

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

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

In an effort to reduce the spread of the virus, for the May 12, 2020 Planning & Zoning Commission meeting, ***individuals will not be allowed to physically attend the meeting***. Individuals will be able to address the Commission via telephone conference call on ***Public Hearing*** items only.

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

1 (346) 248-7799

(877) 853-5257

(888) 475-4499

Enter Meeting ID: 998 9845 3610

Enter Meeting Password: 840056

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

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

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

http://www.waxahachie.com/government/city_council/city_council_meeting_live_stream.php

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

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

A G E N D A

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

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

1. Call to Order
2. Invocation
3. ***Consent Agenda***

All matters listed under Item 3, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

- a. Minutes of the regular Planning & Zoning Commission meeting of April 28, 2020
4. ***Public Hearing*** on a request by Lance Rust for a **Replat** of Lot 11 Block A, Lone Elm Addition to create Lot 11 R-A and 11 R-B, Lone Elm Addition, 3.198 Acres (Property ID 275609) – Owner: Tres Group, LLC. (SUB-000018-2020)
5. ***Consider*** approval of SUB-000018-2020
6. ***Consider*** request by John Ed Justice, BKG Legacy Ranch 1, LLC for a **Replat** of Legacy Ranch Phase 1, Block A for 4 lots, being 2.540 acres situated in the J. Prince Survey, Abstract 844 (Property ID 267510, 279145, 267509, 279146) – Owner: BKG Legacy Ranch 1, LLC (SUB-000057-2020)
7. ***Consider*** request by Milan Simic, A&M Real Estate Development, LTD, for a **Plat** of Collett Acres for 5 residential lots being 11.053 acres situated in the J. Collett Survey, Abstract 221 (Property ID 181649) in the Extra Territorial Jurisdiction – Owner: A&M Real Estate Development, LTD (SUB-000046-2020)
8. ***Consider*** request by Robert Scruggs for a **Plat** of Scruggs Estates for 3 residential lots being 8.458 acres situated in the S. Durrett Survey, Abstract 272 (Property ID 182107) – Owner: Robert Scruggs (SUB-000015-2020)

9. **Public Hearing** on a request by Sheila Hollis for a **Replat** of Lots 23, 24, and 25 Block 5, University Addition to create Lots 22R and 24R Block 5, University Addition, 0.517 Acres (Property ID 176226) – Owners: Sheila H. Hollis, Paulette Thompson, Judy T. Tidwell (SUB-000059-2020)
10. **Consider** approval of SUB-000059-2020
11. **Consider** request by Vernon Witherspoon, First Look, for a **Final Plat** of Lakeridge II for 1 non-residential lot, being 2.684 acres situated in the Henry Levy Survey, Abstract 629 (Property ID 186874) – Owner: Ferris Avenue Baptist Church (SUB-000021-2020)
12. **Consider** request by Matthew Martinez, for a **Plat** of Jackson Ranch Subdivision, for 2 lots being 3.941 acres situated in the T.R. Follet Survey, Abstract 373 (Property ID 183524) in the Extra Territorial Jurisdiction – Owner: Andrew Jackson (PL-19-0162)
13. **Consider** request by Wes Dorough, JH Development, LLC. for a **Plat** of Sheppard’s Place Ph. 1 for 102 lots, being 24.735 acres situated in the E. Horton Survey, Abstract 466 (Property ID 185243) – Owner: Sheppard’s Place Development Co LLC, Sandlin Homes (SUB-000055-2020)
14. **Consider** request by Brian Carrington, Stantec Consulting Services Inc. for a **Final Plat** of Buffalo Ridge Phase 5 for 230 residential lots and 9 ‘X’ lots, being 60.798 acres situated in the W.C. Calder Survey, Abstract 235 and the W.T. Dunn Survey, Abstract 303 (Property ID 264869) – Owner: Bobby Samuel, GRBK Edgewood, LLC (SUB-000051-2020)
15. **Public Hearing** on a request by the City of Waxahachie to consider revoking, amending, or extending a **Specific Use Permit** (Ordinance 2616) at 500 Brown Industrial which allows for the use of metal granulators and crushers for the reclamation of vehicles, parts of vehicles, and other materials to be processed. (ZDC-000007-2020)
16. **Consider** approval of ZDC-000007-2020
17. Adjourn

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

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

Notice of Potential Quorum

***One or more members of the Waxahachie City Council may be present at this meeting.
No action will be taken by the City Council at this meeting.***

(3a)

Planning and Zoning Commission
April 28, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, April 28, 2020 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Others Present: Shon Brooks, Director of Planning
Colby Collins, Senior Planner
Tommy Ludwig, Assistant City Manager
Lori Cartwright, City Secretary
Mary Lou Shipley, Council Representative

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

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

3. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of April 14, 2020

Action:

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

4. **Consider request by Jesus H. Sigala, for a Plat of Sigala Addition for 2 residential lots being 5.390 acres situated in the W.C. Calder Survey, Abstract 235 and the S.C. White Survey 1249 (Property ID 181796) in the Extra Territorial Jurisdiction – Owner: Jesus H. Sigala and Johanna H. Sigala, LTD (SUB-000046-2020)**

Mr. Colby Collins reported the applicant is requesting for a plat that will divide the original lot into 2 separate lots, both for residential use. He reported water flow is available and recommended approval.

Action:

Mr. David Hudgins moved to approve a request by Jesus H. Sigala, for a Plat of Sigala Addition for 2 residential lots being 5.390 acres situated in the W.C. Calder Survey, Abstract 235 and the S.C. White Survey 1249 (Property ID 181796) in the Extra Territorial Jurisdiction – Owner: Jesus H. Sigala and Johanna H. Sigala, LTD (SUB-000046-2020). Mr. Erik Test seconded, All Ayes.

5. **Consider request by William and Rebecca Lockridge for a Plat of Lockridge Manor for 1 residential lot being 1.203 acres situated in the W. Stewart Survey, Abstract 956**

(3a)

Planning and Zoning Commission
April 28, 2020
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(Property ID 190521) situated in the Extra Territorial Jurisdiction – Owner: William and Rebecca Lockridge (SUB-000049-2020)

Mr. Collins reported the applicant is platting the property for residential use. He recommended approval.

Action:

Mr. David Hudgins moved to approve a request by William and Rebecca Lockridge for a Plat of Lockridge Manor for 1 residential lot being 1.203 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190521) situated in the Extra Territorial Jurisdiction – Owner: William and Rebecca Lockridge (SUB-000049-2020). Mrs. Bonney Ramsey seconded, All Ayes.

- 6. Public Hearing on a request by Michael McCorkle for a Replat of Lots 20, 21, and 58, Pecan Valley, to create Lot 20R, Pecan Valley, 3.149 Acres (Property ID 201951) – Owner: Michael McCorkle (SUB-000045-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is requesting a replat that would merge three (3) lots into one (1) lot in order for the applicant to construct a single family residence. Staff received one (1) letter of support.

There being no others to speak for or against SUB-000045-2020, Chairman Keeler closed the Public Hearing.

- 7. Consider recommendation of SUB-000045-2020**

Action:

Mrs. Bonney Ramsey moved to approve a request by Michael McCorkle for a Replat of Lots 20, 21, and 58, Pecan Valley, to create Lot 20R, Pecan Valley, 3.149 Acres (Property ID 201951) – Owner: Michael McCorkle (SUB-000045-2020). Mr. David Hudgins seconded, All Ayes.

- 8. Consider request by Monty Nixon, Summit Surveying, for a Replat of the remainder of Lot 1, Block 2 and the remainder of Block 2 Interstate Industrial Park, to create Lot 2, Lot 3, and Lot 4, Block 2, 66 Crossing, 40.063 acres (Property ID 174460) – Owner: Mike Lyle, DML Land, LLC (SUB-000053-2020)**

Mr. Collins reported the applicant is requesting replat to allow for Commercial and General Retail Development.

Action:

Mr. Erik Test moved to approve a request by Monty Nixon, Summit Surveying, for a Replat of the remainder of Lot 1, Block 2 and the remainder of Block 2 Interstate Industrial Park, to create Lot 2, Lot 3, and Lot 4, Block 2, 66 Crossing, 40.063 acres (Property ID 174460) – Owner: Mike Lyle, DML Land, LLC (SUB-000053-2020). Mr. David Hudgins seconded, All Ayes.

