# ***A G E N D A***

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, November 10, 2025 at 7:00 p.m***.

Commission Members:
Wendy Johnson, Chair
Jenny Bridges, Vice Chair
Terry Connor
Chad Hicks
Ryan Simpson
Jimmy Poarch
Bart Underwood

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. ***Speakers are requested to observe five (5) minute time limit.***

4. ***Consent Agenda***

   All matters listed under Item 4, Consent Agenda, are considered to be 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 Planning & Zoning Commissioner to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the Planning & Zoning Commission.

   a. Minutes of the regular Planning & Zoning Commission meeting of October 28, 2025
   b. Consider a request by Tim Jackson, for a Plat of Jerry Loyd Place, 2 residential lots, being 9.823-acres, located at 1183 Lone Elm Road, situated in the E Ballard Survey, Abstract 120, an addition to the City of Waxahachie (Property ID 180654) – Owner: Deanna Carter (SUB-161-2025)

5. ***Public Hearing*** on a request by Brian Burks, for a Replat of Lots 5 & 6 of the Leo Hightower Lots addition to create Lots 5A & 6A of the Leo Hightower Lots addition, 2 residential lots, being 1.194 acres, located at 139 Lakeshore Drive, (Property ID 174097) – Owner: William Larry Burks and John Brian Burks (SUB-155-2025)

6. ***Consider*** recommendation of SUB-155-2025

7. ***Public Hearing*** on a request by David Williams, for an Amendment to Ordinance No. 3583, to allow for reduced fire lane, paving, screening, landscaping, and sidewalk requirements within an approved Specific Use Permit (SUP) for Batch Plant and Outside

Storage uses (Rinker Materials), located at 1220 Solon Road (Property ID 140094) - Owner: J & G Concrete Operations LLC (ZDC-154-2025)

8. ***Consider*** recommendation of ZDC-154-2025

9. ***Public Hearing*** on a request by Dennis Church, Minto Communities Texas, LLC, for a Zoning Change from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

10. ***Consider*** recommendation of ZDC-232-2024

11. Adjourn

**The Planning and Zoning Commission reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein.**

**ACCESSIBILITY STATEMENT**

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 ADA Coordinator at (469) 309-4000 or (TDD) 1-800-RELAY TX

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

Planning and Zoning Commission
October 28, 2025

A regular meeting of the Planning & Zoning Commission of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Tuesday, October 28, 2025 at 7:00 p.m.

| | |
|---|---|
| Members Present: | Jenny Bridges, Vice Chair<br>Chad Hicks<br>Terry Connor<br>Jimmy Poarch<br>Ryan Simpson<br>Bart Underwood |
| Member Absent: | Wendy Johnson, Chair |
| Others Present: | Trenton Robertson, Senior Director of Planning<br>Zack King, Planning Manager<br>Patrick Souter, Council Representative<br>Jami Bonner, Assistant City Secretary |

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

Vice Chair Jenny Bridges called the meeting to order and gave the invocation.

**3. Public Comments**

None.

**4. Present Proclamation proclaiming October 2025 as Community Planning Month and Recognize the City of Waxahachie for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement**

Mayor Pro Tem Patrick Souter presented a Proclamation recognizing October 2025 as Community Planning Month.

Senior Director of Planning Trenton Robertson recognized the Planning Department for their Richard R. Lillie, FAICP Program for Planning Excellence Certificate of Achievement.

**5. Consent Agenda**

a. Minutes of the regular Planning & Zoning Commission meeting of October 14, 2025
b. Consider a request by Sherri Taylor, GMcivil, for a Plat of Myrtle Creek Phase 4A, 136 residential lots and 9 non-residential lots, being 48.365-acres, located approximately 3,000 feet northeast of 2325 S US Highway 287 Bypass, situated in the Robert M. Berry Survey, Abstract 96 & 97, an addition to the City of Waxahachie (Property ID 180362) – Owner: Spur Creek Development, L.P. (SUB-149-2025)
*c.* Consider a request by Kati Watson, Windrose Land Services, for a Plat of WOC Addition, Lots 1 and 11X, Block A, being 4.394 acres, located at Highway 287 North Access Road approximately one (1) mile West of Ovilla Road, situated in the D.S.

Gentry Survey, Abstract No. 409, W. Irwin Survey, Abstract No. 545, and W. Irwin Survey, Abstract No. 546, an addition to the City of Waxahachie (Property IDs: 295243, 295240) – Owner(s): Waxahachie Office Condos, LLC and Montclair Development A Series of EIS Development II LLC (SUB-153-2025)

Vice Chair Bridges announced the applicant requested to withdraw item 5c, SUB-153-2025, from the consent agenda.

**Action:**
*Chad Hicks moved to approve items a and b on the Consent Agenda, subject to the recommendations of staff. Motion was seconded by Ryan Simpson and carried unanimously (6-0).*

**6. Public Hearing on a request by Dr. Haroon Rasheed, for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district with reduced minimum parking requirements, located at 600 Ferris Avenue (Property ID 170756) - Owner: HR Waxahachie Land LP (ZDC-143-2025)**

Planning Manager Zack King presented the Item. The applicant proposes to rezone the subject property from a General Retail (GR) zoning district to a Planned Development-General Retail (PD-GR) zoning district to reduce the minimum parking requirements for the subject property to 69 spaces. The number of parking spaces currently present on the subject property is 69. No other modifications to the typical requirements of the GR zoning district are proposed with this PD request.

The subject property was originally developed in 1965. At that time, approximately 69 parking spaces were developed with the subject property. The property was purchased by the current owner in 2015 and the building on the subject property was significantly remodeled at that time. The parking count and configuration was not changed as part of the remodel, but a portion of the parking lot was improved to concrete along Ferris Avenue and the rest of the parking lot was resurfaced as asphalt. Since the remodel of the site was completed, the building has been partially occupied by medical office users.

Since the time of the original development of the property in 1965, minimum parking requirements have changed. The site is fully developed and no additional parking can be added to the property. The current parking count prevents full occupancy of the building. For example, if the entire building were to be occupied by medical office users, the current GR zoning would require a minimum of 290 parking spaces to be present on site. The proposed PD reduces the minimum parking requirement for the property to 69, the current number of existing parking spaces on the property. Approval of the PD would eliminate minimum parking requirements as a barrier to full occupancy of the building.

Mr. King noted that the subject property has historically been adequately supported by the current number of parking spaces on the site. The property owner has submitted a letter with this PD request noting that approximately 40% of the building is currently occupied. The applicant states that current occupants routinely use less than 50% of the current parking on the subject property. Due to the limited use of the existing parking on the property, and the history of the existing parking being sufficient to support past tenants, staff is supportive of the PD request.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 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. Staff has received zero (0) letters of support and zero (0) letters of opposition for the PD request.

Dr. Haroon Rasheed, 3620 Ranchero Rd., Plano, Texas noted that no complaints have been received regarding parking at 600 Ferris Avenue. Typically, a maximum of 25 cars are onsite at any given time. The building is currently at 40% occupancy; however, Dr. Rasheed intends to lease the remaining space to other medical offices and believes that the 69 available parking spaces will be sufficient to accommodate full occupancy.

Vice Chair Jenny Bridges opened the Public Hearing at approximately 7:13 p.m.

There being no others to speak for or against ZDC-143-2025, Vice Chair Bridges closed the Public Hearing at approximately 7:13 p.m.

**7. Consider recommendation of ZDC-143-2025**

**Action:**
*Chad Hicks moved to approve ZDC-143-2025, a Planned Development zoning change request for 600 Ferris Avenue, authorizing the Mayor and/or Interim City Manager to sign the associated documents accordingly. Motion was seconded by Jimmy Poarch and carried unanimously (6-0).*

**8. Public Hearing on a request by Matthew Smith, Darwood Partners, for a Zoning Change from a General Retail (GR) zoning district to Planned Development – Neighborhood Services (PD-NS) zoning district located directly east of 365 Broadhead Road (Property ID(s): 242234, 231109 – Owner(s): WP Legacy LTD (ZDC-24-2025)**

Senior Planner Oanh Vu presented the Item. The subject property was zoned to General Retail (GR) as part of the Garden Valley planned development in 2002 (ZA2002-21) to promote commercial development properties along the entrance corridor. The subject property is currently situated on an unplatted lot.

Previously, the applicant submitted a Specific Use Permit (SUP) application to allow a Convenience Store with Gasoline Sales use (ZDC-139-2024). However, the SUP request was disapproved by City Council on December 2, 2024.

The applicant is now proposing to rezone the subject property from General Retail (GR) zoning district to a Planned Development – Neighborhood Services (PD-NS) zoning district to lower the intensity of uses that would typically be allowed on the subject property under the GR zoning district but not the NS zoning district. Therefore, the applicant proposes to rezone the subject property to allow non-residential uses on a smaller scale to serve the adjacent properties without compromising the characteristics of the existing development(s). This application includes a concept plan to reflect how the owner visualizes for the subject property to be developed. A site

plan application is required to be submitted for administrative approval prior to the development of each lot.

The Neighborhood Service (NS) Zoning District is defined as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, freestanding retail structures, such as convenience stores and neighborhood oriented personal service establishments. Sites zoned NS should generally utilize an existing or small corner lot within a logical neighborhood area.

The applicant has revised the proposed 7-Eleven proposal since the disapproval of the previous SUP request in 2024. Specifically, the proposal has been updated by shifting the structures towards the center of the western tract of land of the subject property. The applicant has provided a different set of elevations/façade that utilizes over 80% of masonry throughout the building, and redesigned the structure to incorporate some of the existing architectural features of the adjacent subdivision (Garden Valley and Buffalo Ridge).

The applicant proposes to specifically allow for a Convenience Store with Gasoline Sales use with this PD request while maintaining other requirements of the existing NS zoning district. The proposed 7-Eleven is an approximately 4,800 square foot single-story building. The proposal includes a gasoline canopy with five (5) dual-sided pumps. The site plan proposed by the applicant includes a sufficient number of parking spaces to support the development.

The applicant has provided one set of elevations/façade. The proposed elevations/façade includes a combination of brick, stone, and stucco.

The lot(s) located on the eastern and western sides of the subject property will both have one access point onto Garden Valley Parkway and one access point onto Broadhead Road. The subject property will have private drives covered by mutual access easements for cross access between lots. The access easements shall be dedicated by plat prior to each lot being developed. The applicant also proposes to install pedestrian sidewalks along Garden Valley Parkway and Broadhead Road, connecting to the existing sidewalks. In addition, the applicant is proposing to install 4’ decorative iron fencing along the sidewalks located at all entrances and corners of both thoroughfares to provide a safety barrier for pedestrians, cyclists, and drivers, and to redirect traffic flow for pedestrians and cyclists.

The applicant proposes to preserve the existing mature trees that are located within the subject property by acquiring more land to shift the proposed location of the structure and gas canopy to install required trees without disturbing the existing trees. The applicant proposes to meet the landscape requirements as required. The applicant proposes to construct an eight-foot (8’) masonry screening wall and a 40’ landscape buffer with installation of additional canopy trees adjacent to the Garden Valley neighborhood to the north to provide a buffer between the existing residential subdivision.

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 39 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light, and a sign was visibly

posted at the property. Staff has received two (2) letters in opposition and two (2) letters in support for the proposed Zoning Change request.

Matthew Smith, 1008 Macon Street, Fort Worth, Texas, explained that Darwood Partners, applicant, has spent nearly a year collaborating with staff to address neighborhood concerns. He noted that the proposed 7-Eleven building has been shifted westward, further from the intersection, and that sidewalks and fencing have been incorporated to enhance pedestrian safety. Additional site plan improvements include meeting an 80% masonry requirement for the building, increasing landscaping with a 40-foot buffer adjacent to single-family residences, requiring a 24-hour enhanced security system for all buildings, preserving the majority of existing trees on the site, and upgrading the 7-Eleven elevations to better complement the surrounding neighborhood.

Commissioner Chad Hicks inquired about the possibility of installing a fence between the sidewalk and the street, or alternatively, relocating the sidewalk further away from the street. Mr. Smith responded that the applicant is not opposed to the idea; however, an encroachment agreement would be required to install the proposed fence within the right-of-way. Commissioner Hicks' suggestion prompted further discussion, during which Mr. Robertson expressed concerns regarding long-term maintenance, visibility through the fence, and potential safety hazards. In response, Mr. Smith noted that 7-Eleven is willing to assume responsibility for maintaining the fence.

Commissioner Jimmy Poarch asked the applicant whether there is any evidence that the proposed sidewalks would improve pedestrian safety. Mr. Smith responded that the design of the proposed sidewalks encourages pedestrians to remain more aware of their surroundings by reducing distractions, such as looking down at a phone. He added that the sidewalks are intended to enhance visibility between drivers and pedestrians, allowing both parties more time to see one another and react appropriately, if necessary.

Vice Chair Bridges acknowledged the applicant's efforts in addressing neighborhood concerns and commended the improvements made to the revised proposal. She also cited FBI crime statistics, noting that violent crimes occur more frequently in residential homes than in convenience stores or gas stations.

Justin Stoker, Senior Director of Public Works, stated that the Public Works Department is implementing sidewalk designs similar to those proposed by the applicant, which include intentional hard turns to encourage pedestrians to be more aware of crossings and their surroundings. He expressed the department's support for the proposed sidewalk layout as a means to enhance pedestrian safety. Mr. Stoker added that he is also supportive of relocating the sidewalk if that is the will of the Commission; however, he noted that such a change would require a sidewalk easement. He cautioned that if relocating the sidewalk eliminates the hard turns currently included in the design, he would recommend maintaining the sidewalk configuration as proposed.

Commissioner Ryan Simpson confirmed that, if approved, the Planned Development (PD) zoning would remain with the site. Mr. Robertson affirmed that the PD-NS zoning designation would continue to apply to the property even if 7-Eleven were to vacate the site.

Commissioner Simpson also offered several recommendations to enhance site security. These included:

- Limiting window coverings to no more than 25% of the window area,
- Prohibiting any window coverings that obstruct a clear line of sight to the cashier(s) or cash handling areas, and
- Updating the PD language to require the installation of a monitored alarm system connected to both a licensed security provider and a local public safety authority.

Vice Chair Bridges opened the Public Hearing at approximately 7:31 p.m.

Those that spoke against ZDC-24-2025:
Steven Vedro, 219 Range Road, Waxahachie, Texas

There being no others to speak for or against ZDC-24-2025, Vice Chair Bridges closed the Public Hearing at approximately 7:40 p.m.

**9. Consider recommendation of ZDC-24-2025**

**Action:**
*Ryan Simpson moved to recommend approval of ZDC-24-2025, a zoning change from a General Retail (GR) zoning district to a Planned Development – Neighborhood Services (PD-NS) zoning district, subject to the conditions of the staff report, and add limiting window coverings to 25%, no window coverings to obstruct the line of sight of the cash handling areas, and to amend the PD standards to include "a monitored security and alarm system to be connected to a licensed security provider and a local public safety authority" and authorizing the Mayor and/or Interim City Manager to execute all documents accordingly. Motion was seconded by Jimmy Poarch and carried unanimously (6-0).*

**10. Public Hearing on a request by Dennis Church, Minto Communities Texas, LLC, for a Zoning Change from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)**

Mr. King presented the Item and noted that the applicant intends to request a continuance of case ZDC-232-2024 to the November 10, 2025 Planning & Zoning Commission meeting, but has requested to discuss the case during tonight's meeting.

The applicant requests approval of a zoning change for a Planned Development (PD) zoning district to allow for the development of a 3,169.6-acre master planned community that includes a combination of traditional single-family, age-restricted single-family, multi-family, mixed-use, and open space tracts.

A companion petition for Voluntary Annexation for the 206-acres currently located in the Extraterritorial Jurisdiction (ETJ) will be considered by City Council at the November 3, 2025 City Council meeting, prior to this Planned Development request. The portion of the subject property currently in the Waxahachie ETJ must be annexed before this Planned Development zoning request can be approved.

The current Planned Development-Mixed Use Residential (PD-MUR) zoning for the subject property was approved with Ordinance 3265 in April of 2021. The existing zoning covers 2,813 acres in total and includes six (6) primary Development Districts including Single-Family Residential, Multi-family Residential, Mixed-Use Residential, Mixed-Use Nonresidential, General Retail, and Open Space. A total of 8,955 dwelling units are permitted with the current zoning. This total unit count is comprised of 5,769 single family units, 1,926 multi-family units, and 1,260 units spread across the mixed-use districts. The maximum gross density of the existing district as a whole is 3.18 dwelling units per acre. The existing zoning requires a minimum of four amenity centers and 400 total acres of open space. The concept plan for the existing district centers around a collection of town-center styled mixed-use districts surrounded by single-family districts and general retail districts at major intersections.

This application was originally submitted on December 18, 2024. Since that time, a total of seven (7) revised submittals for the application have been formally reviewed by staff with an average turnaround time of 6.85 business days. Per the applicant's request, City Council conducted Work Sessions in April of 2025 and August of 2025 to provide direct feedback on the application. At each Work Session, City Council provided feedback that identified ways in which the proposal could be revised to address City needs and directed the applicant to continue to work with staff to address all concerns before returning for final City Council consideration. It is important to note that at the time of this report, staff still has multiple outstanding concerns that the applicant has declined to address. On September 30, 2025, the applicant acknowledged these items and requested to be placed on the October 28, 2025 Planning & Zoning Commission meeting agenda and the November 3, 2025 City Council meeting agenda.

The PD is proposed to include a total of five (5) unique PD Districts to facilitate development of the 3,169.6-acre property. The PD Districts include the Traditional Residential District (TR), Active Adult Residential District (AA), Flex Residential District (FR), Multi-Family Residential District (MF), and Mixed-Use District (MU). The proposal allows for a maximum of 13,270 dwelling units across the entirety of the subject property. The total number of proposed dwelling units are comprised of 11,880 single family dwelling units and 1,390 dwelling units from the MF and MU districts. Based on current North Central Texas Council of Governments (NCTCOG) household occupancy estimates, this number of dwelling units may accommodate a population of up to 33,902 individuals. This figure represents approximately 65.9% of Waxahachie's population of 51,415, as of October 1, 2025.

The Traditional Residential District (TR) is intended to establish a traditional neighborhood with park, open space, and school sites for families at all stages of life. A mixture of residential lot types and homes are intended to be available in this district to allow families to age in place without leaving the district.

The Active Adult Residential District (AA) is intended to establish a neighborhood tailored exclusively to 55+ individuals and families. Accordingly, housing types and amenities are intended to take forms that are more accessible and desirable to citizens in the later stages of life rather than young families.

The Flex Residential District (FR) is intended to be a placeholder. Prior to development of this district, the area will be designated for development under TR or AA standards. Due to the size of the proposed development, build-out of the FR district is unlikely to occur in the near term and thus the applicant cannot determine whether it is more appropriate for this district to be developed as TR or AA at this time. The FR district provides for future development flexibility based on market conditions.

The Multi-Family Residential District (MF) is proposed to develop in a traditional apartment form. In addition to garden style apartments, lower density multi-family products such as townhome/brownstone style units and build-for-rent communities are permitted.

The Mixed-Use District (MU) is intended to facilitate the development of a mixture (approximately 20/80) of residential and non-residential uses. The MU district is intended to accommodate a range of residential uses and enable the development of a walkable, retail/restaurant oriented development pattern.

The PD proposal designates a total of 3,007.5 acres to be developed for single-family uses under the TR, AA, and FR districts. A total of 29 acres are designated for development under the MF district and 133.1 acres are designated for development under the MU district. Specific districts are not proposed for civic, school, or open space/park/amenity areas as these uses are proposed to be integrated into each PD District. A total of 400 acres of the subject property are proposed to be developed as open space, with 45-50 acres located in the 100-year floodplain. A total of ten (10) acres are proposed to be dedicated for civic uses and a minimum of 49 acres are proposed to be dedicated to Waxahachie Independent School District (WISD) for future school sites. The proposal also includes major drainage, detention, utility and roadway infrastructure elements needed to support the development.

The Concept Plan proposed with this Planned Development request identifies the general location and size of each of the PD Districts. The TR District is situated on the northern half of the subject property covering 1,080-acres while the AA District is situated on 1,019-acres on the southern half of the property. The FR District is situated on 907-acres on the western portion of the subject property. The MU District is primarily situated at the eastern entrance to the development at the intersection of Brookside Road and I-35E. The MF district is divided between two tracts situated near the center of the property and along FM 1446.

Beyond the general boundaries, gross acreage, and unit count allocated to each district, the Concept Plan provides no binding requirements for the location or internal design of each district. The Planned Development Standards call for general compliance with Concept Plan, but allow for PD District boundaries to be modified. The internal layout and design of each district is only established on a phase-by-phase basis with the approval of individual plats or site plans.

The Concept Plan also identifies major amenity/welcome centers, parks, detention areas, school sites, and preserved open space in addition to the PD Districts; however, insufficient Planned Development Standards are present to ensure that the resulting development will reflect the layout of these features as shown on the Concept Plan. Staff has concern with the limited detail conveyed by the Concept Plan.

The Planned Development proposal includes a total of twelve (12) unique residential lot types. The proposed lot types generally fall into two primary categories including Front Loaded and Alley Loaded/Cluster. Front Loaded lot types include the Residential Detached, Zipper, Paired Villa, Courtyard Villa, and Shallow and Wide lots. Alley Loaded/Cluster lot types include the Residential Detached, Zero Lot Line, Courtyard Home, Courtyard Villa, Townhome, Park-Facing, and Cottage lots.

The proposed lot types range in minimum size from 2,500 square feet to 6,000 square feet for the largest lot type. The existing zoning for the subject property includes minimum lot sizes that range from 2,000 square feet to 12,500 square feet. Notably, the largest minimum lot size required in the Planned Development is significantly smaller than the minimum lot size required by Waxahachie's base Single Family-3 (SF-3) zoning district at 10,000 square feet. For additional context, the lots permitted by the SF- 3 zoning district are the smallest lot types allowed in the base Waxahachie Zoning Ordinance. In terms of minimum home size, the SF-3 zoning district requires dwellings to be a minimum of 1,200 square feet. The proposed Planned Development Standards expressly eliminates the requirement for a minimum dwelling size for all lot types.

It is also important to note that the Cottage, Paired Villa, Courtyard Villa (Front Loaded), and Courtyard Villa (Alley Loaded) lot types are comparable to traditional duplex type lots. These lots are intended to be utilized with structures that contain two (2) dwelling units with a shared lot line running through the structure so that each individual lot only contains a single dwelling unit.

All twelve (12) lot types are proposed to be utilized in the AA district, but the TR district is not proposed to utilize the Courtyard Villa lot type. The applicant has not proposed a requirement that would result in the use of each lot type within the development. Instead, Chapters 5.4.1 and 5.4.2 of the Planned Development Standards include general lot mix requirements. The proposed lot mix requirements are significantly below the current requirements of the Waxahachie Zoning Ordinance. As written, the Planned Development Standards would allow all 11,880 single family units to be comprised of just three (3) lot types. The proposed standards do not require different lot types to be integrated within each block which leads to significant monotony concerns for both individual neighborhoods and the development as a whole.

This concern is exacerbated by the narrow range of minimum lot sizes across the proposed lot types which restricts the type and size of homes that may be built within the community. The minimum standards proposed by the applicant do not prevent the development of larger lot sizes, if demanded by the market, but without the inclusion of specific requirements for larger lots, it is unlikely that lots larger than 6,000 square feet will be developed in meaningful numbers across the development.

The Planned Development request includes a proposal for a Multi-Family (MF) Residential District comprised of 29-acres in total. The Concept Plan identifies only two tracts within the

subject property to be designated as the MF district. The tracts are situated along FM 1446 and near the center of the development. In total, the MF district is proposed to include a maximum of 725 dwelling units at a maximum density of 25 dwelling units per acre. The Planned Development Standards require a minimum of 500 single family dwelling units to be completed prior to development of the MF district. The Planned Development Standards also include a requirement limiting the number of 3- and 4-bedroom units to a maximum of 10% of the total number of units in the district. Despite the restriction on the number of 3- and 4-bedroom units, parking is a concern for the district. The Planned Development Standards include a provision reducing the requirement for attached garage parking spaces from 50% to 20%. Staff recommends that the attached garage parking minimum be increased to 50% to ensure sufficient parking within the district.

It is important to note that apartments and build-for-rent products are permitted outside of the MF district and do not contribute to the 725 dwelling unit maximum of the MF district. Specifically, up to 500 Senior Apartment units are permitted within the AA district, up to 650 build-for-rent units are permitted within the TR district, and up to 665 multi-family units are permitted within the MU district. If maximized, these allowances for units outside of the MF district would permit up to 2,540 multi-family units across the development in total.

The proposed development does not include dedicated retail or commercial districts. Instead, the applicant has proposed to accommodate all retail and commercial uses for the development within a Mixed-Use (MU) district totaling 133.1-acres. This is a significant reduction from the existing zoning for the subject property in which 172.5-acres were allocated to a dedicated General Retail district along with a total of 307-acres of Mixed-Use districts. Staff has concern that the reduced acreage dedicated to the MU district will be insufficient to support the retail and commercial needs of the development. This concern is compounded by the fact that the proposed district is mixed-use which means not all acreage in the district may be utilized for retail or commercial purposes. The Planned Development Standards allow for anywhere between 0% to 20% of the MU district to be comprised of residential uses which adds uncertainty around exactly how much of the district will actually develop to serve retail or commercial purposes.

While the MU district is intended to cater towards local retail and commercial uses, the proposal includes a Permitted Use chart that allows several inappropriate uses by-right in the MU district. Specifically, uses such as Light Manufacturing, Storage Warehouse, and Data Center are permitted in the MU district; however, these uses are not consistent with the desired development pattern for the MU district that is indicated on the Illustrative Plans

The Concept Plan proposed with this development heavily clusters MU tracts near I- 35E, with just two 15-acre MU tracts being provided elsewhere in the development. This starkly contrasts to the existing zoning for the subject property in which General Retail and Mixed-Use tracts are distributed consistently across the subject property near major intersections. Staff is concerned that the poor distribution of MU tracts across the development will limit the availability of neighborhood services to residents and result in increased congestion near the MU tracts that are provided.

Design criteria for structures and sites in the MU district are also a concern. Neither the Planned Development Standards nor the Development Agreement include sufficient design requirements to result in the in the retail oriented, walkable development pattern shown in the Illustrative Plans.

The current proposal for exterior building design is based largely on the existing Waxahachie Zoning Ordinance. The proposal does not include specific requirements to establish continuity between structures in the MU district or designs that complement the residential design standards for the development.

Chapter 3.2 of the Planned Development Standards outlines the proposed Site Plan approval process for this development. The proposal requires all non-residential and multi-family properties within the subject property to receive Site Plan approval prior to the issuance of a building permit for said uses. The traditional Waxahachie development process requires Site Plan approval for these uses prior to the approval of a Civil Construction permit.

Notably, the proposal allows Site Plan approval to be provided by the City Manager or City Staff designee, as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the non-residential, mixed use, and multi-family tracts to be developed as shown in the Illustrative Plans. Due to this, staff recommends that the Planned Development Standards be revised to require Planning & Zoning Commission and City Council approval of all Site Plans. This change would help ensure the subject property develops as intended by City Council, if approved.

The maximum gross density for the proposed development as a whole is 4.18 dwelling units per acre (DUA). This may be compared with the maximum gross density of the existing zoning at 3.18 DUA. The TR, AA, and FR Districts are proposed to have maximum gross densities of 3.95 DUA across the entirety of each district. However, Chapter 5.1.2 of the Planned Development Standards allows individual phases within these districts to reach up to 10 DUA.

Additionally, Chapter 3.5.1 of the Planned Development Standards allows for the developer to modify any numerical standard in the proposal by up to 10% without City Council approval. This proposal would allow the density of some portions of the TR, AA, and FR Districts to be significantly higher than the proposed average. Despite the allowances for increased density, the maximum total dwelling unit count of 13,270 is not permitted to increase for the development as a whole.

Staff has concern that proposed variable density allowances may result in more dense development being prioritized in the initial phases of the development to such an extent that it is infeasible or impractical for later phases to meet the overall density requirement of 3.95 DUA for the TR, AA, and FR Districts. The variably density allowances may also result in a development pattern that is not representative of the Illustrative Plans provided by the applicant.

The applicant proposes to dedicate up to 10-acres of property to the City for civic uses that may include fire and/or police stations. This proposal is consistent with the civic land dedication requirement of the existing zoning for the subject property. The Planned Development Standards and Development Agreement do not specify an exact location for the civic land dedication, but do note that the 10-acres can be comprised of one or more individual tracts. The proposed Development Agreement states that dedication of the civic land shall occur “when the City identifies a specific need.”

The applicant also proposes to dedicate two (2) elementary school sites sized based on WISD needs, but not less than 12-acres each. Dedication of third elementary school site is identified as an option if WISD provides evidence to the developer that a third location is warranted. Additionally, one 25-30-acre site for a middle school is proposed to be dedicated as part of this development. Similar to the civic land, the proposal notes that the final location and dedication timeline for the school sites shall occur "when the WISD identifies as specific need". The applicant is only proposing to dedicate land for future school sites, not participate in the development or construction of the schools.

Notably, the existing zoning requires a minimum of 85-100-acres of land dedication to WISD for up to five (5) elementary school sites and one (1) junior high site. The applicant has noted the reason for the reduction in land dedication is due to between 1,019-acres and 1,926-acres of the subject property being designated as the Active Adult Residential (AA) district. This district is proposed to be age restricted to 55+ year old residents and thus will include little to no school-age children. Despite the intent for a large portion of the development to be age-restricted, staff has concern that three (3) elementary schools and one (1) middle school is insufficient to serve the expected population. This concern may be exacerbated if the age restriction requirement of the AA district is not sufficiently enforced.

The Concept Plan proposed with this development identifies two (2) primary amenity center tracts. The amenity center tracts are proposed to be a minimum of 20-acres each. An amenity center tract is proposed for both the Traditional Residential (TR) district and the Active Adult Residential (AA) district. Chapter 6.5.2 of the Planned Development Standards includes design guidelines for the type and minimum number of amenities required with each tract. This chapter also includes construction phasing guidelines for the tract in each district that require construction of the primary amenity center to begin no later than final inspection for the 750th home in the TR district and the 500th home in the AA district respectively. Full build out of the amenity center tracts is not proposed until the final inspection of the 2,000th home in the TR district and the 1,500th home in the AA district. The amenity centers are proposed to be accessible only by members of the HOA, not the general public.

The developer is obligated to receive Site Plan approval for each amenity center tract prior to development. However, Site Plan approval is proposed to occur at the administrative level as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the amenity center tracts to be developed as shown in the Illustrative Plans and do not adequately prevent individual amenities from being duplicated to meet minimum amenity requirements.

As per Section 4.4 of the Waxahachie Subdivision Ordinance, residential developments are required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. If followed, this requirement would result in the dedication of approximately 265 acres for public parks with this development. The applicant has not identified the exact acreage of park land that is proposed to be dedicated to the City; however, based on the Open Space and Trail Plan, approximately 180-acres of total park land appears to be proposed for dedication. Approximately 45-50-acres of this total are located within the 100-year floodplain. It is important to note that the current Waxahachie requirement prohibits land with extreme

topography or land located within a drainage area or FEMA designated 100-year floodplain from qualifying for dedication.

The applicant has provided an alternative to the typical park land dedication requirement with this PD proposal. Chapter 6 of the Planned Development Standards includes a detailed proposal for Open Spaces, Parks, Trails, and Amenities that are tailored to this Development. The alternative proposal requires a minimum of 400 acres of total open space for the development. Passive areas such as floodplain, utility easements, and landscape buffers, including those located within street right-of-way (ROW), are proposed to count towards the total open space requirement. The amount of passive open space that can contribute to the 400-acre minimum requirement is not capped. Open spaces are proposed to be accessible to the general public.

For additional context, the existing zoning for the subject property includes a similar requirement for a minimum of 400 acres of open space that may be comprised of passive areas such as floodplain, utility easements, and landscape buffers in addition to traditional parks. Notably, the existing zoning caps the amount of floodplain that can contribute to this total at 63.3 acres. The proposed Planned Development Standards require each residential plat containing 100 or more lots to provide a minimum of 10% of the total platted area as open space. Both passive and active amenity areas may contribute towards the open space requirement.

The applicant has identified active amenities and park areas that are proposed to contribute to the minimum open space requirement in the Open Space and Trail Plan. These active amenities include two (2) 20-acre amenity centers, the Waxahachie-Midlothian Regional Trail, a regional trail park, linear parks, specialty parks, neighborhood parks, pocket parks, and gas line parks that are proposed to be connected with a trail system.

Each of these active amenity and park areas are defined in detail in Chapter 6 of the Planned Development Standards. This chapter defines each of the amenity elements that are proposed within the development as a whole. Design criteria has been provided for each type of park wherein the minimum size and frequency of each park is established along with the minimum number of required amenity elements. The number of required amenity elements is proposed to scale up as park size increases, but no single type of amenity element can comprise more than 25% of the required elements for a park. Per the Open Space and Trail Plan, each park is proposed to connect to the trail network. All homesites are proposed to be located within 0.5-miles of a park which is a greater distance than the typical precedent in Waxahachie for homes to be located within 0.25-miles of a park.

The Planned Development Standards and Development Agreement include provisions requiring the developer to fund and install the portion of the Midlothian-Waxahachie Regional Trail that crosses the subject property. The proposal generally requires construction of the trail to commence once the adjacent section of the trail being constructed by the City is complete, but a definitive construction and dedication timeline for the trail is not provided in the Development Agreement.

While the Planned Development Standards generally define what parks will be present and what amenities may be provided in each type of park, they do not identify the exact location, size, or design of each park. This ambiguity provides flexibility for future park design, but is a concern as it relates to parks that are proposed to be dedicated to the City per the Development Agreement,

such as the specialty parks and the regional trail park. There is a need for the City to understand the exact size, location, and amenity package for each of these parks at this time so that it can be determined whether City maintenance is feasible and whether City ownership is appropriate.

Ambiguity around the timing of dedication of the specialty parks and regional trail parks to the City is also a concern. The Planned Development Standards note that construction of the specialty parks and regional trail parks shall commence concurrently with construction of the adjacent residential phase. However, dedication to the City is only proposed with "completion of the last unit in the adjacent residential subdivision." This provision does not result in a definitive timeline for park dedication as it allows dedication to be delayed indefinitely if just one (1) lot in the adjacent residential phase is left undeveloped. This has the potential to delay required amenities for adjacent residents and negatively impact City efforts to plan for maintenance obligations.

Residential developments are typically required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. Alternatively, a cash in lieu of park land dedication payment can be made at $400.00 per dwelling unit. For context, the total cash in lieu of park land dedication fee for this development is estimated at $5,308,000.00. The applicant requests that the open space, park, and amenity proposal for the development satisfy the requirement for either direct park land dedication or cash-in-lieu fees.

To accommodate the small size of the majority of single-family residential lots proposed with this development, the applicant has included alternative residential landscape requirements in the Planned Development Standards. Lots greater than 50' in width with detached housing products are required to have two 3" canopy trees in the front yard and one 2" canopy tree in the rear yard. Lots less than 50' in width and those with attached products are required to have one 3" canopy tree in the front yard and one 2" canopy tree in the rear yard.

Street canopy trees a minimum of 3" in caliper are required to be planted in the right-of-way (ROW) in all PD districts, with the exception of areas developed as cottage lots. The Planned Development Standards also require street trees to be planted and irrigated in boulevard medians and right-of-way islands at a rate of one tree for every 1,000 square feet of median area. The Planned Development Standards also require a combination of canopy trees, ornamental trees, and shrubs to be planted in landscape bump-outs at regular intervals in the ROW of enhanced local streets. Landscaping and irrigation that is located within the ROW is required to be installed concurrently with the public infrastructure in the ROW. These proposals for landscaping in the ROW are an enhancement to the current landscape requirements of the Waxahachie Zoning Ordinance.

The Planned Development Standards also include alternative screening proposals for major thoroughfares and non-residential uses. The Waxahachie Zoning Ordinance typically requires single family residential lots that are adjacent to major thoroughfares or nonresidential uses to be screened by a 6' masonry wall. If strictly followed, a masonry screening wall without a supporting buffer area and landscaping can result in an undesirable aesthetic condition along thoroughfares and between land uses. The Screening Plan proposed by the applicant replaces the typical screening wall requirement with a requirement for a 20' landscaped buffer intended to enhance the development. Screening option 1 is proposed along major thoroughfares. The option 1 buffer is required to include a 3' berm along with evergreen trees and shrubs at regular intervals. Screening

option 2 is proposed between residential and non-residential districts. The option 2 buffer is required to include evergreen trees, 6'-8' Midstory plants, and shrubs at regular intervals. Option 2 also allows for the substitution of Midstory plants for a 6' masonry wall, if the 20' landscape buffer is still provided.

The applicant has included a tree preservation provision with the Development Agreement for proposed development. The provision states that "Tree Preservation requirements set forth in City Ordinances shall be satisfied by the installation of trees required under the Zoning Ordinance". The proposed language does not actually result in a requirement to preserve existing trees on the property and instead expressly allows for clear cutting. This is a concern specifically as it relates to park areas, open spaces, and floodplain areas where tree preservation is a crucial amenity and a key part of erosion control.

The subject property is immediately adjacent to Waxahachie Creek and approximately 45-50 acres of the property is located within FEMA designated 100-year floodplain. Development within the 100-year floodplain is subject to Appendix B (Flood Damage Prevention) of the City of Waxahachie Code of Ordinances as amended. Generally speaking, a very limited amount of activity can occur within the 100- year floodplain so as not to impact flooding along Waxahachie creek. Due to this, the applicant proposes to incorporate all portions of the subject property within the 100-year floodplain in the regional trail parks. As mentioned, the regional trail parks are proposed to be dedicated to the City and contain the Midlothian-Waxahachie Regional Trail. All proposed park and trail improvements within, and adjacent to, the 100-year floodplain are subject to review and approval by the Public Works and Engineering Department.

Architectural design standards and exterior construction material standards are provided with Exhibit K of the Development Agreement. Exhibit K establishes these detailed standards for single-family residential homes, but does not provide the same degree of detail for non-residential and multi-family structures. The limited specificity for non-residential and multi-family structures is likely to result in development that is not architecturally compatible with adjacent single-family neighborhoods. Notably, this Exhibit is titled "Design Guidelines" rather than "Design Requirements."

The applicant proposes six (6) unique single-family home styles for use within this Planned Development. The home styles include Texas Farmhouse, Texas Craftsman, Texas Hill Country, Texas Tudor, Texas Colonial Revival, and Texas Victorian. To provide an opportunity for variety within each home style, a spectrum of design standards is proposed for Traditional, Transitional, and Bold versions of each home style. The proposed Design Guidelines also establish three (3) tiers of key architectural elements that are required to be incorporated into the design of a home in order for it to be considered a particular style. Graphic representations and example imagery are provided alongside these elements in Exhibit K to reduce ambiguity. It is important to note that Exhibit K does not require all single-family homes to utilize the Waxahachie standard of 75% masonry exterior construction materials. By contrast, Exhibit K establishes a minimum masonry exterior material requirement ranging from 0% to 50% based on the style of home.

Exhibit K also established alternative anti-monotony (or lot skip) requirements for the proposed development. The current Waxahachie Zoning Ordinance prohibits the same elevation from being

duplicated within six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction. The requirement reduces monotony by preventing the same home from being frequently repeated within a neighborhood. The applicant proposes to only prohibit the same elevation immediately to either side of a lot, or directly across the street. Further departing from current minimum Waxahachie Standards, Exhibit K permits a change in color scheme to be considered a change in elevation for the purpose compliance with anti-monotony requirements. The current Waxahachie Zoning Ordinance requires architectural or structural differences to be present for an elevation to be considered changed. This proposal is a significant concern for staff.

In regards to non-residential and mixed-use structures, Exhibit K provides design guidelines that are largely based on the current requirements of the Waxahachie Zoning Ordinance. The exhibit does not include requirements for the use of specific architectural elements, masonry products, or color palettes that are complimentary to the standards proposed for single-family homes. Similarly, Exhibit K includes language that generally requires pedestrian friendly streetscape design, but falls short of detailing specifically how street and sidewalk furnishings should be installed in the MU District to create a walkable, retail-oriented development.

The Planned Development Standards (Chapter 3.3) and the Development Agreement (Section 6.13(d)) include provisions to establish a master approval process for building permits that operates outside of the City's typical building permitting process. The process is intended to allow the developer to submit a set of master single-family residential floor plans for review and approval ahead of the submission of a typical building permit. Once a Master Floor Plan is approved, the proposal obligates City approval and issuance of a building permit for a home utilizing the floor plan.

The proposal specifically obligates 2- and 3- business day building permit review and issuance timelines for the life of the project without regard for potential local, state, or IBC changes that may impact permitting processes in the future. The proposal does not include requirements for the developer to provide any more rigorous building standards that may justify an expedited plan review process. The proposal introduces potential pitfalls and loopholes in the permitting process that are likely to lead to design monotony. Additionally, the proposal authorizes the developer to receive permit approval by third-party plan reviewers and obligates the City to accept the determination of the third-party without the opportunity for further review by City staff. This particular aspect of the proposal is likely to negatively impact the City's ability to properly review building permits and ensure up-to-date International Building Code (IBC) compliance through the life of the development.

The applicant proposes to establish unique signage guidelines for the development via Chapter 10, Planned Development Standards and a Signage Plan. The Planned Development Standards establish written guidelines for a variety of signs that are not currently defined and/or not currently permitted by the Waxahachie Zoning Ordinance. These signs include primary entry, secondary entry, tertiary entry, residential navigation, and directional signs that are proposed to take the form of large monuments. Due to the proposed size, proximity, and purpose of each of these signs, it was necessary for the applicant to propose guidelines outside of the framework of the existing Waxahachie Zoning Ordinance.

The applicant has provided a thoroughfare exhibit with this PD request that identifies the major thoroughfares proposed within subject property. The thoroughfares proposed on the subject property are generally consistent with the 2024 Waxahachie Thoroughfare Plan. The proposal includes two primary 120' major arterial thoroughfares in north-south and east-west directions. The north-south major arterial is proposed to extend from FM 1446 to FM 875 while the east-west major arterial is proposed to extend from the Brookside Road bridge to Lone Elm Road.

Additionally, 80' and 60' collector thoroughfares are proposed throughout the subject property. A 72' "Enhanced Local Street" with on-street parking and upgraded landscaping is proposed to serve as a ring road around the center of the development. The Enhanced Local Street is a proposal unique to this development and is not found in the 2024 Waxahachie Thoroughfare Plan. Notably, the thoroughfare proposal does not include right-of-way (ROW) dedication or improvements for thoroughfares on the border of the development such as FM 875, FM 1446, or Lone Elm Road. Staff has informed the applicant that ROW dedication, and potential improvements, for these thoroughfares is required with this development per the 2024 Waxahachie Thoroughfare Plan. At the time of the staff report, the applicant has not revised the proposal to include the appropriate ROW dedication for these thoroughfares.

The applicant's proposal to access the subject property is based primarily on the intersection of Brookside Road and I-35E. Beyond this intersection, the proposal includes two (2) direct connections to FM 875 to the north and one (1) direct connection to FM 1446 to the south. The proposal also includes one (1) additional future connection to FM 875 and FM 1446 via Lone Elm Road. However, these future connections via Lone Elm Road are proposed at full-build out of the development and do not currently include improvements to Lone Elm Road by the developer.

The applicant proposes to support the initial phases of the proposed development by building only two lanes (one lane per direction) of the major east-west arterial thoroughfare extending from the Brookside Road bridge. Staff contends that the intersection of Brookside Road and I-35E alone cannot properly support any development of the subject property. Staff subsequently requested that a secondary connection to FM 875 be made with the initial phase of development. To address this concern, the applicant has added Chapter 9.2.1 to the Planned Development Standards requiring an access route in the form of a "public street, fire lane, or temporary all-weather access" be provided from I-35E to FM 875 prior to the issuance of the first Certificate of Occupancy (CO) in the development.

The applicant has provided a Traffic Impact Analysis (TIA) for the proposed development to address traffic demands generated by the development. Staff provided the latest round of technical comments on the TIA on July 30, 2025, but has not received a revised submittal from the applicant since that time.

The TIA stresses that only a high-level analysis of traffic demands could be conducted at this time due to the conceptual nature of the current proposal. The TIA focuses almost exclusively on the on-site roadway improvements needed to support the proposed development. The TIA states that the on-site thoroughfare proposal is sufficient to support full build-out of the development. The TIA also notes that Phases 1-3 of the proposed development can be supported by a two-lane (one lane per direction) east-west thoroughfare extending from the Brookside Road bridge alone. As noted previously staff contends that the Brookside Road and I-35E intersection alone cannot

properly support any development of the subject property and requested that a secondary connection to FM 875 be made with the initial phase of development. The applicant has not addressed this concern in the TIA directly.

The TIA does not include an analysis of major adjacent intersections and does not identify the off-site improvements necessary to support the traffic generated by the proposed development such as improvements along FM 875, FM 1446, the Brookside Road bridge, or I-35E service roads. As these items were not analyzed with the TIA, the TIA also falls short of stating that the developer is responsible for funding and constructing any off-site roadway improvements needed to support the proposed development.

The TIA recommends that detailed studies be conducted concurrently with the development of every 1,000 lots on the subject property to ensure planning and development of the appropriate roadway infrastructure occurs as the property develops.

The applicant has provided a Street Section Exhibit and detailed Street Design standards (Chapter 9, Planned Development Standards) for each proposed thoroughfare and street type within the development. The Exhibit includes graphics that identify the proposed drive-lanes, landscape buffer (parkway), and sidewalk/trail width for each street type. Where applicable, the exhibit identifies the width and location of landscaped medians and on-street parking. The proposed street sections are generally consistent with those identified in the 2023 Waxahachie Comprehensive Plan. The proposal for arterial and collector streets deviates slightly from the recommendations of the Comprehensive Plan by reducing the width of landscape buffers to accommodate wider lanes and sidewalks in some instances. The Exhibit also includes proposed alley sections for both residential and non-residential conditions.

The applicant has not included a specific Phasing Plan in the PD request for property; however, the applicant has indicated that development of the subject property is anticipated to occur over at least thirty-nine (39) phases. Development of the subject property is generally expected to occur from east to west, beginning near the intersection of Brookside Road and Interstate 35E. There is no specific provision in the PD that requires development to progress from east to west, but the Development Agreement proposed for property does include several exhibits that summarize the initial infrastructure needed to develop Phases 1-5 on the eastern portion of the property. Full buildout of the development is anticipated to take 15-20 years.

The subject property is primarily situated within the Mixed Use Neighborhood placetype, as defined by the 2023 Waxahachie Future Land Use Plan (FLUP), with portions of the property identified under the Residential Neighborhood and Regional Commercial placetypes as well. Based on the current status of the documents submitted to support this proposal, staff does not believe the proposal is compliant with the intent of the 2023 Waxahachie Comprehensive Plan. The proposal does not provide the range of housing, site design criteria, or integration of residential, employment, and retail opportunities that is necessary to result in the development pattern identified by the Mixed Use Neighborhood placetype. Due to the presence of large exclusively residential PD Districts, the proposal represents a barrier to compliance with the Comprehensive Plan by eliminating the residential, employment, and retail integration established by the current zoning of the subject property.

A Municipal Management District, or MMD, is special district designed to allow for specific improvements, and maintenance of said improvements, on a property. The Texas Commission on Environmental Quality (TCEQ) is responsible for authorizing and overseeing the MMD along with the City. MMD's are financed by an additional assessment levied against the property owners within the district. In a practical sense, future property owners in the proposed development would recognize the MMD as an additional "tax". The MMD functions by allowing the district (developer) to issue bonds to fund the construction of public and semi-public infrastructure for the development. These bonds typically have 30-year lifespans are repaid by the assessments levied on future property owners within the district. A MMD may be used to maintain infrastructure in perpetuity, resulting in a perpetual assessment on members of the district, or may dissolve once the bonds are repaid.

The Kemp Tract proposal includes a request for a Development Agreement to establish a MMD district to fund a wide range of infrastructure improvements on the property. The MMD assessment proposed for this development is $0.80 per $100 of taxable assessed value. This assessment rate is equivalent to approximately 131% of the current City property tax rate of $0.61 per $100.

The Planning & Zoning Commission is tasked with providing a recommendation to City Council on the proposed zoning of the subject property. The Commission historically has not offered a direct recommendation related to a special district, such as an MMD, to the City Council. In this instance, staff suggests that the Commission consider the Development Agreement and MMD proposed for the development when making their recommendation to City Council on this zoning request. This is due to the extent to which the proposed MMD effects the zoning change request and vice versa. The applicant proposes to utilize the MMD to fund construction and maintenance of a wide range of public streets, utilities, parks, trails, amenities, greenbelts, screening, and signage that are an integral part of the PD. A change to the MMD has the potential to significantly impact the final PD proposal or the ability of the developer to deliver the improvements required by the PD. Furthermore, the architectural and building material design guidelines for the structures proposed with this zoning request are established only within the Development Agreement, not the PD itself. For these reasons, the PD proposal should not be approved without concurrent consideration and approval of the Development Agreement and MMD.

Staff has concerns that the proposed $0.80 MMD assessment rate is not justified by the quality of the current PD proposal. Staff is also concerned that a fully informed decision regarding the MMD cannot be made at this time due to the lack of detail provided for the capital costs and long-term maintenance costs of the MMD. Without a full breakdown of capital costs at this time, it cannot be determined how MMD funds are proposed to be allocated or whether the proposed assessment rate is reasonable.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 141 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. Staff received zero (0) letters of support and seven (12) letters of opposition to the proposed Planned Development zoning change request.

Based on the current Planned Development details available, staff recommends denial of the PD request, with prejudice.

Vice Chair Bridges asked whether it is typical for developers to be somewhat vague or flexible in their requests regarding the size of a proposed development. Mr. King responded that while such flexibility is not necessarily unusual with larger cities, the City of Waxahachie has not previously encountered a development request of this scale and does not currently have individualized permitting processes in place to accommodate it.

Richard Rozier, 208 Katy Lake, Waxahachie, Texas, provided an overview of Minto Communities and the history of the Kemp Tract project. He acknowledged prior miscommunication with staff and apologized for not providing timely responses. Mr. Rozier stated that the development team has since spent significant time working with staff to address concerns. He emphasized that Ellis County is experiencing growth, and housing preferences and density needs are evolving. He referenced the City's 2023 Comprehensive Plan, which supports increased density to sustain City services. Mr. Rozier requested a continuance to allow further collaboration with staff and the community. He expressed Minto Communities' intent to create a development that reflects Waxahachie's unique culture and charm. He acknowledged infrastructure challenges and noted that the proposed development would extend water, sewer, and roadway infrastructure to the west side of I-35. Mr. Rozier clarified that the Municipal Management District (MMD) tax rate of $0.80 per $100 valuation is a maximum cap, and a study will be conducted to determine the actual rate. He explained that the current PD does not include specific design standards, as housing types will be market-driven. Once a development partner is ready to proceed, they will be required to go through the PD process for Planning & Zoning Commission and City Council approval. He also noted that the developer has met with the school district, which has expressed support for the project.

Bill Dahlstrom, 2323 Ross Avenue, Dallas, Texas, introduced himself as a land use attorney representing Minto Communities. He outlined key elements of the proposed development, which include a diverse range of housing options, high-quality retail and mixed-use spaces, parks, trails, amenities, school and civic sites, and supporting infrastructure. Mr. Dahlstrom emphasized that the project is anticipated to have a positive impact on Waxahachie's economic growth.

Lynn Caposo, representing Community Planning, Product Design, and Strategic Marketing, introduced himself as the project's architect working with Minto Communities. He stated that the primary goal is to design homes that reflect the character and heritage of the Waxahachie community. While acknowledging that housing styles will likely evolve over the next two decades, Mr. Caposo explained that the current Planned Development (PD) incorporates traditional architectural vernaculars with flexibility to adapt to future market trends. He presented proposed architectural styles inspired by designs found throughout Texas, emphasizing their regional relevance. Mr. Caposo also discussed key design principles—such as defining architectural characteristics, strong stylistic elements, and design enhancements—and introduced the Texas Farmhouse design spectrum, which includes three elevation types: Traditional, Transitional, and Bold.

Commissioner Poarch requested clarification regarding the number of school sites proposed within the PD. Mr. Rozier responded that they are actively coordinating with WISD and expect to have a clearer understanding of the district's needs in the near future. Vice Chair Bridges added that, based on her discussion with a WISD representative, she would not support a PD that allocates fewer than 75 acres for school sites.

Commissioner Hicks confirmed Mr. Rozier's role as an elected official with the Ellis County Appraisal District and requested clarification on his responsibilities related to the proposed development. Mr. Rozier explained that he has long worked in consulting and holds no fiduciary responsibility with the City.

Commissioner Simpson inquired about the water and sewer requirements for the development. James Gaertner, Executive Director of Public Works and Utilities, stated that the City is currently conducting a Master Plan for its water and wastewater treatment plants to accommodate the city's anticipated future growth.

Vice Chair Bridges opened the Public Hearing at approximately 8:56 p.m.

Those that spoke in opposition:
Bob Ferris, 6059 E FM 875, Waxahachie, Texas
James Fabby, 5236 E FM 875, Waxahachie, Texas
David Higley, 945 Lone Elm Road, Waxahachie, Texas
Cynthia Prescott, 5241 E FM 875, Waxahachie, Texas
Jose Tovar, 415 Brookside Road, Waxahachie, Texas
Driller Fiegel, 5955 FM 875, Waxahachie, Texas
Michael Anderson, 413 Brookside Road, Waxahachie, Texas
Terry Nay, 711 Brookside Road, Waxahachie, Texas
Dean Settlemyer, 605 Brookside Road, Waxahachie, Texas
Kathy Kacal, 405 Brookside Road, Waxahachie, Texas

**Action:**
*Chad Hicks moved to continue the Public Hearing to the November 10, 2025 P&Z Commission Meeting. Motion was seconded by Bart Underwood and carried unanimously (6-0).*

**11. Consider recommendation of ZDC-232-2024**

No action taken.

**12. Convene into Executive Session to consult with the City Attorney about contemplated litigation; to consult with the City Attorney regarding legal issues associated with land development and annexation issues; as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto**

Vice Chair Bridges announced that it was not necessary to convene into Executive Session, as the Commission had approved a continuance for Case ZDC-232-2024.

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

No action taken.

**14. Adjourn**

Senior Director of Planning Trenton Robertson expressed his appreciation to the Planning Department staff for their hard work and attention to detail on projects of all sizes. He stated that he is grateful for their continued dedication and professionalism.

Planning Manager Zack King thanked the Commission for their ongoing contributions to the city's planning efforts and acknowledged that their participation played a key role in the City's receipt of the Richard R. Lillie Planning Excellence Award.

Mayor Pro Tem Patrick Souter, Terry Connor, and Ryan Simpson also commended staff for their thorough preparation of detailed staff reports for the Commission and expressed their gratitude for the team's continued efforts and commitment.

There being no further business, the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Jami Bonner
Assistant City Secretary

# Planning & Zoning Department

# Plat Staff Report

## Case: SUB-161-2025

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 10, 2025

**CAPTION**

***Present*** a request by Tim Jackson, for a **Plat** of Jerry Loyd Place, 2 residential lots, being 9.823-acres, located at 1183 Lone Elm Road, situated in the E Ballard Survey, Abstract 120, an addition to the City of Waxahachie (Property ID 180654) – Owner: Deanna Carter (SUB-161-2025)

**RECOMMENDED MOTION**

*"I move to approve SUB-161-2025, a Plat of the Jerry Loyd Place subdivision, subject to the conditions the staff report, authorizing the Planning & Zoning Commissioner to sign the associated documents accordingly."*

**APPLICANT REQUEST**

The applicant requests to plat the subject property into 2 single family residential lots.

**CASE INFORMATION**

| | |
|---|---|
| *Applicant:* | Tim Jackson |
| *Property Owner(s):* | Deanna Carter |
| *Site Acreage:* | 9.823 acres |
| *Number of Lots:* | 2 lot |
| *Number of Dwelling Units:* | 2 unit |
| *Park Land Dedication:* | The cash in lieu of park land dedication for this case is estimated at $800.00 (1 Dwelling Unit at $400 per dwelling unit). |
| *Adequate Public Facilities:* | Adequate public water facilities are available to the subject property via Buena Vista-Bethel WSC. Wastewater services will be provided via an on-site sceptic system. |

**SUBJECT PROPERTY**

*General Location:* 1183 Lone Elm Road

*Parcel ID Number(s):* 180654

*Current Zoning:* Rural Residential (RR)

*Existing Use:* Single Family Residence

*Platting History:* The subject property is not currently platted.

*Site Aerial:*




**PLANNING ANALYSIS**

The applicant proposes to plat the subject property into 2 single family residential lots as part of the Jerry Loyd Place subdivision. The subject property is currently zoned Rural Residential (RR). The proposed lots adhere to the lot size and dimension requirements of the current zoning.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Plat request.

**ATTACHED EXHIBITS**

1. Plat
2. Water Utility Provider Endorsement Letter

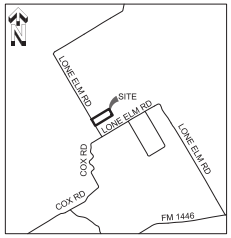
**STAFF CONTACT INFORMATION**

*Prepared by:*
Caleb Ensley
Planner
caleb.ensley@waxahachie.com

*Reviewed by:*
Trenton Robertson, AICP
Senior Director of Planning
Trenton.Robertson@waxahachie.com

0' 50' 100'

SCALE: 1" = 100'




VICINITY MAP
NOT TO SCALE

LEGEND

CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
CIRF = 1/2" CIRF "WLSC RPLS 5331"
CS = COTTON SPINDLE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0170G, DATED OCTOBER 19, 2023, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ALL CORNERS ARE SET WITH A 5/8" IRON ROD WITH YELLOW CAP STAMPED "TXRCS" UNLESS OTHERWISE NOTED.

PER SECTIONS 5.6 AND 5.7 OF THE WAXAHACHIE SUBDIVISION ORDINANCE, FENCES, RETAINING WALLS AND SCREENING WALLS SHALL NOT BE PLACED IN UTILITY EASEMENTS.

DRIANAGE NOTE:
DUE TO POTENTIAL DRAINAGE ISSUES ON LOT 2, A DRAINAGE STUDY, SITE PLAN AND MINIMUM FINISHED FLOOR ELEVATION SHALL BE SUBMITTED AND APPROVED BY THE CITY OF WAXAHACHIE CITY ENGINEER PRIOR TO ANY BUILDING UPON LOT 2 OF THIS ADDITION.

STATE OF TEXAS :
COUNTY OF ELLIS : KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, DEANNA CARTER, IS THE OWNER OF A TRACT OF LAND SITUATED IN THE E. BALLARD SURVEY, ABSTRACT NO. 120, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO DEANNA CARTER, RECORDED IN INSTRUMENT NO. 2327443, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID CARTER TRACT, THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DARREN DAUGHERTY AND WENDY DAUGHERTY, RECORDED IN INSTRUMENT NO. 1617902, OPRECT, IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MICHAEL CLAY MEGLASSON, II AND STEPHANIE MAXINE MEGLASSON, RECORDED IN INSTRUMENT NO. 1622195, OPRECT AND IN THE APPROXIMATE CENTERLINE OF LONE ELM ROAD (A VARIABLE WIDTH UNRECORDED RIGHT-OF-WAY);

THENCE N 58°58'26" E, ALONG THE NORTH LINE OF SAID CARTER TRACT AND THE COMMON SOUTH LINE OF SAID DAUGHERTY TRACT, PASSING AT A DISTANCE OF 20.94 FEET A 1/2" IRON ROD FOUND FOR WITNESS, PASSING AT A DISTANCE OF 40.01 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AND PASSING AT A DISTANCE OF 1089.66 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID DAUGHERTY TRACT AND A COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO KATHERINE TEAMES, RECORDED IN VOLUME 815, PAGE 979, OPRECT, CONTINUING ALONG THE NORTH LINE OF SAID CARTER TRACT AND A COMMON SOUTH LINE OF SAID TEAMES TRACT, A TOTAL DISTANCE OF 1110.06 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID CARTER TRACT AND A COMMON INTERIOR ELL CORNER OF SAID TEAMES TRACT;

THENCE S 29°43'55" E, ALONG THE EAST LINE OF SAID CARTER TRACT AND THE COMMON WEST LINE OF SAID TEAMES TRACT, A DISTANCE OF 398.30 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID CARTER TRACT AND THE COMMON NORTHEAST CORNER OF NEAL'S ADDITION, RECORDED IN CABINET E, SLIDE 182, OPRECT;

THENCE S 58°49'05" W, ALONG THE SOUTH LINE OF SAID CARTER TRACT, THE COMMON NORTH LINE OF SAID NEAL'S ADDITION, PASSING AT A DISTANCE OF 553.25 FEET A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID NEAL'S ADDITION AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO IRINEO LOPEZ GARCIA AND ILDA GUADALUPE LOPEZ, RECORDED IN INSTRUMENT NO. 2432438, OPRECT, CONTINUING ALONG THE SOUTH LINE OF SAID CARTER TRACT AND THE COMMON NORTH LINE OF SAID LOPEZ TRACT, PASSING AT A DISTANCE OF 833.08 FEET A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOPEZ TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DAVID ALLEN WHITE, RECORDED IN VOLUME 1638, PAGE 362, OPRECT, CONTINUING ALONG THE SOUTH LINE OF SAID CARTER TRACT AND THE COMMON NORTH LINE OF SAID WHITE TRACT, PASSING AT A DISTANCE OF 1071.24 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 1111.25 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID CARTER TRACT, THE COMMON NORTHWEST CORNER OF SAID WHITE TRACT, IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELSA ISABEL DURAND, RECORDED IN VOLUME 1896, PAGE 1727, OPRECT (HEREINAFTER CALLED DURAND TRACT 1) AND IN THE APPROXIMATE CENTERLINE OF SAID LONE ELM ROAD, FROM WHICH A 5/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID WHITE TRACT, BEARS S 29°34'19" E, A DISTANCE OF 157.43 FEET;

THENCE N 29°34'19" W, ALONG THE WEST LINE OF SAID CARTER TRACT, THE COMMON EAST LINE OF SAID DURAND TRACT 1, THE COMMON EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ELSA DURAND, RECORDED IN INSTRUMENT NO. 2008470, OPRECT, THE COMMON EAST LINE OF SAID MEGLASSON TRACT AND THE APPROXIMATE CENTERLINE OF SAID LONE ELM ROAD, A DISTANCE OF 401.35 FEET TO THE POINT OF BEGINNING, AND CONTAINING 10.191 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT DEANNA CARTER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS JERRY LOYD PLACE, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS, MY HAND, THIS THE _____ DAY OF _____ , 2025.

_____
DEANNA CARTER

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 DEANNA CARTER, 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, THE _____ DAY OF _____, 2025.

_____
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, 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.

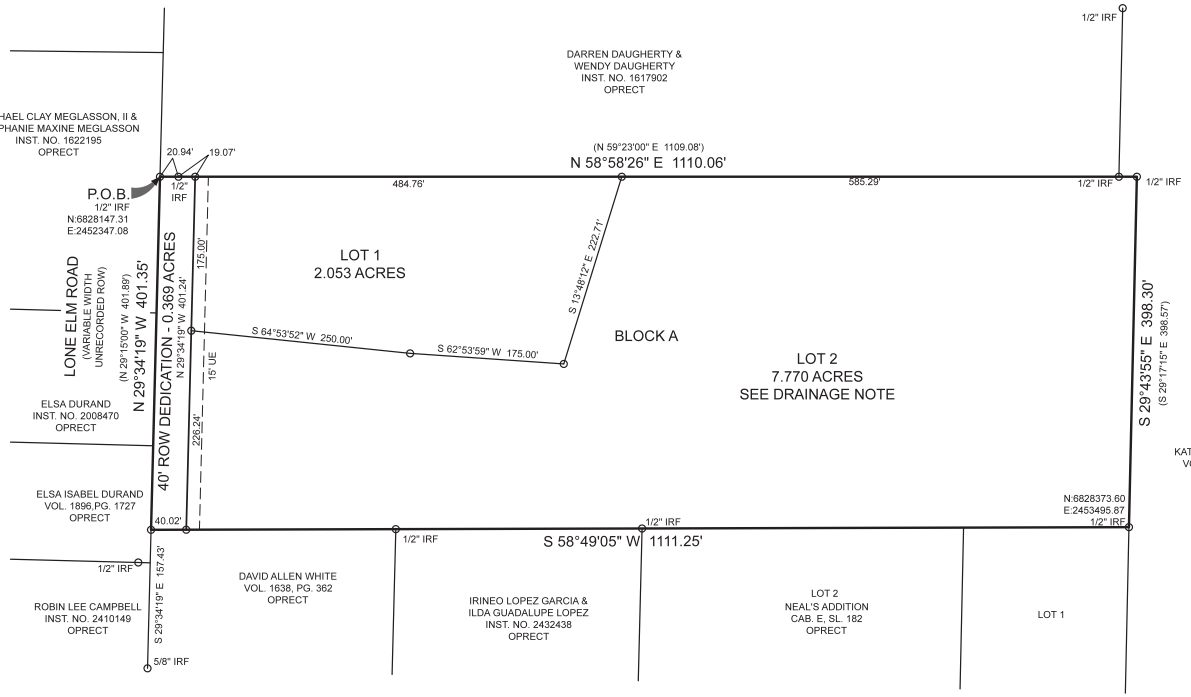
"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

_____
TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ _____
CHAIRPERSON DATE

_____ _____
ATTEST DATE




OWNERS:
DEANNA CARTER
1183 LONE ELM RD
WAXAHACHIE, TX 75165
469.583.2761

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

PLAT

# JERRY LOYD PLACE

E. BALLARD SURVEY, ABSTRACT NO. 120
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
10.191 ACRES
2 RESIDENTIAL LOT
ZONED FD
CASE NO. SUB-161-2025

JOB NO. 2560 MAY 2025 PAGE 1 OF 1

CHILDRESS ENGINEERS
ENGINEERS & CONSULTANTS

TEXAS REGISTERED ENGINEERING FIRM F-702

ROBERT T. CHILDRESS, JR., P.E. • BENJAMIN S. SHANKLIN, P.E. • ROBERT T. CHILDRESS III, P.E.

October 29, 2025

Mr. Wayne Pratt
Buena Vista-Bethel Special Utility District
312 S. Oak Branch Road
Waxahachie, Texas 75167

Re: Hydraulic Analysis for
DeAnna Stockton
Property ID#180654
1 Meter Near Node 93
Map Sheet 12 & 13

Dear Mr. Pratt,

In response to your request, we have examined the hydraulic capability of your system to provide the above referenced service requesting one (1) standard meter off of the 3" main along Lone Elm Road.

Our evaluation indicates that at this time the existing system can furnish the requested domestic service in conformity with Texas Commission on Environmental Quality standards for water distribution. No fireflow can be provided off of a 3" main.

Please be advised that this hydraulic analysis is only good for six (6) months from the date of this letter.

If you have any questions concerning this matter, please call.

Very truly yours,

CHILDRESS ENGINEERS

Benjamin S. Shanklin, P.E.

BSS/cv

PLANNING & ZONING DEPARTMENT
408 South Rogers Street | Waxahachie, Texas 75168
(469) 309-4290 | www.waxahachie.com/Departments/Planning_Department

# WATER UTILITY PROVIDER'S ENDORSEMENT

**Applicant Name:** DeAnna Stockton **Parcel ID #:** 180654

**Subdivision Name:** Jerry Lloyd Place

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. | ☑ | ☐ |
| 2. The platted lots fall within our CCN area. | ☑ | ☐ |
| 3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations. | ☑ | ☐ |
| 4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. | ☐ | ☑ |
| 5. The water line size servicing the lots is 3 inches. | ☑ | ☐ |

Wayne Pratt
Print Name of General Manager of water provider or Designee

Signature of General Manager of water provider or Designee

Buena Vista - Bethel S.U.D.
Name of water provider company

10-29-25
Date

# Planning & Zoning Department

# Plat Staff Report

## Case: SUB-155-2025

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 10, 2025
*City Council:* December 1, 2025

**CAPTION**

***Public Hearing*** on a request by Brian Burks, for a **Replat** of Lots 5 & 6 of the Leo Hightower Lots addition to create Lots 5A & 6A of the Leo Hightower Lots addition, 2 residential lots, being 1.194 acres, located at 139 Lakeshore Drive, (Property ID 174097) – Owner: William Larry Burks and John Brian Burks (SUB-155-2025)

**RECOMMENDED MOTION**

*"I move to recommend approval of SUB-155-2025, a Replat of Lots 5 & 6 of the Leo Hightower Addition to create Lots 5A & 6A of the Hightower Addition, subject to the conditions the staff report, authorizing the Mayor and/or Interim City Manager to sign the associated documents accordingly."*

**APPLICANT REQUEST**

The Applicant requests to replat Lots 5 & 6 of the Hightower Addition to adjust a shared property line.

**CASE INFORMATION**

| | |
|---|---|
| *Applicant:* | Brian Burks |
| *Property Owner(s):* | William L. Burks and John B. Burks |
| *Site Acreage:* | 1.194 acres |
| *Number of Lots:* | 2 lots |
| *Number of Dwelling Units:* | 2 units |
| *Park Land Dedication:* | N/A |
| *Adequate Public Facilities:* | Adequate public facilities are available via existing water services and on-site septic systems. |

**SUBJECT PROPERTY**

| | |
|---|---|
| *General Location:* | 139 & 141 Lakeshore Drive |
| *Parcel ID Number(s):* | 174097 |
| *Current Zoning:* | PD-SF-1 |
| *Existing Use:* | Single-family residence |

*Platting History:* The subject property was previously platted as Lots 5 & 6 of the Leo Hightower Addition.

*Site Aerial:*




**PLANNING ANALYSIS**

The Applicant requests to replat the subject property into two (2) lots for residential use. The subject property is currently platted as two lots; however, there is an existing structure that encroaches into the side yard setback. The property owners want to shift the shared lot line to decrease the encroachment of the existing structure located at 139 Lakeshore Drive. The Applicant is proposing to dedicate a fifteen-foot (15') utility easement along Lakeshore Drive.

*Plat Variance Request(s)*

The Applicant requests relief from Section 3.1.c.6 of the Waxahachie Subdivision Ordinance, *Street Dedications*. Lakeshore Drive is identified as an 80' (eighty-foot) Major Collector per the City of Waxahachie Master Thoroughfare Plan. The property owners are responsible for their half of the right-of-way (ROW) dedication. The property owner is seeking relief from this ROW dedication because the City has no plans to expand Lakeshore Drive due to multiple existing homes being encroached into the right-of-way. Staff is in support of this plat variance request.

The Applicant also requests relief from Section 3.04 of the Waxahachie Zoning Ordinance, *Single-Family-1 (SF-1)*. The existing structure located at 139 Lakeshore Drive encroaches into the front yard setback of 40'. The existing structure located at 141 Lakeshore Drive encroaches into the 15' side yard setback and is less than 2,200 sqft. Therefore, the Applicant requests relief from the minimum requirements. Staff is also in support of this plat variance request.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light, and a sign was visibly posted at the property.

**PON RESPONSES**

Staff has received no letters of support and no letters of opposition for the proposed replat.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Replat request, subject to the conditions listed below.

*Conditions:*

1. The Applicant shall pay the Plat Variance fee of $250.00 as required per Section 7.2 of the Waxahachie Subdivision Ordinance.
2. Per Section 2.4.c.23 of the Waxahachie Subdivision Ordinance, a correct title block must be provided. The case number is "SUB-155-2025".
3. Per section 5.6 and 5.7 of the Waxahachie Subdivision Ordinance, retaining walls, fences, and screening walls shall not be placed within utility easements. Please add a note stating this.

**ATTACHED EXHIBITS**

1. Plat

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

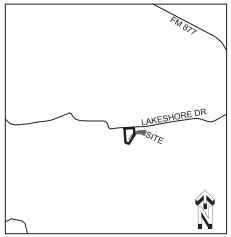
*Prepared by:*
Oanh Vu
Senior Planner
oanh.vu@waxahachie.com

*Reviewed by:*
Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com




0' 25' 50'

SCALE: 1" = 50'




VICINITY MAP
NOT TO SCALE

LEGEND

CIRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
CIRF = 1/2" CIRF "WLSC RPLS 5331"
CS = COTTON SPINDLE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
FND = FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
PRECT = PLAT RECORDS ELLIS COUNTY TEXAS
UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.

THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0330F, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

STATE OF TEXAS :
COUNTY OF ELLIS : KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, WILLIAM LARRY BURKS AND JOHN BRIAN BURKS, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE S. DURRETT SURVEY, ABSTRACT NO. 272, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO WILLIAM LARRY BURKS AND JOHN BRIAN BURKS, RECORDED IN INSTRUMENT NO. 2203804, FURTHER DESCRIBED IN VOLUME 461, PAGE 569 AND VOLUME 462, PAGE 445, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING ALL OF LOTS 5 AND 6, LEO HIGHTOWER LOTS, RECORDED IN CABINET A, SLIDE 305, OPRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID LOT 5, THE COMMON NORTHEAST CORNER OF LOT 4, OF SAID LEO HIGHTOWER LOTS AND IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF LAKESHORE DRIVE (A VARIABLE WIDTH UNRECORDED ROW), FROM WHICH A 1/2" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID LOT 4, BEARS S 86°11'24" W, A DISTANCE OF 99.73 FEET;

THENCE N 86°11'24" E, ALONG THE NORTH LINE OF SAID LOT 5 AND LOT 6, A DISTANCE OF 200.00 FEET TO AN X-CUT FOUND FOR THE NORTHEAST CORNER OF SAID LOT 6 AND THE COMMON NORTHWEST CORNER OF LOT 7, OF SAID LEO HIGHTOWER LOTS, FROM WHICH A 3/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 7, BEARS N 86°11'24" E, A DISTANCE OF 100.27 FEET;

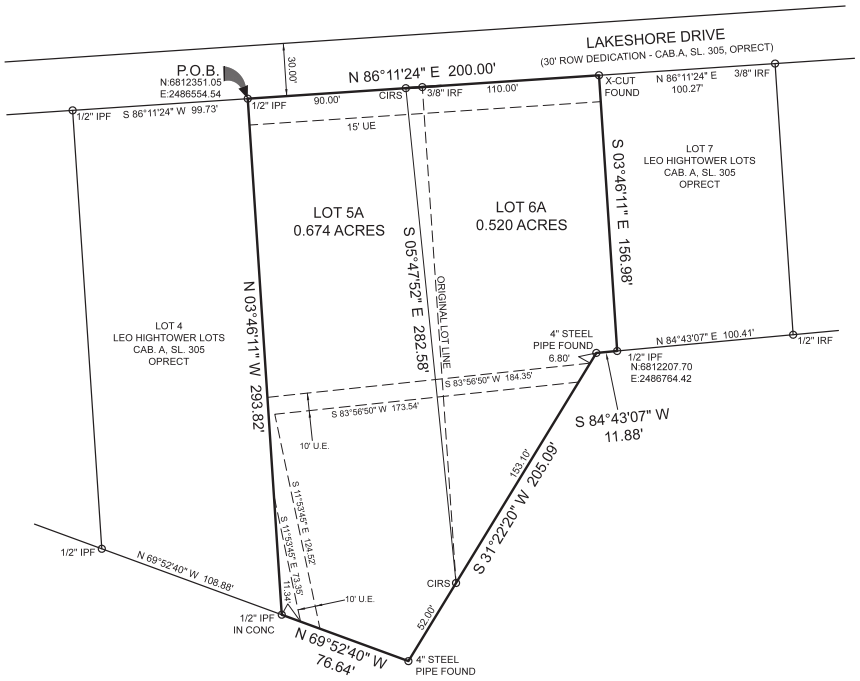
THENCE S 03°46'11" E, ALONG THE EAST LINE OF SAID LOT 6 AND THE COMMON WEST LINE OF SAID LOT 7, A DISTANCE OF 156.98 FEET TO A 1/2" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 6 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 7, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 7, BEARS N 84°43'07" E, A DISTANCE OF 100.41 FEET;

THENCE S 84°43'07" W, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 11.88 FEET TO A 4" STEEL PIPE FOUND FOR AN ANGLE CORNER OF SAID LOT 6;

THENCE S 31°22'20" W, ALONG THE SOUTH LINE OF SAID LOT 6 AND LOT 5, A DISTANCE OF 205.09 FEET TO A 4" STEEL PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 5;

THENCE N 69°52'40" W, ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 76.64 FEET TO A 1/2" IRON PIPE IN CONCRETE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 5 AND THE COMMON SOUTHEAST CORNER OF SAID LOT 4, FROM WHICH A 1/2" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 4, BEARS N 69°52'40" W, A DISTANCE OF 108.88 FEET;

THENCE N 03°46'11" W, ALONG THE WEST LINE OF SAID LOT 5 AND THE COMMON EAST LINE OF SAID LOT 4, A DISTANCE OF 293.82 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.194 ACRES OF LAND MORE OR LESS.




NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WILLIAM LARRY BURKS AND JOHN BRIAN BURKS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 5A AND 6A, LEO HIGHTOWER LOTS, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS, MY HAND, THIS THE _____ DAY OF _____ , 2025.

_____ _____
WILLIAM LARRY BURKS JOHN BRIAN BURKS

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 WILLIAM LARRY BURKS, 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, THE _____ DAY OF _____, 2025.

_____
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 JOHN BRIAN BURKS, 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, THE _____ DAY OF _____, 2025.

_____
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, 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.

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

_____
TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ _____
CHAIRPERSON DATE

_____ _____
ATTEST DATE

APPROVED BY: CITY COUNCIL, CITY OF WAXAHACHIE

BY: _____ _____
MAYOR DATE

_____ _____
ATTEST DATE

REPLAT

# LOTS 5A & 6A
# LEO HIGHTOWER LOTS

BEING A REPLAT OF
LOTS 5 & 6,
LEO HIGHTOWER LOTS
CABINET A, SLIDE 305,
OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS
S. DURRETT SURVEY, ABSTRACT NO. 272
OF CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
1.194 ACRES
2 RESIDENTIAL LOT
ZONED PD-SF-1
CASE NO. SUB-37-2025

OWNERS:
WILLIAM LARRY BURKS &
JOHN BRIAN BURKS
143 LAKESHORE DR.
WAXAHACHIE, TX 75165
214.808.7720

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC.
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

JOB NO. 2530

FEBRUARY 2025

# Planning & Zoning Department
# Zoning Staff Report

## Case: ZDC-154-2025

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 10, 2025
*City Council:* December 1, 2025

**CAPTION**

***Public Hearing*** on a request by David Williams, for an **Amendment to Ordinance No**. **3583**, to allow for reduced fire lane, paving, screening, landscaping, and sidewalk requirements within an approved Specific Use Permit (SUP) for Batch Plant and Outside Storage uses (Rinker Materials), located at 1220 Solon Road (Property ID 140094) - Owner: J & G Concrete Operations LLC (ZDC-154-2025)

**RECOMMENDED MOTION**

*"I move to recommend denial of ZDC-154-2025, a SUP Amendment request for Ordinance No. 3583."*

**APPLICANT REQUEST**

The applicant requests an amendment to the current Specific Use Permit (SUP) for Permanent Batch Plant and Outside Storage Uses to allow for reduced fire lane, paving, screening, landscaping, and sidewalk requirements.

**CASE INFORMATION**

*Applicant:* David Williams, Rinker Materials

*Property Owner(s):* J & G Concrete Operations LLC

*Site Acreage:* 20.0 acres

*Current Zoning:* Light Industrial-1 (LI-1) with a Specific Use Permit (SUP) for a Permanent Batch Plant and Outside Storage Uses

*Requested Zoning:* Light Industrial-1 (LI-1) with a Specific Use Permit (SUP) for a Permanent Batch Plan and Outside Storage Uses

**SUBJECT PROPERTY**

*General Location:* 1220 Solon Road

*Parcel ID Number(s):* 140094

*Existing Use:* Concrete Batch Plant & Outside Storage (Rinker Materials)

*Development History:* On December 16, 2024, City Council approved a SUP (Ord. 3583) for the subject property to allow for Concrete Batch Plant & Outside Storage uses. The purpose of the SUP was to facilitate the construction of additional structures related to the Batch Plant use. As part of the approved SUP, the applicant committed to installing site improvements that were not previously present such as paved drive-aisles, parking, landscaping, and screening.

*Adjoining Zoning & Uses:*

| Direction | Zoning | Current Use |
|---|---|---|
| North | LI-1 | Holt Cat |
| East | LI-2 | SRM Concrete (ready-mix concrete) |
| South | C | Undeveloped |
| West | PD-LI-2 | Undeveloped |

*Future Land Use Plan:* Industrial

*Comprehensive Plan:* Industrial uses vary from the technology industry to manufacturing. The designated locations for heavier industrial uses are intended to keep them away from residential categories. These are located along roadways with adequate capacity to serve the larger industrial vehicles. Required parking is encouraged to be placed behind structures to keep these areas more readily able to redevelop into more urban places over time. When uses are abutting a residential property, a separation should be provided such as a landscape buffer, more profound setback, and/or a screening wall.

*Thoroughfare Plan:* The subject property is accessible via Marshall Road and Solon Road.

*Site Image:*




**PLANNING ANALYSIS**

The applicant proposes an amendment to the current Specific Use Permit (SUP) for Permanent Batch Plant and Outside Storage Uses to allow for reduced fire lane, paving, screening, landscaping, and sidewalk requirements.

*Background*

A SUP for a Permanent Concrete Batch Plant that was originally approved for the subject property in 2003 with Ordinance 2208. However, at that time, the SUP only covered 5-acres of the 20-acre site and did not permit Outside Storage uses on the rest of the property. In 2024, the property owner proposed to expand their operations by adding an 11,200 square-foot building located northeast of the existing 45,316 square-foot metal building. To accommodate this expansion, a new SUP for a Permanent Batch Plant and Outside Storage uses was proposed to cover the entire 20-acre site. To mitigate potential detriments to the surrounding area stemming from the expansion, the applicant proposed several site improvements. These improvements included the addition of concrete drive aisles, parking, and fire lanes (replacing the existing gravel), 8' masonry screening walls along the north, west, and south property lines, and the addition of landscaping. These improvements are typical requirements for all commercial or industrial development in the City of Waxahachie. City Council approved the proposed SUP with Ordinance 3583 on December 16, 2024.

*Proposed Amendments*

Following approval of Ordinance 3583, the applicant began preparing construction plans for the Batch Plant expansion and required site improvements. The applicant approached staff in June of 2025 with concern that the required site improvements were too costly to undertake and requested direction on the process to reduce the required improvements. Staff directed the applicant to pursue to the SUP Amendment process to seek City Council approval of site improvement reductions.

The applicant submitted a formal SUP Amendment Application in October of 2025. The applicant identified six (6) specific site improvement requirements that are requested to be reduced or eliminated from the approved SUP. The applicant has requested that these reductions be considered for approval individually, if the reductions are not agreeable when considered all together. The requested reductions include the following and can be visualized on the Amended Site Plan and Landscape Plan attached to this report.

- *Firelane Path Reduction*
  - Propose removing the East to West portion of the firelane on South side of existing building and the South to North portion on West side of existing building.
- *Fireland Paving Material*
  - Propose changing the Firelane material from Concrete to Asphalt
- *Parking Lot Paving Material*
  - Propose changing the parking lot paving to asphalt
- *Screening Wall*
  - Propose a similar wall but supplied by different vendor. Design would remain the same.
- *Landscaping*
  - Propose removing the landscaping inside the screening wall
- *Sidewalks*
  - Propose removing the portions of sidewalk along Solon Road and Austin Road

*Staff Concern*

The site improvements required by City Council as part of the approval of the SUP for the subject property are compliant with minimum City requirements for new development and are necessary to ensure the use remains compatible with other existing and developing uses in the surrounding area. Staff has concern that the requested reductions to fire lane, paving, and sidewalk improvement requirements would result in negative aesthetic and infrastructure impacts on the surrounding area.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received zero (0) letters of support and one (1) letter of opposition to the SUP Amendment request.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends denial of the SUP Amendment request.

**ATTACHED EXHIBITS**

1. PON Response
2. Ordinance 3583
3. SUP Amendment Request Letter
4. Amended Site Plan
5. Amended Landscape Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*
Zack King, AICP
Planning Manager
zking@waxahachie.com

*Reviewed by:*
Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com

**City of Waxahachie, Texas**
**Notice of Public Hearing**
**Case Number: ZDC-154-2025**

**WJ SOUTH GROVE LP**
**600 N Pearl St -Ste 2350 LB 149**
**Dallas, TX 75201**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, November 10, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 17, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by David Williams, for an Amendment to Ordinance No. 3583, to allow for reduced fire lane, paving, screening, landscaping, and sidewalk requirements within an approved Specific Use Permit (SUP) for Batch Plant and Outside Storage uses (Rinker Materials), located at 1220 Solon Road (Property ID 140094) - Owner: J & G Concrete Operations LLC (ZDC-154-2025)

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

Scan for additional information.

---

**Case Number: ZDC-154-2025** **City Reference: 309706**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *November 5, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☑ OPPOSE

Comments: We object to the reduction in landscaping & sidewalk requirements & the low quality screening wall that is proposed.

Signature

10.31.2025
Date

Michael C. Jackson, VP, WJ South Grove
Printed Name and Title

600 N. Pearl St., suite 2350
Address
Dallas, TX 75201

# ORDINANCE NO. 3583

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW BATCH PLANT AND OUTDOOR STORAGE USES (RINKER MATERIALS) WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT LOCATED AT 1220 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 20.00 ACRES KNOWN AS PROPERTY ID 140094, 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 a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-172-2024. 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-1 to LI-1, with a SUP in order to allow Batch Plant and Outdoor Storage uses on the following property: Property ID 140094, which is shown on the Location Map (Exhibit A), Site Plan (Exhibit B), Landscape Plan (Exhibit C), Elevations (Exhibit D), and Photometric Plan (Exhibit E).

## 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.

ORDINANCE 3583

Item 7&8

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR BATCH PLANT AND OUTDOOR STORAGE USES (RINKER MATERIALS) WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement shall be fully executed within thirty (30) calendar days of the approval of this SUP application.

2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-172-2024.

3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevations, and Exhibit E – Photometric Plan.

4. The property owner shall plat this lot prior to the submittal of any building permits.

5. The Owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C – Landscape Plan and maintain the landscaping required for screening at all times. If the property owner needs to amend the landscape plan of this SUP, the amendment shall be approved administratively.

6. The inventory stored on-site shall remain behind the existing and proposed structures and screened from the right-of-way.

7. The property owner shall mitigate any lighting and/or glaring issues that causes a nuisance whether the lighting fixtures are existing or proposed.

8. The property owner shall provide 8"-12" opening at the bottom of the screening wall for the sole purpose of drainage.

9. The property owner shall provide cement-stabilized gravel material in areas shown on Exhibit B – Site Plan.

10. The Property Owner shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

11. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

12. 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.

13. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, the Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevations, and Exhibit E – Photometric Plan. Where regulations are not specified in Exhibits B, C, D, E in this Zoning Ordinance, or the Development Agreement, the regulations of the Light Industrail-1 (LI-1) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.

14. City Council shall have the right to review the Specific Use Permit at any point, 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 16th day of December, 2024.

