

# *A G E N D A*

The Waxahachie Planning & Zoning Commission will hold a regular meeting on ***Tuesday, October 13, 2020 at 7:00 p.m.*** in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

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

All matters listed under Item 5, 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 September 29, 2020
  - b. Minutes of the Planning and Zoning Commission briefing of September 29, 2020
6. ***Consider*** request by Tim Jackson, Texas Reality Capture & Surveying, LLC, for a **Plat** of D.V.D. Estates for one residential lot being 6.176 acres situated in the BBB & CRR Survey, Abstract 175 and the S. Wilson Survey, Abstract 1141 (Property ID 275526) in the Extra Territorial Jurisdiction – Owner: ROBERT CARLOS AND DENISSE MARTINEZ (SUB-112-2020)
7. ***Public Hearing*** on a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)

8. **Consider** recommendation of Zoning Change No. ZDC-126-2020
9. **Continue Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)
10. **Consider** recommendation of Zoning Change No. ZDC-117-2020
11. **Public Hearing** on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL(ZDC-124-2020)
12. **Consider** recommendation of Zoning Change No. ZDC-124-2020
13. Adjourn

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

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

***Notice of Potential Quorum***

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

Planning and Zoning Commission  
September 29, 2020

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, September 29, 2020 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
Tommy Ludwig, Assistant City Manager  
Lori Cartwright, City Secretary  
Mary Lou Shipley, Council Representative

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

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

3. **Public Comments**

None

4. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of September 15, 2020

**Action:**

*Mrs. Bonney Ramsey moved to approve item a. on the Consent Agenda. Mr. David Hudgins seconded, All Ayes.*

5. **Consider request by George Salvador, Lillian Custom Homes, for a Plat of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner: GEORGE SALVADOR, LILLIAN CUSTOM HOMES (SUB-121-2020)**

Planner Chris Webb reported all staff comments have been met and recommended approval.

**Action:**

*Mr. David Hudgins moved to approve a request by George Salvador, Lillian Custom Homes, for a Plat of Sunset Meadows for 73 residential lots being 83.645 acres situated in the Placidio Olivari Survey, Abstract 812 (Property ID 188593) in the Extra Territorial Jurisdiction – Owner:*

*GEORGE SALVADOR, LILLIAN CUSTOM HOMES (SUB-121-2020). Mrs. Betty Square Coleman seconded, All Ayes.*

6. **Consider request by Joshua Schulik, Peloton Land Solutions, for a Plat of Mark on Conquest Phase II for one lot being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: DWBI INVESTMENTS LLC (SUB-120-2020)**

Mr. Webb reported all staff comments were met and recommended approval.

**Action:**

*Mr. Jim Phillips moved to approve a request by Joshua Schulik, Peloton Land Solutions, for a Plat of Mark on Conquest Phase II for one lot being 10.407 acres situated in the W.C. Tunnell Survey, Abstract 1080 (Property ID 191628) – Owner: DWBI INVESTMENTS LLC (SUB-120-2020). Mr. Erik Test seconded, All Ayes.*

7. **Public Hearing on a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr. (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)**

Chairman Keeler opened the Public Hearing.

Senior Planner Colby Collins explained per the City of Waxahachie Zoning Ordinance, an accessory structure that exceeds 700 square feet requires a SUP to be approved by City Council. Staff recommended approval.

Applicant Jenny Wooten was available for questions.

There being no others to speak for or against ZDC-118-2020, Chairman Keeler closed the Public Hearing.

8. **Consider recommendation of Zoning Change No. ZDC-118-2020**

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr. (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020) subject to staff comments. Mr. Erik Test seconded, All Ayes.*

9. **Public Hearing on a request by Ian Deffebach for a Specific Use Permit (SUP) for for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the structure cannot be used as a dwelling and applicant will need to obtain a building permit from the City of Waxahachie Building Inspections department prior to construction of the proposed structure. Staff recommended approval.

Mr. Ian Deffebach, applicant, concurred with Mr. Collins that the structure will not be used as a dwelling.

There being no others to speak for or against ZDC-122-2020, Chairman Keeler closed the Public Hearing.

**10. Consider recommendation of Zoning Change No. ZDC-122-2020**

**Action:**

*Mr. David Hudgins moved to approve a request by Ian Deffebach for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020). Mrs. Betty Square Coleman seconded, All Ayes.*

**11. Public Hearing on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported during a recent health inspection, the city noticed the applicant did not have the required Planned Development approval to operate at no fault of the owner/applicant. The applicant has been in operation for over 20 years and is licensed and regulated by the Texas Department of Family and Protective Services. Mr. Collins stated the zoning change will bring the use in compliance with the city zoning requirements.

There being no others to speak for or against ZDC-114-2020, Chairman Keeler closed the Public Hearing.

**12. Consider recommendation of Zoning Change No. ZDC-114-2020**

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020) as presented. Mrs. Betty Square Coleman seconded, All Ayes.*

**13. Public Hearing on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported during a health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home at no fault of the owner/applicant. Mr. Collins stated the zoning change will bring the use in compliance with the city zoning requirements.

There being no others to speak for or against ZDC-109-2020, Chairman Keeler closed the Public Hearing.

**14. Consider recommendation of Zoning Change No. ZDC-109-2020**

**Action:**

*Mr. David Hudgins moved to approve a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020). Mrs. Betty Square Coleman seconded, All Ayes.*

**15. Public Hearing on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant is requesting to amend Ordinance No. 3061 to allow the addition of townhomes within the proposed residential development. Staff expressed concern regarding the location and aesthetic of the proposed townhomes and did not believe the proposed development is the best layout for the subject property.

Mr. Todd Wintters, applicant, Engineering Concept & Design, reviewed the proposed use. Staff concerns were the townhome design and the location of townhomes due to it being near the adjacent lake and suggested the applicant reevaluate the location of the proposed townhomes.

Mr. Chip Boyd, Engineer on the proposed development, 421 Century Way, Red Oak, Texas, spoke in favor of ZDC-119-2020.

There being no others to speak for or against ZDC-119-2020, Chairman Keeler closed the Public Hearing.

**16. Consider recommendation of Zoning Change No. ZDC-119-2020**

**Action:**

*Mr. Jim Phillips moved to deny a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla*

*Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020). Mrs. Bonney Ramsey seconded, All Ayes.*

- 17. Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)**

Chairman Keeler opened the Public Hearing.

Mr. Collins reported the applicant intends to create a Planned Development on 42.94 acres. The proposed use within the development will include townhomes, retail, commercial, and office. Staff believes the proposed development will be beneficial to the uses surrounding the subject property. Staff suggested the applicant revise the design of the proposed townhomes with additional facades or building elevations.

Mr. Muhammad Sherros, applicant, 3412 Ovilla Road, Ovilla, Texas, reported their plan is to put in the correct zoning to make it a master plan community and reviewed the design of the master plan community.

Mr. Collins stated, per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.

Mr. Chip Boyd, Engineer on the proposed development, 421 Century Way, Red Oak, Texas, spoke in favor of ZDC-117-2020.

- 18. Consider recommendation of Zoning Change No. ZDC-117-2020**

**Action:**

*Mr. Jim Phillips moved to continue a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020) to the Planning and Zoning meeting of October 13, 2020. Mrs. Betty Square Coleman seconded, All Ayes.*

- 19. Adjourn**

There being no further business, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

Planning and Zoning Commission  
September 29, 2020

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, September 29, 2020 at 6:15 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

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

Member Absent: Melissa Ballard, Vice Chairman

Others Present: Shon Brooks, Director of Planning  
Colby Collins, Senior Planner  
Chris Webb, Planner  
Macey Martinez, Graduate Engineer  
Tommy Ludwig, Assistant City Manager  
Lori Cartwright, City Secretary  
Mary Lou Shipley, Council Representative

**1. Call to Order**

Chairman Rick Keeler called the meeting to order.

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

Senior Planner Colby Collins and Planner Chris Webb reviewed the following cases:

- SUB-121-2020 – The applicant is requesting to plat for 73 residential lots being 83.645 acres located in the ETJ. Staff will recommend approval.
- SUB-120-2020 – The applicant is requesting to plat one (1) lot being 10.407 acres. Staff will recommend approval.
- ZDC-118-2020 – The applicant is requesting to construct an approximate 840 square foot carport structure in the rear of a single-family property. Staff will recommend approval.
- ZDC-122-2020 – The applicant is requesting to construct a 4,000 square foot accessory structure on the subject property. Staff will recommend approval.
- ZDC-114-2020 – The applicant is requesting approval to allow an existing Children's Montessori Center. Staff will recommend approval.
- ZDC-109-2020 – The applicant is requesting approval to allow an existing Family Home use. Staff will recommend approval.

(5b)

Planning and Zoning Commission

September 29, 2020

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- ZDC-119-2020 – The applicant is requesting to amend Ordinance No. 3061 to allow the addition of townhomes within the proposed residential development. Staff will recommend denial.
- ZDC-117-2020 – The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. Staff will recommend approval.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:56 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(6)

**Planning & Zoning Department**  
**Plat Staff Report**

**Case: SUB-112-2020**



**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020

**CAPTION**

Consider request by Roberto Martinez, for a Plat of D.V.D. Estates for one (1) residential lot being 6.176 acres situated in the BBB & CCR Survey, Abstract 175 and the S. Wilson Survey, Abstract 1141 (Property ID 275526) in the Extra Territorial Jurisdiction – Owner: Roberto Martinez (SUB-112-2020)

**APPLICANT REQUEST**

The applicant is requesting to plat of this property to create 1 residential lot within the City of Waxahachie Extra Territorial Jurisdiction.

**CASE INFORMATION**

*Applicant:* Roberto Martinez

*Property Owner(s):* Roberto Martinez

*Site Acreage:* 6.176 acres

*Number of Lots:* 1 lots

*Number of Dwelling Units:* 1 unit

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

*Adequate Public Facilities:* A water letter from Rockett SUD states that adequate domestic flow and adequate fire flow are available to this property.

**SUBJECT PROPERTY**

*General Location:* This lot makes up the eastern portion of a parcel that is adjacent to and east of 761 Youngblood Rd.

*Parcel ID Number(s):* 275526

*Current Zoning:* N/A (ETJ)

*Existing Use:* This site is undeveloped.

*Platting History:* The proposed lot is in the BBB & CCR Survey, Abstract 175 and the S. Wilson Survey, Abstract 1141.

*Site Aerial:*



**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:

- Disapproval
- Approval, as presented.
- Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Water Letter

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

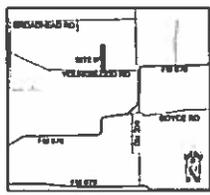
A plat shall not be filed with the Ellis County Clerk until:

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



OWNER'S CERTIFICATE	DATE
STATE OF TEXAS	10/01/2020
COUNTY OF ELLIS	10/01/2020

**NOTES**

BEARING BASE FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 42E2, NAD 83 PER GPS OBSERVATIONS

THE SUBJECT PROPERTY LIES WITHIN ZONE "T" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 8.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48120C0200F, DATED JUNE 2, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN

**OWNER'S CERTIFICATE**

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, ROBERT MARTINEZ AND DENISSE MARTINEZ ARE THE OWNER OF A TRACT OF LAND SITUATED IN THE 888 & CRR SURVEY, ABSTRACT NO. 175, AND THE S. WILSON SURVEY, ABSTRACT NO. 1141 IN ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROBERT MARTINEZ AND DENISSE MARTINEZ, RECORDED IN INSTRUMENT NO. 2017621, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL SET FOR THE SOUTHEAST CORNER OF SAID MARTINEZ TRACT, IN THE APPROXIMATE CENTERLINE OF YOUNGBLOOD ROAD (A VARIABLE WIDTH UNRECORDED RIGHT-OF-WAY);

THENCE S 89°45'27" W ALONG THE SOUTH LINE OF SAID MARTINEZ TRACT AND THE APPROXIMATE CENTERLINE OF SAID YOUNGBLOOD ROAD, A DISTANCE OF 130.00 FEET TO A NAIL SET FOR CORNER, FROM WHICH A NAIL SET FOR THE SOUTHEAST CORNER OF HIDDEN FALLS ADDITION, RECORDED IN CABINET 4, SLIDE 881, OPRECT, BEARS S 88°45'28" W A DISTANCE OF 486.07 FEET.

