

## **Notice Regarding Public Participation and Planning & Zoning Commission/City Staff Attendance**

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce in-person meetings that assemble large groups of people, Governor Greg Abbott has granted a temporary suspension of certain rules to allow for (1) Planning & Zoning Commission members and city employees to participate in a Planning & Zoning Commission meeting via videoconference call or other remote electronic means without a physical quorum of commission members being present at the site of the meeting; and (2) the use of videoconferencing and other remote means to allow the public to observe the meeting and, when required, to participate in the ***Public Hearing***.

In an effort to reduce the spread of the virus, for the May 26, 2020 Planning & Zoning Commission meeting, ***individuals will not be allowed to physically attend the meeting***. Individuals will be able to address the Commission via telephone conference call on ***Public Hearing*** items only.

To participate in the telephone conference call, dial any of the following phone numbers:

1 (346) 248-7799

(877) 853-5257

(888) 475-4499

**Enter Meeting ID: 922 4837 0896**

**Enter Meeting Password: 972635**

To request to speak at one of the public hearings on the agenda, wait for that item to be announced and enter **\*9**. The meeting moderator will acknowledge your request in turn and allow you to speak.

**If you encounter any problems joining or participating in the meeting, please call our help line at (469) 309-4290 for assistance.**

If you wish to watch the meeting but not participate in the meeting, the Planning & Zoning Commission meeting will be live streamed on the city's website at:

[http://www.waxahachie.com/government/city\\_council/city\\_council\\_meeting\\_live\\_stream.php](http://www.waxahachie.com/government/city_council/city_council_meeting_live_stream.php)

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Planning & Zoning Commission for items listed as ***Public Hearings*** will be recognized when the public hearing is opened.

A physical quorum of the Planning & Zoning Commission may not be present during the meeting as some Commission Members may choose to participate in the meeting remotely as permitted by Governor Abbott's suspension of various statutes that may be interpreted to require face-to-face interaction between members of the public and public officials.

# *A G E N D A*

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, May 26, 2020 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. ***Consent Agenda***

All matters listed under Item 3, 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 May 12, 2020
4. ***Public Hearing*** on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a **Used Auto Sales** use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)
5. ***Consider*** recommendation of Zoning Change No. ZDC-000025-2020
6. ***Consider*** request by Juan Carlos Flores, Flores Homes, Inc. for a **Final Plat** of Clift Estates, Phase V for 21 residential lots, being 7.536 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: Juan Carlos Flores, Flores Homes, Inc. (SUB-000047-2020)
7. ***Consider*** request by Angel Gonzalez, AGC Custom Homes for a **Plat** of Willow Springs Phase Two, Section Two for 35 residential lots, being 11.433 acres situated in the J.B. and A. Adams Survey, Abstract 5 (Property ID 272990) – Owner: Angel Gonzalez, AGC Custom Homes (SUB-000054-2020)
8. ***Consider*** request by Kars Tamminga for a **Final Plat** of Pioneer Point Phase 5 & 6 for 71 residential lots being 98.537 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: Kars Tamminga, Pioneer Point Farm, LLC (SUB-000060-2020)

9. **Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development – Single Family – 2 zoning district, located at 631 Solon Rd (Property ID 220963) – Owner: Waxahachie ISD (ZDC-000064-2020)
10. **Consider** recommendation of Zoning Change No. ZDC-000064-2020
11. **Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development – Single Family – 2 zoning district, located at 231 Park Place Blvd (Property ID 237673) – Owner: Waxahachie ISD (ZDC-000069-2020)
12. **Consider** recommendation of Zoning Change No. ZDC-000069-2020
13. **Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Single Family – 3 zoning district, located at 650 Parks School House Rd (Property ID 241034) – Owner: Waxahachie ISD (ZDC-000070-2020)
14. **Consider** recommendation of Zoning Change No. ZDC-000070-2020
15. **Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Single Family – 2 zoning district, located at 110 Brown St (Property ID 222535) – Owner: Waxahachie ISD (ZDC-000071-2020)
16. **Consider** recommendation of Zoning Change No. ZDC-000071-2020
17. **Continue Public Hearing** on a request by the City of Waxahachie to consider revoking, amending, or renewing a **Specific Use Permit** (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed (ZDC-000007-2020)
18. **Consider** recommendation of Zoning Change No. ZDC-000007-2020
19. 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.***

(30)

Planning and Zoning Commission  
May 12, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 12, 2020 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Others Present: Shon Brooks, Director of Planning  
Chris Webb, Planner  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, Assistant 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. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 28, 2020

**Action:**

*Ms. Bonney Ramsey moved to approve item a. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.*

4. **Public Hearing on a request by Lance Rust for a Replat of Lot 11 Block A, Lone Elm Addition to create Lot 11 R-A and 11 R-B, Lone Elm Addition, 3.198 Acres (Property ID 275609) – Owner: Tres Group, LLC. (SUB-000018-2020)**

Chairman Keeler opened the Public Hearing.

Planner Chris Webb presented the case explaining the applicant is requesting a replat of the current lot to allow for an additional single-family residential lot and staff recommended approval as presented.

There being no others to speak for or against SUB-000018-2020, Chairman Keeler closed the Public Hearing.

5. **Consider approval of SUB-000018-2020**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Lance Rust for a Replat of Lot 11 Block A, Lone Elm Addition to create Lot 11 R-A and 11 R-B, Lone Elm Addition, 3.198 Acres*

(3M)

*(Property ID 275609) – Owner: Tres Group, LLC. (SUB-000018-2020) subject to Staff Comments. Mr. David Hudgins seconded, All Ayes.*

**Action:**

*Due to technical difficulties, Vice Chairman Melissa Ballard moved to vacate the previous vote of approval. Ms. Betty Square Coleman seconded, All Ayes.*

Assistant City Manager Tommy Ludwig noted the City Attorney's recommendation on the action for this case is to revoke the vacated vote due to the fact that notification was not sent out for a public hearing at the May 18, 2020 City Council meeting.

**Action:**

*Vice Chairman Melissa Ballard moved to revoke the vacate motion. Mr. Jim Phillips seconded, All Ayes.*

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Lance Rust for a Replat of Lot 11 Block A, Lone Elm Addition to create Lot 11 R-A and 11 R-B, Lone Elm Addition, 3.198 Acres (Property ID 275609) – Owner: Tres Group, LLC. (SUB-000018-2020) subject to Staff Comments. Ms. Betty Square Coleman seconded, All Ayes.*

- 6. Consider request by John Ed Justice, BKG Legacy Ranch 1, LLC for a Replat of Legacy Ranch Phase 1, Block A for 4 lots, being 2.540 acres situated in the J. Prince Survey, Abstract 844 (Property ID 267510, 279145, 267509, 279146) – Owner: BKG Legacy Ranch 1, LLC (SUB-000057-2020)**

Mr. Webb presented the case explaining the applicant has requested to replat this lot to adjust lot lines and update necessary easements and staff recommended approval as presented.

**Action:**

*Ms. Bonney Ramsey moved to approve a request by John Ed Justice, BKG Legacy Ranch 1, LLC for a Replat of Legacy Ranch Phase 1, Block A for 4 lots, being 2.540 acres situated in the J. Prince Survey, Abstract 844 (Property ID 267510, 279145, 267509, 279146) – Owner: BKG Legacy Ranch 1, LLC (SUB-000057-2020) subject to Staff Comments. Mr. Erik Test seconded, All Ayes.*

- 7. Consider request by Milan Simic, A&M Real Estate Development, LTD, for a Plat of Collett Acres for 5 residential lots being 11.053 acres situated in the J. Collett Survey, Abstract 221 (Property ID 181649) in the Extra Territorial Jurisdiction – Owner: A&M Real Estate Development, LTD (SUB-000046-2020)**

Mr. Webb presented the case explaining the applicant is requesting to divide 11.053 acres of land in the ETJ into 5 single-family residential lots and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Milan Simic, A&M Real Estate Development, LTD, for a Plat of Collett Acres for 5 residential lots being 11.053 acres situated in*

(3a)

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*the J. Collett Survey, Abstract 221 (Property ID 181649) in the Extra Territorial Jurisdiction – Owner: A&M Real Estate Development, LTD (SUB-000046-2020) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.*

- 8. Consider request by Robert Scruggs for a Plat of Scruggs Estates for 3 residential lots being 8.458 acres situated in the S. Durrett Survey, Abstract 272 (Property ID 182107) – Owner: Robert Scruggs (SUB-000015-2020)**

Mr. Webb presented the case explaining the applicant is requesting to divide this lot into 2 lots for residential use and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Robert Scruggs for a Plat of Scruggs Estates for 3 residential lots being 8.458 acres situated in the S. Durrett Survey, Abstract 272 (Property ID 182107) – Owner: Robert Scruggs (SUB-000015-2020). Vice Chairman Melissa Ballard seconded, All Ayes.*

- 9. Public Hearing on a request by Sheila Hollis for a Replat of Lots 23, 24, and 25 Block 5, University Addition to create Lots 22R and 24R Block 5, University Addition, 0.517 Acres (Property ID 176226) – Owners: Sheila H. Hollis, Paulette Thompson, Judy T. Tidwell (SUB-000059-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case explaining the applicant is requesting to divide their property into two lots to allow for an additional single-family residence and staff recommended approval as presented.

Ms. Judy Tidwell, applicant, thanked city staff and the Commission for their consideration.

There being no others to speak for or against SUB-000059-2020, Chairman Keeler closed the Public Hearing.

- 10. Consider approval of SUB-000059-2020**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Sheila Hollis for a Replat of Lots 23, 24, and 25 Block 5, University Addition to create Lots 22R and 24R Block 5, University Addition, 0.517 Acres (Property ID 176226) – Owners: Sheila H. Hollis, Paulette Thompson, Judy T. Tidwell (SUB-000059-2020) subject to Staff Comments. Ms. Bonney Ramsey seconded, All Ayes.*

**Action:**

*Due to technical difficulties, Vice Chairman Melissa Ballard moved to vacate the previous vote of approval. Ms. Betty Square Coleman seconded, All Ayes.*

(3A)

Assistant City Manager Tommy Ludwig noted the City Attorney’s recommendation on the action for this case is to revoke the vacated vote due to the fact that notification was not sent out for a public hearing at the May 18, 2020 City Council meeting.

**Action:**

*Vice Chairman Melissa Ballard moved to revoke the vacate motion. Mr. Jim Phillips seconded, All Ayes.*

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Sheila Hollis for a Replat of Lots 23, 24, and 25 Block 5, University Addition to create Lots 22R and 24R Block 5, University Addition, 0.517 Acres (Property ID 176226) – Owners: Sheila H. Hollis, Paulette Thompson, Judy T. Tidwell (SUB-000059-2020) subject to Staff Comments. Ms. Betty Square Coleman seconded, All Ayes.*

- 11. **Consider request by Vernon Witherspoon, First Look, for a Final Plat of Lakeridge II for 1 non-residential lot, being 2.684 acres situated in the Henry Levy Survey, Abstract 629 (Property ID 186874) – Owner: Ferris Avenue Baptist Church (SUB-000021-2020)**

Ms. Betty Square Coleman expressed her concern with the communication in relation to the teleconference noting she experienced issues when trying to hear the Commission during her call.

Mr. Webb presented the case explaining the applicant is requesting to plat this lot for the establishment of a medical office and staff recommended approval as presented.

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Vernon Witherspoon, First Look, for a Final Plat of Lakeridge II for 1 non-residential lot, being 2.684 acres situated in the Henry Levy Survey, Abstract 629 (Property ID 186874) – Owner: Ferris Avenue Baptist Church (SUB-000021-2020) subject to Staff Comments. Mr. Erik Test seconded, All Ayes.*

- 12. **Consider request by Matthew Martinez, for a Plat of Jackson Ranch Subdivision, for 2 lots being 3.941 acres situated in the T.R. Follet Survey, Abstract 373 (Property ID 183524) in the Extra Territorial Jurisdiction – Owner: Andrew Jackson (PL-19-0162)**

Mr. Webb presented the case explaining the applicant is requesting to plat their property into two lots, one of which will have a Dollar General located on it and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Matthew Martinez, for a Plat of Jackson Ranch Subdivision, for 2 lots being 3.941 acres situated in the T.R. Follet Survey, Abstract 373 (Property ID 183524) in the Extra Territorial Jurisdiction – Owner: Andrew Jackson (PL-19-0162). Vice Chairman Melissa Ballard seconded, All Ayes.*

(3A)

13. **Consider request by Wes Dorough, JH Development, LLC. for a Plat of Sheppard's Place Ph. 1 for 102 lots, being 24.735 acres situated in the E. Horton Survey, Abstract 466 (Property ID 185243) – Owner: Sheppard's Place Development Co LLC, Sandlin Homes (SUB-000055-2020)**

Mr. Webb presented the case explaining the applicant is requesting to plat this property to establish the first phase of a new subdivision and staff recommended approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Wes Dorough, JH Development, LLC. for a Plat of Sheppard's Place Ph. 1 for 102 lots, being 24.735 acres situated in the E. Horton Survey, Abstract 466 (Property ID 185243) – Owner: Sheppard's Place Development Co LLC, Sandlin Homes (SUB-000055-2020) subject to Staff Comments. Ms. Bonney Ramsey seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Betty Square Coleman, Bonney Ramsey, David Hudgins, and Erik Test. Noes: Jim Phillips.*

*The motion carried.*

14. **Consider request by Brian Carrington, Stantec Consulting Services Inc. for a Final Plat of Buffalo Ridge Phase 5 for 230 residential lots and 9 'X' lots, being 60.798 acres situated in the W.C. Calder Survey, Abstract 235 and the W.T. Dunn Survey, Abstract 303 (Property ID 264869) – Owner: Bobby Samuel, GRBK Edgewood, LLC (SUB-000051-2020)**

Mr. Webb presented the case explaining the applicant is requesting to plat this property in order to establish a fifth phase of the Buffalo Ridge subdivision. He noted the applicant is seeking a variance for the utility easement setbacks to be 10' instead of 15' which was shown on the preliminary plat. Staff recommended approval as presented.

Mr. Bobby Samuel, applicant, explained the preliminary plat was done before final engineering and that is why they are requesting the variance. He noted the utilities are currently under construction and are in alignment with the easement.

**Action:**

*Mr. David Hudgins moved to approve a request by Brian Carrington, Stantec Consulting Services Inc. for a Final Plat of Buffalo Ridge Phase 5 for 230 residential lots and 9 'X' lots, being 60.798 acres situated in the W.C. Calder Survey, Abstract 235 and the W.T. Dunn Survey, Abstract 303 (Property ID 264869) – Owner: Bobby Samuel, GRBK Edgewood, LLC (SUB-000051-2020) with the 10' utility easement variance. Ms. Bonney Ramsey seconded, All Ayes.*

15. **Public Hearing on a request by the City of Waxahachie to consider revoking, amending, or extending a Specific Use Permit (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020)**

(3a)

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Chairman Keeler opened the Public Hearing and announced the case would continue to the next meeting due to technical difficulties.

**16. Consider approval of ZDC-000007-2020**

**Action:**

*Mr. David Hudgins moved to continue the Public Hearing on extending a Specific Use Permit (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020) to the May 26, 2020 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.*

**17. Adjourn**

There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

(4)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 13, 2020

Re: ZDC-000025-2020 2004 Howard Rd. – Used Auto Sales

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On May 11, 2020, the applicant requested to withdraw case no. ZDC-000025-2020 from the May 26, 2020 Planning and Zoning meeting agenda, and the June 1, 2020 City Council meeting agenda.

(6)

# Planning & Zoning Department Plat Staff Report

Case: SUB-000047-2020



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

**CAPTION**

*Consider* request by Juan Carlos Flores, Flores Homes, Inc. for a **Final Plat** of Clift Estates, Phase V for 21 residential lots, being 7.536 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 239606) – Owner: Juan Carlos Flores, Flores Homes, Inc. (SUB-000047-2020)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into 21 single family residential lots.

**CASE INFORMATION**

*Applicant:* Juan Carlos Flores, Flores Homes, Inc.

*Property Owner(s):* Juan Carlos Flores, Flores Homes, Inc.

*Site Acreage:* 7.536 acres

*Number of Lots:* 21 lots

*Number of Dwelling Units:* 21 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at **\$8,400** (21 residential units at \$400.00 per unit).

*Adequate Public Facilities:* Adequate public facilities are available for this property.

**SUBJECT PROPERTY**

*General Location:* Located adjacent to the south side of Clift Estates Ph. IV at the dead ends of Owen Way and Carter Ct.

*Parcel ID Number(s):* 239606

*Current Zoning:* PD-SF-3

*Existing Use:* Roadways are being constructed for the continuation of Owen Way and Carter Ct.

*Platting History:* The Preliminary Plat PP-19-0058 was approved by City Council on June 17, 2019.