CITY OF WAXAHACHIE 1849 COUNTY OF ELLIS

Billie Wallace

MAYOR

ATTEST:

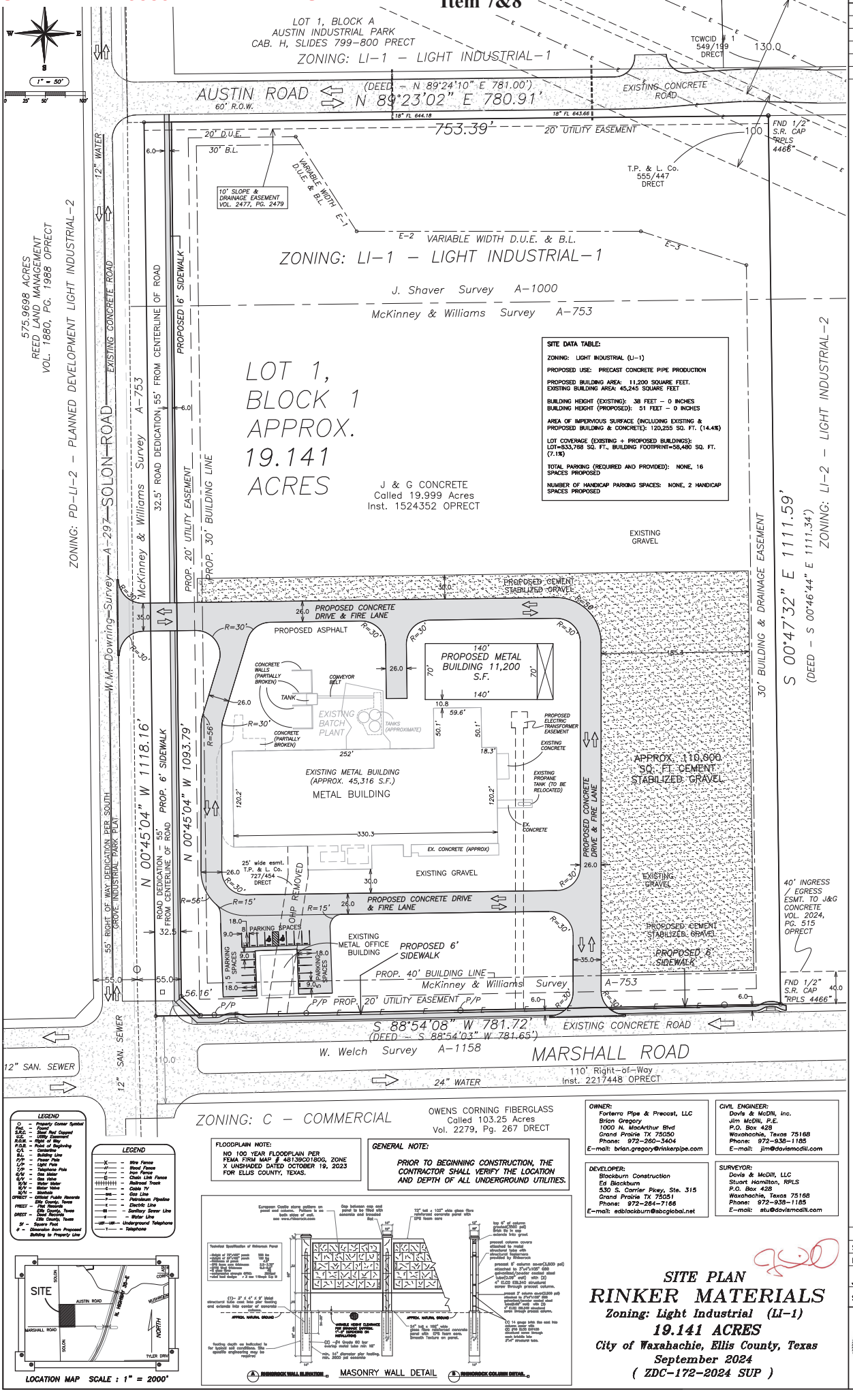
Amber Villarreal

City Secretary


ORDINANCE 3583
Item 7&8
AUSTIN RD
SOLON RD
MARSHALL RD
W LOFLAND DR
E LOFLAND DR
CONNECTOR
CONNECTOR
N INTERSTATE 35 E SERVICE RD
N INTERSTATE 35 E
N INTERSTATE 35 E
NI-35 E EXIT 404 (SB) RAMP
NI-35 E (NB) RAMP
N
EXHIBIT A - LOCATION MAP
0
187.5
375
750
1,125
1,500
Feet
ZDC-172-2024 (SUP)

**ORDINANCE 3583 - EXHIBIT B - SITE PLAN**

**Item 7&8**




LEGEND

- Property Corner Symbol
- Found
- Set - Red Capped
- Utility Easement
- R.O.W. - Right of Way
- P.O.B. - Point of Beginning
- C/L - Centerline
- B.L. - Building Line
- P/P - Power Pole
- L/P - Light Pole
- T/P - Telephone Pole
- G/M - Gas Meter
- G/V - Gas Valve
- W/M - Water Meter
- W/V - Water Valve
- M/H - Manhole
- OPRECT - Official Public Records Ellis County, Texas
- PRECT - Plat Records Ellis County, Texas
- DRECT - Deed Records Ellis County, Texas
- SF - Square Feet
- # - Dimension Room Proposed Building to Property Line

LEGEND

- X — Wire Fence
- // — Wood Fence
- // — Iron Fence
- O — Chain Link Fence
- Railroad Track
- CATV — Cable TV
- GAS — Gas Line
- Petroleum Pipeline
- E — Electric Line
- SS — Sanitary Sewer Line
- W — Water Line
- UGT — Underground Telephone
- T — Telephone

| OWNER: | CIVIL ENGINEER: |
|---|---|
| Forterra Pipe & Precast, LLC<br>Brian Gregory<br>1000 N. MacArthur Blvd<br>Grand Prairie TX 75050<br>Phone: 972-260-3404<br>E-mail: brian.gregory@rinkerpipe.com | Davis & McDill, Inc.<br>Jim McDill, P.E.<br>P.O. Box 428<br>Waxahachie, Texas 75168<br>Phone: 972-938-1185<br>E-mail: jim@davismcdill.com |
| **DEVELOPER:** | **SURVEYOR:** |
| Blackburn Construction<br>Ed Blackburn<br>530 S. Carrier Pkwy, Ste. 315<br>Grand Prairie TX 75051<br>Phone: 972-264-7166<br>E-mail: edblackburn@sbcglobal.net | Davis & McDill, LLC<br>Stuart Hamilton, RPLS<br>P.O. Box 428<br>Waxahachie, Texas 75168<br>Phone: 972-938-1185<br>E-mail: stu@davismcdill.com |

REVISIONS | BY

D&M DAVIS & McDILL, Inc.
ENGINEERS
( A Texas licensed engineering firm # F-8439 )
P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185

Date: 11-18-2024
Scale: 1" = 50'
Drawn: DAM
221-0093-SUP
Job: -BASE-SUP
Sheet

JAMES H. McDILL 83659 LICENSED PROFESSIONAL ENGINEER

*SITE PLAN*

# RINKER MATERIALS

***Zoning: Light Industrial (LI-1)***

***19.141 ACRES***

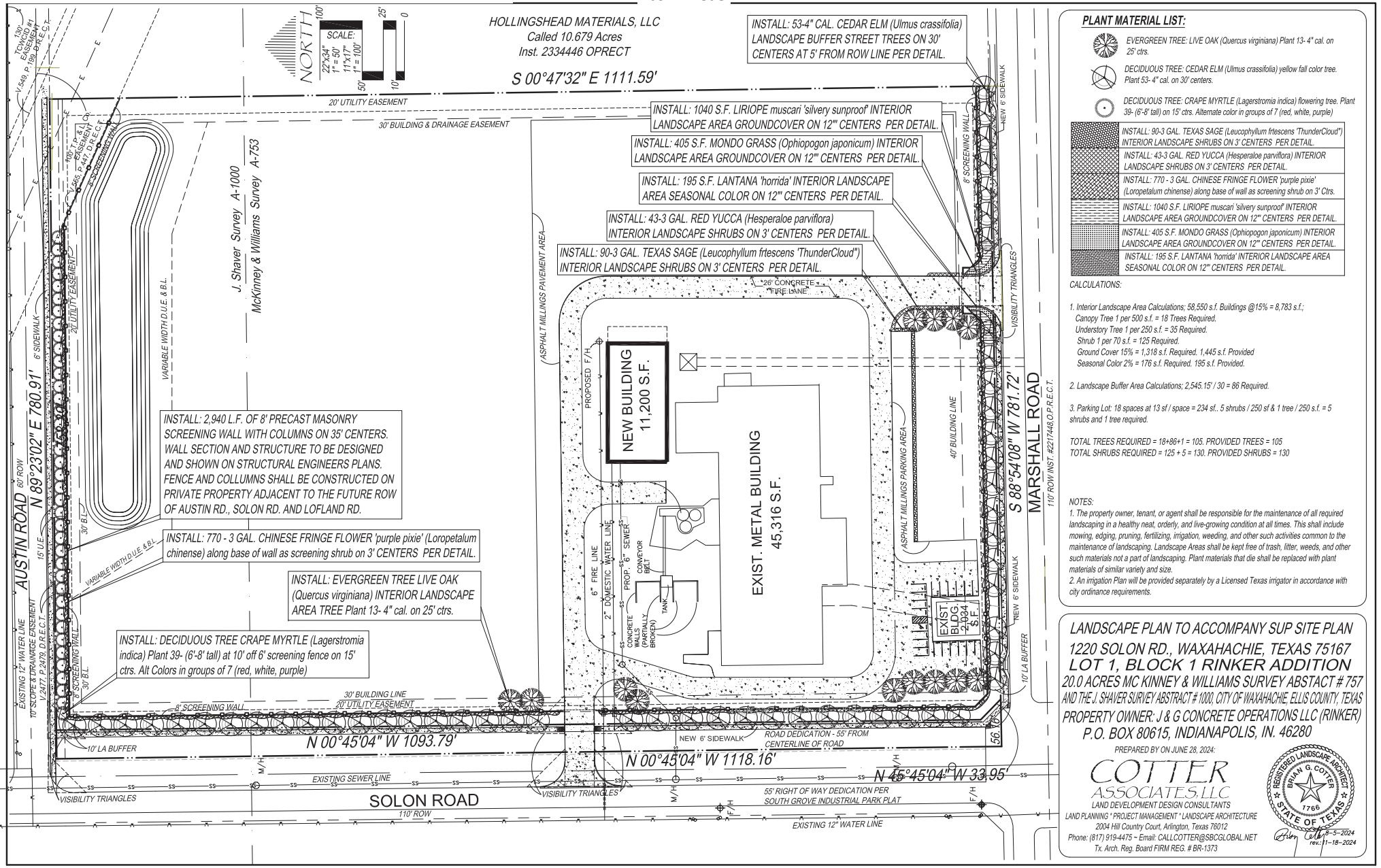
***City of Waxahachie, Ellis County, Texas***

***September 2024***

***( ZDC-172-2024 SUP )***

# ORDINANCE 3583 - EXHIBIT C - LANDSCAPE PLAN

**Item 7&8**




## PLANT MATERIAL LIST:

- EVERGREEN TREE: LIVE OAK (Quercus virginiana) Plant 13- 4" cal. on 25' ctrs.
- DECIDUOUS TREE: CEDAR ELM (Ulmus crassifolia) yellow fall color tree. Plant 53- 4" cal. on 30' centers.
- DECIDUOUS TREE: CRAPE MYRTLE (Lagerstromia indica) flowering tree. Plant 39- (6'-8' tall) on 15' ctrs. Alternate color in groups of 7 (red, white, purple)

| | |
|---|---|
| | INSTALL: 90-3 GAL. TEXAS SAGE (Leucophyllum frtescens 'ThunderCloud") INTERIOR LANDSCAPE SHRUBS ON 3' CENTERS PER DETAIL. |
| | INSTALL: 43-3 GAL. RED YUCCA (Hesperaloe parviflora) INTERIOR LANDSCAPE SHRUBS ON 3' CENTERS PER DETAIL. |
| | INSTALL: 770 - 3 GAL. CHINESE FRINGE FLOWER 'purple pixie' (Loropetalum chinense) along base of wall as screening shrub on 3' Ctrs. |
| | INSTALL: 1040 S.F. LIRIOPE muscari 'silvery sunproof' INTERIOR LANDSCAPE AREA GROUNDCOVER ON 12"' CENTERS PER DETAIL. |
| | INSTALL: 405 S.F. MONDO GRASS (Ophiopogon japonicum) INTERIOR LANDSCAPE AREA GROUNDCOVER ON 12"' CENTERS PER DETAIL. |
| | INSTALL: 195 S.F. LANTANA 'horrida' INTERIOR LANDSCAPE AREA SEASONAL COLOR ON 12"' CENTERS PER DETAIL. |

CALCULATIONS:

1. Interior Landscape Area Calculations; 58,550 s.f. Buildings @15% = 8,783 s.f.;
   Canopy Tree 1 per 500 s.f. = 18 Trees Required.
   Understory Tree 1 per 250 s.f. = 35 Required.
   Shrub 1 per 70 s.f. = 125 Required.
   Ground Cover 15% = 1,318 s.f. Required. 1,445 s.f. Provided
   Seasonal Color 2% = 176 s.f. Required. 195 s.f. Provided.

2. Landscape Buffer Area Calculations; 2,545.15' / 30 = 86 Required.

3. Parking Lot: 18 spaces at 13 sf / space = 234 sf.. 5 shrubs / 250 sf & 1 tree / 250 s.f. = 5 shrubs and 1 tree required.

TOTAL TREES REQUIRED = 18+86+1 = 105. PROVIDED TREES = 105
TOTAL SHRUBS REQUIRED = 125 + 5 = 130. PROVIDED SHRUBS = 130

NOTES:
1. The property owner, tenant, or agent shall be responsible for the maintenance of all required landscaping in a healthy neat, orderly, and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscape Areas shall be kept free of trash, litter, weeds, and other such materials not a part of landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size.
2. An irrigation Plan will be provided separately by a Licensed Texas irrigator in accordance with city ordinance requirements.

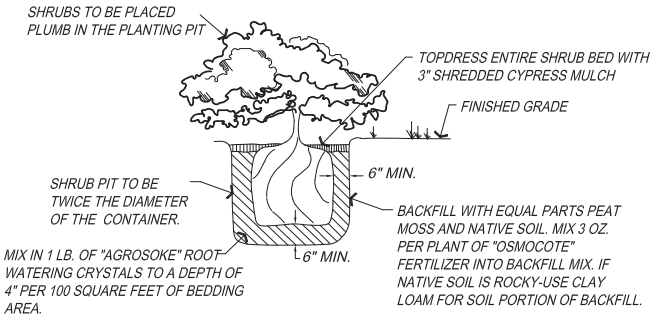
## LANDSCAPE PLAN TO ACCOMPANY SUP SITE PLAN

1220 SOLON RD., WAXAHACHIE, TEXAS 75167
LOT 1, BLOCK 1 RINKER ADDITION
20.0 ACRES MC KINNEY & WILLIAMS SURVEY ABSTACT # 757 AND THE J. SHAVER SURVEY ABSTRACT # 1000, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
PROPERTY OWNER: J & G CONCRETE OPERATIONS LLC (RINKER)
P.O. BOX 80615, INDIANAPOLIS, IN. 46280

PREPARED BY ON JUNE 28, 2024:


COTTER ASSOCIATES, LLC
LAND DEVELOPMENT DESIGN CONSULTANTS
LAND PLANNING * PROJECT MANAGEMENT * LANDSCAPE ARCHITECTURE
2004 Hill Country Court, Arlington, Texas 76012
Phone: (817) 919-4475 ~ Email: CALLCOTTER@SBCGLOBAL.NET
Tx. Arch. Reg. Board FIRM REG. # BR-1373

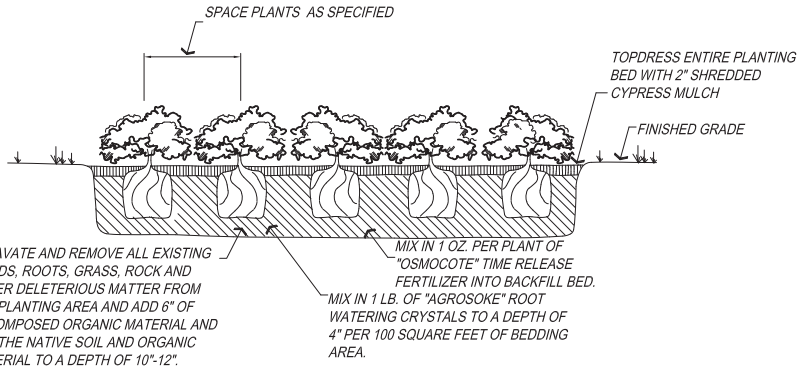

REGISTERED LANDSCAPE ARCHITECT BRIAN G. COTTER 1766 STATE OF TEXAS
8-5-2024
rev.: 11-18-2024



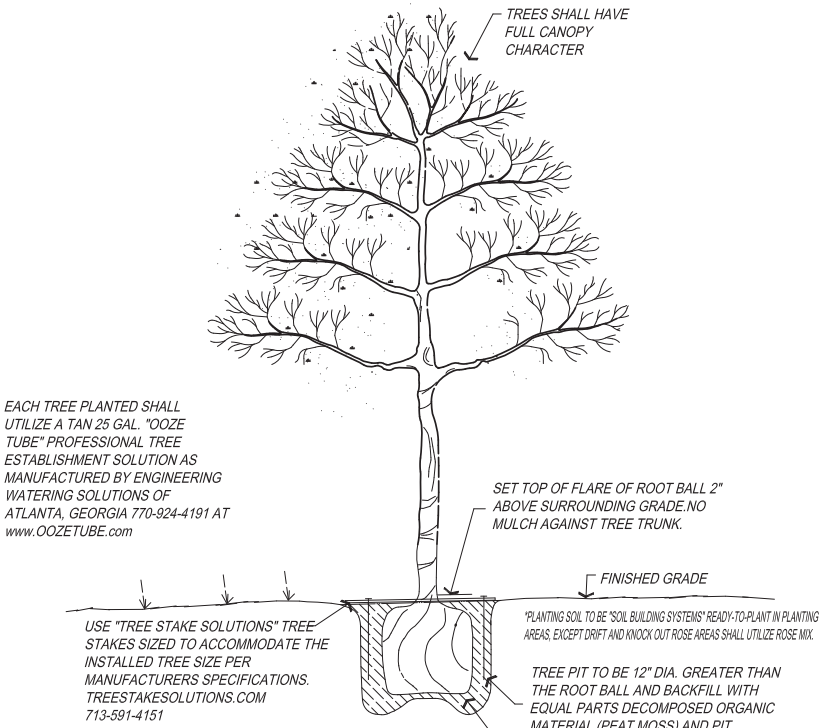

A MYCORRHIZAL FUNGI WITH RHIZOSPHERE BACTERIA SUCH AS "PLANT HEALTH CARE TREE SAVER" SHALL BE INSTALLED PER PHC SPECIFICATIONS WITH EACH TREE AND SHRUB ON THIS PROJECT

*"PLANTING SOIL TO BE "SOIL BUILDING SYSTEMS" READY-TO-PLANT IN PLANTING AREAS, EXCEPT DRIFT AND KNOCK OUT ROSE AREAS SHALL UTILIZE ROSE MIX.

## SHRUB PLANTING DETAILS




## GROUNDCOVER AND PERENNIAL PLANTING DETAILS




*"PLANTING SOIL TO BE "SOIL BUILDING SYSTEMS" READY-TO-PLANT IN PLANTING AREAS, EXCEPT DRIFT AND KNOCK OUT ROSE AREAS SHALL UTILIZE ROSE MIX.

NOTE: * MIX IN "OSMOCOTE" TIME RELEASE FERTILIZER TO THE BACKFILL SOIL AND PEAT MOSS AT A RATE OF 8 OZ. PER TREE. A MYCORRHIZAL FUNGI WITH RHIZOSPHERE BACTERIA SUCH AS "PLANT HEALTH CARE TREE SAVER" SHALL BE INSTALLED PER PHC SPECIFICATIONS WITH EACH TREE AND LANRGE SHRUB ON THIS PROJECT

## TREE PLANTING DETAILS

1220 SOLON RD., WAXAHACHIE, TEXAS 75167

LANDSCAPE INSTALLATION DETAILS
LANDSCAPE PLAN TO ACCOMPANY SUP SITE PLAN

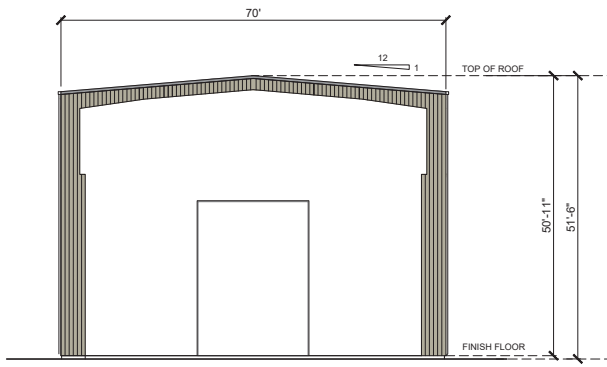
REGISTERED LANDSCAPE ARCHITECT ☆ BRIAN G. COTTER 1766 ☆ STATE OF TEXAS ☆ 8-5-2024 rev.11-18-2024

COTTER ASSOCIATES,LLC
LAND DEVELOPMENT DESIGN CONSULTANTS
LAND PLANNING * PROJECT MANAGEMENT * LANDSCAPE ARCHITECTURE
2004 Hill Country Court, Arlington, Texas 76012
Phone: (817) 919-4475 - Email: CALLCOTTER@SBCGLOBAL.NET
Tx. Arch. Reg. Board FIRM REG. # BR-1373

DESIGN: BGC
DRAWN: DJC
DATE: 8-5-24
REV.: 11-18-24
PROJECT: 1220 Solon Rd.

# ORDINANCE 3583 - EXHIBIT D - ELEVATIONS

**Item 7&8**



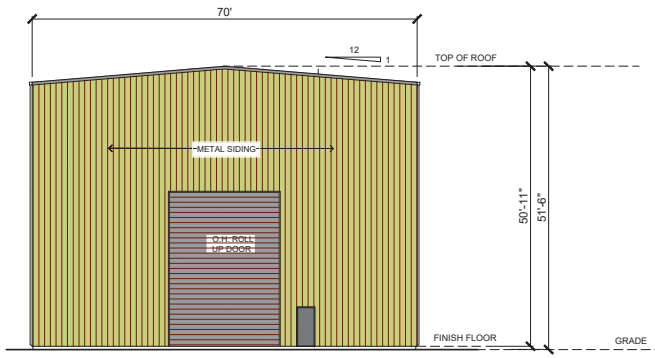

EAST ELEVATION

SCALE 3/32" = 1'-0"



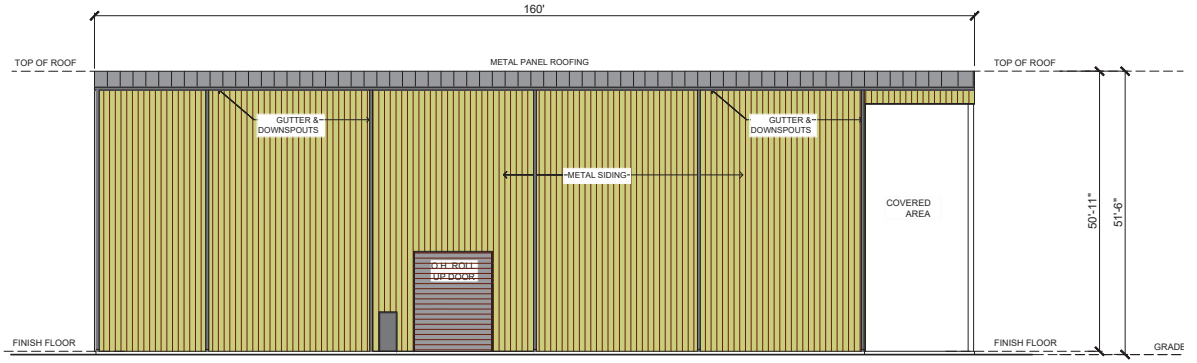

NORTH ELEVATION

SCALE 3/32" = 1'-0"




WEST ELEVATION

SCALE 3/32" = 1'-0"




SOUTH ELEVATION

SCALE 3/32" = 1'-0"

THESE DRAWINGS, INCLUDING DESIGN, ALL DETAILS, SPECIFICATIONS AND INFORMATION, ARE THE SOLE PROPERTY AND COPYRIGHT OF CHARLES D. BOBO, ARCHITECT. THEY ARE FOR USE ON THIS SPECIFIC PROJECT AND SHALL NOT BE USED ON ANY OTHER WORK WITHOUT WRITTEN PERMISSION OF CHARLES D. BOBO, ARCHITECT.

22 OCT. 2024

REVISIONS

13 SEPT. 2024

DATE

REGISTERED ARCHITECT CHARLES D. BOBO 8293 STATE OF TEXAS

ARCHITECT

CHAS. D. BOBO

5656 CLIFF HAVEN DR.
DALLAS TEXAS
T. 214 . 244 . 4073
c.d.bobo@tx.rr.com

NEW BUILDING FOR

RINKER MATERIALS

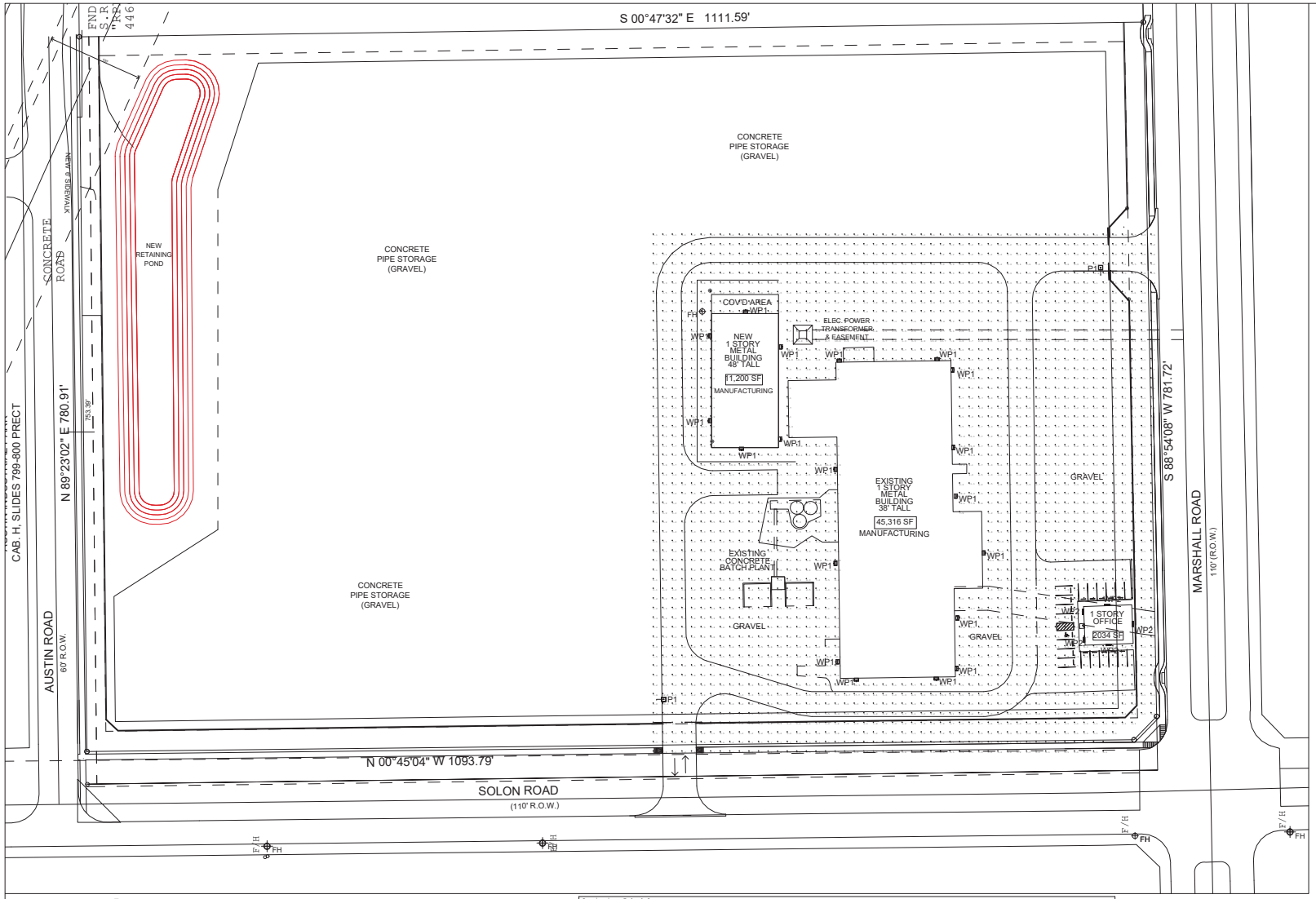
1220 SOLON RD.
WAXAHACHIE, TEXAS 75167

SHEET NO.

A2.0

# ORDINANCE 3583 - EXHIBIT E - PHOTOMETRIC PLAN

**Item 7&8**




NORTH

## PHOTOMETRIC PLAN

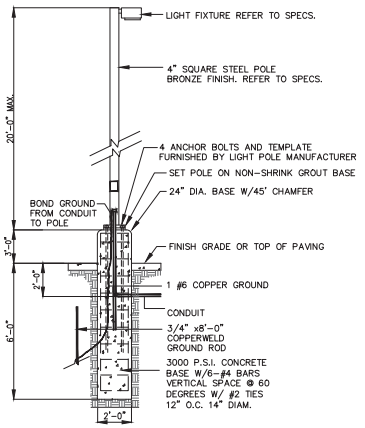
SCALE 1" = 50'-0"

| Luminaire Schedule | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Symbol | Qty | Label | MTG.HEIGHT | TILT | Description | Lum. Watts | Lum. Lumens | [MANUFAC] |
| | 2 | P1 | 23.000 | 0.0 | RSX4 LED P1 50K R3 | 275.1467 | 39717 | Lithonia Lighting |
| | 19 | WP 1 | 15.000 | 45.0 | RSXF4 LED P1 50K WFL FV | 275.1467 | 28224 | Lithonia Lighting |
| | 5 | WP 2 | 15.000 | 0.0 | DSXW1 LED 20C 1000 AMBPC T3M M | 73.2 | 3496 | Lithonia Lighting |

| Calculation Summary | | | | | | | |
|---|---|---|---|---|---|---|---|
| Label | CalcType | Units | Avg | Max | Min | Avg/Min | Max/Min |
| FREE GRID | Illuminance | FC | 2.21 | 29.2 | 0.0 | N.A. | N.A. |

### ELECTRICAL SITE NOTES

1. EXTERIOR LIGHTING SHALL BE INSTALLED PER CITY OF WAXAHACHIE ELECTRICAL CODE IN CONJUNCTION WITH THE 2023 NEC.
2. FLOOD LIGHT SHALL BE AIMED AT 45DEGREE TILT TO PROVIDE CONSISTENT ILLUMINATION.
3. ALL EXTERIOR SIGNAGE SHALL BE AS DIRECTED BY OWNER AND IN COMPLIANCE WITH ADA GUIDELINES AND LOCAL CODES. CONTRACTOR TO PROVIDE ELECTRICAL CONDUIT AND POWER. SIGNAGE IS O.F.O.I.
4. ALL CONDUIT FOR ELECTRICAL SERVICE SHALL BE INSTALLED PER UTILITY STANDARDS AND SHALL HAVE MINIMUM 42" COVER. CONTRACTOR SHALL BE RESPONSIBLE FOR FILING WITH UTILITY AND INSTALLING PER UTILITY INSTRUCTIONS.
5. AREA PARKING LIGHTS SHALL BE CONTROLLED BY A PHOTOCELL AND TIME CLOCK CONTROL.MOUNT OUTDOOR PHOTOCELL HORIZONTALLY ON ROOF OR EQUAL, FACING NORTHERN SKY.HOODED PORTION ON TOP, POINTED AWAY FROM ANY NIGHTTIME LIGHT SOURCES. TIME SWITCH SHALL BE CAPABLE OF RETAINING PROGRAMMING AND THE TIME SETTING DURING LOSS OF POWER FOR A PERIOD OF AT LEAST 10 HOURS. ALL EXTERIOR LIGHTS SHALL BE LISTED DARK SKY COMPLIANT.




## TYPICAL SITE LIGHT POLE

SCALE : NONE

THESE DRAWINGS, INCLUDING DESIGN, ALL DETAILS, SPECIFICATIONS AND INFORMATION, ARE THE SOLE PROPERTY AND COPYRIGHT OF CHARLES D. BOBO, ARCHITECT. THEY ARE FOR USE ON THIS SPECIFIC PROJECT AND SHALL NOT BE USED ON ANY OTHER WORK WITHOUT WRITTEN PERMISSION OF CHARLES D. BOBO, ARCHITECT.

REVISIONS

DATE

CONSULTANT:
WAHEED CONSULTING
MECHANICAL-ELECTRICAL-PLUMBING SYSTEM DESIGNS
Registration No. F-6336
TEL (817) 783 2010, FAX (972) 442 4063
420 PARKSIDE ST. MURPHY, TX,75094
E-mail: waheedmep@yahoo.com

ARCHITECT
CHAS. D. BOBO
5656 CLIFF HAVEN DR.
DALLAS TEXAS
T 214 244 4073
c.d.bobo@tx.rr.com

NEW BUILDING FOR
RINKER MATERIALS

1220 SOLON RD.
WAXAHACHIE, TEXAS 75167

SHEET NO.

City of Waxahachie, Planning Department
PO Box 757
Waxahachie, TX 75168

Re: Amendments to SUP for Rinker Addition at 1220 Solon Road

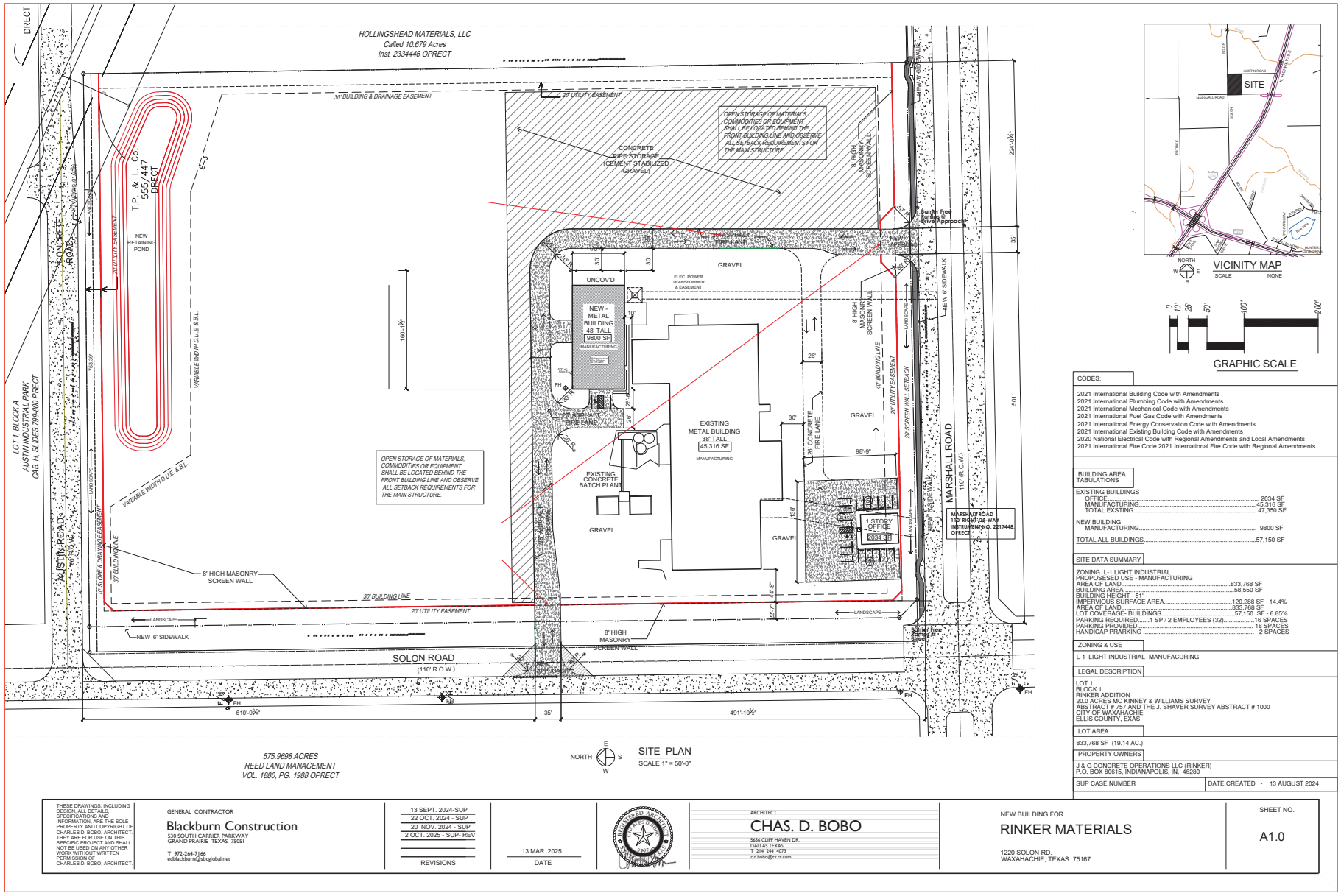
Dear Waxahachie Planning Department,

I am writing to request the following amendments to the existing SUP to Rinker Materials for the 1220 Solon Rd, Waxahachie, TX site. We are requesting that these amendments be considered individually.

- Firelane path reduction
  - Propose removing the following firelane sections:
    - East to West portion on South side of existing building
    - South to North portion on West side of existing building
  - This modification provides a clear path around the buildings for fire and other emergencies. The firelane would have entrances on Marshall Rd and Solon Rd allowing options for accessing the property.
- Fireland Paving Material
  - Propose changing the Firelane material from Concrete to Asphalt
  - Modern Asphalt materials are engineered for heavy loads and high traffic applications such as interstate and state highways.
- Parking Lot Paving Material
  - Propose changing the parking lot paving to asphalt
  - Asphalt materials are engineered for parking lot applications and can be seen in successful use throughout the state.
- Screening Wall
  - Propose a similar wall but supplied by different vendor
  - Design would remain the same.
- Landscaping
  - Propose removing the landscaping inside the screening wall
  - Landscaping inside the screening wall will not be visible to the public.
- Sidewalks
  - Propose removing the following portions of sidewalk
    - Section along Solon Rd
    - Section along Austin Rd
  - The sections of street along Solon Rd and Austin Rd are not fully developed and have no foot traffic.

# AMENDED SITE PLAN

**Item 7&8**










**CODES:**

2021 International Building Code with Amendments
2021 International Plumbing Code with Amendments
2021 International Mechanical Code with Amendments
2021 International Fuel Gas Code with Amendments
2021 International Energy Conservation Code with Amendments
2021 International Existing Building Code with Amendments
2020 National Electrical Code with Regional Amendments and Local Amendments
2021 International Fire Code 2021 International Fire Code with Regional Amendments.

**BUILDING AREA TABULATIONS**

EXISTING BUILDINGS
OFFICE..... 2034 SF
MANUFACTURING..... 45,316 SF
TOTAL EXISTING..... 47,350 SF

NEW BUILDING
MANUFACTURING..... 9800 SF

TOTAL ALL BUILDINGS..... 57,150 SF

**SITE DATA SUMMARY**

ZONING L-1 LIGHT INDUSTRIAL
PROPOSESED USE - MANUFACTURING
AREA OF LAND..... 833,768 SF
BUILDING AREA..... 58,550 SF
BUILDING HEIGHT - 51'
IMPERVIOUS SURFACE AREA..... 120,288 SF - 14.4%
AREA OF LAND..... 833,768 SF
LOT COVERAGE- BUILDINGS..... 57,150 SF - 6.85%
PARKING REQUIRED..... 1 SP / 2 EMPLOYEES (32)..... 16 SPACES
PARKING PROVIDED..... 18 SPACES
HANDICAP PRARKING..... 2 SPACES

**ZONING & USE**

L-1 LIGHT INDUSTRIAL- MANUFACURING

**LEGAL DESCRIPTION**

LOT 1
BLOCK 1
RINKER ADDITION
20.0 ACRES MC KINNEY & WILLIAMS SURVEY
ABSTRACT # 757 AND THE J. SHAVER SURVEY ABSTRACT # 1000
CITY OF WAXAHACHIE
ELLIS COUNTY, EXAS

**LOT AREA**

833,768 SF (19.14 AC.)

**PROPERTY OWNERS**

J & G CONCRETE OPERATIONS LLC (RINKER)
P.O. BOX 80615, INDIANAPOLIS, IN. 46280

SUP CASE NUMBER | DATE CREATED - 13 AUGUST 2024

THESE DRAWINGS, INCLUDING DESIGN, ALL DETAILS, SPECIFICATIONS AND INFORMATION, ARE THE SOLE PROPERTY AND COPYRIGHT OF CHARLES D. BOBO, ARCHITECT. THEY ARE FOR USE ON THIS SPECIFIC PROJECT AND SHALL NOT BE USED ON ANY OTHER WORK WITHOUT WRITTEN PERMISSION OF CHARLES D. BOBO, ARCHITECT.

GENERAL CONTRACTOR
Blackburn Construction
530 SOUTH CARRIER PARKWAY
GRAND PRAIRIE TEXAS 75051
T 972-264-7166
edblackburn@sbcglobal.net

13 SEPT. 2024-SUP
22 OCT. 2024 - SUP
20 NOV. 2024 - SUP
2 OCT. 2025 - SUP- REV
REVISIONS

13 MAR. 2025
DATE

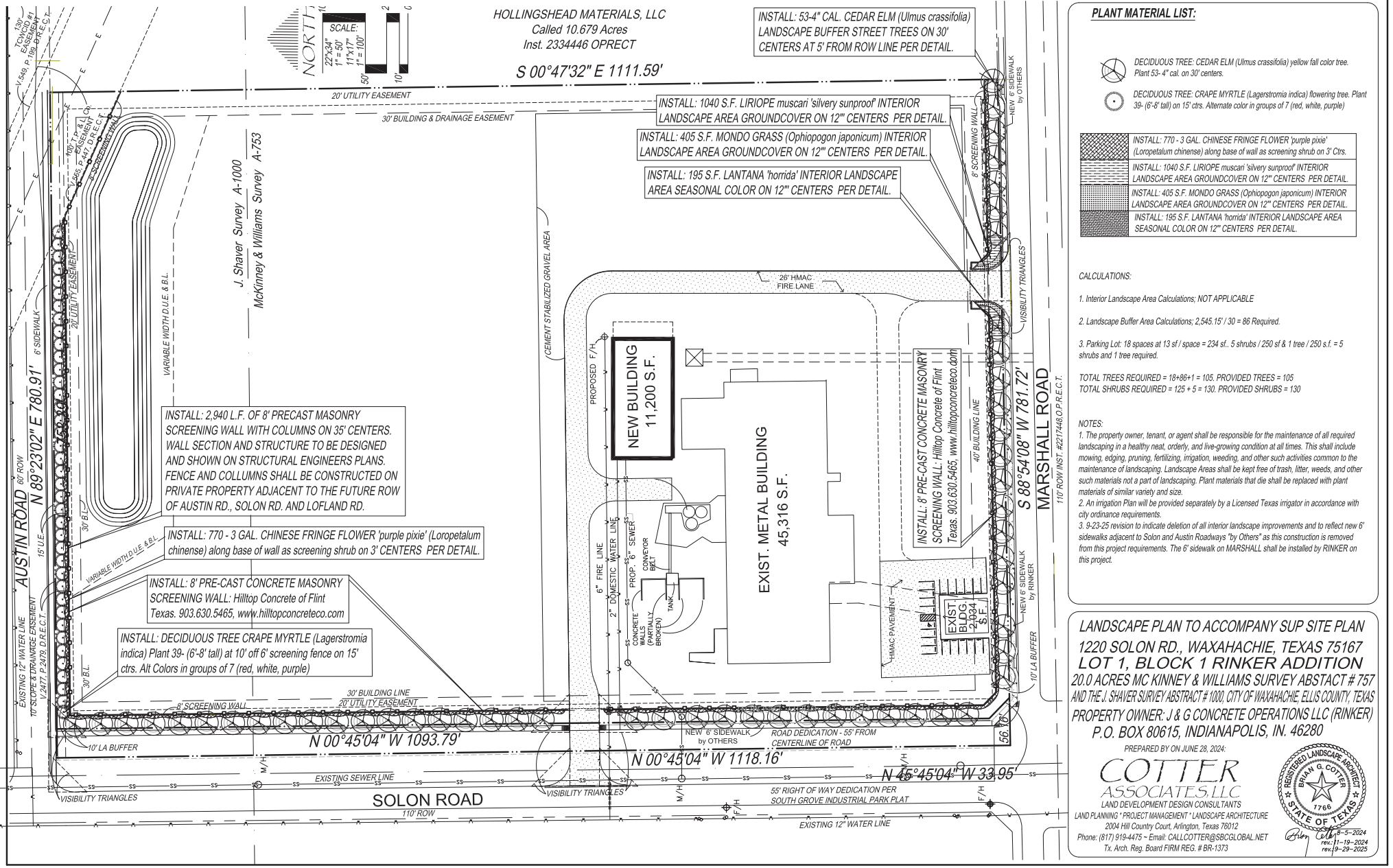
ARCHITECT
CHAS. D. BOBO
5656 CLIFF HAVEN DR.
DALLAS TEXAS
T 214 244 4073
c.d.bobo@cox.com

NEW BUILDING FOR
RINKER MATERIALS
1220 SOLON RD.
WAXAHACHIE, TEXAS 75167

SHEET NO.
A1.0

# AMENDED LANDSCAPE PLAN

Item 7&8




## PLANT MATERIAL LIST:

DECIDUOUS TREE: CEDAR ELM (Ulmus crassifolia) yellow fall color tree. Plant 53- 4" cal. on 30' centers.

DECIDUOUS TREE: CRAPE MYRTLE (Lagerstromia indica) flowering tree. Plant 39- (6'-8' tall) on 15' ctrs. Alternate color in groups of 7 (red, white, purple)

| |
|---|
| INSTALL: 770 - 3 GAL. CHINESE FRINGE FLOWER 'purple pixie' (Loropetalum chinense) along base of wall as screening shrub on 3' Ctrs. |
| INSTALL: 1040 S.F. LIRIOPE muscari 'silvery sunproof' INTERIOR LANDSCAPE AREA GROUNDCOVER ON 12"' CENTERS PER DETAIL. |
| INSTALL: 405 S.F. MONDO GRASS (Ophiopogon japonicum) INTERIOR LANDSCAPE AREA GROUNDCOVER ON 12"' CENTERS PER DETAIL. |
| INSTALL: 195 S.F. LANTANA 'horrida' INTERIOR LANDSCAPE AREA SEASONAL COLOR ON 12"' CENTERS PER DETAIL. |

CALCULATIONS:

1. Interior Landscape Area Calculations; NOT APPLICABLE

2. Landscape Buffer Area Calculations; 2,545.15' / 30 = 86 Required.

3. Parking Lot: 18 spaces at 13 sf / space = 234 sf.. 5 shrubs / 250 sf & 1 tree / 250 s.f. = 5 shrubs and 1 tree required.

TOTAL TREES REQUIRED = 18+86+1 = 105. PROVIDED TREES = 105
TOTAL SHRUBS REQUIRED = 125 + 5 = 130. PROVIDED SHRUBS = 130

NOTES:
1. The property owner, tenant, or agent shall be responsible for the maintenance of all required landscaping in a healthy neat, orderly, and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscape Areas shall be kept free of trash, litter, weeds, and other such materials not a part of landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size.
2. An irrigation Plan will be provided separately by a Licensed Texas irrigator in accordance with city ordinance requirements.
3. 9-23-25 revision to indicate deletion of all interior landscape improvements and to reflect new 6' sidewalks adjacent to Solon and Austin Roadways "by Others" as this construction is removed from this project requirements. The 6' sidewalk on MARSHALL shall be installed by RINKER on this project.

## LANDSCAPE PLAN TO ACCOMPANY SUP SITE PLAN

1220 SOLON RD., WAXAHACHIE, TEXAS 75167
LOT 1, BLOCK 1 RINKER ADDITION
20.0 ACRES MC KINNEY & WILLIAMS SURVEY ABSTACT # 757
AND THE J. SHAVER SURVEY ABSTRACT # 1000, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
PROPERTY OWNER: J & G CONCRETE OPERATIONS LLC (RINKER)
P.O. BOX 80615, INDIANAPOLIS, IN. 46280

PREPARED BY ON JUNE 28, 2024:

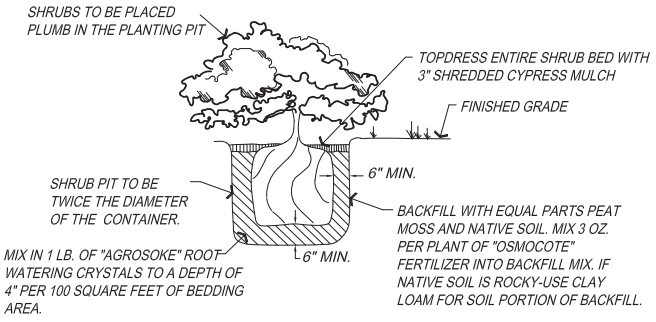

COTTER ASSOCIATES, LLC
LAND DEVELOPMENT DESIGN CONSULTANTS
LAND PLANNING * PROJECT MANAGEMENT * LANDSCAPE ARCHITECTURE
2004 Hill Country Court, Arlington, Texas 76012
Phone: (817) 919-4475 ~ Email: CALLCOTTER@SBCGLOBAL.NET
Tx. Arch. Reg. Board FIRM REG. # BR-1373


REGISTERED LANDSCAPE ARCHITECT BRIAN G. COTTER 1766 STATE OF TEXAS

8-5-2024
rev.: 11-19-2024
rev.: 9-29-2025

# AMENDED LANDSCAPE PLAN

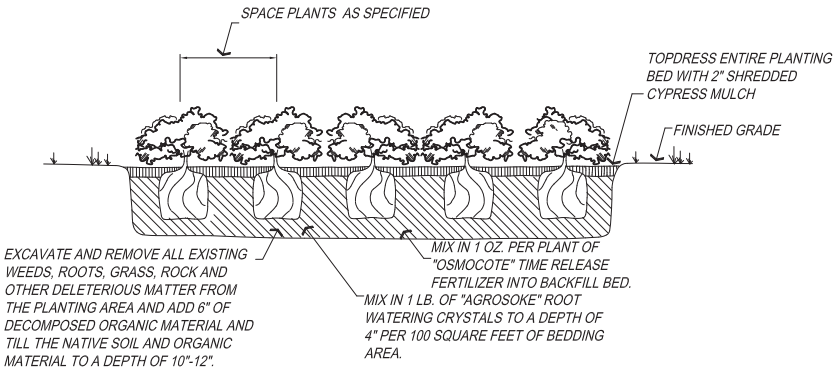
Item 7&8



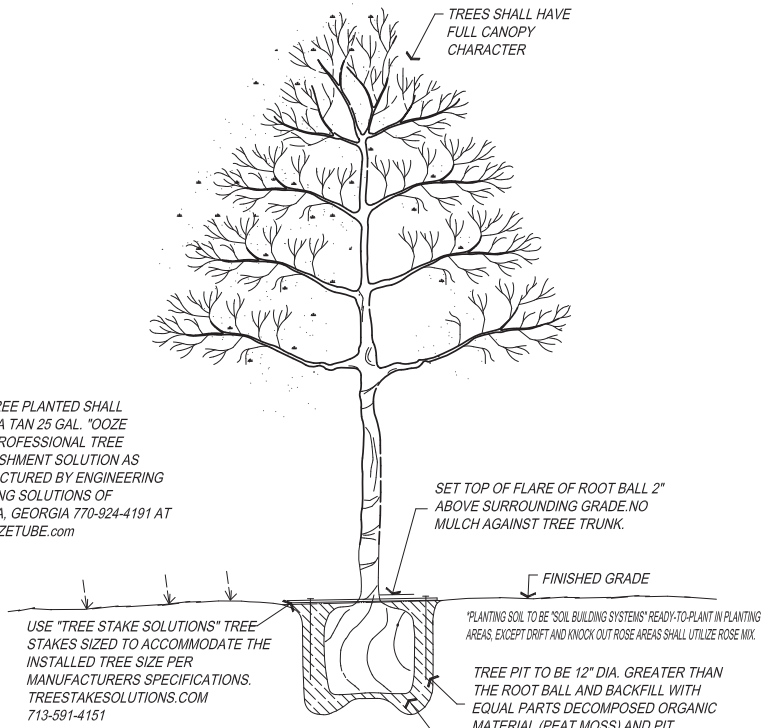

A MYCORRHIZAL FUNGI WITH RHIZOSPHERE BACTERIA SUCH AS "PLANT HEALTH CARE TREE SAVER" SHALL BE INSTALLED PER PHC SPECIFICATIONS WITH EACH TREE AND SHRUB ON THIS PROJECT

*"PLANTING SOIL TO BE "SOIL BUILDING SYSTEMS" READY-TO-PLANT IN PLANTING AREAS, EXCEPT DRIFT AND KNOCK OUT ROSE AREAS SHALL UTILIZE ROSE MIX.

## SHRUB PLANTING DETAILS




## GROUNDCOVER AND PERENNIAL PLANTING DETAILS




EACH TREE PLANTED SHALL UTILIZE A TAN 25 GAL. "OOZE TUBE" PROFESSIONAL TREE ESTABLISHMENT SOLUTION AS MANUFACTURED BY ENGINEERING WATERING SOLUTIONS OF ATLANTA, GEORGIA 770-924-4191 AT www.OOZETUBE.com

*"PLANTING SOIL TO BE "SOIL BUILDING SYSTEMS" READY-TO-PLANT IN PLANTING AREAS, EXCEPT DRIFT AND KNOCK OUT ROSE AREAS SHALL UTILIZE ROSE MIX.

NOTE: * MIX IN "OSMOCOTE" TIME RELEASE FERTILIZER TO THE BACKFILL SOIL AND PEAT MOSS AT A RATE OF 8 OZ. PER TREE. A MYCORRHIZAL FUNGI WITH RHIZOSPHERE BACTERIA SUCH AS "PLANT HEALTH CARE TREE SAVER" SHALL BE INSTALLED PER PHC SPECIFICATIONS WITH EACH TREE AND LANRGE SHRUB ON THIS PROJECT

## TREE PLANTING DETAILS

1220 SOLON RD., WAXAHACHIE, TEXAS 75167

LANDSCAPE INSTALLATION DETAILS
LANDSCAPE PLAN TO ACCOMPANY SUP SITE PLAN

REGISTERED LANDSCAPE ARCHITECT ✲ BRIAN G. COTTER 1796 ✲ STATE OF TEXAS
rev.1) - 5-2024
rev.2) - 19-2024
rev.3) - 25-2025


COTTER ASSOCIATES,LLC
LAND DEVELOPMENT DESIGN CONSULTANTS
LAND PLANNING * PROJECT MANAGEMENT * LANDSCAPE ARCHITECTURE
2004 Hill Country Court, Arlington, Texas 76012
Phone: (817) 919-4475 - Email: CALLCOTTER@SBCGLOBAL.NET
Tx. Arch. Reg. Board FIRM REG. # BR-1373


DESIGN: BGC
DRAWN: DJC
DATE: 8-5-24
REV.: 11-19-24
REV.: 2-3-25
PROJECT: 1220 Solon Rd.

2 OF 2

# Planning & Zoning Department
# Zoning Staff Report

## Case: ZDC-232-2024

**MEETING DATE(S)**

*Planning & Zoning Commission:* November 10, 2025
*City Council:* November 17, 2025

**CAPTION**

***Public Hearing*** on a request by Dennis Church, Minto Communities Texas, LLC, for a **Zoning Change** from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on October 28, 2025, the Commission voted 6-0 to continue case number ZDC-232-2024 to the November 10, 2025 Planning & Zoning Commission meeting. The Applicant requested this continuance to allow for additional time to address staff concerns with the Zoning Change proposal. On October 27th, the Applicant met with Staff, City Management, and two members of City Council to work through staff concerns and recommendations. The Applicant committed to providing revisions to the PD request to address staff concerns. After 4:00pm on October 31st, staff received revisions to the PD Standards and some PD Exhibits; but not the Development Agreement or all Exhibits associated with the request. Staff has begun the review of the updated exhibits; but at the time of the publishing of this report, Staff has been unable to verify whether any concerns or recommended conditions of approval have been addressed.

**RECOMMENDED MOTION**

Based on the present status of the documents submitted by the applicant, and the scale and intricacy of the request, staff recommends the following motion.

*"I move to recommend denial with prejudice of ZDC-232-2024, a Planned Development (PD) zoning change request for approximately 3,169.6 acres.*

The Applicant has requested a continuance to the November 10, 2025 Planning & Zoning Commission meeting; but still requests that this item be discussed at the October 28, 2025 meeting.

**APPLICANT REQUEST**

The Applicant requests approval of a Planned Development zoning district to allow for the development of an Active Adult and Traditional Master Planned Community on approximately 3,169.6 acres.

**CASE INFORMATION**

*Applicant:* Dennis Church, Minto Communities Texas, LLC

*Property Owner(s):* Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley

*Site Acreage:* Approximately 3,169.6 acres

*Current Zoning:* Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD) and General Retail (GR)

*Requested Zoning:* Planned Development (PD)

**SUBJECT PROPERTY**

*General Location:* 300 Brookside Road

*Parcel ID Number(s):* 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652

*Existing Uses:* Agriculture, Presbyterian Children's Homes and Services, and four (4) Single Family Residences

*Development History:* On September 6, 2005, City Council approved Ordinance 2330, which rezoned the subject property from Single Family-1 (SF-1) and Future Development (FD) to Planned Devolvement-Mixed Use Residential (PD-MUR). The Planned Development-Mixed Use Community was approved as a "Free Standing" Planned Development District which included Single Family, Multi-Family, General Retail, and Mixed Use.

On April 19, 2021, City Council approved Ordinance 3265 which replaced PD Ordinance 2330 with a new Planned Development-Mixed Use Residential (PD-MUR) zoning district. In addition to modernizing the development standard for the subject property, Ordinance 3265 incorporated approximately 800 additional acres into the development.

*Adjoining Zoning & Uses:*

| Direction | Zoning | Current Use |
|---|---|---|
| North | N/A (ETJ) | Single Family Residences & Agriculture |
| East | General Retail (GR) & Interstate 35E | Waxahachie Fire Station #4 and Interstate 35E |
| South | N/A (ETJ) | Single Family Residences & Agriculture |
| West | Future Development (FD) & ETJ | Single Family Residences & Agriculture |

*Future Land Use Plan (FLUP):* Residential Neighborhood, Mixed Use Neighborhood, and Regional Commercial

*FLUP Descriptions:* *Residential Neighborhood:* This placetype serves to create neighborhoods built with a traditional walkable block/street grid network that allows some variation in housing typologies. Although this placetype will predominantly consist of traditional single family detached housing, denser housing types are encouraged such duplex, cottage courts, and townhomes. Both residential and commercial uses need to be context sensitive. Commercial uses in this placetype may be a small pop up facility or a home converted to a small store front. Walkability is key for neighborhood commercial uses so that they are accessible from surrounding neighborhoods.

*Mixed Use Neighborhood:* A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

*Regional Commercial:* These places are first identified by their principal focus on auto-oriented traffic. Logically placed near high traffic intersections, these spaces bring people from many surrounding neighborhoods. Typical uses will include regional businesses including but not limited to restaurants, retail, gas stations, and offices. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. A focus on adding spaces for public gathering and pedestrian shading to encourage people to walk from one establishment to another and interact with other patrons should be a priority of future development in the Regional Commercial Placetype. Though the size of a regional commercial node is flexible based on local context, generally these are about a half mile in diameter.

*Thoroughfare Plan:*

The subject property is accessible via Interstate 35E, FM 1446, FM 875 and Lone Elm Road. The 2024 Waxahachie Thoroughfare Plan identifies multiple Major Arterial and Major Collector thoroughfares crossing through the subject property. The Applicant's proposal to dedicate right-of-way (ROW) for, and construct, these thoroughfares is discussed in the Planning Analysis section below.

*Site Image:*



**PLANNING ANALYSIS**

The Applicant requests approval of a zoning change for a Planned Development (PD) zoning district to allow for the development of a 3,169.6-acre master planned community that includes a combination of traditional single-family, age-restricted single-family, multi-family, mixed-use, and open space tracts.

A companion petition for Voluntary Annexation for the 206-acres currently located in the Extraterritorial Jurisdiction (ETJ) will be considered by City Council at the November 3, 2025 City Council meeting, prior to this Planned Development request. The portion of the subject property currently in the Waxahachie ETJ must be annexed before this Planned Development zoning request can be approved.

*Property Background*

The current Planned Development-Mixed Use Residential (PD-MUR) zoning for the subject property was approved with Ordinance 3265 in April of 2021. The existing zoning covers 2,813 acres in total and includes six (6) primary Development Districts: Single-Family Residential, Multi-family Residential, Mixed-Use Residential, Mixed-Use Nonresidential, General Retail, and Open Space. A total of 8,955 dwelling units are permitted with the current zoning. This total unit count is comprised of 5,769 single-family units, 1,926 multi-family units, and 1,260 units spread across the mixed-use districts. The maximum gross density of the existing district as a whole is 3.18 dwelling units per acre. The existing zoning requires a minimum of four amenity centers and 400 total acres of open space. The concept plan for the existing district centers around a collection of town-center styled mixed-use districts surrounded by single-family districts and general retail districts at major intersections.

*Case History:*

This application was originally submitted on December 18, 2024. Since that time, a total of seven (7) revised submittals for the application that have been formally reviewed by staff with an average turnaround time of 6.85 business days. Per the Applicant's request, City Council conducted Work Sessions in April of 2025 and August of 2025 to provide direct feedback on the application. At each Work Session, City Council provided feedback that identified ways in which the proposal could be revised to address City needs and directed the Applicant to continue to work with staff to address all concerns before returning for final City Council consideration. It is important to note that at the time of this report, staff still has multiple outstanding concerns that the Applicant has declined to address. On September 30, 2025, the Applicant acknowledged these items and requested to be placed on the October 28, 2025 Planning & Zoning Commission meeting agenda and the November 3, 2025 City Council meeting agenda.

*Proposed Use:*

The PD is proposed to include a total of five (5) unique PD Districts to facilitate development of the 3,169.6-acre property. The PD Districts include the Traditional Residential District (TR), Active Adult Residential District (AA), Flex Residential District (FR), Multi-Family Residential District (MF), and Mixed-Use District (MU); which are described in greater detail below. The proposal allows for a maximum of 13,270 dwelling units across the entirety of the subject property. The total number of proposed dwelling units are comprised of 11,880 single family dwelling units and 1,390 dwelling units from the MF and MU districts. Based on current NCTCOG household occupancy estimates, this number of dwelling units may accommodate a population of up to 33,902 individuals. This figure represents approximately 65.9% of Waxahachie's population of 51,415, as of October 1, 2025.

*Traditional Residential District (TR):* The TR district is intended to establish a traditional neighborhood with park, open space, and school sites for families at all stages of life. A mixture of residential lot types and homes are intended to be available in this district to allow families to age in place without leaving the district.

*Proposed Use (continued):*

*Active Adult Residential District (AA):* The AA district is intended to establish a neighborhood tailored exclusively to 55+ individuals and families. Accordingly, housing types and amenities are intended to take forms that are more accessible and desirable to citizens in the later stages of life rather than young families.

*Flex Residential District (FR):* The FR district is intended to be a placeholder. Prior to development of this district, the area will be designated for development under TR or AA standards. Due to the size of the proposed development, build-out of the FR district is unlikely to occur in the near term and thus the Applicant cannot determine whether it is more appropriate for this district to be developed as TR or AA at this time. The FR district provides for future development flexibility based on market conditions.

*Multi-Family Residential District (MF):* The MF district is proposed to develop in a traditional apartment form. In addition to garden style apartments, lower density multi-family products such as townhome/brownstone style units and build-for-rent communities are permitted.

*Mixed-Use District (MU):* The MU district is intended to facilitate the development of a mixture (approximately 20/80) of residential and non-residential uses. The MU district is intended to accommodate a range of residential uses and enable the development of a walkable, retail/restaurant-oriented development pattern.

The PD proposal designates a total of 3,007.5 acres to be developed for single-family uses under the TR, AA, and FR districts. A total of 29 acres are designated for development under the MF district and 133.1 acres are designated for development under the MU district. Specific districts are not proposed for Civic, School, or Open Space/Park/Amenity areas as these uses are proposed to be integrated into each PD District. A total of 400 acres of the subject property are proposed to be developed as Open Space, with 45-50 acres located in the 100-year floodplain. A total of 10 acres are proposed to be dedicated for Civic uses and a minimum of 49 acres are proposed to be dedicated to WISD for future school sites. The proposal also includes major drainage, detention, utility and roadway infrastructure elements needed to support the development. These uses and the design of the associated infrastructure elements are discussed in greater detail below.

*Concept Plan:*

The Concept Plan (Exhibit B) proposed with this Planned Development request identifies the general location and size of each of the PD Districts. The TR District is situated on the northern half of the subject property covering 1,080-acres; while the AA District is situated on 1,019-acres on the southern half of the property. The FR District is situated on 907-acres on the western portion of the subject property. The MU District is primarily situated at the eastern entrance to the development at the intersection of Brookside Road and I-35E. The MF district is divided between two tracts situated near the center of the property and along FM 1446.

Beyond the general boundaries, gross acreage, and unit count allocated to each district, the Concept Plan provides no binding requirements for the location or internal design of each district. The Planned Development Standards call for general compliance with Concept Plan; but allow for PD District boundaries to be modified. The internal layout and design of each district is only established on a phase-by-phase basis with the approval of individual plats or site plans.

*Concept Plan (continued):*
The Concept Plan also identifies major Amenity/Welcome Centers, parks, detention areas, school sites, and preserved open space in addition to the PD Districts. However, insufficient Planned Development Standards are present to ensure that the resulting development will reflect the layout of these features as shown on the Concept Plan. Staff has concern with the limited detail conveyed by the Concept Plan, as will be discussed in greater detail below.

*Proposed Planned Development Residential Lot Standards*
The Planned Development proposal includes a total of twelve (12) unique residential lot types. The proposed lot types generally fall into two primary categories: Front Loaded and Alley Loaded/Cluster.
Front Loaded lot types include the Residential Detached, Zipper, Paired Villa, Courtyard Villa, and Shallow and Wide lots. Alley Loaded/Cluster lot types include the Residential Detached, Zero Lot Line, Courtyard Home, Courtyard Villa, Townhome, Park-Facing, and Cottage lots. A detail depicting each lot type and the associated dimension, setback, height and lot coverage requirements for each lot can be referenced below.

The proposed lot types range in minimum size from 2,500 square feet to 6,000 square feet for the largest lot type. The existing zoning for the subject property includes minimum lot sizes that range from 2,000 square feet to 12,500 square feet. Notably, the largest minimum lot size required in the Planned Development is significantly smaller than the minimum lot size required by Waxahachie's base Single Family-3 (SF-3) zoning district at 10,000 square feet. For additional context, the lots permitted by the SF-3 zoning district are the smallest lot types allowed in the base Waxahachie Zoning Ordinance. In terms of minimum home size, the SF-3 zoning district requires dwellings to be a minimum of 1,200 square feet. The proposed Planned Development Standards expressly eliminate the requirement for a minimum dwelling size for all lot types.

It is also important to note that the Cottage, Paired Villa, Courtyard Villa (Front Loaded), and Courtyard Villa (Alley Loaded) lot types are comparable to traditional duplex type lots. These lots are intended to be utilized with structures that contain two (2) dwelling units with a shared lot line running through the structure so that each individual lot only contains a single dwelling unit.

All twelve (12) lot types are proposed to be utilized in the AA district; but the TR district is not proposed to utilize the Courtyard Villa lot type. The Applicant has not proposed a requirement that would result in the use of each lot type within the development. Instead, Chapters 5.4.1 and 5.4.2 of the Planned Development Standards include general lot mix requirements. The proposed lot mix requirements are significantly below the current requirements of the Waxahachie Zoning Ordinance. As written, the Planned Development Standards would allow all 11,880 single family units to be comprised of just three (3) lot types. The proposed standards do not require different lot types to be integrated within each block; which leads to significant monotony concerns for both individual neighborhoods and the development as a whole.

This concern is exacerbated by the narrow range of minimum lot sizes across the proposed lot types; which restricts the type and size of homes that may be built within the community. The minimum standards proposed by the Applicant do not prevent the development of larger lot sizes, if demanded by the market; but without the inclusion of specific requirements for larger lots, it is unlikely that lots larger than 6,000 square feet will be developed in meaningful numbers across the development. The lot mix issue is discussed in greater detail in the Staff Concerns section below.

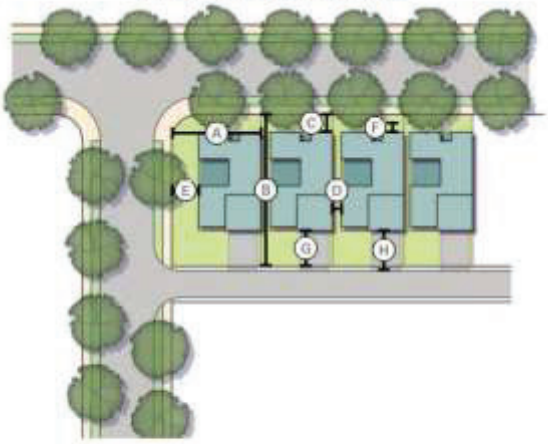
## RESIDENTIAL DETACHED - FRONT LOADED




**Typical Lot Dimensions**
Residential Detached

| Lot Type | < 60 ft | 60 ft - 110 ft |
|---|---|---|
| Minimum lot area | 4,400 sf | 6,000 sf |
| A: Minimum lot width | 40 ft | 60 ft |
| B: Minimum lot depth | 110 ft | 110 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) | 15 ft (20ft to garage entry) |
| D: Minimum side setback | 5 ft | 5 ft |
| E: Minimum side setback along ROW | 15 ft | 15 ft |
| F: Maximum front porch setback encroachment | 5 ft | 5 ft |
| G: Minimum rear setback | 15 ft | 15 ft |
| Maximum height | 35 ft | 35 ft |
| Maximum lot coverage | 80% | 70% |
| **Housing Type District:** | **Active Adult / Traditional Residential*** | |

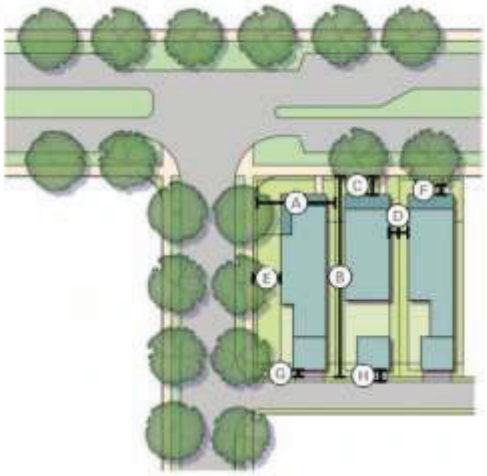
## COURTYARD HOMES




**Typical Lot Dimensions**
Courtyard Homes

| | |
|---|---|
| Minimum lot area | 3,375 sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | 5 ft (or flexible) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 60% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## RESIDENTIAL DETACHED - ALLEY LOADED




**Typical Lot Dimensions**
Residential Detached

| | |
|---|---|
| Minimum lot area | 3,000 sf |
| A: Minimum lot width | 30 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | 5 ft (or flexible) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 15 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

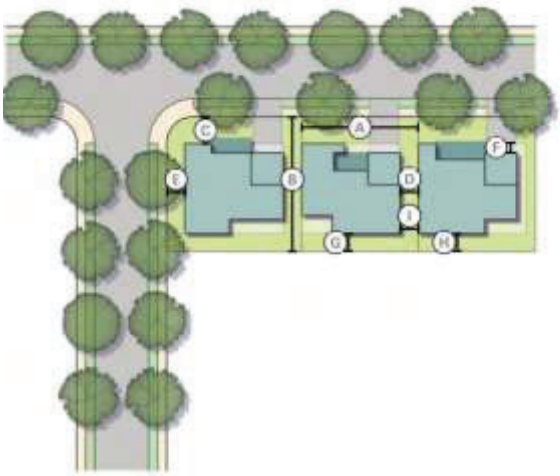
## PARK-FACING CONDITIONS




**Typical Lot Dimensions**
Park-Facing Condition for a variety of housing types

| | |
|---|---|
| Minimum lot area | varies |
| A: Minimum lot width | varies |
| B: Minimum lot depth | varies |
| C: Minimum front setback from ROW | varies, 5 ft from property line |
| D: Minimum side setback | varies |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front setback encroachment | 0 ft |
| G: Minimum rear setback | varies |
| H: Minimum rear alley setback (garage entry) | varies |
| Maximum height | 35 ft |
| Maximum lot coverage | varies |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## SHALLOW AND WIDE LOTS




**Typical Lot Dimensions**
Shallow and Wide Lots

| | |
|---|---|
| Minimum lot area | 4,875 sf |
| A: Minimum lot width | 65 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) |
| D: Minimum side setback | 5 ft |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 10 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

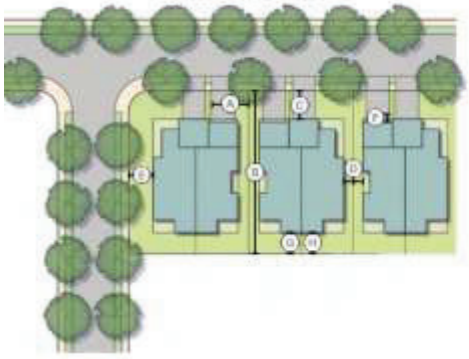
## COTTAGE




**Typical Lot Dimensions**
Cottages

| | |
|---|---|
| Minimum lot area | 3,700 sf |
| A: Minimum lot width | 35 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | N/A |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

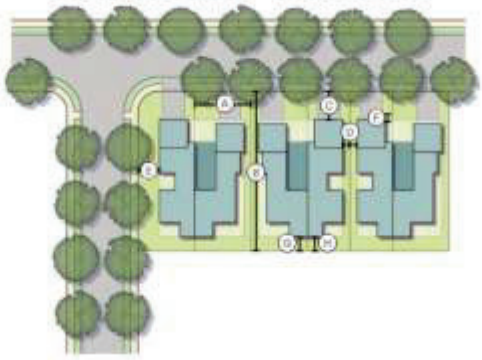
## PAIRED VILLAS




**Typical Lot Dimensions**
Paired Villas

| | |
|---|---|
| Minimum lot area | 2,500 sf |
| A: Minimum lot width | 25 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft (20ft to garage entry) |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 15 FT |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## COURTYARD VILLAS - FRONT LOADED




**Typical Lot Dimensions**
Courtyard Villas

| | |
|---|---|
| Minimum lot area | 3,000 sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 110 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 10 FT |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult** |

## COURTYARD VILLAS - ALLEY LOADED




**Typical Lot Dimensions**
Paired Villas

| | |
|---|---|
| Minimum lot area | 3,000sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult** |




*Multi-Family Residential District (MF):*

As noted above, the Planned Development request includes a proposal for a Multi-Family (MF) Residential District comprised of 29-acres in total. The Concept Plan (Exhibit B) identifies only two tracts within the subject property to be designated as the MF district. The tracts are situated along FM 1446 and near the center of the development. In total, the MF district is proposed to include a maximum of 725 dwelling units at a maximum density of 25 dwelling units per acre. The Planned Development Standards require a minimum of 500 single family dwelling units to be completed prior to development of the MF district. The Planned Development Standards also include a requirement limiting the number of 3- and 4-bedroom units to a maximum of 10% of the total number of units in the district. Despite the restriction on the number of 3- and 4-bedroom units, parking is a concern for the district. The Planned Development Standards include a provision reducing the requirement for attached garage parking spaces from 50% to 20%. Staff recommends that the attached garage parking minimum be increased to 50% to ensure sufficient parking within the district.

It is important to note that apartments and build-for-rent products are permitted outside of the MF district and do not contribute to the 725 dwelling unit maximum of the MF district. Specifically, up to 500 Senior Apartment units are permitted within the AA district, up to 650 build-for-rent units are permitted within the TR district, and up to 665 multi-family units are permitted within the MU district. If maximized, these allowances for units outside of the MF district would permit up to 2,540 multi-family units across the development in total.

*Mixed-Use District (MU):*

The proposed development does not include dedicated retail or commercial districts. Instead, the Applicant has proposed to accommodate all retail and commercial uses for the development within a Mixed-Use (MU) district totaling 133.1-acres. This is a significant reduction from the existing zoning for the subject property in which 172.5-acres were allocated to a dedicated General Retail district along with a total of 307-acres of Mixed-Use districts. Staff has concern that the reduced acreage dedicated to the MU district will be insufficient to support the retail and commercial needs of the development. This concern is compounded by the fact that the proposed district is mixed-use; which means not all acreage in the district may be utilized for retail or commercial purposes. The Planned Development Standards allow for anywhere between 0% to 20% of the MU district to be comprised of residential uses; which adds uncertainty around exactly how much of the district will actually develop to serve retail or commercial purposes.

While the MU district is intended to cater towards local retail and commercial uses, the proposal includes a Permitted Use chart (Exhibit C) that allows several inappropriate uses by-right in the MU district. Specifically, uses such as Light Manufacturing, Storage Warehouse, and Data Center are permitted in the MU district. However, these uses are not consistent with the desired development pattern for the MU district that is indicated on the Illustrative Plans (Exhibit M).

The Concept Plan (Exhibit B) proposed with this development heavily clusters MU tracts near I-35E, with just two 15-acre MU tracts being provided elsewhere in the development. This starkly contrasts to the existing zoning for the subject property in which General Retail and Mixed-Use tracts are distributed consistently across the subject property near major intersections. Staff is concerned that the poor distribution of MU tracts across the development will limit the availability of neighborhood services to residents and result in increased congestion near the MU tracts that are provided. This concern is discussed in greater detail in the Staff Concerns section below.

Design criteria for structures and sites in the MU district are also a concern. Neither the Planned Development Standards nor the Development Agreement include sufficient design requirements to result in the in the retail oriented, walkable development pattern shown in the Illustrative Plans (Exhibit M). The current proposal for exterior building design is based largely on the existing Waxahachie Zoning Ordinance. The proposal does not include specific requirements to establish continuity between structures in the MU district or designs that complement the residential design standards for the development. This issue is also discussed in greater detail in the Staff Concerns section below.

*Site Plan Requirements:*

Chapter 3.2 of the Planned Development Standards outlines the proposed Site Plan approval process for this development. The proposal requires all non-residential and multi-family properties within the subject property to receive Site Plan approval prior to the issuance of a building permit for said uses. The traditional Waxahachie development process requires Site Plan approval for these uses prior to the approval of a Civil Construction permit.

Notably, the proposal allows Site Plan approval to be provided by the City Manager or City Staff designee, as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the non-residential, mixed-use, and multi-family tracts to be developed as shown in the Illustrative Plans (Exhibit M). Due to this, staff recommends that the Planned Development Standards be revised to require Planning & Zoning Commission and City Council approval of all Site Plans. This change would help ensure the subject property develops as intended by City Council, if approved.

*Density:*

The maximum gross density for the proposed development as a whole is 4.18 dwelling units per acre (DUA). This may be compared with the maximum gross density of the existing zoning at 3.18 DUA. The TR, AA, and FR Districts are proposed to have maximum gross densities of 3.95 DUA across the entirety of each district. However, Chapter 5.1.2 of the Planned Development Standards allows individual phases within these districts to reach up to 10 DUA.

Additionally, Chapter 3.5.1 of the Planned Development Standards allows for the developer to modify any numerical standard in the proposal by up to 10% without City Council approval. This proposal would allow the density of some portions of the TR, AA, and FR Districts to be significantly higher than the proposed average. Despite the allowances for increased density, the maximum total dwelling unit count of 13,270 is not permitted to increase for the development as a whole.

Staff has concern that proposed variable density allowances may result in more dense development being prioritized in the initial phases of the development to such an extent that it is infeasible or impractical for later phases to meet the overall density requirement of 3.95 DUA for the TR, AA, and FR Districts. The variably density allowances may also result in a development pattern that is not representative of the Illustrative Plans (Exhibit M) provided by the Applicant. These concerns are discussed in greater detail below.

*Civic & School Sites:*

The Applicant proposes to dedicate up to 10-acres of property to the City for Civic uses that may include Fire and/or Police Stations. This proposal is consistent with the Civic land dedication requirement of the existing zoning for the subject property. The Planned Development Standards and Development Agreement do not specify an exact location for the Civic land dedication; but do note that the 10-acres can be comprised of one or more individual tracts. The proposed Development Agreement states that dedication of the Civic land shall occur “when the City identifies a specific need”.

The Applicant also proposes to dedicate two (2) elementary school sites sized based on WISD needs; but not less than 12-acres each. Dedication of third elementary school site is identified as an option, if WISD provides evidence to the Developer that a third location is warranted. Additionally, one 25-30-acre site for a middle school is proposed to be dedicated as part of this development. Similar to the Civic land, the proposal notes that the final location and dedication timeline for the school sites shall occur “when the WISD identifies as specific need”. The Applicant is only proposing to dedicate land for future school sites, not participate in the development or construction of the schools.

Notably, the existing zoning requires a minimum of 85-100-acres of land dedication to WISD for up to five (5) Elementary School sites and one (1) Junior High site. The Applicant has noted the reason for the reduction in land dedication is due to between 1,019-acres and 1,926-acres of the subject property being designated as the Active Adult Residential (AA) district. This district is proposed to be age restricted to 55+ year old residents and thus will include little to no school-age children. Despite the intent for a large portion of the development to be age-restricted, staff has concern that 3 Elementary Schools and 1 Middle School is insufficient to serve the expected population. This concern may be exacerbated if the age restriction requirement of the AA district is not sufficiently enforced.

*Amenity Centers:*

The Concept Plan (Exhibit B) proposed with this development identifies two (2) primary Amenity Center tracts. The Amenity Centers tracts are proposed to be a minimum of 20-acres each. An Amenity Center Tract is proposed for both the Traditional Residential (TR) district and the Active Adult Residential (AA) district. Chapter 6.5.2 of the Planned Development Standards includes design guidelines for the type and minimum number of amenities required with each tract. This chapter also includes construction phasing guidelines for the tract in each district that require construction of the primary amenity center to begin no later than final inspection for the 750th home in the TR district and the 500th home in the AA district respectively. Full build out of the Amenity Center tracts is not proposed until the final inspection of the 2,000th home in the TR district and the 1,500th home in the AA district. The Amenity Centers are proposed to be accessible only by members of the HOA, not the general public

The Developer is obligated to receive Site Plan approval for each Amenity Center tract prior to development. However, Site Plan approval is proposed to occur at the administrative level as opposed to the Planning & Zoning Commission and City Council. With this in mind, it is important to note that the Planned Development Standards do not require the Amenity Center Tracts to be developed as shown in the Illustrative Plans (Exhibit M) and do not adequately prevent individual amenities from being duplicated to meet minimum amenity requirements. These issues are discussed in greater detail in the Staff Concerns section below.

*Open Space, Parks, Trails & Amenities:*

As per Section 4.4 of the Waxahachie Subdivision Ordinance, residential developments are required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. If followed, this requirement would result in the dedication of approximately 265 acres for public parks with this development. The Applicant has not identified the exact acreage of park land that is proposed to be dedicated to the City. However, based on the Open Space and Trail Plan (Exhibit F), approximately 180-acres of total park land appears to be proposed for dedication. Approximately 45-50-acres of this total are located within the 100-year floodplain. It is important to note that the current Waxahachie requirement prohibits land with extreme topography or land located within a drainage area or FEMA designated 100-year floodplain from qualifying for dedication.

The Applicant has provided an alternative to the typical park land dedication requirement with this PD proposal. Chapter 6 of the Planned Development Standards includes a detailed proposal for Open Spaces, Parks, Trails, and Amenities that are tailored to this Development. The alternative proposal requires a minimum of 400 acres of total "Open Space" for the development. Passive areas such as floodplain, utility easements, and landscape buffers, including those located within street right-of-way (ROW), are proposed to count towards the total Open Space requirement. The amount of passive open space that can contribute to the 400-acre minimum requirement is not capped. Open Spaces are proposed to be accessible to the general public.

For additional context, the existing zoning for the subject property includes a similar requirement for a minimum of 400 acres of "Open Space" that may be comprised of passive areas such as floodplain, utility easements, and landscape buffers in addition to traditional parks. Notably, the existing zoning caps the amount of floodplain that can contribute to this total at 63.3 acres. The proposed Planned Development Standards require each residential plat containing 100 or more lots to provide a minimum of 10% of the total platted area as Open Space. As noted above, both passive and active amenity areas may contribute towards the Open Space requirement.

*Open Space, Parks, Trails & Amenities (continued):*

The Applicant has identified active amenities and park areas that are proposed to contribute to the minimum Open Space requirement with Exhibit F, the Open Space and Trail Plan. These active amenities include two (2) 20-acre amenity centers, the Waxahachie-Midlothian Regional Trail, a Regional Trail Park, Linear Parks, Specialty Parks, Neighborhood Parks, Pocket Parks, and Gas Line Parks that are proposed to be connected with a trail system.

Each of these active amenity and park areas are defined in detail in Chapter 6 of the Planned Development Standards. This chapter defines each of the amenity elements that are proposed within the development as a whole. Design criteria are provided for each type of park wherein the minimum size and frequency of each park is established along with the minimum number of required amenity elements. The number of required amenity elements is proposed to scale up as park size increases; but no single type of amenity element can comprise more than 25% of the required elements for a park. Per the Open Space and Trail Plan (Exhibit F), each park is proposed to connect to the trail network. All homesites are proposed to be located within 0.5-miles of a park; which is a greater distance than the typical precedent in Waxahachie for homes to be located within 0.25-miles of a park.

The Planned Development Standards and Development Agreement include provisions requiring the Developer to fund and install the portion of the Midlothian-Waxahachie Regional Trail that crosses the subject property. The proposal generally requires construction of the trail to commence once the adjacent section of the trail being constructed by the City is complete; but a definitive construction and dedication timeline for the trail is not provided in the Development Agreement.

While the Planned Development Standards generally define what parks will be present and what amenities may be provided in each type of park, they do not identify the exact location, size, or design of each park. This ambiguity provides flexibility for future park design; but is a concern as it relates to parks that are proposed to be dedicated to the City per the Development Agreement, such as the Specialty Parks and the Regional Trail Park. There is a need for the City to understand the exact size, location, and amenity package for each of these parks at this time so that it can be determined whether City maintenance is feasible and whether City ownership is appropriate. This issue is discussed in greater detail in the Staff Concerns section below.

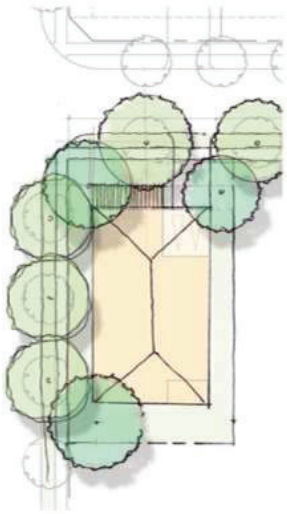
Ambiguity around the timing of dedication of the Specialty Parks and Regional Trail Parks to the City is also a concern. The Planned Development Standards note that construction of the Specialty Parks and Regional Trail Parks shall commence concurrently with construction of the adjacent residential phase. However, dedication to the City is only proposed with “completion of the last unit in the adjacent residential subdivision”. This provision does not result in a definitive timeline for park dedication as it allows dedication to be delayed indefinitely if just one (1) lot in the adjacent residential phase is left undeveloped. This has the potential to delay required amenities for adjacent residents and negatively impact City efforts to plan for maintenance obligations. This issue is discussed in greater detail in the Staff Concerns section below.

Park Land Dedication Fees:

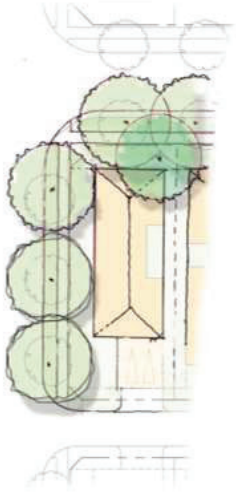
As noted above, residential developments are typically required to provide a clear fee simple dedication at a pro rata rate of two (2) acres of land for each proposed 100 dwelling units. Alternatively, a cash in lieu of park land dedication payment can be made at $400.00 per dwelling unit. For context, the total cash in lieu of park land dedication fee for this development is estimated at $5,308,000.00. The Applicant requests that the Open Space, Park, and Amenity proposal for the development satisfy the requirement for either direct park land dedication or cash-in-lieu fees.

*Landscaping & Screening:*

To accommodate the small size of the majority of single-family residential lots proposed with this development, the Applicant has included alternative residential landscape requirements in the Planned Development Standards. Lots greater than 50' in width with detached housing products are required to have two 3" canopy trees in the front yard and one 2" canopy tree in the rear yard. Lots less than 50' in width and those with attached products are required to have one 3" canopy tree in the front yard and one 2" canopy tree in the rear yard. The exhibit below identifies typical examples of street and interior trees on residential lots.



**Lots Greater than 50' in Width**

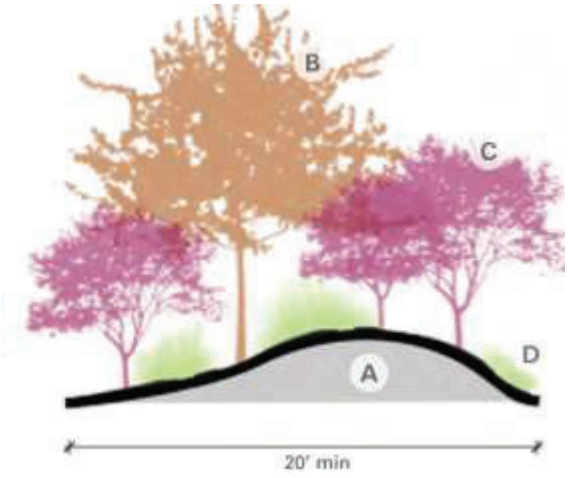


**Lots 50' or Less in Width**

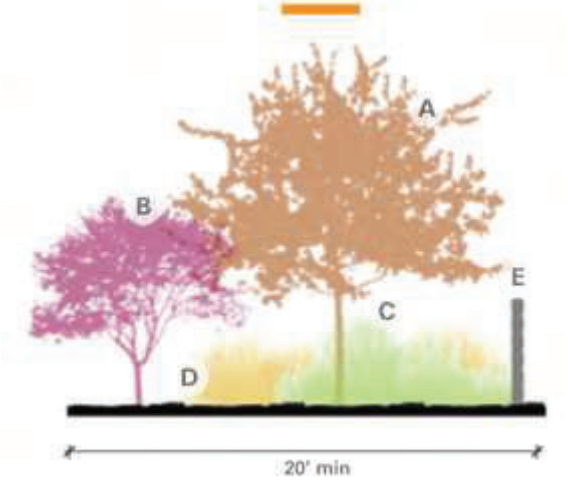
Street canopy trees a minimum of 3" in caliper are required to be planted in the right-of-way (ROW) in all PD districts, with the exception of areas developed as Cottage Lots. The Planned Development Standards also require Street Trees to be planted and irrigated in boulevard medians and right-of-way islands at a rate of one tree for every 1,000 square feet of median area. The Planned Development Standards also require a combination of canopy trees, ornamental trees, and shrubs to be planted in landscape bump-outs at regular intervals in the ROW of Enhanced Local Streets. Landscaping and irrigation that is located within the ROW is required to be installed concurrently with the public infrastructure in the ROW. These proposals for landscaping in the ROW are an enhancement to the current landscape requirements of the Waxahachie Zoning Ordinance.