THENCE N 00°45'47" W OVER AND ACROSS SAID MARTINEZ TRACT, PASSING AT A DISTANCE OF 30.00 FEET A 84" IRON ROD WITH CAP STAMPED "TRXC3" SET FOR WITNESS, A TOTAL DISTANCE OF 1807.53 FEET TO A 84" IRON ROD WITH CAP STAMPED "TRXC3" SET FOR CORNER IN THE NORTH LINE OF SAID MARTINEZ TRACT AND THE COMMON SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO KAMAL Y. KAOUK, RECORDED IN VOLUME 2914, PAGE 1082, OPRECT, FROM WHICH A NAIL SET FOR THE NORTHEAST CORNER OF SAID HIDDEN FALLS ADDITION, BEARS S 88°38'14" W, A DISTANCE OF 488.06 FEET;

THENCE N 88°38'14" E, ALONG THE NORTH LINE OF SAID MARTINEZ TRACT AND THE COMMON SOUTH LINE OF SAID KAOUK TRACT, A DISTANCE OF 147.48 FEET TO A FENCE CORNER POST FOUND FOR THE NORTHEAST CORNER OF SAID MARTINEZ TRACT AND THE COMMON SOUTHEAST CORNER OF SAID KAOUK TRACT, IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ELLIS WALTER HERBERT ELD FAMILY TRUST, RECORDED IN VOLUME 3443, PAGE 674, BEING FURTHER DESCRIBED IN VOLUME 2120, PAGE 1274, OPRECT

THENCE S 07°52'37" E ALONG THE EAST LINE OF SAID MARTINEZ TRACT AND THE COMMON WEST LINE OF SAID HERBERT TRACT, PASSING AT A DISTANCE OF 1779.71 FEET A 54" IRON ROD WITH CAP STAMPED "TRXC3" SET FOR WITNESS, A TOTAL DISTANCE OF 1888.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.178 ACRES OF LAND MORE OR LESS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT ROBERT MARTINEZ AND DENISSE MARTINEZ, DO HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS (1) 1) EASEMENTS TO ELLIS COUNTY AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON, ROBERT MARTINEZ AND DENISSE MARTINEZ DO 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 MAINTENANCE OR REPAIR
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING 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'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 CHALLENGE 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 AT 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 PLATING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY, TEXAS

WITNESS MY HAND THIS 01 DAY OF October, 2020

BY: ROBERT MARTINEZ  
 DENISSE MARTINEZ

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 ROBERT MARTINEZ, 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 PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, 01 DAY OF October, 2020

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

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 DENISSE MARTINEZ, 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 PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, 01 DAY OF October, 2020

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, TIMOTHY L. JACKSON, PLS, HEREBY CERTIFY THAT THIS PLAT 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.

TIMOTHY L. JACKSON  
REGISTRATION NUMBER 5444

STATE OF TEXAS  
COUNTY OF ELLIS  
CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

FOOD LITTLE COUNTY JUDGE  
RANDY STROHM COMMISSIONER PRECINCT 1  
JANE GRAYSON COMMISSIONER PRECINCT 2  
PAUL PERMY COMMISSIONER PRECINCT 3  
KYLE BUTLER COMMISSIONER PRECINCT 4

CRYSTAL VALDEZ COUNTY CLERK

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

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

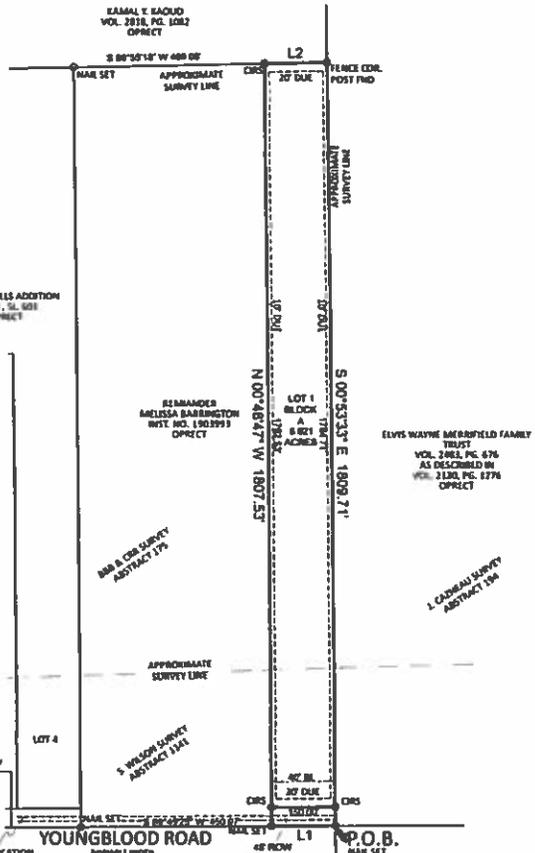
PLAT  
**D.V.D. ESTATES**

OWNER:  
ROBERT MARTINEZ AND DENISSE MARTINEZ  
238 HARNER DRIVE  
FELTOW, TX 75125  
214.278.3887  
ROBERMARTINEZ1@GMAIL.COM

SURVEYOR:  
TEXAS REALTY CAPTURE & SURVEYING, LLC  
P O BOX 232  
WAXAHACHE, TEXAS 75109  
689.519.8284  
TRIPLE FIRM NO 10194289

6.178 ACRES  
87.4750 ± IN THE  
888 & CRR SURVEY ABSTRACT NO. 175,  
AND THE  
S WILSON SURVEY ABSTRACT NO. 1141  
EJ CITY OF WAXAHACHE  
ELLIS COUNTY, TEXAS  
1 RESIDENTIAL LOTS  
CASE NO. SUB-112-2020

(6)



APPROXIMATE LOCATION OF HOLESETT SID EASEMENT INSTRUMENT NO. 5910295 OPRECT

LEGEND  
CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TRXC3" SET  
RFP = IRON ROD FOUND  
FND = FOUND  
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
U.E. = UTILITY EASEMENT  
B.L. = BUILDING LINE

(6)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Roberto Martinez Parcel ID #: \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

Contact Information:

Buena Vista-Bethel SUD (972) 937-1212  
Carroll Water Company (972) 617-0817  
Mountain Peak SUD (972) 775-3765  
Rockett SUD (972) 617-3524  
Sardis-Lone Elm WSC (972) 775-8566  
Nash Foreston WSC (972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. <u>900 gpm can be projected off the main</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>6</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Robert Woodall  
Print Name of General Manager of water provider or Designee

Rockett SUD  
Name of water provider company

Rob Woodall  
Signature of General Manager of water provider or Designee

8/13/20  
Date

# Planning & Zoning Department

## Zoning Staff Report



Case: ZDC-126-2020

**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020

*City Council:* October 19, 2020

**CAPTION**

Request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)

**APPLICANT REQUEST**

The applicant is requesting a zoning change from General Retail to Planned Development-General Retail to allow for a Convenience Store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages.

**CASE INFORMATION**

*Applicant:* Jaime Eagleson, Keller Williams

*Property Owner(s):* Marc Roux, Roux Properties, LLC

*Site Acreage:* 1.246 acres

*Current Zoning:* General Retail

*Requested Zoning:* Planned Development-General Retail

**SUBJECT PROPERTY**

*General Location:* 2760 Venture Way

*Parcel ID Number(s):* 273975

*Existing Use:* A general retail strip center has been built at 2761 Venture Way, while the subject site still remains under construction.

*Development History:* The Final Plat for North Grove Business, Phases 2 & 4 was approved by City Council on April 2, 2018. An SUP for a drive-through establishment (Bahama Bucks) located at 2761 Venture Way was approved by City Council on May 4, 2020.

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-GR	General Retail Strip Center
East	C	Restaurant
South	GR	Undeveloped
West	PD-GR	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:*

This property can be accessed via Venture Way, Corporate Pkwy, and the neighboring GR property located at 2801 N Hwy 77.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The purpose of this request is to allow a proposed convenience store (Candy Shack Daiquiris) with alcohol sales that will include drive-through sales of pre-packaged, sealed beverages. Per the City of Waxahachie Zoning Ordinance, a drive-through establishment requires an SUP. However, Sec. 7.12 of the City of Waxahachie Zoning Ordinance prohibits drive-through sales of pre-packaged, sealed beverages. Therefore a Planned Development will need to be approved by City Council to allow for this use.

**Proposed Use:**

The applicant is requesting approval to allow for a proposed convenience store use with alcohol sales and drive-through sales of prepackaged, sealed beverages within a retail strip center (North Grove Business Park), located along Venture Way and Corporate Pkwy. The proposed development, Candy Shack Daiquiris, will provide wine-based daiquiris, food, and non-alcoholic beverages such as soda and water. The daiquiris are often topped with candy and will be served in sizes ranging from small cups to sealed jugs available for purchase. There will be a kitchen installed so food can be prepared and provided to customers. Customers will also be able to enjoy food and drinks within the proposed daiquiri shop. Various table games will be available for customers' entertainment. The proposed alcohol to food percentage sales ratio will be eighty-five percent (85%) alcohol to fifteen percent (15%) food.

Per the Operational Plan, in addition to four owners, they plan to hire approximately 40 additional employees. The owners will be involved in day-to-day operations, but will also rely heavily on a Manager to be onsite at all times. Business hours will be:

- Monday – Thursday: 4pm – 11pm
- Friday – Saturday: 12pm – 12am
- Sunday: 12pm – 11pm

**Note:**

On December 16, 2019 an SUP for a daiquiri shop was approved for a suite located on the property adjacent to the north of the subject property. However, this location remains vacant as of the time of this staff report. Per Sec. 2 of the Compliance portion of Ordinance No. 3166, the Specific Use Permit is vacated and will require another SUP in order for a store of similar use to operate within those premises.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Site Plan
2. Operations Plan/Menu
3. Rendering

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

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

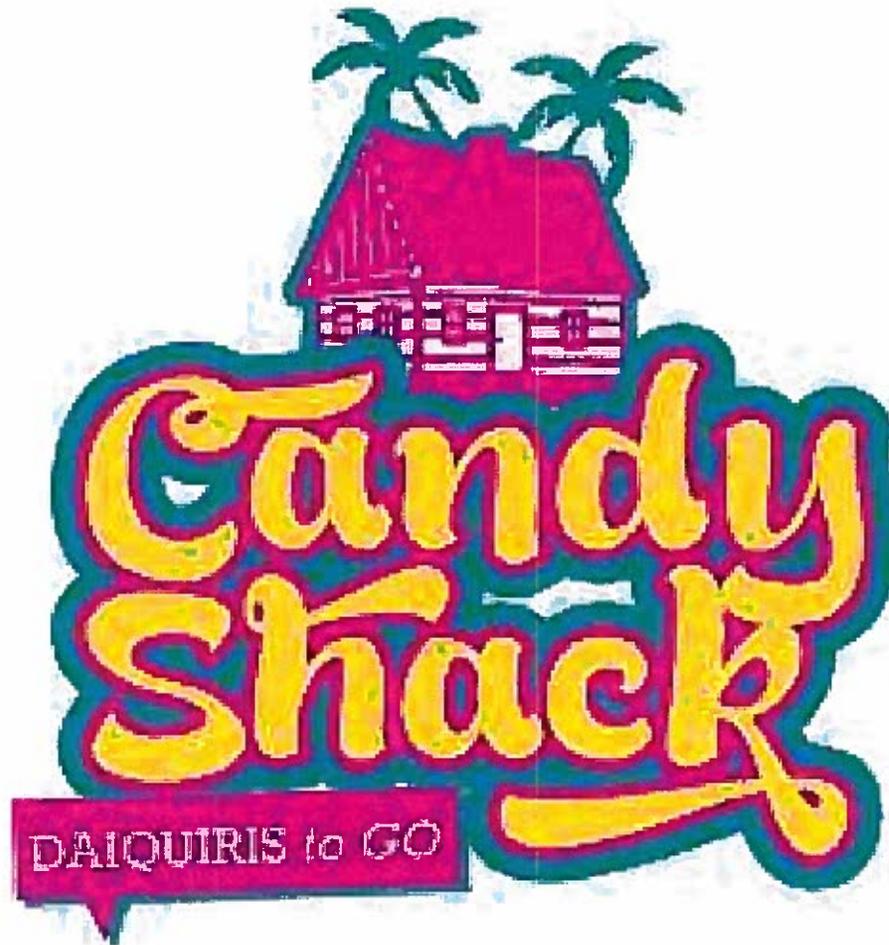
*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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





Daiquiris Done Different

Candy Shack Daiquiris has 5 locations in the Houston-area, and 1 Dallas-area location!

