Notice Regarding Public Participation and City Council/City Staff Attendance

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce in-person meetings that assemble large groups of people, Governor Greg Abbott has granted a temporary suspension of certain rules to allow for (1) city council members and city employees to participate in a city council meeting via videoconference call or other remote electronic means without a physical quorum of council members being present at the site of the meeting; and (2) the use of videoconferencing and other remote means to allow the public to observe the meeting and, when required, to participate in the *Public Hearing*.

In an effort to reduce the spread of the virus, for the April 6, 2020 City Council meeting, *individuals will not be allowed to physically attend the meeting*. Individuals will be able to address the Council via telephone conference call on *Public Hearing* items only.

To participate in the telephone conference call, dial any of the following phone numbers:

1 (346) 248-7799

1 (253) 215-8782

1 (888) 475-4499

Enter Meeting ID: 912 153 821 Enter Meeting Password: 014380

To request to speak at one of the public hearings on the agenda, wait for that item to be announced and enter *9. The meeting moderator will acknowledge your request in turn and allow you to speak.

If you encounter any problems joining or participating in the meeting, please call our help line at $(469)\ 309-4012$

If you wish to watch the meeting but not participate in the meeting, the City Council meeting will be live streamed on the city's website at:

http://www.waxahachie.com/government/city_council/city_council_meeting_live_stream.php

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the City Council for items listed as *Public Hearings* will be recognized when the public hearing is opened.

A physical quorum of the City Council may not be present during the meeting as some Council Members may choose to participate in the meeting remotely as permitted by Governor Abbott's suspension of various statutes that may be interpreted to require face-to-face interaction between members of the public and public officials.

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, April 6, 2020 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 March 16, 2020
- b. Minutes of the City Council Emergency meeting of March 25, 2020
- c. Waxahachie Community Development Corporation Finance Report for year ended September 30, 2019
- 5. *Introduce* Honorary Councilmember
- 6. **Public Hearing** on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) Owner: Waxahachie Flea Market (ZDC-000025-2020)
- 7. *Consider* proposed Ordinance approving ZDC-000025-2020
- 8. **Public Hearing** on a request by Reginald Coulsell for a Specific Use Permit (SUP) for a Private Stables use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020)
- 9. *Consider* proposed Ordinance approving ZDC-000027-2020
- 10. **Public Hearing** on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) Owner: Waxahachie ISD (ZDC-000029-2020)

- 11. *Consider* proposed Ordinance approving ZDC-000029-2020
- 12. **Public Hearing** on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) Owner: WAXAHACHIE ISD (ZDC-000017-2020)
- 13. *Consider* proposed Ordinance approving ZDC-000017-2020
- 14. *Consider* Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street
- 15. **Public Hearing** on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) Owner: Dirk Nowitzki (ZDC-000024-2020)
- 16. *Consider* proposed Ordinance approving ZDC-000024-2020
- 17. **Public Hearing** on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) Owner: Dirk Nowitzki (ANX-DNX-000011-2020)
- 18. *Consider* proposed Ordinance approving ANX-DNX-000011-2020
- 19. **Public Hearing** on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)
- 20. *Consider* proposed Ordinance approving ZDC-000022-2020
- 21. Consider approval of a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343,276344, 276353, 276362, 276363, 276373, and 276372) Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020)
- 22. *Consider* resetting public hearings regarding consideration of revoking SUP of Oak Cliff Metals to May 12th Planning and Zoning Commission meeting and May 18th City Council meeting
- 23. *Consider* a Supplemental Appropriation to the Wastewater fund for the purchase of a replacement vactor truck
- 24. *Consider* purchase of a vactor truck with CLS Equipment Co., Inc. through the HGAC Cooperative Pricing Program

- 25. *Consider* a supplemental appropriation in the Building and Community Services Department for a request for proposal service agreement with Solid Waste Specialist LLC
- 26. *Consider* proposed Resolution for temporary overhire of a firefighter position
- 27. *Consider* proposed bid from Estes Electric for the purchase and installation of site and trail lighting at Lee Penn Park
- 28. *Consider* proposed bid from The Nay Company for the Cemetery Pavilion
- 29. *Convene* into Executive Session for consultation with attorney regarding consideration of ordinance repealing, amending and/or replacement of Amended Order of March 25, 2020 related to COVID-19 Emergency Declaration as permitted under Section 551.071, Texas Government Code
- 30. **Reconvene** and take any necessary action
- 31. Comments by Mayor, City Council, City Attorney and City Manager
- 32. 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 March 16, 2020



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, March 16, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor

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

Others Present: Michael Scott, City Manager

Albert Lawrence, Assistant City Manager Tommy Ludwig, Assistant City Manager

Robert Brown, City Attorney Lori Cartwright, 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

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

4. Public Comments

None

5. Consent Agenda

- a. Minutes of the City Council meeting of March 2, 2020
- b. Minutes of the City Council briefing of March 2, 2020
- c. Minutes of the City Council work session of March 2, 2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve items a. through c. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.

6. Introduce Honorary Councilmember

None

7. Present Proclamation proclaiming March 30 – April 3, 2020 as "Boys & Girls Club Week"

None

(40)

City Council March 16, 2020 Page 2

8. Recognition of Utility Department Team Members that received awards at the 2020 Texas Water Utilities Association Annual Training School

Director of Utilities David Bailey recognized the following employees: Mr. Kendall Borg, Assistant Director of Utilities, as the TWUA 2020 Exemplary Service and Association Leadership award recipient; Ms. Otilla (Tilly) Webb, Water Quality Technician, was presented the TWUA 2020 Operator of the year Award; and, Santiago Rodriguez, TWUA 25-year Club Inductee for 2020 year.

9. Public Hearing on a request by Don Merchant, DC Texas Construction LLC, for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Future Development zoning district located at 2855 FM 877 (Property ID 138966) – Owner: Soon & Earl Beverly (ZDC-000013-2020)

Mayor Hill opened the Public Hearing.

There being no others to speak for or against ZDC-000013-2020, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving ZDC-000013-2020

ORDINANCE NO. 3178

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A FUTURE DEVELOPMENT (FD) ZONING DISTRICT, LOCATED AT 2855 FM 877, BEING PROPERTY ID 138966, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK B OF PENN FARM RANCHETTES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3178. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

11. Consider authorizing Ellis County to perform chip-sealing activities on Patrick and Longbranch Roads on behalf of the City

City Engineer James Gaertner reported the chip sealing activities would be approximately \$159,694.00. He stated on January 21, 2020, the City entered into an interlocal agreement with Ellis County allowing each entity to provide road maintenance and repair services for one another when mutually agreed upon. These services will be funded from the Public Works and Engineering Department's operation and maintenance budget.

Action:

Councilmember Kevin Strength moved to authorize Ellis County to perform chip-sealing activities on Patrick and Longbranch Roads on behalf of the City. Councilmember Chuck Beatty seconded, All Ayes.

City Council March 16, 2020 Page 3



12. Emergency Management updates and discussion

City of Waxahachie Emergency Management Coordinator Thomas Griffith recapped COVID-19 He reported it is a novel virus including fever, cough, and shortness of breath and people that are communicable have these symptoms. We are not in panic mode; however, we are planning and implementation as there are no cases in Ellis County. He stated to stay home when sick, wash hands, use hand sanitizer, avoid touching face, and clean service areas.

Mayor Hill announced at 7:40 p.m. City Council would convene into Executive Session to discuss Emergency Management.

Mayor Hill announced at 8:24 p.m. the City Council would reconvene.

City Attorney Robert Brown explained the process noting a prepared resolution will declare a disaster for 30 days. We have a prepared Resolution that declares a local state of disaster pursuant to state law, good for 30 days unless terminated by the Mayor. The resolution activates the City of Waxahachie's Emergency plan and authorizes the Mayor and those who we delegate powers to pursuant to the recommendations from Ellis County, Governor Abbots Office and of course the federal government. We are going to limit the size of gatherings limited to 50 people and mandate the cancellations of gatherings. The Declaration will take effect March 17, 2020.

Action:

Mayor Pro Tem Mary Lou Shipley moved to consent to the Mayor to execute the City declaration of local state of disaster due to public health emergency as described by City Attorney Robert Brown and granting certain powers and authorities for a period of 30 days or terminated sooner by the Waxahachie City Council. Councilmember Chuck Beatty seconded, All Ayes.

City Manager Michael Scott stated City Council spoke to close the following facilities for the next eight (8) weeks effective March 17, 2020:

- Senior Center
- Civic Center
- Sports Complex
- Pavilions in Getzendaner Park including the Chautauqua facility
- Pushing out Municipal Court activities including show cause hearings, jury trials, and bench trials
- We are looking at ways to protect our city staff through staffing models

Mr. Brown stated it is a fluid situation and coming from the Mayor, City Council, to the City Manager. He stated it is a shared burden and we are to protect the health and wellness of the citizens.

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

Assistant City Manager Albert Lawrence thanked Ms. Amy Borders, Director of Communications and Marketing, first responders, and Mr. Thomas Griffith, Emergency Management, for providing a great service to our community.

City Council March 16, 2020 Page 4 (4a)

Mayor Pro Tem Mary Lou Shipley thanked city staff for their due diligence of handling the situation.

Council Members Kevin Strength, Chuck Beatty, and Melissa Olson echoed the same. Ms. Olson thanked those who received their awards tonight.

City Manager Michael Scott thanked Ms. Borders for her efforts. He stated taking these measures is not fun and we need to be mindful of the trying times.

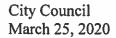
Mayor David Hill stated he has the same sentiments noting we are in for a bit of a change. He thanked City Staff, Mr. Thomas Griffith, Fire Chief Boyd and Police Chief Goolsby.

14. Adjourn

There being no further business, the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Lori Cartwright City Secretary



(4b)

An emergency 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 Wednesday, March 25, 2020 at 9:00 a.m.

Councilmembers Present:

David Hill, Mayor

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

Others Present:

Michael Scott, City Manager

Albert Lawrence, Assistant City Manager Tommy Ludwig, Assistant City Manager Robert Brown, City Attorney (phone) Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Identification of a quorum (roll call)

Assistant City Secretary Amber Villarreal did a roll call for Council Members in attendance: David Hill, Mary Lou Shipley, Chuck Beatty, Kevin Strength, and Melissa Olson were all present.

3. Invocation

4. Pledge of Allegiance and Texas Pledge of Allegiance

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

5. Amend City Declaration of Local State of Disaster due to Public Health Emergency and take any necessary action

Emergency Management Coordinator Thomas Griffith provided an update of the latest information from the state. He noted he now has a staff of four aiding him during the week. He noted the City of Waxahachie is keeping track of all the positive cases in Ellis County and the map is available on the city's website. His department is also keeping track of all possible cases for first responders so that they are aware of possible cases when answering emergency house calls. He explained the number of confirmed cases in the county are skewed due to the lack of testing. He expressed his concerns with the safety for the nurses, doctors, first responders, and all those who are on the front line of defense for this virus. The medical field is asking for assistance with flattening the curve so they can prepare to treat patients. In order to do that, citizens need to practice social distancing and staying home if possible.

Action:

Councilmember Kevin Strength moved to approve the amended City Declaration of Local State of Disaster due to Public Health Emergency. Mayor Pro Tem Mary Lou Shipley seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.