*Landscaping & Screening (continued):*

The Planned Development Standards also include alternative screening proposals for major thoroughfares and non-residential uses. The Waxahachie Zoning Ordinance typically requires single family residential lots that are adjacent to major thoroughfares or non-residential uses to be screened by a 6' masonry wall. If strictly followed, a masonry screening wall without a supporting buffer area and landscaping can result in an undesirable aesthetic condition along thoroughfares and between land uses. The Screening Plan (Exhibit G) proposed by the Applicant replaces the typical screening wall requirement with a requirement for a 20' landscaped buffer intended to enhance the development. Screening Option 1 is proposed along major thoroughfares. The Option 1 buffer is required to include a 3' berm along with evergreen trees and shrubs at regular intervals. Screening Option 2 is proposed between residential and non-residential districts. The Option 2 buffer is required to include evergreen trees, 6'-8' Midstory plants, and shrubs at regular intervals. Option 2 also allows for the substitution of Midstory plants for a 6' masonry wall, if the 20' landscape buffer is still provided.




PRIMARY SCREENING TYPE - 1




PRIMARY SCREENING TYPE - 2

*Tree Preservation:*

The Applicant has included a tree preservation provision with the Development Agreement for proposed development. The provision states that "Tree Preservation requirements set forth in City Ordinances shall be satisfied by the installation of trees required under the Zoning Ordinance". The proposed language does not actually result in a requirement to preserve existing trees on the property and instead expressly allows for clear cutting. This is a concern specifically as it relates to park areas, open spaces, and floodplain areas where tree preservation is a crucial amenity and a key part of erosion control. This issue is addressed in Condition 60 below.

*Floodplain*

The subject property is immediately adjacent to Waxahachie Creek and approximately 45-50 acres of the property is located within FEMA designated 100-year Floodplain. Development within the 100-year Floodplain is subject to Appendix B (Flood Damage Prevention) of the City of Waxahachie Code of Ordinances as amended. Generally speaking, a very limited amount of activity can occur within the 100-year floodplain so as not to impact flooding along Waxahachie creek. Due to this, the Applicant proposes to incorporate all portions of the subject property within the 100-year floodplain in the Regional Trail Parks. As mentioned above, the Regional Trail Parks are proposed to be dedicated to the City and contain the Midlothian-Waxahachie Regional Trail. All proposed park and trail improvements within, and adjacent to, the 100-year floodplain are subject to review and approval by the Public Works and Engineering Department.

*Architectural Styles:*

Architectural design standards and exterior construction material standards are provided with Exhibit K of the Development Agreement. Exhibit K establishes these detailed standards for single-family residential homes; but does not provide the same degree of detail for non-residential and multi-family structures. The limited specificity for non-residential and multi-family structures is likely to result in development that is not architecturally compatible with adjacent single-family neighborhoods. Notably, this Exhibit is titled "Design Guidelines" rather than "Design Requirements.

The Applicant proposes six (6) unique single-family home styles for use within this Planned Development. The home styles include Texas Farmhouse, Texas Craftsman, Texas Hill Country, Texas Tudor, Texas Colonial Revival, and Texas Victorian. To provide an opportunity for variety within each home style, a spectrum of design standards is proposed for Traditional, Transitional, and Bold versions of each home style. The proposed Design Guidelines also establish three (3) tiers of key architectural elements that are required to be incorporated into the design of a home in order for it to be considered a particular style. Graphic representations and example imagery are provided alongside these elements in Exhibit K to reduce ambiguity. It is important to note that Exhibit K does not require all single-family homes to utilize the Waxahachie standard of 75% masonry exterior construction materials. By contrast, Exhibit K establishes a minimum masonry exterior material requirement ranging from 0% to 50% based on the style of home.

Exhibit K also established alternative anti-monotony (or lot skip) requirements for the proposed development. The current Waxahachie Zoning Ordinance prohibits the same elevation from being duplicated within six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction. The requirement reduces monotony by preventing the same home from being frequently repeated within a neighborhood. The Applicant proposes to only prohibit the same elevation immediately to either side of a lot, or directly across the street. Further departing from current minimum Waxahachie Standards, Exhibit K permits a change in color scheme to be considered a change in elevation for the purpose compliance with anti-monotony requirements. The current Waxahachie Zoning Ordinance requires architectural or structural differences to be present for an elevation to be considered changed. This proposal is a significant concern for staff that is discussed in greater detail below.

In regards to non-residential and mixed-use structures, Exhibit K provides design guidelines that are largely based on the current requirements of the Waxahachie Zoning Ordinance. The exhibit does not include requirements for the use of specific architectural elements, masonry products, or color palettes that are complimentary to the standards proposed for single-family homes. Similarly, Exhibit K includes language that generally requires pedestrian friendly streetscape design; but falls short of detailing specifically how street and sidewalk furnishings should be installed in the MU district to create a walkable, retail-oriented development. This concern is also discussed in greater detail below.

*Master Plan Review & Building Permitting:*

The Planned Development Standards (Chapter 3.3) and the Development Agreement (Section 6.13(d)) include provisions to establish a Master Approval process for building permits that operates outside of the City's typical Building Permitting process. The process is intended to allow the Developer to submit a set of Master single-family residential Floor Plans for review and approval ahead of the submission of a typical building permit. Once a Master Floor Plan is approved, the proposal obligates City approval and issuance of a building permit for a home utilizing the floor plan.

The proposal specifically obligates 2- and 3- business day building permit review and issuance timelines for the life of the project without regard for potential local, state, or IBC changes that may impact permitting processes in the future. The proposal does not include requirements for the developer to provide any more rigorous building standards that may justify an expedited plan review process. The proposal introduces potential pitfalls and loopholes in the permitting process that are likely to lead to design monotony. Additionally, the proposal authorizes the developer to receive permit approval by third-party plan reviewers and obligates the City to accept the determination of the third-party without the opportunity for further review by City staff. This particular aspect of the proposal is likely to negatively impact the City's ability to properly review building permits and ensure up-to-date International Building Code (IBC) compliance through the life of the development. Staff concern with this proposal is addressed in greater detail in the Staff Concerns section below.

*Signage:*

The Applicant proposes to establish unique signage guidelines for the development via Signage standards (Chapter 10, Planned Development Standards) and a Signage Plan (Exhibit I). The Planned Development Standards establish written guidelines for a variety of signs that are not currently defined and/or not currently permitted by the Waxahachie Zoning Ordinance. These signs include Primary Entry, Secondary Entry, Tertiary Entry, Residential Navigation, and Directional signs that are proposed to take the form of large monuments. Due to the proposed size, proximity, and purpose of each of these signs, it was necessary for the Applicant to propose guidelines outside of the framework of the existing Waxahachie Zoning Ordinance. Exhibit I can be referenced for greater detail and a graphic representation of each sign.

*Thoroughfare Plan:*

The Applicant has provided a Thoroughfare Exhibit (Exhibit D) with this PD request that identifies the major thoroughfares proposed within subject property. The thoroughfares proposed on the subject property are generally consistent with the 2024 Waxahachie Thoroughfare Plan. The proposal includes two primary 120' Major Arterial thoroughfares in North-South and East-West directions. The North-South Major Arterial is proposed to extend from FM 1446 to FM 875; while the East-West Major Arterial is proposed to extend from the Brookside Road bridge to Lone Elm Road.

Additionally, 80' and 60' Collector thoroughfares are proposed throughout the subject property. A 72' "Enhanced Local Street" with on-street parking and upgraded landscaping is proposed to serve as a ring road around the center of the development. The Enhanced Local Street is a proposal unique to this development and is not found in the 2024 Waxahachie Thoroughfare Plan. Notably, the thoroughfare proposal does not include right-of-way (ROW) dedication or improvements for thoroughfares on the border of the development such as FM 875, FM 1446, or Lone Elm Road. Staff has informed the Applicant that ROW dedication, and potential improvements, for these thoroughfares is required with this development per the 2024 Waxahachie Thoroughfare Plan. At the time of this staff report, the Applicant has not revised the proposal to include the appropriate ROW dedication for these thoroughfares.

*Access:*

The Applicant's proposal to access the subject property is based primarily on the intersection of Brookside Road and I-35E. Beyond this intersection, the proposal includes two (2) direct connections to FM 875 to the north and one (1) direct connection to FM 1446 to the south. The proposal also includes one (1) additional future connection to FM 875 and FM 1446 via Lone Elm Road. However, these future connections via Lone Elm Road are proposed at full-build out of the development and do not currently include improvements to Lone Elm Road by the Developer.

The Applicant proposes to support the initial phases of the proposed development by building only two-lanes (one lane per direction) of the Major East-West Arterial thoroughfare extending from the Brookside Road bridge. Staff contends that the intersection of Brookside Road and I-35E alone cannot properly support any development of the subject property. Staff subsequently requested that a secondary connection to FM 875 be made with the initial phase of development. To address this concern, the Applicant has added a Chapter to the Planned Development Standards (9.2.1) requiring an "access route" in the form of a "public street, fire lane, or temporary all-weather access" be provided from I-35E to FM 875 prior to the issuance of the first Certificate of Occupancy (CO) in the development.

*Traffic Impact Analysis (TIA):*

The Applicant has provided a TIA for the proposed development to address traffic demands generated by the development. Staff provided the latest round of technical comments on the TIA on July 30th, 2025; but has not received a revised submittal from the Applicant since that time.

The TIA stresses that only a high-level analysis of traffic demands could be conducted at this time due to the conceptual nature of the current proposal. The TIA focuses almost exclusively on the on-site roadway improvements needed to support the proposed development. The TIA states that the on-site thoroughfare proposal (Exhibit D) is sufficient to support full build-out of the development. The TIA also notes that Phases 1-3 of the proposed development can be supported by a two-lane (one lane per direction) east-west thoroughfare extending from the Brookside Road bridge alone. As noted previously staff contends that the Brookside Road and I-35E intersection alone cannot properly support any development of the subject property and requested that a secondary connection to FM 875 be made with the initial phase of development. The Applicant has not addressed this concern in the TIA directly.

The TIA does not include an analysis of major adjacent intersections and does not identify the off-site improvements necessary to support the traffic generated by the proposed development; such as improvements along FM 875, FM 1446, the Brookside Road bridge, or I-35E service roads. As these items were not analyzed with the TIA, the TIA also falls short of stating that the Developer is responsible for funding and constructing any off-site roadway improvements needed to support the proposed development.

The TIA recommends that detailed studies be conducted concurrently with the development of every 1,000 lots on the subject property to ensure planning and development of the appropriate roadway infrastructure occurs as the property develops.

*Street Sections:*

The Applicant has provided a Street Section Exhibit (Exhibit E) and detailed Street Design standards (Chapter 9, Planned Development Standards) for each proposed thoroughfare and street type within the development. The Exhibit includes graphics that identify the proposed drive-lanes, landscape buffer (parkway), and sidewalk/trail width for each street type. Where applicable, the exhibit identifies the width and location of landscaped medians and on-street parking. The proposed street sections are generally consistent with those identified in the 2023 Waxahachie Comprehensive Plan. The proposal for Arterial and Collector streets deviates slightly from the recommendations of the Comprehensive Plan by reducing the width of landscape buffers to accommodate wider lanes and sidewalks in some instances. Exhibit E also includes proposed alley sections for both residential and non-residential conditions.

*Phasing:*

The Applicant has not included a specific Phasing Plan in the PD request for property. However, the Applicant has indicated that development of the subject property is anticipated to occur over at least thirty-nine (39) phases. Development of the subject property is generally expected to occur from east to west, beginning near the intersection of Brookside Road and Interstate 35E. There is no specific provision in the PD that requires development to progress from east to west; but the Development Agreement proposed for property does include several exhibits that summarize the initial infrastructure needed to develop "Phases 1-5" on the eastern portion of the property. Full buildout of the development is anticipated to take 15-20 years.

*Comprehensive Plan Compliance:*

The subject property is primarily situated within the Mixed Use Neighborhood placetype, as defined by the 2023 Waxahachie Future Land Use Plan (FLUP), with portions of the property identified under the Residential Neighborhood and Regional Commercial placetypes as well. Based on the current status of the documents submitted to support this proposal, staff does not believe the proposal is compliant with the intent of the 2023 Waxahachie Comprehensive Plan. The proposal does not provide the range of housing, site design criteria, or integration of residential, employment, and retail opportunities that is necessary to result in the development pattern identified by the Mixed Use Neighborhood placetype. Due to the presence of large exclusively residential PD Districts, the proposal represents a barrier to compliance with the Comprehensive Plan by eliminating the residential, employment, and retail integration established by the current zoning of the subject property.

**Development Agreement & Municipal Management District (MMD):**

A Municipal Management District, or MMD, is special district designed to allow for specific improvements, and maintenance of said improvements, on a property. The Texas Commission on Environmental Quality (TCEQ) is responsible for authorizing and overseeing the MMD along with the City. MMD's are financed by an additional assessment levied against the property owners within the district. In a practical sense, future property owners in the proposed development would recognize the MMD as an additional "tax". The MMD functions by allowing the district (Developer) to issue bonds to fund the construction of public and semi-public infrastructure for the development. These bonds typically have 30-year lifespans are repaid by the assessments levied on future property owners within the district. A MMD may be used to maintain infrastructure in perpetuity, resulting in a perpetual assessment on members of the district, or may dissolve once the bonds are repaid.

**Development Agreement & Municipal Management District (MMD) continued:**

The Kemp Tract proposal includes a request for a Development Agreement to establish a MMD district to fund a wide range of infrastructure improvements on the property. The MMD assessment proposed for this development is $0.80 per $100 of taxable assessed value. This assessment rate is equivalent to approximately 131% of the current City property tax rate of $0.61 per $100.

The Planning & Zoning Commission is tasked with providing a recommendation to City Council on the proposed zoning of the subject property. The Commission historically has not offered a direct recommendation related to a special district, such as an MMD, to the City Council. In this instance, staff suggests that the Commission consider the Development Agreement and MMD proposed for the development when making their recommendation to City Council on this zoning request. This is due to the extent to which the proposed MMD effects the zoning change request and vice versa. The Applicant proposes to utilize the MMD to fund construction and maintenance of a wide range of public streets, utilities, parks, trails, amenities, greenbelts, screening, and signage that are an integral part of the PD. A change to the MMD has the potential to significantly impact the final PD proposal or the ability of the developer to deliver the improvements required by the PD. Furthermore, the architectural and building material design guidelines for the structures proposed with this zoning request are established only within the Development Agreement, not the PD itself. For these reasons, the PD proposal should not be approved without concurrent consideration and approval of the Development Agreement and MMD.

Staff has concern that the proposed $0.80 MMD assessment rate is not justified by the quality of the current PD proposal. Staff is also concerned that a fully informed decision regarding the MMD cannot be made at this time due to the lack of detail provided for the capital costs and long-term maintenance costs of the MMD. Without a full breakdown of capital costs at this time, it cannot be determined how MMD funds are proposed to be allocated or whether the proposed assessment rate is reasonable. These concerns are discussed in greater detail below.

**PRIMARY STAFF CONCERNS**

The items discussed below represent the primary outstanding staff concerns that remain with the current PD proposal. Each of the concerns below have been extensively discussed with the Applicant and the Applicant's response to each concern is provided for additional context.

*Brookside Road Chokepoint:*

The primary access point for the property is the intersection of Brookside Road and I35E. This intersection is not sufficient to handle the traffic generated by initial phases, not to mention build-out conditions, due to the size of the Brookside Road bridge and the configuration of I35 entry/exit ramps and service roads. The TIA provided by the developer does not address this issue and only identifies the necessary width of thoroughfares on the subject property itself. If left unaddressed, the traffic issues created by this intersection will be untenable once development occurs.

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to provide a complete TIA that identifies the improvements needed to mitigate the Brookside Road bridge chokepoint in the immediate, interim, and build-out phases of the development. Specifically, the TIA should identify the improvements needed for the Brookside bridge, I35 entry/exit ramps, and the replacement of the I35 "jug-handle" service roads. The TIA should also identify when specific improvements need to be completed. The PD proposal should be revised to clearly identify the developer as the entity responsible for said improvements. These recommendations may be referenced in Conditions 50, 51, and 52 below.
- *Applicant Response to Concern:* The Applicant contends that the roadway improvements proposed to occur within the subject property are sufficient to address traffic concerns.

*MMD Details:*

Staff is concerned that insufficient financial details have been provided with the MMD proposal for a fully informed decision to be made on the MMD rate ($0.80) and approval of the MMD generally. The MMD proposal only includes a one-page exhibit with capital costs for water, wastewater, roadway, and stormwater infrastructure summarized at a high-level for Phases 1-5 of the development. Capital costs for MMD improvements such as trails, parks, etc. are not included. It is typical for proposals that include a request for a special district, such as a Public Improvement District (PID) or MMD, to include a fully detailed cost breakdown for all special district improvements at the time the zoning of the subject property is considered. For example, the most recently approved PID in Waxahachie, the Montclair Heights PID, included a fully detailed opinion of probable cost breakdown for all infrastructure proposed to be funded by the PID. This level of detail allowed the City to understand the full cost of the proposed infrastructure and exactly how the funds of the special district are allocated to be spent. Without this additional detail, the proposed MMD assessment rate of $0.80 cannot be justified.

- *Staff Recommendation:* Prior to approval of the PD request, require the Developer to revise the Development Agreement (Exhibit J2) to include granular detail on the anticipated construction costs for all street, utility, drainage, park, landscaping/irrigation, screening, and signage infrastructure and associated construction costs proposed for the development. The additional detail should include anticipated debt service costs for all pieces of infrastructure included in the MMD. This recommendation may be referenced in Conditions 26, 27, 32, and 46 below.
- *Applicant Response to Concern:* The Applicant has noted that the requested information cannot be provided up front with this proposal and contends that the information currently provided in Exhibit J2 is sufficient to approve the MMD request.

*Long Term Maintenance Obligations:*

The proposal for division of ownership and maintenance responsibility for MMD infrastructure, including street, utility, park, trail, amenity, greenbelt, screening, irrigation, and signage improvements, has not been finalized. No maintenance cost estimates for these infrastructure items have been provided as part of the MMD request. Maintenance cost estimates for these infrastructure items are necessary for the City to understand what long-term financial obligations will be the respective responsibility of the City, MMD, and HOA. Without this information, the proposed MMD assessment rate of $0.80 cannot be properly evaluated.

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to revise the Development Agreement to include granular detail on long-term maintenance costs for all infrastructure items identified in Exhibit J2, including street, utility, drainage, park, landscaping/irrigation, screening, and signage infrastructure that is proposed to be maintained in perpetuity by the City, MMD, or HOA. Additionally, require the Developer to revise the Development Agreement (Exhibit M) to require MMD or HOA maintenance of the Waxahachie Regional Trail Park and Specialty Purpose Parks (Sports Park). These recommendations may be referenced in Conditions 26, 27, 28, 29, 30, 32, 38, and 46 below.
- *Applicant Response to Concern:* The Applicant has noted that the requested information cannot be provided up front with this proposal and contends that the information currently provided in Exhibit J2 is sufficient to approve the MMD request.

*Utility Infrastructure Clarity:*

Staff is concerned that insufficient detail has been provided with regard to the proposal for wastewater infrastructure needed to serve the development. A final proposal identifying the specific wastewater infrastructure required to support the development has yet to be provided. This information is needed prior to final consideration of the MMD, as it has the potential to significantly impact the MMD rate.

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to provide a complete (on-site & off-site) proposal for wastewater improvements. This should include financial details in addition to technical design details. This should also account for interim infrastructure, if the final proposal includes temporary or interim conditions. These recommendations may be referenced in Conditions 24, 25, 26, 27, 36, 40, 41, 42, and 61 below.
- *Applicant Response to Concern:* The Applicant has not yet provided a response to this concern.

*Administrative Amendments:*

The Planned Development Standards include language that allows for administrative approval of amendments to the development, without City Council approval. Staff contends that this is inappropriate as the amendments have the potential to change the character and form of the development without City Council or citizen input through the public hearing process. For example, provisions allow for up to a 10% change of any numerical standard in the development, up to a 20% change in total acreage allocated to a district, increase of maximum residential density from 3.95 dwelling units per acre (DUA) to 10 DUA, and the conversion of PD Districts without the approval of City Council. These proposals are well beyond the typical threshold for administrative amendments and staff is concerned that these proposals are not appropriate considering the scale and characteristics of the proposed development.

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards to require City Council approval of all PD Amendments through the public hearing process. Additionally, require revisions to the Planned Development Standards to eliminate language allowing for the conversion of PD Districts other than the Flex Residential (FR) District without approval of a PD Amendment by City Council. Furthermore, require revisions to the Planned Development Standards to eliminate language allowing for an increase in single-family residential density above 3.95 DUA without City Council approval of a PD Amendment. These recommendations may be referenced in Conditions 2, 4, 14, and 31 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current Planned Development Standards.

*Master Plan Review (Building Permits):*

Staff has serious concern with a provision in the Planned Development Standards and Development Agreement that establish a Master Plan Review process exclusively for this development that replaces the City's current Building Permitting process. The proposal introduces potential pitfalls and loopholes in the permitting process that would negatively impact the City's ability to properly review building permits and ensure up-to-date International Building Code (IBC) compliance through the life of the development. The proposal obligates 2- and 3- business day permit review and issuance timelines for the life of the project without regard for potential local, state, or IBC changes that may impact permitting processes in the future. The proposal does not include requirements for the developer to provide any more rigorous building standards that may justify an expedited plan review process.

*Master Plan Review (Building Permits) continued:*

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards and Development Agreement to include requirements for elevated building standards in return for an expedited administrative review process. Alternatively, eliminate the proposal for Master Plan Review entirely and utilize the City's existing permitting process. (Elevated building standards are those above and beyond 2021 International Building Code (IBC) requirements. For example, a fire sprinkler system in a single-family home.) These recommendations may be referenced in Conditions 3 and 62 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and indicated they are willing to remove the proposal Master Plan Review from the PD; but not the Development Agreement. The Applicant requested to proceed with the provisions for Master Plan Review that are currently present Development Agreement.

*Permitted Uses in the MU District:*

The narrative provided by the Applicant for the PD request and the illustrative exhibits provided by the Applicant identify the Mixed Use (MU) District as a walkable, retail/restaurant-oriented portion of the development. However, the Planned Development Standards include provisions that allow for uses such as Light Manufacturing, Storage Warehouse, and Data Center in the MU District by right. Staff is concerned that these uses are inappropriate given the intention for this district to cater towards local and neighborhood scale services.

- *Staff Recommendation:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards to restrict inappropriate uses in the MU district. (For example, require Light Manufacturing, Storage Warehouse, Data Center, Portable Storage Structure, Convenience Store, and related Land Uses to receive approval of a Specific Use Permit (SUP) by City Council in the MU District. This recommendation may be referenced in Conditions 6, 21, 22, and 23 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current Planned Development Standards.

*Mixed Use (MU District) – Acreage & Placement:*

The MU tracts proposed with this development are heavily clustered near I-35E, with just one MU tract in the northern and central portions of the development and no MU tracts being proposed in the southern or western portions of the development. Staff is concerned that this proposal falls well below the appropriate standard for total MU acreage and distribution across the development, given the total number of dwelling units proposed. As mentioned in the Planning Analysis section, the existing Emory Lakes PD includes approximately 480 acres of Mixed-Use and Retail tracts for just 8,955 total dwelling units. As noted above, the proposed MU district includes only 133.1-acres. Staff concern regarding the limited acreage proposed for the MU District is exacerbated by the inclusion of a provision in the Planned Development Standards that allows for the conversion of the MU District to a residential district without City Council approval. In order to provide sufficient local retail and service establishments to serve an expected population of 30,000+ within the development, additional acreage should be dedicated to the MU District and said acreage should be distributed more evenly throughout the subject property.

*Mixed Use (MU District) – Acreage & Placement continued:*

- *Staff Recommendation:* Prior to approval of the PD request, require the Developer to revise the Concept Plan in the Planned Development and Development Agreement to include additional MU tracts in the central, northern, southern, and western portions of the development at major intersections. A total minimum of 200 acres of MU tracts should be added across these portions of the development, with individual tracts being no less than 15 acres. To ensure the MU District develops as depicted in the Illustrative Plans and as intended by City Council, staff recommends that Site Plan applications for the MU District be required to receive approval by the Planning & Zoning Commission and City Council. These recommendations may be referenced in Conditions 1, 2, 11, and 12 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current Concept Plan. The Applicant has provided a Commercial Market Demand study indicating that the current proposal for MU tracts may be sufficient to serve the commercial needs of the proposed development.

*Insufficient Lot Mix:*

Staff has concern that the proposal does not include sufficient lot mix standards to avoid a monotonous development pattern and ensure the provision of a wide range of housing options. The Planned Development Standards only propose single family lots that range in minimum size from 2,500 square feet to 6,000 square feet. While lots of this size may be appropriate in large numbers, it is not appropriate for all 11,880 proposed single-family lots to fall within this size range. The narrative provided by the Applicant strongly suggests the intent of this master-planned community is to provide a wide range of housing types that allow for residents to "age-in-place" and transition to different housing types as life changes demand. However, the narrow range of proposed minimum lot sizes will not accommodate this. The narrow range of minimum lot sizes also restricts the type and size of homes that may be built within the community, further limiting the range of housing that will be available. The minimum standards proposed by the Applicant do not prevent the development of larger lot sizes, if demanded by the market. However, it is much more common for large scale single-family development to occur along the lines of minimum dimensional standards, regardless of market forces, due to the increased density realized by the minimum standards. Without the inclusion of specific requirements for larger lots, it is unlikely that lots larger than 6,000 square feet will be developed in meaningful numbers across the development. Furthermore, language in the Planned Development Standards requiring a mixture of lot types within each phase of the development is substantially below current City requirements and will result in the monotonous repetition of homes. The image to the right is an existing Minto Community in Hilton Head, South Carolina that embodies staff concern regarding monotony resulting from a lack of lot mix.



*Insufficient Lot Mix continued:*

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards to include requirements for the development of a minimum number of ¼ acre, ½ acre, ¾ acre, and 1+ acre lots, with minimum dimension and setback requirements mirroring those found in the current Waxahachie Zoning Ordinance. The addition of a requirement for even a small number of larger lots throughout the community will have a beneficial impact on the monotony of a development of this scale and will result in an increase in housing diversity. Additionally, require the Developer to revise the Planned Development Standards and Development Agreement to prohibit the duplication of a lot type within: six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction. This will ensure lots of differing sizes are utilized throughout the development and not strictly in pods or clusters that result in a monotonous development pattern. These recommendations may be referenced in Conditions 8 and 10 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current Planned Development Standards.

*Architectural/Material Controls for MF & MU:*

The proposed Planned Development Standards do not contain specific architectural or exterior building material controls. Instead, these controls are provided as part of the Development Agreement. Specifically, the Development Agreement identifies "Design Guidelines" with Exhibit K; but falls short of identifying the provisions in this exhibit as "requirements". This exhibit does not include Architectural/Material controls for multi-family or build-for-rent structures. The lack of specific requirements has a high likelihood to result in multi-family and/or build-for-rent design that appears out of context and incompatible with the rest of the development. When compared to the existing Emory Lakes PD, there is also room for increased specificity with regard to design requirements for the MU District. The current proposal includes vague streetscape requirements for the inclusion of items such as planters, seating, public art, water features, trash receptacles and wayfinding signs in the district; but falls short of identifying exactly how these items will be incorporated into the district. Additional detail outlining the manner in which these items will be incorporated into the MU district is needed to ensure the district develops in the retail oriented, walkable pattern identified in the illustrative exhibits.

- *Staff Recommendations:* Prior to approval of the PD request, require the Developer to revise the Development Agreement to change Exhibit K "Design Guidelines" to "Design Requirements". This will result in increased certainty and enforceability with regard to the Architectural/Material proposals. Additionally, require the Developer to revise the Development Agreement (Exhibit K) to include specific architectural and exterior construction material design requirements for multi-family and build-for-rent structures that are complimentary to those proposed for the single-family homes. These standards should be based in descriptive text and supplemented by graphic representations. Furthermore, require the Developer to revise the Development Agreement (Exhibit K) to include design requirements for non-residential and MU structures that result in a more walkable, pedestrian friendly development pattern. For example, require the addition of specific provisions that detail how oversized sidewalks, seating, landscape/art, wayfinding signage, lighting and public plazas are to be developed in the district. The inclusion of specific standards for these items will help promote a pedestrian presence in the district similar to what is seen in downtown Waxahachie. These recommendations may be referenced in Conditions 10, 57, 58, and 59 below.

*Architectural/Material Controls for MF & MU:*

- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and intends add additional design requirements for multi-family structures. Otherwise, the Applicant has requested to proceed with the current provisions in the Development Agreement (Exhibit K).

*Anti-Monotony Controls:*

The Development Agreement (Exhibit K) utilizes anti-monotony provisions that are based on the language found in the current Waxahachie Zoning Ordinance with regard to single-family home elevation/façade repetition. However, the proposed language identifies a change in color scheme as a sufficient distinction between elevations/façades. Staff has concern that this provision is likely to result in increased monotony in a development of this size. A change in architectural elements alongside, or in addition to, a change in color scheme is required elsewhere in the City.

- *Staff Recommendation:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards and Development Agreement to prohibit the duplication of a home elevation, regardless of color scheme, within: six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction. [This is the current requirement of the existing Waxahachie Zoning Ordinance.] This recommendation may be referenced in Conditions 10, 57, and 65 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current provisions in the Development Agreement (Exhibit K).

*Park Timing & Improvement Specificity:*

Staff has concern that the Planned Development Standards and Development Agreement do not include sufficient specificity with regards to park improvements or park improvement timelines. This concern extends specifically to Specialty Parks and parks proposed to be dedicated to the City for ownership and maintenance. For parks proposed to be dedicated to the City, the City needs to understand what amenities will be installed, and when dedication is proposed, in order to determine whether that dedication is appropriate and whether maintenance is feasible. The Development Agreement includes language that would allow park improvements and park dedication to be indefinitely delayed if just one (1) lot in an adjacent residential phase is left undeveloped. Improvements for the Specialty Parks and parks proposed to be dedicated to the City will be funded by the MMD. The MMD proposal cannot be properly evaluated without an understanding of the cost of improvements for these parks.

- *Staff Recommendation:* Prior to approval of the PD request, require the Developer to revise the Planned Development Standards and Development Agreement to identify the specific improvements the developer will install in the Specialty Parks and parks proposed to be dedicated to the City, along with the specific timing of said improvements and dedication. For example, additional language should be added to specify what is included with a “multi-field sports facility”. Items such as field dimensions, field equipment, field striping, seating, fencing, sidewalks, landscaping, parking, pavilions, etc. should be identified. Additionally, require the Developer to complete park improvements prior to the filing of the Plat for the park property and/or the plat for the adjacent residential phase. These recommendations may be referenced in Conditions 16, 17, 26, 27, 28, 29, 37, 47, 60, 63, and 64 below.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current Planned Development Standards and Development Agreement provisions. The Applicant has noted that it is not feasible to specify specific program elements for the Specialty Parks or provide a final design for the parks proposed to be dedicated to the City at this time.

*"Zoning in the Alternative":*

The Developer requests that the proposed PD Zoning only become effective once the Developer closes on the property. This proposal includes a provision that reverts or maintains the current zoning of the property if the Developer never closes. This is referred to as "Zoning in the Alternative" and is an uncommon practice due to the ambiguity it creates around what and when the subject property is actually zoned. If approved, issues may arise if the Developer enters into an extended purchasing process, thereby delaying the effective date of the approved zoning to a time when it may no longer be appropriate. Waxahachie has not approved a "Zoning in the Alternative" request and staff recommends that this request not be granted.

- *Staff Recommendation:* Do not recommend approval for this application with a provision that allows for "Zoning in the Alternative".
- *Applicant Response to Concern:* The Applicant requests to proceed with a provision allowing for "Zoning in the Alternative".

*Technical Concerns:*

The request includes a number of remaining technical conflicts in the Planned Development Standards, Development Agreement, and the related Exhibits that need to be resolved prior to approval of the request or as a condition of approval of the request. These technical conflicts generally include inconsistent Exhibit references, remaining temporary text or footnotes, and grammatical errors.

- *Staff Recommendation:* Revise the Planned Development Standards and the associated exhibits to address technical concerns. Specific recommendations are included throughout the Conditions below.
- *Applicant Response to Concern:* The Applicant has acknowledged concern related to technical language and formatting for the request and has committed to resolving these items per staff direction.

*MMD Rate & Value for Future Owners:*

The proposed MMD rate of $0.80 is a very high assessment that effectively constitutes an additional tax that is equivalent to approximately 131% of Waxahachie's current property tax rate. With such a significant assessment, it should be expected that the development provides the absolute highest possible level of value, quality, and design for future residents. Staff is generally concerned that the Planned Development Standards and Development Agreement do not include sufficient controls to ensure that the high-quality development characterized by the Applicant's illustrative exhibits will actually be constructed. Without the establishment of appropriate requirements for architectural design, building materials, anti-monotony, lot mix, park improvements and dedication, the MU District, plan review, PD amendments, roadway improvements, MMD capital improvements and long-term infrastructure maintenance, the proposed MMD assessment rate cannot be justified.

- *Staff Recommendation:* Do not recommend approval for this application without requiring conditions 1-65 (all) to be met.
- *Applicant Response to Concern:* The Applicant has acknowledged staff concerns and requested to proceed with the current MMD assessment rate.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 141 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PUBLIC NOTIFICATION RESPONSES**

Staff received zero (0) letters of support and twelve (12) letters of opposition to the proposed Planned Development zoning change request.

**RECOMMENDATION**

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends denial of the PD request, with prejudice.

Per the Section 2.04 of the Waxahachie zoning ordinance, denial of the application with prejudice prevents the same or similar request from being resubmitted to the City within six (6) months of the original date of denial. A recommendation for denial with prejudice is suggested due to the scale and intricacy of this zoning request. Updates or revisions to address City concerns have the potential to result in cascading or unintentional effects for the zoning proposal as a whole. Due to this, it will take the Applicant and staff a significant amount of time to fully evaluate and vet changes to the proposal to ensure current concerns are addressed and new concerns are not introduced. Denial of the application with prejudice will ensure a minimum of six (6) months are dedicated to the revision process.

If the Commission is considering a recommendation of approval for the PD request, staff recommends the following conditions of approval.

*Conditions:*

1. Chapter 3.2.1 of the Planned Development Standards shall be revised to require Site Plan approval for all nonresidential, mixed-use, and multi-family properties prior to the approval of a Civil Construction permit including said property.
2. Chapter 3.2.2 of the Planned Development Standards shall be revised to require all Site Plans to receive approval by the Planning & Zoning Commission and City Council.
3. Chapter 3.3 of the Planned Development Standards shall be eliminated.
4. Chapter 3.5 of the Planned Development Standards shall be revised to require Amendments to the PD that fall under the “Minor Amendment” or “Minor Text Amendment” categories to receive City Council approval. Amendments to the PD shall be required to follow the Public Hearing and Notice process as defined by Section 2.04(d) of the Waxahachie Zoning Ordinance.
5. Chapters 3.5.1.1 and 3.5.1.2 of the Planned Development Standards shall be eliminated.
6. Chapter 4.3.1.5.2 of the Planned Development Standards shall be revised to require 20% residential uses across the MU District cumulatively.
7. Chapters 5.2.2.8, 5.3.2.9, and 5.5.3.7 of the Planned Development Standards shall be revised to require accessory structures to maintain a 5’ setback from all other structures.
8. Chapters 5.2, 5.3, and 5.4 of the Planned Development Standards shall be revised to include requirements for the development of a minimum of 250 ¼ acre, 250 ½ acre, 250 ¾ acre, and 250 1+ acre lots, with minimum dimension and setback requirements equivalent to those found in the current Waxahachie Zoning Ordinance.
9. Chapter 5.5.3.3 of the Planned Development Standards shall be revised to require each block to contain a mixture of housing types.
10. Chapter 5.4 of the Planned Development Standards and Exhibit K of the Development Agreement shall be revised to prohibit the duplication of a lot type within: six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction.
11. Planned Development Exhibit B and Table 2 of the Planned Development Standards Shall be revised to require the minimum total acreage of the MU District to be increased to 333.1 acres.

*Conditions (continued):*

12. Planned Development Exhibit B, Chapter 5.7 of the Planned Development Standards, and Table 2 of the Planned Development Standards shall be revised to require the addition of MU tracts at major intersections throughout the norther, western, southern, and central portions of the subject property. Individual MU tracts shall be no less than 15 acres.
13. Chapter 5.5.4.1 of the Planned Development Standards shall be revised to require 50% of the minimum parking requirement for Multi-Family (MF) land uses to be provided as attached garages.
14. Chapters 5.1, 5.1.1, and 5.1.2 of the Planned Development Standards shall be revised to require Planning & Zoning Commission and City Council approval of a PD Amendment to allow the gross density of any phase of development in the TR, AA, or FR District to exceed 3.95 DUA.
15. Chapter 5.8.2 of the Planned Development Standards shall be revised to require land dedication for individual elementary school sites to be no less than 15-acres and land dedication for middle school sites to be no less than 30-acres.
16. Chapters 6.3.2.4 and 6.3.2.5 of the Planned Development Standards shall be revised to include full design criteria for improvements the Developer will install in the Waxahachie Regional Trail Parks and Specialty Parks, along with the specific timing of said improvements and dedication. For example, revised language should specify the design of items such as field dimensions, field equipment, field striping, seating, fencing, sidewalks, landscaping, parking, pavilions, etc. for Specialty Parks. Additionally, these chapters shall be revised to include language requiring the Developer to complete park improvements prior to the filing of the Plat for Waxahachie Regional Trail Parks and Specialty Parks and/or the plat(s) for the adjacent residential phase.
17. Chapter 6.3.2.5.2 of the Planned Development Standards shall be revised to require Specialty Parks to be a minimum of 12-acres in size. This Chapter shall also be revised to require a minimum of 30-acres to be developed as Specialty Parks in the development cumulatively.
18. Chapter 6.3.3 of the Planned Development Standards shall be revised to require all homesites to be within 0.25 miles of a park space.
19. Chapter 6.5.1 of the Planned Development Standards shall be revised to include a provision stating "In addition, there will be Secondary amenities spread through future phases."
20. Chapter 6.5.2.4 of the Planned Development Standards shall be revised to prohibit duplicates of amenities listed in the chapter from contributing to the total requirement for at least five (5) amenity facilities.
21. Exhibit C of the Planned Development Standards shall be revised to prohibit "HUD Code Manufactured Home" and "Modular Prefabricated Structure or Modular Home" Land Uses in all PD Districts.
22. Exhibit C of the Planned Development Standards shall be revised to prohibit "Light Manufacturing", "Storage Warehouse", and "Data Center" Land Uses in all PD Districts.
23. Exhibit C of the Planned Development Standards shall be revised to require SUP approval of "Portable Storage Structure", "Convenience Store", and "Landscape Sales and Installation" Land Uses in the MU District.
24. Section 1 and Section 6.19 of the Development Agreement shall be revised to eliminate the requirement for the City to "assist" the Developer in decertifying their property from the CCN of Buena Vista-Bethel Water Service Corporation and Sardis-Lone Elm Water Service Corporation.
25. Section 4.4(c)(5), Section 4.7, Section 10.3(f), Exhibit D-2, and Exhibit E-2 of the Development Agreement shall be revised to identify the specific infrastructure elements for which Impact Fee Credits are being sought and eliminate potential for the Developer to receive Impact Fee Credits and MMD reimbursement for the same infrastructure element.

*Conditions (continued):*

26. Exhibit J2 of the Development Agreement shall be revised to include granular detail on the initial construction costs for all street, utility, drainage, park, landscaping/irrigation, screening, and signage infrastructure and associated construction costs proposed for the development. The additional detail should include anticipated debt service costs for all pieces of infrastructure included in the MMD.
27. The Development Agreement shall be revised to include granular detail on long-term maintenance costs for all infrastructure items identified in Exhibit J2, including street, utility, drainage, park, landscaping/irrigation, screening, and signage infrastructure that is proposed to be maintained in perpetuity by the City, MMD, or HOA.
28. The Development Agreement (Exhibit M) shall be revised to require MMD or HOA maintenance of the Waxahachie Regional Trail Park and Specialty Purpose Parks (Sports Park).
29. The definition of "MMD Improvement" in Section 1 of the Development Agreement shall be revised to include reference to the Exhibits containing the final proposal for Park, Open Space, and Amenity improvements.
30. The definition of "Public Infrastructure" in Section 1 of the Development Agreement shall be revised to specify what infrastructure is proposed to be owned by the City. The definition shall differentiate infrastructure items that will be owned and maintained in perpetuity by either the MMD or HOA from infrastructure that will be owned and maintained by the City.
31. Section 3.1(b), Section 3.2, and Section 4.1 of the Development Agreement shall be revised to prohibit division of the MMD into Sub-Districts without prior approval by City Council. These sections shall specifically state that approval of the division of the MMD shall be at the sole discretion of the City Council.
32. Section 3.6 of the Development Agreement shall be revised to specify ownership and maintenance responsibility for infrastructure improvements that will be maintained by the MMD and/or HOA in perpetuity once all MMD Improvement Costs have been fully reimbursed.
33. Section 3.9 of the Development Agreement shall be revised to identify the five (5) members of the Board of Directors for the MMD.
34. Section 3.13 of the Development Agreement shall be revised to prohibit Bond sales fore the MMD until the City Finance Director has issued written approval of the bond issuance documents.
35. Section 3.14 of the Development Agreement, relating to Transparency, shall be reverted to language used in the draft provided to the City in February of 2025.
36. Section 4.3 of the Development Agreement shall be revised to include the estimated Living Unit Equivalent of the proposed development.
37. Chapter 6.1 of the Planned Development Standards and Section 4.3(d) of the Development Agreement shall be revised to specifically require the Developer to complete the amenity, park, landscape, and open space improvements identified in the Planned Development Standards and the Development Agreement. Section 4.3(d) of the Development Agreement shall specifically state that the burden to fully fund and construct the required amenity, park, and open space improvements shall be borne solely by the Developer and not by future Homeowner's Associations or Property Owners Associations.
38. Section 4.3(d) of the Development Agreement shall be revised to require HOA maintenance of "HOA Improvements" within public right-of-way (ROW) or property dedicated to the City.
39. Section 4.4(c)(2) of the Development Agreement shall be revised to require the Developer to be solely responsible for obtaining off-site easements or rights-of-way needed for off-site utility improvements.
40. Section 4.4(d)(1) of the Development Agreement shall be revised to specific number of residential lots that building permits will be issued for before the sanitary sewer line improvements identified in Exhibit D-2 must be completed.

*Conditions (continued):*

41. The Development Agreement shall be updated to include detailed information identifying the impact of the 24" sanitary sewer force main and lift station identified on Exhibit D-2 on the Waxahachie Wastewater Treatment Plant.
42. The Development Agreement shall be updated to include a detailed proposal for improvement of the Waxahachie Wastewater Treatment Plant headworks to support the proposed development. The Development Agreement shall specify that such improvements shall be funded by the Developer.
43. Exhibit E-2 of the Development Agreement shall be revised to specify the offsite waterline connections are required to be installed by the Developer.
44. Exhibit E-2 of the Development Agreement shall be revised to include labels for "Connection #1" and "Connection #2".
45. Exhibit F-1 and F-3 of the Development Agreement shall be revised to require right-of-way (ROW) dedication for FM 875, FM 1446, and the Greenway Arterial/Lone Elem Road adjacent to the subject property as stipulated by the 2024 Waxahachie Thoroughfare Plan.
46. Exhibit J-1 of the Development Agreement shall be revised to identify all MMD Capital Improvements.
47. Exhibit N shall be revised to include a label for the "Initial Conveyance" area. The title of Exhibit N shall also be revised to "Regional Parks and Midlothian-Waxahachie Trail Dedication".
48. Section 4.5(a) of the Development Agreement shall be revised to specify that only the costs of obtaining off-site easements may be reimbursed through the MMD.
49. Section 4.5(d) of the Development Agreement shall be revised to eliminate language obligating the City to use eminent domain for the acquisition of off-site easements of rights-of-way needed by the Developer.
50. Section 4.6 of the Development Agreement and the TIA for the development shall be revised to identify the specific improvements needed to mitigate the Brookside Road chokepoint in the immediate, interim, and build-out phases of the development. Section 4.6 of the Development Agreement and the TIA shall identify the improvements needed for the Brookside bridge, I35 entry/exit ramps, and the replacement of the I35 "jug-handle" service roads. Section 4.6 of the Development Agreement and the TIA shall identify when specific improvements need to be completed. Section 4.6 of the Development Agreement and the TIA shall specify that the burden for improvements should be borne by the developer.
51. Section 4.6(a) of the Development Agreement shall be revised to distinguish what Roadway Facilities are required to be installed with Phase 1 versus the development as a whole.
52. Section 4.6(a) of the Development Agreement shall be revised to specifically require a roadway connection to FM 875 to be established prior to the issuance of a building permit for the first structure on the subject property.
53. Section 4.6(c) of the Development Agreement shall be revised to eliminate language allowing the Developer to be reimbursed by the MMD for right-of-way dedication required by the 2024 Waxahachie Thoroughfare Plan.
54. Section 4.6(d) of the Development Agreement shall be revised to eliminate the language "Developer shall have the option to obtain a completion bond for the portion of the applicable project that has not been completed and if such bond is obtained, the City shall allow final inspections to be completed and certified prior to completion of the applicable project".
55. Section 4.8 of the Development Agreement shall be updated to specify Payee name and delivery address.

*Conditions (continued):*

56. Section 6.4(a) of the Development Agreement shall be revised to eliminate provisions a, b, c, and e related to permitting for a Manufactured Home. Section 6.4(a) shall also be updated to included the following provisions related to the permitting of a Manufactured Home: "The manufactured home permitted by this Agreement: Shall be required to have a water service and sewer service which will require an inspection; and, shall obtain a permit and design by a professional sanitarian, if a septic system is proposed."
57. The name of Exhibit K of the Development Agreement shall be revised from "design Guidelines" to "Design Requirements".
58. Exhibit K of the Development Agreement shall be revised to included specific architectural design and exterior construction material requirements for multi-family, build-for-rent, non-residential, and mixed-use structures that are complimentary to those proposed for the single-family homes.
59. Exhibit K of the Development Agreement shall be revised to include specific provisions that detail how oversized sidewalks, seating, landscape/art, wayfinding signage, lighting and public plazas are to be developed in the district.
60. Section 6.7 of the Development Agreement shall be revised to expressly require Tree Preservation and City approval of tree removal in park, amenity, and open space tracts.
61. Section 6.11 of the Development Agreement shall be revised to eliminate language alluding to City participation in the funding and/or construction of Public Infrastructure within the subject property.
62. Section 6.13(d) of the Development Agreement shall be eliminated.
63. Section 6.20 of the Development Agreement shall be revised to include full design criteria for improvements proposed to be constructed by the Developer in parks that will be dedicated to the City for ownership and maintenance.
64. Section 6.20(b), (c), and (d) shall be revised to require completion of Park Improvements prior to the filing of the Plat for Waxahachie Regional Trail Parks and Specialty Parks and/or the plat(s) for the adjacent residential phase.
65. Exhibit K of the Development Agreement shall be revised to prohibit the duplication of a home elevation, regardless of color scheme, within: six (6) lots in either direction on the same blockface, directly across the street, and four (4) lots in any direction.
66. Chapter 5.4 of the Planned Development Standards and Exhibit K of the Development Agreement shall be revised to include a maximum percentage of alley-access lots that may be developed, as directed by City Council.

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Planned Development Standards
3. Exhibit A – Zoning Location Map
4. Exhibit B – Concept Plan
5. Exhibit C – Permitted Uses
6. Exhibit D – Thoroughfare Exhibit
7. Exhibit E – Street Sections
8. Exhibit F – Open Space and Trails Plan
9. Exhibit G – Screening Plan
10. Exhibit H – Typical Lot Diagrams
11. Exhibit I – Signage Plan
12. Exhibit J – Development Tracking
13. Exhibit K – Brookside Road Enlargement
14. Exhibit L – Existing Conditions
15. Exhibit M – Illustrative Plans
16. Exhibit N – Legal Description
17. Development Agreement (MMD)
18. Design Guidelines
19. Supplemental Information
    - Commercial Land Use Analysis
    - Comprehensive Plan Compliance Analysis

**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 conditions of approval.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
   a. If comments were not satisfied, then the Applicant will be notified to make corrections.

**STAFF CONTACT INFORMATION**

*Prepared by:*
Zack King, AICP
Planning Manager
zking@waxahachie.com

*Reviewed by:*
Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com

# Item 9&10

**Dear Mayor and Members of the City Council,**

I want to begin by saying that I am not opposed to development, and I am not opposed to Municipal Management Districts when they are managed responsibly. I understand that growth can benefit a city, but growth has to be done in a way that is fair, balanced, and sustainable.

The MMD now under consideration raises serious concerns that I believe must be addressed before approval. The plan calls for a **six-lane arterial road feeding directly into a two-lane state highway bridge.** That bridge is the primary connection for many residents in the area. Without a coordinated plan to expand or improve that crossing with TxDOT, this district would lock in a long-term traffic nightmare.

For my own neighborhood, the situation is even more immediate. I live on a **dead-end street that will be opened directly into this new fairway.** What is today a quiet residential street would suddenly become the mouth of a six-lane arterial. That change carries with it significant burdens:

- **Noise and vibration** from six lanes of constant traffic, where there is now peace and quiet.
- **Safety risks** every time I or my neighbors attempt to enter or exit our street into fast-moving arterial traffic.
- **Loss of privacy and neighborhood character,** as our dead-end street becomes a feeder for regional traffic instead of a residential space.
- **Declining quality of life,** with our homes exposed to traffic volumes and conditions they were never meant to handle.

Despite carrying these burdens, residents like myself would have **no vote and no representation** on the MMD board. We shoulder the impacts, yet have no influence over the decisions that create them.

And if traffic overwhelms the bridge and surrounding streets, the MMD will not be responsible for the fix. The city, TxDOT, and taxpayers will be left to deal with it—long after the developer and the district have advanced their interests.

For these reasons, I respectfully urge you not to approve this MMD as it stands. At a minimum, I ask that you delay approval or condition it on:

- A full traffic impact study available for public review.
- Formal coordination with TxDOT regarding the bridge capacity.
- A binding plan for how both the bridge bottleneck and neighborhood access will be addressed before development outpaces infrastructure.

Approving this district without those safeguards is not responsible growth—it is a decision that risks permanent congestion, damages nearby neighborhoods, and shifts costs onto taxpayers.

I ask that you use your leverage now, while you have it, to ensure that this development proceeds in a way that protects both the city and its residents.

**Respectfully,**
Jose Antonio Tovar Jr
415 Brookside Road,
Waxahachie, Texas 75167

**City of Waxahachie, Texas**
**Notice of Public Hearing**
**Case Number: ZDC-232-2024**

**SUN VALLEY CLUB LLC**
**PO BOX 954**
**WAXAHACHIE, TX 75168-0954**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 28, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 3, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Dennis Church, Minto Communities Texas, LLC, for a **Zoning Change** from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

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

Scan for additional information.

---

**Case Number: ZDC-232-2024** **City Reference: 180476**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☒ OPPOSE

Comments:
I oppose the subject proposed zoning change, subject review of traffic & hyrdrology studies confirmed by the appropriate jurisdictions.

Signature

Robert G. Farris, Sr.
Printed Name and Title

October 11, 2025
Date

6059 E FM 875, Waxahachie, Texas 75167
Address

Scanned with CamScanner

**Case Number:** ZDC-232-2024 **Item 9&10** **City Reference: 189328**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

RECEIVED OCT 2 0 2025

☐ SUPPORT ☑ OPPOSE

Comments:
I am concerned about traffic flow, litter, noise & crime.

Barbara Owens
Signature

11-16-25
Date

BARBARA OWENS
Printed Name and Title

407 BROOKSIDE RD.
Address

---

**Case Number:** ZDC-232-2024 **Item 9&10** **City Reference:** 172330

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

RECEIVED OCT 20 2025

☐ SUPPORT ☒ OPPOSE

Comments: If they would build out with larger homes and lots and not be so dense, I would be for it.

Signature

10/15/25
Date

Dean Settlemyer Owner
Printed Name and Title

605 Brookside Rd 75167
Address

**Case Number:** ZDC-232-2024 **Item 9&10** **City Reference: 180734**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☒ OPPOSE

RECEIVED OCT 20 2025

Comments:

Signature Catherine Pohlman

Date 10/12/25

Printed Name and Title Gary Pohlman - owner
Catherine Pohlman - owner

Address 1045 Lone Elm Rd.
WAXAHACHIE, TX.
75167

## Venissat, Michelle

**From:** Chris Barnes <barnecd1234@yahoo.com>
**Sent:** Monday, October 20, 2025 6:54 PM
**To:** Planning
**Subject:** Case number ZDC-232-2024

[Some people who received this message don't often get email from barnecd1234@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

To whom it may concern

My name is Christopher Barnes son of former Mayor Doug Barnes and I reside at 607 Brookside Road in waxahachie, TX. I oppose this case number zdc-232-2024. My reason is Brookside rd is one way in one way out with no exit points. This development would have to re-configure Brookside rd and the area would not be able to handle the traffic and the influx of homes/people to this area. The infrastructure alone would not be able to equip that many people and homes. This is a bad idea for development.

Thank you

Chris

...Homes, William & Lea... (ZDC-232-2024)

Item 9&10

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

Scan for additional information.

---

**Case Number: ZDC-232-2024** **City Reference: 172320**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☑ OPPOSE

Comments: See Comments in Email

Signature

10/20/25
Date

Christopher Barnes
Printed Name and Title

607 Brookside RD
Address

**Item 9&10**

**City of Waxahachie, Texas**
**Notice of Public Hearing**
**Case Number: ZDC-232-2024**

**LUNA MIREYA**
**1411 LONE ELM**
**WAXAHACHIE, TX 75167**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 28, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 3, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Dennis Church, Minto Communities Texas, LLC, for a **Zoning Change** from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

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

Scan for additional information.

---

***Case Number: ZDC-232-2024*** **City Reference: 194822**

***Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on October 22, 2025 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.***

☐ SUPPORT ☒ OPPOSE

Comments:

Mireya Luna.
Signature

10-22-25
Date

Mireya Luna.
Printed Name and Title

1411 Lone Elm
Address

returning the bottom portion of this notice. Please scan the QR Code or contact the Planning Department at Item 9&10 309-4290 or Planning@Waxahachie.com for additional information on this request.

Scan for additional information.

---

**Case Number:** ZDC-232-2024 **City Reference: 216895**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☑ OPPOSE

Comments:
This plan will impede Public Roadway Farm Access & create Significant re-routing. Housing density is way too high. We have current Pending Litigation about this issue

Terry May
Signature

10/21/2025
Date

Terry May
Printed Name and Title

711 Brookside Rd, Wax. TX.
Address

Item 9&10

**City of Waxahachie, Texas**
**Notice of Public Hearing**
**Case Number: ZDC-232-2024**

**NAY TRUST B**
**PO BOX 605**
**WAXAHACHIE, TX 75168-0605**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 28, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 3, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Dennis Church, Minto Communities Texas, LLC, for a **Zoning Change** from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

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

Scan for additional information.

---

**Case Number: ZDC-232-2024** **City Reference: 260392**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☑ OPPOSE

Comments: Density too high, will impeed Farm/Ranch operations. Entire Farm/Ranch is adjoining To Walton Group - Meritas Devel.

Darrell Nay
Signature

10/23/25
Date

Nay Trust B, Darrell Nay Trustee
Printed Name and Title

1550 F.M. 1446, Waxahachie, TX
Address

## Venissat, Michelle

**From:** terry.nay <terry.nay@att.net>
**Sent:** Tuesday, October 21, 2025 4:54 PM
**To:** Planning
**Subject:** ZDC-232-2024
**Attachments:** 20251021_153107.jpg

Some people who received this message don't often get email from terry.nay@att.net. Learn why this is important

We are ALL Opposed to the approval of this Zoning Change. Three effected land owners currently have pending litigation in Federal Court in reference to existing Ingress/Egress with The Walton Group and potentially Mentos.

The density of this development is way to high. Future Ingress/Egress, (through a dense sub-division, with normal street parking) will futher be hender and will significantly harm thr existing Farm/Ranch operations of adjoining properties.

Please take these issues into strong consideration for Planning, P&Z and City Council.

Terry Nay,
Darell Nay, Nay Trust,
Robert Ermatinger

Adjoining Property Owners

Sent from my Galaxy

Item 9&10

**City of Waxahachie, Texas**
**Notice of Public Hearing**
**Case Number: ZDC-232-2024**

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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 28, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 3, 2025 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Dennis Church, Minto Communities Texas, LLC, for a **Zoning Change** from Planned Development-Mixed Use Residential (PD-MUR), Single Family-1 (SF-1), Future Development (FD), and General Retail (GR) zoning districts to a Planned Development (PD) zoning district, located at 300 Brookside Road (Property ID's 179468, 179534, 182520, 187960, 189323, 189326, 189333, 189336, 192306, 193815, 193822, 193823, 234203, 263786, 264568, 303651, 303652) – Owners: Walton Texas LP, United Presbyterian Homes, William & Leanne Kelley (ZDC-232-2024)

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

Scan for additional information.

**Case Number: ZDC-232-2024** **City Reference: 189335**

**Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 22, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.**

☐ SUPPORT ☒ OPPOSE

Comments:

Michael W. Anderson
Signature

Wed. 9/22/25
Date

MICHAEL W. ANDERSON HOME OWNER
Printed Name and Title

413 BROOKSIDE RD.
Address

Waxahachie City Planning and Zoning
401 S. Rogers Street
Waxahachie, Texas 75165

October 20,2025

RECEIVED OCT 24 2025

Planning and Zoning Commission:

My name is Kathy Kacal, I live at 405 Brookside Road in Waxahachie. I am protesting what the Minto Group is trying to build in my area. I am protesting this development because of the following;

1. Traffic and the cutting off the Brookside Road exit.
2. Thinking they can fill in the pond or divert the watercourse.
3. Noise from the traffic and music. . Brookside is a quiet family neighborhood.
4. Trash from the retail and others.
5. Seeing back yards from our front yards.
6. Lighting in the area.
7. Increase of crime in the area.
8. Treating our neighborhood as if we were nonexistent or second-class citizens... examples are available.
9. Also, the fact that Minto is a Canadian owned company. Should we be doing business with some company that is not US owned?
10. There are numerous problems with the building and construction after the sale of the properties/ granted there are some good reviews but the complaints are significant. Again information is available.
11. Their building types do not fit this area's historical view of Waxahachie.
12. We fear for the safety of our families, children, and property with the party lifestyle plan the Minto Company is planning brings, ie drunk drivers and obnoxious partiers.

There are already new 55+ housing communities now available in Waxahachie. Why should any more be built which may put a strain on the medical service around the area.

I value the sanctity of my home and the Brookside neighborhood over Minto's pocketbook; therefore, I am protesting any of this development.

Concerned Protesting Brookside Neighbor,

Kathy Kacal

**Item 9&10**

Waxahachie City Planning and Zoning
401 S. Rogers Street
Waxahachie, Texas 75165

October 20,2025

RECEIVED OCT 24 2025

Planning and Zoning Commission;

Our names are Jose and Geneva Alcala Jr. We live at 411 Brookside Road in Waxahachie. We are protesting what the Minto Group is trying to build in this area. We are protesting this development because of the following;

1. Traffic and the cutting off the Brookside Road exit.
2. Thinking they can fill in the pond or divert the watercourse.
3. Noise from the traffic and music. . Brookside is a quiet family neighborhood.
4. Trash from the retail and others.
5. Seeing back yards from our front yards.
6. Lighting in the area.
7. Increase of crime in the area.
8. Treating our neighborhood as if we were nonexistent or second-class citizens... examples are available.
9. Also, the fact that Minto is a Canadian owned company. Should we be doing business with some company that is not US owned?
10. There are numerous problems with the building and construction after the sale of the properties/ granted there are some good reviews but the complaints are significant. Again information is available.
11. Their building types do not fit this area's historical view of Waxahachie.
12. We fear for the safety of our families, children, and property with the party lifestyle plan the Minto Company is planning brings, i.e. drunk drivers and obnoxious partiers.

There are already new 55+ housing communities now available in Waxahachie. Why should any more be built which may put a strain on the medical service around the area.

We value the sanctity of our home and the Brookside neighborhood over Minto's pocketbook; therefore, we are protesting any of this development.

Concerned Protesting Brookside Neighbor,

Jose Alcala
Geneva Alcala

**Item 9&10**

Waxahachie City Planning and Zoning
401 S. Rogers Street
Waxahachie, Texas 75165

October 20,2025

RECEIVED OCT 24 2025

Planning and Zoning Commission:

My name is Barbara Owens, I live at 407 Brookside Road in Waxahachie. I am protesting what the Minto Group is trying to build in my area. I am protesting this development because of the following;

1. Traffic and the cutting off the Brookside Road exit.
2. Thinking they can fill in the pond or divert the watercourse.
3. Noise from the traffic and music. . Brookside is a quiet family neighborhood.
4. Trash from the retail and others.
5. Seeing back yards from our front yards.
6. Lighting in the area.
7. Increase of crime in the area.
8. Treating our neighborhood as if we were nonexistent or second-class citizens... examples are available.
9. Also, the fact that Minto is a Canadian owned company. Should we be doing business with some company that is not US owned?
10. There are numerous problems with the building and construction after the sale of the properties/ granted there are some good reviews but the complaints are significant. Again information is available.
11. Their building types do not fit this area's historical view of Waxahachie.
12. We fear for the safety of our families, children, and property with the party lifestyle plan the Minto Company is planning brings, ie drunk drivers and obnoxious partiers.

There are already new 55+ housing communities now available in Waxahachie. Why should any more be built which may put a strain on the medical service around the area.

I value the sanctity of my home and the Brookside neighborhood over Minto's pocketbook; therefore, I am protesting any of this development.

Concerned Protesting Brookside Neighbor,

Barbara Owens

**Item 9&10**

Waxahachie City Planning and Zoning
401 S. Rogers Street
Waxahachie, Texas 75165

October 20,2025

RECEIVED OCT 24 2025

Planning and Zoning Commission;

Our names are Michael and Martha Anderson. We live at 415 Brookside Road in Waxahachie. We are protesting what the Minto Group is trying to build in this area. We are protesting this development because of the following;

1. Traffic and the cutting off the Brookside Road exit.
2. Thinking they can fill in the pond or divert the watercourse.
3. Noise from the traffic and music. . Brookside is a quiet family neighborhood.
4. Trash from the retail and others.
5. Seeing back yards from our front yards.
6. Lighting in the area.
7. Increase of crime in the area.
8. Treating our neighborhood as if we were nonexistent or second-class citizens... examples are available.
9. Also, the fact that Minto is a Canadian owned company. Should we be doing business with some company that is not US owned?
10. There are numerous problems with the building and construction after the sale of the properties/ granted there are some good reviews but the complaints are significant. Again information is available.
11. Their building types do not fit this area's historical view of Waxahachie.
12. We fear for the safety of our families, children, and property with the party lifestyle plan the Minto Company is planning brings, i.e. drunk drivers and obnoxious partiers.

There are already new 55+ housing communities now available in Waxahachie. Why should any more be built which may put a strain on the medical service around the area.

We value the sanctity of our home and the Brookside neighborhood over Minto's pocketbook; therefore, we are protesting any of this development.

Concerned Protesting Brookside Neighbor,

Martha Anderson
Michael W. Anderson

**Item 9&10**

Waxahachie City Planning and Zoning
401 S. Rogers Street
Waxahachie, Texas 75165

October 20,2025

RECEIVED OCT 24 2025

Planning and Zoning Commission;

Our names are Jose and Veronic Tovar Jr.. We live at 415 Brookside Road in Waxahachie. We are protesting what the Minto Group is trying to build in this area. We are protesting this development because of the following;

1. Traffic and the cutting off the Brookside Road exit.
2. Thinking they can fill in the pond or divert the watercourse.
3. Noise from the traffic and music. . Brookside is a quiet family neighborhood.
4. Trash from the retail and others.
5. Seeing back yards from our front yards.
6. Lighting in the area.
7. Increase of crime in the area.
8. Treating our neighborhood as if we were nonexistent or second-class citizens... examples are available.
9. Also, the fact that Minto is a Canadian owned company. Should we be doing business with some company that is not US owned?
10. There are numerous problems with the building and construction after the sale of the properties/ granted there are some good reviews but the complaints are significant. Again information is available.
11. Their building types do not fit this area's historical view of Waxahachie.
12. We fear for the safety of our families, children, and property with the party lifestyle plan the Minto Company is planning brings, i.e. drunk drivers and obnoxious partiers.

There are already new 55+ housing communities now available in Waxahachie. Why should any more be built which may put a strain on the medical service around the area.

We value the sanctity of our home and the Brookside neighborhood over Minto's pocketbook; therefore, we are protesting any of this development.

Concerned Protesting Brookside Neighbor,

Veronic Tovar

DRAFT
100725 MINTO DRAFT

# "KEMP TRACT" PLANNED DEVELOPMENT

# DEVELOPMENT STANDARDS

**TABLE OF CONTENTS:**

CHAPTER 1. TITLE, PURPOSE, FLEXIBILITY, APPLICABILITY
CHAPTER 2: COMPLIANCE WITH THE CITY'S COMPREHENSIVE PLAN
CHAPTER 3: ADMINISTRATIVE APPROVAL
CHAPTER 4: PD DISTRICT COMPONENTS
CHAPTER 5: DIMENSIONAL STANDARDS
CHAPTER 6: OPEN SPACE, PARKS, TRAILS & AMENITIES
CHAPTER 7: LANDSCAPING & BUFFERS
CHAPTER 8: PARKING REQUIREMENTS
CHAPTER 9: STREET DESIGN
CHAPTER 10: SIGNAGE
CHAPTER 11: EXHIBITS

**LIST OF EXHIBITS:**

EXHIBIT A – ZONING LOCATION MAP
EXHIBIT B – CONCEPT PLAN
EXHIBIT C – PERMITTED USES
EXHIBIT D – THOROUGHFARE EXHIBIT
EXHIBIT E – STREET SECTIONS
EXHIBIT F – OPEN SPACE AND TRAILS PLAN
EXHIBIT G – SCREENING PLAN
EXHIBIT H – TYPICAL LOT DIAGRAMS
EXHIBIT I – SIGNAGE PLAN
EXHIBIT J – DEVELOPMENT TRACKING
EXHIBIT K – BROOKSIDE ROAD ENLARGEMENT
EXHIBIT L – EXISTING CONDITIONS
EXHIBIT M- ILLUSTRATIVE PLANS
EXHIBIT N-LEGAL DESCRIPTION

# CHAPTER 1. TITLE, PURPOSE, FLEXIBILITY, APPLICABILITY

## 1.1. Title

These Development Standards for the Kemp Tract Planned Development District (the "PD") have been prepared on behalf of Minto Communities Texas, LLC (the "Developer") pursuant to the Waxahachie Code of Ordinances Sec. 7.02 and set forth the applicable land use regulations for the property subject to the PD. These regulations modify both the zoning regulations (Appendix A - Zoning) and the subdivision regulations (Appendix C - Subdivisions) adopted by the City of Waxahachie and codified in the City's Code of Ordinances. Upon final approval of the PD ordinance by the City Council, the Planned Development District is vested in accordance with Tex. Loc Gov't Code Ch. 245.

## 1.2. Purpose

This PD is to provide an alternate set of standards to the Emory Lakes Planned Development District to enable an optional development consisting of a comprehensive master planned community within the Property. This PD document establishes specific development standards for both a distinctive Active Adult Community and a Traditional Master Planned Community and establishes development regulations in conjunction with the Waxahachie Code of Ordinances through specific development, design, and engineering standards such as:

- Providing a PD document that can respond to current market conditions and maintain the flexibility necessary to address changes in the future;
- Incorporating residential single-family lots and innovative forms of housing types that have been proven successful in other Active Adult communities;
- Including a diversity of housing types that range from single-family detached homes to clusters of paired cottages, paired villas, single-family attached, and Multi-Family housing based on a market-driven program;
- Including a well-defined network of vehicular, bicycle, and pedestrian circulation systems that provide connectivity, not only within the project itself but also to adjacent land uses;
- Incorporating amenity centers which will include uses such as a fitness center, resort-style pool, restaurant, and concert venue;
- Developing an internal park system that will include walkable trails and significant open space that will contribute to the residents' quality of life; and,
- Incorporating golf cart pathways as a component of the street and trails system within the development.

An Active Adult Residential District is tailored to the needs of Active Adults through specific architecture, design, and engineering standards. The term "Active Adult" is defined as an age-qualified planned community, as permitted by law, that offers homes and community features and amenities that are oriented to adults aged 55 years and older.

**ATTACHED HERETO AS EXHIBIT M-ILLUSTRATIVE PLANS, ARE PLANS THAT SHOW HOW THE PROPERTY MAY DEVELOP IN CONCEPT UNDER THE STANDARDS SET FORTH HEREIN. THE ILLUSTRATIVE PLANS ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED TO BE REGULATORY DOCUMENTS THAT CONTROL THE DEVELOPMENT OF THE PROPERTY. DEVELOPMENT OF THE PROPERTY IS NOT REQUIRED TO CONFORM TO THESE ILLUSTRATIVE PLANS. FINAL DEVELOPMENT SHALL BE IN ACCORDANCE WITH SITE PLANS AND PLATS THAT SHALL CONFORM TO THE CONCEPT PLAN.**

### 1.3. Applicability

**1.3.1** The property subject to these Planned Development standards consists of approximately 3,169 acres, generally identified in the Zoning Location Map in **EXHIBIT A** and more particularly described in **EXHIBIT N - LEGAL DESCRIPTION** (the "Property"). Existing conditions are as shown in **EXHIBIT L**-EXISTING CONDITIONS.

**1.3.2** This PD District is being created as a freestanding district. Development of the Property shall be in general conformance with **EXHIBIT B – CONCEPT PLAN** and the standards in this PD document, exhibits and accompanying documents. In the event of a conflict between the written text and the illustrations within this document, the written text contained herein shall control.

**1.3.3** This PD document shall be the governing document for development of the Property and in the event of any conflict or inconsistency between the Waxahachie Code of Ordinances and this document, the terms and provisions of this PD shall control. This PD document is a vesting document for purposes of Chapter 245 of the Texas Local Government Code.

**1.3.4** "PD" is used to refer to the "PD District," unless otherwise specified. References to the term "PD" mean either the physical area designated as the PD District or these PD Development Standards as a regulatory instrument, depending on the context.

**1.3.5** All "Section" (Sec.) references are to the Waxahachie Code of Ordinances unless otherwise stated.

## CHAPTER 2. COMPLIANCE WITH THE CITY'S COMPREHENSIVE PLAN

### 2.1. Compliance with the City's Comprehensive Plan

This PD is in compliance with the City's Comprehensive Plan and meets or exceeds Goals and Objectives identified throughout the Waxahachie Comprehensive Plan. The Property is divided into five different PD zoning districts that will create an appropriate mix of land uses. The boundaries of each district are indicated on **EXHIBIT B – CONCEPT PLAN**. (Refer to **EXHIBIT C – PERMITTED USES** for the approved uses within each district). The five districts reflect the land use designations consistent with the City's Future Land Use Plan (FLUP). Proposed public land uses (schools & civic uses) shall be provided as set forth herein.

# CHAPTER 3. ADMINISTRATIVE APPROVAL

## 3.1. Administrative Approval Intent

This Chapter sets forth the provisions for reviewing and approving development applications within the PD District. The intent is to ensure that all development is consistent with the provisions of this PD.

## 3.2. Development Process Amendments

Development within the PD District shall follow the City's development process as outlined in Appendix A, Article II, Section 2.04 and Article VII, Section 7.02 of the City of Waxahachie's Code of Ordinances except as amended:

**3.2.1** Approval of a Site Plan shall be the basis for issuance of a building permit for nonresidential uses but does not relieve an Applicant of the responsibility to submit plans to the Building Official for a building permit. For purposes of this PD, the Site Plan shall satisfy the requirement for a Detailed Site Plan under Appendix A, Article VII, Section 7.02 of the City of Waxahachie's Code of Ordinances, and approval of a Detailed Site Plan shall not be required for issuance of a building permit.

**3.2.2** Approval of all Site Plans shall be approved by the City Manager or City Staff designee. The decision of the City Manager, or City Staff designee, may be appealed by the Applicant to the Planning and Zoning Commission. The decision of the Planning and Zoning Commission may be appealed by the Applicant to the City Council.

**3.2.3** Standard for Approval of Site Plan: If a Site Plan conforms to the standards set forth in this PD and applicable City regulations that are not in conflict with this Code, it shall be approved. Upon request by an Applicant, the authority charged with approving the Site Plan shall certify the reason(s) for an action taken on a development plan.

**3.2.4** Section 7.02(e)(ii)(1) is amended as follows:

For the purposes of this PD, the PD Ordinance shall be considered complete with the submittal of **EXHIBIT B – CONCEPT PLAN** as described in Section 7.02.e of the City of Waxahachie Zoning Ordinance.

**3.2.5** There is no time requirement for submittal of a Site Plan or Residential Plat after this PD Ordinance is approved. Detailed Site Plans are not required for the development of the Property.

**3.2.6** Site Plans are only required for non-residential and multi-family properties and shall meet all requirements of Section 7.01.

**3.2.7** Sections 7.02(e)(vi)(2), (3)(4) and (5) do not apply to this PD.

**3.2.8** Section 2.04 (b): At such time, a request to amend the zoning designation or PD development standards is submitted as to a specific property, only the owner of the property subject to such change, or their representative, initiating the request shall be named as the "Applicant." Such amendments shall be processed as subdistricts within the PD. No other owners of property within the boundaries of the PD are required to be applicants for such amendments to the PD.

**3.2.9** The Concept Plan referenced in Section 7.02.c.ii.1 and 7.02.d.i of the City of Waxahachie Zoning Ordinance and referenced in this PD Ordinance is included in this zoning submittal as **EXHIBIT B – CONCEPT PLAN**.

## 3.3. Master Set of Plans

### 3.3.1 Definitions

**3.3.1.1** "Floor Plan(s)" mean residential home construction documents for single family attached (such as townhomes and attached villas) and detached, prepared, signed and sealed by an Architect licensed in the State of Texas for a specific type of home.

**3.3.1.2** "Master Approval" means approval of the entire set of individual plans contained in a Master Set of Plans.

**3.3.1.3** "Master Set of Plans" means a set of building construction documents for individual residential building types, including detailed floor plans and elevation plans, and all other information required by the City's Building Code for issuance of a residential building permit except information specific to an individual Building Permit as described in Section 3.3.1.4**.**

**3.3.1.4** Individual Building Permit means a permit issued for a specific lot that is based on a Floor Plan approved under the Master Approval process. Individual Building Permits shall be limited to a review of a lot specific plot plan for conformance with setbacks, grading, lot coverage and provision of easements in accordance with the PD and all other information required for issuance of a building permit. Building Permit Review shall also include review of architectural elevations to assure compliance with standards as set forth in Exhibit K of the Development Agreement.

**3.3.2** City shall institute a Master Approval process for Floor Plans whereby Developer shall submit a set of Floor Plans to the City for approval as a Master Set of Plans that will control the issuance of building permits within the development. Modifications to a Master Set of Plans shall be approved by the Building Official if they conform to the standards set forth in applicable building codes, this Ordinance and applicable terms of a development agreement. Future submissions of such Floor Plans for buildings within the phase of development shall be submitted to the City's Building Official and

evaluated for conformance with the applicable Master Set of Plans and compliance with this PD. Such Master Approval process shall be required for modifications to Floor Plans and submissions of new Floor Plans. When updated building codes are adopted by the City, the Master Set of Plans must be updated and reviewed to verify compliance with the new codes.

**3.3.3** A Master Set of Plans for buildings proposed within the initial phase of development shall be submitted to the Planning Director prior to the issuance of building permits for residential uses within the development. Plans submitted for an Individual Building Permit application shall conform to Floor Plans in the Master Set of Plans and shall be submitted with all other information required for issuance of a building permit.

**3.3.4** Building permits for single family residential and townhomes within a phase of development shall conform to a Master Set of Plans. A building permit for a building within the development shall be approved if it complies with a Floor Plan in the Master Set of Plans and the requirements in this PD and *the Waxahachie Code of Ordinances*, as applicable.

**3.3.5** Once a Master Set of Plans is approved, applications for building permits with Floor Plans that conform to the Master Set of Plans shall follow the following process:

**3.3.5.1** The City shall notify an Applicant for a building permit within five (5) business days after the application is filed with the City's Building Inspection Office whether the Application is complete. If the Application is determined to be incomplete, the City shall provide specific reasons why the Application is incomplete.

**3.3.5.2** If the Application is determined to be complete, the City shall either issue the building permit or advise the Applicant of specific technical errors in the Application no later than three (3) business days after determination that the application is complete.

**3.3.5.3** Within three (3) business days of resubmittal of a corrected Application, the City shall either issue the building permit or advise the Applicant of specific technical errors in the resubmitted Application. With each subsequent resubmittal, the City shall either issue the building permit or advise the Applicant of specific technical errors in the Application within three (3) business days of resubmittal; provided, however, the number of subsequent reviews shall be limited to 4. In the event the permit is not issued, the applicant may withdraw the application and resubmit or elect to appeal the denial to the Zoning Board of Adjustments.

When new products and floor plans, or material changes to the design of Floor Plans are introduced by the Developer, additional Floor Plan approvals will be processed under normal submittal timelines and those

plans will then be added to the Master Set of Plans. The Master Set of Plans shall be modified to comply with changes to the City's Building Code.

**3.3.6** Once approved by the City, each approved Master Set of Plans may be repeated for other phases of development without additional City review except for the Individual Building Permit review. Additional or separate reviews shall not be required on plans that have been approved and are used as approved.

**3.3.7** The collection of original copies of the approved Master Sets of Plans will be maintained by the City for future reference.

**3.3.8** Any substantial changes, as determined by the Building Official, shall be reviewed by the Director of Planning and Building Official who performed the original review.

### 3.4. City Manager or City Staff Designee Responsibility

City Manager or City Staff designee shall be responsible for the following:

- Approving Site Plan and administering plat applications that are in compliance with the requirements of the PD;
- Making determinations on the applications and interpretations of standards in this PD;
- Approving revisions to previously approved Site Plans and Plats that comply with this PD and all applicable city ordinances;
- Approving any minor modifications to the approved Concept Plan, an approved Site Plan, Plat, or the PD as set forth herein;
- Review and approval of a Master Set of Plans. This facilitates the residential building process by having a pre-approved plan set; and,
- Any other approval deemed necessary or appropriate by the PD.

### 3.5. Amendments to the PD

The PD may be amended from time to time to reflect market conditions and consumer demand. Major amendments, supplements, deletions, or modifications to the PD Plan shall follow the process detailed in Appendix A, Article II, Section 2.04 of the Waxahachie Code of Ordinances. Minor Amendments may be approved as set forth hereinbelow.

#### 3.5.1 Amendments

Modifications to **EXHIBIT B – CONCEPT PLAN**, Site Plans, Residential Plats, and other applications based on the Development Standards herein shall be administered per the thresholds in **Table 1: Administrative Amendments.**

| **Table 1: Administrative Amendments** | |
|---|---|
| **Minor Amendment** | **Major Amendment** |

| | |
|---|---|
| Modification up to 10% to the numerical standards of these Development Standards, except as otherwise provided herein (For example, a maximum building height of 30 feet could be Administratively Amended to 33 feet) | Modification greater than 10% to the numerical standards of these Development Standards, except as otherwise provided herein |
| Any increase and corresponding decrease up to twenty percent (20%) of the total gross acreage of an individual PD Zoning District as depicted in **EXHIBIT B – CONCEPT PLAN** provided the Maximum Number of Units identified in Section 5.1 does not change; provided, however the gross area of MU shall not be reduced. | Any increase or decrease more than twenty percent (20%) of the total gross acreage of an individual PD Zoning District as depicted in **EXHIBIT B – CONCEPT PLAN** |
| Street Alignment as depicted in the PD exhibits may be modified while maintaining general thoroughfare connectivity as depicted in **EXHIBIT D – THOROUGHFARE EXHIBIT** | Any change that does not maintain connectivity, or removes a required thoroughfare as generally depicted in **EXHIBIT D – THOROUGHFARE EXHIBIT** |
| Modifications to approved Street Sections as depicted in **EXHIBIT E – STREET SECTIONS** to accommodate specific considerations regarding traffic calming, emergency vehicle access, accommodate pedestrian and bike traffic, and to modify on-street parking configuration | N/A. Major Amendments to street sections shall not be permitted. Major Amendments shall be considered any change not expressly identified as a Minor Amendment. |
| Final designation of a Flex Residential District to either a Traditional Residential District or an Active Adult Residential District. | N/A. Designation of a Flex Residential District shall not be considered Major Amendment. |
| Addition of undefined residential unit types provided the new units comply with development standards contained herein or approved by City Staff and does not result in the total number of residential units exceeding the Maximum Number of Units. | Addition of undefined units that results in the total number of units exceeding the Maximum Number of Units. |
| Land within the Property not designated as MU may be changed to MU upon approval of the Director of Planning or their designee who shall approve such change if the following criteria are satisfied:<br><br>1) A similar amount of land designated as MU is changed to another District;<br>2) The total amount of land designated as MU does not increase by more than 10%; and,<br>3) The amount of residential use in the new MU District does not increase the total amount of multi-family units permitted within the Property by more than 10%. | |

#### 3.5.1.1 Minor Amendments

The City Manager, or City Staff designee, will review a Minor Amendment within ten (10) business days of receipt of the application. For any denial or conditional approval, the City Manager, or City Staff designee, shall provide the Developer with a written statement of the reasons for its denial or conditional approval that clearly states each specific reason and appropriate Code section for denial or conditional approval. The decision of the City Manager, or City Staff designee, may be appealed by the Applicant to the City Council. Multiple minor Amendments may be approved for a development standard provided the aggregate modification does not exceed the criteria in Table 1, i.e., amendments to already approved amendments are subject to the threshold limits of the originally approved standards herein.

#### 3.5.1.2 Minor Text Amendments

Text amendments to the PD regulations that are considered Minor Amendments may be approved by the City Manager or City Staff designee provided they:

- do not alter the basic relationship of the proposed development to property adjacent to the perimeter boundary of the Property;
- do not add to the permitted uses;
- do not increase the density or lot coverage;
- reduce the required yards provided at the boundary of the site; or
- do not significantly alter landscape requirements.

## CHAPTER 4: PD DISTRICT COMPONENTS

### 4.1 Concept Plan

Development of the Property shall be in general conformance with the Concept Plan, attached as **EXHIBIT B – CONCEPT PLAN.** The City hereby approves **EXHIBIT B – CONCEPT PLAN** and finds that it is consistent with the Waxahachie Code of Ordinances, as well as in conformance with the City's Comprehensive Plan and the general intent of the City's Major Thoroughfare Plan, but to the extent the Concept Plan is in conflict with the City's Major Thoroughfare Plan then this PD document is intended to supersede the Major Thoroughfare Plan. The contents of the exhibits attached as part of these Development Standards shall satisfy the requirements in full for the Concept Plan as described in City of Waxahachie Zoning Ordinance Sec. 7.02.

### 4.2 PD Zoning Districts

The Property is divided into five districts as indicated on **EXHIBIT B – CONCEPT PLAN**. Development standards for those Districts are set forth below. **EXHIBIT B – CONCEPT PLAN**

provides a tabulation of each PD District within the project. All acreages shown are approximate and subject to change as development occurs within the PD boundaries and as permitted by these development standards.

## 4.3 PD Zoning Districts Defined

### 4.3.1 PD Zoning Districts include:

- Traditional Residential District
- Active Adult Residential District
- Flex Residential District
- Multi-Family Residential District
- Mixed-Use District

#### 4.3.1.1 Traditional Residential District (TR)

This district provides a mixture of residential uses located along the open spaces and natural amenities. TR provides a variety of lot sizes to accommodate different home styles, buyer demographics, and home sizes. This land use will also include amenities such as recreation centers, schools, parks, and related facilities.

#### 4.3.1.2 Active Adult Residential District Active Adult Residential District (AA)

This district provides a mixture of Active Adult housing types that include, but are not limited to single-family detached units, townhomes, cottages, and single-family attached.

This District use will also include amenities such as recreation centers, parks, and related facilities.

#### 4.3.1.3 Flex Residential District (FR)

The Flex Residential district allows property in an FR District to be designated as an Active Adult Residential or Traditional Residential District. Given the long-term nature of this project, this category provides the flexibility of housing types by allowing the ability to mix housing product types as needed based on future market conditions; provided, however, designation of a proposed District may not result in a total amount of units that exceeds the Maximum Number of Units.

##### 4.3.1.3.1 Flex Residential District Designation Process

The Developer shall designate a property with an FR District as a TR or AA District during submittal of Site Plans and Residential Plats. The Property Development Regulations for the designated

District will be applied to the identified tract when such designation is made. This designation will not be considered as a zoning amendment and will be approved administratively by the City Manager or City Staff designee.

#### 4.3.1.4 Multi-Family Residential District (MF)

Traditional apartment and condominium-type units in attached living complexes characterize this district. These developments may take a variety of forms, including traditional garden style apartments to courtyard apartments, as well as brownstone style apartments.

#### 4.3.1.5 Mixed-Use District (MU)

**4.3.1.5.1** Land designated as MU is intended for a mixture of non-residential and residential uses with a greater percentage of non-residential components than residential.

**4.3.1.5.2** Residential uses may range from 0% to 20% across all MU Districts cumulatively. Residential uses may be any single-family, or multi-family uses permitted elsewhere within any of the PD Districts subject to the development standards associated with those housing types. Residential units may be platted on a tract in the Mixed-Use district that does not include other uses.

### 4.3.2 PD Zoning District Uses

The table of land uses permitted in each PD Zoning District is provided for in **EXHIBIT C – PERMITTED USES.** The land uses in **EXHIBIT C** are (i) from Section 4.01 of the Waxahachie Zoning Ordinance, or (ii) defined herein and identified with *.

#### 4.3.2.1 Model Homes

Model homes of each product type provided for herein may be constructed within the AA and TR Districts as part of and during the installation of the subdivision infrastructure. The completion of model homes shall not trigger a park or amenity construction requirement or contribute toward any park or amenity requirement until those homes no longer serve as a model home use. A total of fifty (50) model homes, in the aggregate, are permitted at any one time within the AA and TR Districts as part of the development, subject to the following conditions:

**4.3.2.1.1** A final site plan must be submitted, depicting the proposed location of the model home(s).

**4.3.2.1.2** All required hydrants must be in place in the vicinity of the model homes and, pursuant to testing to assure adequate fire flow, be approved by the Fire Chief.

**4.3.2.1.3** Water and sanitary sewer service shall be provided either by City services or temporary systems approved by the City Engineer.

**4.3.2.1.4** Bacteriological clearance of the potable water lines must be performed.

**4.3.2.1.5** Road base shall be stabilized in the vicinity of the proposed model homes in accordance with the civil plans and certified by the geo-tech.

**4.3.2.1.6** Adequate off-street parking for the real estate sales/leasing use of the model sales home/units shall be provided in accordance with the minimum standards for the number of off-street parking spaces.

**4.3.2.1.7** Final inspection approvals shall be issued by the City upon completion of the lots on which the homes are located and shall be developed in full compliance with the PD.

Permits for model homes and the Welcome Center may be issued only after plats for lots for these structures are recorded and fire protection, as approved by the Fire Chief, is installed; provided, however, the permits for the model homes and Welcome Center may be issued prior to the completion of other subdivision improvements in accordance with the City's Subdivision Ordinance.

## 4.4 Streets

The Developer intends to provide sufficient connectivity throughout the development of the Property through the interconnectivity of the streets required by the Waxahachie City Throughfare plan and the local street system as shown on **EXHIBIT D –THOROUGHFARE EXHIBIT**. Street cross sections shall be provided as shown in **EXHIBIT E – STREET SECTIONS.** Street criteria are further provided in **Chapter 9: Street Design.**

## 4.5 Utilities

The water, wastewater, and stormwater utilities located within this PD project shall be appropriately designed, sized, and constructed according to Appendix C – Subdivisions, the construction standards applicable to this PD project.

### 4.6 Phasing

Parks, infrastructure and required access for each phase of development shall be provided in accordance with the requirements in this PD and the TIA updates and identified by developer with the submittal of plats and site plans.

## CHAPTER 5: DIMENSIONAL STANDARDS

### 5.1 Unit and Density Standards

The maximum number of residential units permitted is 13,270 (the "Maximum Number of Units"). The Maximum Number of Units is not subject to a Minor Amendment. Maximum residential densities for development within the PD Districts are set forth in **Table 2: Density Standards**. Maximum density shall be calculated cumulatively for the entire District. Individual Residential Plats or individual Site Plans may exceed the Maximum Residential Gross Density provided the overall density for the entire district is at or below the Maximum Residential Gross Density. Accessory Dwelling Units ("ADU's") shall count at a ratio of 1:1 against the Maximum Number of Units.

**Table 2: Density Standards**

| | District | Gross Acreage (1) (4) | Max. Residential Gross Density (2) |
|---|---|---|---|
| **TR** | Traditional Residential | +/- 1,081 acres | 3.95 du/ac |
| **AA** | Active Adult Residential | +/- 1019 acres | 3.95 du/ac |
| **FR** | Flex Residential | +/- 907 acres | 3.95 du/ac |
| **MF** | Multi-Family Residential | +/- 29 acres | 25 du/ac |
| **MU** | Mixed-Use | +/- 133 acres | 25 du/ac (3) |

(1) Subject to adjustment per Table 1.

(2) Actual density may increase or decrease per Section 5.1.2.

(3) Max. Residential Gross Density in the MU district is shown for the allowed residential percentage of the district.

