

**NOTICE OF PLANNING & ZONING COMMISSION BRIEFING SESSION  
SEPTEMBER 11, 2018  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:30 P.M.**

**Agenda**

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

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

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 469-309-4005 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.***

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, September 11, 2018 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

1. Call to Order
2. Invocation
3. ***Public Comments:*** Persons may address the Planning & Zoning Commission on any issues. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Commission may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

4. ***Consent Agenda***

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

- a. Minutes of the regular Planning & Zoning Commission meeting of August 28, 2018
  - b. Minutes of the Planning and Zoning Commission briefing of August 28, 2018
  - c. Minutes of the Planning and Zoning Commission and City Council Joint Work Session of August 27, 2018
5. ***Public Hearing*** on a request by Stacy Lennon, Green Light Solar, for a Specific Use Permit (SUP) for **Small In-Ground Solar Panel System** use within a Planned Development-23-Single Family-1 zoning district, located at 97 Eagle Point Drive, 39 B CRYSTAL COVE ESTS 1.171 ACRES (Property ID 219032) - Owner: ALLEN JAMES (SU-18-0129)
6. ***Consider*** recommendation of Zoning Change No. SU-18-0129
7. ***Consider*** request by Erik Barnard for a **Preliminary Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)

8. **Consider** request by Erik Barnard for a **Final Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)
9. **Public Hearing** on a request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to **General Retail** located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)
10. **Consider** recommendation of Zoning Change No. ZC-18-0134
11. **Public Hearing** on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to **Commercial** located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)
12. **Consider** recommendation of Zoning Change No. ZC-18-0135
13. **Consider** request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)
14. **Public Hearing** on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to **Planned Development-Heavy Industrial, with Concept Plan**, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)
15. **Consider** recommendation of Zoning Change No. PD-18-0137
16. **Public Hearing** on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)
17. **Consider** recommendation of Zoning Change No. TA-18-0145
18. Adjourn

**The P&Z reserves the right to go into Executive Session on any posted item.**

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4005 or (TDD) 1-800-RELAY TX.

<p style="text-align: center;"><b><i>Notice of Potential Quorum</i></b> <b><i>One or more members of the Waxahachie City Council may be present at this meeting.</i></b> <b><i>No action will be taken by the City Council at this meeting.</i></b></p>
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Planning and Zoning Commission  
August 28, 2018

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, August 28, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
Erik Barnard  
David Hudgins

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Kelly Dent, Planner  
Tommy Ludwig, Executive Director of Development Services  
Lori Cartwright, City Secretary  
Mary Lou Shipley, Council Representative

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

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

3. **Public Comments**

Ms. Roberta King, 1409 Boyce Road, Waxahachie, spoke in opposition of item 10 being RP-18-0127 noting she is the spokesperson for her neighborhood. Ms. King stated the closest fire station is seven (7) miles from their property and because of that,, it gives the neighborhood an ISO insurance rating of 10 being the worst rating. She stated the average response time of the volunteer fire department is 25 minutes. Ms. King stated the infrastructure is only adequate for homes on acreage and the small waterlines in the area will not support the request of the Replat. She stated building on smaller lots will make the aerobic systems unhealthy.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 14, 2018
- b. Minutes of the Planning and Zoning Commission briefing of August 14, 2018

**Action:**

*Mrs. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Mr. Jim Phillips seconded, All Ayes.*

5. **Consider request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126)**



Ms. Kelly Dent, Planner, reported the applicant wishes to divide the property into six (6) lots. She stated the cash in lieu of park land dedication is estimated at \$3,523.20. Staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126) as presented. Mr. Erik Barnard seconded, All Ayes.*

**6. Consider request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128)**

Ms. Dent reported the property is located at IH-35 and Compton Drive. She stated the cash in lieu of park land dedication is estimated at \$1,288.80. Ms. Dent reported the development is on City water. She stated at present, the development is on septic; however, there is a note on the plat that states any further development of the property necessitates connection to City sanitary sewer. Additionally, when sewer becomes available, the development must convert from septic to City sanitary sewer, regardless of whether further development occurs on the site.

**Action:**

*After a brief discussion, Mrs. Bonney Ramsey moved to approve a request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

**7. Public Hearing on a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: WILLIAM & ANN SAYEGH (SU-18-0130)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to erect a metal horse barn of 1,260 square feet. She explained the metal barn is permitted with a Specific Use Permit because barns on properties that are two (2) or more acres are exempt from the masonry construction requirements if the barns are used for agricultural purposes. Ms. Dent stated the old barn will be removed. Staff recommended approval as presented.

There being no others to speak for or against SU-18-0130, Chairman Keeler closed the Public Hearing.

**8. Consider recommendation of Zoning Change No. SU-18-0130**

**Action:**

*Mr. Jim Phillips moved to approve a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: WILLIAM & ANN SAYEGH (SU-18-0130) subject to staff comments. Mr. David Hudgins seconded, All Ayes.*

- 9. Consider request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124)**

Ms. Dent reported the property is along Martin Luther King Jr. Boulevard fronting onto TxDOT right-of-way. She explained before the applicant can build a residence on Lot 1, access to the lot will be determined by TxDOT. She stated cash in lieu of park land dedication is estimated at \$800.00. Staff recommended approval as presented.

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124) subject to staff comments. Mrs. Bonney Ramsey seconded, All Ayes.*

- 10. Consider request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127)**

Ms. Dent reported the applicant seeks to create four (4) lots on approximately five (5) acres. She stated Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality (TCEQ) standards for water distribution. She explained the District cannot meet the ISO fire flow requirements. A variance from the Ellis County Commissioners' Court was obtained at their July 17, 2018 meeting. Ms. Dent stated the development, due to lack of fire protection, does not comply with the Subdivision Ordinance.

**Action:**

*After a lengthy discussion, Mr. Jim Phillips moved to deny a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). Ms. Betty Square Coleman seconded. The vote was as follows:*

*Ayes: Jim Phillips  
Betty Square Coleman  
David Hudgins*

*Noes: Rick Keeler  
Bonney Ramsey  
Erik Barnard*

*The motion failed due to a tie vote.*

- 11. Consider request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122)**

Ms. Dent reported the Nash-Forreston Water Supply initially indicated that their existing system could furnish the requested service in conformity with the Texas Commission on Environmental Quality (TCEQ) standards for water distribution and the ISO fire requirements. She explained the Nash-Forreston Water Supply have since clarified that they cannot meet ISO fire flow requirements. Ms. Dent stated had they initially indicated their inability to meet fire flow requirements, the application would have been deemed incomplete.

**Action:**

*After a brief discussion, Mr. Jim Phillips moved to deny a request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122). Ms. Betty Square Coleman seconded, All Ayes.*

- 12. Consider request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123)**

Ms. Dent stated FP-18-0123 is a companion case to item 11 being PP-18-0122. She reported the Preliminary Plat cannot meet the ISO fire requirements. Ms. Dent noted the applicant seeks to re-route the proposed thoroughfare and explained, at this point, staff has not received a drawing detailing the proposed relocation of this thoroughfare. She stated formatting issues remain outstanding with this submittal.

**Action:**

*Mr. Jim Phillips moved to deny a request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123). Mrs. Bonney Ramsey seconded, All Ayes.*

- 13. Adjourn**

There being no further business, the meeting adjourned at 7:37 p.m.

Respectfully submitted,

Lori Cartwright, City Secretary

Planning and Zoning Commission  
August 28, 2018

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, August 28, 2018 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
Erik Barnard  
David Hudgins

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Kelly Dent, Planner  
Tommy Ludwig, Executive Director of Development Services  
Lori Cartwright, City Secretary  
Mary Lou Shipley, Council Representative

**1. Call to Order**

Chairman Rick Keeler called the meeting to order.

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

Ms. Kelly Dent, Planner, reviewed PP-18-0126 being a Preliminary Plat noting due to the nature of the building, the landscape plans will be submitted with the building plans as each lot develops. Staff recommended approval.

Ms. Dent reviewed FP-18-0128 being a Final Plat noting the applicant has park land dedication fees. Ms. Dent stated the development is on City water and currently on septic. She explained the plat will state any further development of the property will require connection to the City's sanitary sewer. Ms. Dent stated, when sewer becomes available, the development must convert from septic to City sewer.

Ms. Dent reviewed SU-18-0130 being a request for a Specific Use Permit (SUP) for a metal barn in a rural residential district. Ms. Dent stated because the property is greater than two (2) acres and the applicant is using it for agricultural a SUP is required.

Ms. Dent reviewed FP-18-0124 being a Final Plat noting the applicant has park land dedication fees. Ms. Dent reported access to the lot from Martin Luther King Jr. Boulevard will be determined by TxDOT. She stated by subdivision regulations, staff is good with this case.

Ms. Dent reviewed RP-18-0127 noting the property is in the Extra Territorial Jurisdiction. Ms. Dent stated the applicant seeks to divide approximately five (5) acres into four (4) lots. Rockett Special Utility District can supply water but cannot meet the fire flow pressure. She stated additional consideration is needed.

Ms. Dent reviewed PP-18-0122 being a Preliminary Plat noting Nash-Forreston Water Supply indicated they could supply water distribution and fire flow requirements. She explained they have since then clarified they cannot meet the fire flow requirements. Ms. Dent stated the applicant was given the option to seek a variance from Ellis County and verbally received word today they were approved. She stated had Nash-Forreston initially indicated their inability to meet fire flow requirements, the application would have been deemed incomplete.