(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:

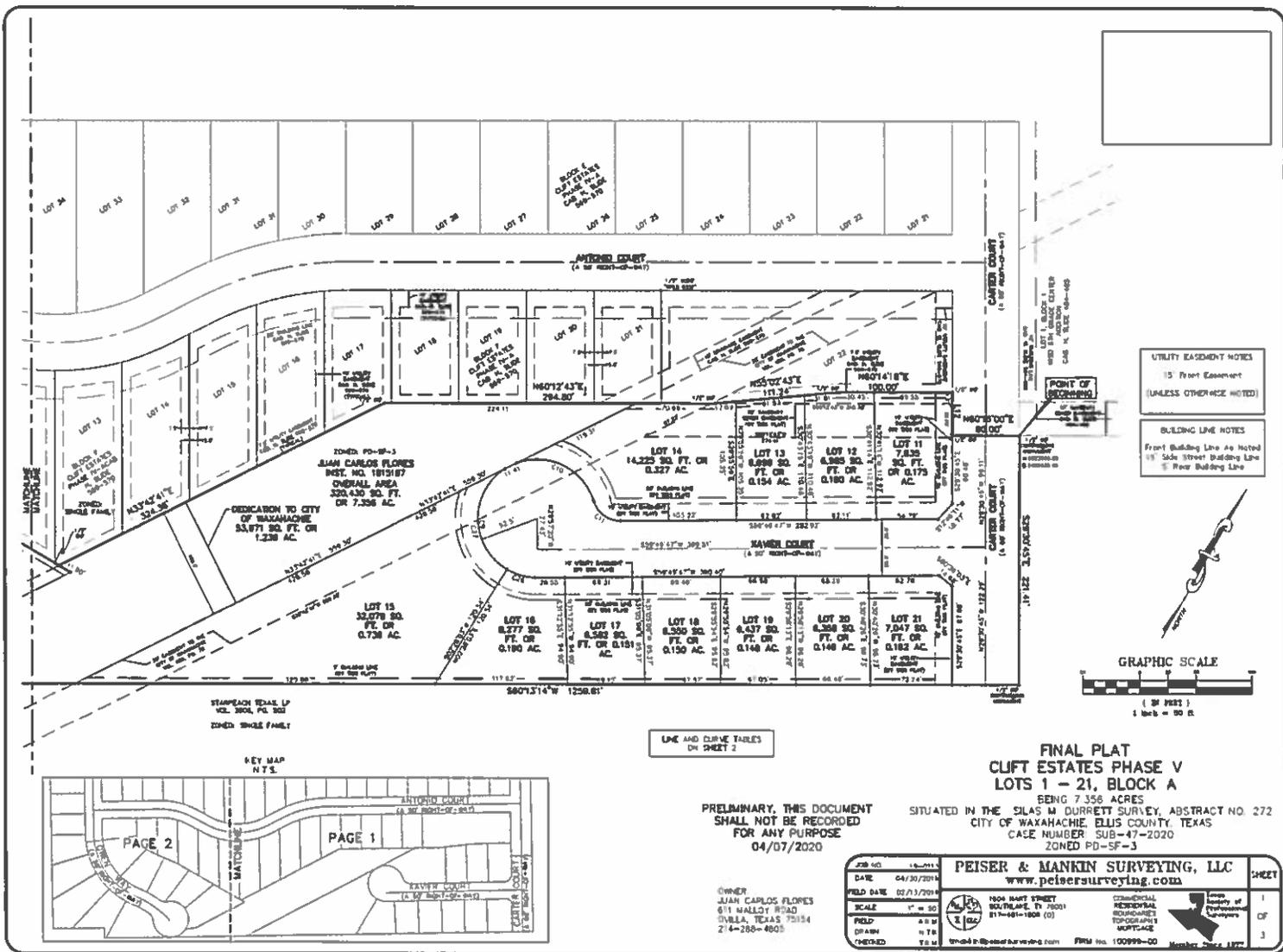
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has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

(6)



(6)



**LOT SIZE TABLE**

LOT 1	7,840 SQ. FT.	0.175 AC.
LOT 2	8,848 SQ. FT.	0.202 AC.
LOT 3	14,311 SQ. FT.	0.327 AC.
LOT 4	8,848 SQ. FT.	0.202 AC.
LOT 5	10,518 SQ. FT.	0.241 AC.
LOT 6	10,408 SQ. FT.	0.237 AC.
LOT 7	7,310 SQ. FT.	0.168 AC.
LOT 8	8,336 SQ. FT.	0.190 AC.
LOT 9	8,336 SQ. FT.	0.190 AC.
LOT 10	8,754 SQ. FT.	0.200 AC.
LOT 11	7,615 SQ. FT.	0.174 AC.
LOT 12	8,264 SQ. FT.	0.188 AC.
LOT 13	8,493 SQ. FT.	0.194 AC.
LOT 14	11,715 SQ. FT.	0.269 AC.
LOT 15	12,016 SQ. FT.	0.276 AC.
LOT 16	8,222 SQ. FT.	0.188 AC.
LOT 17	8,432 SQ. FT.	0.192 AC.
LOT 18	8,550 SQ. FT.	0.195 AC.
LOT 19	11,311 SQ. FT.	0.259 AC.
LOT 20	8,556 SQ. FT.	0.195 AC.
LOT 21	7,647 SQ. FT.	0.174 AC.

**NOTES**

- IRF - Iron Rod Found
- IRS - Iron Rod Set w/ "PEISER & MANKIN SURV" red plastic cap on all corners dedicated hereon, unless otherwise noted
- Basis of bearings - Bearings of lines shown hereon refer to GCS North of the Texas Coordinate System of 1983 (North Central Zone 4202, NAD83 (2011) Epoch 2010) as derived locally from Western Data Systems Continuously Operating Reference Stations (CORS) via Real Time Kinematic (RTK) methods. An average Combination Factor of 1.00012 was used to scale gird coordinates and distances to surface.

**UTILITY EASEMENT NOTES**  
15' Front Easement  
(UNLESS OTHERWISE NOTED)

**BUILDING LINE NOTES**  
Front Building Line As Noted  
15' Side Street Building Line  
5' Rear Building Line

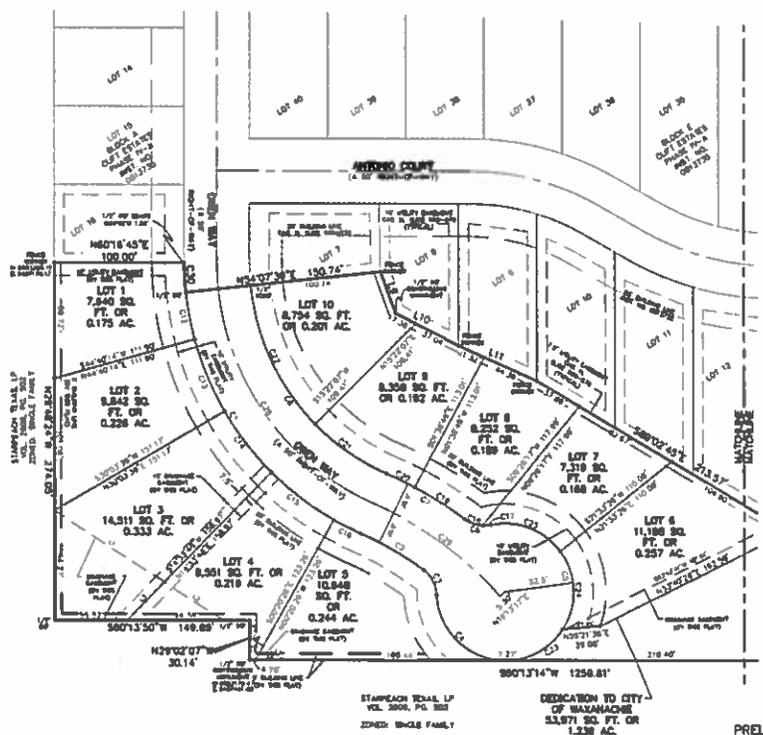


**DEED RECORD**

DEED NO.	DATE	FROM	TO	ACRES
1	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
2	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
3	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
4	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
5	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
6	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
7	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
8	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
9	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
10	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
11	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
12	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
13	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
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15	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
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57	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
58	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
59	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
60	10/15/11	STATE OF TEXAS	STATE OF TEXAS	1.0000
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**IRF DATA**

IRF NO.	DATE	DESCRIPTION
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100	10/15/11	STATE OF TEXAS



**FINAL PLAT**  
**CLIFT ESTATES PHASE V**  
**LOTS 1 - 21, BLOCK A**  
BEING 7.356 ACRES  
SITUATED IN THE SILAS M. DURRETT SURVEY, ABSTRACT NO. 272  
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
CASE NUMBER: SUB-47-2020  
ZONED PD-SF-3

PRELIMINARY. THIS DOCUMENT  
SHALL NOT BE RECORDED  
FOR ANY PURPOSE  
04/07/2020

JOB NO.	1000011		COMMERCIAL RESIDENTIAL BOUNDARY SURVEYING WORKFORCE	Total Quantity of Performance Submittals
DATE	04/30/2019			
FIELD DATE	03/13/2019		FIRM No. 100895-00	Marked Sheet 1/17
SCALE	1" = 30'			
PEISER	A.R.E.	OWNER: JUAN CARLOS FLORES 611 HALLIDAY ROAD CIVILLA, TEXAS 75154 214-288-4805		
DESIGNED	A.R.E.	CHECKED: T.E.B.		

(6)

WHEREAS, Juan Carlos Flores is the Owner of a tract of land situated in the Silas M. Durrett Survey, Abstract No. 272, Ellis County, Texas and being all that certain 7.356 acre tract conveyed to Juan Carlos Flores, by General Warranty Deed Filed in Instrument No. 0813735, said Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BECHANG of a 1/2 inch iron rod found for the most easterly northeast corner of said Flores tract, same being the southeast corner of Carter Court (30) feet right-of-way per Instrument No. 0813735, said Official Public Records; same being a north corner of that certain tract of land conveyed to Starpeach Texas, LP, by deed recorded in Volume 2620, Page 522, said Official Public Records;

THENCE along the common line of said Flores tract and said Starpeach tract as follows:

South 29 deg 30 min. 45 sec. East, a distance of 221.41 feet to a 1/2 inch iron rod found for the southeast corner of said Flores tract.

South 80 deg 13 min. 14 sec. West, a distance of 1239.81 feet to a 1/2 inch iron rod found for the most easterly southwest corner of said Flores tract.

North 29 deg 02 min. 07 sec. West, a distance of 30.14 feet to a 1/2 inch iron rod found for corner;

South 60 deg 13 min. 50 sec. West, a distance of 149.89 feet to a 1/2 inch iron rod found for the most easterly southwest corner of said Flores tract;

North 29 deg 48 min. 24 sec. West, a distance of 214.00 feet to a fence corner found for the most westerly northeast corner of said Flores tract, same being the southwest corner of Block A, City Estates Phase I=1, an addition to the City of Waco, Texas, according to the plat thereof recorded in Instrument No. 0813735, aforesaid Official Public Records;

THENCE North 60 deg 18 min. 45 sec. East, along the common line of said Flores tract and said Block A, a distance of 100.00 feet to a point for corner, from which a 1/2 inch iron rod found bears North 24 deg 42 min. West, 134 feet, same being the southwest corner of said Block A, same being in the easterly right-of-way line of Owen Way 50 feet right-of-way per Instrument No. 0813735, said Official Public Records; same being the beginning of a non-tangent curve to the left, having a radius of 225.00 feet and a central angle of 88 deg 46 min 54 sec.

THENCE Along said non-tangent curve to the left, and along the common line of said Flores tract and said Owen Way, an arc distance of 22.83 feet and a chord bearing and distance of South 32 deg 58 min. 35 sec. East, 22.84 feet to a 1/2 inch iron rod found for corner, same being the southwest corner of said Owen Way;

THENCE North 54 deg 07 min. 39 sec. East, continuing along the common line of said Flores tract and said Owen Way, passing a 1/2 inch iron rod with yellow cap found for the southeast corner of said Owen Way, same being 19' to southeast corner of Block F, said City Estates Phase I=1, and continuing along the common line of said Flores tract and said Block F, a total distance of 150.74 feet to a fence corner found for corner;

THENCE along the common line of said Flores tract and said Block F as follows:

South 48 deg 58 min. 42 sec. East, a distance of 33.71 feet to a 1/2 inch iron rod found for corner;

North 87 deg 40 min. 02 sec. East, a distance of 54.42 feet to a fence corner found for angle point;

North 84 deg 17 min. 19 sec. East, a distance of 65.71 feet to a fence corner found for angle point;

South 89 deg 02 min. 45 sec. East, a distance of 213.57 feet to a point for virtual corner;

North 33 deg 42 min. 41 sec. East, a distance of 324.38 feet to a 1/2 inch iron rod found for corner;

North 60 deg 12 min. 43 sec. East, a distance of 294.80 feet to a 1/2 inch iron rod found for corner;

North 55 deg 02 min. 45 sec. East, a distance of 111.24 feet to a 1/2 inch iron rod found for corner;

North 80 deg 14 min. 18 sec. East, a distance of 100.00 feet to a 1/2 inch iron rod found for the most northerly northeast corner of the herein described tract, same being the northeast corner of said Block F, same being in the westerly right-of-way line of aforesaid Carter Court;

THENCE along the common line of said Flores tract and said Carter Court as follows:

South 29 deg 45 min. 42 sec. East, a distance of 38.00 feet to a 1/2 inch iron rod found for corner, same being the south-west corner of said Carter Court;

North 60 deg 18 min. 00 sec. East, a distance of 60.00 feet to the POINT OF BECHANG and containing 7.356 acres of surveyed land, more or less.

**SURVEYOR'S CERTIFICATE**

I, JOHN ALLIEN BY THESE PRESENTS That I, Timothy R. Mays, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon are set out properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waco, Texas.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE 04/07/2020**

Timothy R. Mays, RPLS 8122 Registered Professional Land Surveyor

APPROVED BY: Planning and Zoning Commission City of Waco, Texas

BY: [Signature Lines for Chairperson, Street, Date]

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS That JUAN CARLOS FLORES, does hereby adopt this plat designating the herein above described property as **CLIFT ESTATES PHASE V**, an addition to the City of Waco, Texas, and does hereby dedicate, in his capacity, 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 Waco, Texas. 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, and use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco, Texas 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 encroach or interfere with the construction, maintenance, or efficiency of these respective systems in said Easements. The City of Waco, Texas and public utility entities shall at all times have the full right of ingress and egress to and from these respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Waco, Texas.

WITNESS my hand this 7th day of April, 2020

BY: [Signature Line] Authenticated Signature of Owner Juan Carlos Flores, Owner

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Juan Carlos Flores, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed. Given under my hand and seal of office, this 7th day of April, 2020.

Notary Public in and for the State of Texas

My Commission Expires On

**FINAL PLAT CLIFT ESTATES PHASE V LOTS 1 - 21, BLOCK A**

BEING 7.356 ACRES SITUATED IN THE SILAS M. DURRETT SURVEY, ABSTRACT NO. 272 CITY OF WACAHACHE, ELLIS COUNTY, TEXAS CASE NUMBER SUB-47-2020 ZONED PD-SF-3

**FLOOD CERTIFICATE**  
As determined by the FLOOD INSURANCE RATE MAPS for Ellis County, the subject property Does Not appear to be within a Special Flood Hazard Area (100 Year Flood); Map date 05/03/2013 Community Panel No. 48139C0192P and Map date 05/03/2013 Community Panel Number 48139C0330P, subject lot is located in Zone "X".  
If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

OWNER: JUAN CARLOS FLORES 611 MALLOT ROAD WACAHACHE, TEXAS 76784 214-286-4825

PEISER & MANKIN SURVEYING, LLC www.peisersurveying.com  
1804 HART STREET WACAHACHE, TX 76787 817-481-6328 (2)  
COMMERCIAL RESIDENTIAL SURVEYING TOPOGRAHY MORTGAGE  
SHEET 3 OF 3

(7)

# Planning & Zoning Department Plat Staff Report

Case: SUB-000054-2020



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

**CAPTION**

*Consider* request by Angel Gonzalez, AGC Custom Homes for a Plat of Willow Springs Phase Two, Section Two for 35 residential lots, being 11.433 acres situated in the J.B. and A. Adams Survey, Abstract 5 (Property ID 272990) – Owner: Angel Gonzalez, AGC Custom Homes (SUB-000054-2020)

**APPLICANT REQUEST**

The applicant is requesting a plat of the subject property to create an additional 35 lots to the Willow Springs Subdivision.

**CASE INFORMATION**

*Applicant:* Angel Gonzalez, AGC Custom Homes

*Property Owner(s):* Angel Gonzalez, AGC Custom Homes

*Site Acreage:* 11.433 acres

*Number of Lots:* 35 lots

*Number of Dwelling Units:* 35 units

*Park Land Dedication:* The appropriate park dedication fee will be determined by staff.

*Adequate Public Facilities:* Adequate Public Facilities are available to this site.

**SUBJECT PROPERTY**

*General Location:* Adjacent to Willow Springs Phase Two, Sec. Two to the North.

*Parcel ID Number(s):* 272990

*Current Zoning:* PD-SF-2

*Existing Use:* Roadways have been constructed on the site.

*Platting History:* This plat was originally included as part of the Preliminary Plat PLM2014-31.