City Council March 25, 2020 Page 2



The motion carried.

6. Consider Inter-Local Cooperation Agreement between Ellis County and City of Waxahachie for rooms at Hoblitzelle Camp and Conference Center for First Responders infected with COVID-19

City Manager Michael Scott explained the proposed Inter-Local agreement with Ellis County would provide for rooms at Hoblitzelle Camp and Conference Center if they are exposed to the virus. He noted the city has a facility to use as a first option and this would only be utilized as a backup.

Councilmember Melissa Olson asked Fire Chief Ricky Boyd about his views on the agreement and he noted this is a great option for the city. He explained the city will only be charged if the facility is utilized. He also noted first responders are taking precautions when answering emergency calls.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve the Inter-Local Cooperation Agreement between Ellis County and City of Waxahachie for rooms at Hoblitzelle Camp and Conference Center for First Responders infected with COVID-19. Councilmember Melissa Olson seconded, All Ayes.

7. Consider proposed Ordinance ordering the General Election scheduled to be held on Saturday, May 2, 2020, be postponed to Tuesday, November 3, 2020

Mr. Scott noted the Governor provided an Order allowing local jurisdictions to postpone their May general elections to November. It was noted that all other entities in Ellis County were postponing their elections until November.

ORDINANCE NO. 3179

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING THAT THE GENERAL ELECTION SCHEDULED TO BE HELD ON SATURDAY, MAY 2, 2020, BE POSTPONED TO TUESDAY, NOVEMBER 3, 2020; MAKING FINDINGS RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3179. Councilmember Melissa Olson seconded, All Ayes.

8. Adjourn

City Manager Michael Scott acknowledged Emergency Management Coordinator Thomas Griffith for all his work during this time.

Councilmember Kevin Strength thanked the city administration, the Mayor, and Mr. Griffith for all their time and efforts.

City Council March 25, 2020 Page 3 (4b)

Councilmember Chuck Beatty noted this is a difficult time and an opportunity to pull together and stay safe.

Mayor Pro Tem Mary Lou Shipley thanked everyone for their cooperation and City Management for their work.

Councilmember Melissa Olson thanked Mayor Hill and everyone for all their work during this time.

Mayor David Hill explained there are different reasons for the decisions that are made. He noted although sometimes difficult, his decisions are based on what he feels is best for the community. He explained it is important to show unity during this fight and the city is currently working with local businesses to take precautions to follow orders.

There being no further business, the meeting adjourned at 9:28 a.m.

Respectfully submitted,

Amber Villarreal Assistant City Secretary (b+1)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manage

Date: March 17, 2020

Re: ZDC-000025-2020 2004 Howard Rd. - Used Auto Sales

On March 17, 2020, the applicant requested to continue case no. ZDC-000025-2020 to the April 14, 2020 Planning and Zoning meeting agenda, and the April 20, 2020 City Council meeting agenda.

Planning & Zoning Department Zoning Staff Report

Case: ZDC-000027-2020



MEETING DATE(S)

Planning & Zoning Commission:

March 24, 2020

City Council:

April 6, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 24, 2020, the Commission voted 5-0 to recommend approval of case number ZDC -000027-2020, as presented.

CAPTION

Public Hearing on a request by Reginald Coulsell for a Specific Use Permit (SUP) for a **Private Stables** use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) — Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020)

APPLICANT REQUEST

The purpose of this request is to amend Ordinance 3010 (originally approved by City Council on April 2, 2018).

CASE INFORMATION

Applicant:

Reginald Coulsell

Property Owner(s):

Crystal Taylor and Reginald Coulsell

Site Acreage:

17.329 acres

Current Zoning:

Planned Development-23-Single Family-1

Requested Zoning:

Planned Development-23-Single Family-1 with SUP

SUBJECT PROPERTY

General Location:

3910 Howard Rd.

Parcel ID Number(s):

278236

Existing Use:

Currently Undeveloped

Development History:

N/A

Adjoining Zoning & Uses:

Direction	Zoning	Current Use Undeveloped Undeveloped Single Family Residential		
North	PD-23-SF1	Undeveloped		
East	FD	Undeveloped		
South	PD-23-SF1	Single Family Residential		
West	PD-23-SF1	Undeveloped		

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

The subject property is accessible via Howard Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to amend Ordinance 3010 (originally approved by City Council on April 2, 2018).

Proposed Use:

On April 2, 2018, City Council approved a Specific Use Permit and Ordinance 3010 to allow Private Stables (exceeding 700 sq. ft.). The applicant is requesting to amend the original SUP Ordinance to include the language "As long as the current owner(s) of the property maintain ownership, the SUP is not transferable to a new owner if no private stable is constructed before the property is sold". Due to the proposed amendment of the Ordinance, City Council is required to approve the request.

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.

PON RESPONSES

Staff has received one (1) letter of opposition for the proposed extension request.

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. Ordinance
- 2. Location Exhibit
- 3. Site Layout Exhibits
- 4. PON Responses

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

(8)

Case ZDC-000027-2029 Responses Received that Required 200' Notification Area Support 0 Oppose 1

Property		Allenge		Distor's Address	Dector's City	Chimer's Stridy	Owner's 28	Prijitial Address
	JEFFCOAT TERRY M & MARGIE M	54 829	374 A B FLUERY 301 WM GRIFFIN 1 JEFF COAT RANCH 898 M RAFFERTY 54 829 ACRES	3681 HOWARD RD	WAXAHACHIE	TX	75105	3881 HOWARD RD WAXAHACHIE TX 75185
183565	DAVIS BILLY J.I. MARCIE	1	374 ABFLUERY 1 ACRES	202 OFD HOMARD BD	WAXAHACHIE	130	75165	202 OLD HOWARD RD WAXAHACHIE TX 75165
163506	BOBITY LIDE INC	283 907	374 A B FLEURY,896 M RAFFERTY,204 WC COLE MAN 283 902 ACRES	PO BOX 55	WORTHAM	TX	700073	4101 HOWARD RD WAXAHACHE TX 75165
218036	WHITE BILLY DIA RENA	1.08	LOT 1 BLX D CRYSTAL COVE PH 2 108 AC	800 IDA BESS AVE	DESCIO	1x	75115	HUNTER PASS WAXAHACHIE TX 75165
	DOKO ARDIAN		LOT 6 BLK E CRYSTAL COVE PH 2 1 DB AC	209 BISCAYNE DR	LEWISVILLE	TX	75057	HUNTER PASS WAXAHACHIE TX 75165
210071	CORREA VICTOR M & DORMA M	1004	LOT 2 IR RO CRESTAL CONT. PH.Z. 1 DIA AC.	TOU PURITER PASS	WAXAHADE.	TX	75385	TOR FORM TO PASS. WAS AGREED TO TOTAL
219072	BOND DAVID CAJENNIFERM	2 062	JR D CRYSTAL COVE PH 2 REV 2 DR2 ACRES	194 OLD HOWARD RD	WAXAHACHIE	TX	75185	194 OLD HOWARD RD WAXAHACHE TX 75165
278235	TAVEOR CRYSTAL & RECONALD COLLEGEL III	17 236	LOT LINK A CRYSTAL COVE DANCH 12 YOR AC	115 CYMESCA RT	WAYAMAZZA	TV	75.185	EDITOT WAYAMACHE TY PARK



Case Number: ZDC-000027-2020	City Refe	rence: 219071
Your response to this notification is optional. If 5:00 P.M. on <i>Wednesday</i> , <i>March 18</i> , 2020 to ensurmailed to <u>Planning@Waxahachie.com</u> or you ma Attention: Planning, 401 South Rogers Street, W	re inclusion in the Agenda Packet. For any drop off/mail your form to City o	orms can be e-
SUPPORT	OPPOSE	N 3/13/2020
Comments: A Brimary concern for no is Our house is one of the class	the smells and the	noise. ite stables.
Signature	3/9/2020 Date	
Donno M. Correa	106 Hunter Pas	2

It is a crime to knowingly submit a false coning 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.

ORDINANCE NO.	
---------------	--

AN AMENDMENT TO ORDINANCE NO. 3010 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE STABLES USE WITHIN A PLANNED DEVELOPMENT-23-SIGNLE FAMILY-1 (PD-23-SF-1) ZONING DISTRICT, LOCATED NORTH OF HUNTER PASS ON FM 877, BEING PROPERTY ID 278236, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING AB FLUERY, ABSTRACT NO. 374, 17.329 ACRES, 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-23-SF-1; 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-000027-2020. 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-23-SF-1 to PD-23-SF-1, with an SUP in order to permit a Private Stables use on the following property: AB Fluery, Abstract No. 379, which is shown on Exhibit A, Site Layout shown as Exhibit B, and Landscape Plan shown 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.

(a)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PRIVATE STABLES USE IN THE PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) 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 ZDC-000027-2020.
- 2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B Site Layout, and Exhibit C Landscape Plan.
- 3. As long as the current owner(s) of the property maintain ownership, the SUP is not transferable to a new owner if no private stable is constructed before the property is sold.
- 4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- 5. The City Council shall have the right to review and/or deny the Specific Use Permit after 12-months if needed.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 6th day of April, 2020.

ATTEST:	MAYOR
City Secretary	

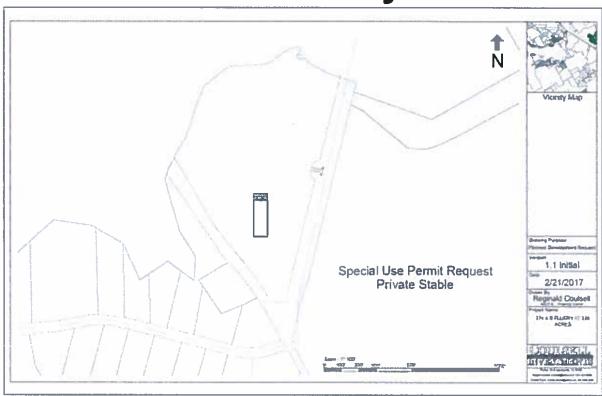


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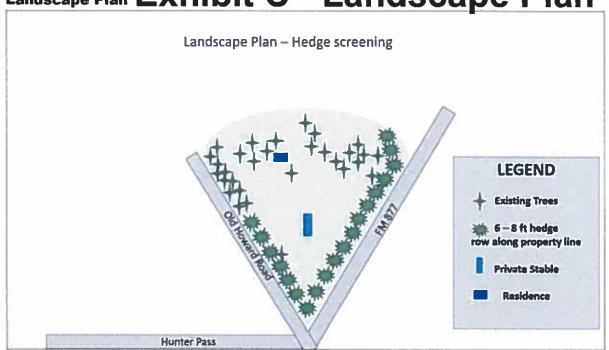
Site Drawing Layout

Approximate Dimensions: 78'W x 240'L x 34'H

Exhibit B - Site Layout



Landscape Plan Exhibit C - Landscape Plan



(ID)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-000029-2020



MEETING DATE(S)

Planning & Zoning Commission:

March 24, 2020

City Council:

April 6, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 24, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-000029-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a **Portable Storage Structure or Temporary Building** use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) — Owner: Waxahachie ISD (ZDC-000029-2020)

APPLICANT REQUEST

The applicant is requesting to construct a portable temporary building to serve as office space for personnel.