(4) Gross density includes acreage of all allowed uses in the Single-Family residential land use categories. (i.e. platted lots, open space, parks, amenities, lakes, schools, ROW, civic and utility uses)

#### 5.1.1 Density Tracking

Unit Number and density shall be tracked by an exhibit, a template of which is included as **EXHIBIT J – DEVELOPMENT TRACKING**, which shall accompany each Site Plan and Plat submittal that depicts the number and density of units that have been approved. A Tracking Plan shall be provided with each plat and site plan application that identifies the following:

i. The Maximum Number of Units as 13,270;
ii. The number of units approved in previous plats and site plans;
iii. The number and types of units in the proposed plat or site plan;
iv. The number of units remaining that may be developed;

v. Dwelling Units per gross acre of total platted project area; and,
vi. Lot type mix percentages as described in 5.4.2.

### 5.1.2 Density Surplus

Notwithstanding the maximum number of single-family units allowed for each District as permitted in Table 2 above, in the event the maximum number of single-family units permitted in a District is not constructed, the balance not constructed in that District may be applied to and constructed in other Districts, provided, however, the maximum density for the entire district in Table 2 is not surpassed in totality and transferred density may not exceed 10 dwelling units per acre for single family housing types in any single phase of development.

## 5.2 Traditional Residential District Development Standards

### 5.2.1 Traditional Residential Development Standards

Except for multi-family uses, lots within the Traditional Residential District shall comply with the following standards for the respective housing types in **Table 3: Traditional Residential Development Standards-Front Loaded** and as further depicted in **EXHIBIT H – TYPICAL LOT DIAGRAMS.**

| Table 3: Traditional Residential Development Standards | | | | | |
|---|---|---|---|---|---|
| **Front Loaded** | | | | | |
| | **Residential Detached 60-** | **Residential Detached +60** | **Zipper Lots** | **Paired Villas** | **Shallow and Wide Lots** |
| **Minimum lot area** | 4,400 sf | 6,000 sf | 4,000 sf | 2,500 sf | 4,875 sf |
| **Minimum lot width** | 40 ft | 60 ft | 42.5 ft | 25 ft | 65 ft |
| **Minimum lot depth** | 110 ft | 110 ft | 90 ft | 100 ft | 75 ft |
| **Minimum front setback fron ROW** | 15 ft (20 ft to gara entry) | 15 ft (20 ft to garage entry | 10 ft (Alternating 20 ft and 40 ft to garage entry) | 10 ft (20 ft to garage entry) | 15 ft (20 ft to garage entry) |
| **Minimum side setback** | 5 ft | 5 ft | 2.5 ft (10' separation between units) | 5 ft/0 ft on the common wall | 5 ft |
| **Minimum side setback along ROW** | 15 ft | 15 ft | 15 ft | 10 ft | 10 ft |
| **Maximum front setback por encroachment** | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| **Minimum rear setback** | 15 ft | 15 ft | 10 ft | 15 ft | 10 ft |
| **Minimum accessory structu setback from property line** | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| **Maximum height** | 3 stories | 3 stories | 3 stories | 3 stories | 3 stories |
| **Maximum lot coverage** | 80% | 70% | 80% | 80% | 80% |
| **Alley Loaded/Cluster** | | | | | |

| | Residential Detached | Zero Lot Line | Courtyard homes | Townhomes | Cottages |
|---|---|---|---|---|---|
| **Minimum lot area** | 3,000 sf | 2,600 sf | 3,000 sf | 2,250 sf | 3,700 sf |
| **Minimum lot width** | 30 ft | 26 ft | 40 ft | 25 ft | 35 ft |
| **Minimum lot depth** | 100 ft | 100 ft | 75 ft | 90 ft | 100 ft |
| **Minimum front setback fron ROW** | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| **Minimum side setback** | 5 ft or flexible (se below) | 5 ft/ 0 ft on the common lot line flexible (see belo | 5 ft or flexible (see below) | 5 ft/ 0 ft on the common wall w the adjoining ur | 10 ft/ 0 ft on the common wall with the adjoining unit. flexible (see below) |
| **Minimum side setback along ROW** | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| **Maximum front setback por encroachment** | 0 ft | 0 ft | 0 ft | 0 ft | 0 ft |
| **Minimum rear setback** | 15 ft | 15 ft | 10 ft | 10 ft | 10 ft |
| **Minimum rear Alley setback (to garage entry)** | 4 ft | 4 ft | 20 ft | 4 ft | N/A |
| **Maximum height** | 3 stories | 3 stories | 3 stories | 3 stories | 3 stories |
| **Maximum lot coverage** | 80% | 90% | 60% | 90% | 90% |

### 5.2.2 General Traditional Residential District Regulations

#### 5.2.2.1 Living Area

There shall be no restriction on minimum or maximum living area for any of the housing types.

#### 5.2.2.2 Mixture of Housing Types

Each block shall be allowed to contain a mixture of housing types.

#### 5.2.2.3 Side Yard Setback Flexibility

Where flexible side yard setbacks are permitted the setback can vary between one (1) and nine (9) feet so long as the minimum building separation per building code is provided between buildings on adjacent lots.

#### 5.2.2.4 Maximum Lot Coverage

Maximum lot coverage shall be determined by structures only; and excludes driveways, screened pools, screened lanais, porches, swimming pools, decks, and parking areas.

#### 5.2.2.5 Minimum Lot Widths

Minimum lot widths are measured at the front principal structure setback line in a straight line for setback lines that are parallel to the adjacent street. For curved or pie-shaped lots minimum lot widths will be measured along a chord measured at the right of way line. For rear setbacks lot widths will be measured along a chord measured at the rear property line.

#### 5.2.2.6 Allowed Encroachments

Ancillary uses and structures such as roof overhangs, AC units, screening walls, pool equipment, generators etc. are not subject to building setbacks.

#### 5.2.2.7 Additional Cottage Criteria

Cottage units are defined as attached or detached units in clusters of up to 8 units, each on a separate and distinct lot, which may share a zero (0) foot setback common lot line and is as shown on **EXHIBIT H – TYPICAL LOT DIAGRAMS**. Cottage units may have a non–traditional common lot line containing a jog in the common lot line. The Cottage units will be clustered and are oriented such that drive aisles and parking occur in the rear of the lot. The building orientations vary; therefore, the identification of front, rear, and side yard setbacks also vary between adjacent units. Access easements shall be located within the rear of the lots for the drive aisles and shall be maintained by a homeowner's association, MMD or other financing district. On-street parking in designated spaces shall be allowed in the Cottage unit areas. Additional spaces that exceed minimum requirements may be provided in the motor court as shown on **EXHIBIT H – TYPICAL LOT DIAGRAMS**.

#### 5.2.2.8 Accessory Structure Setbacks

Accessory Structures such as decks, pools, shade structures, sheds, etc. shall be setback a minimum of five (5) feet from any property line.

#### 5.2.2.9 Easements Impacting Setbacks

An easement width will control in the event of a conflict with any setback. The allowed porch encroachment shall not conflict with any easement.

#### 5.2.2.10 Park Facing Conditions

Any of the Alley Loaded / Cluster lots may front on to an open space. The front setback shall be measured from the property line between the lot and the open space.

#### 5.2.2.11 Zipper Lots

Zipper lots shall utilize an alternating pattern of garage setbacks to ensure a streetscape less prominent with garage doors. A zipper lot with a minimum 20 ft garage door setback shall be paired with a zipper lot with a minimum 40 ft garage door setback.

## 5.3 Active Adult Residential District Development Standards

### 5.3.1 Active Adult Residential District Development Standards

Except for multi-family uses, lots within the Active Adult Residential District shall comply with the following standards for the respective housing types in **Table 4: Active Adult Residential Development Standards** and as further depicted in **EXHIBIT H – TYPICAL LOT DIAGRAMS.**

**Table 4: Active Adult Residential Development Standards**

| | Front Loaded | | | | | |
|---|---|---|---|---|---|---|
| | **Residential Detached 60-** | **Residential Detached +60** | **Zipper Lots** | **Paired Villas** | **Courtyard Villas** | **Shallow and Wide Lots** |
| **Minimum lot area** | 4,400 sf | 6,000 sf | 4,000 sf | 2,500 sf | 3,300 sf | 4,875 sf |
| **Minimum lot width** | 40 ft | 60 ft | 42.5 ft | 25 ft | 30 ft | 65 ft |
| **Minimum lot depth** | 110 ft | 110 ft | 90 ft | 100 ft | 110 ft | 75 ft |
| **Minimum front setback from ROW** | 15 ft (20 ft to garage entry) | 15 ft (20 ft to garage entry | 10 ft (Alternating 20 ft and 40 ft to garage entry) | 10 ft (20 ft to garage entry) | 15 ft (20 ft to garage entry) | 15 ft (20 ft to garage entry) |
| **Minimum side setback** | 5 ft | 5 ft | 2.5 ft (10' separation between units) | 5 ft/0 ft on the common wall | 5 ft/0 ft on the common wall | 5 ft |
| **Minimum side setback along ROW** | 15 ft | 15 ft | 15 ft | 10 ft | 10 ft | 10 ft |
| **Maximum front setback porch encroachments** | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| **Minimum rear setback** | 15 ft | 15 ft | 10 ft | 15 ft | 10 ft | 10 ft |
| **Minimum accessory structure setba from property line** | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| **Minimum rear Alley setback (to gara entry)** | N/A | N/A | N/A | N/A | N/A | N/A |
| **Maximum height** | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft |
| **Maximum lot coverage** | 80% | 70% | 80% | 80% | 80% | 80% |
| **Alley Loaded/Cluster** | | | | | | |

| | Residential Detached | Zero Lot Line | Courtyard homes | Courtyard Villas | Townhomes | Cottages |
|---|---|---|---|---|---|---|
| **Minimum lot area** | 3,000 sf | 2,600 sf | 3,000 sf | 3,000 | 2,250 sf | 3,700 sf |
| **Minimum lot width** | 30 ft | 26 ft | 40 ft | 40 ft | 25 ft | 35 ft |
| **Minimum lot depth** | 100 ft | 100 ft | 75 ft | 75 ft | 90 ft | 100 ft |
| **Minimum front setback from ROW** | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| **Minimum side setback** | 5 ft or flexible (see below) | 5 ft/ 0 ft on the common lot line or flexible (see below) | 5 ft or flexible (see below) | 5 ft/ 0 ft on the common wall with the adjoining unit or flexible (see below) | 5 ft/ 0 ft on the common wall with the adjoining unit | 5 ft/ 0 ft on the common wall with the adjoining unit or flexible (see below) |
| **Minimum side setback along ROW** | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| **Maximum front setback porch encroachments** | 0 ft | 0 ft | 0 ft | 0 ft | 0 ft | 0 ft |
| **Minimum rear setback** | 15 ft | 15 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| **Minimum rear Alley setback (to garage entry)** | 4 ft | 4 ft | 20 ft | 20 ft | 4 ft | N/A |
| **Maximum height** | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft |
| **Maximum lot coverage** | 80% | 90% | 60% | | 90% | 90% |

### 5.3.2 General Active Adult Residential District Regulations

#### 5.3.2.1 Living Area

There shall be no restriction on minimum or maximum living area for any of the housing types.

#### 5.3.2.2 Mixture of Housing Types

Each block shall be allowed to contain a mixture of housing types.

#### 5.3.2.3 Side Yard Setback Flexibility

Where flexible side yard setbacks are permitted the setback can vary between one (1) and nine (9) feet so long as the minimum building separation per building code is provided between buildings on adjacent lots.

#### 5.3.2.4 Maximum Building Height

Maximum building height shall be measured at the midpoint between the eave line and the highest roof point.

**5.3.2.5 Maximum Lot Coverage**

Maximum lot coverage shall be determined by structures only; and excludes driveways, screened pools, screened lanais, porches, swimming pools, decks, and parking areas.

**5.3.2.6 Minimum Lot Widths**

**5.3.2.7** Minimum **Allowed Encroachments**

Ancillary uses and structures such as roof overhangs, AC units, generators, screening walls, pool equipment, etc. are not subject to building setbacks.

**5.3.2.8 Additional Cottage Criteria**

A Cottage unit is defined as attached or detached units in clusters of up to 8 units, each on a separate and distinct lot, which may share a zero (0) foot setback common lot line and is as shown on **EXHIBIT H – TYPICAL LOT DIAGRAMS**. Cottage units may have a non–traditional common lot line containing a jog in the common lot line. The Cottage units will be clustered and are oriented such that drive aisles and parking occur in the rear of the lot. The building orientations vary; therefore, the identification of front, rear, and side yard setbacks also vary between adjacent units. Access easements shall be located within the rear of the lots for the drive aisles. On-street parking in designated spaces shall be allowed in the Cottage unit areas. Additional spaces that exceed minimum requirements may be provided in the motor court as shown on **EXHIBIT H – TYPICAL LOT DIAGRAMS**. On-street parking in designated spaces shall be allowed in the cottage unit areas.

**5.3.2.9 Accessory Structure Setbacks**

Accessory Structures such as decks, pools, shade structures, sheds, etc. shall be setback a minimum of five (5) feet from any property line.

**5.3.2.10 Easements Impacting Setbacks**

An easement width will control in the event of a conflict with any setback.

**5.3.2.11 Park Facing Conditions**

Any of the Alley Loaded / Cluster lots may front on to an open space. The front setback shall be measured from the property line between the lot and the open space.

#### 5.3.2.12 Zipper Lots

Zipper lots shall utilize an alternating pattern of garage setbacks to ensure a streetscape less prominent with garage doors. A zipper lot with a minimum 20 ft garage door setback shall be paired with a zipper lot with a minimum 40 ft garage door setback.

### 5.3.3 Active Adult District - Senior Apartment Development Standards

Multi-family uses in the Active Adult District shall comply with the standards in this Section 5.3.3 and **Table 5: Active Adult Senior Apartment Development Standards**. The total number of Senior Apartment Units in the Active Adult District shall not exceed 500 Units. Senior Apartment Units shall count towards the overall density maximum for the district. Senior apartment tracts may be clustered with apartments only and shall not be required to have multiple product types mixed together as stipulated in 5.4.2. A minimum of 300 feet separation shall be maintained between Senior Apartment tracts. Active Adult Senior Apartment design shall be in accordance with the Design Standards for Multifamily or consistent with a development theme for surrounding buildings.

| **Table 5: Active Adult Senior Apartment Development Standards** | |
|---|---|
| Minimum lot area | 15,000 sf |
| Minimum lot width | 100 ft |
| Minimum lot depth | 150 ft |
| Minimum front and side setback from ROW | 20 ft |
| Minimum side and rear setback adjacent to single family detached uses | 100 ft |
| Minimum side setback | 10 ft |
| Minimum rear setback | 20 ft |
| Maximum height | 4 stories |
| Maximum lot coverage | 80% |
| Minimum building separation | 10 ft |

### 5.3.4 Stay and Play Residences

Stay and Play Residences are Active Adult housing types that are used for the “Stay and Play Getaway Program” which is an allowed use in the Active Adult District and is used herein to describe a program where potential purchasers of Active Adult residential units are allowed to stay at and enjoy residential units at the Property on a short–term basis prior to making a purchasing decision. This program generally provides the potential buyers with usage of a residential unit, golf cart, dining, and access to all amenities and events. Upon buildout and completion of the community,

the residential units utilized for this program will be sold similar to the other residential units within the Property. In order to distinguish the Stay and Play program from short term rentals, the following shall be required:

**5.3.4.1** Each dwelling unit shall be a conforming dwelling unit and contain cooking, living, sanitary and sleeping facilities.

**5.3.4.2** There shall be no commercial areas for renters, such as breakfast rooms, associated with the residential occupation of the dwelling unit. Commercial enterprises on the Property must be completely separate and independent operations.

**5.3.4.3** There are no exterior signs for the short–term use of the dwelling unit.

**5.3.4.4** The Owner/Developer must comply will all business license and revenue collections laws of the City of Waxahachie and the State of Texas.

**5.3.4.5** The maximum individual length of stay shall be 5 nights.

**5.3.4.6** Units identified as "Stay and Play Residences" may change locations during the development of the Property; provided, however, no more than 30 "Stay and Play Residences" are permitted within the Property at any one time.

**5.4 Housing Type Mix for Residential Districts**

**5.4.1** Housing types shall not exceed the maximum for the entire district at build out, measured as a percentage of total permitted units (13,270). Percentages to be tracked with each phase per **EXHIBIT J – DEVELOPMENT TRACKING**.

| **TABLE 6: Housing Type Mix For Residential Districts** | | | | |
|---|---|---|---|---|
| **City of Waxahachie Residential Housing Categories** | **Single-Family Dwelling, Detached** | **Single-Family Dwelling, Attached** | **Patio Home/ Zero Lot** | **Multiple-Family Dwelling or Apartment** |
| **Corresponding Kemp Tract Housing Types** | Residential Detached 60' - (Front or alley loaded) | Paired Villas (Front loaded) | Zero Lot Line | Senior Apartments |
| | Residential Detached 60'+ (Front or alley loaded) | Townhomes (Front or rear loaded) | Zipper Lots | Multi-family |
| | Residential Detached "Shallow and Wide" | Courtyard Villas (Alley or Front Loaded) | Courtyard Hom | |
| | | Cottages | | |
| **Maximum Percentage Dwelling Units** | 80% max. | 40% max. | 20% max. | 20% max. |

**5.4.2** As phases of single family or Patio Home/Zero Lot Line are platted, a minimum mixture of lot types will be provided as follows:

The mix of lot types will increase with the size of the plat as follows:

a) Platted lots up to 100 lots with only one lot size is permitted.
b) Platted lots from 101 to 250 units must have a minimum of 10% of the lots of a second type.
c) Platted lots from 251 to 500 units must have a minimum of 15% of the lots of a second type and 10% of a third type. Where additional lot types above three (3) types are provided, the additional lot types may be averaged to count towards the 10% of a third type required.
d) Compliance with these criteria will be documented on **EXHIBIT J**. After the first 500 platted lots, a running total of percentages that meets these criteria will be tracked on **EXHIBIT J**. After 500 units, regardless of the number of units built, the minimum lot mix shown in a, b and c above shall be maintained.
e) The mix criteria will be administered separately in the two residential districts.
f) A variation of minimum 5' of lot width or change in lot type from any of the approved lot types on **EXHIBIT H**, or subsequently approved lot types, qualifies as a change in lot type
g) Maximum Percentage of Dwelling Units in Table 6 shall be inclusive of both TR and AA units.
h) A mix of product types is not required for tracts platted as MF only.

**TABLE 7:**

**LOT MIX VARIATION CRITERIA FOR SINGLE FAMILY LOT TYPE**

| Platted lots unit count | Minimum number of lot size or single-family lot types* | Maximum % first lot type - Type 1 | Minimum % of second lot type - Type 2 | Minimum % of third lot type - Type 3 | Resultant min/max lot type mix |
|---|---|---|---|---|---|
| **0 to 100** | 1 | 100% | 0 | | |
| **101 to 250** | 2 | 90% | 10 | 0 | Maximum 90% type 1, minimum 10% type 2 |
| **251 - 500** | 3 | 75% | 15% | 10% | 75% max lot Type 1, minimum 25% types 2 and 3 |

## 5.5 Multi-Family District Development Standards

### 5.5.1 Multi-Family District Development Types

Buildings within the Multi-Family Residential District shall follow the standards of one of the following housing types:

#### 5.5.1.1 Multi-Family Buildings

A multi-family building is defined as three (3) or more dwelling units on a single lot.

#### 5.5.1.2 Townhomes

A Townhome is defined as three (3) or more attached units per building, each on a separate and distinct lot, sharing a zero (0) foot setback common lot line and are as shown on **EXHIBIT H – TYPICAL LOT DIAGRAMS**.

### 5.5.2 Multi-Family District Development Standards

Development in the Multi-Family District shall comply with the following development standards:

**Table 8: Multi-Family District Development Standards**

| | Multi-Family | Townhomes | Senior Apartments |
|---|---|---|---|
| **Minimum lot area** | 15,000 sf | 1,800 sf | 15,000 sf |
| **Minimum lot width** | 100 ft | 20 ft | 100 ft |
| **Minimum lot depth** | 150 ft | 90 ft | 150 ft |
| **Minimum front setback from ROW** | 10 ft | 10 ft | 10 ft |
| **Minimum side and rear setback adjacent to single family detached uses** | 50 feet for 3 story; 75 feet for four story | 20 feet | 50 feet |
| **Minimum side setback along ROW** | 10 ft | 10 ft | 10 ft |
| **Minimum rear setback** | 20 ft | 5 ft | 20 ft |
| **Maximum front and side setback encroachments** | 5 ft | 5 ft | 5 ft |
| **Maximum height** | 4 story | 3 story | 4 story |
| **Maximum lot coverage** | 80% | 90% | 80% |
| **Minimum building separation** | 10 ft | 0 ft to adjacent unit in same structure or 10 ft | 10 ft |
| **Minimum building separation along paseos** | NA | 20 ft | NA |

### 5.5.3 General Multi-Family Housing Regulations

#### 5.5.3.1 Timing of First Multi-Family Units

The first Multi-Family tract will not be issued site development approval until at least 500 units of single family detached or attached units have received final inspection within the Property.

#### 5.5.3.2 Living Area

The minimum living area for a multi-family unit shall be 600 SF.

#### 5.5.3.3 Mixture of Housing Types

Each block shall be allowed but not required to contain a mixture of housing types.

#### 5.5.3.4 Maximum Lot Coverage

Maximum lot coverage shall be determined by structures only; and excludes driveways, screened pools, screened lanais, porches, swimming pools, decks, and parking areas.

#### 5.5.3.5 Minimum Lot Widths

Minimum lot widths are measured at the front building setback line. For curved or pie-shaped lots, minimum lot widths will be measured along a chord measured along the right of way line. For rear setbacks lot widths will be measured along a chord measured at the rear property line.

#### 5.5.3.6 Allowed Encroachments

Ancillary uses and structures such as roof overhangs, AC units, screening walls, pool equipment, etc. are not subject to building setbacks.

#### 5.5.3.7 Accessory Structure Setbacks

**5.5.3.8** Accessory Structures such as decks, pools, shade structures, sheds, etc. shall be setback a minimum of five (5) feet from any property line. **Easements Impacting Setbacks**

An easement width will control in the event of a conflict with any setback.

#### 5.5.3.9 Limitation on 3-and 4- Bedroom Units

The maximum number of 3- and 4-bedroom units in the aggregate is 10% of the total number of multi-family units within the Property .

### 5.5.4 Multi-Family Site Design Standards

#### 5.5.4.1 Parking

a) Parking lot layout, landscaping, buffering, and screening shall minimize direct views of parked vehicles from streets and sidewalks.
b) Parking garages are permitted but may not be taller than any multi-family building abutting the garage.
c) A minimum of 20% of parking for multi-family units shall be provided by attached, enclosed garages. Lot coverage shall be calculated separate from the enclosed parking amount.

#### 5.5.4.2 Screening

a) A six-foot (6) masonry wall shall be constructed along common multi-family and single-family property lines, but such wall shall not be required in the front of multi-family buildings along the public right-of-way upon which the multi-family tract fronts.
b) Transformers, HVAC equipment (if located at the ground level), utility meters, and other machinery, as well as garbage collection points, should be located at the rear lane, drive or alley subject to Utility Company standards. If such uses are visible from any adjacent rights-of way or property, they shall be fully screened by a fence (minimum 6-foot wood board-on-board) or a masonry wall (minimum 6 foot high) or suitable plants or other visual barrier of an appropriate height.
c) Trash dumpsters shall have a masonry enclosure screened on three sides with a minimum of 3-gallon evergreen shrubs and doors which shall remain closed except when required to be open for emptying the dumpster.

## 5.6 Cluster Residential

### 5.6.1 Cluster Residential Defined

“Cluster Residential” (built for rent residential) means any attached or detached building or portion thereof, which is designed, built, rented, leased, or let to be occupied as one (1) dwelling unit and which is located on a lot with other similar dwelling units with a net density not to exceed 12 units/acre. Individual buildings may be accessed through private streets and may not front on to a public right-of-way.

### 5.6.2 Cluster Residential Development Standards-General

**5.6.2.1** Cluster Residential is a permitted housing type in Traditional and Multi-Family Districts.

**5.6.2.2** Cluster Residential shall be limited to a total of 650 units in the aggregate in the Traditional and Multi-family Districts.

**5.6.2.3** Cluster Residential units, whether platted on individual lots or platted on one tract in a multi-family or condominium format, shall be included in the number of residential units allowed in the Property.

**5.6.2.4** There shall be no more than 150 Cluster Residential units in a contiguous neighborhood.

**5.6.2.5** Cluster Residential neighborhoods will be located with frontage and direct access to an Arterial, Collector or Minor Collector Street.

**5.6.2.6** The first Cluster Residential neighborhood will not be platted until 1000 residential units of any type in the Kemp Tract PD have been issued a final inspection permit.

**5.6.2.7** Plat boundaries for Cluster Residential neighborhoods shall be spaced a minimum of one-half (1/2) mile apart.

### 5.6.3 Dimensional Standards

**Table 9: Cluster Residential Development Standards**

| | Detached Cluster Residential | Attached Cluster Residential |
|---|---|---|
| **Minimum Front Yard Setback** | 25 feet from back of curb or lot line; 15 feet from back of curb or lot line if porches/stoops are provided | 25 feet from back of curb or lot line; 15 feet from back of curb or lot line if porches/stoops are provided |
| **Minimum Side Yard Setback** | 10 feet from back of curb | 10 feet from back of curb |
| **Minimum Rear Yard Setback** | 10 feet from back of curb<br>3 feet from alley or Mews | 3 feet from alley or Mews |
| **Minimum Distance between Structures** | Side to Side - 10 feet<br>Side to Rear -15 feet<br>Rear to Rear -15 feet | Between attached units – 0 feet<br>Between detached units – 10 feet |
| **Minimum Lot Area** | 15,000 sf | 15,000 sf |
| **Minimum Lot Width** | 100 ft | 100 ft |
| **Minimum Lot Depth** | 150 ft | 150 ft |
| **Minimum Unit Width** | 20 feet | 24 feet |
| **Maximum Height** | 2 stories<br>35 feet | 2 stories<br>35 feet |
| **Maximum Lot Coverage** | 60% | 70% |
| **Minimum Parking in Attached or Detached Garage** | 50% | 50% |

| | | |
|---|---|---|
| **Front Entry vs. Rear Entry** | Front, Rear, Side, or no attached garage | Rear, side |

### 5.6.4 Design Standards

#### 5.6.4.1 Porches/ Stoops

- Porches are required to be 6 feet in depth and meet a 48 square foot minimum floor area.
- Stoops are permitted on units less than 30 feet wide and must be a minimum of 24 square feet in area and be either inset or covered with an architectural feature or awning.

#### 5.6.4.2 Parking Standards

**a) Generally**

1) Surface parking may utilize head-in, angled, or parallel parking from a private drive;

2) Except as otherwise provided herein, surface parking may utilize parallel parking from a public or private right-of-way and may be located off a fire lane;

3) On-street parallel and angled parking may be located along a public right-of-way provided the following conditions are met:

i) On-Street Parking shall not be located on major arterial, major collector, or minor collector thoroughfares identified in EXHIBIT D;

ii) Angled parking must be approved by the Director of Public Works; and,

iii) For angled parking, the angle of the parked car shall not exceed sixty (60) degrees.

**b) Side Entry**

Driveways shall be either 3 feet deep from the edge of the curb/fire lane or a minimum of 20 feet long from the edge of the closest curb/fire lane or sidewalk.

**c) Rear Entry**

Driveways shall be either 3 feet deep from the edge of the curb/fire lane or a minimum of 20 feet long from the edge of the curb/fire lane.

**d) Front Entry**

The face of garage shall be setback 5 feet behind the front of porch, and a minimum of 20 feet from the edge of the closest curb/fire lane or sidewalk.

#### 5.6.4.3 Encroachments

The following portions of a Residential unit may encroach into a required building separation a maximum of 6 feet: eaves, roof extensions, porches, stoops, terraces, steps, lighting fixtures, railing, windowsills, patios, enclosed portion of the unit consistent with standards listed below and other similar building features. Attached Residential units may have private front yards with open fencing that encroach 10 feet into a required ten-foot front setback.

#### 5.6.4.4 Design Details

- Exterior mechanical units shall be located behind the fence within private yards for all Residential units.
- Units that are not adjacent to fire lanes, parking spaces or public ways shall have unobstructed access from a fire lane with a 150-foot hose length.

## 5.7 Mixed-Use District Development Standards

Lots in the Mixed-Use District will primarily provide commercial and retail opportunities for the residents of the community and the greater Waxahachie community. “Mixed-Use” development includes a building or group of buildings that serves a non-residential, residential or mix of uses. Development within the Mixed-Use District shall comply with the following development standards:

| Table 10: Mixed-Use District Development Standards | |
|---|---|
| Minimum lot area | 7,000 SF |
| Minimum lot width | 60 ft |
| Minimum lot depth | 100 ft |
| Minimum front setback from ROW | 10 ft |
| Minimum side setback along ROW | 10 ft |
| Minimum side and rear setback adjacent to single family detached uses | 50 ft |
| Minimum rear setback | 20 ft |
| Maximum height | 65 ft |
| Maximum lot coverage | 80% |

### 5.7.1 General Mixed-Use Regulations

#### 5.7.1.1 Mixed-Use Residential Standards

When a building includes a vertical mix of uses , such as a ground floor retail with residential above, the development standards for multi-family residential uses will be utilized for the building design (lot area, width, depth, setback, etc.)

#### 5.7.1.2 Allowed Encroachments

Ancillary uses and structures such as AC units, screening walls, pool equipment, etc. are not subject to building setbacks.

### 5.7.2 Mixed-Use Design Standards

#### 5.7.2.1 Parking

a) Parking lot layout, landscaping, buffering, and screening shall minimize direct views of parked vehicles from streets and sidewalks.
b) Parking garages are permitted but may not be taller than any building abutting the garage.

#### 5.7.2.2 Screening

a) A six-foot (6) masonry wall shall be constructed along common nonresidential and single-family property lines, but such wall shall not be required in front of nonresidential buildings along the public right-of-way upon which the nonresidential tract fronts.
b) Transformers, HVAC equipment (if located at the ground level), utility meters, and other machinery, as well as garbage collection points, should be located at the rear lane, drive or alley subject to Utility Company standards. If such uses are visible from any adjacent rights-of way or property, they shall be fully screened by a fence (minimum 6-foot wood board-on-board) or a masonry wall (minimum 6 foot. high) or suitable plants or other visual barrier of an appropriate height.

### 5.7.3 Mixed-Use Parking

The predominate parking arrangement for Mixed-Use will be surface parking but other parking configurations are permitted. Where multi-family use is within a vertical Mixed-Use building, a minimum of 50% of parking for multi-family units shall be provided by attached, enclosed garages. Lot coverage shall be calculated separate from the enclosed parking amount.

#### 5.7.3.1 Tuck Under

Garages may be located in the base of a multi-family building with garage access doors oriented toward the interior of the block. This configuration is considered “attached” structured parking.

## 5.8 Public Uses

The PD District will identify the future locations for civic and school sites as follows:

### 5.8.1 Civic Sites

Up to ten (10) acres of land will be identified for civic uses including, but not limited to, fire and/or police stations. The final location will be coordinated with the City at the Site Plan stage when the City identifies a specific need. Terms of conveyance will be provided in a Development Agreement. The site(s) will be determined as part of the submission and review of the Residential Plat(s).

### 5.8.2 School Sites

The Developer shall provide the following school sites within the Property subject to approval by the Waxahachie Independent School District ("WISD"):

- Two (2), sites for elementary schools, at sizes needed for each elementary school as determined by agreement between the Developer and WISD, but no less than 12 acres each, and a third will be provided upon satisfaction that a third elementary school is necessary based on objective student-to-school requirements in effect at the time the third elementary school site is requested by WISD;
- One (1), 25 to 30-acre site for a middle school, with the final area as determined by agreement between the Developer and WISD, but no less than 25 acres.
- Final location will be coordinated with the City at the Site Plan stage when the WISD identifies a specific need.

## 5.9 General Regulations

The following General Regulations shall apply for development within the Property:

### 5.9.1 Existing Housing Types

**5.9.2** Housing types permitted under the Waxahachie Code of Ordinances, as amended, which are not expressly identified herein, are permitted within the PD; provided, however, Prefabricated Modular Homes are not permitted within the Development except for use as construction offices as outlined in sec. 5.9.4. **New Housing Types**

New housing types not currently permitted under the PD may be permitted by minor amendment upon approval of the City Manager, or City Staff designee. Approval of such new housing types shall include specific Dimensional Standards for such new housing type.

### 5.9.3 Utility Easements

With approval from franchise utility providers utility easements may be reduced to 10 feet in width adjacent to the ROW in front and side yards.

### 5.9.4 Temporary Offices in Residential Zoning Districts

**5.9.4.1** Real estate sales offices are permitted during the development of residential subdivisions in which the office is located until ninety-five (95) percent of the building permits of the platted lots in the subdivision are issued.

**5.9.4.2** Temporary field or construction office for uses incidental to construction work on the premises of an individual plat or Site Development Plan construction site are permitted ("Temporary Field Offices"). Temporary Field Offices shall be removed no later than one year after the completion or abandonment of construction work for which they were installed or by order of the City Manager or designated representative. Specific time allowed and location for Temporary Field Offices shall be specified by the City Manager or designated representative. Temporary Field Offices are not required to be placed on platted lots.

**5.9.4.3** Temporary construction office site facilities for uses incidental to construction work on the overall community by the master developer, PD Applicant or Assignee and their direct subcontractors are permitted ("Temporary Construction Office Compound"). The location of a Temporary Construction Office Compound shall be identified with plat submittal. A Temporary Construction Office Compound shall be removed no later than one year after the final inspection of the final residential home or building in a Site Development Plan on the Property. There may be multiple temporary structures in the Temporary Construction Office Compound. Site development and related buffering for a Temporary Construction Office Compound shall be subject to Site Plan approval and normal building inspection requirements. The property on which a Temporary Construction Office Compound is located shall be platted by way of a minor or administrative plat in which the Applicant for such plat is responsible only for infrastructure and utilities to serve the Temporary Construction Office Compound. Provision for water and wastewater may be satisfied with well and septic or holding tank systems which shall be subject to applicable regulations and approval by the City Manager or their designee. A lot used for a Temporary Construction Office Compound shall be cleared of materials and debris used for the Temporary Construction Office Compound use, graded, and seeded no later than 60 days after such removal. Landscaping that may have been installed may remain in place until the site is developed with its final use, at which time new landscaping will be installed in accordance with applicable codes.

**5.9.4.4** Temporary parking lots for Temporary Field Offices, Temporary Construction Office Compounds, and real estate sales offices are permitted during the

development of residential subdivisions with the approval of an Administrative Site Plan submitted to the Planning Department. They can remain in place until one hundred (100%) percent of the platted lots in the residential subdivision have obtained Certificates of Occupancy.

# CHAPTER 6: OPEN SPACE, PARKS, TRAILS & AMENITIES

## 6.1 Open Space, Parks, Trails, and Amenities

As a master planned community, the Kemp Tract will have an extensive and programmed system of open space and amenities throughout. These amenities combine to create an overall sense of place that would be difficult to achieve when considered as independent elements within smaller developments. The Amenity Centers will serve the residents of the planned community as central gathering and recreational facilities and contain a mix of passive and active amenities. Other smaller parks will be developed throughout the project with various forms of passive amenities. These parks will be developed as the adjacent residential tracts are developed and tracked using an exhibit, a template of which is included as **EXHIBIT J – DEVELOPMENT TRACKING**. The trails system, as shown on **EXHIBIT F - OPEN SPACE AND TRAIL PLAN**, will use a combination of Multi-Use Paths in the Street ROW, Utility Easement trails, neighborhood connecting trails in the open spaces and the extensive network of sidewalks throughout neighborhoods to serve the residents of the project and provide multiple pedestrian connections. The trail system will provide easy and safe pedestrian access to the Amenity Centers and various parks, and other community uses and provide for golf cart usage.

### 6.1.1 Definitions

For purposes of this PD, the following terms shall have the following meanings (“Amenity Elements”):

#### 6.1.1.1 Art in the Landscape:

Sculptural elements built from materials that are resilient to an outdoor environment and shall not exceed 15 feet in height.

#### 6.1.1.2 Amenity Center Building

A community facility that may include the following elements:

- **Fitness and Wellness Areas**
  Rooms designed to serve a variety of fitness or wellness classes or activities a minimum of 400 square feet.
- **Pro Shops**
  Store that provides a variety of sports-related retail items often coordinated with the adjacent sport and wellness facilities.

- **Restaurant Facilities:**
  A facility that may include a kitchen or bar and/or dining space to serve a variety of dining/hospitality formats such as snack bars, grills, restaurants, bars, and lounges associated with clubhouses.
- **Dog Grooming**
  An area to provide dog grooming service to residents' dogs.
- **Hobby Space**
  Multiuse space to serve a variety of hobbies within a space that is a minimum of 200 square feet.
- **Personal Services**
  An area that provides personal services to residents such as a barber shop, beauty shop and nail salon services.
- **Community Recreation Facilities**
  An area that provides indoor recreation, meeting assembly space, and banquet rooms.

#### 6.1.1.3 Amenity Center Community Offices / Administration Buildings

An office area to serve administration of the community and/or shared office space for use as an amenity. Amenity community offices are typically located in the Town Center area but could be a freestanding building.

#### 6.1.1.4 Bike Rack

A structure for temporary storage of bikes that provides an area for a minimum of 2 bikes.

#### 6.1.1.5 Community Garden

A garden for the growing of fruits, vegetables, and/or flowers with planned maintenance by community members and/or the HOA. Minimum of 2,500 square feet of planting area.

#### 6.1.1.6 Dog Park

A fenced area with designated areas for both small dogs and large dogs. Dog parks will include a pet waste station and dog watering fountain. Dog Parks may include dog agility equipment, shade structures, sitting areas and a dog wash area.

#### 6.1.1.7 Drinking Fountain

A commercially manufactured drinking fountain designed for outdoor use. If used in or near a dog park a combination pet drinking fountain should be used.

#### 6.1.1.8 Educational/ Historical Display

A plaque or signage that provides educational value on history, physical features, local flora, or fauna, etc.

#### 6.1.1.9 Fitness station

Commercially manufactured fitness station that serves a specific activity or exercise. Often best suited as part of a larger system or circuit of fitness stations.

#### 6.1.1.10 Indoor and Outdoor Swimming Pools and Pool Bath Houses

Pool area and restrooms/shower facilities and lockers to serve the pool users.

#### 6.1.1.11 Lawn Game Area

Site-built game area to accommodate at least one regulation sized sport such as bocce, croquet, shuffleboard, volleyball, putting green, or similar type activity.

#### 6.1.1.12 Multi-Purpose Trail

A hard surface trail that meets ADA requirements and serves a variety of users including pedestrians, cyclists, and golf carts.

#### 6.1.1.13 Multi–Use Fields

An irrigated field that serves as an open area that may serve a variety of uses without the constraint of any built-in structures or sports equipment.

#### 6.1.1.14 Nature Trail

A hard or soft surface trail that is not required to meet ADA requirements and may be used in floodplain areas.

#### 6.1.1.15 Outdoor Entertainment Venue

A stage and/or amphitheater space that includes electricity and lighting to facilitate musical performances. Designed and built to accommodate an audience of a minimum of 100 people.

#### 6.1.1.16 Outdoor Living Area

A site-designed gathering space designed for specific use such as a fire pit, fireplace, barbeque grill or similar activity.

**6.1.1.17 Pavilion/ shade structure**

A fixed structure built of materials resilient to outdoor use that is a minimum of 100 square feet in covered area.

**6.1.1.18 Pet waste station**

A commercially manufactured feature that provides bags and refuse baskets for the disposal of pet waste.

**6.1.1.19 Picnic area**

A permanent table with fixed or movable benches or chairs that accommodate a minimum of 6 people. The picnic table and seating will be constructed of materials resilient to outdoor use.

**6.1.1.20 Play Equipment**

Play equipment will consist of commercially manufactured playground equipment that is constructed of materials resilient to outdoor use. The equipment will be targeted towards toddler-age children or young school-age. Where play equipment is targeted toward a particular age range the next closest park with play equipment should accommodate another age range of children.

**6.1.1.21 Restrooms**

Site built structure with restrooms or a modular manufactured restroom building.

**6.1.1.22 School Bus Pick-up Area**

This area shall consist of seating for a minimum of 10 children shaded by a permanent fixed structure, a minimum of 25 square feet in covered area.

**6.1.1.23 Seating**

Seating will consist of fixed or movable individual chairs or benches constructed of materials resilient to outdoor use. Pocket Parks will contain a minimum total seating area for four people. Neighborhood parks will contain minimum seating for 10 people. Design and quantity of seating for parks larger than the . 5-acre minimum size of Neighborhood Parks will be based on the size and type of park as designed and specified by the Licensed Landscape Architect signing and sealing the park design plans.

**6.1.1.24 Shade Pavilions and Gazebos**

A fixed structure over a solid surface floor built of materials resilient to outdoor use that is a minimum of 200 square feet in covered area.

**6.1.1.25 Splash Pad**

Site built facility that emits water from the ground or overhead features that are designed for child water play, a minimum of 400 square feet in area. Includes water sanitation equipment.

**6.1.1.26 Sports Court**

Regulation size court to serve sports such as basketball, tennis or pickle ball that includes a solid surface slab with markings and required fencing and fixed equipment to serve the designed for sports.

**6.1.1.27 Sports or multi-purpose field**

Field meeting the size requirements for youth or full regulation size sports. Including fences, backstops, or nets to accommodate the designed sport or sports.

**6.1.1.28 Trail lighting**

Bollard or overhead lights that are spaced to provide lighting and key locations and shielded to focus light where it is needed and avoid spillover light pollution.

**6.1.1.29 Trailhead & Wayfinding signage**

Signage that indicates a trailhead and provides a map or graphics that indicates how the trail section is part of a larger trail network.

**6.1.1.30 Trash / Recycling Receptacle**

A commercially manufactured feature that provides basket for the disposal of waste.

**6.1.1.31 Other Elements with Staff Approval**

Other elements similar to subsections 6.1.1.1 to 6.1.1.30 that are approved by the Director of Planning.

**6.1.2 Open Space, Parks and Trails Locations and Construction**

**6.1.2.1** Refer to **EXHIBIT F - OPEN SPACE AND TRAILS PLAN** for the general locations of Open Space, Parks, and Trail connections. The park locations are flexible so long as each park complies with the distance requirements in this Chapter.

**6.1.2.2** Developer shall construct all Open Space, Park Space, Trails, and Amenities required under this PD.

### 6.1.3 Open Space / Parks Requirement Tracking

**6.1.3.1** Each residential plat that contains a minimum of 100 lots will provide 10% of the area within such plat as Open Space meeting the criteria in Section 6.2.1. Where the size or unique design of a plat does not provide for 10% this requirement may be waived if the total open space already platted exceeds previous open space minimums in accordance with 6.2.2.4 below. The first plat that includes any lots must include the required Open Space for that plat.

**6.1.3.2** The project wide Open Space/Park requirement will be tracked and summarized at each Residential Plat and/or detailed Site Plan submittal with the submittal of a summary chart for Open Space a template of which is included as **EXHIBIT J – DEVELOPMENT TRACKING**.

**6.1.3.3** The summary chart shall show Open Space/Park requirements for any previous submittals and the Open Space/Park requirement for the current submittal.

**6.1.3.4** Any Open Space/Park area larger than what is required for Residential Plat and/or Site Plan submittal will be carried over to future Residential Plat and/or Site Plans.

**6.1.3.5** Open Space/Park land must be indicated as such on a Plat or deed restricted as Open Space/Park. The entity to which the tracts are dedicated will be identified on the plat or within the deed restrictions.

### 6.1.4 Parks and Open Space Structures Criteria

Any structures (exclusive of signage monumentation and Amenity buildings) placed within a Park or Open Space area, the following development standards shall apply:

**6.1.4.1** Maximum height: 2 stories or 35 feet

**6.1.4.2** Maximum lot coverage by structures, driveways, and parking: 20%

**6.1.4.3** Maximum lot coverage by structures: 10%

**6.1.4.4** Minimum distance between structures: 10 feet

**6.1.4.5** Minimum setback 10 feet

### 6.1.5 Park Land Dedication Requirement

The provision of Parks and Open Space as defined as described in this PD District shall satisfy all City requirements for Public Park Land Dedication.

**6.1.5.1** The Parks and Amenity Centers, including linear parks, defined herein will count towards the total park land dedication requirement, regardless of if the areas are maintained by a homeowner's association, property owners' association, special district or city owned and maintained.

**6.1.5.2** The Amenity Center and acreage within parks shall be counted towards the Open Space requirements (any commercial or retail spaces shall be excluded from park space calculations).

**6.1.5.3** Any parks to be dedicated to the City will be agreed upon in a Development Agreement or by mutually agreed upon future amendment to that agreement.

## 6.2 Open Space

### 6.2.1 Open Space Described

**6.2.1.1** A minimum of 400 acres of the project area shall be committed as Open Spaces that are comprised of varying size areas. Open spaces may be passive areas such as floodplain, utility easements, landscape buffers or visual setbacks but can also be active spaces such as Community Amenity Centers, Neighborhood Parks, or Public Parks.

**6.2.1.2** Areas that meet the criteria outlined below shall qualify as Open Space.

**6.2.1.2.1** An area of open space shall have no dimension of less than ten (10) feet in width and 0.2 acres minimum area.

**6.2.1.2.2** Multipurpose trails and the immediately adjacent green spaces having a minimum width of ten (10') feet.

**6.2.1.2.3** Areas of retained natural vegetation, active and passive parks as defined herein, and wet or dry detention water management areas.

**6.2.1.2.4** Any landscape buffer or linear open space so long as it incorporates an amenity element every 300 linear feet.

**6.2.1.2.5** Areas of amenity centers that comply with open space criteria found in Sec 5.05 of the Waxahachie Zoning Ordinance.

**6.2.1.2.6** Areas of Site Plans for Multi-Family tracts and MU land uses, including any MF developed in the MU, that complies with the criteria found in Sec 5.05 of the Waxahachie zoning ordinance.

**6.2.1.2.7** Open space provided on school or other civic sites that comply with Sec 5.05 of the Waxahachie Zoning Ordinance.

**6.2.1.2.8** Any Open Space included in land dedicated to the City as Park shall qualify as required Open Space and may be used to satisfy the Open Space requirements.

### 6.2.2 Thoroughfare Landscape Buffers and Subdivision Open Space

Open space areas along rights-of-way and within pockets in a subdivision shall count towards open space so long as the open space area along a right-of-way incorporates an amenity element every 300 linear feet and the open space area within a subdivision contains at least one amenity for every 15,000 square feet of area. Restricted development areas shall be designated as landscape / open space on a plat. This acreage shall apply to the total open space acreage requirements within the PD project.

#### 6.2.2.1 Thoroughfare Landscape Buffer Design

Thoroughfares will provide a continuity of design from points of community entry throughout the entirety of the Kemp Tract. These thoroughfares and the adjacent landscape buffers are detailed in Chapter 7: Landscaping & Buffers.

#### 6.2.2.2 Maintenance

Thoroughfare landscape buffers will be developed at the time the adjacent development occurs. An HOA, POA, Special District, or Municipal Financing District will be established to maintain all thoroughfare landscape buffers.

## 6.3 Parks

### 6.3.1 Park Maintenance

All Pocket Parks, Linear Parks, Neighborhood Parks, and Specialty Parks shall be maintained by a HOA, POA, or Special District.

### 6.3.2 Park Design Criteria

Parks are to be integrated within the larger open space system as well as the neighborhoods that they serve. Each park should have a variety of amenities and should not be the exact same amenities provided within other neighborhood parks within a 1 -mile radius. Where park design criteria provides for a menu of Required Elements or Additional Elements, the unique elements shall not be repeated such that one type of element composes more than 25% of the overall required elements. Refer to definitions in Sec. 6.1.1. for definition of required elements.

#### 6.3.2.1 Pocket Park Design Criteria

A Pocket Park is typically a passive park embedded in a neighborhood. A Pocket Park shall be a minimum of .25 ac. and include the indicated required elements and a minimum of one additional element for every 0.5 acres.

**Required Elements:**

- Landscaping with Irrigation
- Seating (individual seats and/ or benches)
- Pet waste station

**Additional Elements:**

- Play equipment
- Picnic area
- Pavilion/ shade structure
- Sports court
- Bike Rack
- Drinking Fountain
- Trash receptacle
- Art in the landscape
- Outdoor living area such as a fire pit, fireplace or barbeque
- Fitness station
- Dog park
- Educational/ Historical Display
- School bus pick up areas with covered seating areas
- Other Amenities with Staff approval

#### 6.3.2.2 Linear Park Design Criteria

A Linear Park is typically either a Natural Area Linear Park or a Trail Linear Park. A Natural Area Linear Park typically follows a floodplain or flow way and shall be a minimum 25’ width above the 25-year floodplain and will have 6’ wide pathways of natural materials such as gravel or mulch. A Trail Linear Park shall be a minimum of 20’ wide and may overlay a utility easement, parallel to a street ROW, or greenspace edges in stormwater facilities, floodplains and greenspaces throughout the community and contain a 10’ minimum gravel path. Linear Parks within development tracts and along arterials and collectors will be a minimum of 20’ wide minimum by 500’ length. Multi-modal pathways serve as linear parks and shall be measured as linear park areas. They may include up to 10’ of the landscape and trail portion of a ROW.

A Linear Park shall include a minimum of one item from the following list and one additional item for every one acre:

**Required Elements:**

- Multi-purpose / nature trails
- Seating (individual seats and/ or benches) (seating provided at trailheads and every 500 feet of trail)
- Trailhead & wayfinding signage
- Pet waste station
- Landscaping that includes drought tolerant landscaping and irrigation as needed for such

**Additional Elements:**

- Trail lighting
- Play equipment
- Picnic area
- Pavilion/ shade structure
- Sports court
- Bike Rack
- Drinking Fountain
- Trash receptacle
- Art in the landscape
- Fitness station
- Dog park
- Educational/ Historical Display
- School bus pick up areas with covered seating areas
- Restrooms
- Other Amenities with Staff approval

#### 6.3.2.3 Neighborhood Park Design Criteria

A Neighborhood Park shall be a minimum of .5 ac. and include a minimum of one item from the following list and one additional item for every 0.5 acres:

**Required Elements:**

- Landscaping with Irrigation
- Seating (individual seats and/ or benches)

**Additional Elements:**

- Play equipment
- Picnic area
- Pavilion/ shade structure
- Sports court
- Bike Rack
- Drinking Fountain
- Pet waste station
- Trash receptacle
- Art in the landscape
- Outdoor living area such as a fire pit, fireplace, or barbeque

- Fitness station
- Dog park
- Educational/ Historical Display
- School bus pick up areas with covered seating areas
- Restrooms
- Splash Pad
- Sports or multi-purpose field
- Community garden (vegetable and/or flower)
- Other Amenities with Staff approval

**6.3.2.4 Waxahachie Regional Trail Park Design Criteria**

The Waxahachie Regional Trail Park is to be designated as a regional park and is to be dedicated in segments to the City of Waxahachie. **EXHIBIT F - OPEN SPACE AND TRAILS PLAN** generally describes these areas. These areas will be defined in exhibits and legal descriptions based upon terms to be included in a Development Agreement so that the areas can be dedicated to the City in phases and be maintained by the City.

The segment of the main Waxahachie Regional Trail along Waxahachie Creek shall be dedicated to the City after completion of the Waxahachie Trail within that segment. The construction schedule to be detailed in a Development Agreement will stipulate that this segment shall be completed when the segment being built by the city is completed and open to the public where it connects to the Kemp Tract.

The segments of the Waxahachie Regional Trail Park that extend from the main Waxahachie Regional Trail into the Property shall be dedicated to the City upon completion of the trails and related amenities in those park phases. Construction of the trails will begin when both the local government construction approvals are issued and when the plat is approved for the single-family residential development adjacent to each respective segment. These trails will be constructed by the Developer and generally comply with **EXHIBIT F - OPEN SPACE AND TRAILS PLAN** and shall include amenities in accordance with PD language 6.3.2.2 describing requirements for Linear Parks.

**6.3.2.4.1** The Waxahachie Regional Trail Park will count toward park area calculations including dedication requirements, if any. Clearing of trees shall be limited to removal of trees only as needed to construct the trail and facilities and shall be undertaken to avoid, to the extent possible, removal of specimen quality native trees 8” or greater.

**6.3.2.4.2** For Floodplain areas not included in the Waxahachie Regional Trail Park described above, Floodplain areas and adjacent undevelopable areas above the elevation of the 25-year flood plain extending up to the rear of adjacent platted lots, Mixed Use tracts or ROW will count as park land and open space. These Floodplain areas shall include the installation of one of the following elements every 750 linear feet of paved trail subject to compliance with Floodplain regulations:

- Pet watering Station
- Drinking Fountain
- Picnic Area
- Play Equipment
- Seating
- Trash/ Recycling Receptacle
- Other elements with Staff Approval.

**6.3.2.5 Specialty Park Design Criteria**

**6.3.2.5.1** A Specialty Park is a park that provides a specific recreation use or range of uses such as a multi-field sports facility for a larger multi-neighborhood area and is located adjacent to a school site and/or a residential subdivision.

**6.3.2.5.2** A Specialty Park shall be a minimum of 5 acres. A minimum of 15 acres of specialty park will be provided in the overall community.

**6.3.2.5.3** Elements within the Specialty Park will be designed to serve the designated specific use, for example, a multi-field sports facility shall be identified during the site plan review for the adjacent school or plat review for the adjacent residential subdivision.

**6.3.2.5.4** Construction of a Specialty Park shall commence with the earlier of:

(i) commencement of construction on the adjacent school, or
(ii) commencement of construction on the first residential unit in the adjacent subdivision.

Construction of the Specialty Park shall be completed the latter of:

(x) the issuance of a certificate of occupancy for the adjacent school, or
(y) completion of the last unit in the adjacent residential subdivision.

**6.3.3 Traditional Residential Parks**

**6.3.3.1** All homesites will be within 0.5 miles of a park space. At a minimum homesites will be no further 0.5 miles of one of the types of parks described in this section

**6.3.3.2** Parks will include paved or natural paths connecting with neighborhood sidewalks and, where proximity allows, they will connect to natural areas along flow ways and floodplains. Except for natural pathways along natural areas, all park features will comply with ADA requirements.

**6.3.3.3 Traditional Residential Park Phasing**

**6.3.3.3.1** Two acres of park must be completed prior to final inspection of the first residential dwelling unit in the Traditional Residential District and continued in accordance with Table 12. For purposes of this condition, Model Homes will not count as the first residential dwelling unit.

**6.3.3.3.2** Park areas will be designated on plats as landscape reserve tracts and dedicated to the HOA or MMD.

**6.3.3.3.3** Total acreage of parks will be updated and tracked with each recorded plat.

**6.3.3.3.4** Overages above the 2 acres/100 units may count towards requirements for future plats as long as required parks that comply with all other applicable park requirements herein are provided for all neighborhoods.

**6.3.4 Active Adult Parks**

**6.3.4.1** At a minimum homesites will be no further than 0.5 miles from a Pocket Park, Linear Park, Neighborhood Park, Special Purpose Park, Secondary Amenity Center, or a Primary Amenity Center.

**6.3.4.2** Parks will include paved or natural paths connecting with neighborhood sidewalks and, where proximity allows, they will connect to natural areas along flow ways and floodplains.

**6.3.4.3** Except for unpaved pathways along natural areas, all park features will comply with ADA requirements.

**6.3.4.4** Active Adult Neighborhood Park Phasing

**6.3.4.4.1** Two acres of parks must be completed prior to final inspection of the first residential dwelling unit and continued in accordance with Table 13. For purposes of this condition, Model Homes will not count as the first residential dwelling unit or be counted towards

closed homes for calculating required park acreage in the Active Adult land use area.

**6.3.4.4.2** Park areas will be designated on plats as landscape reserve tracts and dedicated to the HOA or MMD.

**6.3.4.4.3** Total acreage of parks will be updated and tracked with each recorded plat.

**6.3.4.4.4** Overages above the 2 acres/100 units may count towards requirements for future plats as long as required parks that comply with all other applicable requirements herein are provided for all neighborhoods.

## 6.4 Trails

The Trail system will include interconnected trails including trails/sidewalks along roads, off-road concrete trails and natural trails as generally depicted in **EXHIBIT F - OPEN SPACE AND TRAILS PLAN**. Additionally, trailhead locations at key locations such as parks, amenity sites, and at schools, to include trail maps and site furnishings (trash, seating) shall be provided. The trails delineated in **EXHIBIT F - OPEN SPACE AND TRAILS PLAN** shall be developed when the adjacent land is developed. Trails around detention ponds and along throughfares count toward open space and park requirements.

### 6.4.1 Regional Trail Connection

**6.4.1.1** The Kemp Tract trail system will connect to the Waxahachie Regional Trail located at the northeastern property boundary of the Kemp Tract PD.

**6.4.1.2** The Kemp Tract system shall provide a public sidewalk easement in the approximate location as generally shown on the Preliminary Design Schematic of the Waxahachie Regional Trail TXDOT project issued April 2025.

**6.4.1.3** The Developer shall construct the Waxahachie Regional Trail located on the Kemp Tract PD. Provision of the land for the Waxahachie Regional Trail shall count towards open space and park dedication requirements.

### 6.4.2 Golf Cart Pathways

Golf carts will be an integral part of the multi-modal circulation system. Golf carts will be allowed on streets in compliance with Texas State Law and city ordinance. The PD project shall be considered a master-planned community within the meaning set forth in Section 551.403(c)(1) of the Texas Transportation Code. The project shall contain a system of golf cart pathways including the “multi-purpose” path that accommodates golf carts to provide connectivity between local roads and the residential and

recreational areas. This pathway system, as indicated in **EXHIBIT F - OPEN SPACE AND TRAILS PLAN** and the proposed street cross sections, will promote accessibility via golf cart within the development without the need to use an automobile. The golf cart pathways shall comply with state and local statutes and regulations.

### 6.4.3 Trail Materials

Trails outside of the Right-of-Way may consist of natural materials such as mulch or crushed stone.

## 6.5 Amenity Centers

### 6.5.1 General:

**6.5.1.1** In order to promote a sense of community and to fulfill the recreation needs for all ages, recreational amenities will be provided. These features will be set within an open space and multi-modal pathway network intended to create and support interaction among the families, neighbors, and neighborhoods within the Kemp Tract.

**6.5.1.2** A minimum of two (2) separate Amenity Centers, at least 20 acres in size, shall be provided cumulatively in the Traditional Residential and Active Adult Residential Districts.

**6.5.1.3** At minimum, 40 acres of Primary amenity centers will be provided.

**6.5.1.4** All amenity centers will be maintained by a homeowner's association or property owners' association. The Amenity Centers may satisfy the park 0.5-mile radius requirement.

**6.5.1.5** All Amenity areas and Amenity Elements shall count towards open space and park requirements.

### 6.5.2 Amenity Center Development Standards

**6.5.2.1** The Amenity Center standards apply to an amenity center in the Traditional Residential and Active Adult Districts as depicted on **EXHIBIT B – CONCEPT PLAN.**

**6.5.2.2** Land uses may consist of indoor and outdoor, lighted, and unlighted, recreation facilities, food and beverage establishments, and services that include active and passive sports and entertainment (including outdoor concert facilities (i.e., the Bandshell) and ancillary facilities including on-site alcohol consumption.

**6.5.2.3** The amenity facilities will primarily be provided in one Primary Amenity center in each of the TR and AA communities.

#### 6.5.2.4 Amenity Center Facilities and Uses

Each primary Amenity Center will include at least five (5) of the following facilities and uses (duplicates of the following facilities designated with an asterisk located within a Primary Amenity Center will not count as multiple facilities):

- Community Offices / Administration Buildings
- Indoor and Outdoor Swimming Pools and Pool Bath Houses
- Fitness and wellness Areas
- Shade Pavilions and Gazebos*
- Sports courts such as basketball, Tennis Courts and Pickle Ball Courts*
- Lawn Games such as bocce, croquet, volleyball, putting green, etc.*
- Multi–use fields*
- Playgrounds*
- Pro shops
- Restaurant facilities: such as snack bars, grills, restaurants, bars, and lounges associated with clubhouses
- Dog Grooming*
- Hobby Space*
- Personal services: such as barber and beauty shops and nail salons
- Community recreation facilities such as indoor recreation, meeting, assembly, and banquet rooms
- Outdoor entertainment venues such as an amphitheater

| TABLE 11: Amenity Center Development Standards | |
|---|---|
| Minimum lot area | 7,000 SF |
| Minimum lot width | 60 ft |
| Minimum lot depth | 100 ft |
| Minimum front setback from ROW | 25 ft |
| Minimum side setback along ROW | 25 ft |
| Minimum side and rear setback adjacent to single family detached uses | 50 feet |
| Minimum rear setback | 20 ft |
| Maximum height | 65 ft |
| Maximum lot coverage | 60% |

### 6.5.3 Traditional Residential Amenities

**6.5.3.1** The Traditional Residential Amenities will include a 20-acre Amenity Campus consisting of buildings for a community center and multipurpose rooms with a minimum of 15,000 square feet of covered area of which 5,000 square feet will be air-conditioned space. The Amenity Campus will also include a minimum of 7,500 total square feet of pool area, 8 pickle ball courts, 1 basketball court, and 2 tennis courts.

**6.5.3.2** Phasing for construction of the Traditional Residential Amenities shall conform to Table 12:

**TABLE 12: TRADITIONAL RESIDENTIAL AMENITY AND PARK PHASING**

| Facility | Trigger for Start of Construction | Estimated Date Available for Use |
|---|---|---|
| **Residential Phase - Development Parks and Open Space**<br>• Two (2) acres for the first residential lot developed<br>• Prior to final inspection for the 1,000th lot, the greater of the park requirement in Section 6.1.3 or a total of 20 acres of park and open space (inclusive of the initial 2 acres) shall be provided within the Property;<br>• Prior to the final inspection for each successive 1,000th lot, an additional 20 acres of open space and park shall be provided within the Property. | Begins with site development of each development phase | Completion prior to final inspection of the first owner occupied residential unit in initial phases. Upon completion of the first Phase of the primary amenity, park completion will not be required until 50% of the owner-occupied residential units in a phase are complete. |
| **Primary Amenity:**<br>**Phase 1 - uses from menu in 6.5.2.4**<br>• Program elements and minimum sizes provided as per menu in 6.3.1. and EXHIBIT F.<br>• Multi-purpose Building<br>• Tennis Court<br>• Pickle Ball Courts - Four<br>• Resort Style Pool<br>• Basketball Court | Commencement of construction on the first 10,000 SF no later than final inspection the 750th home. * | 24 months after start of construction |
| **Primary Amenity:**<br>**Phase 2 - uses from menu in 6.5.2.4**<br>• Multi-purpose Building<br>• Fitness Pool<br>• Four Additional Pickle Ball Courts | Commencement of construction on the additional 5,000 SF no later than final inspection of the 2,000th home. | 18 months from start of construction |
| **Specialty Park:**<br>• Sports Park or other similar community gathering park, on five (5) or more acres. | With the construction of the adjacent school site or subdivision. | Completed by opening of the adjacent school site. |

*For purposes of this planned development, “commencement of construction” means that an application for a building permit has been submitted to the City. Notice of commencement of construction shall be issued no more than 45 days from issuance of the building permit.

**6.5.3.3 Constructing the Facilities**

The developer is responsible for the construction of recreational facilities and/or amenities. Buyers are not responsible for any direct costs, beyond the purchase price under the purchase agreement, related to the construction of the facilities.

**6.5.3.4 Maintenance of the Facilities**

Upon completion of each phase of the Amenity Campus, the Homeowners Association will be responsible for maintaining the facilities.

**6.5.3.5 Transfer of the Facilities**

The facilities are to be conveyed by the developer to the Homeowners Association. All of the facilities conveyed to the Homeowners Association will be conveyed by Special Warranty Deed, free and clear of all monetary liens.

**6.5.3.6 Who May Use the Facilities**

The above-described facilities are available for the use and enjoyment of each member of the homeowner's association and their guests. Use of the common area shall be subject to a Declaration applicable to the common area and any rules and regulations that may be adopted by the Homeowners Association.

### 6.5.4 Active Adult Amenities

**6.5.4.1** The recreational facilities in the Active Adult Amenity Center shall include an Amenity Campus consisting of buildings for a fitness center, food and beverage facilities and multipurpose rooms with a minimum of 22,500 square feet of indoor area. The Amenity Campus will also include a minimum of 7,500 total square feet of pool area, 8 pickle ball courts, and 2 tennis courts.

**6.5.4.2** Phasing for construction of the Active Adult Amenities shall conform to **Table 13: Active Adult Amenity And Park Phasing**:

**TABLE 13: ACTIVE ADULT AMENITY AND PARK PHASING**

| Facility | Trigger for Start of Construction | Estimated Date Available for Use |
|---|---|---|
| **Residential Phase - Development Parks and Open Space**<br>• Two (2) acres per 300 lots for Neighborhood Park | Begins with site development of each development phase. | Completion prior to final inspection of the first single family residential unit in initial phases. Upon completion of the first Phase of the primary amenity, park completion will not be required until 50% of the single-family residential units in a phase are complete. |
| **Primary Amenity:** | | 24 months after the start of construction. |

| | | |
|---|---|---|
| **Phase 1 - uses from menu in 6.5.2.4**<br>• Program elements and minimum sizes provided as per menu in 6.5.4.1 and EXHIBIT F.<br>• Food & Beverage Facility<br>• Fitness Center<br>• Tennis Courts<br>• Pickle Ball Courts<br>• Resort Style Pool | Commencement of construction on the first 12,500 SF no later than final inspection the 500th home. * | |
| **Primary Amenity:**<br>**Phase 2 - uses from menu in 6.5.2.4**<br>• Multi-purpose Building<br>• Fitness Pool<br>• Four Additional Pickle Ball Courts | Commencement of construction on the additional 10,000 SF no later than final inspection of the 1,500th home. | 18 months from the start of construction. |
| | | |

*For purposes of this planned development, "commencement of construction" means that an application for a building permit has been submitted to the City. Notice of commencement of construction shall be issued no more than 45 days from issuance of the building permit.

#### 6.5.4.3 Constructing the Facilities

The Developer is responsible for the construction of recreational facilities and/or amenities.

#### 6.5.4.4 Maintenance of the Facilities

Upon completion of each phase of the Amenity Campus, the Homeowners Association will be responsible for maintaining the facilities.

#### 6.5.4.5 Transfer of the Facilities

The facilities are to be conveyed by the developer to the Homeowners Association. All of the facilities conveyed to the Homeowners Association will be conveyed by Special Warranty Deed, free and clear of all monetary liens.

#### 6.5.4.6 Who May Use the Facilities

The above-described facilities are available for the use and enjoyment of each member of the homeowner's association and their guests. Use of the common area shall be subject to the Declaration applicable to the common area and any rules and regulations that may be adopted by the Homeowners.

### 6.5.5 Multi-Family Amenity Centers

Each multi-family amenity center must include at least 1 of the following program elements for each 150 units or fraction thereof:

a) Outdoor living area such as a fire pit, fireplace or barbeque/cooking area with seating.

b) Sport courts (bocce, pickle ball, tennis, basketball, etc.)

c) Cabana or other shade/picnic pavilion

d) Community pool or spray park

e) Play or practice sports fields (If intended for play fields, soccer fields will include goals, baseball fields will include a backstop)

f) Playground or tot lot with three (3) or more of the following elements:

- Activity Panels
- Balancing
- Climbing
- Fitness
- Overhead / Hanging
- Sensory
- Slides
- Swings
- Zip Line

## CHAPTER 7: LANDSCAPING & BUFFERS

The landscape design within the Kemp Tract open spaces and development tracts will follow the City of Waxahachie ordinance Section 5.04 with the following exceptions.

### 7.1 Landscape Design for Water Conservation

Landscaping shall include annual or perennial landscaping with plant material that is native or adapted to the North Texas area. Landscaped planting beds and individual trees shall be irrigated. Turf areas in high visibility areas will be irrigated to the extent necessary for healthy growth. Limits of irrigated area shall be reviewed during Plat or Site Plan approval as mutually agreed upon by developer's licensed Landscape Architect and city staff. To encourage water conservation, drip irrigation or irrigation close to the ground is required. Water from a nonportable source is encouraged.

### 7.2 Screening/Buffer Yards

The City of Waxahachie Zoning Ordinance Section 5.03(e) and Section 5.04(g), except for Subsections 5.04(g)(iii), (iv) and (v) which shall remain in full force and effect, and the City of

Waxahachie Subdivision Ordinance Section 5.7(a)(1) are revised to include the following alternatives in lieu of the buffer requirements identified in the City of Waxahachie zoning ordinance. Refer to **EXHIBIT G - SCREENING PLAN**. Landscape buffers required along streets that are outside of the ROW and the limits of the roadway construction shall be installed with the development of the adjacent property. Landscaping and screening required and shown on the construction plan set within a segment of street right-of -way, shall be installed prior to the acceptance of the public infrastructure within such segment of street right-of-way. Final acceptance of the landscaping for a roadway or subdivision may occur after final acceptance of the related infrastructure project but in no case shall the acceptance process extend beyond six (6) months after acceptance of the infrastructure. With approval of the city manager (or designee) landscape materials may be installed after the infrastructure is accepted but in no case installation and acceptance will be complete no later than six months following acceptance of the infrastructure.

### 7.2.1 Screening/ Buffer Yard Requirements are applicable as noted below:

#### 7.2.1.1 Primary Screening Type 1

Primary Screening Type 1 is required where Kemp Tract development abuts residential areas along the Lone Elm and Brookside neighborhoods. Primary Screening Type 1 shall include a minimum twenty (20) foot landscape buffer with the following:

a) **Landscape Berms**
   at least three (3) feet in height
b) **Canopy Trees**
   One (1) canopy tree at least three (3) caliper inches, planted for every forty (40) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met, and general screening is achieved) of roadway for the landscape buffers.
c) **Evergreen or Ornamental Trees**
   One (1) evergreen or ornamental tree, at least six (6) feet in height, planted for every twenty (20) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met, and general screening is achieved) of roadway for the landscape buffers.
d) **Shrubs**
   In between required trees, hedge materials shall be planted to screen views from street. Shrubs shall be 36 inches tall at time of installation and species having mature maintained height of up to five feet. Shrubs will be placed in cluster or linear hedge formation with minimum average spacing of five (5) feet on center along length of roadway segment on top of berms of varying height lining the roadway segment. Buffer shrubs will not be located in sight triangle areas.

#### 7.2.1.2 Primary Screening Type 2

Primary Screening Type 2 is required where Mixed-Use land uses directly abut residential areas. Primary Screening Type 2 shall include a minimum twenty (20) foot landscape buffer with the following:

**a) Screening wall**

A six-foot (6') masonry wall shall be constructed along common nonresidential and single-family property lines, but such wall shall not be required in front of nonresidential buildings along the public right-of-way upon which the nonresidential tract fronts.

**b) Canopy Trees**

One (1) canopy tree at least three (3) inch caliper inches, planted for every forty (40) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met, and general screening is achieved) of roadway for the landscape buffers.

**c) Evergreen or Ornamental Trees**

One (1) evergreen or ornamental tree, at least six (6) feet in height, planted for every twenty (20) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met, and general screening is achieved) of roadway for the landscape buffers.

**d) Shrubs:**

In between required trees, hedge material or midstory trees shall be planted to screen views from street. Shrubs shall be 36 inches tall at time of installation with species having mature maintained height of up to five (5) feet. Shrubs will be placed in cluster or linear hedge formation with minimum average spacing of five (5) feet on-center along length of roadway segment. Buffer shrubs shall not be located in sight triangle areas.

**e) Midstory Plant material:**

Midstory Plant material shall be four feet at time of installation with species having mature maintained height minimum of six (6) feet. Midstory plant material will be placed in cluster or linear hedge formation with minimum average spacing of eight (8) feet on-center along MU perimeters that directly abut residential areas. Midstory plant material shall not be located in sight triangle areas. A masonry wall six (6) feet in height may be provided in lieu of Midstory Plant Material.

### 7.2.2 Tree Spacing

All trees shall be planted at a minimum of 5 feet away from any public utility lines, sidewalks, or roadway paving. If root barrier is installed between the tree and street or sidewalk, minimum spacing dimension may be 2.5 feet.

## 7.3 Street Trees

### 7.3.1 Street Trees Required

**7.3.1.1** Each multi-family, mixed use, and non-residential development shall have at least one (1) canopy tree, a minimum three (3) inches in caliper, for each thirty (30) linear feet of platted street frontage or a fraction thereof.

**7.3.1.2** Each Single Family Attached, Single Family Detached, Paired Villa and Cottage development shall have at least one canopy tree, a minimum of three (3) inches in caliper, for each thirty (30) linear feet of platted street frontage or a fraction thereof.

**7.3.2** The street tree will be located within the street parkway. Where conflicts prevent this planting location, the street tree may be located between building and the ROW (within the building setback).

**7.3.3** Any existing trees meeting the minimum caliper inch preserved in the ROW will count towards this requirement.

**7.3.4** Street trees shall be planted, and irrigation installed in boulevard medians and right-of-way islands where such are wide enough to accommodate trees. The trees shall be planted in these areas at a rate of one canopy or understory tree for every 1,000 square feet of area within the boulevard median or right-of-way island. The location of these detailed elements is flexible and can be clustered so long as the placement does not violate visibility requirements. These trees shall be maintained by a homeowner's association, property owners' association, or MMD.

**7.3.5** Required street trees and irrigation for a street required to be constructed beyond the boundary of a subdivision, but within the Property, shall be provided within 6 months of acceptance of the roadway by the City of Waxahachie Public Works Department.

**7.3.6 Tree Spacing**

All trees shall be planted at a minimum of 5 feet away from any public utility lines, sidewalks, or roadway paving. If root barrier is installed between the tree and street or sidewalk, minimum spacing dimension may be 2.5 feet.

## 7.4 Enhanced Local Street Landscaping Criteria for Enhanced Local Street

The Enhanced Local Street, indicated on the **EXHIBIT D** Throughfare Plan, shall include the following landscaping in the Parkway and parking lane Bump Outs. The landscaping will serve as a landscape amenity and transition from the travel lanes. All of the landscaping in the Enhanced Local Street ROW shall be irrigated.

**7.4.1 Street Trees**

One (1) canopy tree at least three (3) caliper inches, planted for every forty (40) linear feet of platted street frontage or a fraction thereof.

### 7.4.2 Ornamental Trees

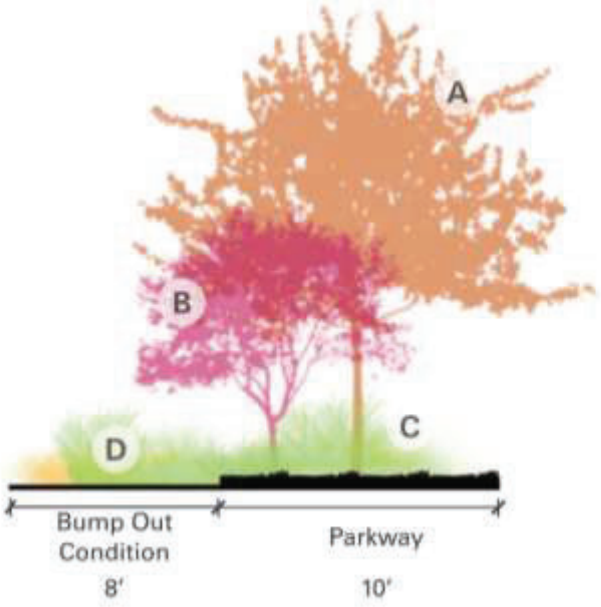
One (1) ornamental tree, at least six (6) feet in height, planted for every forty (40) linear feet of platted street frontage or a fraction thereof, planted in between and staggered with the canopy trees.

### 7.4.3 Shrubs

One (1) shrub, at least twenty-four (24) inches in height, planted for every ten (10) linear feet in between and staggered with the required trees. Shrubs will be placed in clusters or linear hedge formation. Shrubs will not be located in sight triangle areas.

### 7.4.4 Parking Bump Outs

Within the Parking Bump Outs 50% of the ground area shall be covered in living ground cover and/ or shrubs, at least twenty-four (24) inches in height. Shrubs will not be located in sight triangle areas.




**Enhanced Local Street Landscape Requirements**
The Enhanced Local Street, indicated on the Exhibit D Throughfare Plan, shall include the following landscaping in the Parkway and parking lane Bump Outs. The landscaping will serve as a landscape amenity and transition from the travel lanes. All of the landscaping in the Enhanced Local Street ROW shall be irrigated.

A **Street Trees**
One (1) canopy tree at least three (3) caliper inches, planted for every forty (40) linear feet of platted street frontage or a fraction thereof.

B **Ornamental Trees**
One (1) ornamental tree, at least six (6) feet in height, planted for every forty (40) linear feet of platted street frontage or a fraction thereof, planted in between and staggered with the canopy trees.

C **Shrubs**
One (1) shrub, at least twenty four (24) inches in height, planted for every ten (10) linear feet in between and staggered with the required trees. Shrubs will be placed in clusters or linear hedge formation. Shrubs will not be located in sight triangle areas.

D **Parking Bump Outs**
Within the Parking Bump Outs 50% of the ground area shall be covered in living ground cover and/ or shrubs, at least twenty four (24) inches in height. Shrubs will not be located in sight triangle areas.

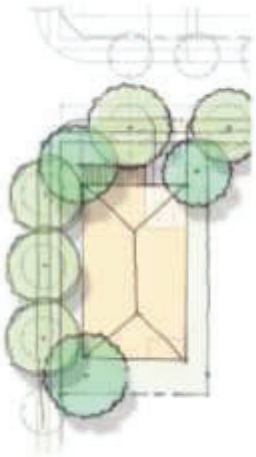
## 7.5 Detached Residential Landscape Requirements

### 7.5.1 Front Yard Trees:

Siting of front yard trees is commensurate with available space on the lot to provide for a tree canopy in conjunction with the street trees.

**7.5.1.1** For lots 50 feet or less in width: Each lot shall have one Canopy Tree a minimum of three (3) caliper inches, in the front yard.

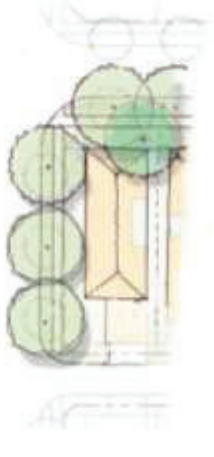
**7.5.1.2** For lots greater than 50 feet in width: Each lot shall have two Canopy Trees a minimum of three (3) caliper inches each, in the front yard.



**Lots Greater than 50' in Width**

For lots greater than 50 feet in width: Each lot shall have two Canopy Trees a minimum of three (3) caliper inches each, in the front yard.

One Canopy Tree in rear yard minimum two (2) caliper inches. Homes that are alley loaded do not require rear yard canopy trees.



**Lots 50' or Less in Width**

For lots 50 feet or less in width: Each lot shall have one Canopy Tree a minimum of three (3) caliper inches, in the front yard.

One Canopy Tree in rear yard minimum two (2) caliper inches. Homes that are alley loaded do not require rear yard canopy trees.

### 7.5.2 Rear Yard Trees

One Canopy Tree a minimum two (2) caliper inches is required in the rear yard. Homes that are alley loaded do not require rear yard canopy trees.

### 7.5.3 Shrub Beds

**7.5.3.2** Shrub beds are required along front façade of home with mix of one- and three-gallon plant sizes.

**7.5.3.3** Where side yards abut streets, shrub beds along 40% of the home and a Canopy Tree with a 2-inch caliper is required.

### 7.5.4 Mechanical Equipment

Mechanical equipment shall be screened from direct view from the street with plant species that will grow to be maintained at the height of equipment to be screened.

### 7.5.5 Pervious Coverage

Sod, mulch, or another staff approved ground cover shall cover 100% of the pervious portions of the lot not covered by other plant material. Hydroseed and hydromulch will not be permitted unless approved by Staff.

## 7.6 Attached Residential and Paired Villas Landscape Requirements

### 7.6.1 Required Trees

One Canopy Tree per unit, a minimum three (3) caliper inches, is required. For Cottage units the trees may be arranged in front, rear or side yards and paseos.

### 7.6.2 Shrub Beds

**7.6.2.2** Shrub beds required along front façade of home with mix of one- and three-gallon plant sizes.

**7.6.2.3** Where side yards abut streets, shrub beds along 40% of the home and a Canopy Tree with a 2-inch caliper is required.

### 7.6.3 Mechanical Equipment

Mechanical equipment shall be screened from direct view from the street with plant species that will grow to be maintained at the height of equipment to be screened.

### 7.6.4 Pervious Coverage

Sod, mulch, or another staff approved ground cover shall cover 100% of the pervious portions of the lot not covered by other plant material.

## 7.7 Cottage Landscape Requirements

The unique housing type configuration necessitates tailored landscaping requirements.

### 7.7.1 Street Frontage

#### 7.7.1.2 Required Trees

Two (2) Canopy Trees are required per four (4) cottage units, a minimum three (3) caliper inches, and planted for every forty (40) linear feet of platted street frontage or a fraction thereof. These trees may be planted as Street Trees in the landscape strip or parking bulb out. Two (2) Ornamental Trees are required per four (4) cottage units, at least six (6) feet in height.

#### 7.7.1.3 Shrub Beds

Shrub beds are required along front façade of home with mix of one- and three-gallon plant sizes planted at 36 inches on center.

#### 7.7.1.4 Living Groundcover

Living groundcover required along front façade of home planted at 24 inches on center.

### 7.7.2 Paseo Frontage

#### 7.7.2.2 Required Trees

Four Ornamental Trees, at least six (6) feet in height, are required per four cottage units,.

#### 7.7.2.3 Shrub Beds

Shrub beds are required along front façade of home with mix of one- and three-gallon plant sizes planted at 36 inches on center.

#### 7.7.2.4 Living Groundcover

Living groundcover is required along front façade of home planted at 24 inches on center.

### 7.7.3 Rear Lot Frontage

#### 7.7.3.2 Required Trees

One (1) Ornamental Trees, at least six (6) feet in height, is required per four (4) cottage units,.

#### 7.7.3.3 Shrub Beds

Shrub beds are required along front façade of home with mix of one- and three-gallon plant sizes planted at 36 inches on center.

#### 7.7.3.4 Groundcover

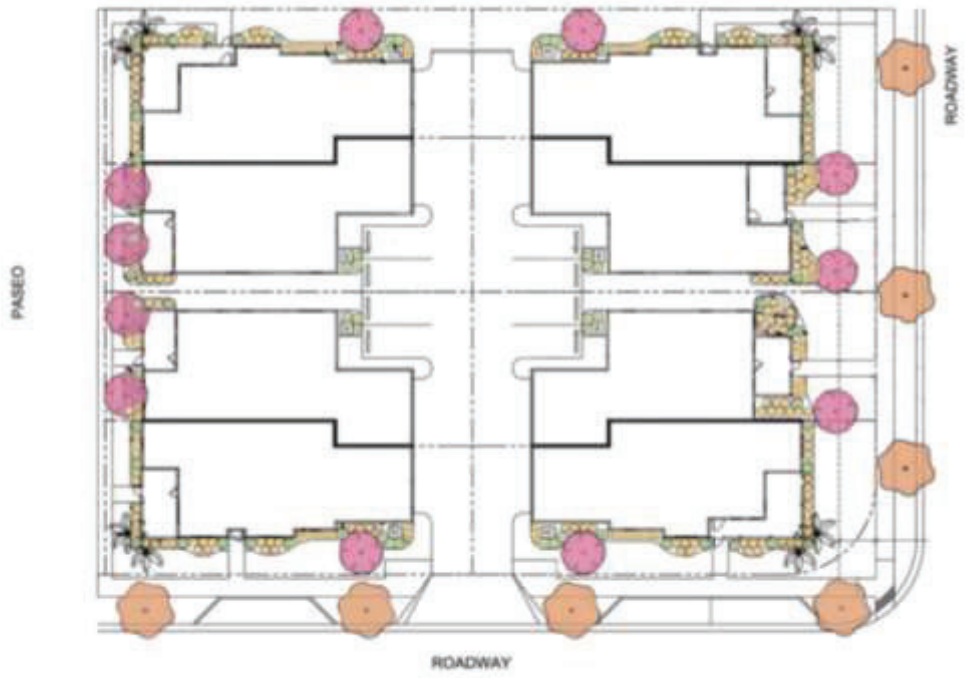
Living groundcover is required along front façade of home planted at 24 inches on center.

### 7.7.4 Mechanical Equipment

Mechanical equipment shall be screened from direct view from the street with plant species that will grow to be maintained at the height of equipment to be screened.

### 7.7.5 Pervious Coverage

Sod, mulch, or another staff approved ground cover shall cover 100% of the pervious portions of the lot not covered by the driveway or other plant material.




**Cottage Landscape Requirements**
The unique housing type configuration necessitates tailored landscaping requirements.

A **Street Trees**
Two (2) Canopy Trees per four (4) cottage units, minimum three (3) caliper inches, planted for every forty (40) linear feet of platted street frontage or a fraction thereof. May be planted as Street Trees in the landscape strip or parking bulb out.

B **Ornamental Trees**
Two (2) Ornamental Trees per four (4) cottage units, at least six (6) feet in height.

C **Shrub Beds**
Required along front façade of home with mix of one- and three-gallon plant sizes planted at 36 inches on center.

D **Living Groundcover**
Living groundcover required along front façade of home planted at 24 inches on center.

## 7.8 Non-Residential Tree Requirements

### 7.8.1 Required Trees

Trees shall be provided as required by Section 5.04 of the Zoning Ordinance. Tree massing within the designated landscaped area may be allowed to meet the overall requirement. Required trees shall be a minimum 3-inch caliper in common areas and streetscape.

**7.8.2** Trees may be planted within the right-of-way provided they are planted consistent with the provisions of above and their location is approved by the City.

**7.8.3** All tree species shall be approved by a registered Landscape Architect or certified arborist at the time of landscape plan submission to the City.

**7.8.4** Subject to City staff approval, changes to the approved landscape plan's design may be modified in the field to better address existing site conditions and constraints while still maintaining landscape requirements.

### 7.9 Lighting

All lighting throughout the commercial sites shall be full cut-off and shall not exceed (0.25) footcandles at a property line shared with a residential lot or the external boundary of the PD area. The Developer shall install decorative streetlight fixtures throughout the project provided the decorative street light fixtures are approved by the electricity service provider. If decorative streetlight fixtures are caused to be installed by the Developer they will be maintained by the electricity service provider, HOA, POA, or MMD.

### 7.10 Fencing

Fencing along Thoroughfares and Collectors shall not be required due to the use of landscaping and berms, except as provided in this chapter. In areas the Developer installs fencing, the standards below shall apply:

a) Front Yard Fence: Front Fence shall mean a fence that is constructed out of wood or metal with a maximum height of four feet (4') and with openings not less than fifty (50) percent of the fence area.
b) Rear and Side Yard Fence: Wooden or ornamental metal fences (with openings not less than 50% of the fence area) with a minimum height of four feet (4') and a maximum height of six feet (6' 8") surrounding the rear yard of residential lots shall be permitted. This fence shall not exceed past the front façade of the dwelling.
c) Black, welded light gauge metal fence: A black, welded light gauge metal fence is a permitted fence material in parks or recreational facilities (such as WireWorks Anti-Climb and Jerith Patriot wire fence products).

#### 7.10.1 Fence Materials

Allowed materials include fences made of treated or painted/stained wood, masonry, tubular steel, and wrought iron fencing. Examples of prohibited materials include chain link, plywood, particleboard, and corrugated metal sheets.

## CHAPTER 8: PARKING REQUIREMENTS

All off-street parking & loading must comply with the City of Waxahachie Zoning Ordinance, Section 5.02 except the following:

### 8.1 Multi-Family and Mixed-Use Parking

#### 8.1.1 Parking Ratio

Multi-Family Uses shall be parked at the following Ratio:

- 1 space for a studio/ efficiency
- 1.5 spaces per 1 bedroom
- 2 spaces per 2+ bedroom

#### 8.1.2 On-Street Parking

On-street striped parking can be counted towards the off-street parking requirements for non-residential uses. On-street parking cannot count for more than 10% of the overall required parking and any on-street parking that is credited towards the required parking must be labeled on the Residential Plat and/or Site Plan. A parking stall may not be used for credit on more than one land use.

### 8.2 Amenity Center Parking

Amenity Centers shall be classified as Private Recreation Facilities with parking criteria as follows:

- 10 spaces minimum, plus 1 space per 500 sf over 5000 sf of building and active amenity recreation areas. Open space such as lawn or landscape areas, connective sidewalks, parking areas are not counted as active recreation areas.

## CHAPTER 9: STREET DESIGN

### 9.1 Street Standards

All streets shall comply with the City of Waxahachie Subdivision Ordinance, Section 3.01 except as shown in **EXHIBIT E – STREET SECTIONS** and the standards in this Chapter.

### 9.2 Thoroughfare Plan

Refer to **EXHIBIT D - THOROUGHFARE EXHIBIT** for general types and locations of the various major public streets. The locations are general and may be modified prior to Plat approval so long as the overall connection points along the perimeter are provided.

#### 9.2.1 Connection to FM 875

Prior to the issuance of a certificate of occupancy on the first home constructed within development, an access route shall be provided throughout the overall development from IH-35E to FM 875. The access route shall be provided by means of public street, fire lane, temporary all-weather access, or a combination thereof. The final alignment of the access

route shall be coordinated with the fire Marshal prior to the commencement of construction and periodically throughout the life of development.

