

# **A G E N D A**

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, November 15, 2022 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Commission Members:

- Rick Keeler, Chairman
- Melissa Ballard, Vice Chairman
- Betty Square Coleman
- Bonney Ramsey
- David Hudgins
- Erik Test
- Ron Ansell

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

4. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered routine by the Planning & Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Chairman to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

- a. Minutes of the regular Planning & Zoning Commission meeting of October 25, 2022
  - b. Minutes of the Planning and Zoning Commission briefing of October 25, 2022
5. ***Public Hearing*** on a request by Jennifer and Alex Lohmann, Reindeer Manor, for a Specific Use Permit (SUP) for an Indoor Amusement use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley
  6. ***Consider*** recommendation of Zoning Change No. ZDC-133-2022
  7. ***Consider*** a request by Lynn Rowland, Claymoore Engineering, for a Replat of Lot 2, Block A of the Austin Industrial Park, 1 commercial lot, being 7.22 acres in size, located directly West of N Interstate 35E and 4100 N Interstate 35E, (Property ID: 140093 & 254633) – Owner: PC5 PROPERTIES LLC (SUB-67-2022) Staff: Zack King

8. **Public Hearing** on a request by Joel Richey, Johnson Volk Consulting, for a Replat of Lots 1 & 2, Block 245 & 246 of the Town Addition, to create Lots 1-11, Block 1 of the Lake Park Estates subdivision, 11 residential lots, being 8.122 acres, located at 525 Lake Park Avenue, (Property ID: 171592) – Owner: FM 1446 LLC SERIES 17 (SUB-69-2022) Staff: Zack King
9. **Consider** approval of SUB-69-2022
10. **Consider** a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a Replat of Lots 11-15 of the Highland Addition and part of Lots 3 & 4, Block 21 of the West End Addition, 2 commercial lots, being 1.810 acres, located at 1400 W Marvin Avenue (Property ID 176799) – Owner: WAXAHACHIE GLASS CORPORATION (SUB-85-2022) Staff: Zack King
11. **Consider** a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a Replat of Lot 2B, Block A of the Park Place Professional Center, 2 commercial lots, being 4.797 acres, located at 104 Park Place Court (Property ID: 247585) – Owner: SNOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST (SUB-114-2022) Staff: Zack King
12. **Consider** a request by Joe Langley, Park Meadows Church for a Replat of Econo-Craft Estates, Lots 1-8, Block 7 and a portion of the Thomas Shelby Survey, Abstract 1002, 2 commercial lots, being 6.297 acres, located at 3350 N Hwy 77 (Property ID: 174011) – Owner: PARK MEADOWS BAPTIST CHURCH (SUB-82-2022) Staff: Jennifer Pruitt
13. **Consider** a request by Mike Siefert, Lookout Partners LP, for a Replat of Lot 2R1-BR2, Waxahachie Civic Center, 2 commercial lots, being 4.4678 acres, located northwest of the intersection of John Arden Road and Rae Boulevard (Property ID: 208655) – Owner: LOOKOUT PARTNERS LP (SUB-89-2022) Staff: Jennifer Pruitt
14. **Consider** a request by Montfort Capital Partners LLC for a Plat of Montfort Brown, Lot 1, Block A, being 4.073 acres, located at 3103 FM 813, situated in the J.B. & A. Adams Survey, Abstract 5 and the R. Russell Survey, Abstract 911, an addition to the City of Waxahachie and in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 289961) – Owner: BROWN STREET STORAGE LP (SUB-107-2022) Staff: Jennifer Pruitt
15. **Public Hearing** on a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for a Drive-Through Establishment use within a Planned Development-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-123-2022) Staff: Zack King
16. **Consider** recommendation of Zoning Change No. ZDC-123-2022

17. **Public Hearing** on a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an Amendment of a previously approved Specific Use Permit (SUP) for Auto Parts and Accessory Sales use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022) Staff: Zack King
18. **Consider** recommendation of Zoning Change No. ZDC-127-2022
19. **Public Hearing** on a request by Osberto Geno, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022) Staff: Zack King
20. **Consider** recommendation of Zoning Change No. ZDC-131-2022
21. **Public Hearing** on a request by John Poston, for a Zoning Change from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential (Brookside PD), located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King
22. **Consider** recommendation of Zoning Change No. ZDC-92-2022
23. Adjourn

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

This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at (469) 309-4006 or (TDD) 1-800-RELAY TX.

***Notice of Potential Quorum***

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

Planning and Zoning Commission  
October 25, 2022

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, October 25, 2022 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Bonney Ramsey  
David Hudgins  
Erik Test

Members Absent: Betty Square Coleman  
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services  
James Gaertner, Executive Director of Public Works & Utilities  
Jennifer Pruitt, Senior Director of Planning  
Zack King, Senior Planner  
Eleana Tuley, Senior Planner  
Macey Martinez, City Engineer  
Amber Villarreal, City Secretary  
Chris Wright, Council Representative  
Robert Brown, City Attorney

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

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

3. **Public Comments**

None.

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of October 11, 2022
- b. Minutes of the Planning and Zoning Commission briefing of October 11, 2022

**Action:**

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

5. **Recognize Mr. Jim Phillips for his service on the Planning & Zoning Commission**

Chairman Keeler read a plaque recognizing and thanking Mr. Jim Phillips' service on the Planning and Zoning Commission from 2014-2022.

6. **Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**

Chairman Keeler announced at 7:03 p.m. the Planning and Zoning Commission would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

**7. Reconvene and take any necessary action**

The meeting reconvened at 7:27 p.m.

**Action:**

*No action taken.*

- 8. Consider a request by Christopher Hernandez, Kimley-Horn & Associates, Inc., for a Plat of Haven Ranch Phase 1, 172 Residential Lots & 10 Open Space HOA X Lots, being 190.6221 acres, located west of the intersection of Harrington Road and Hunter Pass, situated in the William Stewart Survey, Abstract 956, the James Young Survey, abstract 1199, and the Norman H. Whittenberg Survey, Abstract 1128, an addition to the City of Waxahachie and the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 183003, 192730, 236610, 236611, 236612, 289474, 289475, 289476, & 289477) – Owner: GRBK EDGEWOOD LLC (SUB-126-2022) Staff: Zack King**

Zack King, Senior Planner, reported the applicant resubmitted the plat last week; however, due to the agenda packet deadline, the resubmittal is still under review by staff and will not be referenced in today's presentation. Mr. King reviewed the case noting the applicant is requesting to plat the subject property into 172 residential lots and 10 open space HOA lots. Mr. King explained a small portion of the subject property is located within the Waxahachie city limits; however, all residential lots proposed with the plat are located within the Waxahachie ETJ. Mr. King reviewed staff concerns noting the plat application is currently deemed to be incomplete and not filed due to the applicant's failure to provide the supplemental documentation required with the plat and address the plat comments identified below:

**Supplemental Documentation:**

- No information has been provided to demonstrate the provision of adequate water and wastewater services for the subject property and the proposed lots as required by Section 2.4(c)(13) & 5.1 of the Waxahachie Subdivision Ordinance and Section V – Special District Regulations of the Ellis County Subdivision and Development Standards.
- A Traffic Impact Analysis (TIA), as per Section 31 of the Waxahachie Subdivision Ordinance.
- A signed Waiver of Takings Impact Assessment document required as part of the Ellis County Plat Application.

**Plat Comments:**

- Since no information has been provided to demonstrate the provision of water and wastewater services to the property, all proposed lots within the ETJ have been reviewed under Vol. I Section IV – General Requirements of the Ellis County Subdivision and Development Standards. The lots & build lines proposed with this plat do not meet

(4a)

minimum size or dimensions required by the Ellis County Subdivision and Development Standards.

- The Point of Beginning (POB) survey monument coordinates for the plat do not match the location of the POB shown on the plat. Correct coordinates for the POB survey monument is required by Section 2.4 of the Waxahachie Subdivision Ordinance.
- A minimum utility easement fifteen (15) feet wide or wider is required along adjacent to all street right-of-way (ROW). The proposed plat only provides a 10-foot utility easement for residential lots and no utility easement for open space HOA X lots.
- The subject property includes 4 existing platted lots which are part of the Harrington Acres #2 plat. Due to this, the application needs to be amended to address the existing plat. The existing platted lots either need to be replatted or vacated as per Section 2.6 or 2.8 of the Waxahachie Subdivision Ordinance.
- The plat does not include street width labels or street names for all proposed streets as required by Section 2.4(c)(4) of the Waxahachie Subdivision Ordinance.
- The plat does not include curve details for all proposed lots as required by Section 2.4(c)(18) of the Waxahachie Subdivision Ordinance.

Staff recommends disapproval due to the staff concerns listed above.

Daniel Box, attorney with Winstead, P.C., 2728 N. Harwood Street, Dallas, Texas, noted he was available for questions or comments.

**Action:**

*Vice Chairman Melissa Ballard moved to disapprove SUB-126-2022 with conditions as per the staff report. Mr. David Hudgins seconded, All Ayes.*

- 9. Consider a request by John Ed Justice, BKG Legacy Ranch I, LLC, for a Replat of Lot 1, Block A, Legacy Ranch, Phase One, two lots, being 1.390 acres, located at 1000 Legacy Ranch Road (Property ID 267508) – Owner: BKG LEGACY RANCH I LLC (SUB-122-2022) Staff: Eleana Tuley**

Eleana Tuley, Senior Planner, presented the case noting the applicant is requesting to subdivide an existing lot (1.390 acres) into two (2) lots for professional office and commercial use. The plat complies with the City's zoning and subdivision requirements and staff recommends approval as presented.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by John Ed Justice, BKG Legacy Ranch I, LLC, for a Replat of Lot 1, Block A, Legacy Ranch, Phase One, two lots, being 1.390 acres, located at 1000 Legacy Ranch Road (Property ID 267508) – Owner: BKG LEGACY RANCH I LLC (SUB-122-2022) per staff report. Mr. Erik Test seconded, All Ayes.*

- 10. Consider a request by Erik Shoquist, for a Replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022) Staff: Jennifer Pruitt**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting to replat the subject property from one (1) lot into two (2) lots for industrial use. All City of Waxahachie lot size and dimension requirements have been met and staff recommends approval as presented. With this replat, the applicant is dedicating 110' of right-of-way for Cardinal Road in conformance with the City of Waxahachie Thoroughfare Plan. Ms. Pruitt noted a development agreement was drafted at the request of the applicant to allow the property owner to privately utilize the right-of-way dedication until the City extends Cardinal Road and it will be presented to City Council for consideration.

**Action:**

*Mr. David Hudgins moved to approve a request by Erik Shoquist, for a Replat of Cardinal I G Addition, Lots 1R and 2R, Block A, 2 Industrial Lots, being 66.456 acres, located at 201 & 203 Cardinal Road, situated in the Allen W. Brown Survey, Abstract 102, an addition in the City of Waxahachie (Property ID: 209418, 226867, 285601 & 285602) – Owner: CARDINAL I G COMPANY (SUB-40-2022). Vice Chairman Melissa Ballard seconded, All Ayes.*

- 11. Public Hearing on a request by Rodney & Suzie Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: THOMAS A. & VERONICA SCHAEFFER (ZDC-121-2022) Staff: Jennifer Pruitt**

Ms. Pruitt presented the case noting the applicant is requesting a Specific Use Permit to expand an existing pool house (324 sq. ft.) to 972 sq. ft. to accommodate a bathroom and kitchenette. Ms. Pruitt noted the applicant has been adamant that the accessory dwelling will only be used for entertainment purposes and not as an additional dwelling unit. Staff recommends approval per the following staff comments:

1. The accessory structure shall not be used as a dwelling.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Chairman Keeler opened the Public Hearing.

There being no others to speak for or against ZDC-121-2022, Chairman Keeler closed the Public Hearing.

- 12. Consider recommendation of Zoning Change No. ZDC-121-2022**

**Action:**

*Ms. Bonney Ramsey moved to approve a request by Rodney & Suzie Bell, Cove Construction, for a Specific Use Permit (SUP) for an Accessory Structure +700sf, use within a Single Family – 1 (SF-1) zoning district located at 601 N. Grand Ave (Property ID 176840) - Owner: THOMAS A. & VERONICA SCHAEFFER (ZDC-121-2022). Mr. Erik Test seconded, All Ayes.*

(4a)

Planning and Zoning Commission  
October 25, 2022  
Page 5

**13. Adjourn**

There being no further business, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, October 25, 2022 at 6:30 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Bonney Ramsey  
David Hudgins  
Erik Test

Members Absent: Betty Square Coleman  
Ron Ansell

Others Present: Shon Brooks, Executive Director of Development Services  
James Gaertner, Executive Director of Public Works & Utilities  
Jennifer Pruitt, Senior Director of Planning  
Zack King, Senior Planner  
Eleana Tuley, Senior Planner  
Macey Martinez, City Engineer  
Amber Villarreal, City Secretary  
Chris Wright, Council Representative  
Robert Brown, City Attorney

**1. Call to Order**

Chairman Rick Keeler called the meeting to order. James Gaertner, Executive Director of Public Works & Utilities congratulated Macey Martinez on her promotion to City Engineer.

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

Zack King, Senior Planner, reviewed the following case:

- SUB-126-2022, the applicant is requesting to plat the subject property into 172 residential lots and 10 open space HOA lots. Mr. King explained a small portion of the subject property is located within the Waxahachie city limits; however, all residential lots proposed with the plat are located within the Waxahachie ETJ. Mr. King reviewed staff concerns noting the plat application is currently deemed to be incomplete and not filed due to the applicant's failure to provide the supplemental documentation required with the plat and address the plat comments identified below:

Supplemental Documentation:

- No information has been provided to demonstrate the provision of adequate water and wastewater services for the subject property and the proposed lots as required by Section 2.4(c)(13) & 5.1 of the Waxahachie Subdivision Ordinance and Section V – Special District Regulations of the Ellis County Subdivision and Development Standards.
- A Traffic Impact Analysis (TIA), as per Section 31 of the Waxahachie Subdivision Ordinance.
- A signed Waiver of Takings Impact Assessment document required as part of the Ellis County Plat Application.

Plat Comments:

- Since no information has been provided to demonstrate the provision of water and wastewater services to the property, all proposed lots within the ETJ have been reviewed under Vol. I Section IV – General Requirements of the Ellis County Subdivision and Development Standards. The lots & build lines proposed with this plat do not meet minimum size or dimensions required by the Ellis County Subdivision and Development Standards.
- The Point of Beginning (POB) survey monument coordinates for the plat do not match the location of the POB shown on the plat. Correct coordinates for the POB survey monument is required by Section 2.4 of the Waxahachie Subdivision Ordinance.
- A minimum utility easement fifteen (15) feet wide or wider is required along adjacent to all street right-of-way (ROW). The proposed plat only provides a 10-foot utility easement for residential lots and no utility easement for open space HOA X lots.
- The subject property includes 4 existing platted lots which are part of the Harrington Acres #2 plat. Due to this, the application needs to be amended to address the existing plat. The existing platted lots either need to be replatted or vacated as per Section 2.6 or 2.8 of the Waxahachie Subdivision Ordinance.
- The plat does not include street width labels or street names for all proposed streets as required by Section 2.4(c)(4) of the Waxahachie Subdivision Ordinance.
- The plat does not include curve details for all proposed lots as required by Section 2.4(c)(18) of the Waxahachie Subdivision Ordinance.

Staff recommends disapproval due to the staff concerns listed above.

Eleana Tuley, Senior Planner, reviewed the following case:

- SUB-122-2022, the applicant is requesting to subdivide an existing lot (1.390 acres) into two (2) lots for professional office and commercial use. The plat complies with the City's zoning and subdivision requirements and staff recommends approval as presented.

Jennifer Pruitt, Senior Director of Planning, reviewed the following cases:

- SUB-40-2022, the applicant is requesting to replat the subject property from one (1) lot into two (2) lots for industrial use. All City of Waxahachie lot size and dimension requirements have been met and staff recommends approval as presented. With this replat, the applicant is dedicating 110' of right-of-way for Cardinal Road in conformance with the City of Waxahachie Thoroughfare Plan. Ms. Pruitt noted a development agreement was drafted at the request of the applicant to allow the property owner to privately utilize the right-of-way dedication until the City extends Cardinal Road and it will be presented to City Council for approval.
- ZDC-121-2022, the applicant is requesting a Specific Use Permit to expand an existing pool house (324 sq. ft.) to 972 sq. ft. to accommodate a bathroom and kitchenette. Ms. Pruitt noted the applicant has been adamant that the accessory dwelling will only be used for entertainment purposes and not as an additional dwelling unit. Staff recommends approval per staff comments.

**3. Work Session: Accessory Structures**

Mr. King reviewed the two types of accessory structures: Accessory Dwelling Unit and Accessory Structure. He explained some residential zoning districts allow accessory structures by right and others require a Specific Use Permit if more than 700 sq. ft. Mr. King presented common types of accessory structures and explained the current zoning ordinances does not allow for accessory dwelling units to be leased or sold in single-family zoning.

Ms. Tuley explained the Comprehensive Plan will address the process for allowing or not allowing accessory dwelling units to be leased or sold in single-family zoning and feedback from the committee will be considered.

#### **4. Adjourn**

There being no further business, the meeting adjourned at 6:52 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5+6)



## Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: November 15, 2022

Re: ZDC-133-2022 – Reindeer Manor

---

On October 31, 2022, the applicant requested to withdraw this application from the November 15, 2022, Planning and Zoning and the November 21, 2022, City Council meeting.

(5+6)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-133-2022

RECEIVED NOV 02 2022

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 Jennifer and Alex Lohmann, Reindeer Manor, for a **Specific Use Permit (SUP)** for an **Indoor Amusement** use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley

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

Case Number: ZDC-133-2022

City Reference: 171063

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

Brings people downtown

Signature

Brad Yates

Printed Name and Title

11/1/22

Date

PO Box 2868

Address

Waxahachie, TX 75168

*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.*

(546)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-133-2022**

RECEIVED NOV 04 2022

HERRERA CRUZ & CYNTHIA  
302 PATTERSON ST  
WAXAHACHIE, TX 75165-3665

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 Jennifer and Alex Lohmann, Reindeer Manor, for a **Specific Use Permit (SUP)** for an **Indoor Amusement** use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley

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

Case Number: **ZDC-133-2022**

City Reference: 171067

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

NOT enough parking for a business that size. It will  
Effect my property.

  
Signature

10/31/22  
Date

Cruz Herrera OWNER  
Printed Name and Title

302 Patterson  
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.*



(5+6)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-133-2022

JONES JAMES MICHAEL REVOCABLE LIVING TRUST  
413 W JEFFERSON ST  
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 Jennifer and Alex Lohmann, Reindeer Manor, for a Specific Use Permit (SUP) for an Indoor Amusement use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley

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

Case Number: ZDC-133-2022

City Reference: 171070

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on November 9, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

James M. Jones  
Signature

11-6-2022  
Date

JAMES M. JONES (OWNER)  
Printed Name and Title

413 W. JEFFERSON ST - WAXAHACHIE  
Address

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

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

Case Number: ZDC-133-2022

City Reference: 171071

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on November 9, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

James M. Jones  
Signature

11-6-2022  
Date

JAMES M. JONES (OWNER)  
Printed Name and Title

513 W. JEFFERSON ST  
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.*

(5+6)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-133-2022**

**WEDEL LIVING TRUST**  
**417 W JEFFERSON ST**  
**WAXAHACHIE, TX 75165-3601**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 Jennifer and Alex Lohmann, Reindeer Manor, for a **Specific Use Permit (SUP)** for an **Indoor Amusement** use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) - Owner: BIG BLUE TRUCK LLC (ZDC-133-2022) Staff: Eleana Tuley

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

Case Number: **ZDC-133-2022**

City Reference: 171068  
AND 171062

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

I DO NOT BELIEVE THIS TYPE OF FACILITY IS ALLOWED IN A SF-1  
ZONING DISTRICT AND PARKING REQUIREMENTS CANNOT BE MET, SEE  
ATTACHMENT FOR DETAILS AND OTHER COMMENTS.

John A. Wedel  
Signature

11/7/2022  
Date

JOHN A. WEDEL  
Printed Name and Title  
TRUSTEE, WEDEL LIVING TRUST

417 W. Jefferson St.  
Address  
WAXAHACHIE, TX  
75165

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

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

(5+6)

Re: Case Number ZDC-133-2022

This is in reference to the case number above for:

Request by Jennifer and Alex Lohmann, Reindeer Manor, for a Specific Use Permit (SUP) for an Indoor Amusement use within a Light Industrial-2 (LI-2) and Single Family-1 (SF-1) zoning district located at 500 Madison Street (Property ID 171075) – Owner: Big Blue Truck LLC.

I OPPOSE this request for the following reasons:

1. Section 4.03 of the City of Waxahachie Code of Ordinances indicates that Indoor Amusement use is prohibited in a Single Family-1 zoned area and is further not indicated to be allowed by a Specific Use Permit.
2. It appears that the property in question cannot provide the required off-street parking spaces needed for such a large facility. The Code of Ordinances (Section 4.03) indicates that Indoor Amusement use requires parking availability to be 1 space per 100 square feet of floor space. According to Ellis County Appraisal District records, the facility is 30,304 square feet. This would require 303 off-street parking spaces.
3. Currently Railport Brewing parking on weekends often overflows onto Madison and Patterson streets, making travel in the area congested. Adding a large facility such as that proposed that cannot accommodate its parking off-street will make the area a serious traffic problem. Especially considering the entrance to the proposed facility is limited to Patterson Street and the Patterson – W. Madison intersection, forcing all incoming and outgoing traffic to this facility to these streets as there are no other means of approach from the south (Railroad Street is not passable) or west.
4. The property is within a National Register of Historic Places district – the West End Historic District. An Indoor Amusement park is not the type of property use that should be included in such a recognized district. Property values of historic homes in the district would be negatively impacted.

Signature:

John A. Wedel  
TRUSTEE, WEDEL LIVING TRUST

Printed Name:

JOHN A. WEDEL

Address:

417 W. Jefferson St. WAXAHACHIE, TX 75765

Date:

11/7/2022

(7)

## Planning & Zoning Department

### Plat Staff Report

Case: SUB-67-2022



#### MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

#### CAPTION

**Consider** a request by Lynn Rowland, Claymoore Engineering, for a Replat of Lot 2, Block A of the Austin Industrial Park, 1 commercial lot, being 7.22 acres in size, located directly West of N Interstate 35E and 4100 N Interstate 35E, (Property ID: 140093 & 254633) – Owner: PC5 Properties LLC

#### APPLICANT REQUEST

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

#### CASE INFORMATION

*Applicant:*

Lynn Rowland, Claymoore Engineering

*Property Owner(s):*

PC5 Properties LLC

*Site Acreage:*

7.22 acres

*Number of Lots:*

1 lot

*Number of Dwelling Units:*

0 units

*Park Land Dedication:*

The cash in lieu of park land dedication is \$3,438.00 (5.73 acres at \$600.00 per acre. Note: 1.49 acres of the subject property have already been platted.)

*Adequate Public Facilities:*

Adequate public facilities are available to the site; but a wastewater line will need to be extended to serve the property.

#### SUBJECT PROPERTY

*General Location:*

Directly West of N Interstate 35E and 4100 N Interstate 35E

*Parcel ID Number(s):*

140093 & 254633

*Current Zoning:*

Light Industrial-2

*Existing Use:*

The subject property is currently undeveloped.

*Platting History:*

The subject property is comprised of Lot 2, Block A of the Austin Industrial Park plat and part of the Mickinney and Williams Survey, Abstract 753 and J. Shaver Survey, Abstract 1000.

*Site Aerial:*



**PLANNING ANALYSIS**

The applicant is proposing to replat the subject property into one (1) lot for commercial use. The proposed lot meets or exceeds the minimum lot size requirements established by the Light Industrial-2 zoning on the site. Adequate water and sewer facilities are available to the site; however, an adjacent sewer line will need to be extended to serve 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:

- ☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Replat

**APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
  - b) If all comments were satisfied, then the 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

Senior Planner

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

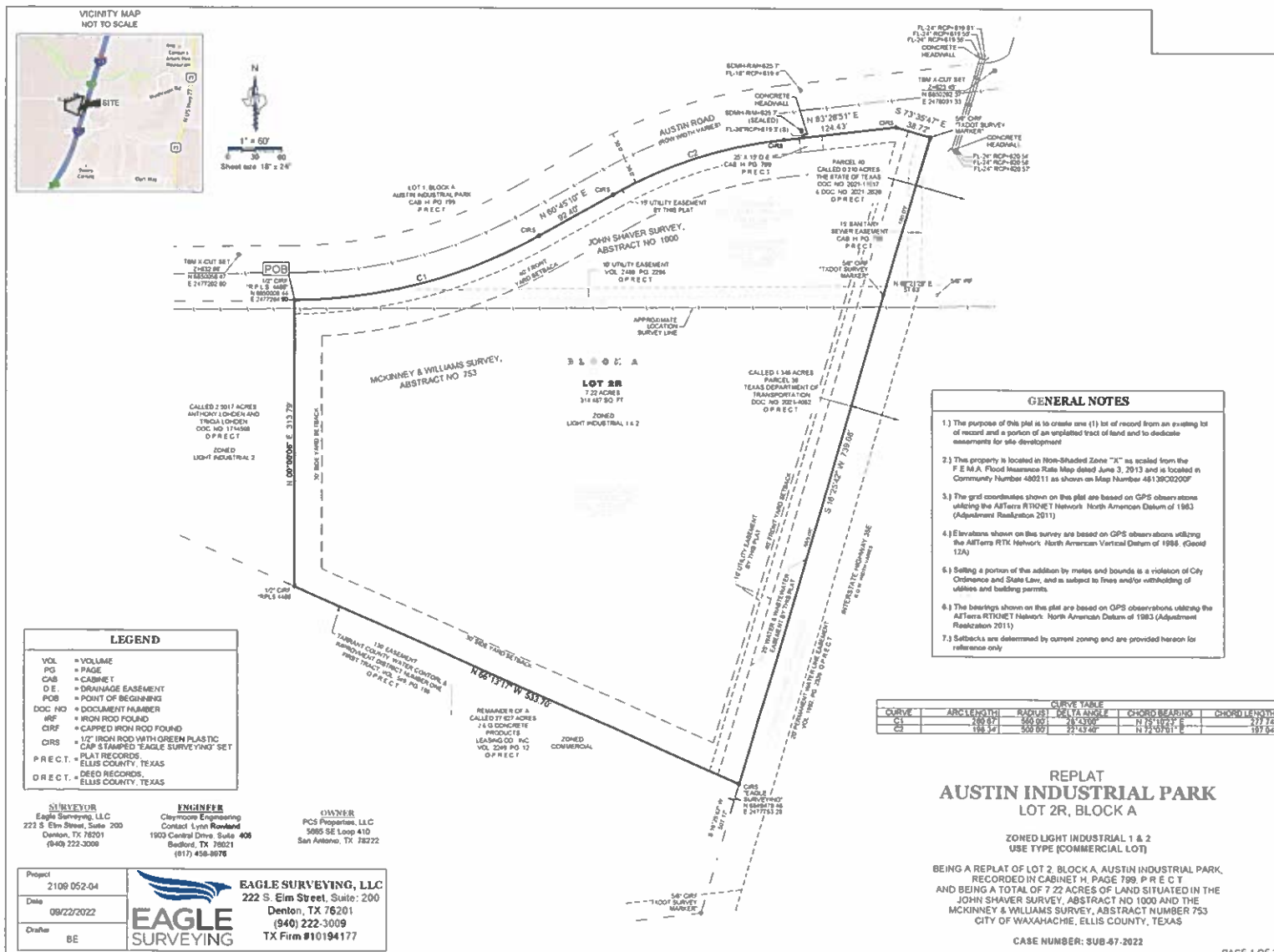
*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(7)



(7)



#### OWNER'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF ELLIS §

WHEREAS, PCS PROPERTIES, LLC is the owner of a 7.22 acre tract or parcel of land situated in the MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NUMBER 753 and the "SHAWVER SURVEY, ABSTRACT NUMBER 1000, Ellis County, Texas in the City of Waxahachie, Ellis County, Texas and being a portion of Lot 2, Block A of Austin Industrial Park, a subdivision of record in Cabinet H, Page 790 of the Plat Records of Ellis County, Texas, as conveyed to PCS Properties, LLC by Special Warranty Deed With Vendor's Lien of record in Document Number 2208316, of the Official Public Records of Ellis County, Texas, and all of a called 5.72 acre tract of land conveyed to PCS Properties, LLC by Special Warranty Deed With Vendor's Lien of record in Document Number 2131857, of said Official Public Records, and being more particularly described by metes and bounds as follows:

BEGINNING, at a capped 1/2" iron rod stamped "R P L S. 4486" found in the South right-of-way line of Austin Road (80' right-of-way), at the Northwest corner of a called 2.5617 acre tract of land conveyed to Anthony Lehtinen and Tracie Lehtinen by Warranty Deed of record in Document Number 1714599 of said Official Public Records, the northwest corner of said 5.72 acre tract, and the west corner of said Lot 2, at the beginning of a curve to the left.

THENCE, along the South right-of-way line of said Austin Road, being the common North line of said Lot 2 the following courses and distances:

1. With said curve to the left having a radius of 580.00 feet, a delta angle of 28°43'00", a chord bearing and distance of N 75°10'23" E, 277.74 and an arc length of 280.87 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set.
2. N 60°45'10" E, a distance of 92.40 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set.
3. With a curve to the right having a radius of 500.00 feet, a delta angle of 22°43'40", a chord bearing and distance of North 72°07'01" East, 197.04 feet and an arc length of 180.34 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set.
4. N 83°25'51" E, a distance of 124.43 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set.
5. S 73°35'47" E, a distance of 38.72 feet to a capped 5/8" iron rod stamped "TX DOT SURVEY MARKER" found at the Northwest corner of a called 0.210 acre tract of land described as Parcel 49 in deed to The State of Texas, recorded in Document Number 2111617 of the Official Public Records of Ellis County, Texas and being in the West right-of-way line of Interstate Highway 35E (a variable width right-of-way).

THENCE, S 16°25'42" W, with the West line of said Parcel 40, same being the West right-of-way line of said Interstate Highway 35E, passing at a distance of 180.03 feet to a capped 5/8" iron rod stamped "TX DOT SURVEY MARKER" found at the Southwest corner of said Parcel 40, the Northwest corner of a called 1.348 acre tract of land described as Parcel 36 in deed to The State of Texas, recorded in Document Number 2104062 of said Official Public Records, and the Northeast corner of said 5.72 acre tract, and continuing with the West line of said Parcel 36 and said West right-of-way line of said Interstate Highway 35E, a total distance of 739.08 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set from which a 5/8" iron rod with cap stamped "TX DOT SURVEY MARKER" found at the Southwest corner of said Parcel 36 bears S 16°25'42" W, a distance of 507.17 feet.

THENCE, N 64°12'17" W, along the South line of said 5.72 acre tract, a distance of 533.70 to a 1/2" iron rod with cap stamped "RPLS 4486" found at the Southeast corner of 2.5617 acre tract and the Southwest corner of said 5.72 acre tract.

THENCE, N 00°00'00" E with the East line of said 2.5617 acre tract, being the common West line of said 5.72 acre tract, a distance of 313.79 feet to the POINT OF BEGINNING and containing 7.22 acres (314.87 square feet) of land more or less.

#### OWNER'S DEDICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, PCS PROPERTIES, LLC, does hereby adopt this plat designating the herein above described property as AUSTIN INDUSTRIAL PARK, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown hereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, 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 under the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, repairing, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

OWNER: PCS PROPERTIES, LLC

BY: \_\_\_\_\_  
Signature of Authorized Agent

Date

BY: Michael Puryear, Secretary

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL PURYEAR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas

#### CERTIFICATE OF SURVEYOR

STATE OF TEXAS §  
COUNTY OF DENTON §

I, MATTHEW RAABE, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual survey made on the ground and that the monuments shown hereon were found or placed with 1/2-inch iron rods with green plastic caps stamped "EAGLE SURVEYING" under my direction and supervision in accordance with the current provisions of the Texas Administrative Code and the Ordinances of the City of Waxahachie, Ellis County, Texas.

PRELIMINARY  
This document shall not be subject to any  
purpose and shall not be used as evidence of  
Matthew Raabe, R.P.L.S. # 6602

Date

#### REPLAT AUSTIN INDUSTRIAL PARK LOT 2R, BLOCK A

ZONED LIGHT INDUSTRIAL 1 & 2  
USE TYPE (COMMERCIAL LOT)

BEING A REPLAT OF LOT 2, BLOCK A, AUSTIN INDUSTRIAL PARK,  
RECORDED IN CABINET H, PAGE 793, P. R. E. C. T.  
AND BEING A TOTAL OF 7.22 ACRES OF LAND SITUATED IN THE  
JOHN SHAWVER SURVEY, ABSTRACT NO. 1000 AND THE  
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NUMBER 753  
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

CASE NUMBER: SUB-47-2022

PAGE 2 OF 2

#### GENERAL NOTES

- 1.) The purpose of this plat is to create one (1) lot of record from an existing lot of record and a portion of an unplatted tract of land and to dedicate easements for site development.
- 2.) The property is located in Non-Shaded Zone "K" as scaled from the F E M A Flood Insurance Rate Map dated June 3, 2013 and is located in Community Number 480211 as shown on Map Number 48180C0700F.
- 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the Affairs RTKNET Network, North American Datum of 1983 (Adjustment Realization 2011).
- 4.) Elevations shown on this survey are based on GPS observations utilizing the Affairs RTKNET Network, North American Vertical Datum of 1988, (Gauss 12A).
- 5.) Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
- 6.) The bearings shown on this plat are based on GPS observations utilizing the Affairs RTKNET Network, North American Datum of 1983 (Adjustment Realization 2011).
- 7.) Sublots are determined by current zoning and are provided hereon for reference only.