CASE INFORMATION

Applicant:

Jacob A. Perry, Waxahachie ISD

Property Owner(s):

Waxahachie ISD

Site Acreage:

5.365 acres

Current Zoning:

Single Family-2

Requested Zoning:

SF2 with Specific Use Permit

SUBJECT PROPERTY

General Location:

411 N Gibson

Parcel ID Number(s):

193942

Existing Use:

Waxahachie ISD Administration

Development History:

On May 20, 2019, City Council voted 5-0 to approve a portable

structure on the property.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF2	Single Family Residential
East	SF2	Single Family Residential
South	L12	Undeveloped Land
West	С	Undeveloped Land

Future Land Use Plan:

Public/Semi-Public

Comprehensive Plan:

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

Thoroughfare Plan:

The site is accessible via N. Gibson St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct a portable temporary building to serve as office space for personnel.

Proposed Use:

The applicant is requesting approval to construct a 56ft. x 23ft. 8in. x 12ft. tall (1,325 sq. ft.) portable temporary building. On May 20, 2019, City Council voted 5-0 to approve a (1,536 sq. ft.) portable structure on the subject property. The applicant is proposing to construct the structure out of metal (R-panel) to match the exterior of the previously approved portable structure. Due to continuous growing staff within WISD, the applicant intends to use the additional structure to serve as office space for personnel.

(1)

Note: Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary structures shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, <u>21</u> 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.

PON RESPONSES

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

SPECIAL EXCEPTION/VARIANCE REQUEST

Per the City of Waxahachie Zoning Ordinance:

- There must be no more than one (1) portable storage structure per property.
 If approved, the portable structure will be the second portable structure on the property.
- A portable storage structure must not remain at a property in any zoning district in excess of thirty (30) consecutive days, and must not be placed at any one (1) property in a zoning district in excess of thirty (30) days in any calendar year.
 - -Though WISD is working on finding a new location for the Waxahachie ISD Administration building, the applicant informed staff that the new portable structure will remain at the property in excess of the 30 day requirement. It should be noted that staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary structures shall be removed, once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

STAFF CONCERNS

Staff has no outstanding concerns for the applicant.

Council to renew the Specific Use Permit.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has addressed all staff concerns.

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.
\boxtimes	Approval, per the following comments:
	1. Note: Planning Department staff has informed the applicant that if the Specific Use
	Permit is approved, the SUP shall expire and the temporary structures shall be
	removed, once WISD leaves the property. Also, if the applicant is still occupying the
	building after two years, staff recommends that the applicant come back to City

(10)

ATTACHED EXHIBITS

- 1. Ordinance
- 2. Location Exhibit
- 3. Site Layout Plan
- 4. PON Responses

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

(10)

Case ZDC-0000259-2020 Responses Received trade Required 200' Notification Area Support 1 Oppose 0

Property®		Acresgo	Logal Description	Disser's Street	Daniel's City	Duner's State	Denner's ZIT	Physical Address
171784	SWS PROPERTIES LLC	1 /2	LOT 1 & 2 BLK 297 TOWN WAXAHACHIE & LOT 51 FERRIS REV 172 AC	713 GIBSON ST	WAXAHACHIE	TX	75165	824 H GRISON ST WAXAHACHIE TX 75105
171851	SWS PROPERTIES LLC	3 3995	LOT ALL 1 BLK 303 TOWN WAXAHACHIE 3 3995 AC	213 GIBSON 51	WAXAHACHIE	TX	75165	N GIBSON ST WAXAHACKIE TX 75165
171860	6WS PROPERTIES LLC	9 0638	LOT 13 BLIC 302 TOWN 9 0638 AC	213 GIBSON ST	WAXAHACHIE	TX	73165	821 CIRCLE ST WAXAHACHIE TX 75165
1/1940	ORTEGA MARIA E MD	0 684	LOT 1 BLK 354A TOWN - WAXAHACHIE - 884 AC	3VA HIYRAH W C03	WAXAHACHIE	TX.	75165	800 W MARVIN AVE WAXAHACHIE TX 75165
171941	HILL WILLIAM D IL MICKIE	1 741	2 1 354A 304 TOWN WAXAHACHIE TOWN,43A FERRIS 1741 ACRES	007 W MARVIN AVE	WAXAHACHIE	TX.	75105	507 W MARVIN AVE WAXAHACHIE TX 75165
171942	FENTON ELLIOTT C & NANCY C	9.848	3A 10C 354A TOWN WAXAHACHIE COLEMANO 848 ACRES	615 W MARVIN AVE	WAXAHACHIE	TX	75165	515 W MARVIN AVE WAXAHACHE TX 75165
171943	RYAN ADELAIDE M	0.789	LOT 3H BLK 354A TOWN - WAXAHACHIE 789 AC	611 W MARVIN AVE	WAXAHACHIE	TX	75105	811 W MARVER AVE WAXAHACHIE TX 75165
172778	MCDIVIT BRANDON L & LORI D	0.046	LOT 108 PT TA 304 COLEMAN 9 646 AC	797 W MARVIN AVE	WAXAHACHIE	TX	75185	707 W MARVIN AVE WAXAHACHIE TX 75165
173264	BUSHNELL KATHY & JOSEPH A	0.233	LOT 12 FERRIS REV 0 233 AC	3722 HIGHWAY 18	PANGELIRN	FA	72121	BOD ROYAL BT WAXAHACHIE TX 75165
173314	FIRST UNITED METHODIST	G 256	PT 1R FUNC ADDN 0 256 ACRES	505 W MARVIN AVE	WAXAHACHIE	1x	75195	812 W PARKS AVE WAXAHACHIE TX 75185
173315	FINCHER BOBBIE L	0.256	MID 73 OF 42 FERRIS 0 256 ACRES	610 W PARKS AVE	WAXAHACHIE	TX	75165	610 W PARKS AVE WAXAHACHIE TX 75165
173316	FIRST UNITED METHODIST	0.256	PT TR FUNC ADDN 0 256 ACRES	505 W MARVIN AVE	WATAHACHIE	EX	75165	608 W PARKS AVE WAXAHACHE TX 75165
173317	MORENO PETE	Q 63	438 FERRIS 0 63 ACRES	S01 N GIBSON ST	WAXAHACHIE	TX	75165	501 H GIBSON ST WAXAHACHIE TX 75165
173324	BARKER ERNEST & SUSAN	0.362	38A 39BAPT ALLEY FERRIS 0 362 ACRES	615 W PARKS AVE	WAXAHACHIE	TX	F5165	815 W PARKS AVE WAXAHACHIE TX 75185
173326	AVERY TIMOTHY J & JACQUELYN	0.397	38A APT ALLEY FERRIS 0 387 ACRES	617 W PARKS AVE	WAXAHACHIE	TX	75165	817 W PARKS AVE WAXAHACHIE TX 75165
173333	BEABOLT GLENN E	0 25	30B FERRIS 0 25 ACRES	1702 LITTLE CREEK DR	WAXAHACHIE	TX	75165	408 N GIESON BT WAXAHACHIE TX 75185
173334	SEABOLT CLENN E	0.25	LOT 31A FERRIS REV 0.25 AC	1702 LITTLE CREEK DR	WAXAHACHIE	TX	75165	400 H HAWKINS ST WAXAHACHIE TX 75165
173335	MARLIN JOHN	0.263	LOT 318 & PT ALLEY FERRIS REV 203 AC	411 N HAWKINS ST	WAXAHACHIE	TX	75165	411 H HAWKINS ST WAXAHACHIE TX 75185
173340	HALLABOUGH RICHARD L	0.09	LOT 29A FERRIS REV 00 AC	201 UNIVERSITY AVE	WAXAHACHIE	TX	F5165	404 N GIBSON ST WAXAHACHIE TJL 75105
1/3341	POARCH PROPERTIES LLC SERIES A	0.307	29B FERRIS 0 307 ACRES	1110 W MARVIN AVE	WAXAHACHIE	TX	75185	808 ROYAL ST WAXAHACHSE TX 75165
173342	LOREN GRAY INVESTMENTS LLC	9.25	LOT 30A & PT ALLEY FERRIS REV .25 AC	PO BOX 2968	WAXAHACHIE	TX	75168	408 N GIBSON BT WAXAHACHIE TX J5165
173348	CAMACHO PHILLIP & MARIA E L/E LILLIAN CAMACHO	0.218	LOT 27A & 28B FERRIS REV D 21B AC	604 ROYAL ST	WAXAHACHIE	TX	75185	004 ROYAL ST WAXAHACHIE TX 75185
193484	HORAK BEVERLY	0 671	LOT 95819A & PT T A BLK 304 COLEMAN # 671 AC	711 W MARVIN AVE	WAXAHACHIE	TX	75165	711 W MARVIN AVE WAXAHACHIE TX 75165
193942	WAXAHACHIE ISD	\$ 365	44-49 FERRIS ADMIN BLDG 5 365 ACRES	411 N GRISON ST	WAXAHACHIE	TX.	F5165	411 N GIBSON ST WAXAHACHIE TX 75185
219714	FIRST UNITED METHODIST	4 226	PT 1R FUNC ADDN 4 226 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	505 W MARVIN AVE WAXAHACHIE TX 75165
275496	POARCH PROPERTIES LLC SERIES H	0 177	LOT ISA FERRIS REV D 177 AC	1118 W MARVIN AVE	WAXAHACHIE	TX	75165	607 ROYAL ST WAXAHACHEE TX 75165





City of Waxahachie, Texas Notice of Public Hearing Case Number: ZDC-000029-2020

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) – Owner: Waxahachie ISD (ZDC-000029-2020)

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-000029-2020	City Reference: 173342
5:00 P.M. on <i>We</i> mailed to <u>Plann</u>	ednesday, March 18, 2020 to ing@Waxahachie.com or y	al. If you choose to respond, please return this form by ensure inclusion in the Agenda Packet. Forms can be enu may drop off/mail your form to City of Waxahachie, et, Waxahachie, TX 75165.
	SUPPORT	OPPOSE
Comments:		
Signature		3/10/20 Date
Printed Name an	My Acs d Title	POBOR 2868 Address Was . 76.75/68

ORDINANCE NO.	
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AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PORTABLE STORAGE STRUCTURE/TEMPORARY BUILDING USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 411 N GIBSON STREET, BEING PROPERTY ID 193942, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 44-49 FERRIS ADMINISTRATION BUILDING, 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 SF-2; 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-29-2020. 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 SF-2 to SF-2, with an SUP in order to permit a Portable Storage Structure/Temporary Building use on the following property: Abstract 44-49 Ferris Administration Building, which is shown on Exhibit A, and the Site Layout Plan shown in 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 Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PORTABLE STORAGE STRUCTURE OR TEMPORARY BUILDING USE IN THE SINGLE FAMILY-2 (SF-2) 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 ZDC-000029-2020.
- 2. There shall be no more than two (2) portable structures on the property.
- 3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B Site Layout Plan.
- 4. If the Specific Use Permit is approved, the SUP shall expire and the portable structures shall be removed once WISD leaves the property.
- 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. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed. If the applicant is still occupying the building after two years, the applicant shall come back to City Council to renew the Specific Use Permit.

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 6th day of April, 2020.