*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)



(7)

CURVE TABLE				CURVE TABLE				LINE TABLE	
CURVE NO.	RADIUS	ARC LENGTH	LONG CHORD	CURVE NO.	RADIUS	ARC LENGTH	LONG CHORD	LINE NO.	BEARING, DISTANCE
C-1	20.00'	31.42'	N 42°43'35" E, 28.28'	C-11	20.00'	31.42'	N 42°43'35" E, 28.28'	1-1	S 27°43'34" W, 11.58'
C-2	33.00'	143.89'	S 71°13'34" W, 142.85'	C-12	30.00'	31.42'	S 41°18'04" E, 28.28'	1-2	N 68°17'13" W, 82.34'
C-3	27.00'	96.29'	S 13°30'38" W, 85.77'	C-13	15.00'	13.62'	N 62°43'18" E, 13.16'	1-3	S 27°43'34" W, 11.58'
C-4	70.00'	13.01'	S 47°51'01" E, 29.39'	C-14	30.00'	70.30'	N 77°08'53" E, 64.86'	1-4	S 39°18'06" E, 16.82'
C-5	19.00'	12.87'	N 87°17'19" E, 12.66'	C-15	50.00'	53.30'	S 31°50'29" E, 50.89'	1-5	S 07°12'37" E, 18.77'
C-6	50.00'	75.58'	N 77°08'53" E, 64.86'	C-16	30.00'	53.30'	S 39°18'06" E, 16.82'		
C-7	30.00'	31.28'	S 31°30'29" E, 50.89'	C-17	30.00'	70.30'	N 77°08'53" E, 64.86'		
C-8	50.00'	53.30'	N 29°18'17" E, 50.89'	C-18	15.00'	13.62'	N 65°15'30" W, 13.16'		
C-9	50.00'	70.30'	S 79°41'09" E, 64.86'	C-19	15.00'	0.75'	N 87°17'35" E, 0.75'		
C-10	15.00'	13.62'	S 65°19'33" E, 13.16'						

**FIELD NOTES**  
 BEARING at a 1/2" steel rod found for the northeast corner of the tract and same for the said 9.307 acres and 14.313 acres tract and being in the east line of Lot 33, Block 2 of Garden Valley Ranch, Phase 2, as recorded in Cabinet A, Slide 987, Plat Records, Ellis County, Texas (PRECT) and also being the southwest corner of a certain 58.714 acres tract of same as shown in Volume 2157, Page 636, PRECT, the base for this observation from GPS observation, North Central Texas Zone 1302, NAD 83 datum, and having a beginning bearings of Northing = 8837089.61, Easting = 2490283.34.

THENCE N 89°37'00" E, 611.44 feet (14.313 acres) Dwell - N 89°30'17" E, 610.78 feet (14.313 acres) Dwell - N 89°30'17" E, 610.78 feet along the north line of the tract and same for the said 9.307 acres and 14.313 acres tract, and along the south line of said 58.714 acres tract to a 1/2" steel rod set for a northeast corner of the tract, and being the northeast corner of the northeast of said 14.313 acres tract and the northeast corner of the tract.

THENCE S 01°16'04" E, 121.53 feet (9.307 acres) Dwell - S 01°16'04" E, 123.93 feet (9.307 acres) Dwell - S 01°16'04" E, 123.93 feet along the north line of the tract to a 1/2" steel rod set for an interior northeast corner of the tract.

THENCE N 88°47'54" E, 88.50 feet along a north line of the tract and through said 16.318 acres in a 1/2" steel rod set for the beginning of a curve to the left with a Radius = 20.00 feet, Chord Bearing = N 42°43'35" E, 28.28 feet.

THENCE along said curve, an Arc Length = 31.42 feet to a 3/4" steel rod set at the east line of a 80 feet public right of way.

THENCE N 87°18'04" E, 100.27 feet along a north line of the tract and through said 14.313 acres tract to a 1/2" steel rod set for a northeast corner of the tract, and being on the north line of said 14.313 acres tract and on the south line of said 58.714 acres tract.

THENCE to BEARING of 80°00 feet along a north line of the tract, same for said 14.313 acres tract, and along the south line of said 58.714 acres to a 3/4" steel rod set for the northeast corner of the tract.

THENCE S 01°16'04" E, using an east line of the tract, at 119.5 feet passing the westerly northeast corner of said 9.307 acres and through said 14.313 acres tract a total distance of 278.59 feet, to a 3/4" steel rod set on the east line of said 9.307 acres tract for an interior corner of the tract.

THENCE N 88°47'54" E, 212.43 feet along the most westerly north line of the tract, across said 14.313 acres to a point in a line for a northeast corner of the tract, being in a southeast line of Lot 15, Block 4 of Building Blocks, Phase Three, as recorded in Cabinet H, Slide 428, PRECT.

THENCE through said line the following calls: S 39°18'06" E, 16.82 feet S 12°14'45" E, 50.83 feet to the southeast corner of said Lot 15, Block 4 and being the northeast corner of Building Blocks, Phase Three, as recorded in Cabinet H, Slide 95, PRECT, and S 01°16'04" E, 301.58 feet to the southeast corner of this tract.

THENCE S 88°47'54" E, 150.23 feet along a south line of the tract and with the north line of Lot 15, Block 4 of Above Springs, Phase Two, Section One as recorded in Cabinet L, Slides 758 and 799, PRECT, to a 3/4" steel rod set for a corner.

THENCE N 88°16'16" E, 190.00 feet along a southeast line of the tract, and the northeast line of said Above Springs to a 3/4" steel rod set for a westerly most corner of the tract, and being the northeast corner of the easting and right of way.

THENCE S 12°23'31" E, 11.80 feet along the northeasterly right of way of said road to a 3/4" steel rod set for a south corner of the tract and being the southeastern corner of Lot 37, Block C of Above Springs, Phase 2.

THENCE N 88°12'13" E, 665.8 feet along a southeast line of the tract, and along the northeast line of said Lot 37 to a 3/4" steel rod set for a northeast corner of the tract.

THENCE S 88°47'11" E, 811.45 feet along the south line of the tract and along the recognized north corners of Lots 38, 33, 34, 31, 32, and 31 of said Above Springs, to a 3/4" steel rod set for the northeast corner of the tract, and being in the westerly line of Garden Valley Ranch, Phase One as recorded in Cabinet C, Slides 330, 331, and 332, PRECT.

THENCE N 01°16'04" E, along the east line of the tract and same for said 14.313 acres tract, and along the east line of said Garden Valley, at approximately 150 feet passing the northeast corner of Phase 1 of Garden Valley and the southeast corner of Phase 2 of Garden Valley, at approximately 150 feet to the POINT OF BEGINNING and containing approximately 11.433 acres of land.

**SURVEYOR'S DECLARATION**  
 I, S. R. Lee, do hereby declare that I prepared this plat from an actual and accurate survey of the land and that the referenced monuments shown thereon do set upon property placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

**REMARKS**  
 BM-1: SET V ON TOP OF CURB STEVE'S WAY IN FRONT OF LOT 48, BLOCK C, N 84.36488 878 E 2490967.215 ELEV = 566.09  
 BM-2: SET V ON TOP OF CURB KATALINA LANE IN FRONT OF LOT 82, BLOCK C, N 84.36488 878 E 2490967.215 ELEV = 566.10

**SHIELDS and LEE SURVEYORS**  
 1421 Ferndale Avenue  
 Dallas, Texas 75224  
 PHONE: 214-942-8496  
 TBPLS 10017000

**D&M ENGINEERS**  
**DAVIS & McDILL, Inc.**  
 P.O. BOX 428, Waxahachie, Texas 75168  
 Phone: Metro 972-938-1185  
 (A Texas Licensed Engineering Firm # 1-6439)

NOTE: THIS DEVELOPMENT IS SUBJECT TO REQUIREMENTS MANDATED IN CITY OF WAXAHACHIE ORDINANCE NO. 2773, DATED 12/15/2014

NOTE: LOTS 9-B, 10-B, AND 69-C ARE FUTURE LOTS PENDING THE APPROVAL OF A FEMA LCMR. BUILDINGS SHOULD NOT BE CONSTRUCTED ON SAID LOTS UNTIL THE LCMR IS APPROVED

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**  
 That We, ACC CUSTOM HOMES, INC. AND PROBUKIT HOMES LTD do hereby adopt the plat designating the herein above described property as WILLOW SPRINGS, PHASE TWO, SECTION TWO, 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 the purposes stated herein. 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 or 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.

The plat approved subject to all pending ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 2020

BY: \_\_\_\_\_  
 ACC CUSTOM HOMES INC. PROBUKIT HOMES LTD  
 ANGEL GONZALEZ STEVE WILSON

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 ANGEL GONZALEZ of ACC CUSTOM HOMES INC, 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.

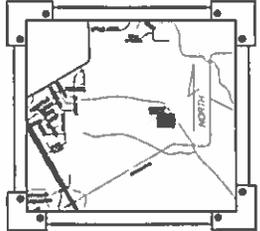
Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Notary Public in and for the State of Texas

**CITY OF WAXAHACHIE, TEXAS FINAL PLAT APPROVAL**  
 I hereby certify that the plat shown herein and designated as the Final Plat of WILLOW SPRINGS, PHASE TWO, SECTION TWO, an addition to the City of Waxahachie, Ellis County, Texas, was approved by the \_\_\_\_\_ day of \_\_\_\_\_ 2020. Said addition shall be subject to all the requirements of the Subdivision Ordinance of the City of Waxahachie, Texas.

APPROVED BY: \_\_\_\_\_ Planning and Zoning Commission  
 City of Waxahachie

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



CASE NO. SUB-54-2020 LOCATION MAP SCALE: 1" = 3000'

**WILLOW SPRINGS**  
**PHASE TWO, SECTION TWO**  
 PLANNED DEVELOPMENT (PD-5F-2) ZONING  
 Being a 11.433 Acres Addition in the  
 J.B. & A. ADAMS SURVEY, Abat. 5  
 of the City of Waxahachie, in Ellis County, Texas  
 35 RESIDENTIAL LOTS

Date 05-13-2020  
 Drawn D. Hocutt  
 Job 217-0043-FP  
 Sheet: 2  
 of 2 sheets.

# Planning & Zoning Department Plat Staff Report

Case: SUB-000060-2020



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

**CAPTION**

Consider request by Kars Tamminga for a **Final Plat** of Pioneer Point Phase 5 & 6 for 71 residential lots being 98.537 acres situated in the Charles Atteberry Survey, Abstract 10 (Property ID 210780) in the Extra Territorial Jurisdiction – Owner: Kars Tamminga, Pioneer Point Farm, LLC (SUB-000060-2020)

**APPLICANT REQUEST**

The applicant is requesting to plat a 98.537 acre tract of land into 71 residential lots as an addition to Pioneer Point Phases 1, 2, 3, and 4.

**CASE INFORMATION**

*Applicant:* Kars Tamminga

*Property Owner(s):* Kars Tamminga, Pioneer Point Farms, LLC

*Site Acreage:* 98.537 acres

*Number of Lots:* 71 lots

*Number of Dwelling Units:* 71 units

*Park Land Dedication:* N/A (ETJ)

*Adequate Public Facilities:* The Operations Foreman for Buena Vista-Bethel WSC, has provided a letter stating that adequate facilities are in place for this subdivision.

**SUBJECT PROPERTY**

*General Location:* Directly adjacent to the north side of Pioneer Point Phase 4 and at the dead end of Chariot Dr. and Firewheel Dr.

*Parcel ID Number(s):* 210780

*Current Zoning:* N/A (ETJ)

*Existing Use:* Infrastructure is being constructed and installed at the subdivision location.

**Platting History:**

PLM2014-50 was approved in 2015 and an extension request was granted in 2017. Since that time, Pioneer Point Phases 1, 2, 3, and 4 have been developed and infrastructure development has continued on this phase maintaining its active status.

**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
2. Water Letter

**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.

(8)

**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)

(8)

**WLSC**

92.98 Acres  
Rural Developments, LLC  
Vol. No. 1820680  
OPRECT

50.00 Acres  
Sutton Holdings  
Vol. 1794, Pg. 1273  
OPRECT



10.10 Acres  
Shawn Egner  
Vol. No. 1219744  
OPRECT

10.100 Acres  
Shannon R Jones  
Vol. 2500, Pg. 1881  
OPRECT

Product of 21.61 Acres  
Albert P. Harbelle  
Vol. 2500, Pg. 1736  
OPRECT

10.60 Acres  
Albert P. Harbelle  
Vol. 2500, Pg. 1736  
OPRECT

Lot 2  
Garcia Acres  
Con. F, Slide 32  
PRECT

Lot 1  
Garcia Acres  
Con. F, Slide 32  
PRECT

Yevn E. Cro

Phase 5 of the plat

Phase 6 of the plat

Phase 7 of the plat

Phase 8 of the plat

Phase 9 of the plat

Phase 10 of the plat

Phase 11 of the plat

Phase 12 of the plat

Phase 13 of the plat

Phase 14 of the plat

Phase 15 of the plat

Phase 16 of the plat

Phase 17 of the plat

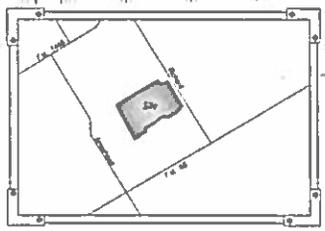
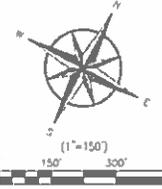
Phase 18 of the plat

Phase 19 of the plat

Phase 20 of the plat

Richard Road

Drainage Easement  
Vol. No. 1820680  
OPRECT



LOCATION MAP SCALE : 1" = 300'

**Final Plat**  
**PIONEER POINT, PHASE 5 AND 6**

98.537 Acres  
71 Residential Lots - 88.519 Acres  
Charles Attebery Survey, Abstract No. 10  
In the ETJ of the City of Waskatchie  
Elbert County, Texas  
Submitted Date: March, 2020 Case No. SA/B-00-2020 Sheet 1 of 2

**LEGEND**

1	Proposed Access
2	Proposed Easement
3	Proposed Right-of-Way
4	Proposed Utility Easement
5	Proposed Drainage Easement
6	Proposed Stormwater Easement
7	Proposed Flood Easement
8	Proposed Wetland Easement
9	Proposed Wetland Buffer
10	Proposed Wetland Core
11	Proposed Wetland Edge
12	Proposed Wetland Interior
13	Proposed Wetland Outlet
14	Proposed Wetland Inlet
15	Proposed Wetland Outlet
16	Proposed Wetland Inlet
17	Proposed Wetland Outlet
18	Proposed Wetland Inlet
19	Proposed Wetland Outlet
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71	Proposed Wetland Outlet

- Notes**
1. Existing lines of Road Right-of-Way are 20' Wide Street Right-of-Way & 10' Side Right-of-Way
  2. Utility Easements 20' Drainage & Public Utility Easements along road with one property line and 10' Drainage & Public Utility Easements along road property lines
  3. No portion of the property lies within a 100 year flood plain according to the Flood Insurance Rate Map for Elbert County Texas dated 08/18/2019, Flood 1 (Floodway) dated June 1, 2011
  4. No building shall be constructed until final Plat is approved and that all City County and state regulations is interpreted and complied by the City Engineer
  5. Areas of Drainage that are of 100 Year Flood plain are shown in blue on "FLOOD" OPRECT in 2020 Plat

**Walker Land Surveying Company**  
P.O. Box 2011, Paris, Texas 75686  
2025 Elm St. 10112600  
www.walkerland.com



(8)

April 15, 2020

Kars Tamminga

Re: Certificate of Completion,  
Pioneer Point  
Water main installation

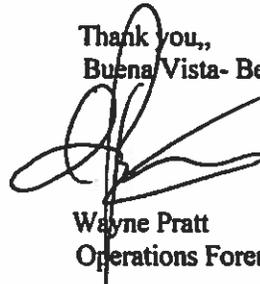
Dear Mr. Kars Tamminga :

We hereby certify that we have inspected the work and materials incorporated into the above referenced project, and that the total project has been completed in accordance with the plans and specifications, to the best of our knowledge and belief.

Please be advised that under the terms of the contract, all defects encountered due to faulty workmanship and/or materials will be replaced by the contractor for a period of one (1) year following the acceptance date of April 15, 2020. The warranty does not include damages caused by accident, misuse or maliciousness.

By copy of this letter, other parties involved with this project are hereby notified of the terms of acceptance.

Thank you.,  
Buena Vista- Bethel SUD



Wayne Pratt  
Operations Foreman

(9)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-000064-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

**CAPTION**

**Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development – Single Family – 2 zoning district, located at 631 Solon Rd (Property ID 220963) – Owner: Waxahachie ISD (ZDC-000064-2020)

**APPLICANT REQUEST**

The applicant is requesting to install an electronic message marquee sign at Wedgeworth Elementary School located at 631 Solon Rd.

**CASE INFORMATION**

*Applicant:* Jacob Perry, Waxahachie ISD  
*Property Owner(s):* Waxahachie ISD  
*Site Acreage:* 23.948 acres  
*Current Zoning:* PD-SF-2  
*Requested Zoning:* PD-SF-2 with SUP for an Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 631 Solon Rd  
*Parcel ID Number(s):* 220963  
*Existing Use:* Elementary School  
*Development History:* A Final Plat for this site was approved by City Council on May 4, 1998.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	GR/PD-SF-2	Single Family Residence/WISD
East	SF-2/2F	Single Family Residential/Duplex
South	GR	Skilled Nursing Facility
West	GR	Multi-family residences

*Future Land Use Plan:* Public/Semi-Public

(9)

**Comprehensive Plan:**

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

**Thoroughfare Plan:**

The subject property is accessible by Solon Rd.

