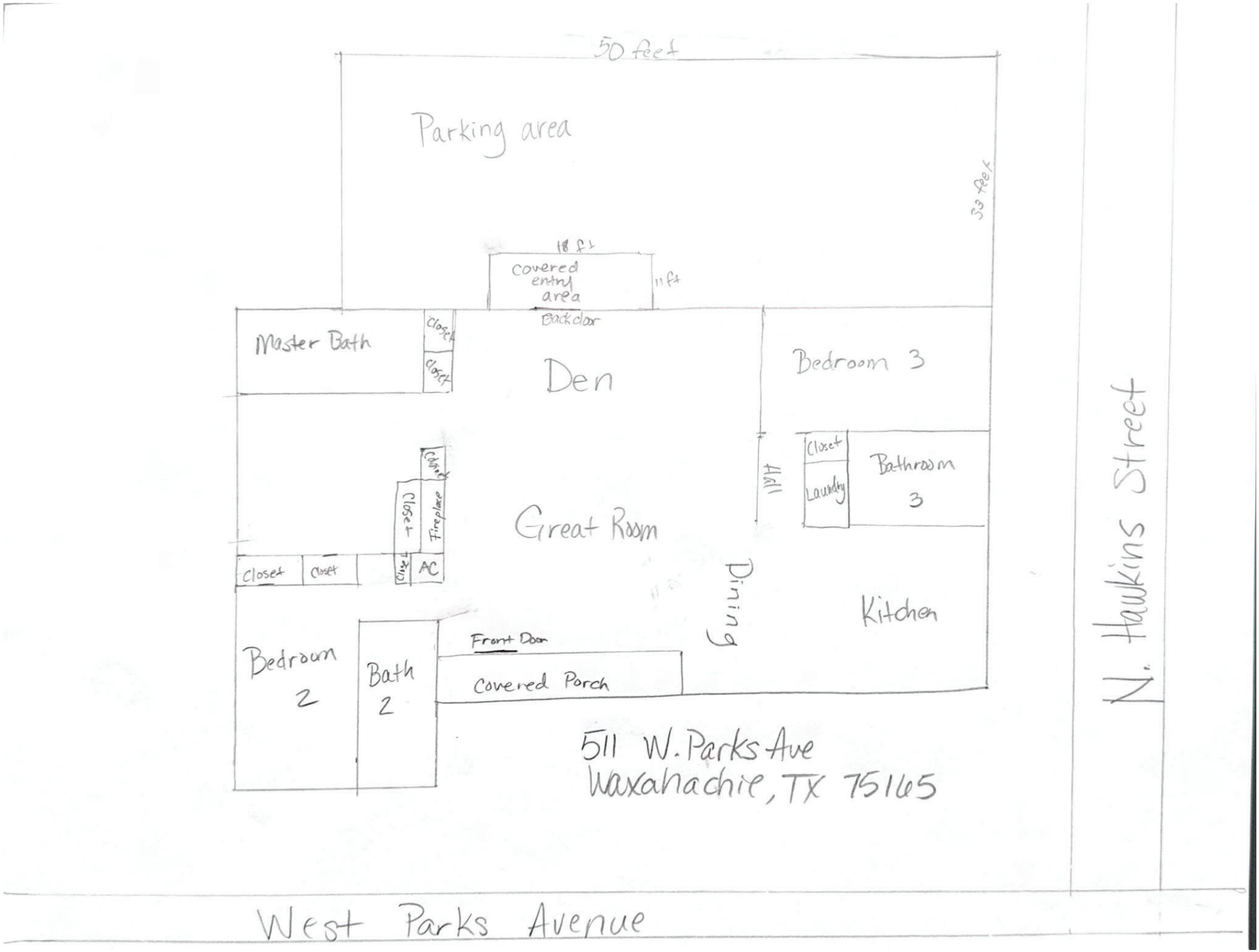


EXHIBIT B - ZONING MAP
Item 17&18
W MARVIN AVE
W 1ST ST
COW ALLEY
BRYSON ST
FERRIS AVE
W PARKS AVE
N GIBSON ST
ALLEY
CIRCLE ST
N HAWKINS ST
ROYAL ST
GRACE ST
ALLEY
ALLEY
ALLEY
ZDC-63-2024 (SUP)
SUP
2F
C
GR
LI-2
P
PD-C
PD-GR
PD-MF
PD-SF-2
SF-1
SF-2
0
125
250
500
750
1,000
Feet