Ms. Dent reviewed FP-18-0123 being a Final Plat noting this is a companion case to PP-18-0122. She stated the applicant seeks to relocate the thoroughfare and to date staff has not received any drawings. Ms. Dent stated the applicant will also have to seek county approval.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

City Council and Planning & Zoning Commission  
August 27, 2018

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Monday, August 27, 2018 at 3:00 p.m.

Council Members Present:	Kevin Strength, Mayor David Hill, Mayor Pro Tem Chuck Beatty, Councilmember Mary Lou Shipley, Councilmember Melissa Olson, Councilmember
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Planning & Zoning Members Present:	Rick Keeler, Chairman Betty Square Coleman Bonney Ramsey Jim Phillips David Hudgins
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Members Absent:	Melissa Ballard, Vice Chairman Erik Barnard
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Others Present:	Michael Scott, City Manager Albert Lawrence, Assistant City Manager Lori Cartwright, City Secretary Tommy Ludwig, Executive Director of Development Services Shon Brooks, Director of Planning Kelly Dent, Planner
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**1. Call to Order by Mayor Kevin Strength and Chairman Rick Keeler**

Mayor Kevin Strength called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

**2. Hear presentation from Larry Reichhart, Walton Global Holdings, Ltd.**

**3. Discussion of Case ZA2016-66 Emory Lakes Planned Development**

City Manager Michael Scott stated the property is approximately 3,000 acres and warrants having some work sessions noting it has been a work in process since 2005. He stated Mr. Reichhart and his team wanted to share their concept and receive feedback from City Council, Planning and Zoning Commission and city staff.

Mr. Larry Reichhart reported Walton Global Holdings, Ltd. is privately owned, based out of Canada and has over 38 years of experience in land management. He introduced the project team for the Emory Lakes Development. Mr. Reichhart thanked city staff for their assistance on this project. He stated the property is slated for three (3) school sites and his team has been working with the Waxahachie Independent School District (WISD) and will work with the district on every preliminary plat as it develops. Mr. Reichhart stated they are working with property

owners on right-of-way easements. He reported the property was originally called Kemp Ranch with approximately 2,500 acres that were zoned Planned Development and explained Walton Global Holdings, Ltd. acquired more land and annexed it. Mr. Reichhart stated they will be requesting a zoning change amending the existing Planned Development to add the recently annexed property. He reported there will be three (3) different Zoning Districts being Residential District, Neighborhood Village District, and Mixed Use District. He stated approximately 10,200 residential units will be in the development.

Mr. Aaron Duncan, Walton Global Holdings, Ltd., spoke on how the development will fit onto the site noting entrance to the Planned Development will be from IH-35 as well as Highway 287 noting approximately 90 percent of the property is prairie fields. Mr. Duncan presented a summary of the three (3) different Zoning Districts noting the Planned Development Residential District will include approximately 2,027 acres and be predominantly single family residential uses. It will include open spaces and recreational uses and be located throughout the community and along natural features of the property. The Neighborhood Village District will include approximately 435 acres and will provide products such as patio homes, townhomes, or multi-family. The Planned Development Mixed Use District will include approximately 351 acres, will be higher density oriented commercial uses, and a mixture of uses such as residential, recreation and multi-family. It will serve Emory Lakes and surrounding area with uses such as grocery store and large retail stores. Mr. Duncan stated the Emory Lakes Development is a thirty (30) year project and will be built in many phases. He stated within the project is a major thoroughfare plan.

Discussion was held and the city asked Mr. Reichhart for actual usage of acreage and a commitment for a future fire department and police sub-station. They were directed to ask WISD for type of schools needed. City staff requested the number amenity centers that will be throughout the property.

#### **4. Adjourn**

*There being no further business, Mayor Pro Tem David Hill moved the City Council meeting adjourn at 4:48 p.m. Councilmember Mary Lou Shipley seconded, **All Ayes.***

*There being no further business, Mr. Jim Phillips moved the Planning and Zoning Commission meeting adjourn at 4:48 p.m. Ms. Bonney Ramsey seconded, **All Ayes.***

Respectfully submitted,

Lori Cartwright  
City Secretary



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: September 11, 2018

Re: SU-18-0129 97 Eagle Point Drive – Small In-Ground Solar Panel System

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It was discovered during the review process that an SUP was not needed for Case SU-18-0129 due to the location of the solar panel system being situated outside of City Limits.



# Planning & Zoning Department

## Plat Staff Report

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**Case: PP-18-0132**

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### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Consider** request by Erik Barnard for a **Preliminary Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)

### CASE INFORMATION

*Applicant:* Erik Barnard

*Property Owner(s):* Butcher Road Partners LTD

*Site Acreage:* 11.462 acres

*Number of Lots:* 6 lots

*Number of Dwelling Units:* 6 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

### SUBJECT PROPERTY

*General Location:* Near the intersection of Buchanan at Ring Road

*Parcel ID Number(s):* 191449 and 191271

*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped

*Platting History:* J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043

*Site Aerial:*



**STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. Revised drawings were submitted that cleared all comments.

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Plat drawing
2. Drainage plan

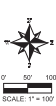
**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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



VICINITY MAP  
1" = 500'

REMAINDER  
BUTCHER ROAD  
PARTNERS, LTD.  
VOL. 2328 (B), 195  
OFFRECT  
(CALCULATED  
95.7 ACRES)

J. STROOP SURVEY  
ABSTRACT NO. 1043

J. STARRETT SURVEY  
ABSTRACT NO. 1026

REMAINDER  
BUTCHER ROAD  
PARTNERS, LTD.  
VOL. 2328 (B), 195  
OFFRECT  
(CALCULATED  
95.3 ACRES)

M. ALLEN SURVEY  
ABSTRACT NO. 11

NOTES:

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

THE SUBJECT PROPERTY LIES WITHIN ZONE "X", DEFINED AS "AREAS DETERMINED TO BE  
OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD  
INSURANCE RATE MAP NO. 48136C0200P, DATED JUNE 3, 2013, AS PUBLISHED BY THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR  
RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED  
ENGINEER AND/OR A REGISTERED SANITARIAN

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

WHITE ROCK DRIVE WILL NOT BE CONSTRUCTED WITH THIS DEVELOPMENT AND WILL BE  
MAINTAINED BY THE ADJACENT LOT OWNERS UNTIL IT IS CONSTRUCTED AND ACCEPTED  
BY THE COUNTY

LEGEND

CRS= 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET  
FND= FOUND  
RF= IRON ROD FOUND  
ORRECT= OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
D & UE= DRAINAGE AND UTILITY EASEMENT  
BL= BUILDING LINE

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

WHEREAS, BUTCHER ROAD PARTNERS, LTD. IS THE SOLE OWNER OF A TRACT OF  
LAND SITUATED IN THE J. STARRETT SURVEY ABSTRACT NO. 1026 AND THE J.  
STROOP SURVEY ABSTRACT NO. 1043, IN THE ETJ OF THE CITY OF WAAHACHE,  
ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED  
IN DEED TO BUTCHER ROAD PARTNERS, LTD., RECORDED IN VOLUME 2218, PAGE  
785, OF THE OFFICIAL PUBLIC RECORDS, OF ELLIS COUNTY, TEXAS (OFFRECT), AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "CARTER & BURGESS" FOUND  
FOR THE SOUTHEAST CORNER OF SAID BUTCHER ROAD PARTNERS TRACT AND  
THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO  
WILLIAM LEONHART AND MARIONA LEONHART RECORDED IN VOLUME 2765,  
PAGE 442, OFFRECT, AND BEING IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF  
SOUTH RING ROAD (A VARIABLE WIDTH PRESCRIPTIVE ROW);

THENCE S 81°06'12" W, ALONG THE SOUTH LINE OF SAID BUTCHER ROAD PARTNERS  
TRACT AND THE NORTH ROW LINE OF SAID RING ROAD A DISTANCE OF 1037.97  
FEET TO A 5/8" IRON ROD WITH CAP STAMPED "CARTER & BURGESS" FOUND FOR  
CORNER;

THENCE, N 20°16'33" W OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT,  
A DISTANCE OF 528.65 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TWICE" SET  
FOR CORNER;

THENCE, N 91°06'12" E OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT,  
A DISTANCE OF 1037.97 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TWICE" SET  
FOR CORNER IN THE EAST LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND  
THE COMMON WEST LINE OF SAID LEONHART TRACT;

THENCE S 20°56'58" E, ALONG THE EAST LINE OF SAID BUTCHER ROAD PARTNERS  
TRACT AND THE COMMON WEST LINE OF SAID LEONHART TRACT, A DISTANCE OF  
528.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.391 ACRES OF LAND,  
MORE OR LESS.