### 9.3 Street Design Features

#### 9.3.1 Traffic Circles and Roundabouts

Traffic circles and roundabouts are allowed intersection types with the approval of location and design by the City Engineer.

#### 9.3.2 Brookside Road

Subject to final engineering design approval by the City, the alignment of Brookside Road shall generally comply with the alignment identified in Exhibit "K". No other direct connections to Brookside Road shall be permitted from the Property except for a connection necessary at the west end of Brookside Road to provide for access for landowners west of the Property which connection will be controlled with an access gate to be used only for that access and for emergency EMS access

#### 9.3.3 Multi-Purpose Trail

The Multi-Purpose Trail, where used, is designed to serve a variety of users: golf carts, e-bikes, bicycles, and pedestrians.

### 9.4 Arterial Phasing

Per the TIA the 4-Lane Arterial shall be built where a Major Arterial is shown on **EXHIBIT D - THOROUGHFARE EXHIBIT**. The 4-Lane Arterial may be expanded to 6-Lane Arterial section when the traffic demand requires expansion as documented in an updated TIA.

## CHAPTER 10: SIGNAGE

### 10.1 Signage Generally

All signage within the project shall comply with the Waxahachie Code of Ordinances Sec. 5.08 Sign Regulations, with the exception of the standards listed below. When there is a conflict between the requirements of the Sign Ordinance and this PD document, the PD document will supersede and control over the development. The project will include various development monument entry signs and neighborhood monument entry signs located at various perimeter entrances and neighborhood entries. For purposes of signage in this PD, the entire property is considered one lot.

### 10.2 Community Entry Signage

Points of entry into the Kemp Tract will be defined with a combination of monument signage, landscape, and lighting to create a sense of arrival commensurate in scale and character with

a large master planned community (see **EXHIBIT I - SIGNAGE PLAN**). These Points of entry will be primary, secondary, or tertiary in scale. All monument entry signs shall be outside of any visibility triangles located at the intersections (as defined by City of Waxahachie Zoning & Subdivision Ordinances). For purposes of advertising different neighborhoods or amenities in the Development, signage is permitted within the Property to advertise neighborhoods and amenities not located on the same lot within the Property as set forth below. For purposes of signage in this PD, the entire property is considered one lot.

**10.2.1 Primary Entry Signage**

These types of monument signs shall be placed at the entry area on I-35, as shown on the Signage Plan attached as **EXHIBIT I**, to provide project identity.

- The primary entry monument is permitted within 300 feet of the IH-35 right-of-way and may be a maximum of sixty (60) feet in height.
- A wall sign which may be one sided or a two-sided blade sign may be developed in conjunction with the entry monument.
- In addition to the signage listed above, an attached or isolated sign blade wall with a maximum size of twelve (12) feet tall by eighty feet in length (12'x80') for the purposes of identifying tenants of the Mixed Use area at I-35.

**10.2.2 Secondary Entry Signage**

These monument signs shall be placed at entry points, as shown on the Signage Plan attached as **EXHIBIT I**.

- Thirty-five (35) feet tall maximum and may have an attached or isolated sign blade wall with a maximum size of ten feet tall by fifty feet in length (10'x50').
- In addition to the signage listed above, an attached or isolated sign blade wall with a maximum size of ten (10) feet tall by forty feet (40') in length (10'x 40') for the purposes of identifying tenants of the Mixed Use area located in the center of the community.

**10.2.3 Tertiary Entry Signage**

These monument signs shall be placed at entry points, as shown on the Signage Plan attached as **EXHIBIT I**.

- Thirty-five (15) feet tall maximum and may have an attached or isolated sign blade wall with a maximum size of ten feet tall by fifty feet in length (8'x35').
- A maximum of two entry signs will be provided at each entry point.

**10.2.4 Neighborhood Entry Signage**

These monument signs may be placed at multiple entry points to residential subdivisions within the project and at points where the ring road intersects with arterials. **EXHIBIT I** identifies potential neighborhood entry signage locations. As neighborhoods are designed and plats are submitted, additional neighborhood entry signage may be approved by the City Manager or his designee.

- Eight feet (8') tall maximum and an attached or isolated sign blade wall with a maximum size of six feet tall by twenty feet in length (6'x20').

### 10.2.5 Street Signs

The Developer shall install decorative street signs throughout the project.

## 10.3 Permitted Neighborhood Signs

The following sign types may be placed within the project:

### 10.3.1 Community Center Monument:

This sign shall be placed at the community center located within the project.

Eight feet (8') tall maximum and an attached or isolated sign blade wall with a maximum size of six feet tall by twenty feet in length (6'x20').

### 10.3.2 Parks Monument

These signs shall be placed at parks located throughout the project.

- The monuments shall not exceed eight feet (8') in height and 80 square feet in size.
- Directional/Marketing/Information Signs: Used to direct residents to various parks or trails located throughout the project. Additionally, there may be informational signs about wildlife, wellbeing messaging, etc. The monuments shall not exceed eight feet (8') in height.

### 10.3.3 Residential Navigation Signs

A maximum of 10 Residential Navigation Signs shall be allowed in each phase. These signs are located in model homes centers and various residential neighborhoods available to potential home buyers.

- Ten feet (10') tall and six feet (6') wide maximum sign size, not including posts.
- The sign messaging area shall be a maximum of 125 square feet in size.
- All residential navigation signs must be removed when 90% of the model homes in the model home village are purchased and used as private homes.

### 10.3.4 Directional/Marketing/Information Signs:

- These signs are to be located along roadways and will direct potential home buyers to various neighborhoods and community features and/or model homes. These temporary signs may be installed at various locations within the project.
- The sign messaging area shall be a maximum of 100 square feet in size and they may not be spaced closer than 300' apart.
- All Marketing/Information signs must be removed when 100% of in the homes in the community have been completed and occupied. Real estate marketing signage subsequent to that milestone shall comply with sign codes in place at that time.
- Directional signs providing directions to permanent neighborhoods or community components such as amenities, town center, schools, parks will remain permanently

**10.3.5 Wall Signs**

- Wall signs shall comply with Section 5.08 except as otherwise provided herein.
- The maximum size of all wall signs on a façade shall not exceed 15% of the façade area.

**10.3.6 Vacant Lot Signs**

Vacant Lot Signs used to identify vacant lots available for sale to potential home buyers.

- There shall be one sign per lot.
- The sign shall have a maximum of sixteen (16) square feet in size and not to exceed four feet (4') in height.

## 10.4 Amenity Center and Surrounding Grounds Signage

This sub-chapter pertains to attached signs and wall mounted graphics placed within the project's private Amenity Center and surrounding grounds at the Developer's discretion.

- The maximum percentage of each elevation of a building with applied signage graphics flush on the walls or on protruding structures shall not exceed twenty percent (20%).
- The area of the elevation of a building does not include measurements of exposed roof area or ornamental architectural features.
- Signage area is defined as the area measurement of a polygon line that tightly surrounds the graphics and text of a sign only.
- Ornamental walls, finishes, and colors on which the sign may be mounted do not apply to the area measurement.
- There shall be no restrictions on the design or size of projecting signs so long as the maximum percentage of sign coverage is not exceeded and a minimum clearance of eight (8) feet above any sidewalk or other pedestrian travel surface,

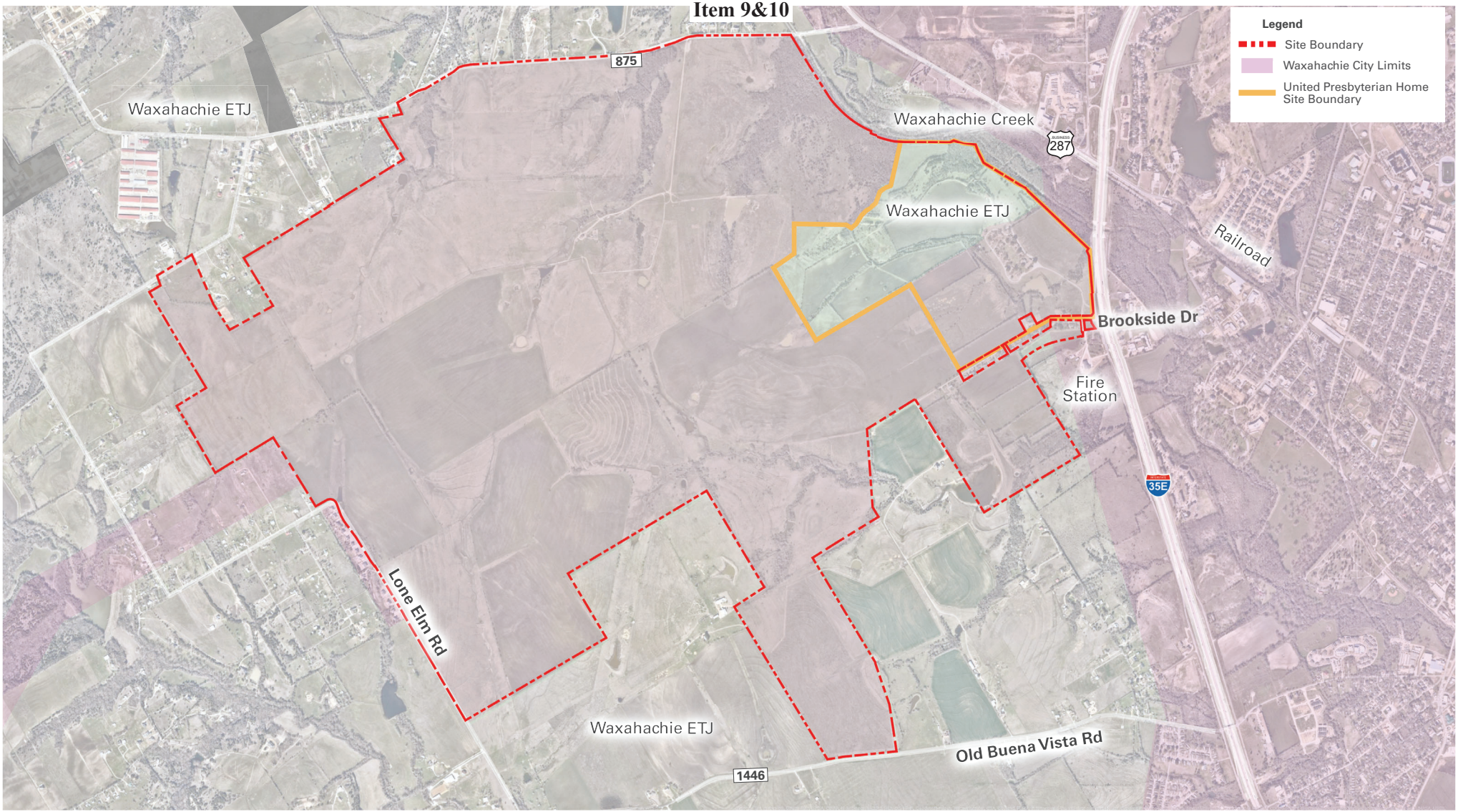
and fourteen (14) feet above any vehicular parking or circulation surface is provided.

- Covered canopies, marquees, and other similar architectural features may be adorned with signage.
- Temporary signage, banners, miscellaneous site graphics, and marketing signage shall not be regulated except that marketing signage shall not exceed eight feet (8') in width and seven feet (7') in height.

# CHAPTER 11: EXHIBITS

**EXHIBIT A – ZONING LOCATION MAP**

Item 9&10




minto

TBG

KFM

Kemp Tract

Exhibit A - Zoning Location Map

Waxahachie, Texas
09/19/2025

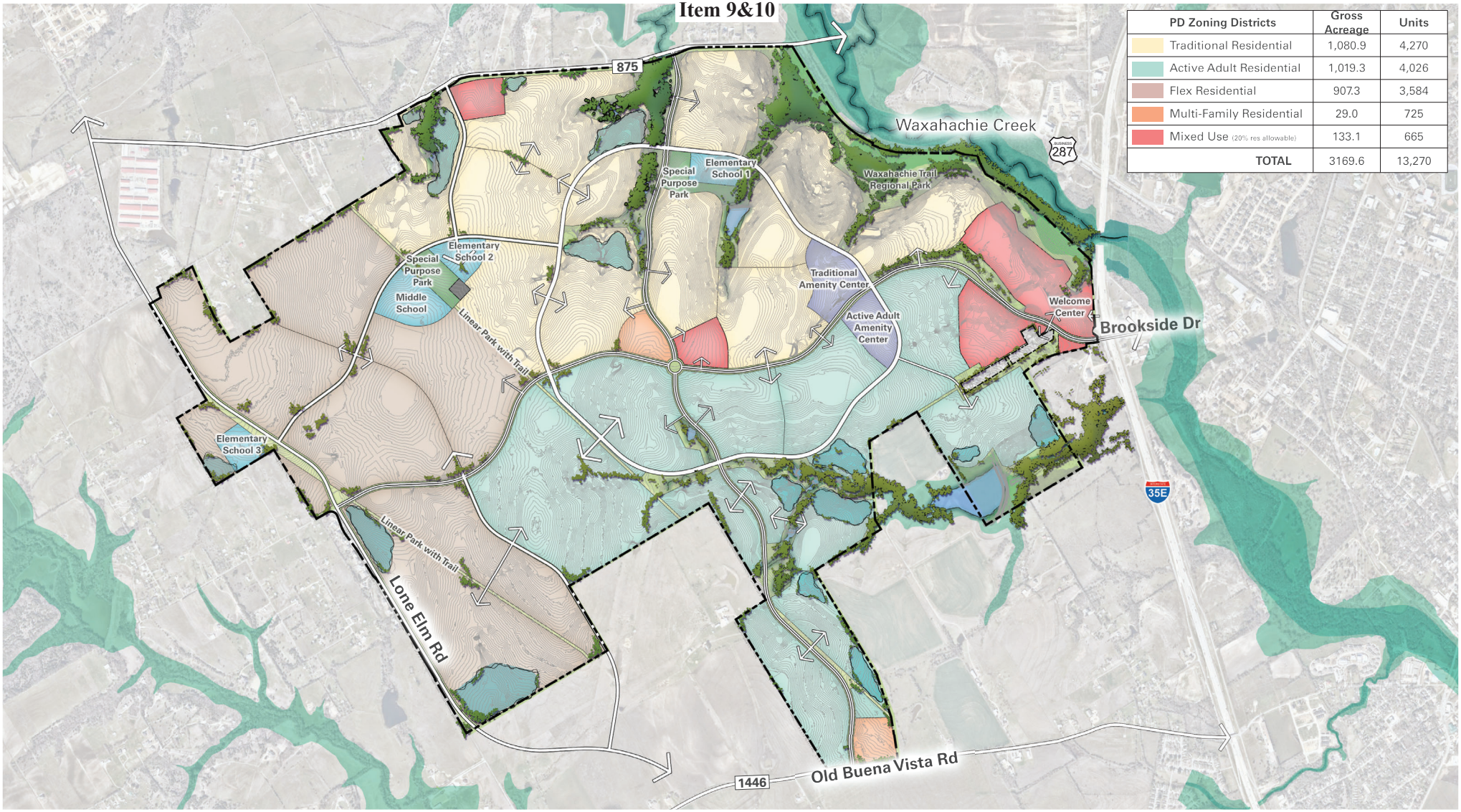
TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 400' 800' 1600'

**EXHIBIT B – CONCEPT PLAN**

Item 9&10




| PD Zoning Districts | Gross Acreage | Units |
|---|---|---|
| Traditional Residential | 1,080.9 | 4,270 |
| Active Adult Residential | 1,019.3 | 4,026 |
| Flex Residential | 907.3 | 3,584 |
| Multi-Family Residential | 29.0 | 725 |
| Mixed Use (20% res allowable) | 133.1 | 665 |
| TOTAL | 3169.6 | 13,270 |

minto

TBG

KFM

Kemp Tract

Exhibit B - Concept Plan

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 400' 800' 1600'

## EXHIBIT C – PERMITTED USES

ZONING DESIGNATIONS
AA-Active Adult Residential District
TR- Traditional Residential District
MF — Multi-Family Residential District
MU — Mixed-use Residential District
FR-Flex Residential District (uses permitted per selected Zoning Designation)

LEGEND
P - Permitted Use
S - Use may be approved via SUP
Blank - Prohibited Use

GENERAL: The land uses in the table below are (i) from Section 4.01 of the Waxahac Zoning Ordinance, or (ii) defined herein and identified with *.

| Land Use | AA | TR | MF | MU | Land Use | AA | TR | MF | MU |
|---|---|---|---|---|---|---|---|---|---|
| **Residential Type Uses** | | | | | | | | | |
| Bed and breakfast inn | | | P | | Multiple-Family Dwelling or Apartment | | | P | P |
| Boarding House or Home | | | | | Single-Family Dwelling, Attach (Townhouse or Townhome) | P | P | P | P |
| Dormitory | | | | | Single-family Dwelling, Detach | P | P | P | P |
| Fraternity or Sorority House | | | | | Two family dwelling (Duplex, Paired Villas, Courtya Villas) | P | P | P | P |
| Home Occupation | P | P | P | P | Accessory Building, MF or Non-Residential | | | P | P |
| Housing for the Elderly / Senior Apartments | P | | P | P | Accessory Building (Residentia Less than 700 s.f. | P | P | P | P |
| HUD Code Manufactured** Home | P | P | P | P | Accessory Building (Residential), greater than or equal to 700 s.f. | S | S | S | S |
| HUD Code Manufactured Home | | | | | Accessory Building, Used as a Dwelling Unit | S | S | S | S |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Mobile Home | | | | | Garage Accessory Dwelling | S | S | S | S |
| Mobile Home Park | | | | | Caretaker's or Guard's Residence | P | P | P | P |
| Modular Prefabricated Structure or Modular Home* | P | P | P | P | Stables, Private | | | | |
| Cottages* | P | P | P | P | Build for Rent (Cluster Residential) * | P | P | P | P |
| Model Home | P | P | | | "Stay and Play" Residences* | P | | | |

| **Land Use** | **AA** | **TR** | **MF** | **MU** | **Land Use** | **AA** | **TR** | **MF** | **MU** |
|---|---|---|---|---|---|---|---|---|---|
| **Educational, Institutional, and Special Uses** | | | | | | | | | |
| Adult Daycare Facility | P | | P | P | Hospital, Acute Care | | | | P |
| Art Gallery or Museum | | | | P | Hospital, Chronic Care | | | | P |
| Cemetery, Animal | | | | | Household Care Facility | S | S | S | S |
| Cemetery or Mausoleum | | | | | Institution for Alcoholic, Narcoti Psychiatric Patients | | | | |
| Child Advocacy Center | | | | | Institution of Religious or Philanthropic Nature | S | S | S | S |
| Child Daycare Center | P | P | P | P | Jail or Prison | | | | |
| Church, Rectory, or Temple | P | P | P | P | Juvenile Detention Center | | | | |
| College or University | | | S | S | Kindergarten or Nursery Scho Private | P | P | P | P |
| Community Home | S | S | S | S | Private Recreation Facility | P | P | P | P |
| Crematorium | | | | | Public Community Center | P | P | P | P |
| Day Camp for Children | | S | | S | Rehabilitation Care Facility or Halfway House | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Fairgrounds, Rodeo Grounds or Exhibition Area | | | | | Residential Home for Adults Intellectual and Developme Disabilities | S | | S | S |
| Family Home (Child Care) | | | | S | School, Private | | S | S | P |
| Farm, Ranch, Garden, or Orchard | P | P | P | P | School, Public | P | P | P | P |
| Fraternal Organization | S | S | S | S | School, Vocational | | | S | S |
| Home for Aged, Residence (Assisted Living) | P | | P | P | Skilled Nursing Facility | P | | P | P |

| Land Use | AA | TR | MF | MU | Land Use | AA | TR | MF | MU |
|---|---|---|---|---|---|---|---|---|---|
| **Commercial and Retail Types Uses** | | | | | | | | | |
| Airport | | | | | Helistop | | | | S |
| Alternative Financial Services | | | | | Household Appliance Service or Repair | | | | P |
| Ambulance Service | S | | | S | HUD Code Manufactured Home Display or Sales | | | | |
| Amusement, Indoor | P | P | | P | Kiosk | | | | P |
| Amusement, Outdoor | P | P | P | P | Laboratory, Medical or Dental | | | | P |
| Animal Hospital or Kennel, Indoor Pens | | | | P | Laboratory, Scientific or Research | | | | P |
| Animal Hospital or Kennel, Outdoor Pens | | | | | Landscape Sales and Installation | | | | P |
| Animal Pound | | | | | Laundromat | | | | P |
| Antique Shop | | | | P | Massage Establishment | | | | P |
| Appliance Rental, Service or Repair | | | | | Massage Parlor | | | | |
| Arcade | | | | P | Medical Appliance Fitting or Retail Sales | | | | P |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Auto Leasing and Rental | | | | | Medical Facilities | | | | P |
| Auto Parking for, Commercial | | | | | Metal Recycling Center | | | | |
| Auto Parking Lot, Trucks and Trailers | | | | | Micro-Brewery | | | | P |
| Auto Parts and Accessory Sales | | | | S | Mini-Warehouse or Self Storage Facility | | | | S |
| Auto Racing or Go-Cart Track | | | | | Hotel (Less than 75 Rooms) | | | | P |
| Auto Repair, Major | | | | | Hotel (More than 75 Rooms) | | | | P |
| Auto Repair, Minor or Automotive Care Center | | | | S | Office, Professional and Administrative | | | | P |
| Auto Sales, New | | | | S | Outside Display | | | | P |
| Auto Sales, Used | | | | S | Outside Storage | | | | S |
| Auto Storage or Auto Auction | | | | | Park or Playground, Private | P | P | P | P |
| Auto Wrecking Yard | | | | | Pawn Shop | | | | |
| Bail Bond Agency | | | | | Pet Shop and Grooming | | | | P |
| Bakery, Commercial | | | | | Pharmacy | P | | | P |
| Bakery, Retail | | | | P | Playfield or Stadium, Public | S | S | S | S |
| Bank or Credit Union | | | | P | Portable Building Sales | | | | |
| Boat Sales | | | | S | Private Club (limited to amenity recreation areas) | P | P | P | P |
| Building Materials and Hardware Sales, Indoor | | | | P | Railroad Freight Depot | | | | |
| Building Materials and Hardwa Sales, Outdoor | | | | S | Restaurant | P | | | P |
| | | | | | Restaurant as part of an amenity | P | P | P | P |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Bus Station or Terminal | | | | | Retail Stores and Shops (less than 5,000 s.f.) | P | P | P | P |
| | | | | | Retail Stores and Shops (greater than 5,000 s.f.) | | | | P |
| Cabinet or Upholstery Shop | | | | | RV Sales | | | | S |
| Car Wash | | | | S | Screen Printing Shop | | | | P |
| Clinic, Dental, Medical, or Chiropractic | P | | | P | Sexually Oriented Business | | | | |
| Convenience Store | | | | P | Small Engine Repair Shop | | | | |
| Copy or Print Shop | | | | P | Specialty Paraphernalia | | | | |
| Country Club, Private | P | P | | | Stables, Public | | | | |
| Custom Personal Service Shop | | | | P | Studio | P | P | P | P |
| Drive-Through Establishment | | | | S | Surgical Outpatient Facility | | | | P |
| Dry Cleaning Establishment, Off-Site | | | | P | Swimming Pool, Commercial | P | P | P | P |
| | | | | | Swimming Pool, Private | P | P | P | P |
| Dry Cleaning Establishment, On-Site | | | | S | Tattoo or Body Piercing Shop | | | | S |
| Feed and Grain Store | | | | S | Tavern | P | P | | P |
| Flea Market or Farmers Market | | | | S | Theater, Indoor | P | | | P |
| Funeral Home or Mortuary | | | | S | Tire Installation or Repair | | | | S |
| Furniture Manufacture and Refinishing Shop | | | | P | Tool and Equipment Rental | | | | S |
| Gasoline Sales | | | | S | Trailer and Heavy Load Vehicl Repair | | | | |
| Golf Course | P | P | | | Trailer or Truck Sales or Renta | | | | |
| Greenhouse, Nursery, Florist or Garden Shop | | | | P | Truck Stop | | | | |

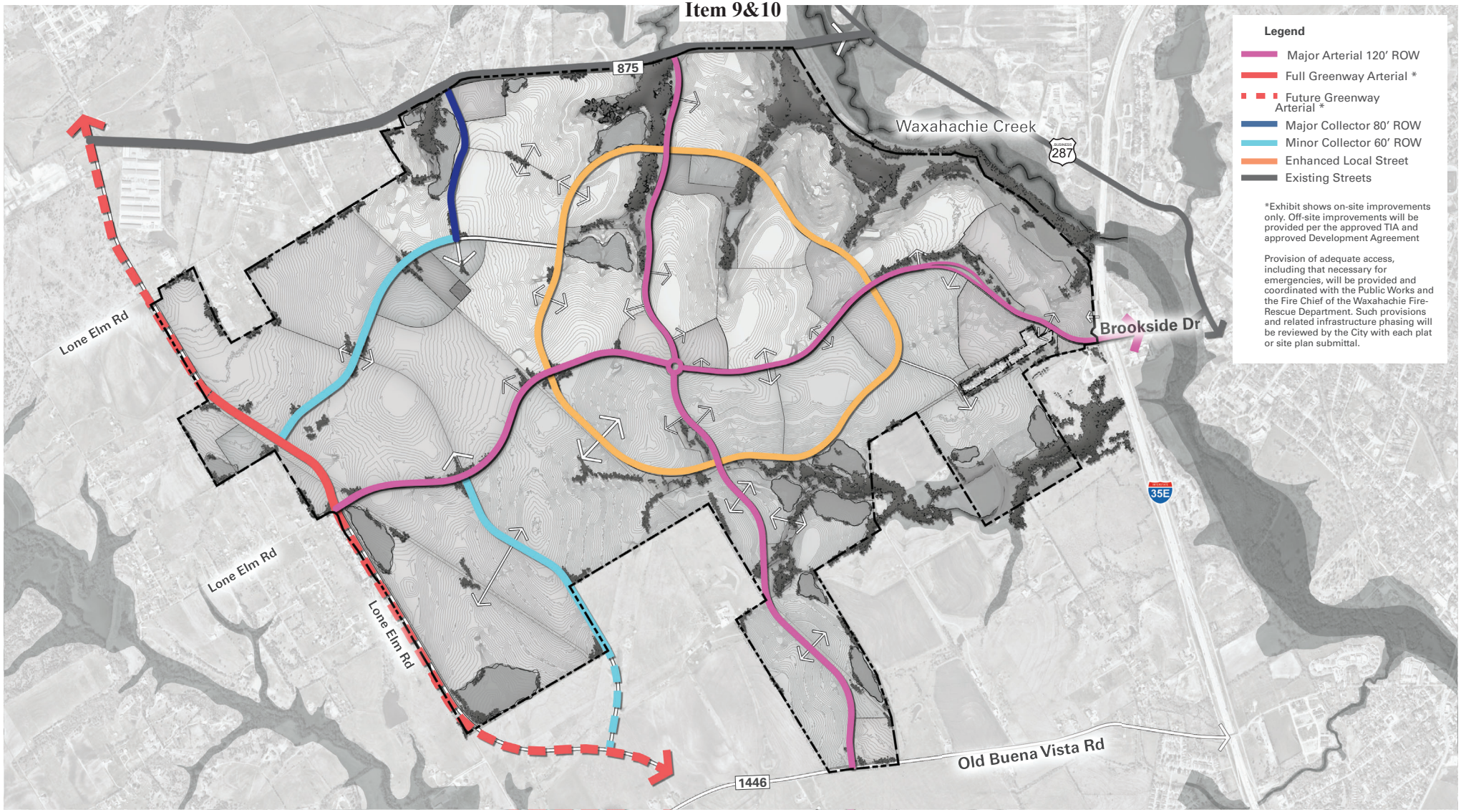
| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Hauling, Storage, or Motor Freight Terminal | | | | | Winery | S | | | P |
| Heating and Air Conditioning Sales | | | | S | Zoo, Private | | | | |
| Heavy Machinery and Equipment, Rental, Sales, or Storage | | | | | Zoo, Public | | | | |

| Land Use | AA | TR | MF | MU | Land Use | AA | TR | MF | MU |
|---|---|---|---|---|---|---|---|---|---|
| **Industrial and Utility Uses** | | | | | | | | | |
| Animal Production Facility | | | | | Local Utility Lines | P | P | P | P |
| Antenna, Non-Commercial | P | P | P | P | Machine Shop or Welding Shop | | | | |
| Batch Plant (Temporary Facility) | P | P | P | P | Medium Manufacturing, Fully Indoor | | | | |
| Chemical Plant | | | | | Medium Manufacturing, Outdoor | | | | |
| Electrical Generating Plant | | | | | Municipally Owned Facilities and Uses | P | P | P | P |
| Equipment Sales, New or Used | | | | | Noxious Uses | | | | |
| Food Manufacturing or Processing Plant | | | | | Portable Storage Structure or Temporary Building | P | P | P | P |
| Franchised Private Utility (Not Listed) | S | S | S | S | Public Building, Shop, or Yard of a Local, State, or Federal Agency | | | | P |
| Heavy Manufacturing, Fully Indoor | | | | | Public or Private Storage | | | | |
| Heavy Manufacturing, Outdoor | | | | | Railroad Track | P | P | P | P |
| Landfill | | | | | Sand, Gravel, Stone, or Petroleu Extraction | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Light Manufacturing | | | | P | Storage Warehouse | | | | P |
| Cell Tower not to exceed 90 feet | S | S | S | P | Data Center | | | | P |
| | | | | | | | | | |
| | | | | | | | | | |

| Land Use | AA | TR | MF | MU | Land Use | AA | TR | MF | MU |
|---|---|---|---|---|---|---|---|---|---|
| **Accessory, Incidental and Sign Uses** | | | | | | | | | |
| Awning Sign | | | P | P | Pole Sign | | | | S |
| Canopy Sign | | | P | P | Portable Sign | | | | P |
| Development Sign | P | P | P | P | Real Estate Sign | P | P | P | P |
| Directional Sign (On-Site) | P | P | P | P | Searchlights | | | | |
| Electronic Message Sign | | | | S | Small Wind System | S | S | | P |
| Garage Sale Sign | P | P | | | Solar Panel Farm | | | | |
| Informational Sign | P | P | P | P | Solar Panel System, Large In-Ground | | | | P |
| Institutional Sign | P | P | P | P | Solar Panel System, Rooftop | P | P | P | P |
| Model Home Sign | P | P | P | P | Solar Panel System, Small In-Ground | | | | |
| Monument Sign | P | P | P | P | Unified Lot Sign | P | P | P | P |
| Name Plate | P | P | P | P | Wall Sign (for amenity areas only) | P | P | P | P |
| Off-Street Parking Incidental to Main Use | P | P | P | P | Window Sign | | | P | P |

# EXHIBIT D –THOROUGHFARE EXHIBIT




minto

TBG

KFM

Kemp Tract

Exhibit D -
Thoroughfare Exhibit

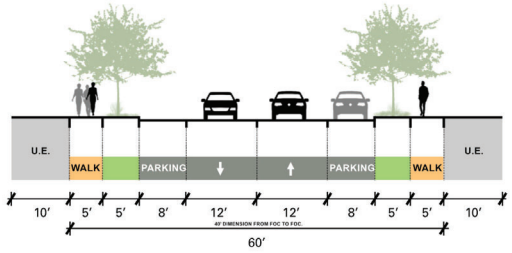
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

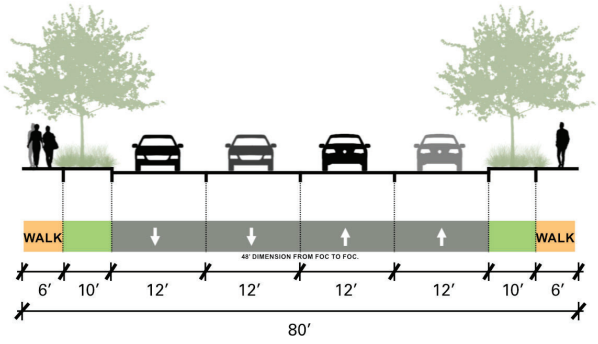
[512] 327 1011
tbgpartners.com

0 400' 800' 1600'

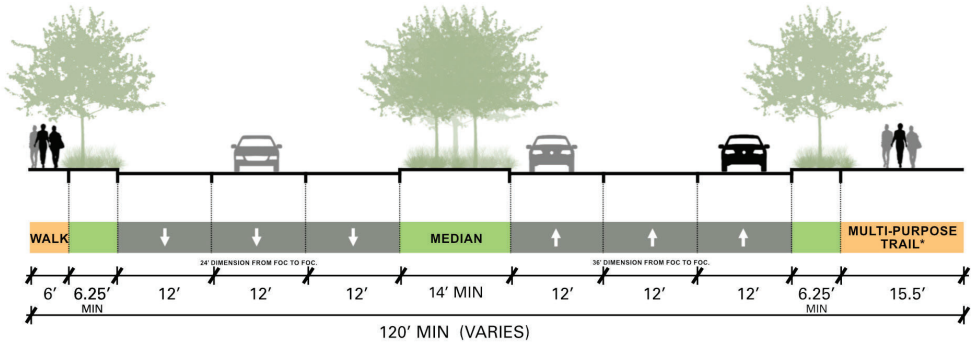
# EXHIBIT E – STREET SECTIONS




## MINOR COLLECTOR - 60′ ROW

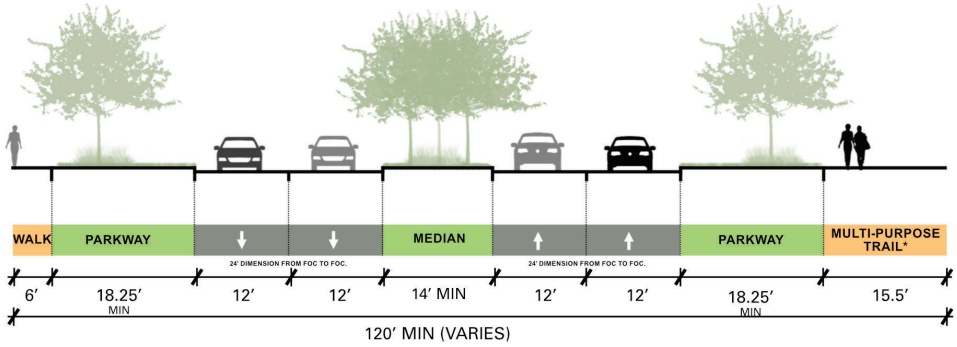



## MAJOR COLLECTOR - 80′ ROW




## MAJOR ARTERIAL - 120′ ROW

**(full build-out condition)**




## MAJOR ARTERIAL - 120′ ROW

**(interim condition)**

* Multi-purpose trail may meander outside of right of way where adjacent to open space

minto

TBG

KFM

Kemp Tract

Exhibit E - Street Sections
Page 1

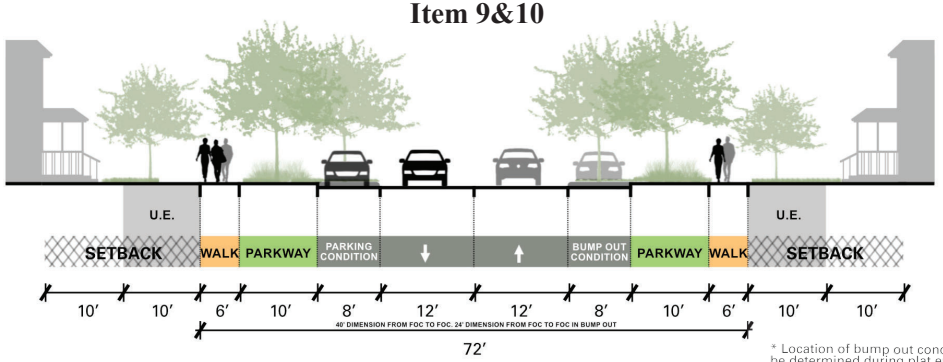
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

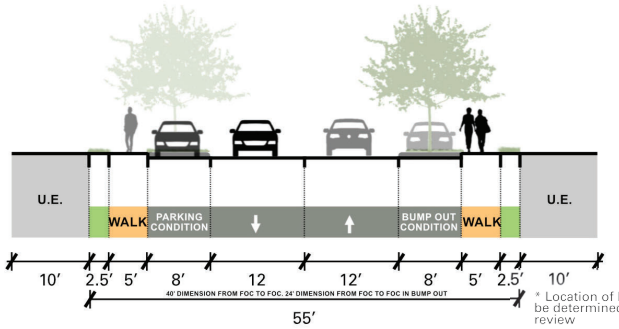
0 5′ 10′ 20′




## ENHANCED LOCAL STREET - 72′ ROW

* Location of bump out condition will be determined during plat engineering review

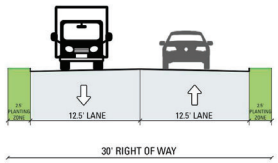
** Enhanced Local Street landscaping shall follow the standards in Chapter 7: Landscaping & Buffers




* Location of bump out condition will be determined during plat engineering review

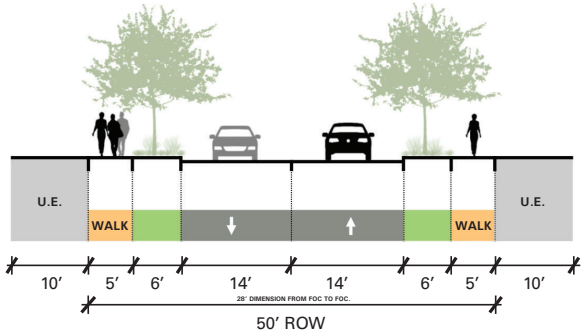
## RESIDENTIAL STREET - 55′ ROW

**(to be used in cottage neighborhoods)**

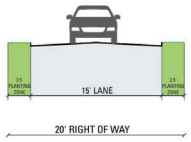



## COMMERCIAL/PARK FACING ALLEY - 25′ PAVEMENT

Wider alley condition where units do not front on right of way.




## RESIDENTIAL STREET - 50′ ROW




## RESIDENTIAL ALLEY - 15′ PAVEMENT



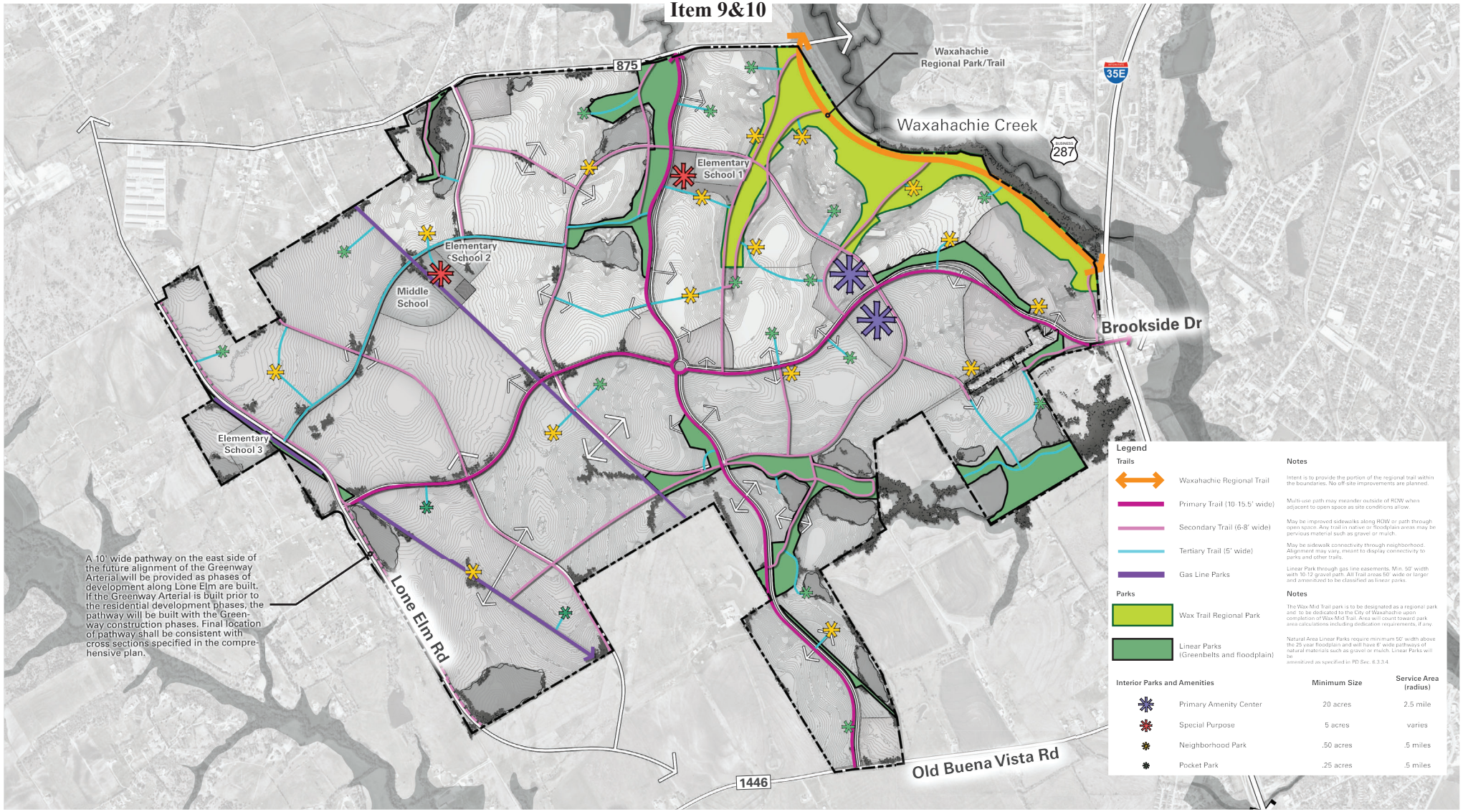
TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

0 5′ 10′ 20′

# EXHIBIT F – OPEN SPACE AND TRAILS PLAN

Item 9&10




minto

TBG

KFM

Kemp Tract

Exhibit F - Open Space and Trail Plan
Page 1

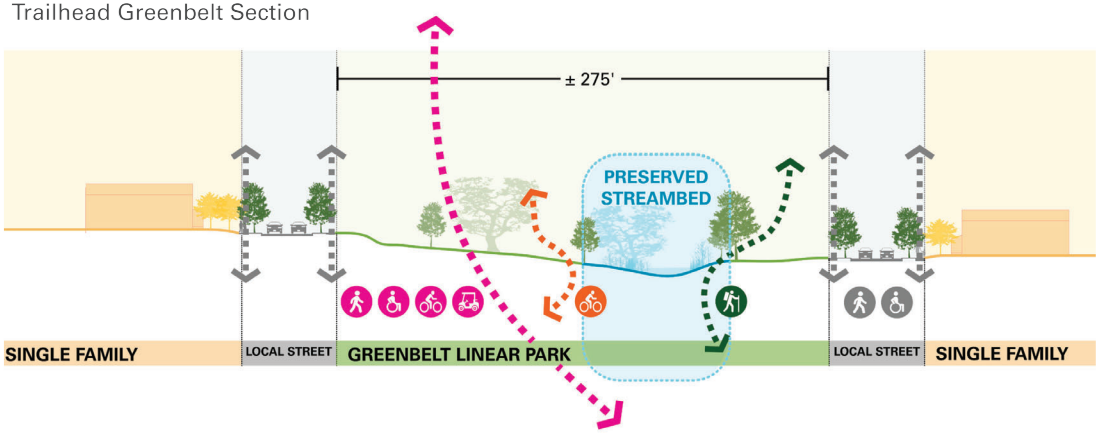
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 400' 800' 1600'

**Section A - A′**
Trailhead Greenbelt Section





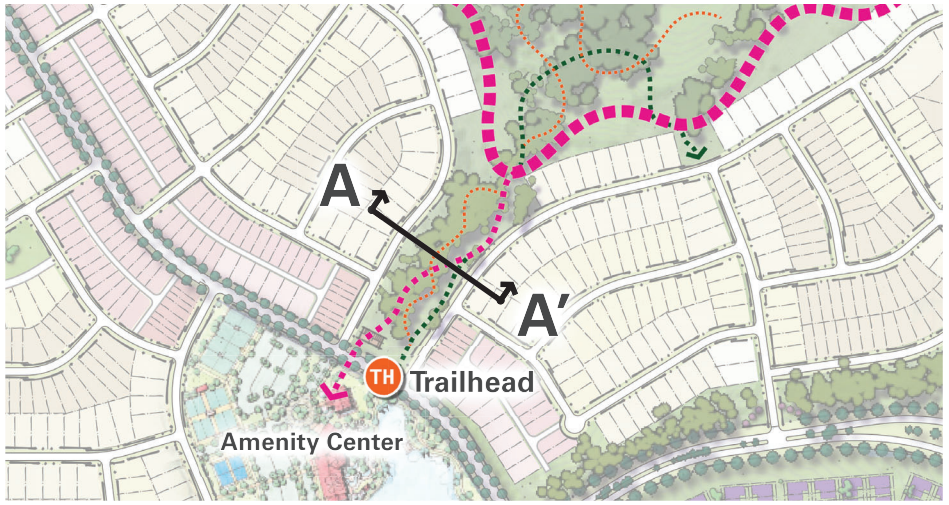

**PAVED MULTI-USE TRAIL**
8′ width



**MULCH NATURE TRAIL**
6′ width



**NATURAL SURFACE BIKE PATH**
width varies




minto TBG KFM

Kemp Tract

Exhibit F - Open Space and Trails Plan
Page 2: Trail Sections

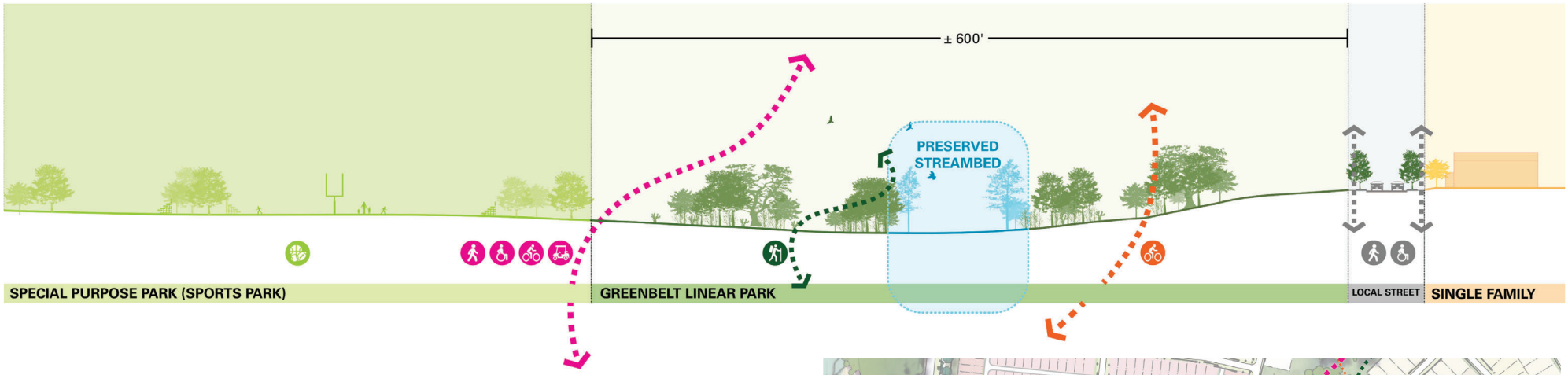
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

**Section B - B′**
Regional Park Greenbelt Section





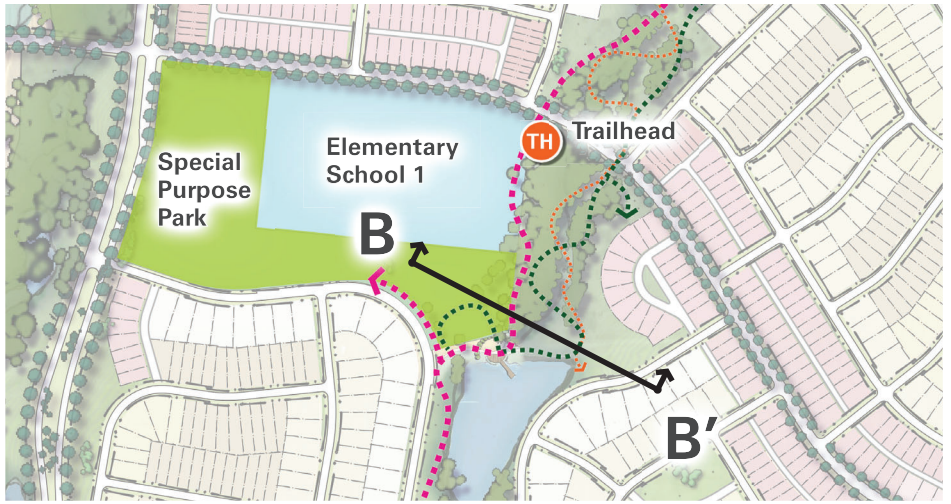

**PAVED MULTI-USE TRAIL**
8′ width



**MULCH NATURE TRAIL**
6′ width



**NATURAL SURFACE BIKE PATH**
width varies




minto TBG KFM

Kemp Tract

Exhibit F - Open Space and Trails Plan
Page 3: Trail Sections

Waxahachie, Texas
09/19/2025

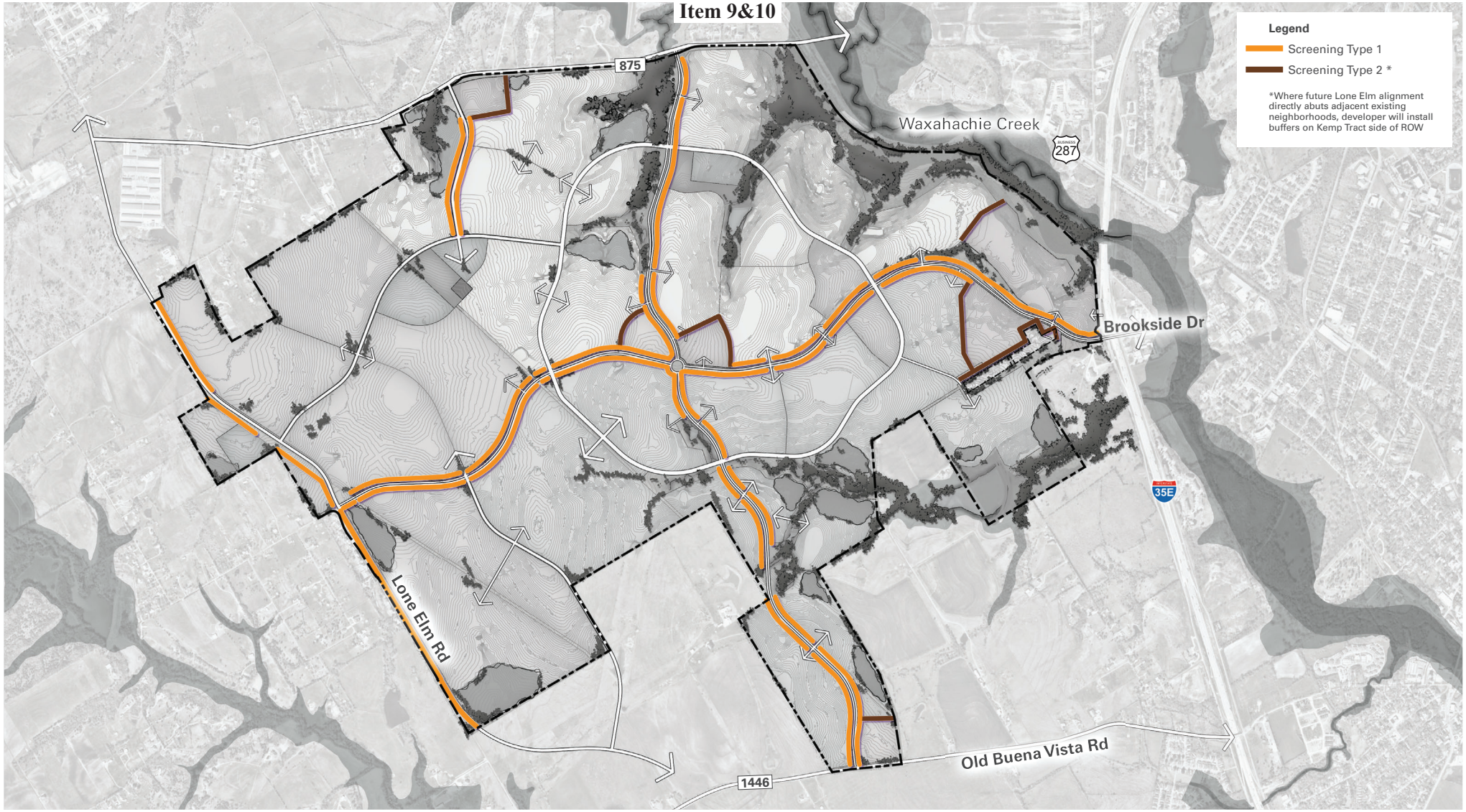
TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

# EXHIBIT G – SCREENING PLAN

Item 9&10




minto

TBG

KFM

Kemp Tract

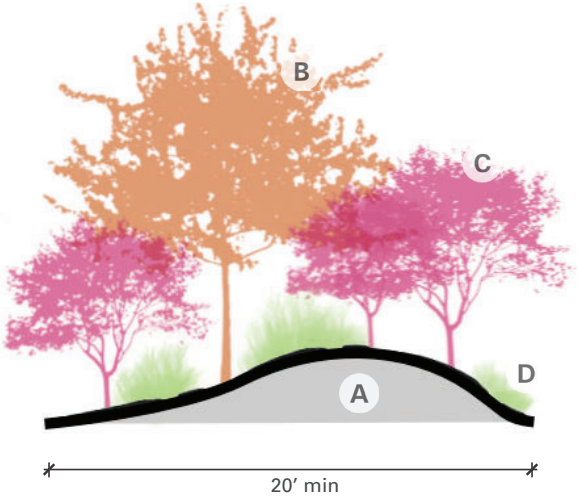
Exhibit G - Screening Plan
Page 1

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 400' 800' 1600'




## PRIMARY SCREENING TYPE - 1

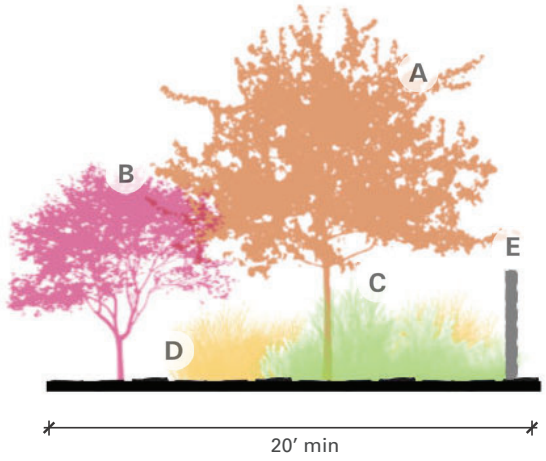
Primary Screening Type 1 is required where Kemp Tract development abuts residential areas along the Lone Elm and Brookside neighborhoods. Primary Screening Type 1 shall include a minimum twenty (20) foot landscape buffer with the following:

A **Landscape Berms**
at least three (3) feet in height

B **Canopy Trees**
One (1) canopy tree at least three (3) caliper inches, planted for every forty (40) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met) of roadway for the landscape buffers.

C **Evergreen or Ornamental Trees**
One (1) evergreen or ornamental tree, at least six (6) feet in height, planted for every twenty (20) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met) of roadway for the landscape buffers.

D **Shrubs**
In between required trees, hedge material shall be planted to screen views from street. Shrubs shall be 36" tall at time of installation and species having mature maintained height of up to five feet. Shrubs will be placed in cluster or linear hedge formation with minimum average spacing of five (5) feet o.c. along length of roadway segment. Buffer shrubs will not be located in sight triangle areas.




## PRIMARY SCREENING TYPE - 2

Primary Screening Type 2 is required where Mixed-Use land uses directly abut residential areas. Primary Screening Type 2 shall include a minimum twenty (20) foot landscape buffer with the following:

A **Canopy Trees**
One (1) canopy tree at least three (3) inch caliper inches, planted for every forty (40) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met) of roadway for the landscape buffers.

B **Evergreen or Ornamental Trees**
One (1) evergreen or ornamental tree, at least six (6) feet in height, planted for every twenty (20) linear feet (ratio is average and trees can be planted in clusters so long as the ratio is met) of roadway for the landscape buffers.

C **Shrubs**
In between required trees, hedge material or midstory trees shall be planted to screen views from street. Shrubs shall be 36 inches tall at time of installation with species having mature maintained height of up to five (5) feet. Shrubs will be placed in cluster or linear hedge formation with minimum average spacing of five (5) feet o.c. along length of roadway segment. Buffer shrubs shall not be located in sight triangle areas.

D **Midstory Plant Material**
Midstory Plant material shall be four feet at time of installation with species having mature maintained height minimum of six (6) feet. Midstory plant material will be placed in cluster or linear hedge formation with minimum average spacing of eight (8) feet o.c. along MU perimeters that directly abut residential areas. Midstory plant material shall not be located in sight triangle areas.

E **Wall**
Masonry wall six (6) feet in height may be provided in lieu of Midstory Plant Material.

minto TBG KFM

Kemp Tract

Exhibit G - Screening Plan
Page 2:
Screening Types

Waxahachie, Texas
09/19/2025

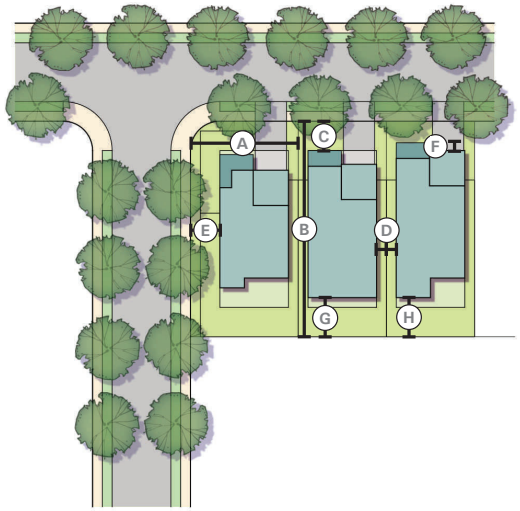
TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

The information shown is based on the best information available and is subject to change without notice.

# EXHIBIT H – TYPICAL LOT DIAGRAMS

## RESIDENTIAL DETACHED - FRONT LOADED




**Typical Lot Dimensions**
Residential Detached

| Lot Type | < 60 ft | 60 ft - 110 ft |
|---|---|---|
| Minimum lot area | 4,400 sf | 6,000 sf |
| A: Minimum lot width | 40 ft | 60 ft |
| B: Minimum lot depth | 110 ft | 110 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) | 15 ft (20ft to garage entry) |
| D: Minimum side setback | 5 ft | 5 ft |
| E: Minimum side setback along ROW | 15 ft | 15 ft |
| F: Maximum front porch setback encroachment | 5 ft | 5 ft |
| G: Minimum rear setback | 15 ft | 15 ft |
| Maximum height | 35 ft | 35 ft |
| Maximum lot coverage | 80% | 70% |
| **Housing Type District:** | **Active Adult / Traditional Residential*** | |

*Housing Types as shown may be appropriate for both Active Adult and Traditional Residential. Floor plans and other design considerations will be tailored to the proposed end user.

## COURTYARD HOMES

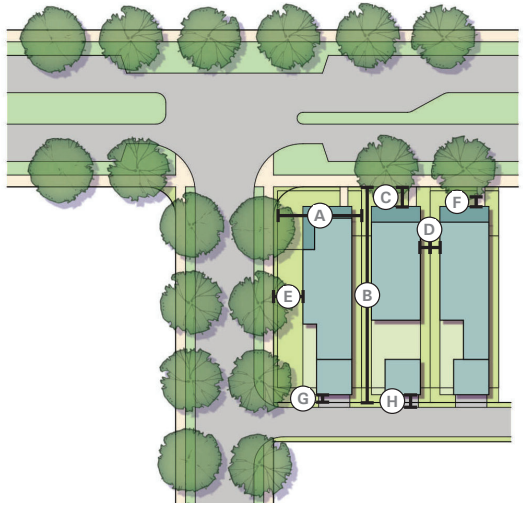



**Typical Lot Dimensions**
Courtyard homes

| | |
|---|---|
| Minimum lot area | 3,375 sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | 5 ft (or flexible) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 60% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |


TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

## RESIDENTIAL DETACHED - ALLEY LOADED




**Typical Lot Dimensions**
Residential Detached

| | |
|---|---|
| Minimum lot area | 3,000 sf |
| A: Minimum lot width | 30 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | 5 ft (or flexible) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 15 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## PARK-FACING CONDITIONS




**Typical Lot Dimensions**
Park-Facing Condition for a variety of housing types

| | |
|---|---|
| Minimum lot area | varies |
| A: Minimum lot width | varies |
| B: Minimum lot depth | varies |
| C: Minimum front setback from ROW | varies, 5 ft from property line |
| D: Minimum side setback | varies |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front setback encroachment | 0 ft |
| G: Minimum rear setback | varies |
| H: Minimum rear alley setback (garage entry) | varies |
| Maximum height | 35 ft |
| Maximum lot coverage | varies |
| **Housing Type District:** | **Active Adult / Traditional Residential** |


TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

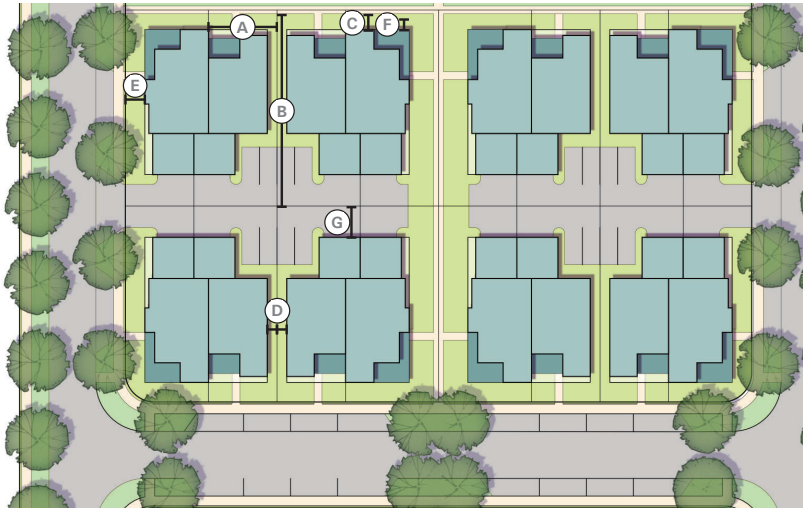
## SHALLOW AND WIDE LOTS




**Typical Lot Dimensions**
Shallow and Wide Lots

| | |
|---|---|
| Minimum lot area | 4,875 sf |
| A: Minimum lot width | 65 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) |
| D: Minimum side setback | 5 ft |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 10 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## COTTAGE




**Typical Lot Dimensions**
Cottages

| | |
|---|---|
| Minimum lot area | 3,700 sf |
| A: Minimum lot width | 35 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | N/A |
| Maximum height | 35 ft |
| Maximum lot coverage | 90% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

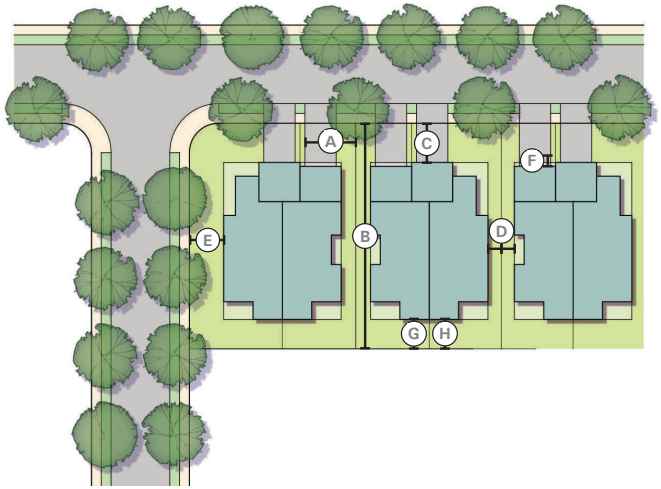


TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 15' 30' 60'

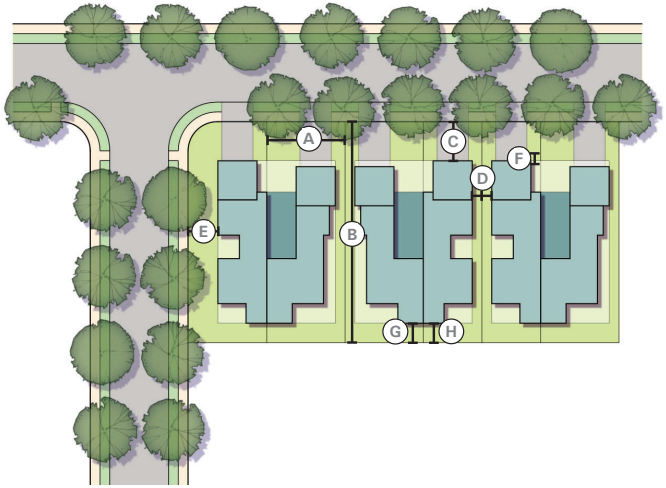
## PAIRED VILLAS




**Typical Lot Dimensions**
Paired Villas

| | |
|---|---|
| Minimum lot area | 2,500 sf |
| A: Minimum lot width | 25 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft (20ft to garage entry) |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 15 FT |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## COURTYARD VILLAS - FRONT LOADED




**Typical Lot Dimensions**
Courtyard Villas

| | |
|---|---|
| Minimum lot area | 3,000 sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 110 ft |
| C: Minimum front setback from ROW | 15 ft (20ft to garage entry) |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 10 FT |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult** |

## COURTYARD VILLAS - ALLEY LOADED




**Typical Lot Dimensions**
Paired Villas

| | |
|---|---|
| Minimum lot area | 3,000sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 75 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | 20 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type Distric:** | **Active Adult** |

minto TBG KFM

Kemp Tract

Exhibit H - Typical Lot Diagrams
Page 4

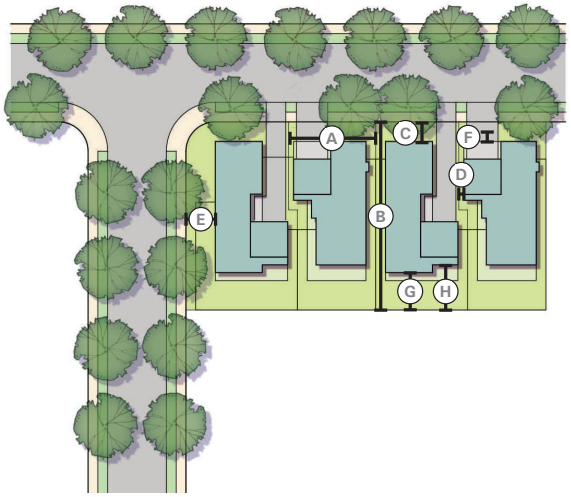
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 15' 30' 60'

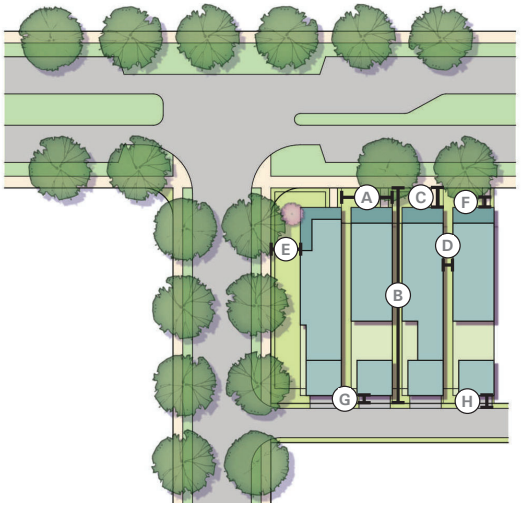
## ZIPPER LOTS




**Typical Lot Dimensions**
Zipper Lots

| | |
|---|---|
| Minimum lot area | 4,400 sf |
| A: Minimum lot width | 40 ft |
| B: Minimum lot depth | 90 ft |
| C: Minimum front setback from ROW | 10 ft (alternating 20ft and 40 ft to garage entry) |
| D: Minimum side setback | 2.5 ft (10 ft of separation between units) |
| E: Minimum side setback along ROW | 15 ft |
| F: Maximum front porch setback encroachment | 5 ft |
| G: Minimum rear setback | 10 FT |
| Maximum height | 35 ft |
| Maximum lot coverage | 80% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

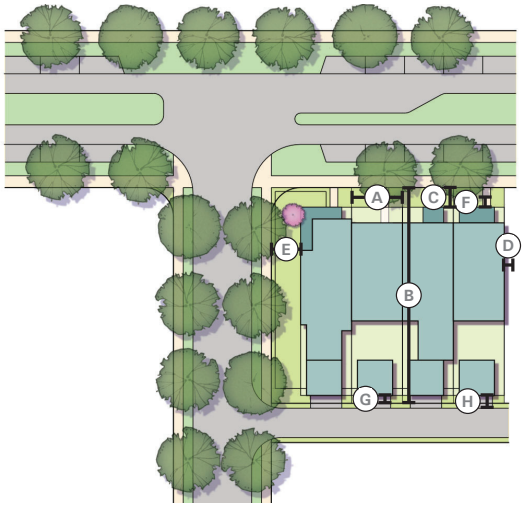
## ZERO LOT LINE




**Typical Lot Dimensions**
Zero Lot Line

| | |
|---|---|
| Minimum lot area | 2,600 sf |
| A: Minimum lot width | 26 ft |
| B: Minimum lot depth | 100 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G: Minimum rear setback | 15 ft |
| H: Minimum rear alley setback (garage entry) | 4 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 90% |
| **Housing Type District:** | **Active Adult / Traditional Residential** |

## TOWNHOMES




**Typical Lot Dimensions**
Townhomes

| | |
|---|---|
| Minimum lot area | 2,250 sf |
| A: Minimum lot width | 25 ft |
| B: Minimum lot depth | 90 ft |
| C: Minimum front setback from ROW | 10 ft |
| D: Minimum side setback | (5 ft/ 0 ft on the common wall with the adjoining unit) |
| E: Minimum side setback along ROW | 10 ft |
| F: Maximum front porch setback encroachment | 0 ft |
| G:Minimum rear setback | 10 ft |
| H: Minimum rear alley setback (garage entry) | 4 ft |
| Maximum height | 35 ft |
| Maximum lot coverage | 90% |
| **Housing Type Distric:** | **Active Adult / Traditional Residential** |

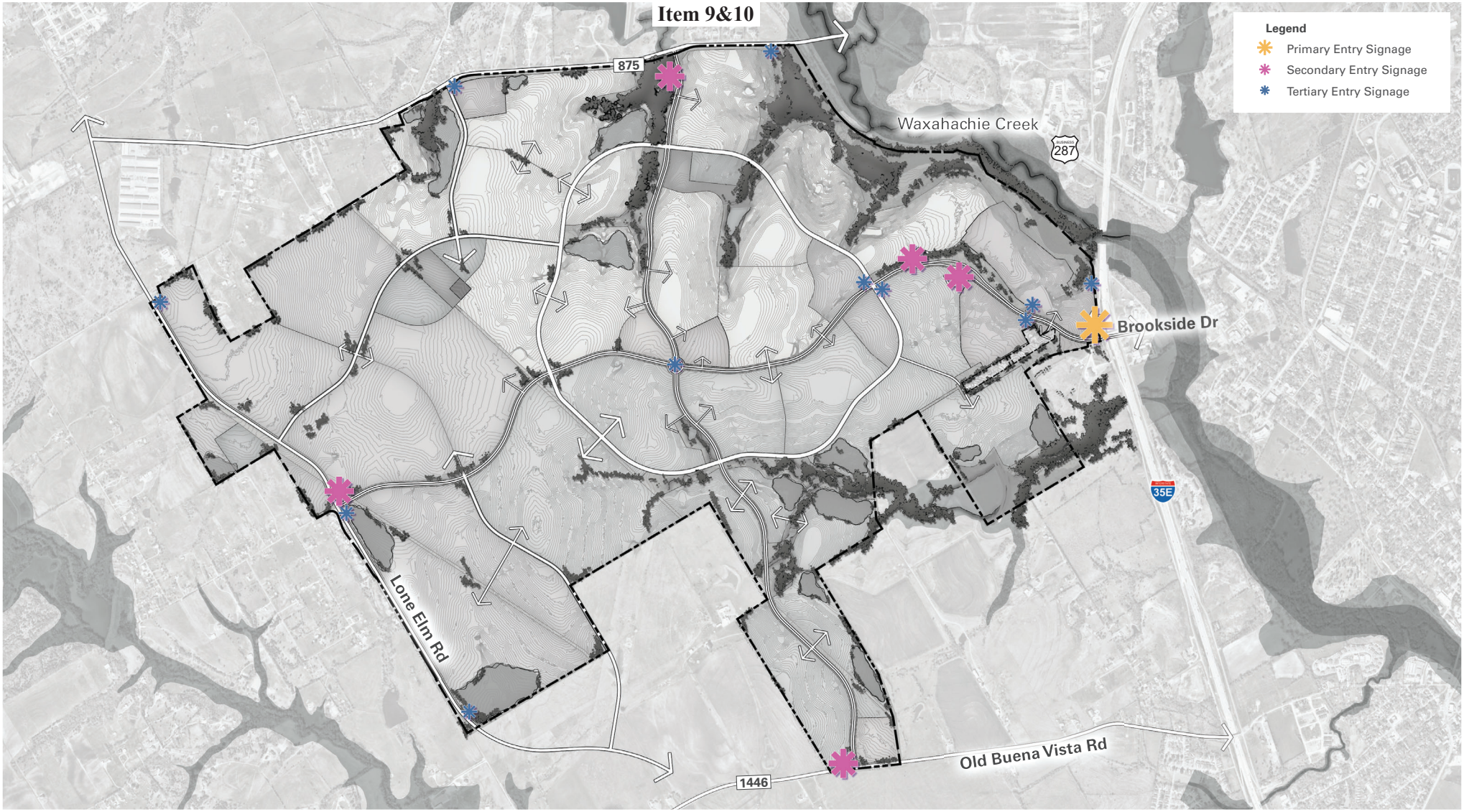


TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 15' 30' 60'

# EXHIBIT I – SIGNAGE PLAN




minto

TBG

KFM

Kemp Tract

Exhibit I - Signage Plan
Page 1

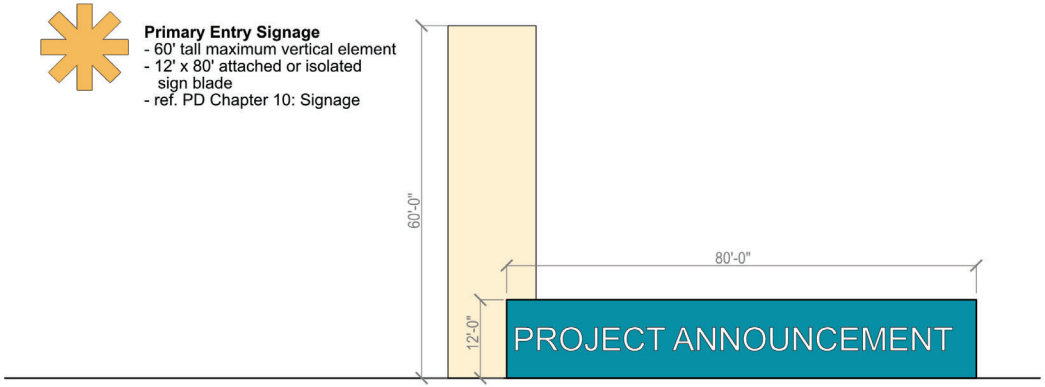
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

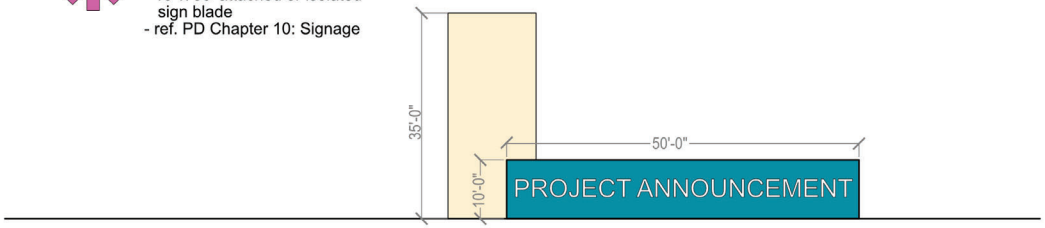
[512] 327 1011
tbgpartners.com

0 400' 800' 1600'

**Primary Entry Signage**
- 60' tall maximum vertical element
- 12' x 80' attached or isolated sign blade
- ref. PD Chapter 10: Signage




**Secondary Entry Signage**
- 35' tall maximum vertical element
- 10' x 50' attached or isolated sign blade
- ref. PD Chapter 10: Signage




**Tertiary Entry Signage**
- 15' tall maximum vertical element
- 8' x35' isolated sign blade
- ref. PD Chapter 10: Signage




**Neighborhood Entry**
- 8' tall maximum vertical element
- 6' x 20' isolated sign blade
- ref. PD Chapter 10: Signage



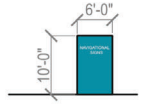

**Community Center Monument**
- 8' tall maximum vertical element
- 6' x 20' isolated sign blade
- ref. PD Chapter 10: Signage




**Parks Monuments**
- 8' tall maximum vertical element
- 80 square foot maximum area
- ref. PD Chapter 10: Signage




**Residential Navigation Signs**
- 10' tall maximum vertical element
- 6' x 10' isolated sign blade
- ref. PD Chapter 10: Signage




**Directional/Marketing/Informational Signs:**
- 100 square foot maximum sign messaging area
- ref. PD Chapter 10: Signage




Note: These graphics are not intended to illustrate design, configuration, materials, or graphic intent. They are only intended to demonstrate maximum dimensions proposed for vertical and horizontal signage areas.

# EXHIBIT J – DEVELOPMENT TRACKING

Item 9&10

## DRAFT - KEMP PROGRESSIVE PROJECT TABLE

### RESIDENTIAL (TRADITIONAL)

| PROJECT NAME | CITY PLAT NUMBER | P&Z APPROVAL DATE | RESIDENTIAL UNIT TYPE* | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Residential Detached - Front Load | Residential Detached - Alley Load | Cottage | Paired Villas | Zipper Lots | Town Homes | Courtyard Homes | Zero Lot Line | *add product types as introduced | *add product types as introduced | Total Residenital Units | OPEN SPACE (AC) | PARKS (AC) | TOTAL ACREAGE | DU/TOTAL ACREAGE |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - |
| DEVELOPMENT TOTALS | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

### RESIDENTIAL (ACTIVE ADULT)

| PROJECT NAME | CITY PLAT NUMBER | P&Z APPROVAL DATE | RESIDENTIAL UNIT TYPE * | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Residential Detached - Front Load | Residential Detached - Alley Load | Cottage | Paired Villas | Courtyard Homes | Zipper Lots | Town Homes | Zero Lot Line | *add product types as introduced | *add product types as introduced | Total Residenital Units | OPEN SPACE (AC) | PARKS (AC) | TOTAL ACREAGE | DU/TOTAL ACREAGE | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| | | | - | - | - | - | - | - | - | - | | | - | - | - | - | - | |
| DEVELOPMENT TOTALS | | | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | |

### NON-RESIDENTIAL (INCLUDES MULTIFAMILY)

| PROJECT NAME | CITY SITE PLAN NUMBER | P&Z APPROVAL DATE | USE | BUILDING AREA (SF) | # OF MULTIFAMILY UNITS | | | | | OPEN SPACE (AC) | PARKS (AC) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1 BEDROOM UNIT | 2 BEDROOM UNIT | 3 BEDROOM UNIT | 4 BEDROOM UNIT | TOTAL MULTIFAMILY UNITS | | |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| | | | | - | - | - | - | - | - | - | - |
| DEVELOPMENT TOTALS | | | | - | - | - | - | - | - | - | - |

| KEMP RESIDENTIAL UNIT SUMMARY | |
|---|---|
| Total Intergeneration Res.Units | - |
| Total Active Adult Res. Units | - |
| Total Res. Units | - |
| Maximum Res. Units Allowed | 13,270 |
| **Remaining Res. Units Allowed** | **13,270** |

** Maximum Res. Units Allowed Per Section 5.1 of the Kemp Tract Planned Development District*

9/3/2025



TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

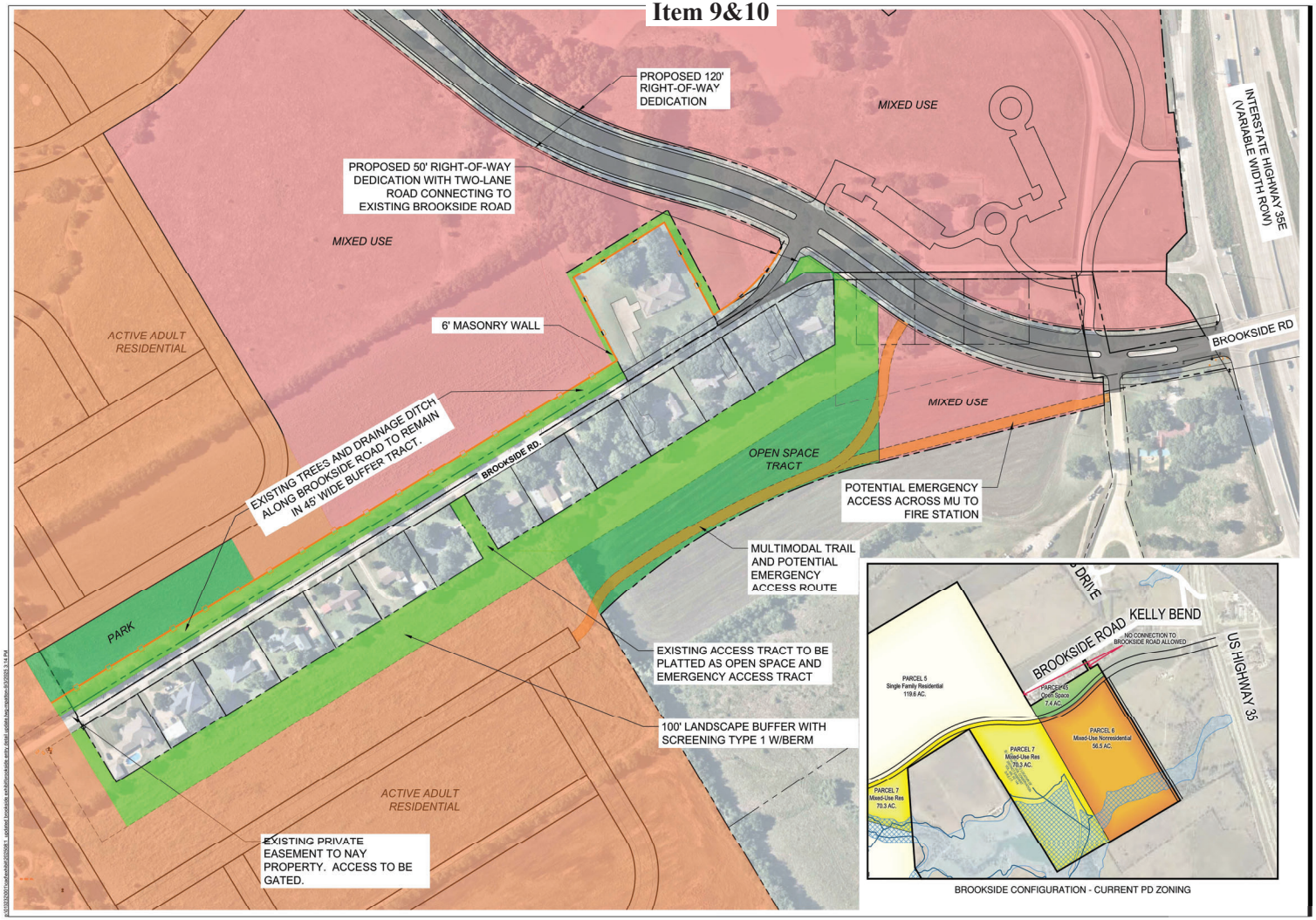
[512] 327 1011
tbgpartners.com

## DRAFT - KEMP PD LOT MIX TABLE

| LOT GROUP | PROJECT/PHASE NAME | CITY PLAT NUMBER | P&Z APPROVAL DATE | RESIDENTIAL (TRADITIONAL) | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | RESIDENTIAL UNIT TYPE* | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Residential Detached - Front Load | | | | | | | | Residential Detached - Alley Load | | | | Cottage | | Paired Villas | | Townhomes | | * add product type as introduced | | * add product type as introduced | | Total Residential Units |
| | | | | 40' Lot Width | | 50' Lot Width | | 60' Lot Width | | 70' Lot Width | | 40' Lot Width | | 60' Lot Width | | | | | | | | | | | | |
| | | | | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | |
| 0-100 | | | | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - |
| 101-250 | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| 251-500 | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| 500+ | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | OVERALL TRADITIONAL SINGLE FAMILY DEVELOPMENT TOTALS | | | - | 0% | - | 0% | - | 0% | - | 0% | | 0% | | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - |

| LOT GROUP | PROJECT/PHASE NAME | CITY PLAT NUMBER | P&Z APPROVAL DATE | RESIDENTIAL (ACTIVE ADULT) | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | RESIDENTIAL UNIT TYPE* | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Residential Detached - Front Load | | | | | | | | Residential Detached - Alley Load | | | | Cottage | | Paired Villas | | Townhomes | | * add product type as introduced | | * add product type as introduced | | Total Residential Units |
| | | | | 40' Lot Width | | 50' Lot Width | | 60' Lot Width | | 70' Lot Width | | 40' Lot Width | | 60' Lot Width | | | | | | | | | | | | |
| | | | | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | # OF LOTS | % OF MIX | |
| 0-100 | | | | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - |
| 101-250 | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| 251-500 | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| 500+ | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | | | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - | | - |
| | OVERALL ACTIVE ADULT DEVELOPMENT TOTALS | | | - | 0% | - | 0% | - | 0% | - | 0% | | 0% | | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - | 0% | - |

## EXHIBIT K-BROOKSIDE ROAD ENLARGEMENT




BROOKSIDE CONFIGURATION - CURRENT PD ZONING

KFM ENGINEERING & DESIGN
3501 OLYMPUS BLVD
SUITE 100
DALLAS, TEXAS 75019
PHONE: (469) 899-0536
WWW.KFM-LLC.COM
TBPE #: F-20821

PROJECT
KEMP RANCH
WAXAHACHIE, TEXAS

TITLE
**BROOKSIDE SCREENING**

CLIENT
MINTO COMMUNITIES
TEXAS, LLC

N
0 50 100 200
SCALE 1" = 100'

PROJECT NUMBER: 010232001
DRAWN BY: JAR
DATE: 2025/09/18
SHEET: EXH 01

minto TBG KFM

Kemp Tract

Exhibit K - Brookside Road enlargment

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

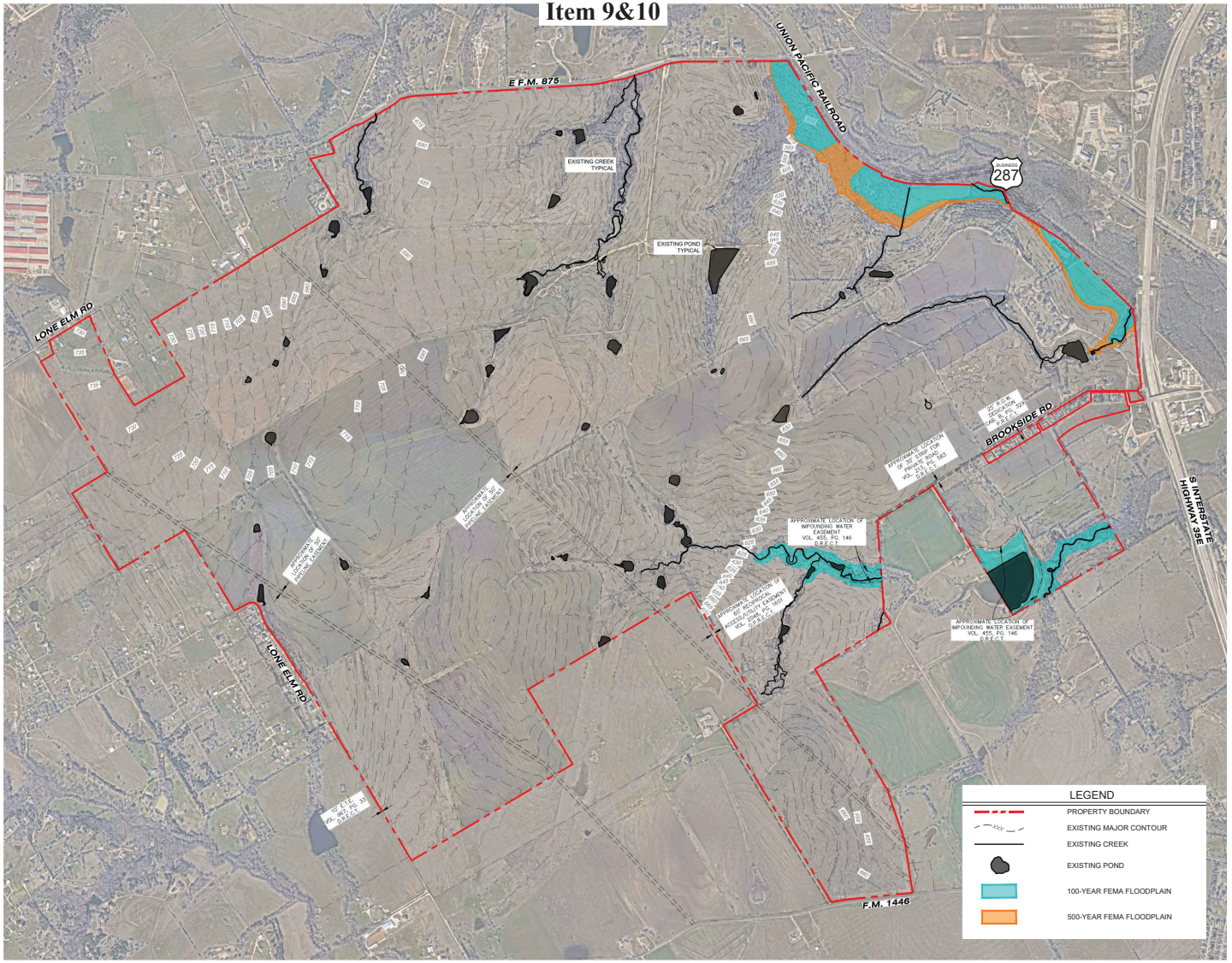
[512] 327 1011
tbgpartners.com

This exhibit is preliminary. Final alignments, connection points and design details will be finalized during review of civil construction plans by City staff

**Item 9&10**

## EXHIBIT L-EXISTING CONDITIONS

**Item 9&10**




minto TBG KFM

Kemp Tract

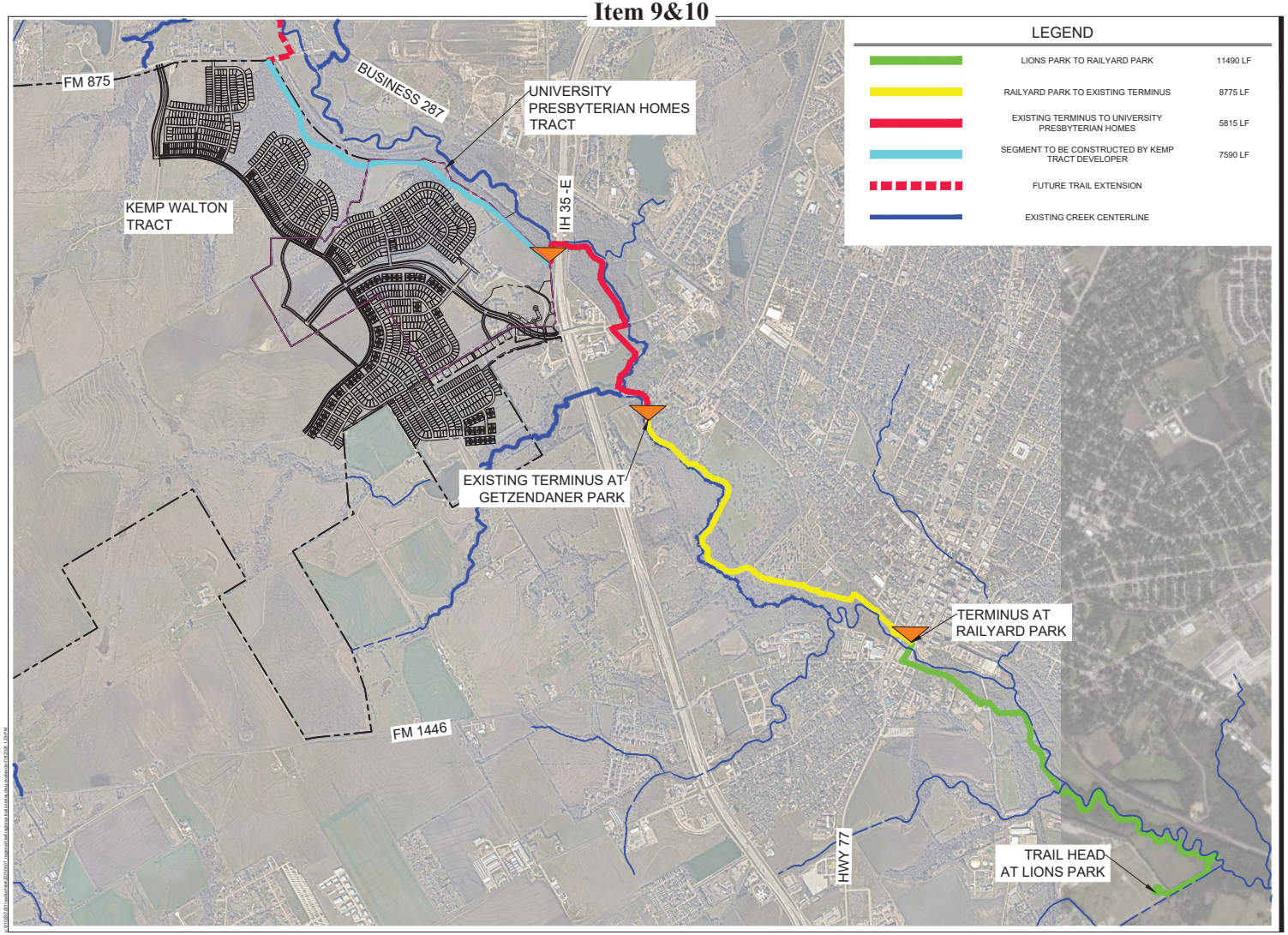
Exhibit L - Existing Conditions
Page 1

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

0 400' 800' 1600'




KFM
3501 OLYMPUS BLVD, SUITE 100
DALLAS, TEXAS 75019
PHONE: (469) 899-0536
WWW.KFM-LLC.COM
TBPE #: F-20821
TBPELS #: 10194934

PROJECT
KEMP RANCH
WAXAHACHIE, TX

TITLE
**WAXAHACHIE REGIONAL TRAIL OVERLAY**

CLIENT
MINTO

N

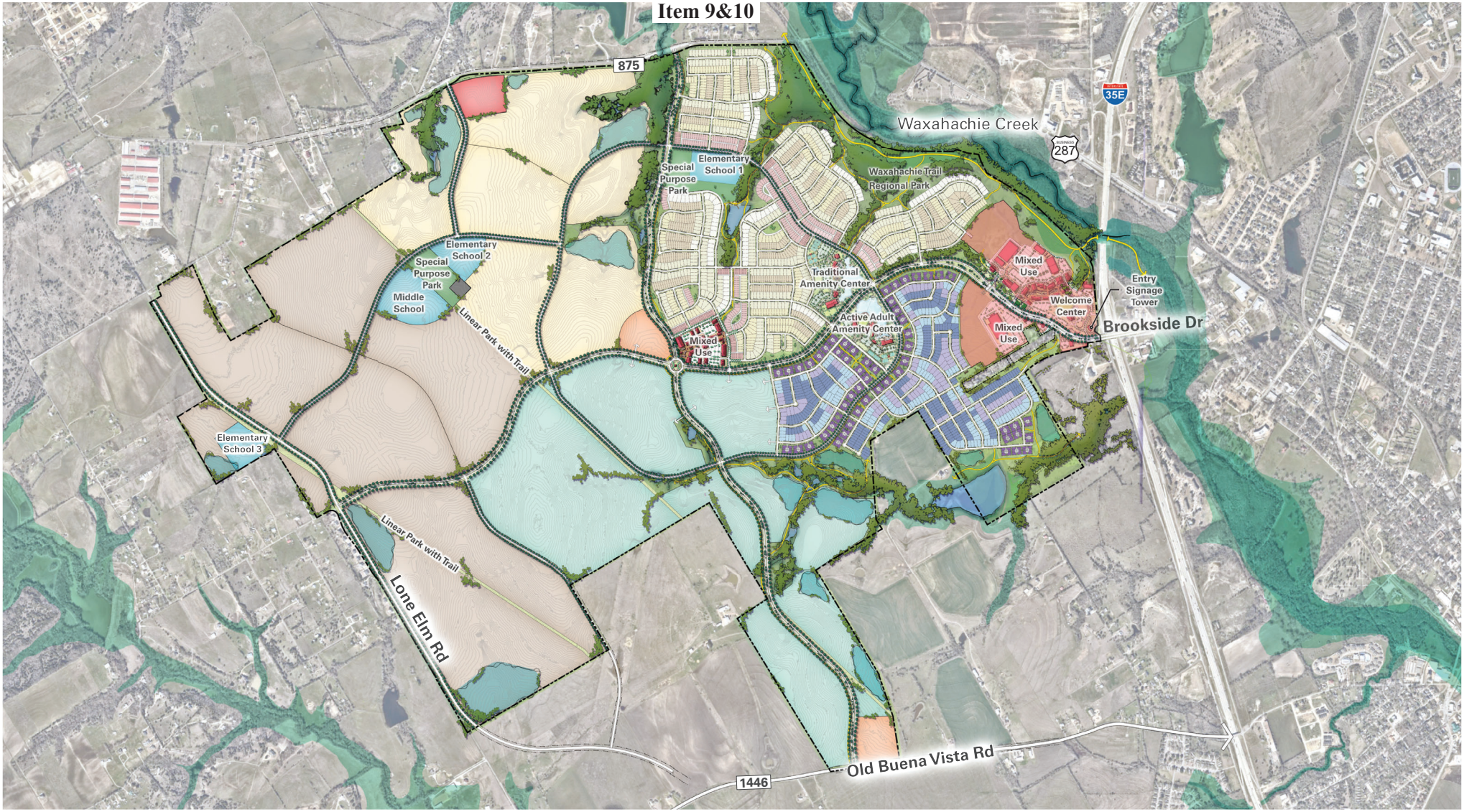
0 200 400 800
1"=400'

PROJECT NUMBER: 010220001
DRAWN BY: KFM
DATE: 2025/07/08
SHEET:

EXH 01

**Item 9&10**

# EXHIBIT M-ILLUSTRATIVE PLANS




minto

TBG

KFM

Kemp Tract

Exhibit M - Illustrative Plans
Page 1: Overall Illustrative

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

Exhibit M is an Illustrative Concept Plan that shows how the Property may develop in concept under the standards set forth herein. This Illustrative Concept Plan is for informational purposes only and is not intended to be a regulatory document that controls the development of the property. Development of the Property is not required to conform to this Illustrative Conceptual Plan. Final development shall be in accordance with Site Plans and Subdivision Plats that conform to the standards herein.

