

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

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

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

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

1 (346) 248-7799

(877) 853-5257

(888) 475-4499

**Enter Meeting ID: 922 4837 0896**

**Enter Meeting Password: 972635**

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

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

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

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

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

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

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, May 26, 2020 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

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

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

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

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

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

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

***Notice of Potential Quorum***

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

(31)

Planning and Zoning Commission  
May 12, 2020

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

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

Others Present: Shon Brooks, Director of Planning  
Chris Webb, Planner  
Tommy Ludwig, Assistant City Manager  
Amber Villarreal, Assistant City Secretary  
Mary Lou Shipley, Council Representative

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

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

3. **Consent Agenda**

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

**Action:**

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

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

Chairman Keeler opened the Public Hearing.

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

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

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

**Action:**

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

(31)

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

**Action:**

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

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

**Action:**

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

**Action:**

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

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

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

**Action:**

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

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

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

**Action:**

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

(3a)

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

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

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

**Action:**

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

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

Chairman Keeler opened the Public Hearing.

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

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

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

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

**Action:**

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

**Action:**

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

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

**Action:**

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

**Action:**

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

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

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

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

**Action:**

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

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

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

**Action:**

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

(3A)

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

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

**Action:**

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

***The motion carried.***

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

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

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

**Action:**

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

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



(3a)

Planning and Zoning Commission  
May 12, 2020  
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Chairman Keeler opened the Public Hearing and announced the case would continue to the next meeting due to technical difficulties.

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

**Action:**

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

**17. Adjourn**

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

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

(4)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 13, 2020

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

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

(6)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-000047-2020



### MEETING DATE(S)

Planning & Zoning Commission: May 26, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

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

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

**Site Acreage:** 7.536 acres

**Number of Lots:** 21 lots

**Number of Dwelling Units:** 21 units

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

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

### SUBJECT PROPERTY

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

**Parcel ID Number(s):** 239606

**Current Zoning:** PD-SF-3

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

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

**Site Aerial:****RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Plat Drawing

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

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

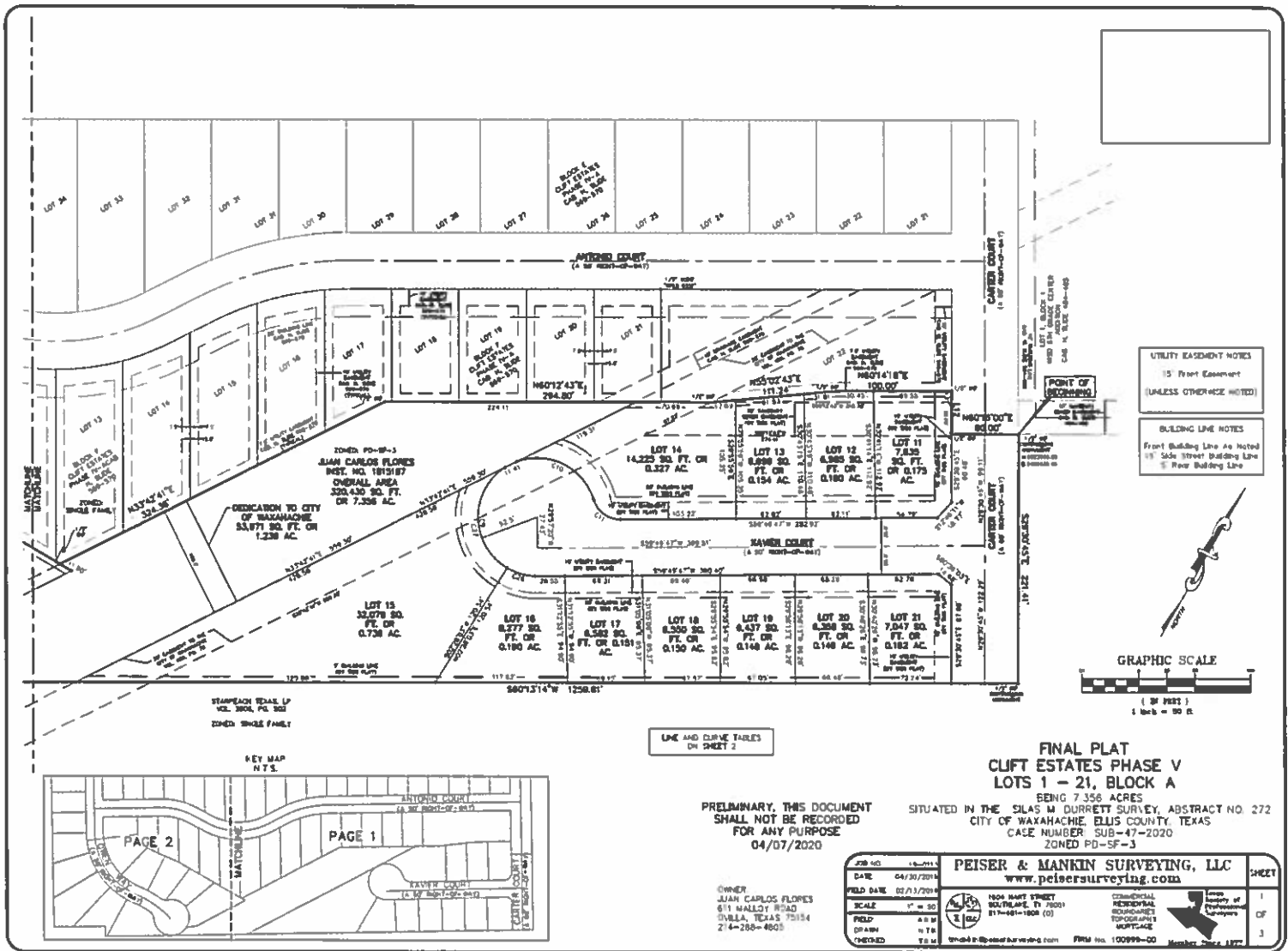
*Reviewed by:*

Shon Brooks, AICP

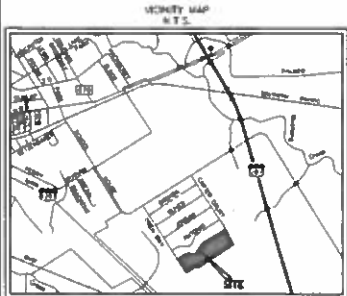
Director of Planning

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

(6)



(6)



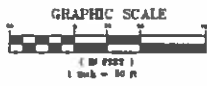
| LOT SIZE TABLE |                |           |
|----------------|----------------|-----------|
| LOT 1          | 7,840 SQ. FT.  | 0.179 AC. |
| LOT 2          | 7,840 SQ. FT.  | 0.179 AC. |
| LOT 3          | 14,311 SQ. FT. | 0.328 AC. |
| LOT 4          | 14,311 SQ. FT. | 0.328 AC. |
| LOT 5          | 10,548 SQ. FT. | 0.241 AC. |
| LOT 6          | 10,548 SQ. FT. | 0.241 AC. |
| LOT 7          | 10,548 SQ. FT. | 0.241 AC. |
| LOT 8          | 10,548 SQ. FT. | 0.241 AC. |
| LOT 9          | 10,548 SQ. FT. | 0.241 AC. |
| LOT 10         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 11         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 12         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 13         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 14         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 15         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 16         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 17         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 18         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 19         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 20         | 10,548 SQ. FT. | 0.241 AC. |
| LOT 21         | 10,548 SQ. FT. | 0.241 AC. |

