## **ORDINANCE NO. 3190**

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT THE INTERSECTION OF CORPORATE PARKWAY AND U.S. HIGHWAY 77, BEING PROPERTY ID 273975, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK B OF NORTH GROVE BUSINESS PARK PH. 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-52-2020. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from GR to GR, with an SUP in order to permit a Drive Through Establishment use on the following property: Lot 2, Block B OF North Grove Business Park Ph. 2 & 4, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and Elevation/Façade Plan attached as Exhibit D.

# **SPECIFIC USE PERMIT**

# Purpose and Intent

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

## Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

- 1. The site plan shall conform as approved by the City Council under case number ZDC-52-2020.
- 2. Sidewalks shall be provided along two sides (west side and south side) of the development.
- 3. The development shall adhere to what the City Council approved in Exhibit A- Location Exhibit, Exhibit B Site Plan, Exhibit C Landscape Plan, and Exhibit D Elevation/Façade Plan.
- 4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- 5. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

# Compliance

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

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

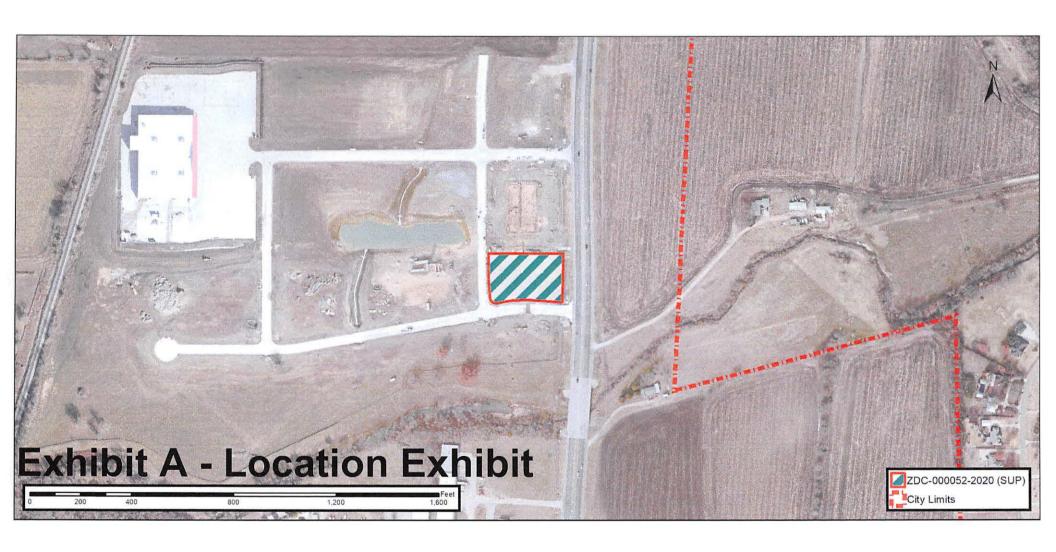
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

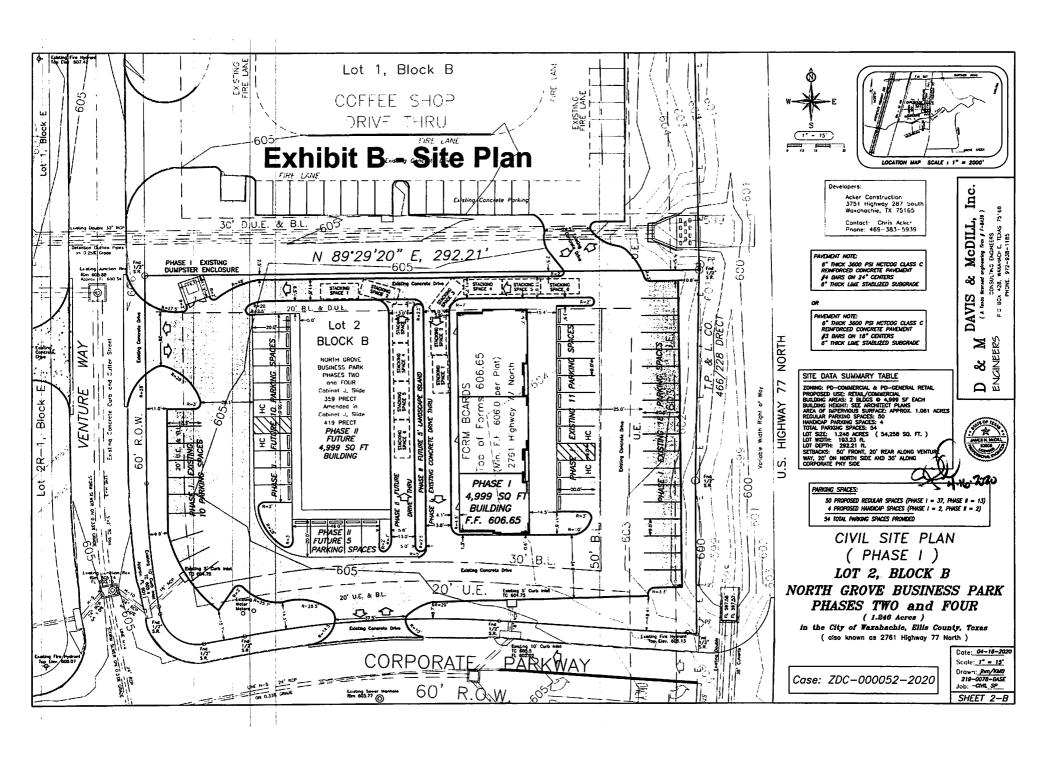
PASSED, APPROVED AND ADOPTED on this 4th day of May, 2020.

