NOTICE OF CITY COUNCIL WORKSESSION JULY 15, 2019 CITY COUNCIL CONFERENCE ROOM 401 S. ROGERS WAXAHACHIE TEXAS 6:00 P.M.

Agenda

Council Members: David Hill, Mayor

Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Councilmember Kevin Strength, Councilmember Melissa Olson, Councilmember

- 1. Call to Order
- 2. Hear Presentation on MS4 5 Year Permit Renewal
- 3. Adjourn

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

NOTICE OF CITY COUNCIL BRIEFING SESSION JULY 15, 2019 CITY COUNCIL CONFERENCE ROOM 401 S. ROGERS WAXAHACHIE TEXAS 6:15 P.M.

Agenda

Council Members: David Hill, Mayor

Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Councilmember Kevin Strength, Councilmember Melissa Olson, Councilmember

- 1. Call to Order
- 2. Conduct a briefing to discuss agenda items for the 7:00 p.m. regular meeting
- 3. Adjourn

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

A GENDA

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on *Monday*, *July 15*, *2019 at 7:00 p.m.*

Council Members: David Hill, Mayor

Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Councilmember Kevin Strength, Councilmember Melissa Olson, Councilmember

- 1. Call to Order
- 2. Invocation
- 3. Pledge of Allegiance and Texas Pledge of Allegiance
- 4. Consent Agenda

All matters listed under Item 4, 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 July 1, 2019
- b. Minutes of the City Council briefing of July 1, 2019
- c. Renewal of Sodium Chlorite purchase and Chlorine Dioxide Generator Rental Agreements
- d. Approval of Supplemental Appropriation for Economic Development Land
- e. Stop the Violence Festival to be held July 27, 2019
- 5. *Introduce* Honorary Councilmember
- 6. *Consider* Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2019
- 7. *Continue Public Hearing* on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) Owner: WAX 77 INVESTORS LP (SU-19-0071)
- 8. *Consider* proposed Ordinance approving SU-19-0071
- 9. **Public Hearing** on a request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)
- 10. *Consider* approval of RP-19-0077

- 11. *Continue Public Hearing* on request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction Owner: ROSA L AGUIRRE (RP-19-0069)
- 12. *Consider* approval of RP-19-0069
- 13. *Consider* request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)
- 14. **Public Hearing** on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) Owner: WAX 77 INVESTORS LP (SU-19-0078)
- 15. *Consider* proposed Ordinance approving SU-19-0078
- 16. **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
- 17. *Convene* into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code
- 18. **Reconvene** and take any necessary action
- 19. Comments by Mayor, City Council, City Attorney and City Manager
- 20. Adjourn

The City Council reserves the right to go into Executive Session on any posted item.

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

City Council July 1, 2019 (4 a)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, July 1, 2019 at 7:00 p.m.

Council Members Present:

David Hill, Mayor

Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Councilmember Kevin Strength, Councilmember Melissa Olson, Councilmember

Others Present:

Albert Lawrence, Assistant City Manager

Tommy Ludwig, Assistant City Manager

Robert Brown, City Attorney Lori Cartwright, City Secretary

Others Absent:

Michael Scott, City Manager

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Councilmember Chuck Beatty gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of June 17, 2019
- b. Minutes of the City Council briefing of June 17, 2019
- c. Resolution authorizing the reimbursement of Water and Wastewater Operating Funds from the proceeds of future debt for the advance funding agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects
- d. Approval of Supplemental Appropriation for Convention/Visitors Bureau and Amphitheater downtown
- e. WWII Reenactment event to be held November 8, 2019

RESOLUTION NO. 1273

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS

(4A)

City Council July 1, 2019 Page 2

Action:

Councilmember Kevin Strength moved to approve items a. through e. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

5. Introduce Honorary Councilmember

Councilmember Kevin Strength introduced Anna Rodgers as the Honorary Councilmember for the month of July. She is the daughter of John and Lauri Rodgers and has one sister, Abigail. Anna is a 2019 graduating senior of Waxahachie High School where she is ranked number 18 out of 512 students, or the top 3%. She was an Academic All-State Volleyball player with perennial State qualifying WHS Lady Indians. Anna's other activities include Future Farmers of America Public Speaking Team, National Honor Society, Student Council, Superintendent's Honor Roll and Principal's Honor Roll. Throughout Anna's high school career, she was in all Advanced Placement and Dual Credit classes where she acquired 32 hours from Navarro College. Anna will attend Texas A&M University in the fall majoring in Allied Health, with the goal of being accepted into Nursing School. She is the recipient of multiple scholarships including: Rotary Club, Hilco Electric, WHS Athletic Hall of Fame, Ellis A&M Club, WHS Volleyball Boosters and the Shanleigh Mae Almon Memorial Scholarship.

6. Request to appear by Elizabeth Tull President, Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020.

Ms. Elizabeth Tull, President of Waxahachie Arts Council, presented the Annual Financial Report and requested the contract be extended for one year expiring on December 31, 2020. She thanked council for supporting the eight groups that form the Waxahachie Arts Council.

Action:

Mayor Pro Tem Mary Lou Shipley moved to extend the contract between the Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2020. Councilmember Kevin Strength seconded, All Ayes.

City Attorney Robert Brown noted the contract was amended changing a typo from 315 to 15%.

7. Public Hearing on request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks announced the applicant requested a continuance of RP-19-0069 to the City Council meeting of July 15, 2019.

8. Consider approval of RP-19-0069

(4 R)

City Council July 1, 2019 Page 3

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue a request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction — Owner: ROSA L AGUIRRE (RP-19-0069) to the City Council meeting of July 15, 2019. Councilmember Chuck Beatty seconded, All Ayes.

9. Public Hearing on a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071)

Mayor Hill opened the Public Hearing.

Mr. Brooks announced the applicant requested a continuance of SU-19-0071 to the City Council meeting of July 15, 2019.

10. Consider proposed Ordinance approving SU-19-0071

Action:

Councilmember Melissa Olson moved to continue a request by Matt Moore, ClayMoore Engineering, Inc., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1750 N Highway 77 (Property ID 263976) – Owner: WAX 77 INVESTORS LP (SU-19-0071) to the City Council meeting of July 15, 2019. Councilmember Kevin Strength seconded, All Ayes.

11. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Planned Development-Single-Family Residential-1, with Concept Plan, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (PD-19-0072)

Mayor Hill announced the applicant withdrew case PD-19-0072.

12. Consider proposed Ordinance approving PD-19-0072

Action:

None

13. Consider request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction – Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068)

Mr. Brooks reported the Final Plat does compare to the Preliminary Plat noting staff is working with the applicant on the detention pond. He recommended approval per staff comments.

City Council July 1, 2019 Page 4



Mayor Pro Tem Mary Lou Shipley asked if some lots are going to be included in one lot, what will be the total lots. Mr. Brooks stated after the combination of lots there will be a total of 34 lots.

Action:

Councilmember Kevin Strength moved to approve a request by Cory Murray, M. Sharp Family L.P., for a Final Plat of Murray Estates for 37 lots, being 39.60 acres situated in F.M. Woodward Survey, Abstract 1120 (Property ID 192138) in the Extra Territorial Jurisdiction — Owner: M SHARP FAMILY LIMITED PARTNERSHIP (FP-19-0068) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.

14. Consider request by Christopher P. Holleman, Holleman Construction Co., for a Final Plat of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) – Owner: HOLLEMAN CONSTRUCTION COMPANY INC (FP-19-0074)

Mr. Brooks reported the Final Plat matches the Planned Development and recommended approval per staff comments.

