

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, Waxahachie, Texas, on ***Monday, December 20, 2021 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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. ***Speakers must observe the five (5) minute time limit.***
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 December 6, 2021
- b. Minutes of the City Council briefing of December 6, 2021
- c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of December 7, 2021
- d. Mobile Home License Renewals for 2022
- e. Taxi Cab License Renewal for 2022
- f. Event application for Wheels of Fire Bike Ride to be held June 25, 2022
- g. Receive Fiscal Year 2021 4th Quarter Financial Report
- h. Authorize Supplemental Appropriation funding for additional meters and associated cost increases
- i. Award bid for Howard Road Water Treatment Plant High Service Pump No. 5
- j. Award bid for Oak Creek Drive culvert replacement project
- k. Agreement for Street Department Shed Expansion project
- l. Set City Council meeting of Tuesday, January 18, 2022

6. ***Continue Public Hearing*** on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)
7. ***Consider*** proposed Ordinance adopting ANX-DNX-178-2021
8. ***Continue Public Hearing*** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)
9. ***Consider*** proposed Ordinance approving ZDC-162-2021
10. ***Public Hearing*** on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021)
11. ***Consider*** proposed Ordinance adopting ANX-DNX-200-2021
12. ***Public Hearing*** on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)
13. ***Consider*** proposed Ordinance approving ZDC-188-2021
14. ***Continue Public Hearing*** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
15. ***Consider*** proposed Ordinance approving ZDC-146-2021
16. ***Consider*** request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)
17. ***Public Hearing*** on a request by Amanda McDaniel, AMG Technology dba Nextlink Broadband, for a Specific Use Permit (SUP) for a Communications Antennas and Support Structures/Towers (Cell Tower) use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 185 Saratoga Drive (Property ID 240969) - Owner: WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC (ZDC-182-2021)
18. ***Consider*** proposed Ordinance approving ZDC-182-2021

19. **Public Hearing** on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-191-2021)
20. **Consider** proposed Ordinance approving ZDC-191-2021
21. **Continue Public Hearing** on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)
22. **Consider** proposed Ordinance approving ZDC-174-2021
23. **Consider** Development Agreement for ZDC-174-2021
24. **Public Hearing** on a request by Ray Porter, The Summit at Breezy Acres, LLC, for a Zoning Change from a Light Industrial-1 (LI-1) and Future Development (FD) zoning district to Planned Development Commercial (C) zoning district located at the Northwest quadrant of Butcher Road and West of I-35S (Property ID 191034)-Owner: PRZYBYLSKI FAMILY REVOCABLE (ZDC-199-2021)
25. **Consider** proposed Ordinance approving ZDC-199-2021
26. **Public Hearing** on a request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1 GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)
27. **Consider** proposed Ordinance approving ZDC-189-2021
28. **Consider** Development Agreement for ZDC-189-2021
29. **Continue Public Hearing** on a request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)
30. **Consider** proposed Ordinance approving Zoning Change No. ZDC-155-2021
31. **Consider** Development Agreement for ZDC-155-2021

32. **Consider** request by T.J. Wells, PE, Peloton Land Solutions, for a Final Plat of The Oak of North Grove, Phase I, 184 Residential Lots, 9 No-Residential Lots, being 81.121 acres situated in the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927, an addition to the City of Waxahachie (Property ID 284716) – Owner: BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL (SUB-190-2021)
33. **Convene** into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code
34. **Reconvene** and take any necessary action
35. Comments by Mayor, City Council, City Attorney and City Manager
36. 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 469-309-4006 or (TDD) 1-800-RELAY TX

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, Waxahachie, Texas, on Monday, December 6, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Jennifer Pruitt, Planning Director
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Doug Barnes gave the invocation. Deputy City Manager Albert Lawrence led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed support for ZDC-176-2021, noting a past error may have allowed this use at one time and he supports allowing the use to continue.

Mayor Barnes recognized and congratulated the City of Waxahachie Planning Department for receiving the 2021 Certificate of Achievement for the Richard R. Lillie, FAICP Planning Excellence Program. He noted Waxahachie is one of only 34 Texas cities to receive such recognition this year.

5. Consent Agenda

- a. Minutes of the City Council meeting of November 15, 2021
- b. Minutes of the City Council briefing of November 15, 2021

Action:

Council Member Melissa Olson moved to approve items a. and b. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.

6. **Continue Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)**

Mayor Barnes continued the Public Hearing and announced the Planning and Zoning Commission voted to continue the Public Hearing to the following meeting.

7. **Consider proposed Ordinance approving ZDC-146-2021**

Action:

Council Member David Hill moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the December 20, 2021 City Council meeting. Mayor Pro Tem Billie Wallace seconded, All Ayes.

8. **Continue Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-164-2021 to the January 3, 2022 City Council meeting.

9. **Consider proposed Ordinance approving ZDC-164-2021**

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

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

Mayor Barnes continued the Public Hearing and announced the Planning and Zoning Commission voted to continue the Public Hearing to the following meeting.

11. Consider proposed Ordinance approving ZDC-174-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021) to the December 20, 2021 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

12. Consider Development Agreement for Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021)

Action:

Council Member David Hill moved to approve a Development Agreement for Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) – Owner: BUFFALO CREEK PLAZA, LLC (SUB-175-2021). Mayor Pro Tem Billie Wallace seconded, All Ayes.

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

Action:

Mayor Pro Tem Billie Wallace moved to continue a request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021) to the December 20, 2021 City Council meeting. Council Member David Hill seconded, All Ayes.

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

Planning Director Jennifer Pruitt presented the case noting the applicant is requesting to construct a +700SF (3,000 sq. ft.) accessory structure (barn) in the rear of a single-family property. Staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.

2. Any new pavement added to the site shall be concrete.
3. The structure shall not be used as a dwelling.

Mayor Barnes opened the Public Hearing.

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

15. Consider proposed Ordinance approving ZDC-171-2021

{Mayor Pro Tem Billie Wallace stepped out of the meeting at 7:14 p.m.}

ORDINANCE NO. 3307

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A SINGLE FAMILY – 1 (SF-1) ZONING DISTRICT, LOCATED AT 2305 MARSHALL RD., BEING PROPERTY ID 203935, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 8 OF MARSHALL ROAD ESTATES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3307. Council Member Melissa Olson seconded, the vote was as follow: Ayes: Doug Barnes, David Hill, Melissa Olson, and Travis Smith. Noes: None. Absent: Billie Wallace.

The motion carried.

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

Ms. Pruitt presented the case noting the applicant is requesting approval to allow an inpatient rehabilitation facility (ClearSky Rehabilitation Hospital) on 5 acres. Staff recommended approval per the following staff comments:

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

{Mayor Pro Tem Billie Wallace returned to the meeting at 7:16 p.m.}

Mayor Barnes opened the Public Hearing.

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

17. Consider proposed Ordinance approving ZDC-173-2021

ORDINANCE NO. 3308

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN INPATIENT REHABILITATION FACILITY (CLEARSKY REHABILITATION HOSPITAL) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED EAST OF THE INTERSECTION OF INDIAN DRIVE AND BROWN STREET, BEING PROPERTY ID 179000, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 5 OF THE JB & A ADAMS SURVEY AND ABSTRACT 393 OF THE J GOOCH SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3308. Mayor Pro Tem Billie Wallace seconded, All Ayes.

18. Consider Development Agreement for ZDC-173-2021

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-173-2021. Council Member David Hill seconded, All Ayes.

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

Ms. Pruitt presented the case noting the applicant is requesting a zoning change from Single-Family-2 to Planned-Development-Single-Family-2 to allow an existing accessory structure for rent located at 314 Kaufman Street. She explained in June of 2021, Code Enforcement received a complaint about trash in the front yard of the accessory structure and discovered the accessory structure has been utilized as a rental property for years. She noted the two structures on the property are separately metered for gas, water and utilities and are separately addressed.

Due to staff concerns, staff recommended denial for the proposed use. If the case is approved, staff suggests that the applicant receive an official inspection for the structure from the City of Waxahachie Building Inspections Department to confirm the property is up to code compliance regarding habitable structures.

Mayor Barnes opened the Public Hearing.

Those who spoke in favor:

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

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

20. Consider proposed Ordinance approving ZDC-176-2021

Action:

Council Member Melissa Olson moved to deny ZDC-176-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

21. Consider bid award to Utility Trailer of Dallas, Inc. for stainless steel end dump trailer for the Wastewater Treatment Plant

Utilities Director David Bailey requested approval of bid award to Utility Trailer of Dallas, Inc. for a stainless-steel end dump trailer for the Wastewater Treatment Plant in the amount of \$71,185.00. He explained the trailer will transport de-watered biosolids for permitted disposal at the landfill in Alvarado, Texas. The budgeted new trailer will replace aging equipment and there are funds available for the purchase.

Action:

Mayor Pro Tem Billie Wallace moved to approve a bid award to Utility Trailer of Dallas, Inc. for stainless steel end dump trailer for the Wastewater Treatment Plant in the amount of \$71,185.00. Council Member Melissa Olson seconded, All Ayes.

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

Council Member Travis Smith expressed his support for showing city employees appreciation, especially during the Christmas season. He asked staff to review an alternative option to a drive-thru Christmas lunch for employees in the future.

Council Member Melissa Olson noted she is very appreciative of staff and applauded the Waxahachie Planning Department for their Certificate of Achievement.

Mayor Doug Barnes praised staff and volunteers for their work on and during the Christmas parade. He noted it was a joyous community event to kick off the holiday season.

23. Adjourn

There being no further business, the meeting adjourned at 7:33 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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, December 6, 2021 at 6:30 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Albert Lawrence, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
Jennifer Pruitt, Planning Director
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

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

Planning Director Jennifer Pruitt reviewed the following cases:

- ZDC-146-2021, the applicant is requesting to continue the case to the December 20, 2021 City Council meeting.
- ZDC-164-2021, the applicant is requesting to continue the case to the January 3, 2022 City Council meeting.
- ZDC-174-2021, the applicant is requesting to continue the case to the December 20, 2021 City Council meeting.
- SUB-175-2021, the applicant has agreed to enter into a Development Agreement for the remainder of Buffalo Creek, lots 1-10, Block A, being 30.35 acres situated in the J.B. & Ann Adams Survey, Abstract 5, John Gooch Survey, Abstract 393, an addition in the City of Waxahachie (Property ID 179000) when it is platted and that includes the applicant constructing the Indian Drive extension and bridge across the creek to continue to HWY 287. Staff recommends approval.
- SUB-177-2021, the applicant is requesting to continue the case to the December 20, 2021 City Council meeting.
- ZDC-171-2021, the applicant is requesting to construct a +700 sq. ft. (3,000 sq. ft.) accessory structure (barn) in the rear of a single-family property. Ms. Pruitt noted the property is over 26 acres. Staff recommends approval per staff comments.
- ZDC-173-2021, the applicant is requesting approval to allow an inpatient rehabilitation facility (ClearSky Rehabilitation Hospital) on 5 acres. Ms. Pruitt noted the applicant is exceeding the hospital parking space requirement (one space per two beds); however, staff believes that the parking will be consistent with the use to accommodate peak employee numbers during shift change. Staff recommends approval per staff comments.

- ZDC-176-2021, the applicant is requesting a zoning change from Single Family-2 to Planned Development-Single Family-2 to allow an existing accessory structure for rent located at 314 Kaufman St. Ms. Pruitt presented the history of the location noting the structure was built in the early 1940s, predating City permit systems. She explained the address of the structure being considered is not found with Ellis County Appraisal District, but it has been separately metered for utilities, gas, and water and it has a separate mailing address. Staff recommends denial due to accessory dwellings not typically being allowed to be leased or sold separately and staff suggests, if approved, the property receive an official inspection for the structure and comply with the 2018 International Building Code and 2018 Residential Code regarding habitable structures.

City Attorney Robert Brown explained if this use is allowed on this property it will go against the city's current regulations. Council Members expressed concerns with allowing the use on the property.

David Bailey, Director of Utilities, requested approval for a bid award to Utility Trailer of Dallas, Inc. for a stainless-steel end dump trailer for the Wastewater Treatment Plant in the amount of \$71,185.00. He explained the item is budgeted, funds are available, and if approved, there is a 38 week delivery time.

3. Adjourn

There being no further business, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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

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

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

Mayor Doug Barnes called the City Council meeting to order.

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

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

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

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

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

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

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

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

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

3. Adjourn

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


Respectfully submitted,

Amber Villarreal
City Secretary

(5d)



Memorandum

To: Honorable Mayor and City Council
From: Amber Villarreal, City Secretary
Thru: Michael Scott, City Manager 
Date: December 20, 2021
Re: Mobile Home License Renewal

Please consider the following Mobile Home License Renewals for January 1, 2022 - December 31, 2022:

<u>MOBILE HOME PARK</u>	<u>NO. OF LOTS</u>
Grand Avenue Mobile Home M.H.C. 312 N. Grand Avenue Waxahachie, Texas 75165	32
Vista Hills M.H.C., L.T.D. 2900 South IH-35E Waxahachie, Texas 75165	275
Granite Pine Meadows, L.L.C. 3450 South Interstate Highway 35E Waxahachie, Texas 75165	180

(5e)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: December 20, 2021

Re: Taxi Cab License

Please consider the following company for a Taxicab License for January 1, 2022-December 31, 2022:

Silver Bullet Taxi



(5f)

Application for a Festival or Event Permit

Event Name and Description: Wheels of Fire Bike Ride supporting
Campfire Creek Riding Therapy and the Jon Wilson
Scholarship for Firefighters and their families

Applicant Information

Name: Michelle Cozine
Address: 119 W University
City, State, Zip: Waxahachie Phone: 918-232-1454
E-mail Address: mrahe248@gmail.com

Organization Information

Organization Name: Wheels of Fire
Address: 119 W University Waxahachie
Authorized Head of Organization: Michelle Cozine
Phone: 918-232-1454 E-mail Address: mrahe248@gmail.com

Event Chairperson/Contact

Name: Michelle Cozine
Address: 119 W University
City, State, Zip: Waxahachie Phone: 918-232-1454
E-mail Address: mrahe248@gmail.com

Event Information

Event Location/Address: Railport Brewery 405 W Madison Waxahachie
Purpose: Fundraiser
Event Start Date and Time: June 25, 2022
Event End Date and Time: June 25, 2022

(5f)

Approximate Number of Persons Attending Event Per Day: 350

Site Preparation and Set-Up Date and Time: June 25, 2022

Clean-Up Completion Date and Time: June 25, 2022

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Traffic control over the new bridge on 77 and the bridge at frontage road going over hwy 35

Requested City Services: Firefighters (contact Ed Konick)
Police (contact Brian Fuller)

Will food and/or beverages be available and/or sold? YES/NO

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? YES/NO

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

11/30/2021

Signature of Applicant

Date

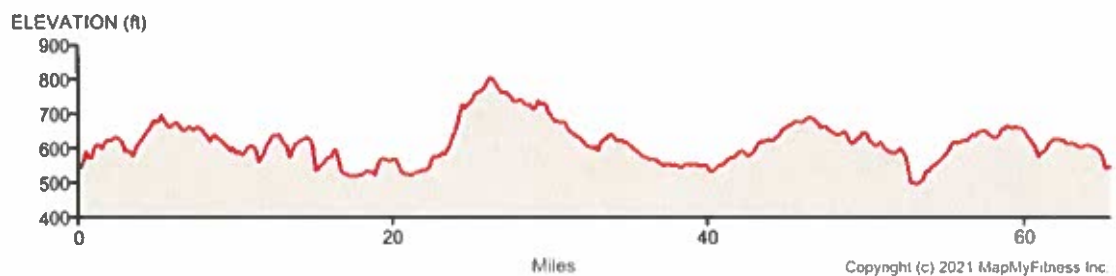
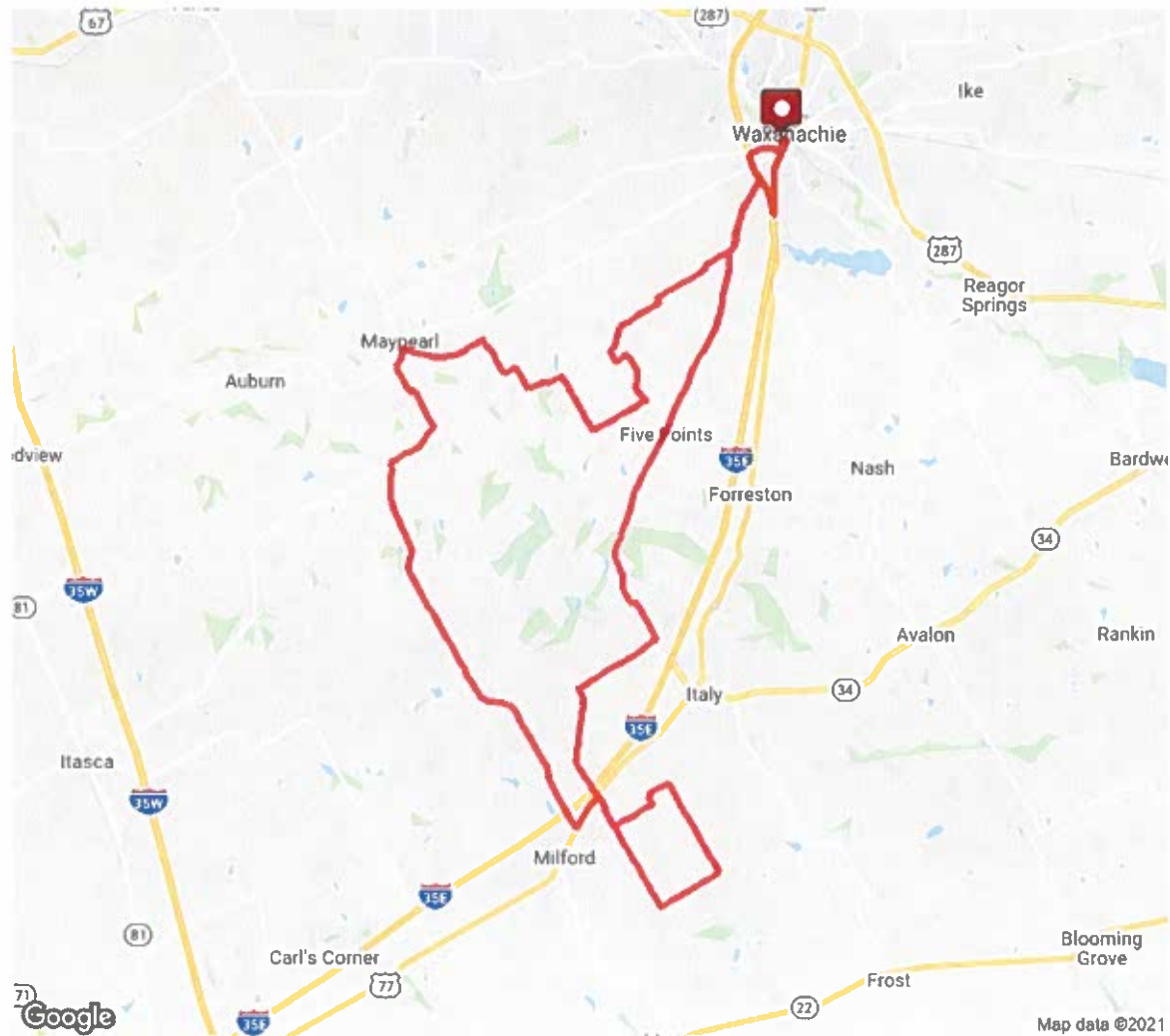
** Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).*

**2022 Wheels of Fire 65M Route**

Distance: 65.47 mi

Elevation Gain: 1,512 ft

Elevation Max: 808 ft

Notes

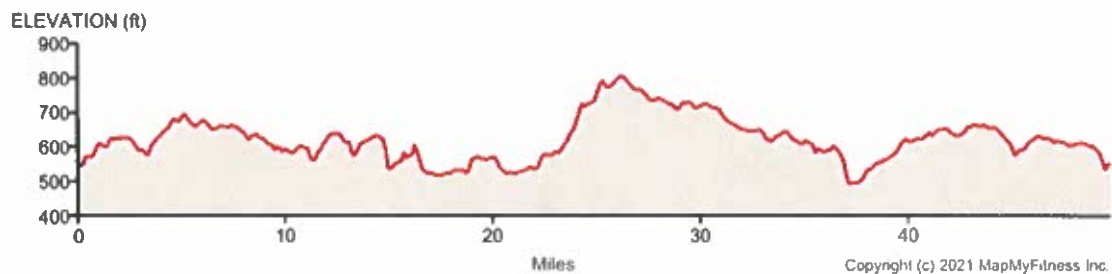
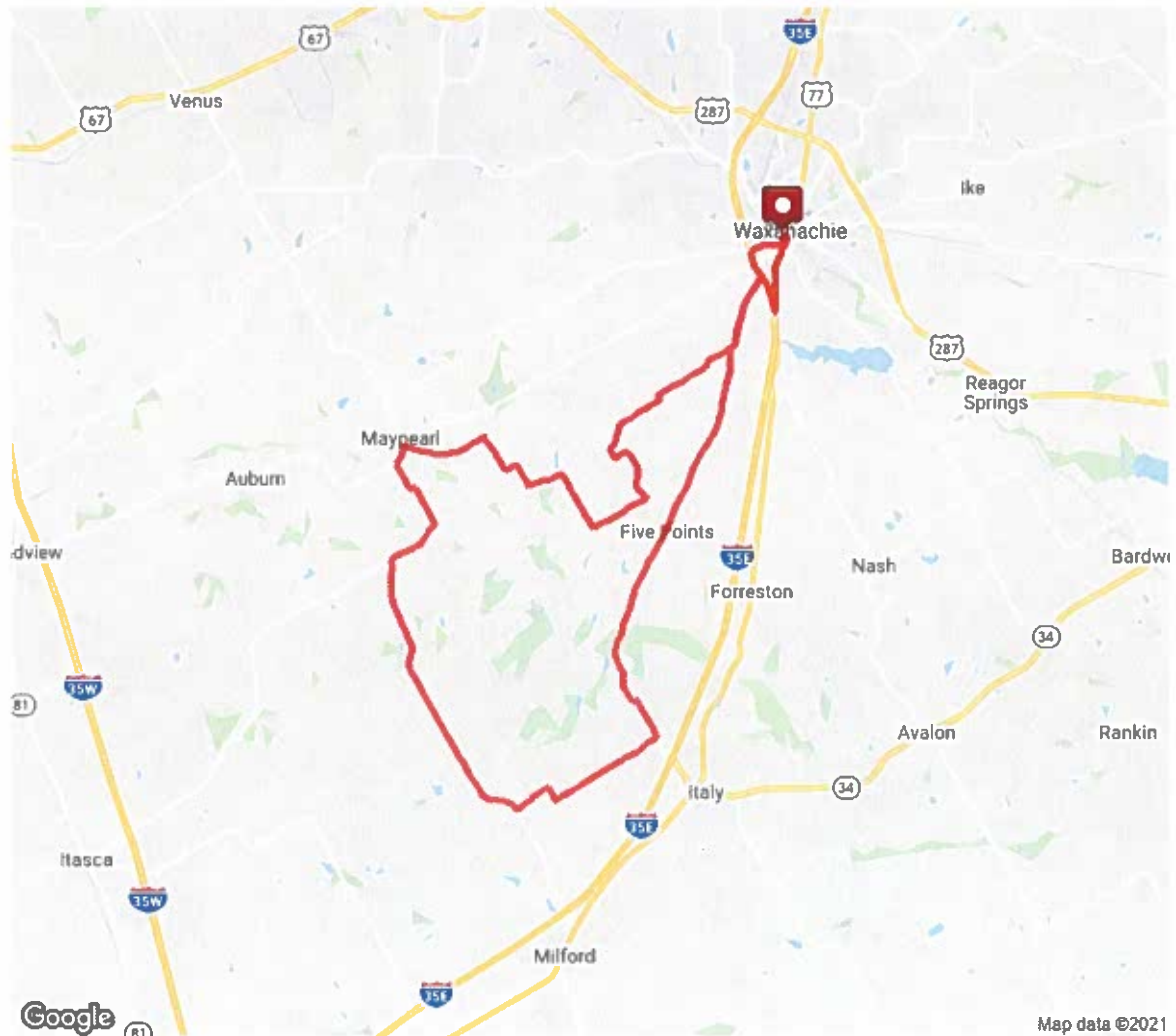
Directions Not Available

**2022 Wheels of Fire 50 M Route**

Distance: 49.77 mi

Elevation Gain: 1,244 ft

Elevation Max: 808 ft

Notes

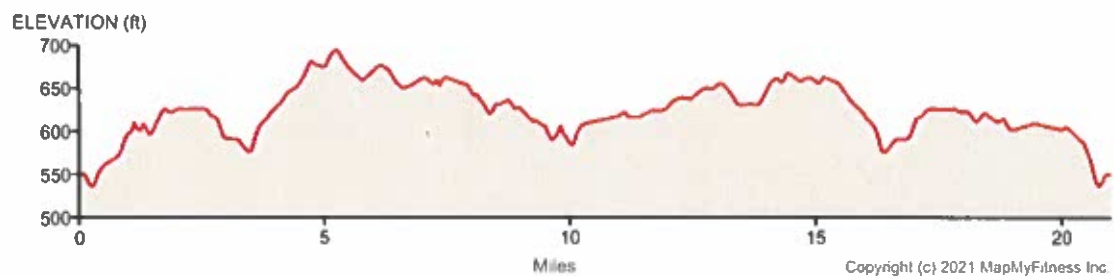
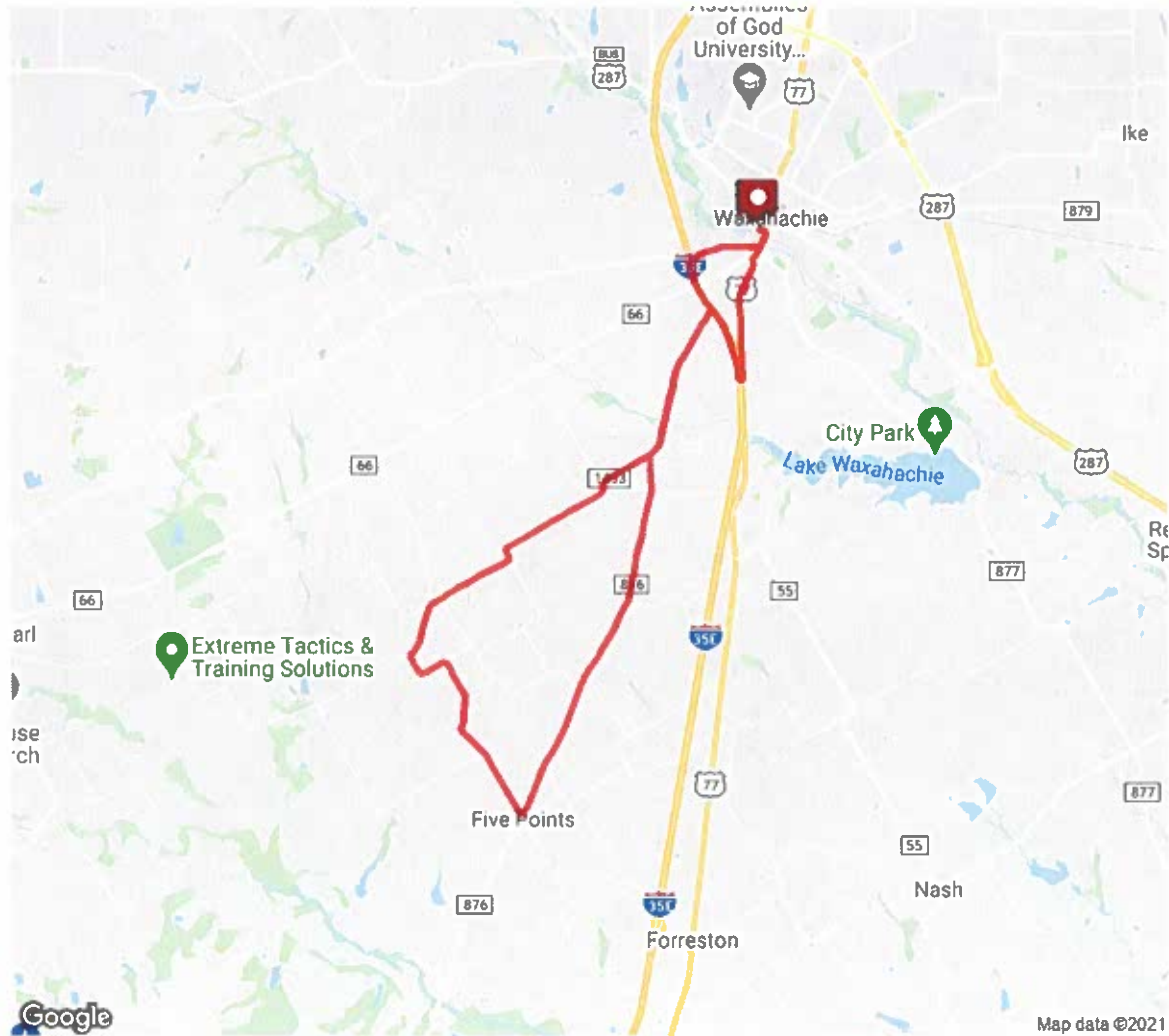
Directions Not Available

**2022 Wheels of Fire 21M Route**

Distance: 20.98 mi

Elevation Gain: 434 ft

Elevation Max: 696 ft

Notes

Directions Not Available

Bonner, Jami

From: Michelle Fisher <mrahe248@gmail.com>
Sent: Wednesday, December 1, 2021 9:30 AM
To: Bonner, Jami
Subject: Re: Wheels of Fire Bike Permit and Routes

Same as last year, each registered rider can receive one free beer from Railport. However, we (Wheels of Fire) are not selling or providing any.

On Wed, 1 Dec 2021 at 09:04, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Thank you, Michelle. Will alcohol be served or sold during the event?

From: Michelle Fisher <mrahe248@gmail.com>
Sent: Tuesday, November 30, 2021 11:08 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Re: Wheels of Fire Bike Permit and Routes

Hi Jami,

Thanks so much for the fillable form, much easier.

On Tue, 30 Nov 2021 at 10:18, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Good morning Michelle,

I am unable to open the permit files. Please return the attached fillable event application. Thank you.

From: Michelle Fisher <mrahe248@gmail.com>
Sent: Tuesday, November 30, 2021 9:53 AM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Wheels of Fire Bike Permit and Routes

Hi Jami,

Bonner, Jami

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Friday, December 3, 2021 12:06 PM
To: Bonner, Jami
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

Jami,
Just FYI... I have forwarded this to Asst. Chief Sigler for his input on the route. As soon as I get his thoughts, I will get back with you.

