

A G E N D A

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, December 14, 2021 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

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

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.
 - a. Minutes of the regular Planning & Zoning Commission meeting of November 23, 2021
 - b. Minutes of the Planning & Zoning Commission briefing of November 23, 2021
 - c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of December 7, 2021
5. ***Continue Public Hearing*** on a request by Josh Dunlap, for a Zoning Change from a Planned Development-General Retail to Planned Development-Multiple Family-2 (PD-MF-2) zoning district, located at 809 Dr. Martin Luther King Jr. Blvd. (Property ID 205458 and 171253) - Owner: GIBSON & GIBSON, LLC (ZDC-105-2021)
6. ***Consider*** recommendation of Zoning Change No. ZDC-105-2021

7. **Continue Public Hearing** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
8. **Consider** recommendation of Zoning Change No. ZDC-146-2021
9. **Consider** request by Keegan Amos, DAE, for a Replat of Lots 1R and 2R, McEwen Addition, to create Lot 1R-1, McEwen Addition 1 Commercial Lot, being 2.996 acres (Property ID 174768 & 174769) – Owner: WIDRICK HOLDINGS LTD (SUB-193-2021)
10. **Consider** request by Paul Colwell, Morgan & Bryan Properties LLC, for a Replat of Lot 3A, Block A, Park Place Professional Center, to create Lots 3A1 & 3A2, Block A, Park Place Professional Center, being 1.2129 acres (Property ID 247586) – Owner: Morgan & Bryan Properties LLC (SUB-167-2021)
11. **Consider** request by T.J. Wells, PE, Peloton Land Solutions, for a Final Plat of The Oak of North Grove, Phase I, 184 Residential Lots, 9 No-Residential Lots, being 81.121 acres situated in the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927, an addition to the City of Waxahachie (Property ID 284716) – Owner: BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL (SUB-190-2021)
12. **Public Hearing** on a request by Amanda McDaniel, AMG Technology dba Nextlink Broadband, for a Specific Use Permit (SUP) for a Communications Antennas and Support Structures/Towers (Cell Tower) use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 185 Saratoga Drive (Property ID 240969) - Owner: WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC (ZDC-182-2021)
13. **Consider** recommendation of Zoning Change No. ZDC-182-2021
14. **Public Hearing** on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-191-2021)
15. **Consider** recommendation of Zoning Change No. ZDC-191-2021
16. **Continue Public Hearing** on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)
17. **Consider** recommendation of Zoning Change No. ZDC-174-2021

18. **Public Hearing** on a request by Ray Porter, The Summit at Breezy Acres, LLC, for a Zoning Change from a Light Industrial-1 (LI-1) and Future Development (FD) zoning district to Planned Development Commercial (C) zoning district located at the Northwest quadrant of Butcher Road and West of I-35S (Property ID 191034) - Owner: PRZYBYLSKI FAMILY REVOCABLE (ZDC-199-2021)
19. **Consider** recommendation of Zoning Change No. ZDC-199-2021
20. **Public Hearing** on a request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)
21. **Consider** recommendation of Zoning Change No. ZDC-189-2021
22. **Public Hearing** on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)
23. **Consider** recommendation of Zoning Change No. ZDC-188-2021
24. **Continue Public Hearing** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)
25. **Consider** recommendation of Zoning Change No. ZDC-162-2021
26. **Continue Public Hearing** on a request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)
27. **Consider** recommendation of Zoning Change No. ZDC-155-2021
28. Adjourn

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

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

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

(4a)

Planning and Zoning Commission
November 23, 2021

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, November 23, 2021 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
James Gaertner, Director of Public Works & Engineering
Colby Collins, Planning Manager
Zack King, Planner
Jami Bonner, Assistant City Secretary
David Hill, Council Representative

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

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

- 3. **Public Comments**

None

- 4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of November 9, 2021
- b. Minutes of the Planning & Zoning Commission briefing of November 9, 2021

Action:

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

- 5. **Consider request by David Norris, Foresite Group, LLC, for a Plat of The Fitzgerald, being a 12.6563 acre tract of land situated in the Albert S. Pruett Survey, Abstract 848 (Property ID 275563) – Owner: KALTERRA CAPITAL PARTNERS, LLC (SUB-168-2021)**

Planner Zack King presented the case noting the applicant is requesting to plat the subject property into one (1) lot for multi-family residential use and staff recommends approval as presented.

Action:

Vice Chairman Melissa Ballard moved to approve a request by David Norris, Foresite Group, LLC, for a Plat of The Fitzgerald, being a 12.6563 acre tract of land situated in the Albert S. Pruett

(4a)

Survey, Abstract 848 (Property ID 275563) – Owner: KALTERRA CAPITAL PARTNERS, LLC (SUB-168-2021) as presented. Mr. David Hudgins seconded, All Ayes.

6. **Consider request by Mike Davis, Bannister Engineering, for a Final Plat of Victron Park, Lot 1, Block 9, being 1.283 acres situated in the Albert Pruitt Survey, Abstract 848, an addition in the City of Waxahachie (Property ID 189377) – Owner: DMJ PROPERTIES, LTD (SUB-172-2021)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into one (1) lot for commercial use (carwash) and staff recommends approval as presented.

Action:

Mr. David Hudgins moved to approve a request by Mike Davis, Bannister Engineering, for a Final Plat of Victron Park, Lot 1, Block 9, being 1.283 acres situated in the Albert Pruitt Survey, Abstract 848, an addition in the City of Waxahachie (Property ID 189377) – Owner: DMJ PROPERTIES, LTD (SUB-172-2021) as presented. Ms. Betty Square Coleman seconded, All Ayes.

7. **Consider request by Jace Huffman, Huffman Consulting Engineers, for a Plat of Scarborough Carwash, Lot 1, Block 1, being 1.571 acres situated in the J.C. Armstrong Survey, Abstract 6, an addition in the City of Waxahachie (Property ID 223397 & 179035) – Owner: H & D REALTY INVESTMENTS, LLC (SUB-163-2021)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into one (1) lot for commercial use (carwash) and the staff recommends approval as presented.

Action:

Ms. Bonney Ramsey moved to approve a request by Jace Huffman, Huffman Consulting Engineers, for a Plat of Scarborough Carwash, Lot 1, Block 1, being 1.571 acres situated in the J.C. Armstrong Survey, Abstract 6, an addition in the City of Waxahachie (Property ID 223397 & 179035) – Owner: H & D REALTY INVESTMENTS, LLC (SUB-163-2021) as presented. Mr. Erik Test seconded, All Ayes.

8. **Consider request by Michael Westfall, P.E., Westfall Engineering, for a Plat of Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into nine (9) lots for commercial use. He stated the applicant is providing a fifteen foot (15') Right-of-Way dedication along Brown Street and an 80' Right-of-Way dedication for the extension of Indian Drive in alignment with the City of Waxahachie thoroughfare plan. Mr. King added the applicant has agreed to sign a Development Agreement for the property stipulating the developer will extend Indian Drive across Mustang Creek when the remainder of the property is platted.

Action:

(4a)

Mr. Jim Phillips moved to approve a request by Michael Westfall, P.E., Westfall Engineering, for a Plat of Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021) as presented. Vice Chairman Melissa Ballard seconded, All Ayes.

- 9. Consider request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)**

Mr. King presented the case noting the applicant is requesting to plat the subject property into eight (8) lots for single family residential use as townhomes. He stated the applicant is also requesting a variance from the 15' Utility Easement requirement along Washington Avenue. Mr. King explained the 10' Utility Easement variance request is acceptable for the City of Waxahachie Utilities Department as long as it does not cause issues for franchise utilities in the area. Mr. King noted that City Council will approve the Utility Easement variance request. Staff recommends approval per the following condition:

1. Confirmation of acceptance of the 10' Utility Easement is required from all utility providers in the area, including AT&T, Atmos, and Oncor.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021) per staff condition, supporting variance request. Mr. Jim Phillips seconded, All Ayes.

- 10. Public Hearing on a request by Danny Wood, Wood Brothers Construction, LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021)**

Chairman Keeler opened the Public Hearing.

Planning Manager Colby Collins presented the case noting the applicant is requesting to construct a +700 sq. ft. accessory structure in the rear of a single family property. Mr. Collins stated staff recommends approval per staff comments:

1. Due to the size of the proposed structure (3,000 sq. ft.), staff suggests that the applicant remove the existing storage structure (used to store feed for animals) from the property.
2. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections Department prior to construction of the proposed structure.
3. Any new pavement added to the site shall be concrete.
4. The structure shall not be used as a dwelling.

(4a)

Mr. Jim Phillips requested clarification in regards to the recommendation of removing the existing storage building. He inquired due to the large size of the property and set back off of the road, would it be harmful to allow the existing storage structure to stay. Mr. Collins replied that staff's recommendation is consistent with the City ordinance in regards to structure buildings on a single property; however, staff recognizes this case is unique as the property is over 26 acres.

Mr. Jorge Puricelli, 2305 Marshall Road, Waxahachie, stated the existing building has electricity, stores animal food, tools, and houses animals during cold weather. Mr. Puricelli stated he agrees with the other staff comments.

Ms. Betty Square Coleman asked Mr. Puricelli how long the existing building has been on the property. Mr. Puricelli replied that he purchased the property two years ago and the building was there prior to his purchase.

There being no others to speak for or against ZDC-171-2021, Chairman Keeler closed the Public Hearing.

11. Consider recommendation of Zoning Change No. ZDC-171-2021

Action:

Vice Chairman Melissa Ballard moved to approve a request by Danny Wood, Wood Brothers Construction, LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700SF use within a Single Family-1 zoning district located at 2305 Marshall Road (Property ID 203935) - Owner: JORGE & JAZMIN A PURICELLI (ZDC-171-2021) as presented, with the exception of leaving the +700 existing building in place. Mr. Erik Test seconded, All Ayes.

12. Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is requesting approval to allow a drive-through establishment (Starbucks) on 0.912 acres. He noted City staff has recommended the applicant incorporate more windows and/or wood siding along the North elevation and the applicant provided a revised façade rendering. Mr. Collins explained the proposed driveway does not meet TxDOT standards for driveway spacing and does not match the overall driveway plan submitted by O'Reilly Auto Parts development previously approved by City Council. Staff recommends the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property. Staff recommends approve per staff comments.

Mr. David Hudgins asked if there will be any assurance that O'Reilly Auto Parts will be unable to close the previously approved driveway if their store closes. Mr. James Gaertner, Director of Public Works and Engineering, stated that when the property is platted, an access easement will be required so that the driveway cannot be closed.

Chairman Keeler asked if the applicant is aware of the driveway access issue and if the applicant is agreeable to revisit the façade materials.

Mr. Patrick Noonan, Vaquero Ventures, 2900 Wingate St., Ft. Worth, replied that Vaquero Ventures is developing both the O'Reilly Auto Parts store and Starbucks and are aware there will be shared access. Mr. Noonan explained the North side of the Starbucks building holds the kitchen and would not be an appropriate location for large windows. He noted Starbucks would prefer to stay consistent with the standard Starbucks layout.

Chairman Keeler acknowledged the standard Starbucks layout, but stated that the locations he researched did not include stucco as part of the façade contrasting elements. He encouraged Mr. Noonan to continue design discussions with Starbucks. Mr. Noonan agreed to continue the case until the December 14th meeting.

Ms. Siyanade Fayiga, 1111 W. Main St., Waxahachie, asked if stucco is undesirable for the city of Waxahachie. Chairman Keeler replied that visually he personally prefers to see materials such as wood, steel, glass, stone, brick opposed to stucco. He explained that if a zoning change or Specific Use Permit is requested, there is opportunity to negotiate materials utilized for the site plan.

There being no others to speak for or against ZDC-174-2021, Chairman Keeler closed the Public Hearing.

13. Consider recommendation of Zoning Change No. ZDC-174-2021

Action:

Vice Chairman Melissa Ballard moved to continue a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021) to the December 14, 2021 Planning & Zoning Commission meeting. Ms. Betty Square Coleman seconded, All Ayes.

14. Public Hearing on a request by Drew Donosky, Claymoore Engineering, for a Specific Use Permit (SUP) for a Hospital (Inpatient Rehabilitation Facility) use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting approval to allow an inpatient rehabilitation facility (ClearSky Rehabilitation Hospital) on five (5) acres. He noted the proposed site plan provides sufficient landscaping and exceeds the parking space requirement significantly; however, staff understands the number of parking spaces proposed is needed to accommodate peak employee hours during shift change. Mr. Collins detailed the elevation/façade plan, noting the plan included in the packet was updated from stucco to metal material for a portion of the roof due to

feasibility of changing out HVAC equipment. Staff recommends approval per the following comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Mr. David Ransom, 693 Gulf Shores Dr., Frisco, stated he is a developer and ClearSky Rehabilitation Hospital will be a tenant. He noted ClearSky has locations around DFW, Arizona, and Ohio.

Ms. Bonney Ramsey recognized the importance of a rehabilitation hospital for the city of Waxahachie.

Mr. Phillips shared the City's comprehensive improvement plan vision to move traffic off of the 77 corridor and asked if there are retailers or restaurants targeted for the surrounding pad sites. Mr. Ransom replied that although he is not the developer for the surrounding pad sites, he often sees restaurants, ancillary care offices, or other doctors' offices near ClearSky hospitals.

There being no others to speak for or against ZDC-173-2021, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. ZDC-173-2021

Action:

Mr. Jim Phillips moved to approve a request by Drew Donosky, Claymoore Engineering, for a Specific Use Permit (SUP) for a Hospital (Inpatient Rehabilitation Facility) use within a General Retail zoning district located at East of the intersection of Indian Drive and Brown Street (Property ID 179000) - Owner: BUFFALO CREEK PLAZA, LLC (ZDC-173-2021) per staff comments. Ms. Bonney Ramsey seconded, All Ayes.

16. Public Hearing on a request by Rafael Benavides for Zoning Change from a Single Family-2 (SF2) zoning to Planned Development-Single Family-2 (PD-SF2) to allow an existing Additional Single-Family Residence for rent use located at 314 Kaufman Street (Property ID 170847) - Owner: RAFAEL & GREGORIA S BENAVIDES (ZDC-176-2021)

Chairman Keeler opened the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure for rent located at 314 Kaufman. He provided the following details in regards to the property:

- In June of 2021, Code Enforcement received a complaint about trash in the front yard of the accessory structure. Code Enforcement found the accessory structure has been utilized as a rental property for years. Mr. Collins noted the property was cleared of trash.
- The structures were built in 1940, predating City permitting systems. Staff was unable to find any record of a building inspection for the accessory structure, thus staff does not know if the structure is appropriate for habitable use.
- The two structures on the property are separately metered for gas, water and utilities. The accessory structure has a separate address, 316 Kaufman St.; however, the City of

Waxahachie and Ellis County Appraisal District do not have record of this address. Mr. Collins explained that anyone can apply for an address with the United States Postal Service.

- Due to staff concerns, staff recommends denial for the proposed use. If the case is approved, staff suggests that the applicant receive an official inspection for the structure from the City of Waxahachie Building Inspections Department to confirm the property is up to code compliance regarding habitable structures. In addition, the structure only be used as a dwelling, not a dwelling for rent.

Mr. David Hudgins commented the case is difficult to consider due to the history. He expressed his support for structures to be inspected for safety purposes.

Ms. Betty Square Coleman requested clarification in regards to what determines the structure in question to be an accessory structure that cannot be rented versus a structure that can be rented. Mr. Collins replied that staff could not find anything in current ordinance or previous ordinances that would allow an accessory structure to be rented. Ms. Square Coleman stated that many structures in the area are rental properties.

After further discussion, the Planning & Zoning Commission resolved that zoning would allow the applicant to use the structure in question as an accessory structure or an accessory dwelling; however, due to City ordinance, the structure may not be a dwelling for rent.

Mr. Rafael Benavides, 503 Forney, Waxahachie, stated when he purchased the property, he was unaware that he could not rent out both structures which was the intention when purchased. He noted that he evicted the tenant after the trash complaint during the summer. There is no one currently living in the accessory structure.

Those who spoke in favor:

Mr. Ira Tenpenny, 109 Rosa St., Waxahachie

There being no others to speak for or against ZDC-176-2021, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZDC-176-2021

Action:

Vice Chairman Melissa Ballard moved to deny a request by Rafael Benavides for Zoning Change from a Single Family-2 (SF2) zoning to Planned Development-Single Family-2 (PD-SF2) to allow an existing Additional Single-Family Residence for rent use located at 314 Kaufman Street (Property ID 170847) - Owner: RAFAEL & GREGORIA S BENAVIDES (ZDC-176-2021). Mr. Jim Phillips seconded, the vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Betty Square Coleman and Erik Test.

The motion carried.

18. Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail

zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)

Chairman Keeler continued the Public Hearing.

Mr. Collins presented the case noting the applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail and townhomes. Staff recommends denial due to the following concerns:

- There is minimal visitor parking reflected on the plan for the townhome portion of the development.
- Staff suggests the applicant reduce the number of townhome units to help the layout and density of the development.
- Staff believes that the proposed development would be more aesthetically pleasing and offer more functionality with rear entry access as opposed to the proposed front entry access.
- The applicant's proposed turn radius of 40 ft. does not meet the minimum requirement for the turn radius for a cul-de-sac of 48 ft. to meet the 96 ft. diameter requirement for a fire truck.

Mr. Collins noted the applicant is working to meet some of the staff concerns by reducing townhomes from 22 to 21 units, creating visitor parking spaces and showing what street parking may look like. The applicant verbally informed staff there will be a landscape buffer and masonry screening wall between retail and the townhomes.

Mr. Phillips encouraged the consideration of vertical development to particularly on the backside of the property. Mr. Collins replied that although the topic of vertical development has not been discussed significantly, it could be a part of potential further discussions.

Chairman Keeler and Mr. Phillips stated their support for rear entry access.

Ms. Ramsey expressed her concerns with fire trucks being able to navigate the property due to the turn radius not meeting requirements.

Mr. Yomi Fayiga, 1111 W. Main, Waxahachie expressed his frustration with the process, stating he works with staff to alleviate concerns, but feels the "goal posts" have been moved. Mr. Fayiga stated he has provided a plan that meets all City requirements.

Ms. Siyanade Fayiga, 1111 W. Main St., Waxahachie, explained the rear of the townhomes will be utilized for private backyards and the open space will offer landscape. Ms. Fiyaga addressed concerns in regards to the turn radius stating Fire Marshall Rodgers indicated the cul-de-sac is not needed for a fire truck. Ms. Fayiga stated their plan meets Fire Marshall Rodgers' requirements for access.

After further discussion, the applicant requested to continue the case in order to revise the development plan to include both rear entry and front entry townhomes.

Those who spoke in favor:

Mr. Ken Box, 330 Hunter Pass, Waxahachie

Ms. Melissa McClain, 232 McKinley Circle, Waxahachie

Ms. Ramsey expressed her gratitude to Mr. and Ms. Fayiga for working with staff and P&Z Commission.

19. Consider recommendation of Zoning Change No. ZDC-146-2021

Action:

Vice Chairman Melissa Ballard moved to continue a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the December 14, 2021 Planning & Zoning Commission meeting. Ms. Bonney Ramsey seconded, All Ayes.

20. Adjourn

Ms. Square Coleman requested clarification in regards to the stucco presented for Starbucks and the stucco presented for ClearSky Rehabilitation Hospital. Chairman Keeler replied that each design that includes stucco is considered individually for the purpose of use by the P&Z Commission.

There being no further business, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, November 23, 2021 at 6:00 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Others Present: Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Colby Collins, Planning Manager
Zack King, Planner
James Gaertner, Director of Public Works and Engineering
Jami Bonner, Assistant City Secretary
David Hill, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

Planner Zack King reviewed the following cases:

- SUB-168-2021, the applicant is requesting to plat the subject property into one (1) lot for multi-family residential use. Staff recommends approval as presented.
- SUB-172-2021, the applicant is requesting to plat the subject property into one (1) lot for commercial use (carwash). Staff recommends approval as presented.
- SUB-163-2021, the applicant is requesting to plat the subject property into one (1) lot for commercial use (carwash). Staff recommends approval as presented.
- SUB-175-2021, the applicant is requesting to plat the subject property into nine (9) lots for commercial use. He noted the applicant is providing a fifteen (15) foot right-of-way dedication along Brown St. and 80 foot right of way dedication for the Indian Drive extension in alignment with the thorough fare plan. Mr. King mentioned the entire property is not included on the plat being considered November 23rd due to time constraints; however, the applicant has agreed to enter into a Development Agreement for the remainder of the property when it is platted that includes the applicant constructing the Indian Drive extension and bridge across the creek to continue to HWY 287. Staff recommends approval as presented.
- SUB-177-2021, the applicant is requesting to plat the subject property into eight (8) lots for single family residential use. He noted the applicant is also requesting a variance from the Utility Easement requirement along Washington Avenue in place of the required 15' Utility Easement due to the space being utilized for the townhomes. Mr. King explained the Waxahachie Utilities Department has stated the variance is acceptable as long as it does

not cause issues for any franchise utilities in the area. Due to the variance request, Mr. King stated that the request will go before City Council for final approval. Staff recommends approval per staff comments including:

- The applicant must receive confirmation of acceptance of the 10' Utility Easement from all utility providers in the area, including AT&T, Atmos, and Oncor.

Planning Manager Colby Collins reviewed the following cases:

- ZDC-171-2021, the applicant is requesting to construct a +700 sq. ft. (3,000 sq. ft.) accessory structure (barn) in the rear of a single family property. Mr. Collins noted the property is over 26 acres; however, in an attempt to be consistent in limiting the number of structures on a property, the staff recommends the removal of the smaller accessory building currently located on the property. Ms. Bonney Ramsey inquired if there is a limit on the number of accessory structures that can be on a property. Mr. Collins replied that the ordinance states a two (or less) accessory building limit and not take up over 50% of the property. Staff recommends approval per staff comments.
- ZDC-174-2021, the applicant is requesting approval to allow a drive-through establishment (Starbucks) on 0.912 acres. Mr. Collins noted the proposed driveway does not meet TxDOT standards for driveway spacing due to a previously approved driveway plan for O'Reilly Auto Parts. The Commission discussed concerns with the façade and stated they would prefer to see some variation in the materials utilized. Staff recommends approval per staff comments.
- ZDC-173-2021, the applicant is requesting approval to allow an inpatient rehabilitation facility (ClearSky Rehabilitation Hospital) on 5 acres. Mr. Collins noted the applicant is significantly exceeding the hospital parking space requirement (one space per two beds); however, staff believes that the parking will be consistent with the use to accommodate peak employee numbers during shift change. Staff recommends approval per staff comments.
- ZDC-176-2021, the applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure for rent located at 314 Kaufman St. Mr. Collins presented the history of the location noting the structure was built in the early 1940s, predating City permit systems. After further investigation, Mr. Collins stated there are no known inspection records therefore the City does not know if the structure is a habitable space. He explained the address of the structure being considered is not found with Ellis County Appraisal District, but it has been separately metered for utilities, gas, and water and it has a separate mailing address. Ms. Betty Square Coleman stated the structure has been utilized as a rental property for many years and presented the possibility of the structure being grandfathered in. Mr. Collins stated the property can be brought up to City code and be utilized as a dwelling; however, it may not be utilized as a rental property as currently platted. Based on the details provided, staff recommends denial.
- ZDC-146-2021, the applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for Planned Development consisting of retail and townhomes. Mr. Collins presented development concerns including front entry lots, minimal visitor parking, property transition from retail to townhomes, density, and insufficient turn radius. He noted the applicant has verbally stated there will

(4b)

Planning and Zoning Commission
November 23, 2021
Page 3

be a screening wall and landscape buffer between retail and townhomes. Due to staff concerns, staff recommends denial.

3. Adjourn

There being no further business, the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Tuesday, December 7, 2021 at 5:00 p.m.

- Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5
- Planning & Zoning Members Present: Rick Keeler, Chairman
Jim Phillips
David Hudgins
Erik Test
- Planning & Zoning Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman
Bonney Ramsey
- Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Amber Villarreal, City Secretary

1. Call to Order by Mayor Doug Barnes and Chairman Rick Keeler

Mayor Doug Barnes called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

2. Hear presentation and discuss proposed master planned community development, Haven Ranch, in the Waxahachie ETJ

Mr. Bobby Samuel, Green Brick Partners, reviewed the approved 2007 plan for Easthaven Development which included the following:

- 3300 residential lots
- 7 types: 30', 90' – limited # of 90' lots
- Amenity: golf course
- Funding Vehicles: Fresh Water Special District and Public Improvement District
- Water & Wastewater: City to be provider and assume maintenance. Interim WWTP to serve up to 0.5 MGD flow, then shift to regional WWTP funded by City
- Roadway Improvements: Improvements identified as part of Traffic Impact Analysis and Fresh Water Special District to maintain onsite roadways
- Solid Waste & EMS: City to provide solid waste services and be the emergency services provider to the community-15 year term.

(4c)

City Council and Planning & Zoning Commission

December 7, 2021

Page 2

He explained the new vision for the proposed development, Haven Ranch, is rustic contemporary and closer to nature. He reviewed a few of staff's concerns with Water Treatment Plant, TIRZ funding, amenity center, and phased annexation. Mr. Samuel reviewed the revised June 2021 submittal for the Planned Development and the revised September/October 2021 submittal proposing reduced lot count, Single-Family-3 and smaller lots, additional amenity center, funding mechanisms, and City responsibility for water and wastewater, roadway improvements, solid waste and EMS services.

Council Member Melissa Olson and Council Member Travis Smith noted they are not supportive of the City assisting with eminent domain for the proposed development.

City Council and the Planning and Zoning Commission expressed concerns with city funding, assuming responsibility for aged streets, extending residential buffer, adding mixed lot sizes, and concern of adequate service for police and fire.

Mr. Samuel explained the development can allocate land for a future fire substation and will have two fifteen-acre future school sites.

After a lengthy discussion, City Council and the Planning and Zoning Commission's primary concern was with the financial feasibility for the City to support a private development. Staff, Council, and the Planning and Zoning Commission were not supportive of assuming substantial debt for a private development.

3. Adjourn

There being no further business, the meeting adjourned at 5:59 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5+6)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 6, 2021
Re: ZDC-105-2021 – Gibson Crossing

On December 1, 2021, the applicant requested to continue case number ZDC-105-2021 from the December 14, 2021 Planning and Zoning Commission meeting agenda and the December 20, 2021 City Council meeting agenda to the January 11, 2022 Planning and Zoning Commission meeting agenda, and the January 18, 2022 City Council meeting agenda.

(7+8)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Director of Planning

Thru: Michael Scott, City Manager

Date: December 6, 2021

Re: ZDC-146-2021 – Broadhead Road Mixed Use Development

On December 3, 2021, the applicant requested to continue case no. ZDC-146-2021 from the December 14, 2021 Planning and Zoning Commission agenda and the December 20, 2021 City Council meeting agenda to the December 28, 2021 Planning and Zoning Commission agenda and the January 3, 2022 City Council meeting agenda.

(9)

Planning & Zoning Department Plat Staff Report

Case: SUB-193-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

CAPTION

Consider request by Keegan Amos, DAE, for a Replat of Lots 1R and 2R, McEwen Addition, to create Lot 1R-1, McEwen Addition 1 Commercial Lot, being 2.996 acres (Property ID 174768 & 174769) – Owner: WIDRICK HOLDINGS LTD (SUB-193-2021)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Keegan Amos, DAE

Property Owner(s): Widrick Holdings LTD

Site Acreage: 2.996 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available to the site.

SUBJECT PROPERTY

General Location: 507 N I-35E

Parcel ID Number(s): 174768 & 174769

Current Zoning: Light Industrial-1 (LI-1) with a SUP for heavy equipment sales.

Existing Use: A Central Kubota dealership currently occupies the site.

Platting History: The subject property was previously platted as lot 1R and 2R of the McEwen Addition.

Site Aerial:



PLATTING ANALYSIS

The applicant is proposing to replat the subject property from two (2) lots into one (1) lot for commercial use. The applicant has provided a roughly 15 foot Right-of-Way (ROW) dedication along Ovilla Road in conformance with the City of Waxahachie Thoroughfare Plan. The proposed plat adheres to all lot dimension and setback requirements as per the Light Industrial-1 zoning on the property. Adequate public utilities are available to the subject property.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Replat

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

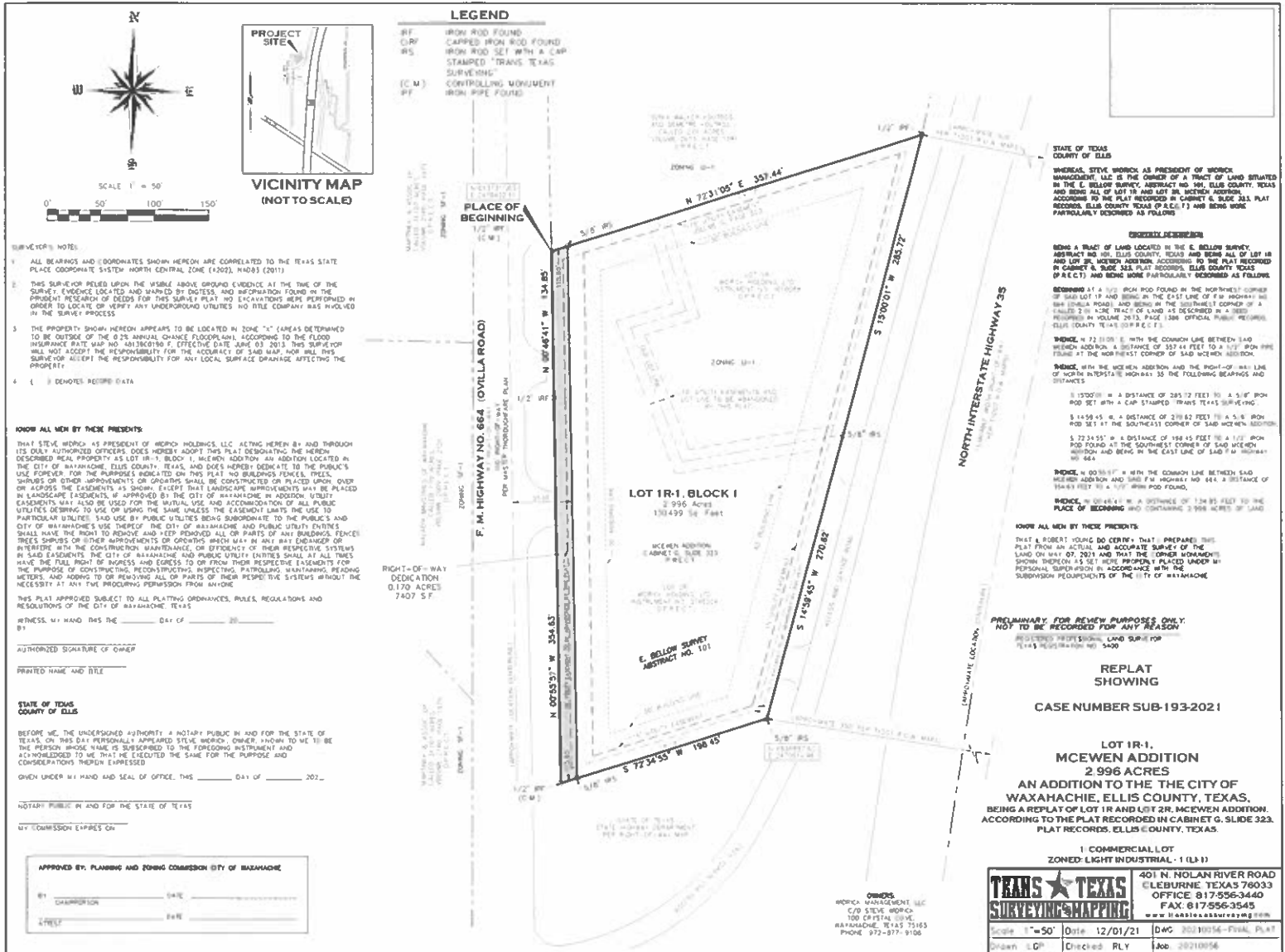
A plat shall not be filed with the Ellis County Clerk until:

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:
 Zack King
 Planner
zking@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Senior Director of Planning
jennifer.pruitt@waxahachie.com



LEGEND

IRF IRON ROD FOUND
 CRF CAPPED IRON ROD FOUND
 WS IRON ROD SET WITH A CAP
 STAMPED "TRANS TEXAS SURVEYING"
 (C.M.) CONTROLLING MONUMENT
 IRF IRON PIPE FOUND

SURVEYOR'S NOTES:

- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLACE COORDINATE SYSTEM NORTH CENTRAL ZONE (1202), NAD83 (2011).
- THIS SURVEYOR RELIED UPON THE VISIBLE ABOVE GROUND EVIDENCE AT THE TIME OF THE SURVEY. EVIDENCE LOCATED AND MARKED BY DIGRESS AND INFORMATION FOUND IN THE PRESENT RESEARCH OF DEEDS FOR THIS SURVEY PLAT. NO EXCAVATIONS WERE PERFORMED IN ORDER TO LOCATE OR VERIFY ANY UNDERGROUND UTILITIES. NO LIABILITY COMPANY HAS INVOLVED IN THE SURVEY PROCESS.
- THE PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN ZONE "A" (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48183K0150 F, EFFECTIVE DATE JUNE 03, 2013. THIS SURVEYOR WILL NOT ACCEPT THE RESPONSIBILITY FOR THE ACCURACY OF SAID MAP, NOR WILL THIS SURVEYOR ACCEPT THE RESPONSIBILITY FOR ANY LOCAL SURFACE DRAINAGE AFFECTING THE PROPERTY.
- () DENOTES RECORDED DATA.

KNOW ALL MEN BY THESE PRESENTS:

THAT STEVE WORICK AS PRESIDENT OF WORICK HOLDINGS, LLC ACTING HEREIN BY AND THROUGH ITS SOLE AUTHORIZED OFFICERS DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED REAL PROPERTY AS LOT 1R-1, BLOCK 1, MCEWEN ADDITION LOCATED IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE TO THE PUBLIC'S USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BEARINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GRASSES SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GRASSES WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, REPAIRING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.

