

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Tuesday, July 6, 2021 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

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

5. ***Consent Agenda***

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager 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 City Council.

- a. Minutes of the City Council meeting of June 21, 2021
 - b. Minutes of the City Council briefing of June 21, 2021
 - c. Minutes of the City Council work session of June 29, 2021
 - d. Event application for Waxahachie Homecoming Parade on October 22, 2021
 - e. Event application for Walk to End Alzheimer's on October 30, 2021
 - f. Event application for Hachie 50 on April 23, 2022
 - g. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements
 - h. Water Treatment Chemicals Bid Renewal
6. ***Continue Public Hearing*** on a request by Shea Kirkman for a Zoning Change from a Commercial zoning district to Planned Development-Light Industrial, located just North of 1800 W Highway 287 Bypass (Property ID 279123) - Owner: SANDSTONE 93 PARTNERS, LTD (ZDC-58-2021)
7. ***Consider*** proposed Ordinance approving ZDC-58-2021

8. **Public Hearing** on a request by Mark Gundert, for a Specific Use Permit (SUP) to allow an Accessory Building (Residential), Greater than or Equal to 700 SF use within a Single-Family Residential-2 zoning district located at 124 Kaufman Street (Property ID 170849) - Owner: RICHARD T STOCK (ZDC-83-2021)
9. **Consider** proposed Ordinance approving ZDC-83-2021
10. **Consider** request by Phillip Fisher, Macatee Engineering, LLC, for a Plat of Saddlebrook Estates N.E.C.E. for 2,973 lots, being 1,263.275 acres situated in the Benjamin Collier Survey, Abstract 216; Jonathan Johnson Survey, Abstract 557; George Carpenter Survey, Abstract 190; Robert M. Berry Survey, Abstract No. 96 & 97; Salis M. Durrett Survey, Abstract 272; McKinney & Williams Survey, Abstract 750; Guadalupe Garcia Survey, Abstract 418 (Property ID 180365 and 180362) – Owner: HW Waxahachie LP (SUB-80-2021)
11. **Public Hearing** on a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed Site Plan Review for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021)
12. **Consider** approving SP-85-2021
13. **Consider** Development Agreement for SP-85-2021
14. **Public Hearing** on a request by Don Merchant, DC Texas Construction, LLC, for an Amendment to Ordinance No. 3167 to allow for Accessory Buildings (Residential), Greater than or Equal to 700 SF within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021)
15. **Consider** proposed Ordinance approving ZDC-87-2021
16. **Consider** Development Agreement for ZDC-87-2021
17. **Public Hearing** on a request by George Salvador, Waxahachie One, LLC, for a Zoning Change from a Single Family-1 to Single Family-3, located at 401 Ovilla Road (being Property ID 180391) - Owner: EIS DEVELOPMENT II, LLC (ZDC-84-2021)
18. **Consider** proposed Ordinance approving ZDC-84-2021
19. **Public Hearing** on a request by Keegan Amos, DAE, for a Specific Use Permit (SUP) to allow Heavy Machinery and Equipment, Rental, Sales or Storage at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)
20. **Consider** proposed Ordinance approving ZDC-81-2021
21. **Consider** Development Agreement for ZDC-81-2021
22. **Consider** award of bid for Construction Manager at Risk for Fire Station #4

23. **Consider** award of bid for Lee Penn Park swimming pool construction contract and awarding a supplemental appropriation and use of Park Dedication Fee funds
24. **Consider** authorizing a service contract with Machining & Valve Automation Services LLC, doing business as MVA Services, for repairs, parts and services on valves, actuators, control mechanism and appurtenances for the Utilities Department
25. **Discuss** potential Charter Amendment
26. Comments by Mayor, City Council, City Attorney and City Manager
27. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty- eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

City Council
June 21, 2021

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, June 21, 2021 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Barnes gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Mr. Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concerns with protecting our water system from pollutants and encouraged communication with the public on cleanup efforts.

Ms. Betty Square Coleman, 116 Bradshaw, Waxahachie, Texas, encouraged attention and improvements to city streets and infrastructure to all four areas of Waxahachie.

5. Consent Agenda

- a. Minutes of the City Council meeting of June 7, 2021
- b. Minutes of the City Council briefing of June 7, 2021
- c. Minutes of the City Council special meeting of June 15, 2021
- d. Set City Council meeting for July 6, 2021
- e. City Council Appointments to Boards and Commissions
- f. Event application for Pie Palooza & Walk-a-thon on October 16, 2021

Action:

Council Member David Hill moved to approve items a. through f. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

6. Public Hearing on a request by Shawn Graham, Jones & Carter, for a Specific Use Permit (SUP) for Drive Through Establishment (Bank) use within a Planned

Development-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (ZDC-67-2021)

Mayor Barnes opened the Public Hearing.

Planning Director Shon Brooks presented the case noting the applicant is requesting approval to allow a Neighborhood Credit Union (Bank) on 1.55 acres and staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

Mr. David Lapp, 536 Orchard Street, Wyandotte, Michigan, noted he was available for questions.

There being no others to speak for or against ZDC-67-2021, Mayor Barnes closed the Public Hearing.

7. Consider proposed Ordinance approving ZDC-67-2021

ORDINANCE NO. 3279

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A NEIGHBORHOOD CREDIT UNION (BANK) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1750 N HIGHWAY 77, PROPERTY ID 263976, BEING LOT 8, BLOCK A, OF THE WAXAHACHIE TOWNE CROSSING ADDITION-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3279. Mayor Pro Tem Billie Wallace seconded, All Ayes.

8. Consider approving Development Agreement for ZDC-67-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-67-2021. Council Member Melissa Olson seconded, All Ayes.

9. **Public Hearing on a request by Michael Alturk, ADTM Engineering & Construction, for an Amendment to Ordinance No. 3258 to allow for an additional retail building within an approved retail development located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-68-2021)**

Mayor Barnes opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting to amend Ordinance No. 3258 to allow for an additional 2,000 sq. ft. retail building within an approved retail planned development on 3.52 acres. Mr. Brooks explained the applicant revised the site plan removing the drive-thru on the

proposed new building and staff updated their recommendation to approval with the following staff comment:

1. A mutually agreed upon Development Agreement will be required for the development.

There being no others to speak for or against ZDC-68-2021, Mayor Barnes closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-68-2021

ORDINANCE NO. 3280

AN AMENDMENT TO ORDINANCE 3258 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) WITH AMENDED ORDINANCE, TO ALLOW AN ADDITIONAL RETAIL BUILDING (2,000 SQ. FT.), LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND US HIGHWAY 287, PARCEL ID 181802, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3280. Mayor Pro Tem Billie Wallace seconded, All Ayes.

11. Consider approving Development Agreement for ZDC-68-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-68-2021. Mayor Pro Tem Billie Wallace seconded, All Ayes.

12. Consider authorization of professional engineering services with Kimley-Horn Associates, Inc. associated with the public water and sanitary sewer line construction of Fire Station Number 4

Assistant City Manager Tommy Ludwig requested approval authorizing professional services with Kimley-Horn and Associates, Inc. for the design of water and sewer lines associated with the construction of Fire Station No. 4 in the amount of \$88,000.00. He explained the item will authorize engineering design, bid specification preparation, easement acquisition services (if needed), and construction support services to design approximately 400 linear feet of new 8" and 12" water lines, valves and fire hydrant, and approximately 2,000 linear feet of new 8" to 12" gravity sewer lines and manholes for the proposed new Fire Station No. 4. He noted the project is proposed to be fully funded in the FY 2020-21 bond program; however, with bond funds not available until the end of August 2021, staff also recommends approval of a reimbursement resolution allowing staff to proceed with a purchase order to ensure design begins immediately and does not delay the overall schedule for Fire Station No. 4 construction.

Action:

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Mayor Pro Tem Billie Wallace moved to approve authorization of professional engineering services with Kimley-Horn Associates, Inc. associated with the public water and sanitary sewer line construction of Fire Station Number 4 in the amount of \$88,000.00. Council Member Travis Smith seconded, All Ayes.

13. **Consider resolution authorizing reimbursement from the Water and Wastewater Fund from the proceeds of future debt associated with professional engineering design services for the construction of water and sanitary sewer lines to Fire Station Number 4**

RESOLUTION NO. 1313

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE DESIGN OF WATER AND SEWER LINES FOR FIRE STATION NO. 4.

Action:

Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1313. Council Member Travis Smith seconded, All Ayes.

14. **Consider award of a bid to Clark Electric associated with the Lake Waxahachie Raw Water Emergency Generator and Motor Control Center Improvements Project**

Mr. Ludwig requested approval of a bid award to Clark Electric, Inc., in the amount of \$4,788,477.00, associated with the construction of a new Emergency Backup Power Generator for the Raw Water Pump Station #2 and Howard Road Water Treatment Plant Electrical Improvements Project. He explained the project came in \$2,353,523 below the engineer's estimate; however, there bid is \$595,551 higher than the allocated budget for this project. In working with the Finance Department, they recommend utilizing a portion of the FY19-20 bonds for the Lofland Road Water Line project to cover the delta in cost and impact fees will be utilized to make up the reduction in the Lofland Road Water Line funding.

Mr. Ludwig explained in addition to the request to approve the bid, staff recommends a 2% project contingency fund (\$95,770) for the project and \$38,000 for the performance of third-party electrical inspections, totaling \$4,922,247.00.

Action:

Council Member David Hill moved to approve award of a bid to Clark Electric associated with the Lake Waxahachie Raw Water Emergency Generator and Motor Control Center Improvements Project in the amount of \$4,922,247.00 as presented by staff. Council Member Melissa Olson seconded, All Ayes.

15. **Consider award of a bid to Taknek associated with the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project**

Utilities Director David Bailey requested approval of a bid award to Taknek, LLC in the amount of \$957,002.41 associated with Lake Waxahachie Raw Water Pump Station #2 electrical improvements. He explained the scope of work is a planned capital expense and \$1,015,200 is included in the

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proposed FY20-21 bond program. As bond funds are not anticipated to become available until the end of August 2021, staff also recommends that a reimbursement resolution be approved by City Council. Mr. Bailey also recommended the approval of a 4.5% (\$43,064) contingency fund for this project, and \$15,000 for the performance of third-party electrical inspections, totaling \$1,015,066.41 for this project.

Action:

Council Member David Hill moved to approve award of a bid to Taknek associated with the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project in the amount of \$1,015,066.41 as presented by staff. Council Member Melissa Olson seconded, All Ayes.

- 16. Consider resolution authorizing reimbursement of the Water Fund from the proceeds of future debt associated with construction and installation of the Lake Waxahachie Raw Water Pump Station 2 Electrical Improvements Project**

RESOLUTION NO. 1314

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING CONSTRUCTION SERVICES ASSOCIATED WITH THE LAKE WAXAHACHIE RAW WATER PUMP STATION NO. 2 ELECTRICAL IMPROVEMENTS.

Action:

Council Member Melissa Olson moved to approve Resolution No. 1314. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 17. Consider authorizing a supplemental appropriation to the Sokoll Water Fund for the repair of an electrical actuator**

Mr. Ludwig requested approval of a supplemental appropriation in association with the Robert W. Sokoll Joint Venture Water Treatment Plant in the amount of \$9,575.00. He explained an insurance claim has been submitted for the damaged actuator and the city will be reimbursed all but \$2,500.00 for the insurance deductible. Mr. Ludwig noted the Sokoll Water Treatment Plant is a joint venture with Rockett SUD and the cost of capital items are split 50/50.

Action:

Council Member David Hill moved to approve authorizing a supplemental appropriation to the Sokoll Water Fund for the repair of an electrical actuator in the amount of \$9,575.00. Mayor Pro Tem Billie Wallace seconded, All Ayes.

- 18. Consider authorizing a supplemental appropriation to the Water Fund for maintenance and operation related expenses**

Mr. Bailey requested approval of a supplemental appropriation in association with the Water Production Budget in the amount of \$25,000.00 due to several unanticipated expenses related to equipment maintenance in FY20-21 totaling \$102,400.00.

Action:

(50)

Mayor Pro Tem Billie Wallace moved to approve authorizing a supplemental appropriation to the Water Fund for maintenance and operation related expenses in the amount of \$25,000.00. Council Member Melissa Olson seconded, All Ayes.

19. Consider authorizing a supplemental appropriation to the Wastewater Fund associated with the cleaning of the submersible pumps wet well at the Jefferson Street Lift Station

Mr. Ludwig requested approval of a supplemental appropriation in association with grease, scum, and debris removal from the Jefferson Street Lift Station in the amount of \$105,813.67.

Action:

Council Member David Hill moved to approve authorizing a supplemental appropriation to the Wastewater Fund associated with the cleaning of the submersible pumps wet well at the Jefferson Street Lift Station in the amount of \$105,813.67. Council Member Travis Smith seconded, All Ayes.

20. Consider authorization for professional engineering services with Kimley-Horn Associates, Inc. for the engineering design of Monticello St Phase 2 Reconstruction

Director of Public Works and Engineering James Gaertner requested approval authorizing professional services with Kimley-Horn and Associates, Inc. for engineering services associated with the Monticello Drive Phase II Reconstruction in the amount of \$300,000.00. He explained the scope of work will include engineering for complete replacement of the asphalt road with concrete, replacement of the water and sewer lines, addition of sidewalks and street lights.

Action:

Council Member Travis Smith moved to approve authorization for professional engineering services with Kimley-Horn Associates, Inc. for the engineering design of Monticello St Phase 2 Reconstruction in the amount of \$300,000.00. Council Member Melissa Olson seconded, All Ayes.

21. Consider authorization for professional engineering services with Binkley & Barfield, Inc. for the engineering design of the 2021 Asphalt Pavement Rehabilitation Project

Mr. Gaertner requested approval authorizing professional services with Binkley & Barfield, Inc. for engineering services associated with the 2021 asphalt pavement rehabilitation project in the amount of \$36,900.00. He explained the scope of work for this item will include engineering services to prepare contract documents and specification for the scarification, re-compaction and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface for the following streets:

John Arden Dr.	from E. University to BNSF Railroad
Oak Creek Dr.	from cul-de-sac to cul-de-sac
Rogers St.	from W. Marvin Ave. to UP Railroad
Spencer St.	from Main St. to Highland Ave.

Action:

Council Member Travis Smith moved to approve authorization for professional engineering services with Binkley & Barfield, Inc. for the engineering design of the 2021 Asphalt Pavement Rehabilitation Project in the amount of \$36,900.00. Council Member Melissa Olson seconded, All Ayes.

(5a)

22. Consider authorization for demolition contract and associated supplemental appropriation for 408 and 410 S. Rogers

Assistant to the City Manager Chelsey Gordon requested approval authorizing the City Manager to enter into agreements with Midwest Wrecking Company of Texas and Vantage Environmental for the demolition, abatement, and inspection of 408 and 410 S. Rogers and approving a budget amendment in the amount of \$112,534.00. Ms. Gordon explained both demolition of the existing structures and design of the new building have been reviewed and approved by the Heritage Preservation Commission.

Action:

Mayor Pro Tem Billie Wallace moved to approve authorization for demolition contract and associated supplemental appropriation for 408 and 410 S. Rogers in the amount of \$112,534.00. Council Member David Hill seconded, All Ayes.

23. Comments by Mayor, City Council, City Attorney and City Manager

Assistant City Manager Tommy Ludwig thanked Council for their support of all development services.

City Manager Michael Scott thanked Council for their support for the items presented. He recognized Chelsey Gordon, James Gaertner, and Utilities staff David Bailey, Brandon Lacy, and Richard Abernathy. Mr. Scott welcomed the new Council.

Mayor Pro Tem Billie Wallace thanked the visitors in attendance and encouraged them to bring a friend to the next meeting.

City Attorney Robert Brown noted Mayor Doug Barnes conducted the meeting well.

Mayor Doug Barnes thanked those watching the Live Stream and those in attendance. He invited the public to attend Council meetings.

24. Adjourn

Action:

Mayor Pro Tem Billie Wallace moved the meeting adjourn at 7:36 p.m. Council Member Travis Smith seconded, All Ayes.

Respectfully submitted,

Amber Villarreal
City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, June 21, 2021 at 5:30 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- 5d. approve July 6th City Council meeting due to holiday.
- 5e. Mayor appointments of City Council members as liaisons to Boards/Commissions.
- 5f. Event application for Pie-Palooza & Walk-a-thon on October 16, 2021 to raise awareness about homelessness.

Planning Director Shon Brooks reviewed the following:

- Items 6-8. ZDC-67-2021, staff recommends approval per staff comments.
- Items 9-11. ZDC-68-2021, staff recommended approval per staff comments.

Assistant City Manager Tommy Ludwig reviewed the following agenda items:

- Items 12. and 13. The request is to authorize professional services with Kimley-Horn and Associates, Inc. for the design of water and sewer lines associated with the construction of Fire Station No. 4 in the amount of \$88,000.00. He explained the project is included in the proposed FY20-21 bond program and funds will not be available until the end of August 2021. Staff recommended approval of a reimbursement resolution to allow staff to proceed with issuing a purchase order to ensure design begins immediately and does not delay the overall schedule of Fire Station No. 4 construction.
- Item 14. The request is to authorize a bid award to Clark Electric, Inc. associated with the construction of a new Emergency Backup Power Generator for the Raw Water Pump Station #2 and Howard Road Water Treatment Plant Electrical Improvements Project in the amount of \$4,788,477.00, a 2% project contingency fund (\$95,770), and \$38,000 for the performance of third party electrical inspections.

(5b)

- Item 17. The request is for a supplemental appropriation in association with the Robert W. Sokoll Joint Venture Water Treatment Plant in the amount of \$9,575.00. He explained an insurance claim has been submitted for the damaged actuator and the city will be reimbursed all but \$2,500.00 for the insurance deductible. Mr. Ludwig noted the Sokoll Water Treatment Plant is a joint venture with Rockett SUD and the cost of capital items are split 50/50.
- Item 19. The request is for a supplemental appropriation in association with grease, scum, and debris removal from the Jefferson Street Lift Station in the amount of \$105,813.67.

