

AMENDED AGENDA

AGENDA

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, April 17, 2023 at 7:00 p.m.***

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
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 April 3, 2023
- b. Event application for Hymn Singing at Railyard Park on April 30, 2023
- c. Event application for the Waxahachie Symphony Association at the Chautauqua Auditorium on May 6, 2023
- d. Approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for the Perry Ave Paving and Drainage Improvements Project
- e. Supplemental appropriation in the amount of \$216,000 for legal services

6. ***Introduce*** Honorary Councilmember
7. ***Present*** Proclamation recognizing April 2023 as “Child Abuse Prevention Month”
8. ***Public Hearing*** on a request by Dalton Bradbury, Acker Bradbury Construction, for a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (ZDC-13-2023)
9. ***Consider*** proposed Ordinance approving ZDC-13-2023

10. **Public Hearing** on a request by Dalton Bradbury, Acker Bradbury Construction, for a Replat of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: DONNIE LORD & BENITA LORD (SUB-17-2023)
11. **Consider** approval of SUB-17-2023
12. **Public Hearing** on a request by Brad Yates, for a Zoning Change to Amend Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948)–Owner: GRAILY HOLDINGS LLC (ZDC-21-2023)
13. **Consider** proposed Ordinance approving ZDC-21-2023
14. **Public Hearing** on a request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023)
15. **Consider** proposed Ordinance approving ZDC-29-2023
16. **Public Hearing** on a request by Gina McLean, Nationwide Construction, for a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568)-Owner: MC INVESTMENT FUND, LLC (ZDC-161-2022)
17. **Consider** proposed Ordinance approving ZDC-161-2022
18. **Consider** Development Agreement for ZDC-161-2022
19. **Public Hearing** on a request by Cassie Williams, Saddles Bar and Grill, for a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425)-Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023)
20. **Consider** proposed Ordinance approving ZDC-16-2023
21. **Public Hearing** on a request by Christopher Heipp, P&K Stone for a Specific Use Permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022)
22. **Consider** proposed Ordinance approving ZDC-100-2022
23. **Consider** Development Agreement for ZDC-100-2022

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

25. Adjourn

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

(5a)

City Council
April 3, 2023

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, April 3, 2023 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Reverend Rodney Singleton, Chaplain at Baylor Scott and White Waxahachie, gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed concern with safety and prevention of heat related car deaths of children. He encouraged more education for children, parents, and drivers to prevent heat deaths in vehicles.

Ernie Martinek, 2256 Bells Chapel Road, Waxahachie, Texas, spoke in opposition of Municipal Utility Districts and encouraged City Council to pass the proposed Resolution opposing them.

5. Consent Agenda

- a. Minutes of the City Council meeting of March 20, 2023
- b. Renewal of National Sign Plazas agreement
- c. Interlocal Agreement with the City of Burleson for the purchase of various goods and services

Action:

Council Member Billie Wallace moved to approve all items on the consent agenda as presented and authorize the City Manager and/or Mayor to execute all documents as necessary. Mayor Pro Tem Chris Wright seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Hill announced the Honorary Councilmember will attend the April 17th meeting.

7. Consider City of Waxahachie Annual Financial Report for year ended September 30, 2022

Paula Lowe, Patillo, Brown, & Hill, L.L.P., presented the City of Waxahachie Annual Financial Report for the year ended September 30, 2022. Ms. Lowe reviewed the Independent Auditor's Report noting it is their opinion the City financial statements present fairly in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Waxahachie, Texas, as of September 30, 2022. The respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with account principles generally accepted in the United States of America. Ms. Lowe reviewed the following financial highlights:

- In fiscal year 2022, the City fell victim to a spoofing attack fraud scheme. In this case, the attacker deceived a City employee into believing he/she was communicating with an existing valid vendor. The City has taken additional steps to prevent this from happening in the future by implementing additional procedures.
- All positive balances in all categories of Statement of Net Position
- Total Fund balance of \$40,364,859
- Unassigned fund balance for the General Fund of \$26,392,273
- "Clean", unqualified opinion, which is the highest level that can be given

Ms. Lowe thanked Finance Director Chad Tustison, Assistant Finance Director Gail Turner, and their staff for their assistance during the audit process.

Action:

Council Member Billie Wallace moved to accept the Annual Financial Report for the fiscal year ending September 30, 2022. Council Member Patrick Souter seconded, All Ayes.

8. Continue Public Hearing on a request by Iris Showalter, Owner of Studio Iris, for a Zoning Change from a General Retail (GR) zoning district to Planned Development – General Retail (PD-GR) zoning district, located at 120 North Highway 77 (Property ID 173425) - Owner: 120 NORTH, LLC (ZDC-177-2022)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a zoning change from General Retail District (GR) to a Planned Development District (PD) with a base zoning of General Retail District (GR) to allow for a cosmetic and restorative tattoo establishment. The applicant is proposing to operate the cosmetic and restorative tattoo establishment in Suite A (approximately 550 square feet) in the multi-tenant building at 120 North Highway 77. Ms. Pruitt reviewed the development standards identified in the proposed Ordinance. Based on the details provided in the Staff Report and the present status of the documents associated with the request, the Planning Department recommended approval of the zoning request, given the clarification and definitions of services performed for the proposed cosmetic and restorative tattoo establishment.

(5a)

Mayor Hill continued the Public Hearing.

There being no others to speak for or against ZDC-177-2022, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-177-2022

ORDINANCE NO. 3366

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT DISTRICT- GENERAL RETAIL DISTRICT (PD-GR) LOCATED 120 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.65 ACRES KNOWN AS PROPERTY ID 173425, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-177-2022, a Zoning Change from a General Retail (GR) zoning district to Planned Development -General Retail (PD-GR) zoning district, authorizing the City Manager and/or Mayor to execute all documents accordingly. Council Member Travis Smith seconded, All Ayes.

10. Consider a request by Massey Shaw, Blue Bonnet Trails, LLC, for a Plat extension of Silverthorne Addition, being 32.56 acres, located directly south of 140 Lavender Drive, situated in the B.B. Davis Survey, Abstract No. 290, and W.C. Calder Survey, Abstract No. 235, an addition to the City of Waxahachie (Property ID 182275) – Owner: Blue Bonnet Trails, LLC (SUB-20-2023 AKA SUB-15-2021)

Ms. Pruitt explained the applicant is requesting a plat extension for Silverthorne Addition, a 32-acre plat for 77 single-family residential lots. The Planning and Zoning Commission approved the plat on April 13, 2021, under case SUB-15-2021. Since the plat is due to expire on April 13, 2023, the applicant is requesting a plat extension for an additional two (2) years. The applicant still needs to receive approval for the associated construction plans. The construction plans were initially submitted to the Public Works and Engineering Department in October 2021 and resubmitted for a second review in October 2022. The applicant did not provide staff with a timeline to complete the construction of the subdivision within the next two years. Based on the details provided in the Staff Report and the present status of the documents subject to the request, the Planning Department recommended approval of the two-year plat extension with the conditions noted below:

1. The applicant shall remove note #2 regarding the traffic impact analysis assessment performed on the subject property and located in the lower left-hand corner of the page on both plat pages prior to filing the plat with the County.
2. The applicant shall revise the ownership on the plat to match the ownership information on the Ellis County Appraisal District prior to filing the plat with the County.

3. The applicant shall revise the plat in the future to revise, add, or remove easements on the plat per the construction plans approved by the Public Works and Engineering Department, subject to review and approval of the City Engineer.
4. The applicant chooses another street name for "Stellar Drive" due to the potential conflict with "Stella Drive" in Ellis County, subject to review and approval of the Planning Director.

Mayor Pro Tem Chris Wright explained he was not supportive of the request due to the developer not building the townhomes in Bluebonnet Trails according to what was approved by the Planning and Zoning Commission and City Council. Council Member Patrick Souter agreed.

Council Member Billie Wallace asked what the process is to ensure compliance and Ms. Pruitt explained the Public Works Department will review the plans and inspect the construction of the infrastructure.

James Moon, on behalf of the owner, asked for clarification on the previous issues mentioned by Mayor Pro Tem Wright.

City Manager Michael Scott explained the previous issue was not related to platting, but with zoning and elevations. The final plans submitted to the Building Department and constructed were not the plans approved by City Council for the Bluebonnet Trail townhomes.

Mr. Moon stated the developer constructed the approved plans submitted to the permitting department. He noted staff did not verify they were the same plans approved by City Council and that was not the developer's fault. Mr. Scott stated the developer should have not submitted inaccurate plans to the City that were not in compliance with what City Council approved.

Mr. Moon explained the developer is only putting in the infrastructure for this particular development and the residential lots will be offered to local homebuilders for construction, who will have to comply with the development standards in the approved Planned Development. He noted he doesn't believe the City Council has the authority to deny the plat extension.

Council Member Travis Smith asked if the plat expires will the developer have to start the process over. City Attorney Robert Brown confirmed that is correct.

City Council discussed tabling the item to allow for legal consideration and Ms. Pruitt noted the plat will expire on April 13, 2023 if City Council does not grant the extension.

Action:

Council Member Billie Wallace moved to approve a two-year plat extension for SUB-20-2023, also known as SUB-15-2021, a plat for Silverthorne Addition, authorizing the City Council to sign the associated documents accordingly.

The motion failed due to lack of second.

Action:

Mayor Pro Tem Chris Wright moved to disapprove a two-year plat extension for SUB-20-2023, also known as SUB-15-2021, a plat for Silverthorne Addition, authorizing the City Manager and/or Mayor to execute any documents as necessary, due to the fact the request was brought at the last minute, the item was unable to be tabled to allow for consideration by legal. Council Member Patrick Souter seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souter, and Travis Smith. Noes: Billie Wallace.

The motion carried.

- 11. Public Hearing on a request by Gilberto Escobedo, LGE Investment Homes LLC, for a Replat of Lot 1A of the Martin Addition, to create Lot 1AR & 1BR of the Martin Addition, two (2) residential lots, being 0.192 acres, located at 215 Finley Street (Property ID: 175899) – Owner: LGE INVESTMENT HOMES LLC (SUB-180-2022)**

Mayor Hill announced the applicant requested to continue the Public Hearing for SUB-180-2022 to the May 15, 2023 City Council meeting.

- 12. Consider approval of SUB-180-2022**

Action:

Council Member Billie Wallace moved to continue the Public Hearing on a request by Gilberto Escobedo, LGE Investment Homes LLC, for a Replat of Lot 1A of the Martin Addition, to create Lot 1AR & 1BR of the Martin Addition, two (2) residential lots, being 0.192 acres, located at 215 Finley Street (Property ID: 175899) to the May 15, 2023 City Council meeting. Council Member Travis Smith seconded, All Ayes.

- 13. Public Hearing on a request by Jake Fears, JHF Engineering for a Specific Use Permit (SUP) for a restaurant with a drive-through use (Dutch Bros) within a General Retail (GR) zoning district located at 1995 North Highway 77 (Property ID 262424) - Owner: SAI COMMERCIAL GROUP, LLC (ZDC-5-2023)**

Ms. Pruitt presented the case noting the applicant requests a Specific Use Permit for a restaurant with a drive-through (Dutch Bros) at 1995 North Highway 77. The applicant proposes constructing a 950-square-foot building on a 0.5-acre tract where customers can order food and drinks through the drive-through or the walk-up order window. The establishment will not have an indoor dining area and the building's occupancy will be limited to employees. The establishment has provided a 504-square-foot outdoor seating area for customers. Since the restaurant parking requirement is based on the floor area of the dining area, the applicant has provided six (6) parking spaces for the outdoor seating area to ensure adequate parking for customers. Additionally, the applicant has provided two stacking lanes for the drive-through to manage typical business demands. Typically, only six (6) stacking spaces are required; however, the applicant has provided thirteen (13) stacking spaces for vehicle queuing.

Ms. Pruitt reviewed the architectural elevations provided by the applicant. Each building elevation is composed of a maximum of 85 percent stucco with a horizontal fiber cement accent siding, and cultured stone at the base of the building. The north, east (US Highway 77), and south (Victory

Drive) elevations have cultured stone at the base of the building. The west elevation (North Town Boulevard) does not have cultured stone at the base of the building.

Ms. Pruitt noted staff recommends approval of the SUP request with the conditions listed below:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant must submit a plat application to the Planning Department to replat the subject property in the lot configuration reflected on the site plan.
3. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Mayor Hill opened the Public Hearing.

Those who spoke in favor:

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

There being no others to speak for or against ZDC-5-2023, Mayor Hill closed the Public Hearing.

14. Consider proposed Ordinance approving ZDC-5-2023

ORDINANCE NO. 3367

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A DRIVE THROUGH ESTABLISHMENT USE (DUTCH BROS) WITHIN A GENERAL RETAIL DISTRICT LOCATED 1995 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.605 ACRES KNOWN AS PROPERTY ID 262424, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-05-2023, a Specific Use Permit (SUP) for a restaurant with a drive-through use (Dutch Bros), subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly. Council Member Travis Smith seconded, All Ayes.

15. Consider Development Agreement for ZDC-5-2023

Action:

Council Member Billie Wallace moved to approve the Development Agreement for ZDC-5-2023. Mayor Pro Tem Chris Wright seconded, All Ayes.

16. Consider professional services agreements for architectural services and project management services for the City Hall Renovation Project

Richard Abernethy, Director of Administrative Services, requested approval of an agreement with

Architexas for phase II architectural services and Vidaurri Management Group for project management services for the City Hall Renovation Project. In May 2022, the City Council approved a contract with Architexas to complete a space planning design for the City Hall Renovation Project. The final space plan document with budget costs was completed and discussed at the Council workshop on February 24th. The next step commences construction of the renovation project and will require entering into a second phase of the architectural services to finalize design and bid out the project. In addition, utilizing a project management service will ensure the project meets critical milestones in a timely manner as well as identifying cost-saving options throughout the project.

Mr. Abernethy explained the phase II professional services agreement with Architexas will provide for the development of construction documents to be bid while the Vidaurri Management Group (VMG) agreement will provide for oversight in project organization, planning, schedule management, design, bidding and negotiation, and construction and closeout. The total cost for the architectural services contract is \$496,000 and the VMG contract total is \$293,000. Funding for these contracts are planned expenses and have been allocated within the budget for the City Hall Renovation Project.

Action:

Council Member Patrick Souter moved to approve agreements for the City Hall Renovation Project with Architexas for Phase II architectural services for \$496,000 and Vidaurri Management Group for project management services for \$293,000 and authorize the City Manager to execute all documents as necessary. Council Member Billie Wallace seconded, All Ayes.

17. Consider approval of Steele and Freeman as the Construction Manager at Risk for the City Hall Renovation Project

Mr. Abernethy requested approval of a contract with Steele and Freeman to serve as the Construction Manager at Risk for the City Hall Renovation Project. In September/October 2022, the City advertised for a Construction Manager at Risk (CMAR) for the City Hall Renovation Project. On October 11, 2022 the City received two proposals. After thorough review, staff recommended Steele & Freeman, Inc. to be the CMAR for the project. Steele and Freeman, Inc. is currently the CMAR for Fire Station No. 4 and the Chuck Beatty Municipal Services Building and as such, the City is familiar with the quality of their work.

Mr. Abernethy explained the CMAR will begin working closely with the project architect, Architexas and their role will include planning for the construction phase of the project, but even more important will be to begin the pre-construction services phase, which includes pricing of the various design elements to make sure that what is being designed falls within the project budget.

Mr. Abernethy explained the anticipated cost of this project remains at \$8.75M in construction cost and this project budget figure has been made clear to the architect as well the proposed CMAR. The final construction cost or Guaranteed Maximum Price (GMP) will be brought back to Council in the future for final approval of these expenses. The total cost for this contract is a planned expense and funds are allocated within the budget for the City Hall Renovation Project.

Mr. Scott explained the early involvement of the construction manager in the project assists with the project staying within budget.

Action:

Council Member Billie Wallace moved to approve a contract with Steele and Freeman to serve as the Construction Manager at Risk for the City Hall Renovation Project and authorize the City Manager to execute all documents as necessary. Council Member Travis Smith seconded, All Ayes.

18. Consider proposed Resolution opposing special districts, including Municipal Utility Districts, in the City of Waxahachie and its extraterritorial jurisdictions

Mr. Scott requested approval of the proposed resolution to formally state the City's opposition to the proliferation of special district requests being submitted around Waxahachie and Ellis County. A number of other jurisdictions in the County have passed similar resolutions, including Midlothian, Ferris and Ellis County. He explained while the resolution in itself does not carry weight of a formal limitation on the formation of such districts, it states the City's position and concern with them. The intention of staff, once the resolution is adopted, is to provide a copy of the resolution to various legislators and committee chairs in Austin and staff recommends the adoption of this resolution as presented.

RESOLUTION NO. 1339

A RESOLUTION OPPOSING SPECIAL DISTRICTS, INCLUDING MUNICIPAL UTILITY DISTRICTS, IN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION

Action:

Council Member Patrick Souter moved to adopt the Resolution opposing special districts, including Municipal Utility Districts, within the City of Waxahachie and its extraterritorial jurisdiction. Council Member Billie Wallace seconded, All Ayes.

19. Convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code

Mayor Hill announced at 8:03 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

20. Reconvene and take any necessary action

The meeting reconvened at 8:32 p.m.

No action taken.

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

City Manager Michael Scott acknowledged Finance Director Chad Tustison and Assistant Finance Director Gail Turner for their extensive work to finalize the audit.

Mayor Pro Tem Chris Wright explained that a Municipal Utility District is outside the city limits, draws the use of city services, does not contribute to city taxes, and the developments do not have to comply with rules and regulations. He expressed his opposition to special districts.

Council Member Patrick Souter congratulated Ms. Iris Showalter on working with the City for a positive outcome on her zoning request. He explained City Council must do what is best for the City and he is not tolerant of developers not abiding by city ordinances. Council Member Souter acknowledged Mr. Ira Tenpenny's concern and noted he supports code enforcement to improve the city.

Mayor David Hill thanked Finance Director Chad Tustison and Assistant Finance Director Gail Turner for their hard work.

22. Adjourn

There being no further business, the meeting adjourned at 8:36 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted

4/13/23

Applicant Information

Applicant name:

JIM JORDAN

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone:

972/268-3275

Cell:

or 972/756-0313

Email:

Mailing address:

403 CANTRELL #1

Host organization name:

Alternate contact that will be on-site during the event.

BRUCE ZIMMERMAN

On-site contact name:

Cell:

972/921-6067

About the Event

Event name:

HYMN SING

Date:

SUNDAY 4/30/23

Location:

RAILYARD PARK

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance:

100

Description of event:

5th SUNDAY GOSPEL SING/TESTIMONY Service

Event Date

Date(s)

4/30

Start Time:

4 pm

End Time:

8 pm

Event Set-up

Event Breakdown

How many times has this event been hosted before?

1st time ☒

2 - 4 times ☐

5 or more times ☐

Location:



(5b)

Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input checked="" type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk | <input checked="" type="radio"/> Other: <u>CHURCH</u> |

Event activities include (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Amusement rides / Inflatables | <input type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|--|
| <input type="radio"/> Private | <input checked="" type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- | | |
|---------|-----------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input type="radio"/> |

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes ☐ No ☒

Will event require any food preparation on-site? Yes ☐ No ☒

Will alcohol be served/sold? Yes ☐ No ☒

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) **Request for services is not a guarantee that staff/volunteers will be available.**

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes ☐ No ☒

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes ☐ No ☒

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes ☐ No ☐

City Equipment:

Are you requesting the use of City equipment? Yes ☐ No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____



City of Waxahachie
City Secretary's Office

Special Event Application

(56)

Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up? _____

Date: _____

Time: _____

When will the equipment be removed? _____

Date: _____

Time: _____ /

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes ☐

No ☒

List the # of tents & sizes: _____

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? _____

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier: _____

Explain services in detail: _____

P.A. mobil unit

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, its officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, its officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Jamie Jordan
Signature

4/13/23
Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Jamie Jordan
Signature

4/13
Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.

(5b)

Villarreal, Amber

From: Guinn, Danielle
Sent: Thursday, April 13, 2023 10:05 AM
To: Villarreal, Amber; Mosley, Laurie; Cooper, Kyle; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Boyd, Ricky; Joe Bill Wiser
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Bonner, Jami
Subject: RE: Event Application-Hymn Singing

I do not see any conflicts or issues with this application & event.

Danielle Guinn

Cultural Arts & Programming Manager
Waxahachie Convention & Visitors Bureau
danielle.guinn@waxahachie.com
Office: 469-309-4051
Cell: 214-463-7815
www.visitwaxahachie.com
www.facebook.com/railyardparkwaxahachie

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, April 13, 2023 9:58 AM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Hymn Singing

For your review/comments. Please reply by the end of the day today, Thursday, April 13th in order for the application to be considered by City Council on Monday.

Thank you,

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

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(5b)

Villarreal, Amber

From: Joe Bill Wiser
Sent: Thursday, April 13, 2023 11:03 AM
To: Villarreal, Amber
Subject: RE: Event Application-Hymn Singing

No concerns or comments

Joe Wiser

From: Villarreal, Amber
Sent: Thursday, April 13, 2023 9:58 AM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
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(5b)

Villarreal, Amber

From: Cooper, Kyle
Sent: Thursday, April 13, 2023 11:43 AM
To: Villarreal, Amber
Subject: RE: Event Application-Hymn Singing

No comments from parks.



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
469-309-4277
972-268-4549
Kyle.Cooper@waxahachie.com

From: Villarreal, Amber
Sent: Thursday, April 13, 2023 9:58 AM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Hymn Singing

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(5b)

Villarreal, Amber

From: Boyd, Ricky
Sent: Thursday, April 13, 2023 11:56 AM
To: Villarreal, Amber
Subject: RE: Event Application-Hymn Singing

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, April 13, 2023 9:58 AM
To: Guinn, Danielle <danielle.guinn@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Hymn Singing

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Amber Villarreal, TRMC, CMC

City Secretary

City of Waxahachie

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City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted 4/10/23

Applicant Information

Applicant name: Melissa Chapman

Are you representing the host organization?

Yes ☒

No ☐

Will you be the on-site point of contact during the event?

Yes ☒

No ☐

Phone: _____ Cell: 210-865-6185

Email: _____

Mailing address: P.O. Box 405

Host organization name: Waxahachie Symphony Association

Alternate contact that will be on-site during the event.

On-site contact name: Wayne Strickland

Cell: 972-814-0605

About the Event

Event name: WSA Presents Jazz Crooner Ken Slavin

Date: May 6, 2023

Location: Waxahachie Chautauqua Auditorium

An event site map is REQUIRED to be submitted with your application.