NOTES

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

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

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



| PROPERTY DATA |        |           |      |           |         |           |        |           |       |
|---------------|--------|-----------|------|-----------|---------|-----------|--------|-----------|-------|
| LOT           | AREA   | PERIMETER | AREA | PERIMETER | AREA    | PERIMETER | AREA   | PERIMETER | AREA  |
| 1             | 7,840  | 1,111.1   | 2    | 7,840     | 1,111.1 | 3         | 14,311 | 1,414.2   | 0.328 |
| 4             | 14,311 | 1,414.2   | 5    | 10,548    | 1,054.8 | 6         | 10,548 | 1,054.8   | 0.241 |
| 7             | 10,548 | 1,054.8   | 8    | 10,548    | 1,054.8 | 9         | 10,548 | 1,054.8   | 0.241 |
| 10            | 10,548 | 1,054.8   | 11   | 10,548    | 1,054.8 | 12        | 10,548 | 1,054.8   | 0.241 |
| 13            | 10,548 | 1,054.8   | 14   | 10,548    | 1,054.8 | 15        | 10,548 | 1,054.8   | 0.241 |
| 16            | 10,548 | 1,054.8   | 17   | 10,548    | 1,054.8 | 18        | 10,548 | 1,054.8   | 0.241 |
| 19            | 10,548 | 1,054.8   | 20   | 10,548    | 1,054.8 | 21        | 10,548 | 1,054.8   | 0.241 |

| EPC DATA |        |
|----------|--------|
| LOT      | AREA   |
| 1        | 7,840  |
| 2        | 7,840  |
| 3        | 14,311 |
| 4        | 14,311 |
| 5        | 10,548 |
| 6        | 10,548 |
| 7        | 10,548 |
| 8        | 10,548 |
| 9        | 10,548 |
| 10       | 10,548 |
| 11       | 10,548 |
| 12       | 10,548 |
| 13       | 10,548 |
| 14       | 10,548 |
| 15       | 10,548 |
| 16       | 10,548 |
| 17       | 10,548 |
| 18       | 10,548 |
| 19       | 10,548 |
| 20       | 10,548 |
| 21       | 10,548 |

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

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

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

|            |                    |                                |       |
|------------|--------------------|--------------------------------|-------|
| JOB NO.    | 15-001-1           | PEISER & MANKIN SURVEYING, LLC | SHEET |
| DATE       | 04/30/2019         | www.peisersurveying.com        | 2     |
| FIELD DATE | 03/13/2019         | 1604 MART STREET               |       |
| SCALE      | 1" = 80'           | HOUSTON, TX 77057              |       |
| PEISER     | A.R.G.             | (979) 491-1808 (TX)            |       |
| OWNER      | JUAN CARLOS FLORES | COMMERCIAL                     |       |
| CHECKED    | T.E.B.             | RESIDENTIAL                    |       |
|            |                    | BOUNDARIES                     |       |
|            |                    | EXISTING                       |       |
|            |                    | WORKSPACE                      |       |
|            |                    | FWW No. 100999-00              |       |

(6)

WHEREAS, Juan Carlos Flores is the Owner of a tract of land situated in the Silas M. Durrett Survey, Abstract No. 272, Ellis County, Texas and being all that corner 7.356 acre tract conveyed to Juan Carlos Flores by General Warranty Deed Filed in Instrument No. 4813735, Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the most easterly north-east corner of said Flores tract, same being the southeast corner of Carter Court (30 feet right-of-way per Instrument No. 4813735, said Official Public Records); same being a north corner of that certain tract of land conveyed to Staropach Texas, LP, by deed recorded in Volume 2620, Page 522, said Official Public Records;

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

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

South 80 deg. 13 min. 14 sec. West, a distance of 1259.81 feet to a 1/2 inch iron rod found for the most westerly south-west corner of said Flores tract;

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

South 60 deg. 13 min. 30 sec. West, a distance of 149.89 feet to a 1/2 inch iron rod found for the most westerly south-west corner of said Flores tract;

North 29 deg. 48 min. 24 sec. West, a distance of 214.00 feet to a fence corner found for the most westerly northwest corner of said Flores tract, same being the southwest corner of Block A, City Center Phase I, an addition to the City of Waco, Texas, according to the plat thereof recorded in Instrument No. 4813735, said Official Public Records;

THENCE North 60 deg. 18 min. 45 sec. East, along the common line of said Flores tract and said Block A, a distance of 100.00 feet to a point for corner, from which a 1/2 inch iron rod found bears North 24 deg. 42 min. West, 134 feet, same being the southwest corner of said Block A, same being in the easterly right-of-way line of Owen Way (30 feet right-of-way per Instrument No. 4813735, said Official Public Records), same being the beginning of a non-tangent curve to the left, having a radius of 225.00 feet and a central angle of 88 deg. 46 min. 54 sec.;

THENCE along said non-tangent curve to the left, and along the common line of said Flores tract and said Owen Way, an arc distance of 22.83 feet and a chord bearing and distance of South 33 deg. 58 min. 35 sec. East, 23.64 feet to a 1/2 inch iron rod found for corner, same being the southwest corner of said Owen Way;

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

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

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

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

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

South 89 deg. 02 min. 45 sec. East, a distance of 215.57 feet to a point for internal corner;

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

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

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

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

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

South 29 deg. 45 min. 42 sec. East, a distance of 36.00 feet to a 1/2 inch iron rod found for corner, same being the southwest corner of said Carter Court;

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

#### SURVEYOR'S CERTIFICATE

#### KNOW ALL MEN BY THESE PRESENTS

That I, Timothy R. Martin, 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 are properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waco, Texas.

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

Timothy R. Martin, RPLS 6122  
Registered Professional Land Surveyor

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

BY:

Chairperson

Date

Attest

Date

#### NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That JUAN CARLOS FLORES, does hereby adopt this plat designating the herein above described property as **CUFT ESTATES PHASE V**, an addition to the City of Waco, Texas, and does hereby dedicate, in his capacity, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, and or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waco, Texas. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the Public's and City of Waco's use thereof. The City of Waco, Texas and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encroach or interfere with the construction, maintenance, or efficiency of 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 and from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and adding to or removing all or parts of their respective systems without the necessity of any time consuming permission from anyone.

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

WITNESS, my hand, this 7th day of April, 2020.

BY:

Authorized Signature of Owner

Juan Carlos Flores, Owner

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Juan Carlos Flores, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 7th day of April, 2020.

Notary Public in and for the State of Texas

My Commission Expires On

### FINAL PLAT CUFT ESTATES PHASE V LOTS 1 - 21, BLOCK A

BEING 7.356 ACRES

SITUATED IN THE SILAS M. DURRETT SURVEY, ABSTRACT NO. 272

CITY OF WACAHACHE, ELLIS COUNTY, TEXAS

CASE NUMBER SUB-47-2020

ZONED PD-SF-3

#### FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Ellis County, the subject property Does Not appear to be within a Special Flood Hazard Area (100 Year Flood); Map date 06/03/2013; Community Flood Map No. 48139CD192P and Map date 06/03/2013; Community Flood Map No. 48139CD130P, subject lot is located in Zone "X".

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

OWNER:  
JUAN CARLOS FLORES  
611 MALLOT ROAD  
WACAHACHE, TEXAS 76798  
214-286-4825

|            |            |                                                            |                                                                      |                                                                   |  |                            |
|------------|------------|------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------|--|----------------------------|
| JOB NO.    | 190404     |                                                            | <b>PEISER &amp; MANKIN SURVEYING, LLC</b><br>www.peisersurveying.com | COMMERCIAL<br>RESIDENTIAL<br>BOUNDARIES<br>TOPOGRAPHY<br>WETLANDS |  | Surveyor's License No. 177 |
| DATE       | 04/06/2020 |                                                            |                                                                      |                                                                   |  |                            |
| FIELD DATE | 02/11/2020 | 1804 BART STREET<br>WACAHACHE, TX 76798<br>817-461-808 (O) |                                                                      |                                                                   |  |                            |
| PEISER     | A R M      |                                                            |                                                                      |                                                                   |  |                            |
| DRUMMOND   | R T H      |                                                            |                                                                      |                                                                   |  |                            |
| TECHNICAL  | T M        | tim@peisersurveying.com                                    | PHONE NO. 1000299-00                                                 |                                                                   |  |                            |

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-000054-2020



### MEETING DATE(S)

Planning & Zoning Commission: May 26, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

**Applicant:** Angel Gonzalez, AGC Custom Homes

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

**Site Acreage:** 11.433 acres

**Number of Lots:** 35 lots

**Number of Dwelling Units:** 35 units

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

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

### SUBJECT PROPERTY

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

**Parcel ID Number(s):** 272990

**Current Zoning:** PD-SF-2

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

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



*Site Aerial:*



**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Plat Drawing

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

**STAFF CONTACT INFORMATION**

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

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





# Planning & Zoning Department

## Plat Staff Report

Case: SUB-000060-2020



### MEETING DATE(S)

Planning & Zoning Commission: May 26, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