Director of Utilities David Bailey reviewed the following agenda items:

- Items 15. and 16. The request is to authorize a bid award to Taknek, LLC associated with Waxahachie Raw Water Pump Station #2 electrical improvements in the amount of \$957,002.41, a 4.5% (\$43,064) contingency fund, and \$15,000 for the performance of third-party electrical inspections. He explained the project is included in the proposed FY20-21 bond program and funds will not be available until the end of August 2021. Staff recommended approval of a reimbursement resolution to proceed with a purchase order for the equipment immediately, helping to ensure the electrical improvements are made prior to the 2022 summer water demand.
- Item 18. The request is for a supplemental appropriation associated with the Water Production Budget in the amount of \$25,000.00 due to several unanticipated expenses related to equipment maintenance.

Director of Public Works and Engineering James Gaertner reviewed the following agenda items:

- Item 20. The request is to authorize professional services with Kimley-Horn and Associates, Inc. for engineering services associated with the Monticello Drive Phase II Reconstruction in the amount of \$300,000.00. The scope of work for this item will include engineering for complete replacement of the asphalt road with concrete, replacement of the water and sewer lines, addition of sidewalks and street lights. The project also includes reconstruction of a portion of Chiles between Pensacola and Monticello.
- Item 21. The request is to authorize professional services with Binkley & Barfield, Inc. for engineering services associated with the 2021 asphalt pavement rehabilitation project in the amount of \$36,900.00. The scope of work for this item will include engineering services to prepare contract documents and specification for the scarification, re-compaction and cement stabilization of the existing pavement and subgrade, and repaving the asphalt driving surface for John Arden Dr. (from E. University to BNSF Railroad), Oak Creek Dr. (from cul-de-sac to cul-de-sac), Rogers St. (from W. Marvin Ave. to UP Railroad), and Spencer St. and Odom St (from Main St. to Highland Ave.).

Assistant to the City Manager Chelsey Gordon reviewed the following agenda item:

- Item 22. The request is to enter into agreements with Midwest Wrecking Company of Texas and Vantage Environmental for the demolition, abatement, and inspection of 408 and 410 S. Rogers and approving a budget amendment in the amount of \$112,534.00. She explained both demolition of the existing structures and design of the new building have

(5b)

been reviewed and approved by the Heritage Preservation Commission and is estimated to take approximately 45 calendar days from the commencement of work.

City Manager Michael Scott reminded Council and staff about the June 29th Budget Work Session at the Waxahachie Civic Center beginning at 8:30 a.m.

3. Adjourn

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

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A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, on Tuesday, June 29, 2021 at 8:30 a.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2
Billie Wallace, Mayor Pro Tem, Council Member Place 4
David Hill, Council Member Place 1
Melissa Olson, Council Member Place 3
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Amber Villarreal, City Secretary

1. Call to Order

Mayor Doug Barnes called the meeting to order.

2. Discussion of City of Waxahachie Fiscal Year 2021-2022 Budget

City Manager Michael Scott reviewed the goal for the Work Session is to review the Capital Projects, department requests, and receive direction from City Council on how to proceed with the budget.

Finance Director Chad Tustison reviewed the preliminary general fund numbers noting the certified tax roll and sales tax numbers are still pending. He explained the total working rate is calculated at the current 0.66 cents, which is made up of general fund (maintenance and operations), debt service, and library. He noted Waxahachie has the lowest tax rate in relation to our comparable cities. In regards to sales tax, FY 21 estimate is 14% over projected numbers and FY 22 is projected at 4.5% over FY 21 estimate. The following items were reviewed:

- Core expenditures (current year budget, personnel adjustments, reset planned line items, and remove one-time expenditures)
- General Fund core budget
- Capital and Operating Requests

Mr. Tustison and Mr. Scott reviewed the following for FY22:

- Base Budget Development: Personnel, Planned Line Items, and Base Adjustments
- General Fund Requests: Replacement, Capital, and Operating
- Water Fund Capital and Operating Plans
- Waste Water Fund Capital and Operating Plans
- WCDC Fund Budget
- Hotel Tax Fund
- Cemetery Fund
- Sokoll Fund
- Refuse Fund

(5C)

- Capital Improvement Plan (CIP) and Debt Service

City Council discussed adding the following items to the proposed budget noting the importance to maintain a balanced budget:

- Mobile Traffic Lights (2) (\$61,000)
- Crisis Response Specialist (103,556)
- Lions Park Masterplan (\$50,000)
- Texas Intrastate Fire Mutual Aid System (TIFMAS) Equipment & Training (\$45,000)
- Hike & Bike Trail (\$30,000)

Mr. Tustison presented the budget timeline: Public Hearing on Budget and Tax Rate (August 31st) and Budget and Tax Rate Adoption (September 7th).

3. Comments by Mayor, City Council, City Attorney and City Manager

Mr. Scott thanked City Council and staff for their attendance and announced the next Budget Work Session, if needed, will be held August 2nd prior to the Regular Council Meeting. Mr. Scott confirmed the consensus of City Council to add the following items to the proposed budget:

- Mobile Traffic Lights (2) (\$61,000)
- Crisis Response Specialist (103,556)
- Lions Park Masterplan (\$50,000)
- TIFMAS Equipment & Training (\$45,000)
- Hike & Bike Trail (\$30,000)

He thanked Finance Director Chad Tustison, Assistant Finance Director Gail Turner, and Budget Analyst Chris Childs for their work.

Mayor Barnes thanked Mr. Tustison for the outline of the budget presentation and thanked city staff for all their work during the budget process.

4. Adjourn

There being no further business, the meeting adjourned at 12:07 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



(5d)

Application for a Festival or Event Permit

Event Name and Description: 2021 Waxahachie High School Homecoming Parade

Applicant Information

Name: Phillip Morgan

Address: 411 N. Gibson St.

City, State, Zip: Waxahachie, TX 75165 Phone: 817-773-6571

E-mail Address: pmorgan@wisd.org

Organization Information

Organization Name: Waxahachie ISD - Waxahachie High School; Department of Fine Arts

Address: 411 N. Gibson St. Waxahachie, TX 75165

Authorized Head of Organization: Dr. Bonny Cain

Phone: 972-923-4631

E-mail Address: bcain@wisd.org

Event Chairperson/Contact

Name: Phillip Morgan

Address: 411 N. Gibson St.

City, State, Zip: Waxahachie, TX 75167 Phone: 817-773-6571

E-mail Address: pmorgan@wisd.org

Event Information

Event Location/Address: Parade Route, please see attached documentation.

Purpose: 2021 Waxahachie High School Homecoming Parade

Event Start Date and Time: Friday, October 22, 2021 - 2:00pm

Event End Date and Time: Friday, October 22, 2021 - 4:00pm

(5d)

Approximate Number of Persons Attending Event Per Day: 15,000

Site Preparation and Set-Up Date and Time: October 22, 2021 - 12:30pm (Setup, Logistics & Stations)
1:00pm (Float Staging) & 1:30pm (Traffic Halt)

Clean-Up Completion Date and Time: October 22, 2021 - 4:00pm - 4:30pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Street closures; Traffic Control - all logistics will flow through Lt. Josh Oliver, Waxahachie PD

and Phillip Morgan, WISD Director of Fine Arts.

Requested City Services: Traffic Control; City of Waxahachie Police ; Streets Department

Will food and/or beverages be available and/or sold? **YES/NO**

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? **YES/NO**

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? **YES/NO** If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.


Signature of Applicant

April 5, 2021

Date

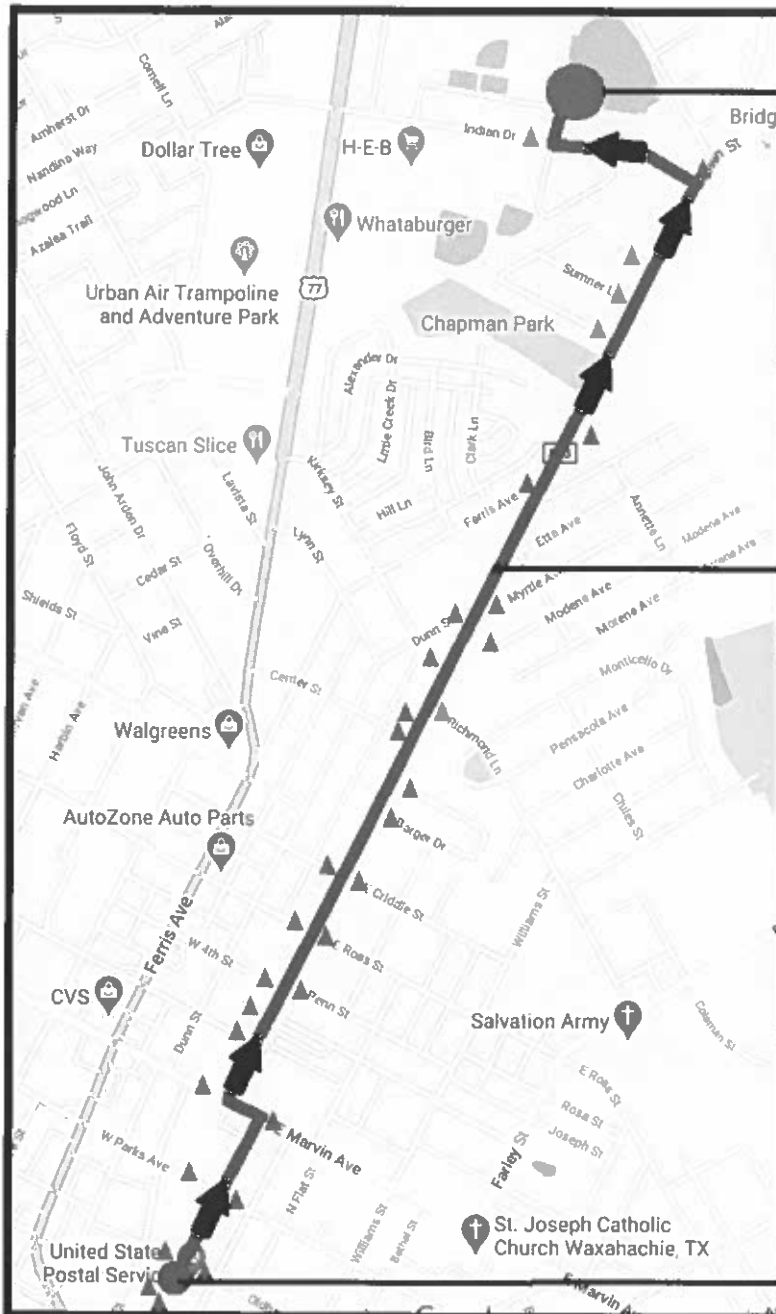
*** Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).**

(5d)
**2021 Waxahachie High School
Homecoming Parade Route & Operations
Plan Friday, October 22, 2021**

Float Staging Time: 1:00pm

Parade Route Traffic Shut-Down: 1:30

Parade Start Time: 2:00pm



Key
▲ - Traffic Barricade
● - Start of Route
● - End-of-Route

End-of-Route
Parade will conclude at
Lumpkins Stadium
Participants will disperse from
this location at conclusion.

Official Parade Route:
Band and participants will stage at the Parking lots of the listed entities below (USPS, Church, etc.) and will move North on College Street to Marvin Avenue. At Marvin, participants will turn West (Left) and follow until Brown Street. At Brown Street, participants will turn North (Right) and follow approximately 1.8 miles to Indian Drive. At Indian Drive, participants will turn West (Left) and follow until entry into Lumpkins Stadium Parking lot. Barracades will be utilized to block entry streets to College Street, Marvin Avenue, Brown Street, and Indian Drive to protect the parade route and participants.

Start-of-Route
Staging Area for Band & Participants:
Parking Lots of Waxahachie USPS,
Apostolic Living Church, Waxahachie
Laundry & Cleaners



WISD Director of Fine Arts / Parades Contact – Phillip Morgan (817) 773-6571

WISD Police Officer – Lieutenant Josh Oliver

WHS Principal – Tonya Harris

WISD Superintendent – Dr. Bonny Cain

WISD Director of Public Relations - Jenny Bridges



**City of Waxahachie
Special Event Planning
Emergency Operations Plan**

[illegible]



(5d)

City of Waxahachie Special Event Planning Emergency Operations Plan



Event Name: Homecoming 2021	
Check List	
<input type="checkbox"/>	A Safety Officer will be assigned from WISD Safety and Security Department
<input type="checkbox"/>	The Event Organizer (Morgan) will insure that 911 is called promptly in the event of an emergency.
<input type="checkbox"/>	Larger events should establish a Chain of Command and provide that to the City.
<input type="checkbox"/>	Notification and written permission from property owner and proper permits obtained.
<input type="checkbox"/>	Proof of Liability Insurance for event if required.
Weather	
<input type="checkbox"/>	The Safety Officer should monitor Weather Conditions (high winds, thunderstorms, tornados, hail)
<input type="checkbox"/>	The Safety Officer will provide notification to event participants as quickly as possible.
<input type="checkbox"/>	Event Organizer should establish a notification system to quickly relay information.
<input type="checkbox"/>	Preplan Evacuation routes and locations.
<input type="checkbox"/>	Shelter-in-place locations should be identified and arranged.
<input type="checkbox"/>	Consider "What if?" scenarios
<input type="checkbox"/>	If you can hear thunder the storm is close enough that lighting can strike your location.
Traffic Flow	
<input type="checkbox"/>	Event Organizer will insure traffic flow is adequately provided.
<input type="checkbox"/>	All exit areas are clear and accessible.
<input type="checkbox"/>	All thoroughfares are well defined and clearly marked.
<input type="checkbox"/>	Provisions for safe passage for emergency vehicles.
<input type="checkbox"/>	Traffic management staff if needed.
<input type="checkbox"/>	Adequate parking for the expected number for vehicles.
<input type="checkbox"/>	Adequate parking supervision to prevent blocking of emergency vehicles.
Fire	
<input type="checkbox"/>	The Safety Officer will insure that fires only exists at the approval of the Fire Department.
<input type="checkbox"/>	Fire extinguishers available if required.
<input type="checkbox"/>	Staff and/or volunteers aware of fire evacuation procedures.
<input type="checkbox"/>	First Aid stations suitable for the type of event.
Utilities	
<input type="checkbox"/>	Location of all site services identified (overhead power lines, gas lines, gas meters,)
<input type="checkbox"/>	Trash collection/ removal.



(5d)

City of Waxahachie Special Event Planning Emergency Operations Plan



Event Name: Homecoming 2021	
Check List	
	Emergency Management
	Over 1000 attendance requires an Incident Action Plan (IAP)
	Incident Preplanning meeting scheduled
	Incident Briefing (ICS 201)
	Incident Objectives (ICS 202)
	Organizational Assignment List (ICS203)
	Assignment List (ICS204)
	Incident Radio Communications Plan (ICS 205)
	Communications List (ICS205A)
	Medical Plan (ICS 206)
	Organizational Chart (ICS 207)
	Safety Message/Plan (ICS 208)
	Traffic Plan
	Event Site Map
	Map identifying known hazards
	Notification of all event participants
	Written approval of property owner/owners
	Weather Forecast for event
	Required PPE identified
	Street Department included in Planning.
	Railroads notified.
	Railroad Crossings have a person assigned at that location to prevent backups over the tracks.
	Need "bail out" points identified.
	Need Emergency Vehicle entrance points, Barricaded appropriately.
	Need diffusion points at the end of parade route.
	Check for Choke points along the route and prevent any obstacles.
	Instruct participant to through candy clear of floats.
	Prevent the public from sitting in Choke points.
	Streets clears barricades right after parade. Streets the last vehicle in the parade.
	Demobilization Plan, Designated pickup points.
	Traffic reroute points at major intersections.
	Handicapped accessibility provided for.
8. Prepared by: Name: _____ Signature	



**City of Waxahachie
Special Event Planning
Emergency Operations Plan**



Event Name: Homecoming 2021	
	Public Safety Objectives
	Limited number of entries to prevent the length of the parade from affecting public safety.
	Once the parade starts, the objectives is to keep it moving without spaces or backups.
	Ensure the public is at a safe distance from any and all parade entries.
	Vehicles with mechanical problems will be forced to exit the parade immediately.
	Streets department will erect barricades at every intersection along the parade route.
	Barricades will be taken down as the parade passes. They will not be left up for the duration.
	Police Department
	Officers will be assigned to the staging area to assist if any participants become hostile.
	Officers will help control traffic from entering the staging area on E. Marvin and N. College.
	Officers will help control traffic on Indian and Brown Street at the end of the parade route.
	Police locations are noted on the parade route map.
	Officer Location Assignments:
	➤ Officer Wafer: Parade Staging Parking Lot to Farley Street Baptist to Trailing Parade
	➤ Officer Martin: Parade Staging N. Rogers to Indian Traffic Control
	➤ Officer Lewis: E. Marvin at N. Rogers to Trailing Parade
	➤ Officer Martinez: N. College Staging Area to Brown at Stadium Traffic Control
	➤ Officer Clayton: E. Marvin at N. Jackson to Trailing Parade
	➤ Lt. Oliver: Parade Staging Area to Brown at Richmond the Lead
	➤ Traffic Control Assistance if Needed
	➤ Community Services Vehicle will Lead
	Parade Floats
	The lead float should lead the parade beyond the unload areas at Lumpkins Stadium.
	A designated area should be kept clear in the Lumpkins parking lot for parade parking.
8. Prepared by: Name: _____ Signature _____	

(5d)



City of Waxahachie Special Event Planning Emergency Operations Plan



Annex 1 – Parade Route with Traffic Control





(5a)

**City of Waxahachie
Special Event Planning
Emergency Operations Plan**



Annex 2 – Parking Capacity at Lumpkins Stadium





(5th)

**City of Waxahachie
Special Event Planning
Emergency Operations Plan**



Annex 3 – Blocked Intersections
(From North to South)

1. Brown at Stadium
2. Indian at Global
3. Professional Place at Brown
4. Sumner Lane at Brown
5. Mustang Creek at Brown
6. Executive Court at Brown
7. Ferris at Brown
8. Audra at Brown
9. Etta and Mary at Brown
10. Myrtle at Brown
11. Mariam at Brown
12. Kirksey at Brown
13. Richmond at Brown
14. Center at Brown
15. Barger at Brown
16. Barger at Brown
17. Criddle at Brown
18. Criddle at Brown
19. E. Ross at Brown
20. E. Ross at Brown
21. Penn at Brown
22. W. 4th at Brown
23. McKenzie at Brown
24. W. 2nd at Brown
25. E. Marvin at N. Rogers
26. E. Marvin at N. Jackson
27. E. Parks at N. Jackson
28. W. parks at N. Rogers
29. Oldham at N. Jackson
30. Church Parking Lot on N. Rogers
31. N. Rogers at Railroad Tracks
32. N. College at Railroad Tracks
33. N. Jackson at Smokey Lane
34. Smokey Lane at N. Jackson

(5d)

Villarreal, Amber

From: Gaertner, James
Sent: Monday, April 5, 2021 5:00 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Massey, Matt; Simpson, Anita; Mosley, Laurie
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Crocker, Clarice; Massey, Matt
Subject: RE: Event Application-WISD Homecoming Parade
Attachments: Pages from Application for a Festival or Event Permit - WHS WISD Homecoming 2021.pdf

See the attached comments to the traffic control. They should add the traffic control to close the street to avoid drivers from going into the closed. This helps reduce the conflict of someone entering the closed street and then they need to figure how to turn around with the traffic behind them. Matt coordinated this with the WISD police officer last year, and he can coordinate it again this year.