MAYOF

ATTEST:

Assistant City Secretary







#### ABBREVIATIONS LEGEND.

U.E. - UTILITY EASEMENT SANITARY SEWER

D.U.E. - DRAINAGE & UTILITY EASEMENT

- ELECTRICAL - WATER LINE HC HANDICAP

POWER POLE UTILITY EASEMENT BUILDING LINE

Exhibit C - Landscape Plan

- 4	SYMBOL		BOTANIC NAME	COMMON NAME	QTY.	SIZE	REMARKS
-	TRO	NOPY	QUERCUS TEXANA	TEXAS RED OAK	10	4" CALIPER	12'-15' HEIGHT, 6' SPREAD, FULL, MATCHING
		CANC					
1	DTW	EES	CHILOPSIS LINEARIS	DESERT WILLOW	23	30 GALLON	8' HEIGHT, 4' SPREAD, CONTAINER GROWN, MULTI-TRUNK, MATCHING
I		ACCE					
1	DYH		ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY	134	5 GALLON	12" HEIGHT, 12" SPREAD SPACING PER PLAN
ł	CAR		ILEX CORNUTA 'CARISSA'	CARISSA HOLLY	136	5 GALLON	24" HEIGHT, SPACING PER PLAN
	RYU		HESPERALDE PARVIFLORA	HED YUCCA	12	5 GALLON	18" HEIGHT, 16" SPREAD SPACING PER PLAN
I	SLY		YUCCA PENDULA	SOFT LEAF YUCCA	12	5 GALLON	18" HEIGHT, 16" SPREAD SPACING PER PLAN
ſ	MFG		NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS	877 SF	1 GALLON	12" HEIGHT, 12" SPREAD SPACING PER PLAN
-	SEA		N/A	SEASONAL COLOR	132 SF	4" POTS	PERENNIALS AND ANNUALS LOCATION PER PLAN
4	BGS		CYNODON DACTYLON	COMMON BERMUDA GRASS SOD	7.864 SF		SOLID SOD PER INDUSTRY STANDARDS