**Applicant:** Kars Tamminga

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

**Site Acreage:** 98.537 acres

**Number of Lots:** 71 lots

**Number of Dwelling Units:** 71 units

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

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

### SUBJECT PROPERTY

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

**Parcel ID Number(s):** 210780

**Current Zoning:** N/A (ETJ)

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

**Platting History:**

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

**Site Aerial:**



**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Water Letter

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

**STAFF CONTACT INFORMATION***Prepared by:*

Chris Webb

Planner

[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

**WLSC**

12.98 Acres  
Romeri Developments, LLC  
Int. No. 1E20680  
OPREC7

32 00 Acres  
Swan Holdings  
Vol 1794, Pg 1273  
DIRECT







(8)

April 15, 2020

Kars Tamminga

Re: Certificate of Completion,  
Pioneer Point  
Water main installation

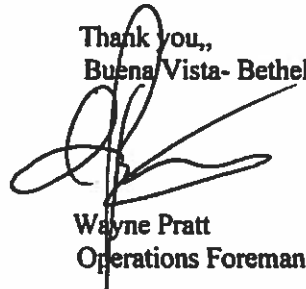
Dear Mr. Kars Tamminga :

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

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

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

Thank you,,  
Buena Vista- Bethel SUD



Wayne Pratt  
Operations Foreman

(1)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-000064-2020



### MEETING DATE(S)

Planning & Zoning Commission: May 26, 2020

City Council: June 1, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

Applicant: Jacob Perry, Waxahachie ISD

Property Owner(s): Waxahachie ISD

Site Acreage: 23.948 acres

Current Zoning: PD-SF-2

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

### SUBJECT PROPERTY

General Location: 631 Solon Rd

Parcel ID Number(s): 220963

Existing Use: Elementary School

Development History: A Final Plat for this site was approved by City Council on May 4, 1998.

Adjoining Zoning & Uses:

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

Future Land Use Plan: Public/Semi-Public

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

The subject property is accessible by Solon Rd.

**Site Image:****PLANNING ANALYSIS**

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

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

**PUBLIC NOTIFICATIONS**

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

**PON RESPONSES**

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

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

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

**APPLICANT REQUIREMENTS**

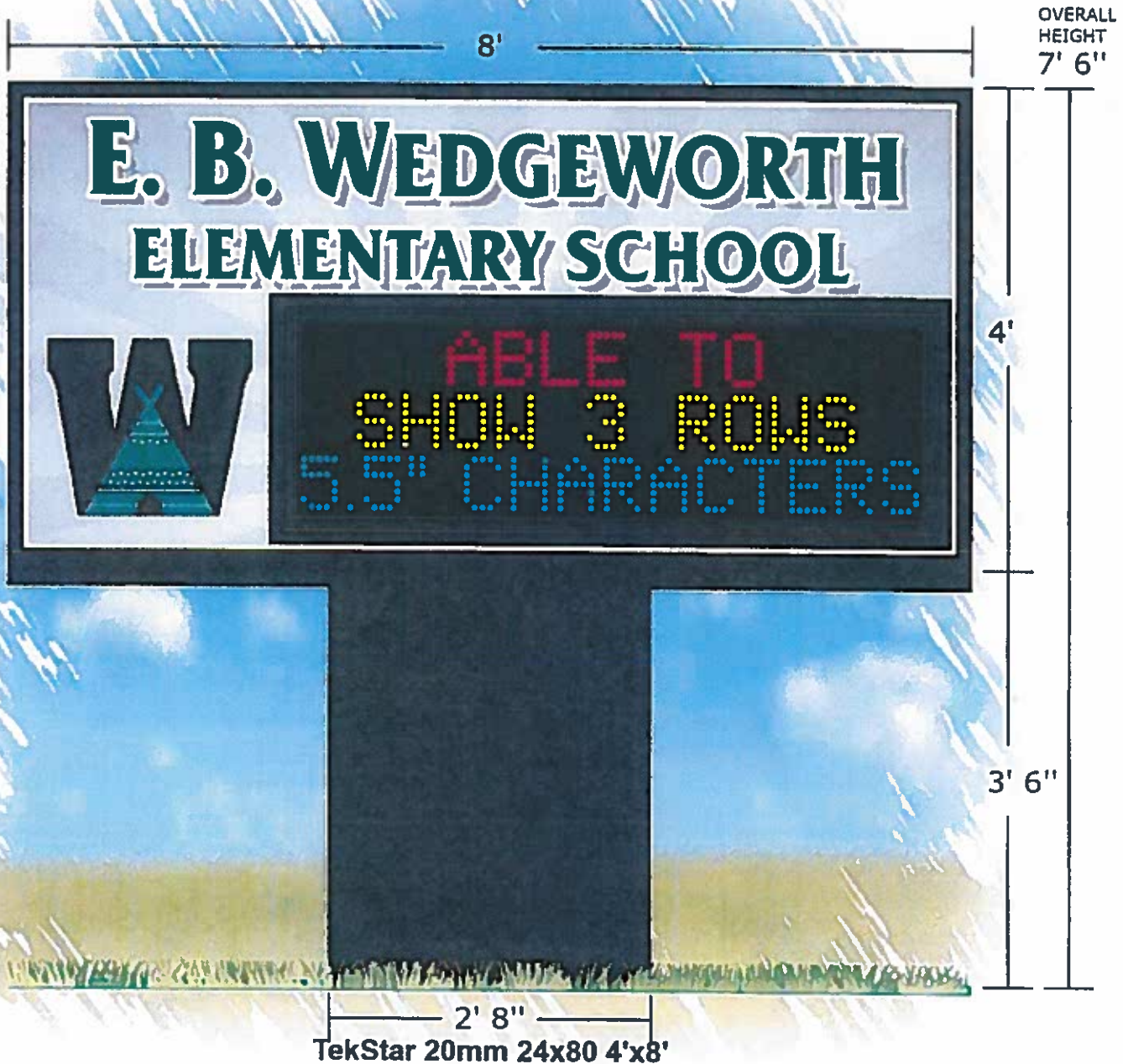
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

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

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

(9)



Cabinet: 4' x 8'  
Mount: Pedestal

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

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



ORIGINAL DESIGN DO NOT DUPLICATE

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND THE BOARD, THE FOLLOWING INFORMATION IS NOT INTENDED TO PROVIDE AN EXACT STATEMENT OF THE DESIGN. THE DESIGN IS SUBJECT TO THE DISCRETION OF THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED.