**Site Image:**



**PLANNING ANALYSIS**

The applicant is requesting approval of a Specific Use Permit (SUP) to construct a new electronic message marquee sign for Wedgeworth Elementary School. The proposed marquee sign will be 41.35 square feet and 7'-6" tall, and will be constructed with a metal cabinet to match the marquee signs Waxahachie ISD has used at other school campuses. Per the City of Waxahachie Zoning Ordinance, all new electronic messaging signs shall have an approved SUP from City Council, and meet the following stipulations:

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Wedgeworth Elementary</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the school.
Due to being within 400 ft. of single family residences, the sign shall not be lighted between the hours of 10 pm and 6 am.	The applicant has stated that the signs come with a programmable timer and the signs will not be lit between the hours of 10pm and 6am.
Max. Size= 80 sq. ft.	Proposed Size= 41.35 sq. ft.
Max. Height= 8 ft.	Proposed Height= 7 ½ ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback 31 ft. from public ROW

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 34 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PON RESPONSES**

Staff received one (1) letter of support for the proposed electronic message sign.

**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. Sign Exhibit
2. Location Exhibit
3. PON Responses

**APPLICANT REQUIREMENTS**

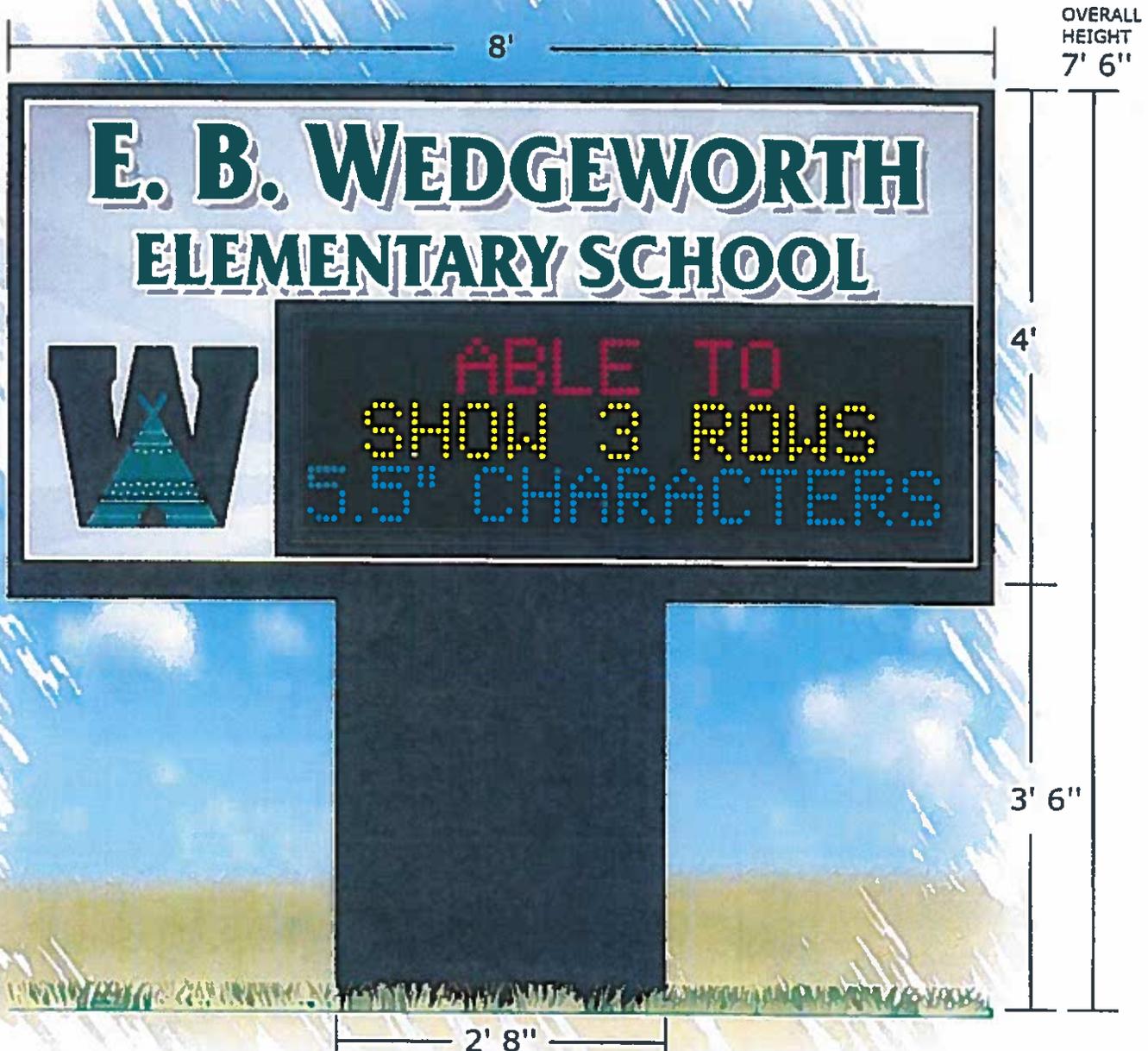
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 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)

(9)



TekStar 20mm 24x80 4'x8'

Cabinet: 4' x 8'  
Mount: Pedestal

Cabinet Color: Black  
Face Color: White  
Line Color: Custom (2 68 20)

Outline Color: White  
Font: Friz Quadrata(b)  
Logos: greysunburst, wedgeworthelemlogo, 50y



ORIGINAL DESIGN DO NOT DUPLICATE

DUPLICATE OF THE ORIGINAL DESIGN IS PROHIBITED. THIS DESIGN IS THE PROPERTY OF STEWART SIGNS. ANY REPRODUCTION OR USE OF THIS DESIGN WITHOUT THE WRITTEN PERMISSION OF STEWART SIGNS IS PROHIBITED. THE DESIGNER ASSUMES NO LIABILITY FOR THE USE OF THIS DESIGN IN ANY MANNER. THE DESIGNER ASSUMES NO LIABILITY FOR THE USE OF THIS DESIGN IN ANY MANNER. THE DESIGNER ASSUMES NO LIABILITY FOR THE USE OF THIS DESIGN IN ANY MANNER.

APPROVED AS SHOWN.  
 \_\_\_\_\_ DATE \_\_\_\_\_ 1. \_\_\_\_\_

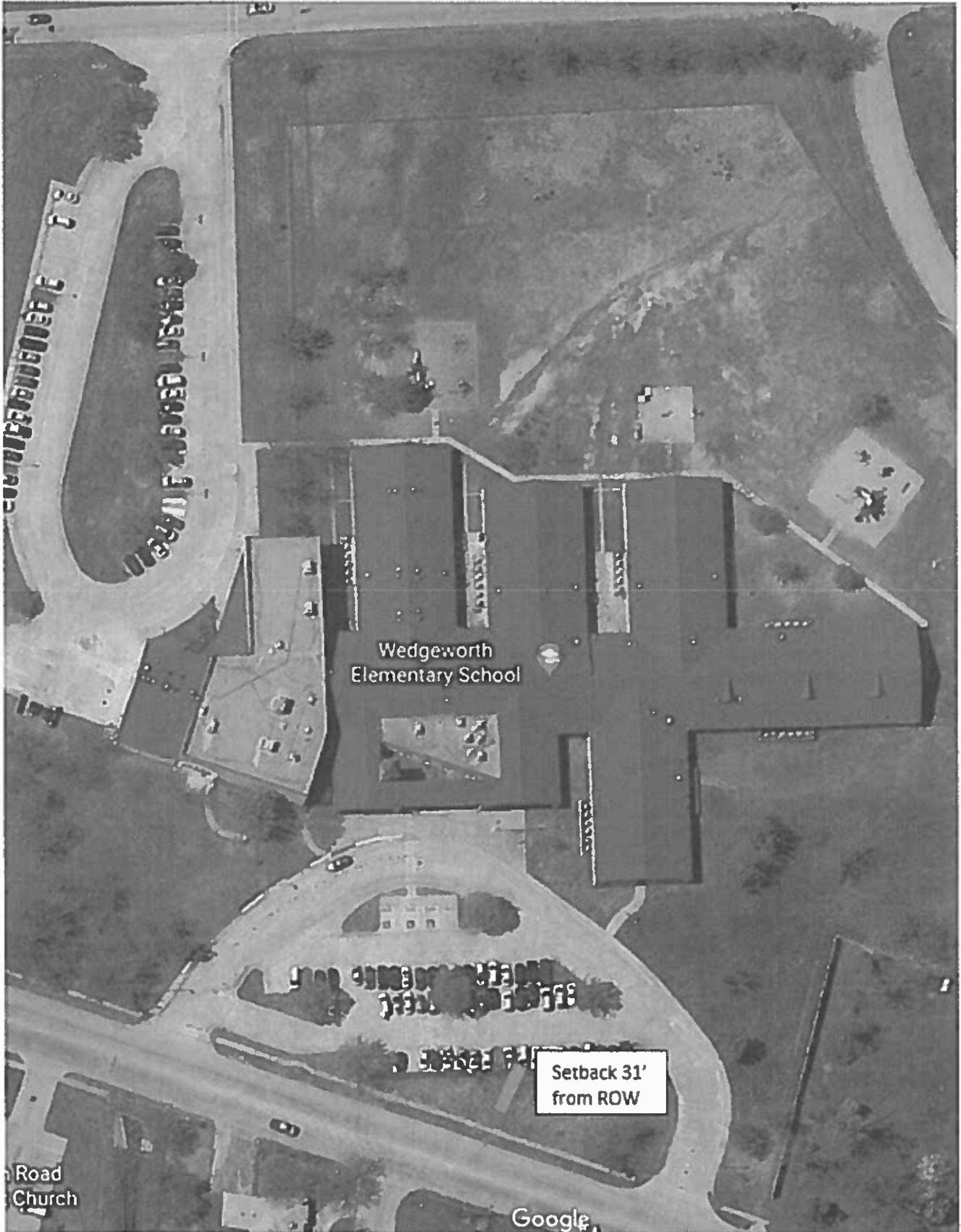
APPROVED WITH LISTED CHANGES.  
 \_\_\_\_\_ DATE \_\_\_\_\_ 2. \_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_

Sketch #280431 Customer #1743286  
4/9/2020 AHall -PROPOSAL-

(9)

# WEDGEWORTH ELEMENTARY



(9)

Case ZDC-64-2020  
Responses Received Inside 200' Notification Area  
Support: 1 Oppose: 0

PropertyID	Owner's Name	Owner's Address
175523	FOWLER CURTIS A	1010 WILBROOK
175524	FOWLER CURTIS A	1010 WILBROOK
175567	STEGER ENTERPRISES LTD	110 PANORAMA LP
175575	STEGER ENTERPRISES LTD	110 PANORAMA LP
180348	KD REAL PROPERTY INVESTMENTS LLC	1266 VISTA VERDE DR
175653	SHABAN BIGAD & KELLY	1333 GOUCH ST #2A
175537	SIERRA NICOLAS & MARIA	149 COUNTRY DR
175538	SIERRA NICHOLAS & MARIA	149 COUNTRY DR
180405	SATURNSTAR REALTY LLC	15124 BERRY TRL
180337	BW WAXAHACHIE LLC BEACHWOLD PARTNERS LP	192 LEXINGTON AVE STE 901
180338	BW WAXAHACHIE LLC BEACHWOLD PARTNERS LP	192 LEXINGTON AVE STE 901
204441	TEXAS HCP AL LP HCP INC PROPERTY TAX DEPT	1920 MAIN ST STE 1200
175561	HERNANDEZ S & R LIVING TRUST ROBERTO R & SAMANTHA I HERNANDEZ TRUSTEES	2028 E BEN WHITE BLVD STE 240, PMB 8201
189264	NAVARRO COLLEGE DISTRICT	3200 W 7TH AVE
234710	NAVARRO COLLEGE DISTRICT	3200 W 7TH AVE
239122	WAXAHACHIE CITY OF	401 S ROGERS ST
225293	LIGHTHOUSE BAPTIST CHURCH OF WAXAHACHIE INC	404 SOLON RD
220963	WAXAHACHIE ISD	411 N GIBSON ST
179579	LANDER TRUST WILLIAM H GETZENDANER	4445 SKINNER RD
180340	LANDER FRANK B ETAL % E L GETZENDANER	4445 SKINNER RD
175562	MARTIN ANTHONY F	513 SYCAMORE ST
175658	MARTIN ANTHONY F	513 SYCAMORE ST
175659	MARTIN ANTHONY F	513 SYCAMORE ST
175660	MARTIN ANTHONY F	513 SYCAMORE ST
175516	SAWYER STEVEN D	601 SARALVO RD
175525	SAWYER STEVEN D	601 SARALVO RD
189260	HOUSE DOUGLAS	637 SOLON RD
189258	WOLVERTON T & K INVESTMENTS	704 SOLON RD
175536	JACOBY CHARLINE	88 LILLY LN
175695	SOLON 120 ASSOCIATES LTD %COCO PROP INC	PO BOX 1031
189247	MORTON DAN E	PO BOX 2854
277049	MARK ON SOLON LLC	PO BOX 670452
175569	MARTIN ANTHONY F	PO BOX 825
175570	MARTIN ANTHONY F	PO BOX 825

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000064-2020

LIGHTHOUSE BAPTIST CHURCH OF WAXAHACHIE INC  
404 SOLON RD  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 26, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 1, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development-Single Family-2 zoning district located at 631 Solon Rd (Property ID 220963) – Owner: Waxahachie ISD. (ZDC-000064-2020)

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

Case Number: SUB-000064-2020

City Reference: 225293

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, May 26, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Great idea - look forward to seeing it!

*James Worley*  
Signature

James Worley, Pastor  
Printed Name and Title

5-26-2020  
Date

404 Solon Rd.  
Address

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

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

(11)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-000069-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

**CAPTION**

**Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development – Single Family – 2 zoning district, located at 231 Park Place Blvd (Property ID 237673) – Owner: Waxahachie ISD (ZDC-000069-2020)

**APPLICANT REQUEST**

The applicant is requesting to install an electronic message marquee sign at Felty Elementary School located at 231 Park Place Blvd.

**CASE INFORMATION**

*Applicant:* Jacob Perry, Waxahachie ISD

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 14.01 acres

*Current Zoning:* PD-SF-2

*Requested Zoning:* PD-SF-2 with SUP for Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 231 Park Place Blvd.

*Parcel ID Number(s):* 237673

*Existing Use:* Felty Elementary is located at this site.

*Development History:* A Final Plat was approved by City Council for this location on June 18, 2007.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-1	Single Family Residences
East	PD-SF-2	Single Family Residences
South	MF-2	Multi-Family Residences
West	SF-2	Single Family Residences

*Future Land Use Plan:* Public/Semi-Public

**Comprehensive Plan:**

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

**Thoroughfare Plan:**

The subject property is accessible via Park Place Blvd.

**Site Image:**



**PLANNING ANALYSIS**

The applicant is requesting approval of a Specific Use Permit (SUP) to construct a new electronic message marquee sign for Felty Elementary School. The proposed marquee sign will be 41.35 square feet and 7'-6" tall, and will be constructed with a metal cabinet to match the marquee signs Waxahachie ISD has used at other school campuses. Per the City of Waxahachie Zoning Ordinance, all new electronic messaging signs shall have an approved SUP from City Council, and meet the following stipulations:

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Felty Elementary</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the school.
Due to being within 400 ft. of single family residences, the sign shall not be lighted between the hours of 10 pm and 6 am.	The applicant has stated that the signs come with a programmable timer and the signs will not be lit between the hours of 10pm and 6am.
Max. Size= 80 sq. ft.	Proposed Size= 41.35 sq. ft.
Max. Height= 8 ft.	Proposed Height= 7 ½ ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback 26 ft. from public ROW

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 72 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PON RESPONSES**

Staff received two (2) letters of support and one (1) letter of opposition for the proposed electronic message sign.