#### CERTIFICATE OF APPROVAL

APPROVED by the Planning and Zoning Commission, City of Waxahachie, Texas

Planning and Zoning Chairman \_\_\_\_\_ Date \_\_\_\_\_  
ATTEST  
City Secretary \_\_\_\_\_ Date \_\_\_\_\_

**SURVEYOR**  
Eagle Surveying, LLC  
222 S. Elm Street, Suite 200  
Denton, TX 76201  
(940) 222-3009

**ENGINEER**  
Cleymore Engineering  
Contact: Lynn Rowland  
1833 Central Drive, Suite 405  
Bedford, TX 76021  
(817) 458-8878

**OWNER**  
PCS Properties, LLC  
9865 SE Loop 410  
San Antonio, TX 78222



**EAGLE SURVEYING, LLC**  
222 S. Elm Street, Suite 200  
Denton, TX 76201  
(940) 222-3009  
TX Firm #10194177

Project  
2108 052-04  
Date  
08/22/2022  
Driller  
BE

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-69-2022



### MEETING DATE(S)

Planning & Zoning Commission: November 15, 2022

### CAPTION

**Public Hearing** on a request by Dustin Phillipp, Johnson Volk Consulting, for a **Replat** of Lots 1 & 2, Block 245 & 246 of the Town Addition, to create Lots 1-11, Block 1 of the Lake Park Estates subdivision, 11 residential lots, being 8.122 acres, located at 525 Lake Park Avenue, (Property ID: 171592) – Owner: FM 1446 LLC SERIES 17 (SUB-69-2022)

### APPLICANT REQUEST

The applicant is requesting to replat the subject property into ten (10) Single Family Residential Lots and one (1) HOA maintained Open Space Lot.

### CASE INFORMATION

**Applicant:** Joel Richey, Johnson Volk Consulting

**Property Owner(s):** FM 1446 LLC Series 17

**Site Acreage:** 8.122 acres

**Number of Lots:** 11 lots

**Number of Dwelling Units:** 11 units

**Park Land Dedication:** The cash in lieu of park land dedication is \$4,000.00 (10 residential lots at \$400.00 per acre.)

**Adequate Public Facilities:** Adequate Public Facilities are available to the subject property.

### SUBJECT PROPERTY

**General Location:** 525 Lake Park Avenue

**Parcel ID Number(s):** 171592

**Current Zoning:** Single Family-2 (SF-2)

**Existing Use:** A single family residence currently occupies the subject property.

**Platting History:** A portion of the property was previously platted as Lots 1 & 2, Block 245 & 246 of the Town Addition. The remaining portion of the property is part of the B.B. Davis Survey, Abstract 290.

Site Aerial:



#### **PLANNING ANALYSIS**

The applicant is proposing to replat the subject property into ten (10) Single Family Residential Lots and one (1) HOA maintained Open Space Lot. The subject property is located within the Infill Overlay District. However, the proposed lots still exceed the minimum lot dimension and size requirements of the Single Family-2 (SF-2) zoning district. The proposed open space lot will be maintained by the subdivisions HOA and is located entirely within the floodplain. A Flood Management Area Easement has been proposed with this replat to encompass the open space lot as per Section 4.2 of the Waxahachie Subdivision Ordinance, due to its location within the floodplain.

#### **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:

- ☒ Approval, as presented.

#### **ATTACHED EXHIBITS**

1. Replat

#### **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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the 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

Senior Planner

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

*Reviewed by:*

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

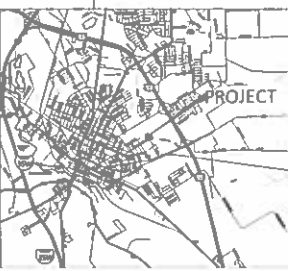
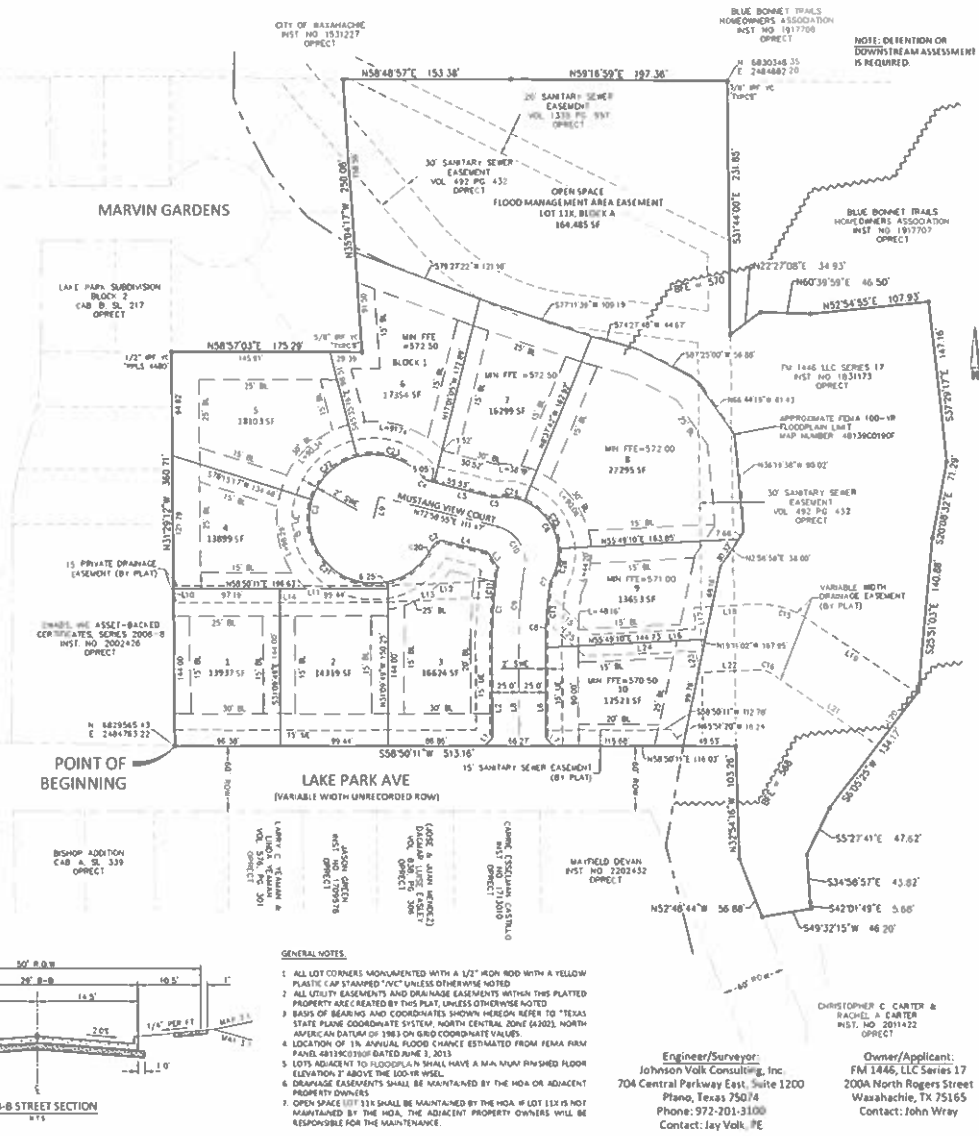
Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(8)

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	73.85	485.00	008°43'01"	73.56	S26°48'47"E
C2	12.36	3.00	078°54'07"	11.64	N33°21'51"E
C3	303.82	58.00	295°03'54"	63.38	S38°23'45"E
C4	5.68	9.00	036°08'17"	5.58	N68°56'42"E
C5	3.40	8.00	021°40'23"	3.38	S67°08'43"E
C6	114.24	51.00	128°28'28"	91.81	N64°31'06"E
C7	3.45	9.00	023°17'28"	3.62	N11°51'33"E
C8	57.84	435.00	007°35'33"	57.60	N27°22'03"E
C9	72.87	460.00	008°04'37"	72.80	S26°37'31"E
C10	50.40	34.00	084°58'53"	45.81	S64°33'09"E
C11	15.19	483.00	008°47'42"	15.18	N42°46'13"E
C12	25.11	438.00	003°16'28"	25.11	N26°23'08"E
C13	52.46	80.00	037°34'25"	51.53	N74°36'22"E
C14	131.2	20.00	037°34'25"	12.88	S74°36'22"E
C15	53.87	59.00	052°18'07"	57.02	N20°14'18"E
C16	123.43	59.00	119°51'28"	102.12	S77°40'27"E
C17	59.89	59.00	088°09'28"	57.35	S15°40'07"E
C18	46.84	59.00	084°42'58"	63.15	S76°44'13"E
C19	26.76	51.00	030°03'46"	26.45	S66°30'25"E
C20	54.31	71.00	083°15'48"	57.49	N68°53'49"E
C21	31.17	39.00	030°03'46"	30.49	N17°51'23"E

Line Table		
Line	Length	Direction
L1	10.09	S13°58'11"E
L2	42.86	S38°09'49"E
L3	16.94	S14°33'06"E
L4	41.58	N77°58'55"E
L5	40.54	S77°58'55"E
L6	82.06	N31°09'49"E
L7	10.29	N77°09'49"E
L8	90.90	S71°09'49"E
L9	20.81	N17°09'05"E
L10	15.00	S31°29'12"E
L11	181.48	S58°50'11"E
L12	104.23	S58°50'11"E
L13	102.17	N56°03'30"E
L14	181.74	N58°50'11"E
L15	54.48	S79°10'50"E
L16	82.87	N05°49'10"E
L17	20.00	N34°18'50"E
L18	56.32	N55°49'10"E
L19	118.86	S06°36'23"E
L20	60.07	S6°05'25"E
L21	114.04	N06°36'23"E
L22	56.32	S55°49'10"E
L23	20.00	N34°18'50"E
L24	108.15	S55°49'10"E
L25	47.58	N79°38'50"E



- LEGEND**
- Point of Curvature or Tangency on Center Line
  - 1/2" Iron rod set with a yellow plastic cap stamped "P.C." (unless otherwise noted)
  - 1/2" IR (unless otherwise noted)
  - AC Acre
  - BL Building Line
  - CL Curve Line
  - CCM Control Monument
  - DE Drainage Easement
  - EUTL Easement Utility Line
  - LI Line
  - SF Square Feet
  - UE Utility Easement
  - SWE Sewer Easement
  - VUE Viability Easement
  - DREC To: Deeds Records of Ellis County, Texas

**REPLAT  
LAKE PARK ESTATES**  
8.122 ACRES  
LOTS 1-10, 11K, BLOCK 1  
10 SINGLE FAMILY LOTS  
1 OPEN SPACE LOT  
OUT OF THE  
B.B. DAVIS SURVEY, ABSTRACT NO. 2100  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
ZONED: SINGLE FAMILY 7 (M-7)  
SUB-69-2027  
18 October 2022

- GENERAL NOTES**
1. ALL LOT CORNERS MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "P.C." UNLESS OTHERWISE NOTED.
  2. ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS WITHIN THE PLATTED PROPERTY ARE CREATED BY THIS PLAT, UNLESS OTHERWISE NOTED.
  3. BASIS OF BEARING AND COORDINATES SHOWN HEREON REFER TO TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (NAD83), NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES.
  4. LOCATION OF 1% ANNUAL FLOOD CHANCE ESTIMATED FROM FEMA FIRM FLOOD 481530103P DATED JUNE 1, 2015.
  5. LOTS ADJACENT TO FLOODPLAIN SHALL HAVE A MINIMUM FINISHED FLOOR ELEVATION 7' ABOVE THE 100-YR FIRM.
  6. DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE HOA OR ADJACENT PROPERTY OWNERS.
  7. OPEN SPACE LOT 11K SHALL BE MAINTAINED BY THE HOA. LOT 11K IS NOT MAINTAINED BY THE HOA, THE ADJACENT PROPERTY OWNERS WILL BE RESPONSIBLE FOR THE MAINTENANCE.

**Engineer/Surveyor:**  
Johnson Volk Consulting, Inc.  
704 Central Parkway East, Suite 1200  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE

**Christopher C. Carter &  
Rachel A. Carter**  
PST. NO. 281422  
O.P.C.E.T.

**Owner/Applicant:**  
FM 1446, LLC Series 17  
2004 North Rogers Street  
Waxahachie, TX 75165  
Contact: John Wray

(8)

STATE OF TEXAS  
COUNTY OF ELLIS

LEGAL DESCRIPTION

LAKE PARK ESTATES  
8.122 ACRES

WHEREAS, FM 1446, L.L.C., Series 17 is the Owner of land situated in the B.B. Davis Survey Abstract No. 290, City of Waxahachie, Ellis County, Texas and being all of that tract of land described as Tracts 1, 2, and 3 in deed to FM 1446, L.L.C., recorded in Volume 2576, Page 1689, of the official public records of Ellis County, Texas (OPREC) and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the Southwest corner of a tract of land described in deed to CBAHS, LLC Asset-Backed Certificates, Series 2006-B, recorded in instrument No. 2002426, OPREC and in the North Right-Of-Way (ROW) line of Lake Park Avenue (A variable width unrecorded ROW).

THENCE North 31 degrees 29 minutes 12 seconds West, a distance of 368.71 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "TRCS" found for corner;

THENCE North 58 degrees 57 minutes 03 seconds East, a distance of 175.29 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "TRCS" found for corner;

THENCE North 35 degrees 04 minutes 17 seconds West, a distance of 250.08 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 58 degrees 48 minutes 57 seconds East, a distance of 153.38 feet to a 1 inch iron rod found for corner;

THENCE North 59 degrees 16 minutes 59 seconds East, a distance of 197.36 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "TRCS" found for corner;

THENCE South 31 degrees 44 minutes 00 seconds East, a distance of 231.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 22 degrees 27 minutes 08 seconds East, a distance of 34.93 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 60 degrees 39 minutes 59 seconds East, a distance of 46.50 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 52 degrees 54 minutes 55 seconds East, a distance of 107.93 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 37 degrees 29 minutes 17 seconds East, a distance of 147.16 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 20 degrees 08 minutes 32 seconds East, a distance of 71.29 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 25 degrees 51 minutes 03 seconds East, a distance of 140.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 06 degrees 05 minutes 25 seconds West, a distance of 134.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 05 degrees 27 minutes 41 seconds East, a distance of 47.62 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 34 degrees 58 minutes 57 seconds East, a distance of 43.82 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 42 degrees 01 minutes 49 seconds East, a distance of 56.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 49 degrees 37 minutes 13 seconds West, a distance of 46.20 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 32 degrees 48 minutes 44 seconds West, a distance of 56.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 32 degrees 54 minutes 16 seconds West, a distance of 103.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 58 degrees 50 minutes 11 seconds West, a distance of 513.16 feet to the POINT OF BEGINNING and containing 8.122 acres of land, more or less.

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS, That I, Ryan S. Reynolds, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I have prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were found or placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

RYAN S. REYNOLDS, R.P.L.S.  
Registered Professional Land Surveyor No. 6365

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT FM 1446, L.L.C., Series 17, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as LAKE PARK ESTATES, an addition to the City of Waxahachie, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon. The streets, alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective system in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission from anyone.

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

WITNESS, OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_

NAME: JOHN WRAY, MANAGER  
FM 1446, L.L.C. SERIES 17

TITLE: MANAGER

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

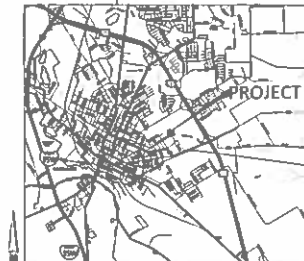
BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared \_\_\_\_\_, Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_

APPROVED BY: Planning and Zoning Commission City of Waxahachie	
By:	
Chairperson	Date
Attest	Date



GENERAL NOTES:

1. ALL LOT CORNERS MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JVC" UNLESS OTHERWISE NOTED.
2. ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS WITHIN THIS PLATTED PROPERTY ARE CREATED BY THIS PLAT, UNLESS OTHERWISE NOTED.
3. BASIS OF BEARING AND COORDINATES SHOWN HEREON REFER TO "TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (AD83), NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES."
4. LOCATION OF THE ANNUAL FLOOD CHANCE ESTIMATED FROM FEMA FIRM PANEL 48190C0109 DATED JUNE 3, 2013.
5. LOTS ADJACENT TO FLOODPLAIN SHALL HAVE A MINIMUM FINISHED FLOOR ELEVATION 2' ABOVE THE 100-YR FSEL.
6. DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE HOA OR ADJACENT PROPERTY OWNERS.
7. OPEN SPACE LOT 11K SHALL BE MAINTAINED BY THE HOA. IF LOT 11K IS NOT MAINTAINED BY THE HOA, THE ADJACENT PROPERTY OWNERS WILL BE RESPONSIBLE FOR THE MAINTENANCE.

REPLAT  
LAKE PARK ESTATES

8.122 ACRES

LOTS 1-10, 11K, BLOCK 1  
10 SINGLE FAMILY LOTS

1 OPEN SPACE LOT

OUT OF THE  
B.B. DAVIS SURVEY, ABSTRACT NO. 290

CITY OF WAXAHACHIE

ELLIS COUNTY, TEXAS

ZONED: SINGLE FAMILY-2 (SF-2)

SUB 69-2012

18 October 2022

Engineer/Surveyor:  
Johnson Volk Consulting, Inc.  
704 Central Parkway East, Suite 1200  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Jay Volk, PE

Owner/Applicant:  
FM 1446, L.L.C. Series 17  
2004 North Rogers Street  
Waxahachie, TX 75165  
Contact: John Wray

(110)

## Planning & Zoning Department

### Plat Staff Report

---

**Case: SUB-85-2022**

---



#### **MEETING DATE(S)**

*Planning & Zoning Commission:* November 15, 2022

#### **CAPTION**

**Consider** a request by Tim Jackson, Texas Reality Capture & Surveying LLC, for a **Replat** of Lots 11-15 of the Highland Addition and part of Lots 3 & 4, Block 21 of the West End Addition, 2 commercial lots, being 1.810 acres, located at 1400 W Marvin Avenue (Property ID 176799) – Owner: Waxahachie Glass Corporation (SUB-85-2022) Staff: Zack King

#### **APPLICANT REQUEST**

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

#### **CASE INFORMATION**

<i>Applicant:</i>	Tim Jackson, Texas Reality Capture & Surveying LLC
<i>Property Owner(s):</i>	Waxahachie Glass Corporation
<i>Site Acreage:</i>	1.810 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	0 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the subject property.

#### **SUBJECT PROPERTY**

<i>General Location:</i>	1400 W Marvin Avenue
<i>Parcel ID Number(s):</i>	176799
<i>Current Zoning:</i>	Light Industrial-1 (LI-1)
<i>Existing Use:</i>	The subject property is currently occupied by a commercial building operated by the Waxahachie Glass Corporation.
<i>Platting History:</i>	The subject property is currently platted as Lots 11-15 of the Highland Addition and part of Lots 3 & 4, Block 21 of the West End Addition.

(110)

**Site Aerial:**



**PLANNING ANALYSIS**

The applicant is proposing to replat the subject property into two (2) lots for commercial use. All lot size and dimension requirements have been met in accordance with the Light Industrial-1 zoning of the property. The applicant is providing a 15' utility easement adjacent to all right-of-way (ROW) frontage.

**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:

- ☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Replat

**APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the 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

Senior Planner

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

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(10)



VOYNITY MAP  
NOT TO SCALE

LEGEND

CRIB - 60 INCH ROD WITH YELLOW PLASTIC CAP STAMPED "TORC" SET  
USE - UTILITY EASEMENT  
OFFSET - OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS

NOTES

BEARING DATA FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH  
CENTRAL ZONE 43N, NAD 83 PER OBSERVATIONS

THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DEFINED AS "AREAS  
DETERMINED TO BE OUTSIDE THE 43N ANNUAL CHANCE FLOODPLAIN"  
ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 18120C010F  
DATED JUNE 1, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY

STATE OF TEXAS  
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS

WILHELM, WAXAHACHE GLASS CORPORATION, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE  
A. POLK SURVEY, ABSTRACT NO. 827, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND  
DESCRIBED IN DEED TO WAXAHACHE GLASS CORPORATION, RECORDED IN INSTRUMENT NO. 147446,  
OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OFFICE) AND BEING ALL OF LOTS 11-15  
HIGHLAND ADDITION, RECORDED IN CABINET A, SLIDE 177, OFFICE AND BEING A PART OF LOTS 3 AND  
4, BLOCK 21, WEST END ADDITION, RECORDED IN CABINET A, SLIDE 148, OFFICE AND BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID WAXAHACHE GLASS CORPORATION TRACT  
AND THE COMMON NORTH LINE OF SAID W. MARVIN AVENUE, A DISTANCE OF 344.12 FEET TO AN  
X-CUT FOUND FOR THE SOUTHWEST CORNER OF SAID WAXAHACHE GLASS CORPORATION TRACT  
AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO  
MAGNABLEN, INC., RECORDED IN VOLUME 1726, PAGE 1688, OFFICE, FROM WHICH A 1/2" IRON ROD  
FOUND, BEARS N 82°55'57" W A DISTANCE OF 344.23 FEET.

THENCE N 82°55'57" W ALONG THE SOUTH LINE OF SAID WAXAHACHE GLASS CORPORATION TRACT  
AND THE COMMON EAST LINE OF SAID MAGNABLEN TRACT, A DISTANCE OF 181.83 FEET TO A POINT FOR  
THE NORTHWEST CORNER OF SAID WAXAHACHE GLASS CORPORATION TRACT AND THE COMMON  
SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO GAYLE KEND, RECORDED IN  
VOLUME 2788, PAGE 1264, OFFICE.

THENCE S 89°37'47" E ALONG THE NORTH LINE OF SAID WAXAHACHE GLASS CORPORATION TRACT  
AND THE COMMON SOUTH LINE OF SAID KEND TRACT, PASSING AT A DISTANCE OF 7.36 FEET A 5/8" IRON  
ROD FOUND FOR WITNESS, PASSING AT A DISTANCE OF 238.47 FEET AN IRON ROD FOUND FOR WITNESS, A  
TOTAL DISTANCE OF 238.47 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TORC" SET FOR THE  
NORTHEAST CORNER OF SAID WAXAHACHE GLASS CORPORATION TRACT, THE COMMON SOUTHWEST  
CORNER OF SAID KEND TRACT AND IN THE WEST ROW LINE OF SAID HIGHLAND AVENUE, FROM WHICH  
A 5/8" IRON ROD FOUND, BEARS N 89°37'47" E, A DISTANCE OF 314.96 FEET.

THENCE S 89°37'47" E ALONG THE EAST LINE OF SAID WAXAHACHE GLASS CORPORATION TRACT AND  
THE COMMON WEST ROW LINE OF SAID HIGHLAND AVENUE, A DISTANCE OF 286.11 FEET TO THE POINT  
OF BEGINNING AND CONTAINING 1.812 ACRES OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT WAXAHACHE GLASS CORPORATION DOES HEREBY ADOPT THIS PLAN DESIGNATING THE HEREIN  
ABOVE DESCRIBED PROPERTY AS LOTS 11R AND 11S, HIGHLAND ADDITION, AN ADDITION TO THE CITY  
OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS BEING  
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  
LOCATED ON THIS PLAN NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR  
GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS  
SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPES EASEMENTS, IF  
APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR  
THE BULKY USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING TO USE OR CROSS THE  
SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC  
UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE USE THEREOF. THE CITY OF  
WAXAHACHE AND PUBLIC UTILITY ENTERPRISES SHALL HAVE THE RIGHT TO REMOVE AND KEEP  
REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR  
GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION,  
MAINTENANCE, OR OPERATION OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF  
WAXAHACHE AND PUBLIC UTILITY ENTERPRISES SHALL AS ALL TIMES HAVE THE FULL RIGHT OF ACCESS  
AND EGRESS TO AND FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING,  
RECONSTRUCTING, MAINTAINING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR  
REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME  
PRODUCING PERTURBATION FROM ANYONE.

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

WITNESS, MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

WAXAHACHE GLASS CORPORATION  
JOHN ROBERTSON

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 JOHN ROBERTSON, SHOWN TO ME TO BE THE  
PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND  
ACKNOWLEDGED TO ME THAT HE HAS EXECUTED THE SAME FOR THE PURPOSES HEARD  
EXPRESSED AND IN THE CAPACITY STATED

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

I, TRACY L. JACKSON, S.W., HEREBY CERTIFY THAT THIS PLAN WAS MADE ON THE  
GROUND UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL  
PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN

"PRELIMINARY: THIS DOCUMENT SHALL NOT BE  
RECORDED FOR ANY PURPOSE AND SHALL NOT  
BE USED OR VIEWED OR RELIED UPON AS A  
FINAL SURVEY DOCUMENT"

TRACY L. JACKSON  
REGISTRATION NUMBER 5644

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY \_\_\_\_\_ DATE \_\_\_\_\_

JUSTICE \_\_\_\_\_ DATE \_\_\_\_\_

REPLAT

LOTS 15R & 11R, BLOCK 21  
HIGHLAND ADDITION

BEING A REPLAT OF LOTS 11-15  
HIGHLAND ADDITION

OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS  
A. POLK SURVEY, ABSTRACT NO. 827  
OF CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS

1.812 ACRES

2 COMMERCIAL LOTS

ZONED LA-1

CASE NO. 608-65-2022

OWNERS:  
WAXAHACHE GLASS  
CORPORATION  
1400 WEST MARVIN AVE  
WAXAHACHE, TX 75108  
214 476 9001

SURVEYOR:  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC.  
P.O. BOX 253  
WAXAHACHE, TEXAS 75108  
409.518.8308  
TBPLS FROM NO 10194388

JOB NO 1708A

JULY 2022

PAGE 1 OF 1

(11)

## Planning & Zoning Department

### Plat Staff Report

Case: SUB-114-2022



#### MEETING DATE(S)

Planning & Zoning Commission: November 15, 2022

#### CAPTION

**Consider** a request by Tim Jackson, Texas Realty Capture & Surveying LLC, for a **Replat** of Lot 2B, Block A of the Park Place Professional Center, 2 commercial lots, being 4.797 acres, located at 104 Park Place Court (Property ID: 247585) – Owner: SNOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST (SUB-114-2022) Staff: Zack King

#### APPLICANT REQUEST

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

#### CASE INFORMATION

**Applicant:** Tim Jackson, Texas Reality Capture & Surveying LLC

**Property Owner(s):** Snow Peach Legacy Family Holding Spendthrift Trust

**Site Acreage:** 4.797 acres

**Number of Lots:** 2 lots

**Number of Dwelling Units:** 0 units

**Park Land Dedication:** N/A

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

#### SUBJECT PROPERTY

**General Location:** 104 Park Place Court

**Parcel ID Number(s):** 247585

**Current Zoning:** Planned Development-General Retail (PD-GR) – Ord. 2421

**Existing Use:** The subject property is currently undeveloped.

**Platting History:** The subject property is currently platted as Lot 2B, Block A of the Park Place Professional Center.

(11)

**Site Aerial:**



**PLANNING ANALYSIS**

The applicant is proposing to replat the subject property into two (2) lots for commercial use. The proposed lots adhere to all lot size and dimension requirements of the PD-GR zoning district. The applicant has added a note to the plat clarifying that a drainage study is required prior to the development of each lot. The results of the drainage study may indicate that a detention pond is needed to support development on proposed Lot 2B2; which could affect the feasibility of future 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:

- ☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Replat

**APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the 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

Senior Planner

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

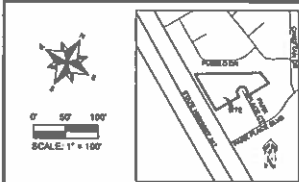
*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

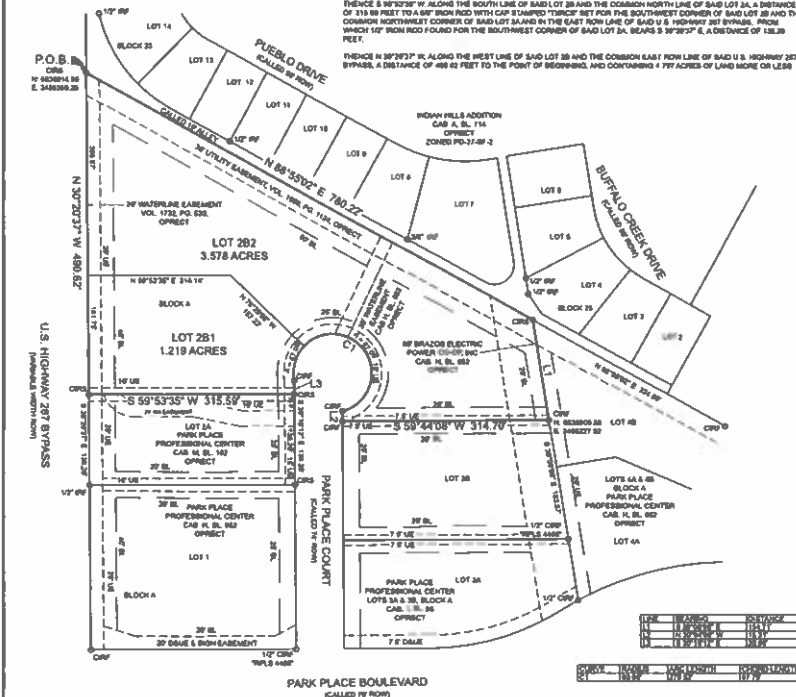
(11)



LEBDO  
CNS - 3/4 INCH ROD WITH YELLOW PLASTIC CAP STAMPED "TRICOR" SET  
CNS - 1/2" CNS "ALC RPLS 531"  
PND - ROAD  
RP - ROAD FOUND  
OPR - OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
PRCT - PLAT RECORDS ELLIS COUNTY TEXAS  
US - UTILITY EASEMENT  
DUE - DRAINAGE & UTILITY EASEMENT  
MA - MUTUAL ACCESS EASEMENT  
NOTES  
BEARING BASE FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL  
ZONE 10N, MAG 18 PER GPS OBSERVATIONS.  
ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONAL "C", DEFINED AS "AREAS  
DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO  
THE FLOOD INSURANCE RATE MAP NO. 481302196, DATED JUNE 3, 2011 AS  
PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
A DRAINAGE STUDY IS REQUIRED PRIOR TO DEVELOPMENT OF EACH LOT A POTENTIAL  
DETENTION POND MAY BE NEEDED PERHAPS THE RESULTS OF THE DRAINAGE STUDY.

STATE OF TEXAS  
COUNTY OF ELLIS  
KNOW ALL MEN BY THESE PRESENTS:  
WHEREAS, SHOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST IS THE OWNER OF A TRACT OF LAND SITUATED IN  
THE 1/4 AND 3/4 ADAMS SURVEY ABSTRACT NO. 1 CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF  
THAT TRACT OF LAND DESCRIBED AS TRACT ONE IN DEED TO SHOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST  
RECORDED IN INSTRUMENT NO. 220894 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPR) AND BEING  
ALL OF LOT 28, BLOCK A, PARK PLACE PROFESSIONAL CENTER, RECORDED IN CABINET M, BLK 182, OPR) AND BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT A 1/2" IRON ROD WITH CAP STAMPED "TRICOR" SET FOR THE NORTHEAST CORNER OF SAID LOT 28 AND THE  
COMMON SOUTHWEST CORNER OF ADAMS HILLS ADDITION, RECORDED IN CABINET A, BLK 114, OPR) AND IN THE EAST  
RIGHT-OF-WAY (ROW) LINE OF U.S. HIGHWAY 281 BYPASS (A VARIABLE WIDTH ROW);  
THENCE N 89°09'00" E, ALONG THE NORTH LINE OF SAID LOT 28 AND THE COMMON SOUTH LINE OF SAID ADAMS HILLS  
ADDITION, A DISTANCE OF 788.22 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TRICOR" SET FOR THE NORTHEAST CORNER  
OF SAID LOT 28 AND THE COMMON NORTHWEST CORNER OF LOT 48, BLOCK A, OF PARK PLACE PROFESSIONAL CENTER,  
RECORDED IN CABINET M, BLK 182, OPR); FROM WHENCE A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS 531" FOUND  
FOR THE NORTHEAST CORNER OF SAID LOT 48 BEARS N 89°09'00" E, A DISTANCE OF 204.68 FEET;  
THENCE S 89°09'00" E, ALONG THE EAST LINE OF SAID LOT 28 AND THE COMMON WEST LINE OF SAID LOT 48, A DISTANCE OF  
144.74 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS 531" FOUND FOR A SOUTHEAST CORNER OF SAID LOT 28  
AND THE COMMON NORTHEAST CORNER OF LOT 28, BLOCK A, OF PARK PLACE PROFESSIONAL CENTER, RECORDED IN CABINET  
M, BLK 182, OPR); FROM WHENCE A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS 531" FOUND FOR THE SOUTHEAST CORNER  
OF SAID LOT 28, S 89°09'00" E, A DISTANCE OF 145.07 FEET;  
THENCE S 89°09'00" E, ALONG A SOUTH LINE OF SAID LOT 28 AND THE COMMON NORTH LINE OF SAID LOT 28, A DISTANCE OF  
311.78 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS 531" FOUND FOR A SOUTHWEST CORNER OF SAID LOT 28  
AND THE COMMON NORTHWEST CORNER OF SAID LOT 28 AND IN THE EAST ROW LINE OF PARK PLACE COURT (A CALLING 14  
FOOT);  
THENCE N 34°58'50" W, ALONG A WEST LINE OF SAID LOT 28 AND THE COMMON EAST ROW LINE OF SAID PARK PLACE COURT,  
A DISTANCE OF 113.31 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS 531" FOUND FOR THE BEGINNING OF A  
1/4" TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 68.00 FEET, A CHORD BEARING OF N 67°46'10" E, A CHORD LENGTH  
OF 87.79 FEET;  
THENCE ALONG A SOUTH LINE OF SAID LOT 28 AND THE COMMON NORTH ROW LINE OF SAID PARK PLACE COURT WITH SAID  
NORTH TANGENT CURVE TO THE LEFT AN ARC LENGTH OF 779.83 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ALC RPLS  
531" FOUND FOR CORNER IN AN EAST LINE OF SAID LOT 28 AND THE COMMON WEST ROW LINE OF SAID PARK PLACE COURT;  
THENCE S 89°16'10" E, ALONG AN EAST LINE OF SAID LOT 28 AND THE COMMON WEST ROW LINE OF SAID PARK PLACE COURT,  
A DISTANCE OF 20.48 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TRICOR" SET FOR THE SOUTHWEST CORNER OF SAID LOT  
28 AND THE COMMON NORTHWEST CORNER OF LOT 2A, OF SAID PARK PLACE PROFESSIONAL CENTER, FROM WHENCE A 5/8"  
IRON ROD WITH CAP STAMPED "TRICOR" SET FOR THE SOUTHWEST CORNER OF SAID LOT 2A, BEARS S 89°16'10" E, A DISTANCE  
OF 182.20 FEET;  
THENCE S 89°16'10" E, ALONG THE SOUTH LINE OF SAID LOT 28 AND THE COMMON NORTH LINE OF SAID LOT 2A, A DISTANCE  
OF 319.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TRICOR" SET FOR THE SOUTHWEST CORNER OF SAID LOT 28 AND  
THE COMMON NORTHWEST CORNER OF SAID LOT 28 AND IN THE EAST ROW LINE OF SAID U.S. HIGHWAY 281 BYPASS, FROM  
WHENCE A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 2A, BEARS S 89°16'10" E, A DISTANCE OF 138.28  
FEET;  
THENCE N 39°37'37" W, ALONG THE WEST LINE OF SAID LOT 28 AND THE COMMON EAST ROW LINE OF SAID U.S. HIGHWAY 281  
BYPASS, A DISTANCE OF 488.82 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.70 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
THAT SHOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST, DOES HEREBY ADOPT THIS  
PLAN DESCRIBING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 281 AND 282, BLOCK A, PARK  
PLACE PROFESSIONAL CENTER, IN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS,  
AND DOES HEREBY DEDICATE, IN FE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR 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 PLAN. NO  
BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR ENCLOSURES SHALL BE  
CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT  
LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY  
OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE PUBLIC USE AND  
ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR CROSS THE SAME. THE  
EASEMENTS LIMITS THE LINE TO PARTICULAR UTILITIES, SAID USE OF PUBLIC UTILITIES BEING  
SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF  
WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO RELOCATE AND REPAIR OR  
REPLACE ANY PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR ENCLOSURES  
WHICH MAY IN ANY WAY INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR  
EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND  
PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF PASSAGE AND EGRESS TO OR  
FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING,  
REPAIRING, MAINTAINING, IMPROVING, REPLACING, AND/OR OTHERWISE USING SAID EASEMENTS  
OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY FURTHER  
PERMISSION FROM ANYONE.  
THIS PLAN APPROVED SUBJECT TO ALL PLATING ORDINANCES, RULES, REGULATIONS  
AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS.  
WITNESS MY HAND, THIS 11th DAY OF AUGUST, 2022  
APPROVED:  
SHOW PEACH LEGACY FAMILY HOLDING SPENDTHRIFT TRUST  
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 AND DEMONSTRATED TO ME TO BE THE PERSON  
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACCORDINGLY TO  
ME THAT HE/SH/IT DECEASED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE  
CAPACITY STATED.  
GIVEN UNDER MY HAND AND SEAL THIS 11th DAY OF AUGUST, 2022  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS  
I, HEARBY D. RUCKMAN, NOTARY PUBLIC, HEREBY CERTIFY THAT THIS PLAN WAS  
MADE ON THE FOREGOING, UNDER MY DIRECT SUPERVISION, ON THE  
DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN  
FOUND OR SET AS SHOWN.  
\*PRELIMINARY: THIS DOCUMENT  
SHALL NOT BE RECORDED FOR ANY  
PURPOSE AND SHALL NOT BE USED  
OR VIEWED OR RELIED UPON AS A  
FINAL SURVEY DOCUMENT.  
RELEAF BY RUCKMAN  
REGISTRATION NUMBER 6707  
APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE  
BY \_\_\_\_\_ DATE \_\_\_\_\_  
ATTEST \_\_\_\_\_ DATE \_\_\_\_\_  
OWNERS  
SHOW PEACH LEGACY FAMILY  
HOLDING SPENDTHRIFT TRUST  
3110 BENTLEY LANE  
ARLINGTON, TX 76015  
817.632.6884  
SURVEYOR  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 222  
WAXAHACHE, TEXAS 75106  
409.518.0338  
TRIPLE P, INC. NO. 18184350  
JOB NO. 1982A  
AUGUST 2022  
PAGE 1 OF 1



REPLAT  
LOTS 281 & 282  
BLOCK A  
PARK PLACE  
PROFESSIONAL CENTER  
BEING A REPLAT OF  
LOT 28, BLOCK A  
PARK PLACE PROFESSIONAL CENTER  
CABINET M, BLK 182,  
OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS  
B. A. ADAMS SURVEY ABSTRACT NO. 1  
OF CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
4.787 ACRES  
2 COMMERCIAL LOTS  
ZONED PD-CR  
CASE NO. SUB-114-2022  
JOB NO. 1982A  
AUGUST 2022  
PAGE 1 OF 1

(12)

## Planning & Zoning Department Plat Staff Report

Case: SUB-82-2022



### MEETING DATE(S)

Planning & Zoning Commission: November 15, 2022

### CAPTION

**Consider** a request by Joe Langley, Park Meadows Church for a **Replat** of Econo-Craft Estates, Lots 1-8, Block 7 and a portion of the Thomas Shelby Survey, Abstract 1002, 2 commercial lots, being 6.297 acres, located at 3350 N Hwy 77 (Property ID: 174011) – Owner: Park Meadows Baptist Church (SUB-82-2022) Staff: Zack King.