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

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

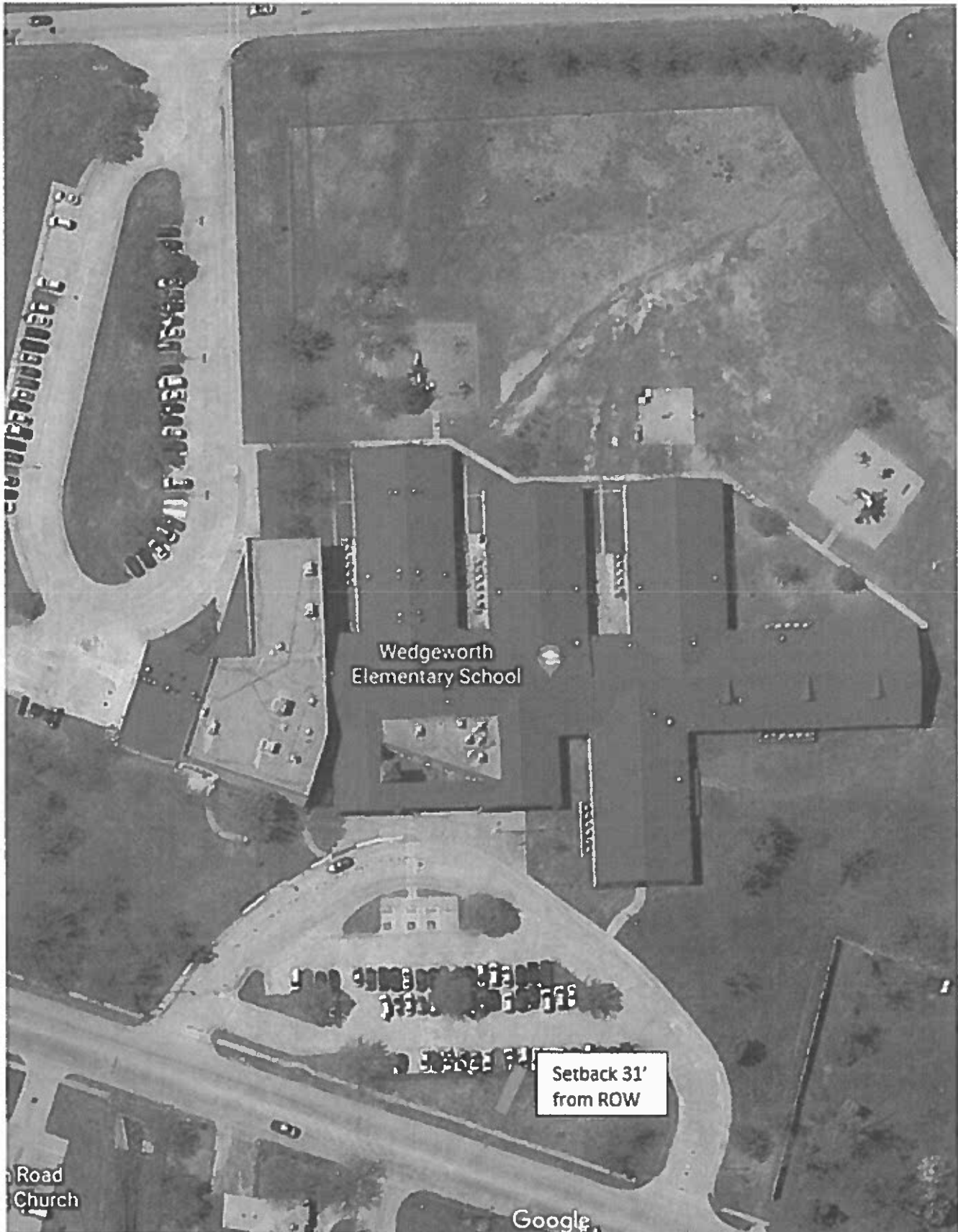
X \_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_

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



(9)

## WEDGEWORTH ELEMENTARY



(9)

1

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

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

PON\_Notify



(9)

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

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

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

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

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

Case Number: **SUB-000064-2020**

City Reference: 225293

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

☒ **SUPPORT**

☐ **OPPOSE**

Comments:

Great idea - look forward to seeing it!

  
Signature

James Worley, Pastor  
Printed Name and Title

5-26-2020  
Date

404 Solon Rd.  
Address

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

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



(111)

## Planning & Zoning Department

### Zoning Staff Report

**Case: ZDC-000069-2020**



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

**CAPTION**

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

**APPLICANT REQUEST**

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

**CASE INFORMATION**

*Applicant:* Jacob Perry, Waxahachie ISD

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 14.01 acres

*Current Zoning:* PD-SF-2

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

**SUBJECT PROPERTY**

*General Location:* 231 Park Place Blvd.

*Parcel ID Number(s):* 237673

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

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

*Adjoining Zoning & Uses:*

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

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

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

The subject property is accessible via Park Place Blvd.

**Site Image:****PLANNING ANALYSIS**

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

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

**PUBLIC NOTIFICATIONS**

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

**PON RESPONSES**

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

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

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

**APPLICANT REQUIREMENTS**

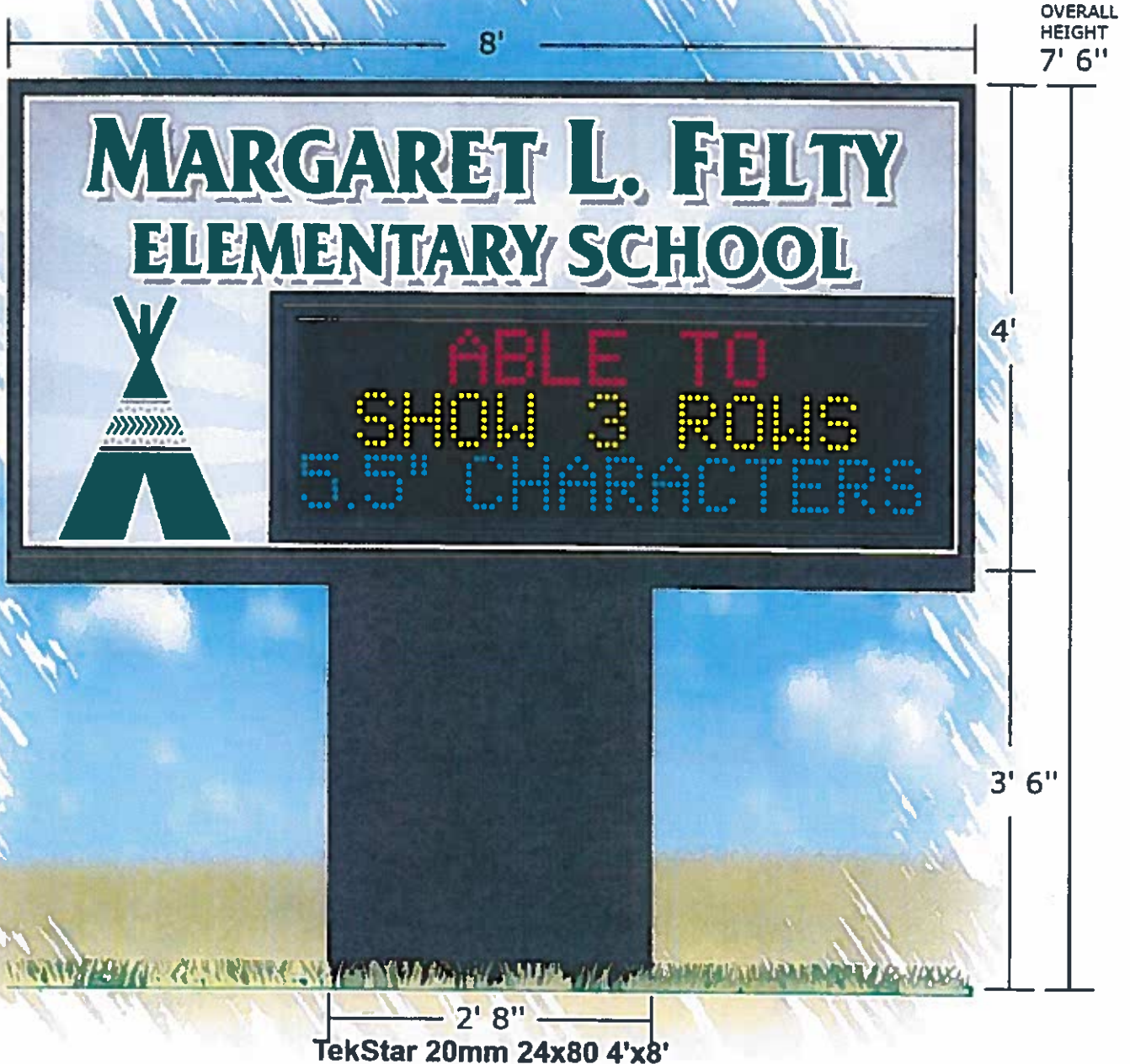
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

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

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

(11)



Cabinet: 4' x 8'  
Mount: Pedestal

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

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



#### ORIGINAL DESIGN DO NOT DUPLICATE

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND THE BASE COMPUTING PROCESS, THIS CUSTOMER APPROVAL IS NOT INTENDED TO BE A SUBSTITUTE FOR THE PHYSICAL PROOF. THE PAPER AND THE BASE COMPUTING PROCESS ARE NOT INTENDED TO BE A SUBSTITUTE FOR THE PHYSICAL PROOF. THE PAPER AND THE BASE COMPUTING PROCESS ARE NOT INTENDED TO BE A SUBSTITUTE FOR THE PHYSICAL PROOF.

