

# AGENDA

The Waxahachie Planning & Zoning Commission will hold a regular meeting on **Tuesday, September 28, 2021 at 7:00 p.m.** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

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

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

  - a. Minutes of the regular Planning & Zoning Commission meeting of September 14, 2021
  - b. Minutes of the Planning and Zoning Commission briefing of September 14, 2021
5. **Public Hearing** on a request by Michael Cervantes, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 240 Brookbend Drive (Property ID 208068) - Owner: EXOUSIA CONSTRUCTION, LLC (ZDC-133-2021)
6. **Consider** recommendation of Zoning Change No. ZDC-133-2021
7. **Public Hearing** on a request by Andrew Garrett, for a Specific Use Permit (SUP) for an Accessory Dwelling located at 800 Sycamore St (Property ID 176411) - Owner: A GARRETT REAL ESTATE VENTURES, LLC (ZDC-134-2021)
8. **Consider** recommendation of Zoning Change No. ZDC-134-2021
9. **Public Hearing** request by Ronald Fraser, Fraser Real Estate Group, for a Specific Use Permit (SUP) for a Unified Lot Sign located at 3298 S Interstate 35E (Property ID 225222, 223397, 179035) - Owner: H&D REALTY INVESTMENTS, LLC. (ZDC-140-2021).
10. **Consider** recommendation of Zoning Change No. ZDC-140-2021
11. **Continue Public Hearing** on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)
12. **Consider** recommendation of Zoning Change No. ZDC-122-2021
13. **Consider** request by Kendell Wiley, for a Replat of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley’s Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021)

14. **Consider** a request by Tim Jackson, Texas Reality Capture & Surveying, LLC. for a Plat of Lot 2, Block B, Espinoza Addition Phase 2 for one (1) lot, being 14.202 acres situated in the E.C. Newton Survey, Abstract 790 (Property ID 194416) – Owner: Espinoza Stone Inc. (SUB-64-2021)
15. **Consider** request by Edison Calvopina, ES ARQ Studio, LLC for a Plat of Carrera Ranch for thirteen (13) residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020)
16. **Consider** a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: Durawn McDaniel (SUB-98-2021)
17. **Public Hearing** on a request by Patty Dickerson, for a Specific Use Permit (SUP) for a Clothing Recycling Bin located at 402 N College Street (Property ID 193309) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021)
18. **Consider** recommendation of Zoning Change No. ZDC-136-2021
19. **Continue Public Hearing** on a request by Josh Dunlap for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
20. **Consider** recommendation of Zoning Change No. ZDC-105-2021
21. 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) 309-4006 or (TDD) 1-800-RELAY TX.

<p><b><i>Notice of Potential Quorum</i></b> <b><i>One or more members of the Waxahachie City Council may be present at this meeting.</i></b> <b><i>No action will be taken by the City Council at this meeting.</i></b></p>
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(4a)

Planning and Zoning Commission  
September 14, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 14, 2021 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  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Chris Webb, Senior Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

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

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

3. **Public Comments**

Tony Martin, 101 Crepe Myrtle Lane, Georgetown, Texas, spoke in opposition to ZDC-122-2021.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, requested the Public Hearing for ZDC-122-2021 be opened and allow for public comments.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of August 24, 2021
- b. Minutes of the Planning and Zoning Commission briefing of August 24, 2021

**Action:**

*Ms. Bonney Ramsey moved to approve items a. and b. on the Consent Agenda. Vice Chairman Melissa Ballard seconded, All Ayes.*

5. **Continue Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue ZDC-122-2021 to the September 28, 2021 Planning and Zoning Commission meeting.

Those who spoke in opposition:

Tony Martin, 101 Crepe Myrtle Lane, Georgetown, Texas

Senior Planner Chris Webb explained staff is still in discussions with the applicant about the City's concerns with alcohol since the property is surrounded property owned by the school district.

**6. Consider recommendation of Zoning Change No. ZDC-122-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Asa Tsang, Saturn Star, LLC, for a Zoning Change from General Retail (GR) to Planned Development – General Retail (PD-GR) to allow a Private Club use, at 617 Solon Road (Property ID 180405) - Owner: SATURN STAR REALTY, LLC (ZDC-122-2021) to the September 28, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

**7. Public Hearing on a request by Robert Alva, for a Replat of Lots 28R & 29 of Pecan Valley, to create Lot 28R-1, Pecan Valley, 1 Residential Lot, being 1.508 acres (Property ID 175311)– Owner: ROBERT & ALMA J ALVA (SUB-125-2021)**

Chairman Keeler opened the Public Hearing.

Planner Zack King presented the case noting the applicant is requesting to replat the subject property from two (2) lots into one (1) lot for continued single-family residential use and staff recommended approval as presented.

There being no others to speak for or against SUB-125-2021, Chairman Keeler closed the Public Hearing.

**8. Consider approving SUB-125-2021**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Robert Alva, for a Replat of Lots 28R & 29 of Pecan Valley, to create Lot 28R-1, Pecan Valley, 1 Residential Lot, being 1.508 acres (Property ID 175311)– Owner: ROBERT & ALMA J ALVA (SUB-125-2021) as presented. Mr. Jim Phillips seconded, All Ayes.*

**9. Consider a request by the City of Waxahachie & Waxahachie ISD, for a Replat of Lee Penn Park, to create one lot, being 18.807 acres (Property ID: 193358 & 193944) – Owner: CITY OF WAXAHACHIE & WAXAHACHIE ISD (SUB-128-2021)**

Mr. King presented the case noting the applicant is requesting to replat the subject properties into one (1) lot for continued use as Lee Penn Park and staff recommended approval as presented. He noted the plat will show abandonment of Gammon Avenue, a 30', unimproved right-of-way, connecting this property to Perry Avenue. Additionally, a 7' right-of-way dedication is proposed along N. Getzendaner Avenue.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by the City of Waxahachie & Waxahachie ISD, for a Replat of Lee Penn Park, to create one lot, being 18.807 acres (Property ID: 193358 & 193944) – Owner: CITY OF WAXAHACHIE & WAXAHACHIE ISD (SUB-128-2021) as presented. Mr. David Hudgins seconded, All Ayes.*

- 10. **Consider a request by Brian Wade, RLG, Inc., for a Replat of Blocks 30, 30A, and 95 Old Town Addition, to create Lot 1, Block 30B, City Hall Annex, 1.975 acres (Property IDs 261578, 261576, 170570) – Owner: CITY OF WAXAHACHIE (SUB-35-2020)**

Mr. Webb presented the case noting the applicant is requesting to replat Block 30, 30A, and 95 Old Town Addition into one lot in order to allow for the construction of the City Hall Annex and staff recommended approval as presented.

**Action:**

*Mr. David Hudgins moved to approve a request by Brian Wade, RLG, Inc., for a Replat of Blocks 30, 30A, and 95 Old Town Addition, to create Lot 1, Block 30B, City Hall Annex, 1.975 acres (Property IDs 261578, 261576, 170570) – Owner: CITY OF WAXAHACHIE (SUB-35-2020) as presented. Mr. Jim Phillips seconded, All Ayes.*

- 11. **Consider a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 1, for 128 residential lots, 4X Lots (HOA) and 7 Blocks, being 57.532 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-123-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat Phase 1 of the subject property into 132 lots for single-family residential development and staff recommended approval as presented. He noted the plat follows the Planned Development approved for the site on April 20, 2020.

**Action:**

*Mr. Jim Phillips moved to approve a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 1, for 128 residential lots, 4X Lots (HOA) and 7 Blocks, being 57.532 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-123-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 12. **Consider a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 2, for 108 residential lots, 3X Lots (HOA) and 7 Blocks, being 41.163 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-124-2021)**

Mr. Webb presented the case noting the applicant is requesting to plat Phase 2 of the subject property into 111 lots for single-family residential development and staff recommended approval

as presented. He noted the plat follows the Planned Development approved for the site on April 20, 2020.

**Action:**

*Mr. Jim Phillips moved to approve a request by Michael Westfall, Westfall Engineering, for a Plat of The Sunrise at Garden Valley, Phase 2, for 108 residential lots, 3X Lots (HOA) and 7 Blocks, being 41.163 acres situated in the J.B. & Ann Adams Survey, Abstract 5 (Property ID 178972) – Owner: LEGACY GROVE DEVELOPMENT, LLC (SUB-124-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.*

- 13. Public Hearing on a request by Danille Brunson, Texas Reality Capture and Surveying LLC., for a Replat of Lot 6, Block 178, Town Addition, to create Lot 1-2, Pace Addition, being 0.536 acres (Property ID 171316)– Owner: PACE BROTHERS CUSTOM HOMES, LLC (SUB-97-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into two lots to construct an additional single-family dwelling and staff recommended approval as presented.

There being no others to speak for or against SUB-97-2021, Chairman Keeler closed the Public Hearing.

- 14. Consider approving SUB-97-2021**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Danille Brunson, Texas Reality Capture and Surveying LLC., for a Replat of Lot 6, Block 178, Town Addition, to create Lot 1-2, Pace Addition, being 0.536 acres (Property ID 171316)– Owner: PACE BROTHERS CUSTOM HOMES, LLC (SUB-97-2021) as presented. Mr. Erik Test seconded, All Ayes.*

- 15. Consider request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: DURAWN MCDANIEL (SUB-98-2021)**

Mr. Webb presented the case noting the applicant is requesting to replat the subject property into two lots for single-family residential use. He explained there is an existing single-family dwelling on the proposed one-acre tract being platted. The applicant is requesting a petition of relief waiver be granted for right-of-way dedication to the subject property as required by the City’s Thoroughfare Plan. Staff recommended denial of the petition of relief waiver and denial of the replat as presented.

Commissioner David Hudgins clarified if the Thoroughfare Plan changes the right-of-way dedication would revert back to the property owner.

(4a)

Leslie Porterfield, 2421 Patrick Road, Waxahachie, Texas, explained the additional easement creates a problem to the existing single-family dwelling that is on the one-acre lot. She presented an email from Alberto Mares, Ellis County Development Director, explaining Mulkey Road is no longer on Ellis County's Thoroughfare Plan and they do not need or want the right-of-way dedication.

The Commission and staff discussed ways for Ms. Porterfield to comply with the city's requirement. It was suggested to only plat her 3 acre lot and she was in agreement to dedicate the 30 foot right-of-way.

**Action:**

*Vice Chairman Melissa Ballard moved to continue a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: DURAWN MCDANIEL (SUB-98-2021) to the September 28, 2021 Planning and Zoning Commission meeting. Mr. Jim Phillips seconded, All Ayes.*

16. **Public Hearing on a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021)**

Chairman Keeler opened the Public Hearing.

Mr. Webb presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow drive-through use at an existing restaurant (Ta Molly's Restaurant) and staff recommended approval as presented.

There being no others to speak for or against ZDC-129-2021, Chairman Keeler closed the Public Hearing.

17. **Consider recommendation of Zoning Change No. ZDC-129-2021**

**Action:**

*Mr. Jim Phillips moved to approve a request by Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for a Drive Through Establishment (restaurant) use within a Commercial zoning district located at 1735 N US Hwy 77 (Property ID 237029) - Owner: DSK PROPERTIES, LLC (ZDC-129-2021) as presented. Ms. Bonney Ramsey seconded, All Ayes.*

18. **Public Hearing on a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021)**

Chairman Keeler opened the Public Hearing.

(4a)

Mr. Webb presented the case noting the applicant is requesting to change the zoning of the property from Single-Family-2 to Planned Development-Single-Family-3 to allow a Private Club (Event Center) use. He explained the Private Club use is the closest in the City of Waxahachie Zoning Ordinance. Mr. Webb reviewed staff's concerns with noise and street parking. He also reviewed the applicant's variance request of on-site screening, as required by the City's Zoning Ordinance, and sidewalks, as required by the City's Subdivision Ordinance. Mr. Webb noted one letter of opposition was received and three letters of support.

Brad Yates, 628 Kaufman Street, Waxahachie, Texas, explained he reviewed staff concerns and spoke with some area residents. He noted he received three written letters of approval for his project from neighbors.

Mr. Jim Phillips expressed concern with lighting and Mr. Yates explained lighting will be used to keep people at the venue safe while not disturbing neighbors.

Chairman Keeler expressed his support for sidewalks and noted the city's noise ordinance is in effect 24/7.

Commissioner Hudgins asked Mr. Yates to consider restricting live music indoors to not disturb the neighbors.

Those who spoke in opposition:

Chris Wright, 808 W. Marvin, Waxahachie, Texas

There being no others to speak for or against ZDC-131-2021, Chairman Keeler closed the Public Hearing.