### APPLICANT REQUEST

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

### CASE INFORMATION

**Applicant:** Joe Langley, Park Meadows Baptist Church

**Property Owner(s):** Park Meadows Baptist Church

**Site Acreage:** 6.297 Acres

**Number of Lots:** 2 lots

**Number of Dwelling Units:** 0 units

**Park Land Dedication:** N/A

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

### SUBJECT PROPERTY

**General Location:** Located at 3350 N Hwy 77.

**Parcel ID Number(s):** 174011

**Current Zoning:** The subject property is primarily located in the ETJ, but the portion located within the Waxahachie City Limits is zoned Planned Development – General Retail (PD-GR).

**Existing Use:** The subject property is currently being utilized for the Park Meadows Baptist Church.

**Platting History:** The subject property is currently comprised of a portion of the Thomas Shelby Survey, Abstract 10002 and Lots 1-8, Block 7 of the Econo-Craft Estates Addition.

Site Aerial:



### **PLATTING ANALYSIS**

The applicant is proposing to replat the subject property into two (2) lots for commercial use. A portion of the proposed Lot 1R is partially located within the City of Waxahachie and the Waxahachie Extraterritorial Jurisdiction (ETJ); while proposed Lot 2R is located entirely within the Waxahachie ETJ. All City of Waxahachie and Ellis County lot size and easement requirements have been met. The proposed right-of-way (ROW) frontage along Panorama Loop for Lot 2R does not meet the Ellis County requirement of 150' of continuous road frontage. However, a variance was processed by the Ellis County Commissioners on March 23, 2022, granting approval of 55.67 feet of road frontage along Panorama Loop. In light of this approval, staff has no concern with the proposed frontage for Lot 2R.

### **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:

- ☒ Approval, as presented.

### **ATTACHED EXHIBITS**

1. Plat
2. Approved Variance for Lot Frontage

### **APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the 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**

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

**LOT 1R - 4.778 ACRES**

**LOT 2R - 1.519 ACRES**

**REPLAT PARK MEADOWS ADDITION 6.297 ACRES LOT 1R & LOT 2R**

**An Addition to the City of Waxahachie and in the E.T.J. of the City of Waxahachie Being Lots 1-8, Block 7 Econo-Craft Estates & Part of Section A-R, Sunrise Village & Part of the Thomas Selby Survey, A-1002 Ellis County, Texas**

**Case Number: SUB-82-2022**

**Surveyor's Certificate:** This is to certify that I, Stuart G. Hamilton, a Registered Professional Land Surveyor of the State of Texas, have plotted the subdivision herein from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

**Stuart G. Hamilton**  
Registered Professional Land Surveyor  
Number 4480

**THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN RED INK**

**OWNERS:** Donna Cox, Lynn Lewis & Billy Pruitt  
TRUSTEES OF PARK MEADOWS BAPTIST CHURCH OF WAXAHACHIE, TEXAS  
CONTACT: Dr. Don Langley 972-351-6802

**GENERAL NOTES:**

- 100'-Year Flood Zone
- 100'-Year Floodplain
- For FEMA Map # 18130C0200
- Zone 1 UNSHOVED
- Intersect lot corner is monumented with 1/2" steel pipe set and marked with "DIME & MODEL", unless otherwise noted

**LOCATION MAP SCALE: 1" = 1000'**

(12)

NOTE:  
PROPERTY IS IN THE JURISDICTION OF THE CITY OF  
WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR  
PLATTING RULES AND REGULATIONS AND ELLIS  
COUNTY'S PLATTING RULES AND REGULATIONS

OWNERS:

Danna Cor. Lynn Loop & Billy Preslett  
TRUSTEES OF PARK MEADOWS BAPTIST  
CHURCH OF WAXAHACHIE, TEXAS

CONTACT: Dr. Joe Langley 972-351-4902

OWNER'S CERTIFICATE:

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, PARK MEADOWS BAPTIST CHURCH OF WAXAHACHIE, TEXAS is the Owner of the  
following tract of land:

BEING a part of the Thomas Selby Survey, Abstract 1002, City of Waxahachie, Ellis County,  
Texas, and being Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 7, Econo-Craft Estates, an  
Addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof  
recorded in Cabinet B, Side B5, Plat Records, Ellis County, Texas (PRECT), being TRACT  
ONE, described in deed from Park Meadows Baptist Church to Park Meadows Baptist  
Church of Waxahachie, Texas recorded in Volume 1869, Page 1666, Official Public Records,  
Ellis County, Texas (OPRECT), and the 1,465 acre tract, being TRACT THREE, described in  
said deed from Park Meadows Baptist Church to Park Meadows Baptist Church of  
Waxahachie, Texas recorded in Volume 1869, Page 1666, OPRECT, and the 0.1768 acre  
tract, being TRACT FOUR, described in said deed from Park Meadows Baptist Church to  
Park Meadows Baptist Church of Waxahachie, Texas recorded in Volume 1869, Page 1666,  
OPRECT, and being more particularly described by its metes and bounds as follows:

BEGINNING at a point of the intersection of the westerly right of U.S. Highway 77 with  
the southerly right of way line of Anita Lane, the northwest corner of said Lot 2, Block 7,  
Econo-Craft Estates, and the northwest corner of said Tract One, a 5/8 inch steel rod  
found and having surface coordinate values of North = 6437158.081 feet and East =  
2483001.261 feet, based on the Texas Coordinate System, North Central Zone (Zone  
4202) North American Datum of 1983 and are obtained from observations of Global  
Positioning System satellites;

THENCE N 89°30'18" E, with said Anita Lane right of way line, the northerly line of said  
TRACT ONE, and of said Lots 2, 3, 4, 5, 6, 7 and 8, Block 7, Econo-Craft Estates and the  
northerly line of TRACT FOUR, 773.21 feet (Plot = S 89°31' E, 742.73 feet and Deed =  
S 89°36'55" E, 30.00 feet), to the northeast corner of said TRACT FOUR, in the center  
of Highway Drive, (closed), a 1/2 inch steel rod with plastic cap stamped "DAVIS & McDILL"  
set;

THENCE S 00°26'44" E with the centerline of said Highway Drive and the easterly line of  
said TRACT FOUR, 256.62 feet (Deed = S 00°23'20" E, 256.36 feet), to the southeast  
corner of said TRACT FOUR, on the south line of said Econo-Craft Estates the south line  
of High Point Estates, a revision of Econo-Craft Estates, on addition to the City of  
Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Side  
387, PRECT and the north line of Sunrise Village Addition, a subdivision in Ellis County,  
Texas, according to the plat thereof recorded in Cabinet A, Side 806, PRECT, a 1/2 inch  
steel rod with plastic cap stamped "DAVIS & McDILL" set;

THENCE S 89°37'19" W (Plot = N 89°31' W), with the southerly line of said High Point  
Estates, Econo-Craft Estates, and the northerly line of said Sunrise Village Addition, and  
the southerly line of said TRACT FOUR, passing at 30.00 feet the southwest corner of said  
TRACT FOUR, the southwest corner of High View Drive, and the northeast corner of Section  
A-R of said Sunrise Village Addition, a subdivision in Ellis County, Texas, recorded in  
Volume 840, Page 800, OPRECT, a 5/8 inch steel rod found, and continuing with the  
south line of said TRACT ONE, the south line of said Lots 6, 7 and 8, Block 7,  
Econo-Craft Estates and the north line of said Rockett SLP tract, in all, 308.05 feet, to  
the most north-northeast corner of said TRACT THREE and the northeast corner of said  
Rockett SLP tract, a 1/2 inch steel rod with plastic cap stamped "RPLS 4466" found;

THENCE S 101°31'31" W, with an easterly line of said TRACT THREE and the westerly line of  
said Rockett SLP tract and through said Section A-R of said Sunrise Village Addition,  
307.96 feet (Rockett SLP Deed = S12°15' E, 309.7 feet), to the southwest corner of said  
Rockett SLP tract and the northeast corner of the 1.515 acre tract described in deed  
from Sue Lee Adams to Candace Rice and husband Jody Dale McGhee, recorded in  
Instrument Number 2104751, OPRECT, a 1/2 inch steel rod with plastic cap stamped "RPLS  
4466" found;

THENCE S 11°37'11" W, continuing with an easterly line of said TRACT THREE and the  
westerly line of said Rice & McGhee tract and through said Section A-R of said Sunrise  
Village Addition, 185.49 feet (Rice & McGhee Deed = S11°40'45" E, 214.58 feet), to a  
corner of said TRACT THREE and the southeast corner of said Rockett SLP tract, a 1/2  
inch steel rod with plastic cap stamped "RPLS 4466" found;

THENCE S 11°23'36" W, with an easterly line of said TRACT THREE and the westerly line of  
said 1.515 acre tract 28.95 feet (Rice & McGhee Deed = S11°40'45" E, 214.58 feet) to  
the north right of way line of West Panorama Loop and the southeast corner of said  
TRACT THREE and the southwest corner of said 1.515 acre tract, a 1/2 inch steel rod with  
plastic cap stamped "RPLS 4466" found;

THENCE S 89°31'10" W, with said West Panorama Loop right of way line and with the  
southerly line of said TRACT THREE, 60.25 feet (Deed = N 89°46'59" W, 60.00 feet), to  
the most south-southwest corner of said TRACT THREE and the southwest corner of the  
1.53 acre tract described in deed from Liberald Company to R. A. Hall recorded in  
Volume 1132, Page 8, OPRECT, a 1/2 inch steel rod with plastic cap stamped "RPLS 4466"  
found;

THENCE N 15°02'07" E, with most south-westerly line of said TRACT THREE and the east  
line of said 1.53 acre tract, 47.05 feet (Deed = N 12°15'00" E, 46.85 feet), to an  
interior corner of said TRACT THREE and the northeast corner of said 1.52 acre tract, a  
1/2 inch steel rod with plastic cap stamped "RPLS 4466" found;

THENCE N 73°43'22" W, with the northerly line of said 1.53 acre tract and a southerly line  
of said TRACT THREE, 79.78 feet (Deed = N 72°54'23" W, 78.76 feet) to the most west  
southwest corner of said TRACT THREE and the southwest corner of the 3.00 acre tract,  
being Tract 1, described in said deed from Kenneth Elton Butler and Margaret Butler to  
Karen Lee Butler recorded in Instrument Number 1708199, OPRECT, a 1/2 inch steel rod  
with plastic cap stamped "RPLS 4466" found;

THENCE N 11°08'22" E, with the westerly line of said TRACT THREE and the easterly line of  
said 3.00 acre tract and the 2.17 acre tract, being Tract 2, described in said deed from  
Kenneth Elton Butler and Margaret Butler to Karen Lee Butler recorded in Instrument  
Number 1708199, OPRECT, 459.91 feet (Deed = N 12°14'54" E, 154.24 feet), to the  
northeast corner of said TRACT THREE and the northeast corner of said 2.17 acre tract  
and the southerly line of said TRACT ONE and on the southerly line of said Lot 4,  
Block 7 Econo-Craft Estates, a 1/2 inch steel rod with plastic cap stamped "RPLS 4466"  
found;

THENCE S 89°26'34" W (Plot = N 89°31' W), with the southerly line of said TRACT ONE  
and on the southerly line of said Lots 1, 3 and 4, Block 7 Econo-Craft Estates and the  
northerly line of said 2.17 acre tract, 410.22 feet to said U.S. Highway right of way line  
and the southwest corner of said TRACT THREE and said Lot 1, Block 7, Econo-Craft  
Estates and the northeast corner of said 2.17 acre tract;

THENCE N 10°25'36" E, with said U.S. Highway right of way line and the westerly line of  
said TRACT THREE and of said Lots 1 and 2, Block 7, Econo-Craft Estates 268.15 feet  
(Plot = N 17°54'00" E, 268.17 feet) to the point of beginning and containing  
approximately 6.297 acres of land.

DRAINAGE NOTES:

- (1) BLOCKING THE FLOW OF WATER OR  
CONSTRUCTING IMPROVEMENTS IN THE  
DRAINAGE EASEMENTS, AND FILLING OR  
OBSTRUCTION OF THE FLOODWAY IS  
PROHIBITED.
- (2) THE EXISTING CREEKS OR DRAINAGE  
CHANNELS TRAVERSING ALONG OR ACROSS  
THE ADDITION WILL REMAIN AS OPEN  
CHANNELS AND WILL BE MAINTAINED BY THE  
INDIVIDUAL OWNERS OF THE LOT OR LOTS  
THAT ARE TRAVERSED BY OR ADJACENT TO  
THE DRAINAGE COURSES ALONG OR ACROSS  
SAID LOTS.
- (3) ELLIS COUNTY AND THE CITY OF WAXAHACHIE  
WILL NOT BE RESPONSIBLE FOR THE  
MAINTENANCE AND OPERATIONS OF SAID DRAINAGE  
WAYS OR FOR THE CONTROL OF FLOODING.
- (4) ELLIS COUNTY AND THE CITY OF WAXAHACHIE  
WILL NOT BE RESPONSIBLE FOR ANY DAMAGE,  
PERSONAL INJURY OR LOSS OF LIFE OR  
PROPERTY OCCASIONED BY FLOODING ON  
FLOOD CONDITIONS.

SURVEYOR'S CERTIFICATE

This is to certify that I, Stuart G. Hamilton, a Registered  
Professional Land Surveyor of the State of Texas, have  
plotted the subdivision hereon from an actual survey on  
the ground and that all lot corners, angle points, and  
points of curve have been properly marked on the ground,  
and that this plat correctly represents that survey made  
by me.

  
Stuart G. Hamilton  
Registered Professional Land Surveyor  
Number 4480

THIS SURVEY IS VALID  
ONLY WITH ORIGINAL  
SIGNATURE IN RED INK

DATE: 8.8.2022

DATE

REPLAT  
PARK MEADOWS ADDITION  
6.297 ACRES  
LOT 1R & LOT 2R

An Addition to the City of Waxahachie  
and in the E.T.J.  
of the City of Waxahachie  
Being Lots 1-8, Block 7  
Econo-Craft Estates &  
Part of Section A-R, Sunrise Village &  
Part of the Thomas Selby Survey, A-1002  
Ellis County, Texas  
Case Number: SUB-82-2022

Revisions	By

Davis & McDill LLC



Date: 10/28/2022

Scale: N/A

Drawn: D. McDill

Job: 222-0077

Sheet: 2

of 3 sheets

(12)

**OWNER'S CERTIFICATE, ELLIS COUNTY**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

That PARK MEADOWS BAPTIST CHURCH OF WAXAHACHIE, TEXAS acting herein by and through its duly authorized officers, Trustees: Donna Cox, Lynn Lewis and Billy Pruitt, does hereby adopt the plat designating the herein above described property as PARK MEADOWS ADDITION, an addition to the City of Waxahachie and Ellis County, and as hereby dedicate to the public use forever, the streets and alleys shown thereon. The owner does hereby certify the following:

1. The streets and alleys are dedicated in fee simple for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown, and created by this plat, are dedicated for the public use forever for the purposes indicated on this plat.
4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown.
5. Ellis County is not responsible for replacing any improvements in, under, or over any easements caused by negligence or neglect.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the public's and Ellis County's use thereof.
7. Ellis County and/or public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. Ellis County and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by Ellis County.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of Ellis County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

That PARK MEADOWS BAPTIST CHURCH OF WAXAHACHIE, TEXAS acting herein by and through its duly authorized officers, Trustees: Donna Cox, Lynn Lewis and Billy Pruitt, does hereby adopt the plat designating the herein above described property as PARK MEADOWS ADDITION, an addition to the City of Waxahachie, Texas, and Ellis County, Texas, and as hereby dedicate to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie and Ellis County. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, and use by public utilities being subordinate to the Public's and City of Waxahachie's and Ellis County's use thereof. The City of Waxahachie, and Ellis County, and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas and Ellis County, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: Trustee Donna Cox

Donna Cox, Trustee

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 Donna Cox, Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: Trustee Lynn Lewis

Lynn Lewis Trustee

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 Lynn Lewis Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: Trustee Billy Pruitt

Billy Pruitt Trustee

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 Billy Pruitt Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires On: \_\_\_\_\_

**ON-SITE SEWAGE FACILITY STATEMENT**

This plat has been approved by the Department of Development of Ellis County, Texas for on-site sewage disposal facilities and meets or exceeds the minimum requirements established by TCEQ and the Ellis County SSOIC Order, pending any and all information as may be required by the Ellis County Department of Development.

Department of Development Director Approved Date: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF ELLIS

Certificate of approval by the Commissioners Court of Ellis County, Texas:

Approved this date, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Todd Little, County Judge

\_\_\_\_\_ Randy Stinson

Commissioner Precinct # 1

\_\_\_\_\_ Paul Perry

Commissioner Precinct # 3

\_\_\_\_\_ ATTEST:

\_\_\_\_\_ Krystal Rader, County Clerk

STATE OF TEXAS

COUNTY OF ELLIS

APPROVED BY: Planning and Zoning Commission City of Waxahachie

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

Chairperson

Date: \_\_\_\_\_

NOTE: PROPERTY IS IN THE JURISDICTION OF THE CITY OF WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR PLATTING RULES AND REGULATIONS AND ELLIS COUNTY'S PLATTING RULES AND REGULATIONS.

**SURVEYOR'S CERTIFICATE**

This is to certify that I, Stuart G. Hamilton, a Registered Professional Land Surveyor of the State of Texas, have plotted the subdivision hereon from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents that survey made by me.

Stuart G. Hamilton  
Registered Professional Land Surveyor  
Number 4480  
ECI : 3 2122

THIS SURVEY IS VALID  
ONLY WITH ORIGINAL  
SIGNATURE IN RED INK

Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Revisions	By

**Davis & McDill LLC**



Date: 10/28/2022

Scale: N/A

Drawn: D. McDill

Job: 221-0077

Sheet: 3

of 3 sheets.



**REPLAT**  
**PARK MEADOWS ADDITION**  
**6.297 ACRES**  
**LOT 1R & LOT 2R**  
**An Addition to the City of Waxahachie**  
**and in the E.T.J.**  
**of the City of Waxahachie**  
**Being Lots 1-8, Block 7**  
**Econo-Craft Estates &**  
**Part of Section A-R, Sunrise Village &**  
**Part of the Thomas Selby Survey, A-1002**  
**Ellis County, Texas**  
**Case Number: SUB-82-2022**

2022 MAR 23 PM 1:11

(12)

Minute Order 197.22  
March 22, 2022  
Agenda Item 1.5

COMMISSIONERS COURT OF ELLIS COUNTY  
ORDER NO. \_\_\_\_\_

FILED FOR RECORD  
CRYSTAL VALDEZ  
ELLIS COUNTY CLERK

On this March 22, 2022, the Commissioners' Court of Ellis County, Texas, convened in a regular session of said court on the 2nd Floor of the Ellis County Historic Courthouse located at 101 West Main Street, Waxahachie, Texas, with the following members present to wit:

**COUNTY JUDGE:**

☐ Judge Todd Little

**COMMISSIONERS:**

☐ Randy Stinson, Commissioner, Pct. 1

☐ Paul Perry, Commissioner, Pct. 3

☐ Lane Grayson, Commissioner, Pct. 2

☐ Kyle Butler, Commissioner, Pct. 4

**AND AMONG OTHER PROCEEDINGS, THE FOLLOWING ORDER WAS PASSED AS FOLLOWS:**

**AN ORDER OF THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS GRANTING A ONE-TIME VARIANCE FOR PARCEL ID NO. 174011 FROM VOLUME I, SECTION IV (A) (2) (RESIDENTIAL LOTS) OF THE SUBDIVISION & DEVELOPMENT STANDARDS TO ALLOW ONE (1) LOT WITHOUT MEETING THE MINIMUM ROAD FRONTAGE REQUIREMENT. THE PROPERTY CONTAINS ± 1.474 ACRES OUT OF THE ± 6.275 ACRES OF LAND LOCATED ON THE NORTH SIDE OF PANORAMA LOOP, ± 650 FEET WEST OF THE INTERSECTION OF HWY. 77 AND PANORAMA LOOP, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 4, WITH THE PROPERTY MORE FULLY DESCRIBED IN EXHIBIT "A," PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Commissioners' Court of Ellis County, Texas, in compliance with the laws of the State of Texas and the orders of Ellis County, Texas, have given the requisite notices and otherwise, and after holding and affording a full and fair hearing to all interested persons, and in the exercise of its legislative discretion, have concluded that this proposal should be approved.

**NOW, THEREFORE BE IT ORDAINED BY THE COMMISSIONERS' COURT OF ELLIS COUNTY TEXAS, THAT:**

**SECTION 1. GRANTING OF A VARIANCE.**

The Commissioners' Court finds that the variance criteria outlined in Section VIII (B) of the Subdivision & Development Standards apply and set forth above are incorporated into the body of this order as if fully set forth herein. The granting of relief in the form of a lesser standard will not impact adversely on public health, safety, general welfare, traffic conditions and not alter the nature, character, and quality of the subdivision.

**SECTION 2. CONDITIONS OF APPROVAL**

The variance for the above-described property is hereby granted a one-time variance from Volume I (Subdivision and Development Standards), Section IV (A) (2) of the County's development regulations to allow one (1) lot that does not meet the 150-foot minimum continuous road frontage requirement, subject to the following conditions:

1. This property will not further subdivide unless it meets the requirements in effect at that time.
2. The applicant submits a plat identical to the variance exhibit (± 55.67 feet road frontage) and meets all other applicable county requirements at the time of application.

**SECTION 3. CONFLICTS**

To the extent of any irreconcilable conflict with the provisions of this Order and other orders of Ellis County governing the use and development of the Property and which are not expressly amended by this Order, the provisions of this Order shall be controlling.

**SECTION 4. SEVERABILITY CLAUSE**

If any section, paragraph, sentence, phrase, or word in this order is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this order. The Commissioners Court hereby declares it would have passed such remaining portions of the Order despite such invalidity, which remaining portions shall remain in force and effect.


**SECTION 5. EFFECTIVE DATE**


This Ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

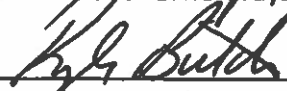
**PASSED, APPROVED, AND ADOPTED IN OPEN COURT BY THE COMMISSIONERS' COURT OF ELLIS COUNTY, TEXAS, ON THIS THE 22ND DAY OF MARCH 2022.**

  
 Todd Little, County Judge

  
 Commissioner Randy Stinson, Precinct No. 1

  
 Commissioner Paul Perry, Precinct No. 3

  
 Commissioner Lane Grayson, Precinct No. 2

  
 Commissioner Kyle Butler, Precinct No. 4

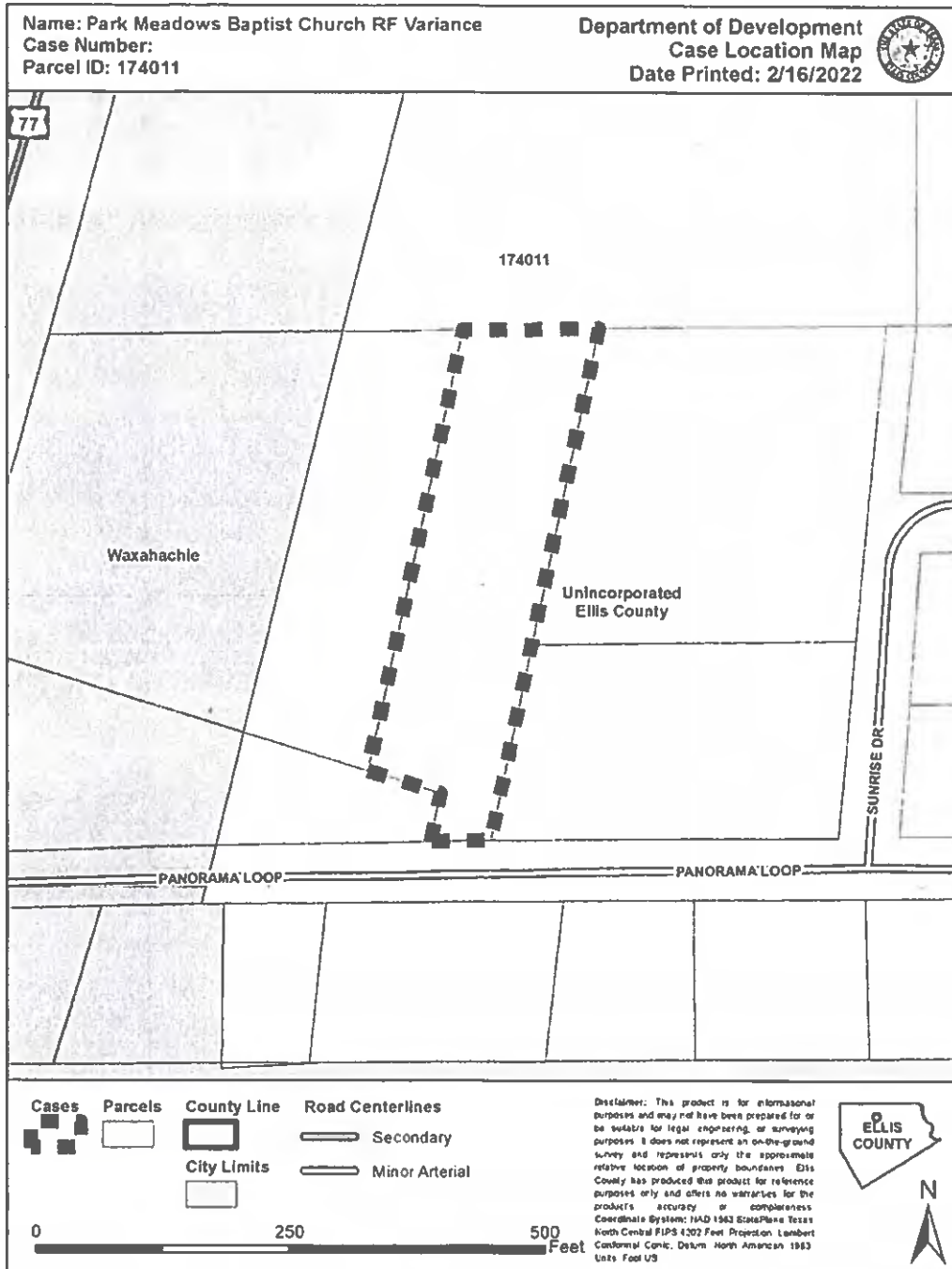
**ATTEST:**

  
 Krystal Valdez, County Clerk



(12)

EXHIBIT A – LOCATION MAP



(13)

## Planning & Zoning Department

### Plat Staff Report

Case: SUB-89-2022



#### MEETING DATE(S)

Planning & Zoning Commission: November 15, 2022

#### CAPTION

**Consider** a request by Mike Siefert, Lookout Partners LP, for a **Replat** of Lot 2R1-BR2, Waxahachie Civic Center, 1 commercial lot, being 4.4678 acres, located northwest of the intersection of John Arden Road and Rae Boulevard (Property ID: 208655) – Owner: Lookout Partners, LP (SUB-89-2022) Staff: Jennifer Pruitt

#### APPLICANT REQUEST

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

#### CASE INFORMATION

*Applicant:* Mike Siefert, Lookout Partners, LP

*Property Owner(s):* Lookout Partners, LP

*Site Acreage:* 4.4678 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* N/A

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

#### SUBJECT PROPERTY

*General Location:* Northwest of the intersection of John Arden Road and Rae Blvd.

*Parcel ID Number(s):* 208655

*Current Zoning:* Planned Development (PD)

*Existing Use:* The subject property is currently undeveloped.

*Platting History:* The subject property is currently platted as Lot 2R1-BR2 of the Waxahachie Civic Center addition.

**Site Aerial:****PLATTING ANALYSIS**

The applicant is proposing to replat the subject property from one (1) lot into two (2) lots for commercial use. The proposed lots exceed the minimum lot size and dimension requirements of the Planned Development (PD) zoning district. The applicant has proposed a 30' mutual access easement between the two lots in order to provide connectivity between Rae Boulevard and an existing mutual access easement on the northern adjacent 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:

- ☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Replat

**APPLICANT REQUIREMENTS**

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
  - b. If all comments were satisfied, then the 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**

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

[illegible]

(14)

## Planning & Zoning Department

### Plat Staff Report

Case: SUB-107-2022



#### MEETING DATE(S)

Planning & Zoning Commission: November 15, 2022

#### CAPTION

**Consider** a request by Montfort Capital Partners LLC for a Plat of Montfort Brown, Lot 1, Block A, being 4.073 acres, located at 3103 FM 813, situated in the J.B. & A. Adams Survey, Abstract 5 and the R. Russell Survey, Abstract 911, an addition to the City of Waxahachie and in the Extra Territorial Jurisdiction of the City of Waxahachie (Property ID: 289961) – Owner: BROWN STREET STORAGE LP (SUB-107-2022) Staff: Jennifer Pruitt

#### APPLICANT REQUEST

The applicant requests to plat the subject property into one (1) lot for commercial use.

#### CASE INFORMATION

**Applicant:** Montfort Capital Partners, LLC

**Property Owner(s):** Brown Street Storage LP

**Site Acreage:** 4.073 Acres

**Number of Lots:** 1 lot

**Number of Dwelling Units:** 0 units

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

**Adequate Public Facilities:** Adequate public facilities will be available to the subject property via the extension of an 8" City of Waxahachie water line along FM 813 and on-site (septic) sewage facilities.

#### SUBJECT PROPERTY

**General Location:** 3103 FM 813

**Parcel ID Number(s):** 289961

**Current Zoning:** N/A (ETJ) & North Grove Planned Development (Ord. 2733, 2841, 2870, & 3002)

**Existing Use:** A portion of the subject property is currently utilized as a single-family residence, while the remaining portion is utilized for commercial trailer sales.

**Platting History:** The subject property is a portion of the J.B. and A. Adams Survey, Abstract 5, and the R. Russel Survey, Abstract 911.

**Site Aerial:****PLATTING ANALYSIS**

The applicant proposes to plat the subject property into one (1) lot for commercial use. The proposed lot meets or exceeds all Ellis County lot size, dimension, and easement requirements.

