

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, May 3, 2021 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of April 19, 2021
 - b. Minutes of the City Council briefing of April 19, 2021
 - c. Event application for Wheels of Fire Bike Ride on June 26, 2021
 - d. Authorization of a supplemental appropriation funding the Planning Manager position
 - e. Authorization of a supplemental appropriation to the Sokoll Fund associated with a treated water meter replacement
 - f. Authorization of a supplemental appropriation to the Wastewater Fund associated with flow monitoring program
6. **Public Hearing** on a request by Jose Espinoza, Espinoza Stone, for a Specific Use Permit (SUP) for Outside Storage and Outside Display, use within a Light Industrial-1 and Future Development zoning district located at 4725 N Interstate 35 (Property ID 194416) - Owner: ESPINOZA STONE INC (ZDC-44-2021)
 7. **Consider** proposed Ordinance approving ZDC-44-2021
 8. **Consider** Development Agreement for ZDC-44-2021

9. **Consider** request by John Fussell, Fuquez Property Company No . 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021)
10. **Public Hearing** on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)
11. **Consider** proposed Ordinance approving ZDC-45-2021
12. **Consider** Development Agreement for ZDC-45-2021
13. **Public Hearing** on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)
14. **Consider** proposed Ordinance approving ZDC-46-2021
15. **Consider** revised Development Agreement for ZDC-46-2021
16. **Continue Public Hearing** on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)
17. **Consider** proposed Ordinance approving ZDC-42-2021
18. **Consider** Development Agreement for ZDC-42-2021
19. **Public Hearing** on a request by George Salvador, Lilian Custom Homes, for a Zoning Change from a Single Family Residential-1 zoning district to Planned Development-Single Family Residential-3, located at 401 Ovilla Road (Property ID 180391) - Owner: WAXAHACHIE ONE DEVELOPMENT (ZDC-35-2021)
20. **Consider** proposed Ordinance approving ZDC-35-2021
21. **Consider** Development Agreement for ZDC-35-2021
22. **Discuss, consider and act** on approving Resolution of the City of Waxahachie, Texas determining the costs of certain authorized improvements to be financed by the Waxahachie Public Improvement District No. 1; approving a preliminary service plan and assessment plan, including proposed assessment roll for Phase 3; calling a meeting and noticing a public hearing for June 7, 2021 to consider an ordinance levying assessments on property located within Phase 3 of the Waxahachie Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto

23. **Authorize** the City Manager to enter into agreements with Environmental & Construction Services, Inc. through the Choice cooperative purchasing program and Vantage Environmental Services, LP through a professional services agreement for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus, and associated supplemental appropriation to the General Items budget
24. **Consider** proposed Resolution denying Oncor Electric's application to change rates
25. **Convene** into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code
26. **Reconvene** and take any necessary action
27. Comments by Mayor, City Council, City Attorney and City Manager
28. 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

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City Council
April 19, 2021

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, April 19, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Amber Villarreal, Assistant 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

City Manager Michael Scott 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 April 5, 2021
- b. Minutes of the City Council briefing of April 5, 2021
- c. Minutes of the City Council Retreat of April 13, 2021
- d. Event application for Pyrotecnico Training on April 24, 2021
- e. Event application for Classic Truck Nationals on June 12, 2021
- f. Crape Myrtle Fireworks Display to be held July 3, 2021
- g. Event application for C10s in the Park on September 18, 2021
- h. Budget Adjustment for General Items
- i. Approve funding for Wags-A-Hachie Dog Park Redevelopment
- j. Waxahachie Community Development Corporation Finance Report for year ended September 30, 2020

Action:

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

6. Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple

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Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-42-2021 to the May 3, 2021 City Council meeting.

7. Consider proposed Ordinance approving ZDC-42-2021

Action:

Council Member Chuck Beatty moved to continue the Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021) to the May 3, 2021 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. Public Hearing on a request by Ron Barson, Ledbetter Real Estate LTD, for a Zoning Change from Planned Development-37-General Retail to Planned Development-General Retail, located at 1014 Ferris Avenue, Suite 106 (being a portion of Property ID 176876) - Owner: LEDBETTER REAL ESTATE LTD (ZDC-43-2021)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed the case noting the applicant is requesting approval of a Planned Development to allow for storage of wine within an existing building (1014 Ferris Avenue, Suite 106) and staff recommended approval per the following staff comments:

1. If the applicant's approved use exceeds two years from the City Council/Ordinance approval date, staff recommends that the applicant come back to City Council to amend the Planned Development to allow for more time.

There being no others to speak for or against ZDC-43-2021, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving ZDC-43-2021

ORDINANCE NO. 3263

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-37-GENERAL RETAIL (PD-37-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), LOCATED AT 1014 FERRIS AVENUE, SUITE 106, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.576 ACRES KNOWN AS A PORTION OF PROPERTY ID 176876 OF LOT 1; 2; 4 BLOCK 17 WILLIAMS-REV, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Doug Barnes moved to approve Ordinance No. 3263. Council Member Chuck Beatty seconded, All Ayes.

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- 10. **Public Hearing on a request by Bryan Hull, Real Estate Buy Design, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Light Industrial-1, located at 4743 N Interstate 35 (being Property ID 188458) - Owner: CARLINGFORD PROPERTIES LLC (ZDC-25-2021)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed the case noting the applicant is requesting approval of a Planned Development to allow for outside storage and outdoor display and staff recommended approval per recommendation of the Planning and Zoning Commission, the following recommendations should be completed prior to receiving an official Certificate of Occupancy:

- 1. The operation of crushing will not be allowed at the property.
- 2. The front portion of the property shall be concrete.
- 3. Staff suggests that any pavement added in the future be concrete.
- 4. 6ft. ornamental fencing with landscaping should be provided along the front and side(s) of the property.

There being no others to speak for or against ZDC-25-2021, Mayor Hill closed the Public Hearing.

- 11. **Consider proposed Ordinance approving ZDC-25-2021**

ORDINANCE NO. 3264

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) AND FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT LIGHT INDUSTRIAL-1 (PD-LI1), LOCATED AT 4743 N INTERSTATE HIGHWAY 35, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.081 ACRES KNOWN AS A PORTION OF PROPERTY ID 188458 OF LOT 1, BLOCK A ESPINOZA ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3264 subject to staff comments. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 12. **Continue Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)**

Mayor Hill continued the Public Hearing.

Mr. Brooks reviewed the case noting the applicant intends to create a Planned Development to allow for single-family residential, multi-family residential, mixed use residential, mixed use commercial, and commercial/retail on 2,813 acres. He reviewed the revised concept plan with

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requested changes from staff, the Planning & Zoning Commission, and citizens. He noted staff recommended approval as presented.

Mr. Ed Fleming, 500 Nighttime Avenue, Tampa, Florida, thanked City Council, the Planning & Zoning Commission, and city staff for their work on this development. He explained the development will be a mix of properties, as a full service master planned community. He reported the plan was revised to take into consideration the comments by city staff, Planning & Zoning Commission, and citizens. He highlighted the changes to include phased lot development, increased alleys, access points, and amenities.

Mr. Aaron Duncan, 2000 Mesa, Dallas, Texas, reviewed the project history beginning in 2005. He explained the revised plan has a reduction in density, moved connectivity away from parcel boundaries on Brookside, improved traditional neighborhood design, and updated architectural standards.

Mr. Alan Fox, 327 University Avenue, Waxahachie, Texas, inquired about access points to get in and out of the development and staff noted there will be 7 major access points.

Those who spoke in opposition:

- Ms. Kathy Cacel, 405 Brookside Road, Waxahachie, Texas
- Ms. Cheryl Mowery, 951 Lone Elm Road, Waxahachie, Texas

Mr. Rodney Welch, 1670 Lone Elm, Waxahachie, Texas, inquired about the entrances into the community off of Lone Elm Road and staff reviewed the proposed roadways.

There being no others to speak for or against ZDC-7-2021, Mayor Hill closed the Public Hearing.

Council Member Doug Barnes inquired about the relocation of Parcel 6 and Mr. Duncan noted it was moved closer to I-35 due to possible future development on the site that is not owned by Walton. Mr. Barnes inquired about the necessity of the Brookside Bridge entrance and Mr. Fleming noted a requirement of the approval is required acquisition of the access easement. Council Member Barnes also inquired about types of screening to the Brookside Road property owners and Mr. Duncan noted standards are set in the Planned Development document.

Mayor Hill reported he spoke with Mr. Terry Nay addressing his concerns of access to his property and future water studies associated with the development.

13. Consider proposed Ordinance approving ZDC-7-2021

ORDINANCE NO. 3265

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT (PD) AND FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-MIXED USE RESIDENTIAL (PD-MUR), LOCATED SOUTH OF FM 875, WEST OF I-35, NORTH OF FM 1446, AND EAST OF LONE ELM ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2,813 ACRES KNOWN AS A PORTION OF PROPERTY ID 182520, 264568, 263786, 192306, 234203, 179534, 187960,

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179468, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Melissa Olson moved to approve Ordinance No. 3265 subject to staff comments. Council Member Chuck Beatty seconded, All Ayes.

14. Consider authorizing the City Manager to execute the Development Agreement for ZDC-7-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to execute the Development Agreement for ZDC-7-2021. Council Member Doug Barnes seconded, All Ayes.

15. Continue the Public Hearing for a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code

Mayor Hill continued the Public Hearing for a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code.

Mr. Fleming reviewed the proposed Emory Lakes Public Improvement District (PID) noting this is a reimbursement PID where the developer will pay for infrastructure and development up front and then will be reimbursed.

Mr. Rick Rosenberg, DPF (PID Consultant), explained there will be no cost to the city, the assessments will pay for basic infrastructure, there will be no impact on bond capacity for the city, the development will have a positive impact on the city for ad valorem taxes, and there will be an excellent disclosure to PID property owners regarding the assessment cost of .42 cents/per \$100 valuation.

Ms. Geneva Alcalá, 411 Brookside Road, inquired about freezing current taxes and property valuations for residents near the development.

There being no others to speak for or against the Public Hearing for a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code, Mayor Hill closed the Public Hearing.

16. Discussion and Action to approve a Resolution of the City of Waxahachie, Texas, Authorizing and Creating the Emory Lakes Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code

RESOLUTION NO. 1308

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS AUTHORIZING AND CREATING THE EMORY LAKES PUBLIC IMPROVEMENT

DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Chuck Beatty moved to approve Resolution No. 1308. Council Member Doug Barnes seconded, All Ayes.

- 17. Hold Public Hearing to consider proposed assessments to be levied against property within Improvement Area #2 of the North Grove Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. All written or oral objections on the proposed assessment within the District will be considered at the public hearing**

Mayor Hill opened the Public Hearing to consider proposed assessments to be levied against property within Improvement Area #2 of the North Grove Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended.

Mr. Josh Arendt, Municap, reviewed Improvement Area #2 of the North Grove Public Improvement District noting the only change in the document is the interest rate. He explained the assessment is .22 cents/per \$100 valuation. He requested acceptance and approval of the service and assessment plan, assessment roll, and all related documents in items 18. – 22.

There being no others to speak for or against the Public Hearing to consider proposed assessments to be levied against property within Improvement Area #2 of the North Grove Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended, Mayor Hill closed the Public Hearing.

- 18. Discuss, consider and act on approving Ordinance of the City of Waxahachie, Texas accepting and approving a service and assessment plan and assessment roll for the Improvement Area #2 of the North Grove Public Improvement District; making a finding of special benefit to the property located within Improvement Area #2 of the North Grove Public Improvement District; levying special assessments against property within Improvement Area #2 of the District and establishing a lien on such property; providing for payment of assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability, and providing an effective date**

ORDINANCE NO. 3266

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE ACCEPTING AND APPROVING AN UPDATED SERVICE AND ASSESSMENT PLAN AND AN IMPROVEMENT AREA #2 ASSESSMENT ROLL FOR THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA #2 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN IMPROVEMENT AREA #2 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY;

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PROVIDING FOR PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Chuck Beatty moved to approve Ordinance No. 3266. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 19. Discuss, consider and act to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #2 Reimbursement Agreement with BBCP North Grove 79, LLC**

Action:

Council Member Doug Barnes moved to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #2 Reimbursement Agreement with BBCP North Grove 79, LLC. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 20. Discuss, consider and act to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #2 Construction, Funding, and Acquisition Agreement with BBCP North Grove 79, LLC**

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the Mayor of the City to execute the North Grove Public Improvement District Improvement Area #2 Construction, Funding, and Acquisition Agreement with BBCP North Grove 79, LLC. Council Member Melissa Olson seconded, All Ayes.

- 21. Discuss, consider and act to authorize the Mayor of the City to execute the Landowner Agreement related to Improvement Area #2 of the North Grove Public Improvement District with BBCP North Grove 79, LLC**

Action:

Council Member Melissa Olson moved to authorize the Mayor of the City to execute the Landowner Agreement related to Improvement Area #2 of the North Grove Public Improvement District with BBCP North Grove 79, LLC. Council Member Chuck Beatty seconded, All Ayes.

- 22. Discuss, consider and act to provide City consent to, and ratification of, the assignment of certain rights from Deborah Jeanne Neal; Carole Jane Wilkinson; Donna Margaret Huffman; Stuart Bowman Lumpkins, Jr.; and Stuart Bowman Lumpkins, Jr., as Independent Executor of the Estate of Margaret Harkins Lumpkins, Deceased, to BBCP North Grove, LLC, a Texas limited liability company, as reflected in the Assignment of Rights in North Grove Development Project and Public Improvement District dated September 9, 2020, and as required by Section 8.03 of the North Grove Public Improvement District Financing Agreement dated February 26, 2015**

Action:

Council Member Chuck Beatty moved to provide City consent to, and ratification of, the assignment of certain rights from Deborah Jeanne Neal; Carole Jane Wilkinson; Donna Margaret Huffman; Stuart Bowman Lumpkins, Jr.; and Stuart Bowman Lumpkins, Jr., as Independent Executor of the Estate of Margaret Harkins Lumpkins, Deceased, to BBCP North Grove, LLC, a Texas limited liability company, as reflected in the Assignment of Rights in North Grove Development Project and Public Improvement District dated September 9, 2020, and as required by Section 8.03 of the North Grove Public Improvement District Financing Agreement dated February 26, 2015. Council Member Doug Barnes seconded, All Ayes.

23. Consider authorizing City Manager to execute the abandonment of the drainage and utility easement associated with the College Street Drainage Improvement Project once the meters and bounds survey is completed

Director of Public Works and Engineering James Gaertner explained the abandonment of a portion of an existing drainage easement in the parking lot at the north end of Covenant Life Church is needed for the College Street Drainage Improvement Project. The existing easement will be abandoned and a permanent easement will be dedicated for construction of large storm pipe and box culvert.

Action:

Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to execute the abandonment of the drainage and utility easement associated with the College Street Drainage Improvement Project once the meters and bounds survey is completed. Council Member Melissa Olson seconded, All Ayes.

24. Consider award of a bid to Reliable Paving, Inc. for the construction of the North College Street Drainage and Wastewater Capital Improvement Project

Mr. Gaertner reviewed the bid for the North College Street Drainage and Wastewater Improvements. He explained Reliable Paving submitted the lowest responsible bid in the amount of \$2,450,300.00. He noted staff also recommended Council approve a \$60,000.00 construction contingency for the project. The project was planned in the FY19-20 Bond for construction and the additional project cost will be funded from previous project savings. He noted the project will construct a large storm drain system on North College Street between Parks Avenue and the BNSF Rail Road and extend east from College Street, cross North Jackson Street and outfall to the existing drainage channel. He explained the new system will intercept storm water that currently flows through the private drainage tunnel west of North College Street and will also resurface the roadway full width within the project area.

Action:

Council Member Doug Barnes moved to award bid to Reliable Paving, Inc. for the construction of the North College Street Drainage and Wastewater Capital Improvement Project in the amount of \$2,450,300.00 with \$60,000.000 project contingency. Council Member Chuck Beatty seconded, All Ayes.

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

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Mayor Hill announced at 8:27 p.m. the City Council would convene into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

26. Reconvene and take any necessary action

The meeting reconvened at 8:47 p.m.

Action:

No action taken.

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

Assistant City Manager Tommy Ludwig thanked Mr. Brooks, Mr. Gaertner, Senior Planner Colby Collins, and Utilities Director David Bailey for their work on the Emory Lakes Development.

Planning Director Shon Brooks thanked Assistant City Manager Tommy Ludwig and City Manager Michael Scott for their work on the Emory Lakes Development.

Council Member Doug Barnes echoed staff comments and also thanked the Planning & Zoning Commission and City Attorney Robert Brown for their work on the Emory Lakes Development. He noted the City wants good growth.

Council Member Chuck Beatty and City Manager Michael Scott echoed Council Member Barnes' comments.

Mayor Pro Tem Mary Lou Shipley explained she sympathized with the existing property owners but noted growth is coming.

Council Member Melissa Olson echoed everyone's comments and explained to the residents that this was an important decision that was vetted tirelessly by Council and staff to make the best decision for Waxahachie.

City Attorney Robert Brown thanked Assistant City Manager Tommy Ludwig for serving as a panelist at the Land Use Conference and acknowledged him as a great speaker and representation of our city.

Assistant City Secretary Amber Villarreal announced early voting started on April 19th.

Mayor David Hill echoed everyone's comments and recognized past City Council members for their work on this development since 2005.

28. Adjourn

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

Respectfully submitted,

Amber Villarreal

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City Council
April 19, 2021
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Assistant City Secretary

City Council
April 19, 2021

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A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, April 19, 2021 at 6:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Council Member
Melissa Olson, Council Member Place 3
Doug Barnes, Council Member Place 2

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- 5d., 5e, 5f, and 5g. Previously held community events and staff recommended approval.
- 5h. Budget adjustment request to replace chairs in the Mayor's office, Council Chamber dais, and City Council Conference Room.
- 5i. Funding request for redevelopment at Wags-A-Hachie Dog Park as recommended by the Waxahachie Community Development Corporation.
- 5j. Approval of Waxahachie Community Development Corporation Finance Report for year ended September 30, 2021.
- Items 25. and 26. The City Attorney will have a brief update on pending litigation.

Planning Director Shon Brooks reviewed the following:

- Items 6. and 7. Applicant requested to continue to the May 3, 2021 City Council meeting.
- Items 8. and 9. ZDC-43-2021, staff recommended approval as presented.
- Items 10. and 11. ZDC-25-2021, staff recommended approval subject to staff comments addressing concerns from the Planning & Zoning Commission including landscaping, screening, and concrete drive.
- Items 12.-14. ZDC-7-2021, staff recommended approval subject to staff comments. Mr. Brooks reviewed the revised concept plan the applicant submitted after discussions from previous Planning & Zoning Commission meetings and citizen concerns. Staff requested authorizing the City Manager to sign the Development Agreement after review by city staff and the applicant's legal team. It was noted changes were made after the April 9th Planning & Zoning Commission meeting and the proposed Development Agreement is currently under review by the Emory Lakes legal team.

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- Items 15. and 16. Mr. Brooks explained the Public Hearing and proposed Resolution would authorize and create the Emory Lakes Public Improvement District (PID).

Council Member Melissa Olson inquired about the financial obligation from the city and City Attorney Robert Brown explained the city is only responsible from an administrative aspect. He confirmed there is no obligation to the city and the PID is not city debt.

- Items 17. – 22. Mr. Brooks explained the Improvement Area #2 of the North Grove Public Improvement District will have an assessment of .22 cents/per \$100 valuation. He explained the PID expenses include primary entrance to the area.

Director of Public Works and Engineering James Gaertner explained the abandonment of a portion of an existing drainage easement in the parking lot at the north end of Covenant Life Church is needed for the College Street Drainage Improvement Project. The existing easement will be abandoned and a permanent easement will be dedicated to construct the proposed improvements.

Mr. Gaertner reviewed the bid for the North College Street Drainage and Wastewater Improvements. He explained Reliable Paving submitted the lowest responsible bid in the amount of \$2,450,300.00. He noted staff also recommended Council approve a \$60,000.00 construction contingency for the project. The project was planned in the FY19-20 Bond for construction and the additional project cost will be funded from previous project savings.

3. Adjourn

There being no further business, the meeting adjourned at 6:50 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary



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Application for a Festival or Event Permit

Event Name and Description: Wheels of Fire Bike Ride
Benefitting Waxahachie (John Wilson Foundation) Firefighters
and Campfire Creek

Applicant Information

Name: Michelle Cozine
Address: 119 W University
City, State, Zip: Waxahachie Phone: 918-232-1454
E-mail Address: [REDACTED]

Organization Information

Organization Name: Wheels-of-Fire
Address: _____

Authorized Head of Organization: Michelle & Kevin Cozine
Phone: 918-232-1454 / 512-420-3575 E-mail Address: wheelsoffirevide@gmail.com

Event Chairperson/Contact

Name: Michelle Cozine
Address: 119 W University
City, State, Zip: Waxahachie Phone: 918-232-1454
E-mail Address: [REDACTED]

Event Information

Event Location/Address: Bailport Brewery 405 W Madison
Waxahachie
Purpose: Fundraising
Event Start Date and Time: June 26th 2021
Event End Date and Time: June 26, 2021

Approximate Number of Persons Attending Event Per Day: (50) 150-200

Site Preparation and Set-Up Date and Time: June 26, 2021

Clean-Up Completion Date and Time: June 26, 2021

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

Street Closures/Traffic Management ^{Control} → ~~at Getz Ball Field & Cemetery~~
(SEE ROUTES) ^{Additional} Parking available at Getz Ball Field & Cemetery,
Old Baylor Hospital, Getz Park, Lot
next to Cruz Automobiles

Requested City Services: NONE

Request submitted to Dennis Borearke for assistance from Sheriff's Dept.

Will food and/or beverages be available and/or sold? (YES/NO)

If yes, contact the City Health Inspector, (469) 309-4134, for permitting requirements and compliance.

*Will alcohol be available and/or sold? YES/NO

If yes, will the event be in the Historic Overlay District? YES/NO

Will dumpsters be needed? NO

Will an Unmanned Aircraft Systems Unit (drone) be used? (YES/NO) If so, provide a copy of the current FAA License.

Please submit a site plan showing the layout of the event including equipment, stages, and street locations.

I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, I ALSO UNDERSTAND APPROVAL OF MY EVENT IS SUBJECT TO THE THEN CURRENT NECESSARY PRECAUTIONS RESULTING FROM COVID CASE TRENDS AS WELL AS ANY CHANGE IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL ORDERS.

Michelle Cozine

Signature of Applicant

3/19/2021

Date

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

(50)

Wheels of Fire Traffic Control and Turn-by-Turn

WAXAHACHIE

MAIN AND GRAND—FIREFIGHTERS 8:00-9:00

BROOKSIDE AND MAIN—FIREFIGHTERS 8:00-9:00

35 AND OL' BUENO VISTA RD—FIREFIGHTERS 8:00-9:00

OL' BUENO VISTA AND ARROWHEAD (this is where 25 milers turn left)—FIREFIGHTERS 8:00-9:00

OL' BUENO VISTA & OAK BRANCH--VOLUNTEER IN SAFETY VEST—8:30-9:30

MAYPEARL

OL' BUENO VISTA AND 157 (big traffic turn)—FIREFIGHTERS 8:30-10:00

157 & 66 (by the liquor store) turning right—SHERRIF OR FIREFIGHTER 8:30-10:30

REST STOP #2: BROOKSHIRES MAYPEARL-(40 milers turn left/65 goes straight) EAST 1ST STREET—
VOLUNTEER IN SAFETY VEST/SHERRIFF PREFERRED IF AVAILABLE

40 MILERS—

- right arrow turn sign at Dawson
- left turn arrow on Higgins
- left turn sign on Bethel and Higgins
- campfire creek is on the right just after the turn
- 1st rest stop—Bethel Church 8:30
- Right turn sign on Greathouse
- Right turn sign on Boz from Greathouse
- Right turn off Boz to Bakers Branch
- Left turn sign/arrows for Sims and 875

875 & 35 ACCESS (turning right)—VOLUNTEER IN SAFETY VEST-8:30 (HEADED TO THE BRIDGE)

TURNING AT BRIDGE 35 & 77—SHERRIF—9:00-1:00

THE 65 MILERS TURN RIGHT AND GOES OUT TO THE LAKE

25 & 40 TURN LEFT TO GO BACK TO TOWN

WAXAHACHIE /SHERIFF THIS IS THE RETURN IN TOWN

CROSSING OVER HOWARD ROAD TO COLLEGE STREET

ELM AND MADISON TO CROSS OVER BACK TO THE BREWERY

(50)

65 MILERS

AT MAYPEARL BROOKSHIRES: 65 MILERS GO STRAIGHT AND MAKES THE LEFT CURVE TO STAY ON 66

- VOLUNTEERS IN SAFETY VEST AT THAT CURVE

LEFT ARROW AT 308

LEFT TURN ARROW AT DERRS CHAPEL

RIGHT ARROW AT DERRS AND SHORTY

LEFT ARROW AT LB CAMPBELL RD (that becomes 875)

LEFT TURN ARROW TO BETHEL RODE—SIGNS AND VOLUNTEER—9:30

THIS MERGES WITH THE OTHER 2 ROUTES UNTIL 35 & 77 (SHERIFF/THERE ALREADY)

77 & 55 TURN-VOLUNTEER IN SAFETY VEST

LEFT TURN ON HOWARD RD—VOLUNTEER IN SAFETY VEST-10:00-1:00

HEAD BACK TO TOWN

ADDITIONAL PARKING

GETZ BALL FIELD & CEMETARY

Old Baylor hospital

GETZ PARK

LOT NEXT TO CRUZ AUTOMOBILE ON MADISON

THIS IS POSTED ON REGISTRATION SITE

ADDITIONAL TRAFFIC CONTROL

Highlighted Areas

Requested additional assistance through Sheriff's Dept.