However, the parade will block ingress and egress access to 2 subdivisions and some businesses. Including the Buffalo Creek Assisted Living and Memory Care center by Indian Drive and Brown Street. There should be a plan for how to access these areas in the event there is an emergency.

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
Office: 469-309-4301
jgaertner@waxahachie.com

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, April 5, 2021 4:37 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-WISD Homecoming Parade
Importance: High

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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(5A)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, April 6, 2021 7:56 AM
To: Villarreal, Amber
Subject: Re: Event Application-WISD Homecoming Parade

I have no issues or concerns with this request.

Sent from my iPhone

On Apr 5, 2021, at 16:36, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

[EXTERNAL SENDER] – This email may be from an untrusted source. Links and attachments within this email may be at greater risk of being malicious or threatening in nature. If this is an unexpected email, please contact the sender via phone to verify authenticity prior to opening or accessing contents.

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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From: Phillip Morgan <pmorgan@wisd.org>
Sent: Monday, April 5, 2021 4:29 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Cc: Josh Oliver <jooliver@wisd.org>
Subject: RE: Event Application
Importance: High

Mrs. Villarreal,

Thank you so very much for your reply.

I have conferred with Lt. Oliver and the completed application and Emergency Operations Plan documentation is attached for review.

(5d)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, April 12, 2021 9:36 AM
To: Villarreal, Amber
Subject: RE: Event Application-WISD Homecoming Parade

I don't have any issues with it.

Thanks,

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, April 5, 2021 4:37 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; James Gaertner <jgaertner@waxahachie.com>; Matt Massey <mmassey@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-WISD Homecoming Parade
Importance: High

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Phillip Morgan <pmorgan@wisd.org>
Sent: Monday, April 5, 2021 4:29 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>



(5e)

Application for a Festival or Event Permit

Event Name and Description: Walk to End Alzheimer's

A community family event to bring awareness to the disease and raise vital funds to provide care, support & research for those affected by Alzheimer's.

Name: Bailey Roach

Address: 3001 Knox St., Suite 200

City, State, Zip: Dallas, TX, 75205 Phone: 214-540-2401

E-mail Address: Broach6alz.org

Organization Information

Organization Name: Alzheimer's Association (501c-3)

Address: Same as above

Authorized Head of Organization: Mark Denain

Phone: 214-540-2420 E-mail Address: mdenain6alz.org

Event Chairperson/Contact

Name: Bailey Roach

Address: 3001 Knox St., Suite 200

City, State, Zip: Dallas, TX 75205 Phone: 214-540-2401

E-mail Address: Broach6alz.org

Event Information

Event Location/Address: Getzendaner Park, 400 S. Grand Ave. Waxahachie, TX 75165

Purpose: Community Walk

Event Start Date and Time: October 30th 5:00am Set Up

Event End Date and Time: October 30th 12:00 noon

(52)

Approximate Number of Persons Attending Event Per Day: 400

Site Preparation and Set-Up Date and Time: October 30th 5am

Clean-Up Completion Date and Time: October 30th 12 pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

DJ, Opening Ceremony, Walk (SK),
Wrap up, Vendors (non-currently confirmed)

Requested City Services: _____

Trash?

Will food and/or beverages be available and/or sold? YES/NO

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? YES/NO

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? Yes

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

James Baugh
Signature of Applicant

6/23/21
Date

* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(5e)

Villarreal, Amber

From: Martinez, Gumaro
Sent: Friday, June 25, 2021 8:35 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Drewry, Michaela; Me'Lony Jordan; Griffith, Thomas; Mosley, Laurie; Martinez, Jose
Cc: Scott, Michael; Ludwig, Tommy; Lawrence, Albert; Crocker, Clarice
Subject: RE: Event Application-Walk to End Alzheimer's

I have no issues with this event.

Gumaro Martinez
City of Waxahachie
Director of Parks & Recreation
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214.903.3676 work cell
gmartinez@waxahachie.com

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From: Villarreal, Amber
Sent: Friday, June 25, 2021 8:22 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmoseley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-Walk to End Alzheimer's

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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(52)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Friday, June 25, 2021 9:37 AM
To: Villarreal, Amber
Subject: RE: Event Application-Walk to End Alzheimer's

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Friday, June 25, 2021 8:22 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-Walk to End Alzheimer's

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC

City Secretary

City of Waxahachie

Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168

www.waxahachie.com

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(5e)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, June 28, 2021 9:42 AM
To: Villarreal, Amber
Subject: RE: Event Application-Walk to End Alzheimer's

I have no issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, June 25, 2021 8:22 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-Walk to End Alzheimer's

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
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Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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(56)

Villarreal, Amber

From: Me'Lony Jordan
Sent: Monday, June 28, 2021 9:44 AM
To: Villarreal, Amber
Subject: RE: Event Application-Walk to End Alzheimer's

Please advise that ALL food vendors must obtain a temporary event permit 48 hours prior to the event.

*Me'Lony Jordan
City of Waxahachie
Health Inspector, FSJO
401 S. Rogers St.
Waxahachie, TX 75165*

*Office (469) 309-4134
Cell (972) 740-6724*

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, June 25, 2021 8:22 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-Walk to End Alzheimer's

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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(5c)

Villarreal, Amber

From: Lawrence, Albert
Sent: Thursday, July 1, 2021 11:33 AM
To: Villarreal, Amber
Subject: RE: Event Application-Walk to End Alzheimer's

I'm fine with it.

Albert Lawrence
Assistant City Manager

City of Waxahachie
401 S. Rogers
PO Box 757
Waxahachie, TX 75165
Direct Line: 469-309-4001

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, June 25, 2021 8:22 AM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Event Application-Walk to End Alzheimer's

For your review/comments.

Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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(5F)



Application for a Festival or Event Permit

Event Name and Description: Lion's Club Hackie 50
Running Event: 50 mile, 50K, marathon,
Children's 1 mile fun run

Applicant Information

Name: Ken Box
Address: 330 Hunter Pass
City, State, Zip: Waxahachie 75165 Phone: 469-337-8044
E-mail Address: _____

Organization Information

Organization Name: Waxahachie Lions Club
Address: 330 Hunter Pass
Authorized Head of Organization: Ken Box
Phone: 469-337-8044 E-mail Address: _____

Event Chairperson/Contact

Name: Paul Box Race Director
Address: 133 Spring Grove Dr
City, State, Zip: Waxahachie 75165 Phone: 903-851-1271
E-mail Address: _____

Event Information

Event Location/Address: Getzendaner Park + Trail
Purpose: fund raise for Lions Club
Event Start Date and Time: April 22 ~~1200~~, 2022
Event End Date and Time: April 23, 2022

(5P)
Approximate Number of Persons Attending Event Per Day: 500

Site Preparation and Set-Up Date and Time: April 22, 2022

Clean-Up Completion Date and Time: April 23, 2022

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

No street closures, will use same city services as past 5 years, traffic cones on Jefferson ST

Requested City Services: Cones, metal signs - same as previous years

Will food and/or beverages be available and/or sold? YES/NO NO

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? YES/NO NO Not sold

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? No, just trash cans as before

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO NO If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

K. Bob
Signature of Applicant

10-21-2021
Date

* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(5f)

Crocker, Clarice

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, June 21, 2021 1:07 PM
To: Crocker, Clarice
Subject: RE: Lions Club Hachie 50 - 2022 Event Application

I have no concerns with this request

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Crocker, Clarice [mailto:ccrocker@waxahachie.com]
Sent: Monday, June 21, 2021 12:26 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Lions Club Hachie 50 - 2022 Event Application

Good afternoon,

For your review/comments.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(5f)

Crocker, Clarice

From: Gaertner, James
Sent: Monday, June 21, 2021 1:35 PM
To: Crocker, Clarice; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Drewry, Michaela; Massey, Matt; Mosley, Laurie; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Villarreal, Amber
Subject: RE: Lions Club Hachie 50 - 2022 Event Application

I don't have any comments.

James Gaertner, PE, CFM, CPM
Director of Public Works & Engineering
Office: 469-309-4301
jgaertner@waxahachie.com

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Monday, June 21, 2021 12:26 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Lions Club Hachie 50 - 2022 Event Application

Good afternoon,

For your review/comments.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(5f)

Crocker, Clarice

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, June 21, 2021 4:38 PM
To: Crocker, Clarice; Ricky Boyd; Martinez, Gumaro; Drewry, Michaela; Gaertner, James; Massey, Matt; Mosley, Laurie; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Villarreal, Amber
Subject: RE: Lions Club Hachie 50 - 2022 Event Application

I have no issues.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Monday, June 21, 2021 12:26 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Gumaro Martinez <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; James Gaertner <jgaertner@waxahachie.com>; Matt Massey <mmassey@waxahachie.com>; Mosley, Laurie <lmosey@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Lions Club Hachie 50 - 2022 Event Application

Good afternoon,

For your review/comments.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(5f)

Crocker, Clarice

From: Mosley, Laurie
Sent: Tuesday, June 22, 2021 11:47 AM
To: Crocker, Clarice
Subject: RE: Lions Club Hachie 50 - 2022 Event Application

Good Morning Clarice!

I see no problems with this event.

Thank you for sending it for our review!

Laurie Mosley, CTE
Director
Waxahachie Convention & Visitors Bureau
2000 Civic Center Lane
Waxahachie, TX 75165
Office: 469-309-4046

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Monday, June 21, 2021 12:26 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Lions Club Hachie 50 - 2022 Event Application

Good afternoon,

For your review/comments.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(5F)

Crocker, Clarice

From: Martinez, Gumaro
Sent: Wednesday, June 23, 2021 10:09 AM
To: Crocker, Clarice; Ricky Boyd; Wade Goolsbey; Drewry, Michaela; Gaertner, James; Massey, Matt; Mosley, Laurie; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Villarreal, Amber
Subject: RE: Lions Club Hachie 50 - 2022 Event Application

I don't have any comments/issues with this event request.

Gumaro Martinez
City of Waxahachie
Director of Parks & Recreation
401 S. Elm
Waxahachie, TX 75165
469.309.4271 direct
214.903.3676 cell
gmartinez@waxahachie.com

From: Crocker, Clarice
Sent: Monday, June 21, 2021 12:26 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Lions Club Hachie 50 - 2022 Event Application

Good afternoon,

For your review/comments.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: July 2, 2021
Re: Contract Renewal – Evoqua Water Technologies

On Tuesday, July 6, 2021 a contract renewal agreements with Evoqua Water Technologies for 1) the purchase of sodium chlorite and 2) the rental and maintenance of generators utilized to create chlorine dioxide for water treatment purposes at the Howard Road and Robert W. Sokoll Water Treatment Plants will appear before City Council for consideration. Chlorine dioxide is utilized as the pre-disinfectant at the Howard Road and Robert W. Sokoll Treatment Plants iron and manganese control.

The City has held annual agreements with Evoqua Water Technologies for over ten years. This year there is a three percent increase in the cost per pound to cover manufacturing cost increases. The City anticipates it will purchase approximately 200,000 pounds of chemical from Evoqua. This cost increase was anticipated and accounted for in next years proposed budget. Contracts are for a one year duration with an effective date of October 1, 2021 through September 30, 2022. Staff has reviewed the contracts and are recommending renewal through the FY21-22 budget year.

I am available at your convenience should you need additional information.

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: July 2, 2021
Re: Water Treatment Chemicals Bid Renewal

On Tuesday July 6, 2021 an item will appear before the City Council for consideration to exercise the contract renewal option for the Water Treatment Chemical bids for the Howard Road and Robert W. Sokoll Water Treatment Plants. As per the chemical contracts awarded from the 2020 Chemical Bid invitation, the terms allow four (4) additional one year renewal option at the city's sole discretion.

This would be the first year of the four-year renewal options. The current contract expires at the end of September 2021. The contract renewal is with Brenntag Southwest and Chameleon Industries for: Citric Acid 50%, Sodium Hydroxide 25%, Sodium Hydroxide 50%, Liquid Chlorine, Liquid Aluminum Sulfate (Alum), and Liquid Ammonium Sulfate (LAS).

Overall the water treatment chemical supply industries have seen increased manufacturing costs related to supply chain and material availability due to the lingering effects of the February Winter Storm and the COVID-19 pandemic. Due to the market being affected across the board, staff does not anticipate a re-advertisement for bid would net better pricing. The proposed 2021-22 FY operating budget has funds budgeted to cover increased chemical

(5h)

costs. Upon renewal approval, the contract would be effective through September 30, 2022.


I am available at your convenience should you need additional information.

Tommy Ludwig

(6+7)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: June 22, 2021
Re: ZDC-58-2021 – Sandstone Industrial Development

On June 22, 2021, the applicant requested to continue case number ZDC-58-2021 from the June 29, 2021 Planning and Zoning Commission meeting agenda and the July 6, 2021 City Council meeting agenda to the July 27, 2021 Planning and Zoning Commission meeting agenda, and the August 2, 2021 City Council meeting agenda.

(8+9)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 22, 2021


Re: ZDC-83-2021 – +700 Accessory Structure – 124 Kaufman

On June 22, 2021, the applicant requested to continue case number ZDC-83-2021 from the June 29, 2021 Planning and Zoning Commission meeting agenda and the July 6, 2021 City Council meeting agenda to the September 14, 2021 Planning and Zoning Commission meeting agenda, and the September 20, 2021 City Council meeting agenda.

(10)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: July 1, 2021
Re: SUB-80-2021 Saddlebrook Estates N.E.C.E.

On July 1, 2021, the applicant asked staff to withdraw case no. SUB-80-2021 from the July 6, 2021 City Council meeting agenda.

(11)

Planning & Zoning Department

Zoning Staff Report

Case: SP-85-2021



MEETING DATE(S)

Planning & Zoning Commission: June 29, 2021

City Council: July 6, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 29, 2021, the Commission voted 6-0 to recommend approval of case number SP-85-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Brian Ballard, Ballard and Braughton Engineering, for a detailed **Site Plan Review** for proposed Retail Stores and Shops uses within a Planned Development-18-General Retail zoning district, located at 509 N Highway 77 (Property ID 180833) – Owner: CLEAR LINK TELEPHONE CORP (SP-85-2021)

APPLICANT REQUEST

The applicant is proposing to construct a multi-tenant retail building on 0.368 acres.

CASE INFORMATION

Applicant: Brian Ballard, Ballard and Braughton Engineering

Property Owner(s): Clear Link Telephone

Site Acreage: 0.368 acres

Current Zoning: Planned Development-18-General Retail

Requested Zoning: Planned Development-18-General Retail

SUBJECT PROPERTY

General Location: 509 N Highway 77

Parcel ID Number(s): 180833

Existing Use: Texas Quitters Club (Vapor and CBD)

Development History: N/A

(11)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-18-GR	Applebee's Restaurant
East	PD-19-GR	Retail Strip Center
South	PD-18-GR	Retail Strip Center
West	PD-18-GR	Retail Strip Center

Future Land Use Plan:

Retail

Comprehensive Plan:

Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is accessible via N. US Highway 77.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is proposing to construct a multi-tenant retail building on 0.368 acres.

Note: Site Plans are typically reviewed administratively by the Planning Department. However, the zoning for the property, Planned Development-18-General Retail, requires that any development on the tract shall be reviewed by the Planning and Zoning Commission and City Council.

Proposed Use:

The applicant is requesting approval to construct a multi-tenant retail building on 0.368 acres. The proposed project will consist of a 3,655 sq. ft. retail building that will be divided into 3 tenant spaces. The existing building (Texas Quitters Club (Vapor and CBD)) and existing asphalt paving will be demolished, if the project proposal is approved by City Council. A new concrete parking lot is proposed to be constructed in place of the existing asphalt paving. The existing concrete drive approach from North US Highway 77 is proposed to remain. Additional landscaping and parking lot lighting will also be included by the applicant.

