

**NOTICE OF CITY COUNCIL BRIEFING SESSION
DECEMBER 3, 2018
CITY COUNCIL CONFERENCE ROOM
401 S. ROGERS
WAXAHACHIE TEXAS
6:00 P.M.**

Agenda

Council Members: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Discussion on roof permitting
3. Conduct a briefing to discuss agenda items for the 7:00 p.m. regular meeting
4. Adjourn

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

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, December 3, 2018 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager 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 City Council.

- a. Minutes of the City Council meeting of November 19, 2018

5. ***Introduce*** Honorary Councilmember
6. ***Consider*** a support resolution directing staff to pursue a zoning ordinance amendment allowing for existing single family residences, located in zoning districts where such uses are not permitted, to lawfully continue as long as the property is used continuously as a single family residence
7. ***Public Hearing*** on a request by Michael Lee, CASCO + R5, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1 with Concept Plan, located at 200 Butcher Road (Property ID 204043) - Owner: INTERNATIONAL PAPER COMPANY (PD-18-0170)
8. ***Consider*** proposed Ordinance approving Zoning Change No. PD-18-0170
9. ***Public Hearing*** on a request by Vik Reddy, TVR Management LLC, for a Replat of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164)
10. ***Consider*** approving RP-18-0164

11. **Public Hearing** on a request by Brandon Edgley, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 231 Colt Drive (Property ID 241253) – Owner: GEORGE & DANA HOLLER (SU-18-0168)
12. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0168
13. **Public Hearing** on a request by Troy Elison, Marc Jones Construction LLC, DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-27-Single Family-2 zoning district, located at 209 Hacienda Drive (Property ID 174301) – Owner: STEPHANIE YBARBO & ROGELIO MEJIA JR (SU-18-0169)
14. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0169
15. **Consider** request by Tim Cummings for a Preliminary Plat of Ike Farms for 16 lots plus a remainder tract, being 121.583 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186241 and 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKERD LLC (PP-18-0125)
16. **Consider** request by Trey Fuller, Fuller Engineering & Land Surveying, for a Preliminary Plat of Murray Estates for 37 lots, being 39.60 acres situated in the F.M. Woodward Survey, Abstract 1120 (Property ID 192138) – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (PP-18-0167)
17. **Public Hearing** on a request by Alan Lauhoff, Atlas Associates, Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-3 and General Retail, with Concept Plan, located South of Blue Bonnet Trails Phases 1 & 2 being 290 B B DAVIS 9.31 AC and 290 B B DAVIS 40.469 ACRES (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-18-0119)
18. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0119
19. **Consider** request by Chris Acker for a Preliminary Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: SANCHEZ COREY & JULIE (PP-18-0149)
20. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located to the East of 400 Dr. Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)
21. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0174
22. **Public Hearing** on a request by Chris Acker, Acker Construction for a Replat of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)
23. **Consider** approving RP-18-0191

24. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 and a Commercial zoning district to Planned Development-Mixed Use Residential and Planned Development-Multiple-Family Residential-2, with Concept Plan, located at 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King Jr Blvd (Property ID 170536, 170777, and 170858) - Owner: RONALD C HOLMES & ROBERT B FOGARTY (PD-18-0175)
25. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0175
26. **Consider** request by Chris Acker, Acker Construction, for a Preliminary Plat of Kaufman Township West for 7 lots, being 0.8738 acres, being a portion of Block D, Original Town Addition, a portion of Block 42A, Town Addition, and a portion of Plat and Kaufman Streets, (Property ID 170536, 170777) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (PP-18-0178)
27. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Replat of a portion of Block 43, Town Addition, to create Lots 1-5, Block B, Kaufman Township East, 0.504 acres (Property ID 170858) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (RP-18-0190)
28. **Consider** approving RP-18-0190
29. **Consider** a Development Agreement associated with the Kaufman Township Development for the transfer of right of way for the realignment of Kaufman Street
30. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
31. Comments by Mayor, City Council, City Attorney and City Manager
32. Adjourn

The City Council reserves the right to go into Executive Session on any posted item.

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(4a)

City Council
November 19, 2018

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, November 19, 2018 at 7:00 p.m.

Members Present: Kevin Strength, Mayor
David Hill, Mayor Pro Tem
Chuck Beatty, Councilmember
Mary Lou Shipley, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor Kevin Strength called the meeting to order.

2. Invocation

City Manager Michael Scott introduced Mr. Cory Lucas, Director for Mission 75165, Waxahachie, to give the invocation. Mr. Scott stated Mission 75165 has been involved with several events in town for a number of years. Mr. Lucas stated the Easter Egg Event provides 10,000 Easter eggs on seven campuses totaling 70,000 eggs. Mr. Scott stated Mr. Lucas has a heart for this community and wanted to come and pray over our community. He thanked Mr. Lucas for providing the invocation.

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Strength led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of November 5, 2018
- b. Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
- c. Waxahachie Community Development Corporation approval of Christmas Lighting Funding for Downtown
- d. SAGU Half Marathon to be held February 2, 2019

Action:

Councilmember Mary Lou Shipley moved to approve items a. through d. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

5. Introduce Honorary Councilmember

(4a)

Mayor Pro Tem David Hill introduced Mr. Brady Moon and Mr. Braxton Moon as the Honorary Councilmembers for the month of November and presented them with a Certificate of Appreciation for their participation in the Honorary Councilmember program.

6. Present plumbing licenses to Building and Community Services Inspectors

Mr. Ryan Studdard, Director of Building and Community Services, recognized employees John Franco and Peter Pinon for becoming Licensed Plumbing Inspectors and presented them with their licenses. He stated at the beginning of the year his department solicited the builder community to get feedback from builders that work here regularly as to what his department can do better to provide services. Mr. Studdard stated the largest response was for the building department to offer combination inspections providing mechanical, electrical, plumbing and structural inspections all in one stop. He stated Mr. Franco and Mr. Pinon can now provide these services. He reported there are only 1,500 plumbing inspectors in the state and five are now here on staff with the City. He stated there is a 75% failure rate when testing.

7. Public Hearing on a request by Ivan Brigman, Tree Hill Homes., for a Replat of Lots 11 and 12, Block D, Taylor Ridge Addition, Phase 4 to create Lots 11R and 12R, Block D, Taylor Ridge Addition, Phase 4, 12.431 acres (Property ID 270124 and 270125) in the Extra Territorial Jurisdiction – Owner: TREE HILL HOMES LP (RP-18-0138)

Mayor Strength opened the Public Hearing.

Assistant City Manager Tommy Ludwig reported the applicant requested for a Replat located in the ETJ south of Old Buena Vista Road. He explained the applicant seeks to shift the property line between two (2) platted lots. Staff recommended approval.

There being no others to speak for or against RP-18-0138, Mayor Strength closed the Public Hearing.

8. Consider approving RP-18-0138

Action:

Councilmember Chuck Beatty moved to approve a request by Ivan Brigman, Tree Hill Homes., for a Replat of Lots 11 and 12, Block D, Taylor Ridge Addition, Phase 4 to create Lots 11R and 12R, Block D, Taylor Ridge Addition, Phase 4, 12.431 acres (Property ID 270124 and 270125) in the Extra Territorial Jurisdiction – Owner: TREE HILL HOMES LP (RP-18-0138). Councilmember Melissa Olson seconded, All Ayes.

9. Public Hearing on a request by Jeremiah Mikel, Ruffin & Mikel Investments, Inc., for a Zoning Change from a Planned Development-25-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 2100 Brown Street (Property ID 204843) - Owner: HAYOUNG & LEE SANG HUH (PD-18-0162)

Mayor Strength opened the Public Hearing.

(4a)

Mr. Ludwig reported the applicant seeks to modify the use allowing for a dry cleaning service. He stated the Planning and Zoning Commission recommended approval with a pickup and drop-off only. Mr. Ludwig stated the applicant did express interest in a drive-thru at this time to get approved. He stated if Council approves a drive-thru, it is with the condition the applicant submit a drive-thru plan for staff consideration. Mr. Ludwig stated there are two optional motions: approve subject to staff comments for drop-off and pick-up only or approve to include the drive-thru with administrative approval.

Councilmember Melissa Olson expressed concern with possibly not having enough room for a drive-thru. Mr. Ludwig stated that is a possibility and the applicant will have to submit a plan for staff to review to see if a drive-thru is feasible.

There being no others to speak for or against PD-18-0162, Mayor Strength closed the Public Hearing.

10. Consider proposed Ordinance approving Zoning Change No. PD-18-0162

ORDINANCE NO. 3065

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-25-GENERAL RETAIL (PD-25-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH CONCEPT PLAN LOCATED AT 2100 BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.557 ACRES KNOWN AS LOT 2R BLOCK A OF THE INDIAN PLAZA-REVISED SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3065 with stipulation of a drop-off and pick-up service only. Councilmember Chuck Beatty seconded, All Ayes.

11. Public Hearing on a request by William Stern, TAC Services LLC, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 228 Hackney (Property ID 267574) – Owner: KEITH A & DEANNA KERR (SU-18-0163)

Mayor Strength opened the Public Hearing.

Mr. Ludwig reported the applicant seeks to install solar panels on the roof of their residence. He presented an image of the lot location and rendering of the solar panels. Mr. Ludwig recommended approval.

There being no others to speak for or against SU-18-0163, Mayor Strength closed the Public Hearing.

12. Consider proposed Ordinance approving Zoning Change No. SU-18-0163

(4a)

ORDINANCE NO. 3066

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL USE WITHIN A SINGLE-FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 228 HACKNEY STREET, BEING PROPERTY ID 267574, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 20, BLOCK T IN THE MUSTANG CREEK PHASE 4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3066 as presented. Mayor Kevin Strength seconded, All Ayes.

- 13. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Retail Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-18-0166)**

Mayor Strength opened the Public Hearing.

Mr. Ludwig reported the applicant seeks to replat multiple lots that were sold by metes and bounds. He stated there is a Right-of-Way dedication on Ferris Avenue of 23 feet and the applicant is requesting an 18.5 feet Right-of-Way variance. Mr. Ludwig recommended approval with the 18.5 variance.

There being no others to speak for or against RP-18-0166, Mayor Strength closed the Public Hearing.

- 14. Consider approving RP-18-0166**

Action:

Mayor Pro Tem David Hill moved to approve a request by Mark Thedford, Akamai Designs, for a Replat of Lot 2 & 3, Block 29 and Lot 1A, 1B, & 6, Block 30, Town Addition, to create Lot 1, Block A, Ferris Retail Center, 1.162 acres (Property ID 170749) – Owner: KAY BUNMUNG MEE (RP-18-0166). Councilmember Chuck Beatty seconded, All Ayes.

- 15. Continue Public Hearing on a request by Terry Weaver, TJVC Inc. dba Sterling Development Co., for a Zoning Change from a Single Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located West of Ovilla Road and North of Highway 287 Business, being 101 E BELLOW & 466 E HORTON 79.91 ACRES (Property ID 180391) - Owner: WALKER DON GORDON (PD-18-0156)**

Mayor Strength continued the Public Hearing.

(4a)

City Council
November 19, 2018
Page 5

Mr. Ludwig reported the applicant seeks to rezone the property to account for the development of a single family residential neighborhood. He stated the applicant proposes to reduce the lot sizes from the Single Family-1 standard size of 16,000 square feet to a minimum lot size of 8,400 square feet, with 10,000 square foot lots and 16,000 square foot lots included along the boundaries of the site. Mr. Ludwig stated the applicant plans to build 157 homes on approximately 60 acres and pay for park land dedication. He noted the WISD withdrew their letter of opposition. He reported the Planning and Zoning Commission denied the request at their recent meeting.

Mr. Terry Weaver, 815 West Main Street, Midlothian, Texas, stated his firm has created a mixture of homes ranging from 2,000 to 3,000 square foot homes pricing from \$270,000 to \$400,000. He stated builders are looking for smaller lots with lower maintenance to meet the market demand. Mr. Weaver reviewed a concept plan noting it maximized the best use for three types of homes. He stated a Traffic Impact Analysis will be required to address the density as it relates to traffic and required improvements to FM 664.

Those who spoke against PD-18-0156:

Mr. Jim Phillips, 606 W. Marvin, Waxahachie

There being no others to speak for or against PD-18-0156, Mayor Strength closed the Public Hearing.

16. Consider proposed Ordinance approving Zoning Change No. PD-18-0156

Action:

After Council discussion, Councilmember Mary Lou Shipley moved to deny the proposed Ordinance approving Zoning Change No. PD-18-0156. Mayor Pro Tem David Hill seconded, All Ayes.

17. Consider proposed Ordinance on the request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road

Mr. Ludwig presented a map of three tracts noting tract 2 was part of an annexation process initiated by the City in 2004 to extend the City's ETJ and service as its jurisdiction to the future. In 2007, parcels 1 and 3 were voluntarily annexed and zoned to PD-SF1 to accommodate a residential development that was planned. The development did not occur and the land was sold to its current owner. He stated if disannexed, the City's current ETJ will be reduced by approximately 170 acres.

Mr. Johnny Fussell, 429 Wilson Road, Waxahachie, stated he bought the property in 2013 and now wants to build a couple of family homes. He stated with the disannexation, it will leave a 75 acre strip for the city.

Mr. Scott stated the City has worked hard to extend the ETJ and pulling back 170 acres would be a setback as it relates to protecting the city boundaries. He stated the homes will be built to city standards and will receive city amenities.

(41)

Action:

After Council discussion, Councilmember Melissa Olson moved to approve proposed Ordinance on the request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road. The motion died due to lack of second.

Action:

Councilmember Chuck Beatty moved to deny a request by Mr. Johnny Fussell for disannexation of approximately 189 acres located at 429 Wilson Road. Councilmember Mary Lou Shipley seconded. The vote was as follows:

*Ayes: Kevin Strength
David Hill
Chuck Beatty
Mary Lou Shipley*

Noes: Melissa Olson

The motion carried 4-1.

18. Consider contract renewal of ambulance services with AMR

Fire Chief Ricky Boyd reported the current contract will expire January 2019. He stated the proposed contract will begin on January 3, 2019 and expire January 3, 2021 noting it also includes provisions for an optional 2-year renewal. He highlighted proposed changes to the contract noting the proposed contract is \$142,167.

Action:

Councilmember Melissa Olson moved to approve a contract renewal of ambulance services with AMR. Councilmember Chuck Beatty seconded, All Ayes.

19. Public Comments

None

20. Comments by Mayor, City Council, City Attorney and City Manager

Assistant City Manager Tommy Ludwig thanked Mr. Colby Collins, Senior Planner, for his hard work this week putting cases together. Mr. Collins stated he is in his fourth week at the City and thanked all for assisting their department.

Councilmember Melissa Olson thanked Mr. Collins and congratulated staff on obtaining their plumbing licenses.

City Manager Michael Scott congratulated staff on their achievement of obtaining their licenses and thanked Mr. Ryan Studdard for raising the bar in his department. He thanked Chief Boyd on the hard work he did on the AMR contract. Mr. Scott announced the Holiday parade and tree lighting will be November 27th at 6:30 and Bethlehem Revisited will start November 30th.

(4A)

Mayor Pro Tem David Hill stated Fire Chief Boyd went on a mission trip to Haiti and built 20 houses in the past 20 months. He stated we live in a very charitable community and thanked Chief Boyd for his service.

Councilmember Mary Lou Shipley stated it is a compliment to Mr. Studdard and his department and an outward indication in upgrading all our departments and thanked Mr. Scott for his work in heading us in that direction.

Ms. Amy Borders, Director of Communications and Marketing, stated there are a lot of activities from now until Christmas and can be found on the Convention and Visitors Bureau website. She stated the Good Morning Texas television show will be here next week promoting the upcoming activities.

City Council thanked the Honorary Councilmembers for their participation for the month of November and wished everyone a Happy Thanksgiving.

21. Adjourn

There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourn at 8:01 p.m. Councilmember Chuck Beatty seconded, All Ayes.

Respectfully submitted,

Lori Cartwright
City Secretary



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: November 30, 2018

Re: Support Resolution - Existing Non-Conforming Single Family Uses

On December 3rd 2018 a support resolution will appear before City Council directing staff to pursue a zoning ordinance amendment allowing for existing single family residences, located in zoning districts where such uses are not permitted, to lawfully continue as long as the property is continuously used as a single family residence. When the City Council adopted an update to the zoning ordinance on May 21, 2018 the update created new zoning districts and uses and modified the types of uses that are permitted in certain zoning districts. One such change purposely eliminated single family uses in various zoning districts, preventing new single family residences from being constructed in these districts but allowing existing single family uses to continue as legal non-conformities.

Recently the property owners of 420 Ovilla Road, have raised concerns regarding their home being treated as an existing legal non-conformity. The property owners have notified staff they currently have their home under contract and are scheduled to close on their property on December 21st. They have expressed concerns that lending institutions may not allow individuals to borrow money for homes located in zoning districts where single family uses are no longer permitted, as acts of God resulting in significant property damage or destruction may prevent existing homes from being repaired or rebuilt. To address this issue staff intends to bring forward a zoning ordinance amendment to City Council for consideration on January 22, 2019. This amendment would allow for an existing single family residence to continuing to operate, in zoning districts where such uses are not permitted, until the single family use was purposefully changed. The support resolution is a good faith effort to

(10)

provide the property owners and the individuals under contract to purchase their property assurance that single family uses will be permitted until such time as they are willingly changed to another allowable use. The City Attorney has been consulted on this issue and concurs with staff's approach to remedy this situation.

I am available at your convenience should you need additional information.

Tommy Ludwig
Assistant City Manager

(4)

RESOLUTION NO.