Dennis Boreawley - sent him all the information

(50)



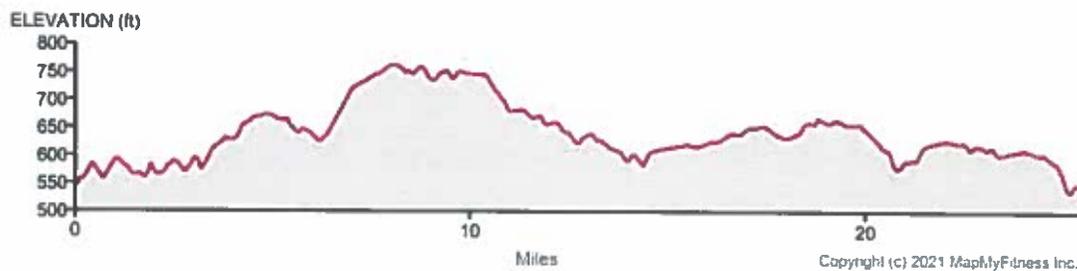
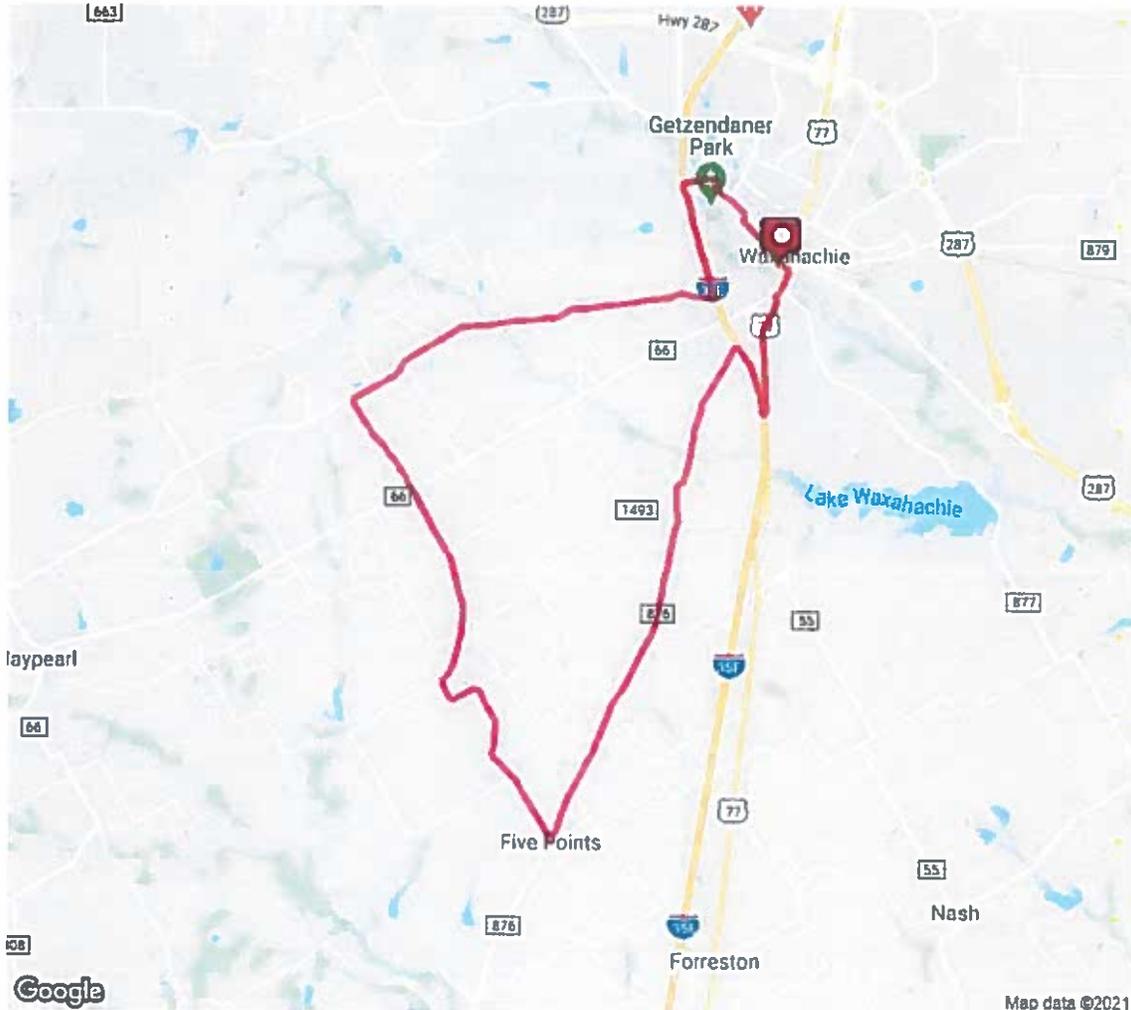
Wheels of Fire 25M Route

Distance: 25.39 mi

Elevation Gain: 574 ft

Elevation Max: 763 ft

Notes



0.00 mi Head northwest on W Madison St toward Patterson St

0.05 mi Turn right onto Patterson St



0.06 mi	Head north on Patterson St toward W Jefferson St
0.13 mi	Head northwest on W Jefferson St toward W Franklin St
0.77 mi	Turn right onto Highland Ave
0.77 mi	Head north on Highland Ave toward W Main St
0.86 mi	Head northwest on W Main St toward Harding St
1.52 mi	Turn left onto Brookside Rd
1.53 mi	Head southwest on Brookside Rd toward Westgate Dr
1.92 mi	Head south on S Interstate 35 East Service Rd S toward Compton Dr
3.44 mi	Head west on Cantrell St toward Arden Ave
3.70 mi	Continue onto Buena Vista Rd
4.61 mi	Continue onto Old Buena Vista Rd
8.45 mi	Turn left onto Arrowhead Rd Destination will be on the right
8.45 mi	Head southeast on Arrowhead Rd toward FM 66 W
9.84 mi	Continue onto Greathouse Rd
12.50 mi	Turn left onto Dunaway Rd
13.11 mi	Slight right onto Bethel Rd Destination will be on the right
13.12 mi	Head east on Bethel Rd Destination will be on the left
15.41 mi	Head northwest on Bethel Rd toward FM 876
15.43 mi	Turn right onto FM 876 Destination will be on the right
20.31 mi	Head north on FM 876 toward FM1493
22.30 mi	Turn right onto S Interstate 35 East Service Rd S
22.31 mi	Head southeast on S Interstate 35 East Service Rd S
22.36 mi	Slight right to stay on S Interstate 35 East Service Rd S
23.25 mi	Head east on Connecting Rd toward US-77 N
23.30 mi	Head north on US-77 N toward Park Hills Dr Destination will be on the right
24.85 mi	Head northeast on S College St toward Howard Rd
25.10 mi	Continue onto S Rogers St
25.23 mi	Head northeast on S Rogers St toward W Madison St
25.24 mi	Turn left onto W Madison St
25.36 mi	Destination

(50)



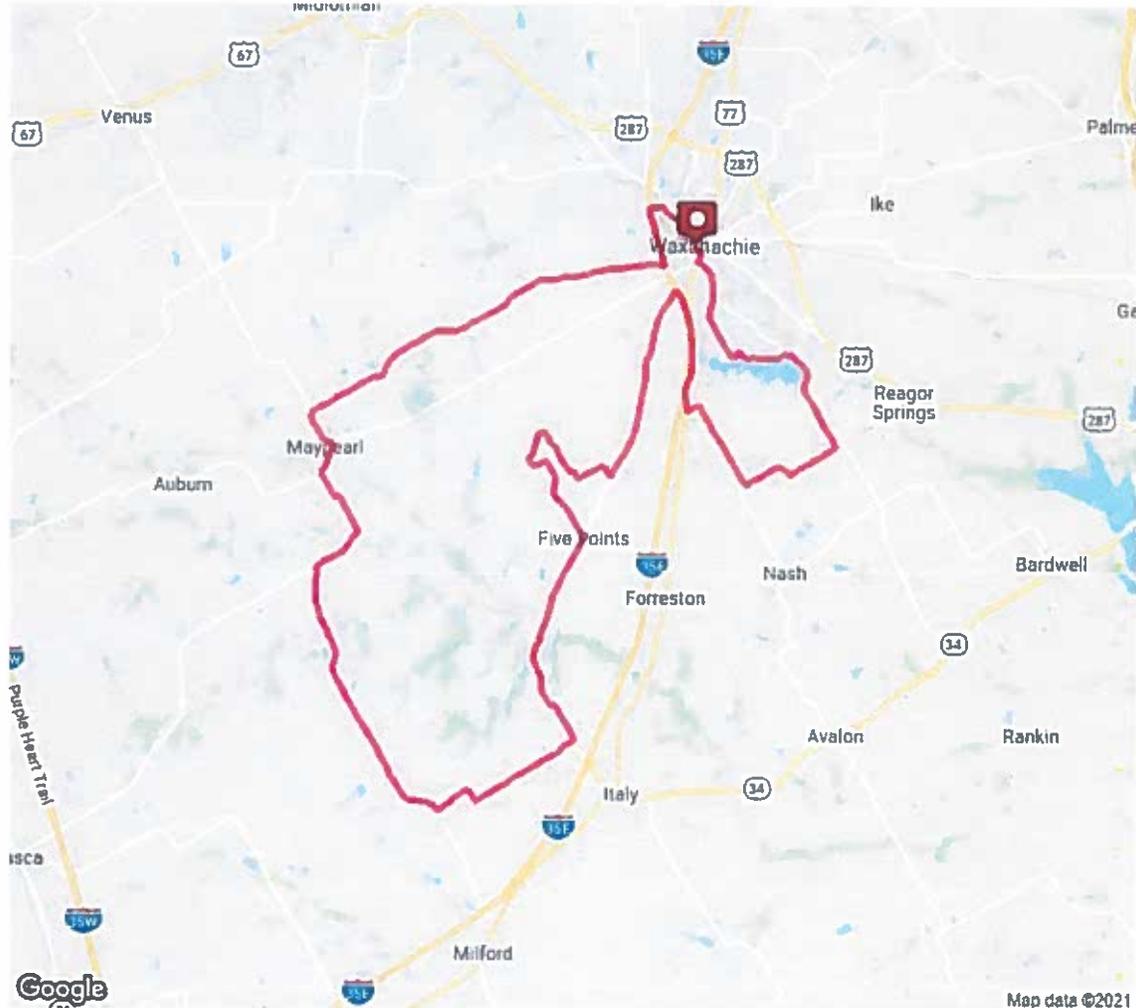
Wheels of Fire 65M Route

Distance: 64.95 mi

Elevation Gain: 1,704 ft

Elevation Max: 808 ft

Notes



0.00 mi Head northwest on W Madison St toward Patterson St Destination will be on the right

- 0.05 mi Head northwest on W Madison St toward Patterson St
-
- 0.05 mi Turn right onto Patterson St Destination will be on the right
-
- 0.13 mi Head northwest on W Jefferson St toward W Franklin St
-
- 0.77 mi Head northwest on W Jefferson St toward Harding St
-
- 0.78 mi Head southeast on W Jefferson St toward Highland Ave
-
- 0.78 mi Turn left onto Highland Ave
-
- 0.78 mi Head south on Highland Ave toward W Jefferson St
-
- 0.78 mi Turn left onto W Jefferson St
-
- 0.79 mi Head northwest on W Jefferson St toward Highland Ave
-
- 0.79 mi Turn right onto Highland Ave
-
- 0.88 mi Turn right onto W Main St
-
- 0.88 mi Head northwest on W Main St toward Highland Ave
-
- 1.55 mi Turn left onto Brookside Rd Destination will be on the left
-
- 1.56 mi Head southwest on Brookside Rd toward Westgate Dr
-
- 1.95 mi Head east on Brookside Rd toward S Interstate 35 East Service Rd S
-
- 1.98 mi Turn right onto S Interstate 35 East Service Rd S
-
- 3.48 mi Turn right onto Cantrell St
-
- 3.50 mi Head west on Cantrell St toward Arden Ave
-
- 3.74 mi Continue onto Buena Vista Rd
-
- 4.65 mi Continue onto Old Buena Vista Rd
-
- 12.34 mi Head southwest on Old Buena Vista Rd
-
- 13.74 mi Turn left Destination will be on the right
-
- 13.76 mi Head south toward Barton Rd Destination will be on the right

- 14.75 mi Head east toward N Main St
- 14.75 mi Turn right onto N Main St
- 15.07 mi Turn right onto W First St Destination will be on the left
- 15.07 mi Head east on W First St toward S Main St
- 15.08 mi Turn right onto FM 66 W/S Main St Continue to follow FM 66 W
- 15.58 mi Continue onto FM 916 W
- 15.59 mi Head northeast on FM 916 E toward FM 66 W
- 15.60 mi Turn right onto FM 66 W Destination will be on the left
- 18.96 mi Head northeast on FM 66 E toward FM 308 S
- 18.97 mi Turn right onto FM 308 S
- 26.40 mi Head east on Derrs Chapel Rd toward County Rd
- 27.41 mi Turn right onto County Rd/Derrs Chapel Rd Continue to follow Derrs Chapel Rd
- 29.63 mi Turn right onto County Rd/Derrs Chapel Rd Continue to follow Derrs Chapel Rd Destination will be on the left
- 29.66 mi Head northwest on Derrs Chapel Rd toward Carolyn Rd
- 29.69 mi Turn right onto Carolyn Rd
- 30.73 mi Turn right onto L R Campbell Rd
- 30.73 mi Head southeast on L R Campbell Rd
- 30.74 mi Turn left to stay on L R Campbell Rd
- 30.76 mi Turn right onto Carolyn Rd
- 30.84 mi Continue onto L R Campbell Rd
- 34.35 mi Continue onto FM 876 Destination will be on the right
- 36.72 mi Head southwest on FM 876 toward Bethel Rd
- 36.72 mi Turn right onto Bethel Rd Destination will be on the left

mi

38.10 Head northeast on Bethel Rd toward Cemetary Rd
mi

38.97 Keep left to stay on Bethel RdDestination will be on the left
mi

38.99 Head west on Bethel Rd toward Dunaway Rd
mi

39.00 Slight left onto Dunaway Rd
mi

39.61 Turn right onto Greathouse Rd
mi

39.61 Head northeast on Greathouse Rd toward Bearden Rd
mi

40.28 Head north on Greathouse Rd toward Bearden Rd
mi

40.29 Slight right onto Bearden Rd
mi

40.45 Turn right onto Bakers Branch RdDestination will be on the right
mi

40.46 Head southeast on Bakers Branch Rd toward Dunaway Rd
mi

41.72 Continue onto Sims RdDestination will be on the left
mi

41.77 Head southeast on Sims RdDestination will be on the right
mi

42.78 Head southeast on Sims RdDestination will be on the left
mi

42.79 Head southeast on Sims Rd
mi

43.02 Head southeast on Sims Rd toward FM 876Destination will be on the left
mi

43.16 Head southeast on Sims Rd toward FM 876
mi

43.17 Turn left onto FM 876
mi

46.36 Head north on FM 876 toward FM1493Destination will be on the right
mi

48.35 Head northeast on 5 Points Rd toward S Interstate 35 East Service Rd S
mi

48.36 Turn right onto S Interstate 35 East Service Rd S
mi

48.41 Slight right to stay on S Interstate 35 East Service Rd SDestination will be on the right
mi

49.31 Head east on Connecting Rd toward US-77 N
mi

- 49.36**
mi **Head south on US-77 S**
-
- 51.65**
mi **Turn left onto FM 55 S**
-
- 51.65
mi Head northeast on FM 55 S Destination will be on the left
-
- 52.61
mi Head southeast on FM 55 S
-
- 54.34
mi Keep left to continue on FM 55 Destination will be on the right
-
- 54.38
mi Head southeast on FM 55 toward W Rd
-
- 54.39**
mi **Turn left onto W Rd Destination will be on the right**
-
- 55.41
mi Head southeast on W Rd
-
- 57.19
mi Head south on W Rd
-
- 57.20
mi Head north on W Rd toward FM877
-
- 57.20**
mi **Turn left onto FM877**
-
- 60.09
mi Head southeast on Howard Rd toward Ash Dr/Hideaway Rd
-
- 60.10**
mi **Turn right onto Lakeshore Dr**
-
- 61.54
mi Head south on Lakeshore Dr toward Old Italy Rd
-
- 61.70
mi Lakeshore Dr turns right and becomes Old Italy Rd
-
- 62.30**
mi **Sharp left onto Laguna Vista Rd**
-
- 62.31
mi Head north on Laguna Vista Rd toward Old Italy Rd
-
- 62.32
mi Slight left onto Old Italy Rd
-
- 63.52
mi Head north on Old Italy Rd toward Howard Rd
-
- 63.54
mi Continue onto Howard Rd Destination will be on the right
-
- 64.46
mi Head northwest on Howard Rd toward S College St
-
- 64.46
mi Turn right onto S College St
-
- 64.63**
mi **Continue onto S Rogers St**

(50)

64.76 Head northwest on W Madison St toward S Elm St
mi

64.89 Destination
mi

(5C)

Crocker, Clarice

From: Me'Lony Jordan
Sent: Friday, April 16, 2021 10:20 AM
To: Crocker, Clarice; Martinez, Jose
Subject: RE: Event Application - Wheels of Fire Bike Ride

No food permit needed. Rail port Brewery has this covered.

*Me'Lony Jordan
City of Waxahachie
Health Inspector, FSIC
401 S. Rogers St.
Waxahachie, TX 75165*

*Office (469) 309-4134
Cell (972) 740-6724*

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Thursday, April 15, 2021 12:16 PM
To: Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>
Subject: FW: Event Application - Wheels of Fire Bike Ride

Good afternoon,

For your review/comments. The applicant confirmed food and beverages will not be sold and they are not supplying alcohol; however, they will have bottled water and packaged snacks at rest areas.



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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From: Crocker, Clarice
Sent: Thursday, April 15, 2021 12:02 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Simpson, Anita

(5)

Crocker, Clarice

From: Simpson, Anita
Sent: Thursday, April 15, 2021 3:41 PM
To: Crocker, Clarice
Subject: RE: Event Application - Wheels of Fire Bike Ride

No comments from me.

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Thursday, April 15, 2021 12:02 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride

Good afternoon,

For your review/comments. The applicant confirmed food and beverages will not be sold and they are not supplying alcohol.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
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From: Michelle Fisher <_____
Sent: Thursday, April 15, 2021 11:03 AM
To: Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Fwd:

Hi Clarice,

Here are the turn-by-turn routes for the Wheels of Fire. The 40 and 65 are the same the 25 is a little different on the return.

The Firefighters will be handling traffic control. Chief Boyd has approved this and Ed, with the Firefighters Administration is organizing the volunteers from the fire department.

(50)

Crocker, Clarice

From: Wade Goolsby <wgoalsby@waxahachiepd.org>
Sent: Thursday, April 15, 2021 2:17 PM
To: Crocker, Clarice
Subject: RE: Event Application - Wheels of Fire Bike Ride

If the Fire Department is handling the traffic control, then I have no issues!

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Thursday, April 15, 2021 12:02 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoalsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; James Gaertner <jgaertner@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>
Cc: Michael Scott <mscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride

Good afternoon,

For your review/comments. The applicant confirmed food and beverages will not be sold and they are not supplying alcohol.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(5C)

Crocker, Clarice

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, April 27, 2021 12:09 PM
To: Crocker, Clarice
Subject: RE: Wheels of Fire Bike Ride

I have no concerns with this updated application.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Crocker, Clarice [mailto:ccrocker@waxahachie.com]
Sent: Tuesday, April 27, 2021 9:01 AM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Wheels of Fire Bike Ride

Good morning,

Please see the updated application for the Wheels of Fire Bike Ride. Attached you will find the applicant's fire traffic control and turn by turn plan, detailed map of route, and additional parking information. The applicant will also have bottled water and packaged snacks at the rest areas.

Chief Boyd, I received Ed Konick's response stating he met with Ms. Fisher Friday morning and went over the bike route. He said they have it arranged for off duty firefighters, who volunteered, to assist with traffic control during the start of the race and their part in assisting will cover in the city only. He noted they will have vests and will conduct a meeting prior to race day to outline procedures.

Please review the application and send me your responses/comments by tomorrow afternoon so the item can be placed on the City Council agenda.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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(SC)

Crocker, Clarice

From: Mosley, Laurie
Sent: Monday, April 19, 2021 11:55 AM
To: Crocker, Clarice
Subject: RE: Event Application - Wheels of Fire Bike Ride

I see no issues with this event as it relates to my department. Thank you!!

From: Crocker, Clarice <ccrocker@waxahachie.com>
Sent: Thursday, April 15, 2021 12:02 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Wheels of Fire Bike Ride

Good afternoon,

For your review/comments. The applicant confirmed food and beverages will not be sold and they are not supplying alcohol.

Thank you,



Clarice Crocker
Administrative Clerk
City of Waxahachie
Office: (469) 309-4008
ccrocker@waxahachie.com

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From: Michelle Fisher <[redacted]>
Sent: Thursday, April 15, 2021 11:03 AM
To: Crocker, Clarice <ccrocker@waxahachie.com>
Subject: Fwd:

Hi Clarice,
Here are the turn-by-turn routes for the Wheels of Fire. The 40 and 65 are the same the 25 is a little different on the return.
The Firefighters will be handling traffic control. Chief Boyd has approved this and Ed, with the Firefighters Administration is organizing the volunteers from the fire department.



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: April 30, 2021
Re: Planning Manager - Supplemental Appropriation

On Monday May 3rd an item will appear before the City Council for consideration associated with a request to advance the funding for the Planning Manager position, proposed to be fully funded in the FY21-22 Five Year Operating Plan, within the Planning Department. The Supplemental Appropriation is requested in the amount of \$54,000 for the remainder of the fiscal year, and will fund salary, benefits, office, and information technology related needs.

The Planning Manager was originally proposed to be funded this fiscal year, but was shifted by staff to FY21-22 of the Five Year Operating Plan, in response to the economic uncertainty associated with the Coronavirus Pandemic. However due to the influx of development activity, a significant increase in requests for special financing districts (Public Improvement Districts, Municipal Utility Districts, Municipal Management Districts, among others), the initiation of the Comprehensive Plan Update Project, and a significantly improved economic outlook, staff is requesting to expedite the hiring of this position. The Planning Manager is critical to sustain the high level of service provided to our partners in the development community, and to maintain State mandated review timelines associated with planning related applications.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: April 30, 2021
Re: Supplemental Appropriation – Sokoll WTP Rockett SUD Wholesale Meter

On Monday, May 3rd, 2021 a supplemental appropriation will appear before the City Council, in association with the Robert W. Sokoll Joint Venture Plant in the amount of \$33,000 (512-726-57500). Recently the 48 inch diameter wholesale billing meter for Rockett Special Utility District (SUD) failed. The flow meter measures treated water and is used to generate the monthly billing for Rocket SUD customers. The meter is also used to determine overall plant usage, and the associated operational expenses between Rocket SUD and the City. On February 18th the flow meter failed and after the manufacturer's representative attempts to repair, it was determined the meter was not repairable and must be replaced. This cost includes the City's total share of the meter replacement and installation.

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

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: April 30, 2021
Re: Supplemental Appropriation – Wastewater Flow Monitoring Project

On Monday, May 3rd, a supplemental appropriation will appear before the City Council, in association with the Wastewater Flow Monitoring Project in the amount of \$49,000 (520-770-53200). As a reminder, a contract was awarded in December 2019 to Birkhoff Hendricks and Carter, in the amount of \$248,900, to provide a system wide assessment of the City's Wastewater collection system during wet weather conditions to identify areas of excessive Inflow and Infiltration (I&I) and update the calibration of the Wastewater Collection System Hydraulic Model to support the Master Plan.

The contract spanned both the FY 19-20 and FY 20-21 budget year. As encumbrances do not roll over in the Utility Fund per the City Charter, staff requested an estimated expenditure from the project engineer for the FY 20-21 budget year. Unfortunately, the engineer's estimate was under actual expenditures and a supplemental appropriation for FY 20-21 to cover remaining project expenses is needed. While a supplemental appropriation is requested, the unused encumbrance from FY 19-20 rolled to fund balance, and is sufficient to cover this request.

This project is nearing completion and a final report on the results and recommendations will be delivered prior to the end of this fiscal year. I am available at your convenience should you need any additional information.

Tommy Ludwig

(6-8)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Tommy Ludwig, Assistant City Manager *Tom Ludwig*

Date: April 20, 2021

Re: ZDC-44-2021 - Espinoza Stone

On April 20, 2021, the applicant requested to continue case number ZDC-44-2021 from the April 27, 2021 Planning and Zoning Commission meeting agenda and the May 3, 2021 City Council meeting agenda to the May 11, 2021 Planning and Zoning Commission meeting agenda, and the May 17, 2021 City Council meeting agenda.

(1)

Planning & Zoning Department
Plat Staff Report

Case: SUB-39-2021



MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021
City Council: May 3, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 7-0 to recommend approval of plat no. SUB-39-2021, as presented, and the Petition for Hardship Waiver.

CAPTION

Consider request by John Fussell, Fuquez Property Company No. 105, LLC., for a Plat of Fuquez Addition for one (1) lot, being 10.385 acres situated in the J.B. & A. Adams Survey, Abstract 5 (Property ID 225651) – Owner: John Fussell (SUB-39-2021)

APPLICANT REQUEST

The applicant is requesting is to plat the subject property into one (1) lot for residential use. The applicant is also requesting a petition for hardship waiver due to a lack of available fire flow to the subject property.

CASE INFORMATION

Applicant: John Fussell, Fuquez Property Company No. 105, LLC.
Property Owner(s): John Fussell
Site Acreage: 10.385 acres
Number of Lots: 1 lot
Number of Dwelling Units: 1 unit
Park Land Dedication: Cash in lieu of park land dedication will be \$400.00 (1 residential lot at \$400.00 per lot).
Adequate Public Facilities: A water letter from Rockett SUD states that adequate domestic flow is available to this site. However, adequate fire flow is not available to this site.

SUBJECT PROPERTY

General Location: Located just west of 611 Wilson Rd.
Parcel ID Number(s): 225651

Current Zoning: Planned Development – Single Family – 1 (PD-SF-1)

Existing Use: The subject property has a few buildings dedicated to agricultural use located on it. However, the location related to the plat is undeveloped.

Platting History: The subject property is situated in the J.B. & A. Adams Survey, Abstract 5

Site Aerial:



PLATTING ANALYSIS

The applicant is requesting to plat the subject property into one (1) lot for residential use. The plat is for 10.385 acres. This property is located within City Limits, and is zoned PD-SF-1 (Ord. 2429). The proposed plat will align with the requirements of this zoning. Rockett SUD will be the water provider at this location.

Rockett SUD has provided staff with a water letter stating that adequate domestic flow is available to the subject property. However, there is not adequate fire flow to this area. Since this plat is located within City limits, per Section 5.8 of the City of Waxahachie Subdivision Ordinance, a petition for hardship waiver will need to be approved to allow for the subject property to be platted.

PETITION FOR HARDSHIP WAIVER REQUEST

Waiver Request

The applicant has requested a petition for hardship waiver for inadequate fire flow within City limits as required per Sec. 5.8 of the City of Waxahachie Subdivision Ordinance. Staff reached out to the Waxahachie Fire Department to discuss this case with them. Since there are additional homes built in the area, WFD is in support of the waiver request. With the support of WFD, City Planning staff is also in support of the Petition for Hardship waiver request.

Required City Council Action

Due to this case having a petition for hardship waiver associated with it, City Council must vote on two separate items. Both items can be acted on in one vote.

1. Either a recommendation for approval or disapproval of the petition for hardship waiver.
2. Either a recommendation for approval or disapproval of the plat.

PETITION FOR HARDSHIP WAIVER 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.

PLAT 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.