Table 2: Proposed Development Standards (General Retail)

****Items highlighted in bold do not meet the City of Waxahachie requirements**

Standard	City of Waxahachie	Northgate Plaza	Meets Y/N
Min. Lot Width	60	138	Yes
Min. Lot Depth	100	127	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	0	5 (southern boundary); 20 (northern boundary)	Yes
Min. Rear Yard (Ft.)	20	5	No
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	22.8	Yes
Parking 1 space per 200 sq. ft.	18	19	Yes

**Additional Note: The building is proposed to be primarily constructed of stone veneer, stucco, and metal.*

SPECIAL EXCEPTION/VARIANCE REQUEST

Setback

Per the City of Waxahachie Zoning Ordinance, the rear yard setback requirement for General Retail zoning is 20 ft.

- The applicant is requesting a 5ft. setback

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.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement must be signed by the applicant.
 2. Any new pavement for the site shall be concrete.

(11)

ATTACHED EXHIBITS

1. Development Agreement
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(17)

STATE OF TEXAS
COUNTY OF ELLIS

§
§
§

**DEVELOPMENT AGREEMENT
FOR NORTHGATE PLAZA (BLOCK 1, LOT 6)**

This Development Agreement for Northgate Plaza (Block 1, Lot 6) ("**Agreement**") is entered into between Clear Link Telephone Corporation ("CLTC") and the City of Waxahachie, Texas ("**City**"). CLTC and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. CLTC is the owner of approximately 0.368 acres of real property generally located at 509 N. Highway 77, Parcel Number 180833, in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested Site Plan ("**SP**") approval to allow development of a multi-tenant retail building. The Property is currently zoned Planned Development-18-General Retail by the City, and is anticipated to have the Site Plan reviewed on July 6, 2021.

2. The planned use of the Property is to create a multi-tenant retail building within a Planned Development zoning district. The detailed SP review process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing CLTC with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of CLTC and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the detailed **Northgate Plaza (Block 1, Lot 6) SP Packet**.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards as contractually-binding obligations between the City of Waxahachie and CLTC, and to recognize CLTC's reasonable investment-backed expectations in the Northgate Plaza (Block 1, Lot 6) SP Packet.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

(17)

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the Northgate Plaza (Block 1, Lot 6) SP Packet, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number SP-85-2021.
- (B) Any additional pavement added to the site shall be concrete material.
- (C) The rear yard setback for the development shall be 5ft.
- (D) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan.
- (E) 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.
- (F) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in the Site Plan, Landscape Plan, and Elevation/Façade Plan. Where regulations are not specified in the aforementioned exhibits, or in this Development Agreement, the regulations of the General Retail Zoning District shall apply to this development.

In consideration of CLTC's agreement in this regard, the City of Waxahachie agrees that CLTC has reasonable investment-backed expectations in the Northgate Plaza (Block 1, Lot 6) SP Packet, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Northgate Plaza (Block 1, Lot 6) SP Packet without impacting CLTC's reasonable investment-backed expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.
- F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.
- G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.
- H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.
- I. This Agreement may be only amended or altered by written instrument signed by the Parties.

(13)

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon CLTC and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

(13)

{Signature Pages Follow}

(13)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(13)

:Clear Link Telephone Corporation (Applicant)

By: _____

Date: _____

: Clear Link Telephone Corporation (Property Owner)

By: _____

Date: _____

STATE OF TEXAS

§

§

COUNTY OF ELLIS

§

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Clear Link Telephone Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

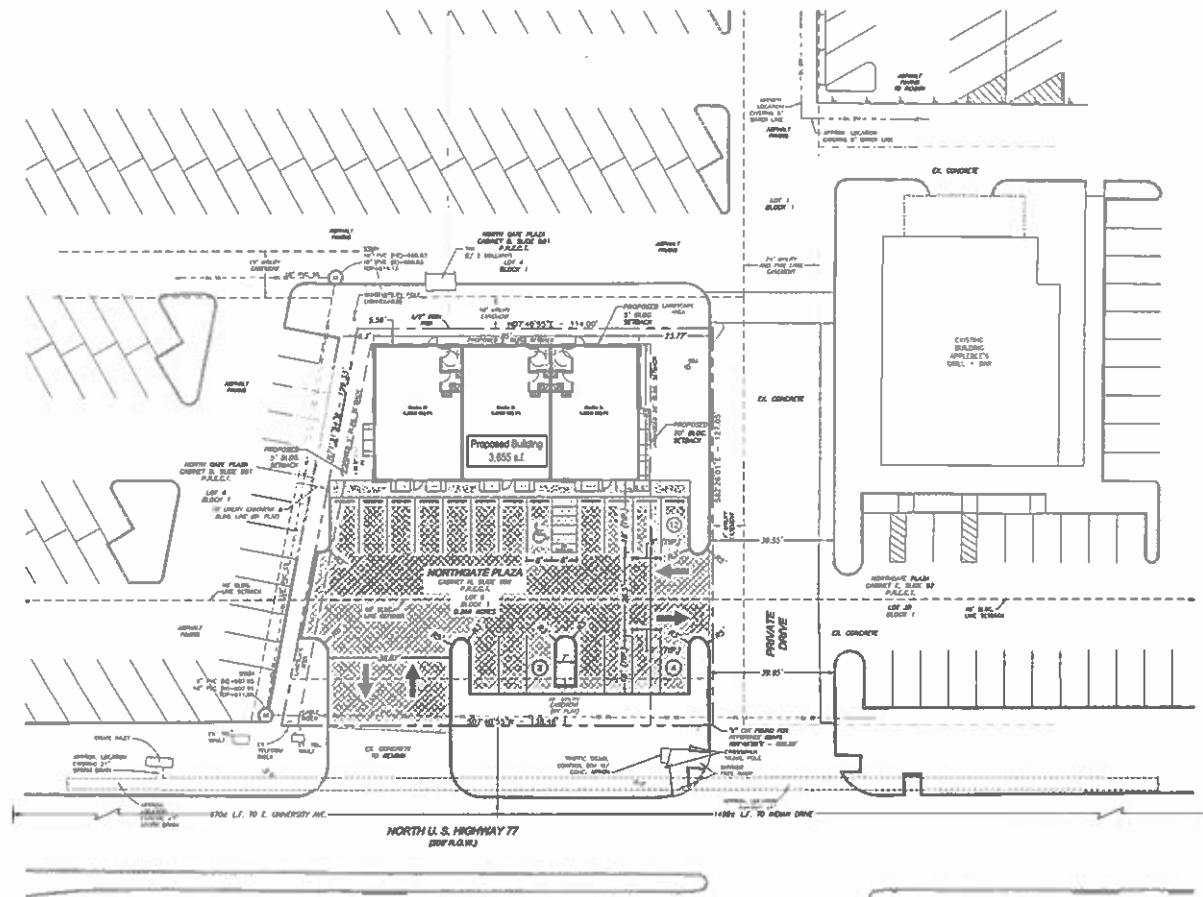


Location Exhibit

0 100 200 400 600 800 Feet

SP-85-2021

(12)



OWNER: CLEAR LINK TELEPHONE CORP.
MIKE MULLINGER
3000 ALTAMESA BLVD.
FORT WORTH, TX 76133
(817) 921-9200

ENGINEER/APPLICANT: BALLARD & BRAUGHTON ENGINEERING
BRIAN BALLARD, P.E.
3013 OLD BALLARD ROAD
TYLER, TX 75701
(903) 531-9000

SITE DATA SUMMARY

- | | |
|----------------------|--------------------|
| A. ZONING: | PD-18-GR |
| B. PROPOSED USE: | GENERAL RETAIL |
| C. BUILDING AREA: | 3,855 S.F. |
| D. BUILDING HEIGHT: | 26' TO 30' |
| E. IMPERVIOUS COVER: | 0.28 ACRES |
| F. TOTAL PARKING: | 18 REQ/19 PROVIDED |
| G. HANDICAP PARKING: | 1 PROVIDED |

LOT DIMENSIONS: WIDTH = 138.48' FRONT, 114.00' REAR
DEPTH = 127.05' NORTH, 129.33' SOUTH

SETBACKS: 40' FRONT
20' NORTH SIDE
5' SOUTH SIDE (PROPOSED)*
5' REAR (PROPOSED)*

LOT COVERAGE: 3,855 BUILDING AREA/18,030 LOT AREA
= 22.8% LOT COVERAGE

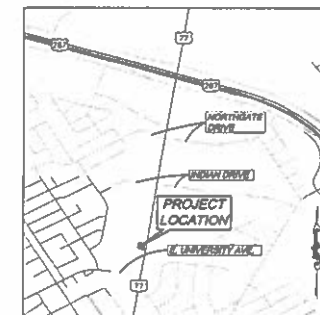
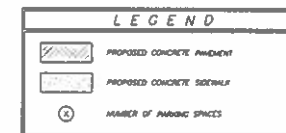
ADJACENT ZONING: PD-18-GR
ADJACENT LAND USE: RETAIL/RESTAURANT
*PROPOSED SETBACKS MATCH SETBACKS ON EXISTING BUILDING.



GRAPHIC SCALE



SCALE: 1" = 20'



VICINITY MAP
NOT TO SCALE

SITE PLAN w/ FOOTPRINT

- SUBMITTED FOR SITE PLAN APPROVAL
- 300 N. HIGHWAY 77
- NORTHGATE WARDENSHIP
- LOT 1, BLOCK 1
- 1 LOT
- 3.86 ACRES
- WILLIAMSON COUNTY, TEXAS



DRAWN BY
CHECKED BY
DATE: 09/23/2021

SHEET
SP-1A

Site Plan

ASPHALT PAVING TO REMAIN

15' UTILITY EASEMENT

10' PVC SS

SSMH

10' PVC (HD)=608.83

10' PVC (S)=608.83

TOP=814.13

TRANSFORMER W/ 2 BOLLARDS

NORTH GATE PLAZA CABINET B, SLIDE 581 P.R.E.C.T.

LOT 4 BLOCK 1

ASPHALT PAVING TO REMAIN

24' UTILITY AND FIRE LANE EASEMENT

WOOD UTILITY POLE (ABANDONED)

1/2" IRON ROD

10' UTILITY EASEMENT

N07°40'55"E - 114.00'

LANDSCAPE AREA

PROPOSED 5' BLDG. SETBACK

PROPOSED 20' BLDG. SETBACK

WM

ASPHALT PAVING TO REMAIN

NORTH GATE PLAZA CABINET B, SLIDE 581 P.R.E.C.T.

LOT 4 BLOCK 1

10' UTILITY EASEMENT & BLDG. LINE (BY PLAT)

ASPHALT PAVING TO REMAIN

40' BLDG. LINE SETBACK

10' PVC SS

SSMH

1" PVC (H)=607.95

1" PVC (W)=607.95

TOP=611.95

EX. TEL. VAULT

EX. TELECOM RISER

CABLE RISER

LANDSCAPE AREA

40' BLDG. LINE SETBACK

NORTHGATE PLAZA CABINET H, SLIDE 659 P.R.E.C.T.

LOT 6 BLOCK 1 0.368 ACRES

15' UTILITY EASEMENT (BY PLAT)

6' PVC SS

S07°40'55"W - 138.46'

TRAFFIC SIGNAL CONTROL BOX W/ CONC. APPROX.

2" CUT FOUND FOR REFERENCE BEARS N07°40'55"E - 622.20'

CROSSWALK SIGNAL POLE

BARRIER FREE RAMP

APPROX. LOCATION EXISTING 48" STORM DRAIN

PRIVATE DRIVE

NORTH U.S. HIGHWAY 77 (200' R.O.W.)

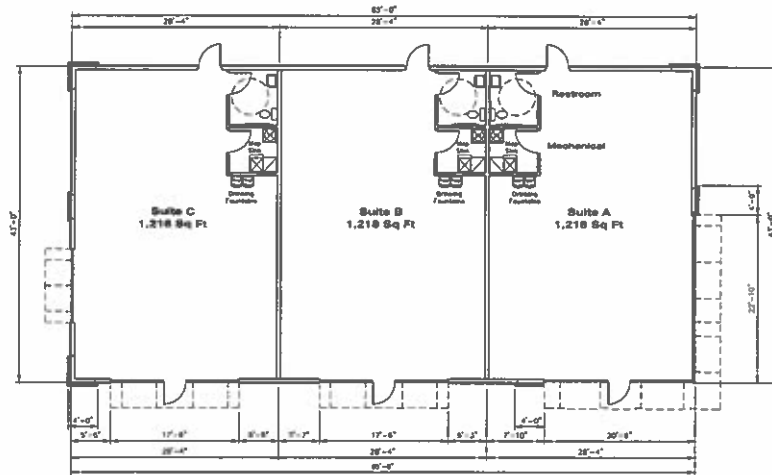
Site Plan (Building Overlay)

Elevation/Facade Plan



The Existing Sign will be Re-Paneled
Existing Sign
Picture
Scale: 1/8" = 1'-0"

DETAIL
5



Preliminary
Floor Plan
Scale: 1/8" = 1'-0"



Project Analysis:

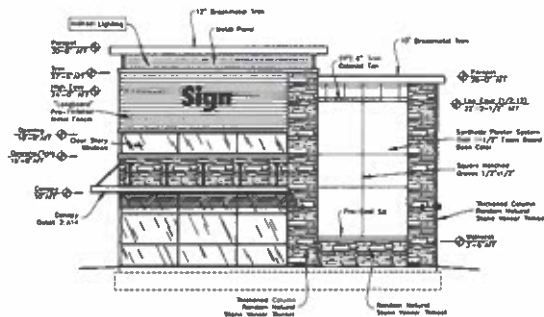
Proposed Building 3,656 Sq Ft
Existing Sign Will be Used and Re-Paneled

Elevation East 2,317 Sq Ft
Window Glazing 553 Sq Ft of 24%
EIFS 587 Sq Ft 25%
Random Natural Stone 740 Sq Ft 32%
Longboard Metal Siding 232 Sq Ft 10%
Corrugated Metal Panel 48 Sq Ft 2%
158 Sq Ft Trim and Breakmetal 7%

Elevation North 1,238 Sq Ft
Window Glazing 259 Sq Ft of 24%
EIFS 259 Sq Ft 21%
Random Natural Stone 337 Sq Ft 27%
Longboard Metal Siding 180 Sq Ft 15%
Corrugated Metal Panel 61 Sq Ft 4%
109 Sq Ft Trim and Breakmetal 9%

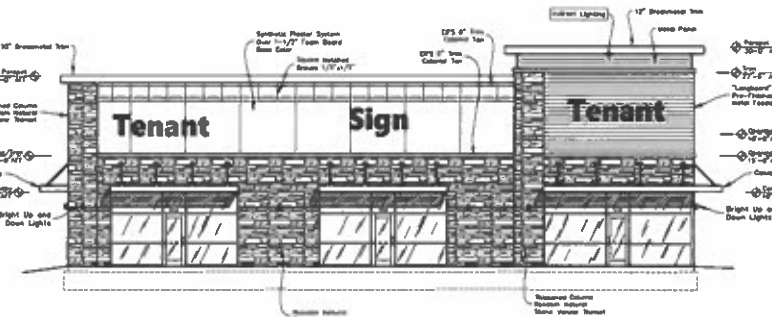
Elevation West 1,885 Sq Ft
Doors 72 Sq Ft of 4%
EIFS 1,330 Sq Ft 70%
Random Natural Stone 412 Sq Ft 22%
81 Sq Ft Trim and Breakmetal 4%

Elevation South 1,118 Sq Ft
Window Glazing 100 Sq Ft of 9%
EIFS 583 Sq Ft 52%
Random Natural Stone 374 Sq Ft 33%
61 Sq Ft Trim and Breakmetal 5%



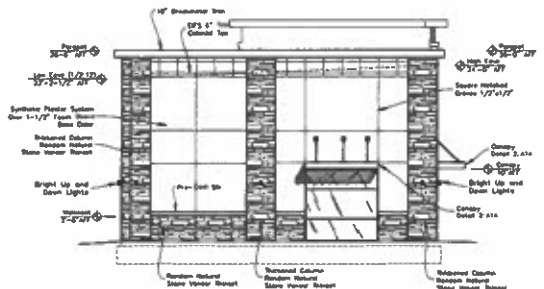
Side North Building
Elevation
Scale: 1/8" = 1'-0"

DETAIL
2



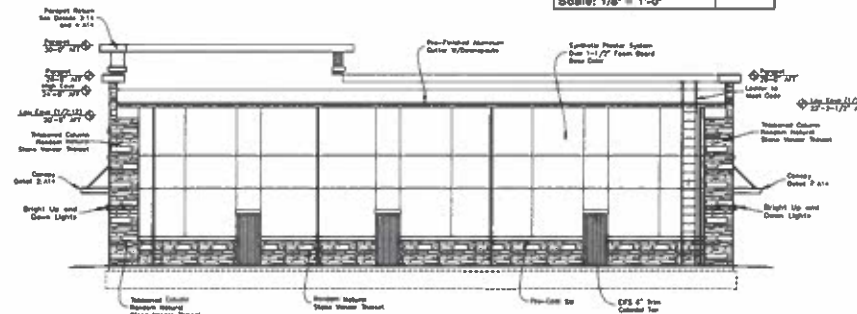
East Front Building
Elevation
Scale: 1/8" = 1'-0"

DETAIL
1



Side South Building
Elevation
Scale: 1/8" = 1'-0"

DETAIL
4



West Rear Building
Elevation
Scale: 1/8" = 1'-0"

DETAIL
2

Preliminary Only
Not for regulatory approval,
permitting, or construction.