EXHIBIT C - FLOOR PLAN/SITE PLAN

Item 17&18



HELPFUL NUMBERS

D. Lipsey, owner
(Main communication through Airbnb app.)
(972) 268-0154

V. Lipsey, local *emergency* contact
(ONLY if owner cannot be reached)
(469) 337-4788

Waxahachie Police
(Non-emergency line): (469) 309-4400
In case of an emergency, dial 911

Waxahachie Fire Department
(469) 309-4200

Ambulance Service
(972) 923-1626

Hospital
Baylor Scott & White Medical Center
(469) 843-4000
2400 N I-35E, Waxahachie, TX 75165

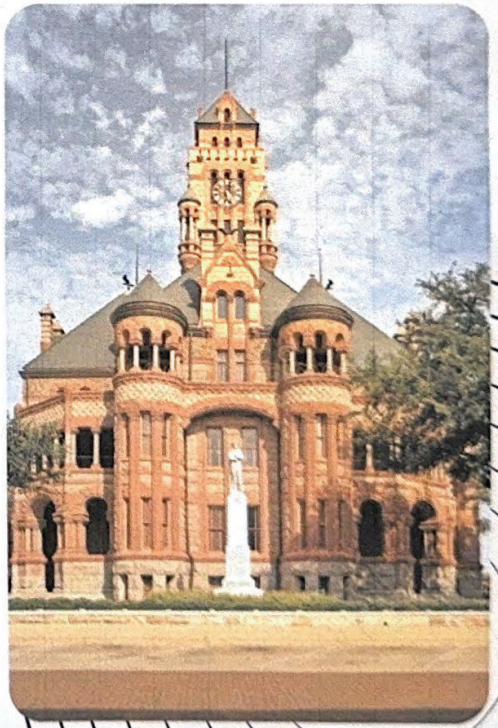
Local Emergency/Weather:
Ellis County Emergency Management:
(972) 825-5199/Facebook

RESTRICTIONS

- NO ANIMALS ALLOWED. $750 cleaning fee will be assessed. Thank you for helping us keep our home smelling fresh and clean for our family and other guests.
- Loud noise and amplified sound are not permitted. Please be kind and respect our great neighbors.
- The City of Waxahachie prohibits the use of this short-term rental premise for the purpose of having a party, social, or entertainment venue.
- No illegal activity as deemed by a governmental entity is permitted on this property.

Welcome!

We're glad you're here!



THINGS TO KNOW

- Entry doors unlock & relock with a unique 4-digit code sent to you.
- Cameras are installed outside the house with video monitoring.
- Wifi network: Getaway
  Wifi password: Relaxtime
- Cable TV is available on each TV using the Spectrum app.
- The kitchen trashcan is in the pullout drawer on the kitchen island.
- Put all trash in a sealed trash bag and put it in a Polycarp (green bin) outside the back door. City picks up on Mondays. Neighbor will pull bin to curb Sunday night.
- Sound machines, oscillating fans, & small heaters are available in each room.
- A fire extinguisher is located on the kitchen wall.
- Maximum occupancy: 8
- Total vehicles permitted in rear parking: 3
  (No parking in street.)