Thanks,

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, December 2, 2021 3:03 PM
To: Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Matt Massey <mmassey@waxahachie.com>; James Gaertner <jgaertner@waxahachie.com>; Shon Brooks <sbrooks@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Michael Scott <mscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride 6.25.22

For your review / comments. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Gaertner, James
Sent: Thursday, December 2, 2021 5:19 PM
To: Bonner, Jami; Wade Goolsbey; Ricky Boyd; Massey, Matt; Brooks, Shon; Griffith, Thomas; Mosley, Laurie; Simpson, Anita; Skistimas, Kelly
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

I don't have any comments. Please let us know if there is traffic control needed for this event.

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
 Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, December 2, 2021 3:03 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride 6.25.22

For your review / comments. Thank you.

Jami Bonner
 Assistant City Secretary
 City of Waxahachie
 Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, December 2, 2021 3:47 PM
To: Bonner, Jami
Subject: Re: Event Application - Wheels of Fire Bike Ride 6.25.22
Attachments: EA2022.06.25 Wheels of Fire Bike Ride.pdf

I have no concerns with this request.

Sent from my iPhone

On Dec 2, 2021, at 15:04, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review / comments. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Gaertner, James
Sent: Thursday, December 2, 2021 5:19 PM
To: Bonner, Jami; Wade Goolsbey; Ricky Boyd; Massey, Matt; Brooks, Shon; Griffith, Thomas; Mosley, Laurie; Simpson, Anita; Skistimas, Kelly
Cc: Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

I don't have any comments. Please let us know if there is traffic control needed for this event.

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
 Office: 469-309-4301
jgaertner@waxahachie.com

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, December 2, 2021 3:03 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride 6.25.22

For your review / comments. Thank you.

Jami Bonner
 Assistant City Secretary
 City of Waxahachie
 Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Simpson, Anita
Sent: Thursday, December 2, 2021 3:17 PM
To: Bonner, Jami
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

It doesn't look like this affects downtown much. I have no objections to this event.

From: Bonner, Jami
Sent: Thursday, December 2, 2021 3:03 PM
To: Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Simpson, Anita <asimpson@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride 6.25.22

For your review / comments. Thank you.

Jami Bonner
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

Bonner, Jami

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Thursday, December 16, 2021 9:11 AM
To: Bonner, Jami
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

Jami,
Chief Sigler has spoken with the coordinator and have worked out the issues. We will work with them to ensure a great event.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Tuesday, December 14, 2021 10:42 AM
To: Wade Goolsby <wgoalsby@waxahachiepd.org>
Cc: Dale Sigler <dsigler@waxahachiepd.org>
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

Good morning Chief,

Have you received any feedback in regards to the Wheels of Fire Bike Ride? (app attached) Thank you.

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Friday, December 3, 2021 12:06 PM
To: Bonner, Jami <jami.bonner@waxahachie.com>
Subject: RE: Event Application - Wheels of Fire Bike Ride 6.25.22

Jami,
Just FYI... I have forwarded this to Asst. Chief Sigler for his input on the route. As soon as I get his thoughts, I will get back with you.

Thanks,

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165



Memorandum

To: Honorable Mayor and City Council
From: Chad Tustison, Finance Director
Thru: Michael Scott, City Manager
Date: December 16, 2021
Re: FY 2021 4th Quarter Financial Report

I am pleased to present the Fourth Quarter Financial Report for fiscal year 2021, covering the period of October 2020 through September 2021. 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.

Although we do not anticipate any major variations in these figures, please note that this report is preliminary and may change as we go through the year-end close-out process and annual audit. The audit is anticipated to be completed and presented to the City Council in March 2022. In summary, the City's financial position is positive for all funds.

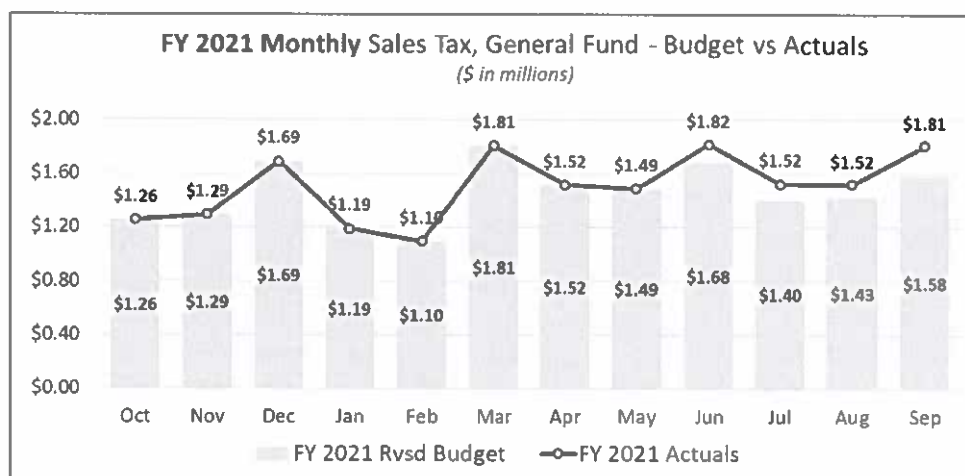
General Fund

- 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

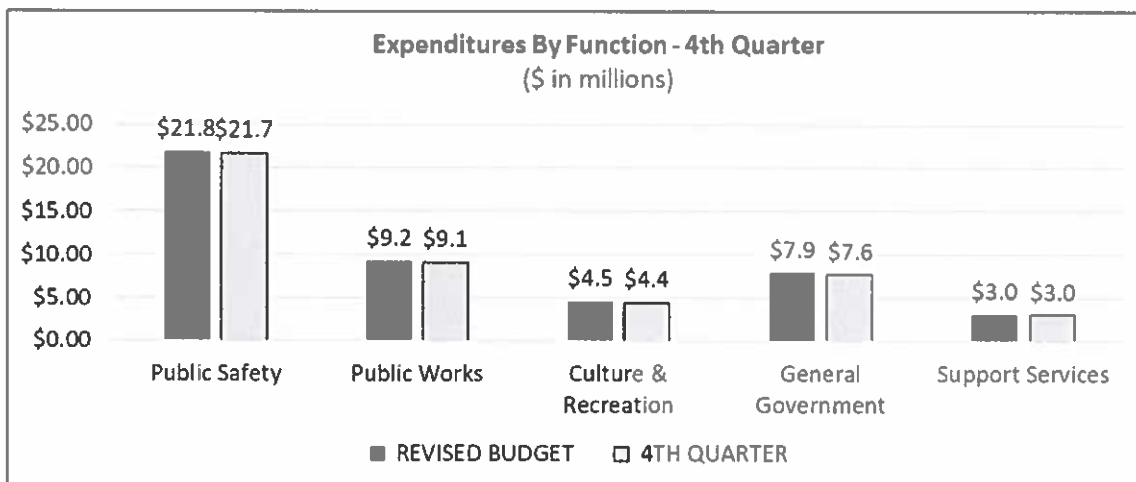
miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.

- **Revenues** for the fourth quarter (12 months) total \$53.6 million. This represents an increase of \$5.5 million over the same period last year. Total revenue collected through the end of the fiscal year comes in over the revised budget by \$733,000, or 1.4%. The increase in revenue from the prior year can be attributed mainly to strong sales tax collections, increased building and permitting activity, and state reimbursement funding for COVID 19-eligible expenses.
- Property tax collections accounted for approximately 36% of the City's revenue. The majority of collections occur from December through February as property tax payments become due. Through the fourth quarter, property taxes in the City's General Fund amount to \$19.4 million and are in line with year-end budget projections.
- Sales tax is the second largest revenue source, accounting for over 34% 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 fourth quarter, collections in the General Fund totaled \$18.0 million and represent an increase of 19% over the prior year. Including the sales tax collected for the WCDC fund, the City collected a total of \$24.1 million. Compared to the revised budget, sales tax collections are up \$614,000, or 3.5%. Because sales tax can be volatile and is heavily impacted by local, national and global economies, staff will continue to closely monitor sales tax reports and provide council updates on any changes to this trend. The following chart shows the actual sales tax collections by month compared to the revised budget.



- 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, and represent approximately 8.6% of total revenue sources. Through the fourth quarter, franchise fees totaled \$4.6 million and represent an increase of 5.7% over the prior year. Licenses and permitting revenue are significantly higher than FY 2020 due to an increase in permit activity for residential and commercial properties.
- Expenditures** in the General Fund for the fourth quarter (12 months) total \$45.8 million, or 1.4% below the revised budget. In summary, the City's expenses for the fourth quarter are in line with the revised budget. The following chart compares the budget for each City function to the actual expenditures through the fourth quarter.



- In the area of Public Works there are designated, yet unspent funds of approximately \$2.1 million in annual street maintenance and improvements. As part of the year-end close-out process, these funds will be transferred out of the General Fund budget to the Streets Capital Fund. This transfer is reflected in the Public Works Category.

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 and expenditures have come in slightly lower than the revised budget.

- 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 supported mainly by ½ cent sales tax and user fees. Overall, revenues are 4.3% over the revised budget due to higher-than-anticipated sales tax, and activity at the Civic Center and Sports Complex.
- 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. Hotel tax revenue is up significantly over the last year by \$206,000, or 31%, as a result increased hotel activity and occupancy rates since restrictions from COVID-19 have been lifted.

(5g)



CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 ~ 4TH QUARTER

(October 1, 2020 thru September 30, 2021)

GENERAL FUND SUMMARY

	ACTUALS FY 2020	REVISED BUDGET FY 2021	4TH QUARTER FY 2021	ACTUAL AS % OF BUDGET
REVENUES				
Property Tax	\$18,013,575	\$19,463,500	\$19,427,867	100%
Sales Tax	15,141,348	17,431,000	18,045,104	104%
Franchise Fees	4,352,838	4,574,897	4,600,209	101%
Licenses & Permits	1,500,491	2,748,530	2,751,576	100%
Charges for Service	1,520,358	2,214,241	2,296,518	104%
Miscellaneous	1,666,346	2,957,883	2,935,328	99%
Transfers In	5,867,780	3,434,900	3,501,408	102%
Total Revenues	\$48,062,736	\$52,824,951	\$53,558,010	101%
EXPENDITURES BY FUNCTION				
Public Safety	\$21,965,151	\$21,762,289	\$21,677,322	100%
Public Works ¹	9,869,953	9,244,984	9,076,262	98%
Culture & Recreation	4,625,859	4,546,896	4,438,172	98%
General Government	4,553,979	7,891,598	7,649,801	97%
Support Services	2,761,128	3,043,141	2,984,674	98%
Total Expenditures	\$43,776,071	\$46,488,908	\$45,826,231	99%
Revenues less expenses	\$4,286,665	\$6,336,043	\$7,731,779	

¹ Savings for annual street maintenance is transferred out to the Streets Capital Fund at year-end and is reflected in 4th Quarter actuals

* Quarterly actual figures are preliminary and unaudited and may change based on timing of payments and the year-end close-out process

* 4th Quarter FY 2021 Actuals include encumbrances that will be carried forward into Fiscal Year 2022

(59)



CITY OF WAXAHACHIE

QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2021 ~ 4TH QUARTER

(October 1, 2020 thru September 30, 2021)

OTHER FUNDS SUMMARY

	ACTUALS FY 2020	REVISED BUDGET FY 2021	4TH QUARTER FY 2021	ACTUAL AS % OF BUDGET
WATER FUND				
Revenues	\$14,906,438	\$15,359,871	\$15,058,708	98%
Expenses	13,534,631	13,460,559	13,239,534	98%
WASTEWATER FUND				
Revenues	\$10,714,020	\$11,539,540	\$11,473,501	99%
Expenses	8,898,556	10,418,169	10,015,124	96%
WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)				
Revenues	\$5,559,678	\$6,365,572	\$6,637,778	104%
Expenses	5,664,623	6,275,043	6,039,426	96%
HOTEL / MOTEL FUND				
Revenues	\$673,908	\$810,175	\$880,317	109%
Expenses	754,394	823,892	838,528	102%
TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)				
Revenues	\$487,158		\$553,281	-
Expenses	614,224		309,909	-

* Quarterly actual figures are preliminary and unaudited and may change based on timing of payments and the year-end close-out process

* 4th Quarter FY 2021 Actuals include encumbrances that will be carried forward into Fiscal Year 2022



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: December 15, 2021

Re: Supplemental Appropriation for Additional Meters and Cost Increases

This item is a request to amend the Meters Department Fiscal Year (FY) 2022 Budget by \$340,000 to account for additional water meters related to new development, and anticipated cost increases of the meters and associated parts and supplies. This supplemental appropriation will be largely offset by previously enacted meter fee increases for new development that were approved by City Council in October 2021.

When the FY 2022 Budget was developed in the summer of 2021, the meters budget was formulated based on historical trends for new development and meters change-outs, and known material prices at the time. Since then, we have gathered additional information to revise the budget appropriately for the remaining nine months of the fiscal year.

Cost Increases and Additional Meters for New Development

On October 4, 2021, the City Council approved a fee adjustment to recover the cost associated with the purchase and installation of new meters to coincide with the smart meter project. This fee increase is only charged to new development installing new smart meters, and would not impact the current homeowner. At that meeting, the fee was increased to cover the cost

of the new meter but the expenditure budget to purchase those new meters was not adjusted. Additionally, we have also experienced continued strong development activity which necessitates the purchase of additional meters needed to address this development. With additional information on anticipated price increases and future development and growth, this amendment is now being brought forward to reflect these updates. As a reminder, new meters for current residents are covered by the current rate structure.

Future and Anticipated Price Increases

This budget amendment also takes into account correspondence from our vendors for price increases to meters and associated supplies that are scheduled to be implemented over the next six months. By taking action now to purchase meters and supplies, we will be able to procure these items at a lower cost instead of waiting for those scheduled price increases to be implemented in 2022.

Funding Summary

This supplemental appropriation will be offset primarily by meter fees charged for new development. Funds for this budget amendment will be appropriated from the working capital balance in the Water Fund.



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: December 20, 2021
Re: Consider Award of Construction Contract for of Howard Road High Service Pump No. 5 to Dake Construction

Item Description: Awarding of the contract will allow for the construction/installation of an additional high service pump and associated electrical components at the Howard Road Water Treatment Plant.

Item Summary: During the FY2021-2022 budget process, the Howard Road High Service Pump Number 5 project was identified as a required project. The City's (April 2021) Howard Road Water Treatment Plant Master Plan, identifies that the overall peak treatment capacity of the Plant is 18.2 MGD (Million Gallons per Day). With the current number of high service pumps at the plant, the treated water firm pumping capacity from the plant is approximately 17.0 mgd total with 14.0 mgd from the High Service Pumps combined with 3.0 MGD from Central Pump Station. With the Central Pump Station planning to be abandoned in the 5-Year Capital Improvement Plan, this project is needed to meet current and future anticipated water demands. The addition of High Service Pump Number 5 at 6.0 mgd will allow the plant to exceed its peak treatment capacity of 18.2 MGD. This improvement will allow for the upcoming growth to the system by the surrounding development and allow for the City to provide excellent, treated drinking water throughout peak demand. Various electrical improvements will ensure that the pump operates at peak efficiency.

Fiscal Impact: This project is part of the Utility Department's FY2021-2022 Capital Improvement Budget and was 100% budgeted through Water Impact Fees (due to an expansion of the system). The Department's original budget was projected at \$1,400,000. The original Engineer Opinion of Construction Cost (EOCC) from Plummer and Associates (P&A) was \$1,005,000. The lowest responsible bidder was Dake Construction at a bid of \$480,500. This is a projected savings of \$919,500 from the original City Budget and \$524,500 from P&A's EOCC.

Dake Construction has thoroughly been vetted by P&A and has received their recommendation to be awarded the project. Dake Construction has performed previous similar work for the City and have performed very well. P&A has also provided the City with reasoning as to why the original recommended budget and EOCC are higher than the bid being considered. P&A informed the Department that the largest part of the discrepancy was due to moving the pump starter to a closer location from where it was originally considered. P&A did not provide the Department with an updated EOCC reflecting this change. P&A also stated that due to the current economic climate, they included a 20% contingency to reflect inflation, supply chain challenges, and increased costs of goods and services. These factors did not materialize in the bids received. As previously mentioned in this memo, this project will be funded with Water Impact Fees and no Bond proceeds have been sold, or will be sold, to fund this project. With this being said, the amount of Water Impact Fees to be expended will be substantially less than initially budgeted and has a sufficient fund balance to cover these improvements. Staff recommends the City Council award this project to Dake Construction in the amount of \$480,500. In addition, staff is recommending approval of a project contingency of 5% or \$24,025 be approved, bringing the total for this project to \$504,525.



(5j)

Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., Director of Public Works and Engineering

Thru: Michael Scott, City Manager *[Signature]*

Date: December 17, 2021

Re: Consider award of bid for Oak Creek Drive Culvert Replacement Project

Item Description: Consider award of bid to 2R Construction Services, LLC for the emergency replacement of the Oak Creek Drive Culvert in the amount of \$ 180,530.

Item Summary: An existing drainage culvert near 214 Oak Creek Drive allows the road to cross a creek and provides access to five existing homes and the Grove Creek Lift Station. The existing culvert structure consists of 3 corrugated metal pipes. The corrugated metal pipes are severely deteriorated and leading to undermining of the roadway. The structure is in need of replacement to maintain emergency access to the properties and lift station.

The Public Works Department solicited bids from five contractors on an emergency basis for replacement of the existing culverts with concrete culverts and headwalls. Two of the five contractors submitted bids. 2R Construction Services, LLC provided the lowest responsible bid in the amount of \$ 180,530.00. The other bid was in the amount of \$328,300.00. The cost difference between the two bids is mostly due to the concrete box culverts. Contractors are experiencing shortage of supplies and manufacturers are not guaranteeing their cost to contractors. City staff recommends awarding the contract for the culvert replacement to 2R Construction Services, LLC in the amount of \$180,530.00

Fiscal Impact: This is an unplanned expense but staff recommends use of funds from 601 Capital Fund which has sufficient fund balance to cover this contract amount.



(5K)

Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Director of Public Works & Engineering
Thru: Michael Scott, City Manager
Date: December 14, 2021
Re: Consider Street Department Shed Expansion Agreement

Item Description: Consider authorization to enter into agreement with Azul Valley Construction for the Street Shed Expansion Project in the amount of \$199,746.

Item Summary: Within the FY22 Budget, Council authorized funds for an expansion of the shed department equipment shed. This project will extend the existing covered equipment shed by approximately 130 feet. This extension will cover essential equipment purchased in recent years and protect them from the elements. It also includes the insulation and heating of a pre-existing two bay enclosure that will house the street sweepers.

Azul Valley Construction was the only proposer, with a total base proposal of \$196,690. Staff reviewed the proposal and, as it is in line with the scope of services, recommends approval of the base proposal as well alternate #3 to include insulation for the roof deck of the building in the amount of \$3,056.

Fiscal Impact: Funding for this project was approved in the FY22 budget in the total amount of \$185,000. The street department has additional funds available in supplies and equipment to cover the overage amount of \$14,746.

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

(U+7)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 16, 2021
Re: ANX-DNX-178-2021 – The Oaks at Twin Creeks

At the December 14, 2021 Planning and Zoning meeting, the Applicant requested to continue case number ANX-DNX-178-2021 from the December 20, 2021 City Council meeting agenda to the January 3, 2022 City Council meeting agenda.

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 16, 2021
Re: ZDC-162-2021 – The Oaks at Twin Creeks

At the December 14, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case number ZDC-162-2021 from the December 14, 2021 Planning and Zoning Commission meeting agenda and the December 20, 2021 City Council meeting agenda to the December 28, 2021 Planning and Zoning Commission meeting agenda, and the January 3, 2022 City Council meeting agenda.

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 16, 2021
Re: ANX-DNX-200-2021 – Montclair Heights

At the December 14, 2021 Planning and Zoning meeting, the Applicant requested to continue case number ANX-DNX-200-2021 from the December 20, 2021 City Council meeting agenda to the January 3, 2022 City Council meeting agenda.



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 16, 2021
Re: ZDC-188-2021 – Montclair Heights

At the December 14, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 7-0 to continue case number ZDC-188-2021 from the December 14, 2021 Planning and Zoning Commission meeting agenda and the December 20, 2021 City Council meeting agenda to the December 28, 2021 Planning and Zoning Commission meeting agenda, and the January 3, 2022 City Council meeting agenda.



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Director of Planning

Thru: Michael Scott, City Manager

Date: December 6, 2021

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

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

Planning & Zoning Department

Plat Staff Report

Case: SUB-177-2021

(16)



MEETING DATE(S)

Planning & Zoning Commission: November 23, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 23, 2021, the Commission voted 7-0 to recommend approval of SUB-177-2021, per conditions. As part of this vote, the P&Z Commission recommended approval of the applicant's variance request.

Prior to the December 6th City Council meeting, the applicant requested to continue the case to the agenda for the December 20th City Council meeting.

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to plat the subject property into 8 lots for townhome use.

CASE INFORMATION

Applicant: Claudio Segovia, J. Volk Consulting Inc.

Property Owner(s): North Grove 12.5 LLC Series 1

Site Acreage: 1.766 acres

Number of Lots: 9 lots

Number of Dwelling Units: 8 units

Park Land Dedication: The cash in lieu of park land dedication is \$3,200.00 (8 residential dwellings at \$400.00 per dwelling).

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

SUBJECT PROPERTY

General Location: Directly North of 532 Washington Avenue

Parcel ID Number(s): 283993

(16)

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

Existing Use: The subject property is currently undeveloped.

Platting History: The subject property is a part of the John B Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009.

Site Aerial:



PLATTING ANALYSIS

The applicant is proposing to plat the subject property into 8 lots for townhome use and one (1) open space X lot. In accordance with the Planned Development zoning for the site, there will be no side setbacks on internal lot lines since the property will be developed with attached townhomes. The eight (8) proposed townhome lots will be split by an open space X lot, to be used as a drainage easement. Offsite easements are proposed with this plat and instrument numbers for the easements will need to be provided on the plat document prior to filing. Adequate sewer and water facilities are available to the site along Washington Avenue.

VARIANCE REQUESTS

The applicant is requesting a variance from the Utility Easement requirement along Washington Avenue. A 10' Utility Easement is requested in the place of the required 15' Utility Easement. The City of Waxahachie Utilities Department has stated this variance is acceptable as long as it does not cause issues for any franchise utilities in the area. As of Thursday, December 16th, the applicant has provided staff with confirmation letters indicating that a 10' Utility Easement is acceptable for Atmos and Oncor. The applicant is still working to obtain confirmation from AT&T. If confirmation from AT&T is not provided to staff, a typical 15' utility easement will be required along Washington Avenue.

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

(16)

ATTACHED EXHIBITS

1. Plat
2. Franchise Utility Letters

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Planner

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



SCALE 1" = 50'

LEGEND	
Point of Curvature or Tangency on Center Line	
1/2" Iron rod set with a yellow plastic cap stamped "JVC" (unless otherwise noted)	
1/2" IRF (unless otherwise noted)	
AC	Area
BL	Building Line
C1	Curve No.
<C1M>	Control Monument
DE	Drainage Easement
ES	Easement
L1	Line No.
SF	Square Feet
UE	Utility Easement
VAM	Visibility Easement
FEE	Fence Encroachment Easement
DREC.1	Deed Records of Ellis County, Texas

PLAT

THE PLACE TOWNHOMES

1.766 ACRES

LOTS 1-8, BK. BLOCK 1

8 TOWNHOME LOTS

1 OPEN SPACE/COMMON AREA

OUT OF THE

JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 5

ROBERT RUSSELL SURVEY, ABSTRACT NO. 911

HENRY SANGE SURVEY, ABSTRACT NO. 1009

ZONED: PD-S01.2.3 MF-1 GR

CASE #: SUB-177-2021

CITY OF WAXAHACHIE

ELLIS COUNTY, TEXAS

27 OCTOBER 2021

SHEET 1 OF 2

(116)



J. VOLK
consulting
210 Central Parkway East, Suite 300
Waxahachie, Texas 75165
Phone: 214-505-5503
Contact: Terry Weaver

Owner/Applicant:
North Grove 12.5, LLC Series 1
200A N Rogers St
Waxahachie, Texas 75165
Phone: 214-505-5503
Contact: Terry Weaver

Engineer/Surveyor:
J. Volk Consulting, Inc.
830 Central Parkway East, Suite 300
Plano, Texas 75074
Phone: 972-201-3100
Contact: Jay Volk, PE

GENERAL NOTES:

- All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "JVC" unless otherwise noted.
- All utility easements and drainage easements within this plat, property are created by this plat, unless otherwise noted.
- Basics of Bearing and Coordinates shown hereon refer to "Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 on Grid Coordinate values.
- Patios are allowed to extend a maximum of 5' into the building setback.
- Open space lots shall be maintained by HOA.
- No portion of the subject property is located within the zone "A" FEMA 100-YR Floodplain per FEMA map panel 48139C0190F. No residential lots are within the limits of said floodplain.

Line Table	
Line	Direction
L1	14.14 N46°08'42"W
L2	14.14 S43°55'18"W
L3	19.77 N5°30'29"W
L4	14.00 N1°08'42"W
L5	20.00 N48°55'18"E
L6	14.00 S1°08'42"E
L7	22.21 N48°55'18"E
L8	20.00 S1°08'42"E
L9	32.59 N43°50'57"E
L10	20.02 N1°45'04"E
L11	20.02 S3°38'29"E
L12	33.38 N1°08'42"W

Curve Table	
Curve #	Length
C1	0.50
C2	62.83
C3	62.83
C4	62.83
C5	53.01
C6	211.43
C7	28.41
C8	62.83
C9	62.83

Radius	Delta	Tangent	Chord	Chord Bearing
10.00	002°51'47"	0.75	0.50	N07°37'36"W
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E
40.00	090°00'00"	40.00	56.57	N43°53'18"E

BENCHMARKS:

- MONUMENT NO. 1:**
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1100' east of the centerline intersection of U.S. Highway No. 77 and North Grove Boulevard. The monument is located approximately 45' west of a fire hydrant and 54' northeast of a light pole.
Elevation = 630.23'
- MONUMENT NO. 3:**
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 390' west of the centerline intersection of North Grove Boulevard and Highland Drive. The monument is located approximately 15' northeast of a fire hydrant and 100 feet northwest of a storm inlet.
Elevation = 616.73'
- MONUMENT NO. 4:**
Mag nail set in concrete on the north sidewalk of North Grove Boulevard at the northeast corner of the intersection of North Grove Boulevard with Vista Way. The monument is located approximately 15' north of a fire hydrant and 3' from a pair of water valves.
Elevation = 596.12'

Dustin, thanks for the extended look at the development.

The 10 foot UE is good to Extend Mainline in to serve the Town Homes however with the larger development some study will need to be done on how to get gas into the larger development in the future.

Thanks, Joe

Joe Smith

Project Specialist
Atmos Energy Corporation
Mid-Tex Division
3525 N Hwy 77
Waxahachie, TX 75165
469-548-3418 Office
469-548-3437 Fax

(16)

To Dustin Philipp
Cc Joel Richey

Good morning!

Thank you for calling me back. I received the attached site plan. Our schedule for site visit meeting is on Tuesday December 7th at 1:30AM. Don't forget to email or text me the nearby address so I can easily locate the location.

Regarding the Oncoor easement, if it is a single phase 10 feet wide is fine but if it is 3 phase it is more than 10 feet wide of easement.

(16)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-182-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-182-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Waxahachie Saddlebrook Estates Homeowners Association Inc.

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

Site Acreage: 2.78 acres

Current Zoning: Planned Development-Single-Family-1

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

SUBJECT PROPERTY

General Location: 185 Saratoga Dr.

Parcel ID Number(s): 240969

Existing Use: Saddlebrook Estates Homeowner's Association common area

Development History: N/A

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan: Low Density Residential

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

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

Site Image:



PLANNING ANALYSIS

Purpose of Request/Proposed Use:

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

Per the Operational Plan, the utility pole will be utilized for wireless to fiber circuit delivery to bring high speed internet to the residents within the surrounding neighborhood area. The utility pole currently exists within the Saddlebrook Estates Homeowner's Association common area, and the Access and Lease Agreement between Nextlink Internet (Internet service provider) and Saddlebrook Estates Homeowner's Association was effective June 29, 2021. The tower was officially constructed on Sept. 14, 2021.