A SUPPORT RESOLUTION DIRECTING STAFF TO PURSUE A ZONING ORDINANCE AMENDMENT ALLOWING FOR EXISTING SINGLE FAMILY RESIDENCES, LOCATED IN ZONING DISTRICTS WHERE SUCH USES ARE NOT PERMITTED, TO LAWFULLY CONTINUE AS LONG AS THE PROPERTY IS USED CONTINUOUSLY AS A SINGLE FAMILY RESIDENCE

WHEREAS, on May 21, 2018 the City of Waxahachie (the "City") adopted an update to its existing zoning ordinance, creating new zoning districts and uses and modifying the types of uses that are permitted in certain zoning districts; and

WHEREAS, the zoning ordinance update eliminated single family uses in various zoning districts, purposely preventing new single family residences from being constructed in these districts but allowing existing single family uses to continue as legal non-conformities; and

WHEREAS, the zoning ordinance update has led to concerns by local residents that acts of God resulting in significant property damage may prevent existing homes from being repaired or rebuilt; and

WHEREAS, the zoning ordinance update has led to concerns by local residents that lending institutions may not allow current or future property owners to borrow money for existing homes located in zoning districts where single family uses are no longer permitted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

SECTION 1

That the City Council requests staff bring forward an amendment for its consideration with the following textual change to the existing zoning ordinance:

"Notwithstanding the rezoning of property accomplished by this ordinance adopted by City Council May 21, 2018, and as of the effective date of this amendment, any property containing a single family residence located in a zoning district where such use is not permitted may lawfully continue the use of the property as a single family residential use, as a legally permitted use, as long as the property is continuously used for single family residential use. Should the property cease to be used for single family residential use for any reason other than the destruction of the residential structure by fire, weather, natural disaster, or other unforeseen event, the new use of the property shall conform to the use requirements of this ordinance. In the event that a residential structure located in a zoning district where such use is not permitted is destroyed by fire, weather, natural disaster, or other unforeseen event, the residential structure may be rebuilt as a matter of right and the property may resume its single family residential use."

(b)

SECTION 2

That the City Council acknowledges certain amendments to the aforementioned language may be recommended by staff and or the City Attorney to better address the concerns raised by residences.

SECTION 3

That this support resolution shall take effect immediately from the date of passage.

RESOLVED THIS 3rd day of December, 2018.

MAYOR

ATTEST:

City Secretary

(7)

Planning & Zoning Department Zoning Staff Report

Case: PD-18-0170



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Public Hearing on a request by Michael Lee, CASCO + R5, for a Zoning Change from a Light Industrial-1 zoning district to **Planned Development-Light Industrial-1 with Concept Plan**, located at 200 Butcher Road (Property ID 204043) - Owner: INTERNATIONAL PAPER COMPANY (PD-18-0170)

CASE INFORMATION

Applicant: Michael Lee, CASCO + R5

Property Owner(s): Castell LP

Site Acreage: 13.41 acres

Current Zoning: Light Industrial-1

Requested Zoning: Planned Development-Light Industrial-1

SUBJECT PROPERTY

General Location: 200 Butcher Road

Parcel ID Number(s): 204043

Existing Use: International Paper

Development History:

Case No.	Direction from Site	Request	Result
ZA2012-01	South	PD-C with Pole Sign	Approved, Ord. Nos. 2598 & 2647

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	HI	Warehouse
East	LI1	Charter School
South	PD-C	Gas Station
West	I-35 E	Interstate 35-E

(17)

Future Land Use Plan:

Industrial

Comprehensive Plan:

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Therefore, several large areas have been identified as Industrial. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses

Thoroughfare Plan:

The subject property is accessible from Interstate 35 E Service Road and Butcher Road. Butcher is a Proposed Major Thoroughfare A (120' ROW), at this point, it is shown on a site plan as being 100' ROW, but they are not platting, so no dedication is required.

Site Image:



PLANNING ANALYSIS

The applicant is proposing a Zoning Change from a Light Industrial-1 (LI1) zoning district to Planned Development-Light Industrial-1 with Concept Plan, located at 200 Butcher Road. The applicant is proposing a 155,000 sq. ft. building addition to the existing approximately 95,000 square foot building on the site. Both the existing building and proposed building will operate under the International Paper business. The applicant is seeking to exceed the lot coverage by 12%, but the applicant is in compliance with other city development standards.

The existing operations of this facility is currently exclusively for the manufacturing of corrugated cardboard sheet material utilized for shipping boxes. The sheet material is shipped by truck to other facilities that utilize the material in the manufacturing process to create boxes.

(7)

The majority of the square-footage of the warehouse and production plant is occupied with equipment, conveyor and storage of product. The proposed site plan locates the temporary trailers in an organized layout north of the existing building, utilizing the building and neighboring building for screening purposes.

International Paper intends to provide subtle color changes to the panels and provide a groove pattern to provide some interest to the tilt wall construction. The existing building is currently a solid gray color. The addition of trees along the highway frontage will help break up the length of the wall. The proposed addition should provide a better looking building than what currently exists, improving the view from the south and west. The west view will look like a warehouse but with the different new angles created by the perimeter walls and new truck dock. The different roof heights will also improve the overall appearance by creating a building that is more than just a grey box.

With the Planned Development approval, the applicant will need administrative site plan approval prior to proceeding to construction plans.

PD DEVELOPMENT STANDARDS

Please examine the included Concept Plan Provisions to see the requested planned development standards.

The zoning requirements including development standards for LI1 zoning are proposed to be met with this development.

Table 1: Proposed Light Industrial-1 (per LI1 standards)

	Industrial Paper	City of Waxahachie Req.	Meets
Lot Coverage	72.5%	60%	No
Min. Front Setback	67 ft.	40 ft.	Yes
Min. Interior Setback	30 ft.	83 ft.	Yes
Min. Rear Setback	40 ft.	30 ft.	Yes
Max. Building Height	40 ft.	6 stories	Yes

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property 11/09/18.

STAFF CONCERNS

1. Before the project is approved, if approved by council, staff would like for the applicant to submit an updated Planned Development standards document.
2. Potential increased truck traffic.

APPLICANT RESPONSE TO CONCERNS

1. Staff received updated revisions from the applicant on 11/14/2018. *If the project is approved by council, staff will need an updated Planned Development standards document.*

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 20-foot water easement is needed along the street frontage.
2. Drainage will go towards the building. The space between the existing property line and the building will need a drainage system that can handle all the drainage currently going north to be redirected to the detention pond.
3. Encourage to verify this detention space since if it is required to be larger it will affect the available parking for the trucks.
4. Ensure the sewer service lines does not cross the detention pond or may need to re-route it.
5. Drainage system will be able to handle the flow? Additional improvement may be necessary to the storm system.

ATTACHED EXHIBITS

1. Concept Plan
2. PD Request Letter
3. Building Elevations

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
Senior Planner
ccollins@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PD-18-0170, subject to staff comments.

Proposed building addition view from I-35

EXISTING BUILDING

PROPOSED LOT 10

PROPOSED BUILDING ADDITION

200 BUTCHER ROAD
WACO, TEXAS 76715

PRELIMINARY

PRELIMINARY SITE PLAN

C11.0



(1)



Existing view from I-35 outer road
200 Butcher Road, Waxahachie, TX

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(1)



Proposed view from I-35 outer road
200 Butcher Road, Waxahachie, TX

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(7)

October 12, 2018

Via: Email

Michael Lee

Project Manager

CASCO + R5

12 Sunnen Drive, Suite 100

St. Louis, MO 63143

Address to City of Waxahachie, TX

Re: International Paper
200 Butcher Road
Waxahachie, TX

To: Kelly Dent, MPA
Members of the Planning & Zoning Commission

International Paper is seeking Planned Development approval for a building and operations expansion of their existing facility. The existing address is 200 Butcher Road. The lot zoning is Light Industrial District 2.

Market conditions for demand of corrugated shipping boxes is constantly increasing. The demand for corrugated material is generally local to the area served by the box material warehouse/assembly plant. There are multiple operational steps utilized in the process of manufacturing corrugated boxes. These steps include: the fabrication of the corrugated material, the creasing/folding of the flat stock for completing the box shape, and then color or text stamped onto the product. Operationally, International paper can effectively ship corrugated flat stock material roughly 200 miles and still be competitive in the market. Finished box product has been established in the local market, which is the reason for International Paper to expand their business into this area for box production capability. Expanding the building to serve the local market area needs takes advantage of the benefits provided by the existing manufacturing facility and is a viable way to improve the existing site.

The Waxahachie International Paper facility produces the first step in the making of corrugated cardboard boxes, producing only flat stock material. This material is then shipped to other facilities for assembly into actual boxes. The site is served by rail and Tractor-trailer trucks. Currently, International Paper utilizes 35 parking spaces of the 48 parking spaces currently site planned for the facility.

Initially International paper approached the city staff with a concept plan that included a larger building expansion than currently being proposed, which was dependent on the acquisition of a tract of ground from Quik Trip. This concept has been scaled back after negotiations with Quik Trip were not successful and the result is the submitted concept plan for the city to review. The site plan and building expansion functionally works within the current site constraints. Parking ordinance criteria for this zoning district requires one space for each 1,000 SF of building floor area or one space for each two employees. This

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(7)

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International Paper Warehouse

Waxahachie, TX

Page 2

criteria is satisfied based on International Paper's actual employee requirements. Shift work identified by International Paper for the first and second shift with complete overlap of parking identifies 72 employees. The total parking count provided with the application is 83. Staffing for the operations of the plant will be increased with this proposal.

This facility when operating with the building expansion can manufacture finished box products, which is intended to be utilized by the local market area. Adding this to the business model takes advantage of the already established transportation options. The existing operations can be improved with the proposed on-site traffic movements. Façade upgrades with landscaping can significantly improve the perimeter view of the facility and accomplish an updated façade without impact to the existing facility current operations. The improvements that are required to accomplish the goal of keeping the finished box production in the Waxahachie facility requires that International Paper obtain planned development for exceeding the total lot coverage which is mostly a result of the truck movement requirements.

Our proposal offers improved screening of the facility from I35-E, and improved onsite traffic patterns. Parking for the facility is improved and localized to an area that can be securely provided. The proposed building is taller than the existing for operational clearance reasons specific to the equipment and for roof drainage purposes. The maximum height is 42'-0". The improvements to the site are specific to the operations of the user and compliment the intent of the ordinance while taking advantage of the improvements already in place and in operation. The existing site can be improved and function very effectively with a planned development approval specific to International Paper operations. Expanding the operations by adding the process to manufacture finished box product improves the viability of the current plant and increases jobs to the local market positively impacting the future of this facility.

Sincerely,



Michael Lee
Principal & Project Manager

cc: ACT/File 917512
DMB

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(7)

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International Paper Warehouse
Waxahachie, TX
Page 3

Specifics of the Planned Development Request:

The Waxahachie plant is located in Light Industrial District 2 zoning. International Paper is requesting approval for a Planned Development to expand their current facility to be able to manufacture finished box products for the local market. This expansion requires a planned development approach as the total lot impervious coverage criterion for Light Industrial District 2 zoning has a maximum total coverage requirement of 70%, Section 320, Waxahachie Ordinance 3020. International Paper operates with a shift work schedule which the proposed parking takes into account. The parking proposed is 83 spaces and International Paper's operations group has identified 72 spaces with shift overlap. Shift work identifies three shifts with the first shift requiring 44 spaces. The second shift requires 28 spaces and the third shift requires 28 spaces.

The ordinance also has a maximum lot coverage criteria, which includes all impervious pavement areas along with the building. On site truck traffic movements impact the impervious area. The plan submitted creates a new loading dock area and provides better organization of the temporary trailer storage area based on the traffic pattern to create a more efficient and functional site. Impervious pavement requirements for truck turning movements add to the overall impervious area requirements. International paper is pursuing the Planned Development Process to expand their building and operation on the existing site which requires a variance or modification to the Industrial District 2 ordinance requirements for lot coverage. Ordinance requires a 70% maximum coverage and the proposed site plan and building is 72.5 %. The building comprises 42.5% of this area and the pavement accounts for 30%. The paved areas provide for loading and receiving activities and traffic routing for single direction truck traffic. This is proposed with a curb cut to the I35-E outer road, which requires Texas DOT approval. Early communications the Texas DOT has identified the curb cut location that is being proposed as satisfactory of their requirements. City approval of the Planned Development is the first step in obtaining this curb cut from the State.

Current Operations of the facility:

The existing operations of this facility is currently exclusively for the manufacturing of corrugated cardboard sheet material utilized for shipping boxes. The sheet material is shipped by truck to other facilities that utilize the material in the manufacturing process to create boxes.

The majority of the square-footage of the warehouse and production plant is occupied with equipment, conveyor and storage of product. The current trailer parking occurs west of the building on a gravel lot in direct view of Interstate 35E. The proposed site plan locates the temporary trailers in an organized layout north of the existing building away utilizing the building and neighboring building for screening purposes.

Summary of site and building areas:

Existing site acreage is 13.41
Existing Building Footprint: 92,140 SF = 2.12 Acres
Existing impervious pavement area: 185,425 SF = 4.26 Acres
The building currently provides 3,460 SF of office space
Parking available = 48 spaces
Parking currently being utilized is identified to be 35 spaces
Existing green space area: 306,443 SF/ 7.03 Acres

(1)

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International Paper Warehouse

Waxahachie, TX

Page 4

Proposed site and building area:

The proposed configured building square footage is 248,101/ 5.7 Acres

The building area utilized for manufacturing is 88,615 SF

The building office space has been increased to provide a total area of 4,707 SF

Parking Proposed = 83 spaces with parking for trailers identified

The proposed total impervious pavement area is 175,596 SF/ 4.03 Acres

The total proposed pavement plus the building is 423,697 SF/ 9.73 Acres

The total proposed green space is 160,311 SF/ 3.68 Acres

Background information on the Waxahachie International Paper facility:

The site is bounded on the north by the Georgia Pacific Corporation. The eastern boundary consists of rail access from the Union Pacific contracted with the BNSF main line. This provide a single rail spur access to the loading dock. East of the railroad is Life High School. Located south of the site is property owned by Quik Trip. The western boundary is Interstate 35E east frontage road.

The current building and pavement impervious area lot coverage is 6.37 acres on the parcel consisting of 13.41 acres or 47.6% lot coverage.

International Paper currently produces corrugated sheet material as the base product which is then processed into boxes at other facilities. The process of making corrugated box sheet material starts with roll paper material stock. This material is delivered by rail or truck to the production facility. The size and height of the roll stock varies based on the requirements of the end user's needs. To identify the volume of corrugated material produced in this facility, a standard rail boxcar provides capacity for 20 rolls of paper material. The operations of the facility averages 250 working days processing 120 to 144 rolls of material daily. This equates to unloading 10 to 12 boxcars each day, which is roughly equal to 360 tons of paper daily. Storage of the paper roll stock and the actual size of the corrugator equipment takes a large percentage of the building area. The actual area required for operators of the facility is minimal.

The corrugating process to make the sheet stock uses a steam and a corn starch based product for the glue. The product coming out of the machine is corrugated flat stock which is cut to fit the end users demands. The cutting process of creating the corrugated sheet material creates waste material in the form of cuttings, which is collected in a vacuum system provided by a roof mounted cyclone. These waste cuttings are then bundled and finally shipped out to a recycling facility. Typical waste of paper material cuttings is roughly 5 ½% of the total product produced and along with the glue based product is completely recycled. The machine manufacturing the corrugated sheets produces an average of 277,000 sq. ft. per hour. The corrugator output is arranged on pallets in 6'-0" tall vertical stacks which are then shipped to other facilities or end users.

Shipping and receiving of the product is by rail or semi-tractor trailer.

The facility currently operates with 3,460 SF of office space.

(1)

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International Paper Warehouse

Waxahachie, TX

Page 5

International Paper's proposed building addition, operations, and site improvements require a planned development approval from the City of Waxahachie based on the site constraints:

Currently, the product is flat stock and is being shipped to other facilities, which is then reconfigured into box products. International Paper is proposing to add machine equipment to product box product within the building expansion. The equipment proposed includes (2) "Flexo-Folder-Gluer" machines and (2) "Rotary Die-Cutter" machines. This equipment takes up most of the expansion building space. This will consolidate some of the process to produce the end box product. The corrugated is still expected to produce flat sheet stock which will be shipped under its current operations today in addition to the material being manufactured into boxes.

The new equipment will provide the need for additional employees for this facility. Parking is identified for 72 spaces with shift overlap, which is an increase from the current 35 today. The proposed parking count for the reconfigured site plan is 83 spaces. TDLR compliant spaces are proposed, four (4) total. The office area is proposed to be expanded by 1,200 SF. Building and lot specific setback/yard distances will be maintained.

Explanation of the new proposed operations:

International Paper has identified the process requirements for the proposed addition shown on the conceptual site plan for the planned development process request. A description of the production process is provided for the City to use to evaluate the requested planned development proposal to exceed the maximum impervious lot coverage requirement. The majority of the building expansion area is needed for the equipment and conveyor lines with connection to the shipping and storage areas. The new conveyor will occupy 25,000 SF of the building area. The finished stacks of sheet product will require another 6,300 SF. Each Flexo-Folder-Gluer machine occupies 6,500 SF and each Rotary Die-Cutter machine occupies 16,900 SF. The Flexo-Folder-Gluer machines is capable of producing 70,000 SF of material per hour and the Rotary Die-Cutter can produce 56,000 SF of finished product per hour. The limitations of the proposed expanded floor space limits the production run to 2 to 3 hours of produced inventory. This requires 400 lineal feet of conveyor for each Flexo-Folder-Gluer and 250 feet for each Rotary Die-Cutter. Demand for the finished box product and the setting up of the equipment for each order will require additional employees to run the operations.

The converting machines use tooling and ink. The printing and cutting tooling components are stored in racks. It is estimated that 4500 sq. ft. of space is required for tool storage. The use of five (5) gallon ink kits and ink mixing/blending equipment will also require 4500 sq. ft. of space.

This will occur in conjunction with the original operations, which is the production of corrugated flat stock material.

The average finished stock, is wrapped with a tandem strapping system which can process up to 200 units/hour. Approximately half of this output gets loaded directly into a trailer, the other half is placed in temporary inventory on the floor. The bales may be stacked on top of each other to minimize floor space. There will be a need for over 16,000 sq. ft. of finished storage space per day based on the bale pack size.

The balance of the remaining 42,000 sq. ft. of space will be utilized for personnel traffic and aisles for industrial trucks and observed clearances for safety.