0 400' 800' 1600'




minto

TBG

KFM

Kemp Tract

Exhibit M - Illustrative Plans
Page 2: Traditional Residential Plan

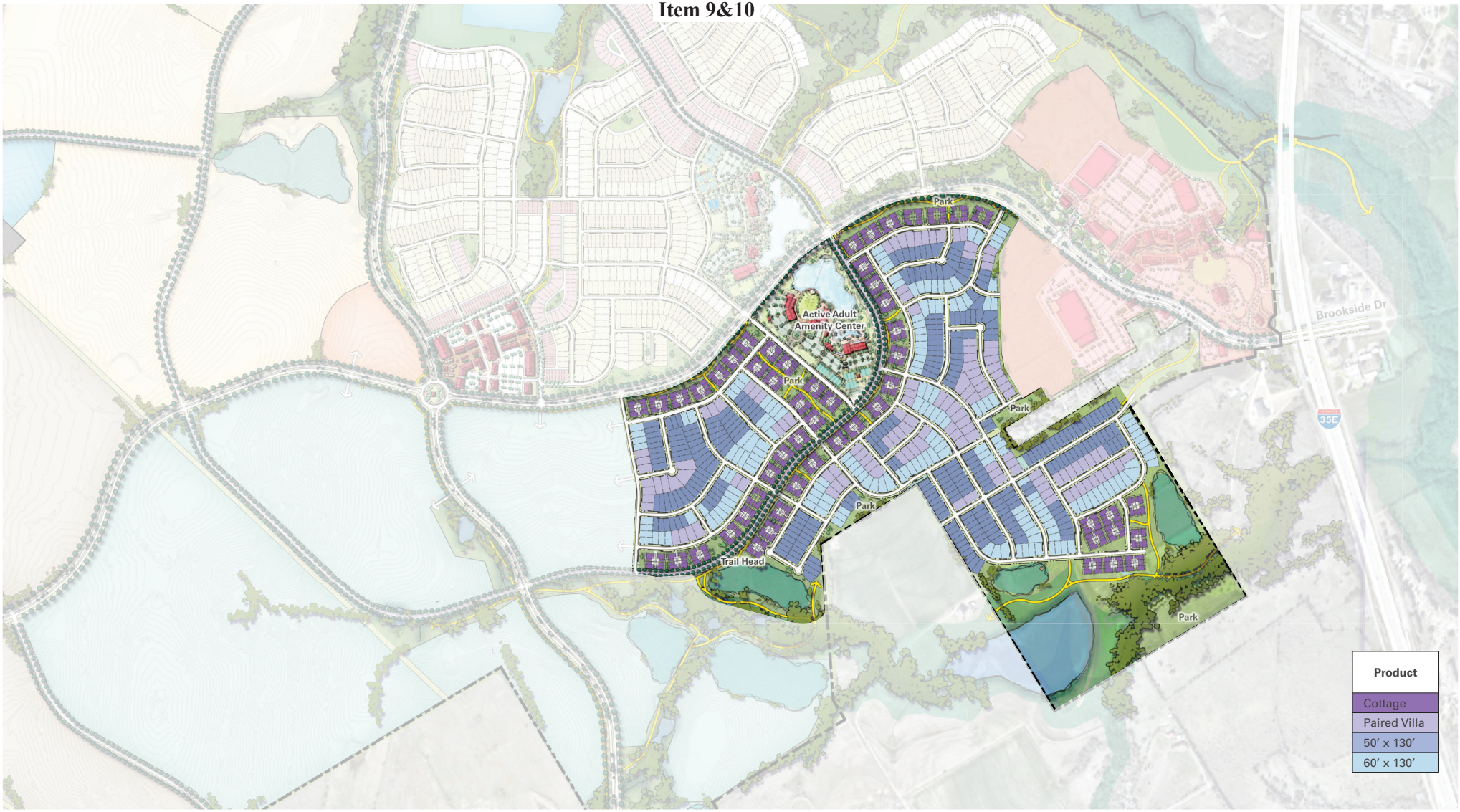
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

Exhibit M is an Illustrative Concept Plan that shows how the Property may develop in concept under the standards set forth herein. This Illustrative Concept Plan is for informational purposes only and is not intended to be a regulatory document that controls the development of the property. Development of the Property is not required to conform to this Illustrative Conceptual Plan. Final development shall be in accordance with Site Plans and Subdivision Plats that conform to the standards herein.

0 200′ 400′ 800′




minto

TBG

KFM

Kemp Tract

Exhibit M - Illustrative Plans
Page 3: Active Adult Illustrative Plan

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

Exhibit M is an Illustrative Concept Plan that shows how the Property may develop in concept under the standards set forth herein. This Illustrative Concept Plan is for informational purposes only and is not intended to be a regulatory document that controls the development of the property. Development of the Property is not required to conform to this Illustrative Conceptual Plan. Final development shall be in accordance with Site Plans and Subdivision Plats that conform to the standards herein.

0 100' 200' 400'



minto

TBG

KFM

Kemp Tract

Exhibit M - Illustrative Plans

Page 4: Mixed Use Town Center Concept Plan

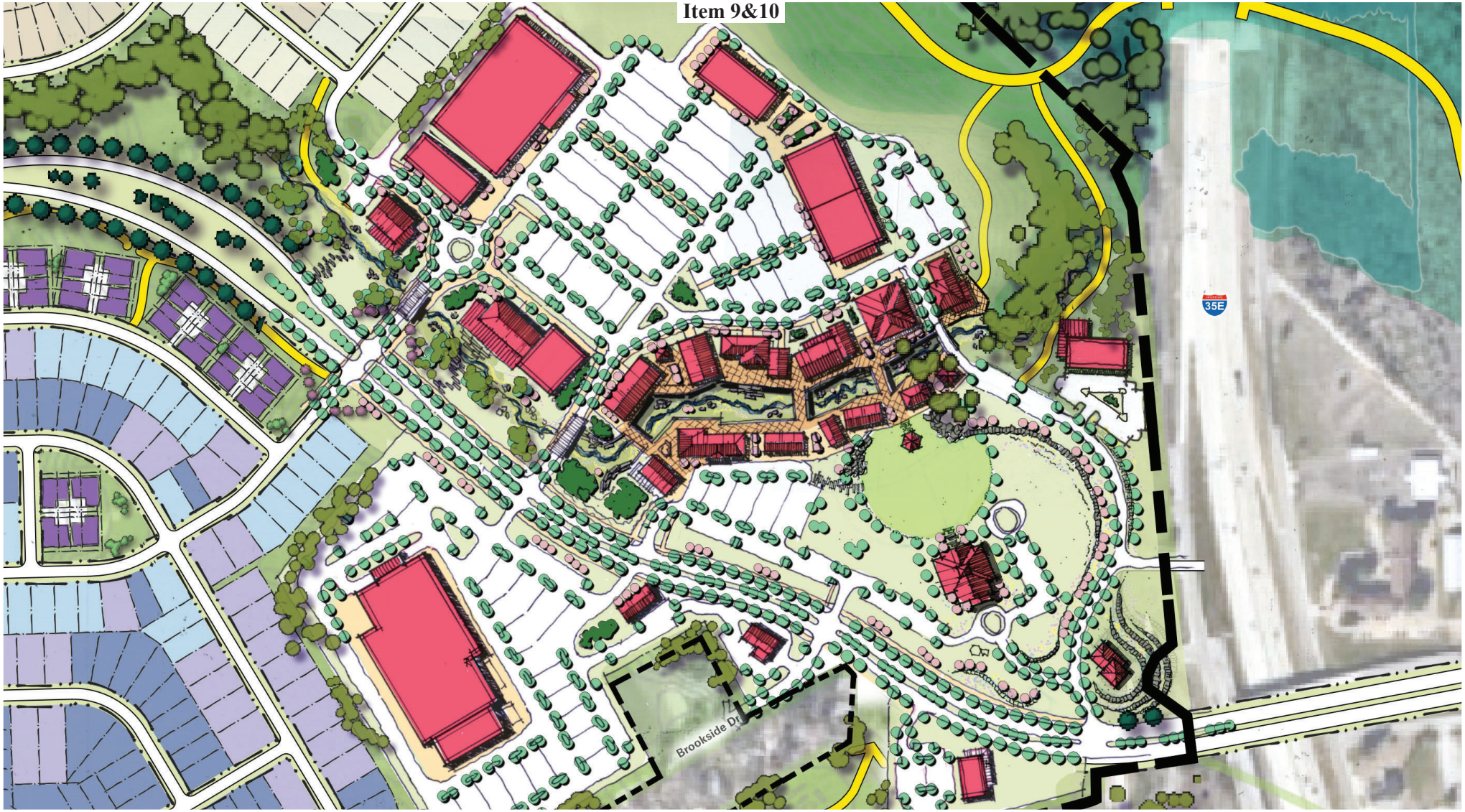
Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

Exhibit M is an Illustrative Concept Plan that shows how the Property may develop in concept under the standards set forth herein. This Illustrative Concept Plan is for informational purposes only and is not intended to be a regulatory document that controls the development of the property. Development of the Property is not required to conform to this Illustrative Conceptual Plan. Final development shall be in accordance with Site Plans and Subdivision Plats that conform to the standards herein.

0 50' 100' 200'




minto

TBG

KFM

Kemp Tract

Exhibit M - Illustrative Plans
Page 4: Mixed Use Project Entrance Concept Plan

Waxahachie, Texas
09/19/2025

TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702

[512] 327 1011
tbgpartners.com

Exhibit M is an Illustrative Concept Plan that shows how the Property may develop in concept under the standards set forth herein. This Illustrative Concept Plan is for informational purposes only and is not intended to be a regulatory document that controls the development of the property. Development of the Property is not required to conform to this Illustrative Conceptual Plan. Final development shall be in accordance with Site Plans and Subdivision Plats that conform to the standards herein.

0 50' 100' 200'

# EXHIBIT N-LEGAL DESCRIPTION

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

EXHIBIT "N"

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 3,169.5531 ACRES (138,065,732 SQUARE FEET) OUT OF THE JOHN BARKER SURVEY, ABSTRACT NO. 40, THE ELIJAH BELLOW SURVEY, ABSTRACT NO. 101, THE JONATHAN E. PRINCE SURVEY, ABSTRACT NO. 845, THE JOHN FIFER SURVEY, ABSTRACT NO. 351, THE MEREDITH MYERS SURVEY, ABSTRACT NO. 714, THE BENJAMIN WILTSHIRE SURVEY, ABSTRACT NO. 1132, THE E. H. BELCHER SURVEY, ABSTRACT NO. 143, THE JOHN DRINKARD SURVEY, ABSTRACT NO. 273, AND THE JESSE J. DAVIDSON SURVEY, ABSTRACT NO. 302, ALL IN ELLIS COUNTY, TEXAS, AND BEING:

(1) ALL OF A CALLED 1040.641 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1532148 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (O.P.R.E.C.T.), SAVE AND EXCEPT A CALLED .5877 ACRE TRACT (DESCRIBED AS PARCEL 2) CONVEYED TO THE STATE OF TEXAS IN DOCUMENT NO. 1610103 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO WALTON TX DALLAS KEMP RANCH LP 1, LP, IN DOCUMENT NOS. 1602022, 1602918, 1604532, 1606287, 1607796 AND 1611882 (O.P.R.E.C.T.),

(2) ALL OF A CALLED 117.601 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1532149 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO WALTON TX DALLAS KEMP RANCH LP 1, LP, IN DOCUMENT NOS. 1602022, 1602918, 1604532, 1606287, 1607796 AND 1611882 (O.P.R.E.C.T.),

(3) ALL OF A CALLED 141.254 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1532150 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO WALTON TX DALLAS KEMP RANCH LP 1, LP, IN DOCUMENT NOS. 1602022, 1602918, 1604532, 1606287, 1607796 AND 1611882 (O.P.R.E.C.T.),

(4) ALL OF A CALLED 6.035 ACRE TRACT (DESCRIBED AS TRACT 1) CONVEYED TO WALTON TEXAS, LP, AND WALTON TX DALLAS KEMP RANCH LP 1, LP, IN DOCUMENT NO. 2326832 (O.P.R.E.C.T.),

(5) ALL OF A CALLED 151.499 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1616460 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO THE PARTIES LISTED IN APPENDIX "A" (IN SEPARATE ATTACHMENT);

(6) ALL OF A CALLED 182.727 ACRE TRACT (DESCRIBED AS TRACT 1-C) AND A CALLED 99.991 ACRE TRACT (DESCRIBED AS PARCEL 3) CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1515578 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO THE PARTIES LISTED IN APPENDIX "B" (IN SEPARATE ATTACHMENT);

(7) ALL OF A CALLED 398.282 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1515579 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO THE PARTIES LISTED IN APPENDIX "B" (IN SEPARATE ATTACHMENT);

(8) ALL OF A CALLED 681.000 ACRE TRACT CONVEYED TO WALTON TEXAS, LP, IN DOCUMENT NO. 1526274 (O.P.R.E.C.T.), SAVE AND EXCEPT A CALLED 0.5506 ACRE TRACT (DESCRIBED AS PARCEL 1) CONVEYED TO THE STATE OF TEXAS IN DOCUMENT NO. 1610102 (O.P.R.E.C.T.), AN INTEREST IN WHICH WAS CONVEYED TO THE PARTIES LISTED IN APPENDIX "C" (IN SEPARATE ATTACHMENT);

(9) BEING ALL OF A CALLED 0.784 ACRE TRACT (DESCRIBED AS TRACT 2) CONVEYED TO WALTON TEXAS, LP, AND WALTON TX DALLAS KEMP RANCH LP 1, LP, IN DOCUMENT NO. 2326832 (O.P.R.E.C.T.),

(10) BEING ALL OF A CALLED 130 ACRE TRACT CONVEYED TO UNITED PRESBYTERIAN HOMES OF THE SYNOD OF TEXAS IN VOLUME 460, PAGE 200 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS (D.R.E.C.T.), A PORTION OF A CALLED 202.85 ACRE TRACT (DESCRIBED AS TRACT I) CONVEYED TO UNITED PRESBYTERIAN HOMES OF THE SYNOD OF TEXAS IN VOLUME 460, PAGE 205 (D.R.E.C.T.), AND ALL OF A CALLED 60 ACRE TRACT AND A CALLED 5.61 ACRE TRACT CONVEYED TO UNITED PRESBYTERIAN HOMES OF THE SYNOD OF TEXAS IN VOLUME 532, PAGE 404 (D.R.E.C.T.);

(11) BEING A PORTION OF A CALLED 21.654 ACRE TRACT (DESCRIBED AS TRACT ONE) CONVEYED TO WILLIAM F. KELLEY IN DOCUMENT NO. 2228261 (O.P.R.E.C.T.);

(12) BEING ALL OF A CALLED 0.465 ACRE TRACT (DESCRIBED AS TRACT I) CONVEYED TO WILLIAM F. & LEANNE C. KELLEY IN VOLUME 866, PG. 390 (D.R.E.C.T.), INCLUDING A 0.034 ACRE PORTION OF SAID 0.465 ACRE TRACT CONVEYED IN CAUSE NO. 03-E-2061 RECORDED IN THE COUNTY COURT OF LAW OF ELLIS COUNTY, TEXAS;

(13) BEING ALL OF A CALLED 0.40 ACRE TRACT CONVEYED TO WILLIAM F. & LEANNE C. KELLEY IN VOLUME 1937, PG. 736 (D.R.E.C.T.);

(14) BEING ALL OF A CALLED 0.52 ACRE TRACT CONVEYED TO WILLIAM F. & LEANNE C. KELLEY IN DOC. NO. 1832041 (O.P.R.E.C.T.);

SAID 3,169.5531 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the south right-of-way line of East Farm to Market Road 875 (80' right-of-way), and being at the northeast corner of a called 1.725 acre tract conveyed to Patricia L. Knight in Volume 2273, Page 384 (O.P.R.E.C.T.), and being a corner in the north line of said Walton 681.000 acre tract, for the northwest corner and POINT OF BEGINNING hereof;

THENCE, with the south right-of-way line of said E FM 875 and the north line of said Walton 681.000 acre tract, the following two (2) courses and distances:

1) N59°54'03"E, a distance of 465.63 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof, and
2) N59°21'46"E, a distance of 3.64 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof, said point being at the west corner of said 0.5506 acre State of Texas tract;

THENCE, leaving the north line of said Walton 681.000 acre tract, over and across said Walton 681.000 acre tract, with the south right-of-way line of said E FM 875 and the south line of said 0.5506 acre State of Texas tract, the following three (3) courses and distances:

1) N73°02'53"E, a distance of 136.59 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof,
2) N58°55'47"E, a distance of 616.79 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof, and
3) N49°53'50"E, a distance of 111.30 feet to a 5/8-inch iron rod with "TxDot" cap found for a non-tangent point of curvature hereof, said point being at the east corner of said 0.5506 acre State of Texas tract, and being in the north line of said Walton 681.000 acre tract;

THENCE, continuing with the south right-of-way line of said E FM 875, in part with the north line of said Walton 681.000 acre tract, and in part with the north line of said Walton 1040.641 acre tract, the following three (3) courses and distances:

1) along the arc of a curve to the right, whose radius is 920.72 feet, whose arc length is 276.25 feet and whose chord bears N77°44'36"E, a distance of 275.22 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for an angle point hereof,
2) N86°18'23"E, passing at a distance of 1,981.94 feet, a 1/2-inch iron rod with illegible cap found at the common north corner of said Walton 681.000 acre and 1040.641

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com



acre tracts, and continuing for a total distance of 2836.42 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for a non-tangent point of curvature hereof, and

3) along the arc of a curve to the left, whose radius is 1504.82 feet, whose arc length is 358.26 feet and whose chord bears N79°30'37"E, a distance of 357.41 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof, said point being at the west corner of said 0.5877 acre State of Texas tract;

THENCE, leaving the north line of said Walton 1040.641 acre tract, over and across said Wal 1040.641 acre tract, with the south right-of-way line of said E FM 875 and the south line of 0.5877 acre State of Texas tract, the following four (4) courses and distances:

1) N82°00'35"E, a distance of 204.67 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof,
2) N72°12'49"E, a distance of 286.39 feet to a 1/2-inch iron rod found for an angle point hereof,
3) N72°43'49"E, a distance of 212.73 feet to a calculated point (that falls inside a utility pole) for an angle point hereof, and
4) N67°29'44"E, a distance of 236.32 feet to a mag nail with "LTRA" washer found for a non-tangent point of curvature hereof, said point being at the east corner of said 0.5877 acre State of Texas tract, and being in the north line of said Walton 1040.641 acre tract;

THENCE, continuing with the south right-of-way line of said E FM 875, with the north line of Walton 1040.641 acre tract, the following five (5) courses and distances:

1) along the arc of a curve to the right, whose radius is 2251.83 feet, whose arc length is 113.82 feet and whose chord bears N80°21'43"E, a distance of 113.81 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof,
2) N81°52'50"E, a distance of 122.75 feet to a 5/8-inch iron rod with "TxDot" cap found for a non-tangent point of curvature hereof,
3) along the arc of a curve to the right, whose radius is 587.69 feet, whose arc length is 79.53 feet and whose chord bears N85°40'58"E, a distance of 79.47 feet to a 5/8-inch iron rod with "TxDot" cap found for an angle point hereof,
4) N89°38'08"E, a distance of 1554.82 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for a non-tangent point of curvature hereof, and
5) along the arc of a curve to the left, whose radius is 1931.89 feet, whose arc length is 119.98 feet and whose chord bears N87°43'32"E, a distance of 119.96 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for the northeast corner hereof, said point being at the intersection of the southwest right-of-way line of the Union Pacific Railroad (right-of-way varies) with the south line of said E FM 875, and being the northeast corner of said Walton 1040.641 acre tract;

THENCE, with the southwest right-of-way line of said Union Pacific Railroad and the north line of said Walton 1040.641 acre tract, the following two (2) courses and distances:

1) S31°23'18"E, a distance of 1239.44 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for a point of curvature hereof, and
2) along the arc of a curve to the left, whose radius is 1959.88 feet, whose arc length is 1199.91 feet and whose chord bears S48°55'56"E, a distance of 1181.26 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for an angle point hereof;

HENCE, leaving the southwest right-of-way line of said Union Pacific Railroad, with the called outh line of a public road (per Volume 471, Page 557 (D.R.E.C.T.)), and with the northeast line f said Walton 1040.641 acre tract, the following two (2) courses and distances:

1) S06°43'05"W, a distance of 41.41 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for a non-tangent point of curvature hereof, and
2) along the arc of a curve to the left, whose radius is 1999.88 feet, whose arc length is 481.69 feet and whose chord bears S73°43'48"E, a distance of 480.52 feet to a 1/2-inch iron rod with "Goodwin & Marshall" cap found for an angle point hereof, said point being at the northwest corner of said United Presbyterian 130 acre tract (and called to be in the south line of a public road), and being the northeast corner of said Walton 1040.641 acre tract;

HENCE, with the south line of said public road and the north line of said United Presbyterian .30 acre tract, the following three (3) courses and distances:

1) S89°05'08"E, a distance of 725.17 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
2) S88°23'37"E, a distance of 306.97 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
3) N59°04'21"E, a distance of 86.14 feet to a 3/8-inch iron rod found for an angle point hereof, said point being a corner in the west line of a called 31.153 acre tract conveyed to Jose & Enriqueta Lopez Revocable Trust in Document No. 1831559 (O.P.R.E.C.T.), and being in the approximate center of said public road;

HENCE, along the center of said public road, in part with the east line of said Lopez tract, in part vith the west line of a called 26.843 acre tract conveyed to Pioneer Concrete of Texas, Inc., in /olume 869, Page 832 (D.R.T.C.T.), in part with the east line of said United Presbyterian 130 acre nd 202.85 acre tracts, the following nine (9) courses and distances:

1) S69°52'08"E, a distance of 190.27 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
2) S82°22'23"E, a distance of 249.85 feet to a 5/8-inch iron rod found for an angle point hereof,
3) S13°01'30"E, a distance of 91.73 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
4) S25°27'24"E, a distance of 269.19 feet to a 3/8-inch iron rod found for an angle point hereof,
5) S59°45'11"W, a distance of 10.98 feet to a 3/8-inch iron rod found for an angle point hereof,
6) S59°46'32"E, a distance of 382.10 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
7) S57°54'50"E, a distance of 543.74 feet to a railroad spike found for an angle point hereof,
8) S46°05'11"E, a distance of 1423.96 feet to a railroad spike found for an angle point hereof, and
9) S45°40'02"E, a distance of 256.25 feet to a 5/8-inch iron rod found at a corner in the west right-of-way line of S Interstate Highway 35E (right-of-way varies), and being the southeast corner of said Pioneer Concrete tract, and being the northeast corner of the remainder of said United Presbyterian 202.85 acre tract;

THENCE, with the west right-of-way line of said S IH 35E and the east line of said United Presbyterian 202.85 acre tract, the following three (3) courses and distances:

1) S01°33'25"E, a distance of 6.04 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof,
2) S44°16'38"W, a distance of 40.03 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof, and
3) S26°12'54"E, a distance of 85.41 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof, said point being at the north corner of a called 0.023 acre tract (described as Part 2) conveyed to the State of Texas in Document No. 2023488 of the Official Public Records of Ellis County, Texas (O.P.R.E.C.T.);

THENCE, with the west right-of-way line of said S IH 35E and the east line of said 0.023 acre State of Texas tract, over and across said United Presbyterian 202.85 acre tract, S04°31'52"E, a distance of 247.04 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for a non-tangent point of curvature hereof, said point being at the south corner of said 0.023 acre State of Texas tract, and being interior ell-corner hereof, and being in the east line of said United Presbyterian 202.85 acre tract;

THENCE, with the west right-of-way line of said S IH 35E and the east line of said United Presbyterian 202.85 acre tract, along the arc of a curve to the left, whose radius is 5894.58 feet, whose arc length is 275.92 feet and whose chord bears S04°31'52"E, a distance of 275.90 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being the north corner of a called 0.048 acre tract (described as Part 1) conveyed to the State of Texas in Document No. 2023488 (O.P.R.E.C.T.);

THENCE, with the west right-of-way line of said S IH 35E and the east line of said 0.048 acre State of Texas tract, over and across said United Presbyterian 202.85 acre tract, the following two (2) courses and distances:

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com



1) S04°31'52"E, a distance of 327.68 feet to a 5/8-inch iron rod with aluminum TxDot cap found for an angle point hereof, and
2) N83°55'52"E, a distance of 13.17 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the southeast corner of said 0.048 acre State of Texas tract, and being interior ell-corner hereof, and being in the east line of said United Presbyterian 202.85 acre tract;

THENCE, with the west right-of-way line of said S IH 35E, in part with the east line of said United Presbyterian 202.85 acre tract, and in part with the east line of said Walton 0.784 acre tract, the following six (6) courses and distances:

1) S06°07'58"E, a distance of 279.07 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof,
2) S43°31'28"W, a distance of 67.82 feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof,
3) S00°52'49"W, passing at a distance of 38.89 feet, a mag nail found at the common east corner of said Walton 0.784 acre tract and said United Presbyterian 202.85 acre tract, and continuing for a total distance of 72.22 feet to a 1/2-inch iron rod with "GMCivil" cap found for an angle point hereof,
4) S43°44'28"E, a distance of 77.18 feet to a leaning 1/2-inch iron rod found for an angle point hereof, and
5) S31°19'20"E, a distance of 72.00 feet to a 1/2-inch iron rod with "GMCivil" cap found for an angle point hereof, said point being at the intersection of the north right-of-way line of Kelly Bend (50' right-of-way, dedicated as a called 0.543 acre tract conveyed to the City of Waxahachie in Volume 570, Page 864 (D.R.E.C.T.)), and being the southeast corner of said Walton 0.584 acre tract;

THENCE, leaving the west right-of-way line of said IH 35E, with the north and east right-of-way lines of said Kelly Bend and the south and west lines of said Walton 0.584 acre tract, the following two (2) courses and distances:

1) S79°20'23"W, a distance of 225.03 feet to a 1/2-inch iron rod found for an angle point hereof, and
2) N12°12'57"W, a distance of 195.90 feet to a mag nail found in Brookside Road (no right-of-way information found), and being in the south line of said United Presbyterian 202.85 acre tract;

THENCE, with the approximate centerline of said Brookside Road, with the south line of said United Presbyterian 202.85 acre tract, and in part with the north line of a called 125 acre tract conveyed to J.C. Kelley et Ux. in Volume 404, Page 324 (D.R.E.C.T.), the following two (2) courses and distances:

1) S89°44'51"W, a distance of 665.14 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof, and
2) S58°31'10"W, a distance of 237.35 feet to a calculated point for an exterior ell corner hereof, said point being the southeast corner of a 23.4' right-of-way dedication, as shown on the proposed plat of Lot 1, Block "A", United Presbyterian Addition;

THENCE, over and across said United Presbyterian 202.85 acre tract, with the exterior line of Lot 1, Block "A" of said proposed United Presbyterian Addition, the following three (3) courses and distances:

1) N27°59'46"W, a distance of 270.10 feet to a 1/2-inch iron rod with "TXRCS" cap found for an interior ell corner hereof,
2) S58°33'11"W, a distance of 248.18 feet to a 1/2-inch iron rod with "TXRCS" cap found for an interior ell corner hereof, and
3) S28°01'36"E, a distance of 270.24 feet to a calculated point for an exterior ell corner hereof, said point being in the approximate centerline of said Brookside Road, and being in the south line of said United Presbyterian 202.85 acre tract, and being in the north line of said 125 acre Kelley tract;

THENCE, with the approximate centerline of said Brookside Road, with the south line of said United Presbyterian 202.85 acre tract, in part with the north line of said 125 acre Kelley tract, in part with the north line of a called 122.35 acre tract conveyed to Robert L. Beer in Volume 351, Page 107 (D.R.E.C.T.), and in part with the north line of a portion of Brookside Road dedicated per plat of Brookside Addition, recorded in Cabinet B, Slide 329 of the Plat Records of Ellis County, Texas (P.R.E.C.T.), S58°31'10"W, a distance of 1,496.80 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof, said point being at the common south corner of said 202.85 acre United Presbyterian tract and said Walton 1040.641 acre tract;

THENCE, with the northwest right-of-way line of said Brookside Drive and the south line of said Walton 1040.641 acre tract, S58°06'41"W, a distance of 4.10 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof, said point being a corner in the north line of said Walton 117.601 acre tract;

THENCE, with the north line of said Walton 117.601 acre tract, in part with the western right-of-way terminus of said Brookside Drive, and in part with the west line of Lot 4, Block 1 of said Brookside Addition, S31°25'29"E, a distance of 175.01 feet to a 1/2-inch iron rod found for an angle point hereof;

THENCE, with the north line of said Walton 117.601 acre tract, in part with the south line of Block 1 of said Brookside Addition, in part with the south line of a called 0.4304 acre tract conveyed to Monica Davis Watkins in Document No. 1607336 (O.P.R.E.C.T.), in part with the south line of a called 0.515 acre tract conveyed to Just Settle Investments, LLC, in Document No. 2120031 (O.P.R.E.C.T.), and in part with the south and east lines of a called 0.4309 acre tract conveyed to Katy R. Ryan and Bobby Hopgood in Volume 2512, Page 1420 (O.P.R.E.C.T.), the following two (2) courses and distances:

1) N58°34'31"E, a distance of 998.68 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, and
2) N31°25'29"W, a distance of 150.17 feet to a 1/2-inch iron pipe found for an angle point hereof, said point being in the south line of Brookside Road (no recording information found), and being the common north corner of said Ryan-Hopgood tract and said Walton 117.601 acre tract;

THENCE, with the south line of said Brookside Road and the north line of said Walton 117.601 acre tract, N58°37'26"E, a distance of 40.17 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the northwest corner of a called 0.4312 acre tract conveyed to Jose Antonio Tovar, Jr., et ux., in Document No. 2100249 (O.P.R.E.C.T.);

THENCE, with the common line of said Tovar Jr. tract and said Walton 117.601 acre tract, the following two (2) courses and distances:

1) S31°25'29"E, a distance of 150.14 feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof, and
2) N58°34'31"E, a distance of 125.17 feet to a 1/2-inch iron pipe found for an angle point hereof, said point being at the southwest corner of a called 0.5039 acre tract conveyed to Martha Kelley and Michael W. Anderson in Document No. 2033656 (O.P.R.E.C.T.), and being a southwest corner of said Walton 6.035 acre tract;

THENCE, with the north line of said Walton 6.035 acre tract, in part with the south line of said Anderson tract, in part with the south line of a called 0.5043 acre tract conveyed to Jose Alcala, Jr., et ux, in Document No. 2024098 (O.P.R.E.C.T.), in part with the south line of a called 0.517 acre tract conveyed to Deborah J. Timmerman in Document No. 2155833 (O.P.R.E.C.T.), in part with the south line of a called 0.0.47 acre tract (per ECAD) conveyed to Barbara A. Owens in Volume 2613, Page 1235 (O.P.R.E.C.T.), in part with the south line of a called 0.4860 acre tract conveyed to Kathy L. Kacal in Document No. 2236184 (O.P.R.E.C.T.), in part with the south line of a called 0.4304 acre tract and a called 0.4860 acre tract conveyed to Randall Wrey Adlof et al. in Document No. 2409235 (O.P.R.E.C.T.), the following three (3) courses and distances:

1) N58°35'07"E, a distance of 712.59 feet to a 1/2-inch iron pipe found for an angle point hereof, and
2) N60°53'27"E, a distance of 80.03 feet to a 1/2-inch iron pipe found for an angle point hereof, said point being a corner in the north line of said Kelley 21.654 acre tract, and being the southeast corner of said Adlof tract;

THENCE, with the common line of said Adlof tract and said Kelley 21.654 acre tract, N00°31'13"W, a distance of 149.81 feet to a 1/2-inch iron rod with "4466" cap found for an angle point hereof, said point being in the apparent south line of said Brookside Drive;



TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com



THENCE, with the apparent south line of said Brookside Drive and the north line of said Kelley 21.654 acre tract, N89°34’51”E, a distance of 50.30 feet to a 1/2-inch iron rod with "4466" cap found for an angle point hereof, said point being the northwest corner of said Kelley 0.465 acre tract;

THENCE, with the apparent south line of said Brookside Drive, in part with the north line of Kelley 0.465 acre tract, in part with the north line of said 0.034 acre Kelley Probate tract, in part with the north line of said Kelley 0.40 acre tract, in part with the north line of said Kelley 0.52 acre tract, and in part with the north line of said Kelley 21.654 acre tract, N89°46’43”E, a distance of 501.04 feet to a 1/2-inch iron rod found for an angle point hereof, said point being in the west right-of-way line of said Kelley Bend, and being the northeast corner of said Kelley 21.654 acre tract;

THENCE, with the west right-of-way line of said Kelley Bend and the east line of said Kelley 21.654 acre tract, S12°10’56”E, a distance of 153.42 feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the northeast corner of said Walton 6.035 acre tract;

THENCE, with the west and south right-of-way lines of said Kelly Bend and the east line of said Walton 6.035 acre tract, the following two (2) courses and distances:

1) S12°09'43"E, a distance of 81.04 feet to a 1/2-inch iron rod found for an angle point hereof, and
2) N79°10'06"E, a distance of 23.04 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof, said point being the northwest corner of Lot 1 of Kelley Bend Addition, recorded in Document No. 2229331 (O.P.R.E.C.T.);

THENCE, leaving the south right-of-way line of said Kelly Bend, with the common line of said Lot 1 and said Walton 6.035 acre tract, S02°12'06"E, a distance of 69.47 feet to a 1/2-inch iron rod with "TXRCS" cap found for an angle point hereof, said point being the southeast corner of said Walton 6.035 acre tract;

THENCE, with the south line of said Walton 6.035 acre tract, the following two (2) courses and distances:

1) S76°00'30"W, a distance of 547.94 feet to a 1/2-inch iron rod with "TXRCS" cap found for a point of curvature hereof, and
2) along the arc of a curve to the left, whose radius is 1420.00 feet, whose arc length is 738.91 feet and whose chord bears S61°06'17"W, a distance of 730.60 feet to a 11/2-inch iron rod with "TXRCS" cap found for an angle point hereof, said point being in the west line of said Kelley 21.654 acre tract, and being the east line of said Walton 117.601 acre tract, and being the southwest corner of said Walton 6.035 acre tract;

THENCE, with the east line of said Walton 117.601 acre tract, in part with the west line of said Kelley 21.654 acre tract, and in part with the west line of the remainder of a called 140.0 acre tract conveyed to Jack C. Kelley in Volume 404, Page 324 (D.R.T.C.T.), S31°10'08"E, passing at a distance of 576.57 feet, a 1/2-inch iron rod with "TXRCS" cap found at the southwest corner of said Kelley 21.654 acre tract, and continuing a total distance of 2104.57 feet to a calculated point for an angle point hereof, said point being in the north line of a called 140 acres conveyed to Alvin Riddle in Document No. 2001355 ((O.P.R.E.C.T.), said tract previously described in Volume 290, Page 172 (D.R.E.C.T.)), from which a 1/2-inch iron rod found bears, S31°10’08”E, a distance of 2.05 feet, and also from which, a 1/2-inch iron pipe found in the west right-of-way line of said E IH 35, and being the common east corner of said Riddle tract and said Kelley 140 acre tract bears, N59°45’10”E, a distance of 954.94 feet;

THENCE, with the south and west lines of said Walton 117.601 acre tract, in part with the north line of said Riddle tract, in part with the north line of a called 10.00 acre tract conveyed to Melissa Mims in Volume 2139, Page 2147 (O.P.R.E.C.T.), in part with the east line of a called 265.36 acre tract (described as Tract 1) conveyed to Nay Trust B in Volume 2739, Page 149 (O.P.R.E.C.T.), and in part with the east line of a called 2.113 acre tract conveyed to Terry L. Nay et ux in Volume 1621, Page 662 (O.P.R.E.C.T.), the following two (2) courses and distances:

1) S59°45'10"W, passing at a distance of 1,241.47 feet, a 1/2-inch iron rod found at the northeast corner of said Mims tract, and continuing for a total distance of 2106.54 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, and
2) N31°44'12"W, a distance of 2482.55 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being in the south line of said Walton 1040.641 acre tract, and being at the common north corner of said Nay 2.113 acre tract and said Walton 117.601 acre tract;

THENCE, with the south line of said Walton 1040.641 acre tract, the following two (2) courses and distances:

1) S58°06'26"W, a distance of 1071.43 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, and
2) S04°10'55"E, a distance of 1491.37 feet to a calculated point (could not access) for an angle point hereof, said point being at a corner in the common line of said Nay Trust B tract and said Walton 1040.641 acre tract;

THENCE, with the common line of said Nay Trust B tract and said Walton 1040.641 acre tract, the following two (2) courses and distances:

1) S31°27'06"E, a distance of 214.04 feet to a calculated point (could not access) for an angle point hereof, and
2) S58°26'51"W, a distance of 1456.33 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the northeast corner of said Walton 141.524 acre tract;

THENCE, with the common line of said Nay Trust B tract and said Walton 141.524 acre tract, S30°58'46"E, a distance of 2323.48 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the northwest corner of a called 40.889 acre tract conveyed to H H Land and Livestock, LLC, in Document No. 2310892 (O.P.R.E.C.T.);

THENCE, with the common line of said H H Land and Livestock tract and said Walton 141.524 acre tract, S02°15'12"E, a distance of 25.10 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the north corner of a called 0.7798 acre tract (described as Tract 3) conveyed to Hiram Clay Schoolfield in Volume 2424, Page 1248 (O.P.R.E.C.T.);

THENCE, with the common line of said Schoolfield tract and said Walton 141.524 acre tract, S18°58'34"E, a distance of 816.39 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, said point being at the common south corner of said Schoolfield tract and said H H Land and Livestock tract;

THENCE, with the common line of said H H Land and Livestock tract and said Walton 141.524 acre tract, S12°44'24"E, a distance of 19.10 feet to a calculated point (that falls inside a cedar fence post) for an angle point hereof, said point being at the north corner of a called 0.2831 acre tract (described as Tract 2) conveyed to Hiram Clay Schoolfield in Volume 2424, Page 1248 (O.P.R.E.C.T.);

THENCE, with the east line of said Walton 141.524 acre tract, in part with the west line of said Schoolfield Tract 2, and in part with the west line of a called 0.7778 acre tract (described as Tract Two) conveyed to Hiram Clay and Haley Elizabeth Schoolfield in Document No. 2032588 (O.P.R.E.C.T.), S08°46'42"E, a distance of 855.86 feet to a 1/2-inch iron rod with illegible cap found for the southeast corner hereof, said point being in the north right-of-way line of Farm To Market Road 1446 (80’ right-of-way), and being the southwest corner of a called 3.222 acre tract (described as Tract One) conveyed to Hiram Clay and Haley Elizabeth Schoolfield in Document No. 2032588 (O.P.R.E.C.T.), and being the south corner of said Schoolfield 0.7778 acre tract, and being the southeast corner of said Walton 141.524 acre tract;

THENCE, with the north right-of-way line of said FM 1446 and the south line of said Walton 141.524 acre tract, the following three (3) courses and distances:

1) S84°07'57"W, a distance of 1056.19 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for a non-tangent point of curvature hereof,
2) along the arc of a curve to the left, whose radius is 1949.86 feet, whose arc length is 262.11 feet and whose chord bears S80°07'00"W, a distance of 261.91 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for a point of tangency hereof, and



TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com



3) S76°15'57"W, a distance of 16.06 feet to a 1/2-inch iron rod with "4Ward Bour cap set for an angle point hereof, said point being a corner in the north right-c line of said FM 1446, and being the southwest corner of said Walton 141.52 tract;

THENCE, with the west line of said Walton 141.524 acre tract, in part with the north ri line of said FM 1446, in part with the east line of a called 195.17 acre tract conveye Family Limited Partnership, Ltd., in Document No. 1810238 (O.P.R.E.C.T.), and in pa east line of a called 3.677 acre tract (described as Tract Two) conveyed to Jeffrey Jeanette Marie Frazier in Volume 2048, Page 1588 (O.P.R.E.C.T.), N31°29'42"W, a c 3390.11 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point h point being an angle point in the west line of said Frazier Tract Two, and being a co south line of a called 300.765 acre tract (described as Tract One) conveyed to Jeffre Jeanette Marie Frazier in Volume 2048, Page 1588 (O.P.R.E.C.T.);

THENCE, with the common line of said Frazier Tract One and said Walton 141.524 N58°27'20"E, a distance of 660.47 feet to a 1/2-inch iron rod found for an angle po said point being at the southwest corner of said Walton 1040.641 acre tract;

THENCE, with the common line of said Frazier Tract One and said Walton 1040.641 N30°52'03"W, a distance of 2132.75 feet to a 1/2-inch iron rod found for an angle pc said point being at the southeast corner of said Walton 398.282 acre tract;

THENCE, with the common line of said Frazier Tract One and said Walton 398.282 S59°05'08"W, a distance of 3095.58 feet to a 1/2-inch iron rod found for an angle pc said point being at the northeast corner of said Walton 99.991 acre tract;

THENCE, leaving the common line of said Frazier Tract One and said Walton 398.282 over and across said Frazier Tract One, with the east and south lines of said Walton 9 tract, the following two (2) courses and distances:

1) S30°52'38"E, a distance of 1419.83 feet to a 1/2-inch iron rod with "4Ward Bour cap set for an angle point hereof, and
2) S59°04'23"W, a distance of 3067.84 feet to a 1/2-inch iron rod found fo southwest corner hereof, said point being in Lone Elm Road (no right-c dedication found), and being in the east line of a called 30.000 acre tract con to Andrew Philip and Portia R. Wood in Volume 2646, Page 993 (O.P.R.T.C.T. being the southwest corner of said Walton 99.991 acre tract;

THENCE, along Lone Elm Road, in part with the east line of said Wood 30.00 acre tr with the east line of a called 132.09 acre tract conveyed to Richard E. Wood in Volume 1040 (D.R.E.C.T.), in part with the west line of said Walton 99.991 acre tract, and in pa west line of said Walton 398.282 acre tract, N30°52'01"W, a distance of 2347.95 fee nail with "4Ward Boundary" washer set for an angle point hereof, said point be

rtheast corner of said Wood 132.09 acre tract, and being the southeast corner of a portion of ne Elm Road dedicated by plat of Lone Elm Addition, recorded in Cabinet J, Slide 529 .R.E.C.T.), from which a 1/2-inch iron rod with illegible cap found at the southwest corner of e terminus of Lone Elm Road, and being in the north line of said Woods 132.09 acre tract, and ing the southeast corner Lot 13, Block A of said Lone Elm Addition bears, S57°39'11"W, a stance of 60.03 feet;

IENCE, with the east right-of-way line of said Lone Elm Road and the west line of said Walton 8.282 acre tract, N30°37'13"W, a distance of 1069.49 feet to a mag nail with "4Ward undary" washer set for an angle point hereof, said point being a corner in the east right-of-ay line of said Lone Elm Road, and being in the south line of said Walton 182.727 acre tract;

IENCE, with the east and north right-of-way line of said Lone Elm Road and the west line of said alton 182.727 acre tract, the following eight (8) courses and distances:

1) S59°17'24"W, a distance of 9.44 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof,
2) N36°25'33"W, a distance of 137.69 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof,
3) N31°48'27"W, a distance of 526.65 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof,
4) N36°30'52"W, a distance of 390.49 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof,
5) N28°06'50"W, a distance of 116.45 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof,
6) N20°10'56"W, a distance of 238.37 feet to a mag nail with "4Ward Boundary" washer set for a non-tangent point of curvature hereof,
7) along the arc of a curve to the left, whose radius is 135.00 feet, whose arc length is 235.09 feet and whose chord bears N69°39'42"W, a distance of 206.49 feet to a mag nail with "4Ward Boundary" washer set for a point of tangency hereof, and
8) S60°27'03"W, a distance of 239.14 feet to a mag nail with "4Ward Boundary" washer set for an angle point hereof, said point being at the northwest terminus of the portion of Lone Elm Road dedicated in said Lone Elm Addition, and being the southeast corner of a called 5.0854 acre tract conveyed to Jerry Allen Bowman, II, in Document No. 1633911 (O.P.R.E.C.T.), from which a 5/8-inch iron rod found in the western terminus of the portion of Lone Elm Road dedicated in said Lone Elm Addition, and being the northeast corner of a Lot 1 of Green Meadows, recorded in Cabinet A, Slide 443 (P.R.E.C.T.) bears, S38°02'45"E, a distance of 23.50 feet;

IENCE, with the east line of said Bowman tract, in part with the west line of said Walton 182.727 re tract, and in part with the west line of said Walton 681.000 acre tract, the following two (2) urses and distances:

1) N38°09'48"W, a distance of 30.25 feet to a 1/2-inch iron rod found for an angle point hereof, and
2) N31°37'11"W, a distance of 1519.64 feet to a 1/2-inch iron rod found for an angle point hereof, said point being in the south line of said Walton 151.499 acre tract;

THENCE, with the south line of said Walton 151.499 acre tract, in part with the north lien of said Bowman tract, in part with the north line of a called 25.01 acre tract conveyed to Randy Durret in Volume 804, Page 894 (D.R.E.C.T.), in part with the north line of a called 2 acre tract conveyed to Robin Adams in Document No. 1522248 (O.P.R.E.C.T.), in part with the north line of a called 2 acre tract conveyed to Robin Adams in Document No. 1522248 (O.P.R.E.C.T.), in part with the north line of a called 5.0 acre tract conveyed to Leila A. & Frank D. Boehler in Document No. 2139801 (O.P.R.E.C.T.), and in part with the north line of a called 5.00 acre tract (described as Tract 3-C) conveyed to the Joseph C. & Cynthia A. Murray Revocable Living Trust in Volume 2431, Page 1374 (O.P.R.E.C.T.), S58°48'23"W, a distance of 1266.43 feet to a 1.5-inch iron pipe found for an angle point hereof, said point being at the northeast corner of a called 4.986 acre tract conveyed to Robert W. & Roberta J. Shields in Volume 1692, Page 1170 (O.P.R.E.C.T.), and being the southeast corner of a called 23.699 acre tract conveyed to the Gary & Catherine Pohlman Revocable Living Trust in Volume 2570, Page 766 (O.P.R.E.C.T.), and being the northwest corner of said Murray tract, and being the southwest corner of said Walton 151.499 acre tract;

THENCE, with the west line of said Walton 151.499 acre tract, in part with the east line of said Pohlman tract, in part with the east line of a called 13.191 acre tract conveyed to Richard D. & Jamie N. Huffman in Document No. 1622238 (O.P.R.T.C.T.), in part with the east line of a called 5.48 acre tract conveyed to Sharon Hobbs in Document No. 1521807 (O.P.R.E.C.T.), and in part with the east line of a called 119.3 acre tract conveyed to Pitts Waxahachie Farm, LLC, in Document No. 2241200 (O.P.E.T.C.T.), the following three (3) courses and distances:

1) N31°16'00"W, a distance of 1466.49 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, from which a 1/2-inch iron rod found bears, N43°25'09"E, a distance of 2.36 feet,
2) N58°19'00"E, a distance of 672.39 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for an angle point hereof, and
3) N31°00'16"W, a distance of 2104.72 feet to a 1/2-inch iron rod with "Texas Surveying" cap found for an angle point hereof, said point being in the east line of said Pitts Waxahachie Farm tract, and being the southwest corner of a called 1.344 acre tract conveyed to Rodolfo & Crystal Santos, in Document No. 2405568 (O.P.R.E.C.T.);

THENCE, with the common line of said Santos tract and said Walton 151.499 acre tract, the following two (2) courses and distances:

1) N59°45'47"E, a distance of 246.19 feet to a 1/2-inch iron rod with "Texas Surveying" cap found for an angle point hereof, and



TBG
3232 e cesar chavez st
bldg 1, suite 100
austin, tx 78702
[512] 327 1011
tbgpartners.com

4WARD Land Surveying
PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com



2) N19°07'26"W, passing at a distance of 216.24 feet, a 1/2-inch iron rod with "Texas Surveying" cap found, and continuing for a total distance of 225.94 feet to a calculated point for an angle point hereof, said point being in the record south right-of-way line of said Lone Elm Road, and being the common north corner of said Santos tract and said Walton 151.499 acre tract;

THENCE, with the record south right-of-way line of said Lone Elm Road and the north line of said Walton 151.499 acre tract, N58°10'45"E, a distance of 778.11 feet to a calculated point for an angle point hereof, said point being at the northwest corner of a called 10.338 acre tract conveyed to Tyler Shane Boston in Document No. 2236270 (O.P.R.E.C.T.);

THENCE, leaving the record south right-of-way line of said Lone Elm Road, with the common line of said Boston tract and said Walton 151.499 acre tract, the following two (2) courses and distances:

1) S23°02'00"E, passing at a distance of 30.21 feet, a 1/2-inch iron rod with "4466" cap found, and continuing for a total distance of 1040.16 feet to a 1/2-inch iron rod with "4466" cap found for an angle point hereof, and
2) S32°49'28"E, a distance of 600.03 feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof;

THENCE, with the north line of said Walton 151.499 acre tract, in part with the south line of said Boston tract, in part with the south line of a called 10.339 acre tract conveyed Dawn Knox in Volume 2791, Page 1504 (O.P.R.E.C.T.), and in part with the south line of a called 11.17 acre tract conveyed to Jeffery S. & Marci L. Coker in Document No. 1617992 (O.P.R.T.C.T.), N60°11'34"E, a distance of 947.57 feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof, said point being in the west line of said Walton 681.000 acre tract, and being the southeast corner of said Coker tract;

THENCE, with the common line of said Coker tract and said Walton 681.000 acre tract, N31°20'06"W, a distance of 1060.01 feet to a 1/2-inch iron rod with illegible cap found for an angle point hereof, said point being at the southwest corner of a called 10.059 acre tract conveyed to Jose Felipe & Maria Del Carmen Martinez in Document No. 1630566 (O.P.R.E.C.T.);

THENCE, with the north line of said Walton 681.000 acre tract, in part with the south line of said Martinez tract, in part with the south line of a called 10.059 acre tract conveyed to the Joe & Barbara Bourland in Volume 2559, Page 2122 (O.P.R.E.C.T.), in part with the south line of the remainder of a called 20.586 acre tract conveyed to David K. Justus in Document No. 1601589 (O.P.R.E.C.T.), and in part with the south line of a called 10.01 acre tract conveyed to James Coy Roden, III, et ux, in Document No. 1824450 (O.P.R.E.C.T.), the following two courses and distances:

1) N58°36'32"E, a distance of 1893.07 feet to a calculated point for an angle point hereof, and
2) N31°38'43"W, a distance of 11.05 feet to a calculated point for an angle point hereof, said point being in the east line of said Roden tract, and being the southwest corner of a called 8 acre tract conveyed to Iglesia Vaquera in Volume 2504, Page 889 (O.P.R.E.C.T.);

THENCE, with the common line said Vaquera tract and said Walton 681.000 acre tract, N58°36'28"E, a distance of 289.71 feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the southwest corner of the remainder of a called 26.34 acre tract conveyed to Nelson C. Ridgeway in Volume 1118, Page 464 (D.R.E.C.T.);

THENCE, with the common line of said Ridgeway tract and said Walton 681.000 acre tract, N58°42'03"E, a distance of 600.93 feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the southwest corner of a called 10.168 acre tract (described as Tract 1) conveyed to Rapeet Unarut in Volume 2517, Page 1086 (O.P.R.T.C.T.);

THENCE, with the common line of said Unarut Tract 1 and said Walton 681.000 acre tract, N58°37'19"E, a distance of 439.53 feet to a 1/2-inch iron rod found for an angle point hereof, said point being at the southwest corner of a called 3.0 acre tract (described as Tract 2) conveyed to Rapeet Unarut in Volume 2517, Page 1086 (O.P.R.T.C.T.);

THENCE, with the common line of said Unarut Tract 2 and said Walton 681.000 acre tract, N58°37'55"E, a distance of 372.91 feet to a 1/2-inch iron rod found for an angle point hereof;

THENCE, with the north line of said Walton 681.000 acre tract, in part with the east line of said Unarut Tract 2, in part with the east line of Memory Lane (a private road), in part with the east line of a called 1.12 acre tract conveyed to Thomas and Aashley Fabby in Document No. 2322724 (O.P.R.E.C.T.), in part with the east line of the remainder of said Morrow tract, and in part with the east line of a called 1.119 acre tract conveyed to Thomas Fabby in Volume 2146, Page 869 (O.P.R.E.C.T.), N31°19'00"W, a distance of 898.70 feet to a 1/2-inch iron rod found for an angle point hereof, said point being in the east line of said 1.119 Fabby tract, and being the southwest corner of said Knight tract;

THENCE, with the common line of said Knight tract and said Walton 681.000 acre tract, the following two (2) courses and distances:

1. N76°28'22"E, a distance of 416.20 feet to a 1/2-inch iron rod found for an angle point hereof, and
2. N22°05'46"W, a distance of 225.51 feet to the POINT OF BEGINNING and containing 3,169.5531 Acres (138,065,732 Sq. Ft.) of land more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, North Central Zone (4202); all distances were adjusted to surface using a combined scale factor of 1.000095939448. See attached sketch (reference drawing: 01893-rev2.dwg)

_____

Steven M. Duarte, RPLS #5940
4Ward Land Surveying, LLC

After recording return to:
City Manager
Waxahachie City Hall
401 S. Rogers Street
Waxahachie, Texas 75165

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

# DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into by and between the City of Waxahachie, Texas, a home-rule municipality (the "City") and Minto Communities Texas, LLC, a Texas limited liability company (the "Developer"), is made and entered into effective _____, 2025. The "MMD" (hereinafter defined) will join this Agreement as set forth below and after such joinder shall become a party to this Agreement. The foregoing parties are sometimes referred to singularly as "Party" and collectively as the "Parties."

## SECTION 1
## RECITALS

WHEREAS, certain capitalized terms used in these recitals are defined in Section 2;

WHEREAS, the Developer has contracted for the acquisition of 3169.5 acres of real property, a portion of which is located within the corporate limits of the City, described by metes and bounds in **Exhibit A** and depicted in **Exhibit B** (the "Property");

WHEREAS, a portion of the Property is within the City's municipal boundaries and a portion of the Property is outside the municipal boundaries but within the City's extraterritorial jurisdiction (that portion outside of the City's municipal boundaries but within the City's extraterritorial jurisdiction is referred to herein as the "ETJ Parcel");

WHEREAS, Developer is agreeable that the ETJ Parcel will be annexed into the City's municipal boundaries after acquisition by the Developer and that this Agreement shall serve as a voluntary petition for annexation of the ETJ Parcel;

WHEREAS, as generally described and depicted on the Concept Plan, the Developer intends to develop the Property with traditional residential, active adult, mixed use and multifamily components (the "Project");

WHEREAS, on or about the Effective Date the City has approved a Planned Development District which sets forth development standards for the development of the Property (the "Zoning Ordinance");

WHEREAS, this Agreement contains additional standards for the development of the Property (the "Development Standards");

WHEREAS, the Zoning Ordinance and Development Standards are the exclusive standards for the development of the Property;

WHEREAS, a portion of the Property is located within the City's sewer and water CCN, and the Parties intend that the City will be the retail provider of water and sewer service to the Property and that the City will assist in removing the portion of the Property within Sardis-Lone Elm Water Service Corporation water CCN and the Buena Vista-Bethel Water Service Corporation water CCN and then incorporating such portion of the Property within the City's water and sewer CCN;

WHEREAS, a portion of the Property is located within Emory Lakes Public Improvement (the "PID") created by the City pursuant to Resolution No. 1308 adopted on April 19, 2021 and the City upon receipt of a property owner petition meeting the requirements of Chapter 372 intends to call a public hearing on the issue of whether to dissolve the PID;

WHEREAS, the Developer shall submit a petition to the Texas Commission on Environmental Quality ("TCEQ") for the creation of a Municipal Management District (the "MMD") for the Property, as a municipal management district operating pursuant to the laws of Chapter 375, Texas Local Government Code, as amended and Chapter 49, Texas Water Code, as amended (the "MMD Act");

WHEREAS, the MMD Act allows a district to divide, ultimately resulting in multiple districts within the original boundaries of the MMD and to avoid the duplication of effort and provide greater efficiency, the Parties have determined to provide for the acquisition, construction, improvement, and financing of certain MMD Improvements by designation of one of such new districts as the district (the "Master District") responsible for coordinating and managing such activities;

WHEREAS, it is contemplated the Master District will enter into contracts with the other new districts created by division of the MMD (the "Participating Districts" and along with the Master District, the "Districts") to undertake and perform the obligations of the Master Districts with regard to the (a) acquisition, construction, improvement, and financing of the MMD Improvements that are regional in nature (the "Regional Projects"); and

WHEREAS, it is contemplated that the Master District will issue its contract revenue bonds to finance the acquisition and construction of the Regional Projects secured by revenues, including payments from the Participating Districts; and

WHEREAS, the City has consented to the creation of the MMD by the TCEQ, and any divisions, annexations or exclusions of the MMD or any divided districts provided that such divisions, annexations and exclusions are within the Property and subject to any conditions set forth in the City TCEQ Consent Resolution attached hereto as **Exhibit H**;

WHEREAS, Developer anticipates commencing development of the Project upon the execution of this Agreement and creation of the MMD by the TCEQ as described herein;

WHEREAS, Developer and City desire that Developer be responsible for and shoulder the financial burden for the infrastructure impact required for the development of the Property as set forth in this Agreement;

WHEREAS, the Parties desire and intend that Developer will design, construct, install, and/or make financial contributions toward the MMD Improvements (as defined below) as authorized by the MMD Act, and that Developer's costs incurred therewith will be financed or reimbursed through multiple sources, including Impact Fee Credits and MMD Bond Proceeds (as defined below) or other revenues of the MMD in accordance with this Agreement, the applicable rules and regulations of the TCEQ, as amended, and the applicable requirements of the Texas Attorney General's Office; provided further that Developer shall only be entitled to either be reimbursed through MMD Bond Proceeds or Impact Fee Credits for a given cost;

WHEREAS, the Parties desire and intend for the design, construction, and installation of the MMD Improvements to occur over the Term of this Agreement and that Developer will dedicate to and the City will accept certain of the MMD Improvements for public use and maintenance, and the MMD shall continue to maintain certain of the MMD Improvements subject to the City's approval of the plans and inspection of the MMD Improvements in accordance with this Agreement and the City Regulations;

WHEREAS, the City and Developer intend that the MMD Improvements Costs of the MMD Improvements will be paid from the net proceeds of MMD Bonds issued by the Districts or other revenues of the MMD in accordance with this Agreement, the applicable rules and regulations of the TCEQ, as amended, and the applicable requirements of the Texas Attorney General's Office, as amended;

WHEREAS, the Districts, subject to the City TCEQ Consent Resolution, the satisfaction of all conditions for MMD Bond issuance, Developer's substantial compliance with this Agreement, and in accordance with the terms of this Agreement and all legal requirements, including but not limited to the indenture or Bond Resolution (each as defined below) authorizing the MMD Bonds, shall use good faith efforts to issue, in one or more series MMD Bonds for the purpose of financing the MMD Improvements, acquiring the MMD Improvements, and reimbursing Developer for certain associated costs as described herein; and

WHEREAS, to the extent funds must be advanced to pay for any costs associated with the creation of the MMD or the Districts, the issuance of MMD Bonds, or the preparation of documentation related thereto, including any costs incurred by the City or the MMD and its consultants and advisors (excluding the fees associated with closing the MMD Bonds and paid from MMD Bond Proceeds), Developer shall be responsible for advancing such funds and shall have a right to reimbursement for the funds advanced from the MMD Bond Proceeds, and the City will not be responsible for such reimbursement or the payment of any such costs from any other sources of funds.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree as follows:

## SECTION 2
## DEFINITIONS

Certain terms used in this Agreement are defined in this Section 2. Other terms used in this Agreement are defined in the recitals or in other sections of this Agreement. Unless the context requires otherwise, the following terms shall have the meanings hereinafter set forth:

Bond Resolution means the resolution or order of the Board of Directors of the MMD authorizing the issuance of a series of MMD bonds.

Capital Improvement(s) shall have the meaning provided in Chapter 395, Texas Local Government Code as well as park and recreational facilities.

Capital Improvement Costs means any construction, contributions, or dedications of Capital Improvements, including actual costs of design, engineering, construction, acquisition, and inspection, and all costs related in any manner to the Capital Improvement.

Capital Improvements Plan ("CIP") means all capital improvements plan(s) duly adopted by the City under Chapter 395, Texas Local Government Code, as may be updated or amended from time to time.

Certificate of Convenience and Necessity ("CCN") means a certificate of public convenience and necessity issued by the Texas Public Utilities Commission or its predecessor or successor agency pursuant to Chapter 13, Texas Water Code.

Chapter 245 means Chapter 245, Texas Local Government Code.

Chapter 395 means Chapter 395, Texas Local Government Code.

City Code means the Code of Ordinances, City of Waxahachie, Texas.

City Council means the governing body of the City.

City Manager means the City's current or acting City Manager, or a person designated to act on behalf of that individual if the designation is in writing and signed by the current or acting City Manager.

City Regulations means the City's applicable development regulations in effect on the Effective Date, including without limitation City Code provisions, ordinances, design standards, and other policies duly adopted by the City; provided, however, that as it relates to Public Infrastructure for any given phase of the Project, the applicable construction standards (including, without limitation, uniform building codes) shall be those that the City has duly adopted at the time of the filing of an application for a plat for that phase unless construction has not commenced within two years of approval of such plat in which case the construction standards shall be those that the City has duly adopted at the time that construction commences. The term does not include Impact Fees, which shall be assessed on the Property in accordance with this Agreement.

Concept Plan means the intended conceptual plan for the development of the Project as depicted on **Exhibit C**. [**Note to Draft**: Concept plan to be identical to the concept plan in the PD]

Development Standards means the design specifications and construction standards permitted or imposed by this Agreement, including without limitation the standards set forth in the Zoning Ordinance and applicable City Regulations.

Districts means the Master District and any Participating Districts created through the division of the original MMD pursuant to Section 49.316 of the Texas Water Code.

Effective Date means the date on which Developer closes on the Property.

End User means any tenant, user, or owner of a Fully Developed Lot, but excluding the HOA.

Floor Plans means residential home construction documents for single family attached (such as townhomes and attached villas) and detached, prepared, signed and sealed by an Architect licensed in the State of Texas for a specific type of home.

Fully Developed Lot means any privately-owned lot in the Project, regardless of proposed use, intended to be served by the MMD Improvements and for which a plat has been approved by the City and recorded in the Real Property Records of Ellis County.

HOA means the [_____] Homeowners Association that shall cover the traditional residential portion of the Property and the [_____] active adult portion of the Property, each of which shall privately function as a homeowners association for the Project, or such similar name as may be available with Texas Secretary of State, and its successors.[1]

Impact Fees means those fees assessed and charged against the Project in accordance with Chapter 395 and as defined therein.

Impact Fee Credits means credits against Impact Fees otherwise due from the Project to offset Capital Improvement Costs.

Indenture means a trust indenture by and between the MMD and a trustee bank under which MMD Bonds are issued and funds are held and disbursed.

Mayor means the Mayor of the City.

MMD means [_____] Management District to be created by the TCEQ for the Property pursuant to the MMD Act.

MMD Act means Chapter 375, Texas Local Government Code, as amended.

MMD Board means the Board of Directors of the MMD or any of the Districts.

[1] **Note to Draft**: Subject to Minto's final structure for POAs.

MMD Bonds means bonds, notes, or other obligations or indebtedness that are issued or incurred by the Districts in accordance with the MMD Act.

MMD Bond Proceeds means the funds generated from the sale of the MMD Bonds.

MMD Initial Capital Improvement Plan means the capital improvement plan prepared in compliance with Section 375.207(b) approved herein and attached as **Exhibit J-1 & Exhibit J-2.**

MMD Improvements means the on- and off-site public water, sewer, drainage, and roadway facilities, along with other public improvements authorized by the MMD Act that benefit the Property, to be constructed or caused to be constructed by Developer, including but not limited to the improvements identified on **Exhibit D-1**, **Exhibit D-2**, **Exhibit E-1**, **Exhibit E-2**, **Exhibit F-1, Exhibit F-2, Exhibit F-3** and **Exhibit F-4** , and for which the Parties intend Developer will be fully or partially reimbursed pursuant to the MMD Act and the terms of this Agreement.[2]

MMD Improvements Cost means the actual costs of design, engineering, construction, acquisition, and inspection of the MMD Improvements and all costs related in any manner to the MMD Improvements.

Notice means any notice required or contemplated by this Agreement (or otherwise given in connection with this Agreement).

Public Infrastructure means all water, wastewater/sewer, detention and drainage, roadway, park and trail, and other infrastructure necessary to serve the full development of the Project and/or to be constructed and dedicated to the City under this Agreement. The term includes the MMD Improvements.

Real Property Records means the official land recordings of the Ellis County Clerk's Office.

Zoning Ordinance City Ordinance No. [_____][3] which ordinance is attached hereto for reference only as **Exhibit G**, and subsequent amendments thereto.

## SECTION 3
## MUNICIPAL MANAGEMENT DISTRICT

3.1 City Consent to MMD Creation.

(a) On September 9, 2025, the City approved the resolution attached as **Exhibit H** (the "City TCEQ Consent Resolution") supporting the inclusion of the Property within the proposed MMD and consenting to the creation of the MMD in accordance with the MMD Act, subject to any conditions provided therein. While the City TCEQ Consent Resolution is in effect the City agrees to adopt such further consent resolutions and execute such further documents as may reasonably be necessary by the Developer, the TCEQ, the Attorney General of the State of

[2] **Note to Draft**: Discuss addition of park/open space exhibits.
[3] **Note to Draft**: This will be the PD

Texas, or the MMD to evidence the City's consent consistent with the City TCEQ Consent Resolution.

(b) The City TCEQ Consent Resolution provides that the MMD shall be able to divide into a number of districts pursuant to the terms Section 49.316 of the Texas Water Code and be able to annex or exclude land within the boundary of the MMD or any other district created by the division of the MMD within the boundaries of the MMD without seeking additional consent from the City.

3.2 Division. Pursuant to Section 49.316 of the Texas Water Code, the MMD may divide, sequentially from time to time within the original boundaries of the MMD. A new district created by division of the MMD or any subsequently divided District may not at time of creation, contain any land outside of the original boundaries of the original MMD. A new district created by division of the MMD or any subsequent District is subject to the terms and conditions of the MMD Act, City TCEQ Consent Resolution, and this Agreement. Any Districts created by division of the original MMD shall be required to execute the Joinder Agreement at the time of its organizational meeting. Any Joinder Agreement entered into pursuant to this Agreement shall not require the approval or consent of the City Staff or City Council but shall include a description of the portion of MMD Improvements that are projected to be constructed and financed by the new district. Each new district entering into a Joinder Agreement shall provide a copy of the Joinder to the City within 30 days from its effective date.

3.3 Master District. The Master District intends to acquire, construct, extend, and finance certain of the regional MMD Improvements in stages to meet the needs of the continually developing Property. The Master District plans to finance the cost of acquiring and constructing the MMD Improvements through the issuance of MMD Bonds secured by charges paid by each Participating District and the Master District pursuant to contract from the proceeds of a special ad valorem tax (the "Contract Tax"), charges, or other legally available funds.

3.4 Tax Rate. The maximum tax rate equivalent of the MMD (including debt service taxes, Contract Tax maintenance and operations taxes and assessments) for financial feasibility of an MMD Bond shall not exceed $0.80 per $100 of taxable assessed value, unless otherwise agreed to by the Parties.

3.5 MMD Execution of Agreement. The Developer and the City intend that this Agreement shall be binding upon the MMD from and after the date the MMD executes a joinder to this Agreement in substantially the same form as set forth in **Exhibit I**, attached hereto (the "Joinder Agreement") and made a part hereof. The MMD shall execute such Joinder Agreement at the time of its organizational meeting. Any Districts created by division of the original MMD shall be required to execute such Joinder Agreement at the time of its organizational meeting.

3.6 Dissolution of MMD. The City may dissolve the Districts at any time after all of the Districts have issued MMD Bonds to finance MMD Improvements Costs paid or incurred to construct the MMD Improvements that are required to serve full development of the Property and the Developer has been fully reimbursed for all MMD Improvements Costs. Upon dissolution of any of the Districts, the City shall assume the indebtedness and legal obligations of the MMDs to the extent required by law.

3.7 Elected Board. The TCEQ petition for creation of the MMD shall include a request for an elected Board pursuant to Section 375.0645, Texas Local Government Code.

3.8 Coordination. In order to effectively and efficiently coordinate the development of the Property, the City, MMD and Developer agree to undertake, at a minimum, the actions described in this Article III.

3.9 Initial Board of Directors. The City and Developer agree the initial Board of Directors of the MMD shall be the following:[4]

1. [_____]
2. [_____]
3. [_____]
4. [_____]
5. [_____]

3.10 Director Replacement. During any period prior to a contested election within the MMD, the City and the Developer agree to coordinate recommended replacement directors. Upon determination that a vacancy exists on the Board, the Developer shall provide to the City three names of replacement directors for consideration by the City. The City may either accept or reject the proposed directors. If all proposed directors are rejected, this process will be repeated until a director acceptable to the City is approved. Upon approval of a proposed director, the Developer shall submit such proposed director for consideration and appointment by the MMD Board. In the event the proposed director is not appointed by a majority of the remaining qualified MMD directors, the process shall be repeated. This Section 3.8 shall also apply to any Districts created by division of the MMD prior to a contested election.

3.11 Joint Planning Meeting. A semi-annual utility planning meeting shall be held each year in January and July between the Developer, engineer(s) for the Districts, and the appropriate City staff to coordinate the development status, future utility requirements, and anticipated infrastructure demands within the MMD.

3.12 Provision of MMD Agendas. The City shall be provided with the agenda for all MMD Board meetings, and such meeting agendas shall be posted at City Hall in compliance with the Texas Public Information Act.

3.13 Consultation with City Regarding Debt Issuance.

(a) Prior to the issuance of any debt by the Districts, the MMD Board or its consultants shall request a meeting with the City's Finance Director, City Manager or their designee not less than 60 days prior to the bond sale date. Each of the Districts shall provide to the City the following in connection with sale of MMD Bonds:

1. Preliminary Official Statement;
2. Maturity Schedule;
3. Cash Flow Schedule;

[4] **Note to Draft**: Discuss timing of selection of directors with City staff.

4. Draft bond resolution or indenture; and
5. Confirmation that the District meets the requirements of Section 3.2 above.

The City Finance director shall have an opportunity to review and comment on the bond issuance documents.

3.14 Transparency. Each of the Districts must provide all of the information required by Section 26.18 of the Texas Tax Code on a publicly available website.

## SECTION 4
## MMD IMPROVEMENTS[5]

4.1 MMD Improvements. The MMD Improvements and MMD Improvements Cost are subject to change as may be agreed upon by the Developer and the MMD or any of the Districts and, if changed, shall be updated by the Developer and the MMD or any of the Districts consistent with the MMD Act. All approved plats within the Project shall include those MMD Improvements located therein. The Developer shall include any updates to the MMD Improvements with each plat application, which shall be submitted to the Planning and Zoning Commission for consideration and approval concurrently with the submission of each plat. Upon approval by the Planning and Zoning Commission of any plats, this Agreement shall be deemed amended to include such updates to the MMD Improvements.

4.2 Construction, Ownership, and Transfer of MMD Improvements.

(a) Contract Specifications. Developer's engineers shall prepare, or cause the preparation of, and provide the City prior to any preconstruction meeting, contract specifications and necessary related documents for the MMD Improvements.

(b) Construction Standards, Inspections and Fees. Except as otherwise expressly set forth in this Agreement, the MMD Improvements and all other Public Infrastructure required for the development of the Property shall be constructed and inspected, and all applicable fees, including but not limited to Impact Fees (subject to the terms hereof and any applicable credits), permit fees, and inspection fees, shall be paid by Developer, in accordance with this Agreement, the City Regulations, and any other governing body or entity with jurisdiction over the MMD Improvements.

(c) Ownership. As set forth on **Exhibit N**, all of the MMD Improvements and Public Infrastructure that do not constitute MMD Maintained Improvements or HOA Maintained Improvements shall be owned by the City upon acceptance of them by the City. The Developer agrees to take any action reasonably required by the City to transfer, convey, or otherwise dedicate or ensure the dedication of land, right-of-way, or easements for the MMD Improvements and Public Infrastructure to the City for public use.

[5] **Note to Draft:** This entire section to be discussed with in terms of what projects (water, wastewater, roadway) are required and at what stage.

4.3 Operation and Maintenance.

(a) Upon inspection, approval, and acceptance of the water and sewer MMD Improvements or any portion thereof, the City shall maintain and operate the water and sewer MMD Improvements and provide retail water and sewer service to all portions of the Property then in the City's water CCN sufficient to serve all Living Unit Equivalents at full build out, currently estimated to be [_____], at sufficient pressure to provide emergency service.

(b) Upon final inspection, approval, and acceptance of the roadway MMD Improvements required under this Agreement or any portion thereof, the City shall maintain and operate the public roadways and related storm sewer improvements.

(c) Upon final inspection, approval, and acceptance of any MMD Improvements to be owned and/ or maintained by the MMD as set forth on **Exhibit N**, the MMD shall maintain such MMD Improvements (the "MMD Maintained Improvements").[6]

(d) The HOA shall maintain and operate the facilities as set forth on **Exhibit N** designated as maintained by the HOA (the "HOA Maintained Improvements").[7] The City agrees to enter into a license and maintenance agreement with the HOA for the maintenance of the HOA Maintained Improvements that are dedicated to the City.

4.4 Wastewater/Sanitary Sewer Facilities.

(a) Developer's General Obligations. Developer is responsible for the design, installation, and construction of the wastewater improvements necessary to serve the Property (the "Wastewater Improvements"), including the major Wastewater Improvements as shown on **Exhibit D-1** attached hereto. Developer shall be responsible for the dedication of any easements lying within the Property necessary for Wastewater Improvements (the size and extent of each such easement or other property interest to be reasonably approved by the City) for all development. The costs of obtaining off-site easements may be included in the applicable MMD Improvement Costs to be reimbursed to the Developer through the MMD.

(b) Timing of Developer's Obligations. Except as otherwise provided herein, Developer shall complete in a good and workmanlike manner all Developer Wastewater Improvements necessary to serve each phase of the Project. The Parties acknowledge that the Property may be developed in phases, and the plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

(c) Offsite Wastewater Lines

[6] **Note to Draft:** Discuss universe of MMD and HOA Maintained Improvements and ability of MMD to continue after the bonds have been paid for maintenance purposes.

[7] **Note to Draft:** Discuss universe of MMD and HOA Maintained Improvements and ability of MMD to continue after the bonds have been paid for maintenance purposes.

(1) Developer is responsible for the design, installation, and construction of the offsite wastewater improvements necessary to serve the Property (the "Offsite Wastewater Improvements"), as shown on **Exhibit D-2** attached hereto.

(2) City shall be responsible for the obtaining any off-site easements or rights-of-way necessary for the Offsite Wastewater Improvements for all development.

(3) Prior to commencement of design of the Offsite Wastewater Improvements, the Developer or District, as applicable, shall provide written notice to the City, stating the date that design is projected to commence on the any Offsite Wastewater Improvement.

(4) Upon receipt of written notice issued by the City as set forth above, the City has ninety (90) days to provide a written request that the Offsite Wastewater Improvements be oversized to account for wastewater flows from outside of the Property. Such written request from the City shall state the amount of excess flows requested by the city and a plan for City participation in financing the engineering, design, inspection, testing and construction costs for the oversized lines. Any costs for an oversized Offsite Wastewater Improvement shall be shared on a pro rata basis based on the amount flows attributable to each party.

(5) Developer shall be eligible for water, and sewer Impact Fee Credits on a dollar for dollar basis based on the amounts expended by Developer for the Offsite Wastewater Improvements. Upon completion and acceptance of the Offsite Wastewater Improvements, the City shall retain an auditor to prepare a final report confirming the total actual costs of the Offsite Wastewater Improvements (including without limitation all soft and hard costs related to the Offsite Wastewater Improvements). Upon completion of the report, the amounts that have been certified by the auditor as expended by Developer for the Offsite Wastewater Improvements shall be immediately available as Impact Fee Credits for the Developer. For the avoidance of doubt, Developer shall be able to elect whether to be reimbursed for the costs of the Offsite Wastewater Improvements through impact fee credits or through MMD Bond Proceeds, or a combination of both.

(d) Timing of Major Wastewater Improvements.

(1) Prior to the City's issuance of a building permit for the [_____][8] single-family residential lot, the Developer shall construct or cause to be constructed a [____][9] sewer line, as shown on **Exhibit D-2** attached hereto.[10]

4.5 Water Facilities.

(a) Developer's General Obligations. Developer is responsible for design, installation, and construction of all water improvements necessary to serve the Property ("Water Improvements"), including: (i) the major Water Improvements as shown on **Exhibit E-1** attached

[8] **Note to Draft**: This number shall be determined by the City's Master Infrastructure Study.
[9] **Note to Draft**: This number shall be determined by the City's Master Infrastructure Study.
[10] **Note to Draft**: Subject to water/wastewater study, discuss which of the City or Developer shall be responsible for design and construction of the facility with cost sharing to be done on a pro rata flow basis.

hereto, (ii) two 16" offsite water lines with as shown on **Exhibit E-2** attached hereto, and (iii) an elevated storage tank as shown on **Exhibit E-1**attached hereto. The Developer shall be responsible for the dedication of any easements lying within the Property necessary for Water Improvements (the size and extent of each such easement or other property interest to be reasonably approved by the City). The costs of dedicating such easements may be included in the applicable MMD Improvement Costs to be reimbursed to the Developer through the MMD.

(b) Timing of General Obligations. Except as otherwise provided herein, Developer shall complete in a good and workmanlike manner all Water Improvements necessary to serve each phase of the Project. The Parties acknowledge that the Property may be developed in phases, and the plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

(c) Timing of Major Water Improvements.

(1) Prior to the final inspection and approval for the first single-family residential lot, the Developer shall construct the initial 16" offsite water line labeled as "Connection #1" shown on **Exhibit E-2** attached hereto.

(2) Prior to the final inspection and approval for the [___][11] residential lot, the Developer shall construct the second 20" offsite water line labeled as "Connection #2" shown on **Exhibit E-2** attached hereto.

(3) Prior to the City's final inspection and approval for a living unit equivalent above the 650-foot pressure plane, the Developer shall construct or cause to be constructed an elevated storage tank and associated appurtenances, as shown on **Exhibit E-1** attached hereto

(d) Easements and Rights of Way. The Developer shall use its commercially reasonable efforts to secure off-site easements and rights of way necessary for the offsite water lines set forth on **Exhibit E-2**. In the event the Developer is unable to obtain the off-site easements or rights-of-way, the City shall be required to obtain such easements or rights-of-way, including the use of the City's eminent domain power.

4.6 Roadway Facilities.

(a) Developer's General Obligations. The Developer is responsible for the design, installation, and construction of all roadway facilities required to serve the Property (the "Roadway Improvements"). The major Roadway Improvements required for the first phase of development of the Property is shown on **Exhibit F-1, Exhibit F-2, Exhibit F-3** and **Exhibit F-4** attached hereto. Future roadway improvements shall be dictated by traffic impact analyses that are completed in for each increment of approximately 1,000 residential lots, or such other combination of residential and non-residential land uses generating a comparable volume of traffic and **Exhibit F-1, Exhibit F-2, Exhibit F-3** and **Exhibit F-4** may be amended from time to time solely with

[11] **Note to Draft**: This number shall be determined by the City's Master Infrastructure Study. City to confirm how many connections are available prior to required connection to the northwestern water line.

approval of the City Manager and Developer to reflect the Roadway Improvements dictated by such future traffic impact analyses. The design of all Roadway Improvements shall be approved by the City in advance of the construction of same.