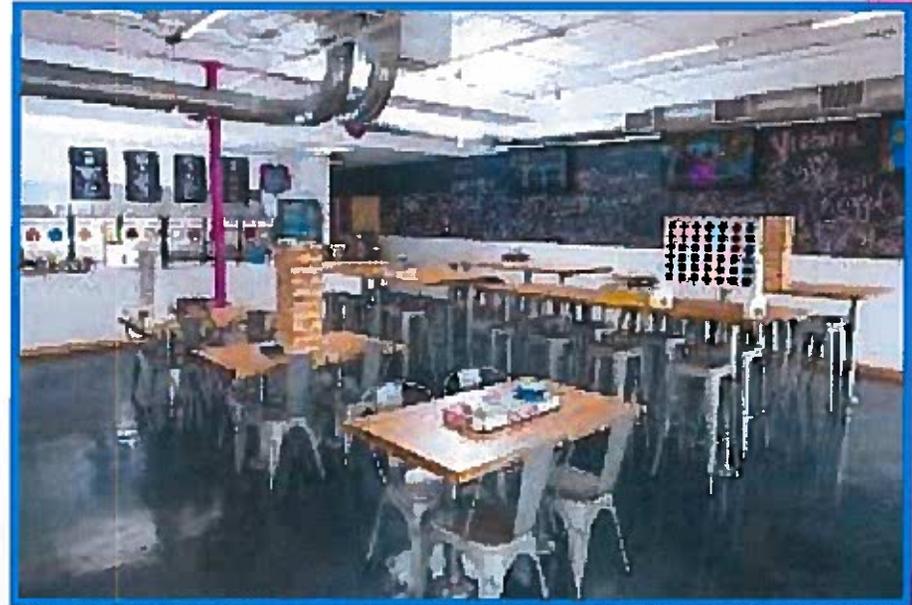
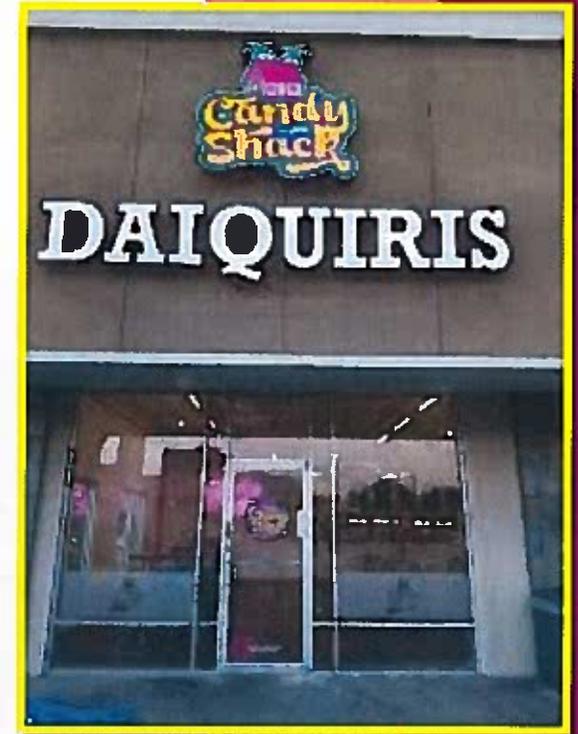
Often known for our candy toppings and gourmet look, Candy Shack still maintains the strong kick of a traditional New Orleans daiquiri but will be wine based.

While you're always free to take your drinks to go, Candy Shack provides a laid-back environment to enjoy games and good vibes, over drinks and our tasty bites.

We will host Sunday Funday festivities and a variety of kickbacks and events you won't want to miss!



# Design Concept



# Bio's

## Cody & Leann Herndon

- ▶ Cody has lived in the community since 1988, graduating high school from Waxahachie High in 1996. After living in different areas of the country, Cody, his wife LeAnn, and family returned to the community in 2014. Since, the Herndon's have invested nearly \$2M in the area's first Family Entertainment Venue, Urban Air Adventure Park in 2016. Cody has almost 20 years experience in leadership roles in Healthcare currently serving as VP of Sales at Philips Healthcare, an entrepreneurial spirit, and a passion for economic expansion of FUN in the Waxahachie community. LeAnn serves as COO of Urban Air and is a Registered Nurse.

## Bob & Lindsay Bruton

- ▶ Lindsay has lived in Waxahachie/Ellis Co. her whole life. She is a Waxahachie High School graduate and received her BBA in Business Management from the University of North Texas. She opened and worked at several local restaurants including Chili's and Buffalo Wild Wings. She worked at CNB of Texas for 11 years and was AVP when she switched from the lending side of real estate to the title side and has been an escrow officer for the last 5 years. She is one of the Board of Directors on the Waxahachie Chamber of Commerce, and highly involved in the community. Bob is a Texas Tech graduate with a BBA in Management Information Systems and currently a Special Projects Manager at CNB of Texas. They reside with their family in Waxahachie.

# Menu

Café Revenue is projected to be approximately 15% of sales



## CLASSIC FLAVORS

**VIRGIN FLAVOR**

**VICTORIA'S SECRET**

**TEXAS TEA**

**SUNRISE**

**PIÑA COLADA**

**ISLAND BREEZE**

**INCREDIBLE HULK**

**HURRICANE**

**FREESTYLE FLAVOR**

**CREAMY CRACK**

**BABY MAMA DRAMA**

**LETHAL WEAPON**

## MIXOLOGY

**CARAMEL APPLE**

Incredible Hulk w/ Caramel Syrup and Whipped Cream

**TRIPLE THREAT**

Hurricane + Incredible Hulk + Lethal Weapon

**COOKIES 'N CREAM**

Creamy Crack w/ Grec. Crumbles and Whipped Cream

**COFFEE ON CRACK**

Creamy Crack with Caramel and Chocolate Syrup, and whipped cream

**PEACHES 'N CREAM**

Creamy Crack w/ Peach Syrup and Whipped Cream

**PINK PANTIES**

Incredible Hulk and Victoria's Secret fusion.

**STRAWBERRY SHORTCAKE**

Creamy Crack + Victoria's Secret, with whipped cream

**BUTTERY HIPPLE**

Incredible Hulk + Creamy Crack, with Caramel Syrup

**SUNSET**

Sunrise and Hurricane

**TROPIC PASSION**

Victoria's Secret, Baby Mama Drama, Sunrise, Incredible Hulk and Lethal Weapon fusion.

**CAUTION**

All Beverages

## BITES

**\$6 - \$16**

**CATFISH & FISH + FRIES**

A Contribution of Our Jumbo Skrimp and Southern Style Catfish

**\$10**

**\$6 - \$16**

**CHICKEN STRIPS + FRIES**

Original recipe chicken strips served with Shack Sauce

**\$8**

**\$6 - \$16**

**CHICKEN + WAFFLES**

Served with our homemade spicy syrup

**\$10**

**\$6 - \$16**

**CHICKEN SLIDERS**

Served on Sweet Hawaiian Bread with homemade pickles & Sriracha Mayo

**\$10**

**\$6 - \$16**

**CHICKEN WINGS + FRIES**

Sauce 'em up. Your choice of Honey BBQ, Hot Mango, Habanero, or Sweet Teriyaki flavors.

**\$8**

**\$6 - \$16**

**CATFISH + FRIES**

Southern Style Catfish Fried (Golden Brown with a Hint of Lemon)

**\$10**

**\$6 - \$16**

**SHRIMP + FRIES**

Five Jumbo Shrimp Battered With Our Original Seafood Recipe

**\$10**

**\$6 - \$16**

**FISH TACOS**

Served on Flour Tortillas with our homemade pineapple salsa w/

**\$10**

**\$6 - \$16**

**SOUTHWEST CHICKEN EGGROLLS**

Served with jalapeño ranch dressing.

**\$8**

**\$6 - \$16**

**MEXICAN STREET CORN**

Grilled corn served with crema, queso fresco and Elote seasoning.

**\$7**

**\$6 - \$16**

**CHEESY BITES**

Chunks of Cheese with a delicious spicy batter

**\$8**

**\$6 - \$16**

**FRENCH FRIES**

**\$3**

**\$6 - \$16**

**\$6 - \$16**

## DRINKS

**\$6 - \$16**

**SODA POP**

**\$3**

**\$6 - \$16**

**BOTTLED WATER**

**\$2**



**Planning & Zoning Department**  
**Zoning Staff Report**

**Case: ZDC-117-2020**



**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020 (continued from September 29, 2020 PZ meeting)

*City Council:* October 19, 2020

**CAPTION**

**Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1, Commercial, and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)

**APPLICANT REQUEST**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

**CASE INFORMATION**

*Applicant:* Remington Wheat, Bannister Engineering, LLC  
*Property Owner(s):* Saldena Properties, LP, DMJ Properties, LTD, and First Citizens Bank  
*Site Acreage:* 42.94 acres  
*Current Zoning:* Light Industrial-1, Heavy Industrial, and Commercial  
*Requested Zoning:* Planned Development-General Retail and Planned Development-Multi Family-2

**SUBJECT PROPERTY**

*General Location:* SW corner of Butcher Rd. and U.S. Highway 77  
*Parcel ID Number(s):* 189377, 189370, and 239005  
*Existing Use:* Currently Undeveloped  
*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	L11	Life High School
East	C	Exxon Gas Station
South	PD-GR & C	North Grove Business Park
West	HI	ABC Supply Co., Inc.

*Future Land Use Plan:*

Commercial and Heavy Industrial

*Comprehensive Plan:*

Commercial areas are intended for establishments that provide services to customers. Examples include car dealerships, self-storage businesses, and repair shops. Such uses are generally not significant contributors to a municipality's tax revenue, and, by their nature, commercial businesses can detract from positive aesthetics. Primarily for these reasons, commercial uses have generally only been recommended in locations consistent with where such uses currently exist.

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

*Thoroughfare Plan:*

The subject property is accessible via Butcher Rd. and U.S. Highway 77. The subject property will also be accessible via future roadways of Ali Dr., Venture Way, and Dena Dr.

*Site Image:*



**PLANNING ANALYSIS****Purpose of Request:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

**Proposed Use:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres, located along Butcher Rd. and U.S. Highway 77. Proposed uses within the development will include townhomes, retail, commercial, and office.