	MAYOR	
ATTEST:		
City Secretary		





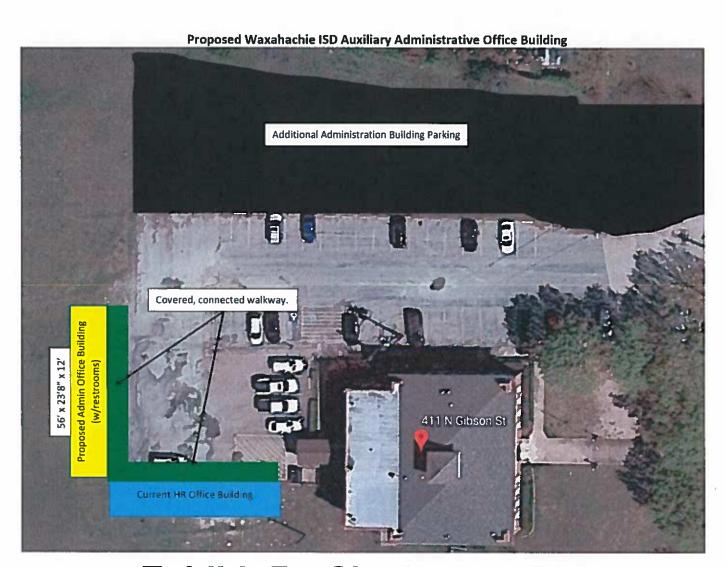


Exhibit B - Site Layout Plan

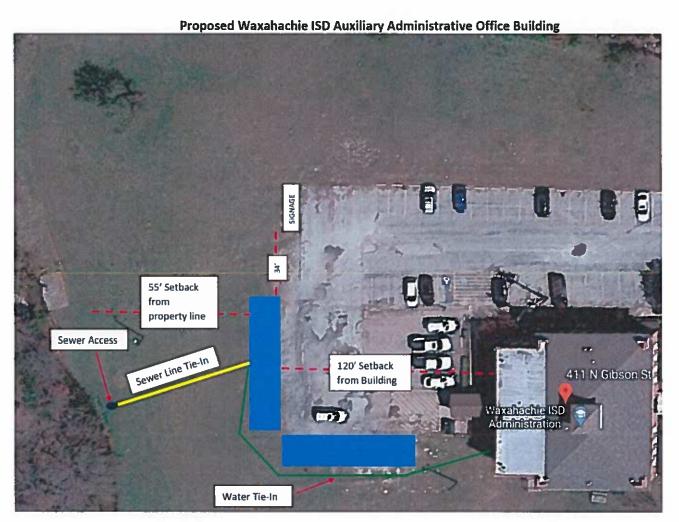


Exhibit B - Site Layout Plan



Planning & Zoning Department Zoning Staff Report

Case: ZDC-000017-2020



MEETING DATE(S)

Planning & Zoning Commission:

March 24, 2020

City Council:

April 6, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 24, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-000017-2020, subject to staff comments.

Note: Per the Planning and Zoning Commission's recommendation, the applicant has updated the Concept Plan to depict a minimum of twenty visitor parking spaces within the development.

It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved.

CAPTION

Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

APPLICANT REQUEST

The purpose of this request is to create a residential planned development that allows for 120 townhome lots.

CASE INFORMATION

Applicant:

Jeff Crannell, CCM Engineering

Property Owner(s):

Waxahachie ISD

Site Acreage:

24.76 acres

Current Zoning:

Planned Development-34-Multiple Family-1/General Retail,

Single Family-3 and Multiple Family-1

Requested Zoning:

Planned Development-Two Family Residential

SUBJECT PROPERTY

General Location:

NW corner of Peters Street at Graham Street

Parcel ID Number(s):

193944

(84)

Existing Use:

Currently Undeveloped/Open Space

Development History:

N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF3	WISD
East	MF1	Waxahachie Housing Authority
South	SF3	Single Family Residential
West	SF3	Highland Park Subdivision

Future Land Use Plan:

Low Density Residential and Public/Semi-Public

Comprehensive Plan:

Public/Semi-Public: This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

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

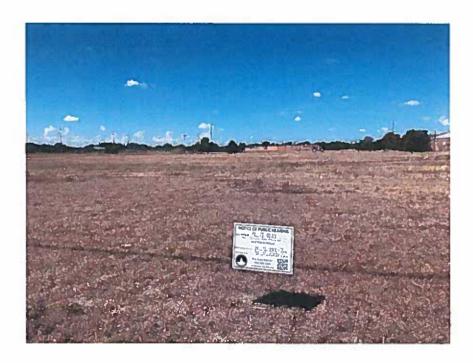
units per acre.

Thoroughfare Plan:

The subject property is accessible via N. Getzendaner Ave. and

Peters St.

Site Image:



PLANNING ANALYSIS

Case History

On November 12, 2019, the applicant presented a proposed Planned Development consisting of 127 (70 patio home lots and 57 single family) mixed residential uses on 24.76 acres to the Planning and Zoning Commission. Largely due to the development not meeting the lot size requirements, the Planning and Zoning Commission voted 6-0 to recommend denial for the proposed development.

On November 14, 2019, the applicant decided not to appeal to the City Council.

Purpose of Request:

The purpose of this request is to create a residential planned development that allows for townhome uses.

Proposed Use:

The developer intends to develop one hundred and twenty (120) townhomes on 15.68 acres. The project is projected to be constructed in one phase, and the applicant also intends to dedicate a minimum of 9 acres of the 24.76 acres to the City of Waxahachie to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.

Note: If this case is approved, it will remove the existing Multi Family zoning that will allow apartments in the subject area.

The Concept Plan depicts a residential development that includes elements such as:

- Open Space (9 acres dedicated)
- Walking Trail (connecting to Lee Penn Park)
- Home Owner's Association

Conformance with the Comprehensive Plan:

Residential developments can include low density residential, medium density residential, and high density residential. The proposed development is consistent with the FLUP and the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- <u>Growth Strategies-Goal 1:</u> Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- <u>Growth Strategies Goal 12:</u> Promote growth of the community where infrastructure exists.

Development Standards:

The applicant is proposing a base zoning district of Two Family Residential (2F). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Two Family Residential with additional changes listed below.

Permitted Uses:

- Townhomes
- Open Space/Park

Table 2: Proposed Planned Development Standards (Two Family)

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

Standard	City of Waxahachie	Symphony Estates Proposed	Meets Y/N
Min. Lot Area (Sq. Ft.)	3,630	3,640	Yes
Min. Dwelling Unit (Sq. Ft.)	1,000	1,300	Yes
Min. Front Yard (Ft.)	15	20	Yes
Min. Side Yard (Ft.)	0	10	Yes
Min. Rear Yard (Ft.)	10	10	Yes
Max. Height	2 stories	2 stories	Yes
Max. Lot Coverage (%)	50	65	No
Parking	2 behind front building plane, at least 1 enclosed	2 car garage with 2 spaces in front of the garage	Yes

ADDITIONAL PROJECT NOTES:

- -A 6ft. brick screening wall will be constructed along Graham Street
- -Minimum masonry will be 75%
- -Masonry products will offer a selection of brick and stone accents
- -Outside storage is prohibited
- -Carports are prohibited
- -A sidewalk will be constructed along Graham Street

NEIGHBORHOOD OUTREACH

On February 20, 2020, the applicant met with surrounding neighborhood residents at Friendship Missionary Baptist Church (Waxahachie, TX) to discuss the two proposed development ideas. At the conclusion of the meeting, it was determined that the general consensus supported the original development of single family homes and townhomes that was presented to the Planning and Zoning Commission on November 12, 2019.

SPECIAL EXCEPTION/VARIANCE REQUEST

Lot Coverage

Per the City of Waxahachie Zoning Ordinance, the maximum lot coverage for townhomes is 50%. The applicant is proposing 65% lot coverage.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, <u>113</u> 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.

PON RESPONSES

Staff received five (5) letters of opposition for the proposed development.

STAFF CONCERNS

1. Staff has no outstanding concerns for the applicant.

^{*}Per 5.09 Single Family Attached (Townhomes)



APPLICANT RESPONSE TO CONCERNS

1. Staff has no outstanding concerns for the applicant.

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. Per the applicant's request, a Development Agreement will be required for the development.
- 2. A minimum of 9 acres of the 24.76 acre(s) property shall be dedicated to the City of Waxahachie for open space.
- 3. A walking trail shall be provided to connect to Lee Penn Park.
- 4. The Symphony Estates development shall consist of a Home Owner's Association.
- 5. The maximum lot coverage for the development shall be 65%.
- 6. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
- 7. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
- 8. A 6ft. (minimum) sidewalk will be constructed along Graham Street
- 9. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

ATTACHED EXHIBITS

- 1. Development Agreement/Ordinance
- 2. Location Exhibit
- 3. Concept Plan
- 4. PON Responses

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 a set of drawings that incorporate all comments.

STAFF CONTACT INFORMATION

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

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

[12]

Come 2DC-0x0017-3026 Perspecture Perspected Front Response 2007 Haddenham Arts

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City of Waxahachie, Texas Notice of Public Hearing Case Number: ZDC-000017-2020

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168



The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) -Owner: WAXAHACHIE ISD (ZDC-000017-2020)

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-000017-2020

City Reference: 174048

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, March 18, 2020 to ensure inclusion in the Agenda Packet. Forms can be emailed 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

Comments:

Printed Name and Title

Address - 10.75/68

(13)



City of Waxahachie, Texas Notice of Public Hearing

Case Number: <u>ZDC-000017-2020</u>

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168



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Case Number: ZDC-000017-2020 City Reference: 174056

	SUPPORT	OPPOSE	
Concerned	I with conses	tion from den	5/47
1100	3	,	
Signature		Date	120
Brad Ye	tes	Box	2968
Printed Name and T	ïtle	Address	, Tp. 75768

(18)



City of Waxahachie, Texas

Notice of Public Hearing

Case Number: **ZDC-000017-2020**

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168



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Case Number: ZDC-000017-2020 City Reference: 174042

SUPPORT	OPPOSE
Comments:	I density of congestron on
episting overcro	wheel & treets
1882	3/10/20
Signature	Date
Brad Yates	BUD 2864
Printed Name and Title	Address
	Wap Tr. 78768





City of Waxahachie, Texas Notice of Public Hearing Se Number: 7DC-000017-2020

Case Number: **ZDC-000017-2020**

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) -Owner: WAXAHACHIE ISD (ZDC-000017-2020)

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-000017-2020 City Reference: 174060

SUPPORT	OPPOSE
Concerned W/ density of	congestion on feeder roads
Signature	3/10/ZG
Brad Yetes Printed Name and Title	B00 2868
	Mars. 75/68





City of Waxahachie, Texas Notice of Public Hearing

Case Number: **ZDC-000017-2020**

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LOREN GRAY INVESTMENTS LLC PO BOX 2868 WAXAHACHIE, TX 75168

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Case Number: ZDC-000017-2020 City Reference: 174121

SUPPORT	OPPOSE
Comments:	`
Concerned with dens,	ity & congestions on feeder roads
that are already	is need of replacement
229	3/10/20
Signature	Date /
Bred Yotes	Bup 2868
Printed Name and Title	Address
	Wap. To 75/68

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-34-MULTI FAMILY-1 (PD-34-MF1), GENERAL RETAIL (GR), SINGLE FAMILY-3 (SF3), AND MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-TWO FAMILY RESIDENTIAL (PD-2F), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AND GRAHAM STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 24.76 ACRES KNOWN AS A PORTION OF PROPERTY ID 193944 OF THE 1& PT 3 BLOCK 1 & 3-4A-5 BLOCK 2 HI NOWLIN OF THE TURNER LEARNING CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000017-2020. 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-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan in order to facilitate development of the subject property in a manner that allows townhome structures on the following property: a portion of Property ID 193944 of the 1 & PT 3 Block 1 & 3-4A-5 Block 2 HI Nowlin of the Turner Learning Center Addition, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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



the locations shown on the approved Concept Plan (Exhibit B).