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International Paper Warehouse

Waxahachie, TX

Page 6

Water Demand for the proposed operations:

The added converting machinery production operation uses water for cleaning the inking system which occurs between orders. The original corrugator utilizes approximately 4500 gallons per day for the corrugation process. The proposed box machining operations with full capacity could use up 5,500 gallons per day. Total water use for similar International Paper box facilities use less than 10,000 gallons per day. The process generates waste water with the ink process. This is cleaned prior to entering the city waste water facilities. The waste water generated from the converting machines is process by a "Beckart" waste water treatment system. The "Beckart" system includes a filter press and multiple large storage tanks with secondary containment protection. This system will be located directly adjacent to the sanitary sewer main and for housekeeping purposes and will occupy 4,900 sq. ft. building addition. The new equipment production capacity is limited to the available storage space in the building expansion.

Solid paper stock waste to be recycled:

All of this production of finished box product will increase the amount of sheet waste created by the reconfigured plant. A typical box plant may have up to 12% total waste. This 6.5% increase in waste box material product equates to slightly over 23 tons per day, it is projected that 22,500 sheets per day will be rejected, shredded, and baled. Some of this waste identified material will be used as cover sheets for the shipping orders. The remainder will be packaged for recycling and temporarily stored requiring 1,715 SF of floor space.

(8)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1), WITH CONCEPT PLAN LOCATED EAST OF N INTERSTATE 35 SERVICE ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 13.41 ACRES KNOWN AS 200 BUTCHER ROAD, A PORTION OF PROPERTY ID 204043 OF THE FOUR B S ADDITION PH II, 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 PD-18-0170. 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 LI-1 to PD-LI-1, 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 LI-1 to PD-LI-1, with Concept Plan in order to facilitate development of the subject property in a manner that allows a 155,000 sq. ft. building addition to the existing approximately 95,000 square foot building on the site. Both the existing building and proposed building will operate under the International Paper business on the following property: a portion of Property ID 204043 of the FOUR B S ADDITION PH II, which is shown on Exhibit A, in accordance with the Elevation/Façade Plan attached as Exhibit B. Development on this property cannot commence until the approval of Architectural Review Standards and a Detailed Site Plan, and the approval of a plat. The Architectural Review Standards and Detailed Site Plan must be considered by both the Planning and Zoning Commission and City Council and receive approval from City Council before the property can be platted. When the Architectural Review Standards and Detailed Site Plan are approved by City Council, this ordinance shall be amended to include the development standards that shall prevail upon this 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.

(8)

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 3rd day of December, 2018.

MAYOR

ATTEST:

City Secretary

(9)

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0164



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider Vik Reddy, TVR Management LLC, for a **Replat** of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164)

CASE INFORMATION

Applicant: Vik Reddy, TVR Management LLC

Property Owner(s): Dartco Adj Land Trust LLC and TVR Management LLC

Site Acreage: 2.507 acres

Number of Lots: 2 lots

Number of Dwelling Units: No dwelling units (1 proposed retail building)

Adequate Public Facilities: City services are available.

SUBJECT PROPERTY

General Location: 1995 N Highway 77

Parcel ID Number(s): 237408 and 262424

Current Zoning: General Retail with a portion Light Industrial-1

Existing Use: Undeveloped Land

Platting History: Lot 1R, Victory Park

STAFF CONCERNS

1. None.

APPLICANT RESPONSE TO CONCERNS

1. The applicant submitted revisions to staff on 11/13/2018. The applicant addressed the comments originally made by staff. Staff ask that the applicant revise the drawing to show the Lot number as "Lot 1R-1". The current lot number shows Lot 1R.

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. Please revise the drawing to show the Lot number as "Lot 1R-1". The current lot number shows Lot 1R

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. RP-18-0164, subject to staff comments.

(1)

CASE RP-18-0164

***SUPPORT* 1**

***OPPOSE* 0**

Request by Vik Reddy, TVR Management LLC, for a **Replat** of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164)

SUPPORT

1. Lauren Buttram, President, ANC Corp Inc., 4331 N O'Connor Rd, Las Colinas, TX 75038

(9)

RECEIVED
11/14/18



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0164

◇◇◇

TVR MANAGEMENT LLC
107 WOLF RIDGE CT
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, December 3, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Vik Reddy, TVR Management LLC, for a Replat of Lot 1R, Block C, Victory Park Revised, to create Lot 1R-1, Block C, Victory Park, 1.964 acres (Property ID 262424) – Owners: TVR MANAGEMENT LLC (RP-18-0164)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: RP-18-0164 ☒ SUPPORT ☐ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on MONDAY, NOVEMBER 19, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

L.R. Buttram
Signature

11/13/18
Date

Lauren Buttram/President
Printed Name and Title ANL Corp Inc.

4331 N. O'Connor Rd. Lubbock TX 79438
Address

(11/12)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: November 29, 2018

Re: SU-18-0168 – 231 Colt Dr. Rooftop Solar Panel System

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend to continue case no. SU-18-0168 to the December 11, 2018 meeting. This case will be reviewed by City Council at the December 17, 2018 meeting.

(13+14)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: November 29, 2018

Re: SU-18-0169 – 209 Hacienda Dr. Rooftop Solar Panel System

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend to continue case no. SU-18-0169 to the December 11, 2018 meeting. This case will be reviewed by City Council at the December 17, 2018 meeting.

115)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0125



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider request by Tim Cummings for a Preliminary Plat of Ike Farms for 16 lots plus a remainder tract, being 121.583 acres situated in the T. Jackson Survey, Abstract 574 (Property ID 186241 and 186239) in the Extra Territorial Jurisdiction – Owner: 122 IKERD LLC (PP-18-0125)

CASE INFORMATION

Applicant: Tim Cummings

Property Owner(s): 122 IKERD, LLC

Site Acreage: 121.583 acres

Number of Lots: 16 lots

Number of Dwelling Units: 16 units

Park Land Dedication: ETJ (N/A)

Adequate Public Facilities: Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: FM 878 @ Ike Road

Parcel ID Number(s): 186241 and 186239

Current Zoning: N/A (ETJ)

Existing Use: Vacant Land

Platting History: T. Jackson Survey, Abstract No. 574

(15)

Site Aerial:



STAFF CONCERNS

1. Staff have received two resubmittals since review comments were initially sent to the applicant. At this point, neither submittal has addressed any review comments.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has resubmitted two times. Both resubmittals are identical to the initial submittal that received comments initially.

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. Show the full width of the ROW along FM 878. What's depicted doesn't measure to 80'.
 2. Recording information for any and all easements on this property need to be depicted.
 3. Please be sure that the ROW width is indicated on the plat for Ike Road.
 4. Please be sure that all Owner/Developer/Engineer information (name, address, number) is provided on the plan.
 5. Please provide the width of the ROW along Ike Road.
 6. Lena Drive should not be platted with the proposed development.
 7. Please be sure that any and all existing easements are accurately depicted on the plat drawing.
 8. Please be sure that the all newly submitted plats are scaled.
 9. Please sure that the plan addresses the City Engineer's comments as well.
 10. Dedicate right-of-way for Ike Road to convert it from a prescriptive to dedicated right-of-way. A minimum of 30 feet from the center of the road is required.
 11. Insert 25-foot front building lines and 10-foot side building lines/utility easements on all lots along with a 20-foot rear building line.

12. Insert a signature block for the Department of Development.
13. How will the remainder of the property be subdivided and accessed? A secondary point of access is required in the future.
14. *FYI – a thoroughfare road is located behind these set of lots.* Upon subdividing the remainder part of the property, dedication for that thoroughfare will be required.

ATTACHED EXHIBITS

1. Plat Drawing
2. Drainage Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

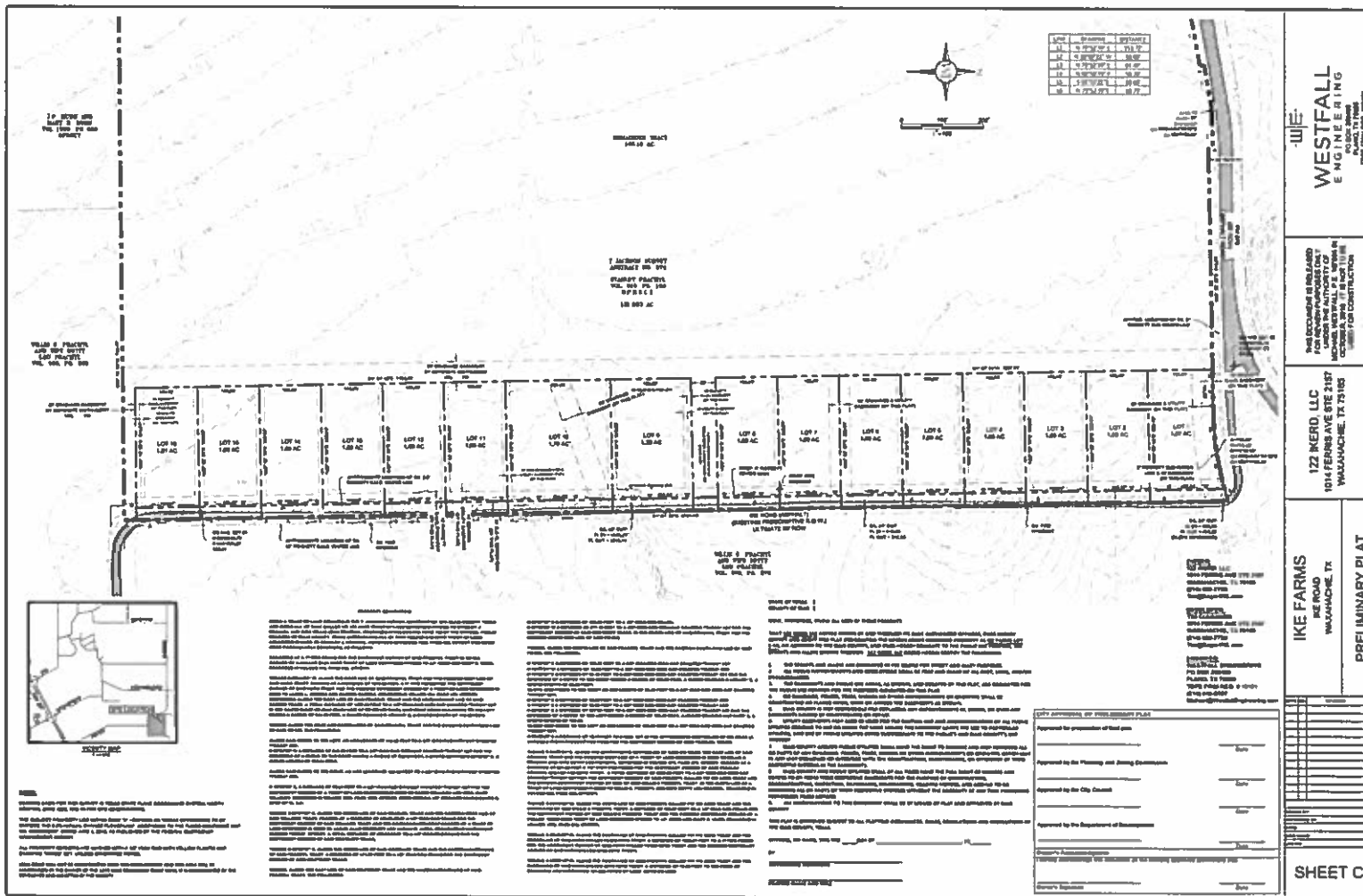
Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PP-18-0125, subject to staff comments.

(15)



(110)

Planning & Zoning Department Plat Staff Report

Case: PP-18-0167



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider request by Trey Fuller, Fuller Engineering & Land Surveying, for a **Preliminary Plat** of Murray Estates for 37 lots, being 39.60 acres situated in the F.M. Woodward Survey, Abstract 1120 (Property ID 192138) – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (PP-18-0167)

CASE INFORMATION

Applicant: Trey Fuller, Fuller Engineering & Land Surveying

Property Owner(s): M Sharp Family Limited Partnership

Site Acreage: 39.60 acres

Number of Lots: 37 lots

Number of Dwelling Units: 34 dwelling units

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: 650 Wilson Road

Parcel ID Number(s): 192138

Current Zoning: N/A (ETJ)

Existing Use: Undeveloped Land

Platting History: F.M. Woodward Survey, Abstract 1120

114)

Site Aerial:



STAFF CONCERNS

1. N/A

APPLICANT RESPONSE TO CONCERNS

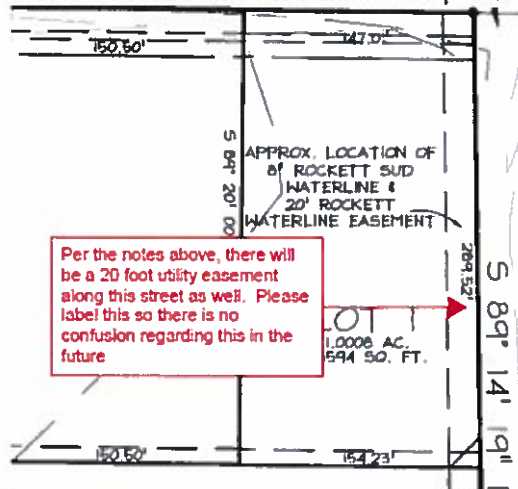
1. The applicant currently has not submitted a third revision to staff. Staff comments were made on 11/6/2018.

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:

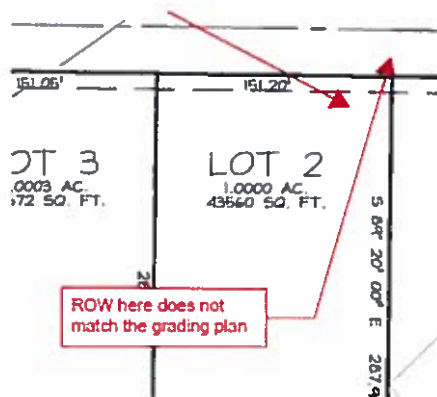
- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:

1. Please be sure that all easements are provided on the plan. (See below)

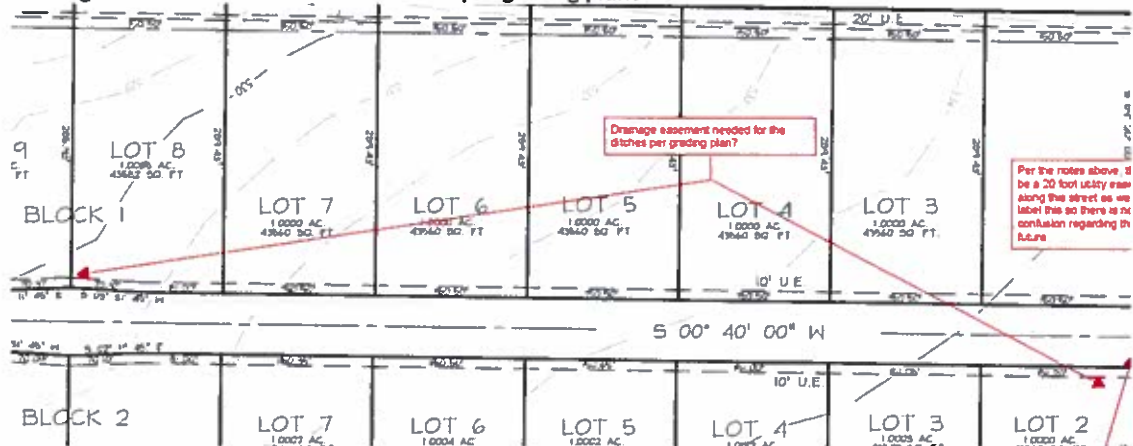


1. Please be sure that the ROW provided is consistent with the grading plan. (See below)

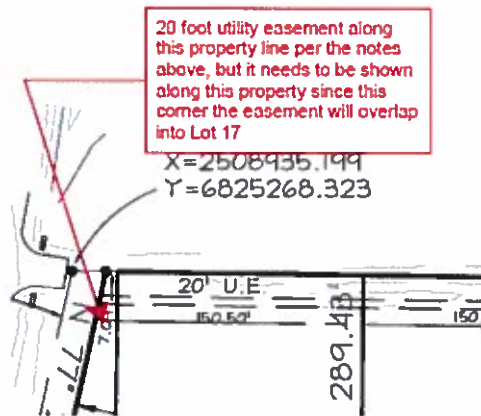
(110)

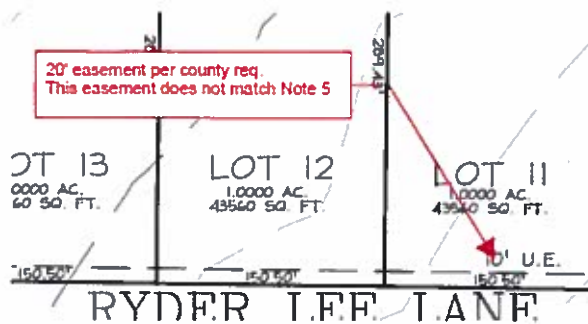


2. Drainage easement needed for the ditches per grading plan?

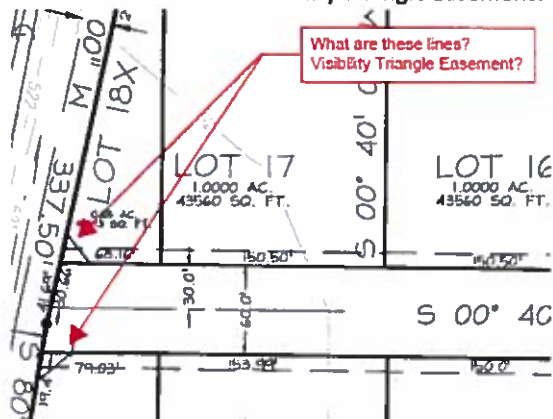


3. 20 ft. easements are required per the county. Please be sure that all easements on the plan reflect 20 ft. easements.