Action:

Councilmember Chuck Beatty moved to approve a request by Christopher P. Holleman, Holleman Construction Co., for a Final Plat of Holleman Addition for 1 lot, being 7.085 acres situated in the Alfred Polk Survey, Abstract 827 (Property ID 189014) — Owner: HOLLEMAN CONSTRUCTION COMPANY INC (FP-19-0074) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

15. Public Hearing on a request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-0075)

Councilmember Strength announced he recuse himself from the case because of a conflict of interest.

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the location is 412 W. Light Street. He stated the applicant has met the requirements of the subdivision Ordinance as well as the development requirements and recommended approval per staff comments.

There being no others to speak for or against RP-19-0075, Mayor Hill closed the Public Hearing.

16. Consider approval of RP-19-0075

Action:

Councilmember Chuck Beatty moved to approve a request by Gunther Strength for a Replat of Lot 1, Block 13, Bullards Addition, to create Lots 1A and 1B, Bullards Addition, .3206 acres (Property ID 172392) – Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (RP-19-

City Council July 1, 2019 Page 5 (41)

0075) subject to staff comments. Councilmember Melissa Olson seconded. The vote was as follows:

Ayes:

David Hill

Mary Lou Shipley Chuck Beatty Melissa Olson

Abstained:

Kevin Strength

The motion carried.

17. Consider request by Wes Dorough, JH Development LLC, for a Final Plat of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 274596) – Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067)

Mr. Brooks reported the Final Plat meets the requirements of the Subdivision Ordinance and recommended approval per staff comments.

Action:

Councilmember Kevin Strength moved to approve a request by Wes Dorough, JH Development LLC, for a Final Plat of The Haven Phase One for 101 residential lots and 2 open space lots, being 36.567 acres situated in the Robert Russell Survey, Abstract 911 (Property ID 274596) — Owner: JHH NORTH GROVE DEVELOPMENT LLC (FP-19-0067) subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

18. Public Hearing on a request by Ron Barson, Ledbetter Real Estate LTD, for a Specific Use Permit (SUP) for Unified Lot Sign use within a Planned Development-General Retail zoning district, located at 2751 N Highway 77 (Property ID 273976) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0073)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes a multi-tenant monument sign within the North Grove Business Park Phases 2 & 4. He noted the sign will match an existing monument sign located within the North Grove Business Park. Mr. Brooks stated the maximum height not to exceed 35 feet and the maximum square footage shall not exceed 385 feet. He recommended approval per staff comments.

There being no others to speak for or against SU-19-0073, Mayor Hill closed the Public Hearing.

19. Consider proposed Ordinance approving SU-19-0073

(4a)

City Council July 1, 2019 Page 6

ORDINANCE NO. 3123

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A UNIFIED LOT SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2751 N. HIGHWAY 77, BEING PROPERTY ID 273976, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK C IN THE NORTH GROVE BUSINESS PARK PHASE 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3123 as presented per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

20. Continue Public Hearing on a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066)

Mayor Hill continued the Public Hearing and announced the applicant requested a continuance of PD-19-0066 to the City Council meeting of August 5, 2019.

Those who spoke for PD-19-0066:

Mr. Alan Fox, 327 University Drive, Waxahachie

21. Consider proposed Ordinance approving PD-19-0066

Action:

Councilmember Chuck Beatty moved to continue a request by Joy Ranton, Daniel's Den, for a Zoning Change from a Planned Development-28-General Retail zoning district to Planned Development-General Retail, with Concept Plan, to allow a Household Care Facility located at 512 N College Street (Property ID 170716) - Owner: ALFRED A & RHONNIE D TOMPKINS (PD-19-0066) to the City Council meeting of August 5, 2019. Councilmember Kevin Strength seconded, All Ayes.

22. Consider contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive

Assistant City Manager Tommy Ludwig reported Northgate Drive is a heavily traveled corridor which is utilized as a primary access point to both Wal-Mart and Lumpkins Stadium. He stated when you look at the surface it does not look that bad but under the surface it is failing and staff recommends to move forward with the engineering contract and will bid thereafter. Mr. Ludwig requested approval of engineering design services for the restoration of Northgate Drive for \$82,720.00.

City Council July 1, 2019 Page 7

(4r)

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive. Councilmember Kevin Strength seconded, All Ayes.

23. Consider proposed Ordinance amending Chapter 21 (Offenses and Miscellaneous Provisions) of the Code of Ordinances of the City of Waxahachie by revising Section 21-6 Sale and discharge of firearms, discharge of firearms; and setting an effective date of July 1, 2019

Assistant City Manager Ludwig presented textual changes to the current ordinance in order to be in compliance with HB 3231 that recently passed by the Texas Legislature and effective September 1, 2019. He explained the bill will allow for the development of recreational shooting range facilities within the City.

Councilmember Melissa Olson requested to amend Section 21-6 (c) by adding "or any person when lawfully defending a person or property".

City Attorney Robert Brown stated Councilmember Olson's request is a friendly amendment and stated the state law covers persons protecting themselves and their property.

ORDINANCE NO. 3124

AN ORDINANCE AMENDING SECTION 21-6 OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, REVISING LANGUAGE FOR THE DISCHARGE OF FIREARMS WITHIN THE CITY LIMITS; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance 3124 as amended. Councilmember Chuck Beatty seconded, All Ayes.

24. Public Comments

None

25. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:28 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 7:41 p.m.

City Council July 1, 2019 Page 8

(4A)

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the purchase of properties located at 105, 107, 109 and 111 South College, Waxahachie, TX for a purchase price of \$130,000 each plus all closing costs and property taxes owed and authorizing the City Manager to execute all documents as necessary to facilitate the purchase. Councilmember Melissa Olson seconded. All Aves.

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

Assistant City Manager Tommy Ludwig announced Planning Director Shon Brooks was chosen as one of the Top Urban Planners Under 40 by the Planning Peeps network. He noted Mr. Brooks is honored as one of the top planners on the national level.

Councilmember Kevin Strength referenced an article in the Sunday paper pertaining to Councilmember Chuck Beatty having a "Chuck Beatty Courage Award" named after him. He stated it is an honor to be serving with Councilmember Beatty.

Councilmember Chuck Beatty wished everyone a Happy 4th of July noting there are several events going on and he welcomed everyone to attend all the festivities.

City Manager Albert Lawrence stated the recent storms over the weekend resulted with a lot of debris down noting staff is working to get it cleaned up.

Mayor Pro Tem Mary Lou Shipley stated Spring Park is closed due to construction and will remain closed until completed noting closure includes 4th of July. She stated it will be ready for the Labor Day weekend with amenities. Mayor Pro Tem Shipley thanked the Street Department for acting quickly to remove a tree that fell across Howard Road during the recent weekend storm.

City Attorney Robert Brown wished everyone a Happy 4th of July.

Mayor David Hill wished everyone a Happy 4th of July. He congratulated Assistant Police Chief Dale Sigler on the recent corporate donation from the local State Farm Insurance team.

Assistant Police Chief Dale Sigler referenced the damage from the weekend storm and credited the Street Department for their quick reaction to clean up.

28. Adjourn

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Lori Cartwright City Secretary City Council July 1, 2019 (4b)

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, July 1, 2019 at 6:30 p.m.