Anticipated attendance: 350

Description of event: Concert on stage from 7 - 9 pm, concession stand selling beer & wine, possible food truck on the street from 6 - 8 pm.

	Date(s)	Start Time:	End Time:
Event Date	5/6/23	6 pm	9:30 pm
Event Set-up	5/6/23	1 pm	5 pm
Event Breakdown	5/6/23	9 pm	10 pm

How many times has this event been hosted before?

1st time ☐

2 - 4 times ☐

5 or more times ☒

Location: Waxahachie Chautauqua Auditorium

(5C)



City of Waxahachie
City Secretary's Office

Special Event Application

Choose the best description of the event:

- | | |
|---------------------------------------|---|
| <input type="radio"/> Festival | <input type="radio"/> Birthday Party / Picnic |
| <input type="radio"/> Movie Screening | <input type="radio"/> Charitable / Fundraising |
| <input type="radio"/> Parade | <input type="radio"/> Community / Neighborhood |
| <input type="radio"/> Private Event | <input checked="" type="radio"/> Concert / Live Performance |
| <input type="radio"/> Run / Walk | <input type="radio"/> Other: |

Event activities include (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input checked="" type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Included for WSA Season Ticket Holders, Individual Concert tickets \$20 adults, children free.

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance:

Number of participants:

- | | |
|---------|-----------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input type="radio"/> |

Provide route on attached site map.

(5C)



City of Waxahachie
City Secretary's Office

Special Event Application

Food / Beverage:

Will the event offer food/beverages?

Yes ☒

No ☐

Will event require any food preparation on-site?

Yes ☒

No ☐

Will alcohol be served/sold?

Yes ☒

No ☐

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (Indicate all that apply) **Request for services is not a guarantee that staff/volunteers will be available.**

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: 3 Date(s) & time(s): 5/6/23, 6 - 10 pm

Have you made arrangements with the police? Yes ☐ No ☒

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes ☐ No ☒

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes ☐ No ☒

City Equipment:

Are you requesting the use of City equipment? Yes ☐ No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

(5C)



City of Waxahachie
City Secretary's Office

Special Event Application

Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up? _____

Date: _____

Time: _____

When will the equipment be removed? _____

Date: _____

Time: _____

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'? _____

Yes ☐

No ☒

List the # of tents & sizes: _____

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? _____

Generator ☐

Franchise Utilities ☐

Both ☐

List contractor / supplier: _____

Explain services in detail: _____

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, its officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. 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. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, its officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Melissa Chapman 4/10/23
Signature Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Melissa Chapman 4/10/23
Signature Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.

(50)
Chautauqua Auditorium



See similar places



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Chautauqua
Auditorium



W Main

W Main

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Park

Chautauqua Auditorium

4.9 ★★★★★ (15)

(5C)

Villarreal, Amber

From: Cooper, Kyle
Sent: Thursday, April 13, 2023 9:02 AM
To: Villarreal, Amber
Subject: RE: Event Application-Symphony Association 5.6.23

No comments from parks.

Organizer has submitted all paperwork needed for the Chautauqua reservation.



Kyle Cooper, CPRP
*Senior Director
Parks and Recreation
City of Waxahachie*
469-309-4277
972-268-4549
Kyle.Cooper@waxahachie.com

From: Villarreal, Amber
Sent: Thursday, April 13, 2023 8:59 AM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Warren, Anthony <anthony.warren@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Symphony Association 5.6.23

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Thank you,

Amber Villarreal, TRMC, CMC
City Secretary
City of Waxahachie

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www.waxahachie.com

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(5C)

Villarreal, Amber

From: Boyd, Ricky
Sent: Thursday, April 13, 2023 9:06 AM
To: Villarreal, Amber
Subject: RE: Event Application-Symphony Association 5.6.23

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, April 13, 2023 8:59 AM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Warren, Anthony <anthony.warren@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Symphony Association 5.6.23

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City Secretary

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(5C)

Villarreal, Amber

From: Martinez, Gumaro
Sent: Thursday, April 13, 2023 9:46 AM
To: Villarreal, Amber; Cooper, Kyle; Barnes, Bradley; Campos, Yadira; Boyd, Ricky; Joe Bill Wiser; Warren, Anthony; Jordan, Me'Lony
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Bonner, Jami
Subject: RE: Event Application-Symphony Association 5.6.23

No comments other than they need to obtain/meet the food truck permitting requirements and TABC permit. Also need to have security if selling alcohol.



From: Villarreal, Amber
Sent: Thursday, April 13, 2023 8:59 AM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Warren, Anthony <anthony.warren@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Symphony Association 5.6.23

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(5C)

Villarreal, Amber

From: Joe Bill Wiser
Sent: Thursday, April 13, 2023 11:05 AM
To: Villarreal, Amber
Subject: RE: Event Application-Symphony Association 5.6.23

No concerns.

Joe Wiser

From: Villarreal, Amber
Sent: Thursday, April 13, 2023 8:59 AM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>; Warren, Anthony <anthony.warren@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>
Subject: Event Application-Symphony Association 5.6.23

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Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., CFM, CPM Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: April 17, 2023

Re: Consider the Approval of an Engineering Professional Services Agreement with Teague Nall and Perkins, Inc. for the Perry Ave Paving and Drainage Improvements Project

Recommended Motion: "I move to approve the agreement with Teague Nall and Perkins, Inc. for the Perry Avenue engineering services in the amount of \$346,421 and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of the professional services agreement with Teague Nall and Perkins, Inc. for design and construction engineering services associated with reconstruction of Perry Avenue from Graham Street to Getzendaner Avenue.

Item Summary: The Perry Avenue Paving and Drainage Project includes reconstruction of the existing concrete street, installation of storm drain improvements and the addition of sidewalks and street lights from Graham Street to Getzendaner Avenue. A companion utility project for Perry Avenue provides for design and reconstruction of the water and sewer facilities within the project limits. This engineering professional services agreement provides for the design, bidding and construction phase engineering services for the paving and drainage improvement and incorporating the water and sewer improvements from the utility project into a single combined construction project. The agreement also includes easement preparation and acquisition services. Additional easements will be needed for the installation of sidewalks and street lights along the roadway.

Fiscal Impact: The total amount of the professional engineering services agreement is \$346,421. The proposed construction contract is an approved project that is within the budget. The engineering for this project is funded through the FY 2022 Bond Sale.



Memorandum

To: Honorable Mayor and City Council

From: Richard Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: April 17, 2023

Re: Consider Approval of a Supplemental Appropriation for Legal Services

Recommended Motion: "I move to approve a supplemental appropriation from the General Fund unrestricted reserve for legal services in the amount of \$216,000".

Item Description: Consider approval of a supplemental appropriation from the General Fund unrestricted reserve for legal services in the total amount of \$216,000.

Item Summary: The budget for FY 2023-24 for the City Attorney is \$190,000. As the year has progressed, the City has seen an increase in MUD and wastewater discharge permit protests, as well as, ongoing litigation fees. The proposed supplemental appropriation should cover ongoing legal services with the City Attorney and litigation fees for the remainder of the fiscal year

Fiscal Impact: The \$216,000 supplemental appropriation is proposed to be funded from the General Fund unrestricted reserve with \$85,000 for Contract – City Attorney and \$131,000 for Professional Services. There are sufficient funds available in the unrestricted reserve.

(16)

PROCLAMATION

WHEREAS, there is a consensus across the country that it is necessary to build strong prevention systems as part of a robust family well-being system that not only supports families when they are in a crisis, but is intentional in supporting families before they are in crisis. The universal challenges faced over the past three years have compounded the struggles children and families in our communities were already facing and heighten the urgency for us to consider what a robust family well-being system in Waxahachie could and should look like; and

WHEREAS, in Waxahachie we believe that children thrive in safe, stable, nurturing families within their own communities. Through establishing partnerships with families that capitalize on the collective strengths of parents and their children we can build strong, healthy families and resilient communities where children can thrive. Sadly, child maltreatment is still a significant public health issue. Communities that lack accessible support, resources, and are disproportionately affected by poverty, can experience increased risk factors that lead to child abuse and neglect. Despite the complex factors that can lead to child maltreatment, it can be prevented; and

WHEREAS, each year, the month of April is dedicated to recognizing the critical work being done across our great state to meet families upstream, before a crisis occurs, and offer them accessible lifelines that mitigate the challenges they face. Child abuse prevention occurs every day through the diligent work and tireless advocacy undertaken by Waxahachie families, friends, neighbors, houses of faith, advocacy groups, nonprofit organizations, schools, health-care providers, social workers, and government agencies to support children and families in every community; and

WHEREAS, child abuse prevention cannot be tasked to one community, agency, or system. Behind many families that succeeded on their own is a strong community that provided a way for the family to meet their needs. We must all work together to strengthen our communities and build localized supports that are accessible, contribute to the well-being of the entire community, and keep children and families safe and together. I encourage everyone to learn more about the many aspects of our communities working hard to create positive, healthy environments for the future leaders of our great state and nation. Together, we can create a brighter future for children, families, and communities in Waxahachie, and ensure tomorrow's leaders have the support they need to thrive and reach their potential;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim the month of April 2023 as

“CHILD ABUSE PREVENTION MONTH”

in the city of Waxahachie and encourage all citizens to recognize this observance.

Proclaimed this 17th day of April, 2023.

MAYOR

ATTEST:

CITY SECRETARY

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-13-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a **Zoning Change** from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: Donnie Lord & Benita Lord (ZDC-13-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-13-2023, a Zoning Change request from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district at 502 W Marvin Avenue, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted **6-0** to recommend approval of case number ZDC-13-2023.

APPLICANT REQUEST

The applicant requests approval of a Zoning Change from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district, located at 502 W Marvin Avenue.

CASE INFORMATION

Applicant: Dalton Bradbury, Acker Bradbury Construction

Property Owner(s): Donnie Lord & Benita Lord

Site Acreage: 0.569 acres

Current Zoning: Multi-Family-1 (MF-1)

Requested Zoning: Single Family-2 (SF-2)

SUBJECT PROPERTY

General Location: 502 W Marvin Avenue

Parcel ID Number(s): 171953

Existing Use: A single family home currently occupies the subject property.

Development History:

The subject property was originally platted as Lots 7 & 8, Block 352 of the Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-2 (SF-2)	Single Family Residence
East	Single Family-2 (SF-2)	Single Family Residence
South	Single Family-2 (SF-2)	Single Family Residence
West	Multi-Family-1 (MF-1)	Marvin Place Apartments

Future Land Use Plan:

Local Commercial & Mixed-Use Neighborhood

Comprehensive Plan:

Local Commercial: The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood-scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

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

Thoroughfare Plan:

The subject property has frontage along both Bryson Street & W Marvin Avenue. However, the existing home on the subject property is accessed via a driveway on Bryson Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Multi-Family-1 (MF-1) zoning district to a Single Family-2 (SF-2) zoning district. The proposed zoning change is a companion case to SUB-17-2023; which is a replat request for the subject property seeking to divide the property into two buildable single-family lots. Despite the subject property's MF-1 zoning, a single-family residence has existed on site since the 1920's. All adjacent single-family residences along W Marvin Avenue and much of Bryson Street are currently zoned SF-2. Staff is supportive of the zoning change request, due to its consistency with the surrounding area.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

ATTACHED EXHIBITS

1. Zoning Change Ordinance
2. Exhibit A – Location Map
3. Existing Site Exhibit
4. SUB-17-2023 Replat

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI-FAMILY-1 (MF-1) TO SINGLE FAMILY-2 (SF-2) LOCATED AT 502 W MARVIN AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.569 ACRES KNOWN AS LOTS 7 & 8, BLOCK 352 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-13-2023. Said application, having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for zoning change approval of the subject property from MF-1 to SF-2; 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 MF-1 to SF-2 in order to facilitate development of the subject property in a manner that allows for the development of single-family dwellings in conformance with the SF-2 zoning district on the following property: Lots 7 & 8, Block 352 of the Town Addition, which is shown on Exhibit A.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of April, 2023.

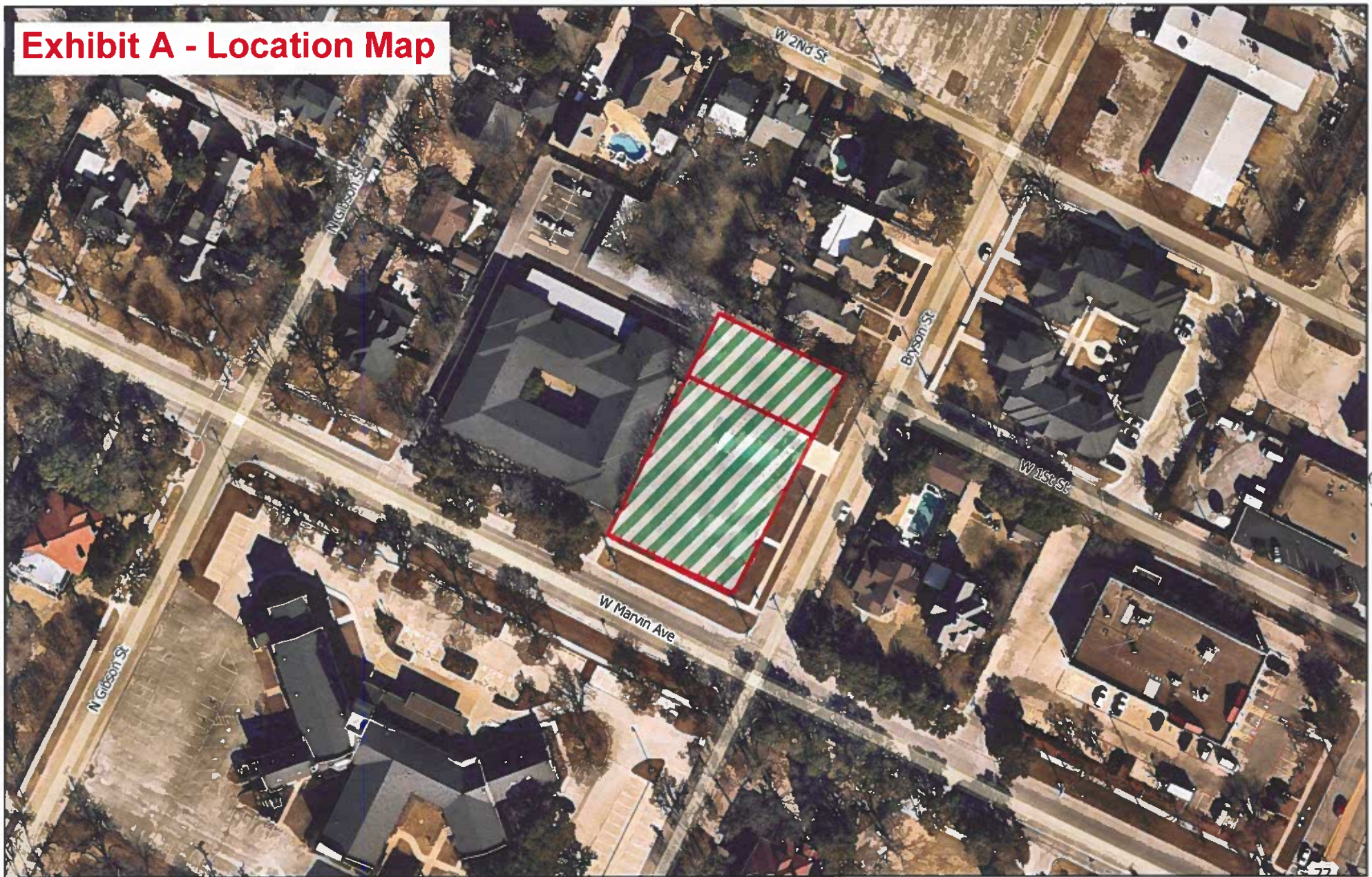
(9)

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map



ZDC-13-2023 502 W Marvin Ave - MF-1 TO SF-2
Location Exhibit

EXHIBIT A

 ZDC-13-2023

0 600 Feet



Planning & Zoning Department

Plat Staff Report

Case: SUB-17-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Dalton Bradbury, Acker Bradbury Construction, for a **Replat** of Lots 7 & 8, Block 352, Town Addition, to create Lots 7R & 8R, Block 352, Town Addition, two (2) residential lots, being 0.569 acres, located at 502 W Marvin Avenue (Property ID: 171953) – Owner: Donnie Lord & Benita Lord (SUB-17-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-17-2023, a replat of Lots 7 & 8, Block 352 of the Town Addition, subject to the condition of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted **6-0** to recommend approval of case number SUB-17-2023, subject to the condition of the staff report.

APPLICANT REQUEST

The applicant requests to replat the subject property into two (2) lots for single family residential use.

CASE INFORMATION

Applicant: Dalton Bradbury, Acker Bradbury Construction

Property Owner(s): Donnie Lord & Benita Lord

Site Acreage: 0.569 acres

Number of Lots: 2 lots

Number of Dwelling Units: 2 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available to the subject property.

SUBJECT PROPERTY

General Location: 502 W Marvin Avenue

Parcel ID Number(s): 171953

Current Zoning: Multi-Family-1 (MF-1)

Existing Use: A single-family home currently occupies the subject property.

Platting History:

The subject property was originally platted as Lots 7 & 8, Block 352 of the Town Addition.

Site Aerial:**PLANNING ANALYSIS**

The applicant proposes to replat the subject property into two (2) lots for single-family residential use. The proposed replat is a companion case to ZDC-13-2023; which is a zoning change request for the subject property seeking to rezone the property from Multi-Family-1 (MF-1) to Single Family-2 (SF-2). This replat request is contingent on the approval of ZDC-13-2023; so, the application was reviewed against the requirements of the SF-2 zoning district and the Infill Overlay District.

Proposed Lot 8R does not meet the minimum lot size requirement of the infill Overlay District. This is due in large part to a few larger-than-average lots in the immediate vicinity that skew the average lot size within 50' of the property. However, the 6,989-square-foot proposed lot is still comparable to existing lots along Bryson Street which range from 7,700 square feet to 9,500 square feet. The applicant is seeking a Petition for Relief Waiver for the size of Lot 8R due to the existing conditions of the site. A detached garage is currently situated on the subject property serving Lot 7R; which restricts the maximum size of Lot 8R. Due to the existing conditions of the site, and the comparable size to existing lots on Bryson Street, staff is supportive of the Petition for Relief Waiver for Lot Size.

The applicant is also seeking a Petition for Hardship Waiver to allow for a 10' utility easement for Lot 7R along Bryson Street. The applicant is seeking this variance because the existing home on proposed Lot 7R is situated closer to the property line than 15'. The typical utility easement requirement along public right-of-way (ROW) is 15'. If the applicant were to adhere to this requirement, a portion of the existing home would have to be demolished. Staff is supportive of the variance request for the 10' utility easement due to the fact that City utility facilities are located within the Bryson Street ROW. However, as a condition of approval, the Applicant must provide documentation from franchise utility providers in the area (Oncor, AT&T, and Atmos) stating that they have no objection to the proposed easements prior to the recordation of the replat. The applicant has provided letters from all three franchise utilities indicating no objection to the 10' utility easement.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

Conditions:

1. The zoning change request ZDC-13-2023 shall be approved for the subject property prior to the approval of this replat.

ATTACHED EXHIBITS

1. Replat
2. Existing Site Exhibit
3. Franchise Utility Letters

APPLICANT REQUIREMENTS

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

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;

STAFF CONTACT INFORMATION

Prepared by:

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

This Plat is filed in CABINET/VOLUME _____ PAGE# _____ DATE _____

Warning: If this property is not within Zone "A", the above flood statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create any liability.

Note: This property lies in Zone "X" areas of minimal flooding according to the Firm Number 48139CD360F, Dated 08/13/2013.

P.O.B. = Point of Beginning
F.I.R. = Found Iron Rod
S.I.R. = Set Iron Rod
Legend

Owners:

Donnie Lord 502 W. Marvin Ave. Waxahachie, Tx 75165	Benita Lord 502 W. Marvin Ave. Waxahachie, Tx 75165
--	--

KNOW ALL MEN BY THESE PRESENTS

That I, _____ do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon do set and are properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

HEARN SURVEYING ASSOCIATES

Firm Number: 10019900

108 W. Tyler St.
Athens, Tx. 75751-2045
(903) 675-2850

800-432-7670

Use or reproduction of this survey for any purpose by other parties is prohibited. Surveyor is not responsible for any resulting thereon.

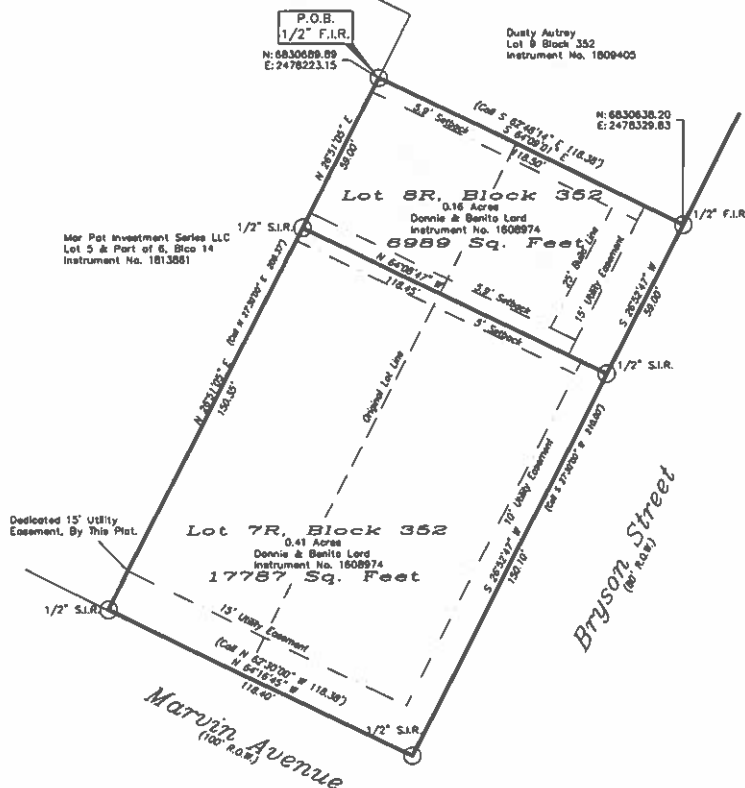
Mark Farrell
Professional Land Surveyor
Number 4373

Scale: 1" = 30'
County: Ellis
Acreage: See Plat
Survey: City of Waxahachie
Description: See Plat
Surveyed for: Acker Bradbury Construction
Drawn by: MB
On the ground Field Tech: SG
Date of Preparation: 02-07-2023



Line of Directional Control
based upon GPS Observation
Mad 63, State Plane Zone 14,
Zone 6361, FIPS 4802,
Texas-North Central

Mer Pat Investment Series LLC
Lot 5 & Part of 6, Block 14
Instrument No. 1813661



APPROVED BY: Planning and Zoning Commission City of Waxahachie

APPROVED BY: City of Waxahachie

By: _____
Chairperson

Date _____

Attest _____

By: _____
Mayor

Date _____

Attest _____

Date _____

Date _____

Whereas, Certificate

WHEREAS, Donnie & Benita Lord are the Owners of Lots 7 & 8, Block 352 Town Addition, on addition of the City of Waxahachie, Ellis County Texas according to the Plat thereof recorded in Cabinet A, Slide 181-184 and being a 0.57 Acre Tract Conveyed to them by Bruce T. & Jennifer Higman, described by Deed recorded in Instrument Number 1808974, and the same tract conveyed to them by Mary Leanne Reese, described by deed in Volume 2834, Page 2348, deed records of Ellis County Texas and being more particularly described as follows:

BEGINNING at a 1/2" F.I.R. for the southeast corner of this tract and the southeast corner of the above mentioned said Lot.