**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:

- ☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Plat

**APPLICANT REQUIREMENTS**

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

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

[illegible]

(14)

STATE OF TEXAS  
COUNTY OF ELLIS

OWNER'S CERTIFICATE

WHEREAS, BROWN STREET STORAGE, LP IS THE SOLE OWNER OF A TRACT OF LAND SITUATED IN THE J.B. AND A. ADAMS SURVEY, ABSTRACT NO. 9 AND THE R. RUSSELL SURVEY, ABSTRACT NO. 911, PARTIALLY WITHIN THE CITY LIMITS OF THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO BROWN STREET STORAGE, LP, RECORDED IN INSTRUMENT NO. 2258186 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN "DEED") AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AS A 1/4" IRON ROD WITH CAP STAMPED "TRUCK" SET FOR THE SOUTHEAST CORNER OF SAID BROWN STREET STORAGE TRACT AND A COMMON SOUTHWEST CORNER OF THE OAKS OF NORTH GROVE, PHASE 1, AN ADDITIONAL TO THE CITY OF WAXAHACHE, TEXAS, RECORDED IN CABINET 1, SLIDE 72, OBJECT, AND IN THE NORTHWEST CORNER OF SAID ROW LINE OF F.M. HIGHWAY NO. 811 (A CALLED 48 FEET ROW) FM 811;

THENCE ALONG THE SOUTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON NORTH ROW LINE OF SAID FM 811 AS FOLLOWS:

8 72°18'31" N. A DISTANCE OF 349.28 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "TRUCK" SET FOR CORNER, AND BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 349.28 FEET, A CHORD BEARING OF 8 72°20'32" N. AND A CHORD DISTANCE OF 35.86 FEET;

WITH SAID CURVE TO THE LEFT AN ARC LENGTH OF 88.49 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "RPLS 4811" FOUND FOR THE EAST CORNER OF FM 811 AS SHOWN ON THE PLAT OF NORTH GROVE BOULEVARD, AN ADDITION TO THE CITY OF WAXAHACHE, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET 4, SLIDE 138, OBJECT;

THENCE CONTINUING ALONG THE SOUTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON NORTH ROW LINE OF SAID FM 811 OF SAID NORTH GROVE BOULEVARD ADDITION AS FOLLOWS:

8 77°32'42" N. A DISTANCE OF 154.48 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "TRUCK" SET FOR CORNER, AND BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 349.28 FEET, A CHORD BEARING OF 8 77°42'32" N. AND A CHORD DISTANCE OF 131.91 FEET;

WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 131.91 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "RPLS 4811" FOUND FOR CORNER,

8 87°42'32" N. A DISTANCE OF 88.49 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "RPLS 4811" FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON SOUTHWEST CORNER OF A COMMON CLIP OF THE INTERSECTION OF THE NORTH ROW LINE OF SAID FM 811 AND THE EAST ROW LINE OF NORTH GROVE BOULEVARD, A CALLED 1/4" IRON CABINET 3, SLIDE 138, OBJECT;

THENCE N 70°17'30" W. ALONG A SOUTH LINE OF SAID BROWN STREET STORAGE TRACT AND SAID CORNER CLIP, A DISTANCE OF 14.41 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "RPLS 4811" FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON NORTHWEST CORNER OF SAID CORNER CLIP;

THENCE N 80°22'12" W. CONTINUING ALONG THE WEST LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON EAST ROW LINE OF SAID NORTH GROVE BOULEVARD, A DISTANCE OF 71.48 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "RPLS 4811" FOUND FOR THE NORTHWEST CORNER OF SAID BROWN STREET STORAGE;

THENCE N 82°16'30" E. ALONG THE NORTH LINE OF SAID BROWN STREET STORAGE TRACT, A DISTANCE OF 19.83 FEET TO A 1/4" IRON PIPE FOUND FOR AN ANGLE POINT IN THE NORTH LINE OF SAID BROWN STREET STORAGE TRACT AND A COMMON ELL CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO STANLEY H. LAMPHORN, JR., ET AL., RECORDED IN INSTRUMENT NO. 100986, OBJECT, AND FURTHER DESCRIBED IN DEED TO WILSON/REY H. LAMPHORN, RECORDED IN VOLUME 823, PAGE 913, OBJECT, AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO JAM PROPERTY ACQUISITION SERVICES, LLC, RECORDED IN VOLUME 2762, PAGE 1161, OBJECT;

THENCE N 81°18'30" E. ALONG THE WEST LINE OF SAID BROWN STREET STORAGE TRACT AND A COMMON INTERIOR LINE OF SAID LAMPHORN TRACT, A DISTANCE OF 252.80 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "TRUCK" SET FOR THE NORTHWEST CORNER OF SAID BROWN STREET STORAGE AND AN INTERIOR ELL CORNER OF SAID LAMPHORN TRACT;

THENCE N 89°14'32" E. ALONG THE NORTH LINE OF SAID BROWN STREET STORAGE, A COMMON SOUTH LINE OF SAID LAMPHORN TRACT AND THE SOUTHWEST CORNER OF SAID THE OAKS OF NORTH GROVE ADDITION, A DISTANCE OF 349.28 FEET TO A 1/4" IRON ROD WITH CAP STAMPED "TRUCK" SET FOR AN ANGLE POINT IN THE NORTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON SOUTH LINE OF SAID THE OAKS OF NORTH GROVE ADDITION;

THENCE N 77°34'30" E. CONTINUING ALONG THE NORTH LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON SOUTH LINE OF SAID THE OAKS OF NORTH GROVE ADDITION, A DISTANCE OF 419.94 FEET TO A 1/4" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID BROWN STREET STORAGE TRACT AND AN INTERIOR ELL CORNER OF SAID THE OAKS OF NORTH GROVE ADDITION;

THENCE S 89°18'15" E. ALONG THE EAST LINE OF SAID BROWN STREET STORAGE TRACT AND THE COMMON WEST LINE OF SAID THE OAKS OF NORTH GROVE ADDITION, A DISTANCE OF 313.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.973 ACRES OF LAND MORE OR LESS;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT BROWN STREET STORAGE, LP DOES HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 1, BLOCK A, MONTFORT BROWN, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS BROWN STREET STORAGE, LP DOES HEREBY CERTIFY THE FOLLOWINGS:

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES;
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT, LIEN, AND/OR ENCUMBRANCES;
3. THE EASEMENTS AND PUBLIC USE AREAS AS SHOWN AND CREATED BY THIS PLAT, ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAT;
4. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR AGAINST THE EASEMENTS AS SHOWN;
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPLACING ANY IMPROVEMENTS IN, UNDER, OR OVER ANY EASEMENTS CAUSED BY MAN-MADE OR REPAIR;
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND ELLIS COUNTY'S USE THEREOF;
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY MANNER ENJOINDER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS;
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, MAINTAINING, REPAIRING, REPLACING, AND/OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY TIME PROHIBITING PERMISSION FROM ANYONE;
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY;

THIS PLAT IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY TEXAS

WITNESS MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY

SHERRILL BROWN  
BROWN STREET STORAGE, LP

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 SHERRILL BROWN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SH/IT EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

I, TRISTRAN L. JACKSON, SPS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNER PERSON HAVE BEEN FOUND OR SET AS SHOWN.

"FURTHER, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR REPRODUCED OR REPRODUCED AS A FINAL EVIDENCE DOCUMENT."

TRISTRAN L. JACKSON  
REGISTERED PROFESSIONAL SURVEYOR

STATE OF TEXAS  
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

APPROVED THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHAIRPERSON

TOOS LITTLE  
COUNTY CLERK

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY CLERK

SHERRY THORSON  
COMMISSIONER PRECINCT 1

LAKE ORATION  
COMMISSIONER PRECINCT 2

PAUL PERRY  
COMMISSIONER PRECINCT 3

KYLE BUTLER  
COMMISSIONER PRECINCT 4

ATTEST

NOTARY PUBLIC  
COUNTY CLERK

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON SITE SEWER FACILITY SYSTEM PERIODIC ANY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT.

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

PLAT  
LOT 1, BLOCK A  
MONTFORT BROWN  
4.973 ACRES

OWNER  
BROWN STREET  
STORAGE, LP  
8111 MOUNTAIN ROAD  
SUITE 100  
DALLAS, TX 75244  
469 388 7635  
SURVEYOR  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 232  
WAXAHACHE, TEXAS 75188  
469 318 6508  
TITLE FILE NO. 19704389

STATE OF TEXAS  
J.B. & A. ADAMS SURVEY, ABSTRACT NO. 9  
R. RUSSELL SURVEY, ABSTRACT NO. 911  
CITY OF WAXAHACHE  
ELLIS COUNTY, TEXAS  
CITY OF WAXAHACHE ZONED  
PD-S01.2.3 MF-1 OR  
1 LOT  
CITY OF WAXAHACHE CASE NO. SUB-107-2022

(15)

## Planning & Zoning Department

### Zoning Staff Report

Case: ZDC-123-2022



#### MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

#### CAPTION

**Public Hearing** on a request by Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP, for an **Amendment** of a previously approved **Specific Use Permit (SUP)** for a **Drive-Through Establishment** use within a Planned Development-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-123-2022) Staff: Zack King

#### APPLICANT REQUEST

The applicant requests to amend the previously approved Specific Use Permit (SUP) for the Starbucks Drive-Through Establishment along Highway 77. The P&Z Commission and City Council approved the previous SUP in December of 2021 under Ordinance 3310.

#### CASE INFORMATION

**Applicant:** Leigh Ferguson, Vaquero Highway 77 Waxahachie Partners LP

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

**Site Acreage:** 0.912 acres

**Current Zoning:** Planned Development-General Retail (PD-GR) with a SUP for a Drive-Through Establishment (Starbucks)

**Requested Zoning:** Planned Development-General Retail (PD-GR) with a SUP for a Drive-Through Establishment

#### SUBJECT PROPERTY

**General Location:** Located approximately 1,500 feet South of Butcher Road and East of Highway 77

**Parcel ID Number(s):** 189379

**Existing Use:** The subject property is currently undeveloped.

**Development History:** The subject property is situated on Lot 1 of the recently approved Shridharani Subdivision. This plat has not yet been filed.

**Table 1: Adjoining Zoning and Uses**

Direction	Zoning	Current Use
North	PD-GR	Currently Undeveloped - Auto Parts & Accessory Sales SUP (O'Reilly's) Ord. 3234.
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.

*Location Map:***PLANNING ANALYSIS****Purpose of the Request**

The applicant proposes to amend the previously approved Specific Use Permit (SUP) for the Starbucks Drive-Through Establishment along Highway 77. The P&Z Commission and City Council approved the previous SUP in December of 2021 under Ordinance 3310. The applicant is requesting to amend the previously approved SUP to revise language in the development agreement and zoning ordinance that was no longer agreeable to the property owner. The applicant was informed by staff that changes to the approved SUP ordinance would require the case to return to P&Z and City Council for approval. Additionally, staff advised the applicant that minor textual changes to the development agreement could be processed administratively due to the fact that the agreement had not yet been officially executed. However, the applicant, operating on the advice of their legal team, requested to revise both the SUP ordinance and development agreement and agreed to return the case to P&Z and City Council for approval.

**Building Design/Facade**

The proposed façade for the building does not deviate from the design approved initially by P&Z on December 14, 2021. The building is currently proposed to be constructed of stucco, wood siding, and metal. The remainder of the building is proposed to consist of window glazing. The percentage of each material used can be referenced in the Elevation Plan below.

**Operational Plan**

The proposed operational plan for Starbucks has not changed from the original ordinance. Starbucks intends to serve coffee, tea, and breakfast and lunch food options. This store will have operational hours of 5am – 10pm Monday – Saturday, and 6am – 10pm on Sunday. Starbucks anticipates an average of 5-8 staff members per shift to help operate the store.

**Changes from Ordinance 3310****SUP Ordinance**

The applicant requests to remove references to the Staff Report from the zoning ordinance to clarify what is truly required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP.

- “If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.”

Apart from these changes, the applicant has proposed minor grammar changes throughout the ordinance. Staff has no concern with these proposed changes.

**Development Agreement**

The applicant is requesting the following substantive changes to the development agreement.

- References to the Staff Report are also removed from the development agreement to clarify what is truly required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Instrument No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

After consultation with the City Attorney, Robert Brown, staff has no concern with these proposed changes.

Site Plan

The site plan proposed with this SUP amendment has not drastically changed from the original site plan approved with Ordinance 3310. The only substantive change to note is the addition of ornamental iron fencing adjacent to the drive-through entrance on top of the retaining wall that runs along the rear of the property. Staff is supportive of these proposed changes.

**Table 2: Proposed Development Standards (General Retail)**

Standard	City of Waxahachie	Ord. 3310	Amended SUP	Meets Y/N
Min. Lot Area (Sq. Feet)	7,000	39,706	39,706	Yes
Min. Lot Width (Feet)	60	197.56	197.56	Yes
Min. Lot Depth (Feet)	100	200.98	200.98	Yes
Min. Front Yard (Feet)	40	40	40	Yes
Min. Side Yard (Feet)	20	20	20	Yes
Min. Rear Yard (Feet)	20	20	20	Yes
Max. Height	2 stories	1 story	1 story	Yes
Max. Lot Coverage (%)	40	5.59	5.59	Yes
Parking: Restaurant 1 space per 100 sq. feet	22 spaces	32 spaces	32 spaces	Yes

Landscape Plan

The landscape plan proposed with this SUP amendment has also changed. The new landscape plan includes the addition of 48 Needlepoint Holly's along the northern drive-aisle. Additionally, the number of proposed trees on site remains 16; but the variety of species used has been revised. Seven (7) Cedar Elms, four (4) Crape Myrtles, and five (5) Live Oaks were approved with the original SUP. The applicant is now proposing four (4) Cedar Elms, four (4) Crape Myrtles, and eight (8) Live Oaks. Staff has no concern with these proposed changes. Staff has no concerns with these proposed changes.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 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:

- ☒ Approval, per the following comments:
1. A mutually agreed upon Development Agreement will be required for the development.

**ATTACHED EXHIBITS**

1. Revised Ordinance
2. Revised Development Agreement
3. Site Plan
4. Landscape Plan
5. Sign Plan
6. Elevation Plan
7. Operational Narrative

**APPLICANT REQUIREMENTS**

1. If approved by City Council, an applicant can apply for building permits from the Building and Community Services Department following the recordation of the Development Agreement.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King

Senior Planner

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

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(116)

**ORDINANCE NO. ( )**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, CONSISTING OF APPROXIMATELY 0.912 ACRES OF LAND LOCATED APPROXIMATELY 1,000 FEET SOUTH OF BUTCHER ROAD AND EAST OF HWY 77, 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-ZDC-123-2022. 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; and

**WHEREAS**, this Ordinance supersedes Ordinance No. 3311 approved by the City Council on December 20, 2021;

**NOW, THEREFORE**, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit a Drive-Through Establishment use (currently contemplated as Starbucks) on the following property: Approximately 0.912 acres of land in Abstract 848 of the AS Pruitt Survey, located approximately 1,000 feet south of Butcher Road and east of Hwy 77, which is more particularly described and shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Facade Concept Plan attached as Exhibit D (the "Property").

(16)

## **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 USE (CURRENTLY CONTEMPLATED AS STARBUCKS) 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-123-2022.
3. The development shall adhere to the City Council approved Exhibit A- Location Map, Exhibit B - Site Plan, Exhibit C - Landscape Plan, and Exhibit D - Elevation/Facade Plan attached hereto.
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. Where regulations are not specified in this ordinance, including Exhibits B, C, and D hereto, or the Development Agreement, the regulations of the Planned Development General Retail (PD-GR) Zoning District shall apply to this development.
6. The City Council shall have the right to review the Specific Use Permit after 12 months if needed. If the City Council finds that the activities under the Specific Use Permit violate one or more City or state regulations, and the owner or operator fails to correct such violations within a reasonable period, the City Council may terminate the Specific Use Permit.

### **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.

(16)

2. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to reestablish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation.
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 in accordance with generally applicable City requirements.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

**PASSED, APPROVED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST

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

(116)

October 14, 2022

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT WITH VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP FOR DRIVE-THROUGH ESTABLISHMENT
	§	
COUNTY OF ELLIS	§	

This Development Agreement ("**Agreement**") is entered into between Vaquero Highway 77 Waxahachie Partners, LP ("**Developer**") and the City of Waxahachie, Texas ("**City**"). Developer and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

**Recitals:**

1. Developer is the owner of approximately 0.912 acres of real property generally located 1,000 feet South of Butcher Road and East of Hwy 77, Parcel Number 189379, in the City of Waxahachie, Texas, which is more particularly described on Exhibit A (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"), revising specific development standards. The Property is currently zoned Planned Development-General Retail ("PD-GR") by the City and is anticipated to have the SUP reviewed on November 21, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Drive-Through Establishment, currently contemplated as 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 Developer with agreed-upon and negotiated standards consistent with its business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of Developer 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 "**SUP Ordinance**"), a copy of which is attached hereto as Exhibit B and which contains the negotiated zoning and development standards.

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

**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 Development Agreement with Vaquero Highway 77 Waxahachie Partners, LP (Drive Through) – Page 1

(16)

October 14, 2022

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 Development Regulations and Recognition of Investment-Backed Expectations:** The negotiated and agreed upon development standards contained in the 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.

Developer agrees:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-123-2022.
- (B) The development shall adhere to the SUP Ordinance approved by the City Council expressly including the following exhibits attached as part of the SUP Ordinance and incorporated therein: Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Elevation/Façade Plan.
- (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 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. Noncompliance shall be corrected within a reasonable time after receipt of written notice from the City specifying such noncompliance.
- (F) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance, as approved by City Council, shall conform to those requirements and/or standards prescribed in the SUP Ordinance expressly including Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Elevation/Façade Plan. Where regulations are not specified in Exhibits B, C, and D, the Zoning Ordinance, or Development Agreement, the regulations of the Planned Development General Retail Zoning District shall apply to this development.

(16)

October 14, 2022

- (G) The Property is the beneficiary of a mutual access easement pursuant to Declaration of Easements, Covenants and Restrictions recorded in the Ellis County records as Instrument No. 2120553 on May 10, 2021.

In consideration of Developer's agreement in this regard, the City of Waxahachie agrees that Developer has reasonable investment-backed expectations in the SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the SUP Ordinance without impacting Developer'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. If 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 the other provisions hereof will remain in full force and effect in the same manner as if such invalid, illegal or unenforceable provision had never been contained herein.
- 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 present rules, regulations, procedures and Development Agreement with Vaquero Highway 77 Waxahachie Partners, LP (Drive Through) – Page 3

(16)

October 14, 2022

ordinances of the City of Waxahachie, and all applicable laws, rules, and regulations of the State of Texas and the United States, except where such rules, regulations, procedures and ordinances do not apply to the Property pursuant to Chapter 245 of the Texas Local Government Code.

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 Developer 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}**

(16)

October 14, 2022

**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: \_\_\_\_\_

(16)

October 14, 2022

**Developer**

**VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP**

By: Vaquero Ventures Management, LLC,  
Its General Partner

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF TEXAS** §

§

**COUNTY OF ELLIS** §

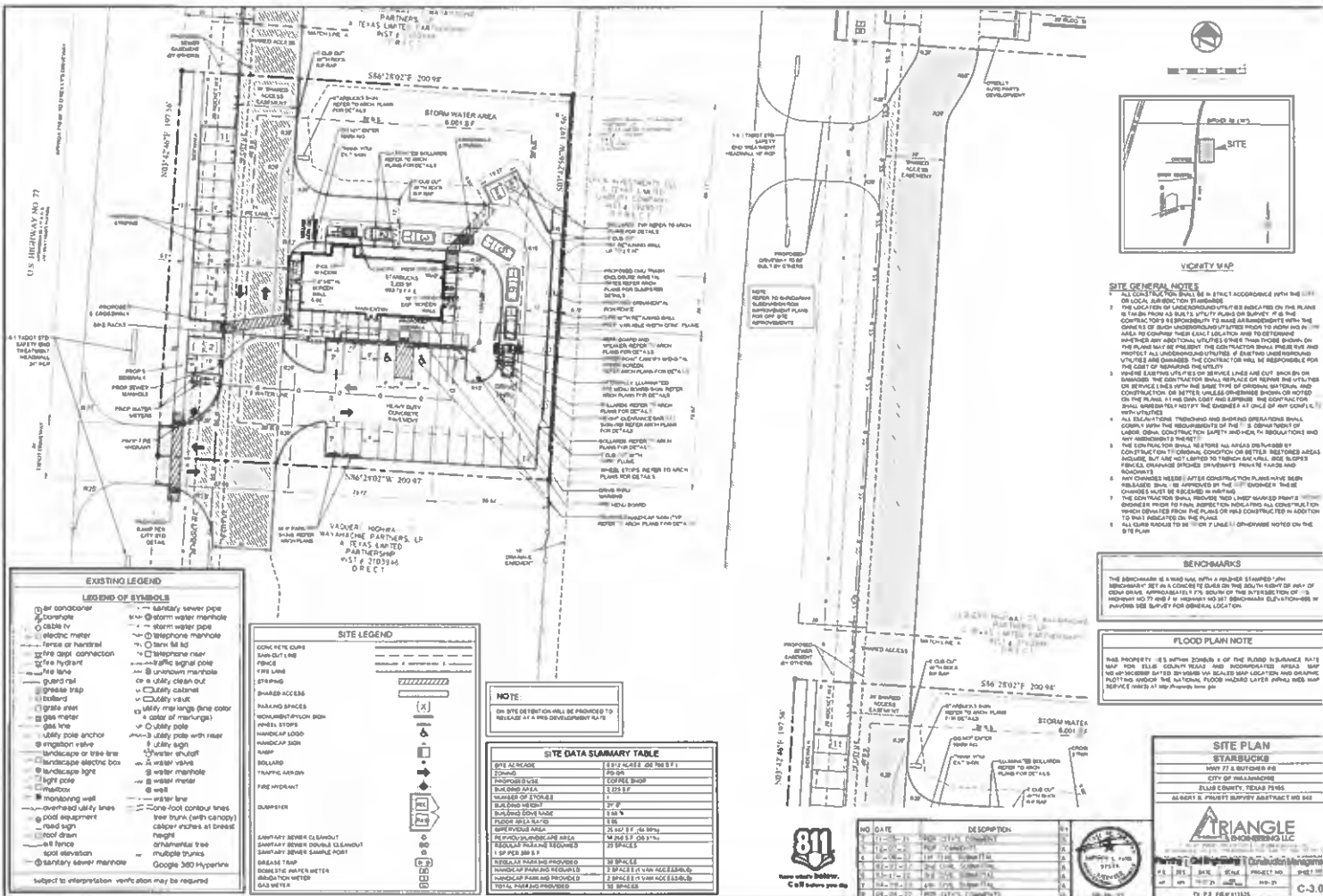
§

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Vaquero Ventures Management, LLC , General Partner of Vaquero Highway 77 Waxahachie Partners, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

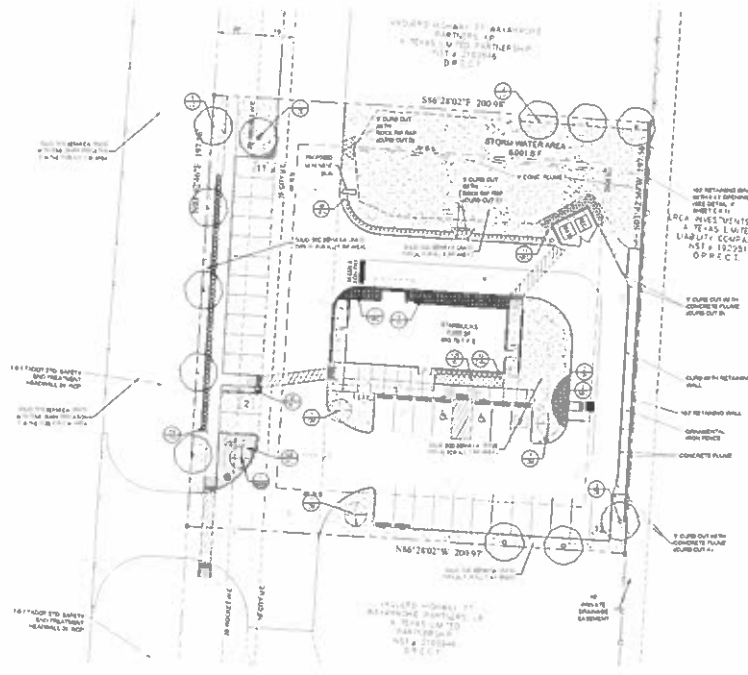
[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_



(16)



SITE DATA SUMMARY TABLE	
DYE INCREASE	0 P.I. (EACH DAY) 267 MG D.P.
ZONING	R-1000
PROPOSED USE	CORPUS SHOP
LOT DEPTH	131' 0"
LOT WIDTH	131' 0"
FUTURE DETRACKS & S.	
BUILDING	40'
"BET"	20'
FEAR	20'
BUILDING AREA	5,328 S.F.
NUMBER OF STORIES	
Building height	34' 0"
BUILDING COVERAGE	34' 0"
FLOOR AREA RATIO	
IMPERVIOUS AREA	
IMPervious SURFACE AREA	11,268 S.F. (35.1%)
NEEDLE AND PADDED COVERED	20 IMPERVIOUS
TOP SOIL D.E.T.	
REGULAR PARKING PROVIDED	30 SPACES
HANDICAPPED PARKING REQUIRED	2 SPACES (SEE CODE)
PARKING AREAS PROVIDED	32 SPACES (SEE CODE)
TOTAL PARKING PROVIDED	34 SPACES

[illegible]

### LANDSCAPE DESIGN

1. **Site Analysis:** Understanding the site's context, including topography, climate, and existing vegetation, is crucial for informed design decisions.
2. **Concept Development:** Establishing a clear design concept or theme that guides the overall aesthetic and functional goals of the landscape.
3. **Site Planning:** Creating a detailed plan that shows the layout of paths, planting areas, water features, and other landscape elements.
4. **Plant Selection:** Choosing appropriate plant species based on site conditions, desired aesthetics, and sustainability considerations.
5. **Implementation:** Executing the design plan through construction, planting, and installation of hardscape elements.
6. **Maintenance:** Establishing a long-term maintenance plan to ensure the landscape remains healthy and visually appealing over time.

### NOTE FOR NOTES

1. The  $\text{pH}$  of a solution is a measure of the concentration of  $\text{H}^+$  ions in a solution. The  $\text{pH}$  of a solution is defined as the negative logarithm of the concentration of  $\text{H}^+$  ions in a solution. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
2. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
3. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
4. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
5. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
6. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
7. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
8. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
9. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.
10. The  $\text{pH}$  of a solution is a measure of the acidity of a solution. The  $\text{pH}$  of a solution is a measure of the basicity of a solution.

### PROJECT CONTACT LIST

<p> <b>CHRYSLER</b>  <b>TRANSIT</b> <b>LOGISTICS</b> <b>FINANCIAL</b>  <b>1200 WOODBURY DR. STE. 110</b>  <b>ALLEN TX 75015</b>  <b>CAROLYN A. PATE</b>  <b>214-686-5271</b> </p>	<p> <b>COMMON DEVELOPER</b>  <b>YACQUI HOOGHUYST</b> <b>714-944-0446</b>  <b>60101</b>  <b>2000 WOODBURY ST. STE. 300</b>  <b>IRVING TX 76037</b>  <b>CONTACT: JACQUELYNNE</b>  <b>617-882-1235</b> </p>
<p> <b>BUYER/OWNER</b>  <b>JIM LINDA BUYER/OWNER</b> <b>ONE</b>  <b>101 CONNOR DRIVE</b> <b>TRAIL</b>  <b>HUNTER TX 75846</b>  <b>JOSE S. NALLARAO</b>  <b>214-631-6875</b> </p>	<p> <b>ARCHITECT</b>  <b>FRANK ARCHITECTS</b>  <b>4800 WEST BUCKLEBURN PLAZA</b>  <b>BUYER</b> <b>300</b>  <b>SCOTT MORTON TX 76160</b>  <b>214-421-6875</b>  <b>214-737-8822</b> </p>

[illegible][illegible]

(16)



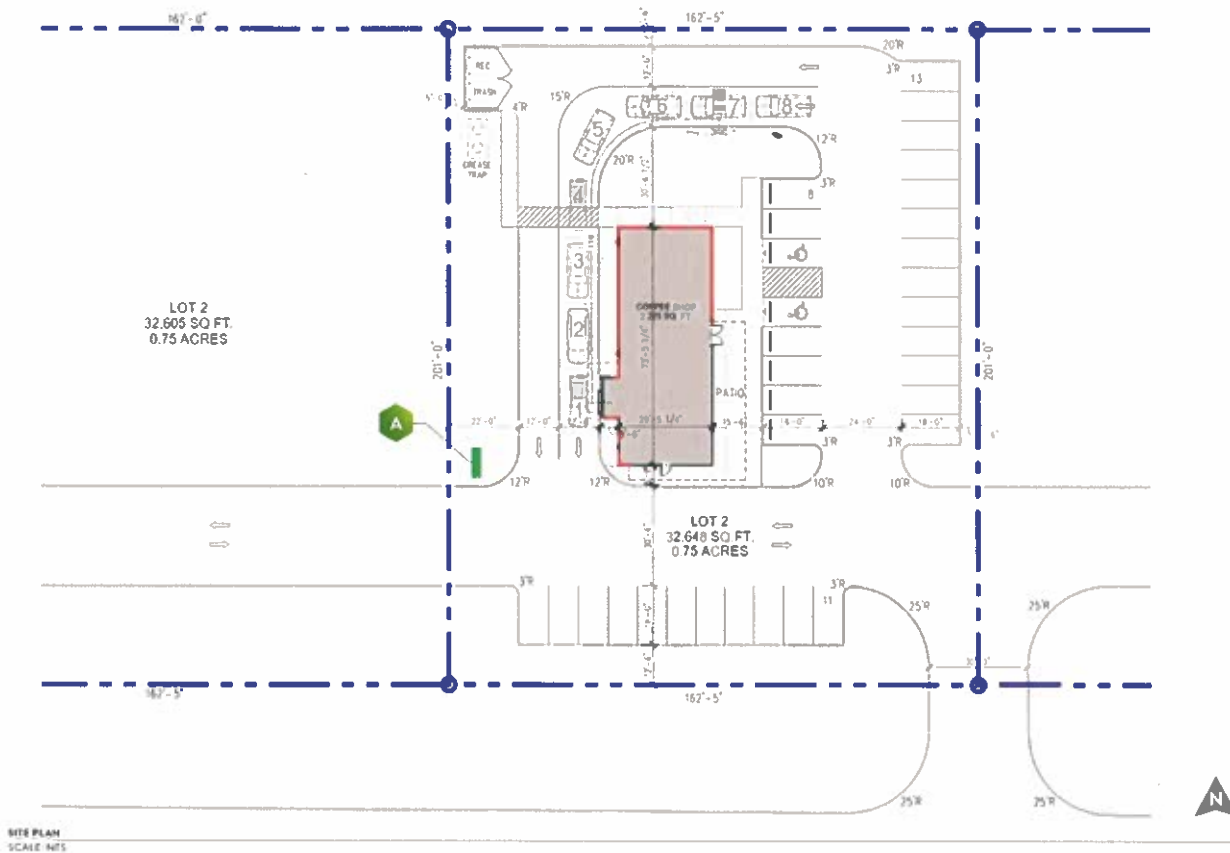
STARBUCKS  
SIGN PRESENTATION

HWY 77 & BUTCHER RD  
WAXAHACHIE TX



(16)

Site Plan



16611 West Little York Rd  
Houston, Texas 77084  
EZZISIGNS.COM  
713-232-0771

PROJECT:  
STARBUCKS  
ADDRESS:  
HWY 77 & BUTCHER RD  
WAXAHACHIE TX  
DATE: 05/12/2021

PROJECT NUMBER:  
E2353  
DESIGNER:  
PAMOTI

REVISIONS  
R1: 10/11/22  
DESIGN UPDATE  
R2: 00/00/2021  
DESIGN UPDATE  
R3: 00/00/2021  
DESIGN UPDATE

APPROVALS / DATE

CLIENT

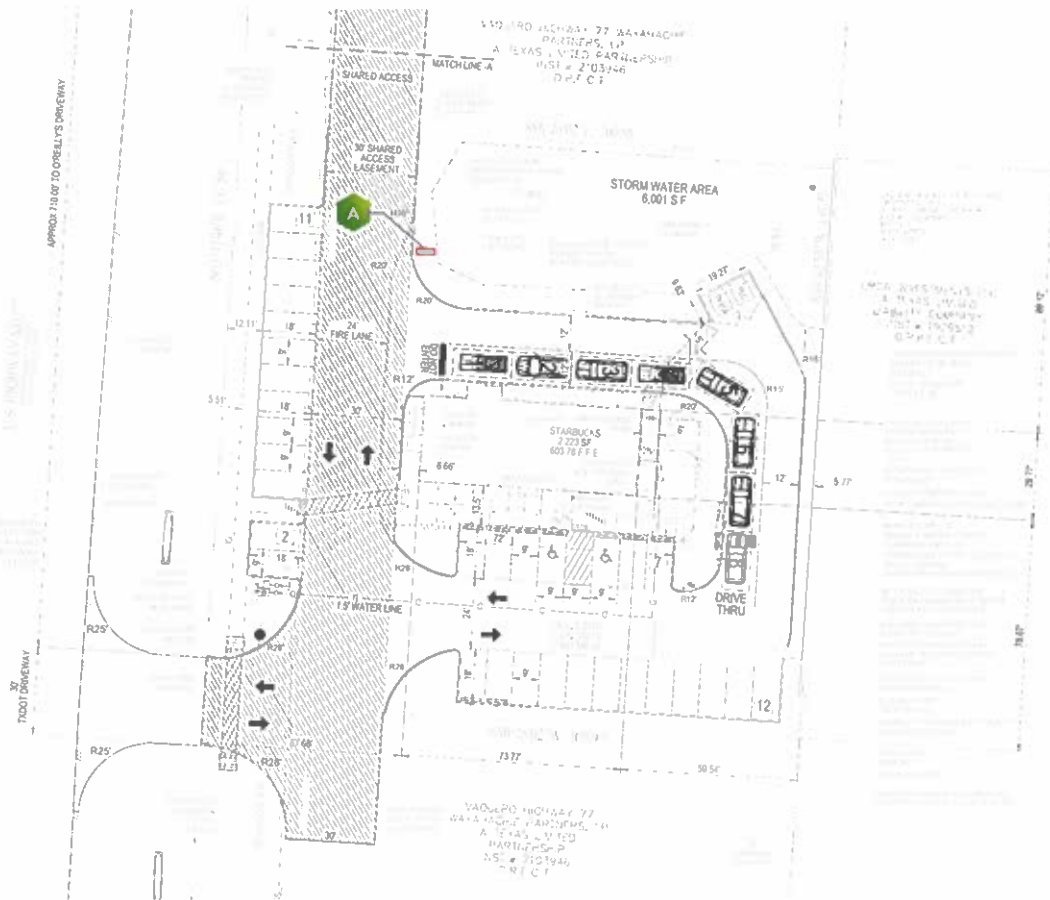
LANDLORD



Installation requirements: This sign(s) be installed in accordance with the requirements of article 500 of the national electric code and other applicable local codes. This includes proper grounding or bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition, use of this drawing is strictly prohibited. ©2020. All rights reserved.