4. What are these lines? Visibility Triangle Easement? (See below)



ELLIS COUNTY DEPARTMENT OF DEVELOPMENT – Alberto Mares (972) 825-5200; alberto.mares@co.ellis.tx.us

1. Lots 10-16, Block 2 do not meet the minimum 150 feet of road frontage. Revise the road frontage to ensure all lots meet the minimum requirement.
2. Does Ryder Lee meet Tx-DOT's spacing requirements? Has that been drive cut been approved?
3. The County shows Ruth Road to the west of the site. Does this property take the right-of-way into account? Although this "road" appears on the official County road list, the County has never maintained it. A right-of-way abandonment is required to incorporate that "road" into the plat.
4. What is the reference to Lot 19X, Block 2 in the middle of the right-of-way?
5. A signature block for the director is missing.
6. A request for a preliminary grading is pending, but no plans have been submitted.
7. Submit a PDF, DWG or SHP file of plat for resubmittal.

ATTACHED EXHIBITS

1. Plat Drawing
2. Utility/Drainage Plan

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.

114)

STAFF CONTACT INFORMATION

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PP-18-0167, subject to staff comments.

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(17+18)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: November 29, 2018

Re: PD-18-0119 – Blue Bonnet Trails Phase 3

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend to continue case no. PD-18-0119 to the December 11, 2018 meeting. This case will be reviewed by City Council at the December 17, 2018 meeting.

119)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0149



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider request by Chris Acker for a Preliminary Plat of Crossroads Business Park for 1 lot, being 3.512 acres out of the John B. Bounds Survey, Abstract 99 (Property ID 180414) – Owner: SANCHEZ COREY & JULIE (PP-18-0149)

CASE INFORMATION

Applicant: Chris Acker

Property Owner(s): Corey & Julie Sanchez

Site Acreage: 3.512 acres

Number of Lots: 1 lot

Number of Dwelling Units: 5 pad sites (office buildings)

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$2,107.20 (3.512 acres at \$600.00 per acre).

Adequate Public Facilities: City services are available.

SUBJECT PROPERTY

General Location: Intersection of John Arden Drive at Solon Road

Parcel ID Number(s): 180414

Current Zoning: Planned Development-115-General Retail (Ordinance 2695)

Existing Use: Vacant Land

Platting History: John B. Bounds Survey, Abstract 99

119)

Site Aerial:



STAFF CONCERNS

1. Staff has yet to receive any revisions from the applicant in regards to staff comments.
2. See comments under "Approval, per the following comments"

APPLICANT RESPONSE TO CONCERNS

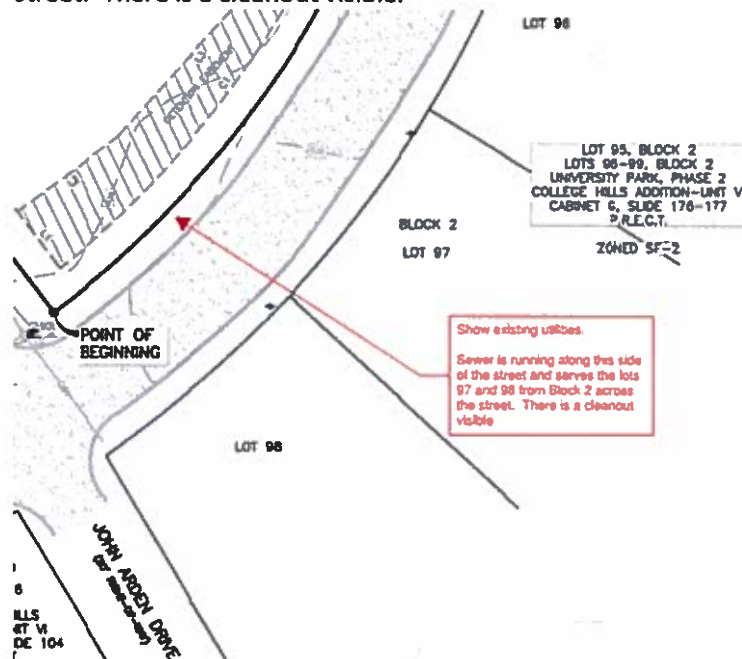
1. At the time of this report (11/13/2018), the applicant has yet to submit revised drawings in reference to the staff comments sent to the applicant.

RECOMMENDATION

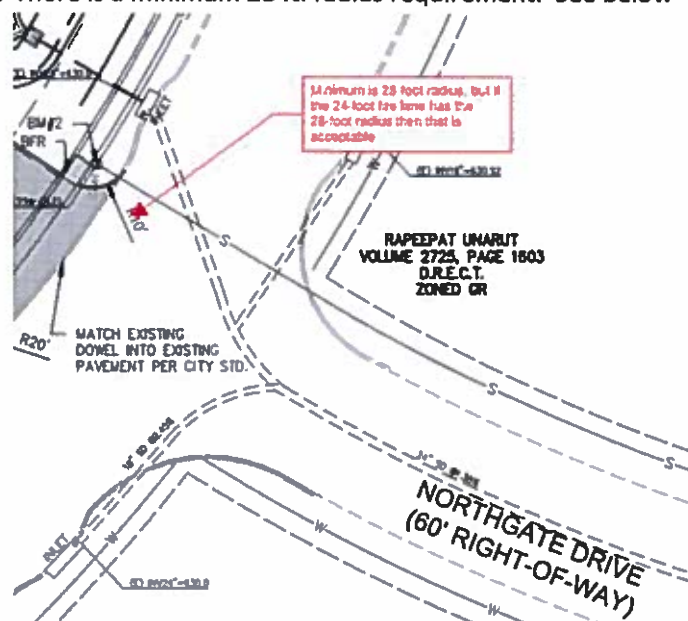
Based on the details provided in this Staff Report and the present status of the documents subject to the request, the Planning and Zoning Department recommends:

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. This is a preliminary plat so the formatting of the plat drawing needs to reflect this fact.
 2. Include the applicant information on the plat drawing
 3. Show property zoning for subject site and surrounding properties
 4. The landscape plan will come with the site plan.
 5. Regarding, the detention easement along Solon Road: if this is not by this plat, you'll need to show recording information.
 6. Will building require a sprinkler system? If so, a Fire Dept. Connection shall be within 100' of a fire hydrant.
 7. Provide the proposed preliminary water, sanitary sewer, and drainage plans.
 8. Will there be a detention system for this improvement or does the existing storm system have capacity for this development?
 9. The Thoroughfare Plan shows John Arden as a 90-foot ROW. What is the width of the ROW from the centerline of the street to the current property line? If less than 45-feet then dedication will be necessary.

10. Please be sure that all existing utilities are shown on the plan. As seen below, sewer is running along Solon Road and serves the lots 97 and 98 from Block 2 across the street. There is a cleanout visible.

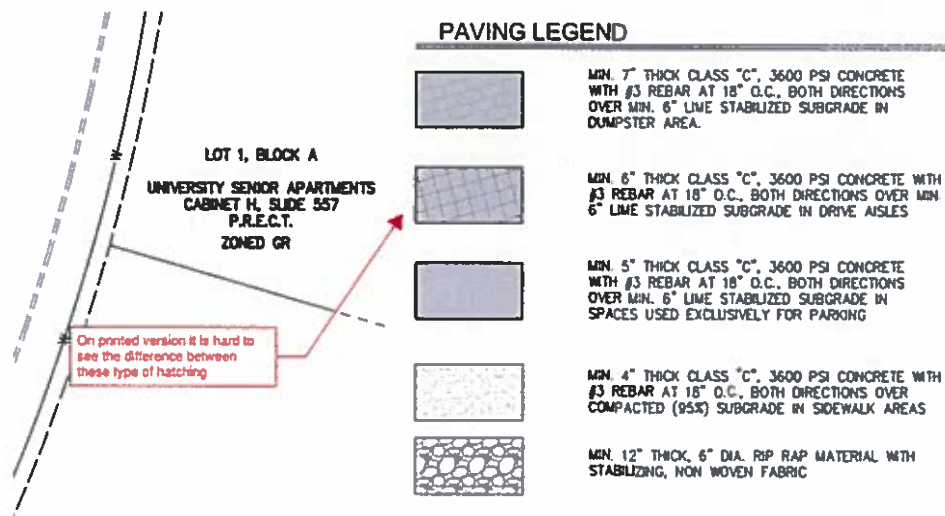


11. A sidewalk is needed along John Arden Dr.
12. There is a minimum 28 ft. radius requirement. See below



13. On the printed version, it is hard to see the difference between these type of hatching (see below).

119)



ATTACHED EXHIBITS

1. Plat drawing
2. Civil plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

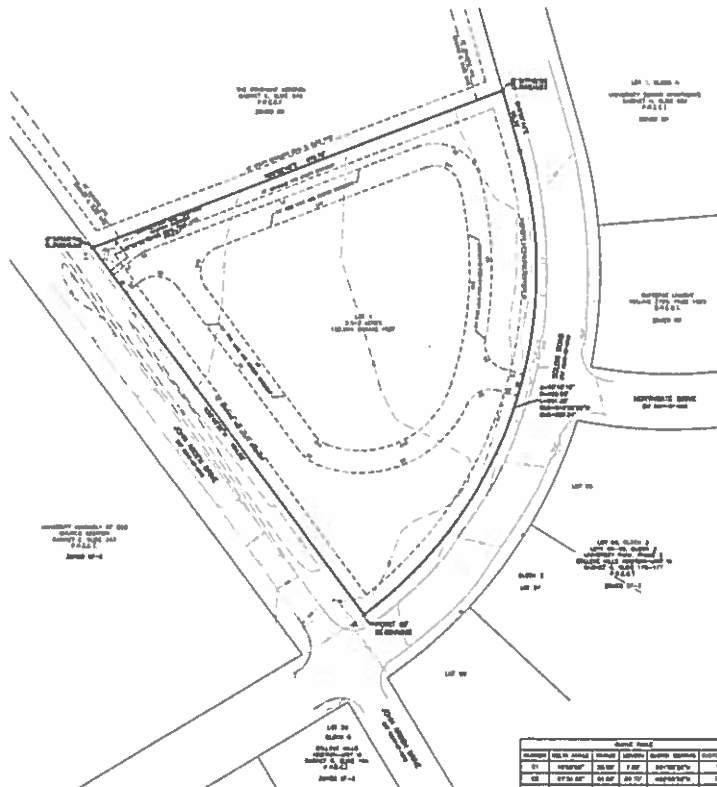
Reviewed by:
 Shon Brooks, AICP
 Director of Planning
sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 6-0 to recommend approval of plat no. PP-18-0149, subject to staff comments.

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General Items				
Item	WFLA Average	WFLA	WFLA Ranking	WFLA Percentile
Q1	27.00	27.00	1	1.00
Q2	27.50	28.00	2	17.00
Q3	28.00	28.50	3	33.00
Q4	28.50	29.00	4	50.00
Q5	29.00	29.50	5	67.00
Q6	29.50	30.00	6	83.00
Q7	30.00	30.50	7	100.00
Q8	30.50	31.00	8	100.00
Q9	31.00	31.50	9	100.00
Q10	31.50	32.00	10	100.00
Q11	32.00	32.50	11	100.00
Q12	32.50	33.00	12	100.00
Q13	33.00	33.50	13	100.00
Q14	33.50	34.00	14	100.00
Q15	34.00	34.50	15	100.00
Q16	34.50	35.00	16	100.00
Q17	35.00	35.50	17	100.00
Q18	35.50	36.00	18	100.00
Q19	36.00	36.50	19	100.00
Q20	36.50	37.00	20	100.00
Q21	37.00	37.50	21	100.00
Q22	37.50	38.00	22	100.00
Q23	38.00	38.50	23	100.00
Q24	38.50	39.00	24	100.00
Q25	39.00	39.50	25	100.00
Q26	39.50	40.00	26	100.00
Q27	40.00	40.50	27	100.00
Q28	40.50	41.00	28	100.00
Q29	41.00	41.50	29	100.00
Q30	41.50	42.00	30	100.00
Q31	42.00	42.50	31	100.00
Q32	42.50	43.00	32	100.00
Q33	43.00	43.50	33	100.00
Q34	43.50	44.00	34	100.00
Q35	44.00	44.50	35	100.00
Q36	44.50	45.00	36	100.00
Q37	45.00	45.50	37	100.00
Q38	45.50	46.00	38	100.00
Q39	46.00	46.50	39	100.00
Q40	46.50	47.00	40	100.00
Q41	47.00	47.50	41	100.00
Q42	47.50	48.00	42	100.00
Q43	48.00	48.50	43	100.00
Q44	48.50	49.00	44	100.00
Q45	49.00	49.50	45	100.00
Q46	49.50	50.00	46	100.00
Q47	50.00	50.50	47	100.00
Q48	50.50	51.00	48	100.00
Q49	51.00	51.50	49	100.00
Q50	51.50	52.00	50	100.00

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Weekend	Attendance	Collection
1.1	1000-1010	£7.10
1.2	1000-1010	10.00
1.3	1000-1010	2+0.20
1.4	1000-1010	10.10
1.5	1000-1010	10.10
1.6	1000-1010	2+0.20
1.7	1000-1010	10.10
1.8	1000-1010	10.00
1.9	1000-1010	10.10
1.10	1000-1010	10.10

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THESE ARE THE TERMS AND CONDITIONS OF THE SALE OF THE GOODS TO BE DELIVERED TO THE BUYER BY THE SELLER.

PRELIMINARY
THIS DOCUMENT IS NOT TO BE
REPRODUCED FOR ANY PURPOSES
WITHOUT THE WRITTEN PERMISSION OF THE NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION

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2019年12月31日
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PRELIMINARY PLAT
CROSSROADS BUSINESS PARK

1 COMMERCIAL LOT
2912 ACRES - PROPOSED ZONED "P-1"
AN ADDITION TO THE CITY OF SHAWNEE
JOHN H. BELAND BLVD. ABSTRACT NO. 98
BLISS COUNTY, TEXAS
MAY 2014 SCALE 1"=50'

COREY SANCHEZ AND JULIE SANCHEZ
6802 FARM-TO-MARKET ROAD NW
MINNEAPOLIS, MN 55418 (772) 361-7941

AXIS අපි හද හද කරමු වෙනස්ව
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(20)

Planning & Zoning Department Zoning Staff Report

Case: PD-18-0174



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to **Planned Development-Multiple-Family Residential-2, with Concept Plan**, located to the East of 400 Dr Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Southfork Capital LLC

Site Acreage: 1.071 acres

Current Zoning: Single Family-2

Requested Zoning: Planned Development

SUBJECT PROPERTY

General Location: East of 400 Dr. MLK Blvd.

Parcel ID Number(s): 224114

Existing Use: Undeveloped Land

Development History: None

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	SF-2	Single Family Residential
South	C, SF-2, PD-O	Single Family Residential, Hope Clinic
West	C	Restaurant/Retail

Future Land Use Plan: Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The site is accessible via Dr. Martin Luther King Jr road.

Site Image:**PLANNING ANALYSIS**

The applicant is proposing a zoning change request from a Single Family-2 zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located to the East of 400 Dr. Martin Luther King, Jr. Blvd.

Per the submittal, the applicant intends to remain consistent with the City of Waxahachie Multi Family-2 development standards (*see Table 1*). The applicant is however requesting relief for garages and the front yard setback. The applicant is not meeting the 50% required attached garages, nor the 25 ft. front yard setback. By asking for the aforementioned variances, the applicant does not intend to provide any garages in hopes to match more of what is in the downtown area, while also continuing to promote walkability to the downtown restaurants, shops, and events.

PD DEVELOPMENT STANDARDS

Please examine the included Concept Plan Provisions to see the requested planned development standards.

The zoning requirements including development standards for MF-2 zoning are proposed to be met with this development.

120)

Table 1: Proposed Multi Family Residential (per MF-2 standards)

	Crescent Creek	City of Waxahachie Req.	Meets
Min. Lot Area	Exceeds Minimum	7,260/Lot 2,420 DU	Yes
Min. Lot Width	Exceeds Minimum	60 ft.	Yes
Min. Lot Depth	Exceeds Minimum	120 ft.	Yes
Min. Front Setback	15 ft.	25 (75> 2) SF 25 (100> 2)	No
Min. Rear Setback	Exceeds Minimum	50 (75> 2) SF	Yes
Min. Dwelling Size	800 sq. ft.	600/unit 100/bedroom 450/efficiency	Yes
Max. Height	2 stories	3 stories	Yes

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 11/09/18.

STAFF CONCERNS

1. If approved, staff would like for the applicant to submit an updated Planned Development standards document.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (11/14/2018), the applicant has yet to submit revisions for the first submittal of staff comments.

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. List the amenities incorporated.
2. Please reformat this to match the template. Description of Request, Proposed Use of Property, General Development Requirements.
3. This fire lane appears to be more than 150' to get to the last building.
4. 2 Fire Dept. Connections that face MLK are not acceptable.
5. Fire line shall be of type C-900/DR 14/CL 200.
6. Fire hydrant for back two buildings need a Fire Dept. Connection within 100'.

ATTACHED EXHIBITS

1. Site Plan
2. Planned Development Regulations

(20)

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
Senior Planner
ccollins@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PD-18-0174, subject to staff comments.

(20)

EXHIBIT "B"

Concept Plan Provisions

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to allow for the development of a Class-A apartment complex comprised of 18 units that uses a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as the model for future development in the surrounding area. Any conditions found within the Multiple Family Residential District-2 (MF-2) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Compliance with the City's Comprehensive Plan

Zoning District (MF-2) is the intended base zoning classification underlying this PD. The MF-2, Multiple Family Residential District-2, is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

PD District Development Standards

Description of Request

- We intend to modify the existing zoning requirements under a Planned Development which will allow for the development of a two (2) story, garden style, "Class-A" apartment complex consisting of 18 units.

Proposed Use of Property

- The proposed development is a two (2) story, garden style, "Class-A" apartment complex comprised of 18 units, which will use a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as a model for future development in the surrounding area. The development will feature an outdoor theater, a pool, a grill house and a gazebo. We intend to break ground in early spring, with completion of the project in late 2019.

