

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, Waxahachie, Texas, on ***Monday, January 3, 2022 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. ***Speakers must observe the five (5) minute time limit.***

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 December 20, 2021
 - b. Minutes of the City Council briefing of December 20, 2021
 - c. Event application for King Day March and Celebration to be held January 15, 2022
 - d. Authorize Re-appropriation of Supplemental funding for Sokoll Water Treatment Plant Wholesale Meter
6. ***Continue Public Hearing*** on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail zoning district, located at Broadhead Road (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021)
7. ***Consider*** proposed Ordinance approving ZDC-146-2021
8. ***Continue Public Hearing*** on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021)
9. ***Consider*** proposed Ordinance adopting ANX-DNX-200-2021

10. ***Continue Public Hearing*** on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)
11. ***Consider*** proposed Ordinance approving ZDC-188-2021
12. ***Continue Public Hearing*** on a request by Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)
13. ***Consider*** proposed Ordinance approving ZDC-164-2021
14. ***Continue Public Hearing*** on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)
15. ***Consider*** proposed Ordinance adopting ANX-DNX-178-2021
16. ***Continue Public Hearing*** on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)
17. ***Consider*** proposed Ordinance approving ZDC-162-2021
18. ***Consider*** Development Agreement for ZDC-162-2021
19. ***Consider*** proposed Resolution to enter into a contract with First Financial Bank to serve as the City's primary depository
20. Comments by Mayor, City Council, City Attorney and City Manager
21. 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 469-309-4006 or (TDD) 1-800-RELAY TX

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, Waxahachie, Texas, on Monday, December 20, 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, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
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

Pastor Chip Sebring, Southlake Baptist Church, gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Joe Tedesco, 194 Colter Drive, Waxahachie, Texas, spoke in opposition to ZDC-155-2021 due to traffic and safety concerns impacting Settler's Glen.

Alan Fox, 327 University, Waxahachie, Texas, commended staff for their work during the holiday festivities, including the Christmas parade. He thanked City Council for their holiday spirit.

5. Consent Agenda

- a. Minutes of the City Council meeting of December 6, 2021
- b. Minutes of the City Council briefing of December 6, 2021
- c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of December 7, 2021
- d. Mobile Home License Renewals for 2022
- e. Taxi Cab License Renewal for 2022
- f. Event application for Wheels of Fire Bike Ride to be held June 25, 2022
- g. Receive Fiscal Year 2021 4th Quarter Financial Report

(5a)

- h. Authorize Supplemental Appropriation funding for additional meters and associated cost increases
- i. Award bid for Howard Road Water Treatment Plant High Service Pump No. 5
- j. Award bid for Oak Creek Drive culvert replacement project
- k. Agreement for Street Department Shed Expansion project
- l. Set City Council meeting of Tuesday, January 18, 2022

Action:

Mayor Pro Tem Billie Wallace moved to approve items a. through l. on the Consent Agenda. Council Member Travis Smith seconded, All Ayes.

- 6. Continue Public Hearing on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021)**

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ANX-DNX-178-2021 to the January 3, 2022 City Council meeting.

- 7. Consider proposed Ordinance adopting ANX-DNX-178-2021**

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Susan M. Calvert, Owner, for a Voluntary Annexation of approximately 19.25 acres located in the William Irwin Survey, Abstract No 545, at 823 Ovilla Road (Property ID 185891 & 185980) - Owner: SUSAN M CALVERT (ANX-DNX-178-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

- 8. Continue Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)**

Mayor Barnes continued the Public Hearing and announced the Planning & Zoning Commission moved to continue ZDC-162-2021 to the next meeting.

- 9. Consider proposed Ordinance approving ZDC-162-2021**

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a Zoning Change from a Single Family-1 zoning district to Planned Development - Single Family-3 (PD-SF-3) zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

- 10. Public Hearing on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass**

(Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021)

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue ANX-DNX-200-2021 to the January 3, 2022 City Council meeting.

11. Consider proposed Ordinance adopting ANX-DNX-200-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Carolyn J Haman for Voluntary Annexation on approximately 157.139 +/- acres located NW of 2374 W Highway 287 Bypass (Property ID 185971 and 185886) - Owner: CAROLYN J HAMAN (ANX-DNX-200-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

12. Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021)

Mayor Barnes opened the Public Hearing and announced the Planning & Zoning Commission moved to continue ZDC-188-2021 to the next meeting.

13. Consider proposed Ordinance approving ZDC-188-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Terrance Jobe, Alluvium Development, Inc., for a Zoning Change from a General Retail (GR) and Future Development (FD) zoning districts to Planned Development Mixed-Use Residential (PD-MUR) zoning district, located west of 2374 W Highway 287 Bypass (Property ID 185971, 185978, 185972, 185886) - Owner: CAROLYN J HAMAN L/E (ZDC-188-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

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

Mayor Barnes continued the Public Hearing and announced the applicant requested to continue ZDC-146-2021 to the January 3, 2022 City Council meeting.

15. Consider proposed Ordinance approving ZDC-146-2021

Action:

Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Yomi and Siyanade Fayiga for a Zoning Change from a Future Development Zoning to Planned Development-General Retail (PD-GR) zoning district, located along Broadhead Road, East of Robbie E. Howard Junior High School (Property ID 178923) - Owner: EQUITY TRUST COMPANY CUSTODIAN FBO (ZDC-146-2021) to the January 3, 2022 City Council meeting. Council Member Melissa Olson seconded, All Ayes.

- 16. Consider request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021)**

Director of Planning Jennifer Pruitt presented the case noting the applicant is requesting to plat the property into eight (8) lots for townhome use. The applicant is also requesting a variance from the 15' utility easement requirement to a 10' utility easement along Washington Avenue and staff is acceptable to the request as long as it does not cause issues for any franchise utilities in this area. Staff recommended approval per the following staff comment:

1. Confirmation of the acceptance of the 10' Utility Easement is required from all utility providers in the area, including AT&T, Atmos, and Oncor.

Action:

Mayor Pro Tem Billie Wallace moved to approve a request by Jason P. Volk, J. Volk Consulting, for a Final Plat of The Place Townhomes, Lots 3-10, 11X, Block 1, being 1.766 acres situated in the John B. Adams & Ann Survey, Abstract 5, Robert Russell Survey, Abstract 911, and Henry Sange Survey, Abstract 1009, an addition in the City of Waxahachie (Property ID 283993) – Owner: NORTH GROVE 12.5 LLC SERIES 1 (SUB-177-2021). Council Member Melissa Olson seconded per staff comments, All Ayes.

- 17. Public Hearing on a request by Amanda McDaniel, AMG Technology dba Nextlink Broadband, for a Specific Use Permit (SUP) for a Communications Antennas and Support Structures/Towers (Cell Tower) use within a Planned Development-Single Family-1 (PD-SF-1) zoning district located at 185 Saratoga Drive (Property ID 240969) - Owner: WAXAHACHIE SADDLEBROOK ESTATES HOMEOWNERS ASSOCIATION INC (ZDC-182-2021)**

Ms. Pruitt presented the case noting the applicant is requesting approval to allow an existing 50 ft. tall internet tower on 2.78 acres within the Saddlebrook Estates Homeowner's Association common area. Staff recommended approval per the following staff comment:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections Department prior to construction of the proposed structure.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-182-2021, Mayor Barnes closed the Public Hearing.

18. Consider proposed Ordinance approving ZDC-182-2021

ORDINANCE NO. 3309

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS (CELL TOWER) USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY – 1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 185 SARATOGA DR., BEING PROPERTY ID 240969, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 12, BLOCK G (COMMON AREA) OF SADDLEBROOK ESTATES PHASE 1A, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Travis Smith moved to approve Ordinance No. 3309. Mayor Pro Tem Billie Wallace seconded, All Ayes.

19. 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-191-2021)

Ms. Pruitt presented the case noting the applicant is requesting to construct a +700 sq. ft. (2,100 sq. ft.) accessory structure (garage/storage) in the rear of a single-family property. Staff recommended approval per the following staff comments:

1. The applicant will need to obtain a building permit from the City of Waxahachie Building Inspections Department prior to construction of the proposed structure.
2. Any new pavement added to the site shall be concrete.
3. The structure shall not be used as a dwelling.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-191-2021, Mayor Barnes closed the Public Hearing.

20. Consider proposed Ordinance approving ZDC-191-2021

ORDINANCE NO. 3310

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY BUILDING USE WITHIN A SINGLE FAMILY – 2 (SF-2) ZONING DISTRICT, LOCATED AT 124 KAUFMAN ST., BEING PROPERTY ID 170849, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A1

& 1A2, BLOCK 44 OF TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3310. Council Member Travis Smith seconded, All Ayes.

- 21. Continue Public Hearing on a request by Akhila Reddy Gondi, Triangle Engineering, LLC, for a Specific Use Permit (SUP) for a Drive-Through Establishment (Starbucks) use within a General Retail zoning district located 1,500 feet South of Butcher Road and East of Hwy 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS LP (ZDC-174-2021)**

Ms. Pruitt presented the case noting the applicant is requesting approval to allow a drive-through establishment (Starbucks) on 0.912 acres. She explained the applicant provided three options for the elevation/façade and staff recommended approval of option 3 per the following staff comments:

1. A mutually agreed upon Development Agreement will be required for the development.
2. Staff suggest that the applicant remove the proposed access point from US Highway 77 and use the mutual access connection between O'Reilly Auto Parts and the subject property to be consistent with the overall driveway plan for the site.

Ms. Pruitt reviewed staff's concern with access to Highway 77 noting that will be addressed in detail during the platting phase.

Mayor Barnes continued the Public Hearing.

There being no others to speak for or against ZDC-174-2021, Mayor Barnes closed the Public Hearing.

- 22. Consider proposed Ordinance approving ZDC-174-2021**

ORDINANCE NO. 3311

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (STARBUCKS) USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED 1,500 FEET SOUTH OF BUTCHER ROAD AND EAST OF HWY 77, BEING PROPERTY ID 189379, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 848 OF THE AS PRUITT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3311. Council Member Melissa Olson seconded, All Ayes.

23. Consider Development Agreement for ZDC-174-2021

Action:

Mayor Pro Tem Billie Wallace moved to approve a Development Agreement for ZDC-174-2021. Council Member Melissa Olson seconded, All Ayes.

24. Public Hearing on a request by Ray Porter, The Summit at Breezy Acres, LLC, for a Zoning Change from a Light Industrial-1 (LI-1) and Future Development (FD) zoning district to Planned Development Commercial (C) zoning district located at the Northwest quadrant of Butcher Road and West of I-35S (Property ID 191034)- Owner: PRZYBYLSKI FAMILY REVOCABLE (ZDC-199-2021)

Ms. Pruitt presented the case noting the applicant is requesting approval of a Planned Development to construct an indoor firearms training and shooting facility and allow a retail/office on 3.3 acres. Staff recommended approval per the following staff comments:

1. The proposed development shall meet the minimum requirements of the EPA (Environmental Protection Agency) regarding air flow and noise level.
2. The property shall be platted prior to any development on the site.
3. If approved, a detailed Site Plan shall be reviewed administratively by staff.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-199-2021, Mayor Barnes closed the Public Hearing.

25. Consider proposed Ordinance approving ZDC-199-2021

ORDINANCE NO. 3312

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1) TO ALLOW AN INDOOR FIREARMS TRAINING FACILITY (SUMMIT AT BREEZY ACRES), LOCATED AT THE NORTHWEST QUADRANT OF BUTCHER ROAD AND WEST OF IH-35S, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.3 ACRES, KNOWN AS PROPERTY ID 191034, BEING ABSTRACT 1000 OF THE J SHAVER SURVEY AND ABSTRACT 1003 OF THE PB STOUT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Travis Smith moved to approve Ordinance No. 3312. Mayor Pro Tem Billie Wallace seconded, All Ayes.

26. Public Hearing on a request by Mark Stacy, MV-1005, LLC., for a Specific Use Permit (SUP) for a Drive Through Establishment (Car Wash) use within a Planned Development Single Family-1,2,3, Multi-Family-1, General Retail (PD-SF1,2,3 MF-1

GR) (North Grove Planned Development) zoning district located south of North Grove Blvd and east of Highway 77 (Property ID 283986) - Owner: SB CONNECTION (ZDC-189-2021)

Ms. Pruitt presented the case noting the applicant is requesting approval to allow a car wash drive-through establishment on 1.156 acres. She reviewed staff concerns with the use of the property and neighborhood concerns. Staff recommended denial and the Planning & Zoning Commission voted 4-3 to deny ZDC-189-2021.

Mayor Barnes opened the Public Hearing.

Mark Stacy, 412 S. Jefferson Street, Pilot Point, Texas, explained he has been in the car wash industry for 41 years and has produced 47 car washes with the developer. He noted the proposed 140-foot car wash tunnel would be the biggest and best in the area and is needed in Waxahachie.