CITY APPROVAL OF PRELIMINARY PLAT

APPROVED FOR PREPARATION OF THE FINAL PLAT

APPROVED BY THE PLANNING  
AND ZONING COMMISSION

DATE

APPROVED BY CITY COUNCIL  
CITY OF WAAHACHE

DATE

APPROVED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT

ELLIS COUNTY DEPARTMENT OF  
DEVELOPMENT DIRECTOR

DATED

I, ERIK BARNARD, HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIALLY  
APPROVED PRELIMINARY PLAT

ERIK BARNARD

DATE

KNOW ALL MEN BY THESE PRESENTS:

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

"Preliminary, this document  
shall not be recorded for any  
purpose and shall not be used  
or relied on in any way as a  
final survey document"

TWOTHY L. JACKSON  
REGISTERED PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER 5684

OWNER:  
BUTCHER ROAD PARTNERS, LTD.  
15441 KNOLL TRAIL DRIVE  
SUITE 150  
DALLAS, TEXAS 75248  
972.404.8500

APPLICANT:  
ERIK BARNARD  
1716 DALLAS HWY.  
WAAHACHE, TEXAS 75165  
469.517.0160

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAAHACHE, TEXAS 75168  
469.518.0338  
TSPLS.FIRM NO 10784339

JOB NO. 1153

PRELIMINARY PLAT  
**THE RANCH  
AT HIDDEN CREEK**

12.391 ACRES  
8744840.746

J. STARRETT SURVEY, ABSTRACT NO. 1026  
J. STROOP SURVEY, ABSTRACT NO. 1043  
IN THE ETJ OF THE CITY OF WAAHACHE, TEXAS  
ELLIS COUNTY, TEXAS

AUGUST 2018 PAGE 1 OF 1



# Planning & Zoning Department

## Plat Staff Report

**Case: FP-18-0133**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Consider** request by Erik Barnard for a **Final Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)

### CASE INFORMATION

*Applicant:* Erik Barnard

*Property Owner(s):* Butcher Road Partners LTD

*Site Acreage:* 11.462 acres

*Number of Lots:* 6 lots

*Number of Dwelling Units:* 6 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

### SUBJECT PROPERTY

*General Location:* Near the intersection of Buchanan at Ring Road

*Parcel ID Number(s):* 191449 and 191271

*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped

*Platting History:* Companion case no. PP-18-0132

*Site Aerial:*



**STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. Revised drawings were submitted that cleared all comments.

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Plat drawing

**APPLICANT REQUIREMENTS**

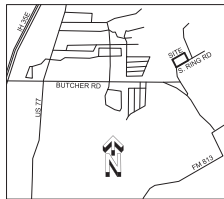
1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied,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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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





REMAINDER  
BUTCHER ROAD  
PARTNERS, LTD  
VOL. 2238 PG. 785  
OPRECT  
(CALCULATED  
80.7 ACRES)

WILLIAM LEONHARDT &  
RAMONA LEONHARDT  
VOL. 2782 PG. 442  
OPRECT

REMAINDER  
BUTCHER ROAD  
PARTNERS, LTD  
VOL. 2238 PG. 768  
OPRECT  
(CALCULATED  
100.3 ACRES)

BLOCK A  
2  
1.745 ACRES

WILLIAM C. ESTES  
VOL. 1716 PG. 578  
OPRECT

LEGEND

CIRS= 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET  
FND= FOUND  
IRF= IRON ROD FOUND  
OPREC= OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
D & UE = DRAINAGE AND UTILITY EASEMENT  
BL = BUILDING LINE

NOTES:

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

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0200F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN.

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

WHITE ROCK DRIVE WILL NOT BE CONSTRUCTED WITH THIS DEVELOPMENT AND WILL BE MAINTAINED BY THE ADJACENT LOT OWNERS UNTIL IT IS CONSTRUCTED AND ACCEPTED BY THE COUNTY.

12.391 ACRES

J. STARRETT SURVEY, ABSTRACT NO 1026  
J. STROOP SURVEY, ABSTRACT NO. 1043  
IN THE ETJ OF THE CITY OF WAXAHACHIE, TEXAS  
ELLIS COUNTY, TEXAS

AUGUST 2018

APPLICANT:  
ERIK BARNARD  
1795 DALLAS HWY.  
WAXAHACHIE, TEXAS 75165  
469.517.0160

OWNER:  
BUTCHER ROAD PARTNERS, LTD.  
15441 KNOLL TRAIL DRIVE  
SUITE 150  
DALLAS, TEXAS 75248  
972.404.8500

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

JOB NO. 1153

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

WHEREAS, BUTCHER ROAD PARTNERS, LTD. IS THE SOLE OWNER OF A TRACT OF LAND SITUATED IN THE J. STARRETT SURVEY, ABSTRACT NO. 1026 AND THE J. STROOP SURVEY, ABSTRACT NO. 1043, IN THE ETJ OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO BUTCHER ROAD PARTNERS, LTD., RECORDED IN VOLUME 2238, PAGE 785, OF THE OFFICIAL PUBLIC RECORDS, OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "CARTER & BURGESS" FOUND FOR THE SOUTHEAST CORNER OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO WILLIAM LEONHARDT AND RAMONA LEONHARDT, RECORDED IN VOLUME 2782, PAGE 442, OPRECT, AND BEING IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF SOUTH RING ROAD (A VARIABLE WIDTH PRESCRIPTIVE ROW);

THENCE S 58°06'12" W. ALONG THE SOUTH LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE NORTH ROW LINE OF SAID RING ROAD, A DISTANCE OF 1037.97 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "CARTER & BURGESS" FOUND FOR CORNER;

THENCE, N 20°56'35" W OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT, A DISTANCE OF 529.65 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE S 88°06'12" E OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT, A DISTANCE OF 1037.97 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE EAST LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON WEST LINE OF SAID LEONHARDT TRACT;

THENCE S 20°56'35" E, ALONG THE EAST LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON WEST LINE OF SAID LEONHARDT TRACT, A DISTANCE OF 529.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.391 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT BUTCHER ROAD PARTNERS, LTD., DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS THE RANCH AT HIDDEN CREEK, AN ADDITION TO ELLIS COUNTY TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO ELLIS COUNTY AND THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY ELLIS COUNTY AND THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHIES USE THEREOF. ELLIS COUNTY AND 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. ELLIS COUNTY AND 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.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY:

ERIK BARNARD

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

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

*Protesters: this document shall not be recorded by any proper authority until it is signed by a Notary Public in and for the State of Texas.*

TIMOTHY L JACKSON  
REGISTRATION NUMBER 5644

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

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

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

APPROVED BY: CITY COUNCIL  
CITY OF WAXAHACHIE

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
MAYOR

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

STATE OF TEXAS:  
COUNTY OF ELLIS:  
CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS:

APPROVED THIS, THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

CAROL BUSH CINDY POLLEY  
COUNTY JUDGE COUNTY CLERK

RANDY STINSON LANE GRAYSON  
COMMISSIONER PRECINCT 1 COMMISSIONER PRECINCT 2

PAUL PERRY KYLE BUTLER  
COMMISSIONER PRECINCT 3 COMMISSIONER PRECINCT 4

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PENDING ANY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT.

DEPARTMENT OF DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

FINAL PLAT  
**THE RANCH  
AT HIDDEN CREEK**

12.391 ACRES  
SITUATED IN THE

J. STARRETT SURVEY, ABSTRACT NO. 1026  
J. STROOP SURVEY, ABSTRACT NO. 1043  
IN THE ETJ OF THE CITY OF WAXAHACHIE, TEXAS  
ELLIS COUNTY, TEXAS

OWNER:  
BUTCHER ROAD PARTNERS, LTD.  
15441 KNOLL TRAIL DRIVE  
SUITE 100  
DALLAS, TEXAS 75248  
972.404.8500

APPLICANT:  
ERIK BARNARD  
1795 DALLAS HWY.  
WAXAHACHIE, TEXAS 75165  
469.517.0160

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC.  
P.O. BOX 252  
WAXAHACHIE, TEXAS 75168  
469.518.0398  
TBPLS FIRM NO 10194359

JOB NO. 1153

AUGUST 2018      PAGE 2 OF 2



# Planning & Zoning Department

## Zoning Staff Report

**Case: ZC-18-0134**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Public Hearing** on a request by Tim Cummings, for a Zoning Change from a Single Family-2 zoning district to **General Retail** located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)

### CASE INFORMATION

*Applicant:* Tim Cummings

*Property Owner(s):* Bobby Westbrook & Tim Cummings

*Site Acreage:* 0.54 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* General Retail

### SUBJECT PROPERTY

*General Location:* 101 and 103 Lavista

*Parcel ID Number(s):* 173837

*Existing Use:* Single family residence

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF2	Single family residence
East	GR	Office
South	SF2	Single family residence
West	SF2	Single family residence

*Future Land Use Plan:* Low Density Residential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The site is located at the southwest corner of La Vista Drive and US Highway 77. La Vista Drive is a local street (ROW 50 ft). US Highway 77 shows as a Major Thoroughfare B (110' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The applicant seeks to rezone this property from residential to retail use. At this time, though there is General Retail (GR) zoning across the street, this property, as well as the properties to the immediate north, south, and west of this property remain zoned for residential use. While much of Highway 77 is retail use, at the most recent revision of the City's Future Land Use Plan, this property, as well as the remainder of this neighborhood was projected to remain residential in nature. There is hesitation in removing the residential character of the neighborhood.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/24/2018.

**STAFF CONCERNS**

1. This proposal does not conform to the FLUP for the property or the properties in this area.

**APPLICANT RESPONSE TO CONCERNS**

1. No response required.

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☒ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Survey

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**SURVEY PLAT**

TO: Ellis County Abstract and Title Co., GF No. 1807002W

**PROPERTY DESCRIPTION:**

BEING a tract of land situated in the WILLIAM BASKIN SURVEY. ABSTRACT NO. 145 and being a part of LOTS 1 and 2 in BLOCK 2, HARRIS SUBDIVISION, an Addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof recorded in Cabinet A, Slide 285, Plat Records, Ellis County, Texas, and being more particularly described as follows.

