

## **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](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 G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***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 12<sup>th</sup> Planning and Zoning Commission meeting and May 18<sup>th</sup> 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

(40)

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

(4A)

**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. Otilia (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.*

(40)

## **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 Abbott's 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.

(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



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.*

(4b)

*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.

(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



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: March 17, 2020

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

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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
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:

- ☐ Denial
- ☒ 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](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(8)

Case ZDC-000027-2020  
Responses Received Inside Required 2007 Notification Area  
Support 0 Oppose 1

Property ID	Owner's Address	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
183562	JEFF COAT TERRY M & MARGIE M	54.820	374 A B FLUE RY 381 WM GRF 1 IN 1 JEFF COAT RANCH 808 M RAFFERTY 54.820 ACRES	3881 HOWARD RD	WAXAHACHIE	TX	75185	3881 HOWARD RD WAXAHACHIE TX 75185
183565	DAVIS BILLY J & MARJORIE	1	374 A B FLUE RY 1 ACRES	202 OLD HOWARD RD	WAXAHACHIE	TX	75185	202 OLD HOWARD RD WAXAHACHIE TX 75185
183568	ROBBY LIDE INC	283.902	374 A B FLUE RY 284 WM COLEMAN 283.902 ACRES	170 BOX 53	WORTHAM	TX	76893	4101 HOWARD RD WAXAHACHIE TX 75185
218838	WHITE BILLY D & REINA	1.08	LOT 1 BLK D CRYSTAL COVE PH 2 1.08 AC	800 ADA BESS AVE	DE SOTO	TX	75115	HUNTER PASS WAXAHACHIE TX 75185
218856	DOKO ARDIAN	1.036	LOT 6 BLK E CRYSTAL COVE PH 2 1.036 AC	208 BISCAYNE DR	LEWISVILLE	TX	75057	HUNTER PASS WAXAHACHIE TX 75185
218871	COOPER KATHLEEN E DORRIS M	1.064	LOT 2 BLK D CRYSTAL COVE PH 2 1.064 AC	100 HUNTER PASS	WAXAHACHIE	TX	75185	100 HUNTER PASS WAXAHACHIE TX 75185
218872	BOND DAVID C & JENNIFER M	2.087	3RD CRYSTAL COVE PH 2 REV 2.087 ACRES	194 OLD HOWARD RD	WAXAHACHIE	TX	75185	194 OLD HOWARD RD WAXAHACHIE TX 75185
278236	TAYLOR CRYSTAL & REGINALD COULSELL II	17.338	LOT 1 BLK A CRYSTAL COVE RANCH 17.338 AC	115 CYNISCA ST	WAXAHACHIE	TX	75185	FM 877 WAXAHACHIE TX 75185



(8)

Case Number: ZDC-000027-2020

City Reference: 219071

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 e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

RECEIVED  
3/13/2020

☐ SUPPORT

☒ OPPOSE

Comments:

*A primary concern for us is the smells and the noise.  
Our house is one of the closest to the proposed private stables.*

*DK*  
Signature

*3/9/2020*  
Date

*Donna M. Correa*  
Printed Name and Title

*106 Hunter Pass*  
Address

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

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

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.

(9)

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 6<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(9)

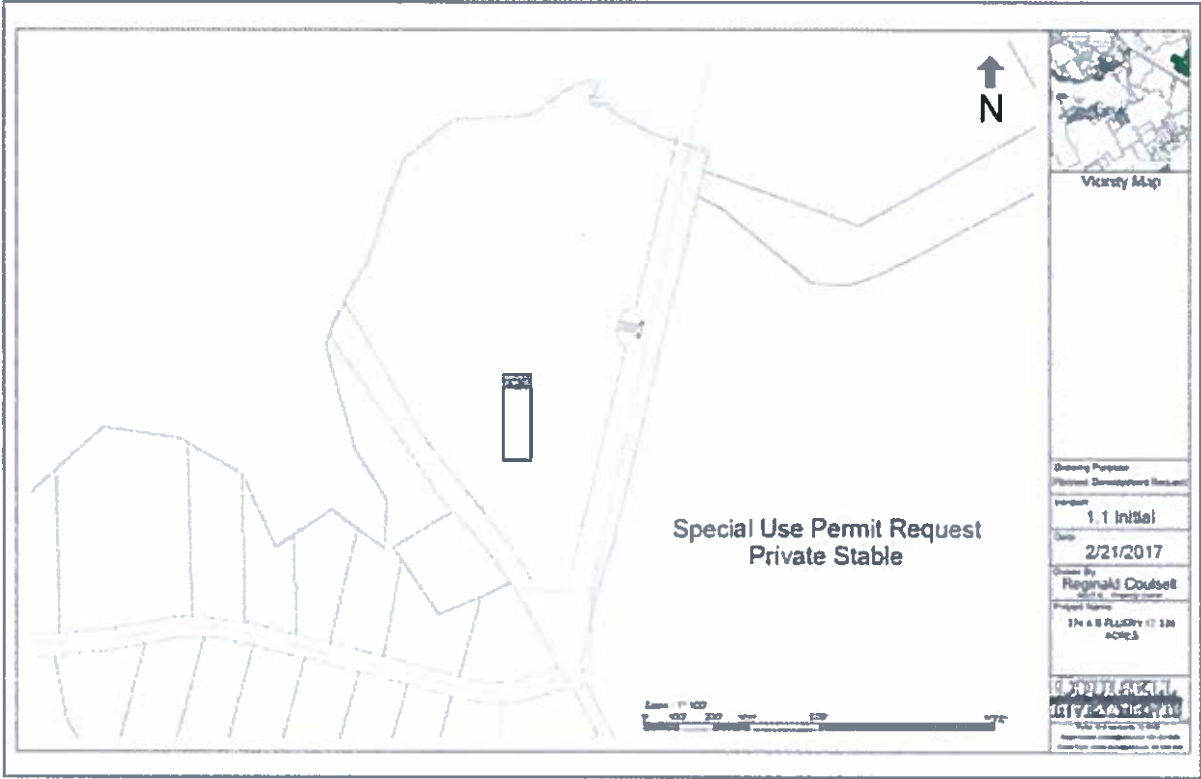


(9)