Those who spoke in favor:

Shane Lindsey, 4410 Black Champ Road, Waxahachie, Texas
Erik Chapman, 6491 Hayes Road, Midlothian, Texas
Jennifer Chelwick, 2222 Abela Drive, Waxahachie, Texas
Jacob Daniels, 201 Overhill Drive, Waxahachie, Texas
Chris Speigner, 104 Buckskin Drive, Waxahachie, Texas

Those who spoke in opposition:

Paul Fritz, 343 Country Meadows, Waxahachie, Texas

There being no others to speak for or against ZDC-189-2021, Mayor Barnes closed the Public Hearing.

27. Consider proposed Ordinance approving ZDC-189-2021

Action:

Council Member Melissa Olson moved to approve ZDC-189-2021.

The motion died due to lack of a second.

Action:

Council Member David Hill moved to deny ZDC-189-2021. Mayor Pro Tem Billie Wallace seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Travis Smith. Noes: Melissa Olson

28. Consider Development Agreement for ZDC-189-2021

No action taken.

29. Continue Public Hearing on a request by Michael C. Jackson, Wynne Jackson, for Planned Development (PD) for an Industrial Complex (Manufacturing/Distribution)

use within a Single Family - 1 Zoning District located West of Solon Road and East of Patrick Road (Property ID 189171 and 182299) - Owner: REED LAND MANAGEMENT (ZDC-155-2021)

Ms. Pruitt presented the case noting the applicant is requesting approval of a Planned Development to allow an industrial complex (manufacturing/distribution) on 341 acres. Staff recommended approval per the following staff comment:

1. A mutually agreed upon Development Agreement shall be signed by staff and the applicant.

Michael Jackson, applicant, explained the plan was updated to incorporate comments by staff, City Council, Planning and Zoning Commission, and citizens. The plan is to construct a class AA industrial development. He noted approximately \$41 million will be invested in infrastructure before any building construction and there will be improvements to Marshall Road to provide traffic relief. The developer is committed to a 100' landscape buffer adjacent to Settler's Glen. Mr. Jackson reviewed the following:

P&Z Work Session Recommendations:

Light restrictions, sound restrictions, building area requirements, height restrictions, City to restrict truck traffic on Patrick Road, no curb cuts to Patrick Road, architectural articulation, additional architectural requirements, and parking ratios.

City Council Work Session and Staff Recommendations:

Removed 7 specifically allowed uses from PD, modified overnight truck parking restrictions, modified landscape buffer requirements, modified truck court landscaping, increased the minimum size of trees along Patrick Road from 3-inch to 6-inch caliper, increased tree frequency along Patrick Road from every 100 feet to every 50 feet, added additional landscape buffer along Patrick Road, north of Marshall Road, and loading dock doors not facing Settler's Glen residents.

Summary of Development Agreement:

City to obtain Marshall Road right-of-way to I-35, project to construct Marshall Road from I-35 to Patrick Road, limited to 33% for general warehouse distribution use during first 5 years, limited to 66% for general warehouse distribution use after 5 years, 8-foot concrete trail from southern property boundary to northern property boundary, architectural restrictions, and Property Owner's Association to be established for all common areas.

Council Member Olson thanked the developer for consideration of staff, Council, and citizen's concerns.

Mayor Barnes continued the Public Hearing.

Chris Wright, 808 W. Marvin, Waxahachie, Texas, asked if there will be a masonry screening wall or rod iron fencing.

Council Member Olson noted she prefers the rod iron fencing and asked for staff's recommendation. Ms. Pruitt explained there was discussion at the Planning & Zoning Commission

meeting but there was no formal recommendation in the motion. She noted staff is comfortable with the ornamental iron fencing and landscaping.

Those who spoke in opposition:

Harvey Smith, 212 Old Settlers Trail, Waxahachie, Texas
Michelle Smith, 212 Old Settlers Trail, Waxahachie, Texas
Lacy Barnaby, 226 Dakota Drive, Waxahachie, Texas
Chris Speigner, 104 Buckskin Drive, Waxahachie, Texas

Those who spoke in favor:

Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZDC-155-2021, Mayor Barnes closed the Public Hearing.

Council Member Olson confirmed the infrastructure will be built at the developer's expense and Mr. Jackson noted that was correct.

Council Member Travis Smith explained the right-of-way acquisition will be at the City's expense.

Todd Winters, 201 Windco Circle, Wylie, Texas, explained there will be improvements made to Patrick Road, Solon Road, and Marshall Road and the City is currently working on right-of-way acquisition to extend infrastructure.

Mayor Pro Tem Billie Wallace inquired about the build-out timing and Mr. Jackson explained the project would move forward immediately after closing; however, it will take approximately 12-18 months to complete the extension of Marshall Road.

Council Member Travis Smith expressed his concerns with traffic for the area. He noted he does not think this is the best use of this land and would support more manufacturing rather than distribution. He stated he is against this development.

30. Consider proposed Ordinance approving Zoning Change No. ZDC-155-2021

ORDINANCE NO. 3313

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI2), TO ALLOW A STORAGE WAREHOUSE INDUSTRIAL DEVELOPMENT USE, LOCATED WEST OF SOLON RD. AND EAST OF PATRICK RD., IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 341.02 ACRES KNOWN AS A PORTION OF PROPERTY ID 284811 (the "Property"), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member David Hill moved to approve Ordinance No. 3313. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Melissa Olson. Noes: Travis Smith.

The motion carried.

31. Consider Development Agreement for ZDC-155-2021

Action:

Council Member David Hill moved to approve a Development Agreement for ZDC-155-2021. Council Member Melissa Olson seconded, the vote was as follows: Ayes: Doug Barnes, Billie Wallace, David Hill, and Melissa Olson. Noes: Travis Smith.

The motion carried

32. Consider request by T.J. Wells, PE, Peloton Land Solutions, for a Final Plat of The Oak of North Grove, Phase I, 184 Residential Lots, 9 No-Residential Lots, being 81.121 acres situated in the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927, an addition to the City of Waxahachie (Property ID 284716) – Owner: BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL (SUB-190-2021)

Ms. Pruitt presented the case noting the applicant is requesting to plat the property into 147 single-family residential lots and 15 non-residential lots as part of The Oaks at North Grove Phase 1 subdivision. She explained the applicant is requesting a variance from the right-of-way dedication requirement along the northern portion of this property and the Public Works and Engineering Department is satisfied with the proposed roadway layout. Staff recommended approval as presented.

Action:

Mayor Pro Tem Billie Wallace moved to approve a request by T.J. Wells, PE, Peloton Land Solutions, for a Final Plat of The Oak of North Grove, Phase I, 184 Residential Lots, 9 No-Residential Lots, being 81.121 acres situated in the J.B. Adams and A. Adams Survey, Abstract 5, the C.H. Bernard Survey, Abstract 106, the J. Billingsley Survey, Abstract 83, and the E. Rice Survey, Abstract 927, an addition to the City of Waxahachie (Property ID 284716) – Owner: BBCP NORTH GROVE 79, LLC & LUMPKINS STUART B JR ETAL (SUB-190-2021). Council Member Melissa Olson seconded, All Ayes.

33. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code

Mayor Barnes announced at 8:38 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072, Texas Government Code.

34. Reconvene and take any necessary action

The meeting reconvened at 8:48 p.m.

Action:

Mayor Pro Tem Billie Wallace moved to authorize the purchase of approximately 0.821 acres at 411 E. Jefferson Street, Waxahachie, TX for a purchase price of \$285,000 plus any closing costs and authorizing the City Manager to execute all documents including a lease back agreement as necessary to facilitate the purchase. Council Member David Hill seconded, All Ayes.

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

Planning Director Jennifer Pruitt wished everyone a safe and happy holiday.

Deputy City Manager Albert Lawrence recognized staff for their work on numerous city projects. He recognized the Employee Engagement Committee for coordinating the holiday drive-thru luncheon for employees.

Council Member Melissa Olson wished staff, residents, and City Council a Merry Christmas.

City Manager Michael Scott echoed Mr. Lawrence's comments and thanked City Council and staff for their participation in the holiday drive-thru luncheon. Mr. Scott introduced, Crystal Strickland, Executive Assistant to the City Manager's Office and wished everyone a Merry Christmas and Happy New Year.

Mayor Pro Tem Billie Wallace wished everyone a Merry Christmas and Happy New Year and noted she appreciated the drive-thru lunch.

Council Member David Hill thanked Finance Director Chad Tustison for his work and wished everyone a Merry Christmas and Happy New Year.

City Attorney Robert Brown wished everyone Happy Holidays.

Communications and Marketing Director Amy Borders announced the City's holiday schedule will be posted to social media to inform the public.

Mayor Doug Barnes wished everyone a Merry Christmas and prosperous New Year.

36. Adjourn

There being no further business, the meeting adjourned at 8:54 p.m.

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, December 20, 2021 at 6:00 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, Deputy City Manager
Shon Brooks, Executive Director of Development Services
Jennifer Pruitt, Director of Planning
Gumaro Martinez, Executive Director Park & Leisure Services
Richard Abernethy, Director of Administrative Services
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 items:

- Item 5d and 5e, annual renewal of three Mobile Home licenses and one Taxi Cab license.
- Item 5f, event application for 2nd annual Wheels of Fire Bike Ride to be held June 25, 2022.
- Item 5l, City Council meeting set for Tuesday, January 18, 2022 due to Dr. Martin Luther King, Jr. holiday.

Chad Tustison, Director of Finance, reviewed item 5g preliminarily recapping the fiscal year 2021 4th quarter financial report. He noted the report covers the period from October 2020 through September 2021 and highlights the General Fund, Water and Wastewater Funds, Waxahachie Community Development Corporation Fund, Hotel/Motel Fund, and the Tax Increment Reinvestment Zone Fund. He explained the annual audit is anticipated to be completed and presented to City Council in March 2022. In summary, the City's financial position is positive in all funds. He reviewed the following:

- Inflation is up about 7.5% over last year.
- Revenues total \$53.6 million.
- Property tax collections accounted for approximately 36% of the City's revenue.
- Sales tax is the second largest revenue source, accounting for over 34% of the City's General Fund
- Expenditures total \$45.8 million (1.4% below the revised budget).
- There is approximately \$2.1 million in unspent annual street maintenance and improvements and those funds will be transferred to the Streets Capital Fund.

(5b)

Mr. Tustison reviewed item 5h requesting to increase the Meter Department budget by \$340,000 to account for additional water meters related to new development and anticipated cost increases of the meters and associated parts and supplies.

Mr. Scott commended the Meter Department for their work in keeping up with new development in the city.

Director of Utilities David Bailey reviewed item 5i and requested approval to award a contract to Dake Construction in the amount of \$480,500, with a 5% contingency in the amount of \$24,025, for Howard Road High Service Pump No. 5.

Director of Public Works and Engineering James Gaertner reviewed item 5j and requested approval to award a bid to 2R Construction Services, LLC for the emergency replacement of the Oak Creek Drive Culvert in the amount of \$180,530.

Mr. Gaertner reviewed item 5k and requested approval to enter into an agreement with Azul Valley Construction for the Street Shed Expansion Project in the amount of \$199,746.

Planning Director Jennifer Pruitt reviewed the following cases:

- ANX-DNX-178-2021, the applicant requested to continue the Public Hearing to the January 3, 2022 City Council meeting.
- ZDC-162-2021, the Public Hearing will be continued to the January 3, 2022 City Council meeting.
- ANX-DNX-200-2021, the applicant requested to continue the Public Hearing to the January 3, 2022 City Council meeting.
- ZDC-188-2021, the Public Hearing will be continued to the January 3, 2022 City Council meeting.
- ZDC-146-2021, the applicant requested to continue the Public Hearing to the January 3, 2022 City Council meeting.
- SUB-177-2021, the applicant is requesting to plat the subject property into eight (8) lots for single family residential use. She noted the applicant is also requesting a variance from the Utility Easement requirement along Washington Avenue in place of the required 15' Utility Easement due to the space being utilized for the townhomes. Ms. Pruitt explained the Waxahachie Utilities Department has stated the variance is acceptable as long as it does not cause issues for any franchise utilities in the area. Staff recommends approval per staff comments.
- ZDC-182-2021, the applicant is requesting approval to allow an existing 50 ft. tall internet tower on 2.78 acres within the Saddlebrook Estates Homeowner's Association common area. Staff recommends approval per staff comments.
- ZDC-191-2021, the applicant is requesting approval to construct a +700 sq. ft. accessory structure (garage/storage) in the rear of a single-family property. Staff recommends approval per staff comments.
- ZDC-174-2021, the applicant is requesting to allow a drive-through establishment (Starbucks) on 0.912 acres. Ms. Pruitt noted the applicant provided three options for updated elevation/façade for the building. Staff recommends approval per staff comments and recommends approval of elevation/façade option 3.