Development Regulations

- 1. Per the applicant's request, a Developer's Agreement will be required for the property.
- 2. A minimum of 9 acres of the 24.76 acre(s) property shall be dedicated to the City of Waxahachie for open space.
- 3. A walking trail shall be provided to connect to Lee Penn Park.
- 4. The Symphony Estates development shall consist of a Home Owner's Association.
- 5. The Symphony Estates residential development shall not exceed 120 townhome units/lots.
- 6. The maximum lot coverage for the development shall be 65%.
- 7. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
- 8. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
- 9. Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
- 10. Outside storage and carports are prohibited within the development.
- 11. A 6ft. (minimum) sidewalk will be constructed along Graham Street
- 12. The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.
- 13. 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 – Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family Attached-Townhome zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
- 14. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- 15. 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 6 th day of April, 2020.	
	MAYOR	
ATTEST:		
City Secretary		



STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR SYMPHONY ESTATES
COUNTY OF ELLIS	8	

This Development Agreement for Symphony Estates ("Agreement") is entered into between Symphony Commercial ("SC") and the City of Waxahachie, Texas ("City"). SC and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

- 1. SC is the owner of approximately 24.76 acres of real property generally located at the NW corner of Peters Street at Graham Street, parcel number 193944, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 zoning to a Planned Development ("PD") Two Family zoning, revising specific development standards. The Property is currently zoned Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on April 6, 2020.
- 2. The planned use of the Property is to create a Planned Development to allow for the development of townhomes. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing SC 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 SC and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. #### (the "Symphony Estates PD Ordinance"), a copy of which is attached hereto as Exhibit A and which contains the negotiated zoning and development standards for Symphony Estates.
- 4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Symphony Estates PD Ordinance as contractually-binding obligations between the City of Waxahachie and SC, and to recognize SC's reasonable investment-backed expectations in the Symphony Estates PD Ordinance and the planned development of Symphony Estates.
- 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. <u>Incorporation of Premises</u>. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

4)

Section 2. <u>Term.</u> This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("<u>Effective Date</u>"). 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 ("<u>Term</u>").

Section 3. Agreements. The Parties agree as follows:

<u>Incorporation of Zoning and Recognition of Investment-Backed</u> Expectations:

The negotiated and agreed upon zoning and development standards contained in the Symphony Estates PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of SC. SC, agrees to:

- Dedicate a minimum of 9 acres of the 24.76 acre(s) property to the City of Waxahachie for open space.
- Provide a walking trail to connect to Lee Penn Park.
- Establish a Home Owner's Association within the Symphony Estates development.
- The Symphony Estates residential development shall not exceed 120 townhome units/lots.
- The maximum lot coverage for the development shall be 65%.
- Provide a 6ft. brick screening wall along Graham Street. Ornamental fencing with masonry columns, spaced every 30 ft., shall surround the remainder of the property.
- Provide a minimum of 20 parking spaces for visitors.
- Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents.
- Outside storage and carports are prohibited within the development.
- A 6ft. (minimum) sidewalk will be constructed along Graham Street.
- The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.

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

[14)

- 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 SC 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.

{Signature Pages Follow}

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

	CITY OF WAXAHACHIE, TEXAS
	By:
	By:City Secretary
: Symphony Commercial By:	
Date:	

STATE OF TEXAS	999	
COUNTY OF ELLIS	§	
appeared MICHAEL SCOTT be the person whose name i	Γ, City Manager or s subscribed to th	on thisday of April, 2020, personally f the City of Waxahachie, Texas, known to me to e foregoing instrument and acknowledged to me consideration therein expressed.
[Seal]		By: Notary Public, State of Texas
		My Commission Expires:
STATE OF TEXAS	<i>w w</i>	
COUNTY OF ELLIS	§	
appeared	, representative or ribed to the forego	on thisday of April, 2020, personally of Symphony Commercial, known to me to be the oing instrument and acknowledged to me that he ration therein expressed.
[Seal]		By: Notary Public, State of Texas
		My Commission Expires:

EXHIBIT A

Symphony Estates PD Ordinance

ORDINANCE NO.	

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-34-MULTI FAMILY-1 (PD-34-MF1), GENERAL RETAIL (GR), SINGLE FAMILY-3 (SF3), AND MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-TWO FAMILY RESIDENTIAL (PD-2F), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AND GRAHAM STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 24.76 ACRES KNOWN AS A PORTION OF PROPERTY ID 193944 OF THE 1& PT 3 BLOCK 1 & 3-4A-5 BLOCK 2 HI NOWLIN OF THE TURNER LEARNING CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000017-2020. 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-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan in order to facilitate development of the subject property in a manner that allows townhome structures on the following property: a portion of Property ID 193944 of the 1 & PT 3 Block 1 & 3-4A-5 Block 2 HI Nowlin of the Turner Learning Center Addition, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

- 1. Per the applicant's request, a Developer's Agreement will be required for the property.
- 2. A minimum of 9 acres of the 24.76 acre(s) property shall be dedicated to the City of Waxahachie for open space.
- 3. A walking trail shall be provided to connect to Lee Penn Park.
- 4. The Symphony Estates development shall consist of a Home Owner's Association.
- 5. The Symphony Estates residential development shall not exceed 120 townhome units/lots.
- 6. The maximum lot coverage for the development shall be 65%.
- 7. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
- 8. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
- Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
- 10. Outside storage and carports are prohibited within the development.
- 11. A 6ft. (minimum) sidewalk will be constructed along Graham Street
- The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.
- 13. 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 Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family Attached-Townhome zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
- 14. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- 15. 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.

(4)

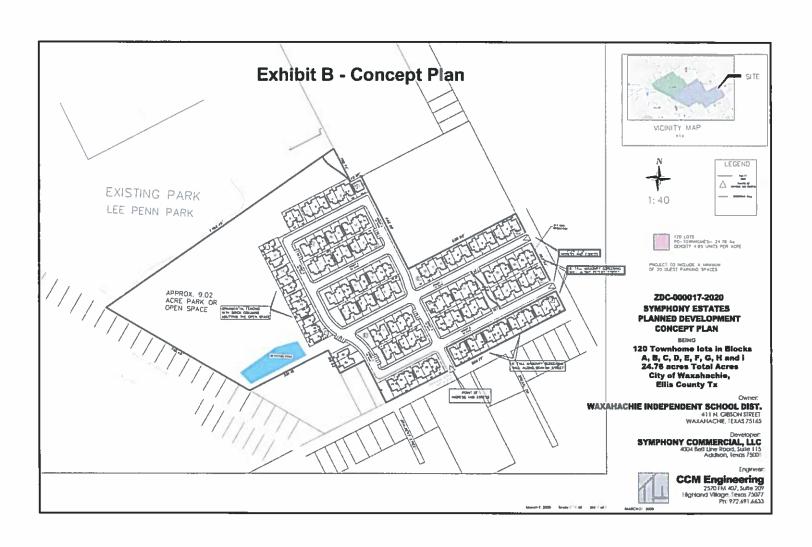
An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

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

PASSED, APPROVED, AND ADOPTED on this 6th day of April, 2020.

	MAYOR	
ATTEST:		
City Secretary		





(1518)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planting

Thru: Michael Scott, City Manager

Date: March 31, 2020

Re: ZDC-000024-2020/ANX-DNX-000011-2020 - The Sunrise at Garden

Valley

On March 24, 2020, the Planning and Zoning Commission voted 5-0 to continue case no. ZDC-000024-2020 to the April 14, 2020 Planning and Zoning meeting and the April 20, 2020 City Council meeting agenda. Due to this decision, the applicant has requested to continue the annexation case (ANX-DNX-000011-2020), originally scheduled to be reviewed by City Council April 6, 2020, to the April 20, 2020 City Council meeting agenda.

(19+20)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planting

Thru: Michael Scott, City Managen

Date: March 31, 2020

Re: ZDC-000022-2020 - Hope Clinic

On March 24, 2020, the Planning and Zoning Commission voted 5-0 to continue case no. ZDC-000022-2020 to the April 14, 2020 Planning and Zoning meeting and the April 20, 2020 City Council meeting agenda.

(21)

Planning & Zoning Department Plat Staff Report

Case: SUB-16-2020



MEETING DATE(S)

Planning & Zoning Commission:

Tuesday, March 24, 2020

City Council:

Monday, April 6, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 24, 2020, the Commission was unable to act on this plat due to technical difficulties experienced during the meeting that prevented a public hearing from being performed. In addition to this, it was made known to staff that a property owner change occurred that was not reflected in the previous staff report. Staff has received the appropriate property owner affidavits and the plat has been updated to reflect this change.

CAPTION

Public Hearing on a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276334, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343,276344, 276353, 276362, 276363, 276373, and 276372) — Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy, Daniel Estrada, Traci Harrison (SUB-000016-2020)

APPLICANT REQUEST

The purpose of this replat is to eliminate the HOA open space lots which will be taken in by the adjacent homes, and establish a 5' wall easement along Garden Valley Parkway.

CASE INFORMATION

Applicant:

David Hargrove, Legacy Grove Development, LLC

Property Owner(s):

Matthew Kennedy, Charity Kennedy, Daniel Estrada, Traci

Harrison, Bloomfield Properties, Inc., and J Houston Homes, LLC

Site Acreage:

4.232 acres

Number of Lots:

Parts of 17 lots

Number of Dwelling Units:

0 units (Wall easement will not add space for additional

dwelling units)

Park Land Dedication:

N/A (Replat is not establishing new lots)

Adequate Public Facilities:

Adequate facilities are available for this property.

(21)

SUBJECT PROPERTY

General Location: The lots affected are located along the eastern perimeter of

Buffalo Ridge Phase IV bordering Garden Valley Parkway.

Parcel ID Number(s): 276332, 276334, 276335, 276336, 276337, 276338, 276339,

276340, 276341, 276342, 276343, 276344, 276354, 276353,

276362, 276363, 276373, 276372

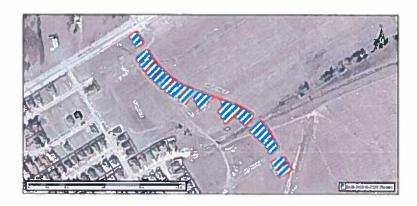
Current Zoning: PD-SF-2

Existing Use: Homes under construction

Platting History: FP-19-0010 Buffalo Ridge Ph. 4 was approved by City Council on

March 4, 2019.

Site Aerial:



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, <u>62</u> notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support for this replat.

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:

Disapproval

Approval, as presented.