(3a)

Planning and Zoning Commission
April 28, 2020
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9. **Consider request by Cypress Creek Waxahachie LP for a Plat of Cypress Creek Apartment Homes at Waxahachie for 2 lots, being 13.48 acres situated in the J.B. & Ann Adams Survey, Abstract 5 and the John Gooch Survey, Abstract 393 (Property ID 184249) – Owner: Ladd Vien, Ameritai Partnership (SUB-000050-2020)**

Mr. Collins reported applicant is platting the property to allow for a multi-family development that conforms to the Planned Development that was approved by City Council in January 2020.

Action:

Mr. David Hudgins moved to approve a request by Cypress Creek Waxahachie LP for a Plat of Cypress Creek Apartment Homes at Waxahachie for 2 lots, being 13.48 acres situated in the J.B. & Ann Adams Survey, Abstract 5 and the John Gooch Survey, Abstract 393 (Property ID 184249) – Owner: Ladd Vien, Ameritai Partnership (SUB-000050-2020). Mrs. Bonney Ramsey seconded, All Ayes.

10. **Public Hearing on a request by Kevin Patel, Triangle Engineering, for a detailed Site Plan review for a proposed Hotel development within a Planned Development zoning district, located at the SW corner of Rae Boulevard and John Arden Drive (Property ID 208656) – AKSHAR 4 LLC (ZDC-000048-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant proposes to construct a four story hotel with 102 rooms. He recommended approval per the following staff comments:

- Development Agreement
- Extended Stay hotels are restricted to a maximum of thirty (30) days, per zoning Ordinance
- Applicant must be compliant with Section 5.11 “Hotel Standards” of the Zoning Ordinance

The Commission expressed concern with the size of the pool being 600 square feet and expressed concern that there is not a board room.

Mr. Kevin Patel, Triangle Engineering, stated the pool size is standard for Hilton properties. He stated in lieu of the board room is a mix use of a gathering room that functions as a breakfast area and soft seating for gatherings.

There being no others to speak for or against ZDC-000048-2020, Chairman Keeler closed the Public Hearing.

11. **Consider recommendation of ZDC-000048-2020**

Action:

Mr. Jim Phillips moved to approve a request by Kevin Patel, Triangle Engineering, for a detailed Site Plan review for a proposed Hotel development within a Planned Development zoning district, located at the SW corner of Rae Boulevard and John Arden Drive (Property ID 208656) – AKSHAR 4 LLC (ZDC-000048-2020) subject to staff comments. Mr. David Hudgins seconded, All Ayes.

(3A)

Planning and Zoning Commission
April 28, 2020
Page 4

- 12. Public Hearing on a request by Dalton Bradbury, Acker Construction, for a Specific Use Permit (SUP) for a Drive Through Establishment use within a General Retail zoning district, located at the corner of Corporate Parkway and U.S. N Highway 77 (Property ID 273975) – Owner: ROUX PROPERTIES LLC (ZDC-000052-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported in November 2019 the applicant received a permit to construction a 5,000 square foot retail strip center within the North Grove development. It was determined that a Specific Use Permit was required for the development due to a drive through being proposed. Staff suggests that sidewalks be provided along all four sides of the development. Discussion was held and the Commission determined that sidewalks are not needed on the Highway 77 side.

There being no others to speak for or against ZDC-000052-2020, Chairman Keeler closed the Public Hearing.

- 13. Consider recommendation of ZDC-000052-2020**

Action:

Mr. David Hudgins moved to approve a request by Dalton Bradbury, Acker Construction, for a Specific Use Permit (SUP) for a Drive Through Establishment use within a General Retail zoning district, located at the corner of Corporate Parkway and U.S. N Highway 77 (Property ID 273975) – Owner: ROUX PROPERTIES LLC (ZDC-000052-2020) with sidewalks on three (3) sides. Mr. Erik Test seconded. The vote was as follows:

*Ayes: Rick Keeler
Melissa Ballard
Betty Square Coleman
Bonney Ramsey
David Hudgins
Erik Test*

Noes: Jim Phillips

The motion carried.

- 14. Adjourn**

There being no further business, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(4)

Planning & Zoning Department Plat Staff Report

Case: SUB-000018-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant is requesting a replat of the current lot to allow for an additional single family residential lot.

CASE INFORMATION

Applicant: Lance Rust

Property Owner(s): Tres Group, LLC

Site Acreage: 3.198 acres

Number of Lots: 1 lot (Being platted into 2 lots)

Number of Dwelling Units: 2 units

Park Land Dedication: The cash in lieu of Park Dedication totals \$400.00 (1 additional single family lot at \$400.00 per lot).

Adequate Public Facilities: A Water Letter was provided to staff from Buena Vista Bethel stating that adequate domestic services and fire flow are available to this lot.

SUBJECT PROPERTY

General Location: 1800 Lone Elm Rd

Parcel ID Number(s): 275609

Current Zoning: SF-1

Existing Use: Currently Undeveloped

Platting History: FP-18-0208 Lone Elm Addition was approved by City Council on January 22, 2019.

(4)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing
2. Water Letter

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

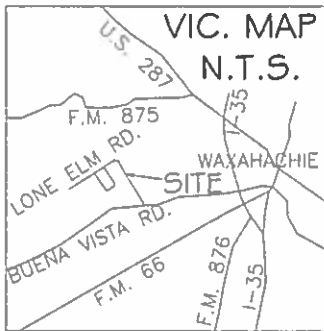
A plat shall not be filed with the Ellis County Clerk until:

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com



SCALE 1" = 60'



POINT OF BEGINNING CONTROL MONUMENT
N: 6827398.11
E: 2453977.97
1/2" IRON ROD FOUND



1/2" IRON ROD FOUND

E. BALLARD SURVEY
A-120

APPROXIMATE LOCATION OF SURVEY LINE

GREEN MEADOWS ADDITION
CAB. A, SL. 443
P.R.E.C.T.

LOT 10

LOT 11R-A
1.884 ACRES
82,065 Sq. Ft.
(SF-1 (SINGLE FAMILY))
MIN. P.F. - 668.0'

E.H. BELCHER SURVEY
A-143

LOT 11R-B
1.314 ACRES
57,241 Sq. Ft.
MIN. P.F. - 667.43'

BLOCK A

LOT 12

B. WILTSHIRE SURVEY
A-1132

LONE ELM ROAD
(120' R.O.W.)

10' BUENA VISTA U.E.

APPROXIMATE LOCATION OF SURVEY LINE

1/2" IRON ROD FOUND

OWNER:
Lance Rust
Tres Group, LLC
Address: P.O. Box 220
Midlothian, Tx 76065
Email: LanceRust@JoeRust.com
Phone: 469-337-4627

STATE OF TEXAS
COUNTY OF ELLIS
KNOW ALL MEN BY THESE PRESENTS,
That I, Lance Rust, being the owner of that certain tract of land hereinafter described as follows:

BEING a part of that Block A, Lone Elm Addition, Waxahachie, Ellis County, Texas, E.H. BELCHER SURVEY, Abstract No. 143 and being all of Lot 11 conveyed to Tres Group, LLC as recorded in instrument No. 2018-20421, Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BEING at a 1/2" IRON ROD FOUND, said IRON ROD BEING IN THE WEST CORNER OF LOT 10 OF LONE ELM ROAD.

THENCE S 30°36'41" E ALONG SAID LONE ELM ROAD A DISTANCE OF 447.75 FEET TO A 1/2" IRON ROD FOUND.

THENCE S 57°38'16" W DEPARTING SAID LONE ELM ROAD A DISTANCE OF 302.71 FEET TO A 1/2" IRON ROD FOUND.

THENCE N 21°32'26" W A DISTANCE OF 457.79 FEET TO A 1/2" IRON ROD FOUND.

THENCE N 59°31'01" E A DISTANCE OF 312.78 FEET TO THE POINT OF BEGINNING SAID BEING 3.198 ACRES OF LAND, MORE OR LESS.