(17)

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

PUBLIC NOTIFICATIONS

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

PROPERTY OWNER NOTIFICATION RESPONSES

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

RECOMMENDATION

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

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

ATTACHED EXHIBITS

- 1. Property Owner Notification Responses
- 2. Ordinance
- 3. Location Exhibit
- 4. Site Layout Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

PropertyID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
240985	ROBERTS CHARLES & JOY	100 SECRETARIAT ST	WAXAHACHIE	TX	75165
264844	PROPERTY OWNER	101 WHIRLAWAY ST	WAXAHACHIE	TX	75165
240987	THOMAS SHAWN	102 SECRETARIAT ST	WAXAHACHIE	TX	75165
240988	WILLMON RICKY L & CHERI N	104 SECRETARIAT ST	WAXAHACHIE	TX	75165
240989	TROJAN KELLY & NICHOLAS	106 SECRETARIAT ST	WAXAHACHIE	TX	75165
240992	JONES KATHERINE E	106 THOROUGHbred ST	WAXAHACHIE	TX	75165
240990	WAGNER SHERRY & MARK	108 SECRETARIAT ST	WAXAHACHIE	TX	75165
240959	TUCKER BRADLEY S & CIERA A	112 THOROUGHbred ST	WAXAHACHIE	TX	75165
240958	KUO PO YU & HSIN YI SHIH	114 THOROUGHbred ST	WAXAHACHIE	TX	75165
240978	WASHINGTON BOOKER T JR & SHANDRA	116 STALLION ST	WAXAHACHIE	TX	75165
240963	TRAN TONY & VAN NGOC THAO NGUYEN	117 STALLION ST	WAXAHACHIE	TX	75165
240964	BEASLEY-MC KEAN JENNIFER A & JEFF L	119 STALLION ST	WAXAHACHIE	TX	75165
240979	HPA TEXAS SUB 2017 I LLC	120 S RIVERSIDE PLZ STE 2000	CHICAGO	IL	60606
240980	HPA BORROWER 2016-1 LLC A DELAWARE LIMITED LIABILITY COMPANY	120 S RIVERSIDE PLZ STE 2000	CHICAGO	IL	60606
240965	POINTER ERICA & FANNIE POINTER	121 STALLION ST	WAXAHACHIE	TX	75165
240966	HYMER TYLER & KIMBERLY HYMER	123 STALLION ST	WAXAHACHIE	TX	75165
240967	DEAN CLINTON R & MIKKI L	125 STALLION ST	WAXAHACHIE	TX	75165
264380	CRUZ JOSE & CATALINA	127 CHESTNUT RD	WAXAHACHIE	TX	75165
240968	BRUMLEY KATHRYN S & CHRISTOPHER R	127 STALLION ST	WAXAHACHIE	TX	75165
264379	MOSES TYLER J & HAILEY M	135 CHESTNUT RD	WAXAHACHIE	TX	75165
264365	BITNER DEBRA L & ANTHONY L LIVING TRUST DEBRA L BITNER & ANTHONY L TRUSTEE	136 CHESTNUT RD	WAXAHACHIE	TX	75165
264364	MANRY DEAN & BRIDGET MAGNESS	138 CHESTNUT RD	WAXAHACHIE	TX	75165
264363	WILLIAMS REGGIE & LESSIA K	140 CHESTNUT RD	WAXAHACHIE	TX	75165
264362	MASSARA JANET	142 CHESTNUT RD	WAXAHACHIE	TX	75165
264361	MASSEY ROBERT E	144 CHESTNUT RD	WAXAHACHIE	TX	75165
240969	WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC C/O ESSEX ASSOCIATION MANAGEMENT LP	1512 CRESCENT DR STE 112	CARROLLTON	TX	75006
240891	FERGUSON DIANE R	200 CLYDESDALE	WAXAHACHIE	TX	75165
240861	KINCAID BRYAN	201 CLYDESDALE ST	WAXAHACHIE	TX	75165
240880	DOAN ALAN W	203 CLYDESDALE ST	WAXAHACHIE	TX	75165
240876	NAVRATIL JEFFERY J & MANDY L	223 ARABIAN RD	WAXAHACHIE	TX	75165
240879	FLORES SAMUEL & COURTNEY L KEEN	224 ARABIAN RD	WAXAHACHIE	TX	75165
240877	GRAFF ROBERT M & PATRICIA R	225 ARABIAN RD	WAXAHACHIE	TX	75165
240878	MORROW BRIAN T	226 ARABIAN RD	WAXAHACHIE	TX	75165
240961	WU DI & PING MENG	3 N CHRISTOPHER COLUMBUS BLVD UNIT 241	PHILADELPHIA	PA	19106
240960	XHAFA ARITON	3112 BUENO VISTA DR	PLANO	TX	75025
251367	CITY OF WAXAHACHIE ATTN: FINANCE DEPARTMENT	401 S ROGERS	WAXAHACHIE	TX	75165



(17)

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

◇◇◇◇◇

BULOT TIMOTIY
202 CLYDESDALE ST
WAXAHACHIE, TX 75165

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

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

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

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

City Reference: 240890

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

☐ SUPPORT

☒ OPPOSE

Comments:

Too close to homes

Timothy Bulot

Signature

Timothy Bulot
Printed Name and Title

Dec 1, 2021

Date

202 Clydesdale
Address

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS (CELL TOWER) USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY – 1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 185 SARATOGA DR., BEING PROPERTY ID 240969, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 12, BLOCK G (COMMON AREA) OF SADDLEBROOK ESTATES PHASE 1A, 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 PD-SF-1; 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-182-2021. 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 PD-SF-1 to PD-SF-1, with an SUP in order to permit a Communications Antennas and Support Structures/Towers (Cell Tower) on the following property: Lot 12, Block G (Common Area) of Saddlebrook Estates Phase 1A, which is shown on Exhibit A, and 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.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS (CELL TOWER) USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY – 1 (PD-SF-1) ZONING 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-182-2021.
2. The development shall adhere to the City Council approved Exhibit B – Site Layout Plan.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. 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.
5. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, 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.

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

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

PASSED, APPROVED AND ADOPTED on this 20th day of December, 2021.

(18)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

Nextlink Internet Tower Exhibit

- 50 ft. Tower
- 50 ft. Tower Setback
- 100 ft. Tower Setback
- Property Lines

0 25 50 100 Feet

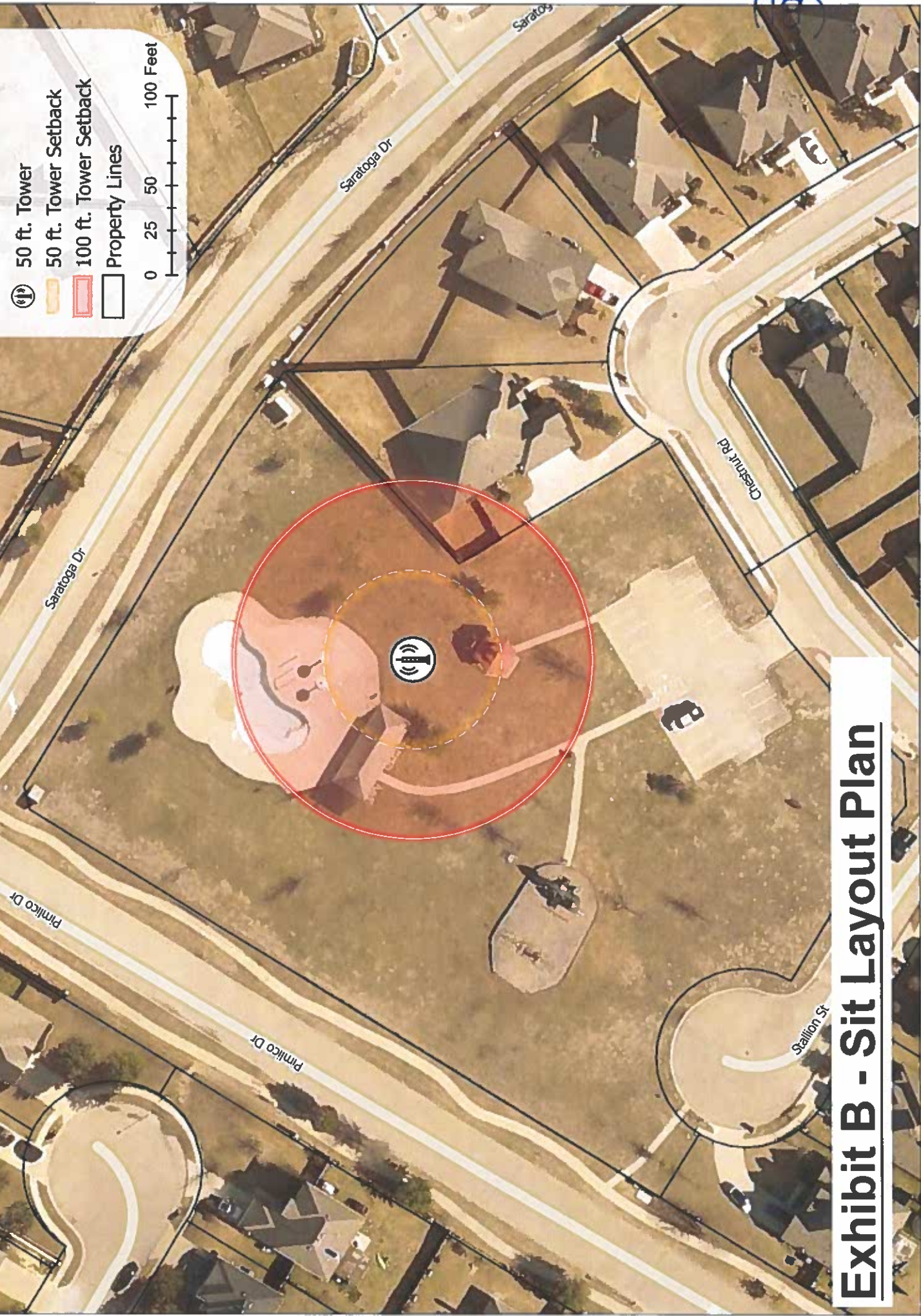


Exhibit B - Sit Layout Plan

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-191-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-191-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

The applicant is requesting to construct a +700 sq. ft. (2,100 sq. ft.) accessory structure (garage/storage) in the rear of a single family property.

CASE INFORMATION

Applicant: Mark L. Gundert

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

Site Acreage: 0.665 acres

Current Zoning: Single-Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 124 Kaufman St.

Parcel ID Number(s): 170849

Existing Use: Single Family Residence

Development History: N/A

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan: Low Density Residential

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

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

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to construct a +700 sq. ft. (2,100 sq. ft.) accessory structure (garage/storage) in the rear of a single family property. Ellis County Appraisal District states that the primary structure on the property is 4,128 sq. ft. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a SUP to be reviewed by City Council.

Proposed Use:

The applicant is requesting approval to construct a 42ft. x 50ft. x 20ft. tall accessory structure (garage/storage), which will be accessible from Tuggle St. The applicant is proposing to construct the structure out of metal, and intends to use the accessory structure to store classic cars and trucks, and tool equipment for the property. In addition to the primary structure, the property consist of an existing

detached garage. During site visits, staff noticed there are other accessory structures within the surrounding neighborhood area.

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
 2. Any new pavement added to the site shall be concrete.
 3. The structure shall not be used as a dwelling.

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Site Layout Plan
4. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED AT 124 KAUFMAN ST., BEING PROPERTY ID 170849, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A1 & 1A2, BLOCK 44 OF TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, 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-191-2021. 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 a +700 square foot Accessory Building use on the following property: Lot 1A1 & 1A2, Block 44 of Town Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and the Elevation/Façade Plan attached as Exhibit C.

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 +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING 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-191-2021.
2. The development shall adhere to the City Council approved Exhibit A – Location Exhibit, Exhibit B- Site Layout Plan, and Exhibit C – Elevation/Façade Plan.
3. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure.
4. Any new pavement added to the site shall be concrete.
5. The structure shall not be used as a dwelling.
6. 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.
7. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, 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.

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

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

PASSED, APPROVED AND ADOPTED on this 20th day of December, 2021.

(20)

MAYOR

ATTEST:

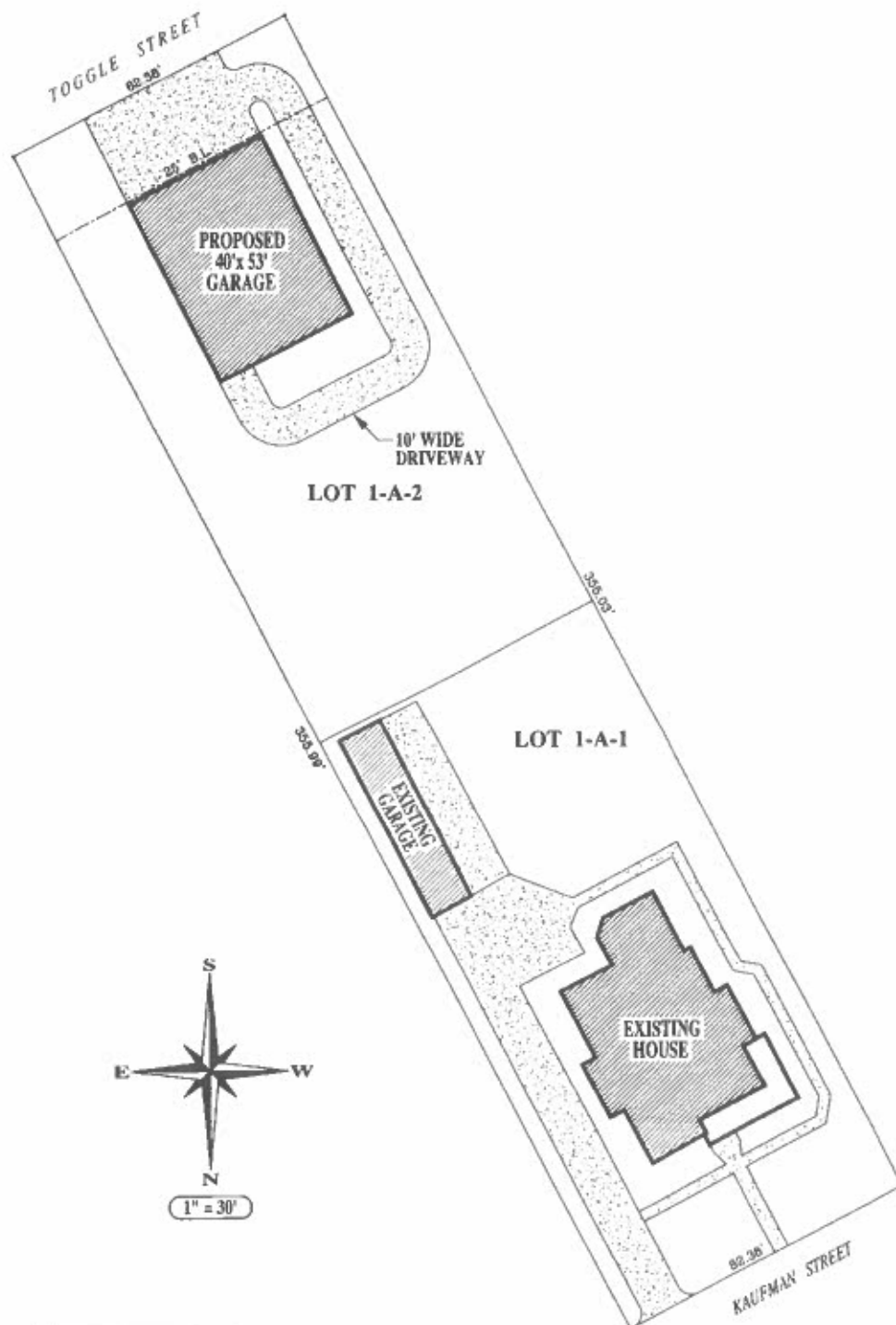
City Secretary

(20)



Exhibit A - Location Exhibit

Exhibit B - Site Layout Plan



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

PLOT PLAN

PLANS FOR:
MARK & RAQUEL GUNDETT
124 KAUFMAN STREET

SEEKING THE ANSWER - WWW.BESTOFHARRISBURG.TV

On 10/10/94, the following information was received from the Department of the Interior, Bureau of Land Management, regarding the status of the proposed project. The project is currently on hold due to the need for additional information regarding the project. The project is currently on hold due to the need for additional information regarding the project. The project is currently on hold due to the need for additional information regarding the project.

DRAWN BY:

Ellis County Reprographics, Inc.

922 428-3432

Address:	4441 100th Ave
City:	Eden Prairie, MN
State:	Minnesota
Zip:	55324
Phone:	952-935-1111
Fax:	952-935-1111

Exhibit C – Elevation/Façade Plan

(20)



ELEVATION MAP

FRONT



LEFT SIDE



BACK



RIGHT SIDE



(21)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-174-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021 (continued from December 6, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-174-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Akhila Reddy, Triangle Engineering, LLC

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

Site Acreage: 0.912 acres

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

Requested Zoning: Planned Development-General Retail with SUP

SUBJECT PROPERTY

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

Parcel ID Number(s): 189379

Existing Use: Undeveloped

Development History: N/A

Table 1: Adjoining Zoning and Uses

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

*Future Land Use Plan:***Retail***Comprehensive Plan:*

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:**PLANNING ANALYSIS****Purpose of Request:**

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

Proposed Use:Operation

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

Table 2: Proposed Development Standards (General Retail)

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

Landscaping

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

Table 3: Landscape Requirements

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

Building Design/Facade

The building is currently proposed to be constructed of stucco, wood siding, brick and metal. The remainder of the building is proposed to consist of window glazing.

STAFF CONCERNSTxDOT (Texas Department of Transportation)

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

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property to be consistent with the overall driveway plan for the site.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan Exhibits
6. 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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (STARBUCKS) USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED 1,500 FEET SOUTH OF BUTCHER ROAD AND EAST OF HWY 77, BEING PROPERTY ID 189379, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 848 OF THE AS PRUITT 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, the described property is classified in said ordinance and any amendments thereto as PD-GR; 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-174-2021. 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 PD-GR to PD-GR, with an SUP in order to permit a Drive-Through Establishment (Starbucks) use on the following property: Abstract 848 of the AS Pruitt Survey, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Façade Concept Plan attached as Exhibit D, and the 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 DRIVE-THROUGH ESTABLISHMENT (STARBUCKS) USE IN THE PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-174-2021.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E – Staff Report.
4. 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.
5. 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 Concept Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.
6. 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. 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.

(22)

PASSED, APPROVED AND ADOPTED on this 20th day of December, 2021.

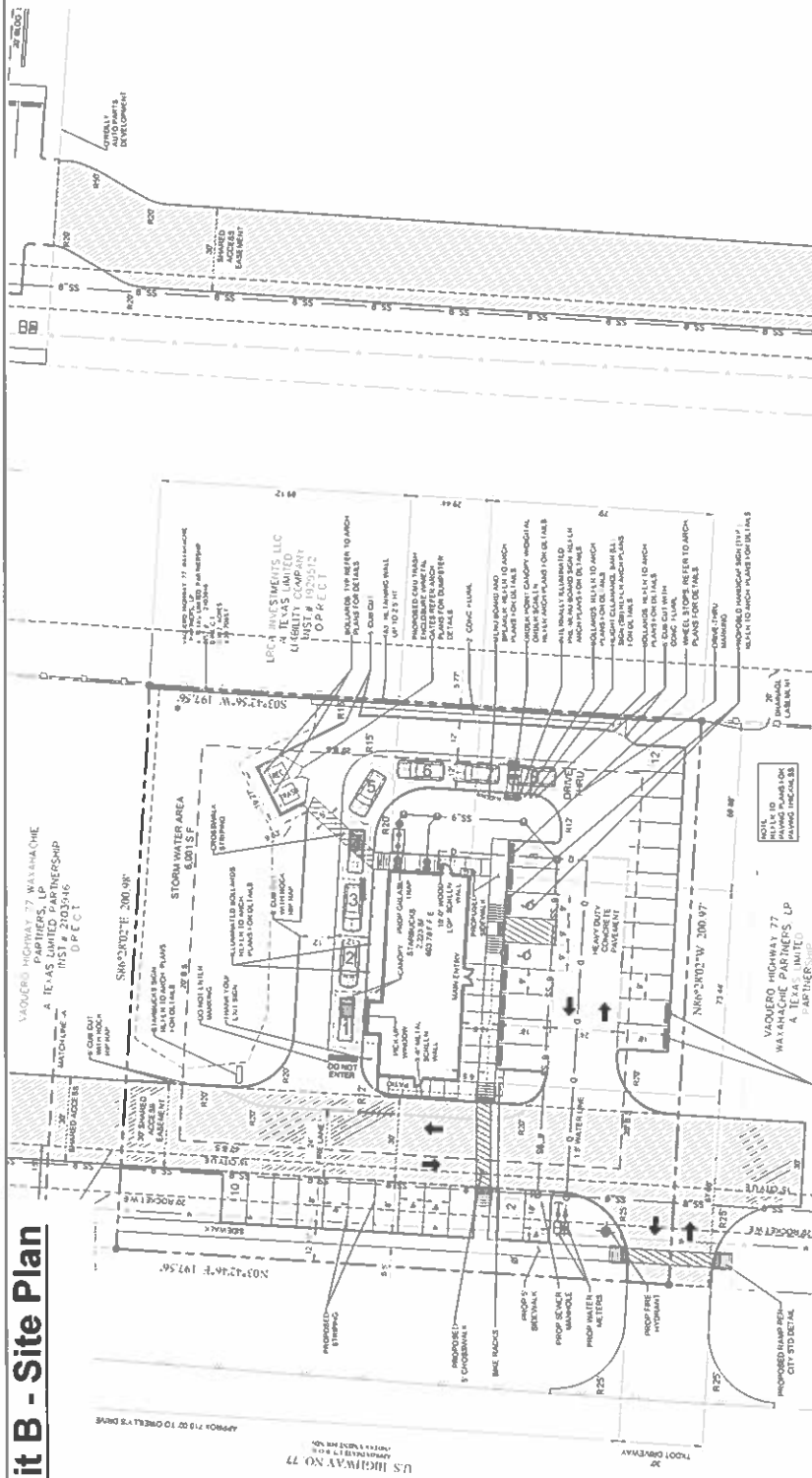
MAYOR

ATTEST:

City Secretary

(22)





- [illegible]

BENCHMARKS

THE BENCHMARK IS A NAIL WITH A WASHER STAMPED "JPM BENCHMARK" SET IN A CONCRETE CURB ON THE SOUTH RIGHT OF WAY OF DELTA DRIVE, APPROXIMATELY 775 SOUTH OF THE INTERSECTION OF S HIGHWAY NO 77 AND S HIGHWAY NO 381. BENCHMARK ELEVATION: 655.36 (NAD83). SEE SURVEY FOR GENERAL LOCATION.

FLOOD PLAIN NOTE

NOTE	ON-SITE DETENTION WILL BE PROVIDED TO RELEASE AT A PRE-DEVELOPMENT RATE
------	---

SITE PLAN
STARBUCKS
HWY 77 & SWITCHER RD
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS 75185
ALBERT S. PRIETT SURVEY ABSTRACT NO 848

[illegible]

SITE DATA SUMMARY TABLE	
SITE ADDRESS	10124 GINGER RD 200 B3 / 1
PROPOSED USE	COFFEE SHOP
LOT AREA	137.56
BUILDING SETBACKS (F.S.)	
FRONT	40'
REAR	20'
SIDE	20'
BUILDING AREA	2,723.83
NUMBER OF STORIES	1
BUILDING HEIGHT	21' 0"
STORY HEIGHT	21' 0"
FLOOR AREA RATIO	0.56
PERMITTED MAXIMUM AREA	25,437.53 - 100.00%
PERMITTED MINIMUM AREA	14,799.87 (55.19%)
PERMITTED MAXIMUM HEIGHT	21.50 FEET
IS GLASS PARTIALY REQUIRED	NO SHAPES
MAXIMUM PERMITTED FLOOR LOAD	2.0 PSF/321 LBS / SQ. FT. MAXIMUM
MAXIMUM PERMITTED FLOOR LOAD	2.0 PSF/321 LBS / SQ. FT. MAXIMUM
IS GLASS PARTIALY REQUIRED	NO SHAPES

- [illegible]

-
- SITE LEGEND**
- CONCRETE CURB
SAW CUT LINE
FIRE LANE
STRIPING
SHARED ACCESS
PARKING SPACES
MOULDED PAVEMENT SIGN
WHEEL STOP
HANDICAP SIGN
RAMP
BOLLARD
TRAFFIC ARROW
FIRE HYDRANT
DUMPSTER
- SANITARY SEWER CLEANOUT
SANITARY SEWER DOUBLE CLEANOUT
SANITARY SEWER SAMPLE POINT
WATER METER
DOMESTIC WATER METER
IRRIGATION METER
DOWN STREET

(22)

[illegible][illegible]

STARBUCKS

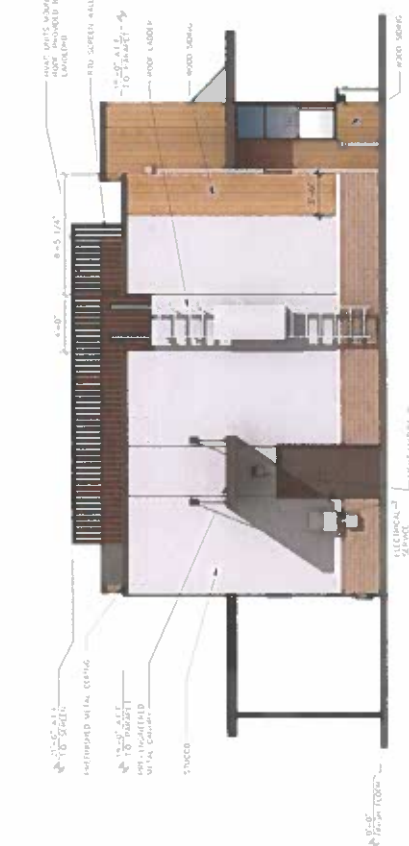
1. The contractor has been notified by the owner that the project has been cancelled. The contractor has been notified by the owner that the project has been cancelled.
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7. The contractor has been notified by the owner that the project has been cancelled. The contractor has been notified by the owner that the project has been cancelled.

[illegible]

PROJECT CONTACT LIST	
FORRESTER TRANSCONTINENTAL, INC. 1314 MCGOWEN DR. STE 110 ALEXIA IL 61810 815/261-1000 815/261-9271	CHAMBERLAIN, DORR PARTNERS LP VIA DEL PRATO 717A/23A/240E FORT WORTH TX 76102 FORT WORTH TX 76102 CONTACT KALEEL PURCH 817/460-5375
NUOVIS SPINACCA, PELLERINO, INC. 4001 S. W. 10TH AVE. SUITE 1004 MIAMI FL 33144 305/571-2000 305/571-4397	FINZ ANZACCHETTI 8085 INTERNATIONAL PLAZA FORT WORTH TX 76109 817/725-9932

12

Exhibit D- Elevation/Facade Plan



1 EAST (BACK) ELEVATION



NORTH (SIDE) ELEVATION

[illegible]

LAST 116 V8 1024	36.4%
WATERVAL ACCLUR 4000	33.0%
3 5116 STUCC	35.3%
4000 SMOG	24.8%
4000 VENTIL	17.5%
GEARS	10.5%
4000	4.9%
374	0.6%

NaOH 1.14E+004	
Al 2.3E+004	43.7%
Si 5.7E+004	25.4%
Ca 3.0E+004	9.4%
Fe 1.1E+004	2.13%
Cl 6.5E+003	3.1%
CO 2.0E+003	100%

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-174-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021 (continued from December 6, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-174-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Akhila Reddy, Triangle Engineering, LLC
Property Owner(s): Vaquero Highway 77 Waxahachie Partners LP
Site Acreage: 0.912 acres
Current Zoning: Planned Development-General Retail (PD-GR)
Requested Zoning: Planned Development-General Retail with SUP

SUBJECT PROPERTY

General Location: Located 1,500 feet South of Butcher Road and East of Hwy 77
Parcel ID Number(s): 189379
Existing Use: Undeveloped
Development History: N/A

Exhibit E - Elevation/Facade Plan

(22)

Table 1: Adjoining Zoning and Uses

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

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

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

Proposed Use:**Operation**

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

Table 2: Proposed Development Standards (General Retail)

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

Landscaping

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

Table 3: Landscape Requirements

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

Building Design/Facade

The building is currently proposed to be constructed of stucco, wood siding, brick and metal. The remainder of the building is proposed to consist of window glazing.

STAFF CONCERNS**TxDOT (Texas Department of Transportation)**

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

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

PUBLIC NOTIFICATIONS

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

Exhibit E - Elevation/Facade Plan

(22)

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. Staff suggests that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property to be consistent with the overall driveway plan for the site.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan Exhibits
6. 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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR STARBUCKS
COUNTY OF ELLIS	§	

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

Recitals:

1. STAR is the owner of approximately 0.912 acres of real property generally located at 1,500 feet South of Butcher Road and East of Hwy 77, Parcel Number 189379, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Planned Development-General Retail to Planned Development-General Retail with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Planned Development-General Retail by the City, and is anticipated to have the SUP reviewed on December 20, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Drive-Through Establishment (Starbucks). 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 STAR 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 STAR 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 "Starbucks SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Starbucks.

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

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 Starbucks 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 shall conform as approved by the City Council under case number ZDC-174-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (D) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (E) 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.
- (F) 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 Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.

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

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: Starbucks (Developer)

By: _____

Date: _____

: Vaquero Highway 77 Waxahachie Partners LP (Owner)

By: _____

Date: _____

STATE OF TEXAS

§
§
§

COUNTY OF ELLIS

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Starbucks, 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: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-199-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-199-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

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

Property Owner(s): Przybylski Family Revocable Living Trust

Site Acreage: 3.3 acres

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

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

SUBJECT PROPERTY

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

Parcel ID Number(s): 191034

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

Development History: N/A

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan:

Highway Commercial

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via (2) two-way entrance & drive aisles from the future extension of Butcher Road (*per the City of Waxahachie Thoroughfare Plan*).

Site Image:



PLANNING ANALYSIS**Purpose of Request:**

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

Proposed Use:

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

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

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

STAFF CONCERNS**Noise**

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. The proposed development shall meet the minimum requirements of the EPA (Environmental Protection Agency) regarding air flow and noise level.
 2. The property shall be platted prior to any development on the site.
 3. If approved, a detailed Site Plan shall be reviewed administratively by staff.

ATTACHED EXHIBITS

1. Ordinance
2. Operational Plan

3. Location Exhibit
4. Site Layout Plan
5. Concept Elevation Plan
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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1) TO ALLOW AN INDOOR FIREARMS TRAINING FACILITY (SUMMIT AT BREEZY ACRES), LOCATED AT THE NORTHWEST QUADRANT OF BUTCHER ROAD AND WEST OF IH-35S, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.3 ACRES, KNOWN AS PROPERTY ID 191034, BEING ABSTRACT 1000 OF THE J SHAVER SURVEY AND ABSTRACT 1003 OF THE PB STOUT 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-199-2021. 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 LI1 and FD to PD-LI1, 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 LI1 and FD to PD-LI1, with Concept Plan in order to facilitate development of the subject property in a manner that allows an Indoor Firearms Training Facility (Summit at Breezy Acres) on the following property: Property ID 191034, being Abstract 1000 of the J Shaver Survey and Abstract 1003 of the PB Stout Survey, which is shown on Exhibit A, Site Layout Plan shown as Exhibit B, Concept Elevation Plan shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create an Indoor Firearms Training Facility (Summit at Breezy Acres), and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

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

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-199-2021.
2. The proposed development shall meet the minimum requirements of the EPA (Environmental Protection Agency) regarding air flow and noise level.
3. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit C).
4. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
5. The property shall be platted prior to any development on the site.
6. 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 – Site Layout Plan, Exhibit C – Concept Elevation Plan, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, in this ordinance, or Development Agreement, the regulations of Light Industrial-I zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
7. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
8. 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 20th day of December, 2021.