Council Member Travis Smith expressed concern with access and safety on Highway 77. City Attorney Robert Brown explained the zoning has to be done prior to platting and traffic concerns will be addressed with the plat.

- ZDC-199-2021, the applicant is requesting approval of a Planned Development to construct an indoor firearms training and shooting facility and allow a retail/office on 3.3 acres. Staff recommends approval per staff comments.
- ZDC-189-2021, the applicant is requesting approval to allow a car wash drive through establishment on 1.156 acres. Staff recommends denial due to staff concerns with the use of the property and neighborhood concerns.
- ZDC-155-2021, the applicant is requesting approval of a Planned Development to allow an industrial complex (manufacturing/distribution) on 341 acres. Staff recommends approval per staff comments.
- SUB-190-2021, the applicant is requesting approval to plat the subject property into 147 single-family residential lots and 15 non-residential lots as part of The Oaks at North Grove Phase 1 subdivision. The applicant is requesting a variance from the right-of-way dedication requirement along the northern portion of the property and the Public Works and Engineering Department is satisfied with the proposed roadway layout. Staff recommends approval as presented and approval of the variance request.

3. Adjourn

There being no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



(50)

Application for a Festival or Event Permit

Event Name and Description: King Day Parade and Celebration 01/15/2022 01/17/2022

Requesting Parade Route Coordination and Use of Lee Penn Park

Route to be provided.

Applicant Information

Name: Waxahachie Branch NAACP #6240

Address: P.O. Box 478

City, State, Zip: Waxahachie, TX 75168 Phone: (972) 937-2077

E-mail Address: naacp6240@att.net

Organization Information

Organization Name: Same

Address: _____

Authorized Head of Organization: Betty Square Coleman, President

Phone: Same

E-mail Address: Same

Event Chairperson/Contact

Name: Betty Square Coleman

Address: 116 Bradshaw Street

City, State, Zip: Waxahachie, TX 75165 Phone: (972) 937-2077

E-mail Address: squarebj@swbell.net

Event Information

Event Location/Address: 101 West Main Street (Ellis County Courthouse Lawn)

Purpose: Recognition and Remebrance of Dr. King and DeSegregation

Event Start Date and Time: 01/15/2022 Lee Penn Park (All Day) 01/07/2022

Event End Date and Time: 01/17/2022 Courthouse Square 5:00 p.m.

(50)

Approximate Number of Persons Attending Event Per Day: 1 - 1,000 (Maybe)

Site Preparation and Set-Up Date and Time: 9:00 am - 5:00 pm

Clean-Up Completion Date and Time: 01/17/2022 6:00 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.

King Day Parade and Celebration

King Day Memorial Service and Dedication

Requested City Services: Any and all services available.

Will food and/or beverages be available and/or sold? **YES/NO** Not sure.

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? Maybe.

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.

Betty Square Coleman

Signature of Applicant

07/16/2021

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).**

(5c)

Bonner, Jami

From: Betty Jefferson
Sent: Wednesday, December 29, 2021 11:23 PM
To: Bonner, Jami
Subject: Re: Event App Clarification

Good Evening Jamie,

**Re: King Day March and Community Celebration
Saturday, January 15, 2021**

Thank you so much for the follow up.

The parade route will begin at the Ellis County Courthouse Square (101 East Main Street). It will proceed East down Main Street to Martin Luther King Jr. Blvd. continuing East on MLK Jr. Blvd to Straightway Non-Denominational Church at 1501 MLK Blvd. and Graham Street.

The usual City services and courtesies for the Downtown Area should be sufficient.
We are requesting assistance from the Waxahachie City Police Department for Traffic Control.

There will not be any food or beverages available or sold.

We do not believe that dumpsters will be needed.

Again, thank you so much.

On Wednesday, December 29, 2021, 03:46:19 PM CST, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

Hello Ms. Betty,

Please provide clarification for the following event application details:

Dates and times of Lee Penn Park use

Proposed activities at Lee Penn Park

Date and time of the parade

Parade route

Specific City services requested

Will food and beverages be available and/or sold

Will dumpsters be needed



(5d)

Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: December 29, 2021

Re: Supplemental Appropriation – Sokoll WTP Rockett SUD Wholesale Meter

On Monday, January 3rd, 2021 a supplemental appropriation will appear before the City Council, in association with the Robert W. Sokoll Joint Venture Plant in the amount of \$33,000 (512-726-57500). On February 18th, 2021 the 36 inch diameter wholesale billing meter for Rockett Special Utility District (SUD) failed. The flow meter measures treated water and is used to generate the monthly billing for Rocket SUD customers. The meter is also used to determine overall plant usage, and the associated operational expenses between Rocket SUD and the City. After manufacturer's representative attempts to repair, it was determined the meter was not repairable and must be replaced. This cost includes the City's total share of the meter replacement and installation. Council approved staff's request for a supplemental appropriation on May 3, 2021 for this expense. Due to supply chain issues, the meter was not delivered prior to September 30th. As Sokoll is an enterprise fund, staff is requesting that these funds be re-appropriated into FY22 Sokoll operations and maintenance budget.

As a reminder, the Robert W. Sokoll Joint Venture Plant is jointly owned between the City and Rockett SUD. The contract that governs the partnership between the two entities dictates that operational expenses are split based on the plant utilization by each party. However, capital expenses, which this meter is classified as, are shared 50/50. As the City manages the plant, it fronts the costs for operational and capital expenditures, and the apportionment of costs are trued up at the end of the fiscal year. As a result the City's true cost for the meter replacement is \$16,500. Please note that Rockett SUD has committed to pay for their portion of this shared critical infrastructure expense.

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

Shon Brooks

(6+7)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Director of Planning

Thru: Michael Scott, City Manager *[Signature]*

Date: December 21, 2021


Re: ZDC-146-2021 – Broadhead Road Mixed Use Development

On December 21, 2021, the applicant requested to continue case no. ZDC-146-2021 from the December 28, 2021 Planning and Zoning Commission agenda and the January 3, 2022 City Council meeting agenda to the January 11, 2022 Planning and Zoning Commission agenda and the January 18, 2022 City Council meeting agenda.

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager 
Date: December 29, 2021
Re: ANX-DNX-200-2021 – Montclair Heights

At the December 28, 2021 Planning and Zoning meeting, the applicant requested to continue case number ANX-DNX-200-2021 from the January 3, 2022 City Council meeting agenda to the January 18, 2022 City Council meeting agenda.

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Director of Planning
Thru: Michael Scott, City Manager
Date: December 29, 2021
Re: ZDC-188-2021 – Montclair Heights

At the December 28, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to continue case number ZDC-188-2021 from the December 28, 2021 Planning and Zoning Commission meeting agenda and the January 3, 2022 City Council meeting agenda to the January 11, 2022 Planning and Zoning Commission meeting agenda, and the January 18, 2022 City Council meeting agenda.

(12)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-164-2021



MEETING DATE(S)

Planning & Zoning Commission: November 9, 2021

City Council: January 3, 2022 (continued from December 6, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 9, 2021, the Commission voted 7-0 to recommend denial of case number ZDC-164-2021.

At the City Council meeting, held December 6, 2021, City Council voted 5-0 to continue case number ZDC-164-2021 to the January 3, 2022 City Council meeting.

CAPTION

Public Hearing on a request by Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 E. Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

APPLICANT REQUEST

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

CASE INFORMATION

Applicant: Jonathan Cruz, HGO Tire Shop

Property Owner(s): Daystar Coaches & Tours Inc.

Site Acreage: 0.75 acres

Current Zoning: Future Development (FD)

Requested Zoning: Planned Development-Future Development

SUBJECT PROPERTY

General Location: 211 E. Sterrett Rd.

Parcel ID Number(s): 187131

Existing Use: Existing storage site for HGO Tires

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Single Family Residence/Office
East	FD	Undeveloped Land
South	FD	Single Family Residence
West	FD	Single Family Residence

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 E. Sterrett Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request

The applicant is requesting a zoning change from Future Development to Planned Development-Future Development to allow for outside storage and trailer parking for HGO Tire Shop.

Site History:

It should be noted that the applicant is currently using the property for storage of additional tires for the HGO Tire Shop. Prior to HGO storing tires at the property, the subject property was owned and occupied by Daystar Coaches & Tours. Per the applicant, the owner agreed to lease the property to the applicant to allow storage on the site. HGO Tires has been using the property as storage since August 2020.

Proposed Use

Due to limited space on the primary business property (3504 N Hwy 77), the applicant is requesting to use the subject property for storage and trailer parking. The site is proposed to primarily store utility trailers and overstock tires. The property will only be accessible to HGO employees during business hours 8AM to 8PM daily. All business transactions, tire work, and client relations will continue to be conducted at the primary business property. In addition, the applicant will keep up to 4 trailers and 7 employee vehicles at a time. The trailers will be kept on property overnight, and personal vehicles will be removed at the close of business. The existing barn structure on the property will be used to store the applicants overstock tires. To protect the trailers/vehicles and tires to be seen from public right-of-way, the applicant intends to provide landscaping (trees and shrubs) along the front of the property.

CHANGES FROM THE 11/15/21 CC MEETING

- Removed tires from underneath both awnings.
 - o Tires are now only stored in the center part of the structure that is enclosed.
- Removed trash/debris from the property.
- Checked and covered open corners and crevices where any snakes and/or rodents may enter.
- Lowered the height as well as number of tires within the structure.
 - o The applicant is currently under the recommended amount of cubic square feet for storing tires. The tires currently stand at 12,000 square feet. The recommended cubic square foot amount is under 20,000 square feet)
- No trailers are currently located on the property.

STAFF CONCERNS

Though the applicant has made significant changes since the last City Council meeting, the subject property is currently zoned Future Development, which only allows for the use of residential. In addition, there is no primary use for the site. The use of storage is considered an accessory use. Per the City of Waxahachie Zoning Ordinance, an accessory use cannot occupy the property alone. An accessory use can only occupy as a secondary use on a property.

Furthermore, if City Council chooses to approve the proposed use, staff believes that it will set a regretful precedent for future applicants who would also request a similar use of the property. Due to these concerns, staff cannot recommend support for the proposed use.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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

Inside 200ft. Notification Area: Staff has received six (6) letters of support for the proposed use.

Outside 200ft. Notification Area: Staff has received twenty-five (25) letters of support for the proposed use.

- 13 of the 25 letters of support are located outside of city limits.
 - o 7 are in different cities (Joshua, (2) Ferris, Red Oak, Dallas, Midlothian, and Ennis)
 - o 1 outside of ETJ
 - o 5 inside ETJ, but outside of city limits

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**

1. Due to staff concerns, staff recommends denial for the proposed use.
 - Note: Due to the proposed use being denied by the Planning and Zoning Commission:
 - a. A favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)
2. Note: If City Council votes to approve the requested use, staff suggests that the applicant meet the following conditions:
 - a. All proposed vehicles on the site shall be parked on a concrete surface.
 - b. The front of the property shall be screened with landscaping (trees and shrubs) to screen the storage and trailers from public use.
 - c. The property shall meet the regulations of Texas Commission on Environmental Quality (TCEQ), regarding tire storage.
 - d. The development shall conform as approved by the City Council under case number ZDC-164-2021.
 - e. The property shall only be accessible to HGO Tires employees from 8am-8pm.
 - f. All business transactions, tire work, and client relations shall be held at the primary business property (3504 N Hwy. 77).
 - g. All development within the Planned Development will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
 - h. A detailed Landscape Plan shall be reviewed administratively by the Planning Department prior to any building permits being issued.
 - i. If 50% or more of the existing storage structure is destroyed in any way, or if HGO Tires vacates the property, the property shall revert to the use of Future Development zoning.
 - j. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

- ☐ Approval, as presented.
- ☐ Approval, per the following comments:

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Site Exhibit

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:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

(12)

Property ID	Owner's Name	Owner's Address	Owner's City	Owner's State	Owner's ZIP
187039	PHOU HEK K	101 WILLOWBROOK DR	WAXAHACHE	TX	75165
284071	BEUL LOUIS W & KAJORN H	137 E STERRITT RD	WAXAHACHE	TX	75165
284794	ELLUF DONNA JOYCE	140 E STERRITT RD	WAXAHACHE	TX	75165
174133	WILLIAMSON, JAMES W & KATHLEEN	1418 STERRITT RD	WAXAHACHE	TX	75165
185377	OTT RODNEY E	206 E STERRITT RD	WAXAHACHE	TX	75165
235982	BARROS, MARCO C	3504 N HWY 77	WAXAHACHE	TX	75165
201944	BORDERS JOSEY	3537 N HIGHWAY 77	WAXAHACHE	TX	75165
259601	LA CARPETA MANAGEMENT CO LLC	5016 S 136 E	WAXAHACHE	TX	75165
259602	LA CARPETA MANAGEMENT CO LLC	5016 S 136 E	WAXAHACHE	TX	75165
259603	LA CARPETA MANAGEMENT CO LLC	5016 S 136 E	WAXAHACHE	TX	75165
239083	ALLEGANT INVESTMENTS C/D POEBIZ INC	PO BOX 1707	RED OAK	TX	75154