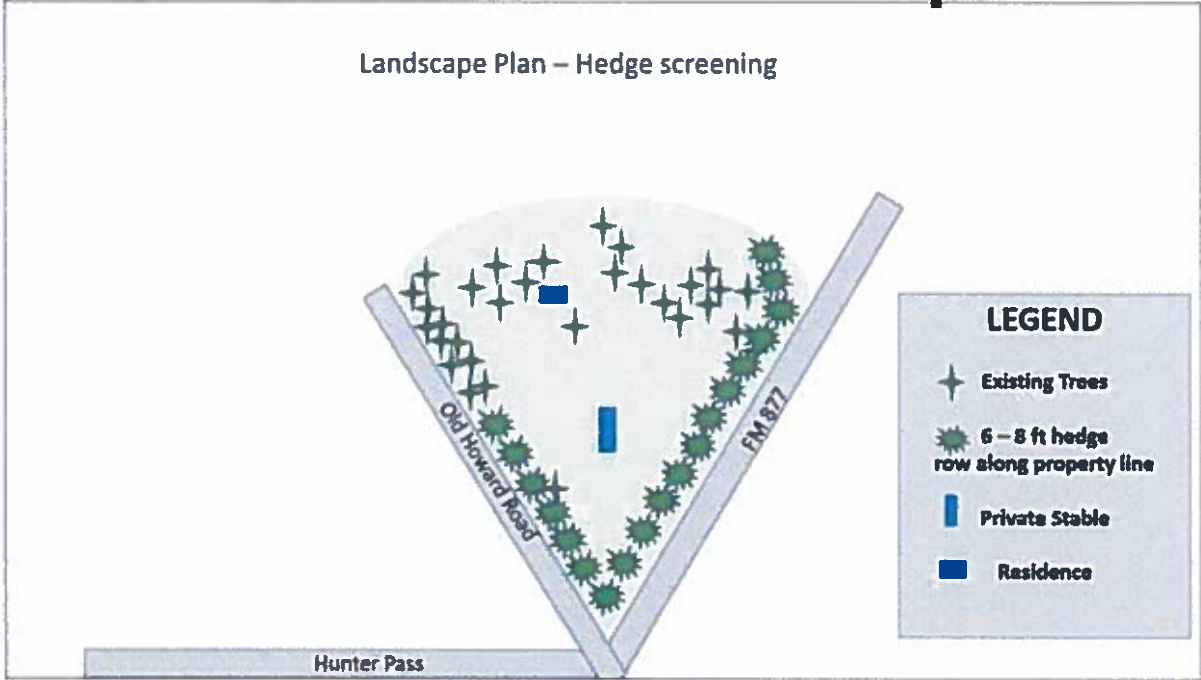
Site Drawing Layout

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

Exhibit B - Site Layout



Landscape Plan Exhibit C - Landscape Plan



# 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	C	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.

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, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

#### **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**

1. Staff has no outstanding concerns for the applicant.

#### **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.
- ☒ 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 Council to renew the Specific Use Permit.



**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](mailto:ccollins@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(10)