BEGINNING at a "60°" and four feet

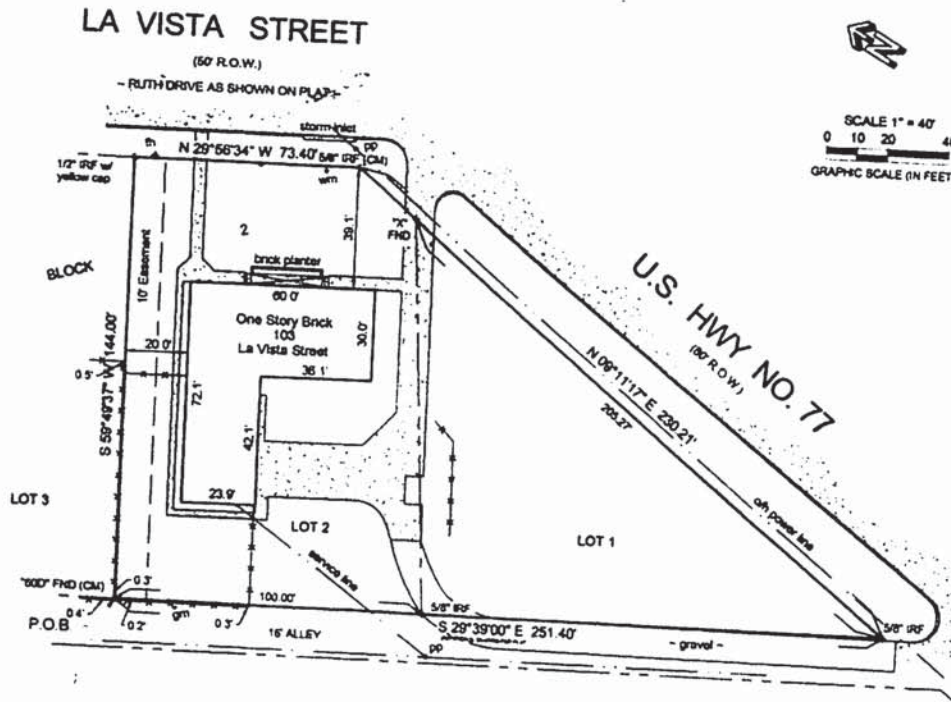
**BEGINNING** at a "60D" nail found at the common West corner of Lots 2 and 3 in the Easterly line of a 16 foot alley,  
**THENCE** South 29 degrees 39 minutes East (Reference to the

**THENCE** South 29 degrees 39 minutes East (Referenced bearings from plat) with the West line of said Lot 2 and the Easterly line of said alley, passing a 5/8" iron rod found at 100.00 feet for the common corner of Lots 1 and 2, and continuing for a total distance of 251.40 feet to a 5/8 inch iron rod found in the new Westerly line of U.S. Highway No. 77.

**THENCE** North 09 degrees 11 minutes 17 seconds East with the Westerly line of said U.S. Highway No. 77, passing an "X" found at 205.27 feet for the common southerly line of said Lots 1 and 2, and continuing for a total distance of 230.21 feet to a 3/8" iron rod found in the Southwesterly line of La Vista Street;

\* **THENCE** North 29 degrees 56 minutes 34 seconds West with the Southwesterly line of La Vista Street, a distance of 73.40 feet to a 1/2" iron rod with yellow cap found at the common east corner of Lots 2 and 3;

THENCE South 59 degrees 49 minutes 37 seconds West with the said common line of Lots 2 and 3, a distance of 144.00 feet to the PLACE OF BEGINNING and containing 0.54 acres of land, more or less, and being known as 103 La Vista Street



## NOTES

Monuments shown (CM) hereon were used as controlling monuments for purposes of this survey.

Subject to the following:

Easements to Texas Power & Light Co. recorded in Vol. 303, Pg. 274, Vol. 351, Pg. 330, Vol. 438, Pg. 298, and Vol. 453, Pg. 524, DIRECT.

Easement to City of Waco, recorded in Vol. 437, Pg. 463, DIRECT

Easement to Lone Star Gas Co. recorded in Vol. 438, Pg. 546. DIRECT

The location description of the above described easement(s) contain insufficient information and/or errors and ambiguities to conclusively locate on or off the subject property, however, the Surveyor did not find any visible and apparent surface evidence of said easement(s). This statement is not intended to induce the title company to remove the easement(s) from their title commitment.

Easements and Building Lines shown are per plat, unless otherwise shown. D.U.E. = drainage & utility easement U.E. = utility easement D.E. = drainage easement B.L. = building line

**LEGEND OF SYMBOLS**

pp - Power Pole  
Fence Line  
Survey Monument  
lp - Light Pole  
Boundary Line  
IRS - Iron Rod Set  
fh - Fire Hydrant  
IRF - Iron Rod Found  
mh - Man Hole  
gm - Gas Meter  
sc - Sewer Cleanout  
em - Electric Meter  
wm - Water Meter

100' Line  
Center Line  
Easement Line  
Utility Line

THE PROPERTY SHOWN HEREON IS NOT LOCATED IN A DESIGNATED (100 YEAR FLOOD HAZARD AREA) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY DATA.

THE PROPERTY SHOWN HEREON IS NOT LOCATED IN A DESIGNATED (100 YEAR FLOOD HAZARD AREA) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY RATE MAP PANEL NUMBER 48130C0190 F, DATED JUNE 3, 2011

[illegible]

Scale 1" = 40'  
Date July 18, 2018  
Job No. X38712  
Drawn By NB

## Shields and Lee Surveyors

1421 Ferndale Avenue  
Dallas, Texas 75224  
Phone (214) 942-8496  
TBPLS Firm No 10017000  
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## **CASE ZC-18-0134**

***SUPPORT*** 0

***OPPOSE*** 4

Request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to **General Retail** located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)

### **OPPOSE**

1. Ernest Gunstream, 116 Overhill Drive, Waxahachie, TX 75165
    - a. "I oppose the zoning change! Because it will affect property values negatively. It will also bring unwanted foot traffic through the neighborhood – I would lose privacy."
  2. Connie Doyle, 112 Overhill Drive, Waxahachie, TX 75165
    - a. "Will increase traffic- will not be able to exit garage – will disturb household with lights."
  3. Sarah Mitchell, 114 Overhill Drive, Waxahachie, TX 75165
    - a. "Please see attached." (See attached response letter provided with form.)
  4. Rev. Terry Reisner and Glenna Reisner, 118 Overhill Drive, Waxahachie, TX 75165
    - a. "We believe a retail outlet at this location would diminish the residential feel of our historic neighborhood."
-





RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZC-18-0134



GUNSTREAM ERNEST J & JENNIFER R  
116 OVERHILL DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: ZC-18-0134      ☐ SUPPORT      ☒ OPPOSE

Comments: *I oppose the zoning change! because it will affect property values negatively. It will also bring unwanted fast traffic through the neighborhood - I would lose privacy*

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

*Ernest Gunstream*  
Signature

8-28-2018  
Date

Ernest Gunstream  
Printed Name and Title

116 Overhill Drive 75165  
Address

I oppose the zoning change because it will affect property values negatively  
.I will also bring unwanted foot traffic through my neighborhood possibly theft.  
I have large windows in my living room that face the proposed new business  
It would affect the resale of my home tremendously

I firmly oppose the rezoning

Ernest Gunstream  
116 Overhill Dr 75165

Case Number: **ZC-18-0134**

\_\_\_\_ SUPPORT

X OPPOSE

Comments: will increase traffic - will not be able to exit garage - will disturb household with light

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Mr. Connie Doyle  
Signature

Aug 28 18  
Date

Connie Doyle Owner  
Printed Name and Title

112 Overhill  
Address





RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZC-18-0134



MITCHELL SARAH HITT  
114 OVERHILL DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: ZC-18-0134             SUPPORT      X OPPOSE

Comments: Please see attached (back page)

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Linda D Mitchell  
Signature

9/5/18  
Date

SARAH HITT MITCHELL  
Printed Name and Title

114 OVERHILL DRIVE  
Address  
WAXAHACHIE, TX 75165

September 5, 2018

For many years our neighborhood has been quiet. To change the zoning to retail will destroy the peace and quiet of the neighborhood. Retail stores have increased traffic, noise and crime. I know this first-hand. My sons vehicle was stolen from the parking lot of the store that wants to move to these lots. The lot is too small for a retail business. Delivery trucks will have to park on Highway 77 (very dangerous) or in the neighborhood (which should not be allowed). This lot backs up to my alley. The alley is short and very narrow. If a delivery vehicle or customer decides to pull into the alley it will be blocked for myself and my neighbor. A retail store that sells cigarettes, beer and lottery tickets deal in a lot of cash. This makes it a target to be robbed. Where do you think the robber will go-right in my back yard! I know the current owner closes at 9 but if he sells the store in the future-the store might be open 24 hours a day which will be a nightmare for our nice quiet neighborhood. I am concerned what this will do the value of my property. I can't image why anyone would want to buy my house if it backs up to a convenience store. This location just isn't appropriate for a convenience store due the size of the lot and location. I hope you as a committee will drive by and understand why it should be left as single family zoning.

A handwritten signature in cursive script that reads "Sarah Linda Hitt Mitchell".

Sarah (Linda) Hitt Mitchell

114 Overhill Drive

Waxahachie Texas 75165





RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZC-18-0134



REISNER TERRY R & GLENNA  
118 OVERHILL DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Tim Cummings for a Zoning Change from a Single Family-2 zoning district to General Retail located at 101 and 103 Lavista (Property ID 173837) - Owner: WESTBROOK BOBBY & TIM CUMMINGS (ZC-18-0134)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: ZC-18-0134

☐ SUPPORT

☒ OPPOSE

Comments: We believe a retail outlet at this location would diminish the residential feel of our neighborhood.  
historic.