APPROVED AS SHOWN.

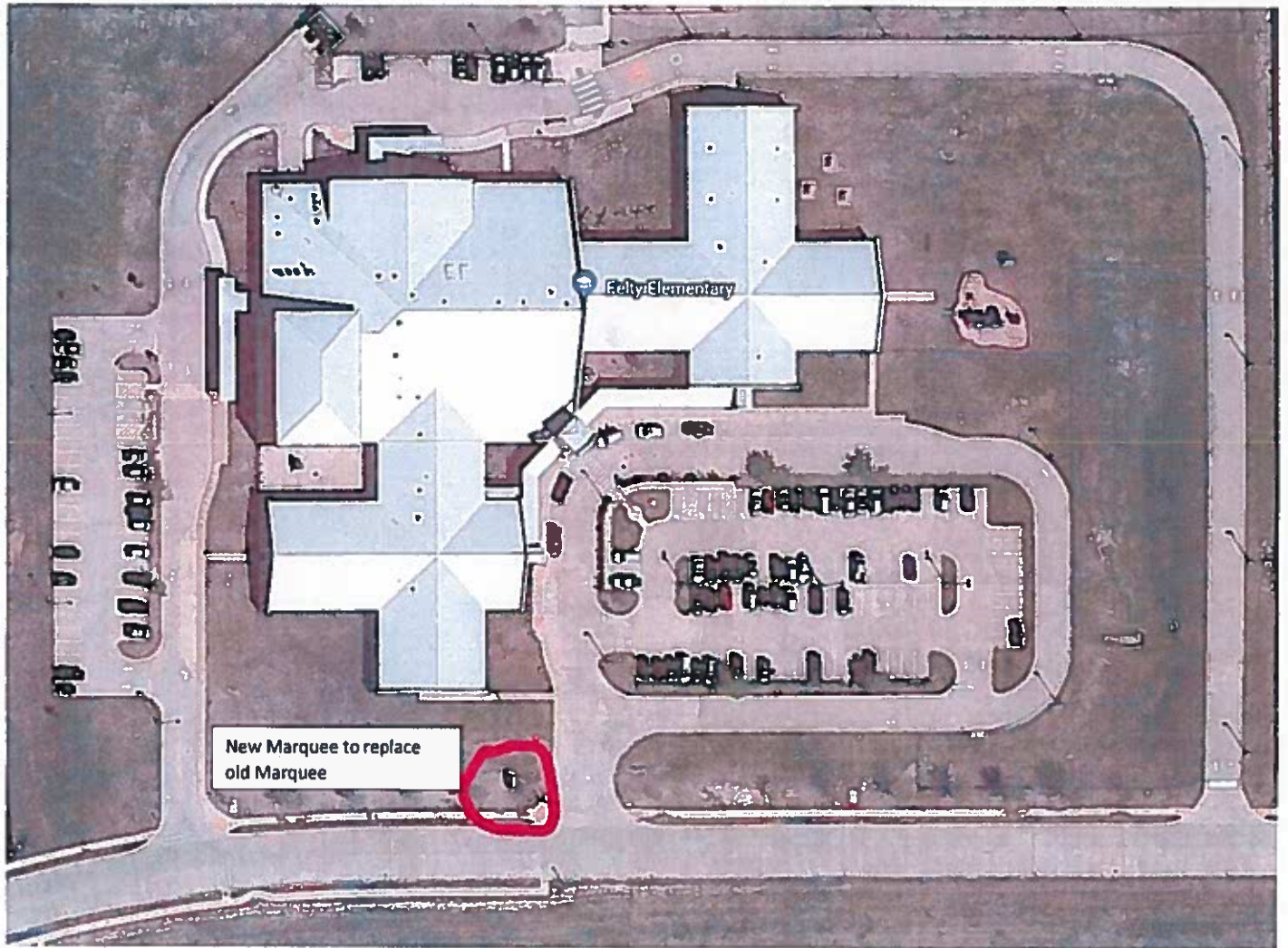
X \_\_\_\_\_ DATE \_\_\_\_\_ 1. \_\_\_\_\_  
APPROVED WITH LISTED CHANGES.  
X \_\_\_\_\_ DATE \_\_\_\_\_ 2. \_\_\_\_\_  
X \_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_

Sketch #280430 Customer #3105511  
4/9/2020 AHall -PROPOSAL-



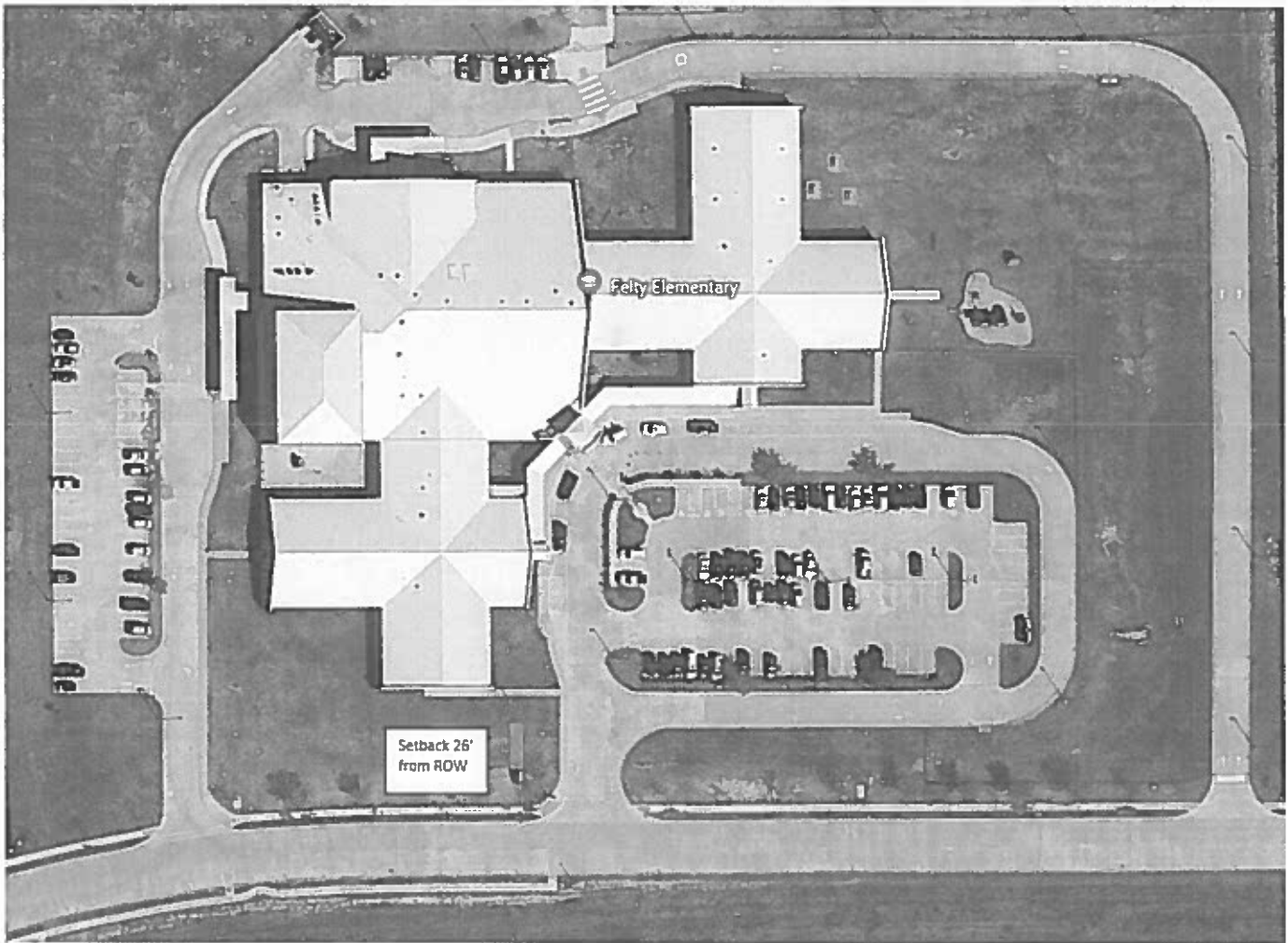
(11)