OWNER'S CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

That I, Lance Rust acting herein by and through its duly authorized officers, does hereby certify and detail this plat designating the herein above described property as Lone Elm Addition a part of Block A, Lone Elm Addition, an addition to the City of Waxahachie, and does hereby dedicate to the public use forever, the streets and alleys hereby shown thereon. Lance Rust do(es) herein certify the following:

1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown, are created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements shown.
5. City of Waxahachie is not responsible for relocating any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities serving the use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Waxahachie's use thereof.
7. City of Waxahachie and/or public utilities shall have the right to remove and keep removed all or parts of any building, fences, trees shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of their respective systems in the easements.
8. City of Waxahachie and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, repairing, maintaining, reading meters, and adding to or procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by the City of Waxahachie.

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

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

BY: Lance Rust

NOTARY STATEMENT

STATE OF TEXAS
COUNTY OF ELLIS
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lance Rust, known to be the person whose name is subscribed on the foregoing instrument, and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 20____.

Notary Public in and for the State of Texas

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

BY: Lance Rust



I HEREBY STATE THAT THIS PLAT WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND IS TO THE BEST OF MY KNOWLEDGE CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS OF WAY EXCEPT AS SHOWN HEREON.

RICKEY LYNN HICKMAN RULE # 4974 - SURVEYED ON THE GROUND OCTOBER, 2019

GENERAL NOTES

1. City of Waxahachie will not be responsible for the maintenance of drainage or detention areas.

2. All bearings shown herein are based upon the Texas State Plane Coordinate System - NAD83 (GCRS), Texas North Central Zone (4202). All distances shown herein are surface distances.

FLOODPLAIN STATEMENT

No portion of the plat is affected by FEMA's 100-year floodplain as defined by the Flood Insurance Rate Map No. 48139C0179F, published by FEMA and dated 08/03/2013.

LEGEND

U.E. = UTILITY EASEMENT

D.U.E. = DRAINAGE AND UTILITY EASEMENT

B.L. = BUILDING SETBACK LINE

CITY OF WAXAHACHIE, TEXAS REPLAT APPROVAL
Approved by _____
Planning & Zoning Commission
City of Waxahachie

By: _____ Date: _____
Chairperson

By: _____ Date: _____
Attest

**REPLAT OF
LONE ELM ADDITION
OF BLOCK A, LOTS
11R-A & 11R-B (2 LOTS)
(SF-1 (SINGLE FAMILY))
3.198 ACRES
E.H. BELCHER SURVEY, A-143
CITY OF WAXAHACHIE, TEXAS
ELLIS COUNTY, TEXAS
CASE No. SUB-18-2020**

FIRM REGISTRATION No. 100784-00

FORT WORTH SURVEYING
107 E COLLEGE AVENUE
ALVARADO, TEXAS 76009
817-790-5900

JOB # 2019_088
JOB LONE ELM ADDITION REPLAT

DATE: 03/30/2020

DRAWN: CGH
CHECKED: RLH

ELLIS COUNTY
TEXAS



(4)

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: Lance Rust **Parcel ID #:** Lot 11 RA + 11 RB
Subdivision Name: Lone Elm Addition

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 checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>8</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Joe Buchanan
Print Name of General Manager of water provider or Designee

BVBSUN
Name of water provider company

Joe Buchanan
Signature of General Manager of water provider or Designee

2-21-2020
Date

(14)

Planning & Zoning Department Plat Staff Report

Case: SUB-000057-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant has requested to replat this lot to adjust lot lines and update necessary easements.

CASE INFORMATION

Applicant: John Ed Justice, BKG Legacy Ranch 1, LLC

Property Owner(s): BKG Legacy Ranch 1, LLC

Site Acreage: 2.540 acres

Number of Lots: 4 lots

Number of Dwelling Units: 0 units

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

SUBJECT PROPERTY

General Location: 1002, 1004, 10066, 1008 Legacy Ranch Dr.

Parcel ID Number(s): 267510, 279145, 267509, 279146

Current Zoning: PD-GR

Existing Use: ROW paved to allow access for GR use

Platting History: This property was replatted as RP-19-0136 on November 19, 2019

(6)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

[illegible]

(1)

Planning & Zoning Department Plat Staff Report

Case: SUB-000046-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to divide 11.053 acres of land in the ETJ into 5 single family residential lots.

CASE INFORMATION

Applicant: Milan Simic, A&M Real Estate Development, LTD.

Property Owner(s): A&M Real Estate Development, LTD.

Site Acreage: 11.053 acres

Number of Lots: 1 lot (Will be divided into 5 single family lots)

Number of Dwelling Units: 0 units currently

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: Rockett SUD provided a Water Letter to staff confirming that adequate domestic and fire flow are available to this property.

SUBJECT PROPERTY

General Location: Located off of Gibson Rd neighboring Springside Estates

Parcel ID Number(s): 181649

Current Zoning: N/A (ETJ)

Existing Use: Undeveloped

Platting History: Located in the J. Collett Survey, Abstract No. 221

(1)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing
2. Water **Letter**

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

[illegible]



(7)
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: Milan Simic Parcel ID #: 181649
Subdivision Name: Collett Acres Addition - Lots 1 thru 5

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. <u>2500 gpm can be projected</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>12</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Kay Phillips

Print Name of General Manager of water provider or Designee

Rockett S.U.D.

Name of water provider company

Kay Phillips

Signature of General Manager of water provider or Designee

3/11/20

Date

(8)

Planning & Zoning Department Plat Staff Report

Case: SUB-000015-2020



MEETING DATE(S)

Planning & Zoning Commission: May 5, 2020

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to divide this lot into 3 lots for residential use.

CASE INFORMATION

<i>Applicant:</i>	Robert Scruggs
<i>Property Owner(s):</i>	Robert Scruggs
<i>Site Acreage:</i>	8.458 acres
<i>Number of Lots:</i>	3 lots
<i>Number of Dwelling Units:</i>	3 units
<i>Park Land Dedication:</i>	The cash-in-lieu for park land dedication is \$1,200.00 (3 lots at \$400.00 per lot)
<i>Adequate Public Facilities:</i>	Adequate public facilities are available for water connection. Sewer will be handled by septic system.

SUBJECT PROPERTY

<i>General Location:</i>	3273 Howard Rd
<i>Parcel ID Number(s):</i>	182107
<i>Current Zoning:</i>	SF-1
<i>Existing Use:</i>	Currently undeveloped
<i>Platting History:</i>	This property is a portion of the S.M. Durrett Survey

Site Aerial:**RECOMMENDATION**

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Chris Webb

Planner

cwebb@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(9)

Planning & Zoning Department Plat Staff Report

Case: SUB-000059-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant has requested to divide their property into two lots to allow for an additional single family residence.

CASE INFORMATION

Applicant: Sheila Hollis

Property Owner(s): Sheila Hollis, Paulette Thompson, and Judy Tidwell

Site Acreage: 0.517 acres

Number of Lots: 1 lot being platted into 2 lots

Number of Dwelling Units: 1 unit

Park Land Dedication: The cash in lieu of park land dedication is \$400.00 (1 additional residential lot at \$400.00 per lot).

Adequate Public Facilities: Adequate public facilities are available to this property.

SUBJECT PROPERTY

General Location: 315 E University

Parcel ID Number(s): 176226

Current Zoning: SF-2 (Infill)

Existing Use: Single family residence

Platting History: Located within the University Addition

(9)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

RECORDING INFORMATION

DATE: _____

FILE: _____

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

REPLAT

LOT 22R & LOT 24R

BLOCK 5,

UNIVERSITY ADDITION

(BEING A REPLAT OF LOTS 22, 23 AND 24, BLOCK 5, UNIVERSITY ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, 2 RESIDENTIAL LOTS, ZONED-RF-1, CASE NO. 100-65-2020)

CHURCHILL

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CHURCHILL

(11)

Planning & Zoning Department Plat Staff Report

Case: SUB-000021-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

ACTION SINCE INITIAL STAFF REPORT

This is being brought to the Planning and Zoning Commission as a Final Plat because City Council approved a Preliminary Plat extension request on June 17, 2019. Since this case was approved before the City of Waxahachie began the one plat process, we are allowing this case to continue as a Final Plat.

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to plat this lot for the establishment of a medical office.