**19. Consider recommendation of Zoning Change No. ZDC-131-2021**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Brad Yates, Colonial Restoration Group, Inc. for Planned Development (PD) to allow a Private Club (Event Center) use within a Single Family - 3 Zoning District located at 716 Dunaway Street (Property ID 193948) - Owner: LOREN GRAY INVESTMENTS, LLC (ZDC-131-2021) with iron fencing, sidewalks on W. Avenue C and Dunaway Street, lighting facing inwards, approval of Development Agreement, and review of the site plan by the Planning and Zoning Commission.*

*Commissioner Hudgins expressed concern that adding sidewalks would encourage off-street parking on the narrow roads.*

*Mr. Jim Phillips seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and Erik Test. Noes: David Hudgins.*

***The motion carried.***



**20. Continue Public Hearing on a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021)**

Chairman Keeler continued the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is requesting approval of a Specific Use Permit (SUP) at a vacant industrial/commercial building to allow the use of Heavy Machinery and Equipment, Rental, Sales or Storage and Outdoor Display. He noted staff recommended approval per the following comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Any new pavement for the site shall be concrete. In addition, areas with outdoor display structures shall be located on a concrete surface.
3. The existing chain link fence shall be replaced with ornamental iron fencing along the front and side.
4. The applicant is responsible for providing a utilities connection to the site from the northern direction of the property.
  - a. An official Certificate of Occupancy shall not be issued until all necessary utilities are provided to the site.
5. The fire sprinkler Fire Department Connection must be within 100 ft. of a fire hydrant.
6. All parts of the building must be within 600 ft. of a fire hydrant.
7. Note: The City would pay oversize participation for water lines greater than 12” in diameter, provided funds are available, or this participation may be in form of water impact fee credits and would be included in an Oversize Participation Agreement approved by the City Council.

Perry Thompson, Thompson Architectural Group, Inc., noted he agreed to staff comments and is available for questions.

There being no others to speak for or against ZDC-100-2021, Chairman Keeler closed the Public Hearing.

**21. Consider recommendation of Zoning Change No. ZDC-100-2021**

**Action:**

*Mr. David Hudgins moved to approve a request by Perry Thompson, Thompson Architectural Group, Inc., for a Specific Use Permit (SUP) for a Heavy Machinery and Equipment Rental, Sales, or Storage use within a Commercial zoning district located at 1313 N Interstate 35 (Property ID 180355) - Owner: JP TYLER, LLC (ZDC-100-2021) per staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.*

**22. Continue Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road**

**(Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021)**

Chairman Keeler continued the Public Hearing and announced the applicant requested to continue the Public Hearing to the October 12, 2021 Planning and Zoning Commission meeting.

**23. Consider recommendation of Zoning Change No. ZDC-116-2021**

**Action:**

*Mr. Erik Test moved to continue the Public Hearing on a request by Josh Meredith, Van Trust Real Estate, for a Zoning Change from Planned Development – Commercial (PD-C) and Future Development (FD) to Planned Development – Light Industrial – 1 (PD-LI1), to allow Storage Warehouse use, located just West of Interstate 35 and South of Butcher Road (Property ID 188448 & 188453) - Owner: JAMES R PITTS TRUSTEE & BUCEES, LTD (ZDC-116-2021) to the October 12, 2021 Planning and Zoning Commission meeting. Mr. David Hudgins seconded, All Ayes.*

**24. Adjourn**

Shon Brooks, Executive Director of Development Services, announced the next Comprehensive Plan Advisory Committee meeting will be held on Monday, September 27, 2021 at 6:00 p.m.

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

Planning and Zoning Commission  
September 14, 2021

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, September 14, 2021 at 6:00 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Betty Square Coleman

Others Present: Shon Brooks, Executive Director of Development Services  
Colby Collins, Planning Manager  
Chris Webb, Senior Planner  
Macey Martinez, Graduate Engineer  
Amber Villarreal, City Secretary  
Melissa Olson, Council Representative

**1. Call to Order**

Chairman Rick Keeler called the meeting to order.

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

Senior Planner Chris Webb reviewed the following cases:

- ZDC-122-2021, applicant requested to continue this case to the September 28, 2021 Planning & Zoning Commission Meeting.
- ZDC-116-2021, applicant requested to continue this case to the October 12, 2021 Planning & Zoning Commission Meeting.
- SUB-35-2020, staff recommended approval as presented.
- SUB-123-2021, staff recommended approval as presented.
- SUB-124-2021, staff recommended approval as presented.
- SUB-97-2021, staff recommended approval as presented.
- SUB-98-2021, staff recommended denial of the petition of relief waiver and recommended denial of the plat as presented. He explained the applicant is requesting a petition of relief waiver be granted for Right-of-Way dedication to the subject property as required by the City of Waxahachie’s Thoroughfare Plan. He noted the property is in the ETJ and the Ellis County Thoroughfare does not align with the City’s plan; therefore, Ellis County is not requiring the Right-of-Way dedication.
- ZDC-129-2021, staff recommended approval as presented.
- ZDC-131-2021, staff recommended approval per staff comments. He reviewed staff’s concerns with noise and street parking.

(4b)

Planning and Zoning Commission  
September 14, 2021  
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The Commission shared the same concerns of noise, parking, screening, lighting, and sidewalks.

Planner Zack King reviewed the following cases:

- SUB-125-2021, staff recommended approval as presented.
- SUB-128-2021, staff recommended approval as presented.

Planning Manager Colby Collins reviewed the following case:

- ZDC-100-2021, staff recommended approval per staff comments.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:55 p.m.


Respectfully submitted,

Amber Villarreal  
City Secretary

(5)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager   
Date: September 21, 2021  
Re: ZDC-133-2021 – 240 Brookbend Dr – Accessory Dwelling

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On September 21, 2021, the applicant requested to continue case no. ZDC-133-2021 from the September 28, 2021 Planning and Zoning Commission agenda and the October 4, 2021 City Council meeting agenda to the October 12, 2021 Planning and Zoning Commission meeting agenda and the October 18, 2021 City Council meeting agenda.

(7)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager *MS*  
Date: September 21, 2021  
Re: ZDC-134-2021 – 800 Sycamore – Accessory Dwelling


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On September 21, 2021, the applicant requested to continue case no. ZDC-134-2021 from the September 28, 2021 Planning and Zoning Commission agenda and the October 4, 2021 City Council meeting agenda to the October 26, 2021 Planning and Zoning Commission meeting agenda and the November 1, 2021 City Council meeting agenda.

(9)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager   
Date: September 21, 2021  
Re: ZDC-140-2021 Scarborough - Unified Lot Sign

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On September 21, 2021, the applicant requested to continue case no. ZDC-140-2021 from the September 28, 2021 Planning and Zoning Commission agenda and the October 4, 2021 City Council meeting agenda to the October 12, 2021 Planning and Zoning Commission meeting agenda and the October 18, 2021 City Council meeting agenda.

(11)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Executive Director of Development Services  
Thru: Michael Scott, City Manager *MS*  
Date: September 17, 2021  
Re: ZDC-122-2021 – 617 Solon Road – Private Club

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On September 17, 2021, the applicant requested to continue case no. ZDC-122-2021 from the September 28, 2021 Planning and Zoning Commission agenda and the October 4, 2021 City Council meeting agenda to the November 9, 2021 Planning and Zoning Commission meeting agenda and the November 15, 2021 City Council meeting agenda.



Planning & Zoning Department  
Plat Staff Report

(137)



Case: SUB-135-2021

**MEETING DATE(S)**

*Planning & Zoning Commission:* September 28, 2021

**CAPTION**

**Consider** request by Kendell Wiley, for a **Replat** of Lots 1R-A, Block A, to create Lots 1RA & 1R-B, Block A, Wiley's Retail, being 0.996 acres (Property ID 231665) – Owner: KENDELL L & MICHELLE L WILEY (SUB-135-2021)

**APPLICANT REQUEST**

The applicant is requesting to replat the subject property from one (1) lot to two (2) lots for general retail use.

**CASE INFORMATION**

*Applicant:* Tim Jackson

*Property Owner(s):* Kendall Wiley

*Site Acreage:* 0.996 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash-in-lieu for park land dedication is \$600.00 (1 non-residential lot at \$600.00 per acre with a minimum rate of \$600.00).

*Adequate Public Facilities:* Adequate Public Facilities are available

**SUBJECT PROPERTY**

*General Location:* 2251 Brown Street

*Parcel ID Number(s):* 231665

*Current Zoning:* General Retail (GR)

*Existing Use:* A multi-tenant retail building currently occupies the site. Tenants include: Snowflake Donuts, Wiley's Jewelry, & Salon Gatsby.

(137)

*Platting History:*

The subject property was originally platted as Lot 1, Block A Wiley's Retail in 2006 before being replatted into Lot 1R-A, Block A Wiley's Retail in 2016. The latest replat for this property was not filed until 2018.

*Site Aerial:*



**PLATTING ANALYSIS**

The purpose of this replat is to divide one (1) lot to create two (2) lots for general retail use. Adequate public facilities are available to this site on Brown Street and Dean Box Drive. An additional 15ft. Right-of-Way (ROW) dedication is required along Brown Street as part of the proposed replat in accordance with the City of Waxahachie Thoroughfare Plan. The applicant has requested a Petition of Relief Waiver for the ROW dedication. In addition, as part of the proposed replat, a parking easement is provided on Lot 1R-A1 to account for the required parking spaces needed for lot 1R-A2.

**PETITION OF RELIEF WAIVER**

The applicant has request a Petition of Relief Waiver for the right-of-way (ROW) dedication requirement along Brown Street for this replat. The City of Waxahachie Thoroughfare Plan shows Brown Street as a 110ft. ROW. To align with the Thoroughfare Plan, an additional 15ft. of ROW would need to be dedicated along Brown Street for Lot 1R-A2. Currently, the 15ft. of requested ROW on the property includes landscaping and required parking spaces for the existing retail building located on the site. The applicant is seeking relief from this ROW dedication requirement so that the existing landscaping and required parking for the site will not have to be removed.

**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. Replat

(13)

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King

Planner

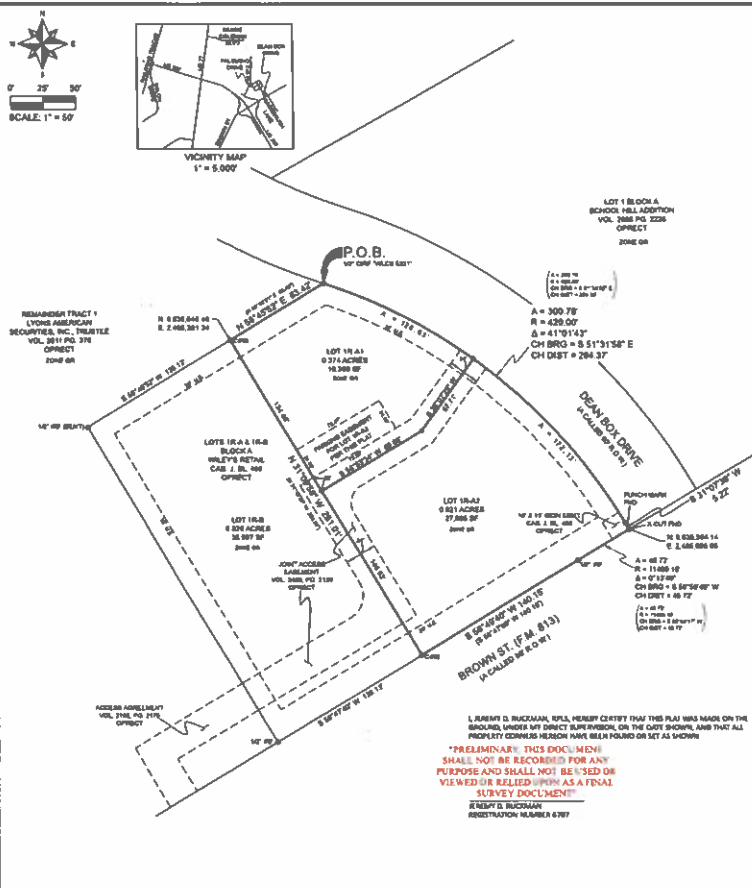
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP

Executive Director of Development Services

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



STATE OF TEXAS  
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS

WHEREAS KENDALL WILEY AND WIFE, MICHELLE WILEY ARE THE SOLE OWNERS OF A TRACT OF LAND SITUATED IN THE R. RUSSELL SURVEY, ABSTRACT NO. 171, IN THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND MORE ALL OF LOT 1R-A, BLOCK A OF LOTS 1R-A & 1R-B BLOCK A, WILEY'S RETAIL, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET J, SLIDE 458 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARING 2 1/4° 10' 00" N FROM ROD WITH CAP STAMPED "TUBES" SET FOUND FOR THE NORTH WEST CORNER OF SAID LOT 1R-A, SAME BEING THE EAST WEST CORNER OF THE REMAINDER OF TRACT 1 AS DESCRIBED IN DEED TO LYONS AMERICAN SECURITIES, INC. TRUSTEE, RECORDED IN VOLUME 2811, PAGE 374, CORRECT AND FURTHER BEING IN THE WESTERN FRONT-UP GROW LINE OF DEAN BOB DRIVE (A CALLED BY FOOT ROW - VOLUME 2146, PAGE 1336, CORRECT) ALSO BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS THAT BEARS S 17° 57' 11" W A DISTANCE OF 139.99 FEET.

THENCE ALONG THE COMMON NORTH-EASTERN LINE OF SAID LOT 1R-A AND THE COMMON WESTERN LINE OF DEAN BOB DRIVE AND WITH SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 41° 14' 47", AN ARC LENGTH OF 286.78 FEET, A CHORD THAT BEARS S 17° 57' 11" W AND A CHORD LENGTH OF 284.27 FEET TO A PUNCH MARK FOUND ON A CONCRETE BEWER MARKER.