Note: The proposed Taco Bell and Car Wash (drive-thru uses) for the development shall be allowed by right per the Planned Development. Any other use within the development that proposes a drive-thru shall require a Specific Use Permit. Also, the 2.71 acres reserved for restaurant/retail in the southeast corner of the development shall be reserved for sit down dining only.

**CHANGES FROM THE 9/29/2020 PZ MEETING**

- Alleys have been added within the townhome portion of the development.
  - o The majority of the lots, 83 units (58%) shall feature alley-entry garages, and 60 units (42%) shall feature front entry garages.
- Townhome minimum lot size is 2,240 sq. ft. (Originally 2,520 sq. ft.)
- Townhome maximum lot coverage increased to 80%. (Originally 75%)
- Townhome roof pitch minimum of 4:12 (Originally 6:12)
- Minimum front setback shall be 7ft. for rear entry townhome lots (Originally no rear entry lots)
- Minimum 7ft. rear setback for front entry townhome lots (Originally 20ft.)
- Revised townhome renderings

**Staff Analysis:**

Staff believes that the proposed development will be beneficial to the uses surrounding the subject property. Due to Victron Park proposing uses such as retail, commercial, office, and townhomes, the development will help compliment the adjacent development, North Grove Business Park, which also consist of similar uses.

If the proposed development is approved, the development will be consistent with the envisioned character for the surrounding area. Furthermore, staff believes the development has the potential to continue to create positive change to the surrounding area.

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

- Walking Trail
- Amenity Ponds
  - One pond includes an observation deck behind a restaurant and retail building

**Conformance with the Comprehensive Plan:**

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

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

**Development Standards:**

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

Permitted Uses:

- Townhomes
- Office
- Retail
- Car Wash (Typically requires SUP. Permitted by right with the approval of this PD)

**SPECIAL EXCEPTION/VARIANCE REQUEST:**

**General Retail**

**Lot Depth**

The minimum lot depth requirement is 100ft.

- The applicant is proposing a minimum lot depth requirement of 90ft.

**Front Yard Setback**

The minimum front yard setback requirement is 40ft.

- The applicant is proposing a minimum front yard setback of 10ft.

**Side Yard Setback**

The minimum side yard setback requirement is 15ft. (20ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 10ft.

**Rear Yard Setback**

The minimum rear yard setback is 20ft. (25ft. adjacent to residential)

- The applicant is proposing a minimum rear yard setback of 15ft. (20ft. adjacent to residential)

**Lot Coverage**

The maximum lot coverage allowed is 40%.

- The applicant is proposing a maximum lot coverage of 50%.

**Alcohol Sales**

Per the Texas Alcoholic Beverage Code (TABC), alcohol sales are not permitted within 300ft. of a church, public or private school, or public hospital.

- The applicant is requesting a variance request to allow for retail/commercial sites within the development to sell alcohol.
  - Note: Per Ordinance 2500, Section 4-3(D) (Alcoholic Beverage Sales) states "The city council may allow variances to the regulation if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community."

**Dumpster location**

Dumpsters are not permitted within a building setback.

- The applicant is requesting two dumpsters to be located within the building setback.

Dumpsters shall not be accessible from a street ROW.

- The applicant is requesting one dumpster with access from a street ROW.

**Townhome Area**

The minimum lot size requirement is 3,630 sq. ft.

- The applicant is proposing a minimum lot size of 2,240 sq. ft.

**Lot Coverage**

The maximum lot coverage allowed is 50%.

- The applicant is proposing a maximum lot coverage of 80%.

**Front Setback**

The minimum front setback requirement is 15ft.

- The applicant is proposing a minimum front setback of 7ft. for rear entry townhome lots

**Rear Setback**

The minimum rear setback requirement is 10ft.

- The applicant is proposing a minimum rear setback of 7ft. for front entry townhome lots

**Roof Pitch**

The minimum roof pitch requirement is 7:12

- The applicant is proposing a minimum roof pitch of 4:12.

**Right-of-Way**

The minimum ROW requirement is 54ft.

- The applicant is proposing a 50 ft. ROW for all townhome streets opposed to the required 54 ft. ROW.

**Monument Sign**

The maximum height allowed for a multi-tenant monument sign is 10ft.

- The applicant is proposing a 38ft. multi-tenant monument sign at the corner of Butcher and US 77
  - Note: The development will consist of four monument signs. Three of four signs are proposed to meet the City of Waxahachie Zoning Ordinance.

**STAFF CONCERNS**

1. **Sidewalks**

The current Site Plan does not depict any proposed sidewalks along Butcher Rd. and/or US 77.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant understands staff's concerns and intends to state their reasoning at the October 13, 2020 Planning and Zoning meeting.

**PUBLIC NOTIFICATIONS**

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

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.

**ATTACHED EXHIBITS**

1. Planned Development Provisions
2. Concept Plan
3. Townhome Renderings
4. Sign Rendering

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

**VICTRON PARK  
PLANNED DEVELOPMENT – EXHIBIT “B”**

**OVERALL DEVELOPMENT**

1. Amenities The development shall provide ponds with fountains and pedestrian access within the overall development.

**GENERAL RETAIL AREA**

2. The zoning for this 26.509 acre portion of the subject property shall be Planned Development (PD) with a base zoning for General Retail (GR) uses, as per requirements of Section 3.16 of the Zoning Ordinance.
3. The general Retail (GR) Zoning District is intended predominately for general retail, and certain light commercial uses of a service nature which typically have operating characteristics of traffic service requirements generally compatible with typical office, retail, and shopping.
4. Excluded Uses: No permanent use of temporary buildings. Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering station, garage-private, Philanthropic institution (other than listed), Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals
5. Building Height: Maximum 2-stories.
6. Lot Size: Minimum Lot area of 7,000 square feet.
7. Lot Width: Minimum Lot width of 60 feet.
8. Lot Depth: Minimum depth of 90 feet.
9. Front Yard: Minimum front yard of 10 feet.
10. Side Yard: Minimum side yard of 10 feet.

(9)

11. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
12. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
13. Lot Coverage: Maximum Lot coverage of 50%.
14. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
15. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
16. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.
17. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from view of the public right-of-way adjacent to residential and/or retails areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.
18. Variance Request for commercial pad sites along Butcher Road to be permitted for alcohol sales.
19. Variance Request for two dumpsters located within the building setback.

#### TOWNHOME AREA

1. The zoning for this 15.149 acre portion of the subject property shall be Planned Development (PD) for a Town Home use, with a Development Plan.
2. Excluded Uses: Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering

station, garage-private, Assisted living facility, Philanthropic institution, Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals

3. Thirty six (36) total residential buildings: Thirty five (35) buildings are proposed with four units and one (1) buildings are proposed with three units.
4. The development shall provide 143 single family attached residential units. The majority of the lots, 83 units (58%) shall feature alley-entry garages and 60 units (42%) shall feature front entry garages.
5. Lot Size
  - a. The minimum lot size is 2,240 square feet.
6. Lot Coverage
  - a. The maximum lot coverage shall be 80 percent
7. Perimeter Streetscape
  - a. The perimeter screening wall and landscaping for the entire subdivision shall be completed before any certificate of occupancy is issued.
  - b. Entry features shall be included with the installation of masonry entry signs with landscaping along Dena Drive, as shown on the landscape plan.
8. Interior Streetscape
  - a. A landscaped buffer area at least five feet wide shall be provided between the sidewalk and the back of curb.
  - b. Ornamental streetlights shall be used.
9. Landscape and Open Space
  - a. Each residential lot shall have one (1) ornamental tree in the front yard.
  - b. Open space or "X" lots shall be landscaped to include the following elements; shade trees or ornamental trees, pedestrian access and park benches. Additional items may include landscape planting beds, decorative lighting, water fountains, gazebo or outdoor arbor structure with seating,

outdoor community gathering spaces and passive play areas.

- c. A masonry entry feature with planter beds including shrubs and ground cover beds shall be provided at the corners of the main entrance at Dena Drive.

10. Masonry requirements: All Townhome portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.

11. Fencing

- a. A minimum six-foot tall masonry screening fence shall be installed along the south, west and north boundary of the townhome development area.

12. Building Design

- a. Cementitious fiberboard will be limited to exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.
- b. Homes shall have a minimum of 4:12 roof pitch.

13. Parking Requirements

2 spaces behind front building line, with minimum 1 space enclosed for the front entry lots and a minimum 1 space enclosed for the rear entry lots.

14. Additional Features

- a. Minimum street-front setback shall be 7 feet for the rear entry lots and 20 feet for the front entry lots.
- b. Minimum rear setback shall be 10 feet for the rear entry lots and 7 feet for the front entry lots.
- c. Minimum interior side setback adjacent to single family shall be 5 feet.
- d. After at least every 30 feet of frontage, all facades shall incorporate wall offsets that have a differential in horizontal plan of at least one foot.

(9)

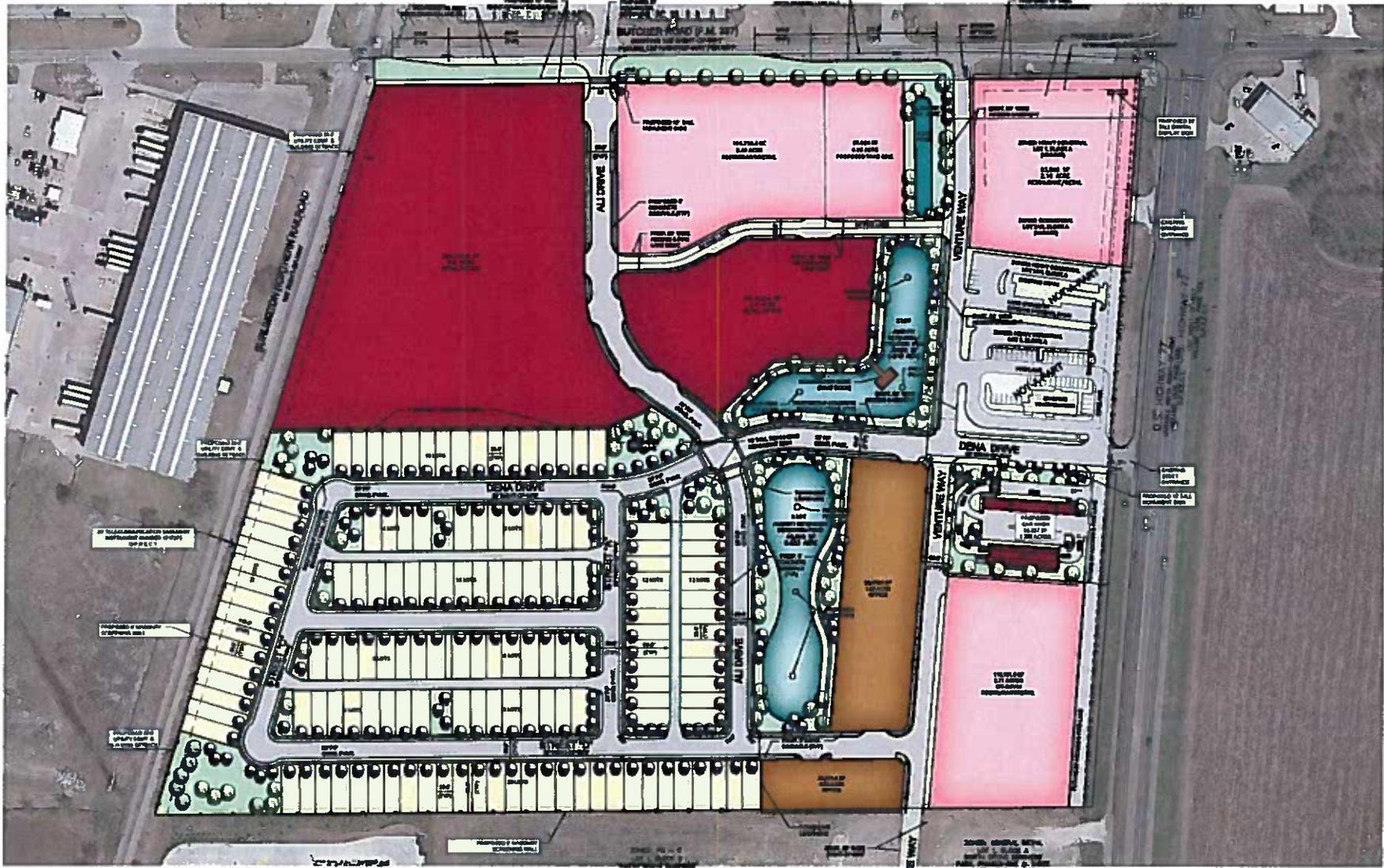
- e. The development shall provide a playscape and dog park.
15. Use and development of the property must comply with the attached development plan.
16. Variance Request for a 50-foot right-of-way in lieu of a 54-foot right-of-way.
17. HOA shall maintain open space lots.