MAYOR

ATTEST:

City Secretary

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

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

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

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

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

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

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

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

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

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

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

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

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

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

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

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

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

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

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

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

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

The Summit at Breezy Acres, LLC
Operational Plan Overview
Continued

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

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

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

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

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

Exhibit B - Site Layout Plan



VICINITY MAP

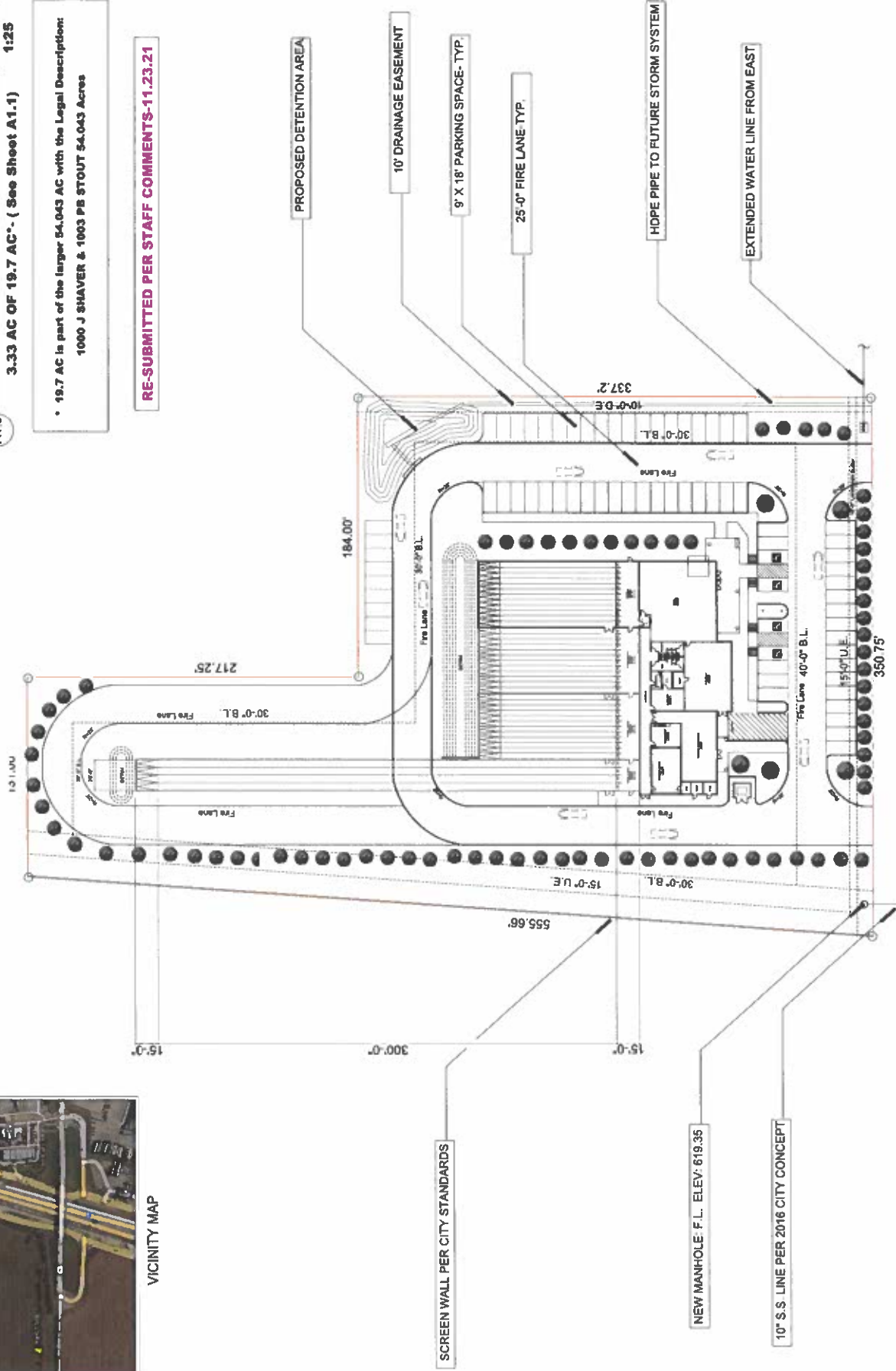
Conceptual Site Plan

3.33 AC OF 19.7 AC* - (See Shoot A1.1)

1:25

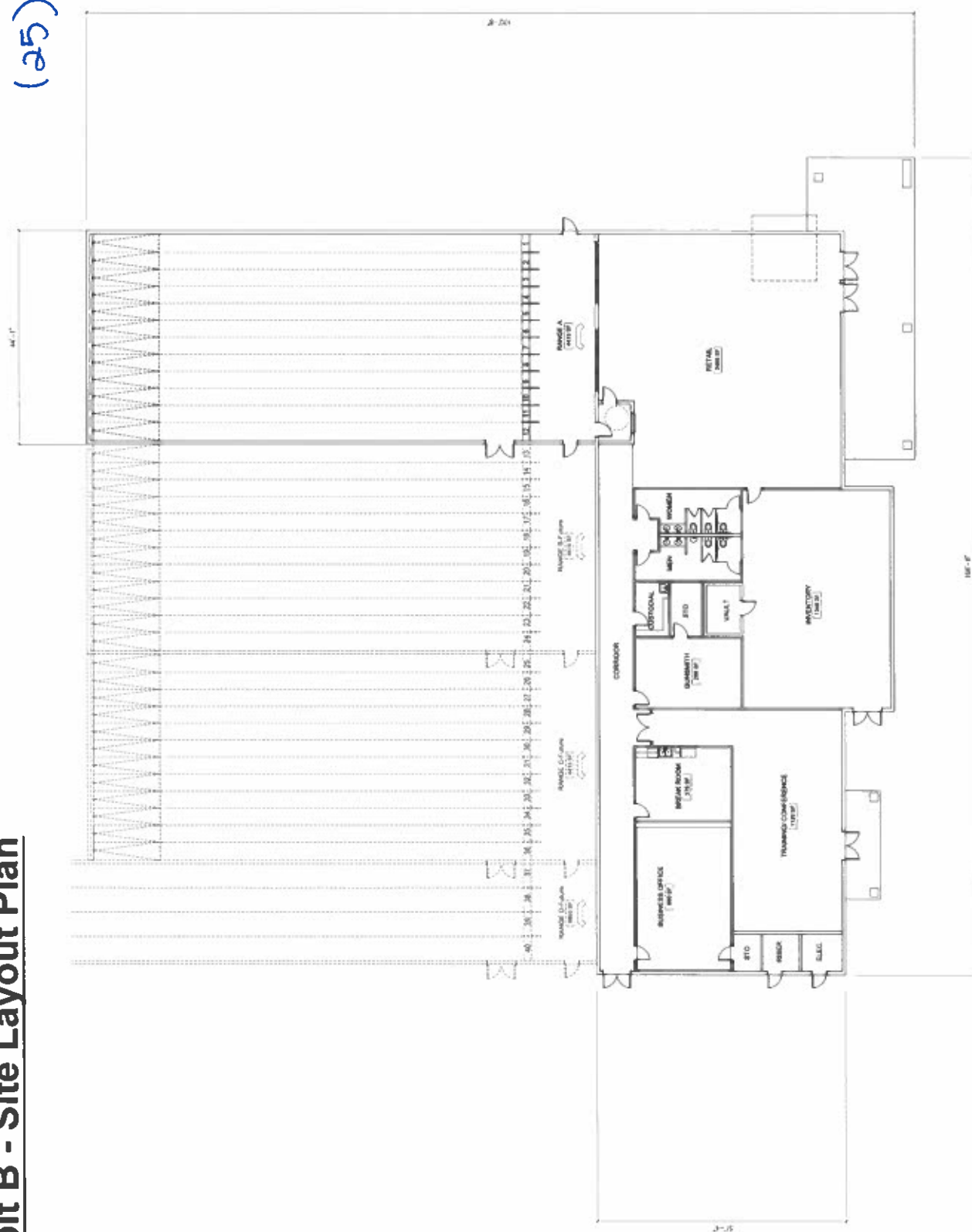
- * 49.7 AC is part of the larger 54.043 AC with the Legal Description:
1000 J SHAVER & 1003 PB STOUT 54.043 Acres

RE-SUBMITTED PER STAFF COMMENTS-11.23.21



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

(5)



Ground Floor Building Plan

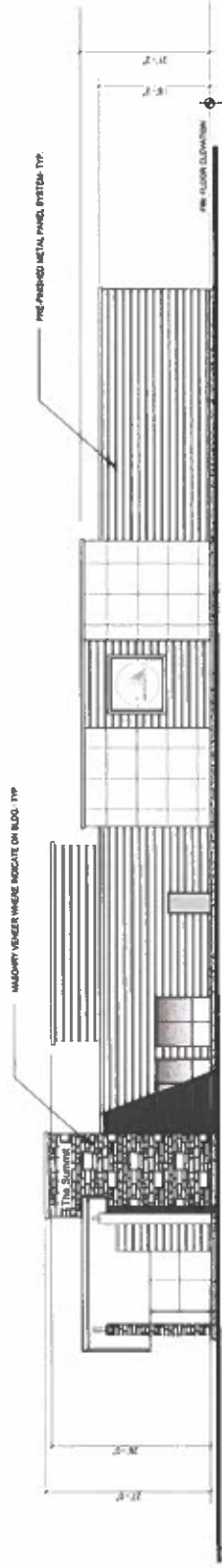
A2.0

13,580 SF

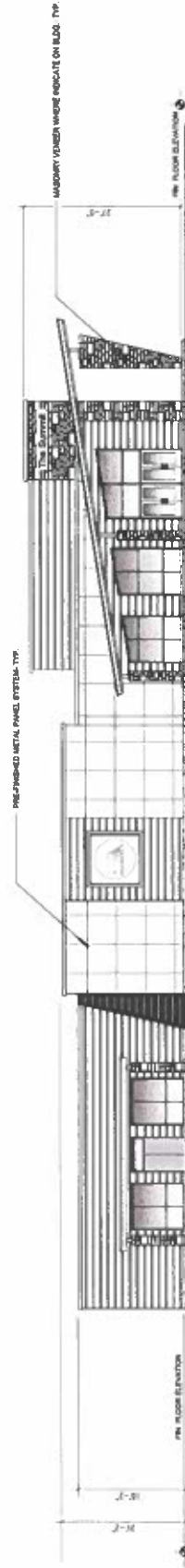
$$1.08^{\circ} = 47.0^{\circ}$$

Exhibit C - Concept Elevation Plan

(25)



EAST ELEVATION



SOUTH ELEVATION

Exterior Elevations

PD EXHIBIT A-11.5.21

A3.1

1/8" = 1'-0"

The Summit at Breezy Acres, LLC
Waxahachie, Texas

03/06/21



300 East Main Street, Suite 100
Waxahachie, Texas 76093
972.262.2269

Designed by: A. Smith, AIA

Drawn by: M. Smith

Checked by: A. Smith, AIA

D.A. by: A. Smith, AIA

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For more information, please contact M Studio.

10/10/21

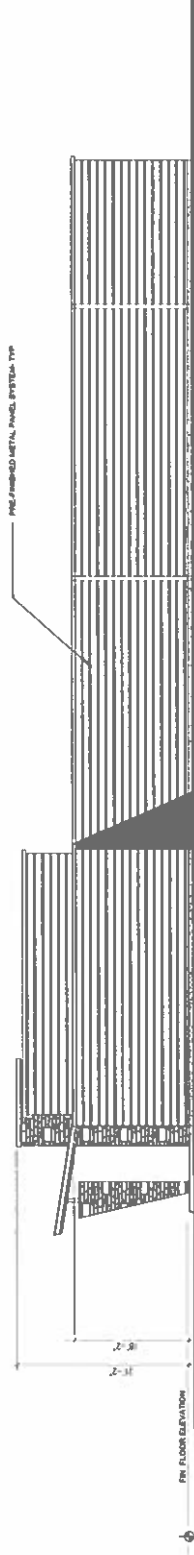
www.mystudioblog.com



Project No. 2100000000
Project Name: The Summit
Date: 10/10/21
A3.1

(25)

Exhibit C - Concept Elevation Plan



NORTH ELEVATION



WEST ELEVATION

PD EXHIBIT D-11.5.21

Exterior Elevations

A3.0

1/8" = 1'-0"

The Summit at Breezy Acres, LLC
Waxahachie, Texas

03/20/2021



100 East Main Street
Waxahachie, TX 75165
972.852.2288

Designed by: A. Smith, AIA

Drawn by: J. Smith, AIA

Checked by: A. Smith, AIA

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

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This drawing is the property of MODA A, Inc.

It is to be used only for the project and site identified on this drawing.

Revised: 03/20/2021

www.modaarchitects.com



Project: Waxahachie
Project: 03/20/2021
Date: 03/20/21
Sheet: A3.0

Exhibit C - Concept Elevation Plan



Exhibit D - Staff Report

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-199-2021

(25)



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-199-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

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

Property Owner(s): Przybylski Family Revocable Living Trust

Site Acreage: 3.3 acres

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

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

SUBJECT PROPERTY

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

Parcel ID Number(s): 191034

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

Development History: N/A

Exhibit D - Staff Report

(25)

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan: Highway Commercial

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

Thoroughfare Plan: The subject property is accessible via (2) two-way entrance & drive aisles from the future extension of Butcher Road (*per the City of Waxahachie Thoroughfare Plan*).

Site Image:



Exhibit D - Staff Report

(25)

PLANNING ANALYSIS

Purpose of Request:

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

Proposed Use:

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

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

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

STAFF CONCERNS

Noise

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

PUBLIC NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. The proposed development shall meet the minimum requirements of the EPA (Environmental Protection Agency) regarding air flow and noise level.
 2. The property shall be platted prior to any development on the site.
 3. If approved, a detailed Site Plan shall be reviewed administratively by staff.

ATTACHED EXHIBITS

1. Ordinance
2. Operational Plan

Exhibit D - Staff Report

(25)

3. Location Exhibit
4. Site Layout Plan
5. Concept Elevation Plan
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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-189-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 4-3 to recommend denial of case number ZDC-189-2021.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Mark Stacy, MV-1005 LLC.

Property Owner(s): SB Connection LLC

Site Acreage: 1.156 acres

Current Zoning: North Grove Planned Development District

Requested Zoning: North Grove Planned Development District with SUP

SUBJECT PROPERTY

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

Parcel ID Number(s): 283986

Existing Use: Undeveloped

Development History: N/A

(26)

Table 1: Adjoining Zoning and Uses

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

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:



PLANNING ANALYSIS

(26)

Purpose of Request:

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

Proposed Use:

Operation

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

Table 2: Proposed Development Standards (General Retail)

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

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

Landscaping

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

Table 3: Landscape Requirements

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

Building Design/Facade

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

STAFF CONCERNS

Use of Property/Neighbor Opposition

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

(216)

the best use of the property. In addition, staff has received 6 letters of opposition from surrounding neighbors for the proposed development.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **24** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200ft. Notification: Staff received one (1) letter of support and three (3) letters of opposition for the proposed development.

Outside 200ft. Notification: Staff received four (4) letters of opposition for the proposed development.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

APN#	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
224182	ESTES WILLIAM & SALLY R (NM) TRUST WILLIAM & SALLY R ES CO TRUSTEES	2.1807	029 11LEVY 2 1807 ACRES	1802 YALPON VALLEY RD	AUSTIN	TX	78748	1801 YALPON VALLEY RD AUSTIN TX 78748
237026	ALTUS WAXAHACHE REALTY LP	1.832	LOT 4 BLK A SPRING LAKE DEVELOPMENT 1.832 AC	137 MILLS DR	LUMBERTON	TX	77053	137 MILLS DR LUMBERTON TX 77053
202125	MOORE INTERESTS LTD	2.842	1000 HS HANGE 2 842 ACRES	2111 N COLLINS ST STE 323	ARLINGTON	TX	76011	2111 N COLLINS ST STE 323 ARLINGTON TX 76011
202126	MOORE INTERESTS LTD	3.91	1000 HS HANGE 3 91 ACRES	2111 N COLLINS ST STE 323	ARLINGTON	TX	76011	2111 N COLLINS ST STE 323 ARLINGTON TX 76011
202134	JFO THE OASIS DEVELOPMENT LLC	23.028	1000 HS HANGE 23 028 ACRES	421 CENTURY WAY STE 100	RED OAK	TX	75154	421 CENTURY WAY STE 100 RED OAK TX 75154
262426	COMMUNITY NATIONAL BANK & TRUST OF TEXAS	2.4999	LOT 1R BLK B VICTORY PARK REV 2 4999 AC	321 N 15TH ST PO BOX 624	CORSECANIA	TX	75110	321 N 15TH ST PO BOX 624 CORSECANIA TX 75110
262429	WADLEY STEPHEN R REALTY LLC - SERIES D	0.7319	LOT 1R BLK A VICTORY PARK REV 0.7319 AC	111 LORENE DR	RED OAK	TX	75154	111 LORENE DR RED OAK TX 75154
262430	TRIUMPH SQUARE LLC	1.524	LOT 2R BLK A VICTORY PARK REV 1.524 AC	3225 MCLEOD DR STE 1100	LAS VEGAS	NV	89121	3225 MCLEOD DR STE 1100 LAS VEGAS NV 89121
278553	TEXAS HHI INVESTORS LLC	7.6363	LOT 1 BLK A LEGEND OAKS 7.6363 AC	222 ROBERT ROSE DR	MURFREESBORO	TN	37129	222 ROBERT ROSE DR MURFREESBORO TN 37129
278519	THOMAS WILLIE L & LUCY THOMAS & S	0.178	LOT 15 BLK 36 THE COVE PH 3 0.178 AC	705 RIVERA DR	WAXAHACHE	TX	75185	705 RIVERA DR WAXAHACHE TX 75185
278519	CHANDLER-DUNN II	0.173	LOT 15 BLK 36 THE COVE PH 3 0.173 AC	1821 RIVERA DR	WAXAHACHE	TX	75185	1821 RIVERA DR WAXAHACHE TX 75185
278521	BREWER THARA	0.188	LOT 17 BLK 36 THE COVE PH 3 0.188 AC	1813 RIVERA DR	WAXAHACHE	TX	75185	1813 RIVERA DR WAXAHACHE TX 75185
278522	OROUILLARD AUDREY DEKLE & MATTHEW J	0.186	LOT 18 BLK 36 THE COVE PH 3 0.186 AC	1808 RIVERA DR	WAXAHACHE	TX	75185	1808 RIVERA DR WAXAHACHE TX 75185
278523	BRYAN KELSEY & DEREK	0.186	LOT 18 BLK 36 THE COVE PH 3 0.186 AC	1805 RIVERA DR	WAXAHACHE	TX	75185	1805 RIVERA DR WAXAHACHE TX 75185
278525	PRODE UNIVEST	0.187	LOT 21 BLK 36 THE COVE PH 3 0.187 AC	1773 RIVERA DR	WAXAHACHE	TX	75185	1773 RIVERA DR WAXAHACHE TX 75185
278526	WAINVILLE ON ADRIAN	0.187	LOT 22 BLK 36 THE COVE PH 3 0.187 AC	1760 RIVERA DR	WAXAHACHE	TX	75185	1760 RIVERA DR WAXAHACHE TX 75185
278534	IRON TX HOME RESIDENTIAL ASSOCIATION INC	0.025	LOT 30X BLK 36 (OPEN SPACE) THE COVE PH 3 0.025 AC	P O BOX 191186	DALLAS	TX	75219	P O BOX 191186 DALLAS TX 75219
278543	ALLEN-ACKER NANCY L & JEFFREY P JONES	0.233	LOT 9 BLK 37 THE COVE PH 3 0.233 AC	1706 RIVERA DR	WAXAHACHE	TX	75185	1706 RIVERA DR WAXAHACHE TX 75185
280885	SB CONNECTION LLC	7.982	1000 HS HANGE 7 982 ACRES	418 N HWY 87	CEDAR HILL	TX	75104	418 N HWY 87 CEDAR HILL TX 75104
285585	MULTIPLE OWNERS	0.167	LOT 20 BLK 36 THE COVE PH 3 0.167 AC	1801 RIVERA DR	WAXAHACHE	TX	75185	1801 RIVERA DR WAXAHACHE TX 75185

(26)



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

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

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

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

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

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

City Reference: 276514

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

☒ SUPPORT

☐ OPPOSE

Comments:

We need a gas station too! :)

Signature

Karlen Kristopher G.
Printed Name and Title

Date

11-27-2021
1850 Riviera Dr. 75165
Address

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

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

(24)

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

City Reference: 276527

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

☐ SUPPORT

☒ OPPOSE

Comments:

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

Joyce A. Brown
Signature

12-1-21
Date

Joyce A. Brown
Printed Name and Title

1705 Riviera Dr.
Address

It is a crime to knowingly submit a false voting 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.



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

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

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

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

Case Number: ZDC-189-2021

City Reference: 223031

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☐ SUPPORT

☒ OPPOSE

Comments:

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

Signature

Printed Name and Title

Date

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.



(24)

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

IRBY CHRISTOPHER R & HALEY R
1817 RIVIERA DR
WAXAHACHIE, TX 75165

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Case Number: ZDC-189-2021

City Reference: 276520

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☐ SUPPORT

☒ OPPOSE

Comments:

Signature

Date

Christopher Irby
Printed Name and Title

12/5/2021
1817 Riviera Drive Waxahachie, TX 7
Address

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

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



(26)

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



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Case Number: ZDC-189-2021

City Reference: 223031

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☐ SUPPORT

☒ OPPOSE

Comments:

There are too many car washes in Waxahachie already. This proposal
brings no benefit to our City.

Edwilio Garcia
Signature

12/7/2021
Date

Edwilio Garcia, Resident
Printed Name and Title

464 Alamosa Dr
Address

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(26)

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



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☐ SUPPORT

☒ OPPOSE

Comments:

Signature

Brent Malcolm

Printed Name and Title

12-9-21

Date

359 Wolf Creek Dr

Address Waxahachie, TX 75165

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Notice of Public Hearing
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☐ SUPPORT

☒ OPPOSE

Comments:

Do not support this zoning


Signature

12/9/21
Date

Brandie Devalon Honegger
Printed Name and Title

1562 Granite Way 75165
Address

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(26)

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



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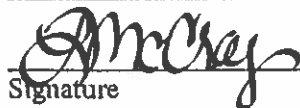
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☐ SUPPORT

☒ OPPOSE

Comments:


Signature

LaHendra McCray
Printed Name and Title

December 9, 2021
Date

484 Alamosa Dr., Waxahachie
Address

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EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (CAR WASH) USE WITHIN THE NORTH GROVE PLANNED DEVELOPMENT DISTRICT (NORTH GROVE PD) ZONING DISTRICT, LOCATED SOUTH OF NORTH GROVE BLVD AND EAST OF HIGHWAY 77, BEING PROPERTY ID 283986, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 1009 OF THE H SANGE 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, the described property is classified in said ordinance and any amendments thereto as PD; 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-189-2021. 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 PD to PD, with an SUP in order to permit a Drive-Through Establishment (Car Wash) use on the following property: Abstract 1009 of the H Sange Survey, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, Elevation/Façade Concept Plan attached as Exhibit D, and the 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 DRIVE-THROUGH ESTABLISHMENT (CAR WASH) USE IN THE NORTH GROVE PLANNED DEVELOPMENT (PD) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-189-2021.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Concept Plan, and Exhibit E – Staff Report.
4. 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.
5. 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 Concept Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.
6. 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. 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.

(21)

PASSED, APPROVED AND ADOPTED on this 20th day of December, 2021.

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

Exhibit B - Site Plan



LEGEND	
	EXISTING LANDSCAPE
	BUFFERYARD
	NEW LANDSCAPE
	NEW CONCRETE

NOTE:

1. ALL PARKING STALLS TO BE 8'0"X18'0"
2. ALL MECHANICAL EQUIPMENT MUST BE SCREENED OF VIEW FROM PUBLIC VIEW

SITE DATA SUMMARY CHART

DESCRIPTION	
LOT AREA	1.156 ACRES (50,355 SQ FT)
BUILDING AREA	6,259 SQUARE FEET
LOT WIDTH	103.06'
LOT DEPTH	312.61'
SETBACK	40'
FRONT	0'
SIDE	0'
REAR	0'
PARKING REQUIRED	3 PARKING SPACES
OCCUPIED AREA (1:150)	206 SQ FT (PARKING)
PARKING PROVIDED	6 PARKING SPACES
ZONING OF PROPERTY	OR
CURRENT LAND USE	UNDEVELOPED
LANDSCAPE AREA REQUIRED	6,259 SQ FT
LANDSCAPE AREA PROVIDED	36,571.11 STORY
PERCENT OF LOT COVERAGE	10.379 SQUARE FEET
PERCENT OF LOT COVERAGE	37%
SQUARE FOOTAGE OF OPEN AREA	31,979 SQUARE FEET
PERCENT OF OPEN AREA	63%

WARD ARCHITECTURE PLLC
10000 W. US HWY 170
SUITE 1000, FARMERS ROAD
FARMERS ROAD, TEXAS 76044
817.381.1000

08-23-2021

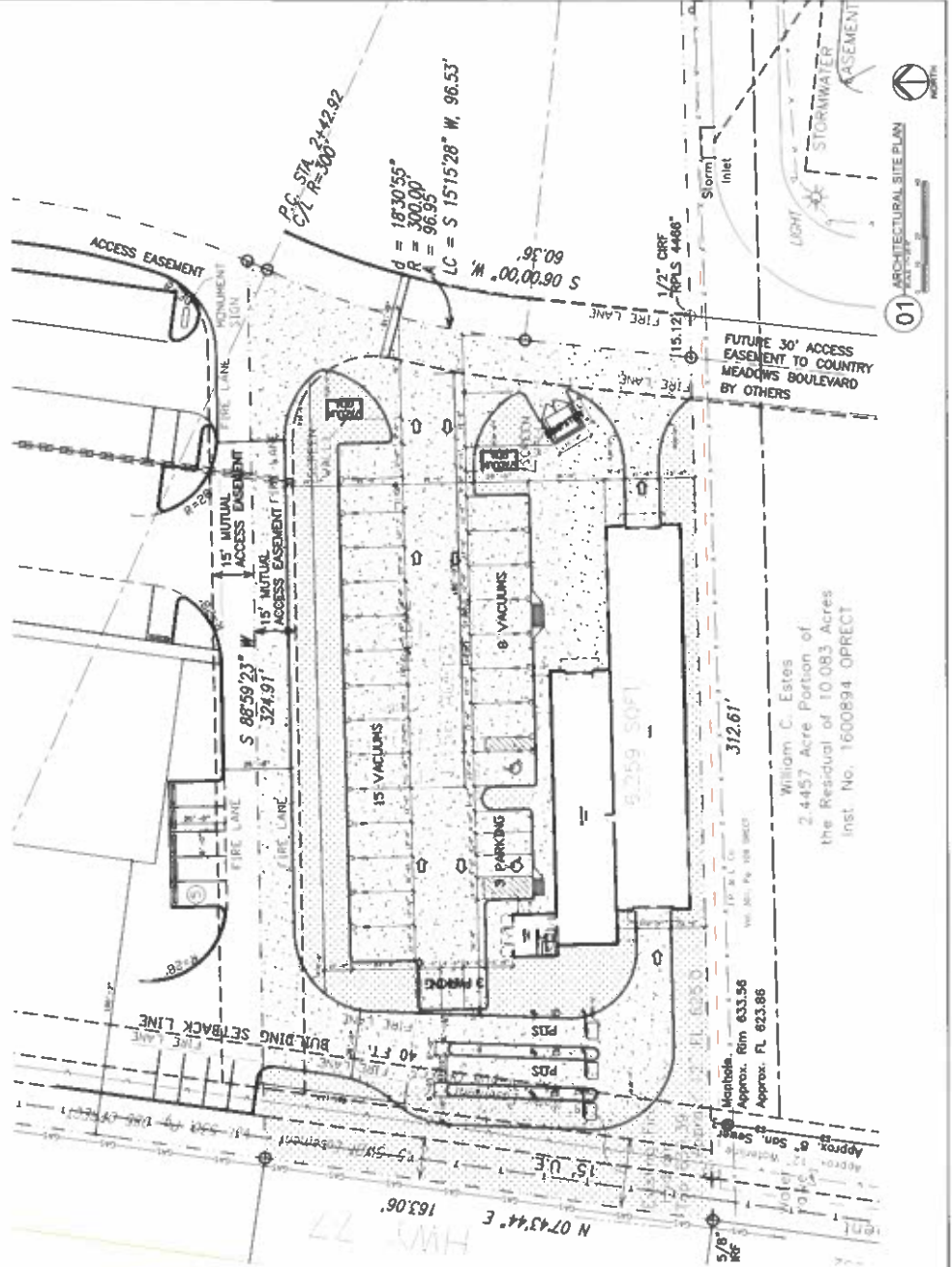
CRASH MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By: [blank]
Checked By: [blank]
Project No: 21-51
Issue Date: 06/23/2021
Revisions: [blank]
No. 1 Date Description

ARCHITECTURAL
SITE PLAN

A2.00

Sheet Number



(27)



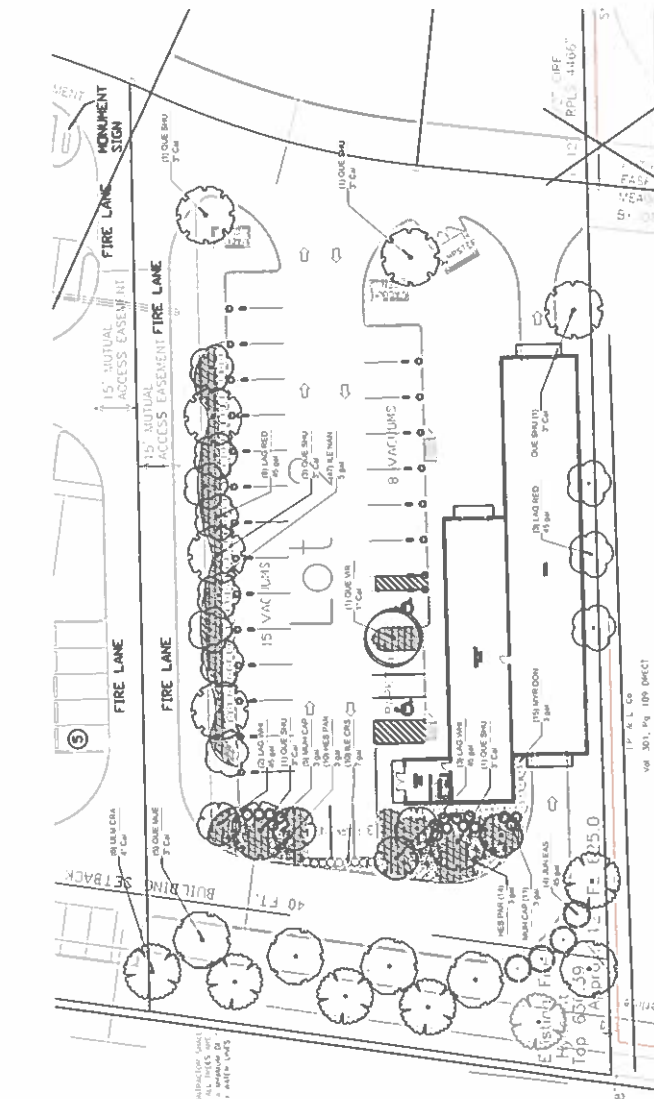
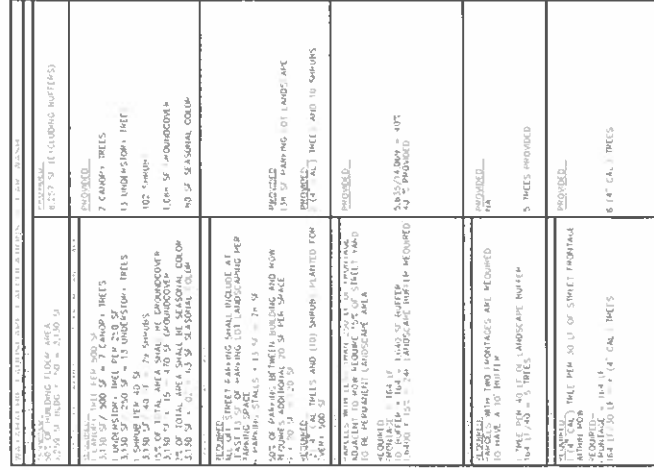
WARD ARCHITECTURE PLLC
5004 THOMPSON TERRACE SUITE 167
COLLE VALLE TEXAS 76004
409.333.7666

[illegible]

CRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By	VP
Checked By	GW
Project No	21-51
Issue Date	08/23/2021

