

# *A G E N D A*

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, September 24, 2019 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX

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

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

4.      ***Consent Agenda***

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

- a.      Minutes of the regular Planning & Zoning Commission meeting of September 10, 2019
  - b.      Minutes of the Planning and Zoning Commission briefing of September 10, 2019
  - c.      Minutes of the City Council and Planning and Zoning Commission Joint Work Session of September 3, 2019
5.      ***Consider*** request by Dorothea M. Russell for a **Replat** of Lot B, Block 206, Town Addition, to create Lots 1-2, Block A, Russell Replat, 0.4523 acres (Property ID 171519) – Owner: DOROTHEA M RUSSELL AND DELBERT EARL RUSSELL (RP-19-0110)
  6.      ***Public Hearing*** on a request by Mark Thedford for a Specific Use Permit (SUP) for **Accessory Building (Residential), Greater than 700 SF**, use within a Single Family-1 zoning district, located at 3100 Brown Street (Property ID 138230) – Owner: LADD VIEN (SU-19-0112)
  7.      ***Consider*** recommendation of Zoning Change No. SU-19-0112

8. ***Continue Public Hearing*** on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for **Outside Storage** use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098)
9. ***Consider*** recommendation of Zoning Change No. SU-19-0098
10. 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.

***Notice of Potential Quorum***

***One or more members of the Waxahachie City Council may be present at this meeting.***

***No action will be taken by the City Council at this meeting.***

(4a)

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 10, 2019 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  
Erik Test

Members Absent: Melissa Ballard, Vice Chairman  
Jim Phillips  
David Hudgins

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Tommy Ludwig, Assistant City Manager  
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**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 27, 2019
- b. Minutes of the Planning and Zoning Commission briefing of August 27, 2019

**Action:**

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

5. **Consider request by Dalton Bradbury, Southfork Capital LLC, for a Replat of Block 23, Town Addition, to create Lots 1-6, Block A, Bradbury Addition, 2.445 acres (Property ID 193492) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0108)**

Chairman Keeler announced the applicant withdrew their application.

**Action:**

*None*

6. **Consider request by Dorothea M. Russell for a Replat of Lot B, Block 206, Town Addition, to create Lots 1-2, Block A, Russell Replat, 0.4523 acres (Property ID**

(40)

**171519) – Owner: DOROTHEA M RUSSELL AND DELBERT EARL RUSSELL (RP-19-0110)**

Chairman Keeler announced the applicant requested to continue RP-19-0110 to the Planning and Zoning Commission meeting of September 24, 2019.

**Action:**

*None*

7. **Continue Public Hearing on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue SU-19-0098 to the Planning and Zoning Commission meeting of September 24, 2019.

8. **Consider recommendation of Zoning Change No. SU-19-0098**

**Action:**

*Ms. Betty Square Coleman moved to continue a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098) to the Planning and Zoning Commission meeting of September 24, 2019. Mrs. Bonney Ramsey seconded, All Ayes.*

9. **Consider request by DeeAnne Row for a Replat of Lots 19 and 20, Green Meadow, to create Lots 19R and 20R, Green Meadow, 8.922 acres (Property ID 150722) in the Extra Territorial Jurisdiction – Owner: BRIAN & DEEANNE ROW (RP-19-0088)**

Mr. Collins reported a water letter was received from Buena Vista-Bethel SUD stating that adequate public facilities are available for this property and adequate fire flow can be provided. He recommended approval.

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by DeeAnne Row for a Replat of Lots 19 and 20, Green Meadow, to create Lots 19R and 20R, Green Meadow, 8.922 acres (Property ID 150722) in the Extra Territorial Jurisdiction – Owner: BRIAN & DEEANNE ROW (RP-19-0088). Mr. Erik Test seconded, All Ayes.*

10. **Consider request by Hugo Monsanto for a Replat of Lot 3, Block 7, Nora Alexander's Subdivision, to create Lots 3AR and 3BR, Block 7, Nora Alexander's Subdivision, 0.232 acres (Property ID 172038) – Owner: VICTORINO G & PAULA G LUNA (RP-19-0105)**

Mr. Collins reported the applicant request to replat one lot into two lots. He noted the request complies with the Sub Division regulations and recommended approval.

(4A)

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Hugo Monsanto for a Replat of Lot 3, Block 7, Nora Alexander's Subdivision, to create Lots 3AR and 3BR, Block 7, Nora Alexander's Subdivision, 0.232 acres (Property ID 172038) – Owner: VICTORINO G & PAULA G LUNA (RP-19-0105). Mr. Erik Test seconded, All Ayes.*

11. **Consider request by Dalton Bradbury, Southfork Capital LLC, for a Replat of Block 22 and 34, Town Addition, to create Lots 1-3, Block A, Cathedral Addition, 3.032 acres (Property ID 193493, 193491, and 170678) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0109)**

Mr. Collins reported the purpose of the replat is to move lot lines to have three different buildings. He stated the applicant must provide firewalls as required in the 2018 International Building Code to provide a barrier between buildings. Mr. Collins recommended approval.

**Action:**

*Ms. Betty Square moved to approve a request by Dalton Bradbury, Southfork Capital LLC, for a Replat of Block 22 and 34, Town Addition, to create Lots 1-3, Block A, Cathedral Addition, 3.032 acres (Property ID 193493, 193491, and 170678) – Owner: SOUTHFORK CAPITAL LLC (RP-19-0109) with conditions. Ms. Bonney Ramsey seconded, All Ayes.*

12. **Consider request by Sean Shropshire, RPLS, Axis Surveying, LLC, for a Final Plat of Blue Bonnet Trails Phases 1 and 2 for 223 residential lots and 2 open space lots being 40.510 acres situated in B.B. Davis Survey, Abstract 290 and the W.C. Calder Survey, Abstract 235 (Property ID 182266 and 182267) Owner: BLUE BONNET TRAILS LLC (FP-19-0107)**

Mr. Collins reported there is 223 residential lots and 2 open space lots. He noted adequate public facilities will be available to serve these properties and recommended approval.

**Action:**

*Mr. Erik Test moved to approve a request by Sean Shropshire, RPLS, Axis Surveying, LLC, for a Final Plat of Blue Bonnet Trails Phases 1 and 2 for 223 residential lots and 2 open space lots being 40.510 acres situated in B.B. Davis Survey, Abstract 290 and the W.C. Calder Survey, Abstract 235 (Property ID 182266 and 182267) Owner: BLUE BONNET TRAILS LLC (FP-19-0107) as presented. Mrs. Bonney Ramsey seconded, All Ayes.*

13. **Public Hearing on a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 311 Choctaw Trail (Property ID 229213) – Owner: RICHARD S & PENNY P EWERS (SU-19-0104)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported originally the applicant proposed a rooftop solar panel system that will face the alleyway in the rear of the property and staff was prepared to recommend to deny. He

(4a)

explained prior to the meeting the applicant sent in a revision with panels on the sides of the roof not facing the right-of-way. Mr. Collins recommended to approve the revised submittal.

There being no others to speak for or against SU-19-0104, Chairman Keeler closed the Public Hearing.

**14. Consider recommendation of Zoning Change No. SU-19-0104**

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 311 Choctaw Trail (Property ID 229213) – Owner: RICHARD S & PENNY P EWERS (SU-19-0104). Mr. Erik Test seconded, All Ayes.*

**15. Public Hearing on a request by Alan Lauhoff, P.E., Atlas Associates Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located South of Blue Bonnet Trails Phases 1 and 2 (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-19-0106)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the proposed development will consist of one hundred single family lots and two Home Owners Association tracts on 35.993 acres. Mr. Collins reviewed a single family residential chart and expressed concern with the proposed lot sizes being smaller than required by the Zoning Ordinance. Staff recommended denying.