Council Members Present:

David Hill, Mayor

Mary Lou Shipley, Mayor Pro Tem Chuck Beatty, Councilmember Kevin Strength, Councilmember Melissa Olson, Councilmember

Others Present:

Albert Lawrence, Assistant City Manager

Tommy Ludwig, Assistant City Manager

Robert Brown, City Attorney Lori Cartwright, City Secretary

Others Absent:

Michael Scott, City Manager

1. Call to Order

Mayor David Hill called the meeting to order.

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

Assistant City Manager Albert Lawrence reviewed the following Consent Agenda items:

- 4c Resolution to reimburse expenditures for utility relocation of the viaduct location noting the amount increased from the funding estimate.
- 4d Supplemental Appropriation increasing the 2018-2019 budget for the Convention/ Visitors Bureau and Amphitheater Downtown to provide necessary funding to support a new Cultural Arts & Programming Manager position.
- 4e WWII Reenactment to be held November 8-9, 2019. Reenactment will be in the same area with the actors understanding they will need to work around the Amphitheater construction site.

Mr. Lawrence referenced item 6 being a request from the Waxahachie Arts Council to extend their contract for one year. He referenced a typo in paragraph 1 stating it will be corrected from 315 to 15%.

Planner Shon Brooks reviewed the following cases:

- RP-19-0069, applicant requested to continue to July 15, 2019.
- SU-19-0071, applicant requested to continue to July 15, 2019.
- PD-19-0072, applicant withdrew application.
- FP-19-0068, Final Plat in the ETJ. It meets all requirements and staff recommended approval. City Engineer James Gaertner recommended the applicant combine the small lots on the end with the lot next to it.
- FP-19-0074, Final Plat meets all requirements and staff recommended approval.

City Council July 1, 2019 Page 2



- RP-19-0075, Public Hearing on a Replat to separate 1 lot into 2 lots. Applicant meets all requirements and will dedicate the right-of-way. Staff recommended approval.
- FP-19-0067, Final Plat meets all requirements and staff recommended approval per staff comments.
- SU-19-0073, Public Hearing for a specific use permit to allow for a monument sign. Staff recommended approval per staff comments.
- PD-19-0066, applicant requested to continue to August 5, 2019.

Assistant City Manager Tommy Ludwig reviewed a contract with Birkhoff, Hendricks & Carter, L.L.P. to provide professional engineering design services for the restoration of Northgate Drive.

Mr. Ludwig reviewed an Ordinance amending Chapter 21 of the Code of Ordinances revising Section 21-6, Sale and discharge of firearms, and discharge of firearms in the city. He explained the textual changes will be in compliance with HB 3231 that will go into effect on September 1, 2019. Mr. Ludwig stated the amendment will allow for indoor and outdoor shooting ranges.

City Attorney Robert Brown stated Councilmember Melissa Olson expressed concern that language is not in the Ordinance pertaining to someone using a fire arm to protect their family. Councilmember Olson asked if the following could be added in Section 21-6 (c): or any person when lawfully defending a person or property. Discussion was held and Councilmembers stated the state law allows a person to defend his property and persons. Mr. Brown stated it is a friendly amendment and council could add the additional language.

3. Adjourn

There being no further business, the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Lori Cartwright City Secretary





Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: July 12, 2019

Re: Contract Renewal - Evoqua Water Technologies

On Monday, July 15, 2019 a contract renewal agreement with Evoqua Water Technologies for 1) the purchase of sodium chlorite and 2) the rental of generators utilized to create chlorine dioxide for water treatment purposes at the Howard Road and Sokoll Water Treatment Plants will appear before City Council for consideration. Chlorine dioxide is utilized as the pre-disinfectant at the Howard Road Plant and for iron and manganese control at the Sokoll Plant.

The City has held annual agreements with Evoqua Water Technologies for over ten years. Last year there was a three percent price increase for this agreement. There is an additional increase in this year's renewal due to an increase in the cost of raw materials. The City anticipates it will purchase approximately 175,000 pounds of chemicals from Evoqua. This cost increase was anticipated and accounted for in next years proposed budget. Contracts are for a one year duration with an effective date of October 1, 2019 through September 30, 2020. Staff has reviewed the contracts and are recommending renewal through the FY19-20 budget year. The initial agreements with Evoqua Water Technologies was awarded through a competitive bid process.

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

Tommy Ludwig



Memorandum

To:

Honorable Mayor and City Council

From: Albert Lawrence, Assistant City Manager

Michael Scott, City Manage

Date:

July 10, 2019

Re:

Consider Supplemental Appropriation for Economic Development – Land

Item Description: Consider approving a budget amendment increasing the 2018-19 Economic Development - Land budget by \$526,116.

Item Summary: On July 1, 2019, City Council authorized the City Manager to purchase the properties located at 105, 107, 109 and 111 South College for a purchase price of \$130,000 each plus all closing costs and property taxes owed. The total cost for all the properties will be approximately \$526,116. Therefore, the line item for land in the Economic Development Budget of the General Fund must be increased by this amount.

Fiscal Impact: The proposed supplemental appropriation would increase the Economic Development - Land (100-170-57100) budget from \$0 to \$526,116. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure with no significant impact.





Application for a Festival or Event Permit

Event Name and Description: Stop The Violence Festival
Applicant Information
Name: Denard Williams
Address: 411 Snokey Lane
City, State, Zip: Waxah achic, Tx 75165 Phone: 469-420-8931
E-mail Address: derard williams 24 Qyahoo, com/whitten @gna: 10 com
Organization Information
Organization Name: Boyz To Men Mentors
Address: 605 Antonio Waxahachie 17x 75165
Authorized Head of Organization: Addison Alexander
Phone: 214-399-1547 E-mail Address: addisonalexander Cychoo. Com
Event Chairperson/Contact
Name: Addison Alexander
Address: 605 Antonio
City, State, Zip: Waxahachie, Tx 75165 Phone: 214-399-1547
E-mail Address: addisonalex ander Dyahoo, 10m
Event Information
Event Location/Address: Lee Penn Park 404 betzendaner Street
Purpose: Community Outreach Event
Event Start Date and Time: July 27th 2019 3pm-7pm
Received in

City Secretary's Office

City of Waxahachie, Texas

(4R)

Event End Date and Time: July 27th 2019 7pm
Approximate Number of Persons Attending Event Per Day: 50-75 people
Site Preparation and Set-Up Date and Time: July 27th 2019 12pn - 3pm
Clean-Up Completion Date and Time: July 27th 2019 8 pm
List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.
Bounce houses face painting, free food and drinks, quest
speakers, live performances
Requests: Tents & Chairs, 3 barricades, Waxahachie Police Opportment, Waxahachit Fire Department
plice agartment, Waxahachit Fire Department
Will food and/or beverages be available and/or sold? VES/NO
*Will alcohol be available and/or sold? YES/NO
If yes, will the event be in the Historic Overlay District? YES/NO
If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.
Will dumpsters be needed?
Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO If so, provide a copy of the current FAA License.
Please submit a site plan showing the layout of the event including equipment, stages, and street locations
I THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF
WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO
PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT.
Din Wini 07-09-19
Signature of Applicant Date

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

(4e)

Villarreal, Amber

From:

Hill, Krystyne

Sent:

Wednesday, July 10, 2019 10:17 AM

To:

Villarreal, Amber

Subject:

RE: Event Permit Application-Stop the Violence

Good morning Amber,

The food note was pretty vague, he will absolutely need to look into catering or a mobile food unit. I have a few permitted with the city annually that I am sure would love to help him out. Let me know if he would be interested in those contacts.