Case ZDC-000029-2020  
Responses Received Inside Required 202 Notification Area  
Support 1 Oppose 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Street	Owner's City	Owner's State	Owner's ZIP	Physical Address
171784	SWS PROPERTIES LLC	1.72	LOT 1 & 2 BLK 207 TOWN WAXAHACHIE & LOT 51 FERRIS REV 1.72 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	824 N GIBSON ST WAXAHACHIE TX 75165
171851	SWS PROPERTIES LLC	3.3965	LOT ALL 1 BLK 303 TOWN WAXAHACHIE 3.3965 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	N GIBSON ST WAXAHACHIE TX 75165
171860	SWS PROPERTIES LLC	9.0638	LOT 13 BLK 302 TOWN WAXAHACHIE 9.0638 AC	213 GIBSON ST	WAXAHACHIE	TX	75165	821 CIRCLE ST WAXAHACHIE TX 75165
171940	ORTEGA MARIA E MD	0.684	LOT 1 BLK 354A TOWN WAXAHACHIE 684 AC	603 W MARVIN AVE	WAXAHACHIE	TX	75165	603 W MARVIN AVE WAXAHACHIE TX 75165
171941	HILL WILLIAM D & MICKIE	1.741	2 1 354A 304 TOWN WAXAHACHIE TOWN 43A FERRIS 1.741 ACRES	607 W MARVIN AVE	WAXAHACHIE	TX	75165	607 W MARVIN AVE WAXAHACHIE TX 75165
171942	FENTON ELLIOTT C & NANCY C	0.848	3A 10C 354A TOWN WAXAHACHIE COLEMAN 848 ACRES	615 W MARVIN AVE	WAXAHACHIE	TX	75165	615 W MARVIN AVE WAXAHACHIE TX 75165
171943	RYAN ADELAIDE M	0.789	LOT 38 BLK 354A TOWN WAXAHACHIE 789 AC	611 W MARVIN AVE	WAXAHACHIE	TX	75165	611 W MARVIN AVE WAXAHACHIE TX 75165
172778	MCDYNT BRANDON L & LORI D	0.646	LOT 108 PT 1A 304 COLEMAN 0.646 AC	707 W MARVIN AVE	WAXAHACHIE	TX	75165	707 W MARVIN AVE WAXAHACHIE TX 75165
173264	BUSHNELL KATHY & JOSEPH A	0.233	LOT 12 FERRIS REV 0.233 AC	3722 HIGHWAY 18	PANGBURN	AR	72121	809 ROYAL ST WAXAHACHIE TX 75165
173314	FIRST UNITED METHODIST	0.256	PT 1R FUMAC ADDN 0.256 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	612 W PARKS AVE WAXAHACHIE TX 75165
173315	FINCHER BOBBIE L	0.256	48D 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 1R FUMAC ADDN 0.256 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	608 W PARKS AVE WAXAHACHIE TX 75165
173317	MORENO PETE	0.83	43B FERRIS 0.83 ACRES	501 N GIBSON ST	WAXAHACHIE	TX	75165	501 N GIBSON ST WAXAHACHIE TX 75165
173324	DARKER ERNEST & SUSAN	0.362	38A 308APT ALLEY FERRIS 0.362 ACRES	615 W PARKS AVE	WAXAHACHIE	TX	75165	615 W PARKS AVE WAXAHACHIE TX 75165
173326	AVERY TIMOTHY J & JACQUELYN	0.367	38A 3PT ALLEY FERRIS 0.367 ACRES	617 W PARKS AVE	WAXAHACHIE	TX	75165	617 W PARKS AVE WAXAHACHIE TX 75165
173333	SEABOLT GLENN C	0.25	30B FERRIS 0.25 ACRES	1702 LITTLE CREEK DR	WAXAHACHIE	TX	75165	408 N GIBSON ST WAXAHACHIE TX 75165
173334	SEABOLT GLENN C	0.25	LOT 31A FERRIS REV 0.25 AC	1702 LITTLE CREEK DR	WAXAHACHIE	TX	75165	408 N HAWKINS ST WAXAHACHIE TX 75165
173335	MARLIN JOHN	0.263	LOT 31B & PT ALLEY FERRIS REV 263 AC	411 N HAWKINS ST	WAXAHACHIE	TX	75165	411 N HAWKINS ST WAXAHACHIE TX 75165
173340	HALLABOUGH RICHARD L	0.09	LOT 75A FERRIS REV 00 AC	207 UNIVERSITY AVE	WAXAHACHIE	TX	75165	404 N GIBSON ST WAXAHACHIE TX 75165
173341	POARCH PROPERTIES LLC SERIES A	0.307	29B FERRIS 0.307 ACRES	1119 W MARVIN AVE	WAXAHACHIE	TX	75165	808 ROYAL ST WAXAHACHIE TX 75165
173342	LOREN GRAY INVESTMENTS LLC	0.25	LOT 30A & PT ALLEY FERRIS REV 25 AC	PO BOX 2908	WAXAHACHIE	TX	75166	408 N GIBSON ST WAXAHACHIE TX 75165
173346	CAMACHO PHILLIP & MARIA E L/E ILLIAN CAMACHO	0.218	LOT 27A & 28B FERRIS REV 0.218 AC	804 ROYAL ST	WAXAHACHIE	TX	75165	804 ROYAL ST WAXAHACHIE TX 75165
193494	HORAK BEVERLY	0.671	LOT 66A 10A & PT 1A BLK 304 COLEMAN 0.671 AC	711 W MARVIN AVE	WAXAHACHIE	TX	75165	711 W MARVIN AVE WAXAHACHIE TX 75165
193942	WAXAHACHIE ISD	5.365	44 49 FERRIS ADMIN BLDG 5.365 ACRES	411 N GIBSON ST	WAXAHACHIE	TX	75165	411 N GIBSON ST WAXAHACHIE TX 75165
219714	FIRST UNITED METHODIST	4.226	PT 1R FUMAC ADDN 4.226 ACRES	505 W MARVIN AVE	WAXAHACHIE	TX	75165	505 W MARVIN AVE WAXAHACHIE TX 75165
275486	POARCH PROPERTIES LLC SERIES B	0.177	LOT 13A FERRIS REV 0.177 AC	1119 W MARVIN AVE	WAXAHACHIE	TX	75165	607 ROYAL ST WAXAHACHIE TX 75165



(10)

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

RECEIVED  
3/10/2020

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:

1. 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000029-2020

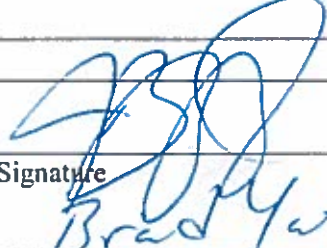
City Reference: 173342

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 e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

  
Signature

Printed Name and Title

3/10/20  
Date  
PO Box 2868  
Address  
Wax. Tx. 75168

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

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

111)

ORDINANCE NO. \_\_\_\_\_

**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.

(11)

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 6<sup>th</sup> day of April, 2020.

11)

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(11)



**Exhibit A - Location Exhibit**



(11)

### Proposed Waxahachie ISD Auxiliary Administrative Office Building



## Exhibit B - Site Layout Plan



(11)

**Proposed Waxahachie ISD Auxiliary Administrative Office Building**



**Exhibit B - Site Layout Plan**

(17)

# 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

118)

**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:

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

### **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)****\*Per 5.09 Single Family Attached (Townhomes)****\*\*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
<b>Max. Lot Coverage (%)</b>	<b>50</b>	<b>65</b>	<b>No</b>
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, **113** 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.

**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.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



(12)



(12)

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



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED  
3/17/2020

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:

1. 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](mailto: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 e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Signature

Brad Yates

Printed Name and Title

Date

3/10/20

Address

Box 2868  
Wax - TX 75168

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

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





(12)

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

**LOREN GRAY INVESTMENTS LLC**  
**PO BOX 2868**  
**WAXAHACHIE, TX 75168**

**RECEIVED**  
*3/17/2020*

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Case Number: ZDC-000017-2020

City Reference: 174056

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☐ SUPPORT

☒ OPPOSE

Comments:

*Concerned with congestion from density.*

*[Signature]*

Signature

Date

*3/16/20*

*Brad Yates*

Printed Name and Title

Address

*Box 2868*  
*Wax, TX. 75168*

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

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



(18)

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

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED  
3/17/2020

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:

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Case Number: ZDC-000017-2020

City Reference: 174042

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](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

*Concerned w/ density & congestion on existing overcrowded streets*

Signature

*Brad Yates*  
Printed Name and Title

Date

*3/10/20*  
*Box 2868*  
Address

*Wax. Tx. 75168*

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(18)

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

◇◇◇◇◇

RECEIVED  
3/17/2020

**LOREN GRAY INVESTMENTS LLC**  
**PO BOX 2868**  
**WAXAHACHIE, TX 75168**

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Case Number: ZDC-000017-2020

City Reference: 174060

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](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Concerned w/ density & congestion on feeder roads

Signature

Printed Name and Title

Brad Yates

Date

Address

3/10/20

Box 2868

Wax. TX - 75168

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

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



(12)

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

RECEIVED  
3/17/2020

**LOREN GRAY INVESTMENTS LLC**  
**PO BOX 2868**  
**WAXAHACHIE, TX 75168**

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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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000017-2020

City Reference: 174121

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](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☐ SUPPORT

☒ OPPOSE

Comments:

Concerned with density & congestion on feeder roads  
that are already in need of replacement

Signature

Printed Name and Title

Date

Address

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*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.*

**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



(17)

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<sup>th</sup> day of April, 2020.