OUTSIDE 200 FEET

OUTSIDE CITY
LIMITS

HANI EL-ALI	1689 SHAWNEE RD, UNIT E
ROLAND HERNANDEZ	2240 N HWY 77
CHAO SMITH	1541 SHAWNEE RD
CARDLYN OVEN	724 PERRY AVE
DAVID THOMPSON	105 SERENITY CIRCLE
JUAN GARAY	1701 SUMMIT DR, JOSHUA, TX
SANDY & JIMMY MCCOWAN	115 TRACY
JAMES ESPARZA	202 COMMONWEALTH CIR
HONORATO FIGUERO	103 TRACY DR
JOSE VERA	4025 SABINE CT
JUAN ROSAS	101 TRACY
ADAM GARCIA	1831 JOHN ARDEN DR
TRINIDAD RAMIREZ	520 WESTER, FERRIS, TX
HUMBERTO GOMEZ	121 LORENE DR, RED OAK, TX
LAURA RATH	230 INDIA RD, FERRIS, TX
BRITTNEY WILLIAMS	7676 S WEST MORELAND, DALLAS, TX 75237
SHERYLL SELMON	7670 SHADY RIDGE, MIDLOTHIAN, TX 76066
DUSTIN TEBEST	200 MORENE
HELENY AMAYA	318 MYRTLE AVE
ALEX JOHNSON	107 MORENE
BENJAMIN RIVERA	3175 FM 66
JOSE MALDONADO	204 HILLTOP DR
RIGOBERTO PADILLA	174 LYONS RD, ENNIS, TX
SALLY SCHNEIDER	137 DEER CREEK
BOBBY FEATHERSTON	3650 N HWY 77



(12)

REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-164-2021



MADRIGAL MARCO C
3504 N HWY 77
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 239084

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 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:

Marco Madrigal
Signature

10/29/21
Date

Marco Madrigal
Printed Name and Title

Lot #2
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.



City of Waxahachie, Texas
 Notice of Public Hearing
 Case Number: **ZDC-164-2021**



DAYSTAR COACHES & TOURS INC
 141 SEQUOIA CT
 MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 187131

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 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:

Paul R. Teeter Sec/TX
 Signature

11/9/2021
 Date

Paul R. Teeter, Sec/TX
 Printed Name and Title

141 Sequoia
 Address
MIDLOTHIAN, TX 76065

Daystar Coaches & Tours, Inc

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.

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-164-2021**

LA CARRETA MANAGEMENT CO LLC
5016 S I-35 E
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

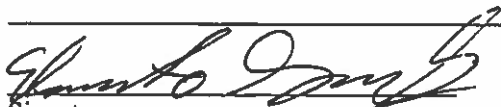
City Reference: 256602

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, October 19, 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

Eliverto owner
Printed Name and Title

11-8-21
Date

3545 N Highway 77 75165
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.

(12)



REVISED NOTICE
City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-164-2021



LA CARRETA MANAGEMENT CO LLC
5016 S I-35 E
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, **November 9, 2021** at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, **November 15, 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 Jonathan Cruz, HGO Tire Shop, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development – Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021**

City Reference: 256603

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, November 2, 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

11-8-21
Date

Printed Name and Title

214 E Sterrett Rd. 75165
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.

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-164-2021

LA CARRETA MANAGEMENT CO LLC
5016 S I-35 E
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 26, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 1, 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 Jonathan Cruz, HGO Tire Shop, for a Zoning Change from a Future Development (FD) zoning district to Planned Development - Future Development (PD-FD) zoning district, to allow an outside storage use, located at 211 Sterrett Road (Property ID 187131) - Owner: DAYSTAR COACHES & TOURS INC (ZDC-164-2021)

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-164-2021

City Reference: 256601

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, October 19, 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:

Eliverto Gonzalez
Signature

Eliverto Gonzalez
Printed Name and Title

11-9-21
Date

3545 N HIGHWAY 77 75165
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.16)

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

(12)

Subject: RE: hgo tire shop ON

From: "Collins, Colby" <ccollins@waxahachie.com>

Date: 11/5/2021, 12:31 PM

To: Joeys Security Storage <joeysstoragewaxahachie@gmail.com>, "Planning@waxahachie.com" <planning@waxahachie.com>

Received. Thank you!

Colby Collins
Planning Manager
City of Waxahachie
401 S. Rogers St., P.O. Box 757
Waxahachie, TX 75168
O: 469-309-4299
ccollins@waxahachie.com

-----Original Message-----

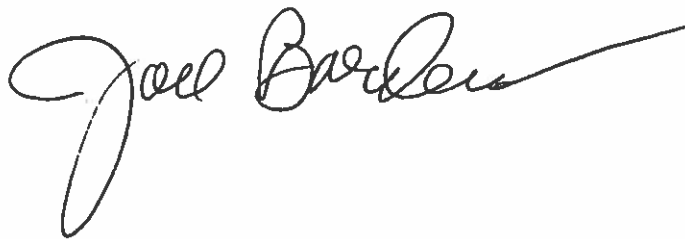
From: Joeys Security Storage <joeysstoragewaxahachie@gmail.com>

Sent: Friday, November 5, 2021 10:20 AM

To: Planning@waxahachie.com

Subject: hgo tire shop ON

TO WHO IT MAY CONCERN, I am the owner of Joeys Security Storage. I have no opposition to the upcoming zoning for HGO tire shop on sterret rd. to have an extra building. I have no problem with it and would love for him to be able to build that. Thank you.

A handwritten signature in black ink, appearing to read "Joel Barber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

HANI EL-AI

Signature:



Address:

1688 SHAWNEE RV UNIT E
WAXAHACHIE, TX 75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name HANT EL-AI I

Signature: 

Address: 1688 SHAWNEE RU UNIT E
WAXAHACHIE, TX 75165



(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Joel A Borders
Signature: JOEL A. BORDERS

Address: 3537 N. Hwy 77
WAXAHACHIE, TEXAS 75165



fenced & lighted
climate controlled
packing material
boat & rv storage

24 hr. access
computerized entry gate

____ # ____ *

Joey & Sammy Borders
www.waxahachiestorage.com

3537 N. Hwy 77
Waxahachie, TX 75165

office (972) 617-5122
fax (972) 576-3010

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Roland Hernandez

Signature:

[Handwritten Signature]

Address:

2240 N Hwy 77
Waxahachie TX 75165



Roland Hernandez

2240 N. Hwy 77
Waxahachie, Tx 75165
roland@rolandsnursery.com/www.rolandsnursery.com

Office (972) 923-3432
Fax (972) 923-3433
Cell (972) 670-5420

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Chad Smith

Signature: Chad S

Address: 15411 Shawnee Rd Waxahachie TX
75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Carolyn Owen

Signature: Carolyn Owen

Address: 724 Perry Ave Wax TX
75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name David Thompson / Thompson Construction

Signature: 

Address: 105 Security Circle
Waxahachie TX 75165

(12)


Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Juan Garay JIP Carriers, Inc.

Signature: 

Address: 1701 Summit Dr.
Joshua, TX. 76058

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Sandy McCowan

Signature: Sandy McCowan

Address: 115 TDACQ

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name JAMES ESPARZA

Signature: James Esparza

Address: 202 COMMONWEALTH
CIRCLE

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name: Honorato Figueroa

Signature: 103 TRACY L WAXAHACHIE

Address: TEXAS 75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Jimmy McLean
Signature: Jimmy McLean
Address: 115 TRACY

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

BREEZE TRACKING-
Name JOSE VERA

Signature: JOSE VERA.

Address: 4025 Sabine Ct
Waxahachie TX

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Juan Rosas

Signature: Juan Rosas

Address: 101 Tracy

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Adam Garcia

Signature: 

Address: 1831 John Arden Dr.
Waxahachie, TX 75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Trinidad Ramirez

Signature: TR

Address: 520 Webster
Ferris TX 75125

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Humberto Gomez

Signature: Humberto Gomez

Address: 121 Lorene Dr
Red Oak TX 75154

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Laura L. Rath

Signature: Laura L Rath

Address: 230 Inbia Rd.
Ferris, tx 75125

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Brittney Williams

Signature:

Britt Williams

Address:

7676 Southwestmoreland
DALLAS TX 75237

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Sheryll Selmon

Signature

Sheryll Selmon

Address

7070 Shady Ridge Dr
Midlothian TX 76065

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

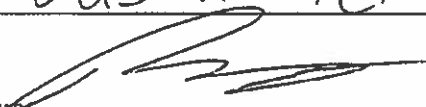
If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Dustin TeBeest

Signature



Address

200 Myren Ave
Waxahachie TX

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Helen Amaya

Signature:

Helen Amaya

Address:

318 Myrtle Ave Waxahachie Tx.

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Alex Johnson

Signature: 

Address: 107 Moreene Ave Wax
TX 75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Benjamin Rivera

Signature: 

Address: 3175 FM 66
Waxahachie TX 75165

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Jose Maldonado

Signature: Jose Maldonado

Address: 204 Hintop Dr Waxahachie
TX 75165

(127)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name

Rogberto Padilla

Signature:

Rogberto Padilla

Address:

174 Lyons Rd Lewis TX 75119

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Sally Schneider

Signature: Sally Schneider

Address: 137 deer Creek
Waxahachie TX

(12)

Good Afternoon,

My name is Vanessa Cabrera, secretary at HGO Tire Shop. Our primary goal and mission is not only to get you back on the road but to serve you with exceptional customer service and quick professional labor. In order for us to do so we keep our new/tires in a nearby warehouse at 211 E Sterrett Road. Currently we are applying for a rezoning change in order to be compliant with the City of Waxahachie. I am reaching out to you today in hopes that you can help me with this. As of now we are in the last steps of the process, so we are reaching out to local businesses partners and neighbors asking for your support. If you are able to show your support for HGO, please sign below.

If you have any questions, please reach out to me at 972-576-1900.

Thank you,
Vanessa Cabrera

Name Bobby Featherston Jr Featherston Auto Repair

Signature: Bobby Featherston

Address: 3650 - N Hwy 77



**Featherston
Auto Repair**

Bobby Featherston

3654 N. Hwy 77
Waxahachie, TX 75165

(972) 617-9966
Fax (972) 576-3938

(12)



CITY OF WAXAHACHIE - PROPERTY OWNER NOTIFICATION
ZDC-164-2021 - PLANNED DEVELOPMENT - STORAGE
211 STERRETT RD - PON MAP



0 0.025 0.05 0.1 0.15 0.2 Miles

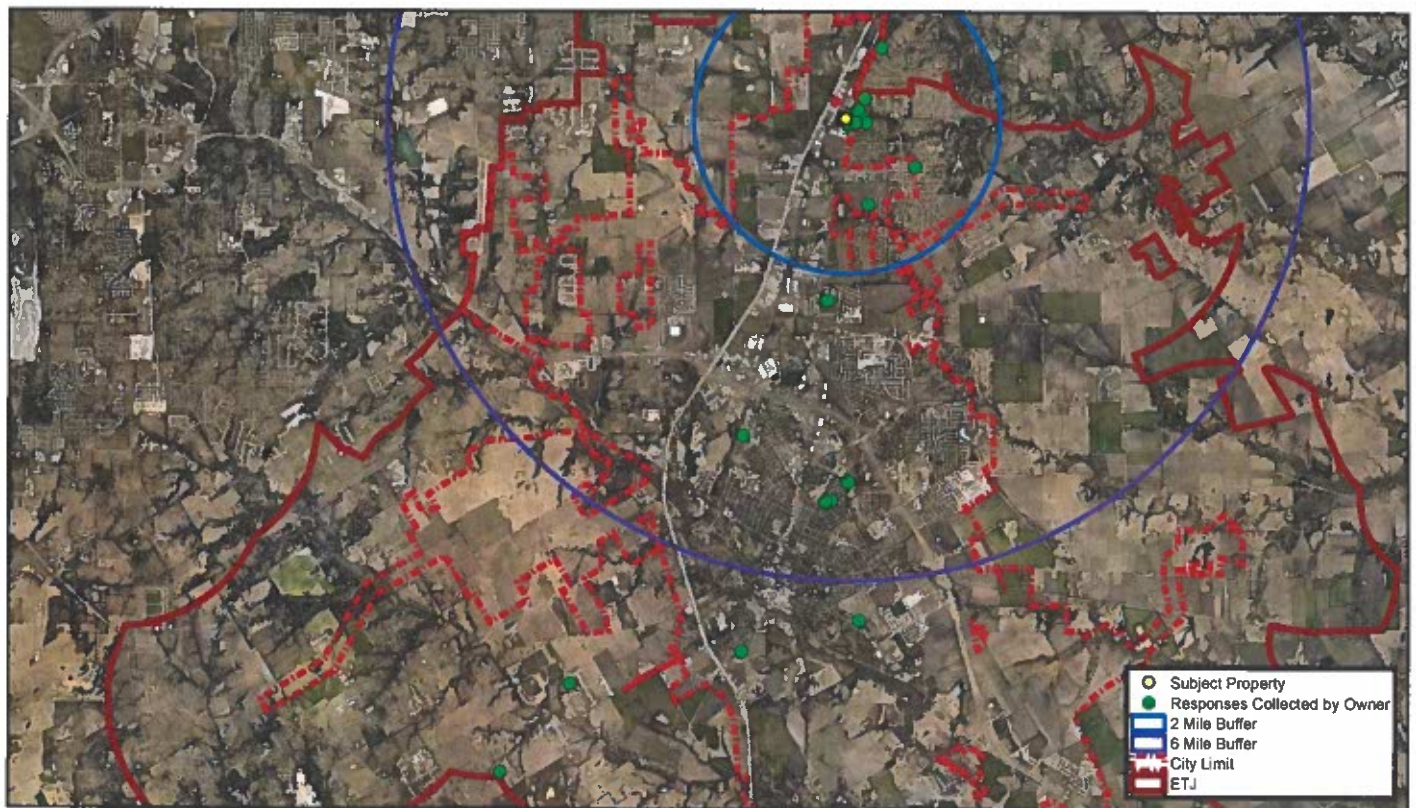
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