Approval, per the following conditions:

ATTACHED EXHIBITS

- 1. Plat Drawing
- 2. PON Responses

121)

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.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

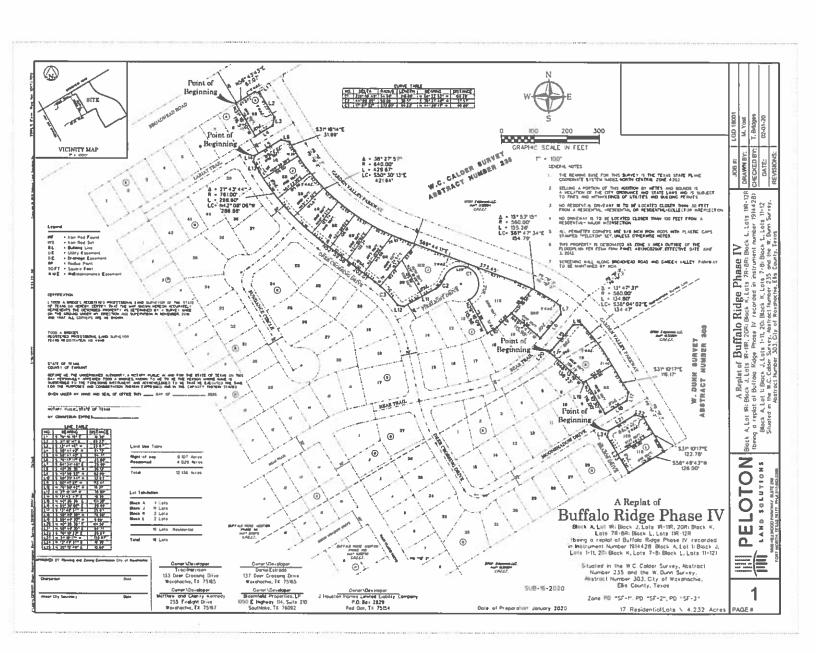
A plat shall not be filed with the Ellis County Clerk until:

- 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;
- 2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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



(21)

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242234	WPLEDACYLIB		5 184 ARANSTALLANES	101 VALLEY RIDGE DR	RED DAK	14	75154	PARK PLACE BLYD WAXANACHE TX 75185
264h69	GREK EDGEWOOD LLC		303 W T DURWY 235 W C CALDER 118 384 ACRES	2005 DALLAS PARKWAY SLITE 400	PLANO	TX	75093	BROADHE AD RD WAXAHACHE TX 75165
	LEGACY GROVE DEVELOPMENT LLC		LOT S BLIK A BUFFAL O RIDGE PH IV 174 AC	5865 FM 1181	ENNIS	1X	75119	217 LARIAT TRI, WAXAHACHE 1X 75165
276379	LEGACY GROVE DEVELOPMENT LLC	B 174	LOT S BLIK A BUFFALD RIDGE PH IV 174 AC	5005 FM 1161	ENNIS	1X	75119	221 LARIAT TRL WAXAHACHIE TX 75165
276330	LEGACY GROVE DEVELOPMENT LLC	0 174	LOT / BLK A BUFFALD RIDGE PH IV 174 AC	5005 FM 1181	ENNIS	TÄ	75119	225 LARIAT TRL WAXAHACHE 1X 75165
276331	J HOUSTON HOMES LLC	0 174	LOT B BLK A BUFFALO RIDGE PH IV 0 174 AC	PO BOX 2829	RED OAK	TX		
276332	LEGACY GROVE DEVELOPMENT LLC	0 183	LOT BBLK A BUFFALO RIDGE PHIV 0 113 AC	5005 FM 1181	ENHIS	TX	75154 75110	251 LARIAT TRL WAXAHACHIE 1X 75165
276333	LEGACY GROVE DEVELOPMENT LLC	0.025	LOT BX BLK A (OPEN SPACE) BUFFALO RECCE PH IV 0 025 AC	5885 FM 1181	ENNIS	TX	75110	295 LARBAT TRL WAXAHACHIE TX 75 IBS
	LEGACY GROVE DEVELOPMENT LLC	0 187	LOT I BLK J BUFFALO RIDGE PH W 187 AC	5865 FM 1181	ENNIS	TX.	75110	LARIAT TRE WAXAHACHIE TX 75185
	LEGACY GROVE DEVELOPMENT LLC	0 143	LOT 2 SUK J BLAT ALO RIDGE PH IV 183 AC	5805 FM 1181	ENNIS		75110	101 DEER CROSSING DR WAXAHACHIE, TX 75165
276336	LEGACY GROVE DEVELOPMENT LLC	0 183	LOT 3 BLK J BUFFALO RIDGE PH IV 160 AC			1x		105 DEER CROSSING DR WAXAHACHIE TX 75165
276337	LEGACY GROVE DEVELOPMENT LLC	0 175	LOT 4 BLK J BUFFALO REIGE PHIV 179 AG	5865 FM 1181	ENNS ENNS	1x	75110	109 DEER CROSSING DR WAXAHACHE TX 75163
2/6336	LEGACY GROVE DEVELOPMENT LLC	0 179	LOT 5 BEK J BUFFALO RIDGE PH W 179 AC	5865 FM 1181 5865 FM 1181		TX	75110	121 DEER CROSSING DR WAXAHACHE 1X 75165
	LEGACY GROVE DEVELOPMENT LLC	0 177	LOT BELK JERFFALD REDGE PHIV 177 AC	5005 FM 1181	ENNIS	1X	75119	125 DEER CROSSING OR WAXAHACHIE 1X 75 NS
276346	LEGACY GROVE DEVELOPMENT LLC	0 191	LOT 7 BLK J BLFT ALO RIDGE PH IV 191 AC			TX	75119	129 DEER CROSSING DR WAXAHACHIE TX 75165
	LEGACY GROVE DEVELOPMENT LLC	0 226		5805 FM 1181	ENWS	TX.	75110	133 DEER CROSSING OR WAXAHACHIE TX 75165
	LEGACY GROVE DEVELOPMENT LLC	0 214	LOT BBLK J BUFFALO RIDGE PH IV 726 AC	5865 FM 1181	ENMS	1x	75119	137 DEER CROSSING DR WAXAHACHIE TX 75165
276343	A HOUSTON HOMES (LC		LOT 9 BLK J BUFFALO RIDGE PH IV 214 AC	5005 FM 1181	ENNIS	IX	75110	251 FIRELIGHT DR WAXAHACHE TX 25165
7/8344		0.31	LOT 10 BLK J BUFFALO RIDGE PHIV . 310 AC	PO BOX 2829	RED DAK	ŤΧ	75154	255 FIRELIGHT DR WAXAHACHIE TX 75165
	LEGACY GROVE DEVELOPMENT LLC		LOT 11 BLK J BLETALO RIDGE PH IV 426 AC	5805 FM 1181	ENNIS	TX	75119	282 FIRELIGHT DR WAXAHACHE TX 75165
2/8345	J HOUSTON HOMES LIMITED LIABILITY COMPANY	0 192	LOT 12 BLK J BUFFALO RIDGE PH IV 192 AC	421 CENTURY WAY STE 100	RED DAK	TX	75154	258 FIRELIGHT DR WAXAHACHIE TX 75185
278348	LEGACY GROVE DEVELOPMENT LLC	0 198	LOT 13 BLK J BUFFALO RIDGE PHIN 198 AC	5805 FM 1181	ENNIS	TX.	75119	254 FIRELIGHT OR WAXAHACHIE TX 75105
278347	LEGACY GROVE DEVELOPMENT LLC	0 194	LOT 14 BLK J BUFFALO RIDGE PH IV 194 AC	5805 FM 1181	ENNIS	TX	75119	250 FIRELIGHT DR WAXAHACHIE TX 75185
278348	LEGACY GROVE DEVELOPMENT LLC	0 105	LOT 15 BLK J BUFFALO RIDGE PH IV 185 AC	5005 FM 1181	ENNES	TX	75119	251 BEAR TRL WAXAHACHIE TX 75165
278349	LEGACY GROVE DEVELOPMENT LLC	0 1/3	LOT 16 BLK J BUFFALO RIDGE PH IV 173 AC	5885 FM 1181	ENNIS	ĪΧ	75119	255 BEAR TRL WAXAHACHIE TX 75185
278350	LEGACY GROVE DEVELOPMENT LLC	0.203	LOT 17 BLK J BUFFALO RIDGE PH IV (20) AC	5865 FM 1181	ENNIS	TX	75119	259 BEAR TRL WAXAHACHIE TX 75185
276351	LEGACY GROVE DEVELOPMENT LLC	0 100	LOT 16 BLK J BUFFALO RIDGE PH IV HIR AC	5805 FM 1181	EMNIS	TX	75119	263 BEAR TRL WAXAHACHIE TX 75165
276352	LEGACY GROVE DEVELOPMENT LLC	0.2	LOT 10 BLK J BUTTALO REDGE PH IV 200 AC	5885 FM 1188	ENNIS	T X	75119	271 BEAR TRUWAXAHACHIE TX 75185
276353	LEGACY GROVE DEVELOPMENT LLC	0.762	LOT 20 BLK J BUFFALO RIDGE PH IV 202 AC	5865 FM 1181	EMNIS	THE	75119	275 BEAR TRL WAXAHACHE, TX 75185
276354	LEGACY GROVE DEVELOPMENT LLC	0.23	LIOT 20X TILK J (OPEN SPACE) BUFFALO RIDGE PH IV 0 21 AC	5805 FM 1181	ENNIS	TX	75110	BEAR TRE WAXAHACHRE TX 75185
276357	LEGACY GROVE DEVELOPMENT LLC	9 221	LOT 2 BLK K BUFFALO REIGE PH IV 221 AC	5005 FM 1101	ENNIS	TX.	75110	254 BEAR TRL WAXAHACHIE TX 75105
278358	LEGACY GROVE DEVELOPMENT LLC	12 196	LIST 3 BLK K BUFFALO RIDGE PH IV 190 AC	5885 FM 1181	EMNIS	T)C	75119	258 BEAR TRIL WAXAHACHIE TX 75185
276350	LEGACY GROVE DEVELOPMENT LLC	0.18	LOT 4 BLK K BUFFALO RIDGE PH IV 160 AC	5805 FM 1101	ENNS	IΧ	75119	262 BEAR TRIL WAXAHACHIE TX 75165
27636D	LEGACY GROVE DEVELOPMENT LLC	0.184	LOT 5 BLK K BUFFALO RIDGE PH IV 184 AC	5885 FM 1181	ENNIS	110	75119	205 BEAR TRU WAXAHACHIE TX 75165
316361	LEGACY GROVE DEVELOPMENT LLC	0.207	LOT 6 BLK K BUFFALO RIDGE PH IV 207 AC	5865 FM 1181	ENNIS	FX	75119	270 BEAR TRE WAXAHACHIE TX 75165
376362	LEGACY GROVE DEVELOPMENT LLC	0.369	LOT 7 BLK K BUFFALO RIDGE PH IV .389 AC	5885 FM 1181	ENNIS .	100	75119	274 BEAR TRI, WAXAHACHIE TX 75105
276363	LEGACY GROVE DEVELOPMENT LLC	0.225	LOT # BLK K BUFFALO RIDGE PH IV 225 AC	5865 FM 1181	ENNS	Dt	75119	289 MOOKSHADOW DR WAXAHACHIE TX 75 HS
276364	LEGACY GROVE DEVELOPMENT LLC	0 173	LOT 9 BLK K BUFFALO RIDGE PH IV 173 AC	5865 FM 1181	ENNS	TX	75119	279 MOONSHADOW DR WAXAHACHIE TX 75165
276365	LEGACY GROVE DEVELOPMENT LLC	0 173	LOT IN BUK K BUFFALO RIDGE PH IV 173 AC	5865 FM 1181	EMN85	DC	75119	271 MOONSHADOW DR WAXAHACHIE TX 75165
276308	LEGACY GROVE DEVELOPMENT LLC	0 173	LOT 11 BLK K BUFFALD RIDGE PH IV 173 AC	5805 FM 1181	ENNS	TX	75119	767 MOOKSHADOW DR WAXAHACHIE TX 75165
276367	LEGACY GROVE DEVELOPMENT LLC	0 173	LOT 12 BLK K BUFFALO RIDGE PH IV 173 AC	5805 FM 1181	EMNIS	TX	75119	283 MOONSHADOW DR WAXAHACHIE TX 75165
276371	LEGACY GROYE DEVELOPMENT LLC	Ø 106	LOT 7X BLK K (OPEN SPACE) BUFFALO RIDGE PH IV 0 00 AC	5805 FM 1181	ENNIS	TX	75119	MODINSHADOW DR WAXAHACHE TX 75185
2/63/2	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 11 BUK L BUFFALO REDGE PH IV 173 AC	5805 FM 1181	ENNIS	EX	75119	208 BRAZOS DR WAJAHACHE TX 75185
276373	LEGACY GROVE DEVELOPMENT LLC	0.2	LOT 12 BLK L BUFFALO REDGE PH IV 20 AC	5805 FM 1181	ENNIS	13	75119	201 BRAZOS DR WAKAHACHIE TX 75165
7/63/4	LEGACY GROVE DEVELOPMENT LLC	0 029	ABSTRACT 902782112 BUFFALD RIDGE PH IV. BLOCK L. TRACT 13. ACRES 25 0530	5865 FM 1161	ENNIS	iŝ	75119	MOONSHADOW DR WAXAHACHIE TX 75165
276375	LEGACY GROVE DEVELOPMENT LLC	0.224	LOT 28 BLK Q BUFFALO RIDGE PH IV G 224 AC	5865 FM 1181	EMNIS	TX	P5119	270 MOONSHADOW DR WAXAHACHIE TX 75165
276376	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 27 BLK Q BUFTALO RIDGE PH IV 173 AC	5805 FM 1181	ENNES	īx	75119	208 MOONSHADOW OR WAXAHACHIE 1X 25165
778368	J HOUSTON HOMES LLC	0.223	LOT 18 BLK R BUFFALO RIDGE PH IV 273 AC	PO BOX 2829	RED DAK	1X	75154	148 DEER CROSSING DR WAXAHACHE TX 75165
276369	JHOUSTON HOMES LLC	0.224	LOT 19 BLK R BUFFALO RIDGE PHIV 224 AC	PO BOX 2029	RED DAK	TX	75154	140 DEER CROSSING DR WAXAHACHE TX 75165
2/6300	LEGACY GROVE DEVELOPMENT LLC	0 194	LOT 20 BLK R BUFFALO RIDGE PH IV 194 AC	5805 FM 1181	EMNIS	TX	75119	130 DEER CROSSING OR WAXAHACHE TX 75105
276391	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 21 BLK R BUFFALO RIDGE PHIV 173 AC	5005 FM 1101	ENNS	TX.	75119	132 DEER CROSSING DR WAXAHACHE TX 75165
276392	LEGACY GROVE DEVELOPMENT LLC	Q 187	LOT 22 BLK R BUTTALO RIDGE PH IV 107 AC	5805 FM 1101	ENNS	TX	75119	128 DEER CROSSING OR WAXANACHE TX 75165
276363	LEGACY GROVE DEVELOPMENT LLC	0.256	LOT 23 BLK R BUFFALO REIGE PHIN 256 AC	5005 FM 1101	ENNS	ΤX	75110	101 DEER CROSSING OR WAXANACHE TX 75165
276394	LEGACY GROVE DEVELOPMENT LLC	0.293	LOT 24 BLK R BUFFALO REIGE PHIV II 280 AC	5005 FM 1101	ENNIS	D).	75110	105 SUNDANCE CIR WAXAHACHIE TX 75185
276395	LEGACY GROVE DEVELOPMENT LLC	£ 189	LOT 25 BLK R BUFFALO RIDGE PHIN 189 AC	5805 FM 1101	EMPKS	TX	75119	103 SUNDANCE CIR WAXAHACHIE TX 75165
7763W6	LEGACY GROVE DEVELOPMENT LLC	0.234	LOT 28 BLK R DUFFALD RIDGE PH IV 224 AC	5865 FM 1181	ENNS	Di.	75119	
776397	LEGACY GROVE DEVELOPMENT (LC	0 203	LOT 27 BLK R BUST ALO RIDGE PH IV 200 AC	5865 FM 1181	EMMS EMMS	TX	75119 75119	133 SUNDANCE CIR WAXAHACHIE TX 75185 137 SUNDANCE CIR WAXAHACHIE TX 75185
276396	LEGACY GROVE DEVELOPMENT LLC	0 233	LOT 26 BLK R BUFFALO RIDGE PHIV 223 AC	5865 FM 1181	ENNIS			
	LEGACY GROVE DEVELOPMENT LLC	0.2				ŢΧ	75119	141 SUNDANCE CIR WAXAHACHIE TX 75165
		9.4	LOT 36 PLK R BUFFALO RIDGE PH IV 20 AC	5865 FM 1181	ENNIS	EX	75119	108 SUNDANCE CIR WAXAHACHIE TX 75185
276406		0.754	A COT STOLE OF DISCUSSION DISCOSED AND A STOLE AND A S					
275407	LEGACY GROVE DEVELOPMENT LLC	0.271	LOT 37 BLKR BUFFALO RIDGE PH N 371 AC	5885 FM 1181	ENNES	ŧχ	75119	108 DEER CROSSING DR WANAHACHIE TX 75185
278407 278409		0.205	LOT 37 BLK R BUFFALO RIDGE PH N° 271 AC LOT 30 BLK R BUFFALO RIDGE PH N° 265 AC LOT 40 BLK R BUFFALO RIDGE PH N° 173 AC	5805 FM 1181 5805 FM 1181 5805 FM 1181	ENNIS ENNIS ENNIS	TX TX	75119 75119 75119	

