

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, May 17, 2021 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

5. **Consent Agenda**

All matters listed under Item 5, 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 May 3, 2021
 - b. Minutes of the City Council briefing of May 3, 2021
 - c. Minutes of Special City Council meeting of May 11, 2021
 - d. Application for Seasonal Vendor Permit at Lake Waxahachie
 - e. Receive Fiscal Year 2021 2nd Quarter Financial Report
 - f. Authorize Supplemental Appropriation funding the runoff election on June 5, 2021
6. **Present** Proclamation proclaiming May 2021 as National Preservation Month
 7. **Present** Proclamation proclaiming May 16-22, 2021 as National Public Works Week
 8. **Public Hearing** on a request by Mikel J. Craig, Waxahachie ISD, for a renewal of Specific Use Permit (SUP) Ordinance 3116 located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021)
 9. **Consider** proposed Ordinance approving ZDC-52-2021
 10. **Public Hearing** on a request by Nora De Los Santos for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, with Concept Plan, located at 211 Cumberland (Property ID 172281) - Owner: NORA DE LOS SANTOS (ZDC-48-2021)

11. **Consider** proposed Ordinance approving ZDC-48-2021
12. **Continue Public Hearing** on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)
13. **Consider** proposed Ordinance approving ZDC-44-2021
14. **Consider** Development Agreement for ZDC-44-2021
15. **Public Hearing** on a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for Trailer and Heavy Load Vehicle Repair use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021)
16. **Consider** proposed Ordinance approving ZDC-49-2021
17. **Consider** Development Agreement for ZDC-49-2021
18. **Continue Public Hearing** on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)
19. **Consider** proposed Ordinance approving ZDC-35-2021
20. **Consider** Development Agreement for ZDC-35-2021
21. **Consider** authorization of a year Cooperative Purchasing Agreement, with option to automatic renew yearly, with the City of Hurst
22. **Consider** authorizing award for the pavement preservation of various projects with Andales Construction, as part of the cooperative purchase with the City of Hurst
23. **Consider** authorization for professional services with O'Brien Engineering for the continuation of engineering design of erosion control measures along Waxahachie Creek
24. **Convene** into Executive Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of City Secretary and Municipal Court Judge as permitted by Texas Government Code, Section 551.074
25. **Reconvene** and take any necessary action
26. Comments by Mayor, City Council, City Attorney and City Manager
27. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty- eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

(5a)

City Council
May 3, 2021

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, May 3, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Council Member Doug Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, encouraged more communication with the public on city business.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 19, 2021
- b. Minutes of the City Council briefing of April 19, 2021
- c. Event application for Wheels of Fire Bike Ride on June 26, 2021
- d. Authorization of a supplemental appropriation funding the Planning Manager position
- e. Authorization of a supplemental appropriation to the Sokoll Fund associated with a treated water meter replacement
- f. Authorization of a supplemental appropriation to the Wastewater Fund associated with flow monitoring program

Action:

Council Member Doug Barnes moved to approve items a. through f. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

6. Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-

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1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-44-2021 to the May 17, 2021 City Council meeting.

7. Consider proposed Ordinance approving ZDC-44-2021

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021) to the May 17, 2021 City Council meeting. Council Member Doug Barnes seconded, All Ayes.

8. Consider Development Agreement for ZDC-44-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue the consideration of the Development Agreement for ZDC-44-2021 to the May 17, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

9. Consider request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021)

Planning Director Shon Brooks reviewed the case noting the applicant is requesting to plat the subject property into one lot for residential use and is requesting a petition for hardship waiver due to a lack of available fire flow to the subject property. He noted staff recommended approval of the plat and approval of the petition for hardship waiver due to support of the Waxahachie Fire Department.

Action:

Council Member Melissa Olson moved to approve a request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021). Council Member Chuck Beatty seconded, All Ayes.

10. Public Hearing on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval to allow a Car Wash on 0.964 acres and requested not to add a sidewalk to the property. Mr. Brooks noted staff

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recommended approval of ZDC-45-2021, including the sidewalk, per the following staff comments:

1. Per the applicant's request, a Development Agreement will be required for the property.

There being no others to speak for or against ZDC-45-2021, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-45-2021

ORDINANCE NO. 3267

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CAR WASH USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 223397, BEING ABSTRACT 6 OF THE J C ARMSTRONG SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3267. Council Member Chuck Beatty seconded, All Ayes.

12. Consider Development Agreement for ZDC-45-2021

Action:

Council Member Melissa Olson moved to approve a Development Agreement for ZDC-45-2021. Council Member Chuck Beatty seconded, All Ayes.

13. **Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage units, which were designed at the western portion of the property, into the main building while converting the cottage building detached garages. He noted staff recommended approval per the following staff comments:

1. A revised mutually agreed upon Development Agreement/Ordinance must be signed by the applicant and city staff.

There being no others to speak for or against ZDC-46-2021, Mayor Hill closed the Public Hearing.

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Council Member Melissa Olson inquired about keeping the existing tree line adjacent to the Sports Complex.

Mr. Nick Balsamo, 1701 N. Market Street, Dallas, Texas, explained the existing tree line will remain.

14. Consider proposed Ordinance approving ZDC-46-2021

ORDINANCE NO. 3268

AN AMENDMENT TO ORDINANCE 3150 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) WITH AMENDED ORDINANCE, TO ALLOW A SENIOR AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY PARKWAY AT GOODNIGHT LANE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES KNOWN AS A PORTION OF PROPERTY ID 275562, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3268 with the tree line in place adjacent to the Sports Complex. Council Member Doug Barnes seconded, All Ayes.

15. Consider revised Development Agreement for ZDC-46-2021

Action:

Council Member Chuck Beatty moved to approve a revised Development Agreement for ZDC-46-2021. Council Member Doug Barnes seconded, All Ayes.

16. Continue Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

Mayor Hill continued the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval of a Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres. He noted staff recommended approval per the following staff comments:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. A detailed Site plan packet shall be reviewed administratively by staff.

There being no others to speak for or against ZDC-42-2021, Mayor Hill closed the Public Hearing.

17. Consider proposed Ordinance approving ZDC-42-2021

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ORDINANCE NO. 3269

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2), TO ALLOW A MULTI FAMILY RESIDENTIAL DEVELOPMENT, LOCATED SOUTH OF 865 CANTRELL STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.85 ACRES KNOWN AS A PORTION OF PROPERTY ID 142414, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3269. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

18. Consider Development Agreement for ZDC-42-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-42-2021. Council Member Melissa Olson seconded, All Ayes.

19. Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the Public Hearing for ZDC-35-2021 to the May 17, 2021 City Council meeting.

20. Consider proposed Ordinance approving ZDC-35-2021

Action:

Council Member Doug Barnes moved to continue the Public Hearing on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021) to the May 17, 2021 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

21. Consider Development Agreement for ZDC-35-2021

Action:

No action taken.

22. Discuss, consider and act on approving Resolution of the City of Waxahachie, Texas determining the costs of certain authorized improvements to be financed by the Waxahachie Public Improvement District No. 1; approving a preliminary service plan and assessment plan, including proposed assessment roll for Phase 3; calling a meeting and noticing a public hearing for June 7, 2021 to consider an ordinance levying assessments on property located within Phase 3 of the Waxahachie Public

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Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto

Mr. Josh Arendt, Municap, reviewed the proposed Resolution determining the costs of Phase 3 District improvements to be financed by the Waxahachie Public Improvement District No. 1. He explained approval of the resolution will also approve an updated preliminary service plan and assessment plan and set a Public Hearing date of June 7, 2021. He explained the proposed improvements include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, and parks and open spaces. He noted it will be about .22 cent tax equivalent per year.

RESOLUTION NO. 1309

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF PHASE THREE DISTRICT IMPROVEMENTS TO BE FINANCED BY THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED PHASE 3 ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL FOR PHASE 3 WITH THE CITY SECRETARY; CALLING A REGULAR MEETING AND NOTICING A PUBLIC HEARING FOR *JUNE 7, 2021* TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; DIRECTING THE FILING OF THE PROPOSED PHASE 3 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1309. Council Member Doug Barnes seconded, All Ayes.

- 23. Authorize the City Manager to enter into agreements with Environmental & Construction Services, Inc. through the Choice cooperative purchasing program and Vantage Environmental Services, LP through a professional services agreement for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus, and associated supplemental appropriation to the General Items budget**

Assistant City Manager Tommy Ludwig reviewed the request authorizing the City Manager to enter into agreements with Environmental & Constructions, Services, Inc., through the Choice Cooperative Purchasing Program, and Vantage Environmental Services, LP, through a professional service agreement, in an collective amount not to exceed \$1,450,000.00 for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus and associated structures. He explained the requested amount includes at \$49,175.00 contingency. Mr. Ludwig reported the scope of the work includes former Baylor Hospital, the hospital helipad,

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two medical office buildings and associated parking lot, the removal and decommissioning of an underground storage tank, and utility separation for the HRT Building. Mr. Ludwig requested a supplemental appropriation in the amount of \$300,000.00 for the proposed cost not allocated in the FY 20-21 budget.

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into agreements with Environmental & Construction Services, Inc. through the Choice cooperative purchasing program and Vantage Environmental Services, LP through a professional services agreement for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus, and associated supplemental appropriation in the amount of \$300,000.00 to the General Items budget. Council Member Doug Barnes seconded, All Ayes.

24. Consider proposed Resolution denying Oncor Electric's application to change rates

Assistant City Manager Albert Lawrence reviewed the resolution denying the rate increase by Oncor explaining the resolution will authorize the Oncor Cities Steering Committee to negotiate a rate that is best for our residents and businesses. He explained the legal counsel representing the cities will be paid for by Oncor.

RESOLUTION NO. 1310

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Action:

Council Member Doug Barnes moved to approve Resolution No. 1310. Council Member Chuck Beatty seconded, All Ayes.

25. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:26 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 7:44 p.m.

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Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into an agreement to purchase real estate in accordance with the discussion held in executive session and to execute all documents in accordance with that agreement. Council Member Melissa Olson seconded, All Ayes.

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

Assistant City Manager Tommy Ludwig thanked the Mayor and City Council for approval of the Planning Manager position.

Assistant City Manager Albert Lawrence thanked the Parks and Recreation Department for their work during the spring storms last week at Railyard Park and the parks system. He noted the Hachie 50 event was a success.

Council Member Chuck Beatty asked for prayers and well wishes for City Secretary Lori Cartwright.

Mayor Pro Tem Mary Lou Shipley thanked staff for their work on the demolition of the old Baylor Hospital and noted she is looking forward to the project moving forward.

Mayor David Hill complimented city staff for all their work.

28. Adjourn

There being no further business, the meeting adjourned at 7:48 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

City Council
May 3, 2021

(5p)

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 3, 2021 at 6:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- 5c. Staff worked with organizers for community benefit ride for Jon Wilson and staff recommended approval.
- 5d. Mid-year supplemental appropriation to fund Planning Manager position.
- 5e. Supplemental appropriation to the Sokoll Fund associated with a treated water meter replacement.
- 5f. Supplemental appropriation to the Wastewater Fund associated with flow monitoring program.
- Items 25. and 26. Executive Session to deliberate real property.

Planning Director Shon Brooks reviewed the following:

- Items 6.-8. ZDC-44-2021, applicant requested to continue to the May 17, 2021 City Council meeting.
- Item 9. SUB-39-2021, staff recommended approval as presented and approval of petition for hardship waiver request.
- Items 10.-12. ZDC-45-2021, staff recommended approval with development agreement including adding a sidewalk to the property.
- Items 13.-15. ZDC-46-2021, staff recommended approval with development agreement.
- Items 16.-18. ZDC-42-2021, staff recommended approval with development agreement.
- Items 19.-21. ZDC-35-2021, applicant requested to continue to the May 17, 2021 City Council meeting.

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Assistant City Manager Tommy Ludwig reviewed the request to approve a resolution determining the costs of Phase 3 District improvements to be financed by the Waxahachie Public Improvement District No. 1. He explained approval of the resolution will also approve an updated preliminary service plan and assessment plan and set a Public Hearing date of June 7, 2021.

City Attorney Robert Brown explained the city is only responsible from an administrative aspect. He confirmed there is no obligation to the city and the Public Improvement District is not city debt.

Mr. Ludwig reviewed the request authorizing the City Manager to enter into agreements with Environmental & Constructions, Services, Inc., through the Choice Cooperative Purchasing Program, and Vantage Environmental Services, LP, through a professional service agreement, in a collective amount not to exceed \$1,450,000.00 for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus and associated structures. He explained the requested amount includes a \$49,175.00 contingency. Mr. Ludwig reported the scope of the work includes former Baylor Hospital, the hospital helipad, two medical office buildings and associated parking lot, the removal and decommissioning of an underground storage tank, and utility separation for the HRT Building. Assistant City Manager Albert Lawrence explained the tax roll amount of this site is estimated about \$6 million and investing to clear the land will allow for development and a tool for the city to use during negotiations. Mr. Scott explained professionals who specialize in repurposing have visited the structure and agreed that the building is not salvageable due to many factors. Mr. Scott noted at this point the structure is a liability for the city.

Mr. Lawrence reviewed the resolution denying the rate increase by Oncor explaining the resolution will authorize the Oncor Cities Steering Committee to negotiate a rate that is best for our residents and businesses. He explained the legal counsel representing the cities will be paid for by Oncor.

3. Adjourn

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

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City Council
May 11, 2021

A special 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, Waxahachie, Texas, on Tuesday, May 11, 2021 at 12:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager
Tommy Ludwig, Assistant City Manager
Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

None

4. Public Comments

Paul Christenson, 110 Williams Street, noted the State has no jurisdiction over local municipal elections and requested to draw names for order on ballot for the runoff election.

5. Canvass and accept votes of City Council Election held on May 1, 2021

Mayor Hill canvassed the election returns of the City Council Election held on Saturday, May 1, 2021 as follows:

Place 4	Billie Wallace	1,609
Place 4	Mary Lou Shipley	1,303
Place 4	Paul Christenson	1,347
Total Votes Cast:		4,259
Place 5	Travis M. Smith	1,503
Place 5	Darrin Robinson	889
Place 5	Charles "Chuck" Beatty	1,686
Total Votes Cast:		4,078

Action:

Council Member Doug Barnes moved to accept the election returns of the City Council General Election held on Saturday, May 1, 2021 as presented. Council Member Chuck Beatty seconded, All Ayes.

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City Council
May 11, 2021
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- 6. Consider proposed Ordinance ordering a Runoff Election for At-Large Council Member Place 4 and At-Large Council Member Place 5

ORDINANCE NO. 3270

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING THAT A RUNOFF ELECTION BE HELD ON SATURDAY, JUNE 5, 2021, FOR THE PURPOSE OF ELECTING AN AT-LARGE COUNCIL MEMBER FOR PLACE 4 AND AN AT-LARGE COUNCIL MEMBER FOR PLACE 5; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH THE ELLIS COUNTY ELECTIONS ADMINISTRATOR; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3270. Council Member Melissa Olson seconded, All Ayes.

- 7. Comments by Mayor, City Council, City Attorney and City Manager

Council Member Chuck Beatty thanked Mayor Pro Tem Mary Lou Shipley for her service.

- 8. Adjourn

There being no further business, the meeting adjourned at 12:04 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

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Return this form to: City Secretary's Office, P.O. Box 757, Waxahachie, TX 75168 or fax to (469) 309-4003



APPLICATION FOR SPECIAL SEASONAL VENDORS PERMIT
AT LAKE WAXAHACHIE

Applicant Name PAT BARRETT Male _____ Female X
Home Address 200 Farley St Waxahachie Texas
Street or Box No. City State
Home Phone No. 214-755-2021 Business Phone No. 214-755-2021
Name to be used at business location WHAT'S SUP + KAYAKS

Proposed temporary location for selling: (describe in detail) BOAT DOCK PARK
Area behind gate across from parking

Proposed services provided: (describe in detail) KAYAK, Tube, Paddle
Board, life jacket rental

It is understood and agreed that the premises will be kept clean and neat, that no radio or other noise-making equipment will be used, that the business will only be operated between sun-up and 10:00 p.m., that sale or rental shall be allowed only for water sport related equipment such as canoes, kayaks, life preservers, fishing equipment, and water sports related equipment. No food or beverages may be sold.

The City may revoke the permit if all city, state, or other governmental rules and regulations are not followed. The permit is from May, 16, to September, 30.

Date 4/9

Pat Barrett
Applicant Signature

For Office Use Only	
Date Received: <u>4-9-2021</u>	Staff approval: <u>4-9-2021</u>
<input checked="" type="checkbox"/> Completed Application	Park Board Approval: <u>5-6-2021</u>
<input checked="" type="checkbox"/> \$1,000,000 Liability Insurance	City Council Approval: _____
<input checked="" type="checkbox"/> \$25 fee	Permit issued: _____

(5e)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: May 12, 2021

Re: Fiscal Year 2021 Second Quarter Financial Report

I am pleased to present the Second Quarter Financial Report for Fiscal Year 2021, covering the period of October 2020 through March 2020. This report highlights the General Fund, Water and Wastewater funds, Waxahachie Community Development Corporation (WCDC) Fund, Hotel/Motel Fund and the Tax Increment Refinance Zone (TIRZ) Fund. This report compares actual revenue collections and expenses incurred during the year to the approved budget.

General Fund

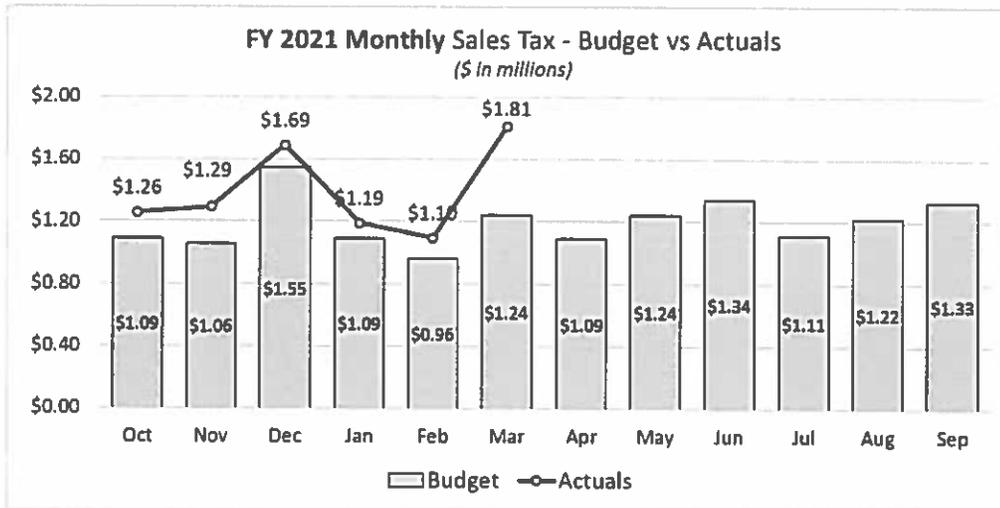
- The City's General Fund accounts for activities commonly associated with municipal government such as police and fire protection, parks and recreation, routine street maintenance, and library services. This fund is supported by property tax, sales tax, user fees, permits and other miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.
- **Property tax collections** account for approximately 40% of the City's revenue. Through the first quarter, property taxes in the City's General Fund amount to \$18.9 million and are in line with prior year collections.

(5e)

The majority of collections occur from December through February as property tax payments become due.

- **Sales tax** is the second largest revenue source, accounting for over 30% of the City's General Fund. Of the 8.25 cents for every dollar of taxable sales, the state of Texas collects 6.25 cents, while 1.5 cents go to the City's General Fund, and ½ cent goes to the WCDC fund.

Through the second quarter, collections in the General Fund total \$8.3 million and represent an increase of 15% over the prior year. Compared to the budget for the same period, sales tax collections are up \$1.3 million, or 19%. While these figures are very positive, staff will continue to closely monitor sales tax reports and provide council updates on any changes to this trend.



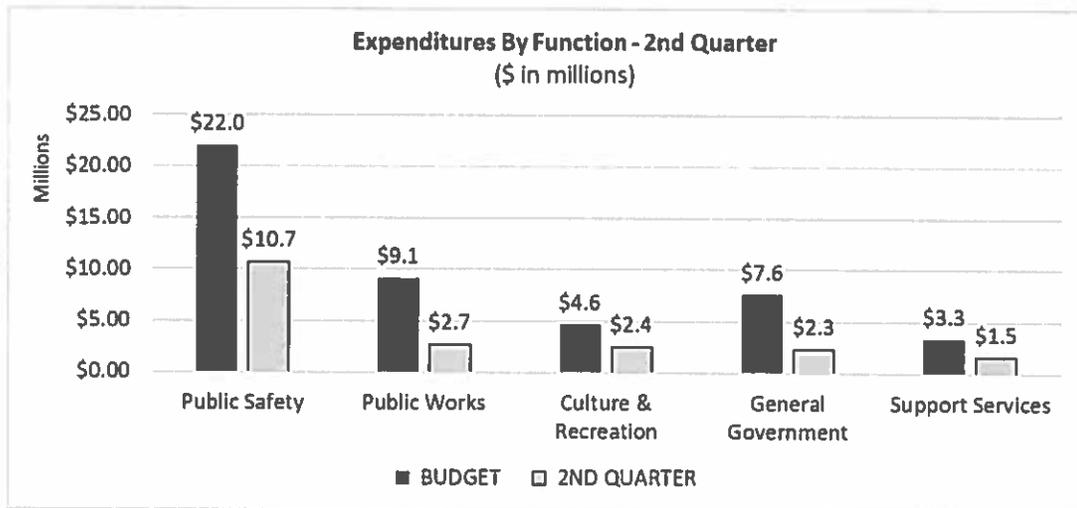
- Other major revenue sources include Franchise Fees, Licenses and Permits, Charges for Service, Miscellaneous revenue and Transfers In. Franchise fees are collected from local utility companies to pay for the use of the City's right-of-way. Although the report shows only 34% of franchise fees collected for halfway through the year, this is expected since the majority of the utility companies make payments following the close of the prior quarter.

Licenses and permitting revenue are higher than anticipated due to an increase in permit activity for residential and commercial properties. Miscellaneous revenue shows a significant increase from the budget due to grant funding from the Texas Department of Emergency Management. As part of the 2020 Coronavirus Relief Fund related to

(52)

COVID 19, the City received \$1.7 million for reimbursement of eligible public safety payroll expenses.

- **Expenditures** in the General Fund for the second quarter (6 months) total \$19.7 million, or 42% of the budget. The following chart compares the budget for each City function to the actual expenditures through the first quarter.



- In the area of Public Works, spending is lagging slightly as the City ramps up and begins work on the street and sidewalk projects included in the budget. As the year progresses and contracts are authorized and executed, these funds are anticipated to be spent at the budgeted levels.
- In the area of General Government, the difference in budget to actual expenditures can be mainly attributed to the timing of site preparation for the new downtown Development Services building. The engineering and design of the building are underway, and the demolition of the existing building is expected to begin this summer.

(5c)

Other Funds

- The water and wastewater funds account for all revenues and expenditures associated with the operation and maintenance of the City's water distribution and wastewater treatment activities. For the water and wastewater funds, revenue is in line with the budget. Expenses are lower than budget for both funds due to the timing of the annual debt service payments. Interest payments are scheduled to occur in the second and fourth quarters of the fiscal year and principal payments in the fourth quarter.
- The WCDC fund accounts for revenues and expenses associated with the Waxahachie Community Development Corporation in operating the Civic Center and Sports Complex, promoting economic development, and implementing quality of life improvements throughout the community. This fund is mainly funded by ½ cent sales tax and user fees. Overall, revenues and expenses are within budget expectations. The fund has nearly fully expended a couple of large line-item budgets that should be substantially complete, including the synthetic turfs at the Sports Complex, and the West Highway 287 site preparation project. Although Civic Center revenue is lower than prior years due to COVID-19, the center is operating at full capacity and continues to see more scheduled events. Similar to the General Fund, sales tax is up over 15%, or \$447,000, over the budget.
- The Hotel/Motel Tax Fund receives the proceeds from a 7% hotel occupancy tax available to be used to promote tourism and the convention and hotel industry. The City uses the fund to operate the Convention and Visitor's Bureau and various smaller non-city organizations that promote the arts and historic tourism and preservation. Revenues are in line with the budget forecast. Expenditures are lagging slightly due to the timing of the annual transfer to the Arts Council, which represents 25% of hotel revenue. This transfer occurs in the month following each quarter of collections.

(52)



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 ~ 2nd QUARTER

(October 1, 2020 thru March 31, 2021)

GENERAL FUND SUMMARY

	ACTUALS FY 2020	BUDGET FY 2021	2ND QUARTER FY 2021	ACTUAL AS % OF BUDGET
REVENUES				
Property Tax	\$18,013,575	\$19,403,500	\$18,858,699	97%
Sales Tax	15,141,348	14,327,000	8,339,520	58%
Franchise Fees	4,352,838	4,512,920	1,544,456	34%
Licenses & Permits	1,500,491	1,310,250	1,436,874	110%
Charges for Service	1,520,358	1,373,725	847,365	62%
Miscellaneous	1,666,346	1,100,550	2,399,940	218%
Transfers In	3,578,515	3,471,220	1,704,066	49%
Total Revenues	\$45,773,471	\$45,499,165	\$35,130,920	77%
EXPENDITURES BY FUNCTION				
Public Safety	\$19,675,886	\$22,030,475	\$10,719,314	49%
Public Works	9,869,953	9,139,310	2,656,279	29%
Culture & Recreation	4,625,859	4,648,357	2,444,755	53%
General Government	4,553,979	7,608,254	2,330,878	31%
Support Services	2,761,128	3,315,391	1,522,345	46%
Total Expenditures	\$41,486,806	\$46,741,787	\$19,673,572	42%

* Quarterly actual figures are preliminary and unaudited

(52)



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 ~ 2nd QUARTER

(October 1, 2020 thru March 31, 2021)

OTHER FUNDS SUMMARY

	ACTUALS FY 2020	BUDGET FY 2021	2ND QUARTER FY 2021	ACTUAL AS % OF BUDGET
WATER FUND				
Revenues	\$14,906,438	\$15,111,670	\$6,824,049	45%
Expenses	13,699,434	13,524,917	5,696,467	42%
WASTEWATER FUND				
Revenues	\$10,714,020	\$10,964,900	\$4,831,009	44%
Expenses	9,633,250	10,198,465	3,671,222	36%
WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)				
Revenues	\$5,559,678	\$5,435,501	\$2,012,964	37%
Expenses	5,664,623	5,633,503	3,063,526	54%
HOTEL / MOTEL FUND				
Revenues	\$673,908	\$715,600	\$338,784	47%
Expenses	754,394	809,753	286,566	35%
TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)				
Revenues	\$487,158		\$515,064	-
Expenses	614,224		150,065	-

* Quarterly actual figures are preliminary and unaudited

(4)

PROCLAMATION

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, revitalization through historic preservation is one of the best methods of sustainable economic development in this country; and

WHEREAS, preservation has contributed to the beauty and economic vitality of the City of Waxahachie; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the theme for National Preservation Month 2021, sponsored by the National Trust for Historic Preservation, is to focus on telling the FULL American story; and

WHEREAS, the National Trust wants to shine a long-overdue spotlight on generations of trailblazers by saving the places where they raised their voices, took their stands, and found the courage to change the world,

NOW, THEREFORE, I, Mayor David Hill, do proclaim May 2021 as

“NATIONAL PRESERVATION MONTH”

in Waxahachie, and call upon the people of Waxahachie and Texas to join their fellow citizens across the United States in recognizing and participating in this special observance.