THENCE South 84°09'01" East a distance of 118.50 feet to a found 1/2" iron rod for the northeast corner of this tract located in the northwest line of Bryson Street;

THENCE with the northwest line of said Bryson Street South 26°32'47" West a distance of 208.10 feet to a set 1/2" iron rod for the southeast corner of this tract located at the intersection of said Bryson Street and Marvin Avenue;

THENCE said Marvin Avenue North 84°16'45" West a distance of 118.40 feet to a set 1/2" iron rod for the southwest corner of this tract.

THENCE departing said R.O.W. North 26°31'05" East a distance of 209.35 feet to the place of beginning and containing 0.57 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Donnie & Benita Lord acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Lots 7R & 8R Town Addition, on addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in landscape easements. If approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities dealing to use or using the same unless the easement limits the use in particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purposes of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this the _____ day of _____, 20____

BY: _____

Donnie Lord

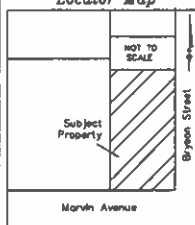
Benita Lord

Donnie Lord, Owner

Benita Lord, Owner

Replat of Lot 7 & 8, Block 352
Creating Lots 7R & 8R
Town Addition,
City of Waxahachie
T.J. Chambers Survey A-1
Cabinet: A, Slide: 181-184
Ellis County, Texas
24,776 Sq Feet
(SUB-17-2023)

Locator Map



Notary Statement

State of Texas
County of _____

Before Me, the undersigned authority, a Notary Public in and for the State of Texas, on this day appeared Donnie Lord 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 considerations therein expressed and in the capacity therein stated.

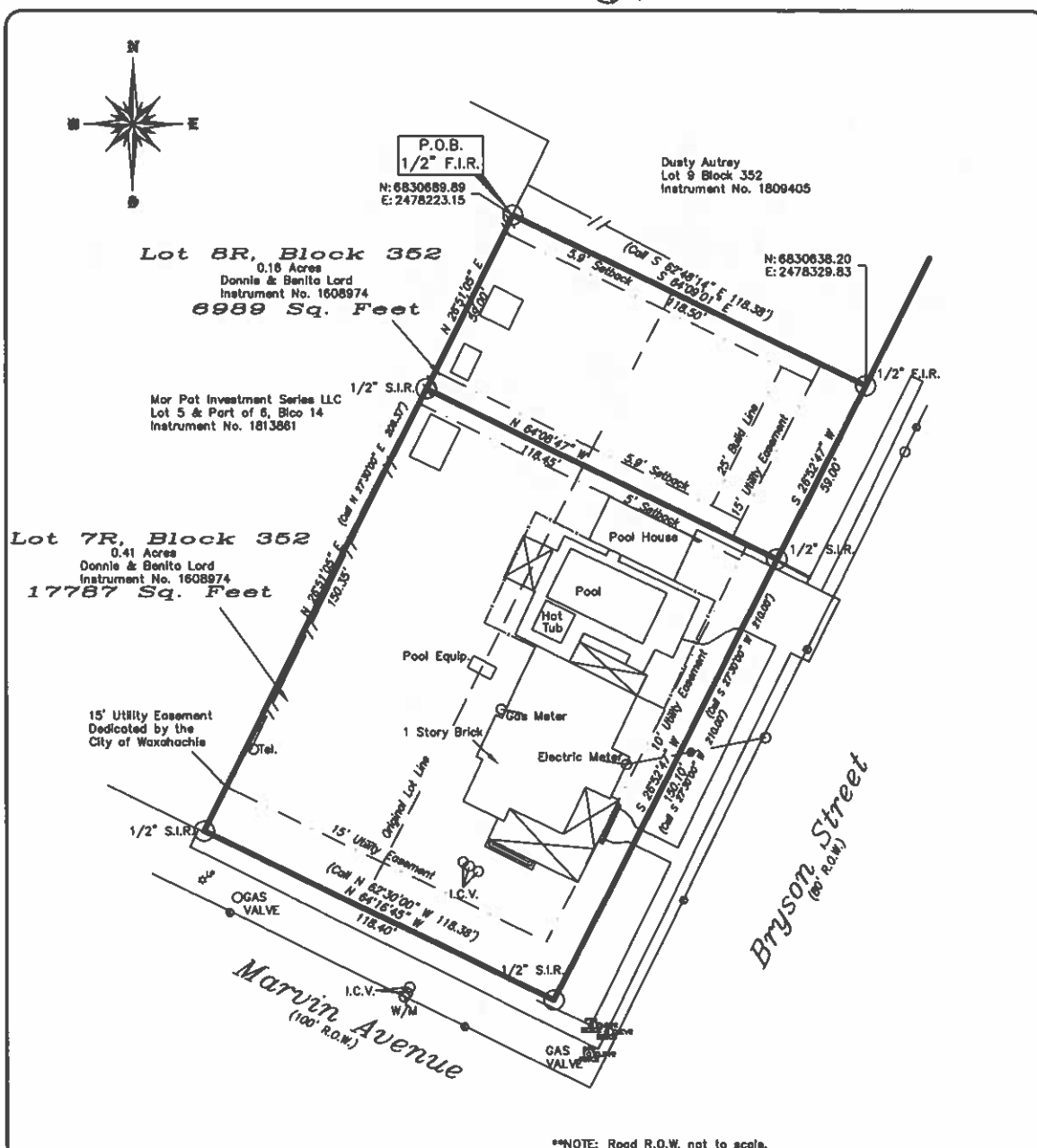
Given under my hand and Seal of Office, This the _____ Day of _____, 20____

Notary Statement

State of Texas
County of _____

Before Me, the undersigned authority, a Notary Public in and for the State of Texas, on this day appeared Benita Lord 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 considerations therein expressed and in the capacity therein stated.

Given under my hand and Seal of Office, This the _____ Day of _____, 20____



Note: Development and or division of real estate has regulations from the state, county and city. Anyone using this survey to develop and or divide land should consult with the appropriate entity to see what regulations apply. Failure to do so could result in legal action being taken.

Scale: 1" = 40'
 County: Ellis
 Acreage: See Plat.
 Survey: See Plat.
 Description: See Plat.
 Surveyed for: See Plat.
 Drawn by: MB
 On the ground Field Tech: SG

Legend

I.C.V. = Irrigation Control Valve
 P.O.C. = Point of Commencement
 P.O.B. = Point of Beginning
 B.C.S. = Buried Cable Sign
 U/G = Underground Electric
 W/M = Water Meter
 W/V = Water Valve
 F.I.R. = Found Iron Rod
 S.I.R. = Set Iron Rod
 F.I.P. = Found Iron Pipe
 TEL. = Telephone
 A/C = Air Conditioner
 C/O = Cleanout
 -//--// = Wood Fence
 -O-O- = Chainlink Fence
 -X-X- = Iron Fence
 -@- = Powerline

"DETAIL A"

HEARN SURVEYING ASSOCIATES

Firm Number: 10019900

108 W. Tyler St.
 Athens, Tx. 75751-2045
 (903) 675-2858

800-432-7670

Use or reproduction of this Survey for any purpose by other parties is PROHIBITED. Surveyor is NOT RESPONSIBLE for any loss resulting therefrom.



March 17, 2023

Re:

Replat of Lot 7 & 8, Block 352
Creating Lots 7R & 8R
Town Addition,
City of Waxahachie, Ellis County, Texas

Atmos Energy has no objection for the reduction of the 15' utility easement along Bryson St ROW on Lot 7R, as noted on the shaded area on the attached exhibit. Atmos Energy Corporation has active facilities within the ROW of Marvin Ave and Bryson St. To have those facilities located please call 811.

If I can be of further assistance, please contact me at 214-202-5761.

Sincerely,
T.J. Hunter
Sr. Project Specialist

From: Dalton Bradbury <dalton@ackerbradbury.com>
Sent: Tuesday, March 28, 2023 6:57 PM
To: King, Zack
Subject: Fwd: Bryson St. Waxahachie - Easement

Will this email suffice for Oncor or will you need a letter?

Dalton Bradbury
Acker Bradbury Construction
3751 South US Highway 287
Waxahachie, TX 75165
(469) 383-5939

From: Lilley, Ryan <Ryan.Lilley@oncor.com>
Sent: Tuesday, March 28, 2023 6:54:11 PM
To: Dalton Bradbury <dalton@ackerbradbury.com>
Subject: RE: Bryson St. Waxahachie - Easement

Dalton,

Oncor has no objections to the request to reduce the UE from 15' to 10' at 502 W Marvin Ave, Waxahachie (Lot 7). Let me know if this email is sufficient and if not I'll get something typed up to send to you.

Ryan Lilley
Oncor | PMDS
Design Supervisor WAX, DES, TER
Cell: 469.207.4844

My Manager: Jeff Key
Cell: 972.978.0481 Email: jeffrey.key@oncor.com

(10)

From: Dalton Bradbury
<dalton@ackerbradbury.com>
Sent: Friday, April 7, 2023 1:50 PM
To: King, Zack
Subject: Fwd: Easement

Please see below from ATT for the file.

Dalton Bradbury
Acker Bradbury Construction
3751 South US Highway 287
Waxahachie, TX 75165
(469) 383-5939

From: DAVIS, JOSHUA H <jd8932@att.com>
Sent: Friday, April 7, 2023 10:03:38 AM
To: Dalton Bradbury <dalton@ackerbradbury.com>
Cc: ZARATE, STEPHEN E <SZ2174@att.com>; LUCAS, DAVID A <dl5265@att.com>; DAVIS, JOSHUA H <jd8932@att.com>
Subject: RE: Easement

Mr. Bradbury,

After reviewing your request for the 10' easement in lieu of the 15' easement, I have determined that this will be acceptable on AT&T's behalf. If you have any further questions or concerns, please feel free to reach out.

Than you,

Josh Davis

AT&T Const & Engrg
Mgr Osp Plng & Engrg Design
(972) 310-2165

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-21-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023
City Council: April 17, 2023

CAPTION

Public Hearing on a request by Brad Yates, for a **Zoning Change to Amend** Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: Graily Holdings LLC (ZDC-21-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-21-2023, a Zoning Change to Amend Ordinance No. 3297, subject to the condition of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted **6-0** to recommend approval of case number ZDC-21-2023, subject to the condition of the staff report.

APPLICANT REQUEST

The applicant requests to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area.

CASE INFORMATION

Applicant: Brad Yates, Colonial Restoration Group, Inc.
Property Owner(s): Brad Yates, Graily Holdings, LLC
Site Acreage: 0.873 acres
Current Zoning: Planned Development-Single Family-3 (PD-SF-3) – Ord. 3297
Requested Zoning: Planned Development-Single Family-3 (PD-SF-3) – Ord. 3297

SUBJECT PROPERTY

General Location: 716 Dunaway Street
Parcel ID Number(s): 193948
Existing Use: The Graily Event Center currently occupies the subject property.
Development History: A Planned Development (ZDC-131-2021) request was approved for the subject property on October 4th, 2021 to allow for a Private Club (Event Center) use on the property under a PD-SF-3 zoning district. The approved event center was one story in height. Following approval, the applicant began work to convert the abandoned school house on site into an event center.

Development History (continued):

On August 1st, 2022, a Detailed Site Plan (SP-70-2022) for the Event Center was approved, as required by Ordinance 3297. The Site Plan included a new second-story addition to be used only as storage.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-3 (SF-3)	Single Family Residence
East	Single Family-3 (SF-3)	Single Family Residence
South	Single Family-3 (SF-3)	Full Life Assembly of God Church
West	Single Family-3 (SF-3)	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

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

Thoroughfare Plan:

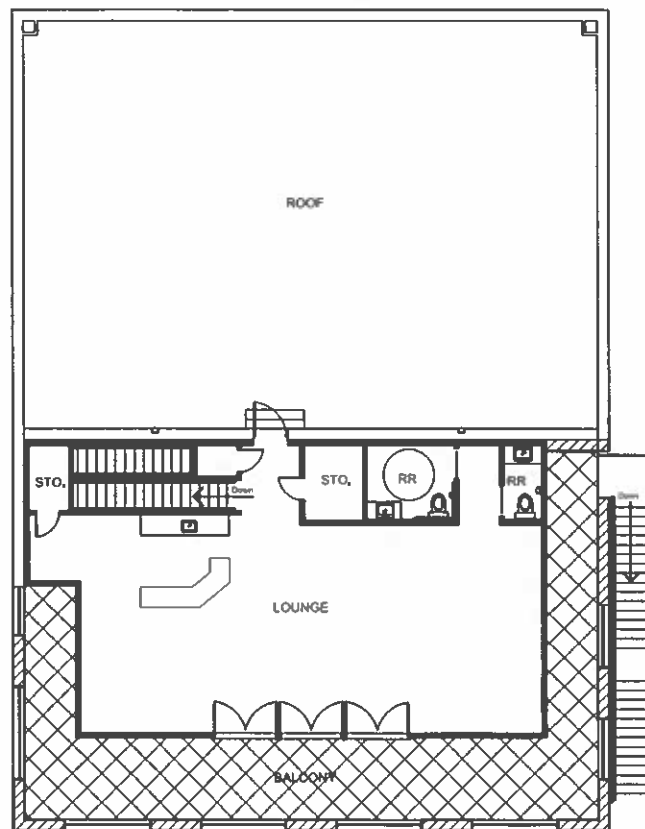
The subject property is accessible via Avenue C, Dunaway Street, and Brady Street. The existing Graily Event Center only has driveways on Avenue C and Dunaway Street.

Site Image:

PLANNING ANALYSIS

The applicant proposes to amend Ord. 3297, a Planned Development for The Graily Private Club (Event Center), to allow for a second-floor lounge and balcony in lieu of a second-floor storage area. Ordinance 3297, approved on October 4th, 2021, allowed for the conversion of the South Ward/Bullard Heights School House into a one-story event center. At the time of this approval, a Development Agreement was also approved for the project. Both the Development Agreement and Planned Development (Ord. 3297) required a Detailed Site Plan to be approved by City Council prior to on-site improvements. On August 1st, 2022 a Detailed Site Plan (SP-70-2022) for the event center was approved by City Council. This Detailed Site Plan included a new second story addition. The second story addition was verbally noted by the applicant/owner to be used "exclusively" for storage.

Following approval of the Detailed Site Plan, the applicant began construction of the Event Center. As construction was near completion in early 2023, Building & Community Services Department staff noticed the second floor was not finished out exclusively as a storage space. At this time, the applicant informed staff that a decision had been made to finish out the second story as a lounge and balcony for the event center. As this use of the second story was not approved with the PD or Detailed Site Plan for the property, the applicant submitted a Planned Development Amendment request in order to allow for a second-floor lounge and balcony. With this request, the applicant provided an As-Built Floor Plan, As-Built Site Plan, and As-Built Civil Construction Plans for the site. The second-floor lounge and balcony has added floor area for the event center and triggers a need for additional parking. A combination of 57 on-site parking spaces and an agreement for 49 off-site parking spaces at Full Life Assembly of God Church (800 S Rogers Street) is sufficient to meet the venue's minimum parking requirement of 62 spaces.



UPDATED 3.6.23

2nd Floor Lounge As-Built

1,395 SF- Total Area Under Roof

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

PLANNING ANALYSIS (continued)

In addition, the Development Agreement and Planned Development (Ord. 3297) originally required the applicant to construct a 6' ornamental iron fence along Brady Street, with masonry columns spaced every 30'. However, the Detailed Site Plan approved by City Council on August 1st, 2022, did not include the required ornamental iron fence. With this PD Amendment, the applicant is seeking to formally remove the requirement for the ornamental iron fence along Brady Street. Installation of the fence would require the removal of the newly installed landscaping along Brady Street, due to spacing constraints of the site. Installation of the fence would also hinder patrons from accessing the on-street parking spaces constructed along Brady Street.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received seven (7) letters of support for the proposed Planned Development Amendment and two (2) letters of opposition to the proposed Planned Development Amendment.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Planned Development Amendment, per the condition noted below.

Condition:

1. Expansion of the event center floor area outside of the first floor, second floor, and courtyard areas identified on the As-Built Site Plan and As-Built Floor Plan shall require approval of a Planned Development Amendment by City Council.

ATTACHED EXHIBITS

1. Public Notification Responses
2. Planned Development Amendment Ordinance
3. Exhibit A – Location Map
4. Exhibit B - As-Built Floor Plan
5. Exhibit C - As-Built Site Plan
6. Exhibit D - As-Built Landscape Plan

STAFF CONTACT INFORMATION***Prepared by:***

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com



City of Waxahachie, Texas
 Notice of Public Hearing
 Case Number: **ZDC-21-2023**

SLETMOEN ROSA L S
 700 S ROGERS ST
 WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Brad Yates, for a **Zoning Change to Amend** Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: GRAILY HOLDINGS LLC (ZDC-21-2023) Staff: Zack King

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-21-2023**

City Reference: 172367

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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: *I am sure that Mr. Yates was aware of the zoning and do not believe this is a residential zone and we do not want drunken people making noise and littering our streets.*

Rosa Letina Sletmon
 Signature *03/24/23*
Date

Rosa Letina Sletmon
 Printed Name and Title *700 S. Rogers St.*
Address

*the street
he can
talk to*

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-21-2023**

BRUNNER DENISA
806 DUNAWAY ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-21-2023**

City Reference: 172306

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

8/27/2023
Date

Denisa Brunner
Printed Name and Title

806 Dunaway St., Waxahachie
Address
TX 75165

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-21-2023**



GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED MAR 28 2023

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Brad Yates, for a **Zoning Change to Amend** Ordinance No. 3297 for The Graily Private Club (Event Center) to allow for a second-floor lounge and balcony, located at 716 Dunaway Street (Property ID: 193948) – Owner: GRAILY HOLDINGS LLC (ZDC-21-2023) Staff: Zack King

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Case Number: **ZDC-21-2023**

City Reference: 172314

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

Great addition to neighborhood & community

Signature

Brad Yates
Printed Name and Title

Date

3/27/23
PO Box 2868
Address
Waxahachie, TX. 75168

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-21-2023

RECEIVED MAR 28 2023

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-21-2023

City Reference: 172305

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

Great addition to the neighborhood & community

Signature

Brad Yates
Printed Name and Title

Date

3/27/23
PO Box 2868
Address
Waxahachie TX. 75168

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.

Case Number: **ZDC-21-2023**

City Reference: 202986

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

As a homeowner I oppose this request due to traffic,
noise, and my value on my home.

Missy Villa
Signature

3/27/23
Date

Missy Villa
Printed Name and Title

805 Givens St.
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.

RECEIVED MAR 31 2023

(12)

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-21-2023**

RECEIVED MAR 31 2023

SKEANS ABIGAIL K
407 W LIGHT ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-21-2023**

City Reference: 276671

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

We are very supportive and excited to have the Graily in our neighborhood. This event venue represents the future of the city and we hope it will be successful!

Signature

Date

Abby Skeans
Printed Name and Title

3/28/23
407 West Light St
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)

RECEIVED MAR 16 2023

March 13, 2023

City of Waxahachie
Attn: Planning Department
401 S. Rogers Street
Waxahachie, Texas 75165

To Whom It May Concern:

As a citizen of Waxahachie, I am so excited with the opening of The Graily in Waxahachie.

This venue will be a plus to the city and offer a wonderful location for those special events. It is also located in a part of our town that has not experienced a lot of growth and change.

I am happy that we are supporting this kind of construction so that our infrastructure of streets, sidewalks and lighting will provide what newcomers are looking for when they come to Waxahachie.

This project is a win, win!



Beth Young
507 N College Street
Waxahachie, Texas 75165

(12)

4/5/2023

To Whom It May Concern:

I am in favor of the new venue, "The Graily", located at 716 Dunaway Street, Waxahachie. This property is such a positive asset to the South side of Waxahachie. What a neat place for our community to gather for small events & make many memories on special occasions! I am so appreciative that an original piece of history was renovated to continue to serve the Waxahachie community we know and love.

Sincerely,

DocuSigned by:

Christopher Lewis

BD364656FDE443C

Chris Lewis

232 McKinley Circle

Waxahachie TX 75167

(12)

4/6/2023

To Whom It May Concern:

I am in favor of the new venue, "The Graily", located at 716 Dunaway Street, Waxahachie. Waxahachie needs more options to rent for small events within the city limits. The entire building turned out beautifully, in a great location. We think that the whole building should be rented so it can serve many purposes & different events for the residents of Waxahachie.

Sincerely,

DocuSigned by:



C0706C8DF18943D
Krista & Kevin Bartos
724 N. Gibson
Waxahachie TX 75165

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3297 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH AN AMENDED ORDINANCE, TO ALLOW THE USE OF A SECOND-FLOOR LOUNGE AND BALCONY IN LIEU OF A SECOND-FLOOR STORAGE AREA USE, LOCATED AT 716 DUNAWAY STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.873 ACRES KNOWN AS A PORTION OF PROPERTY ID 193948, 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 Amendment has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-21-2023. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-SF-3 to PD-SF-3 with an Amended Ordinance; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF-3 to PD-SF-3, with Amended Ordinance, in order to amend Ordinance 3297 to allow for a second-floor lounge and balcony in lieu of a second-floor storage area on the following property: 716 Dunaway Street, Property ID 193948, which is shown on Exhibit A, in accordance with the As-Built Floor Plan attached as Exhibit B, the As-Built Site Plan attached as Exhibit C, and the As-Built Landscape Plan attached as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to amend the planned development for the Graily Event Center (Private Club), and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance.