# FELTY ELEMENTARY



(11)

# FELTY ELEMENTARY



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

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

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|        |                                       |       |                                       |                            |            |
|--------|---------------------------------------|-------|---------------------------------------|----------------------------|------------|
| 239211 | CAMACHO VINCENT IV & LINDSEY T        | 0.2   | 35 2 PARK PLACE 0.20 ACRES            | 210 ATLANTIC AVE           | WAXAHACHIE |
| 239215 | HPA JV TEXAS SUBSIDIARY 2019-1 ML LLC | 0.2   | LOT 10 BLK 3 PARK PLACE 0.2 AC        | 180 N STETSON AVE STE 3651 | CHICAGO    |
| 239216 | HEDGES ZACHARY D & ADRIENNE           | 0.19  | 11 3 PARK PLACE 0.19 ACRES            | 213 ATLANTIC AVE           | WAXAHACHIE |
| 239217 | MC GUIRE MICHAEL & JENNIFER           | 0.19  | LOT 12 BLK 3 PARK PLACE .19 AC        | 211 ATLANTIC AVE           | WAXAHACHIE |
| 242239 | GARDEN VALLEY APARTMENTS LLC          | 11.9  | 5 J B & A ADAMS 11.9 ACRES            | 3710 RAWLINS ST STE 1390   | DALLAS     |
| 258770 | CASE BRADLEY & JENNA                  | 0.213 | LOT 1 BLK 2 PARK PLACE PH 2 0.213 AC  | 212 STARDUST TRL           | WAXAHACHIE |
| 258771 | OLIVER PHILIP L & SHARLA K            | 0.192 | LOT 2 BLK 2 PARK PLACE PH 2 .192 AC   | 210 STARDUST TRL           | WAXAHACHIE |
| 258772 | KOMAN JAMES W JR & JUDY A             | 0.192 | LOT 3 BLK 2 PARK PLACE PH 2 .192 AC   | 208 STARDUST TRL           | WAXAHACHIE |
| 258773 | STYLES BILLIE J B L/E STEVEN STYLES M | 0.192 | LOT 4 BLK 2 PARK PLACE PH 2 .192 AC   | 209 STARDUST TRL           | WAXAHACHIE |
| 258774 | NAY JAMIE E                           | 0.238 | LOT 5 BLK 2 PARK PLACE PH 2 .238 AC   | 204 STARDUST TRL           | WAXAHACHIE |
| 258784 | BOWEN BRADLEY K & QULAVESHIA A        | 0.192 | LOT 4 BLK 3 PARK PLACE PH 2 .192 AC   | 107 BLUE MOON DR           | WAXAHACHIE |
| 258785 | BURCHFIELD RANDY A & KATHRYN L        | 0.243 | LOT 5 BLK 3 PARK PLACE PH 2 .243 AC   | 109 BLUE MOON DR           | WAXAHACHIE |
| 258786 | TORRES NATALIE N & CHRISTOPHER C      | 0.37  | LOT 6 BLK 3 PARK PLACE PH 2 .37 AC    | 201 STARDUST TRL           | WAXAHACHIE |
| 258787 | HRL PROCUREMENT LLC CLAY SIBLEY       | 0.187 | LOT 7 BLK 3 PARK PLACE PH 2 .187 AC   | 5214 W FALL DR             | MIDLOTHIAN |
| 258788 | POWELL WILLIAM & YOLANDA              | 0.192 | LOT 8 BLK 3 PARK PLACE PH 2 .192 AC   | 207 STARDUST TRL           | WAXAHACHIE |
| 258789 | STYLES BILLIE J B                     | 0.196 | LOT 9 BLK 3 PARK PLACE PH 2 .196 AC   | 209 STARDUST TRL           | WAXAHACHIE |
| 258790 | BHAKTA DINA R & RAJENDRA              | 0.179 | LOT 10 BLK 3 PARK PLACE PH 2 .179 AC  | 211 STARDUST TRL           | WAXAHACHIE |
| 258791 | GRANT TIM W II & ASHLEY E             | 0.179 | LOT 11 BLK 3 PARK PLACE PH 2 .179 AC  | 213 STARDUST TRL           | WAXAHACHIE |
| 258792 | GARZA DAVID                           | 0.185 | LOT 12 BLK 3 PARK PLACE PH 2 .185 AC  | 215 STARDUST TRL           | WAXAHACHIE |
| 258793 | JACKSON REGINALD G                    | 0.256 | LOT 13 BLK 3 PARK PLACE PH 2 0.256 AC | 301 MOONLIGHT TRL          | WAXAHACHIE |
| 258794 | ATKINSON MAGGIE E                     | 0.164 | LOT 14 BLK 3 PARK PLACE PH 2 .164 AC  | 303 MOONLIGHT TRL          | WAXAHACHIE |
| 258795 | MERRELL DOUGLAS H & ANGELIA K         | 0.179 | LOT 15 BLK 3 PARK PLACE PH 2 .179 AC  | 305 MOONLIGHT TRL          | WAXAHACHIE |
| 258800 | YOUNG DAVID P & LORRAINE A            | 0.179 | LOT 20 BLK 3 PARK PLACE PH 2 0.179 AC | 416 SAGEBRUSH LN           | WAXAHACHIE |
| 258801 | CROUCH MICHAEL S & LISA J             | 0.179 | LOT 21 BLK 3 PARK PLACE PH 2 .179 AC  | 414 SAGEBRUSH LN           | WAXAHACHIE |
| 258802 | PANTOJA JESUS JR & GUADALUPE C        | 0.206 | LOT 22 BLK 3 PARK PLACE PH 2 .206 AC  | 412 SAGEBRUSH LN           | WAXAHACHIE |
| 258804 | LEWIS IAN & MEGAN                     | 0.218 | LOT 1 BLK 4 PARK PLACE PH 2 .218 AC   | 405 SAGEBRUSH LN           | WAXAHACHIE |
| 258806 | NORTHCUTT MATT & LAURA C              | 0.213 | LOT 3 BLK 4 PARK PLACE PH 2 .213 AC   | 409 SAGEBRUSH LN           | WAXAHACHIE |
| 258807 | RAY KILYNDA V                         | 0.204 | LOT 4 BLK 4 PARK PLACE PH 2 .204 AC   | 411 SAGEBRUSH LN           | WAXAHACHIE |
| 258808 | WILBURN GARY D & LINDA M              | 0.203 | LOT 5 BLK 4 PARK PLACE PH 2 .203 AC   | 413 SAGEBRUSH LN           | WAXAHACHIE |
| 258809 | CALE KELLY                            | 0.192 | LOT 6 BLK 4 PARK PLACE PH 2 .192 AC   | 415 SAGEBRUSH LN           | WAXAHACHIE |
| 258810 | TYNER RODERICK D SR & ANGELA P        | 0.192 | LOT 7 BLK 4 PARK PLACE PH 2 .192 AC   | 417 SAGEBRUSH LN           | WAXAHACHIE |
| 265785 | SUNDBLAD MICHAEL D & LORI L           | 0.21  | LOT 6 BLK 1 PARK PLACE PH 3 .21 AC    | 410 SUNSET CT              | WAXAHACHIE |
| 265786 | SALVADOR FAMILY HOLDINGS LTD          | 0.25  | LOT 7 BLK 1 PARK PLACE PH 3 0.25 AC   | 509 FERRIS AVE             | WAXAHACHIE |
| 265787 | SANTOS DEREK H & NATALIE              | 0.34  | LOT 8 BLK 1 PARK PLACE PH 3 .34 AC    | 406 SUNSET CT              | WAXAHACHIE |





(11)

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

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

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

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

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

Case Number: SUB-000069-2020

City Reference: 239183

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

☒ SUPPORT

☐ OPPOSE

Comments:

Debra Camacho

Signature

5/8/20

Date

Debra Camacho

Printed Name and Title

208 Atlantic, Waxahachie  
Address  
TX 75165

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

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



(11)

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

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**LEWIS IAN & MEGAN**  
**405 SAGEBRUSH LN**  
**WAXAHACHIE, TX 75165**

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

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

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Case Number: SUB-000069-2020

City Reference: 258804

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

☐ SUPPORT

☒ OPPOSE

Comments:

Ian and Megan Lewis  
Signature

4/9/20  
Date

Ian and Megan Lewis  
Printed Name and Title

405 sagebrush lane  
Address

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

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

(11)

Case Number: SUB-000069-2020

City Reference: 258800

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

☒ SUPPORT

☐ OPPOSE

Comments:

David P. Young  
Signature

5/9/2020  
Date

DAVID P. YOUNG  
Printed Name and Title

4116 SAGEBRUSH LN  
Address

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

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

(13)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-000070-2020



### MEETING DATE(S)

Planning & Zoning Commission: May 26, 2020

City Council: June 1, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

Applicant: Jacob Perry, Waxahachie ISD

Property Owner(s): Waxahachie ISD

Site Acreage: 19.177 acres

Current Zoning: SF-3

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

### SUBJECT PROPERTY

General Location: 650 Parks School House Rd

Parcel ID Number(s): 241034

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

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

Adjoining Zoning & Uses:

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

Future Land Use Plan: Public/Semi-Public

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

This property is accessible via Parks School House Rd.