AUTHORIZED SIGNATURE OF OWNER _____

PRINTED NAME AND TITLE _____

STATE OF TEXAS
 COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED STEVE WORICK, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON _____

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY _____ DATE _____

SECRET _____ DATE _____

STATE OF TEXAS
 COUNTY OF ELLIS

WORICK, STEVE WORICK AS PRESIDENT OF WORICK MANAGEMENT, LLC IS THE OWNER OF A TRACT OF LAND SITUATED IN THE E. BELLOW SURVEY, ABSTRACT NO. 101, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 1R AND LOT 2R, MCEWEN ADDITION, ACCORDING TO THE PLAT RECORDED IN CABINET 6, SLIDE 323, PLAT RECORDS, ELLIS COUNTY TEXAS (P.A.C. 1) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPERTY DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE E. BELLOW SURVEY, ABSTRACT NO. 101, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 1R AND LOT 2R, MCEWEN ADDITION, ACCORDING TO THE PLAT RECORDED IN CABINET 6, SLIDE 323, PLAT RECORDS, ELLIS COUNTY TEXAS (P.A.C. 1) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEINGING AT A 1/2" IRON ROD FOUND IN THE NORTHWEST CORNER OF SAID LOT 1R AND BEING IN THE EAST LINE OF F.M. HIGHWAY NO. 664 (OVILLA ROAD) AND BEING IN THE SOUTHWEST CORNER OF A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID MCEWEN ADDITION.

BEINGING AT A 1/2" IRON ROD FOUND IN THE NORTHWEST CORNER OF SAID LOT 1R AND BEING IN THE EAST LINE OF F.M. HIGHWAY NO. 664 (OVILLA ROAD) AND BEING IN THE SOUTHWEST CORNER OF A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID MCEWEN ADDITION.

BEINGING WITH THE MCEWEN ADDITION AND THE RIGHT-OF-WAY LINE OF NORTH INTERSTATE HIGHWAY 35 THE FOLLOWING BEARINGS AND DISTANCES:

- S 15°00'11" W A DISTANCE OF 283.72 FEET TO A 5/8" IRON ROD SET WITH A CAP STAMPED "TRANS TEXAS SURVEYING"
- S 14°58'45" E A DISTANCE OF 210.82 FEET TO A 5/8" IRON ROD SET AT THE SOUTHWEST CORNER OF SAID MCEWEN ADDITION.
- S 72°34'51" W A DISTANCE OF 188.15 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID MCEWEN ADDITION AND BEING IN THE EAST LINE OF SAID F.M. HIGHWAY NO. 664.
- BEINGING N 00°00'00" W WITH THE COMMON LINE BETWEEN SAID MCEWEN ADDITION AND SAID F.M. HIGHWAY NO. 664 A DISTANCE OF 104.8 FEET TO A 1/2" IRON ROD FOUND.
- BEINGING N 00°00'00" W A DISTANCE OF 134.95 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.996 ACRES OF LAND.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, ROBERT YOUNG BOICORY, THAT I PREPARE THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND ON MAY 07, 2021, AND THAT THE OTHER MONUMENTS SHOWN THEREON ARE SET HERE, PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REQUIREMENTS OF THE CITY OF WAXAHACHIE.

PRELIMINARY FOR REVIEW PURPOSES ONLY.
 NOT TO BE RECORDED FOR ANY REASON

REGISTERED PROFESSIONAL LAND SURVEYOR
 11445 BLUEBERRY WAY
 76000

REPLAT SHOWING

CASE NUMBER SUB-193-2021

LOT 1R-1, MCEWEN ADDITION
 2.996 ACRES
 AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS,
 BEING A REPLAT OF LOT 1R AND LOT 2R, MCEWEN ADDITION, ACCORDING TO THE PLAT RECORDED IN CABINET 6, SLIDE 323, PLAT RECORDS, ELLIS COUNTY, TEXAS.

1 COMMERCIAL LOT
 ZONED: LIGHT INDUSTRIAL - 1 (LI-1)

TRANS TEXAS SURVEYING & MAPPING

401 N. NOLAN RIVER ROAD
 CLEBURNE, TEXAS 76033
 OFFICE 817-556-3440
 FAX: 817-556-3545
 www.trans-texas-surveying.com

Scale 1"=50' Date 12/01/21 DWG 20110114-Final Plat
 Drawn LCP Checked RLY Job 20210104

WORICK
 WORICK MANAGEMENT, LLC
 C/O STEVE WORICK
 100 CRISTAL DRIVE
 WAXAHACHIE, TEXAS 75163
 PHONE 972-377-9106

**Planning & Zoning Department
Plat Staff Report**

Case: SUB-167-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

CAPTION

Consider request by Paul Colwell, Morgan & Bryan Properties LLC, for a **Replat** of Lot 3A, Block A, Park Place Professional Center, to create Lots 3A1 & 3A2, Block A, Park Place Professional Center, being 1.2129 acres (Property ID 247586) – Owner: Morgan & Bryan Properties LLC (SUB-167-2021)

APPLICANT REQUEST

The applicant is requesting to replat the subject property into two (2) lots for continued commercial use.

CASE INFORMATION

Applicant: Paul Colwell, Morgan & Bryan Properties LLC

Property Owner(s): Morgan & Bryan Properties LLC

Site Acreage: 1.2129 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: N/A

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

SUBJECT PROPERTY

General Location: 115 Park Place Blvd.

Parcel ID Number(s): 247586

Current Zoning: Planned Development-General Retail (PD-GR)

Existing Use: Two commercial office buildings currently exist on the property.

Platting History: The subject property was platted in 2012 as Lot 3A, Block A, Park Place Professional Center.

Site Aerial:



PLATTING ANALYSIS

The applicant is proposing to replat the subject property from one (1) lot into two (2) lots for continued commercial use. Currently, two commercial office buildings exist on the site. The purpose of this replat is to divide the subject property so that each building is on its' own lot. This replat is amending existing mutual access easements on the property to provide ROW access to each lot. Separate water services are required for individual lots. Due to this amendment, a new water service will need to be installed for lot 3A2 prior to filing.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Replat

APPLICANT REQUIREMENTS

1. If approved by the Planning and Zoning Commission, 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:
 Zack King
 Planner
zking@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Senior Director of Planning
jennifer.pruitt@waxahachie.com

(11)

Planning & Zoning Department

Plat Staff Report

Case: SUB-190-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Consider request by T.J. Wells, PE, Peloton Land Solutions, for a **Final Plat** of The Oak of North Grove, Phase I, 147 Residential Lots, 15 Non-Residential Lots, being 81.121 acres situated in the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927, an addition to the City of Waxahachie (Property ID 284716) – Owner: BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL (SUB-190-2021)

APPLICANT REQUEST

The applicant is requesting to plat the subject property into 147 single family residential lots and 15 non-residential lots as part of The Oaks at North Grove Phase 1 subdivision.

CASE INFORMATION

Applicant: T.J. Wells, PE, Peloton Land Solutions

Property Owner(s): BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL

Site Acreage: 81.121 acres

Number of Lots: 162 lots

Number of Dwelling Units: 147 units

Park Land Dedication: The plat is providing park land dedication (6.53 acres) to comply with Section 4.4.c of the Waxahachie Subdivision Ordinance.

Adequate Public Facilities: Adequate public facilities are available to the site.

SUBJECT PROPERTY

General Location: Northeast of the intersection of E North Grove Blvd. & Brown St.

Parcel ID Number(s): 262129 & 284716

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

Existing Use: The subject property is currently undeveloped.

Platting History: The subject property is part of the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927

Site Aerial:



PLATTING ANALYSIS

The applicant is proposing to plat the subject property into 162 lots for use as a single family residential subdivision. A total of 147 lots are proposed to be single family lots and 15 lots are proposed to be open-space or park lots. (Note: This lot count is plat provided with this report incorrectly summarizes this lot count. A correct lot count summary will be provided on the filed plat)

This development was originally proposed to be 184 single family lots and 9 open space or park lots. The proposed plat matches a recently approved Land Use Study for the property and conforms to the concept plan outlined in the Planned Development zoning for the property. However, the applicant is waiting on a FEMA map revision showing that the northwestern portion of the property has been elevated out of the flood plain. Until that time, only lots outside of the floodplain can be platted for single family residential use. The applicant intends to return with a replat for six (6) open space lots in order to create an additional 37 single family residential lots as originally shown.

VARIANCE REQUESTS

Right-of-Way (ROW) Dedication & Thoroughfare Alignment

The applicant is requesting a variance from the ROW dedication requirement along the northern portion of this property. The proposed plat does not provide ROW dedication for an 80 foot thoroughfare passing through the property between E North Grove Blvd. and FM 813, as shown by the City of Waxahachie Thoroughfare Plan. The Public Works and Engineering Department has reviewed, and is satisfied with, the proposed roadway layout.

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. Plat

APPLICANT REQUIREMENTS

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

2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

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:

Zack King

Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

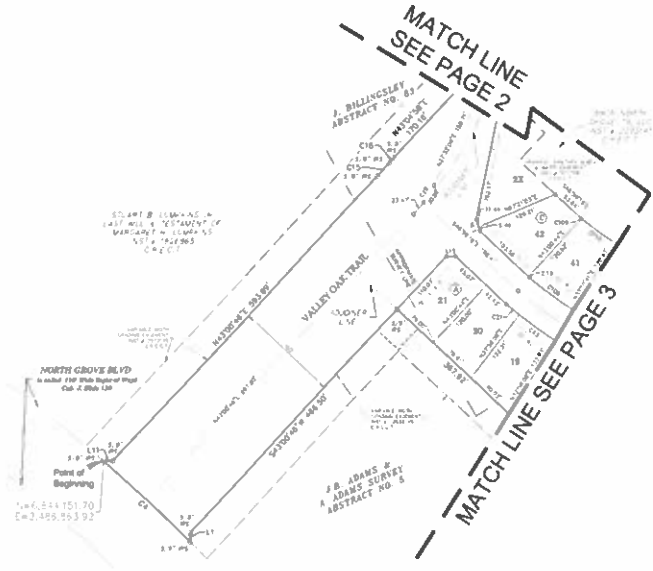
Senior Director of Planning

jennifer.pruitt@waxahachie.com

(11)



NO.	BEARING	LENGTH
L1	S00°40'59"E	13.62'
L2	N31°03'31"E	25.00'
L3	S13°03'31"E	25.00'
L4	S16°03'31"E	8.60'
L5	N13°56'29"E	9.60'
L6	N12°23'34"E	5.25'
L7	N12°18'42"E	18.78'
L8	S11°48'23"E	62.72'
L9	S00°11'00"E	25.00'
L10	N87°02'06"E	13.90'
L11	N22°11'15"E	81.98'
L12	S75°45'09"E	3.85'
L13	N67°48'45"E	24.92'
L14	N88°00'45"E	14.04'
L15	S27°55'52"E	9.82'
L16	N59°18'43"E	9.10'
L17	S42°49'40"E	9.81'
L18	N48°45'43"E	9.10'
L19	S31°51'35"E	9.10'
L20	N59°43'46"E	9.60'
L21	S25°55'00"E	9.60'
L22	N46°15'43"E	9.80'
L23	S32°47'38"E	14.14'
L24	N51°27'22"E	14.14'
L25	S12°13'25"E	14.21'
L26	S61°11'15"E	14.14'
L27	N22°48'39"E	14.14'
L28	S67°11'15"E	14.14'
L29	N44°06'24"E	9.80'
L30	N44°06'02"E	11.85'
L31	N44°06'41"E	11.62'
L32	N12°14'00"E	34.90'
L33	N43°00'45"E	6.63'
L34	N13°38'57"E	9.85'
L35	S17°40'31"E	9.80'
L36	N22°07'45"E	13.21'
L37	S21°57'46"E	279.39'
L38	N21°57'46"E	199.58'
L39	N67°14'00"E	51.11'
L40	N42°56'39"E	63.87'
L41	S67°48'45"E	26.19'
L42	S11°56'08"E	267.32'
L43	N61°19'33"E	13.70'



LEGEND

DE DRAINAGE EASEMENT
 WE WATER EASEMENT
 UE UTILITY EASEMENT
 BL BUILDING LINE
 5' E.T.P.S. 5/8" INCH P.D. FOUND WITH CAP STAMPED
 "PELOTON" SET
 1 FT. P.D. FOUND
 C.P.E.C.T. COUNTY RECORDS, ELLIS COUNTY, TEXAS



- NOTES**
1. BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, NAD83, ZONE 4202.
 2. ALL OWNERS SET ARE 5/8" INCH IRON PDS WITH PLASTIC CAP STAMPED "PELOTON" UNLESS OTHERWISE NOTED.
 3. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAWS, AND IS SUBJECT TO FINES AND WITHHOLDINGS OF UTILITIES AND BUILDING PERMITS.
 4. THE SUBJECT PROPERTY IS DEPICTED WITHIN THE SHADDED ZONE "A" ON FEMA FLOOD INSURANCE RATE MAP NUMBER 48133C000P AND 48133C0200P, DATED JUNE 3, 2013. THE ZONES ARE IDENTIFIED AS "ZONE A" - BRASS FLOOD ELEVATIONS DETERMINED AS FLOODPLAIN AREAS IN ZONE A-E IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASE IN FLOOD HEIGHTS. "ZONE A" SHADDED OTHER FLOOD AREAS, DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AND "ZONE N" UNSHADDED DEFINED AS AREAS TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THAT MAP. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THAT MAP.
 5. MAINTENANCE EASEMENT SHALL BE DEDICATED TO AND SCREENING AREA SHALL BE MAINTAINED BY HOA.
 6. ALL PRIVATE OPEN SPACES AND DRAINAGE EASEMENTS TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
 7. ALL PROPOSED STREETS ARE 54' R/W AND 24' B-W.
 8. THE ZONING FOR THIS PROPERTY IS PD-SF 1-2-3-WF-1-GA. THIS ZONING IS ESTABLISHED BY ORD. 2733-2841, 2870 & 3002.
 9. LOTS WITHIN THE EXISTING FLOODPLAIN CAN NOT BE BUILT UPON UNTIL THE NEW PROPOSED FLOODPLAIN IS ACCEPTED BY THE LOAN PROCESS THROUGH FEMA.

CERTIFICATION:

That I, CHARLES STEPHEN RAMSEY, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" HERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WYOMING.

(Print Name) This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document 23 JAN 2021

Charles Stephen Ramsey, P.L.S. 6718
 Date: 12/6/2021

SIGNATURE OF THE REGISTERED PROFESSIONAL:
 CHARLES STEPHEN RAMSEY
 TEXAS REGISTRATION NO. 6718

STATE OF TEXAS
 COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CHARLES STEPHEN RAMSEY, 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 PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.

**PLAT
 THE OAKS OF NORTH GROVE
 PHASE I**

121 Acres
 184 Residential Lots
 9 Non-Residential Lots

Situated in the J.B. Adams and A. Adams Survey, Abstract Number 5
 the C.H. Bernard Abstract Number 106, the J. Billingsley Survey,
 Abstract Number 81 and the E. Ray Survey, Abstract Number 92;
 City of Waxahatchie
 Ellis County, Texas
 N.E.R. 190-2021

LAND USE TABLE	
RESIDENTIAL	10,949 ACRES
OPEN SPACE	26,095 ACRES
RIGHT-OF-WAY	15,117 ACRES
TOTAL	61,121 ACRES

PELOTON
 LAND SOLUTIONS

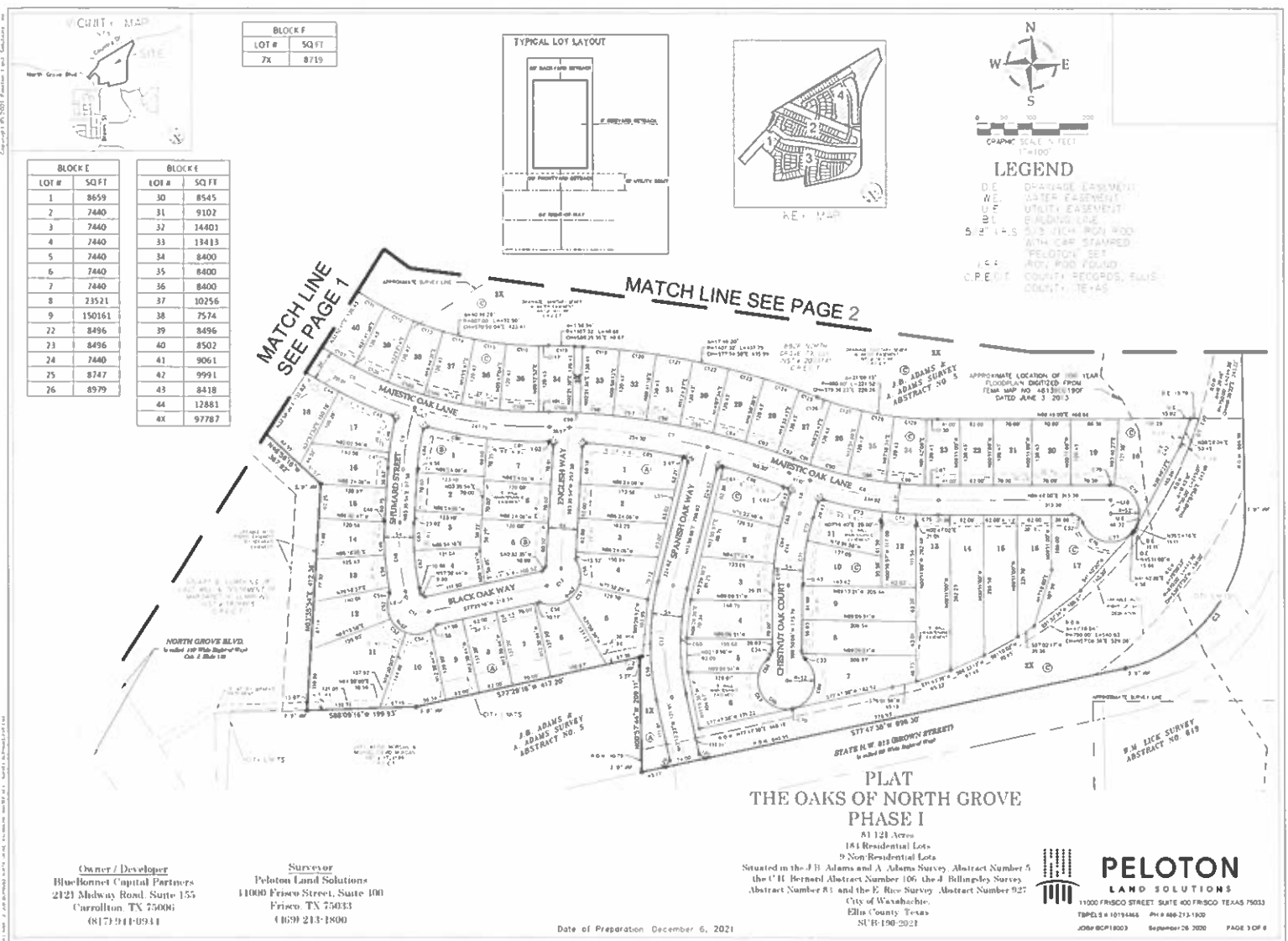
11000 FM 300 STREET, SUITE 400 FM 300 TEXAS 75003
 (972) 910-8444 PH: 800-214-1800
 208/BCP/9003 September 29, 2020 PAGE 1 OF 8

Owner / Developer
 BlueBonnet Capital Partners
 2121 Midway Road Suite 135
 Carrollton, TX 75006
 (972) 911-0911

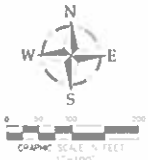
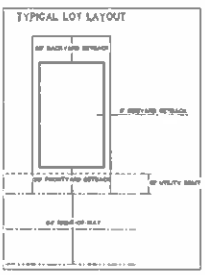
Surveyor
 Peloton Land Solutions
 11000 Frisco Street, Suite 100
 Frisco, TX 75033
 (972) 213-1800

Date of Preparation December 6, 2021

(11)



BLOCK E		BLOCK F	
LOT #	SQ. FT.	LOT #	SQ. FT.
1	8659	30	8545
2	7440	31	9102
3	7440	32	14401
4	7440	33	13413
5	7440	34	8400
6	7440	35	8400
7	7440	36	8400
8	23521	37	10256
9	150161	38	7574
22	8496	39	8496
23	8496	40	8502
24	7440	41	9061
25	8747	42	9991
26	8979	43	8418
		44	12861
		45	97787



MATCH LINE SEE PAGE 1

MATCH LINE SEE PAGE 2

(11)

CURVE TABLE with columns: NO., DELTA, RADIUS, LENGTH, CHORD BEARING, CHORD. Rows C1 to C51.

CURVE TABLE with columns: NO., DELTA, RADIUS, LENGTH, CHORD BEARING, CHORD. Rows C52 to C101.

CURVE TABLE with columns: NO., DELTA, RADIUS, LENGTH, CHORD BEARING, CHORD. Rows C102 to C151.

CURVE TABLE with columns: NO., DELTA, RADIUS, LENGTH, CHORD BEARING, CHORD. Rows C152 to C177.

PLAT THE OAKS OF NORTH GROVE PHASE I

81.821 Acres 184 Residential Lots 9 Non-Residential Lots Situated in the J B Adams and A Adams Survey, Abstract Number 5, the C H Remond Abstract Number 106 of the J Bellagay Survey, Abstract Number 61, and the E. Rice Survey, Abstract Number 927 City of Wauvaherrie Ellis County, Texas S1/4-190-2021

Owner / Developer BlueBonnet Capital Partners 2121 Midway Road, Suite 155 Carrollton, TX 75006 (817) 944-0944

Surveyor Peloton Land Solutions 11000 Franco Street, Suite 100 Franco, TX 75044 (869) 213-1800



(11)

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, BLUEBONNET CAPITAL PARTNERS AND LUMPKINS STUART B, JR., ARE THE OWNER OF A TRACT OF LAND SITUATED IN J. B. ADAMS AND A. ADAMS SURVEY ABSTRACT NUMBER 5; THE C. H. BERNARD SURVEY ABSTRACT NUMBER 106; THE J. BILLINGSLEY SURVEY ABSTRACT NUMBER 83; AND E. REE ABSTRACT NUMBER 937 ELLIS COUNTY, TEXAS AND BEING OUT OF A 94.161 ACRE TRACT CONVEYED TO THEM BY STUART BOWMAN LUMPKINS, JR. ET AL AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE J. B. ADAMS AND A. ADAMS SURVEY ABSTRACT NUMBER 5; THE C. H. BERNARD SURVEY ABSTRACT NUMBER 106; THE J. BILLINGSLEY SURVEY ABSTRACT NUMBER 83; AND E. REE ABSTRACT NUMBER 937 ELLIS COUNTY, TEXAS AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO HARGRETT HAYNES LUMPKINS RECORDED IN VOLUME 823, PAGE 932 COUNTY RECORDS, ELLIS COUNTY, TEXAS AS AFFECTED BY THE LAST WILL AND TESTAMENT PROBATE NUMBER 2018-000299 TO STUART BOWMAN LUMPKINS, JR. ET AL RECORDED IN INSTRUMENT NUMBER 124845 AND 0809 NORTH GROVE 79, LLC A LIMITED LIABILITY COMPANY RECORDED IN INSTRUMENT NUMBER 203141 OF SAID COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET IN THE NORTH LINE OF NORTH GROVE BOULEVARD 14 CALLED '110' WIDE RIGHT-OF-WAY RECORDED IN CABINET J, SLIDE 130 OF SAID COUNTY RECORDS AND THE SOUTHWEST CORNER OF SAID STUART B. LUMPKINS TRACT

THENCE OVER AND ACROSS SAID STUART B. LUMPKINS TRACT THE FOLLOWING BEARINGS AND DISTANCES:

N 87° 02' 04" E, 13.80 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET

N 43° 00' 46" E, 593.89 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND THE BEGINNING OF A CURVE TO THE LEFT

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 26.69 FEET, THROUGH A CENTRAL ANGLE OF 02° 54' 27", HAVING A RADIUS OF 920.00 FEET, AND A LONG CHORD WHICH BEARS

N 41° 32' 32" E, 26.69 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND THE BEGINNING OF A CURVE TO THE RIGHT

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 11.03 FEET, THROUGH A CENTRAL ANGLE OF 03° 03' 38", HAVING A RADIUS OF 210.00 FEET, AND A LONG CHORD WHICH BEARS

N 41° 34' 38" E, 11.03 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND THE BEGINNING OF A CURVE TO THE LEFT

N 43° 04' 58" E, 170.16 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND THE BEGINNING OF A CURVE TO THE LEFT

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 18.39 FEET, THROUGH A CENTRAL ANGLE OF 02° 01' 29", HAVING A RADIUS OF 150.00 FEET, AND A LONG CHORD WHICH BEARS

N 39° 34' 13" E, 18.39 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND THE BEGINNING OF A CURVE TO THE RIGHT

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 18.89 FEET, THROUGH A CENTRAL ANGLE OF 04° 45' 53", HAVING A RADIUS OF 227.00 FEET, AND A LONG CHORD WHICH BEARS

N 38° 26' 28" E, 18.89 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET AND BEING THE INTERSECTION OF SAID STUART B. LUMPKINS TRACT AND SAID BLUEBONNET CAPITAL PARTNERS TRACT

THENCE WITH THE COMMON LINE OF SAID STUART B. LUMPKINS TRACT AND SAID BLUEBONNET CAPITAL PARTNERS TRACT THE FOLLOWING BEARINGS AND DISTANCES:

N 22° 11' 15" E, 274.97 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET

N 67° 14' 06" W, 51.11 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET IN THE SOUTHWEST CORNER OF A TRACT OF LAND TO JHMC LLC RECORDED IN VOLUME 1028, PAGE 1078 OF SAID COUNTY RECORDS

THENCE DEPARTING SAID COMMON LINE OF STUART B. LUMPKINS TRACT AND 0809 NORTH GROVE 79, LLC TRACT N 50° 56' 29" E, PASSING THE SOUTHWEST CORNER OF LOT 25, BLOCK 4 COUNTRY PLACE ADDITION PHASE FIVE RECORDED IN CABINET C, SLIDE 565, PLAT PELOTON ELLIS COUNTY, TEXAS AND PASSING THE SOUTHWEST CORNER OF LOT 24, BLOCK 4 COUNTRY PLACE ADDITION PHASE FIVE AND BEING THE SOUTHWEST CORNER OF LOT 23, BLOCK 4 COUNTRY PLACE ADDITION PHASE TWO RECORDED IN CABINET B, SLIDE 18 PLAT RECORDS, ELLIS COUNTY, TEXAS; CONTINUING IN THE SOUTHWEST CORNER OF SAID COMMON LINE TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND IN THE EAST LINE OF GROVE CREEK ROAD, A PAVED TRAVELED ROADWAY OF UNDETERMINED WIDTH, NO RECORD FOUND

THENCE S 29° 52' 31" E, 23.90 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

THENCE S 42° 51' 31" E, 190.80 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

THENCE S 26° 44' 31" E, 53.00 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND IN THE NORTH RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD 183 1/4 CALLED 10 FOOT WIDE RIGHT-OF-WAY LINE ALSO KNOWN AS BROWN STREET

THENCE WITH THE COMMON LINE BETWEEN SAID 0809 NORTH GROVE 79, LLC TRACT AND SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES:

S 29° 40' 29" W, 301.10 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 300.50 FEET, THROUGH A CENTRAL ANGLE OF 02° 22' 56", HAVING A RADIUS OF 0,332,17 FEET, THE LONG CHORD WHICH BEARS

S 25° 59' 01" W, 300.29 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

S 22° 41' 29" W, 130.49 FEET (CONTINUING WITH SAID COMMON LINE, TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET FOR THE BEGINNING OF A CURVE TO THE LEFT)

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 402.60 FEET, THROUGH A CENTRAL ANGLE OF 03° 10' 55", HAVING A RADIUS OF 995.00 FEET, THE LONG CHORD WHICH BEARS

S 10° 42' 02" W, 395.84 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

S 06° 53' 31" E, 960.00 FEET (CONTINUING WITH SAID COMMON LINE TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND FOR THE BEGINNING OF A CURVE TO THE RIGHT)

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 381.50 FEET, THROUGH A CENTRAL ANGLE OF 04° 33' 22", HAVING A RADIUS OF 378.31 FEET, THE LONG CHORD WHICH BEARS S 31° 32' 48" W, 352.32 FEET TO A 5/8 INCH IRON ROD STAMPED 'PELTON' FOUND

S 37° 42' 36" W, 894.30 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND FOR THE SOUTHWEST CORNER OF THAT TRACT OF LAND TO JHMC AND MICHAEL WORGAN RECORDED IN INSTRUMENT NUMBER 172456 OF SAID COUNTY RECORDS

THENCE N 00° 57' 44" W, 209.11 FEET DEPARTING SAID COMMON LINE AND WITH THE COMMON LINE BETWEEN SAID 0809 NORTH GROVE 79, LLC TRACT AND SAID WORGAN TRACT TO A 1/2 INCH IRON ROD FOUND

THENCE S 37° 29' 14" W, 412.28 FEET WITH SAID COMMON LINE, TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

THENCE S 88° 09' 16" W, 199.33 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND IN THE SOUTHWEST CORNER OF SAID 0809 NORTH GROVE 79, LLC AND THE SOUTHWEST CORNER OF SAID LUMPKINS TRACT

THENCE WITH THE COMMON LINE OF SAID 0809 NORTH GROVE 79, LLC AND SAID STUART B. LUMPKINS TRACT THE FOLLOWING BEARINGS AND DISTANCES:

N 03° 35' 54" E, 412.34 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' FOUND

N 48° 59' 16" W, 367.92 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET

THENCE DEPARTING THE COMMON LINE OVER AND ACROSS SAID LUMPKINS TRACT THE FOLLOWING BEARINGS AND DISTANCES:

S 43° 00' 46" E, 466.58 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET

S 08° 40' 58" E, 53.82 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED 'PELTON' SET IN AND THE BEGINNING OF A CURVE TO THE LEFT

THENCE WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 179.25 FEET, THROUGH A CENTRAL ANGLE OF 04° 33' 53", HAVING A RADIUS OF 225.00 FEET, THE LONG CHORD WHICH BEARS N 46° 39' 38" E, 179.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,533,437 SQUARE FEET OR 81,121 ACRES MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT 0809 NORTH GROVE 79, LLC A STUART B. LUMPKINS, ACTING HEREIN BY AND THROUGH ITS DUAL AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS THE OAKS OF NORTH GROVE, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DOES HEREBY DEDICATE, IN THE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GRASSING SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GRASSING WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ingress and egress TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESSE MY HAND, THIS _____ DAY OF _____, 2021.

By: _____
AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME AND TITLE

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED STUART LUMPKINS, 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 CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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

WITNESSE MY HAND, THIS _____ DAY OF _____, 2021.

By: _____
AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME AND TITLE

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CLAYTON SHODDAGRS, 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 CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

WITNESSE MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

DATE OF PREPARATION: December 6, 2021

PLAT THE OAKS OF NORTH GROVE PHASE I

81.121 Acres
181 Residential Lots
9 Non-Residential Lots
Situated in the J.B. Adams and A. Adams Survey, Abstract Number 5, the C.H. Bernard Survey, Abstract Number 106, the J. Billingsley Survey, Abstract Number 83 and the E. Ree Survey, Abstract Number 927, City of Waxahachie, Ellis County, Texas. SUB 190-2021

PELTON LAND SOLUTIONS
11300 FRISCO STREET, SUITE 400, FRISCO, TEXAS 75033
972.619.1014
www.peltonland.com

Owner / Developer
BlueBonnet Capital Partners
2121 Midway Road, Suite 155
Carrollton, TX 75006
(817) 911-0931

Surveyor
Peloton Land Solutions
11000 Frisco Street, Suite 100
Frisco, TX 75033
(817) 213-1800

Copyright © 2021 Peloton Land Solutions

(12)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-182-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Amanda McDaniel, AMG Technology dba Nextlink Broadband, for a **Specific Use Permit (SUP)** for a **Communications Antennas and Support Structures/Towers (Cell Tower)** use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 185 Saratoga Drive (Property ID 240969) - Owner: WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC (ZDC-182-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing 50ft. tall internet tower on 2.78 acres within the Saddlebrook Estates Homeowner’s Association common area.

CASE INFORMATION

Applicant: Waxahachie Saddlebrook Estates Homeowners Association Inc.

Property Owner(s): Waxahachie Saddlebrook Estates Homeowners Association Inc.

Site Acreage: 2.78 acres

Current Zoning: Planned Development-Single-Family-1

Requested Zoning: Planned Development-Single Family-1 with SUP

SUBJECT PROPERTY

General Location: 185 Saratoga Dr.

Parcel ID Number(s): 240969

Existing Use: Saddlebrook Estates Homeowner’s Association common area

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF1	Saddlebrook Estates Ph. 1B
East	PD-SF1	Saddlebrook Estates Ph. 1B-2
South	PD-SF1	Saddlebrook Estates Ph. 1A
West	PD-SF1	Saddlebrook Estates Ph. 1A

(12)

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Chestnut Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request/Proposed Use:

The applicant is requesting approval to allow an existing 50ft. tall internet tower on 2.78 acres within the Saddlebrook Estates Homeowner's Association common area. Per the City of Waxahachie Zoning Ordinance, a tower located in a residential zoning district is required to be reviewed by City Council.

Per the Operational Plan, the utility pole will be utilized for wireless to fiber circuit delivery to bring high speed internet to the residents within the surrounding neighborhood area. The utility pole currently exists within the Saddlebrook Estates Homeowner's Association common area, and the Access and Lease Agreement between Nextlink Internet (Internet service provider) and Saddlebrook Estates Homeowner's Association was effective June 29, 2021.