(31)





City of Waxahachie, Texas Notice of Public Hearing Case Number: <u>SUB-000016-2020</u>

WP LEGACY LTD 101 VALLEY RIDGE DR RED OAK, TX 75154

Case Number: SUB-000016-2020

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 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 David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space fots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 feot Wall Maintenance Easement, being 26,033 acres (Property ID 276353, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343,276344, 276353, 276362, 276363, 276373, and 276372) — Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020)

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 Waxningchie.com for additional information on this request.

	City Weren enegg 242224
The content of the co	you choose to respond, please return this form by 5:00 hision in the Agenda Packet. Forms can be e-mailed to Mimail your form to City of Waxahachie, Attention: TX 75165.
Comments:	OPPOSE
Cherria da agrica	3-10-20
Signature	Date
CLYDE L. ATAROGOLE Printed Name and Title	101 VALLEY RIDGE DR
ranica rang and the	Addresse A Section 24.55

(23+24)



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manage

Date: April 3, 2020

Re: Supplemental Appropriation - Vac Truck Replacement

On Monday April 6, 2020 a supplemental appropriation will appear before City Council for consideration, associated with the replacement of a Vac Truck. This truck is used in maintaining the sanitary sewer collection system for performing such functions as cleaning and vacuuming sewer lines, and conducting hydro-excavations of water and sewer lines. In March 2020, the Utilities Department Vac Truck was damaged during a routine disposal at the Wastewater Treatment Plant. Staff has determined that the cost for repairing the truck is cost prohibitive based on its current value. In addition, the Vac Truck is an older unit and was included in the 5-Year Capital Improvement Plan to be replaced next fiscal year. As a result, the department is requesting to accelerate the replacement of the Vac Truck to this fiscal year with a supplemental appropriation. The requested supplemental appropriation will be in the Wastewater Collection Department, account 520-770-57500. Staff is recommending to purchase a new 2020 Freightliner Vac-Con Sewer Truck through the HGAC Cooperative Purchasing Agreement for a total cost of \$379,100. An item authoring the purchase of the equipment will accompany this supplemental appropriation on the April 6th Council agenda. Staff has identified savings in the amount of \$200,000 from the 4-Sand Filter Rehabilitations that will be used to offset the cost of this purchase. This supplemental appropriation will provide the difference, in the amount of \$179,100, needed for the purchase of the equipment.

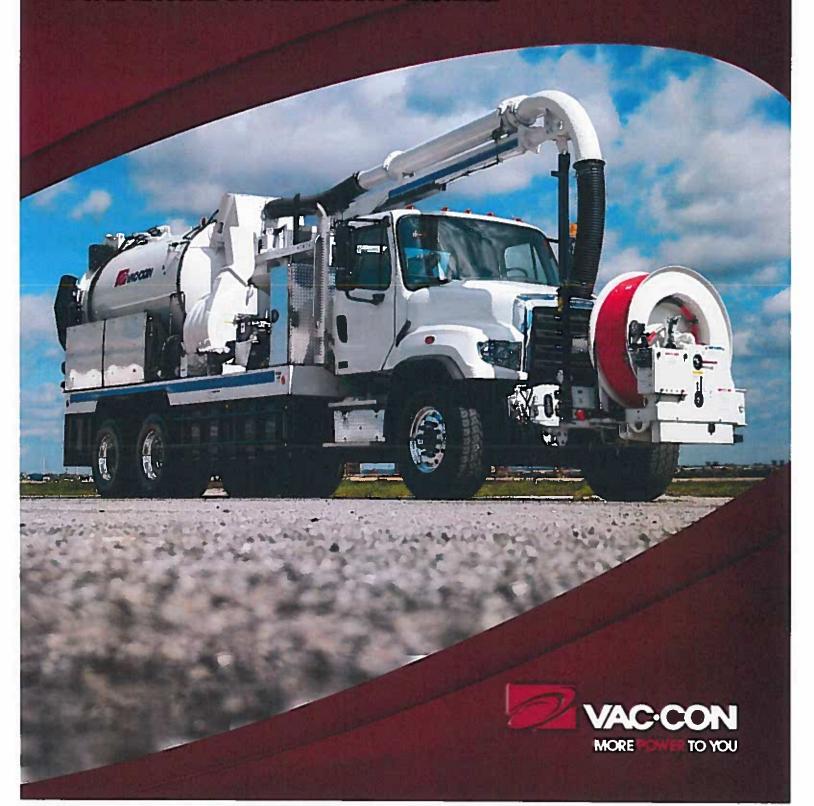
I am available at your convenience should you need any additional information.