**Site Image:****PLANNING ANALYSIS**

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

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

### **PUBLIC NOTIFICATIONS**

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

### **PON RESPONSES**

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

### **RECOMMENDATION**

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

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

### **ATTACHED EXHIBITS**

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

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

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

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





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

(13)

# CLIFF ELEMENTARY





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

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

Notify



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

JENNINGS ROY & MICHELLE  
638 OLIVER LN  
WAXAHACHIE, TX 75165

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

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

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

Case Number: **SUB-000070-2020**

City Reference: 230571

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

☒ **SUPPORT**

☐ **OPPOSE**

Comments:

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

Michelle V Jennings  
Signature

May 9, 2020  
Date

Michelle V Jennings  
Printed Name and Title

638 Oliver Lane  
Address

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

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

(15)

# Planning & Zoning Department

## Zoning Staff Report

**Case: ZDC-000071-2020**



### MEETING DATE(S)

*Planning & Zoning Commission:* May 26, 2020

*City Council:* June 1, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

*Applicant:* Jacob Perry, Waxahachie ISD

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 10 acres

*Current Zoning:* SF-2

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

### SUBJECT PROPERTY

*General Location:* 110 Brown St

*Parcel ID Number(s):* 222535

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

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

*Adjoining Zoning & Uses:*

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

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

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

Marvin Elementary is accessible by Brown St and McKenzie St.

**Site Image:****PLANNING ANALYSIS**

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

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

**PUBLIC NOTIFICATIONS**

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

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Sign Exhibit
2. Location Map

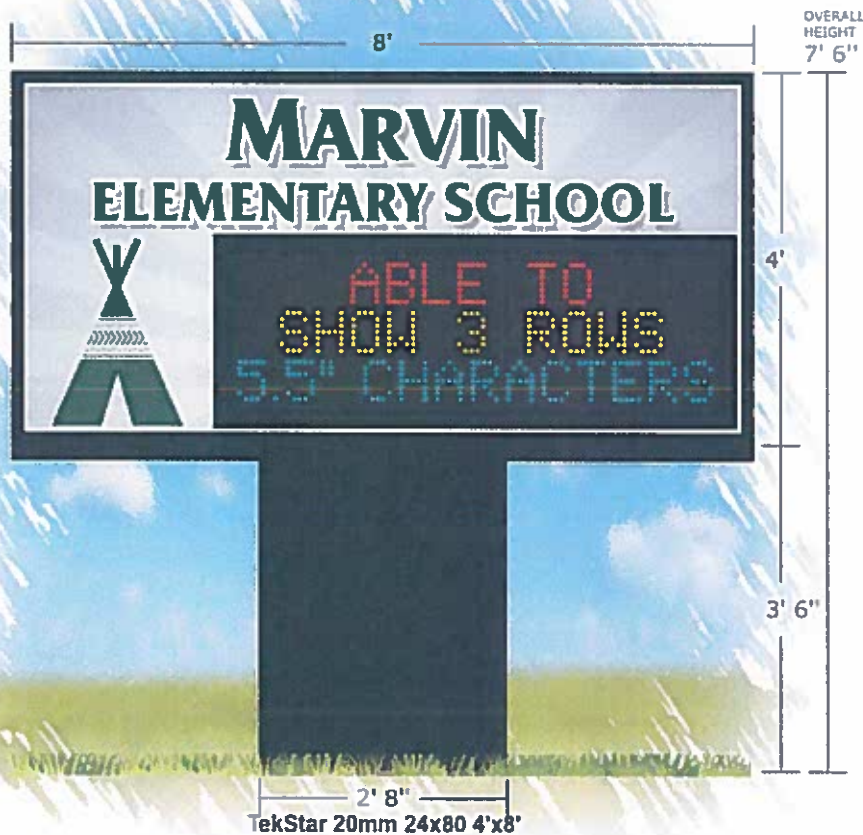
**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

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

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



Cabinet: 4' x 8'  
Mount: Pedestal

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

Outline Color: White  
Font: Fritz Quadrate(b)  
Logos: greysunburst, feltyelemlogo, 50yrs002

[illegible]



(15)

## MARVIN ELEMENTARY



# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-07-2020



### MEETING DATE(S)

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

*City Council:* June 1, 2020

### CAPTION

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

### APPLICANT REQUEST

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

### CASE INFORMATION

*Applicant:* Oak Cliff Metals

*Property Owner(s):* Falcon Transit Inc.

*Site Acreage:* 17.996 acres

*Current Zoning:* Heavy Industrial

*Requested Zoning:* Heavy Industrial w/ SUP

### SUBJECT PROPERTY

*General Location:* 500 Brown Industrial Rd.

*Parcel ID Number(s):* 233797

*Existing Use:* Existing industrial recycling site

*Development History:* N/A

### Adjoining Zoning & Uses:

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



***Future Land Use Plan:***

Highway Commercial

***Comprehensive Plan:***

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

***Thoroughfare Plan:***

The subject property is accessible via Brown Industrial Rd.

***Site Image:*****PLANNING ANALYSIS**

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

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

### **PUBLIC NOTIFICATIONS**

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

### **PROPERTY OWNER NOTIFICATION RESPONSES**

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

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

### **STAFF CONCERNS**

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

### **APPLICANT RESPONSE TO CONCERNS**

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

### **RECOMMENDATION**

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

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

### **ATTACHED EXHIBITS**

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

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

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

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

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

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

**Recitals:**

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

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

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

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

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

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

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

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

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

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

OCR agrees to the following:

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

(11)

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

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

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

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

**Additional Understandings:**

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

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

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

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

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

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

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

**Section 4. Miscellaneous**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17)

**OAK CLIFF RECYCLING, INC.**

**CITY OF WAXAHACHIE, TEXAS**

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

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: \_\_\_\_\_



(17)

**EXHIBIT A**

**OCR SUP Ordinance**

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

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

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

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

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

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

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

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

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

(17)

## **SPECIFIC USE PERMIT**

### **Purpose and Intent**

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

### **Specific Use Permit**

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

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

### **Compliance**

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

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

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

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

(17)

\_\_\_\_\_  
MAYOR

ATTEST:

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



# CITY OF WAXAHACHIE

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

May 19, 2020

Re: Notice of Specific Use Permit Revocation Hearing

Oak Cliff Recycling:

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

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

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

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

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

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

Sincerely,



Michael Scott  
City Manager

(17)

