

**ORDINANCE NO. 3316**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) WITH CONCEPT PLAN, LOCATED ALONG BROADHEAD ROAD, EAST OF ROBBIE E. HOWARD JUNIOR HIGH SCHOOL IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 4.649 ACRES KNOWN AS PROPERTY ID 178923, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-146-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to PD-GR, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from FD to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows townhome, retail, and park/open space uses on the following property: Property ID 178923, which is shown on Exhibit A, in accordance with the Planned Development Regulations shown as Exhibit B, Concept Plan shown as Exhibit C, the Concept Elevation Plan shown as Exhibit D, and the Staff Report shown as Exhibit E.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

The purpose of this planned development is to create a mixed use development that includes townhomes, retail and park/open space uses and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

**Development Standards**

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

**Development Regulations**

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-146-2021.

- (C) All materials, locations of materials, and percentage of materials for the building shall be consistent as prescribed in the Planned Development Regulations and Concept Elevation(s) Plan.
- (D) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rule and regulations governing such permits.
- (E) The property shall be platted prior to any construction or development on the site.
- (F) An 8ft. masonry screening wall shall be located along the northern boundary of the retail lot and 7,600 sq. ft. open space lot per the Concept Plan shown in Exhibit B.
- (G) A 6ft. masonry wall shall be located along the northern, eastern and western exterior boundaries of the single family portion of the subject property per the Concept Plan shown in Exhibit B.
- (H) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, Planned Development Regulations, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Regulations, Exhibit C - Concept Plan, Exhibit D – Concept Elevation Plan, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, and E, in this ordinance, Planned Development Regulations, or Development Agreements, the regulations of Single Family-3 (residential) zoning and General Retail (retail) zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (I) A detailed site plan shall be reviewed and approved by the Planning and Zoning Commission and City Council.
- (J) 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 the City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 18<sup>th</sup> day of January, 2022.