THENCE S 71° 07' 00" E, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 8.25 FEET TO AN IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1R-A, SAME BEING IN THE NORTHERLY ROW LINE OF BROWN STREET OF 48 FT. 1/2" W CALLED BY FOOT ROW, ALSO BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS THAT BEARS S 39° 52' 27" E, A DISTANCE OF 1488.16 FEET.

THENCE ALONG THE SOUTHEASTERN LINE OF SAID LOT 1R-A AND THE COMMON NORTHERLY LINE OF SAID BROWN STREET AND WITH SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 7° 12' 46", AN ARC LENGTH OF 46.75 FEET, A CHORD THAT BEARS S 67° 54' 47" W AND A CHORD LENGTH OF 46.75 FEET TO A 1/2" IRON ROD FOUND.

THENCE S 67° 54' 47" W, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 148.15 FEET TO AN IRON ROD WITH CAP STAMPED "TUBES" SET FOR THE SOUTHWEST CORNER OF SAID LOT 1R-A AND THE COMMON SOUTHWEST CORNER OF SAID LOT 1R-A, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1R-B BEARS S 89° 49' 07" W 138.15 FEET.

THENCE N 21° 58' 00" W, ALONG THE WESTERN LINE OF SAID LOT 1R-A AND THE COMMON EASTERN LINE OF SAID LOT 1R-B, A DISTANCE OF 281.81 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TUBES" SET FOR THE NORTHWEST CORNER OF SAID LOT 1R-A AND THE COMMON NORTHWEST CORNER OF SAID LOT 1R-B, SAME BEING IN A SOUTHWESTERLY LINE OF SAID REMAINDER TRACT 1, FROM WHICH A 1/2" IRON ROD FOUND (SET) FOR THE WEST WEST CORNER OF SAID LOT 1R-B BEARS S 67° 54' 47" W 129.15 FEET.

THENCE N 81° 47' 00" E, ALONG THE NORTHERLY LINE OF SAID LOT 1R-A AND THE COMMON SOUTHWESTERLY LINE OF SAID REMAINDER TRACT 1, A DISTANCE OF 43.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.889 ACRE OF LAND, MORE OR LESS.

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

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT KENDALL WILEY AND MICHELLE WILEY, DO HEREBY ADOPT THIS PLAN DESCRIBING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 1R-A & 1R-B BLOCK A, WILEY'S RETAIL, AN ADDITION TO THE CITY OF WAXAHACHE AND DO HEREBY OBTAIN, IN FEEL SIMPLE THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREIN, 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 PLAN, NO BUSINESS, FRANCHISE, TRUCKS, TRAILERS OR OTHER IMPROVEMENTS OR STRUCTURES SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE SAME UNLESS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE THE SAME UNLESS THE SAME LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBJECT TO THE PUBLIC AND CITY OF WAXAHACHE USE THROUGH THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TRAILS, BRIBERS OR OTHER IMPROVEMENTS OR STRUCTURES WHICH MAY IN ANY MANNER OBSTRUCT OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EXTENSION OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS, THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, MAINTENANCE, REPAIRS, READING METERS, AND ACCESS TO OR REMOVED ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TYPE PROCEEDING PERMISSIBLE FROM ANYONE.

THIS PLAN APPROVED SUBJECT TO ALL PLATING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS.

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

CHAIRPERSON

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

**NOTES**

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

THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 5% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48130C0189F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

**LEGEND**

CIR - 48 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TUBES" SET  
IF - IRON ROD FOUND  
FND - FOUND  
OPRECT - OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
PRECT - PLAT RECORDS ELLIS COUNTY TEXAS

L. RICHARD D. RUCKMAN, RPL, HEREBY CERTIFY THAT THIS PLAN WAS MADE ON THE SHOWING, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL NECESSARY CORRECTIONS HAVE BEEN MADE ON SET AS SHOWN.

**\*PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT!\***

R. RAYMOND D. BUCKMAN  
REGISTRATION NUMBER 4787

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BY: \_\_\_\_\_

KENDALL WILEY MICHELLE WILEY

REPLAT  
LOTS 1R-A & 1R-B  
BLOCK A  
WILEY'S RETAIL

OWNER:  
KENDALL & MICHELLE WILEY  
861 BARTON TRAIL  
WAXAHACHE, TX 75110  
872.958.2666

SURVEYOR:  
TEXAS REALTY CAPTURE & SURVEYING LLC  
P.O. BOX 782  
WAXAHACHE, TEXAS 75110  
806.514.8330  
TRPLR 75024 AND 70184286

CASE NO. 6181-156-2021

SEPTEMBER 2021

JOB NO 11-17

**Planning & Zoning Department**  
**Plat Staff Report**

**Case: SUB-64-2021**

(14)



**MEETING DATE(S)**

*Planning & Zoning Commission:* September 28, 2021

**CAPTION**

**Consider** a request by Tim Jackson, Texas Reality Capture & Surveying, LLC. for a **Plat** of Lot 2, Block B, Espinoza Addition Phase 2 for one (1) lot, being 14.202 acres situated in the E.C. Newton Survey, Abstract 790 (Property ID 194416) – Owner: Espinoza Stone Inc. (SUB-64-2021)

**APPLICANT REQUEST**

The applicant is requesting to plat the subject property into one (1) lot for commercial use.

**CASE INFORMATION**

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

*Property Owner(s):* Espinoza Stone Inc.

*Site Acreage:* 14.202 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The cash-in-lieu for park land dedication is estimated to be \$8,521,20 (\$600 per acre at 14.202 acres).

*Adequate Public Facilities:* Adequate public facilities are available to the subject property.

**SUBJECT PROPERTY**

*General Location:* 4725 N Interstate 35E

*Parcel ID Number(s):* 194416

*Current Zoning:* Light Industrial-1 (LI-1) & Future Development (FD) with SUP to permit Outdoor Storage/Outdoor Display use

*Existing Use:* The site is currently occupied with pallets of stone for Espinoza Stone.

*Platting History:* The subject property is situated in the E.C. Newton Survey, Abstract 790.

(14)

Site Aerial:



**PLATTING ANALYSIS**

The applicant is requesting to plat the subject property into one (1) lot for commercial development. The subject property is 14.202 acres in size and is located adjacent to I-35E. Surrounding properties are being used for commercial/industrial uses or for agricultural purposes. Adequate public facilities are available to the subject property. The far southeastern corner of the subject property is located in the 500-year floodplain, but no other portion of the property is impacted by floodplain.

Note: At the May 17, 2021 City Council meeting, the City Council voted 5-0 to approve case number ZDC-44-2021, to allow for Outdoor Storage/Outdoor Display use on the subject 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:

- Disapproval
- Approval, as presented.

**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.

(14)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Senior Planner

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

*Reviewed by:*

Shon Brooks, AICP

Executive Director of Development Services

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



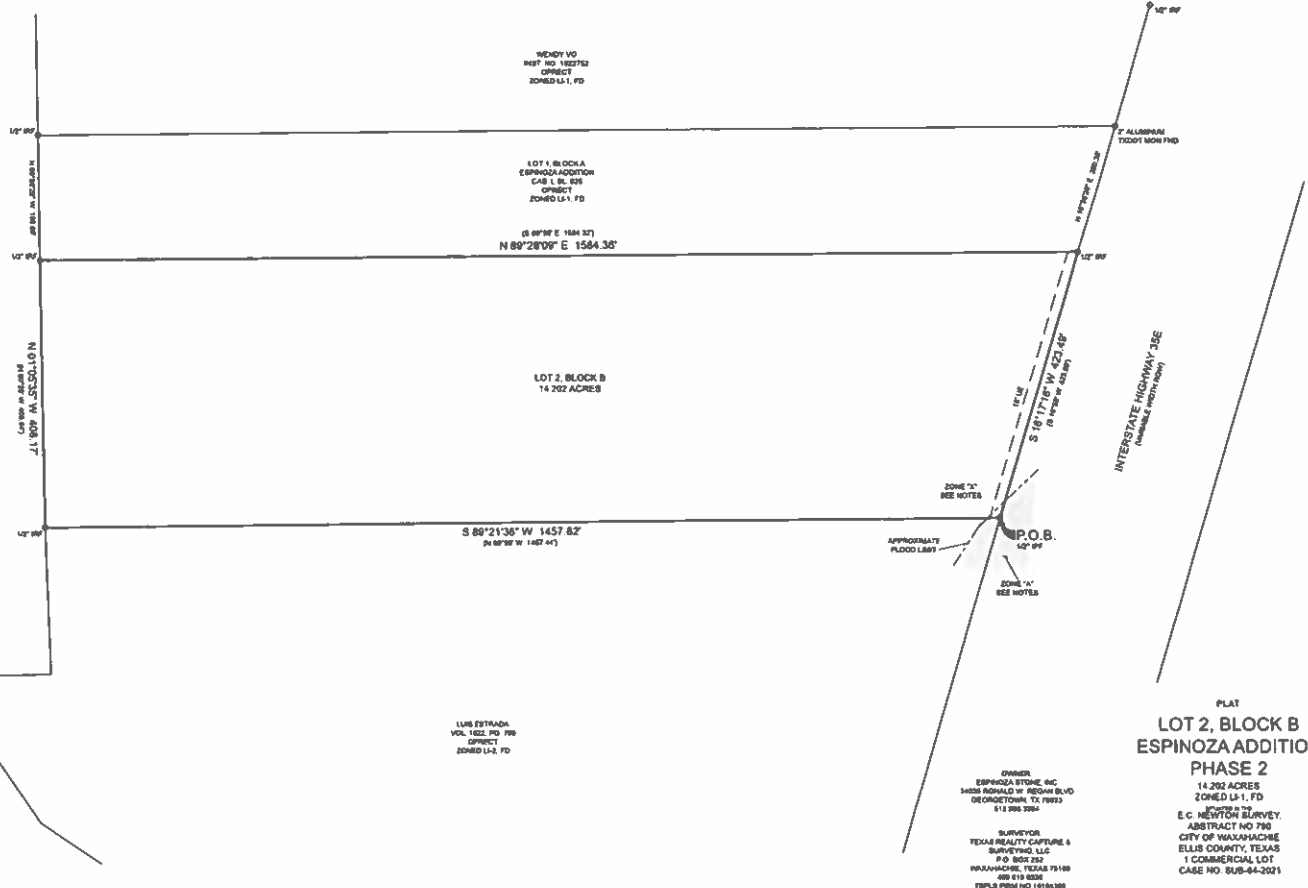
**LEGEND**

GRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP & DAMPED "TRICOR" SET  
 IRF = IRON ROD FOUND  
 FPOD = FOUND  
 OFR = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
 U E = UTILITY EASEMENT  
 B L = BUILDING LINE

**NOTES**

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4282, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 43123C0001 DATED JUNE 3, 2013 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY



**OWNER**  
 ESPINOZA ESTATE, INC.  
 1405 RONALD W. BROWN BLVD  
 DREXELTOWN, TX 79923  
 817.896.2004

**SURVEYOR**  
 TEXAS REALTY CAPITAL &  
 SURVEYING, L.L.C.  
 P.O. BOX 292  
 WAXAHACHE, TEXAS 75168  
 409.876.8288  
 TPLS PRG# NO 16194388

**PLAT**  
**LOT 2, BLOCK B**  
**ESPINOZA ADDITION**  
**PHASE 2**  
 14.202 ACRES  
 ZONED L1-1, FD  
 SURVEYED BY  
 E.C. HESTON SURVEY,  
 CITY OF WAXAHACHE  
 ELLIS COUNTY, TEXAS  
 1 COMMERCIAL LOT  
 CASE NO. SUB-44-2021



(14)

OWNER'S CERTIFICATE  
STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, ESPINOZA STONE, INC. IS THE OWNER OF A TRACT OF LAND SITUATED IN THE E.C. NEWTON SURVEY ABSTRACT NO. 790, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND WHEREAS SAID TRACT OF LAND DESCRIBED IN DEED TO ESPINOZA STONE, INC. RECORDED IN INSTRUMENT NO. 254886, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN "DEED"), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARING AS A 1/2" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID ESPINOZA TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO LUIS ESTRADA, RECORDED IN VOLUME 1522, PAGE 78, OF THE PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, AND IN THE WEST (RIGHT-OF-WAY) LINE OF INTERSTATE HIGHWAY 38E (A VARIABLE WIDTH ROW).