ADDRESS

511 W. Parks Ave
Waxahachie, TX 75165

CHECK OUT

- PLEASE CHECK ALL DRAWERS AND CLOSETS FOR YOUR ITEMS. Items left behind will be donated to a local store.
- Log out of all apps on smart TVs.
- Remove sheets & pillowcases from the bed and put them and all dirty towels in laundry bins located in each closet. Place laundry bins in the hallway of the washer/dryer.
- Dispose of all food items in the refrigerator and freezer.
- Put all dirty dishes in the dishwasher and turn it on.
- Put all bathroom and kitchen trash in sealed trash bags and place them in large green bins outside the back door in the parking area. Our neighbor will help pull the bin to the curb on Sunday night, and the City will pick it up on Monday.
- Turn the Roomba vacuum on.
- When leaving, set the thermostat to 75 degrees (when using AC) or 70 degrees (when using heat).
- Sign the guest book.
- Use the four-digit code to lock the door as you leave.
- Have a great trip home and come back soon!

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-58-2024

MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)

RECOMMENDED MOTIONS

- *"I move to recommend denial of ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district."*
- *"I move to recommend approval of ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district, subject to the conditions the staff report."*

APPLICANT REQUEST

The applicant requests to rezone the subject property from a Single Family-2 district to a Planned Development-Single-Family-2 zoning district to allow for a home 800 square feet in size.

CASE INFORMATION

Applicant:	Kelley Cruzan
Property Owner(s):	Thomas Jordan
Site Acreage:	0.180 acres
Current Zoning:	Single Family-2 (SF-2)
Requested Zoning:	Planned Development-Single-Family-2 (PD-SF-2)

SUBJECT PROPERTY

General Location:	106 McClain Street
Parcel ID Number(s):	170768
Existing Use:	Undeveloped
Development History:	The subject property is platted as Lot 2, Block 42B of the Town Addition.

Adjoining Zoning & Uses:

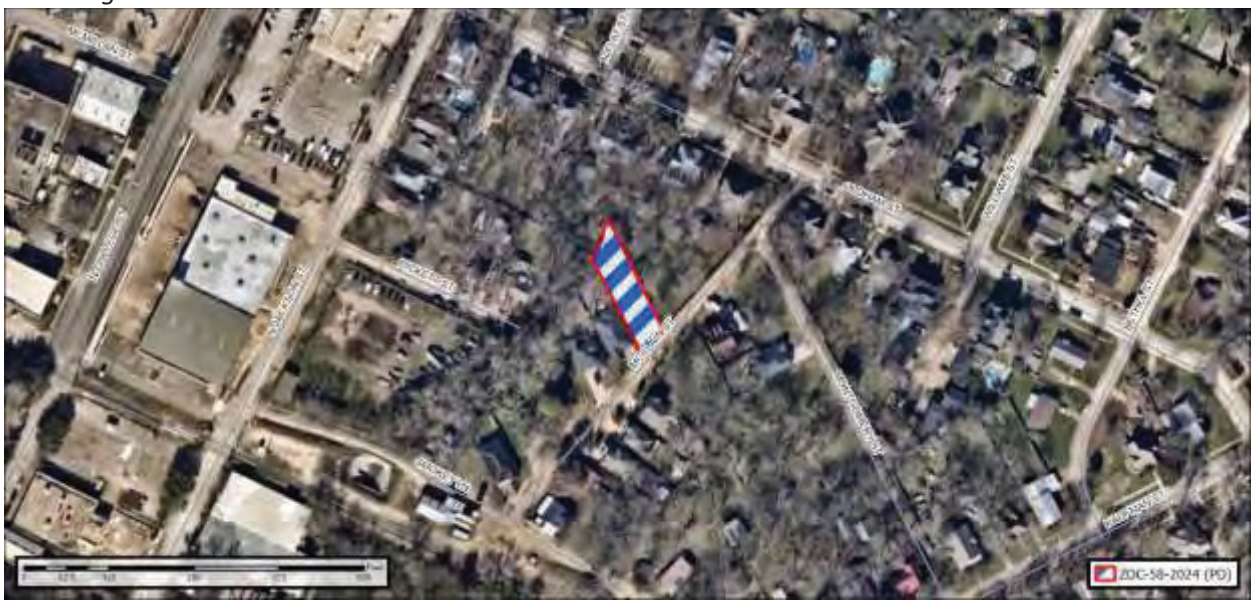
Direction	Zoning	Current Use
North	Single Family-1 (SF-2)	Single Family Residence
East	Single Family-1 (SF-2)	Single Family Residence
South	Single Family-1 (SF-2)	Single Family Residence
West	Single Family-1 (SF-1)	Single Family Residence

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 McClain Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Single Family-2 district to a Planned Development-Single-Family-2 zoning district to allow for a home 800 square feet in size.