Subject to approval of this application, an approved building permit will be required from the City of Waxahachie Building Inspections department. As part of the building permit review process, the Building Inspections department will also ensure construction complies with all regulations.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **37** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Site Layout Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Colby Collins
 Planning Manager
ccollins@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Director of Planning
jennifer.pruitt@waxahachie.com

(12)

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
240986	ROBERTS CHARLES & JOY	100 SECRETARIAT ST	WAXAHACHIE	TX	75165
264944	PROPERTY @OWNER	101 WHIRLAWAY ST	WAXAHACHIE	TX	75165
240987	THOMAS SHAWN	102 SECRETARIAT ST	WAXAHACHIE	TX	75165
240988	WILLMON RICKY L & CHERI N	104 SECRETARIAT ST	WAXAHACHIE	TX	75165
240989	TROJAN KELLY & NICHOLAS	106 SECRETARIAT ST	WAXAHACHIE	TX	75165
240962	JONES KATHERINE E	106 THOROUGHbred ST	WAXAHACHIE	TX	75165
240990	WAGNER SHERRY & MARK	108 SECRETARIAT ST	WAXAHACHIE	TX	75165
240959	TUCKER BRADLEY S & CIERA A	112 THOROUGHbred ST	WAXAHACHIE	TX	75165
240958	KUO PO YU & HSIN YI SHIH	114 THOROUGHbred ST	WAXAHACHIE	TX	75165
240976	WASHINGTON BOOKER T JR & SHANDRA	116 STALLION ST	WAXAHACHIE	TX	75165
240963	TRAN TONY & VAN NGOC THAO NYGUYEN	117 STALLION ST	WAXAHACHIE	TX	75165
240964	BEASLEY-MC KEAN JENNIFER A & JEFF L	119 STALLION ST	WAXAHACHIE	TX	75165
240979	HPA TEXAS SUB 2017 1 LLC	120 S RIVERSIDE PLZ STE 2000	CHICAGO	IL	60606
240990	HPA BORROWER 2016-1 LLC A DELAWARE LIMITED LIABILITY COMPANY	120 S RIVERSIDE PLZ STE 2000	CHICAGO	IL	60606
240965	POINTER ERICA & FANNIE POINTER	121 STALLION ST	WAXAHACHIE	TX	75165
240966	HYMER TYLER & KIMBERLY HYMER	123 STALLION ST	WAXAHACHIE	TX	75165
240967	DEAN CLINTON R & MIKKI L	125 STALLION ST	WAXAHACHIE	TX	75165
264360	CRUZ JOSE & CATALINA	127 CHESTNUT RD	WAXAHACHIE	TX	75165
240968	BRUMLEY KATHRYN S & CHRISTOPHER R	127 STALLION ST	WAXAHACHIE	TX	75165
264379	MOSES TYLER J & HAILEY M	135 CHESTNUT RD	WAXAHACHIE	TX	75165
264365	BITNER DEBRA L & ANTHONY L LIVING TRUST DEBRA L BITNER & ANTHONY L TRUSTEE	136 CHESTNUT RD	WAXAHACHIE	TX	75165
264364	MANRY DEAN & BRIDGET MAGNESS	138 CHESTNUT RD	WAXAHACHIE	TX	75165
264363	WILLIAMS REGGIE & LESSIA K	140 CHESTNUT RD	WAXAHACHIE	TX	75165
264362	MASSARA JANET	142 CHESTNUT RD	WAXAHACHIE	TX	75165
264361	MASSEY ROBERT E	144 CHESTNUT RD	WAXAHACHIE	TX	75165
240989	WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC C/O ESSEX ASSOCIATION MANAGEMENT LP	1512 CRESCENT DR STE 112	CARROLLTON	TX	75006
240891	FERGUSON DIANE R	200 CLYDESDALE	WAXAHACHIE	TX	75165
240861	KINCAID BRYAN	201 CLYDESDALE ST	WAXAHACHIE	TX	75165
240860	DOAN ALAN W	203 CLYDESDALE ST	WAXAHACHIE	TX	75165
240876	NAVRAJIL JEFFERY J & MANDY L	223 ARABIAN RD	WAXAHACHIE	TX	75165
240879	FLORES SAMUEL & COURTNEY L KEEN	224 ARABIAN RD	WAXAHACHIE	TX	75165
240877	GRAFF ROBERT M & PATRICIA R	225 ARABIAN RD	WAXAHACHIE	TX	75165
240878	MORROW BRIAN T	226 ARABIAN RD	WAXAHACHIE	TX	75165
240961	WU DI & PING MENG	3 N CHRISTOPHER COLUMBUS BLVD UNIT 241	PHILADELPHIA	PA	19106
240960	XHAFA ARTON	3112 BUENO VISTA DR	PLANO	TX	75023
251367	CITY OF WAXAHACHIE ATTN FINANCE DEPARTMENT	401 S ROGERS	WAXAHACHIE	TX	75165

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-182-2021**

BULOT TIMOTHY
202 CLYDESDALE ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Amanda McDaniel, AMG Technology dba Nextlink Broadband, for a **Specific Use Permit (SUP)** for a **Communications Antennas and Support Structures/Towers (Cell Tower)** use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 185 Saratoga Drive (Property ID 240969) - Owner: WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC (ZDC-182-2021)

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

Case Number: **ZDC-182-2021**

City Reference: 240890

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Friday, December 10, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Too close to homes

Timothy Bulot

Signature

Timothy Bulot

Printed Name and Title

Dec 1, 2021

Date

202 Clydesdale

Address

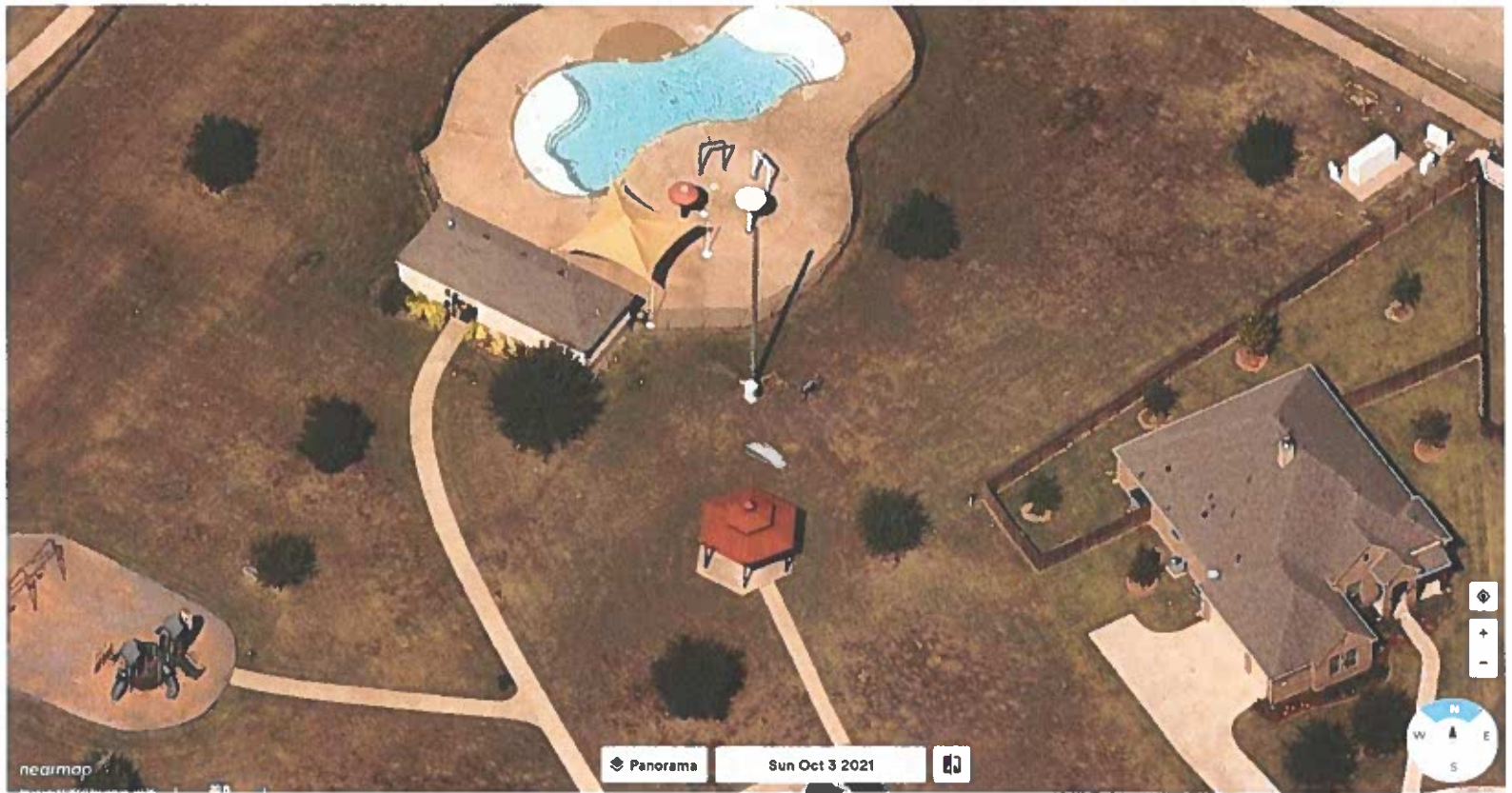
It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

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

(12)



(12)



(12)



(14)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-191-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Mark Gundert, for a **Specific Use Permit (SUP)** to allow an **Accessory Building (Residential)**, greater than or equal to 700 SF use within a Single-Family Residential-2 (SF-2) zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: MARK L & RAQUEL M GUNDE RT (ZDC-191-2021)

APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (2,120 sq. ft.) accessory structure (garage/storage) in the rear of a single family property.

CASE INFORMATION

Applicant: Mark L. Gundert

Property Owner(s): Mark L. Gundert and Raquel M. Gundert

Site Acreage: 0.665 acres

Current Zoning: Single-Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 124 Kaufman St.

Parcel ID Number(s): 170849

Existing Use: Single Family Residence

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	NS	Single Family Residences
South	SF2	Single Family Residences
West	SF2	Primera Baptist Church

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Kaufman St. The accessory structure located in the rear will be accessible via Tuggle St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to construct a +700 sq. ft. (2,120 sq. ft.) accessory structure (garage/storage) in the rear of a single family property. Ellis County Appraisal District states that the primary structure on the property is 4,128 sq. ft. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a SUP to be reviewed by City Council.

Proposed Use:

The applicant is requesting approval to construct a 40ft. x 53ft. x 29ft. tall (two stories) accessory structure (garage/storage), which will be accessible from Tuggle St. The applicant is proposing to construct the structure out of wood, and intends to use the accessory structure to store classic cars and trucks, and tool equipment for the property. In addition to the primary structure, the property consist of an existing detached garage. During site visits, staff noticed there are other accessory structures within the surrounding neighborhood area.

Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, the Building Inspections department will ensure construction complies with all regulations.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **28** 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:**
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. Any new pavement added to the site shall be concrete.
 3. The structure shall not be used as a dwelling.

ATTACHED EXHIBITS

1. Site Layout Plan
2. Elevation/Façade Plan

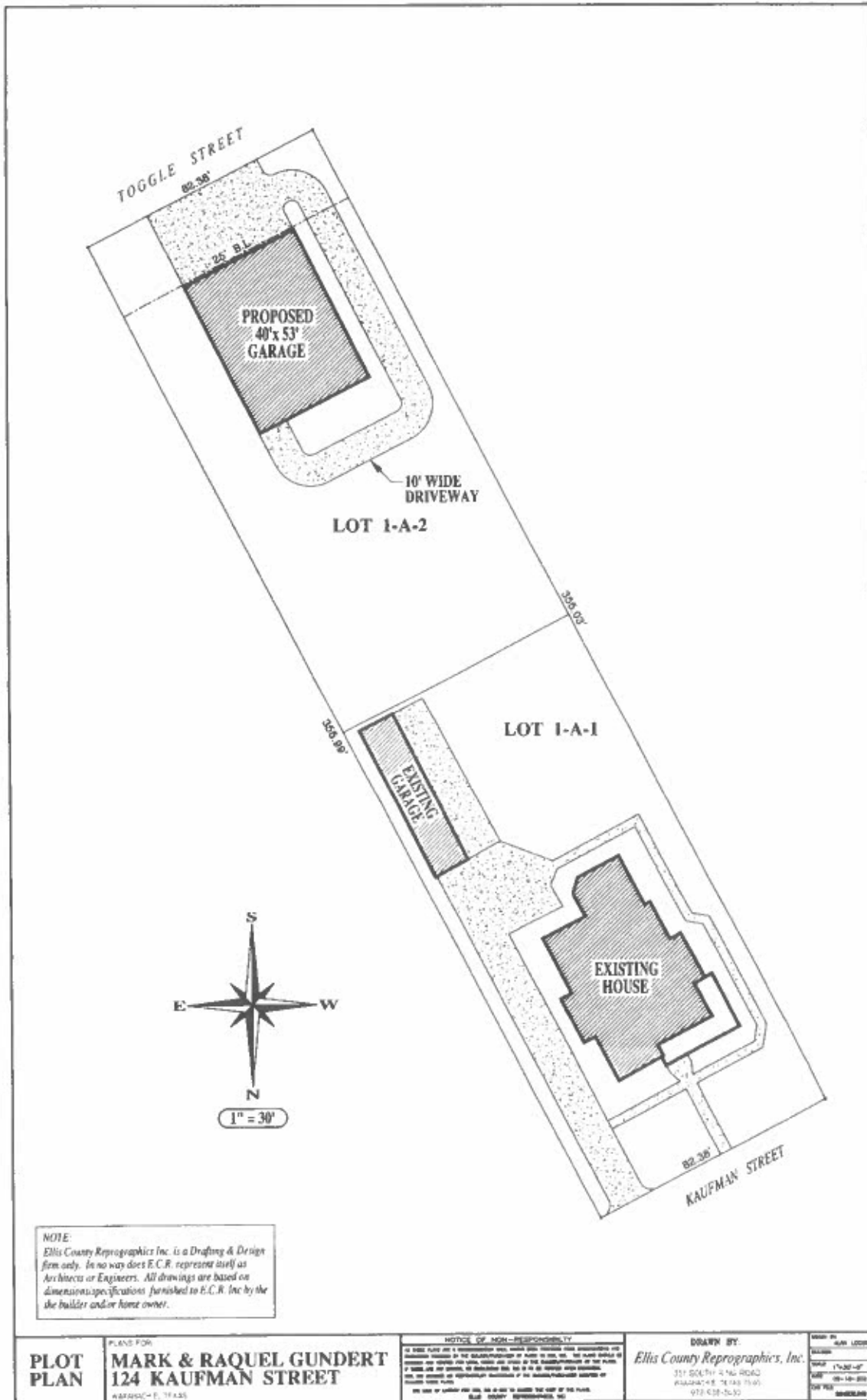
APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

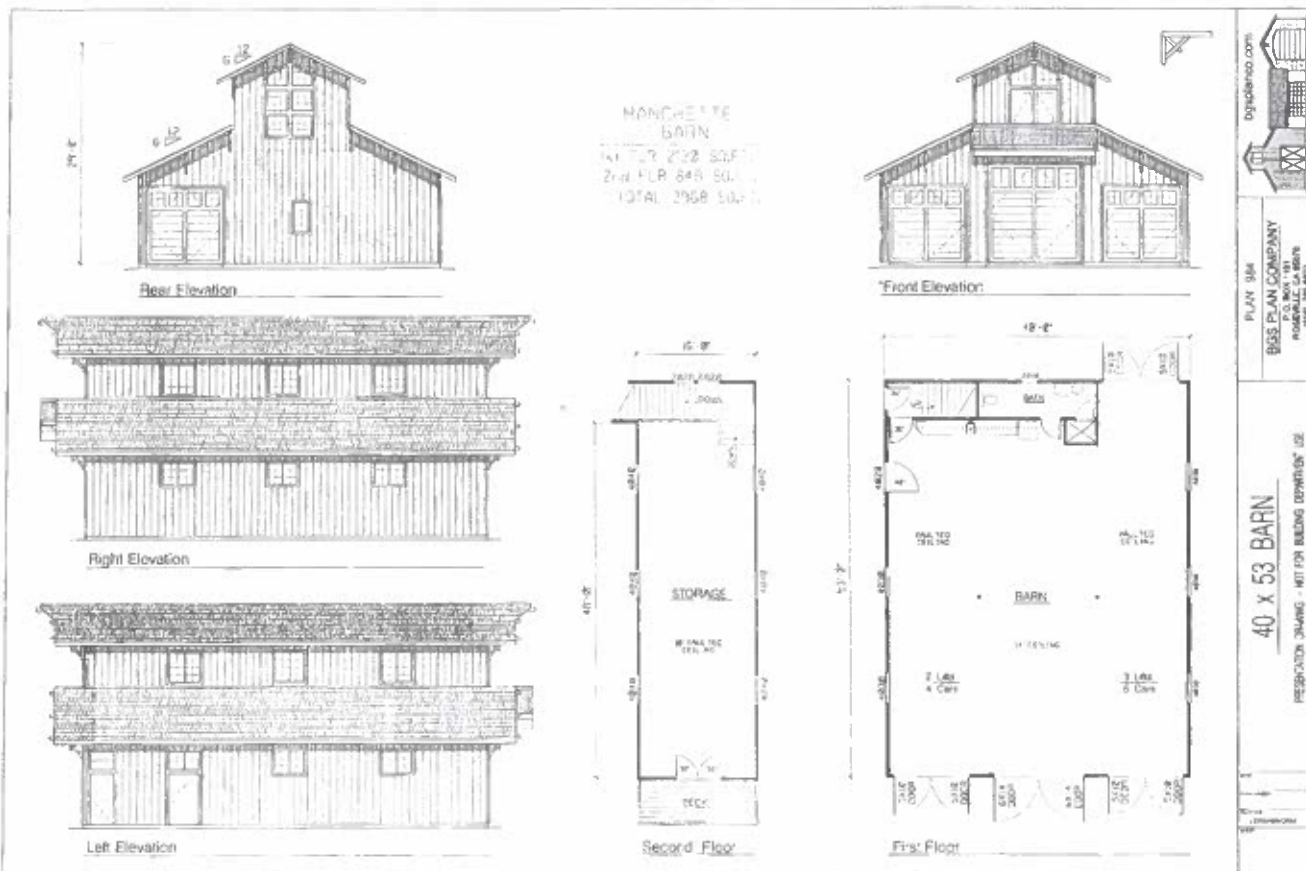
Prepared by:
 Colby Collins
 Planning Manager
ccollins@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Director of Planning
jennifer.pruitt@waxahachie.com



NOTE
 Ellis County Reprographics Inc. is a Drafting & Design firm only. In no way does E.C.R. represent itself as Architects or Engineers. All drawings are based on dimensions/specifications furnished to E.C.R. Inc. by the builder and/or home owner.

PLOT PLAN	PLANS FOR	MARK & RAQUEL GUNDETT 124 KAUFMAN STREET	<small>NOTICE OF NON-RESPONSIBILITY THIS PLAN AND ANY INSTRUMENTS HEREAFTER MADE THEREFROM ARE PREPARED BY THE SUBSCRIBER OR AGENT IN FULL PAYMENT OF THE FEE THEREON AND SHALL BE VALID IN ALL STATES WHERE THE SUBSCRIBER OR AGENT IS LICENSED TO PRACTICE. THE SUBSCRIBER OR AGENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION FURNISHED AND THE CORRECTNESS OF THE DATA AND DIMENSIONS THEREON. THE SUBSCRIBER OR AGENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE SUBSCRIBER OR AGENT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE RIGHTS OF THE PROPERTY OWNER. THE SUBSCRIBER OR AGENT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE RIGHTS OF THE PROPERTY OWNER.</small>	<small>DRAWN BY: Ellis County Reprographics, Inc. 311 SOUTH 4th STREET WASHINGTON, TEXAS 75781 972-638-5630</small>	<small>DATE: 11/20/07</small>
	<small>WATASCH - F. TEXAS</small>				<small>SCALE: 1" = 30'</small>



(16)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-174-2021

MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021 (continued from November 23, 2021)

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a **Specific Use Permit (SUP)** for a **Drive-Through Establishment (Starbucks)** use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Drive-Through Establishment (Starbucks) on 0.912 acres.

CASE INFORMATION

Applicant: Akhila Reddy, Triangle Engineering, LLC

Property Owner(s): Vaquero Highway 77 Waxahachie Partners LP

Site Acreage: 0.912 acres

Current Zoning: Planned Development-General Retail (PD-GR)

Requested Zoning: Planned Development-General Retail with SUP

SUBJECT PROPERTY

General Location: Located 1,500 feet South of Butcher Road and East of Hwy 77

Parcel ID Number(s): 189379

Existing Use: Undeveloped

Development History: N/A

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	PD-GR	Currently Undeveloped (O'Reilly Auto Parts Approved by City Council 11/16/2020)
East	N/A (ETJ)	Northside RV Resort
South	PD-GR	Currently Undeveloped
West	PD-GR/PD-MF2	Restaurants (Whataburger/Sonic) & Victron Park Planned Development (Currently Undeveloped)

Future Land Use Plan:

Retail

Comprehensive Plan:

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Drive-Through Establishment (Starbucks) on 0.912 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Drive-Through Establishment within a General Retail zoning district requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

Per the operational plan, Starbucks plans to operate a coffee shop with a drive-through located south of Butcher Road and east of Hwy 77 (Parcel ID: 189379). Starbucks intends to serve coffees, teas, and breakfast and lunch food options. This store will have operational hours of 5am – 10pm Monday – Saturday, and 6am – 10pm on Sunday. Starbucks anticipates there will be an average of 5-8 staff members per shift to help operate the store.

At the November 23, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Elevation/Façade Plan for the proposed development to make the site more aesthetically pleasing. Per the Commission’s request, listed below is a summary of changes made by the applicant.

CHANGES FROM THE 11/23/2021 PZ MEETING

Elevation/Façade

Option 1

- Added brick wainscot around the bottom of the entire building.

Option 2

- Added brick wainscot around the bottom of the entire building.
- Added large windows on the north side of the building.

Option 3 (Staff Recommendation)

- Added brick wainscot around the bottom of the entire building.
- Added large windows on the north side of the building.
- Added additional wood siding on the north and east sides of the building.
- Incorporating vertical articulations on the north, south, and west elevations.

Table 2: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	Starbucks	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	39,706	Yes
Min. Lot Width (Feet)	60	197.56	Yes
Min. Lot Depth (Feet)	100	200.98	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	20	20	Yes
Min. Rear Yard (Feet)	20	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	5.59	Yes
Parking: Restaurant 1 space per 100 sq. feet	22 spaces	32 spaces	Yes

Landscaping

The property is subject to landscaping requirements per the City of Waxahachie Zoning Ordinance. Table 3 provides a summary of the landscaping for the development.

Table 3: Landscape Requirements

Standard	City of Waxahachie	Starbucks	Meets Y/N
Area (Sq. Feet)	889	13,905	Yes
Trees	8	16	Yes
Street Trees	5	5	Yes

Building Design/Façade

Per the Elevation/Façade plan presented at the November 23, 2021, the building is currently proposed to be constructed of stucco, wood siding, and metal. The remainder of the building is proposed to consist of window glazing. If the Planning and Zoning Commission chooses to select one of the aforementioned Elevation/Façade options, the materials could change.

STAFF CONCERNS

TxDOT (Texas Department of Transportation)

The applicant is currently showing an access point to the site along US Highway 77. As proposed, the driveway does not meet TxDOT standards for driveway spacing (425 ft.). In addition, the proposal does not match the overall driveway plan submitted with the O'Reilly Auto Parts development (approved by City Council 11/16/2020). If the applicant chooses to proceed with this option, a TxDOT driveway permit will be required to allow the access point from US Highway 77.

Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property to be consistent with the overall driveway plan for the site.

ATTACHED EXHIBITS

1. Site Plan
2. Landscape Plan
3. Elevation/Façade Plan Exhibits

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
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Director of Planning
jennifer.pruitt@waxahachie.com

(116)

ORIGINAL ELEVATIONS

ITEM	COLOR	MANUFACTURER	COMMENTS
1. METAL PANELS	BRASS	FRANZ ARCHITECTS	FRANZ ARCHITECTS
2. GLASS	CLEAR	FRANZ ARCHITECTS	FRANZ ARCHITECTS
3. CONCRETE	GRAY	FRANZ ARCHITECTS	FRANZ ARCHITECTS
4. PAINT	WHITE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
5. ROOFING	BLACK	FRANZ ARCHITECTS	FRANZ ARCHITECTS
6. LIGHTING	BRASS	FRANZ ARCHITECTS	FRANZ ARCHITECTS
7. SIGNAGE	BRASS	FRANZ ARCHITECTS	FRANZ ARCHITECTS
8. FLOORING	WOOD	FRANZ ARCHITECTS	FRANZ ARCHITECTS
9. CEILING	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
10. WALLS	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
11. DOORS	WOOD	FRANZ ARCHITECTS	FRANZ ARCHITECTS
12. WINDOWS	WOOD	FRANZ ARCHITECTS	FRANZ ARCHITECTS
13. STAIRS	WOOD	FRANZ ARCHITECTS	FRANZ ARCHITECTS
14. ELEVATOR	WOOD	FRANZ ARCHITECTS	FRANZ ARCHITECTS
15. MECHANICAL	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
16. ELECTRICAL	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
17. PLUMBING	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
18. HVAC	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
19. FIRE	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS
20. SECURITY	CONCRETE	FRANZ ARCHITECTS	FRANZ ARCHITECTS



1 WEST (FRONT) ELEVATION



2 SOUTH (SIDE) ELEVATION

PRELIMINARY
NOT TO BE USED
FOR REGULATORY
APPROVAL
PERMITTING OR
CONSTRUCTION

FRANZ
architects

SHELL BUILDING
N HWY 77
WAXAHACHIE, TX 75165

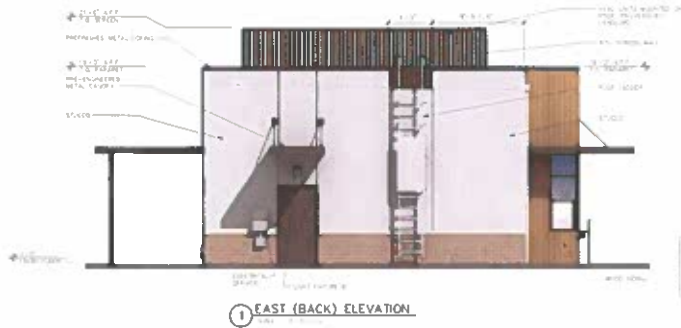
Project No. 116

Scale: 1/8" = 1'-0"

A20

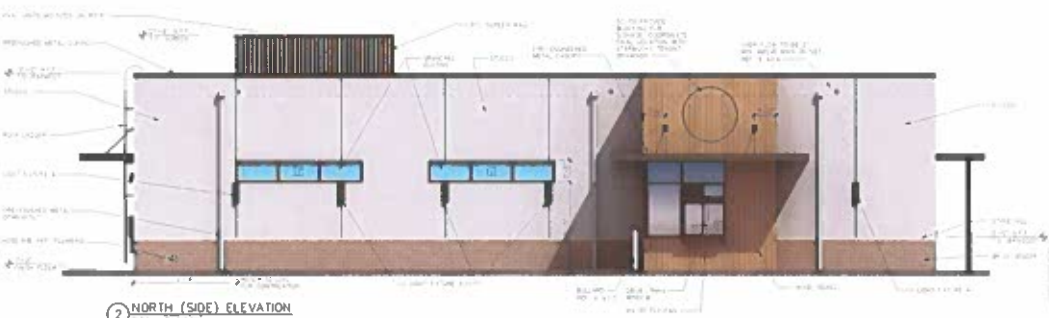
(16)

OPTION 1



EXTERIOR FINISH SCHEDULE			
ITEM	DESCRIPTION	MANUFACTURER	REMARKS
1	ROOFING		
2	WALLS		
3	DOORS		
4	WINDOWS		
5	TRIM		
6	CEILING		
7	FLOORING		
8	PAINT		
9	GLASS		
10	METAL		
11	WOOD		
12	STONE		
13	CONCRETE		
14	BRICK		
15	TILE		
16	PLASTER		
17	EIFS		
18	INSULATION		
19	MECHANICAL		
20	ELECTRICAL		
21	PLUMBING		
22	MECHANICAL		
23	ELECTRICAL		
24	PLUMBING		
25	MECHANICAL		
26	ELECTRICAL		
27	PLUMBING		
28	MECHANICAL		
29	ELECTRICAL		
30	PLUMBING		

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	ROOFING	1000	SQ. FT.	1.50	1500.00
2	WALLS	2000	SQ. FT.	2.00	4000.00
3	DOORS	1	EA.	1000.00	1000.00
4	WINDOWS	2	EA.	500.00	1000.00
5	TRIM	100	LF.	10.00	1000.00
6	CEILING	1000	SQ. FT.	1.00	1000.00
7	FLOORING	1000	SQ. FT.	1.00	1000.00
8	PAINT	1000	SQ. FT.	1.00	1000.00
9	GLASS	100	SQ. FT.	10.00	1000.00
10	METAL	100	SQ. FT.	10.00	1000.00
11	WOOD	100	SQ. FT.	10.00	1000.00
12	STONE	100	SQ. FT.	10.00	1000.00
13	CONCRETE	100	SQ. FT.	10.00	1000.00
14	BRICK	100	SQ. FT.	10.00	1000.00
15	TILE	100	SQ. FT.	10.00	1000.00
16	PLASTER	100	SQ. FT.	10.00	1000.00
17	EIFS	100	SQ. FT.	10.00	1000.00
18	INSULATION	100	SQ. FT.	10.00	1000.00
19	MECHANICAL	100	SQ. FT.	10.00	1000.00
20	ELECTRICAL	100	SQ. FT.	10.00	1000.00
21	PLUMBING	100	SQ. FT.	10.00	1000.00
22	MECHANICAL	100	SQ. FT.	10.00	1000.00
23	ELECTRICAL	100	SQ. FT.	10.00	1000.00
24	PLUMBING	100	SQ. FT.	10.00	1000.00
25	MECHANICAL	100	SQ. FT.	10.00	1000.00
26	ELECTRICAL	100	SQ. FT.	10.00	1000.00
27	PLUMBING	100	SQ. FT.	10.00	1000.00
28	MECHANICAL	100	SQ. FT.	10.00	1000.00
29	ELECTRICAL	100	SQ. FT.	10.00	1000.00
30	PLUMBING	100	SQ. FT.	10.00	1000.00



ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	ROOFING	1000	SQ. FT.	1.50	1500.00
2	WALLS	2000	SQ. FT.	2.00	4000.00
3	DOORS	1	EA.	1000.00	1000.00
4	WINDOWS	2	EA.	500.00	1000.00
5	TRIM	100	LF.	10.00	1000.00
6	CEILING	1000	SQ. FT.	1.00	1000.00
7	FLOORING	1000	SQ. FT.	1.00	1000.00
8	PAINT	1000	SQ. FT.	1.00	1000.00
9	GLASS	100	SQ. FT.	10.00	1000.00
10	METAL	100	SQ. FT.	10.00	1000.00
11	WOOD	100	SQ. FT.	10.00	1000.00
12	STONE	100	SQ. FT.	10.00	1000.00
13	CONCRETE	100	SQ. FT.	10.00	1000.00
14	BRICK	100	SQ. FT.	10.00	1000.00
15	TILE	100	SQ. FT.	10.00	1000.00
16	PLASTER	100	SQ. FT.	10.00	1000.00
17	EIFS	100	SQ. FT.	10.00	1000.00
18	INSULATION	100	SQ. FT.	10.00	1000.00
19	MECHANICAL	100	SQ. FT.	10.00	1000.00
20	ELECTRICAL	100	SQ. FT.	10.00	1000.00
21	PLUMBING	100	SQ. FT.	10.00	1000.00
22	MECHANICAL	100	SQ. FT.	10.00	1000.00
23	ELECTRICAL	100	SQ. FT.	10.00	1000.00
24	PLUMBING	100	SQ. FT.	10.00	1000.00
25	MECHANICAL	100	SQ. FT.	10.00	1000.00
26	ELECTRICAL	100	SQ. FT.	10.00	1000.00
27	PLUMBING	100	SQ. FT.	10.00	1000.00
28	MECHANICAL	100	SQ. FT.	10.00	1000.00
29	ELECTRICAL	100	SQ. FT.	10.00	1000.00
30	PLUMBING	100	SQ. FT.	10.00	1000.00

PRELIMINARY
NOT TO BE USED
FOR
REGULATORY
APPROVAL,
PERMITTING OR
CONSTRUCTION

FRANZ
architects
P.C.