**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. Sign Exhibit
2. Location Exhibit
3. PON Responses

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

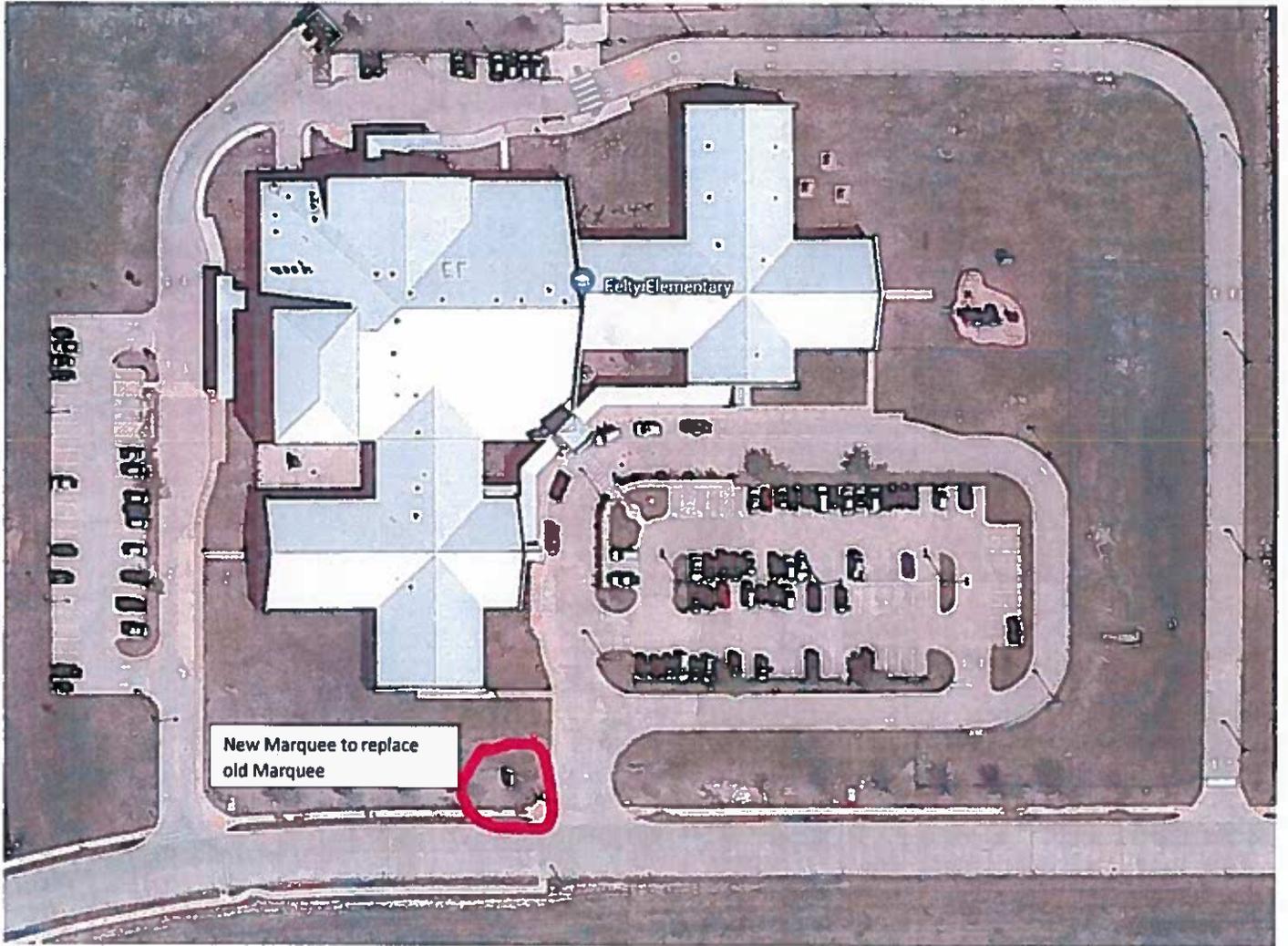
*Prepared by:*  
 Chris Webb  
 Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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



(11)

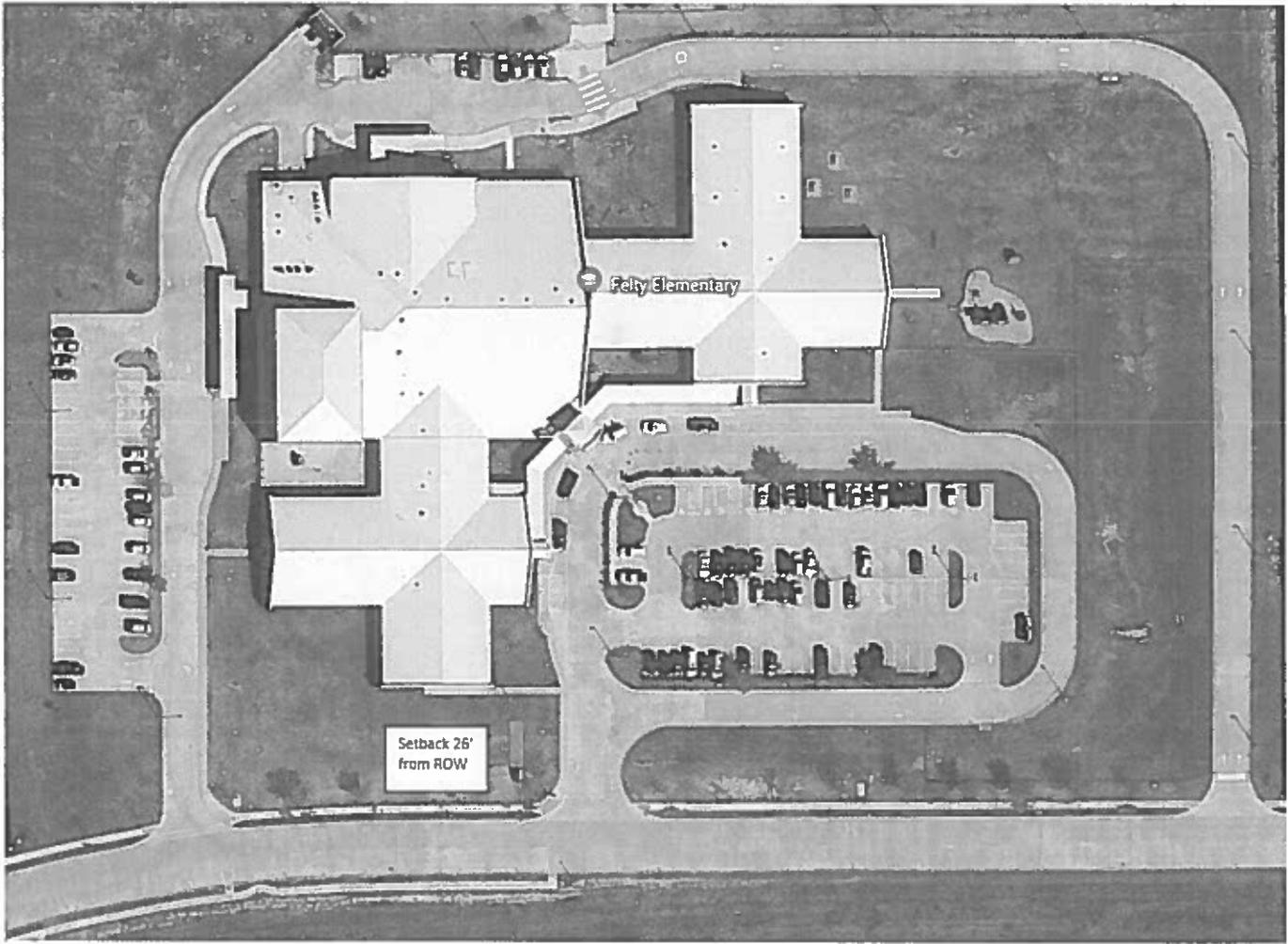
FELTY ELEMENTARY



New Marquee to replace  
old Marquee

(11)

FELTY ELEMENTARY



(11)

Case ZDC-69-2020  
Responses Received Inside 200' Notification Area  
Support: 2 Oppose: 1

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City
229202	IRWIN ANTHONY & RITA	0.207	LOT 29 BLK H INDIAN HILLS PH VIII .207 AC	405 NOCONA DR	WAXAHACHIE
229203	CHAVEZ BEATRICE	0.237	LOT 30 BLK H INDIAN HILLS PH VIII .237 AC	407 NOCONA DR	WAXAHACHIE
229271	HAISLER KANDI R	0.217	8 J INDIAN HILLS PH VIII 0.217 ACRES	329 SAGEBRUSH LN	WAXAHACHIE
229272	SCOTT MICHELLE	0.217	9 J INDIAN HILLS PH VIII 0.217 ACRES	331 SAGEBRUSH LN	WAXAHACHIE
229273	MC MAHON THOMAS F & JOYCE	0.23	LOT 10 BLK J INDIAN HILLS PH VIII 0.23 AC	333 SAGEBRUSH LN	WAXAHACHIE
229280	SMITH CHARLES B & DIANA C TRUST CHRLES B	0.214	LOT 5 BLK J INDIAN HILLS PH VIII 0.214 AC	2805 ELIZABETH CT	LUCAS
229281	MACCARTNEY TIMOTHY C JR & MARIA G	0.217	6 J INDIAN HILLS PH VIII 0.217 ACRES	325 SAGEBRUSH LN	WAXAHACHIE
229282	WIEGNER DIANA R	0.217	LOT 7 BLK J INDIAN HILLS PH VIII 0.217 AC	327 SAGEBRUSH LN	WAXAHACHIE
229283	BALL PATRICK	0.209	13 I INDIAN HILLS PH VIII 0.209 ACRES	1405 EAST 62ND ST	RICHFIELD
229284	SUBIA ELISA	0.21	14 I INDIAN HILLS PH VIII 0.21 ACRES	334 SAGEBRUSH LN	WAXAHACHIE
229285	BAILEY WILLIAM J & BLACEY R	0.21	LOT 15 BLK 1 INDIAN HILLS PH VIII .21 AC	336 SAGEBRUSH LN	WAXAHACHIE
229286	FULLER MICHAEL C	0.21	16 I INDIAN HILLS PH VIII 0.21 ACRES	400 SAGEBRUSH LN	WAXAHACHIE
229287	MICHENER RIA K	0.237	LOT 17 BLK I INDIAN HILLS PH VIII 0.237 AC	402 SAGEBRUSH LN	WAXAHACHIE
229289	NOTGRASS ROY L & MARIA J	0.21	7 I INDIAN HILLS PH VIII 0.21 ACRES	320 SAGEBRUSH LN	WAXAHACHIE
229290	SMITH BILLY & KRISTI	0.21	LOT 8 BLK I INDIAN HILLS PH VIII .21 AC	322 SAGEBRUSH LN	WAXAHACHIE
229291	HAYES EUGENE W	0.21	9 I INDIAN HILLS PH VIII 0.21 ACRES	324 SAGEBRUSH LN	WAXAHACHIE
229292	HARRIS DAVID B & AMY	0.209	10 I INDIAN HILLS PH VIII 0.209 ACRES	326 SAGEBRUSH LN	WAXAHACHIE
229293	COPELAND MARY A	0.209	LOT 11 BLK I INDIAN HILLS PH VIII 0.209 AC	1128 NOVY RD	ENNIS
229294	COPELAND GLEN & JANICE S	0.209	LOT 12 BLK I INDIAN HILLS PH VIII .209 AC	1128 NOVY RD	ENNIS
237673	WAXAHACHIE ISD	14.01	LOT 1 BLK 1 WISD PARK PLACE ELEMENTA	411 N GIBSON ST	WAXAHACHIE
239144	DORETY MICHAEL R	0.2	1 4 PARK PLACE 0.20 ACRES	112 ATLANTIC AVE	WAXAHACHIE
239145	LAMKIN KRISTIAN B	0.16	LOT 2 BLK 4 PARK PLACE 0.16 AC	110 ATLANTIC AVE	WAXAHACHIE
239160	WEAVER SHELBY	0.24	LOT 1 BLK 5 PARK PLACE .24 AC	111 ATLANTIC AVE	WAXAHACHIE
239183	CAMACHO DEBRA	0.19	36 2 PARK PLACE 0.19 ACRES	208 ATLANTIC AVE	WAXAHACHIE
239184	RANGEL ELIUD V	0.19	LOT 37 BLK 2 PARK PLACE .19 AC	206 ATLANTIC AVE	WAXAHACHIE
239185	HARWELL AARON T & MELISSA M	0.2	LOT 38 BLK 2 PARK PLACE 0.2 AC	204 ATLANTIC AVE	WAXAHACHIE
239186	OHIDE AMBROSE & PAULINA O BAMGBOSE	0.24	LOT 39 BLK 2 PARK PLACE 0.24 AC	202 ATLANTIC AVE	WAXAHACHIE
239193	LOHDEN ANTHONY C & ANNA M	0.17	LOT 13 BLK 3 PARK PLACE 0.17 AC	209 ATLANTIC AVE	WAXAHACHIE
239194	DELGADO CARLOS & KHEMKHAT	0.18	14 3 PARK PLACE 0.18 ACRES	207 ATLANTIC AVE	WAXAHACHIE
239195	THOMAS ROBERT C	0.18	15 3 PARK PLACE 0.18 ACRES	205 ATLANTIC AVE	WAXAHACHIE
239196	DAVIS RESA A	0.18	LOT 16 BLK 3 PARK PLACE 0.18 AC	203 ATLANTIC AVE	WAXAHACHIE
239197	CRAWFORD STAN & CARLA	0.27	LOT 17 BLK 3 PARK PLACE 0.27 AC	601 OVILLA RD	WAXAHACHIE
239205	HOBBS DONALD M	0.19	29 2 PARK PLACE 0.19 ACRES	229 PACIFIC AVE	WAXAHACHIE
239206	MILLER JAMES W & KAYLA K	0.2	30 2 PARK PLACE 0.20 ACRES	231 PACIFIC AVE	WAXAHACHIE
239207	YOUNG DAVID N & CAROL F	0.33	LOT 31 BLK 2 PARK PLACE 0.33 AC	218 ATLANTIC AVE	WAXAHACHIE
239208	AMH 2014-2 BORROWER LLC	0.2	32 2 PARK PLACE 0.20 ACRES	30601 AGOURA RD STE 200	AGOURA HILLS
239209	CASTILLO NOEL & LORI ANN	0.19	33 2 PARK PLACE 0.19 ACRES	214 ATLANTIC AVE	WAXAHACHIE
239210	NUZUM JOHN R & BRENDA J	0.2	34 2 PARK PLACE 0.20 ACRES	212 ATLANTIC AVE	WAXAHACHIE

(11)

239211	CAMACHO VINCENT IV & LINDSEY T	0.2	35 2 PARK PLACE 0.20 ACRES	210 ATLANTIC AVE	WAXAHACHIE
239215	HPA JV TEXAS SUBSIDIARY 2019-1 ML LLC	0.2	LOT 10 BLK 3 PARK PLACE 0.2 AC	180 N STETSON AVE STE 365	CHICAGO
239216	HEDGES ZACHARY D & ADRIENNE	0.19	11 3 PARK PLACE 0.19 ACRES	213 ATLANTIC AVE	WAXAHACHIE
239217	MC GUIRE MICHAEL & JENNIFER	0.19	LOT 12 BLK 3 PARK PLACE .19 AC	211 ATLANTIC AVE	WAXAHACHIE
242239	GARDEN VALLEY APARTMENTS LLC	11.9	5 J B & A ADAMS 11.9 ACRES	3710 RAWLINS ST STE 1390	DALLAS
258770	CASE BRADLEY & JENNA	0.213	LOT 1 BLK 2 PARK PLACE PH 2 0.213 AC	212 STARDUST TRL	WAXAHACHIE
258771	OLIVER PHILIP L & SHARLA K	0.192	LOT 2 BLK 2 PARK PLACE PH 2 .192 AC	210 STARDUST TRL	WAXAHACHIE
258772	KOMAN JAMES W JR & JUDY A	0.192	LOT 3 BLK 2 PARK PLACE PH 2 .192 AC	208 STARDUST TRL	WAXAHACHIE
258773	STYLES BILLIE J B L/E STEVEN STYLES M	0.192	LOT 4 BLK 2 PARK PLACE PH 2 .192 AC	209 STARDUST TRL	WAXAHACHIE
258774	NAY JAMIE E	0.238	LOT 5 BLK 2 PARK PLACE PH 2 .238 AC	204 STARDUST TRL	WAXAHACHIE
258784	BOWEN BRADLEY K & QULAVESHIA A	0.192	LOT 4 BLK 3 PARK PLACE PH 2 .192 AC	107 BLUE MOON DR	WAXAHACHIE
258785	BURCHFIELD RANDY A & KATHRYN L	0.243	LOT 5 BLK 3 PARK PLACE PH 2 .243 AC	109 BLUE MOON DR	WAXAHACHIE
258786	TORRES NATALIE N & CHRISTOPHER C	0.37	LOT 6 BLK 3 PARK PLACE PH 2 .37 AC	201 STARDUST TRL	WAXAHACHIE
258787	HRL PROCUREMENT LLC CLAY SIBLEY	0.187	LOT 7 BLK 3 PARK PLACE PH 2 .187 AC	5214 W FALL DR	MIDLOTHIAN
258788	POWELL WILLIAM & YOLANDA	0.192	LOT 8 BLK 3 PARK PLACE PH 2 .192 AC	207 STARDUST TRL	WAXAHACHIE
258789	STYLES BILLIE J B	0.196	LOT 9 BLK 3 PARK PLACE PH 2 .196 AC	209 STARDUST TRL	WAXAHACHIE
258790	BHAKTA DINA R & RAJENDRA	0.179	LOT 10 BLK 3 PARK PLACE PH 2 .179 AC	211 STARDUST TRL	WAXAHACHIE
258791	GRANT TIM W II & ASHLEY E	0.179	LOT 11 BLK 3 PARK PLACE PH 2 .179 AC	213 STARDUST TRL	WAXAHACHIE
258792	GARZA DAVID	0.185	LOT 12 BLK 3 PARK PLACE PH 2 .185 AC	215 STARDUST TRL	WAXAHACHIE
258793	JACKSON REGINALD G	0.256	LOT 13 BLK 3 PARK PLACE PH 2 0.256 AC	301 MOONLIGHT TRL	WAXAHACHIE
258794	ATKINSON MAGGIE E	0.164	LOT 14 BLK 3 PARK PLACE PH 2 .164 AC	303 MOONLIGHT TRL	WAXAHACHIE
258795	MERRELL DOUGLAS H & ANGELIA K	0.179	LOT 15 BLK 3 PARK PLACE PH 2 .179 AC	305 MOONLIGHT TRL	WAXAHACHIE
258800	YOUNG DAVID P & LORRAINE A	0.179	LOT 20 BLK 3 PARK PLACE PH 2 0.179 AC	416 SAGEBRUSH LN	WAXAHACHIE
258801	CROUCH MICHAEL S & LISA J	0.179	LOT 21 BLK 3 PARK PLACE PH 2 .179 AC	414 SAGEBRUSH LN	WAXAHACHIE
258802	PANTOJA JESUS JR & GUADALUPE C	0.206	LOT 22 BLK 3 PARK PLACE PH 2 .206 AC	412 SAGEBRUSH LN	WAXAHACHIE
258804	LEWIS IAN & MEGAN	0.218	LOT 1 BLK 4 PARK PLACE PH 2 .218 AC	405 SAGEBRUSH LN	WAXAHACHIE
258806	NORTHCUIT MATT & LAURA C	0.213	LOT 3 BLK 4 PARK PLACE PH 2 .213 AC	409 SAGEBRUSH LN	WAXAHACHIE
258807	RAY KILYNDA V	0.204	LOT 4 BLK 4 PARK PLACE PH 2 .204 AC	411 SAGEBRUSH LN	WAXAHACHIE
258808	WILBURN GARY D & LINDA M	0.203	LOT 5 BLK 4 PARK PLACE PH 2 .203 AC	413 SAGEBRUSH LN	WAXAHACHIE
258809	CALE KELLY	0.192	LOT 6 BLK 4 PARK PLACE PH 2 .192 AC	415 SAGEBRUSH LN	WAXAHACHIE
258810	TYNER RODERICK D SR & ANGELA P	0.192	LOT 7 BLK 4 PARK PLACE PH 2 .192 AC	417 SAGEBRUSH LN	WAXAHACHIE
265785	SUNDBLAD MICHAEL D & LORI L	0.21	LOT 6 BLK 1 PARK PLACE PH 3 .21 AC	410 SUNSET CT	WAXAHACHIE
265786	SALVADOR FAMILY HOLDINGS LTD	0.25	LOT 7 BLK 1 PARK PLACE PH 3 0.25 AC	509 FERRIS AVE	WAXAHACHIE
265787	SANTOS DEREK H & NATALIE	0.34	LOT 8 BLK 1 PARK PLACE PH 3 .34 AC	406 SUNSET CT	WAXAHACHIE