General Development Requirements

- **Site Plan:** The site plan is attached as Exhibit "C"
- **Elevation:** Per Waxahachie's Downtown Design Guidelines for new construction. See exhibit (D) attached for guidelines.
- **Density:** 18 dwelling units per acre (18 units total)

(20)

- **Exterior:** The exteriors shall consist of 100% brick, with cast stone and commercial-grade cladding accents. The exterior of the project will also include elevated Brownstone style covered stoops along Dr. Martin Luther King Blvd.
- **Parking:** The development will consist of 33 parking spaces (1.75 per unit), comprised of thirty three open parking spaces.
- **Open Space:** Shall comply with MF-2 requirements
- **Side Setbacks:** The side setbacks shall be fifty-eight (5) feet.
- **Rear Setback:** The rear setback shall be a minimum of eighty (30) feet until.
- **Building Separation:** Minimum building separation shall be a minimum of thirty (25) feet.
- **Garages:** No garages will be provided.

V. DESIGN GUIDELINES FOR NEW CONSTRUCTION

New infill construction is anticipated throughout Downtown Waxahachie. As investment in the area continues, it is important that new development contribute to an overall sense of continuity while also conveying the evolution of the area through building design.

This chapter provides guidelines for the design of new buildings in Downtown Waxahachie. It includes general guidelines for the architectural character, building orientation and materials of all new construction projects as well as guidelines for sustainable construction and design guidelines for specific building types.

The guidelines in this chapter also apply to improvements to existing non-historic buildings (those that are not listed as contributing within the historic district) to ensure that they remain compatible with the overall historic context. Note that general preservation principles and the design guidelines included in *Chapter II. Planning a Preservation Project* and *Chapter III. Treatment of Historic Resources* do not apply to new construction or to existing non-historic buildings.



IN THIS CHAPTER

A. General Principles for New Construction .	100
Architectural Character.....	100
Building Orientation	101
Materials	102
B. New Construction and Sustainability ...	103
C. New Commercial Building Design	107
Mass and Scale	107
Building and Roof Form.....	109
Commercial Facade Character.....	109
D. Civic Facility Design	111

A. GENERAL PRINCIPLES FOR NEW CONSTRUCTION

New infill construction in Downtown Waxahachie should be compatibly scaled and promote a pedestrian-oriented streetscape. It should also draw on Waxahachie's historic building traditions to inspire new, creative designs.



Appropriate new designs for windows, storefronts and architectural features provide visual interest while clearly indicating that the building is new.



New buildings should reflect the basic mass and scale characteristics of surrounding historic buildings while incorporating contemporary design elements.

ARCHITECTURAL CHARACTER

New buildings in Downtown Waxahachie should be distinguishable from historic buildings so as not to confuse the historic development of the area. Each building should appear as a product of its own time while maintaining general compatibility with the surrounding context.

5.1 Design a new building to reflect its time, while respecting key features of its context.

- New buildings should reflect the basic mass and scale characteristics of surrounding historic buildings while incorporating contemporary design elements.
- Use of historic building materials is encouraged.
- It is especially important that new buildings reflect the key features of the surrounding context in the Central Character Area.

5.2 Consider incorporating contemporary interpretations of traditional designs and details into a new building.

- New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new.
- Contemporary details for new storefronts can create interest while expressing a new, compatible style.

5.3 Do not design a new building to exactly imitate historic styles.

- Imitation blurs the distinction between old and new buildings and confuses interpretation of the architectural evolution of the district.
- An interpretation of a historic style that is authentic to the district may be considered if it is subtly distinguishable as being new.

BUILDING ORIENTATION

Traditionally, the primary entrance of a building faced the street. In a commercial setting, the entry was often recessed. New buildings should be oriented to continue this traditional pattern.

5.4 Maintain the traditional orientation of a building to the street.

- The primary entrance should face the street.
- In some cases, the front door itself may be positioned perpendicular to the street. In this case, the entry should still be clearly defined with a recessed entry or canopy for commercial building types.



Maintain the traditional orientation of a building to the street.



The primary entrance of a building should face the street.

(20)

V. NEW INFILL CONSTRUCTION



Brick and stone are the preferred primary materials for new construction.



New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale, proportion, texture and finish to those used traditionally.

MATERIALS

Building materials used in new construction should contribute to the visual continuity of Downtown Waxahachie.

5.5 Use building materials appropriate to the context.

- In the Central Character Area, brick and stone are the preferred primary materials.
- In the Transition/Industrial Character Area, metal or other industrial materials may be appropriate.

5.6 Building materials shall be similar in scale, color, texture, and finish to those used traditionally in Downtown Waxahachie.

- All wood details should have a weather-protective finish.
- Stucco may be considered as an accent material on upper floors of larger buildings.
- Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or imitation stone and plastic, are inappropriate.
- The use of highly reflective materials is discouraged.

5.7 Use masonry that appears similar in character to that seen historically.

- For example, brick and stone should have a modular dimension similar to that used traditionally.

5.8 Ensure that any new materials are similar in character to traditional materials.

- New or alternative materials should appear similar in scale, proportion, texture, and finish to those used traditionally.
- Using new or alternative materials as an accent is appropriate to help express individual building modules or units.



Using new or alternative materials as an accent is appropriate to help express individual building modules or units.

B. NEW CONSTRUCTION AND SUSTAINABILITY

The Waxahachie Comprehensive Plan sets goals for the long-term sustainability and livability of existing neighborhoods. New construction downtown supports sustainability by leveraging existing infrastructure and bringing housing and employers into closer proximity. New construction downtown should further support sustainability by incorporating energy efficient designs while maintaining the traditional character of the area. See *Preservation and Sustainability* on page 5 for more information.

Sustainable Site Design

Site design should include an evaluation of the physical assets of the site to maximize energy efficiency. Designs should consider seasonal changes in natural lighting and ventilation conditions. They should also consider effects on adjoining properties to ensure that neighbors have sufficient solar access and are able to implement energy efficient designs in the future.



Plantings should provide for winter sun and summer shade.

5.9 Locate a new building, or addition, to take advantage of micro climatic opportunities for energy conservation.

- Buildings should be oriented to be consistent with historic development patterns, to the extent feasible.
- Seasonal solar and wind exposure patterns should be considered when positioning a new building.

5.10 Design new construction to take advantage of energy saving and generating opportunities.

- Window designs should maximize daylighting into interior spaces.
- Shading devices should be used to manage solar gain in summer months.
- Energy-producing devices, including solar collectors and wind turbines, are encouraged where they also respect the character of the district.

5.11 Incorporate landscape designs that promote energy efficiency and water conservation.

Appropriate strategies include:

- Plantings oriented to provide wind protection for plazas and entries.
- Natural storm water retention basins that also serve as amenities.
- Use of plant species that require low levels of water.



Wall plane articulation may be used to provide shade or increase solar access to interiors.

Sustainable Building Design

The design of a new building should maximize the potential for natural daylighting and solar energy collection while also ensuring that the building's massing is compatible with the surrounding historic context.

5.12 Orient a building to maximize energy efficiency while ensuring compatibility with adjacent, lower-scale structures.

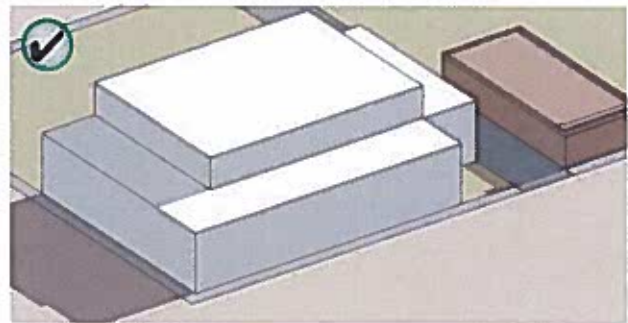
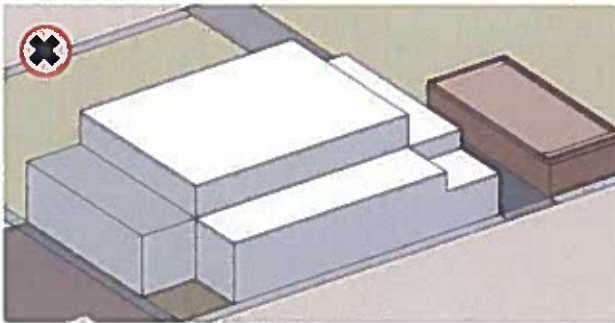
Appropriate strategies include:

- Positioning the taller portion of a building along a north-south axis to minimize shading on lower scale structures to the north.
- Designing a building to minimize shading on south-facing facades of adjacent buildings during winter months.

5.13 Shape a building's mass to maximize solar energy potential.

Consider the following strategies:

- Building designs that allow natural daylighting to the interior.
- Articulated wall planes that provide shade or increase solar access to interiors.
- Roofs oriented to accommodate solar collectors.
- Thermal storage walls on a portion of the south facing building exposure, where appropriate.



Articulate building mass to take advantage of solar energy. The plaza to the left is shaded during peak winter hours while the plaza to the right is enhanced by solar rays during peak winter hours.

Sustainable Building Elements

The elements that make up a building, including windows, mechanical systems and materials, can significantly impact environmental performance. They should be designed to maximize the building's environmental performance, while promoting compatibility with surrounding sites and structures. New materials that improve environmental performance are appropriate if they have been proven effective in the climate of northeastern Texas.

5.14 Use green building materials whenever possible.

Green building materials often have a long life span and are often:

- Locally manufactured
- Low maintenance
- Recycled

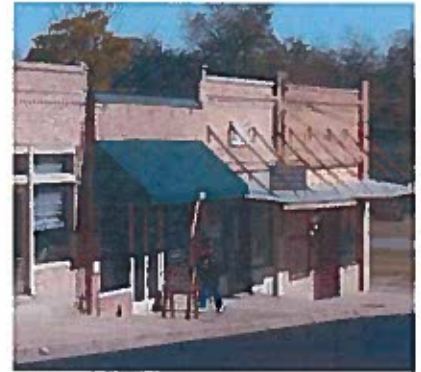
5.15 Incorporate building elements that allow for natural environmental control.

Consider the following:

- Operable windows for natural ventilation
- Low infiltration fenestration products
- Interior or exterior light shelves/solar screens above south facing windows

5.16 Minimize the visual impacts of solar and wind energy devices on the character of the district.

- Where feasible, mount equipment where it has the least visual impact.

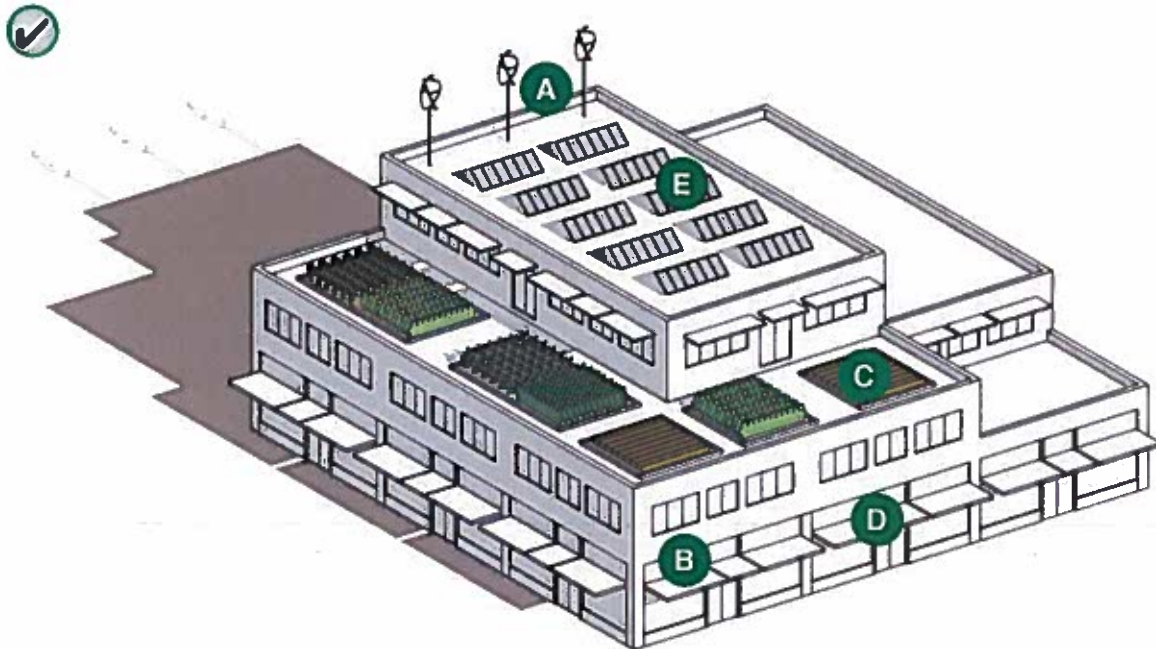


The elements that make up a building, including windows, mechanical systems and materials, can significantly impact environmental performance.

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NEW COMMERCIAL CONSTRUCTION BUILDING ENERGY EFFICIENCY DIAGRAM

Design a building or addition to take advantage of energy saving and energy harnessing opportunities as illustrated below.



A Wind Devices

- Set back from primary facade to minimize visibility from street

B Operable Transoms

- Allows for natural air circulation

C Green Roofs

- Decreases solar gain
- Reduces runoff

D Shading devices

- Operable canopies, located above display windows

E Solar Panels

- Set back from primary facade to minimize visibility from street
- Used as shading devices

C. NEW COMMERCIAL BUILDING DESIGN

Downtown Waxahachie is composed primarily of traditional commercial buildings with storefronts along the ground floor and upper story office or residential uses. New commercial buildings are encouraged as infill development. They are especially appropriate in the Central Character Area.

MASS AND SCALE

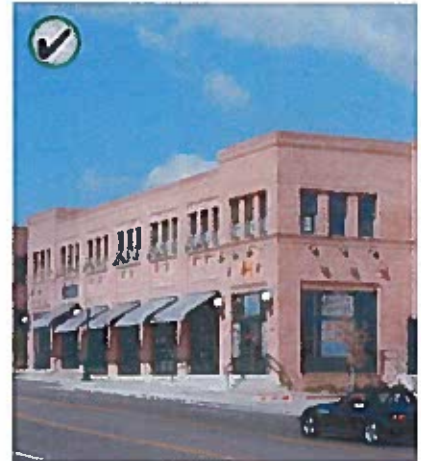
Traditionally commercial buildings had varied heights, articulated masses, visually interesting skylines and pedestrian-scaled street fronts that contribute to a sense of human scale. A new building should continue to provide a variety of pedestrian-friendly scales and visually appealing masses. Buildings should not be monolithic in scale or greatly contrast with those seen traditionally downtown.

5.17 Maintain the traditional size of buildings as perceived at the street level.

- The facade height of a new building should fall within the range envisioned for the area. It should respect the traditional proportions of height to width.
- Floor-to-floor heights should appear similar to those of traditional buildings downtown, especially those at ground level.

5.18 Establish a sense of human scale.

- Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
- Incorporate changes in color, texture and materials to help define human scale.
- Use architectural details to create visual interest.
- Use materials that help to convey scale in their proportion, detail and form.



A new building should be designed with a pedestrian-scaled street front.



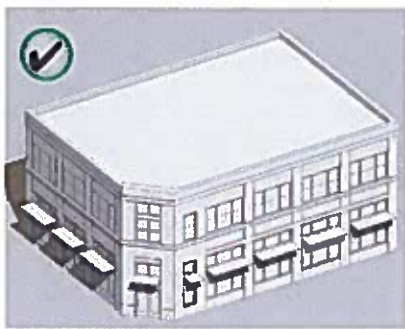
Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.

HUMAN SCALE

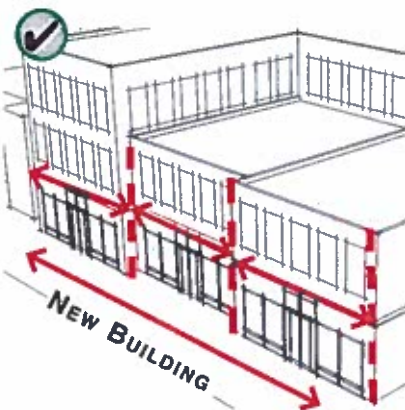
A sense of human scale is achieved when one can reasonably interpret the size of a building by comparing features of its design to comparable elements in one's experience. Using building material of a familiar dimension such as traditional brick is an example, as is using windows of similar dimensions.

(20)

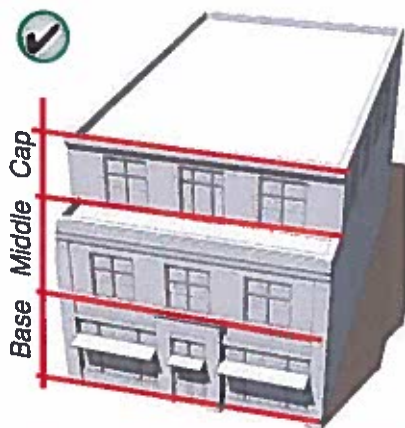
V. NEW INFILL CONSTRUCTION



Use architectural details that create visual interest and convey a three-dimensional facade to establish a sense of human scale.



New facade widths should reflect the traditional range of the building widths seen on the block.



A new building should incorporate a base, middle and cap.

5.19 Maintain traditional spacing patterns created by the repetition of uniform building widths along the street.

- A new facade should reflect the established range of the traditional building widths seen downtown.
- A change in design features may be used to suggest traditional building widths.
- Changes in materials, window design, facade height or decorative details may be used to reflect traditional facade widths in the design of a larger new building.
- Express variations consistently throughout the structure, such that the composition appears to be a composition of smaller building modules.

5.20 A new building should incorporate a base, middle and cap.

- Traditionally, buildings were composed of these three basic elements. Interpreting this tradition in new buildings will help reinforce the visual continuity of the area.



Where a building must exceed a traditional facade width, use a change in design features to suggest the traditional building widths.

BUILDING AND ROOF FORM

Similarity in building and roof forms is a prominent unifying element in the commercial area. Most are simple rectangular solids. New construction should be designed with simple forms.

5.21 A rectangular form should be dominant on a commercial facade.

- The facade should appear as a flat surface, with any decorative elements and projecting or setback “articulations” appearing to be subordinate to the dominant form.

5.22 A roof form should be similar to those used traditionally.

- Flat roofs are appropriate.
- “Exotic” roof forms, such as A-frames and steep shed roofs, are inappropriate.

COMMERCIAL FACADE CHARACTER

Historic commercial building facades incorporate a regular pattern of transparency and proportion. Typical patterns are summarized in the sidebar at right. These traditional patterns should be incorporated into new construction whenever possible.