CASE INFORMATION

<i>Applicant:</i>	Vernon Witherspoon, First Look
<i>Property Owner(s):</i>	Ferris Avenue Baptist Church
<i>Site Acreage:</i>	2.684 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	The cash-in-lieu of park land dedication totals \$1,610.40 (\$600.00 per acre for non-residential development).
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to this property.

SUBJECT PROPERTY

<i>General Location:</i>	1761 N US Hwy 77
<i>Parcel ID Number(s):</i>	186874
<i>Current Zoning:</i>	Commercial
<i>Existing Use:</i>	Undeveloped

(11)

Platting History:

A preliminary plat (PP-17-0036) was approved April 17, 2017 by City Council with an accompanying extension request (PP-19-0064) approved by City Council on June 17, 2019.

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(11)

OWNER'S DECLARATION		SURVEYOR'S CERTIFICATE	
<p>STATE OF TEXAS § COUNTY OF DALLAS §</p> <p>WHEREAS, FERN AVENUE BAPTIST CHURCH is the sole owner of a tract of land situated in the HENRY LEVY SURVEY, ABSTRACT NO. 829, in the City of Waco, Texas, and being part of a tract of land described as being in Fern Avenue Baptist Church as recorded in Volume 1970, Page 1108, Office of Public Records, Ellis County, Texas, and being more particularly described as follows:</p> <p>BE BEGINNING at a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner at the Northeastly corner of YNACA Drive, a 60 foot right of way indicated by plat of LAKERIDGE II, an addition to the City of Waco, Texas, (Ellis County, Texas), according to the plat thereof recorded in Volume 243, Office of Public Records, Ellis County, Texas;</p> <p>THENCE South 52 deg 41 min 57 sec West, along the Northeastly right of way of said YNACA Drive, a distance of 60.00 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for the Northeastly corner of Lot 4, Block II, of said LAKERIDGE II;</p> <p>THENCE South 50 deg 03 min 02 sec West, along the Northeastly line of said Lot 4, passing the Northeastly corner of said Lot 4 and the Northeastly corner of Lot 3, Block II, of said LAKERIDGE II at a distance of 222.00 feet, continuing along the Northeastly line of said Lot 3 an additional distance of 60.00 feet, for a total distance of 282.00 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner at the Northeastly line of said Lot 3;</p> <p>THENCE North 29 deg 36 min 50 sec West, departing the Northeastly line of said Lot 3, over and across said Fern Avenue Baptist Church tract, a distance of 280.00 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner;</p> <p>THENCE North 60 deg 03 min 02 sec East, continuing over and across said Fern Avenue Baptist Church tract, a distance of 290.00 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner;</p> <p>THENCE South 79 deg 40 min 03 sec East, continuing over and across said Fern Avenue Baptist Church tract, a distance of 222.14 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner;</p> <p>THENCE North 02 deg 11 min 57 sec East, continuing over and across said Fern Avenue Baptist Church tract, a distance of 60.00 feet to a 1/2 inch iron rod with a red plastic cap stamped "WAF" set for corner;</p> <p>THENCE South 29 deg 40 min 03 sec East, continuing over and across said Fern Avenue Baptist Church tract, a distance of 60.00 feet to the POINT OF BEGINNING.</p> <p>CONTAINING within these terms and bounds 116,755 square feet or 2.66 acres of land, more or less. Bearings shown herein are based upon an on the ground survey performed on the 10th day of July, 2017, utilizing a G.P.S. measurement (NAD 83, GRS) from the Geodetic VRS network.</p> <p>NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:</p> <p>That, I, Fern Avenue Baptist Church, acting herein by and through its duly authorized officers, does hereby adopt the plat designating the herein above described property as LAKERIDGE II, an addition to the City of Waco, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever. In the event the plat is not recorded, the streets and alleys, except that landscape improvements may be placed on, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waco, Texas. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use in particular utility, and use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco, Texas and public utility entities shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waco, Texas and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, repairing, maintaining, widening, and adding to or removing all or part of their respective systems without the necessity of any time procuring permission from anyone.</p> <p>This plat approved subject to all planning ordinances, rules, regulations and resolutions of the City of Waco, Texas.</p> <p>IN WITNESS, my hand, this 11th day of _____, 2020.</p> <p>BY _____</p> <p>Authorized Signatory of Owner</p> <p>Printed Name and Title _____</p> <p>STATE OF TEXAS § COUNTY OF DALLAS §</p> <p>Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Chief, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.</p> <p>Given under my hand and seal of office, this _____ day of _____, 2020.</p> <p>Notary Public in and for the State of Texas</p> <p>My Commission Expires On _____</p>		<p>STATE OF TEXAS § COUNTY OF DALLAS §</p> <p>KNOW ALL MEN BY THESE PRESENTS:</p> <p>That, I, Leonard J. Linker, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon are set and were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waco, Texas.</p> <p>PRELIMINARY; this document shall not be recorded for any purpose and shall not be used or relied upon as a final survey document.</p> <p>Leonard J. Linker Registered Professional Land Surveyor Texas Registration No. 5714 Winkelman & Associates, Inc. 6750 Wilcrest Plaza Drive, Suite 215 Dallas, Texas 75230 (214) 470-7050</p> <p>STATE OF TEXAS § COUNTY OF DALLAS §</p> <p>BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein stated.</p> <p>Given under my hand and seal of office, this _____ day of _____, 2020.</p> <p>Notary Public in and for the State of Texas</p> <p>My Commission Expires On _____</p> <p>APPROVED BY: Planning and Zoning Commission, City of Waco, Texas</p> <p>By _____ Chairperson</p> <p>_____ Date</p> <p>_____ Attest</p> <p>_____ Date</p> <p>Owner's Acknowledgment</p> <p>I hereby acknowledge this document as the officially approved preliminary plat.</p> <p>Owner's Signature _____</p> <p>FREE LAMES</p> <p>That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as indicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs to compel those places along such fire lanes, stating "Fire Lane, No Parking". The police or its duly authorized representative is hereby authorized to remove such fire lanes and utility easements to be dismantled free and unobstructed at all times for fire department and emergency use.</p> <p>ACCESS EASEMENTS</p> <p>The undersigned does covenant and agree that the Access Easement may be utilized by any person in the general public for ingress and egress to other real property, and for the purpose of Cemetery Public use and interment and public use and access, and for fire Department and emergency use in, along, upon and across said premises, with the right and privilege of all times of the City of Waco, Texas, its agents, employees, workmen and representatives having ingress, egress, and ingress in, along, upon and across said premises.</p>	

DATE: 02-12-20
SCALE: N/A
FILE: 00143-PLT
PROJECT NO.: 00143

Winkelman & Associates, Inc.
Professional Land Surveyors
6750 Wilcrest Plaza Drive, Suite 215
Dallas, Texas 75230
Phone: (214) 470-7050
Fax: (214) 470-7050
www.winkelman.com

FINAL PLAT
LAKERIDGE II
LOT 1, BLOCK A
AN ADDITION TO THE CITY OF WACO, TEXAS, BEING ONE (1) (2.66 ACRES) IN THE HENRY LEVY SURVEY, ABSTRACT NO. 829, CITY OF WACO, TEXAS, ELLIS COUNTY, TEXAS.

OWNER:
FERN AVENUE BAPTIST CHURCH
210 YNACA Drive
Waco, Texas 76706

APPLICANT/SUBMITTER:
Winkelman & Associates, Inc.
6750 Wilcrest Plaza Drive
Suite 215
Dallas, Texas 75230
Phone: (214) 470-7050
Fax: (214) 470-7050
l.linker@winkelman.com

SHRIMP
2
2

(12)

Planning & Zoning Department Plat Staff Report

Case: PL-19-0162



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to plat their property into 2 lots, one of which will have a Dollar General located on it.

CASE INFORMATION

Applicant: Matthew Martinez

Property Owner(s): Andrew Jackson

Site Acreage: 3.941 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: Rockett SUD provided a water letter stating that adequate domestic flow and fire flow were available to this site.