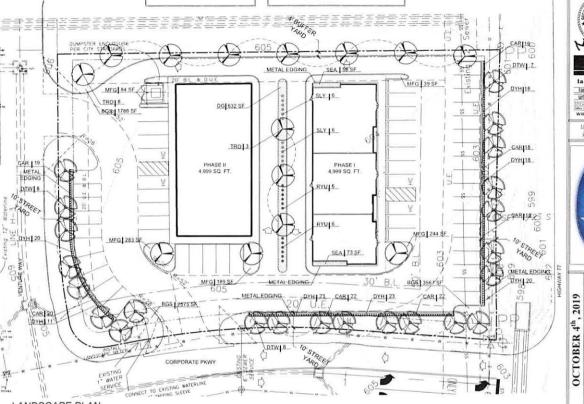
### MATERIAL LIST

PLANT LIST

-	DG	DECOMPOSED GRANITE	632 SF	INDUSTRY STANDARD
		METAL EDGING	476 LF	INDUSTRY STANDARD

#### LANDSCAPE TABULATIONS.

** NO EXISTING TREES ON THIS PROPERTY **					
IN	TERIOR LANDSCAPE AREA	REQUIRED:	PROVIDED:		
1.	50% OF PROPOSED BUILDING SHALL BE REQUIRED INTERIOR LANDSCAPE TOTAL BUILDING S.F. = 9,998 S.F.	4,999 S.F. (50%)	5,017 S.F.		
2.	75% OF THE REQUIRED INTERIOR LANDSCAPE SHALL BE IN THE FRONT AND SIDE YARD.	3,750 S.F. (75%)	5.017 S.F.		
3.	ONE (1) CANOPY TREE PER 500 S.F. OF REQUIRED LANDSCAPE AREA	(10) CANOPY TREES	(10) CANOPY TREES		
4.	ONE (1) UNDERSTORY (ACCENT) TREE PER 250 S.F. OF REQUIRED LANDSCAPE AREA	(20) ACCENT TREES	(23) ACCENT TREES		
5.	ONE (1) SHRUB PER 40 S.F. OF REQUIRED LANDSCAPE AREA	(125) SHRUBS	(294) SHRUBS		
6.	15 % OF REQUIRED LANDSCAPE AREA SHALL BE GROUNDCOVER	750 SF GROUNDCOVER (15%)	877 SF GROUNDCOVE		
7.	2% OF REQUIRED LANDSCAPE AREA SHALL BE SEASONAL COLOR	100 SF SEASONAL COLOR (2%)	132 SF SEASONAL COLOR (132%)		
BL	FFERYARD & STREET TREES - TOTAL FRONTAGE: 956,46"				
ì,	20% OF THE STREET YARD TO BE PERMANENT LANDSCAPE, STREET YARD = 17,444 SF	3,489 S.F. LANDSCAPE (20%)	6,316 S.F. LANDSCAF (181%)		
2.	10' LANDSCAPE BUFFER	YES	YES		
3.	ONE (1) 4" CALIPER BUFFERYARD TREE PER 40 L.F. OF STREET FRONTAGE	(8) TREES	(8) TREES		
4.	ONE (1) 4" CALIPER STREET TREE PER 30 L,F OF STREET FRONTAGE	(23) TREES	(23) TREES		
PΑ	RKING LOT LANDSCAPE - TOTAL PARKING SPACES: 53				
í.	13 S.F. OF LANDSCAPE PER PARKING SPACE PLUS 20 ADDITIONAL	689 S.F. LANDSCAPE	2,035 S.F. LANDSCAF		
2.	TWO (2) TREES, 4" CAL., PER 500 S.F., OF REQUIRED PARKING LOT LANDSCAPE AREA	(4) TREES, 4" CALIPER	(6) TREES, 4" CALIPER		
3.	TEN (10) SHRUBS PER 500 S.F. OF REQUIRED PARKING LOT LANDSCAPE AREA	(20) SHRUBS	(24) SHRUBS		



## LANDSCAPE PLAN

### GENERAL LANDSCAPE NOTES

- VERIFY EXISTING AND PROPOSED SITE ELEMENTS FOR DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- LOCATE EXISTING UNDERGROUND UTILITIES FOR CONFLICTS. EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- 3. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM STRUCTURES.
- 4. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- 5. CROWN LANDSCAPE ISLANDS TO 6" HEIGHT, TYPICAL AND UNIFORM THROUGHOUT THE SITE.
- PLANTING BEDS AND LAWN AREAS SHIBE SEPARATED BY STEEL EDGING, NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALKS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
- 7, TOP OF MULCH TO BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- 8. LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS, UNLESS OTHERWISE NOTED ON THE

- SURFACE MATERIALS TO MEET MINIMUM STANDARDS AND SPECIFICATIONS PER THE CITY OF WAXAHACHIE. TEXAS.
- SIGNS, LIGHTING, LUMINARIES, AND FENCES TO COMPLY WITH THE REQUIREMENTS OF THE CITY OF WAXAHACHIE, TEXAS.
- LANDSCAPING TO BE PROVIDED PER SITE PLAN, TREE LOCATIONS ARE REPRESENTATIVE AND MAY BE ADJUSTED AT TIME OF PERMIT.
- PARKING SPACES REQUIRED: 25. PARKING SPACES PROVIDED: 39. INCLUDING 3 T.A.S. ACCESSIBLE SPACES TO MEET THE MINIMUM T.A.S. STANDARDS (MINIMUM SIZE) PARKING SPACE: 9' X 18'

#### **GENERAL LAWN NOTES:**

- CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- 3. LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE
- REMOVE ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPOILS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

#### SOLID SOD NOTES:

- PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
- 3. WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES
- 4. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER-SEED BERMUDA GRASS SOD WITH WINTER RYEGRASS, AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

IN PRICE TO ROIL AND TABLE OF THE CONTROL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE IN PERPETUITY OF LANDSCAPING AND IRRIGATION. REQUIRED LANDSCAPING SHALL BE MAINTENANCE IN PERPETUITY OF LANDSCAPING AND IRRIGATION. REQUIRED LANDSCAPING SHALL BE PLANDSCAPE OF THE REPUBLICATION AND THE REPUBLICATION OF THE PRAINTENANCE OF LANDSCAPE AND ADMINISTRATION AND OTHER SUCH ACTIVITIES COMIMON TO THE MAINTENANCE OF LANDSCAPING. ADMINISTRATION AND OTHER SUCH ACTIVITIES COMIMON TO THE MAINTENANCE OF LANDSCAPING. OR PLANTS NOT A PART OF THE LANDSCAPING, PLANT MATERIALS SHALL BE MAINTAINED IN A IRRIGATION HEADS OR LINES WHICH ARE BROKEN AND FLOW THE SHALL BE MAINTAINED IN A IRRIGATION HEADS OR LINES WHICH ARE BROKEN AND FLOW YATER.



landscape architecture urban design - planning

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LOT 2-BLOCK B NORTH GROVE BUSINESS PARK



LANDSCAPE LP 1.0