Issued	REVIEW SET
Sheet 1 of 1	

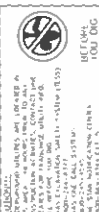
LANDSCAPE
PLAN

PLANT SCHEDULE	IRIGONS	CODE	QTY	IRIGON NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
		AN 6.5	4	Amorpha fruticosa	Eastern Redcedar	45 gal	0' dia 14'	As Shown	Single Blighty Truck
		LAG 5.4	5	Lagerströmia indica - Newer Hybrid	Flowering Crap Myrtle Multi Trunk	45 gal	0' dia 14'	As Shown	3 to 5 stems
		LAG MED 11		Lagerströmia indica - Newer - 1 to 4 stems	Flowering Crap Myrtle Multi Trunk	45 gal	0' dia 14'	As Shown	3 to 5 stems
		QAG 5.6	5	Quercus macrocarpa	Chickasaw Oak	3' Cal	12' Height Min	As Shown	
		QAG 5.4	4	Quercus alba	Shoemaker Oak	3' Cal	12' Height Min	As Shown	
		QAG 5.4	1	Quercus muhlenbergii	Southern Live Oak	1' Cal	12' Height Min	As Shown	
		UAM 6.4	6	Ulmus americana	Cream Elm	4' Cal	12' Height Min	As Shown	
		SOB 24	24	SOB 24	COMMON NAME	3 gal	18"-24"	48" O.C	REMARKS
		HEB 24	24	Hebe	Red Yucca	3 gal	18"-24"	48" O.C	
		ILE 2.5	10	Ilex cornuta	Carolina Cherry-berry	7 gal	24" min	36" O.C	
		ILE 2.4	10	Ilex verticillata	Wintergreen Nanny	5 gal	18"-24"	36" O.C	
		MAH 4.8	48	Malva	Pink Mallow Grass	3 gal	18"-24"	48" O.C	
		MIR 2.0	15	Mirabilis jalapa	Four O'Clock	3 gal	18"-24"	48" O.C	
		SOB 24	24	SOB 24	COMMON NAME	3 gal	18"-24"	48" O.C	
		CYN 2.0	11,482 sf	Cynodon dactylon	Bermuda Grass	Stall Seed			
		HAS 2.0	479	Hesperis matronalis	Winter Night-flowering	4" pots		24" O.C	
		SEA 2.0	150	Sea 2.0	COMMON NAME	4" pots		90" O.C	

PLANTING NOTES:

- [illegible]

NOTE:
NO LANDSCAPE PLANTINGS
WITHIN 18" OF CURBS 36" FROM
EDGE OF PARKING SPACE



tree table

ARE ARE NO CANTING TREES ON THIS SITE
TOTAL SCORES TO BE AWARDED = 0"

Exhibit C - Landscape Plan

(12)

SECTION 02300

TREES, SHRUBS, AND GROUNDCOVERS

PART 1 - GENERAL

1.01 DESCRIPTION OF WORK

A. Scope

1. Bed prep
2. Planting
3. Topsoil
4. Mulching
5. Watering
6. Guarantee

B. Related Work Specified Elsewhere

1. General Requirements - All Sections
2. American Standard of Horticulture
3. Section 02750 - Irrigation
4. Section 02300 - Landscaping

1.02 QUALITY ASSURANCE

A. Contractor Qualifications

1. Minimum of three (3) years experience in projects of similar characteristics and size
2. American Standard of Horticulture
3. Section 02750 - Irrigation
4. Section 02300 - Landscaping

B. Reference Standards

1. American Horticultural Society's National Horticultural Standard
2. American Standard of Horticulture
3. American Standard of Horticulture
4. American Standard of Horticulture

C. Submittals

1. Submittals accepted only upon written approval of Landscape Architect and Owner
2. Submit submittals possessing same characteristics as indicated on plans and specifications

D. Inspection and Testing

1. The project Owner's representative reserves the right to inspect and tag plants at the place of growth with the Contractor
2. Contractor shall place of growth does not include the right to remove plants due to improper spacing or handling
3. Owner's representative reserves the right to request soil samples and analysis of soil and plant material. Remove or correct unacceptable soil. Cost of testing by Contractor

1.03 SUBMITTALS

A. Certificates

1. Submit State and Federal certificates of inspection with invoices (Only if required by Landscape Architect)
2. Submit Certificate of Inspection with Owner's representative approval

1.04 PRODUCT DELIVERY, STORAGE & HANDLING

A. Preparation of Delivery

1. Balled & Burlapped (B&B) Plants
 - a. Dig and prepare for shipment in manner that will not damage roots, branches, shape, and future development
 - b. Ball with firm, natural ball of soil, wrapped tightly with burlap covering entire ball
 - c. Ball size and release conform to American Association of Nurserymen standards unless otherwise shown on plans
2. Plant material to protect against damage & seasonal dormancy
 - a. Securely cover plant tops with ventilated burlap in canvas to minimize wind-whipping and drying in transit
 - b. Pile material to prevent sweating or plastic during delivery
 - c. Careful handling to point of delivery at job site

B. Delivery

1. Deliver fertilizer, fertilizer tablets, pest, match, well address, and amended materials to site in original, unopened containers, bearing manufacturer's name and address, and State law
2. Deliver plants with legible identification and size labels on decalation of leaves
3. Present during delivery to prevent damage to root ball or decalation of leaves
4. Notify Owner's representative of delivery schedule in advance so that plant material may be inspected upon arrival at job site
5. Deliver plants to job site only when areas are prepared

C. Storage

1. Protect roots of plants materials from drying or other possible injury with wetted mulch or other acceptable material
2. Store plants in a cool, shaded area
3. Mulched and potted plant material not to be planted immediately upon delivery

D. Handling

1. Do not drop plants
2. Do not damage ball, trunk, or crown
3. Lift and handle plants from bottom of container or ball

1.05 JOB CONDITIONS

1. Review Season Before actual planting only when weather and soil conditions are suitable in accordance with locally acceptable practices
2. Protection Before excavations are made, take precautionary measures to protect existing trees, shrubs, and other plants
3. Protection Before excavations are made, take precautionary measures to protect existing trees, shrubs, and other plants

1.06 GUARANTEE

1. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
2. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

1.07 GUARANTEE

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3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

1.08 GUARANTEE

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1.09 GUARANTEE

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1.10 GUARANTEE

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1.11 GUARANTEE

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3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

1.12 GUARANTEE

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3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

1.13 GUARANTEE

1. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
2. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

1.14 GUARANTEE

1. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
2. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)
3. Guarantee new plant material for one year after acceptance of final installation (as Final Acceptance of project)

3.05 PLANTING

A. General

1. Set plants 2" above existing grade to allow for settling
2. Remove all planting and construction debris from site, including rocks, trash and all other non-plantable materials
3. Apply soil in accordance with standard industry practice for the region
4. Thoroughly water all plants and mulch in 8" lifts
5. Prepare 3" deep outside root ball after planting
6. Thoroughly water all plants and mulch in 8" lifts
7. Stake trees and large shrubs in accordance with specifications
8. Apply commercially manufactured root stimulator as directed by printed instructions
9. Apply mulch in 8" lifts
10. Apply 2" mulch top dressing
11. Apply 2" mulch top dressing

B. Planting

1. Place in pit of planting mixture that has been hand lamped prior to placing plant
2. Place with burlap against to ground line. Top of ball to be 2" above existing grade
3. Remove burlap at top of ball and lay top of burlap back 8"
4. Do not put anything from under ball, but cut all burlap and
5. Do not plant if ball is cracked or broken before or during planting
6. Backfill with planting mixture in 8" lifts

C. Container Grown Plants

1. Place in pit on planting mixture that has been hand lamped prior to placing plant
2. Cut date on ball with an acceptable can outer, and remove root ball from can

D. Do not injure root ball

1. Carefully remove plants without injury or damage to root balls
2. Backfill with planting mixture in 8" lifts

E. Mulching

1. Cover planting bed evenly with 2" of mulch
2. Water immediately after mulching
3. Mulch must be applied, not additional mulch to region 3" thickness
4. Have down planting area with live spray to wash leaves of plants

F. Pruning

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

G. EDDING

1. Stake edging alignment with string line prior to installation
2. Install edging as that approximately 1" is exposed on top
3. Where edging layout is circular in design, maintain true and constant rate as shown
4. Lay edging on bottom of edging to allow bending without

H. Compacting edging

1. Install edging as that approximately 1" is exposed on top
2. Where edging layout is circular in design, maintain true and constant rate as shown
3. Lay edging on bottom of edging to allow bending without
4. Lay edging on bottom of edging to allow bending without

I. Align edging with architectural features

1. Align edging with architectural features (in pavements, paths, walkways, columns, walls, etc.) when drawings indicate
2. Intersect at points with pre-fabricated connectors
3. Install with all stakes on inside of planting bed
4. Remove, tie off all sharp corners and burrs

J. Remove

1. Remove tie off all sharp corners and burrs
2. Remove tie off all sharp corners and burrs
3. Remove tie off all sharp corners and burrs

3.07 CLEAN-UP

A. Sweep and wash all paved surfaces

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

3.08 MAINTENANCE

1. Contractor responsible for routine and regular maintenance of site until Final Acceptance is awarded by Owner. Work includes:

1. Weeding (weekly)
2. Watering (as required)
3. Spaying
4. Mulching
5. Mowing (weekly)

1. Provide Owner and Landscape Architect with preferred maintenance schedule in writing. Schedule shall include the above-listed tasks and shall address all frequencies, times, levels, etc.



WARD ARCHITECTURE PLLC
1000 W. WALKER BLVD. SUITE 100
DALLAS, TEXAS 75201
417.261.8880



08-23-2021

CRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By	VD	
Checked By	GV	
Project No	21-51	
Issue Date	08/23/2021	
Revisions		
No.	Date	Description



FARM & CUPPETT
LANDSCAPE ARCHITECTS, LLC
1000 W. WALKER BLVD. SUITE 100
DALLAS, TEXAS 75201
417.261.8880

1000 W. WALKER BLVD. SUITE 100
DALLAS, TEXAS 75201
417.261.8880

PLANTING
SPECS

L-3

Sheet Number

Exhibit C - Landscape Plan

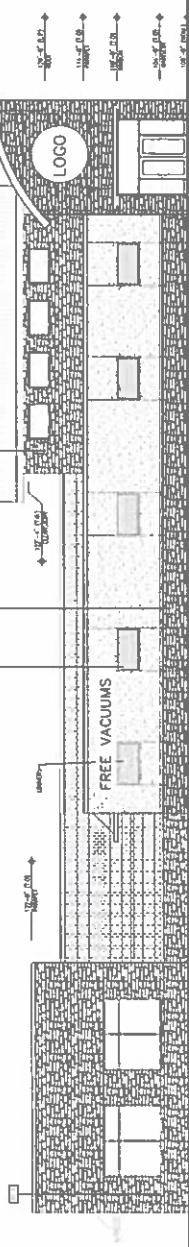
(27)

Exhibit D - Elevation/Facade Plan

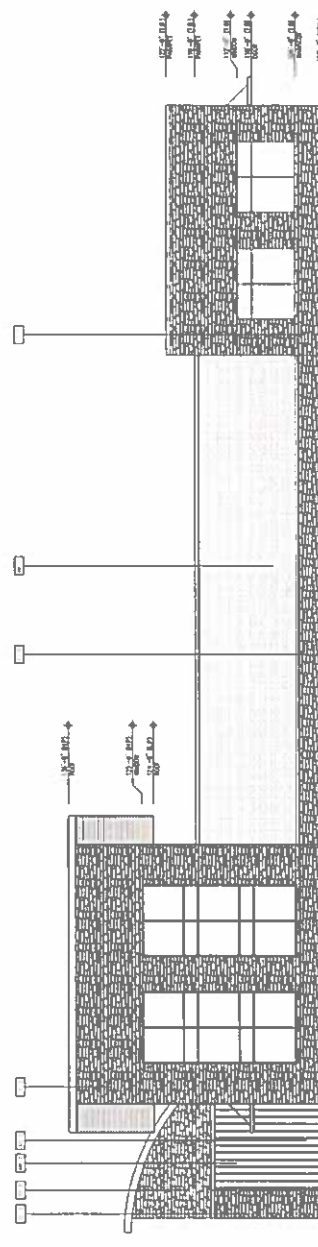
EXTERIOR MATERIAL CALCULATIONS									
FACADE		SOUTH ELEVATION		NORTH ELEVATION		WEST ELEVATION		EAST ELEVATION	
PRIMARY/SECONDARY	SECONDARY FACADE	AREA S.F.	PERC	AREA S.F.	PERC	AREA S.F.	PERC	AREA S.F.	PERC
TOTAL AREA		3,535 SF		3,202 SF		1,612 SF		2,198 SF	
DOORS & WINDOWS		598 SF	17%	202 SF	3%	188 SF	11%	258 SF	12%
NET AREA		2,937 SF	100%	2,985 SF	100%	1,424 SF	100%	1,940 SF	100%
STUCCO		46 SF	2%	80 SF	2%	0 SF	0%	182 SF	9%
BRICK		1,291 SF	44%	827 SF	21%	0 SF	0%	308 SF	15%
STONE		1,407 SF	48%	1,562 SF	52%	1,202 SF	83%	1,472 SF	76%
METAL		195 SF	6%	0 SF	0%	242 SF	17%	0 SF	0%
TOTAL OF ALL ELEVATIONS								10,527 SF	

MATERIAL LEGEND

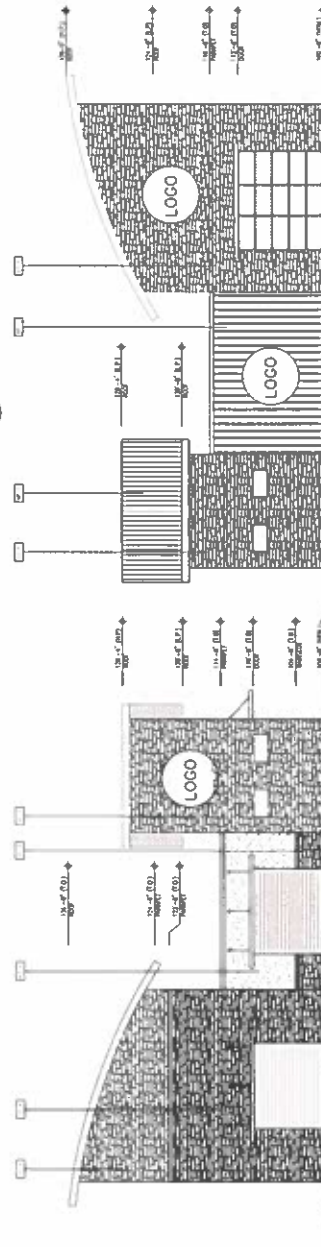
- BA-1 1/2" X 8" WIRECUT BRICK
- COROMADO
- COLOR ICEBURG
- ST-1 8" SPILT LIMESTONE
- COROMADO DESIGNER SERIES
- COLOR BLUMIT GREY
- P-1 DOOR - TO MATCH CAB-1
- KELLY MOORE
- RM 5786 TRANQUIL TAUPE
- MT-1 ROOF
- TBD
- MT-2 ACCENT WOOD FINISH
- TBD



01 NORTH ELEVATION (SIDE)
SCALE 1/8"=1'-0"



02 SOUTH ELEVATION (SIDE)
SCALE 1/8"=1'-0"



03 EAST ELEVATION (EXIT)
SCALE 1/8"=1'-0"

04 WEST ELEVATION (ENTRY)
SCALE 1/8"=1'-0"



WARD ARCHITECTURE PLLC
10000 W. WARD BLVD. SUITE 100
COLLEEN, TX 75940
817.291.6800

CONTRACT REVIEW ONLY
This document is not to be used for construction purposes without a signed contract.
DATE: FEBRUARY 9, 2021

08-23-2021

GRAPE MYRTLE CAR WASH
WAXAHACHIE, TX

Drawn By: [blank]
Checked By: GWD
Project No: 21-511
Issue Date: 08/23/2021
Revisions: [blank]

REVIEW SET
Sheet Title

EXTERIOR
ELEVATIONS

A3.00
Sheet Number

Exhibit E - Staff Report

Planning & Zoning Department Zoning Staff Report

Case: ZDC-189-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 4-3 to recommend denial of case number ZDC-189-2021.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Mark Stacy, MV-1005 LLC.

Property Owner(s): SB Connection LLC

Site Acreage: 1.156 acres

Current Zoning: North Grove Planned Development District

Requested Zoning: North Grove Planned Development District with SUP

SUBJECT PROPERTY

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

Parcel ID Number(s): 283986

Existing Use: Undeveloped

Development History: N/A

Exhibit E - Staff Report

(27)

Table 1: Adjoining Zoning and Uses

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

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N Hwy 77.

Site Image:



Exhibit E - Staff Report

(27)

PLANNING ANALYSIS

Purpose of Request:

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

Proposed Use:

Operation

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

Table 2: Proposed Development Standards (General Retail)

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

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

Landscaping

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

Table 3: Landscape Requirements

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

Building Design/Facade

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

STAFF CONCERNS

Use of Property/Neighbor Opposition

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

Exhibit E - Staff Report

(27)

the best use of the property. In addition, staff has received 6 letters of opposition from surrounding neighbors for the proposed development.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 24 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200ft. Notification: Staff received one (1) letter of support and three (3) letters of opposition for the proposed development.

Outside 200ft. Notification: Staff received four (4) letters of opposition for the proposed development.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR CRAPE MYRTLE EXPRESS CAR WASH
 COUNTY OF ELLIS §

This Development Agreement for Crape Myrtle Express Car Wash ("**Agreement**") is entered into between Crape Myrtle Express Car Wash ("**CME**") and the City of Waxahachie, Texas ("**City**"). CME and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. CME is the owner of approximately 1.156 acres of real property generally located south of North Grove Blvd and east of Highway 77, Parcel Number 283986, in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Planned Development (North Grove Planned Development) to Planned Development (North Grove Planned Development) with Specific Use Permit ("**SUP**") zoning, revising specific development standards. The Property is currently zoned Planned Development (North Grove Planned Development) by the City, and is anticipated to have the SUP reviewed on December 20, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Drive-Through Establishment (Car Wash). 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 CME 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 CME 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 "**Crape Myrtle Express Car Wash SUP Ordinance**"), a copy of which is attached hereto as **Exhibit A** and which contains the negotiated zoning and development standards for Crape Myrtle Express Car Wash.

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

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 Crape Myrtle Express Car Wash 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 shall conform as approved by the City Council under case number ZDC-189-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Facade Concept Plan (Exhibit D).
- (D) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (E) 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.
- (F) 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 Development Agreement, the regulations of the Planned Development (North Grove Planned Development) Zoning District shall apply to this development.

In consideration of CME's agreement in this regard, the City of Waxahachie agrees that CME has reasonable investment-backed expectations in the CME SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Crape Myrtle Express Car Wash SUP Ordinance without impacting CME'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.
- 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 CME 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.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this

Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: Crape Myrtle Express Car Wash (Developer)

By: _____

Date: _____

: SB Connection LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Crape Myrtle Express Car Wash, 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: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-155-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 5-1 to recommend approval of case number ZDC-155-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Michael C. Jackson, Wynn Jackson Development

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

Site Acreage: 341 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development – Light Industrial – 2

SUBJECT PROPERTY

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

Parcel ID Number(s): 284811

Existing Use: Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (ETJ)	Undeveloped Land
East	LI1	Industrial Warehouses
South	Commercial/PD-Commercial	Undeveloped Land
West	SF1/PD-SF3	Undeveloped Land/ Settler's Glen Addition

Future Land Use Plan:

Low Density Residential and Highway Commercial

Comprehensive Plan:

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

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

Thoroughfare Plan:

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

Site Image:

PLANNING ANALYSIS

Purpose of Request:

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

Proposed Use:

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

- **Use/Definition**

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

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

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

- **Parking**

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

- **Landscape**

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

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

Planned Development Notes

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

STAFF ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **44** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200 ft. Notification Buffer: Staff received eleven (11) letters of opposition for the proposed development.

Outside 200 ft. Notification Buffer: Staff received thirteen (13) letters of opposition for the proposed development.

RECOMMENDATION

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

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

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

ATTACHED EXHIBITS

1. PON Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Concept Plan
5. Landscape Concept Plan
6. Elevation/Façade Concept Plan
7. 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

Planning Manager

ccollins@waxahachie.com

Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

(29)

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
1400M J & G CONCRETE OPERATIONS LLC		70.73	1000 MC KIMNEY & WILLIAMS J SHAWER 20 ACRES	211 E 7TH ST STE 220	AUSTIN	TX		211 E 7TH ST STE 220 AUSTIN TX 78701
162286 ALLEN ANN ETAL		194.61	297 WM DOWNING 194.61 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
182307 ALLEN ANN ETAL		2	297 WM DOWNING 2 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
182300 THE GROVE PARTNERSHIP		1.18	297 WM DOWNING 1.18 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
182301 THE GROVE PARTNERSHIP		123.73	297 WM DOWNING 123.73 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
182302 ALLEN ANN ETAL		133.23	688 WM B MILLER 133.23 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
187962 GRAVENS BRYAN K		2.11	688 WM B MILLER 2.11 ACRES	1851 PATRICK RD	WAXAHACHIE	TX	75167	1851 PATRICK RD WAXAHACHIE TX 75167
188446 PITTS JAMES R TRUSTEE		131.18	789 EC NEWTON & 1000 J SHAWER 131.18 ACRES	2814 PARK BRIDGE CT	DALLAS	TX	75219	2814 PARK BRIDGE CT DALLAS TX 75219
189168 BAYVIEW REALTY GABLE SYSTEM COS BRYAN TAYLOR S VC		50.791	331 WM DANK WA 50.791 ACRES	301 N WASHINGTON AVE	DALLAS	TX	75248	301 N WASHINGTON AVE DALLAS TX 75248
192518 OWENS CORNING INSULATING SYSTEMS LLC		101.865	1158 W WELCH 103.8 A & MGR CO 1158 W WELCH 101.865 ACRES	1 OWENS CORNING PRIVY	TOLEDO	OH	43659	1 OWENS CORNING PRIVY TOLEDO OH 43659
194179 ALLEN ANN ETAL		102.4	688 WM B MILLER 102.4 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
194179 GRAVENS SUSAN A		3.91	688 WM B MILLER 3.91 ACRES	1851 PATRICK RD	WAXAHACHIE	TX	75167	1851 PATRICK RD WAXAHACHIE TX 75167
196010 ALLEN ANN ETAL		127.297	797 WM DOWNING 127 ACRES	PO BOX 525	WAXAHACHIE	TX	75168	PO BOX 525 WAXAHACHIE TX 75168
205666 TRUILL DELFINA ETAL		9.58	LOT 11 WEST STERNETT ESTS 9.58 AC	2500 SOLON RD	WAXAHACHIE	TX	75167	2500 SOLON RD WAXAHACHIE TX 75167
205668 WELCH REBECCA		9.26	18 WEST STERNETT ESTS 9.26 ACRES	2500 SOLON RD	WAXAHACHIE	TX	75167	2500 SOLON RD WAXAHACHIE TX 75167
232295 SETTLERS GLEN LTD		7.189	835 WM PINE 7.189 ACRES	1617 AMBROCREEK TRL	MANFIELD	TX	76803	1617 AMBROCREEK TRL MANFIELD TX 76803
254432 AUSTIN INTERNATIONAL VENTURES INC & AUSTIN INDUSTRIES INC		22.586	LOT 1 BLK A AUSTIN INDUSTRIAL PARK 22.586 AC	3325 TRANS ST STE 300	DALLAS	TX	75204	3325 TRANS ST STE 300 DALLAS TX 75204
260118 AUSTIN INTERNATIONAL VENTURES INC & AUSTIN INDUSTRIES INC		1.14	LOT 1 BLK A AUSTIN INDUSTRIAL PARK 1.14 AC	184 COLTER DR	WAXAHACHIE	TX	75167	184 COLTER DR WAXAHACHIE TX 75167
260119 POWELL KETHA & GONZALEZ		0.156	LOT 69 BLK A SETTLERS GLEN ADDN PH 4 0.156 AC	184 COLTER DR	WAXAHACHIE	TX	75167	184 COLTER DR WAXAHACHIE TX 75167
260187 RILEY STEFANIE & PHILIP H		0.169	LOT 15 BLK 7 SETTLERS GLEN ADDN PH 4 0.169 AC	251 DAKOTA DR	WAXAHACHIE	TX	75167	251 DAKOTA DR WAXAHACHIE TX 75167
260188 MARTINEZ ANGEL & SUZANNE		0.143	LOT 1 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260189 MARINET OMAR & CHRISTINA		0.143	LOT 2 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260190 BROWN EVERON		0.143	LOT 3 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260191 BROWN EVERON		0.143	LOT 4 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260192 BROWN EVERON		0.143	LOT 5 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260193 BROWN EVERON		0.143	LOT 6 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260194 BROWN EVERON		0.143	LOT 7 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260195 BROWN EVERON		0.143	LOT 8 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260196 BROWN EVERON		0.143	LOT 9 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260197 BROWN EVERON		0.143	LOT 10 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260198 BROWN EVERON		0.143	LOT 11 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260199 BROWN EVERON		0.143	LOT 12 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260200 BROWN EVERON		0.143	LOT 13 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260201 BROWN EVERON		0.143	LOT 14 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260202 BROWN EVERON		0.143	LOT 15 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260203 BROWN EVERON		0.143	LOT 16 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260204 BROWN EVERON		0.143	LOT 17 BLK U SETTLERS GLEN ADDN PH 4 0.143 AC	218 COLTER DR	WAXAHACHIE	TX	75167	218 COLTER DR WAXAHACHIE TX 75167
260205 CITY OF WAXAHACHIE ATTN FINANCE DEPARTMENT		5.684	LOT COMMON AREA-PARK SETTLERS GLEN ADDN PH 4 5.684 AC	401 S ROGERS	WAXAHACHIE	TX	75165	401 S ROGERS WAXAHACHIE TX 75165
278123 SANDSTONE 83 PARTNERS LTD		83.16	835 WM PINE 83.16 ACRES	5500 THUNDER PRIVY STE 250	PLANO	TX	75024	5500 THUNDER PRIVY STE 250 PLANO TX 75024
284811 NEED LAND MANAGEMENT LTD		575.97	297 WM DOWNING 689 WM B MILLER 835 WM PINE 1000 J SHAWER 575.97 ACRES	4125 THUNDER PRIVY	DALLAS	TX	75206	4125 THUNDER PRIVY DALLAS TX 75206



(29)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**

TEDESCO JOSEPH & MELINDA
194 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: **ZDC-155-2021**

City Reference: 269200


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

Roads will not support industrial use in a residential area.


Signature

10-8-21

Date

Joseph Tedesco homeowner
Printed Name and Title

194 Colter Dr 75167
Address

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

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

(29)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**

THOMAS ASHLEE M & TIMOTHY GARETT
212 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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Case Number: **ZDC-155-2021**

City Reference: 269191

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Patrick Rd unable to support. Not enough access
Roads to 287/Ovilla Rd.

Thomas Ashlee M / Garrett Thomas
Signature

12 OCT 2021
Date

Ashlee Thomas / Garrett Thomas
Printed Name and Title

212 Colter dr. Waxahachie, TX
Address 75167

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

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



(29)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021



TAIBI CAROLINA M & JORDAN A TAIBI
192 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-155-2021

City Reference: 269201

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Carolina Taibi
Signature

Carolina Taibi - Home owner
Printed Name and Title

10/13/2021
Date

192 Colter Dr, Waxahachie Tx 75167
Address

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

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



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

(29)

OVALLE ALFREDO
611 W 1ST ST
FERRIS, TX 75125

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-155-2021

City Reference: 205895

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

I oppose a building of that size and purpose for that general area,
that is not what is needed there and if they would recommend residential
communities


Signature

469-530-8143

Printed Name and Title

10/26/21

Date

2610 solon rd Wax.

Address

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

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



(29)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**



AUSTIN INTERNATIONAL VENTURES INC & AUSTIN INDUSTRIES INC
3535 TRAVIS ST STE 300
DALLAS, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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Case Number: **ZDC-155-2021**

City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Signature Chris Wong

Date 10/28/2021

Printed Name and Title Chris Wong, Asst. Secretary

Address P.O. Box 1590, Dallas, TX 75221

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.

(29)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**

HAWKINS THOMAS M & JANA L
208 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-155-2021**

City Reference: 269193

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

We will attend both meetings + would like to outline my
opposition + offer ideas to improve this Development to help
Sitting Glen
Thomas Michael Hawkins Jane L. Hawkins 10/15/2021

Signature

Date

Thomas Michael Hawkins JANA L. HAWKINS 208 Colter Dr Waxahachie TX
Printed Name and Title Address 75167

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

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

(29)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021



CHILTON MATTHEW R & MONICA
198 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-155-2021

City Reference: 269198

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, October 19, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Agriculture or Residential zones are more appropriate/desirable for our investment and homestead. we would be inclined to leave if approved for industrial use

Monica Chilton
Signature

Monica Chilton
Printed Name and Title

Matthew Chilton

Date

10-15-21
198 Colter Dr. Waxahachie, TX

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.



(29)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-155-2021**



RATTAN JEREMY D & JESSICA N HOLLON
206 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Michael C. Jackson, Wynne Jackson, for **Planned Development (PD)** to allow a **Manufacturing/Distribution** use within a Single Family - 1 Zoning District located on a portion of land east of the intersection of Marshall Road and Patrick Road (Property ID 284811) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

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

Case Number: **ZDC-155-2021**

City Reference: 269194

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 25, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

I purchased this property knowing it was zoned residential behind us, disappointed in the city of Waxahachie for considering this!!

Signature

Jeremy Rattan
Printed Name and Title

Date

10-21-2021
206 Colter Dr.
Address

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

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

(29)

From: Daisygtz13 <daisygtz13@gmail.com>
Sent: Wednesday, December 15, 2021 8:16 AM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Settlers Glen

To whom it may concern,

I, Daisy Gutierrez am a Waxahachie resident at 210 Colter Dr, in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021)

27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.

Daisy Gutierrez

From: Judy Hendrich <jhendrich47@ymail.com>
Sent: Monday, October 25, 2021 11:54 AM
To: Planning@waxahachie.com
Subject: Case Number ZDC-155-202

Bill and Judith Hendrich at 2530 Solon Road

We strongly OPPOSE this request. This area should all remain residential Single Family- 1 Zoning. If this is allowed then in the future I see them wanting to have the remainder of the land parcel annexed into the city and then expand their manufacturing/distribution all the way to the back yards of Big Sky. This would put too much truck traffic or other traffic on Patrick and eventually on Solon. This will kill our value on our home and land. Operations such as this need to be away from residential. The North side of Waxahachie already has enough businesses without encroaching on residential. There is lots of open space away from residential to locate this type of operation.