(12)



CITY OF WAXAHACHIE - PROPERTY OWNER NOTIFICATION
ZDC-164-2021 - PLANNED DEVELOPMENT - STORAGE
211 STERRETT RD - PON MAP



0 1 2 4 6 8 Miles

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-FUTURE DEVELOPMENT (PD-FD), TO ALLOW AN OUTDOOR STORAGE USE AND TRAILER PARKING USE, LOCATED AT 211 E. STERRETT RD. IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.75 ACRES KNOWN AS PROPERTY ID 187131, BEING ABSTRACT 655 OF THE J LAWRENCE SURVEY, 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-164-2021. 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 denial of the subject property from FD to PD-FD, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from FD to PD-FD, with Concept Plan in order to allow an Outside Storage use and Trailer Parking use on the following property: Property ID 187131, being known as Abstract 655 of the J Lawrence survey, which is shown on Exhibit A, and Site Layout Plan which is shown as Exhibit B.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to allow for an Outside Storage and Trailer and Truck Parking use, 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 Layout Plan packet (Exhibits B).

Development Regulations

1. All proposed vehicles on the site shall be parked on a concrete surface.
2. The front of the property shall be screened with landscaping (trees and shrubs) to screen the storage and trailers from public use.
3. The property shall meet the regulations of Texas Commission on Environmental Quality (TCEQ), regarding tire storage.
4. The development shall conform as approved by the City Council under case number ZDC-164-2021.
5. The property shall only be accessible to HGO Tires employees from 8am-8pm.
6. All business transactions, tire work, and client relations shall be held at the primary business property (3504 N Hwy. 77).
7. All development within the Planned Development will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
8. A detailed Landscape Plan shall be reviewed administratively by the Planning Department prior to any building permits being issued.
9. If 50% or more of the existing storage structure is destroyed in any way, or if HGO Tires vacates the property, the property shall revert to the use of Future Development zoning.
10. 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 3rd day of January, 2022.

MAYOR

ATTEST:

City Secretary





Exhibit B - Site Layout Plan

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 185891, ABSTRACT 545 OF THE WM IRWIN SURVEY, APPROXIMATELY 20 ACRES, SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287 BUSINESS, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.

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

SECTION 1. That the following described land and territory lying adjacent to the City of Waxahachie and being within its extraterritorial jurisdiction (ETJ), be, and the same is hereby added and annexed to the City of Waxahachie, and that said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waxahachie, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waxahachie to-wit:

All that Property ID 185891, Abstract 545 of the WM Irwin Survey, situated in Ellis County, Texas, and being more particularly described in Exhibit A – Legal Description, describing portions of the annexation, made a part of hereof and attached hereto for all purposes.

SECTION 2. That the above described additional territory and area so annexed shall be a part of the City of Waxahachie, and the property so added therein shall bear its pro rata part of the taxes levied by the City of Waxahachie, and the inhabitants hereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waxahachie, Texas.

SECTION 3. Municipal services shall be rendered as described in the attached Annexation Service Plan.

SECTION 4. An emergency is declared to exist, in that this annexation should be completed and made final so that the boundaries of the City shall be determined without delay, and this ordinance is effective immediately upon passage.

PASSED, APPROVED AND ADOPTED on this 3rd day of January, 2022.

(157)

MAYOR

ATTEST:

City Secretary

**SERVICE PLAN
FOR
PROPOSED VOLUNTARY ANNEXATION OF APPROXIMATELY 20 ACRES
SITUATED WEST OF OVILLA ROAD AND NORTH OF U.S. HIGHWAY 287
BUSINESS**

The following is a plan whereby full municipal services as defined in Section 43.056 of the Texas Local Government Code will be provided by the City of Waxahachie (the "City") in territory to be annexed, being approximately 20 acres of land located adjacent to the City limits, as depicted in the attached annexation exhibit.

Municipal facilities and services will be provided to the annexed area at the following levels and in accordance with the following schedule:

A. Police Protection:

The City provides municipal police protection to its residents, including routine patrols throughout the City and law enforcement services upon call. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

B. Fire Protection and Emergency Medical Services:

The City provides full-time fire protection. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

The City contracts with American Medical Response ("AMR") for Emergency Medical Service. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

C. Solid Waste Collection:

The City's solid waste collection is currently provided by Waste Connections ("Waste Connections"). Upon the effective date of the annexation, the City will provide solid waste collection to the annexed area on the same basis as it is made available to other parts of the city with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

D. Water and Wastewater Service and Maintenance:

The area to be annexed is an unplatted area within the City's ETJ and currently receives water from the City of Waxahachie and is within the City's Water Certificate of Convenience, Certificate No. 10915, service area. The extension of any necessary sanitary sewer facilities will be added by the developer and in a manner consistent with other development regulations and practices.

Should City plans be changed and water and or wastewater service infrastructure be extended to this area, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

E. Maintenance of Roads, Streets and Street Lighting:

The City shall begin to make provision for the maintenance of current roads and streets within the annexed areas upon the effective date of the annexation*. Such streets and roads shall be maintained in their current condition and shall be included in the City's Capital Improvements Plan for upgrading, resurfacing and/or improvement on the same basis as other areas in the City with topography, land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Any such resurfacing or upgrade shall be made in accordance with current City policies or the City's Subdivision Ordinance, adopted as Ordinance 3151, and as amended from time to time.

Improvements will be made in conjunction with new development in accordance with City policies contained in the City's Subdivision Ordinance after installation and dedication of such improvements by the relevant property owner and acceptance by the City. Future streets within the annexed area will be upgraded in accordance with an approved Capital Improvements Program, as may be amended from time to time, on the same basis as other areas in the City with land uses and population densities to those reasonably contemplated or projected in the annexed area.

* State-owned facilities will continue to be maintained by the State of Texas, Department of Transportation.

F. Parks, Playgrounds and other Public Facilities and Services:

All parks, playgrounds, and other recreation facilities within the annexed area will be private property and will be the responsibility of the developer or home owner's associated to maintain. No public dedication of parks, playgrounds, and other recreation facilities will be made to the City. Property owners and residents of the annexed area may use the existing public parks, playgrounds, and other recreation facilities and services of the City on the same basis as other residents of the City.

G. Public Library Services and Other Publicly Owned Facilities, Buildings and Services:

Property owners and residents of the annexed area may use the existing public library and other publicly owned facilities, buildings, and services within the City on the same basis as other residents of the City.

H. City Regulations and Code Enforcement

The annexed areas will upon the date of annexation, be subject to all City regulations as specified within the City of Waxahachie Code of Ordinances. Further, the City's codes and regulations will be enforced in a manner like other similar parts of the corporate city limits.

I. General Municipal Administration:

General municipal administration services will be available to the annexed area upon the effective date of the annexation. This Service Plan provides for full municipal services to the annexed area on the same basis as municipal services are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Further, said municipal services are equal to or greater than the services and level of such services in existence in the annexed area are immediately preceding the effective date of the annexation. This Service Plan does not constitute a right to a superior level of services in the annexed area. The City retains its authority to adjust programs on a city-wide basis to provide more effective services through changes in operating procedures and standards. The City also retains the authority to adjust services on a city-wide basis should economic or emergency circumstances dictate.

Upon annexation to the city of Waxahachie, this tract, similar to other newly annexed lands, will be assigned the Future Development (FD) zoning district designation. This zoning designation shall remain until such time as a separate zoning action by City Council has taken place to change it.

This plan is presented the 3rd day of January, 2022.

Michael Scott
City Manager



ANX-DNX-178-2021 Annexation Exhibit

Based on the Boundary Survey provided

Date: 12/28/2021

Legend

 Outside City Limits - 20,000 acres

Exhibit A - Legal Description

**LEGAL DESCRIPTION
20.000 ACRES
CITY OF WAXAHACHIE ANNEXATION**

BEING a tract of land situated in the WILLIAM IRWIN SURVEY, ABSTRACT NO. 545, Ellis County, Texas and being part of that tract of land described in Deed to Susan Morton (Stevenson) Calvert, as recorded in Volume 1431, Page 833, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/4 inch iron rod found for the common northwest corner of said Susan Morton (Stevenson) Calvert tract and an exterior ell corner of current City of Waxahachie City Limit boundary;

THENCE North 89 degrees 23 minutes 14 seconds East, with the north line of said Susan Morton (Stevenson) Calvert tract, a distance of 982.64 feet to a point for the intersection of said current City of Waxahachie City Limit boundary with said north line;

THENCE with said current City of Waxahachie City Limit boundary, the following three (3) courses and distances:

South 00 degrees 40 minutes 12 seconds East, leaving said north line, a distance of 889.13 feet to a point for corner in the south line of said Susan Morton (Stevenson) Calvert tract;

South 89 degrees 26 minutes 36 seconds West, with said south line, a distance of 978.08 feet to a point for the southwest corner of said Susan Morton (Stevenson) Calvert tract;

North 00 degrees 57 minutes 51 seconds West, a distance of 888.19 feet to the **POINT OF BEGINNING** and containing 20.000 acres of land, more or less.

(16)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-162-2021



MEETING DATE(S)

Planning & Zoning Commission: December 28, 2021

City Council: January 3, 2022 (continued from December 20, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 28, 2021, the Commission voted 6-0 to deny case number ZDC-162-2021.

The Planning & Zoning Commission voted to deny the development proposal due to the following options:

- Lack of uniqueness within the development (amenities)
- Too many variance request
- Proposed Concept Housing Examples

It should also be noted that the Planning and Zoning Commission requested to continue the case to the January 11, 2022 Planning and Zoning meeting. However, the applicant requested a recommendation from the Planning and Zoning Commission at the December 28, 2021 meeting.

CAPTION

Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres.

**The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on January 3, 2022.*

CASE INFORMATION

Applicant: Chip Boyd, JHDMC, LLC

Property Owner(s): Susan M. Calvert Thomas

Site Acreage: 153.7 acres

Current Zoning: Single Family-1

Requested Zoning: Planned Development-Single Family-3

(116)

SUBJECT PROPERTY

General Location: 823 Ovilla Rd.

Parcel ID Number(s): 185893, 185891, 185980, 185979, 200064

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (Ellis County)	Single Family Residences
East	LI1	Walgreens Distribution Center
South	GR/SF1	Undeveloped Land/Faith Family Academy – Waxahachie
West	SF1	Undeveloped Land

Future Land Use Plan: Highway Commercial and Low Density Residential

Comprehensive Plan: Highway Commercial: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Low Density Residential: 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 Ovilla Rd.



Site Image:

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres. Per the City of Waxahachie Zoning Ordinance, the Planned Development requires approval from City Council.

Proposed Use:

The purpose of this Planned Development district is to create zoning that will allow the development of 458 total residential lots. Of which, 360 lots will fall within the categories A, B, C, and D (as identified on the attached PD Concept Plan and listed in the "Proposed Planned Development Regulations" section of the staff report below) and 98 lots will be developed as 28 ft. wide townhome lots.

The applicant intends to create a walkable and interactive development by creating several open spaces (33.5 acres total), including pocket parks, and a dog park.

Staff Note: The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on January 3, 2022.