Floor Plan and Elevations

- Submit TWO FOR SITE PLAN APPROVAL
- 400 N. WINDWARD ST.
- NORTHDALE SUBDIVISION
- LOT 13, BLOCK 1
- 1 LOT
- 0.256 ACRES
- WADSWORTH, ELIAS COUNTY, TEXAS

JAMES B. O'DONNELL, III
ARCHITECT

383 North Main Avenue
Suite 100, Dallas, TX 75201
(214) 732-0007
james@jboarchitect.com

DESIGNED BY: JBO
CHECKED BY: JBO
DATE: 10-25-2023
PROJECT: 23-100

STATE OF TEXAS
JAMES B. O'DONNELL, III
Architect Registration No. 21064

A1.0

(14)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-87-2021



MEETING DATE(S)

Planning & Zoning Commission: June 29, 2021

City Council: July 6, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 29, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-87-2021, subject to staff comments.

CAPTION

Public Hearing request by Don Merchant, DC Texas Construction, LLC, for an **Amendment to Ordinance No. 3167** to allow for **Accessory Buildings (Residential), Greater than or Equal to 700 SF** within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021)

APPLICANT REQUEST

The applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development exceed 700 sq. ft. (max. 1,800 sq. ft.). *Per Ord. 3167, the accessory buildings currently cannot exceed 700 sq. ft.*

CASE INFORMATION

Applicant: Don Merchant, DC Texas Construction LLC

Property Owner(s): Don Merchant, DC Texas Construction LLC

Site Acreage: 1.16 acres

Current Zoning: Planned Development-Single Family-3

Requested Zoning: Planned Development-Single Family-3 (w/ amendment to Ord. 3167)

SUBJECT PROPERTY

General Location: Located at the corner of N Rogers Street and McMillan Street

Parcel ID Number(s): 282960, 282961, 282962, 282963, 282964

Existing Use: Currently Undeveloped (Ord. 3167)

Development History: At the January 6, 2020 City Council meeting, City Council approved case number PD-19-0147 (Ord. 3167).

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF1	Single Family Residences
East	PD-O	Single Family Residences
South	GR and C	First Baptist Church
West	PD-GR and GR	Residential and Retail Uses

Future Land Use Plan: Low Density Residential

Comprehensive Plan: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The subject property is accessible via N. Rogers St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development exceed 700 sq. ft. (max. 1,800 sq. ft.). *Per Ord. 3167, the accessory buildings currently cannot exceed 700 sq. ft.*

Case History/Proposed Use:

At the City Council meeting, held January 6, 2020, City Council voted 5-0 to recommend approval of case number PD-19-0147.

Per the originally approved plans (Ord. 3167), the applicant requested to construct five (5) single family homes on 1.16 acres. The applicant is requesting to revise the approved plan to allow for accessory

buildings within the Planned Development to exceed 700 sq. ft. Due to the homes within the Planned Development being 3,000 to 3,600 sq. ft., the applicant intends to offer larger accessory buildings with additional flex space. The proposed structures shall be allowed within the Planned Development district, and are to consist of two stories as described below:

- Lower level - 3 car oversized garage, with room for stairs to second floor and lawn equipment (max 900 sf)
- Upper level – sold as unfinished storage area, but ready for owner to finish out as desired; office, movie room, work out space, mother-in-law, guest room, etc. (max 900 sf)

CHANGES FROM THE 01/06/2020 CITY COUNCIL MEETING

- Proposing to increase the maximum allowed garage square footage from 700 to 1,800
- Proposing to provide rear alley access to help homeowners access the rear of their property.

Staff believes that the proposed amendment will remain consistent with the intent of the previously approved Ordinance (Ord. 3167).

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement must be signed by the applicant.
 2. Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
 3. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3167 requirements.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Layout Plan
4. Elevation/Façade Plan
5. Ordinance 3167
6. Staff Report

APPLICANT REQUIREMENTS

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

(14)

- b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3167 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) WITH AMENDED ORDINANCE, TO ALLOW +700 SQUARE FEET ACCESSORY BUILDINGS, LOCATED AT THE CORNER OF N ROGERS STREET AND MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 282960, 282961, 282962, 282963, 282964, LOT 2-6, BLOCK 23 OF BRADBURY ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-87-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-SF3 to PD-SF3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF3 to PD-SF3, with Concept Plan in order to allow +700 square feet accessory buildings for each single family lot on the following property: a portion of Property ID 282960, 282961, 282962, 282963, and 282964, Lot 2-6, Block 23 of Bradbury Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Elevation/Façade Plan attached as Exhibit C, and Staff Report attached as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan Packet (Exhibits B-D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-87-2021.
3. Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit C).
5. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3167 requirements.
6. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Layout Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, or in this ordinance, the regulations of Single Family-3 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
7. A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 6th day of July 2021.

MAYOR

ATTEST:

City Secretary

(16)

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR BRADBURY ADDITION
COUNTY OF ELLIS	§	

This Development Agreement for Bradbury Addition ("**Agreement**") is entered into between DC Texas Construction, LLC ("**DCTC**") and the City of Waxahachie, Texas ("**City**"). DCTC and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. DCTC is the owner of approximately 1.16 acres of real property generally located at the corner of N Rogers Street and McMillan Street, parcel number 282960, 282961, 282962, 282963, 282964, in the City of Waxahachie, Texas (the "**Property**"), for which he has requested a change in the Property's Planned Development-Single Family-3 to a Planned Development ("**PD**") Single Family-3 (Ord. 3167 – text amendment) zoning, revising specific development standards. The Property is currently zoned Planned Development-Single Family-3 by the City, and is anticipated to have the zoning changed to a new PD zoning on July 6, 2021.

2. The planned use of the Property is to create a Planned Development to allow for the development of a single family residential development with +700 sq. ft. accessory buildings (max. 1,800 sq. ft.) for each residential lot. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing DCTC with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of DCTC and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment **Ordinance No. (TBD)** (the "**Bradbury Addition PD Ordinance**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Bradbury Addition.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in Bradbury Addition PD Ordinance as contractually-binding obligations between the City of Waxahachie and DCTC, and to recognize DCTC's reasonable investment-backed expectations in Bradbury Addition PD Ordinance and the planned development of Bradbury Addition.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations: The negotiated and agreed upon zoning and development standards contained in the Bradbury Addition PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit C).
- (D) The Site Plan shall conform as approved by the City Council under case number ZDC-87-2021.
- (E) Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3167 requirements.
- (F) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (G) 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.
- (H) Any zoning, land use requirement, or restriction not contained within this Development Agreement, Zoning Ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Layout Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Development Agreement, or in this zoning ordinance, the regulations of Ord. 3167 shall apply to this development.

In consideration of DCTC's agreement in this regard, the City of Waxahachie agrees that DCTC has reasonable investment-backed expectations in the Bradbury Addition PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Bradbury Addition PD Ordinance without impacting DCTC's reasonable investment-backed expectations.

Section 4. Miscellaneous

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon DCTC and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

(14)

{Signature Pages Follow}

(14)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(16)

: DC Texas Construction, LLC (Applicant)

By: _____

Date: _____

: DC Texas Construction, LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS

§

§

COUNTY OF ELLIS

§

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of DC Texas Construction, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

(16)

EXHIBIT A

The Bradbury Addition PD Ordinance

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3167 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) WITH AMENDED ORDINANCE, TO ALLOW +700 SQUARE FEET ACCESSORY BUILDINGS, LOCATED AT THE CORNER OF N ROGERS STREET AND MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 282960, 282961, 282962, 282963, 282964, LOT 2-6, BLOCK 23 OF BRADBURY ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-87-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-SF3 to PD-SF3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF3 to PD-SF3, with Concept Plan in order to allow +700 square feet accessory buildings for each single family lot on the following property: a portion of Property ID 282960, 282961, 282962, 282963, and 282964, Lot 2-6, Block 23 of Bradbury Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Elevation/Façade Plan attached as Exhibit C, and Staff Report attached as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan Packet (Exhibits B-D).

Development Regulations

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The Site Plan shall conform as approved by the City Council under case number ZDC-87-2021.
- (C) Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
- (D) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit C).
- (E) Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3167 requirements.
- (F) Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Layout Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report. Where regulations are not specified in Exhibits B, C, D, or in this ordinance, the regulations of Single Family-3 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (G) A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.
- (H) 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.

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.

(16)

PASSED, APPROVED, AND ADOPTED on this 6th day of July 2021.

MAYOR

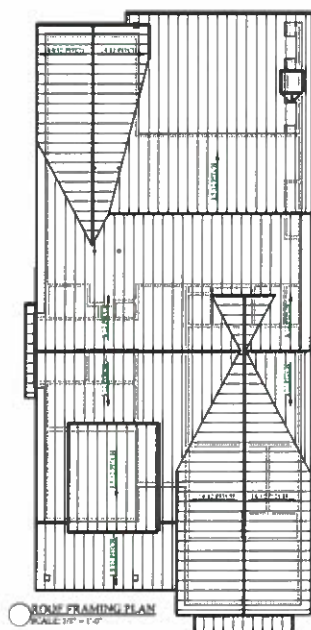
ATTEST:

City Secretary



Exhibit A - Location Exhibit

(16)



REAR ELEVATION
SCALE: 1/4" = 1'-0"



○ FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Exhibit C - Elevation/Facade Plan

Use phrases are copyrighted and are subject to copyright protection as an "architectural work" under section 11 of the Copyright Act, 17 USC 101 as amended December 1990 and therefore an Architectural Work Copyright Protection Act of 1990. The use of these phrases in any form, in any medium, in any way, without the express written permission of the author, is prohibited and may result in prosecution of direct or indirect theft thereof by the courts without prior written permission is strictly prohibited. The questions of a lot of human points in the time, therefore, any copyright or other statutory exemption as to the buyer except for a limited license to use them as of home plans. For the avoidance of doubt, this. The protection applies but not be used in the same way as to the architectural and the copyright of any architectural or design. These phrases are the property of IIC, Patent Construction.

13C Foreign Contribution (proposals) – liability for any amounts contributed
 (this is the plan. It is the responsibility of the partners of this plan to perform
 the following before any construction starts.

- [illegible]

Limit of fungicide liability as set to current price paid for fungicide.
 UK 1998: *Chlorothalonil* common to liability for adverse grain or vegetable yield by the fungicide, appropriate to other grain-made products; \Rightarrow the relationship of a fungicide from the fungicide UK 1998: *Chlorothalonil* is not a substituted fungicide.

NOTES

- [illegible]

DATE:
JULY 30th, 2020

DC TEXAS CUSTOM HOMES

115 PARK PLACE BLVD, SUITE 500
WAXAHACHIE, TEXAS 75165
PHONE # 972-351-4558

DC TEXAS DESIGNS

115 PARK PLACE BLVD. SUITE 500
WAXAHACHIE, TEXAS 75162
PHONE # 972-351-4558 or 972-921-7306

A NEW SINGLE FAMILY RESIDENCE
TO BE LOCATED @ LOT 6 BLOCK 23

NORTH ROGERS STREET
WAXAHACHIE, TEXAS

FINAL PLANS

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-87-2021



MEETING DATE(S)

Planning & Zoning Commission: June 29, 2021

City Council: July 6, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 29, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-87-2021, subject to staff comments.

CAPTION

Public Hearing request by Don Merchant, DC Texas Construction, LLC, for an **Amendment to Ordinance No. 3167** to allow for **Accessory Buildings (Residential), Greater than or Equal to 700 SF** within an approved residential planned development located at the corner of N Rogers Street and McMillan Street (Property IDs 282960, 282961, 282962, 282963, 282964) - Owner: DC CONSTRUCTION, LLC (ZDC-87-2021)

APPLICANT REQUEST

The applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development exceed 700 sq. ft. (max. 1,800 sq. ft.). *Per Ord. 3167, the accessory buildings currently cannot exceed 700 sq. ft.*

CASE INFORMATION

Applicant: Don Merchant, DC Texas Construction LLC

Property Owner(s): Don Merchant, DC Texas Construction LLC

Site Acreage: 1.16 acres

Current Zoning: Planned Development-Single Family-3

Requested Zoning: Planned Development-Single Family-3 (w/ amendment to Ord. 3167)

SUBJECT PROPERTY

General Location: Located at the corner of N Rogers Street and McMillan Street

Parcel ID Number(s): 282960, 282961, 282962, 282963, 282964

Existing Use: Currently Undeveloped (Ord. 3167)

Development History: At the January 6, 2020 City Council meeting, City Council approved case number PD-19-0147 (Ord. 3167).

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF1	Single Family Residences
East	PD-O	Single Family Residences
South	GR and C	First Baptist Church
West	PD-GR and GR	Residential and Retail Uses

Future Land Use Plan: Low Density Residential

Comprehensive Plan: This category is representative of smaller single family homes and some duplex units. The majority of Waxahachie's current development is of similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The subject property is accessible via N. Rogers St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to amend Ordinance No. 3167 to allow for accessory buildings within the Planned Development exceed 700 sq. ft. (max. 1,800 sq. ft.). *Per Ord. 3167, the accessory buildings currently cannot exceed 700 sq. ft.*

Case History/Proposed Use:

At the City Council meeting, held January 6, 2020, City Council voted 5-0 to recommend approval of case number PD-19-0147.

Per the originally approved plans (Ord. 3167), the applicant requested to construct five (5) single family homes on 1.16 acres. The applicant is requesting to revise the approved plan to allow for accessory

buildings within the Planned Development to exceed 700 sq. ft. Due to the homes within the Planned Development being 3,000 to 3,600 sq. ft., the applicant intends to offer larger accessory buildings with additional flex space. The proposed structures shall be allowed within the Planned Development district, and are to consist of two stories as described below:

- Lower level - 3 car oversized garage, with room for stairs to second floor and lawn equipment (max 900 sf)
- Upper level – sold as unfinished storage area, but ready for owner to finish out as desired; office, movie room, work out space, mother-in-law, guest room, etc. (max 900 sf)

CHANGES FROM THE 01/06/2020 CITY COUNCIL MEETING

- Proposing to increase the maximum allowed garage square footage from 700 to 1,800
- Proposing to provide rear alley access to help homeowners access the rear of their property.

Staff believes that the proposed amendment will remain consistent with the intent of the previously approved Ordinance (Ord. 3167).

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement must be signed by the applicant.
 2. Accessory buildings shall not be used for residence by a non-family member (or to be rented out).
 3. Any revisions not included in the Planned Development Amendment shall meet the Ordinance 3167 requirements.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Layout Plan
4. Elevation/Façade Plan
5. Ordinance 3167
6. Staff Report

APPLICANT REQUIREMENTS

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

- b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(16)

ORDINANCE NO. 3167

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-OFFICE (PD-O) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT 315 NORTH ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 193492, LOT 1-9, BLOCK 23 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0147. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-O to PD-SF3, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-O to PD-SF3, with Concept Plan in order to construct five (5) single family home structures on the following property: a portion of Property ID 193492, Lots 1-9, Block 23, of the Town subdivision, which is shown on Exhibit A, in accordance with the Planned Development Provisions attached as Exhibit B, and the Concept Plan attached as Exhibit C.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways, parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Concept Plan (Exhibit C).

Development Regulations

1. The Site Plan shall conform as approved by the City Council under case number PD-19-0147.
2. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits C – Concept Plan. Where regulations are not specified in Exhibit C or in this ordinance, the regulations of Single Family-3 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
3. A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.

(10)

4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 6th day of January, 2020.



David Hill
MAYOR

ATTEST:

Amber Villarreal
Acting City Secretary



Exhibit A - Location Exhibit

PD-19-0147

(10)

(110)

Exhibit B - Planned Development Provisions

PD-19-0147

Bradbury Planned Development

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to allow for the development of five single family homes.

Key Design Features: The residential architectural style for this development will consist mainly of southern farm house and Texas regional architecture that lends itself to large front porches and homes opening directly on both public and private spaces. Features that Promote a Unique Identity and Quality of Life. Payton's Place is designed to evoke a neo-classical feel. The architecture within the community is one of similarity and continuity, but with a variety of design options. The main design idea is to mimic the existing Waxahachie "original town" and downtown areas that were constructed in the later 1800s and to mid-1900s.

Sustainability of Site Location: Within walking distance to Downtown Waxahachie and ¼ mile of mile to hike and bike trail. All residential development will be Green Built and Energy Star certified. All lots will have a 2 car enclosed garages. No garage doors will be visible from the street. **Strategies for Healthy Communities and Indoor Environments:** Existing walkable streets and sidewalks provide connections from the development to the nearby hike and bike trail as well as downtown Waxahachie and the Amphitheater.

Any conditions found within the Single Family Residential District-3 (SF-3) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Compliance with the City's Comprehensive Plan

Zoning District (SF-3) is the intended base zoning classification underlying this PD. The SF-3, Single Family Residential District-3, is a residential district intended to provide the highest residential density of four (4) dwelling units per acre. The principal permitted land uses will include single family dwellings, residential areas are permitted in this District.

PD District Development Standards

Description of Request

- We intend to modify the existing zoning general retail requirements under a Planned Development which will allow for the development of FIVE single family homes and leave the existing concrete parking lot on lot 1 as it currently is.

Proposed Use of Property

- The proposed development is compiled of 5 new single family homes. The development will create a common look that will serve as a model for future development in the surrounding area. The development will feature large front porches and exterior vintage style lighting.
- **Elevations:** 100% fiber-cement exterior.
- **Density:** 5 dwelling units per 1.15 acres (5 units total)
- **landscaping:** Landscaping will be to City of Waxahachie SF3 Standards.
- **Façade Materials:** All exterior materials will be Fibercementitious siding to match the existing neighborhood.

(16)

- **Parking:** 2 enclosed parking spaces will be detached from each dwelling unit and an additional 1 car parking space will be provided behind the front build line.
- **Height:** A maximum of 2 stories above grade.
- **Screening:** A 6' wood privacy fence shall screen all lots from the existing parking lot on lot 1.
- **Phasing:** Construction shall begin as soon as the plat has been approved.
- **Property management Association:** No property management association will be provided.

• **Sec. 3.06 - Single-Family Residential-3 (SF3).**

(a)

General purpose and description: The Single-Family Residential-3 (SF3) Zoning District is intended to be similar to the SF2 except composed of detached, single-family residences on lots of not less than ten thousand (10,000) square feet.