SUBJECT PROPERTY

General Location: 3314 FM 813

Parcel ID Number(s): 183524

Current Zoning: N/A (ETJ)

Existing Use: Previously Residential

Platting History: Located within a portion of the T. R. Follet Survey

(18)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing
2. Water Letter

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

IPH Joh-Darwin Ma (see below)
 7019 622 028 334 4 Fld 015 Winghamer ETJ, Etna Co. To Fated Pln day
 © 2020 IPH Land Surveying, Inc All Rights Reserved
 705 Lanesboro Drive Tnad, Maad, Texas 76054
 Telephone (817) 411-4973 or via gphlandsurveying.com
 TRPL5 Pass 810019400 810194073 810194181
 DFW / Austin / Abilene



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: Dollar General Parcel ID #: _____
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>2,500 gpm</u> <u>8</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Line must be extended

Robert Woodall, Operation Manager

Print Name of General Manager of water provider or Designee

Rockett S.U.D

Name of water provider company

[Signature]

Signature of General Manager of water provider or Designee

11-7-2019

Date

(13)

Planning & Zoning Department Plat Staff Report

Case: SUB-000055-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to plat this property to establish the first phase of a new subdivision.

CASE INFORMATION

Applicant: Wes Dorough, JH Development, LLC

Property Owner(s): Sheppard's Place Development Co. LLC, Sandlin Homes

Site Acreage: 24.735 acres

Number of Lots: 102 lots

Number of Dwelling Units: 99 units

Park Land Dedication: The cash in lieu of park land dedication is \$39,600 (\$400.00 per each residential lot).

Adequate Public Facilities: Adequate public facilities are available for this subdivision.

SUBJECT PROPERTY

General Location: This property is located along Ovilla Rd.

Parcel ID Number(s): 185243

Current Zoning: PD-SF-2

Existing Use: Undeveloped

Platting History: This property is located within the E. Horton Survey

(13)

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

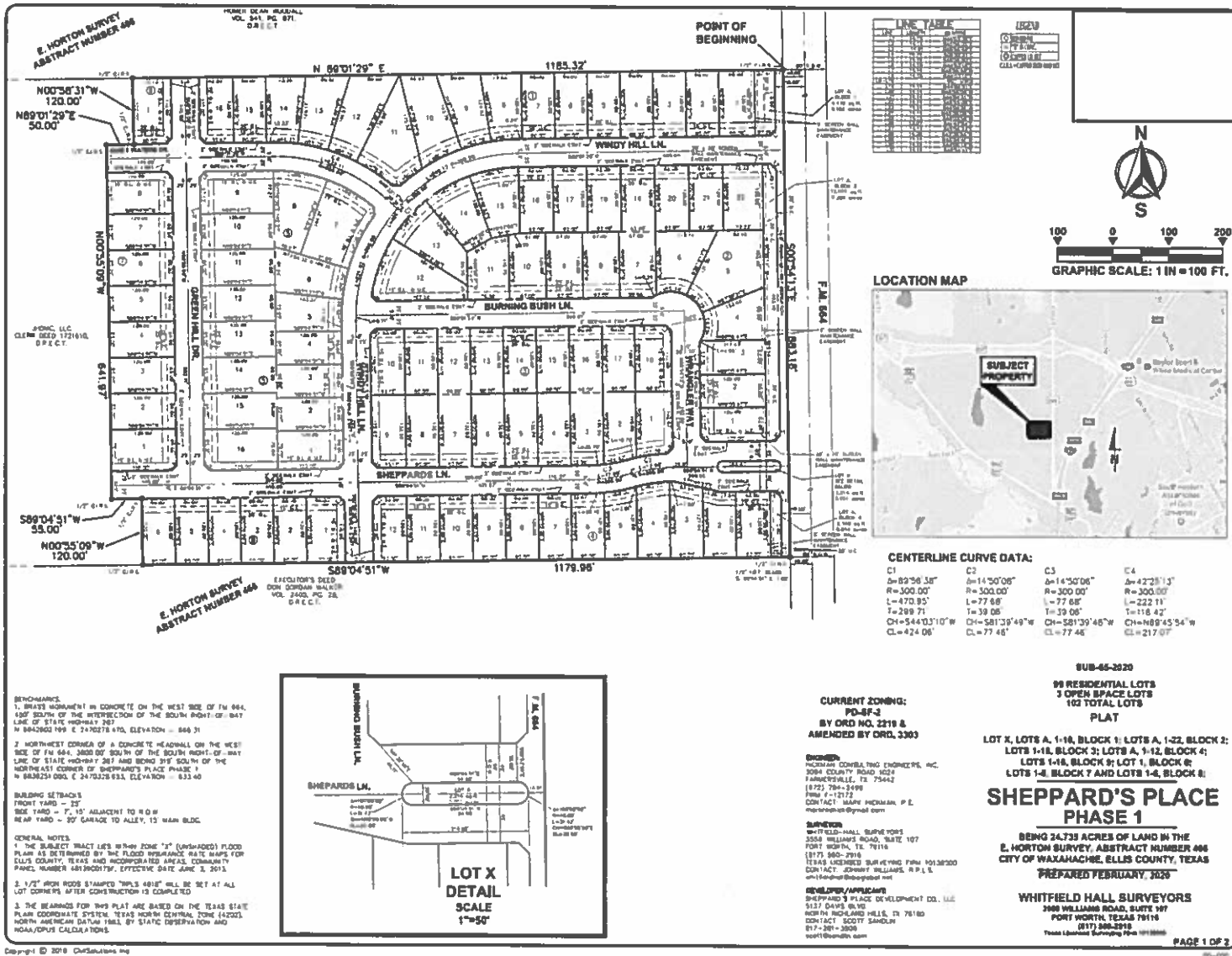
1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(13)



(13)

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, Sheppard's Place Development Co., LLC, being the sole owner of a 24,735 Acre tract of land out of the E. Horton Survey, Abstract Number 488, and being a portion of the Sheppard's Place Holding Co., LLC, recorded in instrument Number 1915918, Deed Records, Ellis County, Texas. The bearings for this survey are based on the Texas State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 1983, as derived from static observation with NOAA/NGS GPS calculations. Said 24,735 Acre tract being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the northeast corner of said Sheppard's Place tract, and in the west right of way line of Farm to Market number 488, also known as Ollie Road, a variable width right of way, and being in the south line of that certain tract of land described in deed to Homer Dean Woodall, recorded in Volume 541, Page 971, Deed Records, Ellis County, Texas;

THENCE South 00°34'15" East, departing said south line and continuing along said west right of way line, a distance of 883.18 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the southwest corner of said Sheppard's Place tract, from which a 1/2" iron rod bears South 89°04'31" West, a distance of 1.08 Feet;

THENCE South 89°04'31" West, departing said west right of way line and continuing along the south line of said Sheppard's Place tract, a distance of 1179.96 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE departing said south line and continuing over and across said Sheppard's Place tract the following courses and distances:

North 00°35'09" West, a distance of 170.00 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 89°04'31" West, a distance of 55.00 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 00°35'09" West, a distance of 641.87 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 89°01'29" East, a distance of 50.00 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 00°58'31" West, a distance of 120.00 feet to 1/2" iron rod with plastic cap stamped "RPLS 4818" set in the north line of said Sheppard's Place tract and in said south line of the Woodall tract;

THENCE North 89°01'29" East, along the said north and south lines, a distance of 1185.32 feet to the POINT OF BEGINNING and containing a computed area of 24,735 Acres, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

That Sheppard's Place Development Co., LLC, acting herein by and through its duly authorized officers, does hereby deposit this plat designating the herein above described property as SHEPPARD'S PLACE, PHASE 1, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public forever, the streets and alleys shown thereon. The streets and alleys are dedicated for travel purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove, and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this the _____ day of _____, 2020.

By: _____
Scott Sandlin
Sheppard's Place Development Co., LLC

State of Texas
County of Ellis

BEFORE ME, the undersigned authority, on the day personally appeared Scott Sandlin of Sheppard's Place Development Co., LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed.