Proposed Planned Development Regulations

Items highlighted in **bold indicates a variation request from the Single Family-3 (SF3) requirements.*

Type 'A' Lots

- Minimum Lot Area - 12,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'B' Lots

- Minimum Lot Area - 10,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'C' Lots

- **Minimum Lot Area - 8,400 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 60'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)

- **Minimum Side Yard (interior) – 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Type 'D' Lots

- **Minimum Lot Area – 7,200 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 50'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Townhome Development Standards

**Items labeled with an "*" are not reflected within Section 5.09 of the City of Waxahachie Zoning Ordinance*

***Items highlighted in **bold** do not meet the townhome requirements within Section 5.09 of the City of Waxahachie Zoning Ordinance*

- **Minimum Lot Area – 3,080 SF (Front Entry); 2,940 SF (Rear Entry)** (minimum 3,630 SF requirement per Section 5.09 Townhome standards)
- *Minimum Lot Width - 28'
- *Minimum Lot Depth - 100'
- Minimum Front Yard - 20' (Front Entry); **10' (Rear Entry)** (minimum 15' requirement per Section 5.09 Townhome standards)
- Minimum Rear Yard – 15' (Front Entry); **20' (Rear Entry)** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- Minimum Side Yard (interior) - 0'
- **Minimum Side Yard (exterior on corner lots) - 15'** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- **Maximum Lot Coverage – 70%**

For all Type 'A' 'B' 'C' 'D' and Townhome Lots

Density

A maximum of 458 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.

Dwelling Unit Size

The minimum dwelling unit square footage will be:

- 1,800 sq. ft. (Single Family)
- 1,300 sq. ft. (Townhome)

Building Height

The maximum building height for structures shall be 2 stories.

Masonry

- a. Minimum of 80% masonry overall
- b. On single-family detached homes, the front façade shall be 100% masonry
- c. On townhomes, the front façade shall be a minimum of 85% masonry
- d. Modern farmhouse front elevations shall be a minimum of 50% masonry
- e. Siding shall be permitted on wall areas extending above roof lines
- f. Lots backing to City 4-lane arterial shall have full masonry on rear elevation

Roof Pitch

Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios.

Open Space

A minimum of 33.5 acres of open space shall be provided.

Sidewalks

Sidewalks will be provided in open space areas generally as shown on the concept plan. Sidewalks will be provided along public streets in accordance with City requirements.

Parking

A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.

Landscaping and Screening

A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Accessory Buildings

Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Street Signs

Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.

Streetlights

Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of plat submittal.

Homeowner's Association (HOA)

An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls, and landscaping.

Amenities or Improvements within Parks and Open Space:

- Pockets parks / open space among the single family residential lots -
 - a. Shade trees, playground equipment and benches
 - b. Trail system
- Dog Park
- Detention Areas - Trees planted in clusters around the ponds

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 15: Identify areas for strategic annexations to occur.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Single family
- Townhomes
- Park/Open Space

SPECIAL EXCEPTION/VARIANCE REQUEST:**Lot Size**

The minimum lot size requirement per SF3 zoning is 10,000 sq. ft.

- Type C Lots: The applicant is proposing a minimum lot size of 8,400 sq. ft.
- Type D Lots: The applicant is proposing a minimum lot size of 7,200 sq. ft.

The minimum lot size requirement per dwelling unit for Townhome is 3,630 sq. ft.

- Front Entry Lots: The applicant is proposing a minimum lot size of 3,080 SF (Front Entry)
- Rear Entry Lots: The applicant is proposing a minimum lot size of 2,940 SF (Rear Entry)

Lot Width

The minimum lot width requirement per SF3 zoning is 80ft.

- Type A Lots: The applicant is proposing a minimum lot width of 70'
- Type B Lots: The applicant is proposing a minimum lot width of 70'
- Type C Lots: The applicant is proposing a minimum lot width of 60'
- Type D Lots: The applicant is proposing a minimum lot width of 50'

Front Yard Setback

The minimum front yard setback requirement per SF3 zoning is 30ft.

- The applicant is proposing a minimum front yard setback of 25ft.

The minimum front yard setback requirement for Townhome is 15ft.

- Rear Entry Lots: The applicant is proposing a minimum front yard setback of 10ft.

Rear Yard Setback

The minimum rear yard setback requirement per SF3 zoning is 25ft.

- The applicant is proposing a minimum front yard setback of 15ft.

The minimum rear yard setback requirement for Townhome is 10ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum rear yard setback of 20ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Side Yard Setback

The minimum side yard setback requirement per SF3 zoning is 10ft. (15ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 5ft. on interior lots.

The minimum rear yard setback requirement for Townhome is 0ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum side yard setback of 15ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Lot Coverage

The maximum lot coverage requirement per SF3 zoning is 50%.

- Type C & D Lots: The applicant is proposing a maximum lot coverage of 55%.

The maximum lot coverage requirement for Townhome is 50%

- The applicant is proposing a maximum lot coverage of 70%.

Park Dedication

Per the City of Waxahachie Subdivision Ordinance, a cash-in-lieu fee of \$400 per lot is required.

- Applicant Response: The required park dedication for this project is 2 acres for each 100 dwelling units, which amounts to 9.28 acres. Our concept plan reflects total open space of approximately 29.8 acres of open space areas. We are requesting that the city accept a portion of the proposed open space in satisfaction of our dedication requirement. If the city does not wish to accept a public park dedication, we ask that the city waive the cash-in-lieu fee of \$400 per lot.

TxDOT Land Donation (Ovilla Rd. (FM 664)

Applicant Response: The widening of Ovilla Road will require TxDOT acquisition of approximately three acres of additional right-of-way from the Calvert property. The proposed realignment of the roadway in this area results in most of the widening occurring on the west side of the road. (By comparison, the corresponding right-of-way acquisition on the east side of Ovilla opposite of the Calvert property is approximately 0.3 acres.) We are prepared to hold the proposed right-of-way area in reserve. However, we are also asking for the City's concurrence that a land donation to TxDOT will not be a condition of development of the property.

Proposed Thoroughfare/Roadway Impact Fees

Per the City of Waxahachie Subdivision Ordinance, applicants are required to pay Roadway Impact Fees and Inspection Fees for new constructed developments.

- Applicant Response: The City's MTP reflects a Type D-1 Thoroughfare along the northern boundary of the property. As such, our concept plan reflects a 40-ft right-of-way dedication, (one-half of the required 80-ft right-of-way). We are also proposing to

construct two-lanes of the roadway with the Twin Creeks development. Therefore, we are requesting Roadway Impact Fee Credits in the amount of \$1,095 for each of the 464 residential lots and totaling \$508,080. (We estimate that the cost of constructing two-lanes of the roadway as proposed will exceed \$2,000,000, so the fee waivers only cover a fraction of the total cost.)

- **Staff Note:** Staff is supportive of the requested Roadway Impact Fee Credits.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **14** 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 five (5) letters of support and three (3) letters of opposition within the 200ft. notification area.

- **Note:** 4 letters of support are from 1 property owner
2 letters of opposition are from 1 property owner

*Staff also received a "Letter of Concern" (not officially stating support or opposition) from a resident within the surrounding neighborhood area, stating concerns he would like to see addressed prior to any development occurring on the site. The "Letter of Concern" has also been included in the agenda packet.

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. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.
 2. The property shall be platted prior to any construction development.
 3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
 4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property.
 5. Note: Due to the proposed use being denied by the Planning and Zoning Commission:
 - a. A favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Planned Development Regulations
5. Concept Plan
6. Amenity Exhibit
7. 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:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO ALLOW A MIXED-RESIDENTIAL (SINGLE FAMILY RESIDENCES AND TOWNHOMES) DEVELOPMENT, LOCATED WEST OF OVILLA ROAD AND NORTH OF US 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 153.7 ACRES, KNOWN AS PROPERTY ID 185893, 185891, 185980, 185979, 200064, 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-162-2021. 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 SF1 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 SF1 to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows a mixed-residential (single family residences and townhomes) development on the following property: Property ID 185893, 185891, 185980, 185979, 200064, which is shown on Exhibit A, Planned Development Regulations shown as Exhibit B, Concept Plan shown as Exhibit C, Amenity Exhibit shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a mixed-residential (single family residences and townhomes) 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 Planned Development Regulations (Exhibit B), Concept Plan (Exhibit C), Amenity Exhibit (Exhibit D) and Staff Report (Exhibit E).

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-162-2021.
2. All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Planned Development Regulations.
3. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
4. The property shall be platted prior to any construction development on the site.
5. Sidewalks shall be constructed along Ovilla Rd. (FM 664).
6. A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. The remaining landscaping and screening shall be in accordance with the City of Waxahachie Zoning Ordinance.
7. The applicant shall be responsible for paying all inspection fees.
8. A 6ft. masonry screening wall shall be located along the eastern boundary of the development (Ovilla Rd./FM 664) and northern boundary of the property per the Concept Plan.
9. Lots adjacent to the private access easement along the southern boundary of the development shall have a 6ft. wood privacy fence along the rear lot line.
10. 60% of the residential development shall consist of five (5) distinct architectural styles. The architectural styles and percentage breakdown shall reflect as:

Architectural Style	Percentage	Minimum Homes
Craftsman	12%	43
Traditional	12%	43
French Cottage	12%	43
Tudor	12%	43
Modern Farmhouse	12%	43

The remaining 40% of the residential development shall be determined by the market.

11. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same blockface.
12. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
13. A minimum of five (5) floor plans shall be used for each distinct Architectural Style.
14. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Regulations, Exhibit C – Concept Plan, Exhibit D – Amenity Exhibit, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E in this ordinance, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
15. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
16. 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 3rd day of January 2022.

MAYOR

ATTEST:

City Secretary



Exhibit B - Planned Development Regulations

ZDC-162-2021 - The Oaks at Twin Creeks

Land Use and Development Standards

- A. **Purpose.** The purpose and intent of this Planned Development (PD) District is to establish land use and development standards for multiple single-family detached and townhome lot sizes.
- B. **Base Zoning.** The Property shall be used and developed in accordance with the regulations of the Single-Family Residential-3 (SF3) Zoning District, except as modified by this ordinance.
- C. **Concept Plan.** The Property shall be developed substantially as depicted on the attached Exhibit B Concept Plan.
- D. **Lot and Dwelling Development Standards.** The lots and dwelling units constructed on the Property shall comply with the following development standards:

LOT TYPE	A	B	C	D	TH-F	TH-R
MINIMUM LOT AREA (SF)	12,000	10,000	8,400	7,200	3,080	2,940
TYPICAL LOT WIDTH (FT)	80	80	70	60	28	28
MINIMUM LOT WIDTH (FT)*	70	70	60	50	28	28
TYPICAL LOT DEPTH (FT)	150	125	120	120	110	105
MINIMUM LOT DEPTH (FT)	110	110	100	100	100	100
FRONT BUILDING SETBACK (FT)	25	25	25	25	20	10
REAR BUILDING SETBACK (FT)	15	15	15	15	15	20
SIDE BUILDING SETBACK - INTERIOR (FT)	5	5	5	5	0	0
SIDE BUILDING SETBACK - CORNER (FT)	15	15	15	15	15	15
HOUSE AREA SQUARE FOOTAGE RANGE**	2,200 TO 4,000	2,000 TO 3,800	1,900 TO 3,600	1,800 TO 3,500	1,300 TO 2,900	
HOUSE AREA (SF) - 50% MUST BE GREATER THAN**	2,400	2,400	2,200	2,200	1,500	
MAXIMUM BUILDING HEIGHT	35 FEET / 2 STORIES					
MAXIMUM LOT COVERAGE (%)	50	50	55	55	70	70

*Measured at front building setback

** Air-conditioned space

- E. **Density.** A maximum of 458 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.
- F. **Masonry Requirement.** Masonry requirement for the exterior of residential structures shall be as follows:
- Minimum of 80% masonry overall
 - On single-family detached homes, the front façade shall be 100% masonry

Exhibit B - Planned Development Regulations

- c. On townhomes, the front façade shall be a minimum of 85% masonry
- d. Modern farmhouse front elevations shall be a minimum of 50% masonry
- e. Siding shall be permitted on wall areas extending above roof lines
- f. Lots backing to City 4-lane arterial shall have full masonry on rear elevation
- G. Roof Pitch. Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios.
- H. Open Space. A minimum of 33.5 acres of open space shall be provided.
- I. Sidewalks. Sidewalks will be provided in open space areas and along public streets generally as shown on the concept plan. Sidewalks shall be constructed in accordance with City requirements.
- J. Parking. A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.
- K. Access. Public street access to the property shall be in accordance with the approved Concept Plan.
- L. Landscaping and Screening. A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- M. Accessory Buildings. Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.
- N. Street Signs. Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.
- O. Streetlights. Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of final plat submittal.
- P. Homeowners Association (HOA). An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls and landscaping.
- Q. Garages. Front entry garages shall not be permitted on single-family detached homes. Townhomes without alleys shall be permitted to have front entry garages.