(b) Timing of General Obligations. Except as otherwise provided herein, Developer shall complete, in a good and workmanlike manner, construction of all roadway facilities and related Roadway Improvements necessary to serve such phase of the Project in accordance with construction plans approved by the City. Thereafter, the roads shall be conveyed to the City for ownership and maintenance. The Parties acknowledge that the Property may be developed in phases, and the plats to be submitted to the City for approval may likewise be phased. If deemed necessary, Developer may submit a replat or amending plat for all or any portions of the Property in accordance with applicable law.

(c) Rights of Way. The Developer agrees to dedicate or cause to be dedicated to the City or applicable agency, free of liens, claims and encumbrances the rights of way within the Property for F.M 875, F.M. 1446, and the Greenway Arterial at the widths shown on **Exhibit F-3** attached hereto; subject to the right of the Developer to be reimbursed for such rights of way by the MMD.

(d) Bonding. To the extent an MMD Improvement for the construction of roadway improvements is required by an approved traffic impact analysis, the plans for such MMD Improvement have been approved by the City and other applicable agencies, and a contract for the construction of such MMD Improvement has been awarded to a contractor, Developer shall have the option to obtain a completion bond for the portion of the applicable project that has not been completed and if such bond is obtained, the City shall allow final inspections to be completed and certified prior to completion of the applicable project.

4.7 Impact Fees.

(a) Impact Fees. Water, sewer, and roadway Impact Fees for the Project shall be assessed at the rates adopted by the City Council in effect at the time the plat for a given phase of the Project is recorded in the Property Records and collected upon the issuance of a building permit for each lot within the Property.

(b) Impact Fee Credits. Developer shall be eligible for water, sewer, and roadway Impact Fee Credits for MMD Improvements that are not reimbursed through MMD Bond Proceeds and, subject to Section 4.4, the method by which such Impact Fee Credits will be applied shall be agreed upon by the Developer and the City at a future time.

4.8 Payee Information. With respect to any and every type of payment/remittance due to be paid at any time by the City to Developer after the Effective Date under this Agreement, the name and delivery address of the payee for such payment shall be:

[_____]
[_____]
[_____]
[_____]

Developer may change the name of the payee and/or address set forth above by delivering written notice to the City designating a new payee and/or address or through an assignment of Developer's rights hereunder.

4.9 MMD Initial Capital Improvement Plan. Developer's proposed initial 5-year MMD Capital Improvement Plan includes the MMD Improvements and MMD Bonds to be undertaken by the MMD is attached as **Exhibit J-1** and **Exhibit J-2.**

## SECTION 5
## PUBLIC IMPROVEMENT DISTRICT

5.1 PID Assessments. As of the Effective Date of this Agreement, the Property is located in whole or in part in the PID. The City agrees that if it receives a property owner petition meeting the requirements of Section 372.011 of the Local Government Code the City will promptly call a public hearing on the dissolution of the PID. Developer acknowledges that pursuant to the same statute that notwithstanding any dissolution the PID shall remain in effect for the purpose of meeting obligations of indebtedness for improvements, if any. The City also agrees to take reasonable best efforts to terminate any agreements between the City and the PID as it relates to the Property.

## SECTION 6
## ADDITIONAL OBLIGATIONS AND AGREEMENTS

6.1 Administration of Construction of Public Infrastructure. Subject to the terms of this Agreement including reimbursement, the Parties agree that Developer and/or the MMD will be solely responsible for the construction of all Public Infrastructure. .

6.2 Mandatory Homeowners Association.

(a) The Developer will, create the HOA, which shall be mandatory and shall levy and collect from homeowners annual fees in an amount calculated to maintain the HOA owned improvements within the Project. Common areas, including, but not limited to, all landscaped entrances to the Project and right-of-way landscaping and signage, shall be maintained solely by the HOA. Maintenance of public rights-of-way, landscaping, and signage by the HOA shall comply with City Regulations.

(b) The Developer agrees to include a provision in the conditions, covenants, and restrictions for the HOA restricting the use of short-term rentals, as defined in Section 6.5 below, within the Project.

6.3 Zoning. The City has zoned the portion of the Property currently within the City limits as a planned development district in accordance with the Zoning Ordinance attached hereto as **Exhibit G**, which is attached hereto for reference purposes only.

6.4 Manufactured Home.

(a) Residence. Notwithstanding any other provision of this Agreement or the Development Standards to the contrary, upon and after the Effective Date of this Agreement, one

(1) HUD-certified manufactured home may be located within the boundaries of each of the Districts; provided, however, such manufactured home must be removed within two hundred seventy (270) days from the date of such installation. The manufactured home permitted by this Agreement: (a) is not required to be located on a platted lot; (b) does not require a building permit; (c) does not require a certificate of substantial completion; (d) does not otherwise have to comply with the Development Standards; (e) does not require any permit or other approval from the City.

6.5 Prohibition on Short-Term Rentals, Accessory Dwelling Units and Hourly Rentals of Property.

(a) Developer agrees that all Property in the MMD shall contain a deed restriction or other real property covenant providing that at no time shall any of the Property be used, allowed to be used, or made available or offered for use as a short-term rental or as an hourly rental of residential property. The foregoing uses of and activities on any of the Property are expressly prohibited. For purposes of this Paragraph, (1) "short-term rental" shall mean a residential property, including a single-family dwelling or a unit in a condominium, cooperative, mixed use development, or timeshare, that is rented wholly or partly for a fee for a period not longer than thirty (30) consecutive days. A short-term rental shall not include a hotel, motel, bed and breakfast homes, bed and breakfast inns, or rentals made for less than thirty (30) days upon the sale of a residential dwelling when the tenancy is by the former owner; and (2) "hourly rental of residential property" shall mean a feature or facility that is part of a residential property, including a single-family dwelling or a unit in a condominium, cooperative, mixed-use development or timeshare, and is rented for a period of less than fifteen (15) hours and for a purpose other than providing sleeping accommodations to the lessee.

(b) Notwithstanding the foregoing, "Stay and Play Residences" shall be permitted. For the purposes of this paragraph (1)(b) a "Stay and Play Residence" are Active Adult housing types that are used for the "Stay and Play Getaway Program" which is an allowed use in the Active Adult District (as defined in the Zoning Ordinance) and is hereby used to describe a program where potential purchasers of active adult residential units are allowed to stay at and enjoy residential units at the Property on a short–term basis prior to making a purchasing decision. This program generally provides the potential buyers with usage of a residential unit, golf cart, dining, and access to all amenities and events. Upon buildout and completion of the community, the residential units utilized for this program will be sold similar to the other residential units within the Property. In order to distinguish the Stay and Play program from short term rentals, the stay and play residences must conform to the provisions set forth in Section 5.3.4 of the Zoning Ordinance.

(c) Accessory Dwelling Units are allowed as set forth in the Zoning Ordinance.

6.6 Building Materials and Architectural Standards. Following the execution of this Agreement by the Parties, for any structure built on the Property, Developer shall comply with the applicable building construction materials and architectural standards contained in **Exhibit K**, attached hereto and incorporated by reference. The Parties specifically agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Other than as set forth in **Exhibit K**, Nothing in this Agreement

shall be deemed to modify or otherwise amend any zoning or other regulation duly adopted by the City, previously or in the future.

6.7 Tree Preservation. The Parties agree that the Tree Preservation requirements set forth in City Ordinances shall be satisfied by the installation of trees required under the Zoning Ordinance.

6.8 Annexation. The Developer agrees that upon Developer's acquisition of the ETJ Parcel this Agreement shall serve as a voluntary petition to annex the ETJ Parcel into the City's municipal boundaries

6.9 Conflicts. In the event of any direct conflict between this Agreement and any other ordinance, rule, regulation, standard, policy, order, guideline, or other city-adopted or City enforced requirement, whether existing on the Effective Date or thereafter adopted, this Agreement, including its exhibits, as applicable, shall control. In the event of a conflict between the Concept Plan and the Development Standards, the Development Standards shall control to the extent of the conflict.

6.10 Compliance with City Regulations. Development and use of the Property, including, without limitation, the construction, installation, maintenance, repair, and replacement of all buildings and all other improvements and facilities of any kind whatsoever on and within the Property, shall be in compliance with City Regulations unless expressly stated to the contrary in this Agreement. City Regulations shall apply to the development and use of the Property unless expressly set forth to the contrary in this Agreement.

6.11 Public Infrastructure, Generally. Except as otherwise expressly provided for in this Agreement, Developer or the MMD shall provide all Public Infrastructure necessary to serve the Project, including streets, utilities, drainage, sidewalks, parks, trails, street lighting, street signage, and all other required improvements without oversizing, at no cost to the City except as expressly provided in this Agreement, and as approved by the City's engineer or his or her agent. Developer or the MMD shall cause the installation of the Public Infrastructure within all applicable time frames in accordance with the City Regulations unless otherwise established in this Agreement. Developer shall provide engineering studies, plan/profile sheets, and other construction documents at the time of platting as required by City Regulations. Such plans must be approved by the City's engineer or his or her agent prior to the recording of a plat. Construction of any portion of the Public Infrastructure shall not be initiated until a pre-construction conference with a City representative has been held regarding the proposed construction. No plat may be recorded in the Real Property Records until appropriate surety for public improvements has been provided pursuant to Chapter 33, Appendix C Section 1.2 of the Waxahachie, Texas Code of Ordinances. For the avoidance of doubt, nothing in this Section 6.11 shall be construed to prevent the City from participating in the costs for or constructing Public Infrastructure within the Property.

6.12 Maintenance Bonds. For each construction contract for any part of the Public Infrastructure for which the City will be responsible for the future maintenance, Developer, or Developer's contractor, must execute a maintenance bond in accordance with applicable City Regulations that guarantees the costs of any repairs that may become necessary to any part of the construction work performed in connection with the Public Infrastructure, arising from defective

workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the Public Infrastructure constructed under such contract.

6.13 Inspections, Acceptance of Public Infrastructure, and Developer's Remedy.

(a) Inspections, Generally. The City shall have the right to inspect, at any time, the construction of all Public Infrastructure necessary to support the Project, including water improvements, wastewater/sanitary sewer, drainage, roads, streets, alleys, public park facilities, electrical, and streetlights and signs. The City's inspections and/or approvals shall not release Developer from its responsibility to construct, or cause the construction of, adequate MMD Improvements and Public Infrastructure in accordance with approved engineering plans, construction plans, and other approved plans related to development of the Property.

(b) Acceptance; Ownership. From and after the inspection and acceptance by the City of the Public Infrastructure and any other dedications required under this Agreement, such improvements and dedications shall be owned by the City. Acceptance of Public Infrastructure by the City shall be evidenced in a writing issued by the City Manager or his designee.

(c) Approval of Plats/Plans. Approval by the City, the City's engineer, or other City employee or representative of any plans, designs, or specifications submitted by Developer pursuant to this Agreement or pursuant to applicable City Regulations shall not constitute or be deemed to be a release of the responsibility and liability of Developer, its engineer, employees, officers, or agents for the accuracy and competency of their design and specifications. Further, any such approvals shall not be deemed to be an assumption of such responsibility and liability by the City for any defect in the design and specifications prepared by the Developer or the Developer's engineer, or engineer's officers, agents, servants or employees, it being the intent of the parties that approval by the City's engineer signifies the City's approval on only the general design concept of the improvements to be constructed. In accordance with Chapter 245, all development related permits issued for the Project, including each plat, shall remain valid for two years from date of approval and shall not thereafter expire so long as progress has been made toward completion of the Project. Upon recordation of the first plat for the Project, the Project shall not expire for the duration of this Agreement, provided that the Developer shall be required to finalize improvements in each phase of the Development in accordance with subdivision ordinance adopted by the City.

(d) Timing for Approvals

(1) The City acknowledges that the pace of development for the Project shall exceed what has been the standard procedure for the City.

(2) The City shall employ sufficient staff or hire sufficient third-party reviewers to ensure that the timeline for review of any residential building plans for the Project do not exceed twenty-one (21) days between the date of submittal for the issuance of a building permit and the issuance of such building permit by the City. City shall also institute a master approval process for Floor Plans whereby Developer shall submit Floor Plans to the City for approval and the City shall grant a "master approval", which shall mean approval of an entire set of individual Floor Plans, for such Floor Plans whereby future submissions of such Floor Plan shall be submitted to the City with the master approval and the plan review of the residential building plans shall be

only for conformance with the applicable master approved plans and compliance with the Zoning Ordinance and applicable City lot requirements as set forth in Section 3.3 of the Zoning Ordinance. Such master approval process shall be required for modifications to a Floor Plan and submissions of new Floor Plans and revisions to existing Floor Plans for master approval shall be allowed through the life of the Project. If the City does not retain enough reviewers such that the building plan reviews are not able to be completed on the timeline described herein, Developer shall have the right, at its sole expense, to immediately retain any licensed third-party plan reviewer agreed upon by the City and Developer to complete any such plan reviews which shall be deemed acceptable by the City.

(3) The City shall employ sufficient staff or hire sufficient third-party reviewers to ensure that the timeline for review of initial civil construction plans, including site plans for commercial and multifamily projects, for the Project does not exceed twenty-eight (28) days between the date of submittal for the issuance of comments to ensure compliance with City ordinances. Upon resubmittal of revisions to the comments from Developer or Developer's engineer, the City shall have an additional 15 days to review the revisions requested by the City and to provide approval of same provided the revisions are acceptable to the City. If the City does not retain enough reviewers such that the plan reviews are not able to be completed on the timeline described herein, Developer shall have the right, at its sole expense, to immediately retain any licensed third-party plan reviewer agreed upon by the City and Developer to complete any such plan reviews which shall be deemed acceptable by the City.

6.14 Insurance. Developer or MMD or its contractor(s) shall acquire and maintain, during the period of time when any of the Public Infrastructure is under construction (and until the full and final completion of the Public Infrastructure and acceptance thereof by the City): (a) workers compensation insurance in the amount required by law; and (b) commercial general liability insurance including personal injury liability, premises operations liability, and contractual liability, covering, but not limited to, the liability assumed under any indemnification provisions of this Agreement, with limits of liability for bodily injury, death and property damage of not less than $1,000,000.00. Such insurance shall also cover any and all claims which might arise out of the Public Infrastructure construction contracts, whether by Developer, a contractor, subcontractor, material man, or otherwise. Coverage must be on a "per occurrence" basis. All such insurance shall: (i) be issued by a carrier that is rated "A-1" or better by A.M. Best's Key Rating Guide and licensed to do business in the State of Texas; and (ii) name the City as an additional insured and contain a waiver of subrogation endorsement in favor of the City. Upon the execution of Public Infrastructure construction contracts, Developer or the MMD shall provide to the City certificates of insurance evidencing such insurance coverage together with the declaration of such policies, along with the endorsement naming the City as an additional insured. Each such policy shall provide that, at least 30 days prior to the cancellation, non-renewal or modification of the same, the City shall receive written notice of such cancellation, non-renewal or modification.

6.15 INDEMNIFICATION AND HOLD HARMLESS. THE DEVELOPER, INCLUDING ITS RESPECTIVE SUCCESSORS AND ASSIGNS, HEREBY COVENANT AND AGREE TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICERS, AGENTS, REPRESENTATIVES, SERVANTS AND EMPLOYEES (COLLECTIVELY, THE "RELEASED PARTIES"), FROM AND AGAINST ALL THIRD-PARTY CLAIMS, SUITS, JUDGMENTS, DAMAGES, AND DEMANDS (TOGETHER,

"CLAIMS") AGAINST THE CITY OR ANY OF THE RELEASED PARTIES, WHETHER REAL OR ASSERTED INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY'S FEES, RELATED EXPENSES, EXPERT WITNESS FEES, CONSULTANT FEES, AND OTHER COSTS, ARISING OUT OF THE NEGLIGENCE OR OTHER WRONGFUL CONDUCT OF THE DEVELOPER, INCLUDING THE NEGLIGENCE OF ITS RESPECTIVE EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, MATERIAL MEN, AND/OR AGENTS, IN CONNECTION WITH THE DESIGN OR CONSTRUCTION OF ANY PUBLIC INFRASTRUCTURE THAT ARE REQUIRED OR PERMITTED UNDER THIS AGREEMENT. **THE DEVELOPER SHALL NOT, HOWEVER, BE REQUIRED TO INDEMNIFY THE CITY AGAINST CLAIMS CAUSED BY THE CITY'S CONCURRENT, CONTRIBUTORY, OR SOLE NEGLIGENCE, GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.** IF THE CITY INCURS CLAIMS THAT ARE CAUSED BY THE CONCURRENT NEGLIGENCE OF THE DEVELOPER AND THE CITY, THE DEVELOPER'S INDEMNITY OBLIGATION WILL BE LIMITED TO A FRACTION OF THE TOTAL CLAIMS EQUIVALENT TO THE DEVELOPER'S OWN PERCENTAGE OF RESPONSIBILITY.

6.16 Status of Parties. This Agreement does not create a joint enterprise or venture or employment relationship between the City and Developer.

6.17 Vested Rights. This Agreement shall constitute a "permit" (as defined in Chapter 245) that is deemed filed with the City on the Effective Date.

6.18 Conveyances for Public Facilities.

(a) The Developer agrees to dedicate or cause to be dedicated to the City, at no cost to the City, a maximum of 10 acres to accommodate municipal needs (the "Civic Sites"). The location of the Civic Sites shall be mutually agreed to by the Developer and the City prior to such dedication when the City identifies a specific need.

6.19 CCN. The portion of the Property shown on **Exhibit L** is currently within the boundaries of the Sardis-Lone Elm Water Service Corporation water CCN and the Buena Vista-Bethel Water Service Corporation water CCN. The City agrees to use its reasonable best efforts to assist the Developer to decertify the portion of the Property shown on Exhibit L from the Sardis-Lone Elm Water Service Corporation water CCN and the Buena Vista-Bethel Water Service Corporation water CCN and to include it within the boundaries of the City's water and sewer CCN. Developer shall be responsible for all costs associated with the decertification from Sardis-Lone Elm Water Service Corporation water CCN and the Buena Vista-Bethel Water Service Corporation water CCN.

6.20 Park Dedication.

(a) The park improvements shown on **Exhibit O** shall be conveyed or dedicated to the City at no cost or expense to the City. Developer and City shall coordinate for phased dedication of the parkland to the City as development occurs.

(b) The portion of the parkland described as the "Initial Conveyance" on **Exhibit O** shall be dedicated by the Developer to the City within ninety (90) days of completion of the final inspection and issuance of the final certificate of completion by the City.

(c) The portion of the parkland described as the "Second Conveyance" on **Exhibit O** shall be dedicated by the Developer to the City within ninety (90) days of completion of the final inspection and issuance of the final certificate of completion by the City, provided that such request shall not be made until the recordation of the plat for the residential phases adjacent to the "Second Conveyance". The "Second Conveyance" shall be described as a "Waxahachie-Midlothian Trail Reserve" on the final and recorded plat for the adjacent residential area and conveyance shall be done via plat; provided that Developer may reserve any easements as required for the conveyance of dry or wet utilities required to service the Property.

(d) The portion of the parkland described as the "Third Conveyance" on **Exhibit O** shall be dedicated by the Developer to the City within ninety (90) days of completion of the final inspection and issuance of the final certificate of completion by the City. The "Third Conveyance" shall be described as a "Waxahachie-Midlothian Trail Reserve" on the final and recorded plat for the adjacent residential area and conveyance shall be done via plat; provided that Developer may reserve any easements as required for the conveyance of dry or wet utilities required to service the Property.

(e) Developer shall be responsible for constructing the portion of the trail shown on **Exhibit O** to the specifications set forth in cross section attached hereto as **Exhibit O**.

## SECTION 7
## EVENTS OF DEFAULT; REMEDIES; MEDIATION

7.1 Events of Default. No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given in writing (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time to be determined based on the nature of the alleged failure, but in no event more than thirty (30) days (or any longer time period to the extent expressly stated in this Agreement as relates to a specific failure to perform) after written notice of the alleged failure has been given. Notwithstanding the foregoing, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. Notwithstanding the foregoing, however, a Party shall be in default of its obligation to make any payment required under this Agreement if such payment is not made within twenty (20) business days after it is due.

7.2 Remedies. If a Party is in default, the aggrieved Party may, at its option and without prejudice to any other right or remedy under this Agreement, seek any relief available at law or in equity, including, but not limited to, an action under the Uniform Declaratory Judgment Act, specific performance, mandamus, and injunctive relief.

7.3 Mediation. In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories

hereto, the signatories agree to submit such disagreement to nonbinding mediation prior to any Party instituting litigation.

## SECTION 8
## ASSIGNMENT; ENCUMBRANCE

8.1 Assignment. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The agreements of the City with respect to the regulations applicable to the ETJ portion of the Property shall not be assignable but shall be benefits and obligations for compliance that run with the land. The other obligations, requirements, or covenants to develop the Property subject to this Agreement shall be freely assignable by Developer, in whole or in part, to any affiliate or related entity of Developer, any lienholder on the Property, or the MMD, without the prior written consent of the City and the MMD or any of the Districts if the MMD joins in this Agreement. Except as otherwise provided in this paragraph, the obligations, requirements or covenants to the development of the Property shall not be assigned, in whole or in part, by Developer to a non-affiliate or non-related entity of Developer without the prior written consent of the City Manager, subject to the advice and written consent of the Mayor, which consent shall not be unreasonably withheld, conditioned, or delayed. An assignee shall be considered a "Party" for the purposes of this Agreement. Each assignment shall be in writing executed by Developer and the assignee and shall obligate the assignee to be bound by this Agreement to the extent this Agreement applies or relates to the obligations, rights, title, or interests being assigned. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment unless the City approves the release in writing. Developer shall maintain written records of all assignments made by Developer to assignees, including a copy of each executed assignment and, upon written request from any Party or assignee, shall provide a copy of such records to the requesting person or entity, and this obligation shall survive the assigning Party's sale, assignment, transfer, or other conveyance of any interest in this Agreement or the Property.

8.2 Assignees as Parties. An assignee authorized in accordance with this Agreement and for which notice of assignment has been provided in accordance herewith shall be considered a "Party" for the purposes of this Agreement. Any assignee named in an assignment under Section 8.1 hereof shall be deemed to be a "Developer" and have all of the rights and obligations of Developer as set forth in this Agreement and all related documents to the extent of said ownership or ownership interest with the exception of the City and an End User.

8.3 Third Party Beneficiaries. Except as otherwise provided herein, this Agreement inures to the benefit of, and may only be enforced by, the Parties. No other person or entity shall have any right, title, or interest under this Agreement or otherwise be deemed to be a third-party beneficiary of this Agreement.

8.4 Notice of Assignment. Subject to Section 8.1 of this Agreement, the following requirements shall apply in the event that Developer sells, assigns, transfers, or otherwise conveys the Property or any part thereof and/or any of its rights or benefits under this Agreement: (i) Developer must provide written notice to the City and the MMD to the extent required under Section 8.1; (ii) said notice must describe the extent to which any rights or benefits under this Agreement will be sold, assigned, transferred, or otherwise conveyed; (iii) said notice must state

the name, mailing address, telephone contact information, and, if known, email address, of the person(s) that will acquire any rights or benefits as a result of any such sale, assignment, transfer or other conveyance; and (iv) said notice must be signed by a duly authorized person representing Developer and a duly authorized representative of the person that will acquire any rights or benefits as a result of the sale, assignment, transfer or other conveyance.

## SECTION 9
## RECORDATION AND ESTOPPEL CERTIFICATES

9.1 Binding Obligations. This Agreement and all amendments thereto and assignments hereof shall be recorded in the Real Property Records. This Agreement binds and constitutes a covenant running with the Property and, upon the Effective Date, is binding upon Developer, the MMD and the Districts if the MMD has executed as joinder, and the City, and forms a part of any other requirements for development within the Property. This Agreement, when approved by the governing body of the City, shall be binding upon the Parties and their successors and assigns as permitted by this Agreement and upon the Property.

9.2 Estoppel Certificates. From time to time, upon written request of Developer, the MMD or any future owner, the City Manager, or his/her designee will, in his/her official capacity and to his/her reasonable knowledge and belief, execute a written estoppel certificate identifying any obligations of an owner under this Agreement that are in default.

## SECTION 10
## GENERAL PROVISIONS

10.1 Term. This agreement shall be effective for a term of forty-five years from the Effective date. In so far as the MMD is bound by this Agreement, the term of this Agreement applicable to the MMD shall continue for the entire life of the MMD or forty-five (45) years, which ever is less. In so far as the Developer is bound by this Agreement to construct Public Infrastructure, this Agreement shall bind the Developer until the completion of construction, acceptance by the City or MMD, as appropriate, and completion of the maintenance bond period for all Public Infrastructure required to serve the Property.

10.2 Recitals. The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) reflect the final intent of the Parties with regard to the subject matter of this Agreement; and (d) are fully incorporated into this Agreement for all purposes. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

10.3 Acknowledgments. In negotiating and entering into this Agreement, the Parties respectively acknowledge and understand that:

(a) Developer's obligations hereunder are primarily for the benefit of the Property;

(b) the improvements to be constructed and the open space dedications and donations of real property that Developer is obligated to set aside and/or dedicate under this Agreement will benefit the Project by positively contributing to the enhanced nature thereof, increasing property values within the Project, and encouraging investment in and the ultimate development of the Project;

(c) the MMD Improvements will benefit the City and promote state and local economic development, stimulate business and commercial activity in the City for the development and diversification of the economy of the state, promote the development and expansion of commerce in the state, and reduce unemployment or underemployment in the state;

(d) the MMD Improvements are public improvements and the MMD Improvements set forth as to be dedicated to the City on **Exhibit N** shall be dedicated to the City in accordance with the MMD Act;

(e) nothing contained in this Agreement shall be construed as creating or intended to create a contractual obligation that controls, waives, or supplants the City Council's legislative discretion or functions with respect to any matters not specifically addressed in this Agreement;

(f) pursuant to Section 395.023, Texas Local Government Code, Developer shall be entitled to Impact Fee Credits against roadway and utility Impact Fees for Capital Improvement Costs incurred in connection with collector or arterial roadways shown on the City's master thoroughfare plan (or comparable planning document) regardless of whether the particular collector or arterial roadway is designated on the City's roadway CIP.

10.4 Notices. Any notice, submittal, payment or instrument required or permitted by this Agreement to be given or delivered to any party shall be deemed to have been received when delivered personally or upon the expiration of 72 hours following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

To the City:

City of Waxahachie, Texas
Attn: City Manager
Waxahachie City Hall
401 S. Rogers Street
Waxahachie, Texas 75165

With a copy to:
Terrence S. Welch
Brown & Hofmeister, LLP
740 East Campbell Road, Suite 800
Richardson, Texas 75081

To Developer:
Mr. Theodore Neuweiler
Division President Acquisitions & Development
Minto Communities Texas, LLC
4042 Park Oaks Blvd, #450
Tampa, FL 33610

To the MMD:
[_____]
[_____]
[_____]
[_____]
[_____]

With a copy to:
[_____]
[_____]

Any Party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other Party.

10.5 Interpretation. Each Party has been actively involved in negotiating this Agreement. Accordingly, a rule of construction that any ambiguities are to be resolved against the drafting Party will not apply to interpreting this Agreement. In the event of any dispute over the meaning or application of any provision of this Agreement, the provision will be interpreted fairly and reasonably and neither more strongly for nor against any Party, regardless of which Party originally drafted the provision.

10.6 Time. In this Agreement, time is of the essence and compliance with the times for performance herein is required.

10.7 Authority and Enforceability. The City represents and warrants that this Agreement has been approved by official action by the City Council of the City in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act) and that the individual executing this Agreement on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Agreement has been approved by appropriate action of Developer, and that each individual executing this Agreement on behalf of Developer has been duly authorized to do so. The MMD, if it executes a joinder, represents and warrants that this Agreement has been approved by appropriate action of MMD, and that each individual executing this Agreement on behalf of MMD has been duly authorized to do so. Each Party respectively acknowledges and agrees that this Agreement is binding upon such Party and is enforceable against such Party, in accordance with its terms and conditions.

10.8 Limited Waiver of Immunity. The Parties are entering into this Agreement in reliance upon its enforceability. Consequently, the City unconditionally and irrevocably waives

all claims of sovereign and governmental immunity which it may have (including, but not limited to, immunity from suit and immunity to liability) as it relates to this Agreement. Notwithstanding the foregoing, the waiver contained herein shall not waive any immunities that the City may have with respect to claims of injury to persons or property, which claims shall be subject to all of their respective immunities and to the provisions of the Texas Tort Claims Act. Further, the waiver of immunity herein is not enforceable by any party not a Party to this Agreement, or any party that may be construed to be a third-party beneficiary to this Agreement.

10.9 Severability. This Agreement shall not be modified or amended except in writing signed by the Parties. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then: (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible and upon mutual agreement of the parties, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

10.10 Applicable Law; Venue. This Agreement is entered into pursuant to and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Ellis County. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in the Ellis County District Court.

10.11 Non Waiver. Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof, and the Party shall have the right at any time thereafter to insist upon strict performance of any and all provisions of this Agreement. No provision of this Agreement may be waived except by writing signed by the Party waiving such provision. Any waiver shall be limited to the specific purposes for which it is given. No waiver by any Party of any term or condition of this Agreement shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

10.12 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

10.13 Force Majeure. Each Party shall use good faith, due diligence and reasonable care in the performance of its respective obligations under this Agreement, and time shall be of the essence in such performance; however, in the event a Party is unable, due to force majeure, to perform its obligations under this Agreement, then the obligations affected by the force majeure shall be temporarily suspended. Within ten (10) business days after the occurrence of a force majeure, the Party claiming the right to temporarily suspend its performance, shall give Notice to all the Parties, including a detailed explanation of the force majeure and a description of the action that will be taken to remedy the force majeure and resume full performance at the earliest possible time. The term "force majeure" shall include events or circumstances that are not within the reasonable control of the Party whose performance is suspended and that could not have been avoided by such Party with the good faith exercise of good faith, due diligence and reasonable care.

10.14 Complete Agreement. This Agreement embodies the entire Agreement between the Parties and cannot be varied or terminated except as set forth in this Agreement, or by written

agreement of the Parties expressly amending the terms of this Agreement. By entering into this Agreement, any previous agreements or understanding between the Parties relating to the same subject matter are null and void.

10.15 Consideration. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is hereby acknowledged.

10.16 Anti-Boycott Verification. Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, as amended, to the extent Section 2271.002, Texas Government Code does not contravene federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.16 shall survive termination of the Agreement until the statute of limitations has run.

10.17 Verification under Chapter 2252, Texas Government Code. Developer hereby represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf, https://comptroller.texas.gov/purchasing/docs/iran-list.pdf, or https://comptroller.texas.gov/purchasing/docs/fto-list.pdf. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable federal law and excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.17 shall survive termination of the Agreement until the statute of limitations has run.

10.18 No Discrimination Against Fossil-Fuel Companies. Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code. Developer understands "affiliate" to mean an entity that

controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.18 shall survive termination of the Agreement until the statute of limitations has run.

10.19 No Discrimination Against Firearm Entities and Firearm Trade Associations. Developer hereby verifies that it and its parent companies, wholly- or majority- owned subsidiaries, and other affiliates, if any,

(1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and

(2) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, "discriminate against a firearm entity or firearm trade association" shall have the meaning assigned to such term in Section 2274.001(3) (as added by SB 19), Texas Government Code. Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit. Notwithstanding anything contained herein, the representations and covenants contained in this Section 10.19 shall survive termination of the Agreement until the statute of limitations has run.

10.20 Exhibits. The following exhibits are attached to this Agreement and are incorporated herein for all purposes:

| | |
|---|---|
| Exhibit A | Metes and Bounds Description of the Property |
| Exhibit B | Depiction of the Property |
| Exhibit C | Concept Plan |
| Exhibit D-1 | Map of Wastewater Improvements – General |
| Exhibit D-2 | Map of Wastewater Improvements – Offsite Wastewater Improvements |
| Exhibit E-1 | Map of Water Improvements – General |
| Exhibit E-2 | Map of Water Improvements – Offsite Water Lines |
| Exhibit F-1 | Map of Roadway and Drainage Improvements |
| Exhibit F-2 | Roadway Cross-sections |
| Exhibit F-3 | Future Roadways and ROW Dedications and Roadway Commitments |
| Exhibit F-4 | Brookside Road Exhibit |
| Exhibit G | PD Ordinance |
| Exhibit H | City TCEQ Consent Resolution |
| Exhibit I | Form of MMD Joinder Agreement |
| Exhibit J-1 | MMD Initial Capital Improvements Plan - Map |
| Exhibit J-2 | MMD Initial Capital Improvements Plan - Costs |
| Exhibit K | Design Guidelines |
| Exhibit L | Portion of Property within [_____] CCN |
| Exhibit M | [REMOVED] |
| Exhibit N | MMD/HOA/City Maintenance Exhibit |

**Item 9&10**

Exhibit O Regional Parks and Midlothian-Waxahachie Trail Dedication

[SIGNATURES PAGES AND EXHIBITS FOLLOW;
REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

**EXECUTED BY THE PARTIES TO BE EFFECTIVE ON THE EFFECTIVE DATE:**

**CITY OF WAXAHACHIE, TEXAS**

By:_____
Name: Billie Wallace
Title: Mayor
Date: _____

STATE OF TEXAS §
COUNTY OF ELLIS §

This instrument was acknowledged before me on this __ day of _____ 2025, by Billie Wallace , Mayor of the City of Waxahachie, Texas, on behalf of said City.

_____
Notary Public, State of Texas

[SEAL]

**DEVELOPER**:

**[_____]**,
a [_____] [_____]

By:_____
Name: Theodore Neuweiler
Title: Division President Acquisitions and Development

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2025 by [_____], [_____] of [_____], a [_____] [_____], as the [_____] of [_____], a [_____] [_____], on behalf of said entity.

_____
Notary Public in and for the State of Texas

[SEAL]

# EXHIBIT K

# DEVELOPMENT STANDARDS

Item 9&10

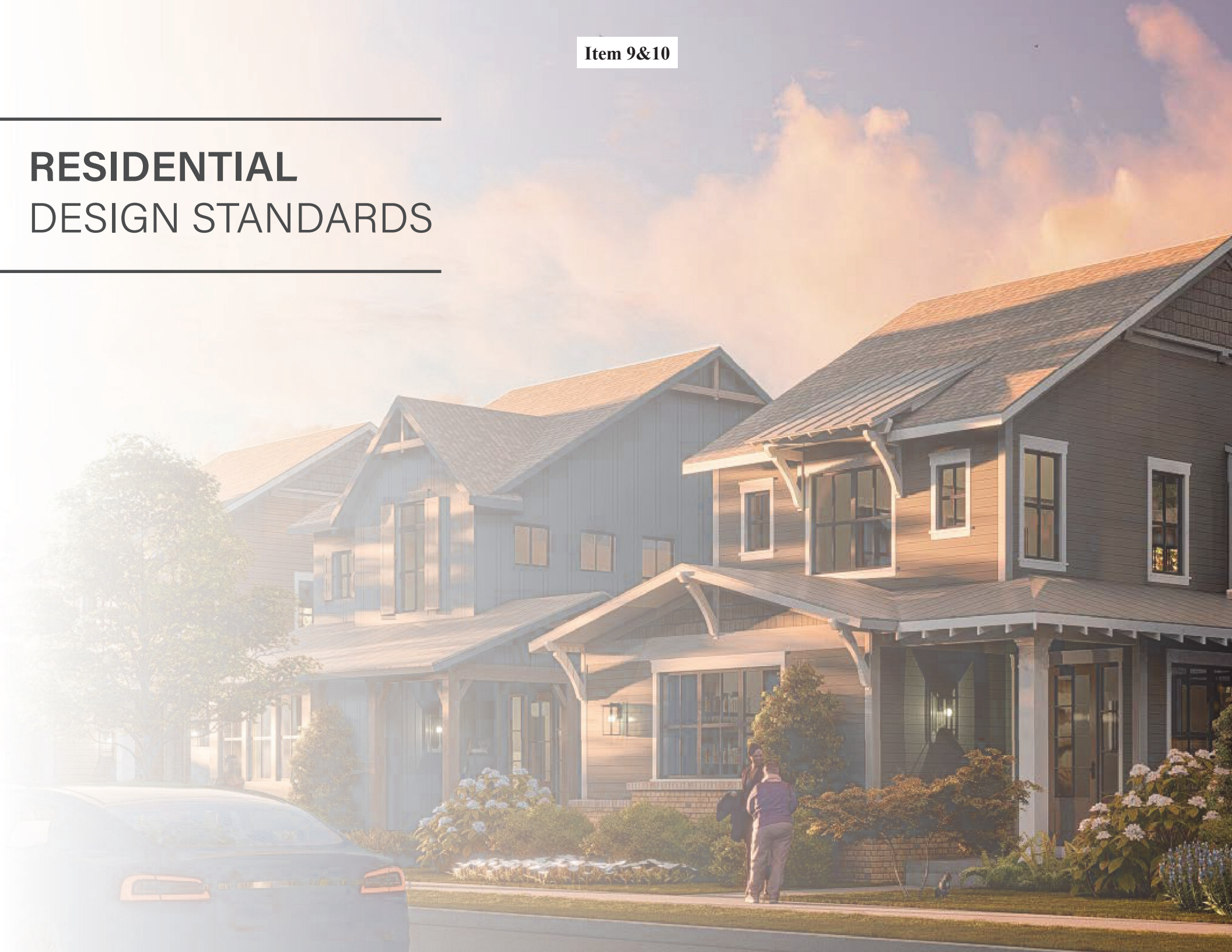
# KEMP TRACT

## DESIGN GUIDELINES



RESIDENTIAL DESIGN STANDARDS 3
Existing Architecture in Waxahachie 2
Proposed Architectural Styles 3
Texas Farmhouse 4
Architectural Design
Design Spectrum
Product Matrix
Texas Craftsman 10
Architectural Design
Design Spectrum
Product Matrix
Texas Hill Country 16
Architectural Design
Design Spectrum
Product Matrix
Texas Tudor 22
Architectural Design
Design Spectrum
Product Matrix
Texas Colonial Revival 28
Architectural Design
Design Spectrum
Product Matrix
Texas Victorian 34
Architectural Design
Design Spectrum
Product Matrix
Unified Diversity 40
Product Distribution 42
Front Load Product
Perpendicular Product
Typical TND Product
Hybrid TND Product
Purpose & Intent 46
Design Standards 47
PRIMARY AMENITY AND WELCOME CENTER DESIGN STANDARDS 51
Purpose & Intent 52
Design Standards 53
NON-RESIDENTIAL & MIXED USE DESIGN STANDARDS 57
Purpose & Intent 58
Design Standards 59
Mixed Use District Supplemental Regulations 69

# RESIDENTIAL
# DESIGN STANDARDS



# EXISTING ARCHITECTURE IN WAXAHACHIE

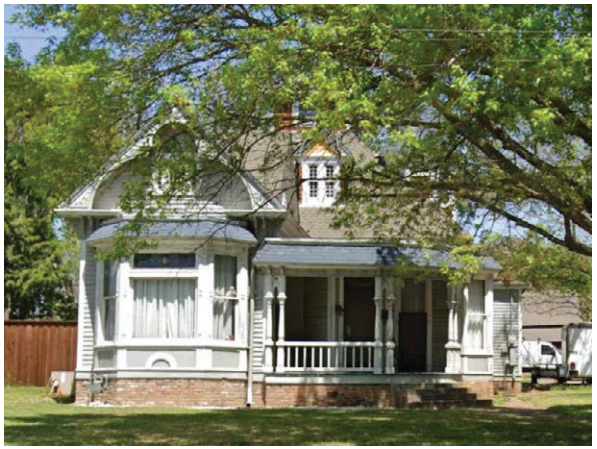
Waxahachie has a rich portfolio of architectural styles distributed throughout the historic district and in the earlier developed communities. The newer developments exhibit a repetitive use of masonry and simplified modern styles that lead neighborhoods to feel monotonous. Kemp Tract's architectural vision is to bring a varying set of modern styles to the community. This approach will compliment the diverse architecture around Waxahachie to provide a distinct sense of place within the neighborhood.

Existing **Historical Architecture**













# PROPOSED ARCHITECTURAL STYLES

Texas **Farmhouse**



Texas **Craftsman**



Texas **Hill Country**



Texas **Tudor**



Texas **Colonial Revival**



TEXAS FARMHOUSE

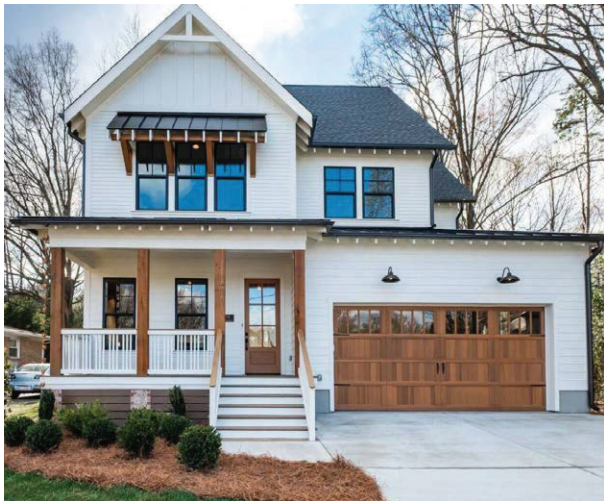
# TEXAS
# FARMHOUSE



# TEXAS FARMHOUSE











All images are for inspiration purposes only and are meant to represent different design elements and components for each style & interpretation.

# TEXAS FARMHOUSE ARCHITECTURAL DESIGN



# TEXAS FARMHOUSE

Farmhouse style architecture is easily identified by its simple, functional and well-proportioned forms that are box-like and have minimal ornamentation. These homes have historically reflected a two-story massing with predominantly gabled roofs, roof dormers, and covered porches that provide utilitarian spaces without the extensive use of embellishment and ornamentation. Hipped roof forms are occasionally incorporated at covered entries, especially on wrap-around porches.

## Key Elements:

### Tier 1: Defining Characteristics

Must include all 3 — these are non-negotiable to maintain style integrity.

1. Simple Gable Roof Form(s) incorporating at least an 8:12 Pitch, with lower pitches allowed for main roof forms
2. Board & Batten or Lap Siding in Cement Fiber.
3. Tall, Narrow Windows with Multiple Panes are traditional, optional black or dark bronze frames with or without divided lights for a modern twist.

### Tier 2: Strong Style Reinforcers

Choose at least 2 — highly recommended for authenticity.

4. Brick (Painted or Natural) Maximum 90%
5. Covered Front Porch with Simple Columns that are 8x8 minimum (6x6 may be incorporated if unique from other styles) and showcase modern profiles.
6. Standing Seam Metal Roof Accents.
7. Low-pitched (3-4:12 pitch) shed roof accents, or covered porches.
8. Accent dormers or window awnings.

### Tier 3: Optional Enhancements

Choose at least 1 — use to create variety or reinforce details.

9. Exposed Rafters or Rafter Tails
10. Shiplap or Horizontal Siding Accents
11. Simple Window Trim with Header Cap
12. Open Gable Ends with Decorative Brackets
13. Minimal Eave Overhangs with fascia and soffit painted the same color and provide high contrast to the monochromatic color palette

# TEXAS FARMHOUSE DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Farmhouse style may be expressed in various ways to relate to a parcel's immediate context.



## Traditional

Elevation reflect more **historical** siding treatments and detailing. A monochromatic color palette allow for subtle enhancements like the **wrap-around porch, standing-seam metal roof, and window awnings** to become strong focal points that define this style.

## Transitional

The overall form and massing is familiar, but **windows packages** are grouped together to become strong visual components, **column details** are refined and introduce modern profiles and connection details, and dark **fascia** provides **high contrast** to an otherwise monochromatic color palette that highlights the simplistic forms of this style.

## Bold

The overall form and massing is familiar, but material and window expressions create an **asymmetrical** image for a more **contemporary** feel. Materials are strategically placed to provide high contrast in **color and texture** to create interest and provide a more varied streetscape. Colors and materials are more **playful and unexpected.**

# TEXAS FARMHOUSE PRODUCT MATRIX

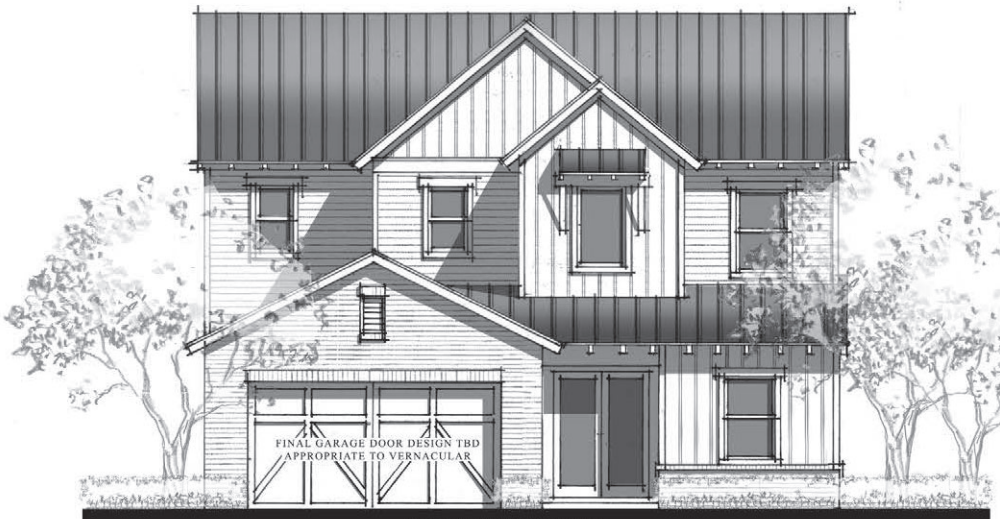
## Rear Loaded Garage

## Front Loaded Garage

2 - Story



30' Wide Home




40' Wide Home

1 - Story



30' Wide Home




40' Wide Home

# TEXAS
# CRAFTSMAN



# TEXAS CRAFTSMAN











All images are for inspiration purposes only and are meant to represent different design elements and components for each style & interpretation.

# TEXAS CRAFTSMAN ARCHITECTURAL DESIGN



# TEXAS CRAFTSMAN

The Craftsman architectural style is characterized by low-pitched one and two-story building volumes with wide overhangs and rakes extending horizontally across the home. Large, one-story covered porch volumes provide semi-private outdoor areas. Traditionally, eaves and rakes are commonly supported by beams, exposed rafter tails, brackets, out-lookers or corbels as decorative elements. For a more modern interpretation, these elements can be incorporated with simpler, more refined profiles that integrate today's materials for a current look and feel. Boxed soffits are not allowed with this style.

## Key Elements:

### Tier 1: Defining Characteristics
Must include all 3 — foundational to the Craftsman identity.

1. Low-Pitched Gabled Roofs (4:12-5-12 pitch) with Deep Overhangs (1'-6" to 2') – Often front-facing or cross-gabled with strong horizontal emphasis.
2. Exposed Rafters, Rafter Tails, or Decorative Brackets – Under eaves or gables; a hallmark detail of the style.
3. Windows with Divided Light in Upper Sash Only. The classic 3-over-1 or 4-over-1 window configuration

### Tier 2: Strong Style Reinforcers
Choose at least 2 — key elements to build character.

4. Board & Batten or Lap or Shake Siding in Cement Fiber.
5. Wide, Inviting Front Porch – Should span at least one-third of the front façade; ideally integrated into the main roof.
6. Shake or Shingle Siding in Gables – Adds texture contrast to the main cladding. (Not Shown.)
7. Exaggerated Trim and Fascia Boards – Typically with layered build-up for a handcrafted look.
8. Decorative Gable Vents or Knee Braces – Often placed in front-facing gables. (Not Shown.)
9. Tapered Round or Square Columns on Pedestals (Stone or Masonry Base) – Supporting a wide front porch; usually set on substantial piers or bases.

### Tier 3: Optional Enhancements
Choose at least 1 — for variety and depth

10. Multi-Part Window Trim with Head Casing Detail – Adds architectural layering.
11. Brick or Stone Wainscot – At the foundation or on porch piers for grounding and material interest.*
12. Built-in Window Boxes or Planter Ledges – Enhances charm and garden ethos. (Not Shown.)
13. Dormers with Shed or Gable Roofs – Breaks up the roof line and provides upper-level light.
14. Offset or Asymmetrical Front Entry – A subtle nod to informal Craftsman charm.

*Note: Masonry for this style is Tier 3 and shall be a minimum of 10% and a maximum of 100%.

# TEXAS CRAFTSMAN DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Craftsman style may be expressed in various ways to relate to a parcel's immediate context.



## Traditional

Elevation reflect more **historic** siding treatments and detailing. Color palette and materials reflect **high-contrast** between trim and primary body colors. Structural elements feature modern **profiles, materials, and connections** to evoke a more current image. Window **lites/grilles** are simplified.

## Transitional

The overall form and massing is familiar, but **windows packages** are grouped together to become strong visual components. Varying **material sizes and applications** create a more enhanced elevation.

## Bold

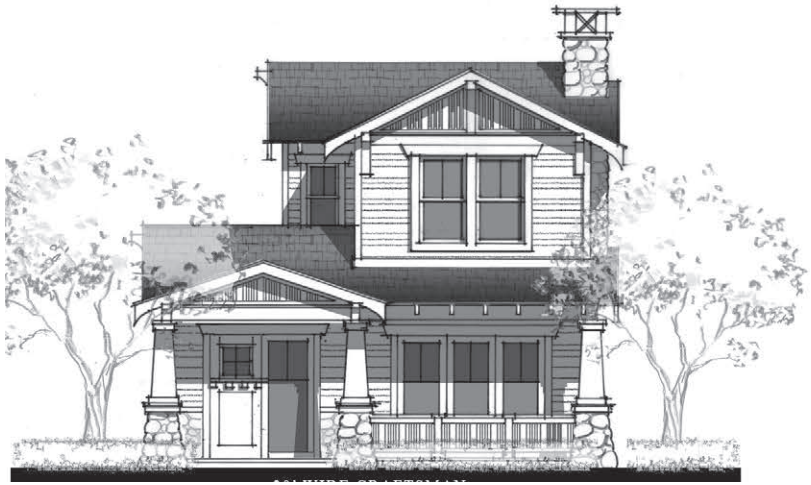
The overall form and massing is familiar, and a **flat roof** is introduced to create a **contemporary** look and feel. Materials are strategically placed to provide high contrast in **color and texture.** Colors and materials are more **playful and unexpected.**

# TEXAS CRAFTSMAN PRODUCT MATRIX

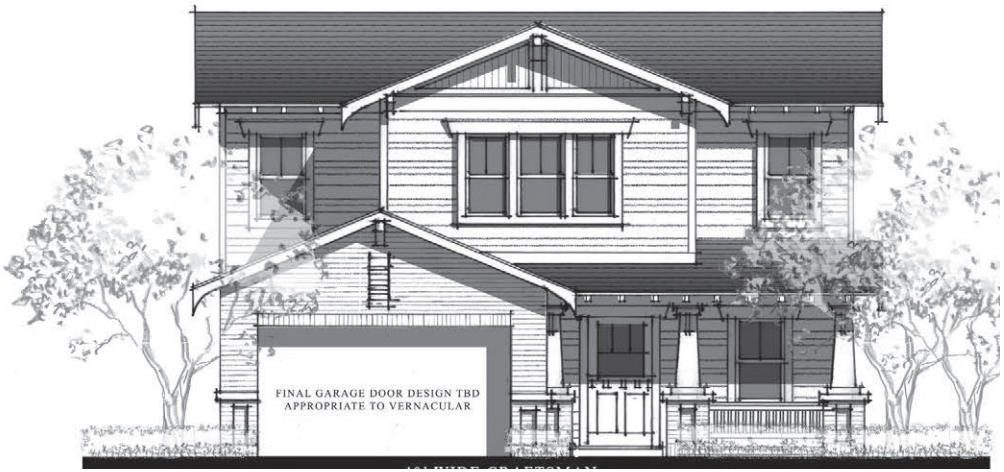
## Rear Loaded Garage

## Front Loaded Garage

### 2 - Story



30' Wide Home




40' Wide Home

### 1 - Story



30' Wide Home




40' Wide Home

TEXAS HILL COUNTRY

# TEXAS
# HILL COUNTRY



# TEXAS HILL COUNTRY











All images are for inspiration purposes only and are meant to represent different design elements and components for each style & interpretation.

# TEXAS HILL COUNTRY ARCHITECTURAL DESIGN



# TEXAS HILL COUNTRY

Mix of traditional ranch and barn styles with a modern aesthetic. More rustic in nature with neutral to warm color pallets. Materials include stucco, rustic or smooth limestone and natural tone “wood” siding. Rustic wood and metal elements are key details for this style.

## Key Elements:

### Tier 1: Defining Characteristics

Must include both — Core identity elements.

1. Low-Pitched (5:12-8:12) Gable or Hipped Roofs – Often with broad overhangs, front-facing or side gables, evoking early ranch and mission forms.
2. Large, Narrow Windows with Minimal Trim – simple profiles without heavy casing and minimal or no divided lights.

### Tier 2: Strong Style Reinforcers

Choose at least 2 — Essential for richness and variety.

3. Native or Native-Look Stone Facades – Limestone or rough-faced stone in warm, neutral tones.*
4. Natural Wood or Wood-Look Accents – Often seen in beams, brackets, entry doors, or porch posts; must appear authentic and warm.
5. Metal Roof or Metal Roof Accents – Standing seam or ribbed panels, typically in muted bronze, silver, or weathered tones.
6. Deep Covered Porches (Front or Back) – With thick timber or masonry columns; integral to indoor-outdoor lifestyle.
7. Timber Brackets (or a Timber look), Rafter Tails, or Corbels Under Eaves – Offers detail and shadow-play under roof lines.

### Tier 3: Optional Enhancements

Choose at least 1 — Regional flourishes and texture builders

8. Arched Entryways or Window Openings – Adds a nod to mission influences without becoming Mediterranean. (Not Shown.)
9. Board-and-Batten or Plank Siding Accents in Cement Fiber – Can be used on secondary masses or gables to break up stone facades. (Not Shown.)
10. Clerestory Windows or Transoms – Subtle modern twist that still honors Hill Country light and airflow.

*Note: Masonry for this style is shall be a minimum of 50% and a maximum of 100%.

# TEXAS HILL COUNTRY DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Hill Country style may be expressed in various ways to relate to a parcel's immediate context.







## Traditional

Elevation reflect more **regional** siding treatments and detailing. A monochromatic color palette allow for subtle enhancements like the **covered, standing-seam metal roof, and masonry** to become strong focal points that define this style.

## Transitional

The overall form and massing is familiar, but **windows have minimal divided light** becoming strong visual components. **Columns** are refined and introduce modern profiles and connection details. **Metal brackets** are introduced and the secondary materials provides a strong modern balance.

## Bold

The overall form and massing is familiar, but material and window expressions create an **asymmetrical** image for a more **contemporary** feel. Materials are strategically placed to provide high contrast in **color and texture** to create interest and provide a more varied streetscape.

# TEXAS HILL COUNTRY PRODUCT MATRIX

## Rear Loaded Garage

## Front Loaded Garage

### 2 - Story



30' Wide Home




40' Wide Home

### 1 - Story



30' Wide Home




40' Wide Home

Item 9&10

# TEXAS
# TUDOR



# TEXAS TUDOR











All images are for inspiration purposes only and are meant to represent different design elements and components for each style & interpretation.

# TEXAS TUDOR ARCHITECTURAL DESIGN



# TEXAS TUDOR

Influenced by classic European design, Tudor style homes evokes a cozy, rustic feel, often with elements like asymmetry and swooping roof line. Tudor homes typically have steeply pitched, gabled roofs, often with prominent dormer windows, giving a picturesque and dramatic look. Modern versions of Tudor homes might use lighter, more durable materials like smooth stucco, steel, or even glass in place of traditional brick and stone. The emphasis is on durability and low maintenance.

## Key Elements:

### Tier 1: Defining Characteristics
Must include both — absolutely essential to establish the style.

1. Steeply Pitched Gable Roofs 8:12 or more (Often Front-Facing) – Prominent, dramatic roof lines with a strong vertical emphasis.
2. Tall, Narrow Windows with Multiple Panes are fixed, single hung or casement and vertically oriented

### Tier 2: Strong Style Reinforcers
Choose at least 2 — they bring the richness and nuance.

3. Masonry (Stone or Brick or Stucco) as Dominant Exterior Material – Typically limestone, fieldstone, or tumbled brick with a rustic or aged appearance.*
4. Half-Timbering Accents in Gables – Optional but highly recommended; typically darker wood tones contrasted with stucco or lighter fields. (Not Shown.)
5. Arched or Tudor-Arch Doorways – Flattened pointed arches or rounded arches over front doors or key windows. (Not Shown.)
6. Stone or Brick Chimney as a Visual Anchor – Ideally oversized and placed forward or visible from the street. (Not Shown.)
7. Board and Batten or Vertical Siding Accents – Simplified in secondary masses or gables; a rustic Texas twist on traditional Tudor paneling.
8. Brick Soldier Courses or Stone Lintels Over Windows – Subtle masonry detailing that evokes hand-built craftsmanship.

### Tier 3: Optional Enhancements
Choose at least 1 — regional variations and details.

9. Heavy Wood or Wood-Look Entry Doors – Often arched, plank-style, with iron hardware or strap hinges.
10. Recessed or Deeply Set Windows – Thick walls or trim details that imply deep-set construction.
11. Decorative Metal Light Fixtures and Hardware – Wrought iron or dark finishes for porch lighting, door knockers, etc. (Not Shown.)
12. Stone or brick window surrounds, used to accentuate and formalize windows.
13. Stepped or Asymmetrical Massing – Breaking up the overall form to mimic the organic growth of an old English house.

*Note: Masonry for this style is Tier 2 and shall be a minimum of 10% and a maximum of 100%.

# TEXAS TUDOR DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Tudor style may be expressed in various ways to relate to a parcel's immediate context.



## Traditional

Elevation reflect more **historical** siding treatments and detailing. A monochromatic color palette allow for subtle enhancements like the **curved entry, square muntin patterns, and steeply pitched roof** to become strong focal points that define this style.

## Transitional

The overall form and massing is familiar, but **windows packages** are grouped together to become strong visual components, **column details** are refined and introduce modern profiles and connection details, and **standing-seam metal window awnings** to an otherwise monochromatic color palette that highlights the simplistic forms of this style.

## Bold

The overall form and massing is familiar, but material and window expressions create an **asymmetrical** image for a more **contemporary** feel. Materials are strategically placed to provide high contrast in **color and texture** to create interest and provide a more varied streetscape. Colors and materials are more **modern.**

# TEXAS TUDOR PRODUCT MATRIX

## Rear Loaded Garage

## Front Loaded Garage

2 - Story

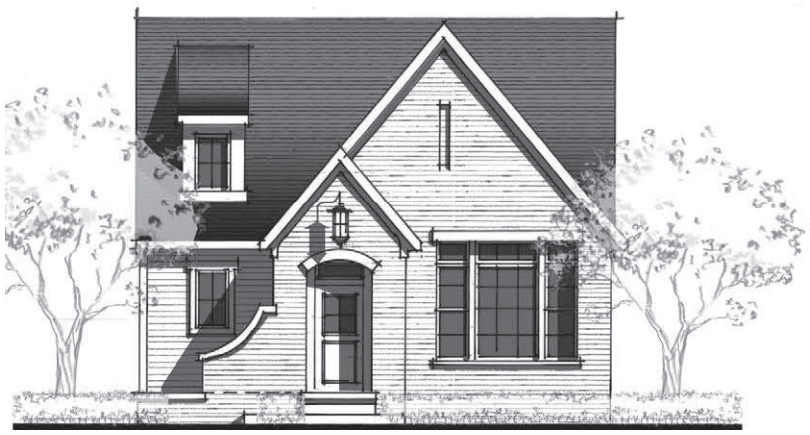


30' Wide Home




40' Wide Home

1 - Story



30' Wide Home




40' Wide Home

# TEXAS
# COLONIAL REVIVAL



# TEXAS COLONIAL REVIVAL











All images are for inspiration purposes only and are meant to represent different design elements and components for each style & interpretation.

# TEXAS COLONIAL REVIVAL ARCHITECTURAL DESIGN



# TEXAS COLONIAL REVIVAL

Colonial Revival architecture blends the charm of early American designs with classical refinement, creating timeless homes that evoke a sense of history and tradition. While the style was at its height in the early 20th century, Colonial Revival continues to influence home design today. Modern Colonial Revival homes often feature updated materials (like vinyl siding or steel windows) and may incorporate more contemporary floor plans and open spaces, but they still retain the symmetrical facades, gable roofs, and classical details that define the style.

## Key Elements:

### Tier 1: Defining Characteristics
Must include all 4 — essential for immediate style recognition.

1. Moderate to Steep Roof Pitch (6:12 to 10:12) – Side gabled or hipped roofs preferred; creates the dignified silhouette.
2. Exterior materials include Wood as Secondary Material, and Brick or Stone as Primary Material*
3. Symmetrical Front Façade – with windows and doors aligned in a regular pattern; formality is key.
4. Tall, Narrow Windows with Multiple Panes are traditional, optional black or dark bronze framea, often in a 6-over-6 or 8-over-8 configuration.

### Tier 2: Strong Style Reinforcers
Choose at least 2 — essential to deepen authenticity.

5. Columned or Pilastered Front Porch or Portico – Full-width porches or more compact entries both work; square or slightly tapered columns.
6. Dormers (Gabled, Shed, or Eyebrow Style) – Adds livable second-floor spaces and rhythm to roof lines.
7. Centered or Decoratively Accented Front Door – The entry should be emphasized as the star of the façade.
8. Simple, Elegant Cornice Work – Modest overhangs with clean molding profiles, sometimes with dentils.
9. Classical-Inspired Front Door Surround – Pediment, pilasters, transom windows, or sidelights framing the entry.

### Tier 3: Optional Enhancements
Choose at least 1 — allows subtle variety while staying stylistically correct

10. Shutters (Functional-Look Preferred) – Proportional to windows; black, dark green, or deep blue are historically appropriate. (Not Shown.)
11. Roof Dormers with Windows – Breaks up large roof planes and keeps the vertical rhythm.
12. Wood, Fiber Cement, or Brick Detailing – Such as belt courses or brick soldier courses to subtly articulate stories.
13. Traditional Lantern-Style Exterior Lighting – Flanking the front door or at the porch. (Not Shown.)
14. Sympathetically Sized Two-Story Massing – Avoids tall, thin forms; aims for a stately, boxy presence with balanced proportions.

*Note: Masonry for this style is Tier 1 and shall be a minimum of 10% and a maximum of 100%.

# TEXAS COLONIAL REVIVAL DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Colonial Revival style may be expressed in various ways to relate to a parcel's immediate context.







## Traditional

Elevation reflect more **traditional** siding treatments and detailing. Color palette and materials reflect **high-contrast** between trim and primary body colors. Structural elements feature modern **profiles, materials, and connections** to evoke a more current image. **Windows feature shutters** on first story.

## Transitional

The overall form and massing is familiar, but **windows packages** are grouped together to become strong visual components. Varying **material sizes and applications** create a more enhanced elevation.

## Bold

The overall form and massing is familiar and retains the vertical proportions, but **simplify the architectural details**. Materials are strategically placed to provide high contrast in **color and texture.** Window trim darkens to **provide more contrast** with the lighter siding materials.

# TEXAS COLONIAL REVIVAL PRODUCT MATRIX

## Rear Loaded Garage

## Front Loaded Garage

2 - Story



30' Wide Home




40' Wide Home

1 - Story



30' Wide Home




40' Wide Home

# TEXAS
# VICTORIAN



# TEXAS VICTORIAN











# TEXAS VICTORIAN ARCHITECTURAL DESIGN



# TEXAS VICTORIAN

Modern Victorian blends the ornate charm and vertical proportions of 19th-century Victorian homes with simplified, updated materials and cleaner lines suited to contemporary living. This style retains key elements such as steep roof pitches, decorative gable trim, and textured siding while embracing a more restrained, modern color palette and streamlined detailing.

## Key Elements:

### Tier 1: Defining Characteristics

Must include all 3 — these are non-negotiable to maintain style integrity.

1. Simple Gable Roof Form(s) incorporating at least an 8:12 Pitch.
2. Decorative Gable Trim or Brackets - Evokes historic ornamentation
3. Vertical Siding Element (e.g., Board and Batten or Shiplap)- Brings texture and historical rhythm, often in accent gables or second stories.

### Tier 2: Strong Style Reinforcers

Choose at least 2 — highly recommended for authenticity.

4. Decorative brickwork and patterned masonry*
5. Asymmetrical Façade with a Projecting Front Gable - Establishes a dynamic Victorian form.
6. Tall, Narrow Windows with Divided Lights - Classic proportions that hint at late 19th-century influence.
7. Contrasting Trim & Siding Colors - Helps accentuate the style's depth and detail.
8. Porch with Turned or Square Posts

### Tier 3: Optional Enhancements

Choose at least 1 — use to create variety or reinforce details.

9. Decorative Window Crowns or Surrounds - Adds elegance and refinement to window openings.
10. Use of Accent Shingles in Gables - Texture variety that recalls historic cladding details.
11. Transom or Sidelight at Entry Door - Enhances the entry's visual presence and brings light inside.
12. Tall Base or Water Table Trim - Defines a clear base visually and historically.
13. Metal Roof Accent (e.g., over porch or bay window) - Nods to the blend of modern with classic, adds subtle contrast.

*Note: Masonry for this style is Tier 2 and shall be a minimum of 10% and a maximum of 100%.

# TEXAS VICTORIAN DESIGN SPECTRUM

In order to enhance the Kemp Tract context, which will be urban in nature, the Texas Victorian style may be expressed in various ways to relate to a parcel's immediate context.








## Traditional

Elevation reflect more **historical** siding treatments and detailing. A **diverse color** palette allow for accented enhancements like the **decorative gables and trim** to become strong focal points that define this style.

## Transitional

The overall form and massing is familiar, but **window packages** are grouped together and have minimal divided light. **Column details** are refined and introduce modern profiles and connection details. **Standing-seam metal window awnings** are introduced with modest ornamentation.

## Bold

The overall form and massing is familiar, but material and window expressions create an **asymmetrical** image for a more **contemporary** feel. Materials are strategically placed to provide high contrast in **color and texture** to create interest and provide a more varied streetscape. Colors and materials are more **modern.**

# TEXAS VICTORIAN PRODUCT MATRIX

## Rear Loaded Garage

## Front Loaded Garage

### 2 - Story



30' Wide Home

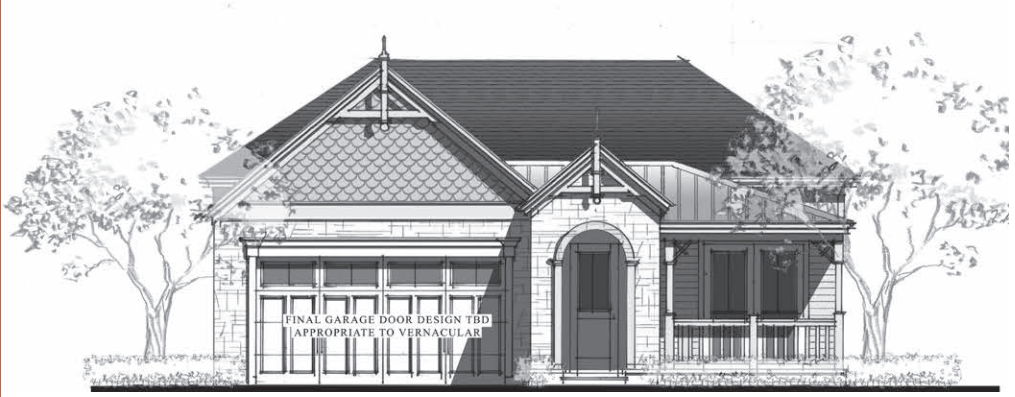



40' Wide Home

### 1 - Story



30' Wide Home




40' Wide Home

# UNIFIED DIVERSITY

## Plan Repetition

The intent of this section is to promote architectural diversity, maintain visual interest, and prevent repetitive streetscapes within the community. A home shall promote unified diversity by being compatible with neighboring houses.

## Single Family Detached

A dwelling designed and constructed as a freestanding structure for occupancy by one (1) family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one (1) family.

### Repetition of Floor Plan and Elevation

- The same floor plan and elevation combination shall not be constructed on any lot immediately adjacent to, or directly across the street from, another home with the same combination.
- For the purpose of this section, "immediately adjacent" shall mean the lots directly to the left and right of a given lot.
- Identical floor plans may be used if paired with a different elevation.

### Exterior Color Scheme

- No two homes located on adjacent lots or directly across the street from one another shall utilize the same exterior color scheme, regardless of floor plan or elevation.
- "Exterior color scheme" shall be defined as the combined palette of siding, trim, and accent colors.

**Remedy for Non-Compliance:** If two homes are constructed in violation of these standards, the preferred remedy shall be alteration of the exterior color scheme to a different palette to maintain architectural diversity.

## Single Family Attached

A structure that has two (2) or more single-family dwelling units erected in a row as a single building on adjoining lots, each unit separated from the adjoining unit(s) by a fire wall.

### Repetition of Floor Plan and Elevation

- The same floor plan and elevation combination shall not be constructed on any building immediately adjacent to, or directly across the street from, another building with the same combination.
- For the purpose of this section, "immediately adjacent" shall mean the lots directly to the left and right of a given lot.
- Identical floor plans may be used if paired with a different elevation.

### Exterior Color Scheme

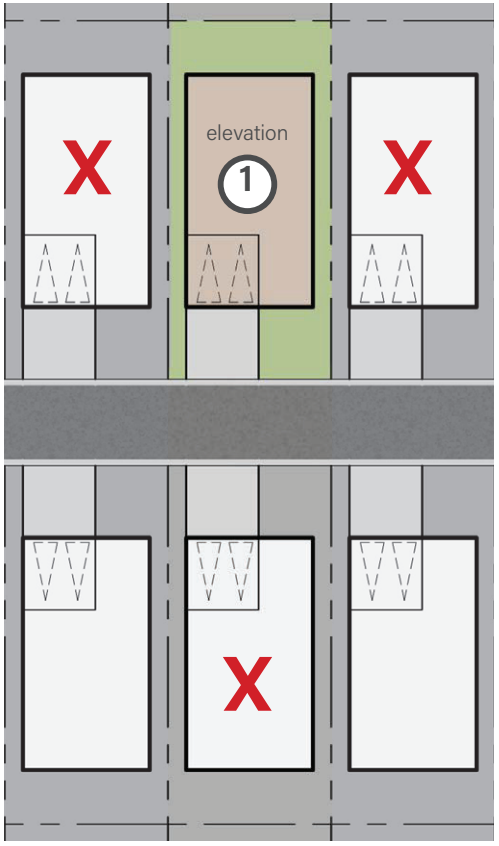
- No two buildings adjacent or directly across the street from one another shall utilize the same exterior color scheme, regardless of floor plan or elevation.
- "Exterior color scheme" shall be defined as the combined palette of siding, trim, and accent colors.

**Remedy for Non-Compliance:** If two buildings are constructed in violation of these standards, the preferred remedy shall be alteration of the exterior color scheme to a different palette to maintain architectural diversity.

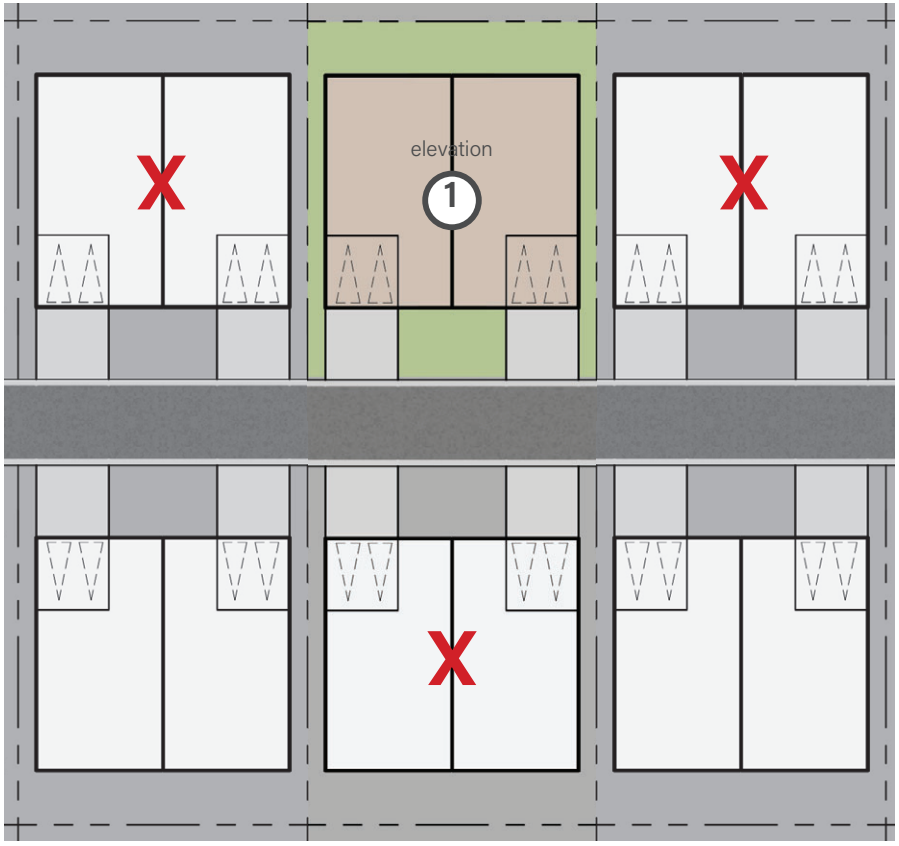
**Anti Monotony Diagram:**
Below is an example of acceptable color and elevation distribution. Various styles of architecture and product types throughout the community will aid in heightening the architectural diversity of the streetscape. This will lead to minimal elevation repetition within one block face.

1. The same floor plan and elevation combination shall not be constructed on any lot immediately adjacent to, or directly across the street from, another home/building with the same combination.
2. No two homes/buildings located on adjacent lots or directly across the street from one another shall utilize the same exterior color scheme, regardless of floor plan or elevation.

## Single Family Detached

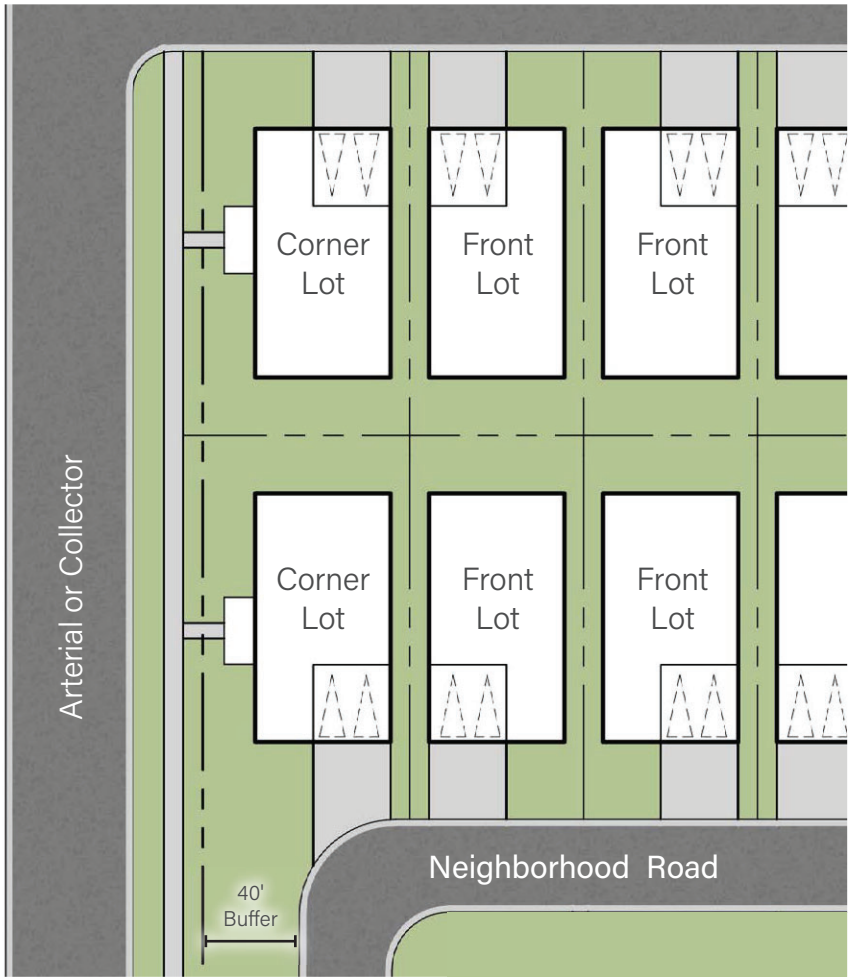


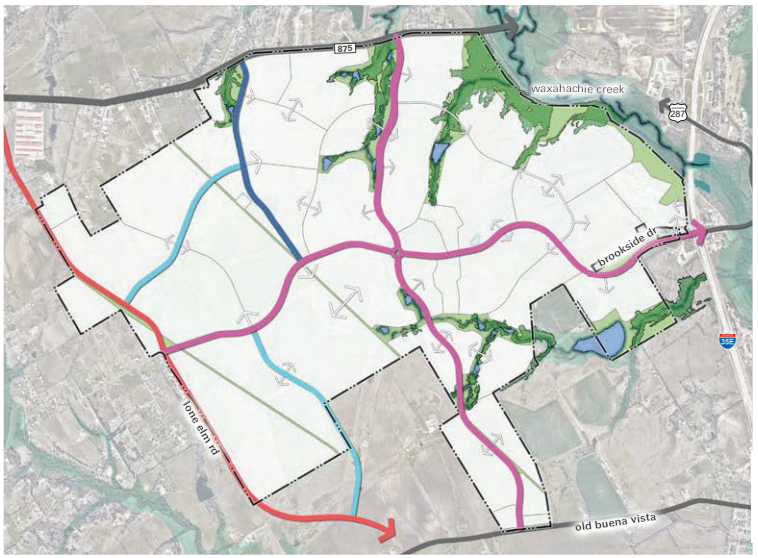

## Single Family Attached



# PRODUCT DISTRIBUTION FRONT LOAD PRODUCT

Front Load Product includes Single Family attached and detached units.



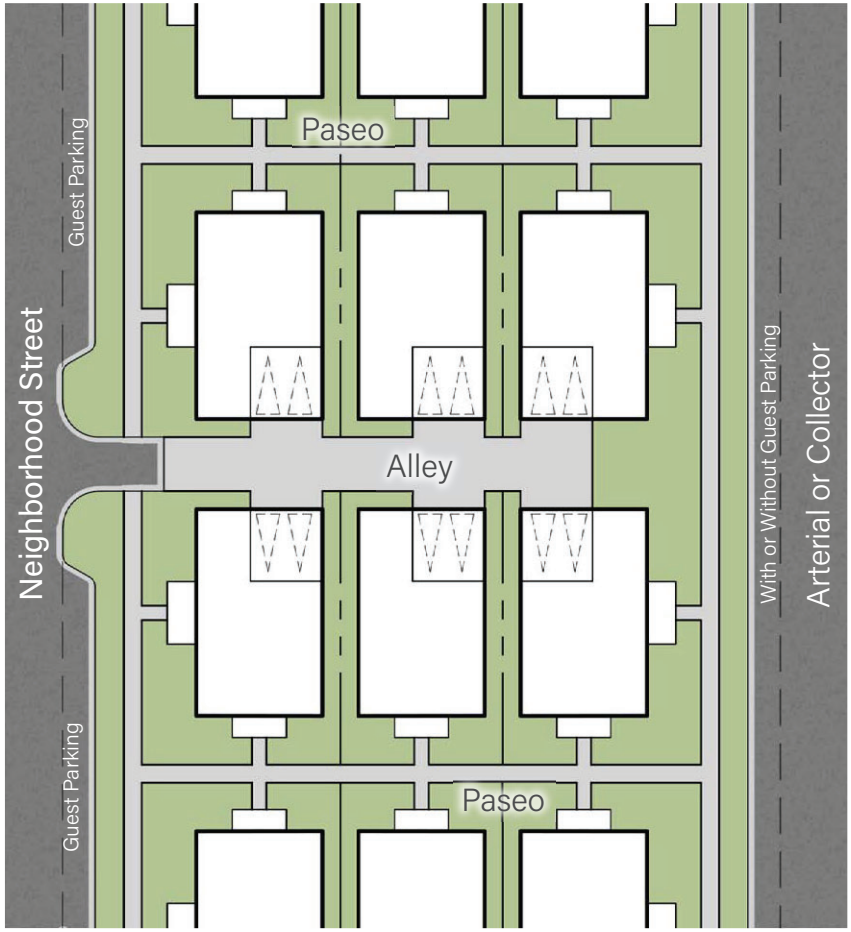



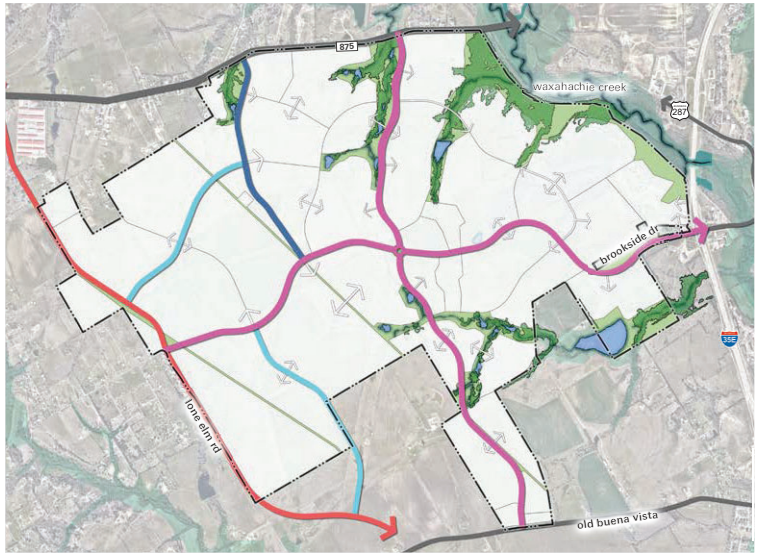

- Major Arterial
- Greenway Arterial
- Major Collector
- Minor Collector
- Existing Streets

**Note:** An important aspect supporting overall community aesthetics is to avoid locating the backs of homes or garage doors such that they are overtly visible from heavily traveled arterials and collector roads. In addition to berm and layered landscaping between the travel lanes and adjacent neighborhoods, the following product orientation diagrams prescribe how homes along arterials and collectors should address the street when no berms or walls are present.

# PRODUCT DISTRIBUTION PERPENDICULAR PRODUCT

Perpendicular Product includes Cottages, Clusters, Townhomes and Single Family units. Porches must face the street when the unit is perpendicular to an road or street. Middle unit porches must face the Paseo.

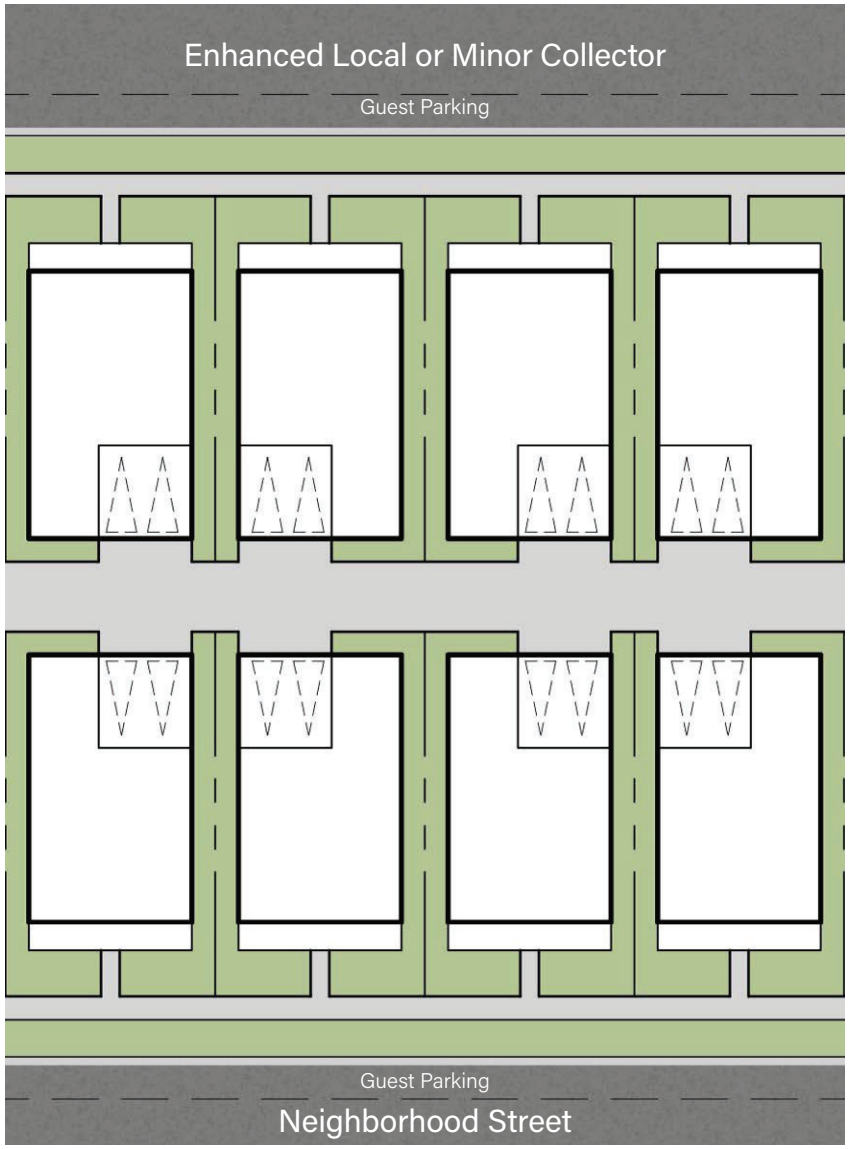


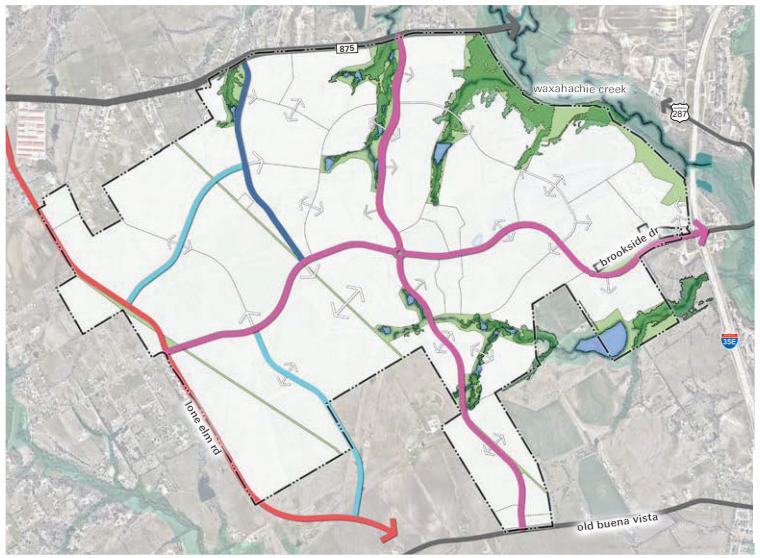




Major Arterial
Greenway Arterial
Major Collector
Minor Collector
Existing Streets

# PRODUCT DISTRIBUTION TYPICAL TND PRODUCT

Typical TND Product includes porches that face main roads. Corner units shall have side facing porches.

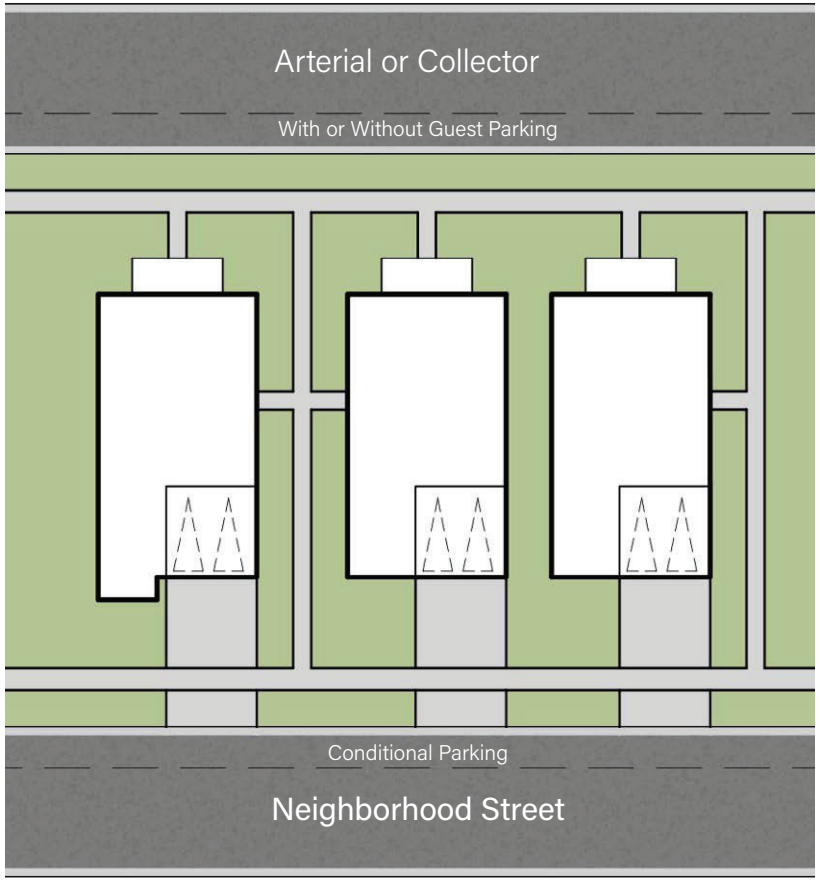


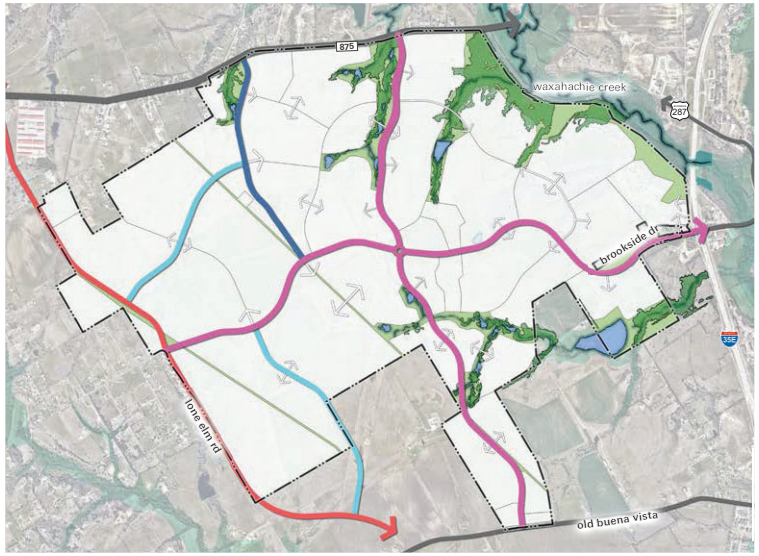




- Major Arterial
- Greenway Arterial
- Major Collector
- Minor Collector
- Existing Streets

# PRODUCT DISTRIBUTION HYBRID TND PRODUCT

For Hybrid TND Product porches must face the non-garage loaded roads. Guest Parking is allowed on the garage loaded road.