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Glenna Reisner  
Signature  
Rev. Terry Reisner  
Glenna Reisner  
Printed Name and Title

8/28/18

Date

118 Overhill Dr. Waxahachie TX 75165

Address

# Planning & Zoning Department

## Zoning Staff Report

Case: ZC-18-0135



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Public Hearing** on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to **Commercial** located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)

### CASE INFORMATION

*Applicant:* Dalton Bradbury, Acker Construction

*Property Owner(s):* All R&N Holdings LLC

*Site Acreage:* 0.864 acres

*Current Zoning:* Light Industrial-1

*Requested Zoning:* Commercial

### SUBJECT PROPERTY

*General Location:* 2271 N Highway 77

*Parcel ID Number(s):* 235438

*Existing Use:* Currently undeveloped

*Development History:* The replat of the Revco Subdivision was approved by City Council May 1, 2006.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	LI1	Currently undeveloped
East	GR w SUP	Roland's Nursery & Landscaping
South	LI1	Retail businesses
West	LI1	Industrial warehouses

*Future Land Use Plan:* Retail

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The site is located between North Town Blvd (60' ROW) and US Highway 77, a Major Thoroughfare B (120' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The site in question is currently zoned for industrial usage, but the City's most recent Future Land Use Plan shows a projection of retail usage. The applicant seeks to rezone the property in question to construct a medical office.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/24/2018.

**STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. No comments to respond to

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Survey

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Kelly Dent, MPA

Planner

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

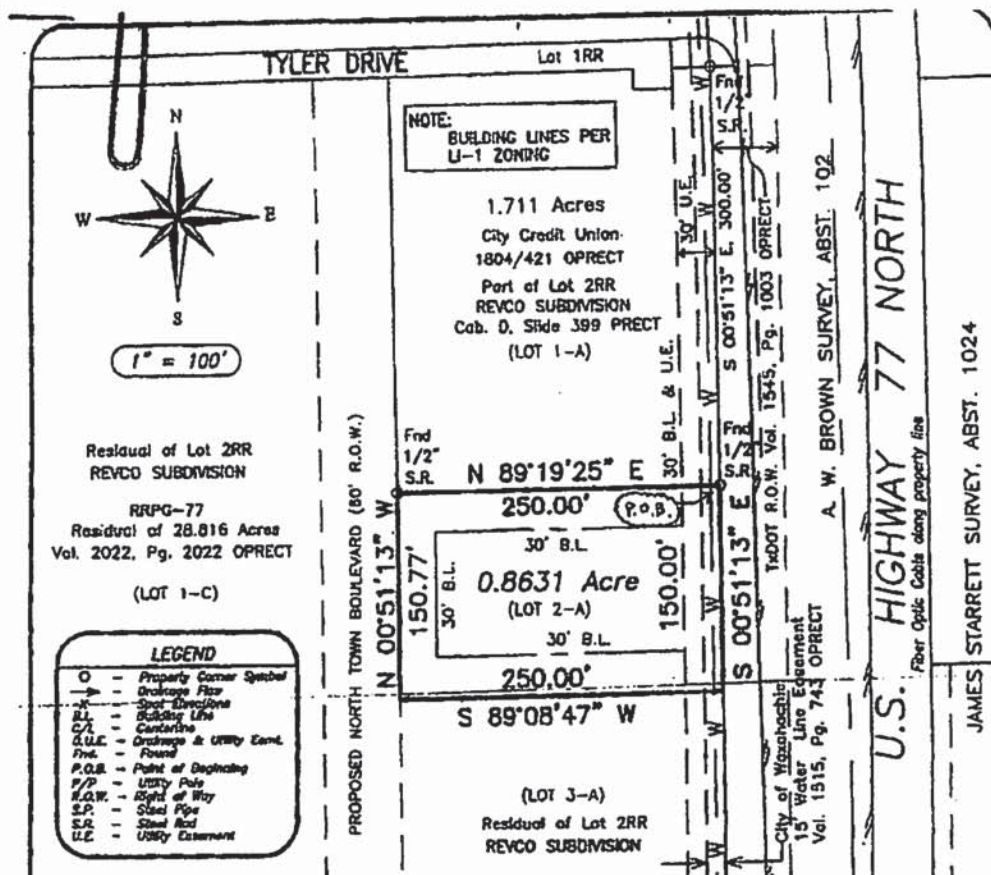
*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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





SEE ATTACHED FIELD NOTES

(also known as \_\_\_\_\_ U.S. HIGHWAY 77 NORTH)

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 # 48139C0095 D, Zone X Unshaded. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, 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 WORK AT THIS TIME

ENGINEERS  
**D & M**  
SURVEYORS

Walter Kevan Davis  
Registered Professional Land Surveyor #4456

**DAVIS & McDILL, Inc.**

P.O. BOX 428, Waxahachie, Texas 75168

Phone: Metro 972-938-1185 Fax: 972-937-0307

Description: Survey Plot Client: RRPG-77

Drawn by: Kevin Bohanon Scale: 1" = 100' Date: April 20, 2005 Job# 205-0249X-2A



# Planning & Zoning Department

## Plat Staff Report

**Case: RP-18-0136**



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

### CASE INFORMATION

*Applicant:* Marvin E. Singleton III, CNB of Texas

*Property Owner(s):* Citizens Bank of Texas

*Site Acreage:* 0.773 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Adequate Public Facilities:* Adequate Public Facilities are available

### SUBJECT PROPERTY

*General Location:* 401 ½ Ferris Avenue

*Parcel ID Number(s):* 173282

*Current Zoning:* General Retail

*Existing Use:* Storage/Warehouse

*Platting History:* The lot is platted as Lot 1 of the Ferris Addition.



*Site Aerial:*



**STAFF CONCERNS**

1. Revise title block to indicate Replat rather than Final Plat as indicated.
2. Because this plat is multiple lots replatted from the original Lot One of the Ferris addition, all portions of the lot must be included in the application, or signatures included on the plat indicating surrounding property owner's acceptance of replatting of this land, as a portion of the overall Lot One.
3. A 15-foot utility easement must be included along street frontages.
4. Indicate if a drainage easement is required for the concrete flume.

**APPLICANT RESPONSE TO CONCERNS**

1. A resubmitted plat has not been received.
2. Applicant has submitted a Petition of Hardship Waiver, requesting the removal of the requirement of including the surrounding property owner's signatures on the plat. This is to be considered as an inclusion in the motion by City Council.

**RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, per comments.
  1. The approval of the submitted plat are dependent on revisions per staff concerns.
- ☐ Additional consideration required

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Petition for Hardship Waiver

### **APPLICANT REQUIREMENTS**

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

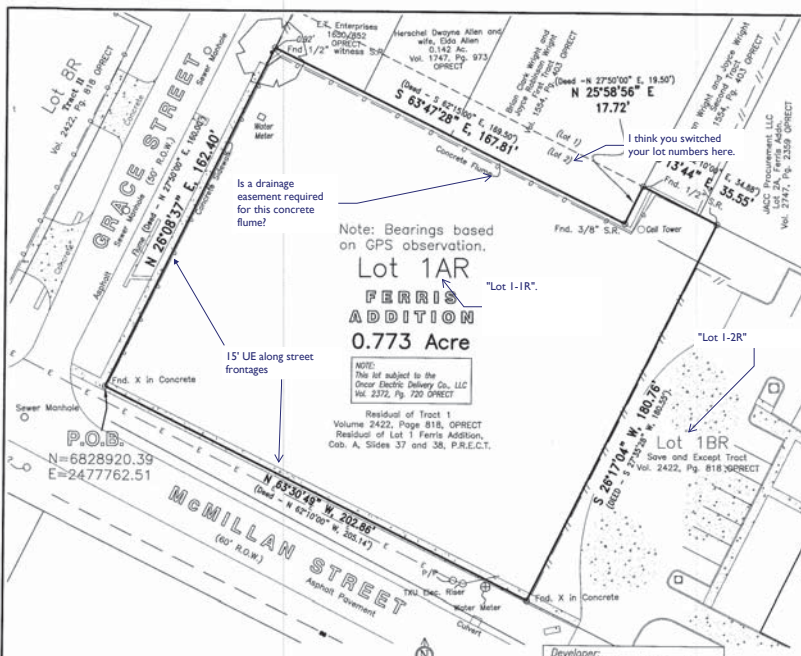
### **STAFF CONTACT INFORMATION**

*Prepared by:*

Shon Brooks, AICP

Director of Planning

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



**FIELD NOTES**  
0.773 Acres

BEING all that certain lot, tract or parcel of land being known and designated as the residual of Lot 1 of Ferris Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet A, Sides 37 and 38 of the Plat Records, Ellis County, Texas, as referenced by Volume 2422, Page 818 of the Official Public Records, Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at an "X" found in a concrete walk for the west corner of this tract and some for said Lot 1, being on the northeast right of way of Grace Street (a 50 feet R.O.W.), the bearing basis for this description from GPS observation, Texas North Central Zone 4202, NAD 83 Datum, and having a beginning co-ordinate of Northing = 6828920.39, Easting = 2477762.51;

THENCE N 26°08'37" E, 162.40 feet (Deed - N 27°50'00" E, 160.0 feet) along the northeast line of this tract and some for said Lot 1, and along the southeast line of Grace Street to a point for corner under a wood fence and in a concrete fence support which bears N 63°47'28" W, 0.92 foot from a 1/2" steel rod found for witness to this corner, and being the southwest corner of a parcel deeded to E.T. Enterprises in Volume 1650, Page 852, OPRECT;

THENCE S 63°47'28" E, 167.81 feet (Deed - S 62°15'00" E, 169.50 feet), along the northeast line of this tract, some for said Lot 1, and passing the recognized southerly corners of Herschel and Ellen Allen as described in Volume 1747, Page 973 OPRECT, to a 3/8" steel rod found for an inset corner of this tract and some for said Lot 1, and being the south corner of a parcel deeded to Brian and Joyce Wright in Volume 1554, Page 403, OPRECT;