(b)

SF-3 Standards

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	10,000 SF
Minimum Lot Width	80'
Minimum Lot Depth	100'
Minimum Front Yard	30'
Minimum Side Yard	10'; 15' on corner lots adjacent to a street
Minimum Rear Yard	25'
Maximum Lot Coverage	50% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,200 SF

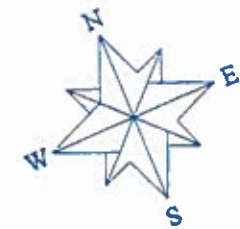
(14)

- **Proposed Planned Development Single-Family Residential 3**

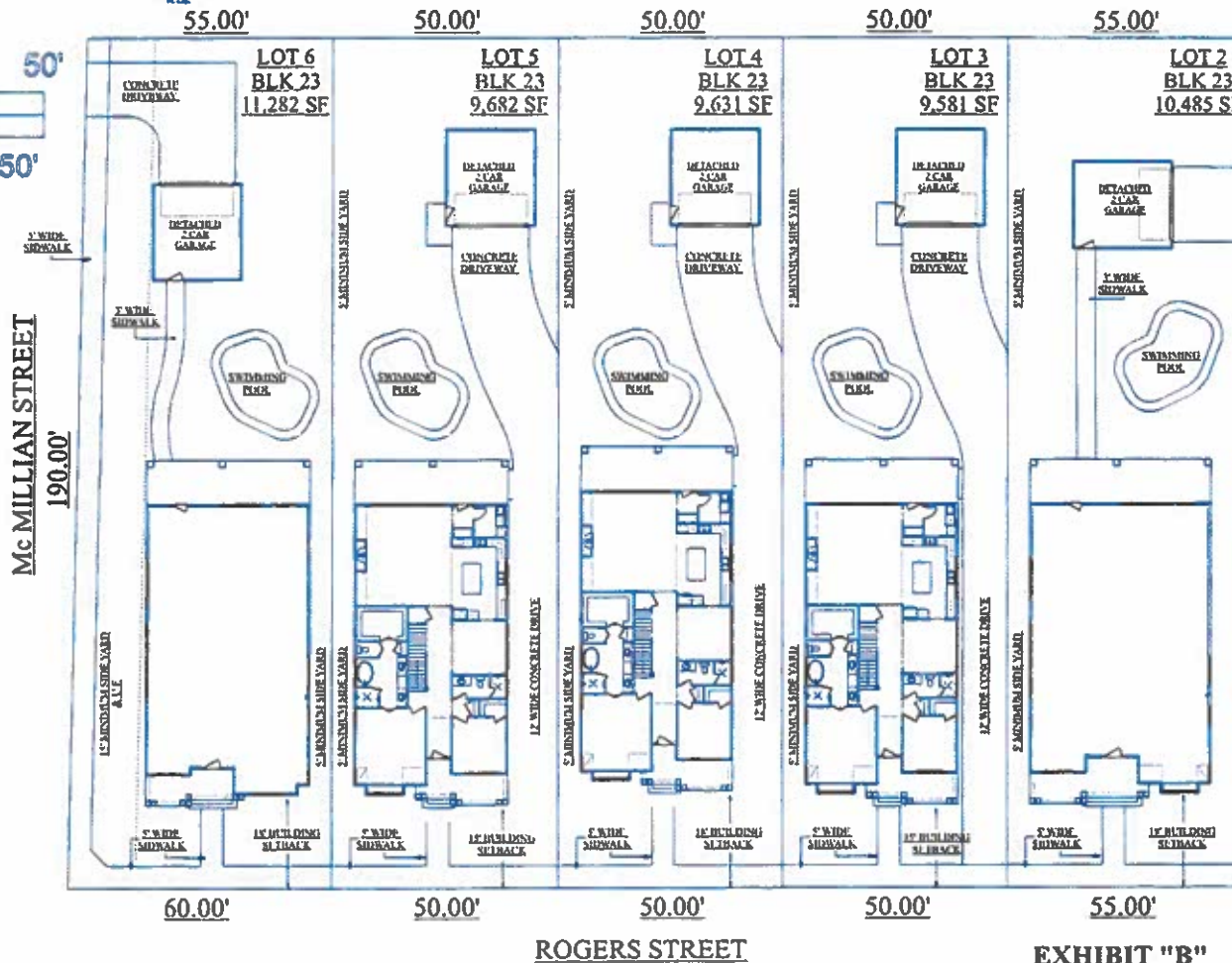
Planned Development Standards

Height Regulations	
	2 stories for the main building. 1 story for accessory buildings without garages
Area Regulations	
Minimum Lot Area	9,500 SF
Minimum Lot Width	50'
Minimum Lot Depth	190.00'
Minimum Front Yard	15'
Minimum Side Yard	5'; 15' on corner lots adjacent to a street
Minimum Rear Yard	25'
Maximum Lot Coverage	60% by main and accessory buildings
Parking Regulations	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure
Minimum DUA	1,600 SF
Exterior Facade	100 percent fiber-cement exterior façade

Exhibit C - Concept Plan



0' 25' 50'
SCALE: 1" = 50'



EXISTING VARIABLE WIDTH ALLEY

BRADBURY ADDITION
SINGLE FAMILY
PLANNED DEVELOPMENT (PD-19-0147)
BLOCK 23
OFFICIAL MAP OF WAXAHACHE,
CARRANT A, SUBD 181,
PLAT RECORDS, ELLIS COUNTY TEXAS
OF CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS
1.172 ACRES
5 RESIDENTIAL LOTS
ZONED OR

EXHIBIT "B"
TYPICAL SITE PLAN

OWNER: SOUTHWEST CAPITAL LLC
3751 HWY 287
WAXAHACHE, TEXAS 75105
OFFICE # 462-382-5222

(21)

(17+18)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 30, 2021

Re: ZDC-84-2021 – Dominion Park

On June 29, 2021, the applicant requested to continue case number ZDC-84-2021 from the June 29, 2021 Planning and Zoning meeting agenda and the July 6, 2021 City Council meeting agenda, to the July 27, 2021 Planning and Zoning meeting agenda and the August 2, 2021 City Council meeting agenda.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-81-2021



MEETING DATE(S)

Planning & Zoning Commission: June 29, 2021

City Council: July 6, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 29, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-81-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Keegan Amos, DAE, for a **Specific Use Permit (SUP)** to allow **Heavy Machinery and Equipment, Rental, Sales or Storage** at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Heavy Machinery and Equipment, Rental, Sales or Storage, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres.

CASE INFORMATION

Applicant: Keegan Amos, DAE (Davidson Architecture and Engineering)

Property Owner(s): Widrick Holdings LTD

Site Acreage: 2.996 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 with SUP

SUBJECT PROPERTY

General Location: 507 N. Interstate Highway 35

Parcel ID Number(s): 174768 and 174769

Existing Use: Central Kubota, LLC

Development History: N/A

119

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Buffalo Creek Millwork, Inc.
East	N/A	Interstate Highway 35
South	N/A	Undeveloped Land
West	SF1 and LI1	Undeveloped Land and TIMCO Logistics

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35 (East) service road.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Outside Storage and Outside Display, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres.

Proposed Use:

Central Kubota, LLC is proposing to construct a new 12,000 sq. ft. dealership at the northern portion of their property. The existing office building on the south portion of the site will be retained and utilized as a storage building. The two existing metal buildings on the northern portion of the site along with the existing utilities and pavement will be demolished and replaced with the new dealership. The existing pipe railing fence that surrounds the site and three existing drive entrances are proposed to remain.

An access drive will be provided to the south of the proposed building, allowing traffic to access the building from the streets on the east and west side of the site. Customer parking with landscape beds will be provided on the east side of the property adjacent to the main entrance of the building. The proposed landscaping will provide trees and shrubs to a site that currently has no vegetation within the property boundaries. All existing parking, equipment displays, site lighting and pavement south of the new drive are to remain.

The elevations of the proposed building which are visible from I-35E are proposed to be constructed with a 22' tall curtain wall glass system to allow for visibility into the office/retail portion of the dealership. The materials for the remainder of the building is proposed to be composed of metal. Additionally, the applicant intends to relocate the existing pole sign from the northern portion of the property to southern portion of the property. The applicant intends to keep the current operational hours for the property of 8am-5pm Monday through Friday, 8am-2pm on Saturday, and closed on Sundays.

Table 2: Proposed Development Standards (Light Industrial-1)

****Items highlighted in bold do not meet the City of Waxahachie requirements***

Standard	City of Waxahachie	Central Kubota	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	130,506 (2.996 acres)	Yes
Min. Lot Width (Ft.)	70	198	Yes
Min. Lot Depth (Ft.)	100	554	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	30	Yes
Max. Height	6 stories	2 stories	Yes
Parking 1 space per 500 sq. ft.	24	29	Yes

****Additional Note: The building is proposed to be constructed of metal panel.***

SPECIAL EXCEPTION/VARIANCE REQUEST

Sidewalk

Per the City of Waxahachie Subdivision Ordinance, sidewalks not less than six feet (6') shall be provided within all non-residential developments. *Though Central Kubota is an existing business, proposed changes to the site require the applicant come into compliance with current City standards.*

- The applicant requests that the City consider a variance for this requirement.

Applicant Response: The site is within an industrially zoned area of the city where the primary model transportation is by an automobile. Currently the property contains no existing sidewalks nor are there any existing sidewalks within the surrounding areas. The site is also adjacent to I-35E on the east side with high-speed traffic exiting down onto an interchange that directly bounds the property. TxDOT is improving I-35E and the interchange that bounds the site on the east side and Ovilla Rd. on the west side with no plans of improving public sidewalks depicted.

STAFF CONCERNS

Masonry

Staff suggests that the applicant incorporate masonry material for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel material for the building.

Landscaping

Staff suggests that the landscaping pattern depicted on the Landscape Plan extend along the entire eastern boundary. Currently, the applicant is only proposing landscaping along the northeast boundary of the property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. Any new pavement for the site shall be concrete.
 3. Staff suggests that the applicant incorporate masonry material for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel (horizontal metal) material for the building.
 4. Ingress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access onto Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

(19)

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Signage Exhibit
8. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Planning Manager
ccollins@waxahachie.com

Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

(19)

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
174768	WIDRICK HOLDINGS LTD	1.127	LOT 1R MC EWEN 1.127 AC	501 N 135	WAXAHACHIE	TX	75165	507 N INTERSTATE 35 WAXAHACHIE TX 75165
174769	CENTRAL KUBOTA LLC	1.87	LOT 2R MC EWEN 1.87 AC	501 N INTERSTATE 35	WAXAHACHIE	TX	75165	501 N INTERSTATE 35 WAXAHACHIE TX 75165
180382	MALACHI MINISTRIES OF WAXAHACHIE	1.19	TR 7 E BELLOW 1.19 ACRES	503 N INTERSTATE HIGHWAY 35 E	WAXAHACHIE	TX	75165	207 OVILLA RD WAXAHACHIE TX 75167
180383	MARTINEK & ASSOC. LP	31.107	101 E BELLOW 31.107 ACRES	2256 BELLS CHAPEL RD	WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
180388	MYTI PROPERTIES LLC	12.227	101 E BELLOW 12.227 ACRES	197 OVILLA RD	WAXAHACHIE	TX	75167	197 OVILLA RD WAXAHACHIE TX 75167



(19)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-81-2021**

KOUTROS SONIA W & DEMETRE
2547 FM 1446
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 29, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 6, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Keegan Amos, DAE, for a **Specific Use Permit (SUP)** to allow Outside Storage and Outside Display at an existing industrial business use within a Light Industrial-1 zoning district located at 507 Interstate 35 (Property ID 174768) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)

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 contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **ZDC-81-2021**


City Reference: 179572

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, June 22, 2021** 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, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:


Signature
Demetre Koutros
Printed Name and Title

6-16-21
Date
509 W IH 35E
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(20)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 507 N. INTERSTATE HIGHWAY 35, PROPERTY ID174768 AND 174769, BEING LOT 1R AND LOT 2R, OF MC EWEN, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-81-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a Heavy Machinery and Equipment, Rental, Sales or Storage use on the following property: Lot 1R and Lot 2R, of MC Ewen, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, Signage Plan attached as Exhibit E, and Staff Report attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

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

(20)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE IN THE LIGHT INDUSTRIAL-1 (LI1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-81-2021.
3. The development shall adhere to the City Council approved in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Staff Report.
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
5. Any new pavement for the site shall be concrete.
6. Masonry material should be incorporated into the 12,000 sq. ft. building for the north and south elevations of the building.
7. Ingress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access onto Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the Light Industrial Zoning District shall apply to this development.
10. 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.

(20)

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 6th day of July, 2021.

MAYOR

ATTEST:

City Secretary

(21)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR CENTRAL KUBOTA
COUNTY OF ELLIS §

This Development Agreement for Central Kubota ("Agreement") is entered into between Central Kubota, LLC ("CK") and the City of Waxahachie, Texas ("City"). CK and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. CK is the owner of approximately 2.996 acres of real property generally located at 507 N. Interstate Highway 35, Parcel Number 174768 and 174769, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Light Industrial-1 to Light Industrial-1 with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP reviewed on July 6, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a Central Kubota (Heavy Machinery and Equipment, Rental, Sales or Storage). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing CK with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of CK and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "Central Kubota SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Central Kubota.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Central Kubota SUP Ordinance as contractually-binding obligations between the City of Waxahachie and CK, and to recognize CK's reasonable investment-backed expectations in the Central Kubota SUP Ordinance and the planned development of Central Kubota.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("Effective Date"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("Term").

(21)

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the Central Kubota SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) The site plan shall conform as approved by the City Council under case number ZDC-81-2021.
- (B) The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Staff Report.
- (C) All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
- (D) Any new pavement for the site shall be concrete.
- (E) Masonry material should be incorporated into the 12,000 sq. ft. building for the north and south elevations of the building.
- (F) Ingress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access onto Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
- (G) 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.
- (H) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the Light Industrial Zoning District shall apply to this development.

(21)

In consideration of CK's agreement in this regard, the City of Waxahachie agrees that CK has reasonable investment-backed expectations in the Central Kubota SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Central Kubota SUP Ordinance without impacting CK's reasonable investment-backed expectations.

Section 4. Miscellaneous

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

(21)

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon CK and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

(21)

{Signature Pages Follow}

(21)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(21)

: Central Kubota, LLC (Developer)

By: _____

Date: _____

: Central Kubota, LLC (Property Owner)

By: _____

Date: _____

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Central Kubota, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(21)

EXHIBIT A

Central Kubota Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 507 N. INTERSTATE HIGHWAY 35, PROPERTY ID174768 AND 174769, BEING LOT 1R AND LOT 2R, OF MC EWEN, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-81-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a Heavy Machinery and Equipment, Rental, Sales or Storage use on the following property: Lot 1R and Lot 2R, of MC Ewen, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, Signage Plan attached as Exhibit E, and Staff Report attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

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

(21)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A HEAVY MACHINERY AND EQUIPMENT, RENTAL, SALES OR STORAGE USE IN THE LIGHT INDUSTRIAL-1 (LI1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement will be required for the development.
2. The site plan shall conform as approved by the City Council under case number ZDC-81-2021.
3. The development shall adhere to the City Council approved in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F – Staff Report.
4. All materials, location of materials, and percentage of materials for the building shall be consistent with the Elevation/Façade Plan (Exhibit D).
5. Any new pavement for the site shall be concrete.
6. Masonry material should be incorporated into the 12,000 sq. ft. building for the north and south elevations of the building.
7. Ingress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access onto Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, and Exhibit F - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, F, zoning ordinance, or Development Agreement, the regulations of the Light Industrial Zoning District shall apply to this development.
10. 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.

(21)

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 6th day of July, 2021.

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

(14)

Local Benchmarks: BM-1

BM-1: East side of site, 3" Iron Rod Set with cap stamped "Texas Surveying Control Point"
Elevation: 582.77'
N: 8837149.39
E: 2470755.29

BM-2: West side of site, 3" Iron Rod Set with cap stamped "Texas Surveying Control Point"
Elevation: 576.72'
N: 8837148.03
E: 2470406.34

Floodplain Notes:

By graphic plotting only, this property is located in Zone "X" (areas determined to be outside the 0.2% annual chance floodplain) of the Flood Insurance Rate Map, Community Panel No. 48139CD180F, which bears an effective date of June 3, 2013 and is not located in a special flood hazard area. No field surveying was performed to determine this Zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Fire Protection Notes:

- Plans and specifications, in accordance with NFPA 24, for the private fire line shall be submitted for review and approval prior to installation.
- Underground fire line installation including thrust blocks shall be inspected prior to being backfilled.
- Hydrostatic testing and flushing shall be completed with the fire department as a witness.