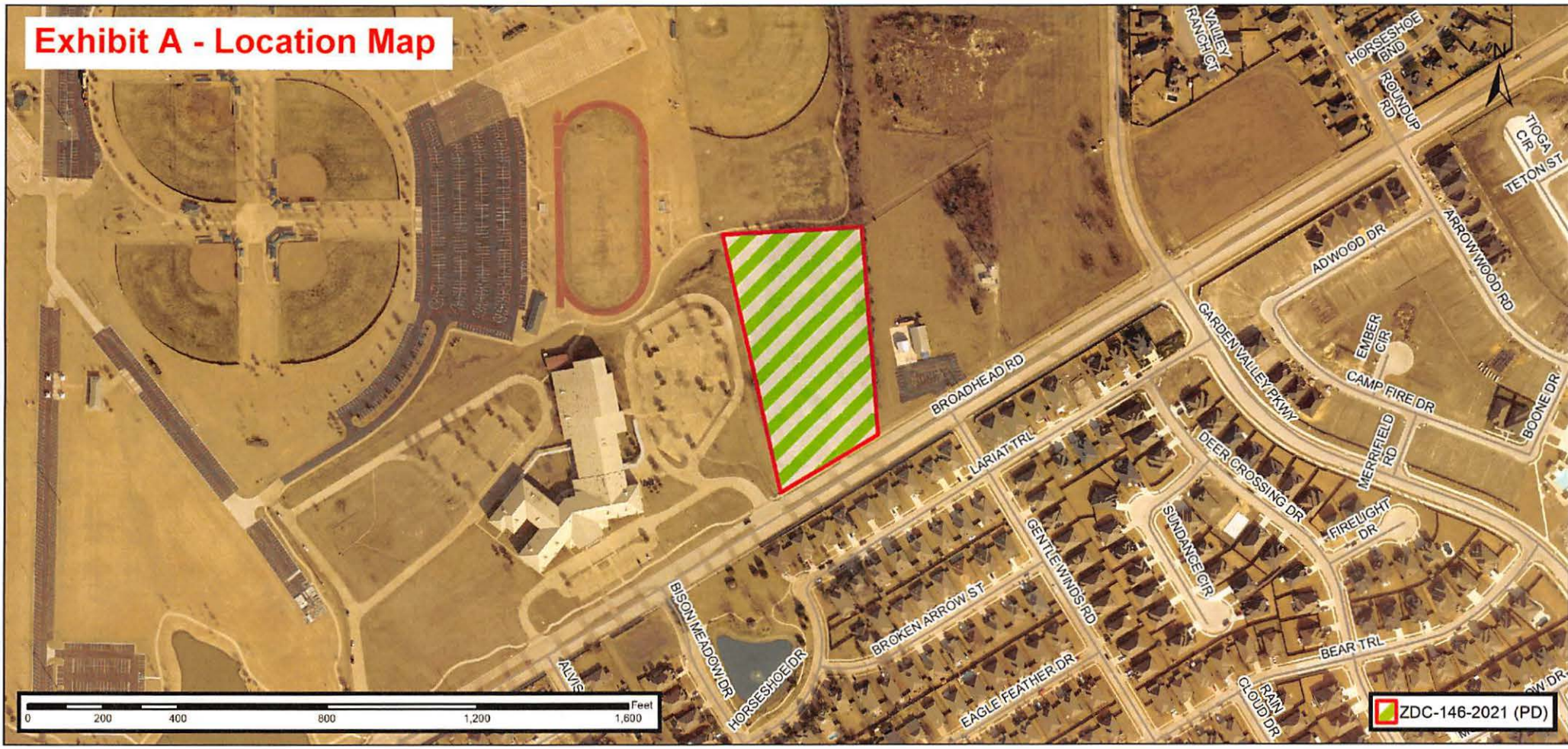
  
MAYOR

ATTEST:

  
City Secretary



# Exhibit A - Location Map



# Exhibit B - Planned Development Regulations

**WRITTEN EXHIBIT 1/3/2022**

## **BROADHEAD ROAD DEVELOPMENT 4.649 ACRES.**

The Purpose and Intent of this Planned Development (PD) known as Broadhead Village is to allow for the development of a small residential community consisting of 21 individually owned townhomes fronted by a retail pad site. There is a shortage of affordable housing in North Texas and it is our intent to offer a unique elegant small neighborhood. The residential portion complies with the City of Waxahachie Townhome Standard.

- a. The planned development comprises two distinct uses:
  1. A commercial / retail tract about 1.0 acre with various optional uses compatible with a shared boundary with a school.
  2. A residential property comprising 21 upscale townhomes in 7 blocks of at least 3 units each. The townhomes will be individually owned and will not be rental properties. Some of the 12 rear-entry units may be 3 stories. The remaining 9 along the rear of the property will be front entry.

This development will involve the construction of a 50' ROW that meets all City of Waxahachie design and construction specifications. This includes sidewalks on both sides of the street. The rear entry units are served by 21' ROW alleys on either side of the development. The 50' ROW and the alleys will be adopted by the City of Waxahachie.

- b. Maximum Density 10 DU/Acre
- c. Lot size Front Entry 3680 SF; Rear Entry 2500 SF
- d. Lot Dimensions: Front Entry 32 x 115'; Rear Entry 25x100 48.8% coverage
- e. 2 Story buildings: 35' high; 3 Story buildings: 45' high
- f. Each townhome has attached 2 car garages; the Commercial pad site has been demonstrated to have adequate parking capacity for a variety of uses.
- g. Parking 2 attached garages per unit. Several parking spaces are available for guests on the curb of the main drive.
- h. Entrance and exit from Broadhead Road; The road is a 50' ROW including 5' sidewalks on both sides.
- i. Fence along the front-facing perimeter of lots 15 and 16 will be 8' masonry; the rest of the exterior fence will be 6' masonry. There will also be ornamental fencing along walkways and open spaces. Townhomes will have individually fenced backyards unless they are rear entry.

## Exhibit B - Planned Development Regulations

- j. N/A
- k. The development will have an elegant monument sign at the entry.
- l. Lighting as per Waxahachie ordinance
- m. Phasing and Scheduling: No Phasing. Once approved we plan to proceed with engineering design and construction; marketing and sale of retail pad site; Construction of townhomes.
- n. HOA will be established to manage common privately owned areas such as the fence, landscaping, open spaces, entrance monument sign, etc.

### DESIGN CONSIDERATIONS:

1. FRONT ENTRY DESIGN
  - a. This project was inspired by The Chase at Stonebriar – an upscale residential development consisting of front entry townhomes and single-family dwellings. (Sample photographs are available from the applicant.). The townhomes at The Chase are aesthetically pleasing and we intend to replicate that quality.
2. REAR ENTRY DESIGN
  - a. Rear entry units have been added where possible to accommodate Staff and P and Z commissioners' concerns.
3. ELEVATION
  - a. The exterior of the townhomes takes inspiration from French country design with brick /stone/ fiber cement cladding
  - b. Proposed masonry % for the townhomes is a minimum of 75%
  - c. The retail pad site development will complement the Townhome architectural design.
4. LANDSCAPE
  - a. An arborist will be engaged to survey the lot which is full of trees and determine which of the existing trees can be salvaged to enhance the development.
  - b. Landscape design will meet City of Waxahachie standards.
  - c. Indigenous species such as Crepe Myrtle, Redbud trees; Yaupon holly; Lantana and Irises, will be incorporated into the landscape design.
5. AMENITIES
  - a. There are 3 open space areas incorporated into the site layout.
  - b. Broadhead Village shares a boundary with Waxahachie Sports Complex affording the residents access to a walking / jogging trail, recreational and sports facilities
  - c. 5' sidewalks on either side of the roadway and lush landscaping.