Development Regulations

1. A lounge and balcony shall be permitted on the second-floor of The Graily Event Venue in lieu of a storage area. The second-floor lounge and balcony shall conform to the As-Built Floor Plan as shown in Exhibit B.
2. An ornamental iron fence with masonry columns spaced every 30' shall not be required to be installed along Brady Street.
3. Expansion of the event center floor area outside of the first floor, second floor, and courtyard areas identified on the As-Built Site Plan and As-Built Floor Plan shall require approval of a Planned Development Amendment by City Council.
4. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Ordinance 3297 or the Site Plan SP-70-2022 shall conform to those requirements and or standards prescribed in Exhibit B – As-Built Floor Plan, Exhibit C – As-Built Site Plan, and Exhibit D – As-Built Landscape Plan. Where regulations are not specified in Exhibits B, C, and D in this Ordinance, the regulations of Ordinance 3297 and Site Plan SP-70-2022 shall apply to this development.
5. 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 17th day of April, 2023.

MAYOR

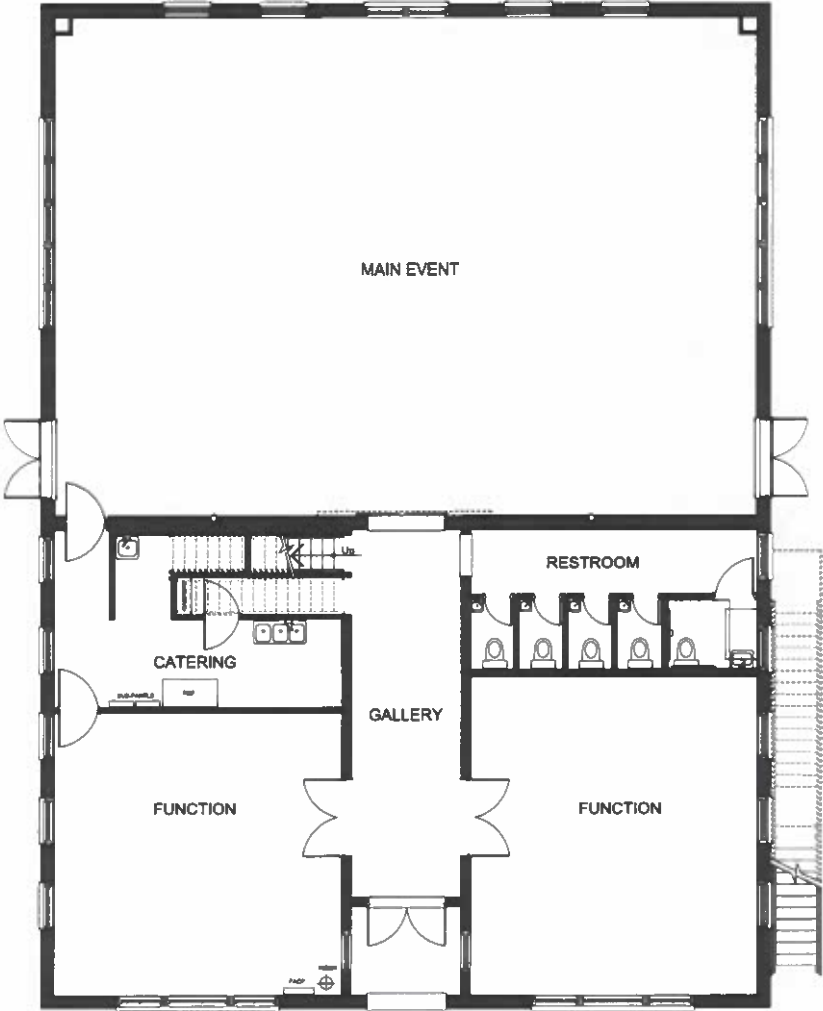
ATTEST:

City Secretary

Exhibit A - Location Map



Exhibit B - As-Built Floor Plan



UPDATED 3.6.23

Ground Floor As-Built

4,718 SF- Total Area Under Roof

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

NO.	DATE	DESCRIPTION

The Graily
716 Dunaway Street
Waxahachie, Texas 75165

Colonial Restoration
Colonial Restoration
P.O. Box 2808
Waxahachie, Texas 75168
972.938.3363

MOTTLE
308 East Main Street
Waxahachie, TX 75165
972.933.3365

Designed by: A. Mottle Date:

Drawn by: Date:

Checked by: A. Mottle Date:

C.A. by: A. Mottle Date:

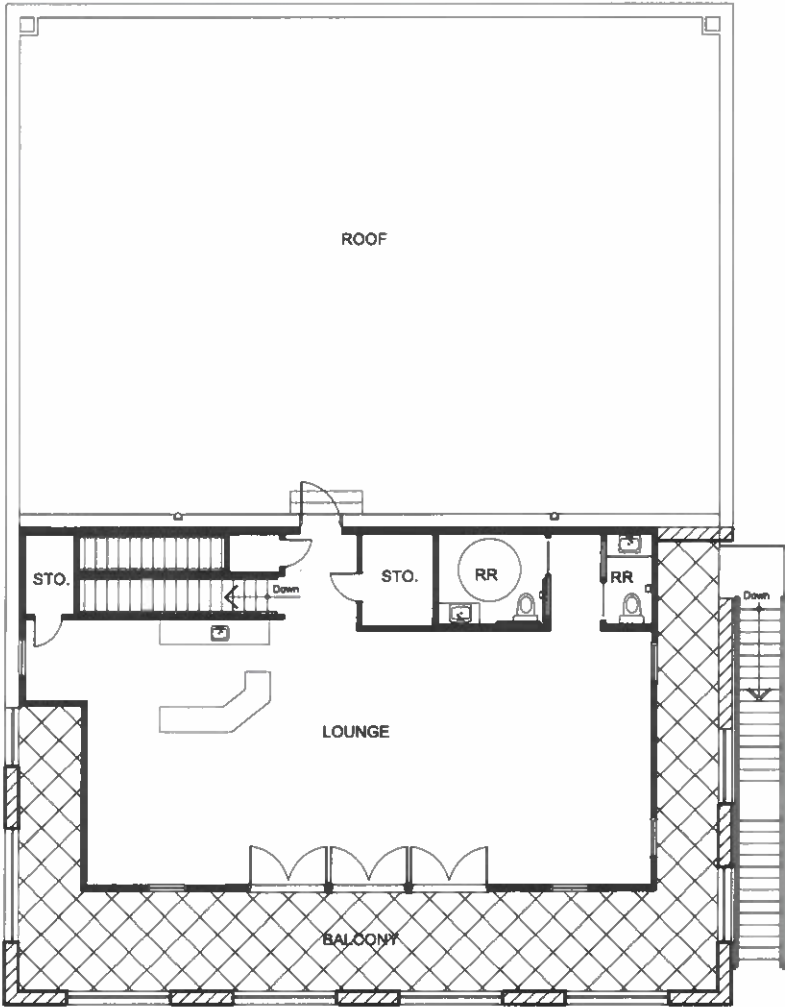
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Drawings Title: **716 Dunaway**

www.mottlearchitects.com

PROJ. No: 165881 Drawn: M. Mottle
Private Project
DATE: 3/14/23
AB.1

Exhibit B - As-Built Floor Plan



UPDATED 3.6.23

2nd Floor Lounge As-Built

1,395 SF- Total Area Under Roof

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

NO.	DATE	DESCRIPTION

The Graily
716 Dunaway Street
Waxahachie, Texas 75165

COLONIAL RESTORATION

Colonial Restoration
P.O. Box 2968
Waxahachie, Texas 75168
872.938.3383

MOTTLA

308 East Market Avenue
Waxahachie, TX 75165
1-972-923-2289

Designed by: A. Mottla Date: _____
Drawn by: _____ Date: _____
Checked by: A. Mottla Date: _____
C.A. by: A. Mottla Date: _____

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in any form without prior written authorization in
writing of Mottla Architects, Inc.

COMPETING TITLE:

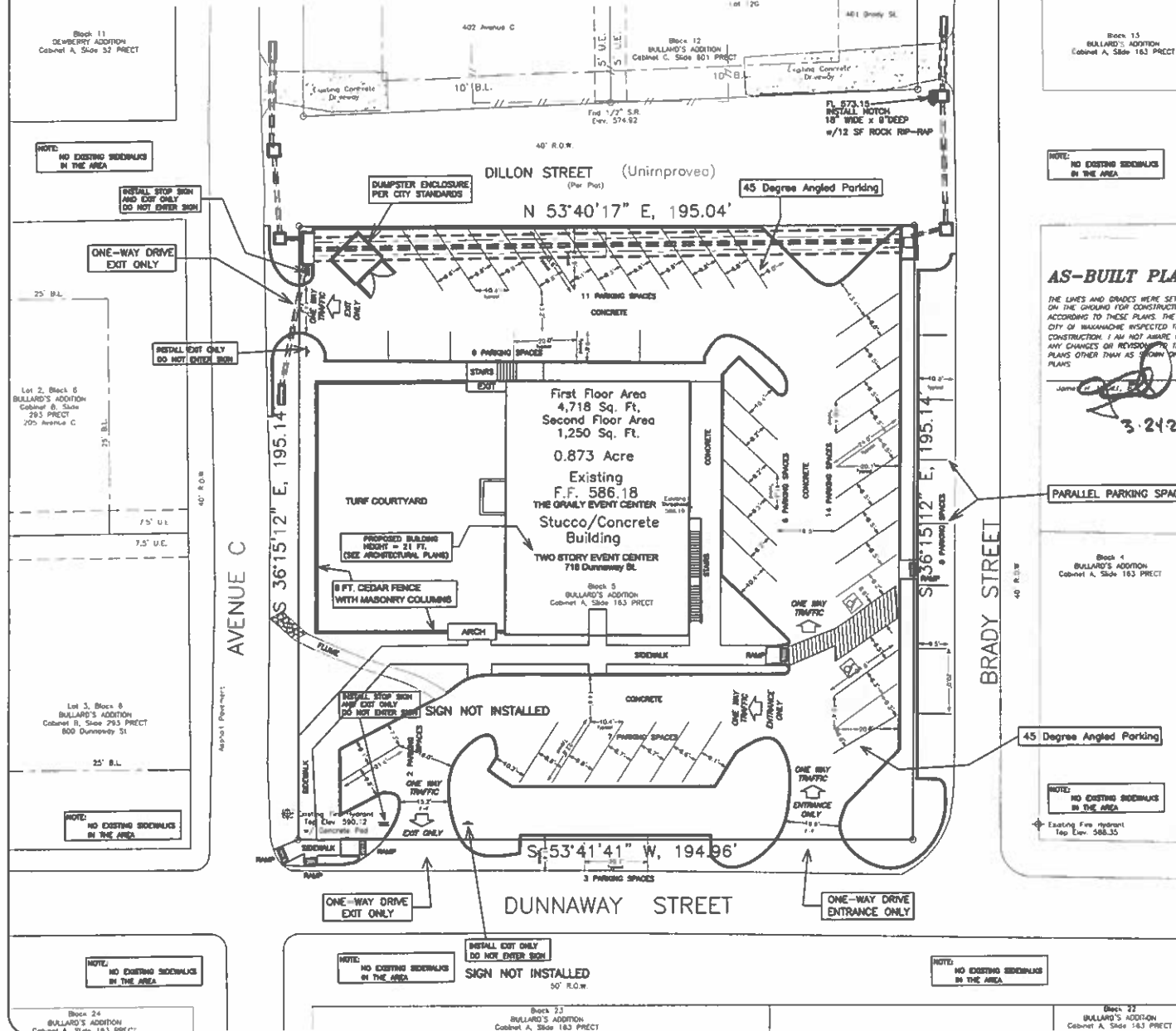
716 Dunaway

www.mottlaarchitects.com

RESTORED BUILDING

PROJECT: 24-000001 DRAWING NUMBER: **AB.2**
PRINTED: 2/16/23 DATE: 2/16/23

Exhibit C - As-Built Site Plan



OWNER/ARCHITECTS:
Loren Ship Associates, LLC
P.O. Box 900
Huntsville, TN 37109
Draw Notes
Sheet 212-A20-500.1

FLOODPLAIN NOTE:
NO PORTION OF THIS PROPERTY IS
WITHIN THE 100 YEAR FLOODPLAIN OR
THE 500 YEAR FLOODPLAIN OF THE
UNIMPROVED DATED JUNE 3, 2013.

PARKING SPACES:
300 REGULAR PARKING SPACES
3 HANDICAP PARKING SPACE
17 PARALLEL PARKING SPACE
57 TOTAL PARKING SPACES

PAVEMENT NOTE:
6" THICK 3600 PSI MCGOG CLASS C
REINFORCED CONCRETE PAVEMENT
#4 BARS ON 24" CENTERS
OR #1 BARS ON 18" CENTERS
6" THICK LIME STABILIZED SUBGRADE

AS-BUILT PLANS

THE LINES AND GRADES WERE SET ON THE GROUND FOR CONSTRUCTION ACCORDING TO THESE PLANS. THE CITY OF WAKAHUAHUE INSPECTED THE CONSTRUCTION. I AM NOT AWARE OF ANY CHANGES OR REVISIONS TO THESE PLANS OTHER THAN AS SHOWN ON THE PLANS.

James H. [Signature]
3.24.23

PARALLEL PARKING SPACE

Block 4
BULLARD'S ADDITION
Cabinets A, Slide 163 PREC

5 Degree Angled Parking

NOTE:
NO COSTING SUBMITS
IN THE AREA

AS-BUILT
DIMENSIONAL CONTROL PLAN/SITE PLAN
Block 5
BULLARD'S ADDITION

(The Grailly Event Center)
in the City of Waxahachie
Ellis County, Texas
(also known as 716 Dunnaway Street)

CML-002061-2022

SP-70-2022

REVISIONS BY

D & M DAVIS & McDILL, Inc.

Date: 03-23-2025

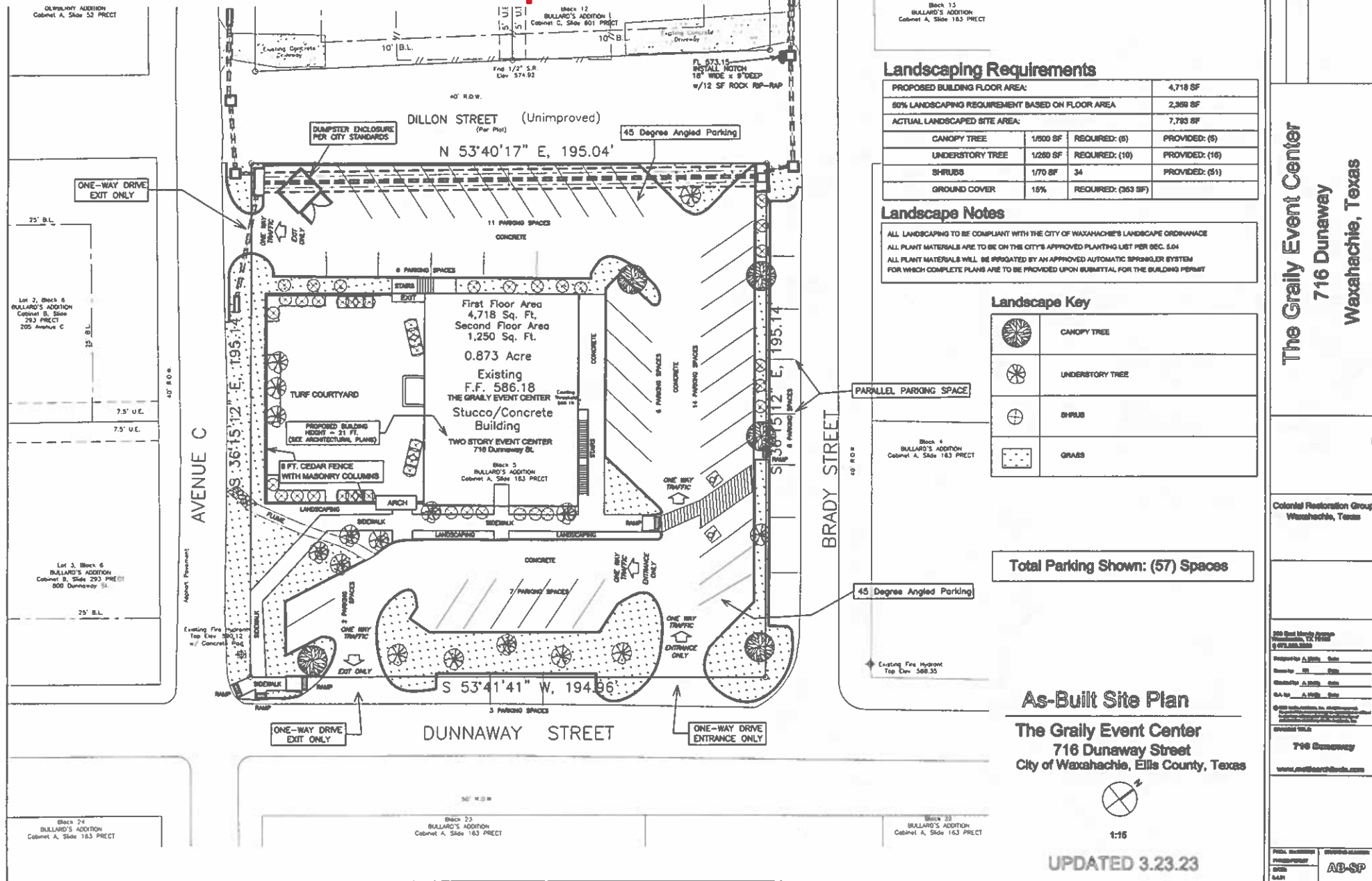
Scale: $1'' = 15'$

Drawn: K. Bohannon

221-0205-BASE
Job: -SITE-PLAN

Sheet 3

Exhibit D - As-Built Landscape Plan



(14)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-29-2023

MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: Ellis County Museum & Art Gallery (ZDC-29-2023) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-29,2023, a Specific Use Permit (SUP) request for a Private Club (Ellis County Museum Event Venue) use on the third-floor of 201 S College Street, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted **6-0** to recommend approval of case number ZDC-29-2023, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the third floor of 201 S College Street.

CASE INFORMATION

Applicant: Amber Adams, Ellis County Museum

Property Owner(s): Ellis County Museum & Art Gallery Inc.

Site Acreage: 0.106 acres

Current Zoning: Central Area (CA)

Requested Zoning: Central Area (CA) with SUP for a Private Club use.

SUBJECT PROPERTY

General Location: 201 S College Street

Parcel ID Number(s): 193406

Existing Use: Ellis County Museum & Art Gallery

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Central Area (CA)	Public Pavilion
East	Central Area (CA)	Prickly Boba Tea & More
South	Central Area (CA)	Meat Church BBQ Supply
West	Central Area (CA)	Various Retail & Office Uses

Future Land Use Plan:

Downtown

Comprehensive Plan:

It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan:

The property is accessible via E Franklin Street and S College Street.

Site Image:**PLANNING ANALYSIS**

The applicant proposes a Specific Use Permit (SUP) to allow for a Private Club (Ellis County Museum Event Venue) use on the entire third floor of 201 S College Street. The Ellis County Museum began a comprehensive remodel project in 2020 that included all three floors. In total, the third floor is 4,253 square feet and can be accessed via stairs or an elevator at the rear of the building.

The applicant has noted that the venue will be titled "1889 on the Square" and will play host to public and private events such as weddings, receptions, and celebrations. A "Kitchen Area" is available on the third floor; but it is not functional as a traditional kitchen or restaurant. Instead, the space will only be available for caterers to prep food on-site. The venue is anticipated to be open from 9:00 am to 12:00 am in 4-hour to 8-hour increments. The applicant anticipates retaining between 2 and 5 staff members for the venue. No signage is proposed with this SUP.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received twenty-four (24) letters of support for the proposed SUP.

RECOMMENDATION

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

Conditions:

1. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the third floor of the building.
2. A Certificate of Occupancy shall be issued by the Building and Community Services Department for "1889 on the Square" prior to the opening of the business.

ATTACHED EXHIBITS

1. Public Notification Responses
2. Specific Use Permit Ordinance
3. Exhibit A – Location Map
4. Exhibit B – Floor Plan
5. Exhibit C – Operational Plan

APPLICANT REQUIREMENTS

If approved by City Council, the applicant is required to apply for a Certificate of Occupancy (CO) from the Building and Community Services Department.

STAFF CONTACT INFORMATION*Prepared by:*

Zack King
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com



(14)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-29-2023**

RECEIVED MAR 27 2023

**HACHIE PROPERTIES LLC
327 BLUE RIBBON RD
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

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-29-2023**

City Reference: 170519

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

GREAT USE FOR THE BUILDING AND FOR DOWNTOWN.

Brett Hess
Signature

BRETT HESS
Printed Name and Title

3-26-23
Date

327 Blue Ribbon Rd
Address
WAXAHACHIE, TX 75165

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.

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-29-2023**

RECEIVED MAR 2 2023

BURCH ANDREW J & CYNTHIA
105 W JEFFERSON ST
WAXAHACHIE, TX 75165-3723

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Amber Adams, Ellis County Museum, for a **Specific Use Permit (SUP)** for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

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-29-2023**

City Reference: 170520

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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:

The new venue inside Ellis County Museum will be a wonderful addition to our historic downtown

Signature

Printed Name and Title

Cindy Burch owner
Doves Nest

Date

Address

3-25-23

105 W. Jefferson St

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.

(14)



RECEIVED MAR 24 2023

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-29-2023



MUTUAL PURSUITS LLC
1350 MANUFACTURING ST STE 101
DALLAS, TX 75207

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Amber Adams, Ellis County Museum, for a Specific Use Permit (SUP) for a Private Club (Event Venue) use within a Central Area (CA) zoning district, located at 201 S College Street (Property ID: 193406) – Owner: ELLIS COUNTY MUSEUM & ART GALLERY (ZDC-29-2023) Staff: Zack King

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-29-2023

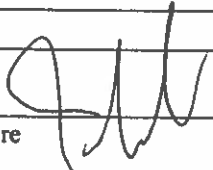
City Reference: 193341

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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 

Date 3/30/23

Printed Name and Title Eric Lake, Proposing Owner

Address 1350 Manufacturing St. Suite 101
Dallas, TX 75207

117 W. Franklin St.

Waxahachie, TX

75165

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.