Proclaimed this 17th day of May 2021.

MAYOR

ATTEST:

CTY SECRETARY

(7)

PROCLAMATION

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to communities and to the public health, high quality of life, and well-being of the people of Waxahachie, Texas; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and facilities essential for our citizens; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association, be it now,

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of the City of Waxahachie, Texas, and on behalf of the Waxahachie City Council, do hereby proclaim May 16 - 22, 2021 as

"NATIONAL PUBLIC WORKS WEEK"

and urge all citizens to join with the American Public Works Association and government agencies in activities and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Proclaimed this 17th day of May 2021.

MAYOR

ATTEST:

ACTING CITY SECRETARY

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-52-2021

MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of zoning change ZDC-52-2021, subject to staff comments.

CAPTION

Request by Mikel J. Craig, Waxahachie ISD for a renewal of Specific Use Permit (SUP) Ordinance 3116 for the purpose of a **Portable Storage Structure or Temporary Building** located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021)

APPLICANT REQUEST

The applicant is requesting to renew the Specific Use Permit (SUP) Ordinance 3116 which allows for the use of portable storage structures or temporary building at 411 N. Gibson St.

CASE INFORMATION

Applicant: Mikel J. Craig, Waxahachie ISD

Property Owner(s): Waxahachie ISD

Site Acreage: 5.365 acres

Current Zoning: Single Family-2 (SF-2) with Specific Use Permit (SUP)

Requested Zoning: SF-2 with SUP

SUBJECT PROPERTY

General Location: 411 N Gibson

Parcel ID Number(s): 193942

Existing Use: Waxahachie ISD Administration

Development History: N/A

(8)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residential
East	SF-2	Single Family Residential
South	LI-2	Undeveloped Land
West	P	Undeveloped Land

Future Land Use Plan:

Public/Semi-Public

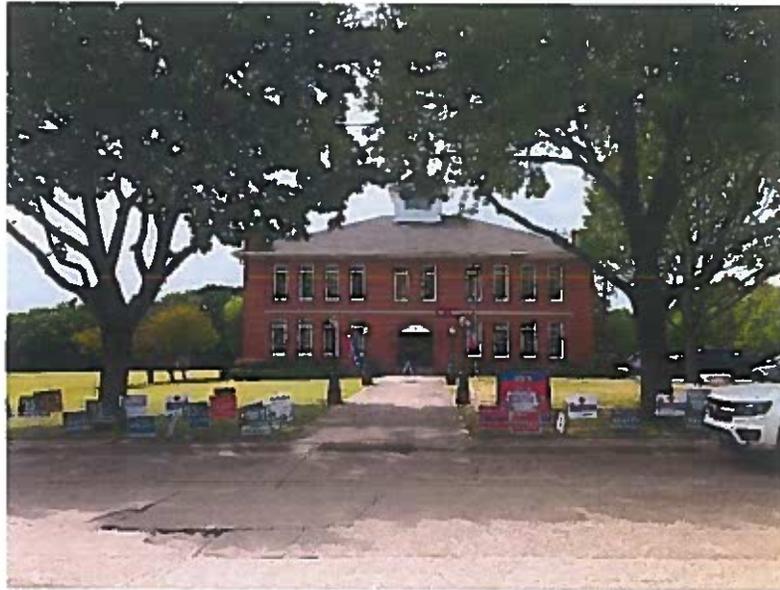
Comprehensive Plan:

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

Thoroughfare Plan:

This site is accessible via N. Gibson St.

Site Image:



PLANNING ANALYSIS

The Waxahachie Independent School District (WISD) is requesting an extension to their Specific Use Permit allowing a temporary building on the property. The original SUP case came before P&Z and City Council in May of 2019. At that time WISD was advised by City staff that should an extension to the SUP for allowing the temporary structure be needed, the applicant will need to come back to City Council to renew their SUP. This case is for that extension request.

Currently on site is a temporary building 24'x64' with a floor area of 1,536 sq. feet. The current temporary building is 12' in height and houses seven (7) offices. *This case does not include site plan improvements.*

Note:

Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PON RESPONSES

Staff has received one (1) response in support of the SUP Extension.

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. Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

ATTACHED EXHIBITS

1. PON Responses
2. Ordinance
3. Exhibit A – Location Map
4. Exhibit B - Site Layout Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Chris Webb
 Planner
cwebb@waxahachie.com

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



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-52-2021

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 11, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 17, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Mikel J. Craig, Waxahachie ISD for a renewal of Specific Use Permit (SUP) Ordinance 3116 for the purpose of a **Portable Storage Structure or Temporary Building** located at 411 N. Gibson (Property ID 193942) - Owner: WAXAHACHIE ISD (ZDC-52-2021)

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

Case Number: ZDC-52-2021

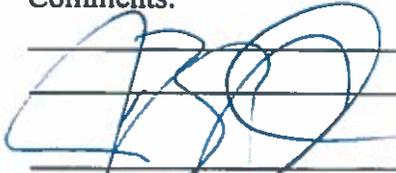
City Reference: 173342

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, May 4, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:



Signature
Brad Yates
Printed Name and Title

Date
4/26/21

Address

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

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

(8)

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
171784	SWS PROPERTIES LLC	1.72	LOT 1 & 2 BLK 297 TOWN WAXAHACHIE & LOT 51 FERRIS REV 1.72 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	824 N GIBSON ST WAXAHACHIE TX 75165
171851	SWS PROPERTIES LLC	3.3995	LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	N GIBSON ST WAXAHACHIE TX 75165
171860	SWS PROPERTIES LLC	9.0838	LOT 13 BLK 302 TOWN 9.0838 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	821 CIRCLE ST WAXAHACHIE TX 75165
171940	ORTEGA MARIA E MD	0.684	LOT 1 BLK 354A TOWN - WAXAHACHIE 684 AC	603 W MARVIN AVE	WAXAHACHIE	TX	75165	803 W MARVIN AVE WAXAHACHIE TX 75165
171941	HILL WILLIAM D & MICKIE	1.741	2 1 354A 304 TOWN-WAXAHACHIE TOWN,43A FERRIS 1.741 ACRES	607 W MARVIN AVE	WAXAHACHIE	TX	75165	807 W MARVIN AVE WAXAHACHIE TX 75165
171942	FENTON ELLIOTT C & NANCY C	0.848	3A 10C 354A TOWN-WAXAHACHIE COLEMAN 848 ACRES	615 W MARVIN AVE	WAXAHACHIE	TX	75165	815 W MARVIN AVE WAXAHACHIE TX 75165
171943	RYAN ADELAIDE M	0.789	LOT 3B BLK 354A TOWN - WAXAHACHIE 789 AC	611 W MARVIN AVE	WAXAHACHIE	TX	75165	707 W MARVIN AVE WAXAHACHIE TX 75165
172778	MCDVIT BRANDON L & LORI D	0.648	LOT 10B PT TA 304 COLEMAN 648 AC	707 W MARVIN AVE	WAXAHACHIE	TX	75165	811 W MARVIN AVE WAXAHACHIE TX 75165
173284	BUSHNELL KATHY & JOSEPH A	0.233	LOT 12 FERRIS REV 0.233 AC	3722 HIGHWAY 18	PANGBURN	AR	72121	809 ROYAL ST WAXAHACHIE TX 75165
173314	FIRST UNITED METHODIST	0.250	PT 1R FUMC ADDN 0.250 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	812 W PARKS AVE WAXAHACHIE TX 75165
173315	FINCHER BOBBIE L	0.250	MID 73 OF 42 FERRIS 0.250 ACRES	810 W PARKS AVE	WAXAHACHIE	TX	75165	810 W PARKS AVE WAXAHACHIE TX 75165
173318	FIRST UNITED METHODIST	0.250	PT 1R FUMC ADDN 0.250 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	808 W PARKS AVE WAXAHACHIE TX 75165
173317	MORENO PETE	0.63	43B FERRIS 0.63 ACRES	501 N GIBSON ST	WAXAHACHIE	TX	75165	501 N GIBSON ST WAXAHACHIE TX 75165
173324	BARKER ERNEST & SUSAN	0.362	36A 36B&PT ALLEY FERRIS 0.362 ACRES	815 W PARKS AVE	WAXAHACHIE	TX	75165	615 W PARKS AVE WAXAHACHIE TX 75165
173328	AVERY TIMOTHY J & JACQUELYN	0.397	39A 4PT ALLEY FERRIS 0.397 ACRES	117 W PARKS AVE	WAXAHACHIE	TX	75165	617 W PARKS AVE WAXAHACHIE TX 75165
173334	SEABOLT GLENN E	0.25	LOT 31A FERRIS REV .25 AC	1702 LITTLE CREEK DR	WAXAHACHIE	TX	75165	409 N HAWKINS ST WAXAHACHIE TX 75165
173335	MARLIN JOHN	0.263	LOT 31B & PT ALLEY FERRIS REV .263 AC	411 N HAWKINS ST	WAXAHACHIE	TX	75165	411 N HAWKINS ST WAXAHACHIE TX 75165
173340	HALLBOUGH RICHARD L	0.09	LOT 28A FERRIS REV .09 AC	207 UNIVERSITY AVE	WAXAHACHIE	TX	75165	404 N GIBSON ST WAXAHACHIE TX 75165
173341	POARCH PROPERTIES LLC SERIES A	0.307	29B FERRIS 0.307 ACRES	1119 W MARVIN AVE	WAXAHACHIE	TX	75165	808 ROYAL ST WAXAHACHIE TX 75165
173342	LOREN GRAY INVESTMENTS LLC	0.25	LOT 30A & PT ALLEY FERRIS REV .25 AC	PO BOX 2866	WAXAHACHIE	TX	75168	408 N GIBSON ST WAXAHACHIE TX 75165
173346	CAMACHO PHILLIP & MARIA E LIE LILLIAN CAMACHO	0.218	LOT 27A & 28B FERRIS REV 0.218 AC	604 ROYAL ST	WAXAHACHIE	TX	75165	604 ROYAL ST WAXAHACHIE TX 75165
193484	HORAK BEVERLY	0.671	LOT 98A1DA & PT T A BLK 304 COLEMAN 671 AC	711 W MARVIN AVE	WAXAHACHIE	TX	75165	711 W MARVIN AVE WAXAHACHIE TX 75165
193942	WAXAHACHIE ISD	5.365	BLK 44-49 FERRIS REV 5.365 AC	411 N GIBSON ST	WAXAHACHIE	TX	75165	411 N GIBSON ST WAXAHACHIE TX 75165
219714	FIRST UNITED METHODIST	4.228	PT 1R FUMC ADDN 4.228 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	505 W MARVIN AVE WAXAHACHIE TX 75165
275488	POARCH PROPERTIES LLC SERIES H	0.177	LOT 13A FERRIS REV 0.177 AC	1119 W MARVIN AVE	WAXAHACHIE	TX	75165	607 ROYAL ST WAXAHACHIE TX 75165
173333	PROPERTY OWNER	0		408 N GIBSON ST	WAXAHACHIE	TX	75165	408 N GIBSON ST WAXAHACHIE TX 75165
173339	PROPERTY OWNER	0		608 ROYAL ST	WAXAHACHIE	TX	75165	608 ROYAL ST WAXAHACHIE TX 75165

(9)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PORTABLE STORAGE STRUCTURE/TEMPORARY BUILDING USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 411 N GIBSON STREET, BEING PROPERTY ID 193942, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 44-49 FERRIS ADMINISTRATION BUILDING, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-52-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit Portable Storage Structure/Temporary Building use on the following property: Abstract 44-49 Ferris Administration Building, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

(9)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PORTABLE STORAGE STRUCTURE OR TEMPORARY BUILDING USE IN THE SINGLE FAMILY-2 (SF-2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-52-2021.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. The development shall adhere to the City Council approved in Exhibit A – Location Exhibit and Exhibit B – Site Layout Plan.
4. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed. If the applicant is still occupying the building after two years, the applicant shall come back to City Council to renew the Specific Use Permit.
5. If the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed once WISD leaves the property.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of May, 2021.

(9)

MAYOR

ATTEST:

City Secretary



Exhibit B - Site Layout Plan

(10)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-48-2021

MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of zoning change ZDC-48-2021, subject to staff comments. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

CAPTION

Request by Nora De Los Santos for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single Family-2, with Concept Plan, located at 211 Cumberland (Property ID 172281) - Owner: NORA DE LOS SANTOS (ZDC-48-2021)

APPLICANT REQUEST

The applicant is requesting to rezone the subject property from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2), to adjust the front yard building setbacks on the lot to allow for a carport to be constructed.

CASE INFORMATION

Applicant: Nora De Los Santos

Property Owner(s): Nora De Los Santos

Site Acreage: 0.244 acres

Current Zoning: SF-2

Requested Zoning: PD-SF-2

SUBJECT PROPERTY

General Location: 211 Cumberland Rd

Parcel ID Number(s): 172281

Existing Use: A single family residence is located on the subject property.

Development History: This site was platted as part of the Belle-Vue Addition Unit 4 Plat, which was filed with Ellis County on January 6, 1956.

(10)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-2	Single Family Residence w/ Carport
West	SF-2	Single Family Residence w/ Carport

Future Land Use Plan: Low Density Residential

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

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

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to rezone the subject property from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2), to allow for the construction of a carport that would encroach into the front yard setback. Per standard SF-2 requirements, the minimum front yard setback is 30'.

Proposed Use:

The applicant is in need of the rezoning to allow for the construction of a carport over the driveway of 211 Cumberland. The proposed dimensions of the carport will be 25' long by 20' wide (total area of 500 sq. feet). Based off of the survey drawings provided by the applicant, the portion of the house where the rear of the carport will be located next to is setback 36' from the roadway. This would mean the front of the carport would be located approximately 11' from the edge of the property line.

(10)

Note:

It should be mentioned that there are several carports located along Cumberland Rd, including one on the property directly west of the subject property, and directly south of the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
 1. The carport will be allowed and the front yard setback for the proposed carport will be reduced to 10'. Any additional construction or improvement, whether it be to the primary structure, or an accessory use, will be the base SF-2 standard. Any deviation would require approval from City Council.
 2. The applicant will need to obtain a building permit form the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

ATTACHED EXHIBITS

1. Ordinance
2. Exhibit A – Location Map
3. Exhibit B - Site Plan
4. Exhibit C – Conceptual Elevation Plan

APPLICANT REQUIREMENTS

FOR ZONING CASES

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:
Chris Webb
Planner
cwebb@waxahachie.com

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

(11)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2), WITH SITE PLAN LOCATED AT 211 CUMBERLAND ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.244 ACRES KNOWN AS LOT 22, BLOCK 7 OF THE BELLE-VUE ADDITION SUBDIVISION, HAVING PROPERTY ID 172281, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan, has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-48-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-2 to PD-SF-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-SF-2, with Concept Plan in order to facilitate development of the subject property in a manner that allows for the reduction in front yard setback to 10' for the construction of a carport on the following property: Property ID 172281, being Lot 22, Block 7 of the Belle-Vue Addition subdivision, which is shown on Exhibit A, in accordance with the Site Plan provisions attached as Exhibit B and the conceptual elevation plan attached as Exhibit C.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to rezone the subject property from Single Family-2 (SF-2) to Planned Development-Single Family-2 (PD-SF-2), to allow for the construction of a carport that would encroach into the front yard setback. Per standard SF-2 requirements, the minimum front yard setback is 30'. Per this ordinance, the setback would be reduced to 10', but only for the construction of a carport.

(11)

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of the carport shall substantially conform to the locations shown on the approved Site Plan packet (Exhibit B).

Development Regulations

1. The carport will be allowed and the front yard setback for the proposed carport will be reduced to 10'. Any additional construction or improvement, whether it be to the primary structure, or an accessory use, will be the base SF-2 standard. Any deviation would require approval from City Council.
2. The applicant will need to obtain a building permit form the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

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.

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 17th day of May, 2021.

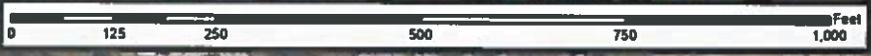
MAYOR

ATTEST:

City Secretary



Exhibit A - Location Map



ZDC-48-2021 (PD)

(11)

(11)

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

No. 211 CUMBERLAND, in the city of WAXAHACHIE, Texas, described as follows:

Lot No. 22, Block No. 7 City Block No. 7
of BELLE-VUE ADDITION UNIT 4 Addition, an addition to the City of WAXAHACHIE

Texas, according to the plat recorded in Volume 1 at page 376 of the Map Records of ELLIS COUNTY Texas. TRANSFERRED TO MAP CABINET A SLIDE A-301

CUMBERLAND

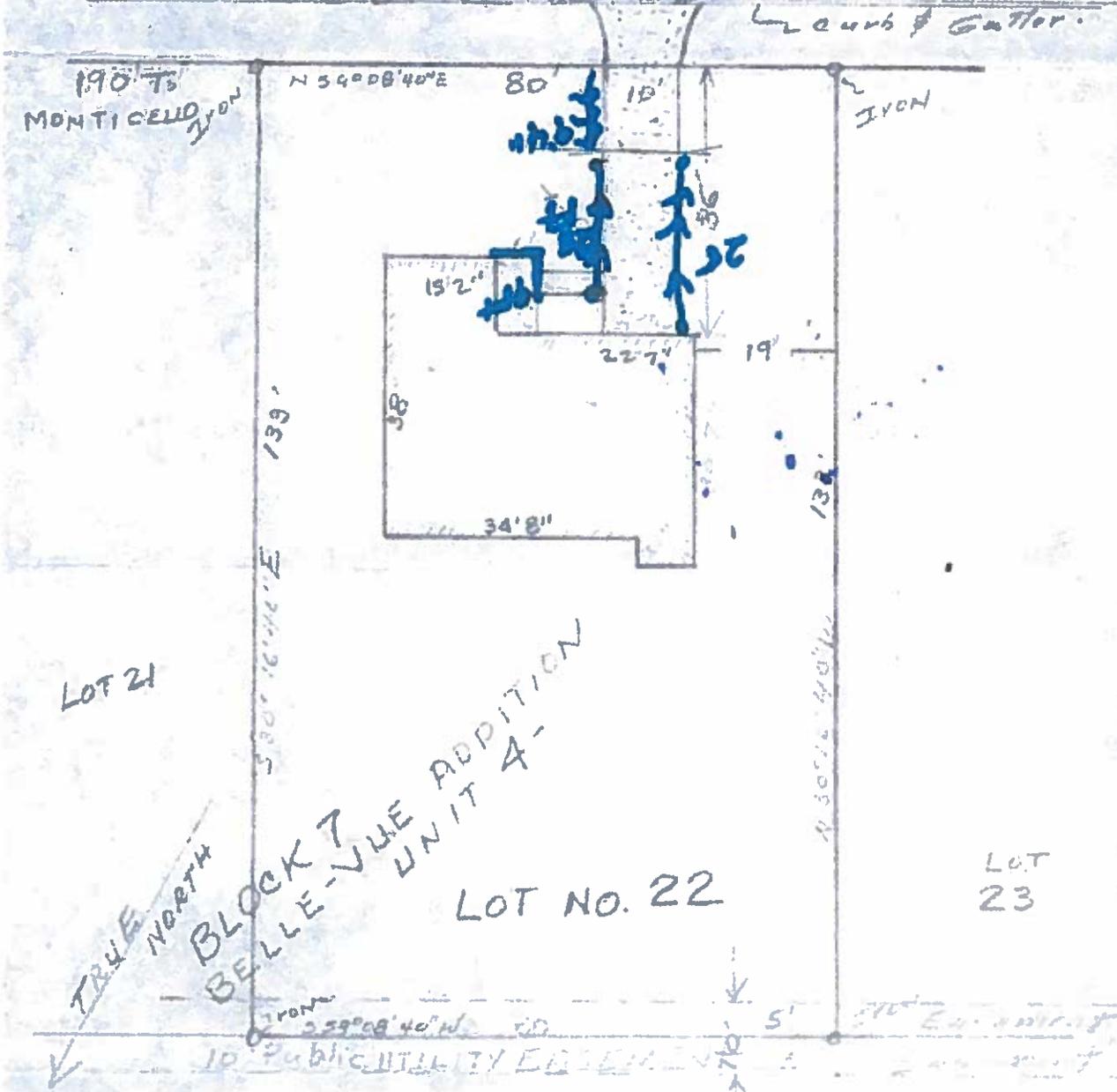


Exhibit B - Site Plan

(11)

211 Cumberland Rd
WAXAHACHIE



Exhibit C - Conceptual Elevation Plan

4x4 posts, purlins
2x6, 26ga metal
sheets. purlins will be
located every 4 ft

(12)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-44-2021



MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021 (continued from May 3, 2021 CC)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-44-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

APPLICANT REQUEST

The applicant, Espinoza Stone, is requesting approval of a Specific Use Permit to allow for outside storage and outdoor display.

CASE INFORMATION

Applicant: Rex Hamilton, Espinoza Stone

Property Owner(s): Jose Espinoza, Espinoza Stone

Site Acreage: 14.162 acres

Current Zoning: Light Industrial-1 and Future Development

Requested Zoning: Light Industrial-1 and Future Development w/ SUP

SUBJECT PROPERTY

General Location: 4725 N Interstate Highway 35

Parcel ID Number(s): 194416

Existing Use: Currently Undeveloped

Development History: N/A

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Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Industrial Warehouse/Storage Use
East	---	N. Interstate 35 E. Service Rd.
South	LI2	Ervin Trucks
West	FD	Industrial Storage

Future Land Use Plan:

Highway Commercial

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant, Espinoza Stone, is requesting approval of a Specific Use Permit to allow for outside storage and outdoor display. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit is required to be reviewed by City Council.

Case History:

Espinoza Stone previously occupied the adjacent property to the North of the subject site for the same use(s). On March 4, 2013, City Council approved Ordinance 2692 that required the applicant at the time

(18)

(Espinoza Stone) to meet specific compliance requirements (as listed in the "Staff Concerns" section of the Staff Report).

Proposed Use:

The applicant, Espinoza Stone, intends to occupy the subject property for the use of outside storage and display. In addition to use of outdoor storage and outdoor display, the applicant intends to sell Texas limestone, dirt, sand, landscaping pavers, boulders for retaining walls, and other related items. Per the Site Plan, the applicant is proposing to place two buildings on the site. One building will be used as a sales office and the second building is intended to be used as a supply shed. Per the Operational Plan, Espinoza Stone intends to have a maximum of six full time employees and proposed operational hours of 7:00am - 5:00pm, Monday thru Friday, and 7:00am – 12:00pm on Saturdays.

STAFF CONCERNS

Applicant Compliance History

On March 4, 2013, City Council approved Ordinance 2692 (for adjacent property to the North) that required the applicant at that time (Espinoza Stone) to meet the following conditions:

- Landscaping will be designed by a licensed Registered Landscape Architect and approved by the City.
- A concrete driveway will have to go to the proposed building.
- All storage has to be palletized and stored in an orderly fashion.
- Outdoor storage at the front of the property may be only a single pallet high and shall be limited in amount in front of the current building.
- Storage to the rear of the property shall be screened.
- Display at the front of the property must be on concrete.

Since Ordinance 2692 has been approved, the Espinoza Stone failed to meet the requirements of the Ordinance. If approved, prior to receiving any Certificate of Occupancy, the applicant shall complete all recommendations made by staff.

- Applicant Response: The applicant understands staff concerns and intends to state their reasoning at the May 17, 2021 City Council meeting.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. All staff recommendations shall be completed prior to the applicant receiving any Certificate of Occupancy.
 2. The front portion of the property shall be concrete.
 3. Staff suggests that any pavement added in the future be concrete.
 4. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.