ATTACHED EXHIBITS

1. Plat Drawing
2. Water Letter

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

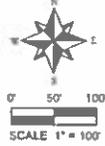
A plat shall not be filed with the Ellis County Clerk until:

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

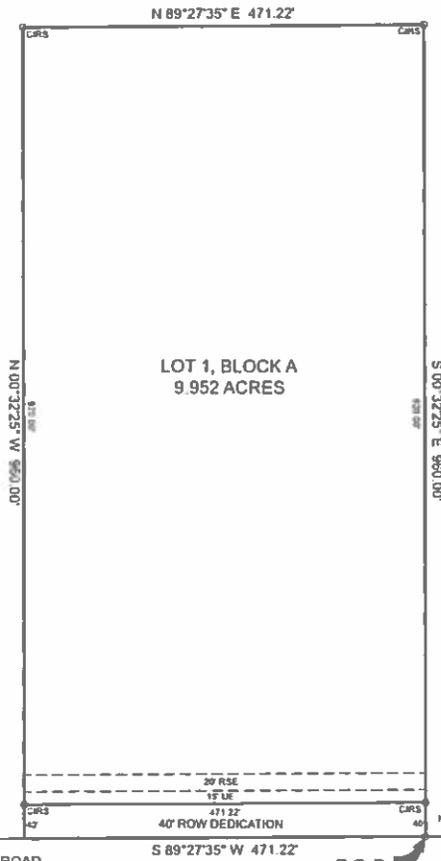
Prepared by:
 Chris Webb
 Planner
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Reviewed by:
 Shon Brooks, AICP
 Director of Planning
sbrooks@waxahachie.com



REMAINDER
FUQUEZ PROPERTY
COMPANY NO 105 LLC
VOL. 2705 PG 685
OPRECT

CITY OF
WAXAHACHE



LOT 1, BLOCK A
9.952 ACRES

REMAINDER
FUQUEZ PROPERTY
COMPANY NO 105 LLC
VOL. 2705 PG 685
OPRECT

FUQUEZ PROPERTY
COMPANY NO 105 LLC
VOL. 2728 PG 1187
OPRECT

FUQUEZ PROPERTY
COMPANY NO 105 LLC
INSTRUMENT NO 1617282
OPRECT

APPROXIMATE
CITY LIMITS

WAXAHACHE
ETJ

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF ELLIS

WHEREAS FUQUEZ PROPERTY COMPANY NO 105 LLC ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE J.B. AND A. ADAMS SURVEY ABSTRACT NO. 5, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO FUQUEZ PROPERTY COMPANY NO 105, LLC, RECORDED IN VOLUME 2705, PAGE 685, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE SOUTH LINE OF SAID FUQUEZ TRACT, THE COMMON NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO W.L. WALLACE AND JEANNETTE WALLACE, RECORDED IN VOLUME 1181, PAGE 683, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID FUQUEZ TRACT BEARS N 89°27'35" E, A DISTANCE OF 100.00 FEET.

THE NCE S 89°27'35" W ALONG THE SOUTH LINE OF SAID FUQUEZ TRACT AND THE COMMON NORTH LINE OF SAID WALLACE TRACT, PASSING AT A DISTANCE OF 180 FEET THE NORTH EDGE OF WILSON ROAD CONTINUING ALONG THE SOUTH LINE OF SAID FUQUEZ TRACT, THE COMMON NORTH LINE OF SAID WALLACE TRACT AND THE APPROXIMATE CENTERLINE OF SAID WILSON ROAD (A VARIABLE WIDTH UNRECORDED RIGHT-OF-WAY), A TOTAL DISTANCE OF 471.22 FEET TO A POINT FOR CORNER.

THE NCE OVER AND ACROSS SAID FUQUEZ TRACT AS FOLLOWS:

N 00°22'25" W PASSING AT A DISTANCE OF 30.00 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 960.00 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER.

N 89°27'35" E, A DISTANCE OF 471.22 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER.

S 00°22'25" E, PASSING AT A DISTANCE OF 930.00 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 960.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.385 ACRES OF LAND MORE OR LESS.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT FUQUEZ PROPERTY COMPANY NO 105, LLC, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS FINAL PLAT FUQUEZ ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS, FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER. FOR THE PURPOSES INDICATED ON THIS PLAT, NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON OVER OR ACROSS THE EASEMENTS AS SHOWN EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE INITIAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENHANCE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE FULL RIGHT OF ingress and egress TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME, PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS.

WITNESS MY HAND, THIS THE _____ DAY OF _____, 2021

BY

FUQUEZ PROPERTY COMPANY NO 105 LLC
JOHN FUSSELL

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JOHN FUSSELL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2021

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

I, THAOYTH L. JACKSON, APLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

"FIRST PARTY THIS INSTRUMENT SHALL NOT BE CONSIDERED FOR ANY PURPOSE AND SHALL NOT BE USED OR WITHHELD FROM BEING USED AS A FINAL SURVEY INSTRUMENT."

THAOYTH L. JACKSON
REGISTRATION NUMBER 5664

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY _____
CHAIRPERSON DATE

ATTES: _____
DATE

PLAT
FUQUEZ ADDITION

10.385 ACRES

DEVELOPED BY THE
J. B. & A. ADAMS SURVEY,
ABSTRACT NO 5
CITY OF WAXAHACHE
ELLIS COUNTY, TEXAS
1 RESIDENTIAL LOT
ZONED PD-SF-1
CAS NO SUB-39-2021

OWNER
JOHN FUSSELL
439 WILSON ROAD
WAXAHACHE, TX 75105
469-964-9375

SURVEYOR
TEXAS REALTY CAPTURE &
SURVEYS LLC
P.O. BOX 252
WAXAHACHE, TEXAS 75104
409-518-9338
TBP'S FIRM NO 10194359

JOB NO 11826

MARCH 2021

PAGE 1 OF 1

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 42D HAD 83 PER GPS OBSERVATIONS

THE SUBJECT PROPERTY LIES WITHIN ZONE "C" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 5 YEAR ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO 48136C0100P DATED JUNE 3 2011 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

ALL LOTS SHALL BE SERVICED BY AN ON SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE, AN ON SITE TREATMENT SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED SANITARIAN

RSE = ROCKFETT SPECIAL UTILITY DISTRICT EASEMENT
UE = UTILITY EASEMENT

W.L. WALLACE &
JEANNETTE WALLACE
VOL. 1181 PG 603
OPRECT

P.O.B.
CRS

(19)

(iD)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-45-2021



MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-45-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Car Wash on 0.964 acres.

CASE INFORMATION

Applicant: Jace Huffman, P.E., Huffman Consulting Eng.

Property Owner(s): Anwar Dossani, H&D Realty Investments

Site Acreage: 0.964 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 w/ SUP

SUBJECT PROPERTY

General Location: Located West of 3298 S Interstate 35

Parcel ID Number(s): 223397

Existing Use: Currently Undeveloped

Development History: N/A

(10)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Undeveloped Land
East	GR/LI1	Scarborough Travel Stop (Shell Gas Station/Sonic Drive-In Restaurant)
South	LI1	Undeveloped Land (Ord. 3207 (McDonald's))
West	LI1	Currently Undeveloped

Future Land Use Plan: Retail and Mixed Use Non-Residential

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

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan: The subject property is accessible via FM 66.

Site Image:



(10)

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Car Wash on 0.964 acres. Due to a proposed drive thru for the car wash, a Specific Use Permit is required. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit must be reviewed by City Council.

Proposed Use:

Per the Operational Plan, the applicant (Scarborough Express Car Wash) plans to operate an express car wash located West of 3298 S Interstate 35 (Scarborough Travel Stop). The location will operate 7 days a week, 8am-8pm. The applicant intends to have 10 employees for the development.

Note: The SUP request is only for the proposed car wash. The submitted Site Plan shows that there will be a proposed fueling station in the future by a separate project. Per the applicant, this fuel area improvement is shown only to highlight the fact that a section of pavement and cross access easement will be necessary to provide access to the proposed car wash development. The proposed fuel island improvement project will be submitted to the City of Waxahachie in the future for review, once the general contractor agreement has been finalized.

Table 2: Proposed Development Standards (Light Industrial-1)

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

Standard	City of Waxahachie	Scarborough Express Car Wash	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	41,992	Yes
Min. Lot Width (Ft.)	70	240	Yes
Min. Lot Depth (Ft.)	100	175	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	0	No
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	60	13	Yes
Parking 1 space per 150 sq. ft.	4	6	Yes

**The applicant will provide 23 vacuum/bay spaces*

***Additional Note: The building is proposed to be constructed of stone/stone veneer, stucco, and metal.*

SPECIAL EXCEPTION/VARIANCE REQUEST

Setback (Rear Yard)

Per the City of Waxahachie Zoning Ordinance, Light Industrial-1 requires a 30ft. rear yard setback.

- The applicant is requesting to propose a 0ft. rear yard setback.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 the proposed development.

(10)

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 property.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
139445	HIDEAWAY SELF STORAGE INC	2.29	LOT 1 THE HIDEAWAY STORAGE ADDN 2.29 AC	1624 FM 66	WAXAHACHIE	TX	75167	1624 FM 66 WAXAHACHIE TX 75167
174460	DML LAND LLC	40.049	TR 2R 2 INTERSTATE INDUSTRIAL PARK-REV 40.049 ACRES	2200 W HIGHWAY 287 BUSINESS	WAXAHACHIE	TX	75167	E FM 66 WAXAHACHIE TX 75167
174468	L C G INVESTMENT CO	4.597	LOT 1R BLK 1 INTERSTATE INDUSTRIAL PARK-REV 4.597 AC	14902 PRESTON RD STE 404-323	DALLAS	TX	75254	1501 FM 66 WAXAHACHIE TX 75167
174469	ESTES GARY W	2.411	LOT 1RA BLK 2 INTERSTATE INDUSTRIAL PARK-REV 2.411 AC	100 OAK CREEK	WAXAHACHIE	TX	75165	1499 W FM 66 WAXAHACHIE TX 75167
176479	VISTA HILLS MHC LTD	49.3508	1-275 ABST 6 VISTA HILLS MHP JE AMRSTRONG 49.3508 ACRES	PO BOX 22048	WACO	TX	76702	2900 S INTERSTATE 35 WAXAHACHIE TX 75165
179033	DUGGAN NICKIE	2.04	6 J C ARMSTRONG 2.04 ACRES	1651 FM 66	WAXAHACHIE	TX	75167	1651 FM 66 WAXAHACHIE TX 75167
179035	H&D REALTY INVESTMENTS LLC	20.276	6 J C ARMSTRONG 20.276 ACRES	520 E NORTHWEST HWY STE 100	GRAPEVINE	TX	76051	66 INTERSTATE 35 WAXAHACHIE TX 75165
179110	ACE RESOURCES INC	2.264	6 J C ARMSTRONG 2.264 ACRES	PO BOX 803194	DALLAS	TX	75380	1650 FM 66 WAXAHACHIE TX 75167
179116	DMJ PROPERTIES LTD	0.5	6 J C ARMSTRONG 0.5 ACRES	PO BOX 2599	WAXAHACHIE	TX	75168	3300 S INTERSTATE 35 WAXAHACHIE TX 75165
223397	H & D REALTY INVESTMENTS LLC	0.964	6 J C ARMSTRONG 0.964 ACRES	520 E NORTHWEST HIGHWAY STE 100	GRAPEVINE	TX	76051	FM 66 WAXAHACHIE TX 75167
225222	H & D REALTY INVESTMENTS LLC	2.77	LOT 1R COLWELL OIL CO ADDN 2.77 AC	520 E NORTHWEST HIGHWAY STE 100	GRAPEVINE	TX	76051	3298 S INTERSTATE 35 WAXAHACHIE TX 75165
240457	JUDE MANAGEMENT LLC	3.371	TR 2R 2 INTERSTATE INDUSTRIAL PARK-REV 3.371 ACRES	PO BOX 2599	WAXAHACHIE	TX	75168	E FM 66 WAXAHACHIE TX 75167
279756	TEXAS DEPARTMENT OF TRANSPORTATION	0.1692	VISTA HILLS MHP 0.1692 ACRES	125 E 11TH ST	AUSTIN	TX	78701	INTERSTATE 35 WAXAHACHIE TX 75165

(10)

(10)

RECEIVED APR 12 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-45-2021

VISTA HILLS MHC LTD
PO BOX 22048
WACO, TX 76702

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 3, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-45-2021

City Reference: 176479

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, April 20, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

We support this request for SUP as long as all issues concerning water runoff and drainage are properly addressed so as not to negatively impact our adjoining property.

Laura Crawford
Signature

4/12/21
Date

Laura Crawford, Partner
Printed Name and Title

P.O. Box 22048, Waco, TX
Address 76702

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 CAR WASH USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 223397, BEING ABSTRACT 6 OF THE J C ARMSTRONG SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; 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-45-2021. 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 LI1 to LI1, with an SUP in order to permit a Car Wash use on the following property: Abstract 6 of the J C Armstrong Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, the Elevation/Façade Plan attached as Exhibit D, and Staff Report attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

(11)

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A CAR WASH USE IN THE LIGHT INDUSTRIAL-1 (LI1) 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-45-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report.
3. A mutually agreed upon Development Agreement will be required for the property.
4. A sidewalk shall be provided along the front of 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. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or 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. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.
5. 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.

(11)

PASSED, APPROVED AND ADOPTED on this 3rd day of May, 2021.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR SCARBOROUGH EXPRESS CAR WASH
 COUNTY OF ELLIS §

This Development Agreement for Scarborough Express Car Wash ("Agreement") is entered into between H&D Realty Investments, LLC ("HDRI") and the City of Waxahachie, Texas ("City"). HDRI and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. HDRI is the owner of approximately 0.964 acres of real property generally located West of 3298 S. Interstate 35, Parcel Number 223397, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Light Industrial-1 to Light Industrial-1 with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP reviewed on May 3, 2021.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a Car Wash (Scarborough Express Car Wash). The SUP 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 HDRI 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 HDRI and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "Scarborough Express Car Wash SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Scarborough Express Car Wash.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Scarborough Express Car Wash SUP Ordinance as contractually-binding obligations between the City of Waxahachie and HDRI, and to recognize HDRI's reasonable investment-backed expectations in the Scarborough Express Car Wash SUP Ordinance and the planned development of Scarborough Express Car Wash.

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.

(18)

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 Scarborough Express Car Wash SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) The site plan, landscape plan, and elevation/façade plan shall conform as approved by the City Council under case number ZDC-45-2021.
- (B) Business operations shall be consistent with the Operational Plan.
- (C) A sidewalk will be required along the front of the property.
- (D) 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.
- (E) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.

In consideration of HDRI's agreement in this regard, the City of Waxahachie agrees that HDRI has reasonable investment-backed expectations in the Scarborough Express Car Wash SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Scarborough Express Car Wash SUP Ordinance without impacting HDRI'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.

(18)

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon HDRI 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.

(12)

{Signature Pages Follow}

(12)

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

**: Jace Huffman, P.E., Huffman Consulting
Eng. (Developer)**

By: _____

Date: _____

: Anwar Dossani, H&D Realty Investments, LLC (Property Owner)

By: _____

Date: _____

(12)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of H&D Realty Investments, LLC, 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: _____

(12)

EXHIBIT A

Scarborough Express Car Wash Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CAR WASH USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, PROPERTY ID 223397, BEING ABSTRACT 6 OF THE J C ARMSTRONG SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; 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-45-2021. 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 LI1 to LI1, with an SUP in order to permit a Car Wash use on the following property: Abstract 6 of the J C Armstrong Survey, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and the Elevation/Façade Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

(12)

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A CAR WASH USE IN THE LIGHT INDUSTRIAL-1 (LI1) 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-45-2021.
2. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C - Landscape Plan, and Exhibit D – Elevation/Façade Plan.
3. A mutually agreed upon Development Agreement will be required for the property.
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. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of the Light Industrial-1 Zoning District shall apply to this development.
6. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or 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 3rd day of May, 2021.

(12)

MAYOR

ATTEST:

City Secretary

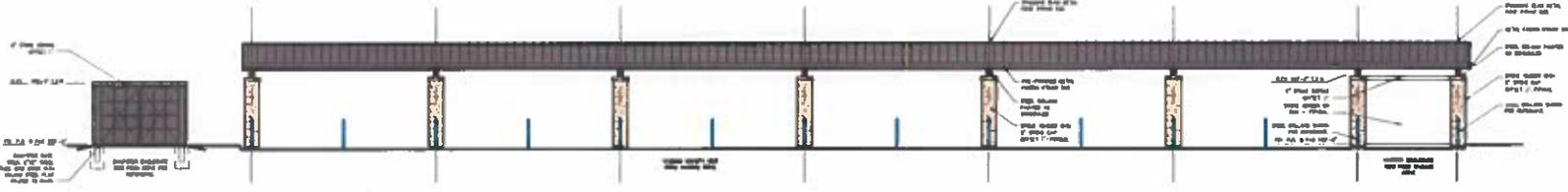


Exhibit A - Location Exhibit

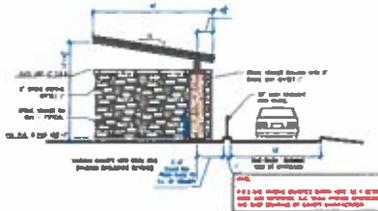
- Parcels
- Approximate ZDC-45-2021 (SUP)
- City Limits

0 100 200 400 600 800 Feet

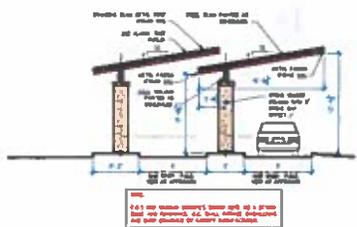
(19)



1 ELEVATION @ VACUUM CANOPY/P.O.S. SIM.
SCALE: 1" = 18'-0"

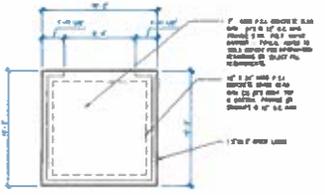


2 ELEVATION @ POS AND VACUUM CANOPIES
SCALE: 1" = 18'-0"

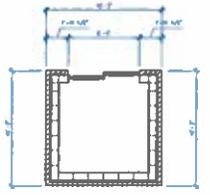


3 ELEVATION @ VACUUM CANOPY/P.O.S. SIM.
SCALE: 1" = 18'-0"

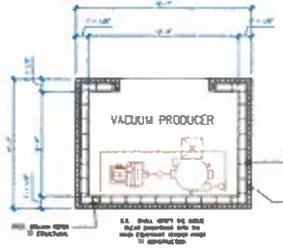
Exhibit D - Elevation/Facade Plan



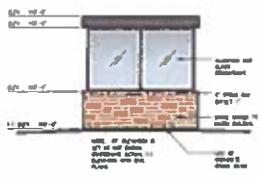
KIOSK FOUNDATION PLAN



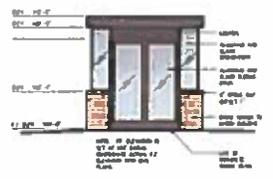
KIOSK FLOOR PLAN



VACUUM RUBBING FLOOR PLAN

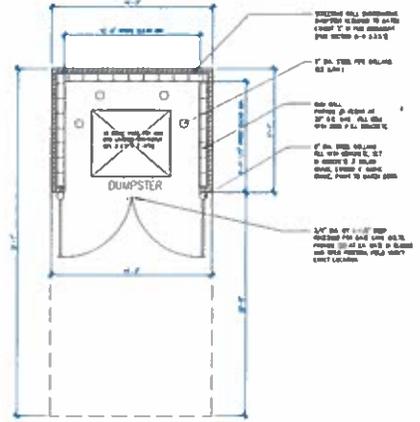


KIOSK ELEVATION - REAR AND SIDES



KIOSK ELEVATION - FRONT (QUEUE)

3 PLANS AND ELEVATION @ KIOSK
SCALE: 1" = 3'-0" / 1'-0"



3 PLAN @ DUMPSTER SCREEN
SCALE: 1" = 3'-0" / 1'-0"

3 PLAN @ VACUUM SCREEN
SCALE: 1" = 3'-0" / 1'-0"



EURYTHMIC DESIGN GROUP ARCHITECTS

PROJECT NAME: SCARBOROUGH CAR WASH
 LEGAL NAME: J.C. ARMSTRONG SURVEY, ABSTRACT 06
 AREA: 0.964 ACRES & 20.29 ACRES = 21.25 ACRES
 CITY / COUNTY: WAXAHACHE / ELLIS COUNTY, TEXAS
 PREPARATION DATE: APRIL 19, 2021
 CASE NUMBER: ZDC-45-2021

1	04.19.2021
1	04.19.2021
1	04.19.2021
1	04.19.2021



DEVELOPER
 H&D REALTY INVESTMENT, INC
 520 E. HOPKINSON HWY SUITE 100
 GRAPEVINE, TEXAS 76051
 CONTACT: KAREN MAMAHAI 817.422.1139 J209

SCARBOROUGH CAR WASH
 NEW EXPRESS LOCATION
 8800
 JAMES H. BRYAN BLVD
 WAXAHACHE, TEXAS 75165

EURYTHMIC DESIGN GROUP ARCHITECTS
 V. C. JARROLD A.L.A.
 11700 PRECISION ROAD SUITE 660 DALLAS, TX 75230
 Tel: 214.361.1824 Fax: 214.726.1271 email: vcc@eurythmic.com
 www.eurythmic.com

SHEET:
 FA-2
 2 OF 2 (6 SHEETS)

Exhibit E - Staff Report

Planning & Zoning Department Zoning Staff Report

Case: ZDC-45-2021



MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-45-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Jace Huffman, Huffman Consulting Engineers, for a Specific Use Permit (SUP) for Drive Through Establishment use within a Light Industrial-1 zoning district located West of 3298 S Interstate 35 (Property ID 223397) - Owner: H & D REALTY INVESTMENTS LLC (ZDC-45-2021)

APPLICANT REQUEST

The applicant is requesting approval to allow a Car Wash on 0.964 acres.

CASE INFORMATION

Applicant: Jace Huffman, P.E., Huffman Consulting Eng.

Property Owner(s): Anwar Dossani, H&D Realty Investments

Site Acreage: 0.964 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 w/ SUP

SUBJECT PROPERTY

General Location: Located West of 3298 S Interstate 35

Parcel ID Number(s): 223397

Existing Use: Currently Undeveloped

Development History: N/A

Exhibit E - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	LI1	Undeveloped Land
East	GR/LI1	Scarborough Travel Stop (Shell Gas Station/Sonic Drive-In Restaurant)
South	LI1	Undeveloped Land (Ord. 3207 (McDonald's))
West	LI1	Currently Undeveloped

Future Land Use Plan: Retail and Mixed Use Non-Residential

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

Mixed Use Non-Residential: Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

Thoroughfare Plan: The subject property is accessible via FM 66.

Site Image:



Exhibit E ⁽¹⁸⁾ Staff Report

PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow a Car Wash on 0.964 acres. Due to a proposed drive thru for the car wash, a Specific Use Permit is required. Per the City of Waxahachie Zoning Ordinance, a Specific Use Permit must be reviewed by City Council.

Proposed Use:

Per the Operational Plan, the applicant (Scarborough Express Car Wash) plans to operate an express car wash located West of 3298 S Interstate 35 (Scarborough Travel Stop). The location will operate 7 days a week, 8am-8pm. The applicant intends to have 10 employees for the development.

Note: The SUP request is only for the proposed car wash. The submitted Site Plan shows that there will be a proposed fueling station in the future by a separate project. Per the applicant, this fuel area improvement is shown only to highlight the fact that a section of pavement and cross access easement will be necessary to provide access to the proposed car wash development. The proposed fuel island improvement project will be submitted to the City of Waxahachie in the future for review, once the general contractor agreement has been finalized.

Table 2: Proposed Development Standards (Light Industrial-1)

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

Standard	City of Waxahachie	Scarborough Express Car Wash	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	41,992	Yes
Min. Lot Width (Ft.)	70	240	Yes
Min. Lot Depth (Ft.)	100	175	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	30	30	Yes
Min. Rear Yard (Ft.)	30	0	No
Max. Height	6 stories	1 story	Yes
Max. Lot Coverage (%)	60	13	Yes
Parking 1 space per 150 sq. ft.	4	6	Yes

**The applicant will provide 23 vacuum/bay spaces*

***Additional Note: The building is proposed to be constructed of stone/stone veneer, stucco, and metal.*

SPECIAL EXCEPTION/VARIANCE REQUEST

Setback (Rear Yard)

Per the City of Waxahachie Zoning Ordinance, Light Industrial-1 requires a 30ft. rear yard setback.

- The applicant is requesting to propose a 0ft. rear yard setback.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, **13** 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 the proposed development.

Exhibit E Staff Report

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 property.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

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Planning & Zoning Department

Zoning Staff Report

Case: ZDC-46-2021



MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 5-2 to recommend approval of case number ZDC-46-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

APPLICANT REQUEST

Kalterra Capital Partners (property owner) is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage-units, which were designed at the western portion of the property, into the main building while converting the cottage building detached garages. Per the City of Waxahachie Zoning Ordinance, City Council must review the requested Planned Development Amendment.

CASE HISTORY

At the City Council meeting, held October 21, 2019, City Council voted 5-0 to recommend approval of case number PD-19-0114 (Garden Valley Senior Living), subject to staff comments. Per the approved Ordinance (Ord. 3150), City Council approved a Senior Age-Restricted residential development with a Skilled Nursing Facility.

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 5-2 to recommend approval of case number ZDC-46-2021, subject to staff comments.

CASE INFORMATION

<i>Applicant:</i>	Nicholas Balsam, Kalterra Capital Partners
<i>Property Owner(s):</i>	Kalterra Capital Partners LLC
<i>Site Acreage:</i>	7.793 acres
<i>Current Zoning:</i>	Planned Development-Multiple Family-2
<i>Requested Zoning:</i>	Planned Development-Multiple Family-2 Amendment (Ord. 3150)

(13)

SUBJECT PROPERTY

General Location: SW corner of Garden Valley Parkway at Goodnight Lane

Parcel ID Number(s): 275562

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	MF2	Currently Undeveloped
East	PD-SF2	Garden Valley Phase I
South	PD-GR & GR	Currently Undeveloped
West	SF1	Sports Complex

Future Land Use Plan: Low Density Residential

Comprehensive Plan: 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 Garden Valley Pkwy.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

Kalterra Capital Partners (property owner) is proposing a redesign to The Hamilton’s (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage-units, which were designed at the western portion of the property, into the main building while

(12)

changing the cottage buildings to detached garages. Per the City of Waxahachie Zoning Ordinance, City Council must review the requested Planned Development Amendment.

Proposed Use:

The applicant is requesting to interchange the 18 cottage-units, which were designed at the western portion of the property, into the main building while changing the cottage building detached garages. The applicant has added 10 attached garages into the main building, locating them in the backside of the property so that they are not visible from the street.

Staff Analysis

Though fewer attached garages are provided than before, the potential benefit is that all of the structures are located along the back (south) side of the building, and the garages that were on the south and north side of the building have been replaced with first floor units (which provides views for units on the pond to the north and open land to the south). Furthermore, an original concern was that the location of the cottage buildings would obstruct the tenant's view of the pond. Staff believes that the revised plan helps address that concern.

Per the revised exhibits, the proposal will provide a similar footprint to the approved site plan, including the same articulations in the cottage building. In addition, the revised site plan will include changes to the previously approved parking layout. Listed below is a summary of changes made by the applicant.