Planning Analysis (continued):
The subject property is situated within the Infill Overlay District, which establishes development standards that supersede the base Single-Family-2 zoning district on the subject property. The Infill Overlay District was established to facilitate residential development of vacant lots in the core of Waxahachie that present challenges for traditional development due to their size and shape. The Infill Overlay District allows for lot size, lot dimension, setback, home size, and parking requirements that are based on existing development within 50' of the property in question.

In regards to 106 McClain Street, the Infill Overlay District requires a minimum home size of approximately 2,000 square feet. With this Planned Development request, the applicant proposes to reduce the minimum home size requirement to 800 square feet to allow for a two-bedroom, one-bathroom home. Additionally, the applicant proposes a modification to the parking requirement for 106 McClain Street to allow for a gravel driveway as opposed to a concrete driveway. No other deviation from the typical requirements of Single Family-2 zoning district or Infill Overlay District is proposed.

PROPOSED PD DEVELOPMENT STANDARDS
The following table identifies typical development standard required in the Infill Overlay District in comparison to the proposed development standards for this PD. **Items highlighted in **bold** indicate a deviation from the Infill Overlay District requirements.*

Standard	Infill Overlay District	Proposed PD
Maximum Height	2 stories	2 stories
Minimum Dwelling Size	90% of homes within 50' (approximately 2,000 SF)	**800 SF**
Minimum Front Yard Setback	Within 5' of adjacent homes	Within 5' of adjacent homes
Minimum Side Yard Setback	10% of Lot Width	10% of Lot Width
Parking Regulations	Minimum of 2 concrete parking spaces behind the front plane of the home.	Minimum of 2 **gravel** parking spaces behind the front plane of the home.

PUBLIC NOTIFICATIONS
To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES
Staff has received one (1) letter of support and three (3) letters of opposition for the proposed zoning change.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, if considering a recommendation for approval:.

Conditions:

1. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

ATTACHED EXHIBITS

1. Public Notification Responses
2. Location Map (Exhibit A)
3. Development Standards (Exhibit B)
4. Site Plan (Exhibit C)
5. Foundation & Floor Plan (Exhibit D)

APPLICANT REQUIREMENTS

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

Item 19&20

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024
<><><>

Oppose

EVANS JEFF
121 MCCLAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) 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-58-2024 **City Reference: 176538**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☑ OPPOSE

Comments:
~~Sound~~ This will decrease the value of everyone's house on this street. Please do not allow this to happen we all work to hard for our houses.

Signature

4-9-2024
Date

Jeff Evans
Printed Name and Title

121 McClain Street
Address

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

<><><>

LAFLOWER HUNTER
110 McClain St
Waxahachie, TX 75165-3322

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

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Case Number: ZDC-58-2024 **City Reference: 170769**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT ☒ OPPOSE

Comments:
Mr. Jordan has made verbal threats to both myself and my girlfriend saying that he will shoot us if he ever sees us too close to his property.

Signature: [signature] Date: 4/7/24

Printed Name and Title: Hunter La Flower Address: 110 McClain St Waxahachie, Tx 75165

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

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

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

MORENO CAROLYN
400 OLDHAM ST
WAXAHACHIE, TX 75165-3334

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 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:

> Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) 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-58-2024

City Reference: 170802

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

Comments: ☒ SUPPORT ☐ OPPOSE

Carolyn Moreno
Signature

4/15/24
Date

Carolyn Moreno
Printed Name and Title

400 Oldham St
Address

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

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

Item 19&20

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

<><><>

POGUE LORRIE
114 PARK PLACE CT STE 200
WAXAHACHIE, TX 75165

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Case Number: ZDC-58-2024 **City Reference: 176537**

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☐ SUPPORT ☒ OPPOSE

Comments:
Im not in favor of allowing a tiny house in this neighborhood. It will greatly decrease our Property values & open the door for more of it's kind. It won't match the homes already in the neighborhood.