**ORDINANCE NO. 2616**

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

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

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

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

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

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

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

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

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

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

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

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



**ATTEST:**

  
City Secretary

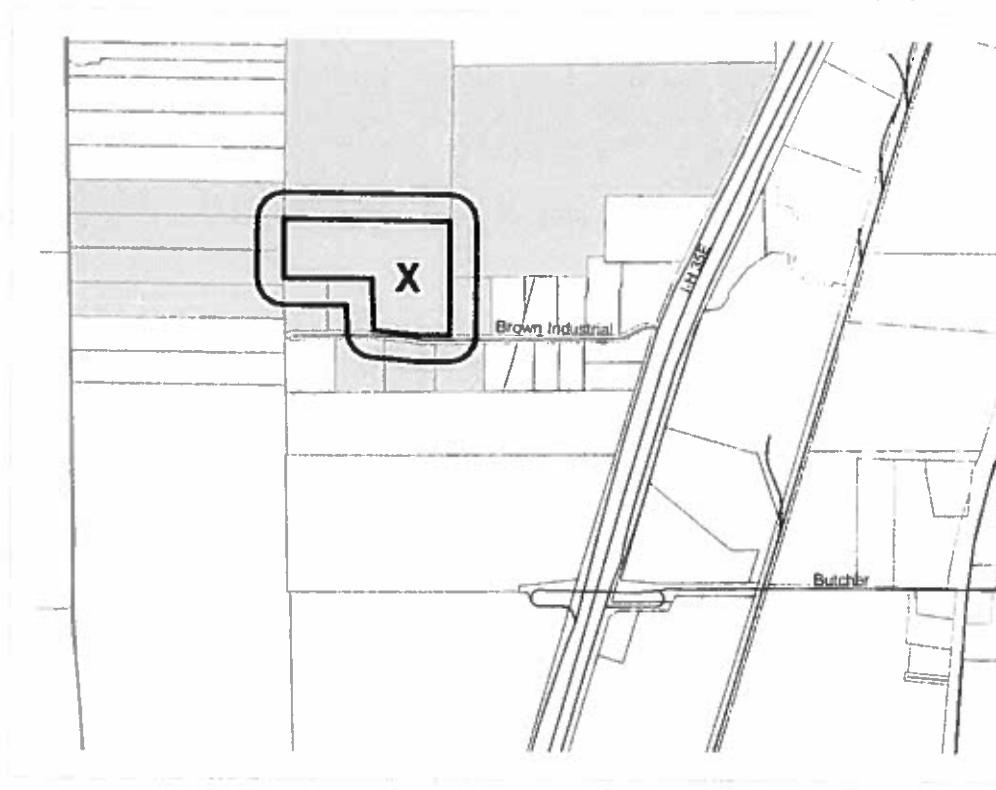
  
MAYOR



(17)

500 0 500 1000 Feet

SUP2011-15



(17)

Case ZDC-000007-2020  
 Responses Received Inside Required 2007 Notification Area  
 Support: 3 Oppose: 0

| PropertyID | Owner's Name                        | Acreage | Legal Description                       | Owner's Address                | Owner's City | Owner's State | Owner's ZIP | Physical Address                            |
|------------|-------------------------------------|---------|-----------------------------------------|--------------------------------|--------------|---------------|-------------|---------------------------------------------|
| 148211     | PERETTE EVELYN G                    | 3.08    | LOT 4 BROWN IND SITES 3.08 AC           | 6431 TRANQUIL APT 1021         | IRVING       | TX            | 75039       | BROWN INDUSTRIAL RD WAXAHACHIE TX 75167     |
| 148212     | FWN O LLC                           | 2.73    | LOT 12 BROWN IND SITES 1 2.73 AC        | PO BOX 810228                  | DALLAS       | TX            | 75281       | BROWN INDUSTRIAL RD WAXAHACHIE TX 75167     |
| 148294     | ESTRADA LUIS                        | 3.34    | LOT 6 BROWN IND SITES 2 3.34 AC         | 524 BROWN INDUSTRIAL RD        | WAXAHACHIE   | TX            | 75167       | BROWN INDUSTRIAL RD WAXAHACHIE TX 75167     |
| 148297     | FRANKS DORIS E                      | 3       | LOT 8 BROWN IND SITES 3 3 AC            | 674 BROWN INDUSTRIAL RD        | WAXAHACHIE   | TX            | 75167       | 674 BROWN INDUSTRIAL RD WAXAHACHIE TX 75167 |
| 148298     | ESTRADA JOSE L & HORTENCIA          | 3       | LOT 9 BROWN IND SITES 2 3 AC            | 410 SUNFLOWER ST               | RED OAK      | TX            | 75154       | 524 BROWN INDUSTRIAL RD WAXAHACHIE TX 75167 |
| 148303     | ESTRADA LUIS                        | 3.38    | LOT 5 BROWN IND SITES 2 3.38 AC         | 524 BROWN INDUSTRIAL RD        | WAXAHACHIE   | TX            | 75167       | 524 BROWN INDUSTRIAL RD WAXAHACHIE TX 75167 |
| 188266     | DALLAS DOWDY PARTNERS LLC           | 77.49   | 752 MC KINNEY & WILLIAMS 77.49 ACRES    | 2735 TROPHY CLUB DR            | TROPHY CLUB  | TX            | 76262       | GUN CLUB RD WAXAHACHIE TX 75185             |
| 191079     | DALLAS DOWDY PARTNERS LLC           | 50.686  | 1003 PETER B STOUT 50.686 ACRES         | 2735 TROPHY CLUB DR            | TROPHY CLUB  | TX            | 76262       | INTERSTATE 35 WAXAHACHIE TX 75185           |
| 205886     | TRUJILLO DELFINA ETAL               | 9.58    | LOT 17 WEST STERRETT ESTS 9.58 AC       | 2540 SOLON RD                  | WAXAHACHIE   | TX            | 75167       | 2540 SOLON RD WAXAHACHIE TX 75167           |
| 205883     | STEMBRIDGE DAVID                    | 9.58    | 14 WEST STERRETT ESTS 9.58 ACRES        | 2630 SOLON RD                  | WAXAHACHIE   | TX            | 75167       | 2630 SOLON RD WAXAHACHIE TX 75167           |
| 205884     | QUEJA ANTONIO O & SOCORRO J JIMENEZ | 9.58    | LOT 15 WEST STERRETT ESTS 9.58 ACRES    | 2630 SOLON RD                  | WAXAHACHIE   | TX            | 75167       | 2630 SOLON RD WAXAHACHIE TX 75167           |
| 205886     | GARCIA MARTIN A OLGA                | 9.58    | 16 WEST STERRETT ESTS 9.58 ACRES        | 181 CR 4629                    | NEWARK       | TX            | 76071       | 2610 SOLON RD WAXAHACHIE TX 75167           |
| 233787     | FALCON TRANSIT INC                  | 17.986  | LOT 13R BROWN IND SITES 2 REV 17.986 AC | 500 BROWN INDUSTRIAL RD        | WAXAHACHIE   | TX            | 75167       | 500 BROWN INDUSTRIAL RD WAXAHACHIE TX 75167 |
| 281785     | HILTON REAL ESTATE PROPERTIES LLC   | 15.758  | 1003 PETER B STOUT 15.758 ACRES         | 6907 N INTERSTATE HIGHWAY 35 E | WAXAHACHIE   | TX            | 75185       | INTERSTATE 35 WAXAHACHIE TX 75185           |



L(17)

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

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

(17)

Case Number: ZDC-000007-2020

City Reference: 148297

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

☐ SUPPORT

☒ OPPOSE

Comments:

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

4-7-20

Signature

Doris Franks

Date

DORIS FRANKS-OWNER  
Printed Name and Title

674 BROWN INDUSTRIAL Rd.  
Address

RECEIVED  
4/7/20

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

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



(17)

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

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

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

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

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

Case Number: ZDC-000007-2020

City Reference: 205895

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

☐ SUPPORT

☒ OPPOSE

Comments:

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

Martin Garcia  
Signature

3-28-2020  
Date

Martin Garcia Owner  
Printed Name and Title

161 C.R. 4929 Newark Tx. 76071  
Address

**RECEIVED**  
4/7/20

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

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

(11)

Case Number: ZDC-000007-2020

City Reference: 205894

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

☒ SUPPORT

☐ OPPOSE

Comments:

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

Signature

Date

Printed Name and Title

Address

*Socorro Jimenez* x *Antonio Ojeda*  
owners

05-15-2020

2620 Solon RD Waxahachie Tx  
75167

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

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

(17)

Planning Department,

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

Thank you,

Judy and Bill Hendrich

2530 Solon Road

469-223-3370