Utility Legend

	existing
	proposed
	sanitary main
	sanitary service
	storm sewer (existing)
	storm sewer (solid wall, proposed)
	storm sewer (solid wall, proposed)
	storm sewer (perforated, proposed)
	water main
	water service (fire)
	water service (domestic)
	water service (irrigation)
	natural gas main
	natural gas service schematic
	underground primary electric
	underground secondary electric
	overhead electric
	underground cable/phone/data
	underground cable/phone/data service
	fence-chainlink
	fence-wood
	fence-barbed wire
	tree

Symbols

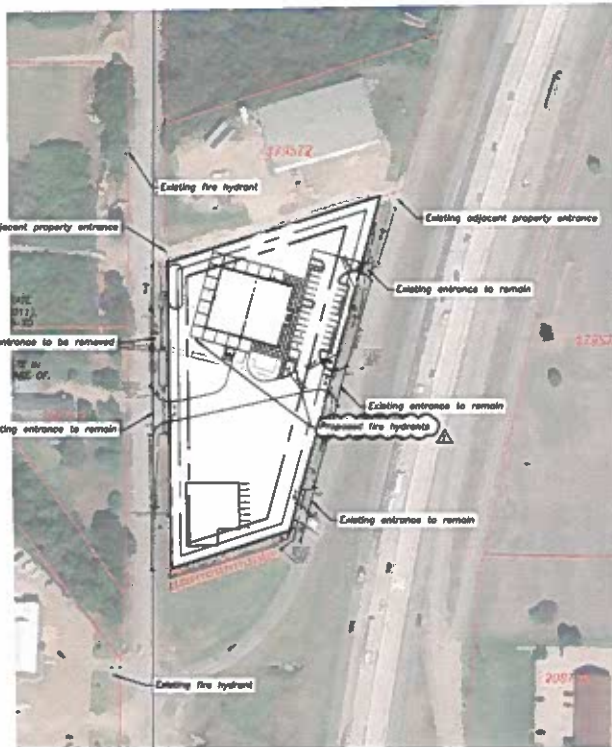
- sanitary manhole
- service steamout
- force main release valve
- rectangular structure
- circular structure
- fire hydrant
- water valve
- water meter
- backflow preventer
- natural gas meter
- service transformer (pad mount)
- primary switch gear
- light pole
- cable/phone/data junction box
- street light
- pedestrian street light
- electric pole
- guy wire
- end section

Construction Legend

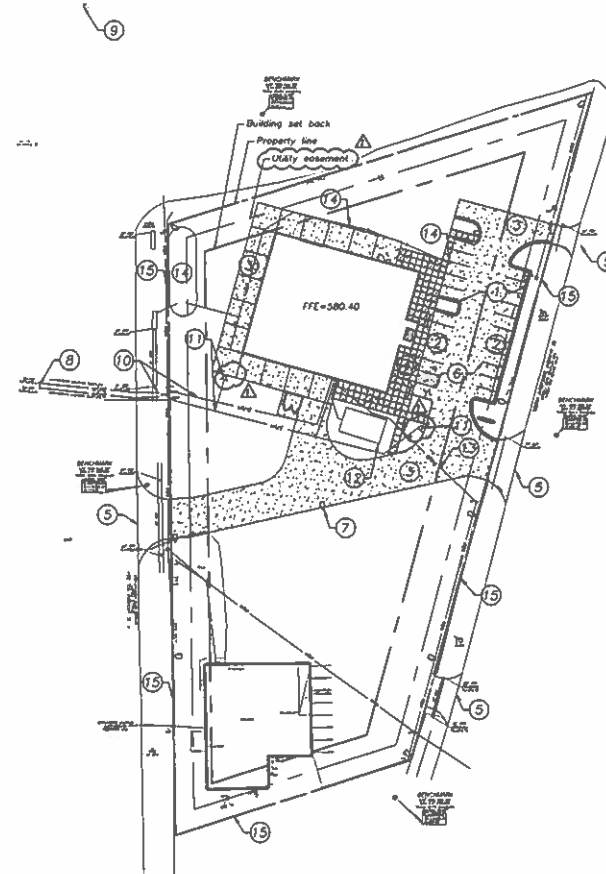
- concrete pavement
- concrete sidewalk
- standard curb & gutter
- standard dry curb & gutter

Property Legend

- right of way
- property lines
- easements
- setbacks



2 Driveway Plan
scale: 1"=100'



Construction/Utility Notes:

- Construct standard wet or dry concrete curb & gutter where indicated (see legend).
- Construct light duty concrete pavement where indicated (see legend) per Geotech. report.
- Construct standard duty concrete pavement where indicated (see legend) per Geotech. report.
- Construct concrete sidewalk where indicated (see legend) per pavement section detail.
- Existing entrance to remain.
- Proposed striping, ADA loading zone, universal symbol parking, etc., typ., per architectural plans.
- Site lighting, typ. Refer to photometric plan.
- Existing 24" water main.
- Existing fire hydrant.
- Existing water service line connection to be reused if possible.
- Proposed 8" water fire line and fire hydrant.
- Proposed sanitary meter line, with removal of (2) existing systems on site.
- Proposed electrical service with pole mounted transformer.
- Proposed detention basin & 15" storm system to reduce runoff.
- Existing pipe mill fencing to remain.

1 Civil Site Plan
scale: 1"=50'

Exhibit B - Site Plan

davidson
Professional Engineering

4821 Indian Creek Parkway
Overland Park, KS 66207
Phone: 913.241.2800
Fax: 913.241.2801
www.davidsoneng.com



a new tractor dealership for
Central Kubota, LLC
501 N I-35E
Waxahachie, Texas 75167

date: 05.17.2021
drawn by: DAE
checked by: DAE
revision: 1
date: 06.11.2021

Lot 1R & 2R
McEwen Addition
2.996 acres
Ellis County

sheet number

C1.2

drawing type:
preliminary
project number:
21043

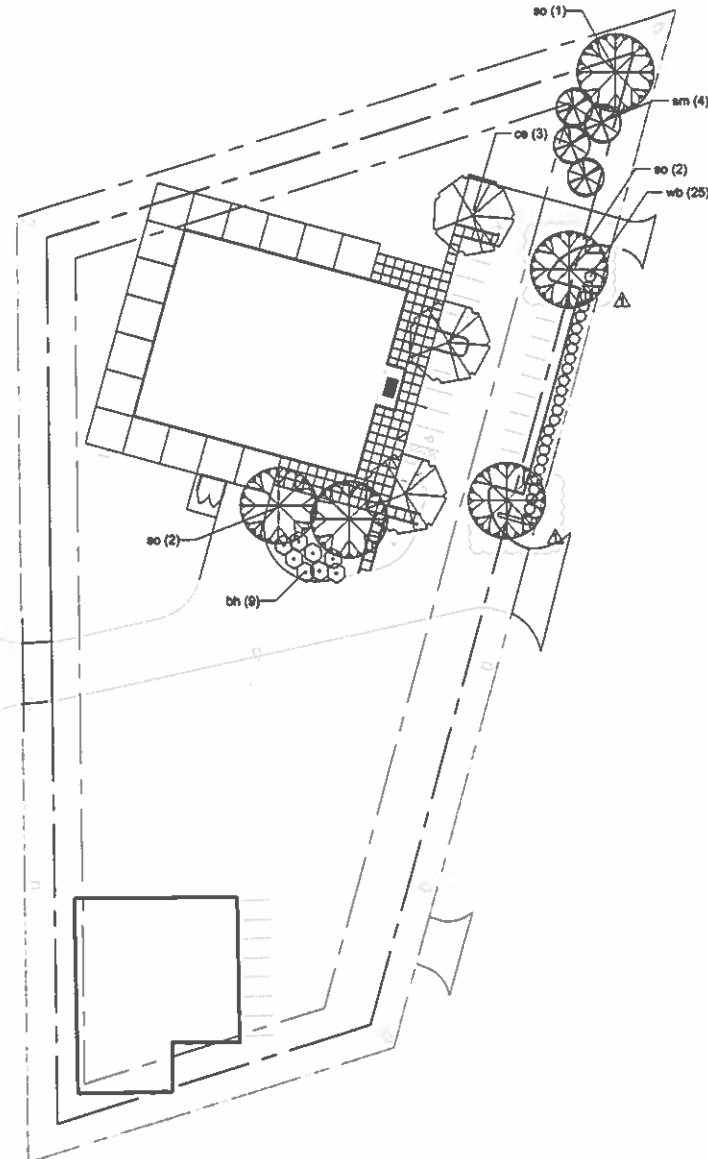


davidson
architects & engineers

[illegible]

71. PREPARE PLANTING BEDS BY INCORPORATING AN APPROVED COMPOSTED ORGANIC SOIL INTO EXISTING SOIL FOR ALL SHOALS.

- [illegible]




1 | Landscape Plan
scale: 1" = 30'-0"

4801 Indian Creek Parkway
Charlottesville, VA 22904
Phone 813.487.4800
Fax 813.487.4801
www.alphachicago.com



06.11.2021

Central Kubota, LLC
507 N I-35
Waxahachie, Texas 75167

date	06.17.2021
drawn by	kh
checked by	vam
Revisions	
06.11.2021	1

sheet number
L1.1
drawing type
preliminary
project number
1054

Exhibit D - Elevation/Facade Plan

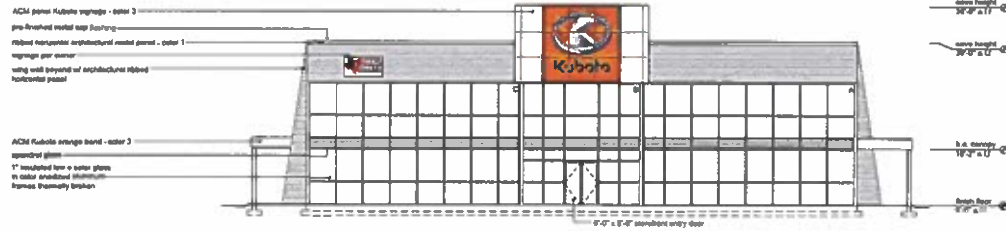
davidson
ARCHITECTS

exterior materials and finishes:

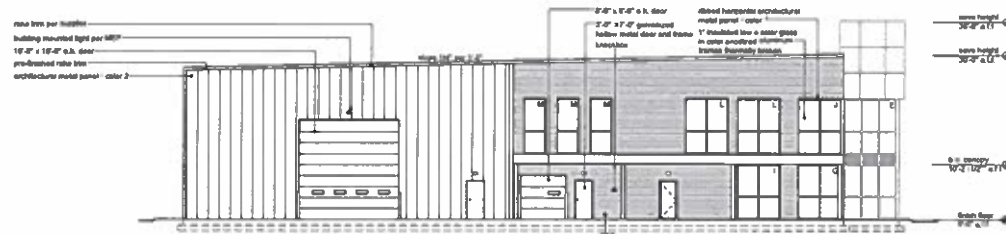
architectural metal panel:
color 1: HBC 72 panel - silver grey
color 2: HBC 122 architectural panel - dark grey
color 3: aluminum composite panel - "Kubota" orange
glass:
1" insulated, low E glass with argon fill meet a U-value of .29
frames:
anodized aluminum frames, finish - dark bronze
yellow metal doors:
panel to match adjacent wall
insulated s.h. doors:
to be pre-finished
gutter & downspout:
pre-finished, color to be black
finishing:
pre-finished, color to be black

material percentages:

total elevation:
glass - 11%
ribbed horizontal architectural panel - 17%
aluminum composite panel - 11%
finishing - 1%
south elevation:
glass - 20%
ribbed horizontal architectural panel - 29%
aluminum composite panel - 7%
architectural panel - 34%
yellow metal door - 1%
insulated s.h. doors - 10%
finishing - 2%
north elevation:
glass - 34%
ribbed horizontal architectural panel - 12%
aluminum composite panel - 7%
architectural panel - 49%
yellow metal door - 1%
insulated s.h. door - 8%
finishing - 2%
west elevation:
architectural panel - 75%
yellow metal door - 2%
insulated s.h. door - 21%
finishing - 2%



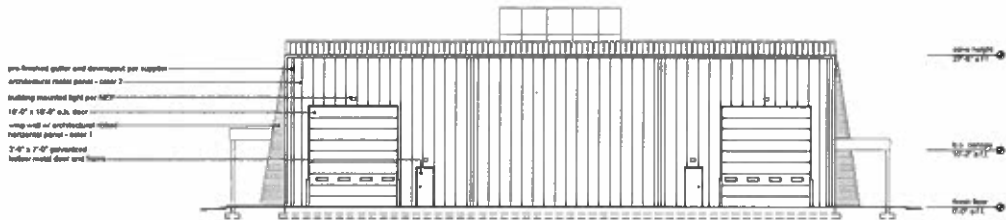
1 east elevation
scale: 3/32" = 1'-0"



2 south elevation
scale: 3/32" = 1'-0"



3 north elevation
scale: 3/32" = 1'-0"



4 west elevation
scale: 3/32" = 1'-0"

4501 Valley Creek Parkway
Chattahoochee, GA 30606
Phone: (770) 244-0000
Fax: (770) 244-0001
www.davidsonarchitects.com

a proposed new building for
Central Kubota, LLC
507 N I-25
Waxahachie, Texas 75167

date: 05.17.2021
drawn by: kka
checked by: Cde
revisions:
06.11.2021 01

sheet number
A3.1
drawing type:
preliminary
project number:
21043

Exhibit D - Elevation/Facade Plan (Dumpster)

davidson
architectural engineering



copyright:

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disclaimer:

These documents are accurate to the best of Davidson Architecture & Engineering, Inc.'s professional knowledge. In the event a discrepancy in the documents is encountered, it is the responsibility of that party to notify Davidson Architecture & Engineering, Inc. in a timely manner. Davidson Architecture & Engineering, Inc. is not responsible for any errors or omissions in the documents.

owner information:

Steve Wicks
507 N I-35
Waxahatche, Texas 75167
(817) 538-1778

project synopsis:

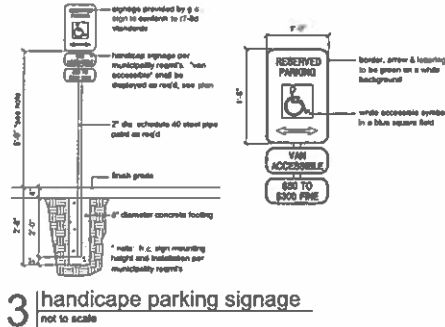
governing municipality: Waxahatche, Texas
governing code: 2018 ICC, 2017 MEC
site area: 120,506 sq. ft. (± 2.866 acres)
site width: max. ± 367' min. ± 198'
site depth: ± 155'
 setbacks: front 40' side 30' rear 30'
 building area (new): 12,224 sq. ft.
 building area (if remain): 7,800 sq. ft.
 floor area ratio: 19,824 / 120,506 = 15%
 pre-imperious: 2.85 acres, 124,379 sq. ft.
 post-imperious: 2.83 acres, 123,287 sq. ft.
 zoning: light industrial 1 (LI1)
 construction type: II
 fire suppression: yes (NFPA 13)
 building height: 30'-0" max.
 occupancy group: B (5-1)
 parking count (new): 70 spaces + 2 handicap = 72 total spaces
 parking count (to remain): 6 spaces + 1 handicap = 7 total spaces

construction notes:

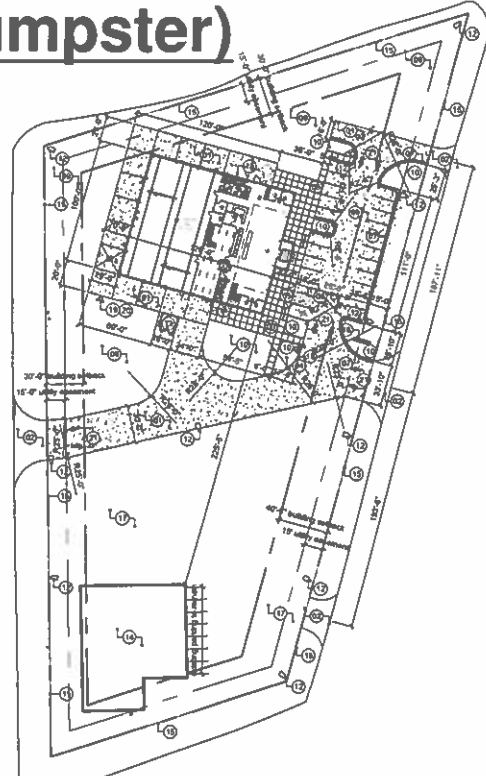
1. furnish and install concrete pavement per civil.
2. existing drive to remain.
3. concrete sidewalk, 4" thick with 1010 steel reinforcement.
4. furnish and install 30'-0" top curb.
5. furnish and install hand-painted parking signage.
6. hand-painted and galvanized metal painted with 4" stroke.
7. concrete curb and gutter per civil.
8. parking lot sloping to be white with 4" stroke.
9. ground area to be flush with existing pavement per civil.
10. green space, refer to landscape plan for planting requirements.
11. PDC, refer to planting drawings for details.
12. parking lot lighting, refer to landscape plan for requirements.
13. dumpster screening per details (A1.1).
14. existing building to remain.
15. existing pipe not funding to remain.
16. relocated existing signage.
17. existing pavement to remain.
18. mechanical paint covering as required, refer to 19A.1 for detail.
19. fire hydrant, refer to civil for location of site utilities.
20. provide bollard protection around hydrant as required.
21. white thermoplastic directional markings per detail.

demo notes:

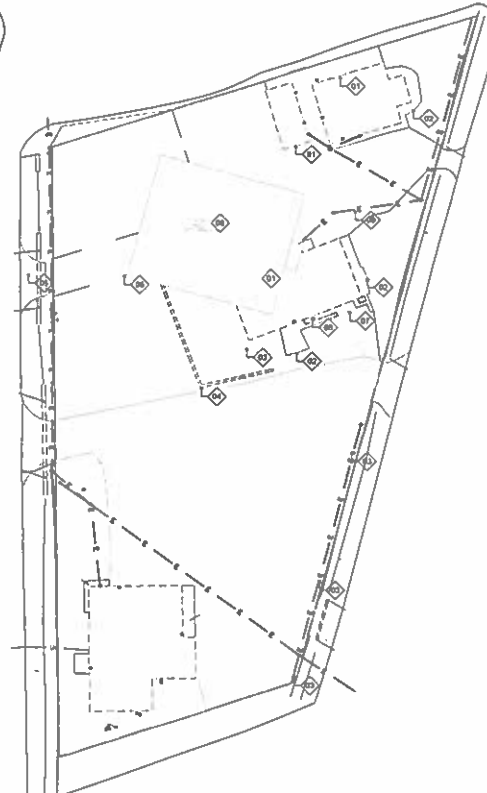
1. existing building to be demolished.
2. existing concrete pad to be demolished.
3. existing light pole to be replaced.
4. existing concrete wall to be demolished.
5. existing drive to be demolished.
6. existing steel fence to be demolished.
7. existing utility signage to be relocated per site plan.
8. existing sanitary septic tank to be removed and replaced, refer to civil details for new location.