Signature: [signature] Date: 4/17/24

Printed Name and Title: Lorrie Ann Pogue Address: 123 McClain Street

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

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

From: Lorrie Ann Pogue <LPogue@fidelity-usa.com>
Sent: Wednesday, April 17, 2024 4:08 PM
To: Planning
Subject: Case ZDC-58-2024 106 McClain Street, Waxahachie, TX 75165
Attachments: Case ZDC-58-2024_001.pdf

To whom it may concern:

Concerning Case No ZDC-58-2024, it is my understanding that you are proposing to change the zoning in order to approve a tiny house located at 106 McClain Street. I am against this zoning change, because I feel like it will greatly decrease the property values of the rest of the homes in the neighborhood and will open the door for more tiny houses to be placed in our neighborhood which will further decrease our property values. I don't think that type of home will match up to what's in this neighborhood already and will be out of place and unsightly.

Thank you,

Lorrie Ann Pogue
123 McClain Street

Wire fraud and email hacking/phishing attacks are on the rise! If you receive an email containing Wire Transfer Instructions, **DO NOT RESPOND TO THE EMAIL**! Call your escrow officer/closer immediately, using our office number of **972-920-6770** and NOT a number provided in the email, to verify the info prior to sending funds. Fidelity National Title does not alter its wiring instructions. If you receive new wiring instructions, please notify me immediately.

EXHIBIT A - LOCATION MAP

Item 19&20

106 McCLAIN ST. WAXAHACHIE, TX 75165

DEVELOPMENT STANDARDS

Purpose and Intent

The purpose and intent of this Planned Development (PD) Zoning Change Application is to facilitate development of the subject property in a manner that allows residential development. Any conditions found within the Single Family Residential 2 (SF-2) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances.

Compliance with the City's Comprehensive Plan

Zoning District SF-2 is the intended zoning classification underlying this PD request. Any variations to the base zoning district regulations and comprehensive plan are as detailed in this PD request document.

PD District Development Standards

Proposed Use of Property

The PD Concept Plan is intended to allow for one small single-family residence adequately sized for the 0.180-acre lot, and complimentary to existing small homes in the Waxahachie Town Addition.

General Development Requirements

Minimum Lot Area is 7,500 square feet.

Minimum Lot Width is 45 feet.

Minimum Dwelling Unit Area is 800 square feet.