(12)

- a. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
5. All storage shall be palletized and stored in an orderly fashion.
6. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
7. Any storage in the rear of the property shall be screened from public view.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Ordinance 2692
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
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Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(13)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTDOOR STORAGE/OUTDOOR DISPLAY USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) ZONING DISTRICT, PROPERTY ID 194416, BEING ABSTRACT 790 OF THE E C NEWTON SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1 and FD; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-44-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 and FD to LI1 and FD, with an SUP in order to permit an Outside Storage/Outdoor Display use on the following property: Abstract 790 of the E C Newton Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

(17)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN OUTSIDE STORAGE/OUTDOOR DISPLAY USE IN THE LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-44-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. All staff recommendations shall be completed prior to the applicant receiving any Certificate of Occupancy.
5. The front portion of the property shall be concrete.
6. Any pavement added in the future be concrete.
7. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.
8. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
9. All storage shall be palletized and stored in an orderly fashion.
10. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
11. Any storage in the rear of the property shall be screened from public view.
12. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
13. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the

(17)

approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR ESPINOZA STONE
 COUNTY OF ELLIS §

This Development Agreement for Espinoza Stone (“Agreement”) is entered into between Espinoza Stone, Inc. (“ESI”) and the City of Waxahachie, Texas (“City”). ESI and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

Recitals:

1. ESI is the owner of approximately 14.162 acres of real property generally located at 4725 N Interstate Highway 35, Parcel Number 194416, in the City of Waxahachie, Texas (the “Property”), for which the applicant has requested a change in the Property’s Light Industrial-1 and Future Development to Light Industrial-1 and Future Development with Specific Use Permit (“SUP”) zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 and Future Development by the City, and is anticipated to have the SUP reviewed on May 17, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Outdoor Storage/Outdoor Display. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing ESI with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of ESI and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment Ordinance No. (TBD) (the “Espinoza Stone SUP Ordinance”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Espinoza Stone.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Espinoza Stone SUP Ordinance as contractually-binding obligations between the City of Waxahachie and ESI, and to recognize ESI’s reasonable investment-backed expectations in the Espinoza Stone SUP Ordinance and the planned development of Espinoza Stone.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-44-2021. The front portion of the property shall be concrete.
- (B) Any pavement added in the future be concrete.
- (C) 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.
- (D) Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
- (E) All storage shall be palletized and stored in an orderly fashion.
- (F) Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
- (G) Any storage in the rear of the property shall be screened from public view.
- (H) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (I) City Council shall have the right to review the Specific Use Permit at any point, if needed.
- (J) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

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

Section 4. Miscellaneous

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

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

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

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

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

(14)

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

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

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

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

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

(14)

{Signature Pages Follow}

(14)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

**: Jose Espinoza, Espinoza Stone
(Developer)**

By: _____

Date: _____

: Jose Espinoza, Espinoza Stone (Property Owner)

By: _____

Date: _____

(14)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(14)

EXHIBIT A

Espinoza Stone Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTDOOR STORAGE/OUTDOOR DISPLAY USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) ZONING DISTRICT, PROPERTY ID 194416, BEING ABSTRACT 790 OF THE E C NEWTON SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1 and FD; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-44-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 and FD to LI1 and FD, with an SUP in order to permit an Outside Storage/Outdoor Display use on the following property: Abstract 790 of the E C Newton Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

(14)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN OUTSIDE STORAGE/OUTDOOR DISPLAY USE IN THE LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-44-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. All staff recommendations shall be completed prior to the applicant receiving any Certificate of Occupancy.
5. The front portion of the property shall be concrete.
6. Any pavement added in the future be concrete.
7. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.
8. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
9. All storage shall be palletized and stored in an orderly fashion.
10. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
11. Any storage in the rear of the property shall be screened from public view.
12. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
13. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning

(14)

ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

(14)

ORDINANCE NO. 2692

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON LOT 1, BLOCK A, ESPINOZA ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, CONTAINING 7.081 ACRES, LOCATED AT 4743 NORTH IH-35E, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LIGHT INDUSTRIAL-1 (LI-1) TO LIGHT INDUSTRIAL-1 WITH SPECIFIC USE PERMIT (LI-1 w/SUP), FOR THE PURPOSE OF MANUFACTURING AND SALE OF STONE AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the hereinbelow described property is classified in said ordinance and any amendments thereto as Light Industrial-1 (LI-1); and

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

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

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

NOW, THEREFORE, a Specific Use Permit for the purpose of manufacturing and sale of stone is hereby authorized on the following property:

Lot 1, Block A, Espinoza Addition, Waxahachie, Ellis County, Texas, containing 7.081 acres, located at 4743 North IH-35E, Waxahachie, Texas.

This Specific Use Permit is granted subject to the following provisions:

1. Landscaping will be designed by a licensed Registered Landscape Architect and approved by the City.
2. A concrete driveway will have to go to the proposed building.
3. All storage has to be palletized and stored in an orderly fashion.
4. Outdoor storage at the front of the property may be only a single pallet high and shall be limited in amount in front of the current building.
5. Storage to the rear of the property shall be screened.
6. Display at the front of the property must be on concrete.

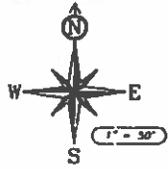
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance herewith.

PASSED, APPROVED AND ADOPTED on this 4th day of March, 2013.



ATTEST:
Roni Saunders
City Secretary

[Signature]
MAYOR



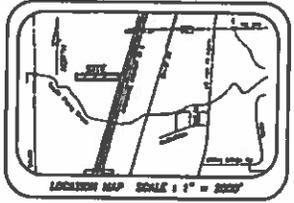
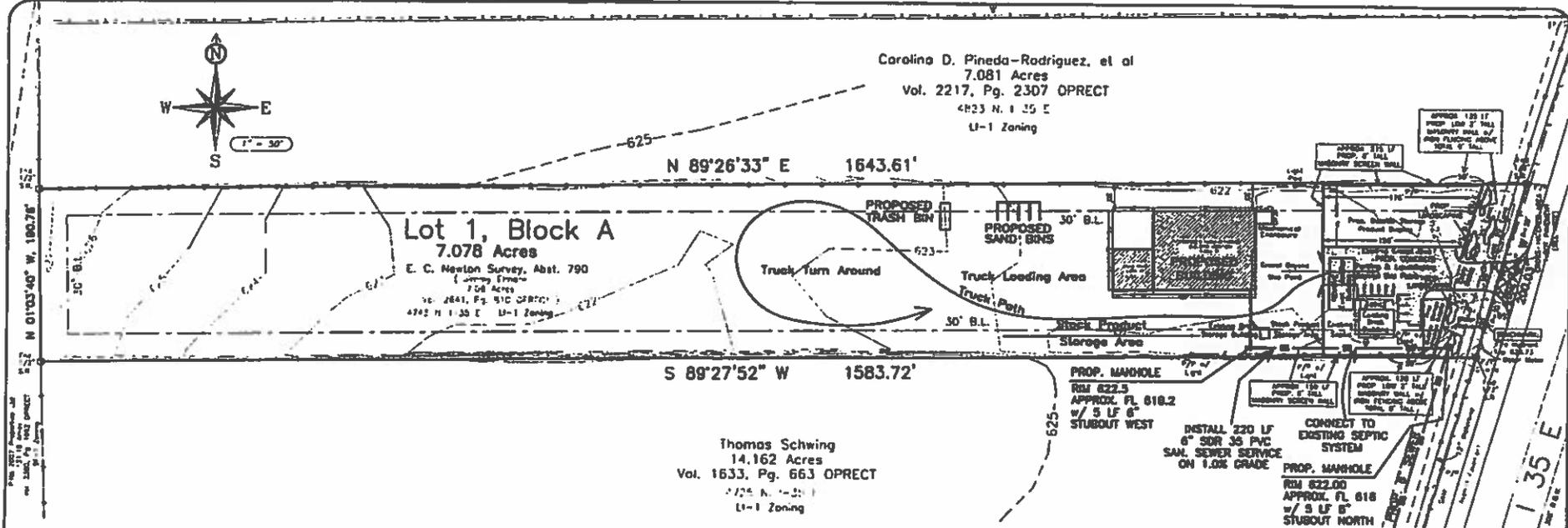
Carolina D. Pineda-Rodriguez, et al
7.081 Acres
Vol. 2217, Pg. 2307 OPRECT
4823 N. I 35 E
U-1 Zoning

Lot 1, Block A
7.078 Acres
E. C. Newton Survey, Abst. 790
7.08 Acres
1612 N. I 35 E
U-1 Zoning

Thomas Schwing
14.162 Acres
Vol. 1633, Pg. 663 OPRECT
4725 N. I 35 E
U-1 Zoning

N 89°26'33" E 1643.61'

S 89°27'52" W 1583.72'



NOTE: All portions of this plan that are not shown on the map are to be constructed as shown on the map.

CONSTRUCTION: All portions of this plan that are not shown on the map are to be constructed as shown on the map.

DATE: 01-20-2011
DRAWN: E. GIBSON
CHECKED: P. DAVIS
PROJECT: LOT 1, BLOCK A, ESPINOZA ADDITION
JOB: 11-0111

PRELIMINARY SITE PLAN
LOT 1, BLOCK A
ESPINOZA ADDITION
Being a 7.078 Acre Addition in the
Elbert C. Newton Survey, Abst. 790
City of Waxahachie, Ellis County, Texas

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF WAXAHACHIE ORDINANCES AND THE TEXAS CONSTITUTION AND ALL APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.
2. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
3. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
4. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
5. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
6. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
7. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
8. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
9. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.
10. THE CITY ENGINEER SHALL REVIEW AND APPROVE ALL CONSTRUCTION PERMITS AND SHALL BE RESPONSIBLE FOR THE ENFORCEMENT OF ALL APPLICABLE ORDINANCES AND LAWS.

1.000' PAVEMENT NOTE:

1.000' Pavement Over Existing Area
Shall Be Constructed For TxDOT Standards.
6" Reinforced Concrete Pavement With
14 Bars On 12" Centers And 6" Lime
Stabilized Subgrade.

6" THICK 3000 PSI ACROSS CLASS C
REINFORCED CONCRETE FINISH
14 BARS ON 12" CENTERS
6" THICK LIME STABILIZED SUBGRADE

OR

6" THICK 3000 PSI ACROSS CLASS C
REINFORCED CONCRETE FINISH
14 BARS ON 12" CENTERS
6" THICK LIME STABILIZED SUBGRADE

NOTE:

1. FOR EACH DIMENSIONED 4' OR MORE WIDE DRIVEWAY SHALL BE SHOWN BY THE DEVELOPER.
2. SIDEWALKS SHALL BE 6" THICK LIME STABILIZED SUBGRADE IN ALL DRIVEWAY AREAS OF 10' OR MORE.

ENGINEERS D&M SURVEYORS

DAVIS & McDILL, Inc.

(A firm licensed carrying the # 00001-01, and a firm licensed engineering the # 1-0111)

P.O. BOX 428, Waxahachie, Texas 75168
Phone: Mobra 972-538-1185 Fax: 972-537-0307

Date: 01-20-2011
Scale: 1" = 80'
Drawn: E. Gibson
PIS-0311-ESPINOZA
Job: 11-0111
Sheet 3 of 3 sheets

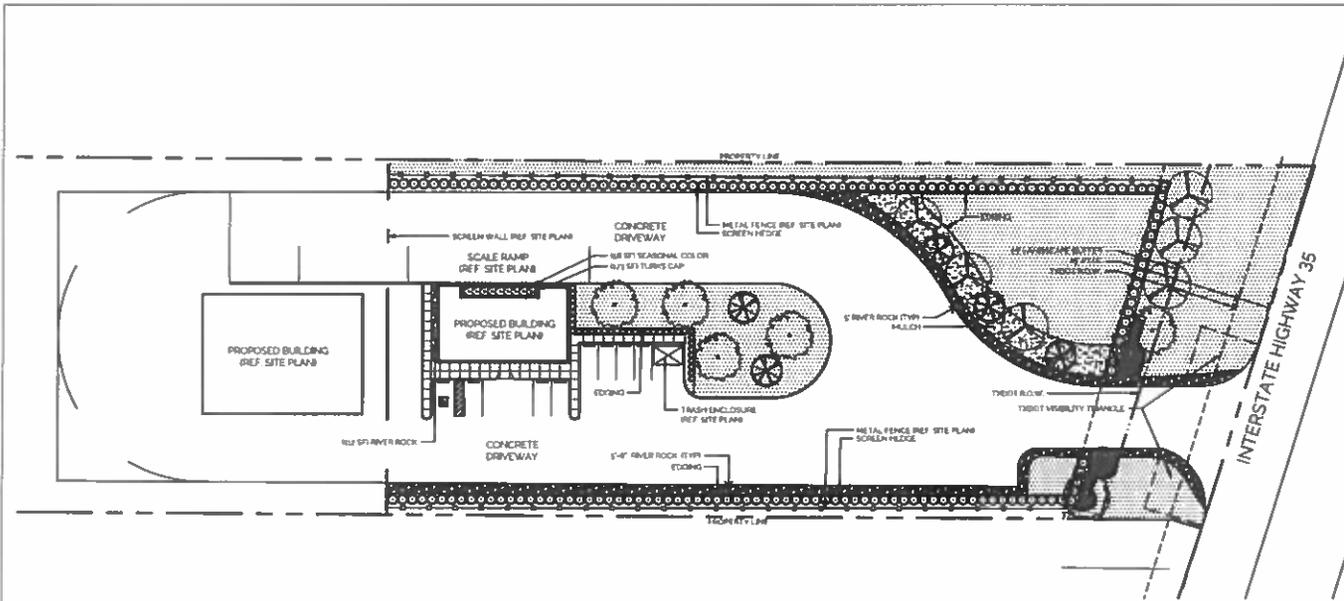


Exhibit A - Location Exhibit

0 275 550 1,100 1,650 2,200 Feet

ZDC-44-2021 (SUP)
City Limits

(14)



PLANT SYMBOL LEGEND

- CANOPY TREES**
- CEEDAR 8-14
 - TEXAS RED OAK
 - WTEK
- SHRUBS / LG. PERENNIALS**
- TEXAS SAGE
 - CLOSSY ABELIA
- ORNAMENTAL GRASSES**
- PINA WEAVER
- PERENNIALS / G.C.**
- TURBS CAP
 - SEASONAL COLOR (OWNER SELECTED)
- TURF**
- BUFFALO GRASS
 - DECORATIVE ROCK



CONSULTANT:

OWNER / CLIENT:

ESPINOZA STONE INC.
475 N. H. 35 E.
WAXAHACHE, TX 75165

Project No.	1507-002
Client No.	01
Prepared By	AS
Checked By	AS
Scale Type	Concept
Issue Date	5/1/2014

REVISIONS

No.	Date	Description

LANDSCAPE PLAN



NO.	DESCRIPTION	QUANTITY	UNIT	PLANT	SIZE	REMARKS
01	CEEDAR 8-14	2	TR	CEEDAR 8-14	8-14"	PLANT MATERIAL SCHEDULE
02	TEXAS RED OAK	2	TR	TEXAS RED OAK	8-14"	PLANT MATERIAL SCHEDULE
03	WTEK	2	TR	WTEK	8-14"	PLANT MATERIAL SCHEDULE
SHRUBS & LG. PERENNIALS						
04	TEXAS SAGE	10	SHRUB	TEXAS SAGE	2-3"	PLANT MATERIAL SCHEDULE
05	CLOSSY ABELIA	10	SHRUB	CLOSSY ABELIA	2-3"	PLANT MATERIAL SCHEDULE
06	PINA WEAVER	10	GRASS	PINA WEAVER	2-3"	PLANT MATERIAL SCHEDULE
PERENNIALS / G.C.						
07	TURBS CAP	10	G.C.	TURBS CAP	2-3"	PLANT MATERIAL SCHEDULE
08	SEASONAL COLOR	10	G.C.	SEASONAL COLOR	2-3"	PLANT MATERIAL SCHEDULE
TURF						
09	BUFFALO GRASS	10	TURF	BUFFALO GRASS	2-3"	PLANT MATERIAL SCHEDULE
10	DECORATIVE ROCK	10	TURF	DECORATIVE ROCK	2-3"	PLANT MATERIAL SCHEDULE

TYPE	REQUIREMENT	AREA / MEASUREMENT	REQUIRED	PROVIDED
STREET TREES	1 TREE PER EVERY 10 LF	100 LF	6 TREES	6 TREES
INTERIOR LANDSCAPE	1/8 OF TOTAL SF OF THE BUILDING SHALL BE LANDSCAPED	7,500 SF @ 1,000 SF	-	-
INTERIOR LANDSCAPE	REQUIRED INTERIOR CANOPY TREES	1,000 SF @ 100 + 1	1 TREES	1 TREES
INTERIOR LANDSCAPE	REQUIRED LINDER STORY TREES	1,000 SF @ 100 + 1	6 TREES	6 TREES
INTERIOR LANDSCAPE	REQUIRED SHRUBS	1,000 SF @ 100 + 10	10 SHRUBS	10 SHRUBS
INTERIOR LANDSCAPE	REQUIRED GROUND COVER	1,000 SF @ 100 + 100	100 SF	173 SF
INTERIOR LANDSCAPE	REQUIRED SEASONAL COLOR	1,000 SF @ 100 + 10	10 SF	10 SF
PARKING	1/2" CALIPER TREES AND 100 1/2" SHRUBS FOR EVERY 100 SF OF REQUIRED PARKING LANDSCAPE AREA	100' 0" x 100' 0" x 100' 0"	10 TREES AND 100 SHRUBS	10 TREES AND 100 SHRUBS
BUFFER	MINIMUM 10' WIDE LANDSCAPE BUFFER BETWEEN RIGHT-OF-WAY AND ADJACENT PARKING AREAS	-	YES	YES
BUFFER	MINIMUM 10' WIDE LANDSCAPE BUFFER BETWEEN ADJACENT PROPERTY LINES AND ANY PARKING AREAS	-	NO	NO

Exhibit C - Landscape Plan



MAY 8, 2014

PROJECT:

OFFICE BUILDING

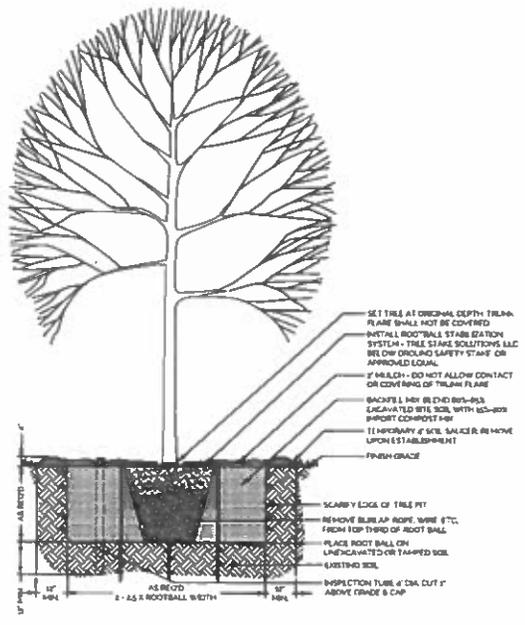
Waxahatche, TX 75165

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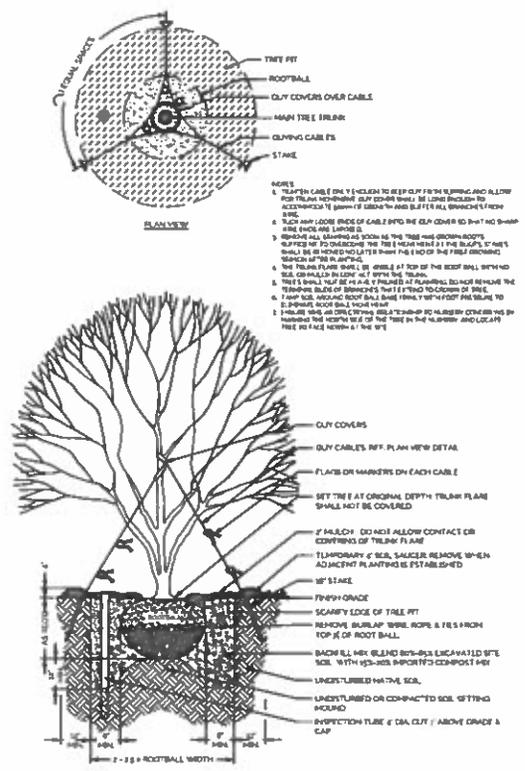
LANDSCAPE PLAN

SHEET NUMBER:

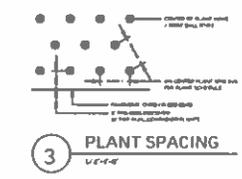
LP1.0



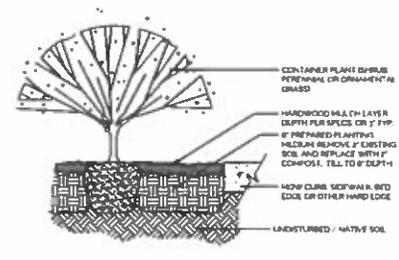
1 SHADE TREE PLANTING
VF-1-01



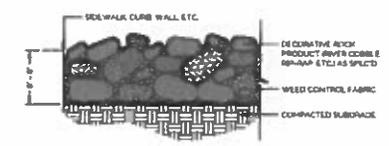
2 MULTI-STEM TREE PLANTING
VF-1-02



3 PLANT SPACING
VF-1-03



4 CONTAINER PLANTING
VF-1-04



5 DECORATIVE ROCK
VF-1-05

Exhibit C - Landscape Plan



**Valley Quest
DESIGN**

LANDSCAPE ARCHITECTS
212 S. Elm St. Ste. 120
Denton, Texas 76201
PH: 817.783.1715

CONSULTANT:

OWNER / CLIENT:

ESPINOZA STONE INC.
4725 N. IH 35 E.
WAXAHACHIE, TX 75105

Project No.	2024-043
Client No.	INC
Revised By	JB
Scale Type	Drawings
Issue Date	6/5/2024

REVISIONS		
No.	Date	Description



MAY 6, 2024

PROJECT:

OFFICE BUILDING

Waxahachie TX 75105

SHEET TITLE:

LANDSCAPE DETAILS

SHEET NUMBER:

LP1.1



LANDSCAPE ARCHITECTS
212 S. Elm St. Ste. 120
Denton, Texas 76201
ph 214/7931715

CONSULTANT

OWNER / CLIENT:

ESPINOSA STONE INC.
4725 N. M 35 E.
WAXAHACHE, TX 75105

Project No.	2021-041
Drawn By	RL
Reviewed By	JD
Issue Type	Drawings
Issue Date	5/15/2021

REVISIONS		
No.	Date	Description



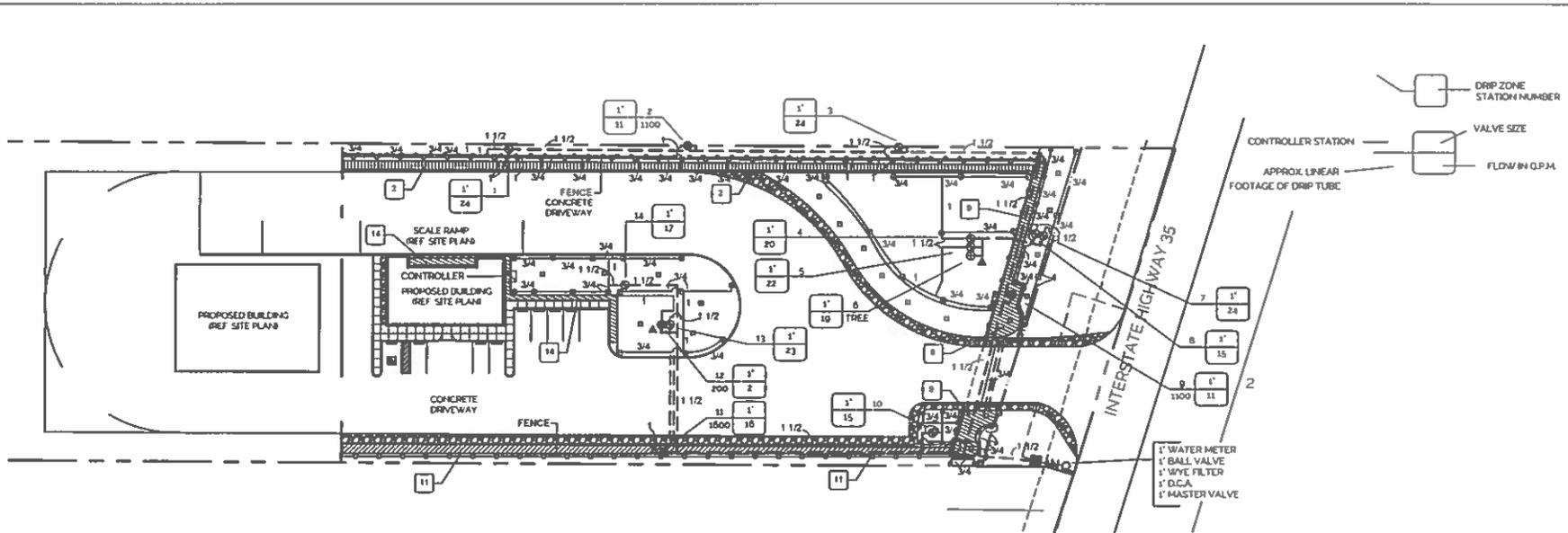
MAY 6, 2021

PROJECT:
OFFICE BUILDING

Waxahatche TX 75105

SHEET TITLE:
IRRIGATION PLAN

SHEET NUMBER:
LI1.0



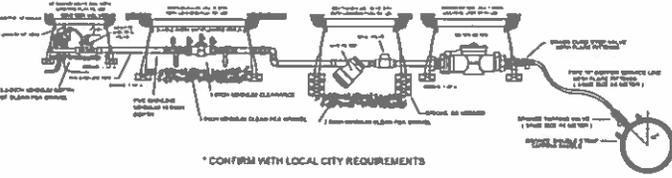
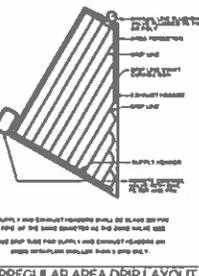
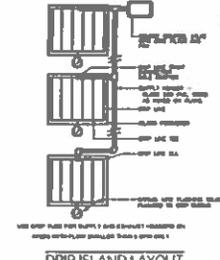
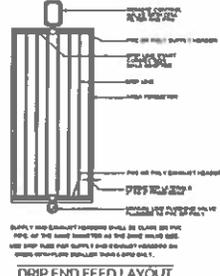
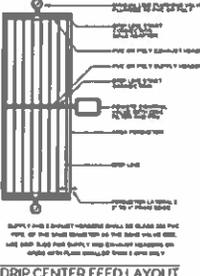
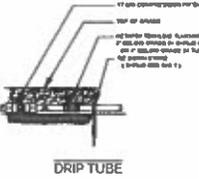
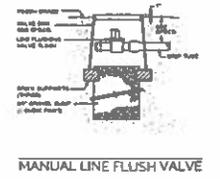
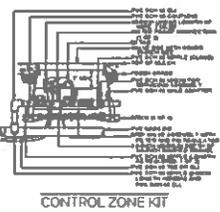
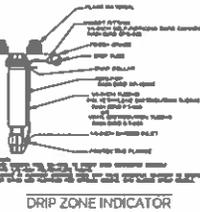
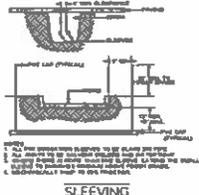
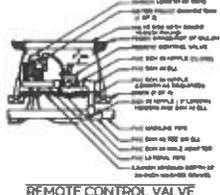
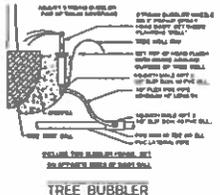
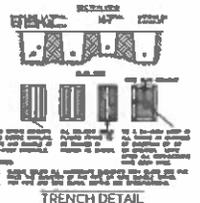
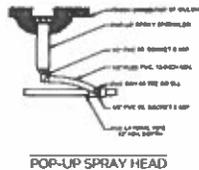
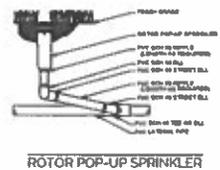
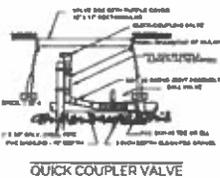
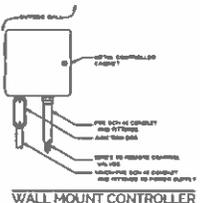
IRRIGATION PLAN