THENCE S 87°21'39" W ALONG THE SOUTH LINE OF SAID ESPINOZA TRACT AND THE COMMON NORTH LINE OF SAID ESTRADA TRACT, A DISTANCE OF 147.52 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID ESPINOZA TRACT AND THE COMMON NORTHWEST CORNER OF SAID ESTRADA TRACT AND IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED AS THIRD TRACT IN DEED TO JAMES R. FITZ, RECORDED IN VOLUME 1516, PAGE 181, OF THE PUBLIC RECORDS OF ELLIS COUNTY, TEXAS;

THENCE N 81°09'51" W ALONG THE WEST LINE OF SAID ESPINOZA TRACT AND THE COMMON EAST LINE OF SAID FITZ TRACT, A DISTANCE OF 165.11 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID ESPINOZA TRACT AND THE COMMON SOUTHWEST CORNER OF LOT 1, BLOCK A, ESPINOZA ADDITION, RECORDED IN CARRIER 1, SLIDE 581, OF THE PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1, BEARS N 81°09'51" W A DISTANCE OF 169.99 FEET;

THENCE S 69°59'51" E ALONG THE NORTH LINE OF SAID ESPINOZA TRACT AND THE COMMON SOUTH LINE OF SAID LOT 1, A DISTANCE OF 196.28 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID ESPINOZA TRACT AND THE SOUTHEAST CORNER OF SAID LOT 1, AND IN THE WEST ROW LINE OF SAID INTERSTATE HIGHWAY 38E, FROM WHICH A 1/2" ALUMINUM TAPSTOCK MARKER FOUND FOR THE NORTHWEST CORNER OF SAID LOT 1, BEARS N 49°59'51" E, A DISTANCE OF 200.38 FEET;

THENCE S 15°17'14" W ALONG THE EAST LINE OF SAID ESPINOZA TRACT AND THE COMMON WEST ROW LINE OF SAID INTERSTATE HIGHWAY 38E, A OF 423.48 FEET TO THE POINT OF BEGINNING, AND CONTAINING 13.282 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, ESPINOZA STONE, INC. DO HEREBY ADOPT THIS PLAN DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 2, BLOCK B, ESPINOZA ADDITION, PHASE 2, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE EASEMENTS AND ALLEYS INDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAN. NO BUILDING OR FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROUNDS 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 WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING TO USE OR SERVE THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE 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 GROUNDS WHICH MAY HAVE BEEN ERECTED OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID LANDS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF WAY AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESSE MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

AUTHORIZED AGENT  
ESPINOZA STONE, INC.

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 \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SIGNIFICANT TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

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

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELEASD UPON AS A FINAL SURVEY DOCUMENT.

TIMOTHY L. JACKSON  
REGISTRATION NUMBER 6644

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

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

OWNER  
ESPINOZA STONE, INC.  
13055 BOWMAN BLVD  
OCEANVIEW, TX 76603  
817.866.3504

SURVEYOR  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAXAHACHE, TEXAS 76108  
806.211.8000  
TPLS PERM NO 18194289

PLAT  
LOT 2, BLOCK B  
ESPINOZA ADDITION  
PHASE 2

14.393 ACRES  
ZONED U-1, PD  
SURVEYED IN THE  
E.C. NEWTON SURVEY,  
ABSTRACT NO. 790  
CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS  
1 COMMERCIAL LOT

JOB NO. 1210

APRIL 2021

PAGE 2 OF 2

# Planning & Zoning Department

## Plat Staff Report

(15)



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**Case: SUB-56-2020**

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### MEETING DATE(S)

*Planning & Zoning Commission:* September 28, 2021

*City Council:* October 4, 2021

### CAPTION

**Consider** request by Edison Calvopina, ES ARQ Studio, LLC for a **Plat** of Carrera Ranch for 13 residential lots being 16.000 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 277733) in the Extra Territorial Jurisdiction - Owner: Stella Rose Homes, LLC (SUB-56-2020)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into thirteen (13) lots for single family residential use.

### CASE INFORMATION

*Applicant:* Edison Calvopina, ES ARQ Studio, LLC

*Property Owner(s):* Stella Rose Homes, LLC

*Site Acreage:* 16.000 acres

*Number of Lots:* 13 lots

*Number of Dwelling Units:* 13 units

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

*Adequate Public Facilities:* Adequate domestic water flow can be established for the proposed subdivision. However, adequate fire flow is not available. Due the proposed subdivision being greater than four lots, City Council will need to grant a Petition of Hardship waiver for lack of fire flow.

### SUBJECT PROPERTY

*General Location:* The subject property is located along and adjacent to FM 878 and approximately 1,300 feet west of the FM 878 and Ike Rd split.

*Parcel ID Number(s):* 277733

*Current Zoning:* N/A (ETJ)

(15)

*Existing Use:* The site is undeveloped

*Platting History:* The property is situated in the T. Jackson Survey, Abstract 574.

*Site Aerial:*



### **PLATTING ANALYSIS**

#### **Overview:**

The applicant is requesting to plat 16 acres of land in the ETJ into 13 lots for a single family residential development. All 13 lots of the proposed subdivision will be at least 1 acre in size. A single dead end street (Stella Rose Court) will be constructed to limit the amount of lots fronting FM 878.

#### **Petition of Relief Request:**

With the proposed road being 699 feet in length, the applicant is requesting a variance to exceed the maximum length requirement for a dead end street. Per the City of Waxahachie Subdivision ordinance, dead end streets are not to exceed 600 feet. Stella Rose Court is shown to be 699.14 feet in length.

Staff is supportive of this waiver request because the excess 99.14 feet in length doesn't add an undue burden (excess congestion, delivery of municipal services, etc.) to the proposed subdivision. In regard to the Petition of Relief Request, the Planning and Zoning Commission does have the right to grant the overlength variance, and this petition will not need to be reviewed by City Council.

#### **Petition of Hardship Request:**

The proposed subdivision will have available domestic water flow to homes within the subdivision, but will not be able to have adequate fire flow. Per the City of Waxahachie subdivision ordinance, any proposed subdivision located within the Waxahachie ETJ that will be greater than 4 lots will require a Petition of Hardship request approved by City Council.

Staff has discussed the lack of available fire flow with the Ellis County Fire Marshal's office. Ellis County requires all water lines intended to serve residences to have a hydrant located every 300 feet. The Fire Marshal's office believed this would still meet their requirements and were okay with the approval of the Petition of Hardship waiver being approved in this instance.

Due to the Ellis County Fire Marshal's office being supportive of the proposed development, staff is supportive of the Petition of Hardship request. This request will require City Council's approval.

(15)

**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.

**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.

**STAFF CONTACT INFORMATION**

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

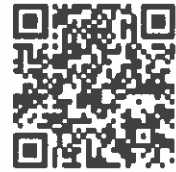
*Reviewed by:*  
Shon Brooks, AICP  
Executive Director of Development Services  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



(15)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Alfredo Carrera Parcel ID #: \_\_\_\_\_  
Subdivision Name: Carrera Ranch

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

Contact Information:

- Buena Vista-Bethel SUD (972) 937-1212
- Carroll Water Company (972) 617-0817
- Mountain Peak SUD (972) 775-3765
- Rockett SUD (972) 617-3524
- Sardis-Lone Elm WSC (972) 775-8566
- Nash Foreston WSC (972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations. <i>(once line is upgraded to 8")</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>8"</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Jacob Morales  
Print Name of General Manager of water provider or Designee

*once upgrades are made*  
Rockett SUD  
Name of water provider company

Jacob Morales  
Signature of General Manager of water provider or Designee

9/9/2021  
Date

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-98-2021

(116)



### MEETING DATE(S)

Planning & Zoning Commission: September 28, 2021  
(Continued from September 14, 2021 P&Z Meeting)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held September 14, 2021, the Commission voted 6-0 to continue the case of plat no. SUB-98-2021, to allow for the applicant and staff to explore options that may lessen the burden of ROW dedication on the subject property.

### CAPTION

**Consider** a request by Leslie Porterfield for a Plat of Porterfield Acres for two (2) lots being 4.001 acres situated in the H.G. Hurst Survey, Abstract 458 (Property ID 271129 & 202575) in the Extra Territorial Jurisdiction – Owner: Durawn McDaniel

### APPLICANT REQUEST

The applicant is requesting to plat the subject property into two lots for single family residential use.

### CASE INFORMATION

*Applicant:* Leslie Porterfield  
*Property Owner(s):* Durawn McDaniel  
*Site Acreage:* 4.001 acres  
*Number of Lots:* 2 lots  
*Number of Dwelling Units:* 2 units  
*Park Land Dedication:* N/A (ETJ)  
*Adequate Public Facilities:* Adequate domestic flow is available to the subject property.

### SUBJECT PROPERTY

*General Location:* 200 Mulkey Rd  
*Parcel ID Number(s):* 271129 & 202575  
*Current Zoning:* N/A (ETJ)  
*Existing Use:* A single family residence is located on 200 Mulkey Rd.  
*Platting History:* The subject property is situated in the H.G. Hurst Survey, Abstract 458.

(16)

Site Aerial:



### **CASE HISTORY**

This case was reviewed by the P&Z Commission on September 14, 2021. At the time of the meeting, the applicant was requesting a Petition of Relief variance from ROW dedication. P&Z voted to continue the case to the September 28, 2021 P&Z Agenda to allow the applicant and staff explore potential options that would limit the ROW dedication burden.

Since the meeting date, staff has explored options to only plat the 3-acre portion of the proposed plat. However, the County has stated they would not be in support largely due to the 3-acre tract not meeting the ROW frontage requirements along Mulkey Road. Though the applicant has received a variance from the County Commissioners' Court, this variance is only acceptable if both properties are platted.

Due to these issues, the applicant is platting both tracts similar to what was initially submitted. However, the applicant has agreed to dedicate the necessary ROW (approx. a 30' ROW dedication).

### **PLATTING ANALYSIS**

The applicant is requesting to plat the subject property into two lots for residential use. Both lots already exist through metes and bounds, but neither has officially been platted. A single-family residence currently exists on the 1-acre tract being platted. A water letter from Rockett SUD states a 6" water line supplies adequate domestic flow to the subject property and supplies the site with 1,000 gpm of pressure for fire flow. As part of the plat, the applicant will be dedicating approximately 30' of ROW.

### **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.

### **ATTACHED EXHIBITS**

1. Plat Drawing
2. Water Letter



(16)

**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

Senior Planner

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

*Reviewed by:*

Shon Brooks, AICP

Executive Director of Development Services

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



(16)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Leslie Porterfield Parcel ID #: 271129  
Subdivision Name: \_\_\_\_\_

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

**Contact Information:**

- Buena Vista Bethel SUD (972) 937-1212
- Carroll Water Company (972) 617-0817
- Mountain Peak SUD (972) 775-3765
- Rockett SUD (972) 617-3524
- Sardis-Lone Elm WSC (972) 775-8566
- Nash Foreston WSC (972) 483-3039

**To be completed by the water utility provider:**

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>1000 gpm</u> <u>1/2</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Jacob Morales  
Print Name of General Manager of water provider or Designee

[Signature]  
Signature of General Manager of water provider or Designee

Rockett SUD  
Name of water provider company

9/7/2021  
Date

Planning & Zoning Department  
Zoning Staff Report

(17)



Case: ZDC-136-2021

**MEETING DATE(S)**

*Planning & Zoning Commission:* September 28, 2021

*City Council:* October 4, 2021

**CAPTION**

**Public Hearing** request by Patty Dickerson, for a **Specific Use Permit (SUP)** for a Clothing Recycling Bin located at 204 E Parks Street (Property ID 170631) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021).

**APPLICANT REQUEST**

The applicant is requesting a Specific Use Permit to allow two (2) clothing recycling bins to be located at 204 E Parks Ave.

**CASE INFORMATION**

*Applicant:* Patty Dickerson, Central Presbyterian Church

*Property Owner(s):* Central Presbyterian Church

*Site Acreage:* 1.422 acres

*Current Zoning:* Single Family-2 (SF-2) with SUP for Institution of Religious, Charitable or Philanthropic Nature

*Requested Zoning:* Single Family-2 (SF-2) with SUP for Institution of Religious, Charitable or Philanthropic Nature and SUP for Clothing Recycling Bins

**SUBJECT PROPERTY**

*General Location:* 204 E Parks Street

*Parcel ID Number(s):* 170631

*Existing Use:* Bethlehem Revisited is located on this subject property.

*Development History:* The subject property is located within the Town Addition. An SUP to allow an Institution of Religious, Charitable or Philanthropic Nature was approved by City Council on October 20, 1997.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-2	Single Family Homes
East	PD-28-O	Central Presbyterian Church and Single Family Homes
South	SF-2	Single Family Homes
West	SF-2	Single Family Homes

*Future Land Use Plan:* Low Density Residential

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

*Thoroughfare Plan:* The clothing bins are accessible via N Jackson Street

*Site Image:*



**PLANNING ANALYSIS**

*Purpose of Request*

The applicant is requesting a Specific Use Permit be approved to allow for two (2) clothing recycling bins on the Bethlehem Revisited premises. A Specific Use Permit is required to be reviewed by City Council.

*Proposed Use*

The church currently has two (2) clothing recycling bins located on N Jackson Street along the exterior wall of Bethlehem Revisited. The bins belong to World Wear Project, but Central Presbyterian Church is responsible for donations and upkeep of the bins while on church property. Central Presbyterian removes collected items from the bins weekly (Thursdays) and keep the area clean and free from refuse. Proceeds from the bins go to Central Presbyterian’s Mission budget which is used to help furnish the Little Food Pantry and the four (4) little libraries around town. In addition to this, proceeds also go to local outreach programs such as support for Marvin Elementary’s snack program for low income children.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 19 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**

Staff received two (1) letter of support for the proposed development.