(16)



16611 West Little York Rd  
Houston, Texas 77084  
EZZISIGNS.COM  
713-232-0771

PROJECT:  
STARBUCKS

ADDRESS:  
9477 & BUTCHER RD  
WYOMING, TEXAS

DATE: 05/12/2021

PROJECT NUMBER:  
EST353

DESIGNER:  
R. MOORE

REVISIONS  
R1: 10/11/22  
DESIGN UPDATE  
R2: 00/00/2021  
DESIGN UPDATE  
R3: 00/00/2021  
DESIGN UPDATE

APPROVALS / DATE

CLIENT

LANDLORD



Installation requirements: This sign must be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding or bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition, use of this drawing is strictly prohibited. ©2020. All rights reserved.

(16)



**EZZI SIGNS**  
EST. 2005  
16611 West Little York Rd  
Houston, Texas 77084  
[EZSIGNS.COM](http://EZSIGNS.COM)  
713-232-0771

PROJECT:  
STARBUCKS

ADDRESS:  
HWY 77 & BUTCHER RD  
WYAHACHIE TX

DATE: 05/12/2021

PROJECT NUMBER:  
ES2353

DESIGNER:  
RAMON

REVISIONS  
R1: 10/11/22  
DESIGN UPDATE  
R2: 00/00/2021  
DESIGN UPDATE  
R3: 00/00/2021  
DESIGN UPDATE

APPROVALS / DATE

CLIENT

LANDLORD



Installation requirements: This sign must be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding or bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition, or use of this drawing is strictly prohibited. ©2020. All rights reserved.

(16)

## Exhibit D- Elevation/Facade Plan



EXTERIOR FINISH SCHEDULE			
ITEM	COLOR	MANUFACTURER	REMARKS
1. EXTERIOR WALLS	WHITE	PORTLAND CEMENT	PORTLAND CEMENT
2. ROOFING	BLACK	ASPH/FLT	ASPH/FLT
3. FLOORING	CONCRETE	CONCRETE	CONCRETE
4. CEILING	WHITE	CEILING	CEILING
5. DOORS	WOOD	WOOD	WOOD
6. WINDOWS	GLASS	GLASS	GLASS
7. SIGNAGE	ALUMINUM	ALUMINUM	ALUMINUM
8. LIGHTING	LED	LED	LED
9. PAINTING	PAINT	PAINT	PAINT
10. LANDSCAPING	LANDSCAPING	LANDSCAPING	LANDSCAPING

WEST ELEVATION	1/4\"/>
1. EXTERIOR WALLS	WHITE
2. ROOFING	BLACK
3. FLOORING	CONCRETE
4. CEILING	WHITE
5. DOORS	WOOD
6. WINDOWS	GLASS
7. SIGNAGE	ALUMINUM
8. LIGHTING	LED
9. PAINTING	PAINT
10. LANDSCAPING	LANDSCAPING



SOUTH ELEVATION	1/4\"/>
1. EXTERIOR WALLS	WHITE
2. ROOFING	BLACK
3. FLOORING	CONCRETE
4. CEILING	WHITE
5. DOORS	WOOD
6. WINDOWS	GLASS
7. SIGNAGE	ALUMINUM
8. LIGHTING	LED
9. PAINTING	PAINT
10. LANDSCAPING	LANDSCAPING

PRELIMINARY  
NOT TO BE USED  
FOR  
REGULATORY  
APPROVAL  
PERMITTING OR

FRANZ  
architects

SHELL BUILDING  
N. MAY 77  
WAXAHACHE, TX 75165

A2.0



Operational Plan: Starbucks Corporation



(16)

## About: Starbucks Coffee Company



### Mission Statement

- To inspire & nurture the human spirit – one person, one cup, and one neighborhood at a time

### Starbucks Values

- Creating a culture of warmth and belonging, where everyone is welcome.
- Delivering our very best in all we do, holding ourselves accountable for results.
- Acting with courage, challenging the status quo and finding new ways to grow our company and each other.
- Being present, connecting with transparency, dignity and respect.

### History

- Starbucks started in Seattle, WA in 1971 in the Pike Place Market which has now grown into 32,660 Stores Worldwide including 15,328 stores in the U.S.



(16)

## Starbucks Coffee Company At a Glance



### Hours of Operation:

- Monday – Saturday: 5 AM – 10 PM
- Sunday: 6 AM – 10 PM

### Employment Opportunity

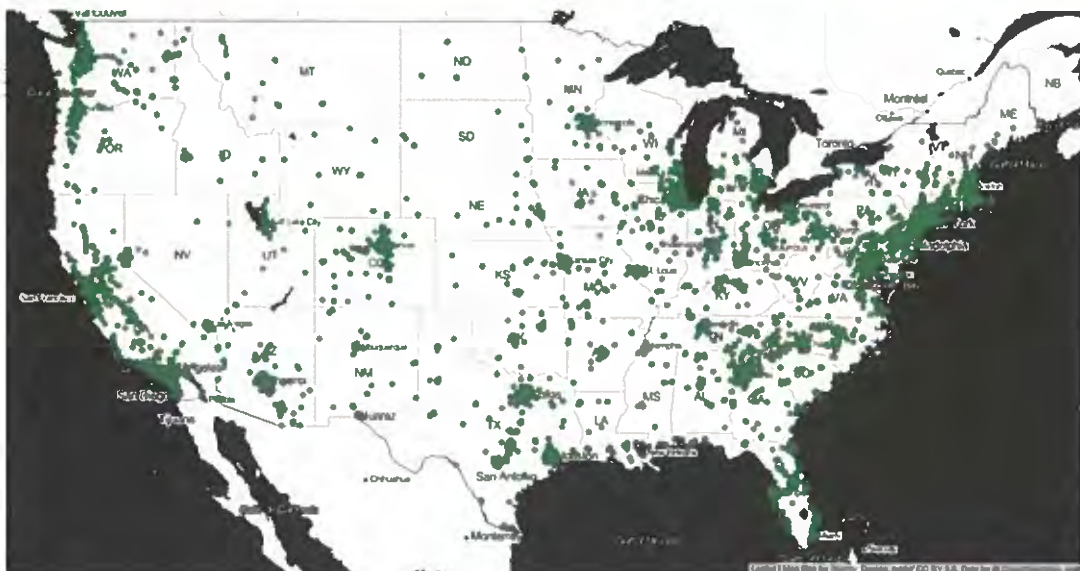
- The typical Starbucks Location employs between 15-25 People with 5-8 Staff Members at one time

Starbucks specializes in a variety of specialty coffees, teas, and other brewed beverages. Starbucks also provides sustainable, health-conscious breakfast and lunch items.



(16)

# Starbucks Nationwide



(16)

## Starbucks Locations



## Helping Hand



### Starbucks College Achievement Plan

- Starbucks is committed to their employee's success. Every benefits eligible US Employee working part or full time receives 100% tuition coverage for a first-time bachelor's degree through Arizona State online program

### Honoring Our Service Members

- To show gratitude to veteran partners for their service, they can extend an additional Starbucks College Achievement Plan benefit to a qualifying family member of their choice.

### The Starbucks Foundation

- Supports thriving communities through grants to nonprofit organizations, from Seattle and neighborhoods across the country, to coffee & tea-growing communities around the world.
  - **Neighborhood Grants** - are investments that help build sustained local impact and inspire increased partner volunteerism with nonprofit organizations that work in our communities.
  - **Disaster Response** - The Starbucks Foundation strengthens communities affected by disaster by investing in response and preparedness programs.
  - **Origin Grants** - The Starbucks Foundation has invested more than \$25 million in programs that strengthen coffee and tea-growing communities since its founding.

# Planning & Zoning Department

## Zoning Staff Report

Case: SUB-127-2022



### MEETING DATE(S)

Planning & Zoning Commission:  
City Council:

November 15, 2022  
November 21, 2022

### CAPTION

**Public Hearing** on a request by Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP, for an **Amendment** of a previously approved **Specific Use Permit (SUP)** for **Auto Parts and Accessory Sales** use within a Planned Development-General Retail zoning district located south of 2980 N Highway 77 (being a portion of Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-127-2022)

### APPLICANT REQUEST

The applicant requests to amend the previously approved Specific Use Permit (SUP) for an Auto Parts & Accessory Sales use (O'Reilly's) along Highway 77. The previous SUP was approved by the P&Z Commission and City Council on November 16, 2020, under Ordinance 3234.

### CASE INFORMATION

**Applicant:** Caitlin Adkins, Vaquero Highway 77 Waxahachie Partners LP

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

**Site Acreage:** 1.002 acres

**Current Zoning:** Planned Development-General Retail (PD-GR) with a SUP for Auto Parts & Accessory Sales (O'Reilly's)

**Requested Zoning:** Planned Development-General Retail (PD-GR) with a SUP for Auto Parts & Accessory Sales

### SUBJECT PROPERTY

**General Location:** South of 2980 N Highway 77

**Parcel ID Number(s):** 189379

**Existing Use:** The subject property is currently undeveloped

**Development History:** The subject property is situated on Lot 1 of the recently approved Shridharani Subdivision. This plat has not yet been filed.

**Table 1: Adjoining Zoning and Uses**

Direction	Zoning	Current Use
North	C w/ SUP for Drive-In Service	Exxon Gas Station
East	N/A (ETJ)	Northside RV Resort
South	PD-GR	Currently Undeveloped – Drive Through Establishment SUP (Starbucks) Ord. 3310.
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 the Request**

The applicant proposes to amend the previously approved Specific Use Permit (SUP) for the O'Reilly's Auto Parts & Accessory Sales along Highway 77. The P&Z Commission and City Council approved the previous SUP on November 16, 2020 under Ordinance 3234. The applicant is requesting to amend the previously approved SUP to revise language in the development agreement and zoning ordinance that was no longer agreeable to the property owner. The applicant was informed by staff that changes to the approved SUP ordinance would require the case to return to P&Z and City Council for approval. Additionally, staff advised the applicant that minor textual changes to the development agreement could be processed administratively due to the fact that the agreement had not yet been officially executed. However, the applicant, operating on the advice of their legal team, requested to revise both the SUP ordinance and development agreement and agreed to return the case to P&Z and City Council for approval.

Operational Plan

The proposed operational plan for O'Reilly's has not changed from the original ordinance. O'Reilly's intends to serve as a supplier of auto parts and accessories. This store will have operational hours of 7:30am – 10pm, Monday – Sunday. Truck deliveries will only occur after hours. O'Reilly's anticipates there will be an average of 10-15 staff members per shift to help operate the store.

Changes from Ordinance 3234Building Design/Facade

The proposed façade for the building does deviate from the design approved initially by P&Z on November 10, 2020. The building is currently proposed to be constructed of concrete masonry units, EIFS, and window glazing. There are two types of concrete masonry units proposed, both of which are tan to brown in color and replicate a brick or stone façade. The table below details the exact percentage of each material proposed with the primary building.

**Table 2: Proposed Elevation Summary**

<b>Standard</b>	<b>Ord. 3234</b>	<b>Amended SUP</b>
Front Facade	28% Masonry 34% EIFS 38% Window Glazing	43% Masonry 33% EIFS 24% Window Glazing
Rear Facade	95% Masonry 5% EIFS 0% Window Glazing	93% Masonry 7% EIFS 0% Window Glazing
Right (South) Facade	81% Masonry 6% EIFS 13% Window Glazing	85% Masonry 7% EIFS 8% Window Glazing
Left (North) Facade	75% Masonry 6% EIFS 6% Doors (Window Glazing) 13% Window Glazing	79% Masonry 7% EIFS 6% Doors (Window Glazing) 8% Window Glazing

SUP Ordinance

The applicant requests to remove references to the Staff Report from the zoning ordinance to clarify what is genuinely required with the SUP. The applicant is also requesting to add the following language to the SUP ordinance regarding the term of the SUP.

- "If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to re-establish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above-mentioned one-year period, not to exceed five years after the date of such casualty or condemnation."

Apart from these changes, the applicant has proposed minor grammar updates throughout the ordinance. Staff has no concern with these proposed changes.

Development Agreement

The applicant is requesting the following substantive changes to the development agreement.

- References to the Staff Report are also removed from the development agreement to clarify what is genuinely required with the development agreement.
- The agreement has been updated to reflect the creation of a mutual access easement (Inst.t No. 2120553) that connects the subject property with adjacent property to the north and south.
- The agreement has been updated to reflect that neither the SUP ordinance nor the development agreement are intended to conflict with Chapter 245 of the Texas Local Government Code.
- The agreement has been updated to remove typical City of Waxahachie provisions regarding Form 1295 Certificates, Undocumented Workers, Non-Boycott of Israel, Prohibition on Contracts with Certain Companies, Verification Against Discrimination of Firearm or Ammunition Industries, and Verification Against Discrimination/Boycott of Energy Companies. The applicant requested to remove these provisions, stating that they generally did not apply to the agreement.

After consultation with the City Attorney, Robert Brown, staff has no concern with these proposed changes.

Site Plan

The site plan proposed with this SUP amendment has not drastically changed from the original site plan approved with Ordinance 3234. There are two substantive changes to note on the revised site plan. The applicant has added two "Exit Only" signs located on either side of the site's driveway connection to Highway 77, as required by TxDOT. Additionally, the applicant has relocated two (2) parking spaces from the northern property line to the eastern property line along Highway 77. Staff has no concerns with these proposed changes.

**Table 3: Proposed Development Standards (General Retail)**

Standard	City of Waxahachie	Ord. 3310	Amended SUP	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	43,650	43,560	Yes
Min. Lot Width (Ft.)	60	217.16	217.16	Yes
Min. Lot Depth (Ft.)	100	201.01	201.01	Yes
Min. Front Yard (Ft.)	40	40	40	Yes
Min. Side Yard (Ft.)	20	20	20	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	20	Yes
Max. Height	2 stories	1 story	1 story	Yes
Max. Lot Coverage (%)	40	18%	18%	Yes
Parking 1 space per 500 sq. ft.	15	37 spaces	37 spaces	Yes

Landscape Plan

The landscape plan proposed with this SUP amendment has also changed. The new landscape plan includes the addition of 8 Dwarf Wax Myrtles, 45 pots of Bermudagrass, and 2 Live Oaks along Highway 77. Staff has no concern with these proposed changes. Staff has no concerns with these proposed changes.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 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:

- ☒ Approval, per the following comments:
1. A mutually agreed upon Development Agreement will be required for the development.

**ATTACHED EXHIBITS**

1. Revised Ordinance
2. Revised Development Agreement
3. Site Plan
4. Landscape Plan
5. Elevation Plan
6. Sign Plan
7. Operational Narrative

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Zack King  
Senior Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*  
Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

**ORDINANCE NO. ( )**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO PARTS AND ACCESSORY SALES USE WITHIN A PLANNED DEVELOPMENT- GENERAL RETAIL (PD-GR) ZONING DISTRICT, PROPERTY ID 189379, CONSISTING OF APPROXIMATELY ONE ACRE OF LAND FRONTING HIGHWAY 77, BEING LOCATED IN ABSTRACT 848 OF THE AS PRUITT SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as 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-127-2022. 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; and

**WHEREAS**, this Ordinance supersedes Ordinance No. 3234 approved by the City Council on November 16, 2020;

**NOW, THEREFORE**, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit an Auto Parts and Accessory Sales use (concurrently contemplated as O'Reilly Auto Parts) on the following property: Approximately one acre of land generally fronting Highway 77, being located in Abstract 848 of the A S Pruitt Survey, which is more particularly described and shown in Exhibit A, and shown on Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Facade Plan attached as Exhibit D.

**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 AN AUTO PARTS AND ACCESSORY SALES USE (CURRENTLY CONTEMPLATED AS O'REILLY AUTO PARTS) IN THE PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) 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-127-2022.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B- Site Plan, Exhibit C - Landscape Plan, and Exhibit D- Elevation/Facade Plan attached hereto.
3. A mutually agreed upon Development Agreement will be required for the property.
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. The City Council shall have the right to review the Specific Use Permit after 12-months if needed. If the City Council finds that the activities under the Specific Use Permit violate one or more City or state regulations, and the owner or operator fails to correct such violations within a reasonable period, the City Council may terminate the Specific Use Permit.

**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. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding one year, a new Specific Use Permit shall be required to reestablish the use; provided, however, in the event of damage to the Property or the improvements thereon by fire, weather, or other casualty, or condemnation of any portion of the Property, a reasonable period to repair or reconstruct such structure or to modify the premises to address the impacts of the condemnation or casualty will be excluded from the above mentioned one-year period, not to exceed five years after the

- date of such casualty or condemnation.
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 in accordance with generally applicable City requirements.
  4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

**PASSED, APPROVED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST

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

October 14, 2022

STATE OF TEXAS           §           **DEVELOPMENT AGREEMENT**  
   §           **WITH VAQUERO HIGHWAY 77**  
   **WAXAHACHIE PARTNERS, LP FOR**  
   **AUTO PARTS AND ACCESSORY SALES**

COUNTY OF ELLIS         §

This Development Agreement ("**Agreement**") is entered into between Vaquero Highway 77 Waxahachie Partners, LP ("**Developer**") and the City of Waxahachie, Texas ("**City**"). Developer and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

**Recitals:**

1. Developer is the owner of approximately 1.002 acres of real property fronting Highway 77, in the City of Waxahachie, Texas, which is more particularly described on Exhibit A (the "**Property**") for which Developer has requested a change in the Property's Planned Development General Retail to Planned Development General Retail with Specific Use Permit ("SUP") 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 November 21, 2022.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of an Auto Parts and Accessory Sales store, currently contemplated as O'Reilly Auto Parts. 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 Developer with agreed-upon and negotiated standards consistent with its business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of Developer 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 "SUP Ordinance"), a copy of which is attached hereto as Exhibit B, and which contains the negotiated zoning and development standards.

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

**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.

October 14, 2022

**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 Development Regulations and Recognition of Investment-Backed Expectations:** The negotiated and agreed upon development standards contained in the 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:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-127-2022.
- (B) The minimum masonry exterior (%) for the building shall be as follows:
  - Front Elevation: 28%
  - Right Elevation: 81%
  - Rear Elevation: 95%
  - Left Elevation: 75%
- (C) The development shall adhere to the SUP Ordinance approved by the City Council expressly including the following exhibits attached as part of the SUP Ordinance and incorporated therein: Exhibit A- Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Elevation/Façade Plan.
- (D) 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. Noncompliance shall be corrected within a reasonable time after receipt of written notice from the City specifying such noncompliance.
- (E) 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 the SUP Ordinance expressly including Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Elevation/Façade Plan. Where regulations are not specified in Exhibits B, C and D, the zoning ordinance or Development Agreement, the regulations of the Planned Development General Retail Zoning District shall apply to this development.
- (F) The Property is the beneficiary of a mutual access easement pursuant to Declaration

October 14, 2022

of Easements, Covenants and Restrictions recorded in the Ellis County records as Instrument No. 2120553 on May 10, 2021.

In consideration of Developer's agreement in this regard, the City of Waxahachie agrees that Developer has reasonable investment-backed expectations in the SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the SUP Ordinance without impacting Developer'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. If 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 the other provisions hereof will remain in full force and effect in the same manner as if such invalid, illegal or unenforceable provision had never been contained herein.

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.

October 14, 2022

G. This Agreement is made subject to the present rules, regulations, procedures and ordinances of the City of Waxahachie, and all applicable laws, rules, and regulations of the State of Texas and the United States, except where such rules, regulations, procedures and ordinances do not apply to the Property pursuant to Chapter 245 of the Texas Local Government Code.

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 Developer 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}**

(18)

October 14, 2022

**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: \_\_\_\_\_

(18)

October 14, 2022

**Developer**

**VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP**

By: Vaquero Ventures Management, LLC,  
Its General Partner

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF TEXAS**

§

§

**COUNTY OF ELLIS**

§

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Vaquero Ventures Management, LLC , General Partner of Vaquero Highway 77 Waxahachie Partners, LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas My

Commission Expires: \_\_\_\_\_







1 FRONT ELEVATION

TOTAL SF = 2,248  
 MASONRY = 43%  
 EIFS = 33%  
 GLAZING = 24%



2 RIGHT SIDE ELEVATION

TOTAL SF = 1,623  
 MASONRY = 85%  
 EIFS = 7%  
 GLAZING = 8%



3 BACK ELEVATION

TOTAL SF = 2,125  
 MASONRY = 93%  
 EIFS = 7%



4 LEFT SIDE ELEVATION

TOTAL SF = 1,623  
 MASONRY = 79%  
 EIFS = 7%  
 DOORS = 6%  
 GLAZING = 8%

### Exterior Finish Schedule

EIFS Exterior Insulation and Finish System Sherwin Williams "Painting Box" 5016271
EIFS Exterior Insulation and Finish System Sherwin Williams "Softee Tan" 5016211
Stainless Steel Metal Roof System Culverton
Cementitious Masonry Unit Lap Joint Softee Tan 5016211
Cementitious Masonry Unit 12" x 8" Lunar 5016211
Exterior Glass, Overhead Glass, and Trusses Sherwin Williams "Softee Tan" 5016211
Sheet Metal Cap Flashing, Trim, Gutters, and Downspouts Sherwin Williams "Softee Tan" 5016211
Stainless Steel Sherwin Williams "Painting Box" 5016271
Aluminum and Glass Bead Glass System Sherwin Williams "Softee Tan" 5016211

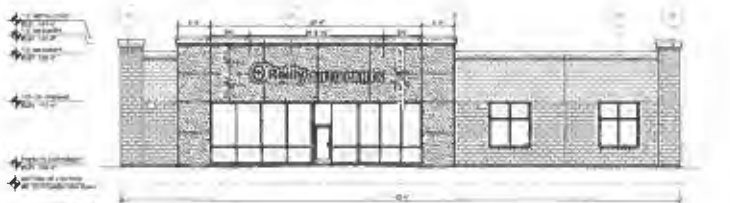


WAXAHACHIE, TX (WX2)  
 O'REILLY BTS

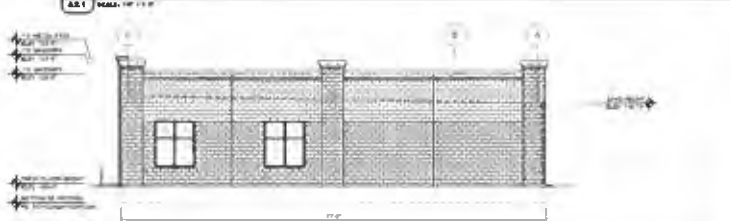
ELEVATION RENDERINGS - NOT TO SCALE



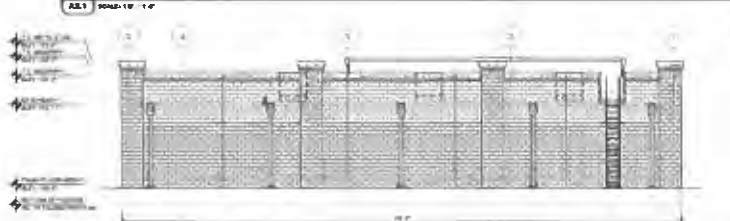
(18)



1 FRONT EXTERIOR ELEVATION



2 RIGHT EXTERIOR ELEVATION



3 REAR EXTERIOR ELEVATION

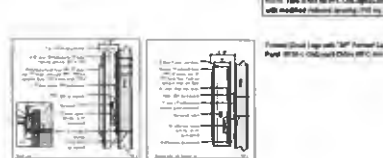


4 LEFT EXTERIOR ELEVATION

- GENERAL NOTES**
1. CONTACT THE CITY OF WAXAHACHE FOR ANY REQUIRED PERMITS AND REGULATIONS.
  2. BUILDING MATERIALS: BRICK, CONCRETE, AND METAL SHALL BE USED UNLESS OTHERWISE SPECIFIED.
  3. FINISHES: INTERIOR FINISHES SHALL BE AS SPECIFIED ON THE INTERIOR ELEVATIONS.



NOTE: This is the 2014, 2015, and 2016 model year vehicle information. Please refer to the O'Reilly Auto Parts website for the most current information.



5 FRONT WALL SIGN DETAILS

**TORGESSON**

**O'Reilly AUTO PARTS**

NEW O'REILLY AUTO PARTS 8' X 10'  
HWY 77 & BUTCHER RD.  
WAXAHACHE, TX 75115

**BUILDING EXTERIOR SIGNAGE**

DATE: 05/12/2021  
DRAWN: KR  
PROJECT: 200111-WV2  
**SG2.1**

(18)



## O'REILLY AT A GLANCE

### The Company

- Family Owned

### Stores/Distribution

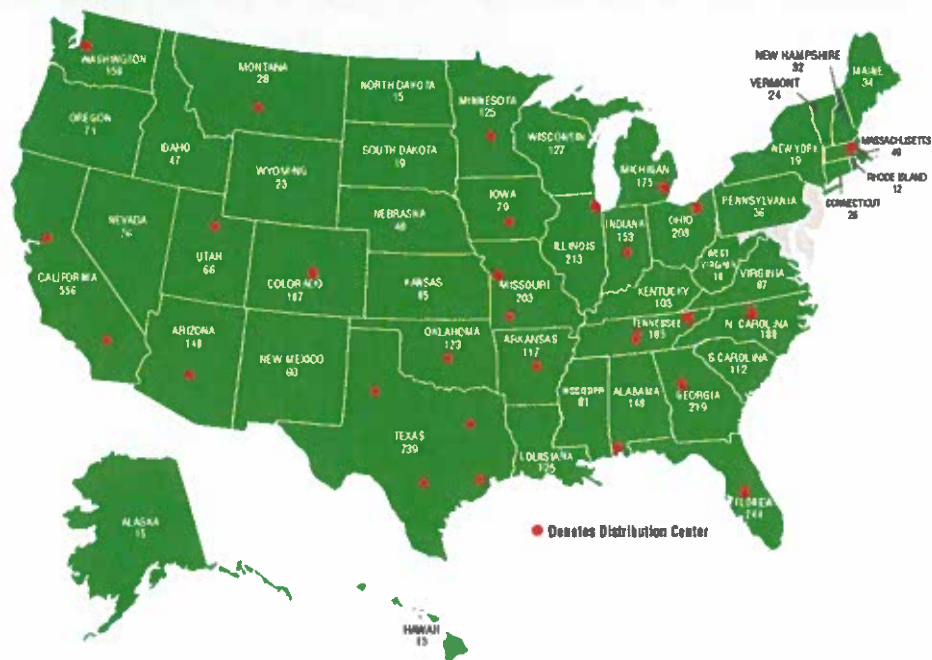
- 5,512 stores in 47 states and 21 stores in Mexico
- 27 distribution centers and more than 18,455 delivery vehicles

### Customers

- O'Reilly benefits not only the do-it-yourself customer, but also the professional customer.



# O'REILLY NATIONWIDE



# O'REILLY AT A GLANCE

10-15 Employees Per Store

Customer base:

- Retail customers
- Professional Installers
- Jobbers

O'Reilly Automotive intends to be the dominant supplier of auto parts in our market areas by offering the best combination of price and quality provided with the highest possible service level.



(18)

## O'REILLY STORE INTERIOR

Hours of Operation: 7:30 AM- 10:00 PM  
Trucks Only Deliver After Hours



# Brands



BrakeBest Select



Power Torque Tools



Super Start  
Batteries



Import Direct OE  
Replacement Parts



Ultima Starters &  
Alternators



MicroGard Filters



Shop All  
Brands

# The O'Reilly Mission Statement

O'Reilly Automotive intends to be the dominant supplier of auto parts in our market areas by offering our retail customers, professional installers, and jobbers the best combination of price and quality provided with the highest possible service level.

In order to accomplish this mission, O'Reilly will provide a benefit and compensation plan that will attract and keep the kind of people that will enable the Company to reach its goals of growth and success.



## Helping Others

### Convoy of Hope

- Convoy of Hope is a faith-based, nonprofit organization with a driving passion to feed the world through children's feeding initiatives, community outreaches, and disaster response.
- Since its creation, Convoy of Hope has served over 132 million people in 127 countries.



### United Way

- United Way advances the common good in communities across the world. Our focus is on education, income and health—the building blocks for a good quality of life.



(19)

## Planning & Zoning Department Zoning Staff Report

Case: ZDC-131-2022



### MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

### CAPTION

**Public Hearing** on a request by Osberto Geno, for a **Specific Use Permit (SUP)** for an Accessory Structure Greater Than 700 Square Feet use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)

### APPLICANT REQUEST

The applicant is requesting to construct an accessory structure greater than 700 square feet (2,520 square feet) to the side and rear of a single-family residential lot.

### CASE INFORMATION

*Applicant:*

Osberto Geno

*Property Owner(s):*

Osberto Geno

*Site Acreage:*

1.049 acres

*Current Zoning:*

Planned Development-Single Family-1 (PD-SF-1)

*Requested Zoning:*

PD-SF-1 with a Specific Use Permit (SUP) for an accessory structure greater than 700 square feet.

### SUBJECT PROPERTY

*General Location:*

157 Homestead Lane

*Parcel ID Number(s):*

269673

*Existing Use:*

A single family home currently exists on the subject property.

*Development History:*

The subject property is currently platted as Lot 14, Block A of the Homestead Estates Subdivision.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-SF-1	Single Family Residential Home (Homestead Estates)
East	SF-1	Single Family Residential Home
South	PD-SF-1	Single Family Residential Home
West	PD-SF-1 w/ SUP	Single Family Residential Home (Homestead Estates) with a SUP for an Accessory Structure Greater Than 700 square feet.

*Future Land Use Plan:*

Estate Residential

*Comprehensive Plan:*

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

*Thoroughfare Plan:*

The subject property is accessible via Homestead Lane.

*Site Image:***PLANNING ANALYSIS**

The applicant is proposing to construct an accessory structure greater than 700 square feet (2,520 square feet) to the side and rear of a single-family residential lot at 157 Homestead Lane. The Ellis County Appraisal District states that the primary structure on the property is 3,938 square feet. Per the City of Waxahachie Zoning Ordinance, an accessory structure that is equal to or greater than 700 square feet requires a Specific Use Permit (SUP) to be approved by City Council.

**Proposed Use:**

The proposed accessory structure is comprised of 1,800 square feet of fully enclosed space and 720 square feet of partially covered space. The applicant is proposing to construct the structure out of exterior metal panels. The structure is intended to be used for the storage of vehicles and equipment, and serve as a personal workshop space. During site visits, staff noticed that there are other accessory structures in the surrounding area of a similar design and function. A comparable, 2,400-square-foot accessory structure was approved in 2021 at the adjacent 156 Homestead Lane.

The applicant has confirmed to staff that the structure will not be used as a dwelling of any kind and will not be metered, sold, or leased separately from the existing home. The accessory structure will be connected to the existing driveway with a concrete drive.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received two (2) letters of support for the proposed specific use permit.

**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:

- ☒ Approval, per the following comments:
1. The accessory structure shall not be used as a dwelling.
  2. The accessory structure shall not be used for commercial purposes.
  3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
  4. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

**ATTACHED EXHIBITS**

1. PON Responses
2. Site Layout Exhibit
3. Site Plan
4. Floor Plan
5. Elevations
6. Operational Plan

**APPLICANT REQUIREMENTS**

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

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

Zack King

Senior Planner

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

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(19)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-131-2022**

**LUDS CORPORATION**  
**14006 WEEPING CHERRY DR**  
**ROCKVILLE, MD 20850**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

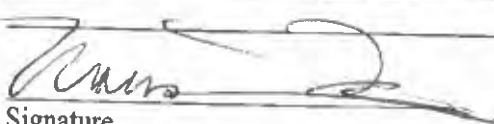
Request by Osberto Geno, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a **Planned Development-Single Family-1** zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: **GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022)** Staff: Zack King

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

Case Number: **ZDC-131-2022** City Reference: 269675

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments: ☒ **SUPPORT** ☐ **OPPOSE**

  
Signature  
**MARISSA Mwan**  
Printed Name and Title  
**PROPERTY MANAGER**

**11-3-2022**  
Date  
**113 SANDERS 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.*



(19)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: ZDC-131-2022**

◇◇◇◇

**LUDS CORPORATION**  
**14006 WEEPING CHERRY DR**  
**ROCKVILLE, MD 20850**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 Osberto Geno, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a Planned Development-Single Family-1 zoning district located at 157 Homestead Lane (Property ID: 269673) – Owner: GENO CHRISTINE M & OSBERTO ETAL (ZDC-131-2022) Staff: Zack King

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

Case Number: ZDC-131-2022

City Reference: 269675

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on November 9, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

Signature

MARISSA TAN

Printed Name and Title

PROPERTY MANAGER AND  
BUSINESS SIGNATORY

Date

11-3-2022  
140 HOMESTEAD LANE

Address

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

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

(19)



## NOTES

- SURVEYOR HAS REVIEWED THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE AND ADDRESSED ALL INSTRUMENTS IDENTIFIED IN SCHEDULE B THEREOF OR NOTED SAID INSTRUMENTS AS NOT AFFECTING THE SUBJECT PROPERTY.

10'x12' Structure to Remain

Confirm if this additional accessory structure is being removed at the time of construction of the new accessory structure

GRAPHIC SCALE: 1" = 60'

AREA: 45,680 S.F. ~1.05 ACRES

EASEMENTS RECORDED IN THE  
FOLLOWING VOLUMES AND  
PAGES DO NOT AFFECT THE  
PROPERTY DESCRIBED BELOW.  
VOL. 550, PG. 479; VOL. 550, PG.  
481

8 Feet To Lean-To  
20 Feet To Accessory  
Structure, BLDG

Indicate the distance between the accessory structure and the existing home. Accessory structures cannot be located closer than 5 feet to any other structures.