CHANGES FROM THE 10/21/2019 CC MEETING

- 18 detached cottage units, originally proposed along western boundary of the property, will be integrated into the main building.
- 36 detached garages will replace the original location of the 18 cottage units
- Total Parking increased 180 to 189
- Uncovered parking decreased from 96 to 88
- Attached Garages decreased from 54 to 10
 - 18 of the 54 spaces were attached to cottage units separate from the main building
- Clubhouse spaces increased from 12 to 37
- Parking Changes (see below):

Table 2: Parking Information

Parking Information	Original Submittal (10/21/2019 CC Meeting)	Proposed Submittal 4/27/2021 PZ Proposal
Total Parking Provided	180	189
Uncovered	96	88
Attached	54 <i>* 18 of the 54 spaces were attached to cottage units separate from the main building</i>	10
Detached	0	36
Carport	18	18
Clubhouse Spaces	12	37

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 has received two (2) letters of support and one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A revised mutually agreed upon Development Agreement/Ordinance must be signed by the applicant and city staff.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Ordinance 3150
4. Explanation for Resubmittal
5. Location Exhibit
6. Site Comparison Exhibit
7. Landscape Plan
8. Elevations/Façade Plan / Renderings
9. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
178923	EQUITY TRUST COMPANY CUSTODIAN FBO	4.649	5 J B & A ADAMS 4.649 ACRES KENNETH BOX IRA	330 HUNTER PASS	WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
209231	KNIGHTS COLUMBIAN CLUB INC	5	5 J B & A ADAMS LOCKED GATES ACRES	PO BOX 242	WAXAHACHIE	TX	75168	325 BROADHEAD RD WAXAHACHIE TX 75165
215624	WAXAHACHIE COMMUNITY	99.28	LOT 1R BROADHEAD ROAD SPORTS COMPLEX 99.28 AC DEVELOPMENT CORP	PO BOX 757	WAXAHACHIE	TX	75168	501 BROADHEAD RD WAXAHACHIE TX 75165
231109	WP LEGACY LTD	4.327	5 J B & A ADAMS 4.327 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	FM 813 WAXAHACHIE TX 75165
232244	DAVISON JANE A	0.1912	1 1 GARDEN VALLEY RANCH PH I 0.1912 ACRES	115 VALLEY RANCH CT	WAXAHACHIE	TX	75165	115 VALLEY RANCH CT WAXAHACHIE TX 75165
232245	OMERO HERRERA & BRENDA I	0.1912	2 1 GARDEN VALLEY RANCH PH I 0.1912 ACRES	113 VALLEY RANCH CT	WAXAHACHIE	TX	75165	113 VALLEY RANCH CT WAXAHACHIE TX 75165
232247	DELEÓN ARTURO L. & EMILY A	0.3189	LOT 4 BLK 1 GARDEN VALLEY RANCH PH I 0.3189 AC	109 VALLEY RANCH CT	WAXAHACHIE	TX	75165	109 VALLEY RANCH CT WAXAHACHIE TX 75165
232248	CLAROS RAUL E M & NANCY MACHUCA	0.719	LOT 5 BLK 1 GARDEN VALLEY RANCH PH I 0.719 AC	107 VALLEY RANCH CT	WAXAHACHIE	TX	75165	107 VALLEY RANCH CT WAXAHACHIE TX 75165
232355	LETT KAYLA N & JAMES R	0.1793	LOT 13 BLK 6 GARDEN VALLEY RANCH PH I 0.1793 AC	117 VALLEY RANCH DR	WAXAHACHIE	TX	75165	117 VALLEY RANCH DR WAXAHACHIE TX 75165
242234	WP LEGACY LTD	3.411	5 J B & A ADAMS 3.411 ACRES	101 VALLEY RIDGE DR	RED OAK	TX	75154	PARK PLACE BLVD WAXAHACHIE TX 75165
275562	KALTERRA CAPITAL PARTNERS LLC	7.67	5 J B & A ADAMS 7.67 ACRES	3710 RAWLINS ST STE 1390	DALLAS	TX	75219	GARDEN VALLEY PKWY WAXAHACHIE TX 75165
275563	KALTERRA CAPITAL PARTNERS LLC	13.17	5 J B & A ADAMS 13.17 ACRES	3710 RAWLINS ST STE 1390	DALLAS	TX	75219	PARK PL WAXAHACHIE TX 75165

(a)

(13)

RECEIVED APR 12 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-46-2021

KALTERRA CAPITAL PARTNERS LLC
3710 RAWLINS ST STE 1390
DALLAS, TX 75219

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 3, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-46-2021

City Reference: 275563

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Tuesday, April 20, 2021 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Phillip Sanchez
Signature

4/12/2021
Date

PHILLIP SANCHEZ, MANAGER
Printed Name and Title

3710 RAWLINS ST, STE 1390
DALLAS, TX 75219
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.

(13)

RECEIVED APR 12 2021



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-46-2021

KALTERRA CAPITAL PARTNERS LLC
3710 RAWLINS ST STE 1390
DALLAS, TX 75219

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 27, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 3, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-46-2021

City Reference: 275562

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, April 20, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Phillip Sanchez
Signature

4/12/2021
Date

PHILLIP SANCHEZ, MANAGER
Printed Name and Title

3710 RAWLINS ST., STE 1390
Address
DALLAS, TX 75219

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

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

Case Number: ZDC-46-2021

City Reference: 232246

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, April 20, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED APR 15 2021

Comments:

Larry & Diana Mercer
Signature

04-13-2021
Date

Larry W. Mercer - Resident
Printed Name and Title

111 Valley Ranch Ct.
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.

(61)

(14)

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3150 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) WITH AMENDED ORDINANCE, TO ALLOW A SENIOR AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY PARKWAY AT GOODNIGHT LANE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES KNOWN AS A PORTION OF PROPERTY ID 275562, 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-46-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-MF2 to PD-MF2 (with amended Ordinance) 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-MF2 to PD-MF2 (with amended ordinance) with Concept Plan in order to facilitate development of the subject property in a manner that allows a senior age-restricted residential development on the following property: a portion of Property ID 275562, which is shown on Exhibit A, Site Comparison Exhibit shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan / Renderings shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a senior age-restricted 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.

(14)

Development Standards

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

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site/Concept Plan shall conform as approved by the City Council under case number ZDC-46-2021.
3. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
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. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan / Rendering, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this Zoning Ordinance, the regulations of Ord. 3150 shall apply to this development.

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

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

PASSED, APPROVED, AND ADOPTED on this 3rd day of May, 2021.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR THE HAMILTON (PD AMENDMENT)
COUNTY OF ELLIS	§	

This Development Agreement for The Hamilton (PD Amendment) ("Agreement") is entered into between Kalterra Capital Partners LLC ("KCP") and the City of Waxahachie, Texas ("City"). KCP and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. KCP is the owner of approximately 7.793 acres of real property generally located at the Southwest corner of Garden Valley Parkway at Goodnight Lane, parcel number 275562, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Planned Development-Multi Family-2 to a Planned Development ("PD") Planned Development-Multi Family-2 (Ord. 3150 text amendment) zoning, revising specific development standards. The Property is currently zoned Planned Development-Multi Family-2 and is anticipated to have the zoning changed to a new PD zoning on May 3, 2021.

2. The planned use of the Property is to create a Planned Development to allow for a senior age-restricted residential development. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing KCP 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 KCP and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. (TBD) (the "The Hamilton (PD Amendment) PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Hamilton (PD Amendment).

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in The Hamilton (PD Amendment) PD Ordinance as contractually-binding obligations between the City of Waxahachie and KCP, and to recognize KCP's reasonable investment-backed expectations in The Hamilton (PD Amendment) PD Ordinance and the planned development of The Hamilton (PD Amendment).

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 Hamilton (PD Amendment) PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-46-2021.
3. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
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. Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan / Rendering, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of Ord. 3150 shall apply to this development.

In consideration of KCP's agreement in this regard, the City of Waxahachie agrees that KCP has reasonable investment-backed expectations in The Hamilton (PD Amendment) PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in The Hamilton (PD Amendment) PD Ordinance without impacting KCP'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.

(15)

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon KCP 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.

(15)

{Signature Pages Follow}

(15)

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

: Kalterra Capital Partners (Applicant)

By: _____

Date: _____

: Kalterra Capital Partners (Owner)

By: _____

Date: _____

(15)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2021, 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 _____, 2021, personally appeared _____, representative of Kalterra Capital Partners, 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: _____

(15)

EXHIBIT A

The Place at North Grove PD Ordinance

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 3150 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) WITH AMENDED ORDINANCE, TO ALLOW A SENIOR AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY PARKWAY AT GOODNIGHT LANE, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES KNOWN AS A PORTION OF PROPERTY ID 275562, 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-46-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-MF2 to PD-MF2 (with amended Ordinance) 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-MF2 to PD-MF2 (with amended ordinance) with Concept Plan in order to facilitate development of the subject property in a manner that allows a senior age-restricted residential development on the following property: a portion of Property ID 275562, which is shown on Exhibit A, Site Comparison Exhibit shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan / Renderings shown as Exhibit D, and Staff Report shown as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a senior age-restricted residential development, and to establish appropriate restrictions and development controls necessary to

(15)

ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

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

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The Site/Concept Plan shall conform as approved by the City Council under case number ZDC-46-2021.
3. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
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. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan / Rendering, and Exhibit E – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this Zoning Ordinance, the regulations of Ord. 3150 shall apply to this development.

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

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

PASSED, APPROVED, AND ADOPTED on this 3rd day of May, 2021.

MAYOR

ATTEST:

City Secretary

(15)

ORDINANCE NO. 3150

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF GARDEN VALLEY AND GOODNIGHT LANE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.793 ACRES, KNOWN AS PROPERTY ID 275562, 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 PD-19-0114. 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 MF2 to PD-MF2, 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 MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows Senior Age-Restricted residential development on the following property: Property ID 275562, which is shown on Exhibit A, in accordance with the Planned Development Provisions/Land Use Statement attached as Exhibit B, Site Plan attached as Exhibit C, and Landscape Plan attached as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a senior age-restricted 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 Site Plan (Exhibit C).

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A 6 ft. wrought iron fence shall be provided along the side(s) and rear of the property. A 6 ft. wrought iron fence with masonry columns (positioned every 30 ft.) shall be provided facing the right-of-way (ROW).
3. Per this Planned Development, a Skilled Nursing Facility shall be defined as "Skilled nursing, physical therapy, and similar health care professional are allowed as an accessory use not exceeding 5% of the total floor area. Treatments may take place within individual residences or designated facilities within the building. These services are limited to residents of the facility for the purpose of maintaining, restoring, and improvement movement, activity and body function, thereby providing well-being and an improved quality of life." The therapy and rehabilitation services can only be provided by a skilled or licensed nurse (or LVN), physical therapist, or trainer.

(15)

4. The Site Plan shall conform as approved by the City Council under case number PD-19-0114.
5. 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 – Planned Development Provisions. Where regulations are not specified in Exhibit B or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
6. A detailed Site Plan shall be administratively reviewed and can be approved in accordance with the Concept Plan.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 21st day of October, 2019.



David Hill

MAYOR

ATTEST:

Amber Villarreal

Acting City Secretary



Exhibit A - Location Exhibit

0 400 800 1,600 2,400 3,200 Feet

PD-19-0114

Exhibit B

DEVELOPMENT PROVISIONS

Garden Valley Planned Development

Use Allowed by Right: All uses of the MF-2 District including a senior, age-restricted residential community that may or may not include the following uses: Housing for the Elderly/Senior Apartments and Home for Aged, Residence (Assisted Living).

Concept Plans: Concept plans are not required.

Detailed Site Plan: Senior, age-restricted residential community uses are subject to approval of a Detailed Site Plan. All other MF-2 Uses, including Multi-Family, are not subject to approval of a Detailed Site Plan. In the event of conflict between the Detailed Site Plan and the conditions herein, the conditions herein prevail.

Landscape Plan: Landscaping shall be provided as generally shown on the Landscape Plan. In the event of a conflict between the Landscape Plan and the conditions herein or in the Code of Ordinances, the PD conditions prevail.

Development Standards: Unless specified herein, development is subject to the MF-2 District Regulations. An age-restricted residential community is subject to the following standards:

Density: A maximum of 23 dwelling units per acre

The maximum number of units is 175.

The maximum number of 3-bedroom units is 8.

Lot area, width, depth, and coverage:

- Minimum lot area: 1,930 square foot per unit
- Minimum lot width: 60 feet
- Minimum lot depth: 120 feet
- Maximum lot coverage: 40 percent

Yard depths and widths:

- Minimum front yard: 25'/75'
- Minimum side yard: 25'/100', 3-story building
- Minimum rear yard: 25'/75'

Building height: 3 stories/ 1 story

Minimum Dwelling Unit Area:

- 1-bed: 650 SF
- 2-bed: 980 SF

Building elevations:

- Roof pitch: 4:1 or greater

Maximum building length

- 420 feet for main building
- 200 feet for peripheral buildings

Parking and Access: Unless specified herein, development is subject to the MF-2 District Regulations. An age-restricted residential community is subject to the following standards:

A minimum of 25% of required parking spaces provided in garages.

Landscape and Screening: Unless specified herein, development is subject to the MF-2 District Regulations. An age-restricted residential community is subject to the following standards:

- Canopy trees: A minimum of 78 canopy trees.
- Understory trees: A minimum of 100 understory trees.

Solid perimeter screening is not required. An ornamental iron fence is required around the perimeter and generally shown on the site plan.

Exterior Building Materials: A minimum of 90% of each exterior building elevation shall be comprised of masonry material as defined the Waxahachie Zoning Ordinance with one exception. Cementitious fiberboard siding is an acceptable masonry material provided that no single elevation is comprised of more than 50% cementitious fiberboard siding.

Accessory Buildings: Accessory buildings are not anticipated, as the clubhouse and leasing facilities are anticipated to be incorporated into the larger central structure on the site; however, any accessory structure will comply with the requirements as set forth in the City of Waxahachie Zoning Ordinance.

Signs and Lighting: Unless specified herein, development is subject to the MF-2 District Regulations and Performance Standards.

Amenities: The following amenities are required: trash collection, a private salon, a pool, common area and transit service.

Project Phasing: The project is anticipated to be constructed in a single phase, with construction expected to commence approximately one year from zoning approval. Construction is expected to take approximately 18 months upon commencement.

Management Associations: No management association has been identified for the project at this time. Professional leasing and management of the facility is expected.

(15)

Miscellaneous

- **Refuse Facilities**: A waiver to the minimum distance to a trash facility is also requested. The proposed project will include valet trash pick-up for residents as an amenity to reduce resident trips to refuse facilities, and this waiver will allow for greater flexibility in placement to reduce impact on the pedestrian path on the north side of the property. No waiver is requested to the minimum number of facilities needed or required screening.

Exhibit B

Land Use Statement

Garden Valley Planned Development

Introduction

This rezoning request seeks to modify zoning on the subject property to accommodate development of a luxury senior, age-restricted residential community on 7.793 acres. The subject property is located on Garden Valley Parkway between Park Place Boulevard and Broadhead Road.

Proposed Uses

The proposed Planned Development would retain all the MF-2 uses currently permitted and allow a senior living age-restricted facility. These rights carried forward would include by-right apartment development subject to the use, zoning and development regulations of the MF-2 District.

Proposed Yard, Lot, and Space Regulations

The proposed project would increase the allowable density and decrease the minimum lot area per unit to accommodate the associated density with a senior, age-restricted residential community. These requirements would only apply to age-restricted living facilities. Any other multi-family uses currently allowed in MF-2 would be required to meet all City of Waxahachie development standards for MF-2. The deviations from the MF-2 Standards are in bold font.

Standard	MF-2 Standards	Proposed PD
Maximum Density	18 DU/A	23 DU/A
Minimum Lot Area	2,420 SF/unit	1,930 SF/unit
Maximum Unit Count	140	175
Minimum Lot Width	No Change (60 feet)	
Minimum Lot Depth	No Change (120 feet)	
Maximum Lot Coverage	No change (40 percent)	
Minimum Front Yard	No Change (25'/75')	
Minimum Side Yard	25'/100'	25'/100'
Minimum Rear Yard	50'/75'	25'/75'
Building Height	No Change (1 and 3 stories)	
Minimum DUA	1-bed – 600 SF 2-bed – 700 SF	1-bed – 650 SF 2-bed – 980 SF

Building Elevations (VARIANCE REQUESTED)

The proposed development includes one- and three-story buildings that will meet the required architectural requirements of the City of Waxahachie Zoning Ordinance. The proposed project will be made up of five buildings. Single-story buildings will be located along the east and west perimeter to maintain a more residential feel and buffer to the larger three-story facility in the center of the site.

Two minor adjustments to building elevation requirements are requested with this project:

Standard	MF-2 Standards	Proposed PD
Roof Pitch	7:12	4:1 or greater
Building Length	200 feet	420 feet

The perimeter one-story buildings all comply with the maximum length requirement. The 3-story building exceeds the length parameter. This adjustment is necessary to accommodate unit yield and provide an expansive interior courtyard. The building is located interior and will be partially blocked by the perimeter buildings and landscaping. Moreover, the architecture detail and building articulation further break up the building and create visual appeal.

Exterior Building Materials (VARIANCE REQUESTED)

A minimum of 90% of each elevation shall be comprised of masonry as defined in the Waxahachie Zoning Ordinance with one exception. Cementitious fiberboard siding is an allowed material provided no single building elevation is comprised of more than 50% of such material.

Number of Off-Street Parking Spaces

Due to the nature of senior, age-restricted community, parking generation is limited. Many residents either do not drive or drive seldomly. One of the many services is an on-site van service that is available to take residents to local destinations. Much of the parking demand is generated by visitors and employees.

Parking Garages (VARIANCE REQUESTED)

MF-2 development standards require 50% of parking spaces be provided in garages. The proposed PD for senior, age restricted residential community includes a minimum of 25% of spaces provided in garages. The additional garages will not be needed or demanded by residents as a majority do not drive or will use the on-site transit service. Providing unnecessary ground-floor parking garage disrupts ground floor activities. Additional garages displace ground floor living units and discourages interaction among residents.

Access

Access to the property would be from two locations on Garden Valley Parkway. Additional sidewalks will be provided along Garden Valley Parkway along the property frontage and connecting to the pedestrian path along the north property line. Additional connection to the pedestrian path will be provided with gated access in the approximate location depicted on the Site Plan.

Landscaping and screening (VARIANCE REQUESTED)

Landscaping and screening will be provided in accordance with the enclosed Landscaping Plan. Perimeter screening is not required along all perimeters. Screening walls would detract from aesthetics and cut the development off from surrounding properties. The proposal includes an ornamental iron fence around the facility along with plant material.

The proposed landscaping program provides a proportional amount of landscape material for the use, density and open space.

Proposed Amenities

The facility will offer the following amenities including trash collection, a private salon, pool, common area, and transit service.

Accessory Buildings

Accessory buildings are not anticipated at this time, as the clubhouse and leasing facilities are anticipated to be incorporated into the larger central structure on the site; however, any accessory structure will comply with the requirements as set forth in the City of Waxahachie Zoning Ordinance.

Signs

All signage will comply with the City of Waxahachie Zoning Ordinance.

Lighting

All lighting will comply with the City of Waxahachie Zoning Ordinance.

Project Phasing or scheduling

The project is anticipated to be constructed in a single phase, with construction expected to commence approximately one year from zoning approval. Construction is expected to take approximately 18 months upon commencement.

Management associations

No management association has been identified for the project at this time. Professional leasing and management of the facility is expected.

(15)

Miscellaneous

Refuse Facilities: A waiver to the minimum distance to a trash facility is also requested. The proposed project will include valet trash pick up for residents as an amenity to reduce resident trips to refuse facilities, and this waiver will allow for greater flexibility in placement to reduce impact on the pedestrian path on the north side of the property. No waiver is requested to the minimum number of facilities needed or required screening.

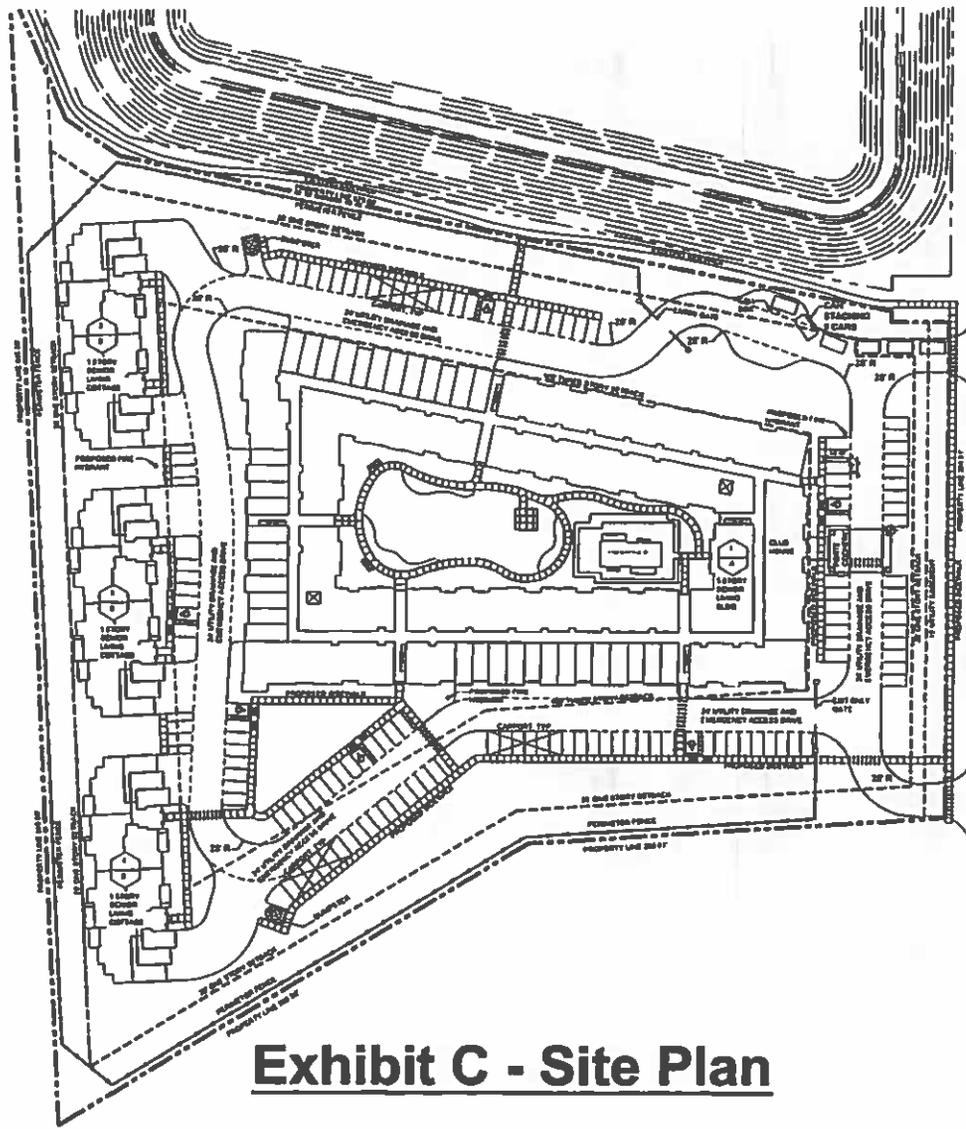


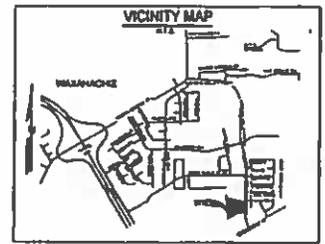
Exhibit C - Site Plan

GRAPHIC SCALE
 1" = 40' (1" = 100')



SITE PLAN
 SCALE 1" = 40'

CASE NUMBER PD-19-0114: THE VILLAGE AT GARDEN VALLEY, SENIOR LIVING FACILITY AGES 55+ THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS. KALTERRA CAPITAL PARTNERS 3710 RAWLINS STREET GALLAS, TEXAS 75210 PH. 214.673.2499



SITE INFORMATION

ZONING USE: MF-2
 TOTAL UNITS: 175
 SITE ACREAGE: 7.754 ACRES

UNITS/ACRE: 22.57

BUILDING TABULATION			
TYPE	# BLDGS	UNITS/BLDG	UNIT TOTALS
A	1	157	157
B	3	6	18
TOTAL	4		175

BUILDING SETBACKS

FRONT:	ONE STORY	35'-0"
	THREE STORY	100'-0"
SIDES:	ONE STORY	25'-0"
	THREE STORY	100'-0"
REAR:	ONE STORY	35'-0"
	THREE STORY	100'-0"

PARKING COUNT REQUIRED

PARKING SPACES REQUIRED	
1 SPACE PER UNIT	= 175

PARKING COUNT PROVIDED

UNCOVERED PARKING	= 88
GARAGE - ATTACHED	= 64
CARPOR	= 16
CLUBHOUSE SPACES	= 12
TOTAL PROVIDED SPACES	= 180



BUILDING KEY

⊕ - BUILDING NUMBER
 - - - BUILDING TYPE



CROSS REAL ESTATE
 1223 W. 18TH STREET, SUITE 123
 PLANO, TEXAS 75075
 P: 972.388.4444
 WWW.CROSSREALTY.COM

WAXAHACHIE SENIORS WAXAHACHIE, TEXAS

10642019
 17044
 REVISIONS
 01

EXHIBIT
 A1.0
 PROPOSED
 SITE PLAN

(B)

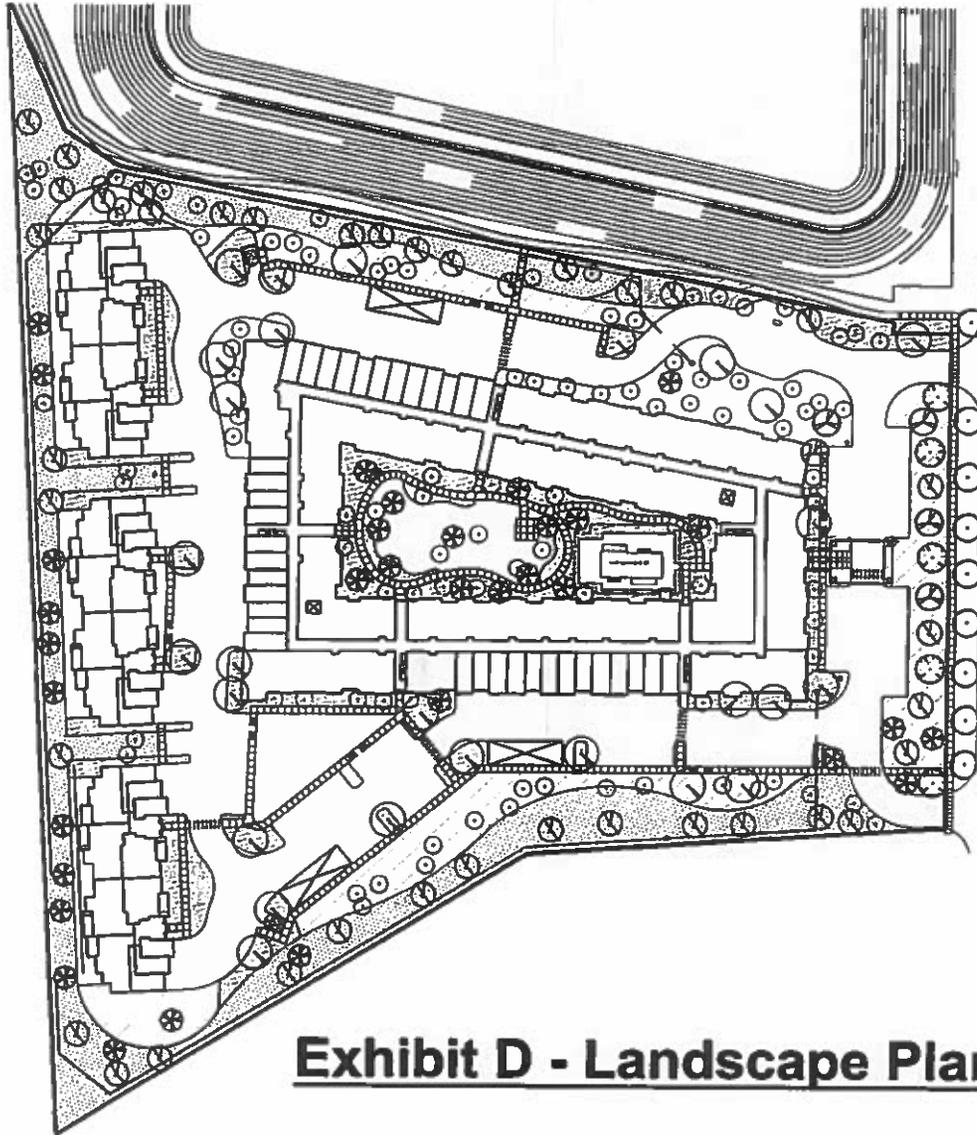
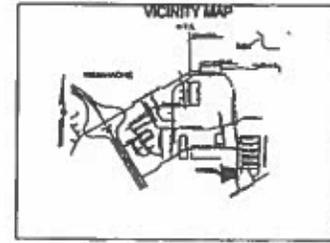


Exhibit D - Landscape Plan



Item	Description	Quantity	Notes
1	Planting of trees	100	See schedule
2	Planting of shrubs	200	See schedule
3	Planting of flowers	500	See schedule
4	Planting of grass	1000	See schedule
5	Planting of mulch	1000	See schedule

Item	Description	Quantity	Notes
6	Planting of trees	100	See schedule
7	Planting of shrubs	200	See schedule
8	Planting of flowers	500	See schedule
9	Planting of grass	1000	See schedule
10	Planting of mulch	1000	See schedule

Item	Description	Quantity	Notes
11	Planting of trees	100	See schedule
12	Planting of shrubs	200	See schedule
13	Planting of flowers	500	See schedule
14	Planting of grass	1000	See schedule
15	Planting of mulch	1000	See schedule



SITE PLAN
SCALE 1" = 40'

CASE NUMBER PD-15-0114
PLANNED DEVELOPMENT,
PROPOSED LOT 1 BLOCK 1
7.754 ACRES

THE VILLAGE AT GARDEN VALLEY,
SENIOR LIVING FACILITY AGES 55+
THE CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS.