**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. PON Responses
2. Operational Plan
3. Concept Exhibit
4. Location Photo

**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  
Senior Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP  
Executive Director of Development Services  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
170687	SOUTHWESTERN BELL TELEPHONE CO ATTN: SBC PROPERTY TAX ADMIN	1010 PINE 9E-L-01	ST LOUIS	MO	63101
170630	VIEN LADD	1015 FERRIS AVE	WAXAHACHIE	TX	75165
170648	BELL CAMARA	201 OLDHAM	WAXAHACHIE	TX	75165
170644	GULLETT JARED G & KELLY N GULLETT	204 OLDHAM	WAXAHACHIE	TX	75165
170639	MCDANIEL CLARK W & ARIEL	205 OLDHAM ST	WAXAHACHIE	TX	75165
170642	CHAVEZ JUAN & CARMEN L	303 N FLAT ST	WAXAHACHIE	TX	75165
170679	BAYLOR HEALTH CARE SYSTEM ATTN: BRAD GAHM	3600 GASTON AVE STE 150	DALLAS	TX	75246
170652	ESPARZA OFELIA L/E	413 REDELL ST	GARLAND	TX	75040
170710	SCHNEIDER JOHN H & CONNIE	414 N COLLEGE ST	WAXAHACHIE	TX	75165
170709	KELLEY RAYMOND & JANICE P	418 N COLLEGE ST	WAXAHACHIE	TX	75165
170676	SIEGEL JAMES & LINDSAY	514 N ROGERS ST	WAXAHACHIE	TX	75165
170640	ZURAWSKI GERARD & SANDRA M TRUSTEES	7620 JORDAN LN	MIDLOTHIAN	TX	76065
220297	COVENANT LIFE CHRISTIAN CENTER	P O BOX 2509	WAXAHACHIE	TX	75168
170662	UNITED STATES POSTAL SERVICE	P O BOX 27497	GREENSBORO	NC	27498
170635	LOREN GRAY INVESTMENTS LLC	PO BOX 2868	WAXAHACHIE	TX	75168
170631	CENTRAL PRESBYTERIAN CHURCH	PO BOX 38	WAXAHACHIE	TX	75168
193309	CENTRAL PRESBYTERIAN CHURCH	PO BOX 38	WAXAHACHIE	TX	75168
170680	ROBINSON ALEX J DR	PO BOX 777	WAXAHACHIE	TX	75168
170647	NO INFORMATION FOUND				

(17)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-136-2021

RECEIVED SEP 15 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 28, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 4, 2021 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 Patty Dickerson, for a **Specific Use Permit (SUP)** for a **Clothing Recycling Bin** located at 402 N College Street (Property ID 193309 & 170631) - Owner: CENTRAL PRESBYTERIAN CHURCH (ZDC-136-2021)

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-136-2021

City Reference: 170635

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, September 21, 2021** 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:

Signature

Brad Yates member  
Printed Name and Title

Date

9/13/21  
PO Box 2868  
Waxahachie, TX 75168  
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.*



Officer Michael Carrillo

Planning & Zoning

City of Waxahachie

401 S. Rogers

Waxahachie, Texas 75165

August 9, 2021

On behalf of Central Presbyterian Church, we request waiver of the fee for a special use permit for our recycling bins located on our church property. These bins are used for church member and community member clothing, bedding and shoe donations and recycling. The application for special use permit is submitted with this letter. At the time we obtained this recycling bin in 2014, I was told no permit was required by the city as they would be on church property only.

We receive a small percentage of the processing fees which we use in our mission work here at Central. The sum of approximately \$100/month we receive goes into our Mission budget which we use around our community to furnish our Little Food Pantry, the 4 Little Libraries we support around town ( on our church property at Bethlehem, at the Coventry Church across the street from us, at the Water St. Baptist Church and at the African American Museum). We take breakfast to teachers at Marvin Elementary on our street, support their snack program for low income children and purchase garden supplies for our community garden located on church property.

These bins are located on our church property and we commit to maintain them, keep the area clean and free from refuse around them and to have them emptied on a weekly schedule.

We appreciate your consideration of our request.



Patty Dickerson, ruling elder

Chairman Earth Care Congregation Ministry Team



Google Maps 504 N Jackson St

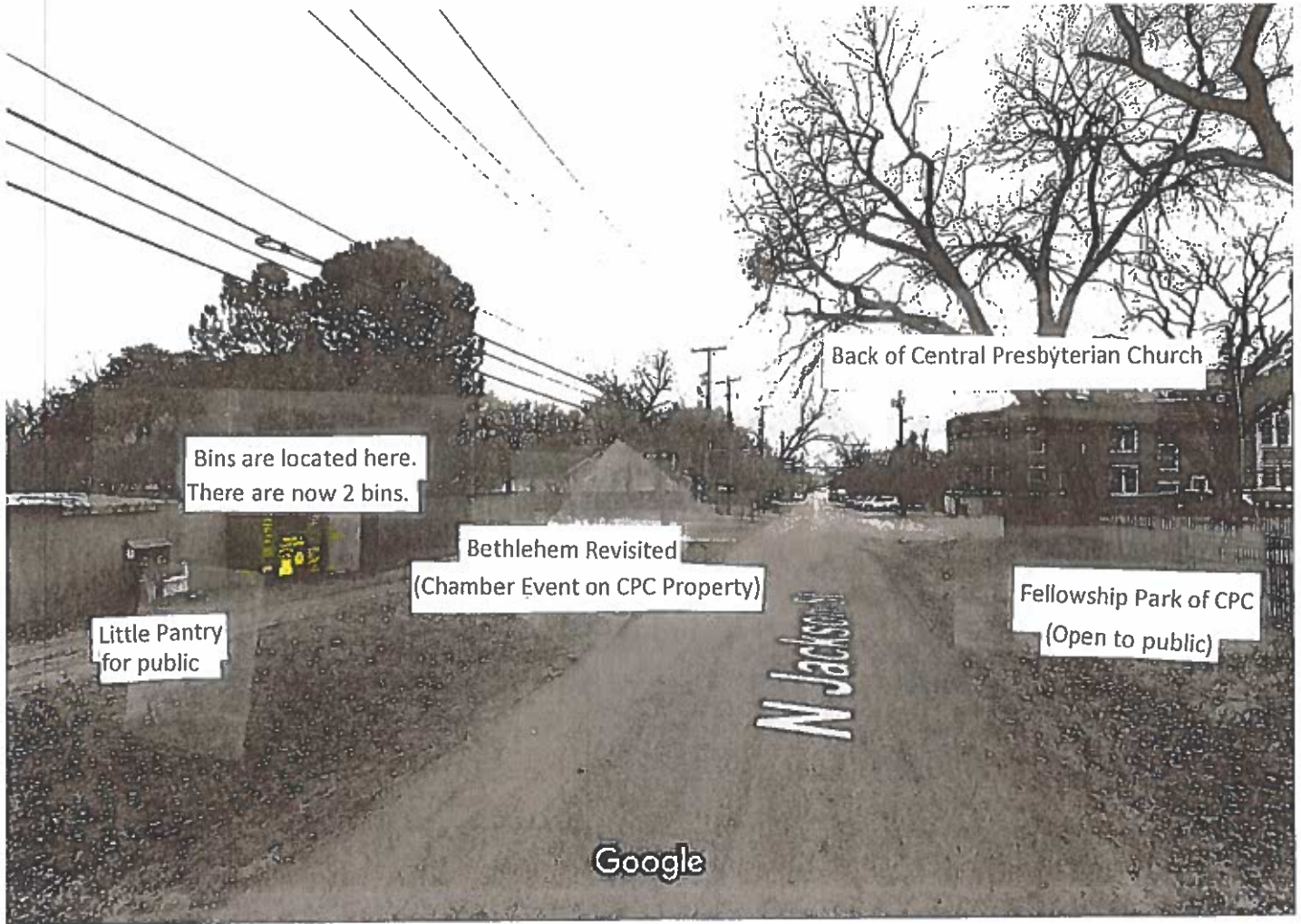


Image capture: Feb 2021 © 2021 Google

View from Jackson Street looking South

Waxahachie, Texas



Street View - Feb 2021



The property location is 204 East Parks. Bethlehem Revisited is on the corner of East Parks and North Jackson. The World Wear bins are facing North Jackson Street. The bins are visible from the church office. This makes it easier to maintain the area keeping it clear and clean. It is also visible to visitors to Fellowship Park and to those who utilize the Little Food Pantry.

(17)

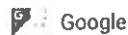
# Google Maps 504 N Jackson St



Image capture: Feb 2021 © 2021 Google

View from Jackson Street looking North

Waxahachie, Texas



Street View - Feb 2021



The property location is 204 East Parks. Bethlehem Revisited is on the corner of East Parks and North Jackson. The World Wear bins are facing North Jackson Street. The bins are visible from the church office. This makes it easier to maintain the area keeping it clear and clean. It is also visible to visitors to Fellowship Park and to those who utilize the Little Food Pantry.

Planning & Zoning Department  
Zoning Staff Report

(19)



Case: ZDC-105-2021

**MEETING DATE(S)**

*Planning & Zoning Commission:* September 28, 2021 (continued from August 24, 2021)

*City Council:* October 4, 2021

**ACTION SINCE INITIAL STAFF REPORT**

On July 8, 2021, 2021 the applicant requested to continue case number ZDC-105-2021 from the July 27, 2021 Planning and Zoning Commission meeting agenda and the August 2, 2021 City Council meeting agenda to the August 10, 2021 Planning and Zoning Commission meeting agenda, and the August 16, 2021 City Council meeting agenda.

On August 5, 2021, 2021 the applicant requested to continue case number ZDC-105-2021 from the August 10, 2021 Planning and Zoning Commission meeting agenda and the August 16, 2021 City Council meeting agenda to the August 24, 2021 Planning and Zoning Commission meeting agenda, and the September 7, 2021 City Council meeting agenda.

At the August 24, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case number ZDC-105-2021 to the September 28, 2021 Planning and Zoning meeting.

**CAPTION**

**Public Hearing** on a request by Josh Dunlap, for a **Zoning Change** from a Planned Development-General Retail to Planned Development-Multiple Family-2 zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)

**APPLICANT REQUEST**

The applicant is requesting approval of a Planned Development to allow for 101 multi-family (hybrid/cottage style housing) units on 7.9 acres.

**CASE INFORMATION**

*Applicant:* Josh Dunlap  
*Property Owner(s):* Gibson & Gibson, LLC.  
*Site Acreage:* 7.9 acres  
*Current Zoning:* Planned Development-General Retail  
*Requested Zoning:* Planned Development-Multi-Family-2

**SUBJECT PROPERTY**

*General Location:* 809 Dr. Martin Luther King Jr. Blvd.

*Parcel ID Number(s):* 205458 and 171253

*Existing Use:* Currently Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF3	Railroad
East	SF3	Single Family Residences
South	SF3	Single Family Residences
West	SF3 & PD-GR	Single Family Residences & Retail Strip Center

*Future Land Use Plan:* Low Density Residential

*Comprehensive Plan:* Low Density Residential category is representative of smaller single family homes and some duplex units. The majority of Waxahachie’s current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

*Thoroughfare Plan:* The subject property is accessible via Dr. Martin Luther King Jr. Blvd. and N. Young St.

*Site Image:*



## **PLANNING ANALYSIS**

### **Purpose of Request:**

The applicant is requesting approval of a Planned Development to allow for 101 multi-family (hybrid/cottage style housing) units on 7.9 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be reviewed by City Council.

### **Proposed Use:**

The applicant is requesting approval for a Planned Development (Gibson Crossing) to accommodate development of 101 multi-family units (44 one bedroom/57 two bedroom) on 7.9 acres. The applicant is proposing hybrid/cottage style housing, which combines elements of traditional single family and multi-family development. Hybrid/cottage style housing occasionally includes a mixture of detached and attached units on a single lot. The proposed density for the development will be 11.5 units per acre, and will also offer features such as (*but not limited to*) pool, outdoor courtyard/common area, on-site maintenance, dog park, and valet trash and recycling services.

## **CHANGES FROM THE 08/24/2021 PZ MEETING**

- Reduced total parking from 235 to 190
  - o Reduced street parking spots from 150 to 107
  - o Reduced visitor parking spots from 31 to 29
- Increased interior landscaping for the development

## **STAFF ANALYSIS:**

The City has concerns with access to the site. Although the concept plan depicts two points of access from Dr. Martin Luther King Jr. Blvd. and N. Young St., staff has concerns regarding the primary access for the development. Staff suggests that the applicant provide two lanes each of ingress/egress for the connection of Dr. Martin Luther King Jr. Blvd. to the entrance of the development. As the development is currently presented, if the primary access point to the development (Dr. Martin Luther King Jr. Blvd.) was impassable for any reason, a fire truck would not be able to access the development from N. Young St. A fire truck would need a 24ft. wide fire lane. N. Young St. is estimated to only provide a 15ft. wide access. If the applicant cannot provide the required access to support the development, staff suggests that the project be denied.

## **STAFF CONCERNS:**

### **Access**

Two lanes each of ingress/egress is required for the primary point of access to the development (Dr. Martin Luther King Jr. Blvd.). The applicant is currently proposing one lane of ingress/egress for the primary point of access to the development. If the primary access point to the development (Dr. Martin Luther King Jr. Blvd.) was impassable for any reason, a fire truck would not be able to access the development from N. Young St. If the applicant cannot provide the required access to support the development, staff suggests that the project be denied.

The proposed site plan provided by the applicant also depicts the primary access point to MLK Blvd as being only 20ft. wide for some segments. This is less than the required 24ft. wide fire lane.