Mr. Brett Hess, 327 Blue Ribbon Road, Waxahachie, representing applicant, noting the project was a mixed use with townhomes. He stated the townhomes have been removed and the proposed minimum lot sizes are just under the required 10,000 square foot. He stated approximately \$300,000.00 has been spent improving the water line. He stated the location has walkability and is the same Planned Development that is in Midlothian and Denton.

There being no others to speak for or against PD-19-0106, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. PD-19-0106**

**Action:**

*Chairman Keeler moved to deny a request by Alan Lauhoff, P.E., Atlas Associates Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located South of Blue Bonnet Trails Phases 1 and 2 (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-19-0106). Mr. Erik Test seconded, All Ayes.*

(4a)

**17. Adjourn**

There being no further business, the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, September 10, 2019 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  
Erik Test
- Members Absent: Melissa Ballard, Vice Chairman  
Jim Phillips  
David Hudgins
- Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
James Gaertner, City Engineer  
Tommy Ludwig, Assistant City Manager  
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**

Senior Planner Colby Collins reported the applicant withdrew RP-19-0108. RP-19-0110 and SU-19-0098 have been requested by the applicants to continue to the Planning and Zoning Commission meeting of September 24, 2019. Staff recommended approval of RP-19-0088, RP-19-0105, RP-19-0109, and FP-19-0107. Mr. Collins reported SU-19-0104 is a request for rooftop solar panel system and staff originally recommended denial due to the rooftop solar panels facing the road. He explained the applicant resubmitted a revision with rooftop panels on the sides of the home and stated staff will recommend approval. Mr. Collins reviewed PD-19-0106 noting the applicant proposed smaller lot sizes that deviates from the Zoning Ordinance requirements. Staff recommended to deny.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:54 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

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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 Tuesday, September 3, 2019 at 5:30 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Melissa Olson, Councilmember

Councilmember Absent: Kevin Strength, Councilmember

Planning & Zoning  
Members Present: Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Planning & Zoning  
Members Absent: Rick Keeler, Chairman  
Melissa Ballard, Chairman  
Betty Square Coleman

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Terry Welch, City Attorney  
Lori Cartwright, City Secretary  
Shon Brooks, Director of Planning

**1. Call to Order by Mayor David Hill and P&Z Member Jim Phillips**

Mayor David Hill called the City Council meeting to order.

Commissioner Jim Phillips called the Planning and Zoning Commission meeting to order.

**2. Discussion regarding proposed amendments to the Subdivision Ordinance as a result of bills passed during the 2019 legislative session**

Assistant City Manager Tommy Ludwig and Planning Director Shon Brooks reviewed amendments to the city's Subdivision Ordinance due to bills passed during the 2019 legislative session.

Highlights of the discussion included doing away with the term "final plat" and referencing "plat". Mr. Ludwig referenced House Bill 3167 noting the statutory 30-day time for plat approvals shall not commence until the application has been determined to be complete by City staff. He stated staff will be required to respond to the applicant that the application is approved, approved with conditions or denied. The applicant will have an undetermined amount of time to respond. He stated applications can no longer be approved "per staff comments".

(4C)

Mr. Brooks referenced fire flow requirements noting for platting of properties in the City's Extra Territorial Jurisdiction (ETJ), a subdivision of four (4) or fewer lots is not required to have a water system with mains of sufficient size and have a sufficient number of outlets to furnish fire protection to all lots. Subdivisions of greater than four (4) lots in the City's ETJ must have a water system with mains of sufficient size and have a sufficient number of outlets to furnish fire protection to all lots unless a fire flow waiver is granted for the development by the City Council. The plats must provide a disclaimer that the development does not have adequate water flow to allow for firefighting and fire suppression services to any improved properties.

Discussion was held on infrastructure and Mr. Ludwig stated currently a letter of credit is provided by the developer for \$100,000.00 noting his concern is a letter of credit is not guaranteed for tomorrow. He discussed an Escrow Account or forms of bonds provided by a contractor that protects the City until the infrastructure has been accepted from defects and faults in materials, workmanship, and design for a special period of time. Mr. Ludwig proposed using an Escrow Account established by the applicant requiring the developer to put \$100,000.00 in an Escrow Account and the developer can draw down the monies to build the infrastructure.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:21 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(5)

# Planning & Zoning Department

## Plat Staff Report

Case: RP-19-0110



### MEETING DATE(S)

*Planning & Zoning Commission:* September 24, 2019

*City Council:* October 7, 2019

### CAPTION

*Consider* request by Dorothea M. Russell for a Replat of Lot B, Block 206, Town Addition, to create Lots 1-2, Block A, Russell Replat, 0.4523 acres (Property ID 171519) – Owner: DOROTHEA M RUSSELL AND DELBERT EARL RUSSELL (RP-19-0110)

### CASE INFORMATION

*Applicant:* Dorothea M. Russell

*Property Owner(s):* Dorothea M. and Delbert Earl Russell

*Site Acreage:* 0.4523 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 1 unit

*Park Land Dedication:* Cash in lieu of park land dedication for the property is set at \$400.00. This fee must be paid before the plat is filed.

*Adequate Public Facilities:* Adequate facilities are available for this plat.

### SUBJECT PROPERTY

*General Location:* 902 E. Marvin

*Parcel ID Number(s):* 171519

*Current Zoning:* Single Family-3

*Existing Use:* Single family residence

*Platting History:* This is a portion of Town Addition – Revised.

(6)

Site Aerial:



**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:

- Disapproval
- Approval, as presented.
- Approval, per the following conditions:

**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.

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

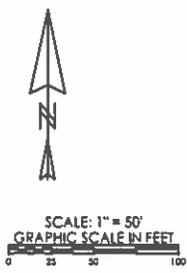
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has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

**STAFF CONTACT INFORMATION**

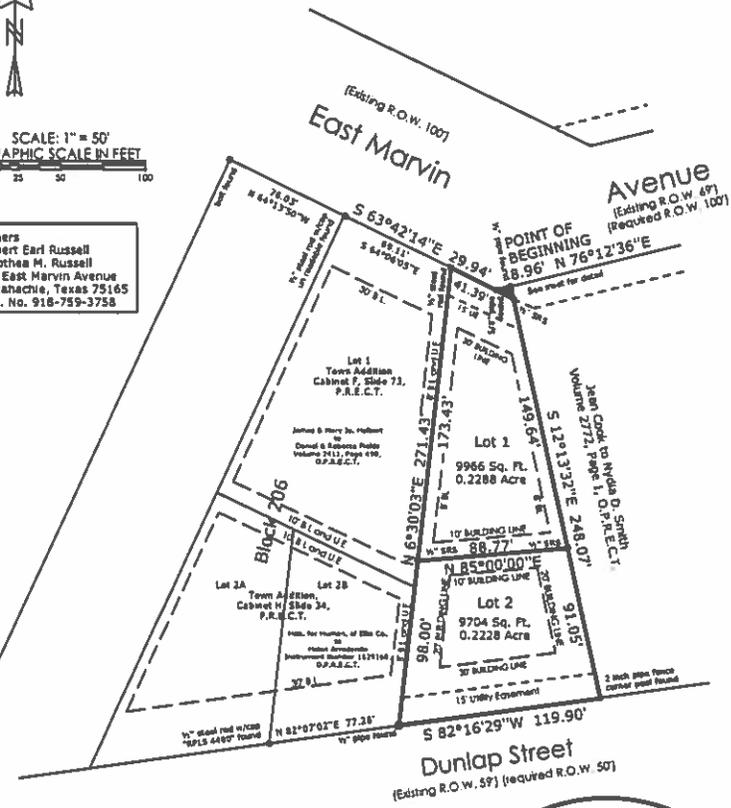
*Prepared by:*  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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