30' x 60' x 14'  
METAL BLDG  
12' x 60'  
LEAN-TO  
ON NORTH  
SIDE

Possible building encroachment over easement

Location  
Correction

WILLOWCREST  
50' R/W

10' set Back

10

100

10

11



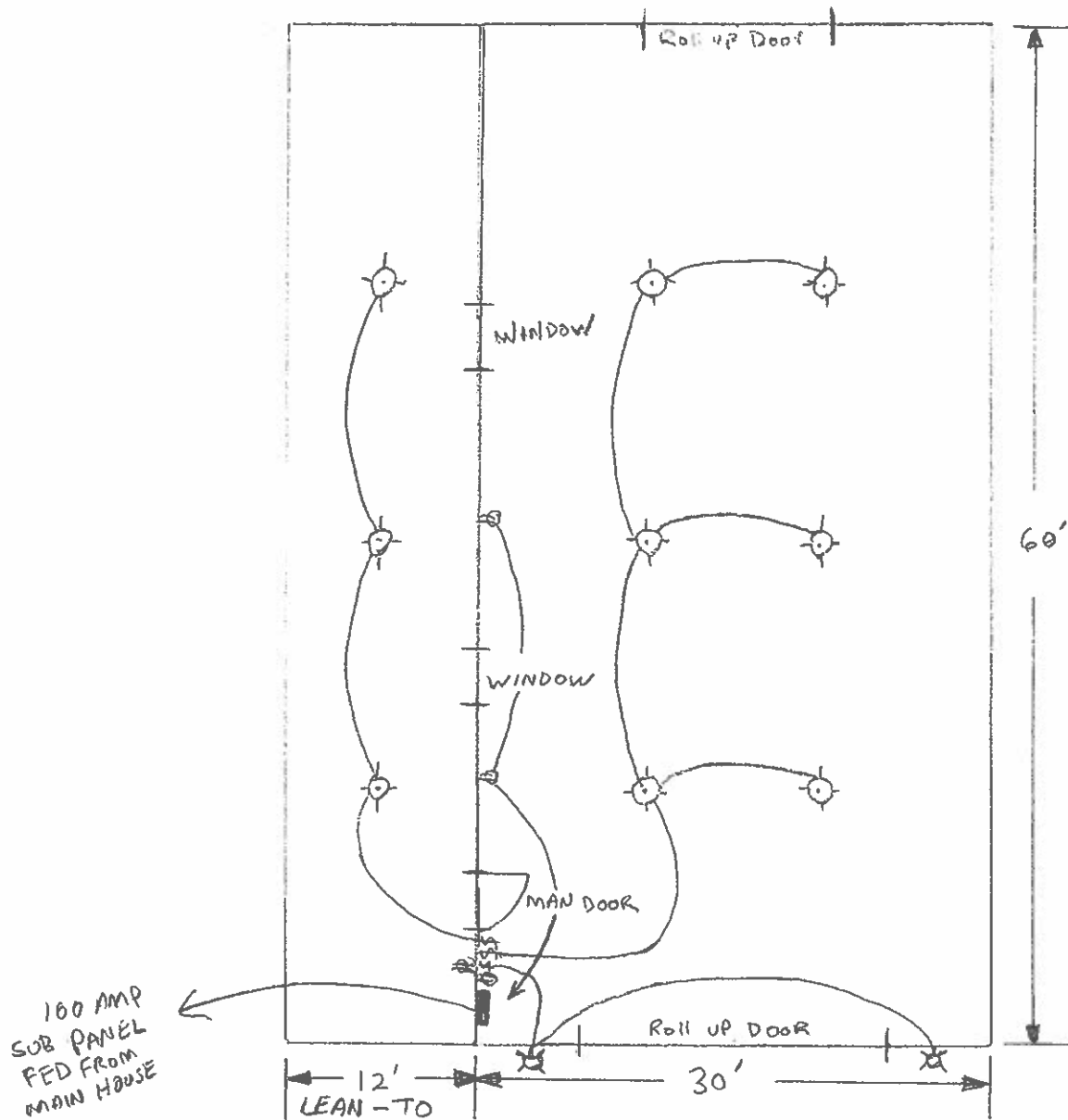
1

**LEGEND:**  
RBS- Rebar Set  
RBF- Rebar Found  
BL- Building Line  
DUE- Drainage & Utility Easement  
APL- Approximate Property Line  
BOC- Back of Curb  
DE- Drainage Easement  
UE- Utility Easement  
RW- Right of Way  
BOC- Back of Curb  
P- Porch  
AC- Air Conditioner  
POR- Porch  
FFE- Finished Floor Elevation

I, David J. Baggett, Texas Registered Professional Land Surveyor No. 6226, do hereby certify that the survey plat hereon is a true and correct representation of the above described property, and is for

SCALE 1" = 10' (19)

## ELECTRICAL PLAN



(19)

## Mueller, Inc. 3D Design Tool Project Specifications

Project Name: **New Project 9-8-2022 30x60 Lean - To**  
Project Date: **09/09/2022 12:34:33 AM**

### Customer Mailing Address

Osberto Geno

157 Homestead Ln,  
Waxahachie, TX 75165  
Phone/Email:  
16262213779 /  
genofamily4@yahoo.com



### 3D QUOTE DATA

Mueller Quote ID: 202209090001  
Project Type: Garage

State: TEXAS  
County: Ellis  
Building Address: 157 Homestead Ln  
Building City: waxahachie  
Building Zip: 75165

Branch: Kaufman  
Rep: Lyle Penny

Snow Load: 5.00  
Wind Load: 115.00

### Building Details

Basics (in ft.):

width X length X height: **30 X 60 X 14**  
pitch: **3**  
overhang\_sides: **0**  
overhang\_end: **1**  
single\_slope: **yes**

Wainscot: no Gutter: yes

### Leantos

Front: width: 8, pitch: 1, drop: 6, cut\_front: 0, cut\_back: 0  
Back: width: 10, pitch: 1, drop: 1, cut\_front: 0, cut\_back: 0  
Left: width: 12, pitch: 3, drop: 0, cut\_front: 0, cut\_back: 0  
Right: width: 13, pitch: 2, drop: 3, cut\_front: 20, cut\_back: 14  
Leanto Wall: Yes

### Colors

Wall: Tan Roof: Burnished Slate Trim: Mansard Brown

RollUp: Mansard Brown  
Vent: Black  
Wainscot: Desert Tan  
Liner Panels: None

### Accessories

Insulation: No  
front rollup\_12x12 front window\_3x3 front window\_3x3  
back rollup\_10x12 left wall door\_4x7 left wall window\_3x3  
left wall window\_3x3

### Comments/Extra Instructions:

(19)

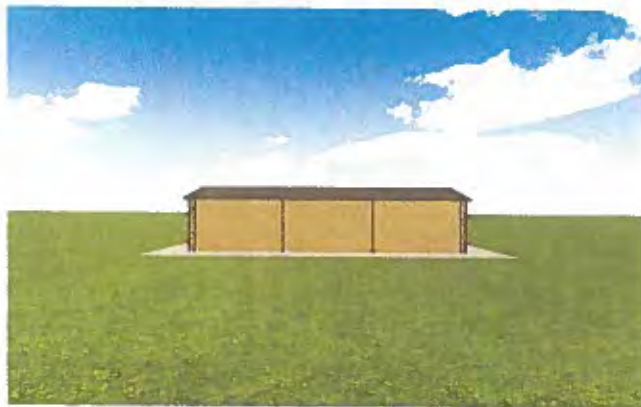
FRONT



LEFT SIDE



RIGHT SIDE



BACK



September 13, 2022



Thank you for your interest in Mueller, Inc.

(19)

Accessory Structures Construction  
Osberto Geno  
157 Homestead Lane  
Waxahachie, TX 75165

26 September 2022

**Purpose**

- Storage
- Parking for Cars
- Parking for Boat
- Parking for Jet Skis
- Hobbies

**Location**

- The building will be on the South-East corner parallel to the main house

**Setbacks from property lines as shown on the site plan**

- North-East corner of the building – 82'
- South-East corner of the building – 25'
- South-West corner of the building – 27'

**Concrete**

- Concrete drive will be extended the width of the accessory building shown in blue on the site plan
- A 12' W x 60' D concrete slab shall be poured on the North side, the full length of the accessory building for the Lean-To. Shown in green on the site plan

**Size of Building**

- 30' Wide
- 60' Deep
- 14' Eave Height, shown in red on the site plan
- 12' W x 60' Deep Lean-To (Northside)

**Openings Front (West Side)**

- One 18' W x 12' H Sectional door to match as close as possible to the main house garage doors
- Two Windows

**Opening back side of structure (East side)**

- One 12' x 12' Rollup door

**Opening (Northside under Lean-To)**

- One man door
- Two Windows

**Gutters and Downspouts**

- On the North and South sides

(19)

**Colors**

- Roof – dark gray to resemble house shingles
- Structure - Medium tan to resemble the brick color of the house
- Trim – dark brown to resemble the house trim

**Electric**

- 100 Amp sub panel fed from main house service

**Water and Drain**

- No water or drain will be installed

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-92-2022



### MEETING DATE(S)

Planning & Zoning Commission:

November 15, 2022

City Council:

November 21, 2022

### CAPTION

**Public Hearing** on a request by John Poston for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

### APPLICANT REQUEST

The applicant requests approval of a Planned Development to allow a mixed-use development that includes commercial, single-family, multi-family, and park/open space tracts on 347 acres.

### CASE INFORMATION

*Applicant:*

John Poston

*Property Owner(s):*

United Presbyterian Homes

*Site Acreage:*

347 acres

*Current Zoning:*

Single Family-1 (SF-1) and N/A – Extraterritorial Jurisdiction (ETJ)

*Requested Zoning:*

Planned Development

### SUBJECT PROPERTY

*General Location:*

300 Brookside Road

*Parcel ID Number(s):*

193815, 193822, & 193823

*Existing Use:*

The subject property is largely undeveloped, but Presbyterian Children's Homes and Services currently use a portion of the property.

*Development History:*

The subject property is not currently platted, but Ellis County Appraisal District (ECAD) records indicate that the structures used by United Presbyterian Homes were constructed in 1960.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	N/A (ETJ), Emory Lakes PD, & LI-1	Undeveloped
East	N/A – Interstate 35 ROW	Interstate 35
South	Emory Lakes PD, SF-2, & GR	Single Family Residences
West	Emory Lakes PD	Undeveloped

*Future Land Use Plan:*

Low Density Residential, Public/Semi-Public, and Mixed Use Non-Residential

*Comprehensive Plan:*

Low Density Residential: This category is representative of smaller single-family homes & 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.

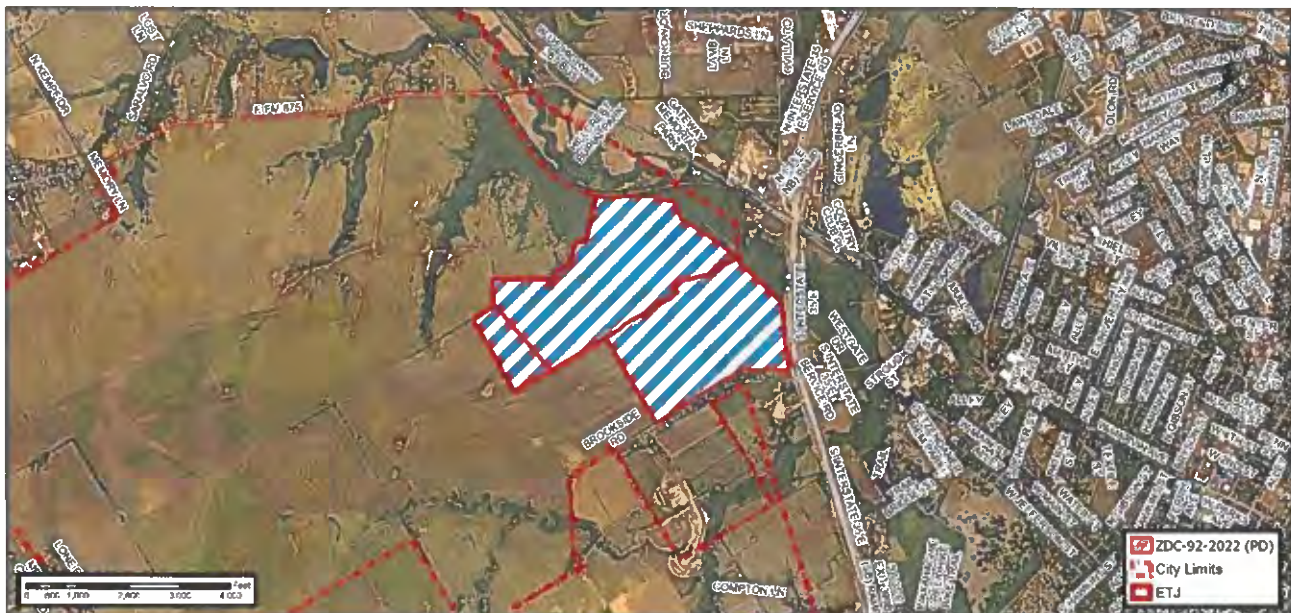
Public/Semi-Public: This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area. Therefore, only the current Public/Semi-Public uses are shown on the map.

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

*Thoroughfare Plan:*

The subject property will only be accessible via the Brookside Road, Kelly Bend, and I-35 Service Road intersection at the Southeast corner of the property.

*Site Image:*



## **PLANNING ANALYSIS**

### **Purpose of Request:**

The applicant requests approval of a Planned Development to allow a mixed-use development that includes commercial, single-family, multi-family, and park/open space tracts on 347 acres. It is important to note that staff still has multiple outstanding comments for the applicant to address on the proposal and has not considered the application complete. However, the applicant has asked for the case to be placed on the agenda for consideration at these meetings.

### **Proposed Use:**

The proposed Planned Development will create a zoning district to facilitate the development of 800 Single Family Residential lots across 150 acres, 600 Multi-Family dwelling units across 36 acres, a 15.5 acre Retail tract, a 12.2 acre School Site, and a total of 66.4 acres of Park/Open Space. (\*Note: 36.1 acres of Open Space is located within the floodplain.) Excluding Park/Open Space, the applicant is proposing a net density of 5.3 dwelling units per acre (DUA) for the single-family residential portion of the development. When including multi-family units, the total net residential density of the development swells to 7.52 DUA. **\*Staff Note:** The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-110-2022) for this property. City Council is scheduled to act on the annexation request on November 21, 2022.

### **Concept Plan:**

As the PD Concept Plan illustrates, the Single-Family Residential Lots will fall within 4 distinct categories: 80' Lots, 70' Lots, 60' Lots, and 50' Lots. The exact arrangement of these differing lot types can be referenced in the PD Concept Plan; while the proposed development standards for each type can be referenced in the table below.

The proposed concept plan provides all 50' lots with alley access in order to allow for rear-access garages. Additionally, all 80' lots are proposed to have j-swing or side entry garages. With this in mind, the primary boulevard for the development is proposed to have no front entry garages. The development is proposed to proceed in six (6) phases. Phase 1 and 2 will include approximately 220 and 120 residential lots respectively, along with 300 multi-family units each. The proposed amenity center is not proposed until Phase 3. The retail and school tracts are both proposed with Phase 6 of the development, the final phase.

The proposed concept plan technically affords the development with two (2) points of access to Brookside Road and two (2) points of access to the I-35 Service Road. However, all of these access points funnel down to the single intersection of Brookside Road, Kelly Bend, and the I-35 Service Road at the southeastern corner of the subject property.

**Proposed Planned Development Regulations**

*\*Items highlighted in **bold** indicate a deviation from the base Single Family-3 (SF3) requirements.*

Standard	Typical SF-3	80' Lot	70' Lot	60' Lot	50' Lot
Total Count	-	73 Lots (9.1%)	285 Lots (35.6%)	276 Lots (34.6%)	166 Lots (20.7%)
Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages (sheds).	2 stories for the main building. 1 story for accessory buildings without garages (sheds).	2 stories for the main building. 1 story for accessory buildings without garages (sheds).	2 stories for the main building. 1 story for accessory buildings without garages (sheds).	2 stories for the main building. 1 story for accessory buildings without garages (sheds).
Minimum Dwelling Size	1,200 SF	2,200 SF	2,000 SF	1,900 SF	1,800 SF
Minimum Lot Area	10,000 SF	<b>9, 600 SF</b>	<b>8,400 SF</b>	<b>7,200 SF</b>	<b>6,000 SF</b>
Minimum Lot Width	80'	80'	<b>70'</b>	<b>60'</b>	<b>50'</b>
Minimum Lot Depth	100'	120'	120'	120'	120'
Minimum Front Yard	30'	<b>25', 20' for front porches</b>	<b>20', 15' for front porches</b>	<b>20', 15' for front porches</b>	<b>20', 15' for front porches</b>
Minimum Side Yard	10', 15' adjacent to ROW	10', 15' adjacent to ROW	5', 15' adjacent to ROW	5', 15' adjacent to ROW	5', 15' adjacent to ROW
Minimum Rear Yard	25'	25'	<b>20'</b>	<b>20'</b>	<b>20'</b>
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line.	Minimum of 2 enclosed parking spaces behind the front building line.	Minimum of 2 enclosed parking spaces behind the front building line.	Minimum of 2 enclosed parking spaces behind the front building line.	Minimum of 2 enclosed parking spaces behind the front building line.
Garages	Minimum of 2 enclosed parking spaces.	100% J-Swing or Side-Entry	35% J-Swing or Side-Entry	35% J-Swing or Side-Entry	Rear garages – Alley served

**Site Plan Requirements:**

The Concept Plan clearly identifies both retail, multi-family, and amenity center tracts for the development. However, specific detail regarding the development standards for these tracts are not provided beyond identifying the size and location of these tracts. This is due in large part to the fact that the applicant is unaware how these tracts will be utilized. The development standards proposed by applicant note that a detailed site plan will be required to be approved by the Planning & Zoning Commission and City Council prior to the development of the multi-family tracts. As proposed, the retail and amenity center tracts would just require a site plan to be approved administratively by staff prior to development.

**Amenity Center:**

The applicant is proposing a 3.5 acre amenity center tract with this development that includes a pool, pavilion, playground, sports court, trails, and a flexible lawn area. Staff is supportive of the amenities proposed with the amenity center tract; but is concerned that the applicant is not proposing to construct the amenity center until Phase 3 of the development. Prior to development, a formal detailed site plan would need to be reviewed for conformance with the proposed amenity center concept plan. The Concept Plan Exhibit below includes a more detailed look at the proposed amenity center tract.

Open Space, Parks, & Amenities:

As noted previously, the applicant is proposing a total of 66.4 acres of Parks and Open Space with this development. All open space and parks are proposed to be HOA maintained. It is important to note that 36.1 acres of open space is located within the floodplain for Waxahachie Creek; but will contain a portion of the Waxahachie-Midlothian Regional Trail. The remainder of the open space acreage set aside with this development is comprised of four (4) small scale neighborhood parks and a string of open space areas along the development's primary boulevard. These open space areas are proposed to remain natural and generally un-amenitized save for minor trail improvements. The applicant does provide a set of amenity options required within each neighborhood park; but additional amenities outside of the neighborhood parks are generally undefined.

Architectural Styles:

The applicant is proposing five (5) unique home styles with this Planned Development, including Modern Farmhouse, Craftsman, Modern Tudor, Traditional, and Contemporary. Each of these styles will comprise twelve percent (12%), or 96 lots, of the total single-family residences proposed with the development. The remaining 40% of home styles are proposed to be market driven.

The exhibits for each architectural style include conceptual design features that are expected with each home. Despite these conceptual features noted by the applicant, development standards with a definitive set of architectural requirements for each proposed home style have yet to be provided by the applicant.

As per Article V of the Waxahachie Zoning Ordinance, the applicant proposes that no single building elevation shall be duplicated within six (6) lots or tracts in either direction on the same block face. Additionally, elevations may not be duplicated on any lot directly across a street or within four (4) lots in any direction. The applicant still needs to include provisions detailing a minimum number of floorplans proposed for each architectural style. Please see the Conceptual Architectural Styles Exhibit provided below for further reference to the elevations proposed with each home style.

Landscaping & Screening:

The applicant is proposing a variety of different screening options for each type of tract with this development. As detailed in the Concept Plan below, the applicant proposes a 6' wood fence along a portion of the property's western boundary. A 6' ornamental iron fence is proposed along portions of the open floodplain area on the property's northern boundary. Additionally, a 6' ornament iron fence with masonry columns is proposed between the single-family residential tracts and the multi-family tracts. Finally, the applicant proposes a 25' landscape buffer along the southern boundary of the property, adjacent to the right-of-way (ROW) dedication for the future expansion of Brookside Road.

Garages:

The applicant has provided development standards to limit the number of the proposed front-entry product proposed in the development to reduce the potential for monotony. Front entry garages are prohibited for 80' and 50' lots and are limited to a maximum of 65% of all 60' and 70' lots. Additionally, the applicant proposes that no garage shall constitute more than 50% of the width of a home. Finally, all homes are proposed to be constructed with upgraded/decorative garage doors. Still, the applicant does not provide an additional definition of what shall constitute an upgraded/decorative garage door.

**Tree Retention:**

The applicant has included a tree preservation provision with the development standards for this project. The provision states that effort shall be taken on the part of the developer to preserve existing trees in the wooded areas identified on the concept plan. Prior to the removal of trees, the developer shall employ a third-party arborist to determine the existing condition of trees within the wooded areas and preserve trees in good or excellent condition. Approval must be provided by the Director of Planning prior to the removal of any trees within wooded areas identified on the concept plan.

**PUBLIC IMPROVEMENT DISTRICT (PID):**

A Public Improvement District, or PID, is special district designed to allow for specific improvements or maintenance for a piece of property. PID's are financed by an additional assessment levied against the property owners within the district. In a practical sense, future property owners in the proposed development would recognize the PID as an additional "tax".

The applicant is proposing a PID for the single-family residential portion of the planned development. The PID is proposed to facilitate the construction of public infrastructure (streets, utilities, parks) necessary to develop the property. The applicant has stated that neither the concept plan or amenity package, as proposed, would be possible to develop without the assistance of a PID as a financing mechanism. The applicant is proposing a tax equivalent assessment rate of the PID of \$0.39 per \$100.00 of taxable assessed valuation for the development. This rate is proposed to fund up to \$72,000,000.00 in PID bonds proposed to be issued for the construction of the development.

**SPECIAL EXCEPTION/VARIANCE REQUESTS:**

**Park Land Dedication Fees:** As per Section 4.4 of the Waxahachie Subdivision Ordinance, residential developments are required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. Alternatively, a cash in lieu of park land dedication payment can be made at \$400.00 per dwelling unit. The cash in lieu of park land dedication fees for this development are estimated at \$560,000.00.

**Applicant Response:** The applicant is requesting a waiver of the cash in lieu of park land dedication fees due to the amount of open spaces, trails, amenities and tree retention proposed with the development.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 30 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.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received twelve (12) letters of opposition for the proposed development.

**STAFF CONCERNS**

Staff has concern regarding the general lack of development standards proposed with the PD Concept Plan. The concept plan identifies various use types, screening, buffering, amenity, lot layout, and design elements; but proposal does not provide sufficient detail for staff to understand how these items will be regulated and how the development will function cohesively. Beyond the lack of development standards needed to properly guide the development, specific staff concerns are addressed in detail below.

PID Rate & Value for Future Owners:

The PID proposed by the applicant with this project is intended to facilitate the construction of development that provides amenities, home choices, and a community design that is far and above what is typically possible and currently available in Waxahachie. The applicant has clearly stated their intention to construct such a development; but the current zoning ordinance and development agreement do not contain the level of detail necessary to guarantee the elevated development expected. The proposed PID rate of \$0.39 is a very high assessment that effectively constitutes an additional property tax that is equivalent to approximately 59% of Waxahachie's current property tax rate. In return for such a significant assessment, staff expects this development to provide the absolute highest level of quality and design possible. The applicant has been unable to provide the level of detail and development standards for the project needed for staff to justify the proposed PID.

Access:

As noted previously, all four (4) access points proposed for the development funnel down to the single intersection of Brookside Road, Kelly Bend, and the I-35 Service Road at the southeastern corner of the subject property. The applicant has provided a Traffic Impact Analysis (TIA) for the development to address potential concerns regarding traffic. However, the TIA indicates that the existing intersection can only support some of the proposed development and that full buildout of the development would result in unacceptable levels of traffic at this intersection. The TIA goes on to note that signalization of the intersection could improve traffic conditions; but does not offer a recommendation of when to install the signal. Should the Kelly Bend, Brookside Road, and I-35 Service Road intersection become inaccessible both residents and emergency responders alike would be unable to access or leave the development. Due to this, staff has significant concern regarding traffic generated by the development following Phase 1.

Density:

The net single family residential density proposed with the development is 5.3 dwelling units per acre (DUA). The net proposed density for the multi-family portion of the development is 17.0 DUA. As noted previously, the total net density for the development equates to 7.52 DUA. Staff has specific concern regarding the high density proposed for the single-family portion of the development. A density of 5.3 DUA is a significant departure from comparable recently approved planned developments; which provide net single-family residential densities between 3.5 and 4.0 DUA. Staff is concerned that the level of detail in terms of development standards for the proposed amenities and design of the project are insufficient to justify a density of 5.3 DUA as proposed by the applicant.

Proposed Multi-Family:

The multi-family tracts proposed with this development are not clearly defined. The applicant has provided development standards indicating that only up to 600 multi-family units will be permissible with this development; but has not given sufficient detail for staff to understand how the multi-family tracts will function or develop. A detailed site plan for these tracts would require approval by the Planning & Zoning Commission and City Council. However, if this Planned Development is approved, the multi-family tracts would only be required to develop in accordance with the typical standards of the Waxahachie Multiple Family-2 (MF-2) zoning district. This would not provide the Planning & Zoning Commission or City Council with the opportunity to evaluate the design of the multi-family complexes and ensure they compliment the rest of the development. This existing saturation of multi-family tracts and the entitlement of an additional 600 multi-family dwelling units is also a staff concern. The City of Waxahachie currently has over 4,400 multi-family units that currently have zoning approval; but have not yet been built. It is important to note that over 3,000 of these unbuilt, zoning entitled multi-family units are located in the Emory Lake PD; which is directly west of the subject property.

*Amenity Standards:*

The applicant has proposed a significant amount of park and open space acreage with this development. However, staff is still concerned that the development standards regulating the amenities to be provided within the park and open space tracts is lacking. The applicant has provided sufficient definition of the amenities to be provided in the neighborhood parks and amenity center within the development; but falls short of completely detailing how the remainder of the open space will be amenitized and activated for residents. While staff supports the protection of natural open space areas within the development, there is still a need for these spaces to be functionally accessible to residents for leisure or recreation. If these areas are not activated for residents, they cannot be considered a true amenity for residents. Staff is concerned that the design of the development is not sufficiently defined within the proposed development standards in order to confirm that the development has been amenitized to a degree sufficient to justify a PID. The applicant has not provided development standards that detail unique street lights, art installations, landscaping themes, or material usage for public spaces that could serve as passive amenities to enhance the project as a whole.

*Architectural Styles:*

As noted previously, the applicant is proposing five (5) unique architectural home styles with this development; which will constitute a total of 60% of the single-family housing products available. Staff is supportive of the unique conceptual styles proposed; but is concerned that they are not properly defined. There is no provision in the proposed development standards to regulate the architectural features that constitute a particular architectural style. Each unique architectural style needs to be clearly defined in significant detail in order to properly convey what kind of homes are expected to be constructed with the development. Proper definition of the requirements for each architectural style will allow staff, the Planning & Zoning Commission and City Council to evaluate the compatibility of each home style with the overall design of the development.

*Phasing:*

The applicant is proposing to construct the development in six (6) phases. A general timeline for the development is not provided; but buildout is anticipated to occur in 2029. Staff is concerned with the number of dwelling units proposed with the first two phases of the development. Both multi-family tracts are proposed to be developed in the first two phases of the development; which means there will be approximately 940 dwelling units in place with the first two phases of the project. Considering the amenity center is not proposed to be in place until Phase 3 of the development, staff has significant concerns regarding the amenities available to residents throughout the initial phases of the project. Staff recommends adjusting the phasing plan of the development to include the amenity center in Phase 1 of the project and remove the multi-family tracts from the first two phases.

*Garages:*

The applicant has proposed several development standards aimed at reducing front entry garages within the development. These standards do elevate the project by reducing the potential for monotony in the streetscape; but staff is concerned that the provisions are not sufficient to justify a PID for the development. Staff suggests the applicant revise the proposed development standards for garages to either eliminate front entry garages entirely or significantly reduce the number of front entry garages proposed. Staff is also concerned that the front entry garages proposed with the development are not required to be recessed; which may detract from the overall architectural design of the homes.

**Retail & Commercial Uses:**

The retail tracts proposed with this development are not currently clearly defined. The applicant has included a provision in the development standards for the development that notes that the retail tracts shall develop in accordance with Section 3.16 of the Waxahachie Zoning Ordinance, the General Retail (GR) zoning district. A detailed site plan for these tracts would require approval by the Planning & Zoning Commission and City Council. However, staff is concerned that the general design of development in the retail tracts is not defined. The applicant has an opportunity to provide development standards for the retail tracts that ensure the construction material, architectural design, and landscaping of the retail tracts complement and elevate the residential portions of the project.

**Screening & Buffering:**

The applicant has proposed a variety of screening and buffering options for the development, but needs to provide more detail to identify why the proposed options are appropriate. Staff has concerns regarding the screening and buffering gaps located on the concept plan that are currently unexplained. Staff is also concerned that the proposed screening for the multi-family tracts may be insufficient or inappropriate due to the fact that it is not known how these tracts will develop. Finally, staff has concern regarding the lack of development standards proposed for the 25' landscape buffer along Brookside Road. It is currently unclear who is responsible for maintaining the area and what type of landscaping is required in the area.

**Zoning Ordinance & Development Agreement Language:**

As noted previously, staff has general concern regarding the lack of development standards included with the proposed Zoning Ordinance and Development Agreement. However, staff has additional concern regarding the language that is currently present in these documents. The applicant has not yet provided staff with a revised Zoning Ordinance and Development Agreement that address staff comments ranging from minor typos to the waiver of fees and access requirements for the development. Staff would like to note that general agreement has been reached with the developer on how to address these comments; but nonetheless we have not received revised language from the developer to satisfy all outstanding comments.

**RECOMMENDATION**

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

- ☒ Denial, due to staff concerns.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses (12)
2. Public Improvement District (PID) Request
3. Development Agreement (Includes Development Standards)
4. Zoning Ordinance (Includes Development Standards)
5. Concept Plan
6. Conceptual Architectural Styles Exhibit
7. Amenity, Trail, & Entrance Plans
8. Phasing Plan
9. Site Boundary Exhibit
10. Opinion of Probable Cost (OPC)
11. Home Buyer Disclosure Program

**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:*

Zack King

Senior Planner

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

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**

◇◇◇

**KACAL KENNETH E & KATHY L**  
**405 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189334

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Please see the attached memo

Kathy L. Kacal  
Signature

11/3/2022  
Date

Kathy L. Kacal  
Printed Name and Title

405 Brookside Rd  
Address

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

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


(21)

My objections are as follows:

1. **Drainage.** (This affects most of us but especially the East end of Brookside.)
2. **Traffic.** (Really can our road stand 600 apartment and other residents using it? The apartments planned are on the West end of the property and it was supposed to have an exit onto Brookside Road with a **NO Exit** sign.) How many would even acknowledge it?
3. **Noise.** (It is bad enough from the highway but adding apartments and houses would be much more.)
4. **Density.** (adding apartments and houses effects water, electricity, etc.)
5. **Crime.** (Anytime you add apartments and residence the area is looked at for the easy marks and high dollar homes.)
6. **Lot size.** (The BIGGEST lots proposed are HALF the size of our lots!)
7. **Retail.** (Why would we want any retail when there are retail stores not far away? This too is an excessive amount of noise and crime increase with retail.

These are just some of the objections that I have at this time.

Thank you

  
Kathy Kacal

405 Brookside Road

(21)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**



OWENS BARBARA A  
407 BROOKSIDE RD  
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189328

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*I am concerned about traffic flow. Brookside Rd. was not built to handle the amount of traffic that this project will create.*

*Barbara Owens*  
Signature

*11-5-22*  
Date

*BARBARA OWENS*  
Printed Name and Title

*407 BROOKSIDE RD.*  
Address

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

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



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-92-2022

TIMMERMAN CHARLES D & DEBORAH  
409 BROOKSIDE RD  
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a Zoning Change from a Single Family-1 (SF-1) zoning district to a Planned Development-Mixed Use Residential (Brookside PD), located at 300 Brookside Road (Property ID 193815, 193822, & 193823) - Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: ZDC-92-2022

City Reference: 189251

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on November 9, 2022 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments: Brookside Rd Can't handle a lot of traffic.  
Increased traffic - Development would all exit by 35 (2 cars per  
house + apartment = 2500 vehicles) traffic gets backed up now. Too  
many houses + apartments for number of acres. School planned on back  
of property where would school traffic go?  
Signature: Debbie Timmermann

Date 11/13/22

Debbie Timmermann  
Printed Name and Title

409 Brookside Rd.  
Address

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

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

(21)

Case Number: ZDC-92-2022

City Reference: 189329

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Crime increase, traffic increase, road small for  
more traffic, have school age children worried about lack of  
schools, increase noise (moved out of city for quietness), water +  
Geneva Alcalá 11-3-22 electric services  
may be  
compromising

Signature

Date

Mrs. Geneva Alcalá  
Printed Name and Title

411 Brookside Rd.  
Address

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

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



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**

◇◇◇◇◇

ANDERSON MARTHA K & MICHAEL W  
413 BROOKSIDE RD  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189335

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*New Build will increase density to 200 residents that will use Brookside Road as ingress/egress*

*Michael W. Anderson* *Martha K Anderson*  
Signature  
*Michael W. Anderson* *Martha Kelley Anderson*  
Owner  
Printed Name and Title

*Nov. 14, 2022*  
Date  
*413 Brookside Road*  
Address  
*Waxahachie, TX 75167*

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

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



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**

**TOVAR JOSE ANTONIO JR & VERONICA**  
**415 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189249

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Traffic, Project Density, Small Lots

Signature

Jose Tovar  
Printed Name and Title

Date

Nov 4, 2022  
415 Brookside Road  
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.*



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**



**RYAN KATY R & BOBBY HOPGOOD**  
**501 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189341

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Traffic! Density of people in an area -  
small lot sizes, noise

Signature

Katy Ryan

Printed Name and Title

Date

08 NOV 2022  
501 Brookside Rd.

Address

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

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



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**



**JUST SETTLE INVESTMENTS LLC  
101 BROOKSIDE RD  
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 189318

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*There is insufficient roadway to handle the traffic flow.  
This will diminish the quality of life via traffic and crime.*

Signature

*Dean Settlemyer*  
Printed Name and Title

Date

*10/31/22*  
*503 Brookside Rd.*  
Address

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

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



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**

**FAIRHOLM VIRGINIA & NOEL  
601 BROOKSIDE RD  
WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 172328

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

One outlet to I-35 and 287 business with a minimum of 600 cars per day. Decrease in crime and heavy increase in noise levels 9-4-22

Signature

Noel R. Fairholm

Date

601 BROOKSIDE ROAD

Printed Name and Title

Virginia Fairholm

Virginia Fairholm

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.