### **CAR WASH SITE**

1. The zoning for this 1.282 acre portion of the subject property shall be Planned Development (PD) for a Car Wash use, with a Development Plan.
2. Building Height: Maximum 2-stories.
3. Lot Size: Minimum Lot area of 7,000 square feet.
4. Lot Width: Minimum Lot width of 60 feet.
5. Lot Depth: Minimum depth of 90 feet.
6. Front Yard: Minimum front yard of 10 feet.
7. Side Yard: Minimum side yard of 10 feet.
8. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
9. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
10. Lot Coverage: Maximum Lot coverage of 50%.
11. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
12. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
13. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.

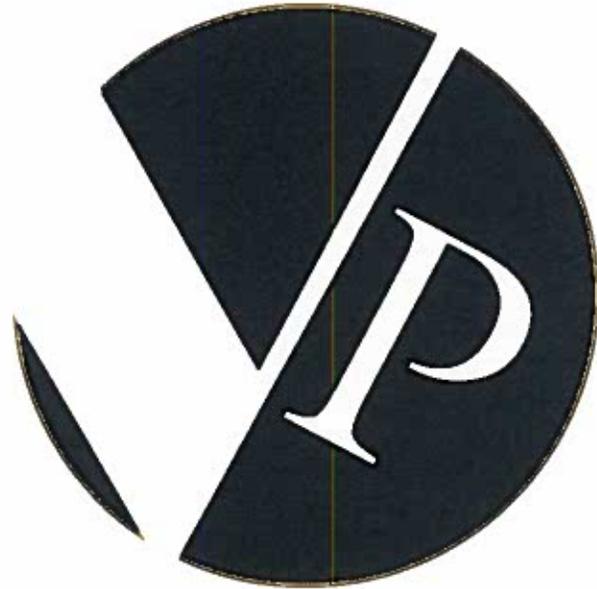
(9)

14. In the event of a conflict between the provisions in the Exhibit B and any other exhibits to this ordinance the provisions of Exhibit B control.
15. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from view of the public right-of-way adjacent to residential and/or retail areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.
16. Variance Request one dumpster with access from a street right-of-way.



(b)





THE SHOPS AT VICTRON PARK  
T O W N H O M E S

(b)



THE SHOPS AT VICTRON PARK  
TOWNHOMES

# OPTION 2B

(b)



ELEVATION | OPTION 2.B



IMAGERY | OPTION 2.B

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IMAGERY | OPTION 2.B



THE SHOPS AT VICTRON PARK  
TOWNHOMES

OPTION 2C

(9)



ELEVATION | OPTION 2.C



IMAGERY | OPTION 2.C



IMAGERY | OPTION 2.C



THE SHOPPES AT VICTRON PARK

VP  
THE SHOPPES AT VICTRON PARK

DUNKIN'

Denny's

Al Dente's

VAUGHN

Margareta	DEBAR
PROQUET-ALYES	OKOOP/007
ENGLISH-I	
MICHAEL VICK	PARTRIDGE

-  300 SF
-  90 SF
-  70 SF

-  100 SF
-  40 SF
-  143 SF

-  N/A
-  40 SF
-  190 SF

(b)

SIGNAGE ELEVATION - MONUMENT

© 2010 MERRIMAN ARCHITECTURAL ASSOCIATES, INC.

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-124-2020



### MEETING DATE(S)

*Planning & Zoning Commission:* October 13, 2020

*City Council:* October 19, 2020

### CAPTION

**Public Hearing** on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL(ZDC-124-2020)

### APPLICANT REQUEST

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.

### CASE INFORMATION

*Applicant:* Jim Knight, KFM Engineering

*Property Owner(s):* Faye Moseley and Bobby Lide

*Site Acreage:* 124.92 acres

*Current Zoning:* Commercial and Planned Development-41-Commercial

*Requested Zoning:* Planned Development-Mixed Use Non Residential

### SUBJECT PROPERTY

*General Location:* Southwest corner of IH-35 and US Highway 287

*Parcel ID Number(s):* 180322, 180349, and 189254

*Existing Use:* Currently Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	N/A	US Highway Business 287
East	N/A	Interstate Highway 35
South	C & GR	Vacant Land & Single Family Residences
West	C & GR	Single Family Residences

*Future Land Use Plan:*

Mixed Use Nonresidential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The subject property is accessible via SW corner of I-35 and Highway 287.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.

**Proposed Use:**

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres, located along Southwest corner of IH-35 and US Highway 287. The development intends to provide uses such as a large corporate campus consisting of logistics, warehouse, and last mile delivery uses. The development will also include retail, restaurant, and a multi family site to support the needs of the anticipated corporate campus users, as well as the community in general.

A system of roadways, utility, drainage, and pedestrian improvements will be proposed within the development. In addition, right-of-way (ROW) for a proposed 80 ft. roadway system will be dedicated to the City of Waxahachie for a future transportation improvement as part of the City's Thoroughfare Improvement Plan. This future roadway would connect a future bridge over IH-35 west to Waxahachie High School, and serve as a traffic collector connecting the east side of IH-35, over Ovilla Road to the high school.

If approved, the project phases will be the following:

Phase I - Infrastructure/Roadway/Utilities – Design and Construction (12-24 months)

Phase II – Corporate Logistics Campus (permitting/construction could overlap with Phase I).

Note: Retail/Commercial/MF – to be determined. (200,000 sf of Commercial Buildings must be permitted prior to MF being approved for permit.)

#### Planned Development Notes

- A. Pedestrian sidewalk/trail system to connect commercial, residential, and logistics campus. In addition, ability to connect to future city developments surrounding project.
- B. The developer will establish 25 ft. of undisturbed natural buffer between Ovilla Road boundary owners and logistics campus. In addition, an additional 25 ft. building and parking setback will be provided to create a 50 ft. buffer. Only encroachments allowed would be utility connections, pedestrian paths, and future city roadway projects. Site grading/retaining walls would be allowed within the 25 ft. building/parking setback.
- C. 1.3 +/- acre parcel to be dedicated to the City for future park use. This land will be donated at the time of platting for the Logistics parcel. City of Waxahachie will be responsible for planning/developing this park's improvements. Developer will be responsible to maintain the undeveloped park dedication area, keeping it mowed, free of trash/debris and generally clean until the City programs and constructs improvements thereon. Once the City has permitted improvements, the maintenance responsibility will transfer to the City.
- D. The maximum height for the Corporate Campus users will be 120 ft. (four stories), Retail (two stories), Hospitality (five stories), Multi-Family (three stories).
- E. 150 ft. building buffer from Multi Family zoning to the adjacent Ovilla Road neighbors. Multi Family amenities includes (*but not limited to*) dog parks, playground, fitness room, etc.
- F. 90% of multi family apartment dwelling units shall be 2 bedrooms or less.
- G. Applicant agrees that no site development permit for the Multi Family portion of this project can be issued until the project infrastructure has been permitted and construction has commenced. In addition, the initial 200,000 sf of Commercial building must be permitted. The Multi Family application can be submitted and processed, but no site development permit issued until these conditions have been complied with.

Staff Analysis:

Staff believes that the proposed mixed use development will be a beneficial development to the city. By approving the proposed development, it would allow the applicant to deliver a unique, high quality, community-benefitting project to serve the City. The proposed development is also consistent with the infrastructure support already in place for the land, and provides the home for proposed corporate users and support facilities within the property boundaries.

If the proposed development is approved, the development will be consistent with the Future Land Use Plan (FLUP), as well as the envisioned character for the surrounding area.

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

- Park dedicated to the City of Waxahachie (1.3 acres)
- Enhanced Landscaping

Conformance with the Comprehensive Plan:

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

- Growth Strategies – Goal 2: Encourage a balance of land uses to serve the needs of citizens and to ensure a diverse economic base.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Development Standards:

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

## Permitted Uses:

- Industrial Data Center
- Multi Family
- Retail
- Commercial
- Hotel

SPECIAL EXCEPTION/VARIANCE REQUEST:Density

The maximum density allowed is 18 dwelling units per acre.

- The applicant is requesting 24 dwelling units per acre.

Roof Pitch

The minimum roof pitch for multi family is 7:12.

- The applicant is proposing a minimum roof pitch of 5:12.

Maximum Unit Count

The maximum unit count allowed is 259 units (18 dwelling units per acre).

- Due to the applicant proposing 24 dwelling units per acre, the applicant will exceed the maximum allowed 259 units. Staff suggests that the applicant not exceed 346 dwelling units.

**Garages**

A minimum of 50% attached garages are required for the multi family development.

- The applicant is proposing a minimum of 30% attached garages.
  - Note: The applicant intends to provide carports for the multi family development to make up the remaining 20% difference for the required attached garages.

**Hotel**

The maximum height allowed for hotel is 3 stories.

- The applicant is proposing a maximum height of 5 stories.

**Submittal Deadlines**

Detailed site plan submittals have a 1 year deadline.

- The applicant is proposing the deadline be extended from 1 -year to 3-years.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 23 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.
  2. The maximum apartment dwelling unit count shall not exceed 346 units.

**ATTACHED EXHIBITS**

1. Planned Development Provisions
2. Site Layout Exhibits

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



Please find the attached Planned Development Regulations for the proposed Waxahachie Logistics Campus. We are hopeful this information will allow your staff a proper review and hopeful approval of this proposed rezoning.

#### **Development Notes**

Please see below a list of project commitments to create a quality development.

- a. Pedestrian sidewalk/trail system to connect commercial, residential and logistics campuses. In addition, ability to connect to future city developments surrounding project.
- b. 25' undisturbed natural buffer between Ovilla Road boundary owners and logistics campus. In addition, an additional 25' building and parking setback will be provided to create a 50' buffer. Only encroachments allowed would be utility connections, pedestrian paths and future City roadway projects. Site grading/retaining walls would be allowed within the 25' building/parking setback.
- c. 1.3 +/- acre parcel to be dedicated to the City for future park. This land will be donated at the time of platting for the Logistics parcel. City of Waxahachie will be responsible for planning/developing this park's improvements. Developer will be responsible to maintain the undeveloped park dedication area, keeping it mowed, free of trash/debris and generally clean until the City programs and constructs improvements thereon. Once the City has permitted improvements, the maintenance responsibility will transfer to the City.
- d. 150' building buffer from MF to Ovilla Road neighbors. MF amenities, dog parks, playground, etc. is allowed in this area. This area is for MF user only.
- e. Applicant agrees no site development permit for the MF portion of this project can be issued until the Phase I Project Infrastructure has been permitted and construction has commenced. Phase I Infrastructure consists of the proposed Public Road connection from US-287 frontage road, through the site, with connection to IH-35 frontage road, as shown on zoning exhibits. Phase I also includes utility improvements, as shown on zoning exhibits, to serve the proposed development.
- f. In addition, the initial 200,000 sf of Commercial building sf must be permitted for construction. This Commercial requirement can be met through permitting of any individual site or combination of Retail, Commercial, Industrial or Logistics Campus. The MF application can be submitted and processed, but no

site development permit issued until these conditions have been complied with.