(5)



Owners  
Delbert Earl Russell  
Dorothea M. Russell  
902 East Marvin Avenue  
Waxahachie, Texas 75165  
Tele. No. 918-759-3758



STATE OF TEXAS:  
COUNTY OF ELLIS:  
KNOW ALL MEN BY THESE PRESENTS:  
That We, Delbert Earl Russell and Dorothea M. Russell, being the owners of that certain tract of land hereinafter described as follows:

BEING a part of Block 206, Town Addition, Waxahachie, Ellis County, Texas, and being the tract described in deed from Olivia Esparza, Guillermo Duron Jr., Catarina Perez, Jr., Richard Perez, Alfred Perez, Edward Perez, Samuel Perez, Manuel Perez, Michael Perez, Alsha Perez, Almae Nichole Perez, Jeremy W. Esquivel, George Perez, Gabriel Perez, Patricia Marie Perez and David Perez to Delbert Earl Russell and Dorothea M. Russell recorded in Instrument Number 1915134, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.), and being more particularly described by its metes and bounds as follows;

BEGINNING at a 1/2 inch iron pipe found on the south line of Marvin Avenue, at the northeast corner of said Russell tract and the northeast corner of Block 207 and the tract described in deed from Jean Cook to Nylia D. Smith, recorded in Volume 2772, Page 1, O.P.R.E.C.T.;

THENCE S 12°13'32" E, with the common line of said Blocks 206 and 207 and Russell and Smith tracts, 248.07 feet (call S 10°36'09" E, 251.45 feet) to a 2 inch pipe fence corner post found at their common south corner and on the north line of Dunlap Street;

THENCE S 82°16'29" W, with the common line of said Russell tract and Dunlap Street, 119.90 feet (call S 84°52'00" W, 120.61 feet) to a 1/2 inch pipe found at said Russell southwest corner and the southeast corner of Lot 2B, Block 206, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet M, Slide 34, Plat Records, Ellis County, Texas; and to;

THENCE N 6°30'03" E, with the west line of said Russell tract and the east line of said Lot 2B, described in deed from Habitat for Humanity of Ellis County to Helen Arrandeno recorded in Instrument Number 1529168, O.P.R.E.C.T., and of Lot 1, Block 206, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet F, Slide 73, Plat Records, Ellis County, Texas; and described in deed from James B. Mary Jr., Halbert to Daniel & Rebecca Fields tract recorded in Volume 2411, Page 459, O.P.R.E.C.T., 271.43 feet (call N 8°07'01" E, 272.85 feet) to a 1/2 inch steel rod set at the northwest corner of said Russell tract and on the southwest line of Marvin Avenue;

THENCE with the common line of said Russell tract and Avenue, S 63°42'14" E, 29.94 feet (call S 63°30'00" E, 29.82 feet) to a 3/8 inch pipe rod found on N 76°12'36" E, 8.96 feet (call N 78°35'45" E, 9.09 feet) to the point of beginning and containing approximately 19703 square feet or 0.452 acre of land.

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Delbert Earl Russell and Dorothea M. Russell acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as Russell Addition a replat of Block 206, Town Addition, an addition to the City of Waxahachie, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The Delbert Earl Russell and Dorothea M. Russell do(es) herein certify the following:

1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all cobb, liens, and/or encumbrances.
3. The easements and public use areas, as shown, and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown.
5. City of Waxahachie is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. 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 and City of Waxahachie's use thereof.
7. City of Waxahachie and/or public utilities 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 the easements.
8. City of Waxahachie and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by City of Waxahachie.

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

WITNESS, my hand, this the this \_\_\_ day of \_\_\_ 20\_\_.

By: \_\_\_\_\_  
Delbert Earl Russell

NOTARY STATEMENT

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 Dorothea M. Russell, 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 and in the capacity therein stated.  
GIVEN under my hand and seal of office this \_\_\_ day of \_\_\_ 20\_\_.

Notary Public in and for the State of Texas

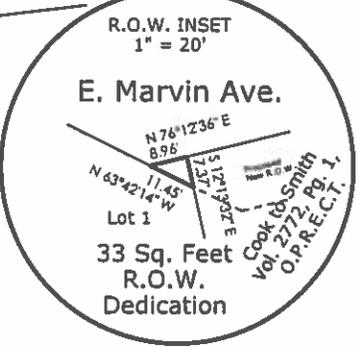
WITNESS, my hand, this the this \_\_\_ day of \_\_\_ 20\_\_.

By: \_\_\_\_\_  
Dorothea M. Russell

NOTARY STATEMENT

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 Dorothea M. Russell, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and considerations therein expressed and in the capacity therein stated.  
GIVEN under my hand and seal of office this \_\_\_ day of \_\_\_ 20\_\_.

Notary Public in and for the State of Texas



CITY OF WAXAHACHIE, TEXAS FINAL PLAT APPROVAL  
Approved by: \_\_\_\_\_  
Planning & Zoning Commission  
City of Waxahachie

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

Approved by: \_\_\_\_\_  
City Council  
City of Waxahachie

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

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

**SURVEYOR'S CERTIFICATE**  
This is to certify that I, Stuart G. Hamilton, a Registered Professional Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

Stuart G. Hamilton  
Registered Professional  
Land Surveyor Number 4480

Date \_\_\_\_\_



**REPLAT  
RUSSELL ADDITION  
OF  
BLOCK 206, TOWN ADDITION  
City of Waxahachie,  
Ellis County, Texas**  
being a 19703 square feet addition of two lots  
Current Zoning SF - 3

- GENERAL NOTES**
- 1) City of Waxahachie will not be responsible for the maintenance of drainage easements or detention areas.
  - 2) All bearings shown herein are based upon the Texas State Plane Coordinate System, NAD83 (CDRS), Texas North Central Zone (4302). All distances shown herein are surface distances.
- FLOODPLAIN STATEMENT:**  
No portion of this plat FEMA's 100-year floodplain is defined by the Flood Insurance Rate Map Number 48121CD150F, published by FEMA and dated 06/03/2013.
- LEGEND**  
P.O.B. = Point of Beginning  
B.L. = building setback line  
U.E. = utility easement
- \* SRS = 1/2" steel rod with plastic cap stamped "RPLS 4480" set

WAXAHACHIE PLANNING AND ZONING  
CASE NUMBER RP-19-0110.