THENCE N 25°58'56" E, 17.72 feet (Deed - N 27°50'00" E, 19.50 feet) along a northwest line of this tract, Lot 1, and the southeast line of said Wright tract to a 1/2" steel rod found for a north corner of this tract, and being an inset corner of said Allen tract;

THENCE S 63°13'44" E, 35.55 feet (Deed - S 62°15'00" E, 34.88 feet) along a northeast line of this tract, Lot 1, and along the southwest line of said Wright tract, passing the recognized easterly south corner of said Wright tract and the recognized east corner of Lot 2A as deeded to JACO Procurement LLC in Volume 2747, Page 2359, OPRECT to a 1/2" steel rod found for the east corner of this tract, and being the north corner of the Save and Except tract described as Lot 1BR in Volume 2422, Page 818, OPRECT;

THENCE S 26°17'04" W, 180.76 feet (Deed - S 27°35'28" W, 180.55 feet) along the southeast line of this tract, through said Lot 1, and along the northwest line of said Lot 1BR to an "X" found in a concrete sidewalk for the south corner of this tract, the west corner of Lot 1BR, being on the southwest line of Lot 1, and being on the northeast line of McMillan Street, said point bears N 63°30'49" W, 194.89 feet (Deed - N 62°10'00" W, 194.84 feet) from an "X" set in concrete for the south corner of said Lot 1BR;

THENCE N 63°30'49" W, 202.86 feet (Deed - N 62°10'00" W, 205.14 feet) along the southwest line of this tract, some for Lot 1, and along the northeast line of said street to the POINT OF BEGINNING, and containing approximately 0.773 acre of land.

Developer:  
Citizens National Bank of Texas  
200 N. Elm  
Waxahachie, TX 75165  
Phone: 972-351-5220  
Marvin E. Singleton, III

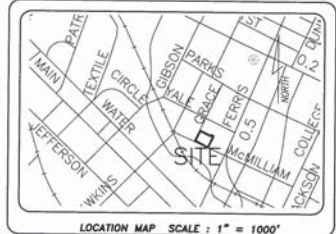
**FLOODPLAIN NOTE:**  
100 YEAR FLOODPLAIN  
PER FIRM MAP # 48139C0330 F  
ZONE: X UNSHADED AS SHOWN



I declare that the plat and field notes hereon are the representation of an actual and accurate survey made on the ground in April of 2018, and that corner monuments were found or set under my personal supervision. There are no visible encroachments, protrusions or easements, unless shown hereon. The bearings recited in parenthesis hereon are based on the record plat of subject subdivision. According to the Federal Emergency Management Agency, Flood Insurance Rate Map Number 48139C0330 F, dated June 3, 2013, for Ellis County, Texas, and Incorporated Areas, this tract is not within a special flood hazard area inundated by 100-year flood. This survey is for the benefit of Marvin E. Singleton, III, President of Citizens National Bank of Texas.

Stuart G. Hamilton  
Registered Professional Land Surveyor  
Number 4480

AUG 8 2018  
Date



If this land is being platted out of a larger piece of land, it's going to be a replat, and we'll need to see the larger piece of land included. Additionally, the owners of the rest of the land must be included on the plat, since, legally, it's also plating their land. This would mean including the ET Enterprises, Allen, and Wright properties, as well as the parking lot.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That We, Citizens National Bank of Texas, do hereby submit this plat designating the herein above described property as a FINAL PLAT of LOT 1AR, of the FERRIS ADDITION, 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 plotting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By:

Marvin E. Singleton, III

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 Marvin E. Singleton, III, 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 \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas

My Commission Expires On:

**FINAL PLAT**  
**Lot 1AR**  
**FERRIS ADDITION**  
City of Waxahachie,  
Ellis County, Texas

**ELLIS ASSOCIATES**  
**SURVEYORS**

212 North College Tel. 972-937-7474  
Waxahachie, Texas 75165  
TSPS License No. 10067100

Date: 8/1/2018  
Scale: 1" = 30'  
Drawn: DWH  
Job: 18105

CITY OF WAXAHACHIE, TEXAS FINAL PLAT APPROVAL  
APPROVED BY: Planning and Zoning Commission  
City of Waxahachie

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

APPROVED BY: City Council  
City of Waxahachie

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

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

- LEGEND**
- O - Property Corner Symbol
  - Fin - Found
  - S.F. - Steel Rod
  - S.P. - Steel Pipe
  - U.E. - Utility Easement
  - P.P. - Utility Pole
  - E.O.B. - Point of Beginning
  - C/L - Contour Line
  - P.B. - Point of Beginning
  - Q/L - Contour Line
  - W/L - Water Line
  - M/W - Water Meter
  - M/H - Sewer Manhole
  - C/D - Cleanout
  - F/H - Fire Hydrant
  - W/V - Water Valve
  - B.U.E. - Drainage & Utility Easement
  - T/R - Telephone Right

- LEGEND**
- Wire Fence
  - Wood Fence
  - Iron Fence
  - Chain Link Fence
  - Railroad Track
  - Cable TV
  - Gas Line
  - Gas Line
  - Electric Line
  - Sanitary Sewer Line
  - Water Line
  - Underground Telephone
  - Telephone



**Citizens  
National Bank  
Of Texas**  
Your Bank Since 1868

August 22, 2018

RE: Replat Application Case: RP-18-0136  
Hardship Waiver Request

To Whom It May Concern:

Please consider this formal request to grant a Hardship Waiver regarding replat application case RP-18-0136. This request to only replat our property is due to the difficulty in acquiring all property owners' signatures.

For additional information please contact me directly at [REDACTED] or via email at [REDACTED]. Thank you for your consideration.

Sincerely,

Marvin E. Singleton III  
President/CEO



## **CASE RP-18-0136**

### ***SUPPORT 1***

### ***OPPOSE 2***

Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

### **SUPPORT**

1. Brad Yates, 211 N. Gibson, Waxahachie, TX 75168
  - a. “Please approve.”

### **OPPOSE**

1. Candi Hunt, 401 Ferris Avenue, Waxahachie, TX 75165
  2. Richard Wilson, 413 W. Royal, Waxahachie, TX 75165
    - a. “Concerns with additional noise, from equipment and race car engine noise.”
-





City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **RP-18-0136**



**LOREN GRAY INVESTMENTS LLC**  
**PO BOX 2868**  
**WAXAHACHIE, TX 75168**

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: **RP-18-0136** ☒ SUPPORT ☐ OPPOSE

Comments: Please approve

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Printed Name and Title

Date

Address

Brad Yates

8/28/18  
211 N. Gibson Wax. Tx.  
75168



RECEIVED  
8/28/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: RP-18-0136



PROSPERITY BANK ATTN: ACCOUNTING  
80 SUGAR CREEK CENTER BLVD  
SUGAR LAND, TX 77478

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: RP-18-0136      ☐ SUPPORT      ☒ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Carli Hunt Lm AUP  
Signature

8-27-18  
Date

Carli Hunt Lm AUP  
Printed Name and Title

401 Ferris Ave. Waxahachie 75165  
Address



RECEIVED  
9/5/18



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: RP-18-0136



ALLEN HERSCHEL DWAYNE & ELDA  
411 ROYAL ST  
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

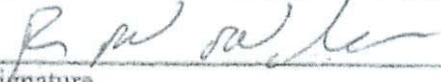
*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) - Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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: [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: RP-18-0136             SUPPORT        X   OPPOSE

Comments: Concerns with additional noise, from equipment and race car engine noise

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

  
Signature

September 5, 2018

Date

Richard Wilson Facilities Manager  
Printed Name and Title

413 W. Royal, Waxahachie, TX 75165  
Address



# Planning & Zoning Department

## Zoning Staff Report

Case: PD-18-0137



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Public Hearing** on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to **Planned Development-Heavy Industrial, with Concept Plan**, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)

### CASE INFORMATION

*Applicant:* Austin Blankenbeckler, Carlisle

*Property Owner(s):* ACFB Loyal Trust & Fab III Secure Trust

*Site Acreage:* 9.358 acres

*Current Zoning:* Planned Development-14-Heavy Industrial

*Requested Zoning:* Planned Development-Heavy Industrial

### SUBJECT PROPERTY

*General Location:* 1701 W Highway 287

*Parcel ID Number(s):* 269700

*Existing Use:* Auto dealership

*Development History:* The final plat for the Carlisle Addition was approved by City Council on October 17, 2016.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	N/A	I35
East	N/A	Highway 287
South	PD-15-LI1	Oncor
West	PD-MF-GR	Civic Center development

*Future Land Use Plan:* Mixed Use Non-Residential

*Comprehensive Plan:*

Land designated with this land use are intended for a mixture of nonresidential and residential uses. Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

*Thoroughfare Plan:*

The site is surrounded by Highway 287's frontage road, Sam George Drive (60' Row), and John Arden Drive (80' ROW).

*Site Images:*



## **PLANNING ANALYSIS**

The applicant has submitted plans request to alter the existing Planned Development to erect a third pole sign at this property. The site currently has three signs existing on site, with the submitted drawing being inconsistent to the signage currently on site. With this request, a fourth sign is proposed.

Pole signs are required to be a minimum of 350 feet apart. The proposed fourth sign would meet the 350 foot distance requirement from the nearest pole sign, however, the existing pole signs do not meet the 350 foot distance requirement. To have a total of four pole signs at the property with the required distance separation, the site requires a minimum of 1400 feet in street frontage. The site has a total of approximately 870 feet of frontage along US Highway 287.