Krystyne Hill Health Inspector City of Waxahachie 469-309-4138

From: Villarreal, Amber <avillarreal@waxahachie.com>

Sent: Wednesday, July 10, 2019 10:10 AM

To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>

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Cc: Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert

<alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>

Subject: Event Permit Application-Stop the Violence

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27th and if approved by staff, we will need to get it in the council packet this week.

Thank you,

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

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From: Whitney Williams < whittren@gmail.com > Sent: Wednesday, July 10, 2019 10:03 AM

To: Villarreal, Amber < avillarreal@waxahachie.com >

Subject: Permit Application

Villarreal, Amber

(42)

From:

Griffith, Thomas

Sent:

Thursday, July 11, 2019 2:03 PM

To:

Villarreal, Amber

Subject:

RE: Event Permit Application-Stop the Violence

They need to have a designated Safety officer that will monitor weather conditions and be prepared to notify their attendees of any severe weather conditions approaching.

They need to provide for enough shade, water and/or cooling stations for their attendees.

Thomas Griffith
City of Waxahachie
Emergency Management Coordinator

630 Farley Street Waxahachie, Texas 75165

O: (469) 309-4417 M: (469) 550 - 3231

From: Villarreal, Amber <avillarreal@waxahachie.com>

Sent: Wednesday, July 10, 2019 10:10 AM

To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Chambers, Jeff <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>

Cc: Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert

<alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>

Subject: Event Permit Application-Stop the Violence

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From: Whitney Williams < whittren@gmail.com > Sent: Wednesday, July 10, 2019 10:03 AM

To: Villarreal, Amber <a willarreal@waxahachie.com>

Subject: Permit Application

Villarreal, Amber

(42)

From:

Boyd, Ricky < RBoyd@waxahachiefire.org >

Sent:

Wednesday, July 10, 2019 10:59 AM

To:

Villarreal, Amber

Subject:

RE: Event Permit Application-Stop the Violence

I have no concerns with this request. We will have representation there also.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue 214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>

Sent: Wednesday, July 10, 2019 10:10 AM

To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>;

Chambers, Jeff < jchambers@waxahachie.com>; Griffith, Thomas < john.griffith@waxahachie.com>

Cc: Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Lawrence, Albert

<alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>

Subject: Event Permit Application-Stop the Violence

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

Please review the attached event application and send me your comments/concerns by tomorrow if possible. There event is requested for July 27th and if approved by staff, we will need to get it in the council packet this week.

Thank you,

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From: Whitney Williams <<u>whittren@gmail.com</u>>
Sent: Wednesday, July 10, 2019 10:03 AM

To: Villarreal, Amber <a villarreal@waxahachie.com>

Subject: Permit Application

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

Villarreal, Amber

(4e)

From:

Wade Goolsby <wgoolsby@waxahachiepd.org>

Sent:

Wednesday, July 10, 2019 3:15 PM

To:

Villarreal, Amber

Subject:

RE: Event Permit Application-Stop the Violence

Amber,

I have no issues with it. We will have some police officers there.

Wade G. Goolsby Chief of Police Waxahachie Police Department 630 Farley St. Waxahachie, TX 75165 469-309-4411



From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]

Sent: Wednesday, July 10, 2019 10:10 AM

To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Jeff Chambers <jchambers@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>

Cc: Michael Scott <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>

Subject: Event Permit Application-Stop the Violence

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Thank you,

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(le)

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS COUNTY OF ELLIS CITY OF WAXAHACHIE	§ § §
We, the undersigned of	ficers of the City Council of the City, hereby certify as follows:
	the City convened in a REGULAR MEETING ON THE 15TH DAY ar designated meeting place, and the roll was called of the duly ers of the City Council, to wit:
Mar Chu Kev Mel	id Hill, Mayor y Lou Shipley, Mayor Pro-Tem ck Beatty, Member in Strength, Member issa Olson, Member Cartwright, City Secretary
	sent, except, thus constituting a quorum. Whereupon, owing was transacted at the Meeting: a written
TO ISSUE CERTII	CCTING PUBLICATION OF NOTICE OF INTENTION FICATES OF OBLIGATION; AND RESOLOVING RELATING TO THE SUBJECT
was duly introduced for the corthat the Resolution be passed; the Resolution, prevailed and of	ssideration of the City Council. It was then duly moved and seconded and, after due discussion, the motion, carrying with it the passage of carried by the following vote:
AYES:	
NOES:	
ABSTENTIONS:	

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid



notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting as given, all as required by Chapter 551, Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED the 15th day of July, 2019.

City Secretary	Mayor	
(SEAL)		

(4)

RESOLUTION

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATING OT THE SUBJECT

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked "Exhibit A" is a form of the "Notice of Intention to Issue Certificates of Obligation" (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the <u>Waxahachie Daily Light</u>, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

- Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the Notice.
- Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within eighteen (18) months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

(u)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit, improvements to streets and public mobility infrastructure, including the acquisition of right-of-way, throughout the City; the construction of improvements and extensions to the City's water and wastewater systems; acquiring, constructing, installing and equipping park and recreational improvements in the City, including to the City's Lee Penn Park and George Brown Plaza; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of said series (one or more) of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7:00 o'clock, p.m., on the 16th day of September, 2019. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold on said date for such purposes described above is \$31,525,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's water and wastewater systems.

/s/ David Hill
Mayor

(148)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Tommy Ludwig, Assistant City Manager

Date: July 2, 2019

Re: SU-19-0071 - Drive Through Establishment (Car Wash)

On July 2, 2019, the applicant requested to continue case no. SU-19-0071 to the July 23, 2019 Planning and Zoning Commission agenda, and the August 5, 2019 City Council meeting agenda.

(9)

Planning & Zoning Department Plat Staff Report

Case: RP-19-0077



Planning & Zoning Commission:

July 9, 2019

City Council:

July 15, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0077, subject to staff comments.

CAPTION

Consider request by George Susat for a Replat of a portion of Block 125, Town Addition, to create Lots 1 and 2, Block A, Susat Addition, 0.493 acres (Property ID 171228 and 171231) – Owner: GEORGE K G JR & PAULA C SUSAT (RP-19-0077)

CASE INFORMATION

Applicant:

George Susat

Property Owner(s):

George K G Jr. and Paula C Susat

Site Acreage:

0.493 acres

Number of Lots:

2 lots

Number of Dwelling Units:

1 unit

Park Land Dedication:

Cash in lieu of park land dedication for the property is set at

\$400.00. This fee must be paid before the plat is filed.

Adequate Public Facilities:

Adequate public facilities are available for part of this property. Sewer will need to be established for part of the property facing

W Criddle St.

SUBJECT PROPERTY

General Location:

415 Brown Street

Parcel ID Number(s):

171228 and 171231

Current Zoning:

Single Family-2

Existing Use:

Currently the property is one lot with a house located on the

Eastern half.

Platting History:

LOT 2A BLK 125 TOWN

Site Aerial:



STAFF CONCERNS

At the time of this report (6/28/19), a few engineering comments still need to be addressed:

1. Water and sanitary sewer services need to be installed prior to the recording of the plat.

APPLICANT RESPONSE TO CONCERNS

The applicant submitted an updated plat that addressed P&Z comments as well as one
engineering comment. The remaining comments above will need to be addressed before
the plat can be filed.