Drawn by: sgh JOB NO. C-19101

ELLIS ASSOCIATES  
SURVEYORS  
212 North College Waxahachie, Texas 75114  
Tel. 972-995-7476  
19911 License No. 18687100

(6)

# Planning & Zoning Department Zoning Staff Report



**Case: SU-19-0112**

**MEETING DATE(S)**

*Planning & Zoning Commission:* September 24, 2019

*City Council:* October 7, 2019

**CAPTION**

**Public Hearing** on a request by Mark Thedford for a Specific Use Permit (SUP) for **Accessory Building (Residential), Greater than 700 SF**, use within a Single Family-1 zoning district, located at 3100 Brown Street (Property ID 138230) – Owner: LADD VIEN (SU-19-0112)

**CASE INFORMATION**

*Applicant:* Mark Thedford  
*Property Owner(s):* Ladd Vien  
*Site Acreage:* 4.998 acres  
*Current Zoning:* Single Family-1  
*Requested Zoning:* SF1 with Specific Use Permit

**SUBJECT PROPERTY**

*General Location:* 3100 Brown Street  
*Parcel ID Number(s):* 138230  
*Existing Use:* Existing Single Family Residence  
*Development History:* N/A

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF1	Undeveloped Land
East	SF1	Single Family Residential
South	SF1	Single Family Residential
West	(PD-SF1, PD-SF2, PD-SF3, MF1, GR)	Estates of North Grove

*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.

(6)

*Thoroughfare Plan:*

The subject property is accessible via Brown St.

*Site Images:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant intends to construct a 1,800 sq. ft. addition to an existing 1,800 sq. ft. storage/stable structure at 3100 Brown St. Per the City of Waxahachie Zoning Ordinance, "Accessory structures equal to or greater than 700 square feet shall only be permissible by a Specific Use Permit (SUP)".

**Proposed Use:**

The applicant is requesting approval to construct a 60 ft. x 30 ft. x 14 ft. tall (1,800 sq. ft.) addition to an existing 1,800 sq. ft. stable/storage structure (totaling 3,600 sq. ft.). The applicant intends to construct the proposed stable/storage addition out of wood and metal to match the existing structure. Per the applicant, the additional storage space will be used to store items such as roof shingles and hay.

(4)

Staff has concerns with the proposed addition of the structure due to the size and the use of the structure. If the proposed structure is approved, the accessory structure will exceed the square footage of the existing single family residence which is approximately 2,956 sq. ft. per the Ellis County Appraisal District records. Additionally, the structure appears to be used as a commercial business use with shingles stacked in front of the building. While a Home Occupation use would be permitted at the residence, a Home Occupation use is limited to the residence's main building, and must not change the residential character of the property or neighborhood.

During site visits, staff noticed that the applicant began construction (see "Site Images") for the proposed structure before receiving approval from the City of Waxahachie City Council. The applicant has been informed by staff that if the proposal is approved, an additional fee may apply for constructing without a permit.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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 9/4/2019.

At the time of this report (9/19/2019), staff has not received any correspondence from surrounding neighbors.

#### **STAFF CONCERNS**

1. **Size of structure**

If the proposed structure is approved, the accessory structure of 3,600 sq. ft. will exceed the square footage of the existing single family residence. The structure, in total, would also exceed the maximum allowed square footage for accessory structure (700 sq. ft.) by 2,900 sq. ft.

2. **Construction without a Permit**

Per Section 5.07 of the City of Waxahachie Zoning Ordinance, "Accessory structures may be constructed only with the issuance of a Building Permit". During site visits, staff noticed that the applicant began construction (see "Site Image") for the proposed structure before receiving approval from the City of Waxahachie City Council. The applicant has been informed by staff that if the proposal is approved, an additional fee may apply for constructing without a permit.

3. **Home Occupation from an Accessory Building**

Home Occupation is an occupation or activity carried on by the inhabitant(s) of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation use shall not change the residential character of the property or the neighborhood and shall be conducted entirely within the main building.

#### **APPLICANT RESPONSE TO CONCERNS**

1. The applicant understands staff's concerns regarding the height of the structure. The applicant intends to state his reasoning at the September 24, 2019 City Council meeting.

(6)

**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. Site Layout Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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



(8)

# Planning & Zoning Department

## Zoning Staff Report



**Case: SU-19-0098**

**MEETING DATE(S)**

*Planning & Zoning Commission:* September 24, 2019 (cont. from 9/10/2019)

*City Council:* October 7, 2019

**ACTION SINCE INITIAL STAFF REPORT**

On August 14, 2019, the applicant requested to continue case no. SU-19-0098 to the September 10, 2019 Planning and Zoning meeting agenda, and the September 16, 2019 City Council meeting agenda.

On August 30, 2019, the applicant requested to continue case no. SU-19-0098 to the September 24, 2019 Planning and Zoning meeting agenda, and the October 7, 2019 City Council meeting agenda.

**INITIAL CASE SUBMITTAL**

The initial request for a SUP for outside storage was heard at the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-1 to recommend denial of case number SU-19-0048 (original submittal case number). The applicant requested to be heard by City Council.

At the City Council meeting, held May 20, 2019, the Council voted 5-0 to continue case no. SU-19-0048 back to the June 11, 2019 Planning and Zoning Commission meeting.

At the Planning & Zoning Commission meeting, held June 11, 2019, the Commission voted 5-1 to recommend denial of case number SU-19-0048. The case was not reviewed by City Council on June 17, 2019, due to the applicant's request.

**CAPTION**

**Public Hearing** on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for **Outside Storage** use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098)

**CASE INFORMATION**

<i>Applicant:</i>	Kevin Cribley, Cribley Enterprises, Inc.
<i>Property Owner(s):</i>	M & M Investments
<i>Site Acreage:</i>	9.686 acres
<i>Current Zoning:</i>	Commercial and Light Industrial-1
<i>Requested Zoning:</i>	C and LI-1 with Specific Use Permit

**SUBJECT PROPERTY**

*General Location:* 100 W Sterrett

(8)

**Parcel ID Number(s):** 273754

**Existing Use:** Undeveloped Land

**Development History:** The Final Plat for Sterrett Industrial Addition, was approved by City Council on June 18, 2018.

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	LI-1 and C	Undeveloped Land
East	FD	Undeveloped Land
South	LI-1	Industrial Building
West	C	Undeveloped Land

**Future Land Use Plan:** Industrial

**Comprehensive Plan:** Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

**Thoroughfare Plan:** The subject property is accessible via W. Sterrett Rd.

**Site Image:**



**PLANNING ANALYSIS****Purpose of Request:**

The applicant is seeking a Specific Use Permit on a 9.686 acre property to allow the use of outside storage. Per the City of Waxahachie Zoning Ordinance, Outside Storage requires a Specific Use Permit. The Future Land Use Plan (FLUP) designates this area as Industrial. The proposed use is consistent with the FLUP. *At the Planning & Zoning Commission meeting, held June 11, 2019, the Commission voted 5-1 to recommend denial of case number SU-19-0048 (original submittal case number). The applicant requested not to have the case reviewed at the June 17, 2019 City Council meeting.*

**Proposed Use:**

The applicant intends to store rock (river rock) as a wholesaler to retail landscaping firms. The applicant anticipates to store the rock material in concrete blocks before ultimately selling the rock material.

At the City Council meeting, held May 20, 2019 (*during the original submittal*), Council provided requirements that include:

- The applicant must submit a signed and sealed plan from a Landscape Architect to staff. The landscape plan must be fully vetted by staff before attending the Planning and Zoning meeting.
- Once a landscape plan is approved by the Planning and Zoning Commission and City Council, the applicant shall apply the approved landscaping to the property.

At the time of this report (9/19/2019), the applicant has not submitted any revisions to staff to address staff concerns.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/09/2019.