KALTERRA CAPITAL PARTNERS
3710 BANKERS STREET
DALLAS, TEXAS 75219
PH 214.675.2489

ANDERSON
ARCHITECTS, P.C.
1000 WEST 125
AVENUE, SUITE 125
PLANO, TEXAS 75075
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F: 972.211.2868
WWW.ANDERSONARCHITECTS.COM

WAXAHACHIE SENIORS WAXAHACHIE, TEXAS

1004/2019
17044
REVISIONS
1

EJH-KST
DATE PLOTTED

L10
LANDSCAPE PLAN

(5)

The Hamilton – Site Plan Redesign

Summary:

Kalterra Capital Partners is proposing a redesign to The Hamilton’s previously approved site plan that swaps the 18 cottage-units, which were designed at the western portion of the property, into the main building while converting the cottage building detached garages. The redesign will result in nearly identical building footprints, the unit count will remain unchanged, and the redesigned plan will still fully comply with the approved PD. We are proposing the redesign in order to develop a safer and more aesthetically pleasing development for future residents.

Attached garages:

The site plan now includes 10 attached garages in the main building located in the backside of the property. While it does replace some of the attached garages with detached garages, the net benefit is that all the garages along the south and north side of the building have been replaced with first floor units which are more visually appealing and provides those tenants direct views of the retention pond to the north and of the open land to the south. The change also allows those first-floor units to have private yards and reduces traffic in/out of the attached garages at those locations. In a previous P&Z meeting, Kalterra received questions as to why we would want to have parking obstructing tenant views of the pond. The redesign solves this issue and creates a more visually appealing, community-integrated look to the project.



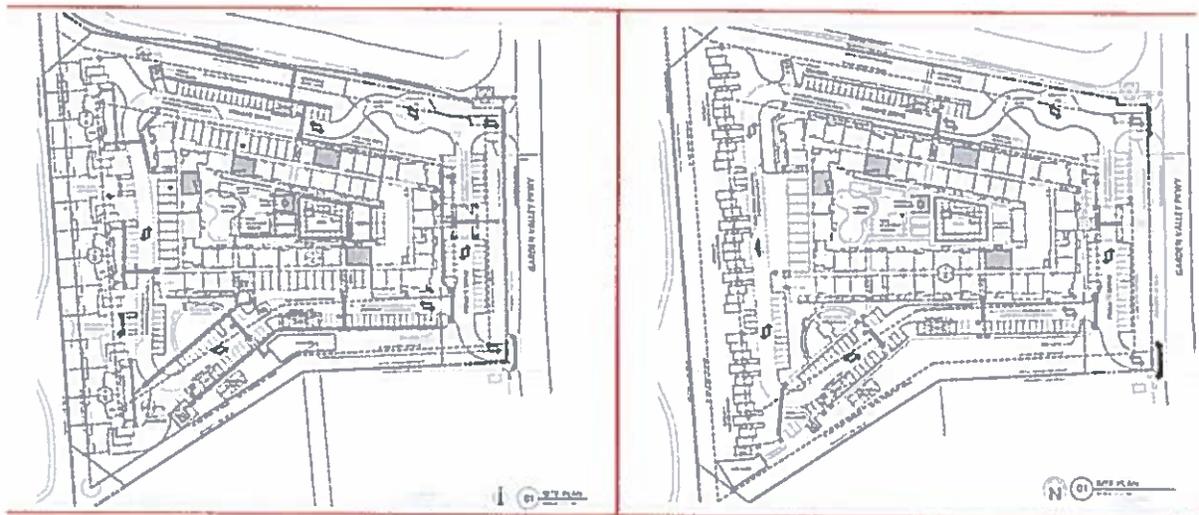
(15)

Safety:

The average age for tenants at a 55+ Active Adult community is 84 years old. For this reason, we feel it is safer to have all units incorporated into the enclosed building allowing management to provide consistent monitoring and accessibility for all tenants. The Hamilton shall be a safe, resident focused community where residents and their family will have total peace of mind.

Building Footprint:

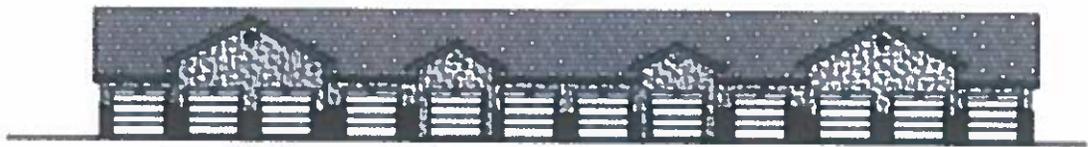
The redesigned site plan has almost an identical footprint to the approved site plan, including the same articulations in the cottage building. Visibly from Garden Valley Parkway or the internal drive, the garage building will look almost identical to the cottages we initially. See below side-by-side comparison of the approved and proposed site plan.



Garage Elevation:

The below elevation of the garage building shows what the structure looks like. We will use the same façade and building material as the cottages resulting in the same look and feel for the project.

BUILDING OUT



02 GARAGE BUILDING - ELEVATION
N.T.S.



Exhibit A - Location Exhibit

(15)

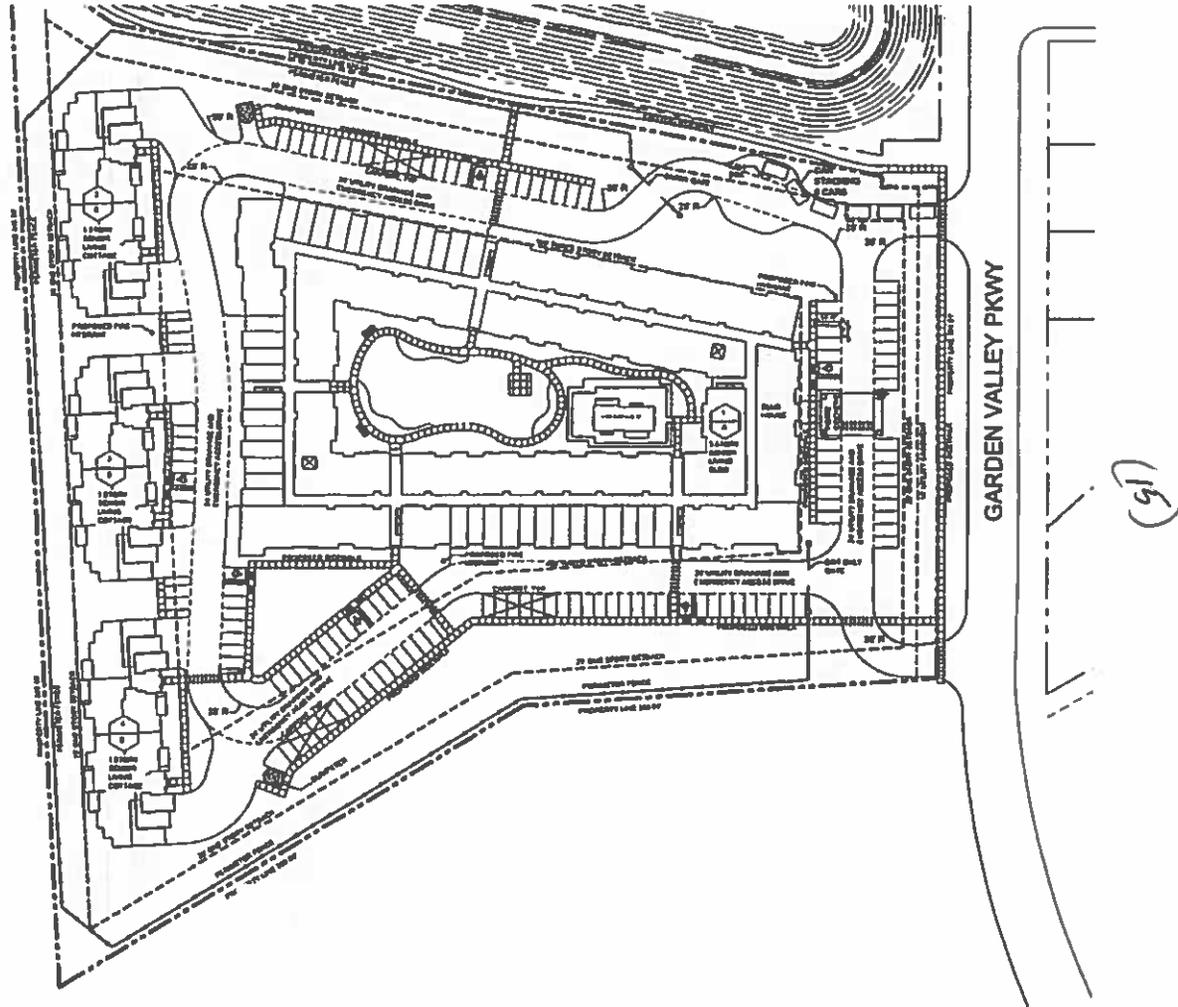
PD-19-0114

Concept Plan Approved with PD

PARKING DATA - APPROVED SITE

TOTAL REQUIRED PARKING 1 SPACE PER UNIT	175
TOTAL PARKING PROVIDED	180
UNCOVERED	96
TUCKUNDER GARAGES	36
DETACHED GARAGES	18
CARPORTS	18
CLUBHOUSE SPACES	12

Exhibit B - Site
Comparison Exhibit



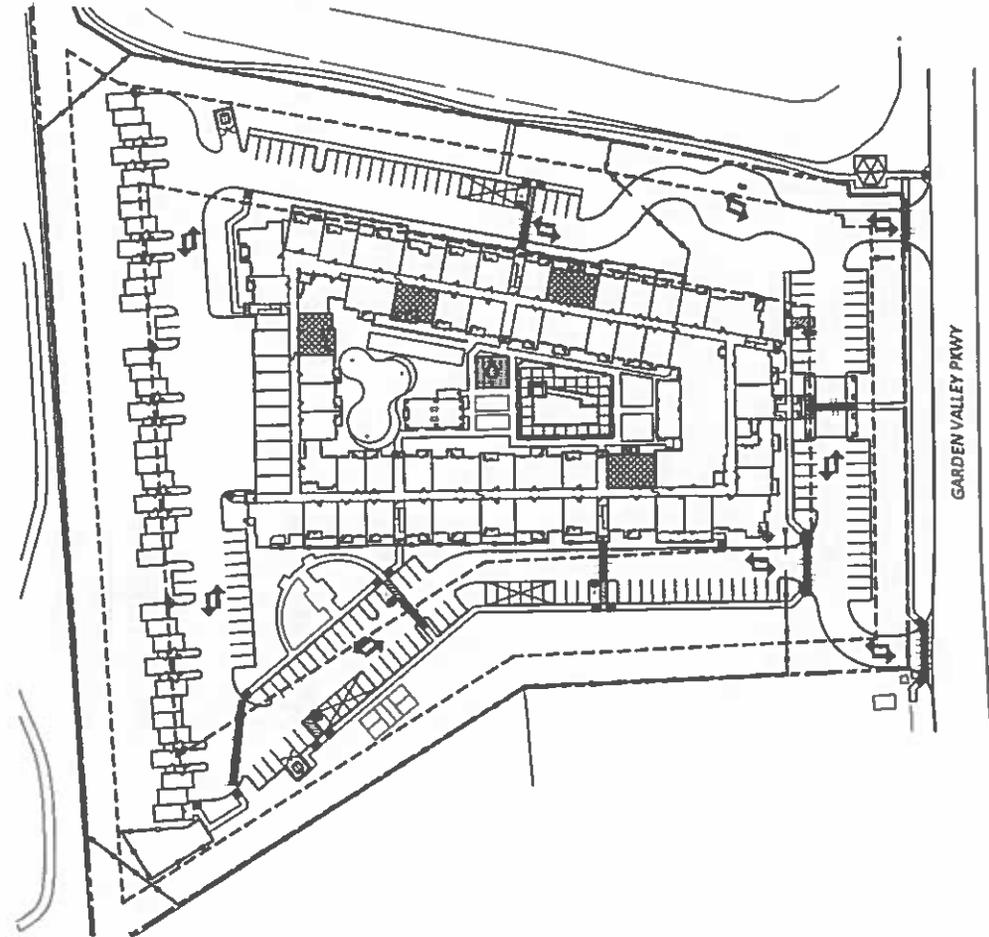
Proposed Revised Site Plan

PARKING DATA - PROPOSED SITE

TOTAL REQUIRED PARKING 1 SPACE PER UNIT	175
TOTAL PARKING PROVIDED	189
UNCOVERED	88
TUCKUNDER GARAGES	10
DETACHED GARAGES	36
CARPORTS	18
CLUBHOUSE SPACES	37

The proposed revised site plan conforms with the approved site plan while reallocating the tuckunder and detached garages.

Exhibit B - Site Comparison Exhibit



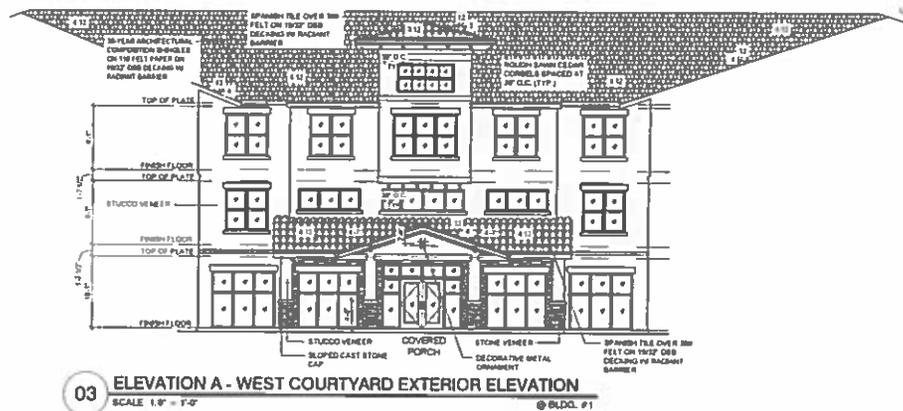
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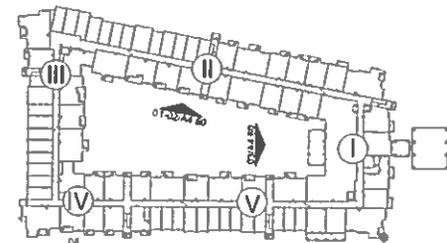
01

SITE PLAN - PROPOSED
SCALE: 1" = 80'

Exhibit D - Elevation/Facade Plan / Renderings



03 ELEVATION A - WEST COURTYARD EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"
@ BLDG. #1



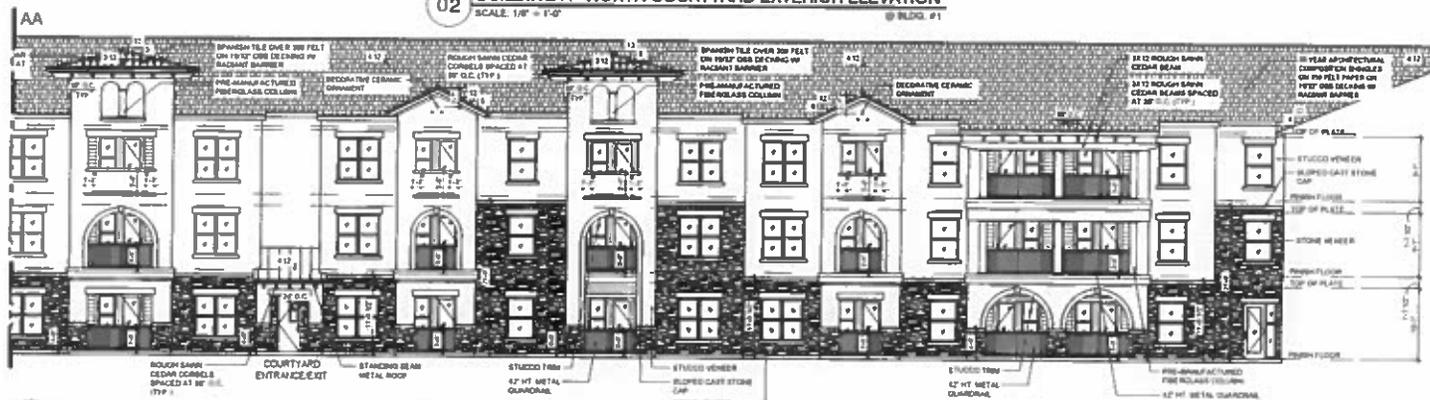
ARCHITECTURAL KEY PLAN
SCALE N.T.S.



NORTH ELEVATION KEY PLAN
SCALE N.T.S.



02 BUILDING A - NORTH COURTYARD EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"
@ BLDG. #1



01 ELEVATION A - NORTH COURTYARD EXTERIOR ELEVATION
SCALE 1/8" = 1'-0"
@ BLDG. #1



Cross
ARCHITECTS, PLLC

ARCHITECT:
CROSS ARCHITECTS, PLLC
879 ADRIAN DRIVE
PLATON, TEXAS 75013
WWW.CROSSARCHITECTS.COM

THE HAMILTON AT GARDEN VALLEY
WAXAHACHIE, TEXAS

DATE: 10/18/2020

PROJECT NUMBER: 17044

REVISIONS

DATE

SCALE

DATE

A4.60
BUILDING A -
EXTERIOR ELEVATIONS

COPYRIGHT © 2020



Exhibit D - Elevation/Facade Plan / Renderings



Exhibit D - Elevation/Facade Plan / Renderings



Exhibit D - Elevation/Facade Plan / Renderings

Exhibit E - Staff Report (15)

Planning & Zoning Department Zoning Staff Report



Case: ZDC-46-2021

MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 5-2 to recommend approval of case number ZDC-46-2021, subject to staff comments.

CAPTION

Public Hearing on a request by Nicholas Balsamo, Kalterra Capital Partners, for a Zoning Change from a Planned Development-Multiple Family-2 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the SW corner of Garden Valley Parkway at Goodnight Lane (Property ID 275562) - Owner: KALTERRA CAPITAL PARTNERS LLC (ZDC-46-2021)

APPLICANT REQUEST

Kalterra Capital Partners (property owner) is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage-units, which were designed at the western portion of the property, into the main building while converting the cottage building detached garages. Per the City of Waxahachie Zoning Ordinance, City Council must review the requested Planned Development Amendment.

CASE HISTORY

At the City Council meeting, held October 21, 2019, City Council voted 5-0 to recommend approval of case number PD-19-0114 (Garden Valley Senior Living), subject to staff comments. Per the approved Ordinance (Ord. 3150), City Council approved a Senior Age-Restricted residential development with a Skilled Nursing Facility.

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 5-2 to recommend approval of case number ZDC-46-2021, subject to staff comments.

CASE INFORMATION

Applicant: Nicholas Balsam, Kalterra Capital Partners

Property Owner(s): Kalterra Capital Partners LLC

Site Acreage: 7.793 acres

Current Zoning: Planned Development-Multiple Family-2

Requested Zoning: Planned Development-Multiple Family-2 Amendment (Ord. 3150)

Exhibit E - Staff Report (15)

SUBJECT PROPERTY

General Location: SW corner of Garden Valley Parkway at Goodnight Lane

Parcel ID Number(s): 275562

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

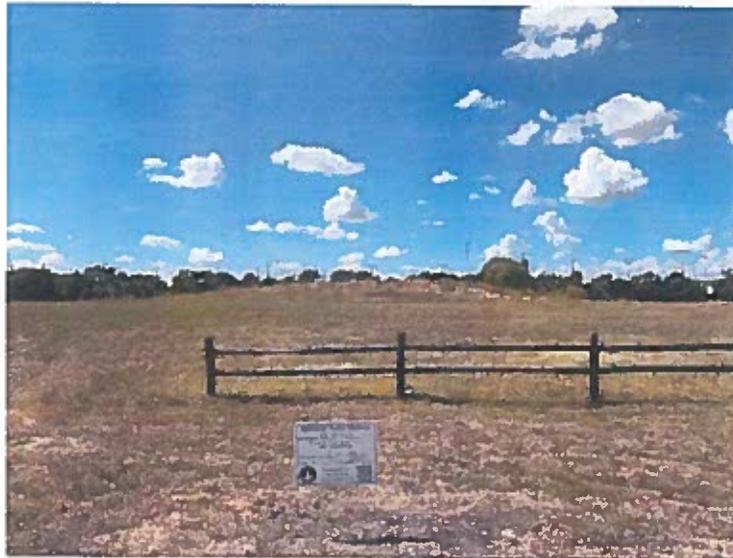
Direction	Zoning	Current Use
North	MF2	Currently Undeveloped
East	PD-SF2	Garden Valley Phase I
South	PD-GR & GR	Currently Undeveloped
West	SF1	Sports Complex

Future Land Use Plan: Low Density Residential

Comprehensive Plan: 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 Garden Valley Pkwy.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

Kalterra Capital Partners (property owner) is proposing a redesign to The Hamilton's (Garden Valley Senior Living) previously approved Planned Development/Site Plan that interchanges the 18 cottage-units, which were designed at the western portion of the property, into the main building while

Exhibit E - Staff Report (15)

changing the cottage buildings to detached garages. Per the City of Waxahachie Zoning Ordinance, City Council must review the requested Planned Development Amendment.

Proposed Use:

The applicant is requesting to interchange the 18 cottage-units, which were designed at the western portion of the property, into the main building while changing the cottage building detached garages. The applicant has added 10 attached garages into the main building, locating them in the backside of the property so that they are not visible from the street.

Staff Analysis

Though fewer attached garages are provided than before, the potential benefit is that all of the structures are located along the back (south) side of the building, and the garages that were on the south and north side of the building have been replaced with first floor units (which provides views for units on the pond to the north and open land to the south). Furthermore, an original concern was that the location of the cottage buildings would obstruct the tenant's view of the pond. Staff believes that the revised plan helps address that concern.

Per the revised exhibits, the proposal will provide a similar footprint to the approved site plan, including the same articulations in the cottage building. In addition, the revised site plan will include changes to the previously approved parking layout. Listed below is a summary of changes made by the applicant.

CHANGES FROM THE 10/21/2019 CC MEETING

- 18 detached cottage units, originally proposed along western boundary of the property, will be integrated into the main building.
- 36 detached garages will replace the original location of the 18 cottage units
- Total Parking increased 180 to 189
- Uncovered parking decreased from 96 to 88
- Attached Garages decreased from 54 to 10
 - 18 of the 54 spaces were attached to cottage units separate from the main building
- Clubhouse spaces increased from 12 to 37

- Parking Changes (see below):

Table 2: Parking Information

Parking Information	Original Submittal (10/21/2019 CC Meeting)	Proposed Submittal 4/27/2021 PZ Proposal
Total Parking Provided	180	189
Uncovered	96	88
Attached	54 <i>*18 of the 54 spaces were attached to cottage units separate from the main building</i>	10
Detached	0	36
Carport	18	18
Clubhouse Spaces	12	37

Exhibit E - Staff Report (15)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 has received two (2) letters of support and one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A revised mutually agreed upon Development Agreement/Ordinance must be signed by the applicant and city staff.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Ordinance 3150
4. Explanation for Resubmittal
5. Location Exhibit
6. Site Comparison Exhibit
7. Landscape Plan
8. Elevations/Façade Plan / Renderings
9. Staff Report

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
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Senior Planner
ccollins@waxahachie.com

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

(16)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-42-2021

MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021 (continued from April 19, 2021 CC meeting)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-42-2021, subject to staff comments.

**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 in accordance with the Concept Plan.*

CAPTION

Public Hearing on a request by Mathew Williamson, MBW Engineering, for a Zoning Change from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres.

CASE INFORMATION

Applicant: Matthew Williamson, MBW Engineering, LLC

Property Owner(s): Mark Buster, WM C Buster Land Development

Site Acreage: 12.85 acres

Current Zoning: MF1

Requested Zoning: PD-MF2

SUBJECT PROPERTY

General Location: South of 865 Cantrell Street

Parcel ID Number(s): 142414

Existing Use: Currently Undeveloped

(10)

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Poston Gardens/Undeveloped Land
East	PD-SF3	Cottages on Cantrell
South	SF3	Single Family Residences
West	LI1	CMC Coating

Future Land Use Plan: Retail

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

Thoroughfare Plan: The subject property is accessible via Cantrell St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to create a multi-family residential Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request must be reviewed by City Council. The existing zoning permits multi-family development, however, the applicant seeks variance requests (as mentioned below "Special Exception/Variance Request") to allow for the development.

(16)

Proposed Use:

The applicant is requesting approval for a Planned Development to accommodate development of a 216 unit multi-family residential complex on 12.85 acres located just South of 865 Cantrell Street and adjacent to the Cottages on Cantrell residential development. The development will consist of twenty-seven (27) total apartment buildings with a maximum height of three (3) stories, and one (1) amenity center building. Access to the property will be limited to one main driveway onto Cantrell Street (FM1446), as well as a second emergency access only driveway, that will be gated and accessible by emergency vehicles only. If approved, the project is anticipated to be constructed in a single phase.

At the April 27, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Concept Plan for the proposed development to provide an additional landscape buffer along the eastern boundary, adjacent to the Cottages on Cantrell development. Per the Commission’s request, listed below is a summary of changes made by the applicant.