RECOMMENDATION

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

- □ Denial
- Approval, as presented.
- Approval, per the following comments:
 - 1. Water and sanitary sewer services need to be installed prior to the recording of the plat.

ATTACHED EXHIBITS

Plat drawing.

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

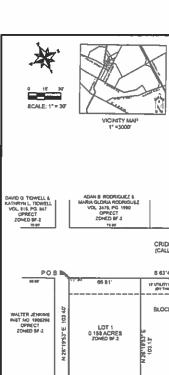
Prepared by: Chris Webb

Planner

cwebb@waxahachie.com

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

(9)



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400 510 0238 TIMPLS PIRAL NO 10194360 AOII NO. 1236

RP-19-0077

ZONED SF-2 MAY 2019 PAGE 1 OF 1

(11)

Planning & Zoning Department Plat Staff Report

Case: RP-19-0069

MEETING DATE(S)
Planning & Zoning Commission:

June 25, 2019

City Council:

July 1, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0069, subject to staff comments.

CAPTION

Consider request by Araceli Aguirre for a Replat of Tract 1, Whispering Meadows, Unit 1, to create Lots 1A, 1B, 1C, and 1D, Whispering Meadows, Unit 1, 30.562 acres (Property ID 199206) in the Extra Territorial Jurisdiction – Owner: ROSA L AGUIRRE (RP-19-0069)

CASE INFORMATION

Applicant:

Araceli Aguirre

Property Owner(s):

Rosa L Aguirre

Site Acreage:

30.562 acres

Number of Lots:

4 lots

Number of Dwelling Units:

4 units

Park Land Dedication:

ETJ (N/A)

Adequate Public Facilities:

A water letter was received from Rockett SUD.

SUBJECT PROPERTY

General Location:

1615 Wilson Road

Parcel ID Number(s):

199206

Current Zoning:

N/A (ETJ)

Existing Use:

Largely unused land with 3 spaced out homesteads constructed

on it.

Platting History:

LOT 1 WHISPERING MEADOWS was approved by City Council on

5/31/2006

Site Aerial:



STAFF CONCERNS

- 1. Several clerical issues still need to be address with this plat.
- 2. The applicant is also seeking a variance from the county in an effort to reduce the 150' frontage dedication required by Ellis County.
- 3. A waiver will be needed for fire flow.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (7/10/19), the applicant submitted an updated plat. This addressed staff and Rockett SUD concerns regarding the presence of a 4" water line running along the front of the property. However, the above staff concerns still remain.

RECOMMENDATION

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

- □ Denial
- Approval, as presented.
- Approval, per the following comments:
 - 1. A variance from the County will be needed to reduce the required 150' frontage dedication.
 - 2. The clerical issues will need to be addressed before the plat can be filed.
 - 3. The plat cannot be filed without a variance from the County.
 - 4. A waiver will be needed for fire flow.

ATTACHED EXHIBITS

- 1. Plat drawing.
- 2. Water Letter.

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.
- Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then applicant will be notified to make corrections.
 - b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(11)Arthur & Bette W. Garden 60 Carel 3s and David Ray Hone Volume (11), Page 724, CLF.R.Z.C.T. bhense end Linde K, Predhyl Jestrymani Re, 1 197288 UP, N.E.C.T. Grand G. Hope Marie 1371, Page 93, GP.R.E.G.Y. (caB \$ 49*13'32"E 970.10") N 89*30'19"E 970 45" (call S 89"17"38"E 824.40") N 89"29"19"E 824.08" STATE OF TEXAS & FIELD NOTES for studention Jun C-18124 PDIG Tract 1, Wissparring Pleadews, Unit 2 or control of Cabinet C, Nego 218, Plet Access, Elle Canety, Lease, and brend the tract described in Gabriel from Block and Febru 1, Reys to find in J. Against received in Wolfern 1787, Page 2100, Official Faddines and Elle Canety, Lease (IC.P.J.E.C.T.) and borng many portudetry described Pyto Inventor and bounds of Alfacts. Town C. San 212, page Lat 1C 10.479 Acres SECTIONING as a 16 meh shool read-write ang atampost EPLS 8466 Tournd on this west fin Whiter Read, the northwest current of send Treat 1 and the westverby line at this street show the or down from Arrivar & Botto W. Cardian to Card In and David Ray Manage recorded in Volume 711, Fagg 726, Q.P.R.E.C.T. Ison N 69*17*35*W 1979 6* THENCE 5 00°54'23" E (call 8 90°28'80" W, 551.68 feet) sett the german line of coel Tract 1 and Exed, 561.68 feet to a % capt axed red Feund at the common gener of seed Tract 1 and 3 of coel Winsparing Photograps ļ! <u>5</u>. Let 1D 10,000 Acres THENCE 6.80°48°51." W), with the common line of said Tracts 1 and 2, a distance of 1976.82 feet (coll Word 3770.46 feet) to a 15 mich steel real feeral at their agains west asmer and the cell line of Tract 12 of cold Witheapening Headboar). \$ 48*48'S1"W 1976.81" (call WEST 1976 44") THENCE IN \$1105 92" Wr. (call fearth, 606.75 feet) with the beninson line of end Trigits 8 and \$1,5 delance of 402.25 feet to a fri mill stad rod out on Pour common north coreal and policy from the free of the tricil described in shad from Applicate Protryl to Applicate and Linds K. Pechile reserved in Evolutionar No. 172/208.07. JL.E.C.T.: Tract 2 Whospering Headows, Unit 1 Caternal E. Shida 219, F.A.E.C.T. THENCE is 38*1736*E. (mill \$ 89*5*28*E. 195.300 foot) with the aprimon join of and Tract 3 and Prochipt tract, 284.36 faint to a % with join found of the aprimon general of the tract described in dood from Sunsty Bonk to Christopher G. Moos recorded on Yellumo 1271, Page 33, DPJLCCT. 1, 24 feat front building line along Wilsen Road right all way.

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REPLAT TRACTS 1A, 1B, 1C, 1D, WHISPERING MEADOWS, UNIT 1 **ELLIS COUNTY, TEXAS**

Bong a REPLAT of Tract 1, Whisporing Moodows. List 1 according to the plot thereof recorded in Cabledt C. Page 213, Plot Records, Ellis Caunty, Toxics and bong approximately 10.562 acros.

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CWMEN/DEVELOPER Rese Aquera

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STATE OF TEXAS COUNTY OF ELLIS NOW, THERETORE, KNOW ALL NEW BY THESE PRESENTS. THAT Reas Aguarra, date bendly carbly and adopt the plot decignating the harves observe described property on AEPLAT TRACTS 1A, 18, 1C, 1D, songerpulping READDWS, LAST 1, and decimal in the Electronic and the Electronic County, and decimal entering decimals in the public and fertiver, the directs and obeys shown the Electronic, and decimal decimals are the public and fertiver, the directs and obeys shown the case. The Read Aguarra decimals are public and fertiver, the directs and obeys shown the case. 2. All public improvements and dedications shall be free and play of all past, here, angler ancies ords and public was areas, as shown, and presend by the plot, ore dedicated for the public was firever for the purposes indicated on this plot. Ne heldings, fense, it was, things or other interevenents or greates shall be constructed or placed upon, over or screen the assessment on phenomena.
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 Utility assuments may also be used for the mutual less not assummentation of algorithms of the state are using the sone unless the service under soften, and use by public soften being subsequence to the public soften. 7. Elle County and/or pubbe address shall have the right to review and hosp removed all or parts of any buildings, howes, proce, shrules or other ingress shall have in any very endenger or attention with this construction, mentionence, or differency of their respective private in the assembling. B. Ellic County and auditic utilities shall be of times have the full right of organisation or inputs to or transition, respective accordants for this purpose of constructing, respective, potential, maintaining, reading maters, and adding to an immunity of piets of their capacities systems without the increasing of any time primary permission from anything. turn that he by means of plot and approved by the Courty. This plot is approved subject to all plotting ordinances, rules, regulations and resolutions of the Elba County, Tasso NITHESS, my hand, this the _____ day of ____ Rasa Agustro Before me, the underlaymed authority, a foldery flught in and for the State of Tosia, an time day personally appeared fluxe Agents become the se be the person smooth name as authoritied to the feregoing militure of and acknowledged to me must be so called the agent for the flugious and conscious therein augmosting. Oren under my hand and seet all office, that _____ day of ____ Ply Commission Enginee On: history Public