**STAFF CONCERNS**

1. At the time of this report (9/19/2019), the applicant has not submitted any revisions to staff to address concerns.
2. Due to work being done on the site before City Council approval of a SUP, the Code Enforcement department issued a city violation on 8/22/2019. The applicant had until 9/4/2019 to cease and desist all operations at the location until a valid Certificate of Occupancy is issued by the City of Waxahachie. The Certificate of Occupancy will require the approval of a SUP for Outside Storage. At the time of this report (9/19/2019), the applicant continues to work on the site after receiving the violation letter. Code Enforcement has visited the site multiple times and citations were issued on 9/4/2019, 9/10/2019, and 9/17/2019.
3. Outside storage at this location is not a desired use with this level of screening. Additionally, the appearance of the bins, used for storage of the rock, could be improved through the use of a split faced CMU block or other material.

**APPLICANT RESPONSE TO CONCERNS**

1. At the time of this report (9/19/2019), the applicant has not submitted any revisions to staff to address concerns.

**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  
At the time of this report (9/19/2019), the applicant has not submitted any revisions to staff to address staff concerns. Due to insufficient information and the disregarding of the requirements of the SUP and Certificate of Occupancy, staff recommends denial for the proposed use.
- Approval, as presented.
- Approval, per the following comments:

**ATTACHED EXHIBITS**

1. Site/Landscape Plan
2. Proposed Storage Bins/Storage Bin Locations
3. Concept Packet
4. Violation Letter

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(8)

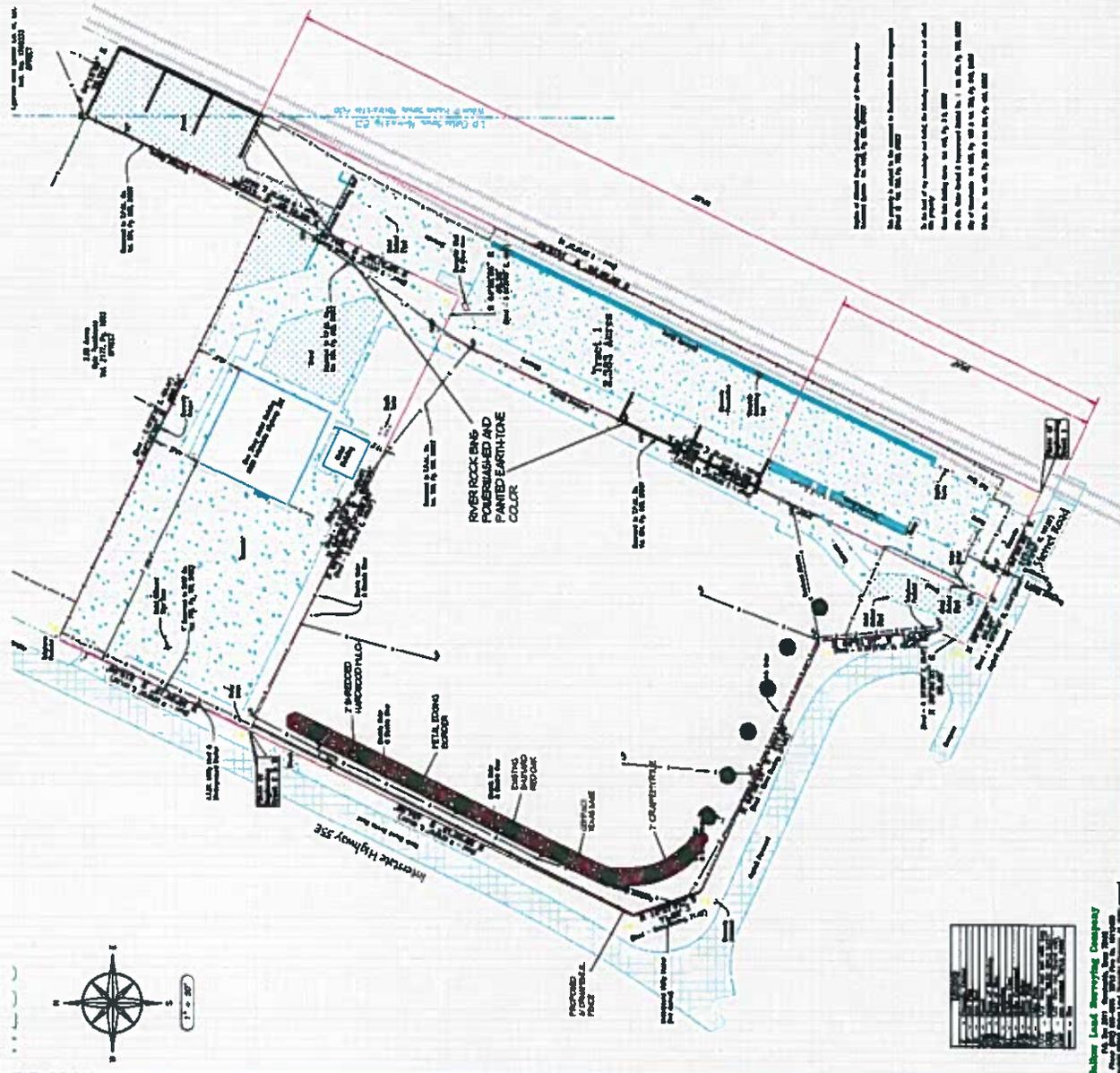
THIS PLAN IS THE PROPERTY OF MOW PROS, L.L.C. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MOW PROS, L.L.C. ANY REPRODUCTION OR TRANSMISSION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF MOW PROS, L.L.C. IS STRICTLY PROHIBITED. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON, NOR FOR THE CONSEQUENCES OF ANY ACTION TAKEN OR NOT TAKEN IN RELIANCE ON THE INFORMATION PROVIDED HEREON. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THE LANDSCAPE PLAN AND THE SELECTION OF PLANTS AND MATERIALS. THE DESIGNER DOES NOT WARRANT OR REPRESENT THAT THE PLANTS AND MATERIALS WILL BE AVAILABLE AT THE TIME OF CONSTRUCTION OR THAT THEY WILL BE SUITABLE FOR THE SITE OR CLIMATE. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THE LANDSCAPE PLAN AND THE SELECTION OF PLANTS AND MATERIALS. THE DESIGNER DOES NOT WARRANT OR REPRESENT THAT THE PLANTS AND MATERIALS WILL BE AVAILABLE AT THE TIME OF CONSTRUCTION OR THAT THEY WILL BE SUITABLE FOR THE SITE OR CLIMATE. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN OF THE LANDSCAPE PLAN AND THE SELECTION OF PLANTS AND MATERIALS. THE DESIGNER DOES NOT WARRANT OR REPRESENT THAT THE PLANTS AND MATERIALS WILL BE AVAILABLE AT THE TIME OF CONSTRUCTION OR THAT THEY WILL BE SUITABLE FOR THE SITE OR CLIMATE.