Architectural elevation requirements – Single-Family Detached Homes

3 of the 5 Architectural elements will be provided on each of following styles of homes

Modern Farmhouse

- Front porch
- Board and batten or siding
- Dormer
- Gables
- Stone

Exhibit B - Planned Development Regulations

(17)

Craftsman

- Millwork
- Gable Pediment
- Wood columns
- Dormer
- Shake siding

Tudor

- Timbering
- Stone
- 8/12 or greater High pitched
- Millwork
- Dormer

Traditional

- Gable on front elevation
- Dormer
- Stone
- Columns
- 8/12 or greater High pitched

French Cottage

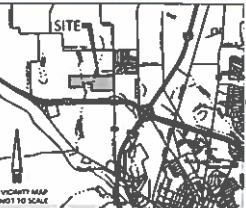
- Dutch gable
- 8/12 or greater High pitch gables
- Stone
- Rounded upper windows
- Dormer

Architectural elevation requirements - Townhomes

Each townhome building will have 3 of the 7 Architectural elements

- Board and batten or siding
- Dormer
- Gables
- Stone
- Millwork
- High pitch roof 10/12 or higher
- Timbering

Exhibit C - Concept Plan



Lot Area	A	B	C	TH FRONT	TH REAR
Minimum lot area (sq ft)	12,000	10,000	6,400	2,000	2,000
Minimum lot width (ft)	80	70	50	20	20
Minimum lot depth (ft)	150	150	120	100	100
Minimum lot area (sq ft)	12,000	10,000	6,400	2,000	2,000
Minimum lot width (ft)	80	70	50	20	20
Minimum lot depth (ft)	150	150	120	100	100
Minimum lot area (sq ft)	12,000	10,000	6,400	2,000	2,000
Minimum lot width (ft)	80	70	50	20	20
Minimum lot depth (ft)	150	150	120	100	100
Minimum lot area (sq ft)	12,000	10,000	6,400	2,000	2,000
Minimum lot width (ft)	80	70	50	20	20
Minimum lot depth (ft)	150	150	120	100	100
Minimum lot area (sq ft)	12,000	10,000	6,400	2,000	2,000
Minimum lot width (ft)	80	70	50	20	20
Minimum lot depth (ft)	150	150	120	100	100

J. VOLK consulting
830 Central Parkway East, Suite 300
Plano, Texas 75074
972.265.1100 Texas Registered Professional Engineer No. P-11862

LEGEND
★ TRAIL HEAD LOCATION
□ MIN. MASSARY ON REAR ELEVATION

NOTE:
TOTAL OPEN SPACE AREA SHALL BE A MINIMUM OF 33.5 ACRES

EXHIBIT B - CONCEPT PLAN
The Oaks at Twin Creeks
153.7 Acres
Waxahachie, Texas



LOT TYPE	AREA (SQ)	LOT COUNT
A	12,000	58
B	10,000	77
C	6,400	120
TH FRONT	2,000	37
TH REAR	2,000	61
TOTAL	34,400	453

Exhibit D - Amenity Exhibit



- CALLOUTS LEGEND**
- ① 18' x 36' x 6' ADA-Compliant
 - ② PLAYSET / WRE
 - ③ 3' x 6' PARK
 - ④ EXERCISE / WRE
 - ⑤ TRAIL SYSTEM
 - ⑥ ROAD BUFFER / 20' x 10' x 6' ADA-Compliant

1
NORTH
SCALE 1" = 17.4'



 **CODY JOHNSON**
■ L U C ■

THE OAKS AT TWIN CREEKS / CONCEPTUAL COMMUNITY IMPROVEMENTS

City of Waxahatchie, Texas

 The Oaks at
Twin Creeks

PROJECT NO. 2017-01
THOMAS HARRINGTON & ASSOCIATES

Exhibit D - Amenity Exhibit



Exhibit E - Staff Report

(17)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-162-2021



MEETING DATE(S)

Planning & Zoning Commission: December 28, 2021

City Council: January 3, 2022 (continued from December 20, 2021)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 28, 2021, the Commission voted 6-0 to deny case number ZDC-162-2021.

The Planning & Zoning Commission voted to deny the development proposal due to the following options:

- Lack of uniqueness within the development (amenities)
- Too many variance request
- Proposed Concept Housing Examples

It should also be noted that the Planning and Zoning Commission requested to continue the case to the January 11, 2022 Planning and Zoning meeting. However, the applicant requested a recommendation from the Planning and Zoning Commission at the December 28, 2021 meeting.

CAPTION

Public Hearing on a request by Chip Boyd, JHDMC, LLC, for a **Zoning Change** from a Single Family-1 zoning district to Planned Development - Single Family-3 zoning district, located at 823 Ovilla Road (Property ID 185893, 185891, 185980, 185979, 200064) - Owner: SUSAN M CALVERT (ZDC-162-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres.

**The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on January 3, 2022.*

CASE INFORMATION

Applicant:	Chip Boyd, JHDMC, LLC
Property Owner(s):	Susan M. Calvert Thomas
Site Acreage:	153.7 acres
Current Zoning:	Single Family-1
Requested Zoning:	Planned Development-Single Family-3

Exhibit E - Staff Report

(17)

SUBJECT PROPERTY

General Location: 823 Ovilla Rd.

Parcel ID Number(s): 185893, 185891, 185980, 185979, 200064

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	N/A (Ellis County)	Single Family Residences
East	LI1	Walgreens Distribution Center
South	GR/SF1	Undeveloped Land/Faith Family Academy – Waxahachie
West	SF1	Undeveloped Land

Future Land Use Plan: Highway Commercial and Low Density Residential

Comprehensive Plan: Highway Commercial: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Low Density Residential: 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 Ovilla Rd.



Site Image:

Exhibit E - Staff Report

(17)

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval of a Planned Development to allow development of single family homes, townhomes, and park/open space on 153.7 acres. Per the City of Waxahachie Zoning Ordinance, the Planned Development requires approval from City Council.

Proposed Use:

The purpose of this Planned Development district is to create zoning that will allow the development of 458 total residential lots. Of which, 360 lots will fall within the categories A, B, C, and D (as identified on the attached PD Concept Plan and listed in the "Proposed Planned Development Regulations" section of the staff report below) and 98 lots will be developed as 28 ft. wide townhome lots.

The applicant intends to create a walkable and interactive development by creating several open spaces (33.5 acres total), including pocket parks, and a dog park.

Staff Note: The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property. City Council is scheduled to take action on the item on January 3, 2022.

Proposed Planned Development Regulations

Items highlighted in **bold indicates a variation request from the Single Family-3 (SF3) requirements.*

Type 'A' Lots

- Minimum Lot Area - 12,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'B' Lots

- Minimum Lot Area - 10,000 SF
- **Minimum Lot Width - 70'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 110'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- Maximum Lot Coverage – 50%

Type 'C' Lots

- **Minimum Lot Area - 8,400 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 60'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)

Exhibit E - Staff Report

(17)

- **Minimum Side Yard (interior) – 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Type 'D' Lots

- **Minimum Lot Area – 7,200 SF** (minimum 10,000 SF requirement per SF3 standards)
- **Minimum Lot Width - 50'** (minimum 80' requirement per SF3 standards)
- Minimum Lot Depth - 100'
- **Minimum Front Yard - 25'** (minimum 30' requirement per SF3 standards)
- **Minimum Rear Yard - 15'** (minimum 25' requirement per SF3 standards)
- **Minimum Side Yard (interior) - 5'** (minimum 10' requirement per SF3 standards)
- Minimum Side Yard (exterior on corner lots) - 15'
- **Maximum Lot Coverage – 55%** (maximum 50% requirement per SF3 standards)

Townhome Development Standards

**Items labeled with an “*” are not reflected within Section 5.09 of the City of Waxahachie Zoning Ordinance*

***Items highlighted in **bold** do not meet the townhome requirements within Section 5.09 of the City of Waxahachie Zoning Ordinance*

- **Minimum Lot Area – 3,080 SF (Front Entry); 2,940 SF (Rear Entry)** (minimum 3,630 SF requirement per Section 5.09 Townhome standards)
- *Minimum Lot Width - 28'
- *Minimum Lot Depth - 100'
- Minimum Front Yard - 20' (Front Entry); **10' (Rear Entry)** (minimum 15' requirement per Section 5.09 Townhome standards)
- Minimum Rear Yard – 15' (Front Entry); **20' (Rear Entry)** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- Minimum Side Yard (interior) - 0'
- **Minimum Side Yard (exterior on corner lots) - 15'** (minimum 25' (adjacent to Single Family requirement per Section 5.09 Townhome standards)
- **Maximum Lot Coverage – 70%**

For all Type 'A' 'B' 'C' 'D' and Townhome Lots

Density

A maximum of 458 dwelling units shall be permitted on the Property consisting of 153.73 acres, resulting in a maximum gross density of 3.0 dwelling units per acre.

Dwelling Unit Size

The minimum dwelling unit square footage will be:

- 1,800 sq. ft. (Single Family)
- 1,300 sq. ft. (Townhome)

Building Height

The maximum building height for structures shall be 2 stories.

Exhibit E - Staff Report

(17)

Masonry

- a. Minimum of 80% masonry overall
- b. On single-family detached homes, the front façade shall be 100% masonry
- c. On townhomes, the front façade shall be a minimum of 85% masonry
- d. Modern farmhouse front elevations shall be a minimum of 50% masonry
- e. Siding shall be permitted on wall areas extending above roof lines
- f. Lots backing to City 4-lane arterial shall have full masonry on rear elevation

Roof Pitch

Roof pitch shall be minimum of 8/12, with 4/12 allowed on shed roofs and rear covered patios.

Open Space

A minimum of 33.5 acres of open space shall be provided.

Sidewalks

Sidewalks will be provided in open space areas generally as shown on the concept plan. Sidewalks will be provided along public streets in accordance with City requirements.

Parking

A minimum of two (2) off-street parking spaces per dwelling unit shall be provided.

Landscaping and Screening

A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. Landscaping and screening shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Accessory Buildings

Accessory buildings on residential lots shall be in accordance with Article V of the City of Waxahachie Zoning Regulations.

Street Signs

Street name signs shall be provided at all public street intersections in accordance with City of Waxahachie standards. A street signage plan, including appropriate regulatory signage, shall be submitted to the engineering department at the time of final plat submittal.

Streetlights

Streetlights shall be provided along public streets in accordance with City of Waxahachie standards. A streetlight layout shall be submitting to the engineering department at the time of plat submittal.

Homeowner's Association (HOA)

An HOA shall be established on the property. The HOA shall be responsible for the operation and maintenance of open space areas, common areas, community amenities, perimeter screening walls, and landscaping.

Exhibit E - Staff Report

(17)

Amenities or Improvements within Parks and Open Space:

- Pockets parks / open space among the single family residential lots -
 - a. Shade trees, playground equipment and benches
 - b. Trail system
- Dog Park
- Detention Areas - Trees planted in clusters around the ponds

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.
- Growth Strategies – Goal 15: Identify areas for strategic annexations to occur.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Single family
- Townhomes
- Park/Open Space

SPECIAL EXCEPTION/VARIANCE REQUEST:

Lot Size

The minimum lot size requirement per SF3 zoning is 10,000 sq. ft.

- Type C Lots: The applicant is proposing a minimum lot size of 8,400 sq. ft.
- Type D Lots: The applicant is proposing a minimum lot size of 7,200 sq. ft.

The minimum lot size requirement per dwelling unit for Townhome is 3,630 sq. ft.

- Front Entry Lots: The applicant is proposing a minimum lot size of 3,080 SF (Front Entry)
- Rear Entry Lots: The applicant is proposing a minimum lot size of 2,940 SF (Rear Entry)

Lot Width

The minimum lot width requirement per SF3 zoning is 80ft.

- Type A Lots: The applicant is proposing a minimum lot width of 70'
- Type B Lots: The applicant is proposing a minimum lot width of 70'
- Type C Lots: The applicant is proposing a minimum lot width of 60'
- Type D Lots: The applicant is proposing a minimum lot width of 50'

Front Yard Setback

The minimum front yard setback requirement per SF3 zoning is 30ft.

- The applicant is proposing a minimum front yard setback of 25ft.

The minimum front yard setback requirement for Townhome is 15ft.

- Rear Entry Lots: The applicant is proposing a minimum front yard setback of 10ft.

Exhibit E - Staff Report

(17)

Rear Yard Setback

The minimum rear yard setback requirement per SF3 zoning is 25ft.

- The applicant is proposing a minimum front yard setback of 15ft.

The minimum rear yard setback requirement for Townhome is 10ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum rear yard setback of 20ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Side Yard Setback

The minimum side yard setback requirement per SF3 zoning is 10ft. (15ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 5ft. on interior lots.

The minimum rear yard setback requirement for Townhome is 0ft; 25ft. if adjacent to single family

- Rear Entry Lots: The applicant is proposing a minimum side yard setback of 15ft.