CHANGES FROM THE 4/27/2021 PZ MEETING

- Shifted buildings along the eastern boundary 20ft. to the west to provide an additional landscape buffer adjacent to the Cottages on Cantrell development.
 - If approved, a detailed Landscape Plan shall be reviewed administratively by staff.

The Concept Plan depicts a residential development that includes elements such as *(but not limited to)*:

- Pool
- Community Green Space
- Dog Park
- Walk/Jog Trail
- Resident Clubhouse (grill house, conference center fitness center, and mailroom)

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 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 Multi Family-2 (MF2). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Multi Family-2 with additional changes listed below.

Permitted Uses:

- Multi-Family Apartments

(14)

Table 2: Proposed Multi-Family Residential (per MF2 standards)

**The second column depicts the standards for the current zoning (Multi Family-1) of the property. Items reflected in the second column are not represented in the "Meets" column.*

***The third column depicts the Multi Family-2 zoning standards (what applicant is requesting)*

****Items highlighted in bold do not meet the City of Waxahachie MF2 requirements****

Standard	City of Waxahachie (Existing MF1 Standards)	City of Waxahachie MF2 Standards	The Bungalows at Cantrell	Meets
Max. Density	18 DU per acre	18 DU per acre	18 DU per acre	Yes
Min. Dwelling Unit (SF)	1 Bedroom – 600 2 Bedroom – 700	1 Bedroom – 600 2 Bedroom – 700	1 Bedroom – 802 2 Bedroom – 1,052	Yes
Max. Unit Count	----	231	216	Yes
Min. Lot Width	60 ft.	60 ft.	495 ft.	Yes
Min. Lot Depth	120 ft.	120 ft.	1110 ft.	Yes
Min. Front Setback	Adjacent to SF: 25'. Adjacent to MF or NR: 25'	75 ft. if over two stories (adj. to SF)	105 ft.	Yes
Min. Interior Setback	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'	100 ft. western boundary 75 ft. eastern boundary	20 ft. along western boundary 70 ft. along eastern boundary	No
Min. Rear Setback	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'	50 ft. if over two stories	75 ft.	Yes
Max. Height	2 stories for the main building; 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	40%	40%	40%	Yes
Parking	1.5 spaces per efficiency, 1-bed or 2-bed units	Total: 324 spaces 162 attached garages	Total: 326 spaces 164 open parking 162 attached garages	Yes

Note: Per the Elevation/Façade Plan(s), the exterior of the façades will consist of brick, stone, and siding.

Table 3: Apartment Unit Breakdown

Unit Description	Unit Count	Percentage Breakdown
1 Bedroom/1 Bath	126	58%
2 Bedroom/2 Bath	90	42%
Total	216	100%

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

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

Special Exception/Variance Request:

Side Setback (Western Boundary)

For Multi-Family zoning, any side setback adjacent to Multi-Family or Nonresidential shall be 100 ft. (if over 2 stories)

- The applicant is proposing a side yard setback of 20 ft. along the western boundary of the property.

Side Setback (Eastern Boundary)

For Multi-Family zoning, any side setback adjacent to Single Family shall be 75 ft. (if over 2 stories)

- The applicant is proposing a side yard setback of 70 ft. along the eastern boundary of the property.

Roof Pitch

The minimum roof pitch allowed for MF2 zoning is 7:12.

- The applicant is proposing a roof pitch of 5:12.

Screening

Due to being adjacent to Single Family zoning (along the east and rear of the property), a min. 6ft. masonry wall is required.

- The applicant is proposing a 6 ft. ornamental iron fence with masonry columns spaced every 30 ft. along the east and rear property lines.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement shall be required for the development.
 2. A detailed Site Plan packet shall be reviewed administratively by staff.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Concept Plan
5. Elevation/Façade Plan
6. Staff Report

(10)

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

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

PropertyID	Owner's Name	Acraege	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
142414	WM C BUSTER LAND DEVELOPMENT LLC	12.849	6 J C ARMSTRONG 12.849 ACRES	238 DAKOTA DR	WAXAHACHIE	TX	75167	CANTRELL ST WAXAHACHIE TX 75165
142425	WALKER L GORDON ETAL	27.1392	6 J C ARMSTRONG 27.1392 ACRES	2215 FM 1446	WAXAHACHIE	TX	75167	900 CANTRELL ST WAXAHACHIE TX 75165
175671	SERVIN PRISCILIANA ALCANTARA	1.835	ALL 4 SOUTH PARK 1.835 ACRES	1010 S ROGERS ST	WAXAHACHIE	TX	75165	ABANDONED RD WAXAHACHIE TX 75165
175672	GARCIA JOSE A & ROSALIA	2.562	BLK 5 SOUTH PARK-REV 2.562 AC	312 LYNN AVE	WAXAHACHIE	TX	75165	ABANDONED RD WAXAHACHIE TX 75165
176911	GONZALEZ MARIA R & JESUS Z	2.2803	LOT PT 2 WINNINGHAM PL 2.2803 AC	3105 S 1 35E	WAXAHACHIE	TX	75165	3105 S INTERSTATE 35 WAXAHACHIE TX 75165
179041	CMC STEEL FABRICATORS INC	5.288	6 J C ARMSTRONG 5.288 ACRES	PO BOX 1046	DALLAS	TX	75221	901 CANTRELL ST WAXAHACHIE TX 75165
179113	LEMERE JESSI N	0.51	6 TR 9A J C ARMSTRONG 0.51 ACRES	885 CANTRELL ST	WAXAHACHIE	TX	75165	885 CANTRELL ST WAXAHACHIE TX 75165
195085	CMC STEEL FABRICATORS INC	5.4847	6 J C ARMSTRONG 5.4847 ACRES	PO BOX 1046	DALLAS	TX	75221	1446 INTERSTATE 35 WAXAHACHIE TX 75165
199424	RIDGWAY MATTHEW BERT	1.464	1 RIDGEWAY ADDN 1.464 ACRES	1204 S ROGERS ST	WAXAHACHIE	TX	75165	1204 S ROGERS ST WAXAHACHIE TX 75165
244351	SAP PROPERTIES LLC C/O YOUNG & COMPANY	17.521	6 J C ARMSTRONG 17.521 ACRES	21700 OXNARD ST STE 2030	WOODLAND HILLS	CA	91367	FM 1446 WAXAHACHIE TX 75165
279911	MULTIPLE OWNERS	1	6 JC ARMSTRONG 1 ACRE	855 CANTRELL ST	WAXAHACHIE	TX	75165	855 CANTRELL ST WAXAHACHIE TX 75165

(10)

(110)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-42-2021

LEMERE JESSI N
865 CANTRELL ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 13, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 19, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Mathew Williamson, MBW Engineering, for a **Zoning Change** from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-42-2021

City Reference: 179113

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, April 6, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I would appreciate the opportunity to respond to this
matter and that it be added to the Agenda Packet.

Jessi LeMere
Signature

March 23th, 2021
Date

Jessi LeMere
Printed Name and Title

865 Cantrell St.
Address

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

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

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2), TO ALLOW A MULTI FAMILY RESIDENTIAL DEVELOPMENT, LOCATED SOUTH OF 865 CANTRELL STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.85 ACRES KNOWN AS A PORTION OF PROPERTY ID 142414, 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-42-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from MF1 to PD-MF2 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 MF1 to PD-MF2 with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi family residential development on the following property: a portion of Property ID 142414, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Elevation/Façade Plan shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a multi-family 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 Site/Concept Plan packet (Exhibits B-D).

(17)

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The minimum side yard setback shall be 20ft. along the western boundary of the property. The eastern boundary side yard setback shall be 70ft.
3. A minimum of 69 attached enclosed garages shall be provided for the development.
4. The minimum roof pitch shall be 5:12.
5. A 6ft. ornamental iron fence with masonry columns spaced every 30ft. shall be constructed along the eastern boundary of the property, and along the rear of the property.
6. The maximum unit count shall be 216 units.
7. The maximum density shall be 18 dwelling units per acre.
8. The exterior of the project shall consist of minimum 90% masonry.
9. An additional landscape buffer shall be provided along the eastern boundary of the development.
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
10. The Site/Concept Plan shall conform as approved by the City Council under case number ZDC-42-2021.
11. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
12. 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.
13. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Development Agreement, or in this Zoning Ordinance, the regulations of the Multi Family-2 zoning district shall apply to this development.

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

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

PASSED, APPROVED, AND ADOPTED on this 3rd day of May, 2021.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR THE BUNGALOWS AT CANTRELL
 COUNTY OF ELLIS §

This Development Agreement for The Bungalows at Cantrell ("Agreement") is entered into between WM C Buster Land Development ("WMCB") and the City of Waxahachie, Texas ("City"). WMCB and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. WMCB is the owner of approximately 12.85 acres of real property generally located just South of 865 Cantrell, parcel number 142414, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Multi Family-1 zoning to a Planned Development ("PD") Multi Family-2 zoning, revising specific development standards. The Property is currently zoned Multi Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on May 3, 2021.

2. The planned use of the Property is to create a Planned Development to allow for the development of multi family residential structures (apartments). 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 WMCB 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 WMCB and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. (TBD) (the "The Bungalows at Cantrell PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Bungalows at Cantrell.

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

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.

(18)

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 Bungalows at Cantrell PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The minimum side yard setback shall be 20ft. along the western boundary of the property. The eastern boundary side yard setback shall be 70ft.
- (C) A minimum of 69 attached enclosed garages shall be provided for the development.
- (D) The minimum roof pitch shall be 5:12.
- (E) A 6ft. ornamental iron fence with masonry columns spaced every 30ft. shall be constructed along the eastern boundary of the property, and along the rear of the property.
- (F) The maximum unit count shall be 216 units.
- (G) The maximum density shall be 18 dwelling units per acre.
- (H) The exterior of the project shall consist of minimum 90% masonry.
- (I) An additional landscape buffer shall be provided along the eastern boundary of the development.
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
- (J) The Site Plan shall conform as approved by the City Council under case number ZDC-42-2021.
- (K) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

- (L) 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.

- (M) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, zoning ordinance, or in this Development Agreement, the regulations of Mutli Family-2 shall apply to this development.

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

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive

the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon WMCB 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.

(18)

{Signature Pages Follow}

(18)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

**: Matthew Williamson, MBW Engineering,
LLC (Applicant)**

By: _____

Date: _____

**: Mark Buster, WM C Buster Land
Development (Owner)**

By: _____

Date: _____

(18)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2021, 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 _____, 2021, personally appeared _____, representative of WM C Buster Land Development, 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: _____

EXHIBIT A

The Bungalows at Cantrell PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2), TO ALLOW A MULTI FAMILY RESIDENTIAL DEVELOPMENT, LOCATED SOUTH OF 865 CANTRELL STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 12.85 ACRES KNOWN AS A PORTION OF PROPERTY ID 142414, 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-42-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from MF1 to PD-MF2 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 MF1 to PD-MF2 with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi family residential development on the following property: a portion of Property ID 142414, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Elevation/Façade Plan shown as Exhibit C, and Staff Report shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a multi-family 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 Site/Concept Plan packet (Exhibits B-D).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The minimum side yard setback shall be 20ft. along the western boundary of the property. The eastern boundary side yard setback shall be 70ft.
3. A minimum of 69 attached enclosed garages shall be provided for the development.
4. The minimum roof pitch shall be 5:12.
5. A 6ft. ornamental iron fence with masonry columns spaced every 30ft. shall be constructed along the eastern boundary of the property, and along the rear of the property.
6. The maximum unit count shall be 216 units.
7. The maximum density shall be 18 dwelling units per acre.
8. The exterior of the project shall consist of minimum 90% masonry.
9. An additional landscape buffer shall be provided along the eastern boundary of the development.
 - a. A detailed Landscape Plan shall be reviewed administratively by staff.
10. The Site/Concept Plan shall conform as approved by the City Council under case number ZDC-42-2021.
11. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
12. 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.
13. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan, Exhibit C – Elevation/Façade Plan, and Exhibit D – Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, Development Agreement, or in this Zoning Ordinance, the regulations of the Multi Family-2 zoning district shall apply to this development.

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

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

PASSED, APPROVED, AND ADOPTED on this 3rd day of May, 2021.

(18)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

(18)

ZDC-42-2021 (PD)

-  3 STORY BUILDING
-  2 STORY BUILDING
-  1 STORY BUILDING



CONTACT INFORMATION

ARCHITECT
 tma cha architects llc
 804 FIVE STAR BLVD. SUITE 100
 WAXAHACHIE, TEXAS 75090
 972.333.1111
 WWW.TMA-CHA.COM

OWNER
 WAX BLDG (LAND DEVELOPMENT) LLC
 270 CHANCE DRIVE SUITE 1117
 WAXAHACHIE, TEXAS 75090
 972.333.1111
 WWW.WAXAHACHIE.COM

FOR SITE DIMENSIONS REFERENCE CIVIL DRAWINGS

Exhibit B - Concept Plan

THE BUNGALOWS
 APARTMENT HOMES
 WAXAHACHIE, TEXAS
 PROJECT NO. 2007



PROJECT SUMMARY

APARTMENTS	
TYPE	QTY
1BR	120
2 BR	90
TOTAL	216
APARTMENTS AREA TOTAL 228 591 SF	
AMENITY CENTER 2 590 SF	
GRILLE HOUSE 920 SF	
GARAGES 44 541 SF	
TOTAL	276 642 SF

PARKING REQUIRED
 216 UNITS @ 1.5 CAR/UNIT 324 CARS
PARKING PROVIDED

OPEN PARKING	164
GARAGES	102
TOTAL PARKING PROVIDED	326

APARTMENT AREAS

BLDG TYPE 1	
1 BR TYPE 1'	802 SF
1 BR TYPE P'	838 SF
BLDG TYPE 2	
2 BR TYPE 2A'	1 192 SF
2 BR TYPE 2B'	1 192 SF
1 BR TYPE 2C'	831 SF
1 BR TYPE 2D'	870 SF
2BR TYPE 3A'	1 052 SF

LP DENOTES LIGHT POLE REF PHOTOMETRIC PLAN

SITE PLAN
 1" = 40'-0"

PROPOSED
 PD MF-2

CASE #
 ZDC-42-2021



THESE DOCUMENTS ARE NOT TO BE USED FOR PERMIT OR CONSTRUCTION.

PER PROJECT SPECIFICATIONS

1"

1" = 40'-0"

SITE PLAN

DATE: 02/15/2021
 DRAWN BY: JSM
 PLOTTED BY: JSM

NO. 000114L

- 1 2021.02/03
- 2 2021.03/04
- 3 2021.04/08
- 4 2021.04/15
- 5 2021.04/26

A0.1

(18)

Exhibit C - Elevation/Facade Plan



① FRONT ELEVATION BUILDING TYPE 2
1/8" = 1'-0"



② BACK ELEVATION BUILDING TYPE 2
1/8" = 1'-0"



③ SIDE ELEVATION BUILDING TYPE 2
1/8" = 1'-0"

(18)

THE BUNGALOWS
WAXAHACHIE, TX

FOR REVIEW
2021.04.16



(18)
Exhibit D - Staff Report

**Planning & Zoning Department
Zoning Staff Report**

Case: ZDC-42-2021



MEETING DATE(S)

Planning & Zoning Commission: April 27, 2021

City Council: May 3, 2021 (continued from April 19, 2021 CC meeting)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 27, 2021, the Commission voted 7-0 to recommend approval of case number ZDC-42-2021, subject to staff comments.

**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 in accordance with the Concept Plan.*

CAPTION

Public Hearing on a request by Mathew Williamson, MBW Engineering, for a **Zoning Change** from a Multiple Family-1 zoning district to Planned Development-Multiple Family-2, located just South of 865 Cantrell Street (being Property ID 142414) - Owner: WM C BUSTER LAND DEVELOPMENT LLC (ZDC-42-2021)

APPLICANT REQUEST

The applicant is requesting approval of a Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres.

CASE INFORMATION

Applicant: Matthew Williamson, MBW Engineering, LLC

Property Owner(s): Mark Buster, WM C Buster Land Development

Site Acreage: 12.85 acres

Current Zoning: MF1

Requested Zoning: PD-MF2

SUBJECT PROPERTY

General Location: South of 865 Cantrell Street

Parcel ID Number(s): 142414

Existing Use: Currently Undeveloped

Exhibit D (18) Staff Report

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Poston Gardens/Undeveloped Land
East	PD-SF3	Cottages on Cantrell
South	SF3	Single Family Residences
West	LI1	CMC Coating

Future Land Use Plan: Retail

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

Thoroughfare Plan: The subject property is accessible via Cantrell St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to create a multi-family residential Planned Development to allow for construction of 216 multi-family residential units on approximately 12.85 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request must be reviewed by City Council. The existing zoning permits multi-family development, however, the applicant seeks variance requests (as mentioned below "Special Exception/Variance Request") to allow for the development.

Exhibit D - Staff Report (18)

Proposed Use:

The applicant is requesting approval for a Planned Development to accommodate development of a 216 unit multi-family residential complex on 12.85 acres located just South of 865 Cantrell Street and adjacent to the Cottages on Cantrell residential development. The development will consist of twenty-seven (27) total apartment buildings with a maximum height of three (3) stories, and one (1) amenity center building. Access to the property will be limited to one main driveway onto Cantrell Street (FM1446), as well as a second emergency access only driveway, that will be gated and accessible by emergency vehicles only. If approved, the project is anticipated to be constructed in a single phase.

At the April 27, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Concept Plan for the proposed development to provide an additional landscape buffer along the eastern boundary, adjacent to the Cottages on Cantrell development. Per the Commission's request, listed below is a summary of changes made by the applicant.

CHANGES FROM THE 4/27/2021 PZ MEETING

- Shifted buildings along the eastern boundary 20ft. to the west to provide an additional landscape buffer adjacent to the Cottages on Cantrell development.
 - If approved, a detailed Landscape Plan shall be reviewed administratively by staff.

The Concept Plan depicts a residential development that includes elements such as (*but not limited to*):

- Pool
- Community Green Space
- Dog Park
- Walk/Jog Trail
- Resident Clubhouse (grill house, conference center fitness center, and mailroom)

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 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 Multi Family-2 (MF2). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Multi Family-2 with additional changes listed below.

Permitted Uses:

- Multi-Family Apartments

Exhibit D - Staff Report (18)

Table 2: Proposed Multi-Family Residential (per MF2 standards)

**The second column depicts the standards for the current zoning (Multi Family-1) of the property. Items reflected in the second column are not represented in the "Meets" column.*

***The third column depicts the Multi Family-2 zoning standards (what applicant is requesting)*

****Items highlighted in bold do not meet the City of Waxahachie MF2 requirements****

Standard	City of Waxahachie (Existing MF1 Standards)	City of Waxahachie MF2 Standards	The Bungalows at Cantrell	Meets
Max. Density	18 DU per acre	18 DU per acre	18 DU per acre	Yes
Min. Dwelling Unit (SF)	1 Bedroom – 600 2 Bedroom – 700	1 Bedroom – 600 2 Bedroom – 700	1 Bedroom – 802 2 Bedroom – 1,052	Yes
Max. Unit Count	----	231	216	Yes
Min. Lot Width	60 ft.	60 ft.	495 ft.	Yes
Min. Lot Depth	120 ft.	120 ft.	1110 ft.	Yes
Min. Front Setback	Adjacent to SF: 25'. Adjacent to MF or NR: 25'	75 ft. if over two stories (adj. to SF)	105 ft.	Yes
Min. Interior Setback	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'	100 ft. western boundary 75 ft. eastern boundary	20 ft. along western boundary 70 ft. along eastern boundary	No
Min. Rear Setback	Adjacent to Residential: 50'. Adjacent to MF or NR: 25'	50 ft. if over two stories	75 ft.	Yes
Max. Height	2 stories for the main building; 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	40%	40%	40%	Yes
Parking	1.5 spaces per efficiency, 1-bed or 2-bed units	Total: 324 spaces 162 attached garages	Total: 326 spaces 164 open parking 162 attached garages	Yes

Note: Per the Elevation/Façade Plan(s), the exterior of the façades will consist of brick, stone, and siding.

Table 3: Apartment Unit Breakdown

Unit Description	Unit Count	Percentage Breakdown
1 Bedroom/1 Bath	126	58%
2 Bedroom/2 Bath	90	42%
Total	216	100%

Exhibit D - Staff Report (18)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

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

Special Exception/Variance Request:

Side Setback (Western Boundary)

For Multi-Family zoning, any side setback adjacent to Multi-Family or Nonresidential shall be 100 ft. (if over 2 stories)

- The applicant is proposing a side yard setback of 20 ft. along the western boundary of the property.

Side Setback (Eastern Boundary)

For Multi-Family zoning, any side setback adjacent to Single Family shall be 75 ft. (if over 2 stories)

- The applicant is proposing a side yard setback of 70 ft. along the eastern boundary of the property.

Roof Pitch

The minimum roof pitch allowed for MF2 zoning is 7:12.

- The applicant is proposing a roof pitch of 5:12.

Screening

Due to being adjacent to Single Family zoning (along the east and rear of the property), a min. 6ft. masonry wall is required.

- The applicant is proposing a 6 ft. ornamental iron fence with masonry columns spaced every 30 ft. along the east and rear property lines.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
 1. A mutually agreed upon Development Agreement shall be required for the development.
 2. A detailed Site Plan packet shall be reviewed administratively by staff.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Concept Plan
5. Elevation/Façade Plan
6. Staff Report

Exhibit D - Staff Report (18)

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:

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Senior Planner

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Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(19-21)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: April 28, 2021
Re: ZDC-35-2021 – Dominion Park

At the Planning and Zoning meeting, held April 27, 2021, the Planning and Zoning Commission voted 7-0 to continue case number ZDC-35-2021 to the May 11, 2021 Planning and Zoning meeting agenda and the May 17, 2021 City Council meeting agenda.

(88)

CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF PHASE THREE DISTRICT IMPROVEMENTS TO BE FINANCED BY THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED PHASE 3 ASSESSMENT ROLL; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLL FOR PHASE 3 WITH THE CITY SECRETARY; CALLING A REGULAR MEETING AND NOTICING A PUBLIC HEARING FOR *JUNE 7, 2021* TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1; DIRECTING THE FILING OF THE PROPOSED PHASE 3 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

RECITALS

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Waxahachie, Texas (the "City"), to create a public improvement district within the City; and

WHEREAS, on April 16, 2007, the City Council of the City approved Resolution No. 1087 (the "Authorization Resolution"), authorizing, establishing and creating the Waxahachie Public Improvement District No. 1 (the "District"); and

WHEREAS, the City determined the estimated total costs of certain public improvements, authorized by the Act, for the benefit of the property within the District (the "District Improvements") and to be financed by the District is \$34,882,328; and

WHEREAS, on June 18, 2007, the City Council adopted Ordinance No. 2413, which approved the District Service and Assessment Plan dated June 18, 2007 (the "SAP"); and

WHEREAS, in addition to approving the SAP, Ordinance No. 2413 levied assessments against property within the District; and

(22)

WHEREAS, the property within the District is being developed in phases, the third phase of which includes approximately 63.311 acres ("Phase 3"); and

WHEREAS, the City desires to amend the SAP to reflect the Phase Three District Improvements (as defined in the Preliminary Amended SAP referenced below) and the construction of and development of Phase 3 of the District; and

WHEREAS, the approximate total cost of the Phase Three District Improvements benefitting property in Phase 3 of the District is approximately \$7,455,027, as referenced in Table III-C of the Preliminary Amended SAP; and

WHEREAS, the City Council and the City staff have been presented A "Waxahachie Public Improvement District No. 1 Preliminary Service and Assessment Plan, as updated for Phase 3" dated May 3, 2021 (the "Preliminary Amended SAP"), including the proposed assessment roll for Phase 3 attached thereto as Appendix C-3 (the "Proposed Phase 3 Assessment Roll"), a copy of the Preliminary Amended SAP is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

WHEREAS, the Preliminary Amended SAP sets forth the estimated total costs of the Phase Three District Improvements to be financed by the District for Phase 3 and the Proposed Phase 3 Assessment Roll states the assessments proposed to be levied against each parcel of land in Phase 3 of the District as determined by the method of assessment chosen by the City; and

WHEREAS, the Act requires that the Proposed Assessment Roll be filed with the City Secretary of the City (the "City Secretary") and be subject to public inspection; and

WHEREAS, the Act requires that a public hearing (the "Assessment Hearing") be called to consider the Preliminary Amended SAP and proposed Phase 3 assessments and requires the City Council to hear and pass on any objections to the Preliminary Amended SAP and proposed Phase 3 assessments at, or on the adjournment of, the Assessment Hearing; and

WHEREAS, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

(22)

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

SECTION 1. THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. THAT the City Council does hereby accept the Preliminary Amended SAP for the District, including the Proposed Phase 3 Assessment Roll. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary Amended SAP.

SECTION 3. THAT the City Council hereby determines that the total costs of the Phase Three District Improvements to be financed by the District are as set forth in Table III-C of the Preliminary Amended SAP, which costs do not include the payment of expenses incurred in the administration of the District or related to the issuance of any Bonds. Annual expenses incurred in the administration of the District are shown in the Proposed Phase 3 Assessment Roll. Costs related to the issuance of Bonds in the future for Phase Three District Improvements will be set forth in an updated SAP and will be paid from proceeds of such Bonds, assessments in Phase 3 or other sources.

SECTION 4. THAT the City Council's final determination and approval of the costs of the Phase Three District Improvements shall be subject to and contingent upon City Council approval of a final Amended SAP which will include final Phase 3 Assessment Roll, after the properly noticed and held Assessment Hearing.

SECTION 5. THAT the Proposed Phase 3 Assessment Roll states the assessment proposed to be levied against each parcel of land in Phase 3 of the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary Amended SAP.

(28)

SECTION 6. THAT the City Council hereby authorizes and directs the filing of the Proposed Phase 3 Assessment Roll with the City Secretary and the same shall be available for public inspection.

SECTION 7. THAT the City Council hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on *June 7, 2021 at 7:00 p.m. at City Council Chambers, 401 S. Rogers, Waxahachie, Texas 75165*, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on property located within Phase 3 of the District that benefits from the Phase Three District Improvements (which ordinance shall specify the method of payment of the assessments).

SECTION 8. THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on *June 7, 2021* in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before May 27, 2021 as required by Section 372.016(b) of the Act.

SECTION 9. THAT when the Proposed Phase 3 Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on *June 7, 2021*, on or before May 27, 2021, as required by Section 372.016(c) of the Act.

SECTION 10. THAT City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the *June 7, 2021* meeting of the City Council.

SECTION 11. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

(22)

PASSED AND APPROVED on this the 3rd day of May, 2021.

ATTEST:

David Hill, Mayor

Lori Cartwright, City Secretary

(28)

EXHIBIT A

PRELIMINARY SERVICE AND ASSESSMENT PLAN –

As updated for Phase 3

(28)

EXHIBIT B
CITY OF WAXAHACHIE, TEXAS
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Waxahachie, Texas on *June 7, 2021 at 7:00 p.m. at City Council Chambers, 401 S. Rogers, Waxahachie, Texas 75165*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within phase 3 ("Phase 3") of the Waxahachie Public Improvement District No. 1 (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed improvements authorized by the Act to be undertaken and financed for the benefit of the property within the District (the "District Improvements") include, but are not limited to, landscaping, entryway features, water, wastewater, sidewalks, streets, roadways, off-street parking, drainage system improvements, trails, parks and open space, special supplemental services for the improvement and promotion of the District, and payment of expenses incurred in the establishment, administration, and operation of the District. The proposed District Improvements to be undertaken at this time include road improvements, water distribution system improvements, sanitary sewer collection system improvements, storm sewer collection system improvements, and costs related to the administration of the District and financing the Phase 3 District Improvements.