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *Westbound Trading Co.* (H)

Signature: *A. Pull*

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Vaqueras boutique

Signature:

A handwritten signature in black ink, appearing to be a stylized 'H' followed by a series of loops and a long horizontal stroke.

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: *The Desert Spot*

Signature: *Elmo H. P.* 3/7/2023

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: CORK & KEG

Signature:

Sarah Blalock

(H)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

City Real Estate

Signature:

Wayne Herson

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Perfect Pair*

Signature: *Okonuma*

(17)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Watahachie Sun*

Signature: *[Handwritten Signature]*

(14)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Waxahachie Sun

Signature: Johanna Ossett

(7)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

COLLEGE STREET PUB

Signature:

Wayne [Signature]

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of 1889 on the Square located on the third of the Ellis County Museum.

Business Name: The Velvet Angel

Signature: Amber Adams

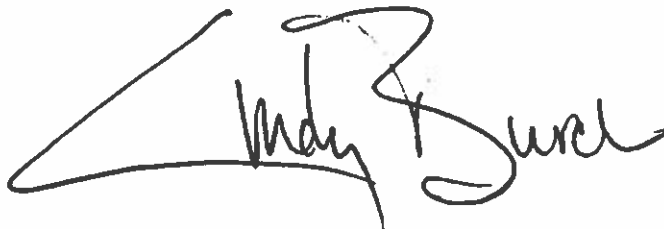
(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: The Doves Nest

Signature: 

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Southern Revival

Signature:

Josh Cruel

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *The Briarpatch*

Signature: *Krista Brown*

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Farmhouse

Signature: Amy Waters


(14)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

(14)

Business Name: Art on the Square
Ellis County art association
Heather Gaughan Signing on behalf of Dave McSpadden
Signature: 

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Maxahachie Architectural Salvage

Signature: Amy Munn

(1+)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Kimmy's Boutique

Signature: Abby Anderson

(14)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Meat Church

Signature:

A handwritten signature in black ink, appearing to read "A. Lockhart", written over a large, loopy flourish.

(F)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: Nicola Montelongo, Rockin Royalty Boutique

#817-821-7578

(17)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name:

Eubank Florist

Signature:

Pamela Povey

(17)

June 7, 2023

To Whom It May Concern:

As a Downtown Merchant our business is in support of
1889 on the Square located on the third of the Ellis
County Museum.

Business Name: *COPPER ROSE*

Signature: *Alu Beason*

(11)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE CLUB (ELLIS COUNTY MUSEUM EVENT VENUE) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT, LOCATED ON THE THIRD-FLOOR OF 201 S COLLEGE STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING PROPERTY ID 193406, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-29-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from CA to CA, with a SUP in order to permit a Private Club (Ellis County Museum Event Venue) use on the following property: the third-floor of 201 S College Street, Lot 1A & 2A, Block 14 of the Original Town Addition, which is shown on Exhibit A, in accordance with the Floor Plan attached as Exhibit B, and the Operational Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (ELLIS COUNTY MUSEUM EVENT VENUE) USE WITHIN A CENTRAL AREA (CA) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. An amendment to the SUP will be required in the event that the property owner wishes to expand the Private Club area beyond the third floor of the building.
2. A Certificate of Occupancy shall be issued by the Building and Community Services Department for "1889 on the Square" prior to the opening of the business.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Floor Plan, and Exhibit C – Operational Plan.
4. All improvements 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.
5. 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.
6. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, shall conform to those requirements and/or standards prescribed in Exhibits B – Floor Plan and Exhibit C – Operational Plan. Where regulations are not specified in Exhibits B or C, or this Zoning Ordinance, the regulations of the Central Area (CA) Zoning District shall apply to this development.
7. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. This Specific Use Permit shall run with the land and, therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

(15)

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of April 2023.

MAYOR

ATTEST:

City Secretary

Exhibit A - Location Map

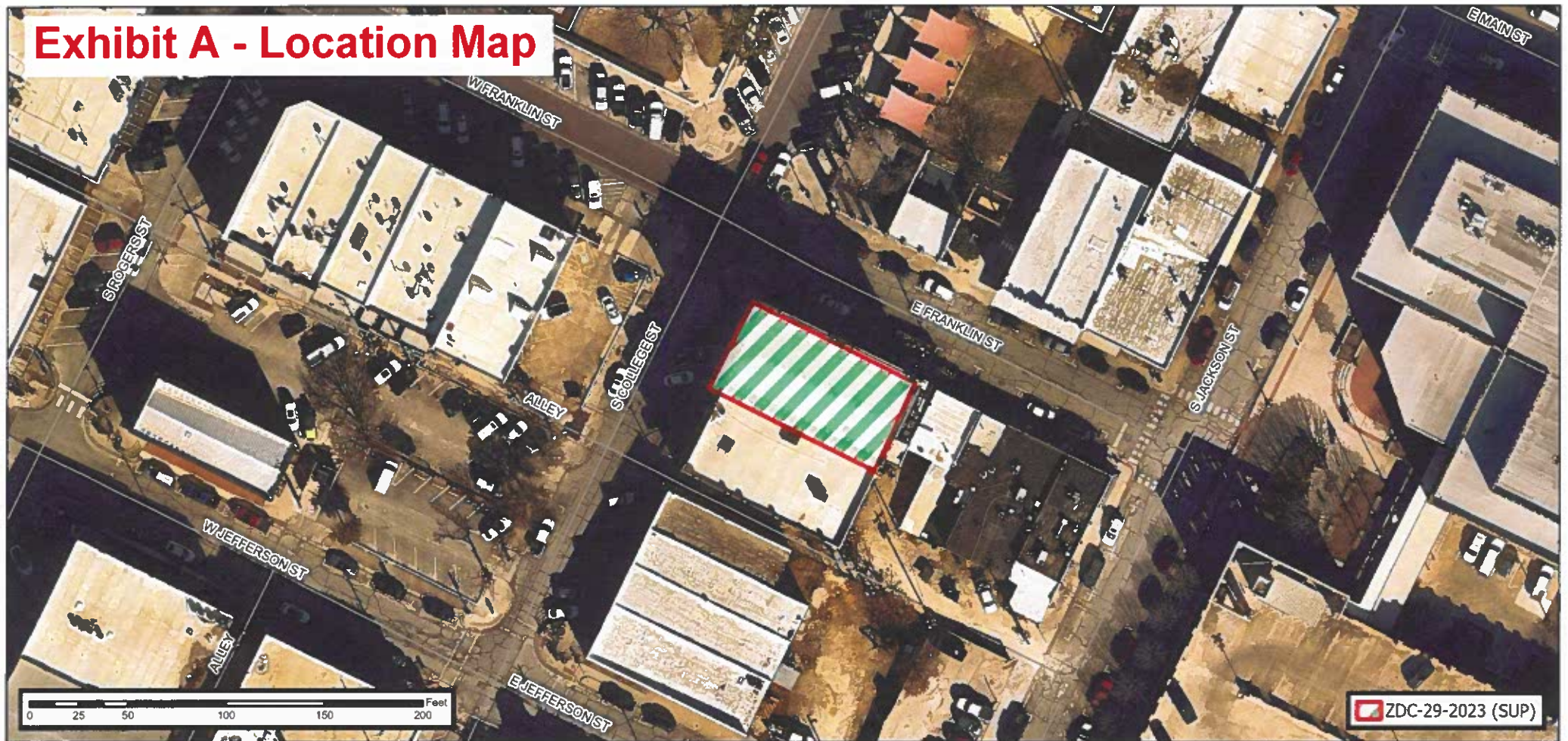
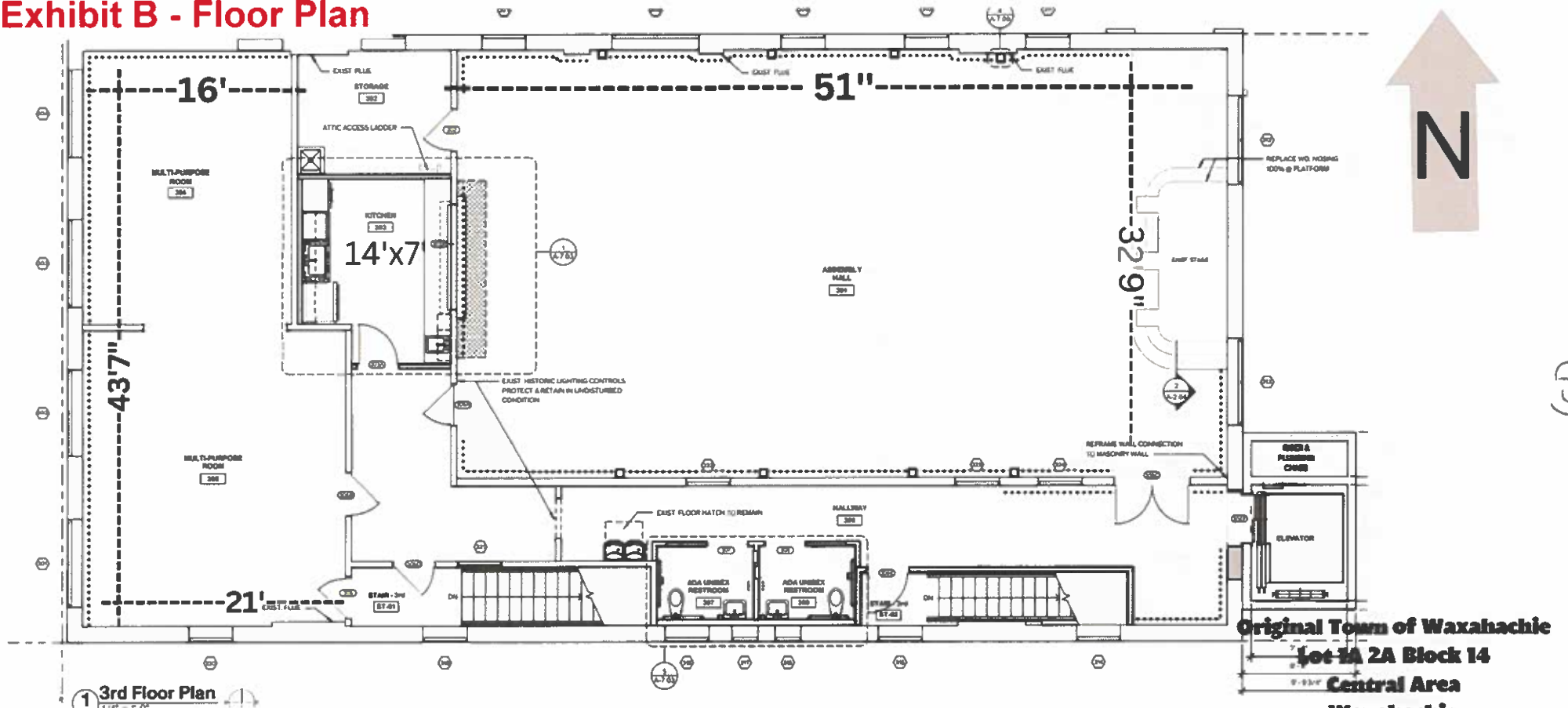


Exhibit B - Floor Plan



Acker Bradbury Construction ~ 3751 S. US Hwy 287 ~
Waxahachie, TX 75165 ~ 469-383-5939

(15)

Exhibit C - Operational Plan

(15)

OPERATIONAL PLAN

The historic building in Downtown Waxahachie, which now houses the Ellis County Museum, was built in 1889. Originally constructed as the Waxahachie Lodge No. 90, it was purchased and reorganized in 1975 to serve as the Ellis County Museum and Art Gallery.

The museum has recently undergone a complete renovation, including the original Lodge Hall on the third floor which the museum plans to refashion into a venue titled "1889 on the Square." During renovations many of the charming characteristics were preserved, including original brick walls and wood floors.

The goal of the museum is to create a unique space for events such as weddings, receptions, and other types of celebrations in this venue. This will be a new and exciting addition to the downtown area unlike any other.

Proposed hours of operation: 9am-12:00am (in 4-8 hour increments)

Number of employees: 2-5

Compatibility with adjoining uses: This venue will fit in very well with surrounding buildings and businesses. There are no foreseen problems that would be an issue with other businesses. No natural resources will be impacted by this venue to existing natural resources or surrounding properties or neighborhood.

Dumpsters will be located behind the business next door to the museum. Waste management will determine the size and exact location.

There will not be anything that generates objectionable smoke, fumes, noise, odor, dust, glare, vibration or heat associated with this venue.

Our plan is to have an event venue on the third floor of the museum.

All clients would be responsible for bringing in their own caterers, decor, etc. Basically, the museum would only be renting the space for the events. There will be a designated area for renters to stage food and beverage. This area will not be utilized as a traditional kitchen or restaurant.

The museum would secure contracts and insurance with all vendors the client would be using.

Beer and wine would be allowed during the event with a licensed bartender.

This venue will make an outstanding addition to downtown Waxahachie. The courthouse, which is across the street, can be seen from the venue floor windows. The building itself is an excellent example of the historic charm Waxahachie is known for. We look forward to serving not only the citizens of Waxahachie, but to bringing in clients from all over to our beautiful city.

(16)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-161-2022



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Gina McLean, Nationwide Construction, for a **Specific Use Permit (SUP)** for a medical facility use (Expedian Urgent Care) within a Commercial (C) zoning district located at 1601 N Highway 77 (Property ID 174568) - Owner: MC Investment Fund, LLC (ZDC-161-2022)

RECOMMENDED MOTION

"I move to approve ZDC-161-2022, a Specific Use Permit (SUP) for a medical facility use (Expedian Urgent Care), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted 6-0 to recommend approval of case number ZDC-161-2022, subject to staff comments. Additionally, the Commission chose option 1 for the architectural elevations.

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a medical facility use (Expedian Urgent Care) located at 1601 N Highway 77. The new medical facility will replace the existing medical building.

CASE INFORMATION

Applicant: Gina McLean, Nationwide Construction

Property Owner(s): MC Investment Fund, LLC

Site Acreage: 1.241 acres

Current Zoning: Commercial District (C)

Requested Zoning: C with a specific use permit (SUP) for a medical facility

SUBJECT PROPERTY

General Location: 1601 N Highway 77

Parcel ID Number(s): 174568

Existing Use: Medical Facility

(16)

Development History:

The subject property is platted as Lot 1B, Block D of the Lakeridge Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Popeyes
East	PD-C	Raising Canes
South	O	YMCA
West	O	YMCA

Future Land Use Plan:

Local Commercial

Comprehensive Plan:

The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

Thoroughfare Plan:

The primary access to the subject property is from North Highway 77, a Major Thoroughfare (120' right-of-way) on the Thoroughfare Plan. The Applicant plans to keep the same ingress and egress to the site. No additional access points are planned for site.

Site Image:



PLANNING ANALYSIS

The Applicant is requesting a specific use permit for a medical facility use (Expedian Urgent Care) located at 1601 N Highway 77. The new medical facility will replace the existing medical building. The Applicant proposes constructing a new 6,397-square-foot building on a 1.2-acre tract. The building will have three suites, one for the medical facility and two for retail and or office uses. The property owner does not have a prospective tenant for the two additional suites but has parked the remaining building area for retail, anticipating a retail user in the future. The property owner understands that future occupants must comply with the City's parking requirement. Additionally, since most of the site is paved with concrete, the Applicant plans to add new concrete curbs to improve site circulation and also a new trash enclosure. The site also provides adequate access and maneuvering for fire and emergency responders. As presented, the site complies with the City's development standards, and as such Staff recommends approval of the specific use permit.

Landscaping Standards

Per Section 5.04 (Landscape Requirements) of the Zoning Ordinance, new construction greater in size than thirty percent of the existing building must bring the site to compliance with the City's current landscaping requirements. The Applicant has made a concerted effort to comply with the City's landscaping standards where feasible. Given the overhead electric powerlines and the existing concrete swale along Highway 77, the Applicant could not accommodate nine canopy trees evenly spaced every forty linear feet along Highway 77. However, to meet the ordinance's intent, the Applicant provided seven crape myrtles in the available landscape area along Highway 77 and planted two additional canopy trees onsite. As presented, the landscape plan complies with all other landscape requirements.

Proposed Elevations

The Applicant has provided two sets of architectural elevations. Both sets of elevations have the same building design and exterior finishing materials, except the color scheme for each set is different. At the Planning and Zoning Commission on April 11, 2023, the Commission recommended approval of option 1.

Option 1 – In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone and stucco accents are tan, and the brick is a traditional red brick color.



Option 2 - In this option, the building is composed of stone and brick with small details of stucco in the cornice. The stone is multicolored, and the brick and stucco accents are tan.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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. At the time of publishing this report, Staff did not receive any letters of support or opposition for this request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The Applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

ATTACHED EXHIBITS

1. Development Agreement/SUP Ordinance
2. Location Map (Exhibit A)
3. Site Plan (Exhibit B)
4. Landscape Plan (Exhibit C)
5. Architectural Elevations (Exhibit D)

STAFF CONTACT INFORMATION*Prepared by:*

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A MEDICAL FACILITY (EXPEDIAN URGENT CARE) WITHIN A COMMERCIAL DISTRICT LOCATED AT 1601 NORTH HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.24 ACRES KNOWN AS PROPERTY ID 174568, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-161-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from C to C, with an SUP in order to allow a medical facility on the following property: Property ID 174568, which is shown on the location map (Exhibit A), site plan (Exhibit B), landscape plan (Exhibit C), and architectural elevations (Exhibit D).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A MEDICAL FACILITY (EXPEDIAN URGENT CARE) IN THE COMMERCIAL (C) DISTRICT DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement is required.
2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-161-2022.
3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Architectural Elevations.
4. The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.
5. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B, C, and D.
7. 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.
8. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

(17)

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

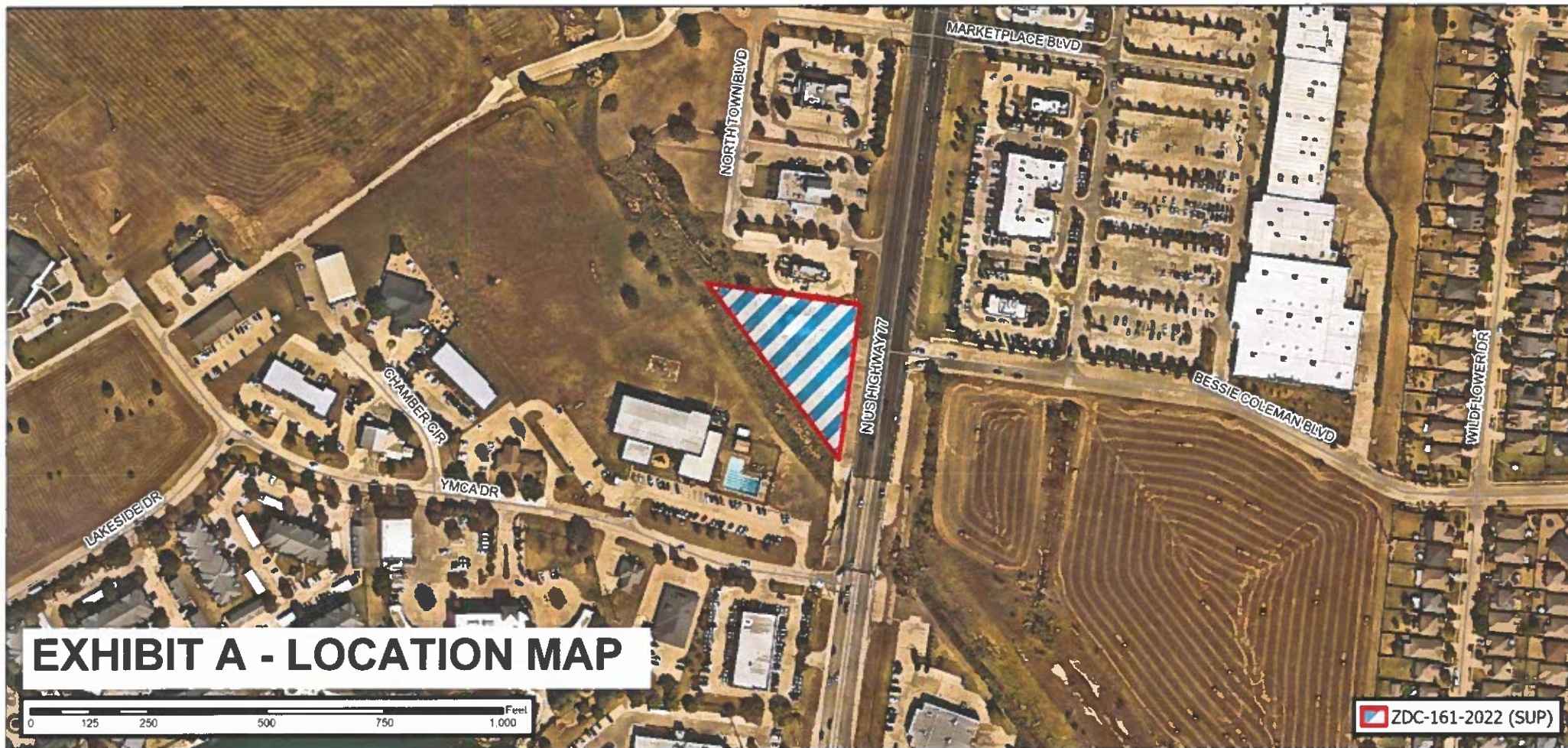
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 17th day of April, 2023.