By: _____
Notary Public in and for the State of Texas
My Commission expires: _____

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS,

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

JOHNNY D.L. WILLIAMS, R.P.L.S. NO. 4819



APPROVED BY PLANNING AND ZONING COMMISSION
CITY OF WAXAHACHIE

BY: _____ DATE: _____
CHAIRPERSON

ATTEST: _____ DATE: _____

LOT AREA CHART

BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4
LOT 1 - 4430 sf	LOT 1 - 7382 sf	LOT 1 - 7688 sf	LOT 1 - 2348 sf
LOT 2 - 7380 sf	LOT 2 - 7380 sf	LOT 2 - 7384 sf	LOT 2 - 7324 sf
LOT 3 - 7380 sf	LOT 3 - 7384 sf	LOT 3 - 7387 sf	LOT 3 - 8875 sf
LOT 4 - 7380 sf	LOT 4 - 8233 sf	LOT 4 - 7946 sf	LOT 4 - 8212 sf
LOT 5 - 7380 sf	LOT 5 - 14508 sf	LOT 5 - 7942 sf	LOT 5 - 7322 sf
LOT 6 - 7380 sf	LOT 6 - 8511 sf	LOT 6 - 7938 sf	LOT 6 - 7322 sf
LOT 7 - 7380 sf	LOT 7 - 8625 sf	LOT 7 - 7935 sf	LOT 7 - 7380 sf
LOT 8 - 7380 sf	LOT 8 - 8648 sf	LOT 8 - 7935 sf	LOT 8 - 7380 sf
LOT 9 - 7380 sf	LOT 9 - 8648 sf	LOT 9 - 8311 sf	LOT 9 - 7380 sf
LOT 10 - 8944 sf	LOT 10 - 8067 sf	LOT 10 - 7517 sf	LOT 10 - 7380 sf
LOT 11 - 11232 sf	LOT 11 - 8071 sf	LOT 11 - 7280 sf	LOT 11 - 7380 sf
LOT 12 - 12242 sf	LOT 12 - 12383 sf	LOT 12 - 7280 sf	LOT 12 - 7450 sf
LOT 13 - 18638 sf	LOT 13 - 9778 sf	LOT 13 - 7280 sf	
LOT 14 - 2848 sf	LOT 14 - 8715 sf	LOT 14 - 7280 sf	
LOT 15 - 7380 sf	LOT 15 - 8891 sf	LOT 15 - 7280 sf	
LOT 16 - 7380 sf	LOT 16 - 7448 sf	LOT 16 - 7280 sf	
	LOT 17 - 7448 sf	LOT 17 - 7280 sf	
	LOT 18 - 7448 sf	LOT 18 - 7280 sf	
	LOT 19 - 7448 sf	LOT 19 - 7280 sf	
	LOT 20 - 7448 sf	LOT 20 - 7280 sf	
	LOT 21 - 7448 sf	LOT 21 - 7280 sf	
	LOT 22 - 8888 sf		

LOT AREA CHART

BLOCK 5	BLOCK 6	BLOCK 7	BLOCK 8
LOT 1 - 8350 sf	LOT 1 - 8357 sf	LOT 1 - 9078 sf	LOT 1 - 8350 sf
LOT 2 - 7380 sf		LOT 2 - 7380 sf	LOT 2 - 7380 sf
LOT 3 - 7380 sf		LOT 3 - 7380 sf	LOT 3 - 7380 sf
LOT 4 - 7380 sf		LOT 4 - 7380 sf	LOT 4 - 7380 sf
LOT 5 - 7380 sf		LOT 5 - 7380 sf	LOT 5 - 7380 sf
LOT 6 - 8875 sf		LOT 6 - 7380 sf	LOT 6 - 7380 sf
LOT 7 - 12242 sf		LOT 7 - 7380 sf	LOT 7 - 7380 sf
LOT 8 - 18638 sf		LOT 8 - 7380 sf	LOT 8 - 7380 sf
LOT 9 - 18372 sf		LOT 9 - 7380 sf	LOT 9 - 7380 sf
LOT 10 - 8775 sf			
LOT 11 - 8775 sf			
LOT 12 - 8775 sf			
LOT 13 - 8775 sf			
LOT 14 - 8775 sf			
LOT 15 - 8775 sf			
LOT 16 - 10875 sf			

CURRENT ZONING:

PD-87-2
BY ORD NO. 2219 &
AMENDED BY ORD. 3303

DEVELOPER:
MICHAEL CONSTRUCTION (TX) INC., INC.
3004 COUNTY ROAD 1024
FARMERVILLE, TX 75442
(972) 784-2499
FAX: (972) 784-2499
CELL: (972) 784-2499
CDD: 1-800-368-3688
MICHAEL CONSTRUCTION (TX) INC., INC.
michaelconstruction.com

SURVEYOR:
WHITFIELD HALL SURVEYORS
3559 WILLIAMS ROAD, SUITE 107
FORT WORTH, TX 76116
(817) 360-2016
TELEPHONE SURVEYING: (817) 360-2016
CONTACT: JOHNNY WILLIAMS, R.P.L.S.
whitfieldhall.com

DEVELOPER/APPLICANT:
SHEPPARD'S PLACE DEVELOPMENT CO., LLC
5137 DAVIS BLVD
NORTH RICHLAND HILLS, TX 76180
CONTACT: SCOTT SANDLIN
(817) 360-2016
scott@sandlin.com

GENERAL NOTES:

1. THE SUBJECT TRACT LIES WITHIN ZONE "A" (UNDEVELOPED) FLOOD PLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY FLOOD INSURANCE RATE MAP, EFFECTIVE DATE: JUNE 1, 2013.

2. 1/2" IRON RODS STAMPED "RPLS 4818" WILL BE SET AT ALL LOT CORNERS AFTER CONSTRUCTION IS COMPLETED.

3. THE BEARINGS FOR THIS PLAT ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM 1983, BY STATIC OBSERVATION AND NOAA/NGS CALCULATIONS.

8/28-86-2020

99 RESIDENTIAL LOTS
3 OPEN SPACE LOTS
102 TOTAL LOTS
PLAT

LOTS 1-16, BLOCK 1; LOTS 1-22, BLOCK 2;
LOTS 1-18, BLOCK 3; LOTS 1-12, BLOCK 4;
LOTS 1-16, BLOCK 5; LOT 1, BLOCK 6;
LOTS 1-8, BLOCK 7 AND LOTS 1-6, BLOCK 8;

SHEPPARD'S PLACE PHASE 1

BEING 24,735 ACRES OF LAND IN THE
E. HORTON SURVEY, ABSTRACT NUMBER 488
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
PREPARED FEBRUARY, 2020

WHITFIELD HALL SURVEYORS
3559 WILLIAMS ROAD, SUITE 107
FORT WORTH, TEXAS 76116
(817) 360-2016
Texas Licensed Surveyors Since 1978

(14)

Planning & Zoning Department Plat Staff Report

Case: SUB-000051-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

City Council: May 18, 2020

ACTION SINCE INITIAL STAFF REPORT

PP-17-0029 was approved by City Council on May 1, 2017. Since development has continually been going on with the Buffalo Ridge subdivision, we are honoring the preliminary plat that was approved by City Council and allowing this case to proceed as a Final Plat.

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to plat this property in order to establish a fifth phase of the Buffalo Ridge subdivision. The applicant is seeking a variance for the utility easement setbacks to be 10' instead of 15' which was shown in the preliminary plat. This variance will require an action to be made by City Council.

CASE INFORMATION

Applicant: Brian Carrington, Stantec Consulting Services Inc.

Property Owner(s): Bobby Samuel, GRBK Edgewood, LLC

Site Acreage: 60.798 acres

Number of Lots: 239 lots

Number of Dwelling Units: 230 units

Park Land Dedication: The cash in lieu of park land dedication is \$92,000 (230 lots at \$400.00 per lot)

Adequate Public Facilities: Adequate public facilities are available for this site

SUBJECT PROPERTY

General Location: Along S side of Broadhead Rd; neighboring Buffalo Ridge Phase IV to the NE

(14)

Parcel ID Number(s): 264869

Current Zoning: PD-SF-1, -2, -3

Existing Use: Undeveloped

Platting History: PP-17-0029 was approved by City Council on May 1, 2017.