Signed

Bill and Judith Hendrich
2530 Solon Road
Waxahachie, Texas 75167
Phone Number 469-223-3370

(29)

Case Number: **ZDC-155-2021**

City Reference: 205894

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:


Signature

Socorro Jimenez/owner
Printed Name and Title

10-16-2021
Date

2620 Solon Rd
Address Waxahachie TX 75167

RECEIVED OCT 18 2021

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

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

(29)

[illegible]

(29)

From: David Villarreal <drv808@gmail.com>
Sent: Saturday, October 23, 2021 10:24 PM
To: Planning@waxahachie.com; Melissa Olson
Subject: case # of ZDC-155-2021

Hello,

I reside at 215 Frontier Dr in Settlers Glen neighborhood. I'm strongly against the development of the zoning change to industrial on Patrick Rd behind our neighborhood. This will create a traffic mess and lower our property values. No one in the neighborhood wants to see an eye sore that industrial buildings will create. When we all moved into this neighborhood we were told the surrounding land would stay zoned as residential. Please do not change the zoning from residential to industrial or we may have to take legal action, thank you.

--

David Villarreal, Jr

Home(/news_feed/)

Indian Hills(/neighborhood/?source=more_menu)

Vaccine Map(<https://nextdoorvaccinemap.com/>)

Digest(/digest?s=settings)

City of Waxahachie
Planning/Zoning
401 So Rogers
Waxahachie, TX 75165

Janae Hawkins (/profile/8892938/?is=detail_commenter) • 3 days ago
Settlers Glen (/neighborhood/settlersglen--Waxahachie-TX/?source=neighborhood_name) • 3 days ago
(/p/dXqyQ-H_fWMr?view=detail)

New (/treat_map/?is=nav_bar)
Zoning Change Request from Single Family!!
Zoning Change request!!!

We got letter in mail that the large corn field behind Colter from thru road past Marshall all the way up Patrick the city wants to turn into a huge manufacturing distribution center! It is zoned residential now but our property values will really be affected with this change from residential to manufacturing and distribution! We need the whole neighborhood to fight this monstrosity!

Case Number: ZDC-155-2021

Posted in General to Anyone

12 Neighbors

17 Comments

Like Comment Share Repost

Jennifer Chelwick (/profile/3809523/?is=detail_commenter) • 3 days ago

Arbor at Willow Grove
(/neighborhood/arboratwillowgrove--Waxahachie-TX/?source=neighborhood_name)

Look up the ZDC and see what is being planned.
Add a comment...

3 days ago Like Reply Share

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-155-2021

HAWKINS THOMAS M & JANA E L
204 COLTER DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- Request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) to allow a Manufacturing/Distribution use within a Single Family - 1 Zoning District located at 716 Dunaway Street (Property ID 284811) - OWNER: REED LAND MANAGEMENT (ZDC-155-2021)

You received this notice because your property is within the area of notification as required by law. Any 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) 309-4790 or via email: Planning@Waxahachie.com for additional information on this request.

ZDC-155-2021

Case Number: ZDC-155-2021 City Reference: 269193

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 26, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments: ☐ SUPPORT ☒ OPPOSE

Though my neighborhood is not directly affected, but all North Waxahachie is affected.

JoAnn Ranton
Date: 10-14-21
Address: 121 Redman Ln
Waxahachie, TX 75165

Printed Name and Title

It is a crime to knowingly submit a false voting reply form. (Texas Penal Code 36.03)
If you are not the submitter at the top of this form, you should not fill it out.

All Groups(/groups/?is=nav_menu)

All Topics(/channels/?is=nav_menu)

Neighbors(/directory/)

RECEIVED OCT 18 2021

(29)

From: Kristin Lennon (Credit Admin 16) <kristin.lennon@prosperitybankusa.com>
Sent: Tuesday, November 2, 2021 9:24 AM
To: Planning@waxahachie.com
Subject: Case Number ZDC-155-2021 - (OPPOSE)

To whom it may concern,

I am requesting your help and action regarding the ZDC-155-2021. I am a resident of Settlers Glen in the City of Waxahachie.

I STRONGLY oppose the rezoning of 500+ acres from residential to commercial so that a warehouse campus can be constructed. Every person who purchased a home in Settlers Glen was made aware that the surrounding land was zoned for RESIDENTIAL. I was not prepared to live next to a warehouse "campus" that will run 24/7. I have been paying taxes for the 4 years in Waxahachie and I think its terrible that you would risk the safety of our neighborhood by wanting to build this. Not only will this slash our property values, we would have to worry about crime with the amount of people coming in and out of that warehouse. Our neighborhood would no longer be quiet peaceful with the truck volume that would come from this warehouse. This would wreak havoc on our traffic coming in and around our neighborhood. As the city stated before, there are no plans in the next 5 years to widen or in any way improve Patrick Rd. If you widen the roads coming from 35, people will start cutting through Marshall road from Ovilla Rd. and make our traffic even worse.

I specifically moved to this neighborhood because of the location. Its surrounded by land and very quiet. I wouldn't mind additional homes because I knew that was an option from day 1. The Walgreens distributions center is far enough away to where most of us don't notice it, and we all knew it was there. Now you want to block us in almost entirely by warehouses? I have gone out and spoken to many of my neighbors and cannot find a single resident who would be okay with living next to a warehouse campus.

I am asking the city to please keep this land zoned for residential use only.

I appreciate your consideration as a resident of Waxahachie as you consider the future and growth of our fine city.

Sincerely,
On Behalf of multiple Settlers Glen residents

Kristin Lennon

Kristin Lennon

Kristin.Lennon@prosperitybankusa.com

This transmission may contain information that is privileged, confidential and or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error,

(29)

please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

(29)

From: Aaron Griswold <aaron.griswold83@yahoo.com>
Sent: Thursday, November 4, 2021 9:14 AM
To: Planning@waxahachie.com
Cc: Melissa Olson; Travis Smith
Subject: ZDC-155-2021

I oppose any action that approves this industrial zoning by my neighborhood Settlers Glenn. Please vote no and keep our area quiet and residential. Patrick road needs to be improved, widened with a turn lane and sidewalks before anything else. Please handle roads and infrastructure before building industrial areas in our neighborhood.

James A Griswold
236 Old Settlers Trail
Waxahachie, TX 75167

Sent from my iPhone

(29)

From: Carolyn Cox <carbobcox@gmail.com>
Sent: Thursday, November 4, 2021 9:48 AM
To: Planning@waxahachie.com
Subject: ZDC-155-2021

I am asking you to vote NO to action ZDC-155-2021. We purchased in Settlers Glenn because of the neighborhood atmosphere and a good retirement area. There are a number of retirement age people that live here. I did not anticipate an increase in trucks and noise when we purchased our forever home here. If the counsel changes this area from residential to industrial, I will be unable to trust this counsel in future decisions.

Thank you for considering our concerns.

Carolyn Cox

Sent from my iPhone

(29)

From: Andrew S. Pratz <aspratz@icloud.com>
Sent: Tuesday, December 14, 2021 2:14 PM
To: Planning@waxahachie.com
Cc: Barnes, Doug; billie.wallace@waxhachie.com; David Hill; travish.smith@waxhachie.com; molson@waxhachie.com
Subject: Patrick Road Zoning Change across from Settlers Glen

To whom it may concern,

I live in Settlers Glen on Dakota Drive and I am strongly opposed to the proposed zoning change on Patrick Road which will allow an industrial complex with manufacturing. Regardless of the concessions the developer has agreed to make, though I do appreciate them, I feel like these will not truly make a difference. They are just appeasement measures that will not in actuality mitigate the impact of having such a complex next door to our neighborhood. With an entrance of any sort off of Patrick Road, there will be no enforceable way to keep semi trucks off of Patrick Road unless PD maintains a consistent presence to issue citations, or there is a controlled access gate. Drivers coming from 287 or northbound 35 who do not want to travel far enough north to turn around will take Patrick Road instead. If their GPS says to take Patrick Road, they will most likely follow that route, especially if they do not know any better. And many will take Patrick Road simply because they can, they want to, it is more convenient, or they do not know any better. Some may also cut through Settlers Glen as a more convienie way to 287 or Ovilla Road.

This complex will also produce noise, hazards, traffic, and safety issues that I believe no person would want by their home. These large complexes have a tendency to attract homeless, vagrants, and other unsavory characters to their large and open parking, and surrounding areas that do not have regular consumer and/or commuter traffic. On top of those reasons listed, a complex such as this will be both a visual and audible blight for the neighborhood and for the area of the 35 corridor that serves as many peoples gateway to our beautiful city of Waxahachie.

I realize the proposed complex represents a significant potential tax revenue for the city if all is as the developers promise, however I would urge the Planning and Zoning Committee, the Mayor, and all our representatives of the city council to vote against this zoning change, and to try to find a more appropriate place for such a complex away from residential neighborhoods.

Please, as a concerned citizen of Waxahachie, and a resident of Settlers Glen, please vote against the zoning change by my home and my neighborhood.

-Andrew S. Pratz

(29)

From: Caitlin Pratz <cpratz@icloud.com>
Sent: Tuesday, December 14, 2021 4:40 PM
To: Planning@waxahachie.com; Barnes, Doug; Billie Wallace; David Hill; Melissa Olson; Travis Smith
Subject: Zoning change Zdc 155 2021

To whom it may concern,

I, Caitlin Pratz am a Waxahachie resident at 229 Dakota Dr., in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) 27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.
Caitlin Pratz

(29)

From: Hillary Henson <hillary.h.henson@gmail.com>
Sent: Tuesday, December 14, 2021 5:52 PM
To: Billie Wallace; Barnes, Doug; Travis Smith; David Hill; Melissa Olson; Planning@waxahachie.com
Subject: Opposition Letter for Case ZDC-155-2021

To whom it may concern,

We, Jeramya and Hillary Henson, are Waxahachie residents at 1107 Ovilla Road, Waxahachie, TX 75167. We OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021) 27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision directly affects our homes and our families.

Thank you,
Jeramya Henson- (512) 576-0838
Hillary Henson- (254) 247-1586

(29)

From: J.A. Van Eman <javaneman@gmail.com>
Sent: Tuesday, December 14, 2021 9:07 PM
To: Planning@waxahachie.com; Barnes, Doug; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Zoning Change No. ZDC-155-2021

To whom it may concern,

I, Janet Van Eman am a Waxahachie resident at 218 Old Spanish Trl Waxahachie TX, in Settler's Glen. I **OPPOSE** the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021) 27.

Please vote **AGAINST** the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.
Janet Van Eman
214 500 9940

(29)

From: Hari Vennelakanti <hvennela2007@gmail.com>
Sent: Wednesday, December 15, 2021 7:09 AM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Zoning Change / Settlers Glen

I, Hari Vennelakanti am a Waxahachie resident at 105 Old Spanish trl , in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021)

27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families. We rather see residential development, newer elementary schools, nature trails.

Thank you.

Hari Vennelakanti

--

Two rules for a peaceful life: Depression in failure should never go to heart, and ego in success should never go to the brain- Abdul Kalam

(29)

From: Brandon Runkel <runkel1consulting@gmail.com>
Sent: Wednesday, December 15, 2021 7:13 AM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Vote Against Zoning Change No. ZDC-155-2021

I, Brandon Runkel am a Waxahachie resident at 227 Dakota Dr, in Settlers Glenn. I oppose the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/ Distribution) use within a Single Family - I Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC - 155-2021)

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you

--

Gratefully,

Brandon Runkel
469-223-0744



(29)

From: Terry Harris <sisterry.ahod@gmail.com>
Sent: Wednesday, December 15, 2021 12:24 PM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Notice of Opposition

To whom it may concern,

I/we home owners:

Paul T. Harris Jr. & Terry R Harris am a resident at 233 Old Spanish Trl,
Waxahachie being located in Settler's Glen community.

I/WE OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - I Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021)
27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.
Mr. Paul T. Harris Jr.
Mrs. Terry R Harris
Homeowners

Cc;
Doug.barnes@waxahachie.com
Planning@waxahachie.com molson@waxahachie.com Billie.wallace@waxahachie.com
dhill@waxahachie.com Travis.smith@waxahachie.com

(29)

From: Darek Sanchez <artistdarek@gmail.com>
Sent: Wednesday, December 15, 2021 12:22 PM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: STOP Zoning Change No. ZDC-155-2021

To whom it may concern,

I, Darek Sanchez am a Waxahachie resident at 155 wagon wheel dr, in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021)

27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

As both a concerned citizen and a local homeowner I fear the notion of increased traffic on Patrick Rd. I work up the street at the local car dealership and witness terrible accidents weekly at the intersection of 287byp and Patrick Rd. An increase in industrial traffic would be a huge detriment to both public safety and noise level for the neighborhood.

Settlers Glen is a quiet community and we would like to keep it that way.

Regards,
MA3 EXW Darek A. Sanchez, USN Retired
Waxahachie Autoplex-Senior Sales consultant
817-675-0877

(29)

From: Tom Hamlin <tbhamlin11@gmail.com>
Sent: Wednesday, December 15, 2021 7:26 AM
To: Barnes, Doug
Cc: Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Oppose Industrial Development Patrick Rd.

To whom it may concern,

I, Thomas Hamlin am a Waxahachie resident at 107 Wagon Mound, in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021) 27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.
Tom Hamlin

(29)

From: Brianne Taylor <briannemarr@gmail.com>
Sent: Wednesday, December 15, 2021 11:36 PM
Subject: New Resident in Waxahachie

To whom it may concern,

I, Brianne Brianne Taylor, am a Waxahachie resident at 118 Old Settlers Trail, in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021) 27.

You are not making best use of this property. This land is zoned residential that is why we bought here just last month. We loved the neighborhood and if it zoned for manufacturing it will hurt our community and families. We are seeing big need for homes here as people are moving everyday to Waxahachie. We preferred to keep it residential and mixed with some small shops and maybe some new parks.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.
Brianne Taylor

(29)

Massey, Morgan

From: Melissa Hamlin <valekmelissa@yahoo.com>
Sent: Wednesday, December 15, 2021 2:23 PM
To: Barnes, Doug; Planning@waxahachie.com; Melissa Olson; Billie Wallace; David Hill; Travis Smith
Subject: Zoning Change No. ZDC-155-2021

To whom it may concern,

I, Melissa Hamlin, am a Waxahachie resident at 107 Wagon Mound, in Settler's Glen. I OPPOSE the request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution) use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC- 155-2021) 27.

Please vote AGAINST the recommendation of Zoning Change No. ZDC-155-2021 for the sake of the residents of this community as this decision affects our homes and our families.

Thank you.

Melissa Hamlin

Sent from my iPhone

EXHIBIT A

The Industrial Development PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI2), TO ALLOW A STORAGE WAREHOUSE INDUSTRIAL DEVELOPMENT USE, LOCATED WEST OF SOLON RD. AND EAST OF PATRICK RD., IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 341.02 ACRES KNOWN AS A PORTION OF PROPERTY ID 284811 (the "Property"), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-155-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject Property from SF1 to PD-LI2 with Concept Plan; and

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

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

NOW, THEREFORE, this Property is rezoned from SF1 to PD-LI2 with Concept Plan in order to facilitate development of the subject Property in a manner that allows industrial warehouse manufacturing and distribution uses: a portion of Property ID 284811, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Landscape Concept Plan shown as Exhibit C, Elevation/Façade Concept Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a development that allows industrial warehouse manufacturing and distribution uses, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site/Concept Plan packet (Exhibits B-E).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the Property.
2. City of Waxahachie shall receive right-of-way through the adjacent property (Parcel ID: 192510/ OWENS CORNING INSULATING SYSTEMS LLC)
3. The applicant shall provide enhanced landscaping and vegetation screening to the adjacent Owens Corning property, and the Settlers Glen subdivision as adjacent development occurs.
4. A landscape buffer of a minimum of 100 feet deep shall be constructed along the western boundary of the Property (Patrick Rd.), and south of future Marshall Road, where it is adjacent to the Settler's Glen subdivision.
5. Any exterior facade of a building that faces, or is visible from a public street, shall provide a minimum of 80% masonry.
6. Pending the applicant agreeing to pave and make any necessary improvements to the segments of Marshall Rd., adjacent to sections being developed from Patrick Road to Interstate Highway 35, the City of Waxahachie agrees to waive WJ for impact fees paid at the time of permit for all buildings constructed on the Property, up to the actual cost of the road and infrastructure improvements for all other roads on the City of Waxahachie Capital Improvement Plan and Thoroughfare Plan needed for the proposed development.
7. The development shall conform as approved by the City Council under case number ZDC-155-2021.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan. The distribution of land uses within the Site/Concept Plan shall generally conform to the enclosed concept plan as shown on the attached Exhibit B incorporated herein by reference.
9. All uses permitted in the Light Industrial District-1 (LI-1) and Light Industrial District-2 (LI-2) are allowed on the Property. The uses permitted in the PD are subject to the same requirements applicable to the uses in the LI-1 and LI-2 Districts, as set out in the Waxahachie Zoning Ordinance. For example, a use permitted in the Light Industrial District-1 or Light Industrial District-2 only by Specific Use Permit ("SUP") is permitted in this District only by SUP.

10. Definition of General Warehouse Distribution and Manufacturing Warehouse:

- a. **Definition of General Warehouse Distribution.** General Warehouse Distribution is defined as a building or facility used primarily for the receiving, storage, warehousing, distribution, and shipping of goods or products.
- b. **Definition of Manufacturing Warehouse.** Manufacturing Warehouse is defined as a building or facility used to assemble, produce, fabricate, package, repair, or construct products from raw materials or partially processed materials and for the on-site storage and/or distribution of such items. This may also include: selling items/products direct to consumers and serving as a pick-up/drop-off location, showrooms, and making products on demand.
 - i. General Warehouse Distribution uses shall be only allowed on thirty-three (33) percent of the net useable land as shown on the Concept Plan during the time that is five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).
 - ii. General Warehouse Distribution uses shall be only allowed on sixty-six (66) percent of the net useable land as shown on the Concept Plan during the time that is after the initial five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).

11. Building and area regulations are the same standards as set forth in the LI-1 Zoning District and are as follows, unless noted below:

Building Area Requirements:

Minimum Lot Size: 7,000 SF

Minimum Lot Width: 70 feet.

Minimum Lot Depth: 100 feet.

Minimum Front Yard: 40 feet.

Minimum Side Yard: 30 feet.

Minimum Rear Yard: 30 feet.

Maximum Lot Coverage: 50% for the main structure. 60% for all structures and accessory buildings

Maximum Height: 60 feet maximum

12. Parking:

- a. Shall be the lesser of the following:
 - i. One (1) space for each three hundred (300) square feet of office/display area plus one (1) space for each one thousand (1,000) square feet of warehouse/manufacturing space up to 20,000 sf and one (1) space per 4,000 sf thereafter.
 - ii. Truck court areas may be striped to meet this requirement if necessary.
 - iii. The utilization of shared and/or converted parking is encouraged to reduce impervious coverage.
 - iv. The Planning Director or his/her designee is authorized to permit on a case by case basis a reduction in the required parking based on the actual

demonstrated needs of a specific tenant or user.

- v. Each standard surface parking space shall be the following minimum size: nine (9) feet by eighteen (18) feet.

13. The overnight parking of heavy load vehicle and/or unmounted trailers is permitted in specific areas that will be designated and approved at the reasonable discretion of the Planning Director or his/her designee, if it is associated with tenant(s) or owners(s) of the Property.

14. Landscape Buffer Requirements:

Street trees and buffer planting will be credited against on-site landscaping requirements at the reasonable discretion of the Planning Director or his/her designee.

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

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

Landscape Areas – This PD shall meet the landscaping requirement from Section 5.04 of the zoning ordinance with the following exceptions:

- a. Landscape buffers will be provided as shown in this PD and attached exhibits
- b. A minimum of 10% landscape area shall be provided
- c. Subject to the reasonable approval of the Planning Director or his/her designee, Landscape buffers, parking landscaping, open spaces and detention ponds shall be included in the required landscape area calculations
- d. Landscaping for truck parking shall be subject to the reasonable approval of the Planning Director or his/her designee.

15. Light - To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent residential properties and in accordance with the standards in Article V – Development Standards.

16. Noise - This PD shall meet the noise restrictions from Chapter 20 of the Code of Ordinances.

17. Loading Docks - No loading docks on the portion of the Property adjacent to Patrick Road and south of Marshall Road shall directly face the residential lots of Settler's Glen.

18. Traffic Restrictions – The intent is to limit truck trailer traffic on Patrick Road south of Marshall Road.

- a. City of Waxahachie will provide signage restricting truck trailer traffic usage of Patrick Road.
- b. Project shall have no direct access or curb cuts to Patrick Road, south of Marshall Road, unless required by City ordinance or SUP.

19. Exterior Construction and Building Articulation Requirements:

- a. Any exterior façade of a building that faces, or is visible from, a public street shall consist of not less than eighty (80) percent Masonry Construction (Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.
- b. All other façades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction.
- c. Areas of a façade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as "wall surface" when calculating the Masonry Construction requirement.
- d. Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
- e. Horizontal Articulation. No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to five (5) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plane.
- f. Vertical Articulation. No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of two and one-half (2 ½) percent of the wall's height.

Main Façade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)

Main Façade at Pedestrian/Office Elements:

Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.

The Planning and Zoning Commission may allow exceptions to this requirement upon review and approval of a typical façade elevation. Loading dock doors and walls are exempt from the articulation requirements.

Examples of acceptable building facades are shown on Exhibit “D”.

20. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
21. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Landscape Concept Plan, Exhibit D - Elevation/Façade Concept 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 Zoning Ordinance, the regulations of the Light Industrial-1 and Light Industrial-2 zoning district shall apply to this development.
22. A Property Owner’s Association (POA) shall be established to maintain commonly owned facilities, landscape, screening buffers and open space throughout the Property.

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

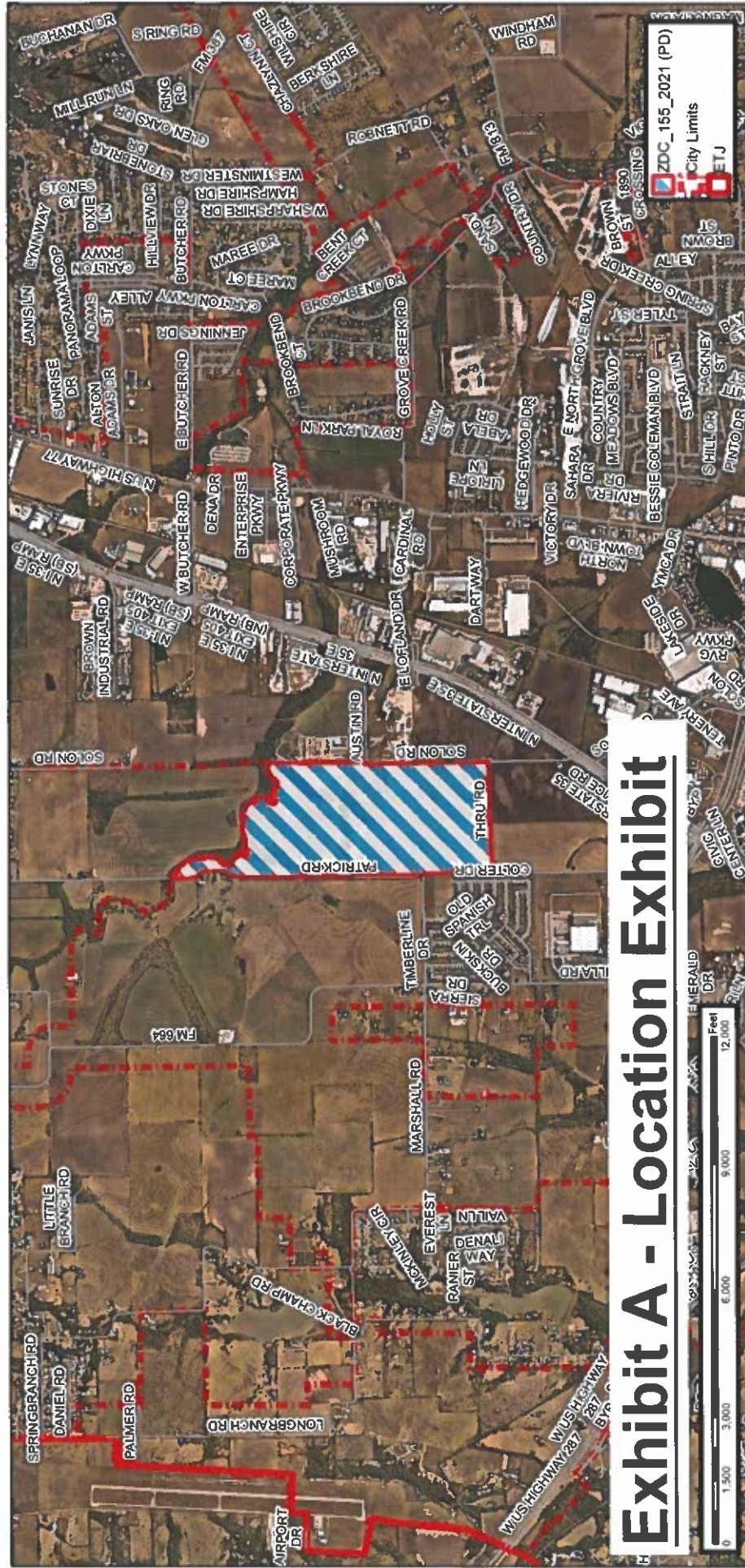
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED, AND ADOPTED on this 20th day of December, 2021.

MAYOR

ATTEST:

City Secretary



(30)

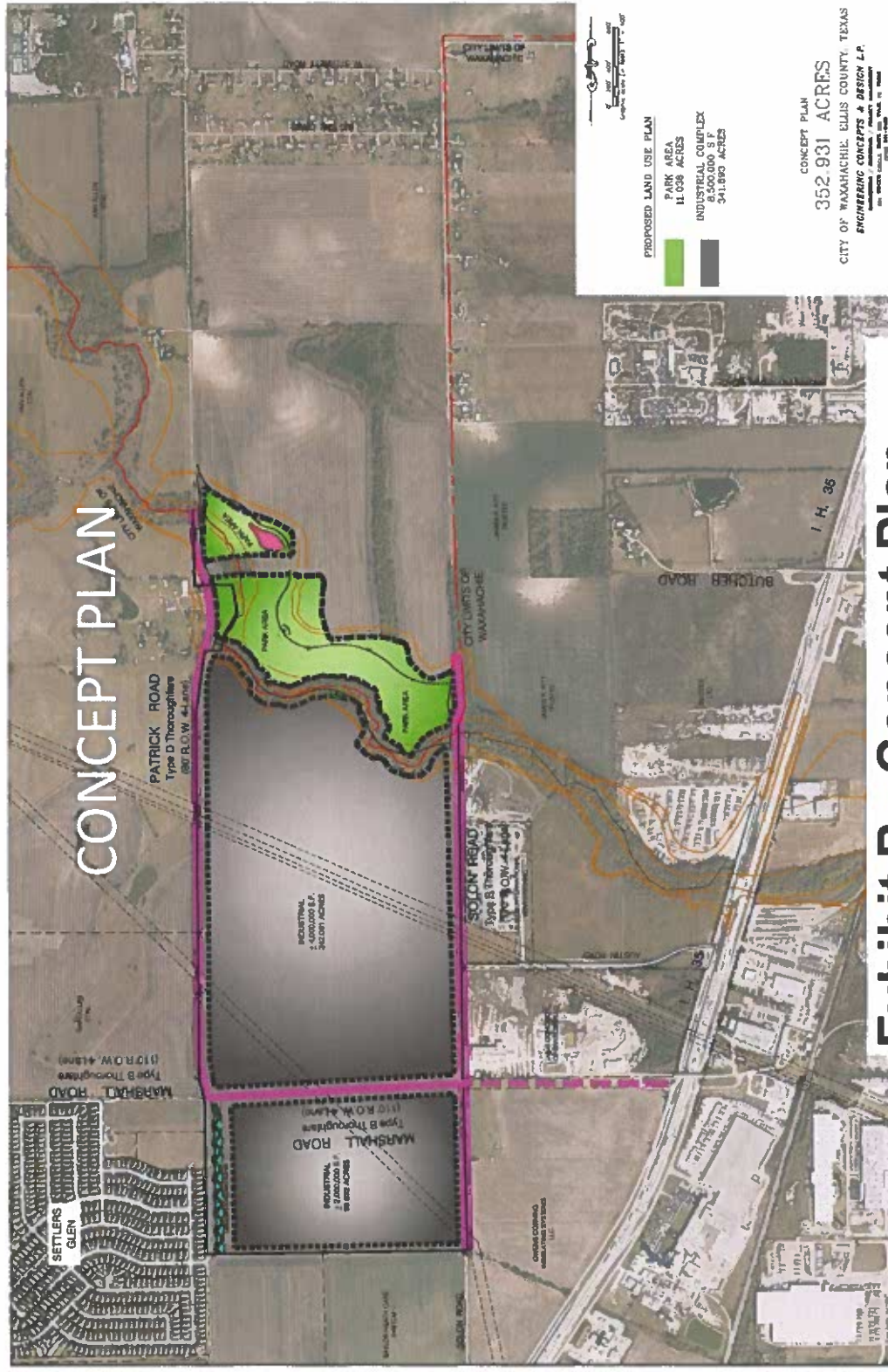


Exhibit B - Concept Plan

W Y N N E J A C K S O N

(30)