- IRRIGATION LEGEND**
- RAINBIRD 1806-SAM-PRS SERIES POP UP SPRAY HEADS WITH ADAPTER AND RAINBIRD #1402 SERIES BUBBLER NOZZLES. (TWO PER TREE) SEE INSTALLATION NOTE #8 REGARDING TREE BUBBLER LATERAL PIPE
 - RAINBIRD 1804-SAM-PRS SERIES POP UP SPRAY HEAD WITH SST / EST SERIES NOZZLE AS NOTED BELOW
 - RAINBIRD 1804-SAM-PRS SERIES POP UP SPRAY HEAD WITH U-SERIES NOZZLE AS NOTED BELOW
 - RAINBIRD 500PCSAMR ADJUSTABLE ARC 4" POP UP ROTARY HEAD, PART CIRCLE, #1.5 LA NOZZLE UNLESS NOTED OTHERWISE
 - RAINBIRD 500PCSAMR ADJUSTABLE ARC 4" POP UP ROTARY HEAD, PART CIRCLE, #2.5 NOZZLE UNLESS NOTED OTHERWISE
 - RAINBIRD 500PCSAMR ADJUSTABLE ARC 4" POP UP ROTARY HEAD, PART CIRCLE, #4.0 NOZZLE UNLESS NOTED OTHERWISE
 - ▨ NETAFIM TECHLINE FLN07R3-12 DRIP TUBE IN SHRUB BED INSTALLED AT 2" DEPTH SEE INSTALLATION NOTE #10 REGARDING DRIP TUBE LAYOUT IN SHRUB BEDS.
 - ⊖ RAINBIRD PEB SERIES ELECTRIC REMOTE CONTROL VALVE
 - ⊖ RAINBIRD PEB SERIES ELECTRIC REMOTE CONTROL "TREE BUBBLER ZONE" VALVE SEE INSTALLATION NOTE #8 REGARDING TREE BUBBLER LATERAL PIPE
 - NETAFIM LV22 SERIES DRIP VALVE ASSEMBLY WITH 50 PSI PRESSURE REGULATOR AND 60 MESH SCREEN USE MODEL LV22S8010075-LF FOR DRIP ZONES WITH .25 TO 4.4 GPM FLOW RATE WITH PRESSURE REGULATOR MODEL #PRV075LF50V2K USE MODEL LV2210075-HF-HP FOR DRIP ZONES WITH 4.5 TO 17.0 GPM FLOW RATE WITH PRESSURE REGULATOR MODEL #PRV075LF50V2K
 - ▲ RAINBIRD 33-DNP QUICK COUPLING VALVE WITH LOCKING PURPLE COVER AND 3/4" PVC BALL VALVE
 - ⊖ WILKINS 350 SERIES D.C.A. INSTALLED PER CITY CODE, WITH SAME SIZE WILKINS 850 SERIES BRONZE BALL VALVE AND WILKINS YB SERIES BRONZE WYE FILTER WITH 20 MESH STAINLESS STEEL SCREEN
 - ⊖ LASCO "YIELD" SERIES SCH. 80 PVC TRUE UNION BALL VALVE, MAINLINE SIZE
 - IRRIGATION WATER METER AND TAP SIZE AS NOTED ON THE PLAN
 - ⊖ RAINBIRD ESP12L304E SERIES AUTOMATIC CONTROLLER WITH ONE ESP1204EB MODULE AND WR2-RFC RAIN / FREEZE SENSOR LOCATE SENSOR AS FIELD DIRECTED BY THE LANDSCAPE ARCHITECT
 - MASTER ELECTRIC VALVE (SAME SIZE AS WATER METER) AND FLOW METER DEVICE
 - CLASS 200 PVC MAINLINE PIPE
 - CLASS 200 (EXCEPT 1/2 INCH @ 315) PVC LATERAL PIPE
 - ONE 4" CLASS 200 SLEEVE PIPE
 - TWO 4" CLASS 200 SLEEVE PIPES
- L.I.C. SHALL SELECT SPRAY NOZZLES FOR HEAD-TO-HEAD COVERAGE, ADJUSTED FOR NO OVERSPRAY ONTO WALLS AND WALKS. NO OVERSPRAY INTO STREETS IS PERMITTED.

Exhibit C - Landscape Plan

(17)



INSTALLATION NOTES

- CONFIRM MINIMUM STATIC WATER PRESSURE OF 95 PSI AT THE HIGHEST ELEVATION OF THE SYSTEM LIMITS AND MAXIMUM STATIC WATER PRESSURE OF 90 PSI AT THE LOWEST ELEVATION OF THE SYSTEM LIMITS AT LEAST 7 DAYS BEFORE BEGINNING WORK. IF STATIC WATER PRESSURE IS OUTSIDE THE RANGE STATED ABOVE, DO NOT PROVIDE FINAL HARDWARE TO CONTROLLER.
- ELECTRIC POWER SHALL BE PROVIDED WITHIN FIVE FEET OF CONTROLLER LOCATION BY GENERAL CONTRACTOR, LLC. TO PROVIDE FINAL HARDWARE TO CONTROLLER.
- 24V 1KV WIRE SHALL BE A MINIMUM OF #14 GAUGE, UF APPROVED FOR DIRECT BURIAL, SINGLE CONDUCTOR "IRRIGATION WIRE". WIRE SPLICES SHALL INCLUDE DRY CONNECTORS AS MANUFACTURED BY 3M COMPANY. ALL FIELD SPLICES SHALL BE LOCATED IN A ROUND VALVE BOX OF SUFFICIENT SIZE TO ALLOW INSPECTION. UNSHEATHED PIPES MAY BE SHOWN UNDER PAVEMENT FOR GRAPHIC CLARITY ONLY. INSTALL THESE PIPES IN ADJACENT LANDSCAPED AREAS.
- VALVE BOXES SHALL BE INSTALLED FLUSH WITH GRADE, SUPPORTED BY BRICKS IF NEEDED WITH 3 INCHES OF CLEAN PEA GRAVEL LOCATED BELOW THE VALVE. USE 12" x 12" RECTANGULAR VALVE BOXES WITH PURPLE LID FOR QUICK COUPLING VALVES. AND 10" ROUND BOXES FOR ELECTRIC VALVES UNLESS NOTED OTHERWISE. D.C.A. WITH UPSTREAM BALL VALVE AND WYE FILTER SHALL BE BOXED AND LOCATED ACCORDING TO LOCAL CODE.
- USE RAISED #15 PVC SWIRL JOINT ASSEMBLIES TO CONNECT ALL ROTARY HEADS AND QUICK COUPLERS.
- ALL SPRAY HEADS SHALL BE CONNECTED WITH A 12" MINIMUM LENGTH OF 1/2" FLEX PVC. THE FLEX PVC SHALL BE SOLVENT WELDED TO SCHEDULE 40 PVC FITTINGS WITH WELD-ON #796 SOLVENT AND #P-70 PRIMER.
- LATERAL PIPE TO TREE STREAM BUBBLER HEADS IS OMITTED FOR GRAPHIC CLARITY. CONNECT TREE BUBBLER HEADS TO VALVES AS SHOWN WITH CLASS 200 PVC PIPE SIZED TO ALLOW A MAXIMUM FLOW VELOCITY OF 5 FEET PER SECOND. NO MACHINE TRENCHING SHALL BE PERMITTED WITHIN THE ROOT ZONE OF EXISTING TREES. HAND-DIG ONLY WITHIN THE ROOT ZONES OF EXISTING TREES. NO ROOTS OVER 1" DIAMETER SHALL BE CUT. STAKE ALL PROPOSED TRENCH ROUTES NEAR EXISTING TREES FOR APPROVAL BY THE LANDSCAPE ARCHITECT BEFORE DIGGING BEGINS. PROCEED UNTIL DIRECTED BY THE LANDSCAPE ARCHITECT.
- LATERAL PIPE SHALL BE INSTALLED AT A MINIMUM DEPTH OF 18 INCHES. MAINLINE PIPE AND WIRES SHALL BE INSTALLED AT A MINIMUM DEPTH OF 18 INCHES. NO MACHINE TRENCHING SHALL BE PERMITTED WITHIN EXISTING TREE ROOT ZONES. WHEN HAND-TRENCHING WITHIN EXISTING TREE ROOT ZONES, NO ROOTS LARGER THAN 1" DIAMETER SHALL BE CUT.
- PROVIDE ONE QUICK COUPLER KEY WITH SWIVEL HOSE END FOR EVERY SIX (6) VALVES. (MINIMUM ONE SET.)
- CONTRACTOR IS TO CONTACT APPROPRIATE AUTHORITIES AND LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION.
- ALL HEADS SHALL BE INSTALLED A MINIMUM OF 4" FROM PAVEMENT EDGES (6" OR GREATER WHERE REQUIRED BY LOCAL CODE.) FINAL HEAD ADJUSTMENTS BY THE CONTRACTOR SHALL INCLUDE THE ADDITION OF CHECK VALVES WHERE NEEDED TO PREVENT EXCESSIVE LOW HEAD DRAINAGE. THE CONTRACTOR SHALL BUDGET FOR, AND INSTALL CHECK VALVES FOR UP TO 10% OF THE TOTAL NUMBER OF HEADS WHEN NEEDED, WITH NO ADDITIONAL COST TO THE OWNER.
- THE PROPOSED LOCATIONS OF ALL ABOVE-GROUND EQUIPMENT INCLUDING BACKFLOW PREVENTORS, CONTROLLERS AND WEATHER SENSORS SHALL BE STAKED BY THE CONTRACTOR FOR APPROVAL BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE BEFORE THESE ITEMS ARE INSTALLED.
- COORDINATE IRRIGATION INSTALLATION WITH PLANTING PLAN AND SITE CONDITIONS TO PROVIDE COMPLETE COVERAGE WITH MINIMUM OVERSPRAY. THE IRRIGATION CONTRACTOR SHALL MAKE MINOR ADJUSTMENTS TO ENSURE PROPER COVERAGE AT NO ADDITIONAL COST TO THE OWNER. THE IRRIGATION CONTRACTOR SHALL COMPLY WITH ALL LOCAL AND STATE MANDATED IRRIGATION ORDINANCES AND CODES AND WILL SECURE ALL REQUIRED PERMITS. LLC SHALL PAY ANY ASSOCIATED FEES UNLESS OTHERWISE NOTED. ALL LOCAL CODES SHALL PREVAIL OVER ANY DISCREPANCIES HEREIN AND SHALL BE ADDRESSED BEFORE ANY CONSTRUCTION BEGINS.
- WHERE SHOWN ON THE PLANS, MASS SHRUB / GROUNDCOVER BEDS SHALL INCLUDE NETAFIM TECH LINE TL14CV08 SERIES DRIP TUBE WITH PRE-INSTALLED 4" DRIP EMITTERS AT 12" INTERVALS, INSTALLED IN CENTER-FED BEDS WITH ROWS SPACED 18" APART. INDIVIDUAL DRIP TUBE RUNS SHALL NOT EXCEED 150 LF. PVC LATERAL TRUNK LINES SHALL BE INSTALLED 3" DEEP. DRIP TUBE SHALL BE SET 2" BELOW FINISHED SOIL GRADE (NOT INCLUDING MULCH LAYER) AND SECURELY STAKED EVERY 18". FLUSH VALVES SHALL BE INSTALLED AT THE FARTHEST POINTS FROM THE ZONE VALVE. USE 1/2" BARBED FITTINGS FOR DRIP LINE CONNECTIONS. SET THE MAXIMUM OPERATING PRESSURE AT 40 PSI. DRIP TUBE SHALL BE INSTALLED PERPENDICULAR TO SLOPE FACE. INSTALL IN-LINE CHECK VALVES EVERY 45 FEET OF DRIP LINE. ELEVATION CHANGE WITHIN THE ZONE. USE NETAFIM STAPLES TO SECURE TUBING EVERY 18". EACH DRIP ZONE SHALL INCLUDE ONE NETAFIM EZ OPERATION 'FLAG'. THE OPERATION 'FLAG' SHALL BE CONNECTED TO THE DRIP ZONE PIPE, AND SET FLUSH WITH GRADE, AND LOCATED AT THE FARTHEST DISTANCE FROM THE DRIP VALVE ASSEMBLY. INSTALL THE 'FLAG' HEAD ADJACENT TO EDGING OR IN LOW PLANTINGS FOR EASE OF VIEWING.

Valley Quest DESIGN
 LANDSCAPE ARCHITECTS
 712 S. Elm St. Ste. 120
 Denton, Texas 76201
 ph: 214.783.7175

CONSULTANT:

 OWNER / CLIENT:

 ESPINOZA STONE INC.
 4725 N. H. 36 E.
 WAXAHACHE, TX 75106

Project No.	2024-001
Drawn By	BS
Reviewed By	BS
Issue Type	Drawings
Issue Date	6/27/2024

REVISIONS

No.	Date	Description



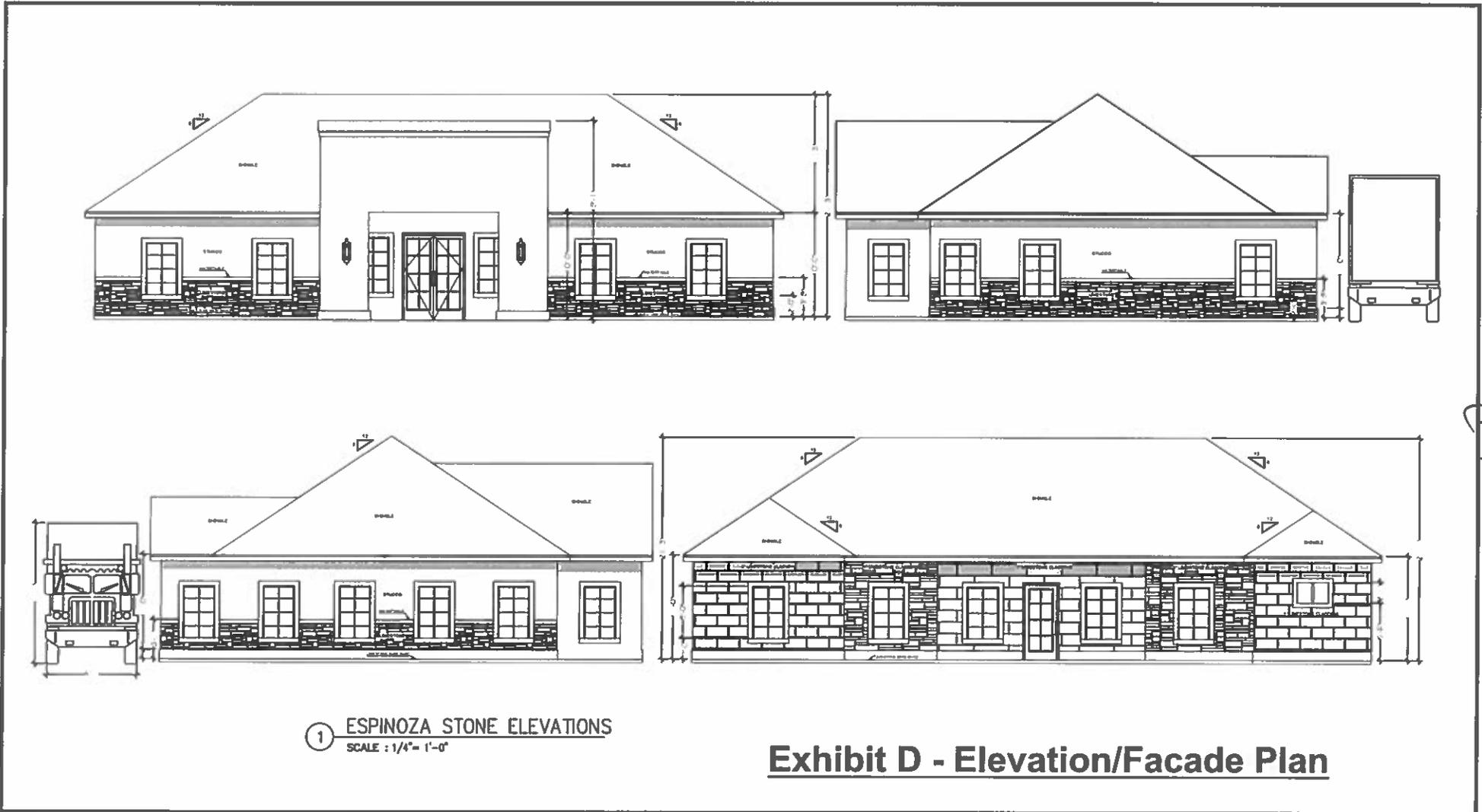
MAY 5, 2025
 PROJECT:
 OFFICE BUILDING

 Waxahatche, TX 75106

SHEET TITLE:
 IRRIGATION DETAILS

 SHEET NUMBER:
 L11.1

Exhibit C - Landscape Plan



(1/1)

① ESPINOZA STONE ELEVATIONS
SCALE : 1/4" = 1'-0"

Exhibit D - Elevation/Facade Plan



Color =
Jesse Espinoza
 4725 North IH 35 East Waxahachie, TX 75165

Job No. EST# xxxxx
 04/29/2021
 Mortar Joints: 1/4"
 Drawn By: Rex
 Delivery Date:

Sheet
A6
 of

Waxahachie Sales Office

Exhibit E - Staff Report (14)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-44-2021



MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021 (continued from May 3, 2021 CC)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-44-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)

APPLICANT REQUEST

The applicant, Espinoza Stone, is requesting approval of a Specific Use Permit to allow for outside storage and outdoor display.

CASE INFORMATION

Applicant: Rex Hamilton, Espinoza Stone

Property Owner(s): Jose Espinoza, Espinoza Stone

Site Acreage: 14.162 acres

Current Zoning: Light Industrial-1 and Future Development

Requested Zoning: Light Industrial-1 and Future Development w/ SUP

SUBJECT PROPERTY

General Location: 4725 N Interstate Highway 35

Parcel ID Number(s): 194416

Existing Use: Currently Undeveloped

Development History: N/A

Exhibit E - Staff Report (14)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Industrial Warehouse/Storage Use
East	----	N. Interstate 35 E. Service Rd.
South	LI2	Ervin Trucks
West	FD	Industrial Storage

Future Land Use Plan:

Highway Commercial

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant, Espinoza Stone, is requesting approval of a Specific Use Permit to allow for outside storage and outdoor display. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit is required to be reviewed by City Council.

Case History:

Espinoza Stone previously occupied the adjacent property to the North of the subject site for the same use(s). On March 4, 2013, City Council approved Ordinance 2692 that required the applicant at the time

Exhibit E - Staff Report (14)

(Espinoza Stone) to meet specific compliance requirements (as listed in the "Staff Concerns" section of the Staff Report).

Proposed Use:

The applicant, Espinoza Stone, intends to occupy the subject property for the use of outside storage and display. In addition to use of outdoor storage and outdoor display, the applicant intends to sell Texas limestone, dirt, sand, landscaping pavers, boulders for retaining walls, and other related items. Per the Site Plan, the applicant is proposing to place two buildings on the site. One building will be used as a sales office and the second building is intended to be used as a supply shed. Per the Operational Plan, Espinoza Stone intends to have a maximum of six full time employees and proposed operational hours of 7:00am - 5:00pm, Monday thru Friday, and 7:00am - 12:00pm on Saturdays.

STAFF CONCERNS

Applicant Compliance History

On March 4, 2013, City Council approved Ordinance 2692 (for adjacent property to the North) that required the applicant at that time (Espinoza Stone) to meet the following conditions:

- Landscaping will be designed by a licensed Registered Landscape Architect and approved by the City.
- A concrete driveway will have to go to the proposed building.
- All storage has to be palletized and stored in an orderly fashion.
- Outdoor storage at the front of the property may be only a single pallet high and shall be limited in amount in front of the current building.
- Storage to the rear of the property shall be screened.
- Display at the front of the property must be on concrete.

Since Ordinance 2692 has been approved, the Espinoza Stone failed to meet the requirements of the Ordinance. If approved, prior to receiving any Certificate of Occupancy, the applicant shall complete all recommendations made by staff.

- Applicant Response: The applicant understands staff concerns and intends to state their reasoning at the May 17, 2021 City Council meeting.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. All staff recommendations shall be completed prior to the applicant receiving any Certificate of Occupancy.
 2. The front portion of the property shall be concrete.
 3. Staff suggests that any pavement added in the future be concrete.
 4. 6ft. ornamental fencing with landscaping (per the City of Waxahachie Zoning Ordinance) should be provided along the front and side(s) of the property.

Exhibit E - Staff Report (14)

- a. Landscaping shall be designed by a licensed Registered Landscape Architect and approved by the City.
5. All storage shall be palletized and stored in an orderly fashion.
6. Any outdoor storage/display at the front of the property may only be a single pallet high and shall be limited in amount in front of the current building. Any display located at the front of the property shall be on concrete.
7. Any storage in the rear of the property shall be screened from public view.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Ordinance 2692
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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Planning & Zoning Department

Zoning Staff Report

Case: ZDC-49-2021



MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-49-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for Trailer and Heavy Load Vehicle Repair use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021)

APPLICANT REQUEST

The applicant is requesting approval to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on 5.48 acres.

CASE INFORMATION

Applicant: Sam Anderson, WCA Construction & Greg Guerin, East Star Design

Property Owner(s): MYTI Properties, LLC

Site Acreage: 5.48 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 w/ SUP

SUBJECT PROPERTY

General Location: Located at 2270 & 2290 Highway 287 Business

Parcel ID Number(s): 180390 & 180394

Existing Use: TIMCO Logistics Systems Inc.

Development History: N/A

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Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF1	Currently Undeveloped
East	LI1	Central Kubota, LLC
South	LI1	Currently Undeveloped
West	SF1	Currently Undeveloped

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via US Business 287

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on 5.48 acres. The use of Trailer and Heavy Load Vehicle repair requires a Specific Use Permit. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit must be reviewed by City Council.

Proposed Use:

The applicant, TIMCO Logistics, intends to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on the subject property. The facility will consist of 32,718 sq. ft. total. 18,845 sq. ft. will be used for trailer and heavy load vehicle repair, and the remaining 13,873 sq. ft. will be used as a three story office building. TIMCO intends for the site to be its new national headquarters.

Furthermore, the building is proposed to consolidate other company office locations from across the state to bring possibly 300 employees to this location.

*It should be noted that the exhibits presented in the City Council packet do not include the approved changes by the Planning and Zoning Commission. If approved, a detailed Site Plan Packet will be reviewed administratively by staff.

Table 2: Proposed Development Standards (Light Industrial-1)

****Items highlighted in bold do not meet the City of Waxahachie requirements***

Standard	City of Waxahachie	TIMCO Logistics	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	238,709 (5.48 acres)	Yes
Min. Lot Width (Ft.)	70	362	Yes
Min. Lot Depth (Ft.)	100	902	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	30	Yes
Max. Height	6 stories	3 stories	Yes
Max. Lot Coverage (%)	60	14	Yes
Parking	84	87	Yes

**The building is proposed to be constructed of stucco, stone, and metal.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the property.
 2. Any additional pavement added to the site shall be concrete material.
 3. The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
 4. Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.

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5. An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
6. Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan
6. Rendering
7. Staff Report

*It should be noted that the exhibits presented in the City Council packet do not include the approved changes by the Planning and Zoning Commission. If approved, a detailed Site Plan Packet will be reviewed administratively by staff.

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
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Reviewed by:
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Director of Planning
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ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER AND HEAVY LOAD VEHICLE REPAIR USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 180390 & 180394, BEING ABSTRACT 101 OF THE E BELLOW SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-49-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a Trailer and Heavy Load Vehicle Repair use on the following property: Abstract 101 of the E Bellow Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

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Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A TRAILER AND HEAVY LOAD VEHICLE REPAIR USE IN THE LIGHT INDUSTRIAL-1 (LI1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-49-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. Any additional pavement added to the site shall be concrete material.
5. The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
6. Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.
7. An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
8. Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
10. With proper notice, City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the

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approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this Ordinance, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR TIMCO LOGISTICS
 COUNTY OF ELLIS §

This Development Agreement for TIMCO Logistics ("Agreement") is entered into between MYTI Properties, LLC ("MYTI") and the City of Waxahachie, Texas ("City"). MYTI and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. MYTI is the owner of approximately 5.48 acres of real property generally located at 2270 & 2290 Highway 287 Business, Parcel Number 180390 and 180394, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Light Industrial-1 to Light Industrial-1 with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP reviewed on May 17, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of TIMCO Logistics (Trailer and Heavy Load Vehicle Repair). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing MYTI with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of MYTI and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "TIMCO Logistics SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for TIMCO Logistics.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the TIMCO Logistics SUP Ordinance as contractually-binding obligations between the City of Waxahachie and MYTI, and to recognize MYTI's reasonable investment-backed expectations in the TIMCO Logistics SUP Ordinance and the planned development of TIMCO Logistics.