LANDSCAPE DESIGNED BY:  
**MOW PROS, L.L.C.**  
 201 E DECATUR ST.  
 ENNIS, TX 75119  
 972-675-7167

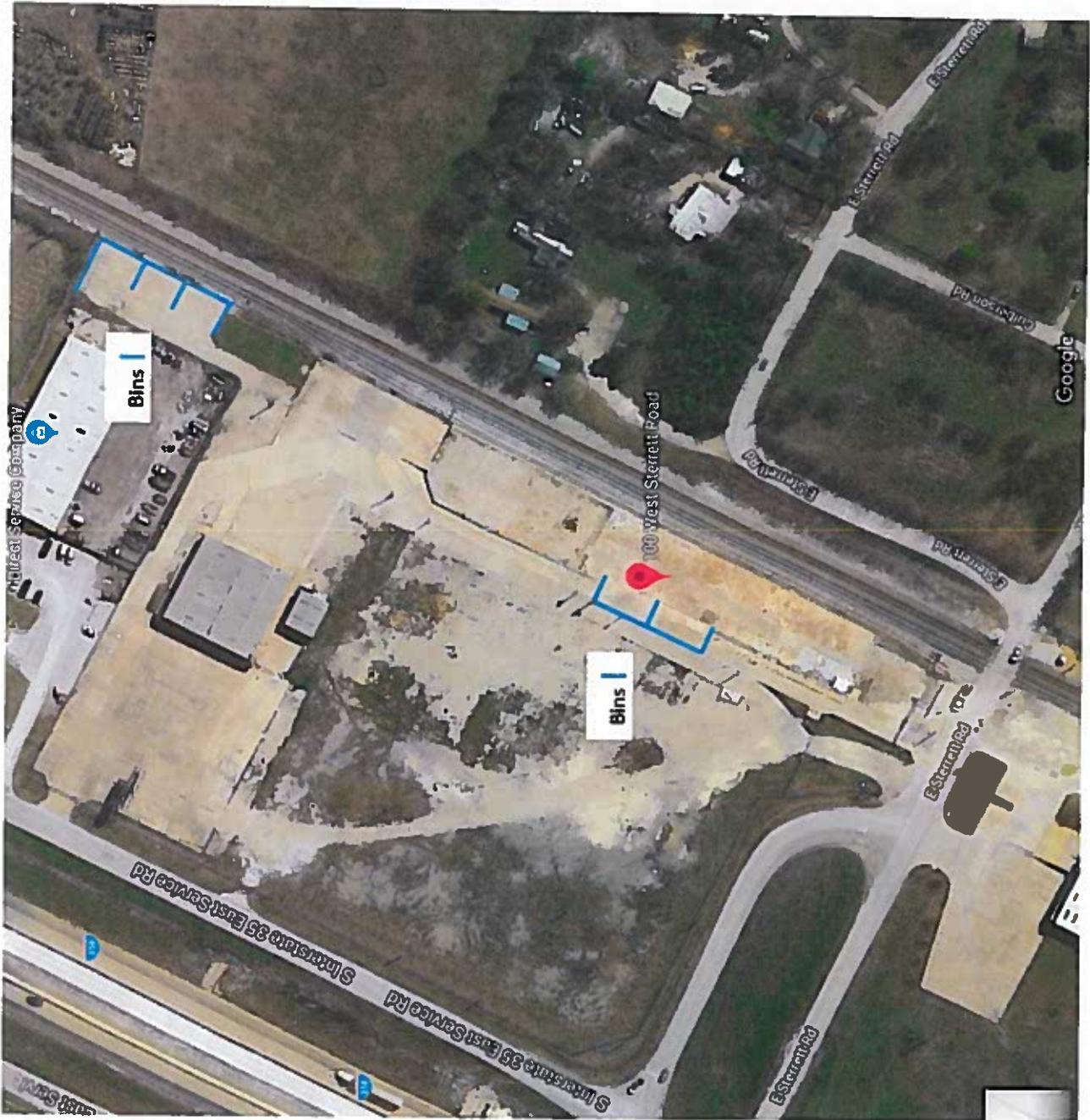


CITY	BOTANICAL NAME	COMMON NAME
10	SHRUB DECIDUOUS	
11	LAGERSTROEMIA INCA (GLANDORA)	CRAPPEWITILE
12	SHRUB EVERGREEN BROADLEAF	
13	SHRUB UNDECIDUOUS THREFTOPPING	COMPACT SAGE, TEXAS, COMPACT
14	TREE DECIDUOUS	
15	QUERCUS RUBRA (EXISTING)	OAK, RED

**SITE PLAN**  
 Tract 1 - 2.383 Acres  
 Williams B. Haynes Survey, Abstract No. 486  
 L.B. Oudover Survey, Abstract No. 821  
 City of Wichita  
 Ellis County, Texas  
 Date: August 28, 2018  
 Drawn: JML  
 Scale: AS SHOWN  
 Sheet No. 2018-008



(8)