5.23 Maintain the traditional spacing pattern created by upper story windows.

- Use traditional proportions of windows, individually or in groups.
- Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.

5.24 Maintain the distinction between the street level and the upper floor.

- The first floor of the primary facade should be predominantly transparent glass.
- Upper floors should be perceived as being more opaque than the lower floor.
- Highly reflective or darkly tinted glass is inappropriate.
- Express the distinction in floor heights between street levels and upper levels through detailing, materials and fenestration. The presence of a belt course is an important feature in this relationship.



The first floor of the primary facade should be predominantly transparent glass.

FACADE MATERIALS AND PROPORTIONS

The street level of a typical historic commercial building is clearly distinguishable from the upper floors. The first floor is predominantly made of fixed plate glass with a small percentage of opaque framing materials, a kickplate and a recessed entry. An upper floor, where it occurs, is the reverse—opaque materials dominate, and windows appear as smaller openings puncturing a more solid wall. These windows are usually double-hung. The street level also appears taller than the upper floors. A historic storefront of twelve to fourteen feet high is typical, whereas a second floor is usually ten to twelve feet.

V. NEW INFILL CONSTRUCTION



Recessed entries appear in this traditional setting. This design feature should be continued in new buildings.

5.25 Incorporate traditional building components into the design of a new storefront.

- Express a kickplate, display window and transom in a new storefront design.
- Storefront components and upper story windows should be similar in height and proportion to traditional downtown buildings.
- When portions of a storefront are folding, all of the storefront components should still be visible.

5.26 Maintain the pattern created by recessed entries along the street.

- On commercial type buildings, set a primary entry door back an adequate amount from the front facade to establish a distinct threshold for pedestrians. A recessed dimension of four feet is typical.
- Where entries are recessed, the building line at the sidewalk edge should be maintained by the upper floor(s).
- Use a transom over a doorway to maintain the full vertical height of the storefront.
- Oversized (or undersized) interpretations are discouraged.



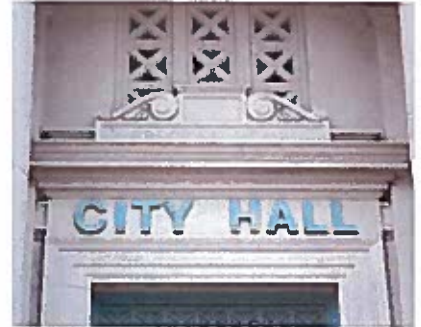
Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.

D. CIVIC FACILITY DESIGN

Civic facilities include museums, churches, libraries, fraternal buildings, courts, and governmental offices. New civic facilities in Downtown Waxahachie should reinforce the historic building fabric and enhance the pedestrian environment. They should promote the basic design principles outlined for commercial buildings while also serving as landmarks in the urban fabric.

5.27 Design civic buildings to be compatible with the surrounding context while serving as landmarks.

- Civic facilities should be located such that they encourage pedestrian traffic to nearby businesses.
- Civic facilities should be designed to reinforce the downtown fabric of streets, public spaces and sidewalks.
- Outdoor spaces designed for public use should be provided.
- The visual impacts of automobiles should be minimized.
- Primary entrances should face the street or a public space, not to parking lots.
- A sense of human scale should be conveyed.
- A pedestrian-friendly street level should be included.
- The design guidelines for mass, scale and materials for commercial buildings should be reflected in their design.



The tradition of designing civic institutions as landmarks in the urban fabric should be continued.

(20)

CASE PD-18-0174 and RP-18-0191

SUPPORT 1

OPPOSE 0

1. Request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to **Planned Development-Multiple-Family Residential-2, with Concept Plan**, located to the East of 400 Dr Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)
2. Request by Chris Acker, Acker Construction for a **Replat** of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

SUPPORT

1. Brad Yates, PO Box 2868, Waxahachie, TX 75168
-



(20)

RECEIVED
11/16/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-18-0174 and RP-18-0191**



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 27, 2018 at 4:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 3, 2018 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 Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to **Planned Development-Multiple-Family Residential-2**, with **Concept Plan**, located to the East of 400 Dr Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)
2. Request by Chris Acker, Acker Construction for a **Replat** of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: **PD-18-0174 and RP-18-0191** ☒ SUPPORT ☐ OPPOSE

Comments: _____

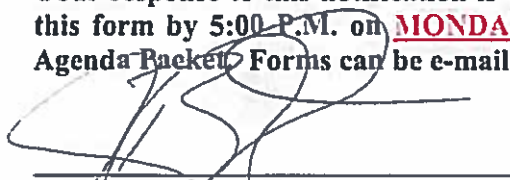
Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **MONDAY, NOVEMBER 19, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

Printed Name and Title

Date

Address


Brady Yates

11/16/18
PO Box 2868 Wax, TX.

(21)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF-2), WITH CONCEPT PLAN LOCATED EAST OF 400 DR. MARTIN LUTHER KING JR. BLVD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.071 ACRES KNOWN AS A PORTION OF PROPERTY ID 224114 OF THE TOWN – WAXAHACHIE ADDITION, 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 PD-18-0174. 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 SF-2 to PD-MF-2, 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 SF-2 to PD-MF-2, with Concept Plan in order to facilitate development of the subject property in a manner that allows an apartment complex comprised of eighteen (18) units per acre on the following property: a portion of Property ID 224114 of the TOWN – WAXAHACHIE ADDITION, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B. Development on this property cannot commence until the approval of Architectural Review Standards and a Detailed Site Plan, and the approval of a plat. The Architectural Review Standards and Detailed Site Plan must be considered by both the Planning and Zoning Commission and City Council and receive approval from City Council before the property can be platted. When the Architectural Review Standards and Detailed Site Plan are approved by City Council, this ordinance shall be amended to include the development standards that shall prevail upon this property.

Any zoning, land use requirement or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit B (Concept Plan Provisions). Where regulations are not specified in Exhibit B or in this ordinance, the regulations of the Multi Family-Two (MF-2) district of the Development Code shall apply to this development. Amenities for the property shall be constructed within the Operational Plan.

(21)

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 3rd day of December, 2018.

MAYOR

ATTEST:

City Secretary

(28)

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0191



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider request by Chris Acker, Acker Construction for a **Replat** of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Southfork Capital LLC

Site Acreage: 1.071 acres

Number of Lots: 1 lot

Number of Dwelling Units: 18 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$7,200.

Adequate Public Facilities: Yes

SUBJECT PROPERTY

General Location: East of 400 Dr. MLK, Jr. Blvd

Parcel ID Number(s): 224114

Current Zoning: Single Family-2

Existing Use: Undeveloped Land

Platting History: Block 62, Original Map of Waxahachie

Site Aerial:

(28)



STAFF CONCERNS

1. Add staff concerns (include all City reviewers plus Ellis County, if applicable).

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (11/15/2018), staff has yet to receive any revisions from the applicant. *If approved, staff comments will need to be addressed by the applicant.*

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. Please remove trees from the plan so that the plat can be more legible to view.
 2. Please zoom in on the vicinity map to provide a closer view.
 3. MLK is a Major Thoroughfare B (110' ROW). You show it as a 60' ROW. If this is accurate, you'd need to dedicate twenty-five (25) feet.
 4. *Informational Comment:* Please be sure all Owner/Developer/Engineer contact information is listed on the plan (*i.e.* name, phone, address).
 5. *Informational Note:* A Developer's Agreement will be required before final approval.
 6. *Informational Note:* Additional comments may possibly be made by staff in the future.

ATTACHED EXHIBITS

1. Plat Drawing

(22)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. RP-18-0191, subject to staff comments.

CURVE AND LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1 29.09	171.00	N 7°18'55"	W 28.02
C2 21.10	35.00	N 34°35'18"	W 26.78
C3 14.63	45.00	N 64°35'03"	W 14.57
C4 5.47	5.33	N 45°06'27"	W 5.20
C5 34.45	95.00	N 77°04'28"	W 34.26
C6 13.75	35.00	N 77°27'35"	E 13.66
C7 78.68	55.00	N 01°14'03"	W 70.62



(22)

CASE PD-18-0174 and RP-18-0191

SUPPORT 1

OPPOSE 0

1. Request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to **Planned Development-Multiple-Family Residential-2, with Concept Plan**, located to the East of 400 Dr Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)
2. Request by Chris Acker, Acker Construction for a **Replat** of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

SUPPORT

1. Brad Yates, PO Box 2868, Waxahachie, TX 75168
-

(22)

RECEIVED
11/16/18



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-18-0174 and RP-18-0191**



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 27, 2018 at 4:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 3, 2018 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 Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 zoning district to **Planned Development-Multiple-Family Residential-2**, with **Concept Plan**, located to the East of 400 Dr Martin Luther King Jr Blvd (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0174)
2. Request by Chris Acker, Acker Construction for a **Replat** of a portion of Block 62, Town Addition, to create Lot 1, Block A, Crescent Creek Villas, 1.071 acres (Property ID 224114) - Owner: SOUTHFORK CAPITAL LLC (RP-18-0191)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: **PD-18-0174 and RP-18-0191** ☒ SUPPORT ☐ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **MONDAY, NOVEMBER 19, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Signature

Printed Name and Title

Date

Address

Brady Yates

11/16/18
PO Box 2868 Wax, TX

124)

Planning & Zoning Department

Zoning Staff Report

Case: PD-18-0175



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 and a Commercial zoning district to **Planned Development-Mixed Use Residential and Planned Development-Multiple-Family Residential-2, with Concept Plan**, located at 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King Jr Blvd (Property ID 170536, 170777, and 170858) - Owner: RONALD C HOLMES & ROBERT B FOGARTY (PD-18-0175)

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Ronald C Holmes & Robert B Fogarty

Site Acreage: 0.8738 acres (West) and 0.504 acres (East)

Current Zoning: Single Family-2

Requested Zoning: Planned Development

SUBJECT PROPERTY

General Location: 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King Jr Blvd

Parcel ID Number(s): 170536, 170777, and 170858

Existing Use: Undeveloped Land

Adjoining Zoning & Uses:

Directio	Zoning	Current Use
North	C	Commercial, Retail
East	C, SF-3	Undeveloped Land, Single Family Residential
South	C	Undeveloped Land
West	CA	Ellis County Courts, Downtown Parking Garage

Future Land Use Plan: Low Density Residential

Comprehensive Plan: The Low Density Residential category is representative of smaller single family homes and some duplex units. The majority of

(24)

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 from Kaufman St. and Dr. Martin Luther King, Jr. Blvd. MLK is a Major Thoroughfare B (110' ROW). Kaufman is a local street (60' ROW).

Site Image:



PLANNING ANALYSIS

The applicant is proposing a zoning change from a Single Family-2 and a Commercial zoning district to Planned Development-Mixed Use Residential and Planned Development-Multiple-Family Residential-2, with Concept Plan, located at 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King, Jr. Blvd. The proposed mixed use development will consist of townhome residential as well as mixed use retail lots.

The applicant is proposing to meet the design development standards for the Downtown Neighborhood zoning district.

- Mixed Use Retail (Lots 1-3, Block A)
- Townhome (Lots 4-7, Block A)
- Townhome (Lots 1-5, Block B)

PD DEVELOPMENT STANDARDS

The following identifies the proposed development standard requirements for Kaufman Township East and West.

The purpose and intent of this Planned Development (PD) is to allow for the development of 3 mixed used buildings and 10 townhomes that will use a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as the model for future development in the surrounding area. Any conditions found within the MIXED USE RESIDENTIAL (MUR) and SINGLE FAMILY ATTACHED (SFA) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

PD District Development Standards

Description of Request

- We intend to modify the existing zoning requirements under a Planned Development which will allow for the development of 3 mixed used buildings and 10 townhomes.

Proposed Use of Property

- The purpose and intent of this Planned Development (PD) is to allow for the development of 3 mixed used buildings and 10 townhomes that will use a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as the model for future development in the surrounding area. We intend to break ground in early spring, with completion of the project in late 2019.

General Development Requirements

- **Site Plan:** The site plan is attached as Exhibit "C"
- **Elevation:** Per Waxahachie's Downtown Design Guidelines for new construction. See exhibit (D) attached for guidelines.

The following dimensions shall control development:

- Lots 1-5 Block B Kaufman Township East shall be attached Single Family.
- Lots 1-3 Block A Kaufman Township West shall be Mixed Used Residential
- Building setback along East Main Shall be ten (10) feet
- Building setback along Dr. Martin Luther King Blvd. shall be fifteen (15) feet
- Building setback along Kaufman St. Shall be ten (10) feet
- Building setbacks along existing SF2 zoning shall be ten (10) feet
- Minimum multifamily dwelling unit size to be eight hundred (800) square feet
- Minimum attached single family dwelling to be twenty three hundred (2,300) square feet
- No minimum side yard for lots 1 and 2 Kaufman Township West
- Existing jogging path to be re aligned per concept plan

Additional Requirements on PD-Mixed use residential, single family attached and multifamily

- **Masonry Requirement:** one hundred (100) percent up to roof eaves; setback 4th floor and recessed balcony areas can be cementitious fiberboard or similar materials
- All private parking shall be screened by approved landscaping
- All private Parking will have powder coated wrought iron fencing with gated access
- All roofing material will be 30 year architectural shingles, flat roofs will have Thermoplastic Polyolefin roofing (TPO) with ceramic pavers for roof top access
- All HVAC condensing units shall be screened from public streets via roof top location or landscape screening

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 11/09/18.

STAFF CONCERNS

1. Before the project is approved, *if approved by council*, staff would like for the applicant to submit an updated Planned Development standards document.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (11/15/2018), staff has yet to receive any revisions from the applicant.

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. We use SFA (Single Family Attached) as a use type, so that's the proposed usage of the property. Then you'll detail any relief you're requesting from those standards.
2. HVAC must be screened by landscaping or fencing, not by rooftop.
3. We will need the deeds for the property covered under this zoning case.
4. Comments remain for platting purposes.

ATTACHED EXHIBITS

1. Development Plan
2. Planned Development Regulations
3. Site Plan
4. Downtown Design Guidelines

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.

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STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Senior Planner

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PD-18-0175, subject to staff comments.

(24)

EXHIBIT "B"

Concept Plan Provisions

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to allow for the development of 3 mixed used buildings and 10 townhomes that will use a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as the model for future development in the surrounding area. Any conditions found within the MIXED USE RESIDENTIAL (MUR) and SINGLE FAMILY ATTACHED (SFA) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Zoning district MIXED USE RESIDENTIAL (MUR) and SINGLE FAMILY ATTACHED (SFA) is the intended base zoning classification underlying this PD. Any variations to the base zoning district regulations and comprehensive plan are as detailed in these PD regulations along with a concept plan.

PD District Development Standards

Description of Request

- We intend to modify the existing zoning requirements under a Planned Development which will allow for the development of 3 mixed used buildings and 10 townhomes.

Proposed Use of Property

- The purpose and intent of this Planned Development (PD) is to allow for the development of 3 mixed used buildings and 10 townhomes that will use a similar architectural style as listed in Waxahachie's Downtown Design Guidelines for new construction to create a common look that will serve as the model for future development in the surrounding area. We intend to break ground in early spring, with completion of the project in late 2019.

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(24)

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- All roofing material will be 30 year architectural shingles, flat roofs will have Thermoplastic Polyolefin roofing (TPO) with ceramic pavers for roof top access
- All HVAC condensing units shall be screened from public streets via roof top location or landscape screening

V. DESIGN GUIDELINES FOR NEW CONSTRUCTION

New infill construction is anticipated throughout Downtown Waxahachie. As investment in the area continues, it is important that new development contribute to an overall sense of continuity while also conveying the evolution of the area through building design.

This chapter provides guidelines for the design of new buildings in Downtown Waxahachie. It includes general guidelines for the architectural character, building orientation and materials of all new construction projects as well as guidelines for sustainable construction and design guidelines for specific building types.



The guidelines in this chapter also apply to improvements to existing non-historic buildings (those that are not listed as contributing within the historic district) to ensure that they remain compatible with the overall historic context. Note that general preservation principles and the design guidelines included in *Chapter II. Planning a Preservation Project* and *Chapter III. Treatment of Historic Resources* do not apply to new construction or to existing non-historic buildings.

IN THIS CHAPTER

A. General Principles for New Construction .	100
Architectural Character.....	100
Building Orientation	101
Materials	102
B. New Construction and Sustainability ...	103
C. New Commercial Building Design	107
Mass and Scale	107
Building and Roof Form.....	109
Commercial Facade Character.....	109
D. Civic Facility Design	111

A. GENERAL PRINCIPLES FOR NEW CONSTRUCTION

New infill construction in Downtown Waxahachie should be compatibly scaled and promote a pedestrian-oriented streetscape. It should also draw on Waxahachie's historic building traditions to inspire new, creative designs.



Appropriate new designs for windows, storefronts and architectural features provide visual interest while clearly indicating that the building is new.



New buildings should reflect the basic mass and scale characteristics of surrounding historic buildings while incorporating contemporary design elements.

ARCHITECTURAL CHARACTER

New buildings in Downtown Waxahachie should be distinguishable from historic buildings so as not to confuse the historic development of the area. Each building should appear as a product of its own time while maintaining general compatibility with the surrounding context.

5.1 Design a new building to reflect its time, while respecting key features of its context.

- New buildings should reflect the basic mass and scale characteristics of surrounding historic buildings while incorporating contemporary design elements.
- Use of historic building materials is encouraged.
- It is especially important that new buildings reflect the key features of the surrounding context in the Central Character Area.

5.2 Consider incorporating contemporary interpretations of traditional designs and details into a new building.

- New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new.
- Contemporary details for new storefronts can create interest while expressing a new, compatible style.

5.3 Do not design a new building to exactly imitate historic styles.

- Imitation blurs the distinction between old and new buildings and confuses interpretation of the architectural evolution of the district.
- An interpretation of a historic style that is authentic to the district may be considered if it is subtly distinguishable as being new.

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BUILDING ORIENTATION

Traditionally, the primary entrance of a building faced the street. In a commercial setting, the entry was often recessed. New buildings should be oriented to continue this traditional pattern.