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

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

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

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Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-49-2021.
- (B) Any additional pavement added to the site shall be concrete material.
- (C) The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
- (D) Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.
- (E) An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
- (F) Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
- (G) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (H) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

(17)

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

Section 4. Miscellaneous

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

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

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

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

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

(17)

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

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

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

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

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

(17)

{Signature Pages Follow}

(17)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

**: Sam Anderson, WCA Construction
(Applicant)**

By: _____

Date: _____

: Tim Balch, MYTI Properties, LLC (Property Owner)

By: _____

Date: _____

(17)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(17)

EXHIBIT A

TIMCO Logistics Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER AND HEAVY LOAD VEHICLE REPAIR USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 180390 & 180394, BEING ABSTRACT 101 OF THE E BELLOW SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-49-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a Trailer and Heavy Load Vehicle Repair use on the following property: Abstract 101 of the E Bellow Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A TRAILER AND HEAVY LOAD VEHICLE REPAIR USE IN THE LIGHT INDUSTRIAL-1 (LI1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number ZDC-49-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. Any additional pavement added to the site shall be concrete material.
5. The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
6. Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.
7. An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
8. Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
10. With proper notice, City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this Ordinance, the regulations of the Light Industrial-1

(17)

Zoning District shall apply to this development.

5. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

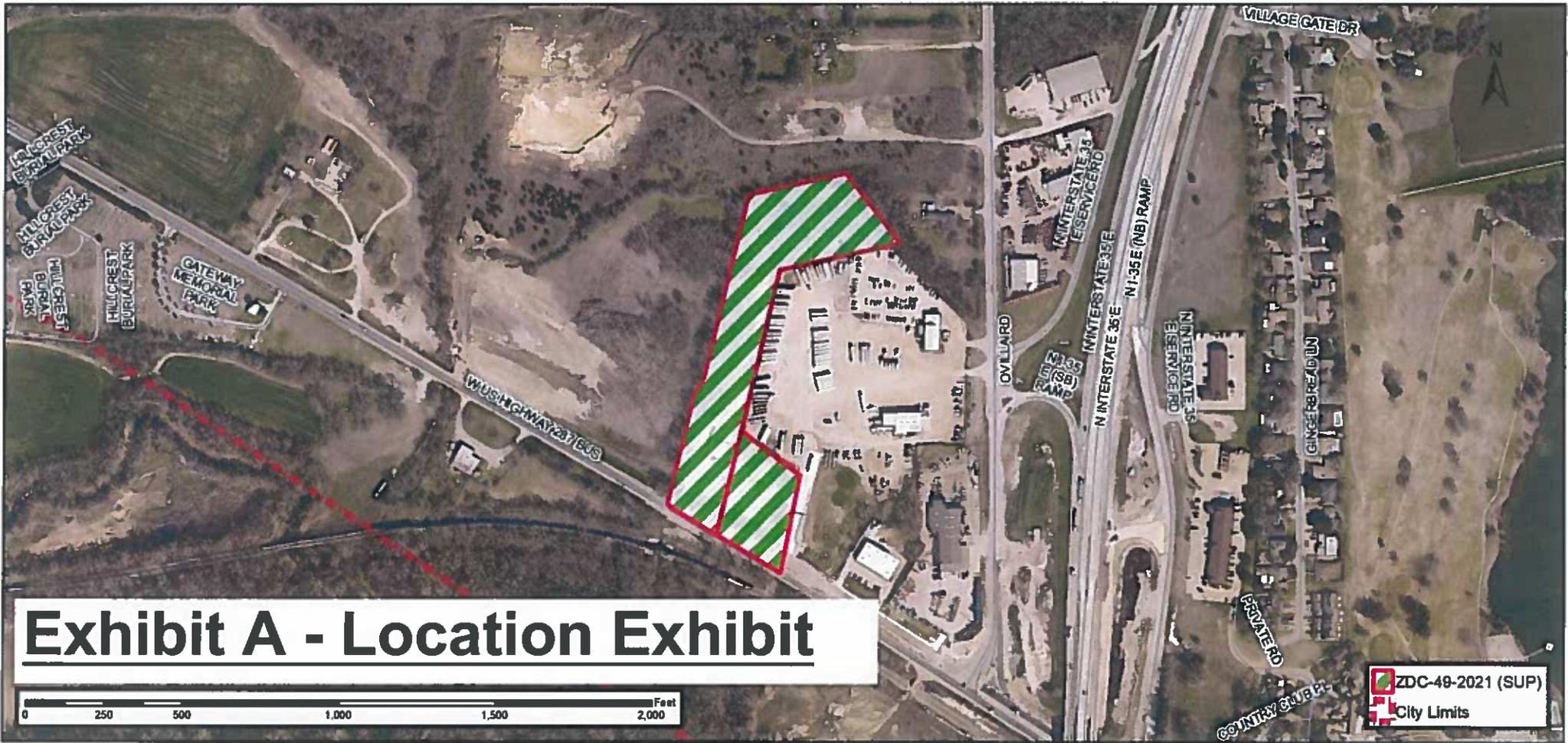
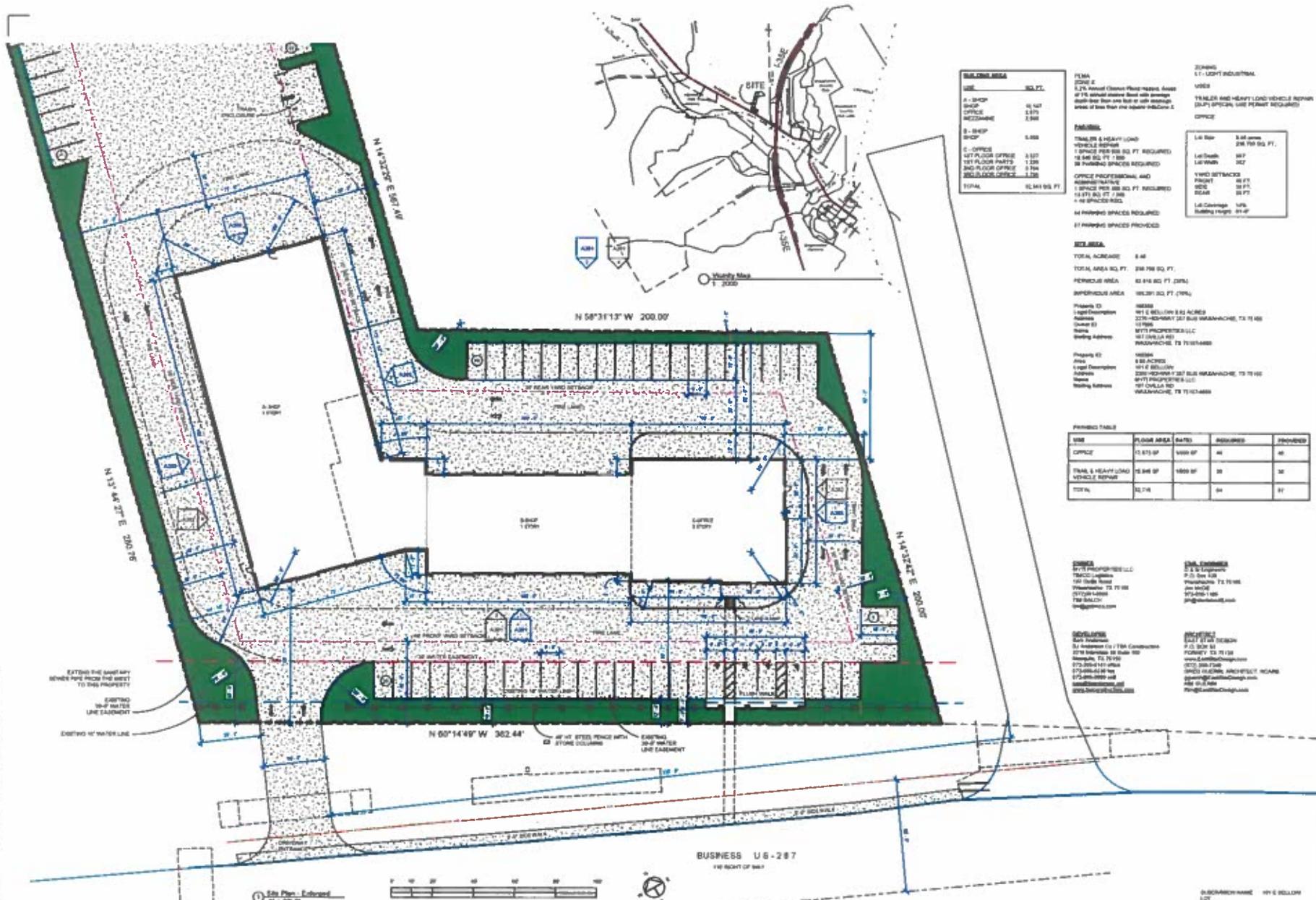


Exhibit A - Location Exhibit

(17)



BASELINE AREA

USE	SQ. FT.
A - SHOP	4,147
SHOP	2,875
OFFICE	2,398
B - SHOP	5,088
SHOP	
C - OFFICE	
LET FLOOR OFFICE	2,937
1ST FLOOR PARTS	1,238
2ND FLOOR OFFICE	2,294
3RD FLOOR OFFICE	2,294
TOTAL	12,541 SQ. FT.

FINISH

TRAILER & HEAVY LOAD VEHICLE STORAGE
 1 SPACE PER 500 SQ. FT. REQUIRED
 16,840 SQ. FT. 1,684
 28 PARKING SPACES REQUIRED

OFFICE PROFESSIONAL AND ADMINISTRATIVE
 1 SPACE PER 500 SQ. FT. REQUIRED
 12,541 SQ. FT. 25
 148 SPACES REQUIRED

24 PARKING SPACES REQUIRED
 27 PARKING SPACES PROVIDED

TRUCKS

2.0% Annual Closure Road Traffic - Based on 17.5% Annual Closure Road Traffic with average daily flow from one side or both directions - 10000 of flow from one side requires 1.0

TRUCKS

TRAILER AND HEAVY LOAD VEHICLE STORAGE (SLIP) SPECIAL USE PERMIT REQUIRED

OFFICE

Lot Size	3.48 acres
	238,799 SQ. FT.
Lot Depth	367'
Lot Width	367'
YARD SETBACKS	
FRONT	40 FT.
SIDE	20 FT.
REAR	20 FT.
Lot Coverage	1.0%
Building Height	20' 0"

NET AREA

TOTAL ACRES: 3.48
 TOTAL AREA SQ. FT.: 238,799 SQ. FT.
 PERMITS AREA: 42,416 SQ. FT. (17%)
 IMPERVIOUS AREA: 162,383 SQ. FT. (68%)

PROJECT ID

Legal Description: W1/2 SECTION 27 T28N R24E ACRES
 Assessor: 2276-ROXBURY 267 BUS. ROADWAY, TX 75146
 Owner ID: 161986
 Name: WTTI PROPERTIES LLC
 Mailing Address: 161 DUNLAP RD., IRVING, TX 75114-6888

PROPERTY ID

Area: 3.48 ACRES
 Legal Description: W1/2 SECTION 27 T28N R24E ACRES
 Assessor: 2276-ROXBURY 267 BUS. ROADWAY, TX 75146
 Name: WTTI PROPERTIES LLC
 Mailing Address: 161 DUNLAP RD., IRVING, TX 75114-6888

PARKING TABLE

USE	FLOOR AREA	RATES	ASSUMED	PROVIDED
OFFICE	12,571 SQ. FT.	1,600 SF	44	45
TRAILER & HEAVY LOAD VEHICLE STORAGE	16,840 SF	1,000 SF	38	38
TOTAL	29,411		82	83

OWNER

WTTI PROPERTIES LLC
 161 DUNLAP RD.
 IRVING, TX 75114
 (972) 266-7500
 WWW.WTTI.COM
 TERRY SULLIVAN
 TSULLIVAN@WTTI.COM

DEVELOPER

WTTI PROPERTIES LLC
 161 DUNLAP RD.
 IRVING, TX 75114
 (972) 266-7500
 WWW.WTTI.COM
 TERRY SULLIVAN
 TSULLIVAN@WTTI.COM

ARCHITECT

WTTI PROPERTIES LLC
 161 DUNLAP RD.
 IRVING, TX 75114
 (972) 266-7500
 WWW.WTTI.COM
 TERRY SULLIVAN
 TSULLIVAN@WTTI.COM

NOT FOR CONSTRUCTION

THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, PERMITS, OR REGULATORY PURPOSES.

Doc No: 2023-0001
 11/15/2023



WCA Construction

2276-ROXBURY 267 BUS. ROADWAY, TX 75146
 (972) 266-7500
 WWW.WTTI.COM
 TERRY SULLIVAN
 TSULLIVAN@WTTI.COM



Site Plan

2276-ROXBURY 267 BUS. ROADWAY, TX 75146
 (972) 266-7500
 WWW.WTTI.COM
 TERRY SULLIVAN
 TSULLIVAN@WTTI.COM

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/15/2023
2	REVISED	
3	REVISED	
4	REVISED	
5	REVISED	
6	REVISED	
7	REVISED	
8	REVISED	
9	REVISED	
10	REVISED	

Enlarged Site Plan

Project number: 2023-0001
 Date: 11/15/2023 11:11 AM PST

Created by: GG
 Checked by:

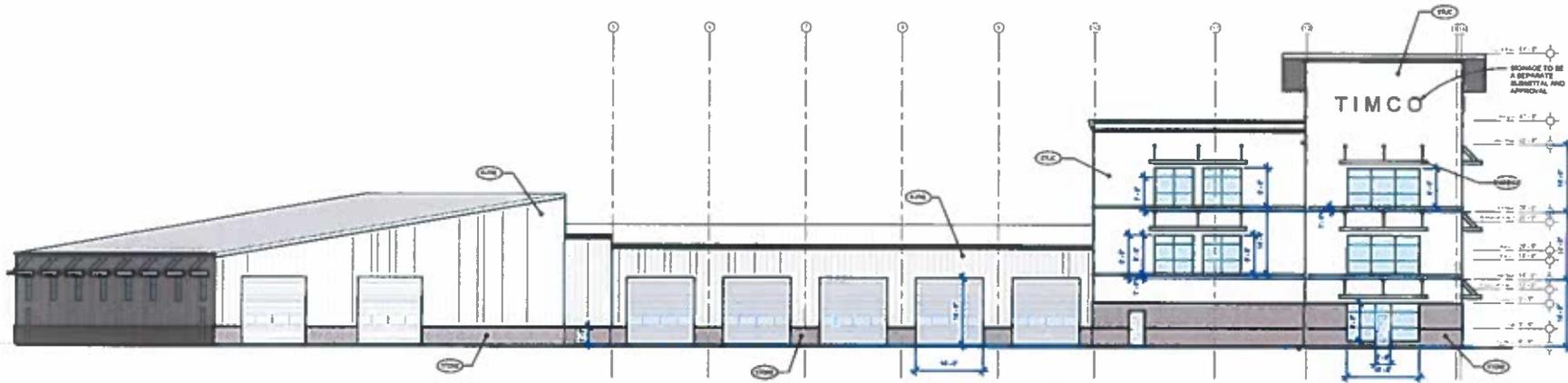
A004

Scale: As Indicated

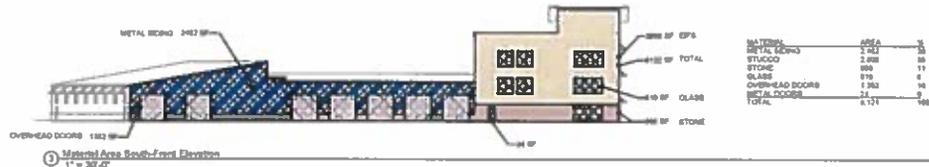
Exhibit B - Site Plan

SUBDIVISION NAME: W1/2 SECTION 27 T28N R24E ACRES
 AREA IN ACRES: 3.48 ± 0.00 ± 0.44
 CITY: IRVING
 COUNTY: TARRANT
 PREPARATION DATE: 01-17-21

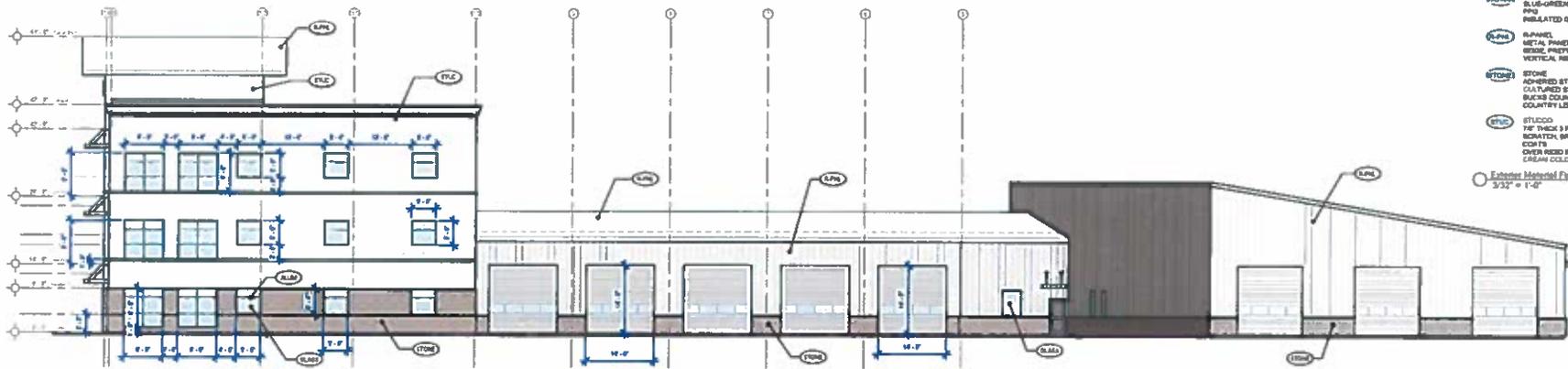
Exhibit D - Elevation/Facade Plan



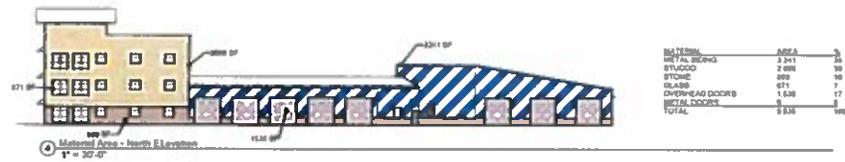
1 South-Front Elevation
3/32" = 1'-0"



Material Area South-Front Elevation
1" = 30'-0"



2 North
3/32" = 1'-0"



Material Area - North Elevation
1" = 30'-0"

- ALUM** ALUMINUM WINDOW MULLINGS
CLEAR ANODIZED
FINISH
 - GLASS** GLASS
BLU-GREEN
PIGMENTED GLASS
 - ALPANEL** ALPANEL
METAL PANEL
STONE, PRE-FINISHED
VERTICAL RIB
 - STONE** STONE
RANDOM STONE
COUNTRY LEDGESTONE
 - STUCCO** STUCCO
1/2" THICK 3 PART STUCCO
SCATCH BRUSH, 5 POUND
COAT
OVER RIGID INSULATION
CREAM COLOR
- Exterior Material Finish Legend
3/32" = 1'-0"

NOT FOR CONSTRUCTION
THIS DOCUMENT MAY NOT BE USED FOR CONSTRUCTION PERMITS, OR REGULATORY APPROVAL

One South Acacia
TX License # 22811

TIMCO Logistics
One South Acacia
10000
Houston, TX 77044
875-314-6666
www.timco-logistics.com

WCA Construction
One South Acacia
10000
Houston, TX 77044
875-314-6666
www.wcaconstruction.com

DATE SHOWN
7.2.2023
PROJECT TO BE SHOWN
07/13/2023

Project Name
One South Acacia

Client
One South Acacia

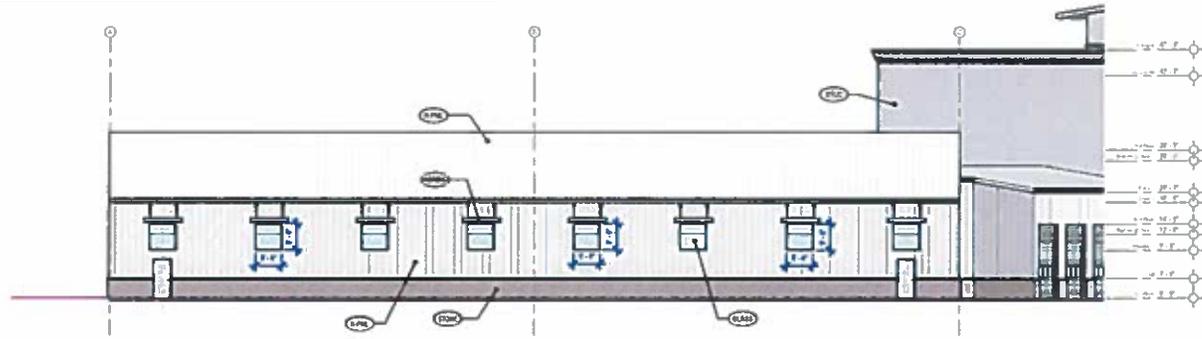
Client and Site
2281 Highway 281 S.W.
Houston, TX 77047

Elevations

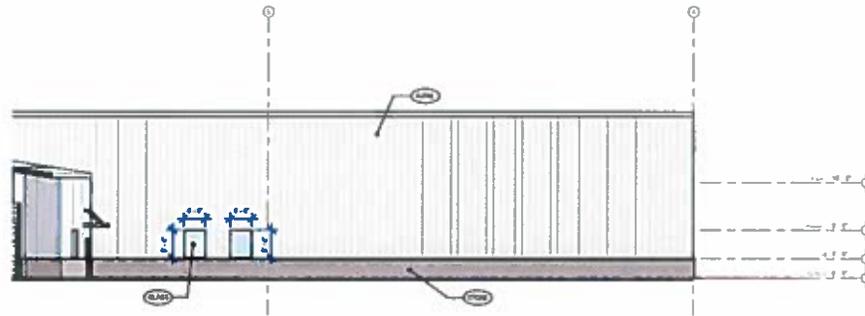
Project number: 200223
Date: 07/2023 12:58 PM
Drawn by: Au/308
Checked by: Cheo/8
SUB-SECTION NAME: W1 E BELLOW
LOF:
BLOCK: 6436 + 6.82 + 6.40
AREA IN ACRES: 195.24+ACRES
CITY: ILLUS
COUNTY: ILLUS
PREPARATION DATE: 05-31-21

A201
Book: As Indicated

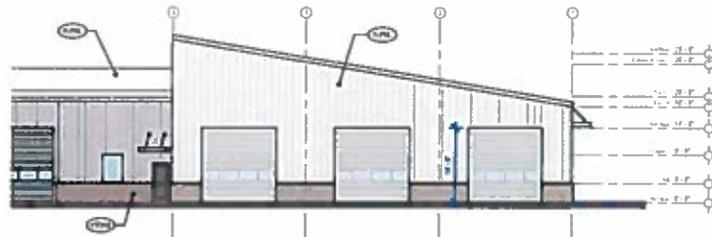
Exhibit D - Elevation/Facade Plan



1 West Elevation 2
3/22' = 1'-0"



2 East Elevation 2
3/22' = 1'-0"



3 North Elevation 2
3/22' = 1'-0"

- ALUM** ALUM WINDOW MULLIONS
CLEAR ANODIZED
YR
- GLASS** GLASS
BLACK-GRIN
PPG
INSULATED GLASS
- ALUM** METAL PANEL
BECOE PREFORMED
VERTICAL RIB
- STONE** STONE
ADHESED STONE
GUS TUNED STONE
SUCKS COUNTY
COUNTRY MASONRY
- STUCCO** STUCCO
3 PART STUCCO
SCANTON, BROWN, & PINE
COATS
OVER RIGID INSULATION
CREAM COLOR

Exterior Material Finish Legend
3/22' = 1'-0"

SUBSCRIBER NAME 161 E BELLOV
LOT
BLK C
AREA IN ACRES 14.56 ± 0.02 ± 0.4
CITY WALKERMOHE
COUNTY CLATSOP
PREPARATION DATE 05-24-21

NOT FOR CONSTRUCTION
THIS DOCUMENT MAY NOT BE USED FOR CONSTRUCTION PERMITTING OR REGULATORY APPROVALS
Dana Chasen Architect
73 Lower # 22811

TIMCO
Logistics
Dana Logistics
107 4th Street
Hood River, OR 97031
503-335-8888
www.timco-logistics.com

WCA
Construction
Dana Logistics
107 4th Street
Hood River, OR 97031
503-335-8888
www.wcaconstruction.com

East Glass Section
P.S. 2023 ID
PROPERTY TO 1023 2023
07/15/2023
Approved with conditions
12/15/2023

Project
Office and Shop
2275 Highway 301 Box
Waukegan, IL 79191

Rev.	Description	Date

Elevations
Project number 20023
Date 5/10/21 12:13:11 PM
Drawn by OGG
Checked by OGG
A203
Scale 3/22' = 1'-0"

Exhibit E - Staff Report (m)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-49-2021



MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 11, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-49-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Sam Anderson, WCA Construction, for a Specific Use Permit (SUP) for **Trailer and Heavy Load Vehicle Repair** use within a Light Industrial-1 zoning district located at 2270 & 2290 Highway 287 Business (Property ID 180390 & Property ID 180394) - Owner: MYTI PROPERTIES, LLC (ZDC-49-2021)

APPLICANT REQUEST

The applicant is requesting approval to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on 5.48 acres.

CASE INFORMATION

Applicant: Sam Anderson, WCA Construction & Greg Guerin, East Star Design

Property Owner(s): MYTI Properties, LLC

Site Acreage: 5.48 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 w/ SUP

SUBJECT PROPERTY

General Location: Located at 2270 & 2290 Highway 287 Business

Parcel ID Number(s): 180390 & 180394

Existing Use: TIMCO Logistics Systems Inc.