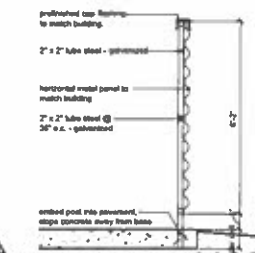
3 | handicap parking signage
scale: not to scale



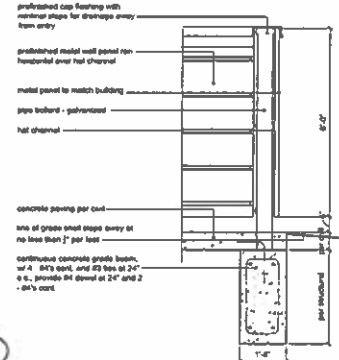
2 | site plan
scale: 1/50 north



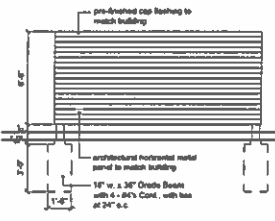
1 | demo plan
scale: 1/50 north



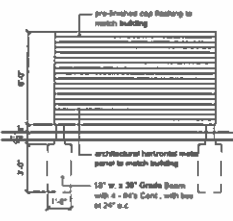
9 | detail - mechanical screen
scale: 1/2" = 1'-0"



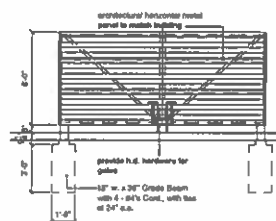
8 | detail - section
scale: 1/2" = 1'-0"



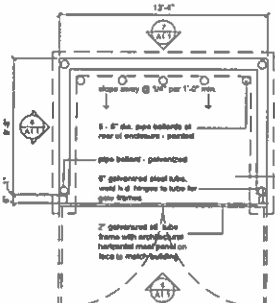
7 | dumpster elevation
scale: 1/4" = 1'-0"



6 | dumpster elevation
scale: 1/4" = 1'-0"



5 | dumpster elevation
scale: 1/4" = 1'-0"



4 | dumpster plan
scale: 1/4" = 1'-0"

a proposed new building for
Central Kubota, LLC
507 N I-35
Waxahatche, Texas 75167

date: 05.17.2021
drawn by: kka
checked by: dle
revision: 06.11.2021

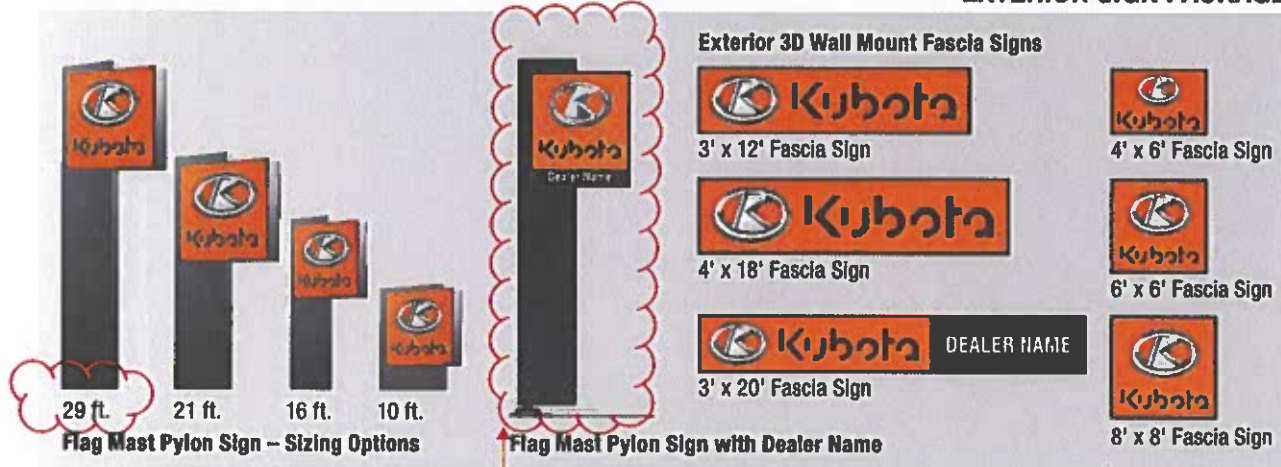
sheet number

A1.1

drawing type: preliminary
project number: 21043

Exhibit E - Signage Exhibit (21)

EXTERIOR SIGN PACKAGE



Existing signage to be relocated
per Site Plan on A1.1.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-81-2021



MEETING DATE(S)

Planning & Zoning Commission: June 29, 2021

City Council: July 6, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 29, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-81-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Keegan Amos, DAE, for a **Specific Use Permit (SUP)** to allow **Heavy Machinery and Equipment, Rental, Sales or Storage** at an existing industrial business use within a Light Industrial-1 zoning district located at 507 N. Interstate Highway 35 (Property ID 174768 and 174769) - Owner: WIDRICK HOLDINGS LTD (ZDC-81-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Heavy Machinery and Equipment, Rental, Sales or Storage, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres.

CASE INFORMATION

Applicant: Keegan Amos, DAE (Davidson Architecture and Engineering)

Property Owner(s): Widrick Holdings LTD

Site Acreage: 2.996 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 with SUP

SUBJECT PROPERTY

General Location: 507 N. Interstate Highway 35

Parcel ID Number(s): 174768 and 174769

Existing Use: Central Kubota, LLC

Development History: N/A

(21)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Buffalo Creek Millwork, Inc.
East	N/A	Interstate Highway 35
South	N/A	Undeveloped Land
West	SF1 and LI1	Undeveloped Land and TIMCO Logistics

Future Land Use Plan:

Mixed Use Non-Residential

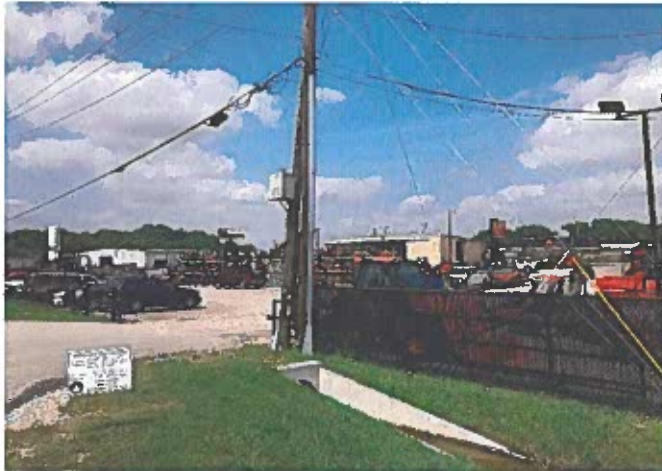
Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via N. Interstate Highway 35 (East) service road.

Site Image:



(21)

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Specific Use Permit at an existing industrial business (Central Kubota) to allow Outside Storage and Outside Display, and construct a new 12,000 sq. ft. dealership at the northern portion of the property on 2.996 acres.

Proposed Use:

Central Kubota, LLC is proposing to construct a new 12,000 sq. ft. dealership at the northern portion of their property. The existing office building on the south portion of the site will be retained and utilized as a storage building. The two existing metal buildings on the northern portion of the site along with the existing utilities and pavement will be demolished and replaced with the new dealership. The existing pipe railing fence that surrounds the site and three existing drive entrances are proposed to remain.

An access drive will be provided to the south of the proposed building, allowing traffic to access the building from the streets on the east and west side of the site. Customer parking with landscape beds will be provided on the east side of the property adjacent to the main entrance of the building. The proposed landscaping will provide trees and shrubs to a site that currently has no vegetation within the property boundaries. All existing parking, equipment displays, site lighting and pavement south of the new drive are to remain.

The elevations of the proposed building which are visible from I-35E are proposed to be constructed with a 22' tall curtain wall glass system to allow for visibility into the office/retail portion of the dealership. The materials for the remainder of the building is proposed to be composed of metal. Additionally, the applicant intends to relocate the existing pole sign from the northern portion of the property to southern portion of the property. The applicant intends to keep the current operational hours for the property of 8am-5pm Monday through Friday, 8am-2pm on Saturday, and closed on Sundays.

Table 2: Proposed Development Standards (Light Industrial-1)

**Items highlighted in bold do not meet the City of Waxahachie requirements*

Standard	City of Waxahachie	Central Kubota	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	130,506 (2.996 acres)	Yes
Min. Lot Width (Ft.)	70	198	Yes
Min. Lot Depth (Ft.)	100	554	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	30	Yes
Max. Height	6 stories	2 stories	Yes
Parking 1 space per 500 sq. ft.	24	29	Yes

**Additional Note: The building is proposed to be constructed of metal panel.*

SPECIAL EXCEPTION/VARIANCE REQUEST

Sidewalk

Per the City of Waxahachie Subdivision Ordinance, sidewalks not less than six feet (6') shall be provided within all non-residential developments. *Though Central Kubota is an existing business, proposed changes to the site require the applicant come into compliance with current City standards.*

- The applicant requests that the City consider a variance for this requirement.

Applicant Response: The site is within an industrially zoned area of the city where the primary model transportation is by an automobile. Currently the property contains no existing sidewalks nor are there any existing sidewalks within the surrounding areas. The site is also adjacent to I-35E on the east side with high-speed traffic exiting down onto an interchange that directly bounds the property. TxDOT is improving I-35E and the interchange that bounds the site on the east side and Ovilla Rd. on the west side with no plans of improving public sidewalks depicted.

STAFF CONCERNS

Masonry

Staff suggests that the applicant incorporate masonry material for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel material for the building.

Landscaping

Staff suggests that the landscaping pattern depicted on the Landscape Plan extend along the entire eastern boundary. Currently, the applicant is only proposing landscaping along the northeast boundary of the property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

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

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ **Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement will be required for the development.
 2. Any new pavement for the site shall be concrete.
 3. Staff suggests that the applicant incorporate masonry material for the proposed building (specifically along the north and south elevations of the building). Currently, the applicant is proposing metal panel (horizontal metal) material for the building.
 4. Ingress for 18-wheeler trucks shall only be used along N. Interstate Highway 35 (East) service road. Truck traffic exiting the facility from the rear of the property shall be restricted to left turn only access onto Ovilla Rd. The property owner will be required to install appropriate signage indicating ingress and egress restriction to and from the site.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Signage Exhibit
8. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Planning Manager

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(58)



Memorandum

To: Honorable Mayor and City Council
From: Ricky Boyd, Fire Chief
Thru: Michael Scott, City Manager
Date: June 29, 2021
Re: CMAR for Fire Station 4

Mayor and Council,

As you know, we are in the process of building Station 4. Earlier this month, we advertised an RFP for the Construction Manager at Risk (CMAR) to oversee the construction process. The deadline for applying was June 24, 2021. We received six (6) applications. The station committee, including the project architect, then met and went through an extensive process to rank the applicants. Here are the results:

Proposer	Proposal Grade	Pre-Construction Services Fee	Construction Phase Services Fee	Performance & Payment Bond	Insurance Premiums	Builders Risk Insurance	Other	Total Fees
WRL	90.50	\$ -	\$ 348,000	\$ 46,875	\$18,810	\$ 2,400		\$ 416,085
Baird Williams	85.08	\$ 15,000	\$ 349,727	\$ 47,250	\$15,030	\$10,000		\$ 437,007
Speed Fab-Crete	80.49	\$ 14,000	\$ 96,500	\$ 51,500	\$38,700	\$ 9,200		\$ 607,900
Steele & Freeman	74.02	\$ -	\$ 620,342	\$ 49,005	\$28,710	\$ 7,920		\$ 705,977
John W. Erwin	60.82	\$ 12,500	\$ 639,228	\$ 48,000	\$25,300	\$11,400	\$ 9,900	\$ 746,328
Nay	-49.79	\$ 10,000	\$ 1,582,584	\$ 48,875	\$41,250	\$33,850		\$ 1,714,559

(28)

As a results of this process, I am requesting approval to give the City Manager the authority to enter into a contract with WRL General Contractors, LLC of Tyler, Texas to be the CMAR for the construction of Fire Station 4 for a total fee of \$416,085. We chose WRL for numerous reasons including, but not limited to:

- Performing CMAR duties for numerous projects since 1987 including two (2) fire stations in 2020 all of which have been completed on time and within budget.
- The Project Superintendent that will oversee the entire project from start to finish will be located in the City, will be exclusively assigned to our project, and at a minimum will be on location at all times when contractors are performing work. Furthermore, the Project Manager will visit the site at least once per week during construction.
- 100% of the savings realized from value engineering will be returned to the City, material cost increases will be borne by WRL and/or the contractor.
- An excellent safety record.

We have checked all references and we, as well as the architect David Wright, believe that WRL is not only the lowest bidder but also highly qualified to perform the CMAR duties to ensure successful completion of the project.

Respectfully submitted,


Ricky Boyd, Fire Chief



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Director of Parks & Recreation
Thru: Michael Scott, City Manager
Date: June 29, 2021
Re: Consider award of bid to MSB Constructors Inc., for Lee Penn Park Pool & Bathhouse Project and authorization of supplemental appropriation from the General Fund Unrestricted Reserve and authorization to use Park Dedication Fees.

Item Description: Consider award of bid to MSB Constructors Inc., for Lee Penn Park Pool & Bathhouse Project in the amount of \$2,623,735. Additionally, authorizing a supplemental appropriation from the General Fund Unrestricted Reserve and authorization to use Park Dedication Fees for the Lee Penn Park Pool & Bathhouse Project.

Item Summary: This project is a continuation of the park improvements made at Lee Penn Park, which have included a covered basketball court, new restroom, new lighted football field, parking improvements, sidewalk connections, site and trail lighting, new irrigation for fields, and lighting on the small baseball field. The Lee Penn Park Pool & Bathhouse Project will include furnishing all labor, material and equipment, and performing all work required to demolish an existing swimming pool and bathhouse and construct a new 2,800 sq. ft. bathhouse and a new 3,900 sq. ft. recreational swimming pool with in-pool water features and fountains, commercial fiberglass waterslide, and associated equipment and amenities.

Bids were received and opened publicly on June 8th, 2021. The following base bids were received:

MSB Constructors, Inc -	\$2,379,265
Sunbelt Pools -	\$2,602,000
J & K Excavation, LLC -	\$3,792,000

The apparent lowest bidder is MSB Constructors, Inc., with a base bid of \$2,379,265. Staff recommends awarding the bid to MSB Constructors, Inc., along with the following alternates:

Alternate #1 – Pre-Fabricated Lockers - \$13,375

Alternate #2 – 20-ft Diameter "Cool-Brellas" - \$69,320

Alternate #3 – Shade Sail Canopies - \$95,730

Alternate #4 – Additional Waterplay Equipment - \$37,535

Alternate #6 – Security System - \$25,000

Alternate #10 – Storm Sewer Piping to Alternate Discharge Location - \$3,510

The total cost of the project is \$2,623,735, however, the 2020 Park Bond Fund has approximately \$2,126,354 available for the project, leaving a shortfall of \$497,381. The cost estimates for this project were obtained approximately two years ago, and bonds sold for this project in August of 2020. That said, the recent increase in materials cost and the labor shortage have rendered our initial project cost estimates obsolete.

Staff recommends an authorization for a supplemental appropriation of \$197,381 from the General Fund Unrestricted Reserve balance and an authorization to use \$300,000 from the Park Dedication Fee Fund for the shortfall of \$497,381. Additionally, staff recommends an authorization to use \$100,000 from the Park Dedication Fee Fund as a contingency, if necessary. It should be noted, that staff will work the consultant and contractor to find some savings through value engineering.

Fiscal Impact: This project will be funded by the 2020 CO Park Bond Fund that has been designated for Lee Penn Park Phase IV Improvements, along with the supplemental appropriation of \$197,381 to account 100-513-57400 Improvements Other Than Buildings from the General Fund Unrestrictive Reserve balance, and the \$400,000 to account 227-000-57400 Improvements Other Than Buildings authorized from Fund 227 - Park Dedication Fee Fund. The General Fund and Park Dedication Fee Fund have sufficient fund balances to cover the requested amounts.



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: July 2, 2021
Re: Valve and Actuators Service Contract

On Tuesday July 6, 2021 an award recommendation for a three year service agreement to Machining & Valve Automation Services, LLC (MVA) associated with repairs, parts and service on valves, actuators, control mechanism and appurtenances for the Utility Department will appear before the City Council in the amount of \$288,750 with two, one year renewal options of \$96,250 for each year.

The City has utilized a third party vendor to perform this work for a number of years, but current service utilization has reached the threshold for the need to formally advertise this service. As a result, in April 2021, the Utilities Department advertised a request for competitive proposals (RFP) for this service. The Department received one proposal in response:

- MVA Services, LLC - \$288,740 (Evaluation Score: 91.83)

RFPs allow the City to evaluate and make award recommendations based on criteria beyond price, such as experience or the ability to effectively provide the service. The City scored the proposal on price, capability and expertise, overall response, and references. MVA Services, LLC was the sole proposer and received an evaluation score of 91.83 out of a total of 100 points. MVA has been determined to be the best provider of this service, based on the City's needs. MVA Services, LLC is the City's current vendor and is familiar with the City's system and staff feels confident they will continue to provide excellent service. The two one year renewal options can be made at the City's discretion.

As a reminder, valves and actuators are used throughout the City's plants, pump stations and lift stations and are essential to their operation. This service is an annually planned

budgeted expense and the department has budgeted funds this year and will in future years to maintain this service contract.

I am available at your convenience should you need any additional information.

Tommy Ludwig