SHELL BUILDING
N. HWY 77
WAXAHACHIE, TX 75165

A2.1

(16)

OPTION 2



1 WEST (FRONT) ELEVATION

ITEM	COLOR	MANUFACTURER	REMARKS
1.00	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.01	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.02	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.03	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.04	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.05	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.06	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.07	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.08	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.09	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.10	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.11	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.12	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.13	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.14	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.15	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.16	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.17	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.18	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.19	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS
1.20	WOOD PANEL	FRANZ ARCHITECTS	WOOD PANEL - SEE SPECIFICATIONS

WEST (FRONT) ELEVATION	1.00	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.01	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.02	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.03	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.04	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.05	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.06	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.07	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.08	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.09	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.10	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.11	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.12	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.13	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.14	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.15	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.16	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.17	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.18	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.19	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.20	WOOD PANEL	FRANZ ARCHITECTS



2 SOUTH (SIDE) ELEVATION

SOUTH (SIDE) ELEVATION	1.00	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.01	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.02	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.03	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.04	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.05	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.06	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.07	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.08	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.09	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.10	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.11	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.12	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.13	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.14	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.15	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.16	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.17	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.18	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.19	WOOD PANEL	FRANZ ARCHITECTS
WOOD PANEL	1.20	WOOD PANEL	FRANZ ARCHITECTS

PRELIMINARY
NOT TO BE USED
FOR
REGULATORY
APPROVAL,
PERMITTING OR
CONSTRUCTION



SHELL BUILDING
N HWY 77
WAXAHACHIE, TX 75165



A2.0

(16)

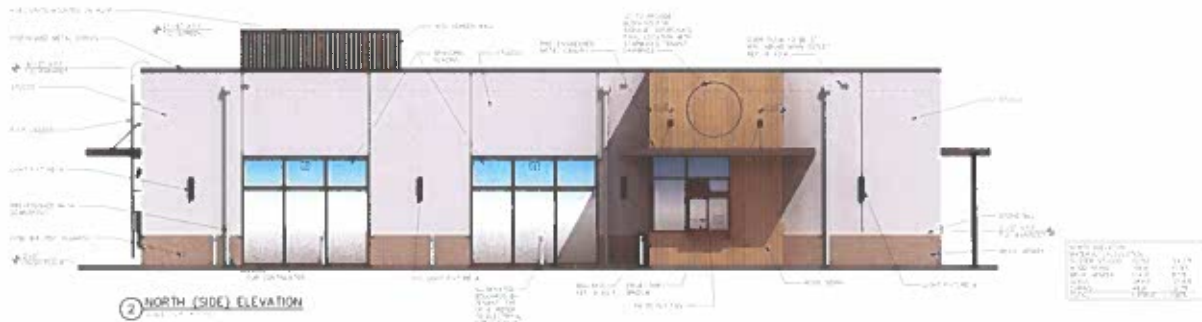
OPTION 2



ITEM	COLOR	MANUFACTURER	REMARKS
WOOD CLAD ROOF	WOOD	WOOD	WOOD CLAD ROOF
WOOD CLAD WALL	WOOD	WOOD	WOOD CLAD WALL
WOOD CLAD FLOOR	WOOD	WOOD	WOOD CLAD FLOOR
WOOD CLAD CEILING	WOOD	WOOD	WOOD CLAD CEILING
WOOD CLAD STAIR	WOOD	WOOD	WOOD CLAD STAIR
WOOD CLAD BALCONY	WOOD	WOOD	WOOD CLAD BALCONY
WOOD CLAD PORCH	WOOD	WOOD	WOOD CLAD PORCH
WOOD CLAD TERRACE	WOOD	WOOD	WOOD CLAD TERRACE
WOOD CLAD DECK	WOOD	WOOD	WOOD CLAD DECK
WOOD CLAD WALKWAY	WOOD	WOOD	WOOD CLAD WALKWAY
WOOD CLAD DRIVEWAY	WOOD	WOOD	WOOD CLAD DRIVEWAY
WOOD CLAD GARAGE	WOOD	WOOD	WOOD CLAD GARAGE
WOOD CLAD DRIVE	WOOD	WOOD	WOOD CLAD DRIVE

WOOD CLAD ROOF	WOOD	WOOD
WOOD CLAD WALL	WOOD	WOOD
WOOD CLAD FLOOR	WOOD	WOOD
WOOD CLAD CEILING	WOOD	WOOD
WOOD CLAD STAIR	WOOD	WOOD
WOOD CLAD BALCONY	WOOD	WOOD
WOOD CLAD PORCH	WOOD	WOOD
WOOD CLAD TERRACE	WOOD	WOOD
WOOD CLAD DECK	WOOD	WOOD
WOOD CLAD WALKWAY	WOOD	WOOD
WOOD CLAD DRIVEWAY	WOOD	WOOD
WOOD CLAD GARAGE	WOOD	WOOD
WOOD CLAD DRIVE	WOOD	WOOD

2 NORTH (SIDE) ELEVATION



WOOD CLAD ROOF	WOOD	WOOD
WOOD CLAD WALL	WOOD	WOOD
WOOD CLAD FLOOR	WOOD	WOOD
WOOD CLAD CEILING	WOOD	WOOD
WOOD CLAD STAIR	WOOD	WOOD
WOOD CLAD BALCONY	WOOD	WOOD
WOOD CLAD PORCH	WOOD	WOOD
WOOD CLAD TERRACE	WOOD	WOOD
WOOD CLAD DECK	WOOD	WOOD
WOOD CLAD WALKWAY	WOOD	WOOD
WOOD CLAD DRIVEWAY	WOOD	WOOD
WOOD CLAD GARAGE	WOOD	WOOD
WOOD CLAD DRIVE	WOOD	WOOD

PRELIMINARY
NOT TO BE USED
FOR
REGULATORY
APPROVAL,
PERMITTING OR
CONSTRUCTION

FRANZ
ARCHITECTS

SHELL BUILDING
N HWY 77
WAXAHACHE TX 75165

DATE: 11/11/2014
SCALE: 1/8" = 1'-0"

PROJECT NO: 14-001

A2.1

(1u)

OPTION 3



1 WEST (FRONT) ELEVATION

EXTERIOR FINISH SCHEDULE			
ITEM	COLOR	MANUFACTURER	REMARKS
1. EXTERIOR WALL	WOOD GRAIN	FRANZ ARCHITECTS	SEE SPECIFICATIONS
2. ROOF	BLACK	FRANZ ARCHITECTS	SEE SPECIFICATIONS
3. WINDOW FRAMES	BLACK	FRANZ ARCHITECTS	SEE SPECIFICATIONS
4. DOOR FRAMES	BLACK	FRANZ ARCHITECTS	SEE SPECIFICATIONS
5. INTERIOR WALLS	WHITE	FRANZ ARCHITECTS	SEE SPECIFICATIONS
6. INTERIOR FLOORS	WOOD GRAIN	FRANZ ARCHITECTS	SEE SPECIFICATIONS
7. CEILING	WHITE	FRANZ ARCHITECTS	SEE SPECIFICATIONS
8. LIGHT FIXTURES	BLACK	FRANZ ARCHITECTS	SEE SPECIFICATIONS
9. SIGNAGE	BLACK	FRANZ ARCHITECTS	SEE SPECIFICATIONS
10. LANDSCAPE	GREEN	FRANZ ARCHITECTS	SEE SPECIFICATIONS

ITEM	QTY	UNIT	PRICE	TOTAL
1. EXTERIOR WALL	100	SQ. FT.	10.00	1000.00
2. ROOF	500	SQ. FT.	2.00	1000.00
3. WINDOW FRAMES	20	LINEAR FT.	50.00	1000.00
4. DOOR FRAMES	10	LINEAR FT.	100.00	1000.00
5. INTERIOR WALLS	1000	SQ. FT.	1.00	1000.00
6. INTERIOR FLOORS	1000	SQ. FT.	1.00	1000.00
7. CEILING	1000	SQ. FT.	1.00	1000.00
8. LIGHT FIXTURES	10	UNIT	100.00	1000.00
9. SIGNAGE	1	UNIT	1000.00	1000.00
10. LANDSCAPE	1000	SQ. FT.	1.00	1000.00



2 SOUTH (SIDE) ELEVATION

ITEM	QTY	UNIT	PRICE	TOTAL
1. EXTERIOR WALL	100	SQ. FT.	10.00	1000.00
2. ROOF	500	SQ. FT.	2.00	1000.00
3. WINDOW FRAMES	20	LINEAR FT.	50.00	1000.00
4. DOOR FRAMES	10	LINEAR FT.	100.00	1000.00
5. INTERIOR WALLS	1000	SQ. FT.	1.00	1000.00
6. INTERIOR FLOORS	1000	SQ. FT.	1.00	1000.00
7. CEILING	1000	SQ. FT.	1.00	1000.00
8. LIGHT FIXTURES	10	UNIT	100.00	1000.00
9. SIGNAGE	1	UNIT	1000.00	1000.00
10. LANDSCAPE	1000	SQ. FT.	1.00	1000.00

PRELIMINARY
NOT TO BE USED
FOR REGULATORY
APPROVAL
PERMITTING OR
CONSTRUCTION



SHELL BUILDING
N HWY 77
WAXAHACHIE, TX 75165

Project Name: SHELL BUILDING
Project No: 2024-001

Architect: FRANZ ARCHITECTS
Date: 11/15/24

A2.0

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-199-2021

MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Ray Porter, The Summit at Breezy Acres, LLC, for a **Zoning Change** from a Light Industrial-1 (LI-1) and Future Development (FD) zoning district to **Planned Development Light Industrial-1 (LI-1)** zoning district, located at the Northwest quadrant of Butcher Road and west of I-35S (Property ID 191034) - Owner: PRZYBYLSKI FAMILY REVOCABLE (ZDC-199-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to construct an Indoor Firearms Training and Shooting Facility, and allow a retail/office on 3.3 acres.

CASE INFORMATION

Applicant: Ray Porter, The Summit at Breezy Acres, LLC

Property Owner(s): Przybylski Family Revocable Living Trust

Site Acreage: 3.3 acres

Current Zoning: Light Industrial-1 (LI1) and Future Development (FD)

Requested Zoning: Planned Development – Light Industrial – 1 (PD-LI1)

SUBJECT PROPERTY

General Location: Northwest quadrant of Butcher Road and west of I-35S

Parcel ID Number(s): 191034

Existing Use: The front portion of the property is undeveloped. Single family residences are located in the rear of the property.

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1 & FD	Undeveloped Land
East	-----	Interstate Highway 35
South	PD-C	Undeveloped Land
West	FD	Undeveloped Land

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 businesses 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 (2) two-way entrance & drive aisles from the future extension of Butcher Road (*per the City of Waxahachie Thoroughfare Plan*).

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to construct an Indoor Firearms Training and Shooting Facility, and allow a retail/office on 3.3 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be reviewed by City Council.

Proposed Use:

The applicant, Summit at Breezy Acres, LLC, is seeking to become the first Indoor Firearms Training and Shooting Facility in Waxahachie. Per the applicant, the facility will offer firearms instruction, Hunter Education, LTC classes, a full product line of sporting rifles, pistols, ammunition, optics and accessories as well as a 12-bay/ 75' shooting range as part of its initial Phase I plans.

The shooting range is designed with 12 firing lanes to accommodate training groups at the same time as public shooting, while also including an elevated observation deck with 1" bullet proof glass portal approximately 20 feet long. The shooting range will also have a relaxation area and a retail area for shooting supplies, ammunition, targets, and other related items.

Additional phases (indoor buildings) are proposed for the development. The future phases are proposed to ultimately add an additional 24 bays of 75' shooting range and a 4-bay, 100-yard shooting range. Phase I will consist of 13,580 SF on this 3.33 Acre site- representing 9.36 percent lot coverage. At total, future build-out, the facility would consist of approximately 29,938 SF which would represent 20.6 percent lot coverage. The future construction of Phase II and Phase III to add the additional shooting lanes is proposed to start after the initial Phase I is completed.

STAFF CONCERNS

Noise

Due to the development being located near single family homes, staff has concerns regarding the noise level for the development. If approved, staff suggest that the applicant meet the requirements of the Environmental Protection Agency regarding noise level and incorporate noise mitigation measures if needed.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 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:**
 1. The front setback shall be setback a minimum of 40ft.
 2. The proposed development shall meet the minimum requirements of the EPA (Environmental Protection Agency) regarding air flow and noise level.
 3. If approved, a detailed Site Plan shall be reviewed administratively by staff.

ATTACHED EXHIBITS

1. Operational Plan
2. Proposed Site Layout Plan
3. Concept Elevation Plan
4. Development Rendering

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

The Summit at Breezy Acres, LLC
Operational Plan Overview
Prepared For City of Waxahachie Planning & Zoning Department
Planned Development Zoning Application
Submitted November 5, 2021

The Summit at Breezy Acres, LLC (Summit) was formed in 2016 in order to build and operate an indoor facility for Hunter Education, weapon safety and proficiency training, a public shooting range for recreational and training purposes and a multi-purpose training center to accommodate larger classes and for civic events.

After a multi-year application process, the Summit entered into a partnership with the Texas Parks & Wildlife Department and the U.S. Fish & Wildlife Service in 2019 to build and operate the facility. The Agreement calls for these entities to provide some capital for these high-cost facilities as a public venue in exchange for the guidelines mentioned below.

During the last two years the Summit has been in the planning phase of the project. The Summit had to perform a rigorous third party Environmental, Biological & Cultural Examination of the site for the project to be sure the site was approved for use under the Federal and State environmental and cultural laws and guidelines of the USFWS & the TPWD. The Examination was finished last month and the Summit received the FONSI letter (Finding Of No Significant Impact) letter which approved the location in early November.

The Summit has provided detail operational plans to both the USFWS and the TPWD as required by our partnership and in order to comply with State and Federal laws.

The Operational Plan is expressly guided by the Agreement with these government agencies. The general guidelines are:

- The facility will be open to the general public on a regular basis
- The facility must continually offer firearm safety training, proficiency training and Hunter Education classes
- The facility will be operated under the auspices and terms of the TPWD Agreement for the “life of the building/project”, (25 year minimum)
- The facility will be compliant with all OSHA and EPA requirements for noise abatement, range safety, lead remediation & environmental protection
- The facility will be ADA compliant
- The Summit must comply with all State & Federal Laws including non-discrimination & federal employment standards

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

Following are some of the operational features and other considerations in order to comply with the specific USFWS & TPWD requirements:

The Summit will be open 9 A.M. to 9 P.M. Monday-Saturday & 2 P.M. to 6 P.M. on Sundays.

Hunter Education is our primary focus; however, the Summit will continually offer License To Carry classes as demand requires, Beginning & Advanced Firearm Safety classes, Proficiency & Advanced methods classes, Texas Security Guard training classes (all levels) & specified Law Enforcement Training classes and proficiency levels.

The Summit has researched and investigated all the major “range building” companies in the US and attended many workshops; range, factory & construction site tours; & builder conferences over the last 5 years dealing with all the techniques, materials & methods used in State-of-the-Art indoor ranges. The Summit will exceed the EPA requirements on air flow rates in the range and the noise level will be well below the existing noise level based on the ambient noise levels tested at the specific location of the project by the USFWS.

The plan is to sell accessories and ammunition as well as some rifles and pistols. There are many retail outlets around and the Summit will not compete with them. However, lessons on gun safety and training as well as hunter education discounts will be offered for any items purchased. There is also a gun smith room located in the building.

This will be a great project that will inspire hundreds or even thousands of young potential hunters to achieve their best and safest hunts in the future by unsurpassed training and friendly instructors. Many more potential hunters will be reached and enthused through the “Progressive Training Method” of introducing them to shooting sports through fun and positive experiences.

The shooting range is designed with 12 firing lanes to accommodate training groups at the same time as public shooting. These are the longer 25-yard lanes for better rifle sight-ins and more accurate targeting. The shooting range will have an elevated observation deck with 1” bullet proof glass portal approximately 20 feet long. It will have comfortable chairs and is wheel chair accessible. The shooting range will also have a relaxation area and a retail area for shooting supplies, ammunition, targets, etc... We also plan to have a reinforced inventory storage room for inventory.

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

The plan is to offer similar services and price plans to the competition. The prices will be lower than the two main competitors; the Dallas Gun Club and Shoot Smart in Grand Prairie. There will be small bore rifle, high power rifle & pistol training and practice offered. The Summit will be open to the public seven days a week to maximize range usage. There will be no club member fees, however there will be monthly and yearly pricing deals for range practice time and discounts on accessories, ammunition and training fees. Each week there will be a Ladies Night, and other group specific times that may arise in order for people to gather together with their friends and practice or sight in their rifles and pistols. There will be pistol and rifle rentals for those who want to try a new weapon before they buy one. There will be no black powder weapons, armor piercing ammunition, tracer rounds, incendiary rounds, steel pellets or BBs used on the range for safety reasons. Range users must be 6 years old with their parents and there will be law enforcement discounts. Gun smith services will be available on site. The range usage fees will start at \$16.99 for day use with discounts available from that rate. This is about 10% less than the Dallas Gun Club. The pricing goal is for the Summit to be affordable to the ordinary citizens of Ellis County. Since the primary goal is to help young people learn hunter safety and the enjoyment of hunting, the TPWD sponsored education classes will have priority for the range access and will receive a substantial discount on range fees.

The Summit will also participate and sponsor shooting tournaments and competitions and will also host State and National Police Shooting Competitions as well as local league play.

There is a clear public need for the Summit. There are no other indoor training facilities or shooting ranges between Dallas and Waco. The youth of Ellis and surrounding counties will benefit tremendously from the availability of the facility. Additional exposure to the Hunter Safety Program and Firearm Safety Programs will also be gained by the Summit's easy access from people who live within a wider area due to the excellent location on IH 35E.

The Summit will certainly support Texas hunter education which is the primary purpose of the facility. Firearm and archery safety training is a top goal also. The Summit will have Qualified Range Officers on-site during all times that the Summit is open. Currently there are commitments from local Hunter Education Instructors and Firearm Safety Instructors to teach classes and all will have Hunter Education Certification and Firearm Safety Instructor Certification. Additional advanced training is also a goal and certification will be required so the Summit can offer even more opportunities in the future.

The new facility will certainly be ADA compliant and as mentioned above, it will have wheelchair accessible viewing for the shooting ranges. The Summit will be new construction and the most qualified national range design personnel are working on the project. It is felt that the Summit will be the *safest facility of its kind in the world.*

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

Since the Summit is a new facility, it will have the most modern noise abatement materials in use including concrete filled cinder block walls and neoprene foam noise baffles located within the range and building. The air handling equipment is certified to comply with the maximum lead levels allowable by the EPA and OSHA and they will perform tests periodically. The utmost care will be taken so that all tests will be passed every time and compliance will be maintained.

There is a tremendous need for the Hunter Education program and indoor shooting range here in Ellis County. The police have an outdoor range South of Waxahachie, but it is not open to the public. The Summit owners started this project because they themselves didn't have a place to go in hot summer weather or inclement weather to enjoy shooting sports. They are archers as well as hunters and shooters and believe strongly in helping to make the next generation of hunters better. Mr. Jake Hoggett is the only Hunter Education instructor in Ellis County. He teaches the program at Navarro College in Waxahachie and he has agreed to work for the Summit when it opens since he doesn't have any ranges available and he wants to join us.

The principles are dealing with the premier shooting range developers in the USA, Action Targets, Inc. They have built more ranges than any other American company. Design integrity is a must. The Summit is in constant contact with the other three major range designers in the US and they are waiting to provide quotes when the project receives City approval. All are highly rated. Cost will also be a factor, but for qualified contractors only.

The shooting range will be a highlight of the Summit and will be used for hunter education and safety training classes. The Multi-purpose Training Room will also be integral in the primary goal of hunter education and safety training. The Multi-purpose Training Room is also the answer to another community need. Also, it is believed that many civic organizations will take advantage of the facility for meetings, training and special events. The owners have always been active in the community.

The Summit is a very exciting and worthwhile project and will definitely lead to many underserved and unserved youth and adults learning about and gaining proficiency in shooting sports and hunting. It will produce well trained citizens who will have a greater appreciation of the outdoors, nature and the Texan love for hunting.



VICINITY MAP



A1.0 Conceptual Site Plan
3.33 AC OF 19.7 AC* (See Sheet A1.1) 1:25

* 19.7 AC is part of the larger 54.043 AC with the Legal Description:
1000 J BHAYER & 1003 PB STOUT 54.043 Acres

RE-SUBMITTED PER STAFF COMMENTS-11 23.21

SCREEN WALL PER CITY STANDARDS

NEW MANHOLE: F.L. ELEV: 819.35

10" S.S. LINE PER 2016 CITY CONCEPT

PROPOSED DETENTION AREA

10' DRAINAGE EASEMENT

8' X 18' PARKING SPACE-TYP.

25'-0" FIRE LANE-TYP.

HOPE PIPE TO FUTURE STORM SYSTEM

EXTENDED WATER LINE FROM EAST

PROPOSED BUTCHER ROAD EXTENSION-120' R.O.W.
(Per City of Waxahachie Thoroughfare Plan)

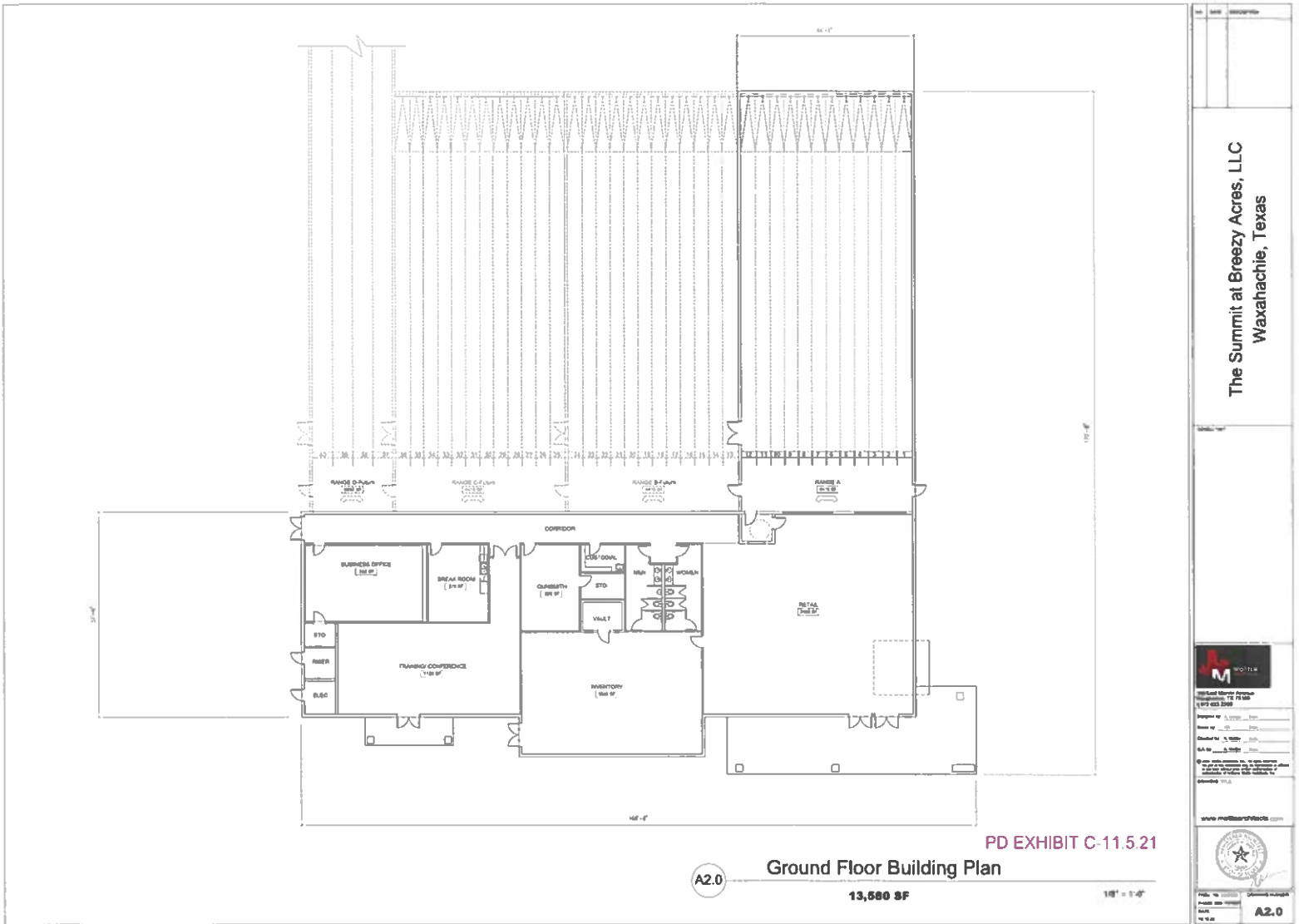


M&S ENGINEERING & CONSTRUCTION, INC.
1000 J BHAYER & 1003 PB STOUT
WAXAHACHIE, TEXAS 75165
PH: 972.987.1111
WWW.MANDSINC.COM

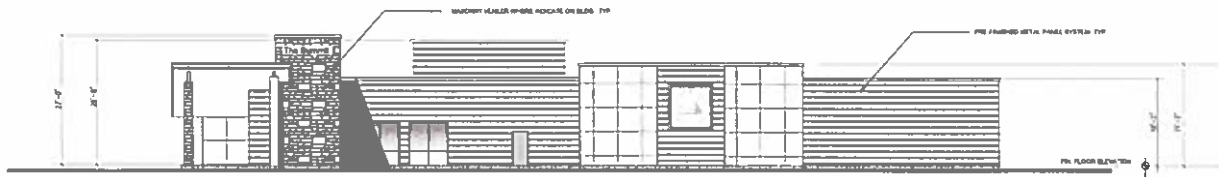


www.mandse.com
A1.0

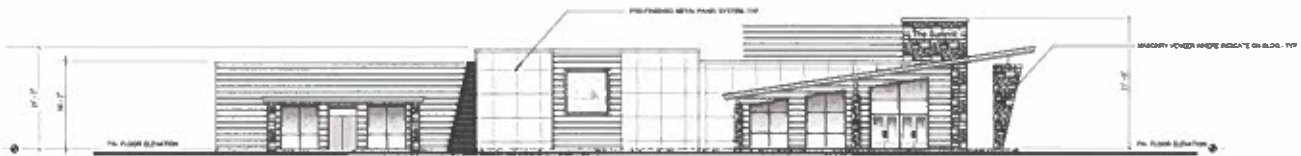
(18)



(18)



EAST ELEVATION



SOUTH ELEVATION

The Summit at Breezy Acres, LLC
Waxahachie, Texas



MCM CONSULTING
500 East North Avenue
Waxahachie, TX 75165
972.863.2900

Prepared by: MCM CONSULTING

Drawn by: MCM CONSULTING

Scale: 1/8" = 1'-0"

© All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of MCM CONSULTING.

Approved: MCM

www.mcmconsulting.com



Project No: 11-11-11
Drawing No: A3.1
Date: 11-11-11

A3.1

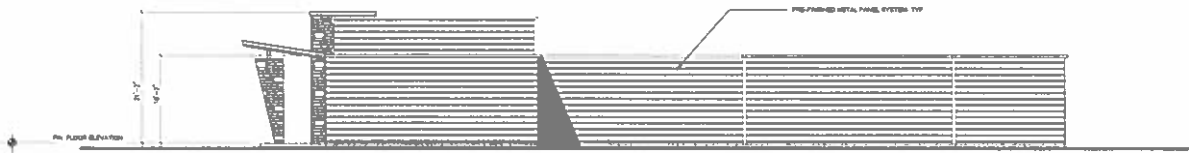
Exterior Elevations

PD EXHIBIT A-11.5.21

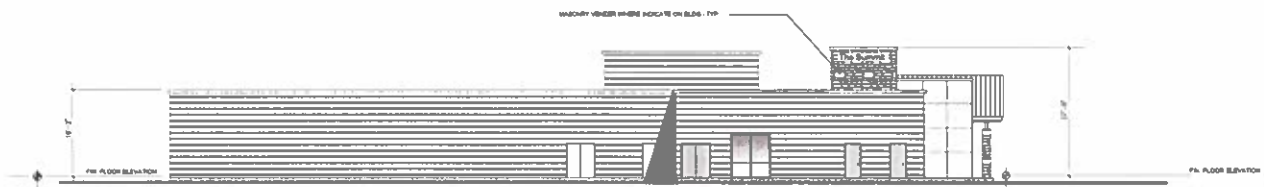
1/8" = 1'-0"

A3.1

(18)



NORTH ELEVATION



WEST ELEVATION

The Summit at Breezy Acres, LLC
Waxahachie, Texas

M
 300 East Service Station
 Waxahachie, TX 75167
 (972) 555-3333
 Designed by: J. Bello, AIA
 Project No.: 2011-010
 Consultant: J. Bello, AIA
 Scale: 1/8" = 1'-0"
 © 2011 All rights reserved. All text herein
 is the property of the architect and shall remain
 the property of the architect.

www.producerhicks.com



Project No. 2011-010
 Produced Pursuant to
 Article 1531, Section 08, Texas
 Civil Statutes
A3.0

A3.0

Exterior Elevations

PD EXHIBIT D-11.5.21

1/8" = 1'-0"

(18)



(20)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-189-2021

MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Mark Stacy, MV-1005, LLC., for a **Specific Use Permit (SUP)** for a **Drive Through Establishment (Car Wash)** use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Car Wash Drive-Through Establishment on 1.156 acres.

CASE INFORMATION

Applicant: Mark Stacy, MV-1005 LLC.

Property Owner(s): SB Connection LLC

Site Acreage: 1.156 acres

Current Zoning: North Grove Planned Development District

Requested Zoning: North Grove Planned Development District with SUP

SUBJECT PROPERTY

General Location: Located south of North Grove Blvd and east of Highway 77

Parcel ID Number(s): 283986

Existing Use: Undeveloped

Development History: N/A

Table 1: Adjoining Zoning and Uses

Direction	Zoning	Current Use
North	PD (North Grove Planned Dev.)	Currently Undeveloped
East	PD (North Grove Planned Dev.)	Single Family Residential
South	PD-42-C	Currently Undeveloped
West	GR	Currently Undeveloped (City Council approved 7-Eleven 9/7/2021; Ord. 3288)

Future Land Use Plan:

Retail

Comprehensive Plan:

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Car Wash Drive-Through Establishment on 1.156 acres. Per the City of Waxahachie Zoning Ordinance, the use of a Car Wash Drive-Through Establishment requires a Specific Use Permit to be reviewed by City Council.

Proposed Use:

Operation

Per the operational plan, Crape Myrtle Express plans to operate a drive-through car wash with vacuum bay spaces located south of North Grove Blvd and east of Highway. The business will have operational hours of 7am – 7pm Monday – Saturday, and 8am – 5pm on Sunday. Crape Myrtle Express anticipates there will be an average of 4 staff members per shift to help operate the car wash.

Table 2: Proposed Development Standards (General Retail)

Standard	City of Waxahachie	Crape Myrtle Express Car Wash	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	50,355	Yes
Min. Lot Width (Feet)	60	163.06	Yes
Min. Lot Depth (Feet)	100	312.61	Yes
Min. Front Yard (Feet)	40	40	Yes
Min. Side Yard (Feet)	0	0	Yes
Min. Rear Yard (Feet)	20	0	No
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	37	Yes
Parking: Car Wash 1 space per 150 sq. feet 1 space per bay	3 spaces	6 spaces	Yes

**The applicant will provide 23 vacuum/bay spaces*

Landscaping

The property is subject to landscaping requirements per the City of Waxahachie Zoning Ordinance. Table 3 provides a summary of the landscaping for the development.

Table 3: Landscape Requirements

Standard	City of Waxahachie	Crape Myrtle Express Car Wash	Meets Y/N
Area (Sq. Feet)	3,130	8,257	Yes
Trees	7 (Canopy); 13 (Understory)	7 (Canopy); 13 (Understory)	Yes
Shrubs	79	102	Yes

Building Design/Facade

The development is proposed to be primarily constructed of brick (40%), stucco (30%), stone (12%), and metal (5%). The remainder of the building is proposed to consist of window glazing. All proposed materials are consistent with the City of Waxahachie Zoning Ordinance.

STAFF CONCERNS

Use of Property/Neighbor Opposition

Though staff is not opposed to the proposed building design or function, based on the projected growth of the surrounding area, staff believes that the proposed car wash is not the highest and best use for the property based on surrounding uses. Staff believes that the use of retail or a dine-in restaurant would be

the best use of the property. In addition, staff has received 5 letters of opposition from surrounding neighbors for the proposed development.

Setback (Rear)

Due to being located near a nursing facility (Legend Oaks Healthcare and Rehabilitation), staff suggests that the applicant meet the rear yard setback requirement of 20ft.

SPECIAL EXCEPTION/VARIANCE REQUEST

Setback (Rear Yard)

Per the City of Waxahachie Zoning Ordinance, General Retail requires a 20ft. rear yard setback.

- The applicant is requesting to propose a 0ft. rear yard setback.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 24 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 200ft. Notification: Staff received one (1) letter of support and two (2) letters of opposition for the proposed development.

Outside 200ft. Notification: Staff received three (3) letters of opposition for the proposed development.

RECOMMENDATION

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

- Denial**
Due to staff concerns, staff recommends denial for the proposed development.
- Approval, as presented.
- Approval, per the following comments:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Site Plan
3. Landscape Plan
4. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Director of Planning
jennifer.pruitt@waxahachie.com

(20)

Parcel#	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Addr.co
274197	ESTES WILLIAM C & SALLY R LIVING TRUST WILLIAM C & SALLY R ESTES CO TRUSTEES	2.1807	029 H LEVY 2.1807 ACRES	1802 YAUPON VALLEY RD	AUSTIN	TX	78746	1802 YAUPON VALLEY RD AUSTIN TX 78746
237028	ALTUS WAXAHACHE REALTY LP	1.632	LOT 4 BLK A SPRING LAKE DEVELOPMENT 1.632 AC	137 N LHS DR	LUMBERTON	TX	77657	137 N LHS DR LUMBERTON TX 77657
282125	MORTIZ INTERESTS LTD	2.942	1000 H SANGE 2.942 ACRES	2111 N COLLINS ST STE 323	ARLINGTON	TX	76011	2111 N COLLINS ST STE 323 ARLINGTON TX 76011
282126	MORTIZ INTERESTS LTD	3.91	1000 H SANGE 3.91 ACRES	2111 N COLLINS ST STE 323	ARLINGTON	TX	76011	2111 N COLLINS ST STE 323 ARLINGTON TX 76011
282134	JHD THE OASIS DEVELOPMENT LLC	23.038	1000 H SANGE 23.038 ACRES	421 CENTURY WAY STE 100	RED OAK	TX	75154	421 CENTURY WAY STE 100 RED OAK TX 75154
282126	COMMUNITY NATIONAL BANK & TRUST OF TEXAS	2.4899	LOT 1R BLK B VICTORY PARK REV 2.4899 AC	321 N 15TH ST PO BOX 624	DORISCAHA	TX	75110	321 N 15TH ST PO BOX 624 DORISCAHA TX 75110
282429	WADLEY STEPHENS REALTY LLC - SERIES D	0.7519	LOT 1R BLK A VICTORY PARK REV 0.7519 AC	111 LORENE DR	RED OAK	TX	75154	111 LORENE DR RED OAK TX 75154
282430	TRIUMPH SQUARE LLC	1.524	LOT 2R BLK A VICTORY PARK REV 1.524 AC	3225 MCLEOD DR STE #100	LAS VEGAS	NV	89121	3225 MCLEOD DR STE #100 LAS VEGAS NV 89121
284353	TEXAS M8 INVESTORS LLC	7.6363	LOT 1 BLK A LEGEND OAKS 7.6363 AC	222 ROBERT ROSE DR	MURFREESBORO	TN	37129	222 ROBERT ROSE DR MURFREESBORO TN 37129
278113	THOMAS WALLE L & CATHERINE R	0.219	LOT 9BLK 35 THE COVE PH 3 0.219 AC	201 SAHARA DR	WAXAHACHE	TX	75165	201 SAHARA DR WAXAHACHE TX 75165
278114	THOMAS WALLE L & CATHERINE R	0.173	LOT 15 BLK 36 THE COVE PH 3 0.173 AC	1821 RIVERA DR	WAXAHACHE	TX	75165	1821 RIVERA DR WAXAHACHE TX 75165
278119	CHADRON DAWN R	0.165	LOT 16 BLK 36 THE COVE PH 3 0.165 AC	1817 RIVERA DR	WAXAHACHE	TX	75165	1817 RIVERA DR WAXAHACHE TX 75165
278520	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 17 BLK 36 THE COVE PH 3 0.166 AC	1813 RIVERA DR	WAXAHACHE	TX	75165	1813 RIVERA DR WAXAHACHE TX 75165
278521	BREWER TIARA	0.166	LOT 18 BLK 36 THE COVE PH 3 0.166 AC	1809 RIVERA DR	WAXAHACHE	TX	75165	1809 RIVERA DR WAXAHACHE TX 75165
278522	DROUILLARD AUBREY NICOLE & MATTHEW J	0.166	LOT 19 BLK 36 THE COVE PH 3 0.166 AC	1805 RIVERA DR	WAXAHACHE	TX	75165	1805 RIVERA DR WAXAHACHE TX 75165
278523	BRYAN KELSEY & DEREK	0.167	LOT 21 BLK 36 THE COVE PH 3 0.167 AC	1773 RIVERA DR	WAXAHACHE	TX	75165	1773 RIVERA DR WAXAHACHE TX 75165
278525	PRIDE VINCENT	0.167	LOT 22 BLK 36 THE COVE PH 3 0.167 AC	1769 RIVERA DR	WAXAHACHE	TX	75165	1769 RIVERA DR WAXAHACHE TX 75165
278526	FAUCON ADRIAN	0.167	LOT 23 BLK 36 THE COVE PH 3 0.167 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278534	NORTH GROVE RESIDENTIAL ASSOCIATION INC	0.925	LOT 30X BLK 38 (OPEN SPACE) THE COVE PH 3 0.925 AC	P O BOX 191185	DALLAS	TX	75219	P O BOX 191185 DALLAS TX 75219
278543	ALLEN-JONES NANCY J & JEFFREY P JONES	0.233	LOT 9 BLK 37 THE COVE PH 3 0.233 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
283986	SB CONNECTION LLC	7.962	1000 H SANGE 7.962 ACRES	416 N HWY 67	CEDAR HILL	TX	75104	416 N HWY 67 CEDAR HILL TX 75104
285565	MULTIPLE OWNERS	0.167	LOT 20 BLK 36 THE COVE PH 3 0.167 AC	1801 RIVERA DR	WAXAHACHE	TX	75165	1801 RIVERA DR WAXAHACHE TX 75165

OUTSIDE 300 FT

Parcel#	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Addr.co
278527	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 20 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278528	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 21 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278529	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 22 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278530	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 23 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278531	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 24 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278532	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 25 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278533	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 26 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278535	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 27 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278536	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 28 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165
278537	IRBY CHRISTOPHER R & MALEY R	0.166	LOT 29 BLK 36 THE COVE PH 3 0.166 AC	1768 RIVERA DR	WAXAHACHE	TX	75165	1768 RIVERA DR WAXAHACHE TX 75165



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-189-2021**

KARLEN KRISTOPHER G & AUDREY F
1850 RIVIERA DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

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

Case Number: **ZDC-189-2021**

City Reference: 276514

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Friday, December 10, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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 need a gas station too! :)

[Signature]
Signature

11-27-2021
Date

Karlen Karlen
Printed Name and Title

1850 Riviera Dr 75165
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.*

Case Number: ZDC-189-2021 **City Reference: 276527**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Friday, December 18, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahatchie.com or you may drop off your form to City of Waxahatchie, Attention: Planning, 401 South Rogers Street, Waxahatchie, TX 75165.