- In addition to access concerns, staff realized there is an existing 17ft. railroad easement located between the subject property and the vacant land located east of the subject property (Parcel ID: 171254). The existing easement adds further concerns for staff in regards to the applicant creating an additional access point to the development.

### Parking

As per Sec. 5.05 of the City of Waxahachie Zoning Ordinance, at least half of the required minimum off-street parking spaces shall be fully enclosed garages. For this development, 76 attached garage parking spaces would be required, however, no attached fully enclosed garages are proposed as part of this development.

Additionally, as shown in the attached site plan, the applicant is proposing 36 detached garage parking spaces. However, per Sec. 5.05, garages shall be set back a minimum of eight (8) feet from the circulation aisle. The proposed garages in this development show no setback from the circulation aisle.

### Screening

Due to being adjacent to Single Family zoning, a minimum 6ft. masonry screening wall is required to surround the development. Currently, the applicant is proposing to provide a 6ft. ornamental iron fencing to surround the development.

- Staff suggests that the applicant incorporate masonry columns every 30ft. with the proposed ornamental iron fencing.

### Elevation/Façade

The proposed development contains 53 individual buildings to be used as dwelling units. The applicant is only providing three (3) unique elevation types for the entire development. Staff has concern regarding the repetition of building elevations within the development, due to the number of buildings and minimal elevations proposed. Though the applicant provides several façade variations, staff suggests that the applicant provide a more diverse array of building elevations.

### **SPECIAL EXCEPTION/VARIANCE REQUEST:**

#### Access

Two lanes each of ingress/egress is required for the primary point of access to the development (Dr. Martin Luther King Jr. Blvd.).

- The applicant is currently proposing one lane of ingress/egress for the primary point of access to the development.

#### Masonry Screening Wall

Due to being adjacent to Single Family zoning, a minimum 6ft. masonry screening wall is required to surround the development.

- The applicant is proposing to provide a 6ft. ornamental iron fencing to surround the development. Staff suggests that the applicant incorporate masonry columns every 30ft. with the proposed ornamental iron fencing.

### Parking

Per Sec. 5.05 of the City of Waxahachie Zoning Ordinance, at least half of the required minimum off-street parking spaces shall be fully enclosed garages.

- For this development, 76 attached garage parking spaces would be required, however, no attached fully enclosed garages are proposed as part of this development.

Additionally, as shown in the attached site plan, the applicant is proposing 36 detached garage parking spaces. However, per Sec. 5.05, garages shall be set back a minimum of eight (8) feet from the circulation aisle. The proposed garages in this development show no setback from the circulation aisle.



**APPLICANT RESPONSE TO CONCERNS**

(19)

- 1. The applicant understands staff’s concerns and intends to state their reasoning at the September 28, 2021 Planning and Zoning meeting.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 83 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**

Staff has received eleven (11) letters of opposition for the proposed development.

- The 11 letters of opposition for the development was submitted by 1 property owner.

**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  
Due to staff concerns, staff is recommending denial.
- Approval, as presented.
- Approval, per the following comments:

**ATTACHED EXHIBITS**

- 1. Property Owner Notification Responses
- 2. City of Waxahachie Fire Department Response Letter
- 3. Gibson Crossing Exhibit Packet

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

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

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

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
171242	BUSBY JAMES	0.561	LOT 1 BLK 174 TOWN 0.561 AC	575 LEE DR	COPELL	TX	75019	YOUNG ST WAXAHACHIE TX 75165
171243	WILLIAMS HELEN L	0.217	LOT PT 2 BLK 174 TOWN 0.217 AC	114 MUNCHUS ST	WAXAHACHIE	TX	75165	207 YOUNG ST WAXAHACHIE TX 75165
171248	GIBSON & GIBSON LLC	0.14	LOT 3A BLK 173 TOWN 0.14 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	803 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171250	CERRITOS JUAN C	0.24	LOT 4C BLK 173 TOWN 0.24 AC	803 DR MARTIN LUTHER KING JR BLVD	WAXAHACHIE	TX	75165	803 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171251	KOFAR GROUP	0.459	LOT 4 BLK 173 TOWN 0.459 AC	3010 RED RIVER CT	WAXAHACHIE	TX	75167	807 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171253	GIBSON & GIBSON LLC	1.91	LOT 1 BLK 171 TOWN 1.91 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	809 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
171256	COLE LEVADA M & TIMOTHY R SCROGGINS	0.382	LOT 1A BLK 173 TOWN 0.382 AC	202 YOUNG ST	WAXAHACHIE	TX	75165	206 YOUNG ST WAXAHACHIE TX 75165
171286	SARGENT BRODERICK L	0.5135	6C 158 TOWN 0.5135 ACRES	224 FRIERSON ST	WAXAHACHIE	TX	75165	224 FRIERSON ST WAXAHACHIE TX 75165
171307	ISSOKSON MICHAEL	0.154	LOT 8A BLK 178 TOWN 0.154 AC	518 HOLLY LAKE	DUNCANVILLE	TX	75116	116 HENRY ST WAXAHACHIE TX 75165
171316	PACE BROTHERS CUSTOM HOMES LLC	0.468	LOT 6 BLK 178 TOWN 0.468 AC	2607 SYLVAN AVE	DALLAS	TX	75212	110 HENRY ST WAXAHACHIE TX 75165
171318	BUSBY JAMES G	1.58	LOT 1 BLK 177 TOWN 1.58 AC	575 LEE DR	COPELL	TX	75019	YOUNG ST WAXAHACHIE TX 75165
171321	NEWTON R D	0.718	LOT 3 & 7 BLK 178 TOWN 0.718 AC	408 WYATT ST	WAXAHACHIE	TX	75165	408 WYATT ST WAXAHACHIE TX 75165
171328	SCOTT RONALD W & KIMBERLY R	0.098	LOT 2J BLK 175 TOWN 0.098 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	305 FRIERSON ST WAXAHACHIE TX 75165
171338	LORDUY CARLOS	0.31	LOT 3 BLK 174 TOWN 0.31 AC	205 YOUNG ST	WAXAHACHIE	TX	75165	205 YOUNG ST WAXAHACHIE TX 75165
171339	SCOTT RONALD W & KIMBERLY R	0.603	LOT 1 & 2A BLK 175 TOWN 0.603 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	200 YOUNG ST WAXAHACHIE TX 75165
171340	SCOTT RONALD W & KIMBERLY R	0.098	LOT 2B BLK 175 TOWN 0.098 AC	305 FRIERSON ST	WAXAHACHIE	TX	75165	201 YOUNG ST WAXAHACHIE TX 75165
173252	CADE B G ESTATE	0.115	15 FAIRVIEW 0.115 ACRES	2208 DEBRA CT DR	FORT WORTH	TX	75112	812 MLK WAXAHACHIE TX 75165
173253	MITCHELL SHANTESSA A	0.172	LOT 16 FAIRVIEW 0.172 AC	814 DR MARTIN LUTHER KING JR DR	WAXAHACHIE	TX	75165	814 MARTIN LUTHER KING DR WAXAHACHIE TX 75165
173254	FLOWERS SHELBY JR	0.582	LOT 17-20 FAIRVIEW 0.582 AC	121 JM ST	WAXAHACHIE	TX	75165	106 GETZENANDER RD WAXAHACHIE TX 75165
173259	PATLAN JUAN D	0.115	LOT 17 FAIRVIEW 0.115 ACRES	503 S SHERMAN STREET	ENNIS	TX	75119	806 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
173260	GAY JANIS R ETAL	0.115	13 FAIRVIEW 0.115 ACRES	4378 VANALDS DR	FLORISSANT	MO	63033	808 MLK WAXAHACHIE TX 75165
173261	FANTON HECTOR J & GINA E	0.115	LOT 14 FAIRVIEW 0.115 AC	810 MLK	WAXAHACHIE	TX	75165	810 MLK WAXAHACHIE TX 75165
174076	ROSS FOSTER R	0.119	LOT 1 HIGHLAND PARK 0.119 AC	1317 CARDIGAN LN	DESOTO	TX	75227	100 PERRY ST WAXAHACHIE TX 75165
174781	WILLIAMS ROBERT C	0.124	LOT 4A MATTHEWS 0.124 AC	724 BYRON RD	WILMER	TX	75172	900 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
174782	POOLE BILLIE JEAN WILLIAMS	0.115	LOT 48 SA 6C 8C MATTHEWS-REV 0.115 AC	724 BYRON	WILMER	TX	75172	101 GETZENANDER ST WAXAHACHIE TX 75165
174783	PITTS ALBERT R	0.178	58.6A 60.7C ALLEY MATTHEWS 0.178 ACRES	103 S GETZENANDER ST	WAXAHACHIE	TX	75165	103 GETZENANDER ST WAXAHACHIE TX 75165
174790	WILLIAMS ROONEY	0.146	LOT 3 MATTHEWS 0.146 AC	724 BYRON RD	WILMER	TX	75172	902 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
175059	ROSS FOSTER R JR & LINDA F	0.118	4.13 HW NOWLIN 0.118 ACRES	1317 CARDIGAN LN	DESOTO	TX	75113	104 GETZENANDER ST WAXAHACHIE TX 75165
175066	JACKSON RENARD	0.145	2.13 HW NOWLIN 0.145 ACRES	2715 TRANQUIL WAY	DALLAS	TX	75237	905 MARTIN LUTHER KING DR WAXAHACHIE TX 75165
175067	JACKSON FRONCELL	0.204	3.13 HW NOWLIN 0.204 ACRES	2715 TRANQUIL WAY	DALLAS	TX	75237	907 MLK WAXAHACHIE TX 75165
175094	SARGENT BRODERICK	0.095	36B 37A OAKLAWN 0.095 ACRES	224 FRIERSON ST	WAXAHACHIE	TX	75168	208 HENRY ST WAXAHACHIE TX 75165
175099	AMERITEX HOMES LLC	0.146	LOT 29 OAKLAWN 0.146 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	302 HENRY ST WAXAHACHIE TX 75165
175100	TATUM EDGAR ETAL	0.17	LOT 30-32 OAKLAWN 0.17 AC	618 OVERLOOK DR	MIDLOTHIAN	TX	73055	300 HENRY ST WAXAHACHIE TX 75165
175104	IBRAHIM AISHA N	0.121	LOT 35 & PT 36A OAKLAWN 0.121 AC	3010 RED RIVER RT CT	WAXAHACHIE	TX	75167	212 HENRY ST WAXAHACHIE TX 75165
175106	JOHNSON LESTER B & HENRIETTA	0.063	25 OAKLAWN 0.063 ACRES	312 HENRY ST	WAXAHACHIE	TX	75165	312 HENRY ST WAXAHACHIE TX 75165
175107	MMS ARTIE MAE	0.078	26 OAKLAWN 0.078 ACRES	414 N FLAT ST	WAXAHACHIE	TX	75165	210 HENRY ST WAXAHACHIE TX 75165
175108	JEFFERSON JOSEPH	0.098	LOT 27 OAKLAWN 0.098 AC	433 OLD HWY 287	WAXAHACHIE	TX	75165	308 HENRY ST WAXAHACHIE TX 75165
175109	AMERITEX HOMES LLC	0.124	LOT 38 OAKLAWN 0.124 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	305 HENRY ST WAXAHACHIE TX 75165
175113	MALONE SYLVESTER	0.034	LOT 22 OAKLAWN 0.034 AC	219 NORTHGATE DR	WAXAHACHIE	TX	75165	318 HENRY ST WAXAHACHIE TX 75165
175115	ESCOBEDO GIBBERTO JR	0.179	LOT 13R OAKLAWN REV 0.179 AC	1100 PIERCE RD	RED OAK	TX	75154	309 HENRY ST WAXAHACHIE TX 75165
175118	ROBINSON MATTHEW L & JESSIE G	0.063	17 OAKLAWN 0.063 ACRES	317 HENRY ST	WAXAHACHIE	TX	75165	317 HENRY ST WAXAHACHIE TX 75165
175120	VAZQUEZ LUIS E	0.092	LOT 8 OAKLAWN 0.092 AC	211 HENRY ST	WAXAHACHIE	TX	75165	211 HENRY ST WAXAHACHIE TX 75165
175121	HANCOCK WILLARD	0.096	LOT 9 OAKLAWN 0.096 AC	16148 VALLEY VIEW RD	FORNEY	TX	75126	301 HENRY ST WAXAHACHIE TX 75165
175122	GRIFFITH AGUILAR CRISTIAN	0.096	LOT 10 OAKLAWN 0.096 AC	303 HENRY ST	WAXAHACHIE	TX	75165	303 HENRY ST WAXAHACHIE TX 75165
175123	AMERITEX HOMES LLC	0.092	LOT 11 OAKLAWN 0.092 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	305 HENRY ST WAXAHACHIE TX 75165
175124	AMERITEX HOMES LLC	0.092	LOT 12 OAKLAWN 0.092 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	307 HENRY ST WAXAHACHIE TX 75165
175126	MC KENZIE HENRY C	0.08	LOT 4 OAKLAWN 0.08 AC	301 HENRY ST	WAXAHACHIE	TX	75165	203 HENRY ST WAXAHACHIE TX 75165
175127	FLOWERS GERALD M & TRACY L	0.08	5 OAKLAWN 0.08 ACRES	203 HENRY ST	WAXAHACHIE	TX	75165	205 HENRY ST WAXAHACHIE TX 75165
175128	FLOWERS GERALD M & TRACY L	0.086	6 OAKLAWN 0.086 ACRES	207 HENRY ST	WAXAHACHIE	TX	75165	207 HENRY ST WAXAHACHIE TX 75165
175129	CUP HOLDINGS LLC	0.092	LOT 7 OAKLAWN 0.092 AC	PO BOX 294	LAYTON	UT	84041	209 HENRY ST WAXAHACHIE TX 75165
175133	VIEN LADD	0.247	LOT 1 OAKLAWN 0.247 AC	1015 FERRIS AVE	WAXAHACHIE	TX	75165	115 HENRY ST WAXAHACHIE TX 75165
175856	MC GRUDER SHEILA Y	0.115	11 2 TEMPLE 0.115 ACRES	107 CHURCH ST	WAXAHACHIE	TX	75165	109 KINCHUM ST WAXAHACHIE TX 75165
175857	AMERITEX HOMES LLC	0.115	LOT 12 BLK 2 TEMPLE-REV 0.115 AC	14643 DALLAS PKWY STE 1050	DALLAS	TX	75254	111 KINCHUM ST WAXAHACHIE TX 75165
175858	BUCKLEY JOHN	0.09	LOT 13 BLK 2 TEMPLE-REV 0.09 AC	113 KINCHUM	WAXAHACHIE	TX	75165	113 KINCHUM ST WAXAHACHIE TX 75165
175859	JONES LARRY & LARONDA HAYES	0.23	LOT 2-3 BLK 2 TEMPLE-REV 0.23 AC	3720 PERWINKLE DR	FORT WORTH	TX	76137	108 MYERS ST WAXAHACHIE TX 75165
175864	JEFFERSON LUKA & ELLA	0.115	3 1 TEMPLE 0.115 ACRES	305 SADLER ST	WAXAHACHIE	TX	75165	105 MYERS ST WAXAHACHIE TX 75165
175886	BALL FLOYD	0.115	LOT 5 BLK 1 TEMPLE-REV 0.115 AC	205 N GETZENANDER ST	WAXAHACHIE	TX	75165	205 GETZENANDER ST WAXAHACHIE TX 75165
175887	JONES KATHERINE	0.109	LOT 1 BLK 2 TEMPLE-REV 0.109 AC	110 MYERS ST	WAXAHACHIE	TX	75165	110 MYERS ST WAXAHACHIE TX 75165
175872	POLK CURTIS LEE	0.101	1 1 TEMPLE 0.101 ACRES	209 DUNLAP ST	WAXAHACHIE	TX	75165	109 MYERS ST WAXAHACHIE TX 75165
175935	DOMINGUEZ CARLOS & COSTILLA ELIZABETH M	0.148	LOT 1-2 BLK 4 TEMPLE-REV 0.148 AC	112 RYBURN ST	WAXAHACHIE	TX	75165	112 RYBURN ST WAXAHACHIE TX 75165
175943	HERNANDEZ PRICILIANO P & ALICIA Z PEREZ	0.115	LOT 11 BLK 3 TEMPLE-REV 0.115 AC	108 RYBURN ST	WAXAHACHIE	TX	75165	107 RYBURN ST WAXAHACHIE TX 75165
175944	PEREZ PRISCILIANO & ALICIA	0.249	LOT 12 13 BLK 3 TEMPLE-REV 0.249 AC	109 RYBURN ST	WAXAHACHIE	TX	75165	109 RYBURN ST WAXAHACHIE TX 75165
175946	TAYLOR FREDDIE M ETAL	0.145	LOT 3R BLK 3 TEMPLE-REV 0.145 AC	1313 STAFFORD DR	FT WORTH	TX	76134	110 KINCHUM ST WAXAHACHIE TX 75165
175947	LOPEZ ANTONIO D JR	0.257	LOT 4R BLK 3 TEMPLE-REV 0.257 AC	325 CREEKSIDE WAY	WAXAHACHIE	TX	75165	104 KINCHUM ST WAXAHACHIE TX 75165
187149	COLWELL JOHN P	0.58	TR 1 170 TOWN 0.58 ACRES	P O BOX 892	WAXAHACHIE	TX	75168	MAINGE ZENANDER RR WAXAHACHIE TX 75165
197780	BLACK GIBSON & WATERS INC	1.289	LOT 3 BLK 171 TOWN 1.289 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	809 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
205449	KOFAR GROUP	1	LOT PT2 BLK 171 TOWN 1 AC	3010 RED RIVER CT	WAXAHACHIE	TX	75167	DR MARTIN LUTHER KING JR BLVD WAXAHACHIE TX 75165
205450	GIBSON & GIBSON LLC	7	LOT P1 BLK 171 TOWN 7 AC	105 CRYSTAL COVE	WAXAHACHIE	TX	75165	E MAIN ST WAXAHACHIE TX 75165
230532	SARGENT BRODERICK	0.094	LOT PT 2 BLK 174 TOWN 0.094 AC	224 FRIERSON	WAXAHACHIE	TX	75168	FRIERSON ST WAXAHACHIE TX 75165
262506	MULTIPLE OWNERS	0.6355	LOT 2AR BLK 173 TOWN 0.6355 AC	224 FRIERSON	WAXAHACHIE	TX	75168	202 YOUNG ST WAXAHACHIE TX 75165
274974	SUTTON WAYNE	0.543	LOT 1 BLK 13 SUTTON ADDN 0.543 AC	PO BOX 2061	WAXAHACHIE	TX	75168	809 MARTIN LUTHER KING DR WAXAHACHIE TX 75165
174101	PROPERTY OWNER	0		200 N GETZENANDER AVE	WAXAHACHIE	TX	75165	200 N GETZENANDER AVE WAXAHACHIE TX 75165