The total cost of the District Improvements that benefits property within Phase 3 of the District is \$7,455,027.

The boundaries of the District include approximately 1,966 acres of land located within the corporate limits of the City of Waxahachie, Ellis County, Texas, being composed of tracts generally located east of Highway 287 and north and south of Park School House Road. The boundaries of Phase 3 of the District include approximately 63.311 acres of land within the District, as more particularly described by a metes and bounds description is available at Waxahachie City Hall, 401 S. Rogers, Waxahachie, Texas 75165, and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the proposed assessment roll relating to the District Improvements to be undertaken at this time, which includes the assessments to be levied against certain assessable property in Phase 3 of the District, is available for public inspection at the office of the City Secretary, 401 S. Rogers, Waxahachie, Texas 75165.

(28)

WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT NO. 1

CITY OF WAXAHACHIE, TEXAS

PRELIMINARY SERVICE AND ASSESSMENT PLAN

as updated for Phase #3 on _____, 2020

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

WAXAHACHIE PUBLIC IMPROVEMENT DISTRICT No. 1

PRELIMINARY SERVICE AND ASSESSMENT PLAN

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I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

Chapter 372, Texas Local Government Code, as amended (the "PID Act"), governs the creation of public improvement districts in Texas. On April 16, 2007, pursuant to and in accordance with the petition, notice, and public hearing requirements of the Act and the other applicable laws of the State of Texas, the City Council of the City of Waxahachie, Ellis County, Texas (the "City") approved and adopted Resolution No. 1087 approving and authorizing the creation of Waxahachie Public Improvement District No. 1 (the "PID"). The purpose of the PID is to undertake public improvement projects that will confer a special benefit on property within the boundaries of the PID.

A service and assessment plan for platted lots in the PID (this "Service and Assessment Plan") was approved by the City Council pursuant to Ordinance No. 2413 approved and adopted on June 18, 2007 identifying the public improvements to be provided by the PID, the costs of the public improvements, and the manner of assessing property in the PID for costs of the public improvements. The Service and Assessment Plan is to be reviewed and updated at least annually.

Prior to the levy by the City of any special assessments on property within the boundaries of the PID, the Act requires the preparation of a service plan for the PID covering a period of at least five years and defining the annual indebtedness and the projected costs for the improvement projects (which plan shall be reviewed and updated annually). The required service plan for the PID is contained in Section IV of this Service and Assessment Plan.

The Act requires that an assessment plan be included in the service plan for the PID. As part of the assessment plan, the Act requires that the City Council of the City shall apportion the costs of the improvement projects to be assessed against property in the PID. The apportionment shall be made on the basis of special benefits accruing to the property within the boundaries of the PID because of the improvement projects. The required assessment plan for the PID is contained in Section V of this Service and Assessment Plan.

The Act requires that after the total costs of the improvement projects are determined, the City Council of the City shall prepare a proposed assessment roll that states the assessment against each parcel of land in the PID, as determined by the method of assessment chosen by the City. The Assessment Roll for the PID is included as *Appendix C* attached to this Service and Assessment Plan.

B. DEFINITIONS

Terms used in this Service and Assessment Plan shall have the following meanings:

"Actual Cost(s)" means, with respect to a Public Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Public Improvement, as specified in a payment request in a form that has been reviewed and approved by the City. Actual Cost may include (a)

the costs incurred for the design, planning, financing, administration/management, acquisition, installation, construction and/or implementation of such Public Improvement, (b) the costs incurred in preparing the construction plans for such Public Improvements, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Public Improvements, (d) a construction management fee of 4.0% of the costs incurred for the construction of such Public Improvements if an Owner is serving as the construction manager but not the general contractor, (e) the costs incurred for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) related to the Public Improvements (f) all labor, bonds and materials, including equipment and fixtures, by contractors, builders and materialmen in connection with the acquisition, construction or implementation of the Public Improvements, (g) all related permitting, zoning and public approval expenses, architectural, engineering, and consulting fees, financing charges, taxes, governmental fees and charges, insurance premiums, and miscellaneous expenses, and all payments for Administrative Expenses.

“Administrator” means a person or entity that contracts with, or that is an employee, representative, or agent of, the City that performs the responsibilities provided for in this Service and Assessment Plan, in the Bond Indenture, or in any other agreement approved by the City Council and related to the administration of the PID.

“Annual Collection Costs” mean the following actual or anticipated costs related to the annual collection of outstanding Assessments (whether paid in full or in Annual Installments), including, but not limited to, the actual or anticipated costs of:

- (i) preparing this Service and Assessment Plan, each Annual Service Plan Update, and each Assessment Roll;
- (ii) computing, preparing, levying, collecting, and transmitting Assessments;
- (iii) remitting Assessments to the Trustee;
- (iv) the City, the Administrator, and the Trustee (and their respective legal counsel) in the discharge of their duties under this Service and Assessment Plan;
- (v) complying with arbitrage rebate requirements;
- (vi) complying with annual securities disclosure requirements; and
- (vii) the City, the Administrator, and the Trustee in any way related to computing, preparing, levying, collecting, and transmitting the Assessments (including, but not limited to, the administration of the PID, maintaining a record of installments, payments, reallocations, and/or cancellations of Assessments, repayment of Bonds, any associated legal expenses, reasonable costs of other consultants and advisors, and contingencies and reserves for all of the foregoing costs as deemed appropriate by the City Council).

- (viii) fees and expenses related to the Bonds including legal counsel, engineers, accountants, financial advisors, investment bankers, or other consultants and advisors. Administrative collection costs do not include payment of the actual principal of redemption premiums, if any, and interest on the Bonds; and
- (ix) administering the construction of the District Improvements.

“Annual Installment” means, with respect to each Parcel, each annual installment payment of the Assessment for the Parcel as shown on the Assessment Roll, which includes, without limitation, debt service and transaction costs related to any Bonds (other than costs payable from Bond proceeds), and Annual Collection Costs.

“Annual Service Plan Update” means the annual update to this Service and Assessment Plan as required by the Act.

“Assessed Property” means, collectively, all the Parcels in the PID (excluding Non-Benefited Property) described on the Assessment Roll attached as Appendix C to this Service and Assessment Plan.

“Assessment” means, with respect to each Parcel in the PID, the assessment levied against the Parcel in accordance with the Assessment Ordinance and this Service and Assessment Plan.

“Assessment Ordinance” means the Assessment Ordinance approved by the City Council that approves this Service and Assessment Plan and levies and imposes the Assessments, as shown on the Assessment Roll, subject to reallocation or reduction, from time to time, as provided by this Service and Assessment Plan and the PID Act.

“Assessment Revenues” mean the revenues actually received by the City from Assessments including, but not limited to, revenues from Annual Installments, revenues that result from the payment, in full, of any Assessment, and including revenues from prepayments of Assessments as provided by this Service and Assessment Plan.

“Assessment Roll” means a list of and description of all Parcels and the Assessment and Annual Installment for each Parcel attached as *Appendix C* to this Service and Assessment Plan, and including any updates, modification or amendments thereto prepared from time to time including, but not limited to, updates prepared in connection with any issuance of Bonds or in connection with any Annual Service Plan Update.

“Bond Indenture” means any indenture, ordinance, or similar document setting forth the terms and other provisions relating to any series of Bonds, as modified, amended, or supplemented from time to time.

“Bonds” mean the Phase One Bonds or any bonds (including refunding bonds) or other debt secured by Assessment Revenues, whether in one or more series, issued by the City with respect to the PID.

“Certification for Payment” means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more District Improvements segments or sections.

“City” means the City of Waxahachie, Texas.

“City Council” means the duly elected governing body of the City.

“Collection Costs” mean the sum of Annual Collection Costs and Delinquent Collection Costs.

“Cost” mean actual or budgeted costs, as applicable, to acquire, design, construct, install, or improve District Improvements including, but not limited to, all costs paid or incurred in connection with the issuance, from time to time, of multiple series of Bonds, and including all costs otherwise paid or incurred in connection with the transaction that results in the issuance of Bonds (whether such costs are characterized as interest, costs of issuance, reserve fund, or other costs of the transaction).

“Delinquent Collection Costs” mean interest, penalties, and expenses incurred or imposed with respect to any delinquent installments of the Assessments in accordance with the Act.

“Developer” means either Waxahachie 287, LP or Ellis County CTR Development, Ltd, and their respective successors and assigns.

“District Improvements” mean the public improvement projects authorized by the Act that confer a special benefit on the Assessed Property and that are described for each Phase in Section III of this Service and Assessment Plan.

“Equivalent Units” mean, for each Parcel, (i) the number of residential dwelling units built or expected to be built within the Parcel for each “Lot Type” shown below multiplied times (ii) the equivalency factor shown below:

Lot Type	Equivalency Factor
Lot Type 1 (single-family residential)	1.00 per dwelling
Lot Type 2 (single-family residential)	0.84 per dwelling unit
Lot Type 3 (single-family residential)	0.75 per dwelling unit

“Lot Type 1” means a single-family lot designated “SF-1” in the Planned Development Ordinance and identified as such in the Assessment Roll.

“Lot Type 2” means a single-family lot designated as “SF-2” in the Planned Development Ordinance and identified as such in the Assessment Roll.

“Lot Type 3” means a single-family lot designated as “SF-3” in the Planned Development Ordinance and identified as such in the Assessment Roll.

“Maximum Assessment” means the following amount per unit for each lot type:

Lot Type	Maximum Assessment
Lot Type 1 (single-family residential)	\$7,660 per unit
Lot Type 2 (single-family residential)	\$6,434 per unit
Lot Type 3 (single-family residential)	\$5,745 per unit

“Non-Benefited Property” means Parcels within the boundaries of the PID that have been determined by the City Council to receive no measurable special benefit from the District Improvements, including, but not limited to, Owner Association Property, Public Property, and right-of-way and easements for use by a public or private utility providers.

“Owner Association Property” means property within the boundaries of the PID that is owned by or offered for dedication to, whether in fee simple or through an exclusive use easement, a non-profit property owners’ association established for the benefit of a group of homeowners or property owners within the PID.

“Parcel” means a parcel of land within the PID identified (i) by a tax map identification number assigned by the Ellis County Central Appraisal District for real property tax purposes, (ii) by lot and block number in a final subdivision plat recorded in the real property records of Ellis County, (iii) by metes and bounds description, or (iv) by any other means determined by the City.

“Phase One” or **“Phase 1”** means a portion of the PID Property as depicted and described on Appendix A-1 attached to this Service and Assessment Plan identifying the property currently being developed within the boundaries of the PID.

“Phase One Bonds” means the City of Waxahachie Special Assessment Bonds, Series 2011 (Waxahachie Public Improvement District No. 1 Phase One Project) issued in the initial principal amount of \$1,340,000, and any Bonds issued to refund such Bonds.

“Phase Two” or **“Phase 2”** means a portion of the PID Property as depicted and described on Appendix A-2 attached to this Service and Assessment Plan identifying the property currently being developed within the boundaries of the PID.

“Phase Three” or **“Phase 3”** means a portion of the PID Property as depicted and described on Appendix A-3 attached to this Service and Assessment Plan identifying the property currently being developed within the boundaries of the PID.

“PID Act” or **“Act”** means Chapter 372, Texas Local Government Code, as amended.

“PID Property” means the property depicted and described on Appendix A attached to this Service and Assessment Plan identifying the total property included within the boundaries of the PID.

“Planned Development Ordinance” means Ordinance No. 2302 adopted by the City Council of the City on April 18, 2005, which ordinance establishes the zoning that is applicable to the PID Property.

“Public Property” means property within the boundaries of the PID that is owned by or offered for dedication to the federal government, the State of Texas, a county, the City, a school district, a public utility provider, or any other political subdivision or public agency, whether in fee simple or through an easement.

“Service and Assessment Plan” means this Service and Assessment Plan prepared for the PID pursuant to the Act, as amended and updated from time to time.

“Trustee” means the fiscal agent or trustee as specified in any Bond Indenture, including a substitute fiscal agent or trustee.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID Property is depicted and described by metes and bounds on Appendix A attached to this Service and Assessment Plan. The PID Property consists of approximately 1,965 acres of land located within the corporate limits of the City, Ellis County, Texas. The PID Property is zoned as a planned development zoning district in accordance with the Planned Development Ordinance. The property in Phase One consists of approximately 78.6 acres of land and is located within the PID boundaries. The property in Phase Two consists of approximately 33.9 acres of land and is located within the PID boundaries. The property in Phase Three consists of approximately 63.3 acres of land and is located within the PID boundaries.

This Service and Assessment Plan is updated for Phase Three of the development, which includes approximately 254 residential dwelling units. The Parcels in Phase Three of the development are shown on the Assessment Roll and the map included as Appendix A-3.

For purposes of allocating the Assessments, the Assessed Property has been classified in one of three lot types. The following table shows the proposed residential lot types: The residential development at build-out in Phase One and Phase Two and the projected residential development in Phase Three of the PID Property are shown in Table II-A below for each of the three Lot Types developed or being developed.

Table II-A

Lot Type	Projected Development Phase 1	Projected Development Phase 2	Projected Development Phase 3
Lot Type 1 – Single-Family	47 units	17 units	0 units
Lot Type 2 – Single-Family	96 units	31 units	0 units
Lot Type 3 – Single-Family	66 units	73 units	253units
	209 Units	121 Units	253 Units

The estimated number of lots and the classification of each lot are based on the subdivision of the lots in Phase Three, the allowable use the property pursuant to City land use regulations, and the Developer's estimated highest and best use of the property within Phase Three of the PID.

III. DESCRIPTION OF THE DISTRICT IMPROVEMENTS

A. AUTHORIZED IMPROVEMENT OVERVIEW

Section 372.003 of the PID Act defines the improvements that may be undertaken by a municipality or county through the establishment of a public improvement district, as follows:

372.003. District Improvements

- (a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

- (b) A public improvement may include:
 - (i) landscaping;
 - (ii) erection of fountains, distinctive lighting, and signs;
 - (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way;
 - (iv) construction or improvement of pedestrian malls;
 - (v) acquisition and installation of pieces of art;
 - (vi) acquisition, construction, or improvement of libraries;
 - (vii) acquisition, construction, or improvement of off-street parking facilities;
 - (viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;
 - (ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
 - (x) the establishment or improvement of parks;
 - (xi) projects similar to those listed in Subdivisions (i)-(x);

- (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and
- (xiv) payment of expenses incurred in the establishment, administration, and operation of the district; and
- (xv) the development, rehabilitation, or expansion of affordable housing.

Phase One District Improvements

After analyzing the public improvement projects authorized by the Act, the City determined that the District Improvements benefiting the properties in Phase One (the “Phase One District Improvements”) should be undertaken by the City for the benefit of the property within Phase One of PID. A summary of the Actual Costs of the Phase One District Improvements is shown in Table III-A below.

Table B-1
Phase One District Improvements

Phase One District Improvement	Estimated Cost
Phase 1 - Street Grading and Paving	\$328,742
Phase 1 - Onsite Water Distribution System	\$132,078
Phase 1 - Onsite Wastewater Management System	\$120,149
Phase 1 - Storm Drainage Management System	\$147,931
Phase 1 - Engineering	\$106,916
Phase 1 - Bond Financing Costs	\$504,183
Total Phase One Costs of District Improvements	\$1,340,000

The Phase One District Improvements include street grading and paving improvements, water distribution system improvements, wastewater collection system improvements and storm drainage system improvements.

The Phase One street grading and paving improvements include the construction of the residential streets that provide access to the Phase One lots. The construction consists of the excavation of the streets and rights-of-way, lime stabilized subgrade and reinforced concrete pavement. The streets are curb and gutter construction. The curb and gutter design conveys storm water to the storm drainage system.

The Phase One water distribution system improvements include the construction of PVC water lines, valves, fire hydrants and service lines to the Phase One lots. The water infrastructure constructed is connected to the City water distribution system.

The Phase One wastewater distribution system improvements include the construction of PVC sewer lines, manholes and service lines to the Phase One lots and a sewer trunk line that runs through Phase One. The wastewater infrastructure constructed is connected to the City wastewater collection system.

The Phase One storm drainage system improvements include curb inlets and reinforced concrete pipe to convey storm water through the developed area. The storm drainage system discharges into water courses adjacent to the development and includes headwalls, rock rip rap and erosion control items.

Phase Two District Improvements

After analyzing the public improvement projects authorized by the Act, the City determined that the District Improvements benefiting the properties in Phase Two (the “Phase Two District Improvements”) should be undertaken by the City for the benefit of the property within Phase Two of PID. A summary of the Costs of the Phase Two District Improvements is shown in Table III-B below.

Table III-B
Estimated Costs of District Improvements – Phase Two

District Improvements	Cost
Phase Two roadway improvements	\$936,493
Phase Two water distribution improvements	\$275,351
Phase Two sanitary sewer improvements	\$278,831
Phase Two storm sewer improvements	\$107,796
Estimated engineering, inspection and contingency	\$183,686
Estimated bond issuance costs	\$0
<i>Sub-total cost of improvements</i>	<i>\$1,782,157</i>
Less: estimated other sources of funds	(\$1,033,098)
Total estimated PID-funded District Improvements	\$749,059

Road Improvements:

Residential Streets - The roadway improvements within Phase Two include construction of approximately 2,489 linear feet of 7” thick, 36-foot wide, concrete pavement with curb and gutter and 8,982 linear feet of 6” thick, 30-foot wide, concrete pavement with curb and gutter. The concrete is 3,600 pounds per square inch (psi) strength. Unclassified excavation for the project consists of 115,000 cubic yards of cut and fill. 41,171 square yards (sy) of pavement sub-grade are

lime stabilized and compacted. Intersections, signage, lighting and re-vegetation of all disturbed areas within the right of way are included. These roadway improvements include streets that provide street access to each lot within Phase Two. All roadway projects were designed and constructed in accordance with City standards and specifications and are owned and operated by the City. These projects provide access to community roadways and state highways.

Water Distribution System Improvements:

Water Lines – the Phase Two waterline improvements consist of constructing approximately 9,211 linear feet of 8” water line, including associated 8” gate valves, and approximately 602 linear feet of 12” water line, including associated 12” gate valves. One-inch diameter water services are provided to each of the 121 lots and an additional two-inch service to the park within Phase Two. All associated waterline testing, trench safety and erosion protection during construction are included. These lines are designed and constructed in accordance with City standards and specifications and are owned and operated by the City. These lines include the necessary appurtenances to be fully operational transmission lines extending water service to the limits of Phase Two and all lots within Phase Two.

Sanitary Sewer Improvements:

Wastewater Lines - The Phase Two wastewater collection system improvements include construction of 10,299 linear feet of 8” gravity sanitary sewer line that connects to the gravity sewer trunk line flowing to proposed collection point located in Phase 1B. Construction includes connection at multiple points through 51 concrete manholes. Services to individual lots are by 4” gravity sewer services. All lines are designed and constructed in accordance with City standards and specifications and are owned and operated by the City. These lines include the necessary appurtenances to be fully operational extending wastewater service to the limits of Phase Two and each of the 178 lots and park within Phase Two.

Storm Drainage Improvements

The drainage portion of the Phase Two Improvements consists of underground reinforced concrete storm sewer pipes, inlets and rock riprap protection at outfalls. The main means of conveyance of storm drainage within Phase Two is within underground storm drain pipes. The roadway pavement section incorporates the use of curbs with integrated drainage inlets to control runoff and conveyance of storm water throughout the drainage basins associated with Phase Two. The system includes underground reinforced concrete pipe (RCP) with associated headwalls, safety end treatments, manholes and storm sewer energy dissipaters at the points of discharge. All of the drainage areas within Phase Two flow to existing facilities constructed with the previous phases of Saddlebrook Estates. This project was constructed to City standards and specifications and is owned and operated by the City.

Phase Three District Improvements

After analyzing the public improvement projects authorized by the Act, the City has determined that the District Improvements benefiting the properties in Phase Three (the “Phase Three District

Improvements”) should be undertaken by the City for the benefit of the property within Phase Three of PID. A summary of the estimated Costs of the Phase Three District Improvements is shown in Table III-C below.

Table III-C
Estimated Costs of District Improvements – Phase Three

District Improvements	Cost
Phase Three roadway improvements	\$2,949,600
Phase Three utility improvements	\$3,730,087
Estimated engineering, inspection and contingency	\$775,340
Estimated bond issuance costs ^(a)	\$0
<i>Sub-total cost of improvements</i>	<i>\$7,455,027</i>
Less: estimated other sources of funds	(\$6,001,542)
Total estimated PID-funded District Improvements	\$1,453,485

(a) If and when Bonds are issued for Phase Three District Improvements, proceeds of those Bonds may be used to fund costs of issuance, capitalized interest, underwriters discount and any debt service reserve fund or other required reserves.

Road Improvements:

Residential Streets - The roadway improvements within Phase Three include construction of approximately 42,682 square yards (sy) of 6” thick concrete pavement, approximately 4,210 square yards (sy) of 7” thick concrete pavement, approximately 3,322 square yards (sy) of 8” thick concrete pavement, 53,491 square yards (sy) of pavement sub-grade will be lime stabilized and compacted, 8,510 square feet (sf) of side walk 5 feet wide, and 11,450 linear feet (lf) of sidewalk 6 feet wide. These roadway improvements include streets that will provide street access to each lot within Phase Three. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City. These projects will provide access to community roadways and state highways.

Utility Improvements:

The Phase 3 utility improvements include water distribution system improvements, wastewater collection system improvements and storm sewer collection system improvements.

Water Lines – the Phase Three waterline improvements consists of constructing approximately 7,829 linear feet (lf) of 8” water line, including associated 8” gate valves, approximately 10,720 linear feet (lf) of 12” water line, including associated 12” gate valves, and approximately 1,160 linear feet (lf)) of 16” water line, including associated 16” gate valves. All associated waterline testing, trench safety and erosion protection during construction are included. Construction includes connection of 38 fire hydrants. These lines will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City. These lines will include the necessary appurtenances to be fully operational transmission lines extending water service to the limits of Phase Three and all lots within Phase Three.

Wastewater Lines - The Phase Three wastewater collection system improvements also include construction of approximately 7,400 linear feet (lf) of 8” sanitary sewer line, approximately 2,572 linear feet (lf) of 10” sanitary sewer line, approximately 979 linear feet (lf) of 12” sanitary sewer line, approximately 1,446 linear feet (lf) of 15” sanitary sewer line, approximately 2,212 linear feet (lf) of 21” sanitary sewer line located in Phase Three. Construction includes connection at multiple points through 46 concrete manholes. All lines will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City. These lines will include the necessary appurtenances to be fully operational extending wastewater service to the limits of Phase Three and each of the 254 lots and park within Phase Three.

Storm Drainage Improvements - The drainage portion of the Phase Three Improvements consists of underground reinforced concrete storm sewer pipes, inlets and rock riprap protection at outfalls. The main means of conveyance of storm drainage within Phase Three is within underground storm drainpipes. The roadway pavement section incorporates the use of curbs with integrated drainage inlets to control runoff and conveyance of storm water throughout the drainage basins associated with Phase Three. The system includes underground reinforced concrete pipe (RCP) with associated headwalls, safety end treatments, manholes and storm sewer energy dissipaters at the points of discharge. All of the drainage areas within Phase Three flow to existing facilities constructed with the previous phases of Saddlebrook Estates. This project will be constructed to City standards and specifications and will be owned and operated by the City.

Additional details of the Phase Three Improvements are shown in Appendix B attached to this Service and Assessment Plan. The method of cost allocation is explained in Section V (C).

The costs shown in Table III-C are estimates and may be revised in Annual Service Plan Updates. The detailed costs of the District Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the District Improvements (i.e., the improvements for the benefit of property within the PID).

The Act provides that if the governing body of a municipality determines that it promotes the interests of the municipality, the governing body may undertake public improvement projects authorized by the Act that confer a special benefit on a definable part of the municipality. The City Council has determined that the “District Improvements” described on Appendix B to this Service and Assessment Plan are authorized by the Act, promote the interests of the City, and confer a special benefit on the Assessed Property. The individual line items described on Appendix B may be updated with each update of this Service and Assessment Plan. Individual line items may be adjusted upward or downward, however, the total cost of all line items cannot exceed the total shown on Appendix B.

IV. SERVICE PLAN

A. SOURCES AND USES OF FUNDS

The PID Act requires a service plan cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the improvement projects undertaken within each Phase of the PID. This plan shall be reviewed and updated annually for the purpose of determining the annual budget for the District Improvements and for the issuance of Bonds for Phase Three or any other Bond issues. The annual update to this Service and Assessment Plan is herein referred to as the “Annual Service Plan Update.”

The Actual Costs, including costs related to the issuance of the Phase One Bonds and payment of expenses incurred in the establishment, administration, and operation of Phase One of the PID, was \$1,390,000, of which \$1,340,000 was funded with the PID Assessments as shown on Table IV-A. All of the Costs were expended during the first five years after adoption of the updated Service and Assessment Plan for Phase One.

Table IV-A
Sources and Uses of Funds
Phase One District Improvements

Sources of Funds	Total
Bond proceeds	\$1,340,000
Other private funds	\$50,000
Total Sources of Funds	\$1,390,000
Uses of Funds	
Phase One District Improvements	\$835,817
Capitalized Interest Account	\$54,558
Cost of Issuance	\$297,095
Reserve Account	\$131,093
Prepayment Reserve Account	\$1,437
Developer's Reserve Account	\$50,000
Collection Costs Account	\$20,000
Total Uses of Funds	\$1,390,000

The Costs, including estimated costs incurred in the establishment, administration, and operation of Phase Two of the PID, is \$1,782,157, of which \$749,059 is being funded with the PID Assessments as shown on Table IV-B. All of the Costs are were expended during the first five years after adoption of the updated Service and Assessment Plan for Phase Two.

Table IV-B
Sources and Uses of Funds
Phase Two District Improvements

Sources of Funds:	Total
PID Assessments	\$749,059
Estimated other source of funds	\$1,033,098
Total sources of funds	\$1,782,157
Uses of Funds:	
Estimated Phase Two District Improvements	\$1,782,157
Total uses of funds	\$1,782,157

The estimated Costs, including estimated costs incurred in the establishment, administration, and operation of Phase Three of the PID, is \$7,455,027, of which \$1,448,485 is being funded with the PID Assessments as shown on Table IV-C. All of the Costs are anticipated to be expended during the first five years after adoption of this Service and Assessment Plan.

Table IV-C
Sources and Uses of Funds
Phase Three District Improvements

Sources of Funds:	Total
PID Assessments	\$1,453,485
Estimated other source of funds	\$6,001,542
Total sources of funds	\$7,455,027
Uses of Funds:	
Estimated Phase Three District Improvements	\$7,455,027
Total uses of funds	\$7,455,027

The annual projected costs and annual projected indebtedness is shown by Table IV-B. Bonds may be issued by the City in the next five years to pay for or reimburse all or a portion of the Phase Three District Improvements. The annual projected costs and indebtedness is subject to revision and shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Collection Costs, updating the estimated costs of Phase Two District Improvements and Phase Three District Improvements, and updating the Phase One, Phase Two and Phase Three Assessment Rolls.