SUPPORT OPPOSE

Comments: This is too close to my backyard. Safety and well being concern.

Jaydrea Abram 12-1-21
Signature Date

Jaydrea Abram 1705 Riviera Dr.
Printed Name and Title 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.

(20)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-189-2021

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

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

Case Number: ZDC-189-2021

City Reference: 223031

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Friday, December 10, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

There are currently two drive through car washes within 0.25 miles of North Grove Development. Adding a third at the entrance is not necessary and will detract from the aesthetic of the area.

Paul Fritz JR
Signature

10-6-2021
Date

Paul Fritz JR
Printed Name and Title

343 Country Meadows Blvd. Waxahachie TX 75105
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.

(20)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-189-2021



The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

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

Case Number: ZDC-189-2021

City Reference: 223031

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Friday, December 10, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

There are too many businesses in Waxahachie already. This proposal
brings no benefits to our city.

Eduardo Garcia
Signature

12/17/2021
Date

Eduardo Garcia, Resident
Printed Name and Title

464 Alamosa Dr
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.

(20)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-189-2021



The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mark Stacy, MV-1005, LLC., for a **Specific Use Permit (SUP)** for a **Drive Through Establishment (Car Wash)** use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

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

Case Number: ZDC-189-2021

City Reference: 223031

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Friday, December 10, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Brent Malcolm
Signature

12-9-21
Date

Brent Malcolm
Printed Name and Title

359 Wolf Creek Dr
Address Waxahachie, 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.

(20)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-189-2021



The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

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

Case Number: ZDC-189-2021

City Reference: 223031

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Friday, December 10, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Do not support this zoning

Signature

12/9/21

Date

Brandie Devalon Honegger
Printed Name and Title

1562 Granite Way 75165
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.



VICINITY MAP SCALE 1"=500'

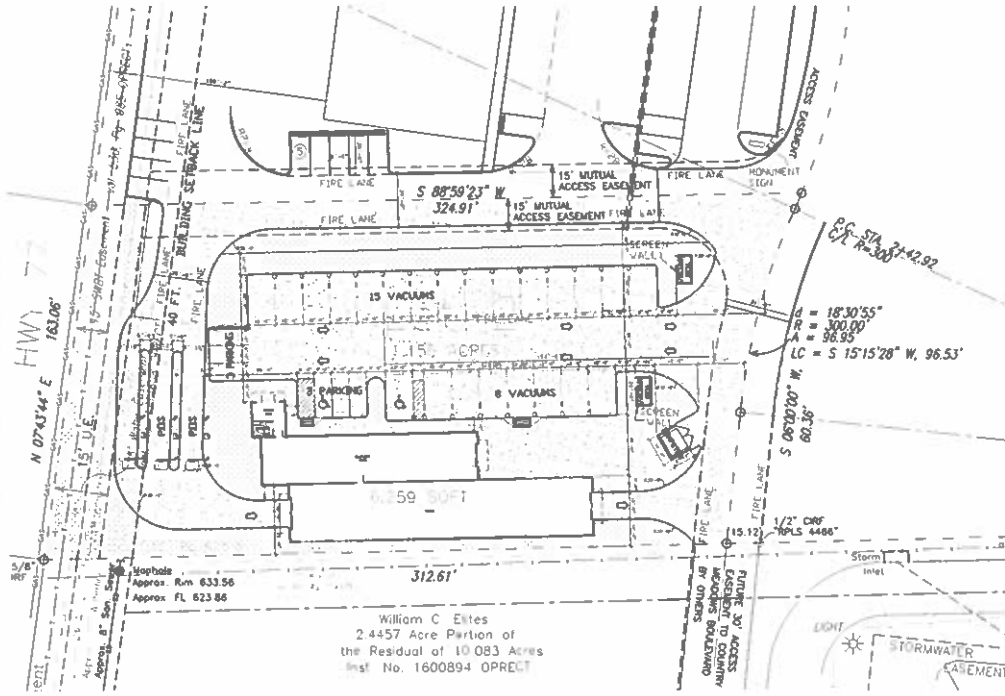
LEGEND

[Pattern]	EXISTING LANDSCAPE
[Pattern]	BUFFERYARD
[Pattern]	NEW LANDSCAPE
[Pattern]	NEW CONCRETE

- NOTE**
1. ALL PARKING STALLS TO BE PD 2187
 2. ALL MECHANICAL EQUIPMENT MUST BE SCREENED OF VIEW FROM PUBLIC VIEW

SITE DATA SUMMARY CHART

DESCRIPTION	VALUE
LOT AREA	1.156 ACRES (50,355 SQ FT)
BUILDING AREA	6,256 SQUARE FEET
LOT WIDTH	163.06'
LOT DEPTH	317.61'
SETBACKS	
FRONT	40'
SIDE	0'
REAR	0'
PARKING REQUIRED	3 PARKING SPACES
OCCUPIED AREA (1 IN)	268 SF (2 PARKING)
BAYS (1 PER BAY)	1
PARKING PROVIDED	6 PARKING SPACES
ZONING OF PROPERTY	CR
PROPOSED STRUCTURE	CR
CURRENT LANDSCAPE	LANDSCAPED
LANDSCAPE AREA REQUIRED	50%
LANDSCAPE AREA PROVIDED	100%
BUILDING HEIGHT	32 FT (11 STORY)
NONPENETRABLE COVERAGE	18,319 SQUARE FEET
PERCENT OF LOT COVERAGE	36%
SQUARE FOOTAGE OF OPEN AREA	31,974 SQUARE FEET
PERCENT OF OPEN AREA	64%



WARD ARCHITECTURE PLLC
1800 HUNTERSVILLE ROAD SUITE 100
COLLETSVILLE, INDIANA 46034
317.221.1000

DATE: 08/23/2021
PROJECT: CRAPE MYRTLE CAR WASH
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: 1"=500'

CRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

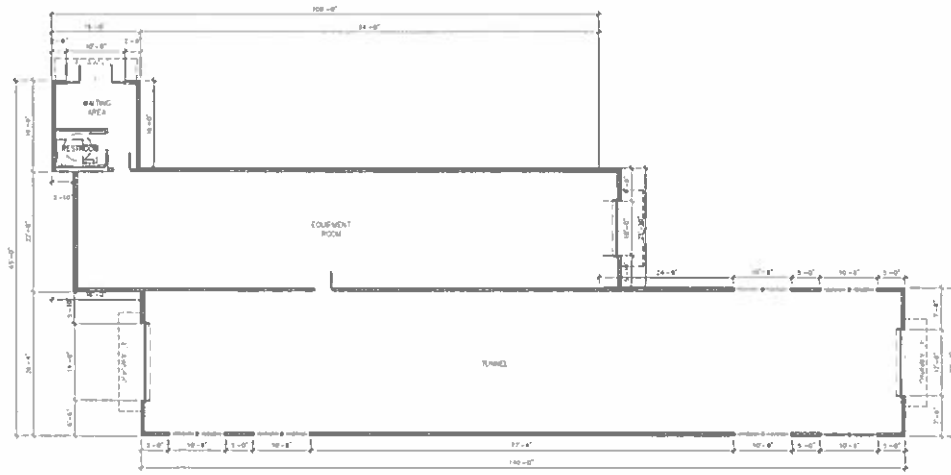
Drawn By	WCS
Checked By	CMW
Project No.	21-51
Issue Date	08/23/2021
Revisions	
No.	DESCRIPTION

ARCHITECTURAL SITE PLAN

A2.00
Sheet Number



(20)



01 FLOOR PLAN



WARD ARCHITECTURE PLLC
1000 West University Avenue, Suite 100
College Station, Texas 77840
817-261-5668

THIS PLAN AND ALL OTHERS
HEREON ARE THE PROPERTY OF
WARD ARCHITECTURE PLLC
© 2021 WARD ARCHITECTURE PLLC

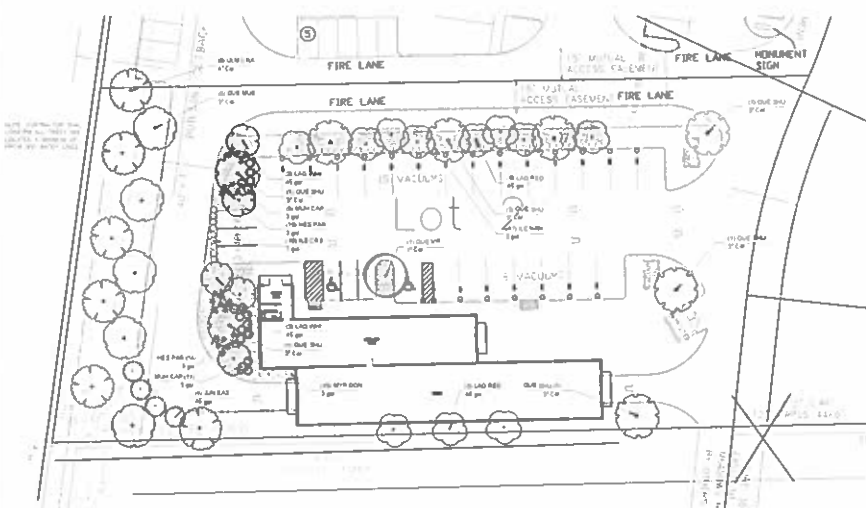
08-23-2021

CRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By	vd	
Checked By	GD	
Project No.	21-51	
Issue Date	08/23/2021	
Revisions		
No.	Rev	Description

Issue: REV'D BY
Sheet Title: ARCHITECTURAL FLOOR PLAN
A2.01
Sheet Number

(20)



NO.	DESCRIPTION	QUANTITY	UNIT	REMARKS
1	PLANTING BUFFER	2	FT	PLANTING BUFFER
2	PLANTING BUFFER	2	FT	PLANTING BUFFER
3	PLANTING BUFFER	2	FT	PLANTING BUFFER
4	PLANTING BUFFER	2	FT	PLANTING BUFFER
5	PLANTING BUFFER	2	FT	PLANTING BUFFER
6	PLANTING BUFFER	2	FT	PLANTING BUFFER
7	PLANTING BUFFER	2	FT	PLANTING BUFFER
8	PLANTING BUFFER	2	FT	PLANTING BUFFER
9	PLANTING BUFFER	2	FT	PLANTING BUFFER
10	PLANTING BUFFER	2	FT	PLANTING BUFFER
11	PLANTING BUFFER	2	FT	PLANTING BUFFER
12	PLANTING BUFFER	2	FT	PLANTING BUFFER
13	PLANTING BUFFER	2	FT	PLANTING BUFFER
14	PLANTING BUFFER	2	FT	PLANTING BUFFER
15	PLANTING BUFFER	2	FT	PLANTING BUFFER
16	PLANTING BUFFER	2	FT	PLANTING BUFFER
17	PLANTING BUFFER	2	FT	PLANTING BUFFER
18	PLANTING BUFFER	2	FT	PLANTING BUFFER
19	PLANTING BUFFER	2	FT	PLANTING BUFFER
20	PLANTING BUFFER	2	FT	PLANTING BUFFER

NOTE
NO LANDSCAPE PLANTINGS
WITHIN 1' OF CURBS 3' FROM
EDGE OF PARKING SPACE

PLANTING NOTES:
1. PLANT SIZE, TYPE AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
2. ALL PLANT MATERIAL TO BE NURSERY OR GROWN IN SITES.
3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT IS COMPLETE.
4. ALL PLANTING MATERIALS TO BE PLANTED WITHIN 90 DAYS OF SUBMITTAL OF THIS PLAN.
5. ALL PLANTING MATERIALS TO BE PLANTED WITHIN 90 DAYS OF SUBMITTAL OF THIS PLAN.
6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND EQUIPMENT TO BE INSTALLED.
7. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
8. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
9. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
10. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
11. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
12. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
13. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
14. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
15. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
16. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
17. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
18. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
19. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.
20. CONTRACTOR TO MAINTAIN ALL PLANTS AND EQUIPMENT IN GOOD CONDITION.

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	APN EAS	4	Juniperus horizontalis	Eastern Red Cedar	18 in	8' to 10'	As Shown	Single Straight Trunk
	LAD 004	6	Lagotis linearis ssp. 'Nana'	Nanah Creek Myrtle Bush-Trees	18 in	6' to 8'	As Shown	3 to 5 stems
	LAD 005	12	Lagotis linearis ssp. 'Nana'	Nanah Creek Myrtle Bush-Trees	18 in	6' to 8'	As Shown	3 to 5 stems
	QUE 006	6	Quercus macrocarpa	Chickadee Oak	27 in	12' height	As Shown	
	QUE 007	6	Quercus macrocarpa	Chickadee Oak	27 in	12' height	As Shown	
	QUE 008	1	Quercus macrocarpa	Chickadee Oak	27 in	12' height	As Shown	
	VAL 009	6	Valisneria spiralis	Candle Elm	18 in	12' height	As Shown	
	CODE 071	6	Botanical Name	Common Name	SIZE	HEIGHT	SPACING	REMARKS
	HEB 001	24	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 002	18	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 003	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 004	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 005	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 006	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 007	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 008	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 009	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 010	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 011	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	
	HEB 012	12	Hesperaloe parviflora	Red Yucca	1 1/2"	18" to 24"	18" to 24"	



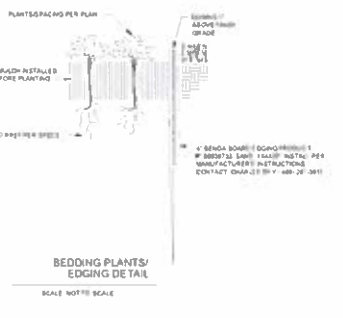
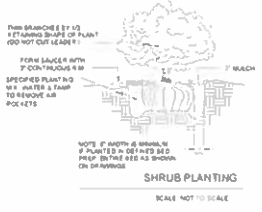
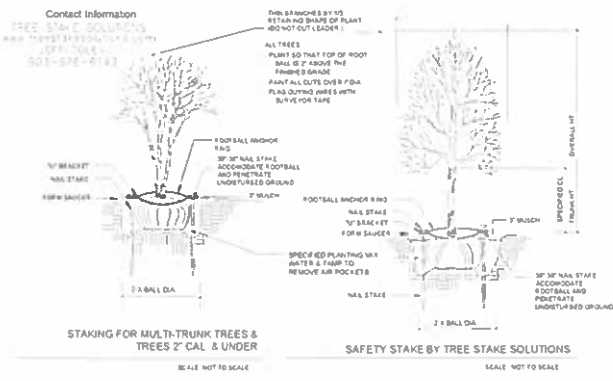
WARD ARCHITECTURE PLLC
1000 W. UNIVERSITY BLVD. SUITE 100
DALLAS, TEXAS 75248
PH: 214.750.1000
WWW.WARDARCHITECTURE.COM

CRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By: JGD
Checked By: GJM
Project No: 21-51
Issue Date: 08/23/2021
Revision: No / Date / Description



REVIEW SET
LANDSCAPE PLAN
L-1



W
 WARD ARCHITECTURE PLLC
 500 WASHINGTON STREET, SUITE 400
 COLLEGE STATION, TEXAS 77840
 817-771-1000

LANDSCAPE ARCHITECT
 08-23-2021

CRAPE MYRTLE CAR WASH
 WAXAHACHIE, TX

Drawn By: YD
 Created By: DAV
 Project No: 21-51
 Issue Date: 06/29/2021
 Revision: No. Date Description

Issued: REVIEW SET
 Sheet Title: **PLANTING DETAILS**
L-2
 Sheet Number:

FARM - CURPETT
LANDSCAPE ARCHITECTS, LLC
 101 HANCOCK DRIVE
 AUSTIN, TEXAS 78701
 512.453.1111
 LICENSE NO. 00000000000000000000000000000000

THE STATE OF TEXAS, COUNTY OF TARRANT, I, JAMES CURPETT, LANDSCAPE ARCHITECT, DO HEREBY CERTIFY THAT I AM THE DESIGNER OF THE ABOVE WORK AND THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF TEXAS. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE WORK, BUT I AM PROVIDING THE WORK AS A PROFESSIONAL SERVICE. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE WORK, BUT I AM PROVIDING THE WORK AS A PROFESSIONAL SERVICE.

SECTION 0300
TREES (SHRUBS AND GROUNDCOVER)

PART 1 - GENERAL

1.01 DESCRIPTION OF WORK

A. Section

- 1. Soil prep
- 2. Site grading
- 3. Topsoil
- 4. Planting
- 5. Mulching
- 6. Overlays

B. Related Work Specified Elsewhere

- 1. General Requirements - All Sections
- 2. Section 0310 - Irrigation/Trenching
- 3. Section 0320 - Irrigation
- 4. Section 0330 - Lawns

1.02 QUALITY ASSURANCE

A. Contractor Qualifications

- Minimum of three (3) years experience in projects of similar character and size

B. Reference Standards

- 1. American Joint Committee Of Horticultural Nomenclature Standardized Plant Names, Second Edition, 1982
- 2. American Association Of Nurserymen American Standards For Nursery Stock, 1971

C. Substitutions

- 1. Substitutions accepted only upon written approval of Landscaping Architect and Owner
- 2. Substituted materials possessing same characteristics as indicated on plans and specifications

D. Installation and Testing

- 1. The project Owner's representative reserves the right to inspect and tag plants at the place of growth with the Contractor
- 2. Inspection of place of growth does not constitute the right of rejection due to improper digging or handling
- 3. Owner's representative reserves the right to request soil samples and analysis of soil and plant material. Remove or correct without notice. Cost of testing by Contractor

1.03 SUBMITTALS

A. Certificates

- 1. Bureau State and Federal certificates of inspection with invoice (When it required by Landscaping Architect)
- 2. File certificates with Owner's representative prior to material acceptance

1.04 PRODUCT DELIVERY / STORAGE & HANDLING

A. Preparation of Delivery

- 1. Bales & Bundles (B&B) Plants
 - a. Dig and prepare for shipment in manner that will not damage roots, branches, stems and future development after replanting
 - b. B&B with firm, natural soil and soil or support system with burlap covering roots
 - c. B&B with wire mesh container to support roots and stems to minimize wind-whipping and drying in transit
 - d. Plants and shrubs to be planted during winter dormancy and cold handling by plant of delivery at job site

B. Delivery

- 1. Deliverer to deliver plants, packed, well packed, well addressed and immediately to site in original, unopened containers, bearing manufacturer's guaranteed characteristics and trade name, trademark and performance to B&B site
- 2. Deliverer plants with legible identification and sub labels on all sample plants
- 3. Protect during delivery to prevent damage to root ball or condition of bales
- 4. Notify Owner's representative of delivery schedule in advance so plant material may be inspected upon arrival at job site
- 5. Deliverer plants to job site when prices are prepared

C. Storage

- 1. Protect roots of plant material from drying in other weather
- 2. Plants with exposed roots or other acceptable methods
- 3. Protect from weather
- 4. Maintain all stored plant material not to be planted immediately upon delivery

D. Handling

- 1. Do not drop plants
- 2. Do not damage ball, trunk, or roots
- 3. Lift and handle plants from bases of containers or soil

1.05 JOB CONDITIONS

- E. Planting Season - Perform actual planting only when soil and air conditions are suitable in accordance with locally acceptable practices
- F. Protection - Before work begins, make sure pre-occupancy measures to protect trees, shrubs, lawns and other plants, temporarily stopped

1.06 GUARANTEE

- A. Guarantee new plant material for one year after acceptance of final installation (or Final Acceptance of project)
- B. Make replacement (one per shrub) during one-year guarantee period at appropriate season with original plant tags, size and planting mixture
- C. Repair damage to other plants, shrubs, & irrigation caused during plant replacement at no cost to Owner
- D. Use only plant recommendations of individual site and species
- E. Timely before and of guarantee period. Notify Owner's representative in writing for price and replacement. Failure to do so shall automatically voided guarantee and replacement is required

PART 2 - PRODUCTS

2.01 MATERIALS

A. Plant Material

- 1. Hardy under climatic conditions similar to vicinity of project
- 2. True to botanical and common name (variety)
- 3. Branch, healthy, vigorous, well branched and densely foliated when in leaf with healthy, well-developed root system
- 4. Free from disease, insects, and defects such as knots, burrs, scars, or other undesirable features
- 5. Carefully inspected and certified by nurseryman
- 6. Certified by American Association of Nurserymen standards unless shown otherwise on plant tag
- 7. Trees
 - a. Single straight trunk, unless indicated otherwise
 - b. Trunk with well-developed trunk not capable of support will not be acceptable
 - c. All multi-trunk trees are to have a minimum of three stems, similar in size and angle with a basal of approximately 1/3 of the height. All 25 years to be removed. Check myrtle care section by Landscaping Architect
- 8. Nursery grown stock only
- 9. Subject to approval of Landscaping Architect

B. Seasonal care

- 1. Annuals in 4 pots as specified
- 2. Perennials in 4 pots, colors, bulbs as specified

C. Topsoil

- 1. Natural, free, friable soil having a textural classification of loam to sandy loam possessing characteristics of some or more of the following: heavy growth of grass or other vegetation
- 2. Free of noxious weed, organic matter, sprouts, weeds, roots or other material harmful to growing, planting, plant growth or maintenance operations
- 3. Presence of vegetative parts of dormant grasses (Cyperoid plants), Japanese grass, nut grass (Cyperoid tubers) and other hard to eradicate weeds or grass will be cause for rejection of topsoil
- 4. Test topsoil (sent by Contractor)

- a. Available nitrogen
- b. Available phosphorus
- c. Available potassium
- d. pH: 5.5 to 7.0
- e. Disinfectant organic matter: 6-10%

D. Mulch

- 1. Top Dressing Mulch - Elevated systems or hard wood only
- 2. Bedding - 3 Part rubber mulch or 3 Part compressed landscape mulch
- 3. In-ground beds to be fully soil-sterilized material or white plastic

E. Plant Stock - Commercially available past mass or standard equipment

F. Staking Materials

- 1. Stakes for tree support
- 2. Construction grade yellow pine, clear brown
- 3. Size as noted on plans
- 4. Alphas
- 5. Padded with rubber hose to protect tree
- 6. Galvanized
- 7. 1/2" galvanized lumbar
- 8. 1/2" x 1/2" x 1/2" galvanized lumbar with plant in vertical position

F. Yields

- 1. Free of all weeds, shrubs, and other undesirable plants to allow growth
- 2. Location - Remove temporary covers and obstructions on site
- 3. Sand - Screened builders sand
- 4. Antidote - "Vib proof" equal
- 5. Edging - 1/2" x 1/2" galvanized pipe and spaced with spacers

1.02 MIXES

- A. Planting Mixtures
 - 1. Lending topsoil - 50%
 - 2. Shaded area topsoil - 50%
 - 3. Fertilizer 10-20-10 or 20-10-10/1000 SF
- B. Planting Mix for Annuals/Perennials
 - 1. Prepare above mix
 - 2. Add 2" of sand
 - 3. Add mix to "fill" pot or area in hole if wider than root ball
 - 4. Water immediately after installation. Plant in hole and water and provide shade of hole of plant to allow for drainage
 - 5. Support plants, opposite corners. Provide 50/50 coverage to support mix. Care for drainage

PART 3 - EXECUTION

3.01 UTILITIES - Verify location of all utilities prior to installing construction, report any damage caused by construction of the job to Owner

3.02 INSPECTION

- A. Inspect plants for injury and insect infestation prior to installation
- B. Inspect site to verify suitable job conditions

3.03 MEASUREMENTS

- A. Location of all trees and shrubs as shown in the field and approved by Owner's representative prior to installation
- B. Location of all groundcover and bedding plants as shown on plans

3.04 EXCAVATION FOR PLANTING

- A. Dig
 - 1. Shape - vertical hand scarified sides and flat bottom
 - 2. Size for trees - 2" wider and twice the root ball whichever is greater
 - 3. Size for shrubs - Size of planting bed as shown on drawings
 - 4. Related soil mix thoroughly, full depth
 - 5. "ICE" - 1 inch are prepared with drip line of existing tree canopy, but not present plants. Do not use soil from existing trees
- B. Obstructions Below Ground
 - 1. Remove rock or underground obstructions to depth necessary to permit planting
 - 2. Underground obstructions cannot be removed notify Owner's representative for relocation
- C. Loose Soil - Excess soil of unacceptable or excess soil away from the project site or Contractor's expense

3.05 PLANTING

A. General

- 1. Set plants in place - always watering grade to allow for settling
- 2. Set plants plants and rigidity in position until planting mixture has been tamped evenly around ball
- 3. Apply soil in accordance with standard industry practice for the region
- 4. Thoroughly water by water rafter and tamping soil in 6" increments
- 5. Plants in place - clean outside root ball after planting
- 6. Thoroughly water all beds and plants
- 7. Stake trees in clean outside root ball as indicated on plans
- 8. Apply with electrical according to manufacturer's instructions
- 9. Apply electrically manufactured root conditioner as directed by printed instruction
- 10. Apply 1" mulch bed dressing
- 11. Apply 1" mulch bed dressing

B. Stake Plants

- 1. Place in pit of planting mixture that has been hand tamped prior to placing plant
- 2. Place with bumps placed to ground line. Top of ball to be 2" above surrounding soil to allow for settling
- 3. Release banding in top of ball and top of staking pack
- 4. Do not pull wrapping from under ball, but cut all banding cords
- 5. Do not plant stake in cracks or broken surface or during planting process if stake is stuck in trunk, a loose
- 6. Stake with planting mixture in 6" increments

C. Container Grown Plants

- 1. Place in pit of planting mixture that has been hand tamped prior to placing plant
- 2. Cut care in line with soil with an acceptable cut outer and remove root ball top soil

Do not reuse root ball

- 1. Carefully remove plants without injury or damage to root balls
- 2. Stake with planting mixture in 6" increments

D. Mulching

- 1. Cover planting beds evenly with 2" of mulch
- 2. Water immediately after mulching
- 3. Where much has settled, add additional mulch to regain 2" thickness
- 4. Never down starting area with fine spray to wash leaves of plants

E. Pruning

- 1. Prune minimum necessary to remove injured limbs and branches, dead wood and suckers - remove approximately 1/3 of twig growth as directed by landscape architect - do not cut leaders or other major branches of plant unless directed by landscape architect
- 2. Make cuts flush, leaving no stubs
- 3. Plant cuts over 1/2" diameter with approved tree wound paint
- 4. Do not prune evergreens except to remove injured branches

3.06 EDDING

- A. Stake edging alignment with string line prior to installation
- B. Install edging straight and true as indicated on drawings
- C. Edging should be installed in design location and depth as specified on plans
- D. When required on slopes make vertical cuts approximately 1' on center on bottom of edging to allow drainage without crowding edging
- E. Install edging in that approximately 1" is exposed on back side. Edging should not be visible from road side after installation of mulch
- F. Allow edging with architectural features (ie pavement joints, concrete, etc.) which remain visible
- G. Edging at corners, do not cut corners
- H. Install all pieces with pre-fabricated connectors
- I. Install with release on inside of opening line
- J. Remove the top of all sharp corners and burrs

3.07 CLEAN UP

A. Remove and wash all paved surfaces

- Remove all planting and construction debris from site including rocks, trash and all other non-vegetative materials

3.08 MAINTENANCE

- A. Contractor responsible for routine and regular maintenance of site until Final Acceptance is awarded by Owner. Items include:
 - 1. Watering (as required)
 - 2. Weeding (as required)
 - 3. Pruning
 - 4. Staking
 - 5. Fertilizing
 - 6. Mulching
 - 7. Mowing (weekly)
- B. Provide Owner and Landscape Architect with preferred maintenance schedule in writing. Schedule must include the above listed tasks and shall address all frequencies, labor times, etc.

WARD ARCHITECTURE PLLC
1000 WEST 10TH AVENUE, SUITE 100
DENVER, CO 80202
303.733.1111

WARD ARCHITECTURE PLLC
1000 WEST 10TH AVENUE, SUITE 100
DENVER, CO 80202
303.733.1111

05.23.2021

GRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By: JVD
Checked By: DMV
Project No: 21-51
Issue Date: 08/23/2021
Revising No: / Date: / Description:

Issue: REVIEW SET
Sheet 1 of 6
PLANTING SPECS
L-3
Sheet Number

FAB & CUPPETT
LANDSCAPE ARCHITECTS, LLC
132 MARSHWOOD DRIVE
HEALING WOODS, TX 76021 817.215.4141

132 MARSHWOOD DRIVE
HEALING WOODS, TX 76021 817.215.4141

(22)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-188-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a **Zoning Change** from a General Retail (GR) and Future Development (FD) zoning districts to **Planned Development Mixed-Use Residential (PD-MUR)** zoning district, located at the located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow development of single family homes, cottage style homes, retail/office, and park/open space on 188.46 acres.

**The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-200-2021) for this property. City Council is scheduled to take action on the item on December 20, 2021.*

CASE INFORMATION

Applicant: Terrance Jobe, Alluvium Development

Property Owner(s): Carolyn Haman

Site Acreage: 188.46 acres

Current Zoning: Future Development & General Retail

Requested Zoning: Planned Development-Mixed Use Residential

SUBJECT PROPERTY

General Location: West of 2374 W Highway 287 Bypass

Parcel ID Number(s): 185971, 185978, 185972, 185886

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (Ellis County)	Single Family Residences
East	SF1 & PD-C	Undeveloped Land & Cowboy Church of Ellis County
South	---	US Highway 287
West	N/A (Ellis County)	Single Family Residences

Future Land Use Plan:

Low Density Residential and Highway Commercial

Comprehensive Plan:

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

Highway Commercial: 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 US Highway 287 Service Road. **If approved, an internal connection is proposed with the adjacent Oaks at Twin Creeks Development.*

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to allow development of single family homes, cottage style homes, retail/office, and park/open space on 188.46 acres. Per the City of Waxahachie Zoning Ordinance, the Planned Development requires approval from City Council.

Case History:

At the January 19, 2021 City Council meeting, City Council voted 5-0 to deny case number ZDC-72-2020 (original case number for Montclair Heights). At the meeting, the developer proposed a Planned Development district consisting of 394 total lots (including cottage lots and general retail tracts). Due to traffic concerns for the development, City Council voted to deny the development proposal.

Proposed Use:

The purpose of this Planned Development district is to create zoning that will allow the development of 384 total lots. Of which, 297 lots will fall within the categories A, B, C, D, and E (as identified on the attached PD Concept Plan and listed in the "Proposed Planned Development Regulations" section of the staff report below), and 87 lots will be developed as 40' wide "Cottage Style" lots. Four general retail tracts are also proposed adjacent to Highway 287 and the proposed thoroughfares.

The applicant intends to create a walkable, interactive and high-end development by creating several open spaces, including pocket parks, an amenity park, and a dog park.

Staff Note: The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-200-2021) for this property. City Council is scheduled to take action on the item on December 20, 2021.