The placement of the existing and proposed pole signs, are directly on the property lines. Not in compliance with the 25 foot setback, plus one foot setback for every additional foot in sign height.

## **PD DEVELOPMENT STANDARDS**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Base Zoning Requirement	Proposed Development Standard
All pole signs greater than twenty-five (25) feet in height shall be set back a minimum of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet.	Setback of zero (0) feet from the property line.

## **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/24/2018.

## **STAFF CONCERNS**

1. Per the Zoning Ordinance, Section 5.08(d)(ii)15), all pole signs greater than twenty-five (25) feet in height shall be set back a minimum of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet. Your proposed sign is thirty-six (36) feet in height, and therefore must be set back at least thirty-six (36) feet from the property line. Staff must recommend a denial of your request to place the pole sign on the property line.
2. Pole signs must be 350 feet from any other pole or pylon sign on the same property, measured along the street frontage. Requested signage is not in compliance.
3. Site plan submitted is inconsistent with signage currently in place.

## **APPLICANT RESPONSE TO CONCERNS**

1. No formal response received. Staff discussed the setback and separation distance requirements for pole signs with the applicant. Applicant was made aware that staff could not support a request to waive the setback or distance requirements.

## **RECOMMENDATION**

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

- ☐ Denial
- ☒ Approval, as presented.
- ☒ Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Proposed pole sign
2. Site plan

**APPLICANT REQUIREMENTS**

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

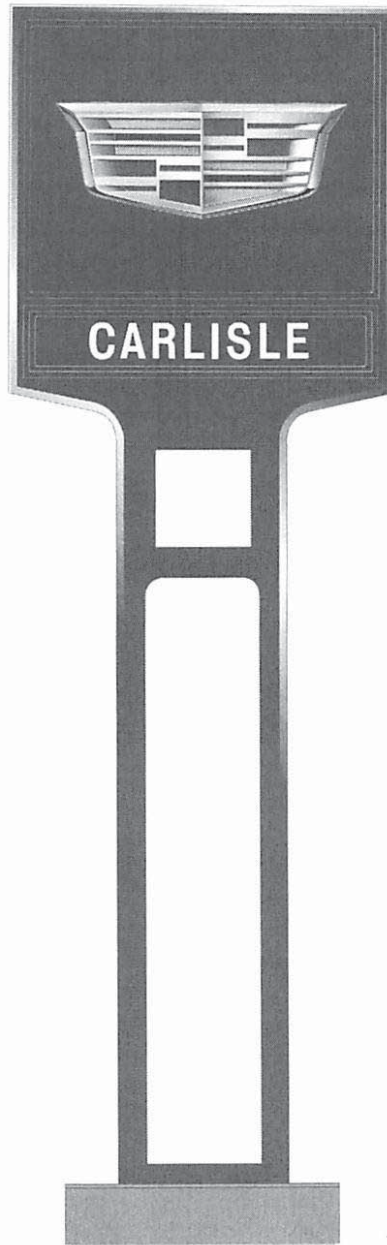
**STAFF CONTACT INFORMATION**

*Prepared by:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

11'-3 1/4"

11'-3 1/4"



36'-0"

6"



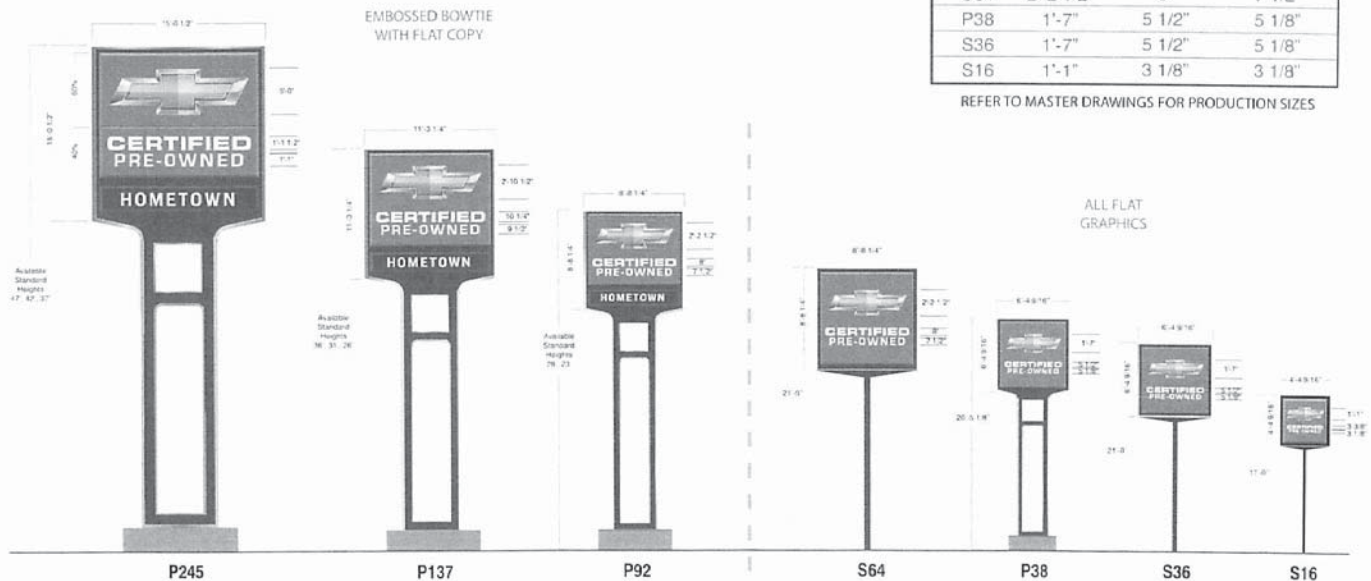
**AGI** YOUR IMAGE.  
OUR PRIORITY.  
ARCHITECTURAL GRAPHICS INC.

2655 International Parkway  
Virginia Beach, VA 23452

Drawn By: MAK  
P.M: DeMarius  
Sign Type: P137 / 36'-6"  
Date: 12/21/2016  
Location: Waxahchie, TX  
Scale: 1: 64 (3/16th)

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## Chevrolet Certified Pre-Owned Sign Family



RED INDICATES FLAT GRAPHICS

### Graphic Size by Sign

SIGN	CHEVROLET	CERTIFIED PRE-OWNED	PRE-OWNED
P245	5'-0"	1'-1 1/2"	1'-1"
P137	2'-10 1/2"	10 1/4"	9 1/2"
P92	2'-2 1/2"	8"	7 1/2"
S64	2'-2 1/2"	8"	7 1/2"
P38	1'-7"	5 1/2"	5 1/8"
S36	1'-7"	5 1/2"	5 1/8"
S16	1'-1"	3 1/8"	3 1/8"

REFER TO MASTER DRAWINGS FOR PRODUCTION SIZES

The artistic works depicted herein are copyright and are the exclusive property of General Motors Company and as such cannot be reproduced in whole or in part without prior written consent.







## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS CREATING A HISTORIC OVERLAY DISTRICT PER THE REQUIREMENTS OF THE ZONING ORDINANCE NUMBER 3020 ESTABLISHING SECTION 3.24, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

WHEREAS, the Oldham Avenue Historic District is recognized as a unique neighborhood in Waxahachie; and

WHEREAS, the Oldham Avenue Historic District was designated a National Register Historic District in 1985; and

WHEREAS, the Oldham Avenue Historic District contains structures of historic significance that enhance the quality of life as well as the economy of the community; and

WHEREAS, historic preservation and economic development are partners in the success of Waxahachie; and

WHEREAS, the Oldham Avenue Historic District therefore deserves special consideration in preserving its authenticity; and

WHEREAS, the Zoning Ordinance does not currently contain a designated Oldham Avenue Historic Overlay District; and

WHEREAS, the City Council of the City of Waxahachie finds it to be in the best interest of the citizens of Waxahachie to adopt the attached Historic Overlay District.

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

**Section 1. Purpose and Intent:** This district provides for the protection of the aesthetic and visual character of the Oldham Avenue Historic District through the establishment of the Historic Overlay District. All development, except for ordinary maintenance and repair (as defined by the Zoning Ordinance) within the Overlay District shall be reviewed by the Heritage Preservation Commission, which shall review the location, character and appearance of proposed development, renovation, or redevelopment activity. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of this Overlay District.

**Section 2. Delineation of District:** The Historic Overlay District shall include all land within the boundary of this district shown on the Official Zoning Map. The boundary is illustrated

on Attachment 1. Within the delineated Historic Overlay District, any lot or parcel of land located at least partially within the District shall follow these requirements for the entire lot or parcel.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS** on this the \_\_\_\_ day of \_\_\_\_\_, 2018.

---

**MAYOR**

\_\_\_\_\_, **City Secretary**

## **CASE TA-18-0145**

### ***SUPPORT 2***

### ***OPPOSE 3***

Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)

### **SUPPORT**

1. Charles Beatty, 300 Oldham, Waxahachie, TX 75165
2. Amanda Lake, 500 Oldham, Waxahachie, TX 75165

### **OPPOSE**

1. Ralph Reisner, 102 Williams Street, Waxahachie, TX 75165
2. Brad Yates, 211 N. Gibson, Waxahachie, TX 75165
  - a. "See attached." (See attached response letter provided with form.)
3. Joe & Margaret Youngblood, 113 Williams Street, Waxahachie, TX 75165
  - a. "This sounds suspiciously like an elaborate homeowners association".