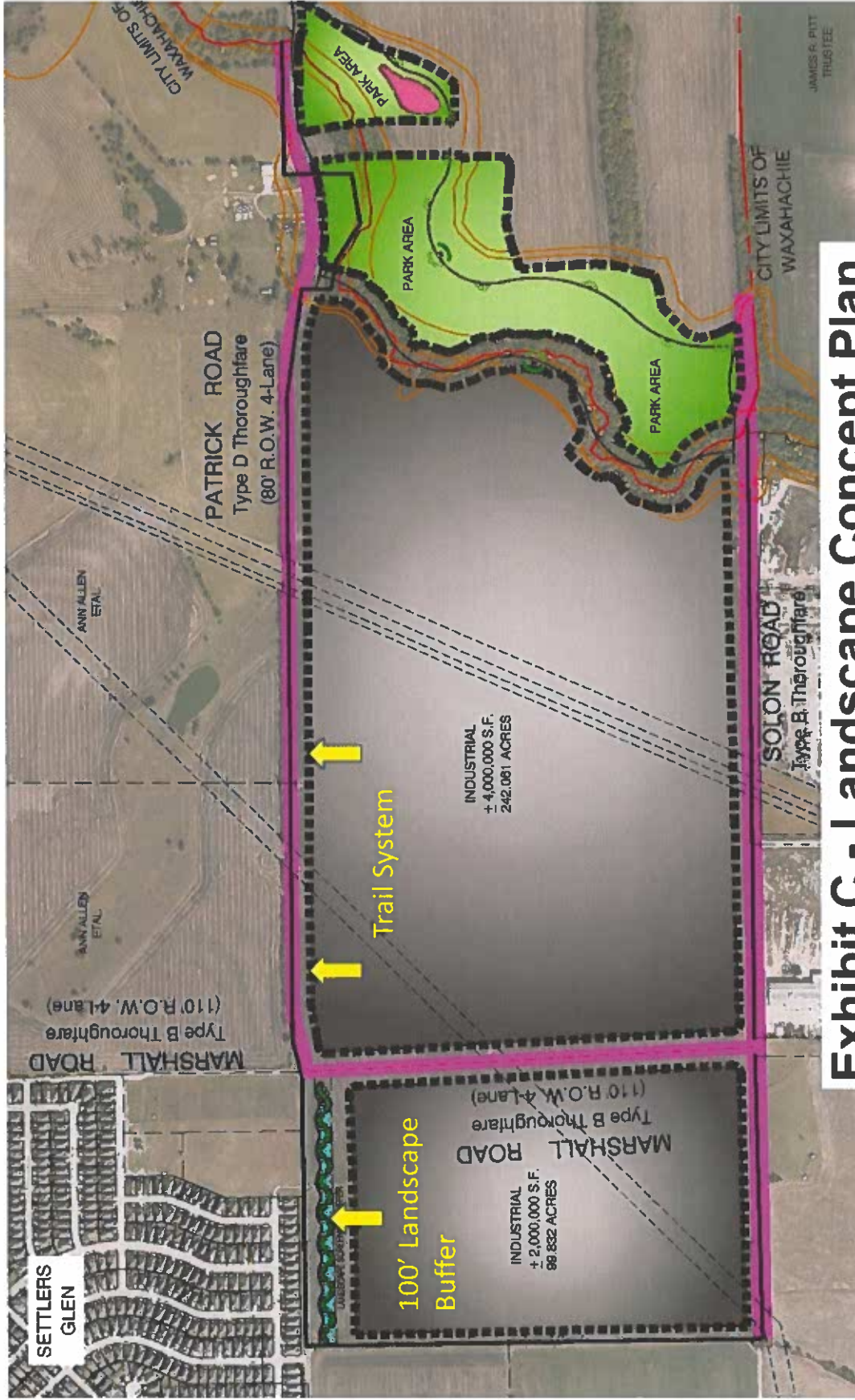


Exhibit C - Landscape Concept Plan

W Y N N E J A C K S O N

(30)

ENTRY SIGNAGE

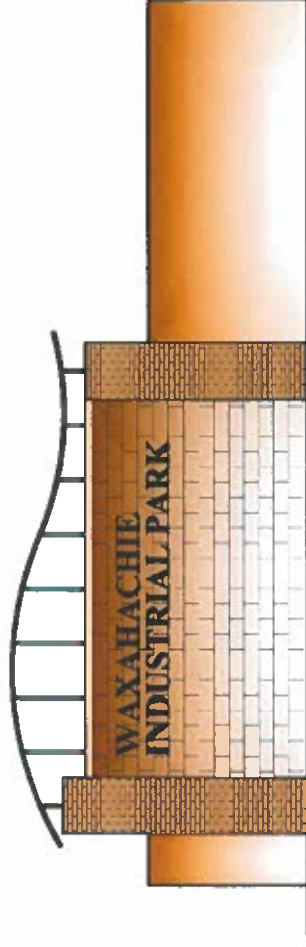
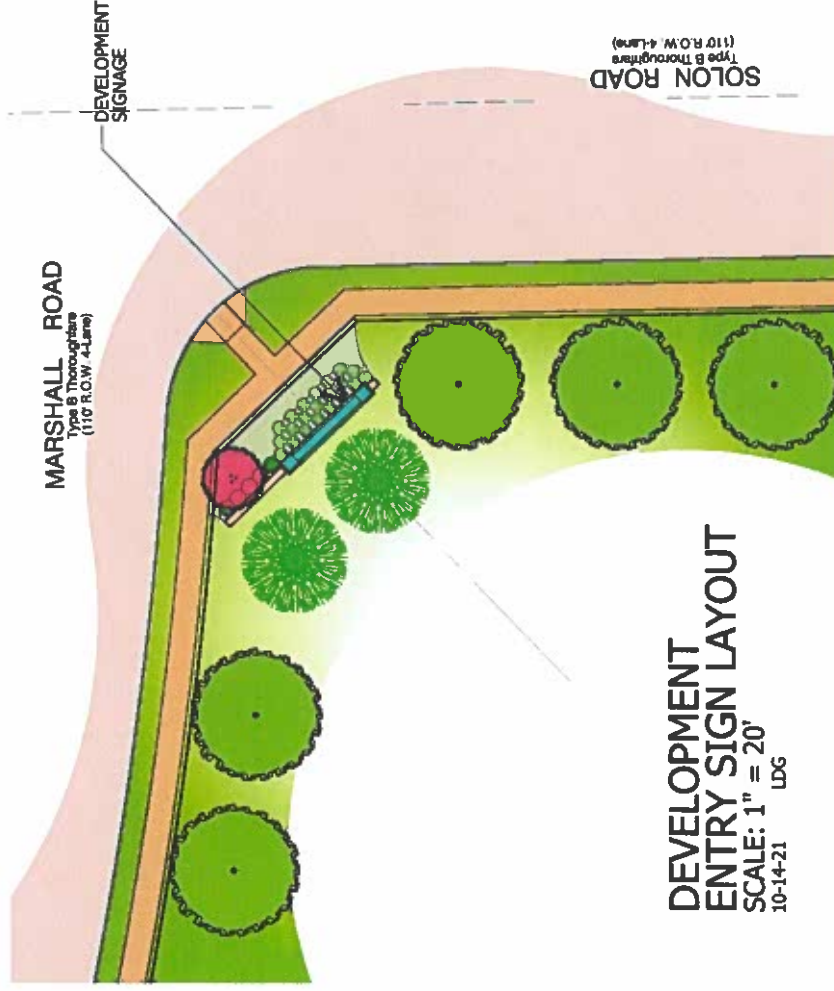
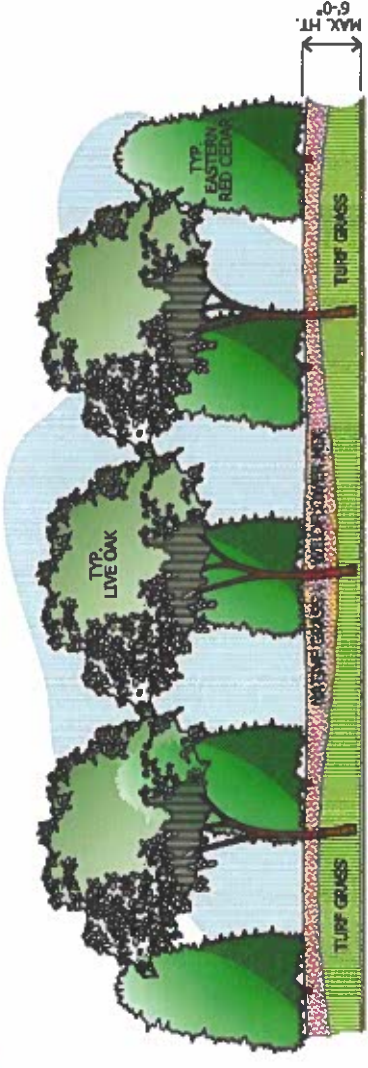
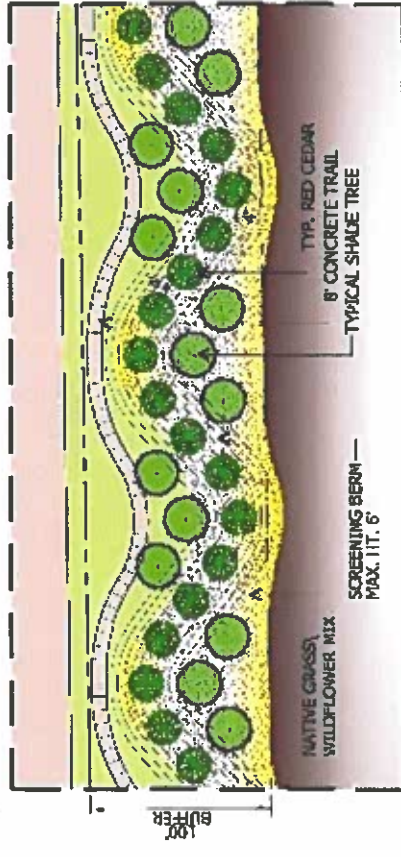
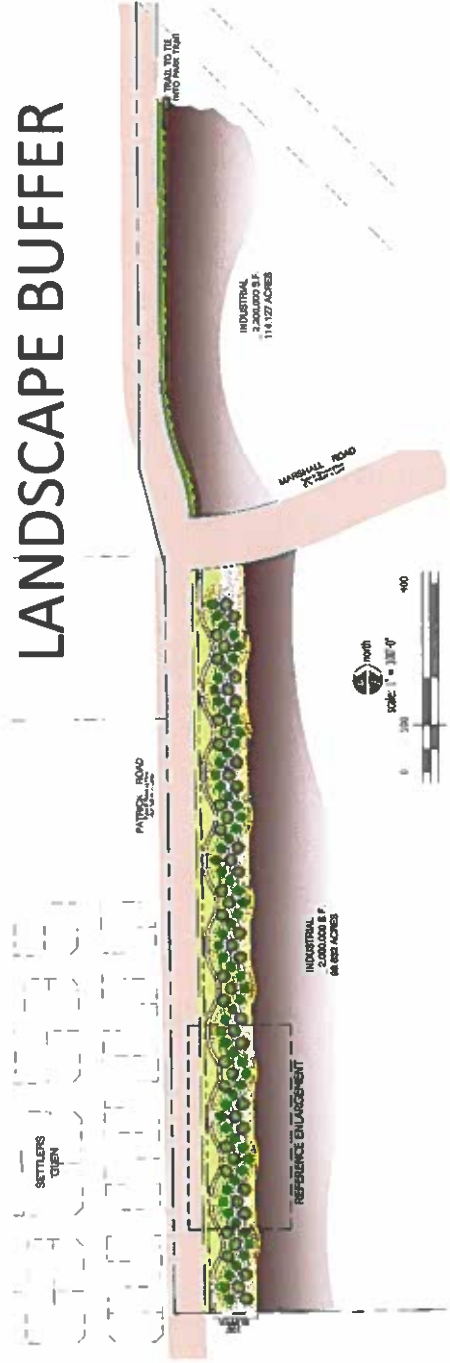


Exhibit C - Landscape Concept Plan

(30)

LANDSCAPE BUFFER



SCREENING BUFFER ENLARGEMENT SCREENING BERM Exhibit C - Landscape Concept Plan



W Y N N E J A C K S O N

(30)



REPRESENTATIVE PHOTOS

Exhibit D - Elevation/Facade Concept Plan

Exhibit E - Staff Report

(30)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-155-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 14, 2021, the Commission voted 5-1 to recommend approval of case number ZDC-155-2021, subject to staff comments.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Michael C. Jackson, Wynn Jackson Development

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

Site Acreage: 341 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development – Light Industrial – 2

SUBJECT PROPERTY

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

Parcel ID Number(s): 284811

Existing Use: Undeveloped

Development History: N/A

Exhibit E - Staff Report

(30)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (ETJ)	Undeveloped Land
East	LI1	Industrial Warehouses
South	Commercial/PD-Commercial	Undeveloped Land
West	SF1/PD-SF3	Undeveloped Land/ Settler's Glen Addition

Future Land Use Plan:

Low Density Residential and Highway Commercial

Comprehensive Plan:

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

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

Thoroughfare Plan:

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

Site Image:



PLANNING ANALYSIS

Purpose of Request:

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

Proposed Use:

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

- Use/Definition

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

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

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

- Parking

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

- Landscape

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

Exhibit E - Staff Report

(30)

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

Planned Development Notes

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

STAFF ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 44 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Inside 200 ft. Notification Buffer: Staff received eleven (11) letters of opposition for the proposed development.

Outside 200 ft. Notification Buffer: Staff received thirteen (13) letters of opposition for the proposed development.

RECOMMENDATION

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

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

Exhibit E - Staff Report

(30)

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

ATTACHED EXHIBITS

1. PON Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Concept Plan
5. Landscape Concept Plan
6. Elevation/Façade Concept Plan
7. 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:

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Planning Manager

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Reviewed by:

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

Director of Planning

jennifer.pruitt@waxahachie.com

(31)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR INDUSTRIAL DEVELOPMENT
COUNTY OF ELLIS §

This Development Agreement for Industrial Development ("Agreement") is entered into between Wynne/Jackson, Inc. (the "**Owner**" or "**WJ**") and the City of Waxahachie, Texas ("City"). Owner and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. Reed Land Management LTD ("Current Owner") is the owner of approximately 341.02 acres of real property generally located West of Solon Rd. and East of Patrick Rd., parcel numbers 189171 and 182299, in the City of Waxahachie, Texas (the "Property"), for which they have requested a change in the Property's Single Family-1 zoning to a Planned Development ("PD") Light Industrial-2 zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on December 20, 2021.

2. Wynne/Jackson, Inc. is under contract to purchase the Property from the Current Owner and intends to assign the contract to purchase the Property and assign this Agreement to a new entity and upon such assignment the new entity shall become the Owner.

3. The planned use of the Property is to create a Planned Development to allow for the development of industrial warehouse manufacturing and distribution structures. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing Owner with agreed-upon and negotiated standards consistent with their business objectives.

4. As is reflected by the public records of the City, significant discussions and negotiations between representatives of WJ and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. ### (the "Wynne Jackson Industrial Development PD Ordinance"), a copy of which is attached hereto as Exhibit A and which contains the negotiated zoning and development standards for the Property.

5. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Industrial Development PD Ordinance as contractually-binding obligations between the Parties, and to recognize WJ's reasonable investment-backed expectations in the Industrial Development PD Ordinance and the planned development of the Property.

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

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

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

Section 3. Agreements. The Parties agree as follows:

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

- (A) The project is proposed to be developed in two to three phases. Proposed development uses may generate additional consideration.
- (B) A mutually agreed upon Development Agreement will be required for the property.
- (C) The City of Waxahachie shall receive right-of-way through the adjacent property for Marshall Road (Parcel ID: 192510/ OWENS CORNING INSULATING SYSTEMS LLC)
- (D) The applicant shall provide enhanced landscaping and vegetation screening to the adjacent Owens Corning property, the Settlers Glen subdivision, and along Patrick Road.
 - a. A one hundred foot (100') landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler's Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50' of adjacency to the roadway, a minimum 8' wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.
 - b. Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Patrick Road north of Marshall Road, as adjacent development occurs, where adjacent to existing vacant land and non- residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway, and a minimum 8' wide concrete trail. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.
 - c. Landscape Buffer (Non-Residential and Future Residential Adjacency) – A twenty foot (20') landscape buffer will be provided along Solon Road south of Marshall Road, as adjacent development occurs, where adjacent to existing vacant

land and non-residential developments. Within that landscape buffer, trees shall be provided and spaced at one tree per 50' of adjacency to the roadway. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer.

(E) The use of warehouse distribution shall be limited for the development.

- a. **General Warehouse Distribution**, as defined as a building or facility used primarily for the receiving, storage, warehousing, distribution, and shipping of goods or products, shall be only allowed on thirty-three (33) percent of the net useable land as shown on the Concept Plan during the time that is five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP). General Warehouse Distribution shall be only allowed on sixty-six (66) percent of the net useable land as shown on the Concept Plan during the time that is after the initial five (5) years following the effective date of this ordinance, unless approved through a Special Use Permit (SUP).

(F) Any street facing façade that contains the main entrance into an industrial building that faces, or is visible from a public street, shall provide a minimum of 80% masonry (including glass and doors). Loading dock façade shall not be subject to such requirements.

- a. Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.

(G) Pending the applicant agreeing to pave and make any necessary improvements to the portion of Marshall Rd. from Patrick Road to Interstate Highway 35, as adjacent development occurs, the City of Waxahachie agrees to waive roadway impact fees paid at the time of permit for all buildings constructed on the Property, up to the actual cost of the road and infrastructure improvements for all roads on the City of Waxahachie Capital Improvement Plan and Thoroughfare Plan needed for the proposed development.

(H) Building permit fees shall be waived by the City of Waxahachie for any manufacturing uses in the development.

(I) A minimum 8ft. wide concrete sidewalk/trail shall be constructed along Patrick Road from the southern boundary of the Property to the northern boundary of the Property, as adjacent development occurs, in lieu of the 6ft. wide walk for this Type D-I thoroughfare.

- a. If sidewalks and parks/open space are provided for the development, per the Development Agreement, the City of Waxahachie agrees to waive Park Dedication fees for the development.

(J) The development shall conform as approved by the City Council under case number ZDC-155-2021.

- (K) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (L) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (M) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Landscape Concept Plan, Exhibit D - Elevation/Façade Concept 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 Light Industrial-2 shall apply to this development.

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

Section 3. Assignment and Encumbrance

1. **Assignment.** The Current Owner has the right to assign this Agreement to Owner upon Owner's purchase of the Property. After this Agreement is assigned to Owner, Owner has the right to assign this Agreement with the consent of the City, which consent shall not unreasonably be withheld, in whole or in part, and including any obligation, right, title, or interest of the Current Owner under this Agreement, to any person or entity (an "Assignee") that is or will become an owner of any portion of the Property or that is an entity that is controlled by or under common control with the Owner. Each assignment shall be in writing executed by the Owner and the Assignee and shall obligate the Assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. A copy of each assignment shall be provided to the City within 15 days after execution. From and after such assignment, the City agrees to look solely to the Assignee for the performance of all obligations assigned to the Assignee and agrees that Owner shall be released from subsequently performing the assigned obligations and from any liability that results from the Assignee's failure to perform the assigned obligations; provided, however, if a copy of the assignment is not received by the City within 15 days after execution, the Owner shall not be released until the City receives such assignment. No assignment by the Owner shall release the Owner from any liability that resulted from an act or omission by the Owner that occurred prior to the effective date of the assignment unless the City approves the release in writing. Each Assignee shall be considered to be both a "Party" to this Agreement and the "Owner" for the purposes of the obligation, right, title, or interest assigned to the Assignee. The City shall not assign this Agreement.

2. **Encumbrance by the Owner and Assignees.** The Owner and Assignees have the right, from time to time, to collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of their respective rights, title, or interest under this Agreement for the benefit of their respective lenders without the consent of, but with prompt written notice to, the City. The collateral assignment, pledge, grant of lien or security interest, or other encumbrance shall not, however, obligate any lender to perform any obligations or incur any liability under this Agreement unless the lender agrees in writing to perform such obligations or incur such liability. Provided the City has been given a copy of the documents creating the lender's interest, including notice (hereinafter defined) information for the lender, then that lender shall have the right, but not the obligation, to cure any default under this Agreement and shall be given a reasonable time to do so in addition to the cure periods otherwise provided to the defaulting Party by this Agreement; and the City agrees to accept a cure offered by the lender as if offered by the defaulting Party. A lender is not a Party to this Agreement unless this Agreement is amended, with the consent of the lender, to add the lender as a Party. Notwithstanding the foregoing, however, this Agreement shall continue to bind the Property and shall survive any transfer, conveyance, or assignment occasioned by the exercise of foreclosure or other rights by a lender, whether judicial or non-judicial. Any purchaser from or successor owner through a lender of any portion of the Property shall be bound by this Agreement, but shall not be entitled to the rights and benefits of this Agreement with respect to the acquired portion of the Property until all defaults under this Agreement with respect to the acquired portion of the Property have been cured.

3. **Encumbrance by City.** The City shall not collaterally assign, pledge, grant a lien or security interest in, or otherwise encumber any of its rights, title, or interest under this Agreement.

Section 4. Miscellaneous

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

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

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

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have

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

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

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

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

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

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

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

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

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

{Signature Pages Follow}

(31)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

Wynne Jackson, Inc. (Applicant)

By: _____

Date: _____

Reed Land Management LTD (Current Owner)
A Texas limited partnership

By: E. & C. Property, Inc., General Partner

By: _____
Elizabeth R. Eiseman, President

Date: _____

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

Planning & Zoning Department

Plat Staff Report

Case: SUB-190-2021



MEETING DATE(S)

Planning & Zoning Commission: December 14, 2021

City Council: December 20, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 23, 2021, the Commission voted 7-0 to recommend approval of SUB-190-2021. As part of this vote, the P&Z Commission also recommended approval of the applicant's variance request.

CAPTION

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

APPLICANT REQUEST

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

CASE INFORMATION

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

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

Site Acreage: 81.121 acres

Number of Lots: 162 lots

Number of Dwelling Units: 147 units

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

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

SUBJECT PROPERTY

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

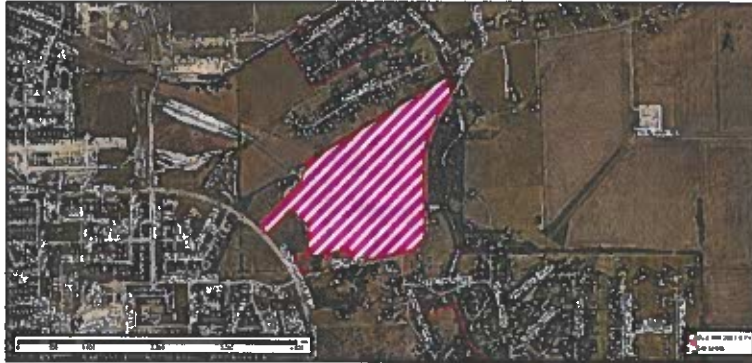
Parcel ID Number(s): 262129 & 284716

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

Existing Use: The subject property is currently undeveloped.

Platting History:

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

Site Aerial:**PLATTING ANALYSIS**

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

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

VARIANCE REQUESTS***Right-of-Way (ROW) Dedication & Thoroughfare Alignment***

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

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Plat

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

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

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King

Planner

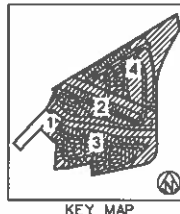
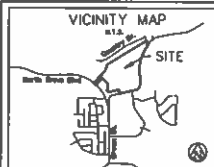
zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

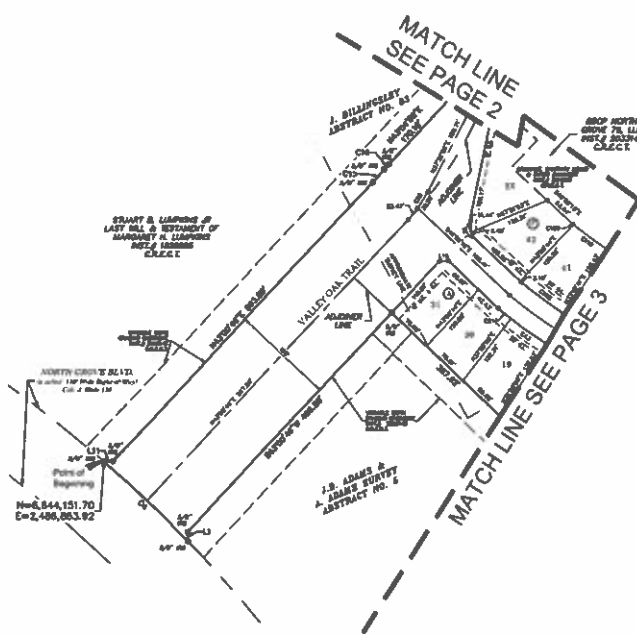


LEGEND
 D.E. DRAINAGE EASEMENT
 W.E. WATER EASEMENT
 U.E. UTILITY EASEMENT
 B.L. BUILDING LINE
 5/8" I.R.S. 5/8 INCH IRON ROD
 WITH CAP STAMPED
 "PELOTON" SET
 I.R.F. IRON ROD FOUND
 C.R.E.C.T. COUNTY RECORDS, ELLIS
 COUNTY, TEXAS



LINE TABLE

NO.	BEARING	LENGTH
L1	S00°40'58"E	13.82'
L2	N01°00'51"W	25.00'
L3	S31°00'31"E	25.00'
L4	S76°00'31"E	9.00'
L5	N13°58'29"E	9.00'
L6	N13°58'29"E	9.00'
L7	N13°58'29"E	9.00'
L8	N13°58'29"E	9.00'
L9	N13°58'29"E	9.00'
L10	S00°40'58"E	13.82'
L11	N01°00'51"W	25.00'
L12	S31°00'31"E	25.00'
L13	S76°00'31"E	9.00'
L14	N13°58'29"E	9.00'
L15	N13°58'29"E	9.00'
L16	N13°58'29"E	9.00'
L17	N13°58'29"E	9.00'
L18	N13°58'29"E	9.00'
L19	N13°58'29"E	9.00'
L20	N13°58'29"E	9.00'
L21	N13°58'29"E	9.00'
L22	N13°58'29"E	9.00'
L23	N13°58'29"E	9.00'
L24	N13°58'29"E	9.00'
L25	N13°58'29"E	9.00'
L26	N13°58'29"E	9.00'
L27	N13°58'29"E	9.00'
L28	N13°58'29"E	9.00'
L29	N13°58'29"E	9.00'
L30	N13°58'29"E	9.00'
L31	N13°58'29"E	9.00'
L32	N13°58'29"E	9.00'
L33	N13°58'29"E	9.00'
L34	N13°58'29"E	9.00'
L35	N13°58'29"E	9.00'
L36	N13°58'29"E	9.00'
L37	N13°58'29"E	9.00'
L38	N13°58'29"E	9.00'
L39	N13°58'29"E	9.00'
L40	N13°58'29"E	9.00'
L41	N13°58'29"E	9.00'
L42	N13°58'29"E	9.00'
L43	N13°58'29"E	9.00'
L44	N13°58'29"E	9.00'
L45	N13°58'29"E	9.00'
L46	N13°58'29"E	9.00'
L47	N13°58'29"E	9.00'
L48	N13°58'29"E	9.00'
L49	N13°58'29"E	9.00'
L50	N13°58'29"E	9.00'
L51	N13°58'29"E	9.00'
L52	N13°58'29"E	9.00'



CERTIFICATION:

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

This plat is not to be used for any purpose and shall not be used or viewed or relied upon as a final survey document. 22.146.146.146 Charles Stephen Hanney, RPLS 6718 Dated: 12/06/2021

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

STATE OF TEXAS
 COUNTY OF ELLIS

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

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON

PLAT THE OAKS OF NORTH PHASE I

81.121 Acres

164 Residential Lots

9 Non-Residential Lots

Situated in the J.B. Adams and A. Adams Survey Abstract Number 8, the L.H. Bernard Abstract Number 106, the J. Billingsley Survey Abstract Number 83, and the E. Rice Survey Abstract Number 927, City of Waxahachie, Ellis County, Texas. S.L.P. 190-2021

LAND USE TABLE

RESIDENTIAL	39.849 ACRES
OPEN SPACE	26.065 ACRES
RIGHT-OF-WAY	15.117 ACRES
TOTAL	81.121 ACRES



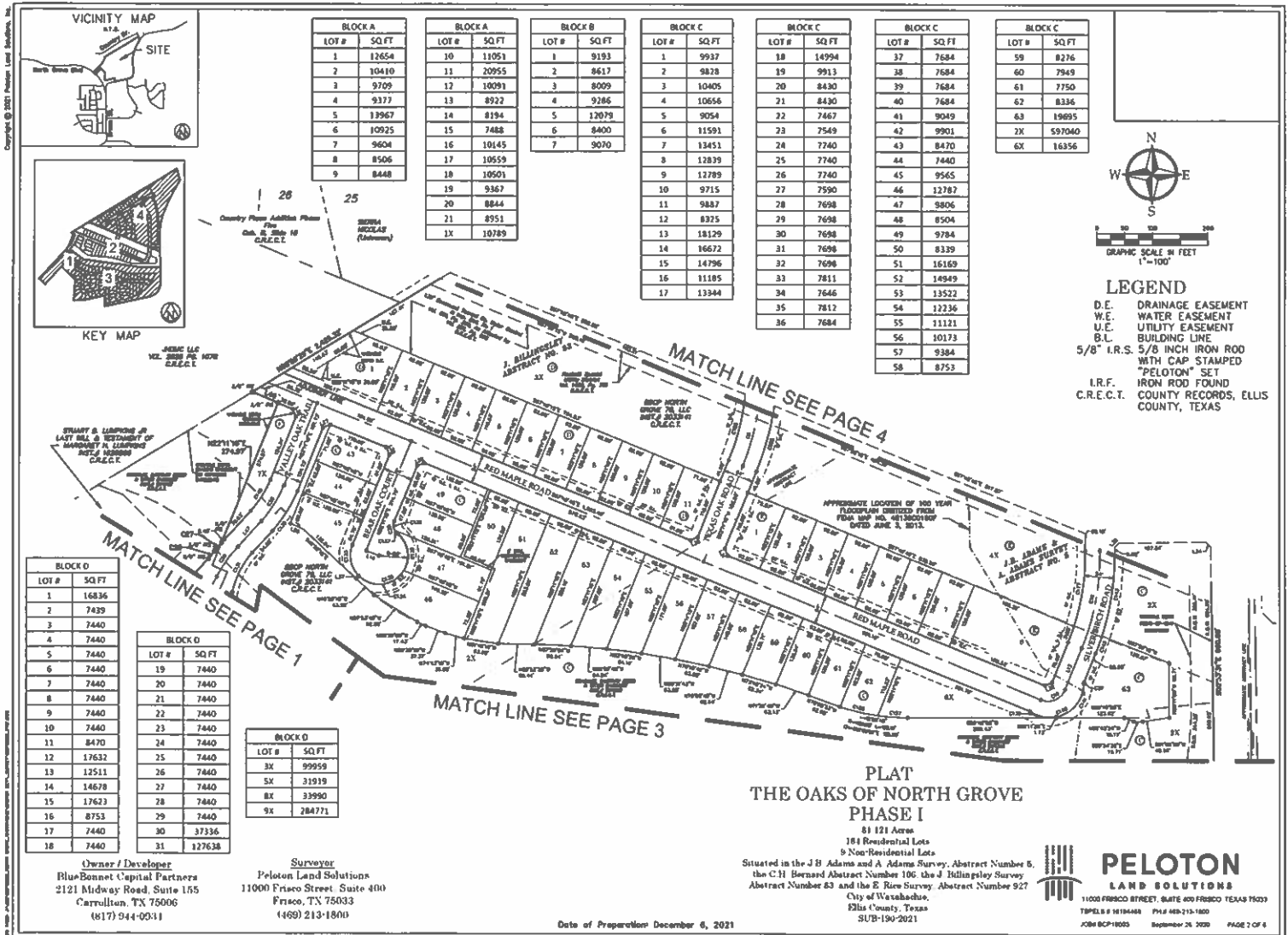
**PELOTON
 LAND SOLUTIONS**

11000 PEBBLED STREET, SUITE 400 PEBBLED TEXAS 75033
 TEL: 817-446-4466 FAX: 817-446-4466
 JCBM BCP 18005 September 28, 2020 PAGE 1 OF 6