**Supplemental Architectural/Design Standards**

**LOGISTICS (Warehousing/Distribution)**

**Building Height (max.):**

Warehouse: 65' measured at grade.

Office: 2-Story and 40' above finished grade (except for any mechanical rooftop screening)

**Parking Requirements:**

Warehouse: One space per 1,000 sf up to 20,000 sf and one space per 4,000 sf thereafter.

Office: One space per 300 sf

**Dock Locations:**

Loading docks shall not face a public street or residentially zoned property except as provided under truck dock screening exception.

Corporate Logistics Tract will not be allowed to have truck docks within 300 feet of US 287 or IH-35. This distance will be a minimum and is the length of a football field (100 yards). Additionally, any truck docks on the remainder of the site must be screened per the language provided in the zoning case.

**Main Façade:** (Exterior building sides which face a public street or residentially zoned property)

**Main Façade Elements**

Two masonry accent materials which comprise 50% of the vertical surface area of the facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete with minimum 2" reveals or portland cement plaster (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.

Glass curtainwall or storefront of a minimum of 40% of the wall surface in which it resides, for 10% of the length of the façade. Articulation of at least two separate areas of both horizontal and vertical offsets of a minimum of 5% of the building height, for a cumulative total of 30% of the building length.

**Secondary Façade:** (Exterior building sides not defined as main façades)**Secondary Façade Elements**

Masonry accent or accent color comprising 10%-25% of the area of the façade.

Articulation with at least two separate areas of vertical offset at a dimension of at least 5% of building height with a cumulative length of 15% of the overall building length and 2 areas of horizontal offset with a dimension of at least 1 .5% of building height with a cumulative length of 10% of the overall building length.

**Truck Dock Screening:**

For dock walls that run generally parallel to the property line of a residentially zoned lot or a public ROW, screening shall consist of 8' high masonry wall of material and construction complimentary to the primary building or an 8' tall living wall or screen and 1 row of evergreen trees spaced 30' on center (min. 3" caliper).

Dock walls that run generally perpendicular to the property line shall be screened by a 12' high (as measured from the finish floor) masonry wing wall extending from the building a minimum length of 50'. The wall shall be of the same material and construction as the building and shall have a design consistent with that of the building.

Dock walls shall be allowed to face a public street or residentially zoned property and can also be considered a Secondary Façade when screened with a 14' tall solid screen of either a berm, living screen, masonry wall or a combination thereof. If masonry screen wall is provided it shall also have 1 row of evergreen trees spaced 30' on center (min. 3" caliper).

**Parking lot screening:**

All parking areas facing a public street, private drive or a residential zoned lot shall be screened with a 36" tall solid screen of either a berm, living screen, masonry wall or a combination thereof.

**MULTI-FAMILY****BUILDING**

1. **General Design Intent:** In order to provide a level or architectural variety and avoid visual monotony and repetition, dwelling buildings must be designed to create an integrated and aesthetically engaging community. This variation can be achieved through careful design and use of a range of architectural and design techniques, including but not limited to, the following:

Attentional to building mass, shape, and scale.

Variation amongst building facades, through articulation, fenestration, and entry treatments.

Use of roof design and details to articulate structures and accent features;

Use of exterior materials, patterns, colors, and textures to create community theme, enhance visual variety, and add fine details to structures.

2. Facade Modulation: Unarticulated, monolithic, or broad-flat walls must not exceed thirty feet in length. Acceptable techniques to achieving façade modulation include, but are not limited to, the following and a combination of the following:

Recessing or protruding a portion of the façade vertically or horizontally with at least two feet for each offset.

Articulating offsets with architectural elements like porches, balconies, bay windows, covered entries, or other features; and,

Articulating the roof line by stepping the roof and by emphasizing dormers, chimneys, and other features.

Pitched roofs along the primary roof (long axis of the building) shall have a minimum roof pitch of 5:12. Cross pitched roofs (perpendicular to the primary roof pitch), including gables, hips and dormers shall have a minimum roof pitch of 7:12.

#### **DWELLING UNIT MIX**

- i. The maximum number of dwelling units containing three or more bedrooms shall be limited to not more than ten percent of the total number of units provided in the development.

#### **PARKING**

- i. Required Parking: Must comply with Section 502 of the Waxahachie Zoning Ordinance.
- ii. Covered Parking: A minimum of fifty percent of the required parking spaces for a multifamily development must be contained in either an enclosed garage, attached to the dwelling building, or a detached multi-car covered parking structure, stand-alone garage unit or carport ("Enclosed Garage" or "Carport"). A minimum of thirty percent of the dwelling units must be provided with an enclosed garage attached to the dwelling building where the dwelling unit is located. The remaining covered parking structures

must be located near the building serviced and shall contain no more than ten covered spaces in a continuous row, or twenty spaces if configured back-to-back.

- iii. Tandem Parking Spaces: (i.e. one parking space located behind an enclosed garage) shall be allowed and considered in the calculation of the required parking.

#### **MF Amenities**

- a. Resort styled pool will be provided.
- b. Fitness facility will be provided.

#### **Phasing**

The project phases will be the following:

- A. Phase I - Infrastructure/Roadway/Utilities – Design and Construction of public roadway connecting US-287 and IH-35 frontage roads and utilities to serve parcels. (12-24 months), as shown on zoning exhibits.
- B. Phase II – Corporate Logistics Campus (permitting/construction could overlap with Phase I).
- C. Retail/Commercial/MF – to be determined. (200,000 sf of Commercial Buildings must be permitted prior to MF being approved for permit.)

#### **Code Exceptions/Variances:**

- a. Campus wide and Multi-Family Open Space/Park requirements: The dedication of the 1.3 +/- acre park, 150' amenity/setback area, Campus pedestrian trail system and on-site pool/playground will meet the full requirements of the City park requirements. No other land areas, or improvements will be required to meet this code requirement.
- b. Multi-Family density will be allowed to a maximum 24 units per acre for the gross tract area.
- c. Site Design standards for MUNR will be allow for each use as proposed, with these exceptions.
  - i. Min. DUA will be per MF-2 standards.
  - ii. MF parking would be allowed per Architectural/Design standards listed above.
  - iii. Hotel height would be allowed at 5 stories.
  - iv. Commercial/Retail would be allowed at 2 stories.
- g. Landscape requirements for parking areas/lots: Land areas within dedicated public park, 150' multi-family tract, creek preservation area and pedestrian trail can be used to comply with min. sf of parking island/landscaping in parking areas.

- h. Street trees and buffer planting will be credited against on-site landscaping requirements.
- i. Architectural/Design standards as listed above will govern all design standards for each use. This includes vertical and horizontal articulation guidelines, parking, etc. Detailed site plan submittal deadlines will be extended from 1 - year to 3-years.
- j. The following uses will be allowed per this PD zoning without a Special Use Permit (Light Manufacturing, Heavy Manufacturing (indoor), Micro-Brewery, Convenience Store/Gasoline sales, Car Wash, Multi-Family, Light Industrial, Heavy Industrial, Warehousing, Distribution, General Retail, Restaurant, Hotel/Motel, Data Center).

We look forward to meeting with your office to discuss this project and review the criteria presented. We are convinced this will provide a high-quality development the City of Waxahachie will be proud of.

Sincerely,



Jim Knight, P.E.  
Founding Principal  
TBPE #: F-20821

Cc: Tommy Ludwig — City of Waxahachie  
Colby Collins — City of Waxahachie  
Joe Hickman — Blue Star Real Estate

(11)

1111 Main Street, Suite 415 . Grapevine, TX 76051 972.41





**site data**

- Proposed Phase I Infrastructure (Developer-built)
- existing water line
- existing wastewater line
- property line
- proposed water line
- proposed wastewater line
- phase I utility

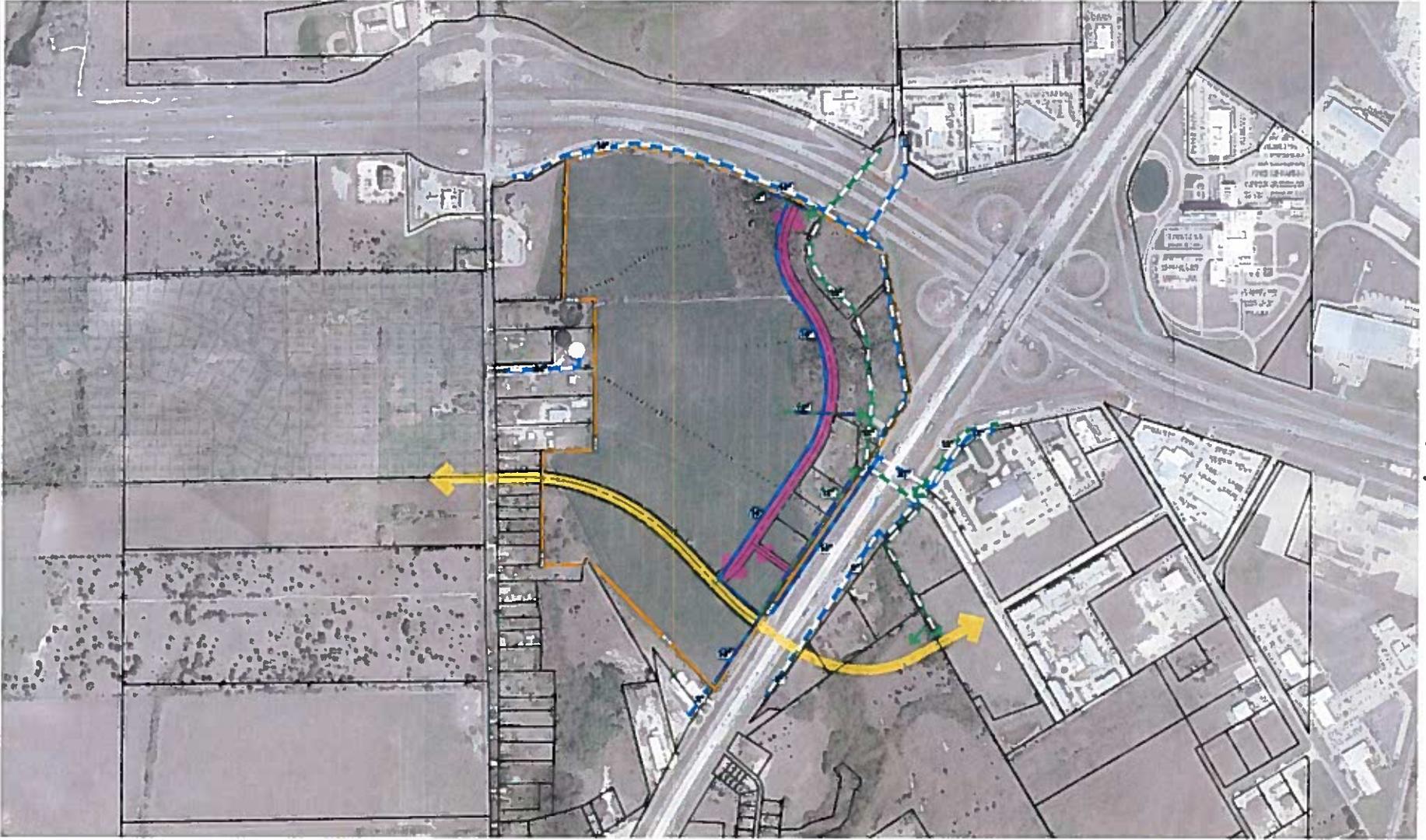
**Ownership Information:**

**Moseley Tract**  
 Joanna F. Moseley and Ernest  
 M. Moseley  
 102 Veterans Drive  
 Georgetown, Texas 78623-  
 4975