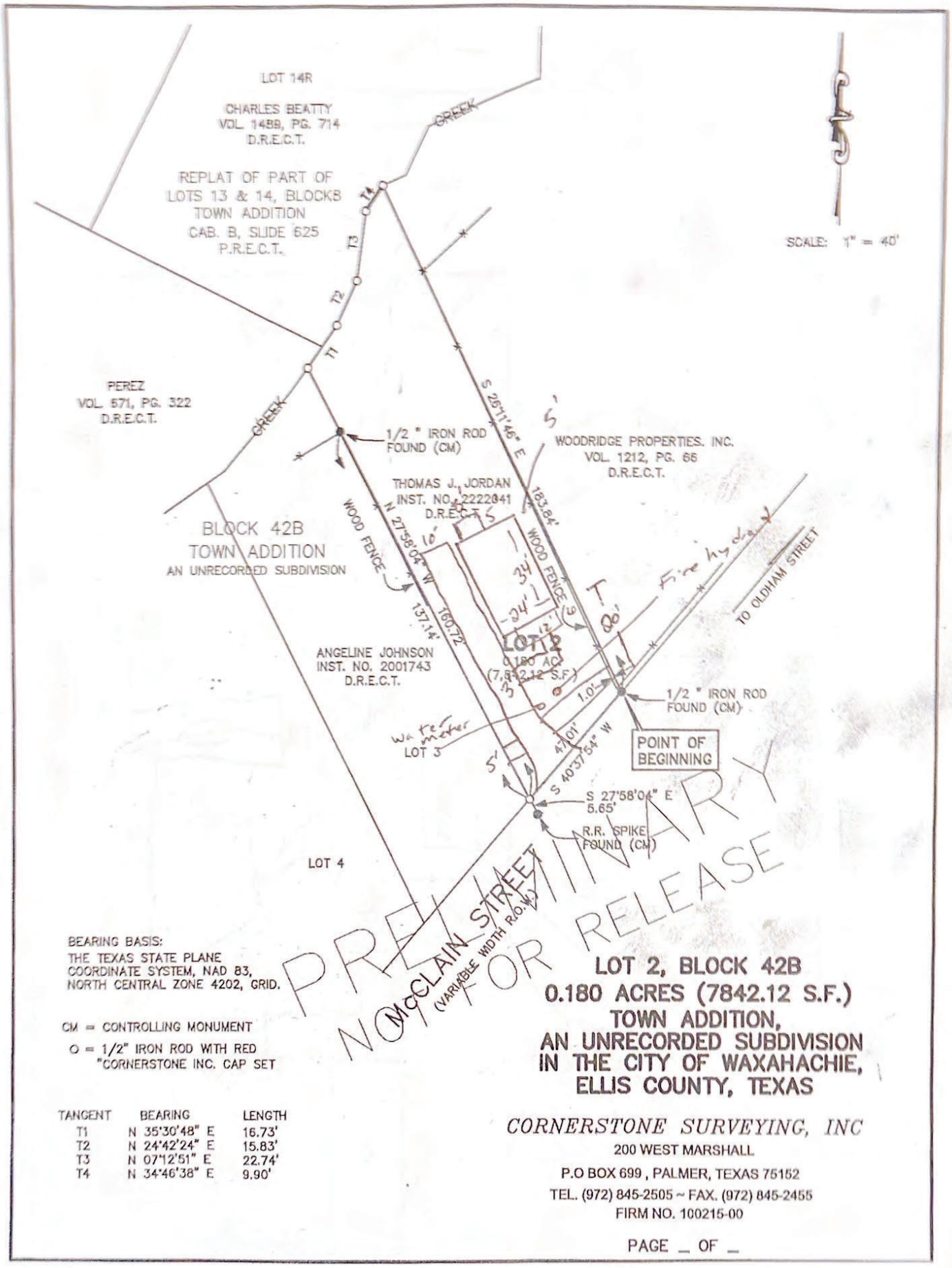
Minimum of two off-street parking spaces, consisting of gravel, behind the front plan of the home shall be provided.

A 3' hard surface walkway from the sidewalk or driveway to the front of the home shall be provided.

City Ordinance Number 2596, which is colloquially referred to as the City's Infill Ordinance, shall be the basis which sets the standards for the construction of this residential structure within this PD.

EXHIBIT C - SITE PLAN

Item 19&20



BEARING BASIS:
THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202, GRID.