5.4 Maintain the traditional orientation of a building to the street.

- The primary entrance should face the street.
- In some cases, the front door itself may be positioned perpendicular to the street. In this case, the entry should still be clearly defined with a recessed entry or canopy for commercial building types.



Maintain the traditional orientation of a building to the street.



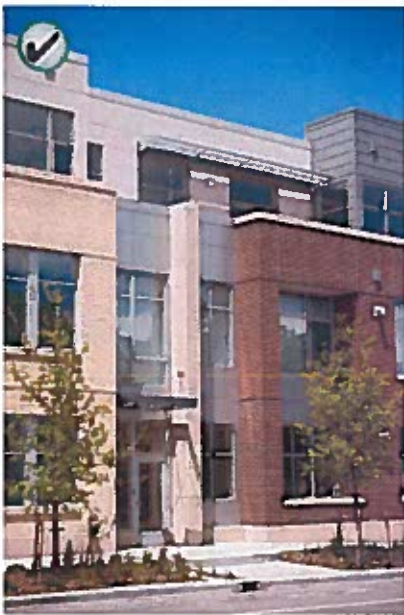
The primary entrance of a building should face the street.

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V. NEW INFILL CONSTRUCTION



Brick and stone are the preferred primary materials for new construction.



New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale, proportion, texture and finish to those used traditionally.

MATERIALS

Building materials used in new construction should contribute to the visual continuity of Downtown Waxahachie.

5.5 Use building materials appropriate to the context.

- In the Central Character Area, brick and stone are the preferred primary materials.
- In the Transition/Industrial Character Area, metal or other industrial materials may be appropriate.

5.6 Building materials shall be similar in scale, color, texture, and finish to those used traditionally in Downtown Waxahachie.

- All wood details should have a weather-protective finish.
- Stucco may be considered as an accent material on upper floors of larger buildings.
- Imitation or synthetic materials, such as aluminum or vinyl siding, imitation brick or imitation stone and plastic, are inappropriate.
- The use of highly reflective materials is discouraged.

5.7 Use masonry that appears similar in character to that seen historically.

- For example, brick and stone should have a modular dimension similar to that used traditionally.

5.8 Ensure that any new materials are similar in character to traditional materials.

- New or alternative materials should appear similar in scale, proportion, texture, and finish to those used traditionally.
- Using new or alternative materials as an accent is appropriate to help express individual building modules or units.



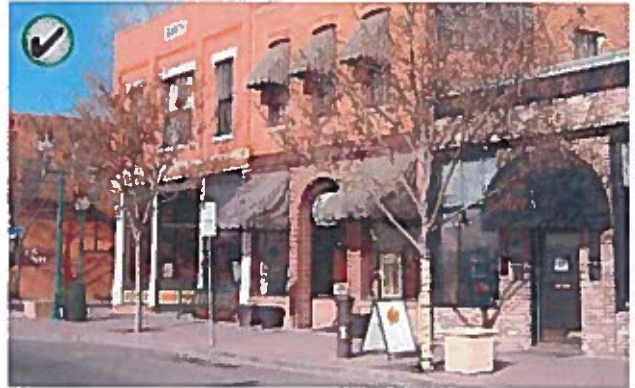
Using new or alternative materials as an accent is appropriate to help express individual building modules or units.

B. NEW CONSTRUCTION AND SUSTAINABILITY

The Waxahachie Comprehensive Plan sets goals for the long-term sustainability and livability of existing neighborhoods. New construction downtown supports sustainability by leveraging existing infrastructure and bringing housing and employers into closer proximity. New construction downtown should further support sustainability by incorporating energy efficient designs while maintaining the traditional character of the area. See *Preservation and Sustainability* on page 5 for more information.

Sustainable Site Design

Site design should include an evaluation of the physical assets of the site to maximize energy efficiency. Designs should consider seasonal changes in natural lighting and ventilation conditions. They should also consider effects on adjoining properties to ensure that neighbors have sufficient solar access and are able to implement energy efficient designs in the future.



Plantings should provide for winter sun and summer shade.

5.9 Locate a new building, or addition, to take advantage of micro climatic opportunities for energy conservation.

- Buildings should be oriented to be consistent with historic development patterns, to the extent feasible.
- Seasonal solar and wind exposure patterns should be considered when positioning a new building.

5.10 Design new construction to take advantage of energy saving and generating opportunities.

- Window designs should maximize daylighting into interior spaces.
- Shading devices should be used to manage solar gain in summer months.
- Energy-producing devices, including solar collectors and wind turbines, are encouraged where they also respect the character of the district.

5.11 Incorporate landscape designs that promote energy efficiency and water conservation.

Appropriate strategies include:

- Plantings oriented to provide wind protection for plazas and entries.
- Natural storm water retention basins that also serve as amenities.
- Use of plant species that require low levels of water.



Wall plane articulation may be used to provide shade or increase solar access to interiors.

Sustainable Building Design

The design of a new building should maximize the potential for natural daylighting and solar energy collection while also ensuring that the building's massing is compatible with the surrounding historic context.

5.12 Orient a building to maximize energy efficiency while ensuring compatibility with adjacent, lower-scale structures.

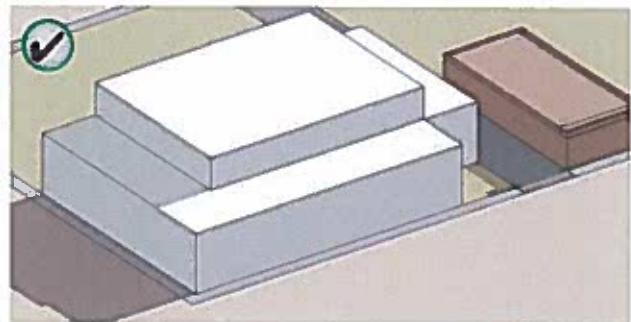
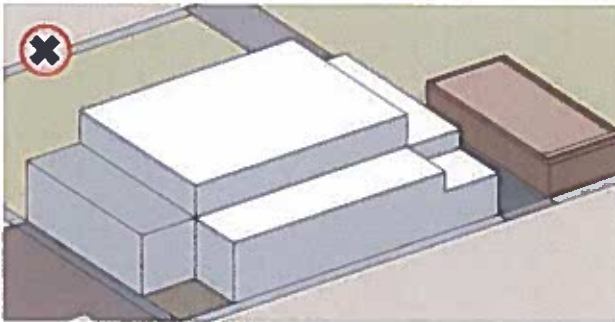
Appropriate strategies include:

- Positioning the taller portion of a building along a north-south axis to minimize shading on lower scale structures to the north.
- Designing a building to minimize shading on south-facing facades of adjacent buildings during winter months.

5.13 Shape a building's mass to maximize solar energy potential.

Consider the following strategies:

- Building designs that allow natural daylighting to the interior.
- Articulated wall planes that provide shade or increase solar access to interiors.
- Roofs oriented to accommodate solar collectors.
- Thermal storage walls on a portion of the south facing building exposure, where appropriate.



Articulate building mass to take advantage of solar energy. The plaza to the left is shaded during peak winter hours while the plaza to the right is enhanced by solar rays during peak winter hours.

Sustainable Building Elements

The elements that make up a building, including windows, mechanical systems and materials, can significantly impact environmental performance. They should be designed to maximize the building's environmental performance, while promoting compatibility with surrounding sites and structures. New materials that improve environmental performance are appropriate if they have been proven effective in the climate of northeastern Texas.

5.14 Use green building materials whenever possible.

Green building materials often have a long life span and are often:

- Locally manufactured
- Low maintenance
- Recycled

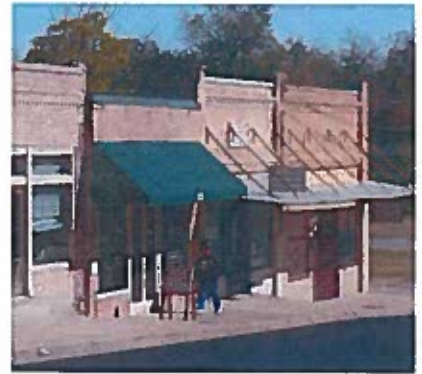
5.15 Incorporate building elements that allow for natural environmental control.

Consider the following:

- Operable windows for natural ventilation
- Low infiltration fenestration products
- Interior or exterior light shelves/solar screens above south facing windows

5.16 Minimize the visual impacts of solar and wind energy devices on the character of the district.

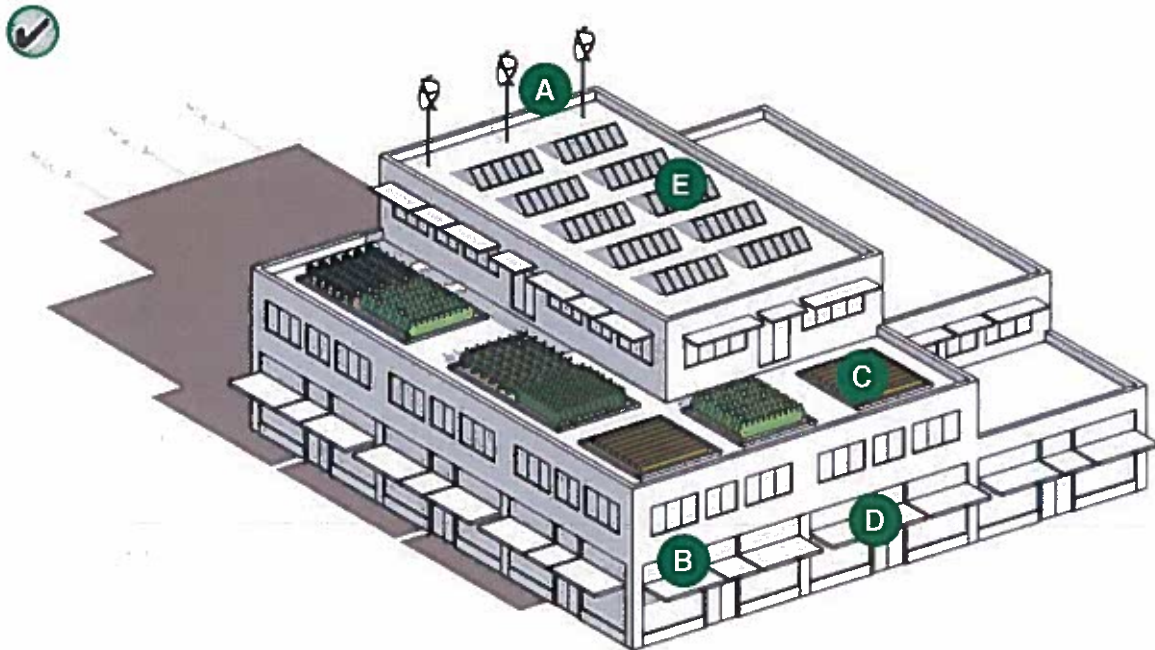
- Where feasible, mount equipment where it has the least visual impact.



The elements that make up a building, including windows, mechanical systems and materials, can significantly impact environmental performance.

NEW COMMERCIAL CONSTRUCTION BUILDING ENERGY EFFICIENCY DIAGRAM

Design a building or addition to take advantage of energy saving and energy harnessing opportunities as illustrated below.



A Wind Devices

- Set back from primary facade to minimize visibility from street

B Operable Transoms

- Allows for natural air circulation

C Green Roofs

- Decreases solar gain
- Reduces runoff

D Shading devices

- Operable canopies, located above display windows

E Solar Panels

- Set back from primary facade to minimize visibility from street
- Used as shading devices

C. NEW COMMERCIAL BUILDING DESIGN

Downtown Waxahachie is composed primarily of traditional commercial buildings with storefronts along the ground floor and upper story office or residential uses. New commercial buildings are encouraged as infill development. They are especially appropriate in the Central Character Area.

MASS AND SCALE

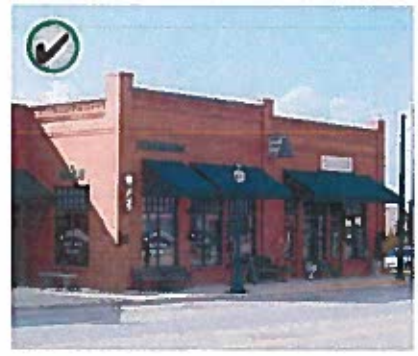
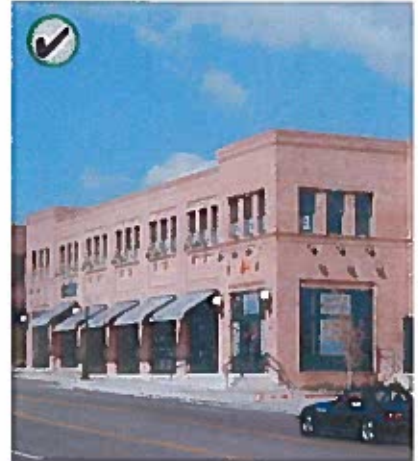
Traditionally commercial buildings had varied heights, articulated masses, visually interesting skylines and pedestrian-scaled street fronts that contribute to a sense of human scale. A new building should continue to provide a variety of pedestrian-friendly scales and visually appealing masses. Buildings should not be monolithic in scale or greatly contrast with those seen traditionally downtown.

5.17 Maintain the traditional size of buildings as perceived at the street level.

- The facade height of a new building should fall within the range envisioned for the area. It should respect the traditional proportions of height to width.
- Floor-to-floor heights should appear similar to those of traditional buildings downtown, especially those at ground level.

5.18 Establish a sense of human scale.

- Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.
- Incorporate changes in color, texture and materials to help define human scale.
- Use architectural details to create visual interest.
- Use materials that help to convey scale in their proportion, detail and form.



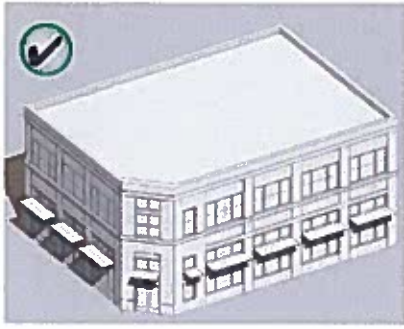
A new building should be designed with a pedestrian-scaled street front.



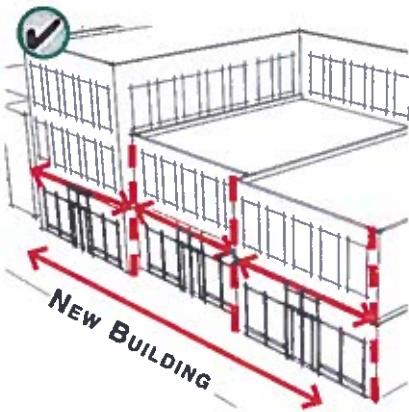
Use vertical and horizontal articulation design techniques to reduce the apparent scale of a larger building mass.

HUMAN SCALE

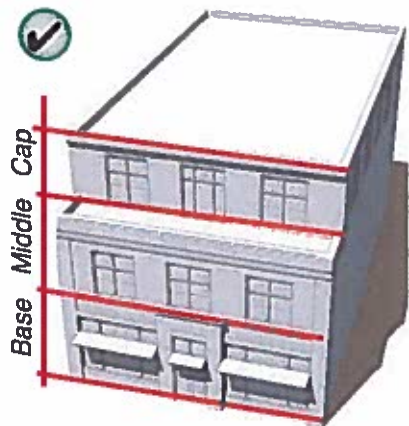
A sense of human scale is achieved when one can reasonably interpret the size of a building by comparing features of its design to comparable elements in one's experience. Using building material of a familiar dimension such as traditional brick is an example, as is using windows of similar dimensions.



Use architectural details that create visual interest and convey a three-dimensional facade to establish a sense of human scale.



New facade widths should reflect the traditional range of the building widths seen on the block.



A new building should incorporate a base, middle and cap.

5.19 Maintain traditional spacing patterns created by the repetition of uniform building widths along the street.

- A new facade should reflect the established range of the traditional building widths seen downtown.
- A change in design features may be used to suggest traditional building widths.
- Changes in materials, window design, facade height or decorative details may be used to reflect traditional facade widths in the design of a larger new building.
- Express variations consistently throughout the structure, such that the composition appears to be a composition of smaller building modules.

5.20 A new building should incorporate a base, middle and cap.

- Traditionally, buildings were composed of these three basic elements. Interpreting this tradition in new buildings will help reinforce the visual continuity of the area.



Where a building must exceed a traditional facade width, use a change in design features to suggest the traditional building widths.

BUILDING AND ROOF FORM

Similarity in building and roof forms is a prominent unifying element in the commercial area. Most are simple rectangular solids. New construction should be designed with simple forms.

5.21 A rectangular form should be dominant on a commercial facade.

- The facade should appear as a flat surface, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant form.

5.22 A roof form should be similar to those used traditionally.

- Flat roofs are appropriate.
- "Exotic" roof forms, such as A-frames and steep shed roofs, are inappropriate.

COMMERCIAL FACADE CHARACTER

Historic commercial building facades incorporate a regular pattern of transparency and proportion. Typical patterns are summarized in the sidebar at right. These traditional patterns should be incorporated into new construction whenever possible.

5.23 Maintain the traditional spacing pattern created by upper story windows.

- Use traditional proportions of windows, individually or in groups.
- Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.

5.24 Maintain the distinction between the street level and the upper floor.

- The first floor of the primary facade should be predominantly transparent glass.
- Upper floors should be perceived as being more opaque than the lower floor.
- Highly reflective or darkly tinted glass is inappropriate.
- Express the distinction in floor heights between street levels and upper levels through detailing, materials and fenestration. The presence of a belt course is an important feature in this relationship.



The first floor of the primary facade should be predominantly transparent glass.

FACADE MATERIALS AND PROPORTIONS

The street level of a typical historic commercial building is clearly distinguishable from the upper floors. The first floor is predominantly made of fixed plate glass with a small percentage of opaque framing materials, a kickplate and a recessed entry. An upper floor, where it occurs, is the reverse—opaque materials dominate, and windows appear as smaller openings puncturing a more solid wall. These windows are usually double-hung. The street level also appears taller than the upper floors. A historic storefront of twelve to fourteen feet high is typical, whereas a second floor is usually ten to twelve feet.