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Wrentham, TX 74892

**Developer Information:**  
 Mr. Steve Bowen  
 Commercial Property  
 Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

**Developer Applicant/  
 Agent:**  
 Jim Knight, P.E.  
 KFM Engineering & Design  
 621 H. McIn Street, Suite 415  
 Droptown, TX, 74651



(11)



site data

Proposed Phase 1 Infrastructure (Developer-built)



Driveway Access Restricted



Driveway Access Allowed

Proposed Driveway Locations (To be constructed with adjacent sites)



Ownership Information:

**Moseley Tract**  
 Joanna F. Moseley and Grant M. Moseley  
 102 Veterans Drive  
 Georgetown, Texas 78633-0973

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Wortham, TX 74693

Ferry Jacobson  
 723 W. 2nd Avenue  
 Corsicana, TX 75110

Developer Information:

Mr. Steve Brown  
 Commercial Property Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

Developer Applicant/Agent:

Jim Knight, P.E.  
 KFM Engineering & Design  
 421 N. Main Street, Suite 415  
 Crockettville, TX 76001

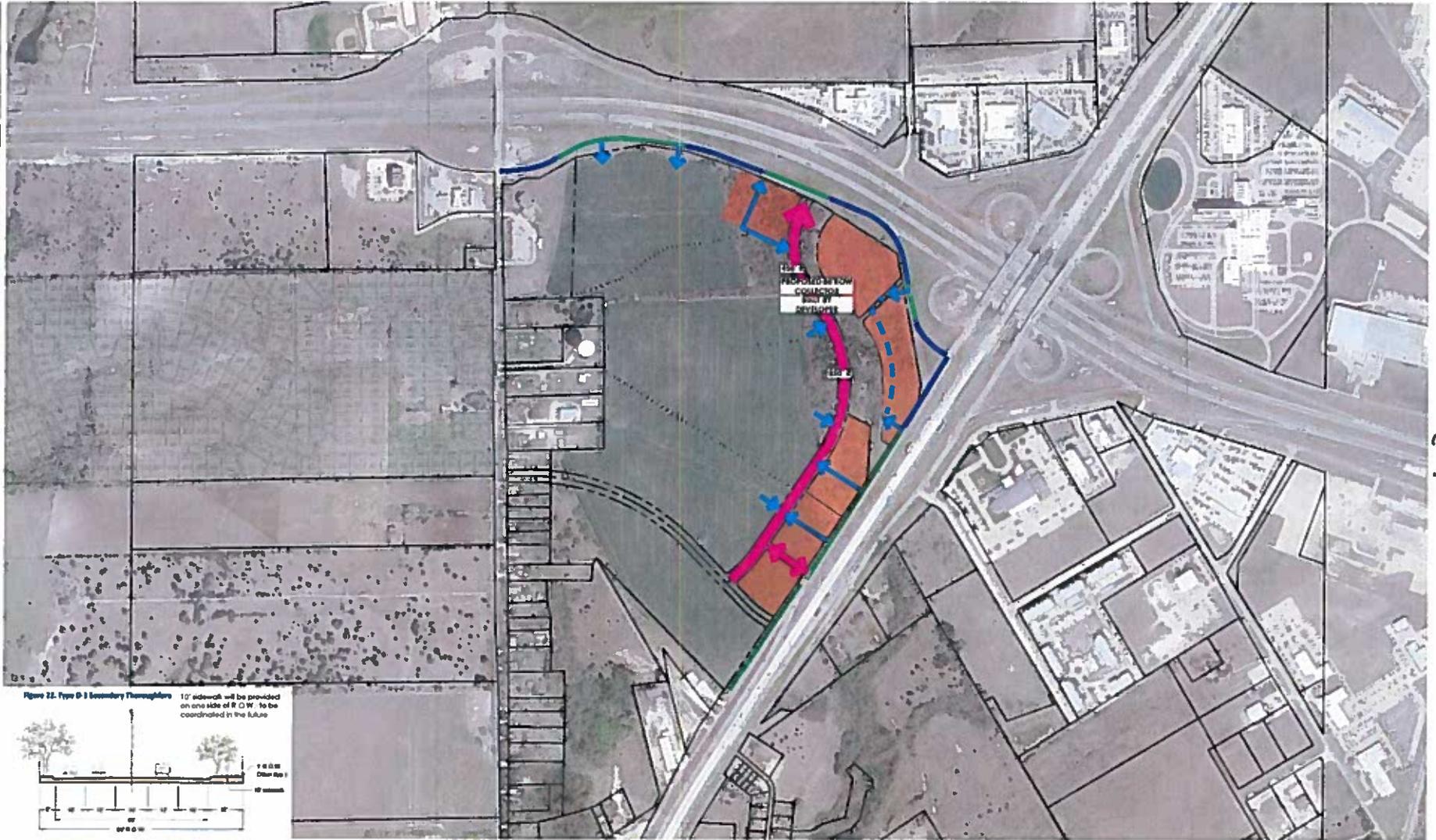


Figure 22. Type D-1 Secondary Throughfare 10' sidewalk will be provided on one side of R.C.W. to be coordinated in the future



(11)



waxahachie 120ac tract  
 Phase 1 Access Exhibit

Case Number: IDC-134-2020 September 23<sup>rd</sup>, 2020  
 The information shown is based on the best information available and is subject to change without notice.

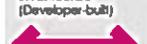


site data

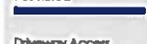
Proposed Infrastructure (City-built)



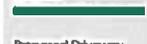
Proposed Phase I Infrastructure (Developer-built)



Driveway Access Restricted



Driveway Access Allowed



Proposed Driveway Locations (to be constructed with adjacent sites)



Ownership Information:

**Mossley Tract**  
 Joanna F. Mossley and Trust  
 162 Westmore Drive  
 Georgetown, Texas 78626-4775

**Slide Tract**  
 Mr. Bobby Lyle  
 Lyle Family, Inc.  
 P.O. Box 85  
 Waxahachie, TX 76793  
 Terry Johnston  
 723 W. 2nd Avenue  
 Corsicana, TX 75110

Developer Information:

Mr. Steve Brown  
 Commercial Property  
 Investor, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

Developer Applicant/Agent:

Jim Knight, P.E.  
 ESM Engineering & Design  
 421 H. Main Street, Suite 413  
 Groesbeville, TX 76051

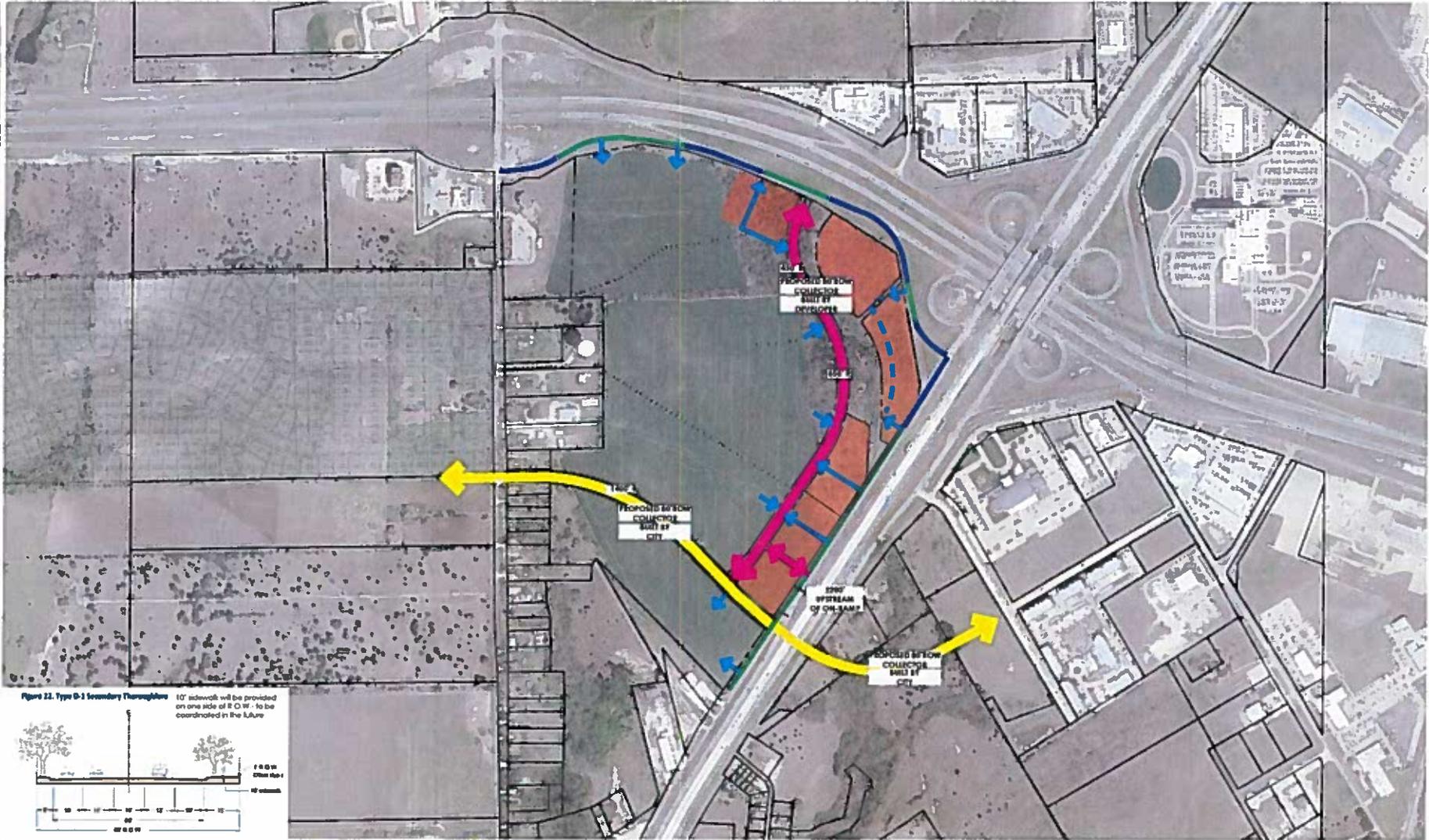
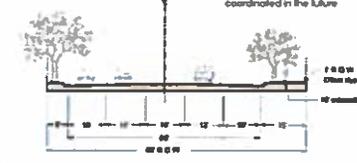


Figure 22. Type D-1 Secondary Thoroughfare 10' sidewalk will be provided on one side of E.O.W. to be coordinated in the L.U.R.



waxahachie 120ac tract  
 Phase 2 Access Exhibit

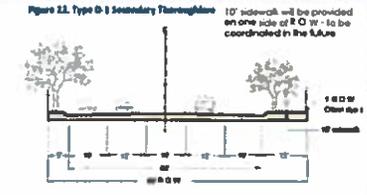
Case Number: IDC-124-2020 September 25<sup>th</sup>, 2020  
 The Waxahachie Plan is based on the best available available and is subject to change without notice.

(11)



site data

- 10' Decomposed Granite Pedestrian Trail
- 10' Concrete Pedestrian Sidewalk



**Ownership Information:**

**Moseley Tract**  
 Andrew F. Moseley and Ernest M. Newell  
 82 Verbena Drive  
 Georgetown, Texas 78633-4975

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Wortham, TX 76792

Levy Jacobson  
 723 W. 2nd Avenue  
 Corsicana, TX 78110

**Developer Information:**

Mr. Steve Brown  
 Commercial Property Investors, LP  
 1409 Burrill Avenue  
 Fort Worth, Texas 76102

**Developer Applicant/ Agent:**

Ann Wright, P.E.  
 KFM Engineering & Design  
 621 H. Math Street, Suite 415  
 Coppell, TX 75021



Note: Sections are for illustration purposes only and will be dictated by final design.



waxahachie 120ac tract  
 Trail/Sidewalk Exhibit

Case Number: ZDC 124-2020 September 25<sup>th</sup>, 2020  
 The information shown is based on the best information available and is subject to change without notice.