Development History: N/A

Exhibit E - Staff Report (17)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF1	Currently Undeveloped
East	LI1	Central Kubota, LLC
South	LI1	Currently Undeveloped
West	SF1	Currently Undeveloped

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via US Business 287

Site Image:

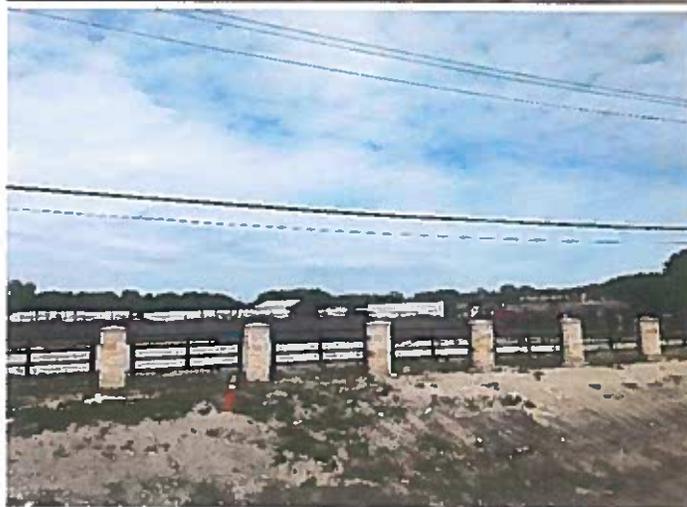


Exhibit E - Staff Report (17)

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on 5.48 acres. The use of Trailer and Heavy Load Vehicle repair requires a Specific Use Permit. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit must be reviewed by City Council.

Proposed Use:

The applicant, TIMCO Logistics, intends to construct a facility for the use of office and Trailer and Heavy Load Vehicle Repair on the subject property. The facility will consist of 32,718 sq. ft. total. 18,845 sq. ft. will be used for trailer and heavy load vehicle repair, and the remaining 13,873 sq. ft. will be used as a three story office building. TIMCO intends for the site to be its new national headquarters. Furthermore, the building is proposed to consolidate other company office locations from across the state to bring possibly 300 employees to this location.

*It should be noted that the exhibits presented in the City Council packet do not include the approved changes by the Planning and Zoning Commission. If approved, a detailed Site Plan Packet will be reviewed administratively by staff.

Table 2: Proposed Development Standards (Light Industrial-1)

***Items highlighted in bold do not meet the City of Waxahachie requirements**

Standard	City of Waxahachie	TIMCO Logistics	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	238,709 (5.48 acres)	Yes
Min. Lot Width (Ft.)	70	362	Yes
Min. Lot Depth (Ft.)	100	902	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	30	Yes
Max. Height	6 stories	3 stories	Yes
Max. Lot Coverage (%)	60	14	Yes
Parking	84	87	Yes

**The building is proposed to be constructed of stucco, stone, and metal.*

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
 1. A mutually agreed upon Development Agreement will be required for the property.
 2. Any additional pavement added to the site shall be concrete material.
 3. The applicant shall provide a sidewalk connection to the adjacent property to the southeast (Parcel ID: 209983).
 4. Ingress/egress for 18-wheeler trucks shall only be used along US Business 287 service road.

Exhibit E - Staff Report (17)

5. An additional landscape buffer shall be provided in along the front of the property (along US Business 287 service road).
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
6. Truck traffic exiting the facility shall be restricted to right turn only access onto US 287 Business. Trucks may not have egress from the site onto Ovilla Road. Left turns onto US 287 Business are not permitted for trucks exiting the facility. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan
6. Rendering
7. Staff Report

*It should be noted that the exhibits presented in the City Council packet do not include the approved changes by the Planning and Zoning Commission. If approved, a detailed Site Plan Packet will be reviewed administratively by staff.

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-35-2021

MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021 (continued from May 3, 2021 CC)

ACTION SINCE INITIAL STAFF REPORT

At the May 3, 2021 City Council meeting, the City Council voted 5-0 to continue case number ZDC-35-2021 to the May 11, 2021 Planning and Zoning meeting and the May 17, 2021 City Council meeting.

At the May 11, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 7-0 to approve case number ZDC-35-2021, per staff comments.

CAPTION

Public Hearing on a request by George Salvador, Lilian Custom Homes, for a **Zoning Change** from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

APPLICANT REQUEST

The applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 209 single family detached homes.

CASE INFORMATION

Applicant: George Salvador, Waxahachie One Development

Property Owner(s): George Salvador, Waxahachie One Development

Site Acreage: 78.22 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development-Single Family-3

SUBJECT PROPERTY

General Location: 401 Ovilla Rd.

Parcel ID Number(s): 180391

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF2	Sheppard's Place Development
East	C & GR	Single Family Residences
South	SF1	Currently Undeveloped
West	SF1	Currently Undeveloped

Future Land Use Plan:

Low Density Residential with a portion on the Northern boundary being Mixed Use Non-Residential

Comprehensive Plan:

Low Density Residential: 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.

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via Ovilla Rd.



Site Image:

(18)

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 209 single family detached homes. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be reviewed by City Council.

Proposed Use:

The applicant is proposing a zoning change request from a Single Family-1 (SF1) zoning district to Planned Development-Single Family-3, with Concept Plan, located at 401 Ovilla Rd. The proposed development will consist of two hundred nine (209) single family lots and three lot types (Type 1: 60' wide lots, Type 2: 70' wide lots, and Type 3: 80' wide lots) on 78.22 acres. Of the 78.22 acres for the development, 21 acres is located within a floodplain (will not be used), and 6.41 acres will be used as park space/open space. The park area is proposed to include a kid's soccer play area and multi-purpose sports court. It should also be noted that no homes within the development will have front facing garages. 169 lots (81%) will consist of rear entry lots, and 40 lots (19%) will be side entry lots.

Conformance with the Comprehensive Plan:

Residential developments can include low density residential, medium density residential, and high density residential. The proposed development is consistent with the FLUP and the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Table 2: Proposed Single Family Residential (per SF3 standards)

**The second column depicts the standards for the current zoning (Single Family-1) of the property. Items reflected in the second column are not represented in the "Meets" column.*

***The third column depicts the Single Family-3 zoning standards (what applicant is requesting)*

****Items highlighted in bold do not meet the City of Waxahachie SF3 requirements****

Standard	City of Waxahachie (Existing SF1 Standards)	City of Waxahachie SF3 Standards	Dominion Park	Meets
Min. Lot Area	16,000 sq. ft.	10,000 sq. ft.	Type 1 Lots: 7,200 sq. ft. Type 2 Lots: 8,400 sq. ft.	No
Min. Lot Width	90 ft.	80 ft.	Type 1 Lots: 60 ft. Type 2 Lots: 70 ft.	No
Min. Lot Depth	140 ft.	100 ft.	100 ft.	Yes
Min. Front Setback	40 ft.	30 ft.	20 ft.	No
Min. Interior Setback	15 ft.; 20 ft. (ROW)	10 ft.; 15 ft. (ROW)	Type 1 Lots: 5 ft.; 10 ft. on corner lots	No
Min. Rear Setback	25 ft.	25 ft.	20 ft.	No
Min. Dwelling Size	2,200 sq. ft.	1,200 sq. ft.	Type 1 & 2 Lots: 1,800 sq. ft. Type 3 Lots: 2,400 sq. ft.	Yes
Max. Lot Coverage	50%	50%	50%	Yes

Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes
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Note: Per the Elevation/Façade renderings and Planned Development Provisions, the homes will be constructed of 75% masonry (min.)

Table 3: Single Family Lot Notes (209 Total Lots)

*****Items highlighted in bold do not meet the City of Waxahachie SF3 requirements*****

Lot Size (Sq. Ft.)	Number of Lots	Lot Percentage
7,200 – 8,000 SF	61 lots	29.18% (orig. 28.77%)
8,000 – 9,000 SF	73 lots (orig. 91 lots)	34.92% (orig. 39.15%)
10,000+ SF	75 lots (orig. 60 lots)	35.88% (orig. 28.30%)
REAR ENTRY LOTS	169 (orig. 172)	80.86% (orig. 81.13%)
SIDE ENTRY LOTS	40	19.13% (orig. 18.86%)

SPECIAL EXCEPTION/VARIANCE REQUEST:

Lot Area

The minimum lot area requirement is 10,000 sq. ft.

- The applicant is proposing a minimum lot size of 7,200 sq. ft. for Type 1 lots
- The applicant is proposing a minimum lot size of 8,400 sq. ft. for Type 2 lots

Front Yard Setback

The minimum front yard setback requirement is 30ft.

- The applicant is proposing a minimum front yard setback of 20ft.

Side Setback

The minimum side yard setback requirement is 10 ft. (interior) and 15 ft. (adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 5 ft. (interior) and 10 ft. (adjacent to ROW) for Type 1 lots.

Rear Setback

The minimum rear yard setback requirement is 25ft.

- The applicant is proposing a minimum rear yard setback of 20ft.

Lot Width

The minimum lot width requirement is 80ft.

- The applicant is proposing a minimum lot width of 60ft. for Type 1 lots.
- The applicant is proposing a minimum lot width of 70ft. for Type 2 lots.

Screening

Single Family residential developments require masonry material for fencing/screening.

- The applicant is proposing a 6ft. wood fence at the North and South boundaries of the development.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 46 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200 ft. Notification Area: Staff received one (1) letter of support and one (1) letter of opposition for the proposed development.

Outside 200 ft. Notification Area: Staff received one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

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

1. 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as:

Home Style	Percentage
Contemporary	15%
Modern Farm	15%
Traditional	15%
Tudor	15%

The remaining 40% of the residential development shall be determined by the market.

2. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
3. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
4. 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
5. 6ft. wood fence shall be provided along the North and South boundaries of the development.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Planned Development Provisions
5. Dominion Park Exhibit Packet
6. Staff Report

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

Property ID	Owner's Address	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
138566	BROOME REX A & CONSTANCE M	70.6875	101 E BELLOW 70.6875 ACRES	731 BROADHEAD RD	WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
179584	SEVEN-FIVE WAXAHACHIE	7.5	41 J BARKER 7.5 ACRES	113 WILLOWCREST	WAXAHACHIE	TX	75165	INTERSTATE 35 WAXAHACHIE TX 75165
179591	FRISBEE MICHAEL	1	41 J BARKER 1 ACRES	308 W MADISON ST	WAXAHACHIE	TX	75165	FM 664 WAXAHACHIE TX 75167
180316	OTTS KARON E & JOEL P	1	99 J B BOUNDS 1 ACRES	410 OVILLA RD	WAXAHACHIE	TX	75167	410 OVILLA RD WAXAHACHIE TX 75167
180321	MARLIN ODENA	0.964	99 J B BOUNDS 0.964 ACRES	400 OVILLA RD	WAXAHACHIE	TX	75167	400 OVILLA RD WAXAHACHIE TX 75167
180383	MARTINEK & ASSOC, LP	31.107	101 E BELLOW 31.107 ACRES	2256 BELLS CHAPEL RD	WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
180391	WAXAHACHIE ONE DEVELOPMENT	78.22	101 E BELLOW & 466 E HORTON 78.22 ACRES	6350 N INTERSTATE HIGHWAY 35 E	WAXAHACHIE	TX	75165	401 OVILLA RD WAXAHACHIE TX 75167
180503	WAXAHACHIE ISD	117.2	108 J BOYD, 109 W J BOYD, 466 E HORTON, 1080 WM C TUNNELL 117.20 ACRES	411 N GIBSON ST	WAXAHACHIE	TX	75165	HIGHWAY 287 BYPASS WAXAHACHIE TX 75165
199964	JBS PARTNERS LLC	2.851	101 E BELLOW 2.851 ACRES	P.O. BOX 837	WAXAHACHIE	TX	75168	301 OVILLA RD WAXAHACHIE TX 75167
221795	PETERS SCOTT S	1.209	LOT 1 NAIL ESTS-REV 1.209 AC	408 OVILLA RD	WAXAHACHIE	TX	75167	408 OVILLA RD WAXAHACHIE TX 75167
261920	BOZE D WAYNE & MARIA M	20	101 E BELLOW 20 ACRES	2322 W HWY 287 BUSINESS	WAXAHACHIE	TX	75165	2322 HIGHWAY 287 WAXAHACHIE TX 75165
277458	SHEPPARD'S PLACE DEVELOPMENT CO LLC	54.929	468 E HORTON 54.929 ACRES	5137 DAVIS BLVD	FT WORTH	TX	76180	FM 664 WAXAHACHIE TX 75167
281573	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1758	LOT 1 BLK 3 SHEPPARDS PLACE PH 1 0.1758 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2224 SHEPPARDS LN WAXAHACHIE TX 75167
281574	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1748	LOT 2 BLK 3 SHEPPARDS PLACE PH 1 0.1748 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2228 SHEPPARDS LN WAXAHACHIE TX 75167
281575	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1827	LOT 3 BLK 3 SHEPPARDS PLACE PH 1 0.1827 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2232 SHEPPARDS LN WAXAHACHIE TX 75167
281576	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1829	LOT 4 BLK 3 SHEPPARDS PLACE PH 1 0.1829 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2236 SHEPPARDS LN WAXAHACHIE TX 75167
281577	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1828	LOT 5 BLK 3 SHEPPARDS PLACE PH 1 0.1828 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2240 SHEPPARDS LN WAXAHACHIE TX 75167
281578	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1827	LOT 6 BLK 3 SHEPPARDS PLACE PH 1 0.1827 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2244 SHEPPARDS LN WAXAHACHIE TX 75167
281579	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1826	LOT 7 BLK 3 SHEPPARDS PLACE PH 1 0.1826 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2248 SHEPPARDS LN WAXAHACHIE TX 75167
281580	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1826	LOT 8 BLK 3 SHEPPARDS PLACE PH 1 0.1826 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2252 SHEPPARDS LN WAXAHACHIE TX 75167
281581	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1908	LOT 9 BLK 3 SHEPPARDS PLACE PH 1 0.1908 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2256 SHEPPARDS LN WAXAHACHIE TX 75167
281591	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1722	LOT 1 BLK 4 SHEPPARDS PLACE PH 1 0.1722 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2213 SHEPPARDS LN WAXAHACHIE TX 75167
281592	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1681	LOT 2 BLK 4 SHEPPARDS PLACE PH 1 0.1681 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2217 SHEPPARDS LN WAXAHACHIE TX 75167
281593	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1854	LOT 3 BLK 4 SHEPPARDS PLACE PH 1 0.1854 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2221 SHEPPARDS LN WAXAHACHIE TX 75167
281594	JB SANDLIN REAL ESTATE INC	0.1885	LOT 4 BLK 4 SHEPPARDS PLACE PH 1 0.1885 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2225 SHEPPARDS LN WAXAHACHIE TX 75167
281595	HMM LIFESTYLES LP	0.1727	LOT 5 BLK 4 SHEPPARDS PLACE PH 1 0.1727 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2229 SHEPPARDS LN WAXAHACHIE TX 75167
281596	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1655	LOT 6 BLK 4 SHEPPARDS PLACE PH 1 0.1655 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2233 SHEPPARDS LN WAXAHACHIE TX 75167
281597	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1653	LOT 7 BLK 4 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2237 SHEPPARDS LN WAXAHACHIE TX 75167
281598	MSAND BUILD LLC	0.1653	LOT 8 BLK 4 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2241 SHEPPARDS LN WAXAHACHIE TX 75167
281599	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1653	LOT 9 BLK 4 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2245 SHEPPARDS LN WAXAHACHIE TX 75167
281600	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1653	LOT 10 BLK 4 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2249 SHEPPARDS LN WAXAHACHIE TX 75167
281601	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1653	LOT 11 BLK 4 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2253 SHEPPARDS LN WAXAHACHIE TX 75167
281602	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.171	LOT 12 BLK 4 SHEPPARDS PLACE PH 1 0.171 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2257 SHEPPARDS LN WAXAHACHIE TX 75167
281603	SHEPPARDS PLACE PROPERTY OWNERS ASSOCIATION INC	0.0539	LOT A BLK 4 (HOA) SHEPPARDS PLACE PH 1 0.0539 AC	11149 RESEARCH BLVD STE 100	AUSTIN	TX	78759	2201 SHEPPARDS LN WAXAHACHIE TX 75167
281608	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1917	LOT 1 BLK 5 SHEPPARDS PLACE PH 1 0.1917 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2280 WINDY HILL LN WAXAHACHIE TX 75167
281823	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.2313	LOT 16 BLK 5 SHEPPARDS PLACE PH 1 0.2313 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	404 GREEN HILL DR WAXAHACHIE TX 75167
281824	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.2082	LOT 1 BLK 7 SHEPPARDS PLACE PH 1 0.2082 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	405 GREEN HILL DR WAXAHACHIE TX 75167
281833	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1917	LOT 1 BLK 8 SHEPPARDS PLACE PH 1 0.1917 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2261 SHEPPARDS LN WAXAHACHIE TX 75167
281834	SHEPPARD'S PLACE DEVELOPMENT CO LLC	0.1653	LOT 2 BLK 8 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	FT WORTH	TX	76180	2265 SHEPPARDS LN WAXAHACHIE TX 75167
281835	HMM LIFESTYLES LP	0.1653	LOT 3 BLK 8 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2269 SHEPPARDS LN WAXAHACHIE TX 75167
281836	HMM LIFESTYLES LP	0.1653	LOT 4 BLK 8 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2277 SHEPPARDS LN WAXAHACHIE TX 75167
281837	HMM LIFESTYLES LP	0.1653	LOT 5 BLK 8 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2281 SHEPPARDS LN WAXAHACHIE TX 75167
281838	HMM LIFESTYLES LP	0.1653	LOT 6 BLK 8 SHEPPARDS PLACE PH 1 0.1653 AC	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	76180	2285 SHEPPARDS LN WAXAHACHIE TX 75167
281839	SHEPPARDS PLACE PROPERTY OWNERS ASSOCIATION INC	0.0508	LOT X (HOA) SHEPPARDS PLACE PH 1 0.0508 AC	11149 RESEARCH BLVD STE 100	AUSTIN	TX	78759	2202 SHEPPARDS LN WAXAHACHIE TX 75167
180392		0		303 OVILLA RD	WAXAHACHIE	TX	75167	303 OVILLA RD WAXAHACHIE TX 75167

(18)

(18)

RECEIVED APR 12 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-35-2021

MARTINEK & ASSOC. LP
2256 BELLS CHAPEL RD
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 3, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by George Salvador, Lilian Custom Homes, for a **Zoning Change** from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

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

Case Number: ZDC-35-2021

City Reference: 180383

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, April 20, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I support the SF 3 request

Ernest Martinek
Signature

4/12/21
Date

ERNEST MARTINEK owner/
Printed Name and Title MANAGER

PROP T.D # 180383
Address

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

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

(18)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-35-2021

WILLIAMS MICHAEL W & KELLY J
312 OVILLA RD
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 3, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by George Salvador, Lilian Custom Homes, for a **Zoning Change** from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

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

Case Number: ZDC-35-2021

City Reference: 205402

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, April 20, 2021** to ensure inclusion in the Agenda Packet. Forms can be emailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments: Please do NOT allow this!

Kelly Williams
Signature

4.9.21
Date

Kelly Williams, Owner
Printed Name and Title

312 Ovilla Rd.
Address

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

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

1 (18)
Outside 200 ft. Notification Area

PropertyID	Owner's Address	Owner's City	Owner's State	Owner's ZIP
221796	414 Ovilla Rd.	Waxahachie	TX	75167

(18)

Dear Sir,

The Wyatt family has lived at 414 Ovilla Road, Property ID # 221796, since 7/1/2004, over 16.5 years.

Our home is directly across from Sheppard's Place Phase One.

Three years ago TXDOT improved the approximate 2 mile section of Ovilla Road bounded by US 287 Bypass to the North and Business 287 to the South. The improvements included widening the road by about 18 inches, raising the grade level and resurfacing the roadway. Both of the properties subject to the zoning meeting are located on the West side of this section of Ovilla road.

The speed limit on Ovilla road is 55 mph. Rarely does the City of Waxahachie police department or DPS monitor/enforce the speed limit. Truck traffic has substantially increased on this section of Ovilla Road over the past 5 years due to the intermodal trucking terminal of TIMCO located on the South end of this section of roadway.

The existing two entrances to Sheppard's Place do not have any deceleration lanes at present allowing for the safe movement of traffic from Ovilla Road to the subdivision.

Traffic has substantially increased on Ovilla Road

In 2018 the City of Waxahachie approved a zoning change on Parcel 191627 to single family -3 zoning for this 119 acre parcel. The developer has not begun to develop the parcel however it is approved for 265 lots at this time. This parcel is located north of the subject properties also on the West side of Ovilla Road. When developed additional traffic will be using Ovilla Road.

Several weeks ago the City Of Waxahachie also approved Ordinance 3224, which rezones the 124 acre parcel just East of Ovilla Road bounded by I 35 and just east of existing properties on Ovilla Road. The approved plan calls for a city funded collector road which connects Ovilla Road to property East of I 35 via a new bridge. New zoning approves apartment buildings, retail commercial and warehousing. Again the development will substantially increase the traffic on Ovilla Road.

The city should require TXDOT to perform a new traffic study monitoring traffic count as well as average speed at two locations, North of Sheppard's Place phase One and South of the proposed Dominion Park.

(18)

The speed limit should be lowered on Ovilla Road to more appropriately represent that of residential neighborhoods, i.e. 30 mph.

Deceleration lanes should be required at the entrances of all the residential development including the existing Sheppard's Place Phase One.

The City of Waxahachie and the developers should be concerned with the potential financial liability possibly incurred should fatal and/or property damage accidents occur on the roadway near the entrances of each of these new and proposed development's due to unsafe roadway design without appropriate deceleration lanes.

Specific to our property, when exiting our driveway in a passenger car the higher grade level of the road surface at the top of a the hill or rise in the road, coupled with the high speed of traffic makes it dangerous to pull on to the roadway safely.

Further, the South end of Ovilla Road connect to US287 Business without any traffic control device other than a stop sign only for Ovilla Road traffic. Frequent long backups already occur at the intersection without a traffic signal.

I do not support approval of the zoning changes.

Regards,

Gary R. Wyatt

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), LOCATED AT 401 OVILLA ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 78.22 ACRES, KNOWN AS PROPERTY ID 180391 OF ABSTRACT 101 OF E BELLOW SURVEY AND ABSTRACT 466 OF E HORTON SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-35-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF1 to PD-SF3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from SF1 to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows 209 single family residential lots on the following property: Property ID 180391 of Abstract 101 of E Bellow Survey and Abstract 466 of E Horton Survey, which is shown on Exhibit A, Planned Development Provisions shown as Exhibit B, Dominion Park Exhibit Packet shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a single family residential development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

(19)

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Planned Development Provisions (Exhibit B), Dominion Park Exhibit Packet (Exhibit C), and Staff Report (Exhibit D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The minimum lot area shall be 7,200 sq. ft.
3. The minimum lot width shall be 60ft.
4. The minimum lot depth shall be 100ft.
5. The minimum front yard setback shall be 20ft.
6. The minimum interior setback shall be 5ft. interior and 10ft. on corner lots.
7. The minimum rear yard setback shall be 20ft.
8. The minimum dwelling unit size shall be 1,800 sq. ft.
9. The maximum lot coverage shall be 50%.
10. Screening for the North and South boundaries of the property shall be constructed of a 6ft. wood fence. Masonry screening shall be required along the front entrance of the property.
11. A 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
12. 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as:

Home Style	Percentage
Contemporary	15%
Modern Farm	15%
Traditional	15%
Tudor	15%

- The remaining 40% of the residential development shall be determined by the market.
13. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
 14. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
 15. The Site Plan shall conform as approved by the City Council under case number ZDC-35-2021.
 16. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions, Exhibit C – Dominion Park Exhibit Packet, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, in this ordinance, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.

(19)

17. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
18. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

(20)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

**DEVELOPMENT AGREEMENT
FOR DOMINION PARK**

This Development Agreement for Dominion Park ("Agreement") is entered into between Waxahachie One Development ("WOD") and the City of Waxahachie, Texas ("City"). WOD and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. WOD is the owner of approximately 78.22 acres of real property generally located at 401 Ovilla Rd., parcel number 180391, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Single Family-1 zoning to a Planned Development ("PD") Single Family-3 zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on May 17, 2021.

2. The planned use of the Property is to create a Planned Development to allow for the development of 209 single family residential homes. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing WOD with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of WOD and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. (TBD) (the "Dominion Park PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Dominion Park.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Dominion Park PD Ordinance as contractually-binding obligations between the City of Waxahachie and WOD, and to recognize WOD's reasonable investment-backed expectations in the Dominion Park PD Ordinance and the planned development of Dominion Park.

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

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

(20)

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations: The negotiated and agreed upon zoning and development standards contained in the Dominion Park PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The minimum lot area shall be 7,200 sq. ft.
- (C) The minimum lot width shall be 60ft.
- (D) The minimum lot depth shall be 100ft.
- (E) The minimum front yard setback shall be 20ft.
- (F) The minimum interior setback shall be 5ft. interior and 10ft. on corner lots.
- (G) The minimum rear yard setback shall be 20ft.
- (H) The minimum dwelling unit size shall be 1,800 sq. ft.
- (I) The maximum lot coverage shall be 50%.
- (J) Screening for the North and South boundaries of the property shall be constructed of a 6ft. wood fence. Masonry screening shall be required along the front entrance of the property.
- (K) A 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
- (L) 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as:

Home Style	Percentage
Contemporary	15%
Modern Farm	15%
Traditional	15%
Tudor	15%

(50)

The remaining 40% of the residential development shall be determined by the market.