(11)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000069-2020

**CAMACHO DEBRA**  
208 ATLANTIC AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 26, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 1, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Planned Development-Single Family-2 zoning district located at 231 Park Place Blvd (Property ID 237673) – Owner: Waxahachie ISD. (ZDC-000069-2020)

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

Case Number: SUB-000069-2020

City Reference: 239183

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, May 26, 2020* to ensure inclusion in the Agenda Packet. Forms can be emailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Debra Camacho  
Signature

5/8/20  
Date

Debra Camacho  
Printed Name and Title

208 Atlantic, Waxahachie  
Address  
TX 75165

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

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



(11)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000069-2020



LEWIS IAN & MEGAN  
405 SAGEBRUSH LN  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 26, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 1, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: SUB-000069-2020

City Reference: 258804

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, May 26, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Ian and Megan Lewis  
Signature

4/9/20  
Date

Ian and Megan Lewis  
Printed Name and Title

405 sagebrush lane  
Address

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

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

(11)

Case Number: SUB-000069-2020

City Reference: 258800

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, May 26, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments:

SUPPORT

OPPOSE

David P. Young  
Signature

5/9/2020  
Date

DAVID P. YOUNG  
Printed Name and Title

4116 SAGEBRUSH LN  
Address

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

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

(13)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-000070-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

**CAPTION**

**Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Single Family – 3 zoning district, located at 650 Parks School House Rd (Property ID 241034) – Owner: Waxahachie ISD (ZDC-000070-2020)

**APPLICANT REQUEST**

The applicant is requesting to install an electronic message marquee sign at Clift Elementary School located at 650 Parks School House Rd.

**CASE INFORMATION**

*Applicant:* Jacob Perry, Waxahachie ISD

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 19.177 acres

*Current Zoning:* SF-3

*Requested Zoning:* SF-3 with an SUP for an Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 650 Parks School House Rd

*Parcel ID Number(s):* 241034

*Existing Use:* Clift Elementary School is located at this site.

*Development History:* A Final Plat for this site was approved by City Council on June 18, 2007.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD	Undergoing Development
East	C	Undeveloped
South	SF-3	Undeveloped
West	SF-3/PD-SF-3	Single Family Residences

*Future Land Use Plan:* Public/Semi-Public

(13)

**Comprehensive Plan:**

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

**Thoroughfare Plan:**

This property is accessible via Parks School House Rd.

**Site Image:**



**PLANNING ANALYSIS**

The applicant is requesting approval of a Specific Use Permit (SUP) to construct a new electronic message marquee sign for Clift Elementary School. The proposed marquee sign will be 41.35 square feet and 7'-6" tall, and will be constructed with a metal cabinet to match the marquee signs Waxahachie ISD has used at other school campuses. Per the City of Waxahachie Zoning Ordinance, all new electronic messaging signs shall have an approved SUP from City Council, and meet the following stipulations:

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Clift Elementary</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the school.
Due to being within 400 ft. of single family residences, the sign shall not be lighted between the hours of 10 pm and 6 am.	The applicant has stated that the signs come with a programmable timer and the signs will not be lit between the hours of 10pm and 6am.
Max. Size= 80 sq. ft.	Proposed Size= 41.35 sq. ft.
Max. Height= 8 ft.	Proposed Height= 7 ½ ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback 31 ft. from public ROW

(13)

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 31 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PON RESPONSES**

Staff received one (1) letter of support for the proposed electronic message sign.

**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. Sign Exhibit
2. Location Exhibit
3. PON Responses

**APPLICANT REQUIREMENTS**

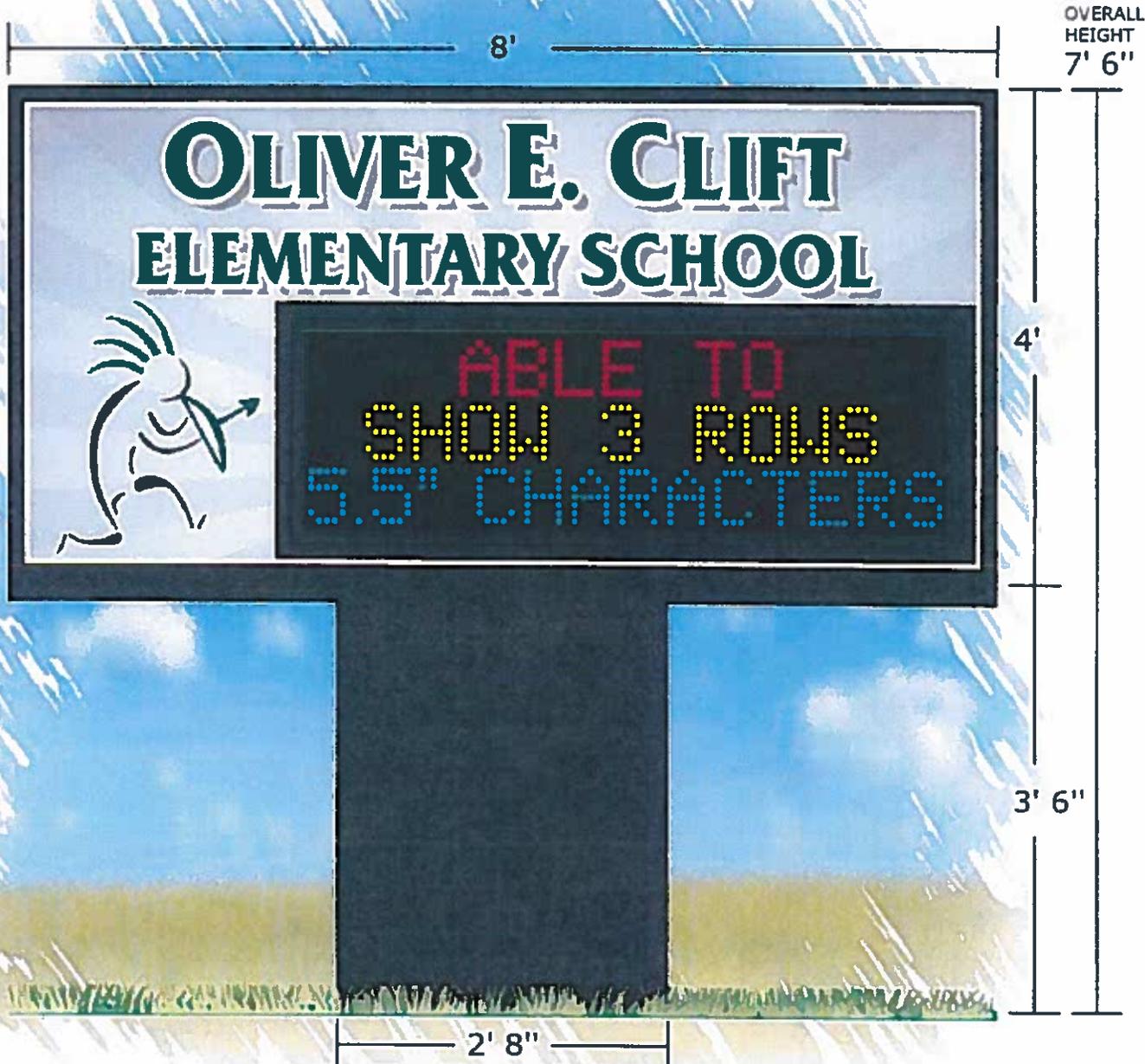
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
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)

(13)



TekStar 20mm 24x80 4'x8'

Cabinet: 4' x 8'  
Mount: Pedestal

Cabinet Color: Black  
Face Color: White  
Line Color: Custom (2 68 20)

Outline Color: White  
Font: Friz Quadrata(b)  
Logos: greysunburst, cliftelemlogo, 50yrs002



ORIGINAL DESIGN DO NOT DUPLICATE  
DUPLICATE THIS ORIGINAL DESIGN OF THE SIGN IS NOT PERMITTED. THE CLIENTS SIGNAGE IS NOT INTENDED TO PROVIDE AND DOES NOT MATCH THE SIGNAGE OF ANY OTHER SCHOOL OR BUSINESS. THE CLIENTS SIGNAGE IS NOT INTENDED TO PROVIDE AND DOES NOT MATCH THE SIGNAGE OF ANY OTHER SCHOOL OR BUSINESS. THE CLIENTS SIGNAGE IS NOT INTENDED TO PROVIDE AND DOES NOT MATCH THE SIGNAGE OF ANY OTHER SCHOOL OR BUSINESS.

APPROVED AS SHOWN.

X \_\_\_\_\_ DATE \_\_\_\_\_ 1. \_\_\_\_\_

APPROVED WITH LISTED CHANGES.

X \_\_\_\_\_ DATE \_\_\_\_\_ 2. \_\_\_\_\_

X \_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_

Sketch #280433 Customer #3158812  
4/9/2020 AHall -PROPOSAL-

(13)

CLIFF ELEMENTARY



(13)

Case ZDC-70-2020  
Responses Received Inside 200' Notification Area  
Support: 1 Oppose: 0

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
236554	SMITH STEVEN A & JANA L	101 MUSTANG CREEK DR	WAXAHACHIE	TX	75165
243610	HORVATH JOHNATHON M	108 BECKY LN	WAXAHACHIE	TX	75165
182052	CAMDEN ESTATE WAXAHACHIE LLC	12801 N CENTRAL EXPY STE 1650	DALLAS	TX	75243
236574	AMG BT NOTE ONE LLC	12801 N CENTRAL EXPY, STE 1675	DALLAS	TX	75243
236575	AMG BT NOTE ONE LLC	12801 N CENTRAL EXPY, STE 1675	DALLAS	TX	75243
224754	TBCCR SERIES LLC SERIES 641	1719 RICHLIN WAY	DESOTO	TX	75115
230607	J&P PARIS PROPERTIES LLC	309 SPRING GROVE DR	WAXAHACHIE	TX	75165
138271	STARPEACH TEXAS LP	3710 BEVERLY LN	ARLINGTON	TX	76015
241034	WAXAHACHIE ISD	411 N GIBSON ST	WAXAHACHIE	TX	75165
270061	D R HORTON TEXAS LTD	4306 MILLER RD	ROWLETT	TX	75088
270062	D R HORTON TEXAS LTD	4306 MILLER RD	ROWLETT	TX	75088
270063	D R HORTON TEXAS LTD	4306 MILLER RD	ROWLETT	TX	75088
239606	FLORES HOMES INC	611 MALLOY RD	OVILLA	TX	75154
243643	SMITH DEREK M	634 ANTONIO LN	WAXAHACHIE	TX	75165
230608	GILLIAM KATHLEEN	635 OLIVER LN	WAXAHACHIE	TX	75165
257398	GANN JACOB L & ANGELA R	636 ANTONIO LN	WAXAHACHIE	TX	75165
236573	SCOTT GORDON	636 JORDAN LN	WAXAHACHIE	TX	75165
230582	MUNOZ JAIME	636 OLIVER LN	WAXAHACHIE	TX	75165
243609	BAILEY RICO & HEATHER	637 ANTONIO LN	WAXAHACHIE	TX	75165
236553	CARNEY WES & EDEN	637 JORDAN LN	WAXAHACHIE	TX	75165
224740	GONZALEZ FRANCISCO	638 BRENN RD	WAXAHACHIE	TX	75165
230571	JENNINGS ROY & MICHELLE	638 OLIVER LN	WAXAHACHIE	TX	75165
243608	JEFFERSON HERBERT J JR	639 ANTONIO LN	WAXAHACHIE	TX	75165
224753	JOHNSON MARVIN L & MARY P	639 BRENN RD	WAXAHACHIE	TX	75165
230618	KINDRED DEBRA DAVIS	639 OLIVER LN	WAXAHACHIE	TX	75165
224730	BARNETTE MICHAEL H & JACQUELINE	640 BRENN RD	WAXAHACHIE	TX	75165
236555	REYNOLDS TYNEESIA	641 JORDAN	WAXAHACHIE	TX	75165
224731	GARDUNO RODOLFO & ROSALBA GARDUNO	642 BRENN RD	WAXAHACHIE	TX	75165
224755	WADE WILLIAM T & JESSICA A	643 BRENN RD	WAXAHACHIE	TX	75165
230581	EVANS HEATHER A	6600 BOBBYBOYAR AVE	WEST HILLS	CA	91307
248126	SALADINO BARY P & SHANE P SALADINO	P O BOX 369	MAYPEARL	TX	76064

Notify

(13)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-000070-2020**

JENNINGS ROY & MICHELLE  
638 OLIVER LN  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 26, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 1, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Single Family-3 zoning district located at 650 Parks School House Rd (Property ID 241034) – Owner: Waxahachie ISD. (ZDC-000070-2020)

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

Case Number: SUB-000070-2020

City Reference: 230571

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, May 26, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

They are one of the only schools that do not have a  
Electronic message sign. They deserve it!

Michelle V Jennings  
Signature

May 9, 2020  
Date

Michelle V Jennings  
Printed Name and Title

638 Oliver Lane  
Address

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

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

(15)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-000071-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

**CAPTION**

**Public Hearing** on request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for an **Electronic Message Sign** use within a Single Family – 2 zoning district, located at 110 Brown St (Property ID 222535) – Owner: Waxahachie ISD (ZDC-000071-2020)

**APPLICANT REQUEST**

The applicant is requesting to install an electronic message marquee sign at Marvin Elementary School located at 110 Brown St.

**CASE INFORMATION**

*Applicant:* Jacob Perry, Waxahachie ISD

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 10 acres

*Current Zoning:* SF-2

*Requested Zoning:* SF-2 with an SUP for an Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 110 Brown St

*Parcel ID Number(s):* 222535

*Existing Use:* Marvin Elementary School is located at this site.

*Development History:* A Final Plat was approved by City Council at this site on September 17, 2001.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-2/PD-SF-2	Single Family Residences
East	SF-2	Single Family Residences
South	PD-GR/SF-2	Offices/Single Family Residences
West	PD-GR/SF-2	Offices/Single Family Residences

*Future Land Use Plan:* Public/Semi-Public

(15)

**Comprehensive Plan:**

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

**Thoroughfare Plan:**

Marvin Elementary is accessible by Brown St and McKenzie St.