CM = CONTROLLING MONUMENT

O = 1/2" IRON ROD WITH RED "CORNERSTONE INC. CAP SET

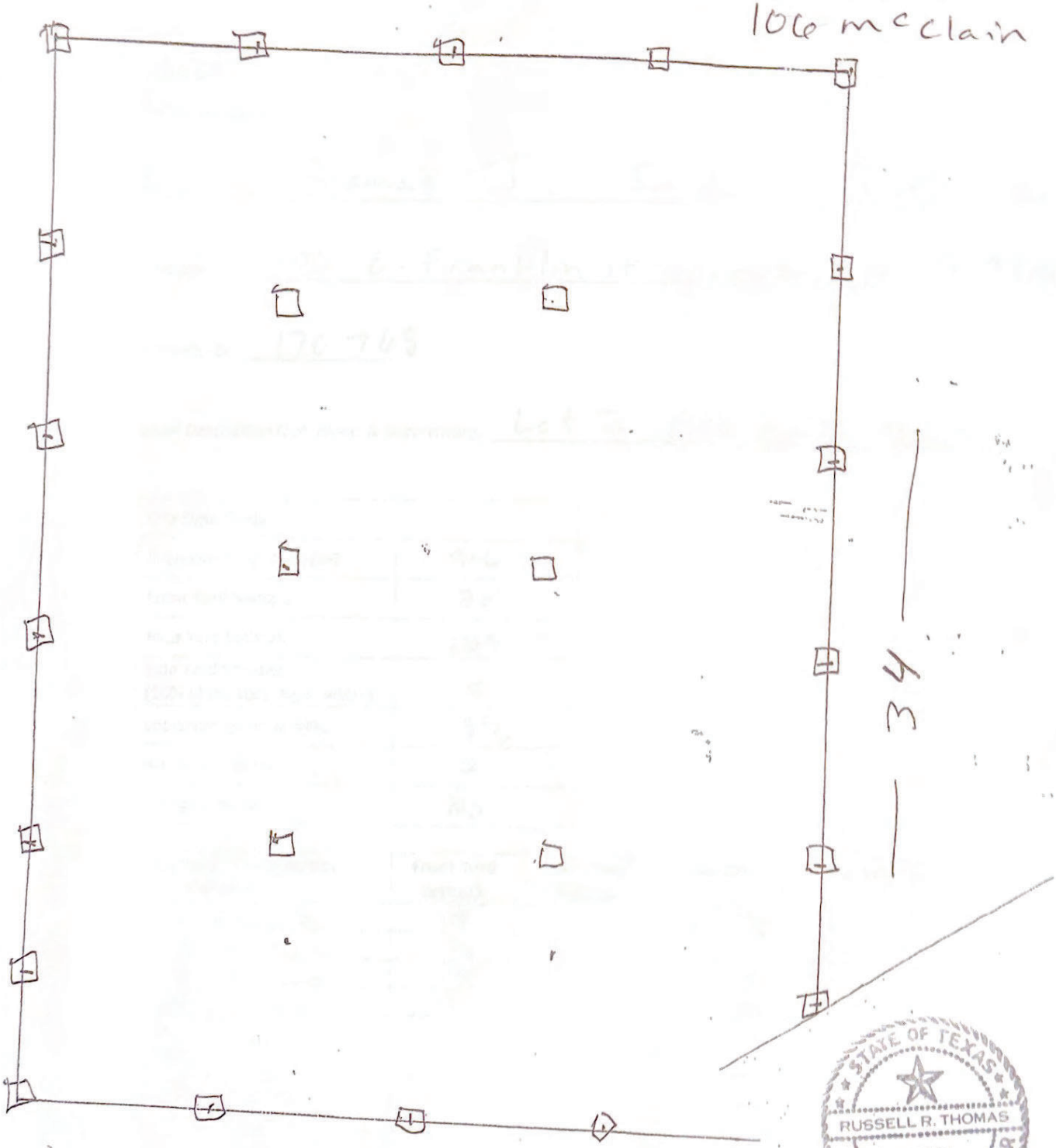
TANGENT	BEARING	LENGTH
T1	N 35°30'48" E	16.73'
T2	N 24°42'24" E	15.83'
T3	N 07°12'51" E	22.74'
T4	N 34°46'38" E	9.90'

LOT 2, BLOCK 42B
0.180 ACRES (7842.12 S.F.)
TOWN ADDITION,
AN UNRECORDED SUBDIVISION
IN THE CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS

CORNERSTONE SURVEYING, INC
200 WEST MARSHALL
P.O BOX 699 , PALMER, TEXAS 75152
TEL. (972) 845-2505 ~ FAX. (972) 845-2455
FIRM NO. 100215-00