Tommy Ludwig

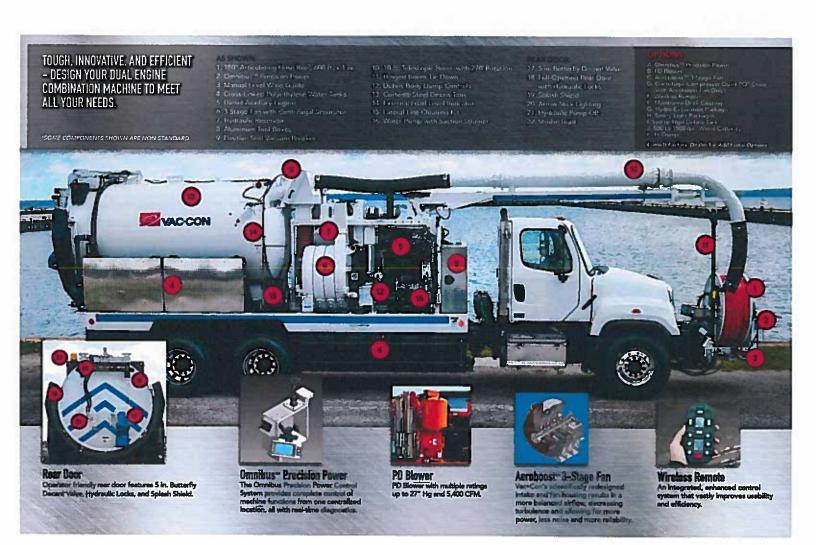
(23+24)

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DUAL ENGINE COMBINATION MACHINE



(23+24)



(23+24) VAC-CON MORE TO YOU 969 Hall Park Road T Green Cove Springs, FL 32043 T USA PHORE (904) 284-4200 T FAX (904) 284-3305 WWW.vac-com.com T vins@vac-com.com A subsidiary of Holden Industries, Inc., Vac-Con is a 100% employee-owned company, #2016 Vac-Con, all rights reserved.



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manage

Date: April 3, 2020

Re: Supplemental Appropriation - Sold Waste Request for Proposal Service

On Monday April 6th an item will appear before City Council for consideration of a supplemental appropriation in the FY 19-20 Building and Community Services Department's budget (line item 100-350-53200) in the amount of \$39,546. This item will provide staff with sufficient funding to enter into an agreement with Solid Waste Specialist, LLC. to assist the City with managing the procurement process and entering to a new contract for solid waste and recycling services.

The City's existing contract for solid waste and recycling services, which has ran for 10 years with Waste Connections, expires on March 31, 2021 and as a result the City must re-advertise the service and review new proposals from interested firms. The City is proposing to utilize Solid Waste Specialists, LLC. to manage the procurement process on behalf of the City. Specifically Solid Waste Specialists, LLC.'s scope of service would include: Developing a detailed specification outlining the City's desired scope of services; Utilizing their connections and contacts in the waste management industry to encourage high qualified firms to submit proposals to the City; Prepare a detailed service contract that protects the City's interests and establishes liquidated damages in the event of a service default; Review proposals, in conjunction with City staff, and make recommendations concerning the best fit for the City's needs; and Make a recommendation to the City Council for award of a new service contract.

Staff believes it is in the best interest of the City to utilize a firm specializing in the waste management industry to management this procurement, as they believe it will save the City money throughout the term of the contract and result in highly qualified firms submitting proposals. If this supplemental appropriation is approved, the City



Manager would enter into a service contract with Solid Waste Specialists, LLC., as the contract amount is below the threshold required for City Council approval.

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

Tommy Ludwig

(26)



Memorandum

To: Honorable Mayor and City Council

From: Ricky Boyd, Fire Chief

Thru: Michael Scott, City Manage

Date: March 20, 2020

Re: Council Resolution for Temporary Overhire of Firefighter

Honorable Mayor and City Council,

After 20 years of exceptional service, Captain Jon Wilson retired from Waxahachie Fire-Rescue (WFR) on April 1, 2020. Therefore, the WFR has promotional openings in the ranks of Captain, Lieutenant (LT) and Pump Engineer (PE). While we have filled the Captain position from the current Promotional List, we do not have such a list for LT and PE. In fact, these lists shall not be established until the middle of June to early July 2020.

City Ordinance No. 3161 established 30 positions in the rank of Firefighter (FF) and 61 total positions in the WFR. All 30 of the FF positions are currently filled. Our current Eligibility List expires on May 23, 2020. We have viable candidates on this list. If we wait until after the LT and PE promotions are made to hire a new FF, I foresee the expenditure of overtime and benefits costs to maintain minimum staffing as well as the cost to administer an Entrance Exam. Furthermore, giving an Entrance Exam would be problematic given the current state of affairs with COVID-19.

Therefore, I hereby respectfully request your approval of the accompanying Council Resolution to temporarily overhire one (1) person in the rank of FF until the LT and PE promotions are effectuated or a maximum of 120 days, whichever comes first. Our overall Classified Positions under Civil Service (strength of force) shall remain at

(26)

61 as established by City Ordinance No. 3161. By taking this action, the City will save overtime, benefits and testing expenses. More importantly, this action will maintain our overall staffing level thereby enabling the WFR to continue to fully deliver excellent service to our citizens, businesses and visitors.

I am available for questions and clarification as needed. Thank you for your consideration.

Respectfully submitted,

Ricky Boyd, Fire Chief

(26)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING THE CITY MANAGER, WHEN A PROMOTIONAL VACANCY EXISTS OR OTHER NECESSARY CIRCUMSTANCES, TO OVERHIRE ENTRY LEVEL CIVIL SERVICE POSITIONS FOR WAXAHACHIE FIRE-RESCUE ("WFR").

WHEREAS, the WFR Entrance Eligibility List expires on May 23, 2020; and

WHEREAS, WFR has viable candidates on said Eligibility List; and

WHEREAS, Waxahachie Fire-Rescue anticipates at least one vacancy in a promotional position before May 23, 2020; and

WHEREAS, to promote public safety by efficiently staffing fire personnel, it is necessary to hire one additional entry level fire fighter; said overhire would not exceed the total number of authorized positions in the WFR as established by Ordinance No. 3161; and

WHEREAS, the promotions to Lieutenant and Pump Engineer are unlikely to be effectuated before the middle of June to early July 2020.

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

SECTION 1

That the City Council hereby approves the City Manager to temporarily overhire one (1) person in the rank of Firefighter from the current Eligibility List.

SECTION 2

That the overall Classified Positions under Civil Service (strength of force) of Waxahachie Fire-Rescue shall remain at 61 as established by City Ordinance No. 3161.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage and shall remain in effect until promotions are made in the ranks of Lieutenant and Pump Engineer or a maximum of 120 days after passage, whichever comes first.

PASSED, APPROVED,	AND ADOPTED this 6 th day of April, 2020.	
	MAYOR	
ATTEST:		
City Secretary		



Memorandum

To: Honorable Mayor and City Council

From: John Smith, Director of Parks & Recreation

Thru: Michael Scott, City Manage

Date: March 23, 2020

Re: Approve bid from Estes Electric for the purchase and installation of site

and trail lighting at Lee Penn Park

Item Description: Consider approving a bid for services and authorizing an agreement with Estes Electric for the purchase and installation of lighting for the site surrounding the parking and playground area and along the football field side of the walking trail in Lee Penn Park.

Item Summary: Site lighting was identified as a need during the initial planning of Lee Penn Park renovations. As we continue phasing in projects, site lighting and trail lighting was identified as a required part of Phase Three. This project will include eleven decorative lamp posts around the parking and playground area as well as ten large light standards along the trail. These lights will enhance the beauty of the park and provide a safe environment during the evening hours. The bid from Estes was the only one received for a total of \$151,050.00. The specified, fluted lamp post for the site, is no longer available. An alternate company is suggested for this fixture. This alternate will lower the project cost by \$13,167.00. It is staff's recommendation to accept the alternate bid, totaling \$137,883.00

Fiscal Impact: For this portion of the Lee Penn Park project, funding would come from the available balance of the 2019 CO Park Improvement Bonds. The available balance (\$592,000) has sufficient funds to absorb the additional expenditure.

(371)

Estes Electric, Inc. PO Box 5

PO Box 5 1499 FM 66 Waxahachie, TX 75168 TECL #18992

Voice: 972 938 8290 Fax: 972 938 7071 QUOTATION

Quote Number: 2680

Quote Date: Mar 24, 2020

Page: 1

Quoted To:

CITY OF WAXAHACHIE 401 S ROGERS WAXAHACHIE, TX 75165

Custon	ner ID	Good Thru	Payment Terms	41	Sales Rep
CIT W	VAX	4/23/20	Net 30 Days		

Description **Amount** PLEASE FIND BELOW OUR ELECTRICAL QUOTE FOR PENN PARK LIGHTING PROJECT BID #1-3 CITY OF WAXAHACHIE BID INCLUDES AND EXCLUDES THE FOLLOWING. INCLUDES: 1. LIGHT POLE STANDARDS 2. SITE WORK AS NEED FOR PROJECT 3. TWENTY-ONE LIGHT POLES 4. ALL EQUIPMENT FOR SCOPE OF WORK EXCLUDES: 1. ANYTHING UNDERGROUND NOT MARKED BY DIG TEST OR CITY 2. ANY AND ALL UTILITY CHARGES 3. LANDSCAPING TOTAL WITH SPEC FIXTURES \$151,050.00 TOTAL WITH ALT FIXTURES \$137,883.00 Subtotal Sales Tax TOTAL



In the event that the Bidder lists more than one manufacturer's name, the OWNER shall have sole right to select one of the manufacturers.

In the event that the Bidder fails to list an approved manufacturer's name, the Owner shall have the sole right to select one of the manufacturers from respective specification section.

That the installed price of equipment includes the cost (if any) of changes in the structure, piping, wiring, electrical controls, accessories, and incidentals necessary to accommodate the particular equipment proposed.

5. Bid Prices

Note: Unit and lump sum prices must be shown in words and figures for each bid item listed in the Proposal, and in the event of discrepancy, the words shall govern. Please See Attacked

Spec # 151,050.80

Onehundred fifty one Thousand fity dollars Too

Alt # 137,883.00

Onehundred Thirty seven thousand eight handed eighty three dollars + 100



Memorandum

To: Honorable Mayor and City Council

From: John Smith, Director of Parks & Recreation

Thru: Michael Scott, City Manager

Date: March 23, 2020

Re: Acceptance of bid for Cemetery Pavilion

Item Description: Consider approving a bid of \$152,000 from the Nay Co. for the construction of a pavilion in the City Cemetery. The Cemetery Board has considered and approved this bid.

Item Summary: The City Council authorized funding for this project as a part of the 2019-20 budget. Once complete, this project will provide a structure appropriate for funeral gatherings. Along with the pavilion, two columbariums for the interment of cremations, were anticipated. The approved amount of funding for both is \$175,000. Each forty-eight niche columbarium is an estimated cost of \$22,000. The pavilion was bid on two separate occasions to seek the best price possible. The Nay Co. was our only bidder on both occasions. The acceptance of the Nay Co.'s bid of \$152,000 for the pavilion will only allow the purchase of one columbarium at this time for a total of \$174,000.

Fiscal Impact: This project will be funded by the Cemetery Maintenance Fund. The Cemetery Fund has a balance of over \$1,000,000. It is the intent of the Cemetery Board to sell niches in the columbarium to recuperate the costs. Additional columbaria may be placed in the future.