V. NEW INFILL CONSTRUCTION



Recessed entries appear in this traditional setting. This design feature should be continued in new buildings.

5.25 Incorporate traditional building components into the design of a new storefront.

- Express a kickplate, display window and transom in a new storefront design.
- Storefront components and upper story windows should be similar in height and proportion to traditional downtown buildings.
- When portions of a storefront are folding, all of the storefront components should still be visible.

5.26 Maintain the pattern created by recessed entries along the street.

- On commercial type buildings, set a primary entry door back an adequate amount from the front facade to establish a distinct threshold for pedestrians. A recessed dimension of four feet is typical.
- Where entries are recessed, the building line at the sidewalk edge should be maintained by the upper floor(s).
- Use a transom over a doorway to maintain the full vertical height of the storefront.
- Oversized (or undersized) interpretations are discouraged.



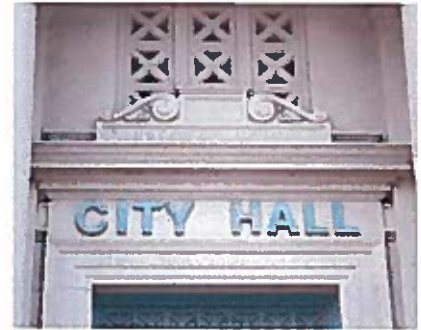
Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.

D. CIVIC FACILITY DESIGN

Civic facilities include museums, churches, libraries, fraternal buildings, courts, and governmental offices. New civic facilities in Downtown Waxahachie should reinforce the historic building fabric and enhance the pedestrian environment. They should promote the basic design principles outlined for commercial buildings while also serving as landmarks in the urban fabric.

5.27 Design civic buildings to be compatible with the surrounding context while serving as landmarks.

- Civic facilities should be located such that they encourage pedestrian traffic to nearby businesses.
- Civic facilities should be designed to reinforce the downtown fabric of streets, public spaces and sidewalks.
- Outdoor spaces designed for public use should be provided.
- The visual impacts of automobiles should be minimized.
- Primary entrances should face the street or a public space, not to parking lots.
- A sense of human scale should be conveyed.
- A pedestrian-friendly street level should be included.
- The design guidelines for mass, scale and materials for commercial buildings should be reflected in their design.



The tradition of designing civic institutions as landmarks in the urban fabric should be continued.

(25)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT- MIXED USE RESIDENTIAL (PD-MU) AND PLANNED DEVELOPMENT-MULTI FAMILY-2, WITH CONCEPT PLAN LOCATED AT 319 E. MAIN STREET, 101 KAUFMAN STREET, AND 401 DR. MARTIN LUTHER KING JR. BOULEVARD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.8738 ACRES (KAUFMAN WEST) AND 0.504 ACRES (KAUFMAN EAST), KNOWN AS A PORTION OF PROPERTY ID 170536, 170777, and 170858 OF THE TOWN-WAXAHACHIE ADDITION, 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 PD-18-0175. 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 SF-2 and C to PD-MU and PD-MF-2, 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 SF-2 and C to PD-MU and PD-MF-2, with Concept Plan in order to facilitate development of the subject property in a manner that allows mixed use retail and townhome structures on the following property: a portion of Property ID 170536, 170777, and 170858 of the TOWN-WAXAHACHIE ADDITION, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B. Development on this property cannot commence until the approval of Architectural Review Standards and a Detailed Site Plan, and the approval of a plat. The Architectural Review Standards and Detailed Site Plan must be considered by both the Planning and Zoning Commission and City Council and receive approval from City Council before the property can be platted. When the Architectural Review Standards and Detailed Site Plan are approved by City Council, this ordinance shall be amended to include the development standards that shall prevail upon this property.

Any zoning, land use requirement or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit B (Concept Plan

(25)

Provisions). Where regulations are not specified in Exhibit B or in this ordinance, the regulations of the Multi Family-Two (MF-2) and Mixed Use Residential (MUR) district of the Development Code shall apply to this development. Amenities for the property shall be constructed within the Operational Plan.

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 3rd day of December, 2018.

MAYOR

ATTEST:

City Secretary

(26)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0178



MEETING DATE(S)

Planning & Zoning Commission:

November 27, 2018

City Council:

December 3, 2018

CAPTION

Request by Chris Acker, Acker Construction, for a **Preliminary Plat** of Kaufman Township West for 7 lots, being 0.8738 acres, being a portion of Block D, Original Town Addition, a portion of Block 42A, Town Addition, and a portion of Plat and Kaufman Streets, (Property ID 170536, 170777) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (PP-18-0178)

CASE INFORMATION

Applicant:

Chris Acker, Acker Construction

Property Owner(s):

Ronald C Holmes & Robert B Fogarty

Site Acreage:

.8738 acres

Number of Lots:

7 lots

Number of Dwelling Units:

7 mixed use units

Park Land Dedication:

The cash in lieu of park land dedication for this property is estimated at \$600.00.

Adequate Public Facilities:

City Services are available.

SUBJECT PROPERTY

General Location:

319 E Main

Parcel ID Number(s):

170536, 170777

Current Zoning:

Commercial, with a portion being Single Family-2

Existing Use:

Vacant Land

Platting History:

Portion of Block D, Original Town Addition

Site Aerial:

(26)



STAFF CONCERNS

1. Informational Note: A Developer's Agreement will be required before final approval.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (11/14/2018), the applicant has yet to submit revisions for the first submittal staff comments.

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. Please remove certain layers/items so that the plat is easier to read (ie. fences, building, sidewalk, trees).
2. MLK is a Major Thoroughfare B (110' ROW) but your drawing only shows it as 60' ROW. You're responsible for ensuring that 55' is dedicated from the centerline.
3. *Informational Note:* Zoning required in order to be approved.
4. *Informational Note:* A Developer's Agreement will be required before final approval. *The applicant cannot have a Final Plat for the property until the ownership is changed per the Developer's Agreement.*
5. Please be sure that the field notes is consistent with the plan.

Does not match plat

S 26°13'22" W, 43.69 feet to the south corner of this tract in the northeast line of said East Main

THENCE N 63°21'28" W, 98.66 feet (Plat N 62°30' W) along the northeast line of said East Main Street and the southwest line of this tract to the POINT OF BEGINNING, and containing approximately 38,065 square feet or 0.8738 acre of land.

5. Please take down some layers on the plan. Some items are hard to read.

[illegible]

-

- Page 3 of 4

(b)(6)

ATTACHED EXHIBITS

1. Plat Drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. PP-18-0178, subject to staff comments.

Block 42A

Lot 1 0.1212 Acs

Lot 2 0.2142 Acs

Lot 3 0.2223 Acs

Lot 4A 0.2223 Acs

Lot 5A 0.3931 Acs

Lot 5B 0.3931 Acs

Lot 5C 0.3931 Acs

Lot 5D 0.3931 Acs

Lot 5E 0.3931 Acs

Lot 5F 0.3931 Acs

Lot 5G 0.3931 Acs

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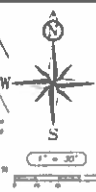
Lot 5FC 0.3931 Acs

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PRELIMINARY PLAT
LOTS 1-7, BLOCK A
KAUFMAN TOWNSHIP WEST
PHASES 1 and 2
Being a Replat of a 0.8738 Acres
Portion of Block D, Original Town Addition
Portion of Block 42A, Town Addition,
and Portion of Plat and Kaufman Streets
in the City of Wazachbach
Ellis County, Texas


D&M
ENGINEERS
DAVIS & McDILL, Inc.
(A Joint Venture Operating Under License)
 P.O. BOX 428, Westborough, Texas 75168
 Phone: (817) 771-1185

Date: 10-17-1978
 Scale: 1" = 30'
 Drawing by: Sharon
 Title: TRIP-STOP-PAVE
 Sheet: 1 of 1 sheets

(27)

Planning & Zoning Department

Plat Staff Report

Case: RP-18-0190



MEETING DATE(S)

Planning & Zoning Commission: November 27, 2018

City Council: December 3, 2018

CAPTION

Consider request by Chris Acker, Acker Construction, for a Replat of a portion of Block 43, Town Addition, to create Lots 1-5, Block B, Kaufman Township East, 0.504 acres (Property ID 170858) – Owner: RONALD C HOLMES & ROBERT B FOGARTY (RP-18-0190)

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Ronald C Holmes & Robert B Fogarty

Site Acreage: .504 acres

Number of Lots: 5 lots

Number of Dwelling Units: 5 dwelling units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$2,000.

Adequate Public Facilities: This site has access to City services.

SUBJECT PROPERTY

General Location: 401 Dr. MLK Blvd

Parcel ID Number(s): 170858

Current Zoning: Commercial

Existing Use: Undeveloped Land

Platting History: Block 43, Official Map of Waxahachie

Site Aerial:



STAFF CONCERNS

1. Informational Note: A Developer's Agreement for the reconstruction and realignment of Kaufman Street will be required prior to final approval.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (11/14/2018), the applicant has yet to submit revisions for the first submittal staff comments.

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. *Informational Note:* Zoning required in order to be approved.
2. *Informational Note:* A Developer's Agreement will be required before final approval.
3. Please be sure to have the seal and signature of surveyor and/or engineer preparing the Plat.
4. Please provide the square footage for each proposed lot.
5. MLK is a Major Thoroughfare B (110' ROW). You depict it as a 60' ROW. If this is true, you're responsible for dedication of 55' from the centerline.
6. Please be sure that the field notes is consistent with the plan.

Does not match plat

UPPER OF THIS TRACT AND BLOCK 43, AND BEING IN THE INTERSECTION OF THE SOUTH LINE OF KAUFMAN STREET (a called 60 foot right-of-way) and the northeast line of Main Street;

THENCE N 33°03'00" E, 27.78 feet along the south line of Kaufman Street, and along the westerly northwest line of this tract and Block 43, to a 1/2" capped steel rod set for corner;

THENCE N 87°01'25" E 158.24 feet continuing along the south line of Kaufman Street and along

(27)

ATTACHED EXHIBITS

1. Plat drawing.

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 27, 2018, the Commission voted 7-0 to recommend approval of plat no. RP-18-0190, subject to staff comments.

PAGE 1 OF 2

(27)

RECEIVED
11/26/18



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-18-0175 and RP-18-0190**



SANCHEZ JOSE MANUEL RENDON
106 KAUFMAN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 27, 2018 at 4:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 3, 2018 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 Chris Acker, Acker Construction, for a Zoning Change from a Single Family-2 and a Commercial zoning district to **Planned Development-Mixed Use Residential and Planned Development-Multiple-Family Residential-2**, with Concept Plan, located at 319 E Main, 101 Kaufman, and 401 Dr Martin Luther King Jr Blvd (Property ID 170536, 170777, and 170858) - Owner: RONALD C HOLMES & ROBERT B FOGARTY (PD-18-0175)
2. Request by Chris Acker, Acker Construction, for a **Replat** of a portion of Block 43, Town Addition, to create Lots 1-5, Block B, Kaufman Township East, 0.504 acres (Property ID 170858) - Owner: RONALD C HOLMES & ROBERT B FOGARTY (RP-18-0190)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: **PD-18-0175 and RP-18-0190** ☒ SUPPORT ☐ OPPOSE

Comments: _____

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **MONDAY, NOVEMBER 19, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

Jose M. Sanchez
Signature

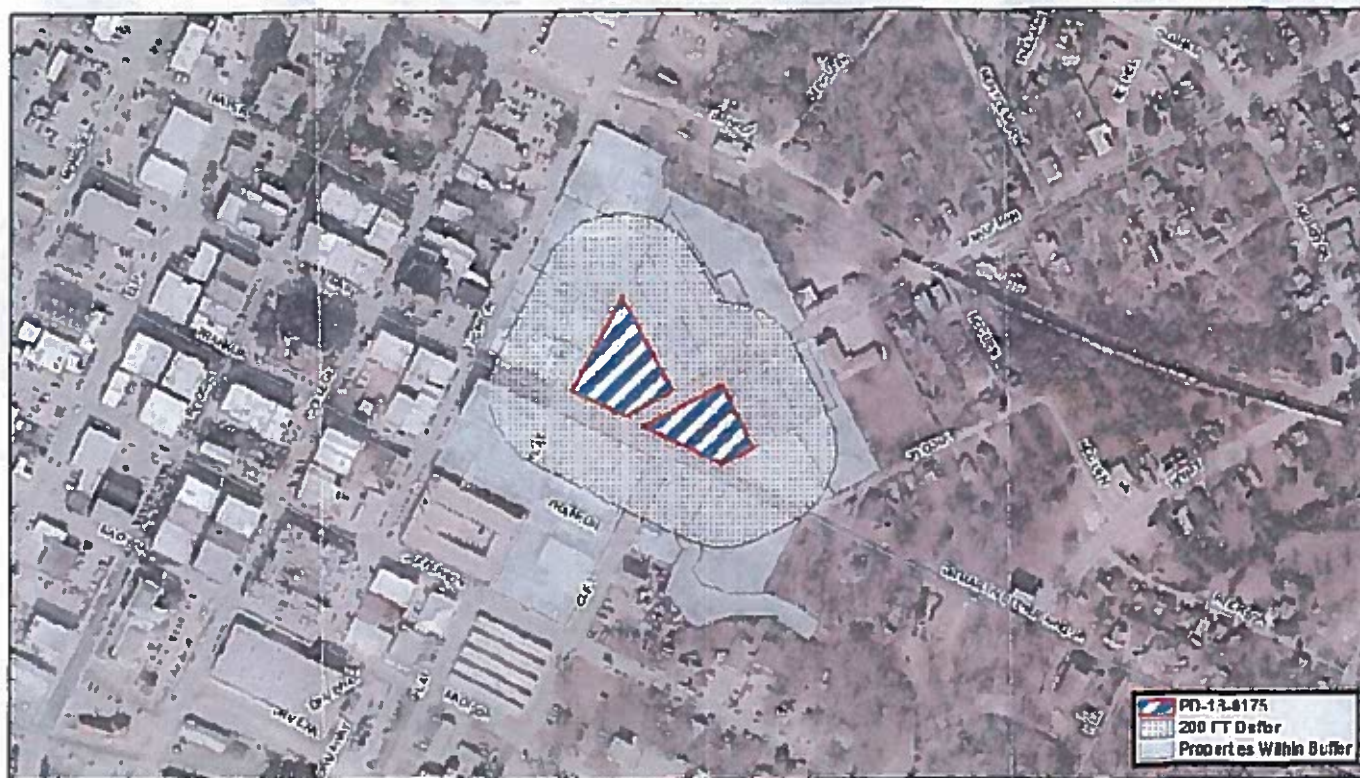
11-26-18
Date

Jose M. Sanchez
Printed Name and Title

106 Kaufman St
Address



CITY OF WAXAHACHIE - PROPERTY OWNER NOTIFICATION
PD-18-0175 KAUFMAN TOWNSHIP EAST & WEST - PON MAP



Age Group	Percent
18-24	10
25-34	15
35-44	20
45-54	25
55-64	30
65-74	35
75-84	40
85+	45

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative to be lot or property boundaries. This product has been prepared by the City of Macomb for the sole purpose of general public reference. No warranty is made by the City of Macomb regarding the accuracy or completeness.



(29)

AGREEMENT OF UNDERSTANDING

THIS AGREEMENT OF UNDERSTANDING (hereinafter called "Agreement") is effective and entered into this ____ day of December, 2018 between the City of Waxahachie, Texas ("City"), and Acker Construction, LLC ("Developer").

This Agreement is to affirm the understanding between the City and the Developer regarding a property transfer between the two parties for the purpose of the Kaufman Street corridor rehabilitation Phase I, a City project that will realign Kaufman Street with Clift Street at the intersection of Martin Luther King Jr. Boulevard. The Developer will dedicate sufficient right of way to the City, via replat case number RP-18-0190 and as described in *Exhibit A* of this agreement, for purposes of realigning Kaufman Street. In exchange, the City will transfer ownership of existing Kaufman Street right of way to the Developer for private use and development, as described in *Exhibit B* of this agreement, only upon completion and opening to the public of Phase I of the corridor restoration and realignment of Kaufman Street.

The Developer will submit an application for a preliminary plat, via case number PP-18-0178, which will incorporate portions of the existing Kaufman Street right of way into the preliminary plat. This preliminary plat, upon meeting the conditions set forth by the City, may be approved prior to the realignment of Kaufman Street and prior to the transference of ownership from the City to the Developer, of the property described in *Exhibit B*. The Developer may submit an application, and upon meeting the conditions set forth by the City, final plat any lot described within PP-18-0178 not containing any portion of the existing Kaufman Street right of way described within *Exhibit B*. No property owned by the City, as described within *Exhibit B*, may be final platted or used privately by the Developer until such time as the property ownership has been transferred from the City to the Developer.

Should the completion of Phase I of the corridor restoration and realignment of Kaufman Street not be complete and open to the public within three years of the execution of this Agreement, this Agreement becomes null and void at that time unless mutually extended and agreed to by both parties in writing. This Agreement grants a one-year preliminary plat extension, pursuant to Section 2.3.L.2 of the City's subdivision ordinance, to coincide with the timelines defined herein. Should the Agreement become null and void for the aforementioned reason, the City agrees to purchase the property described in *Exhibit A*, based on pricing from an impartial third party appraisal at the time.

Both parties agree that there are no fees or compensation required from either party should this Agreement become null and void. Should this Agreement become null and void, the Developer may choose to allow the City to retain ownership of the property described in *Exhibit A* by submitting to the City Manager a signed letter stating that the Developer does not wish to retain ownership of the property. If the Developer chooses to allow the City to retain ownership of the property described in *Exhibit A* in the event this Agreement becomes null and void, a replat of the property will not be required by this Agreement.

Please sign this Agreement in the space provided below in order to confirm your agreement with the provisions herein.

[Signatures on following page]

(29)

AGREED PROPERTY OWNERS:

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

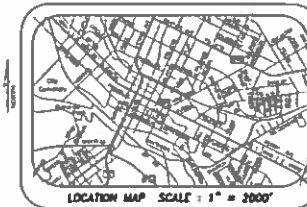
AGREED City:

City of Waxahachie

By: _____

Name: _____

Title: _____

[illegible]