Site Aerial:



RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

(14)

STAFF CONTACT INFORMATION

Prepared by:

Chris Webb

Planner

cwebb@waxahachie.com

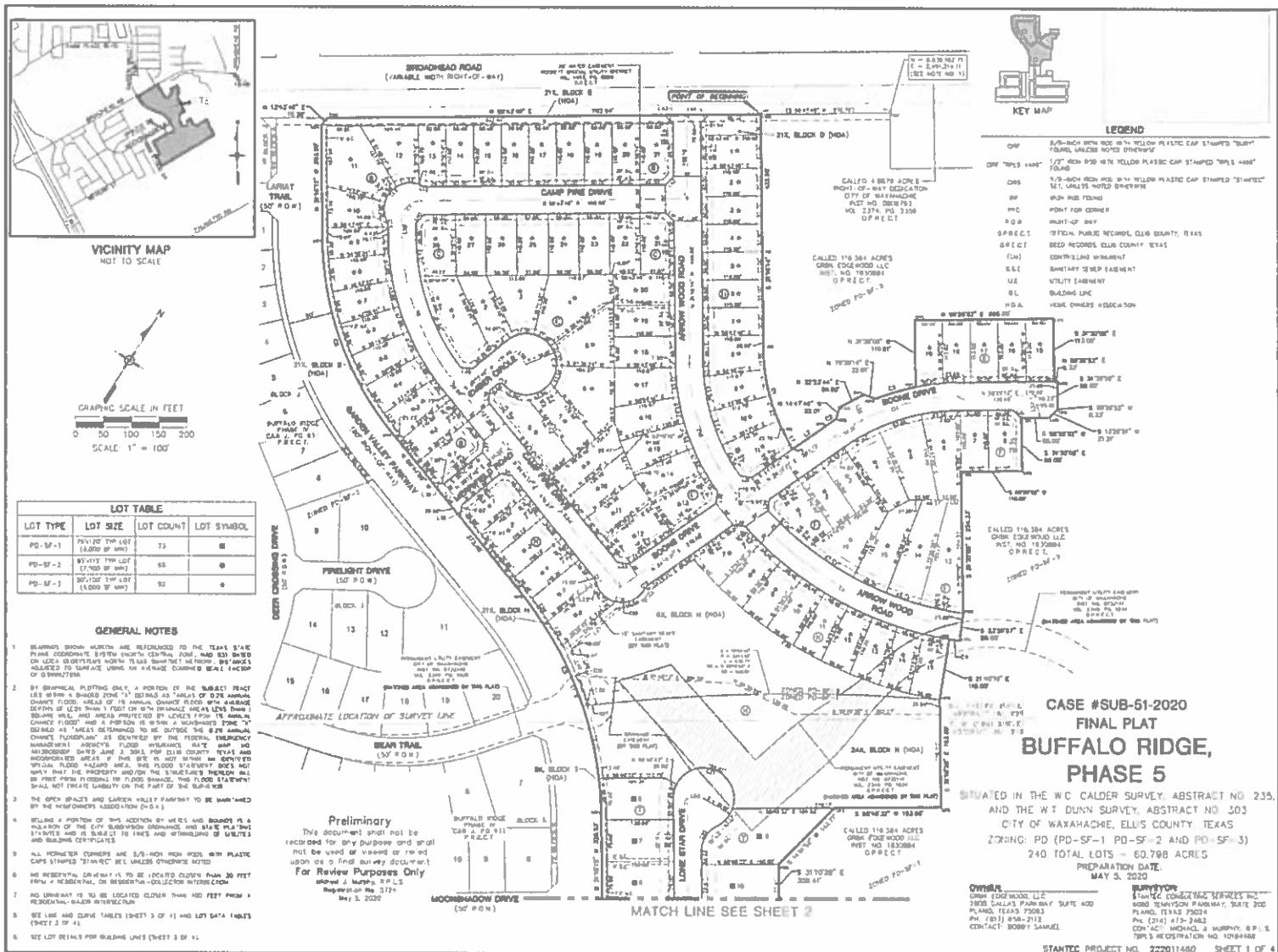
Reviewed by:

Shon Brooks, AICP

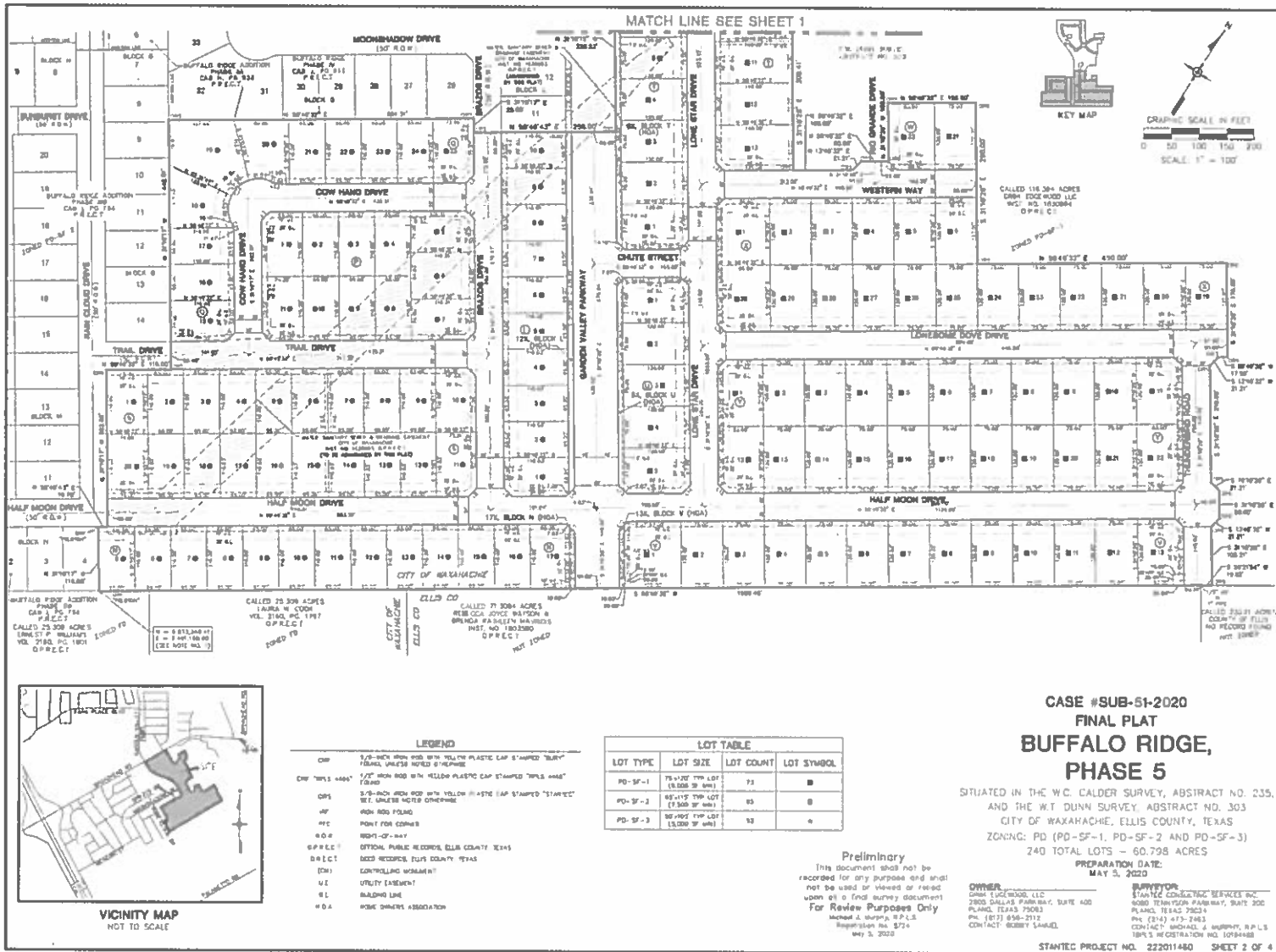
Director of Planning

sbrooks@waxahachie.com

(14)



(14)