MAYOR

ATTEST:

City Secretary



PROGRESS DRAWING
NOT FOR REGULATORY
APPROVAL PERMITTING,
OR CONSTRUCTION

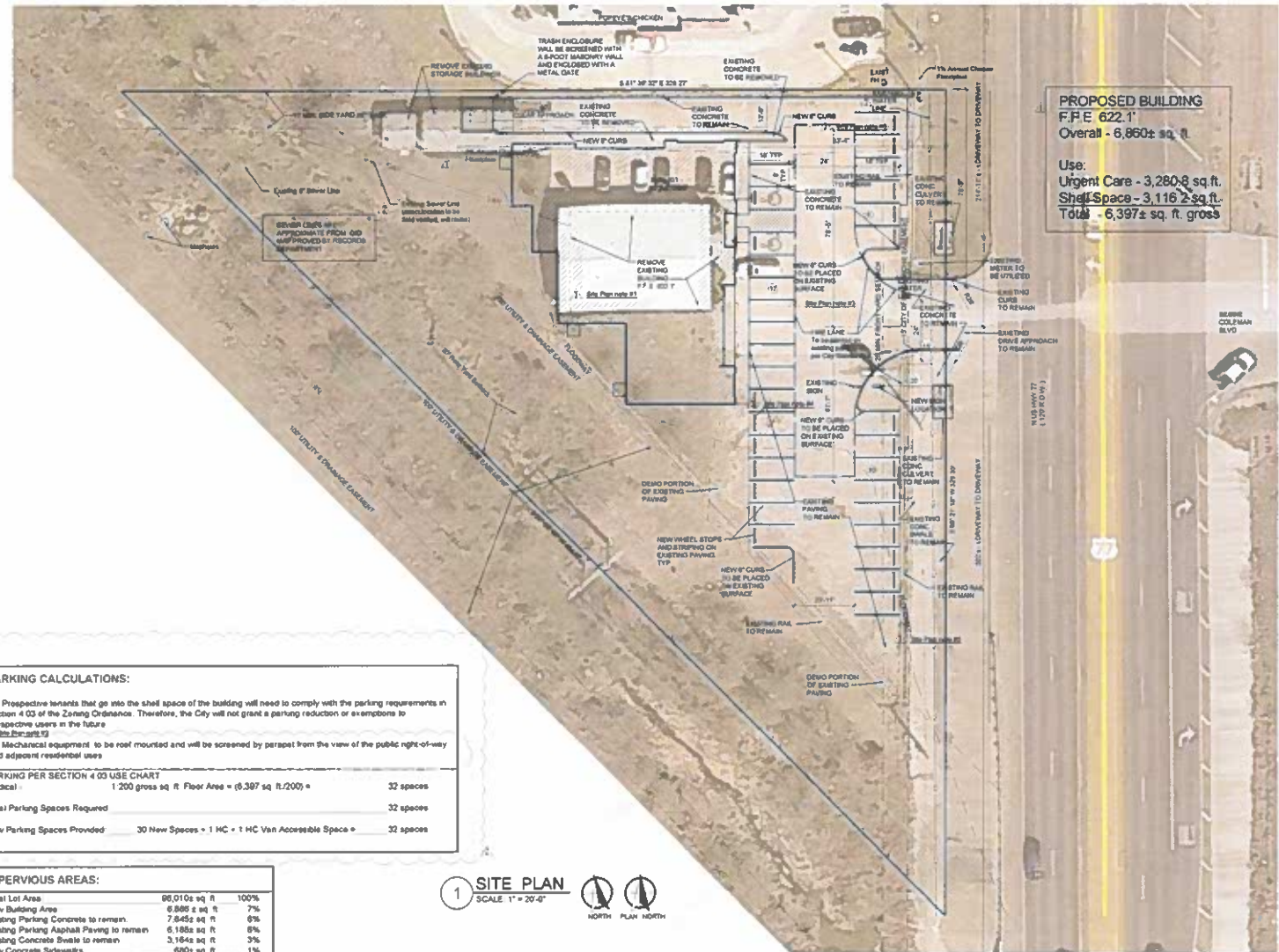
**EXPEDIAN
URGENT CARE**
1601 N. HWY 77
WAXAHACHIE, TX 75165

DATE ISSUED:
11/16/2022

REVISIONS:
1. 02/16/23 City comments
2. 02/24/23 City comments
3. 03/03/23 City comments

SHEET CONTENTS:
SITE PLAN

SHEET NUMBER:
G-1.0



PARKING CALCULATIONS:

Notes
1. Prospective tenants that go into the shelf space of the building will need to comply with the parking requirements in section 4.03 of the Zoning Ordinance. Therefore, the City will not grant a parking reduction or exemptions to prospective users in the future.
2. Mechanical equipment to be roof mounted and will be screened by parapet from the view of the public right-of-way and adjacent residential users.

PARKING PER SECTION 4.03 USE CHART	
Medical - 1,200 gross sq. ft. Floor Area = (6,387 sq. ft./200) =	32 spaces
Total Parking Spaces Required	32 spaces
New Parking Spaces Provided - 30 New Spaces + 1 HC + 1 HC Van Accessible Space =	32 spaces

IMPERVIOUS AREAS:

Total Lot Area	98,010± sq. ft.	100%
New Building Area	6,860± sq. ft.	7%
Existing Parking Concrete to remain	7,845± sq. ft.	8%
Existing Parking Asphalt Paving to remain	6,186± sq. ft.	6%
Existing Concrete Swales to remain	3,164± sq. ft.	3%
New Concrete Sidewalks	600± sq. ft.	1%
Total Impervious Areas	28,585± sq. ft.	29%

1 SITE PLAN
SCALE 1" = 20'-0"
NORTH PLAN NORTH



Lot Info and Owner Address

LEGAL DESCRIPTION	LOT INFORMATION
AREA 98.010± AC ± .01 (ADJACENT) ± 240±	ZONING TYPE: C. COMMERCIAL
ADDRESS 1601 N. HWY 77	ZONING DISTRICT: 3.15
COUNTY ELLIS	Building Code Data:
ADDITION OR SURVEY PART OF LOT 1-B, BLOCK D	Compliance Group: B
LAKESIDE: ADDITION	1. Type of Construction: 1-B
OWNER ADDRESS	2. Elevation System: 1-B
1601 N. HWY 77	3. Height: 20'-0" (Max. 30' per 2016 IRC Table 504.3)
WAXAHACHIE, TX 75165	4. Total Building Area: 6,860 ± sq. ft. (Max. 23,000 sq. ft. per 2016 IRC Table 508.2)
PHONE (817) 473-9473	

CASE NO. ZDC-161-2022

EXHIBIT B - SITE PLAN

Property Legal Description

Lot 146, Block 2, LAKESIDE 1 ADDITION

INTERIOR LANDSCAPE AREA

40% of proposed buildings ground floor sq ft shall be required

Interior Landscaping

Tree Spacing by Ft. - 5,000 S.F.

2,748 S.F. (40%) 3,252 S.F. (47%)

One (1) Canopy Tree per 500 Sq. Ft. of required interior landscape

area (Section 5.04(a)(1))

One (1) Understory Tree per 200 Sq. Ft. of required interior

landscape area (Section 5.04(a)(2))

One (1) Small tree (3-4 ft. dbh) of required interior landscape area

(Section 5.04(a)(3))

12% of required interior landscape area shall be groundcover (see

Section 5.04(a)(4))

2% of required interior landscape area shall be seasonal color tree

(Section 5.04(a)(5))

PARKING LOT LANDSCAPE AREA

13 Sq. Ft. of landscape per parking space (Section 5.04(b)(1))

Tree spacing: 12' x 12' dbh

One (1) Tree, 4" dbh per 100 Sq. Ft. of required parking lot

landscape area (Section 5.04(b)(2))

One (1) Small tree (3-4 ft. dbh) of required parking lot landscape

area (Section 5.04(b)(3))

One (1) Canopy Tree per 500 Sq. Ft. of required parking lot landscape

area (Section 5.04(b)(4))

One (1) Understory Tree per 200 Sq. Ft. of required parking lot

landscape area (Section 5.04(b)(5))

One (1) Small tree (3-4 ft. dbh) of required parking lot landscape

area (Section 5.04(b)(6))

12% of required parking lot landscape area shall be groundcover (see

Section 5.04(b)(7))

2% of required parking lot landscape area shall be seasonal color tree

(Section 5.04(b)(8))

LANDSCAPE BUFFER

One (1) Tree per 50 S.F. of street frontage (Section 5.04(c)(1))

One (1) Small tree (3-4 ft. dbh) of required street frontage (Section 5.04(c)(2))

One (1) Canopy Tree per 500 S.F. of required street frontage (Section 5.04(c)(3))

One (1) Understory Tree per 200 S.F. of required street frontage (Section 5.04(c)(4))

One (1) Small tree (3-4 ft. dbh) of required street frontage (Section 5.04(c)(5))

12% of required street frontage area shall be groundcover (see

Section 5.04(c)(6))

2% of required street frontage area shall be seasonal color tree

(Section 5.04(c)(7))

LANDSCAPE SYMBOLS

ED-1 (Remove)

E-2 (Existing)

T-1

T-2

S-1

S-3

S-4

G-1

G-2

LANDSCAPE SCHEDULE - 12,453 Sq. Ft.

MARK COMMON NAME BOTANIC NAME MIN SIZE MIN HEIGHT QTY REMARKS

ED-1 Crapemyrtle Lagerstroemia indica varies - 2 Existing Trees to be removed

E-2 Crapemyrtle Lagerstroemia indica varies - 4 Existing Trees to be removed These are large multi-trunk trees

T-1 Texas Red Oak Quercus texana 4" cal 12' 6 Caliper measured 12" above grade

T-2 Desert Willow Chiosopsis linearis 3 - 1" 72" 4 3 - 1" trunks

T-3 Crapemyrtle Lagerstroemia indica 3 - 1" 72" 10 3 - 1" trunks

S-1 Pink Texas sage Salvia greggii Cold Hardy Pink 2 gal 24" 54

S-2 Texas red leaf yucca Hesperaloe parviflora 2 gal 24" 67

S-3 Pink Muhly grass Muhlenbergia capillaris 1 gal 12" 6

S-4 Glossy Abelia Linnaea grandiflora 5 gal 36" 15

S-5 Seasonal color

G-1 HYDROMULCH HYDROMULCH As required in all disturbed areas

G-2 MULCH MULCH Mulch in all marked bed areas

(*) - denotes drought tolerant plant

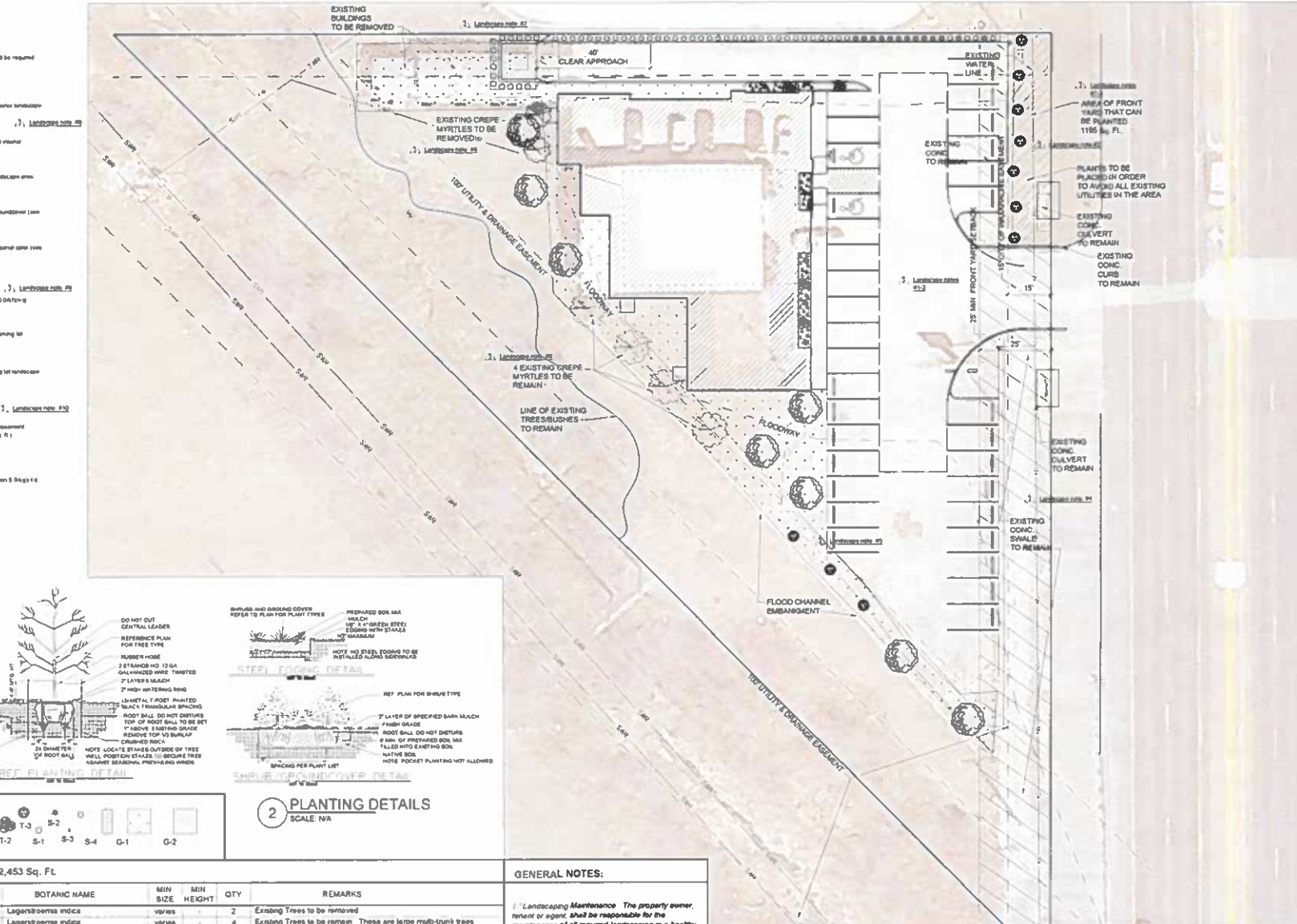


EXHIBIT C - LANDSCAPE PLAN

1

LANDSCAPE PLAN

SCALE: 1" = 20'-0"

NORTH

PLAN NORTH

DATE SUBMITTED: 11/16/2022

REVISIONS:

1. 02/18/23	City comments
2. 02/22/23	City comments
3. 03/03/23	City comments

SHEET CONTENTS:

LANDSCAPE PLAN

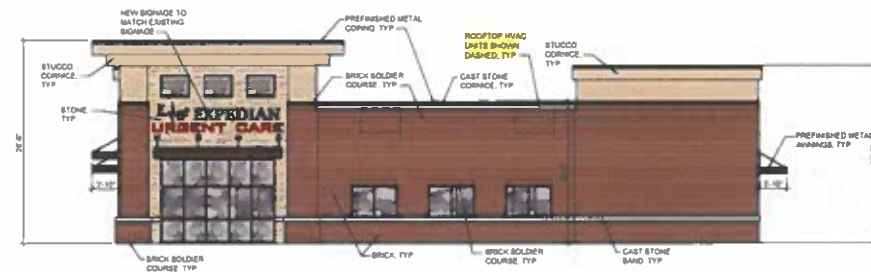
SHEET NUMBER:

LS-1.1

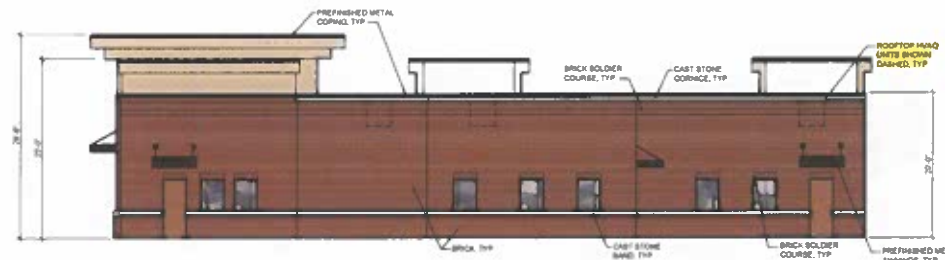
EXHIBIT D - ELEVATIONS



1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

MATERIALS SUMMARY TABLE

EAST ELEVATION - Primary Facade		
Brick & Stone	100 sq ft	5%
Stucco	200 sq ft	10%
Windows & Doors	700 sq ft	35%
TOTAL, including doors & windows	1,000 sq ft	
NORTH ELEVATION		
Brick & Stone	100 sq ft	5%
Stucco	200 sq ft	10%
Windows & Doors	700 sq ft	35%
TOTAL, including doors & windows	1,000 sq ft	
WEST ELEVATION		
Brick & Stone	100 sq ft	5%
Stucco	200 sq ft	10%
Windows & Doors	700 sq ft	35%
TOTAL, including doors & windows	1,000 sq ft	
SOUTH ELEVATION		
Brick & Stone	100 sq ft	5%
Stucco	200 sq ft	10%
Windows & Doors	700 sq ft	35%
TOTAL, including doors & windows	1,000 sq ft	

BRICK - RED BRICK
STONE - TAN

MATERIAL SCHEME 1

NATIONWIDE CONSTRUCTION
DESIGN-BUILD-SUPERVISION
721 South 5th Avenue, Waco, TX 76703
Phone (817) 472-0000 Fax (817) 472-0199
www.nationwideconstruction.com



EXPEDIAN URGENT CARE
1801 N HWY 77
WAXAHACHIE, TX 75165

DATE ISSUED

REVISIONS:
A 02/15/23 City comments
B 02/15/23 City comments
C 03/05/23 City comments

SHEET CONTENTS
ELEVATIONS

SHEET NUMBER
A-5.0-S1

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR EXPEDIAN URGENT CARE
COUNTY OF ELLIS	§	

This Development Agreement for Expedian Urgent Care ("Agreement") is entered between MC Investment Fund LLC ("MCI" or "Developer"), and the City of Waxahachie, Texas ("City"). MCI and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. MCI is the owner of approximately 1.24 acres of real property located at 1601 North Highway 77, Parcel Number 174568 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a specific use permit ("SUP") for a medical facility. The Property is currently zoned Commercial by the City, and is anticipated to have the SUP reviewed on April 17, 2023.

2. The planned use for the Property is for a SUP to allow for a medical facility (Expedian Urgent Care). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards and provides MCI 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 MCI and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment Ordinance No. _____ (the "Expedian Urgent Care SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Expedian Urgent Care.

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

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 Expedian Urgent Care SUP Ordinance, which incorporated 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 to the site plan approved by the City Council under case number ZDC-161-2022.
- (B) The development shall adhere to the following plans approved by City Council: Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Architectural Elevations.
- (C) The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.
- (D) 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.
- (E) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Development Agreement shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Architectural Elevations. Where regulations are not specified in Exhibits B, C, and D in this ordinance, the development shall adhere to the regulations of the Commercial Zoning District and the City of Waxahachie Zoning Ordinance in the future.
- (F) 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.

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

(18)

{Signature Pages Follow}

(18)

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: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-16-2023



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Cassie Williams, Saddles Bar and Grill, for a **Specific Use Permit (SUP)** for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: Bison Creek Partners, LTD (ZDC-16-2023)

RECOMMENDED MOTION

"I move to approve ZDC-16-2023, a Specific Use Permit (SUP) for a Tavern use (Saddles Bar and Grill), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted 6-0 to recommend approval of case number ZDC-16-2023, subject to staff comments, and the following provisions:

- The specific use permit to operate a tavern use on the subject property will not transfer to a future property owner/operator.
- The specific use permit will terminate if the tavern use doesn't occupy the building within two years from the date City Council approves the specific use permit.

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street.

CASE INFORMATION

Applicant: Cassie Williams, Saddles Bar and Grill Owner

Property Owner(s): Bison Creek Partners, LTD

Site Acreage: 0.11 acres

Current Zoning: Central Area District (CA)

Requested Zoning: CA with a specific use permit (SUP) for a Tavern use (Saddles Bar and Grill)

(19)

SUBJECT PROPERTY

General Location: 200 N. College Street

Parcel ID Number(s): 170425

Existing Use: Existing 3 story building

Development History: The subject property is platted as lots 1A and a portion of lot 1B of the Town of Waxahachie

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	CA	Waxahachie Creek
East	CA	George Brown Plaza
South	CA	Multi-tenant Retail Building (Board and Brush, Wirth Collecting, Justice Finance)
West	CA	Waxahachie Sun

Future Land Use Plan: Downtown

Comprehensive Plan: It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan: The primary access to the subject property is from North College Street, a minor collector (60' public right-of-way) in the City's Thoroughfare Plan.

Site Image:



PLANNING ANALYSIS

The Applicant is requesting a specific use permit for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street. The building at 200 North College Street is 3-stories and approximately 3,500 square feet. The building currently has a basement (1,289 sq. ft.) and first floor (1,985 sq. ft.) and a loft. The bar and grill will occupy the basement and the first floor with the bar and grill, and will use the loft area for storage. The Applicant will need to amend the SUP to use the loft area for the restaurant in the future, since they are currently proposing to use it for storage only.

The basement will have pool tables, restrooms and the restaurant kitchen. The first floor will have the bar, high top dining tables, booths, a dance floor, and a performance stage for live entertainment. The Applicant anticipates having about 18 employees at opening, and this number may change based on business demands. Saddles Bar and Grill will be open for business Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. The Applicant has indicated in the operational plans that admission will be limited to adults 21 and up after 8 pm when the establishment has live music and begins operating as a bar. The Applicant has indicated to Staff that they intend to comply with all TABC requirements, however they have not initiated this process because they have significant building improvements to complete before they can safely occupy the building.

According to the Ellis County Appraisal District, the building was constructed in 1910. To ensure that the building can be safely occupied, the Applicant is required to make a number of improvements in coordination with the building owner. These improvements will encompass the repair of the pier and beams in the foundation, as well as the upgrade of plumbing and electrical systems. Upon obtaining approval for the specific use permit, the Applicant will be obligated to apply for building permits and bring the building up to code in compliance with the standards established by the International Building Code and Fire Code. Staff has informed the Applicant of the Downtown Incentives Program to help facilitate the rehabilitation of the building in case some of the building improvements are eligible for funding. Since the tenant does not own the building, they would have to coordinate with the building owner on applying for any incentives.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 25 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. At the time of publishing this report, Staff received three letters of support for this request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant shall obtain the necessary building permits from the City of Waxahachie Building Department before construction.
2. The specific use permit shall not transfer to another property owner or tavern establishment. Permission to operate a tavern use on the subject property is only granted to Saddles Bar and Grill, operated and managed by Casie Williams and Abby Vestal.
3. A new specific use permit shall be required to re-establish the tavern use if the establishment (Saddles Bar and Grill) and/or the Applicant (Casie Williams and Abby Vestal) does not occupy the building within two years from the date City Council approves the specific use permit.
4. The hours of operation shall be limited to Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. Modifications to the hours of operation shall require a zoning amendment approved by City Council.
5. The Applicant shall comply with the operational plan (Exhibit B).