(19)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

RECEIVED JUL 16 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 2, 2021 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 Josh Dunlap, for a Zoning Change from a Planned Development-General Retail zoning district to Planned Development-Multiple Family, located at 809 Dr Martin Luther King Jr Blvd (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)

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-105-2021 City Reference: 175125

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SUPPORT  OPPOSE

Comments: limited pro. Ange & density issues

[Signature]  
Signature  
Brad Yates member  
Printed Name and Title

7/16/21  
Date  
Box 2868 Wax. Tx.  
Address  
75168

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

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

(19)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-105-2021**

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WAXAHACHIE, TX 75168

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Case Number: **ZDC-105-2021**

City Reference: 175134

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SUPPORT

OPPOSE

Comments:

limited frontage & density issues  
next to a single family PD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

PO Box 2868  
Wax. Tx. 75168  
Address

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(19)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

RECEIVED JUL 16 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175849

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SUPPORT

OPPOSE

Comments:

limited frontage & density issues  
next to a single family PD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax. TX.  
Address

75168

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(19)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

RECEIVED JUL 16 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175865

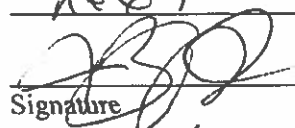
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SUPPORT

OPPOSE

Comments:

limited frontage & density issues  
next to a single family PD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax,  
Address TX. 75168

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(19)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175873

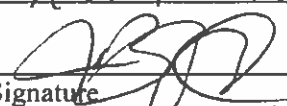
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SUPPORT

OPPOSE

Comments:

limited frontage & density concerns next to a single family AD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax.  
Address TX. 75168

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(19)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-105-2021**

RECEIVED JUL 16 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 2, 2021 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: **ZDC-105-2021**

City Reference: 171254

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SUPPORT

OPPOSE

Comments:

limited access + frontage & density concerns  
next to a single family PD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax.  
Address TX. 75168

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175095

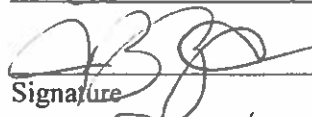
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SUPPORT

OPPOSE

Comments:

limited access & frontage & density  
concerns next to a single family PD

  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax.  
Address TX. 75168

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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Case Number: ZDC-105-2021

City Reference: 175096

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SUPPORT

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Comments:

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concerns next to a single family PD

BJD  
Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax.  
Address  
TX 75168

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175105

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SUPPORT

OPPOSE

Comments:

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Signature

7/16/21  
Date

Brad Yates member  
Printed Name and Title

Box 2868 Wax TX  
Address 75168

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175110

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SUPPORT

OPPOSE

Comments:

limited access & frontage & density  
concerns next to a single family PD

Signature

7/16/21

Date

Brad Yates member

Printed Name and Title

Box 2868 Wax.

Address

Tx. 75168

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City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-105-2021

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WAXAHACHIE, TX 75168

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Case Number: ZDC-105-2021

City Reference: 175116

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Date

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Printed Name and Title

Box 2868 Wax.

Address

TX 75168

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(19)

# WAXAHACHIE FIRE-RESCUE

407 Water Street Box 1045 • Waxahachie TX, 75168  
(469) 309-4200 Fax: (469) 309-4208

---

Fire Marshal John Rodgers  
407 Water Street  
Waxahachie, TX 75168  
jrodgers@waxahachiefire.org  
469-309-4203

August 11, 2021

RE: Gibson Crossing


All,

I would like to start by saying this is a very attractive development. The renderings are beautiful.

My concern is the proposed secondary ingress/egress road off of Young Street. 2018 International Fire Code 503.1.2 allows the fire code official to require more than one fire department access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climate conditions or other factors that could limit access.

This street is very narrow and congested and would not be adequate to support this size of a development. Fire department access roads need to be a minimum of 26' wide and Young Street is significantly less than that at only 14'.

As presented, I would not be in support of this particular layout for the reasons listed above.