(21)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-92-2022**

**BIGHAM MAURICE & GLENNA**  
**603 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 172329

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*traffic problems and increase in crime*

*Glenna Bigham*  
Signature

*11-1-22*  
Date

*Glenna Bigham*  
Printed Name and Title

*603 Brookside Rd*  
Address  
*Waxahachie, TX*

*75167*

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

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



(21)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: ZDC-92-2022**

**OWNER**  
**605 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 172330

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*There is insufficient roadway to handle the traffic flow.  
This will severely impact our quality of living.*

*[Signature]*

Signature

*10/31/22*

Date

*Dean Settlemeyer Owner*

Printed Name and Title

*605 Brookside*

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.*



(21)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: ZDC-92-2022**

◇◇◇

**BARNES VERNON D & SHARON L**  
**607 BROOKSIDE RD**  
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 21, 2022 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 John Poston, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to a **Planned Development-Mixed Use Residential (Brookside PD)**, located at 300 Brookside Road (Property ID 193815, 193822, & 193823) – Owner: UNITED PRESBYTERIAN HOMES (ZDC-92-2022) Staff: Zack King

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

Case Number: **ZDC-92-2022**

City Reference: 172320

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **November 9, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*Density, Traffic Congestion, Apartments & Retail  
not fitting, small lots, School Traffic not included  
in Traffic Study*

Signature

*Doug Barnes*  
Printed Name and Title

Date

*10-28-22*  
*607 Brookside Rd*  
Address

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

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

## REQUEST FOR PUBLIC IMPROVEMENT DISTRICT CREATION & FINANCING

The Brookside development could not proceed as planned, but for the assistance of public improvement district (“PID”) financing. The location and nature of the property result in increased costs of public infrastructure, and the developer has planned a high-quality, well-amenitized development that could not be produced but for the PID. Moreover, in exchange for the PID, the Developer has agreed to annex the property currently outside the City’s boundaries into the City, increasing the City’s tax base. Specifically, the PID will allow for the following:

- Development of a property with higher than average infrastructure costs, including a possible water tower. Current cost estimates show more than \$57 million in infrastructure costs. In order to develop this property without the assistance of PID financing, the developer would have to impose a much higher density, smaller lots, and considerably fewer amenities.
- Annexation of the property into the City limits – expansion of tax base. With the PID creation, the developer has agreed to voluntarily annex the development into the City limits, which will expand the City’s tax base by up to \$410 million in value, once developed (over \$2.6 million in yearly tax revenue to the City, based on the City’s current tax rate).
- Annexation of the property into the City limits – opportunity for City-approved zoning and density. With the developer agreeing to bring the property into the City limits, the City now has opportunity for input on lot sizes, trail plans, amenities, and additional matters that the City would not have previously been entitled to.
- Lot size and home quality. The developer is offering significantly larger lots than would be possible without the assistance of PID financing for public infrastructure. If the developer is left to finance all public infrastructure on its own, the project would be unfeasible without a drastic increase in density and removal of development regulations pertaining to elevation standards, home size minimums, and anti-monotony requirements.
- Curvilinear roadways, with boulevard greenbelt driving experience. Rather than offer a gridded street plan, the developer has sacrificed lot density and profitability to offer an overall curvilinear, picturesque lot plan, creating a higher-quality community. Elimination of the boulevard greenbelt in itself would have yielded numerous additional lots.
- Expanded trail system, with connectivity to planned City trails. The developer is offering an amenitized trail system, including the scenic boulevard greenbelt trail, and has structured such system to create contiguity with the City’s planned trail system.
- Multiple (4 minimum) parks in development. In addition to trails and the scenic greenbelt open space, the developer is offering a minimum of four (4) amenitized parks, which would to be reduced in number or quality but for the PID financing.

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

This Development Agreement for Brookside ("**Agreement**") is entered into between \_\_\_\_\_ (the "**Developer**") and the City of Waxahachie, Texas ("**City**"). The Developer and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

**Recitals:**

1. The Developer is the owner of approximately 347 acres of real property located partially in the municipal boundaries and partially in the extraterritorial jurisdiction of the City, more particularly described in *Exhibit A* attached hereto (the "**Property**"), for which the Developer has requested a change in the Property's zoning to a planned development ("**PD**"), revising specific development standards. The portion of the Property within the City's municipal boundaries is currently zoned Single-Family 1 (SF-1) by the City and is anticipated to have the PD reviewed by the City Council on \_\_\_\_\_, 2022.

2. The planned use of the Property is to create the PD to allow for a mixed-use (single family residential, multifamily, and retail/commercial) development. 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 the Developer 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 the Developer and the City 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 "**Brookside PD Ordinance**"), a copy of which is attached hereto as *Exhibit B* and which contains the negotiated zoning and development standards for Brookside.

4. The Developer and the City desire to have the portion of the Property lying within the City's extraterritorial jurisdiction ("**ETJ Property**") annexed into the City's corporate boundaries under the terms and conditions set forth in this Agreement.

5. The Developer and the City desire that one or more Public Improvement Districts ("**PID**" or "**PIDs**") under Chapter 372 of the Texas Local Government Code (the "**PID Act**") shall be created over the single-family residential portion of the Property (the "**PID Property**") and utilized to aid in the development of the PID Property, pursuant to the terms of this Agreement, and to provide and finance a portion of the on-site and off-site roadway, water, wastewater, storm water, park and trail improvements and any other improvements eligible under the PID Act and serving and benefitting the PID Property (the "**PID Projects**"), which PID Projects are more particularly described in *Exhibit C*.

**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 run with the land remain in full force and effect until and unless the then-current owners of the Property and the City agree to terminate this Agreement.

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

**A. Annexation.**

(i) **Annexation.** This Agreement constitutes the consent of the Developer to the City's full-purpose annexation of the ETJ Property. The Developer shall submit an executed petition for voluntary annexation of the Property to the City in compliance with Chapter 43 of the Texas Local Government Code, as amended, within thirty (30) days of receipt of a request by the City, which shall not be requested by the City prior to the Developer's closing on the Property. The Developer agrees to execute and supply any and all instruments and/or other documentation necessary for the City to annex the ETJ Property into the City's corporate limits. The City acknowledges and agrees that the creation of the PID and issuance of PID bonds are a material inducement for the Developer to agree to the annexation of the ETJ Property and for the Developer to agree to the obligations contained in this Agreement and the PD.

(ii) **Failure to Zone.** Notwithstanding anything herein to the contrary, if the City fails to zone the ETJ Property in accordance with the terms of this Agreement, then the City shall—if the Developer petitions for disannexation—disannex the requested portion of the ETJ Property within thirty (30) days of the filing of the disannexation petition by the Developer.

**B. Zoning.**

(i) **PD Zoning.** The portion of the Property currently within the corporate limits of the City is zoned Single-Family 1 (SF-1). The Developer is seeking through the zoning process and procedures authorized by law to rezone the Property within the corporate limits of the City, and to zone the portion to be annexed, to the PD zoning set forth herein.

(ii) **Failure to Zone.** The intended zoning of the Property is set forth in ***Exhibit B*** attached hereto. On the same City Council agenda as the consideration of adoption of an ordinance approving the annexation of the ETJ Property, the City Council shall consider the establishment of the PD zoning on all of the Property consistent with the applicable provisions of this Agreement. Any zoning of the Property shall otherwise be in accordance with all procedures set forth in the applicable City regulations. Should the City fail to approve the zoning or approve zoning that is in any way more restrictive than the PD zoning, the City agrees that the purpose of this Agreement and the annexation of the ETJ Property will have been frustrated, and agrees to take such actions as may be necessary to de-annex the ETJ Property and, at the Developer's option, terminate this Agreement.

**C. Public Improvement District.**

(i) Creation and Levy of Assessments by the City. The City shall use its best efforts to initiate and approve all necessary documents and ordinances required to effectuate this Agreement, to create the PID, to levy PID assessments, and to prepare and approve a preliminary service and assessment plan providing for the levy of PID assessments on the PID Property. Promptly following preparation and approval of a preliminary service and assessment plan acceptable to the Developer and the City, and subject to the City Council making findings that the PID Projects confer a special benefit on the Property, the City Council shall consider an ordinance levying PID assessments and final service and assessment plan.

(ii) Acceptance by the Developer of Assessments. Concurrently with the levy of PID assessments, the Developer shall approve and accept in writing the levy of the PID assessment(s) on all land owned by the Developer within the PID and shall comply with the statutory notice requirements related to the existence of PID on the PID Property.

(iii) Failure to Create PID. In the event the PID is not created or the City fails or refuses to create the PID, the City agrees that the purposes of this Agreement will have been frustrated, and the City agrees to take such actions as are necessary to de-annex the ETJ Property and, at the Developer's option, terminate this Agreement.

#### **D. PID Bond Issuance.**

(i) Conditions to Issuance of PID Bonds. Developer may request issuance of PID bonds by filing with the City a list of the PID Projects to be funded or acquired with the PID Bond Proceeds and the estimated or actual costs of such PID Projects. Prior to the City undertaking any preparations for the sale of PID bonds: (i) the City Council shall have approved and adopted the PID Documents and (ii) the City shall have reviewed and approved the Home Buyer Disclosure Program attached hereto as *Exhibit D*. Subsequent issuance of any series of PID bonds is further subject to all of the following conditions:

(a) The City has evaluated and determined that there will not be substantial negative impact on the City's creditworthiness, bond rating, access to or cost of capital, or potential for liability.

(b) The City has determined that the PID bonds assessment level, structure, terms, conditions and timing of the issuance of the PID bonds are reasonable for the PID Projects Cost to be financed and that there is sufficient security for the PID bonds to be creditworthy.

(c) All costs incurred by the City that are associated with the administration of the PID shall be paid out of special assessment revenue levied against property within the PID. City administration costs shall include those associated with continuing disclosure, compliance with federal tax law, agent fees, staff time, regulatory reporting and legal and financial reporting requirements.

(d) The Service and Assessment Plan and the Assessment Ordinance levying assessments on all or any portion of the Property benefitted by PID Projects provide for amounts sufficient to pay all costs related to such PID bonds.

(e) The City has formed and utilized its own financing team including, but not limited to, bond counsel, financial advisor, administrator, and underwriters related to the issuance of PID bonds and bond financing proceedings.

(f) The City has chosen and utilized its own continuing disclosure consultant and arbitrage rebate consultant. Any and all costs incurred by these activities will be included in City administration costs recouped from special assessments. The continuing disclosure will be divided into City disclosure and Developer disclosure, and the City will not be responsible or liable for Developer disclosure, but the City's disclosures professional will be used for both disclosures.

(g) The aggregate principal amount of PID bonds issued and to be issued shall not exceed \$72,000,000 within the prior written consent of the City Council.

(h) The PID bonds shall be in an amount estimated to be sufficient to fund the PID Projects or portions thereof for which such PID bonds are being issued.

(i) Approval by the Texas Attorney General of the PID bonds and registration of the PID bonds by the Comptroller of Public Accounts of the State of Texas.

(j) The Developer is current on all taxes, assessments, fees and obligations to the City including without limitation payment of Assessments.

(k) The Developer is not in default under this Agreement or, with respect to the Property, any other agreement to which Developer and the City are parties.

(l) No outstanding PID bonds are in default and no reserve funds established for outstanding PID bonds have been drawn upon that have not been replenished.

(m) The Administrator has certified that the specified portions of the PID Projects Cost to be paid from the proceeds of the PID bonds are eligible to be paid with the proceeds of such PID bonds.

(n) The PID Projects to be financed by the PID bonds have been or will be constructed according to the approved Development Standards imposed by this Agreement including any applicable City Regulations not superseded by this Agreement.

(o) The City has determined that the amount of proposed PID assessments and the structure, terms, conditions and timing of the issuance of the PID bonds are reasonable for the project costs to be financed and the degree of development activity within the PID, and that there is sufficient security for the PID bonds to be creditworthy.

(p) The maximum maturity for PID bonds shall not exceed 30 years from the date of delivery thereof.

(q) The PID bonds meet all regulatory and legal requirements applicable to the issuance of the PID bonds.

(r) Unless otherwise agreed by the City, the PID bonds shall be sold and may be transferred or assigned only in compliance with applicable securities laws and in minimum denominations of \$25,000 or integral multiples of \$1,000 in excess thereof.

(s) The Developer agrees to provide periodic information and notices of material events regarding the Developer and the Developer's development within the PID in accordance with Securities and Exchange Commission Rule 15c2-12 and any continuing disclosure agreements executed by the Developer in connection with the issuance of PID bonds.

(t) In the issuance of any Refunding Bonds, the amount of assessment necessary to pay the Refunding Bonds shall not exceed the amount of the assessments that were levied to pay the PID bonds that are being refunded.

(u) The estimated tax equivalent assessment rate for the Assessment levy shall be equal to or less than \$0.39 per \$100.00 taxable assessed valuation.

(v) Unless otherwise agreed to by the City, the minimum value to lien ratio for PID bonds, solely taking into account the portion of the Assessments related to the par amount of such PID bonds, shall be 2:1, and any receivables due under any PID reimbursement agreement may be sold or assigned by the Developer.

(w) The Developer and the City shall have entered into a PID reimbursement agreement that provides for the Developer's construction of certain PID Projects and the City's reimbursement to the Developer of certain PID Projects.

(ii) Disclosure. Prior to the issuance of PID bonds by the City, Developer shall provide all relevant information, including financial information that is reasonably necessary in order to provide potential bond investors with a true and accurate offering document for any PID bonds. Developer shall, at the time of providing such information, agree, represent, and warrant that the information provided for inclusion in a disclosure document for an issue of PID bonds does not, to Developer's actual knowledge, contain any untrue statement of a material fact or omit any statement of material fact required to be stated therein or necessary to make the statements made therein, in light of the circumstances under which they were made, not misleading, and Developer further shall provide a certification to such effect as of the date of the closing of any PID bonds.

(iii) Qualified Tax-Exempt Status.

(a) Generally. In any calendar year in which PID bonds are issued, Developer agrees to pay the City its actual additional costs ("Additional Costs") the City may incur in the issuance of its own public securities or obligations on its own taxing power of municipal revenues (the "City Obligations"), as described in this section, if the City Obligations are deemed not to qualify for the designation of qualified tax-exempt obligations ("QTEO"), as defined in section 265(b)(3) of the Internal Revenue Code ("IRC") as amended, as a result of the issuance of PID bonds by the City in any given year. The City agrees to deposit all funds for the payment of such Additional Costs received under this section into a segregated account of the City, and such funds shall remain separate and apart from all other funds and accounts of the City until December 31 of the calendar

year in which the PID bonds are issued, at which time the City is authorized to utilize such funds for any purpose permitted by law. On or before January 15th of the following calendar year, the final Additional Costs shall be calculated. By January 31st of such year, any funds in excess of the final Additional Costs that remain in such segregated account on December 31st of the preceding calendar year shall be refunded to the developers or owner and any deficiencies in the estimated Additional Costs paid to the City by any developer or owner shall be remitted to the City by the respective developer or owner.

(b) Issuance of PID bonds prior to City Obligations.

(1) In the event the City issues PID bonds prior to the issuance of City Obligations, the City, with assistance from its financial advisor ("Financial Advisor"), shall estimate the Additional Costs based on the market conditions as they exist approximately 30 days prior to the date of the pricing of the PID bonds (the "Estimated Costs"). The Estimated Costs are an estimate of the increased cost to the City to issue its City Obligations as non-QTEO. Promptly following the determination of the Estimated Costs, the City shall provide a written invoice to Developer in an amount less than or equal to the Estimated Costs. Developer, in turn, shall remunerate to the City the amount shown on said invoice on or before the earlier of: (i) 15 business days after the date of said invoice, or (ii) 5 business days prior to pricing the PID bonds. The City shall not be required to price or sell any series of PID bonds until Developer has paid the invoice of Estimated Costs related to the PID bonds then being issued.

(2) Upon the City's approval of the City Obligations, the Financial Advisor shall calculate the Additional Costs to the City of issuing its City Obligations as non-QTEO. The City will, within 5 business days of the issuance of the City Obligations, provide written notice to Developer of the amount of the Additional Costs. In the event the Additional Costs are less than the Estimated Costs, the City will refund to Developer the difference between the Additional Costs and the Estimated Costs within 15 business days of the date of the City's notice to Developer required under this paragraph. If the Additional Costs are more than the Estimated Costs, Developer will pay to the City the difference between the Additional Costs and the Estimated Costs within 15 business days of the date of the City's notice required under this paragraph. If Developer does not pay the City the difference between the Additional Costs and the Estimated Costs within 15 business days of the date of the City's notice required under this paragraph, Developer shall not be paid any reimbursement amounts under any PID Reimbursement Agreement(s) related to the Project until such payment of Additional Costs is made in full.

(c) Issuance of City Obligations prior to PID bonds.

(1) In the event the City issues City Obligations prior to the issuance of PID bonds, the City, with assistance from the Financial Advisor, shall calculate the Estimated Costs based on the market conditions as they exist 20 days prior to the date of the pricing of the City Obligations. Promptly following the determination of the Estimated Costs, the City shall provide a written invoice to Developer: (1) in an amount less than or equal to the Estimated Costs, and (2) that includes the pricing date for such City Obligations. The Developer, in turn, shall remunerate to the City the amount shown on said invoice at least fifteen (15) days prior to the pricing date indicated on the invoice. If Developer fails to pay

the Estimated Costs as required under this paragraph, the City, at its option, may elect to designate the City Obligations as QTEO, and the City shall not be required to issue any PID bonds in such calendar year.

(2) Upon the City's approval of the City Obligations, the Financial Advisor shall calculate the Additional Costs to the City of issuing non-QTEO City Obligations. The City will, within 5 business days of the issuance of the City Obligations, provide written notice to Developer of the Additional Costs. In the event the Additional Costs are less than the Estimated Costs, the City will refund to Developer the difference between the Additional Costs and the Estimated Costs within fifteen (15) business days of the date of the City's notice to Developer. If the Additional Costs are more than the Estimated Costs, Developer will pay to the City the difference between the Additional Costs and the Estimated Costs within 15 business days of the date of the City's notice. If Developer does not pay to the City the difference between the Additional Costs and the Estimated Costs as required under this paragraph, then Developer shall not be paid any reimbursement amounts under any PID Reimbursement Agreement(s) related to the Project until such payment of Additional Costs is made in full.

(d) To the extent any developer(s) or property owner(s) (including Developer, as applicable) has (have) paid Additional Costs for any particular calendar year, any such Additional Costs paid subsequently by a developer or property owner (including Developer, as applicable) to the City applicable to the same calendar year shall be reimbursed by the City to the developer(s) or property owner(s) (including Developer, as applicable) as necessary so as to put all developers and property owners (including Developer, if applicable) so paying for the same calendar year in the proportion set forth in subsection (e), below, said reimbursement to be made by the City within 15 business days after its receipt of such subsequent payments of such Additional Costs.

(e) The City shall charge Additional Costs attributable to any other developer or property owner on whose behalf the City has issued debt in the same manner as described in this section, and Developer shall only be liable for its portion of the Additional Costs under this provision, and if any Additional Costs in excess of Developer's portion has already been paid to the City under this provision, then such excess of Additional Costs shall be reimbursed to Developer. The portion owed by Developer shall be determined by dividing the total proceeds from any debt issued on behalf of Developer in such calendar year by the total proceeds from any debt issued by the City for the benefit of all developers (including Developer) in such calendar year.

(iv) Tax Certificate. If, in connection with the issuance of the PID bonds, the City is required to deliver a certificate as to tax exemption (a "Tax Certificate") to satisfy requirements of the IRC, Developer agrees to provide, or cause to be provided, such facts and estimates as the City reasonably considers necessary to enable it to execute and deliver its Tax Certificate. Developer represents that such facts and estimates will be based on its reasonable expectations on the date of issuance of the PID bonds and will be, to the best of the knowledge of the officers of Developer providing such facts and estimates, true, correct and complete as of such date. To the extent that it exercises control or direction over the use or investment of the PID bond proceeds, including, but not limited to, the use of the PID Projects, Developer further agrees that it will not knowingly make, or permit to be made, any use or investment of such funds that would cause any of the covenants or agreements of the City contained in a Tax Certificate to be violated or that would

otherwise have an adverse effect on the tax-exempt status of the interest payable on the PID bonds for federal income tax purposes.

**E. PID Projects.**

(i) PID Projects. The PID Projects and their costs are subject to change as may be agreed upon by Developer and the City and, if changed, shall be updated by the Developer and the City consistent with the Service and Assessment Plan and the PID Act. All approved plats within the Project shall include those PID Projects located therein and the respective cost shall be finalized at the time the applicable plat is approved by the City Council or other appropriate City commission. The Developer shall include any updated budgeted cost(s) with each plat application, which shall be submitted to the City Council for consideration and approval concurrently with the submission of each plat. Upon approval by the City Council or other appropriate City commission of any such updated budgeted cost(s), this Agreement shall be deemed amended to include such approved updated budgeted cost(s) in Exhibit D. The budgeted cost(s), PID Projects cost, and the timetable for installation of the PID Projects will be reviewed at least annually by the Parties in an annual update of the Service and Assessment Plan adopted and approved by the City.

(ii) Construction, Ownership, and Transfer of PID Projects.

(a) Contract Specifications. Developer's engineers shall prepare, or cause the preparation of, and provide the City with contract specifications and necessary related documents for the PID Projects.

(b) Construction Standards, Inspections and Fees. Except as otherwise expressly set forth in this Agreement, the PID Projects and all other Public Infrastructure required for the development of the Property shall be constructed and inspected, and all applicable fees, including but not limited to Impact Fees (subject to the terms hereof and any applicable credits), permit fees, and inspection fees, shall be paid by Developer, in accordance with this Agreement, the City Regulations, and any other governing body or entity with jurisdiction over the PID Projects.

(c) Contract Letting. The Parties understand that construction of the PID Projects to be funded through Assessments are legally exempt from competitive bidding requirements pursuant to the Texas Local Government Code. As of the Effective Date, the construction contracts for the construction of PID Projects have not been awarded and contract prices have not yet been determined.

(d) Ownership. All of the PID Projects shall be owned by the City upon acceptance of them by the City. Developer agrees to take any action reasonably required by the City to transfer, convey, or otherwise dedicate or ensure the dedication of land, right-of-way, or easements for the PID Projects to the City for public use. PID Bond proceeds and/or the proceeds from PID assessments will be used in part to reimburse Developer for PID Projects cost related to the PID Projects and, in the event PID Bond proceeds and/or proceeds from PID assessments are not available at the time that all or a portion of the PID Projects are substantially complete and the City is ready to accept said PID Projects or portion thereof, PID Bond proceeds and/or proceeds from PID assessments, once available, will be used to reimburse Developer in accordance with this Agreement and as otherwise agreed to by the Parties for said PID Projects cost following acceptance by the City.

(e) Upon inspection, approval, and acceptance of the PID Projects or any portion thereof, the City shall maintain and operate the accepted public infrastructure and provide retail water and sewer service to the Property.

**F. Reimbursement of PID Projects Costs.**

(i) Improvement Account of the Project Fund. The improvement account of the project fund shall be administered and controlled by the City, or the trustee bank for the PID bonds, and funds in the improvement account of the project fund shall be deposited and disbursed in accordance with the terms of the Indenture.

(ii) Timing of Expenditures and Reimbursements. Developer shall finance and undertake construction of the PID Projects in accordance with this Agreement, the SAP, or otherwise in conjunction with the construction of the Project prior to seeking reimbursement from the improvement account of the project fund. Although the terms by which Developer will be entitled to reimbursement from the improvement account of the project fund shall be detailed in one or more PID reimbursement agreement(s), Developer will generally be entitled to the maximum available funds within the improvement account of the project fund up to the PID Projects cost, plus interest, following the City's acceptance of the PID Projects.

(iii) Cost Overrun. Should the PID Projects Cost exceed the maximum PID Bond Proceeds deposited in the improvement account of the project fund ("Cost Overrun"), the Developer shall be solely responsible to fund such part of the Cost Overrun, subject to any cost-underrun.

(iv) Cost Underrun. Upon the final acceptance by City of an PID Project and payment of all outstanding invoices for such PID Project, if the PID Project Cost is less than the Budgeted Cost (a "Cost Underrun"), any remaining funds in the improvement account of the project fund will be available to pay the cost of any other PID Project. The City shall promptly confirm to the Trustee that such remaining amounts are available to pay such costs, and the City, with input from the Developer, will decide how to use such moneys to secure the payment and performance of the work for other PID Projects, if available. If a Cost Underrun exists after payment of all costs for all PID Projects contemplated in the applicable Indenture, such unused funds will be used to pay assessments on the Property.

**G. Public Infrastructure.**

(i) Generally. Once constructed, all water, sewer, drainage, roadway, and other public infrastructure, including the PID Projects, shall be accepted and owned by the City (the "Public Infrastructure"). The Developer agrees to take any action reasonably required by the City to transfer or otherwise dedicate or ensure the dedication of easements and facilities for the Public Infrastructure to the City. Upon acceptance, the City shall thereafter own, operate, and maintain the Public Infrastructure.

(ii) Service. Upon completion of the Public Infrastructure necessary to serve the Property or any applicable phase of the Property, the City shall provide adequate and continuous water and wastewater services to the Property. The City represents that it currently has and will continue to hold sufficient water and wastewater treatment capacity to serve the Property at full buildout and

shall provide the Developer will a will-serve letter or such other documentation as may be requested by the Developer evidencing service to the Property.

(iii) Oversizing. The City has requested that the Developer oversize the water line planned to run along I-35E within the Property from 12" to 16". The City agrees that it shall be responsible for all price differences associated with or caused by such oversizing. Upon the City's inspection and acceptance of the oversized line, the City shall remit its share of costs to the Developer. The Developer agrees to provide such supporting documentation as is necessary to determine the dollar amount associated with the oversizing of the water line. Other than the oversizing of said water line, the City has not requested, and does not intend to request, the oversizing of any Public Infrastructure by the Developer. However, if requested by the City, any additional oversizing of the Public Infrastructure that may be requested that is not attributable to the Development shall be funded by the City.

(iv) TIA. The Developer is responsible for the design, installation, and construction of all roadway facilities internal to and required to serve the Property, which shall be determined by a Traffic Impact Analysis to be obtained by the Developer from a provider of the Developer's choosing. City staff may administratively waive any minimum point-of-entry requirements.

(v) Trail. The Developer agrees to construct the trail system as generally depicted on the Concept Plan, in accordance with the City's master trail plan. In order to integrate that portion of the trail constructed by the Developer into the City's master trail system, the City agrees to bring the City's trail system up to the property boundary where the trail stub out is located by \_\_\_\_\_. The costs related to the Developer's design, engineering, and construction of the trail shall be eligible for funding through the PID to the extent permitted by applicable law.

#### **E. Fees and Credits; Dedication.**

(i) Impact Fees. Impact fees for the Property shall be assessed at the City's standard rates as of the date that the final plat for a phase of the Property is recorded. The City shall award the appropriate classification of impact fee credits to the Developer up to the Developer's actual cost of construction for any projects undertaken by the Developer that would ordinarily qualify for impact fee credits under Chapter 395, Texas Local Government Code, and the City's capital improvements and master thoroughfare plans.

(ii) Park Fees. In exchange for the open spaces, parks, trails, amenities, and tree retention within the Property described in the PD and depicted in the Concept Plan, the Developer shall receive dollar-for-dollar credits to offset the parkland dedication requirements, fees in lieu of parkland dedication requirements, park development fees, and tree mitigation requirements.

(iii) Dedication of Property. The Developer intends to dedicate approximately 12.2 acres within the Property to the Waxahachie Independent School District ("ISD"), as illustrated on the Concept Plan, to be used for a school site. Such dedication shall be free of charge to the ISD. The development of the ISD property shall be the sole cost and responsibility of the ISD. The dedicating document may provide that should the ISD fail to commence construction of the school site within three (3) years of the installation of roadways and utilities adjacent to the site, the ISD site will revert to the Developer. In that event, the ISD site shall be zoned and treated as single-family residential property, as set forth in this Agreement.

**Section 4. Miscellaneous**

- A. Nothing in this Agreement is intended to, and shall not be construed to, constitute an unlawful contracting away, or improper delegation, of the City's unfettered legislative discretion on governmental matters such as zoning, annexation, and PID creation, and the City retains complete legislative discretion on such matters.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- G. 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.
- 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 OTC 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 City, 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 120<sup>th</sup> day after the date the City 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, 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, 87<sup>th</sup> 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 City, 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, 87<sup>th</sup> 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 City, 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}

(22)

**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: \_\_\_\_\_

(22)

**DEVELOPER**

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

Date: \_\_\_\_\_

**STATE OF TEXAS**

§

**COUNTY OF ELLIS**

§

§

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

[Seal]

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

Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

**EXHIBIT B**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM \_\_\_\_\_ TO PLANNED DEVELOPMENT (PD) TO ALLOW A MIXED-USE (SINGLE FAMILY RESIDENCES, MULTIFAMILY, AND RETAIL/COMMERCIAL) DEVELOPMENT, LOCATED \_\_\_\_\_, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 347 ACRES, KNOWN AS PROPERTY ID \_\_\_\_\_, 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-\_\_\_\_\_. 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, per staff comments, of the subject property, with Concept Plan (Exhibit A), Land Use and Development Standards (Exhibit B), Concept Elevations (Exhibit C), Entry, Trail, Amenity and Screening Plans (Exhibit D), Phase Plan (Exhibit E), and Staff Report (Exhibit F); and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-1 to PD, with Concept Plan in order to facilitate development of the subject property in a manner that allows a mixed-use (single family residences, multifamily, and retail/commercial) development on the following property: Property ID \_\_\_\_\_.

**PLANNED DEVELOPMENT****Purpose and Intent**

The purpose of this planned development to create a mixed-use (single family residences, multifamily, and retail/commercial) development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

**Development Standards**

All development on land located within the boundaries of this Planned Development District shall

adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Concept Plan (Exhibit A), Land Use and Development Standards (Exhibit B), Concept Elevations (Exhibit C), Entry, Trail and Amenity Plans (Exhibit D), Phase Plan (Exhibit E), and Staff Report (Exhibit F). The Concept Elevations set forth on Exhibit C are general and conceptual in nature only and are not exact images of the homes to be constructed within the PD.

#### Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-92-2022.
2. All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Land Use and Development Standards (Exhibit D).
3. 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.
4. The property shall be platted prior to any construction development on the site.
5. The property shall be developed in phases, as generally and conceptually shown in Exhibit E. The phasing plan attached is subject to minor revision by the developer of land during the platting process without further approval of the City being required.
6. Concept Plan Approval per Section 7.02 of the Zoning Ordinance shall be deemed met by the Concept Plan to be attached to this Ordinance. Site Plan Approval requirements per Sections 7.01 and 7.02 of the Zoning Ordinance shall be waived for single-family residential and deferred until final plat for other uses. Detailed site plan approval for remaining uses shall be as set forth in Sections 7.01 and 7.02 of the Zoning Ordinance, including approval of details Site Plan(s) for the multifamily portions of the property by the City Council.
7. In lieu of compliance with Section 4.4 of the Subdivision Ordinance (Appendix C) (including any dedications of park land or payment of park related fees), the following provisions regarding open space and amenities shall apply to the development of the Project:
  - i. A minimum of 15% of the Property ("Open Space Acreage") shall be platted as open space and/or common area areas for amenities which will include amenity areas, concrete and unpaved trails, creek corridors, easements, landscaped or amenitized areas along trails, and open spaces. Any sites sold or otherwise dedicated to governmental entities shall be included in the total calculation of Open Space Acreage. Within the Open Space Acreage shown as wooded area on the Concept Plan, reasonable efforts shall be made to preserve existing trees that are in good or excellent

condition (as determined by a third-party arborist of the land developer's choosing), with the understanding that tree preservation will not be necessary in areas intended for use as trails or amenities or areas outside Open Space Acreage. If trees within the applicable areas are to be removed, the land developer shall provide an arborist report with reasons for such removal, which shall be provided to the Director of Planning the City for review and approval prior to the tree removal. Any comments to the arborist report must be returned by the Director of Planning within ten (10) business days, or consent to the tree removal shall be deemed given.

ii. The Open Space Acreage shall include:

1. An amenity center location on a minimum of 3 acres of land (the "Amenity Center"). The Amenity Center shall contain, at a minimum, (1) a swimming pool to serve residents with a minimum of 3,000 square feet of surface area, (2) a kiddie pool, (3) a covered open air cabana with ceiling fans, (4) restrooms, (5) decking surrounding numbers (1) through (4) with a minimum of 7,000 square feet of surface area, (6) a playground, (7) flexible lawn space, (8) a multi-sport court, (9) trails, and (10) street parking. Construction of the Amenity Center shall be completed prior to the commencement of construction of the second phase of the development.
2. A natural, scenic greenbelt open space, wooded to retain an organic feel and create a scenic driving experience along the boulevard shown on the Concept Plan ("Greenbelt"). The Trail System defined below shall run through the Greenbelt and connect to the City trail system, as shown on the Concept Plan. The Greenbelt is intended to remain primarily un-amenitized to retain a natural look and feel, but benches and trail improvements will be placed along the Greenbelt.
3. A minimum of four (2) neighborhood parks (the "Neighborhood Parks"). The Neighborhood Parks may be smaller or larger in size than the Amenity Center at the discretion of the Developer. The Neighborhood Parks will be amenitized on an individual basis and shall include a minimum of three (3) of the following amenities per park: playgrounds, fenced dog park, disc golf course, public art, pickleball court, sidewalks and trails, picnic tables, park benches, an event lawn, outdoor barbecues, awnings, pavilions, ramadas, or other similar shade structures, or amenities also included in the Amenity Center. Once utilized in three (3) parks, a particular amenity will no longer count toward the minimum-required three

(3) amenities per park (for example, if all four parks include sidewalks and trails, such sidewalks and trails will only count toward the minimum three (3) amenities per park in 3 of the 4 parks). A minimum of two (2) parks shall contain playground structures. The Neighborhood Parks shall be located in or adjacent to the single-family residential area.

4. A trail system (the "Trail System") shall be constructed in the Open Space Acreage and at other points in the Property to allow for connectivity between the Amenity Center and the Neighborhood Parks. The Trail System can be a mix of concrete paths, sidewalks, and unimproved nature paths. However, the Trail System constructed along Waxahachie Creek and stubbed out near the northwest and northeast boundaries of the Property shall be constructed of concrete and consistent with the City's Trail Master Plan. The Trail System construction shall commence within sixty (60) days of delivery by the City of trail stub-outs to the border of the property. Any portion of the Trail System lying within the property shall be constructed with the development of the phase in which such portion lies. All trail space, including easements dedicated by the land developer on either side of the trails, shall count towards the minimum 15% Open Space Acreage.