ATTACHED EXHIBITS

1. SUP Ordinance
2. Location Map (Exhibit A)
3. Operational Plan (Exhibit B)
4. Letters of Support

STAFF CONTACT INFORMATION*Prepared by:*

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(19)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-16-2023**



RECEIVED MAR 28 2023

GOSCON LLC
603 N ROGERS ST
WAXAHACHIE, TX 75165-3033

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Cassie Williams, Saddles Bar and Grill, for a **Specific Use Permit (SUP)** for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023) Staff: Eleana Tuley

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-16-2023**

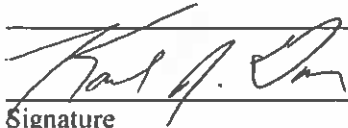
City Reference: 170410

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

Karl J. Goss
Printed Name and Title

Managing Partner
Goscon L.L.C.

3-28-23
Date

103 N. Jackson
Address Waxahachie, TX

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.

(19)



RECEIVED MAR 24 2023

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-16-2023**

BISON CREEK PARTNERS LTD
1350 MANUFACTURING ST STE 101
DALLAS, TX 75207

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Cassie Williams, Saddles Bar and Grill, for a **Specific Use Permit (SUP)** for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023) Staff: Eleana Tuley

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-16-2023**

City Reference: 170425

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

Date

3/30/23

Printed Name and Title

Jim Lakee, Property Owner

Address

1350 Manufacturing St. Suite 101
Dallas, TX 75207

200 W. College St.
Waxahachie, TX 75165

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

(19)

RECEIVED MAR 24 2023



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-16-2023**

ROGERS HOTEL PARTNERS LLC
1350 MANUFACTURING ST STE 101
DALLAS, TX 75207-6509

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Cassie Williams, Saddles Bar and Grill, for a **Specific Use Permit (SUP)** for a Tavern use (Saddles Bar and Grill) within a Central Area (CA) zoning district located at 200 N College Street (Property ID 170425) - Owner: BISON CREEK PARTNERS, LTD (ZDC-16-2023) Staff: Eleana Tuley

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-16-2023**

City Reference: 170418

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

Printed Name and Title
Jim Lake, Property Owner

Date

Address
*1350 Manufacturing St. Suite 101
Dallas, TX 75207*

*100 N. College St.
Waxahachie, TX 75165*

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.

(70)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A TAVERN USE (SADDLES BAR AND GRILL) WITHIN A CENTRAL AREA (CA) DISTRICT LOCATED AT 200 NORTH COLLEGE STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.11 ACRES KNOWN AS PROPERTY ID 170425, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-16-2023. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from CA to CA, with an SUP in order to allow a Tavern use on the following property: Property ID 170425, which is shown on the location map (Exhibit A) and the operational plan (Exhibit B).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A TAVERN USE (SADDLES BAR AND GRILL) IN THE CENTRAL AREA (CA) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the operational plan (Exhibit B) approved by the City Council under case number ZDC-16-2023.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map and Exhibit B – Operational Plan.
3. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
4. The specific use permit shall not transfer to another property owner or tavern establishment. Permission to operate a tavern use on the subject property is only granted to Saddles Bar and Grill, operated and managed by Casie Williams and Abby Vestal.
5. A new specific use permit shall be required to re-establish the tavern use if the establishment (Saddles Bar and Grill) and/or the Applicant (Casie Williams and Abby Vestal) does not occupy the building within two years from the date City Council approves the specific use permit.
6. The hours of operation shall be limited to Tuesdays 11:00 am to 10:00 pm, and Wednesday through Friday 11:00 am to 12:00 am, and Saturday 11:00 am to 1:00 am. Modifications to the hours of operation shall require a zoning amendment approved by City Council.
7. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit ceases to operate or vacates the premises for a period exceeding six months after the establishment

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receives a certificate of occupancy, a new specific use permit shall be required to re-establish the use.

3. This Specific Use Permit shall not run with the land and may not be transferred from owner to owner.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of April, 2023.

MAYOR

ATTEST:

City Secretary



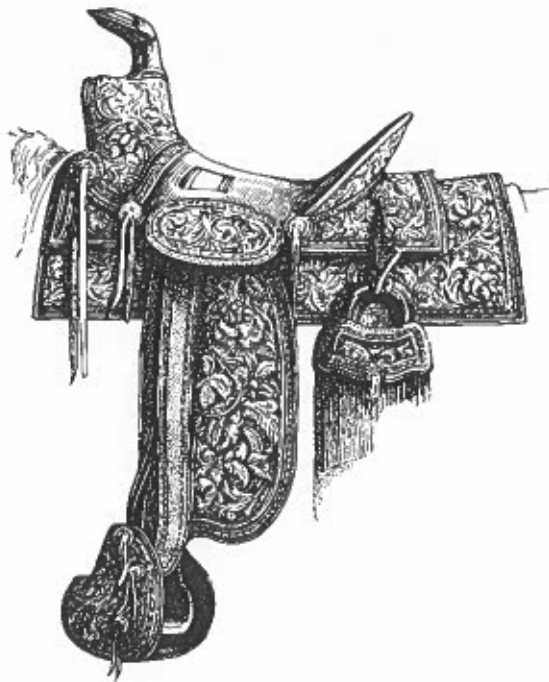
EXHIBIT A - LOCATION MAP

ZDC-16-2023 (SUP)

(28)

SADDLES

-Bar and Grill-
[Operational Plan]



Owner: Casie Williams
Cell: (972) 921-9897

Owner: Abby Vestal
Cell: (972) 921-1226

Business Address:
200 N. College Street
Waxahachie, Texas 75165

Business Email:
SaddlesBarandGrill@gmail.com

(20)

Table of Contents

I. Executive Summary	3
II. Legal Formation.....	3
III. Mission Statement.....	4
IV. Management Team.....	4
V. Location	5
VI. Services	6
VII. Floor Plan.....	7
VIII. Menu.....	8
IX. Kids Menu.....	10

I. Executive Summary

Saddles Bar and Grill (referred to here on as "The Company") is intended to be established as a Limited Liability Company at 200 N. College Street, Waxahachie, Texas 75165 within the expectation of rapid expansion in the Restaurant/Bar industry.

The selected location is ideal, because it is located downtown and represents an attractive market opportunity for this venture. Downtown Waxahachie is visited daily by the residents of the community and has a lot of foot traffic, by individuals that work in the area.

The Company will be a newly established bar and grill, located in Downtown Waxahachie, Texas. The bar and grill will cater to office workers and tourists during the day and transition to a nightclub for locals to relax after a long day of work. The bar will provide top notch menu items featuring a traditional bar menu along with fine wine and alcohol offerings. On the weekends patrons will come and scoot around on the 15' X 15' dance floor, with live music and let loose for a good time.

The Companies main objective is to obtain 3% of the local nightclub market by the end of year one. The Company plans to generate profit within the first 24 months of operation and repay all financial obligations within 5 years of opening.

The Company will accomplish these goals by holding themselves apart from local competitors as a true neighborhood bar. The bar will offer a vast selection of beer and wine, along with fine cuisine, and a relaxing environment designed to make consumers return. The establishment will be family friendly during restaurant hours and cater to the 21+ crowd after 8pm.

II. Legal Formation

The Company shall be formed as a Limited Liability Company under Texas state laws and headed by Casie Williams and Abby Vestal.

The structure of a Limited Liability Corporation was chosen, because it generally limits the liability of the owners, per the articles of organization, can be owned by a corporation, and has legal status. Our search of existing trademarks reveals that there are no trademark restrictions on our name choice. We will trademark our name.

III. Mission Statement

The mission statement for The Company is: Saddle up and have a good time!

This mission statement is ideal because we want our customers to know that this is a place, they can come to have a good time in a sociable atmosphere with great food and company.

IV. Management Team

Our management team has the experience and expertise to successfully execute our business plan. The Proprietors present a blend of skills that are invaluable to this business. They have extensive experience in many areas of the business including inventory, cost analysis and control, hiring and employee relations, scheduling, budgeting, and customer service, cash control, and employee training.

Casie Williams/Owner and Founder

Casie has worked in the Restaurant industry for 17 years. She has taken on roles from a bartender to a manager. Casie is familiar with state laws and regulations regarding alcohol service. Casie currently owns a Salon in downtown Waxahachie, doing lashes.

Abby Vestal/Owner and Founder

Abby has a bachelor's degree in criminal justice and recently left her role as a Parole Officer. Abby has also studied Accounting at The University of North Texas at Dallas and plans to put her knowledge into the company.

Employees

The Company plans to operate with the following employees within the first 6 months of operation: five to six Servers, six to seven Bar Tenders, one Head Chef, two Cooks, and two Floormen.

This is subject to change as the business grows in the future.

V. Location

The location of the business will be contributory to its success. Our operation will target middle-class customers seeking a moderately priced food and beverage menu. Key customer considerations relative to our location include consumers that work in the downtown area, convenient and steadfast accessibility, and safe surroundings.

The Company has also considered other factors that play into this specific location, like total rent per square foot, competition, location stability and customer return rate, appearance of the building (fitting to our décor style), and police and fire availability to a quick response.

Examination of our Forecasted Startup Budget provides detail for the cost considerations of our chosen location. Our moderately priced menu will allow us to accommodate excessive facility costs relative to our projected revenue potential. Our current (currently VERBAL) rental agreement states \$1.22 per square foot, or \$4,000/month for the first 2 years, with the first 3 months being rent free. Our financial projections indicate we can reasonably accommodate a lease cost in the range of \$3 per square foot, showing that we can financially afford the accommodations that The Company has chosen. Additional common area changes (i.e., the landlord is putting in an HVAC system and eliminating the stairs to the second floor) and maintenance expense experience provided by the landlord are also factored into our facility cost projections and are well within the reasonable range for operations of our type. The Company plans to start renovations as soon as the HVAC system and 2nd floor have been completed by the Landlord. The costs of our operation at this location will also be slightly higher than those of other businesses of our type, however this location compensates for this slightly higher cost by including an open floor plan, that does not require much reconstruction. We plan to take down all interior walls and expose some of the original brick, to bring out a rustic theme. We will need to build the kitchen area and bathrooms, but other than that we plan to keep an open floor plan with accessible entry ways to both the front and back of the property.

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VI. Services

The Company will provide the following food and drink and/or services:

Dine-In

The Company will provide a full-service dining area, that will be organized and supervised by Proprietors, who have knowledge of Front of House operations and customer service management.

Take-Out

The Company will provide an option for customers or placing an order via phone or website. This will benefit the customers by allowing them to conveniently access our menu digitally and swiftly order.

Delivery

The Company plans to offer Delivery through a third-party group.

Proprietors' experience will assist them to maintain the integrity and quality of our products and services that customers will anticipate. All menu items will be based on recipes that have been developed and used in the Proprietors families for many years.

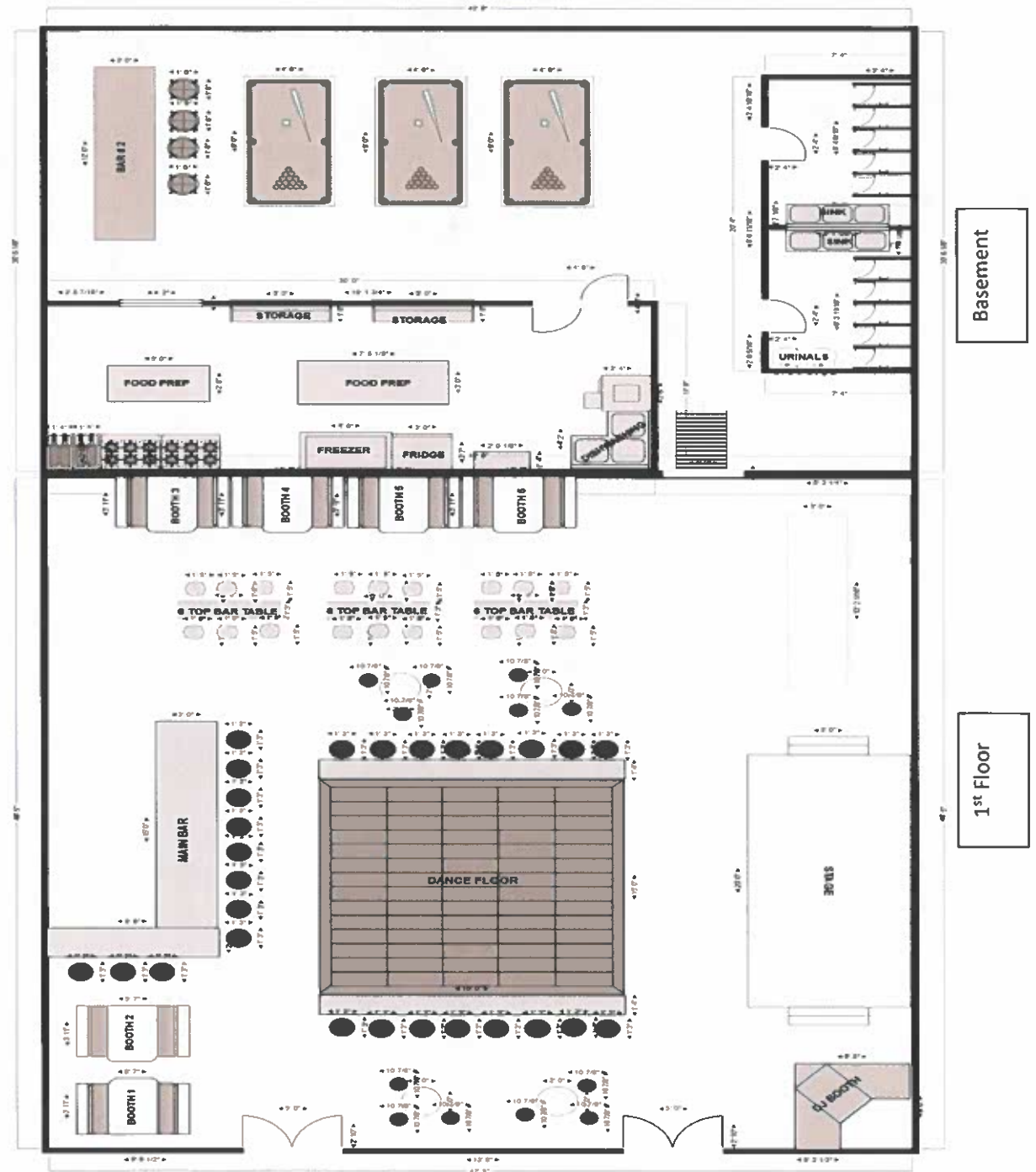
Dine-In, Take-Out, and Delivery, will be offered during the following business hours:

Sunday	CLOSED
Monday	CLOSED
Tuesday	11AM-10PM
Wednesday	11AM-12AM
Thursday	11AM-12AM
Friday	11AM-12AM
Saturday	11AM-1AM

VII. Floor Plan

200 N. College Street, Waxahachie, Texas 75165

Occupying 1st Floor 1,985sqft. and Basement 1,289sqft.



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VIII. Menu

Front Page

SADDLES

BAR & GRILL

200 N. College St., Waxahachie, TX 75165
www.SaddlesBarandGrill.com



The consumption of raw or undercooked eggs, meat, or poultry, may increase your risk of food borne illness.

APPETIZERS

Fiddlesticks	\$8
Crispy cheese sticks with gooey, stringy cheese on the inside for a crave-worthy sensation.	
Wings	\$12
6 wings served your way: Buffalo, Lemon Pepper, Plain, or BBQ.	
Barrel Nachos	\$12
Big Barrel of crispy Tortilla chips, queso, bacon, jalapeños, and salsa, topped with sour cream.	
Lasso's	\$8
Thick cut, beer battered, southern fried onion rings served with homemade Ranch.	
Tire Tracks	\$8
Spicy southern fried pickle chips, served with Jalapeño Ranch.	
Tater Skins	\$8
6 Crispy potato skins, topped with bacon, cheese, and sour cream.	
Skillet Cornbread	\$6
Table size cast iron skillet, filled with sweet cornbread and topped with maple butter.	

BURGERS

Classa Cheeseburger	\$12
Fresh Beef patty, topped with cheddar cheese, tomato, lettuce, and mayo.	
Lasso Burger	\$14
Fresh Beef patty, topped with an onion ring, BBQ sauce, cheddar cheese, and Bacon.	
Texas Burger	\$14
Double-stacked fresh beef patties, topped with cheddar cheese, tomato, lettuce.	
Patty Melt	\$14
Fresh Beef patty, on Texas Toast, topped with grilled onions, cheddar and pepper jack cheese.	

Back Page

SANDWICHES + 1 SIDE

BLT Sandwich	\$8
Crispy Bacon, fresh lettuce, and sliced tomato on Texas Toast.	
Chicken Fried Steak Sandwich	\$11
Chicken Fried Steak on a toasted bun, topped with lettuce and tomato.	
Fried Bologna Sandwich	\$8
Thick sliced Bologna sandwich, topped with lettuce, tomato, and American cheese.	
Turkey Sandwich	\$9
Thick sliced Turkey sandwich, topped with lettuce, tomato, and American cheese.	
Roadkill Sandwich	\$11
Grilled Chicken sandwich, topped with lettuce, tomato, and your choice of cheese.	
Fried Foodie	\$11
2 pieces of fried boneless chicken breast, topped with 4 fiddlesticks, drizzled with queso, on a sub bun.	

ENTREES + 2 SIDES

Chicken Fried Steak	\$14
Our signature hand-breaded chicken fried beef steak, topped with creamy gravy.	
6 oz. Filet	\$28
Cast Iron cooked to perfection your way, topped with a pat of butter.	
12 oz. Ribeye	\$24
Tender and Juicy Ribeye char-grilled to order.	
Hamburger Steak	\$12
Fresh hamburger steak, smothered in grilled onions, and gravy.	
Cluckers	\$12
4 hand-breaded chicken tenders, served with cream gravy.	
Piggy went to Market	\$14
8 oz. fresh cut pork chop, your choice of fried or grilled.	

SIDES

Corn Bread, Baked Potato, House Salad
Mashed Potatoes, Green Beans, Baked Beans,
French Fries, Sweet Potato Fries, Corn

SALADS

Grilled Chicken Salad	\$11
Fresh garden salad garnished with grilled chicken breast, tomatoes, cucumber, and shredded cheddar cheese.	
Cesar Salad	\$9
Crisp Romaine lettuce, creamy Caesar dressing, croutons, and parmesan cheese.	
Cobb Salad	\$9
Fresh mixed greens, eggs, blue cheese, bacon, avocado, and tomato.	

Dressings: Ranch, Honey Mustard, Italian,
Blau Cheese, Oil & Vinegar

DESSERTS

Banana Pudding	\$5
Not your regular nana pudding, made in house with fresh bananas and vanilla wafers.	
Southern Pecan Pie	\$6
Homemade Pecan pie, served warm with a scoop of ice cream.	
Peach Cobbler	\$6
Warm peach cobbler with a flaky crust, served with a scoop of ice cream.	
Chocolate Skillet Cookie	\$7
Chocolate chip cookie served warm, with a scoop of ice cream, topped with caramel drizzle.	

DRINKS

Sweet Tea, Soft Drinks, Lemonade,
2% Milk, Chocolate Milk, Coffee

20% Gratuity added to all parties of 5 or more.

The consumption of raw or undercooked eggs, meat, or poultry, may increase your risk of food borne illness.



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IX. Kids Menu

Front Page

KIDS MENU

Mac & Cheese \$5

Homemade, creamy mac + cheese, made in house.

Grilled Cheese \$5

Warm, melted cheese on Texas Toast.

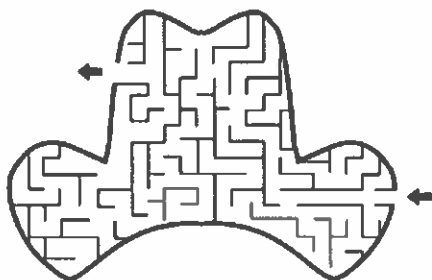
Junior Cluckers \$6

2 hand-breaded chicken tenders, served with cream gravy.

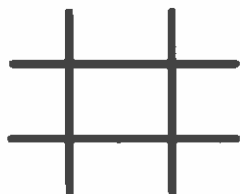
Jr. Cheeseburger \$6

Fresh Beef patty, topped with cheddar cheese, with ketchup on the side.

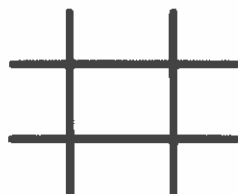
Cowboy Hat Maze



tic tac toe



tic tac toe



SADDLES

BAR & GRILL

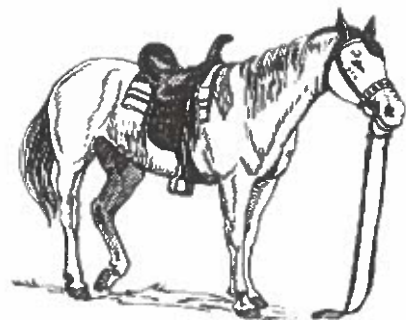
200 N. College St., Waxahachie, TX 75165
www.SaddlesBarandGrill.com



WORD SEARCH

W E X G T T L N C X Q Z V W E
D O S N Z Y B F Z O A Z K L L
V J C M L G I W X J W Q Q G D
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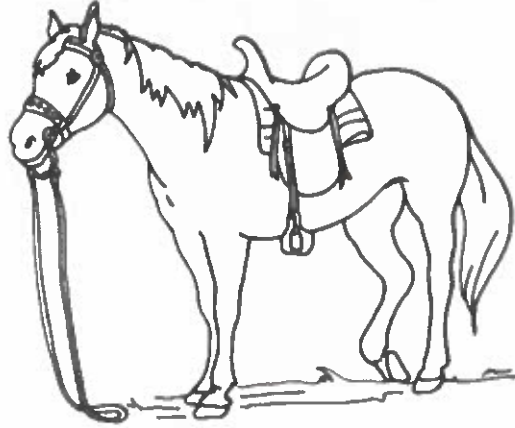
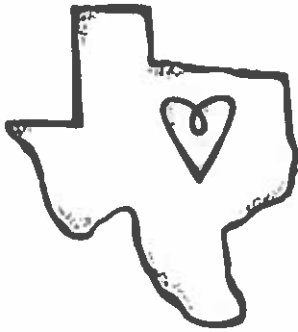
Bull Cowgirl Lasso Cow Hat
Rodeo Cowboy Horse Saddle



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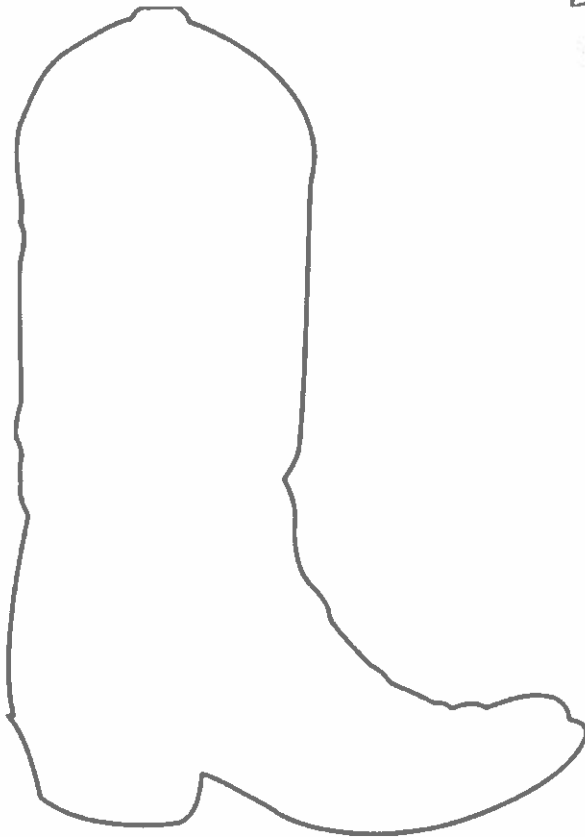
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COLOR ME

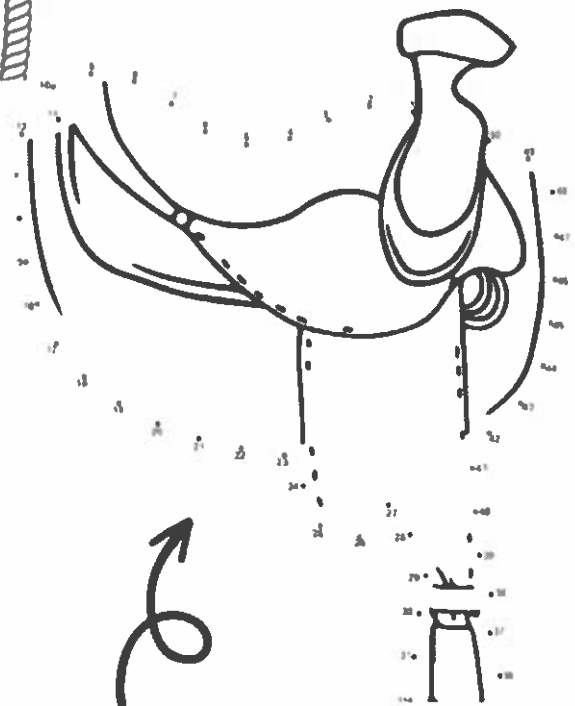


BUILD A BOOT

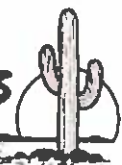
Design your best dressed boot.



