

ORDINANCE NO. 3373

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN AGGREGATE PRODUCTION FACILITY AND A CEMENT TREATED BASE PLANT USE (P&K STONE) WITHIN A LIGHT INDUSTRIAL-2 (LI-2) DISTRICT LOCATED EAST OF THE PROPERTY AT 1000 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.01 ACRES KNOWN AS PROPERTY ID 140093, 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 adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; 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-100-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI-2 to LI-2, with an SUP in order to allow an Aggregate Production Facility and Cement Treated Base Plant use on the following property: Property ID 140093, which is shown on the location map (Exhibit A) and site plan (Exhibit B).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN AGGREGATE PRODUCTION FACILITY AND A CEMENT TREATED BASE PLANT USE (P&K STONE) IN THE LIGHT INDUSTRIAL-2 (LI-2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement is required.
2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-100-2022.
3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map and Exhibit B – Site Plan.
4. The Applicant and/or Developer for the subject property shall be responsible for obtaining permits from the Building Department and the Public Works and Engineering Department per the City's applicable rules and regulations governing such permits.

5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B.
6. The Applicant shall close the temporary driveway along Loftland Drive and construct a new driveway onto Marshall Road as reflected on the site plan (Exhibit B) within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing a new driveway onto Marshall Road. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the new driveway.
7. The Applicant shall construct a 6-foot brick masonry wall along the eastern and southern property lines to screen the subject property from view of public right-of-way within six (6) months following completion of Marshall Road.
 - The Applicant shall also provide evergreen shrubs (2-feet at the time of planting) in front of the screening wall along Marshall Road visible from the road to soften the appearance of the wall. Staff shall approve the shrub species to minimize root conflicts with future utilities.
 - The screening wall along the eastern and southern property lines will be constructed by the property owner within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (case no. ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing the screening wall. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the screening wall.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. City Council shall have the right to review the Specific Use Permit at any point, necessary.

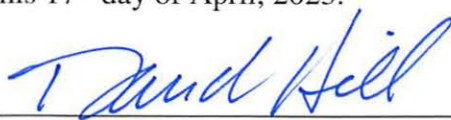
Compliance

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 17th day of April, 2023.



 MAYOR

ATTEST:

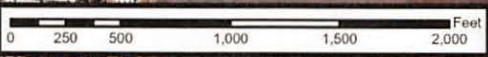



 City Secretary





EXHIBIT A - LOCATION MAP



 ZDC-100-2022 (SUP)