Note: There are some rear entry lots within the development that is adjacent to single family homes which would require a 25ft. setback

Lot Coverage

The maximum lot coverage requirement per SF3 zoning is 50%.

- Type C & D Lots: The applicant is proposing a maximum lot coverage of 55%.

The maximum lot coverage requirement for Townhome is 50%

- The applicant is proposing a maximum lot coverage of 70%.

Park Dedication

Per the City of Waxahachie Subdivision Ordinance, a cash-in-lieu fee of \$400 per lot is required.

- Applicant Response: The required park dedication for this project is 2 acres for each 100 dwelling units, which amounts to 9.28 acres. Our concept plan reflects total open space of approximately 29.8 acres of open space areas. We are requesting that the city accept a portion of the proposed open space in satisfaction of our dedication requirement. If the city does not wish to accept a public park dedication, we ask that the city waive the cash-in-lieu fee of \$400 per lot.

TxDOT Land Donation (Ovilla Rd. (FM 664)

Applicant Response: The widening of Ovilla Road will require TXDOT acquisition of approximately three acres of additional right-of-way from the Calvert property. The proposed realignment of the roadway in this area results in most of the widening occurring on the west side of the road. (By comparison, the corresponding right-of-way acquisition on the east side of Ovilla opposite of the Calvert property is approximately 0.3 acres.) We are prepared to hold the proposed right-of-way area in reserve. However, we are also asking for the City's concurrence that a land donation to TXDOT will not be a condition of development of the property.

Proposed Thoroughfare/Roadway Impact Fees

Per the City of Waxahachie Subdivision Ordinance, applicants are required to pay Roadway Impact Fees and Inspection Fees for new constructed developments.

- Applicant Response: The City's MTP reflects a Type D-1 Thoroughfare along the northern boundary of the property. As such, our concept plan reflects a 40-ft right-of-way dedication, (one-half of the required 80-ft right-of-way). We are also proposing to

Exhibit E - Staff Report

(17)

construct two-lanes of the roadway with the Twin Creeks development. Therefore, we are requesting Roadway Impact Fee Credits in the amount of \$1,095 for each of the 464 residential lots and totaling \$508,080. (We estimate that the cost of constructing two-lanes of the roadway as proposed will exceed \$2,000,000, so the fee waivers only cover a fraction of the total cost.)

- **Staff Note:** Staff is supportive of the requested Roadway Impact Fee Credits.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 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 five (5) letters of support and three (3) letters of opposition within the 200ft. notification area.

- **Note:** 4 letters of support are from 1 property owner
2 letters of opposition are from 1 property owner

*Staff also received a "Letter of Concern" (not officially stating support or opposition) from a resident within the surrounding neighborhood area, stating concerns he would like to see addressed prior to any development occurring on the site. The "Letter of Concern" has also been included in the agenda packet.

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. If approved, a mutually agreed upon Development Agreement must be signed by the applicant.
 2. The property shall be platted prior to any construction development.
 3. The townhomes shall meet the articulation standards of section 5.09 of the City of Waxahachie Zoning Ordinance.
 4. The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-178-2021) for this property.
 5. **Note:** Due to the proposed use being denied by the Planning and Zoning Commission:
 - a. A favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council is also required for any zoning request that was recommended for denial by the Planning and Zoning Commission. (Sec. 2.04, City of Waxahachie Zoning Ordinance)

ATTACHED EXHIBITS

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

Exhibit E - Staff Report

(17)

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:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Director of Planning

jennifer.pruitt@waxahachie.com

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR THE OAKS AT TWIN CREEKS
COUNTY OF ELLIS	§	

This Development Agreement for The Oaks at Twin Creeks ("**Agreement**") is entered into between The Oaks at Twin Creeks ("**OTC**") and the City of Waxahachie, Texas ("**City**"). OTC and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. OTC is the owner of approximately 153.7 acres of real property generally located West of Ovilla Rd. and North of US 287, Parcel Number 185893, 185891, 185980, 185979, 200064 in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a change in the Property's Single Family-1 zoning to a ("**PD**") Single Family-3 zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the PD reviewed on January 3, 2022.

2. The planned use of the Property is to create a Planned Development to allow for the use of a residential (townhome and single family residential) development. 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 OTC 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 OTC 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 "**The Oaks at Twin Creeks PD Ordinance**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Oaks at Twin Creeks.

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

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 Oaks at Twin Creeks 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) The development shall conform as approved by the City Council under case number ZDC-162-2021.
- (B) All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Planned Development Regulations.
- (C) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) The property shall be platted prior to any construction development on the site.
- (E) Sidewalks shall be constructed along Ovilla Rd. (FM 664).
- (F) A minimum 20-ft wide landscape buffer shall be provided adjacent to Ovilla Road. A minimum 10-ft landscape buffer shall be provided adjacent to the proposed thoroughfare along the northern boundary. The remaining landscaping and screening shall be in accordance with the City of Waxahachie Zoning Ordinance.
- (G) The applicant shall be responsible for paying all inspection fees.
- (H) A 6ft. masonry screening wall shall be located along the eastern boundary of the development (Ovilla Rd./FM 664) and northern boundary of the property per the Concept Plan.
- (I) Lots adjacent to the private access easement along the southern boundary of the development shall have a 6ft. wood privacy fence along the rear lot line.

- (J) 60% of the residential development shall consist of five (5) distinct architectural styles. The architectural styles and percentage breakdown shall reflect as:

Architectural Style	Percentage	Minimum Homes
Craftsman	12%	43
Traditional	12%	43
French Cottage	12%	43
Tudor	12%	43
Modern Farmhouse	12%	43

The remaining 40% of the residential development shall be determined by the market.

- (K) No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face.

- (L) Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.

- (M) A minimum of five (5) floor plans shall be used for each Architectural Style.

- (N) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

- (O) 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.

- (P) Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, Planned Development Regulations, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Regulations, Exhibit C – Concept Plan, Exhibit D – Amenity Exhibit, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, in this ordinance, Planned Development Regulations, or Development Agreement, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.

In consideration of OTC's agreement in this regard, the City of Waxahachie agrees that OTC has reasonable investment-backed expectations in the OTC PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in The Oaks at Twin Creeks PD Ordinance without impacting OTC'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 OTC 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.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th

Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

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: _____

: The Oaks at Twin Creeks (Developer)

By: _____

Date: _____

: Susan M. Calvert Thomas (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of The Oaks at Twin Creeks, 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: _____



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: December 21, 2021

Re: Consider A Resolution to Enter into a Contract with First Financial Bank to Serve as The City's Primary Depository

This item is a request for consideration to authorize the city manager to enter into a contract with First Financial Bank to serve as the city's primary depository.

Background

In August 2021, we were notified by our current bank, Comerica, that they would no longer be doing business in the Texas municipal market, and that we would need to find a new bank to meet our depository needs. In early September, we engaged the consulting firm, Valley View Consulting, to assist us in the overall planning process, preparation of our formal Request for Application (RFA), an update to the City's Investment Policy, and an analysis of bids received.

Summary and Recommendation

The City received proposals from First Financial Bank and Wells Fargo. The City reviewed these proposals and interviewed both applicants. Based on the City's requirements, including services provided and cost considerations, we are recommending the contract be awarded to First Financial Bank.

Attachment

Attached to this memo you will find more detailed information from Valley View Consulting regarding the overall process, application analysis, and final recommendation.



December 20, 2021

Mr. Chad Tustison
Director of Finance
City of Waxahachie
401 S. Rogers Street
Waxahachie, Texas 75165

Dear Mr. Tustison:

We sincerely appreciated and welcomed the opportunity to assist the City of Waxahachie (the "City") with this Primary Depository Services Request for Applications (the "RFA") project.

The objective of this engagement was to select a primary depository following the notification by Comerica Bank that they are exiting the Texas Public Funds Market. Comerica agreed to allow the City sufficient time to complete a proper solicitation as required by Chapter 105 Municipal Depository Act and continue to serve as the City's depository through March 31, 2022. This contract, when approved, will commence on February 1, 2022 and terminate on January 31, 2024. At the option of the City, the contract may be extended for three (3) additional one-year periods under the same terms and conditions.

Procedure

The project began with the establishment of a calendar of events to ensure that the required project steps were performed in a timely and sequential manner.

The process for selecting a Primary Depository is governed by the State of Texas Local Government Codes: Chapter 105 Municipal Depository Act; Chapter 176 Conflict of Interest Act; Chapter 2256 Public Funds Investment Act; and Chapter 2257 Public Funds Collateral Act.

In addition to complying with these State statutory requirements, it was necessary to understand and comply with the City's financial and purchasing policies and Investment Policy.

The RFA project was conducted as follows:

1. Analyzed historical bank service usage and balance records.
2. Reviewed the minimum banking services and potential additional services.
3. Developed a list of eligible financial institutions within the City's municipal boundaries:
 - a. Citizens National Bank of Texas
 - b. Community National Bank & Trust of Texas
 - c. First Financial Bank, N.A.
 - d. First National Bank Texas

- e. InterBank
 - f. PNC Bank, N.A.
 - g. Prosperity Bank,
 - h. The First State Bank, and
 - i. Wells Fargo Bank, N.A.
4. Contacted the financial institutions to confirm distribution information, describe the process, and identify the designated recipient.
 5. Drafted the RFA for City review and approval.
 6. Posted the notice and advertised the RFA.
 7. Distributed RFAs to the identified and receptive financial institutions.
 8. Held a non-mandatory pre-application conference.
 9. By the closing deadline, applications were received from:
 - a. First Financial Bank, N.A., and
 - b. Wells Fargo Bank, N.A.

The evaluation of the applications was based on, but not limited to, the following criteria, in no particular order of priority:

1. Ability of applicant to perform and provide the required and requested services;
2. References provided and quality of services;
3. Cost of services;
4. Transition cost, retention and transition offers, and incentives;
5. Interest rates on interest bearing accounts and deposits;
6. Earnings credit rate on compensating balances;
7. Previous service relationship with the City;
8. Convenience of location(s);
9. Completeness of application; and
10. Financial strength and stability of the institution.

Application Analysis

The application analysis began with an overall review of each financial institution's general financial strength and ability to provide the services necessary to meet the City's current and future service needs. Both applicants exhibited acceptable financial strength and the ability to provide the services the City requested.

Each financial institution's fee schedule was analyzed based on the City's banking service needs and estimated activity levels. First Financial Bank, N.A. offered a flat monthly fee of \$500 for depository services. Wells Fargo Bank, N.A. priced monthly fees based on usage of depository services each month.

Historically average annual deposit balances of \$2,000,000 have been maintained by the City. The analysis was completed with depository operating balances of \$2,000,000.

The summary below is for both the two (2) year initial contract term, and the full five (5) year term allowing for the three (3) possible one-year extensions at the option of the City.

Two-Year Term	First Financial Bank, N.A.	Wells Fargo Bank, N.A.
Proposed Net Fees	(\$10,433)	(\$31,431)
Five-Year Term		
Proposed Net Fees	(\$26,082)	(\$87,578)

Conclusion

To arrive at their recommendation, the City staff reviewed both applications with Valley View Consulting, and invited both First Financial Bank, N.A. and Wells Fargo Bank, N.A. to demonstrate their online platforms, service capabilities, and to discuss their commitment to the City and community.

Based on the analysis results, evaluation criteria, and demonstrations of services, City staff determined that the terms offered by First Financial Bank, N.A. were the most advantageous to the City. We concur with the staff recommendation that the Council award the Primary Depository Services contract to First Financial Bank, N.A. and authorize the City Manager to execute the agreements necessary to begin the depository relationship.

Please contact Tom Ross, E. K. Hufstедler, Dick Long or me to discuss any questions or additional information needs.

Thank you for this opportunity to provide the City of Waxahachie with our depository consulting services.

Sincerely,



Tim Pinon
Valley View Consulting, L.L.C.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FIRST FINANCIAL BANK, N.A. TO SERVE AS THE CITY'S PRIMARY DEPOSITORY; EXECUTE ALL NECESSARY AGREEMENTS FOR DEPOSITORY SERVICES AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 105 of the Texas Local Government Code requires that the City appoint a Primary Depository; and

WHEREAS, the City's current depository has notified the City that they will no longer serve the as the City's Depository Bank, and

WHEREAS, pursuant to the provisions of Chapter 105, the City has conducted a formal solicitation for banks to submit applications to serve as the City's Primary Depository, and

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

Section 1. Pursuant to Chapter 105 of the Texas Local Government Code, the City Manager is authorized to execute a contract with First Financial Bank, N.A. to serve as the City's Primary Depository and execute all agreements related to the selected depository services.

Section 2. This resolution shall become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED on this the 3rd day of January, 2022.

DOUG BARNES, MAYOR

ATTEST:

Amber Villarreal, City Secretary