Table IV-B
Annual Projected Costs and Indebtedness

Year	Annual Projected Costs	Annual Projected Indebtedness	Other Funding Sources
2016	\$1,782,157	\$749,059	\$1,033,098
2017	\$0	\$0	\$0
2018	\$0	\$0	\$0
2019	\$0	\$0	\$0
2020	\$0	\$0	\$0
2021	\$7,455,027	\$1,453,485	\$6,001,542
2022	\$0	\$0	\$0
2023	\$0	\$0	\$0
2024	\$0	\$0	\$0
2025	\$0	\$0	\$0
Total	\$9,237,184	\$2,202,544	\$7,7,034,640

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V. ASSESSMENT PLAN

A. INTRODUCTION

The Act requires the governing body of a municipality to apportion the cost of improvement projects to be assessed against property in a public improvement district on the basis of special benefits conferred upon the property because of the projects. The Act provides that the cost of improvement projects may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements. This Section V of this Service and Assessment Plan describes the special benefit received by each Parcel of the Assessed Property as a result of the District Improvements, provides the basis and justification for the determination that this special benefit exceeds the costs of the Assessments, and establishes the methodology by which the City Council allocates the special benefit of the District Improvements to Parcels in a manner that results in equal shares of the Cost of the District Improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodology set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the PID Property.

B. SPECIAL BENEFIT

The Assessed Property will receive a direct and special benefit from the District Improvements, and this benefit will be equal to or greater than the cost of the Assessments. The District Improvements are provided specifically for the benefit of the Assessed Property. The District Improvements (more particularly described in line-item format on Appendix B to this Service and Assessment Plan) include the following categories of public improvement projects authorized by the Act: (i) streets (including paving, landscaping, sidewalks, street lights, and screening walls), recreational facilities, entry features, parks, hike and bike trails, open space improvements, common area improvements, pond improvements, water improvements, wastewater improvements, and storm water improvements; (ii) engineering, contract administration, and contingencies associated with the foregoing; and (iii) various issuance and transaction costs related to the issuance of one or more series of Bonds.

The owners of the Assessed Property have acknowledged that the District Improvements confer a special benefit on the Assessed Property and have consented to the imposition of the Assessments to pay for the District Improvements. The owners are acting in their interest in consenting to this imposition because the special benefit conferred upon the Assessed Property by the District Improvements exceeds the amount of the Assessments.

The owners of the Assessed Property have represented: (i) that, based on their evaluation of the potential development of the Assessed Property, the highest and best use is the use described in this Service and Assessment Plan and otherwise required by the Planned Development Ordinance; and (ii) that it is in the interest of the owners of the Assessed Property to maximize the value of such property. Use of the Assessed Property as described in this Service and Assessment Plan and as required by the Planned Development Ordinance will require that District Improvements be acquired, constructed, installed, and improved. Funding the cost of the District Improvements through the PID is determined to be the most beneficial means of doing so. In summary, the Assessments result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessments based on the evidence, information, and testimony provided to the City Council.

C. ASSESSMENT METHODOLOGY

1. The Cost of the District Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the District Improvements equals or exceeds the Assessments on the Assessed Property. The Cost may be assessed by using any methodology that results in the imposition of equal shares of the Cost on Assessed Property similarly benefited.

2. For purposes of this Service and Assessment Plan, the City Council has determined that the Cost of the District Improvements shall be allocated to the Assessed Property on the basis of the relative value of Parcels after undertaking the District Improvements and that such method of allocation will result in the imposition of equal shares of the Cost on Parcels similarly situated. In determining the relative value of Parcels, the City Council has taken into consideration (i) the type of residential development (i.e., single-family, duplex, or multi-family); (ii) single-family lot size; (iii) current and projected land values; (iv) current and projected home prices; (v) current and projected market demands for single-family residential development within the City and within the region; and (vi) the high-quality, master-planned community development standards created by the Planned Development Ordinance. In determining the relative value of Parcels, the City Council has also taken into consideration independent studies supporting the conclusion that larger residential lots with full municipal services (including police, fire, and other emergency services), with access to concrete streets with curb and gutter storm drainage facilities, and with municipal water and wastewater service will be developed with larger, more expensive homes; and that such larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption.

3. Having taken into consideration the matters described above, the City Council has determined that allocating the Cost of the District Improvements among Parcels based on value after undertaking the District Improvements is best accomplished (and most easily illustrated) by creating a hierarchy of benefited Parcels based on the “Lot Types” defined in Section I.B of this Service and Assessment Plan. This hierarchy of value (from Lot Type 1 representing the highest value to Lot Type 3 representing the lowest value) is set forth in Tables V-A, V-C and V-E below. These tables illustrate that the City Council has determined: (i) that a Lot Type 1 dwelling unit receives the greatest benefit from the District Improvements, which benefit is given an “Equivalent Unit” value of 1.0 per dwelling unit; (ii) that a Lot Type 2 dwelling unit receives a smaller benefit;

namely, 84% of the benefit received by a Type 1 Lot dwelling unit (hence the Equivalent Unit value of 0.84 per dwelling unit); and (iii) that a Lot Type 3 dwelling unit receives an even smaller benefit; namely, 75% of the benefit received by a Type 1 dwelling unit (hence the Equivalent Unit value of 0.75 per dwelling unit).

Table V-A
Equivalent Unit Factor - Phase One

Lot Type	Equivalent Units	Total Number of Dwelling Units	Total Equivalent Units
Lot Type 1 (90 foot Lots)	1.00 per dwelling unit	43 dwelling units	43.00
Lot Type 2 (70 foot Lots)	0.84 per dwelling unit	88 dwelling units	73.92
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	78 dwelling units	58.50
Total Equivalent Units			175.42
Total Phase One Assessments			\$1,340,000
Original Assessment Per Equivalent Unit			\$7,639

The total Assessments for the Phase One Parcels are allocated among 175.42 Equivalent Units resulting in a cost per Equivalent Unit of \$7,639. The Phase One Assessment per dwelling unit is calculated as the product of (i) \$7,639 multiplied times (ii) the applicable Equivalent Unit value for each Lot Type. Table V-B sets forth the Phase One Assessment per dwelling unit on the following page.

Table V-B
Phase One Assessment per Lot Type

Lot Type	Equivalent Units	Phase One Assessment per Dwelling Unit
Lot Type 1 (90 foot Lots)	1.00 per dwelling unit	\$7,639 per dwelling unit
Lot Type 2 (70 foot Lots)	0.84 per dwelling unit	\$6,417 per dwelling unit
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	\$5,729 per dwelling unit

Table V-C shows the Equivalent Units for Phase Two on the following page.

Table V-C
Equivalent Unit Factor - Phase Two

Lot Type	Equivalent Units	Total Number of Dwelling Units	Total Equivalent Units
Lot Type 1 (90 foot Lots)	1.00 per dwelling unit	17 dwelling units	17.00
Lot Type 2 (70 foot Lots)	0.84 per dwelling unit	31 dwelling units	26.04
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	73 dwelling units	54.75
Total Equivalent Units			97.79
Total Phase One Assessments			\$749,059
Original Assessment Per Equivalent Unit			\$7,660

The total Assessments for the Phase Two Parcels are allocated among 97.79 Equivalent Units resulting in a cost per Equivalent Unit of \$7,660. The Phase Two Assessment per dwelling unit is calculated as the product of (i) \$7,660 multiplied times (ii) the applicable Equivalent Unit value for each Lot Type. Table V-D below sets forth the Phase Two Assessment per dwelling unit.

Table V-D
Phase Two Assessment per Lot Type

Lot Type	Equivalent Units	Phase One Assessment per Dwelling Unit
Lot Type 1 (90 foot Lots)	1.00 per dwelling unit	\$7,660 per dwelling unit
Lot Type 2 (70 foot Lots)	0.84 per dwelling unit	\$6,434 per dwelling unit
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	\$5,745 per dwelling unit

Table V-E shows the Equivalent Units for Phase Three below.

Table V-E
Equivalent Unit Factor - Phase Three

Lot Type	Equivalent Units	Total Number of Dwelling Units	Total Equivalent Units
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	253 dwelling units	189.75
Total Equivalent Units			189.75
Total Phase Three Assessments			\$1,453,485
Original Assessment Per Equivalent Unit			\$7,660

The total Assessments for the Phase Three Parcels are allocated among 189.75 Equivalent Units resulting in a cost per Equivalent Unit of \$7,660. The Phase Three Assessment per dwelling unit is calculated as the product of (i) \$7,660 multiplied times (ii) the applicable Equivalent Unit value for each Lot Type. Table V-F below sets forth the Phase Three Assessment per dwelling unit.

Table V-F
Phase Three Assessment per Lot Type

Lot Type	Equivalent Units	Phase Three Assessment per Dwelling Unit
Lot Type 3 (60 foot Lots)	0.75 per dwelling unit	\$5,745 per dwelling unit

It has been represented to the City Council by the owners of the Assessed Property that the District Improvements for the Assessed Property will be completed in accordance with the Planned Development Ordinance and the City’s Subdivision Ordinance, as amended. When the City has determined that the District Improvements have been completed in accordance with the Planned Development Ordinance and the City’s Subdivision Ordinance or when financial security (including, but not limited to, proceeds from the issuance of Bonds) to complete the District Improvements in accordance with the Planned Development Ordinance and Subdivision Ordinance has been provided in a manner approved by the City; then the Assessed Property shall be deemed to have received a special benefit from the District Improvements. When the Assessed Property is deemed to have received a special benefit from District Improvements, the City shall collect Assessments and Annual Installments to pay for such District Improvements and shall issue Bonds for such purpose.

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VI. DETERMINATION OF ASSESSMENT

A. AMOUNT OF ASSESSMENTS

The total Assessments for all Assessed Property shall not exceed the total Cost of the District Improvements. The Assessment for each Parcel shall be as shown on the Assessment Roll, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the Act.

B. REALLOCATION OF ASSESSMENTS

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment for each new subdivided Parcel
- B = the Assessment for the Parcel prior to subdivision
- C = the estimated Equivalent Units to be built on each new subdivided Parcel
- D = the sum of the estimated Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid

by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

C. REDUCTION OF ASSESSMENTS

If after all District Improvements have been completed the Actual Cost of the District Improvements is less than the Cost used to calculate the Assessments, then the Assessment for each Parcel shall be reduced by an equal percentage such that the sum of the resulting reduced Assessments for all Parcels equals the actual reduced Cost of the District Improvements (but never less than an amount equal to the principal amount of outstanding Bonds). To the extent permitted by law and as provided by any Bond Indenture, the trustee under the Bond Indenture shall (with the consent of the City Council) refund the amount of such reduction to any owner of a Parcel who has already paid in full the Assessment for such owner's Parcel.

D. PAYMENT OF ASSESSMENTS

1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Payment shall include interest through the date of payment to the extent such interest is not included in any Annual Installment paid or to be paid. If payment in full will result in a redemption of Bonds, the payment amount shall be reduced by the amount, if any, of reserve funds applied to the redemption under the Bond Indenture.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of an Assessment, the City shall deposit the payment in accordance with the applicable Bond Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

2. Payment in Annual Installments

The Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the Act authorizes the City to collect interest and collection costs on the outstanding Assessment. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments, including interest and Annual Collection Costs, beginning on the date the City determines that a phase of development of the PID Property has received a special benefit from District Improvements completed or to be completed in connection with such phase of development as provided by Section V.C.4 of this Service and Assessment Plan. Each Assessment shall bear interest at one-half of one percent above than the actual interest rate paid on the public debt used to finance the District Improvements. The Assessment Roll sets forth for each year the Annual Installment for each Parcel.

The interest rate on the Phase One Bonds is 7.15 percent per annum. Accordingly, the interest rate of 7.65 percent per annum is used as the interest rate on the Assessments for the Phase One Parcels. The City reserves and shall have the right and option to issue Bonds to pay or reimburse Costs of the Phase Three District Improvements. In the event of issuance of such Bonds, the Administrator shall recalculate the Annual Installments for Phase Three Assessments, and if necessary, may adjust, or decrease, the amount of the Annual Installment so that total Annual Installments of Special Assessments will be produced in annual amounts that are required to pay the debt service on such Bonds when due and payable as required by and established in the Bond Indenture authorizing and securing such Bonds.

E. COLLECTION OF ANNUAL INSTALLMENTS

No less frequently than annually, the Administrator shall prepare, and the City Council shall approve, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Parcel. Annual Collection Costs shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Bond Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose.

The City has made the determinations as provided in Section V.C.4 of this Service and Assessment Plan that the Assessed Property in Phase Three has received a special benefit from the Phase Three District Improvements completed or to be completed, and collection of Annual Installments for Phase Three shall commence as of September 1, 2021 and will be due by January 31, 2022.

Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The Assessments shall have lien priority as specified in the Act.

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VII. THE ASSESSMENT ROLL

Each Parcel has been evaluated by the City Council (based on the Planned Development Ordinance, developable area, proposed Owner Association Property and Public Property, the District Improvements, best and highest use of land, and other development factors deemed relevant by the City Council) to determine the Lot Type that is anticipated to be developed within such Parcel. The Assessment for each Parcel will not exceed the Maximum Assessment for the Lot Type. All of the Assessments are set forth on the Assessment Roll attached as Appendix C to this Service and Assessment Plan. The Assessment Roll shall be updated upon the issuance of each series Bonds, upon the preparation of each Annual Service Plan Update, and to reflect, for each Parcel, prepayments and reductions authorized by this Service and Assessment Plan.

The Administrator shall prepare, and the City Council shall review and approve, updates (no less frequently than annually) to the Assessment Roll to reflect the following matters, together with any other changes helpful to the Administrator and permitted by the Act: (i) the identification of each Parcel (including, if available, the tax parcel identification number for each Parcel); (ii) the Assessment for each Parcel, including any adjustments authorized by this Service and Assessment Plan or in the Act; (iii) the Annual Installment for the Parcel for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.C of this Service and Assessment Plan.

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VIII. MISCELLANEOUS PROVISIONS

A. ADMINISTRATIVE REVIEW

An owner of a Parcel claiming that an error has been made in calculating the Assessment Roll (including the Annual Installment) shall (prior to pursuing any other remedy) give written notice describing the alleged error to the City within thirty (30) days after the owner receives the purportedly erroneous calculation. If an owner fails to give such notice, such owner shall be deemed to have accepted the calculation of the Assessment Roll (including the Annual Installment) and to have waived any objections to the calculation. The Administrator shall promptly review all notices alleging calculation errors and decide whether an error has been made. Any overpayment of a prior Annual Installment shall be credited against future Annual Installments, and no cash refunds shall be made except for the final year during which the Annual Installment is collected. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council for determination. Any amendments made to the Assessment Roll pursuant to calculation errors shall be made pursuant to the Act.

B. TERMINATION OF ASSESSMENTS

Each Assessment shall terminate on the date the Assessment is paid in full, including unpaid Annual Installments, if any, and including Delinquent Collection Costs. After termination of an Assessment, the City shall provide to the owner of the affected Parcel a recordable “ Notice of the PID Assessment Termination.”

C. AMENDMENTS

Supplemental Assessments may be made by the City Council in accordance with the Act to correct omissions or mistakes relating to the total Cost of the District Improvements. The City Council reserves the right to amend this Service and Assessment Plan without notice under the Act and without notice to owners of Parcels: (i) to correct minor mistakes and clerical errors; (ii) to clarify minor ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Collection Costs, and other charges imposed by this Service and Assessment Plan. The City Council further reserves the right to amend this Service and Assessment Plan (after notice and public hearing as required by the Act) to conform this Service and Assessment Plan to the requirements of the Act, including requirements arising from interpretations of the Act by the Attorney General of the State of Texas.

D. INTERPRETATION AND DETERMINATIONS

The City Council shall make all interpretations and determinations related to the application of this Service and Assessment Plan, which determinations and interpretations are governmental actions involving legislative discretion. Ministerial and administrative acts may be delegated pursuant to this Service and Assessment Plan and the Bond Indenture.

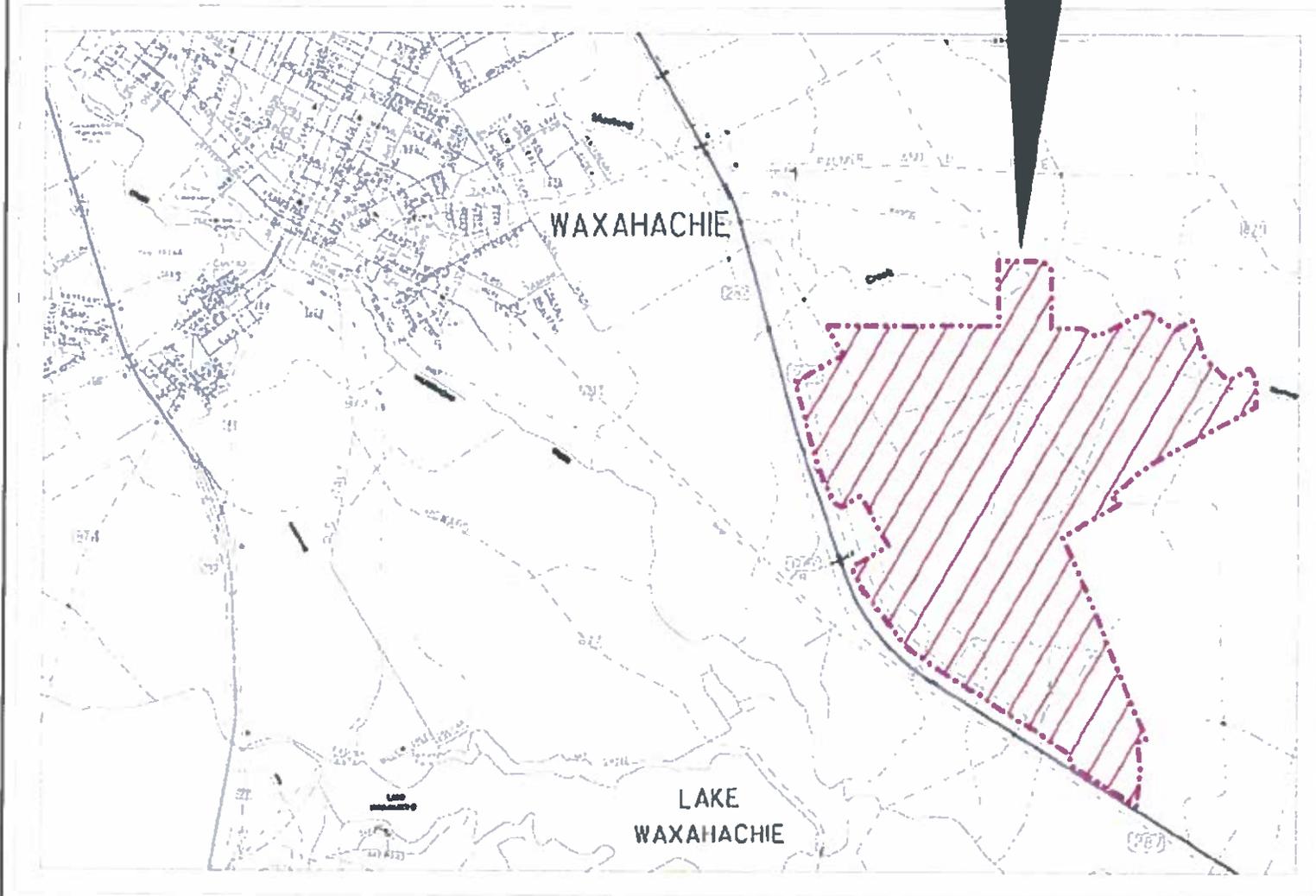
E. SEVERABILITY

If any provision of this Service and Assessment Plan is held to be unenforceable by final judgment of any court having jurisdiction, such unenforceable provision shall be deleted and severed from this Service and Assessment Plan, and this Service and Assessment Plan, and all remaining provisions, shall remain in full force and effect and be interpreted to give effect to the intent of the parties as evidenced by this Service and Assessment Plan as a whole. To the extent required to give maximum effect to the intent of the parties, the remaining provisions of this Service and Assessment Plan shall be reformed or rewritten. All provisions of this Service and Assessment Plan are deemed to be severable.

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APPENDIX A
THE PID MAP

PROJECT LOCATION



APPENDIX A-1
THE PID MAP – PHASE ONE

APPENDIX A-2
THE PID MAP – PHASE TWO

APPENDIX A-3
THE PID MAP – PHASE THREE

APPENDIX B
ESTIMATED COSTS OF THE DISTRICT IMPROVEMENTS

APPENDIX C-1
PHASE #1 ASSESSMENT ROLL

APPENDIX C-2
PHASE #2 ASSESSMENT ROLL

APPENDIX C-3
PROPOSED PHASE #3 ASSESSMENT ROLL

**Appendix C-3
Phases #3 Assessment Roll**

**Parcel
Equivalent Units
Assessment**

**All Parcels
189.75
\$1,453,485**

Year	Principal¹	Interest¹	Annual Collection Costs²	Total Annual Installment
2022	\$1,000	\$109,593	\$20,000	\$130,593
2023	\$1,000	\$109,517	\$20,400	\$130,917
2024	\$1,000	\$109,442	\$20,808	\$131,250
2025	\$1,000	\$109,367	\$21,224	\$131,591
2026	\$1,000	\$109,291	\$21,649	\$131,940
2027	\$30,000	\$65,761	\$22,082	\$117,843
2028	\$30,000	\$64,399	\$22,523	\$116,922
2029	\$35,000	\$63,037	\$22,974	\$121,011
2030	\$35,000	\$61,448	\$23,433	\$119,881
2031	\$40,000	\$59,859	\$23,902	\$123,761
2032	\$40,000	\$58,043	\$24,380	\$122,423
2033	\$40,000	\$56,227	\$24,867	\$121,095
2034	\$45,000	\$54,411	\$25,365	\$124,776
2035	\$45,000	\$52,368	\$25,872	\$123,240
2036	\$50,000	\$50,325	\$26,390	\$126,715
2037	\$50,000	\$48,055	\$26,390	\$124,445
2038	\$50,000	\$45,785	\$26,390	\$122,175
2039	\$55,000	\$43,515	\$26,390	\$124,905
2040	\$60,000	\$41,018	\$26,390	\$127,408
2041	\$60,000	\$38,294	\$26,390	\$124,684
2042	\$65,000	\$35,570	\$26,390	\$126,960
2043	\$65,000	\$32,619	\$26,390	\$124,009
2044	\$70,000	\$29,668	\$26,390	\$126,058
2045	\$75,000	\$26,490	\$26,390	\$127,880
2046	\$75,000	\$23,085	\$26,390	\$124,475
2047	\$80,000	\$19,680	\$26,390	\$126,070
2048	\$85,000	\$16,048	\$26,390	\$127,438
2049	\$85,000	\$12,189	\$26,390	\$123,579
2050	\$90,000	\$8,330	\$26,390	\$124,720
2051	\$93,485	\$4,244	\$26,390	\$124,119
Total	\$1,453,485	\$1,557,683	\$741,712	\$3,752,880

1 - The principal and interest amounts represent the debt service requirements using an estimated interest of 7.54% for years 1 through 5 and 4.54% thereafter. The interest rate will be updated at the time of reimbursement agreement and/or Bond issuance.

2- Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates.



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager *[Signature]*
Date: April 30, 2021
Re: Demolition, Abatement, and Inspection – Former Baylor Hospital

On Monday May 3rd an item will appear before City Council for consideration to authorize the City Manager to enter into agreements with Environmental & Construction Services, Inc., through the Choice Cooperative Purchasing Program, and Vantage Environmental Services, LP, through a professional services agreement, in an collective amount not to exceed \$1,450,000 for the demolition, abatement, and environmental inspection of the former Baylor Hospital campus and associated structures. Please note this amount includes a \$49,175 contingency. The FY20-21 budget included \$1,150,000 for the demolition of the hospital facility only, and this estimate did not include associated campus structures or environmental abatement. As abatement costs can vary significantly based on required quantities, these costs were not included in the initial budget number.

The proposed scope of work recommended by staff includes the demolition of the former Baylor Hospital (1405 W. Jefferson Street), the hospital helipad, two medical office buildings and associated parking lot (located at 1404 W. Jefferson Street), the removal and decommissioning of an underground storage tank, and utility separation for the HRT Building (located at 1505 W. Jefferson Street). Through this point in the fiscal year, staff has worked to prepare a detailed scope of services for the demolition of the structures, and contracted an environmental services firm to provide a detailed survey of the required abatement, as well as estimated remediation and demolition costs. The estimate for demolition and abatement provided at the Council Retreat earlier this month was approximately \$1,300,000. However this was a preliminary

(23)

figure and did not include costs associated with the decommissioning of the underground storage tank, or the removal of the medical office buildings parking lot.

Staff has checked the references for Environmental & Construction Services, Inc. and Vantage Environmental, LP and, as the proposed scope of services are in line with detailed cost estimates required to perform the proposed scope of work, recommends approval of this item. Staff also recommends the approval of a supplemental appropriation to the General Items budget (100-140-54310) in the amount of \$300,000 from Unrestricted Reserves. The project is estimated to take approximately 90 days from the commencement of work.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Albert Lawrence, Assistant City Manager
Thru: Michael Scott, City Manager
Date: April 28, 2021
Re: Consider Resolution to Deny Rate Increase Request by Oncor

Item Description: Consider resolution to deny Oncor's request to increase its distribution rates within the City; authorizing participation with the Oncor Cities Steering Committee; and authorizing the hiring of legal counsel and consulting services.

Item Summary: Oncor has submitted a request to the Public Utility Commission (PUC) to amend its Distribution Cost Recovery Factor which would ultimately increase their distribution revenues by \$97,826,277. This would equate to approximately a \$1.35 increase to the average residential customers' monthly bill. Staff recommends adopting a resolution denying this rate increase.

The City of Waxahachie has retained jurisdiction to regulate utility rates and is an active member of the Oncor Cities Steering Committee (OCSC). The OCSC is a large group of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the PUC and the courts. In the past, the OCSC, with assistance from legal firms and consultants, have been very successful in negotiating terms of utility rate increases that were significantly lower than originally requested by Oncor. This success has been instrumental in saving money for our residents and businesses.

Fiscal Impact: The City of Waxahachie is already a member of the OCSC and there will be no additional costs associated with hiring of legal services or consultants to conduct the rate negotiations on behalf of the OCSC. All expenses associated with this rate must be reimbursed by Oncor. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

(24)

RESOLUTION NO.

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Waxahachie, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company") with an interest in the rates and charges of Oncor; and

WHEREAS, the Steering Committee of Cities Served by Oncor ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 8, 2021, Oncor filed with the Commission an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 51996, seeking to increase its total distribution revenue requirement by approximately \$97,826,277; and

WHEREAS, the City of Waxahachie will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if Oncor's Application is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members who have retained original jurisdiction over electric utility rates deny Oncor's DCRF.

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

(24)

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 51996.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Waxahachie hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits should be denied.

SECTION 4. That the Company should continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution, and within 30 days of presenting monthly bills to Oncor thereafter.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to J. Michael Sherburne, Vice President – Regulatory, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202; to Tab R. Urbantke, Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 7520; and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

PASSED, APPROVED AND ADOPTED on this 3rd day of May, 2021.

David Hill, Mayor

ATTEST:

Amber Villarreal, Assistant City Secretary