Howdy



CONNECT THE DOTS



(ht)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-100-2022



MEETING DATE(S)

Planning & Zoning Commission: April 11, 2023

City Council: April 17, 2023

CAPTION

Public Hearing on a request by Christopher Heipp, P&K Stone for a **Specific Use Permit (SUP)** for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL Leasing, Inc. (ZDC-100-2022)

RECOMMENDED MOTION

"I move to approve ZDC-100-2022, a Specific Use Permit (SUP) for an Aggregate Production Facility and a Permanent Cement Treated Base Plant use (P&K Stone), subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on April 11, 2023, the Commission voted 5-1 to recommend approval of case number ZDC-100-2022, subject to staff comments.

APPLICANT REQUEST

The Applicant requests a specific use permit for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road.

CASE INFORMATION

Applicant: Christopher Heipp, P&K Stone

Property Owner(s): RL Leasing, Inc.

Site Acreage: 12.01 acres

Current Zoning: Light Industrial-2 District (LI-2)

Requested Zoning: LI-2 with a specific use permit (SUP) for an Aggregate Production Facility and Cement Treated Base Plant

SUBJECT PROPERTY

General Location: Located east of the property at 1000 Solon Road

Parcel ID Number(s): 140093

(21)

Existing Use:

Previously storage yard for Concrete Batch Plant located west of the subject property

Development History:

The subject property was not previously platted

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI-2	Undeveloped Land
East	LI-2	Undeveloped Land
South	C	Undeveloped Land
West	C	Undeveloped Land

Future Land Use Plan:

Regional Commercial

Comprehensive Plan:

The Regional Commercial place type is a heavy auto-oriented place typically near high-traffic intersections and about half a mile in diameter. Regional Commercial includes but is not limited to big box stores, restaurants, retail, gas stations, and offices. Enhance pedestrian connectivity and encourage the integration of public gathering spaces to enhance the user experience of this place type.

Thoroughfare Plan:

The primary access to the subject property is from Loftland Drive. Marshall road is currently under construction and will be extended from Patrick Road to I-35 as part of the Wynn Jackson Industrial project (ZDC-155-2021). Marshall road is a minor arterial (110' right-of-way) in the Thoroughfare Plan. Marshall Road will be a four-lane divided roadway.

Site Image:



PLANNING ANALYSIS

The Applicant requests a specific use permit for an Aggregate Production Facility and a permanent Cement Treated Base Plant use (P&K Stone) on a 12-acre tract east of the property at 1000 Solon Road. The Applicant plans to operate the aggregate production facility soon after SUP approval and the Cement Treated Base (CTB) plant a year after SUP approval. CTB is a base layer used underneath building foundations and roadways. CTB is a granular base aggregate product that adds cement into the gradation mix to increase the stiffness and stability of the base layer of a roadway or building foundation.

Given the nature of the use, the Applicant plans only to pave the parking, fire, and emergency access with concrete per the City's specifications. Additionally, the Applicant proposes constructing a 6-foot brick screening wall along the eastern and southern property lines to screen the subject property from the view of the public right-of-way. The Applicant will also provide evergreen shrubs (2-feet at the time of planting) in front of the screening wall along Marshall Road, visible from the road, to soften the appearance of the wall. Staff shall approve the shrub species to minimize root conflicts with future utilities.

Marshall Road is currently under construction and will be extended from Patrick Road to I-35 as a part of the Wynn Jackson industrial project (ZDC-155-2021). The Applicant reflects the ultimate configuration of Marshall Road on the site plan as a 4-lane divided roadway (110' right-of-way). Currently, the primary access to the site is from Loftland Drive. Once Marshall Road is complete, the Applicant will close the driveway along Loftland Drive and have their primary access onto Marshall Road, as reflected on the site plan.

The Applicant will be responsible for constructing the 6-foot screening walls along the eastern and southern property lines six months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing the screening wall.

The property on the northeast corner of Solon and Future Marshall Road received approval for a specific use permit to operate a permanent batch plant in 2003. Additionally, a specific use permit for a permanent batch plant was approved for the property between the far west and the subject property in 2004. The current owner (RL Leasing, Inc) will continue to own the two properties located west of the subject property and plans to sell the property for the CTB plant to P&K Stone. Given the specific use permits issued for the neighboring properties, Staff supports the specific use permit for the aggregate production facility and the permanent CTB plant.

The Applicant has indicated to Staff that he will enforce the following protocols to mitigate the impacts of the CTB plant.

Water misters

- Water misters are added at locations where dust is produced. The water is atomized by the mister so that any dust produced is quickly bound to the mist and falls back down onto the manufactured product.
- Locations where water misters are installed include the crusher, mechanical screen, and at conveyor transfer points where required.

Enclosures/Encasement

- Enclosures are installed in locations of high dust production to funnel dust generated into the water misters. The water misters and enclosures work together as a means of dust control.
- Enclosures are most commonly located at conveyor transfer points (where one conveyor feeds another).

(21)

- A different type of enclosure is located at the mechanical screen, and it behaves as a cap to keep any dust contained within the screening unit.
- Encasement around the crusher unit typically consists of a rubberized material that assists dust to flow to the crusher's discharge, where the dust is then captured by the aforementioned misters.

Concrete Paving and Traffic Pattern

- Concrete paving does not generate dust whereas unimproved travel ways do.
- All vehicles within the site (trucks and passenger vehicles) must abide by a speed limit of 5-10 mph. This limited speed greatly reduces dust generated on non-paved surfaces.
- The material used to create nonpaved travel ways on-site is the material produced on-site. This material consists of the base produced from recycling concrete rubble which is a much cleaner material than quarry produced base and inherently generates reduced dust when driving on it.
- In locations where concrete paving is present, efforts are taken to keep the surface clean. This prevents any finer material tracked by trucks from nonpaved surfaces from becoming airborne dust.

Water Truck

- A water truck is stationed on-site to water nonpaved travel ways at regular intervals. The time intervals depend on current weather conditions where frequency increases during the hot and dry summer months and frequency reduces during the cooler winter months or stops during rainy conditions.
- Nonpaved travel ways are constantly monitored during hours of operation, and if the need arises to utilize the water truck to mitigate dust prior to its scheduled interval the water truck is deployed.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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. At the time of publishing this report Staff received two letters of support. One of the letters was from the property owner.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The Applicant shall obtain a permit from the City of Waxahachie Building Department and Public Works and Engineering Department before construction.
3. The Applicant shall close the temporary driveway along Loftland Drive and construct a new driveway onto Marshall Road as reflected on the site plan (Exhibit B) within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing a new driveway onto Marshall Road. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the new driveway.
4. The Applicant shall construct a 6-foot brick masonry wall along the eastern and southern property lines to screen the subject property from view of public right-of-way within six (6) months following the completion of Marshall Road.
 - The Applicant shall also provide evergreen shrubs 2-feet at the time of planting) in front of the screening wall along Marshall Road visible from the road to soften the appearance of the wall. Staff shall approve the shrub species to minimize root conflicts with future utilities.
 - The screening wall along the eastern and southern property lines will be constructed by the property owner within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (case no. ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing the screening wall. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the screening wall.

ATTACHED EXHIBITS

1. Development Agreement/SUP Ordinance
2. Location Map (Exhibit A)
3. Site Plan (Exhibit B)
4. Operational Plan
5. Letters of Support

STAFF CONTACT INFORMATION*Prepared by:*

Eleana Tuley, AICP
Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com

(21)



P&K Stone Operation Plan
1220 Solon Road, Waxahachie, TX 75167

Hours of Operation:

1. Customer servicing hours:
 - a. Monday: 7:00AM – 5:00PM
 - b. Tuesday: 7:00AM – 5:00PM
 - c. Wednesday: 7:00AM – 5:00PM
 - d. Thursday: 7:00AM – 5:00PM
 - e. Friday: 7:00AM – 5:00PM
 - f. Saturday: 7:00AM – 5:00PM (as needed)
2. Employee working hours:
 - a. Monday: 7:00AM – 5:30PM
 - b. Tuesday: 7:00AM – 5:30PM
 - c. Wednesday: 7:00AM – 5:30PM
 - d. Thursday: 7:00AM – 5:30PM
 - e. Friday: 7:00AM – 5:30PM
 - f. Saturday: 7:00AM – 5:30PM (as needed)

Water Usage:

1. Water Usage Generally confined (in a years' time) to 88% water truck usage for seasonal dust suppression and 12% for plant production (nozzle's) usage.

Days of Production	Avg dust suppression days/week	Gallons/day (Average)	Gallons/wk (Average)	Gallons/mo (Average)	Gallons/year
5	5.2	14,000	72,800	300,000	3,640,000

Note: It must be mentioned that the average was selected not randomly, but based on the fact, that for 6.8 months a year the usage can surge to 17,400 daily in harsh summer months, and as light as 8,800 November 20th, to April 4th, so the selection took these factors into account as well.

Number of employees:

1. 4 full-time employees

Truck Traffic Volume:

1. 40-60 Trucks per day
 - a. Concrete rubble dropoff: 20 per day
 - b. Customer material pickup: 20-40 per day

(21)



TCEQ Permitting:

1. A permanent TCEQ air permit was acquired in 2016. Air permit due for review per TCEQ standard practices in 2026.
2. No other permits from TCEQ are required.

Operations in Waxahachie:

1. P&K Stone only operates an aggregate production facility in by means of recycling concrete located within the identified property contained within the SUP application. The SUP for the neighboring property directly west is unaffiliated with P&K Stone.
2. The cement treated base (CTB) plant identified in the site plan will be a permanent plant installed within 24 months of the SUP approval and was included as a part of P&K Stone's vision to provide the community better access options for construction materials as the area continues to grow.
3. The CTB plant would be a permanent fixture within P&K Stone's future operation plan. The nature of whether the plant is fixed in place with foundations or setup via portable CTB equipment is unknown at this time as options into acquiring the CTB plant have not taken place. P&K Stone wishes to be transparent with the city of Waxahachie and ensure that these operations would be covered under the SUP obtained through this process.

Owner information

1. Peter Dawson is the owner of P&K Stone and has decades of experience within the construction materials industry. P&K Stone has been established since 2015 and currently operates 2 quarries and 2 concrete recycle facilities. Prior to P&K Stone, Peter Dawson owned and operated TBK Materials which was a similar business to P&K Stone's concrete recycle side. TBK Materials was in operation from 2013 until early 2022 when it was rolled up under the P&K family. The nature of construction aggregate production gives great exposure to cement plants, concrete plants, and CTB plants. This was Peter Dawson's experience when he worked for Martin Marietta, a company who operates quarries, concrete recycle facilities, concrete batch plants, cement plants, and CTB plants nationwide.

Drafted by:

Christopher Heipp
P&K Stone – Project Manager

(21)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-100-2022**



AUSTIN INTERNATIONAL VENTURES INC
3535 TRAVIS ST STE 300
DALLAS, TX 75204

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Christopher Heipp, P&K Stone for a **Specific Use Permit (SUP)** for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022) Staff: Eleana Tuley

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-100-2022**

City Reference: 188455

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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

Chris Wey
Director - Real Estate

Date

April 4, 2023
3535 Travis, Ste. 300, Dallas, TX
Address 75204

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.

(21)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-100-2022**

RL LEASING INC
30310 BERRY CREEK DR.
GEORGETOWN, TX 78628

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 11, 2023 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 17, 2023 at 7:00 p.m. in the Council Chambers at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Christopher Heipp, P&K Stone for a **Specific Use Permit (SUP)** for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone) within a Light Industrial-2 (LI-2) zoning district located east of the property at 1000 Solon Road (Property ID 140093) - Owner: RL LEASING, INC. (ZDC-100-2022) Staff: Eleana Tuley

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-100-2022**

City Reference: 140093

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **April 5, 2023** 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.

Comments: ☒ **SUPPORT**

☐ **OPPOSE**

I WAS OUT OF THE COUNTRY ON VACATION, WHEN I RECEIVED THIS NOTICE. PLEASE INCLUDE IN THE AGENDA PACKET

[Signature]
Signature
RICK JOHNSON, President
Printed Name and Title

4/6/2023
Date
30310 BERRY CREEK DR
GEORGETOWN, TX 78628
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.

(22)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN AGGREGATE PRODUCTION FACILITY AND A CEMENT TREATED BASE PLANT USE (P&K STONE) WITHIN A LIGHT INDUSTRIAL-2 (LI-2) DISTRICT LOCATED EAST OF THE PROPERTY AT 1000 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.01 ACRES KNOWN AS PROPERTY ID 140093, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-100-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

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

SPECIFIC USE PERMIT

Purpose and Intent

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

(22)

Specific Use Permit

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

1. A mutually agreed upon Development Agreement is required.
2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-100-2022.
3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map and Exhibit B – Site Plan.
4. The Applicant and/or Developer for the subject property shall be responsible for obtaining permits from the Building Department and the Public Works and Engineering Department per the City's applicable rules and regulations governing such permits.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B.
6. The Applicant shall close the temporary driveway along Loftland Drive and construct a new driveway onto Marshall Road as reflected on the site plan (Exhibit B) within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing a new driveway onto Marshall Road. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the new driveway.
7. The Applicant shall construct a 6-foot brick masonry wall along the eastern and southern property lines to screen the subject property from view of public right-of-way within six (6) months following completion of Marshall Road.
 - The Applicant shall also provide evergreen shrubs (2-feet at the time of planting) in front of the screening wall along Marshall Road visible from the road to soften the appearance of the wall. Staff shall approve the shrub species to minimize root conflicts with future utilities.
 - The screening wall along the eastern and southern property lines will be constructed by the property owner within six (6) months following the completion of Marshall Road. If, for whatever reason, the Wynn Jackson industrial project (case no. ZDC-155-2021) does not complete the Marshall Road improvements, the Applicant shall still be accountable for constructing the screening wall. The Developer shall be responsible for coordinating with Staff every three months following the approval of the SUP to give Staff an update on the construction of the screening wall.

(22)

8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 17th day of April, 2023.

MAYOR

ATTEST:

City Secretary



EXHIBIT A - LOCATION MAP

68

EXHIBIT B - SITE PLAN

ANTHONY LINDEN & ASSOCIATES
TRUCK LENDER
HIST. NO. 171698

REMANENCE OF
ANTHONY LINDEN & ASSOCIATES
VOLUME 2300, PAGE 12

PROPOSED
TIMBER PAVEMENT

PROPOSED
TIMBER PAVEMENT

PROPOSED
TIMBER PAVEMENT

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TIMBER PAVEMENT

PROPOSED
TIMBER PAVEMENT

GRAPHIC SCALE
SCALE 1" = 40'

GRAPHIC SCALE
SCALE 1" = 40'

LEGEND

- PAVED AREA
- GRAVEL
- CALL OUT FOR MAJOR IMPROVEMENTS
- TEMPORARY ASPHALT IMPROVEMENT
- FINISHLINE
- LANDSCAPING
- GRADED SURFACE (GRAVEL)

SITE SUMMARY TABLE	
LOT AREA	537.05 SF (12.10 AC)
LOT COVER	87.7%
REQUIRED PAVING	25.0%
STANDARD PAVING PROVIDED	1 per 4 imp. = 2
MAJOR IMPROVEMENTS PROVIDED	7
CONSTRUCTION FACILITY	10.3 - (10.30 AC) (2.3)
PROPOSED USE	CONCRETE PRODUCTION FACILITY

VICINITY MAP

SCALE: NTS



PLT SITE PLAN

PLotted 3/1/2023 11:25:16 AM

NOTE
MARSHALL ROAD RIGHT-OF-WAY IMPROVEMENTS ARE TO BE
CONSTRUCTED BY OTHERS

NAME: SCOTT E. JOHNSON
COMPANY NAME: S. JOHNSON & ASSOCIATES
ADDRESS: 1100 W. 10TH ST.
HOUSTON, TX 77008
PHONE: (713) 367-8811

APPLICANT ENGINEER
NAME: DAVID A. REED
COMPANY NAME: DURE ENGINEERING INC.
ADDRESS: 1100 W. 10TH ST.
HOUSTON, TX 77008
PHONE: (713) 367-8811

TRANSIT
NAME: JEFFREY D. GARDNER
COMPANY NAME: J.D. GARDNER & ASSOCIATES
ADDRESS: 1100 W. 10TH ST.
HOUSTON, TX 77008
PHONE: (713) 367-8811

PROJECT NAME: P&K STONE SUP APPLICATION
AC RELEASE: 12.10.2023
ADDRESS: 1220 SOLON ROAD
CALE NUMBER: ZDC-100-2023
PREPARATION DATE: MARCH 03, 2023

C-3.0

CHECKED BY
DATE: 2/28/23
ISSUE DATE: 2/28/23



1220 SOLON ROAD
P & K STONE
CITY OF WAXAHACHIE, ELLIS COUNTY, TX

SITE PLAN



P & K STONE
1220 SOLON ROAD
WAXAHACHIE, TX 75167
CONTACT: DOREEN@PKSTONE.COM
PH: (817) 792-7923

No.	Revisions/Notes	Date
1	Revisions up to construction	02/07/23
2	Revisions up to construction	02/07/23

- ### SITE PLAN NOTES
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAXAHACHIE, TEXAS, AND THE ELLIS COUNTY, TEXAS, BEFORE CONSTRUCTION OF THE PROJECT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAXAHACHIE, TEXAS, AND THE ELLIS COUNTY, TEXAS, BEFORE CONSTRUCTION OF THE PROJECT.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAXAHACHIE, TEXAS, AND THE ELLIS COUNTY, TEXAS, BEFORE CONSTRUCTION OF THE PROJECT.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAXAHACHIE, TEXAS, AND THE ELLIS COUNTY, TEXAS, BEFORE CONSTRUCTION OF THE PROJECT.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WAXAHACHIE, TEXAS, AND THE ELLIS COUNTY, TEXAS, BEFORE CONSTRUCTION OF THE PROJECT.
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(23)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

**DEVELOPMENT AGREEMENT
FOR P&K STONE**

This Development Agreement for P&K Stone ("**Agreement**") is entered between RL Leasing, Inc. ("**PK**" or "**Developer**"), and the City of Waxahachie, Texas ("**City**"). PK and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. PK is the owner of approximately 12.01 acres of real property located east of the property at 1000 Solon Road, Parcel Number 140093 in the City of Waxahachie, Texas (the "**Property**"), for which the applicant has requested a specific use permit ("SUP") for an Aggregate Production Facility and Cement Treated Base Plant use (P&K Stone). The Property is currently zoned Light Industrial-2 (LI-2) District by the City, and is anticipated to have the SUP reviewed on April 17, 2023.

2. The planned use for the Property is for a SUP to allow for an Aggregate Production Facility and Cement Treated Base Plant (P&K Stone). The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards and provides PK 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 PK and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. _____** (the "**P&K Stone SUP Ordinance**"), a copy of which is attached hereto as **Exhibit A** and which contains the negotiated zoning and development standards for P&K Stone.

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

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.

(13)

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 P&K Stone SUP Ordinance, which incorporated 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 to the site plan approved by the City Council under case number ZDC-100-2022.
- (B) The development shall adhere to the following plans approved by City Council:
Exhibit A – Location Map and Exhibit B – Site Plan.
- (C) All development within the subject property will be subject to obtaining permits from the Building Department and the Public Works and Engineering Department in accordance with the City's applicable rules and regulations governing such permits.
- (D) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Development Agreement shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map and Exhibit B – Site Plan. Where regulations are not specified in Exhibits B in this ordinance, the development shall adhere to the regulations of the Light Industrial-2 (LI-2) Zoning District and the City of Waxahachie Zoning Ordinance in the future.
- (E) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

(27)

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

(23)

- 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 PK 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.

(23)

- 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.

(23)

{Signature Pages Follow}

(23)

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: _____

(23)

DEVELOPER:

RL Leasing, Inc.

By: _____

Name: _____

Its: _____

Date: _____

STATE OF _____

§
§
§

COUNTY OF _____

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of RL Leasing, Inc., 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 _____

My Commission Expires: _____