Proposed Planned Development Regulations

Items highlighted in **bold indicates a variation request from the Single Family-3 (SF3) requirements.*

Type 'A' Lots

- Minimum Lot Area - 13,500 SF
- Minimum Dwelling Unit Area – 2,400 SF
- Minimum Lot Width - 90' interior lot; 95' corner lot; **65' for lots with predominate frontage on a curve radius measuring along front building line (minimum 80' requirement per SF3 standards)**
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'B' Lots

- Minimum Lot Area - 11,000 SF
- Minimum Dwelling Unit Area – 2,200 SF
- Minimum Lot Width - 80' interior lot; 85' corner lot; **55' for lots with predominate frontage on a curve radius measuring along front building line (minimum 80' requirement per SF3 standards)**
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'

- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'C' Lots

- **Minimum Lot Area - 9,800 SF** (minimum 10,000 SF requirement per SF3 standards)
- Minimum Dwelling Unit Area – 2,200 SF
- **Minimum Lot Width - 70' interior lot; 75' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'D' Lots

- **Minimum Lot Area - 9,000 SF** (minimum 10,000 SF requirement per SF3 standards)
- Minimum Dwelling Unit Area – 1,850 SF
- **Minimum Lot Width - 65' interior lot; 70' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- **Minimum Side Yard (interior) - 7.5'** (minimum 10' requirement per SF3 standards)
- **Minimum Side Yard (exterior on corner lots) - 10'** (minimum 15' requirement per SF3 standards)
- **Maximum Lot Coverage – 60%** (maximum 50% requirement per SF3 standards)

Type 'E' Lots

- **Minimum Lot Area - 7,000 SF** (minimum 10,000 SF requirement per SF3 standards)
- Minimum Dwelling Unit Area – 1,750 SF
- **Minimum Lot Width - 50' interior lot; 55' corner lot; 40' for lots with predominate frontage on a curve radius measuring along front building line** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- **Minimum Side Yard (exterior on corner lots) - 10'** (minimum 15' requirement per SF3 standards)
- **Maximum Lot Coverage – 65%** (maximum 50% requirement per SF3 standards)

For all Type 'A' 'B' 'C' 'D' and 'E' Lots

- Maximum Height - 2 stories for the main building; 1 story for accessory buildings without garages
- Minimum Parking - 2 enclosed spaces per lot
- Garage Door Orientation or Placement - 50% of the dwellings shall have garage doors served by side-entry or j-swing drives, or shall be 3' behind the front building face

- Maximum Garage Width - Garages for 85% of total dwellings shall not exceed 50% of the total width of the house; 15% of dwellings may have garages that constitute up to 60% of the total width of the house, to allow for 3-car garages.
- Minimum Roof Pitch - 8:12 with laminated 3-dimensional architectural shingles with a 30 year minimum
- Minimum Number of Elevations - No single building elevation shall be duplicated within 6 lots either direction on the same blockface
- Minimum Number of Design Elements - Shall comply with the requirements applicable to SF3 zoning in Section 5.01, Exterior Construction Requirements of the City's Zoning Ordinance
- Sidewalks – Shall comply with the requirements applicable to Section 3.5, Sidewalks, of the City's Zoning Ordinance
- Landscaping Requirements - Shall comply with the requirements applicable to SF3 zoning as provided in Section 5.04 of the City's Zoning Ordinance.
- Accessory Structures and Uses - Shall comply with the requirements applicable to accessory structures and uses in SF3 zoning
- Masonry Exterior Construction - Shall comply with the requirements applicable to single-family residential use as provided in Section 5.01 of the City's Zoning Ordinance.

Type 'F' Lots - Detached Residential (Cottage) Development Standards

**It should be noted that the City of Waxahachie Zoning Ordinance does not contain regulations regarding cottage lots.*

- Minimum Lot Area - 4,400 SF
- Minimum Lot Width - 40' interior lot; 45' corner lot
- Minimum Lot Depth - 110'
- Minimum Front Yard - 10'; 20' for lots without alleys
- Minimum Rear Yard - 20'; 10' for lots without alleys
- Minimum Side Yard (interior) - 5'
- Minimum Side Yard (exterior on corner lots) - 10'
- Maximum Lot Coverage - 70% by main and accessory buildings not including drives and walks
- Maximum Height - Two (2) stories; 1 story for accessory buildings
- Minimum Parking - 2 enclosed spaces per dwelling units, plus 0.45 space per dwelling unit for guests
- Minimum Dwelling Unit Area - 1,450 SF
- Garage Door Orientation or Placement - On lots without alleys, no j-swing drives shall be required, and garages shall not be required to be 3 feet behind the front building face.
- Maximum Garage Width – On lots without alleys, garages shall not exceed $\frac{2}{3}$ of the total width of the house. No width restriction on lots with alleys.
- Minimum Roof Pitch - 8:12 with laminated 3-dimensional architectural shingles with a 30 year minimum
- Minimum Number of Elevations - No single building elevation shall be duplicated within 6 lots either direction on the same blockface
- Minimum Number of Design Elements - Shall comply with the requirements applicable to SF3 zoning in Section 5.01, Exterior Construction Requirements of the City's Zoning Ordinance
- Sidewalks – Shall comply with the requirements applicable to Section 3.5, Sidewalks, of the City's Zoning Ordinance

- Landscaping Requirements - Shall comply with the requirements applicable to SF3 zoning as provided in Section 5.04 of the City's Zoning Ordinance.
- Accessory Structures and Uses - Shall comply with the requirements applicable to accessory structures and uses in SF3 zoning
- Masonry Exterior Construction - Shall comply with the requirements applicable to single-family residential use as provided in Section 5.01 of the City's Zoning Ordinance.

Screening and Buffer Requirements

- Along the 80' thoroughfare - shall be a 6' high masonry wall and a 10' wide landscape buffer with one 3" caliper tree every 40'
- Between the General Retail and residential uses - shall comply with the requirements applicable to GR zoning in Section 5.03 of the City's Zoning Ordinance

Commercial Development Standards

- The future retail, office or commercial development shall comply with the regulations applicable to General Retail (GR) District and also shall allow Dry Cleaning Establishment, Off-Site.
- Parking shall be provided as required by Section 4.03 of the City's Zoning Ordinance
- Access to the retail area along the highway frontage road will comply with TxDOT guidelines and will require drive approach permits from TxDOT
- To enhance cross access, a common access easement will be provided along most of the commercial lot frontage, where it is appropriate, parallel to the highway frontage road.
- Loading docks shall be screened from public right-of-way
- Dumpsters shall be located and screened in compliance with the City's Zoning Ordinance requirements
- Mechanical and electrical equipment shall be screened from public right-of-way
- Masonry Exterior Construction - Shall comply with the requirements applicable to commercial uses as provided in Section 5.01 of the City's Zoning Ordinance.

Amenities or Improvements within Parks and Open Space:

- Pockets parks / open space among the single family residential lots -
 - a. Shade trees, playground equipment and benches
 - b. Trees and seasonal colors in the two open space areas that form the gateway from the 80' thoroughfare into the single-family residential lots
- Amenities Park - shall have at least one (1) swimming pool and one (1) playground, plus a minimum of four (4) of the following amenities: trees, pool cabana, volleyball court, shade structures, picnic benches, grills.
- Detention Areas - Trees planted in clusters around the ponds

Maintenance of Private Improvements and Common Areas

The developer will establish a mandatory Homeowner's Association (HOA) to be responsible for the maintenance of the private parks, amenities, landscaping and common areas.

Traffic Patterns/Congestion

To alleviate vehicular congestion on U.S. Highway 287, developer will coordinate with the City of Waxahachie and TxDOT for the design and installation of a traffic signal at southern entrance to Montclair Heights as well as fully funding the same. Further, to enhance ingress/egress, developer will

cooperate fully with the adjacent property owner to the east to connect the proposed thoroughfare and provide enhanced access to F.M. 664/Ovilla Road.

The Concept Plan depicts a development that includes amenities such as:

- Parks/Open Space
- Walking/Jogging Trail

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 2: Encourage a balance of land uses to serve the needs of citizens and to ensure a diverse economic base
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 15: Identify areas for strategic annexations to occur.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Single family
- Cottage style homes
- Retail/Office
- Park/Open Space

SPECIAL EXCEPTION/VARIANCE REQUEST:

Lot Size

The minimum lot size requirement per SF3 zoning is 10,000 sq. ft.

- Type C Lots: The applicant is proposing a minimum lot size of 9,800 sq. ft.
- Type D Lots: The applicant is proposing a minimum lot size of 9,000 sq. ft.
- Type E Lots: The applicant is proposing a minimum lot size of 7,000 sq. ft.

Lot Width

The minimum lot width requirement per SF3 zoning is 80ft.

- Type A Lots: The applicant is proposing a minimum lot width of 65' for lots with predominate frontage on a curve radius measuring along front building line
- Type B Lots: The applicant is proposing a minimum lot width of 55' for lots with predominate frontage on a curve radius measuring along front building line
- Type C Lots: The applicant is proposing a minimum lot width of 70' interior lot; 75' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line
- Type D Lots: The applicant is proposing a minimum lot width of 65' interior lot; 70' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line
- Type E Lots: The applicant is proposing a minimum lot width of 50' interior lot; 55' corner lot; 40' for lots with predominate frontage on a curve radius measuring along front building line

Side Yard Setback

The minimum side yard setback requirement per SF3 zoning is 10ft. (15ft. adjacent to ROW)

- Type D Lots: The applicant is proposing a minimum side yard setback of 7.5ft. and 10ft. on corner lots.
- Type E Lots: The applicant is proposing a minimum side yard setback of 5ft. and 10ft. on corner lots.

Lot Coverage

The maximum lot coverage percentage per SF3 zoning is 50%

- Type D Lots: The applicant is proposing a maximum lot coverage of 60%
- Type E Lots: The applicant is proposing a maximum lot coverage of 65%

Garage Width

The garage width for single family residential shall not be more than 50% of the total width of the house

- For Type 'A' thru 'E' Lots, max. width will apply to 85% of the dwellings; 15% may have garages up to 60% of the total width of the house to allow for 3-car garages
- For Cottage Lots without alleys, garage shall not exceed 2/3 of the total width of the house

Garage Door Orientation

If the width of the lot allows, 50% of all dwellings shall have garages with at least one of the following: rear entry; j-swing drive or garage 3' behind the front building face

- Due to the 40' lot width, Cottage Lots without alleys will not be able to comply with these requirements

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received three (3) letters of opposition for the proposed development.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Package

APPLICANT REQUIREMENTS

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

- b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
203835	FEDORKO TRUDY E	2357 MARSHALL RD	WAXAHACHIE TX		75167
203849	FEDORKO TRUDY E	2357 MARSHALL RD	WAXAHACHIE TX		75167
219310	COWBOY BAPTIST CHURCH OF MIDLOTHIAN	2374 W HIGHWAY 287 BYP	WAXAHACHIE TX		75167
185975	HUGHES LEO J & CYNTHIA J	2451 MARSHALL RD	WAXAHACHIE TX		75167
185974	HALLBAUER JIMMIE W & ERIN S	3640 BLACK CHAMP RD	MIDLOTHIAN TX		76065
185886	HAMAN CAROLYN J L/E HAMAN CAROLYN FAMILY LTD PRTRS	3808 CABEZA DE VACA CIR	IRVING TX		75062
185971	HAMAN CAROLYN J L/E HAMAN CAROLYN FAMILY PRTRP	3808 CABEZA DE VACA CIR	IRVING TX		75062
185972	HAMAN CAROLYN J L/E HAMAN CAROLYN FAMILY LTD PRTRS	3808 CABEZA DE VACA CIR	IRVING TX		75062
185978	HAMAN CAROLYN J L/E HAMAN CAROLYN FAMILY LTD PRTRS	3808 CABEZA DE VACA CIR	IRVING TX		75062
199023	STIERHOFF FAMILY LIVING TRUST STIERHOFF CHARLES VANCE & MARY ISABELLE TRUSTEES	4230 BLACK CHAMP RD	MIDLOTHIAN TX		76065
199014	ROZIER RICHARD	4250 BLACK CHAMP RD	MIDLOTHIAN TX		76065
197851	BYARS RANDY L & JANIS F	4270 BLACK CHAMP RD	MIDLOTHIAN TX		76065
199015	BLEVINS PHILLIP M	4290 BLACK CHAMP RD	MIDLOTHIAN TX		76065
199016	LINDSEY MICHAEL S & VIKKI	4410 BLACK CHAMP RD	MIDLOTHIAN TX		76065
199018	HULSEY ZACHARY N & CHRISTINA V	4450 BLACK CHAMP RD	MIDLOTHIAN TX		76065
185893	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE TX		75168



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-188-2021

(22)

DAVIES CYNTHIA
4430 BLACK CHAMP RD
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 14, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 20, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Terrance Jobe, Alluvium Development, Inc., for a **Zoning Change** from a General Retail (GR) and Future Development (FD) zoning districts to **Planned Development Mixed-Use Residential (PD-MUR)** zoning district, located at the located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)

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

Case Number: ZDC-188-2021

City Reference: 199017

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Friday, December 10, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Date

Printed Name and Title

Address

[Handwritten Signature]
Cynthia L. Davies
owner

11/29/21
4430 Blackchamp R
Midlothian
76065

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.

(22)

Case Number: ZDC-188-2021

City Reference: 199031

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Friday, December 10, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Mark Brown
Signature

11-29-21
Date

Mark Brown Representative
Printed Name and Title
Black Champ Homeowners
Assoc

Common Area of Assoc
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.

(22)

Case Number: ZDC-188-2021

City Reference: 199022

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Friday, December 10, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Mark Brown

Signature

11-29-21

Date

OWNER Mark Brown

Printed Name and Title

4070 Black Champ Rd

Address

Midlothian, TX
76065

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.

(22)

PLANNED DEVELOPMENT REGULATIONS FOR ZDC-188-2021

General Description

Montclair Heights is a master planned community comprising of residential, retail and office uses. It will provide housing diversity in the form of single family detached homes and cottages. There will be extensive parks and open space, including a central amenity park, several pocket parks and a dog park throughout the community. The shops, restaurants and offices that are part of this development will provide employment opportunities and sustain the community with neighborhood services.

As represented in the attached Concept Plan (Exhibit A) lot types are arranged in a manner which encourage varying lot/home sizes to be dispersed throughout the neighborhood promoting variety and diversity in close proximity.

Based Zoning - Single-Family Residential-3 (SF3)

Permitted Uses - Single family detached dwellings and uses permitted in the GR, General Retail District.

Development Acreage and Density - Refer to Site Summary in Concept Plan.

Single Family Residential Development Standards

Type 'A' Lots

- Minimum Lot Area - 13,500 SF
- Minimum Dwelling Unit Area – 2,400 SF
- Minimum Lot Width - 90' interior lot; 95' corner lot; 65' for lots with predominate frontage on a curve radius measuring along front building line.
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'B' Lots

- Minimum Lot Area - 11,000 SF
- Minimum Dwelling Unit Area – 2,200 SF
- Minimum Lot Width - 80' interior lot; 85' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line.
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curve radius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'

- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'C' Lots

- Minimum Lot Area - 9,800 SF
- Minimum Dwelling Unit Area – 2,000 SF
- Minimum Lot Width - 70' interior lot; 75' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line.
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curveradius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 10'
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'D' Lots

- Minimum Lot Area - 9,000 SF
- Minimum Dwelling Unit Area – 1,850 SF
- Minimum Lot Width - 65' interior lot; 70' corner lot; 55' for lots with predominate frontage on a curve radius measuring along front building line.
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curveradius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 7.5'
- Minimum Side Yard (exterior on corner lots) - 10'
- Maximum Lot Coverage – 60%

Type 'E' Lots

- Minimum Lot Area - 7,000 SF
- Minimum Dwelling Unit Area – 1,750 SF
- Minimum Lot Width - 50' interior lot; 55' corner lot; 40' for lots with predominate frontage on a curve radius measuring along front building line.
- Minimum Lot Depth - 140'; 120' for lots with predominate frontage on a curveradius.
- Minimum Front Yard - 30'
- Minimum Rear Yard - 25'
- Minimum Side Yard (interior) - 5'
- Minimum Side Yard (exterior on corner lots) - 10'
- Maximum Lot Coverage – 65%

For all Type 'A' 'B' 'C' 'D' and 'E' Lots

- Maximum Height - 2 stories for the main building; 1 story for accessory buildings without garages.

- Minimum Parking - 2 enclosed spaces per lot.
- Garage Door Orientation or Placement - 50% of the dwellings shall have garage doors served by side-entry or j-swing drives, or shall be 3' behind the front building face.
- Maximum Garage Width - Garages for 85% of total dwellings shall not exceed 50% of the total width of the house; 15% of dwellings may have garages that constitute up to 60% of the total width of the house, to allow for 3-car garages.
- Minimum Roof Pitch - 8:12 with laminated 3-dimensional architectural shingles with a 30-year minimum.
- Minimum Number of Elevations - No single building elevation shall be duplicated within 6 lots either direction on the same block face. Exhibit B depicts building elevations which are representative of the style and design of the homes to be constructed.
- Minimum Number of Design Elements - Shall comply with the requirements applicable to SF3 zoning in Section 5.01, Exterior Construction Requirements of the City's Zoning Ordinance.
- Sidewalks – Shall comply with the requirements applicable to Section 3.5, Sidewalks, of the City's Zoning Ordinance as depicted in Exhibit C. As further depicted in Exhibit C, connectivity between the residential and commercial uses shall be in place along the collector and the primary entrance.
- Landscaping Requirements - Shall comply with the requirements applicable to SF3 zoning as provided in Section 5.04 of the City's Zoning Ordinance.
- Accessory Structures and Uses - Shall comply with the requirements applicable to accessory structures and uses in SF3 zoning.
- Masonry Exterior Construction - Shall comply with the requirements applicable to single-family residential use as provided in Section 5.01 of the City's Zoning Ordinance, specifically including but not limited to, a minimum of 75% masonry construction.

Type 'F' Lots - Detached Residential (Cottage) Development Standards

- Minimum Lot Area - 4,400 SF
- Minimum Lot Width - 40' interior lot; 45' corner lot
- Minimum Lot Depth - 110'
- Minimum Front Yard - 10'; 20' for lots without alleys
- Minimum Rear Yard - 20'; 10' for lots without alleys
- Minimum Side Yard (interior) - 5'
- Minimum Side Yard (exterior on corner lots) - 10'
- Maximum Lot Coverage - 70% by main and accessory buildings not including drives and walks.
- Maximum Height - Two (2) stories; 1 story for accessory buildings.
- Minimum Parking - 2 enclosed spaces per dwelling units, plus 0.45 space per dwelling unit for guests.
- Minimum Dwelling Unit Area - 1,450 SF
- Garage Door Orientation or Placement - On lots without alleys, no j-swing drives shall be required, and garages shall not be required to be 3 feet behind the front building face.

- Maximum Garage Width – On lots without alleys, garages shall not exceed $\frac{2}{3}$ of the total width of the house. No width restriction on lots with alleys.
- Minimum Roof Pitch - 8:12 with laminated 3-dimensional architectural shingles with a 30-year minimum.
- Minimum Number of Elevations - No single building elevation shall be duplicated within 6 lots either direction on the same block face. Exhibit B depicts building elevations which are representative of the style and design of the homes to be constructed.
- Minimum Number of Design Elements - Shall comply with the requirements applicable to SF3 zoning in Section 5.01, Exterior Construction Requirements, of the City's Zoning Ordinance, specifically including but not limited to, a minimum of 75% masonry construction.
- Sidewalks – Shall comply with the requirements applicable to Section 3.5, Sidewalks, of the City's Zoning Ordinance as depicted in Exhibit C.
- Landscaping Requirements - Shall comply with the requirements applicable to SF3 zoning as provided in Section 5.04 of the City's Zoning Ordinance.
- Accessory Structures and Uses - Shall comply with the requirements applicable to accessory structures and uses in SF3 zoning.
- Masonry Exterior Construction - Shall comply with the requirements applicable to single-family residential use as provided in Section 5.01 of the City's Zoning Ordinance, specifically including but not limited to, a minimum of 75% masonry construction.

Screening and Buffer Requirements

- Along the 80' thoroughfare - shall be a 6' high masonry wall and a 10' wide landscape buffer with one 3" caliper tree every 40'.
- Between the General Retail and residential uses - shall comply with the requirements applicable to GR zoning in Section 5.03 of the City's Zoning Ordinance.

Commercial Development Standards

- The future retail, office or commercial development shall comply with the regulations applicable to General Retail (GR) District and also shall allow Dry Cleaning Establishment, Off-Site.
- Parking shall be provided as required by Section 4.03 of the City's Zoning Ordinance.
- Access to the retail area along the highway frontage road will comply with TxDOT guidelines and will require drive approach permits from TxDOT.
- To enhance cross access, a common access easement will be provided along most of the commercial lot frontage, where it is appropriate, parallel to the highway frontage road.
- Loading docks shall be screened from public right-of-way.
- Dumpsters shall be located and screened in compliance with the City's Zoning Ordinance requirements.
- Mechanical and electrical equipment shall be screened from public right-of-way.
- Masonry Exterior Construction - Shall comply with the requirements applicable to commercial uses as provided in Section 5.01 of the City's Zoning Ordinance, specifically

including but not limited to, a minimum of 80% masonry construction.

Amenities or Improvements within Parks and Open Space:

- Pockets parks / open space among the single-family residential lots -
 - a. Shade trees, playground equipment and benches.
 - b. Trees and seasonal colors in the two open space areas that form the gateway from the 80' thoroughfare into the single-family residential lots.
- Amenities Park - shall have at least one (1) swimming pool and one (1) playground, plus a minimum of four (4) of the following amenities: trees, pool cabana, volleyball court, shade structures, picnic benches, grills.
- Detention Areas - Trees planted in clusters around the pond.

Signage - The proposed signage for the residential subdivision and non-residential uses shall comply with the Sign Regulations in Section 5.08 of the City's Zoning Ordinance.

Lighting - All proposed lighting shall comply with the Lighting and Glare Standards in Section 6.03 of the City's Zoning Ordinance.

Maintenance of Private Improvements and Common Areas

The developer will establish a mandatory Homeowner's Association (HOA) to be responsible for the maintenance of the private parks, amenities, landscaping, and common areas.

Traffic Patterns/Congestion

To alleviate vehicular congestion on U.S. Highway 287, developer will coordinate with the City of Waxahachie and TxDOT for the design and installation of a traffic signal at southern entrance to Montclair Heights as well as fully funding the same. Further, to enhance ingress/egress, developer will cooperate fully with the adjacent property owner to the east to connect the proposed thoroughfare and provide enhanced access to F.M. 664/Ovilla Road.

PROPERTY DESCRIPTION:

BEING a tract of land situated in the William Irwin Survey, Abstract No. 545, and the William Irwin Survey, Abstract No. 546, and the D.S. Gentry Survey, Abstract No. 409, in Ellis County, Texas, being a portion of that same tract of land as conveyed to Carolyn J. Haman Family Limited Partnership, by deed recorded in Volume 1320, Page 58 of the Deed Records of Ellis County, Texas (D.R.E.C.T.), and being all together more particularly described by metes and bounds as follows (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83)(US Foot) with a combined scale factor of 1.000072449):

COMMENCING at a 1/2-inch rebar found for the Southwest corner of Lot 9 of Black Champ Estates, Phase 2, an addition to Ellis County, Texas, according to the Plat thereof recorded in Cabinet C, Page 169, of the Plat Records of Ellis County, Texas (P.R.E.C.T.), same being the Northwest Corner of Lot 10 of said Black Champ Estates, Phase 2, and lying on the East right-of-way line of Black Champ Road;

THENCE North 89 Degrees 16 Minutes 14 Seconds East, departing the East right-of-way line of said Black Champ Road, with the South line of said Lot 9, a distance of 824.46 feet to a point for the Southeast corner of said Lot 9, same being the Northeast corner of said Lot 10, same being the Northernmost Northwest corner of a Common Area of said Black Champ Estates, also being the Southwest corner of a tract of land conveyed to Jimmie W. and Erin S. Hallbauer, by deed recorded in Volume 2281, Page 2078 (D.R.E.C.T.);

THENCE North 88 Degrees 54 Minutes 14 Seconds East, with the North line of said Common Area, a distance of 342.26 feet to a 1/2-inch rebar with a cap stamped "ASC" set for the Northwest corner of the herein described tract, same being the Northeast corner of said Common Area, and the **POINT OF BEGINNING**;

THENCE North 89 Degrees 09 Minutes 00 Seconds East, with the North line of said Carolyn J. Haman Family Limited Partnership tract, a distance of 942.96 feet to a 1/2-inch rebar found for corner;

THENCE North 89 Degrees 38 Minutes 30 Seconds East, continuing with the North line of said Carolyn J. Haman Family Limited Partnership tract, a distance of 1337.47 feet to a point for the Southwest corner of Lot 2 of Marshall Road Estates, an addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof recorded in Cabinet C, Page 647 (P.R.E.C.T.), same being the Southeast corner of a tract of land conveyed to Leo James, and Cynthia J. Hughes, by deed recorded in Instrument No. 1728155 (D.R.E.C.T.), from which a 1/2-inch rebar found for reference bears South 89 Degrees 17 Minutes 31 Seconds West, a distance of 2.72 feet;

THENCE North 88 Degrees 46 Minutes 39 Seconds East, with the South line of said Lot 2, a distance of 619.61 feet to a 1/2-inch rebar with a cap stamped "ASC" set for the Northeast corner of said Carolyn J. Haman Family Limited Partnership tract, same being the Northwest corner of a tract of land conveyed to Susan Morton Calvert, by deed recorded in Volume 1431, Page 829 (D.R.E.C.T.);

THENCE South 00 Degrees 29 Minutes 27 Seconds East, with the West line of said Calvert tract, also with the West line of Lot 2R, of Ellis County Youth Expo, an addition to the City of Waxahachie, according to the Plat thereof recorded in Cabinet G, Page 359 (P.R.E.C.T.), a total distance of 2560.93 feet to a wood right-of-way monument found for the Southeast corner of the herein described tract, and lying on the North right-of-way line of U.S. Highway No. 287 (variable width right-of-way.)

THENCE South 88 Degrees 55 Minutes 18 Seconds West, continuing with the North right-of-way line of said U.S. Highway No. 287, passing at a distance of 611.65 feet, a wood R.O.W. monument found, and continuing for a total distance of 1053.29 feet to a point for corner from which a wood R.O.W. monument found for corner bears North 79 Degrees 05 Minutes 01 Seconds West, a distance of 0.71 feet;

THENCE North 86 Degrees 30 Minutes 42 Seconds West, continuing with the North right-of-

(22)

way line of said U.S. Highway No. 287, a distance of 501.60 feet to a wood R.O.W. monument found for corner;

THENCE South 88 Degrees 55 Minutes 18 Seconds West, continuing with the North right-of-way line of said U.S. Highway No. 287, a distance of 425.00 feet to a 1/2-inch rebar with a cap stamped "ASC" set for corner;

THENCE North 80 Degrees 34 Minutes 42 Seconds West, continuing with the North right-of-way line of said U.S. Highway No. 287, a distance of 1161.41 feet to point for corner from which a wood R.O.W. monument found bears North 71 Degrees 37 Minutes 16 Seconds East, a distance of 0.70 feet;

THENCE North 73 Degrees 06 Minutes 12 Seconds West, continuing with the North right-of-way line of said U.S. Highway No. 287, a distance of 354.46 feet to a 1/2-inch rebar with a cap stamped "ASC" set for the Southeast corner of Lot 18 of said Black Champ Estates, Phase 2;

THENCE departing the North right-of-way line of said U.S. Highway 287, with the East line of said Black Champ Estates, Phase 2, the following courses and distances to 1/2-inch rebar's with cap's stamped "ASC" set for corner:

North 19 Degrees 53 Minutes 42 Seconds West, a distance of 550.08 feet;

North 28 Degrees 43 Minutes 18 Seconds East, a distance of 377.39 feet;

North 21 Degrees 09 Minutes 18 Seconds East, a distance of 229.42 feet;

North 57 Degrees 37 Minutes 18 Seconds East, a distance of 173.26 feet;

North 57 Degrees 05 Minutes 18 Seconds East, a distance of 205.18 feet;

North 70 Degrees 03 Minutes 29 Seconds East, a distance of 137.90 feet;

North 45 Degrees 54 Minutes 16 Seconds East, a distance of 91.79 feet;

North 26 Degrees 18 Minutes 01 Seconds East, a distance of 45.92 feet;

North 66 Degrees 37 Minutes 36 Seconds West, a distance of 450.33 feet;

North 42 Degrees 43 Minutes 46 Seconds West, a distance of 203.87 feet;

North 89 Degrees 16 Minutes 14 Seconds East, a distance of 333.49 feet;

THENCE North 17 Degrees 16 Minutes 14 Seconds East, with the East line of said Common Area, a distance of 500.83 feet to the **POINT OF BEGINNING** and containing a total of 8,209,099 square feet, or 188.455 acres of land, more or less.

(22)

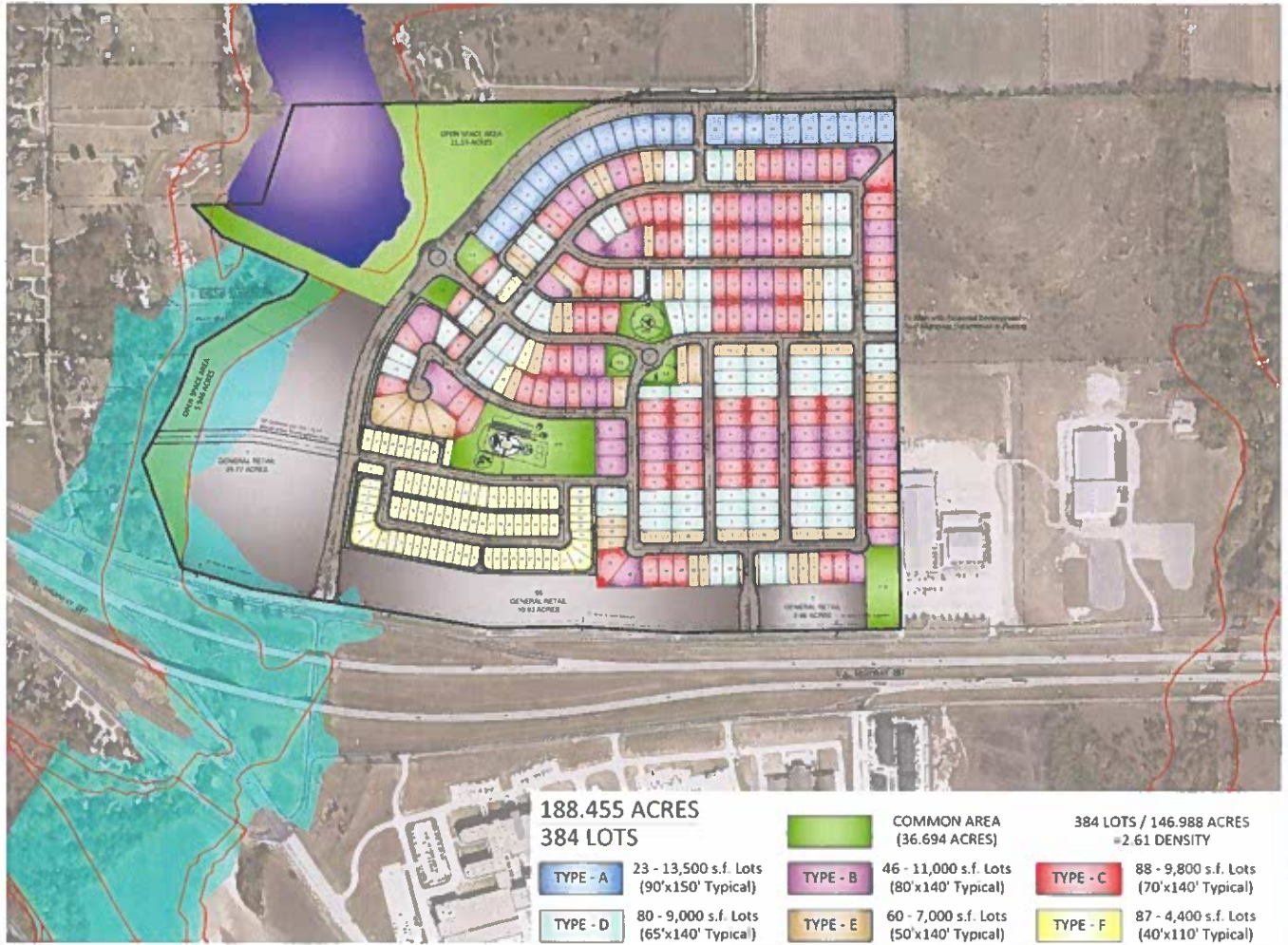


EXHIBIT - 'A'
ZDC-188-2021

MONTCLAIR HEIGHTS
CITY OF WAXAHACHIE, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.

APPROVED FOR THE CITY OF WAXAHACHIE, TEXAS
DATE: 08/14/2021
PROJECT NO. 188-2021

(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations – Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(22)

Montclair Heights
ZDC-188-2021
Elevations - Exhibit B



(24)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-162-2021

MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021 (continued from November 9, 2021)
City Council: December 20, 2021

CAPTION

Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres.

**The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on December 20, 2021.*

CASE INFORMATION

Applicant: Chip Boyd, JHDMC, LLC
Property Owner(s): Susan M. Calvert Thomas
Site Acreage: 153.7 acres
Current Zoning: Single Family-1
Requested Zoning: Planned Development-Single Family-3

SUBJECT PROPERTY

General Location: 823 Ovilla Rd.
Parcel ID Number(s): 185893, 185891, 185980, 185979, 200064
Existing Use: Currently Undeveloped
Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (Ellis County)	Single Family Residences
East	LI1	Walgreens Distribution Center
South	GR/SF1	Undeveloped Land/Faith Family Academy – Waxahachie
West	SF1	Undeveloped Land

Future Land Use Plan: Highway Commercial and Low Density Residential

Comprehensive Plan: Highway Commercial: 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.

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

Thoroughfare Plan: The subject property is accessible via Ovilla Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres. Per the City of Waxahachie Zoning Ordinance, the Planned Development requires approval from City Council.

Proposed Use:

The purpose of this Planned Development district is to create zoning that will allow the development of 464 total residential lots. Of which, 370 lots will fall within the categories A, B, C, and D (as identified on the attached PD Concept Plan and listed in the "Proposed Planned Development Regulations" section of the staff report below) and 94 lots will be developed as 28 ft. wide townhome lots.

The applicant intends to create a walkable and interactive development by creating several open spaces (31 acres total), including pocket parks, and a dog park.

Staff Note: The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on December 20, 2021.