- iii. The landscaped and sodded grass portions of the Amenity Center and Neighborhood Parks shall be automatically irrigated.
- iv. A homeowners' association ("HOA") shall be established to govern all single-family residential development. All Open Space Acreage, if not owned by a governmental entity, shall be owned and maintained by the HOA.

#### **Retail/Commercial Uses:**

- 18 to 20 acres of the Project may be developed in accordance with the General Retail (GR) standards.
- This use shall be located in the eastern portion of the Property with adjacency to Interstate 35 generally as shown on the Concept Plan attached hereto as Exhibit A.

#### **Multifamily Residential Uses:**

- 40 acres of the Project may be developed in accordance with the Multiple-Family Residential-2 (MF2) standards, with the amendments set forth herein.

- This use shall be located in the northeastern portion of the Property with adjacency to the Retail/Commercial Uses discussed above, but without adjacency to Brookside Road generally as shown on the concept plan attached hereto.
- Density shall be capped at 18 units per acre or a total of 600 units total, whichever is less.
- Site plan approval by Planning and Zoning Commission and City Council per Section 7.01 of the Zoning Ordinance shall be deferred until final plat.

**Single Family Residential Uses:**

- The remainder of the Project shall be developed with single-family residential uses of varying property and lot size types as detailed below and divided into four (4) single-family development lot types, intermixed through the development as shown on the Concept Plan attached as Exhibit A.
- A minimum of sixty percent (60%) of all single-family residences built shall consist of at least five (5) elevation styles, with one (1) of each style consisting of a minimum of twelve percent (12%) of the total home styles built in the development. For general conceptual purposes only, depictions of distinct home style elevations that may be built in the development are set forth in Exhibit C, with descriptions of what features defined each elevation type. The remaining 40% of the home elevations shall be market-driven.
- The land developer shall coordinate with the United States Postal Service to determine an appropriate mailbox plan for the single-family portion of the development.

**1. 50' Lot Type**

<b>Regulations</b>	<b>Minimum Requirements</b>
Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages (sheds).
Minimum Lot Area	6,000 SF
Minimum Lot Width	50'
Minimum Lot Depth	120'
Minimum Front Yard	20', except that front porch may extend 5' into setback

(22)

Minimum Side Yard	5', unless the side yard is adjacent to public roadway, in which case the setback shall be 15'
Minimum Rear Yard	20'
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Minimum DUA	1,800 SF

## 2. 60' Lot Type

Regulations	Minimum Requirements
Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages (sheds).
Minimum Lot Area	7,200 SF
Minimum Lot Width	60'
Minimum Lot Depth	120'
Minimum Front Yard	20', except that front porch may extend 5' into setback
Minimum Side Yard	5', unless the side yard is adjacent to public roadway, in which case the setback shall be 15'
Minimum Rear Yard	20'
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Minimum DUA	1,900 SF

## 3. 70' Lot Type

Regulations	Minimum Requirements
Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages (sheds).

(22)

Minimum Lot Area	8,400 SF
Minimum Lot Width	70'
Minimum Lot Depth	120'
Minimum Front Yard	20', except that front porch may extend 5' into setback
Minimum Side Yard	5', unless the side yard is adjacent to public roadway, in which case the setback shall be 15'
Minimum Rear Yard	20'
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Minimum DUA	2,000 SF

#### 4. 80' Lot Type

- Generally located adjacent to Waxahachie Creek and as generally shown on the Concept Plan.

Regulations	Minimum Requirements
Height Regulations	2 stories for the main building. 1 story for accessory buildings without garages.
Minimum Lot Area	9,600 SF
Minimum Lot Width	80'
Minimum Lot Depth	120'
Minimum Front Yard	25', except that front porches may extend 5' into the setback
Minimum Side Yard	10', unless the side yard is adjacent to public roadway, in which case the setback shall be 15'
Minimum Rear Yard	25'
Maximum Lot Coverage (excluding areas covered by	50% by main and accessory buildings.

(28)

overhanging roofs, porches or patios)	
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure.
Minimum DUA	2,200 SF

\*\*\*

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 \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

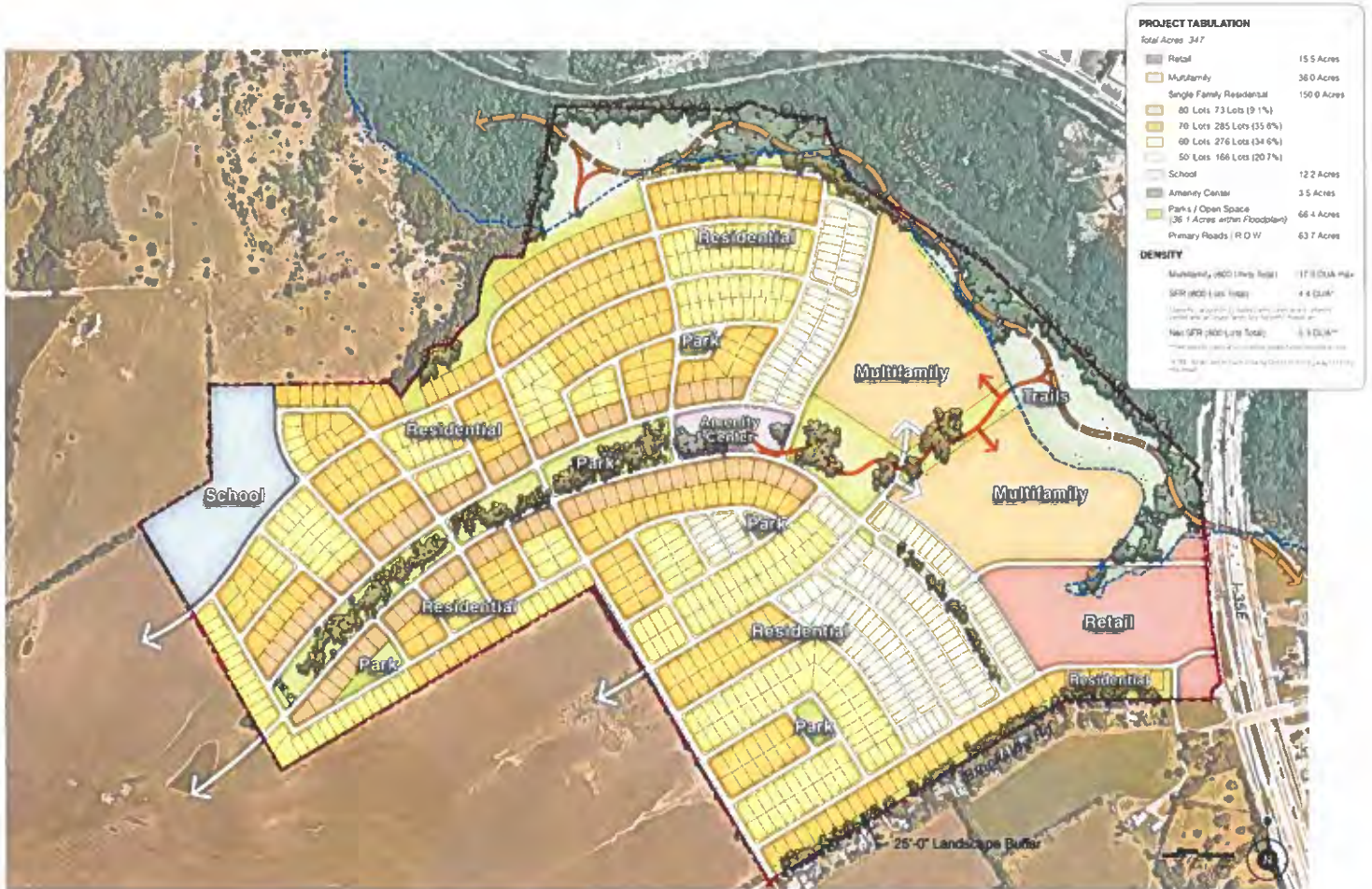
\_\_\_\_\_  
City Secretary

(22)

**Exhibit A  
Concept Plan**

[See Attached]

(22)



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.

## **Exhibit B Development Standards**

### **Retail/Commercial Uses.**

Section 3.16, Article III, of the City of Waxahachie's Zoning Ordinance Adopted May 21, 2018 shall apply.

Article V of the City of Waxahachie's Zoning Ordinance Adopted May 21, 2018 shall apply, with the following permitted exceptions:

1. Primary Retail/Commercial buildings constructed on the Property shall be a minimum of 80% masonry construction. The minimum masonry requirement shall only apply to portions of buildings that face public streets or are otherwise in the clear public line of sight.
2. Any screening of the retail/commercial area shall be in accordance with Exhibit D.

### **Multifamily Uses.**

A detailed site plan of the multifamily area will be required to be approved by Planning and Zoning Commission and the City Council prior to development.

### **Single Family Residential Uses.**

Article V of the City of Waxahachie's Zoning Ordinance Adopted May 21, 2018 shall apply, with the following permitted exceptions:

1. Section 5.01 and 5.02(c), Article V of the City's Zoning Ordinance shall apply, except that:
  - General depictions, which are conceptual in nature but set forth the defining characteristics of each elevation style, of home elevations are set forth in Exhibit C.
  - No garage shall constitute more than fifty percent (50%) of the width of the home. Homes shall be constructed with upgraded/decorative garage doors.
  - A minimum of thirty-five percent (35%) of the garages in 60' and 70' lots shall be j-swing or side-entry.
  - All garages in 80 lots shall be j-swing or side-entry.
2. Any screening of single-family residential uses shall be in compliance with Exhibit D.
3. In lieu of the requirements of 5.04(c) of the Zoning Ordinance, single-family residential lots shall be developed as shown on the Concept Plan with a minimum one ornamental tree within the front yard and one canopy tree (min. 3" caliper) within the rear yard for the 50' lot type and a minimum of two (2) ornamental trees within the front yard and

(22)

one (1) canopy tree within the rear yard for any larger lot type. The lot trees shall be a moderate size at maturity to reduce risk of damage to public infrastructure and shall be located at least 8' from any property line. The Landscape Plan for the Property is set forth in Exhibit F.

4. In lieu of the requirements of 5.04(g)(vi) of the Zoning Ordinance, one minimum 3" caliper canopy tree per lot shall be planted as set forth in the Concept Plan. Street Tree varieties will be chosen from a plant list approved by the City. A minimum of four (4) varieties of street trees will be used, with no more than 40% of one variety to be used throughout the development.

(22)

**Exhibit C**  
**Single Family Residential Elevation Examples**

All home product images shown below are for illustration purposes only and may not be an exact representation of the product.

## MODERN FARMHOUSE

- Covered Front porch/entryway (min. 5' deep)
- Full front elevation siding (except on column bases)
- Brick, Stone, Board & Batten
- Moderate to High Roof Pitch (10/12 – 12/12)
- Side-to-side Roof Ridge
- Accent trim around windows
- Gable and/or Dormer Windows



## MODERN FARMHOUSE (cont.)



# CRAFTSMAN

- Front Porch (min. 8' - 10' deep with at least one step)
- Millwork / Wood Detailing
- Squared Roof (gabled roof from side to side) & Dormer Window
- Gable Pediment
- Shake, Board & Batten Siding
- Wood Columns w/Plinths



## CRAFTSMAN (cont.)



## MODERN TUDOR

- High pitched roof (16/12 or higher on front gables)
- External Timbering / Truss
- Squared Roof (Gabled roof from side to side)
- Stone & Brick Exterior
- Grouped Windows (Mulled together or grouped in two or more)
- Painted Board (Stucco board that is painted and the truss or timbering is applied to stucco)



## MODERN TUDOR (cont.)



# TRADITIONAL

- Multiple Gables
- Brick & Painted Brick
- Mixed Board & Batten, Shingle Siding
- High Pitched Roof (10/12 pitched gables or higher)
- Covered Entryway (min. 5' deep)
- Modest detailing (brick patterns of rowlock courses or soldier courses)



## TRADITIONAL (cont.)



# CONTEMPORARY

- Steel, Stone, Brick & Painted Brick (may have interspersed wood elements)
- Mixed Gabled and Shallow Pitched Roof (8/12 maximum)
- Long Roof Overhang
- Clerestory Windows
- Horizontal Banding



## CONTEMPORARY (cont.)



(22)

**Exhibit D**  
**Amenity, Trail and Entrance Plans**

(See Following Pages)

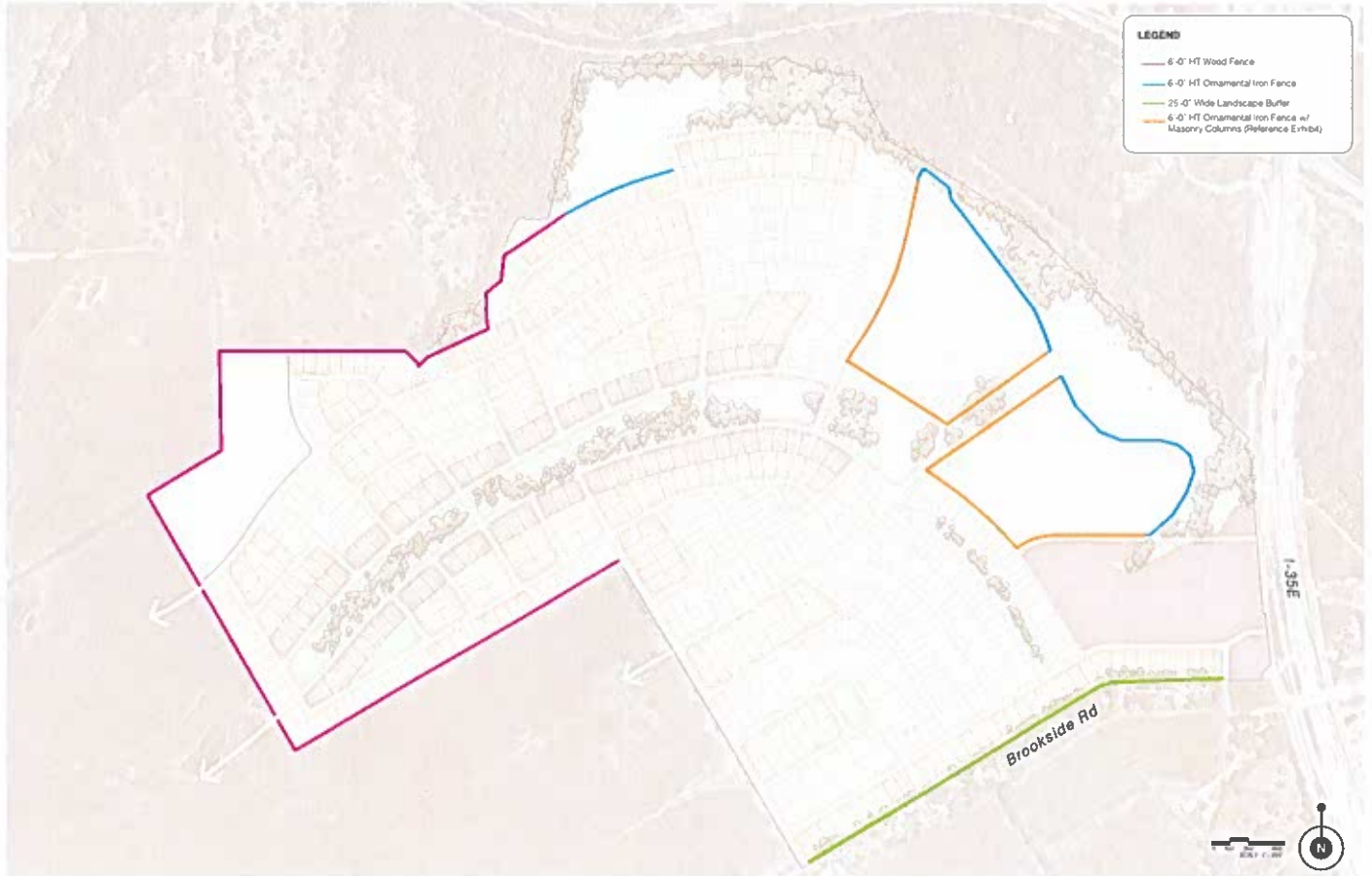
(22)



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



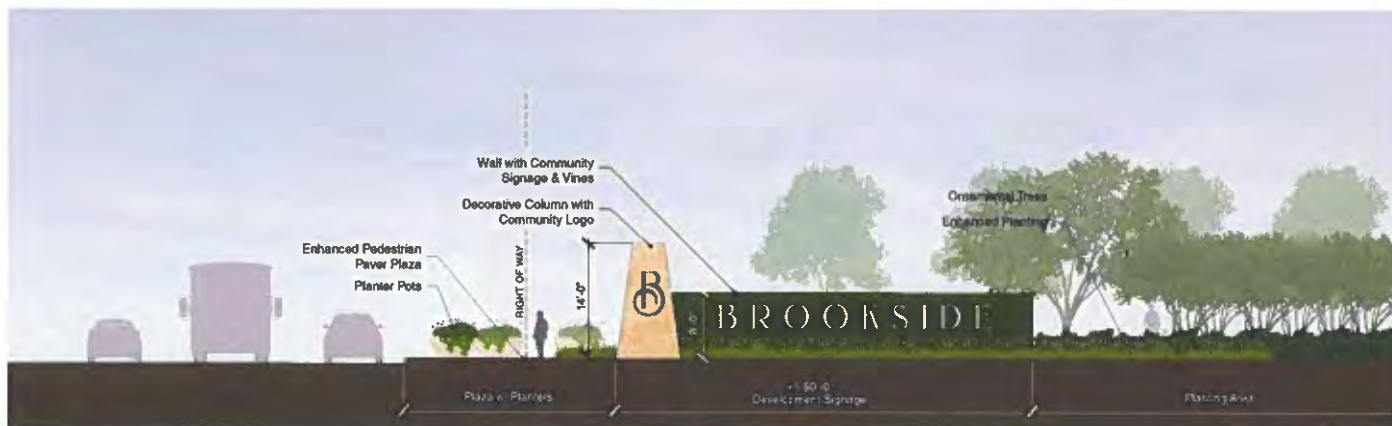
*This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.*



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



**ELEVATION A**



**ELEVATION B**

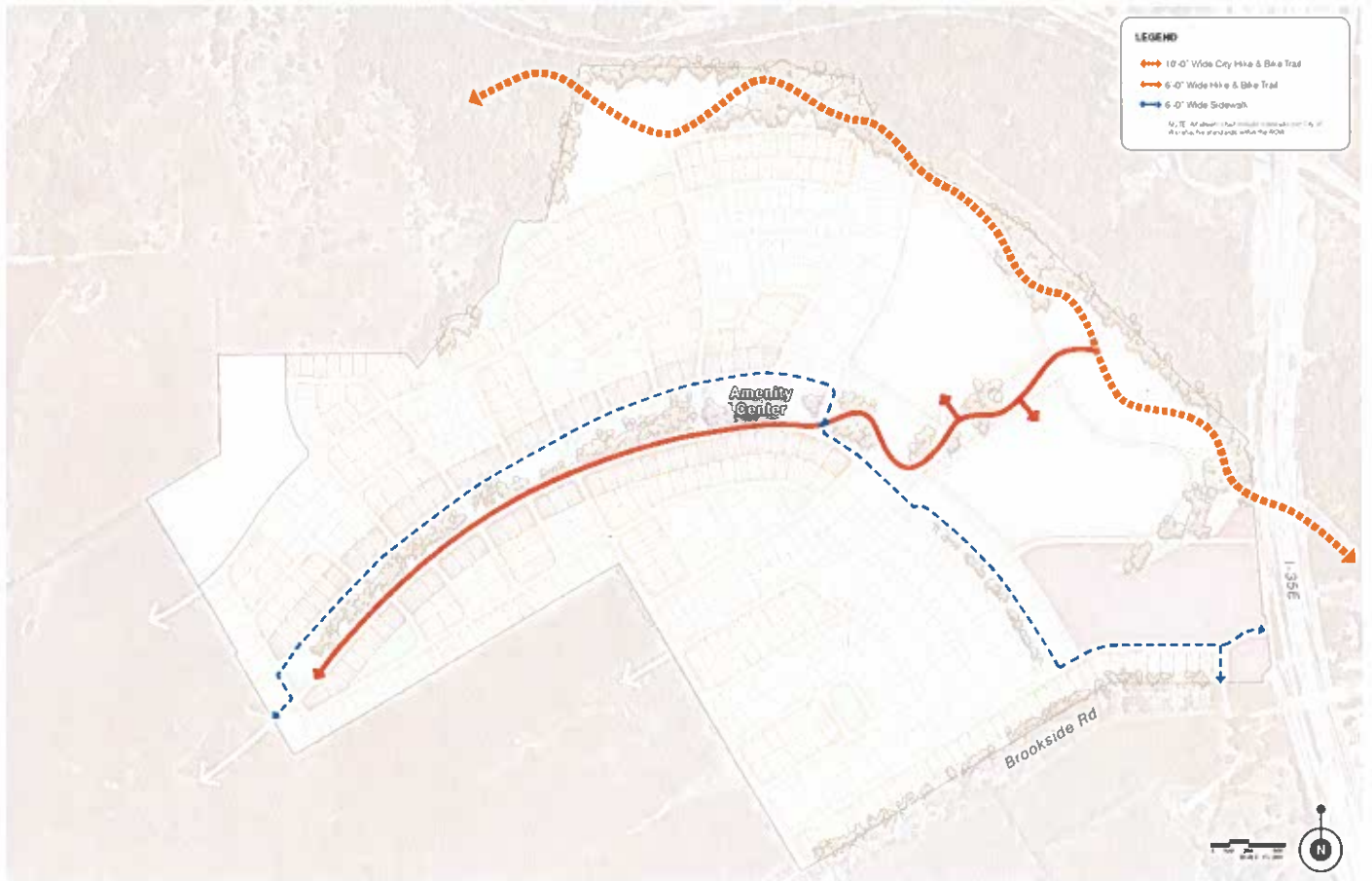
*This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.*



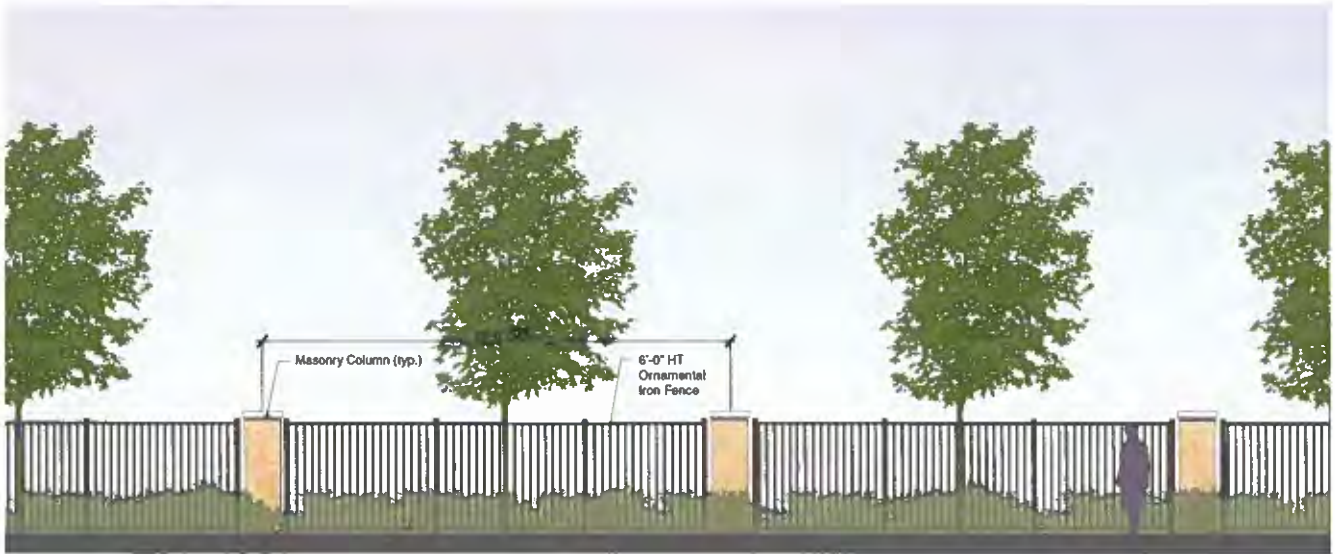
This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



*This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.*

(22)

**Exhibit E**  
**Phasing Plan**

(22)



This graphic is for conceptual purposes only and does not necessarily depict the project as it may finally be developed. The design is subject to change.



**LEGEND**

- 1. All boundaries
- 2. Surveyed boundaries
- 3. Right-of-way
- 4. Easements
- 5. Water bodies
- 6. Structures
- 7. Other features
- 8. Unsurveyed boundaries
- 9. Other features
- 10. Other features
- 11. Other features
- 12. Other features
- 13. Other features
- 14. Other features
- 15. Other features
- 16. Other features
- 17. Other features
- 18. Other features
- 19. Other features
- 20. Other features
- 21. Other features
- 22. Other features
- 23. Other features
- 24. Other features
- 25. Other features
- 26. Other features
- 27. Other features
- 28. Other features
- 29. Other features
- 30. Other features
- 31. Other features
- 32. Other features
- 33. Other features
- 34. Other features
- 35. Other features
- 36. Other features
- 37. Other features
- 38. Other features
- 39. Other features
- 40. Other features
- 41. Other features
- 42. Other features
- 43. Other features
- 44. Other features
- 45. Other features
- 46. Other features
- 47. Other features
- 48. Other features
- 49. Other features
- 50. Other features
- 51. Other features
- 52. Other features
- 53. Other features
- 54. Other features
- 55. Other features
- 56. Other features
- 57. Other features
- 58. Other features
- 59. Other features
- 60. Other features
- 61. Other features
- 62. Other features
- 63. Other features
- 64. Other features
- 65. Other features
- 66. Other features
- 67. Other features
- 68. Other features
- 69. Other features
- 70. Other features
- 71. Other features
- 72. Other features
- 73. Other features
- 74. Other features
- 75. Other features
- 76. Other features
- 77. Other features
- 78. Other features
- 79. Other features
- 80. Other features
- 81. Other features
- 82. Other features
- 83. Other features
- 84. Other features
- 85. Other features
- 86. Other features
- 87. Other features
- 88. Other features
- 89. Other features
- 90. Other features
- 91. Other features
- 92. Other features
- 93. Other features
- 94. Other features
- 95. Other features
- 96. Other features
- 97. Other features
- 98. Other features
- 99. Other features
- 100. Other features

Area	Acres
1. All boundaries	349.288
2. Surveyed boundaries	349.288
3. Right-of-way	349.288
4. Easements	349.288
5. Water bodies	349.288
6. Structures	349.288
7. Other features	349.288
8. Unsurveyed boundaries	349.288
9. Other features	349.288
10. Other features	349.288
11. Other features	349.288
12. Other features	349.288
13. Other features	349.288
14. Other features	349.288
15. Other features	349.288
16. Other features	349.288
17. Other features	349.288
18. Other features	349.288
19. Other features	349.288
20. Other features	349.288
21. Other features	349.288
22. Other features	349.288
23. Other features	349.288
24. Other features	349.288
25. Other features	349.288
26. Other features	349.288
27. Other features	349.288
28. Other features	349.288
29. Other features	349.288
30. Other features	349.288
31. Other features	349.288
32. Other features	349.288
33. Other features	349.288
34. Other features	349.288
35. Other features	349.288
36. Other features	349.288
37. Other features	349.288
38. Other features	349.288
39. Other features	349.288
40. Other features	349.288
41. Other features	349.288
42. Other features	349.288
43. Other features	349.288
44. Other features	349.288
45. Other features	349.288
46. Other features	349.288
47. Other features	349.288
48. Other features	349.288
49. Other features	349.288
50. Other features	349.288
51. Other features	349.288
52. Other features	349.288
53. Other features	349.288
54. Other features	349.288
55. Other features	349.288
56. Other features	349.288
57. Other features	349.288
58. Other features	349.288
59. Other features	349.288
60. Other features	349.288
61. Other features	349.288
62. Other features	349.288
63. Other features	349.288
64. Other features	349.288
65. Other features	349.288
66. Other features	349.288
67. Other features	349.288
68. Other features	349.288
69. Other features	349.288
70. Other features	349.288
71. Other features	349.288
72. Other features	349.288
73. Other features	349.288
74. Other features	349.288
75. Other features	349.288
76. Other features	349.288
77. Other features	349.288
78. Other features	349.288
79. Other features	349.288
80. Other features	349.288
81. Other features	349.288
82. Other features	349.288
83. Other features	349.288
84. Other features	349.288
85. Other features	349.288
86. Other features	349.288
87. Other features	349.288
88. Other features	349.288
89. Other features	349.288
90. Other features	349.288
91. Other features	349.288
92. Other features	349.288
93. Other features	349.288
94. Other features	349.288
95. Other features	349.288
96. Other features	349.288
97. Other features	349.288
98. Other features	349.288
99. Other features	349.288
100. Other features	349.288

349.288 ACRES

**LAND TITLE SURVEY**  
349.288 ACRES  
SURVEYED BY  
TEXAS REALITY CAPTURE & SURVEYING, LLC  
11111 TEXAS HIGHWAY 101, SUITE 101  
HOUSTON, TEXAS 77055  
PHONE: 281-555-1234  
FAX: 281-555-1235  
WWW.TRCRS.COM







Project Name: 300 Brookside  
Client Name: Poston

City: Waukegan  
County: Ill.

Date: 8/17/22  
Project Number: 01.00xx.00x

## OPINION OF PROBABLE COST

### PID COST ESTIMATE

Pod	Use	Units	Acreage (ac)	Water	Wastewater	Storm Drain	Paving	Earthwork	Landscape & Franchise	Amenity Center	Subtotal	Contingency, Fees & Bonds	Total Cost w/ Contingencies & Fees	Total Cost/lot
I	Single-Family	854	240.4	\$ 6,405,000	\$ 5,807,200	\$ 6,832,000	\$ 13,151,600	\$ 1,537,200	\$ 2,000,000	\$ -	\$ 35,733,000	\$ 6,431,940	\$ 42,164,940	\$ 49,373
TOTAL		854	240.4	\$ 6,405,000	\$ 5,807,200	\$ 6,832,000	\$ 13,151,600	\$ 1,537,200	\$ 2,000,000	\$ -	\$ 35,733,000	\$ 6,431,940	\$ 42,164,940	\$ 49,373

### PRIVATE COST ESTIMATE

Pod	Use	Units	Acreage (ac)	Water	Wastewater	Storm Drain	Paving	Earthwork	Landscape & Franchise	Amenity Center	Subtotal	Contingency, Fees & Bonds	Total Cost w/ Contingencies & Fees	Total Cost/lot
I	Single-Family	854	240.4	\$ -	\$ -	\$ -	\$ -	\$ 7,515,200	\$ 2,708,888	\$ 2,000,000	\$ 12,224,088	\$ 2,200,336	\$ 14,424,424	\$ 16,890
TOTAL		854	240.4	\$ -	\$ -	\$ -	\$ -	\$ 7,515,200	\$ 2,708,888	\$ 2,000,000	\$ 12,224,088	\$ 2,200,336	\$ 14,424,424	\$ 16,890

### SUBTOTAL

	Units	Acreage (ac)	Water	Wastewater	Storm Drain	Paving	Earthwork	Landscape & Franchise	Amenity Center	Subtotal	Contingency, Fees & Bonds	Total Cost w/ Contingencies & Fees	Total Cost/lot
TOTAL	854	240.40	\$ 6,405,000	\$ 5,807,200	\$ 6,832,000	\$ 13,151,600	\$ 9,052,400	\$ 4,708,888	\$ 2,000,000	\$ 47,957,088	\$ 8,632,276	\$ 56,589,364	\$ 66,264

### PUBLIC CONSTRUCTION COST - MACRO INFRASTRUCTURE - OFFSITE

Infrastructure	Type	Length (ft)	Acreage (ac)	Water	Wastewater	Storm Drain	Paving	Earthwork	Landscape & Franchise	Amenity Center	Subtotal	Contingency, Fees & Bonds	Total Cost w/ Contingencies & Fees	Total Cost/Foot
Offsite Water Infrastructure	16" Water Main (inc. fittings, FH, Shuts, Testing, etc)	3,200	0.0	\$ 806,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 806,400	\$ 145,152.00	\$ 951,552	\$ 297
TOTAL		3,200	0.0	\$ 806,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 806,400	\$ 145,152	\$ 951,552	\$ 297

### TOTAL COSTS

	Units	Acreage (ac)	Water	Wastewater	Storm Drain	Paving	Earthwork	Landscape & Franchise	Amenity Center	Subtotal	Contingency, Fees & Bonds	Total Cost w/ Contingencies & Fees
TOTAL COSTS	854	343.0	\$7,211,400	\$5,807,200	\$6,832,000	\$13,151,600	\$9,052,400	\$4,708,888	\$2,000,000	\$48,763,488	\$8,777,428	\$57,540,916

#### Assumptions:

- The OPC was prepared based on conceptual layout by Bud Creative
- The Public Improvements detailed in this OPC include work within the existing and proposed public right-of-way. Private improvements include items related to individual lot (costs related to pad preparation for builder)
- The OPC was prepared without the benefit of an overall grading, utility, and drainage plans for a "high level" analysis of the site. The OPC should be updated as additional information and designs are available
- The OPC assumes that sufficient franchise services will be available to the subject property, and that no wastewater treatment plant, lift stations, or elevated water storage tank are included.

This Engineer's opinion of probable cost is made on the basis of the Engineer's experience and best judgment as a design professional. This opinion of probable cost does not include city fees, such as easement acquisition, permits, and application fees among others. It must be recognized that any evaluation of work to be performed to construct this project must be by necessity and is speculative in nature until completion of its actual detailed design. In addition the Engineer has no control over the cost of labor, materials or services to be furnished by others or over market conditions. Accordingly, F. H. Fowler & Millsap, LLC, cannot guarantee that actual costs will not vary from the opinions expressed herein.

(22)

## **Exhibit D**

### **Home Buyer Disclosure Program**

The Administrator (as defined in the Service and Assessment Plan) for the PID shall facilitate notice to prospective homebuyers in accordance with the following minimum requirements:

1. Require builders to include notice of the PID in accordance with Section 5.014 of the Texas Property Code.
2. Require signage indicating that the property for sale is located in a special assessment district and require that such signage be located in conspicuous places in all model homes.
3. Prepare and provide to builders an overview of the PID for those builders to include in each sales packets.
4. Notify builders who estimate monthly ownership costs of the requirement that they must disclose Assessments separately with estimated property taxes.
5. Notify settlement companies through the builders that they are required to include Assessments on HUD 1 forms and include separately with total estimated taxes for the purpose of setting up tax escrows.
6. Include notice of the PID in the homeowner association documents in conspicuous bold font.
7. The City will include announcements of the PID on the City's web site.