REPLAT TRACTS 1A, 1B, 1C, 1D, WHISPERING MEADOWS, UNIT 1 **ELLIS COUNTY, TEXAS**

Boing a REPLAT of Tract 1, Whispering Hoadors, Unit 1 according to the plat thereof recorded in Cabinet C, Page 216, Plat Records, EBs County, Texas and boing approximately 10:562 acres.

CITY ETJ SIGNATURE BLOCK PAPOR MATION CITY OF WARANACHEE, TEXAS FINAL PLAT APPROVAL REPLAT APPROVED BY: Planning and Zoning Commission Oty of Weightedisch City Council City of Wesshadve Date: ____ Date: __ This plot has been approved by the Department of Development of Ellis Charity, Timbs for provide possibles, punding any and all information as may be required by the Ellis County Characterist of Development of Development Department of Development Corector Approval Date ETATE OF TEXAS & Cartificate of approved by the Communicator Court of Elle County Approved this data, the _____day of ______30 Fodd Little, County Judge Altest Krystal Valdez, Caunty Clark Lana Grayeen Commensurer Pressure #2 Foul Party Critichianapor ProcessE #3 Krie Butler Commonwer Program # 6

CHNER/DEVELOPER

AGENT: Accord Agents 1519 Wilson Rand Wardhodne, Taran 75163 Tol. 973-766-2338

ELLIZ ASSOCIATES



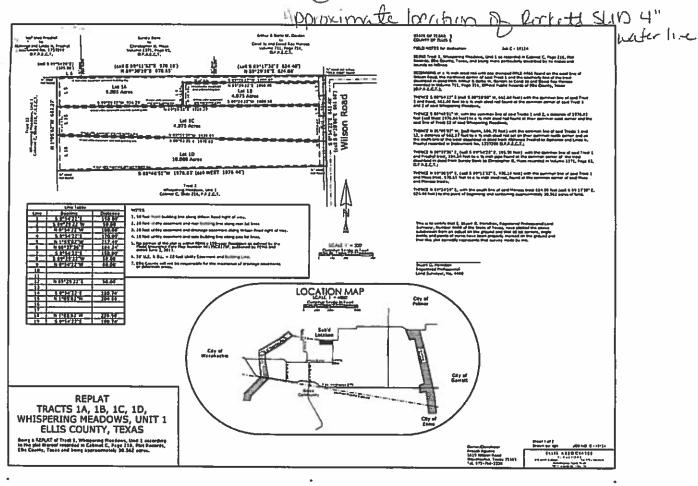
PLANNING & ZONING DEPARTMENT
401 South Rogers Street | Waxahachie, Texas 75168
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Aruceli Aguirre Parcel ID #: 190	1206	
The City of Waxahachie requires new lots in subdivisions have adequate water comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdiviproviders outside of the City of Waxahachie will need to ensure they can provid per TCEQ and fire flow per the latest ISO guidelines.	isions serve	d by water
Applicants, please submit this form to your water provider for completion. This continued in at the time you submit your application packet to the Planning Department		rm must be
Contact Information: Buena Vista-Bethel SUD (972) 937-1212 Carroll Water Company (972) 617-0817 Mountain Peak SUD (972) 775-3765 Rockett SUD (972) 617-3524 Sardis-Lone Elm WSC (972) 775-8566 Nash Foreston WSC (972) 483-3039 To be completed by the water utility provider:	compes	#S
1. I have reviewed a copy of the proposed plat.		
2. The platted lots fall within our CCN area.	Q-1	
Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	0	
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. Minimum of 3" line is ceasife	ed 🗆	Ø
5. The water line size servicing the lots is inches.	र्	
Print Name of General Manager of water provider or Designee Name of Water Provider or Designee Signature of General Manager of water provider or Designee Date	Cett S. rater provider con	V . N

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Planning & Zoning Department Zoning Staff Report

Case: SP-19-0070



MEETING DATE(S)

Planning & Zoning Commission:

July 9, 2019 (continued from June 25, 2019)

City Council:

July 15, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 7-0 to recommend approval of case number SP-19-0070, as presented by staff.

CAPTION

Consider request by Chris Acker, Acker Construction, for a Site Plan Review located at 2100 Brown Street (Property ID 204843) – Owner: HAYOUNG & LEE SANG HUH (SP-19-0070)

CASE INFORMATION

Applicant:

Chris Acker, Acker Construction

Property Owner(s):

Hayoung and Lee Sang Huh

Site Acreage:

.5644 acres

Current Zoning:

Planned Development-25-General Retail

Requested Zoning:

Site Plan Review

SUBJECT PROPERTY

General Location:

2100 Brown Street

Parcel ID Number(s):

204843

Existing Use:

Undeveloped Land

Development History:

N/A

Adioinina Zonina & Uses:

Direction Zoning		Current Use	
North	PD-GR	Undeveloped Land (The Village at Waxahachie development approved 5-20-2019)	
East	PD-25-GR	Brookdale Waxahachie	
South	PD-25-GR	Bridgepoint Apartments	
West	***	Undeveloped Land	

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Brown St.

Site Image:



PLANNING ANALYSIS

The applicant is requesting Site Plan approval to construct an office building. The proposed development will replace the recently demolished carwash proposing to construct an office building after demolishing a pre-existing car wash. Per the Site Plan, the applicant will meet or exceed the masonry and landscaping requirements for the City of Waxahachie Zoning Ordinance.

STAFF CONCERNS

1. Staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has no outstanding concerns from staff.

RECOMMENDATION

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

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Approval, as presented.