Proposed Planned Development Regulations

Items highlighted in **bold indicates a variation request from the Single Family-3 (SF3) requirements.*

Type 'A' Lots

- Minimum Lot Area - 12,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'B' Lots

- Minimum Lot Area - 10,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'C' Lots

- **Minimum Lot Area - 8,400 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 60'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)

- **Minimum Side Yard (interior) – 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Type 'D' Lots

- **Minimum Lot Area – 7,200 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 50'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Townhome Development Standards

**Items labeled with an "*" are not reflected within Section 5.09 of the City of Waxahachie Zoning Ordinance*

***Items highlighted in **bold** do not meet the townhome requirements within Section 5.09 of the City of Waxahachie Zoning Ordinance*

- **Minimum Lot Area – 3,080 SF (Front Entry); 2,940 SF (Rear Entry)** (minimum 3,630 SF requirement per Section 5.09 Townhome standards)
- *Minimum Lot Width - 28'
- *Minimum Lot Depth - 100'
- Minimum Front Yard - 20' (Front Entry); **10' (Rear Entry)** (minimum 15' requirement per Section 5.09 Townhome standards)
- Minimum Rear Yard – 15' (Front Entry); **20' (Rear Entry)** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- Minimum Side Yard (interior) - 0'
- **Minimum Side Yard (exterior on corner lots) - 15'** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- Maximum Lot Coverage – 50%

For all Type 'A' 'B' 'C' 'D' and Townhome Lots

Density

A maximum of 464 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.

Dwelling Unit Size

The minimum dwelling unit square footage will be:

- 2,000 sq. ft. (Single Family)
- 1,300 sq. ft. (Townhome)

Building Height

The maximum building height for structures shall be 2.5 stories.

Masonry

- a. Minimum of 80% masonry overall
- b. On single-family detached homes, the front façade shall be 100% masonry
- c. On townhomes, the front façade shall be a minimum of 85% masonry
- d. Modern farmhouse front elevations shall be a minimum of 50% masonry
- e. Siding shall be permitted on wall areas extending above roof lines

Roof Pitch

Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios.

Garage Width

The garage width may not constitute more than 53% of overall house width.

Open Space

A minimum of 31.1 acres of open space shall be provided.

Sidewalks

Sidewalks will be provided in open space areas generally as shown on the concept plan. Sidewalks will be provided along public streets in accordance with City requirements.

- Applicant Request: The developer shall not be required to construct a sidewalk along Ovilla Road (FM 664).

Parking

A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.

Landscaping and Screening

A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Accessory Buildings

Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Street Signs

Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.

Streetlights

Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of plat submittal.

Homeowner’s Association (HOA)

An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls, and landscaping.

Amenities or Improvements within Parks and Open Space:

- Pockets parks / open space among the single family residential lots -
 - a. Shade trees, playground equipment and benches
 - b. Trail system
- Dog Park
- Detention Areas - Trees planted in clusters around the ponds

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 15: Identify areas for strategic annexations to occur.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Single family
- Townhomes
- Park/Open Space

SPECIAL EXCEPTION/VARIANCE REQUEST:

Lot Size

The minimum lot size requirement per SF3 zoning is 10,000 sq. ft.

- Type C Lots: The applicant is proposing a minimum lot size of 8,400 sq. ft.
- Type D Lots: The applicant is proposing a minimum lot size of 7,200 sq. ft.

The minimum lot size requirement per dwelling unit for Townhome is 3,630 sq. ft.

- Front Entry Lots: The applicant is proposing a minimum lot size of 3,080 SF (Front Entry)
- Rear Entry Lots: The applicant is proposing a minimum lot size of 2,940 SF (Rear Entry)

Lot Width

The minimum lot width requirement per SF3 zoning is 80ft.

- Type A Lots: The applicant is proposing a minimum lot width of 70’
- Type B Lots: The applicant is proposing a minimum lot width of 70’
- Type C Lots: The applicant is proposing a minimum lot width of 60’
- Type D Lots: The applicant is proposing a minimum lot width of 50’

Front Yard Setback

The minimum front yard setback requirement per SF3 zoning is 30ft.

- The applicant is proposing a minimum front yard setback of 25ft.

The minimum front yard setback requirement for Townhome is 15ft.

- Rear Entry Lots: The applicant is proposing a minimum front yard setback of 10ft.

Rear Yard Setback

The minimum rear yard setback requirement per SF3 zoning is 25ft.

- The applicant is proposing a minimum front yard setback of 15ft.

The minimum rear yard setback requirement for Townhome is 10ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum rear yard setback of 20ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Side Yard Setback

The minimum side yard setback requirement per SF3 zoning is 10ft. (15ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 5ft. on interior lots.

The minimum rear yard setback requirement for Townhome is 0ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum side yard setback of 15ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Building Height

The maximum height requirement per SF3 zoning is 2 stories

- The applicant is proposing a maximum of 2.5 stories

Garage Width

The garage width shall be no more than 50% of the single family structure.

- The applicant is proposing a maximum garage width of 53%

Lot Coverage

The maximum lot coverage requirement per SF3 zoning is 50%.

- Type C & D Lots: The applicant is proposing a maximum lot coverage of 55%.

Sidewalk

Per the City of Waxahachie Subdivision Ordinance, sidewalks are required internally/externally for the development.

- Due to no current sidewalks along Ovilla Rd., the applicant is requesting to not place sidewalks along the road. Per the applicant, the schematic plans for FM 664 indicate that TXDOT will install sidewalks as part of the proposed improvements.

Park Dedicaiton

Per the City of Waxahachie Subdivision Ordinance, a cash-in-lieu fee of \$400 per lot is required.

- Applicant Response: The required park dedication for this project is 2 acres for each 100 dwelling units, which amounts to 9.28 acres. Our concept plan reflects total open space of approximately 29.8 acres of open space areas. We are requesting that the city accept a portion of the proposed open space in satisfaction of our dedication requirement. If the city does not wish to accept a public park dedication, we ask that the city waive the cash-in-lieu fee of \$400 per lot.

TxDOT Land Donation (Ovilla Rd. (FM 664)

Applicant Response: The widening of Ovilla Road will require TXDOT acquisition of approximately three acres of additional right-of-way from the Calvert property. The proposed realignment of the roadway in this area results in most of the widening occurring on the west side of the road. (By comparison, the corresponding right-of-way acquisition on the east side of Ovilla opposite of the Calvert property is approximately 0.3 acres.) We are prepared to hold the proposed right-of-way area in reserve. However, we are also asking for the City's concurrence that a land donation to TXDOT will not be a condition of development of the property.

Proposed Thoroughfare/Roadway Impact Fees

Per the City of Waxahachie Subdivision Ordinance, applicants are required to pay Roadway Impact Fees and Inspection Fees for new constructed developments.

- Applicant Response: The City's MTP reflects a Type D-1 Thoroughfare along the northern boundary of the property. As such, our concept plan reflects a 40-ft right-of-way dedication, (one-half of the required 80-ft right-of-way). We are also proposing to construct two-lanes of the roadway with the Twin Creeks development. Therefore, we are requesting Roadway Impact Fee Credits in the amount of \$1,095 for each of the 464 residential lots and totaling \$508,080. We further request that the City waive all public works inspection fees for the proposed development. (We estimate that the cost of constructing two-lanes of the roadway as proposed will exceed \$2,000,000, so the fee waivers only cover a fraction of the total cost.)

STAFF CONCERNSParks

Staff suggests that the applicant implement more pocket parks among the single family residential lots. At least pocket park should be provided along the western portion of the development.

Sidewalks

Staff suggests that the applicant provide sidewalks along Ovilla rd. Per the concept plan, the applicant is not proposing any sidewalks along Ovilla Rd.

PUBLIC NOTIFICATIONS

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

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received five (5) letters of support and three (3) letters of opposition within the 200ft. notification area.

- Note: 4 letters of support are from 1 property owner
2 letters of opposition are from 1 property owner

*Staff also received a "Letter of Concern" (not officially stating support or opposition) from a resident within the surrounding neighborhood area, stating concerns he would like to see addressed prior to any development occurring on the site. The "Letter of Concern" has also been included in the agenda packet.

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. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.
 2. The property shall be platted prior to any development.
 3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
 4. Staff suggests that the applicant implement more pocket parks among the single family residential lots.
 5. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Planned Development Regulations
3. Concept Plan
4. Amenity Exhibit

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Colby Collins
 Planning Manager
ccollins@waxahachie.com

Reviewed by:
 Jennifer Pruitt, AICP, LEED-AP, CNU-A
 Director of Planning
jennifer.pruitt@waxahachie.com

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
151546	WOLF SHERYLE L	1001 OVILLA RD	WAXAHACHIE	TX	75167
203926	BIZZELL RONALD J & BECKY S	2231 MARSHALL RD	WAXAHACHIE	TX	75167
185894	COX DOROTHY L	707 OVILLA RD	WAXAHACHIE	TX	75167
185895	COX DOROTHY L	707 OVILLA RD	WAXAHACHIE	TX	75167
185887	WHEATLEY BILLIE MILLER	707 OVILLA RD HSE A	WAXAHACHIE	TX	75167
151542	JONES TIMATHY W & SUSAN B	791 N HIGHWAY 77 STE 501C	WAXAHACHIE	TX	75165
200935	JONES TIMATHY W & SUSAN B	791 N HIGHWAY 77 STE 501C	WAXAHACHIE	TX	75165
185976	JLS CUSTOM HOMES LLC	P.O. BOX 837	WAXAHACHIE	TX	75168
189176	WALGREEN CO RENATA A EVTIMOV	PO BOX 1159	DEERFIELD	IL	60015
185881	JLS CUSTOM HOMES	PO BOX 837	WAXAHACHIE	TX	75168
185891	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE	TX	75168
185893	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE	TX	75168
185979	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE	TX	75168
200064	CALVERT SUSAN M	PO BOX 856	WAXAHACHIE	TX	75168

(24)

Case Number: ZDC-162-2021

City Reference: 151546

11-15
11-15
C@

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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

RECEIVED OCT 26 2021

Comments:

Sheryle Wolf
Signature

10-26-21
Date

owner
Printed Name and Title
Sheryle Wolf

100, Dilla Rd
Address
Wax 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.

(24)



REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-162-2021**



RECEIVED NOV 02 2021

CALVERT SUSAN M
PO BOX 856
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021) **823**

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 for additional information on this request. **4000**

Case Number: **ZDC-162-2021**

City Reference: 185891

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Susan M Calvert
Signature

11-2-2021
Date

Susan M Calvert - Owner
Printed Name and Title

P.O. Box 856 - Waxahachie, TX
Address
Zip 75168-0856

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.

(24)



REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-162-2021



RECEIVED NOV 02 2021

CALVERT SUSAN M
PO BOX 856
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

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

Case Number: ZDC-162-2021

City Reference: 185893

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be emailed to 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:

Susan M Calvert
Signature

11-2-2021
Date

Susan M Calvert - Owner
Printed Name and Title

P.O. Box 856 - Waxahachie, TX
Address
Zip 75168-0856

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.

(24)



REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-162-2021**

RECEIVED NOV 0 2 2021

CALVERT SUSAN M
PO BOX 856
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

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

Case Number: **ZDC-162-2021**

City Reference: 200064

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be emailed to 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:

Susan M Calvert
Signature

11-2-2021
Date

Susan M Calvert - Owner
Printed Name and Title

P.O. Box 856 - Waxahachie, TX
Address
Zip 75168-0856

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.

(24)



REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-162-2021**



RECEIVED NOV 02 2021

CALVERT SUSAN M
PO BOX 856
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 2021** at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

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

Case Number: **ZDC-162-2021**

City Reference: 185979

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Susan M Calvert
Signature

11-2-2021
Date

Susan M Calvert - Owner
Printed Name and Title

P.O. Box 856 - Waxahachie, TX
Address
Zip 75168-0856

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.

(24)

Case Number: ZDC-162-2021

City Reference: 185887

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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

RECEIVED NOV 02 2021

Comments:

To the present zoning as we want our road to remain as it is to be our private road for us only. We are concerned with the amount of water that will be coming down

Billie Wheatley
Signature

11-2-21
Date

Ms. Billie Wheatley
Printed Name and Title

707 Cvilla Rd, House A
Address
75167

on the 3 families in this area as we have plenty coming anyway.

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.

Case Number: ZDC-162-2021

City Reference: 185895

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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

RECEIVED NOV 0 2 2021

Comments:

I have lived at 707 Ovilla Road for 47 years. I'm not opposed to development. But I am opposed to this developer wanting to put houses across the road. drive going to my home. and 2 other homes down this same road.

Signature

Dorothy L Cox (owner)
Printed Name and Title

Date

11-1-2021
707 Ovilla Road
Waxahachie, Tx 75167
Address

a road which has been there a whole lot longer than 47 years.

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

Case Number: ZDC-162-2021

City Reference: 185894

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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

RECEIVED NOV 02 2021

Comments:

I have lived at 707-D Ovilla Road for 47 years. I'm not opposed to this development. But I am opposed to this developer wanting to put houses across the road going to my home and 2 other homes down this same road.

Signature

Dorothy L. Cox (owner)
Printed Name and Title

Date

11-1-2021
707 Ovilla Road
Address
Waxahachie, Texas 75167

a road which has been there a while lot longer than 47 years.

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.

(24)

RONALD E. BUNCH
Attorney at Law

112 S. Rogers, 2nd Floor
P. O. Box 884
Waxahachie, Texas 75168
Phone 972.937.7080

December 8, 2021

Mr. Colby Collins
Planning Manager
City of Waxahachie

via Email: ccollins@waxahachie.com

Mr. Rick Keeler
Chairman
Planning and Zoning Commission
City of Waxahachie

via Email: rdk@optionsre.com

Mr. James Gaertner
City Engineer
City of Waxahachie

via Email: jgaertner@waxahachie.com

Re: Case No: ZDC-162-2021
Zoning request change by JHDMC, LLC.
(from SF-1 to PD-SF-3)
153.7 Acres
"The Oaks at Twin Creeks" proposal

Dear Mr. Collins, Mr. Keeler and Mr. Gaertner:

I live at 707 C Ovilla Road in Waxahachie. I am writing on my own behalf and on behalf of Mrs. Cox and Mrs. Wheatley. Mrs. Cox lives at 707 D Ovilla Road in Waxahachie and Mrs. Wheatley lives at 707 A Ovilla Road in Waxahachie.

Our homes and properties are contiguous to the proposed development and zoning change referenced above.

By way of background for you and the Commission and Council, I live on my property in a historic home built by my great-great-grandfather in the late 1870's and renovated by me about 20 years ago. The property has been owned by my family since before the home was built. I have practiced law here in Waxahachie for 38 years and my office is on the Courthouse square. Both of my neighbors have lived on their properties for a long time as well.

The subject property is between us and Ovilla Road. We understand that the property is valuable and will no doubt be developed in some way now or in the future. While we are not strictly opposed to development, we have several areas of concern with the current "Concept Plan". We would like for you to consider these issues going forward and working with us and the developer.

1. Our road.

Our only access to our homes and properties is down a gravel road that is on the southern boundary of the subject property. Our road is a dedicated private easement from Ovilla Road that has existed for 150 years. We maintain the road and we want to make sure that our road is preserved in any planned development and is not consumed. The most recent concept plan that I have seen shows our road in a very faint manner with no designation or explanation. The plan also shows lots on top of our road and a concrete street crossing our road. I realize that it is just a concept plan but the pictorial representation is very disconcerting to us. We would like to see a plan that acknowledges the existence and preservation of our road. Our road is our only means of ingress and egress.

2. Ponds, creeks, drainage and water flow.

We are also very concerned about how this development will increase the water flow on our properties. The topography from Ovilla Road to our properties is significantly downhill. We are at a lower elevation than the proposed development and the proposed development surrounds us on the east, northeast, north and northwest. Our properties constitute what I would call a watershed area. The "Twin Creeks" referred to in the proposed name of this development converge on my property. There is a large pond that is in the front of my property and in the front of Mrs. Cox's property. There are two ponds on the subject property that feed the creeks that converge on our properties. There is also an adjacent pond downstream from us. The creek behind my house is known as Irwin Branch on plats and surveys. The only access to my family home is over a spillway or a low water crossing that is on the south end of our pond. One of the creeks that feeds the pond in front of our houses goes underneath Mrs. Cox's road with two large tin horns or culverts. Mrs. Wheatley also has a drainage ditch in her backyard. We get a lot of water on our properties during and after a big rain and we are very concerned about a possible increase in the amount of water that we would get in our ponds and creeks and across our properties as a result of the proposed development in its current concept.

3. Density.

We are also very concerned about the density of the proposed development. I understand that current zoning of the Waxahachie Single Family 1 (SF1) Residential Zoning Ordinance requires that the minimum lot area be 16,000 square feet (SF-2 not less than 12,500 square feet, SF-3 not less than 10,000 square feet and duplexes not less than 4,500 square feet per unit, MF-1 not less than 2,420 square feet per dwelling). The current proposed development is for 465 lots ranging in square feet down to less than 3,000. That seems like a lot of houses in a relatively small area and of course the high density of houses and

concrete streets, etc. has the potential of increasing the water flow significantly on surrounding properties. Necessarily, this high density proposal would also greatly increase traffic on Ovilla Road which has an existing traffic problem that is only getting worse. As you guys know, there is a lot of development in progress on Ovilla Road from Main Street going north for several miles. We would like to see a development that is closer to the required square footage of SF1-Residential.

I believe that the higher the density of a development equates to higher environmental impact. Our combined properties constitute a unique natural area that was fairly recently incorporated. I understand some of the proposed development will also have to be annexed into the city. We have an abundance of varieties of birds, wildlife and what I would call pond life and we would like to protect that to whatever extent we can.

We also have some safety concerns of being surrounded by 465 dwellings.

4. Buffer zone.

We would very much like to see some sort of buffer zone between our road and the residential lots. This could be in the form of some type of fencing or trees or a berm with some narrow green space.

I have a lot of photos of the ponds and creeks and our homes and our road as well as a screen shot from Google Earth that depicts an aerial view of our properties with the surrounding ponds and creeks. I will send these in several emails so you can get a feel for the uniqueness of this property. I invite each of you to call me to look at the features of the property at your convenience if you want to get the big picture.

We appreciate your service to the City of Waxahachie and we appreciate your consideration of our concerns.

Very truly yours,

Ron Bunch

ZDC-162-2021 - The Oaks at Twin Creeks
Land Use and Development Standards

- A. Purpose. The purpose and intent of this Planned Development (PD) District is to establish land use and development standards for multiple single-family detached and townhome lot sizes.
- B. Base Zoning. The Property shall be used and developed in accordance with the regulations of the Single-Family Residential-3 (SF3) Zoning District, except as modified by this ordinance.
- C. Concept Plan. The Property shall be developed substantially as depicted on the attached Exhibit B Concept Plan.
- D. Lot and Dwelling Development Standards. The lots and dwelling units constructed on the Property shall comply with the following development standards:

LOT TYPE	A	B	C	D	TH-FRONT ENTRY	TH-REAR ENTRY
MINIMUM LOT AREA (SF)	12,000	10,000	8,400	7,200	3,080	2,940
TYPICAL LOT WIDTH (FT)	80	80	70	60	28	28
MINIMUM LOT WIDTH (FT)*	70	70	60	50	28	28
TYPICAL LOT DEPTH (FT)	150	125	120	120	110	105
MINIMUM LOT DEPTH (FT)	110	110	100	100	100	100
FRONT BUILDING SETBACK (FT)	25	25	25	25	20	10
REAR BUILDING SETBACK (FT)	15	15	15	15	15	20
SIDE BUILDING SETBACK - INTERIOR (FT)	5	5	5	5	0	0
SIDE BUILDING SETBACK - CORNER (FT)	15	15	15	15	15	15
MINIMUM HOUSE SIZE (SF)**	2,200	2,200	2,000	2,000	1,300	1,300
MAXIMUM BUILDING HEIGHT	35 FEET / 2.5 STORIES					
MAXIMUM LOT COVERAGE (%)	50	50	55	55	70	70

*Measured at front building setback

** Air-conditioned space

- E. Density. A maximum of 467 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.
- F. Masonry Requirement. Masonry requirement for the exterior of residential structures shall be as follows:
 - a. Minimum of 80% masonry overall
 - b. On single-family detached homes, the front façade shall be 100% masonry
 - c. On townhomes, the front façade shall be a minimum of 85% masonry
 - d. Modern farmhouse front elevations shall be a minimum of 50% masonry

- e. Siding shall be permitted on wall areas extending above roof lines
- G. Roof Pitch. Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios.
- H. Garage Width. The garage width may not constitute more than 53% of overall house width.
- I. Open Space. A minimum of 31.1 acres of open space shall be provided.
- J. Sidewalks. Sidewalks will be provided in open space areas generally as shown on the concept plan. Sidewalks will be provided along public streets in accordance with City requirements. The developer shall not be required to construct a sidewalk along Ovilla Road (FM 664).
- K. Parking. A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.
- L. Access. Public street access to the property shall be in accordance with the approved Concept Plan.
- M. Landscaping and Screening. A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- N. Accessory Buildings. Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- O. Street Signs. Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.
- P. Streetlights. Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of final plat submittal.
- Q. Homeowners Association (HOA). An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls and landscaping.



LOT TYPE	A	B	C	D	E	FRONT	REAR	TOTAL
Area (sq ft)	10,000	8,400	7,300	9,500	2,840			
Lot Count	50	35	35	42	5			
TOTAL	126	126	126	126	126			

EXHIBIT B - CONCEPT PLAN
The Oaks at Twin Creeks
 153.7 Acres
 Waxahachie, Texas

J. VOLK consulting
 330 Central Parkway East, Suite 1000
 Plano, Texas 75074
 972.226.3300 Texas Registration No. P-31561

NOTE:
 TYPICAL GREEN SPACE AREAS SHALL BE A
 MINIMUM OF 1/8 & ACRES
 * DENOTES TRAIL HEAD LOCATION



LOT TYPE	AREA (SQ FT)	LOT COUNT
A	10,000	50
B	8,400	35
C	7,300	35
D	9,500	42
E	2,840	5
TOTAL		167



- LEGEND**
- ① PROPOSED LOT LINES
 - ② PROPOSED DRIVEWAYS
 - ③ EXISTING DRIVEWAYS
 - ④ PROPOSED DRIVEWAYS
 - ⑤ EXISTING DRIVEWAYS
 - PROPOSED LOT LINES
 - EXISTING LOT LINES



CODY JOHNSON
STUDIO

THE OAKS AT TWIN CREEKS / MAIN ENTRY MONUMENT
City of Waxahatche, Texas





- IMPROVEMENTS**
- ① OPEN SPACE
 - ② PLAYGROUND
 - ③ BENCH
 - ④ TRASH ENCLOSURE
 - ⑤ LIGHT FIXTURE
- WATER POND



CODY JOHNSON
STUDIO

THE OAKS AT TWIN CREEKS / CONCEPTUAL COMMUNITY IMPROVEMENTS
City of Waxahatchee, Texas





(26)

Planning & Zoning Department Zoning Staff Report



Case: ZDC-155-2021

MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

CAPTION

Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow an Industrial Complex (Manufacturing/Distribution) on 341 acres.

CASE INFORMATION

Applicant: Michael C. Jackson, Wynn Jackson Development

Property Owner(s): Elizabeth R. Eiseman, Reed Land Management, LTD

Site Acreage: 341 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development – Light Industrial – 2

SUBJECT PROPERTY

General Location: Located West of Solon Road and East of Patrick Road

Parcel ID Number(s): 284811

Existing Use: Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (ETJ)	Undeveloped Land
East	L11	Industrial Warehouses
South	Commercial/PD-Commercial	Undeveloped Land
West	SF1/PD-SF3	Undeveloped Land/ Settler's Glen Addition

(24)

Future Land Use Plan:

Low Density Residential and Highway Commercial

Comprehensive Plan:

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

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 businesses 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 Patrick Rd., with future connections to Marshall Rd. and IH-35E South Service Road. The proposed future connections would allow for additional access to the site.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to allow an Industrial Complex (Manufacturing/Distribution) on 341 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be reviewed by City Council.

Proposed Use:

The applicant intends to create an industrial Planned Development in 2-3phases, consisting of manufacturing and warehouse distribution. The project is located West of Solon Road and East of Patrick Road. Though the proposed industrial buildings will be capable of housing multiple tenants, there are currently no confirmed tenant(s) at this time.

- Use/Definition

Definition of General Warehouse Distribution. General Warehouse Distribution is defined as a building or facility used primarily for the receiving, storage, warehousing, distribution, and shipping of goods or products.

Definition of Manufacturing Warehouse. Manufacturing Warehouse is defined as a building or facility used to assemble, produce, fabricate, package, repair, or construct products from raw materials or partially processed materials and for the on-site storage and/or distribution of such items. This may also include: selling items/products direct to consumers and serving as a pick-up/drop-off location, showrooms, and making products on demand.

- i. General Warehouse Distribution uses shall be only allowed on thirty-three (33) percent of the net useable land as shown on the Concept Plan during the time that is five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).
- ii. General Warehouse Distribution uses shall be only allowed on sixty-six (66) percent of the net useable land as shown on the Concept Plan during the time that is after the initial five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).

- Parking

One (1) space for each three hundred (300) square feet of office/display area plus one (1) space for each one thousand (1,000) square feet of warehouse/manufacturing space up to 20,000 sf and one (1) space per 4,000 sf thereafter.

- Landscape

Landscape Buffer (Settler’s Glen Adjacency) – A one hundred foot (100’) landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler’s Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50’ of adjacency to the roadway, a minimum 8’ wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6”) minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.

Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Patrick Road north of Marshall Road, as adjacent development occurs, where adjacent to existing vacant land and non-residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway, and a minimum 8' wide concrete trail. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.

Planned Development Notes

- A. The City of Waxahachie will obtain ROW for Marshall Rd. Once the ROW is obtained by the City, Marshall Rd. will be constructed with the development.
- B. Enhanced landscaping and screening will be located adjacent to Settler's Glen and Owens Corning
 - a. A 100 ft. landscape buffer will be located adjacent to the Settler's Glen subdivision
- C. Property Owner's Association will be responsible for maintenance of common areas
- D. 8 ft. wide sidewalk/trail system will be located along Patrick Rd.
- E. 6 ft. tall landscape berm with trees and trail
- F. The exterior façade facing or visible from a public right-of-way will be 80% masonry (minimum)
- G. Height restriction of 60 ft.
- H. Limitation to amount of Distribution
 - a. Limited to 33% for General Warehouse Distribution use during the first 5 years
 - b. Limited to 66% for General Warehouse Distribution use after 5 years

STAFF ANALYSIS

Though the proposed industrial development differs from the City of Waxahachie Future Land Use Plan, staff believes that the proposed development aligns with the growth trend for the surrounding area. In addition to the applicant providing a sufficient landscape buffer from the adjacent Settler's Glen subdivision and the 8ft. wide trail system, the applicant also will construct Marshall Rd. Due to the construction of Marshall Rd., the City of Waxahachie will obtain ROW which will also provide different access points for the development that will alleviate traffic from Patrick Rd.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 44 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 Buffer: Staff received nine (9) letters of opposition for the proposed development.

Outside 200 ft. Notification Buffer: Staff received five (5) letters of opposition for the proposed development.

RECOMMENDATION

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

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

1. A mutually agreed upon Development Agreement shall be signed by staff and the applicant

ATTACHED EXHIBITS

1. PON Responses
2. Development Agreement/Planned Development Regulations
3. Concept Plan Layout Exhibits

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

(26)

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
140294	J & G CONCRETE OPERATIONS LLC	20.753	1000 MC KINNEY & WILLIAMS / SHAVER (31 ACRES)	211 E 7TH ST STE 620	AUSTIN	TX	78701	211 E 7TH ST STE 620 AUSTIN TX 78701
182296	ALLEN ANN ETAL	184.81	297 WM DOWNING 184.81 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
182297	ALLEN ANN ETAL	2	297 WM DOWNING 2 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
182300	THE GROVE PARTNERSHIP	1.118	297 WM DOWNING 1.118 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
187574	ALLEN ANN ETAL	128.715	689 WM B MILLER 128.715 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
187579	ALLEN ANN ETAL	123.23	689 WM B MILLER 123.23 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
187582	CRAVENS BRYAN K	2.11	689 WM B MILLER 2.11 ACRES	1851 PATRICK RD	WAXAHACHE	TX	75187	1851 PATRICK RD WAXAHACHE TX 75187
188446	PITTS JAMES B TRUST TR	131.18	790 WILKINSON & 1082 J SHAVER 131.18 ACRES	3614 PARK BRIDGE CT	DALLAS	TX	75218	3614 PARK BRIDGE CT DALLAS TX 75218
188180	BAYLOR HEALTHCARE SYSTEMS BSWH TAX SVC	58.791	835 WM PAINE IVA 58.791 ACRES	301 N WASHINGTON AVE	DALLAS	TX	75248	301 N WASHINGTON AVE DALLAS TX 75248
182510	OWENS CORNING INSULATING SYSTEMS LLC	101.885	1156 W WELCH 1053 SA & MID R RD 1156 W WELCH 101.885 ACRES	1 OWENS CORNING PKWY	TOLEDO	OH	43859	1 OWENS CORNING PKWY TOLEDO OH 43859
184178	ALLEN ANN ETAL	1192.4	689 WM B MILLER 102.4 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
184179	CRAVENS SUSAN A	3.91	689 WM B MILLER 3.91 ACRES	1851 PATRICK RD	WAXAHACHE	TX	75187	1851 PATRICK RD WAXAHACHE TX 75187
186010	ALLEN ANN ETAL	127	297 WM DOWNING 127 ACRES	PO BOX 525	WAXAHACHE	TX	75188	PO BOX 525 WAXAHACHE TX 75188
205588	TRILLO DELFINA ETAL	9.58	LOT 17 WEST 8 TERRETT E/1/8 9.58 AC	2540 SOLOH RD	WAXAHACHE	TX	75187	2540 SOLOH RD WAXAHACHE TX 75187
205687	HENDRICH BILL H & JUDITH A REVOCABLE LIVING TRUST	8.58	18 WEST 8 TERRETT E/1/8 9.58 ACRES	2530 SOLOH RD	WAXAHACHE	TX	75187	2530 SOLOH RD WAXAHACHE TX 75187
205888	WELCH ROBERT CCA	8.28	18 WEST 8 TERRETT E/1/8 9.58 ACRES	2520 SOLOH RD	WAXAHACHE	TX	75187	2520 SOLOH RD WAXAHACHE TX 75187
276288	SETTLERS GLEN LTD	7.189	835 WM PAINE 7.189 ACRES	1812 ARBORCREEK TRL	MAANSFIELD	TX	78003	1812 ARBORCREEK TRL MAANSFIELD TX 78003
254832	AUSTIN INTERNATIONAL VENTURES INC & AUSTIN INDUSTRIES INC	22.589	LOT 1 BLK A #1818 INDUSTRIAL PARK 22.589 AC	3535 TRAVIS ST STE 300	DALLAS	TX	75204	3535 TRAVIS ST STE 300 DALLAS TX 75204
289118	HUCKABY HAYDEN & COURTNEY	0.141	LOT 38 BLK A SETTLERS GLEN ADDN PH 4 0.141 AC	182 COLTER DR	WAXAHACHE	TX	75187	182 COLTER DR WAXAHACHE TX 75187
289119	POWELL KEITH A & OWEN DOL	0.156	LOT 40 BLK A SETTLERS GLEN ADDN PH 4 0.156 AC	154 COLTER DR	WAXAHACHE	TX	75187	154 COLTER DR WAXAHACHE TX 75187
289187	RILEY STEFANIE & PHILIP H	0.189	LOT 15 BLK T SETTLERS GLEN ADDN PH 4 0.189 AC	251 DAKOTA DR	WAXAHACHE	TX	75187	251 DAKOTA DR WAXAHACHE TX 75187
289188	MARTINEZ ANGEL & SUZANNE	0.143	LOT 1 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHE	TX	75187	218 COLTER DR WAXAHACHE TX 75187
289189	WASSON T OSMAR & CHRISTINA	0.143	LOT 2 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHE	TX	75187	218 COLTER DR WAXAHACHE TX 75187
289190	BRIDGMAN EVERON	0.143	LOT 3 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	214 COLTER DR	WAXAHACHE	TX	75187	214 COLTER DR WAXAHACHE TX 75187
289192	GRIFFITH PENELOPE & BRITTANY A	0.143	LOT 5 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	210 COLTER DR	WAXAHACHE	TX	75187	210 COLTER DR WAXAHACHE TX 75187
289195	DAVIS JORDAN F	0.143	LOT 8 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	204 COLTER DR	WAXAHACHE	TX	75185	204 COLTER DR WAXAHACHE TX 75185
289198	BURGOS EDUARDO & ROSALBA RODRIGUEZ	0.143	LOT 9 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	202 COLTER DR	WAXAHACHE	TX	75185	202 COLTER DR WAXAHACHE TX 75185
289197	BURKE TAYLOR M & WALLIS D	0.143	LOT 26 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	200 COLTER DR	WAXAHACHE	TX	75187	200 COLTER DR WAXAHACHE TX 75187
289198	SWANBY NERVEN & GLENN R CARVIN	0.143	LOT 12 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	198 COLTER DR	WAXAHACHE	TX	75187	198 COLTER DR WAXAHACHE TX 75187
289202	GAGE JEANNE E	0.143	LOT 15 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	180 COLTER DR	WAXAHACHE	TX	75185	180 COLTER DR WAXAHACHE TX 75185
289203	VARA ALYSSA & ROBERT GARZA	0.143	LOT 18 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	188 COLTER DR	WAXAHACHE	TX	75187	188 COLTER DR WAXAHACHE TX 75187
289204	STREET JASON & MISTY	0.158	LOT 17 BLK U SETTLERS GLEN ADDN PH 4 0.158 AC	186 COLTER DR	WAXAHACHE	TX	75187	186 COLTER DR WAXAHACHE TX 75187
289205	CITY OF WAXAHACHE ATTN FINANCE DEPARTMENT	5.884	LOT COMMON AREA PARK SETTLERS GLEN ADDN PH 4 5.884 AC	401 S ROGERS	WAXAHACHE	TX	75185	401 S ROGERS WAXAHACHE TX 75185
278123	SANDSTONE B3 PARTNERS LTD	83.18	835 WM PAINE 83.18 ACRES	5680 TENNYSON PKWY STE 250	PLANO	TX	75024	5680 TENNYSON PKWY STE 250 PLANO TX 75024
284811	REED LAND MANAGEMENT LTD	575.97	297 WM DOWNING 689 WM B MILLER 835 WM PAINE 1000 J SHAVER 575.97 ACRES	4125 WINDSOR PKWY	DALLAS	TX	75205	4125 WINDSOR PKWY DALLAS TX 75205

(26)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021



TEDESCO JOSEPH & MELINDA
194 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 269200

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, October 19, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Roads will not support industrial use in a residential area.