EXHIBIT D - FOUNDATION & FLOOR PLAN **Item 19&20**

— 24 — Lot 2 Block 42B
Town Addition
106 mcclain

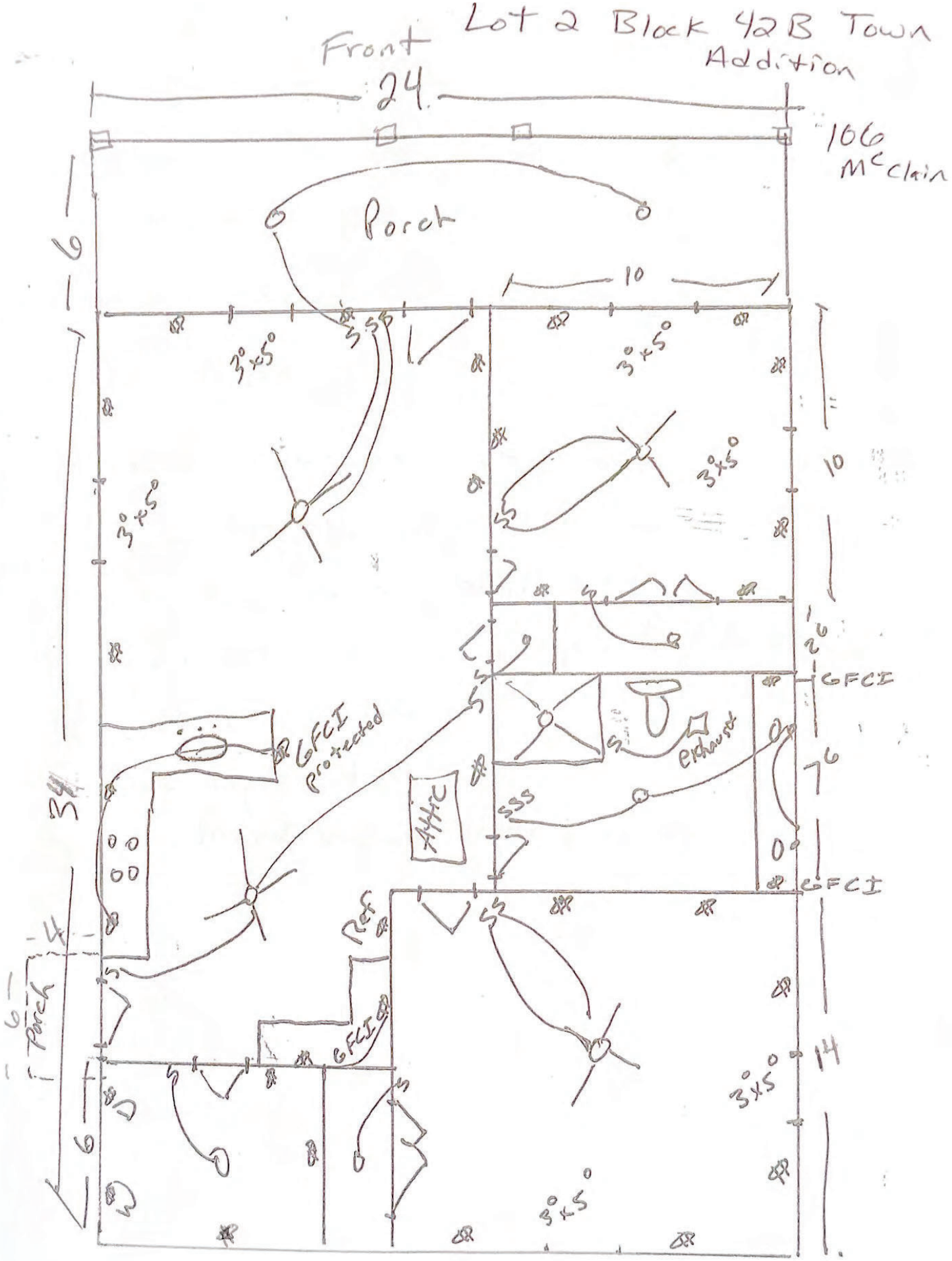


STATE OF TEXAS
RUSSELL R. THOMAS
66054
REGISTERED
PROFESSIONAL ENGINEER

1/4" = 1'

Block + Pad
6' O.C. on exterior
8' O.C. on interior

2/10/24

EXHIBIT D - FOUNDATION & FLOOR PLAN

Item 19&20