Major Arterial
Greenway Arterial
Major Collector
Minor Collector
Existing Streets

# PURPOSE & INTENT

The following Development Standards are intended to incorporate high-quality requirements for the Kemp Tract to ensure that the resulting dwelling units positively contribute to Waxahachie's community image. These homes are inspired by the historic structures in Waxahachie and may incorporate new development concepts such as New Urbanism and Traditional Neighborhood Development (TND).

Since the standards are based upon historical styles located within and surrounding Waxahachie, the standards require adherence to elements of that style and not to applying broad material requirements that may be inappropriate for that style. All residential buildings and structures are intended to be constructed in such a manner as to coincide with the style-based approach within the Kemp Tract. Style characteristics including form, roof pitch, material applications and details are outlined on pages 4-33.

# DESIGN STANDARDS

**The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new building construction occurring within the Kemp Tract.**

## Definitions

For the purpose of this section, the following definitions shall apply:

**Masonry Construction**
This term means that form of exterior construction materials including brick, stone, granite, marble, decorative concrete block or tile, other similar building units or materials, or a combination of these materials laid up unit by unit and set in mortar and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include hard-fired brick, kiln-fired clay or slate materials; stone, including naturally-occurring granite, marble, limestone, slate, river rock, cast stone or other similar hard and durable all-weather stone; decorative concrete block; concrete pre-cast or brick tilt-wall panels; glass blocks or tiles; or stucco.

**Non Masonry Construction**
The following materials shall not qualify nor be defined as Masonry Construction in meeting the minimum requirements for the exterior construction of buildings, unless specifically approved by the City's Building Official for single-family or by the City Council on an approved Concept Plan or Detailed Site Plan.

- Adobe or mortar wash surface material;
- Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
- Aluminum, PVC or other plastic-based siding material;
- Lightweight or featherweight concrete blocks or cinder blocks; or
- Any other cementitious product not listed above.

## Single-family (detached or attached):

All residential buildings and structures located within the Kemp Tract shall be constructed in such manner as to coincide with the style-based approach for the Kemp Tract. Style characteristics include form, roof pitch, material applications and details are outlined in The Architectural Design Guide, pages 4-33. All construction shall also be performed in accordance with the City's building code and fire prevention code. Strict adherence to this rule shall not be such as to prevent architectural creativity.

All residential buildings and structures with an exterior wall other than the front elevation and adjacent to an arterial or collector public right of way (see The Architectural Design Guide, pages 36-39) must adhere to the following requirements:

- Side elevations not screened by solid walls or landscape shall demonstrate continuity of style. And shall be softened by one or a combination of building projections, one-story building elements, recognizable architectural element(s), breaks in eave lines, material patterns, balconies or covered porches.

# DESIGN STANDARDS

- Window/opening composition must be proportional and cohesive with the architectural style of the building along the entire side elevation

**Roof materials shall be comprised of one of the following:**

- Laminated, three-dimensional appearance composition architectural shingle with a thirty (30) year minimum;
- Flat pan standing seam metal roofing with only a factory applied, low reflectivity finish.
- Terracotta, concrete, composite, or slate tile in muted colors.

## Front Entry Walkways:

- A hard surface walkway with a minimum improved width of three (3) feet must be constructed from the sidewalk or driveway to the front door of each primary structure.
- Walkways may be surfaced with concrete, pavers, laid bricks, or any other such material and in accordance with City standards.

## Front Covered Porches:

- Front covered porches shall be required for seventy-five (75) percent of all dwelling units within each subdivision.
- These covered porches must meet the following minimum criteria:
  - A front covered porch that is permanently attached to, and is an integral part of the primary structure, shall be constructed of like and similar materials to those of the primary structure. Alternative materials, i.e., cedar or other complimentary products, may be approved by the Building Official and Director of Planning as part of the Volume Builder – Architectural Master Set.
  - Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
  - A front covered porch is any portion of the front elevation that is covered by a roof and has a usable area underneath. Porches include recessed front entrances and are not required to include posts, if appropriate to the architectural style.

**Garages:**

- Detached garages shall be constructed with exterior materials that are compatible to those used for the primary structure.
- All street-facing garages are to be located twenty (20) feet from either the front property line or adjacent sidewalk. Twenty-five (25) percent of these dwellings shall have garages with at least one of the following designs:
- Rear entry;
- J-Swing Drives (front entry), if the width of the lot allows; or
- Front entry garage greater than or equal to three (3) feet behind the front building face and/or porch or not more than five (5) feet forward from the front building face and/or porch.

**Minimum Architectural Requirements:**

- Architectural Relief:
  - The outside shape of a dwelling unit shall contain a minimum of five (5) outside corners with a minimum wall length of two (2) feet.
  - There shall be no uninterrupted wall length of twelve (12) feet or more on any façade that is adjacent to a public right-of-way or open space. This standard applies to the front façade on the interior lot or the front and side façade facing a street or open space on a corner lot. An interrupted wall can be achieved through a window, architectural detail, breaks in material patterns, or offset in the building face, or similar element that breaks the massing of the façade.
  - Minimum and maximum roof pitch is based upon the architectural style (see pages 4-33).
  - Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit unless a) on a gable end, b) the roof pitch is 8:12 or greater or c) the roof overhang reinforces the style characteristics (see pages 4-33).
- Minimum Number of Elevations for Single Family:
  - The same floor plan and elevation combination shall not be constructed on any lot immediately adjacent to, or directly across the street from, another home/building with the same combination. (See page 41)
  - No two homes/buildings located on adjacent lots or directly across the street from one another shall utilize the same exterior color scheme, regardless of floor plan or elevation. (See page 41)
- Front Building Face: The front building face must contain a minimum of thirty (30) percent of the wall area in windows or doors.
- Rooftop Solar Panel Systems:
  - Must be installed to leave no greater than six (6) inches between rooftops.
  - Must match the roof pitch on a pitched roof.
  - Screening is required on flat roofs.
  - Panels shall not be installed on rooftop elevations facing the front right-of-way.
  - If the solar panel request is denied by staff, applicant may appeal decision by applying for SUP approval when the request is in a zoning district permitting the placement of solar panels by right.
- Ground-mounted Solar Panel Systems must be located behind the primary residence and not visible from the right-of-way.
  - If the solar panel request is denied by staff, applicant may appeal decision by applying for a SUP for approval when the request is in a zoning district permitting the placement of solar panels by right.
- Roof Design
  - Screening of equipment is required on flat roofs.
  - Solar Panels shall not be installed on elevations facing a right-of-way.
  - Except for Flat roofs, porches and detailing, roof pitch should adhere to style characteristics.
  - Each dwelling unit shall be constructed with a roof overhang of not less than twelve (12) inches as measured from the finished exterior building façade to the soffit. Unless the roof is flat or consistent with style-based characteristics.
  - A flat roof and parapet that conceals the roof and any roof-mounted equipment, may be acceptable.

# DESIGN STANDARDS

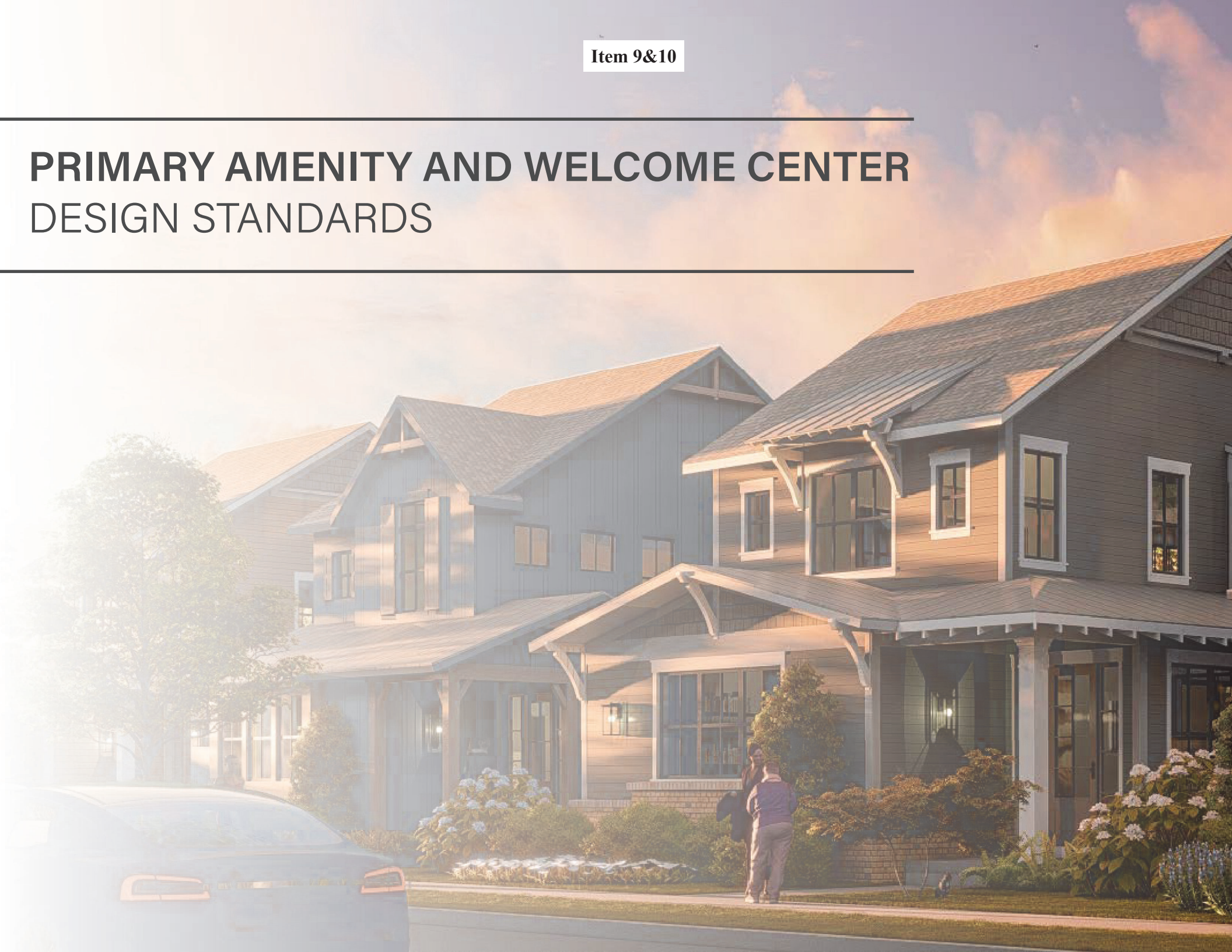
**Exemptions**

The following structures are exempt from the criteria outlined herein and from Development Standards, Sec. 5.01 Exterior Construction Requirements

- Temporary construction buildings, field offices and sales offices. Construction buildings and field offices shall be removed in accordance with applicable language in the approved PD.
- Private Recreation Facilities for the use of residents of homes in the Traditional Residential and Active Adult residential land use areas. These Private Recreation Facilities shall not be required to adhere strictly to any one of the styles described herein but must have common design elements that complement the various styles proposed for the residential dwelling units.

Item 9&10

# PRIMARY AMENITY AND WELCOME CENTER
## DESIGN STANDARDS



# PURPOSE & INTENT

These Design Guidelines are intended to establish a cohesive, high-quality, and contextually appropriate architectural character for the Kemp Tract Primary Amenities and Welcome Center. This Amendment is submitted in alignment with the spirit and intent of the proposed Residential Design Standards for the Kemp Tract which draw on local vernacular styles.

Our goal is to provide for the thoughtful use of authentic materials and regionally inspired design principles while maintaining the quality and durability envisioned for the overall Kemp Tract and the larger Waxahachie Community.

While the design intent is to be context sensitive to the surrounding vernacular themed residential architecture, the scale and diversity of uses of these facilities do not lend themselves to one particular style. These design standards propose guidance on fundamental forms and materials while also providing flexibility during the design and approval process.

## Architectural Character & Vision

The Amenity Town Centers and Welcome Center will embody a modern interpretation of Texas vernacular architecture, blended with design principles inspired by regional architects. These buildings will serve as the social and lifestyle heart of the community and will:

- Integrate indoor-outdoor living
- Respond to the natural site and landscape
- Respect the historical precedents of local architecture
- Employ honest materials and craftsmanship
- Create a comfortable, human-scaled environment
- Use Texas regional styles with rustic elements mixed with modern interpretation of agrarian or ranch structures
- Use of native materials (stone, timber, metal)
- Provide strong indoor-outdoor connections (porches, breezeways, shade structures)
- Integrate asymmetrical building forms and massing that respond to site and landscape
- Include warm, natural color palettes

## Material Palette

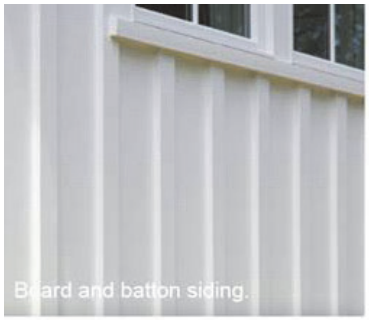
The images are provided for illustrative purposes only.

**Materials Palette description**

- Primary Materials (for walls and facades):
  - Masonry such as, but not limited to, Native limestone or sandstone, Brick and other forms of masonry as defined in the Non-Res and Residential code.
  - Board-formed or integral color concrete
  - Decorative Metal siding (factory-finished or weathered appearance)
  - Decorative Wood siding (natural, treated, or thermally modified)
  - Cementitious Board siding
  - Stucco (smooth troweled finish)
  - Painted metal panels (muted, earthy tones)
- Accent & Feature Materials:
  - Structural steel or painted steel elements
  - Weathering steel (Cor-Ten)
  - Heavy timber elements
  - Shou Sugi Ban or charred wood (limited application)
  - Decorative Cementitious Board siding to replicate wood appearance.

# DESIGN STANDARDS

## Material Image 1:



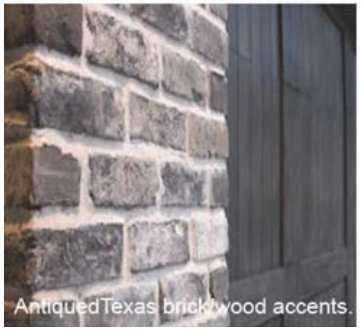
















*Images are provided for illustrative purposes only*

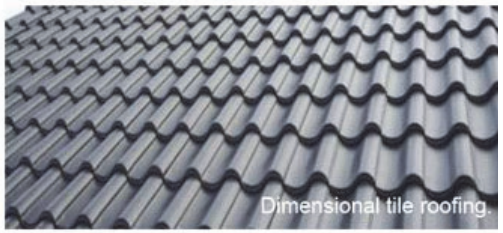
## Material Image 2:





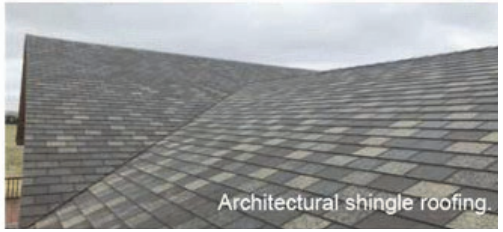




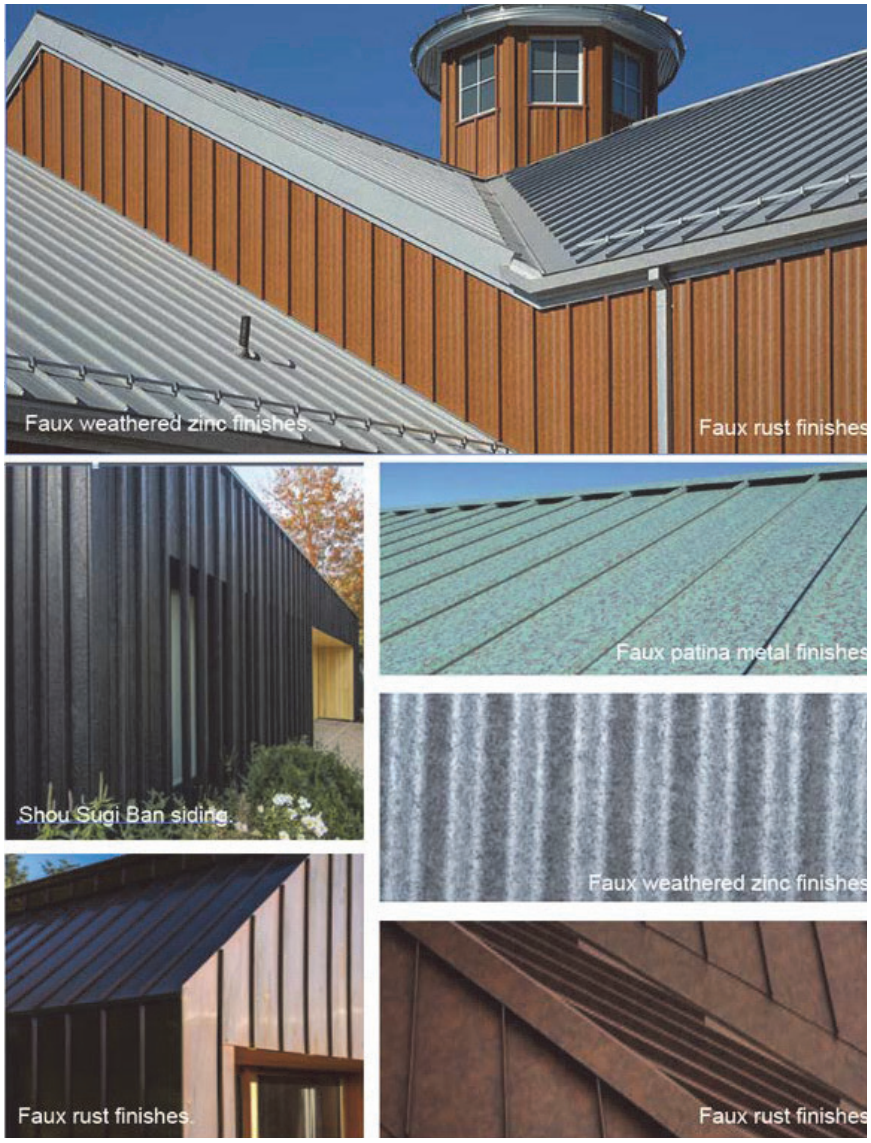







*Images are provided for illustrative purposes only*

**Material Image 3:**




*Images are provided for illustrative purposes only*

## Roof Design

- Varied roof forms encouraged to break down building mass
- Permitted materials:
  - Standing seam metal roofs (preferred)
  - Cement or Clay Tiles (secondary material)
  - Dimensional (Architectural) shingles
  - Flat roofs with articulated parapets where there is a need to screen mechanical.
- Deep overhangs encouraged for shading

## Fenestration & Openings

- Large window groupings to encourage transparency
- Operable window walls or doors for indoor-outdoor connectivity
- Aluminum-clad, steel, or wood windows

## Color Palette

Colors shall be drawn from the regional landscape, including:

- Earth tones, natural stone colors, aged woods
- Weathered metals
- Bright accent colors used sparingly

# DESIGN STANDARDS

## Flexibility & Approval Process

Recognizing the Amenity Town Centers and Welcome Centers' roles as unique community features, materials and design approaches for these amenities , including alterations to the standard masonry requirements and to Sec. 5.01 Exterior Construction Requirements, may be approved administratively by the City Manager or his Designee, provided that:

- The design contains elements in the Architectural Character & Vision stated herein;
- Building materials conform to the Materials Palette (Primary Materials (for walls and facades) and Accent & Feature Materials) described herein;
- Roof design conforms to the Roof Design guidelines herein;
- Fenestration & Openings are provided in accordance with the Fenestration & Openings guidelines herein;
- Building material colors conform to the Color Palette herein;
- Material durability and longevity are confirmed through technical specifications; and,
- Building design is compatible with surrounding architecture.

Additionally, the City Manager or his Designee have the authority in the Development Agreement to administratively approve any necessary deviations from applicable standards set forth in the Development Agreement.

## Alignment with Spirit & Intent of Approved Guidelines

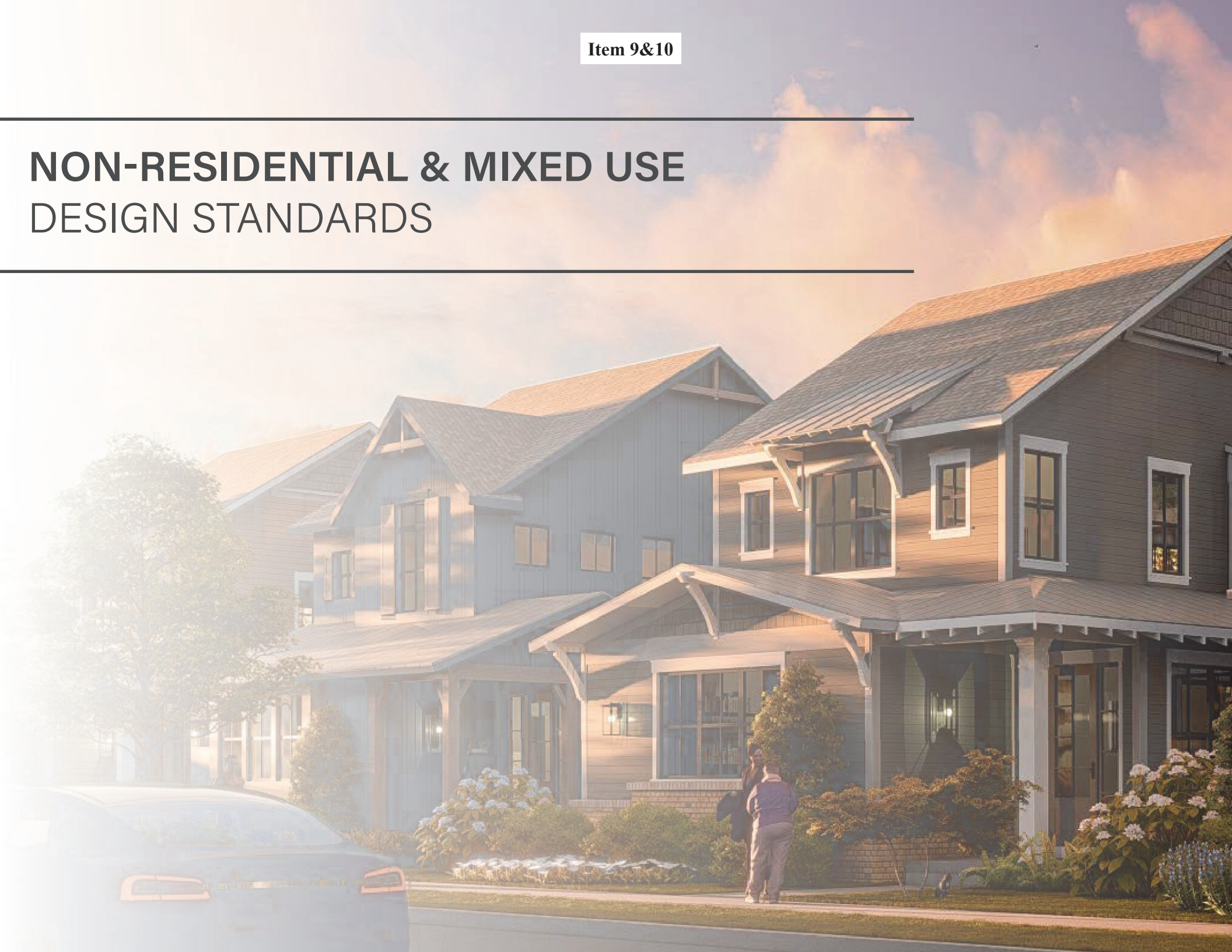
The design approach outlined herein is fully aligned with the foundational goals of the City-approved Emory Lakes Non-Residential Architectural Guidelines:

- Commitment to high-quality materials
- Design creativity and innovation
- Contextual sensitivity to Waxahachie's architectural heritage
- Craftsmanship and durability

These guidelines preserve the integrity and vision of the original code while providing the necessary flexibility to create a memorable and regionally authentic Amenity Center experience while at the same time maintaining the distinctiveness that makes the proposed development a desirable community for all ages.

Item 9&10

# NON-RESIDENTIAL & MIXED USE
## DESIGN STANDARDS



# PURPOSE & INTENT

These Design Guidelines are intended to establish a cohesive, high-quality, and contextually appropriate architectural character for the Kemp Tract Non-Residential and Mixed Use development areas.

Our goal is to provide flexibility for the thoughtful use of authentic materials and regionally inspired design principles while maintaining the quality and durability envisioned for all of the Kemp Tract and the larger Waxahachie Community.

The forms and materials are proposed to be consistent with the design that will be in the nearby Welcome Center and Primary Amenity areas, which in turn will be consistent with the larger vernacular style based approach that will be present in the residential architecture of the community.

**The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new building construction occurring within the Kemp Tract.**

## Definitions

For the purpose of this section, the following definitions shall apply:

**Masonry Construction**

This term means that form of exterior construction materials including brick, stone, granite, marble, decorative concrete block or tile, other similar building units or materials, or a combination of these materials laid up unit by unit and set in mortar and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include hard-fired brick, kiln-fired clay or slate materials; stone, including naturally-occurring granite, marble, limestone, slate, river rock, or other similar hard and durable all-weather stone; decorative concrete block; concrete pre-cast or tilt-wall panels; glass blocks or tiles; or stucco. See the definition of Masonry construction for further information.

- Within the Mixed Use District, masonry shall include (in addition to the allowed masonry items above):
  - Glazed ceramic and porcelain tile.
- The following materials are permitted within the Mixed Use Districts;
  - Fiber reinforced plastic (with the exception of plastic or vinyl siding) - used for exterior building components, including but not limited to: cornice and entablature elements, decorative columns and pilasters, storefront trim, railings, and balustrades, spandrel panels, and similar elements.
  - Painted steel and aluminum, cast iron, bronze, brass, copper (including terne coated)
  - Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, slate, synthetic slate, terracotta, cement tile, glass fiber shingles, composite tiles.
  - Materials other than those listed above may be used for architectural trim and accent applications including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings

**Non-Masonry Construction**

The following materials shall not qualify nor be defined as Masonry Construction in meeting the minimum requirements for the exterior construction of buildings, unless specifically approved by the City's Director of Planning during Site Plan approval.

- Adobe or mortar wash surface material;
- Exterior insulation and finish system (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material;
- Aluminum, PVC or other plastic-based siding material;
- Lightweight or featherweight concrete blocks or cinder blocks; or
- Any other cementitious product not listed above

# DESIGN STANDARDS

## Minimum Masonry Exterior Construction Standards

The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within the Planned Development District or as otherwise required in this Development Agreement for changes of use, expansions of non-conformities, or other applicable building modifications.

**Application Requirements**

Any application for the use of masonry materials that is not otherwise permitted by this Development Agreement shall require the following:

**Site Plan**

All requests for the use of masonry materials shall be submitted to the City in writing on an application form available in the Planning Department office and shall be noted and described on a Site Plan. A building permit shall be required for any development wherein the use of masonry materials is proposed in accordance with this section of the Development Agreement.

**Building Façade Plan**

The architectural style and scale of a proposed nonresidential structure shall be submitted in the form of scaled drawings with proposed four façade elevations. This submission shaft be submitted with and shall be a component of the Site Plan or building permit application.

- If the use of masonry materials is approved, these drawings will serve as examples of what the City anticipates for the overall development.
- The Building and Community Services Department may require actual samples of any proposed masonry products and the actual colors to be used. Such samples shall be submitted as part of the Building Façade Plan.

**Quality Control**

Any question as to whether the durability or installation of the masonry materials is in accordance with this section of the Development Agreement, and/or with the City's Building Code, shall be determined by the City's Director of Planning. The appropriateness of the application in terms of quality shall be determined as part of a Site Plan or Building Façade Plan approval.

- If the Director of Planning deems the installation insufficient to meet the City's Building Code or the manufacturer's written specifications and requirements (including spirit and intent) of these regulations, then a Certificate of Occupancy shall not be issued unless and until the installation is deemed satisfactory. Any appeal of this decision may be made to the Planning and Zoning Commission. If denied by the Planning and Zoning Commission, may be further appealed to the City Council.
- The method of painting or color application, including the type of paint and materials to be used, must be approved as part of the Site Plan and related Building Facade Plan.

## Nonresidential and Institutional Buildings

All non-residential and institutional buildings in a Mixed Use District shall have a minimum of ninety (90) percent Masonry Construction below the first floor ceiling plate.

- The minimum Masonry Construction required above the first floor ceiling plate is eighty (80) percent.
- The Masonry Construction shall be equally distributed around all sides of the building.
- Any exterior facade of a building that faces, or is visible from, a public street shall meet the same Masonry Construction requirements as the front building plane.
- All other facades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction for all stories.

Areas of a facade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as "wall surface" when calculating the Masonry Construction requirement.

Metal exterior construction in a Mixed Use District is not allowed except as noted on the exceptions below.

- The building facade containing the metal construction must not face or be visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
- Metal exterior exceptions:
  - If the structure is located on a through lot that both fronts and backs onto a right-of-way, and if the structure's rear façade is located more than one thousand (1,000) feet from the right-of- way, then the rear façade can be of metal exterior construction.
  - If the structure is on a corner lot, which fronts and sides onto two rights-of-way, the front and side façades cannot be metal exterior construction unless approved on the site plan.
- The use of any type of metal for exterior building construction, such as profiled panels, deep ribbed panels, concealed fastener system panels, or similar materials, shall be clearly shown on the Site Plan, and shall only be allowed with site plan approval.
  - The exterior finish of metal used in exterior construction shall be of a permanent, maintenance-free nature such as a baked-on finish.
  - The use of corrugated, galvanized, aluminum-coated, zinc- coated, unfinished, or similar metal surfaces shall be prohibited, unless approved on the site plan for a restaurant that uses such materials as part of its "signature design aesthetic," in which case a maximum of ten (10) percent of any wall façade may be devoted to such materials.
- Refer to Section (e) below for non masonry design requirements
- Applicable to all non-residential development
  - Horizontal Articulation. No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to twenty-five (25) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plan.
  - Vertical Articulation. No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of twenty-five (25) percent of the wall's height.
- Applicable to all commercial and retail settings and uses:

# DESIGN STANDARDS

- All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle, and top.
- External Facade Materials: In addition to the minimum Masonry Construction requirement, the following specific materials shall be used to construct all exterior walls of buildings and parking structures that are visible from a right-of-way, public walkway, or open space:
  - Ground floor: Excluding windows, doors, and other openings, the exterior facade(s) shall be constructed of one hundred (100) percent brick, natural stone, or cast stone.
  - Overall: A minimum of ninety (90) percent of entire exterior facade(s). excluding windows, doors, and other openings, shall be constructed of brick, natural stone, or cast stone. The brick, natural stone, or cast stone shall continue around corners a minimum of eight (8) feet. Portland cement stucco may account for up thirty (30) percent of this requirement.
  - Unpainted metal or metal subject to ordinary rusting, shall not be used as a building material. Factory finished metal elements as well as metals that develop an attractive oxidized finish, such as copper, galvanized metal, stainless steel or weathering steel, may be used as architectural accents by administrative approval.
  - Windows and glazing shall be a minimum of thirty (30) percent and up to a maximum of seventy (70) percent of each building elevation.
  - A variation of up to fifteen (15) percent of the standards above, and the material type may be approved administratively via a Site Plan or building permit, provided that the change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.

## Exemptions

The following structures are exempt from the masonry construction requirements outlined within this subsection :

- Temporary construction buildings, field offices, sales offices and temporary classroom or storage buildings for a public school only (provided that such facilities are legally permitted by the City for a specific period of time, and provided that they are completely removed from the premises upon expiration of the permit or upon completion of construction, whichever occurs first)

## Minimum Non-Masonry Exterior Construction Standards For Nonresidential And Institutional Buildings

Roof materials for any non-residential or institutional structures that are visible from a right-of-way shall be comprised of the following:

- Laminated, three-dimensional architectural composition shingle with a 30- year minimum lifespan.
- Flat pan standing seam metal roofing with only a factory baked-on muted color finish. No bright colors or natural-colored metal roofing is allowed; or
- Terracotta or slate tile in muted colors.
- Minimum roof pitch shall be at least 6:12, unless otherwise

stated in the applicable City of Waxahachie zoning district or PD ordinance, and except for flat-roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.

- Rooftop solar panel systems
  - Must be installed to leave no greater than six (6) inches between rooftops.
  - Must match (he roof pitch on a pitched roof.
  - Screening is required on flat roofs.
  - Panels shall not be installed on elevations facing a right-of-way.

## Minimum Architectural And Design Standards In a Mixed-Use District

**Within a Mixed-Use District, masonry shall include:**

- Synthetic stucco (exterior insulation finishing system - EFIS) is not allowed within 4 feet from the finished floor of the first floor.
- Glazed ceramic and porcelain tile.

**The following materials are permitted within a Mixed Use District;**

- Fiber reinforced plastic (with the exception of plastic or vinyl siding) - used for exterior building components, including but not limited to: cornice and entablature elements, decorative columns and pilasters, storefront trim railings, and balustrades, spandrel panels, and similar elements
  - Painted steel and aluminum, cast iron, bronze, brass, copper (including terne coated).
  - Roofing materials (visible from any public right-of-way): copper, factory finished painted metal, state, synthetic state, terracotta, cement tile, glass fiber shingles.
- Materials other than those listed above may be used for architectural trim and accent applications including, but not limited to, cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings.

### Façade Treatments

- Retail ground floors shall have windows covering a minimum of 40 percent of the major street fronting facade(s). Other ground level uses shall have facade treatments appropriate to such use(s).
- All sides of a building shall be consistent with respect to style, colors, and details to the extent that they establish continuity with the main street-front façade.
- On facades fronting on service or parking areas, windows need not be provided at the ground floor level. However, buildings shall avoid long, monotonous, uninterrupted walls. Building wall offsets, including projections, recesses, niches, fenestration, or changes of materials or color shall be used to add architectural variety and interest, and to relieve the visual impact of a blank wall.

# DESIGN STANDARDS



*Example image showing façade treatments, variation of materials and building articulation for commercial buildings*

- Parapet and roof-line offsets between facades may be provided in order to break down the scale of the block and create architectural interest and variety
- In mixed-use buildings, the difference between ground level commercial uses and entrances for upper level uses should be reflected by differences in façade treatment. Storefronts and other ground floor entrances should be accentuated through cornice fines. Further differentiation could be achieved through distinct but compatible exterior materials, signs, awnings and exterior lighting.







*Example of ground articulation between ground floor and upper level mixed use*

- All buildings shall be designed to incorporate no less than five (5) of the following architectural elements. Buildings over fifty thousand (50,000) square feet must include a minimum of seven (7) of the following elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of eight (8) of the following elements.
  - Canopies, awnings, or porticos;
  - Overhangs;
  - Recesses or projections of at least three (3) feet:
  - Arcades;
  - Peaked roof forms,
  - Porches,
  - Outdoor patios
  - Recessed or "popped-out" display windows (must project out at least 12" in the front or rear elevation and at least 6' along any side elevations):
  - Visible and noticeable architectural details, such as tile work or moldings, integrated into building façade, or

- Integrated planters or wing walls that incorporate landscape and sitting areas.

- Façades greater than one hundred feet (100') in length shaft incorporate wall projections or recesses of ten feet (10') or greater. Projections or recesses shall be at least twenty percent (25%) of the length of the façade. No uninterrupted length of facade may exceed one hundred feet (100') in length. Projections and recesses shall not be required on the side of the building containing a loading dock and/or service area, provided that such area is located in the rear of the building and is not readily visible from any collector or arterial.

### Lighting

- Exterior lighting shall be architecturally integrated with the building's style, material, and color.
- Pedestrian level lighting of building entrance-ways shall be provided.
- Illuminations of portions of buildings, direct or indirect, may be used for safety or aesthetic results.
- Street lights must be an approved spec from the City of Waxahachie staff prior to installation.



*Example of lighting to accent building features, entries and architectural styles*

**Buildings shall be oriented toward the major street front with the primary entrance located on that street.**

- Entrances shall be easily identifiable as primary points of access to buildings.
- Building entrances may be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and others as appropriate. All building elements should be compatible with the architectural style, materials, colors, and details of the building as a whole.
- Site design should provide direct access into the building from the public sidewalk

- Buildings located on the corners of development adjacent to a Minor Collector or Enhanced Local Street should be architecturally significant structures.

# DESIGN STANDARDS



*Example of architecturally significantly designed corner building*

**Signage**

- Signage in a Mixed-use District shall enhance the pedestrian character of the district by providing signs that are pedestrian in scale and located so as to be legible to pedestrians on sidewalks.
- Signs may be attached flush to the building so long as they do not obscure any significant architectural details.
- Signs may be hung from marquees or overhangs but shall not project lower than 7.5 feet above the sidewalk.
- Businesses are encouraged to create individually styled signage that distinguishes their establishment.
- Signs which are pedestrian oriented may be painted on the storefront glass, but in no case shall it occupy more than 25 percent of the glazed surface area.
- Directory signs may be provided to help direct the public to different businesses and services.
- Signs may be lit by external light sources as long as such sources are not visually intrusive.

## Material Palette

The images are provided for illustrative purposes only.

### Materials Palette description

- Primary Materials (for walls and facades):
  - Masonry such as, but not limited to, Native limestone or sandstone, Brick and other forms of masonry as defined in the Non-Res and Residential code.
  - Board-formed or integral color concrete
  - Decorative Metal siding (factory-finished or weathered appearance)
  - Decorative Wood siding (natural, treated, or thermally modified)
  - Stucco (smooth troweled finish)
  - Painted metal panels (muted, earthy tones)
- Accent & Feature Materials:
  - Structural steel or painted steel elements
  - Weathering steel (Cor-Ten)
  - Heavy timber elements
  - Shou Sugi Ban or charred wood (limited application)
  - Cementitious board siding to replicate wood appearance.

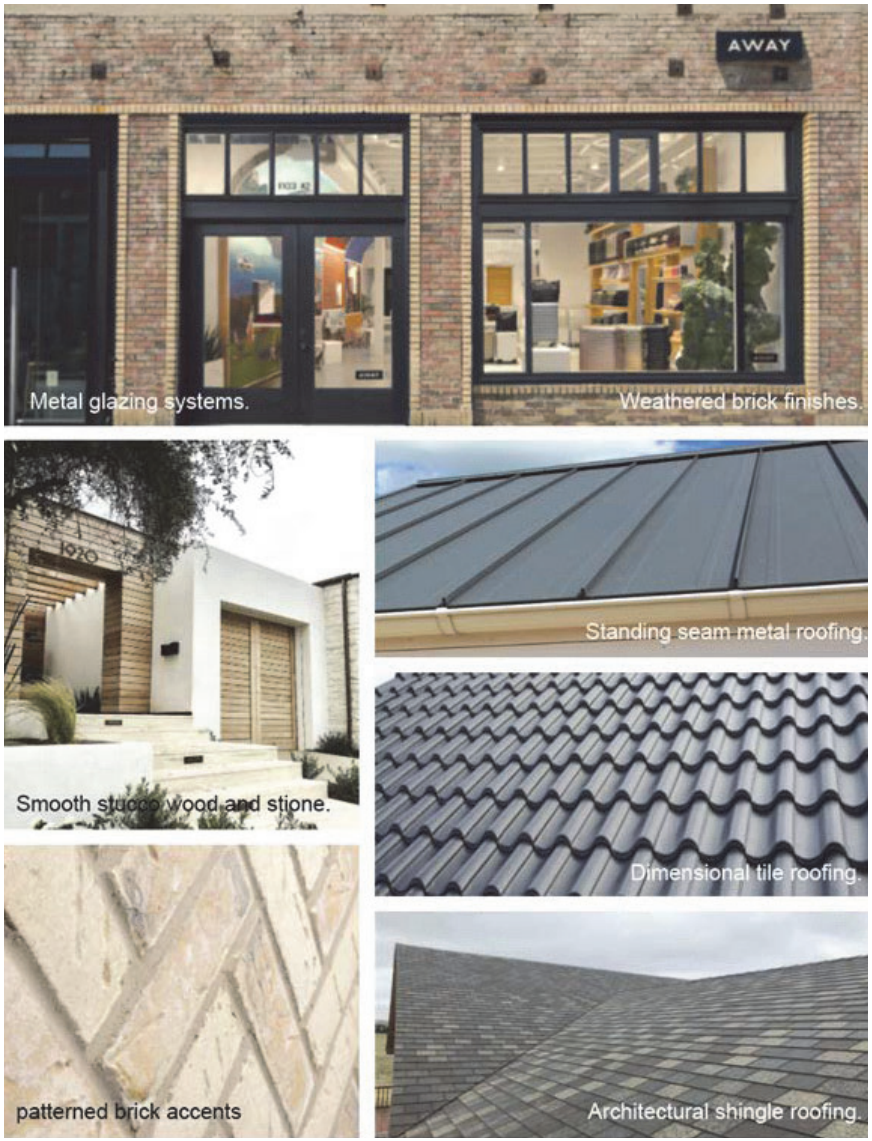
### Material Image 1:




*Images are provided for illustrative purposes only*

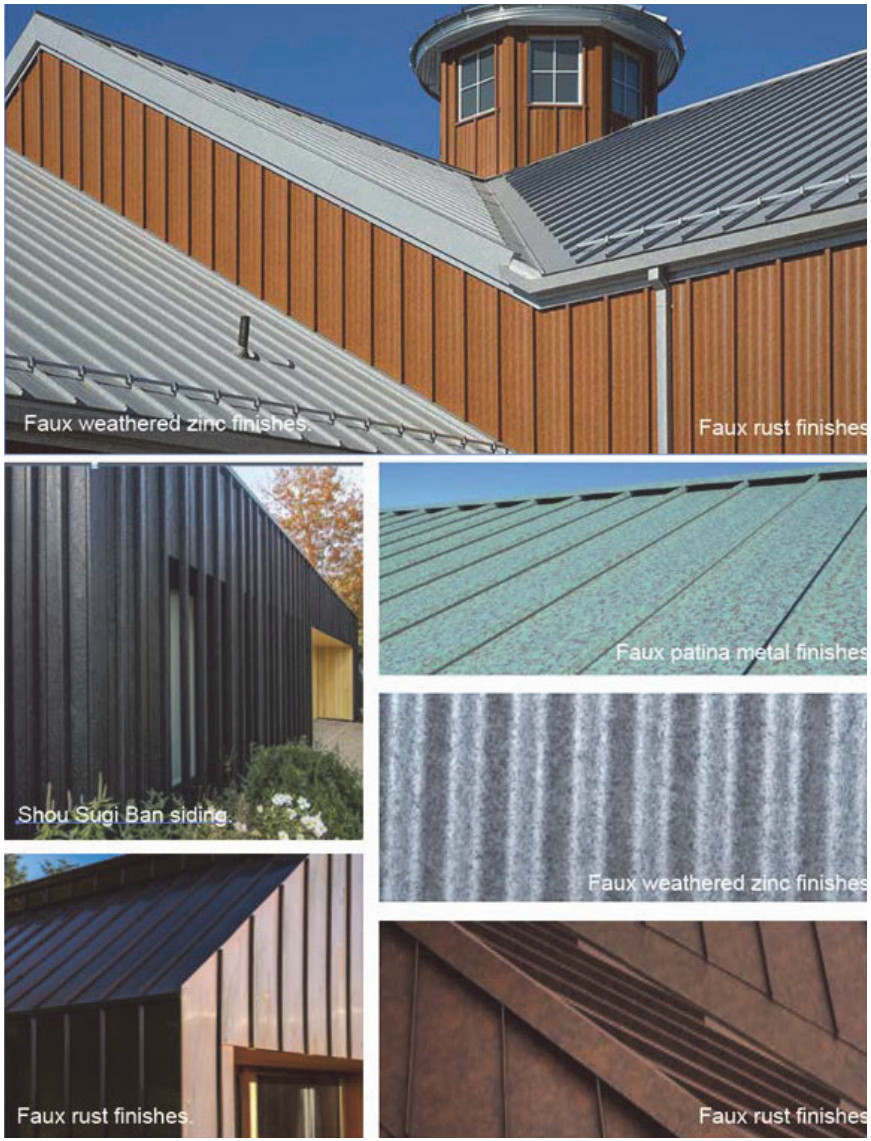
# DESIGN STANDARDS

## Material Image 2:




*Images are provided for illustrative purposes only*

## Material Image 3:



# MIXED USE DISTRICT SUPPLEMENTAL REGULATIONS

**The following supplemental regulations are required within a Mixed Use District:**

## Parking

- For any Street Types (except Major Collectors and Major Arterials) (As depicted in Exhibit E: Street Sections) within a Mixed Use District, perpendicular, angled or on-street parking is required if approved by the Public Works Department. The parking must be within the street Right-Of-Way or a public access easement.
- Off-street surface parking shall be predominantly located behind buildings and accessed by alleys or rear drives whenever possible.
- Parking lot layout, landscaping, buffering, and screening shall minimize direct views of parked vehicles from streets and sidewalks.
- Parking garages are permitted but may not be taller than any building abutting the garage and while conforming to the design standards listed above.

## Building Frontages

Buildings fronting on a Minor Collector, Enhanced Local Street or Residential Street (As depicted in Exhibit E) shall be constructed at the property line adjacent to the minimum 6' wide sidewalk so long as no required easement is encroached upon.

## Sidewalks

Any Street Types (Refer to Exhibit E: Street Sections) within or abutting a Mixed Use District must have a minimum sidewalk width of 6 feet. The sidewalk width shall increase to 8 feet when abutting to the front of a building. The sidewalks may meander outside of the Right-Of-Way but must be in a public access easement if not located within the Right of Way. Adjacent sites shall be designed with a continuous pedestrian system throughout the development.




*Example of wider sidewalk creating a pedestrian zone between building facade and street/parking.*

# MIXED USE DISTRICT SUPPLEMENTAL REGULATIONS

## Streetscape

- Street and sidewalk furnishings including but not limited to; planting strips, raised planters, trash receptacles, streetlights, street signs, wayfinding signs, seating, public art, water features, fire hydrants and tree grates, shall be similar in design and materials to the images below to the greatest extent possible.
- Street trees may be planted in planting strips or tree wells.




*Streetscape Example*

## Screening

All screening requirements listed in this section shall not supersede the Screening Exhibit contained within the PD.

- In the Mixed Use District, when multi-family or mixed use development fronts onto a thoroughfare or adjacent street, so long as no dumpsters, outside storage or loading areas are visible from the street, the required screening is only:
- Screen wall: none required
- Street Trees: One (1) canopy tree at least four (4) caliper inches, planted for every forty (40) linear feet
- Patio fences and perimeter fences for a gated development are permitted within the landscape area.
- The screening requirements for the perimeter areas of the site where buildings do not front onto an adjacent street will default to the City of Waxahachie screening requirement specified in section 5.03(f) of the City of Waxahachie Zoning Ordinance.
- Parking lots exposed to view from abutting single-family residential properties shall be surrounded by a minimum of a 3-foot high barrier in the form of berms, shrubs, walls, or a combination thereof.
- Transformers, HVAC equipment (if located at the ground level), utility meters, and other machinery, as well as garbage collection points, should be located at the rear lane, drive or alley.
    - If such uses are visible from any adjacent rights-of way or property, they shall be fully screened by a fence (minimum 6 ft. wood board on board) or a masonry wall (minimum 6 ft. high) or suitable plants or other visual barrier of an appropriate height.
- Trash dumpsters shall have a metal door which shall remain closed at all times.

Item 9&10

# KEMP TRACT

## DESIGN GUIDELINES



**Item 9&10**

**SUPPLEMENTAL INFORMATION**

# Executive Summary

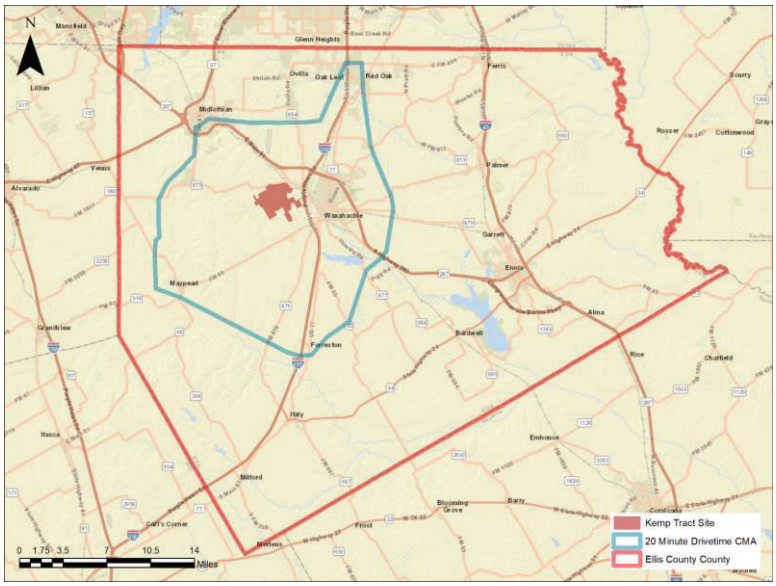
### Purpose Of The Study

This is intended to be a high-level investigation of demand at the Kemp Ranch site for office and industrial space at all sizes and levels, as well as demand for retail, medical office, hospitality/hotels, and self-storage uses. The framework for this commercial real estate market analysis is the evaluation of supply and demand within the context of the economic conditions and trends that influence development opportunities within a reasonable market area.

### Study Areas

The study areas depicted in the map to the right were used for most of the demographic and market examination in this project. In addition to Ellis County and the 20-minute drive time area centered on Kemp Ranch, certain demographic and market data was also examined for the Dallas-Fort Worth Metropolitan Statistical Area (MSA), the City of Waxahachie, and an expanded study area that includes Ellis, Johnson, Kauffman, and Navarro Counties.

**Primary Study Areas**




### Demographic Highlights

The populations of both the 20-minute drive time area and Ellis County have grown by more than 16% since 2020 and are expected to grow by at least 12% by 2029. This is more than twice the rate of the Dallas-Fort Worth MSA as a whole. Median household incomes in both study areas also more than $15,000 than in the MSA as a whole.

### Employment Highlights

Industry-wide, both employment and average weekly wages increased every year from 2015 to 2024, with the exception of 2020. Over 15,000 jobs have been added during this decade, nearly one third of which have been in Construction and Accomodation and Food Services. Nearly 40% of all jobs in Ellis County are in the Manufacturing, Educational Services, and Retail Trade sectors. Nearly 60% of employed Ellis County residents work outside of the County.

### Office

There is just under 1.5 million square feet of office space located in Ellis County, about 675,000 square feet having a Waxahachie address. Occupancy is 89.8%, though nearly 98% of existing office space is leased. Rents average $27.79 per square foot. Forecast demand for new office space in the Kemp Ranch site over a ten year period from 2027-2037 is between 8,200 and 14,760 square feet.

There is nearly 1 million square feet of medical office space in Ellis County, over half of which is located in Waxahachie. Occupancy is 93.7% and rents average $29.10 per square foot. Forecast demand for new medical office space in the Kemp Ranch site over a ten year period from 2027-2037 is between 30,000 and 40,000 square feet.

**Industrial**

Over 31 million square feet of industrial space is presently located in Ellis County. Occupancy is 92.0% and rents average $9.04 per square foot. With average absorption of nearly 400,000 square feet per year in the past decade and nearly 2 million square feet proposed or under construction, industrial has been the most active commercial land use being developed in Ellis County in recent years. There is potential demand for a considerable amount of industrial space in Waxahachie, and it could serve as a secondary commercial land use in the Kemp Ranch site, likely on the periphery of the development.

**Hospitality**

Just over half of all keys and 2023 hotel room revenues in Ellis County are located in Waxahachie. Nearly 800 new hotel rooms are planned in Ellis County at present, also about half of which are to be located in Waxahachie. Given the expected increase in demand for hotels compared to what is presently planned, demand for hotel space will likely be met without a hotel being built on the Kemp Ranch property.

**Self Storage**

Presently, there is over 1.2 million square feet of self storage space located in the 20 minute drive time market area. Based on the projected future population for the land area within 20 minutes of the subject site, the current supply of rentable storage space would support the next five years of standard population growth. The are appears to be oversupplied with self-storage inventory at present. Any use of the Kemp Ranch site for self storage space would need to be constructed near the end of the property's development, if at all.

**Retail**

A total of 10.5 million square feet of retail space presently exists in Ellis County, about 4.5 million square feet located in Waxahachie. Occupancy is quite high at 97.1%. Rents average $21.75 per square foot. The most-recent twelve month absorption was 275,000 square feet, with nearly 300,000 square feet of newly-constructed space delivered. Over 800,000 square feet of retail space is presently under construction or proposed in Ellis County, 65,000 square feet of which is in Waxahachie.

To forecast demand for new retail space in the Kemp Ranch site over a ten year period from 2027-2037, CDS used capture rates of 25% and 37.5% of forecast county-wide growth during this period. Based on these capture rates and the recent absorption trends in the market area, forecast retail demand for the Kemp Ranch site from 2027 through 20237 is between 457,894 and 686,840 square feet.

The City of Waxahachie contains 282 square feet of retail per household living within its boundaries. For Ellis County, this figure is 133. Comparing the present retail situation in Waxhachie and Ellis County to the region, the state, and the nation indicates that these figures are considerably higher than those seen in more heavily developed areas. For example: The Dallas-Fort Worth MSA figure is 119, Collin County's is 117, and Denton County's is 96. The estimated national average is 53 square feet of retail per household.

**Additional Retail**

In addition to the site share analysis of retail potential for the Kemp Ranch site, which looks at retail development and performance in the recent past to inform its likely future, an examination of the long-term demographic forecasts and future retail demand was also produced. The long-term forecast used for this analysis is from the 2050 Regional Forecast and Mobility Plan issued by the North Central Texas Council of Governments (NCTCOG) in 2024. To produce this analysis, CDS examined the relationship between the number of households, estimated retail consumer buying power, and existing retail space located within the established retail CMA (Ellis County).

Using these metrics as a basis for the analysis, the NCTCOG 2050 Regional Forecast of households was examined. In addition to Ellis County, the forecast was collected for two other market areas, the 20-minute drive time area from the Kemp Ranch site (also used in the self-storage demand analysis) and an "expansive" regional retail demand area that includes Ellis County as well as Johnson, Kauffman, and Navarro Counties. The expected and aspirational capture rates for Kemp Ranch assumed for the Ellis County CMA were 20% and 30% respectively. For the 20-minute drive time area these rates were 50% and 70%. For the four county "expansive" area, the capture rates were 7% and 11%.

This analysis produced the following forecast demand for retail space in the Kemp Ranch site.

- Ellis County CMA: between 643,410 and 965,114 square feet
- 20-Minute Drive Time CMA: between 601,467 and 842,054 square feet
- Expansive CMA: between 651,587 and 1,023,923 square feet

minto Communities

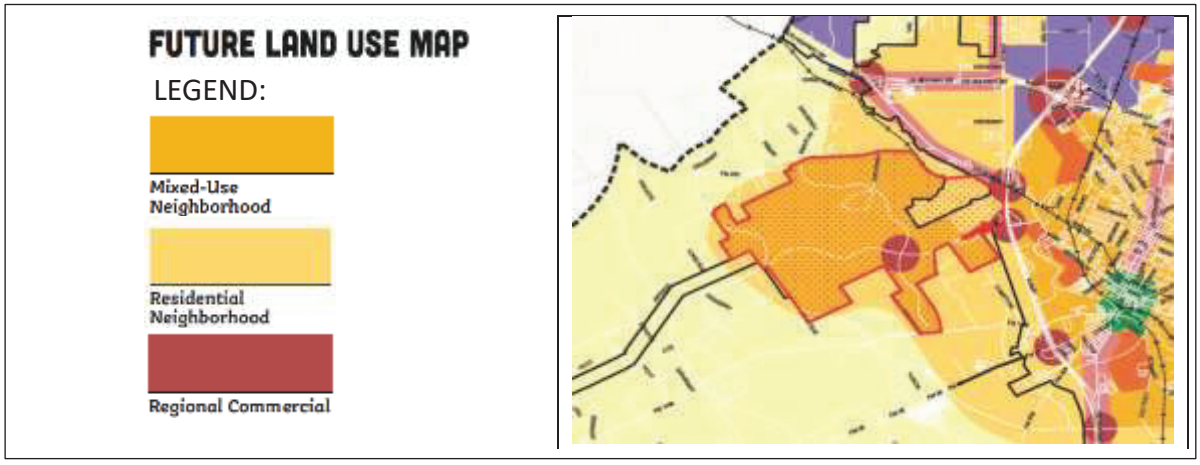
**"KEMP TRACT"**
**COMPLIANCE WITH COMPREHENSIVE PLAN**

The proposed "Kemp Tract" Planned Development is a thoughtfully designed master planned community that advances and realizes goals and objectives set forth in the City of Waxahachie's 2023 Comprehensive Plan. It will be the largest development in Waxahachie's history and will provide a balanced mix of housing options for future Waxahachie citizens while at the same time substantially expanding the economic base for generations to come.

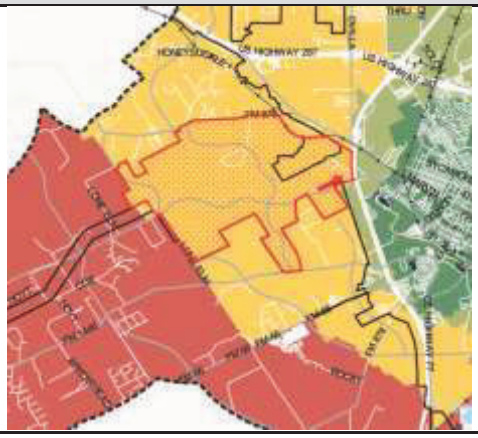
As presented in the table below, the proposed development is directly supported by the Future Land Use Map and a vast majority of the City's goals, objectives, policies and recommendations set forth in the City's Comprehensive Plan. The Plan consistently reiterates several themes carried through in the proposed development including mix of housing types, connectivity, pedestrian trails, open space, and fiscal responsibility which the proposed design and regulations meticulously incorporate.

The below chart details how MINTO's proposal directly conforms to the Future Lan Use Map in the City's Comprehensive Plan and meets or exceeds each principle or recommendation in that Comprehensive Plan.

| FUTURE LAND USE MAP DESIGNATION |
| --- |
| **The Future Land Use Map shows three land use types for the subject property: Mixed-Use Neighborhood, Residential Neighborhood, and Regional Commercial.** |



| | |
|---|---|
| **Mixed-Use Neighborhood**<br><br>A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants.<br><br>Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. | The majority of the subject site falls within the Mixed-Use Neighborhood designation. The proposal includes such Typologies recommended in the Comprehensive Plan for the Mixed-Use Neighborhood designation as single-family detached, accessory dwelling units, cottages, townhomes, and neighborhood-scale retail and commercial uses. Pocket parks and other open spaces are conveniently located throughout the site. This community will be an exceptional example of "live, work and play" as recommended by the Comprehensive Plan. Residents in both the Active Adult and Multigenerational neighborhoods will have robust amenities within this community in addition to being able to enjoy all that Waxahachie offers, including its historic Downtown. *The proposed development is directly supported by this land use classification.* |
| **Residential Neighborhood**<br><br>Although this placetype will predominantly consist of traditional single family detached housing, denser housing types are encouraged such duplex, cottage courts, and townhomes. | Some of the eastern portions of the site close to I-35 fall within the Residential Neighborhood Future Land Use designation. This includes some of the Active Adult and Intergenerational residential neighborhoods. In addition, we propose a Mixed-Use area close to I-35. We believe this insertion of non-residential uses makes sense given the proximity to a major interstate highway, and minimizing traffic impact on the residential neighborhood areas further west within the proposed Planned Development. *The residential component of the proposed development is directly supported by this land use* |

| | |
|---|---|
| | *classification. Other policies and objectives in the Comprehensive Plan support the proposed retail component.* |
| **Regional Commercial:**<br>Logically placed near high traffic intersections, these spaces bring people from many surrounding neighborhoods.<br><br>Typical uses will include regional businesses including but not limited to restaurants, retail, gas stations, and office.<br><br>Common Uses include:<br>Major Retail<br>Entertainment<br>Restaurants<br>Auto-Oriented Businesses<br>Multi-Family Residential Over | The Future Land Use Map also includes a Regional Commercial node which was largely contemplated with the Emory Farms PD. We propose a very similar Mixed-Use area at this general location as shown in the Future Land Use Map. Mixed-Use areas per the proposed PD would be limited to 20% residential. |
| **GROWTH SECTOR MAP** | |
|  |  |
| **Controlled Growth Sector designation:**<br>If development is allowed outside the infill growth and infill rim, it should | The property falls entirely within the Controlled Growth Sector (see below map). This is outside of the Infill Growth |

| | |
|---|---|
| develop in a higher density way that generates value above and beyond the cost of associated infrastructure costs.<br><br>• Development in this sector should align with the guiding principles of this plan, particularly those related to diversifying the housing and neighborhood options in the city. | and Infill Rim areas, thus in an area where the Comprehensive Plan supports higher densities in order to generate revenues that cover and exceed infrastructure costs. The development will generate substantial density which will translate into significant revenues to pay for development amenities and municipal services. A development agreement will further provide the essentials for the extension of infrastructure for the development, help facilitate a tool to assist in the financing of the vast amount of amenities and infrastructure for the development, while at the same time establishing design standards to assure the aesthetic appeal for the neighborhoods. *The proposed development is firmly consistent with the Growth Sector Map recommendation.* |
| **COMPREHENSIVE PLAN GOAL OR OBJECTIVE** | **COMPLIANCE** |
| **GUIDING PRINCIPLES** | |
| **Comprehensive Plan Guiding Principle #1 (page 36 of the Comprehensive Plan):**<br>"Resource stewardship and fiscally responsible growth ensures a more prosperous community for the long haul."<br>"the city will seek to improve development to provide a better return on its investment and to align the services that they provide with what the community is willing to pay for."<br>"Waxahachie is committed to protecting and preserving its natural resources as | MINTO proposes to develop in a Growth Sector in which the Comprehensive Plan supports higher densities in order to generate revenues that cover and exceed infrastructure costs, thus aligning with the recommendation for fiscally responsible growth. A Development Agreement is proposed to ensure the timely and high-quality delivery of the necessary infrastructure, and long-term maintenance, to successfully support this community for decades to come. In addition, a significant amount of natural areas will be preserved |

| | |
|---|---|
| well. Ensuring that the community has access to the scenic and natural qualities in and around Waxahachie is paramount to success." | for trails and other passive recreation activities for residents to enjoy. |
| **Comprehensive Plan Guiding Principle #2 (page 36 of the Comprehensive Plan) :**<br>"Our historic core is valuable and worthy of investment and incremental improvement." | The proposed development will bring additional patrons, employees and business owners for the historic downtown which will further the City's investment and incremental improvement in the historic downtown. |
| **Comprehensive Plan Guiding Principle #3 (page 37 of the Comprehensive Plan) :**<br>"When what we need is closer to home, we need fewer roads and quality of life improves."<br>"Quality of life is measured at the neighborhood level." | The proposed community will consist of walkable neighborhoods with convenient retail and service uses, amenities and open spaces, as well as future schools and other public uses. The focus will be on creating active, interesting neighborhoods which will foster a high quality of life. In this regard, the neighborhoods will include many "complete" attributes promoted in the Comprehensive Plan including proximity to open space and parks, well-designed mix of residential, commercial and recreational uses which will further an enhanced quality of life which is set forth as a primary goal in the Comprehensive Plan. |
| **Comprehensive Plan Guiding Principle #4 (page 37 of the Comprehensive Plan):**<br>"When housing types are diverse and plentiful, more people can afford to live comfortably."<br>"it's important to understand that not everyone can afford or wants to live in a detached single-family home in an exclusively residential neighborhood."<br>"As demographics shift to a more balanced mix of ages, interests, and incomes, more people are looking for options that are more affordable and/or in a different context, such as a duplex or small cottage | MINTO proposes numerous and diverse housing types including (but not limited to) residential detached homes, cottages, villas, townhomes, and multi-family living, giving residents of various ages and income levels choices of where to live. This mix of housing types directly furthers Comprehensive Plan Guiding Principle #4 primarily by providing a mix of options both in typology and context as suggested by the Comprehensive Plan. To that extent, this proposed development is uniquely situated to satisfy the Plan's recommendations for diverse housing stock and affordability and fulfill each and every Comprehensive Plan principle in a manner unmatched by any other development in Waxahachie. |

| | |
|---|---|
| that's more affordable due to the smaller size, or upscale urban living and townhomes that are more expensive but in a walkable, mixed-use context as discussed previously."<br><br>"A critical piece of the puzzle required to keep housing affordable for everyone in a community is to build and maintain a mix of options both in typology and context. | |
| **Comprehensive Plan Guiding Principle #5 (page 38 of the Comprehensive Plan):**<br>"Everyone deserves access to a safe, affordable, and efficient mobility system." | MINTO's proposal reflects a safe and efficient mobility system for pedestrians, bicyclists and automobiles and will comply with City of Waxahachie standards. Streets are well-designed, safe pedestrian connections are provided, trails are proposed through natural settings for hikers and bicyclers, and connectivity to open space and parks is a primary hallmark for the development. These attributes directly further Comprehensive Plan Guiding Principle #5. |
| **Comprehensive Plan Guiding Principle #6 (page 38 of the Comprehensive Plan):**<br><br>Our culture, places, and people form the foundation for a diverse, resilient, and locally-focused economy. | MINTO's proposal will add residents, employment, retail and other services to the Waxahachie community. With this growth of the City comes a larger and more vibrant local economy, with more residents to patron and grow local businesses. |
| **LAND USE & GROWTH MANAGEMENT RECOMMENDATIONS** | |
| **1. Build complete neighborhoods, not just residential subdivisions. (page 59 of the Comprehensive Plan)**<br><br>Complete neighborhoods are not only a quality of life improvement but also reap many financial benefits for the City. In a complete neighborhood, streets and sidewalks are interconnected to make daily needs more accessible by walking | The proposed development is a completely unique project with many benefits to be derived by the City. It represents a great example of a complete neighborhood and not just another residential subdivision. Multi-generational and resort-style Active Adult neighborhoods are included, with robust amenities such as mixed use nodes, adventure park, pocket parks and open spaces, nature trail systems, as well as retail |

| | |
|---|---|
| or biking. Complete neighborhoods have housing, schools, parks and commercial/personal services within a close proximity to make daily goods and services more accessible from home. | shopping, entertainment, and mixed-use areas. This proposal offers a high quality of life for residents of all ages. In this regard, the proposed development is directly in line with this first recommendation. |
| **2. Implement new policies to manage and direct growth. (page 59 of the Comprehensive Plan)**<br>Analysis conducted with this Comprehensive Plan shows that expansion of the city limits and extension of new infrastructure is not necessarily required to accommodate a majority of the projected growth. The City should utilize the growth sector map to prioritize development in areas with existing infrastructure instead of extending infrastructure to undeveloped areas, which would unnecessarily increase the City's liabilities long-term. | While some properties are requested to be annexed into the City of Waxahachie, most of the property is currently within the city limits and within the previously approved Emory Lakes Planned Development (PD). MINTO's proposal falls within the Controlled Growth Sector which is outside of the Infill Growth and Infill Rim areas, thus in an area where the Comprehensive Plan supports higher densities in order to generate revenues that cover and exceed infrastructure costs which is consistent with the proposed planned development. |
| 3. **Expand the City's Park, Open Space, and Trail System. (page 59 of the Comprehensive Plan)**<br>As the City continues to grow, it is essential to prioritize and preserve open space areas for recreational purposes. Parks are a quality of life improvement and critical spaces for community gathering and interaction. | MINTO proposes to construct and dedicate to the City its portion of the Waxahachie-Midlothian Regional Trail, while including additional trail elements such as drinking water fountains and seating. MINTO proposes to build extensions of the Regional Trail system into the development thus providing important connectivity for future residents to the City's Regional Trail system. In addition, MINTO's proposal includes numerous internal parks, open spaces, and trails in furtherance of this recommendation. |
| **4. Calibrate development standards to allow the type of development envisioned within each placetype. (page 59 of the Comprehensive Plan)**<br>Single use subdivisions and regional commercial centers conflict with the community's desired values, particularly fiscal responsibility, affordability, and | MINTO's proposal includes a diverse mix of residential housing types, retail and other personal services, amenities, parks, open spaces, and trails. The proposed PD development standards and development standards proposed for the development agreement ensure this mix of uses and amenities. |

| | |
|---|---|
| healthy living. Development standards should be updated to support the place types and complete neighborhood principles established in this Plan. | |
| **Overcoming Barriers to success with regard to Land Use and Growth Management (pages 66-67 of the Comprehensive Plan):**<br><br>#2: Updating the land use approach to place types and combining that with upgraded design standards that clarify base expectations for different types of neighborhoods can improve clarity and reduce staff time processing developments, while still ensuring development meets the community's standards and goals. | MINTO's proposal is designed to be a series of communities with a variety of residential types in close proximity to retail, open space, parks and public spaces furthering the recommendation of creating placetypes in the Comprehensive Plan. |
| **MOBILITY AND CONNECTIVITY RECOMMENDATIONS** | |
| **1. Coordinate land use and mobility strategies to create commercial nodes in each quadrant of the City and within neighborhoods (page 81 of the Comprehensive Plan).**<br><br>Currently the majority of commercial activity occurs along 77. Complete neighborhoods can remove the traffic burden from 77 by encouraging schools, parks, commercial and personal services within a short walking or biking distance. | Appropriate Mixed-Use nodes are proposed within the development that closely align land use with the street network. Larger, commercial nodes are appropriately planned at the perimeter of the development to capture regional traffic on major thoroughfares. In addition, there will be future schools within the community, providing opportunities for future students within this community to walk to school. The proposed commercial uses will provide retail alternatives to the overburdened 77 corridor. |

| | |
|---|---|
| **3. Improve network connectivity (page 81 of the Comprehensive Plan).**<br><br>A grid style network with short block lengths promotes efficient traffic distribution, helps prevent congestion at concentrated intersections, and slows cars down in neighborhoods where pedestrian safety is the priority. | As shown on the Thoroughfare Plan exhibit, a well-connected network of roadways is proposed, with the arterial roadways including a multi-use trail. Final street sections and the roadway plan, which are proposed to conform to the standards in the Comprehensive Plan, are subject to City staff's acceptance. |
| **4. Design neighborhood streets to prioritize people, place, and productivity (page 81 of the Comprehensive Plan).**<br><br>In order to build complete neighborhoods and mixed-use centers that generate above average value per acre, streets in these areas must prioritize human interaction, pedestrian mobility, and placemaking over traffic or speeds. | Streets are designed in a manner that prioritizes pedestrian safety and enjoyment over maximizing traffic speeds. Streets will be pedestrian-friendly with interconnected sidewalks and trails. Off-road trails provide alternate means of connectivity and separate the pedestrian and bicycle enthusiast from vehicles. |
| **5. Prioritize safe and efficient movement of vehicles on arterials (page 81 of the Comprehensive Plan).**<br><br>Whereas neighborhood streets are designed to prioritize people and place over cars, arterial corridors should be dedicated to moving vehicles efficiently across the city. Major and minor arterials should be designed to limit access, crossings, and bike/pedestrian facilities to promote safe and efficient movement of vehicles and reduce opportunities for pedestrian conflict points. | MINTO agrees with this Recommendation. The proposed street sections include infrastructure for pedestrians with the arterial sections including a multi-purpose trail for pedestrians and bicyclists. Further, per Comprehensive Plan recommendation, green parkways are added outside of travel lanes to separate the pedestrian from the street providing another level of safety. |
| 6. **Maximize return on Investment for mobility infrastructure (page 81 of the Comprehensive Plan).**<br><br>The city currently has more street infrastructure than it can afford to maintain long-term without additional revenue. Proactive preventative maintenance and design strategies to | In this development, street sections are designed consistent with the Comprehensive Plan criteria in a manner so as not to build overly wide streets. Overly wide street would ultimately require more pavement to maintain while also increasing the design speed of vehicles, thus decreasing pedestrian and |

| | |
|---|---|
| reduce pavement width can spread costs out over longer periods, while intentional growth management strategies can be used to increase tax revenue productivity in served areas and new development. Together, these can help close the infrastructure funding gap over time. | bicycle safety. As noted above, the proposed streets are designed in a manner that prioritizes pedestrian safety and enjoyment over maximizing traffic speeds. |
| **7. Provide mobility options for everyone (page 81 of the Comprehensive Plan).**<br>Building and maintaining a well-connected network of sidewalks and bike facilities will ensure those who want or need to get around the community without a car are able to do so safely and conveniently. | This Planned Development is designed in a manner that safely accommodates pedestrians, bicycles, and automobiles. Additionally, to promote additional modes of mobility, the Developer or MMD will provide locations for transit stops in the event public transit is available. |
| **NEIGHBORHOODS & DOWNTOWN RECOMMENDATIONS** | |
| **1. Maintain the Character of Waxahachie (page 105 of the Comprehensive Plan).**<br>Development and redevelopment should match the existing character of Waxahachie.<br>The traditional pattern of development in the older parts of Waxahachie reflects the principles and goals of this plan. New development should continue this pattern whether constructed in infill or greenfield settings. | Thoughtful architectural guidelines based on local vernacular architecture and sound development standards have been proposed that respect and align with the existing character of existing and historic Waxahachie neighborhoods. Further, much like other areas of Waxahachie, the proposal aims at building neighborhoods, not subdivisions. |
| **2. Diversify housing mix to encourage diverse housing types at various price** | MINTO proposes a robust and diverse mix of housing types including, but not limited to, residential detached homes, cottage |

| | |
|---|---|
| **points (page 105 of the Comprehensive Plan).**<br><br>Building more smaller homes that use less land is one of the key takeaways for becoming more fiscally sustainable as a city and a key element of making housing more affordable to build, rent, and own. The City can work toward ensuring a healthy mix of options by requiring a percentage mix in existing and new neighborhoods dependent on the size of the development and applicable Place Type. | homes, villas, townhomes, and multi-family living, giving residents of various ages and income levels choices of where to live. |
| **3. Prioritize infill and revitalization to maximize existing infrastructure and public services (page 105 of the Comprehensive Plan) .**<br><br>This is the fastest way to close the City's resource gap and maximize return on taxpayers' investments. There are numerous vacant parcels and plenty of opportunities for<br><br>Accessory Dwelling Units (ADUs) and vertical development to add incremental density and diversify housing and commercial options without requiring more infrastructure.<br><br>Additionally, providing smaller units makes them more affordable for residents and small business owners. All development, whether infill or greenfield, should be context-sensitive so as not to disrupt the neighborhood's character and fabric. | The proposal is not an infill development, but a series of neighborhoods offering a variety of residential types and retail uses intermingled with an intricate trail network. As noted in the Growth Sections section above, the diversity of housing types including some higher density products aligns with the Comprehensive Plan's recommendation for the Controlled Growth Sector and helps offset costs for new infrastructure. |
| **4. Update design standards to preserve historic places and encourage higher quality design standards in historically significant areas of the City (page 105 of the Comprehensive Plan).** | The proposal is not within the historic center of the City, so this recommendation would not apply. |

| | |
|---|---|
| Expand overlays to preserve and protect historic properties. | |
| **5. Improve and enhance the central core of Waxahachie (page 105 of the Comprehensive Plan).**<br><br>Continue to improve and invest in downtown Waxahachie and ensure that development on the periphery compliments downtown. | The proposed community will add patrons, employees and possibly shop owners to Waxahachie to support Downtown and community events in the downtown. Amenities and events held within the community will be primarily private and unique to the community and will not compete with the special events held in Downtown Waxahachie. |
| **NEIGHBORHOOD AND DOWNTOWN SNAPSHOT (page 106 of the Comprehensive Plan):** Providing housing for Everyone | The proposed development offers substantial housing types for all furthering this objective stated in the Comprehensive Plan. By offering a wider variety of housing options such as "build-for-rent, accessory dwelling units and senior apartments, this proposal also directly addresses one of the barriers to success facing this series of recommendations. Further the proposal offers numerous amenities within each neighborhood as well as connectivity to vast open space and parks tackling another barrier to success. |
| **Meeting housing Needs (page 111 of the Comprehensive Plan)**<br><br>• Access to more housing types within the city is critical, because the City is better able to facilitate the high-quality development it needs for fiscal sustainability.<br><br>• Ensuring that housing typologies are as diverse as the community will make Waxahachie more attractive and competitive in the Metroplex. | MINTO's proposal squarely furthers the objectives for meeting housing need. The development will provide access to more housing types, facilitate high quality development through architectural and development standards which will contribute to making Waxahachie more attractive and competitive in the Metroplex. |

| | |
|---|---|
| **Neighborhood Hierarchy (page 116 of the Comprehensive Plan)**<br><br>• The neighborhood should become the central planning unit<br><br>• The local (Neighborhood) Scale is where most residents' daily needs are met, and where they spend most of their time. For most neighborhoods, this means amenities and destinations are easily reached on foot. At this scale, traffic patterns should favor pedestrians and bicyclists, and access to transit should be available. Housing is mixed, and in less rural neighborhoods, uses are mixed more freely. Neighborhoods themselves differ from one to the next, so plans should be created with substantial input from current residents regarding their needs in that area. | In the proposed development, the neighborhood is the key element. MINTO proposes a series of neighborhoods with numerous amenities, connectivity, open space and trails which conforms to this neighborhood hierarchy objective. |
| **Park Types (page 126 of the Comprehensive Plan)** | MINTO proposes numerous neighborhood, pocket, linear, open space parks and a special purpose park in furtherance of this Comprehensive Plan objective. |
| **Neighborhood Design (page 128 of the Comprehensive Plan)**<br><br>Scale, which is made up of size and shape of buildings, and how they interact with the public space (usually streets). | MINTO has incorporated numerous architectural designs and anti-monotony standards incorporated with pedestrian access, open space, and trails to create community character. |
| **Complete Neighborhoods** | Each of the MINTO neighborhoods contain elements expressed in the |

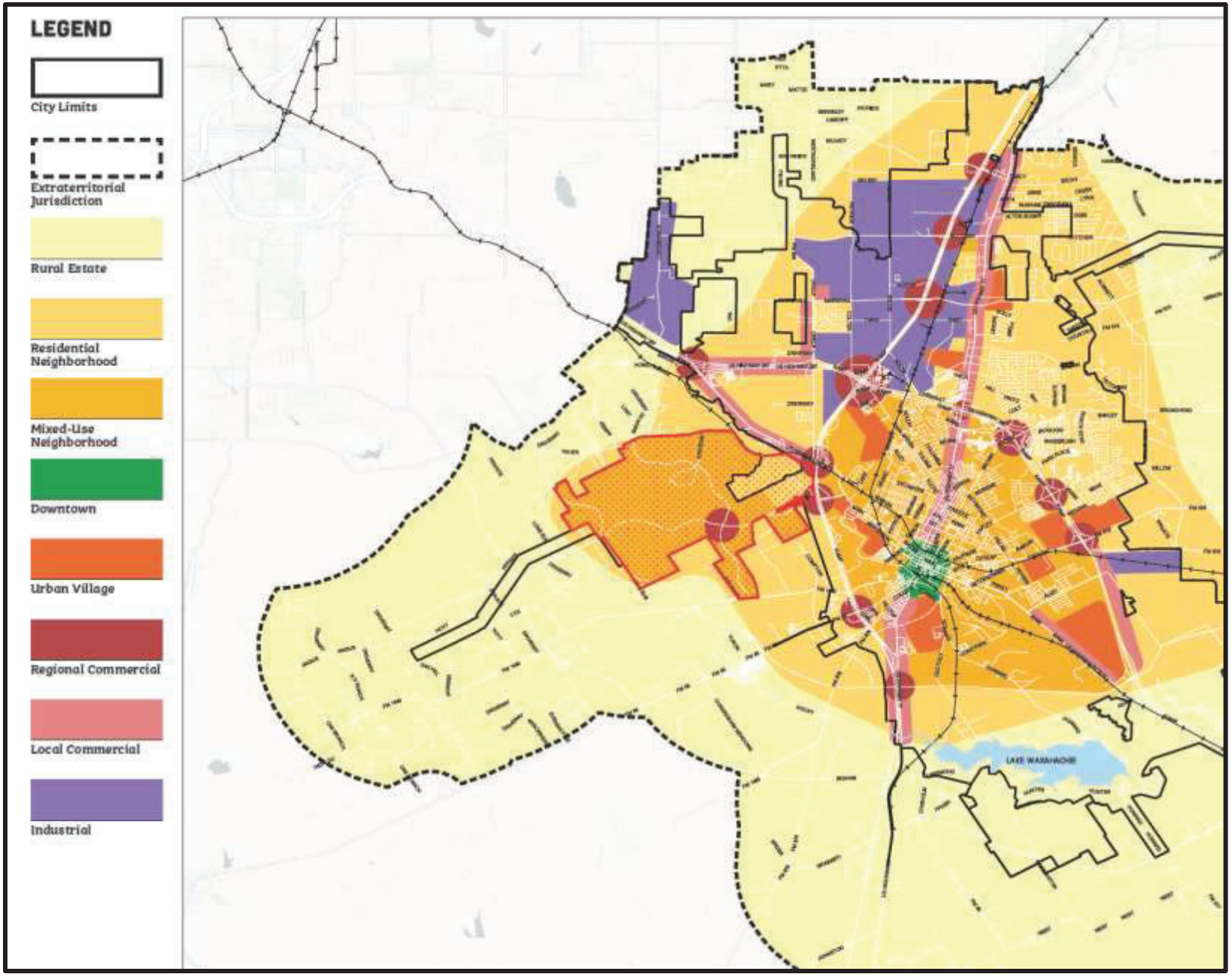
| | |
|---|---|
| **(page 131 of the Comprehensive Plan)**<br><br>"Complete Neighborhoods are most commonly found in the Mixed-Use Neighborhood placetype and are most complete in terms of use mix, access, and activity. Those living in these neighborhoods should expect constant change where the scale and use of properties is incrementally evolving to meet the residential and commercial needs of those living and working there." | Comprehensive Plan for creation of "complete neighborhoods" including incorporating the following features throughout different neighborhoods:<br><br>• Connectivity<br>• Mix of housing types<br>• Variety of lot sizes<br>• Proximity to open space and parks<br>• Proximity to retail uses<br>• On-street parking<br>• Primarily slow, narrow streets with parking on both sides<br>• Street trees and sidewalks on both sides of the street<br>• Green space within ¼ mile of all homes<br>• Connection of parks and open space through sidewalks and trails<br>• Integrate detention areas as meaningful parts of open space network, or should be created as scenic focal points<br>• Architectural diversity<br>• Use of common design themes across architectural styles<br>• Use of porches, stoops, and balconies - to add visual interest<br>• Alternative exterior materials that are more durable and sustainable long term<br>• details such as pocket parks, or outdoor dining at terminated vistas to add interest to neighborhood design<br>• Integration of civic uses |

**Item 9&10**

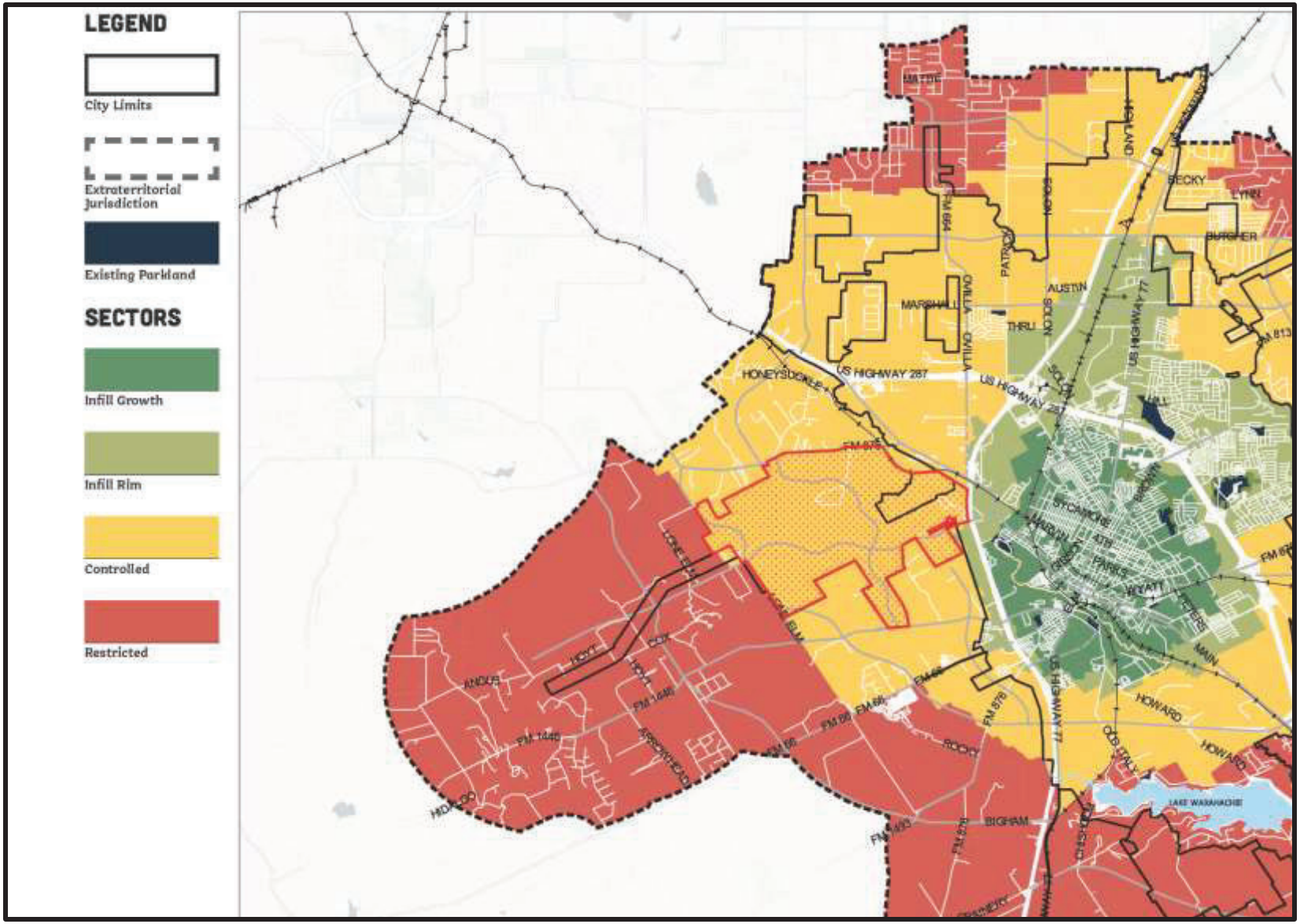
Authors:

William S. Dahlstrom, FAICP, JD: Bill is an Attorney and member of the College of Fellows of the American Institute of Certified Planners who has over 38 years' experience in land use development projects. He combines the practical knowledge learned as a professional land planner with his legal training to provide a most unique approach to land use matters. He focuses his practice on all areas of land use and incorporates a planning problem solving process in land use and land development issues. Bill has spoken at numerous seminars on land use law, including programs at the University of Texas School of Law Land Use Law Conference, State Bar of Texas Advance Real Estate Law Course, PESI Land Use Law Seminar, CLE Eminent Domain Conference, TXAPA Conferences, and The Institute for Local Government Studies Short Course. He received a Bachelors in Urban Planning from the University of Cincinnati, College of Design, Architecture, Art & Planning, and his law degree from the University of Texas School of Law.

Will Guerin, AICP, Will Guerin is a professional planner with extensive experience in urban planning and land use entitlement matters. He has served as both a director and staff planner for municipal planning and development departments. Will specializes in land use and development planning. He has managed zoning cases, subdivision plats, site plans, and variance requests, in addition to guiding transportation planning, annexations, and development agreements. As a planner, Will has presented to and supported Planning & Zoning Commissions, City Councils, and other boards and commissions. He has led the creation and adoption of comprehensive plans and other master plans, and managed various other planning projects. Prior to joining Jackson Walker, he held roles in the planning and development departments of Garland, Hutto, and Fort Worth, where he gained experience in local, state, and federal regulations. Will is a member of the American Institute of Certified Planners (AICP) and received both his B.S and M.A.Geo degrees from Texas State University.




**FUTURE LAND USE MAP WITH PROPOSED SITE BOUNDARIES SHOWN**




**SECTOR MAP WITH PROPOSED SITE BOUNDARIES SHOWN**