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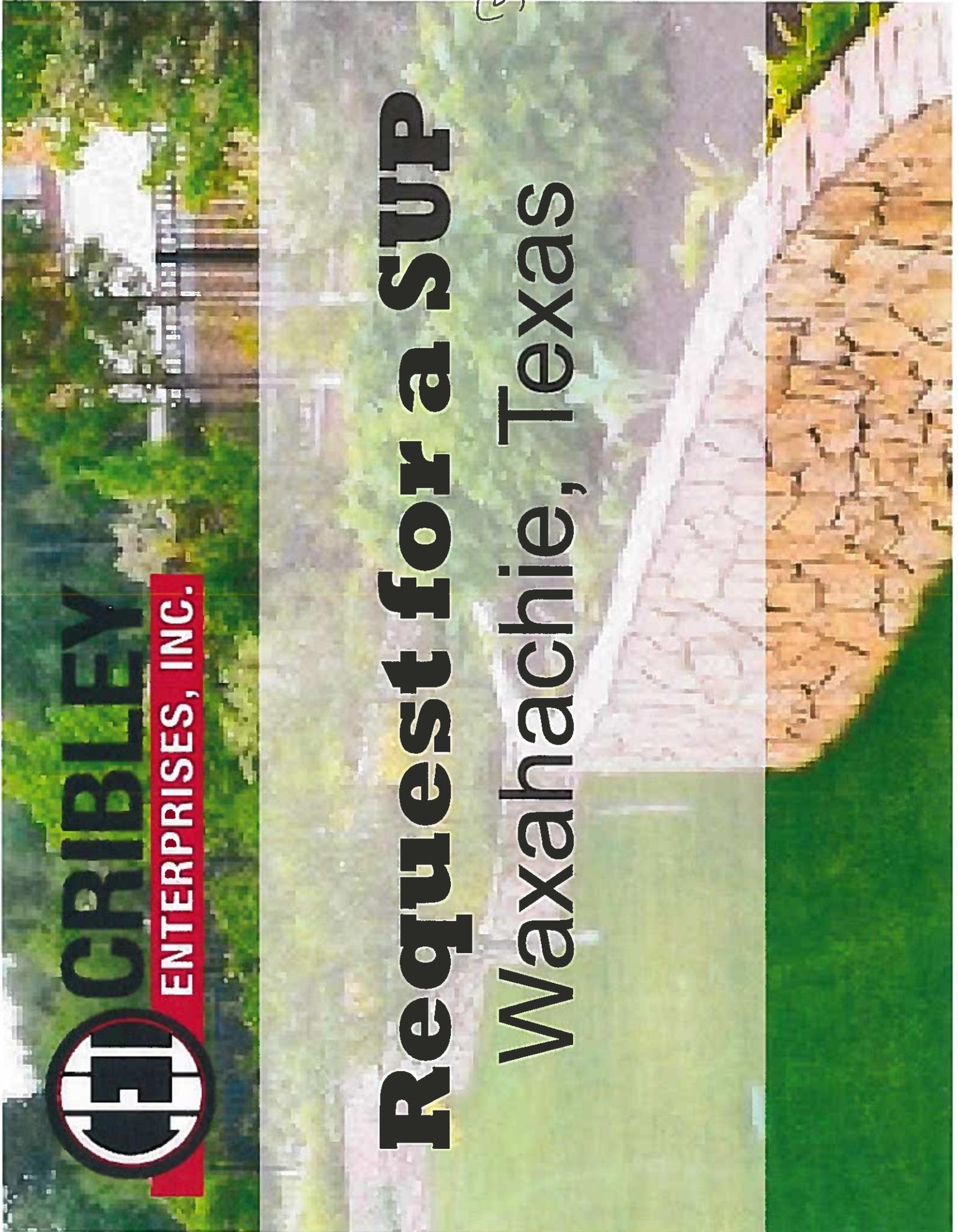
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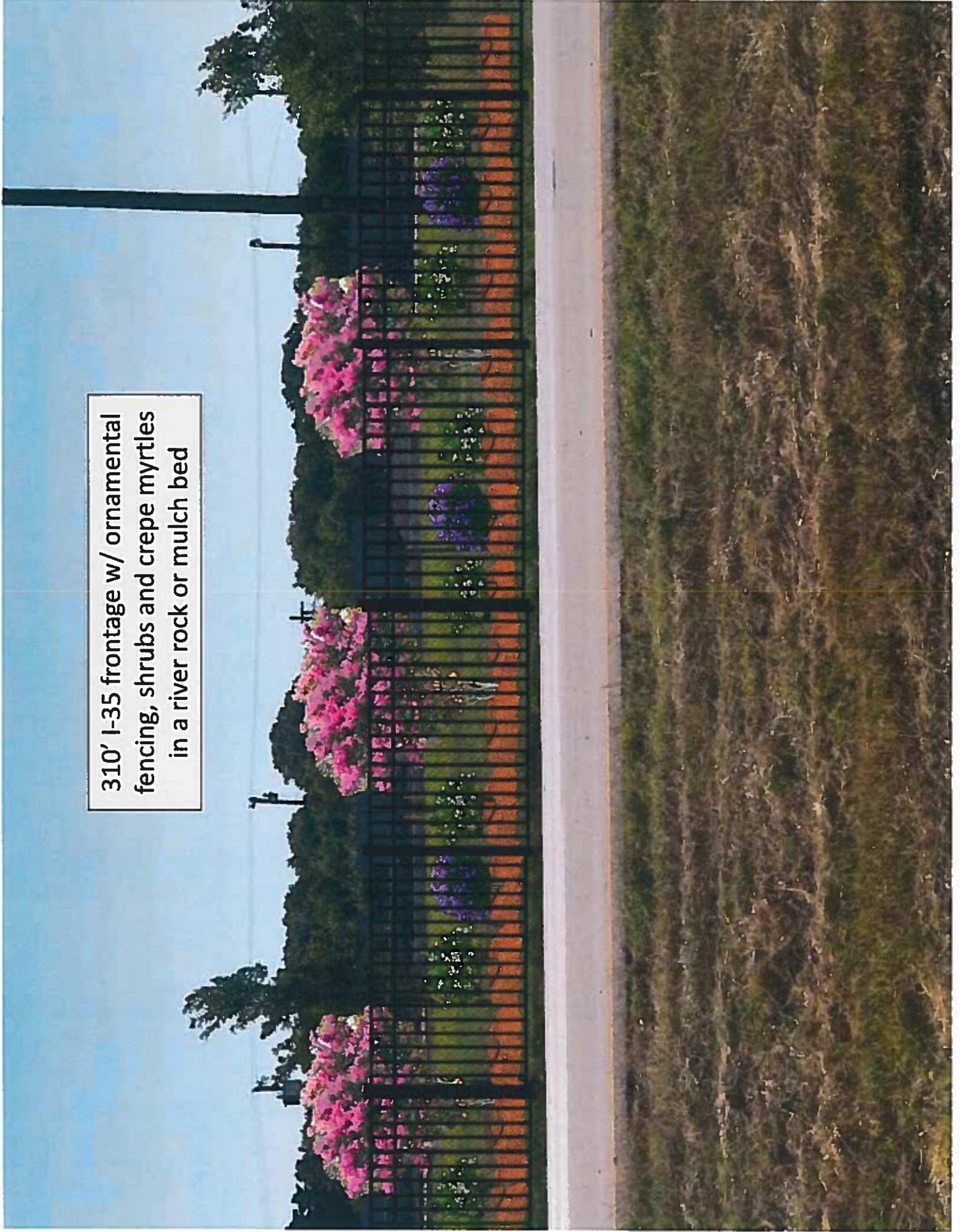