- (M) No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
- (N) Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- (O) The Site Plan shall conform as approved by the City Council under case number ZDC-35-2021.
- (P) Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions, Exhibit C – Dominion Park Exhibit Packet, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, in this Development Agreement, or Zoning Ordinance, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (Q) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (R) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

(20)

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

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

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

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

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

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

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

(20)

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

(50)

{Signature Pages Follow}

(20)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

**: George Salvador, Waxahachie One
Development (Applicant)**

By: _____

Date: _____

**: George Salvador, Waxahachie One
Development (Owner)**

By: _____

Date: _____

(20)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2021, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2021, personally appeared _____, representative of Waxahachie One Development, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(20)

EXHIBIT A

Dominion Park PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), LOCATED AT 401 OVILLA ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 78.22 ACRES, KNOWN AS PROPERTY ID 180391 OF ABSTRACT 101 OF E BELLOW SURVEY AND ABSTRACT 466 OF E HORTON SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-35-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF1 to PD-SF3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from SF1 to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows 209 single family residential lots on the following property: Property ID 180391 of Abstract 101 of E Bellow Survey and Abstract 466 of E Horton Survey, which is shown on Exhibit A, Planned Development Provisions shown as Exhibit B, Dominion Park Exhibit Packet shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a single family residential development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Planned Development Provisions (Exhibit B), Dominion Park Exhibit Packet (Exhibit C), and Staff Report (Exhibit D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The minimum lot area shall be 7,200 sq. ft.
3. The minimum lot width shall be 60ft.
4. The minimum lot depth shall be 100ft.
5. The minimum front yard setback shall be 20ft.
6. The minimum interior setback shall be 5ft. interior and 10ft. on corner lots.
7. The minimum rear yard setback shall be 20ft.
8. The minimum dwelling unit size shall be 1,800 sq. ft.
9. The maximum lot coverage shall be 50%.
10. Screening for the North and South boundaries of the property shall be constructed of a 6ft. wood fence. Masonry screening shall be required along the front entrance of the property.
11. A 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
12. 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as:

Home Style	Percentage
Contemporary	15%
Modern Farm	15%
Traditional	15%
Tudor	15%

- The remaining 40% of the residential development shall be determined by the market.
13. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
 14. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
 15. The Site Plan shall conform as approved by the City Council under case number ZDC-35-2021.
 16. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions, Exhibit C – Dominion Park Exhibit Packet, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, in this ordinance, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
 17. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

(20)

18. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 17th day of May, 2021.

MAYOR

ATTEST:

City Secretary

Exhibit B - Planned Development Provisions

(50)

EXHIBIT "B"

Purpose and intent of this Planned Development (PD) known as Dominion Park is to allow for the development of 209 single family detached homes as shown in the enclosed PD site plan. Any standards not written herein should default to the Base Zoning District (SF-3) as described in the City of Waxahachie's Code of Ordinances.

Compliance with City's Comprehensive Plan:

Single Family – 3 (SF-3) zoning district is the intended base zoning classification underlying this PD. The proposed PD zoning district is intended to be similar to the SF-3 with principal permitted uses include single family detached dwellings.

Description of the request:

- We intend to modify the existing Single Family 1 (SF-1) requirements under a planned development which will allow for the development of 209 single family detached homes.

Proposed use of the property:

- Dominion Park consists of a mix of residential dwellings with majority of the dwellings being rear entry. Three different lot types are proposed. Type 1 is 60' wide with a minimum lot area of 7,200 SF. Type 2 is 70' wide with a minimum lot area of 8,400 SF. Type 3 is 80' wide with a minimum lot area of 10,200 SF. Overall, lots vary from 7200 SF up to 19,000 SF that blends with the adjacent development. The development will provide a high-quality residential neighborhood that will serve as a model for future developments in this area. The development will feature an elegant entrance monument, water feature, wider roadways, and a masonry fence at the front. Parks, jogging trails, multipurpose sports courts, community gathering areas, 5' sidewalks and lush landscaping are proposed for amenities. Common areas will be maintained by the HOA.

General development requirements

- The development site plan is attached in Exhibit "C"
- Elevations are attached in Exhibit "C"
- Density of the proposed development is 3.25 units per acre (outside the floodplain).
- Entrance monument sign, Landscaping and Screening plans are attached in Exhibit "C"
- Main access to Dominion Park will be provided by connecting the proposed entrance to the existing Ovilla Rd and additional access will be provided by connecting to the existing Shephard's Place PD to the north.
- Internal streets: proposed 50' right of way with 30' back to back curb and gutter streets with 5' sidewalks.
- 140' right of way is proposed near the entrance with divided roadway.
- Multiple park areas with amenities are proposed in the development.
- Homeowners association (HOA) will be established.
- All common areas landscaping, playground equipment will be maintained by the HOA.
- Park Benches, Pergolas, Playground, Trash receptacles throughout the open space and park areas.

Exhibit B - Planned Development Provisions

(20)

- All park areas are within walkable distance to the residences.
- Sidewalk connectivity throughout the development and to the adjacent developments.
- SF lot coverage @50% maximum.
- Proposed masonry percentage for SF residential lots @75%. All materials should be in accordance with the City of Waxahachie requirements.
- Accessory buildings for SF Residential lots limited to 1 per lot with
- Size of Type 1 SF Residential lots
 - Minimum lot area – 7,200 Square Ft.
 - Minimum lot width – Sixty (60')
 - Minimum lot depth – 100'
- Sizes of SF Residential yards:
 - Minimum Front Yard – 20'
 - Minimum Side Yard – 5' Regualr. 10' on corner lots.
 - Minimum Rear Yard – 20'
- Size of Type 2 SF Residential lots
 - Minimum lot area – 8,400 Square Ft.
 - Minimum lot width –Seventy (70')
 - Minimum lot depth – 100'
- Sizes of SF Residential yards:
 - Minimum Front Yard – 20'
 - Minimum Side Yard – 10' Regualr and 15' on corner lots.
 - Minimum Rear Yard – 20'
- Size of Type 3 SF Residential lots
 - Minimum lot area – 10,000 Square Ft.
 - Minimum lot width –Eighty (80')
 - Minimum lot depth – 100'
- Sizes of SF Residential yards:
 - Minimum Front Yard – 20'
 - Minimum Side Yard – 10' Regualr. 15' on corner lots.
 - Minimum Rear Yard – 20'
- SF lot coverage @50% maximum.
- SF Maximum height at Two (2) stories for the main building. One story for accessory building buildings.
- At a minimum, each lot should follow the landscaping requirements shown in exhibit C. A minimum of two (2) canopy trees with a minimum caliper of two and half (2.5) inches per tree shall be required for each dwelling unit.
- A minimum of 2 enclosed parking spaces per dwelling unit in front of rear building line on the same lot as main structure for rear entry houses and rear of front building line on the same lot as main structure for front entry homes.
- 60% of the development should consist of the following lot types and the remaining 40% lot types shall be determined by the market conditions.

Exhibit B - Planned Development Provisions

(20)

Home Style	Percentage	Minimum Homes
Contemporary	15%	19
Modern Farm	15%	19
Traditional	15%	19
Tudor	15%	19

- No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face.
- Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- 6ft. wrought iron fence shall be provided along the rear of the lots on the western boundary of the development.
- 6ft wood fence shall be provided along the North and South boundaries of the development.

Single Family Residential (SF1) –
Existing Zoning

Height Regulations	
	2 Stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	16,000 SF
Minimum Lot Width	90'
Minimum Lot Depth	140'
Minimum Front Yard	40'
Minimum Side Yard	15' Required; 20' from a street ROW
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	2,200 SF

Exhibit B - Planned Development Provisions

(20)

Type 1 - 60' Wide Lots

Required in base zoning SF3	Type 1	Variances Required for Type 1
Min lot area - 10,000 SF	7,200 SF	Yes
Min lot width - 80'	60'	Yes
Min lot depth -100'	100'	No
Min front yard - 30'	20'	Yes
Min side yard - 10' and 15' on Corner lots	5' and 10' on corner lots	Yes
Minimum rear yard 25'	20'	Yes
Min lot coverage - 50% by main and accessory buildings	50% by main and accessory buildings	No
Min DUA - 1,200 SF	1,800 SF	No

Type 2 - 70' Wide Lots

Required in base zoning SF3	Type 2	Variances Required for Type 2
Min lot area - 10,000 SF	8,400 SF	Yes
Min lot width - 80'	70'	Yes
Min lot depth -100'	100'	No
Min front yard - 30'	20'	Yes
Min side yard - 10' and 15' on Corner lots	10' and 15' on corner lots	Yes
Minimum rear yard 25'	20'	Yes
Min lot coverage - 50% by main and accessory buildings	50% by main and accessory buildings	No
Min DUA - 1,200 SF	1,800 SF	No

Type 3 - 80' Wide Lots

Required in base zoning SF3	Type 3	Variances Required for Type 3
Min lot area - 10,000 SF	10,000 SF	No
Min lot width - 80'	80'	No
Min lot depth -100'	100'	No
Min front yard - 30'	20'	Yes
Min side yard - 10' and 15' on Corner lots	10' and 15' on corner lots	No
Minimum rear yard 25'	20'	Yes
Min lot coverage - 50% by main and accessory buildings	50% by main and accessory buildings	No
Min DUA - 1,200 SF	1,800 SF	No

Exhibit C - Dominion Park Exhibit Packet



SCALE 1" = 200'

LEGEND

1	EXISTING SURVEY
2	NEW SURVEY
3	ADJACENT TRACT
4	ADJACENT TRACT
5	ADJACENT TRACT
6	ADJACENT TRACT
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47	ADJACENT TRACT
48	ADJACENT TRACT
49	ADJACENT TRACT
50	ADJACENT TRACT

FOR CAPTIONED BY STAMPED "WALKER"

PROPERTY DESCRIPTION:
 BEING a 78.228 Acre tract of land out of the E. Horton Survey, Abstract number 444, and the E. Bellow Survey, Abstract number 101, Ellis County, Texas, and being a portion of that certain tract of land described in Executor's Deed to Don Gordon Walker, recorded in Volume 3485, Page 28, Deed Records, Ellis County, Texas. The bearings for this survey are based on the Texas State Plane Coordinate System, Texas North Central Zone (4302), North American Datum 1983, as derived from state observations and NOAA/NGS OPUS calculations. Said 78.228 Acres being described by notes and bounds as follows:

BEGINS at an oak located at the northwest corner of said Walker Tract and the southwest corner of that certain tract of land described in deed to JEDMC, recorded in Instrument Number 173444, Deed Records, Ellis County, Texas and to the east line of that certain tract of land described in deed to Wazabacke Independent School District (I.S.D.), recorded in Instrument Number 139965, Deed Records, Ellis County, Texas;

THENCE North 89°45'1" East, departing said oak line and along the common line of said JEDMC tract and said Walker tract, a distance of 3936.23 Feet to the northeast corner of the tract being described herein and the southeast corner of said JEDMC tract and to the west right-of-way line of F.M. Highway Number 664, also known as Ovilla Road, an 80 Foot right-of-way, from which a 1/2" iron rod found bears North 89°45'1" East, a distance of 1.80 Feet;

THENCE South 01°40'13" East, departing said common line and continuing along said west right-of-way line, a distance of 869.46 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the southeast corner of the tract being described herein, and being the southeast corner of that certain tract of land described in deed to Nicky Flores and Sharon Flores, as recorded in Instrument Number 135112, Deed Records, Ellis County, Texas;

THENCE South 89°45'12" West, departing said west right-of-way line and continuing along the north line of said Flores tract and the south line of said Walker tract, at a distance of 961.11 Feet past the northeast corner of said Flores tract and the east northerly southeast corner of that certain tract of land described in deed to Martinick and Associates, L.P., recorded in Volume 2140, Page 1978, Deed Records, Ellis County, Texas, departing said north line of the said Flores tract and continuing along the north line of the said Martinick and Associates, L.P. Tract, and continuing along the said south line of the Walker tract, at a distance of 1928.73 Feet, past a 1/2" iron rod found at the northeast corner of said Martinick and Associates, L.P. tract and the northeast corner of that certain tract of land described in deed to D. Wayne Bane and Maria M. Bane, recorded in Volume 3798, Page 1276, Deed Records, Ellis County, Texas, departing said north line of said Martinick and Associates, L.P. tract and continuing along the north line of said Bane tract and the said south line of the Walker tract, a total distance of 2642.80 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4819" set for the most easterly southeast corner of the tract being described herein, and being the northeast corner of said Bane tract, also being to the northerly right-of-way line of Business Highway Number 287, a variable width right-of-way;

THENCE North 89°54'12" West, departing said north and south line and continuing along said northerly right-of-way line, a distance of 325.42 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the point of curvature of a non-tangent curve, concave to the northeast, having a radius of 2774.79 Feet a central angle of 62°52'36", and a chord of 187.96 Feet bearing North 89°45'29" West;

THENCE northerly along said curve and continuing along said northerly right-of-way line, a distance of 108.81 Feet to a 3/4" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE North 28°09'18" West, departing said northerly right-of-way line and continuing along a west line of the tract being described herein, at a distance of 143.38 Feet, past a northerly corner of said Wazabacke I.S.D. tract, continuing along the common line of said Wazabacke I.S.D. tract and said Walker tract, a total distance of 294.30 Feet to a 1/2" iron rod found;

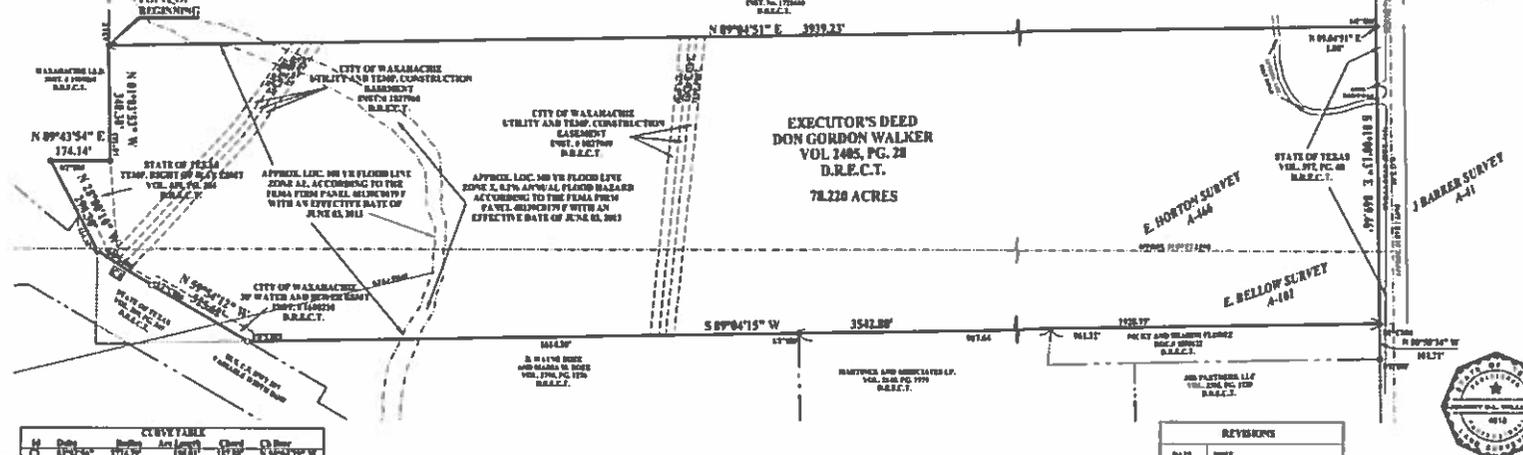
THENCE North 89°45'54" East, continuing along said common line, a distance of 174.14 Feet to a 1/2" iron rod found;

THENCE North 01°41'53" West, continuing along said common line, a distance of 248.28 Feet to the POINT OF BEGINNING and containing a computed area of 78.228 Acres,

SURVEY SHOWING
 78.228 ACRES
 OUT OF
 THE E. HORTON SURVEY, ABST. 444
 AND
 THE E. BELLOW SURVEY, ABST. 101
 ELLIS COUNTY, TEXAS

TITLE COMMITMENT NOTES:
 THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST NATIONAL TITLE INSURANCE COMPANY, REFERENCED BY C.F. NO. 019-35677.
 THE FOLLOWING ITEMS LISTED IN THE SCHEDULE B OF THE ABOVE REFERENCED TITLE COMMITMENT DOES AFFECT THIS TRACT:

- 1a. Right of Way Deed to the State of Texas, recorded in Volume 397, Page 66, Deed Records of Ellis County, Texas.
 - 1b. Temporary Right of Way Easement to the State of Texas, recorded in Volume 439, Page 254, Deed Records of Ellis County, Texas.
 - 1c. Easement to Texas Power & Light Company, recorded in Volume 484, Page 149, Deed Records of Ellis County, Texas. (Being a Blanket Easement in Nature. Surveyor unable to determine actual location by instrument.)
 - 1d. Terms, conditions and obligations of the Water line and Sanitary Sewer Easement Agreement by and between Don Gordon Walker and City of Wazabacke, dated March 17, 2016, filed April 25, 2016, recorded in Clerk's Instrument Number 1414218, of the Official Public Records of Ellis County, Texas.
 - 1e. Easement and Right-of-Way executed by Don Gordon Walker to City of Wazabacke, dated September 4, 2018, filed September 25, 2018, recorded in Clerk's Instrument Number 1617940, of the Official Public Records, Ellis County, Texas.
 - 1f. Easement and Right-of-Way executed by Don Gordon Walker to City of Wazabacke, dated September 4, 2018, filed September 25, 2018, recorded in Clerk's Instrument Number 1617939, of the Official Public Records, Ellis County, Texas.
- THE FOLLOWING ITEM LISTED IN THE SCHEDULE B OF THE ABOVE REFERENCED TITLE COMMITMENT DOES NOT AFFECT THIS TRACT**
- 1g. Easement to Southwestern Bell Telephone Company, recorded in Volume 549, Page 975, Deed Records of Ellis County, Texas.



EXECUTOR'S DEED
DON GORDON WALKER
 VOL. 3485, PG. 28
 D.R.E.C.T.
 78.228 ACRES



REVISIONS

DATE	NOTE
5-20-2019	REVISED TO REFLECT THE FIELD DATA AND THE FIELD BOOK RECORDS.
5-20-2019	REVISED TO REFLECT THE FIELD DATA AND THE FIELD BOOK RECORDS.
5-20-2019	REVISED TO REFLECT THE FIELD DATA AND THE FIELD BOOK RECORDS.

WHITFIELD-HALL SURVEYORS
 REGISTERED PROFESSIONAL LAND SURVEYORS
 2770 MAIN ST., #171
 FRISCO, TEXAS 75033
 (972) 448-4444
 www.whitfieldhall.com

EXISTING SURVEY
 05-01-2021



WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 6350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 info@onecustomhomes.com

TURNKEY TRACT
 2770 MAIN ST. #171
 FRISCO, TX 75033
 richwhitfield@gmail.com
 214-377-0388

DOMINION PARK
 WAXAHACHE, TEXAS, USA

Page	1
Sheet	OF
Total	18

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NOTES:
 1. THIS SURVEY WAS PERFORMED FOR THE CITY OF WAXAHACHE, TEXAS, AND IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983, AS DERIVED FROM STATE OBSERVATIONS AND NOAA/NGS OPUS CALCULATIONS.
 2. A PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD PLAIN, ZONE AE AND ZONE X (1% ANNUAL FLOOD HAZARD) AS SHOWN ON FEMA FIRM PANEL NUMBER 17040 C 0100. THE DATE OF THIS FIRM IS 06/01/00.

Exhibit C - Dominion Park Exhibit Packet



VICINITY MAP (N.T.S)



COLOR CODED PLAN
05-01-2021



SITE PLAN - COLOR CODED

LOT DISTRIBUTION TABLE			
7500 SQFD SF	01	20.1%	
8000 SQFD SF	73	54.8%	
10000+ SF	75	56.8%	
REAR ENTRY LOTS	188	63.8%	
SIDE ENTRY LOTS	60	18.1%	

No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
GEORGE SALVADOR
6350 H I-35E, SERVICE ROAD
WAXAHACHE, TX 75165
info@thefirstturnkeyhomes.com

TURNKEY TRACT
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nicvl@engineer4@gmail.com
214-377-0388

DOMINION PARK
WAXAHACHE, TEXAS, USA

Sheet 3
OF
18

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Exhibit C - Dominion Park Exhibit Packet

FARM 2823



MODERN 2823



Facades 1

05-01-2021



No.	Revision/Issue	Date

Project/Location
WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 6350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 Info@turnkeycustomhomes.com

Project Number: 202000077
 Date: 05/01/2021
 Project Name: F1
 Project Location: 2770 MAIN ST. #171 FRISCO, TX 75033
 Project Contact: nkch@engineer4@gmail.com
 Project Phone: 214-377-0388

Project Name and Address
TURNKEY TRACT
 2770 MAIN ST. #171
 FRISCO, TX 75033
 nkch@engineer4@gmail.com
 214-377-0388

Project Name and Address
DOMINION PARK
 WAXAHACHE, TEXAS, USA

Page:	F1
Of:	18

(Handwritten initials)

**Exhibit C -
Dominion
Park Exhibit
Packet**

FARM 2998



MODERN 2998



Facades 2

05-01-2021



No.	Revision/Notes	Date

WAXAHACHE ONE DEVELOPMENT
GEORGE SALVADOR
8350 N I-35E, SERVICE ROAD
WAXAHACHE, TX 75185
Info@tkancustomhomes.com

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2770 MAIN ST. #171
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nkchliengineer4@gmail.com
214-377-0388

DOMINION PARK
WAXAHACHE, TEXAS, USA

Sheet: F2
Of: 18

(08)

**Exhibit C -
Dominion
Park Exhibit
Packet**

FRONT VIEW



FRONT VIEW



Facades 3

05-01-2021



No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 8350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75185
 info@turnkeycustomhomes.com

PROJ NUMBER: 202002007
 DATE: 05/01/2021
 DRAWN BY: GEORGE SALVADOR
 CHECKED BY: GEORGE SALVADOR
 APPROVED BY: GEORGE SALVADOR

TURNKEY TRACT
 2770 MAIN ST., #171
 FRISCO, TX 75033
 rick@turnkeyengineer4@gmail.com
 214-377-0388

DOMINION PARK
 WAXAHACHE, TEXAS, USA

Sheet	F3
OF	18

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**Exhibit C -
Dominion
Park Exhibit
Packet**

FRONT VIEW



FRONT VIEW



Facades 4

05-01-2021



No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
GEORGE SALVADOR
6350 N I-35E, SERVICE ROAD
WAXAHACHE, TX 75165
info@lancustomhomes.com

JOB NUMBER 20202007

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2770 MAIN ST. #171
FRISCO, TX 75033
nikchivenghner4@gmail.com
214-377-0368

DOMINION PARK
WAXAHACHE, TEXAS, USA

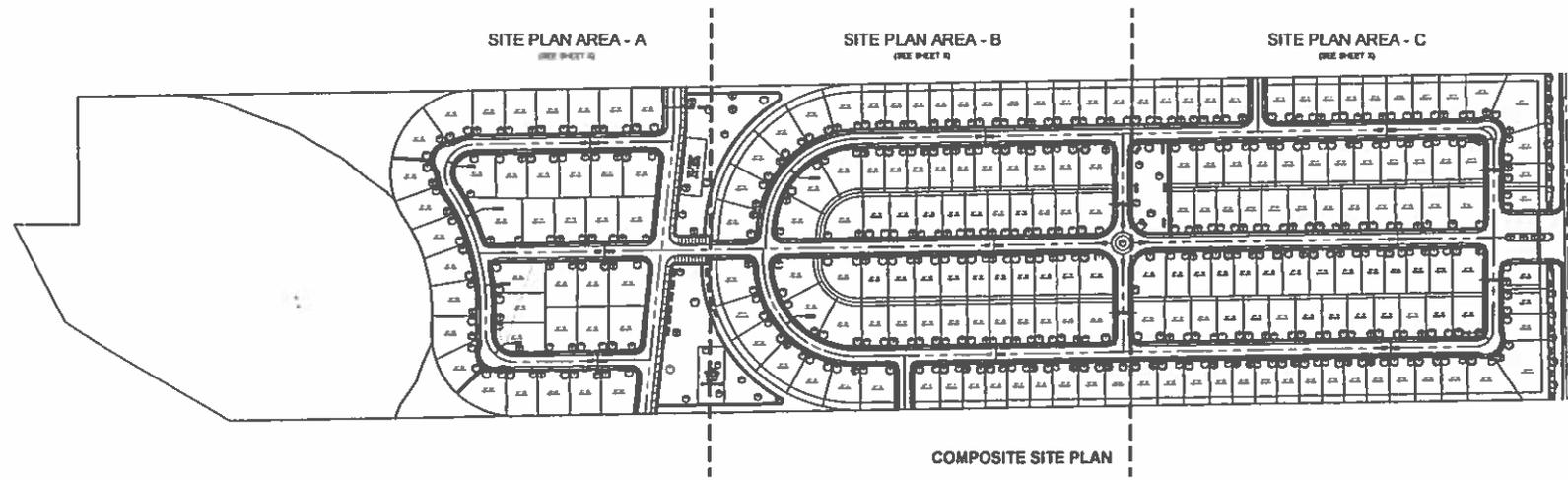
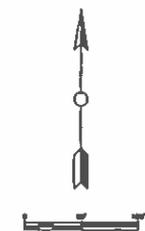
Page	F4
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	18

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SYMBOL	BOTANICAL NAME	COMMON NAME	HEIGHT	SPACING	QUANTITY	COMMENTS	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	QUANTITY	COMMENTS
<u>Trees</u>														
	Quercus shumardii	Shumard Red Oak	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	5 Gal.	1'8"-2'4"	36" O.C.	Ref. Plans	
	Ulmus crassifolia	Cedar Elm	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Ilex vomitoria 'Nana'	Dwarf Yaupon	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Quercus virginiana	Southern Live Oak	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Juniperus horizontalis 'Bar Harbor'	Bar Harbor Creeping Juniper	3 Gal.	12 Min.	48" O.C.	Ref. Plans	
	Platanus chinensis	Chinese Platane	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Liriodendron tulipifera	Liriodendron's Murphy	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Pinus edulis	Alghian Pine	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Myrica pensilvanica	Dwarf Southern Wax Myrtle	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Taxodium distichum	Bald Cypress	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk								

Landscape Requirements
 A maximum of two (2) canopy tree with a minimum caliper of two and half (2.5) inches per tree shall be required for each dwelling unit.
 Canopy Trees Required: 419
 Canopy Trees Provided: 484

Exhibit C - Dominion Park Exhibit Packet



LANDSCAPE PLAN
 05-01-2021



No.	Revision/Issue	Date

Project/Location
WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 8350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 info@turnkeytract.com

Job Number: 202002007
 Date: 05/01/2021
 Project: 2770 MAIN ST, #171 FRISCO, TX 75033
 nkt@turnkeytract.com 214-377-0368

Client Name and Address
TURNKEY TRACT
 2770 MAIN ST, #171
 FRISCO, TX 75033
 nkt@turnkeytract.com 214-377-0368