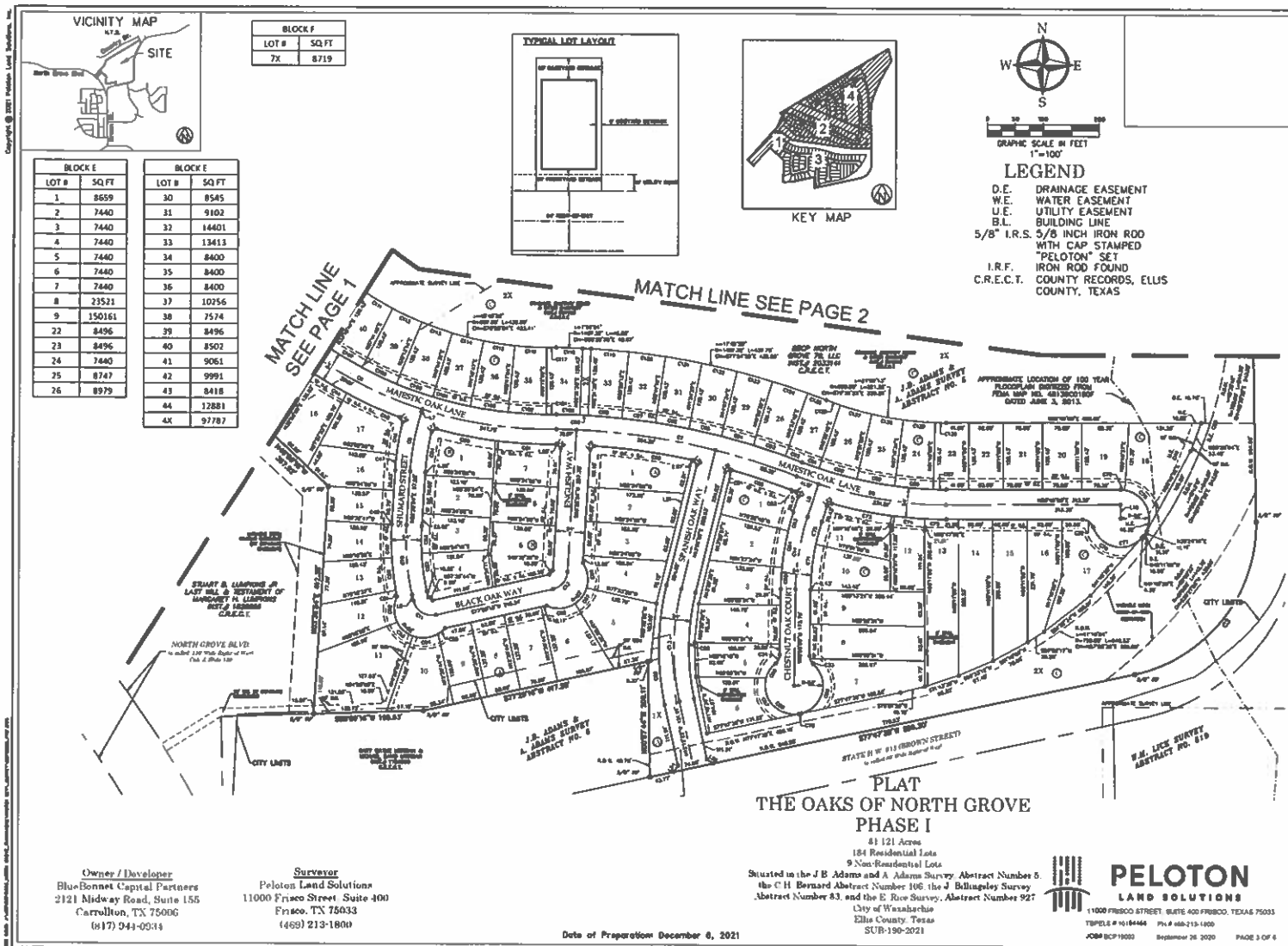
Owner / Developer
 BlueBonnet Capital Partners
 2121 Midway Road, Suite 155
 Carrollton, TX 75006
 (817) 911-0934

Surveyor
 Peloton Land Solutions
 11000 Friess Street, Suite 100
 Frisco, TX 75033
 (469) 213-1800

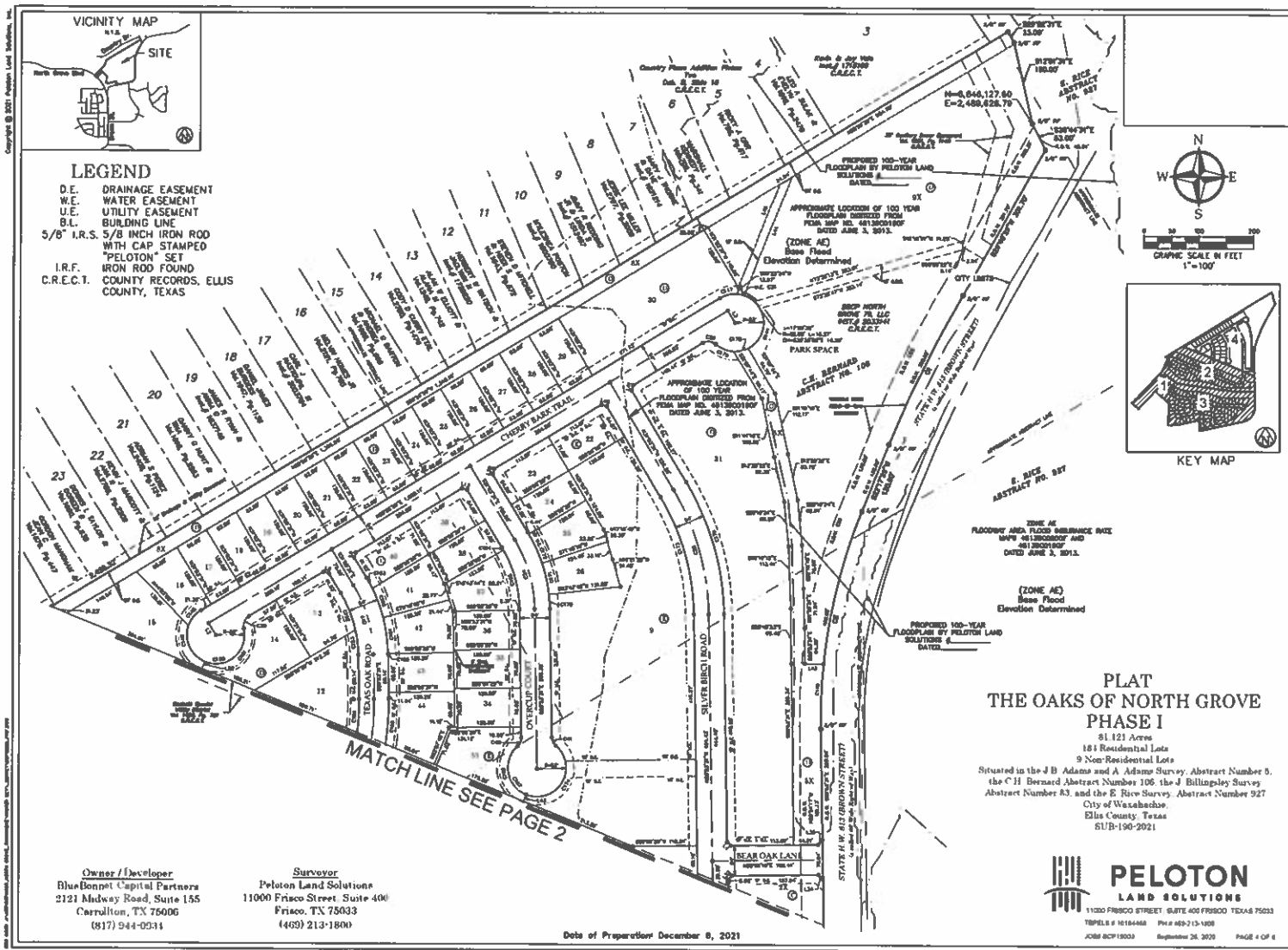
Date of Preparation: December 6, 2021



(32)



(32)



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	1°25'56"	2332.21'	300.50'	S25°55'01"E	300.25'
C2	23°10'55"	999.05'	408.60'	S10°42'02"E	399.65'
C3	38°52'22"	278.31'	381.50'	S38°42'40"E	352.32'
C4	4°53'53"	2250.00'	179.25'	N48°53'38"E	179.21'
C5	23°04'46"	450.00'	181.25'	S10°50'52"E	180.04'
C6	40°05'04"	784.43'	529.68'	S70°41'42"E	522.23'
C7	20°18'13"	1259.63'	446.56'	S79°08'25"E	444.23'
C8	12°10'13"	147.62'	278.02'	S79°38'13"E	274.45'
C9	12°41'40"	653.10'	109.09'	N10°28'44"E	108.83'
C10	14°06'34"	450.00'	126.53'	N04°27'25"E	126.12'
C11	90°00'00"	34.00'	33.41'	N01°50'44"E	48.00'
C12	13°53'22"	34.00'	43.05'	S40°52'35"E	40.81'
C13	28°08'28"	450.00'	208.31'	N00°51'52"E	203.54'
C14	16°09'14"	450.00'	133.42'	S08°19'48"E	132.33'
C15	2°56'27"	520.00'	28.69'	N41°32'33"E	26.63'
C16	3°00'58"	210.00'	11.03'	N41°54'38"E	11.03'
C17	30°01'00"	290.00'	131.63'	S19°58'31"E	130.11'
C18	82°04'48"	450.00'	181.25'	N10°50'52"E	180.04'
C19	90°00'00"	34.00'	33.41'	S51°05'29"E	48.00'
C20	18°43'19"	750.00'	245.09'	S27°01'55"E	243.98'
C21	1°53'04"	781.43'	29.70'	S51°05'29"E	29.70'
C22	34°01'24"	298.60'	418.70'	N10°59'31"E	415.44'
C23	1°25'56"	2332.21'	300.50'	N25°55'01"E	300.25'
C24	30°01'00"	290.00'	131.63'	S19°58'31"E	130.11'
C25	30°01'00"	290.00'	131.63'	S19°58'31"E	130.11'
C26	7°01'29"	150.00'	16.39'	N39°54'15"E	16.38'
C27	4°40'33"	221.00'	16.88'	N38°48'59"E	16.88'
C28	12°02'00"	250.00'	33.97'	N35°16'27"E	33.96'
C29	15°54'38"	250.00'	61.23'	N33°14'24"E	61.00'
C30	17°44'28"	250.00'	71.49'	N32°33'57"E	71.10'
C31	13°08'53"	52.00'	11.84'	S78°05'32"E	11.82'
C32	72°12'33"	20.00'	25.21'	S54°04'43"E	23.51'
C33	34°18'24"	20.00'	11.96'	N31°16'25"E	11.79'
C34	49°14'55"	20.00'	17.18'	S29°27'36"E	16.61'
C35	72°12'33"	20.00'	25.21'	S13°55'00"E	23.51'
C36	21°47'04"	1.00'	2.66'	S11°17'34"E	2.63'
C37	72°12'33"	20.00'	25.21'	N04°27'19"E	23.51'
C38	72°12'33"	20.00'	25.21'	N22°40'15"E	23.51'
C39	49°14'56"	20.00'	17.18'	S23°43'36"E	16.61'
C40	49°14'55"	20.00'	17.18'	N23°40'36"E	16.61'
C41	14°54'24"	720.00'	183.13'	N25°48'58"E	182.64'
C42	5°00'00"	781.43'	68.72'	S54°13'36"E	68.20'
C43	5°00'00"	781.43'	68.72'	S59°27'04"E	68.20'
C44	3°54'40"	781.43'	107.89'	S69°59'28"E	107.81'
C45	7°07'14"	486.10'	59.57'	S10°50'38"E	59.53'
C46	3°21'01"	486.10'	28.09'	S05°15'21"E	28.08'
C47	6°08'40"	477.00'	1.20'	S03°31'33"E	1.20'
C48	1°08'18"	477.00'	59.43'	S00°00'36"E	59.39'
C49	1°08'18"	477.00'	59.43'	S07°13'14"E	59.39'
C50	1°08'18"	477.00'	59.43'	S11°20'18"E	59.39'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C51	33°40'29"	52.00'	48.11'	S00°59'50"E	46.85'
C52	41°09'42"	52.00'	36.11'	S48°03'54"E	37.21'
C53	51°53'44"	52.00'	44.90'	N04°43'21"E	43.23'
C54	17°54'25"	52.00'	19.96'	N00°00'00"E	19.90'
C55	38°12'25"	52.00'	34.71'	N05°00'00"E	32.36'
C56	34°17'32"	52.00'	36.04'	N34°23'09"E	35.35'
C57	50°43'34"	52.00'	47.08'	N08°32'24"E	45.94'
C58	50°43'34"	52.00'	47.08'	N08°32'24"E	45.94'
C59	24°08'28"	477.00'	217.63'	S00°51'52"E	215.75'
C60	24°08'28"	477.00'	217.63'	N00°51'52"E	215.75'
C61	0°00'11"	1232.89'	2.97'	S74°44'52"E	2.97'
C62	0°00'11"	1232.89'	2.97'	S74°44'52"E	2.97'
C63	4°12'12"	477.00'	34.89'	S18°43'17"E	34.96'
C64	8°04'35"	477.00'	67.24'	S09°54'54"E	67.18'
C65	44°42'21"	477.00'	39.19'	S03°11'22"E	39.18'
C66	35°15'15"	32.00'	32.00'	S32°27'26"E	31.49'
C67	114°09'05"	82.00'	183.90'	S42°24'49"E	87.46'
C68	278°29'50"	32.00'	252.18'	S89°00'51"E	57.89'
C69	123°59'15"	52.00'	112.23'	N13°24'51"E	91.66'
C70	9°08'17"	52.00'	4.63'	S71°47'38"E	4.63'
C71	11°01'53"	423.00'	82.18'	N08°09'00"E	82.05'
C72	5°57'22"	423.00'	43.23'	N14°53'42"E	43.21'
C73	6°07'28"	774.75'	109.88'	S74°44'52"E	109.78'
C74	4°09'29"	774.75'	60.76'	S69°03'02"E	60.74'
C75	2°52'53"	774.75'	36.97'	S68°44'21"E	36.97'
C76	10°01'10"	32.00'	109.23'	S18°09'00"E	90.23'
C77	25°42'30"	32.00'	224.90'	N55°55'15"E	84.63'
C78	123°53'08"	52.00'	111.82'	N18°06'14"E	91.49'
C79	8°08'12"	52.00'	7.84'	N85°01'54"E	7.83'
C80	8°08'06"	781.43'	109.54'	S78°59'39"E	108.50'
C81	8°12'34"	781.43'	111.97'	S67°00'58"E	111.82'
C82	9°25'00"	423.00'	66.56'	N07°46'14"E	66.44'
C83	8°41'36"	423.00'	49.42'	N00°51'05"E	49.39'
C84	9°50'10"	426.10'	74.14'	N00°54'59"E	74.05'
C85	8°25'56"	1212.72'	118.47'	S61°55'50"E	118.31'
C86	9°20'33"	1212.89'	114.96'	S71°40'27"E	114.82'
C87	1°52'52"	720.55'	23.66'	N09°14'25"E	23.66'
C88	5°34'34"	720.55'	70.13'	N05°20'43"E	70.10'
C89	5°34'34"	720.55'	70.13'	S79°56'09"E	70.10'
C90	5°34'34"	720.55'	70.13'	S74°21'35"E	70.10'
C91	2°52'39"	720.55'	32.00'	N70°11'58"E	31.99'
C92	1°06'04"	1288.89'	35.82'	N69°43'12"E	32.22'
C93	2°43'07"	1286.86'	61.06'	N73°40'47"E	61.05'
C94	2°43'05"	1287.14'	61.06'	N74°00'53"E	61.05'
C95	2°43'07"	1286.82'	61.06'	N77°14'00"E	61.05'
C96	2°43'07"	1286.82'	61.06'	N79°57'07"E	61.05'
C97	2°43'07"	1286.82'	61.06'	N82°46'14"E	61.05'
C98	2°43'08"	1286.82'	61.06'	N85°23'22"E	61.05'
C99	9°40'47"	1284.82'	15.00'	N87°04'58"E	15.00'
C100	1°54'53"	1284.82'	47.00'	N88°22'28"E	43.00'
C101	1°06'10"	127.43'	18.23'	S89°29'47"E	18.23'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C102	5°34'12"	127.43'	10.12'	N87°00'50"E	70.69'
C103	5°28'43"	127.43'	69.36'	N81°05'35"E	69.53'
C104	5°28'43"	127.43'	69.36'	N79°59'31"E	69.53'
C105	5°28'43"	127.43'	69.36'	N78°53'08"E	69.53'
C106	5°28'43"	127.43'	69.36'	N69°02'24"E	69.53'
C107	5°28'43"	127.43'	69.36'	N59°53'41"E	69.53'
C108	5°28'43"	127.43'	69.36'	N50°52'31"E	69.53'
C109	0°00'59"	807.00'	1.41'	S50°58'20"E	1.41'
C110	0°00'59"	807.00'	84.80'	S33°45'49"E	64.77'
C111	0°00'43"	807.00'	58.04'	S59°53'41"E	58.02'
C112	5°28'43"	807.00'	58.04'	S68°02'24"E	58.02'
C113	5°28'43"	807.00'	58.04'	S70°51'08"E	58.02'
C114	5°28'43"	807.00'	58.04'	S79°59'31"E	58.02'
C115	5°28'43"	807.00'	58.04'	S81°05'36"E	58.02'
C116	5°28'43"	807.00'	58.04'	S81°05'36"E	58.02'
C117	1°00'40"	807.00'	17.07'	N89°44'38"E	17.07'
C118	1°00'54"	1407.32'	48.64'	S68°09'38"E	48.67'
C119	2°47'07"	1407.32'	66.65'	S65°09'38"E	58.68'
C120	2°45'07"	1407.32'	66.11'	S62°00'14"E	58.17'
C121	2°45'07"	1407.32'	66.11'	S79°59'31"E	58.17'
C122	2°45'07"	1407.32'	66.11'	S77°14'00"E	58.17'
C123	2°45'07"	1407.32'	66.11'	S74°00'54"E	58.17'
C124	2°45'07"	1407.32'	66.11'	S71°40'27"E	58.17'
C125	1°00'40"	1407.32'	35.23'	S69°43'12"E	35.23'
C126	2°02'24"	600.00'	26.80'	S70°17'58"E	26.80'
C127	5°28'43"	600.00'	53.41'	S74°01'30"E	53.38'
C128	5°28'43"	600.00'	53.41'	S79°56'09"E	53.38'
C129	5°28'43"	600.00'	53.41'	S85°06'48"E	53.38'
C130	1°52'52"	600.00'	19.70'	S89°14'33"E	19.70'
C131	30°57'20"	150.00'	61.04'	N27°27'58"E	60.06'
C132	18°04'46"	278.32'	87.19'	S32°53'37"E	86.83'
C133	87°18'18"	32.00'	61.05'	S11°06'54"E	57.61'
C134	103°21'26"	32.00'	93.90'	S83°14'18"E	61.59'
C135	252°12'30"	52.00'	228.90'	N76°05'00"E	84.03'
C136	81°04'46"	52.00'	74.04'	S09°13'53"E	67.84'
C137	22°06'51"	70.00'	7.65'	N38°48'10"E	7.78'
C138	48°48'19"	70.00'	17.37'	N08°41'53"E	16.83'
C139	46°24'04"	83.00'	51.20'	S76°04'07"E	48.81'
C140	124°18'53"	83.00'	136.69'	S62°53'29"E	91.41'
C141	17°44'49"	83.00'	85.49'	N39°16'23"E	78.08'
C142	4°08'08"	477.00'	34.43'	S29°08'11"E	34.42'
C143	18°56'58"	477.00'	157.71'	S08°24'48"E	156.89'
C144	168°13'15"	52.00'	134.82'	N10°51'21"E	108.65'
C145	11°18'19"	223.82'	81.83'	S32°53'37"E	67.37'
C146	36°00'32"	52.00'	32.76'	S76°59'18"E	32.72'
C147	40°17'16"	52.00'	36.14'	S34°47'53"E	35.82'
C148	68°28'01"	52.00'	78.47'	S24°44'48"E	71.24'
C149	252°12'32"	32.00'	228.90'	N67°06'45"E	84.03'
C150	125°21'13"	32.00'	113.86'	N49°57'36"E	92.44'
C151	18°56'11"	323.00'	78.40'	S21°49'26"E	78.09'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C152	11°53'49"	223.00'	43.01'	S08°40'28"E	44.53'
C153	8°08'45"	423.00'	60.14'	S03°10'53"E	60.09'
C154	14°58'01"	423.00'	110.25'	S14°13'14"E	108.94'
C155	10°10'33"	400.00'	11.05'	S77°12'32"E	70.93'
C156	1°03'10"	400.00'	58.05'	S68°14'25"E	55.01'
C157	13°13'02"	477.00'	110.04'	N19°14'44"E	108.78'
C158	9°51'44"	477.00'	82.10'	N04°02'21"E	82.00'
C159	0°10'31"	277.00'	1.50'	N01°02'49"E	1.50'
C160	13°03'12"	277.00'	65.85'	N08°00'44"E	63.62'
C161	11°59'08"	277.00'	54.33'	N09°58'54"E	56.24'
C162	4°55'53"	277.00'	22.16'	N08°45'59"E	22.16'
C163	1°55'31"	223.00'	111.32'	S15°07'45"E	110.89'
C164	28°54'29"	223.00'	111.32'	S15°07'45"E	110.89'
C165	11°05'22"	32.00'	106.37'	S10°11'17"E	98.72'
C166	278°29'50"	32.00'	252.18'	N55°55'15"E	67.89'
C167	5°23'41"	271.00'	26.08'	N33°55'17"E	26.07'
C168	11°51'38"	271.00'	57.82'	N12°16'00"E	57.72'
C169	11°51'38"	271.00'	51.53'	N11°41'49"E	51.42'
C170	30°10'00"	277.00'	251.14'	S15°50'31"E	248.29'
C171	18°52'36"	423.00'	139.34'	S27°02'42"E	138.11'

STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS, BLUEBONNET CAPITAL PARTNERS AND LAMPKINS STUART B ARE, ARE THE OWNER OF A TRACT OF LAND SITUATED IN A. B. ADAMS AND A. ADAMS SURVEY ABSTRACT NUMBER 8, THE C. H. BERNARD SURVEY ABSTRACT NUMBER 106, THE J. B. BILLINGSLEY SURVEY ABSTRACT NUMBER 83, AND E. RICE ABSTRACT NUMBER 927, ELLIS COUNTY, TEXAS AND BEING OUT OF A 94.761 ACRE TRACT CONVEYED TO THEM BY STUART BERNARD LAMPKINS, JR. ET AL. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THAT CERTAIN TRACT OF LAND SITUATED IN THE J. B. ADAMS AND A. ADAMS SURVEY ABSTRACT NUMBER 8, THE C. H. BERNARD SURVEY ABSTRACT NUMBER 106, THE J. B. BILLINGSLEY SURVEY ABSTRACT NUMBER 83, AND E. RICE ABSTRACT NUMBER 927, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO HANNAH HANDS LAMPKINS RECORDED IN VOLUME 833, PAGE 818 COUNTY RECORDS, ELLIS COUNTY, TEXAS AS AFFECTED BY THE LAST WILL AND TESTAMENT PROBATE NUMBER 2008-000009-1 TO STUART BERNARD LAMPKINS, JR. ET AL. RECORDED IN INSTRUMENT NUMBER 188888, AND BPOC NORTH GROVE 79, LLC A LIMITED LIABILITY COMPANY RECORDED IN INSTRUMENT NUMBER 188341 OF SAID COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND MEASURES AS FOLLOWS:

BEING THAT A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET IN THE NORTH LINE OF NORTH GROVE BOULEVARD (A CALLED 810' WIDE RIGHT-OF-WAY) RECORDED IN CABINET 31, SLIDE 130 OF SAID COUNTY RECORDS AND THE SOUTHWEST LINE OF SAID STUART B. LAMPKINS TRACT:

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

N 01° 08' 06" E, 13.90 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET;

N 43° 09' 46" E, 693.56 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET AND THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 26.60 FEET, THROUGH A CENTRAL ANGLE OF 62° 56' 27", HAVING A RADIUS OF 826.00 FEET, AND A LOW CHORD WHICH BEARS

N 41° 28' 33" E, 26.60 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET AND THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 11.03 FEET, THROUGH A CENTRAL ANGLE OF 62° 56' 27", HAVING A RADIUS OF 826.00 FEET, AND A LOW CHORD WHICH BEARS

N 41° 34' 34" E, 11.03 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET;

N 43° 04' 56" E, 176.16 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET AND THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 11.20 FEET, THROUGH A CENTRAL ANGLE OF 61° 09' 28", HAVING A RADIUS OF 100.00 FEET, AND A LOW CHORD WHICH BEARS

N 34° 34' 15" E, 11.20 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET AND THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 10.88 FEET, THROUGH A CENTRAL ANGLE OF 64° 45' 58", HAVING A RADIUS OF 827.00 FEET, AND A LOW CHORD WHICH BEARS

N 34° 28' 18" E, 10.88 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET AND BEING THE INTERSECTION OF SAID STUART B. LAMPKINS TRACT AND SAID BPOC NORTH GROVE 79, LLC TRACT

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

N 22° 11' 18" E, 274.97 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET;

N 67° 14' 08" E, 51.11 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET IN THE SOUTHWEST LINE OF A TRACT OF LAND TO JIMMIE L.L.C. RECORDED IN VOLUME 8888, PAGE 1679 OF SAID COUNTY RECORDS;

THENCE DEPARTING SAID COMMON LINE OF STUART B. LAMPKINS TRACT AND BPOC NORTH GROVE 79, LLC TRACT N 64° 56' 28" E, PASSING THE SOUTHWEST CORNER OF LOT 25, BLOCK 4 COUNTRY PLACE ADDITION PHASE FIVE

RECORDED IN CABINET 6, SLIDE 888, PLAT RECORDS ELLIS COUNTY, TEXAS AND PASSING THE SOUTHWEST CORNER OF LOT 24, BLOCK 4 COUNTRY PLACE ADDITION PHASE FIVE AND BEING THE SOUTHWEST CORNER OF LOT 23, BLOCK 4 COUNTRY PLACE ADDITION PHASE TWO RECORDED IN CABINET 6, SLIDE 15 PLAT RECORDS, ELLIS COUNTY, TEXAS, CONTINUING WITH THE NORTH LINE OF SAID DISTANCE BEARS S 26° 25' 40" W, 362.32 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND IN THE EAST LINE OF GROVE CREEK ROAD, (A PAVED TRAVELED HIGHWAY OF UNDETERMINED WIDTH, NO RECORD FOUND);

THENCE S 24° 25' 21" E, 63.00 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

THENCE S 13° 11' 31" E, 156.00 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

THENCE S 26° 44' 31" E, 53.00 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND IN THE NORTH RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD 163 (A CALLED 80 FEET WIDE RIGHT-OF-WAY LINE ALSO KNOWN AS BROWN STREET);

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

S 89° 40' 28" E, 301.70 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND FOR THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 300.50 FEET, THROUGH A CENTRAL ANGLE OF 61° 22' 06", HAVING A RADIUS OF 3,332.87 FEET, THE LOW CHORD WHICH BEARS

S 28° 01' 05" W, 300.29 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

S 22° 17' 20" W, 130.60 FEET CONTINUING WITH SAID COMMON LINE, TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET FOR THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 401.60 FEET, THROUGH A CENTRAL ANGLE OF 62° 15' 54", HAVING A RADIUS OF 395.08 FEET, THE LOW CHORD WHICH BEARS

S 10° 42' 08" W, 395.08 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

S 09° 53' 31" E, 666.00 FEET CONTINUING WITH SAID COMMON LINE TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND FOR THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, HAVING AN ARC DISTANCE OF 331.90 FEET, THROUGH A CENTRAL ANGLE OF 78° 33' 32", HAVING A RADIUS OF 279.31 FEET, THE LOW CHORD WHICH BEARS S 36° 25' 40" W, 362.32 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

S 77° 43' 38" W, 694.30 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND FOR THE SOUTH EAST CORNER OF THAT TRACT OF LAND TO BARTY AND MICHAEL BERMAN RECORDED IN INSTRUMENT NUMBER 1724468 OF SAID COUNTY RECORDS;

THENCE N 09° 27' 44" W, 308.11 FEET DEPARTING SAID COMMON LINE AND WITH THE COMMON LINE BETWEEN SAID BPOC NORTH GROVE 79, LLC TRACT AND SAID BERNARD TRACT TO A 1/2 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

THENCE S 77° 25' 18" W, 411.20 FEET WITH SAID COMMON LINE, TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

THENCE S 64° 09' 16" W, 199.55 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND IN THE SOUTHWEST CORNER OF SAID BPOC NORTH GROVE 79, LLC AND THE SOUTHWEST CORNER OF SAID LAMPKINS TRACT;

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

N 03° 36' 54" E, 412.36 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" FOUND;

N 66° 59' 16" W, 367.92 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET;

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

S 43° 03' 44" E, 464.50 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET;

S 00° 40' 58" E, 13.82 FEET TO A 6/8 INCH IRON ROD WITH CAP STAMPED "PELOTON" SET IN THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, HAVING AN ARC DISTANCE OF 179.55 FEET, THROUGH A CENTRAL ANGLE OF 64° 53' 53", HAVING A RADIUS OF 826.00 FEET, THE LOW CHORD WHICH BEARS N 44° 34' 34" E, 179.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,533.632 SQUARE FEET OR 81.121 ACRES MORE OR LESS.

HOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT BPOC NORTH GROVE 79, LLC & STUART B. LAMPKINS, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS THE OAKS OF NORTH GROVE, IN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES, THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR STRUCTURES SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE OF PUBLIC UTILITIES IS NOT SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR STRUCTURES WHICH MAY IN ANY WAY OBSTRUCT OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTING, PATROLLING, MAINTAINING, REPAIRING, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ABOVE.

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

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

BY: _____

AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME AND TITLE

STATE OF TEXAS
COUNTY OF ELLIS

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

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

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

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

BY: _____

AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME AND TITLE

STATE OF TEXAS
COUNTY OF ELLIS

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

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

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

PLAT THE OAKS OF NORTH GROVE PHASE I

81.121 Acres
181 Residential Lots
9 Non-Residential Lots
Sited in the J.B. Adams and A. Adams Survey, Abstract Number 8, the C.H. Bernard Abstract Number 106, the J.B. Billingsley Survey Abstract Number 83 and the E. Rice Survey, Abstract Number 927 City of Waxahachie, Ellis County, Texas
SUB-190-2021

Owner/Developer
BlueBonnet Capital Partners
2121 Midway Road, Suite 155
Carrollton, TX 75006
(817) 914-0934

Surveyor
Peloton Land Solutions
11000 Frisco Street, Suite 400
Frisco, TX 75033
(469) 213-1800



PELOTON
LAND SOLUTIONS
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