☐ Approval, per the following comments:

ATTACHED EXHIBITS

- 1. Elevation/Façade Plan
- 2. Landscape Plan
- 3. Site Plan

APPLICANT REQUIREMENTS

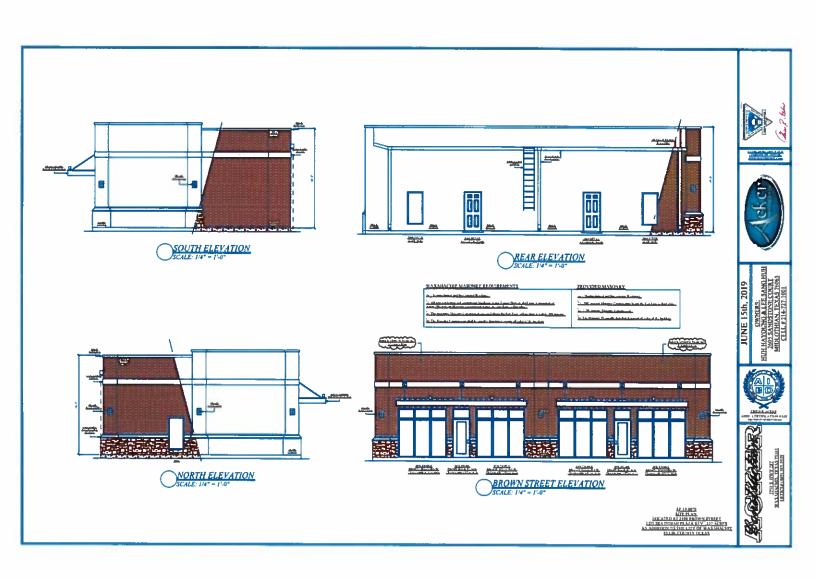
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

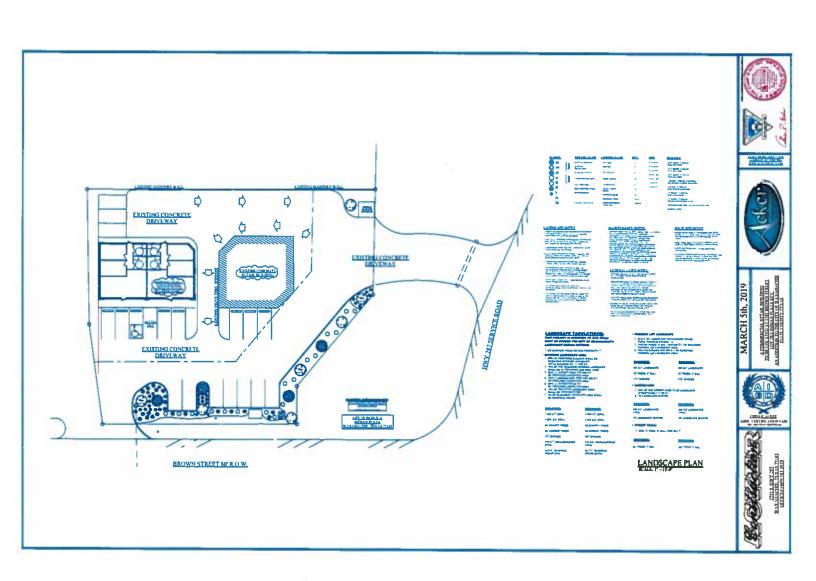
STAFF CONTACT INFORMATION

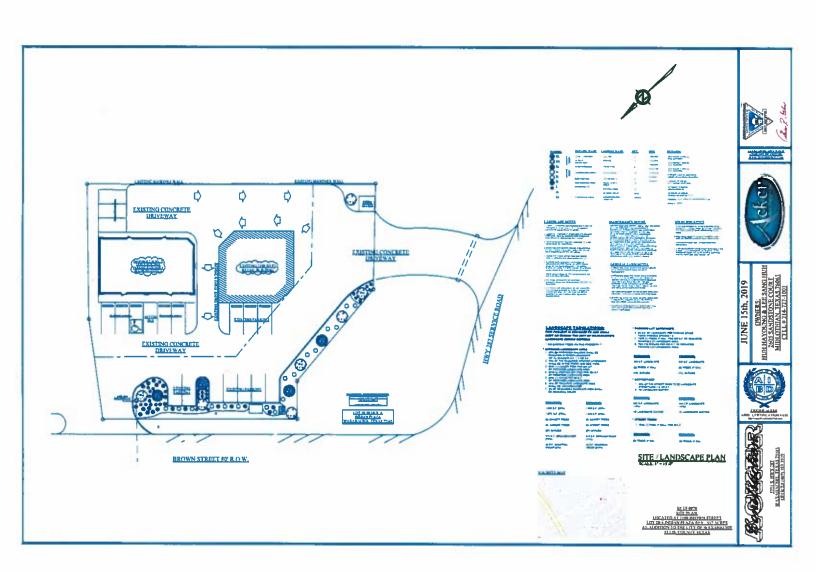
Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

(13)







Planning & Zoning Department Zoning Staff Report

Case: SU-19-0078



MEETING DATE(S)

Planning & Zoning Commission:

July 9, 2019

City Council:

July 15, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 9, 2019, the Commission voted 4-3 to recommend approval of case number SU-19-0078, as presented by staff.

CAPTION

Public Hearing on a request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for **Drive Through Establishment** use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

CASE INFORMATION

Applicant:

Jake Torpzy, Kimley-Horn

Property Owner(s):

WAX 77 Investors LP

Site Acreage:

1.085 acres

Current Zoning:

Planned Development-42-Commercial

Requested Zoning:

PD-42-C with Specific Use Permit for Drive Through

Establishment

SUBJECT PROPERTY

General Location:

1740 N Highway 77

Parcel ID Number(s):

263971

Existing Use:

Undeveloped Land

Development History:

N/A

Adjoining Zoning & Uses:

Direction	Zoning	Current Use	
North	PD-42-C	Undeveloped Land	
East	PD-42-C	Waxahachie Towne Crossing	
South	PD-42-C	General Retail/Restaurant	
West	С	Best Western Plus Waxahachie Inn & Suites	

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via U.S. Highway 77.

Site Image:



PLANNING ANALYSIS

Burger King will operate as a freestanding restaurant (1 story building), with a drive-thru on 1.085 acres. The proposed development will be located within the Waxahachie Towne Crossing addition along U.S. Highway 77 frontage road. Per the Operational Plan, anticipated operations of this development include operating hours of 6am — midnight seven days a week. The restaurant will also employ approximately forty (40) individuals to work multiple shifts.

Based on the submitted plans, the applicant has met the requirements for building materials and required landscaping on site. While staff is not opposed to the proposed use, staff has concerns with the proposed location of the use. Based on the projected growth of the surrounding area, staff believes there is a higher and better use for the property.

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 Daily Light and a sign was visibly posted at the property on 06/21/2019.

PROPERTY OWNER NOTIFICATIONS

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

STAFF CONCERNS

1. While staff is not opposed to the proposed use, staff has concerns with the proposed location of the use. Based on the projected growth of the surrounding area, staff believes there is a higher and better use for the property.

APPLICANT RESPONSE TO CONCERNS

1. The applicant is aware of staff's concern and will state his reasoning at the July 15, 2019 City Council meeting.

RECOMMENDATION

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

⊠ Denia	
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☐ Approval, as presented.