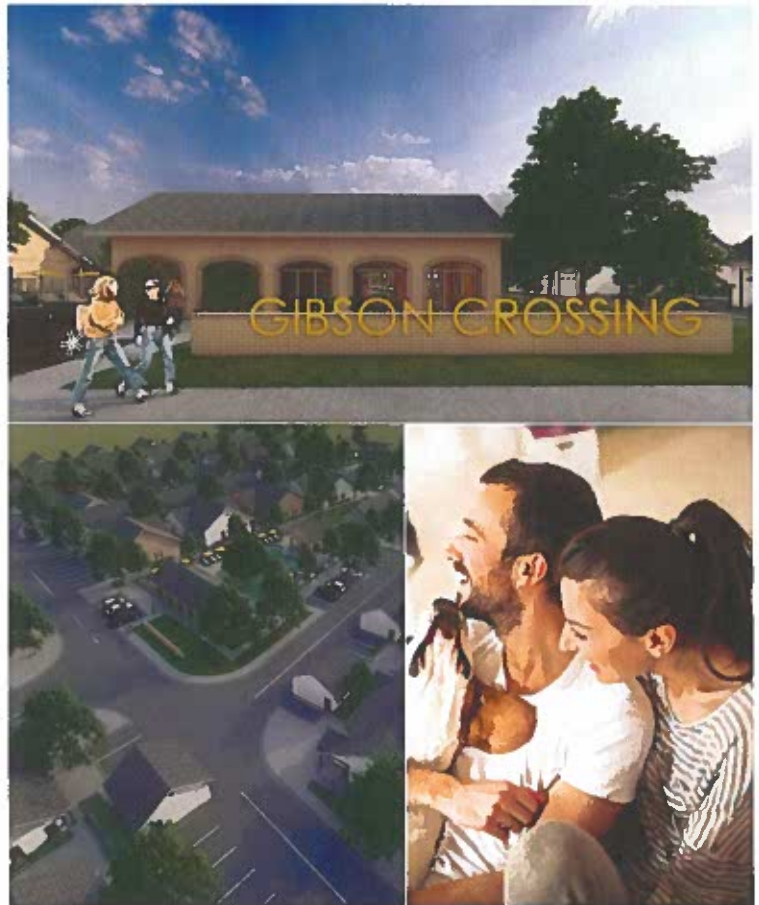


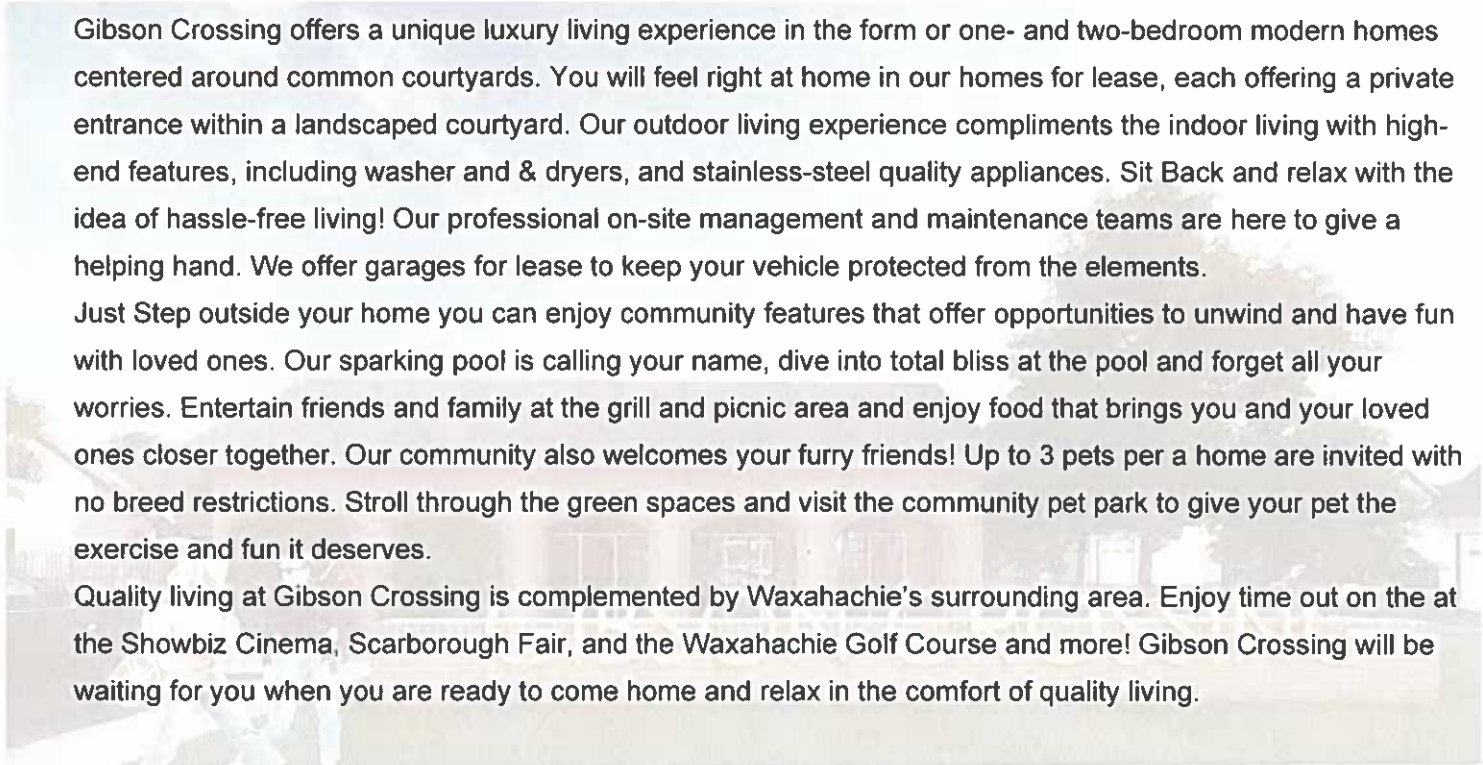
John Rodgers  
Fire Marshal



TABLE OF CONTENTS

- PROJECT NARRATIVE
  - PLANNED DEVELOPMENT PROVISIONS
  - AMENITIES LIST
  - SITE PLANS
  - STREET SECTIONS
  - ELEVATIONS
  - RENDERINGS
- WAXAHACHIE, TX  
September 15, 2021





Gibson Crossing offers a unique luxury living experience in the form of one- and two-bedroom modern homes centered around common courtyards. You will feel right at home in our homes for lease, each offering a private entrance within a landscaped courtyard. Our outdoor living experience compliments the indoor living with high-end features, including washer and & dryers, and stainless-steel quality appliances. Sit Back and relax with the idea of hassle-free living! Our professional on-site management and maintenance teams are here to give a helping hand. We offer garages for lease to keep your vehicle protected from the elements.

Just Step outside your home you can enjoy community features that offer opportunities to unwind and have fun with loved ones. Our sparkling pool is calling your name, dive into total bliss at the pool and forget all your worries. Entertain friends and family at the grill and picnic area and enjoy food that brings you and your loved ones closer together. Our community also welcomes your furry friends! Up to 3 pets per a home are invited with no breed restrictions. Stroll through the green spaces and visit the community pet park to give your pet the exercise and fun it deserves.

Quality living at Gibson Crossing is complemented by Waxahachie's surrounding area. Enjoy time out on the at the Showbiz Cinema, Scarborough Fair, and the Waxahachie Golf Course and more! Gibson Crossing will be waiting for you when you are ready to come home and relax in the comfort of quality living.



**PLANNED DEVELOPMENT PROVISIONS**

**Size/ Type of proposed buildings**

One bedroom unit – 650 SF

Two bedroom unit – 1062 SF

**Density – 11.5 units per acres**

**Building Height/ Stories –**

One Story/ Max Height 27'

**Landscaping and Screening –**

Cottages are organized around courtyards.

**Parking – 264 Spots**

**Lot Area – 8.9 acres**

**Lot Width/ Depth 700' x 640'**

**Setbacks (front, side, rear) 25', 17.5', 40'**

**Lot Coverage –**

Building Area = 91,945 SF - 24%

Streets and Parking = 85,078 SF - 22.3%

Sidewalks Impervious = 57,238 - 15%

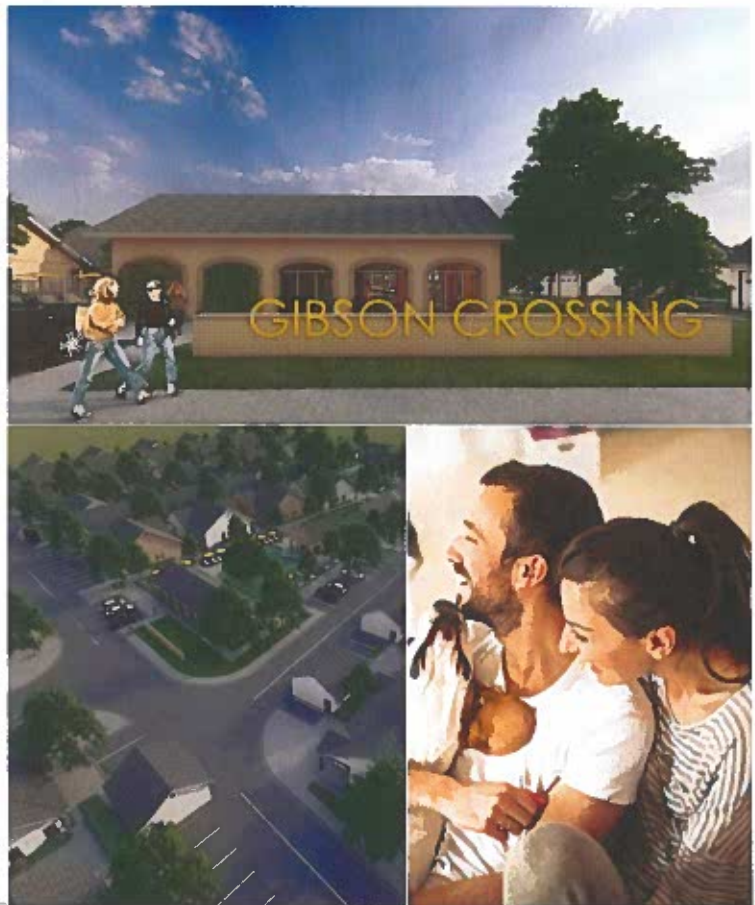
Sidewalks Pervious = 48,163 - 12.7%

Green Space = 99,161 SF - 26%

**Building Façade info (materials proposed, etc )**

Brick, Stone, Cementitious Siding

**Phasing of the development – No Phasing**



## COMMUNITY AMENITIES

- i. Pet Friendly – No Breed Restrictions
- ii. Pool
- iii. BBQ/ Picnic Area
- iv. Covered Parking
- v. 24/7 Emergency Maintenance
- vi. Concierge Lifestyle Services
- vii. Dog Park
- viii. Garages Available
- ix. On-Site Management

## IN-HOME FEATURES

- i. Shared Common Courtyards
- ii. Hard-Surface Flooring
- iii. Granite Countertops
- iv. Ceiling Fans
- v. Air Conditioner
- vi. High Ceilings
- vii. No Carpet
- viii. Stainless Appliances
- ix. Washer/ Dryer



B1	ONE BEDROOM	44
B2	TWO BEDROOM	57
TOTAL		101
PARKING		
P	STREET SPOTS	107
CP	COVER SPOTS	46
V	VISITOR SPOTS	29
HC	HANDICAP SPOTS	8
TOTAL		190



**GBSON CROSSING**  
 SHELBY | 13400  
 DALLAS, TX

September 15, 2021






12511 Maple Avenue, Suite 500 Dallas, TX 75244  
 214.343.8888 | www.bgstudio.com

B1 ONE BEDROOM	44	
B2 TWO BEDROOM	57	
TOTAL	101	
P1 GARAGE2	18	
ROD IRON FENCING		



NOTES:  
 DEVELOPMENT WILL BE ONE PLAT  
 BUILDINGS TO BE A MINIMUM OF 12 FT APART WITH 12" EAVE OVER HANG



- 150' RADIUS CIRCLE 
- 175' RADIUS CIRCLE 
- FIRE HYDRANTS 



ENTRY



STREET DIAGRAMS

CONNECTION

40' RAILROAD BUFFER | SETBACK

PURPOSED DETENTION | SETBACK

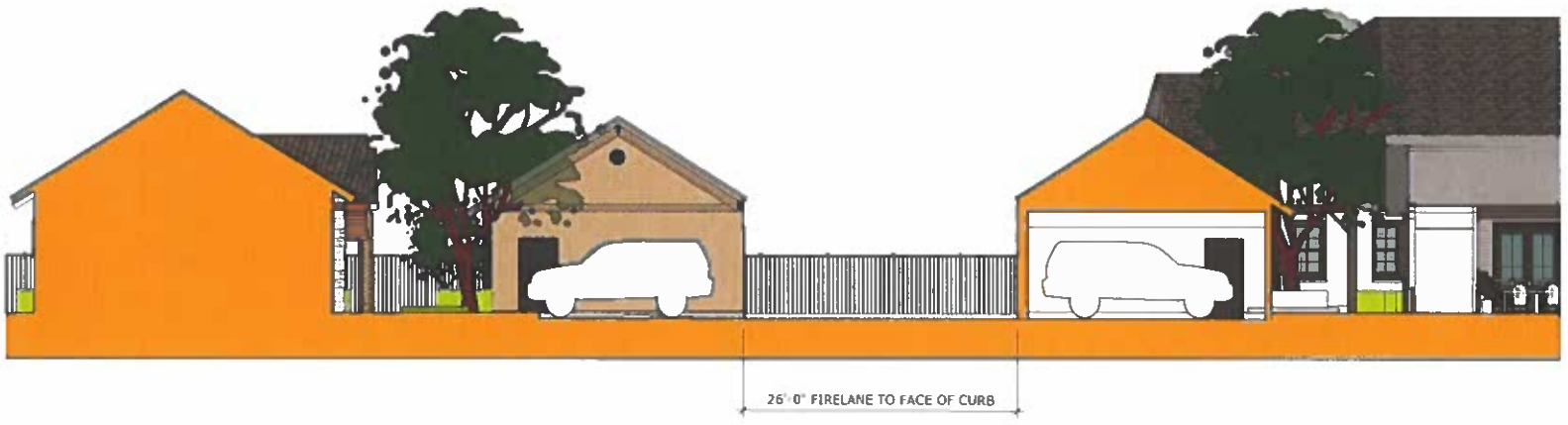
ENTRY





5' (SIDEWALK)      20'-0" (TWO LANE)      24' (FIRE LANE)      15'-0" (UTILITY EASEMENT)

5' (MEDIAN)



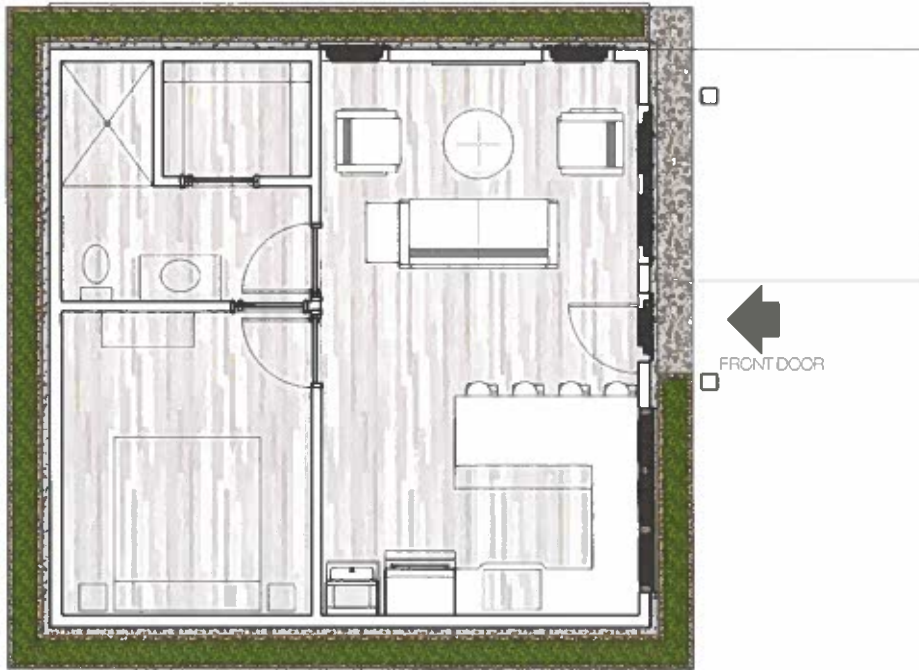




26'-0" FIRELANE TO FACE OF CURB



26'-0" FIRELANE TO FACE OF CURB



650 SF



1062 SF

