Signature

10-8-21
Date

Joseph Tedesco homeowner
Printed Name and Title

194 Colter Dr 75167
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.

(26)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**

THOMAS ASHLEE M & TIMOTHY GARETT
212 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: **ZDC-155-2021**

City Reference: 269191

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Patrick Rd unable to support. Not enough access
roads to 287/Avilla Rd.

Asnue Thomas / [Signature]
Signature

12 OCT 2021
Date

Asnue Thomas / Garrett Thomas
Printed Name and Title

212 Colter dr. Waxahachie, TX
Address 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.

(26)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021



TAIBI CAROLINA M & JORDAN A TAIBI
192 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 269201

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Carolina Taibi
Signature

10/13/2021
Date

Carolina Taibi - Home owner
Printed Name and Title

192 Colter Dr, Waxahachie Tx 75167
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.



(26)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

OVALLE ALFREDO
611 W 1ST ST
FERRIS, TX 75125

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

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 *Tuesday, October 19, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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 oppose a building of that size and purpose for that general area,
that is not what is needed there and if they would recommend residential
communities

Signature

469-530-8143

Printed Name and Title

10/26/21

Date

2610 solon rd Wax.

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.

(file)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

AUSTIN INTERNATIONAL VENTURES INC & AUSTIN INDUSTRIES INC
3535 TRAVIS ST STE 300
DALLAS, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Chris Wang
Signature

10/28/2021
Date

Chris Wang, Asst. Secretary
Printed Name and Title

P.O. Box 1590, Dallas, TX 75221
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.

(26)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

HAWKINS THOMAS M & JANAEL
208 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 269193

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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 will attend both meetings + would like to outline my opposition + offer ideas to improve this development to help settle them

Thomas Michael Hawkins
Signature

Janael Hawkins
Date

10/15/2021
Date

Thomas Michael Hawkins
Printed Name and Title

JANAEL HAWKINS 208 Colter Dr Waxahachie TX 75167
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.

(216)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

CHILTON MATTHEW R & MONICA
198 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 269198

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, October 19, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

Agriculture or Residential zones are more appropriate/desirable for our investment and homestead. We would be inclined to leave if approved for industrial use

Monica Chilton
Signature

Matthew Chilton

10-15-21

Date

198 Colter Dr. Waxahachie, TX

Monica Chilton
Printed Name and Title

Matthew Chilton

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.

(26)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021



RATTAN JEREMY D & JESSICA N HOLLON
206 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located on a portion of land east of the intersection of Marshall Road and Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: ZDC-155-2021

City Reference: 269194

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 25, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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 purchased this property knowing it was zoned residential behind us, disappointed in the city of Waxahachie for considering this!!

Jeremy Rattan
Signature

10-21-2021
Date

Jeremy Rattan
Printed Name and Title

206 Colter Dr.
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.

(26)

Case Number: ZDC-155-2021

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 **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to 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:

S. Jimenez
Signature

10-16-2021
Date

Socorro Jimenez/owner
Printed Name and Title

2620 Solon Rd
Address
WAXAHACHIE TX 75167

RECEIVED OCT 18 2021

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.

(26)

From: David Villarreal <drv808@gmail.com>
Sent: Saturday, October 23, 2021 10:24 PM
To: Planning@waxahachie.com; Melissa Olson
Subject: case # of ZDC-155-2021

Hello,

I reside at 215 Frontier Dr in Settlers Glen neighborhood. I'm strongly against the development of the zoning change to industrial on Patrick Rd behind our neighborhood. This will create a traffic mess and lower our property values. No one in the neighborhood wants to see an eye sore that industrial buildings will create. When we all moved into this neighborhood we were told the surrounding land would stay zoned as residential. Please do not change the zoning from residential to industrial or we may have to take legal action, thank you.

--

David Villarreal, Jr

(26)

From: Judy Hendrich <jhendrich47@ymail.com>
Sent: Monday, October 25, 2021 11:54 AM
To: Planning@waxahachie.com
Subject: Case Number ZDC-155-202

Bill and Judith Hendrich at 2530 Solon Road

We strongly OPPOSE this request. This area should all remain residential Single Family- 1 Zoning. If this is allowed then in the future I see them wanting to have the remainder of the land parcel annexed into the city and then expand their manufacturing/distribution all the way to the back yards of Big Sky. This would put too much truck traffic or other traffic on Patrick and eventually on Solon. This will kill our value on our home and land. Operations such as this need to be away from residential. The North side of Waxahachie already has enough businesses without encroaching on residential. There is lots of open space away from residential to locate this type of operation.

Signed

Bill and Judith Hendrich

2530 Solon Road

Waxahachie, Texas 75167

Phone Number 469-223-3370

(26)

From: Kristin Lennon (Credit Admin 16) <kristin.lennon@prosperitybankusa.com>
Sent: Tuesday, November 2, 2021 9:24 AM
To: Planning@waxahachie.com
Subject: Case Number ZDC-155-2021 - (OPPOSE)

To whom it may concern,

I am requesting your help and action regarding the ZDC-155-2021. I am a resident of Settlers Glen in the City of Waxahachie.

I STRONGLY oppose the rezoning of 500+ acres from residential to commercial so that a warehouse campus can be constructed. Every person who purchased a home in Settlers Glen was made aware that the surrounding land was zoned for RESIDENTIAL. I was not prepared to live next to a warehouse "campus" that will run 24/7. I have been paying taxes for the 4 years in Waxahachie and I think its terrible that you would risk the safety of our neighborhood by wanting to build this. Not only will this slash our property values, we would have to worry about crime with the amount of people coming in and out of that warehouse. Our neighborhood would no longer be quiet peaceful with the truck volume that would come from this warehouse. This would wreak havoc on our traffic coming in and around our neighborhood. As the city stated before, there are no plans in the next 5 years to widen or in any way improve Patrick Rd. If you widen the roads coming from 35, people will start cutting through Marshall road from Ovilla Rd. and make our traffic even worse.

I specifically moved to this neighborhood because of the location. Its surrounded by land and very quiet. I wouldn't mind additional homes because I knew that was an option from day 1. The Walgreens distributions center is far enough away to where most of us don't notice it, and we all knew it was there. Now you want to block us in almost entirely by warehouses? I have gone out and spoken to many of my neighbors and cannot find a single resident who would be okay with living next to a warehouse campus.

I am asking the city to please keep this land zoned for residential use only.

I appreciate your consideration as a resident of Waxahachie as you consider the future and growth of our fine city.

Sincerely,
On Behalf of multiple Settlers Glen residents

Kristin Lennon

Kristin Lennon

Kristin.Lennon@prosperitybankusa.com

This transmission may contain information that is privileged, confidential and or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error,

(26)

please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

(24)

From: Aaron Griswold <aaron.griswold83@yahoo.com>
Sent: Thursday, November 4, 2021 9:14 AM
To: Planning@waxahachie.com
Cc: Melissa Olson; Travis Smith
Subject: ZDC-155-2021

I oppose any action that approves this industrial zoning by my neighborhood Settlers Glenn. Please vote no and keep our area quiet and residential. Patrick road needs to be improved, widened with a turn lane and sidewalks before anything else. Please handle roads and infrastructure before building industrial areas in our neighborhood.

James A Griswold
236 Old Settlers Trail
Waxahachie, TX 75167

Sent from my iPhone

(24)

From: Carolyn Cox <carbobcox@gmail.com>
Sent: Thursday, November 4, 2021 9:48 AM
To: Planning@waxahachie.com
Subject: ZDC-155-2021

I am asking you to vote NO to action ZDC-155-2021. We purchased in Settlers Glenn because of the neighborhood atmosphere and a good retirement area. There are a number of retirement age people that live here. I did not anticipate an increase in trucks and noise when we purchased our forever home here. If the counsel changes this area from residential to industrial, I will be unable to trust this counsel in future decisions.

Thank you for considering our concerns.

Carolyn Cox

Sent from my iPhone

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR INDUSTRIAL DEVELOPMENT
 COUNTY OF ELLIS §

This Development Agreement for Industrial Development (“Agreement”) is entered into between Wynne/Jackson, Inc. (the “Owner” or “WJ”) and the City of Waxahachie, Texas (“City”). Owner and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

Recitals:

1. Reed Land Management LTD (“Current Owner”) is the owner of approximately 341.02 acres of real property generally located West of Solon Rd. and East of Patrick Rd., parcel numbers 189171 and 182299, in the City of Waxahachie, Texas (the “Property”), for which they have requested a change in the Property’s Single Family-1 zoning to a Planned Development (“PD”) Light Industrial-2 zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on December 20, 2021.

2. Wynne/Jackson, Inc. is under contract to purchase the Property from the Current Owner and intends to assign the contract to purchase the Property and assign this Agreement to a new entity and upon such assignment the new entity shall become the Owner.

3. The planned use of the Property is to create a Planned Development to allow for the development of industrial warehouse manufacturing and distribution structures. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing Owner with agreed-upon and negotiated standards consistent with their business objectives.

4. As is reflected by the public records of the City, significant discussions and negotiations between representatives of WJ and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment **Ordinance No. ZDC-155-2021** (the “**Industrial Development PD Ordinance**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for the Property.

5. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Industrial Development PD Ordinance as contractually-binding obligations between the Parties, and to recognize WJ’s reasonable investment-backed expectations in the Industrial Development PD Ordinance and the planned development of the Property.

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 and development standards contained in the Industrial Development PD Ordinance, 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 the developer.

- (A) The project is proposed to be developed in two to three phases. Proposed development uses may generate additional consideration.
- (B) A mutually agreed upon Development Agreement will be required for the property.
- (C) The City of Waxahachie shall receive right-of-way through the adjacent property for Marshall Road (Parcel ID: 192510/ OWENS CORNING INSULATING SYSTEMS LLC)
- (D) The applicant shall provide enhanced landscaping and vegetation screening to the adjacent Owens Corning property, the Settlers Glen subdivision, and along Patrick Road.
 - a. A one hundred foot (100') landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler's Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50' of adjacency to the roadway, a minimum 8' wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.
 - b. Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Patrick Road north of Marshall Road, as adjacent development occurs, where adjacent to existing vacant land and non-residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway, and a minimum 8' wide concrete trail. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.
 - c. Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Solon Road south of Marshall Road, as adjacent development occurs, where adjacent to existing vacant

land and non-residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.

- (E) The use of warehouse distribution shall be limited for the development.
- a. **General Warehouse Distribution**, as defined as a building or facility used primarily for the receiving, storage, warehousing, distribution, and shipping of goods or products, shall be only allowed on thirty-three (33) percent of the net useable land as shown on the Concept Plan during the time that is five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP). General Warehouse Distribution shall be only allowed on sixty-six (66) percent of the net useable land as shown on the Concept Plan during the time that is after the initial five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).
- (F) Any street facing façade that contains the main entrance into an industrial building that faces, or is visible from a public street, shall provide a minimum of 80% masonry (including glass and doors). Loading dock façade shall not be subject to such requirements.
- a. Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.
- (G) Pending the applicant agreeing to pave and make any necessary improvements to the portion of Marshall Rd. from Patrick Road to Interstate Highway 35, as adjacent development occurs, the City of Waxahachie agrees to waive WJ for impact fees paid at the time of permit for all buildings constructed on the Property, up to the actual cost of the road and infrastructure improvements for all roads on the City of Waxahachie Capital Improvement Plan and Thoroughfare Plan needed for the proposed development.
- (H) Building permit fees shall be waived by the City of Waxahachie for any manufacturing uses in the development.
- (I) A minimum 8ft. wide concrete sidewalk/trail shall be constructed along Patrick Road from the southern boundary of the Property to the northern boundary of the Property, as adjacent development occurs, in lieu of the 6ft. wide walk for this Type D-1 thoroughfare.
- a. If sidewalks and parks/open space are provided for the development, per the Development Agreement, the City of Waxahachie agrees to waive Park Dedication fees for the development.
- (J) The development shall conform as approved by the City Council under case number ZDC-155-2021.

- (K) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (L) 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.
- (M) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, zoning ordinance, or in this Development Agreement, the regulations of Light Industrial-2 shall apply to this development.

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

Section 3. Assignment and Encumbrance

1. **Assignment.** The Current Owner has the right to assign this Agreement to Owner upon Owner's purchase of the Property. After this Agreement is assigned to Owner, Owner has the right to assign this Agreement with the consent of the City, which consent shall not unreasonably be withheld, in whole or in part, and including any obligation, right, title, or interest of the Current Owner under this Agreement, to any person or entity (an "Assignee") that is or will become an owner of any portion of the Property or that is an entity that is controlled by or under common control with the Owner. Each assignment shall be in writing executed by the Owner and the Assignee and shall obligate the Assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. A copy of each assignment shall be provided to the City within 15 days after execution. From and after such assignment, the City agrees to look solely to the Assignee for the performance of all obligations assigned to the Assignee and agrees that Owner shall be released from subsequently performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations; provided, however, if a copy of the assignment is not received by the City within 15 days after execution, the Owner shall not be released until the City receives such assignment. No assignment by the Owner shall release the Owner from any liability that resulted from an act or omission by the Owner that occurred prior to the effective date of the assignment unless the City approves the release in writing. Each Assignee shall be considered to be both a "Party" to this Agreement and the "Owner" for the purposes of the obligation, right, title, or interest assigned to the Assignee. The City shall not assign this Agreement.

2. **Encumbrance by the Owner and Assignees.** The Owner and Assignees have the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, or interest under this Agreement for the benefit of their respective lenders without the consent of, but with prompt written notice to, the City. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however, obligate any lender to perform any obligations or incur any liability under this Agreement unless the lender agrees in writing to perform such obligations or incur such liability. Provided the City has been given a copy of the documents creating the lender's interest, including notice (hereinafter defined) information for the lender, then that lender shall have the right, but not the obligation, to cure any default under this Agreement and shall be given a reasonable time to do so in addition to the cure periods otherwise provided to the defaulting Party by this Agreement; and the City agrees to accept a cure offered by the lender as if offered by the defaulting Party. A lender is not a Party to this Agreement unless this Agreement is amended, with the consent of the lender, to add the lender as a Party. Notwithstanding the foregoing, however, this Agreement shall continue to bind the Property and shall survive any transfer, conveyance, or assignment occasioned by the exercise of foreclosure or other rights by a lender, whether judicial or non-judicial. Any purchaser from or successor owner through a lender of any portion of the Property shall be bound by this Agreement, but shall not be entitled to the rights and benefits of this Agreement with respect to the acquired portion of the Property until all defaults under this Agreement with respect to the acquired portion of the Property have been cured.

3. **Encumbrance by City.** The City shall not collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of its rights, title, or interest under this Agreement.

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, except as otherwise expressly set forth herein.

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 Owner 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.

{Signature Pages Follow}

(26)

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

CITY OF WAXAHACHIE, TEXAS

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 _____, 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: _____

(24)

Wynne Jackson, Inc. (Applicant)

By: _____

Date: _____

**Reed Land Management LTD (Current Owner)
A Texas limited partnership**

By: E. & C. Property, Inc., General Partner

By: _____
Elizabeth R. Eiseman, President

Date: _____

**STATE OF TEXAS §
 §
COUNTY OF DALLAS §**

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of _____, 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: _____

EXHIBIT A

The Industrial Development PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI2), TO ALLOW A STORAGE WAREHOUSE INDUSTRIAL DEVELOPMENT USE, LOCATED WEST OF SOLON RD. AND EAST OF PATRICK RD., IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 341.02 ACRES KNOWN AS A PORTION OF PROPERTY ID 284811 (the "Property"), 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, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-155-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject Property from SF1 to PD-LI2 with Concept Plan; 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 zoning amendment;

NOW, THEREFORE, this Property is rezoned from SF1 to PD-LI2 with Concept Plan in order to facilitate development of the subject Property in a manner that allows industrial warehouse manufacturing and distribution uses: a portion of Property ID 284811, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Elevation/Façade Plan shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a development that allows industrial warehouse manufacturing and distribution uses, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site/Concept Plan packet (Exhibits B-D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the Property.
2. City of Waxahachie shall receive right-of-way through the adjacent property (Parcel ID: 192510/ OWENS CORNING INSULATING SYSTEMS LLC)
3. The applicant shall provide enhanced landscaping and vegetation screening to the adjacent Owens Corning property, and the Settlers Glen subdivision as adjacent development occurs.
4. A landscape buffer of a minimum of 100 feet deep shall be constructed along the western boundary of the Property (Patrick Rd.), and south of future Marshall Road, where it is adjacent to the Settler's Glen subdivision.
5. Any exterior facade of a building that faces, or is visible from a public street, shall provide a minimum of 80% masonry.
6. Pending the applicant agreeing to pave and make any necessary improvements to the segments of Marshall Rd., adjacent to sections being developed from Patrick Road to Interstate Highway 35, the City of Waxahachie agrees to waive WJ for impact fees paid at the time of permit for all buildings constructed on the Property, up to the actual cost of the road and infrastructure improvements for all other roads on the City of Waxahachie Capital Improvement Plan and Thoroughfare Plan needed for the proposed development.
7. The development shall conform as approved by the City Council under case number ZDC-155-2021.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan. The distribution of land uses within the Site/Concept Plan shall generally conform to the enclosed concept plan as shown on the attached Exhibit B incorporated herein by reference.
9. All uses permitted in the Light Industrial District-1 (LI-1) and Light Industrial District-2 (LI-2) are allowed on the Property. The uses permitted in the PD are subject to the same requirements applicable to the uses in the LI-1 and LI-2 Districts, as set out in the Waxahachie Zoning Ordinance. For example, a use permitted in the Light Industrial District-1 or Light Industrial District-2 only by Specific Use Permit ("SUP") is permitted in this District only by SUP.

10. Definition of General Warehouse Distribution and Manufacturing Warehouse:

- a. **Definition of General Warehouse Distribution.** General Warehouse Distribution is defined as a building or facility used primarily for the receiving, storage, warehousing, distribution, and shipping of goods or products.
- b. **Definition of Manufacturing Warehouse.** Manufacturing Warehouse is defined as a building or facility used to assemble, produce, fabricate, package, repair, or construct products from raw materials or partially processed materials and for the on-site storage and/or distribution of such items. This may also include: selling items/products direct to consumers and serving as a pick-up/drop-off location, showrooms, and making products on demand.
 - i. General Warehouse Distribution uses shall be only allowed on thirty-three (33) percent of the net useable land as shown on the Concept Plan during the time that is five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).
 - ii. General Warehouse Distribution uses shall be only allowed on sixty-six (66) percent of the net useable land as shown on the Concept Plan during the time that is after the initial five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).

11. Building and area regulations are the same standards as set forth in the LI-1 Zoning District and are as follows, unless noted below:

Building Area Requirements:

Minimum Lot Size: 7,000 SF

Minimum Lot Width: 70 feet.

Minimum Lot Depth: 100 feet.

Minimum Front Yard: 40 feet.

Minimum Side Yard: 30 feet.

Minimum Rear Yard: 30 feet.

Maximum Lot Coverage: 50% for the main structure. 60% for all structures, accessory buildings, and pavement.

Maximum Height: 60 feet maximum

12. Parking:

- a. Shall be the lesser of the following:
 - i. One (1) space for each three hundred (300) square feet of office/display area plus one (1) space for each one thousand (1,000) square feet of warehouse/manufacturing space up to 20,000 sf and one (1) space per 4,000 sf thereafter.
 - ii. Truck court areas may be striped to meet this requirement if necessary.
 - iii. The utilization of shared and/or converted parking is encouraged to reduce impervious coverage.
 - iv. The Planning Director or his/her designee is authorized to permit on a case by case basis a reduction in the required parking based on the actual

demonstrated needs of a specific tenant or user.

- v. Each standard surface parking space shall be the following minimum size: nine (9) feet by eighteen (18) feet.

13. The overnight parking of heavy load vehicle and/or unmounted trailers is permitted in specific areas that will be designated and approved at the reasonable discretion of the Planning Director or his/her designee, if it is associated with tenant(s) or owners(s) of the Property.

14. Landscape Buffer Requirements:

Street trees and buffer planting will be credited against on-site landscaping requirements at the reasonable discretion of the Planning Director or his/her designee.

Landscape Buffer (Settler's Glen Adjacency) – A one hundred foot (100') landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler's Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50' of adjacency to the roadway, a minimum 8' wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.

Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Patrick Road north of Marshall Road, as adjacent development occurs, where adjacent to existing vacant land and non-residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway, and a minimum 8' wide concrete trail. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.

Landscape Areas – This PD shall meet the landscaping requirement from Section 5.04 of the zoning ordinance with the following exceptions:

- a. Landscape buffers will be provided as shown in this PD and attached exhibits
- b. A minimum of 10% landscape area shall be provided
- c. Subject to the reasonable approval of the Planning Director or his/her designee, Landscape buffers, parking landscaping, open spaces and detention ponds shall be included in the required landscape area calculations
- d. Landscaping for truck parking shall be subject to the reasonable approval of the Planning Director or his/her designee.

15. Light - To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent residential properties and in accordance with the standards in Article V – Development Standards.

16. Noise - This PD shall meet the noise restrictions from Chapter 20 of the Code of Ordinances.

(24)

17. Loading Docks - No loading docks on the portion of the Property adjacent to Patrick Road and south of Marshall Road shall directly face the residential lots of Settler's Glen.
18. Traffic Restrictions – The intent is to limit truck trailer traffic on Patrick Road south of Marshall Road.
 - a. City of Waxahachie will provide signage restricting truck trailer traffic usage of Patrick Road.
 - b. Project shall have no direct access or curb cuts to Patrick Road, south of Marshall Road, unless required by City ordinance or SUP.
19. Exterior Construction and Building Articulation Requirements:
 - a. Any exterior façade of a building that faces, or is visible from, a public street shall consist of not less than eighty (80) percent Masonry Construction (Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.
 - b. All other façades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction.
 - c. Areas of a façade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as "wall surface" when calculating the Masonry Construction requirement.
 - d. Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
 - e. Horizontal Articulation. No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to five (5) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plane.
 - f. Vertical Articulation. No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of two and one-half (2 ½) percent of the wall's height.

Main Façade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)

Main Façade at Pedestrian/Office Elements:

Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.

The Planning and Zoning Commission may allow exceptions to this requirement upon review and approval of a typical façade elevation. Loading dock doors and walls are exempt from the articulation requirements.

Examples of acceptable building facades are shown on Exhibit "C".

20. 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.
21. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Development Agreement, or in this Zoning Ordinance, the regulations of the Light Industrial-1 and Light Industrial-2 zoning district shall apply to this development.
22. A Property Owner's Association (POA) shall be established to maintain commonly owned facilities, landscape, screening buffers and open space throughout the Property.

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.

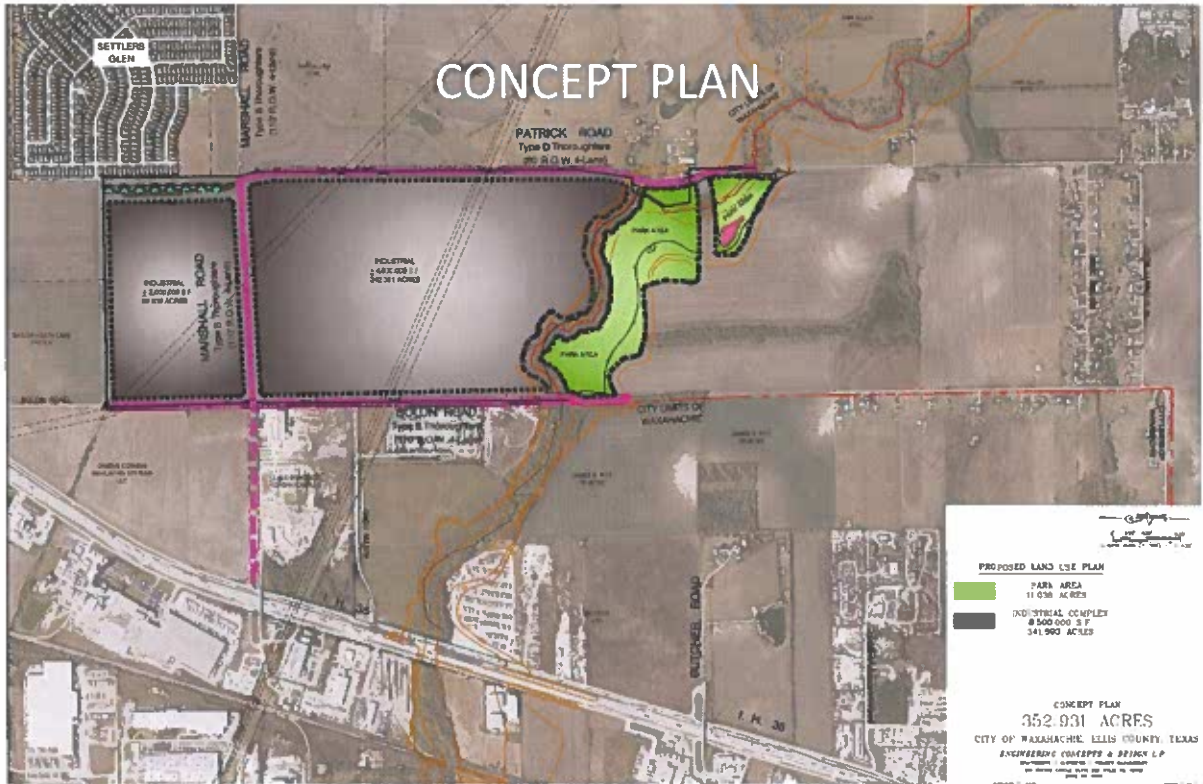
PASSED, APPROVED, AND ADOPTED on this 20th day of December, 2021.

MAYOR

ATTEST:

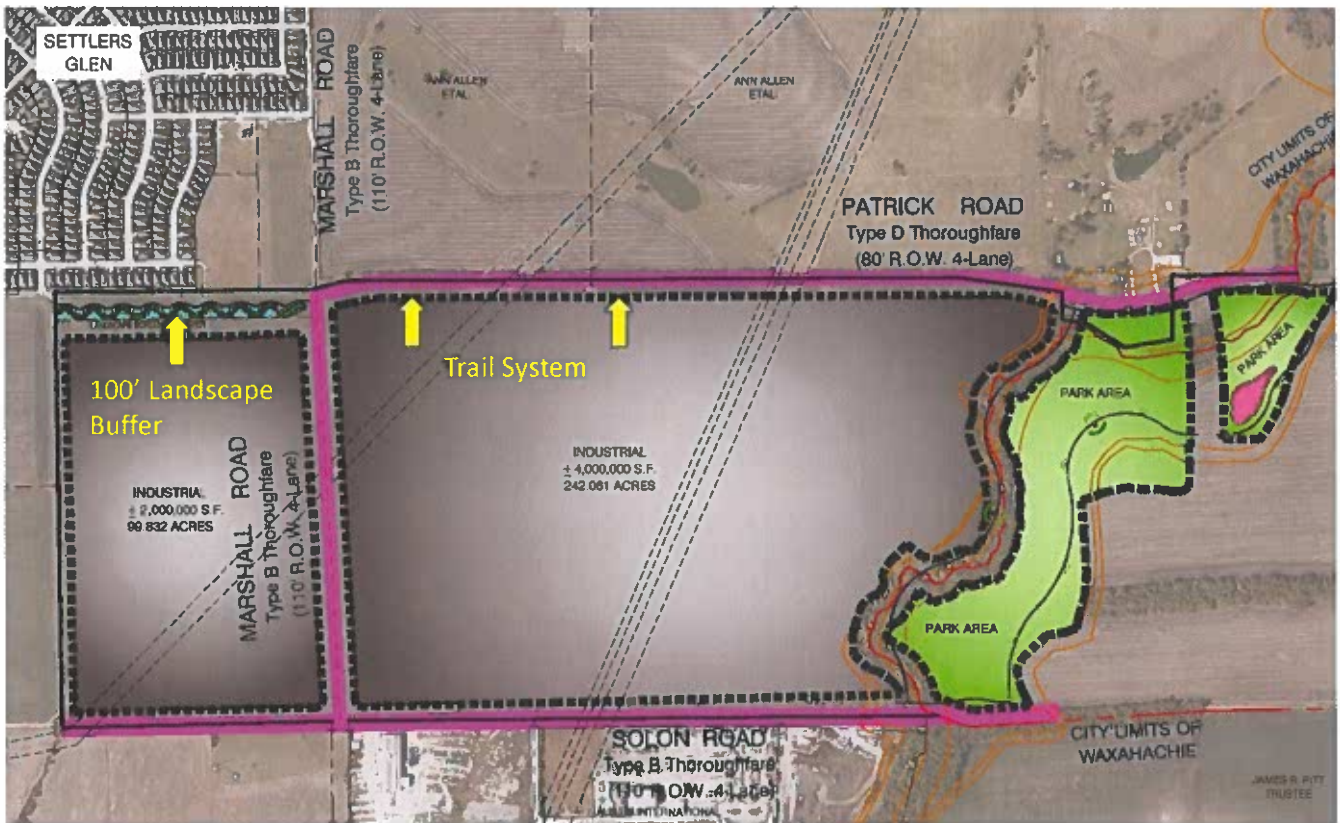
City Secretary

(24)



W Y N N E  J A C K S O N

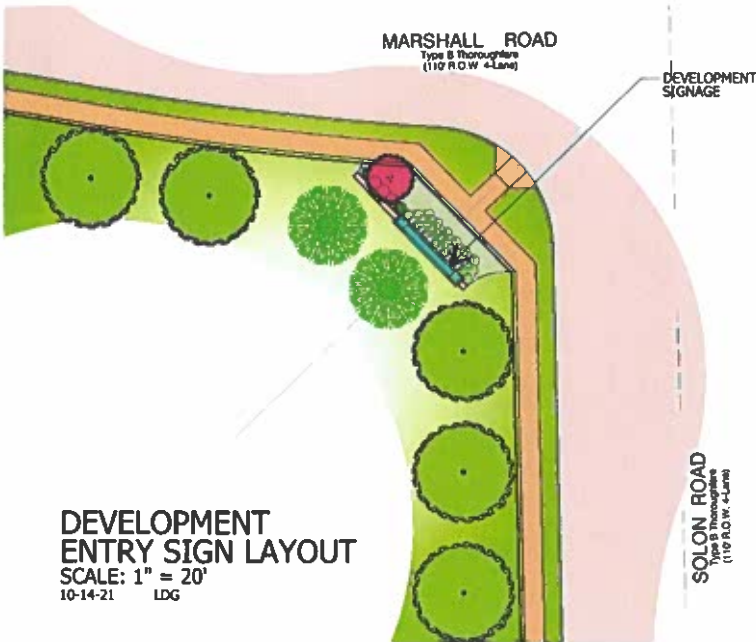
(26)



W Y N N E  J A C K S O N

(26)

ENTRY SIGNAGE



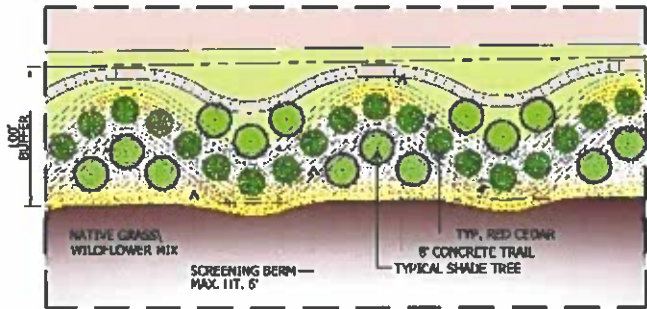
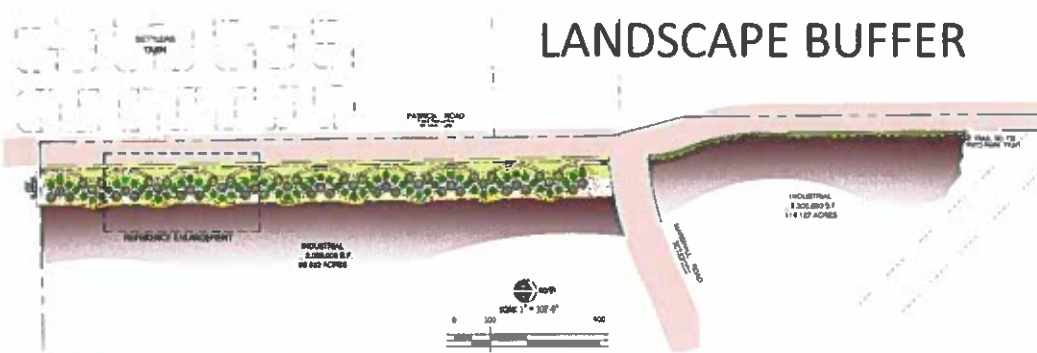
**DEVELOPMENT
ENTRY SIGN LAYOUT**
SCALE: 1" = 20'
10-14-21 LDG



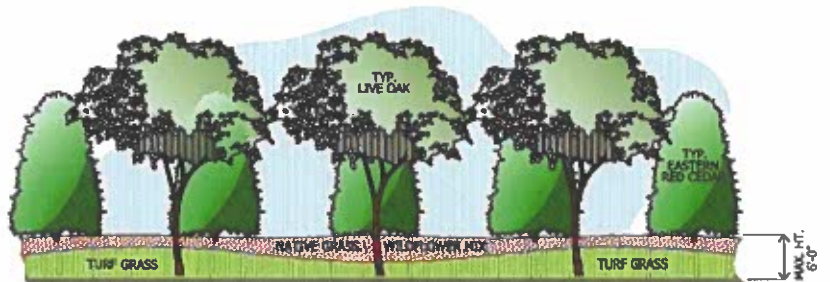
**ELEVATION
DEVELOPMENT ENTRY SIGN**
SCALE: 1/4" = 1'
10-20-21 LDG

(26)

LANDSCAPE BUFFER



SCREENING BUFFER ENLARGEMENT



ELEVATION SCREENING BERM

SCALE: 1" = 10'-00"

10-20-21 LDG

(26)

REPRESENTATIVE PHOTOS



W Y N N E  J A C K S O N