☐ Approval, per the following comments:

ATTACHED EXHIBITS

- 1. Site Plan
- 2. Landscape Plan
- 3. Elevations/Façade
- 4. Operational Plan

APPLICANT REQUIREMENTS

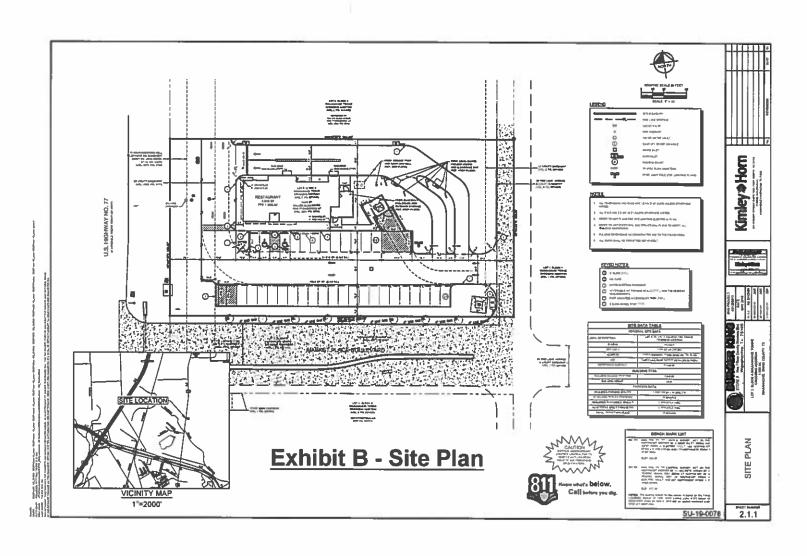
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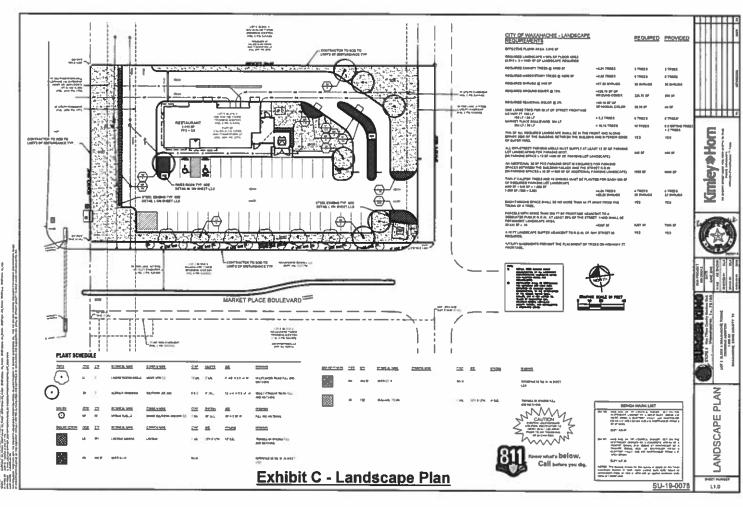
STAFF CONTACT INFORMATION

Prepared by:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

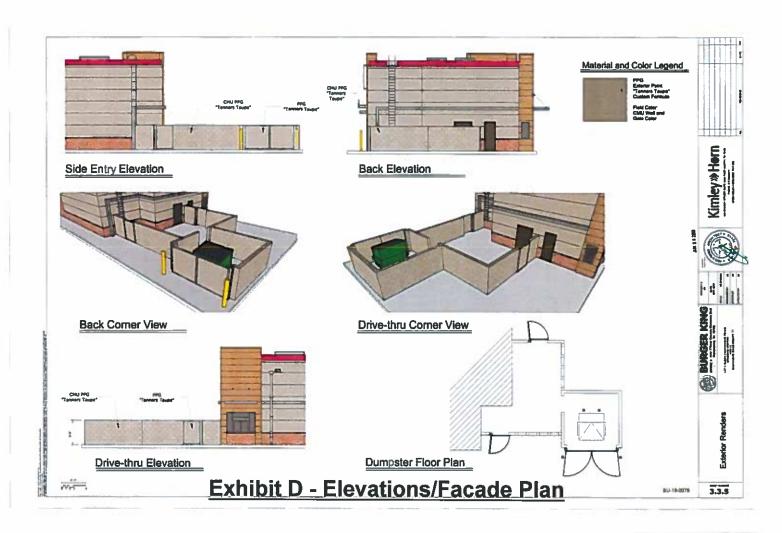














Kimley»Horn

June 21, 2019

Development Review Committee City of Waxahachie 401 S. Rogers, Waxahachie, Texas 75165

RE: Operational Narrative: Burger King

Lot 3, Block A of Waxahachie Towne Crossing Addition

Development Review Committee:

On behalf of Ampler Development, LLC (developer) and Wax 77 Investors, LP (property owner), Kimley-Horn is requesting a Specific Use Permit for the proposed 1.09-acre tract at the northeast corner of Marketplace Blvd and N Hwy 77, known as Lot 3, Block 1 of Waxahachie Towne Crossing Addition in the City of Waxahachie, Ellis County, Texas.

Ampler intends to develop a ±3,010 square foot Burger King restaurant with 34 parking spaces and a drive-thru with 14 stacking spaces. The building height is approximately 21' with approximately 24' tall accent towers. The proposed restaurant will have hours of operation from approximately 6 AM thru midnight with approximately 40 employees working multiple shifts.

If you have any additional questions or comments on this submittal, please contact me at (817) 339-2253 or john.ainsworth@kimley-horn.com. Thank you for your time and consideration on development.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

F-926

John Ainsworth, P.E. Project Manager

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Exhibit E - Operational Plan

CASE SU-19-0078

Request by Jake Torpey, Kimley-Horn., for a Specific Use Permit (SUP) for **Drive Through Establishment** use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) – Owner: WAX 77 INVESTORS LP (SU-19-0078)

INSIDE REQUIRED 200' NOTIFICATION AREA

- 1 Support
- 0 Oppose

SUPPORT

1. Jeff Williams, President, Hunt Properties, 8235 Douglas Avenue, Suite 1300, Dallas, TX 75225

OPPOSE





City of Waxahachie, Texas Notice of Public Hearing Case Number: SU-19-0078

WAX 77 INVESTORS LP 8235 DOUGLAS AVE STE 1300 DALLAS, TX 75225

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 9, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 15, 2019 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 Jake Torpey, Kimley-Hom., for a Specific Use Permit (SUP) for Drive Through Establishment use within a Planned Development-42-Commercial zoning district, located at 1740 N Highway 77 (Property ID 263971) - Owner: WAX 77 INVESTORS LP (SU-19-0078)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: SU-19-0078 City Reference: 263976	
Your response to this notification is optional form by 5:00 P.M. on Tuesday, July 2, 2019 to can be e-mailed to planningandzoning@waxa	. If you choose to respond, please return this ensure inclusion in the Agenda Packet. Forms thachie.com. OPPOSE
- John Okt	OffOSE
Comments:	
Mahlella	6/25/19
Signature	Date
JEST WILLIAMS-PRESIDENT	8235 Dougles Ave \$1300
Printed Name and Title	8235 Dougles Ave \$1300 Address Dallas, TX 45205

(15)

ORDINANCE NO.	

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT (RESTAURANT) USE WITHIN A PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) ZONING DISTRICT, LOCATED AT 1740 N HIGHWAY 77, BEING LOT 3, BLOCK A OF THE WAXAHACHIE TOWNE CROSSING ADDITION, PROPERTY ID 263971, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-42-C; 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 SU-19-0078. 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 PD-42-C to PD-42-C, with an SUP in order to permit a Drive Through Establishment (Restaurant) use on the following property: Lot 3, Block A of the Waxahachie Towne Crossing Addition, which is shown on Exhibit A, the Site Plan attached as Exhibit B, Landscape Plan shown in Exhibit C, Elevations/Façade shown in Exhibit D, and the Operational Plan as shown in Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

(15)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT (RESTAURANT) USE IN THE PLANNED DEVELOPMENT-42-COMMERCIAL (PD-42-C) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

- 1. The site plan shall conform as approved by the City Council under case number SU-19-0078.
- 2. 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.
- 3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B Site Plan, Exhibit C Landscape Plan, Exhibit D Elevations/Façade Plan, and Exhibit E Operational Plan.
- 4. Signage shall comply with the City of Waxahachie Zoning Ordinance.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

- 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 15th day of July, 2019.

(15)

	MAYOR	
	MATOR	
ATTEST:		
City Secretary		