BLOCK B LOT AREA			BLOCK C LOT AREA			BLOCK D LOT AREA			BLOCK E LOT AREA			BLOCK F LOT AREA			BLOCK G LOT AREA			BLOCK H LOT AREA			BLOCK I LOT AREA			BLOCK J LOT AREA			BLOCK K LOT AREA			BLOCK L LOT AREA			BLOCK M LOT AREA			BLOCK N LOT AREA			BLOCK O LOT AREA			BLOCK P LOT AREA			BLOCK Q LOT AREA			BLOCK R LOT AREA			BLOCK S LOT AREA			BLOCK T LOT AREA			BLOCK U LOT AREA			BLOCK V LOT AREA			BLOCK W LOT AREA			BLOCK X LOT AREA			BLOCK Y LOT AREA			BLOCK Z LOT AREA			BLOCK AA LOT AREA			BLOCK AB LOT AREA			BLOCK AC LOT AREA			BLOCK AD LOT AREA			BLOCK AE LOT AREA			BLOCK AF LOT AREA			BLOCK AG LOT AREA			BLOCK AH LOT AREA			BLOCK AI LOT AREA			BLOCK AJ LOT AREA			BLOCK AK LOT AREA			BLOCK AL LOT AREA			BLOCK AM LOT AREA			BLOCK AN LOT AREA			BLOCK AO LOT AREA			BLOCK AP LOT AREA			BLOCK AQ LOT AREA			BLOCK AR LOT AREA			BLOCK AS LOT AREA			BLOCK AT LOT AREA			BLOCK AU LOT AREA			BLOCK AV LOT AREA			BLOCK AW LOT AREA			BLOCK AX LOT AREA			BLOCK AY LOT AREA			BLOCK AZ LOT AREA			BLOCK BA LOT AREA			BLOCK BB LOT AREA			BLOCK BC LOT AREA			BLOCK BD LOT AREA			BLOCK BE LOT AREA			BLOCK BF LOT AREA			BLOCK BG LOT AREA			BLOCK BH LOT AREA			BLOCK BI LOT AREA			BLOCK BJ LOT AREA			BLOCK BK LOT AREA			BLOCK BL LOT AREA			BLOCK BM LOT AREA			BLOCK BN LOT AREA			BLOCK BO LOT AREA			BLOCK BP LOT AREA			BLOCK BQ LOT AREA			BLOCK BR LOT AREA			BLOCK BS LOT AREA			BLOCK BT LOT AREA			BLOCK BU LOT AREA			BLOCK BV LOT AREA			BLOCK BW LOT AREA			BLOCK BX LOT AREA			BLOCK BY LOT AREA			BLOCK BZ LOT AREA			BLOCK CA LOT AREA			BLOCK CB LOT AREA			BLOCK CC LOT AREA			BLOCK CD LOT AREA			BLOCK CE LOT AREA			BLOCK CF LOT AREA			BLOCK CG LOT AREA			BLOCK CH LOT AREA			BLOCK CI LOT AREA			BLOCK CJ LOT AREA			BLOCK CK LOT AREA			BLOCK CL LOT AREA			BLOCK CM LOT AREA			BLOCK CN LOT AREA			BLOCK CO LOT AREA			BLOCK CP LOT AREA			BLOCK CQ LOT AREA			BLOCK CR LOT AREA			BLOCK CS LOT AREA			BLOCK CT LOT AREA			BLOCK CU LOT AREA			BLOCK CV LOT AREA			BLOCK CW LOT AREA			BLOCK CX LOT AREA			BLOCK CY LOT AREA			BLOCK CZ LOT AREA			BLOCK DA LOT AREA		
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(15)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-07-2020



MEETING DATE(S)

Planning & Zoning Commission: May 12, 2020

City Council: May 18, 2020 (continued from April 6, 2020)

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Oak Cliff Metals

Property Owner(s): Falcon Transit Inc.

Site Acreage: 17.996 acres

Current Zoning: Heavy Industrial

Requested Zoning: Heavy Industrial w/ SUP

SUBJECT PROPERTY

General Location: 500 Brown Industrial Rd.

Parcel ID Number(s): 233797

Existing Use: Existing industrial recycling site

Development History: N/A

Adjoining Zoning & Uses:

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

(15)

Future Land Use Plan:

Highway Commercial

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Brown Industrial Rd.

Site Image:



PLANNING ANALYSIS

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

Due to the aforementioned concerns, staff suggests that a Development Agreement is considered and approved to allow for further standards and guidelines to be placed on the property. On May 18, 2020, City Council will consider an action to approve the proposed Development Agreement and a new Specific Use Permit, or revoke the existing Specific Use Permit for Oak Cliff Metals Recycling in relation to Ordinance 2616.

PUBLIC NOTIFICATIONS

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

PROPERTY OWNER NOTIFICATION RESPONSES

Staff has received two (2) letters of support for the revocation of the SUP for Oak Cliff Metals.

STAFF CONCERNS

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

APPLICANT RESPONSE TO CONCERNS

1. The applicant understands staff's concerns and intends to state their reasoning at the May 12, 2020 Planning and Zoning meeting.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Staff recommends approval pending that the applicant agrees to meet the required standards detailed within the proposed Development Agreement and the revised Specific Use Permit for the property.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Notice of Specific Use Permit Revocation Hearing
3. Ordinance 2616

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

115)

STATE OF TEXAS
COUNTY OF ELLIS

§
§
§

**DEVELOPMENT AGREEMENT
FOR OAK CLIFF RECYCLING, INC.**

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

Recitals:

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

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

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

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

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

OCR agrees to the following:

1. OCR will not operate the Harris Model 6090 shredder. The portions damaged or destroyed in the December 2019 fire will be scrapped. The useable portions will be sold or scrapped.
2. The piles of combustible "fluff" that were generated by the operation of the Harris Model 6090 shredder (and were the source of the December 2019 fire) will no longer accumulate because the shredder will no longer operate.
3. OCR will not operate noisy machinery outside the hours of 7:00 a.m. – 7:00 p.m.
4. OCR will maintain twenty-four foot (24') wide fire lanes through and completely around any storage located in those areas marked "Inventory" and "Reduction Grinder Easement" on that certain Davis & McDill, Inc. survey attached hereto and marked "Special Use Permit Lot 10R". Because the amount and location of materials stored on the Property changes on a daily or weekly basis, OCR will maintain the twenty-four foot (24') wide fire lanes in such locations that make it possible for firefighting equipment to reach any storage.
5. OCR agrees to employ KPA (kpa.io) (or other similar company) to conduct twice yearly training and inspections/audits on workplace health and safety, environmental risk management, and fire safety. OCR agrees to notify a person designated by the City of the completion of each inspection/audit, at which time the fire chief may inquire about any fire safety related issues identified in the inspection/audit.
6. OCR will discuss with its neighbors on Brown Industrial Road the potential costs of bringing City services to the street (water, sewer, street maintenance, etc.) and explore with the them potential financial cost-sharing options to do so.
7. OCR will limit the size of all piles of materials to not greater than 25 feet in height, 250 feet in length and 150 feet in width. ORC will have until the September 30, 2020, to compete the task of conforming all piles of materials to these size restrictions.

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

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

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

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

Additional Understandings:

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

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

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

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

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

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

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

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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OAK CLIFF RECYCLING, INC.

CITY OF WAXAHACHIE, TEXAS

By: _____

Title: _____

Date: _____

By: _____

Michael Scott, City Manager

Date: _____

ATTEST:

By: _____

City Secretary

STATE OF TEXAS §

§

COUNTY OF ELLIS §

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

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §

§

COUNTY OF ELLIS §

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

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

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EXHIBIT A

OCR SUP Ordinance

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning

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and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

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

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

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 18th day of May, 2020.

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MAYOR

ATTEST:

City Secretary

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CITY OF WAXAHACHIE

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

April 30, 2020

Re: Notice of Specific Use Permit Revocation Hearing

Oak Cliff Recycling:

I am writing you concerning your Specific Use Permit on your property known as Lot10R of Brown Industrial Sites. I have enclosed a copy of the Ordinance for your reference. Please note that it provides that the Specific Use Permit can be revoked upon ninety (90) days' notice.

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

Planning and Zoning Commission at 7:00 P.M. on Tuesday, May 12, 2020 at City Hall

City Council at 7:00 P.M. on Monday, May 18, 2020 at City Hall

The public hearings will allow you and interested citizens to present your case. The City Council, after the May 18th public hearing, may leave the permit as-is, amend it, or revoke it, at its discretion.

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

Sincerely,



Michael Scott
City Manager

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ORDINANCE NO. 2616

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

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

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

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

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

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

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

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


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

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

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

PASSED, APPROVED AND ADOPTED on this 5th day of July, 2011.




MAYOR

ATTEST:


City Secretary

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500 0 500 1000 Feet

SUP2011-15