Project Name and Address
DOMINION PARK
 WAXAHACHE, TEXAS, USA

Project	Sheet	13
Drawn	Of	18
Issue		

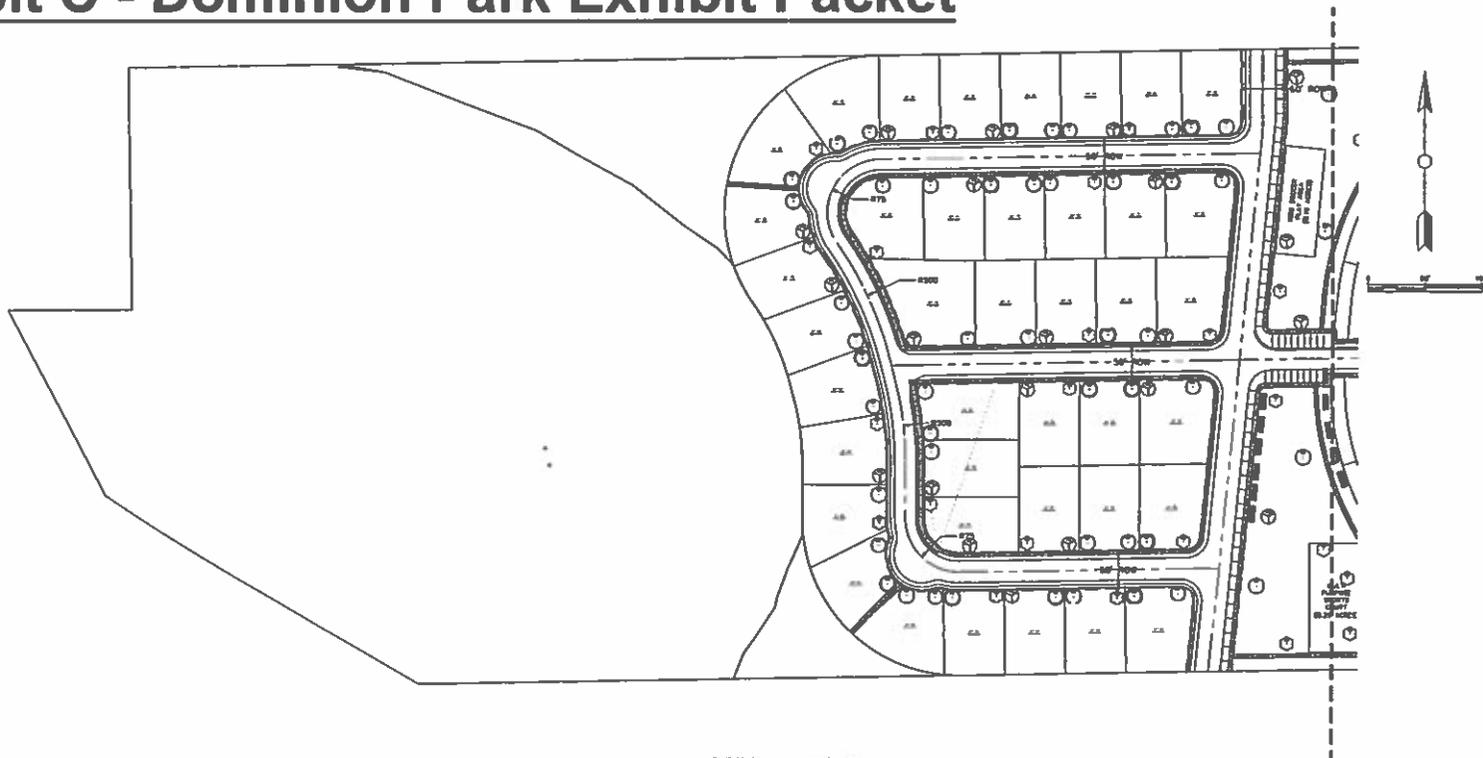
(04)

SYMBOL	BOTANICAL NAME	COMMON NAME	HEIGHT	SPACING	QUANTITY	COMMENTS
Trees						
	Quercus shumardii	Shumard Red Oak	12 Min	Ref Plans	Ref Plans	Single Straight Trunk
	Ulmus crassifolia	Cedar Elm	12 Min	Ref Plans	Ref Plans	Single Straight Trunk
	Quercus virginiana	Southern Live Oak	12 Min	Ref Plans	Ref Plans	Single Straight Trunk
	Platycodon grandiflorus	Chinese Platycodon	12 Min	Ref Plans	Ref Plans	Single Straight Trunk
	Pinus edulis	African Pine	12 Min	Ref Plans	Ref Plans	Single Straight Trunk
	Taxodium distichum	Bald Cypress	12 Min	Ref Plans	Ref Plans	Single Straight Trunk

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	QUANTITY	COMMENTS
Shrubs							
	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	5 Gal.	18"-24"	36" O.C.	Ref. Plans	
	Ilex vomitoria 'Nana'	Dwarf Yew	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Creeping Juniper	3 Gal.	12 Min.	48" O.C.	Ref. Plans	
	Muhlenbergia lindheimeri	Lindheimer's Muhly	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Myrica pauciflora	Dwarf Southern Wax Myrtle	5 Gal.	12 Min.	36" O.C.	Ref. Plans	

Landscape Requirements
 A minimum of two (2) canopy tree with a minimum caliper of two and half (2 1/2) inches per tree shall be required for each dwelling unit.
 Canopy Trees Required: 418
 Canopy Trees Provided: 484

Exhibit C - Dominion Park Exhibit Packet



SITE PLAN AREA - A

LANDSCAPE PLAN-AREA - A

05-01-2021

No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 8350 H I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 info@turnkeycustomhomes.com

Job Number: 202000017

Project Name and Address:
TURNKEY TRACT
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 FRISCO, TX 75033
 nhciv@engineer4@gmail.com
 214-377-0388

Project Name and Address:
DOMINION PARK
 WAXAHACHE, TEXAS, USA

Project	14
Date	05/01
Drawn	18

(c)

SYMBOL	BOTANICAL NAME	COMMON NAME	HEIGHT	SPACING	QUANTITY	COMMENTS
Trees						
	Quercus shumardii	Shumard Red Oak	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk
	Liburnus crassifolia	Cedar Elm	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk
	Quercus virginiana	Souther Live Oak	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk
	Platanus chinensis	Chinese Platane	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk
	Pinus strobus	Algham Pine	12 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk
	Taxodium distichum	Bald Cypress	17 Min.	Ref. Plans	Ref. Plans	Single Straight Trunk

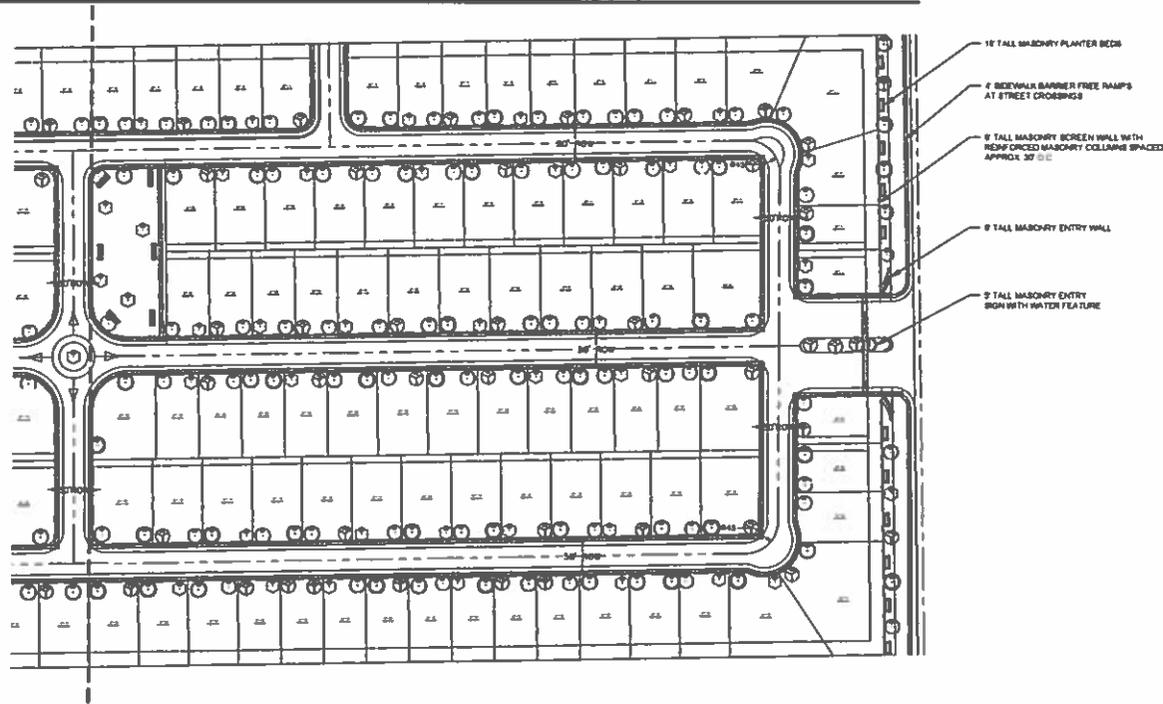
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	QUANTITY	COMMENTS
Shrubs							
	Ilex cornuta 'Dwarf Burford'	Dwarf Burford Holly	5 Gal.	18"-24"	36" O.C.	Ref. Plans	
	Ilex vomeriana 'Nana'	Dwarf Yaupon	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Creeping Juniper	3 Gal.	12 Min.	48" O.C.	Ref. Plans	
	Mathienbergia triflorum	Lindheimer's Shrub	5 Gal.	12 Min.	36" O.C.	Ref. Plans	
	Myrica pauciflora	Dwarf Southern Wax Myrtle	5 Gal.	12 Min.	36" O.C.	Ref. Plans	

Landscape Requirements

A minimum of two (2) canopy tree with a minimum caliper of two and half (2.5) inches per tree shall be required for each dwelling unit.

Canopy Trees Required: 418
Canopy Trees Provided: 484

Exhibit C - Dominion Park Exhibit Packet



SITE PLAN AREA - C



LANDSCAPE PLAN-AREA - C

05-01-2021



No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
GEORGE SALVADOR
8350 N I-35E, SERVICE ROAD
WAXAHACHE, TX 75165
Info@W1oncustlornhomes.com

JOB NUMBER: 00302007

NOT FOR CONSTRUCTION
UNLESS SPECIFICALLY NOTED
ON THE DRAWING

Turnkey Tract
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nichlan@turnkey4@gmail.com
214-377-0388

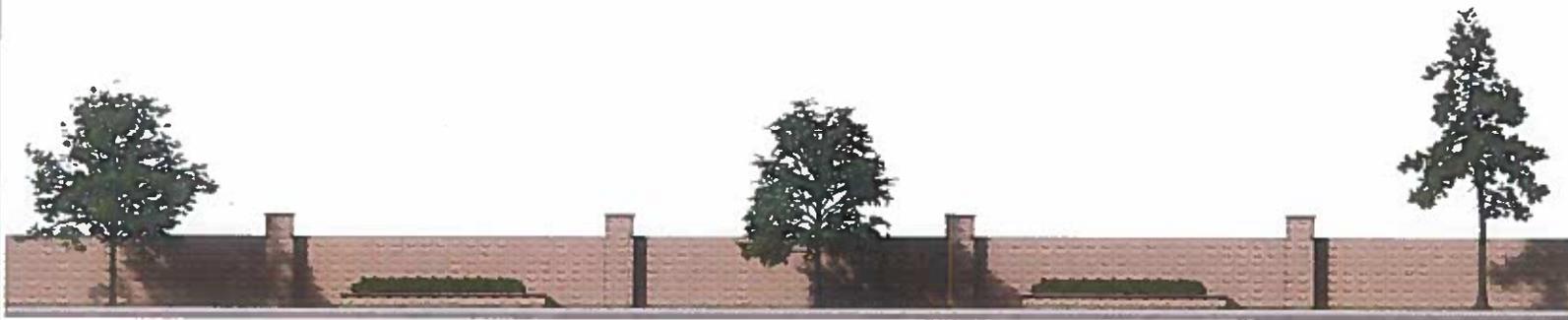
Project Name and Address
DOMINION PARK
WAXAHACHE, TEXAS, USA

Project	16
Date	05/01
Drawn	18

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ENTRY SIGN AND FENCES



SCREEN WALL

Edge LED Street Light
 Smart and Professional
 IP66 10KV K08 Protocol

- 100% maintenance
- Special Lens for all kinds of roads
- Daylight Sensor compatible

Exhibit C - Dominion Park Exhibit Packet

FENCE AND LIGHTING

05-01-2021



No.	Revision/Issue	Date

Client/Project:
 WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 6350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 info@turnkeycustomhomes.com

Job Number: 202005027
 Job Description:
 PROJECT FROM CONSTRUCTION/REPAIR
 CONTRACT NO. 202005027
 PROJECT NO. 202005027
 DRAWING NO. 202005027

For Name and Address:
 TURNKEY TRACT
 2770 MAIN ST. #171
 FRISCO, TX 75033
 nkt@turnkey4@gmail.com
 214-377-0368

Project Name and Address:
 DOMINION PARK
 WAXAHACHE, TEXAS, USA

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	OF
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Exhibit C - Dominion Park Exhibit Packet

ENTRY RENDERING

05-01-2021



No.	Revision/Issue	Date

WAXAHACHE ONE DEVELOPMENT
 GEORGE SALVADOR
 6350 N I-35E, SERVICE ROAD
 WAXAHACHE, TX 75165
 Info@Iconcustomhomes.com

Job Number: 20200007
 Date: 05/01/2021
 Project: 2770 Main St. #171, Frisco, TX 75033
 Contact: nkch@engineer4@gmail.com
 Phone: 214-377-0388

TURNKEY TRACT
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 FRISCO, TX 75033
 nkch@engineer4@gmail.com
 214-377-0388

DOMINION PARK
 WAXAHACHE, TEXAS, USA

Sheet	18
Of	18

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(30) Exhibit D - Staff Report

Planning & Zoning Department Zoning Staff Report

Case: ZDC-35-2021



MEETING DATE(S)

Planning & Zoning Commission: May 11, 2021

City Council: May 17, 2021 (continued from May 3, 2021 CC)

ACTION SINCE INITIAL STAFF REPORT

At the May 3, 2021 City Council meeting, the City Council voted 5-0 to continue case number ZDC-35-2021 to the May 11, 2021 Planning and Zoning meeting and the May 17, 2021 City Council meeting.

At the May 11, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 7-0 to approve case number ZDC-35-2021, per staff comments.

CAPTION

Public Hearing on a request by George Salvador, Lilian Custom Homes, for a **Zoning Change** from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)

APPLICANT REQUEST

The applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 209 single family detached homes.

CASE INFORMATION

Applicant: George Salvador, Waxahachie One Development

Property Owner(s): George Salvador, Waxahachie One Development

Site Acreage: 78.22 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development-Single Family-3

SUBJECT PROPERTY

General Location: 401 Ovilla Rd.

Parcel ID Number(s): 180391

Existing Use: Currently Undeveloped

Development History: N/A

(20)

Exhibit D - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-SF2	Sheppard's Place Development
East	C & GR	Single Family Residences
South	SF1	Currently Undeveloped
West	SF1	Currently Undeveloped

Future Land Use Plan:

Low Density Residential with a portion on the Northern boundary being Mixed Use Non-Residential

Comprehensive Plan:

Low Density Residential: 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.

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan:

The subject property is accessible via Ovilla Rd.



Site Image:

Exhibit D - Staff Report ⁽²⁰⁾

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to create a Planned Development, known as Dominion Park, to allow for the development of 209 single family detached homes. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be reviewed by City Council.

Proposed Use:

The applicant is proposing a zoning change request from a Single Family-1 (SF1) zoning district to Planned Development-Single Family-3, with Concept Plan, located at 401 Ovilla Rd. The proposed development will consist of two hundred nine (209) single family lots and three lot types (Type 1: 60' wide lots, Type 2: 70' wide lots, and Type 3: 80' wide lots) on 78.22 acres. Of the 78.22 acres for the development, 21 acres is located within a floodplain (will not be used), and 6.41 acres will be used as park space/open space. The park area is proposed to include a kid's soccer play area and multi-purpose sports court. It should also be noted that no homes within the development will have front facing garages. 169 lots (81%) will consist of rear entry lots, and 40 lots (19%) will be side entry lots.

Conformance with the Comprehensive Plan:

Residential developments can include low density residential, medium density residential, and high density residential. The proposed development is consistent with the FLUP and the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Table 2: Proposed Single Family Residential (per SF3 standards)

**The second column depicts the standards for the current zoning (Single Family-1) of the property. Items reflected in the second column are not represented in the "Meets" column.*

***The third column depicts the Single Family-3 zoning standards (what applicant is requesting)*

****Items highlighted in bold do not meet the City of Waxahachie SF3 requirements****

Standard	City of Waxahachie (Existing SF1 Standards)	City of Waxahachie SF3 Standards	Dominion Park	Meets
Min. Lot Area	16,000 sq. ft.	10,000 sq. ft.	Type 1 Lots: 7,200 sq. ft. Type 2 Lots: 8,400 sq. ft.	No
Min. Lot Width	90 ft.	80 ft.	Type 1 Lots: 60 ft. Type 2 Lots: 70 ft.	No
Min. Lot Depth	140 ft.	100 ft.	100 ft.	Yes
Min. Front Setback	40 ft.	30 ft.	20 ft.	No
Min. Interior Setback	15 ft.; 20 ft. (ROW)	10 ft.; 15 ft. (ROW)	Type 1 Lots: 5 ft.; 10 ft. on corner lots	No
Min. Rear Setback	25 ft.	25 ft.	20 ft.	No
Min. Dwelling Size	2,200 sq. ft.	1,200 sq. ft.	Type 1 & 2 Lots: 1,800 sq. ft. Type 3 Lots: 2,400 sq. ft.	Yes
Max. Lot Coverage	50%	50%	50%	Yes

Exhibit D - Staff Report ⁽²⁰⁾

Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes
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Note: Per the Elevation/Façade renderings and Planned Development Provisions, the homes will be constructed of 75% masonry (min.)

Table 3: Single Family Lot Notes (209 Total Lots)

****Items highlighted in bold do not meet the City of Waxahachie SF3 requirements****

Lot Size (Sq. Ft.)	Number of Lots	Lot Percentage
7,200 – 8,000 SF	61 lots	29.18% (orig. 28.77%)
8,000 – 9,000 SF	73 lots (orig. 91 lots)	34.92% (orig. 39.15%)
10,000+ SF	75 lots (orig. 60 lots)	35.88% (orig. 28.30%)
REAR ENTRY LOTS	169 (orig. 172)	80.86% (orig. 81.13%)
SIDE ENTRY LOTS	40	19.13% (orig. 18.86%)

SPECIAL EXCEPTION/VARIANCE REQUEST:

Lot Area

The minimum lot area requirement is 10,000 sq. ft.

- The applicant is proposing a minimum lot size of 7,200 sq. ft. for Type 1 lots
- The applicant is proposing a minimum lot size of 8,400 sq. ft. for Type 2 lots

Front Yard Setback

The minimum front yard setback requirement is 30ft.

- The applicant is proposing a minimum front yard setback of 20ft.

Side Setback

The minimum side yard setback requirement is 10 ft. (interior) and 15 ft. (adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 5 ft. (interior) and 10 ft. (adjacent to ROW) for Type 1 lots.

Rear Setback

The minimum rear yard setback requirement is 25ft.

- The applicant is proposing a minimum rear yard setback of 20ft.

Lot Width

The minimum lot width requirement is 80ft.

- The applicant is proposing a minimum lot width of 60ft. for Type 1 lots.
- The applicant is proposing a minimum lot width of 70ft. for Type 2 lots.

Screening

Single Family residential developments require masonry material for fencing/screening.

- The applicant is proposing a 6ft. wood fence at the North and South boundaries of the development.

Exhibit D - Staff Report (20)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 46 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200 ft. Notification Area: Staff received one (1) letter of support and one (1) letter of opposition for the proposed development.

Outside 200 ft. Notification Area: Staff received one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

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

1. 60% of the residential development shall consist of four (4) lot types. The lot types and percentage breakdown shall reflect as:

Home Style	Percentage
Contemporary	15%
Modern Farm	15%
Traditional	15%
Tudor	15%

The remaining 40% of the residential development shall be determined by the market.

2. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
3. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
4. 6ft. wrought iron fence shall be provided along the rear (west boundary) of the development.
5. 6ft. wood fence shall be provided along the North and South boundaries of the development.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Planned Development Provisions
5. Dominion Park Exhibit Packet
6. Staff Report

Exhibit D - Staff Report (70)

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



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager *MS*
Date: May 14, 2021
Re: Interlocal Cooperation Agreement – City of Hurst

On Monday May 17, 2021 an item authorizing an Interlocal Cooperation Agreement (ILA) between the City of Waxahachie and the City of Hurst will appear before the City Council for consideration. This item provides an avenue by which each city may purchase goods and services from vendors who are authorized to do business in each city under existing and future contracts. This ILA will allow both municipalities to leverage one another's buying power through the use of their competitively advertised contracts, and also provides an option to expedite the overall purchasing process. The proposed term of this agreement is one year from the day of execution, and is automatically renewed for successive one year terms unless terminated by either party.

Staff believes that this agreement will be very beneficial to the City, by providing cost saving opportunities and faster service delivery.

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

Tommy Ludwig

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INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into, by and between the CITY OF HURST, Texas (hereinafter called "CITY OF HURST"), and the CITY OF WAXAHACHIE, Texas (hereinafter called "CITY OF WAXAHACHIE"), each acting by and through its duly authorized officials:

WHEREAS, CITY OF HURST and CITY OF WAXAHACHIE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, CITY OF HURST and CITY OF WAXAHACHIE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which CITY OF HURST and CITY OF WAXAHACHIE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of CITY OF HURST and CITY OF WAXAHACHIE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, CITY OF HURST and CITY OF WAXAHACHIE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; CITY OF HURST and CITY OF WAXAHACHIE agree as follows:

1. The purpose of this Agreement is to provide CITY OF HURST and CITY OF WAXAHACHIE with additional purchasing options by satisfying the provisions of Section 271.102 of the Local Government Code. CITY OF HURST and CITY OF WAXAHACHIE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.

CITY OF HURST and CITY OF WAXAHACHIE agree that each of the parties shall respectively designate a person to act under the direction of, and on behalf of, the designating party (the "Designated Representative"). At the request of the other party, a party that enters into a contract with a vendor for goods or services (the "First Purchasing Party") shall attempt to obtain the vendor's agreement to offer those goods and services to the other party (the "Second Purchasing Party") for the same price and on the same terms and conditions as have been offered to the First Purchasing Party. If the vendor so agrees, and if the Second Purchasing Party is agreeable to such terms and conditions, the Second Purchasing Party may enter into its own separate contract with the vendor for the purchase of such goods or services.

(21)

Unless otherwise agreed between the Designated Representatives, payments for a purchase made by the Second Purchasing Party shall be paid directly to the vendor and not to the First Purchasing Party. The Second Purchasing Party shall have the responsibility of determining whether the vendor has complied with any provisions in its contract with the vendor, including but not limited to those relating to the quality of items and terms of delivery, and shall be responsible for enforcement of its contract against the vendor, including all cost of enforcement. This Agreement will be subject to all applicable federal, state and local laws, ordinances, rules and regulations.

2. CITY OF HURST and CITY OF WAXAHACHIE shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. CITY OF HURST and CITY OF WAXAHACHIE shall each make their respective payments from current revenues available to the paying party.

3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).

4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year the agreement is executed by both parties (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

(21)

8 The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

(21)

EXECUTED hereto on the day and year written.

CITY OF HURST

CITY OF WAXAHACHIE

By: Clay Caruthers,
City Manager

By: Michael Scott,
City Manager

Date

Date

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me on the ___ day of _____, 2021, by Clay Caruthers, City Manager of the **CITY OF HURST, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

This instrument was acknowledged before me on the ___ day of _____, 2021, by Michael Scott, City Manager of the **CITY OF WAXAHACHIE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

(2)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: May 14, 2021
Re: Pavement Preservation – Service Contract Award

On Monday May 17, 2021, an item authorizing the award of a service contract to Andale Construction, Inc., through an Interlocal Cooperation Agreement with the City of Hurst, associated with high density mineral bond seal for asphalt pavement preservation will appear before the City Council for consideration in the amount of \$121,697.63. Specifically this scope of work will provide for a seal that will extend the life of asphalt roadways. It is a cost effective solution that provides a smooth coat to the pavement and protects from water infiltration and UV deterioration.

Staff recommends applying this high density seal to the following asphalt street segments:

Kirven Ave.	from W. Marvin to Sycamore
Virginia Ave.	from W. Marvin to Sycamore
Harbin Ave.	from W. Marvin to Sycamore
Martha St.	from Kirven to Cynisca
Ross St.	from Kirven to Cynisca
Gibson St.	from Ross to Sycamore
Olive St.	from Cynisca to Virginia
Vanderbilt Ln.	from Solon to Trinity
Auburn Dr.	from John Arden to Trinity

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Funding for this project is available in the Street Capital Fund, and staff is recommending award of the contract.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: May 14, 2021

Re: Waxahachie Creek Bank Stabilization Engineering Services

On Monday May 17, 2021 an item authorizing professional services with O'Brien Engineering, Inc. for the continuation of erosion control measures along Waxahachie Creek will appear before City Council for consideration in the amount of \$190,120. Erosion along this section of the creek has scoured soil from bridge abutments, piers, storm drain outfalls, and along the northern bank of the creek. The proposed scope of work includes the design of a creek bank stabilization wall that will provide erosion protection. The project area includes the portion of Waxahachie Creek from the existing pedestrian bridge west of S. Rogers Street, and downstream approximately 450 feet. This scope of work is a continuation of bank stabilization efforts along Waxahachie Creek, which was initiated in the Spring of 2019, east of this site, adjacent to the Matthews Street Bridge.

Funding for this project is available in the Streets Capital Fund, and staff is recommending authorization of this design work.

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

Tommy Ludwig