**Site Image:**



**PLANNING ANALYSIS**

The applicant is requesting approval of a Specific Use Permit (SUP) to construct a new electronic message marquee sign for Marvin Elementary School. The proposed marquee sign will be 41.35 square feet and 7'-6" tall, and will be constructed with a metal cabinet to match the marquee signs Waxahachie ISD has used at other school campuses. Per the City of Waxahachie Zoning Ordinance, all new electronic messaging signs shall have an approved SUP from City Council, and meet the following stipulations:

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Marvin Elementary</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the school.
Due to being within 400 ft. of single family residences, the sign shall not be lighted between the hours of 10 pm and 6 am.	The applicant has stated that the signs come with a programmable timer and the signs will not be lit between the hours of 10pm and 6am.
Max. Size= 80 sq. ft.	Proposed Size= 41.35 sq. ft.
Max. Height= 8 ft.	Proposed Height= 7 ½ ft. tall
Setback= 15 ft. from public ROW	Proposed sign will be setback 35 ft. from public ROW

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 50 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**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. Sign Exhibit
2. Location Map

**APPLICANT REQUIREMENTS**

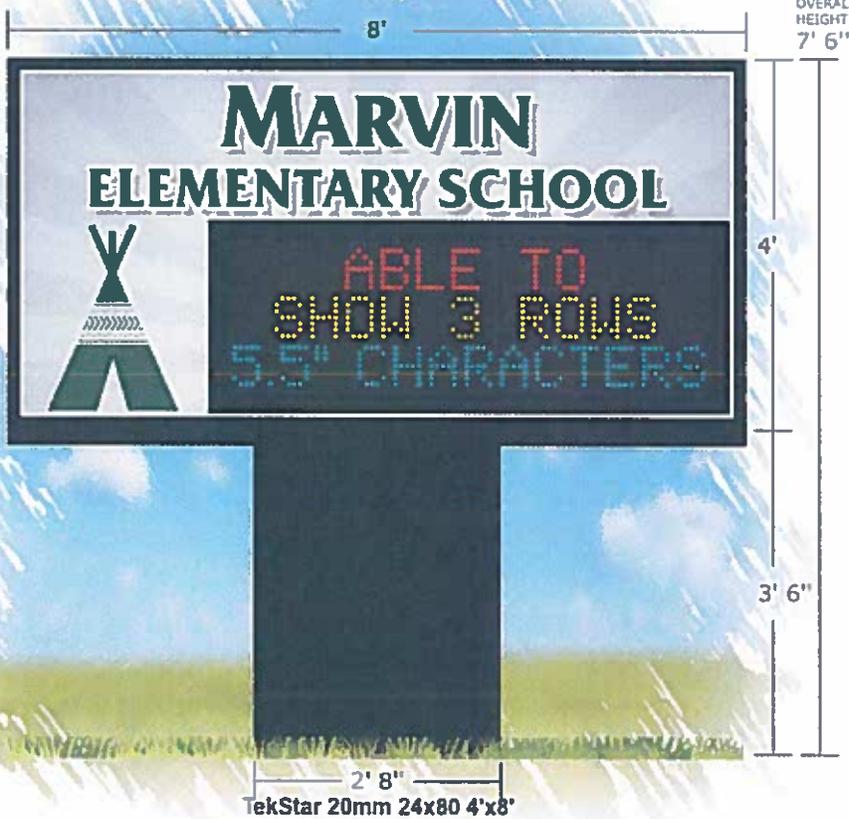
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
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)

(15)



Cabinet: 4' x 8'  
Mount: Pedestal

Cabinet Color: Black  
Face Color: White  
Line Color: Custom (2 68 20)

Outline Color: White  
Font: Friz Quadrata(b)  
Logos: greysunburst, fetylemlogo, 50yrs002



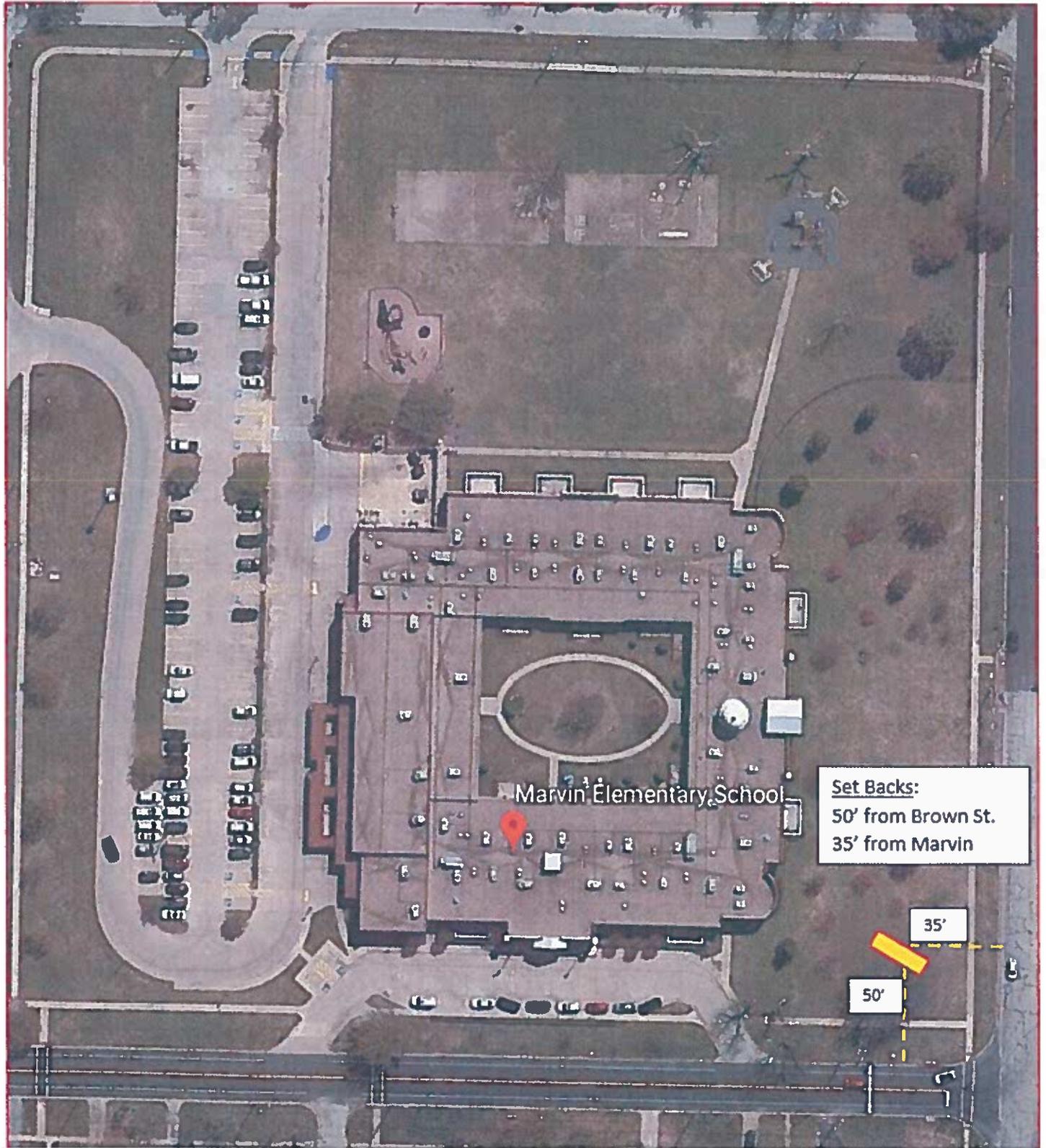
**ORIGINAL DESIGN DO NOT DUPLICATE**

THIS IS THE MASTER AND WORKSHOPS WILL BE MADE FROM THIS DESIGN. ANY CHANGES TO THIS DESIGN MUST BE APPROVED BY THE PROJECT MANAGER AND THE DESIGNER. ANY CHANGES TO THIS DESIGN MUST BE APPROVED BY THE PROJECT MANAGER AND THE DESIGNER. ANY CHANGES TO THIS DESIGN MUST BE APPROVED BY THE PROJECT MANAGER AND THE DESIGNER.

APPROVED AS SHOWN	DATE	
X _____	_____	1 _____
APPROVED WITH LISTED CHANGES	_____	2 _____
V _____	_____	3 _____

(15)

# MARVIN ELEMENTARY



**Set Backs:**  
50' from Brown St.  
35' from Marvin

35'

50'

(17)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-07-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020 (continued from May 12, 2020)

*City Council:* June 1, 2020

**CAPTION**

*Public Hearing* request by the City of Waxahachie to consider revoking, amending, or renewing a **Specific Use Permit** (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020)

**APPLICANT REQUEST**

The purpose of this request is for the City of Waxahachie to consider approving a new Specific Use Permit along with a Development Agreement, for Oak Cliff Metals at the subject property 500 Brown Industrial Rd.

**CASE INFORMATION**

*Applicant:* Oak Cliff Metals  
*Property Owner(s):* Falcon Transit Inc.  
*Site Acreage:* 17.996 acres  
*Current Zoning:* Heavy Industrial  
*Requested Zoning:* Heavy Industrial w/ SUP

**SUBJECT PROPERTY**

*General Location:* 500 Brown Industrial Rd.  
*Parcel ID Number(s):* 233797  
*Existing Use:* Existing industrial recycling site  
*Development History:* N/A

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	FD	Currently Undeveloped
East	FD & LI1	Rivera Truck
South	HI	Estrada Truck Parts
West	FD	Currently Undeveloped

(17)

*Future Land Use Plan:*

Highway Commercial

*Comprehensive Plan:*

Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

*Thoroughfare Plan:*

The subject property is accessible via Brown Industrial Rd.

*Site Image:*



**PLANNING ANALYSIS**

Due to the significant fires that have occurred at the property on August 24, 2013, August 12, 2014, January 21, 2015, February 14, 2016, July 7, 2016, and December 18, 2019, safety has become a major concern for the subject property as well as surrounding properties. Furthermore, other violations for the property include exceeding the height limitations for storage piles, exceeding the limited hours of operation of 7:00 A.M. to 7:00 P.M., not maintaining a 24-foot pathway through the site, and not having adequate water to fight fires.

Due to the aforementioned concerns, staff suggests that a Development Agreement is considered and approved to allow for further standards and guidelines to be placed on the property. On June 1, 2020, City Council will consider an action to approve the proposed Development Agreement and a new Specific Use Permit, or revoke the existing Specific Use Permit for Oak Cliff Metals Recycling in relation to Ordinance 2616.

(17)

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Inside 200 ft. Notification Area: Staff has received three (3) letters of support for the revocation of the SUP for Oak Cliff Metals.

Outside 200 ft. Notification Area: Staff has received one (1) letter of support for the revocation of the SUP for Oak Cliff Metals.

**STAFF CONCERNS**

- 1. Due to frequent fires on the property, as well as repeated ordinance (Ord. 2616) violations for the site, staff suggests that a Development Agreement is considered and approved to allow for further standards and guidelines to be placed on the property.

**APPLICANT RESPONSE TO CONCERNS**

- 1. The applicant understands staff's concerns and intends to state their reasoning at the May 26, 2020 Planning and Zoning meeting.

**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:
  - 1. Staff recommends approval pending that the applicant agrees to meet the required standards detailed within the proposed Development Agreement and the revised Specific Use Permit for the property.

**ATTACHED EXHIBITS**

- 1. Development Agreement/Ordinance
- 2. Notice of Specific Use Permit Revocation Hearing
- 3. Ordinance 2616
- 4. Property Owner Notification Responses

**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)

STATE OF TEXAS           §                   DEVELOPMENT AGREEMENT  
                                   §                   FOR OAK CLIFF RECYCLING, INC.  
 COUNTY OF ELLIS       §

This Development Agreement for Oak Cliff Recycling, Inc. ("Agreement") is entered into between Oak Cliff Recycling, Inc. ("OCR"), and the City of Waxahachie, Texas ("City"). OCR and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. OCR operates a metal recycling business on Lot 10R of Brown Industrial Sites, more commonly known as 500 Brown Industrial Road, Waxahachie, Texas 75165 ("Property"). The Property is zoned Heavy Industrial ("HI"). A Specific Use Permit ("SUP") for the Property was issued on July 5, 2011, pursuant to Waxahachie Ordinance No. 2616, which allows for the use of metal granulators and crushers for the reclamation of listed materials on the Property.

2. At least two fires have occurred on the Property involving a Harris Model 6090 metal shredder, the most recent being in December 2019. After the December 2019 fire, on January 8, 2020, the City sent OCR a letter regarding "Notice of Specific Use Permit Revocation Hearing." The letter indicates a hearing will be held for the City Council to consider revoking or amending the SUP.

3. To address the shared concerns of the City and OCR regarding operations at, and conditions on, the Property, the Parties have reached a number of agreements regarding the use of the Property and additional terms and conditions that should be included within a new or amended SUP for the Property. As is reflected by the public records of the City, significant discussions and negotiations between representatives of OCR and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning, development, and operational standards to be reflected in the SUP for the Property, which SUP Ordinance ("OCR SUP"), a copy of which is attached hereto as *Exhibit A*, which contains the negotiated zoning, development, and operational standards for the Property.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning, development, and operational standards for the Property contained in the OCR SUP as contractually-binding obligations between the City and OCR, and to recognize OCR's reasonable investment-backed expectations in the OCR SUP and the continued operation of the Property for a metal recycling business.

**NOW, THEREFORE**, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

**Section 1. Incorporation of Premises.** The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

(17)

**Section 2. Term.** This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning, development, and operational standards contained in the OCR SUP, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of OCR.

OCR agrees to the following:

1. OCR will not operate the Harris Model 6090 shredder. The portions damaged or destroyed in the December 2019 fire will be scrapped. The useable portions will be sold or scrapped.

2. The piles of combustible "fluff" that were generated by the operation of the Harris Model 6090 shredder (and were the source of the December 2019 fire) will no longer accumulate because the shredder will no longer operate.

3. OCR will not operate noisy machinery outside the hours of 7:00 a.m. – 7:00 p.m.

4. OCR will maintain twenty-four foot (24') wide fire lanes through and completely around any storage located in those areas marked "Inventory" and "Reduction Grinder Easement" on that certain Davis & McDill, Inc. survey attached hereto and marked "Special Use Permit Lot 10R". Because the amount and location of materials stored on the Property changes on a daily or weekly basis, OCR will maintain the twenty-four foot (24') wide fire lanes in such locations that make it possible for firefighting equipment to reach any storage.

5. OCR agrees to employ KPA (kpa.io) (or other similar company) to conduct twice yearly training and inspections/audits on workplace health and safety, environmental risk management, and fire safety. OCR agrees to notify a person designated by the City of the completion of each inspection/audit, at which time the fire chief may inquire about any fire safety related issues identified in the inspection/audit. The City reserves the right, however, to conduct routine inspections of the Property to determine compliance with the terms of this Agreement, the OCR SUP, and other applicable City regulations.

6. OCR will discuss with its neighbors on Brown Industrial Road the potential costs of bringing City services to the street (water, sewer, street maintenance, etc.) and explore with the potential financial cost-sharing options to do so.

7. OCR will limit the size of all piles of materials to not greater than 25 feet in height, 250 feet in length and 150 feet in width. OCR will have until the September 30, 2020, to complete the task of conforming all piles of materials to these size restrictions.

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8. OCR will work with appropriate City employees to identify any landscaping to be completed at the Property necessary to comply with applicable City ordinances and will complete such landscaping no later than June 30, 2020.

9. OCR will not allow combustible waste that is produced by the recycling process that has no value (*i.e.*, wiring insulation) to accumulate. As a minimum, OCR shall haul off such waste at least once per week.

10. OCR will not allow combustible waste that is produced by the recycling process that has value (*i.e.*, cardboard bales) to accumulate in excess of one (1) truck load.

In consideration of OCR's agreement in this regard, the City agrees that OCR has reasonable investment-backed expectations in the OCR SUP, and that the City may not unilaterally change the zoning and development standards contained in the OCR SUP without impacting OCR's reasonable investment-backed expectations.

**Additional Understandings:**

While not part of the OCR SUP, the Parties have reached the additional understandings regarding the use and operation of the Property to provide instructive clarification on the use and operation of the Property as it relates to the City's zoning for the Property. Those understandings are as follows:

1. Because the Property is zoned HI, OCR is not required to obtain a SUP for the Property for use of other machines or equipment OCR operates on the Property other than the Harris Model 6090 shredder. Specifically, operation of the following machines/equipment does not require a SUP:

- A. Two Sweed Choppers;
- B. Copper Wire Chopper;
- C. Alligator Shear;
- D. Wire Stripper;
- E. Non-ferrous baler;
- F. Metso Shear;
- G. Sierra Shear;
- H. Rail-breaker; and
- I. Two mobile excavators with shears.

2. The machines/equipment listed above are identified by either their respective brand name or a common-use description. Since the December 2019 fire, the City fire marshal has inspected the Property and viewed this machines/equipment and did not indicate that any of them posed any fire hazards.

3. The revocation or amendment of the current SUP would not affect or impact OCR's operation of these machines/equipment on the Property, or its operation of other similar equipment that does not generate combustible "fluff" similar to the Harris Model 6090 shredder.

(17)

4. The City does not consider any of these machines/equipment, or other similar types of equipment that may be used in the future, to be “metal granulators and crushers,” as those terms are used in the current SUP.

5. Notwithstanding the understandings set forth in paragraphs 1-4, above, the City reserves the right to object to the use of any of the listed machines/equipment should their operation be determined to violate other City ordinances other than the SUP and zoning ordinances (*i.e.*, nuisance ordinance, noise ordinance, etc.)

**Section 4. Miscellaneous**

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement. The City agrees to give written notice to OCR of any asserted violations of this Agreement and OCR shall be given five (5) calendar days to cure said violations prior to the City’s undertaking any enforcement actions to address the asserted violations. Should said asserted violations remain uncured, the City shall have the right to enforce this Agreement through specific performance, as appropriate, or maintain other lawful actions to address the asserted violations.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon SC and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

**EXECUTED** by the Parties on the dates set forth below, to be effective as of the date first written above.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

(17)

**OAK CLIFF RECYCLING, INC.**

**CITY OF WAXAHACHIE, TEXAS**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Michael Scott, City Manager

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

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

ATTEST:

By: \_\_\_\_\_

City Secretary

**STATE OF TEXAS           §**

§

**COUNTY OF ELLIS       §**

§

Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_ 2020, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

**STATE OF TEXAS           §**

§

**COUNTY OF ELLIS       §**

§

Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared \_\_\_\_\_, representative of Oak Cliff Recycling, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

(17)

**EXHIBIT A**

**OCR SUP Ordinance**

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

**AN AMENDMENT TO ORDINANCE 2616 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTSIDE STORAGE (METAL GRANULATORS AND CRUSHERS FOR THE RECLAMATION OF VEHICLES, PARTS OF VEHICLES, AND OTHER MATERIALS TO BE PROCESSED) WITHIN A HEAVY INDUSTRIAL (HI) ZONING DISTRICT, LOCATED AT 500 BROWN INDUSTRIAL ROAD, BEING PROPERTY ID 233797, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 10R, BROWN INDUSTRIAL SITES, PHASE TWO, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as HI; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-07-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

**WHEREAS**, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

**WHEREAS**, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

**NOW, THEREFORE**, this property is rezoned from HI to HI, with an SUP in order to permit Outside Storage (metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed) on the following property: Lot 10R, Brown Industrial Sites, Phase Two which is shown on Exhibit A.