---

MAYOR

ATTEST:

---

City Secretary

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

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

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in the 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}**

(14)

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

**CITY OF WAXAHACHIE, TEXAS**

By: \_\_\_\_\_  
Michael Scott, City Manager

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Secretary

**: Symphony Commercial**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(14)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, representative of Symphony Commercial, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

(14)

**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.
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.

(14)

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<sup>th</sup> day of April, 2020.

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MAYOR

ATTEST:

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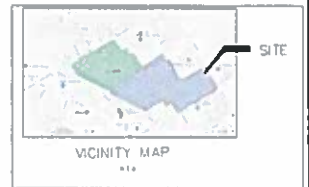
City Secretary

(14)





## Exhibit B - Concept Plan



120 LOTS  
PO-TOPHICARE- 26 78 Ac  
DENSITY 4 85 UNITS PER ACRE

PROJECT TO INCLUDE A MINIMUM  
OF 20 GUEST PARKING SPACES

**ZDC-000017-2020  
SYMPHONY ESTATES  
PLANNED DEVELOPMENT  
CONCEPT PLAN**

**BEING**  
**120 Townhome lots in Blocks**  
**A, B, C, D, E, F, G, H and I**  
**24.75 acres Total Acres**  
**City of Waxahachie,**  
**Ellis County Tx**

Owner:  
**WAXAHACHIE INDEPENDENT SCHOOL DIST.**  
#11 N. GIBSON STREET  
WAXAHACHIE, TEXAS 75165

Developer:  
**SYMPHONY COMMERCIAL, LLC**  
4004 Bell Line Road, Suite 115  
Addicks, Texas 75001



Engineer:  
**CCM Engineering**  
2570 FM 407, Suite 209  
Highland Village, Texas 75077  
Ph: 972.691.6633

January 9, 2020      Grade: 7-8      Page: 6

00000000000000000000000000000000

(15-18)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: March 31, 2020

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

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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.

(19820)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
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.

(31)

# 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, 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, 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

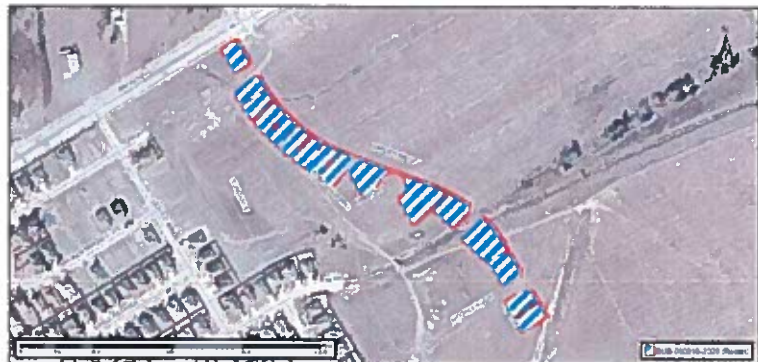
***Existing Use:***

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, 62 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

**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:

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

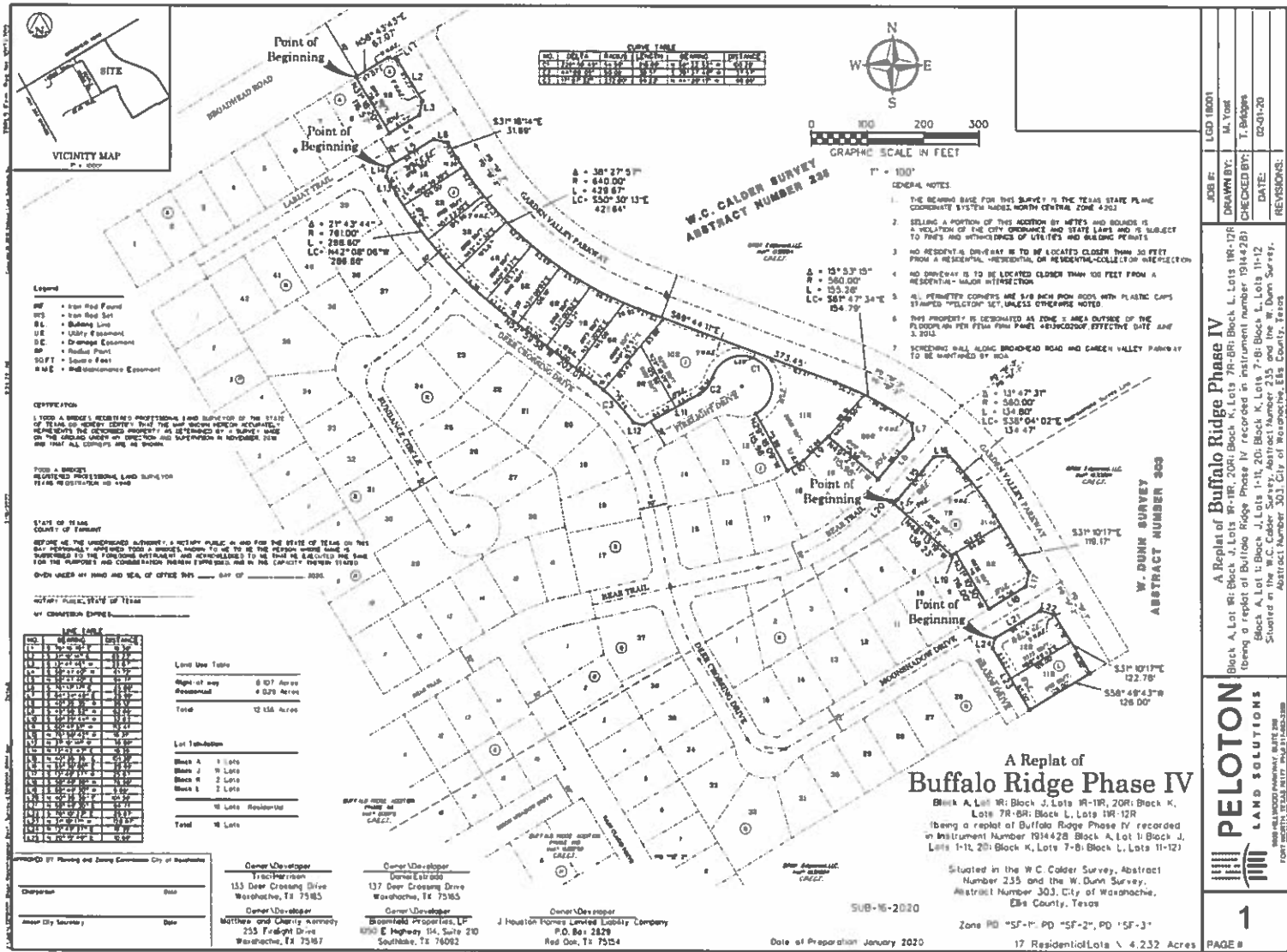
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)