# Exhibit D - Concept Elevation Plan



**elevation study 2 level unit**



**elevation study 3 level unit**

# Exhibit E - Staff Report

## Planning & Zoning Department Zoning Staff Report

Case: ZDC-146-2021



### MEETING DATE(S)

*Planning & Zoning Commission:* January 11, 2022 (continued from December 28, 2021)

*City Council:* January 18, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 11, 2022, the Commission voted 7-0 to recommend approval of zoning change ZDC-146-2021, subject to all staff comments.

### CAPTION

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

### APPLICANT REQUEST

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

### CASE INFORMATION

*Applicant:* Yomi and Siyanade Fayiga

*Property Owner(s):* Equity Trust Company Custodian FBO

*Site Acreage:* 4.649 acres

*Current Zoning:* Future Development

*Requested Zoning:* Planned Development - General Retail

### SUBJECT PROPERTY

*General Location:* Located along Broadhead Road, East of Robbie E. Howard Junior High School

*Parcel ID Number(s):* 178923

*Existing Use:* Undeveloped

*Development History:* N/A

# Exhibit E - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF1	Waxahachie Sports Complex
East	PD-GR	Knights of Columbus
South	PD-SF2	Buffalo Ridge Addition Ph. III
West	SF1	Robbie E. Howard Jr. High School

*Future Land Use Plan:* Public/Semi-Public

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

*Thoroughfare Plan:* The subject property is accessible via Broadhead Rd.

*Site Image:*



## PLANNING ANALYSIS

### Applicant Request

# Exhibit E - Staff Report

The applicant is requesting to rezone the subject property from Future Development to Planned Development-General Retail to allow for a Planned Development consisting of retail (front of property) and townhomes (rear of property).

## Proposed Use

The applicant is requesting approval for a Planned Development to accommodate development of a retail pad site (front of the property) and townhome lots (rear of the property) on 4.649 total acres located along Broadhead Road, east of Robbie E. Howard Junior High School. The townhomes within the development will consist of 21 townhome lots, with one main access being provided from Broadhead Rd. The townhomes will be individually owned, and 12 of the units (along east and west boundaries of the property) will be 3-story rear entry townhomes; while the remaining 9 units (2-story) along the rear of the property will be front entry. The development will also provide a connection to an existing hike/bike trail (adjacent to Robbie E. Howard Junior High School) in the rear of the development.

## Changes since the November 23, 2021 Planning and Zoning Meeting

### Townhomes

- Reduced townhome lot count from 22 to 21
- Proposing 3-story townhomes along western (6 units) and eastern (6 units) boundaries of the property (*applicant originally proposed 2-story*)
- Rear entry lot sizes will be 2,500 sq. ft. (Front entry lots will remain 3,680 sq. ft.)
- Building Setbacks for the development shall be:
  - o Front Setback (Front Entry): 20 ft. (originally 15 ft.)
  - o Front Setback (Rear Entry): 10 ft. (originally no rear entry proposed)
  - o Side Setback: 10 ft.
  - o Rear Setback (Front Entry): 10 ft.
  - o Rear Setback (Rear Entry): 5 ft. (originally no rear entry proposed)

### Landscaping

The applicant intends to meet the landscape requirements per the City of Waxahachie Zoning Ordinance. The applicant intends to include species such as Crepe Myrtle, Redbud trees, Yaupon holly, and Lantana and Irises within the development.

### Building Design/Facade

The townhomes within the development is proposed to be primarily constructed of brick, stucco, and fiber cement cladding.

### 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 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

### **STAFF CONCERNS/APPLICANT RESPONSES**

At the November 23, 2021, Planning and Zoning meeting, staff discussed several concerns for the proposed development. Below is a list of the aforementioned staff concerns, as well as statements explaining how the applicant addressed the concerns.

# Exhibit E - Staff Report

## Rear Alley Access

The applicant is proposing 12 of the 21 units to have rear alley access along the eastern and western boundaries of the property.

## Open Space

The applicant has incorporated three (3) open spaces lots within the development.

## Parking

There will be two (2) attached garages per unit. The applicant will also provide spaces for guests along the curb of the main drive.

## Architectural Features/Development Transition

The applicant is providing an 8-foot-tall masonry screening wall and landscape buffer to help separate the townhomes from the retail portion within the development. Per the Elevation Concept Plan, the applicant has also incorporated windows and façade features along the side of the townhome structures that will face Broadhead Rd.

## Turn Radius

Due to the applicant revising the layout of the lot, staff has no further concerns regarding the turn radius for the development.

## PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 16 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

## PROPERTY OWNER NOTIFICATION RESPONSES

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

## RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. A mutually agreed upon Development Agreement must be signed by staff and the applicant.
  2. A detailed site plan for the development be reviewed by City Council as well.

## ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Planned Development Regulations
5. Concept Plan
6. Concept Elevation Plan
7. Staff Report

# Exhibit E - Staff Report

## APPLICANT REQUIREMENTS

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

## STAFF CONTACT INFORMATION

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