(11)



site data

- Legend**
- 60' R.O.W. Public Collector (Developer-built)**  
58.8 ac
    - 50' o.c. Tree Spacing within R.O.W.
    - 4 Tree Species - (2 Crapemyrtle Species Minimum)
    - Gridded, Symmetrical, Repetitive Tree Species with Shrub Plantings
  - 60' R.O.W. Public Collector (City-built)**  
23 ac
    - 50' o.c. Tree Spacing outside R.O.W.
    - 2 Tree Species
    - Gridded, Symmetrical, Repetitive Tree Species with Shrub Plantings
  - Preserved Trees and Natural Area**
    - Existing Class 1 Trees 8" and greater to be Preserved within 25' zone of the 80' R.O.W. Collector
    - Existing Trees and Natural Area to be preserved adjacent to the creek and retail development
    - Undersory vegetation will be subject to cleanup and maintenance
  - Vegetated Buffer**
    - 1 tree on average every 40 linear feet of buffer
    - Mix of trees and shrubs in naturalized planting
  - City Park**
    - City responsible for future design and implementation of the City Park
  - 150' Multi-Family Open Space Undeveloped Buffer**
    - 1 tree every 2,500 sf of landscape area
    - Mix of native species, naturalized planting

**Ownership Information:**

**Moseley Tract**  
 Joanne F. Moseley and Grand  
 At Newell  
 1021 Webster Drive  
 Georgetown, Texas 78626-  
 4973

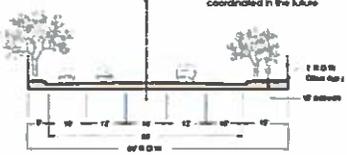
**Lido Tract**  
 At: Bobby Lido  
 Lido Family, Inc.  
 P.O. Box 55  
 Warkentin, TX 74683

Terri Jacobson  
 733 W. 2nd Avenue  
 Corsicana, TX 75110

**Developer Information:**  
 At: Steve Brown  
 Commercial Property  
 Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

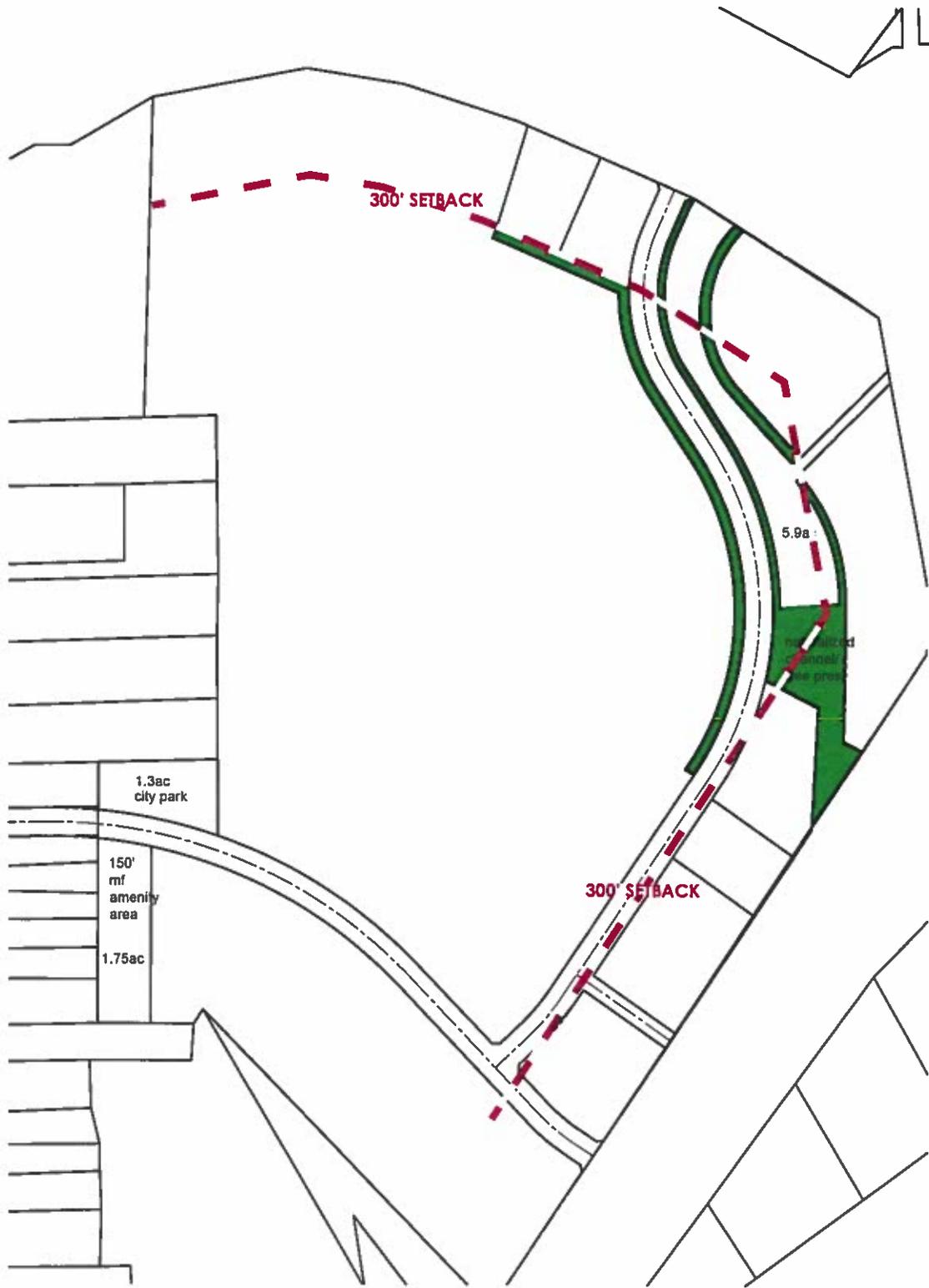
**Developer Applicant/  
 Agent:**  
 Jim Knight, P.E.  
 KFA Engineering & Design  
 621 N. Main Street, Suite 415  
 Grapevine, TX 76051

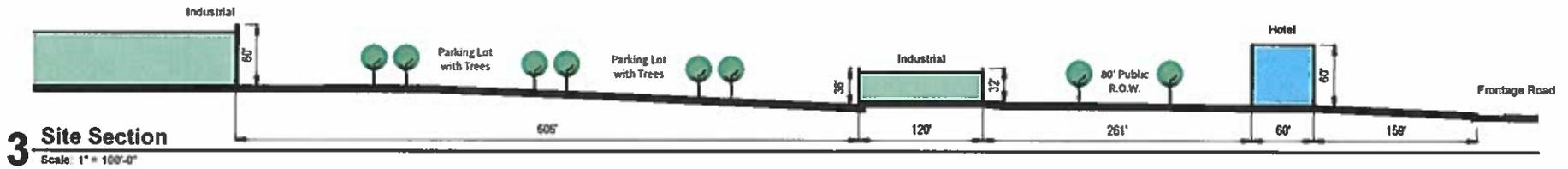
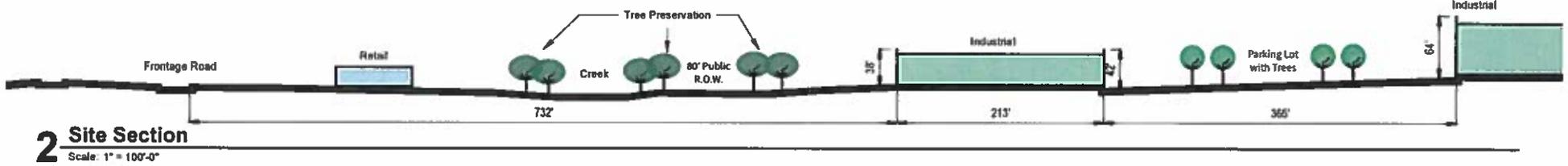
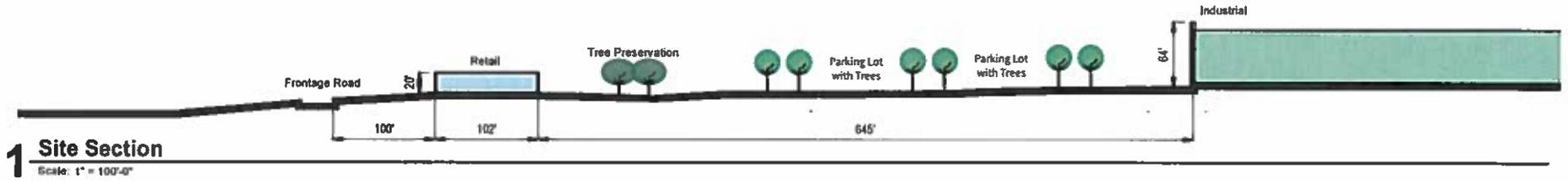
Figure 22: Type D-1 Secondary Thoroughfare



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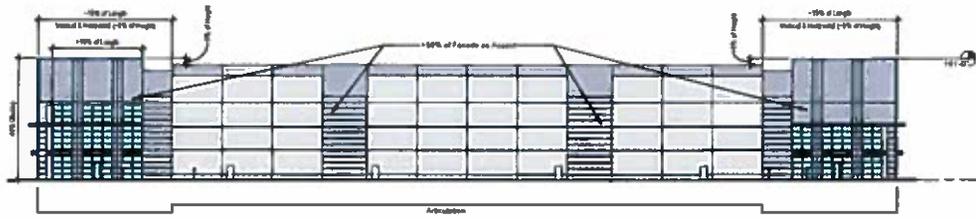


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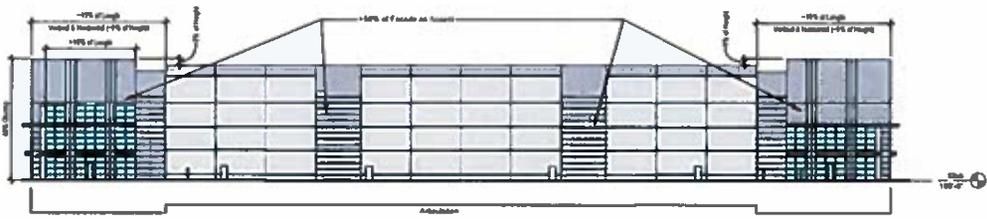




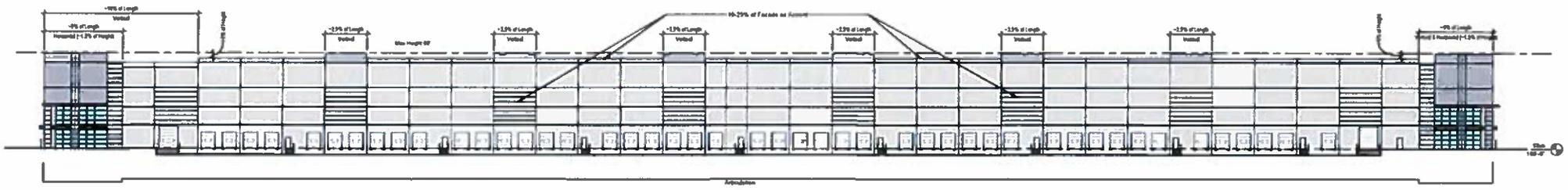
**D North Elevation**  
Scale: 1" = 20'-0"



**C East Elevation (Street)**  
Scale: 1" = 20'-0"



**B West Elevation (Street)**  
Scale: 1" = 20'-0"



**A South Elevation**  
Scale: 1" = 20'-0"

(11)