[illegible][illegible]

LETS A-4, BLOCK 4 LOT 8, BLK 10  
 BY: HOUTSON HOMES, LP  
 A TEXAS LIMITED PARTNERSHIP  
 BY \_\_\_\_\_  
 NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_ 2020  
 ADDRESS: 1401 HOUTSON HOMES LIMITED LIABILITY COMPANY  
 P.O. BOX 2042  
 ARLING, TX 75004  
 STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF  
 TEXAS PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON  
 SIGNING THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED  
 THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN  
 WHEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
 NOTARY PUBLIC, STATE OF TEXAS  
 BY COMMISSION EXPIRES \_\_\_\_\_  
 OWNERS  
 LOT 7 / BLOCK 4  
 BY FRANCHESHER  
 BY \_\_\_\_\_  
 NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_ 2020  
 ADDRESS 131 GREEN CHICKADEE DRIVE  
 WICHITA, KS 67209  
 STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF  
 TEXAS PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON  
 SIGNING THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED  
 THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN  
 WHEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
 NOTARY PUBLIC, STATE OF TEXAS  
 BY COMMISSION EXPIRES \_\_\_\_\_  
 LOT 8 / BLOCK 4  
 BY DANIEL ESTEYRA  
 BY \_\_\_\_\_  
 NAME \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_ 2020  
 ACCEPTED: 131 GREEN CHICKADEE DRIVE  
 WICHITA, KS 67209  
 STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_  
 BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF  
 TEXAS PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON  
 SIGNING THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED  
 THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN  
 WHEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020  
 NOTARY PUBLIC, STATE OF TEXAS  
 BY COMMISSION EXPIRES \_\_\_\_\_

document should not be  
 for purpose and should not  
 be relied upon as a  
 number 22 SAC, 855 90C  
 10/15 4940

SUB-16 2020

A Replat of  
**Buffalo Ridge I**  
 Block A, Lot R; Block J, Lots W-1  
 Lots 7R, 8R; Block L, Lots  
 (being a replat of Buffalo Ridge Pl  
 in Instrument Number 1914428 Bk  
 Lots 1-11, 20; Block K, Lots 7-B; Bl  
 Situated in the W.C. Caddess Sur  
 Number 235 and the W.D. Dur  
 Abstract Number 303, City of  
 Ellis County, Texas  
 Zone PD "SF-1", PD "SF-2"

<p><b>Phase IV</b></p> <p>20R, Block K, R-124</p> <p>the IV recorded A Lot 1, Block J, L Lots 11-12</p> <p>Abstract Survey, Monomache,</p>		<p><b>PELTON</b></p> <p></p> <p><b>LAND SOLUTIONS</b></p> <p>8000 DELWOOD PARKWAY, SUITE 200 DALLAS, TEXAS 75241</p>		<p><b>2</b></p>
<p><b>A Replat of Buffalo Ridge Phase IV</b></p> <p>Block A Lot R; Block J Lots 11-12; 20R; Block K, Lots 7-8; Block L Lots 1R 126 (being a replat of Buffalo Ridge Phase IV recorded in instrument number 191442B)</p> <p>Block A Lot 1; Block J Lots 1-11, 20; Block K Lots 7-8; Block L Lots 11-12 Studied in the W.C. Coburn Survey, Section Number 235 and the W. Dunn Survey, Abstract Number 303, City of Waco, Texas</p>		<p><b>JOB #:</b> L00116001</p> <p><b>DRAWN BY:</b> M. Yost</p> <p><b>CHECKED BY:</b> T. Bridges</p> <p><b>DATE:</b> 02-01-20</p> <p><b>REVISIONS:</b></p>		<p>FILED ON 10/5 FILED IN THE NAME OF THE LAND ATTACHED</p>



**PELTON**  
LAND SOLUTIONS

1000 W. HOCKADAY PARKWAY, SUITE 200  
DENVER, CO 80202  
TEL: 303.733.8800 FAX: 303.733.8801  
WWW.PELTONLANDSOLUTIONS.COM

2

**A Replat of Buffalo Ridge Phase IV**

**Block A, Lots 1W, 2W, 20R; Block K, Lots 7R, GR; Block L, Lots 1R, 12S**

Issuing a replat of Buffalo Ridge Phase IV recorded in instrument number 14251  
Block 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
Studied in the W.C. Calkins Survey, Section Number 235 and the W. Dunn Survey,  
Abstract Number 3003, City of Wauwatosa, Lake County, Wisconsin

**JOB #:** LCO 19001

**DRAWN BY:** T. Bridges

**DRAWN BY:** T. Bridges

**DATE:** 02-01-20

**REVISIONS:**

**DATE:** 02-01-20

**REVISIONS:**



(21)

Case SUB 000016 2020  
Responses Received Inside Required 2020 Notification Area  
Support 1 Oppose 0