(17)

## SPECIFIC USE PERMIT

### Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

### Specific Use Permit

**FOR OPERATION OF SPECIFIC USE PERMIT FOR OUTSIDE STORAGE (METAL GRANULATORS AND CRUSHERS FOR THE RECLAMATION OF VEHICLES, PARTS OF VEHICLES, AND OTHER MATERIALS TO BE PROCESSED) IN THE HEAVY INDUSTRIAL (HI) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The applicant, Oak Cliff Recycling, shall conform to the Development Agreement as approved by the City Council.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

### Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit is effective only as to the owner. Should the property be conveyed to a new owner, that owner must obtain a new Specific Use Permit and a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

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

**PASSED, APPROVED AND ADOPTED** on this 1<sup>st</sup> day of June, 2020.

(17)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary



(17)

# CITY OF WAXAHACHIE

Oak Cliff Recycling, Inc.  
500 Brown Industrial  
Waxahachie, Texas 75165

May 19, 2020

Re: Notice of Specific Use Permit Revocation Hearing

Oak Cliff Recycling:

I am writing you concerning your Specific Use Permit on your property known as Lot 10R of Brown Industrial Sites. I have enclosed a copy of the Ordinance for your reference. Please note that it provides that the Specific Use Permit can be revoked upon ninety (90) days' notice.

The City of Waxahachie has become very concerned about the use of this property under this permit and the property's suitability for this use given the propensity for fires. The City Council voted at their meeting on January 6, 2020 to set in motion the procedures to consider a zoning change (revoking, amending, or renewing the Specific Use Permit). The council approved calling for a public hearing to consider the revocation of this specific use permit for the use of metal granulators and crushers. The staff has set the hearing times for the two hearings required by law for:

Planning and Zoning Commission at 7:00 P.M. on Tuesday, May 26, 2020 at City Hall

City Council at 7:00 P.M. on Monday, June 1, 2020 at City Hall

The public hearings will allow you and interested citizens to present your case. The City Council, after the June 1<sup>st</sup> hearing, may leave the permit as-is, amend it, or revoke it, at its discretion.

City Council will consider an action to revoke, amend, or renew the Specific Use Permit. This is because of frequent fires on the property, and in addition to the significant fires that have occurred (on August 24, 2013, August 12, 2014, January 21, 2015, February 14, 2016, July 7, 2016, and December 18, 2019) at this property, other conditions of the above referenced city ordinance have also been repeatedly violated. Additional violations include: exceeding the height limitations of storage piles, as well as the limited hours of operation of 7:00 A.M. to 7:00 P.M., and not maintaining a 24-foot pathway through the site. Additionally, this site does not have adequate water to fight fires.

Sincerely,

Michael Scott  
City Manager

(17)

**ORDINANCE NO. 2616**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 10R, BROWN INDUSTRIAL SITES, PHASE TWO, CONTAINING 17.996 ACRES, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS LOCATED AT 500 BROWN INDUSTRIAL ROAD, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING HEAVY INDUSTRIAL (HI) TO HEAVY INDUSTRIAL WITH SPECIFIC USE PERMIT (HI w/SUP), FOR THE PURPOSE OF ALLOWING THE USE OF METAL GRANULATORS AND CRUSHERS FOR THE RECLAMATION OF VEHICLES, PARTS OF VEHICLES, AND OTHER MATERIALS TO BE PROCESSED, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

WHEREAS, the City of Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and,

WHEREAS, the hereinbelow described property is classified in said ordinance and any amendments thereto as Heavy Industrial (IH); and

WHEREAS, proper application for a Specific Use Permit has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the issuance thereof; and,

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said Specific Use Permit;

NOW, THEREFORE, this Specific Use Permit is to allow the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed, which is a potential noise hazard. This permit is issued subject to the requirement that hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., that no storage shall be visible from IH-35E, and landscaping approved by the City shall be placed and maintained to provide screening from surrounding properties, and the Specific Use Permit is hereby authorized on the following property:

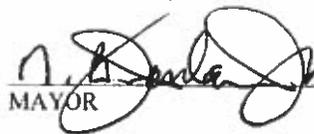
Lot 10R, Brown Industrial Sites, Phase Two, containing 17.996 acres,  
located at 500 Brown Industrial Road, Waxahachie, Ellis County, Texas.

Said Specific Use Permit is granted subject to the provision that, although it is to be automatically renewed each year, it shall at any time be subject to cancellation upon hearing before the City Council upon ninety (90) days notice in writing of said hearing; and further is subject to all state regulations and licensing requirements.

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

**PASSED, APPROVED AND ADOPTED** on this 5<sup>th</sup> day of July, 2011.

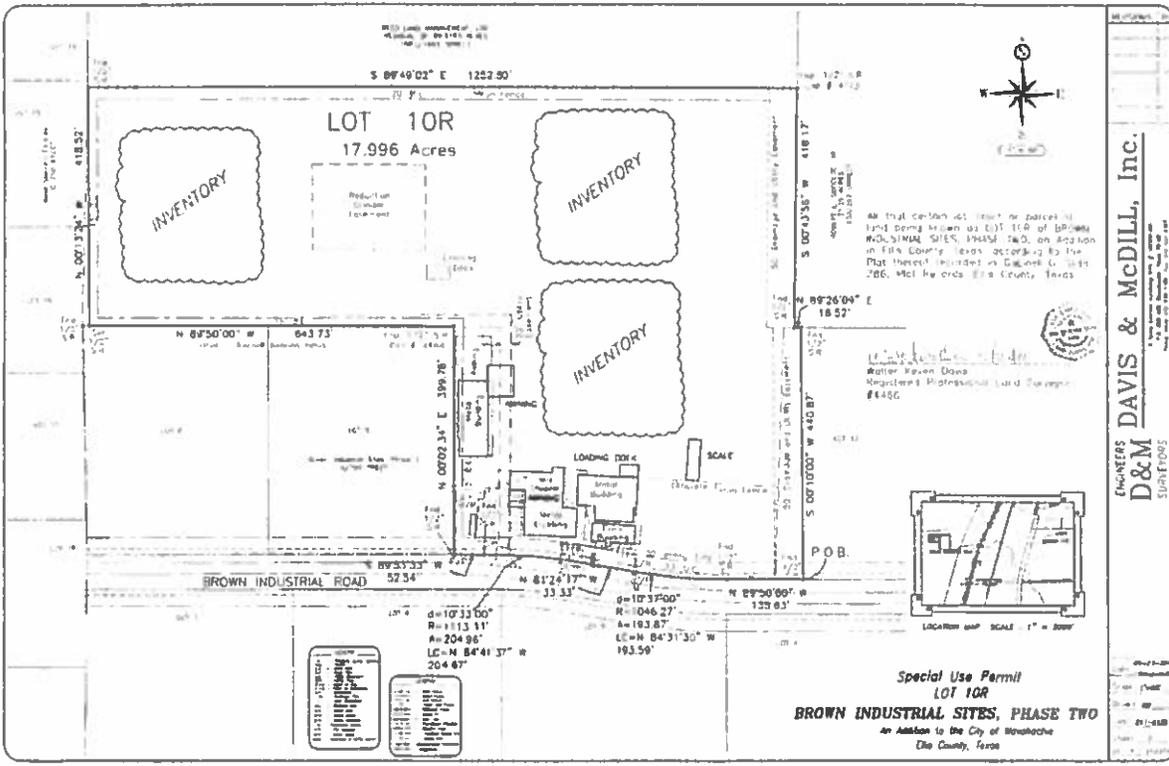


  
MAYOR

ATTEST:

  
City Secretary

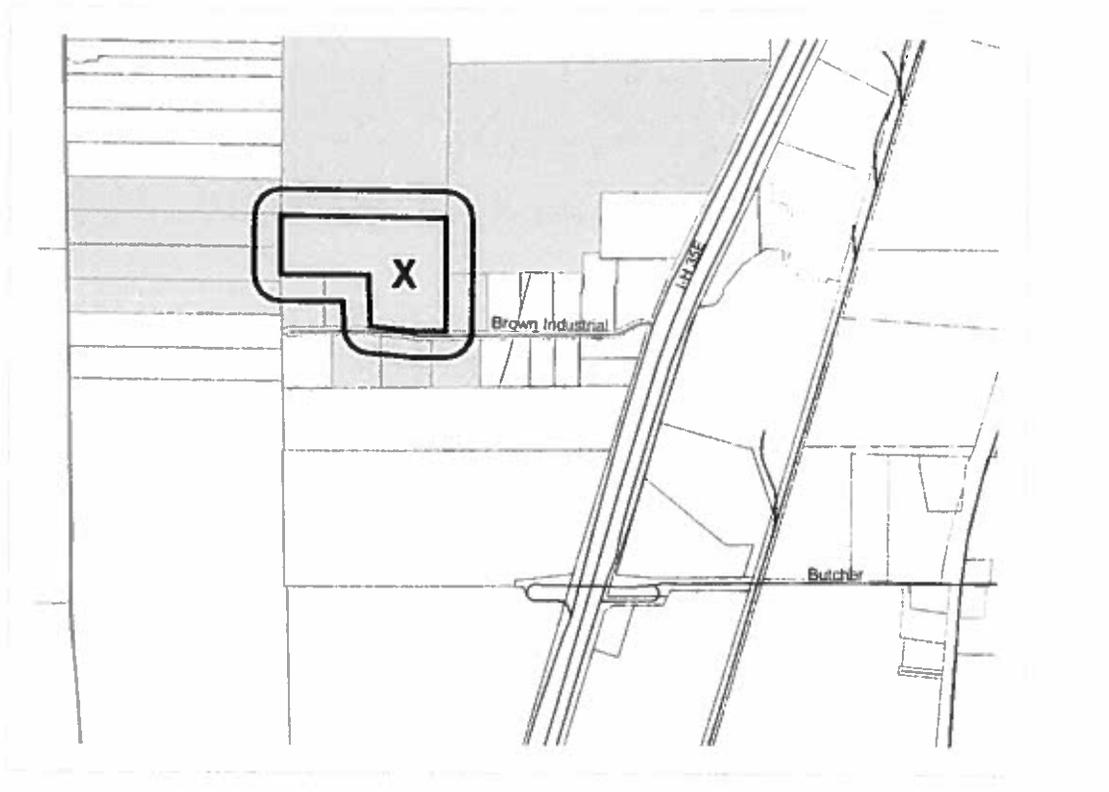
(17)



(17)

500 0 500 1000 Feet

SUP2011-15



(17)

Case ZDC-00007-2020  
Responses Received Inside Required 2007 Notification Area  
Support: 3 Oppose: 0

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
148211	PERETTE EVELYN G	3.06	LOT 4 BROWN IND SITES 3.06 AC	6431 TRANQUILO APT 1021	IRVING	TX	75039	BROWN INDUSTRIAL RD WAXAHACHE TX 75167
148212	FW N O LLC	2.73	LOT 12 BROWN IND SITES 1 2.73 AC	PO BOX 810228	DALLAS	TX	75261	BROWN INDUSTRIAL RD WAXAHACHE TX 75167
148294	ESTRADA LUIS	3.34	LOT 8 BROWN IND SITES 2 3.34 AC	524 BROWN INDUSTRIAL RD	WAXAHACHE	TX	75167	BROWN INDUSTRIAL RD WAXAHACHE TX 75167
148297	FRANKS DORIS E	3	LOT 9 BROWN IND SITES 3 3 AC	674 BROWN INDUSTRIAL RD	WAXAHACHE	TX	75167	674 BROWN INDUSTRIAL RD WAXAHACHE TX 75167
148298	ESTRADA JOSE L & HORTENCIA	3	LOT 9 BROWN IND SITES 2 3 AC	410 SUNFLOWER ST	RED OAK	TX	75154	524 BROWN INDUSTRIAL RD WAXAHACHE TX 75167
148303	ESTRADA LUIS	3.38	LOT 5 BROWN IND SITES 2 3.38 AC	524 BROWN INDUSTRIAL RD	WAXAHACHE	TX	75167	524 BROWN INDUSTRIAL RD WAXAHACHE TX 75167
188266	DALLAS DOWDY PARTNERS LLC	77.49	752 MC KINNEY & WILLIAMS 77.49 ACRES	2735 TROPHY CLUB DR	TROPHY CLUB	TX	78262	GUN CLUB RD WAXAHACHE TX 75185
191079	DALLAS DOWDY PARTNERS LLC	50.686	1003 PETER B STOUT 50.686 ACRES	2735 TROPHY CLUB DR	TROPHY CLUB	TX	78262	INTERSTATE 35 WAXAHACHE TX 75185
205886	TRUJILLO DELFINA ETAL	9.58	LOT 17 WEST STERRETT ESTS 9.58 AC	2540 SOLON RD	WAXAHACHE	TX	75167	2540 SOLON RD WAXAHACHE TX 75167
205893	STEMBRIDGE DAVID	9.58	14 WEST STERRETT ESTS 9.58 ACRES	2630 SOLON RD	WAXAHACHE	TX	75167	2630 SOLON RD WAXAHACHE TX 75167
205894	QUEDA ANTONIO O & SOCORRO J JIMENEZ	9.58	LOT 15 WEST STERRETT ESTS 9.58 ACRES	2630 SOLON RD	WAXAHACHE	TX	75167	2630 SOLON RD WAXAHACHE TX 75167
205896	GARCIA MARTIN A OLGA	9.58	16 WEST STERRETT ESTS 9.58 ACRES	181 CR 4629	NEHAHM	TX	76071	2610 SOLON RD WAXAHACHE TX 75167
233787	FALCON TRANSIT INC	17.998	LOT 10R BROWN IND SITES 2 REV 17.998 AC	500 BROWN INDUSTRIAL RD	WAXAHACHE	TX	75167	500 BROWN INDUSTRIAL RD WAXAHACHE TX 75167
281785	HILTON REAL ESTATE PROPERTIES LLC	15.758	1003 PETER B STOUT 15.758 ACRES	6907 N INTERSTATE HIGHWAY 35 E	WAXAHACHE	TX	75185	INTERSTATE 35 WAXAHACHE TX 75185

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Case ZDC-07-2020  
Responses Received Outside 200'  
Support: 1 Oppose: 0

PropertyID	Owner's Name	Owner's Address	Owner's City
205887	BILL AND JUDITH HENDRICH	2530 SOLON RD	WAXAHACHIE

(17)

Case Number: ZDC-000007-2020

City Reference: 148297

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, April 8, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

We object to the noise and the Buildup of stuff that catches on fire. We also object to him parking his vehicles on the road and blocking the way to the end of the road.

Signature Doris Franks

Date

4-7-20

DORIS FRANKS-OWNER  
Printed Name and Title

674 BROWN INDUSTRIAL Rd.  
Address

RECEIVED  
4/7/20

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

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

(17)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000007-2020



GARCIA MARTIN & OLGA  
161 CR 4929  
NEWARK, TX, 76071

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 20, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by the City of Waxahachie to consider revoking a Specific Use Permit (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020)

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

Case Number: ZDC-000007-2020

City Reference: 205895

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SUPPORT

OPPOSE

Comments:

I definitely disagree having a junk yard  
so close to my property

Martin Garcia  
Signature

3-28-2020  
Date

Martin Garcia Owner  
Printed Name and Title

161 C.R. 4929 Newark Tx. 76071  
Address

RECEIVED  
4/7/20

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(17)

Case Number: ZDC-000007-2020

City Reference: 205894

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SUPPORT

OPPOSE

Comments:

WE support city of Waxahachie to revoke the permit and remove the business because we think it's dangerous for our community, we have horses and the last time it was on fire almost came to our property.

Socorro Jimenez x Antonio Ojeda  
Signature

05-15-2020  
Date

Socorro Jimenez x Antonio Ojeda  
Printed Name and Title  
owners

2620 Solon RD Waxahachie Tx  
Address  
75167

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(17)

Planning Department,

This is a follow up per our conversation of Monday, May 11, 2020. I am writing this to voice my opposition to letting Oak Cliff Metals retain their Licenses to Operate. We live on Solon Road, West of Oak Cliff Metals and we have managed to make it thru all the fires they have had, so far. I object to the 30 and 40 feet high piles of metal they accumulate and the piles of the waste from the metal that are that high that also accumulate. It's only a matter of time until something catastrophic happens. We see the junk go in but rarely see it leave. They also have junk set along both sides of Brown Industrial that is not on their property. They have 2 containers at the back of my fence/gate that is on the road right of way and they need moved immediately. They have ruined the road and all that junk is an eye sore. I know the chemicals coming off of the metal as it is cut up can't be healthy for us as it blows in the wind. Our biggest fear is the next fire, and I'm sure there will be one, will not be contained and wipe out a lot of people and property. They have cleaned up the metal that burned, as they always do after a fire, but I can just about guarantee that as soon as the spotlight is off of them the piles will build and it will be back to the same old same old as before, that is unless you pull their permits and they have to clean up and move. It's our sincere hope Oak Cliff Metals will have their permits pulled so we may live in safety and have peace of mind. Every time there is an explosion we run to look out to see if it's another fire or just their mishandling the gas tanks, etc. We sincerely hope this will be the last time we have to address this issue and you will pull their permits and make them relocate.

Thank you,

Judy and Bill Hendrich

2530 Solon Road

469-223-3370