# Request for a SUP Waxahachie, Texas

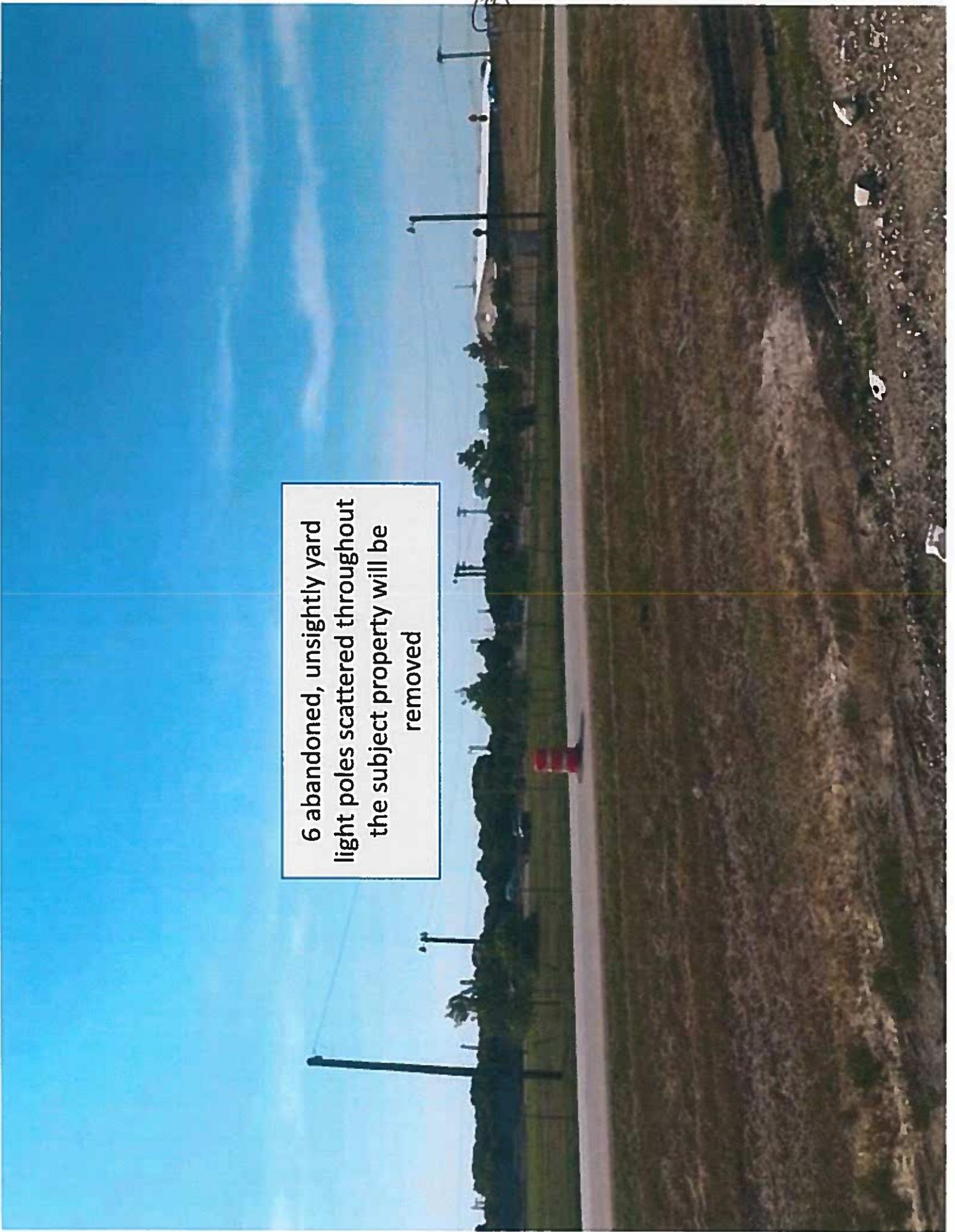
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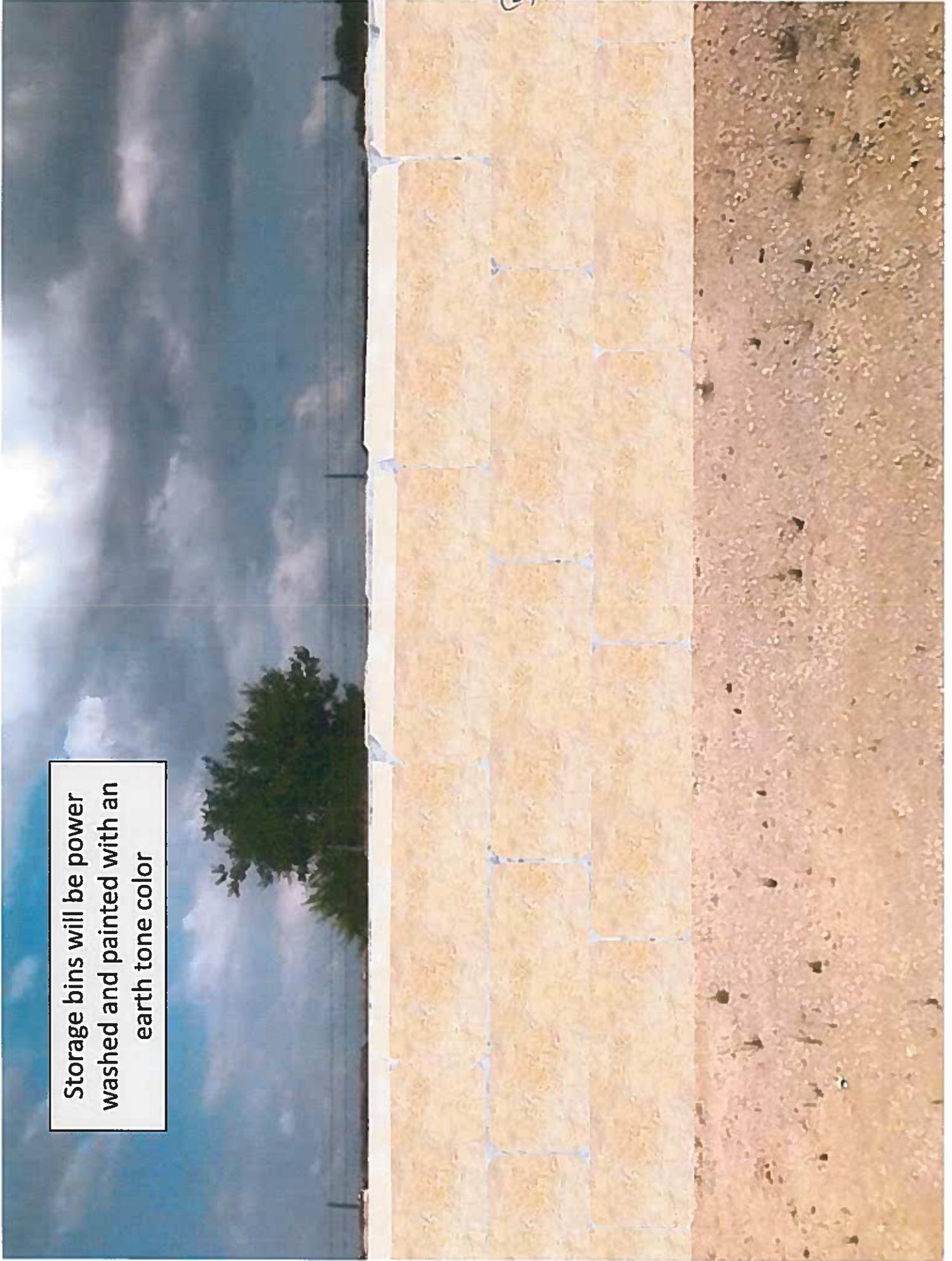
310' I-35 frontage w/ ornamental  
fencing, shrubs and crepe myrtles  
in a river rock or mulch bed



6 abandoned, unsightly yard  
light poles scattered throughout  
the subject property will be  
removed



Storage bins will be power washed and painted with an earth tone color





(8)

# CODE ENFORCEMENT

401 S. Rogers • P.O. Box 173 • Waxahachie, Texas 75168

Phone: (469) 309-4130 • Fax: (469) 309-4139 • [www.Waxahachie.com](http://www.Waxahachie.com)

## PROPERTY INSPECTION NOTICE

**Violation Address:** 6820 N Interstate 35, Waxahachie, TX 75165

**Date of Inspection:** 08/22/2019 **Case Number:** CE-18005

**Owner/Responsible Person:** Cribley Enterprises, Inc.  
12019 Nacogdoches Rd  
San Antonio, TX 78217

**Code Enforcement Officer:** Mike Carrillo  
469-309-4135

Please call the above officer's phone number to discuss this matter.

### VIOLATION

An inspection of the property listed above has indicated the following violations:

Codes	Description	Corrective Action
Ord. No. 3074 Sec.8-4(a)(b)	(a) Building occupancy. A new non-single family residential building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy. (b) Existing building certificate of occupancy. A certificate of occupancy for any existing non-single-family residential building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended.	Obtain a certificate of occupancy. Supply the necessary information and data necessary to determine compliance with technical codes.  <b>Your "Certificate of Occupancy" application for the above listed location has been denied.</b>  <b>Cease and desist all operations at the location until a valid "Certificate of Occupancy" has been obtained.</b>  <b>Failure to comply by 09/04/19 will result in the issuance of a citation.</b>
Sec. 15-32 (g) & (h)	(g) [Prohibits] The outdoor storage of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than 24 hours, unless such items are: i. out of public view, behind a solid fence or wall of at least six (6) feet in height; ii. behind the main structure; or iii. not visible from a public thoroughfare and/or right-of-way. Exemptions: This section shall not apply to construction material and/or equipment which is intended for use within 30 days in construction and renovation on the premises or when there exists an active building permit on the premises. Additionally this does not apply to furniture made for outdoor use or landscape containers and objects, or childrens play equipment. (h) The use or storage of any upholstered furniture manufactured primarily for indoor use, including mattresses, may not be used or stored on open porches, in open carports and cannot be visible from a public right-of-way.	Listed items must be removed or stored in a manner consistent with the stated ordinance.  <b>Please remove/store all gravel/rock piles, rail cars, portable conveyor belts, skip loaders, concrete blocks, and any/all other miscellaneous prohibited items from the location.</b>  <b>Failure to comply by 09/04/19 will result in the issuance of a citation.</b>