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
231109	WP LEGACY LTD	4.327	5.48 & A ADAMS 4.327 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	FM 813 WAXAHACHE TX 75165
264234	WP LEGACY LTD	3.411	3.411 & A ADAMS 3.411 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	PARK PLACE BLVD WAXAHACHE TX 75165
264460	GRIM LIDGE WOOD LLC	116.384	303 PT DUMM 225 W O CALDER 116.384 ACRES	2605 DALLAS PARKWAY SUITE 400	PLANO	TX	75063	GRANDHEAD RD WAXAHACHE TX 75165
278326	LEGACY GROVE DEVELOPMENT LLC	0.174	LOT 5 BLK A BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	217 LARIAT TRL WAXAHACHE TX 75165
278329	LEGACY GROVE DEVELOPMENT LLC	0.174	LOT 6 BLK A BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	221 LARIAT TRL WAXAHACHE TX 75165
278330	LEGACY GROVE DEVELOPMENT LLC	0.174	LOT 7 BLK A BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	225 LARIAT TRL WAXAHACHE TX 75165
278331	J HOUSTON HOMES LLC	0.174	LOT 8 BLK A BUFFALO RIDGE PH IV	PO BOX 2629	RED OAK	TX	75154	251 LARIAT TRL WAXAHACHE TX 75165
278332	LEGACY GROVE DEVELOPMENT LLC	0.183	LOT 9 BLK A BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	255 LARIAT TRL WAXAHACHE TX 75165
278333	LEGACY GROVE DEVELOPMENT LLC	0.025	LOT 8 BLK A (OPEN SPACE) BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	LARIAT TRL WAXAHACHE TX 75165
278334	LEGACY GROVE DEVELOPMENT LLC	0.187	LOT 1 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	101 DEER CROSSING DR WAXAHACHE TX 75165
278335	LEGACY GROVE DEVELOPMENT LLC	0.183	LOT 2 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	105 DEER CROSSING DR WAXAHACHE TX 75165
278336	LEGACY GROVE DEVELOPMENT LLC	0.183	LOT 3 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	109 DEER CROSSING DR WAXAHACHE TX 75165
278337	LEGACY GROVE DEVELOPMENT LLC	0.179	LOT 4 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	121 DEER CROSSING DR WAXAHACHE TX 75165
278338	LEGACY GROVE DEVELOPMENT LLC	0.179	LOT 5 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	125 DEER CROSSING DR WAXAHACHE TX 75165
278339	LEGACY GROVE DEVELOPMENT LLC	0.177	LOT 6 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	129 DEER CROSSING DR WAXAHACHE TX 75165
278340	LEGACY GROVE DEVELOPMENT LLC	0.191	LOT 7 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	133 DEER CROSSING DR WAXAHACHE TX 75165
278341	LEGACY GROVE DEVELOPMENT LLC	0.226	LOT 8 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	137 DEER CROSSING DR WAXAHACHE TX 75165
278342	LEGACY GROVE DEVELOPMENT LLC	0.214	LOT 9 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	255 FIRELIGHT DR WAXAHACHE TX 75165
278343	J HOUSTON HOMES LLC	0.31	LOT 10 BLK J BUFFALO RIDGE PH IV	PO BOX 2629	RED OAK	TX	75154	255 FIRELIGHT DR WAXAHACHE TX 75165
278344	LEGACY GROVE DEVELOPMENT LLC	0.426	LOT 11 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	262 FIRELIGHT DR WAXAHACHE TX 75165
278345	J HOUSTON HOMES LIMITED LIABILITY COMPANY	0.182	LOT 12 BLK J BUFFALO RIDGE PH IV	421 CENTURY WAY STE 100	RED OAK	TX	75154	266 FIRELIGHT DR WAXAHACHE TX 75165
278346	LEGACY GROVE DEVELOPMENT LLC	0.188	LOT 13 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	266 FIRELIGHT DR WAXAHACHE TX 75165
278347	LEGACY GROVE DEVELOPMENT LLC	0.194	LOT 14 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	250 FIRELIGHT DR WAXAHACHE TX 75165
278348	LEGACY GROVE DEVELOPMENT LLC	0.185	LOT 15 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	251 BEAR TRL WAXAHACHE TX 75165
278349	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 16 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	255 BEAR TRL WAXAHACHE TX 75165
278350	LEGACY GROVE DEVELOPMENT LLC	0.203	LOT 17 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	258 BEAR TRL WAXAHACHE TX 75165
278351	LEGACY GROVE DEVELOPMENT LLC	0.199	LOT 18 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	263 BEAR TRL WAXAHACHE TX 75165
278352	LEGACY GROVE DEVELOPMENT LLC	0.2	LOT 19 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	271 BEAR TRL WAXAHACHE TX 75165
278353	LEGACY GROVE DEVELOPMENT LLC	0.262	LOT 20 BLK J BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	275 BEAR TRL WAXAHACHE TX 75165
278354	LEGACY GROVE DEVELOPMENT LLC	0.23	LOT 20X BLK J (OPEN SPACE) BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	BEAR TRL WAXAHACHE TX 75165
278357	LEGACY GROVE DEVELOPMENT LLC	0.221	LOT 2 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	254 BEAR TRL WAXAHACHE TX 75165