-----

RECEIVED  
9/7/18



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **TA-18-0145**



BEATTY CHARLES  
300 OLDHAM ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)*

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Case Number: **TA-18-0145**

☒ SUPPORT

☐ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Charles Beatty  
Printed Name and Title

Date

8-30-18  
Address  
300 Oldham  
Waxahachie, Tx 75165

## Wright, Destiny

---

**From:** Brown, Anita  
**Sent:** Thursday, September 6, 2018 8:56 AM  
**To:** Brooks, Shon; Dent, Kelly; Wright, Destiny  
**Cc:** Lawrence, Albert; Scott, Michael  
**Subject:** Oldham Avenue Support  
**Attachments:** IMG\_0500.PNG; ATT00001.txt; IMG\_0501.PNG; ATT00002.txt

Attached are screenshots of text messages between myself and Amanda Moreno Lake. In this exchange she confirms her support of the creation of the Oldham Overlay district for all of her properties. With this inclusion, we now have documentation (from our previous notifications) of support from 14 of the 23 properties in the proposed area--or just under 61%, which is double what our ordinance calls for.

Anita

-----Original Message-----

From: Brown, Anita  
Sent: Thursday, September 6, 2018 8:49 AM  
To: Brown, Anita <abrown@waxahachie.com>  
Subject: Amanda



Amanda

iMessage  
Tuesday 2:21 PM

Hi! Amanda,  
I hope all is well with you. 😊  
Back in January you returned a card in support of the creation of an Overlay District for the Oldham Avenue NRD. You only wrote the 500 Oldham address on the card. I know you are also part owner of 501-503 Oldham. Does this support cover those properties as well?

Oldham Avenue National Register District

Name: Amanda M. Lake

Address: 500 Oldham Street

Own ☒ Rent/Lease ☐

Length of time in the neighborhood \_\_\_\_\_

Please check ONE:

☒ I support the creation of an Overlay District for the Oldham Avenue National Register District.

☐ I do not support the creation of an Overlay District for the Oldham Avenue National Register District.

Contact me when a public hearing is scheduled by: Phone 214-435-2664

C. K. Scott@a-yahoo.co



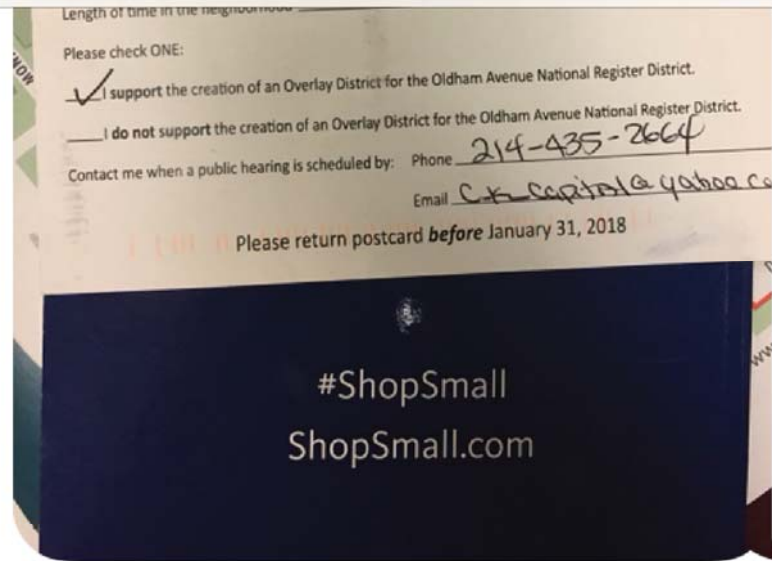
iMessage







Amanda



The meetings for this district are set for next week so I am following up on all of our data. Thanks in advance for getting back to me. Have a great day!  
Anita

Read Tuesday

Today 8:44 AM

Thank you for reaching out.. yes we are in support .. including 501 and 503 Oldham..have a bless day



iMessage







RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: TA-18-0145



REISNER RALPH  
102 WILLIAMS ST  
WAXAHACHIE, TX 75165

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Case Number: TA-18-0145

☐ SUPPORT

☒ OPPOSE

Comments: \_\_\_\_\_

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Signature

Ralph Reisner  
Printed Name and Title

Date

9-4-18  
102 Williams St  
Address



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **TA-18-0145**



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

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Case Number: **TA-18-0145**

☐ SUPPORT

☒ OPPOSE

Comments: see attached

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Brad Yates  
Printed Name and Title

Date

8/28/18  
211 N. Gibson St.  
Address Waxahachie, Tx. 75165

Received in  
City Secretary's Office  
8-29-18  
City of Waxahachie, Texas



Colonial Restoration Group Inc.

PO Box 2868

Waxahachie, TX. 75168


972-938-3383

To whom it may concern:

8/28/18

I am writing in reference to the proposed historic overlay. This letter is to confirm my opposition to said overlay and I feel it is only helpful to describe my reasonings. I have worked all over the state under similar guidelines and in most, if not all cases, the property owner is the one that suffers from such a district. The intent of the overlay district is noble and is definitely something that I hold dear to my heart, but my experience in dealing with these districts is that the contractor and owner become handcuffed and subject to the interpretation of the presiding board that governs the district. With this in mind the end result unfortunately means that projects and maintenance costs become significantly more expensive for the owner and in some cases hinders sale of properties due to increased restrictions. I think you can drive through the area and see that the current owners do a wonderful job keeping their properties up and have spent thousands of dollars preserving the homes that have drawn people to Waxahachie for decades. I have found that the more restrictions imposed, the less owners are willing to do to preserve the history of these amazing homes. It should be their choice in how they choose to maintain or improve their property considering they are the ones funding the project and paying the taxes. I believe it is important to educate owners and provide input to guide them in their restoration endeavors, but not strong arm based on views of those in place on the board. I am asking that this historic overlay not be approved so that our historic community can continue to thrive.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brad Yates', written over the printed name.

Brad Yates



RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: TA-18-0145



YOUNGBLOOD JOE W  
PO BOX 404  
WAXAHACHIE, TX 75168

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Case Number: TA-18-0145      ☐ SUPPORT      ☒ OPPOSE

Comments: THIS SOUNDS SUSPICIOUSLY LIKE AN ELABORATE  
"HOME OWNERS ASSOCIATION"

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Joe W. + Margaret Youngblood  
Signature

9-5-18  
Date

HOME OWNERS  
Printed Name and Title

113 WILLIAMS  
Address

## **CASE TA-18-0145**

***Responses Received From Those Outside Required Notification Area:***

***SUPPORT 1***

***OPPOSE 0***

Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)

### **SUPPORT**

1. Kathleen Bowen, 527 W. Jefferson, Waxahachie, TX 75165

-----



RECEIVED  
9/4/18

September 4, 2018

City of Waxahachie  
Planning and Zoning Commission  
P.O. Box 757  
Waxahachie TX 75168

***Re: Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change.***

TA-18-0145

To The Members of the Planning and Zoning Commission:

I am unable to attend the P&Z meeting on September 11, 2018, so I am writing this letter.

As a historic homeowner, concerned resident, and President of Historic Waxahachie, Inc., I urge The City of Waxahachie Planning and Zoning Commission to vote "YES" to create a historic overlay district for Oldham Street.

A Historic District is nothing to fear. Rather it is something that should be embraced, especially in a city like Waxahachie which is so full of rich history and that relies heavily on historic tourism as a source of revenue.

A home is an investment and should be protected. Historic districts offer homeowners protection and security for their investment. The investment is not simply in that single house, but for the entire neighborhood as well as the entire community. A house is only as good as the one next to it. If one house is not maintained or the design is out of character, the entire neighborhood suffers.

The most common reason I hear from people to not create a historic district is "You can't tell me what to do with my property". Should a homeowner hire an unscrupulous contractor to work on their home without any type of permit? After you buy a home, should you not do any further maintenance on it and let it fall into neglect? Of course not. There are obligations (rules) that a homeowner should follow. A home must always be looked after and cared for. To have some regulation in how that care and maintenance to a home are done provides consistency and continuity to a neighborhood.

Historic districts ensure that neighbors don't make bad improvements (either knowingly or unknowingly) or hire contractors who give bad advice and make repairs in a style that is easiest for them.

Studies show that homes in a protected neighborhood increase in value by 5-35% per decade over homes not in a historic district. (\*)

We need to think about the future, not just the present. What happens to a beautiful historic neighborhood in 5 years when, without having historic district protection, a resident dies, their former house is sold, it is torn down and a 3 story modern eyesore is built in its place? Or the house is left to neglect? Or turned into rental apartments?

The other trend happening now is taking one lot and converting it into two lots. I recognize this higher density building is appealing in the short term because it brings in more tax revenue. However, the long term effects of this trend also cause neighborhoods to lose their continuity and character and ultimately hurts the community.

Neighbors change and sometimes not always for the better. When a neighborhood deteriorates and your investment is not as appealing as a private residence, it becomes appealing to investors as rental property. This is the beginning of the end of an era. This has happened before in Waxahachie starting in the 1960s when many of our beautiful homes were converted into apartments. Home prices go down. Tax rates go up. The entire community suffers.

Please vote "YES" to the creation of the Oldham Street Historic Overlay District. I am looking forward to more districts being created so that more of Waxahachie's beautiful historic neighborhoods are not lost.

Our obligation as citizens of Waxahachie is to be sure what we do positively impacts Waxahachie's future. We need to be careful of short term and short sighted gains. We must take steps to protect the future of our city which is perhaps the greatest benefit that will arise from the creation of these new historic districts.

Thank you for your thoughtful consideration and for your service to our city.

Regards,

*Kathleen Bowen*

Kathleen Bowen

527 W. Jefferson St.  
Waxahachie TX 75165

(\*) Benefits of Residential Historic District Designations for Property Owners by Jonathan Mabry, PhD.  
06/07/07