278358	LEGACY GROVE DEVELOPMENT LLC	0.186	LOT 3 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	256 BEAR TRL WAXAHACHE TX 75165
278359	LEGACY GROVE DEVELOPMENT LLC	0.18	LOT 4 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	262 BEAR TRL WAXAHACHE TX 75165
278360	LEGACY GROVE DEVELOPMENT LLC	0.184	LOT 5 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	268 BEAR TRL WAXAHACHE TX 75165
278361	LEGACY GROVE DEVELOPMENT LLC	0.207	LOT 6 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	270 BEAR TRL WAXAHACHE TX 75165
278362	LEGACY GROVE DEVELOPMENT LLC	0.369	LOT 7 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	274 BEAR TRL WAXAHACHE TX 75165
278363	LEGACY GROVE DEVELOPMENT LLC	0.225	LOT 8 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	283 MOONSHADOW DR WAXAHACHE TX 75165
278364	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 9 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	279 MOONSHADOW DR WAXAHACHE TX 75165
278365	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 10 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	277 MOONSHADOW DR WAXAHACHE TX 75165
278366	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 11 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	267 MOONSHADOW DR WAXAHACHE TX 75165
278367	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 12 BLK K BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	263 MOONSHADOW DR WAXAHACHE TX 75165
278371	LEGACY GROVE DEVELOPMENT LLC	0.08	LOT 1X BLK K (OPEN SPACE) BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	MOONSHADOW DR WAXAHACHE TX 75165
278372	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 13 BLK L BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	208 BRAZOS DR WAXAHACHE TX 75165
278373	LEGACY GROVE DEVELOPMENT LLC	0.2	LOT 12 BLK L BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	201 BRAZOS DR WAXAHACHE TX 75165
278374	LEGACY GROVE DEVELOPMENT LLC	0.029	ABSTRACT 902782112 BUFFALO RIDGE PH IV, BLOCK L, TRACT 12, ACRES 26.0330	5805 FM 1181	ENNIS	TX	75119	MOONSHADOW DR WAXAHACHE TX 75165
278375	LEGACY GROVE DEVELOPMENT LLC	0.224	LOT 26 BLK O BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	270 MOONSHADOW DR WAXAHACHE TX 75165
278376	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 27 BLK O BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	268 MOONSHADOW DR WAXAHACHE TX 75165
278388	J HOUSTON HOMES LLC	0.223	LOT 18 BLK R BUFFALO RIDGE PH IV	PO BOX 2629	RED OAK	TX	75154	148 DEER CROSSING DR WAXAHACHE TX 75165
278389	J HOUSTON HOMES LLC	0.224	LOT 19 BLK R BUFFALO RIDGE PH IV	PO BOX 2629	RED OAK	TX	75154	146 DEER CROSSING DR WAXAHACHE TX 75165
278390	LEGACY GROVE DEVELOPMENT LLC	0.194	LOT 20 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	136 DEER CROSSING DR WAXAHACHE TX 75165
278391	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 21 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	132 DEER CROSSING DR WAXAHACHE TX 75165
278392	LEGACY GROVE DEVELOPMENT LLC	0.187	LOT 22 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	128 DEER CROSSING DR WAXAHACHE TX 75165
278393	LEGACY GROVE DEVELOPMENT LLC	0.258	LOT 23 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	101 DEER CROSSING DR WAXAHACHE TX 75165
278394	LEGACY GROVE DEVELOPMENT LLC	0.283	LOT 24 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	105 SUNDANCE CIR WAXAHACHE TX 75165
278395	LEGACY GROVE DEVELOPMENT LLC	0.189	LOT 25 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	129 SUNDANCE CIR WAXAHACHE TX 75165
278396	LEGACY GROVE DEVELOPMENT LLC	0.224	LOT 26 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	133 SUNDANCE CIR WAXAHACHE TX 75165
278397	LEGACY GROVE DEVELOPMENT LLC	0.203	LOT 27 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	137 SUNDANCE CIR WAXAHACHE TX 75165
278398	LEGACY GROVE DEVELOPMENT LLC	0.233	LOT 28 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	141 SUNDANCE CIR WAXAHACHE TX 75165
278408	LEGACY GROVE DEVELOPMENT LLC	0.2	LOT 36 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	108 SUNDANCE CIR WAXAHACHE TX 75165
278407	LEGACY GROVE DEVELOPMENT LLC	0.271	LOT 37 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	106 DEER CROSSING DR WAXAHACHE TX 75165
278409	LEGACY GROVE DEVELOPMENT LLC	0.205	LOT 38 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	100 DEER CROSSING DR WAXAHACHE TX 75165
278419	LEGACY GROVE DEVELOPMENT LLC	0.173	LOT 40 BLK R BUFFALO RIDGE PH IV	5805 FM 1181	ENNIS	TX	75119	216 LARIAT TRL WAXAHACHE TX 75165



(21)

RECEIVED  
3-10-20

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-000016-2020

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

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:

1. 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, 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@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: SUB-000016-2020

City Reference: 242234

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 e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments:

Signature

*Clyde L. Harbuckle*

Date

3-10-20

Printed Name and Title

CLYDE L. HARBUCKLE

Address

101 VALLEY RIDGE DR.  
RED OAK, TX 75154

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

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

(23 + 24)



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
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 authorizing the purchase of the equipment will accompany this supplemental appropriation on the April 6<sup>th</sup> 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.

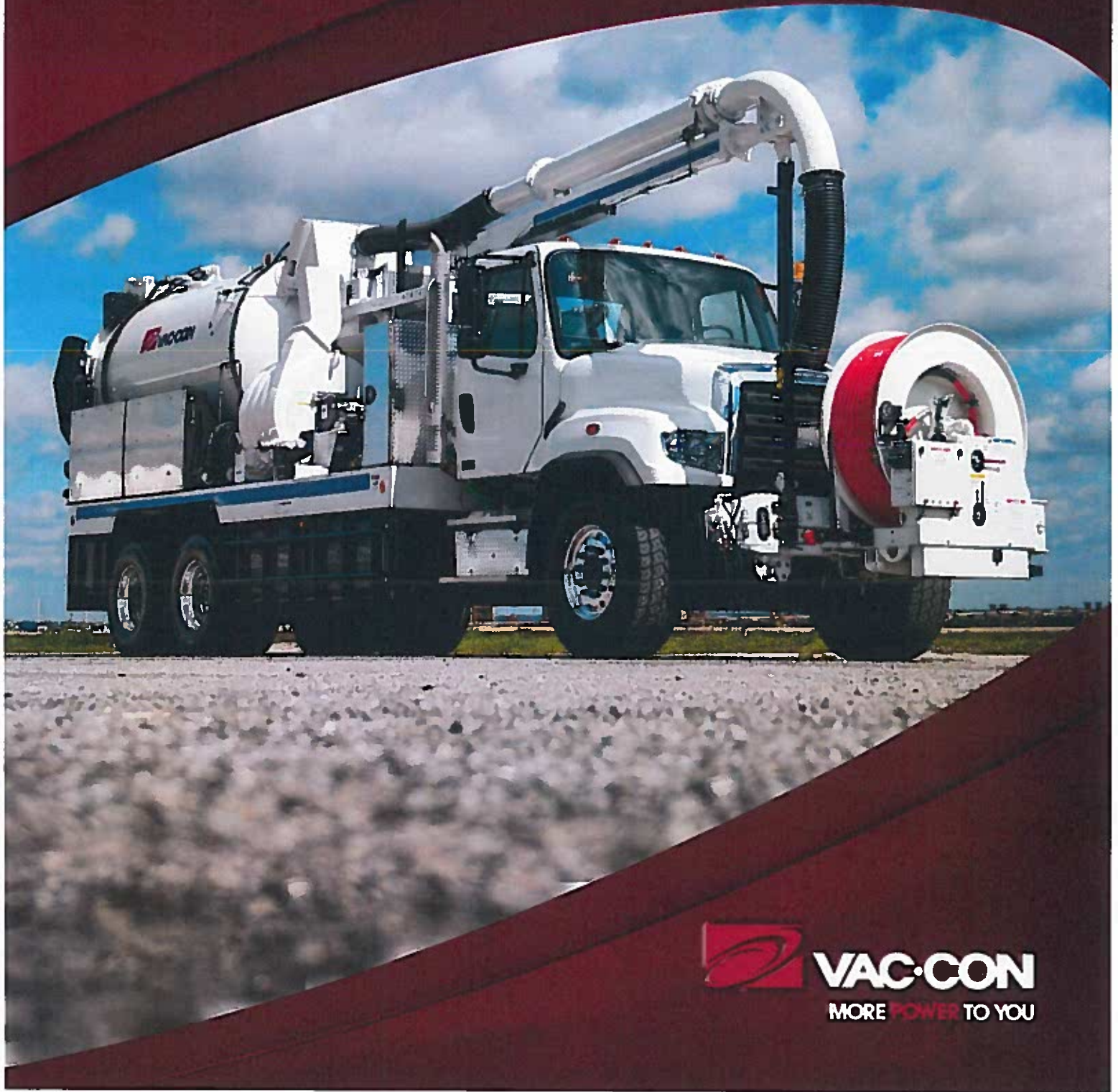
Tommy Ludwig



(23+24)

# POWERFULLY PRECISE, SUPERIOR PERFORMANCE.

DUAL ENGINE COMBINATION MACHINE



**VAC-CON**

MORE **POWER** TO YOU



(23+24)

**TOUGH, INNOVATIVE, AND EFFICIENT**  
- DESIGN YOUR DUAL ENGINE  
COMBINATION MACHINE TO MEET  
ALL YOUR NEEDS.

\*SOME COMPONENTS SHOWN ARE NON STANDARD

**AS SHOWN:**

1. 180° Articulating Rear Door, 600 ft. x 1 in.
2. Omnibus™ Precision Power
3. Manual Level Wind Guide
4. Cross-Linked Polyethylene Water Tanks
5. Diesel Auxiliary Engine
6. 3 Stage Fan with Centrifugal Separator
7. Hydraulic Reservoir
8. Aluminum Tool Boxes
9. Emission Seal Vacuum Packages
10. 10 ft. Telescopic Boom with 270° Rotation
11. Hinged Boom Tie Down
12. Dishes Body Dump Controls
13. Contents Steel Decant Tank
14. External Feed Load Inlet
15. Lateral Line Cleaning Kit
16. Water Pump with Suction Strainer

**REAR DOOR:**

17. 5 in. Butterfly Decant Valve
18. Full-Opening Rear Door
19. Splash Shield
20. Arrow Stick Lighting
21. Hydraulic Pump Cab
22. Stroke Limit

**OPTIONS:**

- A. Omnibus™ Precision Power
- B. PD Blower
- C. Aeroblast™ 3-Stage Fan
- D. Centrifugal Compressor Dual 70" Drive with Aeroblast™ 3-Stage Fan
- E. Wireless Remote
- F. Maintenance Deck Coating
- G. Hydro-Evacuation Package
- H. Safety Light Packages
- I. Synthetic Polymer Seal
- J. 500 to 1500 gal. Water Capacity
- K. Hi-Dump

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**Rear Door**

Operator friendly rear door features 5 in. Butterfly Decant Valve, Hydraulic Locks, and Splash Shield.



**Omnibus™ Precision Power**

The Omnibus Precision Power Control System provides complete control of machine functions from one centralized location, all with real-time diagnostics.



**PD Blower**

PD Blower with multiple ratings up to 27" Hg and 5,400 CFM.



**Aeroblast™ 3-Stage Fan**

Vac-Con's scientifically redesigned intake and fan housing results in a more balanced airflow, decreasing turbulence and allowing for more power, less noise and more reliability.



**Wireless Remote**

An integrated, enhanced control system that vastly improves usability and efficiency.

(23+24)



969 Hall Park Road | Green Cove Springs, FL 32043 | USA  
PHONE: (904) 284-4200 | FAX: (904) 284-3305  
[www.vac-con.com](http://www.vac-con.com) | [vns@vac-con.com](mailto:vns@vac-con.com)

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## Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: April 3, 2020

Re: Supplemental Appropriation – Solid Waste Request for Proposal Service

---

On Monday April 6<sup>th</sup> 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

(25)

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 Manager

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,

A handwritten signature in blue ink, appearing to read "Ricky Boyd". The signature is stylized with a large "R" and "B".

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<sup>th</sup> 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 Manager

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.

(27)

**Estes Electric, Inc.**

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

Customer ID	Good Thru	Payment Terms	Sales Rep
CIT WAX	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	
<b>TOTAL</b>	

(27)

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 Attached

Spec \$ 151,050.00  
One hundred fifty one Thousand fifty dollars  $\frac{00}{100}$  —

Alt \$ 137,883.00  
One hundred Thirty seven thousand eight hundred eighty three dollars +  $\frac{00}{100}$



## Memorandum

To: Honorable Mayor and City Council  
From: John Smith, Director of Parks & Recreation  
Thru: Michael Scott, City Manager *[Signature]*  
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.

(88)

